

July 21, 1987

554

	<u>Page</u>
Public question and answer period/discussed State of Connecticut Rehabilitation Grants, Vera Zima request for information from Wallingford Police Department, Yale Avenue rodent problem.	1-6
Certificate of Appreciation presented to Police Officer Quagliaroli.	6
Discussion with Wallingford Bicentennial Constitution Committee.	6-7
Established A/C 001-5070-500-5150 and approved transfer of \$725 from Reserve for Emergency to Maintenance of Signs, Public Works.	7-8
Approved a transfer of \$3,000 from Reserve for Emergency to Design Fees-Oak Street Bridge, Engineering Department.	8-9
Authorized Mayor to apply for Municipal Infrastructure Trust Fund Certification for Sidewalk Repair, Installation of Handicapped Ramps, and Repaving of Edgerton Road, Engineering Dept.	9-14
Discussed Whittlesey Avenue School contract/authorized Heritage Baptist Church, Mayor, Town Attorney and two Town Council Members to review and present new contract proposal to Town Council.	14-17
RENEWED Lease Agreement between Town of Wallingford and The Visiting Nurse Association of Wallingford, Inc.	17
Approved 1986-1987 transfer of \$50 from Part-Time Secretary to Office Supplies, Public Utilities Commission.	17
ADOPTED AN ORDINANCE REPEALING ORDINANCE NO. 122 ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE," AS PREVIOUSLY AMENDED BY ORDINANCE NO. 193 AND ORDINANCE NO. 291, AND SUBSTITUTING A NEW ORDINANCE ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE."	17-20
REPEALED ORDINANCE NO. 332, AN ORDINANCE REGULATING OUTDOOR FIRES WITHIN THE TOWN OF WALLINGFORD, AND RESCINDING ORDINANCE NO. 23.	20-23
TABLED AN ORDINANCE CONCERNING HAZARDOUS LEAKS AND EMISSIONS.	23-26
REFERRED TO TOWN ATTORNEY AN ORDINANCE TO ESTABLISH FLOOD AND EROSION CONTROL BOARD, to determine compliance with State of Connecticut Statutes.	26
Authorized Mayor, Board of Education and Benhaven to negotiate lease for Yalesville School to Benhaven, such lease to be presented to Town Council for approval.	27-29
Approved 1986-1987 transfer of \$205 from Utilities to Vehicle Maintenance, Fire Department.	29
Approved a transfer of \$700 from Vehicle Maintenance to Pre-Owned Automobile (Fire Surgeon) and a transfer of \$300 from Federal Emergency Supplies & \$300 from Maintenance of Vehicles, a total of \$600 to Vehicle (Civil Defense Director).	29
Approved two transfers for Fire Marshal's Office: \$1,000 from Reserve for Emergency to Overtime and \$2,650 from Reserve for Emergency to College Training.	29-30
	<u>Page</u>
Waived bidding procedure to solicit proposals, allocate the required local match and establish necessary accounting for Municipal Liability Trust Fund Grant Application/Councilmen Adams and Holmes to participate in such grant application.	30-32
Adopted resolution authorizing application for Community Service grant funds and sanctioned move by SCOW to southern end of Railroad Station and authorized Town Attorney to amend lease to reallocate use of office space and amend lease requiring contribution to the town to be considered as rent.	32-33
Authorized Adult Education Program use of vacant space on Hall Avenue side of Railroad Station and authorized SCOW to exchange their space for area now used by Adult Education.	33-35
Approved a transfer of \$2,652 from Reserve for Emergency to Clerk's Wages, Central Services Office.	35

Adopted resolution to seek grant fund from DEP for Open Space Land Acquisition for Municipal Project known as Watershed and Wetlands Protection.	555 35-36
Immediate Certification for above resolution.	37
Accepted Buttonwood and Weatherside Drives, Planning & Zoning.	36-37
Approved a transfer of \$425 from Secretary Wages to Professional Services, Planning & Zoning.	37
Approved a transfer of \$250 from Reserve for Emergency to Professional Services, Mayor's Office.	37
Authorized signing of MEMORANDUM OF UNDERSTANDING between The New Haven County Soil and Water Conservation District and The Town of Wallingford.	37-40
Noted for information transfer of \$2,342/Parker Farms School.	41
Approved 1986-1987 transfer of \$455 from Computerized Indexing to Advertising, Town Clerk's Office.	41
Noted for record financial statements of Wallingford Public Library, VNA & Senior Citizens Center for quarter ended 3/31/87.	41
Approved a transfer of \$214 from Reserve for Emergency to Refunds, Comptroller's Office.	41
Discussed mailing of Surgeon General's pamphlet on AIDS.	41
Discussed Town Council Chambers in Robert Earley building.	41-42
Discussed PUC decision to void West View Hills Sewer Agreements/authorized Mayor and 2 Town Council Members to commence negotiations. (Page 47)	42-49
Noted for record financial statements of Town dated 6/30/87.	49
Accepted Town Council Minutes of 6/16/87, 6/23/87 & 7/9/87.	49
Tabled acceptance of Town Council Minutes dated July 2, 1987.	49
Executive Session.	49
Approved 3% retroactive increase in pension to employees retired as of 10/1/83, effective 10/1/84.	49
Meeting adjourned.	50

TOWN COUNCIL MEETING

JULY 21, 1987

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Presentation of Certificate of Appreciation to Police Officer.
- (4) Discussion with Wallingford Bicentennial Constitution Committee.
- (5) Consider & approve a transfer of \$725 from Reserve for Emergency to Maintenance of Signs, requested by Steven L. Deak, Director of Public Works.
- (6) Consider & approve a transfer of \$3,000 from Reserve for Emergency to Design Fees-Oak Street Bridge, requested by John J. Costello.
ITEM 18 presented.
- (7) Consider review of original contract on Whittlesey Avenue School Building, requested by Reverend Stephen L. Baker, Pastor.
- (8) Consider & approve LEASE AGREEMENT between Town of Wallingford and The Visiting Nurse Association of Wallingford, Inc.
- (9) Consider 1986-87 transfer of \$50 from Part Time Secretary to Office Supplies, requested by PUC.
- (10) Public hearing 7:45 p.m. on AN ORDINANCE REPEALING ORDINANCE NO. 122 ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE,"

- (11) PUBLIC HEARING 8:00 p.m. TO REPEAL ORDINANCE NO. 332, AN ORDINANCE REGULATING OUTDOOR FIRES WITHIN THE TOWN OF WALLINGFORD, AND RESCINDING ORDINANCE #23.
- (12) PUBLIC HEARING 8:15 p.m. ON AN ORDINANCE CONCERNING HAZARDOUS LEAKS AND EMISSIONS.
- (13) Set Public Hearing on AN ORDINANCE TO ESTABLISH FLOOD AND EROSION CONTROL BOARD, requested by Councilman Albert E. Killen.
- (14) Presentation of Benhaven's interest in leasing Yalesville School and authorization of Mayor to negotiate said lease.
- (15) Consider & approve a transfer of \$205 from Utilities to Vehicle Maintenance, requested by Fire Chief Jack K. McElfish. (1986-1987)
- (16) Consider & approve a transfer of \$700 from Vehicle Maintenance to Pre-Owned Automobile, requested by Fire Chief Jack K. McElfish. \$300 from Federal Emergency Supplies & \$300 from Maint. of Vehicles*
- (17) Consider & approve two transfers requested by Victor J. Scionti:
 - (a) \$2,650 from Reserve for Emergency to College Training and
 - (b) \$1,000 from Reserve for Emergency to Overtime.*a total of \$600 to Vehicle, Civil Defense Director.
- (18) Consider authorizing the Mayor to apply for Municipal Infrastructure Trust fund Certification for Sidewalk Repair, Installation of Handicapped Ramps, and Repaving of Edgerton Road (backup forthcoming).
- (19) Consider waiving bidding procedure, solicit proposals, allocate the required local match and establish necessary accounting for Municipal Liability Trust Fund Grant Application.
- (20) Consider resolution authorizing application for Community Service grant funds and sanction move by S.C.O.W. to southern end of Railroad Station and consider amendment to lease requiring the contribution to the Town for custodial services to be considered as rent.
- (21) Consider allowing Adult Education Program use of vacant space on Hall Avenue side of Railroad Station and allow S.C.O.W. to exchange their present space for area now used by Adult Education Counseling Center.
- (22) Consider & approve a transfer of \$2,652 from Reserve for Emergency to Clerk's Wages, requested by Donald T. Dunleavy, Purchasing Agent.
- (23) Consider Resolution of Municipal Legislative Body authorizing the Town to seek grant fund from DEP for Open Space Land Acquisition for Municipal Project known as Watershed and Wetlands Protection.
- (24) Consider acceptance of Buttonwood and Weatherside Drives, requested by Linda A. Bush, Town Planner.
- (25) Consider & approve a transfer of \$425 from Secretary Wages to Professional Services, requested by Linda A. Bush, Town Planner.
- (26) Consider & approve a transfer of \$250 from Reserve from Emergency to Professional Services, requested by Mayor William W. Dickinson, Jr.
- (27) Consider & approve a transfer of \$2,342 for Parker Farms School.
- (28) Consider & approve a transfer of \$455 from Computerized Indexing to Advertising, requested by Rosemary A. Rascati, Town Clerk.
- (29) Consider & approve financial statements of Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for quarter ended March 31, 1987.
- (30) Consider & approve a transfer of \$214 from Reserve for Emergency to Refunds, requested by Thomas A. Myers, Comptroller.
- (31) Discussion of mailing of the Surgeon General's Pamphlet on AIDS, requested by Councilman Peter A. Gouveia.
- (32) Discussion with Town Council Members regarding the Town Council Chambers in new Town Hall, requested by Councilwoman Bergamini.
- (33) Discussion and possible action regarding PUC decision to void West View Hills Sewer Agreements and discussion and possible authorization of Town Attorney's Office to engage an attorney to render a decision.
- (34) NOTE FOR THE RECORD the financial statements of the Town of Wallingford for the month ended June 30, 1987.

- (35) Accept Town Council Meeting minutes dated June 16, 1987.
- (36) Accept Town Council Meeting minutes dated June 23, 1987.
- (37) Accept Town Council Meeting minutes dated July 2, 1987.
- (38) Accept Town Council Meeting minutes dated July 9, 1987.
- (39) EXECUTIVE SESSION requested by Stanley A. Seadale for the purpose of proposing an increase in pension for certain retirees.

557

Town Council Meeting

July 21, 1987

7:30 p.m.

A regular meeting of the Wallingford Town council was held in Council Chambers, called to order at 7:40 p.m. by Chairman David A. Gessert. Answering present to the roll called by Town Clerk Rosemary A. Rascati were Council Members Adams, Gouveia, Holmes, Papale, Polanski and Gessert. Also present were Mayor William W. Dickinson, Jr., Town Attorney Adam Mantzaris and Comptroller Thomas A. Myers. Council Members Bergamini, Killen and Rys were not present. The pledge of allegiance was given to the flag.

Public question and answer period.

Mr. Francis LeBarron, 39 Sunrise Circle, handed Mr. Gessert an article from the Hartford Courant and asked him to read it to the public. Mr. Gessert explained that it is a legal notice which says " The State of Connecticut Department of Housing, Notice of Intent, to participate in the federal rental rehabilitation grant program. The State of Connecticut Department of Housing, hereby notifies interested residents of its intent to participate in the federal rehabilitation program. A Grant of \$963,000 is available to the state for the rehabilitation of privately owned rental property in need of repair. Through eligibility, property owners can receive rehabilitation funds up to \$5,000 per unit and also the tenants can receive aid and assistance. The following communities can apply to the Department of Housing for Grants on behalf of their citizens, AnsoniaWolcott. The public is invited to review the state's program at the Department of Housing, 179 Main Street, Room 202, Hartford. Comments will be accepted until July 31st". Mr. LeBarron asked what the Town of Wallingford is going to do about this because, yesterday, I went into the Building Manager's Office and was given the run-around. I have been a resident of Wallingford for 52 years. I have 30 years in American Cyanamid. The man that is in charge of Wallingford Housing is doing a good job. They do not want low income housing in Wallingford, it is moderate income housing. What are we going to do with this as residents? Are we still going to let them sleep in the dumpster boxes, under Route 68's underpass? Governor O'Neill says that this is the year for housing in Connecticut. What is Wallingford going to do about this?

Mr. Gessert thanked Mr. LeBarron for his comments and told Mayor Dickinson that this addresses several different areas and would be happy to pass it along to him, and asked him if he would like to comment.

Mayor Dickinson explained that as far as he knows, they just passed legislation this year to fund a number of state programs, one of which may be this one. I know, Mr. Don Roe of the Grants Office, had a meeting with a lady from the Department of Housing, who explained a new state program, which was rental assistance. It is under review and I still have to meet with Mr. Roe and we will take it through the usual course. Most of this arises out of legislation that was passed this year and it is all very new material.

Mr. Gessert asked Mayor Dickinson to get back to the Council on this issue, to let the Council know what programs and options are available. Mayor Dickinson stated that this is what he had planned to do.

Mrs. Vera Zima, 114 Lincoln Avenue, Forestville, Ct. explained that her comments and questions were in regard to the Wallingford Police Department and their (Zima family) efforts to get information from them on the Zima case. Mrs. Zima read the following letter:

(Letter written by Vera S. Zima)

To all those concerned:

558

The intent of the Congressional law which created Freedom of Information laws on both the national, state and local levels is based on the presumption that the government and the information of government belong to the people. This "right to know" law is the basic tool they created to help the general public win the struggle to hold its government accountable for their actions. To utilize tax dollars to circumvent the intent of such laws is illegal. That is the main purpose for my being here tonight.... to inform you that tax dollars are being utilized for that purpose thru your Town Attorney's office maybe, but the allocation of these tax dollars comes from your approval. To condone such actions on the part of the town attorney's office, who have hired an outside law firm (Wiggins & Dana) to block the efforts of the Zima family to obtain documents and information Conn. State Statutes confirm we are entitled to. After a year's battle thru the F.O.I., the full commission has on two (2) occasions granted us statutory rights to these documents; however, your Wallingford Police Dept. has refused to do so.

