

TOWN COUNCIL MEETING

NOVEMBER 9, 1999

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#231-257) Totaling \$4,114.05
 - b. Consider and Approve a Transfer of Funds in the Amount of \$2,600, \$1806 from Time Clocks Account #001-5015-999-9999 and \$794 from Rotary Mowers Account #001-5015-999-9902/Dept. of Public Works
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Confirmation of Mayoral Appointment to the Personnel & Pension Appeals Board to fill a Vacancy in a Term Which Expires December 31, 2000/Mayor
7. Consider and Approve a Waiver of Bid to Hire Lazarus and Sargeant to Perform Architectural Services Regarding the Caplan/Wooding Property/Mayor
8. Consider and Approve a Transfer of Funds in the Amount of \$12,260 from Contingency/General Purpose Acct. #8050-800-3190 to Engineering Dept. Account #5010-901-9050 Architectural Design Services/Mayor
9. Remove from the Table for Discussion and Possible Action Regarding the Release of an Easement Across Land Owned by John and Ann Kranyak and the Building of a Driveway By the Kranyaks on Town Property Contingent Upon Approval of All Town Agencies Including Utilities, Planning & Zoning and Inland Wetlands/Mayor

10. Executive Session Pursuant to §1-200(6)(D) Pertaining to the Purchase, Sale and/or Lease of Property/Mayor
11. Executive Session Pursuant to §1-200(6)(B) to Discuss Pending Litigation in the matter of Route 150 Realty v. Town of Wallingford/Town Attorney
12. Executive Session pursuant to §1-200(6)(B) and §1-200(9)(C) to Discuss Pending Litigation with Respect to the State Department of Public Health/Town Attorney

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ADDENDUM TO AGENDA

- 3c. Consider and Approve Granting Permission for Wallingford Center Inc. to Use the Parade Grounds on Saturday, November 27, 1999 from Approximately 10:00 A.M. to 6:00 P.M. for their Holiday Festival "Seasons of Celebration"

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6:30 P.M.

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TOWN COUNCIL MEETING

NOVEMBER 9, 1999

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, November 9, 1999 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:35 P.M. Councilors Centner, Farrell, Knight, Papale, Parisi, Renda, Rys, Zandri and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr. arrived at 6:39 P.M, Town Attorney Janis M. Small and Comptroller Thomas A. Myers were also present.

The Council observed a moment of reflection at this time.

The Pledge of Allegiance was given to the Flag.

Mayor Dickinson left the meeting at 6:41 P.M.

ITEM #2 Correspondence – No items were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#231-257) Totaling \$4,114.05 – Tax Collector

ITEM #3b Consider and Approve a Transfer of Funds in the Amount of \$1,806 from Time Clocks Acct. #001-5015-999-9999 and \$794 from Rotary Mowers Acct. #001-5015-999-9902 for a Total of \$2,600 to Paint R.R. Station Acct. #001-5015-999-9948 – Public Works

Comptroller Thomas Myers asked that Agenda Item #3a be removed from the Consent Agenda due to an error in processing tax refunds (see page 2 “Waiver of Rule V” for action on revised request).

Motion was made by Mr. Centner to Approve the Consent Agenda, Item #3b, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Town Council Secretary Kathryn Zandri reminded Chairman Parisi that Addendum Item #3c for the consent agenda had not been addressed.

Mr. Parisi stated that the item will be taken up under Item #4.

ITEM #4 Items Removed from the Consent Agenda

Addendum ITEM #3c Consider and Approve Granting Permission for Wallingford Center Inc. to Use the Parade Grounds on Saturday, November 27, 1999 from Approximately 10:00 A.M. to 6:00 P.M. for their Holiday Festival "Seasons of Celebrations"

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

VOTE: All ayes; motion duly carried.

Mr. Zandri and Ms. Papale pointed out that Item #3a could be taken up under Item #4 on the agenda, "Items Removed from the Consent Agenda" since it only involves revising the total amount of tax refunds being requested for approval.

Mr. Rys stated that the item will be taken up under the Waiver of Rule V provision.

Ms. Papale asked again, why can't the item be taken up under Item #4?

Mr. Parisi answered, we just did item #4 when we did the parade ground request.

Ms. Papale pointed out that the addendum was addressed. Item #3a can also be addressed.

Mr. Parisi answered, since the amount has changed on the tax refund request that calls for a Waiver of Rule V.

Waiver of Rule V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Taking Up a Revised Tax Refund Request, seconded by Mr. Farrell.

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

Motion was made by Mr. Rys to Approve Tax Refunds (#231-257) Totaling \$2,453.19. Seconded by Mr. Farrell.

Mr. Centner asked for an explanation as to why the amount changed on the tax refunds?

Comptroller Thomas Myers answered, there was a duplicate processing of tax refund #51 in the amount of \$1,660.00.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

The Public Question and Answer Period was opened at 7:35 P.M.

Reginald Knight, 21 Audette Drive asked why the plans and drawings often displayed at the meetings up on stage cannot be put on transparencies and displayed to those members of the public present in the audience via an overhead projector? It is done at other times. The latest issue was the Kranyak property. The only way I could get a look at what was happening was to ask the Mayor if he could explain what it was all about. It would be helpful to have the information displayed overhead so the public could understand what it was they were listening to.

On another matter, Reginald Knight stated, I took the day off to work at the election polls. We worked there from 5:00 a.m. to 8:30 p.m. I was sadly disappointed; irrespective of how the election went one way or another, that is not the important thing; the few people that turned up, I was disappointed in that. There were people in the area at which I worked who lived across the street and did not take the trouble to walk across the street to the school to vote. That is sad. In a few days we are going to be honoring people who have died for the privilege of Americans to go out and vote and try to have some participation in some destiny. It seems very sad that this kind of thing happens and people are so apathetic. Regardless of the end result, for heaven's sake, why didn't they turn out? I am very sad on that.

Mr. Parisi answered, I think a lot of people are curious about that very same thing. I wish I knew the answer.

Philip Wright, Sr., 160 Cedar Street stated, about ten years ago one of my grandsons was four or five years old and his birthday was coming up. I told him that he could not have a birthday because the birthday had outlawed all birthdays and he said, "he can't do that!". I said, I think he can because I believe he is elected mayor for life. That was somewhat prophetic it seems and my grandson is beginning to realize that. My second point is, during this last campaign there were a lot of good points made by winners and losers. A

lot of work went into campaigns. I hope that all of these issues do not die now that the election is over. There was a lot of good work put into the campaign by both winners and losers.

At this time the Mayor re-entered the meeting.

Pasquale Melillo, 15 Haller Place, Yalesville asked, is it true that if anyone wanted to go mining for silver or gold they could go into the Town Clerk's Office and ask for a permit to mine gold, silver, etc., on the Goldfedder's property?

Mr. Parisi replied, as far as I know, that is not true.

Mr. Melillo stated, as far as the Mayor or Town Council or anyone in Town government being absent from a Town Council Meeting, they should be required to submit a doctor's note which states the reason why that individual could not attend the meeting. I don't think it is asking too much. The taxpayers, your bosses, are entitled to have some kind of explanation as to why someone was not present at a meeting.

Mr. Parisi stated, I will not bring in a slip but if you want to call me up and ask me how I am doing, I will be happy to explain to you what my problems are.

Mr. Melillo stated, the policy should be uniform for everyone. A doctor's note should be brought in and placed at the Town Clerk's desk for the public to see if they want to check into it.

Mr. Parisi answered, fair enough.

Mr. Melillo next asked the Town Council to enact an ordinance which establishes the position of President of Wallingford. I would like to have the opportunity of running for President (of Wallingford).

Mr. Parisi stated, I don't think we could do that by ordinance.

Mr. Melillo stated, anyway that you can, I would like to see that happen.

Mr. Parisi suggested that Mr. Melillo join a party or start his own party and become a loyal candidate.

With regards to a golf course, Mr. Melillo stated that there is some kind of dispute between the State and Town regarding the Town's right to legally build a golf course on the Cooke property we recently purchased.

Mr. Parisi stated, the Town Attorney has been working on it.

Atty. Small stated, that is a topic of executive session this evening.

Mr. Melillo asked, is the Town on the prowl to buy some more land?

Mr. Parisi answered, we are always on the prowl. We are always interested should the opportunity present itself.

Mr. Melillo stated, if the opportunity presents itself again, I hope the Town Charter is followed the way it should be.....legally.

Wes Lube, 15 Montowese Trail stated, it has been a month since we discussed the new microphone system. Is this the new setup; sound system?

Mr. Parisi stated, no this isn't but there is work that is going to be done. I think Henry (McCully, Director of Public Works) just issued a work order. That is the first phase; it will be soon. There are going to be all new speakers out in the audience and we are going to keep the microphones, there is nothing wrong with them. We all have to learn to speak directly into them according to the representative from the company who services the equipment.

Mr. Lube stated, two weeks ago the Mayor was going to give us an update on the status of 66 Barnes Road.

Atty. Small stated, that is also a topic for executive session this evening.

Mr. Lube asked, if you are afraid of identifying a property that is the reason for executive session, why are these two items that were just mentioned both appropriate for executive session?

Atty. Small answered, with respect to the Barnes property, there is further negotiation with respect to the price and negotiations are not finalized at this time, as a result of environmental testing. With regards to the golf course, that is a discussion of possible litigation and that is permitted under the statute.

Mr. Lube asked, the discussion of price is an executive session subject?

Atty. Small answered, yes.

Mr. Lube stated, Mr. Farrell made some comments two weeks ago about the sub-committee working on the American Legion negotiations for the building next door and I am wondering if there is anything new on that subject? Have you heard anything from the architect/potential tenant?

Mr. Parisi stated, I did call him a while back. He said he has been busy, nothing has been forthcoming. I can call him again.

Mr. Lube asked, how long would you suggest that we wait before taking another alternative?

