

TOWN COUNCIL MEETING

MARCH 27, 2001

6:30 P.M.

AGENDA

Blessing – Julius Toth, Minister, First Baptist Church of Wallingford

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Presentation of Certificates to the Moran Middle School Boys Basketball Team, Central CT. Middle School Champions – Requested by Councilors Jim Vumbaco and Tom Zappala.
4. Consent Agenda
 - a. Consider and Approve Tax Refunds (#300-307) Totaling \$1,013.39 – Tax Collector
 - b. Approve and Accept the Minutes of the Special Town Council Meeting Of March 12, 2001
 - c. Approve and Accept the Minutes of the March 13, 2001 Town Council Meeting
 - d. Consider and Approve a Transfer of Funds in the Amount of \$745 from Auto Lifts Acct. #001-5015-999-9167 to Cut Off Saw Acct. #001-5015-999-9982 – Dept. of Public Works
 - e. Consider and Approve One (1) Merit Increase Approved by the Mayor
5. Items Removed from the Consent Agenda
6. PUBLIC QUESTION AND ANSWER PERIOD

7. Consider and Approve One (1) Appointment/Re-Appointment to the Position of Alternate Member on the Inland Wetlands Commission for a Term of Three (3) Years to Expire 3/1/2004
8. Discussion and Possible Action on Appointing an Historic Properties Commission In Accordance with Section 3 of Chapter 127 of the Code of the Town of Wlfd. (formerly known as Ordinance 466) as Requested by Councilor Stephen Knight.
9. Consider and Approve a Resolution Authorizing the Mayor to Execute a Personal Services Agreement and all Documents Necessary to Obtain a State of CT. Grant for Financial Assistance to the Quinnipiac River Linear Trails Project – Mayor
10. Discussion and Possible Action on Approving a Contract for the Purchase of Real Estate Known as 478 Powder Hill Road, Durham, CT., Located in the Town of Wallingford - Mayor
11. SET A PUBLIC HEARING for April 10, 2001 at 7:45 P.M. to Consider and Act Upon an Ordinance Appropriating \$445,000 for the Acquisition of Approx. 52.95 Acres of Real Property Located in the Town of Wallingford off of Powder Hill Road in Durham and Authorizing the Issuance of \$445,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making Of Temporary Borrowings for Such Purpose – Mayor
12. Report out from the Committee on Aging, and Possible Action Regarding;
 - a. the date the new Senior Center will open;
 - b. operations, procedures, and activities; and
 - c. matters raised by a recent petition signed by many seniors,as Requested by Councilors Brodinsky, Papale, Vumbaco & Zappala.
13. Discussion and Possible Action on:
 - a. setting April 18, 2001, 6:30 P.M. as the Date and Time for the Workshop on the Board of Education's budget; and
 - b. determining that each school be listed on an agenda in the order it will be discussed on that night, so that interested parents and staff will have a reasonable opportunity to be heard without undue inconvenienceas Requested by Councilors Mike Brodinsky and Jim Vumbaco
14. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes With Respect to the Purchase, Sale and or Leasing of Real Estate

TOWN COUNCIL MEETING

MARCH 27, 2001

6:30 P.M.

<u>Agenda Item</u>	<u>Page No.</u>
2. Correspondence – No items presented	
3. Presentation of Certificates to Moran Middle School Boys Basketball Team, Central CT. Middle School Champions	1
Consent Agenda – Items #4a-addendum #4e	1-2
5. Withdrawn	
6. PUBLIC QUESTION AND ANSWER PERIOD – Mold problem in elementary schools/cleaning of air vents; storm Drains Located on Private Property; Comments re: Communication of mold spore problem to Town's Administration and timetable for correcting situation; Tax impact of school project on homeowners; Inquiry on status of West Dayton Hill Road Dam question of ownership; Comments re: citizenry's involvement in attending Council meetings; Inquiry re: cost to provide police (S.W.A.T.) coverage for March 10 th appearance by Rev. Hale's appearance at Public Library; Inquiry on status of Cooke Property	2-8
7. Approve the Re-Appointment of Robert Selmecki to the Position of Alternate on the Inland Wetlands Commission for a Term of Three (3) Years to Expire 3/1/2004	8-9
8. Approve Appointing the following individuals to the Historic Properties Commission as Regular Members:	
Candice Brashears	to a Five Year Term
Robert Beaumont	to a Four Year Term
Peter Fresina	to a Three Year Term
Linka Lewis	to a Two Year Term
Barbara Sibley	to a One Year Term

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And the Following Alternates to a Five Year Term:

Cheryl Christy
Sandra Hunt
Rita Katona

9-13

9. **Approve** a Resolution Authorizing the Mayor to Execute a Personal Services Agreement and all Documents Necessary to Obtain a State Of CT. Grant for Financial Assistance to the Quinnipiac River Linear Trails Project

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10. **Approve** a Contract for the Purchase of 52.95 Acres of Real Estate Known as 478 Powder Hill Road, Durham, CT. located in the Town Of Wallingford, with a 30' Access strip for a Price of \$344,500 with a Closing Date Amended to December 15, 2001, seconded by Mr. Farrell.

14-24

11. **SET A PUBLIC HEARING** for April 10, 2001 at 7:45 P.M. to Consider and Act Upon an Ordinance Appropriating \$445,000 for The Acquisition of Approx. 52.95 Acres of Real Property Located In the Town of Wallingford off of Powder Hill Road in Durham And Authorizing the Issuance of \$445,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

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12. Withdrawn

13. **Fail to Approve** setting aside a night dedicated to discussing the school system's budget and that an agenda be printed, in advance, of the meeting setting forth the order in which individual schools would be discussed giving parents and teachers the opportunity to be heard

24-36

14. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes with Respect to the Purchase, Sale and or Leasing of Real Estate

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TOWN COUNCIL MEETING

MARCH 27, 2001

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, March 27, 2001 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:33 P.M. Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, Rys, Vumbaco and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr., Town Attorney Janis M. Small and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Julius Toth, Minister, First Baptist Church of Wallingford.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

No items of correspondence were presented.

ITEM #3 Presentation of Certificates to the Moran Middle School Boys Basketball Team, Central CT. Middle School Champions – Requested by Councilors Jim Vumbaco and Tom Zappala.

Mayor Dickinson and Chairman Parisi awarded certificates to those members of the Moran Middle School Boys Basketball Team who were present this evening, as well as the team's two female statisticians.

Coach Howard Greenberg and Nate Jacobson, Moran Middle School Physical Education Teacher, were also recognized for their assistance and support.

Mr. Greenberg announced that there has not been a boys championship team at Moran for a number of years. This year the depth and quality of the team speaks for itself. He also noted that half of the team were honor roll students as well. The team will be playing in the championship game of the Kinney Tournament in Branford on Saturday (March 31st) against a Monroe, CT. team they defeated previously. The team experienced a few injuries and a great deal of illness this year but they all stepped up which is a tribute to the team.

(Applause).

ITEM #4 Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#300-307) Totaling \$1,013.39 – Tax Collector

ITEM #4b Approve and Accept the Minutes of the Special Town Council Meeting of March 12, 2001

ITEM #4c Approve and Accept the Minutes of the March 13, 2001 Town Council Meeting

ITEM #4d Consider and Approve a Transfer of Funds in the Amount of \$745 from Auto Lifts Acct. #001-5015-999-9167 to Cut Off Saw Acct. #001-5015-999-9982 – Dept. of Public Works

ITEM #4e Consider and Approve One (1) Merit Increase Approved by the Mayor

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, Items #4a-e, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #5 Withdrawn

ITEM # 6 PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville stated, in regard to the mold problem and the school renovation project, he wondered if anyone has looked into how often the air vents are cleaned at each of the schools. He felt the vents should be cleaned every year.

Mr. Parisi stated that he could not agree more with what Mr. Melillo was saying, however, the forum in which to raise the question or issue is the Board of Education meetings. The Town Council does not have jurisdiction over the matter Mr. Melillo is referring to. He suggested that Mr. Melillo discuss the matter with the Board of Education members.

Mr. Melillo stated, with regards to storm drains located on private property; if a big storm hits and the drain does not accept the water draining onto your property from neighboring

yards because the pipes are clogged up, who is legally responsible to clean the drain? The Public Works Department or the homeowner?

Mr. Parisi answered, if it is on the homeowner's property, it is the homeowner's problem.

Mayor Dickinson added, it comes down to who owns it. If it is an easement that the Town owns for storm drainage purposes, then we maintain the easement, but if it is a storm collection system put in by the developer and it is in on private property, then it would be the private property owner. We would need to know whether the Town owns the easement or not.

Mr. Melillo stated, it almost comes directly from Hill Avenue; not quite, but pretty close to where Hill Avenue is and in back of several houses. There is a lot of momentum to the water, so it seems to me that because of that, together with the fact that a typical homeowner does not have the tools to be able to clean out a pipe and lift the drain up... it should be the responsibility of the Town to clean the drain.

Mayor Dickinson answered, I can't agree that Town government automatically becomes responsible for any problem that is difficult for a private property owner. It really comes down to the legality. If there is a specific location, that can be researched by the Engineering Office to determine whether the Town owns it or not. If you could call Engineering and give them a specific location for them to look up on their records, and they can determine whether it is owned by the Town or not. Without the specific location, there would be no way for me to tell them what to research.

Geno Zandri, 37 Hallmark Drive asked the Mayor, with regards to the mold spore situation in our elementary schools, can you tell me when you were first notified of that situation?

Mayor Dickinson answered, it was sometime this month when I was first informed about it.

Mr. Zandri stated, the School Administration was aware of the problem back in November. Do you feel you were informed in a timely manner, knowing that they were aware of it since November?

Mayor Dickinson answered, I have to rely upon the Health Department who is indicating that there is not a public health hazard. The Health Department should be aware of anything of that kind that alerts us to the potential of a problem. As it turns out, the Health Department is not identifying it as a public health hazard. I certainly feel that the Health

Department should be made aware of those things. If there is a problem then I would be brought into that loop. I think the Health Department is the more critical element.

