

TOWN COUNCIL MEETING

OCTOBER 13, 1998

6:30 P.M.

AGENDA

Blessing - Leonard Williams, Chaplain, Gaylord Hospital

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#165-228) Totaling \$5,874.22 - Tax Collector
 - b. Approve and Accept the Minutes of the September 8, 1998 Town Council Meeting
 - c. Approve and Accept the Minutes of the September 22, 1998 Town Council Meeting
 - d. Note for the Record Mayoral Transfers Approved to Date
 - e. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - f. Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Contingency Acct. #8050-800-3190 to Secretarial Services Acct. #001-7010-901-9000 - Town Planner
 - g. Consider and Approve a Transfer of Funds in the Amount of \$22,500 from Revaluation Acct. #001-1401-999-9909 to Purchased Services - Property Appraisals Acct. #001-1401-901-9010 - Comptroller
 - h. Consider and Approve a Re-Appropriation of Funds in the Amount of \$1,919.80 to Project Graduation - Contributions Acct. #066-9001-900-9061 and to Project Graduation Appropriation from 1997/98 Fund Balance Acct. #066-1041-900-1001 - Youth & Social Services Dept.

Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD

6. Consider and Approve the Acceptance of Five (5) Deeds and Easements as Required by the Planning & Zoning Commission

A. Easement for snow storage on Lot #10 a.k.a. 16 Roxbury Lane from Sunwood Develop.

B. Deed for additional Right-of-Way along Williams Road and a drainage easement from Oscar Williams, Jr.

C. Internal Driveway Connection access Easement from McNamara at 670-707 North Colony Road

D. Approx. 2,500 sq. ft. of land along N. Elm Street from Pimentel per Mr. Pimentel's Subdivision Approval

E. Approx. 3,000 sq. ft. of land from West Farms Realty at the end of Harnish Lane for Possible Road Extension

7. Consider and Approve a Transfer Totaling \$10,968 to Midsize Plow Trucks Acct. #001-5015-999-9123 of which \$9,630 is Transferred from Snow Plow Truck w/Equip. Acct. #001-5015-999-9901 and \$1,338 is Transferred from Overhead Doors - Central Garage Acct. #001-5015-999-9951 - Public Works

8. Consider and Approve a Transfer of Funds in the Amount of \$4,195 from Federal Highway Safety Acct. #001-1050-050-5883 to In-Car Video Equip. Acct. #001-2005-999-9912 - Dept. Of Police Services

9. Report Out by the Town Engineer on the Status of the Quinnipiac River Linear Trail Project - Town Engineer

10. Consider and Approve a Resolution Authorizing the Mayor to Make Application to the CT. D.O.T. through South Central Regional Council of Governments for TEA21 Enhancement Funds - Engineering

1. Report Out on the Status of the Community Pool Renovation Project as Requested by Councilor Gerald E. Farrell, Jr.
12. Consider and Approve a Request for Proposals for the Use of the American Legion Building for Professional Office Space - Mayor's Office
13. Consider and Approve Authorizing the Mayor to Enter Into a Contract to Purchase Property on East Center Street owned by Petrossi, Stone and Satori - Town Attorney
14. Discussion and Possible Action on Hiring an Outside Professional Appraiser to Evaluate the Potential Tax Revenue to the Town Should the Proposed Power Plant be Constructed on the Pierce Generating Site as Requested by Councilor Tom Zappala.
15. Remove from the Table to Consider and Approve Amending Section I, B. Of the Town Council Meeting Procedures as Requested by Chairman Robert F. Parisi
16. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving Dellavecchia v. Factory Built Homes and the Town of Wallingford - Town Attorney
17. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes With Respect to the Purchase, Sale and/or Lease of Real Property
18. Discussion and Possible Action Regarding Matters Discussed in Executive Session Pertaining to the Purchase, Sale and/or Lease of Real Property - Mayor's Office

TOWN COUNCIL MEETING

OCTOBER 13, 1998

6:30 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
2. Correspondence - No items presented	
3. Consent Agenda - Items #3a-h	1-2
4. Withdrawn	
5. PUBLIC QUESTION AND ANSWER PERIOD - Commend Wm. Cominos for listening to and taking action on a cracked utility pole complaint; Comments re: utility literature on light pollution; skateboarders and in-line skaters at Celebrate Wallingford Festivities; Questions Re: Starting date for contractor on Seiter Hill Project; Seiter Hill Road Resident Comments; Town of Wlfd. Rules/Regs. Regarding Timecards; Frequency of Revisions to Rules/Regs.; Status of Eminent Domain Issue Pertaining to #23 & 25 Silk Street; Request for Council to Look into East Street Substation Repairs; Seiter Hill Road Project Comments	2-10
6. Approve Approx. 3,000 square feet of land from West Farms Realty at the end of Harnish Lane for Possible Road Extension and Table Items #6a-d	11-13
7. Approve a Transfer Totaling \$10,968 to Midsize Plow Trucks Acct. - Public Works	13-14
8. Approve an Appropriation of Funds in the Amount of \$4,195 to In-Car Video Equipment - Dept. of Police Services	14-16
9. Report Out by the Town Engineer on the Status of the Quinnipiac River Linear Trail Project	16-26

<u>Agenda Item</u>	<u>Page No.</u>
10. Approve a Resolution Authorizing the Mayor to Make Application to the State of CT. Dept. Of Transportation Through the South Central Regional Council of Governments for TEA21 Enhancement Funds - Engineering	26
11. Withdrawn	
12. Approve a Request for Proposal (R.F.P.) for the Use of the American Legion Building for Professional Office Space - Mayor	26-33
13. Withdrawn	
14. Withdrawn	
15. Approve Removing from the Table and Approve Amending Section 1.,B. of the Town Council Meeting Procedures Pertaining to the Deadline for Signing up to Speak at the Third Meeting of the Month	33-36
16. Executive Session - 1-18a(e)(2) - Dellavecchia v. Factory Built Homes & Town of Wlfd.	35-36
17. Executive Session - 1-18a(e)(4) - Purchase, Sale, and/or Lease of Property	35-36

TOWN COUNCIL MEETING

OCTOBER 13, 1998

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, October 13, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr. at 6:32 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Chairman Parisi who was home ill and Councilor Zappala who was absent due to a family medical emergency. Mayor William W. Dickinson, Jr. Arrived at 6:40 P.M.; Town Attorney Janis M. Small arrived at 6:44 P.M., and Comptroller Thomas A. Myers were also in attendance.

A blessing was bestowed upon the Council by Chaplain Leonard Williams of Gaylord Hospital.

Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

No items of correspondence were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#165-228) Totaling \$5,874.22 - Tax Collector

ITEM #3b Approve and Accept the Minutes of the September 8, 1998 Town Council Meeting

ITEM #3c Approve and Accept the Minutes of the September 22, 1998 Town Council Meeting

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

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

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Contingency Acct. #8050-800-3190 to Secretarial Services Acct. #001-7010-901-9000 - Town Planner

M #3g Consider and Approve a Transfer of Funds in the Amount of \$22,500 from Revaluation Acct. #001-1401-999-9909 to Purchased Services - Property Appraisals Acct. #001-1401-901-9010 - Comptroller

ITEM #3h Consider and Approve a Re-Appropriation of Funds in the Amount of \$1,919.80 to Project Graduation - Contributions Acct. #066-9001-900-9061 and to Project Graduation Appropriation from 1997/98 Fund Balance Acct. #066-1041-900-1001 - Youth & Social Services Dept.

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, Items #3a-h, seconded by Mr. Farrell.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #4 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive commended William Cominos, General Manager of the Electric Division and his secretary for listening to his concerns regarding a cracked utility pole. The day after making a call to Mr. Cominos' office a letter came from him informing Mr. Knight that the lamppost would be fixed shortly.

With regards to Reginald Knight's request to hold additional Board of Tax Review sessions, he stated that he had received a letter from the Mayor which did not offer him any new information. Included with the letter is a piece of paper which states that the Board of Assessment Appeals must hold a hearing in September which is mandated by the State. Nowhere does it say or preclude meetings that could be held earlier. He asked Mr. Rys to look into the issue of possibly holding additional hearings before the last day of tax assessment.

Reginald Knight next commented on literature received from the Electric Division regarding light pollution. He stated that it seem ludicrous that one cannot have a light that shines a little bit into the night sky.

Lastly, Reginald Knight stated, much time was taken debating the skateboard issue in the past. During the Celebrate Wallingford festivities however, there were fifteen to twenty children on skateboards in full view of Councilors who were in attendance at the fair. The skateboarders were

weaving in and out of the crowd which was much thicker than what would normally be on any Wallingford sidewalk at any other time of the year. No one said anything; no one cared. Enacting the skateboard ordinance was nothing but an exercise in futility. Police officers were standing there talking to children wearing in-line skates; they don't want to arrest them; there is no need to. It was a waste of time, the original debate on the issue.

Mr. Renda stated, with regards to the light pollution; you can have a neighbor living close by whose outdoor light fixture is adjusted in such a manner that it shines on your house, it is a distraction. That is what they mean by light pollution. If the light is set in such a manner that the traffic is blinded by it as it travels by, there are all types of light pollution.

Mr. Farrell stated, I know that the Planning & Zoning Commission has been trying to deal with that issue. I am not sure if the Electric Division mailing that you are referring to is on target with that, but that is something that they have been trying to deal with for the same reasons that Mr. Renda enunciated; there is a lot of light that is not necessarily shining on that particular property but is going everywhere. I think they are trying to adopt some regulations that makes the light contained to that property both from a quality of life standpoint and also from a conservation standpoint. I like to look at the stars at night and when there is a lot of light coming from some of the commercial lighting, I feel that takes away from my environment. I do like looking at the stars; I think it adds something to the quality of life and I think that is one of the things that we want to try to attain with Wallingford.

Reginald Knight stated, for stargazers, I can understand it but having floor over New Jersey and New York at night and seeing the lights down below, they are beautiful, too.

Robert Sheehan, 11 Cooper Avenue stated, at the last meeting of the Council a recommendation was made to the Mayor to get the paperwork in progress so that the work on Seiter Hill could start. I don't see the item on the agenda, why?

Mayor Dickinson responded, the utility office checked with the contractor. The contractor is unable due to other work commitments to start before November. Given that timetable, he will do some curb cuts and preparatory-type things but he will not be in a position to be able to do any work before approximately the middle of November. There would be no advantage to us trying to move anything forward.