Mr. Parisi answered, to be honest, not much longer. I will call him the first thing next week and ask him. If he doesn't have anything ready, I will ask him....with the blessing of the committee, that is a discussion we can have right after this meeting, Geno & Gerry, we can ask if he is serious about it or not.

Mr. Lube asked, what minutes did you approve tonight?

Mr. Parisi answered, none.

Mr. Lube asked, where are the minutes of October 26th? It has now been two weeks.

Mr. Parisi stated, with the happenings of what has been on, we may be a little bit behind. Plus the secretary had to take some time off.

Mr. Lube stated, you knew she was taking that time off for she asked permission to do it. Did you make any other arrangements?

Mr. Parisi answered, we usually do and this time I did not, I will be very honest.

Mr. Parisi declared the Public Question and Answer Period closed at this time – 7:55 P.M.

ITEM #6 Confirmation of a Mayor Appointment to the Personnel Pension Appeals Board to Fill a Vacancy in a Term Which Expires December 31, 2000 – Mayor

Motion was made by Mr. Rys to Confirm the Appointment of Frederick Monahan, Jr. to the Board, seconded by Renda.

This appointment will fill a vacancy created by the resignation of Larry Drapela.

Philip Wright, Sr., 160 Cedar Street asked, is there a reason why Mr. Monahan was not here tonight?

Mayor Dickinson answered, I don't believe he was asked to be here.

Mr. Wright asked, I thought this subject was discussed here several times before about people coming here to get sworn in and show a little respect for being appointed.

Mayor Dickinson stated, Mr. Monahan already serves as a commissioner on the Housing Authority. He is known to the Council and I felt that if there was interest in having him be here to be interviewed.....

Mr. Wright asked, so you are the one who made the decision?

Mayor Dickinson answered, he was not contacted by the Council that he should be here for interviewing.

Mr. Wright asked the Mayor, is he your appointee?

Mayor Dickinson answered, that is correct.

Mr. Wright asked, and you did not ask him to come?

Mayor Dickinson answered, no, typically I do not ask him to be here unless there is an interest in an interview.

Mr. Wright stated, I think that anyone who is appointed on a commission or committee that has to be sworn in, that he has to be sworn in, he should be here.

Mr. Parisi stated, he is sworn in already as a commissioner.

Mr. Wright answered, he is not on this commission; he is not. Fred Monahan is a fine man and I certainly think.....I have no objection. My objection is that it has gotten to be a point here where no one gives a hoot; they don't come up, they don't consider it an honor...this is not the first time, Bob.

Mr. Parisi answered, fair enough. I know it is not the first time. Kathy (Zandri) can you make it a point from now on, or make a note from now I that if anyone is appointed that they be sent a letter requesting that they be at the meeting to be sworn in. I think it is a valid recommendation, I don't have a problem.

Pasquale Melillo, 15 Haller Place, Yalesville agreed with Mr. Wright.

Mr. Parisi stated, we followed this procedure for years and years and when people are nominated they are confirmed and sworn in and they go about their job.

Mr. Melillo stated, because something has been done for years and years and years, it does not mean that it has to continue that way. If that mental attitude was taken, you would not have any progress at all.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve a Waiver of Bid to Hire Lazarus & Sargent to Perform Architectural Services Regarding the Caplan/Wooding Property – Mayor

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

Correspondence from the Mayor explaining the need for the bid waiver was read into the record by Mr. Rys (Appendix I).

Mr. Knight asked, how are the rest of the property owners involved in this aspect of the project? Is this just what we are doing with our property?

Mayor Dickinson answered, no. This would involve a more accurate design of all of the property, at least the affected fronts or the side of the properties facing the parking area. It would be of assistance to those property owners in determining whether they are interested in pursuing the project or not and would be providing valuable information to try and arrive at a working relationship amongst the various property owners to see that something

might occur. Without the more detailed designs on exactly what would occur on each property, we have reached a stalemate as far as what people are willing to commit to or what they are interested in.

Sam Sargent, Architect, Lazarus & Sargent commented, when it comes to the site, at this point, there has been a general informal agreement that there will be a "blending" of the properties so that it is going to be the town property plus the property presently owned by the condo project or the condo at 350 Center Street and Wallace block, Dick Caplan's building to combine to form a more efficient parking layout to the site. What is happening is, in the corner where Center and North Main Street meet, the property lines are very tight there. What we would be trying to do is talk to the owners, Jay Fishbein, Mr. Parisi, Gaffeys, the people at 350 Center Street to determine exactly what portion of the property belongs to them, what we could do with the backs to their buildings and how we can blend the site into a coherent hold.

Mr. Knight asked, this is something that the Town, what you are suggesting there, is the Town is undertaking this particular aspect in hopes that what results is a viable project, am I understanding that correctly?

Mayor Dickinson answered, that is correct.

Mr. Knight stated, this is more or less seed money that we are voting to put up to see if this project has a viability and interest on the part of property owners?

Mayor Dickinson replied, that is correct.

Mr. Sargent stated, there is a general consensus amongst all the property owners that this is a good thing to do. We have met with all the commercial property owners along the center and North Main and with the residential property owners on Academy and North Elm Streets. There is a consensus that something very similar to the schemes that we have shown them should go forward. It is just that the level of detail that is required is getting a little onerous for our small firm.

Mr. Knight asked, will it include egress and entrance detail and so forth as well as what has to do with the back of the building?

Mr. Sargent stated, in our designs we have provided egress to both Center Street and North Main Street. There has been some negotiations with the S.N.E.T. property owners and there has been a formal agreement with them that, yes, they are very interested in letting us

use the right of way through their property to North Main Street. Most of those issues are covered, at least schematically.

Mr. Centner asked, has anything changed since the meeting I was at two months ago from what I viewed in terms of the documents and the status of the site?

Mr. Sargent answered, we have looked at a little more detail at the properties owned by Jay Fishbein and Mr. Parisi and Gaffey in the corner and we have also come up with some cost estimates for the amount of work that would be necessary to be done to the backs of those buildings to bring it into a more architectural whole if you will so that the backs of the building as they present to the new parking area would be more aesthetically pleasing. We have gotten to the point where the level of detail required has brought us to a stand still.

Mayor Dickinson added, there was no change in the concept as was discussed.

Mr. Centner stated, if we move forward with this \$12,000 it is more weighted towards the design of the buildings, to show the owners how it would blend together as a parcel. The Town is responsible for improving our part of it; we were also going to improve that as well, correct? Is the Town going to do road improvements and put in some of these items?

Mayor Dickinson answered, we would be committing to improvements on municipally-owned property, that is correct.

Mr. Centner asked, is there any way we could offset this \$12,000 from the cost of improving our area? This is more towards the owner's end of it and we still have to do the improvements to our side of it.

Mayor Dickinson answered, this would more clearly indicate what properties will be exchanged as well. There will be a transfer of properties between and amongst several of the parties in order to provide for a wider and more open area at the rear. For this to work some of the property owned by Caplan would be transferred to the Town. The Town would have to transfer some of our property to the property owners for some residential development to occur. All of those things need to be shown on a design so we benefit from this design as well. It more clearly indicates exactly what is happening in what areas, not just the design or the area that is privately owned and how that is affected. Are we spending some money that does benefit some private owners? We are within that \$12,000 but if we are not willing to do that then I am not sure this is going to go anywhere because at this point the level of information is not there to encourage people to make a decision

whether they want to move forward or not. We gain benefit from it and that is your understanding as well.

Mr. Farrell stated, I will offer the same criticism that I did on the telephone this morning; that if this is going to succeed there has to be a lot more communication on some of these items before it hits our agenda. After we spoke I got several calls first from Academy Street residents who felt that they had been promised in the past that they would be kept in the loop on this and now it is on the agenda and no one had indicated that to them. I also heard from several of the property owners who also wonder why this was on the agenda because as far as they knew it was dead. One of those property owners had the same opinion of the design of the façade that I did; that it is rather ugly and I hope it is going to change....no offense.

Mr. Sargent replied, none taken. We have met a total of three times with the residential property owners on Academy and North Elm Streets and I do tend to see them at breakfast on Saturday morning and through the week and whenever this item comes up for discussion and the discussion is always free and open, at each of those meetings it is being made clear that at any time anyone can call us and get what ever they want to know in the way of information or drawings so they know exactly what is going on. I am sorry they were not informed over the Town Council agenda item but we have been under the gun on the Senior Center project and all of this work up until this point has been done pro bono by us completely unpaid for literally ten years. You will have to excuse some lapses in responsibility.

Mayor Dickinson stated, I am aware of and I have indicated to the property owners that we would inform them when there were substantive things to happen but tonight is literally an appropriation of funds to allow something substantive to happen. When there is no change in the concept from the last time we spoke with the property owners....all we are trying to do is come up with more accurate drawings that would allow some of the comments made by the property owners to occur in the design. I think there was some adjustment of the residential property building as far as its distance or positioning with regards to the back property line. This allows those things to happen. We are not approving a design here, we are appropriating funds to allow some of the things that have been talked about to be placed on paper and allow a discussion about what people want to see and what should happen .

Mr. Farrell answered, perception is not always reality and sometimes we have to realize that people may take a different view than what is actually happening. Like what we have done with the power plant, if it is us who has done it or whether it has been PP&L

(Pennsylvania Power & Light) that the residents nearby got notified anytime it was going to be on the agenda.

Mayor Dickinson answered, the PP&L discussions involved the actual proposal. There is no discussion about an actual proposal here. We are asking for money to provide some actual drawings for proposal otherwise it remains just where it was when we had our last discussion with the property owners...there is nowhere else to go.

Mr. Parisi stated, Mr. Farrell at least brings to the table that there is concern in the neighborhood. I think that is part of the communication process and we are all aware that they are definitely concerned about what is happening; let's just take it from there.

Mr. Zandri stated, I would like to go back in history on this project. Did we go out for requests for proposals to get to this stage that we are at now with this?

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

Mr. Zandri asked, we never went out to see if there were other people interested in developing this particular parcel?

