

Town Council Meeting

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April 8, 1986

8:00 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers on this date, called to order at 8:02 p.m. by Chairman David A. Gessert. Answering present to the roll called by Town Clerk Rascati were Council Members Bergamini, Gessert, Gouveia, Holmes, Killen, Papale, Polanski and Rys. Councilman Diana did arrive just after the roll was called. Also present were Mayor William W. Dickinson, Jr., Town Attorney Vincent T. McManus, Jr., and Comptroller Thomas A. Myers. The pledge of allegiance was given to the flag.

Before the meeting got started, Chairman Gessert then wanted to make known that Marty Barracato-Camire was honored by the State Jaycees for outstanding contribution to her community. Ms. Camire was then given a round of applause.

Since there were no questions for the Public Question and Answer Period, the meeting then moved on to the next item which was a request from Tony Avitable to speak on the Public Celebrations Parade and waive Rule V to do so.

Mr. Killen then moved to waive Rule V to allow Mr. Avitable to approach the Council; seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

Mr. Avitable then told the Council members that he would like them to be on a float to re-enact the signing of the Declaration of Independence for the Public Celebrations Parade on April 19, 1986. He would like them in full uniform of some kind during that period. Buses will be leaving from Sheehan and Lyman Hall at 9:00 a.m. on the morning of April 19th and they have to be at the parade by 10:15 a.m. and have to be ready to start by 10:45 a.m. and the parade will start at 11:00. The parade is for the 350th anniversary of Connecticut. It will represent the past, the present and the future. There will be 50 floats in this parade from all over. Our float will be honoring Lyman Hall who signed the Declaration of Independence. The first part of the float will be the Council members re-enacting the signing of the Constitution. The second part of the float is going to be the present, for which he is having a replica of the Royce House being built by Mr. Fritz, the industrial arts teacher at Sheehan. Mayor Dickinson will be standing in front of that. The last part of the float will be the future and he has asked the winners of the football championships and the basketball champions from Lyman Hall, the girls basketball team to be represented plus cheerleaders from both schools and some of the kids from town to represent the younger children which means the future of Wallingford. Also, the Lyman Hall band will be the first unit of the float and the Sheehan High School band.

Mr. Killen then requested that some members of the national honor society be asked to be part of this instead of just the sports. Mr. Avitable says he will try and get in touch with someone and arrange this. Chairman Gessert then asks Mr. Killen to call and arrange this and Mr. Killen says he will do so.

The Council members that can attend this parade then inform Mr. Avitable that they will be there.

Mr. Avitable then explains the only money spent so far has been for the buses and that is \$560.00. As far as everything else, it has been donated. The only expenses will be streamers and things like that and the whole thing should cost approximately \$100.00 and it would come out of the Public Celebrations Committee.

Mayor Dickinson then says Mr. Avitable should be congratulated for all the work involved in this float and the Council members do congratulate Mr. Avitable.

Mr. Avitable then says that they will be letting 300 balloons go off from the float. Again, he reminds them that they must be at either Lyman Hall or Sheehan before 9:00 because the buses will leave at 9:00 a.m.. No cars will be allowed to park in the area of the parade. Again he reminds them that colonial dress is what is being asked of them. He then comments that for the July 4th fireworks, he is hoping to get the Wallingford Symphony Orchestra to have a free concert that night and if this happens it will be to honor the Statue of Liberty. They would be set up at Moran Junior High facing Sheehan with a snow fence around the front of it.

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Item #3 is then up for discussion and Mrs. Bergamini moved the confirmation of Mayor William W. Dickinson's reappointment of Mr. Al Kovacs to the Public Utilities Commission for a three year term, comencing on March 1, 1986 and ending on March 1, 1989; seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Item #4 is then up for discussion and Mrs. Bergamini reads the letter from Mayor Dickinson recommending the names of the members of the Public Celebrations Committee.

Mrs. Papale then moved to approve the appointments of the following members of the Public Celebrations Committee: Thomas Dooley, Christine Bolio, Anthony Avitable, Richard Castello, Philip D'Agostino, Johanna Fishbein, Lucille Groves, Jean Holloway, Marilyn Massores, Betty Molinari, Lucille Casagrande, and Robert Devaney; seconded by Mrs. Bergamini.

Mr. Killen then asks about Mr. Bartel and Mayor Dickinson then says he is under the belief that he is retiring.

VOTE: Unanimous ayes; motion duly carried.

Item #5 is then up for discussion and Chairman Gessert reads the letter from Marty Barracato-Camire discussing the resolution.

Mrs. Bergamini then reads the following resolution:

CERTIFIED RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD
FOR A YOUTH SERVICE BUREAU GRANT

WHEREAS, in compliance with Sec. 17-433 of the Connecticut General Statutes as amended, the State Department of Children and Youth Services is expected to offer the Town of Wallingford a grant for Fiscal Year 1986-1987 for purposes of operating the administrative unit and service program of the Wallingford Youth Service Bureau, and

WHEREAS, it is desirable and the best interest of the residents of Wallingford to accept said grant;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Section 17-443.
2. That it recognizes the responsibility for the provision of local grants-in-aid to the extent that they are necessary and required for said program.
3. That the filing of an application by the Town of Wallingford in an amount not to exceed \$35,000, is hereby approved and that the Mayor of the Town of Wallingford is hereby authorized and directed to execute and file such application with the Department of Children and Youth Services, to provide such additional information, to execute such other documents as may be required by the Department, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such and Agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Town of Wallingford.

The above resolution was then moved by Mrs. Bergamini, seconded by Mr. Holmes.

Ms. Camire then says what Section 17-433 is all about is that we provide matching monies and we provide certain services, direct services, and that we have a board that oversees the Youth Service Bureau. 359

Mr. Killen then asks if this is funded separately from the money we get from the Federal Revenue Sharing Act. Ms. Camire says we get Federal monies to match. Mr. Killen then says they have money both from the State and Federal Government on this program and Ms. Camire says yes.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Bergamini then moved for immediate certification of this; seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Item #6 is then up for discussion and Mrs. Bergamini reads the letter from Linda Bush stating her reasons for the transfer.

Mrs. Myers then notes the account this money is coming from and says what he is trying to do now is transfer money from areas of the budget where the funds are available.

