

February 24, 1987

	<u>Page</u>
Reappointed Mildred M. Dorsey as Alternate to Zoning Board of Appeals, term commencing 1/8/87 and ending on 1/8/92.	1
Appointed George Mazzaferro as Alternate to Planning and Zoning Commission, term commencing 1/8/86 and ending on 1/8/89.	1
Appointed Stephen Horvath, Suzanne Wright and Robert Foggitt to THE HANDICAPPED ACCESS AND ASBESTOS REMOVAL BUILDING COMMITTEE.	1
Approved merit increases for Louis Genovese & James Kirkland.	2
Approved revision to first supplemental agreement to original agreement for the Toelles Road Railroad Crossing Improvements, State Project No. 148-105, increasing the town's estimated share from \$33,000 to \$45,560.	2-4
Adopted resolution authorizing Mayor to file application and enter into contract agreement with the State of Connecticut for a grant for a household hazardous waste collection day, to take place on May 16, 1987. (North East Solvents Reclamation/hauler)	4-6
Waived bidding and awarded 5 year contract to Mr. Robert Donath for lease of parcel number 60 for farmland/\$20 annual rate.	6
Established A/C 001-5011-999-0003 Reconstruction of Carpenter Lane-FIP Share Account & appropriated funds totalling \$7,875 from Unappropriated Fund Balance to account established.	7-8
Approved tax refunds totalling \$2,355.44.	8-9
Approved appropriation of \$2,356 from Unappropriated Fund Balance to Tax Refunds Account.	9
Public hearing set at 8:00 p.m. on March 10, 1987 ON AN ORDINANCE APPROPRIATING THE SUM OF FOUR HUNDRED TEN THOUSAND DOLLARS (\$410,000) FOR COSTS TO BE INCURRED IN CONNECTION WITH THE COVERING OF THE WALLINGFORD LANDFILL, 1987-1988, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.	9
Noted for record financial statements of Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the quarter ended December 31, 1986.	9
Accepted Town Council Meeting Minutes of 2/10/87, as amended.	9
Adopted resolution regarding MUNICIPAL LIABILITY TRUST FUND CERTIFICATION/A Pollution Liability Risk Study and A Liability Risk Study.	9-13
Approved transfer of \$600 to Maintenance Heating System-Senior Citizens Center, Public Works Department.	13
Approved three transfers for the Fire Department:	
\$600 from Hazardous Materials & Supplies to Seminars & Dues	13
\$475 from Paramedic School Mileage to Vehicle Maint./Ambulance	13
\$600 from Tires & Tubes to Vehicle Maintenance/East Wallingford	13-14
	<u>Page</u>
Waived Rule V to discuss transfer of funds for part-time secretary wages and transfer of funds for advertising, Zoning Board of Appeals/tabled item.	13-14
Approved transfer of \$10,000 from Employee Pension and Benefits to Maintenance of Pumping Equipment, Water Division/waived bid and awarded bid to Stephen B. Church Company.	15-18
Approved budget amendment. Water Division, as follows:	
\$10,000 decrease in Chemical Expense	
\$24,000 decrease in Administrative & General Salaries	
\$18,000 decrease in Employee Pension & Benefit	
\$52,000 increase in Estimated Unappropriated Balance	18-22
Established A/C 314-087 Wells & Springs, Water Department, and approved a budget amendment, Water Department, as follows:	
\$52,000 decrease in Estimated Unappropriated Balance	
\$20,000 increase in Wells & Springs	
\$32,000 increase in Filter Plant Pilot Study	22-23

Approved three transfers requested by the Electric Division:	
\$ 1,600 from Maintenance of Structures to Fuel Storage Maint.	156 23
\$ 17,550 from Structures to Transportation Equipment	23
\$100,000 from Substations and \$35,000 from Street Lighting, total of	
\$135,000 to Poles, Towers, Fixtures, Electric Division	23-25
Discussion with PUC pertaining to West View Hills sewer billing problem.	25-33
Executive Session to discuss settlement of the rate case with Northeast Utilities.	33
Meeting adjourned.	34

Town Council Meeting

February 24, 1987

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
  - (2) Public question and answer period.
  - (3) Consider reappointment of Mildred M. Dorsey as Alternate to Zoning Board of Appeals, term 1/8/87 to 1/8/92.
  - (4) Consider appointment of three additional members to THE HANDICAPPED ACCESS AND ASBESTOS REMOVAL BUILDING COMMITTEE, requested by Thomas A. Chicoski, Chairman:
 

Stephen Horvath  
Suzanne Wright  
Robert Foggitt
  - (5) Consider approval of merit increase for Louis Genovese, requested by Stanley A. Seadale, Director of Personnel.
  - (6) Consider approval of merit increase for James Kirkland, requested by Stanley A. Seadale, Director of Personnel.
  - (7) Consider and approve revision to first supplemental agreement to the original agreement for the Toelles Road Railroad Crossing Improvements, State Project No. 148-105, increasing the town's estimated share from \$33,000 to \$45,560, requested by John J. Costello, Town Engineer.
  - (8) Consider resolution authorizing Town of Wallingford to appropriate \$25,000 for hazardous waste collection day and review bids and possibly consider waiving the bidding procedure to award bid to hauler, requested by Councilmen Peter A. Gouveia and Raymond J. Rys, Sr.
  - (9) Consider waiving the bidding procedure and award a five (5) year contract to Mr. Robert Donath for lease of parcel number 60 for farmland at an annual rate of \$20.00, requested by Donald W. Roe, State & Federal Program Administrator.
- Addendum item--Appropriated \$7,875/Reconstruction of Carpenter Lane.
- |   |                   |
|---|-------------------|
| 10) Consider and approve tax refunds in the amount of \$2,355.44: |                   |
| Nicholas Walker   | \$ 106.33         |
| Kim Padgett   | 44.49             |
| Bruce Martell   | 110.19            |
| Ford Arp, Jr.   | 32.40             |
| William & Mary Bahr   | 208.98            |
| Ralph Pagan   | 284.80            |
| James Guimond   | 1,386.72          |
| Oxford Resources Corporation                                      | 19.33             |
| Frances Hastings  | 162.20            |
|   | <u>\$2,355.44</u> |
- 11) SET PUBLIC HEARING ON AN ORDINANCE APPROPRIATING THE SUM OF FOUR HUNDRED TEN THOUSAND DOLLARS (\$410,000) FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL, 1987-1988, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

- (12) Note for the record the financial statements of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the quarter ended December 31, 1986.
- (13) Consider and approve a transfer of \$10,000 from Employee Pension and Benefits to Maintenance of Pumping Equipment, Water Division, requested by Raymond F. Smith, Director of Public Utilities.
- WAIVE  
BID
- (14) Consider and approve a budget amendment, Water Division as follows:  
ESTABLISH \$52,000 decrease in Estimated Unappropriated Balance  
ACCOUNT \$20,000 increase in Wells and Springs and  
#314-087 \$32,000 increase in Filter Plant Pilot Study
- (15) Consider and approve a budget amendment, Water Division, as follows:  
\$10,000 decrease in Chemical Expense  
\$24,000 decrease in Administrative & General Salaries  
\$18,000 decrease in Employee Pension & Benefit  
\$52,000 increase in Estimated Unappropriated Balance
- (16) Consider and approve three transfers for Electric Division:  
\$ 1,600 from account 511 to account 512  
\$ 17,550 to replacement for hydraulic pole derrick and  
auger truck and award bid  
\$135,000 due to extraordinary activities in new line construction
- (17) Discussion with Public Utilities Commission the West View Hills sewer billing problem, requested by Council Chairman David A. Gessert.
- (18) Accept Town Council Meeting Minutes of February 10, 1987.  
Addendum item--Adopted resolution/MUNICIPAL LIABILITY TRUST FUND CERT.
- (19) EXECUTIVE SESSION for discussion of settlement of rate case with Northeast Utilities.

ADDENDA

Consider resolution regarding Municipal Liability Trust Fund.

Consider and approve a transfer of \$600 to Maintenance Heating System-Senior Citizens Center, for Steven L. Deak, Director of Public Works.

Consider and approve three transfers requested by the Fire Department:

- (a) \$600 to Seminars and Dues
- (b) \$475 to Vehicle Maintenance - Ambulance
- (c) \$600 to Vehicle Maintenance - East Wallingford

Consider and approve an appropriation of funds for payment to Corsetti Construction Company for work on Carpenter Lane.

Consider and approve the appointment of George Mazzaferro as an Alternate to the Planning and Zoning Commission. (Term ending 1/8/89)

ITEM 13 - Waiver of bid should be part of this item.

ITEM 14 - Establish new account #314-087 for this item.

2/20/87

Town Council Meeting

February 24, 1987

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:38 p.m. by Chairman David A. Gessert. Answering present to the roll called by Town Clerk Rosemary A. Rascati were Council Members Adams, Bergamini, Gouveia, Holmes, Papale, Polanski, Rys and Gessert. Also present were Mayor William W. Dickinson, Jr., Town Attorney Vincent T. McManus, Jr. and comptroller Thomas A. Myers. Councilman Killen was not present. The pledge of allegiance was given to the flag.

Mr. Gessert stated that the reason Mr. Killen was not present for the meeting was because his mother passed away over the weekend and her funeral was today.

Public question and answer period.

There were no questions from the public.

ITEM 3. Consider reappointment of Mildred M. Dorsey as Alternate to Zoning Board of Appeals, term 1/8/87 to 1/8/92, moved by Mrs. Bergamini and seconded by Mr. Rys. 158

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

A motion was made by Mrs. Papale to move up the Addenda Item, Consider and approve the appointment of George Mazzaferro as an Alternate to the Planning and Zoning Commission (Term ending 1/8/89), seconded by Mr. Gouveia.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

Mrs. Papale made a motion to approve the appointment of George Mazzaferro as an Alternate to the Planning and Zoning Commission and added that Mr. Mazzaferro was nominated by the Democratic Town Committee at the last meeting, seconded by Mr. Gouveia.