Mayor Dickinson answered, if we go way back, we did have a proposal out and I am not going to guess right now what happened on that but in recent history I believe the proposal that we have has been brought to us by a number of the interested parties at the site.

Mr. Zandri asked, did we go out for a formal R.F.P. (request for proposal) on this latest round of developing that particular piece?

Mayor Dickinson answered, no.

Mr. Zandri stated, what concerns me about the approach that we are taking at this stage of the game on this is, I was in on a discussion about a year ago on this whole concept. The meeting took place in the Mayor's Office and it was explained in specific detail what was going to happen with this piece and how the parties were going to interact and how the Town was going to get involved with this project, not only with the swapping of the parcels of land with the interested parties but also the financial commitment that was going to have to be made by the Town to go forward with this project. I think it is premature to go any further with this before we have a public discussion on this proposal as it sits here before us. It must be explained in detail to the public of what the potential commitments there will be on the part of the Town on this piece of property, not only with the swapping

of the land but the financial commitment on the part of the Town before we make any commitment to spend any dollars. Once you explain what the concept is here, there could be objection by the public on this whole concept and therefore we would be wasting dollars by moving forward with this. My recommendation would be that before we go any further with this, that this plan be placed out to a public hearing and explained to the public before we go any further. I am opposed to this waiver and with proceeding any further with this project until that takes place.

Ms. Papale asked, in the letter that was sent by the Mayor to the Council, it mentions that Lazarus & Sargent had performed earlier work on the site. Is that referring to what we saw....it wasn't in the Mayor's Office, the meeting I was at, I think it was in Room #315 where Mr. Gaffey and Mr. Fishbein; the owners of the stores were all there and we were invited to attend, is that what we saw at that time?

Mr. Sargent replied, that is actually the second from the final variation of what we were proposing for the site. Our work goes back approximately ten years when we originally tried to put together a non-profit agency to do elderly housing and congregate care on that site but we couldn't make the numbers work. Then there was the scheme of late when the economy changed that involved the small hotel in the Wallace block, the Caplan property but unfortunately that one has pulled out because of some negotiations with Mr. Caplan and the other property owners.

Ms. Papale stated, the last meeting that I was at was when I realized that the hotel was not going to happen.

Mr. Sargent continued, at this point what we are hoping to do is expand the commercial along Center and North Main Street and mix in some higher level residential. We are also hoping for 390 Center Street, the abandoned building owned by the Town, that we would do a residential/commercial mix in that building and then we are hoping to provide a new residential building that would serve as a buffer between the property, the parking lot we are creating, and the residences along North Elm and Academy Street.

Ms. Papale stated, I remember being at this meeting in Room #315, going into the room pretty excited about what was happening and leaving very discouraged because I did talk to some of the people involved and to me it seemed like a dead issue. Now you are saying that what you want to do may bring it back to life, this \$12,000.?

Mr. Sargent answered, we are convinced that sooner or later there is going to be a wonderful use made of that property and our firm wants to be involved in instigating that.

We believe that with this money we can take a step.....I can't guarantee you that we will be successful but I feel that I would rather do it sooner or later, we have a good economy and in the past we had been pushing everyone we can to put something on that site; the property owners along North Elm, Academy Street, the commercial property owners, anyone who would listen to us. We have been pushing them to do something. This is a critical piece of land to the Town of Wallingford and we feel that something can be done and we want to be part of it and that is why I am here tonight.

Ms. Papale stated, I would also like to be a part of it. I have been on board with the Wooding Caplan property during all the discussions. There has been so much discussion; we have spent a lot of money there, a lot of time....I think it is time something happens. We should know one way or another.

Mr. Sargent stated, I am optimistic. We have a lot of contacts who are commercial property owners; we do a lot of work for large corporations in the Town of Wallingford who own a lot of buildings and we talk to everybody we possibly can to come up with different variations and suggestions, solutions to that site.

Ms. Papale stated, I feel a little better about it.

Mr. Zappala stated, I think the Town of Wallingford and I know, personally, I feel very obligated, the time that was put into this project and many other projects the Town gets involved in and you don't get paid, we understand that. We certainly appreciate your time and your company's time but at this point I think what we are talking about is a commitment from the Mayor's Office to the project. I was at the meeting where we talked about the project and how it was no longer what it originally was intended to be. I know we have to do something with that land back there. I had a meeting with one of the landowners surrounding the property this afternoon. He more or less told me that the original project that was shown to us (Councilors) is no longer in existence and it is a whole new ballgame we are facing tonight. Before we allocate money to this, a commitment should be gotten from the Mayor's Office to see if he is willing to face a \$2 million expenditure; I believe it was a \$2-\$2.5 million expenditure at the time (it was proposed). I find it hard to believe that he wants to spend \$12,000 now for a project that has not been discussed as of yet when he has been holding money for the study of the golf course for what ever reason he has. I would like to ask the Mayor if he is willing to face this project or just invest the \$12,000 for the project?

Mayor Dickinson answered, this project won't go anywhere unless all property owners are willing to commit in some way. We are not in the position to get the commitment from

everyone without more detailed designs, that is simply what the case is. The designs being discussed is almost identical to what was discussed at earlier times except that now there is not a hotel, that is the only real substantive change that I am aware of. Sam (Sargent), is there any other substantive change?

Mr. Sargent answered, no there isn't.

Mayor Dickinson continued, I am hearing things tonight that I am totally unaware of from any other source which is fine. I can tell you that I am not aware of any substantive change in this design other than the hotel would be a refurbished apartment/commercial retail perhaps building. That is the only major change that I am aware of. Otherwise it requires all of the property owners that bound this area to, in one way or another, be part of it. They are not willing to commit at this point because they want to know more about exactly what the financial impact is on them. We can't tell that unless we have more detailed drawings. It is a chicken and egg routine. If we are interested in seeing potentially something very positive occur, the Town, at this point is being requested....we are not being requested by anyone else, I am requesting that we appropriate \$12,000 to see what is possible. Are we committing beyond getting design? No, I don't know what that design will look like and I don't know what the property owners will say once the details are there. Hopefully there will be a way of having everyone commit to something. But given the location and potential to make a major improvement in the downtown area, I at this point feel that the \$12,000 is an appropriate move to make.

Mr. Zappala stated, we had a contract to build housing if I remember correctly. Would you say that the contract is no longer going to do that? My information tells me that the contract is no longer to do any housing in the project that was originally explained to us?

Mayor Dickinson stated, I am not aware of the fact that the residential component is no longer in the project. Sam (Sargent) are you aware of that?

Mr. Sargent answered, no I am not and I was hoping that you (Mr. Zappala) might be able to tell me who you spoke to because I would like to ask him myself or her.

Mayor Dickinson stated, I can tell you this, if we have a major party saying that they no longer are part of this, we may not move forward with the design but certainly we have not been informed in the last several weeks of any change amongst the major parties.

Mr. Zappala stated, that major party who originally took over the project, more or less, I think his interest at this point is to fix his building. As far as I know, my information tells

me that the housing part which was originally intended to be there is no longer in the project.

Mr. Sargent stated, if there was some way to bring this person in or to take a break and make a phone call and find out.....as far as I understand, that component of the project is still in place.

Mayor Dickinson added, my last conversation with the person who is the most directly involved with the residential component was that there was great interest still. I am surprised if it changed but if it changed, I would certainly want to know.

Mr. Zappala asked, when was this Mr. Mayor?

Mayor Dickinson answered, the end of September; beginning of October, I forget the exact time frame.

Mr. Sargent stated, I spoke to Joe DiNatale who is a major component to this earlier in the week when this date for this public hearing, if you will, was set and at that time he did not tell me that anything had changed. Now if that is the person you met with and he told you different, I would certainly like to hear it from him because I feel foolish up here if that is the case.

Mr. Zappala stated, I feel very appreciative of what you are doing and there is no question in anyone's mind that something must be done with that property. My question is, is the Mayor committed to do what has to be done? Is he willing to spend \$2.5 million to do the job? That is my question. If that isn't the case, at this point, I feel we will be wasting \$12,000. If he says he is going to be committed to spending that kind of money, by all means then we should all vote for it.

Mayor Dickinson answered, I cannot commit to a project without knowing what it is that everyone is willing to do. I have indicated that I am very interested, from the Town's standpoint, and I think it is an investment the community should make. I am not going to commit to that without knowing whether all property owners one way or another are part of the project. I don't think that is a fair position for the Town to be put in, to sit here and say that we are going with it no matter what and end up with a design that illustrates certain changes that other property owners can't commit to and then where do we sit. I don't think that is an appropriate way to proceed. We are very interested and we are showing a commitment by appropriating the \$12,000 and looking to get this off the mark and yes, there will have to be further discussions, we will have to have a full design, there

will be an opportunity for the people along Academy and North Elm Streets first to view it, there will be a public meeting on it...there is a lot of work that has to occur. For those things to occur, we need to have some detailed drawings.

Mr. Zappala stated, I agree with you. I also remember many years ago the Town of Wallingford purchased housing on Williams Street and Orchard Street, we put a parking lot behind the retail stores and what did it get us, really? Did the merchants respond to what the Town was trying to do? I feel that before we do anything, we show some kind of commitment from the residents surrounding the Wooding property to say, yes, we are going to do something and this is what we are going to do. To see us spending money without having some kind of commitment, I think is foolish.

Mr. Zandri stated, we are talking about major parties being involved in this whole concept here and, again the thing that concerns me is, the biggest party involved and probably the one that has to put up substantial amount of dollars is the Town and the residents, as far as I am concerned, are being short-circuited out of this whole process here. I think before we go any further this whole concept should be explained in detail and exactly what the estimate is going to cost for us to pursue this and I think that is what is missing. I think it is a big point and one that I am repeating again because we are talking about commitments by major parties but yet one of the major parties, the residents of this community, have not even had this explained to them yet. I think they are getting short-circuited out of the initial phase of this and I want to re-emphasize that fact.

