

TOWN COUNCIL MEETING

APRIL 13, 1999

6:30 P.M.

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TOWN COUNCIL MEETING

APRIL 13, 1999

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, April 13, 1999 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:37 P.M. Councilors Center, Farrell, Knight, Parisi, Renda, Rys, Zandri and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Councilor Papale was in route home from vacation. Mayor William W. Dickinson, Jr. arrived at 6:43 P.M.; Town Attorney Janis M. Small and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Rev. Dean Warburton of the First Congregational Church of Wallingford.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

A letter of Correspondence from Raymond C. Kalinowski, First Selectman of Durham pertaining to the Town of Wallingford-owned land in Durham was read into the record by Mr. Rys (Appendix I).

The letter states that Durham has received the long-awaited formal appraisal of the open space property totaling 158 acres on Howd Road. The appraisal reflects a value on the land as \$750,000. The Durham Board of Selectmen will pass a Resolution on April 12, 1999 indicating that the Town of Durham will, in fact, pursue an intent for acquisition from Wallingford at the earliest opportunity. The timeline involved thereafter, towards completion of the deal, includes scheduling factors such as bonding procedures, public hearings, and finally a referendum. It is expected that those necessary constraints will carry into June 1999 but not to extend beyond July. Durham is also applying for a CT. D.E.P. Open Space Grant for that property with their intention to purchase not contingent upon receipt of any award.

Letter of correspondence from Janis Small, Wallingford's Town Attorney pertaining to the State Bond Commission's March meeting agenda was read into the record by Mr. Rys (Appendix II). The letter states that the Bond Commission failed to place the Garden Road Buy-out Project on its March meeting agenda. The D.E.P. will request that it be placed on the agenda of the April meeting.

ITEM #3 Withdrawn

APPOINTMENT OF FIRE MARSHAL

At this time Chairman Parisi asked that Joseph P. Micalizzi, Jr. be formally Sworn-In as the newly-appointed Fire Marshal of the Town of Wallingford. With Mr. Micalizzi's family in attendance, the Swearing-In ceremony was performed by Town Clerk Rosemary A. Rascati.

ITEM #4 Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#486-510) Totaling \$16,950.59 - Tax Collector

ITEM #4b Note for the Record Mayoral Transfers Approved to Date

ITEM #4c Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #4d Consider and Approve a Transfer of Funds in the Amount of \$1,995 from Engineering Regular Wages Acct. #001-5010-101-1000 to Purchase Services Secretarial Acct. #001-5010-901-9000 (new acct.) - Engineering Dept.

ITEM #4e Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Paving Machine Acct. #001-5015-999-9127 to Purchase Services - Tree Contract Acct. #001-5015-901-9023 - Public Works

ITEM #4f Consider and Approve a Transfer of Funds in the Amount of \$849 from Weedwackers Acct. #002-5015-999-9101 and \$6.00 from Backhoe Acct. #001-5015-999-9133 for a Total of \$855 to Other Pay Acct. #001-5015-101-1700 - Public Works

ITEM #4g Consider and Approve a Transfer of Funds in the Amount of \$4,679 from Paving Machine Acct. #001-5015-999-9127; \$710 from Overhead Doors Acct. #001-5015-999-9951 and \$56 from Chain Link Fence - Parker Farms Acct. #001-5015-999-9106 for a Total of \$5,445 to Repair and Resurface Tennis Court Acct. #001-5015-999-9900 - Public Works

ITEM #4h Consider and Approve a Transfer of Funds in the Amount of \$5,500 from Purchase Service - Waste & Compost Acct. #001-5015-901-9022 to Purchase Services - Hazardous Waste Acct. #001-5015-901-9020 - Public Works

ITEM #4i Consider and Approve an Appropriation of Funds in the Amount of \$20,000 to Non-operating Revenue Refunds of Overpayments Acct. #001-1090-090-9040 and to Refund of Overpayments Acct. #001-1401-800-8910 - Finance

ITEM #4j Approve and Accept the Minutes of the March 9, 1999 Town Council Meeting

ITEM #4k Approve and Accept the Minutes of the March 23, 1999 Town Council Meeting

ITEM #4l Approve and Accept the Minutes of the March 30, 1999 Special Town Council Meeting

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, Items #4a-l, seconded by Mr. Centner.

VOTE: Papale was absent; all others, aye. Motion duly carried.

ITEM #5 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive addressed remarks made by Mr. Parisi at the last Town Council meeting. The remarks were in response to Reginald Knight's comments at the March 16, 1999 Public Speaking Meeting Town pertaining to the location of Seattle Lights (surveying markers) located in various areas around the center of town. At that meeting Reginald Knight expressed concern that the markers were placed in such a fashion that someone walking could trip over them and injure themselves.

Mr. Parisi had made a side comment at the March 23, 1999 Town Council meeting, which Reginald Knight was absent from, that he (Mr. Parisi) had made an effort to go out to the locations mentioned to find the markers to assess the situation. Mr. Parisi was unable to find the markers Reginald Knight was referring to. He had wished that Reginald Knight was present at that meeting so they could arrange to view them together.

Reginald Knight informed Mr. Parisi that since bringing the issue to light, someone had visited the markers and hammered the markers further into the ground so as not to pose a threat to the safety of the pedestrians. He thanked the individual(s) responsible for seeing that the situation was made safe.

Next Reginald Knight commented that the third speaking meeting in February (Feb. 16th) had been canceled due to a Special Meeting of the Council conducted at 6:30 P.M. He stated that the Public Speaking Meeting start time could not have been delayed or started a bit sooner.

Philip Wright, Sr., 160 Cedar Street stated that the minutes of the Joint Town Council/P.U.C. Special Meeting held on March 31, 1998 reflects comments by Mr. Moody, representative of Stone & Webster, that a 500mw plant could produce a tax revenue stream somewhere in the neighborhood of \$3.7 million to the Town. At the last Joint Town Council/P.U.C. Special Meeting held last Tuesday (April 6, 1999) the figure quoted was now down to about \$2 million. He asked why the figure had dropped?

Mayor Dickinson explained that there is no real accurate estimation at this time. No final plan has been presented yet. We can't get an idea as to how much of a revenue stream will be produced until a final plan has been submitted. It is purely estimate based on conjecture.

Mr. Wright stated that the taxes are based on capital equipment and real estate values. We already know what the value of the real estate is because we own the land.

Mayor Dickinson stated that the project is somewhat smaller than originally proposed by Pennsylvania Power & Light Global (PP&L). The figures are based somewhat on guesswork.

Mr. Wright asked if the Town will get a reliable figure soon?

Mayor Dickinson answered, once a final design is shown and the estimated cost of construction is arrived at.

Pasquale Melillo, 15 Haller Place, Yalesville thanked whoever was responsible for seeing that the special meeting between the Town Council and P.U.C. was televised.

He asked for status reports on Simpson School, Community Pool, the proposed merchant power plant, the Wooding/Caplan property and speeding cars in school zones.

The Mayor stated that Simpson School has been closed down and Public Works is well aware of it and there is some discussion taking place about the interest of the Housing Authority in the property. There is no new information on the power plant since last week's meeting. PP&L and the P.U.C. will be in touch with the Mayor and Council once they have defined plans and documentation. There is no new information on the Wooding/Caplan Property. The private owners are still in the midst of discussions as to what they may want to do.

Mr. Parisi stated that Thomas Dooley, Director of Parks & Recreation has informed him that the Community Pool project is on schedule.

Mr. Renda responded that there are many locations around town where residents have reported traffic traveling at high rates of speed. It is a statewide and national problem as well. The Police Department has radar units out in many areas of the town at different times of the day.

Robert Sheehan, 11 Cooper Avenue asked if the request for the abandonment of a utility easement made several meetings ago by Attorney Ed Loughlin on behalf of a resident was still tabled?

Mr. Parisi explained that the matter remains tabled at this time.

Mr. Sheehan pointed out, as he did at the last Council meeting, how both back corners of the Council Chambers were very dirty and he hoped someone could have them cleaned.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$15,624 from Fire Dept. Regular Wages Acct. #001-2030-101-1000 to Wages Differential Acct. #001-2030-101-1450 - Fire Dept.

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

Correspondence from Wayne Lefebvre, Fire Chief, states that this request was made necessary by the impact of the Martin Luther King holiday that was not budgeted for this year.

VOTE: Papale was absent; all ayes; motion duly carried.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$20,000 from Roof - Town Hall Acct. #001-5015-999-9151 and \$29,000 from Regular Salaries and Wages Acct. #001-5015-101-1000 for a Total of \$49,000 to Lights - Prageman Park Acct. #001-5015-999-9160 - Dept. of Public Works

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

Mr. Centner asked, is this all brand-new lighting or is it re-worked lighting? I know there is new ballfields down there, I just didn't know....

Henry McCully, Director of Public Works, explained, this is the existing, original Prageman Park. A few years ago new lights were installed at the soccer field that runs parallel to Oak Street. This is the old Prageman Park Complex. It is a new lamping system. We are using the existing poles and

the lamping system is being upgraded from the old two-wire electrical system to a four-wire system which will result in better grounding of the equipment as well as an increase in the efficiency of the system. The present wiring system allows for an "escaping" of voltage which is evidenced by a sound that mimics static electricity. He is quick to point out that no one has been shocked.

Mr. Centner asked, is the lighting going to be more efficient?

Mr. McCully answered, yes, it will not require as many lamps as are there now. It looks like we may have all the lamps with the same manufacturer. The contractor who installed the lights at the soccer field is the same contractor who was low bidder on this job.

Mayor Dickinson explained how there was a desire to repair some of the lamps and when a contractor was called in to evaluate the work, he recommended that everything be taken out and replaced.

Zappala asked, who installed the system?

Mr. McCully replied that the system is approximately thirty years old.

Mr. Zappala asked, was the system improperly installed?

Mr. McCully explained, this system is known as a "Delta" system. The insulation, over time, dries out due to climate and chafing of the wires.

Mr. Zandri asked, will similar style lights be put up in the other installation?

Mr. McCully responded, yes.

Mr. Zandri asked, is that an advantage for us to have the similar lamps as far as repair is concerned?

Mr. McCully answered, there is a lot of competition out there. Musco Lighting was the contractor; they were the supplier for the last job. We specified Musco Lighting or equal. We can't get into bed with a contractor and say, you are going to use their lamps. If there is an equal lamp, a good quality lamp from a reputable manufacturer, that is perfectly acceptable. Most of these items are readily available for replacement and so forth. Gagnon Electric was the installer for the soccer field lights and they use Musco Lighting so I would assume that they have worked together and will be getting the same product. Having them all the same is not a great advantage. When you go to replace them you still have to go up on a crane.

Mr. Zandri asked, do we do our own repair work or do we contract that out?

Mr. McCully replied, every year, if we have a certain amount of lights out....obviously, we are not going to rent a crane for a couple of lamps out. If we have a particularly dark spot that may be causing a safety problem with one of the ballfields. We may get a crane for that. Usually when we have a certain amount of lights out we would order the parts and go up there and change them all.

Mr. Zandri stated, I thought it might be an advantage to have them all spec'd out and have the similar type fixture that way the replacement bulbs would all be the same and it would be a lot easier for you on the maintenance end of it. Is the work inspected by our local inspectors?

Mr. McCully answered, a professional electrical engineer drew up the blueprints; Mike Holmes of the Electric Division has assisted us with this; Chuck (Electrical Inspector) was given a copy of the specifications and he made some suggestions that we have incorporated into the prints and specs.

Reginald Knight asked about the configuration of the electrical system slated for replacement. He asked if, at the time of installation, if it met local and state codes? Were the wires housed or hanging freely?

Mr. McCully explained how the present system was configured so that the wiring ran up the inside of the light pole and hung loosely inside. The new configuration includes "buffers" around the wires to prevent the movement and chafing of the insulation and coming into contact with the pole itself.

Reginald Knight asked, since the funds are being transferred from the Roof-Town Hall Account, does that mean our roof is now in A-1 condition and that we will not need anymore money to fix it?

Mr. McCully answered, the final inspection of the roof occurred two weeks ago with the architect. It has rained twice since then and we have not experienced any leaks, therefore we have no reason to hold back any further funds from the contractor.

Philip Wright, Sr., 160 Cedar Street stated, when this was talked about initially we were talking about \$100,000., now we are talking about \$49,000., what has happened to change this from \$100,000 to roughly \$50,000.?

Mr. McCully replied, when we originally planned to do this, Tom Dooley (Dir. Of Parks & Rec.) was going to pay for this work out of an endowment fund for Frageman Park. There is not enough money in there to pay for this.

Mayor Dickinson explained, the total cost is \$149,000.

Mr. McCully added, the original estimate was over \$100,000. Anytime that we do any type of maintenance or anything over \$100,000., you have prevailing wages; there is a lot of things that kick in when you get to that ceiling.

Mr. Wright stated, I am concerned. If the public reads this, if the public listens to this, if the questions weren't asked we would not know that really this whole job is going to cost \$150,000. All we would know is that we are going to spend \$50,000 from your pocket but we would not know what was going to be spent from Tom Dooley. That is not the way I would like to see things done.

Mr. McCully pointed out that this project is posted on the bid board outside in the hallway.

Mr. Wright answered, the average person listening in tonight would think this is a \$50,000 transfer and not a \$150,000.

Mr. Knight stated, this is a \$50,000 transfer.

Mr. Wright asked, is the Town Hall Roof Account depleted now?

Mr. Rys answered, there is still \$32,000 unencumbered.

Mr. McCully corrected Mr. Rys stating, there is probably \$7,000 left in the account.

Pasquale Melillo, 15 Haller Place, Yalesville asked, is the roof project guaranteed?

Mr. McCully answered, yes, we have a two year guarantee.

Mr. Melillo suggested that a preventative maintenance program be put into effect, especially from a safety point of view.