Mrs. Bergamini then moved the transfer of \$800 from A/C 804-827-01, Insurance Conn. General, to A/C 701-604, Secretarial Services; seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Item #7 is then up for discussion and Mr. Polanski then moved to accept the Quit Claim Deed and Temporary Construction Easement for Toelles Road Railroad Crossing Project; seconded by Mr. Holmes.

Chairman Gessert then says when the state comes down on us they always want it done now. He says there have been many letters to get moving on this project. We have had no cooperation from the State DOT on this and he feels this is ridiculous.

Mr. Costello explains that this project is to put in new signal lights and gates that come down physically across the roadway. He then says he hopes this project will start happening in the summer. Mr. Killen asks if the funds are in place and Mr. Costello says the Town funds are in place but he doesn't know about the State funds.

Mr. Polanski then says this will be a detour around the present crossing. Mr. Costello explains that they will be putting a new crossing material there and there will be a detour to do this.

Chairman Gessert then suggests that along with passing the easement we also instruct the Mayor to write a letter to the person in charge of DOT with a copy of the newspaper article about the tragedy that took place there and also send it to Sen. Robertson and some of the others on the legislature.

Mr. Polanski then accepts an amendment to the motion to have the Mayor direct a letter to DOT with a copy to all the Representatives and Senators that represent Wallingford asking them to get this project moving with the highest authority.

VOTE: Unanimous ayes; motion duly carried.

The Quit Claim Deed and the Temporary Construction Right of Way and Temporary Constructin Easement are included in these minutes and designated as Exhibits I & II.

Item #8 is then up for discussion and Mrs. Bergamini then reads the letter from Francis Francesconi requesting an amendment and an appropriation of funds.

Mr. Holmes then moved to Amend Revenue Budget by Appropriating \$27,000.00 to Account #550-Revenue and Amend Expenditure Budget by Appropriating \$27,000.00 to Account #306-701-General Necessities; seconded by Mrs. Bergamini.

Mr. Killen then comments that we have been reimbursed 90%. Which items?

Mr. Francesconi says all the 700 account numbers are reimbursed 90%. There are 2 budgets. One of them is quarterly reimbursements and the other is reimbursements we get on a daily basis. The both of those come out to the 90%. Mr. Francesconi then says that he decreased the budget by \$20,000 and then about 2 months ago he transferred \$5,000 over to Professional fees. So actually \$25,000 of the \$30,000 was this. Instead of \$140,000 he only came in at \$120,000. 360

Mr. Holmes asks if there is a reason for the need for more assistance and Mr. Francesconi replies the 701 account is for food, shelter, household fires, prescriptions etc. This year they had \$3,769 in prescriptions.

Mr. Gessert then comments if there is a provision that the prescriptions be generic and Mr. Francesconi replies they get an extra .50¢ if they go generic. In the most cases, the local druggists do go generic.

Mr. Polanski then asks what the estimate will be for Welfare this year. Mr. Francesconi says around \$210,000.

Mr. Killen then asks if it is a matter of billing that they expended better than 50% of their budget for general hospitals in the last month alone.

Mr. Francesconi replies he had two big ones pending and the third party payments did not come through so they paid them. This was \$28,000. Mr. Francesconi says of the \$15,000 he is asking in the second request, \$5,179 are already committed, \$9,577 there are third party payments pending. He then explains that there has been a lot in black and white in the statute and they are committed. Mr. Killen comments the state never seems to be committed on anything. Mr. Francesconi points out that this year alone, drug and alcohol costs were \$16,649 and mental health \$17,411. Alcoholism is now considered an illness. The Town by Statute is committed to take care of the people who can't work. Some of them have never been into the office because their families supported them but they just can't pay a \$3,000 hospital bill. This includes any equity they may have when they look at the application.

Mr. Diana then says there is approximately \$30,000 more this year. Could he put a finger on what it might be?

Mr. Francesconi says \$20,000 was decreased in that account when he drew up the budget and \$5,000 was transferred from that account in January because that was the largest account. It is not necessarily because of more Welfare people. Mr. Francesconi then explains that if a person goes from Wallingford and into an institution and upon release at the institution do not want to come back to Wallingford, we are committed to support for 60 days as long as the Town of origin was Wallingford. He then comments about a person in New London who was documented alcoholic and therefore does not have to work.

This 60 days holds true unless he reenters the institution. Then the 60 days starts over. He then does say that they do have a lot of repeaters.

Edward Musso, 56 Dibble Edge Road, does not feel there should be any money given to the people on drugs and alcohol. We have to pay the bills for the damage they have done.

Mr. Francesconi agrees but they have to go along with this.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes then moved the amount of \$3,000 from A/C 804-827-01 to A/C 306-701; seconded by Mrs. Bergamini. Mr. Holmes then noted it was an appropriation. Mr. Killen then noted it was a transfer and Mr. Holmes then stated it was a transfer.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Bergamini then states Item #9 is up for discussion and she again reads another letter from Mr. Francesconi stating his reason for the amendment and another transfer.

Mrs. Bergamini then moved to Amend Revenue Budget by appropriating \$13,500 to Account #550-Revenue and Amend Expenditure Budget by appropriation \$13,500 to Account #306-704-General Hospitals; seconded by Mr. Killen. Jel

VOTE: Unanimous ayes; motion duly carried.

Mrs. Bergamini then moved the transfer of \$1,500 from A/C 804-827-01 to A/C 306-704; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Item #10 is then up for discussion and Mr. Rys then moved to transfer \$1,925 from A/C 1-142-120-00, Tax & Delinquent Collection, to A/C 1-142-890-00, Tax refunds; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

Mr. Rys then moved the refund of property taxes as listed below:

| | | | |
|------------|----------|--|------------|
| \$ | 11.98 | to Sanford or Kimberly Price | |
| \$ | 46.80 | to Pasquale Mulli and Anna Mulli | |
| \$ | 5.09 | to Bernard Pannone | |
| \$ | 11.51 | to Theresa Haynes | |
| \$ | 4.68 | to Lorene M. Bruce | |
| \$ | 56.78 | to Benjamin L. Pilla | |
| \$1,033.05 | | to Gerald H. & Eileen R. Collins(N/O James & Brenda Le | |
| \$ | 11.97 | to John Schultz | O'Brien) |
| \$ | 672.36 | to Thomas F. & Arlene C. Kiley(N/O Edward W. & Alfreda | |
| \$ | 39.62 | to Surendra R. Shah | R. Kalat.) |
| \$ | 30.40 | to Jean A. Tomer | |
| \$ | 1,924.24 | Total | |

This motion was then seconded by Mr. Polanski.

