

TOWN COUNCIL MEETING

SEPTEMBER 24, 1996

6:30 P.M.

AGENDA

- Blessing - Rev. Charles Smith - Advent Christian Church
1. Roll Call and Pledge of Allegiance
  2. Consent Agenda
    - a. Consider and Approve Tax Refunds (#39-50) Totalling \$4,736.58 - Tax Collector
    - b. Consider and Approve an Appropriation of Funds in the Amount of \$350 to Other Revenue Acct. and to the Youth Projects Acct. of the Youth Service Bureau
    - c. Consider and Approve Merit Increases (4) Approved by the Mayor
    - d. Note for the Record Anniversary Increases Approved by the Mayor to Date
    - e. Approve and Accept the Minutes of the August 27, 1996 Town Council Meeting
    - f. Approve and Accept the Minutes of the September 10, 1996 Town Council Meeting
  3. Items Removed from the Consent Agenda
  4. PUBLIC QUESTION AND ANSWER PERIOD
  5. Report Out from the Senior Center Building & Parking Expansion Study Committee as Requested by Councilor Stephen W. Knight
  6. Consider and Approve a Transfer of Funds in the Amount of \$3,650 from Training Tower Renovations Acct. to Roofs Co. #4 & #8 - Dept. of Fire Services
  7. Consider and Approve a Budget Amendment in the Amount of \$160,000 to Increase the Maintenance Reserve (Connection Charge Residential) Acct. and to Increase the Maintenance Collection System Acct. - Sewer Division
  8. PUBLIC HEARING on a Proposed Ordinance Entitled, "Ordinance Restricting Locations for Using Skateboards, In-Line Skates, and Roller Skates - 7:45 P.M.

9. Remove from the Table for Discussion and Possible Action on Authorizing the Mayor to Sign an Agreement with Joseph Warzecha to Serve as Caretaker of Bertini Park - Dept. of Parks & Recreation
10. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation
  - Consider and Approve Settlement of a Claim Pursuant to Chapter VI.A, of the Charter of the Town of Wallingford

TOWN COUNCIL MEETING

SEPTEMBER 24, 1996

6:30 P.M.

SUMMARY

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7. Approve a Budget Amendment of \$160,000 to Increase the Maintenance Reserve (Connection Charge Residen- tial) Acct. and to Increase the Maintenance Collection System Acct. - Sewer Division	27-30
8. PUBLIC HEARING on a Proposed Ordinance Entitled, "Ordinance Restricting Locations for Using Skateboards, In-Line Skates, and Roller Skates	10-25
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WAIVER OF RULE V

Approve a Donation of a Fifteen Year Old Heating Unit from the Fire Department to Habitat for Humanity	27
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September 24, 1996

Agenda Item

Page No.

WAIVER OF RULE V (cont.)

Approve a Lease Between the Wlfd. Day Care Center  
and the Meriden YWCA for the Use of Space at the  
Day Care Center to Facilitate the Headstart  
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Executive Session - 1-18a(e)(4) - Purchase/Sale  
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TOWN COUNCIL MEETING

SEPTEMBER 24, 1996

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, September 24, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Councilor Papale who was absent for personal reasons. Mayor William W. Dickinson, Jr.; Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Reverend Charles Smith of the Advent Christian Church.

The Pledge of Allegiance was given to the Flag.

Mr. Parisi took a moment to recognize the staff of the Government Access Television Department who are a special group of individuals that work nightly to bring our municipal meetings to the public. He stated, it is nice to once in a while take the time to acknowledge the fine job they do. It is very much appreciated.

ITEM #2 Consent Agenda

ITEM #2a Consider and Approve Tax Refunds (#39-50) Totalling \$4,736.58 - Tax Collector

ITEM #2b Consider and Approve an Appropriation of Funds in the Amount of \$350 to Other Revenue Acct. and to the Youth Projects Acct. of the Youth Service Bureau

ITEM #2c Consider and Approve Merit Increases (4) Approved by the Mayor

ITEM #2d Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #2e Approve and Accept the Minutes of the August 27, 1996 Town Council Meeting

ITEM #2f Approve and Accept the Minutes of the September 10, 1996 Town Council Meeting

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, seconded by Mr. Centner.

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

ITEM #3 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, Jr., 37 Hallmark Drive stated, at the last Town Council Meeting (9/10/96) one of the topics of discussion was the Town's involvement in the removal and storing of personal belongings placed at the curbside as a result of the eviction process. He asked if the Town is able to recoup any of its cost associated with the process?

Mayor Dickinson responded, the items are usually worthless. Public Works exercises their judgment as to whether or not the goods are of any value. If not, they are eventually disposed of at the landfill at a cost to the Town.

Mr. Zandri then asked if the eviction of a junk yard in Yalesville, referred to by Henry McCully, Director of Public Works, at the last meeting was placed out to bid seeing that the cost to the Town exceeded \$15,000?

Mayor Dickinson stated that it occurred several years ago when Stephen Deak headed the Public Works Department. He will research the question and contact Mr. Zandri with an answer.

Pasquale Melillo, 15 Haller Place, Yalesville, asked for a report out on the status of Community Pool.

Mr. Parisi stated that the work is slated to go out to bid September 27, 1996.

Barbara Chayer, 24 Willow Street stated, in reference to the Mayor's position on not wanting to open the town-owned property in Durham for use as public open space due to the risk of increased liability to the Town, Ms. Chayer suggested that the Town research the issue to find lower insurance based on personal responsibility for those who use the space. We should not be giving up the use of open space based solely on the fear of potential liability to the Town.

Motion was made by Mr. Rys to Move Agenda Item #9 Up to the Next Order of Business, seconded by Mr. Knight.

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

ITEM #9 Remove from the Table for Discussion and Possible Action on Authorizing the Mayor to Sign an Agreement with Joseph Warzecha to Serve as Caretaker of Bertini Park - Dept. of Parks and Recreation

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

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

Motion was made by Mr. Rys to Approve Authorizing the Mayor to Sign an Agreement with Joseph Warzecha to Serve as Caretaker of Bertini Park, seconded by Mr. Knight.

Geno Zandri, Jr., 37 Hallmark Drive asked, what process was used to select the candidate for this position?

Tom Dooley, Director of Parks & Recreation responded, a five man committee was formed to interview twelve candidates. Mr. Warzecha was the candidate-of-choice.

Pasquale Melillo, 15 Haller Place, Yalesville asked, what will the individual's duties be?

Mr. Dooley responded, Mr. Warzecha will work a total of nineteen hours per week patrolling park areas along with the Tyler Mill property; keeping the trails and park clean; and acting as a liaison between groups using Bertini Park and the Parks & Recreation Department.

Mr. Knight asked, what will his status of employment be with the Town?

Mr. Dooley responded, he is viewed as a part-time employee.

Mr. Centner asked, how will his time be tracked?

Mr. Dooley will meet with Mr. Warzecha at least once a week at which time the employee will submit his hand written time sheet logging his hours. The hours worked will mainly occur between Thursday and Sunday each week.

Mr. Parisi asked, how will we be able to verify that he is actually working his hours?

Mr. Dooley responded that he, personally, will check on him once a month.

Mr. Zappala commented that he hopes that the discrepancy in hours reported vs. hours worked that occurred in the past with a previous employee in this position does not occur again.

Mr. Dooley assured the Council that the problem will not happen again.

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

ITEM #5 Report Out from the Senior Center Building & Parking Expansion Committee as Requested by Councilor Stephen W. Knight

Motion was made by Mr. Rys to Hear the Report, there was no second to the motion.

Caryl Ryan, President of Committee on Aging and Dianne Saunders, Chairperson of the Senior Center Building and Parking Expansion Study Committee were present for discussion on this matter.

Upon studying this issue for the past three years the Study Committee recommends the following:

- The needs of the Town's older population for the next 15-20 years will best be met with a 20,000 sq. ft. single-story building and parking for at least 150 vehicles.
- Any Senior Center facility needs to be based on an overall design that is functional for the particular needs of senior center programming.
- The space which is provided for senior center programming needs to allow for flexibility in meeting changing program needs, and should be located at a site that allows for potential future expansion.
- Although the Study Committee investigated several privately-owned sites for potential expansion of the Senior Center, its efforts to date have primarily focused on the feasibility of using Town-owned property. Accordingly, the Committee explored three options for expansion of the Senior Center:
  1. renovation of, and additions to, the current facility on Washington Street to bring the building to 20,000 sq. ft., contingent upon the acquisition of additional property;
  2. construction of a new facility on the current Washington Street site, in the vicinity of the west end of Silk Street, contingent upon the acquisition of additional property; or
  3. construction of a new facility at the Caplan-Wooding property.

Of the aforementioned options, the committee recommends the construction of a new facility at either the Caplan-Wooding or the expanded Washington Street site.

Ms. Saunders stated that the committee feels that it has fulfilled its goal of identifying the needs of the seniors and proposing the above-mentioned recommendations to meet those needs and that the final decision should be left to the elected officials to make. She offered the assistance of the committee in answering any

questions those officials may have or to study another avenue if the Council and/or Mayor so desires.

Upon reaching the conclusions above a presentation was made to the Committee on Aging in June by the Study Committee.

Ms. Ryan thanked the Study Committee and, in particular, Ms. Saunders for an excellent and thorough job. The Committee on Aging does support the proposed size of the building and would like it to remain a one-story structure. They have not made any recommendations on the Expansion Study Committee's report since they only received it last Friday. In August, however, the Committee on Aging took a straw vote and they ranked the sites. They felt that a new facility at the Washington Street site ranked number one with the seniors. Their second choice was the Caplan-Wooding property and the third choice was renovations to the current facility. Ms. Ryan was of the opinion that the Committee on Aging was valuable to the Council and therefore urged the Council to retain their help in what ever the next step is.

The Committee on Aging has instituted a formal mechanism for the exchange of ideas with the seniors at the center themselves. A meeting was held last Friday and it worked out very well. Monthly meetings will continue to be conducted between the Committee on Aging and the seniors at the center.

Ms. Ryan urged the Council to make a decision on the matter in the near future.

Mr. Farrell asked, is it true that the parking situation becomes worse when there are bus trips planned? Seniors taking advantage of the bus trips who normally do not utilize the senior center occupy a large amount of parking space in the lot during the excursions.