Mr. Zandri stated, it is my understanding that the Health Department was not made aware of it back in November, either. They were just made aware of it recently because notification went out to the parents in February. My concern is, it seems to me that there was a lapse in communication here, from the school administration. I am wondering whether you would have any recommendations so that this particular problem won't develop again, especially when we are dealing with a health situation.

Mayor Dickinson answered, I think the Health Director has already had that discussion. The nurses were certainly aware of it and that communication should be improved and I think everyone is in agreement that that should happen in the future. It wasn't as though there was no health input because the nurses were certainly aware of everything, but there should be better coordination and I think all the parties are committed to doing that.

Mr. Zandri stated that he was glad to see that the communication issue was getting straightened out but one of the groups left out of the decision-making process was the parents of the children. The parents, themselves, were not notified until February even though the school administration had the information back in November. That is another concern of mine. What would your recommendation be as far as prompt notification of the parents?

Mayor Dickinson answered, there, again, it comes down to identification of a problem. When they are looking into whether there is a problem or not, that can unduly concern people and I am not sure that much is served by an indication that something is being looked into. At the point that there is identification of a problem, then there should be notification. It is always a judgment matter of what rises to the level of being a concern enough to notify all parents, given that this is not a health problem, I am not sure it rises to that level.

Mr. Zandri stated, I am not quite clear on whether or not that has been totally identified as to whether or not it is a health problem. I think that has yet to be decided. I feel the parents should have been part of loop as far as communication is concerned because they also have a judgment to make, whether or not their children could be affected by this particular potential problem. My next concern with this is, the game plan for the remedy to the problem. The school administration has a two year timetable right now that they have set aside to remedy this situation within. They are prioritizing which classrooms to correct first based on receipt of a complaint from a parent about their child's illness which

must be documented by a physician. I am not in agreement with that game plan and would like to know if you have any opinion on whether or not you think that the game plan that is presently laid out by the school is a good one or whether it could be improved upon?

Mayor Dickinson replied, I have not had any detailed discussions regarding their process. I have been told by the Superintendent that they plan to move as quickly as they can to remedy the affected areas. He had indicated to me that he wanted to be doing as much as they can this summer, with the understanding that they probably cannot do everything this summer for logistical reasons so that requires some prioritizing but the context within which the discussion took place, really involved the renovation project and at that time he did not want it in the renovation project because he wanted to have the work completed sooner. My guess is, if there is a way of doing everything logistically in one summer, I think that would be his preference. But, as I understand it, it is not possible due to constraints in the time factors.

Mr. Zandri asked, if it could be done in one summer, Mayor, would you be in favor of that?

Mayor Dickinson answered, that is too hypothetical a question. I don't know what that commits overall. I have been informed that it is not possible to do that. I can't form an opinion as to what would be necessary to do it in one summer. I understand logistically that it can't be done.

Mr. Zandri answered, from what I have heard at the meetings that I have been at, it seems that there is a possibility to get that done. I don't know whether they have researched everything or not. I think it is pretty sad when one of the criteria required for setting priorities is that a child has to get ill, and the illness has to be documented, and that documentation has to be sent to the schools in order for that classroom or future classrooms for that child be put on a priority list to be fixed. I think that is the wrong approach to solving this problem. We all should be looking into a way to resolve this in a more timely manner.

Jack Agosta, 505 Church Street, Yalesville stated, I was away, and when I came home and read the papers, maybe I read it wrong, but the Mayor said that the school renovations would cost the taxpayers 1 mill (increase in taxes). Tell me if I am wrong; but I was told that 1 mill was \$224,000. If we bond it for ten years, that equals 2 mills. If it is fifteen years, that is 1.35 mills and in twenty years it is 1 mill. That is a big difference between \$108 and \$204,000.

Mayor Dickinson answered, I think the indication was that it was \$108 or \$112 for the average taxpayer the first year tax impact. I don't think I spoke in terms of mills at all. It was \$108 or \$112 for the average taxpayer.

Mr. Agosta stated, I read 1 mill.

Mayor Dickinson responded, I don't believe so.

Mr. Parisi stated, Honestly, as I recall, it was in dollars.

Mr. Agosta stated, that is why I questioned it...

Mr. Parisi answered, good, now we have the answer. Only one question, please. Mr. Sheehan is next. Mr. Zandri got away with an extra question; one question per person.

Mr. Agosta stated, but this has to do with renovation.

Mr. Parisi answered, one question per person.

Robert Sheehan, 11 Cooper Avenue stated, it has been almost one year since I asked this question; seeing it is Spring and we are always concerned about our neighbors downstream; who owns the dam on West Dayton Hill Road?

Atty. Small answered, we don't. The trial is in May. It was canceled because of a snowstorm. It was scheduled for the two days that the state was closed.

Mr. Sheehan stated, last I knew it was supposed to be held last August.

Atty. Small answered, it has been postponed several times.

Mr. Parisi stated, that is the court system, not the Town of Wallingford.

Atty. Small answered, actually it is the hearing officer but it was supposed to be held on the two days the state was closed; prior to that there was a death in the immediate family of one of the lawyers and it is a jinxed file in terms of the trial date actually coming to fruition but it is set down for the beginning of May.

Mr. Sheehan asked, with the amount of snow and rain we have had, does anyone know the condition of the dam at the present time?

Atty. Small answered, we went out there with the hearing officer two or three weeks ago. I am not an expert on those things but, each time there has been a continuance of this trial, the hearing officer requests the D.E.P. to say, on the record basically, that they have no concerns of any imminent danger to any life or property. Otherwise there wouldn't be a delay. That representation has been made by the D.E.P. each time the case has been continued.

Mr. Sheehan asked, is there still a plan or proposal in the works to straighten the road and put in a new bridge?

Mayor Dickinson answered, Engineering has that project.

Philip Wright, Sr., 160 Cedar Street stated, recently I was at the senior center for a computer class. As I was leaving, a senior whom I do not know, expressed thanks for what he sees as a function I, and my compatriots here, do for the public at these meetings. He said, and I quote, "somebody's gotta do it for us". This is a frequently expressed sentiment by people. "Somebody's gotta do it for us". I felt like saying, "look, Jack..." although I didn't say it; don't know whether his name is Jack or not; "...but I don't gotta do anything in this town but pay my taxes, my electric bill, and my water bill. I don't even have to shovel a sidewalk 'cause in my area, we don't have sidewalks." That is what I felt like saying, but I didn't do it. I come to these meetings, not because I gotta come; I come, well sometimes I wonder why I do come. I even miss some of the UCONN basketball games and occasionally a Yankee baseball game. However, if my grandchildren are playing hockey or baseball or something, I bag the Council meetings. Really, why do I come and speak out? We are often scorned, ridiculed and ignored. While we are allowed to speak, we are almost never listened to. Even the press ignores the public comments. I take the liberty to include all of my cohorts in my comments. We come because we have deep and abiding regard for the welfare and well-being of our town and the citizens and taxpayers who are here, our neighbors. We come because we like to keep this town a great place to live and we are willing to do our part as we see our duty. In short, we come because we wish to serve a cause greater than our own self-interests; a cause greater than our own self-interests, that is why we come and we speak out and we are ignored and, to a fair extent, ridiculed often by coming up here and speaking. But we will continue to come, I hope. I will for as long as I can.

Jack Agosta, 505 Church Street, Yalesville stated, on March 10th, what did it cost the Town of Wallingford to have thirty (30) cops in uniform; a S.W.A.T. team and all to patrol the streets to keep the crowd down? Do we have a figure on that?

Mayor Dickinson answered, I think it was somewhere around \$12,000 or \$13,000.

Mr. Agosta asked, can you tell me how much money you have spent to negotiate with the unions through mediation and binding arbitration?

Mayor Dickinson answered, I don't have that figure right here. I can get it.

Mr. Agosta answered, last time you said it was about \$32,000. before negotiations came up. It cost us about \$12,-13,000 to have our S.W.A.T. team in the street – thank you very much.

Pasquale Melillo, 15 Haller Place, Yalesville asked, what is the latest status with the Cooke Property, with regards to the proposed golf course?

Mr. Parisi answered, it is also in the court system.

Atty. Small added, we are awaiting a hearing date from the judge.

Mr. Melillo stated, if you do build a golf course there, with the high water table and drainage factored in, the odds are overwhelming that you will have a lot of toxic chemicals flowing into the McKenzie Reservoir and those two little rivers nearby.

Mr. Parisi answered, we are aware of all of that. I accept your statements; I disagree with them; I am not going to have a golf course discussion tonight.

The Public Question and Answer Period was declared closed at this time.

ITEM #7 Consider and Approve One (1) Appointment/Re-Appointment to the Position of Alternate Member on the Inland Wetlands Commission for a Term of Three (3) Years to Expire March 1, 2004.

Motion was made by Mr. Rys to Re-Appoint Robert Selmecki to the Position, seconded by Mr. Farrell.

Mr. Farrell stated, I have met with Mr. Selmecki many a time. When he first got on the commission, he made a very diligent effort to learn the state statutes concerning wetlands. I have seen him demonstrate a lot of competence on the commission.

VOTE: Mr. Parisi abstained from the vote; all others, aye; motion duly carried.

ITEM #8 Discussion and Possible Action on Appointing an Historic Properties Commission in Accordance with Section 3 of Chapter 127 of the Code of the Town of Wallingford (formerly known as Ordinance 466) as Requested by Councilor Stephen W. Knight.