Mr. Polanski then asked if they were at 99% collection and Mr. Rosow said they were over. Mr. Myers commented they were at 101.9%.

VOTE: Unanimous ayes; motion duly carried.

Item #11 is then up for discussion and Mr. Rys moved the transfer of \$1,337 from A/C 1-142-120-00 to A/C 1-142-890-00; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes then moved the tax refund of \$1,336.92 to Robert G. Dwyer; seconded by Mr. Rys.

Mr. Killen then comments on the overpayment, normally the property tax would show a -0- there because none was due and here the figure is in as if it were due. Mr. Rosow then explains to Mr. Killen using the tax refund of Sanford Price to say that it was payed twice and therefore shows an overpayment. He then explains that the total due is shown in the total column. If nothing was due then it shows a -0- balance. Mr. Rosow then says to Mr. Killen's comment about the tax refund for Robert G. Dwyer that possibly the 3rd line should not have been typed.

VOTE: Unanimous ayes; motion duly carried.

Item #12 is then up for discussion and Mrs. Bergamini reads the letter from Don Roe regarding the leased space at the Railroad Station.

Mr. Roe then explains that this is the same resolution that had applied to the previous individual leasing the space.

Mrs. Papale then read the following resolution:

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R E S O L U T I O N

WHEREAS, for several years the Town of Wallingford has rented quarters in the railroad station building, now known as the Wallingford Community Center, consisting of approximately one hundred and eight (108) square feet, and

WHEREAS, it is in the public's interest to have regular surveillance of the property, and

WHEREAS, Mr. John Wolfe has agreed, in return for ... - - - occupation of the quarters referred to, to provide free of charge, such surveillance and, specifically, to do the following things:

- (1) Keep the keys to all areas of the building and, upon authorization from the Director of Recreation, to furnish the keys to those holding a permit from him for the exclusive areas which he has authorized them to use.
- (2) Check all areas during their use by special groups to make sure that they are using them during the time stated on the permit and, after completion of such use, check to ascertain if such special groups have complied with the regulations, have cleaned up all refuse, and have done no damage to the premises and, in case of such damage, report the same to the Director of Recreation.
- (3) Check the building periodically to be sure that there are no safety violations or unusual fire risks.
- (4) Once every twenty-four (24) hours, make a complete inspection of the entire premises and maintain surveillance of the outside areas against the possibility of vandalism and also maintain, on the equipment to be furnished to it, audio surveillance of the building at all times, and also pass on emergency messages to any occupants.
- (5) Make rest rooms and station waiting area available to the public between the hours of 7:00 A.M. and 10:00 P.M. daily and maintain surveillance and control thereof, with the understanding that rest rooms are not to be left open but are to be used only upon application for the keys thereto.

NOW, THEREFORE, be it resolved that in consideration of the foregoing Agreement by Mr. John Wolfe, the Town of Wallingford will make no charge for use and occupation by it of the quarters referred to above so long as it continues to abide by the Agreement above set forth, and

Be it further resolved, that, in addition to the foregoing, the Town of Wallingford will pay and assume responsibility for all the utilities, including heat and electricity, but excluding telephone charges, and

Be it further resolved that the Town reserves the right to terminate this Agreement and the use of said quarters by Mr. John Wolfe upon thirty (30) days written notice to him.

Be it further resolved, that the Mayor of the Town of Wallingford is hereby authorized to sign an agreement with Mr. John Wolfe which incorporates the above conditions.

This resolution was then moved by Mrs. Papale and seconded by Mr. Holmes.

Mr. Polanski then asks if anyone else has shown an interest in occupying that space and Mr. Roe says no. 363

Mr. Diana then asks what the use of the space will be for and Mr. Roe comments that Mr. Wolfe intends to run a coffee and gift shop. Mr. Diana then says after #5 in the resolution it says that Wallingford really has no say in its use, is that too vague?

Mrs. Bergamini then says that there will be no charge for use and occupation. Mr. Diana then says the resolution itself does not spell out what the use will be. Mr. Roe explains that this is the original resolution that goes back to when it was used for a cab service. He then explains what has been there since.

Mr. Diana then says he is afraid of a gray area where the town may be liable for something that happens in there. Mr. Roe says they made a provision into the actual lease that they cannot change use without securing town permission. This is the basis for the lease. There is also a provision in the lease that requires insurance.

Mr. Killen comments about adding things to this he would like to know what is in the entire lease. Mr. Roe says those were the only two items added. Mr. Killen then asks if the clause allowing us to terminate on 30 days notice stands up. Mayor Dickinson says 30 days will stand up and if someone is not in a position to leave, they will end up with the eviction process. Mr. Killen then asks Mr. Wolfe if he is aware that this doesn't allow him the right to transfer the lease to anyone else so should he chose to sell the business he is selling just the business. Mr. Wolfe says he does understand.

Mr. Rys asks if this will be strictly take out and Mr. Wolfe says he may have a table or two over to the side, outside the 108sq. ft. Mr. Wolfe comments that it will not be a restaurant. He is coming in fresh into this. He would like to try and make a business work.

Mr. Wolfe then tells Mr. Holmes he would like to start occupying this space as soon as it is approved. Mr. Holmes says we are getting a service in return for Mr. Wolfe's lease.

Mr. Diana then says in Item #5 where it says the hours, will this be Monday through Saturday? Mr. Wolfe says that is his intention. Mr. Diana comments there are groups who use the railroad station on Saturdays. Mr. Wolfe says he will be available.

Mr. Gouveia then asks Mr. Wolfe if he is aware of all the guidelines in the resolution and Mr. Wolfe says yes. Mr. Gouveia says he feels there are quite a few stipulations. Mr. Roe says the last two tenants did find this to be a difficult thing involving the coverage we are looking for. He then says they did think about changing the lease and they might find them coming back due to the previous experience.

VOTE: Unanimous ayes; motion duly carried.

Item #13 is then up for discussion and Mr. Holmes moved the appropriation of \$1,544 from A/C 804-827-01, Insurance Conn. General, to A/C 145-135, Temporary Help; seconded by Mrs. Bergamini.

Mr. Killen then notes that this is a new account and he feels the money should come from the unappropriated cash balance because it is going to be an appropriation.

