

July 9, 1992

Peter A. Wasilewski
164 High Hill Road
Wallingford, Connecticut 06492

Wallingford Town Council
45 South Main Street
Wallingford, Connecticut 06492

Dear Ladies & Gentlemen of the Council,

Approximately one year ago, the Planning & Zoning Commission (P&ZC) held a public hearing in regard to an application from Bristol Meyers Corporation to relocate their existing helipad to a location on a site in the Northeast corner of their property. This particular location is within 500' of my property located at 164 High Hill Road.

At this meeting Bristol Meyers stated that their concern was for "safety" due to the fact that traffic backs out onto Research Parkway and possibly Route 68 when they stop traffic coming onto and leaving their property when their helicopter is landing or taking off. They proceeded to state that they own two helicopters, therefore when both come in they have to have one leave so the other one can land because they don't have room for two or tie downs, therefore they wish to double the size of the landing area to accommodate both helicopters.

When the commission opened the hearing to the public, I raised concerns over the fact that these helicopters would be landing closer to high tension lines, owned by Northeast Utilities, that run between my property and Bristol Meyers property knowing what could happen as it did in 1984 when a helicopter crashed after hitting power lines behind our homes. I also questioned the fact of the noise that these large corporate type of helicopters make, the amount of landings and take offs, and the fact of doubling the size of the helipad to accommodate two helicopters. I felt that the safety of my family and home was jeopardized by allowing this move and expansion of this helipad so close to my neighborhood. Thomas Kuntz, my neighbor on the south side of my property, also stated that he felt the same as I did.

The Commission then proceeded to ask the Bristol Meyers representatives a few questions. They had told the Commission that they only averaged six (6) landings per month over approximately the last ten (10) months. After a few more questions, the Commission voted to approve the Special Permit.

With no other alternative, we decided to acquire the legal services of Attorney Vincent T. Mc Manus and appeal this decision.

The appeal was sustained by the courts on April 15, 1992.

This appeal cost High Hill area residents, Mr. & Mrs. James Mikulski, Mr. & Mrs. James Heilman, Mr & Mrs. Thomas Kuntz and my wife and I, over \$6000.00 in legal fees.

After the appeal was over, we found that on August 1, 1991, Town Attorney Janis Small wrote a memorandum to Town Planner, Linda Bush, stating that if Northeast Utilities, an abutter, was not notified of the hearing, that it created a jurisdictional defect and renders the site plan void, and Bristol Meyers should reapply for approval. Also that she would review the theory of "Conceptual Subdivision" and would speak to her further about some questions she had. On August 6, 1991, the Town Attorney wrote another memorandum regarding "Conceptual Subdivision" and a Supreme Court ruling in 1988 rejecting this same type of theory.

With this in mind, I felt I would like further explanation as to why the Town at that point and time did not make Bristol Meyers reapply. Why did the Town make us continue our litigation in light of the fact of these legal opinions one month later. So I contacted Iris Papale, who advised me to contact the Mayor's office. I took this advice, and Thomas Kuntz and I had a meeting with Mayor Dickinson. I explained to him that in light of the fact of these legal opinions, that those of us involved in the appeal felt that our civil rights were violated and rather than going the distance with another court battle, that if we were reimbursed for the legal fees, we would be happy with that. The Mayor asked for a couple of weeks to research this matter and speak to the Town Attorney to obtain some answers. Mr. Kuntz and I agreed to this.

Approximately one month later the Mayor called me, and stated that after talking to the Town Attorney, he was told that our Attorney, Mr. McManus, was contacted in the early part of October 1991 and asked that we either drop our appeal or put a stay on it, and Bristol Meyers

would take the necessary steps to reapply for the permit in the proper manner. Our response at that time was NO. Mayor Dickinson stated that at that time we could have saved ourselves money. At that point in time, our legal expenses were over \$4500.00. I told the Mayor at that point in time we felt that we had no reason to drop or put a hold on this litigation. This was the legal advice of our Attorney, Mr. McManus.

He stated that the P&ZC could not void it's decision, and make Bristol Meyers reapply, as it would open the Town to litigation from Bristol Meyers.

So, in other words, it was alright for us to spend our money to correct the Town's mistakes.

The question that I have for the Council are the following:

1. Why was the P&ZC not able to void this permit? And, if not, why would the Town Attorney state this in her memorandum?
2. Why is our Town Planner not using or following the regulations of the Town? Instead, she uses her own rules or "Conceptual" regulations, as she sees fit to do, and advising applicants and the P&ZC improperly?
3. Why is the P&ZC not better prepared for these public hearings? Is it their own fault, or the fault of the Town Planner?
4. If the public takes the time to attend these meetings, and ask valid questions, especially in light of the fact that this decision could adversely affect them, and that this commission by its own regulations is supposed to take into consideration the health, safety and welfare of the public in general, and the immediate neighborhood in particular, concerning this particular regulation, why wouldn't this Commission table the application, until these questions had been more thoroughly investigated?
5. When is this Town Council going to look into the Town's Planning Department and its Department Head, Linda Bush, in light of the fact of all the accusations and litigations that have taken place in the recent past, such as, our own, the Zoning Board of Appeals, Playground in Town (PIT), the recent flooding on Garden Dr., her constant vigilante and vindictive type of

tactics on Clintonville Road and others in Wallingford, which have cost the taxpayers of this town hundreds of thousands of dollars in investigations and litigations?

6. The attitude and demeanor of Ms. Bush in dealing with the public as a representative of the Town of Wallingford, which I personally found to be very rude and abrasive?

7. Last, but certainly not least, why shouldn't we, at this point and time, invest more of our time, money and effort into recouping our attorney's fees and more, as we feel that we do have a good case of our civil rights having been violated?

We are hoping for some answers to these questions that are being posed to you, the Town Council of Wallingford.

Thank you for your time in reading this letter and understanding the way we, as a community of neighbors, feel about this situation.

Sincerely,



Peter A. Wasilewski