VOTE: Unanimous ayes with the exception of Bergamini and Gessert who passed and Mr. Killen who was not present; motion duly carried.

Mr. Gessert stated that this appointment will be brought up at the next meeting and Mr. Mazzaferro will be sworn in.

ITEM 4. Consider appointment of three additional members to THE HANDICAPPED ACCESS AND ASBESTOS REMOVAL BUILDING COMMITTEE, Mr. Stephen Horvath, Suzanne Wright and Mr. Robert Foggitt, moved by Mrs. Bergamini and seconded by Mrs. Papale.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 5. Consider approval of merit increase for Louis Genovese, requested by Stanley A. Seadale moved by Mr. Rys and seconded by Mr. Holmes.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 6. Consider approval of merit increase for James Kirkland, requested by Stanley A. Seadale, moved by Mr. Rys and seconded by Mrs. Bergamini.

Mr. Rys stated that these items were on the Agenda because they were recommended by the Merit Review Committee.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 7 Consider and approve revision to first supplemental agreement to the original agreement for the Toelles Road Railroad Crossing Improvements, State Project No. 148-105, increasing the town's estimated share from \$33,000 to \$45,560, moved by Mr. Holmes and seconded by Mrs. Papale.

Mrs. Bergamini read Mr. Costello's letter dated February 9, 1987 which was addressed to Mayor William W. Dickinson, Jr.

Dear Mayor Dickinson:

On November 25, 1986, the Town Council approved the first supplemental agreement to the original agreement for the subject project. On Page two, paragraph (1), of the supplemental agreement, the Town's estimated share (10%) of railroad and State work is indicated as being \$33,000. Subsequent to the execution of the supplemental agreement by the Town but prior to the execution by the State, Conn DOT received a new construction cost estimate from the railroad which will increase the Town's estimated share (10%) to \$45,560. The State has returned three (3) copies of the supplemental agreement and requested that we replace page two with a revised copy with the demand deposit for construction of \$45,560. indicated thereon. A copy of Conn DOT's letter of January 15, 1987 is attached hereto for your information.

159

We have requested and obtained additional information from Conn DOT concerning this increase in construction cost estimates. A copy of their letter of February 2, 1987 and enclosed Amtrak estimates are also attached hereto. Please note that the increase in Amtrak's cost estimate appears to be primarily due to an increase in labor costs and that State cost estimates have not increased. A summary of construction cost estimates at this time is as follows:

<u>Toelles Road Item</u>	<u>Total Cost</u>	<u>Town's Initial Cost</u>	<u>Town's Final Cost</u>
Roadway Reconstruction	\$80,500.00	\$80,500.00	\$8,050.00
Traffic Signal	\$7,500.00	\$7,500.00	\$7,500.00
Railroad & State	<u>\$455,600.00</u>	<u>\$45,560.00</u>	<u>\$45,560.00</u>
Totals	\$543,600.00	\$133,560.00	\$61,110.00

In the 1977-78 capital budget, the Town appropriated \$36,400.00 for this project. In the 1985-86 budget, the Town appropriated an additional \$105,000.00 bringing the total appropriation to \$141,400.00. This appropriation would appear to be adequate to cover the Town's initial costs despite the increase in the estimated cost of railroad work.

We respectfully request that you place this revision to the first supplemental agreement on the next council agenda. We still anticipate a spring 1987 construction start on this long awaited project.

Mr. Gessert asked for clarification from the Mayor and Mr. Myers on why they show Town's Initial Cost at one price and Town's Final Cost in two different columns.

Mr. Myers explained that we have to spend the money up front and then they get reimbursed by the State of Conn. at a later date.

Mrs. Bergamini asked Mr. Myers how late he means when he says "at a later date".

Mr. Myers replied that by time the State DOT gets through auditing the actual job site and then they get through auditing the finances on it, it can run into a lengthy period of time.

Mr. Holmes asked if the amount will be in a lump sum or will they spread it out over a number of years?

Mr. Myers answered that they will pay it back in a lump sum.

Mrs. Bergamini asked Mr. Myers if any funds had to be appropriated and Mr. Myers said no.

Mayor Dickinson added that the demand deposit has been increased.

Mr. Gouveia asked that regarding the traffic signal, we are paying \$7,500.00, both the initial cost and the final cost, on the railroad, the same thing, but on the road construction, we are only paying 10% of the final cost of the initial cost, why is that different?

Mr. Myers answered stating that the State will not participate in the signal, they will only participate in the improvements to the grade and construction.

Mr. Gessert commented that the amount of \$543,600.00 is an incredible amount.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 8. Consider resolution authorizing Town of Wallingford to appropriate \$25,000 for hazardous waste collection day and review bids and possibly consider waiving the bidding procedure to award bid to hauler.

Mr. Gouveia stated that the Committee on Hazardous Waste has been meeting on a weekly basis and met last night to review repropoals that were submitted to the Committee for the hauler what we decided to do at this time, was to come to the Council with a resolution. The Mayor and Tom Myers will have to sit down with the Committee and come up with a budget for the collection day itself. The resolution is being placed in front of you and after speaking to Tom, he assured me that we don't have to have a price figure at this point. That will be decided at a later date. What we are looking for is 1. to adopt a resolution and 2. to act on the hauler that the Committee has selected.

Mr. Rys read and moved the following Resolution:

Resolution

Whereas it is recognized that hazardous waste poses a threat to the environment and to public health when it is not properly disposed of; and

Whereas hazardous waste is known to be present in virtually all households in the form of numerous products, such as cleansers, polishes, and automotive and gardening fluids; and

Whereas it is an important obligation of government to educate citizens about the dangers of household hazardous waste and to provide citizens with an opportunity to properly dispose of such material;

Now, therefore, it is resolved by the Wallingford Town Council to authorize the Mayor to file application and enter into contract agreement with the State of Connecticut for a grant for a household hazardous waste collection day in the Town of Wallingford, to take place on the 16th day of May, 1987, seconded by Mr. Gouveia.

Mr. Gouveia added that Mr. Rys is one of the coordinators of this committee and he has been at every meeting since this started.

Mr. Gouveia added that he does not want the Council to adopt this Resolution if the Town Attorney has any objections.

Attorney McManus commented that the Resolution failed to identify the hazardous waste. It is not a legal comment.

Mrs. Bergamini pointed out that the Agenda item stated that they were going to be seeking to appropriate \$25,000.00.

Mr. Rys explained that they did want to consider the Resolution but the money will be handled through the Mayor's Office and Mr. Myers. That is the only thing that was changed.

Mr. Musso commented that Cyanamid is paying to have the hazardous waste removed and added that they are only going to allocate \$10,000.00.

Mr. Gessert explained that the bottom line is that we have to appropriate the money. After, the State will reimburse us for 50% of the cost and Cyanamid will make a contribution and whatever is left, we are going to pay. What we pay is going to be smaller than this, but we have to put the money up front before we get it back. Most of it will come back.

Mr. Polanski asked if the State was going to give this as a lump sum grant or do we have to wait?

Mr. Myers explained that he understands that it would be a lump sum payment after the program was completed and you submitted the expenses and the appropriate documentation to the State. They pay you a lump sum of allowable costs.

OPE: Unanimous ayes with the exception of Killen who was not present; motion duly carried.

motion was made by Mr. Gouveia to accept North East Solvents Reclamation Corporation as the hauler for the collection day of May 16, 1987, seconded by Mrs. Papale.

Mr. Gouveia added that they had three bids and this one was cheaper and they do take aerosal cans which other haulers will not.

Mr. Gessert asked what the amount of the quote was by this firm.

Mr. Gouveia explained that it is very difficult to determine what it is going to cost the town or the state. The price is determined by a \$3,500.00 set up fee plus \$250.00 for a 55 gallon drum. The difference between this proposal and other proposals is that they will be able to consolidate a lot of the material where other companies would not be able to consolidate. You have less barrels, so it is cheaper. 161

Mr. Rys commented that the only comments he has about North East Solvents Reclamation Corp. is that after the committee looked over the proposals, it was very difficult because one gave you a set-up fee and a per barrel fee, one who gave you no set-up fee and was offered a 10% discount to the town if we had this scheduled prior to April 1987 but then they were talking so much per barrel, they did not consolidate or take care of aerosol cans, then they charge you for the tractor trailer to go to Niagara Falls and then they charge you for the disposal. A lot of thought went into these. I checked a couple of references on them. The Town of West Hartford, who used this company as their collection agency last year, were completely satisfied with them. The Town of West Hartford has a total household population of approx. 21,000 as compared to Wallingford's 14,000. At their collection, they had a total of 90 barrels which amounted to 72 55-gallon barrels and 18 35-gallon barrels. There is no way you can figure out what is going to happen in Wallingford. This is certainly going to help out the environment and hopefully continue on.

Mr. Gessert commented that Mr. Rys feels that this is the best bid and Mr. Rys agreed.

Mr. Adams asked if this was going to include the schools.

Mr. Gouveia answered that this does include schools but not industry.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 9. Consider waiving the bidding procedure and award a five (5) year contract to Mr. Robert Donath for lease of parcel number 60 for farmland at an annual rate of \$20.00 moved by Mrs. Bergamini and seconded by Mrs. Papale.