Mayor Dickinson replied, what we can do is have Sam Sargent describe these drawings right here; that is the concept. They are right here, right on this easel. That is the concept. It has been seen by parties up here, I don't think there is any real secret to it. Here is the general concept of what is being discussed. This is what his office has produced; there is it. We can generally discuss that.

Mr. Zandri replied, that is not going to get us anywhere. I am talking about having a public announcement that the Caplan/Wooding concept and design is going to be explained to the public so that they have an opportunity to come here, not just a waiver of bid on some architectural work. To explain the whole concept, the estimated dollars that it will cost the community to go forward with this....there is nobody here that even knows that this was going to take place this evening.

Mayor Dickinson replied, we cannot estimate the dollars until we have a better idea of what is being done where.

Mr. Zandri stated, there was an estimate put out that if this project goes forward there was going to be approximately a \$2 - \$2.5 million expenditure by the Town of Wallingford to seed this thing through. That is an estimate on what this proposal is going to cost and I think that the whole concept should be explained and the potential commitment by the Town should be explained to give the residents an opportunity to say either it sounds like a good idea or it is too much money.

Mayor Dickinson answered, the problems with the estimates is that there is no way for the property owners in question to know what it is that they will be committing to. IF the Town is putting \$2 million into it, from what I am told the other property owners are putting far more money into it given what is being proposed. Until there is something more detailed, all estimates, all discussion is pure conjecture. We have an opportunity to either see that something more forward or we can sit and wonder why nothing happened. Right now it requires \$12,000 to see that something reaches a form that allows for the kinds of discussions that everyone would like to have; what it costs, what property is transferred, how it works, etc. We don't have that information because we don't have property owners out there willing to commit to anything because we don't have the details. It is a chicken and egg that goes around and around and around. Are we willing to move it off the dime with \$12,000?

Mr. Knight stated, I know how I will vote for this; I will vote to expend the money for the simple reason that we have to bring into focus what this plan is. You have to start with some idea of where you are going with any long range plan and identify what the impact is going to be on the property owners that will be affected. \$12,000 seems to me, to bring a lot of things into focus that need to be brought into focus and I think it is very akin to the golf course study project. D.E.P. objections notwithstanding, I think there is a direct parallel between the spending of the money, which we have done two or three times now, for a potential golf course without having gone any further. We are undertaking a study, a \$17,000 study for a potential golf course, without knowing whether ultimately we will build a golf course on that site. It seems to me that an \$11,000., \$12,000 or even \$13,000 investment here for the same purpose is money very well spent, especially for the people who would be the most affected.

Mayor Dickinson stated, I would like to make one thing clear the Town of Wallingford is putting no money into a hotel or residential property. We are not improving private property. What we would be doing is improving publicly-owned property, similar to the way we have improved and provided streetscape on Center Street, Quinnipiac, North Main Street, South Main Street...that is what we are talking about in terms of the public investment; a streetscape scenario on public property. I don't want anyone to be listening

or involved in discussion and think that somehow the Town of Wallingford is going to put money into private buildings, private facilities. We are absolutely not going to do that but, to be part of this, we would be committing to streetscape improvements that help facilitate and make nicer surroundings to encourage private investment. That is the basic issue involved.

Mr. Zandri rebutted, there is right now private property that is being contemplated for swapping with public property. We are going to be giving up public property in order to swap with private property. We are going to be giving up something over there. We have an investment right now of \$1.4 million on the property over there, correct?

Mayor Dickinson answered, correct.

Mr. Zandri asked, is the property we own going to remain public or is it ultimately end up to be part of the private parcel?

Mr. Sargent answered, I did a very rough analysis based on the Assessor's map which are notoriously inaccurate but based on that there is a net gain in public property from the swap. You will own more when the process is finished than it does now.

Mr. Zandri answered, all that is going to happen is we are going to end up with the parking lot area.

Mr. Sargent stated, it is going to be as public a space as we can make it and if you look at the site plans you will see that there is going to be a small park. Rather than make this just an open parking space, we want this to be the center of town.

Mr. Zandri answered, I am not disagreeing with you. I am just saying that, the area that the Town is going to end up with is going to be just for parking lot purposes. The parcel we own now is ultimately going to end up being in private hands. Private people will benefit by this swap. This is why this whole concept and project should be explained thoroughly to the public before we proceed. There is a big difference between what we are doing here and a golf course. If you want to do a study on the golf course, it is because you have the intention of building a golf course.

Mr. Parisi stated, let's leave the golf course out of this, it doesn't....

Mr. Zandri continued, exactly, it (the issue of the golf course) was raised and I am trying to say there is a difference between investing money in this particular piece. With this

piece here, there is a whole range of potential ideas that could happen here, we didn't even go out for a request for proposal on this piece. Some people got together, came up with a concept, it was pushed forward and now it seems like we are just focusing on that with no other alternative. I am saying, at least give the public an opportunity to understand thoroughly what is happening here before committing any dollars to it. I think the whole concept, the land swaps, the investment that it is going to take be explained to the people before we spend any dollars on this. Then if there is no objection, by all means, we should spend the money to go for the detail. I think the public is being short-circuited out of this process. The average guy on the street does not know the detail of what is happening here.

Mr. Sargent replied, I agree Geno and I have to tell you that it goes back to what the Mayor is saying over the chicken and the egg situation. Lazarus & Sargent, myself, we have no financial gain from this. Of course we hope that we will provide architectural services in the future but this is something that we have been working on for basically ten years in one variation or another to do something on this site. It has gotten to the point where the level of detail that is required to go to the next step is so burdensome that we are asking for some assistance to go to the next step. What we are suggesting is that if we are allowed to refine our designs then we will have something viable to show everybody that has real numbers attached. At this point we have met with all of the commercial property owners, the residential property owners on Academy and North Elm Streets, on their time, with no compensation and we will be happy to meet with anyone in the Town of Wallingford who wants an explanation of this project. We are here tonight because of all of this effort and the required effort to go to the next step and we are asking for some assistance.

Mr. Zandri answered, I understand that.....and I understand that in order for you to go forward with more detail obviously you want to get compensated for your efforts and I don't blame you but all I am saying is, there is enough detail.....I sat in on a meeting one year ago on this project in the Mayor's Office. The whole detailed proposal of exactly what was going to happen was explained to me and I understood exactly what was going to take place. The estimates were out there for me to understand. I am not saying whether I agree or disagree with it. All I am saying is, I think we have enough at this point to explain to the public and get input from them. If the feedback is that it sounds great and they want to do it, by all means let's do it.

Mr. Parisi stated, we are getting redundant now and are starting to here the same things. I will go to the public for comment.

Robert Sheehan, 11 Cooper Avenue stated, listening to this, I guess I am very happy that we have a buyer for the Wooding Property, is that a fact?

Mr. Sargent answered, we have a group of people who are very interested in doing something on the site.

Mr. Sheehan asked, if they are very interested, what are you doing here and what is the Town doing paying you and getting involved? Are we going to get into the retail business now?

Mr. Parisi stated, I don't think that is called for.

Mr. Sheehan answered, I think that is appropriate. If there are people interested and the Mayor said, "if you want to know anything there is the plans, there is the proposal right there if you go through them", that is what he (Mayor) said.

Mr. Parisi answered, that is right.

Mr. Sheehan continued, I appreciate him (Mr. Sargent) doing work for nothing. But it sounds like, if the proposal is already drawn up on those boards, it appears to me that \$12,000, and I think you are worth it, is for those drawings.

Mr. Parisi answered, no it isn't. The \$12,000 is to put a price on it. It is what the Mayor said, so that the property owners will know what, in fact, is ahead of them.

Mayor Dickinson added, it has been stated, and this is going to be redundant but, there is no commitment to a plan. There are concepts that have been presented but at this point the property owners affected are not unanimously committed to specifics. It is necessary to have some specifics to know whether there is a proposed plan or not. That is the basic situation and to have the specifics, we have to spend some money.

Mr. Sheehan stated, if someone is interested in that property, that is from the private sector. It is called, "put up your money, take your chances". If you want to build houses on there, you say you have a housing contractor who wants to put housing on there. You have commercial people who are interested in building there, let them put up their money. They could bring it to the residents abutting the property just as easy for less cost than we can.

Mayor Dickinson responded, the process we are using allows for much greater understanding and control of the project than if we just went out and sold that land. We are going over and over something that is pretty elemental. We are an integral part of it which means that we have to approve what will be done on the property as well since we are a major landholder. Because we are involved we have far greater control than, again, if we went out and sold the property and said, "here, go ahead and develop it" to someone. I think we need to be fair about all of the views of this and treat it in as objective a manner as possible.

Mr. Sheehan stated, I beg to differ with you Mr. Mayor. What happens on that property is not going to be decided here. That is a Planning & Zoning Commission matter.

Wes Lube, 15 Montowese Trail stated, I am confused. The Mayor and the architect have made tremendous emphasis on the proposed drawings unifying the rear of the buildings. So there is a semblance amongst all of the rears of both Center Street and North Main Street.

Mayor Dickinson interjected, that is not the sole sum and substance of what we are dealing with.

Mr. Lube answered, I know but you have not mentioned that.

Mayor Dickinson added, that is a component but that is not all that of what we.....

Mr. Lube stated, why don't we mention all of the components.

Mayor Dickinson replied, I believe it was mentioned that there would have to be access over other property; there is a residential building that would be constructed.....

Mr. Lube answered, I am referring to the architect's letter to you, sir.

Mayor Dickinson replied, I am not sure what you are referring to.

Mr. Lube stated, I will read it; this was addressed attention to the Mayor from Lazarus and Sargent. I went into the Town Council Office today and asked for a copy of the correspondence pertaining to the item on the agenda and this is what I was given;

1. Refine the existing design drawings and incorporate existing survey data for greater accuracy.

2. Refine existing design drawings to incorporate comments from the North Elm Street and Academy Street residents.
3. Refine existing design drawings to incorporate commercial property owners, Caplan, Fishbein, Parisi, Gaffey and DiNatale.
4. Adjust existing design drawings to reflect "as built" conditions and generate rear facades of commercial properties facing the site.
5. Refine existing preliminary design of new building at northeast corner of the site.

