

TOWN COUNCIL MEETING

APRIL 10, 2001

6:30 P.M.

AGENDA

Blessing – Louis Sill, Deacon – SS. Peter and Paul Church, Wlfd.

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
  - a. Consider and Approve Tax Refunds (#308-325) Totaling \$7,372.47 – Tax Collector
  - b. Consider and Approve a Request from American Legion Post 73 to Use the Parade Grounds on May 19, 2001 at 11:00 a.m. for the Dedication and Ceremony of the Placement of a Bronze Eagle on the World War II Monument (Ceremony to Last Approx. 1 hr. ) – Mayor
  - c. Consider and Approve an Appropriation of Funds in the Amount of \$721 to Revenue – Town Clerk Acct. #1010-020-2030 and to Town Clerk – Restoration of Old Records Acct. #6030-999-9912
  - d. Consider and Approve a Transfer of Funds in the Amount of \$505 from Light Controller (Co. #2) Acct. #2030-999-9040 to Radio Intercom Acct. #2030-999-9027 - Dept. of Fire & Emergency Services
  - e. Consider and Approve Waiving the Bidding Process for Advertising Services with a Variety of National and Regional Commercial and Industrial Real Estate Publications for the Economic Development Commission's Business Recruitment Program
  - f. Consider and Approve a Transfer of Funds in the Amount of \$4,000 to Maint. Treatment Equipment Acct. #431-8640-652 from Power Purchased for Pumping Acct. #431-8620-623 – Water Division

- g. Consider and Approve Accepting a Donation of \$1,500 from the Stop & Shop Supermarket Company of Boston, MA. in Support of the Public Celebrations Committee's Seasons of Celebrations Christmas Festival and Acknowledgement that Said Funds are in the Possession of the Public Celebrations Committee - Mayor
- h. Consider and Approve a Resolution Authorizing the Mayor to Execute a Grant Agreement Under the Open Space and Watershed Land Acquisition Program with the State of CT to Acquire and Manage Property Known as The Neal Property as Open Space Land – Federal Grant Administrator
- i. Consider and Approve Appointing the Board of Education as the Building Committee for the Vocational Agriculture Equipment Project to Exercise Oversight Authority for Said Project – Mayor
- j. Consider and Approve Accepting a Grant Entitled, "School Wiring" and a Corresponding Appropriation of Funds in the Amount of \$222,268 to State Grant Revenues Acct. and Program Expenditures Acct. - Board of Education Business Mgr.
- k. Consider and Approve Accepting a Grant Entitled, "Anthem Blue Cross & Blue Shield Thermal Imaging Grant" and a Corresponding Appropriation of Funds in the Amount of \$2,500 to Thermal Imaging Grant Revenue Acct. and to Program Expenditures Acct. – Board of Education Business Mgr.
- l. Approve and Accept the Minutes of the March 27, 2001 Town Council Meeting

4. Items Removed from the Consent Agenda

- 5a. Consider and Approve One (1) Appointment/Re-Appointment to the Inland Wetlands Commission for a Term of Five (5) Years to Expire 3/1/2006
- b. Consider and Approve One (1) Appointment to the Zoning Board of Appeals Alternate Position to Fill a Vacancy in a Term Which Expires 1/8/2002

PUBLIC QUESTION AND ANSWER PERIOD

- 6. Consider and Approve Accepting a Donation of One (1) Thermal Imaging Camera From the North Farms Volunteer Fire Department to the Town of Wallingford
- 7. Consider and Approve a Transfer of Funds in the Amount of \$25,018 from Regular Salaries & Wages Acct. #001-2005-101-1000 of Which \$22,500 is Transferred to Gasoline & Oil Acct. #001-2005-300-3000 and \$2,518 is Transferred to Custodial Services Acct. #001-2005-01-9013 – Dept. of Police Services

8. Consider and Approve an Appropriation of Funds in the Amount of \$28,000 to Outside Contractor Acct. #001-2005-101-1800 and to Charges for Current Services Acct. #1065-060-6020 – Dept. of Police Services
9. PUBLIC HEARING to Consider and Act Upon a Proposed Ordinance Entitled, “An Ordinance Appropriating \$445,000 for the Acquisition of Approximately 52.95 Acres of Real Property Located in the Town of Wallingford Off of Powder Hill Road in Durham, and Authorizing the Issuance of \$445,000 Bonds of the Town To Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose” – 7:45 P.M.
10. Consider and Approve Waiving the Bidding Process to Contract with American LaFrance Co. for Repairs to the East Wallingford Volunteer Co. Aerial Ladder Truck - Dept. of Fire & Emergency Services
11. Consider and Approve a Transfer of Funds in the Amount of \$700 from Other Pay Acct. #001-2020-101-1700 to Gas & Oil Acct. #001-2020-300-3000 – Animal Control Officer
12. Remove from the Table To Consider and Approve a Transfer of Funds in the Amount of \$9,800 from General Purpose – Contingency Acct. #001-8050-800-3190 to Consultant Services – Addition to Dog Pound – Pent Road – Animal Control Officer
13. Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Purchased Services – Forest Management Acct. #001-4001-901-9019 to Recreation Supplies Acct. #001-4001-401-4100 – Dept. of Parks & Recreation

TOWN COUNCIL MEETING

APRIL 10, 2001

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, April 10, 2001 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Parisi at 6:35 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, Rys, Vumbaco & Zappala. Mayor William W. Dickinson, Jr. arrived at 7:40 P.M. due to his attendance at a Sheehan High School function; Town Attorney Janis M. Small and Deputy Comptroller Eva Lamothe were also present.

A moment of silence was observed in lieu of the blessing, due to Mr. Sill's illness.

The Pledge of Allegiance was given to the Flag.

ITEM #2 No items of correspondence were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#308-325) in the Amount of \$7,372.47 – Tax Collector

ITEM #3b Consider and Approve a Request from the American Legion Post 73 to Use the Parade Grounds on May 19, 2001 at 11:00 A.m. for the Dedication and Ceremony of the Placement of a Bronze Eagle on the World War II Monument (Ceremony to last approx. 1 hr.) – Mayor

ITEM #3c Consider and Approve an Appropriation of Funds in the Amount of \$721 to Revenue – Town Clerk Acct. #1010-020-2030 and to Town Clerk – Restoration of Old Records Acct. #6030-999-9912

ITEM #3d Consider and Approve a Transfer of Funds in the Amount of \$505 from Light Controller (Co. #2) Acct. #2030-999-9040 to Radio Intercom Acct. #2030-999-9027 – Dept. of Fire and Emergency Services

ITEM #3e Consider and Approve Waiving the Bidding Process for Advertising Services with a Variety of National and Regional Commercial and Industrial Real Estate Publications for the Economic Development Commission's Business Recruitment Program

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$4,000 to Maint. Treatment Equipment Acct. #431-8640-652 from Power Purchased for Pumping Acct. #431-8620-623 – Water Division

ITEM #3g Consider and Approve Accepting a Donation of \$1,500 from the Stop & Shop Supermarket Company of Boston, MA in Support of the Public Celebrations Committee's Seasons of Celebrations Christmas Festival and Acknowledgement that Said Funds are in the Possession of the Public Celebrations Committee – Mayor

ITEM #3h Consider and Approve a Resolution Authorizing the Mayor to Execute a Grant Agreement Under the Open Space and Watershed Land Acquisition Program with the State of CT. to Acquire and Manage Property Known as the Neal Property as Open Space Land - Federal Grant Administrator

ITEM #3i Consider and Approve Appointing the Board of Education as the Building Committee for the Vocational Agriculture Equipment Project to Exercise Oversight Authority for Said Project – Mayor

ITEM #3j Consider and Approve Accepting a Grant Entitled, "School Wiring" and a Corresponding Appropriation of Funds in the Amount of \$222,268 to State Grant Revenues Acct. and Program Expenditures Acct. – Board of Education Business Manager

ITEM #3k Consider and Approve Accepting a Grant Entitled, "Anthem Blue Cross and Blue Shield Thermal Imaging Grant" and a Corresponding Appropriation of Funds in the Amount of \$2,500 To Thermal Imaging Grant Revenue Acct. and to Program Expenditures Acct. – Board of Education Mgr.

ITEM #3l Approve and Accept the Minutes of the March 27, 2001 Town Council Meeting

Motion was made by Mr. Rys to Approve Consent Agenda Items #3a-d, and #3f-l, as presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #4 Items Removed from the Consent Agenda

ITEM #3e Consider and Approve Waiving the Bidding Process for Advertising Services with a Variety of National and Regional Commercial and Industrial Real Estate Publications for the Economic Development Commission's Business Recruitment Program

Motion was made by Mr. Rys to Approve Waiving the Bidding Process, seconded by Mr. Brodinsky.

Mr. Brodinsky stated that he requested this item be taken off of the consent agenda because it is a bid waiver and I am hesitant to have bid waivers, especially when the amount is \$15,000. I also asked that it be taken off because it was a bit unclear to me whether or not this was a bid waiver for one item of \$2,003 or for several items aggregating \$15,000. The intent of the motion and I think the intent of the request by Mr. (Don) Roe, is to have all of these purchases for advertising in various magazines be placed without it having to go out to bid. Mr. Roe's rationale for that is very sound. To illustrate the principle, there is only one New York Times, there is only one Record Journal... so you can't really bid the magazines that the Economic Development Commission wanted to advertise in. I have no objection to the principle of waiving the bid in this situation. I just wanted it clear that, for the sake of the Economic Development Commission, that they don't have to come back to the Council each time they want to place an ad in one of these magazines, even though the cost is in excess of \$2,000. I asked Don Roe over the phone today, which magazines might be over \$2,000; and these are all very specialized magazines that deal with advertising Wallingford to the business world. He said one magazine called "Plant sites and Parks" magazine and "Site Selection" magazine might charge us more than \$2,000 for an ad but there is only one of that kind of magazine. I will be voting for this, I just wanted to clarify the intent of the motion.

Mr. Parisi stated, that is why it was put on the consent agenda. That's is fine if you satisfied your curiosity.

VOTE: All ayes; motion duly carried.

ITEM #5a Consider and Approve One (1) Appointment/Re-Appointment to the Inland Wetland Commission for a Term of Five (5) Years to Expire 3/1/2006

Motion was made by Mr. Vumbaco to Re-Appoint James Vitali to the Position of Commissioner, seconded by Mr. Farrell.

Mr. Vumbaco stated, I think Mr. Vitali has been on the commission since day one. He has acted as Chairman for a long time. He does know what he is doing; he does a great job and it is my pleasure to nominate Jim to the position.

Mr. Parisi stated, we will all concur that Mr. Vitali has done a fine job and we are happy to have him back.

VOTE: All ayes; motion duly carried.

ITEM #5b Consider and Approve One (1) Appointment to Zoning Board of Appeals Alternate Position to Fill a Vacancy in a Term Which Expires 1/8/2002

Motion was made by Mr. Vumbaco to Appoint Robert Tremblay to the Position, seconded by Mr. Zappala.

VOTE: All ayes; motion duly carried.

Town Clerk, Rosemary Rascati, performed the Swearing-In Ceremony at this time for both positions.

**PUBLIC QUESTION AND ANSWER PERIOD**

Rasquale Melillo, 15 Haller Place, Yalesville suggested that efforts be coordinated to lure all the mosquitoes to contaminated lakes and ponds, therefore killing a good many of them.

He asked, what is happening to address the paint peeling from the bottom of Community Pool?