Sheehan stated, I remember in June of 1997 you, Mayor, coming before the Council requesting \$400,000 so work could start on Highland Avenue before the ordinance was passed and took effect.

For work not to start until the middle of November and these people not have water for close to one year is.....I cannot see that hardship being put on anyone.

Dick Barbieri, 6 Seiter Hill Road asked each Councilor individually if they could hear him? Mr. Centner? Mr. Farrell? Mr. Knight? Mr. Rys? Mr. Renda? Ms. Papale? Mr. Zandri? Mr. Mayor?

All Councilors and the Mayor responded, "yes" to Mr. Barbieri's question.

Mr. Barbieri stated, the reason I ask if everyone can hear me is because I want to know if you people are hearing what the people of the Town of Wallingford have to say. I was here last week for the meeting discussing the appropriation of funds for our water project. A number of people spoke and I did not hear one person object to the Town helping the Seiter Hill Road residents with this project. Many people spoke in favor of it. Everyone I have spoken to in Town and everyone of my friends who have spoken to people in Town have agreed that the Town should help us with this project. Every editorial I have read, every letter to the editor I have read; yet, for some reason either you people are not hearing what the Town residents have to say or you don't care what the residents have to say. If that is the case, you don't care what the residents have to say, I don't think you people should be sitting up there in those chairs. Mr. Knight, isn't it a little bit of a stretch that you are comparing the trillion dollar federal deficit to the Town of Wallingford's surplus? You talk about the issue of property values; it definitely is an issue of property values. Isn't it the responsibility of everyone sitting up there to make sure the property values of the citizens of this town are upheld? That is what our tax base is based on; property values within the Town of Wallingford. I guess you only do it when it is politically correct for instance, the Quinnipiac Street project where every resident on that street, you approved the funding for that and every resident on that street had their property value increase without costing them one cent. I don't know if all of you read Ted Moynihan's Townline article in the paper over the weekend, if not, I have copies for all of you. He mentions that he was on a trip to Massachusetts and every time he mentioned that he was from the Town of Wallingford, CT., he got a negative reaction. I, myself, travel throughout the State on business, in fact I travel through many states and every time I mention the Town of Wallingford, CT. I get a negative reaction, "Oh you guys got a lot of problems down there; you have this problem or you have that problem". I don't know if that is the legacy you (Councilors) want to have for your terms here on the Town Council. I don't know if you are proud of what you are doing because if you are, then you definitely should not be sitting in those seats.

Philip Wright, 160 Cedar Street stated, at the last meeting Mr. Rys, I made some comments about timecard punching and the like and you told me you were going to look into that for me and get me some information. I called your house and I guess you have been away. I would give you a reprieve

that. Is there anyone however, who could add anything to that question of timecard punching and whether or not it is against the regulations of the Town?

Mayor Dickinson stated, I believe I indicated to Mr. Rys that I thought a letter was being prepared for one of the Councilors, Geno, and I think we could provide you with a copy of that letter indicated what the Personnel Rules say and how that dictates behavior regarding timecards. I believe that letter should answer most of your questions.

Mr. Zandri offered to get a copy to Mr. Wright.

Mayor Dickinson stated, in general, the Personnel Rules state that an employee can be terminated or disciplined for a number of activities including breaking any rules, misuse of monies, conviction of a crime, those types of things. Timecard abuse would fall within any one of those or all of them.

Mr. Rys asked, would you like me to have Mr. Knight read the letter?

Mr. Wright answered, maybe not. If I get a copy of it.....does that answer how often these Personnel Rules are updated and that sort of thing?

Mayor Dickinson answered, I believe so. It indicates how frequently they are reviewed. Without being reviewed they stand on their own. In addition, there was a memo put out in 1977 regarding timecards by Mr. Seadale then Personnel Director. The State law indicates that the employer is obligated to maintain accurate records regarding employee time for work and clearly if someone is falsifying those records, making it impossible for the Town to maintain accurate records, that would be a violation.

Mr. Wright asked, were you satisfied, Mayor, with the information that was provided in the letter?

Mayor Dickinson replied, generally, it outlines what the situation is.

Mr. Wright stated, my second-oldest grandson who was lucky enough to get into Choate and he is currently over at Cranley School spending a semester over there in Surrey, England. He told me recently he had a dream. He dreamed that I was elected Chairman of the Town Council and that I had started impeachment proceedings against Mayor Dickinson.

es Lube, 15 Montowese Trail stated, a few weeks ago I had asked a question during the Public Question and Answer Period and in my elderly memory I had misconstrued something that had happened months ago. In the minutes Mayor Dickinson, for that September 8th meeting, said that the

Town had proceeded with eminent domain and “..The last that I had heard from the Town Attorney’s Office we are the owners of the two properties but there is a third property.” I have since learned the details surrounding that third property and the reason why the previously thought agreement did not come to pass. The reason I am bringing it up again is because in the Expansion Advisory Study Committee’s report to the Council back in 1996 it was reiterated in several areas that the expansion or replacement of the Senior Center at its present site would be contingent on the acquisition of additional property. The whole thing hinged on that acquisition in that report. Then on September 9, 1997, the following year, Dianne Saunders, Advisory Committee Chairperson was quoted in the minutes as saying, “This feasibility study takes into consideration the availability of more land. If the land were not available we would not be here right now.” In mid-winter when this was discussed the Council was given the assurance that the report comparing the feasibility of expansion versus replacement by the architect would be ready for presentation at your last meeting in June. That did not come to pass because of the difficulties surrounding the acquisition of this one other property on Silk Street. But in view of the fact that we are talking about a \$4 million potential project, I think it does behoove the committee to give the Council and the public an update on how they intend to resolve what they said was a mandatory acquisition. I also wanted to ask the Council if they would please ask the Chairperson to appear on one of your near future agendas for that purpose. I also wanted to ask, in view of the fact that it is now a public record, what was the figure....we had appropriated \$190,000 for the acquisition of those two properties on Silk Street which we have now taken by eminent domain, that \$190,000 included a lot of things including relocating the present tenants and I don’t believe that has been done yet but, how much of that \$190,000 has been spent thus far having taken title to those two properties?

Mayor Dickinson replied, the last information I have from the Town Attorney’s Office is that we do have title to the two properties. I don’t know if all aspects of that transaction has been completed but we have taken title.

Mr. Lube asked, how much of the \$190,000 appropriation has been expended?

Mayor Dickinson replied, I would have to speak with the Town Attorney. That is the type of thing that if we know the question a little in advance, we can look it up but I can’t pull that off the top of my head.

Mr. Lube stated, there was a figure of \$270,000 in the committee’s 1996 estimate of the cost of acquiring these three properties on Silk Street so I am trying to keep track of how much of their estimate has been committed. Who should I call to get that figure?

Mayor Dickinson responded, the Town Attorney would be aware of what has been expended thus far.

Mr. Lube asked Mayor Dickinson to inform the Town Attorney's Office of his request and that he will be calling for a response.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he would like the Council to look into the substation repair that could cost the Town \$100,000. It is relative to the equipment malfunction which occurred at the Electric Division East Street Substation. The problem originated in Woodbridge when a Northeast Utilities cross arm, a piece of equipment that holds transmission lines, broke and caused a short circuit. The substation's relay breaker system did not work properly and as a result we were still feeding this short circuit for a couple of minutes. The substation converts high voltage lines from Northeast Utilities to low voltage as part of the Town's electrical distribution system. Electric Division employees are examining the damage and will come up with an estimate. If it does end up costing \$100,000 how does Northeast Utilities figure into this? It seems as though NU is involved in the situation also. Can anyone explain what NU's involvement will be and the possibility of their paying either the \$100,000 or some figure in that ball park? What is the Town's responsibility in this matter?

Mr. Rys stated, no one is here from the Public Utilities Commission to answer that question. They do hold meetings at the Public Utilities Offices at which they probably will be discussing the matter.

Mr. Melillo would like the Town Council, Mayor and Town Attorney to look into the matter.

With regards to the Seiter Hill Road well problem, Mr. Melillo stated that the Water Division has approximately \$20 million in excess funds and should help the residents out. Why should we go out to bond? It will only cost us more. Pay for the project out of the Water Division reserve account.

Mayor Dickinson explained that the Water Division has \$20 million in fixed assets as well as cash. Available cash within the division is a lot less than that. The P.U.C. has voted because of the needs they have for the reserves they have for other projects, the voted in 1997 to recommend that all projects regarding the extension of water mains because of the failure of private wells, all projects be addressed for financing in terms of the ordinance assessment approach. Using that approach, under State law, in order to assess the properties, 100% of the cost must be borne by the property owners. There are other ways of financing but at the point that we use the ordinance assessment approach, we not have the latitude of advancing town funds. If we don't use the ordinance approach, then you cannot assess the properties. There is nothing in the water rate that provides funds for a project like this.

Albert Killen, 150 Cedar Street asked, did I hear correctly that the man who was going to be doing the water main project was not prepared to go forward until some time next year?

Mayor Dickinson stated, he expected, due to the lateness of the season, that the work would not begin until spring.

Mr. Killen asked, isn't there a beginning date put into the contract? Especially with the surroundings of that particular issue?

Mayor Dickinson answered, the pronouncements from the utility were that if at the point we were delaying the project due to the legitimate need to know what the bid dollars were, you run into some real concerns regarding weather. If we get early snow and problems of that kind with weather, there will not be much of a construction season.

Mr. Killen responded, there will be no construction season if he has no means to go forward or does not choose to go forward and there is nothing in writing that says he has to go forward.

Mayor Dickinson stated, he is able to go forward due to, and this may be one of the reasons his bids are very low; he is able to go forward but he can't go forward immediately. It will be in November when he can start, it was clearly understood by everyone that if we delayed the project we have a thirty day waiting period; it was a legitimate need to delay it but there is nothing new in the equation and we all knew that we would be starting work very late in the season and it is all dependent upon weather.

Mr. Killen asked, how do you hold a man even if he decides when the weather gets better that he has another project and it is going to pay him a lot more money, what is preventing him from doing so? There is no contract specifying when the job must be started or finished by.

Mayor Dickinson repeated, it is all weather dependent. He is ready to start in November but how far he will get is anyone's guess.

Mr. Killen stated, you are missing my point. He may be ready to start then but that is not saying that he will start then. If he decides to go elsewhere, how do you force his hand?

Mayor Dickinson replied, he said that he is going to start in November.

Mr. Killen stated, how many contracts do we enter into based on the man saying, "I will" or "I have \$100,000 in my account" or "I won't", etc., etc. I thought everything was reduced to writing. I am only a simple layman with every day expenses and I wouldn't enter into anything along that line.