There have been three (3) occasions when Dana & Wigan lawyers have attempted to block our efforts to view all evidence (including photographs) in Case #86-4161 under F.I.C. 86-229, and now under a new F.I.C. #87-169 just instituted by the F.O.I. when I reported to them that the Wallingford Police Dept. has denied us the information the F.O.I.C. ordered them to do so. On one occasion, Commissioner Cofield failed to show up with no explanation for his absence. Both Attorney Sands and I were present. The hearing was postponed. On the next occasion, another lawyer from Wiggin & Dana represented the Town of Wallingford to block our efforts to get this information on the deaths of three (3) members of our family, the death of the family pet dog, and arson involving their home! At the full commission hearing, the second time, they modified the first ruling which had allowed us access to the 911 calls for help. The re-opened hearing by the full commission allowed only the information the Wallingford Police Dept. would allow....in other words....censored the calls. Even this has been denied us! The complete investigative fire report has again been returned from the police department to the fire department, with the police department stating that since they don't have it they can't give it to us! The cost of these commission hearings is totally not necessary! The HARTFORD COURANT was allowed an "on-site" inspection of the records of the Zima file in November of 1986 without even attending one hearing at the F.O.I. Commission! They actually met with the police and had their full cooperation! This is prejudicial, as well as illegal. Mr. Sands failed to show up for the 7-20-87 hearing at the F.O.I. Commission office on 7-20-87 but claims in a letter that I was offered the censored tape by the police and refused it. This is a lie! Mr. Sands fails to mention who claims this offer was made to me and when it was made! This is here-say, in addition to being a lie.

I am formally requesting a full accounting of the amount of money spent and/or allocated to the law firm of Wiggin & Dana to deny us our Constitutional rights to this information, the same rights that have been given to the Hartford Courant and to the Meriden Record - Journal - without even having to attend one (1) meeting to obtain them!

We are now starting our second year. Please supply me with the information I have requested above and please see that the Wallingford Police Department provides us with the information we are lawfully entitled to and have fought so hard for.

Sincerely,



(Mrs.) Vera S. Zima

Mrs. Zima added that she believes that the Police Department is willing to spend tax dollars to defend a murderer. She added that the x-husband was arrested the following morning on drug charges. My family was murdered and he was being protected. I have been to the State Police, the Organized Crime Task Force, The Wallingford Police Department and they have provided the newspapers with this information and dammit, I want it! There is no reason why tax dollars should be spent hiring expensive lawyers to represent the town.

Mr. Gessert explained that this is the Wallingford Town Council and they have two functions, by Charter. We are here to pass local Ordinances and the other function is financial.

559

Mrs. Zima stated that she would like to know how much money is being spent on this particular law firm.

Mr. Gessert said that they will find out the information for Mrs. Zima and forward it to her.

Attorney Mantzaris stated that if it is public record, he will make it available to the Council.

Attorney Barry Jacobs of Meriden stated that he was at the meeting on behalf on Mr. Frederick Eannotte of 1213 Yale Avenue in Wallingford. He presented the Council with a petition, which the Town has also received. Mr. Eannotte and his neighbors would like the Town Council to address the question of a severe problem with refuse and rats, as a result of a development that is going up there. You probably all know that Mr. Eannotte has been victimized by an infestation of rats. It is my understanding that there is an Ordinance which is captioned AN ORDINANCE REQUIRING EXTERMINATION PRIOR TO DEMOLITION OR RENOVATION OF A STRUCTURE, and it was enacted on 12/13/85, signed by the Town Clerk and also approved by the Mayor. It states " NO PERMIT SHOULD BE ISSUED FOR THE DEMOLITION OF OR FOR A MAJOR RENOVATION OF A STRUCTURE OR BUILDING UNLESS IT HAS BEEN SHOWN TO THE SATISFACTION OF THE DEPARTMENT OF HEALTH OR HIS AGENT, THE SAID BUILDING OR STRUCTURE HAS UNDERGONE A PROPER EXTERMINATION PROCESS, SO AS TO PREVENT THE INFESTATION OF RODENTS, OR THE PROPAGATION OF ANY RODENT POPULATION THAT MAY EXIST. THE EXTERMINATION PROCESS MUST BE ONGOING FOR AT LEAST A PERIOD OF 14 DAYS PRIOR TO THE ISSUANCE OF THE PERMITS. THE EXTERMINATION PROCESS SHALL ALSO APPLY TO ANY BUILDINGS OR STRUCTURES TO BE VACATED FOR A PERIOD OF 90 DAYS OR MORE, AND SHALL BE ONGOING UNTIL THE BUILDING OR STRUCTURE IS OCCUPIED OR DEMOLISHED. PROOF OF PROCESS, SHALL BE EITHER BY AN ONSITE INSPECTION OR PRESENTATION OF A RECEIPT, SHOWING THAT SUCH WORK HAS BEEN ACCOMPLISHED BY AN EXTERMINATOR, REGISTERED OR CERTIFIED BY THE STATE OF CONNECTICUT". It is my understanding that there is development going on by Ricci Corporation going on, in Yale Avenue. This area was once a chicken farm, there were many chicken coops there. The chicken coops were demolished without any prior is permit. There was no extermination shown to the town. The development not going in and this is the claim of the residents of Yale Avenue, that these rodents have left their home (formally the chicken coops) and many have taken residence on Mr. Eannotte's property. They have ground holes into his home and now they are residing in his attic and they are all around the neighborhood. Mr. Eannotte and the residents would like to know if the Council is aware of this and what are they going to do to stop this and protect them.

Mr. Gessert explained that he was out at Mr. Eannotte's home a couple of weeks ago and he will agree with the comments made about infestation. I could see evidence on the building where entrances of these rodents were made. I looked at the ravine that had been filled in with debris, rubbish, etc. and then attempted to be covered. I discussed the situation with Mayor Dickinson and the last I heard (last week) was that Linda Bush (Town Planner) was going to meet with Mr. Ricci and his Attorney along with Mr. Eannotti, to discuss the best way to resolve this situation. There is no question in my mind that someone forgot to follow the rules.

Attorney Jacobs added that the Ordinance was not followed and the development is still going on. The rats are being driven farther and farther away from the development and they are finding homes where they can, in the neighborhood. He is not the only concerned citizen. We have contacted many authorities from the Town of Wallingford. It is the opinion of Mr. Eannotte and some of his neighbors, that not enough is being done to attempt to rectify the situation.

Mayor Dickinson added that there were no permits however, there was not prior knowledge of demolition. Since then, there has been negotiation between attorneys for one side and attorneys for the other about the issue. The report that I have gotten from the Health Department states that these were water rats. At this point, I am not in possession of a written report however, as of the end of last week, the matter was under discussion with the Town Planner, Building Department and attorneys for Mr. Eannotte and the attorneys for the builder and arrangements were being made

for extermination. until there is a final report as to an impasse, I have not been given any word that those discussions have come to an end.

560

Attorney Jacobs stated that there has been some discussion as to the problem. I think that there is plenty of evidence and there are people that have personal knowledge of the infestation of rats on that premises, that these rats are coming directly from these coops that were demolished. There was an Ordinance passed to try to deal with this sort of problem. The Ordinance was not followed, and nothing was done. The neighbors are suffering from this. There was some illegal dumping done in a ravine and there has been some illegal dumping being done by the developer, and none of this is being addressed. I would like to see a housing code inspector go out there and take a look at the holes that were dug and all of the garbage that was thrown in there. This is affecting public safety and health and that is why we are here today. We would like to know if the Town Council is going to address this problem and whether the Town Council will contact the residents who are concerned about this, and let us know what is going on. I would like to see an independent investigation, not an investigation done by the developer. The neighborhood never had this problem until the demolition started about 4 months ago.

Mr. Gessert commented that he thinks most of the Council Members can understand the situation. As far as I am concerned, I think it is up to the Mayor and the Town Planner and I will ask them to do everything that they can to expedite a solution. As far as I am concerned, if a cease-and-desist order is necessary to halt that project until they come to an agreement, then that might force people to the bargaining table.

Mayor Dickinson explained that the town has not abandoned this issue. Tonight is the first that I have heard that there are not meaningful discussions taking place.

Attorney Jacobs stated that they are just asking that the town protect these taxpayers rights. This is not just a private problem. We are asking that you give the same consideration to the taxpayers (existing property owners), as you are to the developer, of the project.

Mr. Gouveia asked Mayor Dickinson if, to the best of his knowledge, if he knew if there were Ordinances violated and Mayor Dickinson explained that as far as he knew, they should have obtained the permit of the demolition. It is better to look to get an agreement among the parties and get the work accomplished. If we have to resort to legal action, that is fine but, it will not speed up the process. It could become a long, drawn-out thing and nothing ends up being accomplished.

Attorney Jacobs asked that this be recognized as a big problem and it is affecting a person's ability to live, in his home. To a developer, time is money. If he can't put up these houses as quick as he would like to, he would be more willing, at that point, to come to us and say that this is what they are going to do, rather than say "maybe there is a problem, maybe there is not...".

Mr. Gessert asked Mayor Dickinson to put some heat under this situation.

ITEM 3. Presentation of Certificate of Appreciation to Police Officer.

Mr. Gessert asked Police Officer Joseph Quagliaroli to step up to the Council table.

Mr. Gessert stated that he is sure that everyone is aware of the hazard of the railroad tracks and certainly the tragedy this past weekend, makes everyone more aware of it. A situation came to pass, back on May 5th, of excellent police work by a young patrolman, very new to the force (2 years). He followed a suspicious vehicle for a number of miles, waited until the time was right and then had extra backup to get the vehicle off the road to check it for possible violations. At that particular time, the vehicle tried to take some evasive action and ended up on the railroad tracks and the driver ran away and left his girlfriend in the front seat. Patrolman Quagliaroli was on the scene, went into the vehicle, got the girlfriend out of the vehicle, off the tracks and later on found that there was also a small baby in the vehicle in the back seat that was not seen earlier because it was covered with blankets.

501
About that time, Amtrak decided to come through. With the train coming, this partolman went back to the car, got the child out and got both of them out of the way before the train came through and demolished the car. It is not often that we have an opportunity to recognize that type of heroism, and it is very satisfying to the Town Council and the Town of Wallingford that your instincts and training paid off and you saved another life. We would like to thank you very much. (STANDING OVATION)

Officer Quagliaroli thanked Mr. Gessert and the other members of the Town Council and accepted the award on behalf of the Police Department. (APPLAUSE)

ITEM 4. Discussion with Wallingford Bicentennial Constitution Committee.

Mr. Neal MacKenzie, 222 North Main Street, thank the Council for the opportunity to appear before them. As Chairman of the Bicentennial Committee, we were fortunate to be appointed, back in September of last year and as a result, we are one of the 15 or 20 towns in the entire state, that has the distinction of being nominated by the Washington Centennial Committee, as a Bicentennial Community. I would like to suggest that the Council celebrate the 200th anniversary of the signing of the Constitution on September 17, 1987, by possibly holding a symbolic ceremony. The National Committee recommends that City Councils hold such meetings. A City Council Meeting would be a proper thing to have in honor of this historic occasion. I am also pleased to present a guide on celebrating the Bicentennial for the review of the Council and another booklet on celebrating the Constitution "A Guide for Public Programs". We should remember, that the celebration of the Constitution goes on for several more years, even though it was signed in 1787. Thanks to the good efforts of the American Legion (national), we have xeroxed copies of a tentative play, with words that might have been used and were used in the actual drafting and signing. Our suggestion is, by shortening it to 15 minutes, you could go through the actual procedure of what they went through on that hot September day back in Philadelphia, 200 years ago. We could go through this ceremony with quill pens, and possibly costumes. We received permission from the Washington Committee to produce our own pendant and our own Frank Yasensky, produced a very lovely, medallion (comes in pewter, silver and gold plated), which is available in local banks. I would like to present this one to the Town Council, as a memento. We received permission to put the seal of the Town of Wallingford on the same medallion and pendant. I would like to call the attention of the Council to the excellent cooperation that our Committee has had from the various school officials, in promoting educational studies in the schools, John Hackett, Frank Soldan and Jay Cretella. I do think my Co-Chairman, Johanna Fishbein, would like to comment.

Mrs. Fishbein commented that she believes, to make this worthwhile, she believes that the Council should spend 10 to 15 minutes, at least. The play is wonderful but it will be shortened. We have to know 1) Would you participate? 2) Would it be on the night of the Council? 3) Would it be here or at Dag, where it could accommodate more people? and 4) Would you be willing to get into costumes? I would like to have a decision soon because Mr. D'Agostino will have to shorten the play and we would also like to do a little publicity on this. Mayor Dickinson already stated that he would like to be part of this.

Mr. Gessert told Mrs. Fishbein that September 17th would be fine and it will be held in the Town Council Chambers.

Mrs. Fishbein told the Council that she will send them a list of the necessary items they will need.

Mr. MacKenzie added that on September 16th, the Celebration of Citizenship will be a nationwide tribute to the Constitution, at 1:00 p.m. on radio and television, which will include a nationwide pledge of allegiance led by Chief Justice, Warren E. Burger, from Washington.

ITEM 5. Consider & approve an appropriation of \$725 from Reserve for Emergency to Maintenance of Signs, Public Works, and establish new account 001-5170-500-5150, moved by Mrs. Papale, seconded by Gouveia.

Mrs. Papale explained that the "Casimir Pulaski Industrial Park Sign" has to be taken down for reconditioning purposes.

Mr. Polanski asked Mr. Deak who owns the sign and Mr. Deak explained that the sign is owned by the Town of Wallingford. Mr. Polanski asked if this was sent out to bid and Mr. Deak explained that there is only one sign maker in town and this was his price. 562

Mr. Adams added that he received several calls regarding the sign (larger one) with regards to the condition and they believed it was a shabby representation of this area and did not fit in with the growth of that area.