Ms. Ryan responded, that happens with a lot of the different programs. There are many people who only go to the center for one thing. That is what the center is all about, however, people over sixty can go down for one program or one interest. Yes, there are programs such as bus trips that do fill up the parking lot but there are other programs also.

Mr. Farrell stated, the Town does own a parcel of land on the other side of Washington Street where there is an electrical substation which only occupies a small portion of that lot. It probably will accommodate nearly fifty (50) parking spaces. That may be something that can be put into the mix to be considered. It would have to be checked out with the P.U.C., of course.

Mr. Zappala spoke with a senior citizen this morning who informed him that they did not quite understand the vote taken last Friday

at the center. They were concerned about the fact that the cost of the project was not specified to them. He asked if the committee explained to the seniors that it will cost approximately \$4 million to renovate the current site?

Ms. Ryan responded, yes. That vote that was taken was not a formal vote. At the end of the presentation the committee was running out of time and distributed paper to see how people felt, to get a consensus, a gathering of opinion. It was not a formal vote.

Mr. Zappala could not understand how the committee could arrive at such a close cost estimate without having a study on the matter performed?

Ms. Saunders responded, the committee did not come up with the cost, they gathered the cost with the help of Steve Lazarus. As in the former study some things have an exact price tag that you can allocate to them because they are historic...things such as the underlying property value from the Assessor's Office. The rest of it was determined by Mr. Lazarus via methods used previously; based on round figures of \$100 per sq. ft. for new construction; \$50 per sq. ft. for renovation; just to try and obtain a comparable cost based on the facilities as they are now. That will change if and when it is placed out to bid. It was simply a way to compare costs on an even scale. Mr. Lazarus had someone visit the site who is experienced in demolition of buildings and has performed work for the Town in the past to give the committee a break down of cost for demolishing the buildings. The design and engineering fees were Mr. Lazarus' figures.

Ms. Saunders went on to say, to renovate the existing facility the estimate is \$3.3 - \$3.5 million to bring the building up to 20,000 sq. ft. To construct a new building on the same site the estimate ranges from \$3.7 - \$4 million. The one ingredient that is not in the mix is relocation of the senior center during any construction under renovation. It would have been impossible to try and estimate that number for there is no way of knowing what would be involved for a building.

Mr. Zappala was glad to hear that Mr. Lazarus was working with the committee on this project but he doubted that the seniors need a center consisting of 20,000 sq. ft. He did not agree with the concept of a new center. He would hate to see services duplicated that are offered by the Park & Recreation Department and/or YMCA. It is his opinion that less money could be spent to satisfy the seniors. The center should be left at its present location with some minor renovations. He would very much like to see the garages cleaned out to allow for more space.

Mr. Knight stated that he served as Town Council Liaison for this committee and commended the Study Committee, in particular Dianne

Saunders, Chairperson for a careful analysis of the project. The figures presented are rough estimates of what the committee deems as essential to serving to what appears, statistically, as a large growing population in our community and across the nation. At first the \$4 million appears to be a great deal of money, however, the potential for a community center for a tremendous number of our citizens at a cost of \$4 million is not truly out of line, in his opinion. He commended the efforts put forth by Mr. Lazarus and his firm in this matter. Mr. Lazarus was paid a very modest sum months ago to conduct the first study and has continued to assist the committee since then pro bono, just for the good of the community. He has worked very hard to see that the figures the committee works with are accurate and can lead to some conclusions that we could have some faith in.

Mr. Knight stated that he would like very much to see this project go forward. This community has got to make a judgment as to whether it wants to serve a very small portion of the potential elderly population or wants to build a center which will attract and serve the entire community. This is not a clubhouse for a few people who want to visit it but a very important facility that is going to have the potential and will serve more and more people in this community. If they are able to expand it they will bring a larger percentage of the potential "customers".

Mayor Dickinson asked if any site plans have been drawn to date?

Ms. Saunders responded, no, it would be premature at this point to do so without some direction from the Council to narrow the focus.

Mayor Dickinson questioned whether the site plans would be necessary to have for the Council for assistance to them in making their choice?

Mr. Parisi stated that the Council shares the same view as the Mayor on this issue.

Mr. Centner referred to a graph on demographics included in the report from the committee which shows an overall decrease of approximately six percent (6%) of the elderly population over the time period of 1990-2000. In posting that information against the program and square footage requirements of the committee, it does not seem to fit in. Is the committee currently keeping tab on the membership that is using the facility? What is the percentage of the stated population of seniors using the facility?

Virginia Philips, Executive Director of the Wallingford Senior Center answered, we hope to have the current users continue to use the facility but they are such a small percentage of the total population in the town. There are currently 2,800 members of the center listed on their books. The majority of those members (1,400) are in the 75+ age category. This number reflects the fact

that the original members of the center have aged in place and continue to use the facility on a regular basis. What has not happened due to the limitations of the facility is the fact that the center has not been able to add programs to attract younger members to come in.

Mr. Centner asked, are you saying that the program space in your study that shows the break down of your suggested programming is targeted for the majority of that age group around 74+?

Ms. Philips responded, our programming probably centers around that group currently. Hopefully in the future we would be able to offer programming that would attract people in the other age categories.

Mr. Centner stated, that would be my next concern because I looked down the list that was also provided of programmatic recommendations that the center cannot provide but feels are as valuable if not moreso than current programming. He is also concerned that there will be duplication of services such as the computer lab that is now available at the Library.

Ms. Saunders responded, a senior center by its nature is a multi-purpose senior center. They are supposed to provide a "one stop shopping" for any older person to meet a variety of their needs. They tend to utilize the center on and off for a period of thirty or forty years for a variety of things that they need. The policy of the Committee on Aging is to supplement what is available in the community to the seniors. If a decision is made to provide a program like the computer lab, it is made on the basis that it is an age-specific decision. It needs to be a program that is addressed to the special needs of seniors, which the computer program is. It is a national model program called "Senior Net" and the training, software, etc., has been specifically developed for seniors. The senior center is based around a social model with a lot of other supports. The seniors come not just to take a class for while they are there they may get their blood pressure taken, have lunch, speak to a counselor about a problem with medical bills, etc. That saves those seniors who are somewhat frail from travelling to three to four different places plus they establish a rapport with a staff that is trained to handle their special needs so that it works like a large family with extended supports. There is clearly never a duplication of services with Parks & Recreation or Adult Education.

Ms. Saunders pointed out that after the year 2010 the numbers will increase substantially, a fact that is substantiated by the National Council on Aging's report just released. The request for a 20,000 sq. ft. center and the associated programs are based on expected growth projections for the next fifteen to twenty years.

Mr. Farrell stated that it was great that an effort was being made

to add more programs at the senior center but he encouraged the committee not to lose sight that there already exists an audience at the center whose use of the center would be very disrupted for they have strong feelings about the existing facility. Program expansion should not be made the number one goal. It is very important but only one part of the mix.

Mayor Dickinson asked, has the committee projected what the operational costs associated with a new or larger building would be?

Ms. Philips responded, we have not formally projected the costs. There is no reason to believe that anything more than the existing staff, with perhaps additional custodial care, would be required to operate the building. She felt that the budget would be very similar to the existing budget.

Mayor Dickinson asked that the committee be as certain as possible regarding the projections on operating increases.

Mr. Rys stated that the straw poll was in favor of a new building, however, if a new building were to be constructed on that site would it mean that the construction would take place on another parcel and would the existing building remain open for use?

Ms. Saunders responded, a lot of that detail would depend on what the architect tells the committee about the site. From talking with Steve Lazarus in a preliminary sense about the site, it should be emphasized that the entire concept is contingent upon the purchase of additional property.

Mr. Rys asked, if a new building were to be constructed could the Town utilize a portion of the building for Civil Defense and the Traffic Maintenance Department of Police Services?

Ms. Saunders responded, the committee has brought forth a great many ideas similar to Mr. Rys' suggestion. They did not feel comfortable in pursuing the possible scenarios without first obtaining further direction from the Council. Since the site does exhibit a drop in the landscape it is conceivable that a two level building with separate entrances at grade level could be possible.

Mr. Doherty stated that he was glad to see the committee giving serious thought to the Washington Street property. He has become more and more convinced that the Caplan-Wooding property is a "no go" at all (applause). He has no problem building a new structure on Silk Street but he would like the committee to eliminate the present site, clearly. Convince the Council that the present center cannot be renovated. He is hearing that hill behind the present building is not rock as reported, but sand. The hill can be taken out, a retaining wall put in and the building added onto. The committee needs to eliminate that site to convince the Council

to put a new building down there. He preferred that the committee move in that direction.

Mr. Renda stated that the seniors of our country have worked hard, raised families and have made their contributions to their government. When it comes time for them to retire government should turn around and take care of them. He was in favor of keeping the senior center in its present location as opposed to the Caplan-Wooding site. Let's channel our efforts on that site. The majority of seniors that he has spoken with on this issue have expressed their desire to have the center stay where it currently is. If that is what they want, that is where it should be.

Mr. Parisi reminded everyone that this is merely a report out and if anyone has recommendations for the committee that they be forwarded in writing, or verbally, to them as soon as possible. It would be easy to take the route that is the most popular at this time but the Council needs to remain objective on the issue, carefully researching all the facts. An in-depth study should be conducted to find out what the best program is for the people and the Town.

John Ahearn, 33 Clairmont Avenue presented a petition with over four hundred (400) signatures of seniors who object to the proposed move of the senior center from its current site to a location on North Main Street. These names were collected in only four days' time. Mr. Ahearn stated that locating the center on the former Caplan-Wooding property would place it in the middle of town which is a commercial district with a lot of traffic including a fire station, church and police department. Before starting a petition he asked the patrons of the senior center what their preference was with regards to the location of the center. They adamantly stated that they did not want to move uptown. Yes, the center is bulging at the seams because they have a nice place to go. It is a beautiful site. Don't stick the seniors up in the commercial area. It is not a place for people our age. They will not travel uptown through traffic waiting for it to clear. These people are in their old age. If they want to shop they will do so with their families, not patronize the merchants uptown as one proponent of the new site stated. They want a peaceful, quite, tranquil site which is exactly what the present location is. (applause)

ITEM #8 PUBLIC HEARING on a Proposed Ordinance Entitled, "Ordinance Restricting Locations for Using Skateboards, In-Line Skates and Roller Skates"

The ordinance, in its entirety, was read into the record by Mr. Rys (Appendix I).