Mayor Dickinson replied, I am sure it is; I am sure it is but we have not signed any contract with him yet until there is money there is no ability to sign a contract. At the point there is money we can sign a contract. He is saying he could not start earlier.

Mr. Killen asked, then you have not awarded to him specifically?

Mayor Dickinson replied, we have indicated to him that it has been awarded to him but we cannot sign a contract with him until we have the money.

Mr. Killen stated, when you do get the money, he can still say, "I am not going forward now".

Mayor Dickinson answered, the contract will dictate the expected schedule is.

∴ Killen stated, we keep talking about "a contract", which contract? Everyone is under the impression, at least I have been under the impression reading the paper that a contract has been awarded and the price has been in the paper.....are they giving us a snow job here?

Mayor Dickinson answered, no, it would be contingent upon there not being an appeal to the ordinance and the ordinance becoming effective. At the point the ordinance is effective, then there is an ability to sign a contract. It has been awarded to him but it is contingent upon the effective date of the ordinance.

Mr. Killen reiterated, it may be contingent upon that but again, that will not force him to start at any particular time. If you have already awarded him a contract it is going to cost you money if you try to get out of that regardless of how you just spread the word that this has to go first or that has to go first; he's got himself a contract, he is going to push for that contract and there is nothing you can do about it except fight him in court.

Mayor Dickinson replied, he doesn't have a contract at this time. We cannot sign a contract with him until we have the consideration, we have the money.

∴ Killen stated, I am not going to be the only one; I am sure that if this gets stated in the paper a lot of people are going to be very much surprised because it was very definite that the contract had been awarded, how many dollars were going to be spent and when it might go forward.

Mayor Dickinson responded, that is correct; it has been awarded but it is contingent upon the money being available to sign the contract.

Mr. Killen stated, when you win awards you win awards. When they are presented to you, you have been awarded that. I have never heard of such a thing. Has anyone on the Council been aware that this is the way it is being done?

Mayor Dickinson stated, I will give you an example; we just had an ordinance regarding a piece of property that became the subject of a lot of discussion and debate. We were able to move ahead on it because there was an appeal so we didn't move ahead regarding the project because of that appeal; the ordinance never became effective. Every ordinance is the same story; until the effective date of the ordinance is reached, there is not the ability to move ahead legally with the funds that are appropriated in that ordinance. There is a thirty day waiting period.

Mr. Killen asked, in the spelling out of the awarding of the contract is it spelled out that this is not the actual award and that it will take place after the dollars are in effect?

Mayor Dickinson replied, we always have a contingency on our public bids. They are contingent on the appropriation of funds.

Mr. Killen asked, that is contingent, now we have the funds and we are going to award them, but now, how do you set the date on when it will be completed?

Mayor Dickinson answered, the contract, itself, sets that date.

Mr. Killen pointed out that everyone is working under the assumption that it is going to cost \$400,000+ when that, in effect, is not true. Even when the dollars come forward the man at that time could decide that he is going to drop the project by the wayside.

Mayor Dickinson stated, he is bound by his bid.

Mr. Killen asked, how can he be bound by his bid when the bid is not in effect right now because the monies are not available?

Mayor Dickinson stated, the bid is in effect; our awarding of a contract is contingent upon appropriation of funds.

ITEM #6 Consider and Approve the Acceptance of Five (5) Deeds and Easements as Required by the Planning & Zoning Commission

- A. Easement for snow storage on Lot #10 a.k.a. 16 Roxbury Lane from Sunwood Development
- B. Deed for additional Right-of-Way along Williams Road and a drainage easement from Oscar Williams, Jr.
- C. Internal Driveway Connection access Easement from McNamara at 670-707 North Colony Rd.
- D. Approx. 2,500 sq. ft. of land along N. Elm Street from Pimentel per Mr. Pimentel's Subdivision Approval
- E. Approx. 3,000 sq. ft. of land from West Farms Realty at the end of Harnish Lane for Possible Road Extension

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

Mr. Farrell stated, I don't know how the Council can go forward tonight on this matter when the Council has only received a cover letter. We don't have any of the actual....

Ms. Bush interrupted Mr. Farrell to say, you (Council) have never asked for maps in the past. I do have maps here if you would like to look at them. You have never asked for deeds in the past either. If you would like deeds in the future I would be happy to give you copies of them.

Mr. Farrell stated, all of the similar items that the Town Attorney's Office has brought up to the Council along the same lines, we have always had deeds and maps.

Ms. Bush responded, I would be happy to but for fourteen years I have not given you (Council) those. If you would like that in the future I would be more than happy to, Mr. Farrell. The only one I would really like accepted tonight and I have a map and a deed and the deed description has been approved by the Engineering Department, is Harnish Lane. The others are on the agenda because I had to come with Harnish Lane. The sewer main for the new assisted living center has to go through this. I have had this in my file for six months and forgot to bring it before the Council but I have a map of Harnish Lane.

Mr. Farrell stated, I just don't see how we proceed tonight. If I haven't read the material then I don't feel that I have done my due diligence.

Ms. Bush asked, what material would you like to read, Mr. Farrell, so that in the future I can get it for you?

Mr. Farrell responded, we have always gotten, to my knowledge; I have only served here a couple of years; to my knowledge when these things have come before us....for instance we did something not too long ago concerning the Pilgrim's Harbor Golf Course. We had the deed and we had maps. It gave us an idea of what we were voting for the Town to accept. Some of these things become the Town's liability once they are accepted and I am not doing it sight unseen.

Ms. Bush stated that she would be happy to provide what ever information Mr. Farrell would like in the future. She had a map of Harnish Lane in her possession along with a deed. The legal description has been approved by the Engineering Department and has been approved as to form by the Town Attorney's Office. She offered the documentation to Mr. Farrell and asked that the Council accept the Harnish Lane deed this evening because the property is transferring from Gaylord Hospital to Marriott Association (Marriott Senior Living Services, Inc.) and they need this right-of-way for the sewer so that the assisted living could connect to the Town's sewer in Harnish Lane.

Mr. Farrell asked, do they need this before the Council's next meeting at the end of October?

Ms. Bush suspected that the closing is next week.

Ms. Papale felt that Council could make an exception and approve Item #6E and table the remaining easements until the requested paperwork is before the Council.

Mayor Dickinson asked Ms. Bush, why does the property have to be transferred to the Town before they are able to put in the sewer line?

Ms. Bush responded, because it is private property and it is going to be a municipal sewer to the end of this right-of-way. The Sewer Division wants the capabilities of municipal sewer connection to the remaining property.

Mayor Dickinson stated, it is not clear to me why they could not put in that line currently if it is now owned by West Farms Realty.....

Ms. Bush stated, because the intent was that it would be owned by the Town and now they will have to go back and get easements from West Farms Realty. It is supposed to be a Town right-of-way for road connections, utilities, etc. That was how it was approved.

Ms. Papale recommended that whenever more than one easement appears on an future Town Council Agenda that they be listed as separate items in the event that a Councilor does not want to approve one of them.

Motion was made by Mr. Farrell to Table Item #6 in its entirety. There was no second to the motion therefore the motion fell to the floor.

Mr. Rys asked the Town Council Secretary to read the motion currently before the Council.

The original motion to Approve Items #6A-E was before the Council at this time. Ms. Zandri pointed out that she listed the easements individually on the agenda to give the Council the option of voting on each easement separately if it so chooses.

The original motion and second were withdrawn.

Motion was made by Mr. Knight to Consider and Approve the Acceptance of Approximately 3,000 square feet of Land from West Farms Realty at the End of Harnish Land for Possible Road Extension, seconded by Ms. Papale.

VOTE: Parisi and Zappala were absent; Farrell, no; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Table Items #6A-D, seconded by Mr. Farrell.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #7 Consider and Approve a Transfer Totaling \$10,968 to Midsize Plow Trucks Acct. #001-5015-999-9123 of Which \$9,630 is Transferred from Snow Plow Truck w/Equip. Acct. #001-5015-999-9901 and \$1,338 is Transferred from Overhead Doors - Central Garage Acct. #001-5015-999-9951 - Public Works

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

Mr. McCully, Director of Public Works explained, the equipment was bid twice due to the fact that there was an unhealthy response from truck dealers on the first bid. The second time around, with the removal of some of the options on the trucks, resulted in a larger volume of responses to the bid.

Philip Wright, Sr., 160 Cedar Street asked if the Public Works Department was moving towards purchasing smaller-sized snow plow trucks?

Mr. McCully replied, this is the first time this type of truck was bid. We have gone to...it is a freightliner truck that has a short nose in the front and will be much more driver-friendly because it will be a lot more maneuverable and much faster than the current trucks we use. We do have 3-5 ton trucks that we use for parking lots in town and cul-de-sacs to help us out but they are not designed to plow roads, to take that constant heavy pushing of snow. They would not hold up if we were to use them on a full time basis to clear roads.

VOTE: Parisi and Zappala were absent; all ayes; motion duly carried.

ITEM #8 Consider and Approve an Appropriation of Funds In the Amount of \$4,195 from Federal Highway Safety Acct. #001-1050-050-5883 to In-Car Video Equipment Acct. #001-2005-999-9912 - Dept. Of Police Services

A great deal of back-up information supporting this request had been forwarded to the Council. In primary, the Statement of Problem and Background Information report states, "The documentation of probable cause of DUI (Driving Under the Influence) is of paramount importance. The ability for a prosecutor to observe exactly what the arresting officer used for probable cause when making the stop can justify the arrest being made. Justifiable cause for the stop and the DUI arrest are invariably areas that the defense attorneys attack. With a video camera being utilized, there can be no question as to the events that led up to the stop being made, or the correctness of standard field sobriety tests which were administered. Video cameras are also useful as a training aid. Interactions with the public can be monitored and methods of field sobriety testing can be reviewed. This camera system is being purchased for the Wallingford Police Department as a merit incentive for the outstanding performance of that department in the State of Connecticut's Seat Belt/Child Seat High Visibility Enforcement Campaign. The Wallingford P.D. was first in overall participation."

A list of objectives reads as follows:

- To provide one hundred percent (100%) funding to the Wlfd. Police Dept. For the purchase of one in-car video camera
- To insure higher conviction rates from DUI arrests
- To increase officer safety and morale

Objectives (cont.)

- To document probable cause and substantiate officers testimony
- To eliminate unfounded lawsuits
- To increase officer productivity and reduce court time
- To provide an effective training tool for police agencies

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

At this time Mr. Rys announced that Items #11 & 14 have been withdrawn from the agenda.