VOTE: Unanimous ayes; motion duly carried.

ITEM 6. Consider & approve a transfer of \$3,000 from Reserve for Emergency to Design Fees-Oak Street Bridge, Engineering, moved by Mr. Holmes and seconded by Mrs. Papale.

Mr. Gessert pointed out that Mr. Ojha, from Greiner, states in a letter dated June 25, 1987, that they received drawings and would not be able to meet their price because they asked for information from the Water Division on October 24, 1986 and the information was received that day, which is 8 months later. They are asking to be compensated for the extra work that they had to do because they had to go back and redo the maps. I have no problems with compensating them for extra work if it was caused by the Town of Wallingford, and in this case it appears that it was. The only problem I have is, taking it out of the account #319, which is reserved for emergencies and I would suggest that the transfer should come from the Water Department. If their mistake caused an additional expenditure of \$3,000, then I think they should be responsible for providing the funds.

Mr. Myers explained that the transfer can be made that way but the Water Division is not present to represent themselves and you need an account to pay it from. You would have to instruct them to prepare a transfer and then to approve the bill for payment and process it through my office.

Mr. Polanski stated that he agrees with Mr. Gessert and this item should be tabled and let the Water Department come up with the funds.

Mayor Dickinson pointed out that they are running out of time and they have to get the bids out so they can get the prices in and then they can have an Ordinance to fund it and then the state will give us the money. We are on a time table with the State of Conn.

Mr. Gessert asked Mr. Costello if the work has already been done and Mr. Costello explained that the work has not been done because they are waiting until their purchase order is increased.

Mr. Gessert commented that to expedite this, he will go along with taking this out of this account, if at the same time, we direct a letter to the Water Department, to come to us at the August meeting, with a transfer of \$3,000 from one of their accounts, to go to account #3190 which is Council Contingency, the reason being, referring to the letter of June 25, 1987, it is their responsibility.

Mr. Gouveia commented that he agrees with Mayor Dickinson to appropriate the funds but someone should be made accountable for, taking so long to comply.

Mr. Edward Musso asked why the Water Department is responsible for the design of the Oak Street Bridge and Mr. Gessert explained that the Water Department is not responsible for the design, the Engineering Department and the Town of Wallingford are. They have given it to an engineer to do the design work that has to be done. However, they needed information from the Water Department to include in their original design about how water lines were going to be connected to the bridge, etc. Because they did not provide that information when the design work was being done, the designers have to go back and take the information they received 9 months late and change the design and add all of this back in. All we are doing is asking them to pay for the extra work that they caused by not having their information in on time.

VOTE: All ayes with the exception of Adams who was not present for the vote; motion duly carried.

A motion was made by Mrs. Papale to move up Item 18, seconded by Mr. Gouveia.

563

VOTE: All ayes with the exception of Adams who was not present for the vote; motion duly carried.

ITEM 18. Consider authorizing the Mayor to apply for Municipal Infrastructure Trust Fund Certification for Sidewalk Repair, Installation of Handicapped Ramps, and Repaving of Edgerton Road, moved by Mrs. Papale, and seconded by Mr. Holmes.

Mr. Costello explained that they have 2 projects. One of them is the sidewalks and handicapped ramps and we expect to spend \$155,000 on that, 10% of which will be town funds and the second project is to repair the sewer trench on Edgerton Road and the way to do that is to repave the whole road and we expect to spend \$60,000 on that project and 90% of that will come from the state also.

Mr. Holmes moved and read the following Resolution:

Municipal Infrastructure Trust Fund Certification

RESOLUTION

BE IT RESOLVED BY the Town Council - OF the Town of Wallingford
(Legislative Body) (Public Entity)

THAT William W. Dickinson, Jr., Mayor
(Name of Incumbent) (Official Position)

is hereby authorized to execute for and in behalf of the Town of Wallingford, a public entity established under the laws of the State of Connecticut, this application and to file it with the Office of Policy and Management for the purpose of obtaining financial assistance under the Municipal Infrastructure Act.

THAT (1) the project listed below for which grant assistance is requested is an infrastructure project; (2) the project was authorized by the Town/City of Wallingford on July 21, 1987. The project is:

(Name of Infrastructure Project)	(State grant requested)
Sidewalk Repairs & Handicap Ramps	\$140,220.00
(Location a Description of Project)	
Repair damaged or hazardous sidewalks and install handicapped ramps at intersections. Various locations as listed in application.	

THAT the proceeds from the state grant are not to be used as the match for another state grant or loan;

THAT the Town/City of Wallingford is appropriating, from the town's/city's own funds, a percentage of the total costs of the project which is equal to or more than the town's/city's matching percentage in the amount of \$15,580.00; and the local match is not from federal or state grant proceeds.

THAT each grantee will be required to maintain detailed accounting record of the project listed above and ensure that clear and concise audit trails are maintained at all times. It is not necessary that a separate bank account be maintained for each project but if the grant is pooled with other funds for investment purposes, investment earnings, including pro rata distribution computations, be maintained as part of the accounting procedures.

Passed and approved this 21st day of July, 1987.

CERTIFICATION

564

I, _____, duly appointed and Town/City Clerk
of _____, do hereby certify that the above is a
true and correct copy of a resolution passed and approved by
the _____ of _____
(Legislative Body) (Public Entity)

(2621D)

Rosemary A. Rascati
Wallingford Town Clerk

Town Council Meeting
INFRASTRUCTURE
UND APPLICATION
-3 12-85

-11-
STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT
80 Washington St. Hartford CT 06106

JULY 21, 1987 FOR OPM USE ONLY

2 PROJECT APPLICATION NO	3 DATE RECEIVED
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NOTE: A SEPARATE APPLICATION MUST BE SUBMITTED FOR EACH PROJECT

1. TO: Office of Policy and Management

a APPLICANT NAME Town of Wallingford		6a Work Category (X One) A <input type="checkbox"/> NEW CONSTRUCTION B <input checked="" type="checkbox"/> RECONSTRUCTION		7 WORK ACCOMPLISHED BY <input checked="" type="checkbox"/> CONTRACT <input type="checkbox"/> FORCE ACCO	
b GOVERNMENT UNIT Engineering Department		6b Project Type (X Applicable Box) A <input checked="" type="checkbox"/> ROAD SYSTEMS B <input type="checkbox"/> PUBLIC BUILDINGS		8a ESTIMATED START DATE (Mo Day Yr) Sept. 1, 1987	
c NO AND STREET OR P.O. BOX NO 350 Center Street		C <input type="checkbox"/> DAMS OR BRIDGES D <input type="checkbox"/> SOLID WASTE FACILITIES		8b ESTIMATED COMPLETION DATE (Mo Day Yr) July 1, 1988	
d CITY OR TOWN Wallingford		E <input type="checkbox"/> SEWER AND STORM WATER FACILITIES		8c Is the grant going to reimburse completed work? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
e ZIP CODE 06492		F <input type="checkbox"/> WATER TREATMENT FILTRATION MAINS		8d FUNDS WILL BE USED FOR <input checked="" type="checkbox"/> DIRECT PROJECT COSTS <input type="checkbox"/> DEBT SERVI	
5 CONTACT PERSON (Name and telephone no) John J. Costello, 269-8708					

9 FACILITY (Location, identification and description)
Various sidewalk locations throughout town.
(see attached listings)

10 DESCRIPTION OF PROPOSED WORK
Repair damaged or hazardous sidewalks and install handicapped ramps at intersections.

11. ESTIMATED COST OF WORK				
Quantity	Unit	Materials and/or Description	Unit Price	Cost
9,200	S.F.	Concrete sidewalk complete in place including excavation, gravel base, concrete, etc.	\$6.50	\$59,800.
96	Each	Handicap ramp complete in place including excavation, gravel base, concrete, curbing, topsoil, etc.	\$1,000.	96,000.
Local Match \$ 15,580.			TOTAL \$ 155,800.	

12. _____

13. Approved by Municipal Chief Executive Officer:	DATE APPROVED	SIGNATURE
14. Technical Review conducted by OPM:	DATE APPROVED	SIGNATURE
15. Approved by State Program Director:	DATE APPROVED	SIGNATURE
16. Approved by Secretary:	DATE APPROVED	SIGNATURE

The Resolution was seconded by Mr. Polanski.

565

VOTE: Unanimous ayes; motion duly carried.

Mrs. Papale moved and read the following Resolution:

Municipal Infrastructure Trust Fund Certification

RESOLUTION

BE IT RESOLVED BY the Town Council of the Town of Wallingford
(Legislative Body) (Public Entity)

THAT William W. Dickinson, Jr. Mayor
(Name of Incumbent) (Official Position)

is hereby authorized to execute for and in behalf of the Town of Wallingford, a public entity established under the laws of the State of Connecticut, this application and to file it with the Office of Policy and Management for the purpose of obtaining financial assistance under the Municipal Infrastructure Act.

THAT (1) the project listed below for which grant assistance is requested is an Infrastructure project; (2) the project was authorized by the Town/City of Wallingford on July 21, 1987. The project is:

(Name of Infrastructure Project)	(State grant requested)
Trench and Roadway Paving	\$54,405.
(Location a Description of Project)	
Repave Edgerton Road from Clintonville Road to terminus.	

THAT the proceeds from the state grant are not to be used as the match for another state grant or loan;

THAT the Town/City of Wallingford is appropriating, from the town's/city's own funds, a percentage of the total costs of the project which is equal to or more than the town's/city's matching percentage in the amount of \$6,045.; and the local match is not from federal or state grant proceeds.

THAT each grantee will be required to maintain detailed accounting record of the project listed above and ensure that clear and concise audit trails are maintained at all times. It is not necessary that a separate bank account be maintained for each project but if the grant is pooled with other funds for investment purposes, investment earnings, including pro rata distribution computations, be maintained as part of the accounting procedures.

Passed and approved this 21st day of July, 1987.

CERTIFICATION

I, _____, duly appointed and Town/City Clerk of _____, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the _____ of _____
(Legislative Body) (Public Entity)

(26210)

Rosemary A. Rascati
Wallingford Town Clerk

JUST FUND APPLICATION

OPMIGA-3 12-85

OFFICE OF POLICY AND MANAGEMENT

80 Washington St. Hartford CT 06106

FOR OFFICE USE ONLY
 2 PROJECT APPLICATION NO _____ 3 DATE REC'D _____

NOTE: A SEPARATE APPLICATION MUST BE SUBMITTED FOR EACH PROJECT

1. TO: Office of Policy and Management

a. APPLICANT NAME Town of Wallingford		6a Work Category (X One) A <input type="checkbox"/> NEW CONSTRUCTION B <input checked="" type="checkbox"/> RECONSTRUCTION		7 WORK ACCOMPLISHED BY <input checked="" type="checkbox"/> CONTRACT <input type="checkbox"/> FC AC	
b. GOVERNMENT UNIT Engineering Department		6b Project Type (X All Applicable Box) A <input checked="" type="checkbox"/> ROAD SYSTEMS B <input type="checkbox"/> PUBLIC BUILDINGS		8a ESTIMATED START DATE (MO. DAY) Sept. 1, 1987	
c. NO. AND STREET OR P.C. BOX NO. 350 Center Street		C <input type="checkbox"/> DAMS OR BRIDGES D <input type="checkbox"/> SOLID WASTE FACILITIES		8b ESTIMATED COMPLETION DATE (MO. DAY) Sept. 30, 1987	
d. CITY OR TOWN Wallingford		E <input type="checkbox"/> SEWER AND STORM WATER FACILITIES F <input type="checkbox"/> WATER TREATMENT FILTRATION MAINS		8c Is the grant going to reimburse completed work? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
e. ZIP CODE 06492		CONTACT PERSON (Name and telephone no.) John J. Costello 269-8708		8d FUNDS WILL BE USED FOR <input checked="" type="checkbox"/> DIRECT PROJECT COSTS <input type="checkbox"/> DEF SER	

9 FACILITY (Location, identification and description)
 Repave Edgerton Road

10 DESCRIPTION OF PROPOSED WORK
 Remove existing pavement which was damaged by blasting for sanitary sewer installation and subsequent trench settlement and install new bituminous pavement roadway from curb to curb. Clintonville Road to terminus

11. ESTIMATED COST OF WORK

Quantity	Unit	Materials and/or Description	Unit Price	Cost
930	ton	Pavement removal and replacement including excavation, regrading, roadway pavement, etc., complete in place	\$65.00	\$60,450.00

Local Match \$ 6,045.00 TOTALS \$ 60,450.00

REMARKS. Reference item number as appropriate. Continue on back of this form if needed.

Approved by Municipal Chief Executive Officer:	DATE APPROVED	SIGNATURE
Technical Review conducted by OPM:	DATE APPROVED	SIGNATURE
Approved by State Program Director:	DATE APPROVED	SIGNATURE
Approved by Secretary, Office of Policy and Management:	DATE APPROVED	SIGNATURE

The Resolution was seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Mr. Roe explained that they will return to the Council at their next meeting with the paper work for doing the transfer and setting up the local account.

ITEM 7. Consider review of original contract on Whittlesey Avenue School Building, requested by Reverend Stephen L. Baker, Pastor.

Mr. Gessert read the following letter from Reverend Stephen L. Baker, for the record:

567

Heritage Baptist Church

161 South Whittlesey Avenue • Wallingford, Connecticut 06492

STEPHEN L. BAKER
PASTOR

265-6320

July 8, 1987

Mr. David Gessert, Chairman
Town Council of Wallingford
90 Seiter Hill Road
Wallingford, CT 06492

Dear Mr. Gessert:

We would like to have placed on the next possible agenda, a review of our original contract on the Whittlesey Avenue School Building located at 161 South Whittlesey Avenue, Wallingford, Connecticut. For some reason, I falsely assumed that our situation and the 'right to first refusal' expired at the end of a time limit. In reviewing that recently, we realized that this is not the case, and therefore, would like to have the Council consider a number of options. 1) At the end of a number of years (6 or 10) have 'right to first refusal' dropped, 2) have an annual cost of living increase at some percentage rate that would be agreeable to both parties, or 3) upon our desire to sell the building, the Town would have the 'right to first refusal' at fair market value. In the future, we also have plans to build a full size gymnasium on the property and before we do, a plan agreeable to both parties must be worked out on the resale to the Town that would include the new construction.