Mrs. Bergamini read a letter dated February 18, 1987 to Mayor Dickinson from Donald W. Roe, State & Federal Program Administrator:

Last year the Council authorized a continuation of the farmland lease program for another five (5) year cycle. Bids for all parcels were solicited through the normal bidding process of the Town. Bids were received for all parcels except one, number 60 located off Woodhouse Avenue. Subsequent to the completion of the bidding process the previous renter of that parcel contacted this office and indicated an interest in continuing to rent that parcel. Evidently, due to an incorrect address from this office he never received notice of the bid nor did he see the legal notice and publicity in the newspaper.

Given the fact that the public solicitation netted no new interest in this parcel, it would not seem cost-effective to re-advertise just for this parcel alone; therefore, it is my recommendation that Council approval be sought to waive the bid and award a five (5) year contract to Mr. Robert Donath for lease of parcel number 60 at an annual rate of \$20.00. This amount is comparable to the bid amounts for other parcels restricted to grass or alfalfa.

Mr. Gessert asked Mr. Roe how many acres this included and Mr. Roe replied two acres.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

A motion was made by Mrs. Papale to move up Addenda Item - Consider and approve an appropriation of funds for payment to Corsetti Construction Company for work on Carpenter Lane, seconded by Mr. Rys.

Mr. Costello explained that \$2,500.00 should be added to the appropriation.

Mayor Dickinson asked why this amount was changed and Mr. Costello

explained that there were two items. They were holding back half of the digging cost which is \$5,375.00 and \$2,500.00 from the retainage. They are holding back \$7,875.00. 162

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

A motion was made by Mr. Rys to appropriate funds totaling \$7,875.00 from Unappropriated Fund Balance to Reconstruction of Carpenter Lane-FIP Share, and ESTABLISH new Account called Reconstruction of Carpenter Lane - FIP Share Account # 001-5011-999-0003, seconded by Mrs. Bergamini.

Mr. Costello explained that they have a contract with the Corsetti Construction Company to reconstruct and rebuild Carpenter Lane from approximately the driveway to Bristol-Myers to High Hill Road. We are sharing that cost with the FIP Corporation. When we sent the last invoice to the FIP Corporation for their payment, they informed us that they would withhold a total of \$7,875.00 because of an unsettled dispute between the Town, FIP and the DeFelice Company on the Research Parkway construction project. This puts Corsetti Construction in the middle. It is not a question of if there is enough money in the account, there is more than enough money in the account. The Comptroller felt that this was the only way we could handle this.

Mr. Gessert asked Mr. Costello what account he was talking about and Mr. Costello explained that it is in the account to rebuild, reconstruct Research Parkway and Carpenter Lane, \$1.2 million in the total account.

Mr. Gessert asked why they weren't taking it out of that account and Mr. Myers replied that the Ordinance is for 50% of the cost of the project, the 50% being representative of the town's share only. From the opinion of his Bond Council and Attorney, we can expend funds on behalf of FIP Corporation. The bond was representative of the Town of Wallingford's share only, the Ordinance was for Town of Wallingford's share only, not Town of Wallingford's share in advances for FIP Corp. Therefore it is restricted by covenant.

Mr. Gessert commented that in the print-out that the Council receives every month, it shows a lot of money left on the Med-Way Road.

Mr. Costello asked if that was \$95,000 and Mr. Gessert said that he believes so.

Mr. Costello commented that that account was set up several years ago in anticipation of Travelers. Nothing was ever expended from that account and that account has since been cancelled.

Mr. Gessert asked if we were going to go after FIP Corp. for this.

Mayor Dickinson explained that we feel FIP is obligated to pay the 50%. They are claiming that we are obligated to pay a claim which consists of cleaning of a pipeline on Research Parkway and we claim that we are not obligated to do that so, they are holding up one money for these dollars to pay on the cleaning claim. We have to resolve this but we don't want to hold up Corsetti Construction who is caught in the middle.

Attorney McManus explained that this claim goes back three years and now they are sandbagging us. I told them three years ago to go ahead and sue us, so now they are trying the Japanese approach.

Mr. Gouveia asked who contracted Corsetti and Mr. Costello replied that the Town has a contract with Corsetti.

Mr. Gessert asked Attorney McManus if justice was going to be done on this case and Attorney McManus replied that "you can bet the farm on it".

Mr. Gouveia added that since we are the ones that contracted Corsetti, we have to render justice here.

Mayor Dickinson explained that what this dates back to is the dispute on Carpenter Lane between FIP and the Town, FIP feeling that they only were obligated to do half or 3/4 of Carpenter Lane with us feeling that all of Carpenter Lane had to be done. There has been a lot of argument over every part of this, then the DeFelice issue came up with the cleaning of pipes and they feel that we are part of that and we don't feel we are so, here we go back into the Carpenter Lane issue.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

163

ITEM 10. Consider and approve tax refunds in the amount of \$2,355.44:

Nicholas Walker	\$ 106.33
Kim Padgett	44.49
Bruce Martell	110.19
Ford Arp, Jr.	32.40
William & Mary Bahr	208.98
Ralph Pagan	284.80
James Guimond	1,386.72
Oxford Resources Corporation	19.33
Frances Hastings	162.20
	<u>\$2,355.44</u>

moved by Mr. Holmes and seconded by Mr. Rys.

Mr. Gessert explained that these are overpayments of taxes and the people would like to get their money back.

Mr. Myers added that he reviewed these with the Tax Collector and these are all overpayments on the 1985 list and the money is due back to the taxpayer. The paper work is in order.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 10a. Mrs. Bergamini moved the appropriation of \$2,356 from Unappropriated General Fund Balance to Tax Refunds Account No. 001/1420/800/8900, seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 11. SET PUBLIC HEARING ON AN ORDINANCE APPROPRIATING THE SUM OF FOUR HUNDRED TEN THOUSAND DOLLARS (\$410,000) FOR COSTS TO BE INCURRED IN CONNECTION WITH THE COVERING OF THE WALLINGFORD LANDFILL, 1987-1988, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION on March 10, 1987 at 8:00 p.m. moved by Mrs. Bergamini and seconded by Mrs. Papale.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 12. Note for the record, the financial statements of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the quarter ended December 31, 1986 moved by Mr. Rys and seconded by Mrs. Bergamini.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 18. Accept Town Council Meeting Minutes of February 10, 1987, amended, moved by Mrs. Bergamini and seconded by Mr. Polanski.

Mr. Rys pointed out 3 errors: on page 13, item 7, He was present and voted no; on page 16, item 13 second paragraph, Mr. Polanski asked Mr. Devine not Mr. Rys and on page 8, item 4 - Mr. Holmes moved..... seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

Addenda Item. Consider resolution regarding Municipal Liability Trust Fund.

Mr. Roe explained that last year the Legislature adopted a Grant Program called the Municipal Liability Trust Fund. Approximately one month ago, there was an orientation meeting, OPM has now gotten the Grant Manual developed and there was a program indicating to provide orientation to municipal people with the allowable projects. Based on that, inhouse administratively developed two projects for submittal to you. Those projects that are looking at lost control activities that are pollution related are paid at 100%. The others that are non-pollution but address liability issues are at 90% with a 10% match. The first project that we are proposing is in fact a Pollution Liability Risk Study, that would



Location and Description of Project:

A study of pollution and pollution abatement at the Oak Street Wallfield. Town of Wallingford

State Grant Requested: \$40,000.00

Local Match (if required): ---

THAT ten percent of the project cost will be provided from non MLTF sources for any activity that is not a pollution liability risk survey or a pollution loss control activity;

THAT if the project is cancelled or if a project costs less than estimated, unused funds must be returned to the MLTFC immediately. If grant funds remain unexpended 6 months after a project's estimated completion date, the unused funds should be returned to the MLTFC or an application requesting extension of the project should be made accompanied by a project status report.

THAT each grantee will be required to maintain a detailed accounting record of the project listed above and ensure that clear and concise audit trails are maintained at all times. It is not necessary that a separate bank account be maintained for each project.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

CERTIFICATION

I, \_\_\_\_\_, duly appointed Town/City Clerk

of \_\_\_\_\_, do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the \_\_\_\_\_ of \_\_\_\_\_  
(Legislative Body) (Public Entity)

Signature

seconded by Mr. Rys. As part of the same motion, Mrs. Bergamini read the following Resolution with the insert: (feasibility plan and implementation study):

**Municipal Liability Trust Fund Certification**

RESOLUTION

BE IT RESOLVED BY TOWN COUNCIL OF WALLINGFORD  
(Legislative Body) (Public Entity)

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

is hereby authorized to execute for and in behalf of the Town of Wallingford, a public entity established under the laws of the State of Connecticut, this application and to file it with the Municipal Liability Trust Fund Committee (MLTFC) for the purpose of obtaining financial assistance under the Municipal Liability Trust Fund Program established under Public Act 86-350.

THAT (1) the project listed below for which grant assistance is requested is a municipal liability survey or activity (2) the project was authorized by the Town/City of Wallingford on \_\_\_\_\_. The project is:  
A Liability Risk Study

Name of Municipal Liability Project: \_\_\_\_\_

Location and Description of Project:

A feasibility study to establish a self-insurance program for general, property and auto liability in tandem with implementation of risk management program. Town of Wallingford (feasibility plan and implementation study)

State Grant Requested: \$37,280.00

Local Match (if required): \$4,142.00

THAT ten percent of the project cost will be provided from non MLTF sources for any activity that is not a pollution liability risk survey or a pollution loss control activity;

THAT if the project is cancelled or if a project costs less than estimated, unused funds must be returned to the MLTFC immediately. If grant funds remain unexpended 6 months after a project's estimated completion date, the unused funds should be returned to the MLTFC or an application requesting extension of the project should be made accompanied by a project status report.