Motion was made by Mr. Rys to Approve and Adopt the Ordinance, seconded by Mr. Knight.

Madeline Erskine, 348 South Main Street commented that she is troubled by the ordinance. It seems that we are saying to the children that this town does not belong to them, they have no right to have any fun on the sidewalks. Why can't we allow children, young people and even young marrieds with their children to use the sidewalks if they use good judgment and don't interfere with anyone else. We must have an ordinance that says if you bump into someone then you are responsible and held liable under existing laws. We are giving the children the message that we really don't care much about them. (applause)

Elaine Kirkland, 1205 Durham Road stated that she is opposed to the ordinance. She did not feel it is fair to the children. It is a mode of transportation; a way to get to their friends house; it is an exercise activity. She, herself, is an in-line skater. She does not travel down Main Street and she does not want her right to be taken away should she want to. Someone said it takes a village to raise a child, is this village against watching our children? That is what we do when we are downtown. She feels that the Council is being unfair to the children. Their parents have helped pay for these sidewalks and parking lots, she has also. She feels the children should have the right to use them. She would rather see the children downtown sitting on the benches, skating in Simpson Court, rather than seeing them out getting hurt. (applause)

Treavor Tomko, 19 Liandina Road read the following prepared statement into the record on behalf of the majority of the skaters present in the audience this evening:

"As a skater I will attempt to give you an account of people's feelings. You might consider the skaters to be a bunch of hooligans, delinquents and troublemakers. You may feel that the destructive young citizens of our great community should be totally banned from enjoying themselves on Main Street and the areas of Simpson Court. These people depend on skating as something that they are good at, something they do well in. The reason we are here tonight is because of the mistakes of a handful of teenagers. Above this handful of delinquents are teenagers that are attempting to enjoy their youth. The skaters and I agree that we should find alternative methods for the handling of these few delinquents and ask you to assist us in addressing the needs of the many teenagers that are just trying to hide their boredom. They suffer from living in the town without something to constantly hold their interest. All we ask is if you approve this ordinance and place a ban on the youths that you find an equal alternative to satisfy our needs. We are citizens of this community. We do have the rights of any and all citizens no matter what our ages. You cannot oppress the future citizens of this community." (applause)

Joe Ferrara, 185 South Main Street stated, I believe the ordinance is ill-conceived and not needed. I assume that the purpose of the ordinance is to keep the kids from congregating on the sidewalks

and the small businesses in the center of Town. If this is the Council's reasoning, a new law is not needed since we already have a loitering law. By the way, it seems to be selectively enforced against these kids. I am also against it because I specifically moved to the center of town so that my family could walk, bike, skate or what ever to the shops, library, post office, at our convenience. This is restricting my family's right to do that since I do live in the center of town. I probably spend more time downtown while walking my dog than most of you (Councilors). And I have seen some really strange looking kids at times. Their dress and makeup would startle anyone. Is this the reason for the ordinance? In their defense I must say that I have not seen one of them being impolite, discourteous, arrogant or even threatening. However, they do look different but so did most of us who grew up in the sixties and seventies. I think the problem really is the acrobatic maneuvers of some of the skateboarders, particularly in front of the former Shawmut Bank. If that is the reason for the law again, the law is unnecessary since it is private property and you cannot put any restriction on that property. They can use that area, maybe not the sidewalk if you put that in the ordinance, but they can use the steps of the bank. My thinking on this whole subject is that I believe roller skates, in-line skates, bicycles, scooters are all means of transportation and therefore how can you restrict their usage? Skateboards, however, are more of a sport activity like skiing and snowboarding. We should be designating an area where these kids can use their skills creatively just like you would at Powder Ridge. Passing laws and ordinances against behavior rarely works. Look at the countless laws that are on the books right now that few people pay attention to; stop signs, most people consider them an inconvenience. Everyone seems to glide through them. Anyone receive tickets for that? I don't think so. Anyone ride on I-95 or I-91 lately and see what the speed limit is? I think it says 55 mph. I don't think you will find anyone driving 55 mph. How about signals while we turn? Does anyone in Wallingford use a signal anymore? Picking up after your dog. There are countless laws like this. Do you make new laws that will be a problem enforcing or do you use common sense unless you plan on having a police officer on every one of these streets that Mr. Rys claimed will be part of this ordinance? How do you propose enforcing this law? I have a suggestion, why not appeal to the kids using the area? Has anyone asked them how they feel about it? Did the Town Attorney consult with these kids on other ways to deal with the problem? Why not ask them how to make the sidewalks safer for pedestrians? That is what this ordinance is all about. Ask them if they will use a special area. Use the Recreation Department personnel, they have expertise with the kids. Use any means possible before enacting a new law. If you feel that you cannot do anything else, why not seek a law for reckless behavior on in-line skates, roller skates and skateboards instead of an outright ban? That is what New York City does. Why did you remove bicycles from this ordinance, did all of you get phone calls

from all of the adults in town that want to use bicycles? Bicycles can certainly be more dangerous to pedestrians than in-line skates or skateboards. You can hear skateboards and skaters coming up from behind you, you cannot hear bicycles.

Mr. Parisi responded, there is a state law addressing bicycles.

Mr. Ferrara continued, then I assume that the police are going to give tickets to adults who ride on the sidewalk on those parts of town...a one hundred dollar fine?

Mr. Parisi answered, I would not make any assumptions.

Mr. Ferrara added, my point is that the police will use this selectively. They are going to select the kids that they do not happen to want there and issue them a one hundred dollar fine and yet the people who are loitering or the adults using bicycles are not going to be fined. That is unfair. We live in a democracy and we should be talking about fairness amongst the laws regardless whether the kids are fifteen, you don't like them or they are eighty years old and senior citizens. It doesn't matter, the law is supposed to be enforced equally. I have never felt that I was going to be knocked down by any skater or skateboarder and I walk uptown a lot. By the way I recently saw a new type of ski advertised in a magazine that had ball bearings on the bottom of them for riding in the streets and on the sidewalks. How are you going to put that in the ordinance, is that in the ordinance? If I buy these skis then I will be allowed to use them in front of the Town Hall.

Mr. Parisi responded, we would probably amend the ordinance.

Mr. Ferrara answered, that is my point, you are going to have to amend the ordinance every time....

Mr. Parisi interjected, no ordinance has ever been perfect and many of them are amended.

Mr. Ferrara responded, it is impossible to make the ordinance perfect but what you should be doing is asking to use common sense. If you can get to the kids and ask them, how can we deal with the pedestrian and safety problems?; ask them to use common sense and not such acrobatics and maybe provide an area that is safe for them and everyone else, then you have the answer. You don't need another law intruding in our lives. The senior citizens don't want the Wooding property so why not make that property a special area for roller skates and skateboarders? You can hire a landscape architect. You have the property; you are going to be tearing down the buildings; you can have a park right in the middle of town. Don't tell me that liability is an issue because New York City has a spot with huge ramps for roller bladers and skateboarders. If they can get around the liability issue then I am sure that our

Town Attorney can do the same. Don't make a law that we don't need. This is not a new sport, it has been around since 1961 or so. I still have my first skateboard. Every time a new sport comes along you will have to come up with a new ordinance. Please do not pass the ordinance, it will effect all of the good kids that will do the skating, punishing them for a few kids that may be a problem. If you find one drunken driver you don't ban driving. (applause)

Buell Hunt, 380 North Main Street, Proprietor of Courtyard Antiques, Simpson Court stated that there is a problem with three to six youngsters, not all of the children. He agrees with Mr. Ferrara in that the Town should work and communicate with the children. There are only a few children who think that the entire Simpson Court area is their playground. We don't need an ordinance. It is like trying to kill a fly with a sledgehammer. We have laws currently on the books to deal with this matter.

Barbara Chayer, 24 Willow Street stated that she is one of the people who walk and also drive through the Simpson Court area. During the summer she would come home around 11:00 p.m. quite often and would notice thirty-five or more teenagers congregated in that area. A few of them would be attached from the group on their skateboards. Without question she did occasionally worry about the skateboarders because it was very dark and sometimes you don't see them. They should give consideration to that fact because a driver's eyes are sometimes going elsewhere from where the young person is on the skateboard. They should be well aware that it is up to them to watch out at times for drivers because we cannot see everything. As she looked at them she thought that it was a good thing that they congregate in town. She would rather have them do that than be out causing problems. We have recently known some problems in this town caused by young people. Today, when reading an article in the paper about this subject it mentioned loitering and she took personal offense by it. In looking the word "loitering" up in the dictionary she admitted that, yes, she does loiter. If, as she comes home from the library, she decides to sit on the bench and possibly read a book for an hour or so is she to be picked up for loitering? It would be very unpleasant for more than just herself if she were picked up for loitering for sitting on that bench. She also feels that young people need to have time to be aimless. That is what the dictionary says loitering means, to be moving in an aimless way. Part of the development of the human being needs time to just let thoughts run through their minds aimlessly. That is how we discover things; that is the method inventors use. Before we do put another law on the books, go over it very carefully. There is most likely enough on the books already. She thanked all the youngsters for coming to the meeting tonight. She was glad to see that the youths were very well represented at the meeting for this issue. (applause)

Betsy Bates, 63 Maple Avenue stated, this is a serious issue and a lot of people have turned out for it which is not always the case. As Mr. Ferrara stated, there are probably ordinances that you can work with already on the books. When she heard that the bicycles were removed she thought it was because we were trying to think a little more of our citizens before trying to put in an ordinance. Now we hear that there is a State law which prohibits bicycles from sidewalks. She would like to see a show of hands from those in the room that have ridden their bicycles on the sidewalks by themselves, with the children, as adults, as teenagers, as youngsters. It is not enforced. People are up in arms. Kids are hanging out but kids are going to hang out. They should not be destroying property but there are ways to handle destruction of property. You are not going to teach a kid responsibility by giving them an ordinance. You pass an ordinance and they will disobey it, it is what kids do. You give them a rule and they will challenge it. We are in the process of putting in new sidewalks downtown on Center Street. They are really wide sidewalks that have an area on the side that are for the brickwork. Although the bricks are wonderful why didn't we give thought to giving a lane for skateboards or in-line skating? We did not consider an ice skating rink, we are not considering a roller blading rink; you cannot try to dissolve a group of kids hanging out by passing an ordinance that applies. Always and forever kids have hung out. They are still going to do so. We can't enforce keeping bicycles off of the sidewalks nor should they be. When you teach your child to ride a bike, you teach them on the sidewalk and when they are older they will go in the road and at the same time you teach them that if someone is walking slow down and use your breaks and if there is a pedestrian you stop and let them go by. When they are sixteen or seventeen they will probably go as fast as they can past that pedestrian. They will probably get involved with a group of children that will be doing something they are not supposed to. So the kids look different, so what? We looked different.