Thomas Dooley, Director of Parks & Recreation explained how his department is in the process of negotiating with the general contractor on the matter and is putting together bid specifications to peel the paint off of the bottom of the pool and re-painting it before summer.

Jack Agosta, 505 Church Street, Yalesville asked if the figures listed in the columns marked, "F.Y. 6-30-00 Actual" and "F.Y. 1-31-01 Actual" were accurate?

Deputy Comptroller, Eva Lamothe, answered, the June 30<sup>th</sup> figures, those are the audited figures.

Wes Lube, 15 Montowese Trail stated that during the last several weeks he has been researching various topics in the Town Clerk's vault. He had hand-copied a lot of information and data he wished to retain because every page he would have wanted to copy would have cost him \$1.00 to do so. He remarked that had he not been retired and had the time available to him, he would not have been able to do so. If he had to pay for copying, it would have been extremely expensive. When he spoke to the Town Clerk about the fee, Mrs. Rascati informed him that the fee is set out in state statute. He stated that he recalled the law to read that the Town Clerk could charge up to \$1.00 a copy. He felt that if the Town Clerk depended upon the fee income for her compensation, it would make some sense. In Wallingford's case, we have a salaried town clerk. He thought that the \$1.00 per copy stands as a needless obstacle between the town's constituents and town records. When asked, Mrs. Rascati explained to Mr. Lube how the \$1.00 charge is split between the Town and the vendor who supplies the copy machine. It defrays the cost of servicing the machine as well as supplies. He pointed out that a citizen can go anywhere in town without the Town's records and pay between \$.05 and \$.06 per page.

The company is making a fortune. Mrs. Rascati reminded him that the majority of people copying and paying for the service are attorneys, title searchers, appraisers; people who are professionals. Mr. Lubeo pointed out how the attorneys pass the charge along to their client most of the time. He stated that, in his opinion, the \$1.00 is not necessary, nor is it in any way connected with the true cost involved. The service should be placed out to bid.

Mr. Parisi made note of the complaint and vowed to look into it.

Town Clerk Rosemary Rascati stated, it is admirable that Mr. Lubeo is worrying about constituents but the staff performs other services in the office, such as notarizing, which they do not charge for. She surveyed various town clerks, inquiring about the amount their office charges for copying, and has found that 120 out of 169 towns charge \$1.00 per copy. The state statute reads that the office shall charge \$1.00 per copy.

Mr. Lubeo commented that he spent several hours in the Durham Town Hall yesterday and today and ended up copying 33 pages. The clerk charged him \$2.00.

Mr. Parisi stated, I wouldn't say that too loud, the clerk may get in trouble.

Mr. Farrell commented, in the course of a year, I must have visited 60 town clerk's offices and everyone charges \$1.00 copying fee. It is not unusual to Wallingford. I am very surprised that Durham charged Mr. Lubeo only \$2.00; they charge me \$1.00 per copy when I go there.

Pasquale Melillo, 15 Haller Place, Yalesville asked if there was anything new to report on the well contamination in the S. Curtis Street and Whispering Pine Street area? The residents claim that the Town's sewer lines have contaminated their wells.

Mr. Parisi stated, at this time the issue is with the Health Department. They are dealing with it; it is not as though no one is listening to them.

Jack Agosta, 505 Church Street, Yalesville referred to an article that appeared in the Record Journal a few days before, which reported the release of the Mayor's proposed budget for F.Y. 01-02. The article stated how the proposed budget, if passed, will result in a tax increase this year. It attributed the tax increase to various projects the Town is faced with such as the school renovation project. The reporter also referenced the construction of a \$125 million power plant in the section of the article which listed out town projects impacting the mill rate. He wanted everyone to understand that the reporter was wrong and misled the public with the incorrect information; the power plant is being constructed by a private entity and not the Town. People do not read the newspapers thoroughly or properly to begin with, but the reporter didn't include factual information.

Mr. Parisi replied, they don't write the newspapers properly, either.



Mr. Agosta stated, in the two articles he read on the Mayor's proposed budget, both times the Mayor stated that the taxes were going to increase one mill. He referred to a past Council meeting at which time the Mayor admitted that the school renovation project would impact the tax rate, by increasing it approximately one mill. At our last Council meeting, the Mayor denied saying that taxes would increase approximately one mill.

Mr. Agosta stated that he believes that taxes will increase more than one mill.

Mr. Melillo asked for a status report on the Cooke property?

Atty. Small stated, the case is awaiting a court date.

Mr. Melillo asked for an update on the former Wooding/Caplan Property?

Mr. Parisi answered, it is still in discussion. It involves the coordination of a lot of people around that area which makes it difficult.

Mr. Melillo next inquired about the status of the Simpson School property?

Mr. Parisi answered, the bill is before the legislature; they are seeking funding and perhaps we should follow up on the figures/report requested by the Town Council a few meetings ago.

Mr. Melillo next asked about the American Legion Building?

Mr. Parisi answered, we are awaiting figures from Public Works.

Mr. Melillo asked, what is happening with Mr. Farrell's fish hatchery proposal?

Mr. Farrell replied, there is nothing new to report in the last two weeks.

Mr. Melillo suggested contacting Yale University to see if they are interested.

Mr. Farrell informed everyone that he does have a contact amongst the colleges.

Mr. Agosta asked, what cost figures are you awaiting from Public Works regarding the American Legion Building?

Mr. Parisi answered, to remove the building.

The Public Question and Answer Period was closed at this time.

**ITEM #6 Consider and Approve Accepting a Donation of One (1) Thermal Imaging Camera from the North Farms Volunteer Fire Department to the Town of Wallingford**

Motion was made by Mr. Rys to Accept the Donation, seconded by Mr. Farrell.

Chief of Fire and Emergency Services, Peter Struble; North Farms Volunteer Fire Company Chief Tim Wall; and North Farms Captain, Kevin Sigovich, were on hand to give a brief demonstration of the camera.

Chief Struble stated, last year the Rotary Club donated a thermal imaging camera to the fire department. Tim Wall was largely responsible for initiating the donation. Upon receiving the camera, the members of North Farms embarked upon a fund raising drive to purchase a second camera. We are here tonight so that the members of the North Farms company can formally present to the Town the camera, as a gift, which will be used by the North Farms company in their rapid intervention role. One of their primary functions in this role is to rescue injured fire fighters from burning buildings, if needed.

Chief Wall thanked the Council for the opportunity to present the camera to the Town this evening. It was the efforts of the North Farms Volunteer Fire Department (NFVFD), the Wallingford Fire Department and many individuals that have made this donation possible. Contributions in all amounts, as small as \$5.00 and as large as \$6,000, were received from all over the state and as far away as Springfield, Illinois. NFVFD held an open house at its station, inviting the public to witness a demonstration on the camera. The department was fortunate to have both the camera and monitor donated by the Rotary Club.

A demonstration was conducted at this time with the assistance of two fire fighters.

Captain Sigovich gave an overview on the make and model of the camera.

Mr. Farrell thanked the NFVFD for a job well done.

Mr. Vumbaco did the same. He asked that a list of the donors be forwarded to each councilperson so that they can be aware of the individuals and businesses who supported this worthwhile effort. It will help show how the community supports the effort and that there are a lot of excellent businesses and private individuals who support the Fire Department.

Mr. Wall agreed to forward the list. He stated that there were approximately ninety-seven (97) different monetary donations.

Mr. Parisi stated, it is refreshing to know that businesses and industries will answer a call like his.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Move Item #10 Up to the Next Order of Business, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM 10 Consider and Approve Waiving the Bidding Process to Contract with American LaFrance Co. for Repairs to the East Wallingford Volunteer Co. Aerial Ladder Truck – Dept. of Fire and Emergency Services

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

Fire Chief Peter Struble explained, the vehicle is a refurbished ladder truck. The original truck was bought in 1974; in 1988 the truck was overhauled by Pierce Manufacturing. The hydraulic system on the ladder was placed back on a new cab and chassis. The steel aerial had to be replaced in 1998. The ladder is relatively new. The system has developed a “drift”. When you put the ladder up in the air and time it with a watch, the ladder begins to come down gradually. You have to time it to actually see the movement. That is how we test the aerial to see if the seals and hydraulic system are holding. The truck is at the East Wallingford station and is the primary backup for the truck at Masonic Avenue.

Mr. Centner asked, is this a pretty reliable system and this is just an unusual incident?

Chief Struble answered, we could have deemed this an emergency and come to you after we did the work; we could have done what we are doing now; or put the work out to bid. We felt that because it is the second ladder truck in town, we had at least enough time to come to you before doing the work.

Mr. Centner stated, the drift in the ladder, alone, is one thing. With a load on it; with a couple of people on it from an evacuation; you really wouldn't it coming down in an untimely manner.

Mr. Vumbaco asked when the drift was first noticed?

Chief Struble answered, approximately two weeks ago. Each year we have a third party testing company who comes in and tests both aerial devices. That was done in October.

Pasquale Melillo asked for an explanation for the request.

Chief Struble reiterated the need to have the equipment serviced.

VOTE: All ayes; motion duly carried.

ITEM #13 Motion was made by Mr. Rys to Move Agenda Item #13 Up to the Next Order of Business, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Purchased Services – Forest Management Acct. #001-4001-901-9019 to Recreation Supplies Acct. #001-4001-401-4100 – Dept. of Parks & Recreation

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

Due to an increased participation in youth league programs, additional dollars are needed for equipment trophies, jerseys, summer playgrounds, middle school programs and trips. Funds are available in the Forest Management account due to inadequate funding in the account to complete a management study as outlined in a public bid. A new plan is being developed to utilize the funds in the account which will become available after July 1, 2001.

Mr. Knight asked for further explanation of what happened to the Forest Management program. What changed to cause the bids to come back in excess of the dollars budgeted for the program?

Thomas Dooley, Director of Parks & Recreation replied, a two year plan was established and a contract entered into in 1991 which expired in 1993. A second contract was entered into from 1993-1996. In 1997 we began having problems with large, open cuts of wooded areas and we ceased operation with regards to our management in dealing with the company we were working with at the time. Since then it has been in a stated of "flux" so to speak. We budgeted a sum of money last year to get the program going again. It went out to bid for a study of all open space and when the bids were received, they were much higher than the \$25,000 budgeted.

Mr. Knight asked, how much more?

Mr. Dooley answered, one was \$100,000 and second bid was submitted for \$180,000. We are working with the Conservation Commission to re-direct our efforts.

Mr. Vumbaco asked, have you budgeted money in the upcoming budget for the study, again? If so, how much?

Mr. Dooley answered, yes, \$25,000. We are taking a new approach; we will be utilizing some services that will be free of charge as well as some state funding. The Conservation Commission is currently working on a plan to present to the Mayor, myself, Don Roe. I haven't seen anything yet.

Mr. Vumbaco stated, I think if we are going to be putting a lot of money into buying land, this thing needs to be managed. If, in fact, it is going to cost more, then we should push for that. This is too valuable of a space and too valuable purchases for us to just let go. With regards to your programs, you have an increase in programs, therefore an increase in dollars; are these programs that you charge fees for?

Mr. Dooley answered, these are all programs that we charge for.

Mr. Vumbaco asked, there is no additional funding that is coming from the people who are registering for these programs? Is there a registration fee charged? Does it cover the total cost of the supplies to run the program?

Mr. Dooley answered yes to the last two questions asked by Mr. Vumbaco. He explained, none of these were large and significant of themselves but they add up. For example, we had a period of rain last summer which necessitated that our playground program spend an inordinate amount of time traveling to indoor amusements that we had not anticipate. Our basketball program had more registrations than we anticipated; thus more teachers; thus more trophies.