Mr. Myers says just because it is a new account it doesn't change the bottom line of the budget.

Mr. Killen then moved to amend the original motion to establish account #145-135; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert then explains that Mr. Dunleavy did send a letter which he states that they are entering into a very busy season and one of their employees is out on a medical leave and he is looking for funds for temporary help until she recovers.

Mr. Killen moved to take \$1,544 from the Unappropriated Cash Balance subject to certification by the Comptroller that the money is there. Mr. Killen again feels this is an appropriation. Mr. Myers then says at this point because they have passed April 1st that all remaining transfers would not fall upon the Unappropriated Cash Balance from now until June 30th. He handles it the same way on the books whether it be a transfer or an appropriation. All requirements from now until June 30th should be funded from somewhere within the operating budget. You can take it from some other account where there are open positions but he would not like to use the unappropriated account. Mr. Killen then states his reasons for feeling this is an appropriation and Mr. Myers does not agree. They are not changing the bottom line on the budget. 364

Mr. Killen's amendment was not seconded so they do go back to the original motion made by Steve Holmes.

VOTE: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Item #14 is then up for discussion and Mr. Polanski moved to waive the bidding procedure to purchase 5 aluminum hydraulic trench shoring equipment systems; seconded by Mr. Diana.

Mr. Gessert then asks Mr. Deak how long it would take to put this out to bid and Mr. Deak replies about 15 days. This would hold up the project for that length of time.

Mr. Killen then comments this was the item they received the phone call on correct? He is told yes and it was with the understanding of talking with most of the Council that they proceed with this. Mayor Dickinson confirms that almost all the Council was contacted and there was 5 affirmative votes. Mr. Rys is the only one who did not agree.

Mr. Polanski then says he looked at a list of our equipment and it doesn't show that we owned this at any time.

Chairman Gessert says it would be listed under the Town's inventory.

Mr. Polanski then asks which one we are buying and Mr. Cassella shows him that it would be Model #4064-5 on the list.

Mr. Deak comments we do not have anything like this now. We have something that is used on deeper excavation. There was an old one but it wasn't used. They were cut up and used for boxes for the ballfields. Mr. Rys then asks if it was known they had a need for this. Mr. Cassella says there was no need for that particular trench box. He then explains they were below OSHA standards. It was a homemade box. He then explains they are supposed to use the type of equipment they are asking for for trenches. They had none before because there was not a standard before. Because of the accident, this was recommended that they put these in the trenches. The old box was 10ft. long and the one they have now is 12 ft. x 3 ft. Mr. Rys then says because of an accident OSHA is requiring this and Mr. Cassella says yes. Mayor Dickinson then says the regulations talk about 5ft. Anything less than 5ft. is a recommendation that they protect the employee safety. Whether or not that is a requirement by OSHA is a secondary matter. Again, Mr. Cassella explains to Mr. Rys the equipment out in the back is for deep excavation and yes it is used.

Mr. Deak explains that this equipment is 5ft long.

Mr. Gouveia then comments that the only thing holding up this project is the purchase of these items. Mr. Deak says yes. They are ready to go otherwise.

VOTE: Unanimous ayes with the exceptions of Mr. Holmes who was not present for the vote and Mr. Rys voted no; motion duly carried.

Mrs. Bergamini then moved the transfer of \$4,200 from A/C 504-140 to A/C 503-482; seconded by Mr. Diana.

VOTE: Unanimous ayes with the exceptions of Mr. Holmes who was not present for the vote and Mr. Rys voted no; motion duly carried.

Item #15 is up for discussion and Mrs. Bergamini moved the transfer of \$3,300 from A/C 504-140 to A/C 503-445; seconded by Mr. Rys. 365
Mrs. Bergamini then notes this transfer is for repairs to curbing and Mr. Polanski then asks Mr. Deak where this curbing will take place. Mr. Deak says in 40-50 locations. Mr. Polanski then says that maybe the people who are not pleased could let Mr. Deak know the curbing was bad and then he could tell them when he would fix it. Mr. Deak then says the people could call him and they try to get to it as soon as possible.

VOTE: Unanimous ayes with the exception of Mrs. Papale who was not present for the vote; motion duly carried.

Mrs. Bergamini then moved the transfer of \$1,700 from A/C 520-201 to A/C 503-445; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Item #16 is then up for discussion and Chairman Gessert reads the letter from Mr. Deak explaining the fire to the compactor.

Mr. Rys then move the transfer of \$9,420 from A/C 804-828, Insurance Self-Insurance Claims to A/C 506-651, PWD-Landfill, Outside Contracts; seconded by Mrs. Bergamini for discussion.

Mrs. Bergamini then asks if we have insurance on this type of thing or is this the type of thing that cannot be insured. She is told that is correct. It cannot be insured. She then tells the press because they cannot insure this as it is part of the landfill.

Mr. Gouveia then asks Mr. Deak what is the reason for waiving the bid. Mr. Deak says right now there is no compactor at the landfill. This is used 6 days a week. He has been without it since last Friday. Mr. Gouveia then asks how long it would take if they went through the normal bidding procedure. Mr. Deak says first they have to find a vendor who will rent this type of machinery.

Chairman Gessert then says they are not talking about the bid for purchase but for leasing this machine. Mayor Dickinson then says what Mr. Dunleavy needs is the ability to locate the appropriate firm to lease/rent this type of equipment so he can go out and get the best terms for us. We don't want to purchase it. It is an estimate that the \$9,420 will cover us to the end of this year. It is not in the new budget right now. They felt the lease/rental best because we are hoping to get out of the need for such a vehicle. They are expensive. \$180,000-\$190,000 new. They will be looking for different firms. It is really to authorize the purchasing dept. to obtain a lease/rent deal. This will take 5-7 days.

Mr. Cassella then comments that the firm they lease this from will carry the insurance on it also because they can't.

Mr. Polanski then says what if they can't find someone who will rent them a compactor with insurance. Mayor Dickinson says the feeling is that it is possible. They will find someone.

Chairman Gessert then notices that they did contact other towns and it seems they have quite a few that have burned up. Mr. Deak does not know what caused the fire.

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

Mrs. Bergamini then moved to waive the bid and authorize Mr. Dunlevy to enter a Lease Agreement; seconded by Mr. Killen.

VOTE: Unanimous ayes with the exceptions of Mr. Diana and Mr. Rys who were not present for the vote; motion duly carried.