[HA] each grantee will be required to maintain a detailed accounting record of the project listed above and ensure that clear and concise audit trails are maintained at all times. It is not necessary that a separate bank account be maintained for each project. 116

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

CERTIFICATION

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

\_\_\_\_\_  
Signature

seconded by Mr. Holmes.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

Addenda Item. Consider and approve a transfer of \$600 to Maintenance Heating System - Senior Citizens Center, moved by Mrs. Bergamini and seconded by Mr. Holmes.

Mr. Gessert asked Mr. Deak why they needed repair if this was a new heating system.

Mr. Deak replied that they are having trouble with the automatic feeder. They have to replace the feeder and the regulator.

Mr. Gessert asked if they had a warranty and Mr. Deak replied that the warranty has run out.

Mr. Polanski asked how much money was left in the Oil Account.

Mr. Gessert commented that list from some departments regarding their Oil Accounts and the only detailed report which told how much was budgeted, how many gallons, and the price and the difference they have left was Mr. Deak's. The others were not as complete.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

Addenda Item.A. Consider and approve the transfer of \$600 from Hazardous Materials & Supplies to Seminars & Dues, moved by Mr. Rys and seconded by Mrs. Bergamini; requested by Chief McElfish, Fire Dept.

Mr. Gessert explained that this seminar in Philadelphia, Pa., which will be addressing the handling of hazardous waste, so the Chief has requested to attend along with Lt. Mike Callan, the head of the hazardous materials team.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

B). Consider and approve the transfer of \$475.00 from Paramedic School Mileage/Cont. Ed. to Vehicle Maintenance, moved by Mr. Rys and seconded by Mrs. Bergamini.

Mr. Gessert asked what the mileage was on the 1980 Ambulance and Chief McElfish stated that he did not know. He took a guess and said it should be around 60,000 or 70,000.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

C). Consider and approve the transfer of \$600.00 from Tires & Tubes to Vehicle Maintenance Account, moved by Mr. Rys and seconded by Mrs. Bergamini.

Mr. Rys explained that the Vehicle Maintenance Account balance is insufficient to cover maintenance for the balance of the Budget Year,

for the East Wallingford Volunteer Fire Department.

Mr. Gessert asked if the order has been placed for the new truck.

Chief McElfish added that he just got the P.O. back on the ladder truck and they were processed the next day. The ladder truck is in process and the pumper should come tomorrow.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

Mr. Rys asked if it is on a computer where they respond to alarms that deal with particular outfits?

Chief McElfish did not believe so but said he would check.

Mr. Rys asked if Chief McElfish was aware that a considerable amount of false alarms deal with private companies?

Chief McElfish replied that it is not so much false alarms as it is the system that senses a problem, which sets it off. A bug in a smoke detector can set it off. A lot of times, the facilities are not maintained and another problem is workman will go into a facility and hit the alarm system and then we get activated.

Mr. Rys commented that if you are a private company and you have one of these private outfits, I would think that they would have a force out there so we, as a Town, don't have to continuously be sending out vehicles on something that we don't consider a false alarm, but is actually poor maintenance on the part of the company.

Mr. Gessert added that with the Ordinance we have, we can start billing them.

Mrs. Bergamini asked Chief McElfish if we bill now and he responded no and added that the Police Department was involved in that. We have run into a problem recently with the weather problems. He added that he will have the Fire Marshal investigate that. In some facilities, we have cut back to a single engine response. We have the liability so we have to go. If we don't go, we have to send somebody. When they were working on Parker Farms, we were getting daily calls from the master box. The system senses that there is a problem and is just doing it's job.

Mr. Rys added that it is up to the private companies to make sure these systems are maintained properly.

Mr. Gessert suggested that they should sit down and discuss this problem.

Mrs. Papale made a motion to WAIVE RULE V to discuss the transfer of funds for P. T. Secretary Wages for the Zoning Board of Appeals, seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

A motion was made by Mrs. Bergamini to discuss the transfer of funds of \$2,600.00 from Contingency Reserve for Emergency to \$1,300 to P.T. Sec'Y Wages and \$1,300 to Advertising, seconded by Mrs. Papale.

Mrs. Papale commented that she feels that the Secretary is making too much money. She asked if anyone knew what her hourly rate was.

Mrs. Bergamini replied: \$50.00 for appearing at the meeting.

Mayor Dickinson suggested that if they don't have the information they need, they can table it until a later date.

Mrs. Bergamini added that at Budget Session, he was told the salary was too high. The Council stipulates that the going rate for Secretaries is \$8.00 per hour.

Motion was made to TABLE this item until a later date by Mrs. Papale and seconded by Mr. Gouveia.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 13. Consider and approve a transfer of \$10,000 from Employee Pension and Benefits to Maintenance of Pumping Equipment, moved by Mr. Holmes and seconded by Mr. Rys.

168

Mr. Holmes explained that this is to replace a reservoir transfer pump at the Ulbrich Reservoir pumping station which was damaged beyond repair due to excessive wear.

Mr. Gessert pointed out that this problem was brought before the Council a short time ago.

Mrs. Papale asked if the only reason that they were going with Steven B. Church Company is because of availability?

Mr. Mascia replied that this is the primary concern right now and added that the low quote is still Steven B. Church with the crane demming pump at \$9,000 but, because of the lead time for that pump, at least 4 weeks and they couldn't come up with a firm figure on it because the pump that was in stock has been sold. They weren't sure how long it would take to put a new pump together and ship it. We could be looking at as much as 5 to 6 weeks before we had the pump in place and running. I don't think we can afford that much down time. The other pump is identical to the existing pump. They will comit to this 1 week delivery and 1 week installation. I think it's worth the extra \$500.00.

Mrs. Papale asked what cavitation was and Mr. Mascia explained that cavitation occurs when a pump is starved for water. Basically, there is not enough water to meet the horsepower requirements and basically, you create a Vacumn at the suction of the pump. When that occurs, that vacumn causes successive wear on most of the parts in the assembly, the metal starts to deteriorate and we believe that's what happened here. We also have suspicion to believe that the same thing is happening to the MacKenzie Pump which is in operation right now. Part of this job entails going back to that pump and pulling it out and taking a look at it and replacing the basket assembly with a whirlpool breaker which this manufacturer claims will solve the problem and hopefully save that pump.

Mr. Rys asked if there were any warranties or guarantees that come with this.

Mr. Mascia replied that when he asked for quotations, he asked that they enter whatever warranties were available either from the manufacturer or suppliers. Suppliers in general, don't warranty other than for their workmanship. They can't guarantee that a particular pump is going to work in an application without qualification. The manufacturer stands behind the pump with a 1 year warranty against manufacturing defects. If we install this pump and for whatever conditions are there that are creating this cavitation, if they continue to occur, they are not going to guaranty that the pump is not going to deteriorate again. They can't warranty against something that is beyond their control. One of the biggest factors with this cavitation problem is, we several years ago, I think you remember there was a major expenditure to upgrade these stations as well as Well #2 was to increase the capacity which was in response to the drought we had in 1981/1982 and we basically took a pump station that was designed to handle 2,200 gallons a minute and put in pumps to deliver 3,000 gallons a minute so we made a substantial increase in capacity by changing only the pump itself without changing the suction conditions and the delivery pike and so forth. We are putting in as big a pump as we can fit in that can and the rationale is that we need the water. We need to move that much more water, to satisfy demand so we are running into these problems because of that because we are putting a big pump in a very small pump station.

Mr. Gessert asked if any of these things will correct this problem and Mr. Mascia replied that these people think this will correct the problem. We installed trash screens because one of the problems we were having before was because we were bringing debris into the pump which was causing it to accelerate the wear. That took care of the trash problem but it has caused more cavitation to occur because the screen clogs up.

Mr. Rys asked if there was an automatic shutdown in case the area that the water is coming through becomes clogged?

Mr. Mascia explained that there is an over-ride on the wet well. If the level of the water in the wet well drops below a certain level, the pump will automatically shut off. If the in-take pipe were to clog, there is an outside screen and if for any reason we fail to get water into the pump can, which is a vertical shaft, that would shut it down. With the condition of the cavitation, there is no instrumentation on there

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

170

ITEM 15. Consider and approve a budget amendment, Water Division in the amount of :

\$10,000	decrease in Chemical Expense
\$24,000	decrease in Administrative & General Salaries
\$18,000	decrease in Employee Pension & Benefit
\$52,000	increase in Estimated Unappropriated Balance

moved by Mr. Rys and seconded by Mrs. Papale.

Mr. Denison explained that there are two explanation letters written by Mr. Smith.

Mr. Holmes asked Mr. Mascia if he was aware of the Well Study discussed earlier and Mr. Mascia replied yes and added that that money does apply in this instance.

Mr. Mascia explained that the pilot work has been revolving since this past August around investigating the MacKenzie Treatment Plant and trying to determine a range of treatment process equipment that we could fit into that plant to upgrade it, increase it's capacity and insure that we would meet the upcoming changes in the Safe Drinking Water Act Amendments as well as existing requirements and basically doing it in an economical fashion. We hired the firm of Whitman and Howard to administer that phase of the feasibility study. This latest round has basically given us greater insight to some of the difficulties in the treatment process that would be required at MacKenzie Reservoir. We are concerned that in the upcoming Drinking Water Act, there is going to be a great deal of emphasis placed on eliminating organics that react with chlorine to form possible carcinogenic material. There are current limitations in those parameters and currently our system meets those standards. We are not sure when they change and if we will meet those new standards.