Candice Brashears, 90 N. Airline Road, stated that she has served as Chairman of the Historic Properties Study Committee. She introduced John Letourneau who served as Vice Chairman of the same committee. She stated, I am here tonight to ask you to take care of a housekeeping item; the appointment of members to the Historic Properties Commission. Some of the present council members were not on the Council at the time this was adopted. The impotence for forming the Commission is due to the federal and state dollars that are set aside for historic preservation purposes which requires this kind of commission. Without such an entity in place, neither the locality nor historic groups within the town, would qualify for these federal funds which are currently passing us by. The Town Council's Ordinance Committee discussed the feasibility of such a commission in 1998 and appointed the Historic Properties Study Committee to present a report which would be limited exclusively to three properties, all owned by the Wallingford Historic Preservation Trust. The three properties are known as the Nehemiah Royce House on North Main Street; the Johnson Mansion on South Main Street and the Blakeslees House on Barnes Road, each of which were previously designated on the National Register of Historic Places. The ordinance of Wallingford Code Section 3, Chapter 127-c creating the Historic Properties Commission, was unanimously approved and passed by the Planning and Zoning Commission, the CT. Historical Commission, the National Park Service, and this Town Council in January of 1999. The Commission responsibilities, at a public hearing, are to review applications for appropriateness, made by the Wallingford Historic Preservation Trust when and if exterior structure and property alterations within the public view are planned. I will reiterate, the Commission is exclusively limited by Town ordinance to these three, and only these three properties. The Wallingford Historic Preservation Trust now has funds to go forward with the Johnson Mansion Restoration. It needs to be able to make application to the Commission for planned changes. This final step tonight makes the Town eligible to apply for federal and state funding as well. At his request, I forwarded to Steve Knight a list of potential Commission members. The state statutes under which the ordinance was passed, direct that an attempt be made to find members who have background in history, architect, real estate and related disciplines. Due to busy work schedules and other commitment, many of the original study committee members were unavailable to serve at this time, as were other residents who were identified to me. Obviously, it is up to the Town Council, who it shall appoint. I have,

however, tried to do some ground work by gathering names and asking people if they were willing to serve. I respectfully request that the Town Council appoint members to the Historic Properties Commission, as adopted in 1999 to facilitate eligibility for federal funding and the Trust may move forward with their restoration plans accordingly. I would be pleased, as I am sure John would be, to answer any questions you may have.

Mr. Brodinsky stated, I will vote in favor of this...how many dollars are we looking at? What are the odds of getting the money?

Ms. Brashears answered, the odds are very good, actually. Currently, the funding generally comes from the Secretary of the Interiors, through the National Park Service. It is a large pot of money that they dole out between all the states. How much that is going to be from year to year varies. It is generally in the thousands of dollars, at least, versus millions.

Ms. Papale asked, what do the members of the Commission actually do?

Ms. Brashears answered, when the Wallingford Trust needs to make alterations to the buildings that is going to change what is in the public view, they would submit, at a public hearing, to the Commission, what their plans are. The Commission members would then decide either yea or nay that it is appropriate to that property.

Ms. Papale asked, this commission actually works under the Wallingford Trust?

Ms. Brashears answered, no, it would work under the Town Council.

Mr. Letourneau, 3 Regent Court added, as part of the Wallingford Trust, I am the Director of Restoration for them, what it does is prevents us from stepping outside of the historic boundaries for painting the house, for example, the Johnson Mansion, in particular. If a group of us got together; it wouldn't happen; and we decided to paint the outside of the house blue and it shouldn't be, that is where the Commission comes in and says no to the action. Also, what happens is, they are a watchdog because of the funding that are going to be applied for. As with any funding, the government, whether it be state or federal, wants a watchdog agency. It will be a volunteer group.

Mr. Vumbaco asked, are we appointing actual names to this Commission tonight? Or are we just appointing the Commission? Do you have names that you are going to present tonight?

Mr. Knight stated, the council secretary sent out a list of such names to each Councilor; perhaps the mail did not reach you in time; that is my fault because I did not get it done in time. I do have a list of people that I will incorporate into the motion.

Mr. Parisi asked, your sole existence is for the three properties that are named, and no other property within the Town?

Ms. Brashears answered, no.

Mr. Parisi asked, you will require no funding at all from the Town?

Mr. Letourneau answered, no, there would be no additional funding from the Town.

Mr. Parisi asked, this is really a commission that is being put together to solicit funding for these three properties?

Mr. Letourneau answered, yes.

Mr. Parisi continued, and to make sure that they are managed in the proper way?

Mr. Letourneau answered, that is correct. It will be staffed with volunteers. There is no pay to the members.

Mr. Parisi asked again, there is absolutely no requirement for funding or expenditures by the Town of Wallingford?

Mr. Letourneau answered, that is right.

Mr. Parisi stated, that is important that that be made very clear and that this is in no way an extension or starting of an historic district or any of that business. This is just a commission for these three properties and really to open up avenues of funding.

Ms. Brashears answered, absolutely.

Mayor Dickinson commented, this is a Commission acting for the Town. I think they will fall under the Freedom of Information Act which would require minutes; a record of meetings; posting of meetings; etc. There are expenses involved with that. I want to raise that as an issue. That is a cost that would have to be budgeted somewhere.

Mr. Parisi answered, maybe they will bear that cost. Do you have a secretary?

Mr. Letourneau answered, at this time after the Commission is put together and the people approved...they will have a secretary. Generally, it is not like they are going to meet once or twice a month. If they met a couple of times a year, that would be a lot. I think the cost would be minimal and it would be put together by the people involved.

Mr. Parisi stated, that is my feeling; that you would take your own minutes; transcribe them, distribute them; post your one or two meetings. I think you would have proper guidance and I would suggest that you probably have Attorney Farrell's office do your paperwork for you.

Mr. Knight offered to put forth a motion which included the names of the individuals to be appointed to the Commission.

Mr. Zappala asked Mr. Knight how the list of names were arrived at?

Mr. Knight answered, the names were suggested through Candy Brashears and the committee that was established. The individuals are people who are interested and qualified to do this kind of work. They did the leg work. These were not my names.

Mr. Zappala stated, I don't know everyone on the list; I know some of them. Is it a selection the Council should be making or should it come from someone else?

Mr. Parisi stated, they had a very difficult time finding enough people to put the Commission together. There was considerable work done to find people that were willing to serve.

Mr. Zappala stated, I, for one, did not know that such a committee was being formed. I am not sure if everyone else on the Council realized that the committee was being named. I just wish I knew before this.

Pasquale Melillo, 15 Haller Place, Yalesville asked, if any party or individual wanted to make a donation to your commission, would they be able to do that?

Mr. Parisi stated, I would advise the party or individual to make the check out to the Historic Preservation Trust, not to the Commission.

Mr. Melillo was in favor of appointing the commission.

Rita Katona, 148 N. Branford Road responded to Mr. Zappala's comments by stating, it is difficult to get people to serve in any capacity because everyone, today, is very busy. Sometimes people wish to serve who may not because they may be paid in other capacities and the rules and regulations are quite clear. Out of this entire population of 42,000, you find very few who are willing to take on the responsibility and the time. I would simply suggest that those whose names are there, are those who are truly interested and will serve. I recommend that you approve them. Thank you.

Mr. Zappala replied, the reason I will abstain from voting is because I feel that I should have been made aware that this committee was being formed. If I had a name to suggest, I would have suggested it.

Ms. Katona answered, we were here last year stating that the commission was going to be formed. There may still be some openings; if someone is interested, fine.

Mr. Parisi stated it is clear that Mr. Zappala was unaware that individuals were being appointed tonight. It was not a highly-publicized event. Whether he is prepared to vote or not, is not a problem.

Motion was made by Mr. Knight to Appoint:

Candice Brashears	to a Five Year Term
Robert Beaumont	to a Four Year Term
Peter Fresina	to a Three Year Term
Linka Lewis	to a Two Year Term
Barbara Sibley	to a One Year Term

Alternates: (Five Year Term)

Cheryl Christy Collett
Sandra Hunt
Rita Katona

Seconded by Mr. Rys.

VOTE: Zappala and Farrell abstained; all others, aye; motion duly carried.

Mr. Farrell abstained to avoid the appearance of a conflict of interest.

Town Clerk, Rosemary Rascati, performed the Swearing-In Ceremony for many of the Appointees who, unfortunately, were not identified for the record. (Note: this author personally recognized Ms. Brashears, Ms. Sibley, Mr. Lewis, Mr. Fresina and Ms. Katona as being in attendance and sworn in. Others were present but unidentified.)

ITEM #9 Consider and Approve a Resolution Authorizing the Mayor to Execute a Personal Services Agreement and all Documents Necessary to Obtain a State of CT. Grant for Financial Assistance to the Quinnipiac River Linear Trails Project (Appendix I) – Mayor

In February, 2000 the Town applied for a Recreational Trails Grant. In order for the Town to secure the funds from this program in the amount of \$18,400., it is necessary that the Town Council authorizes the Mayor to enter into the Personal Services Agreement. The resolution before the Council tonight, if approved, gives such authorization to the Mayor to enter into said agreement.

Mr. Rys read a portion of the resolution into the record.

Motion was made by Mr. Rys to Approve the Resolution, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #10 Discussion and Possible Action on Approving a Contract for the Purchase of Real Estate Known as 478 Powder Hill Road, Durham, CT., Located in the Town of Wallingford – Mayor (Appendix II)

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

Mayor Dickinson stated, the contract involves property...that is on the trap rock ridge and located in the northern part of the town, just to the north of Tilcon Tomasso and on the northerly side of Route 68. We currently own property along the ridge. This is known as the Bugai property. It is 52 acres. Powder Hill Road is to the extreme right on the map on display. We will be obtaining a 30' right-of-way to reach this property, off of Powder Hill Road. The only other comment I want to make is, as you are aware, the contract indicates a purchase price of \$344,500. The additional sum of money that we would be approving in an ordinance is to cover bond costs, borrowing costs, also potentially include costs associated with any environmental or permitting processes in order to have permission to cross stream or wetland in order to reach the property. The contract specifies a closing

date of September 30th. I ask that we amend that to make that December 15, 2001. It can be moved up, but we would rather not have to deal with this and we want to give enough time to be able to obtain the necessary approvals from the Durham Inland Wetlands Commission for access over stream or wetlands.

Mr. Farrell moved the amendment, seconded by Ms. Papale.

Mr. Brodinsky asked, are there any state funds or grants available to help defray the cost of this?