This is not the first in-car camera for the department for they have received approximately seventy-five percent (75%) funding from the State on a prior grant and the department has one that is currently pending this year in their budget. This third camera was completely unexpected and in recognition of the award that was presented to the department in May of this year.

Mr. Zandri asked, is it the department's plan to outfit all of their vehicles with cameras eventually?

Chief Douglas Dortenzio responded, I cannot say that we have any firm plans to do that. We have been taking advantage in the last two years of grant money that has been available in a very competitive process across the state. I believe those grants in both successive years have picked up about seventy-five percent (75%) of the expenses that have been involved in actually purchasing and installing the systems.

Mayor Dickinson stated, there was an error in our paperwork which is reflected on the agenda. It shows as a transfer of funds when it is actually an appropriation of funds.

Mr. Rys stated that he was glad to read the article in the paper this morning which reported on the department's high number of D.U.I. arrests and the commitment on the part of one or more individuals at the department to keep the roads safe for our children and families.

Pasquale Melillo, 15 Haller Place, Yalesville encouraged the Council to vote in favor of the appropriation.

Reginald Knight, 21 Audette Drive asked, how many units will this camera be made available to?

Chief Dortenzio explained that it is a permanent installation of equipment in one vehicle. It is bolted into the trunk of the vehicle and only has certain control heads on the dashboard. It is also wired into the ignition and the emergency light bars on the top so that when the officer turns on the emergency lights on the roof of the car it automatically activates the camera. The officer will be wearing a wireless microphone that will be recording both his conversation and the motorist's as well.

Reginald Knight stated that he is in favor of the units. It can back up the police officer's statements in a court of law and it will be much better for the safety of the officer and in training. He wished the law would not be so lenient when it comes to drunk drivers. He is tired of seeing the cases nollied and hoped that the courts would make the punishment more severe.

Mr. Rys pointed out that the camera will not only help out the officer in court but will help out with monitoring the behavior of police officers. We have seen many incidents that have been captured on eotape where an officer is mistreating a motorist.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #9 Report Out by the Town Engineer on the Status of the Quinnipiac River Linear Trail Project

Mr. Knight read correspondence from Town Engineer, John Thompson, into the record (Appendix I).

Mr. Thompson explained, since I appeared before the Council last, we have prepared and issued two separate R.F.P.s (request for proposals) for the trail. One is a request for a vision consultant who will look at the entire 6.7 miles of the trail from the North Haven town line to the Meriden town line and give us some ideas as to where the trail should be, what are the environmental constraints, what are the recreational opportunities, what are right-of-way issues; a myriad of aspects that are beyond the capabilities of the Town departments. After the proposals are received we will be coming back to the Council with our recommendations on how we should proceed with that. The second R.F.P. is for a design consultant for Phase I of the trail. Phase I is basically the area that is next to Community Lake running between Hall Avenue and where the river goes underneath the parkway at the northerly end; a distance of approximately 5,700 feet or so is in this Phase I area. Both of the requests are currently out now and we expect to receive them by the end of the month and come back to you with the vision consultant recommendation so you will know how we are going to proceed on that. Mr. Centner and Rep. Mary Mushinsky will sit on the selection panel for both of those so that we will have

resentation from the Quinnipiac River Linear Trail Advisory Committee as well as Town staff, State staff and the State's environmental liaison. We are also ready to kick off the King's Mark Environmental Review with a kick off meeting on October 28th. The King's Mark Environmental Review Team is going to do an environmental assessment of the Phase I area northerly to the Meriden Town line to assist us in identifying what the environmental constraints are; should we be avoiding certain sensitive wetland areas; could we go along a certain route; would it be better to do one thing as opposed to another: that information will also be available to both of the consultants for their use in advancing their specific design assignments. In terms of where we stand with the financial aspect of the project; we have been extremely lucky and successful due in no small part to the trail committee and their efforts in getting us grants. We have established with the Department of Finance a checking account that we have deposited the first grant (\$25,000) from the New Haven Foundation that is available and in that account so that the trail committee can begin to pay back some of the advances that they have gotten for volunteer work, printing costs, etc. We also have a \$48,000 appropriation in the Six Year Capital and Non-Recurring Plan and that is going to be allocated for the Phase I design consultant specifically. We have also been successful in receiving a \$250,000 bond appropriation from Senator McDermott; the money has been deposited in a reimbursable account with the Department of Environmental Protection. Within the next meeting or

I will be coming back to the Council making a request for an appropriation seeing it is a reimbursable account we need to have the monies in place first. For every dollar we spend we will be reimbursed one dollar back out of this D.E.P. account. When I say "we" I do not mean the Engineering Department, it is the Quinnipiac River Linear Trail Advisory Committee and Don Roe's Office in making these applications. It is really a team effort. The "we" truly is a plural explanation of how we have gotten this money. We have also been successful in receiving a grant from the Department of Environmental Protection under their open space program for up to forty percent (40%) contribution for Phase I construction of the trail. The appropriate designation is about \$83,000 of reimbursement that would come to the Town. This, again, is a situation where we have to spend the money first and then we would get reimbursed after the fact. Right now because of these other monies available we don't plan on coming to the Council for an appropriation for that full amount at this present time. We are going to use the other monies that have already been made available. The Town of Wallingford with the City of Meriden has also been successful in receiving a high priority projects grant under the ISTEA program and TEA21 of \$750,000. This is eighty percent (80%) federal contribution and a twenty percent (20%) Town contribution. That is going to be funded out over the six years of the program. For the Town to spend \$150,000 will leverage \$750,000 of construction money over the life of that six year appropriation. All in all we have been fairly successful in getting the monies we need in order to advance this project and with the retention of the engineering consultant and a design consultant we should be able to fairly quickly initiate the design services so that construction could begin hopefully on portions of the trail as early as next spring.

The next item to follow is a resolution for the Mayor to make application to the Regional Planning Agency for additional construction monies for Phase I work. If it sounds like we are asking for money that we already have appropriations for, the fact is that we are using what has been appropriated or ready under any of the earlier programs, we can push that money out because there are no specific commitment that we have to use on Phase I or Phase II. We can use it wherever it seems appropriate along the trail whether it is for acquisition, design or construction related activities. We have also been very successful in talking with the D.O.T. and the D.E.P. and have identified to the northern terminus of Phase I which is the area where the Quinnipiac River travels under the Wilbur Cross Parkway. We have talked to the D.E.P. about the possibility of a trail tunnel serving a joint purpose of adding additional flood capacity to the waterway. They have been receptive to that and we have also talked to the D.O.T. about it and they are equally receptive. They understand the constraints of the parkway bridge so they are looking to work with us and come up with the most cost-effective way of increasing the capacity. When we talk about going under the parkway, a tunnel as we are envisioning it right now of what ever size would serve under non-flood conditions to carry the trail users from one side of the parkway to the other and then during high flood conditions it would allow for the passage of the water under the parkway adding additional reserve. The Town of Wallingford currently is grappling with the issue of an exposed sewer at the parkway bridge on the sterly side across the river. The Water & Sewer Division would like to protect that former siphon which is now exposed from flood damage. In order to protect that they talked about armor-all'ing it which increases the flooding level upstream one-tenth of one foot which is not an acceptable option to D.E.P. We are hoping that by adding this additional capacity by the pedestrian tunnel that we will simultaneously be helping out the Water & Sewer Division in protecting their facilities. There are a lot of positive things that are happening right now. The trail is moving ahead; funding appears to be reasonably sound; the opportunity for another funding request through the regional planning agency through TEA21 is out there; we have made application in advance of this action and it is sort of catching up and making the paperwork follow along with where we stand procedurally.

Mr. Farrell asked, in terms of the vision consultant, are we too far along that we could add a couple of other issues for that individual to look at?

Mr. Thompson replied, there are absolutely no restraints on what we can ask them to look at.

Mr. Farrell stated, one of the things that I am concerned about is, I would very much like to see the whole trail happen as soon as possible but as enthusiastic as I am about that I realize that the finances of that, despite everything that the committee has raised, it won't all happen overnight. I am trying to think of other ways that we can put our hands on money to put towards the trail. I wondered whether there is a possibility for I have heard that other communities have done this, have gone out and have gone to some of the utility companies, particularly fiber optic companies that are looking to get

transmission lines through particular areas where they lay them in the ground in exchange for that easement the Town gives them, they would be willing to pay for the paving part of the trail. Is that something that we could add to the vision consultant's list of issues to look at?

Mr. Thompson replied, absolutely. At the southerly end of the trail we know that some of the gas companies want to expand some of their facilities and would be looking for clear cut easements to install their gas mains. They appear to be somewhat compatible uses that, if they are going to clear the land, it would make sense to have a trail along that same route. We have identified the compatible uses with the gas main and the trail as one of those options where they would actually allow us to be within their right-of-way. It is clearly something that we want the consultant to look at.

Mr. Farrell stated, if you are going ahead with a preliminary design at this point you would not want a design that precludes these kind of possibilities down the road, even if they are not clear cut right now.

Mr. Thompson stated, the only place we are actually advancing what I would call hard engineering design is this Phase I corridor running from Hall Avenue up to the river crossing. We know there is not really an opportunity for anything else in there because we are already working within the Water and Sewer Division right-of-way.

Mr. Farrell asked, can we ask the consultant to come up with a list of potential companies that we could approach down the road? The consultant is most likely someone with somewhat the engineering background possibly that may know of particular companies that are looking to get its fiber optic network out into your area; we would gain from someone sitting down and thinking about who the potential donors are, if you will.

Mr. Centner stated, on behalf of the Quinnipiac River Linear Trail Committee (QRLTC) I would like to extend the committee's appreciation for the Engineering Office's diligence as well as Don Roe's and the Mayor's Office. We appreciate the vast amount of effort that has gone into keeping the committee on track with the trail. Can you explain to everyone about the questionnaires that have been sent out regarding King's Mark Environmental Review Team so that they could understand the process?

Mr. Thompson explained, about three months ago after a discussion with the QRLTC and approval from the Mayor's Office, my office sent out a letter to some 200 abutters along the trail which stated that the Town had engaged the King's Mark Environmental Review Team to go out and to do an environmental assessment. I was asking the private property owners for their permission to allow the representatives from King's Mark onto their property to see if it was wetlands, to see if there was any

special vegetation, to see if there were any environmental issues that would lead us to go a certain route or to avoid a certain area. A number of people called in response to the letters to ask about liability issues; what if someone from the environmental team got hurt while on the owner's property? Who would be liable? In checking with the D.E.P. who is overseeing this; all these people who are out on this trail review are state or federal employees and are covered by their appropriate insurance so anyone who is worried about liability aspects, they have nothing to worry about. It has been a relatively positive process. I don't think there has been anyone who has refused to cooperate.