Mr. McCully replied, ballfield lights is not like maintaining a swing set or anything. It is the same as expecting me to know the condition of all the wiring going through the walls of the Town Hall. It is to determine unless you start taking things apart and looking at them. The situation occurred because it is a very, very old system. I was looking to replace it and it was during the discussions to replace it that we found it would be better to do it sooner than later. There was a slim chance of someone getting hurt which puts us in a very liable situation and we don't want anyone to get hurt.

Mr. Melillo reiterated that there should be a preventative maintenance program in effect.

Mr. McCully stated, we have maintenance programs and we use the standards from our Risk Manager for swings....for tennis courts, basketball courts to fill the cracks, all of these things and also the electricity, we don't have any such problems that exist currently in our parks. We don't have to pursue these. An issue down the road will involve West Side Field that has wooden poles. We have those poles tested for stability so that they are not rotted in the ground. At some point those poles are going to have to be replaced. We try and nip any potential danger in the bud as much as we can. We are not perfect but I think we have a good program.

Mr. Melillo replied, there is always room for improvement. The Council should approve the transfer.

Rich Hillegas, 3 Promentory Drive spoke in favor of the transfer. If there is a potential safety hazard, we have to move on this. Money is not an issue right now.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #9 Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Fire Replacement Aerial Ladder Acct. #001-2030-999-9998 to Professional Services - Lawyers Acct. #001-1320-901-9002 - Law Department

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

Pasquale Melillo spoke in favor of the transfer. He did not want the funds to come from the Fire Department which, in his opinion, is under-funded. He felt the funds should be used to purchase helmets with infra-red equipment for the firefighters which will allow them to see through smoke and possibly save more lives.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Fire Replacement Aerial Ladder Account #001-2030-999-9998 to Office Supplies & Legal Expenses Account #001-1320-401-4000 - Law Department

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

Philip Wright, Sr., 160 Cedar Street asked, how much is left in the Aerial Ladder Acct.?

Mr. Rys answered, as of 3/31/99, \$20,732.00 unencumbered prior to the transfers out of the account made this evening.

Town Attorney Janis M. Small explained how a percentage of the court expenses that are paid out from this account associated with foreclosures are re-couped at a later date and returned to the general fund. During the calendar year 1998 the Town collected over \$11,000 of monies that were spent out of that account.

Pasquale Melillo, 15 Haller Place, Yalesville repeated that he is opposed to taking money from the Fire Department funds.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #11 Consider and Approve Shweky Court - Planning & Zoning Commission

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

Zandri asked, has this passed all the inspections required?

Town Planner, Linda Bush replied, it has been signed-off on by Mr. Thompson (Town Engineer) and Mr. McCully.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #12 Consider and Approve the Acceptance of a Snow Storage Easement from Sunwood Development on Roxbury Lane - Planning & Zoning Commission

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

Mr. Farrell stated, I appreciate all the maps and deeds that Town Planner Linda Bush sent us. It is very helpful to the Council. It was a very thorough job and very much appreciated.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #13 Consider and Approve a Deed for Additional Right-of-Way along Williams Road and a Drainage Easement from Oscar Williams - Planning & Zoning Commission

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

Philip Wright, Sr., 160 Cedar Street asked for an explanation of the Right-of-Way extensions, expansions, etc. Is there some big project going?

Town Planner, Linda Bush explained, these are all the additional right-of-ways from subdivisions approved by the P&ZC. The Town has required the developers to deed to it the necessary property to meet both the Town's and State's requirements pertaining to road width and utility easements to give the Town the land it is missing to meet those requirements. Eventually, as properties develop, the Town will own adequate right-of-way for future road improvements or easements. The right-of-ways is not something that needs to be accepted by the Council one at a time. I wait until I have something like a road to be accepted and then I add to that all the right-of-ways as well.

Mr. Wright asked, if there is any monies exchanged for this?

Ms. Bush answered, no. We get them all for free.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #14 Consider and Approve a Deed for an Additional Right-of-Way along North Elm Street
John J. Pimentel - Planning & Zoning

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

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve a Deed for an Additional Right-of-Way along Williams Road
from Heritage Hills - Planning & Zoning

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

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #16 Consider and Approve a Deed from Tom Wall for Additional Right-of-Way along
Williams Road and any Interest he may have in Two 25' Right-of-Ways that are now part of
Doherty Drive - Planning & Zoning Commission

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

Mr. Centner asked if the iron pipe found on the property, as denoted on the accompanying map of the area, was attributed to waste pipe or utility service?

Town Planner, Linda Bush, replied, it is probably a property corner pin.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #17 Consider and Approve a Deed from J. Kranyak for Additional Right-of-Way along Cooke Road - Planning & Zoning

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

Reginald Knight asked for an explanation of why the Town is requiring the right-of-ways from the developers. He did not hear the response offered earlier to a similar question asked by Mr. Wright.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #20 Motion was made by Mr. Rys to Move Agenda Item #20 Up to the Next Order of Business, seconded by Mr. Farrell.

VOTE: Papale was absent; all others, aye; motion duly carried.

Mr. Parisi explained, the reason Item #20 is being moved up is because a public hearing is scheduled to begin in five minutes and if we start the next item, (Item #19) we would most likely have to break off discussion at the start of it.

ITEM #20 Discussion and Possible Action Regarding the Approval of a Resolution Authorizing the Mayor to Sign an Agreement Between the Town and the State of Connecticut for the Design, Construction, Inspection, and Maintenance of Safety Improvements to the Intersection of North Plains Industrial Road and Pent Highway as Requested by Mayor William W. Dickinson, Jr.

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

Mayor Dickinson stated, this involves the intersection of Pent Highway and North Plains Industrial Road and respective safety improvements with turning lanes and a traffic signal. The Town Engineer is present to answer any questions the Council may have. It is 100% State-funded. We have paid for the design which has cost approximately \$25,000. The construction should cost approximately \$100,000.

John Thompson, Town Engineer, responded off microphone, yes.

Mr. Centner asked, does this item appear on a list somewhere or is it a certain project?

Mr. Thompson replied, this is a specific safety improvement that we have made application on about one year ago. We were selected through the regional planning agency as one of the candidate intersections in the region. The money comes out of T21 which is the Federal Safety Improvement Program. If the Town pays for the design, the State will pay for the construction of all the improvements up to about \$150,000. That is the arrangement. There will be a signal light at the intersection.

Mr. Zandri asked, when will the project start and how long with the project take?

Mr. Thompson answered, design began in January, 1999. We were scheduled to make a design submission in the middle of April. We went back to the drawing board because we ran into a couple of property acquisition issues and we did not want to take any properties so I asked the designed to revise the design so that we would not take any property. We expect to have a preliminary design submission the end of this month, the State review will take a couple of months and we will be in final design in the Fall. We will be going into construction in the Spring of 2000. should take two or three months to complete.

Philip Wright, Sr., 160 Cedar Street asked, this is for the purpose of the traffic on North Plains?

Mr. Thompson answered, no, the problem is that traffic coming out of Pent Highway onto North Plains making a left or right turn, there is only a single lane approach. One vehicle stopped there stops the whole intersection, the whole approach from operating effectively. We are going to widen out the approach on Pent Highway and have a left turn lane and a right turn lane with a traffic control signal. The light will be accuated on the side street so that if traffic comes down Pent, it will call up the signal and give it an indication to go. We had to go through a fairly exhaustive study of the traffic volume, accidents, delays in order to qualify for this. There was very rigid criteria that we had to adhere to in having this intersection selected for this improvement.

Mr. Knight stated, with this particular area being an industrial park, you will find that the more difficult turns are for the trucks. An eighteen wheeler trying to make a right or a left turn onto North Plains Industrial Road, you can only imagine how much of that kind of traffic there is in that area. It is very difficult and at certain times of the day it is a very dangerous maneuver from Pent Highway onto North Plains Industrial Highway, especially a right turn.

Mr. Zandri asked, won't the light on North Plains always be green and only be tripped on Pent Highway. The main flow of traffic will always be moving....the only time it will be interrupted is when you get a vehicle that will trip the light on Pent.

Mr. Thompson answered, that is correct.

Mr. Parisi suggested tabling the item so that the Council could move on to a public hearing scheduled for 7:45 P.M.

Mr. Rys made a motion to Table the Item, seconded by Mr. Centner.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #18 PUBLIC HEARING to Consider and Act Upon a Proposed Ordinance Entitled, "An Ordinance Appropriating \$1,076,000 for the Acquisition of Approximately 21 Acres of Real Property on Tyler Mill Road for Town Purposes and Authorizing the Issue of \$1,076,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose"

Motion was made by Mr. Rys to Read the Title and Section 1 of the Proposed Bond Ordinance in Their Entirety Into the Record and to Waive the Reading of the Remainder of the Proposed Ordinance and to Incorporate its Full Text Into the Minutes of this Meeting, seconded by Mr. Farrell.

VOTE: Papale was absent; all others, aye; motion duly carried.

At this time Mr. Rys read the Title and Section 1, in their entirety, into the record.

The proposed ordinance is hereby incorporated into the minutes as follows:

AN ORDINANCE APPROPRIATING \$1,076,000 FOR THE ACQUISITION OF APPROXIMATELY 21 ACRES OF REAL PROPERTY ON TYLER MILL ROAD FOR TOWN PURPOSES AND AUTHORIZING THE ISSUE OF \$1,076,000 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 \$1,076,000 is appropriated for the acquisition of approximately 21 acres of land and improvements thereon consisting of 31 Tyler Mill Road, approximately 5.7 acres, in the name of Beaumont, and 21 and 63 Tyler Mill Road, approximately 15.2 acres, in the name of the Hall Trust, in Wallingford, for open space or other Town purposes as the Town may from time to time determine, and for 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 \$1,076,000 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, Richter and Pinney 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, Richter and Pinney 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 notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Mayor Dickinson asked George Yasensky, Town Sanitarian with the Health Department, to present his findings on the percolation tests at this time.

Mr. Yasensky stated, I was asked to come and give an explanation on what an engineered design was because I think there are some clouded issues on engineered designs for septic systems. An engineered design is a remedy. For instance, at Seiter Hill we had a problem. We did not stamp it with a skull and crossbones, we got a remedy; city water. There are criteria for an engineer design for septic systems; it could be that a perc rate is too fast, one that is too slow. It could be underlying bedrock, high ground water, gradation slope, gallonage to exceed 1,000 gallons per day. All that means is that this property will come under the scrutiny of an engineer, not a layman. He will use his talents to design a system to make it feasible to put a septic system on that property. I have never,

and I am not a real estate person, seen where an engineered design system would be detrimental to the property, with the value of property, or anything of that nature.

Mayor Dickinson asked, could you just indicate on the properties in question, what the findings of the perc tests were?

Mr. Yasensky responded, lots 1&2 as I look at the map had percolation tests that would satisfy the Public Health Code in a manner that if someone came in the office, we could issue a permit for installation as they stand. There are even instances, on good lots, where people have had engineered design systems. It is not a light on the lot. The other lots perc'd out with percolation tests that were slower than one inch in thirty minutes. That is the area of special concern. We had some that were one inch in twenty-eight (minutes), one inch in forty-two (minutes), one inch in thirty-one (minutes), one inch in forty-two (minutes). It depends on the soil layers on which the perc was conducted, underlying soils are more permeable, that is why we call in an engineer. He uses his talents so they put a system in. That is all I can tell you. I am not going to field any engineering questions.

Mr. Centner asked, because of the difference of the soil's rate of absorption of water, would it mean that a septic tank would go from a more compact, deeper one to spread out, wider one?

Mr. Yasensky stated, it is not necessarily the tank, it is the fields. The engineer would design the criteria for (leaching) fields so that the soils would take water more slowly. He may introduce new material; take out material and bring in acceptable gravels. Plans would have to be submitted to the Health Department for approval. This is all required under Public Health Code.

Mr. Centner stated, there is a high confidence factor that any lot that required an engineered septic tank would get a successful operating system on it?

Mr. Yasensky replied, the line you always get is, "If you have enough money you can put a system in the middle of the Hudson River".

Mr. Zappala asked, how do you determine costs, for instance, of one lot versus another?

Mr. Yasensky answered, I don't, an engineer does. It depends on what the engineer finds, what he would require. If he requires fill to be brought in, then you are going to pay for fill by the yard. It is what ever he requires on the design. It is similar to, if you want a house with solid doors as opposed to hollow-core doors.

Mr. Zappala stated, to achieve a house with the proper drainage on a particular lot, you would have to put more money into the lot to develop it.

Mr. Yasensky answered, you would have to put more money into the lot, but I have never seen where it depreciated the lot. That is coming from what I have seen in the field, I am not a real estate agent.

Mr. Zandri asked, you (Mr. Yasensky) stated that lots #1 & 2 do not require an engineer design system; I am assuming that is the case because they passed the percolation tests?

Mr. Yasensky answered, yes. They had a percolation test faster than one inch in thirty minutes.

Mr. Zandri stated, I will make an assumption then, and correct me if I am wrong, that the other lots require an engineer design system because they did not pass the perc tests?

Mr. Yasensky replied, it is not pass or fail. It is just the amount of time it takes for the soils to absorb the water, to percolate. That is mandated by Public Health Code. If it is slower than one inch in thirty minutes, then it is marginal or areas of special concern; that would require an engineer design.

Mr. Zandri stated, we can pass or fail, if there is certain requirement that requires an engineering system it is because it did not meet that requirement.

Mr. Yasensky stated, the Health Department, with regards to lots 1 & 2, could say that we would require an engineer design even if Public Health Code did not call for it but we have entire subdivisions in town and every house in on an engineer design.

Mr. Zandri asked, you can force someone to have an engineer design system even if it passes a perc test?

Mr. Yasensky answered, yes we can but we are not that capricious.

At this time Mr. Parisi opened the public hearing to the public.