Mr. Zappala asked, didn't we used to use Yale University Forestry Management services?

Mr. Dooley answered, they have been part of some of the studies we have conducted out in the forest yes. We are presently not using them. They used to do some work at no charge to us. Since we have ended the contract, we have not been involved with anyone, until we have a plan in place that will give us direction on how to proceed. Using Yale University may be one of the options presented to us. Most of the studies that Yale University undertook were to benefit their students. They used our property to come out here to study.

Jerry Matuskiewicz, 249 New Cheshire Road asked, have you ever contacted the D.E.P. about getting some of these services done?

Mr. Dooley answered, that is one of the things the Conservation Commission is doing.

Mr. Matuskiewicz asked, what is the reason for ceasing the forestry work on Woodhouse Avenue?

Mr. Dooley answered, they had sort of expanded the scope of the contract by doing what is defined as a "clear cut" which is not specifically covered in our last contract and they did a lot of damage out there, according to the members of the committee that I sit on with Mr. Roe, Mayor Dickinson. The firm exceeded what we had contracted them to do.

Mr. Matuskiewicz stated, that area really needs to be lumbered. Nothing has been done with the area since the Town has purchased it, other than cut some bike trails through there. It was lumbered approximately 35 years ago and it really needs some habitat improvement if you plan on having any wildlife in there. There is no ground cover whatsoever. DEP Forestry Unit or UCONN's Forestry Extension Service might give you some ideas.

Mr. Vumbaco asked, is there any restitution to the Town for cutting more than contracted for? Are we at least requiring that the company come back and re-plant saplings?

Mr. Dooley answered, no.

Mr. Vumbaco asked, why?

Mr. Dooley answered, it is a discussion you will have to take up with the Mayor. I am not prepared to answer that question. I recall that we had lengthy discussions on the issue but I am not sure that I can accurately give you all the answers tonight. I could get back to you with the answers. It was a decision to end the contract because they clearly violated it. We wanted to have them finish what they were doing to get them out of there.

Mr. Vumbaco stated that he would appreciate hearing back from Mr. Dooley on the matter. He would like to have a reason why the Town is not going back after the vendor for restitution since they damaged the property.

Mr. Dooley answered, by their definition, they don't think that it was a clear cut.

Mr. Vumbaco stated, I would prefer some answers to that.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$25,018 from Regular Salaries & Wages Acct. #001-2005-101-1000 of Which \$22,500 is Transferred to Gasoline & Oil Acct. #001-2005-300-3000 and \$2,518 is Transferred to Custodial Services Acct. #001-2005-901-9013 – Dept. of Police Services

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

Correspondence from Police Chief Douglas Dortenzio explains how the current year's budget was completed utilizing the pricing indexes distributed at the time. The substantial rise in gasoline prices that were realized thereafter have continuously eroded the account. Funding is required to fuel the department's fleet during the remaining months of this fiscal year.

VOTE: All ayes; motion duly carried.

ITEM #8 Consider and Approve an Appropriation of Funds in the Amount of \$28,000 to Outside Contractor Acct. #001-2005-101-1800 and to Charges for Current Services Acct. #1065-060-6020 – Dept. of Police Services

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

Correspondence from Police Chief Dortenzio explains how the custodial services is a publicly bid, contracted service. The department's supplier abandoned the job without notice earlier this year. The work was subsequently awarded to the next lowest responsible vendor on the public bid. The requested appropriation reflects the difference in costs between the two vendors for the remainder of the fiscal year.

Mr. Rys asked why the contractor abandoned the work?

Chief Dortenzio surmised that it was due to a labor problem. Under the contract the vendor had an obligation to supply personnel during specific hours on two shifts over seven days and they could not supply the labor. With the tight labor market they most likely could not muster the personnel necessary to fulfill the contract. The department relies on the contract to cover all of the needs of police headquarters.

Mr. Rys asked if the department has ever experienced this problem with other firms?

Chief Dortenzio replied, not that he was aware of. This type of business is somewhat notorious for having labor problems. There probably have been previous occasions where the department has put them out for different reasons. To the best of his knowledge, they have seen where they could not come up with the personnel to fit the requirements of the contract.

Mr. Rys asked, if the department were to go out to bid for custodial services in the future and this firm showed up on the bid list, would they still have to be considered?

Chief Dortenzio answered that he was not quite sure what the rule was on the matter. He hoped that the Town wouldn't waste its time going through the entire process a second time, only to have the same result. It is a waste of time and the utilization of personnel. It is a moot issue for the foreseeable future. It is being re-bid and the contract award for the forthcoming fiscal year is the firm that basically has been the second person on the bid list and that we are using in the short term now. They will continue beyond July 1<sup>st</sup>.

Mr. Centner asked, is there any language in the current contract that would give us damages for early termination?

Chief Dortenzio was not sure. He hadn't viewed the documents in the past two years. For the amount of money; his staff explored the concept of trying to bill the expense back to someone and the amount is so small, the litigation costs would override any sense of recovery we might get in this dollar amount. This is supposed to be language in our contract that allows either party to provide thirty days notice before it is cancelled. They could have given us the thirty days notice but it would not help in the short term. The department needs someone to come in to the facility on a daily basis and empty out trash cans, clean bathrooms, jail cells, etc.

Mr. Centner asked, do the firms have to have any special bonding or security clearance to work in the building?

Chief Dortenzio answered, they do have to have a security clearance to get in, yes.

Mr. Vumbaco asked, which positions are vacant in the department?

Chief Dortenzio answered, police officer positions.

Mr. Vumbaco asked, where do you stand on the progress of filling those?

Chief Dortenzio answered, I can stay here all night discussing the problems this profession is having across the United States. We have an upcoming academy class that is due to start in the middle of May. We have a number of people who are in the final selection process that I suspect will be seated in that class. That will not fill all of my vacancies. I need additional personnel and the process is extraordinarily cumbersome, in terms of the number of screening mechanisms that we put prospective employees through. The real issue is, we are not seeing the number of individuals apply to our profession. Those who are already in it are being drafted by other agencies, sometimes within five days after we have hired them, they are leaving. We are no exception to that problem. It chews up a lot of our time and resources but there are communities in the State of CT. that are in far worse shape than we are but I don't see that changing in the foreseeable future. We are in a very tough business. The labor market is tight and a lot of people are making judgments as to whether or not the line of work is worth it.

Mr. Vumbaco asked, are you using overtime to fill the shifts?

Chief Dortenzio answered, yes.

Mr. Vumbaco asked where are those dollars come out of?

Chief Dortenzio answered, there is a separate line for overtime to which I charge it to.

Mr. Vumbaco asked, do you have enough money in the overtime account?



Chief Dortenzio answered, that remains to be seen. It may be very tight for the remainder of the year. It is not beyond the realm of possibility that I may be back within the last month of this fiscal year to deal with shortages there.

Mr. Brodinsky asked, how many positions are vacant at this point?

Chief Dortenzio answered, seven, but I have already received notice that I will be losing two more people in the coming weeks.

Mr. Parisi asked, are the bidders required to post a performance bond?

Chief Dortenzio did not know.

Mr. Parisi stated, that is the exact situation that would prevent this from happening or at least you could recoup the cost if we lose.

Mayor Dickinson stated, we pay the vendor after the work is performed so that we are not losing anything. We found that the performance bond was not assisting a great deal. I can't be sure right now but I know that had been the case.

Pasquale Melillo, 15 Haller Place, Yalesville was pleased to see that the Chief followed the bidding process to the maximum degree possible. He would like to see the action approved.

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering an Addendum to the Purchase and Sale Agreement for Open Space in Wallingford and Durham, CT., seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Approve an Addendum to the Purchase and Sale Agreement between the Town of Wallingford, CT. and the Trust for Public Land Regarding Land in Wallingford and Durham, CT. for the Purpose of More Accurately Describing the 30' Access Roadway, seconded by Mr. Farrell.

Mayor Dickinson explained, the addendum amends the contract to reflect an access road that widens in order to allow a 70' wide crossing at the stream because of the 9' of fill and 60" pipes that are necessary in order to cross the stream, we need this kind of width in order to have grades proper to protect the pipes that are to be put in. The estimated cost is almost \$40,000. The contract is with the Trust (for Public Land), they are represented here. I am told that the

owner is in agreement with this. This allows us to put in the access road with sufficient clearance on each side.

Mr. Knight asked, what is the additional money for? Are we purchasing additional property?

Mayor Dickinson answered, the approximate \$40,000 would be our expected costs in constructing the road. It is not money that goes to the owner, it is money that we would spend in order to create the access.

Mr. Knight asked, does that include the 70' of pipe?

Mayor Dickinson answered, that is the entire cost for providing access off of Powder Hill (Rd.) into the property. This is not a paved road. It is a 12' wide processed stone, gravel, access driveway.

Mr. Zappala stated, I don't understand why we are addressing this land as Wallingford/Durham land. I want to clear up whether or not some of this land is in Durham. Some people are under the assumption that some of the land is in Durham. The land is only in Wallingford, right? The reason we refer to Durham is because that is the only part that will be located there, the access road? All the land is in Wallingford, period.

Mayor Dickinson answered, right. The access road is on Durham property. The large piece, the 52 acres that we are buying is all within Wallingford. The access road comes off of a Durham highway and it is the only way to reach the property. The 52 acres is all in the Town of Wallingford boundaries.

Mr. Vumbaco stated, I am not in favor of building an access road onto this property, therefore I will not support this addendum.

Robert Sheehan, 11 Cooper Avenue stated, I am against this purchase altogether. The road started out as 30' wide, now it is down to 12'. I see no reason why we have to put a dirt road on this land. We can't get to it from Wallingford. We have to go to another town to get to it. As far as I am concerned, it is a land-locked piece of land that does us no good. Is the road going to be 12' wide or 30' wide?

Mayor Dickinson answered, the road would be 12' wide, the right-of-way the Town owns would be 30'.

Mr. Sheehan stated, one of the reasons you stated for needing this road was, if the property is used for passive recreation and emergency vehicles are needed for someone on the property, the road will allow access. How long will the road be?

Mayor Dickinson answered, approximately 800-900'.

Mr. Sheehan asked, is that 800-900' on Durham property?

Mayor Dickinson answered, it is within the Town of Durham. The access road is within the Town of Durham, but if the purchase is completed, it would be Town of Wallingford land.

Mr. Sheehan asked, from Powder Hill Road, this property in Wallingford is how far?

Mayor Dickinson answered, approximately 800-900'.

Reginald Knight, 21 Audette Drive placed a drawing on display and, in referring to it, pointed out that there is a cliff approximately 200' high that can only be scaled by either a goat or someone who is very nimble. It takes approximately ½ hour to get up there if you are nimble on your feet. The only thing that Wallingford people see is that cliff.

Mr. Parisi stated, I think your presentation would be better made in the public hearing. We are trying to get to the public hearing. You are discussing this at the wrong time.

Reginald Knight stated, the Town had enough time to listen to a Nazi and turn out thirty-seven extra policeman and troopers but it can't listen to....

Mr. Parisi stated, if you can just wait a few minutes. Let us vote on this thing and you can come right back up here. No one is saying that you can't talk.

Reginald Knight stated, I just wanted the townspeople to see what you are discussing.

Mr. Parisi answered, and they will see it when we get to the public hearing, sir.

VOTE ON ADDENDUM: Brodinsky & Vumbaco, no; all others, aye; motion duly carried.