Mayor Dickinson answered, we already have state money in the amount of \$131,000+ and that grant was secured a while ago; it has taken this time to reach a point where we can enter into a contract. As you see the contract is with the Trust for Public Land. They are acting between the owner and Town of Wallingford, as you are aware. It has taken time to put the deal together, but we do have the state funds.

Mr. Brodinsky asked, does that mean that the land cannot be developed or improved in any way because we have the state funds?

Mayor Dickinson answered, yes, the grants will not allow any permanent improvements. It is to be maintained pretty much as passive recreation and as fairly pristine open space.

Mr. Rys asked, are we in a position right now to disclose the significance in our purchasing the property right now, other than open space?

Mayor Dickinson answered, we can discuss anything that affects our interest in purchasing the property.

Mr. Rys stated, one of our main interests in purchasing this property was development?

Mayor Dickinson answered, that is true. The protection of the ridge; the Conservation Commission was very supportive of us acquiring this piece of property. There is a whole other aspect to it, which I think Mr. Rys eludes to and that is, this property does not have any frontage on Town highways. If there were an application to develop the property, Planning & Zoning would probably have to refuse it under their regulations because there must be access to a public highway. Ultimately, I believe it would be developable because that would constitute unconstitutional taking. The result would be that we would have houses or whatever development, existing within the boundaries of the Town of Wallingford, but inaccessible to any emergency equipment, school buses, etc., without

going outside of the Town, easterly on Route 68, over and around onto Powder Hill Road and then opposite this property to then be able to access it with a public road. Obviously, that would be a difficult scenario for emergency equipment, busing school children, etc. Those are valid reasons for us to be interested in purchasing the property.

Mr. Centner stated, as stated, the sales price of \$344,000 and the bonding price of \$444,000; that is a 30% increase. Is any part of that going for a road? You mentioned site conditions and surveys, etc. That is using up \$100,000?

Mayor Dickinson answered, we are trying to cover what could be issues and problems. We don't know what kind of effort has to be put into the permitting process. We did not really cost anything out in putting...it would only be an access way; gravel of some kind. We did not really cost that out. If that will cover that, that's fine, but our main focus was on environmental reviews and, I believe, one is to be covered. If we have to get into any remediation or the second or third phases, that is where the focus was; to provide funding.

Mr. Centner asked, with regard to the use of the parcel; will it remain pristine and not have any other uses? The intent?

Mayor Dickinson answered, with the use of the state funds, the Town would not be able to accomplish anything on the property, perhaps parking. Other than that, there is very limited capability of making any kinds of improvements. It is primarily for hiking and I suppose anything of a passive recreational nature.

Mr. Centner stated, I just have difficulty seeing why you would want a road access to it if it is only going to stay in the raw just for hiking.

Mayor Dickinson explained, without a road access, there is no way for a citizen in the Town, with us having purchased it, to reach the property. They drive along Powder Hill Road and they know that we have spent \$344,000 for the property, yet there would be no way, other than walking through swamp and streams, in order to reach the property. I don't think that is the right way to leave it. We are talking about something for 50, 100, 200 years from now. By that time there could very well be a need for a vehicle to get in there. You could have someone walk in there and get injured. There would be no way to get an ambulance closer to the person without traversing some rough terrain. This is an effort to allow a vehicle to at least reach the property, with knowledge that there would not be an ability to build roads on it. You could have a rough passage way on the property, but nothing that is a permanent improvement.

Mr. Brodinsky asked, by passing this, is there some implied authority or permission to put in a road or is that another play for another day; another discussion for another day? If we pass this, can the Administration, on its own, put in this road? Is that how you would view this vote?

Mayor Dickinson answered, quite possibly, if the money were in the ordinance, and I haven't seen the language in the ordinance, this would allow the permitting process for a road. It is funding for the permitting. If there were additional funds, I would think that this is the place to have those funds in order to have an access driveway. I have some real problems with us purchasing the property and have no ability to get a vehicle to it. I want to be very up front about that; we would be making a big mistake.

Mr. Parisi asked, isn't this discussion for the Public Hearing? Aren't we a little premature at this point? The deal has to be approved at the Public Hearing.

Mayor Dickinson answered, that is not an issue in the contract. The contract is for the purchase of the property but I think it is germane in that, if there is really a desire not to have any access, capability of having a vehicle reach the site, I have some real concerns about our interest in purchasing the property. That would still have to be discussed at the Public Hearing and, certainly, it is germane to entering into a contract because it involves what we foresee as part and parcel of the....

Mr. Parisi answered, but if we enter into the contract and this is not passed at the public hearing, the contract is null and void.

Mayor Dickinson answered, right.

Mr. Brodinsky stated, my concern about a road is that it would invite people going in there that have things in mind that have nothing to do with passive recreation. It might draw in folks that may want to leave garbage or create problems that we don't already have, whereas if it were just a hiking trail. This right-of-way or access way is a very good idea and getting the permitting for it is a good idea, just in case. But actually going through with a road, I am not sold on that. I would prefer that we don't get into a procedural trap; that being that if we vote on this today, that it is an implication that we are in favor of the road. What are your views on that?

Mayor Dickinson answered, generally, after you get a permit you must affect whatever you have been permitted to do and I believe it is usually within five years. I would want us to proceed with putting in the access fairly quickly because it could get lost in the

business that local government does and have the five years run out and the work wouldn't be done and the permit would not be valid. That is once concern. The other thing is, in my opinion, we would not leave this open. We would have it blocked off so that vehicles traveling along there would not be regularly going into the property. I agree with you; I don't think we want to encourage vehicles to drive up there. We can block it off. It is more to safeguard a future planning – type of issues so that, should we need to have vehicular access, we could have it. If the Conservation Commission or anyone wants to hold an event out in an area like that, if we were able to purchase other areas along the ridge and you wanted to get vehicles or people in there, leaving them along Powder Hill Road would not be a good idea the way the road is now. Bringing them into the site and having them be able to park there, access it and leave; restoring the barriers to prevent access that is not controlled by the Town, I think is fine. Again, my concern is, to buy any property without being able to have a vehicle reach it, would be a mistake.

Mr. Brodinsky stated, I have been hiking along a lot of right-of-ways that are blocked off; easements under power lines, etc., Blue Trail, for example, that are blocked off. Nevertheless, pickup trucks seem to manage to get through there and ATVs seem to find a way in...but blocking it off doesn't solve the problem. I am going to vote in favor of this but I want it clear to the Mayor and my colleagues that by voting in favor of this, I am not suggesting that I am in favor of a road. In fact, I am not persuaded that we should have a road. I just want to make those comments clear.

Mr. Zappala stated, I disagree with Mr. Brodinsky. If we don't put a road in on this property, I will vote no to purchase it. I think it would be a waste to purchase the land if we can't access it. I will only vote in favor of it if we are going to put a road in on it.

Robert Sheehan, 11 Cooper Avenue stated that he was familiar with the property. As a young lad he spent a lot of time on it. Years ago housing for workers employed by the trap rock company were located along the ridge. Access to it used to be from Powder Hill Road via a dirt road. He had a hard time believing that the property is located in Wallingford. His mother and a few of his relatives grew up on the property and they were educated in the Town of Durham. They attended Durham schools because the property was located in Durham. The town line marker is located just before crossing the railroad tracks on Route 68. For years that has been considered the town line. This property is to the north and east of that marker. The property that is across the tracks from where the town line sign is, west, is swamp. He stated, it has been swamp for 54 years that I can remember and I still think it is. If you go by this property now, you would never know that back in the early 1950s there was every anything on that property. I have a hard time fantasizing anyone going in there and developing it, just because of the vast amount of

wetlands. I have hunted on the land behind it and, if you want to take a hike, that will get you in shape real fast trying to climb that mountain from the bottom. My main concern is that the property is not located in Wallingford and, what are we doing buying land out of town again? If it is that big a process, I think Durham should be buying that property. The railroad line passes through there and I believe the railroad owns from Route 68 to the track and, I believe they own 25' or more on the other side of the track that runs toward North Haven.

Mayor Dickinson referred to the map on display in Council chambers...stating, the town line travels along the top of the ridge and jogs east and then over. The town boundary jogs out.

Mr. Sheehan asked, are all 52 acres located within the boundaries of Wallingford?

Mayor Dickinson answered, that is correct. The 52 acres are all within Wallingford.

Mr. Sheehan asked, will access to the property be in Durham or Middlefield?

Mayor Dickinson answered, off of Powder Hill Road in Durham.

Mr. Sheehan stated, I am in favor of open space but, I don't see anyone developing this land for the constraints on it. Access to it will only create more problems out there. I can't imagine anyone rushing out to develop it; just from all of the restraints that I see. We own part of the property out there now and what you show in orange (on the drawing on display) is, before you cross that little spur on Route 68 that leads to the quarry and the main railroad track. I assume this property is before you get that far, heading towards Durham?

Mayor Dickinson answered, no. To reach this property, you would have to travel beyond Tilcon, to the left-hand turn that would take you to Lyman Orchards.

Mr. Sheehan stated, they call that Reed's Gap. I always had the understanding that it was Durham property. Some of it may have, at one time, been New Haven Trap Rock because I believe they own the houses at that time because their workers lived there. How it got in our hands; did we buy it originally, the part that you say we own? Did we buy that area marked in green?

Mayor Dickinson answered, the green acreage is approximately 80 acres and was the result of a tax foreclosure. The Town took title to that under a tax foreclosure.

Mr. Sheehan asked, is that property within Wallingford, too?

Mayor Dickinson answered, yes, that is within the boundaries of the Town of Wallingford.

Mr. Sheehan stated, I don't know why we want to buy it. Nothing is ever going to happen out there. I don't think there is a Planning & Zoning Commission in the country that would approve anything to go on that land. To open it up to the public for recreational purposes; I think you are inviting more trouble than what it is worth.

Geno Zandri, 37 Hallmark Drive asked, who owns the land in between the new parcel and our existing piece?

Mayor Dickinson answered, I believe that may also be Tilcon Tomasso.

Mr. Zandri asked, is there any future plans to tie these two pieces together?

Mayor Dickinson answered, there has been discussion of that. There has not been ability to move forward with anything.