A member of the audience then states that people who lease compactors are also responsible for repairs, if there is damage done carelessly or abusively by the Town. Normal wear and tear they will take care of.

Item #17 is then up for discussion and Chairman Gessert reads the letter from Chief McElfish requesting they waive the normal bidding

prices and permission be given to purchase a 1986 Plymouth heavy duty car for \$11,931, from Robert's Chrysler Plymouth in Meriden. 306

Mrs. Bergamini then moved to waive the bidding procedure; seconded by Mr. Holmes.

Mr. Gouveia says he is disappointed to see another item where we are asked to waive the bid. He was told at the last meeting, those items had to do with service. This is not for service. We know Robert's has the car but do we know if someone else has such a car for this price? Conducting public business should be done in public and as openly as possible. He would like everyone to have the same shot at this. Why are they requesting the bid waiver?

Chief McElfish states they do have a couple stocked cars that do meet specifications and it is ready to go. List is \$12,995 and for a municipality it is \$11,931. Putting this out to bid would take another 6-8 weeks to get it ordered. Also, it may come in over the \$12,000 price.

Mr. Gouveia then asks if Robert's bids for any future cars the town may need. Chairman Gessert says they bid on a specific package of vehicles. Last year they were low bidder but the year before they were \$100 higher per vehicle. When they purchased the additional vehicles, one of the few places around that has the police package cars available is Robert's. Chairman Gessert then says he agrees about waiving the bid on this particular item with Mr. Gouveia. This vehicle has 160,000 miles on it and the first couple of years it was out there it was doing 50,000 miles a year. It ended up in the fire department with 100,000 and for 8 years accumulated 60,000 so that is less than 10,000 miles a year for a deputy chief's car. He is not convinced that we need this type of car and he does not feel all the chief's driving is for an emergency. The need for that to be a heavy duty police package he does not feel is necessary. He will not support it.

Mr. Gouveia then says that his point is he doesn't want Robert's creating a monopoly on these cars.

Mr. Diana then states that in defense of Robert's, his good management should not reflect what we do at this table.

Mr. Rys also comments that he called around a few other dealers in the area and not many want to get involved in the police packages.

Mr. Gouveia then comments that they have a bidding procedure and he does not feel that Mr. Rys or anyone else should go around checking this. That is what the bidding procedure is all about. Either follow the bidding procedure or do away with it.

Mr. Holmes asks who will have this car and Chief McElfish says it may be his car and his present car would be handed down. He feels that in response to emergencies, he would like a heavy duty car. We are not always out in the nice weather. It could be a storm or a hurricane. Mr. Holmes does not feel it should be a smaller car in the case of emergencies and as far as waiving the bid, for the amount of business that goes across the table, this is a very small percentage

Chairman Gessert comments about a used vehicle and Mrs. Bergamini says they cannot do that with the Town's money.

Mr. Polanski then asks the Chief if he put it out to bid what kind of package would he want on the car. Similar to the police package, less than or more than.

Chief McElfish says this that he has requested is what he wants. It is the ideal car. It is heavy duty. We take care of them and they last a long time. Chief McElfish says he would like a v8 engine and a full size car. Mayor Dickinson then says if the Chief drew up the specs, he would for a heavy duty police vehicle. If the Council is saying they don't want that, obviously he won't come up with specs for that.

Mr. Rys then comments that in comparison to a Dodge Diplomat, the price on that without the heavy duty equipment is around \$13,000. He feels they are getting a heavy duty vehicle for less than the regular stocked car.

Mr. Gouveia then says he is not complaining of the type of car, but he feels it should go out to bid.

Mrs. Papale then asks if this is an emergency car. The Chief feels it is. She then says they appropriated the \$12,000 and the Chief came in lower than that and if they went out to bid the car may not be there then. 367

VOTE: Unanimous ayes with the exceptions of Mr. Gessert and Mr. Killen who voted no; motion duly carried.

Mr. Holmes then moved to Waive Rule V to award the bid; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes then moved to award waiving the bid to Robert's Chrysler Plymouth in Meriden for a heavy duty police package of a 1986 Plymouth for \$11,931; seconded by Mr. Rys.

VOTE: Unanimous ayes with the exceptions of Mr. Gessert and Mr. Killen who voted no; motion duly carried.

Mr. Rys then move the transfer of \$1,000 from A/C 203R-132 to A/C 203R-164; seconded by Mr. Killen.

Chairman Gessert then questions where it says union members are also granted 20 days in any fiscal year to attend seminars and other related union business. Chief McElfish explains this is the union as a whole. Not each man.

Mr. Polanski then questions the chief on the replacement of the firefighter.

Chief McElfish indicated that the process of selecting a firefighter began the first week in February and a second opinion has been requested on the replacement candidate and this is a moral and legal obligation to select the best qualified man. Mr. Polanski felt that the process would take several more weeks if this candidate was not acceptable and he felt the selection process took a very long time.

Vote: Unanimous ayes with the exception of Messrs. Gessert, Gouveia & Holmes who were not present for the vote and Mrs. Bergamini who voted no; motion duly carried.

Mr. Rys moved a transfer of \$1,500 from A/C 203R-132 to 203R-160, Fire Department, seconded by Mrs. Papale.

Vote: Unanimous ayes with the exception of Mr. Gouveia who was not present for the vote; motion duly carried.

Mr. Rys moved a transfer of \$1,000 from A/C 203R-168 to 203R-530, Fire Department, seconded by Mrs. Papale.

Mr. Gessert asked if the maintenance of radios was under contract and Chief McElfish indicated it was not and this method of using the manufacturer's service rep worked out better and the service was excellent.

Vote: Unanimous ayes with the exception of Mr. Gouveia who was not present for the vote; motion duly carried.

Mrs. Bergamini moved a transfer of \$700 from A/C 203R-168 to 203CH-500, Fire Department, seconded by Mrs. Papale.

Mr. Killen asked when this 1968 Chevrolet/Howe Fire Truck was in line for replacement and Chief McElfish indicated it was in good condition and not in line to be replaced for about six years.

Vote: Unanimous ayes with the exception of Mr. Gouveia who was not present for the vote; motion duly carried.

Mrs. Papale asked about the paramedic program and Chief McElfish stated that 4 qualified; 2 decided not to pursue it and 1 dropped out after beginning the program for personal reasons.