ITEM #9 PUBLIC HEARING to Consider and Act Upon a Proposed Ordinance Entitled, "An Ordinance Appropriating \$445,000 for the Acquisition of Approximately 52.95 Acres of Real Property Located in the Town of Wallingford Off of Powder Hill Road in Durham, and Authorizing the Issuance of \$445,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose"

Mr. Parisi stated, I hereby convene the Public Hearing for the \$445,000 Appropriation and Bond Authorization for the Acquisition of Approximately 52.95 Acres of real property known as 478 Powder Hill Road. The Ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

Motion was made by Mr. Farrell to Read the Title and Section 1 of the Proposed Ordinance, in their Entirety, and to Waive the Reading of the Remainder of the Ordinance, Incorporating its Full Text Into the Minutes of this Meeting, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

**AN ORDINANCE APPROPRIATING \$445,000 FOR THE ACQUISITION OF APPROXIMATELY 52.95 ACRES OF REAL PROPERTY LOCATED IN THE TOWN OF WALLINGFORD OFF OF POWDER HILL ROAD, IN DURHAM AND AUTHORIZING THE ISSUE OF \$445,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE**

Section 1. The sum of \$445,000 is appropriated for the acquisition of approximately 52.95 acres of land located off of Powder Hill Road in the Town of Wallingford off of Powder Hill Road in Durham, commonly known as 478 Powder Hill Road, as more particularly described in Volume 478 Page 318 of the Wallingford Land Records, for open space purposes and for construction of an access road, and for engineering and consulting fees, appraisal, testing, commissions, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs related thereto. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcel and to sign purchase contracts and documents necessary to transfer title to the Town of Wallingford.

Section 2. To meet said appropriation \$445,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of purchase agreement shall be subject to approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information

repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and not authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Reginald Knight, 21 Audette Drive referred to a drawing he provided, pointing out how the residents of Wallingford will only see a cliff. He asked the Mayor if it was true that the Town took land at the top of the cliff due to non-payment of taxes?

Mayor Dickinson answered, it was not just to the top of the cliff but also one side of the ridge, about 85 acres.

Reginald Knight stated, according to the Planning Department, the property running north and south along the ridge was taken by the Town. The only passage to the property is a path that is extremely hard to get to. If one were to travel to the property, they would have to take a left off of Route 68 and travel under a railroad viaduct with a sandstone bridge. It is an extremely dangerous corner to negotiate on the main road. A left would be taken to gain access to Powder Hill Road. From there you bring yourself to a swamp area. Trap rock is visible and is constantly draining into an area where the land is located that you wish to buy. Let the people of Durham or Middlefield buy the land and leave it open. They are the ones who see it and will get just as much use out of it as we will. Not only are you crossing town lines but county lines to get to a place that is relatively swampy, sloping towards another town. What is the point? You are way over on one edge of the town, facing another way. It cannot be seen because of the cliff. The people of Durham and Middlefield get more out of this than we will. There is no point to buying this. No one is going to want to go there. I have hunted the property and know what it is like; rough terrain. The average person who wants to recreate will visit the linear trail

which is central to everyone and easily accessible. If you have money to spend, spend it in town and spend it on something more important.

Robert Sheehan, 11 Cooper Avenue asked, has the land been appraised?

Mayor Dickinson answered, there are two appraisals; one is oral and the written one at this point is \$344,500. The second one will come in \$325,000. We have a state grant of approximately \$131,000.

Mr. Sheehan stated, that amounts to approximately \$6,500 per acre and to that price you have added various other fees including an access road. That takes care of the \$131,000. If you think you are going to put a road up there, 12' wide and have a bridge across the stream, it is not going to travel in a straight line. I give it one rain storm and it will be washed out. You're going to have to figure in cutting trees. The best advantage to this land is on the east side and, unfortunately, we don't own the east side of the property; that's Durham/Middlefield. We own the west side which has about a 15% grade which is very steep and more conducive to a chair lift to a ski resort, than a road. I don't see our Planning & Zoning, if anyone were to buy the land, allowing anything to be built out there simply because of run-off. At the foot of this property is a stream which leads south, forming a wetland at the bridge which crosses the railroad track at North Branford Road and continues under down North Branford Road into our reservoir. If someone wants to build a house on a hill, that is fine, but last I knew, water runs downhill. The developer will have to put septic tanks out there and will have to drill because, at that elevation, you will never be able to get city water up there. It will cost too much to do so. If you put in a series of roads, that will cut down on the land use, itself. Why do we have to access this property? What is the big deal? The Mayor is known for being frugal. One of his main concerns is liability. We are going to have to cross Durham property to access a supposed place for passive recreation and it has to be accessible to emergency vehicles, in case something happens out there. You had better make that road wider than 12' for emergency vehicles because, as sure as I am standing here, you are going to have to use it if you open up that passive recreation. In Meriden, by Black's Pond, you will see many cars parked on the side of the road. Not everyone is hunting or fishing; some are hiking the ridge. Every once in a while you will see an ambulance out there and they are carrying someone out. We don't need that liability in this town. You have had open space developments in the past year few years and they have tried to give a portion of the open space development to the town and the Mayor has refused it because he does not want the liability. Now all of a sudden we have to access this property and I, for the life of me, this is a land-locked piece of property. You cannot get to it from anyplace in Wallingford, not unless you want to build a big bridge. This town probably has more passive recreation area than any town around us and we are still developing around us every day; linear trail; bike paths, horse paths out in Tyler Mill Road; Vietnam Veteran Park out on East Center Street. We bought a patch of land across the street for the Water Division and so people can walk up there to see it. If you want to buy the property, fine, but why do you have to access it? It is of no use to anyone. The majority of the land that would be developed lies in

Middlefield and Durham. There is an elevation to this that makes no sense to do anything with it. It would make a better donation, but, in all fairness to the owner, land has value. How much tax generated to the Town on this property each year?

Mayor Dickinson answered, approximately \$86 or \$87 at this point.

Mr. Sheehan thought it was fiscally irresponsible to be purchasing land at a time when we don't know what the impact will be from revaluation and the school renovation project to the taxpayers. He would rather see the money go to a little spot that used to be the talk of the town and everyone used to like to visit; Community Lake. That has been sitting for 12-15 years. Spend the money down there; it is a lot better use of the money than where you are proposing to spend it.

Pasquale Melillo, 15 Haller Place, Yalesville asked the Mayor, shouldn't the \$131,000 that we are receiving from the state be deducted from the appraisal amount of \$344,000 or \$325,000 and therefore the cost associated with the purchase of the land should come down?

Mayor Dickinson answered, no, we have to purchase the property with Town funds and then the state determines the amount for reimbursement. They have indicated as much as \$131,000.

Mr. Melillo asked, why is so much more being requested over and above the actual purchase price of the land? Is the entire future interest factored in that? How did you arrive at the figure?

Mayor Dickinson answered, it is not future interest. It relates to borrowing costs and the cost of the sale. Most of that covers possible environmental Phase II inquiries as well as the road access and construction. We are optimistic and hopeful that we will not have to spend that much but we are trying to cover what might be our experience.

Mr. Melillo asked, if this does pass and, in relation to the issuance of \$445,000, are you going to send that out to bid?

Mayor Dickinson replied, we would be going to a public sale, yes.

Mr. Melillo asked, how does the state relate to our using it for passive recreation?

Mayor Dickinson answered, very positively because the grant terms are that that is the only thing the Town can do on the property if we accept the state money.

Mr. Melillo asked, the only building that can take place on the property is the construction of the road?



Mayor Dickinson answered, we are constructing a driveway to the property; at this point we are not constructing anything on the property. There could potentially be a small parking area.

Mr. Melillo asked, is there a problem with the state on that?

Mayor Dickinson answered, I don't think so, no.

Mr. Melillo asked, what type of relationship will we have with Durham over this land?

Mayor Dickinson answered, I am not sure it would be any different than it is right now. The piece of property poses a special problem in that, if the property were to develop there would be some serious questions about how the town of Wallingford would provide services, given that the only way to reach the property is from a road outside of the Town. Our Planning and Zoning Commission would refuse an application for development, however, the owner would have a right to develop. We believe ultimately that development would occur. It would become a question of school buses or ambulance or fire or police services having to go outside of the town, up Powder Hill Road in order to provide service to the subdivision that would exist on the property. That is of some concern to us as well. I would characterize the property as very developable; it has a grade but not a severe grade. It is not anything close to a cliff. It is pretty much cleared. It continues to exist as something of an overgrown meadow, at this point. It has been used for agricultural purposes in the not to distant past. I think it is an attractive piece of property for someone who would want the nice view out to the east over Durham and Middlefield.

Mr. Melillo asked, how much of the land is comprised of wetlands?

Mayor Dickinson answered, I don't believe there is much wetland on the property. Most of the wetland from the inquiries has been identified on the property owned by the same owner that is located in Durham, which of downgrade; a lower elevation than this property.

Wes Lube, 15 Montowese Trail placed a large combination of maps displayed on a sheet of plywood before the Council and Mayor. He referred to a part of the map that was "like a flap of a blanket; just sticking out into the Middlefield/Durham area." It is just logically not part of Wallingford. That is what is creating a problem for the Mayor when he speaks to having to provide services to this awkwardly-located parcel. The 53 acres are on the eastern slope of the Metacomet ridge. He pointed to what is known as contour lines on the maps. He explained, each one of the lines represents a 5' change in elevation. When you see lines that are quite far apart, that is a perfectly level piece. When you see lines very close together, it is a very rapidly rising or falling section of land. The uphill boundary is 1,000' wide and also 1,000' from the Metacomet ridge. The downhill boundary, which is the Wallingford/Durham town line, is 2,700' from the Metacomet ridge. Bear in mind that a mile is 5,280'. When you are talking about 2,700' that is half a mile to the ridge, uphill at a 10% grade. If you have ever tried

climbing some of the Wallingford streets that have a seven percent grade and you find yourself huffing and puffing, you can imagine what it is like going up rough ground at a 10% grade. The lowest point is 380' above sea level and further up it is 525. This land is anywhere from 150' to 200' below the ridge line. From Wallingford, even if three story homes were built on this land, we couldn't see them from Wallingford. We are not doing anything to protect the crest or ridge. The 584 acres around the land is owned by Tilcon Minerals for over twenty years that I know of, and probably forty or fifty. They are not of a mind to sell the property to generate cash because they probably think that someday they will be able to access it for quarry purposes. That is why, undoubtedly, they are holding it. The 53 acres in Wallingford are part of the total continuous acreage owned by the Henry Bugai, Sr. Family Trust. The 53 acres we are talking about are all within the Town of Wallingford. The Bugai family owns both sides of Powder Hill Road. They are a major land owner in Durham. The package being offered to us, as mentioned, includes a 30' wide strip. I called Elizabeth Moore at the Trust for Public Land in New Haven this afternoon and she said there was a side agreement with the Town which is not included in the basic contract, to which the Bugais and the Town have agreed that the access road would be located snugly up against a parcel that has been sold previously and is not available. The abutting Durham land is zoned Farm Residential, or what we would call 1 acre. I copied a proposed subdivision at the Town Hall that did encompass a part of the Bugai property and is the third proposal that had been made. In 1989 the bottom fell out of the real estate market and the whole thing was dropped. Nothing has been done since 1989. In twelve years there has been no other activity on the Bugai property to the knowledge of the Town Hall. The land has an eastern view. You cannot see Wallingford because the ridge blocks the view. You can turn around and look at Durham, unfortunately, because that is not our town and we have no control over what Durham is going to do over the next 50, 60 or 70 years from now with what we now see as a beautiful view. It could end up being factories or it could end up being forest. We have no way of controlling it and no way of protecting it. Durham, in turn, looking westward towards Wallingford will see this rising land and a "swath" that will be cut through the terrain. For those who are bikers or ATV enthusiasts, when they see this rough cut graveled road heading up towards the crest, it is somewhat of an invitation. The Mayor has spoken in the past of gating this road which brings the thought to mind, if my grandchildren are visiting and I want to take them for a walk on this newly acquired land. The first thing we will have to do is find our way from Cook Hill to Route 157 in Durham. Then we will have to go underneath the railroad trestle and take a sharp left onto Powder Hill Road and continue until you come to the access strip. We will have traversed 1 ¼ mi. in Durham to get to the gate which will probably have a sign on it informing me that I must go get the key. Now I have to go all the way back and on a Saturday the Town Hall is closed; I'm stuck. If I had the foresight to get the key ahead of time, I will then have to take the family up an 800' seldom traveled dirt road. You know what happens to dirt roads that are not frequently traveled; they develop their own personalities. Now we make it to the edge of the property where there is a little turnaround. We get out and now have to hike ½ mi.; 2,700' to the crest, through forest and brush, uphill at a 10% grade. If I made it to the crest, I would ask them to go get someone to help me back. That is what one heck of a trip. To call this land something that we want to use