Mr. Centner stated, we were trying to plan part of Phase I in conjunction with the lake restoration and I don't know how that is going because the design is not due until the end of November. Do we have an out? Can we design the first phase of the trail as well as maybe the link to the Senior Center around the lake restoration if it takes longer than expected?

Mr. Thompson stated, the lake restoration was originally ahead of us but it seems now because of some environmental concerns that they have uncovered, that they may not be moving as quickly as originally hoped for. One solution to linking the trail to the Senior Center if a dam is not to be built quite some time is to install a bridge from the northerly end of the trail parallel to the parkway edge which will now get us to the other side of the Quinnipiac River as it passes under the parkway. We knew from the outset that we had to get from the east side of the parkway to the west side at some point. We also knew that we would have to have a bridge or bridges at some point to get across the river and right now under Phase I it appears as though the pedestrian bridge parallel to the parkway may be the preferred solution. It gets us across the river and to a point where we can cross under the parkway and also gives us direct and immediate linkage to properties on the east side of Community Lake including the Senior Center. Everything I am telling you tonight is speculative and in my eyes a perception of where we may be going. That is the route we are going unless someone tells us that it is not the right thing to do or if there are environmental concerns. If any member of the Council or members of the public are aware of some compelling reason why we should not be pursuing a certain route or philosophy, we need to hear that; this is a collaborative effort.

Mr. Rys asked, regarding the southerly portion of the trail from Community Lake to the North Haven line, is the trail going to follow the Wilbur Cross Parkway all the way to North Haven?

Mr. Thompson responded, in a general sense, yes. It is going to be someplace either between the parkway and the river or between the river and undeveloped land as we go further south. There is nothing south of Quinnipiac Street further down in the Quinnipiac State Park. It is something that we are going to have to deal with further along in the design process.

Mr. Rys recalled discussions from previous Council meetings at which hunters have been upset whenever the topic of restricting or removing rights of the hunters has been before the Council. He stated that he did not want to take any additional rights away from the hunters. He then asked, in doing your evaluation have you tried to eliminate all the possibilities of having to condemn property?

Mr. Thompson replied, this most recent version (of the plan) is within the past week to ten days. There has been some initial discussion with some of the property owners, at least correspondence, about the Town's desire to acquire land for this trail. Some of the people who received the letters about the property came in very distraught about the possibility of the Town coming in and taking their land for the purpose of a trail. Regrettably, there was some resistance but in talking to the property owners it became apparent that they did not want to close the door to some kind of discussion, maybe granting the Town an easement across their land so that we can have compatible uses, not hunting but perhaps farming use, some pasture land and the trail which are not necessarily compatible and may, in fact, be quite a compatible use if you are walking down the trail and seeing cows grazing and what have you. While their initial reason for coming into the office was a fear of their losing some of their land, the discussions did end up focusing on some alternative which made a lot of sense. Every time we take a step forward we are going to be dealing with property acquisition and the route that we are looking at now may have a significant impact on avoiding private property impacts. We could be on state land or land that is privately owned but clearly could be made available to the town. We are looking to avoid the issue of condemnation.

Mr. Rys asked about the committee's checking account.

Mr. Thompson explained how the Finance Department has established a checking account for the QRLTAC capital account. Any non-specific grants made to the trail committee or Town, or cash contributions, those monies can be deposited into the account so as to show an accurate tracking of where the money is received from and where it is being expended.

Mr. Rys asked, who would be signing the checks?

Mr. Thompson replied, it is my understanding that a request would be made from the trail advisory committee through the Engineering Office and I, in turn, would make a request to the Finance Department for the appropriation of money and they would issue the check for that purpose.

Thomas Myers, Comptroller outlined the processes by which the monies will be taken in and expended through the account. He stated that he feels confident after meeting with all the professionals in the department that they can meet all the conditions of receiving and expending of funds and provide a

nice record keeping system. Mr. Thompson, being the head of the project, will authorize the bills for payment.

Mr. Rys asked Mr. Thompson, do you have that availability of time with all the other projects the Town.....

Mr. Thompson replied, I have to. It has to be done; there has to be a single point of contact.

Mr. Centner stated, the committee has also established a 501C3 type of an account. We are not quite fully approved for it yet but it affords the Friends of the Linear Trail, to receive funds and allow a deductible type of contribution from other areas and that's its own 501C3 set up type of fund. We have a member in the audience who is operating it; she is a C.P.A.

Mayor Dickinson stated, I don't believe those funds would be turned over to the Town. Those funds would be separate and independent.

Donnie Hill, 344 Main Street stated that she is a C.P.A. and the committee has set up a private non-profit organization for the purpose of allowing private citizens tax deductible contributions if they want to support the trail. We have incorporated under the State of Connecticut and are applying for the 501C3 status from the I.R.S. and that takes six to nine months to get that determination. Those funds would not go through the Town. It is another vehicle, another source of funding.

Mr. Knight asked, are there any conflicts between any of the sources on how the trail committee, the project, may be designed....what ever strings may be attached? Do you find that an impediment at all at this point?

Mr. Thompson stated, the only impediment that these strings are creating is altering our ability to move ahead as quickly as we might otherwise like. When we take these ISTEA monies or bond commission monies, we get obligated into doing design in a certain standard. This is going to be a metric design job and will be administered, the design phase, by the D.O.T. and our designs will have to be in conformance with their standards and the designs will have to be reviewed by the D.O.T. and their liaison. All of this creates a time constraint where we can't move ahead as quickly as we want. We become subject to the scheduling needs of others and we don't have the luxury of doing everything we would like to do, when we want to do it. The overall objectives are being set by the Town of Wallingford and the QRLTAC as to what we want the trail to be. Once we set those objectives through this vision and design consultants, it is going to be more of a procedural matter of crunching the numbers and satisfying the design requirements and the formation of the bid documents,

etc. We have to work with the D.O.T. if we want to go this enhancement route; we need their cooperation.

Mr. Knight asked Mr. Thompson to describe Phase I of the project. Does it include the tunnel and the bridge?

Mr. Thompson explained, up until a week to ten days ago, Phase I was forty-seven hundred (4,700) feet of trail from Community Lake Parking Lot up to the river. We had included in Phase I a tunnel under the parkway south of the river and linkage out to Hartford Turnpike. That was estimated to cost \$800,000. Within the past week to ten days, it became apparent that may not be the preferred route and now we are going to take the trail of forty-seven hundred feet along the right-of-way to the river, a pedestrian bridge across the river and then a tunnel from the northerly side of the river under the parkway. Phase I is slightly being changed in terms of the direction in which we are going. We see the linkage now more appropriately taking place to the east towards the Senior Center as opposed to the west across the river again, getting out to Hartford Turnpike. That is not to say that we can't build it some place further to the north and that may still be a preferred crossing to the so-called Winnipiac Island. Right now Phase I is the trail along the right-of-way, a pedestrian bridge and a tunnel crossing with an estimated cost of somewhere in the \$800,000 - \$900,000 range.

Mr. Knight asked, the bridge has not altered your estimate of \$800,000?

Mr. Thompson answered, no, because the bridge cost is replacing the trail cost going out to Hartford Turnpike. We have swapped some costs.

Mr. Knight asked, will the preliminary construction cost estimates of \$400,000 in the Six Year Capital Plan going to have to be altered?

Mr. Thompson stated, the request that we are making right now through the Regional Planning Agency to D.O.T. is for the \$800,000. The Regional Planning Agency is taking our initial Phase I which was only forty-seven hundred feet of trail (8/10ths of a mile) from Community Lake to the crossing and they said, "doesn't it make more sense to create linkage rather than a dead end?" They were the ones who pushed us into the direction of getting under the parkway and out to Hartford Turnpike. Now that may not be the preferred route because of some longer term private property impacts. We are looking more likely to go to the east with another piece of property to get out to a public street so we have linkage in that direction. The \$400,000 was my best guess when putting the budget together and I am getting smarter every day in finding that there are other alternatives that may provide the Town a better scenario of getting to where we want to be. It is an evolving cost.

may not have to come back to you at all for that \$400,000 or any such number and if we are successful here or we can leverage some of this other money. We are cash rich right now. We have a lot of money through these five programs and it is just a matter of how best to use it to accomplish what we want to do right now.

Mr. Knight applauded everyone's creativity for finding funding sources for the project.

Reginald Knight, 21 Audette Drive thanked the Town Engineer for the work that he has done. He stated that this is an example of not what you have to do but what you put into the work after the requirements. With regards to the comments regarding hunters, he stated, from Times Fiber south to the North Haven line they have been allowed to shotgun hunt and bow and arrow hunt. North from the baseball grounds up to where the river crosses under the Wilbur Cross, they have been allowed to bow hunt. He did not want to see the hunters lose their rights. Since the discussion on hunter's rights in the Tyler Mill area, the hunters have been restricted to three days in the area. It was a unilateral decision. The issuance of permits has declined from somewhere in the range of 2,000 to 600 because they cannot hunt at the time that is convenient for them. I would like to go back to the hunters I have been talking with and give them the assurance of the Council that they will not lose their rights to hunt there once the trail has been completed.

Mr. Thompson stated, I cannot assure you that a hunter or a rollerblader or a bicyclist can exist in the same environment, I cannot offer that. I think hunting, and I have nothing against hunters, in an area where there is going to be recreational activities may, in fact, not be the appropriate location for that activity.

Reginald Knight stated, Tyler Mill had horseback riding, bicycle riding, hikers and hunters; never has there been an accident; never even a close one. You would think that the horseback riders would be the first to object even to the sound of gun fire yet they declared that they were quite happy with the hunting on the property and stated, in fact, that they felt safer there. With the hunters out of Tyler Mill the funny thing is that we are now getting a different kind of character up there hanging around the area which probably wouldn't be there if there were masculine outdoor type people walking around with a shotgun on their arm. I would like some sort of assurance that the hunters will not lose their privilege. If they are would you declare it now?

Mayor Dickinson stated, the Town does not authorize hunting in the Community Lake area or anywhere along there so if hunting is going on, maybe the state allows it, the Town does not permit it all. The Town would not be taking away a current right because the Town does not permit hunting in that area.