That would be towards the North Elm and Academy Street corner.

6. Generate preliminary design for 390 Center Street.

Mr. Lube continued, there is a lot more incorporated in their proposal for this \$11,000+ than just the facades on the rear of the buildings. I think that is an important thing to understand. It has also been mentioned that we are going to be possibly investing somewhere in the neighborhood of \$2.5 million more or less, is this in addition to what we have invested so far? Geno, you are nodding yes.

Mayor Dickinson asked, what we have invested for the purchase of the property, is that what you are referring to?

Mr. Lube answered, no, I am referring to the fact that the taxpayers have thus far kicked in \$2,219,000.00 including the purchase price. I will give you that breakdown if you would like; these are "hard dollars";

- The original price of the bond issue - \$1.5 million - 7/9/91; eight years ago.
- In March 1991 there was discussion of an R.F.P. and it was decided that it was not a smart thing to do.
- Four months later the R.F.P. had been completed with input from Don Roe, P&Z and other agencies, according to the minutes
- On July 13th it was proposed to the Council and the Council turned it down. They thought that it did not outline what the Council had in mind at that time, two years after purchasing the property.
- Two more years went by and in November of 1995 the Council approved \$43,250 to demolish a portion of the buildings on the property; that added to the cost.

- At that same time, on that same night (Nov. 1995) they approved \$22,537 to erect a wood fence and the motion was amended by one of the Councilman that the fence would either be wood or there would be no fence.
- In March, 1996; four months later and with an election in between, the Mayor comes back to the new Council after they are seated and again asks for approval of a chain link fence. He won't give in on that wood fence and it was tabled, an unsuccessful motion.
- In addition to the price, the demolition and the fence, we have lost in taxes over the last nine years \$143,582 based on the assessments prior to taking title.

Mr. Lubee continued, I checked with Mr. Myers and Mr. Myers surprised me by informing me that we did not bond the purchase of that property; I thought surely we had. But rather we paid cash. If you lay out \$1.5 million in cash, Mr. Myers tells me that we would normally on our reserve balance have a yield of 4.25% on average. If you applied 4.25% per year for the last eight years, we have lost \$510,000 in income that we would have realized had that money remained in our reserve balance. We now have a total taxpayer outlay of \$2,219,000 for this raw land. That is really all we have. If, on top of that \$2.2 million you are talking about another \$2 million+, this is crazy. This is the biggest boondoggle that has hit this town in I don't know how long. In reading these minutes I did not realize all of the background on it but it was very interesting. I was disappointed not to see some of the things said that should have been said at that time. When we purchased this property, bear in mind that it was 1991, it was just one or two years earlier that we had hired professional appraisers to come into town and re-assess the town. Their opinion of value is reflected in the assessments on these properties. If you combine all seven parcels; three from Wallace Realty, three from Wooding and the 390 Center Street, if you combine all seven parcels, the assessment totals \$649,000. That is interesting because at 70% of appraised value, the independent assessors were telling you that that property had an evaluation of only \$927,000 a year or two before you paid \$1.5 million for it. This should have been said at that time and was not. Their opinion of value was only 61% of what you paid for the property and the price you paid was 1.6 times their opinion of value. This generates some questions that I want to ask, if I may?

Mr. Parisi stated, this is interesting but this is not getting us.....this is not appropriate to what we are doing.

Mr. Lubee stated, I am going to ask you some questions, Mr. Chairman if I may.

Mr. Parisi replied, no, I don't think you are going to ask me any questions. If you are going to speak to the item, fine.

Mr. Lubee answered, I am.

Mr. Parisi responded, I don't think you are speaking to the item.

Mr. Lubee continued, I am embarrassing you, if that is what you mean. I want to ask you some questions.

Mr. Parisi answered, you are not embarrassing me at all; at all.

Mr. Lubee stated, through you, Mr. Chairman, of the architect; you had mentioned that the work that you had done thus far was pro bono and it has also been mentioned that there is an investor's group that is interested in developing a portion of this land. If your efforts and input have been pro bono, what has this group invested to date?

Mr. Sargent answered, in terms of money, they have invested nothing. They have invested their time.

Mr. Lubee stated, it would not be uncommon for an investment group interested in this kind of cooperation with city-owned land that they would front the money to the work that you are contemplating doing. I think you are going to the wrong well to draw your water.

Mayor Dickinson stated, that is not the architect's decision

Mr. Parisi stated, I know it.

Mayor Dickinson continued, you can speak with Sam (Sargent) if you want but it is my decision as to what I think is necessary to see something positive happen in the downtown. There were arguments against doing the streetscapes. The argument was that the \$2 million+ was a waste of money. I don't think it is a waste of money. I think the Town of Wallingford has benefited from those improvements as the downtown and the community, in general, can benefit from an investment in the Caplan/Wooding property. It is only a question of what we are willing to see as a great future and whether we are going to dwell on what has been a past.

Mr. Lubee stated, I think the acquisition of the land, the demolition of the buildings, the proposed fence have all been requested by you, Mr. Mayor, so you have to bear the responsibility for them whether you want us to look at the past or not.

Mr. Parisi interjected, I don't think he is trying to shirk his....what is your next question?

Mr. Lubee asked, the investor group has not been identified so we are somewhat in the dark. Are they land speculators?

Mayor Dickinson answered, the people involved are property owners in the same area.

Mr. Lubee asked, so they are not land speculators?

Mayor Dickinson answered, as far as I know. I don't know whether they speculate in land or not. I know them to be property owners in that area. Whether they are speculators in other areas or whether their reputations are of land speculators, I have no idea. I know them as property owners in that area.

Mr. Lubee asked, are they builders?

Mayor Dickinson answered, some of them, yes.

Mr. Lubee asked, well those who are builders, are they planning on doing the building?

Mayor Dickinson answered, whether they plan to do building on property they own, I would assume they may. It is not a decision that.....

Mr. Lubee replied, I am talking about the proeprty that the Town owns, let's not be snide.

Mayor Dickinson stated, any property the Town owns would involve public contracts that we put to bid and we do the work. The work done on private property would be contracts for improvement that are totally controlled by the property owner in question. We are not putting up money for people to do work on private property.

Mr. Lubee asked, the land that we now own, is it going to remain our land; the land for which we have thus far paid \$2.2 million?

Mayor Dickinson answered, it will be a swap for some of the property however, you heard the architect say that the net affect, based upon rough estimates based upon Assessor's maps that may or may not be accurate, which is a reason why we are requesting \$12,000 to gain some accuracy but, based upon those rough estimates, we will have a net increase in publicly-owned land.

Mr. Lube asked, there is land and there is land. Will the land that we will be swapping have not comparable square footage but comparable value?

Mayor Dickinson answered, it is all in the same area. Whether ten square feet at the northeast corner is as valuable as twenty square feet along Center Street, I can't answer that question; it is all in the same area. It is all basically the same parcel.

Mr. Lube asked, will the land that is being developed privately provide its own parking or are we contemplating erecting a glamorized parking area for the benefit of the people who are going to be developing the private land?

Mayor Dickinson answered, as was stated earlier, most of the area we are talking about is streetscape format. There is public parking involved. The residential property would have its own parking component.

Mr. Lube asked, provided by the developer?

Mayor Dickinson answered, that is correct. But other than the attempt to create a park area and a place that is a very pleasant environment for walking, etc., much of the area would be parking but it would be enhanced and improved with the streetscape improvements that have become familiar along Center and Main Streets.

A malfunction occurred with the recorder while this transcriptionist was out of the room.

Remaining discussion on this item was lost from the audiotape and the votes on the subsequent and main motions, respectively, were transcribed into this record from the Town Clerk's motion sheets.

Motion was made by Mr. Centner to Move the Question, seconded by Mr. Farrell.

VOTE TO MOVE THE QUESTION: Papale, Zandri & Zappala, no; all others, aye; motion duly carried.

VOTE ON ORIGINAL MOTION: Zandri and Zappala, no; all others, aye; motion duly carried.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$12,260 from Contingency/General Purpose Acct. #8050-800-3190 to Engineering Dept. Acct. #5010-901-9050 Architectural Design Services – Mayor

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

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

ITEM #9 Remove from the Table for Discussion and Possible Action Regarding the Release of an Easement Across Land Owned by John and Ann Kranyak and the Building of a Driveway by the Kranyaks on Town Property Contingent Upon Approval of all Town Agencies Including Utilities, Planning & Zoning and Inland Wetlands – Mayor

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

VOTE TO REMOVE FROM THE TABLE: All ayes; motion duly carried.

Mayor Dickinson's comments started, "the impact on the utilities was or is. The utilities have indicated, and Ray Smith (Director of Public Utilities) is here and has indicated that as long as they are held harmless they don't really have a position. I am looking at it. the value of the new site is that the road parallels the utility easement as shown on the map. So instead of looping in away from the side and coming up toward the easterly or northeasterly side of it, we would then have an access all along our utility easement which is a benefit to us, I would think. Not only that but then of course we have the surface to be able to operate on. Of major interest in whether this is paved or non-paved will be Inland Wetlands. I expect there will be significant discussion in Inland Wetlands about even approving a road through here let alone have it be a paved road. that is a whole other scenario that has to develop depending on what action is taken. As you know a paved surface potentially impacts a wetland far more than if it is a processed stone or.....is that what you mean by gravel? A processed stone? What do you mean by gravel?"

George Cooke, 346 Quinnipiac Street answered, we will put down a base of six inch (unable to determine what was said) then we will put down a blanket of filter fabric that goes on and then we will put down two inch across that and then they will compact all that down and then put down a coarse of 1 ¼" processed, ¾" processed, what ever.

Mayor Dickinson asked, does that conform with the Town Engineer's.....

Mr. Cooke answered, the Town Engineer's specifications up to the paving coarse.

Reginald Knight, 21 Audette Drive stated that the property in question should be displayed on an overhead projector so that the public could get a better view of what is being spoken about. He asked, the old road is going through where they are going to have the houses now, right?