Lisa Toman, 90 Liney Hall Lane displayed a map for all to see while making her comments. She stated that the voice of the Tyler Mill area can be characterized as the birdsong, chattering squirrels, the Muddy River babbling over rocks in its path and the rustling of leaves however, its most powerful voice is the sound of silence; the silence of the natural world. Tyler Mill has many trails

which are used by mountain bikers, hikers, horseback riders, joggers, people with their kids taking them out to see nature, people walking their dogs; the trail system is extensive. The Muddy River comes into the area at Center Street, flows through Tyler Mill, under the Muddy River Bridge and then out again under Woodhouse Avenue. Residential property in the area is privately owned by a family named

Barrett. The property in question is pretty much in the middle of Tyler Mill but it is evident that what ever happens there would have a significant impact on the rest. The twenty-one acres has pretty much been taken for granted as a part of Tyler Mill for the past twenty or so years. If residential development occurs, you can see that there would be significant impact in the center of that open space. There would be noise pollution; law mowers, weekwackers, radios, snowblowers. There would be domestic pets; cats & dogs who don't generally respect the boundaries of their owner's lawns and will be off chasing wildlife in the vicinity. There would be negative effect on the Muddy River: any lawn chemical, treatment, fertilizer, weedkiller placed on the six or seven lawns would eventually end up in the Muddy River. Tyler Mill Road is a designated scenic road; not repaired on a regular basis because it is supposed to be left in a natural state to keep the traffic slow. If a person spends a lot of money on a lot they are probably going to build a good size house, probably with a three-car garage. Six or seven houses times three garages means eighteen to twenty-one vehicles on that half mile of Tyler Mill Road plus deliveries, plus visitors; a significant amount of traffic on a very narrow road that was not designed for any traffic at all except very slow moving traffic. It would have an impact on the walkers, hikers, bikers, etc. With more residential area, you change the habitat character for plants and animals. There are certain birds that only like dense forest. To allow residential building in Tyler Mill is the same as placing a dog house in a baseball diamond. There is nothing wrong with a dog house, the problem exists when it is placed in the baseball diamond. Again, a residential development in the middle of Tyler Mill would be a significant detriment not only to the use of the land but to the habitat as a whole.

Reginald Knight, 21 Audette Drive stated that his problem with this issue is the cost. The amount of money that would be needed to move the water off the land would put the price of the house and lot beyond what people would be willing to pay for that location, in his opinion. Anyone who could afford to spend that kind of money on the land could afford to buy huge lots somewhere else. I doubt that there would be more than half a dozen houses in the area, if there could be that many. I stated, my problem is not keeping the area green but the cost. That price for that type of land, in my opinion, is ludicrous. I think the previous speaker was looking at the very worst scenario. I don't think the traffic would increase that much. If you want to see traffic, go up to North Branford Road where tractor trailers travel through. The cost per acre is way beyond the nature of the land according to all the tests that have been conducted on it.

Robert Sheehan, 11 Cooper Avenue asked, have we received an appraisal yet other than 1998s?

Mayor Dickinson responded, yes. The appraisal placed the value at \$745,000. as of April 1, 1999.

Mr. Sheehan asked, when were the percolation tests done?

Mayor Dickinson answered, they were done this past week I believe. Some of them have been done twice. There is a letter from George Yasensky dated April 1st and another dated April 12, 1999.

Mr. Sheehan asked, how much of the twenty-one acres is considered wetlands?

Mayor Dickinson answered, an area identified in the northern part but it is not.....dealt with specificity. It was taken into account by the appraiser in valuing the property.

Mr. Sheehan asked, does the Wetland Commission have a map designating the wetlands for that property?

Mayor Dickinson answered, I believe that is what the appraiser would have used in determining the presence of wetlands. I don't think that they have been flagged. At the point they were going to develop anything a surveyor would have to flag; a soil scientist would have to flag the wetlands. That has not been done and I am sure the appraiser used the maps.

Mr. Sheehan stated, in visiting the area recently, just off the road and in about ten feet there is another little stream that runs through the property besides the Muddy River. Between the two, there is a lot of water on the land. As a kid, I remember always having to wear my boots out there. Also, if that is a scenic road, this Town ought to be ashamed. The bridge is no longer there and I think it is Wallingford's landfill east. It is terrible. I realize it is designated as a scenic road and the bridge does not go all the way through and a lot of time was spent arguing whether or not the bridge should be put in. Personally, I think it was a big mistake is that we didn't put the bridge all the way through. Most of the open space, at least nine hundred acres, was the old New Haven Water Company property. There was a berm around it to hold the water in. That is basically still there. This piece of land is relatively flat. Anyone who is familiar with it out there will know that you can walk out there in the middle of July in the middle of a drought and if you dug three feet you would get ground water. The perc tests deal with a septic system. I think you would have a difficult time getting a foundation out there on six of those lots to stay above the ground. It is a good acquisition idea, the only problem I have is the price; it is too much.

Mary Lou Femniak, 151 Williams Road stated that there are things in this world for a which there is no price. To put a monetary value on something like this is wrong. We need to do it because it is

necessary for our town and it will benefit everyone in the town. We have eaten up too much open space and we are now starting to realize what we have done to it. I live next door to Joel Schiavone's property and the house have been developed and are quite beautiful but they are already having problems. We are seeing fox and wild turkey; habitat we never saw in our yard because of the displacement of wildlife. There is silt running down into the reservoir from Williams Road which never happened before. There are certain things for which there is no value.

Sigwin Gadwa, Staff Scientist of the Quinnipiac River Watershed Association stated that the ecological value of the parcels of land in the Tyler Mill area is very high because of its location within a very large forest reserve and adjacent to a pristine watercourse. The preserve is vital as a breeding bird preserve for area-sensitive migratory species such as woodland thrushes and warblers. Their surplus offspring are essential for the bio-diversity of the regional landscape. The disappearance of many songbirds from fragmented landscapes containing only small wood lots and parks received widespread national attention and research has determined that major cause is the high rate of nest failure in the vicinity of forest edges due to predators and parasites. Also, resident songbirds that need large forested territories decline in a fragmented landscape. We have bird data from surveys conducted at Tyler Mill in June of 1998 which show that there were ten area sensitive species at Tyler Mill compared to only two on Windswept Hill and only one in the woods at Community Lake. What is exciting is, despite the high population density of South Central Connecticut, we do still have these species. They have not been exacerbated from the landscape as they have in the Baltimore, Washington, D.C. metro area and a lot of Fairfield county. This is because here, in our Quinnipiac valley, we still do have some really sizable remaining forest area like Tyler Mill and a few of the trap rock ridges that are forested. A country road does not create a big enough canopy gap to fragment a forest like Tyler Mill and neither do horse trailers. But a subdivision requiring large, engineered septic systems which cover one-half to three-quarter acre areas, would break up this valuable, contiguous tract. The lots are going to have an extensive landscaped area. Erosion of the exposed soils during construction and run-off from the lawns, driveways and streets would have negative impact on water quality in this high quality stretch of the Muddy River. Wallingford has enough really degraded streams like much of Wharton's Brook and we should make every effort to protect the stream sections that are in excellent shape.

Rick Hillegas, 3 Promontory Drive stated, everything has a price; if this is the price they are asking, I am very pragmatic about things; I think we should go and bond it and buy it.

Joanne Minion, 35 Liney Hall Lane stated that she was in favor of the purchase. The cost is fairly high but it is a one-time cost. It is not going to have to be repaired like a tennis court or soccer field or a new fire truck; something that is going to wear out. This is a one-time cost. If we don't purchase this, I think it will be a higher cost to the future of the Town, without buying it.

Reginald Knight, 21 Audette Drive stated, with regards to the philosophy that, "the cost may be high but go ahead anyway"; what if the person had asked \$10 million or \$15 million? Would you still say that it is worth it? When you think of it in that light, price is a consideration. I think price does play a factor in this. There is no reason why, if we want it, that we have to pay an exorbitant price. No one likes the outdoors more than I. How many of you people walk or hike the Tyler Mill area?

Mr. Parisi answered, I have gone there many, many, many times.

Reginald Knight stated, by a show of your hands, half of you (Council) have. Across the town, as a broad spectrum, I wonder how many people use it. The point is, we would like to see it stay the way it is, wide open space. I do say that the price is a little high; price is a factor.

Nicholas Koff, 52 Clearview Drive, Life Scout, Boy Scouts of America stated, on behalf of the Boy Scouts of America, my own troop and myself, personally, I think we should purchase this twenty-one acres of land. It would be a very valuable asset to the Town. I am presently doing a service project there because I am an Eagle Scout candidate. It involves connecting two portions of trail and a winding road that is very steep on Tyler Mill which comes down onto a straight away and cars tend to come down that hill and go very fast on the straight away. I am making a trail off the side of the road because there is no shoulder and hikers, bikers and horseback riders have to walk on the road which is very treacherous. I am proposing to make a trail along side of the road that goes about forty meters into the woods. I think we should purchase the land. A lot of my fellow youth and troop members are showing a lot of involvement in this and building houses in there will prove detrimental to the area. Let's keep this and preserve our natural land. (Applause)

Jim s Vumbaco, 81 High Hill Road stated, there is not an individual here saying that we should not purchase this property. I have a little bit of personal feeling for the property because this was purchased when my father was Mayor back in the early 1970s when he had the wisdom and the foresight to buy open space before it became fashionable. I am a little upset with the price that we are willing to pay for this property. I personally believe that the sellers of this property are taking advantage of the wave of open space purchase that seem to be running rampant throughout not only this town but the State, in general. Not that there is anything wrong with that, I am a strong proponent of open space purchases but I think that we are at a point in time where maybe the sellers now knowing the fact that we want to close up this gap which I think is extremely necessary to preserve this property but I think they are trying to take advantage of us. One thing I have learned over this past year during all this research, talking and looking at open space is, you have to be somewhat creative in your approach as to how you purchase, develop and preserve open space. I would like to propose the following; we are looking at an appraised value of \$745,000. If you subtract that from the \$1,076,000 that we want to pay for it or that they are asking for it, that is \$331,000 or a little in excess of 40% above the appraised value.....

Mayor Dickinson interrupted Mr. Vumbaco to clarify that the purchase price is \$980,000. The \$1,076,000 includes bonding costs and.....

Mr. Vumbaco continued, O.K., so maybe we are talking about 32% above appraisal value, be that as it may....last time, I think it was during the session when the Council decided to go forth with the purchase before they set this public hearing, it was stated that we have been looking at buying this over the last...since it was originally purchased in the '70s. I am not sure that is the case because I have not heard too much about this and then all of a sudden it popped up as something we want because someone is shown that there may be an interest in this. My proposal is this, offer the sellers the appraised value plus some sort of a premium because we should probably pay a premium to close up this space. I would not pay the \$930,000. Offer them the \$745,000 plus 10% premium with a caveat attached to that offer that, the Town has the right of first refusal if, in fact, the sellers can show a bona fide potential sales agreement through a developer of that property. Then, in fact, Town could go up and ask if we are willing to pay the amount that the developer is offering for the property? Then we can go forth and purchase it. This way we end up with a win/win situation where the Town is not expending an extraordinary amounts of money for open space that is above and beyond what the appraised value is and without also having a situation where we are not forced to go out and buy this because we are speculating that there is a developer coming in. Let the sellers come in with some hard facts that they have an offer in hand and let the Town match it. We are selling land in Durham for the appraised value yet, we are willing to pay 32% above appraised value for land in our own town. It makes absolutely no fiscal sense to me at all to do it that way. By being a little creative and if we talk with the people who are trying to sell this property, I believe we can get it for less than \$940,000 and it will be a win/win situation where we will preserve this beautiful piece of property as well as not over spend taxpayer's dollars. The bottom line is, it is my taxpayer dollar as well as every one of yours that is being spent for this piece of property and we should get the best bang for our buck.

Tom Flynn, 88 Williams Street stated that he was speaking on behalf of the Wallingford Land Trust. I am the current president of the Land Trust. I would like to join the other civic organizations who have encouraged you to complete this purchase. The Land Trust does not ordinarily get involved in these type of proceedings due to the politics involved but politics seems to have come into the nature of open space acquisition in town, these days. The important issue before you is that you have a truly unique opportunity to buy a unique and very valuable parcel of open space for the Town of Wallingford. This is not speculative, this isn't contingent, this is a very real and important purchase that will fulfill all the criteria that the Conservation Commission has spent a great deal of time to create; it is going to satisfy every criteria that the State of Connecticut has laid out for open space acquisitions, it fulfills virtually every criteria that any private organization would come to consider if they were to purchase it like the Wallingford Land Trust. It is a uniquely historic area. It

is one of the earliest settled portions of the Town; it was one of the original mill sites of the Town and for that matter, the State. This is a unique opportunity and unfortunately because of that people may try to take advantage of the Town in terms of its price. Land is your one, non-renewable resource. We can always re-build a ballfield but once it is gone, we can't get it back. In light of the truly unique aspect of this parcel, I would like to join the other members of the community and urge you to purchase this

on behalf of the town. The young fellow who spoke on behalf of the Boy Scouts, the kids are laying it out very clearly in front of you as to what is the appropriate thing to do. I hope you will adopt the young man's recommendation.

State Representative Mary Mushinsky stated, I would like to go on record in favor of this purchase. At the legislature, the open space program gives high priority to adjacent parcels and large, unbroken forest parcels and I would encourage you to do the same. This is probably the largest, single piece unbroken tract in the Town and it is crucial to keep it intact. For diversity reasons and the high quality of the land, I urge you to keep it in place. I will submit, for the record, the data and maps that were to accompany Ms. Gadwa's presentation earlier.