We realize that we are at the mercy of the Council in this proposal, but also recognize now the tremendous cost of upkeep, remodelling and improvements that must be continually pursued to help maintain the building as a town landmark.

We are aware that one of the original concerns of the Council was that we would occupy the property for a short time and then try to sell at a possible profit. We trust we have in the last years proven that we are using the building for what we had originally stated and will continue to do so well into the future as we have no plans to move or relocate. Any consideration you could give this proposal would be greatly appreciated.

Sincerely yours,


Reverend Stephen L. Baker
Pastor

SLB:dys
Enclosure

"To know Him... to make Him known"

Mr. Gessert explained that he was involved in this process many years ago when Wittlessey Avenue School was closed and they were interested in leasing that building. The Heritage Baptist Church did lease the building for several years and put the Board of Education to shame because they took better care of it leasing it than we did owning it. They kept the condition of the school up and they preserved it, used it for school facilities and one of the key things that when it was originally leased to them, was that the people in the neighborhood wanted to keep it as a school and did not want to see the property turned into condos, apartments, etc. I think they have kept that commitment. Later on, the question came of purchasing, we went out to bid and they were the low bidder and moved into the school on a permanent basis.

Since they have taken title to it, they haven't taken care of it any less than when they were leasing it. If they plan to add on to the school, they don't want to be in a situation where, if they sell it someday, they have to sell it back to the Town with additions for less than the value including the additions. This is why we are here tonight. 508

Attorney Mantzaris asked Mr. Gessert if there was bidding on this and Mr. Gessert replied yes. Attorney Mantzaris added that he has a letter dated 12/13/83 in which they made an offer to purchase and themselves agreed to the condition, that if it was no longer used for school purposes, it would be sold back to the town for the price that they paid the town.

Mr. Gessert added that it was put out to bid, these people got the bid and then a contract was drawn up with them as far as the use of the building, etc.

Mr. Gouveia pointed out that in their letter, they stated that one of the original concerns of the Council was that they would occupy the property for a short time and then try to sell at a possible profit. The agreement states that they were to sell it back for the same money they bought it at.

Mr. Gessert explained that the reason that that paragraph is in there, (last paragraph) was to insure that somebody wouldn't buy it cheap and turn around and make a quick profit. The town guaranteed that this would not take place.

Mrs. Papale commented that she thinks that this came about because there was a little flack when the Council decided to go along with the amount of money that they were paying, and that was the question that came up. She suggested that they sit down with the Town Attorney and bring it back to the Council when it is all done.

Mr. Polanski suggested that a couple of Council Members sit in on the meeting so the information will be available to the Council.

Mr. Gessert and Mrs. Papale stated that they would be happy to attend the meeting with Reverend Baker and the Town Attorney on behalf of the Council.

A motion was made by Mr. Polanski to have the Church, the Mayor, the Town Attorney and 2 Council Members be involved in this and see if they can come up with any changes in the contract, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 8. Consider & approve LEASE AGREEMENT between Town of Wallingford and The Visiting Nurse Association of Wallingford, Inc.

Attorney Mantzaris stated that he reviewed the Agreement and it is similar to the previous one with only a couple of changes and it is a fine agreement.

A motion was made by Mr. Holmes to approve the renewal of the Lease Agreement between the Town of Wallingford and the Visiting Nurse Association of Wallingford, Inc., seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Ms. Marandola, Executive Director of the Visiting Nurse Association stated that the VNA appreciates its relationship with the town and the opportunity to provide service here.

ITEM 9. Consider 1986-87 transfer of \$50 from Part Time Secretary to Office Supplies, requested by PUC, moved by Mr. Holmes and seconded by Mr. Polanski.

Mr. Holmes explained that this transfer is requested to cover freight charges associated with the purchase of xerox machine paper.

VOTE: Unanimous ayes; motion duly carried.

ITEM 10. Public hearing 7:45 p.m. on AN ORDINANCE REPEALING ORDINANCE NO. 122 ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 193 AND ORDINANCE NO. 291, 509 AND SUBSTITUTING A NEW ORDINANCE ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE."

Mr. Gessert read the following Ordinance:

AN ORDINANCE REPEALING ORDINANCE NO. 122 ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 193 AND ORDINANCE NO. 291.

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

Ordinance No. 122 entitled "An Emergency Snow Removal Parking Ordinance", as previously amended by Ordinance Nos. 193 and 291, is hereby repealed and the following is substituted in lieu thereof:

AN ORDINANCE REPEALING ORDINANCE NO. 122 ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 193 AND ORDINANCE NO. 291.

AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE

I.

A vehicle for the purpose of this Ordinance is defined as any device in, upon or by which any person or property is or may be transported upon a public highway.

II.

It shall be unlawful from November 15th to April 15th of each year for the owner of any vehicle to allow any such vehicle to stand or park on any public highway in the Town of Wallingford during snow, sleet or freezing rain. The penalty for the violation of this Section shall be FIFTEEN AND 00/100 (\$15.00) DOLLARS for each violation.

III.

During a snow, sleet or freezing rain storm, the Chief of Police or such police officer as the Chief of Police shall designate shall authorize the tagging of any vehicles standing or parked on any public highway in the Town of Wallingford which may hinder snow plowing or snow removal, and such vehicles shall be tagged and towed away.

IV.

The Chief of Police or such police officer as the Chief of Police shall designate shall cause any vehicle tagged in violation of this Ordinance to be towed from the public highway at the expense of the owner of said vehicle by an authorized towor who shall carry adequate insurance to reimburse the owner

AN ORDINANCE REPEALING ORDINANCE NO. 122 ENTITLED "AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE", AS PREVIOUSLY AMENDED BY ORDINANCE NO. 193 AND ORDINANCE NO. 291.

570

of the vehicle so towed for any damage caused to such vehicle while it is being towed or stored by a tower.

V.

Owners of vehicles towed under this Ordinance, or the duly authorized representative of said owners, shall report to police headquarters for their vehicles. Upon payment of the penalty set forth in Section II hereof, a receipt will be issued by the desk officer and this receipt will be tendered to the tower who shall release said vehicle upon payment to the tower of a towing charge and a storage charge for each day that said vehicle has been stored by the tower, said charges to be in accordance with the rates and charges approved by the Commissioner of Motor Vehicles pursuant to the provisions of Section 14-66 of the Connecticut General Statutes, as amended.

VI.

No person shall cause snow or ice removed from private property to be placed on any public highway of the Town of Wallingford in such a manner or to such an extent as to unreasonably impede or cause inconvenience to travel on the public highways in the Town of Wallingford. The penalty for the violation of this Section of this Ordinance shall be FIFTEEN AND 00/100 (\$15.00) DOLLARS.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 1987, in accordance with the provisions of the Charter of the Town of Wallingford.

Rosemary A. Rascati
Town Clerk
Town of Wallingford

APPROVED: _____
William W. Dickinson, Jr.
Mayor of the Town of Wallingford

DATE: _____

A motion to adopt the Ordinance was made by Mr. Polanski and seconded by Mrs. Papale.

Mr. Gessert explained that if you park your car on a highway during a snowstorm or a freezing rain storm, the police can come along and give you a \$15 tag and they can also have your car towed off the street.

Mr. Reginald Knight asked if there was any provision in the Ordinance with regards to damage to the car done by the tower and Mr. Gessert explained that the tower has to carry adequate insurance so that if your car is damaged while it is being towed, then he is responsible for the damage. It is also a \$15 fine for dumping your snow in the middle of the road.

Mr. Wasilewski asked what the property owner does when the snow plow comes along and throws all of the highway snow back onto your property after it has been cleaned away?

571

Mr. Gessert stated that he knows of people who back their trucks into their driveways and then when they pull out they plow all of their snow into the road.

Mr. Doherty asked what the changes were with regard to the old Ordinance and Attorney Mantzaris explained that the changes are the fine for leaving a vehicle on the road which has increased from \$5 to \$15, paragraph II also had that you couldn't park your vehicle on the public road until the Director of Public Works declared the highway sufficiently cleared for public parking, which was taken out and a tag which is no longer used by the Police Department has also been removed. The rest is the same as it has been since 1974.

Mr. Knight of Audette Drive commented that they do not have sidewalks and they asked for some type of road surface and they got a chip and dip situation which means that when the plows go by, they don't only get the snow, they also get the chips on their lawn. When you mow your lawn, you have bullets flying. It is a very dangerous situation.

Mr. Edward Musso suggested that the town leave the snow there until God takes it away. Let the people learn how to drive with a little bit of snow.

Mr. Holmes asked what the chief complaint was regarding this Ordinance and Mayor Dickinson explained that the major complaint from the Public Works Department was when they find that the travel of the truck is obstructed or when snow gets piled up around cars and they can't remove the snow. The residents are given a chance to remove their cars from the streets by the Police Department and those that do not get tagged and removed, and this is on any road.

VOTE: Unanimous ayes; motion duly carried.

ITEM 11. Public Hearing 8:15 p.m. TO REPEAL ORDINANCE NO. 332, AN ORDINANCE REGULATING OUTDOOR FIRES WITHIN THE TOWN OF WALLINGFORD, AND RESCINDING ORDINANCE #23.

Mr. Holmes read and moved the following Ordinance:

PUBLISHED RECORD-JOURNAL August 2, 1985
Effective Date: August 23, 1985

FILE # 332

AN ORDINANCE REGULATING OUTDOOR FIRES WITHIN THE TOWN OF WALLINGFORD, AND RESCINDING ORDINANCE #23

BE IT ENACTED by the Town Council in Session that Ordinance #23, "AN ORDINANCE REGULATING OUTDOOR FIRES WITHIN THE EXEMPTED DISTRICT OF THE TOWN OF WALLINGFORD", is hereby rescinded, and that the following Ordinance is substituted therefor.

SECTION I. DEFINITIONS

The following definitions shall apply for purposes of this Ordinance:

1. OUTDOOR FIRE shall mean:

- a. the burning of woodland, grassland, swampland, leaves and/or other natural debris,
- b. the burning of any type of structure or vehicles and/or the debris from the foregoing as a means of disposal, and/or
- c. the burning of paper, rubbish, garbage, and all other types of combustibles as a means of disposal.
- d. For purposes of this Ordinance, the kindling of any fire in an outdoor incinerator shall be considered an outdoor fire.
- e. Supervised outdoor fires used by any individual for purposes of cooking within the boundaries of his/her property are specifically excluded.

2. GARBAGE shall mean any refuse matter as accumulates in the preparation of food for consumption, such as food waste or kitchen waste, and putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

3. RUBBISH shall mean non-putrescible solid wastes such as cans, yard clippings, wood, bedding, and similar materials.

SECTION II. PROVISIONS

572

1. No person shall kindle an outdoor fire within the Town of Wallingford without the written permission of the Fire Marshal. This shall not apply, however, to a supervised cooking fire, camp fire, or farm maintenance brush fire on farms 25 acres or more, between sunrise and sunset.
2. No outdoor fire of any kind shall be kindled between sunset and sunrise without the written permission of the Fire Marshal. All outdoor fires must be extinguished by sunset, unless continuation past sunset is specifically authorized in writing by the Fire Marshal.
3. Kindling of any outdoor fire is prohibited on days when the wind velocity exceeds 10 miles per hour, or when the forest fire risk index as broadcast is high or extreme, even if prior authorization is obtained from the Fire Marshal; under such conditions, any prior authorization by the Fire Marshal shall be considered to be void.

SECTION III. SANCTIONS

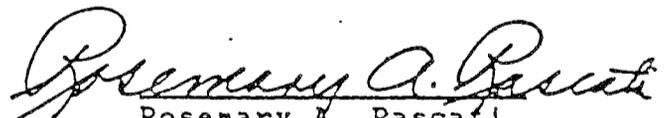
1. The enforcing authority with respect to violations of this Ordinance shall be the Fire Marshal of the Town of Wallingford and/or his/her designates, such designates to include the Police Department and Fire Department of the Town of Wallingford.
2. Any individual or firm who violates any provision of this Ordinance, except where specifically exempted, or who fails to comply with any notice or order by the Fire Marshal of the Town of Wallingford with respect to the provisions of this Ordinance, shall be subject to a fine of fifty dollars (\$50.00) for each violation.

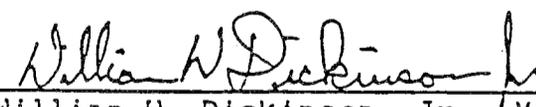
AN ORDINANCE REGULATING OUTDOOR FIRES WITHIN THE TOWN OF WALLINGFORD, AND RESCINDING ORDINANCE #23

SECTION IV. SEVERABILITY AND EFFECTIVITY

1. The operation of all incinerators, including those approved previously under the provisions of Ordinance #23, shall cease as of the effective date of this Ordinance, except where such continued operation has been authorized in writing by the Fire Marshal in accordance with the provisions of this Ordinance.
2. The Town of Wallingford and its officials, employees, and agents shall not be held responsible or liable for any damage by any outdoor fire for which permission has been granted.
3. This Ordinance shall be in addition to, and not in lieu of, any federal, state or local law, regulation, statute, or ordinance pertaining to outdoor fires.
4. Any violation of this Ordinance which predates its effective date shall be considered exempt from its provisions.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this 23rd day of July, 1985, in accordance with the provisions of the Charter of the Town of Wallingford.


Rosemary A. Rascati
Town Clerk

APPROVED: 
William W. Dickinson, Jr., Mayor

DATE: 7/26/85

Mr. Polanski seconded above Ordinance.

Mrs. Papale asked Attorney Mantzaris what the changes were and Attorney Mantzaris explained that the change was not to have any local Ordinance dealing with outdoor fires, which is to be controlled by the State Statute from the DEP and George Yasensky, who is the department's open fire control officer in Wallingford.