Mr. Parisi made it clear that the Council was not judging anything based on anyone's looks. We don't want to do that, we don't live that way.

Ms. Bates added, when you pass an ordinance it needs to apply to every citizen in the town. I am thirty-four years old and use roller blades. What is going to happen if the children in Wallingford decide to take up using the silly string like they did in Southington? Are we going to be back here for an ordinance against that too? What happens if the skis come out are we going to be back in for that also? We have a problem with some destruction of property, we have a problem with safety issues. The Town has insurance policies. There is just as much a safety issue with walking as there is with roller blading, you cannot have one law after another after another. You need to keep in mind that the laws and the ordinances effect everyone. (applause)

Scott Amore, 13 Jenna Road stated, this is not a new issue. In 1989 I submitted plans for a portable ramp to Tom Dooley (Parks and Recreation Department) which he looked at and said, "no". So this has been going on a long time. I started skateboarding twelve years ago at the age of thirteen. Over the course of my high school years I was reprimanded and threatened with suspension for riding my skateboard to and from school; it was a liability issue. It seems that we always come back to the liability issue. Everyone seems to accept some sports and deny others within the realm of liability. Recently we learned that the State Supreme Court position regarding liability is that the State cannot be held responsible for a municipality's negligence. Do we know the reason why that is? It was because of a tennis court accident in Wilton, CT. It was not a skateboard, not anything that wasn't as socially accepted as tennis is but they have adopted this blanket statement pertaining to anything extremely risky. We cannot do away with everything but learn to take it all at face value and see what we can do. In 1989 there was a woman in town by the name of Bruna DeSilva who decided that she would open a skate park privately. She did this because she was tired of being snubbed by the Town of Wallingford, Parks & Recreation Department, whomever she turned to. She went out on a limb and opened the skate park which turned out to be one of the most successful ventures in the country. The park is gone due to other reasons besides liability which is not always an issue. A lot of people still remember the park and ask why another can't take its place. It is because it has to be privately funded and no one wants to go out on a limb due to the liability. We have certain other facilities such as Prime Climb where people take part in rock climbing. That is an extreme liability; it is a fairly new sport that has not been proven yet someone went out on a limb and opened one privately. By passing this ordinance all we are doing is creating outlaws. These kids are not going to go away, I am not going to go away, I still do this (skateboard) and I'm twenty-five years old. I spend most of my time in New Haven where they experienced a problem similar to this. At first they thought they could deal with the problem by banning skateboarding during certain hours for at nighttime skaters were less visible. The ban also encompassed in-line skaters and bicycles and anything that was non-motorized on wheels. After approximately six months of writing tickets, causing inconvenience for skateboarders going to court to get the tickets nulled, tying up the system and the police felt they were writing tickets that were not going to be enforced, the New Haven Board of Alderman or City Council decided to amend the law. It was amended to read that it would be legal to use the streets and sidewalks as any other pedestrian or vehicle would so long as reflective gear were worn in the evening and nighttime hours. Since then only tickets have been issued for failing to wear the reflective gear at night. I am not saying it is an answer but it is something to think about. The law was being selectively enforced in New Haven as well because the Yale and New Haven Police force were reluctant to write a ticket to anyone who bore a resemblance to a Yale University

student. Why can't the insurance be covered under the blanket of the Parks & Recreation Department? We have tried this before, submitting plans to Tom Dooley who snubbed them. The plans were to build something similar to what the kids are using now; stairs, benches, small embankments. We can't just build a parking lot in the middle of nowhere and expect the kids to go there. It will not be a viable solution. We have to emulate the surroundings which the kids are currently using. This has happened in Milford as well. In 1991 Milford banned skateboarding in the downtown area so they built a flat parking lot behind the Milford Library near the marina. The kids brought in their own ramps which the town would promptly confiscate, disassemble and discard of them. The ramps kept coming and coming for Milford did not recognize the idea that there needed to be something for the kids. While the skate park that was in town mellowed things out for a while, it cost the kids \$10. per day to ride their boards there all day. Not all of the kids had \$10. per day. Just because skateboarding is not as socially acceptable as some other sports does not mean that we have the right to outlaw it. We don't outlaw tennis. I doubt that someone hitting a tennis ball against a wall somewhere will be issued a ticket. In conclusion, by passing this ordinance you will not only be ignoring a problem, you will be creating outlaws and it just shows that we need a facility. Once the parents have to start writing \$100 checks for their kids to skate downtown you will start to see a lot more parents at the meetings than are present this evening. Look into the future and do not ignore these kids tonight. (applause)

Laura Ferrara, 185 S. Main Street asked the Council, when all of you were fifteen or sixteen what did you do for fun? I highly doubt that you went to the library and looked up a book because that is not all that exciting. Are you now going to ban everything because of a few people who are wrecking a few bricks? They are bricks and they are going to break sooner or later. The seniors don't want their senior center located at the Wooding property so why not pave it and put in ramps, etc., for the kids? New York does it with huge ramps and they get around the liability issue, why can't we? If you take away all of our rights to go roller blading and skateboarding in the center of town? There will be absolutely nothing. We are going to end up like Durham and that is not the most exciting place in the world either. Regarding bicyclists, they ride in the streets and there is a law against them, they break it all the time, why can't the skateboarders ride in the streets? (applause)

Peter Driscoll, 26 North Main Street, proprietor of Simpson's Pharmacy stated, I don't know whether or not an ordinance is the answer to this but something has to be done. My main concern is the elderly patrons walking out of my pharmacy. When they exit the roller bladers or skateboarders are on the sidewalk where they are travelling at a very heavy speed. What will happen to the elderly when they are startled and react or to the skateboarder who

has to suddenly make a quick move and finds himself in Simpson Court and at risk to a motor vehicle? The safety issue has to be considered. One of the problems with the ordinance is enforcement. We currently have a one hour parking rule in Simpson Court that is not enforced. In order to enact an ordinance such as this one you must make sure it is enforced. When you call the police as I did one time to complain about the skateboarders and the people in front of the store, I never received a response and that was over an hour and one half. I believe that something has to be done. I believe they have their rights as individuals as everyone does but something has to be done for public safety and liability. I have asked some of the skaters to please leave when they are on the sidewalk in front of the store. I was totally ignored.

Pasquale Melillo, 15 Haller Place, Yalesville stated that the issue has been blown way out of proportion. This reminds me of the problems on Route 5 with all the supermarkets, etc. All you have to do is use some common sense. This ordinance should not be passed. If you have problems the police should be able to handle them. That is their job. The purpose of the ordinance is to greatly reduce the risk of physical injury. He asked if there have been any physical injuries yet?

Mr. Parisi was not aware of any.

Mr. Melillo added, the skateboarding and skating is a practical outlet of the release of tensions and stress for the kids. This used to be a great country in which to live, it is not anymore because the local leaders at the federal and state level are not doing their jobs. They are in pursuit of power and money and damn the people. (applause)

Wayne McDermott, 22 Cooper Avenue stated that he agreed with Mr. Ferrara. He asked, who is the one behind all of this? Where did this come from? Did it come from the Public Safety Committee in a meeting that no one else here knew about? It seemed to just drop out of the air from somewhere.

Mr. Parisi stated, there have been comments made to several other people.

Mr. McDermott asked, who has complained?

Mr. Parisi responded, members of the public. He refused to name the individuals complaining.

Mr. McDermott asked, how many have complained? We are sitting here arguing this issue, how many have complained?

Mr. Parisi responded, several people have complained and I, personally, have concern myself. I became concerned the day a roller blader passed me out going down Center Street. That is when

I said that there is something wrong here and we better watch out. I think that you may agree with me. It has happened a second time since then plus the three that I have seen go through Simpson Court against the traffic, roller blading. That is a very serious matter.

Mr. McDermott asked, what is private property and what is Town property in Simpson Court?

Mayor Dickinson responded, generally Town property would cover anything in the public right-of-way.

Mr. McDermott thought that Simpson Court was private property.

Mayor Dickinson stated, it covers sidewalks which are meant for public use. You can assume that sidewalks are on public property.

Mr. McDermott filed a public safety complaint by notifying everyone that motorists have been travelling fifty miles per hour in a fifteen mile per hour zone in his neighborhood. He cannot get one police officer to do anything about it. Motorists have travelled across his front lawn. And here the Town is worrying about kids on the sidewalks in Simpson Court. If you are going to pass this ordinance then you had better make sure that you enforce the ordinance as it applies to everyone or I will be down here at the next meeting complaining. The Choate area had better be patrolled for violators as well. (applause)

Joseph Ferrara, 180 S. Main Street quoted statistics showing that in-line skating has less than one half of a percent on the injury rating schedule of 1996; bicycling has a rate of 1.8% and basketball is 2.34%. If you are worrying about injuries you had better ban basketball which has the highest injury rate out of all the sports. (applause)

Mr. Parisi stated, we are not playing basketball in Simpson Court.

Mr. Ferrara asked, what about joggers? Aren't they dangerous to pedestrians walking? When you have forty people from Choate jogging down Main Street while I am walking my dog it is dangerous to me.

Tony Grieco, 300 North Main Street presented the Council secretary with a petition exhibiting signatures of the youths who would like to skateboard in the center of town.