Attorney Joan Malloy, with the firm of Loughlin, Fitzgerald, Camp, Henrici, Malloy, Rizzo & Reed stated, for the record, I represent Robert Simpson, Dean Hall, Sydney Hurlburt, the trustees who are owners of two of the parcels in question and Mr. Beaumont who is the owner of the third parcel that is in question. Since the Council and the Mayor has actively gone out and started pursuing open space acquisitions, you have said to the property owners of Wallingford, "if you are in an area that is potentially sensitive, we would like you to come to the Town before you enter into contracts with private developers." The final Conservation Commission recommendations included, as one of the priority areas that the Town wanted to acquire, was in the Tyler Mill River area. My clients listened to what the Mayor said and what the Council said and when they were contacted by a private party; actually they have been contacted by more than one private party; and an offer was presented to them in the area that they were willing to accept, instead of entering into a contract with this client or those parties and basically saying to the Town, "sorry, we are already under contract" which is exactly what you have asked property owners not to do, they came to the Mayor and they made a presentation and said, "if you match the offer, we will sell it to the Town." This is not a case of property owners who sat there and figured out, "how can we take advantage of the open space acquisition feeling that is going on in this town?". Several people feel that the property is not worth this price.....but there are developers out there, there are private citizens who recognize the uniqueness of being able to put seven residences in a nine hundred or so acre parcel. That has definite advantages. Not everyone wants to live in that type of section....but there is a large segment of people out there looking for this type of privacy. I want to make clear to the Council and I am not

in any way trying to threaten anyone but we are offering it to the Town, we have done what we have been asked to do and if the Town decides the price is too high, that is a decision that the Town is entitled to make but I want to make clear that there is real interest in this parcel and if the Town chooses not to purchase it, then it is going to be sold to some private entity and I anticipate that, based on the information we have, and trust me, we have done some work on this before we approached the Town. you will see most likely seven residential lots on this property; it can support it, it can be done.

I just wanted to make sure again, that you understood the rationale for the property owners to come to the Council and to the Mayor's Office. We did what you asked. We do not want to be punished for not negotiating with the developer first.

Pat Souza, 7 Shweky Court stated, I have been out mountain biking and horseback riding at Tyler Mill for the past ten years or so. Over that time I have noticed many more people over the years using it for a variety of recreational purposes. I think that if we lose the character of that area, we will have lost something that is really priceless and I think we should consider the cost if we don't purchase it.

Hank Toman, 98 Liney Hall Lane stated, when I think about this issue, I think about three images; a pile of rubble, a statue and pocket change. If you authorize the purchase of this land, that land and the trees on that land and their descendants will be there when this building (Town Hall) is a pile of rubble and being carted away. The second image I have is statues; I can't think of a single statue that has been put up to a Councilman. As a matter of fact, maybe some of you feel that after you get through with your tenure up there, you would be lucky to get a handshake. If you authorize the purchase of this land, those trees will be your statues and that young man (boy scout) is showing his great-grandchildren around and the generations to come.....we may be surprised at how many people will be thankful to you for closing the "donut hole" on this beautiful piece of property. In fifty, one hundred, one hundred and fifty years, there could be six or seven million people living in CT., most of them probably in central CT. and this piece of land, in one hundred years, may be one of the last, large contiguous pieces of land left for primary recreation. This last thing I think about is the change in my pocket; take the number of years that you think that property will last and divide it by the cost; I have about what that comes to in my hand (pocket change) for the purchase of this property and how long it is going to last. Maybe I have too much in my hand. I hope you will look at the long term perspective and authorize the purchase of this land.

Wes Lube, 15 Montowese Trail stated that he wanted to erase some misunderstandings and false impressions that were unintended.

Mr. Lube read the following prepared statements into the record. Said statements were submitted to the Town Council Office for the purpose of saving the secretary time in transcribing the minutes:

ADVOCACY

These three Tyler Mill Road parcels would be a logical and desirable addition to the nearby large open space preserve which Wallingford has assembled over the years. I agree with that.

Jeff Borne, Chairman of the Conservation Commission, said it would be a logical addition to our largest block of open space in the East Wallingford area. He's right. It would. These 20.9 acres would bring the total to 2,449 acres of open space on the East side. It would be a good fit. Jeff said his Commission agrees.

William Austin, Chairman of our Planning and Zoning Commission, spoke of the wooded beauty of these parcels. In as much as these parcels were once wood lots and the present coverage are secondary growth trees, Mr. Austin will probably be right in 50 years, if the property owners were to properly thin out the trees. Unfortunately, no one seems to have demonstrated that kind of care on any town owned woodland to date.

But, I do agree with Mr. Borne, Mr. Austin and others who advocate purchase of this property. It just makes good sense. The Mayor and all nine Councilors seem to be of like mind. Let's buy it, they say.

Once it is established that the Town should be the logical Buyer, a price must be set. The price for the Town should be based on a professional appraisal by a certified appraiser who determines the highest and best use, assembles a list of sales of comparable properties, makes any and all necessary adjustments to bring the comparables in line with the subject property and renders his professional independent judgement as to value, in his opinion.

I'm sure neither the Mayor, nor any Councilors nor any residents in attendance would pretend to be more qualified than an M.A.I., one of the highest designations conferred on an appraisor. I'm sure none of us has the training or employment that would enable us to offer a cogent and persuasive dispute of the M.A.I.,s opinion of value.

I'm not a newcomer to land or open space. The bulk of my 20 year carreer in real estate was spent in land sales for developement. Some of my closest endeavors include finding the Buyers and Sellers for
Sterling Billage on Yale Ave., Meriden
Oakdale Woods with 30 acres of open space
the Greens in Branford

These all and others created open space.

I've been an open space advocate for 30 years. Twenty-seven years ago, my wife and I sold our Ridgeland home to purchase our home in Oakdale Woods. I didn't just use other peoples money to buy open space; I put my family's money where my mouth was. We're still there. Never regretted it.

But, because we are open space advocates, let no man take us for a fool. We are not advocates at any price. We are not advocates at an arbitrary price set by a seller. Neither are we to be considered to be a captive Buyer. All too often of late, the land added to our open space had no other logical buyer at the price and cash terms offered by the town with virtually no contingencies.

The price proposed for this Tyler Mill property, at the outset, seemed questionable. I set out to learn as much as I could.

You had Atty. Joan Malloy speaking about a competitive offer and she alluded to price. I am sure that the offer that was on the table was multi-pages long and involved a lot of terms and a lot of contingencies and you (Town) are unlike the typical buyer. You are a cash buyer, that puts you in the bargaining seat unlike those who are your competitors.

The price proposed for the Tyler Mill property at the outset seemed questionable to me, so I set out to learn as much as I could.

Mr. Lube next reviewed with the Council the timeline of actions he had taken to obtain as much information surrounding this purchase as possible.

3/23 proposed purchase of 20.9 acres on Tyler Mill Road on Town Council agenda for first time.

Afternoon before meeting went to Planning and Zoning Department find out where located - went out to visit - area very wet, some places too wet to walk across - returned to Town Hall to visit Department - told they did supervise perc tests, but property owners have not released results to Town - left, wondering how the Town Sanitarian could have supervised and not known the results.

Went to Town Council meeting - told what I knew - Mayor said George Yasensky (Sanitarian) told the Mayor "all the area passed the percolation tests."

3/30 returned to Tyler Mill Road - week had gone by - still no change in surface water - just sits there - back to Health Dept. - still no perc test results released to Health Dept. - suggested I might talk to George Yasensky tomorrow.

3/31 returned to Health Dept. to talk to Mr. Yasensky do you remember when they were done? several years ago, he said. The leaves were there I remember that. How did the tests look? Initial ones were OK he said, then we ran into some impervious soil - he then added that the results are in the Mayor's office, I was called up to look at

OK). What was the date on the tests, I asked. I didn't notice she said, but if you come back tomorrow, either I or my secretary have the date.

- 3/31 while at Town Hall, stopped to see Brent Smith, Town Environmental planner. He said several persons had inquired about Tyler Mill but he couldn't help because the Muddy River area had not been mapped for inland wetlands. However, he said he was confident if the Health Dept. received any building permit requests in this area, knowing it to be visually wet, they would include Inland Wetlands in the circuit. Smith said, as soon as he was contacted, he would proceed to have an environmental engineer or soil scientist flag the wet lands in the area. It was becoming obvious to me that determining the viability of lots in this area involved more than just the Health Dept.
- 4/1 returned to Health Dept to get test date from Mr. Yasenski - not available. Secretary said he didn't tell her any date - I decided I best go to Mayor's office myself.
- 4/2 Did so-asked for all perc test results - was told needed Mayor's permission - come back tomorrow.
- 4/5 returned to Mayor's office - no, not available, as yet - thinking that might be the case, I had brought with me a Freedom of information letter. In addition to the perc tests, I had decided to add:
- 2) map of proposed 7 lots
 - 3) agreement with McLaughlin, Broker
 - 4) all prior appraisals
- 4/7 phone call from Mayor's secretary - everything will be ready for review up tomorrow

4/8 back to Mayor's office - everything but 7 lot map - it was mounted on foam posterboard and impossible to copy - but I noticed Juliano's logo

4/9 stopped at Julianos - a young man said his office did not release map to Mayor and did not have authorization to give it to anyone - Hall must have given it to the Mayor. - If I wanted the map, I'd best see Hall - this was not unexpected and ^{was} proper suggestion, if I had the time.

Let me tell you what I found in my travels.

Mr. Lube continued, the point in question, in determining the price and this is something that the appraiser had to address; should the parcels be appraised as raw land or as finished lots, or potential finished lots? In view of the fact that they are divisible without Planning & Zoning approval, building permits and their requirements become the determining factor. The first thing I obtained was a purchase agreement as proposed by the Mayor's counsel. That contained a paragraph (#5) which states that the buyer represents to the seller that McLaughlin Real Estate is the real estate broker for the property and the buyer is solely responsible for any Realtor's commission. I then looked at the subdivision regulations and on page #3, a subdivision definition is a tract or parcel of land divided into three or more parts. It is correct, as has been represented, that each of these three can be sub-divided into two; that is by the book. The subdivision regulations don't apply, they don't have to go before the Planning & Zoning (Commission) but it is interesting to see what the Commission requires under the advice of their technicians. In other words, were these property

owners having to go before the Commission, here is what the Commission would have required; all disposable.....

Mr. Parisi interrupted Mr. Lubee to state that he did not know if this was appropriate. This is almost like, with all due respect, a real estate class.

Mr. Lubee explained, I am going to show you the information and how it addresses this particular problem. You don't know what I am going to say, Bob.

Mr. Parisi answered, that is right; continue.

Mr. Lubee continued, all disposable facilities shall be designed and constructed in accordance with requirements of the CT. Public Health Code. That is interesting because it refers to the CT. Public Health Code and a report has to be prepared by the Town's Health Department that percolation tests have been taken.

Mr. Parisi asked, what does that have to do with this item?

Mr. Lubee replied, it substantiates what I am about to refer to in the Public Health Code if I may. I will....this is a public hearing.

Mr. Parisi replied, I understand that but there may be other people who want to speak, also.

Mr. Lubee replied, I was patient.

Mr. Parisi answered, I am, too.

Mr. Lubee continued, the Public Health Code, which the subdivision regulations refer to on page 135 under "Disposal of Sewage and Areas of Special Concern", these two words were used by Mr. Yasensky and they are very meaningful, "disposal systems for areas of special concerns shall merit particular investigation and special design and meet the special requirements of this subsection. The following are determined to be areas of special concern; (b) slower than one inch in thirty minutes." That is significant, one inch in thirty minutes. Page 134 and 135 of the CT. Public Health Code says that the "local Director of Health shall", not may, "shall, in areas of special concern, require from the applicant, what ever further testing or data necessary to assure that the sewage disposal system will function properly." According to the information that the Mayor's Office provided me, here are the ten test results.....I don't have the map of the lots, remember, that was uncopiable in the Mayor's Office. So I am referring to these as lots or parcels, 1,2, & 3.

The first four tests on Parcel #1:

- Test 1 16 minutes
- Test 2 42 minutes

Mr. Parisi stated, we have read that information. We have read that already. We have the reports.

Mr. Lubee answered, the Council does but the other people haven't and the people watching the television have not.

Mr. Lubee continued,

Parcel #1:

- Test 2 42 minutes
- Test 3 28 minutes
- Test 4 26 minutes
- Test 5 35 minutes
- Test 6 105 minutes
- Test 7 42 minutes
- Test 8 84 minutes
- Test 9 42 minutes
- Test 10 65 minutes

Mr. Lubee stated, only three out of the ten percolation tests had a falling of the water of one inch in thirty minutes or less; only three out of the ten. According to the ten tests, not one had a pre-soak simulating normal leaching field activity.

Mr. Parisi stated, did you hear Mr. Yasensky state that anything could be engineered if you have the money?

Mr. Lubee answered, yes.

Mr. Parisi asked, did you understand what that meant?

Mr. Lubee answered, yes, and I also heard him say that, with his limited experience.....

Mr. Parisi asked, are you familiar with the terms "assemblage" or "plottage"?

Mr. Lube asked, in reference to what?

Mr. Parisi explained, they are from the real estate appraisal terminology handbook.

Mr. Lube answered, I am not an appraiser.

Mr. Parisi stated, that is where they are from. You are not familiar with those terms?

Mr. Lube answered, no. In prior negotiations, there was enough potential indicated in those negotiations that the Town spent money on an appraisal in 1993 but that was only for parcels #1 & #3, not the Beaumont piece in the middle. It was for what is known as #21 & #63 Tyler Mill Road. I will quote the appraiser's verbiage, "The amount and location of inland wetlands on parcel 1 are significant factors affecting its development potential and value. Inasmuch as the site has not been flagged by a certified soil scientist, the river is not shown on available surveys and no applications have been made for development, you appraiser must reserve the right to amend his estimated value."