Mr. Cooke answered, yes.

Reginald Knight asked, and the reason he wants that road out of there is to build the houses, right?

Mr. Cooke answered, two of the houses are built.

Reginald Knight asked, was this the only access to this land that the Town bought? It was a land-locked piece of property before?

Mr. Cooke replied, the property was not land-locked. The easement was granted by the Kranyaks to come in. They own the portion of the land that the pipeline went through and we owned a portion of the land that the pipeline went through. They had the easement...to get through to the land from where we owned it, it was about a mile to go through the woods. Where Kranyak was, there was about 500' to the pipe.

Reginald Knight stated, I was very surprised when I spoke to the Mayor at the last meeting to find out that the reason the road is moving from one side to the other is, and I hope I interpreted his answer correctly, was to allow for the building of this housing development on the left side and then they go through on the right side, is that what you were saying, Mr. Mayor?

Mr. Cooke stated, the Kranyak...facing from Cooke Road east, the Kranyak property was on the left side and that is where the road did come in. This road is now on the right side that we are proposing of the pipeline but it runs directly parallel to the pipeline. When you drive in to work on the pipe, you are sitting on a gravel road and not in the swamp. You are getting to Town property when you turn off of Cooke Road, which is Town property, you will still be on Town property when you get on this fifty foot right-of-way. That fifty foot strip I left when it was for sale because if the Town did not buy it and I would develop it, it would give me a loop from Northford Road and come out on Cooke Road if I developed the property. That is why that fifty feet were there. When the Town bought it, they automatically bought that access to the property with a legitimate fifty foot right-of-way, not a right-of-way, it was a purchase of property.

Reginald Knight asked, we did in fact buy a piece of land that was land-locked apart from that easement going through?

Mr. Cooke answered, no. The land was not land-locked; it had 1,000' on Cooke Road and about 400' on Northford Road. As you came up Cooke Road the property swung around and behind... there is an adjacent piece in front that was not owned by myself. This property comes in and goes around, that is where the Kranyak property, when we swaped, this all came into play. You are getting a road built on your property for nothing.

Reginald Knight stated, I am asking, why are we building a road at all? If there are other means of access to the Town's property, why are we building a road?

Mr. Cooke replied, the access presently is on previous Kranyak property that has now been sold to three individual homeowners. There is other access; you have to drive a mile through the woods and the fields to get to it, from the road. It was not land-locked by any stretch of the imagination; it has at least 1,400 feet I believe on either Cooke Road or Northford Road. I would be very happy to walk over it with you after 10:00 on any Sunday.

Ray Smith, Director of Public Utilities stated, to answer your question, why do we want this road?, because it is only a 650' piece to get to the back of that area where we work. I don't want to take a mile to get there. this new road would be approximately 650' to get us to the same point where we need to access, the Water Division. We have equipment back there, we have water lines. We go in there once or twice a month, we don't go there on a regular basis. We still want the same access. It is our position, we are not willing to give up the old road unless we still have equal access into that same location.

Glen Whitehouse, 11 Norman Avenue and property owner of 122 Cooke Road (property that abuts this to the south) distributed graphics to the Council (Appendix II). He stated, I have owned this property for approximately eighteen months and I am here over two areas of concern that I have regarding this proposal. I do understand the property owner's wishes to get rid of this and I understand in general to put this road on the Town property for access to the pipelines. My two concerns are; one, wetlands in the back and, two, access control to this area, particularly vehicular access.

Mr. Whitehouse referred to pages 1,2,& 3 of his graphics. He stated, the Kranyak properties are a knoll above my property. I accept all the surface flow from those properties into the wetlands that are centered on my property. All those properties drain through my property and continue south. I have an isolated piece and any surface flow in

this area would head back where this road would be proposed to be put in. There is no real flowing streams through there but it is the only way the water can get out of there in the peak flow times out there. The driveway that Mr. Cooke put in to the north is quite well done but it is a major structure within wetlands. In referring to the pipeline easements he stated, the northern-most pipe, there is a berm that runs through this area which causes quite a bit of stagnation to the north in this wetland area. I fear that it will trap water in between this pipeline area and this road which would also be a raised structure going through here. The pipeline easement right now is clear cut. The 50' strip through the wetlands is mostly timber at this point in time. As far as access issues go, you take a wonderful piece of Town property and put a road on it, you are just inviting people to go down it. It is public land, it is going to be for more than utility use. I think we are all aware of some of the undesirable access we have on Town property. On this particular property the police have been most cooperative with me in tracking down the ever-present garbage dumpers. Last week we had four new bags show up in the pipeline easement; paint cans and all. Gating this 50' property or gating the driveway, like I said the pipeline easement is clear cut, you drive around it then you continue out back. You would have to consider more of a fencing issue and more gateways there. It would be a nice thing for the walkers and hikers and horseback riders use it, that would be great, but I think we are going to see more use than we really want. Page three of the graphics offers alternative suggestions. I would suggest that the right-of-way be brought down the existing driveway to the wetlands that Mr. Cooke spoke of, across lot #3 in roughly the same path it is now but continue on to the Town property, and this is after the wetlands. One of the problems with lot #3 is, it is not much of a road structure as Mr. Farrell pointed out but it is a "slash" through the property if you will and does prohibit him from landscaping and using his full property. If the right-of-way were shifted in this way there would be absolutely no wetlands impact and the access issues, because it starts down a shared, private driveway.....this right-of-way has existed for years and nobody really knew it was there and nobody used it through the Kranyak property. Another alternative to minimize wetland impact is to put this right-of-way down the existing pipeline easement; that is about a 50' shift to the north. The reason I suggest this is, the pipeline is going through there and the existing berm and such have already disturbed those wetlands in that area quite a bit. As they drive farther back their road goes right over the pipeline, they are on their pipeline. If we get into any major use of this area such as a golf course, we start talking about 30-40,000 cars a year going out there. We will be looking at major engineering on these roads and drainage structures are going to have to go in and this little 600' piece is going to be wrapped up in a much bigger operation. Thank you for listening to me, I would like you to consider the alternatives.

Mr. Cooke stated, the Kranyak easement is for the Water Division only. That is not for everybody else to walk on first. Secondly the pipeline, the way he indicates where he would like it and I can understand his reasoning, is also through wetlands. You have to recognize that the road we put in conforms to the wetlands regulations in pipe size and location. Also, the old pipeline, the old berm they are talking about that was put in around 1928, 1930 has pipes under it to let the water run through. Those pipes are difficult to find but they are there. The water line flows down...the berm actually dammed up the water there years ago but the water moves through there slowly. You will find puddles in there, not lakes. It moves very slowly and follows the path that he indicated on page 2. When we put in piping on the proposed roadway, that piping will be indicative of the flow of the water as the other two, the berm and the road that we built. The berm pipes are in there since 1930. The pipeline, the roadway that we put in, the pipes were in there six months but the water flow has been constant, it has not changed the depths of the water within the wetlands. That area has not changed and I have lived there for sixty-eight years so I have watched it considerably. When Inland Wetlands reviews that they will see the flow lines and will not jeopardize any portion of his property by allowing pipes to be in an area that isn't contiguous with the present flow situation. If, in fact, you look at page 3 and look at the present driveway that we just finished for the Kranyak property, you will see that the dotted line runs through a basic area wetland to get to the 50' piece of property the Town owns.

Mr. Parisi asked Mr. Whitehouse, is your concern solely for your property or for the wetlands?

Mr. Whitehouse answered, for the wetlands. I am currently under construction out there. My septic systems, my drainage systems, everything is in place and that is all based on the existence of the wetlands in the condition area. Should something major happen with those and can cause shifts in drainage patterns and what have you, I could potentially have a real problem on my hands.

Mayor Dickinson stated, Mr. Whitehouse raises a legitimate concern about opening up a roadway that, given what happens in town unfortunately in isolated areas, people use for the wrong reasons. We seriously will deal with restricting traffic on that road until such time as is necessary or it is better policed.

Mr. Parisi stated, we should re-dedicate ourselves to Vietnam Veteran's Park up there, too. If I might make that suggestion.

Mayor Dickinson answered, there are legitimate concerns about people going out and dumping so if we can restrict access, I fully agree with you. That is a worry.

Mr. Cooke stated, I don't think there has been any abuse in the past of the private roads. Kranyak had a gate on his property; I had gates on mine for cattle reasons, but we did not have a problem with people besmirching the dignity of the property. The flow of water on that land will not be impacted. Wherever the pipes are placed, the pipes under the proposed road will keep it in position of the existing wetland. There will be no impact to the wetland other than the road going through.

Mr. Parisi stated, I am concerned about the gentleman's land, will this impact his land?

Mr. Cooke answered, no, it can't flow anywhere else. It will have to flow. That is the lowest point. The water will be directed to the lowest point as all of those pipes...and they are not dug into the ground, they are laid right at the flow line so that it doesn't get buried or gets buried or makes pools or anything else. I would be happy to show anyone the property.

Mr. Parisi asked, will it flow towards his property?

Mr. Cooke answered, it will flow through his property. It flows through everyone's property on that side of the street now until it gets to the brook.

Mr. Parisi asked, when we add a stone surface, will that increase the flow at all?

Mr. Cooke answered, no. It is a slow flow, it is not like a stream. It just mopes through there.

Wes Lube, 15 Montowese Trail asked, did the Town pay for the original right-of-way? We have to be sympathetic to that. It would be untoward to impose on him an expense that he is not willing to bear after having donated the right-of-way over his land. That being the case, the only hesitation on the part of the Town is whether or not his proposed alternative is exactly what we would find to be most receptive. At the time Mr. Cooke changed his 50' right-of-way to that land that he once owned, he did it with the thought in mind that it might facilitate a development in that area, correct?

Mr. Cooke answered, that is correct.

Mr. Lubee continued, with that thought in mind, whereas a utility easement has an altogether different connotation and requirements. I wondered if that 50' right-of-way that you sold to the Town is through someone else's land?