Mr. Zandri asked, is that something you are potentially negotiating with Tilcon with?

Mayor Dickinson answered, I can't say we are negotiating, but there is interest on our part.

Mr. Zandri stated, that would be ideal if we could obviously tie that whole parcel. The green area amounts to 80 acres; this purchase is for 52+ acres. That would be quite a tract of land up there if you could tie the two together.

Pasquale Melillo, 15 Haller Place, Yalesville asked, why was this phrased, "Real Estate known as 478 Powder Hill Road, Durham, CT., located in the Town of Wallingford?"

Mayor Dickinson answered, to make clear that the property is located in the Town of Wallingford, even though the address is Powder Hill Road, Durham.

Mr. Melillo asked, are we going to have a legal problem here? Will we end up having to pay taxes to Durham on this property? They are involved in this one way or another, it seems.

Mayor Dickinson answered, the property is located within the boundaries of the Town of Wallingford. The Town of Durham has no right to tax any property within the boundaries of the Town of Wallingford.

Mr. Melillo asked, about how much of this property is made up of swamps and wetlands?

Mayor Dickinson answered, I don't have a figure on that.

Mr. Parisi asked, why is that pertinent?

Mr. Melillo replied, for cost reasons. Wetlands and swamp area does not command the price that regular acreage commands, relative to residential property.

Mayor Dickinson answered, the wetlands indicated are in the Durham portion of the property; the property located in the Town of Durham. The Wallingford property does not have any obvious wetlands to our knowledge.

Mr. Melillo stated, we should table this item until Durham rejects it or approves it. Something here does not add up.

Philip Wright, Sr., 160 Cedar Street asked, what is the distance of the right-of-way that we have to purchase? The length? Is it 100 yards? A quarter of a mile?

Mayor Dickinson answered, it is 30' wide. It looks to be approximately 900' long.

Mr. Wright asked, what is the property tax on that now? How much is the Town getting paid?

Mayor Dickinson stated that he did not have that information.

Mr. Parisi stated, I think these are better questions for the public hearing. We are really just discussing the contract.

Mr. Wright stated, we ought to know if we are buying a pig in a poke or what.

Mr. Parisi stated, the public hearing is also the time to find out if we are buying a pig in a poke. I am just trying to explain to you that maybe the information isn't here.

Frank Wasilewski, 57 North Orchard Street stated, the public hearing will be to appropriate money to buy this property. That is what the public hearing is about.

Mr. Parisi added, and all of these questions will be appropriate at that time, too.

Mr. Wasilewski continued, this is another item on the agenda. In listening to what they have to say, it almost seems as though we have to drive to Durham to get to this property. This is no access from Wallingford.

Mr. Parisi continued, you do drive through a small part of Durham, right.

Mr. Wasilewski stated, I think it is unwise to buy this property. I am against buying this property because there is too much involved and it really isn't that good for the Town of Wallingford. We have bought a lot of open space; good property; and this does not compare to anything that we have bought so far. I think you are wasting our money if we buy this property.

Jack Agosta, 505 Church Street, Yalesville asked, before this contract is final, does the purchase go before Inland Wetlands and Planning & Zoning to see if it is worthwhile for us to purchase it?

Mayor Dickinson answered, if we are voting tonight to purchase, we will send the matter to Planning & Zoning for their advice on it. Our Inland Wetlands Commission would not have any action to take. The Durham Inland and Wetlands Commission may have to give approval but our P&Z Office would receive notice of this and ask for the Commission's review and advice at an upcoming meeting.

Mr. Agosta stated, the land has been barren for a lot of years. I don't think that anyone is going to build anything there. Are we buying in anticipation that someone might build there? Is there a threat that someone is going to build on that property?

Mayor Dickinson answered, I know the owner was actively pursuing sale of the property. At one point, the owner was in discussion with a developer. The property does provide a beautiful view to the east and it does protect the ridge which is why, I think, the Conservation Commission is very supportive of our purchase of it. It has a beautiful vista and it is obviously a major topographic feature in Wallingford, that is the ridge.

Mr. Agosta stated, I don't think there will be too many people in Wallingford going up there. I am not against buying it; it is not that much money. We have spent an awful lot

more money these last few years on property, maybe we should just buy this property if the Council agrees that it is a good idea. To me, I wouldn't buy it.

Mayor Dickinson stated, maybe within the next 5 years or 10 years, a lot of people wouldn't want to visit it but, if you try to imagine 100 years or 150 or 200 years from now, it may be a site that is one that people really want to visit because of the continuing development and the lack of a lot of areas to it.

Mr. Parisi asked, aren't other towns trying to protect that ridge?

Mayor Dickinson answered, I believe we had communication from Meriden and maybe Middlefield; some towns asking everyone to cooperate in protecting the ridge and preserving it for the enjoyment of the people in each of the communities.

Mr. Parisi asked the Mayor to be sure that Mr. Wright receives an answer to his question.

Mayor Dickinson stated, yes, we can research what the tax situation is.

Frank Wasilewski, 57 North Orchard Street stated, I think it was a number of years ago that the State of CT. did something to protect that ridge that came all the way up through the State of CT. At that time you could hop a motorcycle down Branford and travel the ridge all the way up, I don't know how far. I think the State of CT. did something to protect the ridge so that that wouldn't happen. I think Mary Mushinsky had something to do with protecting that ridge. She probably knows more about it than we do. I think maybe if we contact Mary she can explain it to you. I don't think we have to buy it because I think the State of CT. has already done that.

Philip Wright, Sr., 160 Cedar Street asked, what Realtor did we go through on this?

Mayor Dickinson answered, there is no Realtor involved in this.

Robert Sheehan, 11 Cooper Avenue stated, 100 – 200 years from now none of us will be here but I will guarantee you that the quarry will still be in the same spot. I can remember when they used to blast out there. Fifty-five years later, they are still in the same spot. My grandfather worked at the quarry. Employees were told in the 1900s that they were pretty much guaranteed a job for life because the quarry would be there forever. It is almost 100 years since and it is still in the same place. It reaches all the way to Route 80 in North Branford. Someone asked how much of the acreage was wetlands; I am not being smart but I would like to know how many acres are on flat land? Most of this property is

elevated quite high. I don't see anyone going in there to develop it. As Mr. Wasilewski said, part of the ridge, or all of it, has been protected by the State. It is not conducive to development. I can't imagine anyone wanting to look out their front or back yard to see railroad cars filled with crushed stone. I am all for open space and we have been very diligent in this Town with our purchases. Some purchases I have not agreed with, mainly because of the issue of price. This one has nothing to do with price, it is just the feasibility of anyone ever in 100 years or 200 years developing that land. It would cost an enormous amount of money to build anything worthwhile for the purchase of the property because, like I said, forty years ago there were four houses out there. If you think someone is going to go in there and put in sewers or even a septic tank with all that rock in there, it boggles my imagination. It will never happen.

Motion was repeated into the record as follows:

Mr. Rys moved to Approve a Contract for the Purchase of 52.95 Acres of Real Estate Known as 478 Powder Hill Road, Durham, CT., Located in the Town of Wallingford, with a 30' Access Strip for a Price of \$344,500. with a Closing Date Amended to December 15, 2001, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #11 SET A PUBLIC HEARING for April 10, 2001 at 7:45 P.M. to Consider and Act Upon an Ordinance Appropriating \$445,000 for the Acquisition of Approx. 52.95 Acres of Real Property Located in the Town of Wallingford off of Powder Hill Road in Durham and Authorizing the Issuance of \$445,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose – Mayor

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

VOTE: All ayes; motion duly carried.

ITEM #13 Discussion and Possible Action on:

- a. setting April 18, 2001, 6:30 P.M. as the Date and Time for the Workshop on the Board of Education's budget; and
- b. determining that each school be listed on an agenda in the order it will be discussed on that night, so that interested parents and staff will have a reasonable opportunity to be heard without undue inconvenience

as Requested by Councilors Mike Brodinsky and Jim Vumbaco.

Mr. Brodinsky stated, what we are proposing... is that one night, a date certain, be set aside for discussion on the school system's budget. Part of that plan is to have each school listed in kind of a "batting order"; one school after another, so that parents and interested staff would know, not only the night to show up and know that only the school system would be discussed, but they would also have some rough idea as to when their particular school would be discussed. The Chairman has already notified members of the Council that four nights have already been reserved for work on the budget and they are the Public Hearing, April 17 and a second evening, April 18th to continue the Public Hearing in the event we need additional time and then the letter goes on to say that workshops are scheduled to occur on April 25 and April 26th. I remember last year, during the budget discussions that there were a group of parents sitting in the back of the hall waiting for the discussion, debate, questions and answers on the school system's budget. It got late in the late, I don't remember the time, but I remember it got fairly late and they must have decided that it was never going to be reached on that particular evening and they left. Naturally, it was reached and although they had the chance to stay late in the evening and join us in the discussion. If my recollection serves, they just didn't think it was going to be reached. This kind of a proposal would avoid that problem and would increase the convenience and the access of the parents and staff to the budget process. I received two letters from presidents of two PTOs; I won't read the entire letters but both were in favor of a proposal like this. One letter was from Annie MacDonald, President, Rock Hill School PTO said, among other things, that the PTO would like to come away from this budget experience knowing that everyone listened and had a feel for the scope of what needs to be offered to each child. By precisely identifying when a debate would be scheduled in a step in the right direction. She said much more than that, too. A second letter from Lisa Kelly, President, Highland PTO stated, currently the budget process acts as a deterrent to those who wish to participate, forcing them to sit through lengthy discussions, etc. They are lengthy, they have to be. This plan would act as a reform so that it wouldn't inconvenience unnecessarily those who are interested in participating and listening. I know there is some school of thought against this and one school of thought is; it is very important to have the budget done all in one night. I don't belong to that school of thought. The budget formation process is the most important thing that the Council does. If it takes one, two or three nights to do that and set aside one night for parents and staff I, personally, don't feel inconvenienced. I look forward to doing that and giving the parents and staff an opportunity to go through this process. I know that it is a pilot, sort of experiment. I understand that it may not work out. I know that parents and staff may not show up when their school is being discussed and they may not ask questions on how the

budget or budget cuts may impact their school; it is an experiment, there is no question. I think the issue is not, how have we done this in the past, the issue should be, how is the best way to do this? I think this is an experiment that is well worth a try. I know there is going to be further discussion but I would like to make a motion so that I don't forget.