Mr. Zandri stated, in looking at the map, the trail basically parallels the parkway heading south. I am sure that the hunters in that area are restricted within a certain distance of the parkway already. Even if the trail was put in as designed, I don't believe it would add any more restriction than they already have.

Pasquale Melillo, 15 Haller Place, Yalesville congratulated Mr. Thompson for his hard work and team spirit. He wanted to make sure enough land was left for wildlife survival. He is opposed to condemning any property relative to eminent domain. This project is going to affect the Community Lake Project to a degree as well as the Senior Center. The projects need to be coordinated.

Mr. Thompson responded, we are coordinating regularly with the Senior Center to make sure that we have the opportunity for linkage from the trail as it is being proposed to the recreational facilities that may be part of the Senior Center. We are trying to recognize every single project that is ongoing that will have an impact on the trail and make sure that none of the committee's design efforts are going to be complicated or lost by not coordinating with these other projects. We are actively involved in the coordination of all of the ongoing projects of the Town.

Mr. Melillo asked what the estimated total is for the entire job?

Mr. Thompson replied, a project of this magnitude clearly could take six to ten years to build. The ISTEA funding that is currently out is a six year program so we are talking about a six year funding stream to the project. We have a trail that will cost about \$100 per foot for seven miles (6.7 mi. exactly). Taking out bridges and tunnels, we are talking about a project that has an estimated cost of about \$4 million.

Mr. Melillo was of the opinion that the trail did not need to be paved. It should be kept in a natural habitat stage.

Mr. Thompson replied, the issue of whether it should be a hard or soft surface has been debated all over the State. What we are trying to do here....it is my belief, personally, and it is the position of the QRLTAC that a hard surface is a preferred route for a couple of reasons; one of the primary functions of a trail was to give the rollerbladers somewhere to go. The Town rightly or wrongly has said that they should not be downtown. One of the underlying premises of the trail was to give those individuals someplace to go. We are exploring having softer surfaces down off of the trail along the water's edge for pedestrians. We do need to get back to nature but we also need to balance off the need with the underlying function of what this trail is supposed to accomplish. It is a recreational facility for all different types of uses, bicycling, jogging, rollerblading, mothers walking their babies in carriages, etc. The appropriate way to go for those activities is the hard surface.

Mr. Melillo asked, how much effort has been put into contacting big business and industry for donations?

Mr. Thompson answered, the committee has made an initial effort and a continuing effort to get companies locally to buy into this trail in terms of financial support.

The report was concluded at this time.

ITEM #10 Consider and Approve a Resolution Authorizing the Mayor to Make Application to the Connecticut Department of Transportation through the South Central Regional Council of Governments for TEA21 Enhancement Funds - Engineering

The Resolution was read into the record by Mr. Knight. (Appendix II).

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

VOTE: Parisi, Renda and Zappala were absent; all ayes; motion duly carried.

ITEM #11 Withdrawn

ITEM #12 Consider and Approve a Request for Proposals for the Use of the American Legion Building for Professional Office Space - Mayor's Office

Correspondence from Mayor Dickinson to the Town Council was read into the record by Mr. Knight (Appendix III).

A request for proposal document (R.F.P.) has been prepared which proposes a ten year lease with a Town-only option to extend an additional five years. There is no municipal need for the facility planned or envisioned during the next ten years. All improvements would be at the tenant's expense and subject to Town approval.

Don Roe, Program Planner stated, we are presenting you with an opportunity to have us go out into market place to see if there is any interest in the facility strictly for use as office space. In the previous letter I made a mistake; there is no longer in the lease the Town option to extend an additional five years. In the lease document, the draft that is before you, there is after five years the ability of either party to terminate the lease. I was working off a previous draft and did not catch the change until tonight. The request document that you are looking at is not in synch with the lease document.

1. Knight asked, why are you deleting that?

Mr. Roe answered, the folks who worked on this administratively thought that ten years was sufficient and thought it just added a level of complexity to it.

Mayor Dickinson stated, we would always have the option of continuing a lease it is just that the term of the lease as described in the document is for ten years. Could it be extended? It just means the negotiation of another lease. There is no rights of the tenant to believe that there is another five years. If we are in a position in ten years that there is a desire to do that, then that could always be negotiated.

Mr. Knight stated, in looking at this from the perspective of the individual who would be interested in leasing the property, obviously, they are going to invest a significant amount of money I would expect, in making sure the property is up to snuff and habitable. It is the Town's option to extend the lease but would this not be something that at least might provide some level of comfort to someone who is going to invest a significant amount of money?

2. Roe responded, my recollections of when we worked on this in committee were that potential interested applicants or responders could submit as part of their proposal an alternative covering that. That was one of the arguments used to delete this idea of the five years at the Town's option.

Mayor Dickinson stated that it was viewed as a detrimental item to the contract.

Mr. Zandri stated that he was opposed to leasing the property due to the fact that the Town is working on the Senior Expansion project and he would like to see the Civil Defense ground re-located from the Senior Complex area to the American Legion building. It would be the proper use of the building and would open up another building down at the Senior Center to allow for expansion of the facility.

Mr. Farrell commented, it is a good thing to go out and look at what proposals people may bring in to us; not that we might have to take into account the fact that there are other Town agencies that may want it fairly soon. There is no reason not to go out looking for someone at this point. My only concern is that this would come back to the Council with the finalized lease; that we would have some control over it.

3. Papale stated, a few years back this came before the Council. I remember very clearly that there was a young man very interested in the property who has since moved his business to Center Street.

At that time I was excited about leasing out the building. What has changed the Administration's mind? I thought you wanted to lease it at that time.

Mayor Dickinson replied, no. We came to the Council with a proposal to be involved with a lease and the Council did not want to lease the building. There were a number of objections and, as a result, it died.

Mr. Knight stated, I would like to see a building with this type of character in the downtown area of our community used for a higher purpose than an empty facade or storage. If there is any way to allay your concerns, Mr. Zandri, there are scenarios that the Senior Center is looking at that will retain one of the buildings down there. Within a few months of coming to a final conclusion as to the feasibility portion of the project down on Washington Street, I suspect that any project such as this; an R.F.P. is put out; will take some time to come to fruition and I would expect by then that we would have better information on our alternatives are down on Washington Street.

Robert Sheehan, 11 Cooper Avenue asked what the general condition is of the building.

: Roe responded, I can't, I haven't been in the building.

Mr. Sheehan asked, do you have some idea of what it would cost someone to go in there; does it need a heating system?

Mr. Farrell stated, I was in the building last year. I thought that the structural part of the building was good; the cosmetics are a mess; there is a lot of sheetrocking that needs to be done; a lot of painting; a lot of cleaning up. My recall is that some of the mechanical systems are not fully functional or fully extended throughout the building like the heating may only be on the first floor. If you were going to use the second or third floor you would have to extend it (heating system). All in all, with not a terrible investment of resources, it has a lot of positives. The shell, in effect, is in pretty good shape and it has a lot of character. There is a good start for someone who may want to put up a lot of sweat equity in it. It is not in bad shape actually.

Mr. Sheehan asked, do we maintain heat in that building during the winter months or do we just let it sit there?

: Roe stated, the building right now is basically "moth balled".

Mr. Sheehan stated, knowing that affect and our history on empty buildings, I think we may have a tough sell. Our history of letting empty buildings sit and that has been sitting now for how long; three or four years?

The answer of "four years" came collectively from the Council.

Mayor Dickinson stated, we did not buy that property to maintain or utilize that building. It was very clear from the beginning the Town was not going to spend funds on maintaining that structure. We haven't and as far as I am concerned, there is no intention to put funds into maintaining the structure.

Mr. Sheehan stated, it was also purchased for expansion of Town Hall parking. Now you are telling us that you see no use for that property over the next ten years?

Mayor Dickinson responded, no, I said the structure. The real estate, the property, we definitely have interest in, that is why we purchased the property. We did not purchase the property for the use of another structure.

Mr. Sheehan stated, what you are telling me is, now you want to use that structure and you are not going to do anything with that piece of property for ten years.

Mayor Dickinson responded, what we are saying is that, rather than have the building deteriorate, if there is a way for it to privately be used, that is fine and we are going to encourage that but the long term goal of the Town is not to have another separate building to maintain. It becomes a duplication of all the systems we have. We will have separate copiers, separate phone systems, separate everything. That just produces cost factors that are unnecessary. We never purchased it to create another office building there.

Mr. Sheehan stated, I agree with that. You purchased it for expansion of parking for this building.

Mr. Roe stated, that project is under way. The overall parking project is underway. I don't know that it has yet gone to Planning & Zoning but I do know that the reconfiguration of the rear parking area including the parking area behind the building is underway.

Mayor Dickinson explained, there is no way we could bring the parking lot that far forward anyway under Planning & Zoning Regulations.

Philip Wright, Sr., 160 Cedar Street stated, it almost sounds like (President) Clinton mincing words here. We bought the land and the building. We can't tear the building down as I understand it.

We have to maintain it in some fashion as I understand it and we the townspeople are not going to sit here and let it fall down. There has to be some maintenance done on that building. I don't know why we have been sitting on our hands for four years. We had one opportunity and it did not fly and we sit for four years. It is my feeling that we ought to consider putting money into this and making it into a building that is handicapped accessible and let's invest some money and perhaps when we get finished we can sell 88 S. Main Street. We really don't need 88 South Main Street. We have parking spaces over there that never get used. With this (parking area) being opened up, we could probably sell 88 S. Main Street and utilize it for the purposes that are now over at 88 South Main and perhaps put some more in there. Let's not be so parochial here that we are looking at today; we have ten years, we have many years. It is a good piece of property. As Mr. Farrell said, there is some nice woodwork in there, let's take a good look at this instead of letting someone go in there for....God knows, I can't imagine anyone wanting to go in there and do all the work that it is going to take to put it in shape and pay us anything for it. We are going to have to pay them to take it off our hands.

Pasquale Melillo, 15 Haller Place, Yalesville agreed with Mr. Wright's comments. He asked, why are we limiting ourselves to professional office space use? Why can't we open it up to any type of business? The R.F.P. is too restrictive.

Mr. Roe agreed with Mr. Melillo's statement that the R.F.P. is too restrictive.

Mr. Melillo asked, why not consider selling the property? Why restrict it to renting? He asked Mr. Zandri, how important is the building to the Senior Citizen Expansion Project?

Mr. Zandri repeated, I would like to see the Civil Defense group that is now housed at the Senior Center site moved to this building therefore opening up additional space down there and creating less interference with the Senior Center Expansion Project. We could utilize this building (American Legion) for the Civil Defense group.