for passive recreation is something that really stretches the imagination. Let's look at, what is the value to the seller? What is the seller going to get out of this? Don Nitz did an appraisal in July of 1999, not quite two years ago, but it is not current. He said that the highest and best use would be a residential development. You are all sophisticated enough to know that means streets, curbs, sidewalks, houses, lots, conforming to the zoning of two towns. No mention was made of the need to comply with subdivision regulations which do vary from town to town. This would require an interior road network, servicing the lots comprising the entire acreage. At that time he was asked to look at 119 acres. He appraised it collectively because that is the way it would be developed, collectively. He then spun off the 53 Wallingford acres, referring to them as contributory value acreage and estimated them to be worth \$5,500 per acre and the Wallingford contributing value would be \$291,000. It is not the figure we have been looking at most frequently, in regards to this ordinance tonight. This was the appraisal that was submitted to the state for the land grant purposes. The state normally approves a grant equal to 50% of land value, which would have been \$145,000.; you heard \$131,000. The actual approved grant was only \$131,000 and probably has further approvals to go. This may be due to a 10% reduction. Sometimes if they have more requests than available funds, they will just automatically cut everyone 10%; that is a possibility. It is also a possibility that when they ask for appraisals, they don't always take the appraisals at face value. This happens to work out to exactly \$5,000 per acre. They may have decided that although Nitz thought it was worth \$5,500., in their opinion it is only worth \$5,000 (per acre). We don't know what their thinking was, one way or the other. Subsequent negotiations developed the need to have access to this otherwise land-locked fifty-three acres. So, back to the appraiser who responded in a Feb. 15, 2001 letter, "The inclusion of an access strip would increase the contributing value to \$6,500 per acre, or \$344,000, instead of \$291,000." What is very important is, Mr. Nitz said, "The access strip and enhanced value per acre was predicated on the following..." in other words in order for the land to be worth \$6,500 per acre, here is what that strip had to be, "1. Ownership in fee simple; 2. that the access strip provide full and unlimited access." All of you who have dealt with Planning & Zoning in our town and it is equally true in Durham, which was confirmed today; in order to have unlimited full access, you have to have a 50' strip. The 30' strip denies the Town "full and unlimited access" to the property. You can have one or two driveways, but there is no way you can fulfill his impression that the highest and best use was residential development. Therefore, he appraised the value of each of the acres on the assumption that they could be developed and could only be developed if that strip was a 50' strip and not a 30' strip. Thirdly, he said that the access had to be "over an interior road network servicing the entire subdivision." What he was saying was, when the lower area is developed and roads are put in, then from one of the streets, which will probably be 300' from the town line, you will have a 300' dirt road built in order to access this piece. You don't have to build it all the way out. That was the basis of his evaluation. We have, in the recent past, all too often, the Council being asked to pay more than appraised value. Here we are talking about paying appraised value and we are not getting what was appraised. Is this an attempt to get the Council to stretch? When we look at this, we see that it is 1/2 mile from this point to the ridge. We can't call it part of the ridge; it is not. The half mile to either side of the ridge would be quite a swath

through the state. I don't think that anybody has that in mind. To be spending nearly half a million dollars for a piece of property that will be used three or four times a year, with taxes going up; this is not the time to even entertain that kind of a thought. Does it add to the Wallingford rural ambiance? Does it make us feel better because of the looks of the town? No, because we can't see the property, it is on the other side of the ridge. It does nothing for the rural atmosphere that we have used to justify some of the other purchases. Does it provide a panoramic vista of Wallingford? No, it is below the ridge. You cannot stand on it and look around the town, there is no panoramic view to be had. It is considered to be a physical buffer preventing access to the ridge by others. It would only be a buffer if we could not go around it. There is nothing to prevent that. The only way it could be a guaranteed buffer is if it went all the way across, which it doesn't. If the protected buffer is the sole reason for buying it, and it is a weak reason, and we have to have a gated dirt road and the expense has to be kept in mind, I am not the figure \$40,000 mentioned earlier will turn out to be the ultimate cost for an 800' long dirt road. Let me tell you what has to be done. Here, in the Durham section, at the entrance on Powder Hill Road, the elevation is 410. It then goes to 425, the peak. From that point it slopes down to 400 and then all of a sudden there is a sharp drop down to 375. There is a gully in between Powder Hill and our property. It then rises from the 375 up to 395. At 395, where the Wallingford Town line is, Powder Hill Road is actually higher than our town line at this point. This dirt road will not be a high graded road. It will be a road that will take a lot of fill because of that gully and I think that is what they were talking about, having to spread that 30' because of the width of the fill. All of that fill, all that pipe and gravel and turnaround at the end adds up to more than \$40,000, to me. In addition, you have to have surveying and staking of that dirt road; engineering; tree-clearing company come in because the area is heavily-treed. There will be bull-dozing, grading and filling; entrance gate, key and sign. That is a lot of money for very little. This is not the time to be entertaining this kind of project. I am sure the Community Lake advocates and some of the other land purchase advocates have other pieces in mind. This is the time to pass. There will be others.

Jeff Borne, 20 Sylvan Avenue, Chairman of the Conservation Commission stated, it is interesting to see how different people view the same piece of property in different ways. When the Conservation Commission walked up to this property, accompanied by Mr. Bugai, it was a rugged walk; there was no question about it. A portion of that walk was through the Town of Durham. At that time it was anticipated that Durham and Wallingford were going to work together to get a large piece of open space. Only half of that worked; Wallingford was successful in dealing with Mr. Bugai. Mr. Bugai remembered, as a young man, clearing some of that gentle sloping plateau, the sort of flatish piece before you make another steep climb up to the top of the ridge. When we got to the property, we did find an amazing piece of open, agricultural land that was created up there. It took an incredible amount of sweat and blood to make that land productive at a time when agriculture was a very important part of Wallingford. In doing just a little bit of research, I checked the soil and water conservation district, state soils maps... and it turns out that this farm land is land of statewide farm significance. We found quite a bit of habitat diversity on what is primarily a wooded slope on the back side; east side,

of the trap rock ridge. We found primarily wooded land, except when we got to the Bugai property. We had probably 90% open fields, 10% wooded buffers and that just makes a tremendous habitat diversity for the whole east side of that ridge. The open land attracts grassland birds; the edge just an abundance of diverse wildlife. There aren't many wetlands on the property but some of the drainage does collect and headwaters of Osmond Brook, which runs into Saw Mill Brook, arises at the site, and just off of it. The views out to the east were spectacular. You could look out over the whole rural landscape of Durham, something that is very difficult to do from the crest of the ridge because, when you are on the crest looking to the east where the slopes are a little more gradual, it is heavily wooded and hard to get good views. This property lends itself to a beautiful looped trail from the Metacomet Trail at the top of the ridge; a ¾ mi. loop down to the Bugai property would then make a nice side trip for someone hiking the length of that trail. There were comments made that Wallingford doesn't benefit from the views. I see that as, people from Durham looking to the west, looking up at Wallingford, saying, "Wow, that's Wallingford on the ridge. What is in the other side of that?" That's the heart of Wallingford. That is how I see the ridge. The property is part of our whole open space program, it does fit in a priority area, the "trap rock ridge" portion of the town. Most people know by now that the trap rock ridge is a resource of statewide significance. Wallingford is blessed to have quite a bit of that ridge within its boundary. Regarding trap rock ridges; there is the ridge "top" which is typically where the CT. Forest and Park Association trail goes. On the west side of the ridge is sheer, steep cliffs; very rugged. There is potential danger for people who aren't cautious and who don't respect those aspects of natural resources. The east side of the ridge is a little more gradual and tends to be more wooded because trees can't grow on the steep west side. I think that Wallingford is fortunate to have this kind of topography that does offer a challenge to those kinds of people; I don't need that challenge so much anymore, but when my kids come home I will ask them if they want to go for a walk, and if they want to climb the ridge, I will take a walk on the Quinnipiac trail. It is nice to have that kind of diversity and that kind of choice in the Town of Wallingford. I submit that the east side of the ridge does provide a lot of integrity to the ridge, itself. It is one thing to be on the top and walk along the ridge and enjoy the views, but, in terms of habitat and integrity to the whole ridge, there is two sides of it; it goes from the grade at Powder Hill Road, down to the grade on the west side and that consists of the whole ridge. Wallingford would be fortunate to have some land on the east side of the ridge. That covers the way the Conservation Commission looked at the property and we made the recommendation to the Mayor, essentially to the Town Council and I feel badly that you are hearing a lot of negative aspects to the property. You are taking the shots and I am the one who recommended it. In closing, for the reasons that the Conservation Commission feels that this is an asset to the Town, I do hope that you consider all of the merits of the property and vote to allocate the funds to purchase it, thank you.

Guy Beach, Cheshire Road stated that a previous speaker stated that land acquisitions are once in a lifetime opportunities. He disagreed. A lifetime is only 70+ years. This is forever. For those who say that the land is not developable, he referred them to a proposed development on Cheshire, Deme and Old Turnpike Roads. That land has about a 50 degree slope. The

application is now before Planning & Zoning. He did not want to see TV towers on the property. He was in favor of the acquisition. It is a micro-mini version of the deal that Secretary Steward got in Alaska. It is a small investment which helps to save money in the future on infrastructure improvements. He encouraged the Council to purchase the land.

State Representative Mary Mushinsky, author of the Ridgeline Protection Law, thanked the Council, Mayor and Conservation Commission for taking the forward step to acquire the parcel. She congratulated them for their foresight to acquire the parcel. The area is a principal target of the state's open space fund and one of two areas of critical concern in Wallingford. The Metacomet Ridge is our very own Rift Valley, located in Africa. It extends sixty miles into Massachusetts. If you visit the property in April, you will see hawks traveling north on their migration. You can look at the hawks at eye level on the top of the ridge. There are a variety of wildflowers blooming; wild ginger, spring azure butterflies are starting to emerge and a whole collection of unusual plants and animals that just live on the trap rock ridges. The ruggedness used to protect the trap rock ridges but that is no longer true. We have seen development on the ridges in Avon, Southington, Plainville, even parts of Meriden who just acted to use some state and local funds to buy Cliffside property, one of their pieces of trap rock ridge. The towns that share the ridge have responded to the threat by increasing levels of protection. The easiest thing to do is join a compact with your neighboring towns and Wallingford has done that. The next level is to use the ridgeline protection law but that regulates the top 50' only; that law is a narrow-focus law. Best of all, consider them for purchase for permanent protection, and that is the best way to go. Your action will protect this natural corridor that is 400 million years old and will be enjoyed by many generations into the future. Thank you for being far-sighted and in pursuing something that is a very unique feature of Wallingford's landscape that future generations in Wallingford will enjoy.