Mr. Cooke answered, no, it was land owned by my family. I own nothing on the other side of the road; the Town bought all that land.

Mr. Lubee stated, it looks like that 50' right-of-way dissected a piece of land.

Mr. Cooke replied, I own that land where those three lots were on that side of Cooke Road. I sold them some time ago; eighteen months or so ago. We did not take land from anyone, we just cut that out because at the time I kept 50' in case there was an opportunity to develop, I wouldn't have a cul-de-sac problem. So that I could put a road through it.

Mr. Lubee asked, do you think that the owners of the land on either side of this 50' strip that the Town has purchased would entertain the possibility of moving the strip to a different location? Why can't we send a representative of Inland Wetlands, John Thompson our Town Engineer and other experts or a representative of the Public Utilities Commission out to see where they would ideally like to see that and if so, just make a swap?

Mr. Cooke answered, the swap would have to be that the gentleman on the other side of that 50' would have to move it to his property which is what is suggested by Mr. Whitehouse. That is not up to me. If the Town owns the land, why wouldn't it be to their benefit to have a road going to the back? If you put a water easement on the land, no one is going to go back there to walk on the property or to drive their car back there or anything else because the Town does not have a driveway on its own property.

Mr. Lubee stated, I am not saying don't have the road or don't have the dirt road. I am saying, maybe the dirt road should be located where it would be more advantageous in terms of the inland wetlands, in terms of the Town's utilities.

Mr. Cooke answered, it won't change the inland wetlands because of the configuration of the land. The water is going to come through there whether the road is 50' one way or another. The unfortunate part of it is, those are straight runs in there. The reason that the road there would be more pragmatic is, underneath the right-of-way for the water line, there is probably seven or eight pipes in there anywhere from 10" to 30" and they are all laid out there. If the Town goes in there and has a problem and has to dig, they going to rip the road up to dig for pipes when they already own 50' next to it that they can just drive

right in and start working. That is the reason I put it there; for facilitating myself in the future if there was one there, which there isn't, but also the Town has an opportunity to use that. They own it. They got the road on their own property and they are right next to their pipeline.

Mr. Lube stated, I don't think the Town could do anything else but have a sympathetic ear to a gentleman who was so cooperative in years past. I just think that now the subject is opened, perhaps we should look at it and find out a little more about it before actually approving the switch.

Mr. Zandri was unable to get the attention of the Chairman to ask for a clarification of the motion.

VOTE: Zandri, no; all others, aye; motion duly carried.

Mr. Zandri asked for clarification of the motion.

Mr. Rys stated, we took it off the table.

Mr. Parisi answered, there was no motion.

Mr. Rys stated, we took it off the table and the original motion was to release an easement across the land owned by John and Ann Kranyak and the building of a driveway by the Kranyaks on the Town property contingent upon approval of all Town agencies including utilities, Planning & Zoning and Inland Wetlands.

Mr. Zandri stated, I thought in the discussion it was determined that they don't own the land anymore that is why I don't understand how we can release an easement off of property that they don't own.

Mr. Rys stated, that is a good point.

Mayor Dickinson explained, the answer to that is that we can release an easement... the request is from someone who is not a property owner at this point but we can release the easement, that doesn't stand in our way at all. It is just a question of getting the approvals to put the access road in elsewhere. We can release that easement even though the applicant here, the party petitioning us, is not a property owner. We are releasing it to the property owners who happen to be out there that is all.

ITEM #10 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property – Mayor

ITEM #11 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes Pertaining to the Discussion of Pending Litigation in the Matter of Route 150 Realty v. Town of Wallingford – Town Attorney

ITEM #12 Executive Session Pursuant to Section 1-200(6)(B) and Section 1-200(9)(c) to Discuss Pending Litigation with Respect to the State Dept. of Public Health/Town Attorney

Motion was made by Mr. Rys to Enter Into Executive Sessions listed above, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Councilor Zappala left the meeting at 9:32 P.M.

The Council entered executive session at 9:32 P.M.

Present in Executive Session were all Councilors with the exception of Mr. Zappala, Mayor Dickinson, Atty. Small and Jeff Borne, Chairman of the Conservation Commission for Item #10 only.

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

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

The Council exited executive session at 10:29 P.M.

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

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

There being no further business the meeting adjourned at 10:29 P.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri
Kathryn F. Zandri
Town Council Secretary

Approved by:

Robert F. Parisi
Robert F. Parisi, Chairman

12-16-99
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

12-16-99
Date

LAZARUS & SARGEANT
ARCHITECTS ♦ PLANNERS ♦ INTERIOR DESIGNERS
50 North Main Street ♦ Wallingford, Connecticut 06492
203/265-3194 ♦ FAX 203/294-1610

RECEIVED
MAYOR'S OFFICE
99 OCT -7 AM 11:55

October 6, 1999

Town of Wallingford
Town Hall
45 South Main Street
Wallingford, CT 06492

Attention: **The Honorable William Dickinson, Mayor**
Project: **Wallingford Town Center - Wooding/Caplan Property**
Re: **Description of Services**

Dear Sir,

As per our conversation concerning the above project, I have included the services that we agreed were necessary to proceed to the next phase of this work.

Those services which complete the schematic site design and planning are as follows:

1. Refine existing design drawings and incorporate existing survey data for greater accuracy, (three site plans exist),
2. Refine existing design drawings to incorporate comments from the North Elm/Academy Street residents,
3. Refine existing design drawings to incorporate commercial property owners (Caplan, Fishbein, Parisi, Gaffey, Dinatale),
4. Adjust existing design drawings to reflect as-built conditions and generate rear facades of commercial properties facing the site,
5. Refine existing, preliminary design of new building at northeast corner of the site,
6. Generate preliminary design for 390 Center Street,

10/06/99

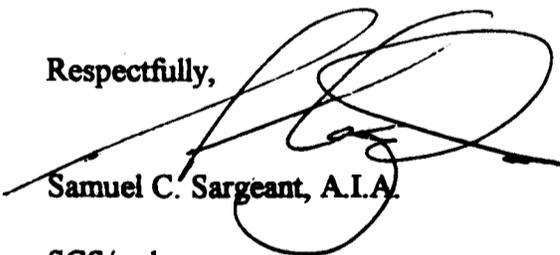
Page II

7. Generate project cost estimate broken down by property owner and as total cost,
8. Generate land area ownership analysis for 'pre-development' and 'post-development' conditions,
9. Attend two public meetings as required,

Based on the estimate of 23 days for the above tasks that we discussed, we expect the fee to be \$ 11,960. This estimate is based on our hourly rates (see the attached sheet) and would be billed monthly. Reimbursable expenses are billed at 1.1 times our costs with invoices available for review. Reimbursable expenses will be limited to multiple copies for meetings and will probably not exceed \$300. Our typical retainer is 15% of the estimated total fee. I suggest that the basis for our agreement will be our standard abbreviated contract.

Please call me if there are any questions.

Respectfully,



Samuel C. Sargeant, A.I.A.

SCS/asd

attachment

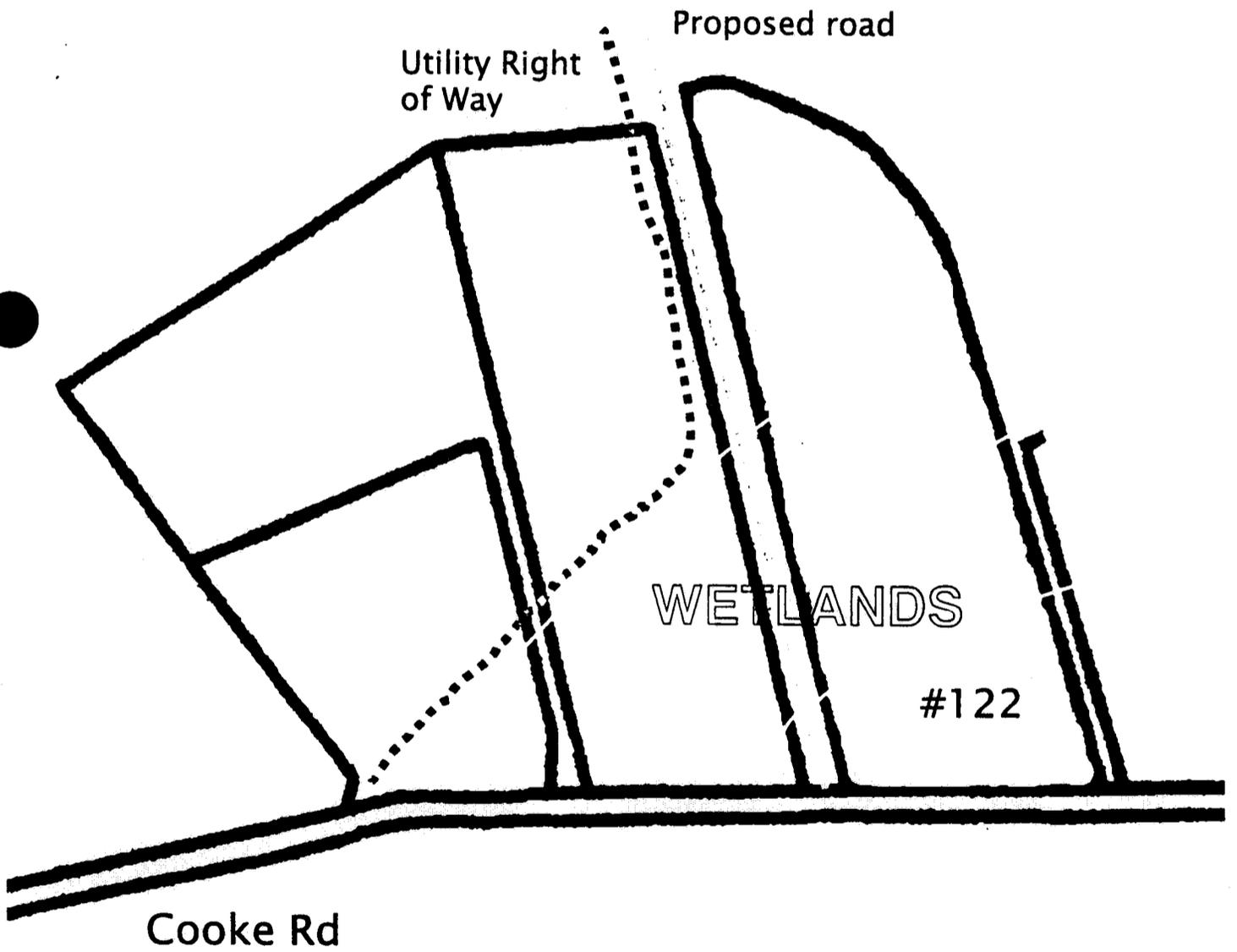


Steven L. Lazarus, A.I.A.