Mr. Edward Musso commented that it is about time they stopped treating people like infants saying that you can't do this and that. Let the people use their heads and let them do what they want to do and what they have to do. 573

Mayor Dickinson pointed out that no-one should misunderstand this to mean that there is not regulation of open burning, there is. It is still necessary to get a permit, but the permit is through George Yasensky and we don't have a local Ordinance.

Mr. Jack McElfish, Fire Chief explained that outdoor burning can lead to fires getting out of control, so this is basically a safety feature. Mr. George Yasensky added that he is also involved in this.

VOTE: Unanimous ayes; motion duly carried.

ITEM 12. Public Hearing 8:15 p.m. ON AN ORDINANCE CONCERNING HAZARDOUS LEAKS AND EMISSIONS.

Mrs. Papale read and moved the following Ordinance:

AN ORDINANCE CONCERNING HAZARDOUS LEAKS AND EMISSIONS

BE IT ENACTED BY COUNCIL IN SESSION:

I.

Any person or entity storing, using, mixing or producing a significant quantity of a hazardous substance or substances referred to in Section III hereof within the corporate limits of the Town of Wallingford shall report any fires, chemical spills, gaseous releases, oil spills or other emergency situations to the municipal Authorities as outlined in Section II, at such time as notification is made to the State of Connecticut Department of Environmental Protection or State Police.

II.

In the event of a hazardous substance incident as cited in Section I above, said person or entity shall immediately notify the Fire Marshal and the Mayor of the Town of Wallingford.

III.

For the purpose of this ordinance, hazardous substances are defined as those substances identified by the U.S. Environmental Protection Agency in Table 117.3 as listed in 40 C.F.R. Section 117.3 (1981). The amount of any hazardous substance which shall constitute a "significant quantity", as that term is used herein, is equivalent to the "reportable quantity", of such substance as listed in said Table 117.3. Additionally, "hazardous substances" as used herein, shall include oil and oil based derivatives as listed in 40. C.F.R. Section 112.2 (1981). As used herein, a "significant quantity" of oil or oil based derivatives is equivalent to the "reportable quantity" of such substances as listed in 40 C.F.R. Section 112.1 (d) (i) (1981) and in 40 C.F.R. Section 112.1 (d) (ii) (1981).

BE IT ENACTED BY COUNCIL IN SESSION:

IV.

Nothing herein shall be construed to require disclosure of information which is deemed confidential or constituting a trade secret.

This Ordinance shall not be construed to interfere in any way with federal, state or local laws, ordinances or regulations.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 1987, in accordance with the provisions of the Charter of the Town of Wallingford.

Rosemary A. Rascati
Town Clerk
Town of Wallingford

APPROVED: _____
William W. Dickinson, Jr.
Mayor of the Town of Wallingford

DATE: _____

The Ordinance was seconded by Mr. Holmes.

Mr. Doherty asked how long after such an incident do the companies in Wallingford have to report it to the Mayor and the Fire Marshal?

Mayor Dickinson explained that the Fire Chief and the Fire Marshal are aware of a new hazardous reporting committee, which the state is setting up in conjunction with the federal laws. It is a commission that will have to maintain reports on the location of hazardous materials and make those reports available to anyone.

Chief McElfish added that when you have the chemicals, you have to report them.

Mr. Doherty asked who enforces this and Mr. Yasensky explained that DEP enforces this and every October a list will be sent to him what they contain in that factory and where it is located. I in turn study it, give a copy to the Chief. The companies that do not give us a copy will be turned in to DEP.

Ms. Nancy LaBianca asked who sets the guidelines and Chief McElfish explained that it is spelled out in the new regulations and by 1992, everything will have to be classified. Right now, they are trying to give the industrial people a chance to get their sheets up to date. The Mayor will have to set a local commission because if we do not have one, we will not qualify for state fund money.

Mayor Dickinson commented that he is a little concerned about the whole implementation of the new federal regulations and we are waiting for an indication from the state, as to what planning areas are involved.

Mr. Dwayne Braithwaite commented that the only problem he has with this is that, we just got rid of a burning ordinance because there was already a state statute that covered it. 575

Mr. Roë added that he has not seen the language in the Ordinance that is under consideration. Are there threshold amounts stipulated in that Ordinance?

The Council Members answered that there are and Mr. Roe asked to have it explained. Mr. Gessert explained that the Ordinance states "hazardous substances, as used herein, shall include oil and oil based derivatives as listed in 40. C.F.R. Section 112.2 (1981). and in 40 C.F.R. Section 112.1 (d) (ii) (1981)." Mr. Yasensky explained that these numbers are a manual.

Mayor Dickinson added that he does not see anything harmful about implementing the Ordinance. The law has changed since 1981 so, at the very least, this should reflect the more recent law which is unfortunately, just being implemented. Perhaps we should wait to see what the state is going to want us to do and set up this commission and get it squared away, then if there are loopholes that have to be filled with Ordinances, we will deal with it then.

Mr. Gouveia explained that he was the person who asked the Council to consider this Resolution. The reason being, about a year ago, there were 2 cases in town where there was both a spill and an emission and in both cases, the company failed to notify the town and the Fire Department. The residents surrounding the properties notified the Fire Department. The Fire Department lost 45 minutes looking for the area because they did not know where it was located. They told us that they had complied with regulations because they did notify DEP, but they did not notify the town. My concern is that there should be someone in government to notify the people and tell them there is no need to be concerned, everything was under control. I agree with the Mayor, that we are adopting something that reflects 1981 laws and maybe we should table it until such a time that we have the new law. If the state does not do anything, then maybe we should do something.

Mr. Polanski commented that under Section III, it does not tell us what kind of substance we are talking about. You could have someone drop a 55 gallon drum in their backyard and not know that it is a hazardous substance. I do not know what they are talking about. Mr. Holmes agreed with Mr. Polanski.

Mr. Gouveia commented that these quantities should be written into the Resolution.

Mr. Braithwaite agreed that the town should be notified of a spill. It should be either a State Statute and if there is not a State Statute, then there should be a local Ordinance that we are informed.

A motion was made by Mr. Holmes to table AN ORDINANCE CONCERNING HAZARDOUS LEAKS AND EMISSIONS, seconded by Mrs. Papale.

VOTE: Adams, Holmes, Papale, Polanski and Gessert voted yes. Gouveia voted no; motion duly carried.

ITEM 13. Set Public Hearing on AN ORDINANCE TO ESTABLISH FLOOD AND EROSION CONTROL BOARD.

Mr. Earl Dewey was present from the Community Lake Study Committee and he explained that the Flood and Erosion Control Board is a necessary entity to interface with the State Department of Environmental Protection, regarding both flood and soil erosion and also for dam safety, very pertinent to Community Lake process. Mr. Dewey reviewed the statutes that create this commission and there is a concern because of changes in the law since 1979, such that it may be beneficial for the Town Attorney to examine the existing ordinance creating this committee, which is the Town Council, under these terms and compare it to the laws that currently exist to make sure that the ordinance is still functional in its current form.

By way of illustration, continued Mr. Dewey, since the creation, one statute previously said it shall not be less than five members and subsequent to 1979, when this ordinance was enacted, the statute has been amended to read that there shall not be less than five nor more than seven and there were 9 Council Members in 1979, so two are odd men out under the reading of the statute.

576

Mr. Dewey felt that if there is a problem like this on the face of the statutes that may conflict with the existing ordinance, it might be well to have the Town Attorney review it to determine if we can proceed with the current ordinance as an effective tool for communicating with the state in this regard, or if in fact, a new ordinance must be drafted. A referendum might be a possibility since a general election will be held three months off and it could be added to the general election and save the town some money. Mr. Dewey suggested that the Town Attorney could render an opinion as to the validity of the current ordinance in fairly short order after examining the statute and comparing it to the existing ordinance. Mr. Dewey and Mr. Wright did want to bring this concern to the Council, to allow them to act more intelligently with this information. Mr. Gessert agreed that this was the course to follow. This will be sent to the Town Attorney for review.

ITEM 14. Mayor Dickinson asked Mr. Larry Wood to come forward and explained to the Council that Benhaven has expressed interest in leasing Yalesville School and the matter comes down to their interest in leasing the school and they would like to take it over as soon as is practicable. Dr. Nicoletti is also present and the Mayor explained that authorization is needed for the administration to proceed on this and that is requested.

Larry Wood of New Haven introduced himself as the Associate Director of Benhaven, an organization organized twenty years ago and operates programs for children with mental handicaps. The largest program operated is a school program for school age children, currently housed in a building owned by the Town of East Haven which has been leased for the past four years. The Town of East Haven is now going to reopen this building as a school in September of 1988 and they were very wise to retain the building in its original use.

Mr. Gessert asked, if Yalesville School were leased to a facility such as Benhaven, does that qualify the town under the law as continued educational use? Dr. Nicoletti commented that the only way the town could reopen Yalesville as a public school would be if the Board of Education maintained ownership and the difference between rent and lease has to do with the entity who owns it, so to speak. The town may lease it to them and the Board of Ed may rent it to them and if the school is returned to the town who in turn leases it to Benhaven and five or ten years down the road it must be reopened, you will have another Parker Farms. If, however, the Board of Education retains ownership of the building and rents it to Benhaven and maintains just one office or classroom in the building, there is no problem. In either case, however, continued Dr. Nicoletti, the asbestos must be removed. At one time, private sector schools were exempt from the asbestos ordinance but no longer. Mr. Gessert did not feel that there would be any disagreement about that but the fear is, at least on his part, is a repeat of Parker Farms, and the situation of not meeting codes because of being closed for a period of time and he would like to avoid that type of situation. Mr. Gessert felt that it is dangerous from an economic standpoint to leave a school unused because of vandalism, etc. In either arrangement, the money from the lease or rent would go to the town's general fund, added Dr. Nicoletti.

Mr. Wood explained that there are currently 41 students in their day school program which operates year round. Mr. Gessert asked if Yalesville School would meet accessibility requirements and Mr. Wood is not aware of any serious problems but the Fire Marshal would be asked for his opinion.

Mr. Gouveia asked if the school currently being used by Benhaven in East Haven was retained by the Board of Education and Mr. Wood said it was turned over to the town.

Mr. Holmes asked what the current cost of the lease is and Mr. Wood⁵⁷⁷ said they are paying East Haven \$35,000 per year for approximately 19,000 square feet and Benhaven pays their own utilities and provides their own services.

Mr. Adams felt that leasing to Benhaven would be the most prudent thing to do. Mayor Dickinson said the administration will make sure that it's done properly to maintain school use.

Mr. Gouveia moved that the Mayor be authorized to work with members of the Wallingford Board of Education and Benhaven to prepare a lease or rental agreement and present it to the Town Council, seconded by Mr. Holmes.

Mrs. Papale has no problem at all with Benhaven but she wanted to know if Benhaven was the first to inquire about leasing the school. Mayor Dickinson indicated that he was not in favor of selling the Yalesville School property and he said that on a number of occasions. Secondly, continued Mayor Dickinson, this is the only proposal that has come forward on this issue. The Mayor wanted the Council to remember that if you are going to maintain the status of the school, it is very appropriate that a school use be encouraged.

Mr. Adams pointed out that he thinks there is a time limit that a school can be vacant before it's no longer classified as continuous use in education. Dr. Nicoletti again explained that the Board of Ed must maintain one office or classroom in the school while it is being leased to Benhaven.

Kathy Dziekan, 4 Pleasant Street asked if the lease would be year by year and Mayor Dickinson said it would all be subject to negotiations.

Mayor Dickinson is concerned about accomplishing removal of the asbestos since Benhaven is looking to move in as soon as the building is available. The Board of Education will not meet again until August 24, 1987 and the Mayor wondered if we can move ahead and develop something and take the finished product to the Board. Mr. Wood said it's a problem but not a huge problem. Mr. Gessert said he would be happy to hold a special meeting for this purpose. Dr. Nicoletti will get in touch with Board Members.

Ms. LaBianca mentioned the petitions and said it's all over town. She would like to see this school stay with the Board of Ed, with an office and she thinks people who signed the petition would agree to rent the school so it could be taken back if needed and a petition will be presented at the next Town Council Meeting.

Mr. Musso is against leasing Yalesville School to Benhaven and he doesn't know why the asbestos must be removed since he just returned from a trip to Canada and visited people who worked with asbestos all their lives and they are in wonderful condition. Mr. Musso does not want that type of student in Wallingford and he is a taxpayer and he owns part of that school.

Dr. Nicoletti asked Mr. Wood to explain what type of students Benhaven cares for. Mr. Musso persisted in stating in a very loud voice that he does not want this in his back yard and Mrs. Papale suggested that a vote be taken now.

A member of the audience asked the Chairman to allow Mr. Wood to explain what kind of school this is and Mr. Wood said it was started as a school for autistic children who are children born brain damaged with communication problems and difficulty socializing. Benhaven has a population of about 40 students and a staff of about 40 and these children do not walk around in the community. Benhaven takes a great deal of pride in their work and they are willing to pay a fair price to lease Yalesville School.

VOTE: Unanimous ayes; motion duly carried.

ITEM 15. Mr. Holmes moved a transfer of \$205 from Utilities to Vehicle Maintenance, Fire Department, seconded by Mr. Polanski. 578
(1986-1987 budget transfer.)

VOTE: Unanimous ayes; motion duly carried.

ITEM 16(a). Mr. Holmes moved a transfer of \$700 from Vehicle Maintenance to Pre-Owned Automobile, (Fire Surgeon), seconded by Mr. Adams.

Mr. Gessert said the reason for this transfer was discussed at the last Town Council Meeting.

VOTE: Unanimous ayes; motion duly carried.

ITEM 16(b). A motion was duly made, seconded and carried to waive Rule V to add ITEM 16(b) to the agenda which was inadvertently overlooked when the agenda was typed but included in the packet.