The appraiser went on to say, "based on a review of the zoning requirements in the area 120 zone classification, as well as information obtained from the Planning & Zoning Department of the Town of Wallingford, it is an assumption of this appraiser that parcel 1 has the potential to be sub-divided into two building lots." He was not ignoring the fact, he was acknowledging that fact and including that information in his opinion of value. On parcel 1 in 1993, he arrived at a value of \$111,000 and on parcel 3, \$66,000 for a total of \$177,000. Last July, eight months ago, an appraisal of the same two properties had somewhat the same verbiage as in the appraisal five years earlier. He had an opinion of value that was almost identical in 1998 as it was in 1993. They have spoken of the location as being a very essential part of the total picture. Mr. Lube referred to the map on display of the area and asked Mr. Centner to point to the area on the map which appeared as a small intrusion of white, reflecting a subdivision known as "Hall Acres" comprised of thirteen homes. The distance between the subdivision and the area in question is approximately the size of a football field. There is approximately 1,000 linear feet of boundary on the subject property which faces Hall Acres. The green strip in between the two ranges from 133 yards to 166 yards according to Juliano's location map on his survey. In view of the fact that there are already other people living on Tyler Mill Road, if there are some recoverable lots on this land, I don't think that it would make that much of a difference to the impact of that total area. We are talking about less than 1% of the land. Bear in mind that we now have some 2,449 acres there; that is a lot of land. Then we have the real estate broker's contract. I take it in question because the contract which was not mentioned had a \$1,900 retainer. I am not a lawyer but I think contracts of \$2,000 and over are supposed to be subject to bidding so by using \$1,900 as a retainer, that may have been circumvented. It grows to \$58,800 in total commission because the Town, through the Mayor, has agreed to pay McLaughlin Real Estate six percent (6%) of the purchase price being \$980,000 for the two properties. That six

percent commission is no longer a consulting fee but rather a commission to be paid what ever the price may be. This was not revealed at the last meeting. He was introduced as an agent who represented the Town. His buyer/broker contract says, services to be provided are, "buyer appoints broker as buyer's exclusive agent for the purpose of assisting buyer to acquire, by purchase, 21, 31 & 63 Tyler Mill Road". That is the only obligation that Mr. McLaughlin has. He was to locate the property, contact the owners, convince them to sell and bring the seller's asking price to the buyer. That is all. The contract with Mr. McLaughlin was signed July 9, 1998. The percolation tests had been done May 28, 1998. The map showing the proposed swap is dated December 16, 1998. Chris (McLaughlin) was hired as a solicitor only. Unfortunately, Chris is biased. If the Town buys, he receives \$58,800. If we don't buy, Chris keeps his \$1,900 retainer. That is a hell of a bias. It is probably legal but it is ethically and morally tainted.

Mr. Farrell stated, this is a personal attack. I don't know that our rules permit that.

Mr. Parisi stated, we are not accomplishing anything with this. Let's get to the subject. I have had enough of this. I have had enough of this; we are not going to deal in personalities. We are not going to deal in personalities.

Mr. Lubee answered, I am not dealing.....

Mr. Parisi answered, yes you are. Yes you are. Let's talk to the buying or selling of the land; whether we purchase it or we don't purchase it. I have been very patient and I think, at this point, you are abusing your privilege.

Mr. Lubee continued, you had a real estate agent.....

Mr. Parisi stated, I am asking you to speak to the point or I will rule you out of order.

Mr. Rys stated, it has nothing to do with the real estate agent.

Mr. Lubee stated, you had a gentleman stand here and advise you as to what the current value of this property was and what the future value of this property would be when he was personally involved. Don't you understand that?

Mr. Parisi asked, are you in favor or buying the land or not? That is really what I want to know.

Mr. Lubee stated, I told you from the beginning, you must not have been listening; I am very much in favor of buying the property. I am not in favor of buying the property at any price. The Mayor is an attorney by trade and his advisor is the Town Attorney and they may not understand that what is

legal may not necessarily withstand the test of ethics. What was done at your last meeting was wrong. To get up and have a gentleman who was personally involved, telling you to buy it...you can't do that; it is wrong.

Mr. Parisi stated, again, we are not discussing the last meeting. If you want to buy the land, if you don't want to buy the land, I am asking you to discontinue, that is it.

William Austin, stated, whatever the percolation rate, an engineered system can probably overcome that. As a percent of the total cost of developing a lot, if the lot is \$150,000 and the house is \$500,000, the added cost for the engineered system would probably be less than 1%; less than a set of kitchen cabinets and not likely to influence anyone building a house of that size. With that said, it was about one hundred and thirty years ago there was a lot of land that was used for dumping ashes on and grazing cattle and was pretty worthless. There were some very forward-looking people in the neighborhood at that time and they proceeded to overcome many objections and they built a pretty great city around it. That is probably about 100 miles from here or less. What I am referring to is Central Park (New York). Those folks with a vision for the future took some time to evaluate a situation and there have been many proposals to develop the land for higher and better use and yet, in that very particular situation, it was decided that the best use would be for a park. That is a flagship park, not only for New York but for this country, maybe for the world. Today, in the next several months, we are going to be experiencing all of the benefits of high-speed rail traffic. We are the Greenwich of tomorrow. What does that mean to us? The property values of Fairfield County are pretty high. Folks that live there can overcome many obstacles but one thing that they cannot buy is the land with the quality that we have and what we know as the Tyler Mill open space. I was there (Tyler Mill) about an hour and one-half ago and in spite of the wind in the trees, I could hear an owl. There was no overpowering light from street lights and down near the river, I could hear the water flowing over the rocks; these are important values. We have recognized a part of Tyler Mill area with some very special provisions; one is the designation of Tyler Mill Road as a scenic road. We could do that job better. The other is a trout stream; the Muddy River. These are high value items, very desirable. My house is not quite shown on the map but every day I ride a bicycle in the vicinity of the parcels in question. The area has been logged over selectively and merchantable timber was removed four or five years ago. That was a little bit of a crime in my mind because I know, in my lifetime, I will never see mature hardwood trees in that area; perhaps in no part of the Tyler Mill. Trees create a mental peace when viewed and when walked under and part of the essence of New England is the fall color. The quality of life in New England, featured on the cover of Yankee Magazine, is the tip of the iceberg. There are many reasons why many of us live here and it is not just because we are close to I-91, it is not because we are close to Hartford, it is because it is a great place to live. What I would urge you to do is keep these values in mind and support the acquisition of land.

Andy Kapi, 6 Deme Road stated that he was opposed to the purchase. He stated so in all due respect to the people in the audience and the Conservation Commission whose work he respects. He stated, Mr. Lubee referred to an earlier appraisal that had language more or less indicating that we don't have a proper inland wetlands survey of this property.....and the appraisal that you now have, he asked, was that point addressed?

Mayor Dickinson answered, all of the appraisals were performed by the same appraiser. The 1993 was updated in 1998 and now 1999...it was all done by the same individual. He is familiar with the piece and arrived at a value given different circumstances. The latest value is higher than the earlier due to the changes in circumstances.

Town Attorney Janis Small stated, normally, from the experience that I have had with the appraisers, if that information is available then he would make use of it. In terms of developing his appraisal, it is not something that he would require it to be done in order to come to his value. If it had been available, then he certainly would have used it. As a general rule, they will make the observations that they can make and make that qualification on a regular basis.

Mr. Kapi asked, do we have a proper wetlands survey of this area?

Atty. Small answered, there are wetlands, there are maps and those are the maps that appraisers routinely rely upon but I am the wrong person to ask that question.

Mayor Dickinson explained, the wetlands were not mapped by a surveyor or soil scientist. They were not mapped.

Mr. Kapi stated to Mr. Austin, if a developer were to bring this back in front of your commission (Mr. Austin is Chairman of the Planning & Zoning Commission) seeking approval for subdivisions. I don't think you would allow the members of your commission to take that sort of action without that information. I think the appraisals that were done in 1993 and 1998 were obviously considerably lower and some would say that the change has to do with the grouping of the package; the assemblage or the plottage that I assume Mr. Parisi was talking about. That makes it more of a strategic parcel. It is fair to point out that one year ago, two of the three parcels were appraised at \$80,000 and even granting the third parcel the higher amount of \$110,000, you are talking of a value back then, minus any strategic critical keystone value of something like \$400,000. That is quite a jump; a leap of faith not knowing, in essence, whether or not these parcels could be approved for development or that perhaps sections of them would not be deemed appropriate in that fashion by P&Z. I think that was relevant to point out. The contract provides no incentive for the realtor to negotiate down the price on behalf of the Town. As someone who has spoken at every point in this

open space debate and talked about the need for procedures and a plan, it was not just the maps and the listing of the sites; it was a procedure. A stipulation of the procedure could be that we have an appraisal in place well before we began a contract negotiation. That might be a fitting procedure. That was not done here. Percolation tests could be another part of the way that we go about this. This was brought to the table two weeks ago; I made a remark about extortion prices. That is probably too strong a word; I am not talking about anybody's motives. I suggested then that we go back with a counter-offer and the Mayor said it was not feasible. This appraisal, which I find a bit questionable at \$745,000., the asking price is 32% higher. Where will we draw the line? Thirty-two percent is beyond the line. I think we send the signal to anyone who comes forward in the future, "we will take it". I have heard about a \$40 million school renovation project; I have heard about a golf course; we have to pick and choose. The people who want a golf course, those who want to fix

Lyman Hall and people who want to buy open space; all these people stand in line for our dollars. I have always supported the concept of open space acquisition but by a procedure and methodology and by actions that signal the way we will proceed in the future. Everything about this purchase is wrong signal. As much as I would regret losing that parcel, sometimes we have to say that we can't have everything at every price. This price is too high.

Mayor Dickinson stated, I had indicated that the inland wetlands were not mapped. Atty. Malloy reminded me that the wetlands were mapped by her client to verify that there were lots that were not completely under wetland. I want to correct that; they were mapped.

Mr. Parisi stated, I had talked to the Environmental Planner myself. That is what I thought I was told also; what is available said that the land is useable.

Jeff Borne, 20 Sylvan Avenue, Chairman of the Conservation Commission stated, I appreciate the points that people have made. The Conservation Commission has also considered thoroughly this acquisition and supports it totally. This is a great opportunity. It was the foresight of Mayor Rocco Vumbaco that enabled us to get a start on this project and, in fact, the bulk of it, and I would be delighted on behalf of the Conservation Commission and myself, if the Council could sew it up with this acquiring that is in holding.

Desquale Melillo, 15 Haller Place, Yalesville asked, who performed the appraisal and who did he represent?

Mayor Dickinson answered, Donald J. Nitz and Associates, Inc. He performed the appraisal at the request of the Town.

Mr. Melillo asked, why is there such a big difference in the seller's asking price and the ordinance amount?

Mayor Dickinson explained, the selling price is \$980,000. There are additional costs above that which represent the difference. There is a \$235,000 difference on the price. The sellers believe the property is worth \$980,000 versus the appraiser's valuation of \$745,000.

Mr. Melillo stated, I am wondering why you are leaning more towards the seller's asking price than the expert's value, the appraiser, of the property?

Mayor Dickinson answered, I am recommending that we purchase the property and I am recommending it because it is unique, as it has been pointed out by other speakers. It is in the middle

of a large wooded area that is not replaceable. It is a unique situation and if we were to lose it, it would be gone forever, in terms of our being able to keep it as all wooded, open space. Two years from now at the point there is six or seven houses there, will we look at one another and feel good about the fact that we saved \$235,000 with the knowledge that we can't go back to a wooded area that is much more of a habitat and much more capable of satisfying recreational pursuits? At that point we would admit to ourselves that we have lost an unbelievable opportunity to preserve something for the future, one hundred, two hundred, five hundred years from now. If it is viewed in that sense, then the \$235,000 is not too much to pay. It has to be addressed in an acceptance of the fact that it is unique. There is no other parcel of property owned by the Town that comes close to this piece known as the Tyler Mill area. That is the reason for what seems to be a departure on my part from standards of being very careful about spending money; I think I am still being very careful about spending money. But I see here a very unique circumstance that I could not justify in my mind losing because of the \$235,000.

Mr. Melillo asked, what about the Durham land? Are you saying that it is not at the very least as good as this land here?

Mayor Dickinson answered, in Durham, if we were surrounded by land owned by the Town of Wallingford then it would be a different circumstance. It is located outside of the Town; a nice piece of property worthy of being open space. It is not within the boundaries of the Town and for that reason is not quite in the status of the Tyler Mill area.

Mr. Melillo opposed buying the property at the amount over and above the appraised figure. It sends a signal to other would-be sellers of property to the Town for open space that will encourage them to be much more difficult to negotiate with in the future. How can you sell the property in Durham for

\$5,000 an acre and pay \$150,000 per building lot in Wallingford? How can you justify that contrast?

Mayor Dickinson replied, the same appraiser has looked at both pieces and even though the appraiser does not come up to the price of \$980,000., the lots range from \$120,000 to \$140,000. That is in contrast to \$5,000 an acre. The difference is \$5,000 to \$6,000 an acre to \$20,000 to \$40,000 an acre but that is the difference right there in the appraiser reports. He is not going as high as the sellers are asking but there is still an enormous difference with the same appraiser looking at the two pieces of property. I want people to understand that it is not \$150,000 an acre, but \$150,000 per building lot which is three acres.

Mr. Melillo stated, that is still too much. Use the taxpayer's money the way it should be, entirely for the taxpayers and nobody else.

Philip Wright, Sr., 160 Cedar Street stated, I am resigned to the fact that we are going to buy the land; I am glad we are. I think the price is out of line. I would like to see us buy it at the appraised value so that we would have \$250,000 to spend on another nice piece of property somewhere. I am hoping that someone in this town is looking to buy up that remaining piece of property. We should make some arrangement with the Barrett family. Do they still own that? Does anyone know?

Mayor Dickinson answered, I don't know, I have not researched it.

Mr. Wright stated, that is a very nice piece of property right in the middle of it all. We ought to be able to buy that up or get the right to first refusal if we are forward-looking in planning. That should be done.

Reginald Knight asked the Mayor, a short time ago the town was ready to take land away from a man who had already been given the right to build and already started to build; I am talking eminent domain. What was the price of the land they were going to take by eminent domain? The price per acreage?

Mr. Centner answered, \$35,000 per acre as was repeated by Mayor Dickinson.

Reginald Knight stated, here we have an area that is half bog, etc., and it seems vitally important to the Town, more so than probably the land on Route 68. What would happen if you put the process of eminent domain into that situation? Could that process be done?

Mayor Dickinson answered, it can be done. It would come down to appraised values and an argument in a court as to what the final value is.