Appendix II
11/9/99 #9

Rec'd. 9:10 pm

(Handwritten signature)



Direction of surface flow into wetlands

Pipeline easement

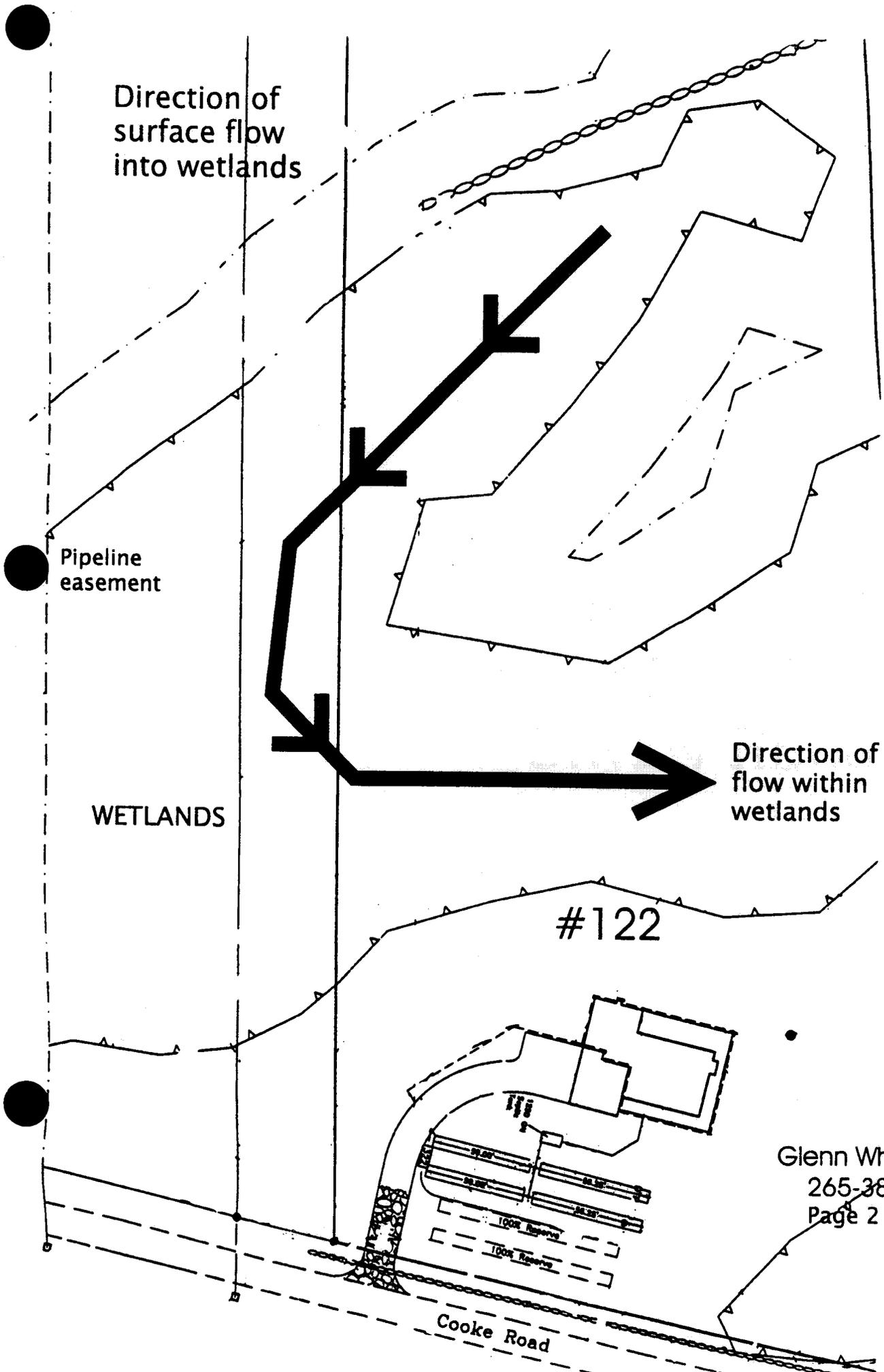
WETLANDS

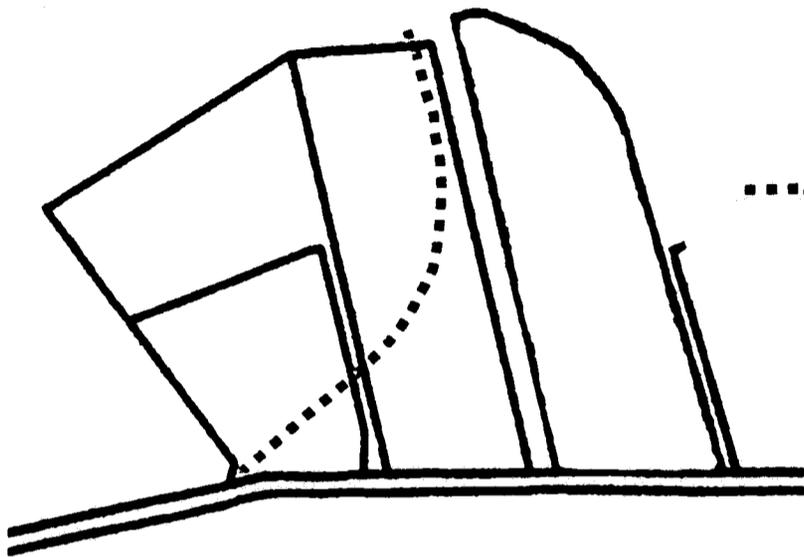
Direction of flow within wetlands

#122

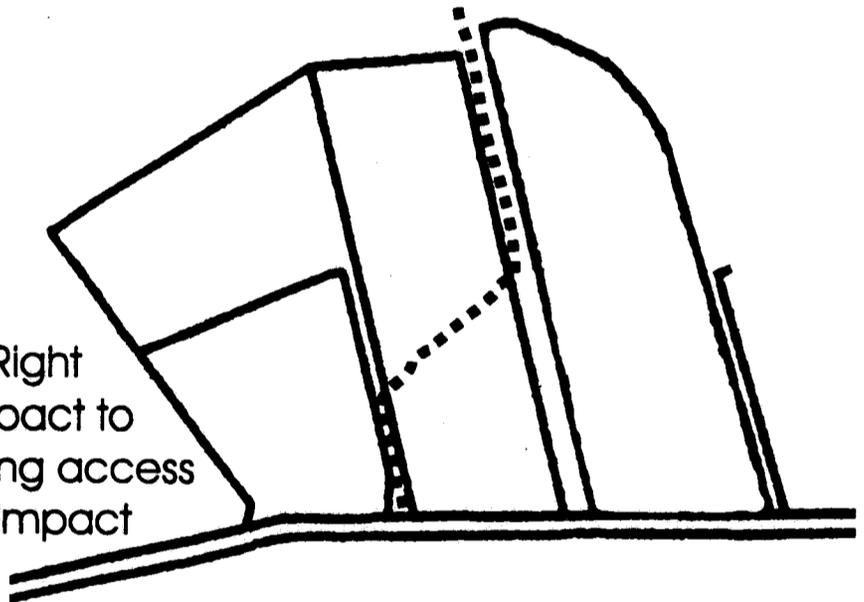
Glenn Whitehouse
265-3858
Page 2 of 3

Cooke Road

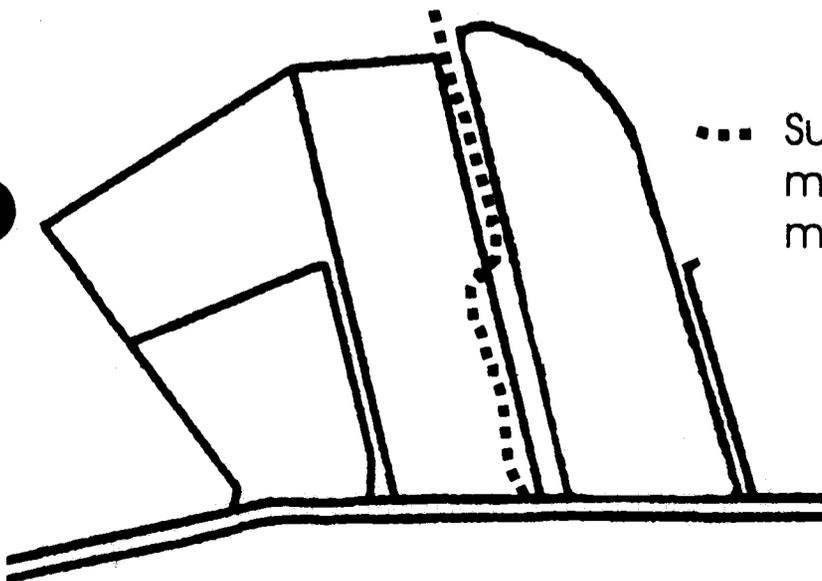




..... Approximate path of existing Right of Way



..... Suggested path of Right of Way reducing impact to landowner, minimizing access issues, no wetlands impact



..... Suggested path of Right of Way minimizing impact to landowner, minimizing wetlands impact.