Mr. Gessert commented that he remembers talking about the ozone treatment and Mr. Mascia replied that they did run a pilot on the ozone and the ozone was not entirely effective. The reason you would use ozone, is in the pre-treatment and the idea is to oxidize the organic matter in the water prior to chlorination and it wouldn't eliminate chlorination. The final step in any scenerio is likely to include chlorine as the last step so, the hope would be to get rid of the organics before you introduce the chlorine so you don't create these secondary compounds. We are not sure if it would really work, the results are marginal. We are doing some pilot work in the existing plant to evaluate chlorine-dioxide, to see how this reduces these organics prior to the chlorination.

Mr. Gessert: We were talking \$10 million to \$15 million dollars for the conventional plan, then we were talking approximately \$6 million to \$7 million to retrofit the existing plant, now what are we talking about?

Mr. Mascia replied that they cannot do the kind of retrofit for the budget that was proposed, that we would be looking at much more equipment than was envisioned, much more chemicals and a more complicated process, not only in terms of capital costs, but in operating expense. We would need more manpower to run it, maintain it and more skilled people to run it. The basic problem is that the MacKenzie source is a very small body of water and has a very large water shed. As far as it impacts on quality, it turns over very rapidly, a rain storm flushes the reservoir so that the water quality can change overnight and we saw this in the pilot study. We are out there for 8 hours a day during the daylight hours and when we ran into difficulties in the past, we always had the luxury of going off line. If we couldn't treat the water, we would shut the plant down and we would use Paug Pond water as a basic supply for the town during that period. If we build this new treatment plant, we do not have that option anymore. We have to stay on line 24 hours a day and treat anything that comes down the pike. What comes down the pike is a witch's brew. It's not that we can't devise a process that will treat it, I am not sure that we want to run that process. At this point, it would be wise to spend more time and some additional monies to look at another avenue that's been ignored up till now and that is relocating the plant to Paug Pond.

Mr. Gessert commented that the only thing that he has seen on Paug Pond is a little strip of narrow road that runs along the edge of Whirlwind Hill. Is there enough room to build a plant out there?

Mr. Mascia replied that they have extensive land holdings along Paug Pond which as you can see from the road, is a very narrow avenue. To the

171  
south and east of South Branford Road, we have a large piece of land. There had been a previous study to look at that land there to see if we could site a plant there. It is a viable site but, the real reason for looking at is to look at it in terms of an economic study. We want to compare all of the options that have been thrown at us. We want to narrow it down to three avenues and that is to complete the study that is going on at the MacKenzie Rehab and we will have some numbers on what it will cost us to rehab that and what kind of capacity. One of the concerns that I also have is that as we have gotten into this feasibility study, we've had to downsize that plant. The original figures were in the neighborhood of 14 million gallons a day capability. We are now down to somewhere less than 10. I am not sure that this will meet our needs for the future. We want to complete this study. We also want to look at a new plant at MacKenzie, and reanalyze it economically. The third alternative would be to site a plant at Paug Pond and look at the appropriate process that would be plugged into that plant. We have already done some of the piloting work in this phase of the study. We want the equipment that we have on Paug Pond Water so we have some of the initial data available to give us a base line to work from. The study that is being suggested here, is to take basically all of the available data, put it all together and make a good economic analysis of the various options based on what we know now. We have learned a lot of valuable information from the pilot studies, and find out what's the cheapest alternative and put a budget number on it. That's what we intend to do with this. There is an impact to doing this. We are under compliance order from the State which has a rigid schedule attached to it. We've been in contact with the State, we've met with them and gone through the options with them. They see merit in looking at these other options. They have not given us the final go ahead on it but, we believe that they will go forward with it as long as there is not a major setback to our schedule.

Mayor Dickinson asked if the State is reviewing all of our pilot studies and Mr. Mascia replied that they have been submitted a preliminary report on the pilot work that has been done to date. They will get the final report on the MacKenzie when it is completed.

Mayor Dickinson asked if the State reviews our findings as far as certain types of treatment and how effective it is.

Mr. Mascia commented that if we can't demonstrate that it is effective, then we will not get the go ahead to construct so, we also have to face the Regulatory Agencies with those decisions. If we can initiate this phase of study by April 1st, then we could get it completed in 12 weeks time and at the end of those 12 weeks, we will have a conceptual design. We have asked Whitman and Howard to give us a scope of work to extend the study into that phase and make a recommendation at the end of it as to where the plant should be and what form it would take, what would be the most appropriate process to plug in there.

Mr. Rys: If you go to a new Water Treatment facility up in the Paug Pond area, are we still going to maintain a reservoir and a pumping station down at the MacKenzie?

Mr. Mascia replied that yes we would because that is where the bulk of our water comes from. That's where the changes in these transfer pump stations are coming from. We may need larger capacity pumps to transfer more water to Paug Pond. Hopefully, the cost of doing that would be offset by substantially lower treatment costs at Paug Pond. We want to see how this all falls out on the bottom line. We know that if we move it to Paug, there are costs associated with that move that we would not have to do at MacKenzie but, we think that there is going to be offsetting costs in the treatment, operating expenses and also in aspects relating to the actual system. Depending on where we place this plant, we may get a better yield from our four reservoirs and Paug Pond is the largest reservoir we have and that is one of the reasons for the better water quality.

Mr. Rys: Because of the elevation of Paug Pond, won't we have through the distribution of the water through the system, wouldn't that more or less be taking a burden off pumps?

Mr. Mascia replied that from the Paug Pond site, we can feed by gravity into the system. We were looking at the plant that was designed, the \$15 million dollar plant had a 500 horsepower pump to deliver finished water to the town. That's a hell of a lot of horsepower and it was an expensive component of that plant and we can eliminate that by moving it to Paug. But, by the same token, we have to look at bigger pumps to move the roll water so, we have to see how it falls out. I believe that the bottom line would show that it would be less expensive.

Mr. Holmes asked about the water treatment technology and Mr. Mascia indicated that all the information generated between the Microflock Study and the Krofta Study has been given to Whitman & Howard and they were asked to review it and neither the Microflock or Krofta equipment did not successfully treat the water and they could not handle the organics and they have been keying in on the Infilco-Degermont Process which is more closely aligned to a conventional process and it's a variety of chemicals that go into the process, in addition to the equipment selected and the key is to find the best combination and the pilot study has provided enough information to pick a process but the bottom line is, where is the cheapest application of that technology? 172

Mr. Gouveia felt that it was illogical from his point of view that we are almost on a collision course with nature--a trash plant is being built in a valley with stagnant air and a water treatment plant is being proposed on almost the highest elevation in town. Mr. Mascia agreed there is a cost involved in moving the water to that reservoir but one of the reservoirs in the system is Lanes Pond, higher than Paug Pond and water is gotten by gravity to Paug Pond and it comes from Guilford. Paug Pond is the largest holding basin the town has and represents over 1 billion gallons of storage. If MacKenzie were to be treated, the water would have to be brought to MacKenzie, all the energy represented by that elevation would be lost, treated and then repumped to get it into town. The other water from MacKenzie and Ulbrich have to be pumped and that, offset by some other savings, would mean a savings by moving it there. The study will consider once and for all the factors involved. Mr. Mascia said there are substantial costs--at the site proposed for the new \$15 million dollar treatment plant at MacKenzie (on paper) there are finished water tanks that were going to cost in excess of \$1 million and another \$300,000 to connect those tanks into the system. There does appear to be a cost savings in moving those to Paug Pond and those factors must be tied together in one study to determine the best economic approach to the problem.

Mr. Gouveia felt this was a drastic shift from a year ago and Mr. Mascia agreed that it is but the benefit of the pilot study and expense involved is that answers were received to those questions and it is more difficult than originally thought. Mr. Gouveia referred to Ray Smith's letter and numerous problems in treatment of the Muddy River and Mr. Mascia said that development in the watershed is impacting adversely on the water quality and will continue to do so and this is another factor in the formula. Mr. Holmes pointed out that dumping raw garbage into the ground also produces an effect. Mr. Gessert referred back to when the town was cited by the State for a turbidity problem and Mr. Mascia said the original order was based on noncompliance for color and turbidity but that is not the entire list of problems which will be more stringently regulated and the town must be prepared to go forward with a plant which meets those needs.

Mr. Mascia explained that Whitman & Howard has been told that the work being done today must address future issues and they cannot be ignored.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 14. Mr. Holmes moved establishment of a new line item account #314-087 Wells & Springs, Water Department, seconded by Mrs. Papale.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 14. Mr. Rys moved a budget amendment, Water Department:  
\$52,000 decrease in Estimated Unappropriated Balance  
\$20,000 increase in Wells & Springs  
\$32,000 increase in Filter Plant Pilot Study  
Mr. Holmes seconded the motion.

Mr. Mascia referred to Mr. Smith's memo dated 2/18/87 regarding rehabilitation of Well #3 and he mentioned that in addition to the study that needs to be completed on the treatment plant for the surface water supplies of the reservoirs, there are some problems that are faced with the ground water sources in town and the most immediate concern is Well #3, on Oak Street in Yalesville, Pragemann Park and the most prominent problem is that it has picked up manganese and it is believed the manganese is coming from the Quinnipiac River. Manganese is a naturally occurring mineral, similar to iron and at this point, it does not represent a health threat but we are exceeding limits established for aesthetic reasons in the State Public Health

Code and the results of exceeding those limits are that a substantial number of complaints are being received from customers in the Yalesville area due to stained laundry, dishes, dishwashers, washing machines which turn brown. Attempts have been made to treat the well chemically and none of the treatment regimes have been successful in eliminating the problem. Mr. Mascia believes the solution may be to drill a new well in that same wellfield. Existing Well #2 is several hundred yards away from this well and has no evidence of the problem. Well #3 also has ammonia and elevated sodium levels and Well #2 has none of those problems, probably due to a lower elevation. One of the problems in the distribution network is to get water from the reservoir supply on the east side of town to the northwest corner, Yalesville section and up Route 5, Broad Street area and without Well #3 on line, in the summer the town will suffer severe pressure problems in that area. 173

Mr. Gessert asked if current Well #3 were shut down, could the pumping equipment be utilized in the new well? Mr. Mascia is not sure because that is a very large capacity well; hydraulically, 1,200 gallons a minute can be removed from that well but that capacity is not being pumped because of the contamination and a lower well probably would have a lower yield and as such, that pumping equipment would be oversized for that well and inefficient. Mr. Gessert felt that someone should look at what equipment is presently on hand and if it is functional, it should be used.