Mrs. Bergamini moved a transfer of \$785 from A/C 203R-143 to 203EW-500 and a transfer of \$1,000 from A/C 203R-132 to 203EW-500, Fire Department, seconded by Mr. Rys.

Mr. Gessert pointed out that he did look at this truck and there was a great deal of volunteer work done by the East Wallingford personnel, saving money for the town.

Mr. Polanski asked if there were a preventative maintenance program and who determined the status of brakes on vehicles and Chief McElfish said that Circle A checks twice a year.

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Mr. Diana felt that the volunteers should be recognized for the amount of work they do and the amount of money saved for the town.

Vote: Unanimous ayes; motion duly carried.

Mr. Rys moved a transfer of \$400 from A/C 203R-167 to 203Y-201, Fire Department, seconded by Mr. Holmes.

Mr. Killen asked if the \$1,600 which is encumbered will take them through the rest of the year and the Chief felt it would.

Vote: Unanimous ayes; motion duly carried.

Mrs. Bergamini thanked Chief McElfish for the way his department responded to her call about an oil spill.

Mr. Rys moved a transfer of \$5,000 from A/C 201P-300 and \$1,000 from A/C 201P-141, a total of \$6,000 to A/C 201D-140, Police Department, seconded by Mr. Polanski. (SEE AMENDMENT BELOW)

Mr. Myers pointed out that A/C 201P-300 is overencumbered by \$4,268.30 and his certification is withdrawn at this point. Mr. Myers recommended funding the \$5,000 from A/C 805-319 now and present a correcting transfer at the next meeting.

Mr. Rys moved a transfer of \$5,000 from A/C 805-319 and \$1,000 from A/C 201P-141, a total of \$6,000 to A/C 201D-140, Police Department, seconded by Mr. Polanski.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Rys moved a transfer of \$1,000 from A/C 201P-145 and \$1,000 from A/C 201P-163, a total of \$2,000 to A/C 201D-160, Police Department, seconded by Mrs. Papale.

Mr. Polanski asked Chief Bevan about the status of a report which he requested in January and the Chief indicated he had just received it and will make it available to the Council.

Vote: Unanimous ayes; motion duly carried.

Mr. Holmes moved a transfer of \$1,600 from A/C 201-001-01 to A/C 201P-170, Police Department, seconded by Mr. Rys.

Lt. Butka pointed out that the Wallingford Police Department has a responsibility since they made the arrest and they can't rely on the hospital security in this case.

Vote: Unanimous ayes; motion duly carried.

Mrs. Bergamini moved a transfer of \$1,500 from A/C 201-001-20 to A/C 201D-150, Police Department, seconded by Mr. Holmes.

Vote: Unanimous ayes; motion duly carried.

Mrs. Bergamini moved a transfer of \$700 from A/C 201P-162 to A/C 201A-140, Police Department, seconded by Mr. Rys.

Vote: Unanimous ayes; motion duly carried.

Mr. Rys moved establishment of a new line item A/C #603-901 and moved a transfer of \$3,843 from A/C 603-130 to A/C 603-901, Town Clerk, seconded by Mrs. Bergamini.

Mrs. Papale asked if there was a list of applicants available for this job and Mrs. Rascati said there was no list and Mr. Seadale said there isn't very often an opening for senior clerk. Mr. Gouveia felt that this is a lot of money to spend for temporary help. He would rather see the 3 months going into training.

Vote: Unanimous ayes with the exception of Diana, Killen and Papale who voted no and Holmes who was not present for the vote; motion duly carried.

Several members of the Council expressed frustration because there is no list available from which to test applicants and

Mrs. Rascati indicated that someone from the Electric Division was interested in the position but she was told by Mr. Seadale that the Electric Division had a different union and that individual could not transfer to the Town Clerk's Office. 30

Item 20. Mrs. Rascati felt that the 3-M Model 201 Reader-Printer was adequate for her needs and 3M will guarantee at least 7 years on service and repair and there are hundreds of these machines throughout the state. Mr. Killen asked if funds were requested for this lease in the 1986-87 budget and Mrs. Rascati said they were not but she would request them.

Mr. Polanski moved an appropriation of \$200 from A/C 805-319 to A/C 603-613 Map Reader-Printer Lease, Town Clerk, seconded by Mr. Holmes.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Polanski moved to waiving the bidding procedure to enter into a lease with 3M for a Model 201 Reader-Printer, Town Clerk, seconded by Mr. Holmes.

Vote: Unanimous ayes with the exception of Mr. Rys who was not present for the vote; motion duly carried.

Mrs. Papale moved a transfer of \$45 from A/C 01-130-606-01 to A/C 01-130-601-00, seconded by Mr. Diana.

Mr. Gessert read the Mayor's 4/3/86 letter regarding SPARROW'S request to have blood tests done to ascertain if problems were coming from the environment as members contended. Mayor Dickinson pointed out that additional blood samples will be taken, an ongoing process. With all due respect, Mr. Gouveia took exception to the last sentence in the Mayor's letter and he received phone calls and 3 of the 6 people tested did have abnormal blood tests but there was no reason given for the abnormality. Mayor Dickinson pointed out that he did speak with the physician and the tests were regarding a specific enzyme and in no case, according to what the doctor indicated to the Mayor, was there a depressed level--in some there was an elevated level but the elevated level is not caused in any way by exposure to certain chemicals--a depressed level can be caused by exposure to certain chemicals.

Mayor Dickinson further stated that the initial concern regarding the tests was because of a suspicion that there was a depressed level and the physician indicated to the Mayor that based on the test at this point, it wouldn't be due to exposure to a certain chemical. The Mayor felt that an overall report would ultimately be provided. Mr. Gouveia was told that the hospital lost one of the test results.

Vote: Unanimous ayes with the exception of Bergamini and Gessert who voted no; motion duly carried.

Mrs. Bergamini moved acceptance of the Town Council Meeting Minutes of March 25, 1986, seconded by Mr. Holmes.

Vote: Unanimous ayes with the exception of Mr. Gessert who passed; motion duly carried.

Mr. Holmes moved that the meeting go into Executive Session to discuss a pending personnel matter, seconded by Mr. Rys.

Vote: Unanimous ayes; motion duly carried and the meeting moved into Executive Session at 11:14 p.m.

Mr. Killen moved that the meeting come out of Executive Session at 11:36 p.m., seconded by Mr. Diana.