Dan Donahue, 309 Long Hill Road stated, it is wonderful that all these kids showed up here tonight. You have the makings of a compromise. You could probably form a small committee made up of yourselves or public officials to sit down with a half a dozen of these kids and they could help police themselves. I am sure they know that you are serious. Why not give them a chance to work this

out instead of passing an ordinance that we don't need? (applause)

Louise Bell, 4 Columbia Street stated, I was in favor of the ordinance when I arrived at the meeting this evening, however, in listening to everyone I have changed my mind. I come from New Haven and Wallingford is a beautiful town, it is like being out in the country. I would like to appeal to the kids about the lack of respect they sometimes exhibit while on the road. I don't think that we should have the ordinance for it is the responsibility of the kids to be accountable for how they ride in town. I work for forty-five professors at Southern and at the end of the day I am stressed out. If I want to walk my dog I want to do so relaxed. I do not want someone whizzing by me, at least give people a warning when you are coming up behind them. Let them know you are behind them before going by. What bothers me the most is the destruction to the property. If we sat down with these kids and showed them that we really cared and we don't want to ban them from the center of town maybe we can work with them about getting some rules and regulations set up, not a law. I saw some kids hanging onto the back bumper of a car at a stop light. It has only been a few, not all of them. We should sit down and talk with them rather than adopt another ordinance. (applause)

Scott Amore, 13 Jenna Road stated, it is a matter of mutual respect. If you show them respect they will show you respect in return. A lot of times adults will look at someone because of the way that they are dressed or look and take a step away. If you show them the respect that you would show any other person in this auditorium when you saw them on the street, that would solve a lot of problems. (applause)

Candy Grana, 53 Summerhill Road stated, I do think that this is a little overkill. When my back is better I want to go roller blading in the center of town but I have been a victim of the kids' disrespect and threatening. I have had to walk out into the street to get into Stimpson's Drug Store because ten of them would not move to let me get in there. I am only 5'3" and some of the kids are over 6' tall. Have you any idea what it is like to have to try to get into a store around them? I don't think it is a problem with all of the kids in town or all of the sports or all of the roller bladers or all of the skateboarders. It is a certain specific bunch of kids who do not have any respect. I thought that when I got to be this age I could demand some respect. I think that we cannot punish all of the kids for a few who are doing this. (applause)

Albert E. Killen, 150 Cedar Street stated that he was glad to see the turnout of young people this evening. They got a very bad lesson this evening; the lesson seems to be that you don't pass laws unless they are popular. If that were the case the Council

could have gone home early. They are not seeing both sides of the coin. I am very well aware that people have complained and asked for this particular ordinance. While I have not ever asked for it, there have been times that I have been uptown when I thought such an ordinance should be in place. Not because of the majority but that minority can more than offset the majority. I don't know what it is about this majority that can come here tonight and act like this and they can't act like this when they are out there (Simpson Court). The uptown was done over the way it was and the downtown is being done so people can enjoy it. You cannot enjoy it when someone is coming at you at a high rate of speed on roller skates or what have you. In addition to that, those who want to stand around fine, I was chased off of Center Street more than once in my time and told in no uncertain terms by the officer what he would do to me if I didn't get moving and there was no law on the books at the time. It was just the officer telling you. Today they thumb their noses at the officers. This is not the way things should be done. Things can be worked out with these young people but they have to realize, just like the senior citizens who were here before, it does not matter what age group you are in we all don't see things the same way. They have to realize that some of us look upon them as welcomed people uptown joining with us enjoying the sites of the town so long as that is all that they are doing. But when they are defacing it and filling the air with epitaphs it doesn't add to the anyone's enjoyment no matter what age they are. I hope they continue to come to these meetings and I wish the Council luck in tackling this particular ordinance.

Patricia Kohl, 50 North Street stated, I came here tonight in favor of the ordinance and I still am under one condition that..people talk about peer pressure and about how kids dress a certain way or get into drugs or other bad things because of peer pressure. If people don't want this ordinance passed then I challenge these young kids to use peer pressure to keep the ones who are misbehaving from doing it so that they all won't have to suffer for the misdeeds of a few.

Ross Newell, 32 Cooper Avenue stated, I feel that the ordinance is completely unfair to us. We should have the right to roller blade in the center of town because if we don't we have nowhere else to go. Last year my friends and I came to the Town Council asking that a skate park be built. The Council told us they would think about it and we truly believed they were going to.

Mr. Parisi responded, not me.

Mr. Newell answered, the Mayor did and some of the Councilors seated up there did also. Nothing has been done about it. Now you are telling us we can't skate on the sidewalks, we can't be anywhere near the sidewalks, we have nowhere to go. You give baseball players baseball fields; you give football players

football fields; how come you don't give skaters skate parks?

Mr. Parisi commented, to clarify the issue, the ordinance does stipulate just the center of town. It does not eliminate the rest of the town.

Mr. Newell continued, I have been roller blading around this town, I have been many places and most of those places I have been kicked out, not just the center of town. I have been in different parks and have been kicked out there; I have been in different parking lots and have been kicked out there. There is nowhere else to go. If you don't give us anywhere to go what are we going to do?

Mr. Parisi asked, what other parks have you been asked to leave?

Mr. Newell responded, Doolittle is one. The police officer stated that I was in danger of being hit by a car.

Mr. Parisi pointed out that the reason Mr. Newell was asked to leave was due to safety issues.

Mr. Newell added, I have never seen any skateboarder, bicyclist or in-line skater go fast on the sidewalks or be in any trouble with anyone. We don't go fast, we just do our thing and then we are gone. We don't get into trouble, run across the road and get hit by a car. Now we will have nowhere to go if you don't build us a skate park. What are you going to do, just pass this law? (applause)

Mayor Dickinson stated, there are questions about whether or not there are any plans; there is a plan to pave some of Doolittle Park. That is still being pursued. I can't promise that there would be ramps, we will look into what New York City does but New York State laws may be different than Connecticut laws but there are plans to pave an area at Doolittle that would be allowed for skating. With that stated, however, I am not supportive of this ordinance for a number of the reasons that have been stated. I think that the discussion tonight has been good so that people are aware that there are very different viewpoints and I may feel that the ordinance isn't appropriate. There are people, however, that feel that it is appropriate because they have either seen or have had activity directed at them that was disturbing. I might suggest that one avenue that the Council may want to take would be to table it; everyone knows that it is serious and allow that issue to be out there and help to curb everyone's attitudes and make it a better place for everyone, hopefully. I think that we all need to asses what we do when we do it so that we don't infringe on someone else's rights.

Mr. Newell stated, if you do pave some of Dolittle Park, the best part of it would be the pond area where the weeds are growing.

Mayor Dickinson responded, I believe that is the area that is flooded in the winter for ice skating. (applause)

An unidentified youth stated, you don't want us on the sidewalks you want us out in the traffic with all the cars and you say that you are worried about our safety? (applause)

Dean Kowalski, 10 High Street stated, if you pave a section of Doolittle Park and do not put any ramps there, none of the skaters will use the area. It will be a waste of time.

Mayor Dickinson reiterated that he will be checking with New York City and the New York State Law to see how they get around the issue of liability.

Mr. Kowalski noted that there is a skate park in Bristol. It is a privately owned facility which will not allow you to skate without first signing a waiver that states you will not sue the owners if you are injured.

Mayor Dickinson stated, what sometimes works for private businesses does not work as well when the public government gets involved. Waivers generally are not very effective in avoiding liability in public situations. It may not be the case with private property. We operate with different standards which is unfortunate but that is the way the law is. (applause)

Chris Anderson, 5 Pleasant Street asked, will you build a skate park, yes or no?

Mr. Parisi stated, the Mayor just gave you an answer.

Mr. Anderson asked again.

Mayor Dickinson responded, there are plans to pave an area in Doolittle Park. I don't know at this point if it would be a skate park.

Mr. Anderson asked, can I have that in writing? May I have that on a piece of paper with your name next to it?

Mayor Dickinson answered, I can give you a statement in writing that there are plans to pave a portion of Doolittle Park.

Mr. Parisi stated, it is in the minutes, it will be a matter of

record. In a couple of days you can get the minutes from the Council secretary and you will have a record of it.

Scott Amore, 13 Jenna Road stated, if a committee is formed I would be happy to serve on it.

Mr. Zappala stated, I am against the ordinance mainly because I think Park & Recreation has been lax in doing something about it. I know that we have some problems uptown that involves a few kids but I cannot believe that of the hundreds and hundreds of programs offered by Parks & Rec that nothing has been done to resolve this problem. I am against it for that simple reason for we can provide a place for them to go, they would be happy there as would a good many residents of town. The sooner we do this the better it will be for everyone?

Motion was made by Mr. Zappala to Table The Ordinance, seconded by Mr. Centner.

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

Mr. Doherty stated, it is commendable that the crowd showed up tonight to match the senior citizen crowd that came here earlier. It is nice to see both age groups represented here. You people have a right to be here tonight and express your opinions, I am glad to hear you do that. It is very difficult to vote for this ordinance without some sort of alternative for these people to engage in their recreation. The plans that are on the drawing board are not complete yet so there is no alternative here to offer them tonight. I think that we have heard from businesses that have come here tonight; neighbors came here tonight and it raises a lot of questions about this ordinance in terms of whether it will be effective or not. I don't see that this is going to solve the problem that we have. It is not the solution; it should be defeated. (applause)

Mr. Centner stated, I concur with Mr. Doherty. The biggest reason I will vote against this is because we don't have an alternate location and I was also one who voted against the hockey rink for I have children, we roller blade, I think it (the ordinance) is a little too intrusive and I am going to vote against it. (applause)

Mr. Zappala stated, I would like to ask the Town Attorney about the issue of enforcing the ordinance. I know that back in 1990 when an ordinance similar to this one was proposed the Chief of Police stated that it would not be enforceable. Will this one be enforceable?

Attorney Mantzaris responded, I read the Chief's comments from 1990 that basically stated, if any of the people that are arrested

under the ordinance are under sixteen years of age and would have to be treated as juveniles and that the juvenile court does not entertain fines. I have learned that the judges of juvenile courts are superior court judges and they have the same powers any superior court judge has. One of those powers is to impose a fine. I have, however, talked to the juvenile court in New Haven this week and have found that although they can impose a fine the official I spoke with was not aware of any case where it had been done and they are very reluctant to impose fines on juveniles. With adults, of course, it is not a problem to impose a fine. Enforcement would be more effective against adults than children under the age of sixteen.