Mr. Gouveia asked if there have been any further development on the 3 towns upstream that wanted to divert water and Mr. Mascia did not believe there was any action and he explained that confusion with the upstream well fields resulted when the Diversion Act was passed a few years ago, all of the utilities in the State of Connecticut over-registered and took every possible source as a source of supply.

Mr. Mascia said this was done to hedge their bet to hold on to that capacity and the net effect is if you look at the model for the Quinnipiac River Basin, people are taking out three times more water on paper than they are in actuality.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 16. Mrs. Bergamini moved a transfer of \$1,600 from Maintenance of Structures to Fuel Storage Maintenance, Electric Division, seconded by Mr. Rys. Mrs. Bergamini noted that the transfer request was not signed and Mayor Dickinson said the PUC was voting on this tonight at their meeting and Mrs. Bergamini withdrew her motion and Mr. Rys withdrew his second.

Mr. Holmes moved to table item 16 until a signed transfer is presented and Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

A recess was held from 10:17 p.m. until 10:45 p.m. when the Public Utilities Commission arrived.

ITEM 16. Mrs. Papale moved to remove this item from the table, seconded by Mr. Holmes.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 16(a). Mrs. Bergamini moved a transfer of \$1,600 from Maintenance of Structures to Fuel Storage Maintenance, Electric Division, seconded by Mr. Rys.

Mrs. Bergamini asked if Ohr's would pay any of this expense and Mr. Walters said they expect to collect this through the Town Attorney since they were responsible for it.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 16(b). Mr. Rys moved a transfer of \$17,550 from Structures to Transportation Equipment, seconded by Mrs. Bergamini.

Mr. Gessert asked how the cost was determined when this budget was put together and Mr. Walters explained that the costs have gone up

and the Council did direct that a number of the turn-ins would be turned over to Public Works for auction and they did not recognize at that time that this procedure would take several thousand dollars away from that account and this is the last vehicle to be purchased out of this account this year.

VOTE: Unanimous ayes with the exception of Messrs. Gessert and Rys who voted no and Mr. Killen who was not present; motion duly carried.

ITEM 16(c). Mrs. Bergamini moved the transfer of \$100,000 from Sub-stations and \$35,000 from Street Lighting, a total of \$135,000 to Poles, Towers, Fixtures, Electric Division, seconded by Mr. Holmes.

Mrs. Bergamini read the memo for this transfer and the fact that these items were underestimated at the time of budget preparation.

Mr. Polanski mentioned that the auditors explained that the Electric Division has not yet come up with an inventory of available items, an inventory control system. Mr. Walters said a complete inventory was taken at the end of June, as has been done each recent year. A complete inventory was taken of the wire and cable which was found to be considerably in variance from the perpetual inventory at the end of last year and this was done at the end of January and a complete inventory will be taken over the course of the next three months, one third of the items each month. Mr. Walters felt that this statement must be misinterpreted. Mr. Kovacs felt that the auditors wanted the method of inventorying to be upgraded and that Mr. Beaumont will be working with staff in this regard. Mr. Polanski said that this inventory was suggested three years ago and nothing was done and Mr. Walters felt that the statement "nothing was done" is incorrect and considerable steps have been taken but they are still not where they should be. Mr. Holmes felt that the dollar losses compared to the inventory shortages are significant and he is disturbed that this has gone on for so long and is not being handled satisfactorily. Mr. Walters felt that Mr. Holmes had a right to be disturbed and he is in complete agreement with their findings but he explained that during this period of time, the Electric Division has gone from a system where there was an inventory taken at the end of each fiscal year which was not spot checked by the auditors, but taken on face value. Mr. Walters further explained that the perpetual inventory which is now taken and had not been in effect until just a couple of years ago, where the variance comes is in attempting every day of the year to keep track of the issues and then check that by what you have at the end of the year. Mr. Walters said there was no variance when it was taken only once a year and no perpetual inventory was taken. There has been no change in staff and there are two people today as there was twenty years ago.

Mr. Walters further commented that the audit has also stated each year properly that everything should be where it can be controlled by the stock people and the stock room is no bigger than Council Chambers, if that, and there are six locations where material is stored, only one of which is under the direct control of the stock people. Mr. Walters explained that other utilities with a similar size to Wallingford have devoted many more people and resources to accomplishing what is a needed system and the Electric Division has asked for this kind of help and will ask again this year for a stock supervisor which is an important factor and cannot be handled by people giving part-time attention to it. Mr. Walters said the Council's comments are well taken and well deserved. Mr. Polanski asked Mr. Walters to review the auditors' report and tell the Council what has been accomplished that will clear this problem.

Mr. Beaumont suggested that a written statement be made to the Town Council with regard to the auditors' suggestion and this will be sent before the next meeting pertaining to what measures have been taken and what measures were in fact beginning to be put in place prior to the last fiscal year and this may go a long way toward resolving future problems and answer any questions. Mr. Beaumont said he will be available for future discussion of this matter.

Mr. Gessert agreed that there has been a building boom going on in Wallingford and he has noticed over the past year many Electric Division vehicles on the road over the weekends and, obviously, weekend work gets very costly. Mr. Gessert asked if the alternative of outside contractors has been looked at vs. on-line people on an overtime basis. Mr. Walters said one project has been looked at,

rerouting fire alarm circuits in town and prices were obtained and they were substantially above what the Electric Division ended up doing the work for and the availability of contract crews is rather scarce at this time. Formal bids have not been requested because contractors in this area have to bring people in from outside the area to provide crews for other utilities and the better people are long since gone but this is still something that will be looked at and considered periodically.

175

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present; motion duly carried.

ITEM 17. Mr. Gessert explained that he requested this item to have the PUC bring the Council up to date on the West View Hills billing situation, a problem to the Town of Wallingford, an economic problem to the Town Council and a problem to many people in the area. Mr. Gessert wanted to discuss where we are going on this matter and what will be done to resolve it.

Mr. Nunn presented Mr. Norbert Church, an attorney representing the Public Utilities Commission, retained through the Town Attorney's Office, working in counsel with Mr. Gerald Farrell, the attorney assigned to the Public Utilities Commission. Mr. Nunn explained that this action was taken for two purposes (1) Mr. Farrell feels that he and the entire staff of the Town Attorney's Office has potential conflicts of interest because Wallingford's Town Attorneys were actively involved in closing and representing various clients in the West View Hills and surrounding areas and (2) Mr. Church has expertise in these areas and has been doing research for the PUC. Mr. Nunn explained that since the PUC felt that they were eligible for a grant from the state and federal government and one of the requirements of the grant was to have a uniform system of billing for all sewer clients within the town, there were a couple of special arrangements made by previous administrations in the town and the earlier ones were made by members of the borough, back into the 1940's and 1950's. Mr. Nunn further commented that they are unfortunate arrangements either in that they were made in perpetuity or for a period of time, in the case of West View Hills, for 99 years. They are not in compliance with the regulations that must be abided by in order to be eligible for the \$15 million grant. Mr. Nunn said that the recent action that was taken by the PUC, at the advice of the attorneys, bills were sent out for the December billing in that uniform system. Shortly thereafter, continued Mr. Nunn, and he apologized to the people of West View Hills and to the Town Council for the timing, but letters were sent out shortly thereafter explaining the bill and if it were up to Mr. Nunn, he would have preferred to have the letters sent out first but there were still some legal matters which had to be discussed and the PUC feels that they have taken some remedial action to compensate for that time. The PUC had a posted PUC meeting on January 29, 1987 at Lyman Hall High School with an invitation extended to the people in the West View Hills area to serve as a question and answer period and input for actions to be taken.

Mr. Nunn said that, based on what the PUC heard, there were requests of (1) not billing at all and (2) not applying interest payments for delinquent unpaid bills, what could be done about the liens, etc. On February 3, 1987, the PUC had a meeting and there were a small group of representatives from West View Hills there, about 20-25 people. Four issues were dealt with at that meeting:

- (1) The PUC inquired of the Legal Department whether they could defer or eliminate interest payments on bills that were not paid at all, paid under protest, etc.

The Legal Department said that legally, that was impossible. This was explained to the people and as soon as a bill is delinquent, interest begins to accrue on the unpaid balance.

- (2) The PUC asked if liens could be deferred?

By law, liens can be deferred for a period of one year. Because of the unfortunate timing of sending the bills out and then the letter of explanation, the Commission felt it would be appropriate to delay the implementation of liens and the period of time that was selected to be consistent with the next set of bills to be sent out was a three month delay in the posting of liens.

For example, had the people been notified one, two or three months prior to issuing the bills, Mr. Nunn felt the PUC

would have complied with the purpose in applying this uniform system.

176

Because it was late, it was acknowledged by the Commission that time should be allowed for this group of people to decide what action they would want to take as far as legal counsel to represent them and to have further representation.

It was decided and voted upon by the Commission to delay the implementation of liens by three months.