Tom Flynn, 236 South Elm Street appeared on behalf of himself and the Wallingford Land Trust. As President of the Trust he stated that the Trust would like to support the Town's acquisition of the property. The way to look at this type of purchase is not for the immediate usability of this piece of property, but as part of a much bigger picture. This is one small portion of a lot of property up on that ridgeline that needs protection. You have to take it one step at a time. You have already acquired a substantial and very important part of the ridgeline. There are other properties at some time in the future that will and may become available. This is a step in the direction of connecting those properties and protecting the entire ridgeline. I appreciate you taking this step on behalf of the Town of Wallingford. Thank you.

Jerry Matuskiewicz, 249 Cheshire Road spoke in favor of the purchase. He stated, the Rod and Gun Club leases this property right now from Mr. Bugai for hunting rights. We have hunted it for a number of years. There is an access road there now...we use it. As far as that access point, it runs along side of an alfalfa field on the top end and there is only about 200' of woodland that you are going to go through and it is fairly thinned out. There is not going to be too much as far as tree removal goes. It is a nice piece of property. IT was a cornfield at one time and then a

hay lot and now he cuts it about every other year. There is quite a bit of wildlife; turkey, deer, pheasants, woodcock, plus numerous songbirds. I am in favor of the purchase; the price is good and the landowner is easy to deal with. I do the land leases with the Rod & Gun Club so I know him personally; they are nice people.

Art Falcigno, 15 Stella Drive, President of the Wallingford Rod and Gun Club stated, I will speak on behalf of myself and the Rod & Gun Club. The speaker before me is our land Chairman. He negotiated our lease on the property and we have used it for several years. That property is a unique ecosystem. It is amazing the number of different animals, birds and reptiles there are on the property. Anyone interested in nature...it is an ideal piece of property for everyone. You can access the Blue Trail which a good number of people walk everyday. This is a better access point for them to use. I don't think you will have to worry about getting a key from the Town to open the gate. You park there and walk down the road. It is that simple. If you just want to enjoy the area, it is the same thing. You get to the top of that hill and it is amazing what you can see...the orchards, the woodland, the open fields; it is a gorgeous piece of property. We don't want to lose it. We would love to have bought that ourselves. Right now, we are still paying for a piece we bought a few years back. Our club would love to see this town buy that. With regards to management; you are looking at a mini-Tyler Mill; 65 acres; about 10%. Right now, with a minimum amount of labor, you can maintain the habitat of that area to make sure those animals are there for the remainder of our lives. We are not talking about lifetime; we are talking about forever.

Philip Wright, Sr., 160 Cedar Street stated, I am sorry I was late in arriving; I was up at Moran Middle School to a spelling bee. My youngest granddaughter came in second. She missed on the word "prejudice". She doesn't have a prejudiced bone in her body. It is my opinion that the Town of Wallingford must, at some point, stop spending money for land. The taxpayers cannot afford to continue to go on and purchase pieces of property. We have Community Lake yet to spend money on, and that is what I would like to see us spend our money on. That little piece of property out there, I suggest that we get a hold of Mary Mushinsky and anyone else that could affect it for us and give it to Durham. Let Durham take care of it. We don't get enough money on taxes out of it to make it worthwhile to keep. Give it to Durham and not be bothered by this.

Jack Agosta, 505 Church Street, Yalesville supports the purchase of open space. Most people are wondering, is this property worth what we are paying for it and at this particular moment? Are our taxes going to be going up due to revaluation and the renovation of the schools? Do we about the Metacomet Trail? How far away is this property from the ridge?

Mayor Dickinson replied, I don't know exactly what the location of the trail is on the ridge so I can't answer that.

Mr. Agosta asked, isn't it a fact that Tilcon Tomasso owns the land between that piece of property and the ridge?

Mayor Dickinson answered, yes, they own the land to the west, including the ridge top until the property owned by the Town further the to north.

Mr. Agosta felt that the ridge was being protected right now. He felt that an ambulance would not be able to access the area via a 12' access road.

Mayor Dickinson replied, an ambulance would be able to drive into the property. For the town to buy any piece of property and not have it bound on a highway with no ability to get a vehicle to the property, I think, would be a mistake, as a general principal. I do believe a 12' wide driveway would allow an ambulance and most equipment to reach the subject property.

Mr. Agosta asked, but how will it turn around? It will have to go the whole way to the end to turn around and come back. That is not safe at all. If you plan to build a road, there has to be a safety plan, too. I don't think an ambulance should go through there and turn around in that 12' area. There are more important pieces of land that we can buy. The suggestion is to have Durham buy the land. Turn that land over to Durham. We don't need it. We should not spend \$344,000, plus you don't know how much it is going to cost for everything else. At this particular time in history, I don't think so.

Wes Lubee, asked, if the Town buys the land, will the hunting stop?

Mayor Dickinson answered, hunting is an acceptable part of the passive recreational purposes.

Mr. Lubee asked, how can you have people out there wandering along the ridge with hunters in the area. This is absolutely crazy. Don't buy the land. I was also very disappointed when (Rep.) Mushinsky was making her dissertation.

Mr. Parisi asked, do you mean State Representative Mushinsky?

Mr. Lubee replied, of course. No one pointed out that this is not on the ridge. If we were to ask her pointedly if she were in favor of buying up everything 1/2 mi. to either side of the ridge, I don't think she would have said yes.

Reginald Knight stated, we keep hearing talk of the necessity for an access road for emergency vehicles to get to the land. Seeing that the Town owns two other pieces along the ridge, how do they manage to get an ambulance up to those pieces? You wouldn't dare put a rescue helicopter up there because...national grid, high-powered lines are located nearby. The talk of the necessity to have an access road to this property for emergency vehicles doesn't apply to the property the Town already owns for it is completely inaccessible for any vehicle. Secondly, if



you encourage people to go onto Town land and you are not insured against accidents, there is no railing at all and that trail can go within inches of the edge. I have walked that trail within inches of the cliff. Thirdly, in this area where the high tension cables come, the hunters come in because the place is loaded with deer. They are not using shotguns, they are using high-powered rifles.

Pasquale Melillo, 15 Haller Place, Yalesville was of the opinion that the Town is exposing itself to numerous lawsuits because the land is too dangerous. It is just a matter of time that someone is going to get injured or killed from hiking or from hunting. Pass a law so hunting will not be allowed on the property.

Chairman Parisi called the Public Hearing closed at this time.

Motion was made by Mr. Rys that "An Ordinance Appropriating \$445,000 for the Acquisition of Approximately 52.95 Acres of Real Property Located in the Town of Wallingford off of Powder Hill Road in Durham and Authorizing the Issuance of \$445,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose" be Adopted, seconded by Mr. Farrell.

Mr. Brodinsky made a motion to Amend the Ordinance by Deleting all Reference to the Construction of an Access Road and all References to Engineering and Consulting Fees that may be Related to the Access Road. Mr. Brodinsky stated, the intent of the motion, so that I am clear, is so that we would not spend any money to put an access road there; we, in fact, would not put an access road there. That would not preclude, if this motion passes, some sort of undeveloped hiking trail that might be put in by a volunteer group, but that is the intent of the motion I so moved, seconded by Mr. Vumbaco.

Mr. Brodinsky asked the Mayor, have we had any advice with respect to wash outs or "gulying" of the road or possible year to year maintenance of the road?

Mayor Dickinson replied that he has not had any discussions with the Town Engineer regarding the matter. The goal is to have a processed, aggregate road at a 6" depth with 60" storm drain pipes at the stream crossing. That is the extent of the description.

Mr. Brodinsky stated, I have been fortunate enough to have spent some time in the back country and it seems that whenever there is a road that goes in, even a trail, if it is not designed properly serious "gulying" and erosion sets in pretty quickly, especially when there are no switchbacks. From a layman's perspective, I can see, in very fast order, our \$40,000 or what ever it may be, being washed down and washed out and what ever the intent or purpose of the road being nullified.

Mayor Dickinson replied, anytime we have an unapproved road, Tyler Mill is a good example, it is a constant issue of erosion and maintenance as a result of it not being a paved service and not have any storm drainage. Even though it would require maintenance, it is important to have an access to the property.

Mr. Vumbaco stated, I seconded the motion for the reasons I originally supported this purchase in executive session which is, to protect the ridges, which I am a little suspect of. The main reason was to preserve the wildlife and the naturability of that piece of property up there. I am extremely concerned that once you put a road in you invite use. I am more concerned about ATVs, dirt bikes, four-wheel drives, that sort of mechanical device that is going to be invited to be used on that road, especially one that peaks and valleys; the prime type of road they like to travel on. Once they get up on that nice, flat piece of property, I think that by them tearing it up, it is going to actually cause a problem with what we are attempting to reserve here and that is the wildlife and the piece of property, itself. You can say you are going to gate it and keep them off but just drive by Carpenter Lane which has been heavily barricaded for the rights-of-way for the power lines, and they just go right around it. Unless Mr. Bugai or someone in the town is going to plant someone at Powder Hill Road to keep those people from going around it, they will find a way. I am just very concerned that piece of property is going to be torn up and the reason we are spending this money to preserve it is going to cause a problem. I see it in my neighborhood up there, now, on that side of town. There is a tremendous amount of dirt bike and ATV riders who disregard all of the laws; ride on the roads; are not licensed; they are not going to let a gate stop them. They will use that road to access that piece of property and that property will invite the use of those types of individuals on that road. I am not against ATVs or dirt bikes, they have their right to drive on legally-accessible property. I don't think we want them up on that piece of property, therefore I don't like the idea of even putting a stone road in up there. I think it will invite the riders. I am in favor of striking the road from the motion. I don't think there needs to be an access up there, hence the reason for voting in favor of this motion.

Mr. Brodinsky stated, Mr. Vumbaco made a good point and, as mentioned at our last Council meeting, as viewed from Powder Hill Road, and that would mostly be Durham and Middlefield residents, they would see this property up on a hill, not the ridge, because it is not that close to it. They would also see a 12' road, straight as an arrow, leading up to the ridge. For people with vehicles, whether they be ATVs or dirt bikes or four-wheel drive vehicles that can get around any kind of barricade that is put up, this is an open invitation to go up that road and short cut to Blue Trail to get access to the ridge. Is that good or bad? We can all make our judgments on that but, one vision for this parcel is that it would be a haven that would be free from the noise and the gas and the garbage that ATVs and motorcycles might possibly bring up there. I am not attacking all people that use ATVs or motorcycles, but I also know the condition of some of the Blue Trail and there has been a collection of garbage up there that a hiker could just not bring. It seems that whenever a trail is opened up to vehicles, a very irresponsible people using that area, bring in garbage and trash and it becomes awfully difficult

to get out. By putting a strip in there that shortcuts the Blue Trail, I am afraid we are doing more damage to the ridgeline that we are intending to protect and that is a real concern. We don't need access via this 12' road to get to the ridge. There is other ways to get to the ridge, and that is the way people get to it now. You can get to it via Route 66, via Route 68, via Cliffside Drive or you can hike up Powder Ridge, the ski trail, that is how people do it now. If anyone is interested in gaining access to the ridge to see the views, to hike the trail, that is how you do it. The reasons expressed by the Mayor for a road was on general principals and my principals are, keep the ridge quiet and protected; keep vehicles off there and keep the ridge area for hikers. That is the reason I am strongly against an access road.