Mr. Zappala stated, I am against this ordinance and have tried to table it for further study. I don't think it will be effective enough; I don't think the Chief will feel very comfortable about it; I hope that it does not pass.

Mr. Parisi stated, the Deputy Chief of Police stated that the ordinance would be a tool for the police to use as enforcement. The statement was made to the Ordinance Committee at a recent meeting at which the ordinance was reviewed.

Atty. Mantzaris stated, the police could certainly arrest the youths but the courts would not entertain a fine against a juvenile that was arrested under the ordinance.

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

Once the public hearing had concluded Mr. Parisi brought Item #5 back to the table to finish discussion on the matter.

ITEM #5 Report Out from the Senior Center Building & Parking Expansion Study Committee (continued from page #10)

Mr. Parisi asked if any questions remained unanswered on this topic?

Pasquale Melillo, 15 Haller Place, Yalesville asked, what is the average daily attendance at the Senior Center?

Ms. Philips responded, between 100-150 per day. The attendance fluctuates greatly depending on the time of the year.

Mr. Melillo stated that the attendance figures should be a solid fact which the Council should consider when making their decision. He is in favor of keeping the senior center in its present location. He was opposed to constructing a new building. He urged the Council to lean towards adding onto the existing facility. He stated that he had heard the committee recently held a meeting on this topic to which only thirty seniors were invited, and asked,

Is this true?

Ms. Philips responded, that is true, only twenty-five seniors were in attendance.

Mr. Melillo asked, why only limit it to so few which are a minority and not the majority?

Ms. Philips stated, we invited twenty-five people but the meeting was open to everyone. Other people sat in on the meeting as well. The reason that we limited it to twenty-five was because we had held a meeting previously that did not work. We had forty-seven people and there was no exchange of information. We wanted to have the meeting in one of the smaller rooms and that is all that fit in the room. The twenty-five that were invited were representatives from each of the different activities or programs of the center.

Mr. Melillo stated, he felt it was a mistake on the part of the committee to conduct the meeting in such a manner. He suggested that the Council follow up on this matter and make sure that a larger meeting is held where anyone who so desires can attend.

Mr. Parisi thanked the committee for their time and effort this evening and declared a five minute recess at this time.

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$3,650 from Training Tower Renovations Acct. to Roofs Co. #4 & #8 Acct. - Dept. of Fire Services

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

Mr. Parisi asked, is the training tower all set?

Wayne Lefebvre, Chief of Fire Services responded, the bids have been awarded for the flat roof, shed roof and the masonry repair. We are not finished with the repairs. We are going to be working on the interior soon. The next step is to contract with an engineering firm to look at the interior. We would like to construct a burn room.

Mr. Parisi asked, is the work planned and provided for in this year's budget going to be done this year?

Chief Lefebvre responded, we are all set for this year. The work has not been completed but the bids have been awarded, the dollars committed.

Mr. Parisi asked, will we be asked to transfer any money to the tower account?

Chief Lefebvre responded, no.

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

WAIVER OF RULE V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures to Consider a Donation from the Fire Department to Habitat for Humanity, seconded by Mr. Knight.

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

Motion was made by Mr. Rys to Approve the Donation of One (1) Furnace to Habitat for Humanity, seconded by Mr. Centner.

The Department of Fire Services has upgraded the heating and air conditioning system at the North Main Street station. The old hot air oil fired furnace is now surplus. The heating contractor has stated that there was no trade-in value to the equipment and the Director of Public Works could not use it in any of our Town buildings, it is approximately fifteen years of age. Habitat for Humanity can utilize the heating unit in one of their buildings, therefore, the department would like to donate the item to them.

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

It is noted that Mr. Farrell abstained due to the fact that he has represented Habitat for Humanity in litigation matters.

ITEM #7 Consider and Approve a Budget Amendment in the Amount of \$160,000 to Increase Maintenance Reserve (Connection Charge Residential) Acct. and to Increase the Maintenance Collection System Acct. - Sewer Division

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

The Sewer Division has recently incurred expenses for unanticipated repairs at Meetinghouse Brook and at the Route 5-Quinnipiac Street intersection. Additionally, the division has performed extensive televising of the sewer mains in the vicinity of Route 5 and Quinnipiac Street and determined that additional repairs must also be performed as well at several sections of pipe on Wharton Brook Drive. Finally, on the basis of stream crossing inspections recently reviewed by the Commission, the decision was made to proceed with a number of identified repairs in the current year. As a result of all of the above, it is now necessary to request a budget amendment increasing account #673-000 (Maintenance Collection System) by the amount of \$160,000.

Dave Gessert, Public Utilities Commission Chairman stated, Roger Dann, General Manager of the Water/Sewer Division has done a good job on this. Obviously, the Route 5 cave-in was unanticipated and a contractor was hired and put to work almost immediately. The

Meeting House Brook project was expanded after a site visit by the P.U.C. Additional rip rap and other work was required by the commission to protect the sides of the stream and the pipe as well. Mr. Dann and his staff have checked over two hundred locations where streams and pipes come together and have identified the ones that are the most seriously endangered and in need of attention. The staff has presented recommendations on a number of those areas. Some work will be performed in-house and some will be contracted out. In the interest of trying to protect our infrastructure, especially where it is subject to erosion, these expenditures are not only wise but necessary.

Roger Dann, General Manager of the Water/Sewer Division stated, the P.U.C commission did perform some site visits during the past week to look at additional sites that we identified as needing or potentially needing repairs. They are in the process of making a decision at this point in time as to how we should proceed so I would like the Council to be aware that once those decisions are made we may be coming back to the Council again to seek additional funds to deal with those other areas. There could be significant dollars involved. The estimated value of what remains in the Sewer Division is anywhere from \$96,000 - \$300,000 of additional costs. That is something that the P.U.C. commission is currently deciding; what the repairs should be and what the time frame for those repairs should be.

Mr. Knight asked, do you intend to televise all of the sewer mains or just the main ones?

Mr. Dann responded, we implemented that program approximately 5-6 years ago with the intention that over a ten year period we would televise all of the mains in town. If anything we are somewhat ahead of that schedule. We have not completed 100% of the system but it was a fairly aggressive schedule and will continue to pursue it. There is some indication that deterioration took place more rapidly in this particular area that what was expected.

Mr. Knight asked, who views all of this?

Mr. Dann answered, someone mans the T.V. van watching the inspection and making notations whether that be audio or now we have the ability to annotate the tape. Those tapes come back to the office along with an inspection report. Supervision sits down and reviews it looking at those specific locations that have been identified. Having watched a number of these tapes from start to finish it gets time-consuming.

Mr. Doherty asked, how much money is in the Sewer Division's maintenance reserve account?

Mr. Dann answered, at the end of the last fiscal year it was just

under \$1.5 million. That money comes from connection charges that we collect each time a new connection is made to the system.

Mr. Doherty asked, how much is in the Water Division reserves?

Mr. Dann responded, there is no corresponding reserve in the Water Division at this time.

Mr. Doherty asked, what additional work might you be doing on Meetinghouse Brook?

Mr. Gessert responded, there is three areas at Meetinghouse that are in the neighborhood of the stream between Healthworks and the house to the north where that stream goes behind the houses. We looked at several locations, one where a manhole is completely exposed just north of the former tennis courts; another exposed man hole cover is just to the north of that and the last location is an exposed pipe, twelve inches in diameter, which crosses that stream.

Mr. Doherty asked, will we be moving any dead trees in the area where the proposed work will be performed?

Mr. Gessert responded, we did look at some trees in the immediate area. Trees threatening to go down or are already going down in that area will be taken down.

Mr. Centner asked, are the pipe failures occurring in the same type of pipes by the same manufacturer or are they indicative of a variety.

Mr. Dann responded, the pipes that we have seen this in are both the same type, petrified clay. Whether or not it is made by the same manufacturer or not, I cannot say. It is an older type of pipe that is typically fragile. We would have expected that the deterioration would take place over that ten year frequency that we will be inspecting, with some exceptions. In this case that does not appear to be the case. We are going to have to watch that trend pretty carefully and as we get through the system the first time consider prioritization of our re-inspection with a bias towards a shorter frequency on this type of pipe and a longer frequency on the newer p.v.c. pipe that has recently been installed or other types of pipe that could go a little longer between inspections. The pipe ranged between 60-80 years in age.

Mr. Parisi asked, are you required to maintain a specific amount of money in your reserve account?

Mr. Dann responded, no, there is no limitation on that either high or low. It is simply the accumulation of those funds that we have collected less appropriations such as this that are going to take

the balance down.

Mr. Parisi asked, is that fund established primarily for repair work?

Mr. Dann answered, it was established under a policy adopted by the P.U.C. commission. It was designated for emergency repairs.

Mr. Parisi asked, by chance if that fund were empty what would your next source of funding be?

Mr. Dann answered, we would then have to look at other cash reserves we might have available within the division or alternatively we would have to bond the projects or generate the revenue through the rates.

Mr. Parisi asked, you generate the revenue solely through the hook-ups?

Mr. Dann answered, this particular reserve comes strictly from the connection charges that are assessed for individual lateral connections to the system.

Mr. Parisi asked, do you have other accounts for maintenance?

Mr. Dann answered, we have other reserve accounts. If you recollect several years ago we established the major capital replacement funds. Those funds have been utilized as they have accumulated to offset some of the costs on the South Elm Street project. Additional funds that are accumulating presently have been designated in our plans to be utilized towards the Durham Road Pump Station replacement. That was set up specifically to try and deal with those major capital replacement items that we know are out there so that we plan and budget for it on a regular annual basis and therefore avoid a rate shock associated with a sudden million or two million dollar project.

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

WAIVER OF RULE V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering a Transfer of Funds for the Public Works Department; Approving a Lease Between the YWCA and the Wlfd. Day Care Center; Entering Into Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale and/or Purchase of Property, seconded by Mr. Knight.

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

Motion was made by Mr. Rys to Consider and Approve a Transfer of Funds in the Amount of \$7,000 from Portable Bandstand Acct. and

\$1,925 from Snow Plow Truck w/Equipment Acct. for a Total of \$8,925 to Road Grader Acct. in the Public Works Department, seconded by Mr. Centner.