Mr. Holmes moved a transfer of \$300 from Federal Emergency Supplies and \$300 from Maintenance of Vehicles, a total of \$600 to Vehicle (Civil Defense Director), seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

ITEM 17(a) & (b). Mrs. Papale read the May 19, 1987 letter from Victor J. Scionti, Fire Marshal, for two transfers and Mr. Scionti said that what occurred was confusing--first it was a union position and then it wasn't and now we are back to a union position and in their regulation, under the Fire Union, you must pay overtime when a man stays over or comes out to investigate a fire, a contractual obligation spelled out in the union contract.

17(b). Mr. Holmes moved a transfer of \$1,000 from Contingency Reserve for Emergency to Overtime, Fire Marshal, seconded by Mr. Adams. (Mr. Scionti pointed out that this is just an estimate.)

Mr. Musso asked what the \$2,650 transfer was and he felt that you must take orders from the idiot legislators in Hartford.

VOTE: Unanimous ayes; motion duly carried. (Chairman Gessert was not present for the vote.)

17(a). Mr. Holmes moved a transfer of \$2,650 from Contingency Reserve for Emergency to College Training, Fire Marshal, seconded by Mrs. Papale.

Mr. Polanski asked what in the union contract mandates college training and Mr. Scionti replied it is contractual and there is no time limit and no cost limit. Mrs. Papale asked why this was not presented during budget workshops and Mr. Scionti said it was in his budget and Mr. Holmes pointed out that Mr. Scionti did not inform the Council at that time that this item was a contractual obligation. Mayor Dickinson does not recall the reason why the \$1,000 for Overtime was dropped from the budget but Mr. Scionti was concerned about raising the issue with the Council and the Mayor was not present for that workshop and Mr. Scionti was concerned that it might look as though it was done behind the Mayor's back. Mr. Scionti was reluctant to get off on the wrong foot with Mayor Dickinson since he was accused of presenting an item such as this with the former Mayor which he never forgot. Mayor Dickinson felt that this was simply an oversight.

Mr. Musso said the unions are running the town and the Council falls down and plays dead.

VOTE: Unanimous ayes; motion duly carried.

ITEM 19. Mr. Gessert read the June 30, 1987 letter from Anthony V. Milano, Secretary, Office of Policy and Management, State of Connecticut regarding the application for Municipal Liability Trust Fund in the amount of \$37,280.00 for Self Insurance Feasibility, Project Number 148-87-020.

Mr. Roe explained that application has already been made in accordance with Council approval. The State Committee has given the approval to our proposal and in fact, the money has arrived. What need to be done now, continued Mr. Roe, is to solicit proposals from consultants and to do that, the request is to waive the bid in order to go out and solicit those proposals.

Mr. Holmes moved to waive the bidding procedure to solicit proposals, allocate the required local match and establish necessary accounting for Municipal Liability Trust Fund Grant Application, seconded by Mr. Polanski. (Application is on page 31.)

Mr. Gouveia asked what the advantage was to waiving the bidding procedure on this and Mr. Roe didn't know how this could ever be bid. Mr. Roe explained that this will be done in a step by step process and at this point, proposals would be solicited, reviewed, and returned to the Town Council. At this point, the request is not to allocate the local cash since prices must first be determined. Mr. Gouveia asked if Mr. Holmes should change the motion he made and Mr. Roe felt it was acceptable.

Mr. Myers commented that the town has had an onslaught of grants, MLTF, Municipal Infrastructure is another and the grants do not provide for any additional funds for the accounting on them which require separate books and a full separate accounting system which is very time consuming and takes expert people to prepare it and keep it in balance, a cost to the community and sooner or later, the cost of funding will have to be faced.

Municipal Liability Trust Fund Grant Application

1. Mail to: MLTF Committee c/o Office of Policy and Management 80 Washington Street Hartford, Connecticut 05106	2. Proj. Application No. _____ (to be filled in by MLTFC)
3. Date Received _____ (to be filled in by MLTFC)	
4. a. Municipal Government: Wallingford b. Department Name: Risk Management c. Street/P.O. Box: 350 Center St. d. City (Town) : Wallingford e. Zip Code : 06492	
5. Contact Person (Name & Telephone No.) Mark Wilson 269-8731	
6A. Estimated Start Date July, 1987	6B. Estimated Completion Date Oct. 30, 1987
7. Prior status report or close out document on previous MLTF Grant submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO N/A	
8. Description of Work Program (Separate sheet; 1 page)	

9. ACTIVITY/SURVEY	(List the amounts requested)			State Share 90%	Local Match 10%
	Personnel	Consultant	Total		
A. Pollution Liability Risk Survey				Not Applicable	
B. Pollution Loss Control Activity				Not Applicable	
C. Other Activities or Surveys (1) (List the Type of Study Below) Study Self-Insurance Feasibility/	41,422	41,422	41,422	37,280	4,142
(2) (List the Type of Study Below)					
(3) (List the Type of Study Below)					
(4) (List the Type of Study Below)					
(5) (List the Type of Study Below)					
TOTALS:	41,422	41,422	41,422	37,280	4,142

10. Approved by Municipal Chief Executive Officer <u>6/19/87</u> (Date approved)	<u>William W. Dickinson, Jr.</u> (Print or type name) <u>William W. Dickinson, Jr.</u> (Signature)	580
11. Technical Review Conducted by MLIFC <u>6-22-'87</u> (Date approved)	<u>Margaret Morahan</u> (Signature)	
12. Approved by MLIFC <u>6/30/87</u> (Date approved)	<u>St. Hill</u> (Signature)	

Mr. Holmes asked what the time frame was once this is approved and Mr. Roe explained that when proposals are solicited, the consultant will be asked to identify what they would commit to in the way of a timetable, probably identifying an outside timetable of 90 or 120 days but also giving a premium, if you will, for those that might be able to accomplish the job and produce the product sooner than that.

Mr. Roe also mentioned that this letter requested any interest on the part of any Council Member in participating in the review process, much like we did for the Route 68 Corridor Study and he wanted to point out that this has very serious implications for a municipality and is very important and it would be helpful to have someone from the Council participate. Mr. Gessert suggested that Councilmen Adams and Holmes would be willing to participate.

VOTE: Unanimous ayes; motion duly carried.

ITEM 20. Mr. Roe explained that this item is a multi-faceted request. It includes the resolution that would authorize an application to be made to the Department of Human Resources for a Community Service Grant used to support the SCOW Agency, and in addition, you may recall several years ago that the Town Council authorized the move of SCOW into the office space at the Railroad Station, known as the nurse's quarters, continued Mr. Roe. Over the past few months, there have been discussions between SCOW and Adult Education about possibly changing office space and office configuration and administratively, it does not appear a problem. However, Mr. Roe explained that the language in the lease is very specific and it is felt that Council action should be taken to authorize the Town Attorney to execute an amendment to that lease to accommodate that switch in office space. There is also a provision in the lease for payment for custodial services by the agency to the town hired custodial service and Mr. Roe said that implementing that over the last couple of years has been much more of a nightmare and headache to oversee and it doesn't seem very cost effective for his staff with the hours involved. The proposal would be to change the language in the lease to have that be made as a rent payment to the town, as opposed to have it buy services.

Mrs. Papale read and moved adoption of the following resolution:
CERTIFIED RESOLUTION OF LOCAL AGENCY

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the

TOWN OF WALLINGFORD

(Name of Local Agency)

make application to the State in such amounts as may be made available for undertaking a Community Service

Program and, to execute a Grant Request therefore.

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grant-in-aids to the extent that they are necessary and required for said program.
3. That the filing of an application by the Local Agency is hereby approved and that the MAYOR OF THE TOWN OF WALLINGFORD
(Title of Authorized Official of Agency)

is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, recisions, and revisions thereto, and to act as the authorized representative of the Local Agency.

Mr. Gouveia seconded the above resolution.

VOTE: Unanimous ayes; motion duly carried.

Mr. Roe felt that action on the second and third item (as detailed in his July 13, 1987 letter) would be directing it to the Town Attorney's Office to execute amendments to accomplish those two things. Mr. Roe explained that Item 21 is the other side of the coin.

Mr. Polanski moved to authorize the Town Attorney to amend the SCOW lease at the Railroad station with the Town of Wallingford to reallocate the use of office space and amend lease requiring contribution to the Town to be considered as rent, seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

ITEM 21. Mr. Jay Cretella was present and told the Council that since he sent his letter of June 22, 1987 to Mayor Dickinson, he has been able to compile some statistical data regarding who is being served in the Adult Education Program (details of this data appear on page 34).

Mr. Cretella mentioned that there is vacant space which was a former coffee shop on the Hall Avenue side and there is an agreement with the New Haven Private Industry Council that provides a Job Training Assessment Officer and this year, she has served 50 clients who have been channeled into job training programs, 50 Wallingford residents. Better space is needed for this program and Mr. Cretella would like to utilize the front space and the second part is to use the present SCOW space since the services being performed are beginning to cause a crunch there.



WALLINGFORD PUBLIC SCHOOLS

ADULT EDUCATION PROGRAM
Joseph J. Cretella, Director

Mark T. Sheehan High School
Wallingford, Connecticut 06492
Telephone (203) 265-2836

July 21, 1987

Dear Council Members:

The Learning Center at the Railroad Station has been an excellent location for our Adult and Continuing Education Program. It's central location makes it convenient to all residents and its non-traditional school atmosphere makes it an attractive place to continue one's education.

I have just completed the annual report for the Bureau of Adult Education of the State Department of Education. The following data on courses and services offered by Adult Education should underscore the local support of the program by residents and the need to continue offering programs and services at the Adult Learning Center at the Railroad Station.

The total number of adult served from July 1, 1986 to June 30, 1987 was 3448 in eight locations - Mark T. Sheehan High School, Lyman Hall High School, The Adult Learning Center, Masonic Home and Hospital, Ashlar Village, Senior Center, Little Peoples Nursury, Merri Moppet Nursury School.

The following courses and services are offered at the Learning Center.

	1986-87
	Enrollment:
English as a Second Language	108
High School Equivalency Preparation (GED)	20
External Diploma Program	15
Job Assessment For the New Haven Private Industry Council	50
Classes For Handicapped Adults	10
Parent Education Support Center	20
Adult Learning Information Center	400+
	phone inquiries

The Center served more than 623 adults from July 1, 1986 to June 30, 1987.

It is obvious that community support for adult education is outstanding. It is also obvious that support and encouragement received from the Town's Administration, Town Council and the Board of Education is a strong contributor to the success of our program.

I look forward to continued support from the municipality to continue the important work of Adult Education.

Sincerely,

Joseph J. Cretella
Joseph J. Cretella, Director
Wallingford Adult Education

JJC/bsm:

Mr. Cretella said 3,448 people were served this year, residents of the Town of Wallingford and about 623 of those were at the Railroad Station and the numbers seem to justify the use of space. Mr. Cretella distributed the Fall, 1987 Wallingford Adult Education brochure. Mr. Cretella's request is for permission to use the front office space and occupy the present space used by SCOW.

Mrs. Papale moved to allow the Adult Education Program use of vacant space on Hall Avenue side of Railroad Station and allow SCOW to exchange their present space for area now used by Adult Education Counseling Center, seconded by Mr. Adams.

Mr. Gessert asked what type of revenue is generated from these programs and Mr. Cretella said they are not revenue generating programs but State supported programs.

VOTE: Unanimous ayes; motion duly carried.

ITEM 22. Mrs. Papale moved a transfer of \$2,652 from Contingency, Reserve for Emergency, to Clerk's Wages, Central Services Office, seconded by Mr. Holmes.

Mrs. Papale read Mr. Dunleavy's July 8, 1987 letter requesting this transfer.

VOTE: Unanimous ayes; motion duly carried.

ITEM 23. Mr. Holmes read and moved adoption of the following resolution, seconded by Mr. Polanski:

583

RESOLUTION OF MUNICIPAL LEGISLATIVE BODY

WHEREAS, the Municipality wishes to make application and obtain financial assistance from the State of Connecticut and the Federal government.

AND, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD
(Name of Municipal Legislative Body)

FOLLOWS:

1. That an application be made to the Commissioner of the Department of Environmental Protection for an Open Space Land Acquisition, Assistance, and/or Development Grant for a municipal project known as Open Space Land Acquisition for Municipal Project known as Watershed and Wetlands Protection.
2. That it is the intent of the municipality that should its application be selected and approved by the Commissioner of the Department of Environmental Protection, that adequate funding for operating and maintaining the property and/or facilities will be provided.
3. That the Chief Executive Officer (or Conservation Commission) is hereby authorized and directed to execute and file such application, and to act as authorized correspondent.
4. That the Chief Executive Officer is hereby authorized to enter into such agreements, contracts and execute all documents necessary to such application with the State of Connecticut.
5. That the proposed acquisition and/or development is in accordance with the Plan of Development of the Municipality and that, should said grant be made, said land will be retained in accordance with the provisions of Section 7-131a through 7-131k of the General Statutes, as amended.

Mayor Dickinson commented that this is an important venture and if the town is successful in getting the grant, it will mean that the town may have to come up with some money but it represents an opportunity to preserve some open space and it is recognized that the only way it can be done is by purchasing through the municipality and holding it as open space. Mayor Dickinson explained that we are looking to purchase properties in watershed areas so that the impact of the Muddy River and some other areas is minimized and all of this is subject to prices and what money is available, etc. but it is an important venture in the overall health of the town since 20 years from now, the people who live in Wallingford will be thankful that an effort was made today to preserve that open space. Mayor Dickinson felt that these funds could be used for other types of purposes but he is not recommending that and he feels they should be used for open space. Mr. Gouveia said the Mayor should be commended for that. Mayor Dickinson commented that both Mr. Roe and Miss Bush worked on this and Mr. Roe felt that the competition will be really stiff and the fact that a project is currently open will probably be scored against us, the Downtown Green, a park development project.