Mr. Zappala stated, I hate to disagree with my colleagues but, personally, I hate to even vote for the motion to purchase the property unless we have a way to get to it. To buy a piece of property with no access to it makes the value decrease to less than what it should be. I think that with the proper controls it can work. I can't see purchasing something that we can't even get a helicopter to. I will have to vote against the amendment.

Mr. Knight asked the Mayor to elaborate on some of the questions being posed with regard to the building of a road to allow access to the property, how are you comfortable that the Town can protect the property from trespassing, if you will, by ATVs and/or other motor vehicles that shouldn't have access to the property? How are we going to do this?

Mayor Dickinson replied, I think it is possible, given the topography and the steepness of the gully, at the point the stream crosses, to block off the road. Is it absolutely foolproof? No. If the property that Mr. Bugai owns along Powder Hill develops, there will be houses there and those people, inevitably, will look up toward the ridge and travel back through the property. That will just inevitably happen. My concern is, as any area develops more densely, more and more people become familiar with it, those close to the property will have great access but we will not as the owners. When I say great access, being able to get a vehicle there, if, for no other reason but enforcement purposes. Does it create a management concern? Yes. It creates a management concern but, again, I have a hard time recommending to the Town to spend \$444,000 on a piece of property and anyone who wants to walk on it will have to traverse difficult topography which can't be traversed by many people without this access road being put in place. Is it a judgment call? It is. If you want to just keep it pristine and we look at it from afar and only certain people are able to reach it, then we don't have an access road. But if, in the long term, the property around there gets developed and we need to be able to utilize the property in the Town's interest, I still believe that we need to have vehicles there, not through the whole property, but at least reach the property and be able to allow for proper management. Just the mowing of the fields there; if we are going to do that, how will the tractor or other equipment reach that area at the point the property to the east is sold? The habitat will require some management; someone to go in there to mow it. How are they going to reach there? They may not be able to reach the old way which is to the south and east off of Powder Hill and then up through other property which isn't even at issue right now, and enters this property, I

believe, from the southerly side. That is a property that, I believe, would be sold along Powder Hill. If we want to manage it, how will we get equipment in there? That is another question. I do believe we need that ability. It does create some responsibility, but we need that access.

Mr. Brodinsky replied, there are trail systems all over the country that do not have road access. There is open space property in Wallingford that doesn't have road access; Tyler Mill is an example. You can get into the back country of Tyler Mill and you are not going to get a vehicle in there, if you want to ramble around. To say that it is irresponsible to buy a piece of remote property unless you have road access, opens up a whole new rationale; frontier, if you will, for this kind of issue. It seems to me that one of the prime reasons why you would buy this kind of remote piece of property is to keep it remote, keep it for hikers, and keep vehicles away.

VOTE ON AMENDMENT: Brodinsky and Vumbaco, aye; all others, no; motion failed.

Mr. Brodinsky stated, with regard to the access to the ridge, itself, if we bought this property, it would not be to gain access to the ridge unless you want to drive up there yet, the Mayor said before that we were going to block it off so vehicles could not drive up there and people would have to walk it anyway. The reason for the purchase, again, is not to gain access to the ridge. The second bit of evidence is, the property does not abut the ridge. You would have to cross over someone else's property maybe 1,000 ft. or 700 ft. or so and gain more elevation to get to the ridge. Buying this property doesn't have that much to do with getting access to the ridge. There is great access to the ridge as the Blue Trail now stands. With regard to the statements regarding the use the property would get by people wanting to enjoy the views, the scenes, etc., there is a question in my mind as to how much use that piece of property would get, as opposed to property that abuts the Blue Trail, which is also our own, but is also in Durham and Middlefield. If you wanted to get good views and enjoy some solitude and enjoy some open space, you would have a choice; you could hike up that road which is now a done deal and not get to the ridge, or you could take other ways to get to the ridge and have great views to the west to see the sunset. If you want to get up in the morning, you can get views to the east on top of Powder Ridge or the power line access, which is on the property that Wallingford now owns. Those two views are better than the views that would be provided by this piece of land. Given a choice, if you had time to spend hiking, I, personally, cannot imagine that you would pass up the Blue Trail which is probably the best two hour hike in this part of Connecticut, in favor of walking up this road and stopping at the parcel of land that stops well short of the ridge. As far as passive recreation, we can probably make better choices in town. Choices that are more easily accessible to people that live on the west side. The arguments that we need this for passive recreation, at the expense of other purchases, because we can't buy everything we see, we have to make some choices; but the case that we need this for passive recreation, rings hollow. The argument that we need this for ridgeline protection is interesting and I think that is a close call, but we have to keep in mind that this is not on the ridge and by the standards of the ability of most people to walk uphill, it is nowhere near the ridge. If you measure it in feet and elevation, if you are an experienced hiker, it is somewhat close to the ridge but, from a driver in

Durham or Middlefield driving down Powder Hill Road, any development that may possibly be on that land would not break the ridgeline. The ridgeline goes much higher than where this land is. Although the ridgeline argument is somewhat tempting, on close scrutiny, I am not sure it holds up because it is not ridgeline, it is well below ridgeline. As for, is this land going to be developed and is it the proper thing to buy just to suppress development; as the regulations in Wallingford now stand, the land cannot be developed. If we do not buy this land, the habitat is not going away, the views aren't going away, the hunting is not going away and, yes, there is hunting in there; I live on the other side of the ridge and hear shots there all the time in the fall. If we do not buy this land, in all probability, this land is going to stay raw and pristine, just the way many people want it without a road and we save \$3,450,000 and I am a little bit skeptical of the estimate of the road, by the way. I add maintenance costs every year or every other year to that and I just heard about mowing which will have to be added into that as well. The argument is that it is going to be developed because, a developer, knowing that the land cannot be developed under Wallingford regulations, is going to buy it and take Wallingford to court. That is presented as a forgone conclusion and inevitable. If that happens, the price we pay is that we have to send fire trucks there, maybe; schools buses there possibly, and that is the price we have to pay. I am just wondering if that speculative cost is worth it when you consider that other parcels in town that we may have to pass up, because we have to buy this. We cannot buy everything; choices have to be made. We cannot be the sole savior of that ridge as viewed from the Durham/Middlefield side. There are other pieces of land in Wallingford that more people can enjoy much more easily and our money should probably be devoted towards those parcels rather than this parcel. If money were unlimited, should we buy it? Sure. Again, I think the real reason it is being purchased is to suppress development...and I am not sure that is a good enough reason now to spend that kind of money.

Mr. Knight stated, I am going to support the purchase and I will tell you very quickly why. It is the same reason that I supported the Tyler Mill purchase and some other purchases that have come under some criticism. About three or four weeks ago I had an opportunity to go out to California for a weeks vacation; northern California. I had a chance to travel up into the foothills of the Sierras. It is always an axiom that what goes on in California, eventually is visited upon the whole country. Whether that is a good thing or a bad thing is not so much as an inevitability. What you see in California, now, because they haven't been as careful in the past as they might have been, where they have taken for granted the topography in certain parts of the state of California are challenging to development, they have allowed some fairly loose zoning to take place and what you see in northern California now are houses built where fifteen years ago you would have expected only a mountain goat could find itself. The dot com meltdown, notwithstanding, eventually in this community, in this country, we now have 275 million people; we will have 300 million people; we will have 325 million people and there will be continuous pressure to develop every square inch available. Furthermore, technology, as fast as it is changing, will enable people to build successfully in areas that heretofore, in the year 2001, look just impossible to build on. This is another decision that this Council has to make that considers not the year 2001, not the year 2011 or 2021, but the year 2121. We cannot

guarantee that this is undevelopable property. There is every reason to believe that, given the reasons I just outlined, that sometime in the future there will be an opportunity to develop what is right now a very difficult piece of land to build on. I support this because it is a defensive mechanism; it is costing the residents of Wallingford of 2001 \$450,000 but it will benefit the residents of Wallingford forever. I think that we can afford and should support the people that will live in this community for the next several hundred years and protect what we have now. Once it is built, we will never get it back. Thank you.

Mr. Vumbaco thanked Mr. Lubee for the work that he did, whether one agrees with what he presented or whether one believes in his philosophies or not, to have someone who is a regular citizen in the community spend that kind of effort to do the research to present something to the Council is well-accepted on my part. He did bring up one issue that I am a little disturbed with because regarding the purchase of land recently, my philosophy has been, since I have been on this Council or at least has tried to be, is that we buy property at appraised value. During discussions of purchasing this piece of property, it was asked what the appraisal value was and we were told, and I am not sure if it was by the Mayor or counsel, that the \$345,000 was the appraised value, but nowhere and at no time were we ever informed of the fact that there was a letter by Mr. Nitz that had a bunch of caveats on how he developed that \$345,000. Maybe I was remiss not to ask if there were any letters or anything else to support that information. To me, that is a little bit of a flaw in the process and, in the future, I will have to ask every time if there are any updates or any kind of adjustments or amendments or the reasons behind that because it sort of disturbs me a little bit that we were told that it was \$345,000 but were not told of the caveats of how that \$345,000 was developed. I support this purchase for open space but do not support the \$445,000 ordinance tonight because it includes the road. I am standing on my basic principal and premise that I think it is not needed and I can't support the ordinance for that reason and that reason only.

Atty. Small stated, with respect to the appraisal, the appraiser who updated his 1999 appraisal, valued the property at the \$344,000 figure. When we discussed this matter in executive session, there was a request to obtain additional monies for the access road and I challenged that. I said that I think the \$344,000 assumes that you have access and that is why that letter was generated, as a result of our conversations in executive session. It is a value and it certainly assumes that that property would be developed for residential purposes in that that is the highest and best use of that property and that would also assume that you have a 50' access because that is what you would need to develop it. We don't want 50', we are arguing whether or not we should even have 30' so that was of our own request. But that letter was written directly because I challenged the request for additional funds above the \$344,000 for the access road and I didn't believe that was with any merit and that is why that letter was written and basically agreed with our position that we wouldn't pay anything extra for that access road. I will say that the second appraisal which comes in about \$20,000 less than the \$344,000., in my discussions with that appraiser, he also indicated that he felt that \$6,000 an acre, just as open space, was warranted in this case. He was apparently quite impressed with this property and that is certainly not its

highest and best use. He supports it and does apologize for not having his written report in time for this meeting but he had a personal emergency.

Mr. Zappala stated, not too long ago someone said, they don't make land anymore. It is in our best interest, if we can afford to buy it...the price seems to be right, we should buy it. I will support it. It will be something that we will look back upon years from now and will be glad that we did this.

Ms. Papale stated, I realize we cannot purchase every piece of property. I have voted for many purchases. There have been a few in this town which I was in the minority when I didn't vote for them. I really understand the need for this property. I have listened to our Conservation Commission, Mary Mushinsky, Mr. Flynn and people on both sides of the issue. I feel for some reason there is a bigger push for this property than most of the others. I think...we do have to look at the bigger picture; the future. I think the price is right and agree that it is important to have an access road. I will support the purchase.