Mr. Melillo asked for comments from the Council and/or Mayor on his suggestions.

Mr. Rys stated that the Council will take Mr. Melillo's suggestions under advisement. When the lease comes before the Council the matter will be discussed once again.

Ms. Lube, 15 Montowese Trail asked, does the Town have a real estate department?

Mr. Rys responded, no.

Mr. Lube asked, is the Town planning on employing a real estate agency to find a potential tenant for the building?

Mr. Rys responded, no.

Mr. Lube asked, if the Town is going to be representing the property to potential occupants, does anyone know what we have to offer? Tonight we have heard that a portion of the land is going to be usurped for expanded parking for the Town Hall therefore it is going to cut into the available parking for this building. If it is going to be for offices, it is going to be labor intensive and you are going to have to have parking for all of the staff personnel who will be employed there as well as customers or visitors to the offices. How much remaining land is going to be available after you expand the parking lot for the Town Hall? Does anyone know?

Mayor Dickinson stated, we would evaluate all of that at the point there is a proposal.

Mr. Lube stated, I would think that the evaluation would come before you presented it to the Council.

Mayor Dickinson explained, we will be improving the parking area regardless. There will be parking spaces there, it is only a question of how many may have to be dedicated to any part who is interested in utilizing the building. That could be evaluated in the proposals once we received them.

Mr. Lube stated, then you are saying that there would be a joint sharing of the expanded parking lot?

Mayor Dickinson answered, it is possible; it is possible that we will dedicate some spaces.

Mr. Lube stated, buildings that have been abandoned for four years; moth balling will carry you through a winter but to totally neglect a building for a four year period results in a lot of deterioration of mechanical systems in the building. Until this building is inspected, as landlords, we don't know what to advise a potential tenant as to the work that has to be done or the condition of the mechanicals. We don't know that if we turn the plumbing on we are going to have water squirting out all over the place. We don't know the condition of the roof. There are a lot of things that should be examined and I think that the Council should be told not only what the condition is but what the estimates are of the potential costs to potential tenants over and above customizing but just for restoration of the building as is. You are going at this very prematurely without answers to an awful lot of questions.

Mr. Rys stated, our Public Works Director most likely knows the building inside and out. He is not here tonight for if he was he could probably answer that question for you. We can get that answer for you if you would like.

Mr. Lubee replied, it should not be answered for me but for you (Council) before you come to a vote. The days of taking real estate and putting it on the market and saying, it is "as is" and, "do what you want with it and I am not making any representations", those days are gone. You don't do that anymore. That is not the way real estate is handled. You have to tell a potential customer or client what you are offering; what is it that you have here. It is not a pig in a poke anymore.

Mr. Rys responded, we did have someone who was interested in the building and was going to put quite a bit of money into that building. The reason it did not pass the Council is because we did not want to get \$1.00 per year rent for it or \$1.00 per month or what ever the amount was. There are people out there; we will try it this route. If it does not work, we will have to do something else.

Mr. Lubee asked, what do you feel justifies the continued existence of the building; what are you asking for for rent? Do you have any idea?

Mr. Rys answered, I am not speaking for the rest of the Council but I can tell you right now, when I sat on the Council and purchased that building I had one thing in mind along with a few other Councilors; the building was going to come down, the parade grounds were going to be expanded and the parking lot would be built; we weren't going to keep it. That did not happen and all of a sudden it became a little heated and it just stood. There was not enough votes on either side to do anything.

Mr. Lubee asked, if no one steps forward you could revert to that old plan, right?

Mr. Rys responded, anything could happen.

Reginald Knight, 21 Audette Drive stated, my thoughts ran parallel to Mr. Lubee's. Anyone who would want to move into that building would want sufficient parking space at the back for their staff and any customers/clients. The off-street parking will eat into what ever parking there is for the facility. It is a white elephant. Could you imagine moving your family into a building that is decrepit and being told by the landlord that you are the one that is going to have to fix it up, bring it up to code; up to fire codes, etc., you would say, "the heck with it", the landlord should have the building up to snuff first and then we could talk about selling or leasing. I think it would be better to

put the building up for auction; see what you get; put a minimum price on it. I don't think you will anyone to fix the building up and then move in. It is against all nature.

Philip Wright, 160 Cedar Street stated, you (the Council) own that building, Bill Dickinson does not own it; you own it. You have the responsibility for seeing that it is maintained and taken care of until such time as it is given over to the Town for a particular use. It is your responsibility and you are the ones who have to make the decisions as to how it is going to be handled, what is going to be done with it. This reminds me of the Wooding property. We put the Wooding property up for an R.F.P. many years ago. I recall that the Wooding property went up, an R.F.P. came up, it didn't fly and nothing has flown since. This sounds like the same sort of thing. Four years ago there was a proposal, it did not fly and I suspect that this won't fly unless we get a new thought about how we are handling the property. You have the responsibility; you are responsible to the taxpayers of this town for that piece of property.

Mr. Farrell stated, the R.F.P. should note that the building is in a National Register Historic District and that there is a benefit to that in that there may be some chance that a tenant could qualify for federal tax credits which would make it much more conducive to spend money on it.

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

1913. Papale wanted to make it clear that the Council is considering approval of a request for an R.F.P. for the use of the American Legion Building for professional office space or what ever office space. That is all we are doing this evening and I didn't know if the public was aware of all the discussion that went on. We will have plenty of time at another time to go into the details.

VOTE: Parisi and Zappala were absent; Zandri, no; all others, aye; motion duly carried.

ITEM #13 Withdrawn

ITEM #14 Withdrawn

ITEM #15 Remove from the Table to Consider and Approve Amending Section I.,B. Of the Town Council Meeting Procedures as Requested by Chairman Robert F. Parisi

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

VOTE TO REMOVE FROM THE TABLE: Parisi and Zappala were absent; all ayes; motion duly carried.

Motion was made by Mr. Knight to Approve Amending Section I.,B. of the Town Council Meeting Procedures as Described in Page Two Which Reads, "A third meeting specifically for the purpose of hearing input on policy and operation of town government from the public will be scheduled for the third Tuesday of every month beginning at 6:30 P.M. Members of the public wishing to speak at this meeting will be requested to sign up by noon of the day prior to the meeting. If no one is signed up by that time the meeting will be canceled. Sign-up can be done in person or by phone either at the Town Clerk's Office or the Town Council Office. The order in which members will speak will be determined by the length of time requested at the time of sign-up with the person requesting the least amount of time being allowed to go first. Speakers will be limited to the time that they have requested.", seconded by Mr. Farrell.

Mr. Zandri commented, because I was opposed to this meeting right from the beginning, I will be voting against this motion this evening.

Mr. Papale stated, I want to make it clear to the public that I have no problem at all to come to this meeting on the third Tuesday at 6:30 P.M. I do not feel that I want to take the time to come here at 6:30 P.M. and have no one here. I made the comment two weeks ago and I think I can speak for other members of the Council; we are very dedicated to our jobs on the Town Council but we have other commitments and other things that we do in our lives. I would appreciate it very much to know on Tuesday if I have to be at a meeting on Wednesday so that I can plan accordingly. I will vote for this.

Mr. Centner stated, the reason I will vote against this is because I have been against the third meeting in principle since we have started them. I don't think they have been effective however, I will continue to attend them if the motion passes. I am going to oppose any changes to it since I voted no from the beginning to having it in the first place.

Reginald Knight, 21 Audette Drive agreed with Mr. Zandri and Mr. Centner. He stated that he, too, was opposed to the third meeting and still is, in that sense. He would like to see every opportunity, however, for the townspeople to come forward with either their complaints or suggestions to contribute what ever they have to contribute towards the town. We don't know maybe until the last minute what problems can come up. We can't always tell the day before what will happen the next day that we can bring in here and have some input into the.....there is something that could happen overnight. I would like to remind the Council that it was their idea for a third meeting and for the record I remember asking the question, "What will happen if nobody turns up?" It was said by one of the members and everybody sort of nodded very wisely, "Then we shall just turn out, hit the gavel and go on our way." There was no suggestion that they would not turn up; that they would just disperse. I don't think the procedures should be changed. I would like to see more time at the regular

meetings allowed for the public to speak. People who are homebound could hear the suggestions or ideas or controversies that the public may bring. It has been said that the third meeting does not mean anything because nothing happens there anyway. I would like to think that something is going on, that some thoughts are getting through, that some input is happening. Don't change the rules; you made them and they were a result of the Town Council restricting the amount of time people could speak during the regular meetings. We try to be brief and polite and understanding of the Council's problems as well as our own. If you just let the public speak five more minutes each, that is much more cost-effective than meeting on another evening to hear their remarks. I would like to compliment the Council for the way tonight's meeting was conducted. We had very little controversy or argument; everyone got along very well.

Pasquale Melillo, 15 Haller Place, Yalesville asked, how many people, on the average, sign up for these third meetings?

Mr. Rys responded, approximately three per meeting.

Other Councilors recalled the number to be one or two.

Mr. Melillo asked, how many people actually attend the meeting after they sign up?

Mr. Rys stated, everyone who has signed up has shown up at the meetings.

Mr. Melillo stated, the third meeting should be eliminated.

Mr. Knight stated, as a point of order, I would like to discuss the motion that is on the floor.

Mr. Melillo felt that his comments were relative to the motion.

Mr. Knight made a motion to Move the Question, seconded by Mr. Farrell.

VOTE: Parisi and Zappala were absent; all ayes; motion duly carried.

VOTE TO AMEND THE MEETING PROCEDURES: Parisi and Zappala were absent; Centner and Zandri, no; all others, aye; motion duly carried.

EM #16 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving Dellavecchia v. Factory Built Homes and the Town of Wallingford - Town Attorney

ITEM #17 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Purchase, Sale and/or Lease of Real Property

Motion was made by Mr. Knight to Enter Into Executive Session, seconded by Mr. Farrell.

VOTE: Parisi and Zappala were absent; all ayes; motion duly carried.

The Council entered executive session at 9:50 P.M.

Motion was made by Mr. Farrell to Exit the Executive Sessions, seconded by Mr. Centner.

VOTE: Parisi and Zappala were absent; all ayes; motion duly carried.

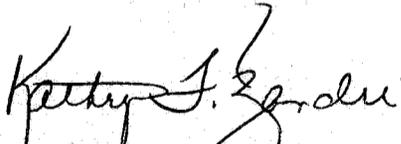
The Council exited executive session at 10:55 P.M.