Henry McCully, Director of Public Works stated, in my budget I requested \$110,000 for a Road Grader. The bid came in at \$118,925. Part of my request was that we were trading in our 1973 Gallion Grader that needed extensive work. We were offered by the low bidder \$3,000 for the piece of equipment, however, the tires alone on the machine are worth at least that much. We have sent a letter to Purchasing to put the machine out to auction. We should be able to recoup more than \$3,000 for it.

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

Mr. Doherty asked Mr. McCully, what is the status of the recreation center project?

Mr. McCully responded, the project is on schedule. Demolition inside the building is complete and the exterior demolition where the new gymnasium is going is complete and we started framing for the Government Access Television station today.

Motion was made by Mr. Rys to Approve a Lease Agreement with the Wallingford Day Care Center and the YWCA of Meriden for Space at the Day Care Center to Operate the Wallingford Headstart Program, seconded by Mr. Knight.

Correspondence from Kathleen M. Queen, Executive Director of the Wallingford Day Care Center was read, in its entirety, into the record. A copy of the letter and corresponding agreement are to be appended to these minutes (Appendix II).

Mr. Centner asked, do we receive any State funding to operate the facility?

Ms. Queen responded, we receive a unit rate reimbursement fee of \$77.90 per week per child for forty-five of our preschoolers.

Mr. Centner was concerned that by changing the scope it would effect the funding provided by the State.

Ms. Queen stated, the building belongs to the Wlfd. Community Day Care Center Board of Directors and the land belongs to the Town. The lease of the land says that the specific use shall be for day care purposes and Council permission is required for any variation from that.

Mr. Farrell stated that he will abstain from voting on this matter due to the fact that the Day Care Center is a current client of his office.

Mr. Doherty asked, is the Wallingford program going to be run by Wallingford people in Wallingford?

Ms. Queen responded, Nancy Fryberg is the Headstart Director and is from Wallingford and runs both the Meriden and Wallingford programs.

Mr. Zappala asked, how come we did not get this information in enough time to place it on the agenda?

Ms. Queen responded, I messed up. I had thought the information had to be in the Mayor's Office towards the end of the week.

Mr. Parisi made it very clear that there will be a drastic cut in the number of Waiver of Rule V items as of this evening.

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

ITEM #10 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation

Motion was made by Mr. Rys to Enter Into Executive Session Pursuant to Section 1-18a(e)(2) and 1-18a(e)(4) of the CT. General Statutes, the later of which is with Respect to the Sale/Purchase of Property, seconded by Mr. Centner.

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

Present in executive session were all Councilors, with the exception of Ms. Papale, Mayor Dickinson and Corporation Counselor Adam Mantzaris.

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

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

Motion was made by Mr. Rys to Authorize the Town Attorney to Settle a Claim Pursuant to Chapter VI.A. of the Charter of the Town of Wallingford, seconded by Mr. Centner.

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

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

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

There being no further business the meeting adjourned at 10:25 P.M.

Meeting recorded and transcribed by:

*Kathryn F. Milano*

Kathryn F. Milano  
Town Council Secretary

Approved by:

*Robert F. Parisi*  
Robert F. Parisi, Chairman

10 - 22 - 96

Date

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

10 - 22 - 96

Date

Appendix I

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE RESTRICTING LOCATIONS FOR USING SKATEBOARDS,  
IN-LINE SKATES AND ROLLER SKATES**

**BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:**

**SECTION 1. POLICY DECLARATION**

The Town Council finds that prohibiting skateboards, in-line skates and roller skates from using public sidewalks in the center of the Town of Wallingford will greatly reduce the risk of physical injury to pedestrians going about their business in this busy section of Wallingford.

**SECTION 2. RESTRICTED LOCATIONS**

A. No person shall utilize a skateboard, in-line skates, or roller skates on any sidewalk as hereinafter defined:

1. Easterly sidewalk of North Main Street from Academy Street and westerly sidewalk of North Main Street from Church Street southerly to Center Street.

2. Town of Wallingford Parade Grounds, so-called, from Center Street northerly to Church Street, which encompasses the entire Simpson Court area, sidewalk and roadway, and the entire landscaped area adjacent to Simpson Court northerly to Church Street.

3. Easterly sidewalk of South Main Street from Center Street southerly to the terminus of the sidewalk fronting 88 South Main Street and westerly sidewalk of South Main Street from Center Street southerly to Prince Street.

4. Town of Wallingford Parade Grounds, so-called, from Center Street southerly to Prince Street, which encompasses the entire landscaped area fronting all the buildings from the First Congregational Church of Wallingford southerly to Prince Street.

5. Northerly sidewalk of Center Street from North Main Street westerly to North Colony Road and southerly sidewalk of Center Street from South Main Street westerly to South Colony Road.

6. Northerly sidewalk of Center Street from North Main Street easterly to Wallace Avenue and southerly sidewalk of Center Street from South Main Street easterly to Fair Street.

7. Northerly sidewalk of Hall Avenue from North Colony Road westerly to North Cherry Street and the southerly sidewalk of Hall Avenue from North Colony Road westerly to North Cherry Street.

8. Northerly sidewalk of Quinnipiac Street from South Colony Road westerly to South Cherry Street and the southerly sidewalk of Quinnipiac Street from South Colony Road westerly to South Cherry Street.

B. No person shall utilize a skateboard, in-line skates, or roller skates anywhere on the following municipal property, including the parking lots: the Town Hall, 45 South Main Street; the Credit Union Building, 88 South Main Street; the Wallingford Public Library, 200 North Main Street; the Police Department, 135 North Main Street; Company 1, Wallingford Fire Department, 95 North Main Street; the Johanna Fishbein Memorial Park, including the sidewalk on the easterly edge of the Park; and the Railroad Station, including the passenger waiting area at the westerly end of the Station.

SECTION 3. PENALTY

Any person who violates this ordinance shall be fined One Hundred Dollars (\$100.00).

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of 1996, in accordance with the provisions of the Charter of the Town of Wallingford.

\_\_\_\_\_  
Rosemary A. Rascati  
Town Clerk

APPROVED: \_\_\_\_\_  
William W. Dickinson, Jr., Mayor

DATE: \_\_\_\_\_

Appendix II



**The Wallingford Community Day Care Center, Inc.**

80 Wharton Brook Drive • Wallingford, CT 06492 • (203) 294-4176

**REV**

14 September, 1996

TO: The Wallingford Town Council

FROM: The Wallingford Community Day Care Center, Inc.

SUBJECT: Approval of a request from the Meriden YWCA Headstart Program to lease space at the day care center to operate the Wallingford Headstart Program.

The Wallingford Community Day Care Center, Inc. owns and operates the day care center recently constructed on town owned land on Wharton Brook Drive. The lease for the land with the Town of Wallingford specifically states that the building will be used for day care purposes only unless specific permission is granted by the Town Council for other uses. The Headstart Program, because of its focus on early childhood education and development, is a similar use, but not specifically child care.

The Day Care Center Board of Directors has voted to allow the Headstart Program to lease space in our Before/After School Program classroom, pending approval of the Town Council and the execution of a lease agreement. The Headstart Program only meets on days when school is in session, and our school age children are out of the building. The classroom is heated and maintained for six hours each day without any full time children in it. The Headstart Program would allow us to maximize use of space, while not interfering with our child care programs. In addition, the rent paid by Headstart will help to offset the high mortgage payment we are currently obligated to pay until our Washington Street building is sold.

Headstart is designed to provide developmentally appropriate early childhood education to three and four year old children on a part time basis during the school year. As welfare reform progresses and there is increased need for child care, fewer parents will be able to access Headstart without the availability of "wrap-around" child care. The Day Care Center is already participating extensively in the welfare reform process by providing child care to AFDC parents returning to the work force. It is only logical that we would offer the necessary child care so that parents may continue to utilize the Headstart program and also return to work.

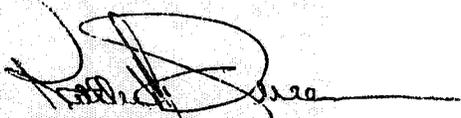
Under the agreement with Headstart, day care will provide breakfast and lunch with reimbursement provided through Headstart's contract with the Child and Adult Care Food Program. Space will be shared with our kindergartners for a few

Town Council  
page 2

minutes each day, and playground time will be scheduled to allow maximum utilization without overcrowding. The Headstart Program will be licensed separately, and will maintain liability insurance for its activities. A copy of the lease agreement, when executed, will be available for your perusal upon request.

We would appreciate your approval of the use of day care space for the Headstart program. Many of the families participating in Headstart are residents of the neighborhood. This sharing of program space will allow the center to become a more active part of that community. Thank you for your continued concern and support.

RESPECTFULLY SUBMITTED:



Kathleen M. Queen, Executive Director

RENTAL AGREEMENT WALLINGFORD HEAD START PROGRAM

BETWEEN

THE WALLINGFORD COMMUNITY DAY CARE CENTER, INC.

AND

YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF MERIDEN

THIS AGREEMENT, made this 24th day of September, 1996 by and between The Wallingford Community Day Care Center, Inc., hereinafter called "Landlord", and Young Women's Christian Association of Meriden, hereinafter called "Tenant".

WITNESSETH

In consideration of the covenants, warranties, terms and agreements which follow, the Landlord has let and rented unto the Tenant and the Tenant has hired and taken from the Landlord those certain premises situated in the Town of Wallingford, County of New Haven and State of Connecticut as follows:

1. **Leased Premises:** The premises will be the before and after school room to accommodate up to 37 children at Wallingford Community Day Care Center, 80 Wharton Brook, Wallingford, County of New Haven, State of Connecticut.

2. **Parking:** The Tenant is given the right to use, for parking purposes only, the parking area that is adjacent to the building and is part of the Leased Premises. Said parking area can accommodate two (2) cars. The Tenant may also use the front entrance for buses pick-up and delivering.

3. **Term:** The initial lease term, hereinafter referred to as "lease term", shall commence September 30, 1996 - June 30, 1997. The lease is renewable by agreement.

4. **Rent:** The rent for the lease term is hereby allocated and made payable in installments as follows:

a. The sum of SEVEN HUNDRED (\$700.00) shall be due and payable upon the execution of this lease. Said, THREE HUNDRED FIFTY DOLLARS reflects the first month's rental payment of three hundred fifty dollars (350.00) plus a security deposit of three hundred fifty dollars (350.00). The security deposit shall generate interest in accordance with the General Statutes of the State of Connecticut.

b. Commencing on November 1, 1996, and on the first day of each succeeding month during the lease term, the sum of THREE HUNDRED FIFTY DOLLARS (350.00) shall be due and payable to the Landlord.