Vote: Unanimous ayes; motion duly carried and the meeting moved out of Executive Session at 11:36 p.m.

Mrs. Papale moved to grant an extension of sick leave to Bertha Krivanec, Purchasing Department, an additional 30 sick days to be repaid from her future accumulation. Mr. Rys seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mr. Killen moved that the meeting go into Executive Session for the purpose of discussing pending litigation, seconded by Mrs. Papale

Vote: Unanimous ayes; motion duly carried and the meeting moved into Executive Session at 11:37 p.m.

Mrs. Papale moved that the meeting come out of Executive Session at 11:50 p.m., seconded by Mr. Killen.

Vote: Unanimous ayes; motion duly carried and the meeting moved out of Executive Session at 11:50 p.m.

Mr. Killen moved to authorize settlement of the case of Verna vs. FIP, et al for \$1,250, seconded by Mr. Holmes.

Vote: Unanimous ayes with the exception of Mrs. Bergamini who passed; motion duly carried.

Mr. Holmes moved to authorize the Town Attorney to negotiate the Butka case on behalf of the Town of Wallingford, seconded by Mr. Killen.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert noted that he received a letter from the Mayor indicating that there is a course available for \$750 for operators of resource recovery plants. This course is being conducted in Hartford by the Northeast States for Coordinated Air Use Management (NESCAUM). Mayor Dickinson felt it was important to have George Yasensky attend these sessions since he will be allowed access and inspection of the plant. Mr. Gessert felt that the Mayor should request that the \$750 be taken from another account, rather than in his office.

Attorney McManus pointed out that the PAGB lawsuit in Federal Court has based the federal jurisdiction on violation--it concerns disclosures in bond issues. He believes that the only reason the suit was filed is strictly propaganda and that this is not a lawsuit brought by people who sincerely are trying to address an issue. Attorney McManus stated that he would try this case in any court. Mrs. Bergamini asked about the expense involved and Attorney McManus' fee and asked if this could be recouped and Attorney McManus stated that the Town of Wallingford could go back against these people on a vexatious litigation claim and sue them. Mrs. Bergamini felt there was a lot of misinformation. Mr. Diana suggested that this is a matter of public record and litigation is being discussed.

Mr. Myers wanted to inform the Council on the latest rewrite of the Tax Law is that the effective date has been changed tentatively to September 1, 1986. That means Wallingford can go into market and issue bonds under the old law, arbitrage, invest and keep the profits. Mr. Killen asked if the law has been passed and Mr. Myers said it has not but the marketplace will recognize that all bonds being issued will fall under the old law and have nothing to do with the rewritten code.

Mr. Myers further stated that competitive bids were nonexistent and now he feels that the market will be flooded and he is going to try to sell on May 27, a large issue. There is nothing in the issue right now that is in the budget for 1986-87. Dollars would be saved. Mr. Myers wants to sell \$10,000,000 on the Sewer Treatment Plant--bonds only--with no principle payment for the first two years and only interest would be paid during the first two years. For instance, Mr. Myers felt he could sell them for around 6-1/2%. That will accomplish two things: we have in the 1986-87 budget \$250,000 in the tax rate to support bonds for the Sewer Plant and \$250,000 in the sewer rate--that gives \$500,000. If we sell \$10,000,000, our interest payment at 6-1/2% will be \$650,000. We are left \$150,000 short but we will invest that \$10,000,000 at 7% and look to arbitrage that \$10,000,000 to the fullest extent that we can--probably borrow more notes on the Sewer Plant, use State and Federal Grants and pay off the notes, keep the bond money invested in the bank.

Mr. Myers further explained that costs will be reduced all the way around. If you remember the Sewer Ordinance, \$3,800,000 was allocated for short term interest which will not be hit and that will drive down the cost of the Sewer Plant. It may mean a savings of \$250,000 in the sewer rate and \$250,000 in the tax rate eventually, on the cost of the project. It may never reach the \$1,000,000 figure anticipated--when we first talked about the project, we said we'd probably need \$1,000,000 in taxes and another

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\$1,000,000 in sewer rate to support debt service/bonds for the Sewer Treatment Plant. Right now, it looks like there could be big savings. The other thing that would be out is that quasi agreement we talked about with the PUC where there would be an equal contribution from the tax rate and the sewer rate. Using this scenario and selling bonds up front, we could not have that agreement with the PUC because what would you do with the interest income. Once we have the bonds, we know that we will have to retire them and pay interest on them so this can be attacked on a year to year or two year basis so that we always know where we are going and we always know what money we put up but it won't be a definitive formula. It will be kept flexible and used to our advantage to save us money in the long run.

Mr. Killen asked if the PUC would back down one way or the other and Mr. Myers said the PUC has adopted rates that will produce \$250,000 a year, for the next three years.

Mr. Diana asked how much will be issued in bonds and Mr. Myers explained that this issue will probably be close to \$18,000,000. He will bond not only the Sewer Plant but the Police Station, the Medway road, three years worth of capital and non-recurring improvements, the MacKenzie Dam for \$1,800,000 (paid for all by Water) and Pond Hill Pump Station where the Sewer Division would pay the principal on the bond and the General Fund would pay the interest.

Mr. Myers indicated he would be putting together the disclosure statement within the next two weeks and he hopes to have this out to market by May 5, 1986. Mr. Myers welcomes any questions that the Council might have.

Mrs. Bergamini asked if this were the first bond for the Sewer Treatment Plant and Mr. Myers indicated it is and it's a first for Wallingford because never before have we bonded a project before it has been constructed. We are actually eliminating notes on part of this and going directly to bonds--that's a first.

Mrs. Bergamini asked why the figure of \$10,000,000 was chosen since it will cost more and Mr. Myers explained that right now, our best estimate is that the town costs will be \$10,000,000 and not any higher. The bid on the project came in less, a savings there of about \$4,000,000 and we are anticipating never having to spend a good portion of that \$3,000,000 on the temporary interest. There are some other favorable items--contingencies and a few other items which have been discussed with the staff at Water & Sewer Divisions. Mr. Myers felt that it looks like the \$10,000,000 would be all that the town would have to bond and you are saving one-half mill on the tax rate and \$500,000 on the sewer rate right off the bat if it's only \$10,000,000.