Mr. Brodinsky moved that a Night be Set Aside and Dedicated to a Discussion of the School System's Budget and that an Agenda be Printed, Well in Advance, of that Meeting and that the Agenda Set Forth the Order in Which Individual Schools would be Discussed and Parents and Teachers would, at that Meeting, have an Opportunity to be Heard.

Mr. Parisi stated, there is no premeditated schedule for the budget being done. It just seems to happen that the public session of the budget is accomplished in one night. By schedule, two nights are allocated for that. In all of my memory, I don't know that I can recall ever having to go to the second night. It isn't a desire to do it in one night; it is as it is. That is the way it seems to work out.

Mr. Brodinsky replied, I remember last year one or more Councilors indicated that they desired to get it done with in one night. As I vaguely remember, I think we had to struggle a little bit to get it into a second night for motions, etc. I have that distinct recollection. It may not have been you, Mr. Chairman, but others expressed their preference that it be done all in one night and that is why I made those comments.

Mr. Parisi responded, it should be clear to the public that the public session of the budget is just that. Usually the Board of Education is among the first segments that are taken care of. That is the time people should feel free to speak up. If they don't choose to come forward and speak, I don't know what we can do for them. I am not going to attempt to do the Board of Education's budget here. If they have ideas and opinions that they wish to express, that is the night to do it, that first night. If, in fact, it takes us to the second night, then so be it. That is what we will do. That is why the second night has been left open. Quite frankly, that is why there has been a bigger space between Council workshops because I did hear what people said last year, also. Some of the Councilors stated that they needed more preparation time and I tried to accommodate them.

Mr. Brodinsky stated, I appreciate your sharing that with us. I do understand the process and how it has worked in the past. I am trying to effectuate a change here. I am well-aware of what has happened in the past and I perceive some, what I feel to flaws; not serious flaws, but flaws that we can fix and improve the process. I know how it has worked in the past; this does represent a change, there is no question about it. The issue is

not what we have done before, but how we can best do it. I think early, in a meaningful stage of the budget process, if we give parents and teachers an opportunity to be here and hear how the budget cuts may impact their schools at a time that is not set for their inconvenience but for their convenience, I think we are ahead of the game. That is the spirit in which the motion is made.

Mr. Rys stated, I know how we have done it in the past. Our effect on the Board of Education's budget is not by line item. Therefore, if we go through each individual school, we can make recommendations but the Board of Education cannot follow our recommendations. What it boils down to is, if the budget gets cut \$1 million and you decide to put \$1 million back in, the Board of Education allocates that money and it is not going to matter whether you would like to see something done at Rock Hill or Highland School; it is not going to happen. The forum for the public is that first night when the Board of Education gives their budget. I believe the Board of Education is responsible for making their budget; they put together their budget; it is not up to the Town Council to make their budget for them. All we are responsible for is that one bottom line figure; we either put more in it or take more out. That is the way it has been for as long as I have been on the Town Council.

Mr. Knight stated, I am a little puzzled as to the necessity for holding a special workshop to discuss merely the Board of Education budget because there isn't enough opportunity for people to have input in how their schools are run or what money is spent on the school system. I know that every parent that has a child in the Wallingford school system has the opportunity to talk to both the teachers, administrators, Board of Ed members, and other employees of the Board of Education. It appears to me that is more than ample opportunity to voice their opinions on every subject under the sun, having to do with their schools and educational curriculum, etc. The PTOs for every school impact, and some of them very effectively, how the schools are run, and the money that is spent on each school. The Board of Ed holds workshops; four, five, six days of workshops during which there are opportunities to witness and effect change on the budgeting process that the schools have. Just last week the Town Council and the Board of Education had a joint meeting so that we could hear the Board of Education discuss their budget. We are going to have a public hearing in which the budget of the Town of Wallingford is considered. I get the impression that you feel there is not enough opportunity for parents to have input to their representatives to government, therefore we have to have a special meeting and I respectfully disagree with that. I think we do provide an incredible amount of opportunity for people to voice their opinions; we receive their letters; we receive their phone calls, in addition to all the other things I have outlined. I see no necessity to add further to that. I know myself that I have received a lot of input from a lot of different people in this

community, having to do with the education of their children. I look forward to more input from them in the meetings that are already currently prescribed.

Mr. Vumbaco stated, the reason I signed on to this issue was, as a result of last year's budget process. If I recall, the Board of Education presented the budget to the Mayor; the Mayor presented a budget of approximately \$3 million less. We had our public hearing which was exactly what Steve (Mr. Knight) was saying; everyone had an opportunity to speak that night; we sat and listened. We then had our workshops and the majority of the Council accepted, to the dollar, the cut that the Mayor made to the Board of Ed's budget. When it got back to knowing full well that there was approximately \$3.5 million cut, there was a meeting at Sheehan High School; I believe Mr. Parisi attended, as did Mr. Brodinsky and myself. We had over 100 people show up that night because they heard about the pay per play and all the other issues that were going to be resolved at the Board of Ed. That night we were approached by numerous people asking how they could get involved in the process because, they feel, the Council does not listen to their requests for dollars. I went back and reviewed the Board of Education budget over the last five or six years and never once was there any dollars added back by this Council. The amount presented by the Mayor, was accepted carte blanc. The people can stand up in front of us at public hearings and say they don't agree with this; they want this kind of money put in; they don't agree with what the Administration has presented and it falls on deaf ears. I mentioned to these people that called me and approached me that evening that they should show up at a Town Council meeting and voice their opinions. They said they did, and they would like to, but they don't want to stay until 1:00 a.m. If I do recall; if I go back and look at the minutes, it was around 12:00 a.m. when Dr. Cirasuolo finally got to the table. Those people are working people and they wanted a chance to discuss it; they did not have that opportunity. Seeing that we always had a second day available for them to speak, or even after our workshops, I felt that it was a nice chance to give the public a shot to make their feelings known to this Council before we vote on the final budget. The Board of Ed's budget is two-thirds of the Town's budget. Not to have an opportunity for them to present their views after the majority of this Council accepts the cuts carte blanc, I think it wrong. We should at least have the common courtesy to sit here and listen to what those people have to say and voice their opinions on whether they agree or disagree with the cuts that are provided either by the Mayor, Town Council or Board of Ed, themselves. I think that is a fiscal responsibility that we should do and that is why I support this motion and I will second it for the record.

Motion was seconded by Mr. Vumbaco.

Mr. Parisi stated, I don't want to be redundant; I'm going by memory and I could be wrong but, I would be very surprised if the Board of Ed came on at midnight but, you may be right. I will say this, however, in the past six years there have not been people here to discuss the Board of Education budget. That, alone, should show in the budget minutes. There has been no strong outpouring of support for or against the budget, either way. If there is this strong feeling; unfortunately, I haven't perceived it but, so be it. Maybe, they are not comfortable with me and more comfortable with you, then they should be here and ready to speak and I am sure we will and can accommodate them.

Mr. Brodinsky stated, there is a possibility why parents and teachers don't show up is because of the system we have in place. If there is a possibility that we change the system over time, we may encourage more people. I conceded in my opening comments that this was an experiment; a pilot project. It may take a year or two to get off the ground. I would publicly eat crow if we had this arrangement and no one showed up. I would do that and I would pay that price but, I think it might be the system that we have in place that may discourage participation. There were parents and staff, last year, that wanted to say something and we didn't give them the chance. Mr. Knight said that he did not see a need for another opportunity. I take the opposite side of that coin; I suggest that one more opportunity wouldn't, shouldn't matter to this Council that much. It is not an inconvenience to afford one more meaningful opportunity, that is all I am asking.

Jack Agosta, 505 Church Street, Yalesville stated, at last year's budget session there were a lot of teachers and parents. Not everyone speaks up. We could have spent three hours just on the school budget if the people knew they would be allowed to speak. I could spend quite a bit of time on the things that really bother me about how the school budget is put together. For example, the Mayor, for the last ten years or so, has cut the budget every year. The Council has to have seven votes to overrule his budget. That is why it goes through, because the Council does not have much say in it. In almost every one of those years the Superintendent of Schools comes back with a plus. Now the schools have a mold problem that the Superintendent is going to absorb into his operating budget. He complained that he could not run the school system last year with the budget that the Mayor approved. He has the money to take care of the mold problem and also had, in the renovation plan, \$1.3 million of maintenance that was pulled out. I think that deserves time to discuss it. The Council should be digging into the budget because of that. If you don't think you can tell them what to do with the school budget, we are going to be spending \$63 million on the schools next year. I think the Mayor and Council should be directing the Board of Ed and Superintendent how to run the schools. That is a big part of our tax money.

Mr. Parisi stated, you cannot tell them how to run the schools. You had better read the state statutes. We cannot dictate to them what they should do with their budget. You had better understand that. They have a surplus every year, did you forget that?

Mr. Agosta stated, there were a few years where they had small deficits. There is something seriously wrong and the Council should be looking into their budget very deeply. If could get more for our children, for a few bucks more, that is what we should be doing. There is a lot of fluff in there. I think we should spend just one night on the Board of Education's budget.

Mr. Parisi asked, did you attend any of the Board of Education budget workshop meetings?

Mr. Agosta answered, no I didn't but maybe I will next year. It is awful different at those meetings than here. The meetings are not run like they are here; it is run by one man and we know that.

Mr. Parisi stated, that is not the point, they do have procedures.

Mr. Agosta stated, that school system is run by one man, not the Board of Education. I think that has been the problem with the school system.

Mayor Dickinson stated, I wanted to correct one thing; it is always indicated that the Council or Mayor cuts the budget every year spending does increase. It is the request/proposal that gets reduced. The budget always goes up in the amount of spending, just to make that clear.