Reginald Knight asked, don't you think the court, when they look a Tyler Mill compared to what you had on Route 68 which used to be lawn; prime property which went for \$35,000 and acre with the builder already possessing the right to build on it? Here we have undeveloped land which would cost many, many thousands of dollars to prepare to put houses on, I would think we have a liability here and go in front of any judge and get a decent price on it rather than pay \$51,000 an acre. Don't you think so? We were so anxious before with eminent domain, why can't we use it here?

Mayor Dickinson answered, thus far we have a willing seller and there is not interest, I assume, in proceeding with eminent domain.

Mr. Parisi answered, when we went for eminent domain there was a petition circulated to stop that effort. I think the Council may have taken that message that eminent domain is not the proper way to acquire land anymore.

Reginald Knight responded, I was a part of that sir, and the reason for the petition was that the man had already obtained the right from all the Town departments to build on there. There is no intention to sell to any builder, I have not seen any suggestion of that yet.

Mr. Parisi stated, as a point of information; there was a right-of-way purchased up within the Terrill property that sold for \$100,000 for two and one-half acres. It ended up being about \$40,000 an acre. The figures are not always represented in the total price of the sale.

Mr. Parisi declared the public hearing closed and thanked everyone for their input and participation.

Motion was made by Mr. Rys that the Proposed Ordinance Entitled, "An Ordinance Appropriating \$1,076,000 for the Acquisition of Approximately 21 Acres of Real Property on Tyler Mill Road for Town Purposes and Authorizing the Issue of \$1,076,000 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.

Centner stated, in this case, as I see it, the market is setting the value, not the appraisal. We clearly understand that there is more than one buyer waiting in the wings. I have a saying and I think I may have even coined it, "You cannot improve upon what you don't have". In this case, what this purchase does is to close that "donut hole" to make this preserve nearly whole. I personally feel the price is elevated however, for all the aforementioned positive reasons, its value to

the people of Wallingford clearly outweigh its price. I will be able to sleep at night by voting in favor of this purchase.

Mr. Zandri stated, I have been a proponent and advocate of buying open space right along. But this particular parcel has bothered me right through the whole negotiation process. One of the problems and one of the reasons why this has been so controversial is because we did not have all the facts up front when we originally started the negotiations. One example, the percolation tests. We just got the finalized test results here, tonight. It has only been done within the last two weeks. The appraisal that we had to wait until the last minute for is dated April 10, 1999; talking about last minute. With regards to the appraisal; there are three approaches an appraiser normally takes when he performs an appraisal and they are listed right here. One of them is the "cost approach to value". The second one is "income capitalization approach to value" and the third is "sales comparison approach to value". The only method or approach that was used was the last one, "sales comparison approach to value". The other two were not developed at all. Again, this is what happens when you are under time

constraint to get something done. This is one of the things that causes a problem and caused the controversy over this particular piece because of its exorbitant cost. If we had the proper appraisal done early on, we would not have had such a debate over this piece because I realize it is a valuable piece for the Town. There is two other things on this appraisal that I want to make sure I am clear on.

Mr. Zandri asked Town Attorney Janis Small; there is a section in this appraisal that says "assessment in taxes". It reads, "Assessment, Parcels 1, 2 & 3. Parcel 1 being assessed at \$1,100." Is that correct?

Atty. Small answered, that is what the report says, yes.

Mr. Zandri continued, "Parcel 2 is assessed at \$1,300."

Atty. Small answered, that is what the report says.

Mr. Zandri continued, "Parcel 3 is assessed at \$600." The real estate taxes on these three parcels for year is: Parcel #1, \$27.28; Parcel #2 is \$32.24 and Parcel #3 is \$14.88. That bothers me alone, just that, considering what we are proposing to spend on this piece. The other thing that bothers me is this last minute appraisal and only one of the approaches was taken and that is a "sales comparison approach" where wetlands maps that really haven't been totally finalized with the Town; it just causes a lot of questions and the controversy that developed over this piece. This is one of the problems that I have had. I would love to be in favor, to just go out and say that I am

willing to spend anything on this but when you approach the purchase in a manner that this piece was approached, it causes a lot of questions and doubt. At this point I am going to have to vote against this purchase.

Mr. Zappala stated, there is no question in anyone's mind that this land should be purchased, for the beauty of it, no one knows better than I do because my property, my home is adjacent to it. Tyler Mill is something that Wallingford is proud of having. It is something that we should not allow to happen, anyone to develop in that area. I strongly feel that we should purchase the property for it will beautify what we already have. I feel like we have been set up. Maybe we have been set up by a smart lawyer or smart owners who were able to manipulate a land swap. Reginald Knight said something that should make us think; Wallingford has the power, as a municipality, to take the land by condemnation. I know it is not a pleasant subject...but I feel in this particular instance the Town is being "take" and I don't like to feel that way. I feel the land is way over priced; it cannot be justified paying \$1 million for it. I do want to buy it but I think we should take a different approach purchasing it, the approach we are taking is not the correct one. I will vote against the purchase.

Mr. Knight stated, I appreciate all the comments I have heard tonight. I have heard some statements that indicate that an awful lot of time and effort was spent to research the details of the value of this land and to research what the property may be worth to a professional appraiser. What it comes down to for me is, is there a party willing to pay \$980,000 for this property? Attorney Malloy has indicated strongly that there is. That becomes, for me, the operative figure. If there is a legitimate party with the resources and interest to buy the property, that becomes the value of the property. It all boils down to, if you have someone who owns it who is willing to sell it to somebody else....the Town is given an opportunity to make an offer that we become a party in competition for the property. That, for me, becomes the bottom line. That is not to say that we are going to spend this much per acre on every open space purchase and that everybody that has open space available for sale to this town is going to say, "I am going to get \$140,000 for three acres" because we are not talking about any twenty-one acres. We are talking about a unique twenty-one acres. If one witnesses the auctions that take place at Christi's in New York.....it proves one thing; a piece of property or any object is worth what somebody is willing to pay for it. That is the situation we have here. About one hundred years ago they started to quarry in Hamden on the west side of what is now Sleeping Giant Park. If you ever visit the park you will notice how defaced the head is. That project was brought to a halt by people who knew the value one hundred years hence of what they had. I will bet there was a similar argument. "This is private property". I'll bet the appraised value of the park as a quarry was far below what the State probably ended up paying for it because people had the foresight to say that this is a unique piece of property worth protecting. The same thing goes with Secretary of State Seward who goes down in history for one thing; Seward's Folly; the purchase of the territory we now know as the State of Alaska. They wanted to drum him out of Washington, D.C. for the amount of money he paid for that worthless piece of property. Those are

the kind of things that, when I weigh was is a very expensive purchase and a purchase on the outer limits of the value apparently that the property is appraised at, those are the things that run through my mind. Not just the comments; I do appreciate the comments. But the fact is, we are presented with a unique opportunity to protect a priceless resource in this community and the extra \$235,000 is a bargain.

Mr. Renda stated, I hear a lot of bickering about what we are going to pay for that area but if we let that go and developers come in there, people are going to move in there; God only knows how many homes they will put in there. You are going to have children and we will have to rent more buses to go into that area. Pole lights are going to have to be brought in for the electrical work; electricity for the homes. Then you have sewers, plumbing, water brought into the area; you figure that at the end of so many years that it will exceed what we pay for it. This is an asset to the Town and I will support the purchase of this property.

Atty. Small stated, Mr. Nitz's appraisal is a complete appraisal. This is an appraisal that meets the standards that he is governed by. On page 18 of the appraisal he talks about the three approaches and then he tells you that the sales comparison approach is the only appropriate approach to use for

vacant, residential land. He makes the analysis as to whether or not the cost approach and the income capitalization approach are appropriate, given this property. He concludes that it is not and I would have expected him to come to that conclusion. He came to that conclusion in prior appraisals. I also want to state for the record that I did talk to Attorney Malloy again regarding further negotiations regarding the price and this is the seller's price and it is not changing. I did want to make one correction, I know Atty. Malloy came into the process at the contract stage and not at the beginning of the process and it was not the seller's who sought us out, we sought them out. We should clarify that for the record.

Mr. Rys stated, I am going to support the purchase. I have the opportunity, through the job that I am working at presently, of traveling throughout the whole State of Connecticut. Today I was in Newtown at a house that was built right on the edge of a wetlands. If you walk out there back porch you will fall into a beaver dam. The house is worth approximately \$750,000 and they did not care how much they had to spend on engineered-design septic systems. They did not care how much they had to pay for bringing in water and, in the case of a lot of these homes built out inwhat used to be open space. I am not going to let that happen here. As much as I love that land in Durham and I said that I don't really care to sell it, I would rather see it stay open space. I do not want to see it developed. Even though the Town of Wallingford owns it, it is not within their boundaries. I want to see this property kept open for the hunters, fisherman.....for the piece of property on the west side of town; maybe some of you are familiar with New Departure Range where people go to test their weapons, they put a development down behind it and people wanted to

close down the range. If you put a few houses in the middle of this property, maybe they will want to close down the road. I am not going to stand for it. Thirteen people spoke for the purchase, five people spoke against it and many people have called. The people who called spoke for it. I have not received one single call; I am not saying I have thousands of calls; against the purchase of this property. It was all for the purchase of this property. I am not going to see this slip through the Town's fingers. I think it is a very good piece of property and I will support it 100%.

Mr. Parisi stated, first I would like to thank Chris McLaughlin for the fine job he did. I think he did what he was asked to do and in the way that he was asked to do it. Jimmy Vumbaco brought up the vision that his dad had years ago and as I think back, I shared that vision with him and I believe Councilor Papale did also because we voted to support that purchase at that time. It is only fitting that we, in essence, finalize the original vision, idea, whatever term fits your needs. I have tried to be a moderate on most issues. I have been a moderate, as my colleagues know, on open space; not overly anxious to spend money but yet always willing to listen. I am hearing more and more now than I ever did in the sense that, it is something that we do have to pay attention to. At one time I had the impression that there was an awful lot of land; there were no problems; why were people being concerned? I don't know if it is age or that I am walking slower, but there is more to look at

now than there was before. There just isn't as much open land in Wallingford and as I think back to when I was in high school and when I purchased my first home on Northford Road for \$17,000; those days are gone; there was a lot of open space out there. But it isn't there and it is slowly disappearing. Is this a lot of money? Yes. Is this a unique piece of land? I happen to believe that it is and there is supportive evidence from Rep. Mushinsky and Lisa Toman made a very eloquent presentation but the boy scout made....he is what we are talking about, he is the future. Our obligation is that we provide for the future as others have provided for us. I am pleased to say that I will support this and I am not doing so because there are more people here in favor of it than are against it. I feel a very strong commitment and I feel that we are definitely in the right by doing this.

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

ITEM #20 Remove from the Table Discussion and Possible Action Regarding the Approval of a Resolution Authorizing the Mayor to Sign an Agreement Between the Town of Wallingford and the State of Connecticut for the Design, Construction, Inspection and Maintenance of Safety Improvements to the Intersection of North Plains Industrial Road and Pent Highway

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

VOTE TO REMOVE FROM TABLE: Papale was absent; all others, aye; motion duly carried.

Reginald Knight stated, the last time I was here I mentioned the intersection down by the (Johanna Manfreda Fishbein) Green and I happened to mention the danger that there is no time pause for left or right hand turns from the Green onto Route 5. I have seen cars changing lanes and zapping.....the answer I got back from the Council was that it was the State's traffic light. I asked the Town Engineer out in the hall earlier and he said it is the Town's light.

Mr. Rys stated, we were told that previously.

John Thompson, Town Engineer explained, Route 5 and Route 150 (Center Street and Hall Avenue) are State roads but the traffic signal is under Town ownership.

Mr. Parisi asked, if we wanted to make a right hand turn can we do it?

Mr. Thompson answered, we are currently, as part of the Quinipiac Street Corridor project upgrading and modifying that signal. I told him that if he were to ask me that question in three or four months, that he would see improvement at the intersection.

Pasquale Melillo, 15 Haller Place, Yalesville asked, how much is the Town obligated to pay on this project?

Mr. Parisi answered, the State will pay \$100,000 and the Town will pay the \$25,000 engineering costs.

Mr. Thompson clarified, Federal money is coming right to us through the State. The state and federal government will pay up to \$150,000 of the construction costs.

Motion was made by Mr. Rys to Approve the Resolution, seconded by Mr. Farrell.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #19 Presentation by CT. Conference of Municipalities (CCM) on Benefits the Town will Derive from Membership in Said Organization as Requested by Councilor Geno J. Zandri, Jr.

Mr. Zandri stated, I put this item on the agenda this evening because I felt the timing was appropriate with the budget coming up next week, it would give us an opportunity to potentially move forward on this with the budget consideration. I want to apologize to Jim Finley who had to sit through this long public hearing we had. I appreciate your being able to endure all of that.

Mr. Parisi stated, I was going to apologize also.

Mr. Zandri introduced Jim Finley, Associate Director for Public Policy and Advocacy for CCM.

Mr. Finley thanked the Council and Mayor for the opportunity to address both tonight. He stated that it would be beneficial not only for the Town of Wallingford but for CCM to have Wallingford as an active member. CCM has been around since 1966. Wallingford was a charter member of the organization when it was formed back then. CCM's main goal is to represent the interests of the cities and towns both at the state level in the legislature and the judicial branch and also to state departments and agencies. An equal part of our effort to represent cities and towns is to make sure those cities and towns across CT. have the best possible information they need in order to conduct their business and to serve the property taxpayers in their community. WE have a research and information service that is second to none that the Town can avail themselves of as often as they wish. We can provide information on any subject the Town deems necessary. To a lot of our members, that in of itself, is worth the price of membership. In addition, my area of expertise in the Association is government relations. I head up our advocacy arm at the State Capitol and as your legislators will contend, CCM is a loud voice on behalf of the cities and towns in Hartford. We

provide our members with the most up to date information in regards to what the Governor proposes in regards to state aid for the communities; where the state agencies lie throughout the legislative process. On Thursday of this week, the Appropriations Committee will report on the State budget which will have some new figures for the Town of Wallingford and other communities in Connecticut. We can provide the most up to date information as you prepare your budget from one year to the next in regards to what the State is going to do for you. We also provide a lot of training opportunities for municipal officials; not only elected but appointed, throughout the year. The strength of CCM as an organization is that it was formed by cities and towns; run by municipal officials and the strength that we have in the legislature and elsewhere is dependent upon the active participation of cities and towns. We have 151 out of 169 cities and towns as members. We are anxious and we would love to have Wallingford join 151 other communities in making the interests of municipalities heard loud and clear in Hartford and elsewhere.