5. **Termination Contingency:** This lease may be terminated by either party in the following ways: This list is not exclusive and does not preclude either party from terminating this lease for cause such as but not limited to inability to get and maintain a license or loss of funding.

a. **Tenant Termination:** The lease may be terminated by the Tenant at any time during the lease, provided that the Tenant gives the Landlord thirty days' written notice of its intention to terminate the lease. Such notice will be sent to 80 Wharton Brook Dr., CT. 06492.

b. **Landlord Termination:** This lease may be terminated by the Landlord upon thirty days' written notice to the Tenant at 169 Colony St. Meriden, CT 06451.

6. **Main Purpose:** The purpose of this lease is for the maintenance and operation of the Tenant's Wallingford Head Start preschool Program.

7. **Subletting and Assignment:** The Tenant shall not sublet the premises to any party without the prior express written permission of the Landlord. A subletting or assignment will not release the Tenant from liability under this lease unless the Landlord expressly releases the Tenant in writing.

8. **Enjoyment of Premises:** Upon payment of the rent and performance of its obligations under this lease, the Tenant shall be entitled to peaceful and quiet enjoyment of the premises during the lease term.

9. **Inspection of Premises:** The Landlord, by its agents, employees, and representatives and by any contractor, real estate agent, or other party authorized to represent the Landlord, may inspect and repair the premises at reasonable times. The Landlord, by its agents, employees, and representatives, and by any contractor, or other party authorized to represent the Landlord, may show the premises to others, after notice to the Tenant, for lease of the Landlord's property. In addition, when the Landlord has reasonable cause to believe that immediate entry is necessary to prevent substantial damage to the premises, or to prevent substantial damage to the Tenant's property, the Landlord may enter the premises immediately at such time and without advance notice to prevent substantial damage.

10. **Tenant's Obligation:** The Tenant covenants as follows and agrees that any violation of any one of these covenants will constitute a default under this lease:

a. **Use:** The Tenant will use the premises exclusively for the maintenance of the Tenant's Head Start Offices.

b. **Notification of Damage or Injury:** The Tenant will immediately notify the Landlord of the presence of any dangerous condition on the premises and of any material loss or damage to the premises or injury to a person thereon.

c. **Compliance with Laws:** The Tenant will comply with and conform to all of the Laws of the United States and of the State of Connecticut; and to the By-Laws, Rules and Regulations of the Town of Wallingford, relating to Zoning, Health, Nuisance, Fire, Safety, Highways, and Sidewalks, so far as the leased premises are concerned, and will suffer no violation thereof by others.

d. **Noise and Nuisance:** The Tenant will not make or allow noise, disturbance, or nuisance such as to impair the quiet enjoyment of the neighbors, especially during the evening and normal sleeping hours.

e. **Trash and Debris:** The Tenant will not permit any accumulation of boxes, packages, barrels, waste paper, garbage, or other trash and debris on the premises. The Landlord will make a designated area available to set out trash for regular municipal pick up.

f. **Condition of Premises:** The Tenant will maintain the premises in a safe, clean, and habitable condition and will be responsible for loss or damage suffered by the Landlord because of the negligence or misconduct of the Tenant, or of the Tenant's users, employees, agents, business invites, or representatives.

g. **Surrender of Premises:** At the end of the lease term, the Tenant shall move all of its property from the leased premises, and will surrender the premises, without notice to quit, in as good a condition as when entered, excepting loss or damage resulting from acts of God or ordinary wear and tear.

11. **Tenant's Obligations In Addition to Payment of Rent:** The Tenant shall be responsible for the payment of all its own telephone.

12. **Landlord's Obligations:** The Landlord shall be responsible for the following:

a. The Landlord, through its ownership right, is responsible for the maintenance of exterior areas of the leased premises.

b. The Landlord shall be responsible for all utilities except telephones. The Landlord will provide custodial services.

13. **Maintenance and Repairs:** Each party shall be responsible for maintenance and repairs of the leased premises as follows:

a. **Tenant's Responsibilities:** The Tenant shall be responsible for splitting cost of ordinary or non-structural repairs in, on or to the leased premises, including daily maintenance thereof. These repairs shall not exceed \$300.00

The Tenant may make required alterations and may remodel the leased premises, if necessary, for its intended use and purposes, provided that the Tenant first obtain the written permission of the Landlord for said alterations or remodeling. Any permitted alterations shall be made at the entire expense of the Tenant and shall be performed in a workmanlike manner, in accordance with State and local building and fire codes, and shall be carried out pursuant to such building permits and/ or licenses as may be required by the Town of Wallingford and the State of Connecticut.

b. **Landlord's Responsibilities:** The Landlord shall be responsible for any repairs in excess of \$300, and for all structural repairs, as long as such structural repairs were not necessitated by any act or omission of the Tenant, or of its agents, employees, clients, users, or business invites. Any structural damage which is caused by the acts or omissions of the Tenant, or of the Tenant's agents, employees, clients, users, or business invites shall be the responsibility of the Tenant. The Landlord warrants and represents that the leased premises is in compliance with all local and state zoning, health, building and fire codes. The Landlord shall maintain said compliance throughout the lease term.

The Landlord shall be responsible for any structural repairs that may be necessary to the other parts of the building, of which the leased premises are a part. However, the Tenant shall be responsible for any such structural repairs that may be caused by the intentional or negligent act of the Tenant or its agents, employees, clients, users, or business invites.

14. **Hold Harmless and Indemnification:** The Tenant agrees and covenants to indemnify, save, and hold the Landlord harmless from any costs, suits, or claims for injury to persons and damage to property arising out of the Tenant's use and occupancy of the leased premises.

15. **Public Liability and Extended Use Insurance:** The Tenant agrees to carry the public liability and extended coverage insurance and all risk Insurance and professional liability insurance, and its own personal property insurance, all at its own expense, in an amount of ONE MILLION DOLLARS (\$1,000,000.00), and shall furnish the Landlord with certificates of such insurance coverage. The Tenant shall expressly name the Landlord as an additional insured, and the certificates of insurance shall state that the coverage shall not be modified or canceled without two (2) weeks written notice to the Landlord. Such certificate of insurance shall be made available to the Landlord at the time of execution of this lease.

16. **Damage to Tenant's Property:** The Landlord shall not be responsible for any damage sustained by the Tenant's property on the leased premises which is caused by the acts or omissions of the Tenant, its agents, employees, users, or business invitees. The Landlord will be responsible for damage to the Tenant's property caused by acts of nature or defects in the leased premises not directly attributable to the Tenant.

17. **Default:** The Tenant shall be in default, and this lease shall become void and terminated at the option of the Landlord if:

a. Any installment of rent, or any other payment herein required of the Tenant, is in arrears for a period of ten (10) days after it shall become due and payable.

b. The Tenant fails to perform any of the other covenants and covenants and agreements of this lease and shall fail to correct such defaults within ten (10) days after written notice thereof from the Landlord

In the event of any such default, the Tenant hereby expressly waives its right to a Notice to Quit Possession, as prescribed by statute. The Landlord's option to terminate this lease shall be exercised by commencement of an action, or at the sole discretion of the Landlord, by sending the Tenant a Notice to Quit or such other notice to vacate or demand for rent and/or damages as the Landlord shall deem appropriate.

Notwithstanding any other provision of this lease, the Landlord shall have all rights and remedies against the Tenant default, including but not limited to the rights to resume possession and to remove the Tenant without liability for damage therefor. The Landlord shall exercise its best reasonable efforts to relet the leased premises, or any part thereof, to a tenant or tenants satisfactory to the Landlord and shall apply any rent received therefrom first to pay

18. **Proper Authorization:** The Tenant hereby represents to the Landlord that it is a corporation in good standing under the laws of the State of Connecticut and that it has been duly authorized to enter into this lease with the Landlord.

19. **Permits and Licenses:** The Tenant hereby agrees to obtain any and all permits or licenses which may be required by the Federal, State or Municipal governments, or any of their departments or agencies, in order to conduct the intended operation on the leased premises.

20. **Attorney's Fees:** The Tenant agrees that in the event that the Landlord is required to employ the services of an attorney to enforce the provisions of this lease, the Tenant shall be responsible for all the costs and expenses incurred by the Landlord, including reasonable attorney's fees.

21. **Severability:** If any term or provision, or the application thereof, to any person or circumstance is invalid or unenforceable to any extent, the remainder of this lease shall not be affected thereby, and each term and provision of this lease shall be valid and enforced to the fullest extent permitted by the law.

22. **Waiver:** The Landlord's failure at any time to require strict performance by the Tenant of any of the provisions of this lease shall not waive or diminish the Landlord's right thereafter to demand strict compliance therewith or with any other provision. Waiver of any default shall not waive any other default.

23. **Recordation of the Lease:** The parties agree that this lease shall not be recorded on the Wallingford Land Records. The parties agree, however, that either party may cause to be prepared a short form "Notice of Lease" for the recordation on the Land Records, provided that the cost of preparing and recording the same shall be borne by such party.

24. **Gender:** Whenever used, and as the context may require, the singular number shall including the plural, the plural shall include the singular, and the use of any gender shall include all genders.

25. **Binding Effect** This lease and the contents thereof shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, executors, administrators and assigns, subject to the foregoing provision limiting the right of the Tenant to assign this lease.

26. **Damage:** A representative of each party shall conduct a walk-through of the leased premises within fourteen (14) days of the execution of this lease to confirm the condition of the building and that condition will be noted as an addendum to this document.

27. **Entire Agreement:** This lease constitutes the entire agreement between the parties and may be amended only by a written agreement by the parties which makes specific reference hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands on  
the \_\_\_\_ day of \_\_\_\_\_, 1996.

Signed, sealed, and delivered in the presence of:

**THE WALLINGFORD COMMUNITY DAY CARE CENTER, INC.**

By \_\_\_\_\_ L.S.  
Robert Wilson, President

**YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF MERIDEN**

By Shane L. Rood L.S.  
Shane L. Rood, Executive Director