Mr. Musso, 56 Dibble Edge Road wants to know why this grant is needed from DEP for open space since there is no alternative but to sell wetlands to the town because it cannot be developed. Mr. Gessert said there are properties such as the Sartori property which could be built upon had the town not purchased it about 15 years ago but it was bought with federal, state and town money to preserve as open space for recreational and green space. Mr. Musso feels that if the land is available, the town should be willing to pay the price and we should deal directly and leave the middle people out.

VOTE: Unanimous ayes; motion duly carried.
(IMMEDIATE CERTIFICATION MOTION & VOTE ON PAGE 37 OF MINUTES.)

ITEM 24. Mrs. Papale moved acceptance of Buttonwood Drive, Strathmore Farms subdivision, seconded by Mr. Polanski.

584

Mr. Gessert commented that Mr. Deak and Mr. Costello have signed the July 13, 1987 letter attesting that Buttonwood Drive and Weatherside Drive meet all town standards.

Mr. Polanski asked how many miles of road have been accepted this past year which will require plowing, etc. and Miss Bush makes a list at the end of the year but the footage adds up.

VOTE: Councilman Holmes passed; all other Council Members voted aye; motion duly carried.

Mrs. Papale moved acceptance of Weatherside Drive, Strathmore Farms subdivision, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

ITEM 25. Mrs. Papale moved a transfer of \$425 from Secretary Wages to Professional Services, Town Planner, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gouveia asked when this meeting will take place and Miss Bush talked to Attorney Thomas Byrne a month ago and he will probably be available in September.

Mayor Dickinson requested the Chairman to immediately certify ITEM 23, the Open Space Land Acquisition Municipal Project Resolution.

Mr. Holmes moved immediate certificate of the resolution of Municipal Legislative Body for **OPEN SPACE LAND ACQUISITION FOR MUNICIPAL PROJECT KNOWN AS WATERSHED AND WETLANDS PROTECTION**, as presented, seconded by Mr. Polanski. (Item 23 on pages 35 & 36.)

VOTE: Unanimous ayes; motion duly carried.

ITEM 26. Mrs. Papale moved a transfer of \$250 from Reserve for Emergency to Professional Services, Mayor's Office, seconded by Mr. Holmes.

Mr. Gessert indicated that this is a request to pay the bill for the New Haven County Soil and Water Conservation District for an annual technical fee which was increased from \$750 to \$1,000.

Mayor Dickinson commented that the town does use the Soil and Water Conservation District and in the past, they have been of assistance in designating wetlands. Mayor Dickinson mentioned that there is a MEMORANDUM OF UNDERSTANDING which needs to be authorized for signature and this is really a very worthwhile resource.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes moved to authorize signing of the **MEMORANDUM OF UNDERSTANDING BETWEEN THE NEW HAVEN COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE TOWN OF WALLINGFORD**, seconded by Mrs. Papale.

This MEMORANDUM OF UNDERSTANDING appears on pages 38, 39 and 40 of these minutes.

VOTE: Unanimous ayes; motion duly carried.

585

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
NEW HAVEN COUNTY SOIL AND WATER CONSERVATION DISTRICT
AND THE
TOWN OF -----

Upon this _____ day of _____, 19____, this Memorandum of Understanding was entered into by and between the New Haven County Soil and Water Conservation District (hereafter called the District) and the Town of _____ (hereafter called the Town), which includes all Boards and Commissions of the Town.

Furthermore, this agreement defines the kinds of assistance which the District is able to give to the various Boards and Commissions including but not limited to, the Planning and Zoning Commission, Conservation Commission, Board of Health, Inland Wetland and Watercourses Agency, Flood and Erosion Control Commission.

The agreement defines the responsibilities of the Town resulting from requests for assistance from the District.

WHAT THE DISTRICT WILL DO: (subject to the limits of their authorities and technical and financial assistance available from cooperating agencies).

- 1) Upon a written request from the Town, the District will assign priorities based on the requests.
- 2) Provide base maps of the Town with various soil interpretations as needed by the Town.
- 3) Advise the Town of planning and development programs dealing with soil and water and related land use.
- 4) Furnish the Town standards and specifications for all recommended soil and water management measures as found in the CT Guidelines for Soil Erosion and Sediment Control.
- 5) Encourage all Town agencies to develop resource plans which consider the appropriate uses for soil, water and related resources.
- 6) Review preliminary and final development plans within 10 to 25 working days of their receipt from a Town agency. The review will relate to soil survey interpretations, potential water disposal and erosion problems that may be created by urban development and other changes in land use. (Recommend the need and type of control measures that should be incorporated in the development plan).
- 7) In the event of a questioned wetland boundary, the District can furnish the service of an SCS Soil Scientist to help verify the boundary.

What the Town will do: (within the limits of their authorities)

1. Make requests to the District in writing stating purpose of the request, special points to be covered in the review and the date for decision by the Town commission. The Town will provide a minimum of 10 working days for the District to complete its review. Plans will first be reviewed by the Town to see if they are consistent with the regulations of the Town and that the application is complete.

2. Requests for technical assistance on preliminary development plans which the Town believes require additional soil and water conservation and management planning, will be submitted prior to plan acceptance by the Town
3. Require the developer to comply with local regulations for soil erosion and sediment control, prior to submission to the District for technical review.
4. Provide for adequate inspection of the installation and maintenance of the recommended erosion and sediment control measures. Standards and specifications should be in accordance with the CT Guidelines for Soil Erosion and Sediment Control (1985) as amended.
5. In the case of questioned wetland boundaries, the written request will describe the current status of the questioned boundaries including a statement that a representative of the Inland Wetland Commission and the applicant had, together, made a visit to the site and a question continues to exist.
6. Use the information collected by the District to further the study of wetlands and the effect of alterations on wetlands and other critical areas of the Town.
7. Use the information and recommendations furnished by the District to implement the planning and development of soil, water and related natural resources.

IT IS MUTUALLY AGREED THAT:

1. The District will serve as technical advisor to the Town. The District will not make any decisions on land use questions, or the responsibility in carrying out needed soil and water conservation measures. This decision making responsibility rests solely with the Town and its official agencies.
2. The District and the Town will meet as needed to review and coordinate their individual programs and activities for maximum benefits.
3. This memorandum shall be effective when signed by both parties and may be terminated or modified at any time by agreement by both parties and may be terminated by either party by giving sixty (60) days notice in writing to the other party.

In witness whereof, the Memorandum executed and agreed to on the day, month, and year written above.

New Haven County Soil and Water Conservation District

By _____

Title _____

Date _____

(Chief Elected Official)

By _____

Title _____

Date _____

This action authorized at an official meeting of the New Haven County Soil and Water Conservation District on

_____ day of _____

19__ at _____, CT

This action authorized at an official meeting of the

_____ on the ___ day of _____

19__ at _____, CT

ITEM 27. The letter dated July 15, 1987 from Mayor Dickinson is for information purposes only and comes out of the \$15,000 that was transferred. No Council action is required.

587

ITEM 28. Mrs. Papale moved a 1986-1987 transfer of \$455 from Computerized Indexing to Advertising, Town Clerk's Office, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

ITEM 29. Mrs. Papale moved to NOTE FOR THE RECORD the financial statements of Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the quarter ended March 31, 1987, seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 30. Mrs. Papale moved a transfer of \$214 from Contingency, Reserve for Emergency to Refunds, Comptroller's Office, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

ITEM 31. Discussion of mailing of the Surgeon General's Pamphlet on AIDS. Mr. Gouveia explained that since he made the request to have this item placed on the agenda, he has been in contact with The Department of Health Services in Hartford and he learned that the General Assembly this year appropriated \$250,000 to have the Surgeon General's report on AIDS mailed to every single household in the State of Connecticut but the grant money did not include the cost of labor to stuff each envelope and because of that, not too many towns have requested the grant money from the State and the people in Hartford are looking at other means of mailing this to residents, perhaps without coming to municipalities. Mr. Gouveia did not feel that it was necessary to take action on this item tonight.

Mr. Musso was vehemently opposed to spending any money for the purpose of educating young people about AIDS and he felt that they should simply suffer for what is happening and pass on.

ITEM 32. Mr. Holmes explained that this item pertains to the stage at Robert Earley and Mr. Gessert explained that the stage cannot be lowered since there is about four feet of solid concrete underneath that stage. Mr. Gouveia agrees with the comments made by Mrs. Bergamini to the newspaper. Mayor Dickinson asked to represent what the current thinking is and it has nothing to do with the height of the stage but what would occur would be leveling of the floor and elimination of two or three rows of seats so that someone approaching the stage would approach a much lower level stage and people sitting will be far enough back so that they will almost be on an eye level. Mayor Dickinson felt that by leveling the floor in front and eliminating two or three rows of seats will bring people fairly close to eye level and as far as Mayor Dickinson knows, this is all part of the basic cost of renovation.

Mr. Musso, 56 Dibble Edge Road felt that the Council should be elevated and if they weren't sleeping or lounging in their chairs, they wouldn't object to being visible and Mrs. Bergamini has caused too much damage to this town, a list as long as your arm.

Mr. Gessert suggested that if Mr. Musso wanted to debate Mrs. Bergamini, it should be done when she is present because Mr. Gessert will not allow Mr. Musso to attack her when she is not hear and Mr. Musso is out of order. Mr. Musso simply wants the stage left the way it is. Mr. Gessert suggested that Mayor Dickinson resolve this with the Building Committee or he will.

ITEM 33. Mr. Gouveia personally requested that this item be put on the agenda, DISCUSSION AND ACTION REGARDING THE PUC DECISION TO VOID THE WEST VIEW HILLS SEWER AGREEMENTS and he finds that at this point, he cannot ask for action to be taken in view of the fact that three Council Members are missing and it is important for the majority of the Council to be present.

Mr. Gouveia finds himself in a tremendous dilemma with the Rights In Deeds negotiations involving those deeds and there are key players in this issue telling us that those deeds are not valid; in fact, some of them are even suggesting that these people should

be in addition to the \$15 whatever other residents in town are paying and yet these same people are telling the Town Council to sit down with these people and negotiate and Mr. Gouveia finds it extremely difficult to negotiate under those circumstances. 588

Mr. Gouveia feels that there are certain questions that must be addressed:

(1) Whether or not the PUC had the authority to nullify those deeds.

It seems to Mr. Gouveia that when these deeds were entered, a contract with the town back in the 1950's, the Chief Executor of the town was the one who signed the deeds and it seems it should be the legislative branch of the town to nullify those deeds and not PUC, just Mr. Gouveia's feeling.

There seems to be a great deal of concern regarding whether or not the PUC had the authority to go, without the Council's knowledge, and hire an attorney to research those deeds and obtain a legal opinion on their validity, continued Mr. Gouveia.

Mr. Gouveia felt that in addition to that, there seems to be too many people, including some on the Council table have little faith in the opinion rendered by Attorney Church and that is a concern, too.

Mr. Gouveia does want to give these people everything that is theirs, including the deeds if they are legal deeds but nevertheless, he finds himself in a position that he cannot give these people anything if indeed it is determined that it doesn't belong to them because that would be taking it away from other taxpayers money to the town.

Mr. Gouveia feels that the Council should find out if indeed the PUC had the authority to nullify these deeds and then we are at ground zero and the Council could start from the beginning and either nullify these deeds or get an opinion that says that these deeds are indeed valid and you could move from that point on.

Mr. Gouveia still feels that if these deeds are deemed to be valid, negotiations should be held with the people to buy the deeds because it would be in the best interest of everybody in town to do so. Mr. Gouveia finds it difficult to negotiate without knowing if the action taken previously was the proper action and he does not want to be involved in three years of litigation only to find out that the procedure used by the PUC was totally illegal or improper and this must be established first of all.

Mrs. Papale felt that Attorney Wu would direct a letter to the Town Council and Attorney Mantzaris said he received sample copies of two law suits which have not yet been served--the letter went to Attorney Gerald Farrell and Attorney Mantzaris received a copy of the two proposed lawsuits.

Mr. Gouveia said the very first question that has to be addressed is did the PUC have the authority to nullify the deeds?

Mr. Holmes felt that once the funds are appropriated for the legal service, permission is not needed from the Council. Mr. Gouveia felt that they acted on their own to do that and now they have thrown the ball in the Council's court to negotiate. Attorney Mantzaris explained that the PUC has the authority to set the billing rate and this was done when bills were sent out for the full sewer charge to these people and that's a nullification of the prior agreements in a dollar sense and whether they were in absolute legality the proper party to declare those deeds null and void is a question Attorney Mantzaris has not looked at. The billing was for the full amount of the charge and that would seem to be a breach of the agreement if nothing else. Mr. Gouveia said we cannot move on assumption.

Mr. Gessert asked if an answer has been received from the Rights-In-Deed appraiser and the Public Utilities Commission appraiser? Mayor Dickinson has nothing from the appraisers and he does not know if the PUC does but he thinks the important thing to remember here and it does occur in lawsuits all the time--it's called pleading in the alternative and that is where you say, this contract is void and a second count says, if this contract is not void, then it has been breached by the other party. It goes on and on, and you argue each point as necessary, supporting your case, alternative arguments to see which one will win you

the case and it happens all the time. The bottom line is, continued the Mayor, regardless of the issue of breach, null and void, authority, etc., you can argue both sides of it and ultimately, 589 if it's a court case, they would be elements in any presentation to a judge--one side would argue one thing and the other side would argue the other. This doesn't resolve anything for the town and what we would like to do which Mayor Dickinson has said before, the town should look to settle the matter and we are waiting for the appraisal. If the appraisal figures are in, the Mayor would look for the authority to sit down in the Town Attorney's Office with representatives of Rights-In-Deeds with their appraisal figures to see where the middle ground is and settle the matter, regardless of who is right on this or that point because if you get into that, you will never settle the matter and the issue is what dollar figure settles the matter, Mayor Dickinson felt, and then you deal with the mechanics of how to implement it.

Mayor Dickinson felt that if it can't be settled, all those issues will have to be resolved, the whole list and if we concentrate on that, we will not get to the settlement issue. The primary question is, do we have an appraisal? If the Council wants to vote tonight and authorize the Mayor's Office to begin negotiation with Rights-In-Deed, an action can be taken.