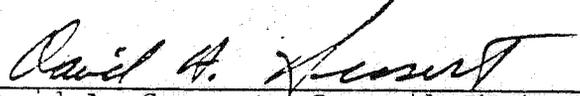
Mr. Diana asked what the bond indebtedness was right now and Mr. Myers said about \$33,000,000 and that includes everything but the Sewer. It will bring the total to \$42,000,000 because everything is on notes except the Sewer. Mr. Myers doesn't feel it's anything the town cannot handle. If the Council is willing to put money up front for the Sewer Treatment Plant, these moves can be made and the town has never been able to make them before. Mr. Myers realizes that most people in the community will not be able to understand this entire process due to its technical nature. Mr. Diana commented that Tom Myers is doing a good job.

Mrs. Papale mentioned that Mr. DeRoy's retirement party is April 24 and she cannot attend because of Passover but she informed the rest of the Council of the date and she has the tickets if anybody else can attend.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 12:15 a.m.

Meeting recorded by
Lisa M. Bousquet, Council Secretary
Meeting transcribed by
Lisa M. Bousquet & Delores B. Fetta

Approved


David A. Gessert, Council Chairman

May 13
~~May 22~~, 1986
Date

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Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

May 13
~~May 22~~, 1986
Date

QUIT CLAIM DEED

Exhibit I
Page 1 of 3.

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE THAT DOMINIC PALUMBO of the Town of Wallingford, County of New Haven and State of Connecticut, and ROBERT FERS and WILLIAM S. D'ADAMO, both acting herein through said DOMINIC PALUMBO, their Attorney-in-Fact, herein designated as the RELEASOR, for the consideration of ONE AND 00/100 (\$1.00) DOLLAR and other good and valuable consideration not exceeding ONE HUNDRED AND 00/100 (\$100.00) DOLLARS, received to Releasor's full satisfaction from the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut, herein designated as the RELEASEE, does by these presents remise, release and forever Quit-Claim unto the said Releasee and to the Releasee's successors and assigns forever, all the right, title, interest, claim and demand whatsoever as the said Releasor has or ought to have in or to that certain parcel of land situated in the Town of Wallingford, County of New Haven and State of Connecticut, shown as Parcel A on a map entitled "Proposed Railroad Crossing Improvements On Toelles Road, Scale 1" = 20', Date: 11-25-82, Department of Engineering, Town of Wallingford", which parcel is more particularly bounded and described as follows:

Beginning at a point in the southeast corner of the herein described parcel, said point being the intersection of the northerly street line of Toelles Road and the western property line of land now or formerly of the National Railroad Passenger Corporation (Amtrak), thence proceeding in a northerly direction 9 feet more or less along the western property line of the National Railroad Passenger Corporation to a point, thence proceeding in a westerly direction 350 feet more or less across land of the grantor to a point located in the northerly street line of Toelles Road, thence proceeding in an easterly direction 349 feet more or less along the northerly street line of Toelles Road to the point and place of beginning. Said parcel contains 1575 square feet more or less and is to be used for normal highway purposes.

TO HAVE AND TO HOLD the premises hereby remised, released and quit-claimed with all the appurtenances unto the said Releasee and to the Releasee's successors and assigns forever so that neither the Releasor nor the Releasor's heirs, successors or assigns nor any other person claiming under or through the Releasor shall hereafter have any claim, right or title in or

to the premises or any part thereof, but therefrom the Releasor and they are by these presents, forever barred and excluded. 3B

In all references herein to any parties, persons, entities or corporations the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

IN WITNESS WHEREOF, the releasor has signed and sealed this instrument this day of March 1986.

Signed, Sealed and Delivered in the Presence of:

[Signature]
DOMINIC PALUMBO

[Signature]
DOMINIC PALUMBO

ROBERT FERS

[Signature]
DOMINIC PALUMBO

BY: [Signature]
DOMINIC PALUMBO
His Attorney-in-Fact

WILLIAM S. D'AMATO

[Signature]
DOMINIC PALUMBO

BY: [Signature]
DOMINIC PALUMBO
His Attorney-in-Fact

STATE OF CONNECTICUT:
: ss. Wallingford
COUNTY OF NEW HAVEN :

Personally appeared, DOMINIC PALUMBO, signer and sealer of the foregoing instrument, who acknowledged the same to be his free act and deed, before me.

[Signature]

STATE OF CONNECTICUT:
: ss. Wallingford
COUNTY OF NEW HAVEN:

Personally appeared, DOMINIC PALUMBO, Attorney-in-Fact for ROBERT FERS and WILLIAM S. D'ADAMO, signer and sealer of the foregoing instrument, who acknowledged the same to be his free act and deed, and the free act and deed of ROBERT FERS and WILLIAM S. D'ADAMO, the said principals, before me.

[Signature]

TEMPORARY CONSTRUCTION RIGHT OF WAY
AND TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS,

THAT DOMINIC PALUMBO of the Town of Wallingford, County of New Haven and State of Connecticut, and ROBERT FERS and WILLIAM S. D'ADAMO, both acting herein through said DOMINIC PALUMBO, their Attorney-in-Fact, for the consideration of ONE AND 00/100 (\$1.00) DOLLAR and other good and valuable consideration not exceeding ONE HUNDRED AND 00/100 (\$100.00) DOLLARS received to their full satisfaction of the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut, do hereby give, grant, bargain, sell and confirm unto the said TOWN OF WALLINGFORD a temporary construction right of way for the purpose of aiding in the construction of improvements to the Toelles Road railroad crossing by providing land for the construction of a detour for traffic while the improvements to the Toelles Road railroad crossing are being built.

Said temporary construction right of way is shown as PARCEL B on a map entitled "Proposed Railroad Crossing Improvements On Toelles Road, Scale 1" = 20', Date: 11-25-82, Department of Engineering, Town of Wallingford", and which parcel is more particularly bounded and described as set forth on Schedule A attached hereto and made a part hereof.

As part of the same consideration, said Grantors do also give, grant, bargain, sell and confirm unto the said TOWN OF WALLINGFORD, a temporary construction easement in and to the same parcel of land for the purpose of constructing and subsequently removing said detour for the period of time of the actual construction of the improvements to the Toelles Road railroad crossing plus thirty (30) days after acceptance of said improvements by the Town of Wallingford.

TO HAVE AND TO HOLD the above granted rights, privilege and authority unto the said Grantee, its successors and assigns, to its and their own proper use and behoof.

IN WITNESS WHEREOF, said grantors have hereunto set their hands and seal this day of March , 1986.