Glen Root, 6 Russell Street stated, I agree with Mr. Brodinsky's proposal. The more information to the parents and public, to allow them to voice their opinion also, is important. With the issues at hand recently; the mold and how the school administration neglected to inform the parents as to what was happening; the chemicals that were used without notifying the parents. The more information that parents could have to voice their opinion, also is important. I will make sure that the PTO at Rock Hill School will be voicing their opinion about the budget. I will make sure that they will be here at any meetings that they have for the proposed budget. I think it is important to have this extra program initiated.

Mr. Parisi asked, what is the difference between having an extra night and an opportunity to speak?

Mr. Root answered, a lot of times the public is not aware of these meetings. For example, looking in the newspaper to try and find out when the meetings are or turn on TV. to try and find out when the meetings are; they are not always televised or printed in the newspaper. The parents are not aware of this. Again, running the meetings until 1:00 or 2:00 a.m., I couldn't stay here to discuss an issue at that time, I get up at 4:00 a.m. to go to work.

Mr. Parisi stated, you are not going to have to stay here until 1:00 a.m. and I don't believe the Board of Ed has ever been here until 1:00 a.m. I will promise you that the first night the Board of Education speaks first. How is that? Then you can speak at 6:30.

Pasquale Melillo, 15 Haller Place, Yalesville stated that Mr. Brodinsky has come up with an excellent idea. It is a balanced time frame to accommodate more people in their weekly schedule. He has a great idea and the motion should be passed.

Frank Wasilewski, 57 North Orchard Street asked Mr. Brodinsky, are the public hearings going to be held before the Mayor presents his budget or after?

Mr. Brodinsky answered, that is a good question and something that we should discuss if this motion passes. I think that once we find out what the proposed reduction in the increase and how the Board of Ed numbers as impacted by the Mayor affect each individual school, that would be the time for parents and staff to be heard on it. For example, I was at a PTO meeting not that long ago and the impact of cuts in the requested budget were being discussed. One of the issues was, will we lose a teacher, will we lose two? Will music programs be impacted? If so, at what grade? Those kinds of issues were being discussed. That all depends upon the bottom line number that the Town Council approves. The parents and staff need to know how the cuts made in the increase will impact their school, then come and discuss it before the Council makes up its mind.

Mr. Wasilewski asked, do you realize that the Board of Ed has all these budget hearings and they go school by school? That is the time when the parents should get involved, not after the Mayor gets the budget, but before. If they are so strong in their opinions, they should voice them then before the Board of Ed presents their budget to the Mayor. Then, maybe, you see a change.

Mr. Brodinsky agreed but added, at the time of those Board of Ed meetings, no one is aware how the reductions in the Board of Ed's proposed budget will impact the school. They don't know that and only here can they learn that.

Mr. Parisi stated, it will be in the newspaper, believe me, the next day; it will be on the front page. You know that, c'mon.

Mr. Brodinsky asked, and that is good enough?

Mr. Parisi answered, it ought to be good enough. If people aren't reading the paper, what are we going to do?

Mr. Brodinsky replied, coming to a meeting and hear in detail and asking questions as to how programs may be impacted by the numbers; they need to hear that themselves. Reading an article maybe two inches high in the newspaper is not a substitute for that.

Mayor Dickinson added, in other years there have been questions about what will happen as a result of the reduction and usually the Board's answer is, we are not able to discuss that at this point because we have to finalize this year's budget; final figures regarding what money is left over have to be calculated; they have to know items that have been put out to bid; what the final figures are. They typically say that they are going to have to take some time, go over, determine how we will deal with the amount of money that we receive. Typically, they never have an answer that evening; that has generally been the case.

Mr. Wasilewski asked, do you know of anyone who has had a meeting with the Mayor before the budget was even started? You are looking at one (meaning himself) and this fellow with his hair parted in the middle (Phil Wright, Sr.). We had a meeting with the Mayor and I think we spent well over an hour before the budget process was even started. We expressed our views then. That is when it should be done; before the budget starts, not after the Mayor gets it. Once it is printed, you are not going to change a heck of a lot. I have attended a lot of budget hearings even those where the Council is only able to speak. I have sat in these chairs night after night and they cut very little. Not to say anything good about the Mayor, he really cuts the budget; he really does. He is thinking of the taxpayers here, in Wallingford. Right is right and wrong is wrong. You can't do it after the budget has been printed, you have to do it before. That is when the parents should be involved. They have every opportunity to participate. Like Mr. Knight said, they have these budget workshops at the Board of Ed and everyone is welcome. I think they even serve coffee and goodies. I have attended those, too. Not many from the public will participate in these things. One year only one parent spoke about the Board of Ed's budget, complaining that his son did not have a textbook for a new course that was presented at a Board meeting and they textbooks had not arrived yet. Only one parent.

The Mayor does approve the increase in the Board of Ed budget. In 1941 our Board of Ed budget was \$1 million. Look what we have today; whether the education is better or worse, you can't prove it by me. I don't think you can say that you will hold two nights of public hearing after the budget has been printed; it's too late. You have to get it before anything gets discussed or printed.

Philip Wright, Sr., 160 Cedar Street stated, Mr. Brodinsky, welcome to the real world. There was a time when I spent hours and hours going over the budget. It was absolutely futile. What goes in print; what Tom Myers sends out to the printer, by the time it gets there, it is cast in stone. There will be no significant material changes at all. I applaud your idealism; I think your idea is great but, it will not change until we have a revolution in this town.

Geno Zandri, 37 Hallmark Drive stated, during the first term I served on the Council, we spent a great deal of time reviewing the Board of Education's budget line by line by line. I think in order for the Council and Mayor to make the proper judgment on what we need for education, you have to have a thorough understanding of each line. From the discussion that I have heard so far up there this evening on this particular motion, it does not appear that it is going to pass. I would hope that when you hold your public hearing that the Council, Board of Ed and Mayor are prepared to discuss each school, line by line so that the parents will have the opportunity to know how the cut that the Mayor made is going to affect each particular school and what is going on in each school. I think, as Councilors, you should also want to know how the cut affects each particular school because by the way in which it is printed in the budget book, they list blanket items, not in detail. It is so important for us and our children in this Town to go through it more thoroughly than we do.

Mr. Parisi stated, with all due respect, we can put what ever we want in those line items, Geno you know that, and they can move them around anywhere they want. I want the public to know that, too.

Mr. Zandri answered, I know that. I also want the public to know that when the Council says that they don't affect what the Board of Ed does with their budget, I totally disagree. When you make a cut on their proposal, you are affecting that budget immediately and then they have to make the numbers work. The Council directly affects the Board of Education budget and the education of the children of our town.

Mr. Parisi replied, only in total, do we affect their budget. We don't affect it specifically.

Mr. Zandri answered, I agree, but the minute you cut their proposal, you are affecting their budget.

Mr. Parisi answered, but they have the choice; the Board of Ed has the choice of what will stay and what will go. That is very important, too. Hopefully, their priority will be those items that will educate the children first.

Mr. Zandri answered, the minute you make a cut, something has to go; that is the choice they are dealing with. They don't have total control. You people have the control. The only way you are not going to interfere with what their plans are is to fund their budget totally. Then they will do exactly what they planned to do. The minute the Council and Mayor makes a cut, you are affecting what they wanted to do for the children of this community.

Mr. Parisi stated, when we reduce their request, because we never truly cut it. We reduce their request.

Mr. Zandri replied, when you reduce the dollar amount, you are cutting their plans, their request for that upcoming year.

Mr. Parisi answered, fair enough.

Mr. Brodinsky stated, some speakers have raised good points and many of the comments come down to the fact that, perhaps, I am too much of an optimist, and I plead guilty to that. I do think the system can change and can be improved, but we have to start somewhere. We should not be afraid to try and improve the system. The fact that, in the past, maybe one or two parents showed up at a particular meeting does not prove to me that the parents are not interested. All the evidence I have is that they are very interested but also very frustrated with the system. This is our opportunity to try and bring them back in to the system. To say, as is sometimes suggested that maybe very accurately to say that no matter what the parents say, will have no affect on the budget, I do not yet accept. It may take another couple of budget sessions, but I do not yet accept that proposition.

Mr. Parisi replied, I can recall sitting here until 3:00 a.m. at budget sessions, of which Mr. Zandri may remember also, and I can remember sitting here going through the Board of Education budget and, at the end of the line, when it was decided, the answer was still the same; it is their budget and they have control over it. As Mr. Zandri and I debated very briefly, it is all in the semantics. It is cut; the request is reduced, whatever. Never, in my

memory of 20+ years do I ever recall anyone not having the opportunity to speak. Whether they are going to speak all night, is another question. But do they have the opportunity to speak? As long as I can remember, for all the Chairmen who have sat in this chair, everyone had the privilege of speaking at these meetings and we are probably one of the most open councils in the State of CT. because our people speak at question and answer and on every agenda item. If they want to speak at the budget session, they have to be here and they will have the time to speak. That has never been any different. It was that way under Mayor Dickinson, Mayor Vumbaco, Mayor Carini; I can't tell you I went to the budget sessions for Mayor Bertini, so I don't know. Then again, he was the First Selectman. I don't know that the true concern is that people are not allowed to speak. Maybe they are shy and hopefully, with this debate, tonight, they will come out and speak. If they do and use up all the night, we will go to the next night anyway. It isn't that anything is truly going to be defeated tonight.

Mr. Vumbaco stated, the main reason I am supporting the motion tonight is, when cuts are made to the Board of Ed's proposed budget, all I was looking for was that the public be made aware of what those cuts will affect. We don't have control over that, I fully understand that. But if I am going to sit up here, as a Councilor, and make a decision to cut their request by \$1 million; \$2 million or \$3 million, I would hope that I would have some information as to what line items within their budget are going to be cut. It has not seemed to be the way we have done things in the past, we just bottom line cut and sent it back to them telling them to do with it as they may. I have a hard time saying that I will reduce their by \$2 million if I don't have an understanding of where that reduction is going to come from. A separate meeting or a meeting specifically for that will allow for healthy, two-way dialogue between the Board of Ed, Administration, the Council and public so they can sit there and be fully aware of where those cuts come from.