Ms. Eleanor Durgen asked if a deed was considered an ordinary contract and Mayor Dickinson said a deed was not normally a contract but you are talking about an ongoing relationship that you could phrase into contractual language but here you get into a lot of semantics that go back and forth which really doesn't get us to the basic issue which is settling the matter.

Mr. Braithwaite saw Mr. Farrell today and he gave some pertinent information that the minutes of the February 13, 1987 meeting when Mr. Farrell stated that no bills had been rendered. . .if Mr. Braithwaite implied that Mr. Farrell lied about that, that was incorrect and Mr. Braithwaite apologizes about that--Mr. Farrell gave Mr. Braithwaite actual transfers of the meeting and these minutes are recorded incorrectly (PUC minutes) and he stated that on the 29th, no billing had been rendered and did not volunteer any other information.

Mr. Braithwaite said there was an appraisal given tonight.

Mr. Henry Renfrew wanted to take exception to the Mayor's comments regarding one central issue--according to the Town's Charter as read, it is quite clear that anything that occurred prior to 1961 and any agreements were the responsibility and transferred over to the Town Council. Mr. Renfrew said that what happened was that the PUC took it upon themselves to initiate that action and to declare that legal document null and void which was written prior to 1961 and according to the reading of the Charter, it is clear that only the Town Council has that authority and Mr. Renfrew feels that this is an extremely important issue to the Council since he feels it will affect policy, judgment by the town for the future and he feels it must be a yes or no situation and he does not think this is a matter for interpretation by attorneys and the Town Council enforces the Town Charter and that answer should be given for your own benefit.

Mr. Paul Gough said the PUC received their report, a preliminary memorandum or something like that which stated that the appraiser, who will present a 70 page report later, said that the value of the deeds was between \$700 and \$1,100 dollars, depending on the formula used for the different classes of people. Mr. Gough said the PUC voted to send the report to the Mayor, not to the Council but to the Mayor, and that will bring the Council up to date.

Mr. Edward Musso, 56 Dibble Edge Road felt that the PUC was not right in flatly sending the bigger bill but he goes along with the Town Attorney that the business cannot be run in the red and the PUC can set rates and everyone should contribute and no one should be excused. Mr. Musso felt that the \$15 fee was for returning veterans and how many more hooked on to it after that, he does not know, but everybody on the east side feels that they should be involved.

Mr. Musso felt that when the ownership of the house changed, the deed should be voided.

590

Mayor Dickinson suggested, in light of what was said, if the PUC has acted, he would ask the Council to authorize his office to set up appropriate meetings with the appraisers and Town Attorneys and negotiate this.

Mrs. Papale asked about the appraisal from the Rights-In-Deeds residents and their written appraisal is not yet ready but there will be two figures being compiled. Since 335 households are represented, it was important to determine what the residents felt about even negotiating or go to court and just uphold the \$15 agreement and that would be the end, Mr. Braithwaite stated. Mr. Braithwaite continued that this does not seem to be the case and the vast majority do want to negotiate if there is a reasonable settlement figure and \$700 to \$1,000 is extremely low and pretty much the figures bandied about from the beginning and if that is the figure, based upon what he felt people would expect to get or what they would settle for, we have an extreme problem.

Mrs. Papale asked what if the Rights-In-Deeds attorney comes in with lower figures than the residents expect and Mr. Braithwaite said this has been discussed and just because your anger increases, it does not increase the value of the agreements. Mr. Braithwaite is trying to be as fair as he can because he wants to continue to live in this town and he is concerned about the breach of contract that was entered into--he believes the contract to be valid and probably in the best interest of the town, it should be given up, but for a reasonable settlement and cost and that is all that has ever been asked. Mr. Braithwaite said that the newsletter sent to the residents, they tried to make them understand that without a class action suit which will bind everybody, we'd still be bound by what they would want--if the figure can be agreed upon through Attorney Wu--if that is not acceptable, we would have to consider going to court and this is not intended to be a threat--it's just a fact. Mr. Braithwaite said they do not plan on going after an agreement from a judge and at that point in time, since the town has honored the agreements for 35 years, to continue honoring them for the rest of the prescribed agreement--that is what the Rights-In-Deed residents tend to fall back on.

Mr. Renfrew had a final comment--the Council only has the opinion from Attorney Church to base its decision on and he felt that the research at that time was limited. Mr. Renfrew finds it hard to impose upon the Council the situation where they will face criticism from other residents of the town when the question of the validity is so strong and he thinks that the validity has to be answered first and whether or not the initial action was done properly and then we can go on in a very positive framework to negotiations.

Mr. Braithwaite said a response has been received that people do want to negotiate a settlement and Mr. Gessert said the problem is one word--reasonable, and everybody has a different definition of what reasonable is.

Eleanor Durgen said they are on both sides--they are the town and they are in a position where they have to fight themselves, together trying to come to a conclusion. Mr. Gessert asked what is reasonable here because if he asked ten different people in the room, he would probably get eight different answers--reasonable in one person's opinion may be totally irrational in someone else's opinion and outrageous in the third person's opinion so it's a question of definition.

Mr. Doherty urged the Council tonight to give the authority to the Mayor as he has requested, as the PUC has voted, and the Rights-In-Deeds residents must determine what they will do with their two numbers and then sit down and hold some sort of negotiations. There has only been one negotiation with their attorney and the PUC this whole time.

Mr. Paul Gough was at the entire PUC meeting and the indication of the appraisal which it has been called all along, he thinks is on the wrong track when you put property value and the length of time people will remain in their home and things like that

rather than the fact that this is an agreement that goes with land for 66 more years and that it's related to an operating cost, a sewer use fee, that according to the PUC's figures, are for this year \$122 for the average user and will go up to \$243 in 1988 so he knows their figure is extremely low for the anticipated expense that the people would be paying so the Council might want to review their appraisal as well. 591

Sharon Daly, 38 Cooper Avenue is on the Rights-In-Deed Committee and she would be very willing to sit down with the Mayor but in view of the problem of information dissemination between the bodies in town, she would also suggest that one or two Council Members sit in on negotiations so there aren't the kind of problems that have been run into. Mrs. Papale just made that suggestion to Mr. Gouveia and she feels that this suggestion makes a lot of sense.

Mr. Braithwaite wanted to state that Mr. Church has recommended this appraisal and since there has been a problem with Mr. Church's findings up to now--anybody can figure out what, based on the current rates, will be charged for the next three years, what will be spent for some period of time which gives you some indication of the worth of the contract.

Mr. Gouveia's major concern is the procedure followed is highly questionable and Mr. Gessert said that the bottom line is if you want to empower somebody to negotiate to try to put an end to this thing--or do you want to go back and say the PUC should have. . . done this. . .this can be debated from now until the contract expires but it will not solve the question for another 66 years.

Mr. Gouveia wanted to assume negotiations will be entered into and an agreement is not reached and you go to court, into litigation for three years and find out that because the right procedure was not followed, you must go back to ground zero. Mr. Gouveia's intent is twofold--he wants to ask Adam of the ramifications of his intentions.

Mr. Gouveia first intended to make a motion nullifying the PUC's authority or decision to null and void the deeds and his second motion would be to hire an outside attorney to give this Town Council a legal opinion. Mr. Gouveia asked what kind of ramifications this would create, such as retroactive billing and things of that sort? Attorney Mantzaris said there is a fifteen day period under the Charter, so how can you take an action on what the PUC did? The time has gone by to oversee this by the Charter. As Attorney Mantzaris understands this problem, the bottom, bottom line is that there must be uniform charges throughout the town. Two appraisals have been done and in order to attempt to negotiate a settlement, if possible; if it's not possible, you need to go to court and anything that might have to be done to be sure you don't have a problem in three years with the judge saying this is wrong--this will be taken care of before any law suits are brought. Attorney Mantzaris mentioned that the law suits that he has looked at will not satisfy the town's perspective if we don't settle and he believes we must do something on our own since their law suits will not take care of the town's problem of uniform charges to maintain the \$15,000,000 grant from the federal and state government. If we settle, we can take the vehicle necessary to effectuate it; if we don't settle, we will go through this and it will be thoroughly investigated before the town commences a law suit.

Mr. Adams moved to authorize the Mayor to commence negotiations, along with two Town Council Members, with the Rights-In-Deeds residents, seconded by Mr. Holmes.

Mr. Gessert asked for volunteers from the Council and Mr. Polanski and Mr. Gouveia agreed to serve from the Council.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gouveia pointed out that nothing will be settled before it comes to the Council and Mr. Gessert said any agreement to spend 25¢ or more must come to this Council.

Mr. Reginald Knight hoped when these people sit down that they

bear in mind that if the overage difference between \$15 and what is going to be ahead for the bills, say even \$100 a year, at 66 years, it's not \$700. Mr. Knight could tear that argument to shreds and she's not a good student.

592

Mr. Gough hoped that after discussion, something reasonably in the middle would be reached. . .but \$700 for 66 years. . .

Mr. Braithwaite mentioned that it was said that the issue of procedure should not be brought up and he thinks the issue of procedure is very important and the Council should investigate that to prevent things like this from happening again in the future. Mr. Gessert suggested not negotiating dollars until everyone is in agreement on the future procedures, past procedures, past mistakes, who dropped the football in 1968, who stuck it under the rug for 6 years in 1977, why Brian Farrell didn't act on Mascia's letter, why Rocco Vumbaco kicked it under his desk for 6 years and let it lay there, and once we get the answers as to why Matt Galligan didn't act in 1968, what John P. Gallagher did in 1969, why they didn't act on McKenna's recommendation, why they didn't act on Mascia's and bring Farrell in to testify, bring Rocco in to testify and resurrect Bill Bertini to get his opinion. . .once we get all those things ironed out, all of us will probably be on Social Security and then we can start talking about the dollars in the case. We can beat the semantics of the issue to death and it will not solve the problem, continued Mr. Gessert.

Mr. Braithwaite said this is not a peripheral issue--we have a Charter and that clearly violates the Charter and he thinks Mr. Gessert knows that in his heart and he thinks everyone in this room knows that and should be doing something about that--they did not have the right to do it. Mr. Gessert asked what should be done and Mr. Braithwaite would like him to reinstate my agreement because they do not have the right to void it. Mr. Gessert suggested obtaining an interpretation from the Town Attorney on the Town Charter and then go to the Board of Ethics for an interpretation of the Town Charter. Mr. Braithwaite took this to the Board of Ethics and they would not act on it and now it is brought to the Council and they are not going to act on it. Mr. Braithwaite personally does not care about the money but he cares about a town that steps on his rights and takes something away that they have no legal right to do, even under their own authority and he would vote to take it to court but he is only one vote. Mr. Braithwaite honestly thought that the Council would stand up for what is right and make those people follow the laws of this town that the Council swears by oath to uphold. "Make them do," what would you like us to do, asked Mr. Gessert? Mr. Braithwaite did not know. . . go back to the Ethics Board and tell them to hear the case. Mr. Gessert said it was not overridden in 15 days and the chance to correct them was blown.

Mr. Gough said they will find out what went wrong so it will not occur again. Mr. Braithwaite asked if the Council is telling them that the only way it can be taken care of is not through any branch of this government but through a judge. . . Attorney Mantzaris felt that the vote was to negotiate and Mr. Gessert said the vote was to negotiate.

Mr. Reginald Knight wants the fact admitted that they did not have the right to void those contracts under the charter. Mr. Renfrew felt that the point is a body other than the Council took an action on an agreement that was written prior to the effective date of the Charter and you cannot allow that to happen if it's a violation and you have to take a stand for all the other governmental bodies that surround you and you will be telling them that any other agreements must be brought to the attention of this Council immediately, an extremely important position for the Council--that is the issue--not that the PUC did it but Planning and Zoning Regulations and that's where we are coming from.

Jon Gilchrist, 682 North Elm Street, is not associated with these people and he has done the math a little differently than them and if we ignore the fact that he is currently paying their sewer bills, the \$15,000,000 that the town loses if we don't have equitable payment will cost him personally and all

the other 9,000 sewer customers in town \$1,500 and he wants to know who will negotiate for him and the rest of the 9,000? His concern is that we are being overwhelmed by a monetarily driven (word inaudible) and that, to him, is not the way this country works.

593

Mr. Gessert said the Mayor's Office, Town Council, Town Attorney's Office must represent everybody in town, east side, west side, people with wells, people with sewers, people with neither and hopefully, everyone's rights will be represented at the meeting and kept in mind.

ITEM 34. Mr. Adams moved to note for the record the financial statements of the Town of Wallingford for the month ended June 30, 1987, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

ITEM 35. Mrs. Papale moved the acceptance of the Town Council Meeting Minutes of June 16, 1987, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 36. Mrs. Papale moved acceptance of the Town Council Meeting Minutes of June 23, 1987, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

A motion to table acceptance of the Town Council Meeting Minutes of July 2, 1987 was made seconded and carried. (Mr. Gessert and Mr. Gouveia did not attend the July 2, 1987 meeting and there are too few Council Members present for a majority vote.)

ITEM 38. Mrs. Papale moved acceptance of the Town Council Meeting Minutes of July 9, 1987, seconded by Mr. Holmes.

VOTE: Mr. Polanski passed; all other Council Members voted aye; motion duly carried.

ITEM 39. Mrs. Papale moved that the meeting go into Executive Session for the purpose of proposing an increase in pension for certain retirees, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried and the meeting moved into Executive Session at 12:18 a.m.

A motion was duly made, seconded and carried and the meeting moved out of Executive Session at 12:26 p.m.

Mr. Polanski moved that employees who retired as of 10/1/83 be given a 3% retroactive increase in pension, effective 10/1/84, total cost out of the pension fund about \$45,000, seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 12:28 a.m.

Meeting recorded by:
Susan M. Baron, Council Secretary

Meeting transcribed by:
Susan M. Baron and Delores B. Fetta

Approved David A. Gessert
David A. Gessert, Chairman

8-11-87
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

8-11-87
Date