- (3) Further, continued Mr. Nunn, there was a motion made by advise of Counsel to have the Commission treat the agreements that dated back to the 1940's and 1950's to be declared void and Mr. Church will explain this situation. The Commission voted unanimously to declare those agreements void and to be superseded by the requirements of the federal and state governments to be able to comply with the grant.
- (4) There was an attempt made to come up with some type of a settlement acknowledging that those agreements which originally existed. The PUC held an Executive Session, in compliance of the Freedom of Information Act, to deal with possible litigation, negotiation for a settlement and the PUC was unable to come up with a proposal that would be acceptable to the three Commissioners and to be presented to the people of West View Hills.

Mr. Nunn explained that the advice was given to the people of West View Hills that this was the action the PUC was taking and they should, in turn, contact legal counsel and they were assured that they would be advised in writing of actions that were taken. A letter was sent out on February 17 or 18, 1987 because the PUC wanted to allow the Council time to exercise their oversight on the PUC meeting of February 3, 1987, if the Council so elected to take any action that would supersede the PUC action. When no action was forthcoming within that period of time, continued Mr. Nunn, the letter was prepared and sent out after the 15 day period, or just about at the 15 day period and in that letter, the people were invited to attend a PUC meeting which was held tonight. Again, Mr. Nunn said it was stated that it was not an agenda item, not an item for action, and the PUC was still receiving additional legal input and the Commission had not arrived at a conclusive offer and did not know whether there would be any offer at all to the people of West View Hills but the PUC wanted to give them another opportunity during the question and answer period and this was extended from fifteen minutes to one hour to allow them to ask questions of the Commission, the attorney, the staff and allow a response to the questions.

Mr. Nunn said the meeting held tonight was orderly and there were a number of documents requested by the West View Hills residents, a number of expenses that the division incurred and the PUC expects to submit this. Mr. Nunn explained that because the mailing list was not complete and some of the people did not receive the correspondence and these people were asked tonight to submit their names and in the future, they will receive all correspondence. Staff people have been asked to prepare the list and it will be made available to these people. The people asked about the cost of attorneys, etc. and that information is being compiled.

Attorney Farrell said the cost of the attorney is in the neighborhood of \$4,200, an hourly rate of \$50.00 per hour, extremely low. Mr. Nunn said that the action that he as Chairman and the Commission in general has taken on a matter that is certainly a sensitive area that could call for a lot of litigation should be answered by the attorneys and he does not want to hear when they go to court that the Commission made certain statements that jeopardize the situation and he would rather defer the question to the Legal Department and let Messrs. Church and Farrell answer those questions so they may be answered in support of the case they have and that is the action Mr. Nunn has taken. Mr. Nunn said that frankly, he would not have answered Mr. Gessert's question until he received advice from Council.

Mr. Nunn explained that when letters are written to the public and the people of West View Hills, they are prepared by the Legal Department, not prepared by the Commission. They are seen and authorized by the Commission and signed by the Commission but they are prepared by the Legal Department and the PUC will continue to use that position.

Mr. Gessert said that the problem is that the Town of Wallingford stands to lose \$15 million in federal and state funds if an equitable

system is not determined. Obviously, these people have a deed, a contract, which is not in the best interest of the Town of Wallingford to continue that particular arrangement. There must be an effort to come to an agreement to eliminate that arrangement and any contract is only good as long as both parties still agree to it. 177

Mr. Gessert felt that we should try to negotiate a settlement that is equitable to both parties and Mr. Nunn agreed that this is in compliance with what the PUC wants and it is the PUC's understanding that this group formed leadership as recently as a week ago and tonight is the first time the PUC heard who those leaders were and the PUC would be happy to sit down with them and reach a decision in two weeks or two months but if it takes two years, that is what it will be but the PUC will do the best they can to come up with what they feel is a solution and he does not know whether there will ever be an equitable solution--in the eyes of the Commission, that contract, those agreements are void and that is what the PUC voted on, requested and advised by Counsel to vote on. At this present time, the Commission is viewing those agreements as void.

Mr. Nunn deferred to Mr. Church and he asked that any areas of sensitivity be addressed in Executive Session so that the case will not be jeopardized. Mr. Nunn asked Mr. Church to tell the Council why his advice was to have the PUC vote on that matter and declare that void.

Mayor Dickinson felt that what is more pertinent right now is to determine whether the Commission feels that within the next several weeks they will be in a position to make an offer and he feels that is most paramount. Mayor Dickinson felt that the Commissioners must get together if an offer is to be made and determine what that offer should be and that could be the subject of some kind of timetable. Whether or not that offer is acceptable to everyone, continued the Mayor, is a secondary question and this will not be known until an offer is come up with and it would appear that the PUC could have an offer within the next few days or, at the most, a little longer than that but Mayor Dickinson would like to have some response from the Commissioners on that.

Mr. Kovacs stated that a rumor was spread last week at West View Hills that when the Commission passed that motion, the rumor was that debate was shut off and Mr. Kovacs was called by the Mayor's Office and Mr. Kovacs said that was not the intent at all of the PUC and they have an open mind on this and they want to come up with a suitable settlement agreeable to both parties and some of the people from West View Hills concur with this statement and they are looking forward to the same thing.

Mr. Kovacs said the PUC is available to the people of West View Hills and they are invited to attend any of the PUC meetings and the PUC wishes to settle this in four weeks or less with an equitable settlement but what is an equitable settlement? Mr. Kovacs really doesn't know the answer to that but if they can come to a meeting of the minds, the PUC will meet and make a proposal and he assured everyone that the PUC and staff will be available to meet with the people of West View Hills. Mr. Beaumont said his availability over the next week is somewhat limited and his position is that an attempt should be made to settle out of court.

Mr. Nunn said there are concerns about the percentage of people who are willing to settle, if it is not 100%, he wants to explore the legal ramifications of this matter. Any meeting must be published 24 hours in advance and Mr. Nunn plans to discuss negotiations in Executive Session and that certainly qualifies under the Freedom of Information Act.

Mr. Gessert felt that negotiations should be held in Executive Session and after ideas are formulated, a meeting could be arranged with the people of West View Hills to sit down and negotiate a settlement. Mr. Gessert hastened to add that going to court does not guarantee that either side is going to win and if both parties enter into the situation of looking for a reasonable settlement that will benefit the town and the people of West View Hills, then the situation can be resolved. Mr. Nunn understands that if the town loses this case and the citizens of West View Hills win this case, that win will cost the town the \$15 million in grant money and that suggestion has been made by the federal government--if the town does not comply, the grant will be lost. A win of a \$15 continuing sewer charge will result in the town coming up with the \$15 million. The town is mandated to have the sewer plant and that is a fact,

continued Mr. Nunn, and there is no backtracking on that issue. Mr. Gessert is not sure that statement is 100% accurate and the entire \$15 million will have to be paid and if those funds were lost, and if \$15 million were bonded over a ten year period, the Town of Wallingford will be paying bonds off in the neighborhood of \$3 million per year, approximately 3 to 4 mills, and the average home will have an increase of \$150 to \$300 increase in taxes for that ten year period to pay off those bonds so in fact, continued Mr. Gessert, if that were the scenario, not only would the people at Oakdale Woods, Main Street, etc. pay those additional taxes, the people of West View Hills would also pay taxes additionally higher than what the sewer cost would be and this is a situation where everybody will lose and it is hoped that this type of a situation can be avoided. 178

Mr. Nunn said that the PUC will not jeopardize that grant by any action that they take. Mayor Dickinson said the next meeting is March 10, 1987 and Mr. Beaumont will be away and Mr. Nunn said the next PUC meeting is March 3, 1987 and they will not discuss a sensitive issue unless the entire Commission is present. Mayor Dickinson felt that a meeting should be set up for March 9 or March 10 and Mr. Gessert asked if the PUC could meet this week to discuss their position and points of negotiation to establish discussions before Mr. Beaumont's return. Mr. Nunn said they could meet, upon 24 hours notice of posting of the meeting. Mr. Nunn asked if their legal counsel is prepared to say there are no other avenues and right now, the determination is that the agreement is void. That is the advice of the PUC attorney and perhaps the West View Hills attorney would feel otherwise and feel they have a case to take to court.

Mr. Nunn asked Mr. Smith what his impression was about the \$15 million at risk and what has been discussed with the people responsible for these grants. Mr. Nunn asked if the billing were continued as it is, is anything in jeopardy? Mr. Smith said a letter was sent several years ago to the Town Attorney's Office which stated that in order to achieve the grant, all the regulations must be complied with or don't apply for the grant. Mr. Smith has asked, "what if there is a one-time settlement with a certain segment of the group--is that in violation of the rates?" A letter was issued to the DEP and a verbal response was received that that would be acceptable, an exception to the rule but an acceptable exception but it would have to be a one-time commitment. Mr. Smith expects an answer in writing and that is basically the information he has received from the DEP and the EPA.

Mr. Nunn said that it was that action that prompted the PUC to say yes, they want the \$15 million and they didn't want the town to carry that burden by either bonding or taxes and they want to comply and apply for that money and they came up with the uniform system and the Commission adopted the rate in December, 1985 to be applicable in December, 1986. Mr. Nunn said that action was a matter of public record, in the PUC minutes. The PUC was prompted from a technical point of view to take this action and, in turn, from a legal point of view. Mr. Gessert is looking for a solution to put this matter to rest and not jeopardize the sewer grants and not be discriminatory in sewer rates.

Mr. Nunn said the PUC would be happy to meet but to date, they have not reached a proposal jointly agreed upon by the Commission. Mr. Gessert suggested round the clock negotiations until the three Commissioners come to an agreement. Mr. Nunn said that Mr. Kovacs mentioned numbers around the high side of \$10,000 and \$10,000 among 300 people would represent \$3,000,000 and he questions where they would get \$3,000,000 and \$5,000 per home would amount to \$1,500,000 and the PUC feels that they have a good case to start with to maintain \$15,000,000. Mr. Nunn said that no matter what number we are discussing, it is multiplied by a large number, substantial sums of money.