Mr. Zandri thanked Mr. Finley for the presentation and for the packet that was compiled and sent out ahead of time to the Councilors for review. It was very informative. He stated, I plan on addressing this at budget workshops within the next week or so. I feel that for the dollar investment, we can gain a lot by having CCM work for the community, helping us to get additional aid in Hartford,

Mr. Centner stated, in Town, we have a large resource pool. For what appears to be similar types of services, to start we have our local delegates, state representatives, senators....we have a program

planner for grants, economic development commission, risk manager, etc. How can you compare to all that which is right here?

Mr. Finley answered, we can provide you with a state-wide and with our affiliation with the National League of Cities, a national data base with regards to getting information on a wide variety of topics. The networking and the relationships that we have developed in every city and town in Connecticut, enables us to provide information to you very quickly on any subject matter that may come across the Council's or Administration's table.

Mr. Centner asked, if you are representing all the other cities and towns in the State, that puts us right back in the same pool that we always are when it comes to competition for grants.

Mr. Finley explained, as an active member of the organization, you determine what our legislative priorities are. If you are an active member of the organization, you can mesh Wallingford's interest with the interest of other similarly situated communities across the State. The collective power of the association speaks very loudly in the halls of the Capitol, I can assure you.

Mr. Centner asked, the \$20,570; is that based on populous of the Town?

Mr. Finley answered, yes. The minimum fee is \$900 and it ranges up to \$90,000 for a city like Bridgeport.

Mr. Knight stated, I am a big advocate of training. I thought it was interesting that you would say that you represent the communities in the legislative and judicial and the State agencies. Right in the room we have two of those people that are doing just that. What I find ironic is that you are stating that we need representation for you to go in front of the people who are representing us. I wish you would explain why it is that we need additional representation in addition to the people we have already elected?

Mr. Finley replied, the Town of Wallingford is fortunate to have an exemplary state legislative delegation. Their votes alone, however, will not pass legislation. You need a majority of each of the chambers in the House and Senate. To the extent that an organization like CCM can bring a collective voice and priorities to the legislature, it makes the legislature's job that much easier in determining the areas of need and where cities and towns need assistance. To the extent that Wallingford can become an active member of CCM and help us develop that priority list, the collective clout that cities and towns bring to bear on the legislature, makes the municipal interest be served in a much better fashion than it has been in the past. CCM organized primarily because each city and town, prior to our organization, went up to the legislature, hat in hand, looking for

assistance. It was easy for the legislature at that time to pick off individual communities and not deal with the collective needs of cities and towns.

Mr. Knight asked, please elaborate on what CCM does for the Town on the judicial level.

Mr. Finley explained, we get involved in court cases involving municipalities as an amicus, particularly when issues of municipal authority and home rule authority is at issue. When the results of the case may have precedential value that may harm other municipalities across the state. Whether it be home builders looking to use the affordable housing statute to diminish your ability to control P&Z issues in your community; whether there are issues in regards to municipal liability where the trial bar may be trying to expand municipal exposure for liability and recreational lands and elsewhere, we will get involved on behalf of cities and towns.

Mr. Farrell asked, to my knowledge there is a bill that you are presently lobbying for "The Historic Homeowner's Tax Credit" which is designed to assist people in rehabilitating affordable housing. That bill only applies to big cities and does not apply to Wallingford or any other municipality of its size. How do you come out on something like that? It is designed with an inherent prejudice against Wallingford. Every big city will be able to use this bill but Wallingford won't.

Mr. Finley was not familiar with the legislation and offered to get back to the Council on it. A copy of legislative priorities and programs is included in your informational packet. We do not lobby on bills that are of particular benefit to individual municipalities. The program is designed to benefit all communities and to deal with issues that are of state-wide importance to cities and towns.

Mr. Farrell stated, it would make more sense to hire a legislative liaison or a lobbyist of our own. I am involved in groups who do hire lobbyists of their own. That is much more effective.

Mr. Finley answered, you may believe your issues are unique. I can assure you that the issues that Wallingford faces is similar to the same concerns that other communities face. The magnitude is different....but the ability to work within an organization like CCM, out of the glare of the public eye; out of the glare of the individual politics and influences, enables you to reach consensus with other municipal officials across the state and build a legislative program, an advocacy approach at the legislature that will reap benefits instead of trying to go individually to the legislature. A number of our members do hire legislative liaisons to deal with bonding and other issues that may affect, uniquely, the Town of Wallingford or other communities. We are talking about education aid, ECS grants, which is now subject to a lot of legislative action and there is going to be a lot of twists and turns between the time the Appropriations Committee reports out a budget and what is finally going to be adopted by the legislature. We are heavily involved to try and make that a fair formula so that communities that are under-funded like Wallingford, get their fair share of education funding.

Payment In Lieu of Taxes; the Town benefits from the colleges and hospitals in the State property P.I.L.O.T.S. The Governor's proposal this year would have cut funding under those two programs. We are heavily involved in ensuring that those funding levels are at least maintained in the Appropriations Committee budget. It is important to have communities like Wallingford be part of that effort. It does not diminish your opportunity to seek individual attention on your particular needs from your State legislators.

Mr. Farrell congratulated Senator McDermott for leading the way on the EDS grant.

Senator Brian McDermott, 678 N. Elm Street stated, when I was on the Town Council I was a strong advocate for joining CCM. On two occasions, money was put in the budget to join but due to budget vetoes the money was lost. I have always been a strong advocate for joining CCM. They bring a tremendous resource to the members of the Town Council from a research aspect. Up at the State Legislature we have a professional staff of legislative researchers. If we are voting on a bill that has to do with any issue.....we can call up the legislative researchers and they search the whole country and come back to me with all the states that have laws on seatbelts in school buses. I was able to use the office of legislative research to compile information that was important to my decision-making process as I set forward to make laws in the State of Connecticut. All of you on the Town Council are laypeople. You have jobs that you go to every day and work. You have strong dedication to

come here a couple of times a month to do the work, the business of the Town. Several times you are going to find that you are voting on issues, whether it be the one before us such as open space, and you are going to want to know how others towns deal with the issue of open space. CCM is an excellent resource for your benefit, to use them as your research arm. They can go out and do the homework for you. That is one huge benefit of membership in CCM. True, they don't have each town in mind as they come up to talk to us on the issues; a lot of towns do have legislative liaisons that work for the community. CCM is a voice at the table. For every public hearing we have, there is a CCM lobbyist that comes to the hearing, observes what we are doing and, in many cases, testifies on it. For me, as a legislative member up in Hartford, I would much prefer Wallingford was a member. In fact, you are getting tremendous benefit out of the legislative arm that is up at the Capitol lobbying us every day, on the backs of the other 151 towns in Connecticut. Those taxpayers in those towns are paying for Wallingford's share of the load. I think it is unfair to the other towns. We get great benefit from the work that CCM does up there. I don't always agree with everything they say but they are your voice at the table. There are times some Councilors come up to the Capitol to meet us and talk about some of the issues, but very rarely do any of you have the time to do that everyday and follow every committee, every vote, everything that we do. CCM is there, watching as the eyes of the community. I applaud Councilor Zandri for bringing this forth for

discussion. I strongly urge you to join CCM. The \$20,000 investment is well worth the money spent.

Pasquale Melillo, 15 Haller Place, Yalesville spoke in favor of joining CCM. He asked for an explanation of CCM's role as an amicus on behalf of the Town in court cases. He asked how they would be paid for their services.

Mr. Finley explained, certain criteria must first be met in order for CCM to become involved in the case. CCM would be paid through a voluntary assessment of those members of CCM who wish to participate.

Mr. Melillo asked, how long will the contract period be for if we join?

Mr. Finley answered, one year.

Wes Lube, 15 Montowese Trail asked, is there anything significant about the other eighteen communities that are not members of CCM? Are they smaller, or as large as Wallingford?

Mr. Finley answered, they are smaller communities. Wallingford is the only largest community that is not a member.

Mr. Lube spoke in favor of membership in CCM?

Rep. Mary Mushinsky stated, to be truthful CCM drives us crazy, which is their job. Their job is to come in and represent what would benefit all the municipalities. CCM is never satisfied representing the point of view of all municipalities. It is definitely worth it to participate. They can also find the Town ways to save money on insurance and other issues where the municipalities get together as a pool and do some joint operations. It is worth it.

No action taken at this time.

ITEM #21 Report Out on the Law Department on the Status of the Buy-Out of Garden Road Properties as Requested by Councilor Geno J. Zandri, Jr.

Zandri stated, in March there was supposed to be on the agenda of the Bond Commission and it was not. Because of that I have received several phone calls from the residents of Garden Road expressing their concern. They wanted an opportunity to ask questions and get an update on this issue, hence the reason for putting the item on.

Attorney Small stated, the D.E.P. did include the Garden Road project in its request for the March agenda. Only one of the items on their list was selected and it was not Garden Road. They are again going to ask that it be on the April agenda. It comes out on April 28th; the meeting is on April 30th. In the meantime O.P.M. (the Office of Policy and Management) has requested information which has been provided to them. D.E.P. has no reason to believe that it won't go on the April agenda. It is an unusual project and the D.E.P. did point out that a buy-out is a preferable approach from a federal policy standpoint. They feel this is the best approach. They don't guarantee that the Bond Commission will approve anything but they felt it was a project that would get approved. They do not dictate to the Bond Commission what goes on the agenda. I understand they have a backlog of projects they want approved and the Garden Road project is one that they have indicated as a priority. The Mayor has spoken to O.P.M. and the Governor's Office explaining the need to have this resolved and how we need to have it resolved this month.

Mr. Parisi stated, I, myself received several calls. I sent out a letter to all local representatives as well as our local senator regarding this matter.

Jill Pulowski, 20 Brockett Road stated that the residents were under the impression that when they signed the agreement at the end of last October that they were guaranteed that we were not going to get on the Bond Commission agenda in January. In February you said that definitely we would probably be on but no later than March. Here it is April. I am hoping that the Patriots is not playing a priority over us not getting on the agenda.

Atty. Small asked that question about the Patriots. The Bond Commission could not answer that question. The D.E.P. had projects on for the February meeting, not including Garden Road and none of those were selected. There are other powers that be that make those decisions. I did not guarantee that it would be on the agenda, I reported what was represented to me. The D.E.P. is not given an explanation as to why it is not selected to go on a particular agenda. Upon hearing that it was not making the March agenda, the Mayor did try to make a few phone calls to see if that could be changed. We had only a day's notice of that. I had asked before that, a couple of weeks prior, if anything else was needed of my office. D.E.P. informed me that they were ready to have it submitted. It is not in their control to getting it on there. The fact that O.P.M. has asked for further info and has been talking to D.E.P. signals that it may be resolved soon. We have stressed the fact that we have conveyed the message that there are people who have small children who would like to start moving and can't do so until the State acts on this.

Ms. Pulowski stated, there is also a cut-off date of June 15th; we have a deadline.

Atty. Small replied, then it is re-negotiated if it were not to happen by that date. I have no reason not to want to do it before that date. If it runs into that problem, the agreement calls for us to negotiate if you need more time, you get more time.

Mr. Parisi stated, our representatives are working on this also.

Randy Sylvester, 26 Garden Road asked, when we call for information at the State Bond Commission office, under what agenda item do we ask them about? I have talked to Jim Sullivan a couple of times and I never know exactly what to ask him in terms of, what the agenda item is called.

Atty. Small answered, it is under the D.E.P. Both their land acquisition and water resources departments (if that is the right word) are involved in it. It is a D.E.P. project. I will find if there is a title and will pass it along.

Senator Brian McDermott stated, this is a classic example of why you should join CCM. They could have courses and training on how to properly lobby the Bond Commission. This is a political process. We have about \$500 million per year that goes out in bonding requests. We get in about \$10 billion in bonding requests and the Bond Commission has to prioritize what goes out. Regardless of what anyone thinks, when this goes through, the chips are coming out of all of your delegations' pockets. We will get the credit up in the Governor's Office. It is marked off as all of our bond allocations for the year. It is helpful for us to know from the Council; I appreciate your letter, Mr. Chairman, that I received a couple of days ago; but to keep us informed as your delegation as to what you are doing. To look in the paper and find out that you have approved this and have not talked

to your delegation about this, I am here to say that for future allocations, we would like to be more involved in this process. It is part of our legislative delegation that is going to be helping you on this.

Mr. Parisi stated, don't make it sound as though we never call you.

Senator McDermott replied, no. You call me on different issues and things; some of the other issues you have come up and testified on. We appreciate that. You set priorities up here for your spending and we set priorities for our spending. We also set priorities as a delegation for what monies we are going to ask for, how we are going to lobby those, etc. We had certain requests for historical purposes, for trails and things; worthwhile projects. But this is a priority project obviously. The Town of Wallingford has spent seven years on this issue working on it back and forth with the residents, courts and federal government. On January 12, 1999 the Council passes a resolution to

be able to fund this and to ask the State to do it in seven days when the Town took seven years is not quite fair until you let us help and get involved in the process.

Mr. Parisi asked, should we have a meeting once a month or every other month with our delegation?

Senator McDermott replied, what is more important is, if you have something that you are sending up to the State, \$700,000 from the State of Connecticut is asking for a chunk of money, I am asking that you contact your delegation; the members that represent the Town at the State legislature. It is our job to get that money for the Town. If we get this money, we will probably be losing out on some of the other monies we are going to be looking for as well. We are trying to prioritize with you, you give us direction of what your priorities are for State monies and we will fight for it all. We will fight for everything we can get but....

Mr. Parisi stated, I would hope that this does not need a priority. This stands by itself.