Mr. Parisi answered, with all due respect, and I know where you are coming from, there is some 14,000+ voters in this town and we could fill this auditorium up with 200 people. Even they would not agree on everything. The job of a councilman has always been difficult and always will be because you are expected to take the opinions of the minority, if I may use that term, and project it to the best interest of the entire town; the minority and the majority.

Mr. Vumbaco stated, I am very aware of my duties as an elected official, Mr. Chairman, I don't need to be reminded tonight or lectured on it.

Mr. Parisi stated, I did not mean to lecture you at all, sir. Yes, I was pontificating on my past experience, which I am allowed to do.

Mr. Wasilewski stated, you want the people to be heard and the only way that will happen is to go to a referendum.

VOTE: Centner, Farrell, Knight, Rys, Parisi, no; Brodinsky, Papale, Vumbaco & Zappala, aye; motion failed.

ITEM #14 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes With Respect to the Purchase, Sale and or Leasing of Real Estate

Motion was made by Mr. Rys to Enter Into Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council entered executive session at 9:00 P.M.

Present in executive session were all Councilors, Mayor Dickinson, and Atty. Janis M. Small.

Motion was made by Mr. Knight to Exit the Executive Session, seconded Mr. Farrell.

VOTE: All ayes; motion duly carried.

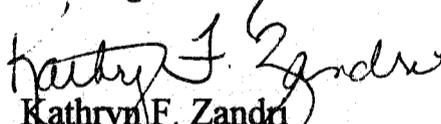
The Council exited executive session at 9:12 P.M.

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

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 9:12 P.M.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

Approved: Robert F. Parisi (by RR)
Robert F. Parisi, Chairman

4-10-01
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

4-10-01
Date

RECEIVED FOR RECORD 4-5-01
AT 4 H 30 M P M AND RECORDED BY
Rosemary Rascati TOWN CLERK

AGREEMENT

THIS AGREEMENT made this day of March, 2001, by and between THE TRUST FOR PUBLIC LAND, hereinafter called "Seller" and the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut, hereinafter called "Buyer".

WITNESSETH:

WHEREAS, Seller has a binding contract to purchase all those certain pieces or parcels of real property, with all buildings and other improvements thereon and all appurtenances thereto, known as 478 Powder Hill Road, Durham, consisting of approximately 52.95 acres located in the Town of Wallingford and a 30-foot strip of land for an access road in the Town of Durham, County of New Haven and State of Connecticut, more particularly described in Schedule A attached hereto and made a part hereof (i.e., the more particular description set forth in Schedule A that shall be subject to verification by a survey conducted by Buyer's Town Engineer; provided if Seller has an A-2 survey of said properties, Buyer may accept those surveys for purposes of this purchase); and

WHEREAS, Seller, upon acquisition of the Property, desires to sell to Buyer and Buyer desires to purchase from the Sellers the Property; and

WHEREAS, it is the desire of the parties to reduce their agreement to one document encompassing in detail their agreement as to the sale and purchase of the Property;

NOW THEREFORE, the parties agree as follows:

1. **SALE OF PROPERTY**. Subject to the provisions of Paragraph 5 hereof, Seller hereby agrees to sell, assign, transfer and convey to the Buyer, and Buyer does hereby agree to purchase from Seller, all the right, title and interest in and to the Property and all appurtenances thereto. Seller agrees to convey said real property to Buyer by a good and sufficient Warranty Deed subject only to any and all provisions of any ordinance, municipal regulation, public or private law, restrictions and easements, if any, as set forth on Schedule A or of record and not objected to by Buyer, current taxes, water and sewer use charges. Seller agrees to provide to Buyer at the time of closing any survey or map in possession of the Seller.

A. **Condition of Title**. It is understood and agreed that the title herein required to be conveyed by the Seller with respect to all of the Property shall be marketable and the marketability thereof shall be determined in accordance with the Standards of Title of the Connecticut Bar Association now in force. If, at the time of closing, the Seller shall be unable to convey marketable title to said premises to the Buyer, then the Buyer may elect to accept such title as Seller can convey, upon payment of the purchase price, or may reject the deed conveying such unmarketable title. Upon such rejection,

this Agreement shall terminate and become null and void and the parties hereto shall be released and discharged of all further claims and obligations to each other.

2. **PURCHASE PRICE**. The purchase price for the Property shall be Three Hundred Forty-four Thousand Five Hundred Dollars (\$344,500), payable in full at the Closing.

3. **CLOSING OF TITLE**. The Closing of the transaction hereby contemplated shall take place at the office of the Department of Law, Town Hall, 45 South Main Street, Wallingford, Connecticut, at 2:00 p.m. on or before ~~September 30~~ ^{December 15}, 2001, or at ^{* Amended} ~~at~~ ^{cancel} ~~at~~ ^{fig:} ~~at~~ ^{3/27} such other time and place as may be mutually agreed upon by the parties, subject to satisfactory environmental testing and approval of the road by land use agencies as specified herein.

4. **ADJUSTMENTS**. Taxes, water and sewer charges and like matters with respect to all of the Property, if any, shall be adjusted as of the date of the Closing. The taxes will be prorated according to the custom of the Town of Wallingford.

5. **CONDITIONS OF SALE**. In addition to the conditions set forth in Paragraph 1 above, it is also understood and agreed that Buyer's and Seller's obligations hereunder are expressly contingent upon the following:

A. Approval of this Agreement to purchase by the Town Council of the government of the Town of Wallingford. In the event the Town Council does not approve this Agreement, this Agreement will be null and void.

B. Approval of a Bond Ordinance and expiration of time limit for referendum petition. In the event of a petition, either party may cancel this Agreement within ten (10) days of the certification of the petition. Said time limit is thirty (30) days from publication of the Ordinance that shall be published within five days of Council approval. If not cancelled, and the vote on the referendum fails to overturn the ordinance, the closing will proceed within ten (10) days of the vote or as provided herein;

C. Environmental Provisions. Notwithstanding anything contained herein to the contrary, it is agreed that the purchase of the Property is contingent upon a satisfactory environmental assessment of the property. The Seller shall arrange for a Phase I investigation and examination of the property to be performed by an environmental consulting firm ("Engineer") selected by the Seller. The purpose of the assessment will be to determine the presence of any hazardous waste as defined by §22a-115(1) of the Connecticut General Statutes or the presence of pollution or other environmental problems which would render the property prejudicial to human health and safety. In the event the assessment reports the presence of an on-site discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or any other polluting agent or environmental problem on the property requiring further investigation and/or remediation, either party may terminate this Agreement within ten (10) days of receipt of the report. The expense of the environmental assessment of the property, as above

described, shall be the responsibility of the Seller. The assessment shall be completed no later than May 15, 2001.

Seller's Conditions

Seller's obligations are contingent upon Seller's acquiring the Property. In the event that Seller has not acquired the Property on or before the Closing Date, Seller may elect to extend the Closing Date for up to thirty (30) days to enable it to acquire the Property. At the end of such extended time, unless the parties agree to a further extension, this Agreement shall be null and void and of no further recourse to either party.

6. **CONDITION OF PROPERTY.** Seller agrees that, to the extent that it controls the Property, it shall maintain the Property in the same condition as exists on the date hereof, reasonable wear and tear expected.

7. **DOCUMENTS AT CLOSING.** At the closing, Seller agrees to deliver to the Buyer the following:

A. A Connecticut form of Warranty Deed to the Property conveying marketable title without exceptions, free and clear of all encumbrances, covenants, easements, restrictions, defects and reservations of record that would materially interfere with the use of the Property as open space and recreational use, and except as noted in Schedule A; and

B. All drawings, surveys and plans related to the Property, if any, which are in possession of the Seller and not previously delivered to the Buyer; and

C. An affidavit certifying that there are no rights of mechanic's liens with respect to the Property.

8. **RISK OF LOSS**. Throughout the period between the date of this contract and the closing, all risk of loss shall be on the Seller

9. **SELLER'S REPRESENTATIONS**. Seller represents the following with regard to the Property to the best of Seller's knowledge and belief:

A. Seller does not know of and has not received any notice of any violations of any local, state or federal laws arising out of the present use and occupancy of the Property;

B. No person, firm or entity, except as set forth herein has any rights in or right to acquire the Property or any part thereof;

C. There are no service contracts, management agreements, commercial rental agreements, or other agreements of any kind or nature affecting the Property or a portion thereof which shall survive the closing;

D. There are no actions, suits, or proceedings pending or threatened against, by or affecting Sellers with respect to the Property, at law or equity before or by any federal, state or other governmental department, Commission, board, bureau, agency, or instrumentality, domestic or foreign. Sellers are not in default with respect to any

order, writ, injunction, or decree of any court of federal, state or any governmental department, commission, board, bureau, agency or instrumentality, domestic or foreign, insofar as such order, writ, injunction, or decree affects the Property.

10. **NO ASSIGNMENT, BINDING EFFECT.** This Agreement may not be assigned by either party without the written consent of the other, but it shall be binding upon the heirs, executors, administrators, and successors of the parties hereto. The Seller may, without Buyer's consent, assign its interest to a legal entity in which it is a principal.

11. **ACCESS ROAD APPROVALS.** Buyer shall be solely responsible for all costs and procedures necessary for approval of the access road by the Inland Wetlands Commission and/or the Planning and Zoning Commission. Establishing the location of the access roadway and completing and paying for all survey work with regard to the access roadway shall be the responsibility of Buyer. Buyer agrees to provide Seller with all engineering detail with regard to the location of the access roadway to enable Seller to incorporate the access road into the existing survey of the Property in advance of Closing. Buyer's obligations to purchase the Property is contingent upon Buyer's obtaining non-contingent final approval of all necessary Boards and committees of the Town of Durham, Connecticut to a subdivision of Seller's Durham property to create a 30' access roadway to the Subject Property, with all appeal periods, if any, having expired and no appeals taken as of the date of Closing.