Mr. Gessert asked Mr. Braithwaite for a consensus and Mr. Dwayne Braithwaite, 26 Kingsland Avenue stated by taking the action and voiding the contracts, the PUC not only get their \$15 million but they also get increased revenues from the 300 families involved. Mr. Braithwaite felt that in a ten year period, 3/4's of a million to a million dollars will be collected from this neighborhood alone and with the cost of the contract, that could go to \$5 million or more, an increased revenue from this group of 300 or 400 people that the town has not seen until the time this contract was voided. Mr. Braithwaite felt that the monetary settlements received would be given back over to the town. Mr. Gessert felt that this was an interesting point for negotiation and he hopes this will be taken into consideration.

179  
Mr. Braithwaite said the Commission has touched on another point and in the past, the people have an agreement but have paid at increased rates and they are right in the middle of the other people who have been charged a \$15 rate, such as people on Audette Drive, almost two sets of circumstances here and Mr. Gessert said that must be addressed also.

Mayor Dickinson asked if there was a list of those people and Mr. Braithwaite said he knows three agreements exist, recorded in the Town Hall, and Mr. Smith said an exact list used for billing purposes will be provided.

Jerry Heffernan, Kingsland Avenue, explained that Audette Drive is the problem with the billings and Audette Drive is in the regular billing and West View Hills is billed from another part of the computer but the same street has the delivery problems that has the billing problems. Mr. Gessert said that the notice of the PUC meeting was only sent to those persons paying the lower rates and that was the problem with notification.

Mr. Braithwaite said that the people on Hillcrest have been paying for some period of time the higher rates and Mr. Gessert said this will be looked at in the whole process.

Mr. Gouveia asked if any research was done to determine how much money it would take to bring these people in compliance with a uniform system on a yearly basis and Mr. Nunn said that roughly, they are paying \$15 per year and the average user is at \$122 per year. Mr. Gouveia said this amounts to \$30,000 per year, the difference between \$15 and \$115 for these families. Mr. Gouveia asked if it were possible for the PUC to set aside enough money to generate this revenue to pay them to comply? Mr. Braithwaite suggested this at the last meeting. Mr. Nunn said that in order to get that money which is not appropriated, the rates would have to be raised throughout the town and the rates could not be raised on these people who are arguing about the rates they have now so the rates would have to be raised for everyone else. The PUC does not have a sum of money that could generate \$30,000 per year in interest and the only source is to raise rates throughout the town for the 15,000 other customers and this does not seem to be a legitimate way of doing this.

Mrs. Bergamini said that the rule would still be circumvented and the federal rule mandates that everyone must be charged uniformly and this same type of scenario applied to Ashlar Village. Mr. Nunn explained that the bottom line is that they are paying their sewerage.

Mr. Gouveia asked about the agreements entered into in the 1950's and asked if they were in compliance with local, federal and state regulations. Atty. Church's advice to the Commission is that those agreements were improperly entered into at that time, that the Borough of Wallingford did not have the authority to enter into an agreement which would bind the municipality for 99 years. They have the ability to enter into many types of agreements but there are certain types of agreements that they cannot. For instance, say the town entered into an agreement where they would agree to charge a property owner not more than \$100 a year in taxes for the next 99 years, entered into in 1950, and looking at the property today and it's assessment, you are limiting what can be collected on taxes and this is the same type of thing here, continued Attorney Church. A sewer use charge is very similar to a tax, something that your legislative body has to be able to set each year to meet contingencies and operating expenditures. In the same way that you would not be able to enter into agreement today fixing somebody's taxes for the next 99 years, it is Attorney Church's opinion that the Borough of Wallingford did not have the ability to enter into this kind of agreement when they did back in the late 1940's and early 1950's. Mr. Gouveia asked if they were in violation of any regulation at that time and Attorney Church said they were probably in violation in a sense that they exceeded the authority that was given to them by the legislature. Many of the 99 year agreements made then are the subjects of litigation today, continued Attorney Church. Mr. Nunn explained that inducements to companies today only allow tax credits for six years, not 99 years or something in perpetuity. Mr. Gouveia said a 99 year agreement was entered into with the Library.

Mr. Gouveia noticed in the last PUC minutes, the attorney stated that an agreement such as that one more than likely would probably be voidable and Mr. Gouveia felt that this comment was so weak. Attorney Church said "void" not voidable if it went to court and

the town was sued and the question was whether the agreement was valid or void and Mr. Church's opinion to the Commission is that a court would find that the agreements were void and the difference between void and voidable is that void means that it never had a being, an existence, a nothing from its inception. Mr. Nunn said that the secretary took this off the tape and if he would like, it can be corrected at the next meeting.

Mr. Gouveia asked when the Commission prepared the preliminary grant proposal for the federal government and Mr. Smith felt it was done a couple of years ago and he did not feel that this particular issue was spelled out but it was acknowledged that there were a number of commitments that were made. Mr. Gouveia asked if the uniform rate was a condition of that grant and Mr. Smith said it was and Mr. Gouveia said that this was known two years ago.

Mr. Gouveia asked how long the attorney has been researching this and Mr. Nunn said two years it was started. Mr. Gouveia felt that the people are upset because this was known for two years and they were just informed a month ago and Mr. Nunn said the PUC did not have a response from the attorney until a month ago and he wanted a response before that time and he feels it was incorrect to send the bills and then the letter. A great deal of legal research had to be made, continued Mr. Nunn, and they were not prepared to make a decision on how to handle this two years ago. Mr. Gouveia felt that there is a problem here which must be resolved.

Mr. Braithwaite said the governing body of the Borough at that time felt that they did have the right to make this agreement and this information is available at the Library.

Mr. Henry Renfrew said the group has had several proposals among themselves, several positive ideas and all kinds of possible resolutions to this problem but it will be difficult to negotiate with a group flanked by two attorneys but there has not been an opportunity to communicate and it is difficult to communicate openly with the opinions and attitudes when faced with a contract that is considered null and void in the initial negotiations, a very difficult situation. Mr. Gessert said that is the legal position taken and he feels this is immaterial to settling the situation as it stands today; what is important is to sit down and try to negotiate a settlement. The West View Hills group can also have an attorney present for the negotiations, suggested Mr. Gessert.

Mr. Renfrew felt that there are many alternatives and Mr. Gessert said negotiations can be held and the information taken back to the PUC attorneys. Mayor Dickinson felt that a meeting should be held as soon as possible and identify a member to act as a spokesman, along with a spokesman from the West View Hills area so things can move ahead. Mayor Dickinson felt it was not always necessary for the town to have an attorney present. Mr. Renfrew said at this time, they have not retained an attorney. Mr. Nunn agrees that they do not need an attorney present for negotiations but he does feel an attorney is needed for any presentation because he does not want to make a proposition that someone else must defend in court. Mr. Renfrew said that he felt that for their own protection, whether or not they get an attorney is immaterial.

Joanne Bean, 192 Eastside Drive asked if it were stated anywhere in the Town Charter that the PUC has the power to null and void a contract in the town? Mr. Gessert said the PUC has the power to enter into a contract and he felt that an attorney would tell you if you have the power to enter into a contract, you also have the power to walk away from one and whatever the problems are with walking away from one.

Paul Gough, 1 Kingsland Avenue said he raised a question at the February 3, 1987 meeting about the contract being null and void and he asked when it was effective, in their view and they stated it was retroactive and Mr. Gough asked if they had the power to make something retroactive. Mr. Gough asked what right they had to collect that money? Mr. Gough's opinion is that they don't and in February they cannot change a bill that should have been rendered in December. Mr. Gough felt that there are only two alternatives, either allow West View Hills to pay \$15 for the rest of the contract or lose \$15 million. Mr. Gough felt that there are other alternatives and Mr. Gessert said we are looking for middle ground.

181  
Attorney Church recommended that when the meeting occurs between the property owners and representatives from the Commission, he felt that the Commissioners have expressed their feeling tonight that they have a great deal of difficulty in being able to determine what would be appropriate and he felt that it would be very helpful if the property owners had some agreement among themselves with regard to giving authority to representatives to act on their behalf and that the representatives have some good concrete proposals for the Commissioners to consider rather than having nothing set up because ultimately, if they have something to present, it will make the job for the Commissioners a little bit easier. Mr. Gessert agreed that this would be a reasonable approach, to determine where each side is coming from.

Mr. Gessert thanked everyone for coming to this meeting and felt that this can be gotten off ground zero and a solution obtained.

ITEM 19. Mrs. Bergamini moved that the meeting go into Executive Session for the purpose of discussing settlement of the rate case with Northeast Utilities, seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present and Mr. Holmes who was not present for this vote; motion duly carried and the meeting moved into Executive Session at 12:12 a.m.

Mrs. Bergamini moved that the meeting come out of Executive Session, seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exception of Mr. Killen who was not present and Mr. Holmes who was not present for this vote; motion duly carried and the meeting moved out of Executive Session at 12:30 a.m.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 12:31 a.m.

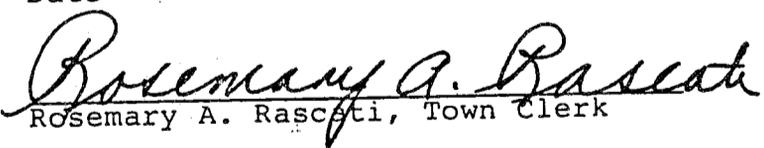
Meeting recorded by:  
Susan M. Baron, Council Secretary

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

Approved

  
David A. Gessert, Chairman

March 10, 1987  
Date

  
Rosemary A. Rascetti, Town Clerk

March 10, 1987  
Date