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

VOTE: Parisi and Zappala were absent; all ayes; motion duly carried.

There being no further business, the meeting adjourned at 10:55 P.M.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

Approved by:


Raymond J. Rys, Sr., Vice Chairman

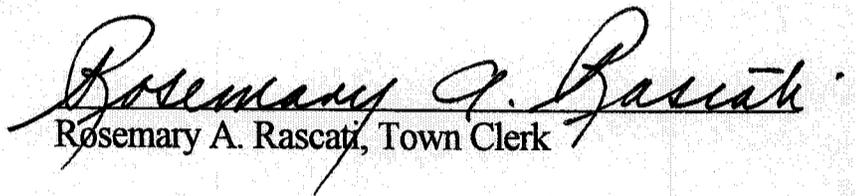
Town Council Meeting

- 37 -

October 13, 1998

Date

11-10-98


Rosemary A. Rascati, Town Clerk

Date

11-12-98

Appendix I



**TOWN OF WALLINGFORD
ENGINEERING DEPARTMENT**
Telephone: (203) 294-2035
Fax: (203) 294-2107

MEMORANDUM

TO: Mayor William W. Dickinson, Jr.
Attn: Joan Stave, Administrative Aide

FROM: John P. Thompson, P.E., Town Engineer

SUBJECT: Quinnipiac River Linear Trail
Council Resolution

DATE: September 29, 1998

RECEIVED
MAYOR'S OFFICE
98 SEP 30 PM 4:04

In an effort to remedy a prior oversight, we need to include the following item(s) on the Town Council Agenda for their meeting on October 13th.

1. Progress report to the Town Council (from Engineering) on the current status of the Quinnipiac River Linear Trail project, relative to our "Vision Project", the Phase I Design Project; our TEA21 Application for Enhancement Funds, and the other financial elements of the project, and
2. The need for a Town Council Resolution to authorize the Mayor to make an Application to Connecticut Department of Transportation, through the South Central Council of Elected Officials for TEA21 Enhancement Funds. (A sample is attached herewith)

If you need any specific information or supporting documentation to schedule this for the October 13th Town Council meeting, please feel free to call at any time.

Respectfully submitted,

John P. Thompson, P.E.
Town Engineer

JPT

Enc.

cc: Don Roe, Program Planner
File-QRLT

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WALLINGFORD
FISCAL YEAR 1999 TRANSPORTATION ENHANCEMENT PROGRAM APPLICATION

WHEREAS: The Transportation Equity Act for the 21st Century (TEA21) and the Connecticut Department of Transportation offer municipalities an opportunity to pursue transportation enhancement projects with 80 percent (80%) Federal support, and

WHEREAS, Pursuant to the Connecticut Department of Transportation's request, the South Central Regional Council of Governments will provide a framework for future enhancement priorities, and

WHEREAS, The Town of Wallingford hopes to pursue an enhancement project termed "Phase I of the Quinnipiac River Linear Trail" estimated to cost approximately \$800,000, for approximately 5,600 linear feet of trail and a trail crossing under the Wilbur Cross Parkway (CT Route 15), and

WHEREAS, The Town Council for the Town of Wallingford has duly considered this matter at a duly noticed and regularly scheduled Town Council meeting, and

WHEREAS, That if selected for TEA21 funding by the Connecticut Department of Transportation and endorsed for TEA21 support by subsequent South Central Regional Council of Governments' Transportation Improvement amendment, the Town of Wallingford will promptly initiate relevant legislative actions:

1. Intended to effect a local cash commitment of \$160,000 (20 percent of estimated project costs) necessary for project design, right-of-way and construction activity.
2. Establish that project improvements and related appurtenances, including portions of the project located within the State right-of-way, if any, will be maintained by the Town of Wallingford subsequent to the construction of project improvements.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD, based on the above information, and virtue of this resolution, hereby fully supports the proposed project, and does authorize William W. Dickinson, Jr., Mayor of the Town of Wallingford, to make application to the Connecticut Department of Transportation for the appropriation of TEA21 Enhancement funds.

The undersigned duly qualified and Town Clerk of the Town of Wallingford, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Town Council on October 13, 1998.

Attest: _____
Signature: Town Clerk

Date: _____

REQUEST FOR PROPOSALS

The Town of Wallingford is seeking to lease as office space to a single tenant a Town-owned building located on the Town Parade Ground in downtown Wallingford. This building is directly adjacent to the Town Hall and was, prior to Town ownership, an American Legion facility. It is currently vacant.

This facility has a total of approximately _____ square footage on three floors. Attached are pictures, floor plans and site location map.

The initial term of the lease would be for ten (10) years. An additional term of five (5) years will be at the Town's option; the lease rate for years 11-15 would be as follows: Yr. 11 = Yr. 10 + C.P.I.; Yr. 12 = Yr. 11 + C.P.I., etc. Attached is a copy of the draft lease specifying additional terms.

All interior and exterior improvements needed to comply with lessee's needs and code would be the responsibility of the lessee. Plans and specifications for improvements would be subject to the normal regulatory approval process of the Town. The Town will waive any permit fees due the Town. Any necessary abatement (including removal or encapsulation) of hazardous materials (lead paint and asbestos) are the responsibility of the lessee. It is essential that all improvements be sympathetic to the historical character of the building.

DRAFT
10/6/98

As part of the evaluation of the most responsive and responsible bidder, the Town will conduct a background check. The bidder in submitting a bid agrees to execute a background release form.

In evaluating the proposals, the Town will consider the following measures:

1. The degree that any proposed improvements are sympathetic to the historical character of the building;
2. The degree that the proposed use meshes with abutting uses;
3. References; and
4. Lease payment.

A walk-through of the facility, which is located at 41 South Main Street will be conducted on _____. Proposals are to be submitted using the attached forms.

RFPAmLegion2

DRAFT
10/6/98

	<u>Lease Payments To Town</u>
Year 1	_____
Year 2	_____
Year 3	_____
Year 4	_____
Year 5	_____
Year 6	_____
Year 7	_____
Year 8	_____
Year 9	_____
Year 10	_____
TOTAL	_____

DRAFT
10/6/98

DESCRIPTION OF PROPOSED USE: _____

NUMBER OF EMPLOYEES: _____

NEEDED PARKING:
EMPLOYEES: _____
NON-EMPLOYEES: _____

HOURS OF OPERATION:
MONDAY _____
TUESDAY _____
WEDNESDAY _____
THURSDAY _____
FRIDAY _____
SATURDAY _____
SUNDAY _____

OWNER(s): _____

ADDRESS: _____

PHONE #: _____

REFERENCES:
BANK: _____

PERSONAL: _____

BUSINESS: _____

DESCRIPTION OF IMPROVEMENTS: _____

ESTIMATED COST OF IMPROVEMENTS: _____

DRAFT

LEASE

THIS AGREEMENT made this _____ day of _____, by and between the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut, the "Town", and

WITNESSETH:

1. For and in consideration of the mutual covenants and agreements contained herein and subject to the terms and conditions hereinafter stated, the Town hereby leases to _____ the building known as 41 South Main Street, Wallingford, Connecticut, "Demised Premises", for a term of TEN (10) YEARS commencing on _____ at an annual rental of (\$ _____) _____, to be paid in full on or before the _____ day immediately following the date first above written.

2. _____ shall use said premises for office space for providing services and other usual and necessary services of said business.

3. _____ shall maintain and make all necessary repairs and replacements to the Demised Premises, whether structural or cosmetic, including the foundation, floors, ceilings, exterior and interior walls, structural columns and beams, and roof. Any interior and/or exterior repairs or replacements must be approved by the Director of Public Works of the Town before being effected.

4. _____ will procure all necessary permits before making any repairs or replacements and the Town will cooperate in obtaining such permits. All such repairs or replacements shall be done in a good and workmanlike manner and during the course of any such construction, work shall carry all necessary builder's risk, liability and workers compensation insurance.

5. shall be responsible for complying with all local, State and Federal statutes, ordinances and regulations which may be implicated by its contemplated use of the Demised Premises. Included herein is the specific responsibility that the front entrance to said premises be altered and modified so as to comply with the Americans with Disabilities Act. Also included herein is the responsibility of compliance with Town zoning regulations that apply to the Planning and Zoning Commission of the Town to change the use of the Demised Premises from club to office and for allowed signage.

6. will pay the cost of all utilities used or consumed by the Demised Premises including heat, gas, oil and electricity.

7. may not transfer, sell, assign, sublet or otherwise convey its interest in the Demised Premises without the express written consent of the Town.

8. shall hold the Town harmless against any and all claims, suits, damages or causes of action for damages and against any orders, decrees or judgments brought or made as a result of any injury to person or property sustained in or about the Demised Premises as a consequence of 's negligence or that of its servants and employees or as a result of any violation of any local, State or Federal statute, ordinance or regulation. shall procure general liability insurance coverage with a combined single limit of ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00) protecting and any contingent liability of the Town against the aforementioned risks.

9. In the event that the lot of land, of which the Demised Premises is a part, shall be taken under the power of eminent domain exercised by State or Federal authority, then this Lease shall terminate forthwith.

10. In the event the Demised Premises or any substantial part thereof shall be destroyed or damaged by fire or unavoidable casualty so as to render said premises untenable or unfit for occupancy, then this Lease shall terminate forthwith. In the event of such destruction or damage to the Demised Premises, but to a lesser extent, then the Town, at its option, may declare this Lease to be terminated and of no force and effect.

11. If _____ shall default in the performance of any of its covenants hereunder and such default shall continue for more than 30 days after written notice to

_____ specifying such default or if _____ shall make any assignment for the benefit of creditors or be adjudicated a bankrupt or if a receiver or trustee of

_____ or its property shall be appointed in any proceeding other than bankruptcy, then, upon the happening of any one or more of the events above mentioned, the Town may terminate this Lease.

12. This Lease may be terminated by either party after FIVE (5) YEARS without cause upon 365 days written notice to the other. Notice to the Town shall be mailed or hand delivered to the Department of Law, 45 South Main Street, Wallingford, CT 06492 and notice to

_____ shall be mailed or hand delivered to 41 South Main Street, Wallingford, CT 06492.

13. This Lease contains all the conditions agreed upon between the parties and any modification must be in writing and signed by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals to this and a duplicate of like tenor the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

AmLLease

TOWN OF WALLINGFORD

BY: _____

WILLIAM W. DICKINSON, JR.
Its Mayor
Duly Authorized

BY: _____

Its President
Duly Authorized