Senator McDermott stated, you're right but the only problem with that is.....we did not get that much interaction with the Town Council's Office, the Mayor's Office or the Town Attorney's Office. we got calls from the constituents on this. We have called the Town Attorney's Office because of calls you have placed to our office and our trying to find out where this is in the process. Please do not leave it up to the newspapers to be able to inform your delegation as to what we are fighting for in bond money.

Mr. Parisi stated, we will set up a schedule and probably meet one morning, evening or afternoon per month; we will start the dialogue to see what we can do.

Senator McDermott stated, we start off the beginning of the year with a meeting the Mayor puts together with all the department heads and that is very helpful. But there is a process for going through the Bond Commission. The O.P.M. takes requests on a monthly basis from all the different committees and agency heads. This one is coming from the D.E.P. They sit down and listen to people from transportation, education, health care, the whole gamut of requests for funding. They make their recommendations, they put things on a short list of what their priorities are to bring to the Bond Commission. The Governor is the Chairman of the Bond Commission, he sets the agenda for what happens on that agenda. He calls together the Secretary of O.P.M., he will talk to the different commissioners who find things important, he talks to his Chief of Staff to see what is important. They add and delete things from the Bond Commission agenda according to their priority list. It is important for all of you, the Town Attorney's Office, Mayor's Office and the residents as well as your delegation to contact the Governor's office at this time to tell them that it is an important issue and something that the Town of Wallingford needs.

Mr. Parisi stated, that has been done.

Senator McDermott stated, that was done in March, too and things have a way of falling off the agenda. The squeaky wheel gets the grease. It is all about lobbying your cause; getting your priority in front of them. They have oodles of requests of things that are priorities. We have to make sure we are the squeaky wheel that gets this money. I am asking you to make a call into the Governor's Office if you can, and the Mayor's Office and Town Attorney's Office to make this a priority if you can for these people. We want to get this done.

Mr. Parisi replied, I would hope from tonight that we understand that; we would like to get it done as soon as we possibly can.

Representative Mary Mushinsky added, I went over to see Chuck Berger at D.E.P. and also talked to O.P.M. and the Governor's Office and none of them will give me a definite yes that it will be on the agenda. They just will not give that kind of information out. D.E.P. did say that there was a flurry activity about this application and that they take that as a good sign. There is a lot of requests for info going back and forth and the vibes are there that the project is hot. I suggest that maybe we all need to make it clear that there is a potential lawsuit deadline here and maybe the reason this one is not on the list is because they think of it as just another purchase of land and they don't see the lawsuit deadline that is connected to it. It does make this project different from the other D.E.P. projects because of the lawsuit. We need to emphasize the lawsuit problem. We need to badger them; keep badgering them.

Atty. Small answered, we have done that (emphasized the lawsuit). The State has given me their contract that the Town would have to enter into and I am working on revisions and negotiations on that contract. That would save us time because once we work out that language it will be approved by the Attorney General's Office. Once he signs off on the contract and the money is in place, then we can start spending it. That will save us time.

Jill Pulowski, 20 Brockett Road stated, Mr. Farrell, you were Governor Rowland's campaign manager for the Wallingford.....do you have any connections with his office that you may be able to help us?

Mr. Parisi answered, that will not work that way. Our representatives just told you that there is a very specific process. This is far beyond.....

Mr. Farrell stated, I have called.

Ms. Pulowski stated, thank you, Mr. Zandri, for putting this on the agenda tonight. Thanks, Janis (Atty. Small).

ITEM #22 Remove from the Table to Discuss and Possibly Act Upon the Status of Town-Owned Land in Durham as Requested by Councilor G. Tom Zappala.

Motion was made by Mr. Zappala to Remove the Item from the Table, seconded by Mr. Zandri.

VOTE: Papale was absent; Centner, Zandri and Zappala, aye; all others, no; motion failed.

Mr. Parisi stated, I would like to consider this on our next agenda.

ITEM #23 Discussion and Action Regarding the Town Entering Into a Tax Assessment Agreement with Bristol Myers Company now known as Bristol Myers Squibb Co. on the F. Wing Construction Pursuant to the Terms of the 1983 Agreement as Requested by Town Attorney Janis Small

Motion was made by Mr. Farrell to Approve the Agreement as Presented, seconded by Mr. Centner.

Atty. Small stated, it is a continuation.....it is only with respect to the new "F" wing because they have expended more than \$15 million on the wing. The original agreement from 1983 provides that they are entitled to the abatement on the "F" wing. That is what this agreement accomplishes.

Mr. Zandri asked, is there a clause in the original agreement that deals with the time of construction or is it one addition? Is that how it works?

Atty. Small answered, the agreement provides that after the initial agreement.....this is after the initial phase; that is done. Anything that costs, if you put on an addition that costs more than \$15 million they are entitled to that.

Mr. Zandri asked, this is one construction project that exceeded the \$15 million?

Atty. Small answered, right. Their initial plan calls for several expansions over the life of owning that property.

Mr. Zandri asked, how long does this last for?

Atty. Small answered, they keep adding on and I think that they can ask that that be part of the abatement if they spend that money.

Mr. Zandri asked, how long will the abatement last on the addition?

Atty. Small answered, seven years. It is a sixty percent reduction (in taxes).

Mr. Knight asked, how is the \$15 million figure determined? Is it construction costs and equipment?

Atty. Small answered, it is purely construction value.

Mr. Knight supported the arrangement with the firm. Any company that is investing \$15 million at a time in this community over and over again, qualifies for this.

Mayor Dickinson stated, it qualifies because it is an agreement entered into with Bristol Myers. It is the only agreement in the Town I am aware of.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #24 Consider and Approve a Bid Waiver to Hire Appraisers to do Second Appraisals of the Durham Property and the Cooke Property for State of Connecticut Open Space Application as Requested by Town Attorney Janis M. Small

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

(Due to computer problems this space is intentionally left blank. The discussion concerning this item appears on the following page.)

Atty. Small explained, in order to complete the process for the sale of the Durham property and substituting the Cooke Property as the open space owned by the Town, the State requires two appraisals of the property. If you sold the property to the Town of Durham, then we would probably have both appraisals at this point in time. I don't know if it would be necessary if that is where you ended up going. But we would need a second appraisal on the Cooke Property according to the State application process, given the value of the property.

Mr. Zappala stated, I had a person waiting here for the past four hours to discuss the Durham property and to try and enlighten this Council on what is happening in Durham to see if it is worth the effort to re-appraise this Durham property. This Council, by failing to remove the item from the agenda earlier, chose not to hear from him. I cannot see us appraising something we just had appraised. Is this so that we can arrive at the numbers that Durham wants?

Atty. Small explained, it is a state requirement if we are going to proceed with the open space application process.

Mr. Zappala asked, do you think the State will accept the appraisal if it is over six months old?

Atty. Small answered, they will accept it but they require that the appraiser give an update which can be in letter form if it goes beyond six months time.

Mr. Zappala asked the Mayor, did we allow DiNatale Brothers to perform tests on the property to see how much they were willing to buy the land from us for? I gave you a letter from them requesting permission to do so. Did we respond to them?

Mayor Dickinson answered, no. We have not responded to any other requests given we are in the process of dealing with the Town of Durham. What was his request?

Mr. Zappala stated that he, personally delivered a letter to the Mayor's Office from Mr. DiNatale asking permission to enter the property to do perc testing to determine the value of the land and to see how many lots can be made out of it.

Mayor Dickinson answered, we have not given permission. If the Council seeks to deal with that, I would not give permission myself, at this point, given that the Council has voted to sell it to the Town of Durham. That would have Durham wondering what we are doing.

Mr. Zappala stated, we are letting Durham decide what the value is.

Mayor Dickinson stated, both Durham and Wallingford have appraisals. The two Town Attorneys will work out a contract. It will be based upon the appraisal.

Mr. Zappala stated, we are allowing them to buy at what the appraised value is but we buy without appraised values. We are doing the opposite of what we do when purchasing land.

Mayor Dickinson stated, we highlighted earlier the distinction regarding the Tyler Mill area. The State requires appraisals in order to fix a value for their grant program. D.E.P. must approve what goes on and we have to act within D.E.P.'s confines.

Mr. Zandri stated, I don't believe there is a requirement that the land that we are selling remain open space once purchased. They are only requiring that what we purchase matches or exceeds the value of what we are replacing, and will also be open space.

Mayor Dickinson stated, no, it is not a requirement of the sale. They must approve the disposition and given what I think is not the clearest set of criteria, what I believe to be a bias or interest on the State's part to meet the interests of the Town of Durham and their wishes for it to be open space.

Mr. Zandri stated, if we were to sell that for additional dollars.....the State wants the appraisals done to make sure that we are getting similar dollar value for the parcels that are being swapped off.

Mayor Dickinson stated, the State may or may not be interested in that. We are also dealing with another municipality. We should deal with them in a manner in which we would want to be dealt with.

Phil Wright, Sr., 160 Cedar Street asked, what if this purchase does not pass referendum in Durham?

Mayor Dickinson replied, I believe that there would be an indication that we would enter into a contract with another party.

Mr. Wright asked, when is the referendum scheduled for?

Mayor Dickinson answered, by June 1999 but not to extend beyond July 1999.

Mr. Wright asked, what is the harm in letting someone go in and do some testing? It is a fall back position. I don't think it is unfair to poor little old Durham.

Mayor Dickinson disagreed with Mr. Wright.

Mr. Wright stated, we have been dealing with Durham for over a year and we are obligated not to make any moves at all? It does not make sense to me.

Robert Sheehan, 11 Cooper Avenue asked, is there a time limit on the application for the Cooke Property as replacement for the open space in Durham?

Wes Lube, 15 Montowese Trail asked, will the transfer of grants from the Durham property to the Cooke property be instituted as soon as the appraisal is in or simultaneously?

Mayor Dickinson answered, the State indicates a "reasonable time". The efforts have been continuous, I don't think there will be a problem.

Atty. Small answered, it is part of the application process. Whether Program Planning will submit some things ahead of time, I don't know.

Andy Kapi, 6 Deme Road was opposed to the doing the appraisal until confronting Mr. Zappala's suggestion that someone else test on the property and determine what the value is. Without doing so, you are already limiting the appraisal to a lesser amount. The argument was valid earlier in the evening with the Tyler Mill Property.

VOTE: Papale was absent; all others, aye; motion duly carried.

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

VOTE: Papale was absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 11:34 P.M.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

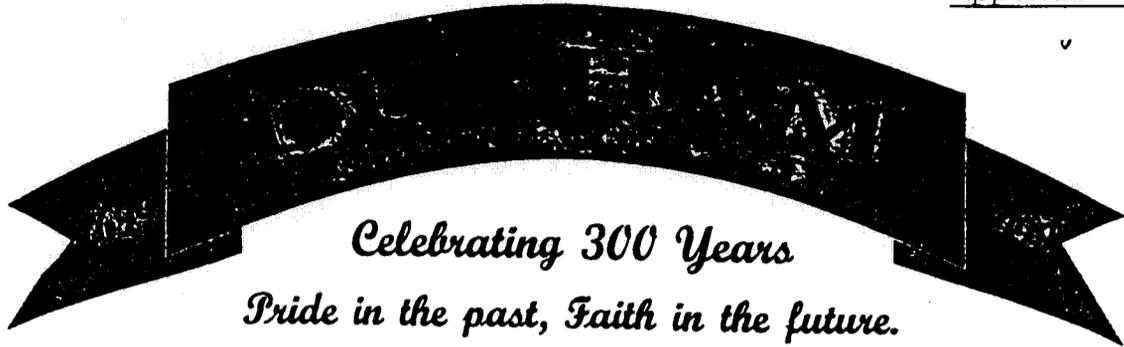
Approved:

Robert F. Parisi
Robert F. Parisi, Chairman

5-12-99
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

5-12-99
Date



Raymond C. Kalinowski
First Selectman

March 30, 1999

The Honorable William W. Dickinson, Jr.
Mayor of Wallingford
City Hall
Wallingford, CT 06492

RECEIVED
MAYOR'S OFFICE
99 APR -5 AM 11:26

Dear Bill:

Reference is made to our telephone conversation this date re: the 158 acres on Howd Road.

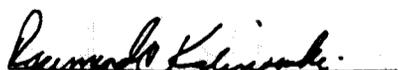
Our appraisal is in and reflects a value on the land as \$750,000. I have provided a copy to our Town Counsel who will exchange information with Janis M. Small, representing the Town of Wallingford.

The Durham Board of Selectmen will pass a Resolution on April 12, 1999, indicating that the Town of Durham will, in fact, pursue an intent for acquisition from Wallingford at the earliest opportunity. The timeline involved thereafter, towards completion of the deal, includes scheduling factors such as bonding procedures, public hearings, and finally a referendum. I expect those necessary constraints will carry into June 1999 but not to extend beyond July.

We are also applying for a CT DEP Open Space Grant for that property with our intention to purchase not contingent upon receipt of any award.

If I can supply any additional information, please give me a call.

Sincerely,


Raymond C. Kalinowski
First Selectman

cc: Town Counsel
Conservation Commission
Geoffrey L. Colegrove, Town Planner
Board of Selectmen members
Board of Finance



Town Hall, 30 Town House Road, P.O. Box 428, Durham, CT 06422

(860) 349-3625 • FAX (860) 349-9301



Town of Wallingford, Connecticut

Appendix II

TOWN ATTORNEY
JANIS M. SMALL
ASSISTANT TOWN ATTORNEY
GERALD E. FARRELL, SR.
CORPORATION COUNSEL
ADAM MANTZARIS
DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2140
FAX (203) 294-2073

MEMORANDUM

TO: Members of the Town Council
FROM: Janis M. Small, Town Attorney
RE: Garden Road
DATE: April 6, 1999

The State Bond Commission did not put the Garden Road project on the March meeting agenda. The Department of Environmental Protection requested that it be placed on the agenda and indicated it was a priority item.

The DEP will request that the project be approved at the April meeting.



JANIS M. SMALL
Town Attorney

JMS/bjc