Mr. Vumbaco stated, Atty. Small, I wasn't making a statement that we paid additional fees for the road. I do appreciate the negotiations that you did to get the additional strip of right-of-way for the property at no additional cost. My objection is with the Town spending the money to build that road on the access way. It is not that we paid extra for it. I think the right-of-way is good but I just don't agree with physically going out now and building the road for it.

Mr. Brodinsky stated, the appraisal placed the value on the land assuming all municipal approvals were granted. He did not address the issue that it is a foregone conclusion, there would be no municipal approvals to build on this property because our regulations prohibit development of the property. A developer would have to go into court and win a lawsuit which, in my view, he would probably lose. The way I look at this, it is not going to be developed whether we buy it or not. The comparable sales data provided by the appraiser for all Durham properties and that is o.k. and appropriate but they are all on Durham roads which means that Durham approvals would be likely, which is just the opposite in this case. I think the appraiser was off there.

Mr. Parisi stated that he was thinking about the ordinance today and was thinking about when he used to work in Waterbury and remembered driving home each evening, especially in the summer time when it got dark later and he saw what is commonly referred to as a clam digger, a big shovel-type vehicle that mucks out the water area. This thing was working and every night I went home I would see it and, at one point I was shocked to see that it became a technical school for the State of CT. where it had been a pond. It ended up becoming a technical school and that obviously had to be long before we protected swampy areas. Then you go up from Mr. Beach's house up on Cheshire Road, about  $\frac{1}{2}$  -  $\frac{3}{4}$  of a mile and on the left hand side you can see four houses where the owners can't park in their yard for about three months out of the year if there is any amount of snow, because the driveways are practically straight up. It made

me think that there isn't much safe land anywhere. As land becomes used up or reserved for the future and as technology advances, I think Mr. Knight alluded to that, the land is going to be less safe than it is right now. This is our process. We have a Conservation Commission that came forward; we have the Land Trust; we have groups that this is their job, which they do on a voluntary basis and we thank them, to come forward and recommend and, to a degree, prioritize what we should buy. The Mayor and Council did their job, went out and negotiated and brought everything to us. The public spoke out in what I consider to be an excellent debate, tonight. I don't think there is any losers per say. Everyone put their argument forth in a very nice manner. Then it comes to the Council and it is our decision to make, which is not an easy one. My colleagues argue passionately for what they believe in. I, personally, was not as oriented to land conservation ten years ago as I am today. I don't know if you acquire that appreciation of the land or if it comes because you are getting older. But, for some reason it exists and I find it very difficult thinking of the future to vote against this and, quite frankly, to vote against many proposals to purchase land that may come as long as I sit up here. I will vote in the affirmative.

**VOTE TO ADOPT ORDINANCE:** Brodinsky & Vumbaco, no; all others, aye; motion duly carried.

**ITEM #11** Consider and Approve a Transfer of Funds in the Amount of \$700 from Other Pay Acct. #001-2020-101-1700 to Gas & Oil Acct. #001-2020-300-3000 – Animal Control Officer

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

**VOTE:** All ayes; motion duly carried.

**ITEM #12** Remove from the Table to Consider and Approve a Transfer of Funds in the Amount of \$9,800 form General Purpose – Contingency Acct. #001-8050-800-3190 to Consultant Services – Addition to Dog Pound – Pent Road – Animal Control Officer

Motion was made by Mr. Rys to Remove the Item from the Table, seconded by Mr. Farrell.

Mr. Zappala asked Henry McCully, Director of Public Works, why a consultant has to be hired?

Mr. McCully answered, the building has to be made handicap accessible, the heating system needs to be replaced; we need a consultant to make the most efficient use of that space. It is not a big addition. We need someone with that type of training to make the most efficient use of the space with the small addition.

Mayor Dickinson clarified that it is not a consultant that is being hired but an architect. The services were put out to bid.

Mr. Parisi asked, do we have any kind of an idea as to where we are going with this?



Mayor Dickinson answered, yes, it is for the addition of a room on the front of the dog pound in order to provide additional space for storage and other things.

Mr. Parisi asked, did we approve going out for the architect?

Mayor Dickinson answered, we put it out to bid. You do not have to authorize purchasing the services because it was bid. It was not a waiver of bid.

Mr. Parisi asked, who was the architect?

Mr. McCully gave the name of a firm in Hamden, CT. that was not clear for the record. The cost for the service is \$9,800.

Mr. Parisi asked, how much will we be spending on the addition?

Mr. McCully answered, it will be in the neighborhood of 400 sq. ft.. With contingency, I think it will be in the neighborhood of \$50,000. On the high end it will be \$60,000. Renovation is traditionally higher than new construction. We need repairs to the roof, a new heating system and to make it handicap accessible. There will be a re-configuration of the space.

Mr. Parisi asked, are the animals let outside anymore? Do they have outside pens?

Kathryn Lindemann, Animal Control Officer answered, that was all enclosed in 1994. We have volunteers who come down to the shelter and walk them. They are not walked on an every day basis. We don't have enough help to walk them daily.

Mr. Parisi asked, I thought there were four people down there?

Ms. Lindemann answered, I have one person who has been out on workmens compensation, on injury that recently came back on light duty. We let the animals out when we have time.

Mr. Parisi asked, do you have three people down there?

Ms. Lindemann answered, I have two part-timers and myself.

Mr. Parisi stated, two people used to run that shelter.

Ms. Papale answered, there weren't as many animals.

We have two runs right now which are utilized to pick up animals after hours. When there is a need to have an animal stay outside and have some air, we put them in there. Or we have the

entire yard fenced in and they are let to run in the yard. Or when we have time or have volunteers there, the animals are walked. One at a time is let out.

Mr. Parisi asked, do they all get out in a day or do they wait two or three days to get out?

Ms. Lindemann answered, sometimes a few of them have to wait a few days.

Mr. Zappala asked, why can't we use the landfill? Are we going to be losing some of the parking area with the new addition?

Mr. McCully answered, you will lose a little bit of it but the other option, going the other way, there is a methane trench there. Perhaps the architect can come up with a more workable solution.

Mr. Zappala stated, if we can find a way to utilize the land where the fence is, it would not only be a better looking building but you would have more parking in front that you need.

Mr. McCully stated, because of the high powered lines, we are going to have to use the existing roof elevations.

Mr. Zappala stated, the roof we just had put on last year is leaking. Do we have a warranty on that work?

Ms. Lindemann replied, I have been working with the Purchasing Department on that and the existing company that has repaired one side has already been back twice and they are trying to help me to get the company back again.

Ms. Papale stated, I have not been down there in years and was shocked to see how crowded it was. I don't know how everyone works in the building. There is just not enough room. When it is renovated, there should be something done so the dogs can run. They are in small coops and some of the dogs are large.

Mr. McCully suggested extending the chain link fence.

Jack Agosta, 505 Church Street, Yalesville agreed that there should be a run for the animals. In the 1999-00 budget there was \$9,200 in it for roof repairs. Was that money used?

Ms. Lindemann answered, yes.

Mr. Agosta asked, will the new size be enough room for many years?

Ms. Lindemann answered, for right now. We utilize any space that we can get. We do need room to set up a small isolation cage for wild or feral cats to cut down on employee injuries. If we happen to get sick cats in, we can isolate them. We can't do that right now; the sick cats are almost on top of the dog cages. Yes, it is small but we would use the space to the best of our ability.

Mr. Agosta commented that the building is kept very clean. He asked, how long do you keep feral cats before you destroy them?

Ms. Lindemann answered, there is no real place to keep them; there is no ability to tame them because the dog cages are right on top of the cat cages, so they are not kept very long.

Mr. Agosta asked, are you still having the same problem with feral cats that you had before?

Ms. Lindemann answered, the number of pick ups have been decreasing and will through the spring and summer months. The numbers will increase but, for right now, they are modest.

Mr. Agosta commented that there was a good turnout last year for the mobile unit which provides health services for the felines. He was in favor of having the vehicle visit again this year.

Wes Lube, 15 Montowese Trail stated, not counting the feral cats you dispose of and those animals that you return to their owners, I have not heard any complaints about lack of success in having animals picked up. How many of the animals that you pick up are suitable for recycling for back into homes during the course of a year?

Ms. Lindemann answered, over the last year, I believe it may have gone up or above 600. Most of them were adoptable.

Mr. Lube asked, how do you go about promoting the adoption?

Mr. Parisi asked that the speaker stay on the topic of approving the expenditure for the architect.

Mr. Lube argued, the need for the expansion is related to the recycling. If you are not aggressively recycling, you have a greater need for expansion because you have a greater inventory.

Ms. Lindemann answered, we are on a website, [Petshelternetwork.com](http://Petshelternetwork.com). We also aggressively advertise in the New Haven Register where, once a month, they have a whole page dedicated to shelters advertising animals. We also publish in the People's Press. It is too expensive to advertise in the Record Journal. The Register has a free page entirely dedicated to pet adoption and all of the animals are sponsored.

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V

Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Entering Executive Session to Discuss Pending Litigation, seconded by Mr. Knight.

VOTE TO WAIVE RULE V: All ayes; motion duly carried.

At this time Chairman Parisi read into the record a letter supporting the expansion of the shelter, noting how cramped and crowded the building is and complimenting Ms. Lindemann and her staff for keeping the building extremely clean. It was signed by Donna Shufas, Teacher Student Enrichment Program and several sixth grade students at Dag Hammarskjold Middle School.

Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes Pertaining to Pending Litigation in the Matter of Neri v. Town of Wallingford

Motion was made by Mr. Rys To Enter Into Executive Session, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

The Council entered executive session at 10:24 P.M.

Present in Executive Session were all Councilors, Mayor Dickinson, Atty. Small and Atty. Thomas O'Dea, with the Firm of Halloran & Sage of Westport, CT.

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

VOTE: All ayes; motion duly carried.

The Council exited executive session at 10:56 P.M.

Motion was made by Mr. Rys to Approve the Insurance Company's Settlement of Pending Litigation in the Matter of Neri v. Town of Wallingford as Discussed in Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 10:58 P.M.

Meeting recorded and transcribed by:

*Kathryn F. Zandri*  
Kathryn F. Zandri  
Town Council Secretary

Approved by: *Robert F. Parisi (by RP)*  
Robert F. Parisi, Chairman

5-8-01  
Date

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

5-8-01  
Date

RECEIVED FOR RECORD 4-24-01  
A. 2:25 P.M. AND RECORDED BY  
*Rosemary A. Rascati* TOWN CLERK

**ADDENDUM TO PURCHASE AND SALE AGREEMENT BETWEEN THE TOWN OF WALLINGFORD, CT. AND THE TRUST FOR PUBLIC LAND REGARDING LAND IN WALLINGFORD AND DURHAM, CT.**

13. The parties agree that the reference to the "30-foot strip of land for an access road" in Paragraph 7 of this Purchase and Sale Agreement" and the reference to "30' access roadway" in Paragraph 11 of said Agreement are to an access roadway to be of varying width, more accurately described as follows:

Beginning on Powder Hill Road a 30' wide strip of land for an access road to a point 520' off Powder Hill Road gradually widening to a maximum width of 70' at the stream crossing and gradually reducing in width to 30' at the boundary of the subject Property.

In the event that Seller is not able to secure the Agreement of the current owner of the Property prior to the Closing to convey such access roadway to Seller, at the election of Buyer, this Agreement shall terminate.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

THE TRUST FOR PUBLIC LAND

Signed, Sealed and Delivered in Presence of:

By: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

TOWN OF WALLINGFORD

By: \_\_\_\_\_  
William W. Dickinson, Jr.  
Its Mayor, duly authorized

\_\_\_\_\_  
\_\_\_\_\_