

TOWN COUNCIL MEETING

OCTOBER 27, 1998

6:30 P.M

AGENDA

Blessing - Pastor Glenn Havulmaki, Elim Park Baptist Home

1. Pledge of Allegiance and Roll Call

2. Correspondence

Consent Agenda

a. Approve and Accept the Minutes of the July 30, 1998 Special Town Council Meeting

b. Approve and Accept the Minutes of the October 6, 1998 Special Town Council Meeting

c. Consider and Approve Tax Refunds (#203 - 240) Totaling \$399.95 - Tax Collector

d. Consider and Approve a Request by American Legion Post 73 to Use the Parade Grounds on Veterans' Day, November 11, 1998

4. Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD

6. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving Dellavecchia v. Factory Built Homes and the Town of Wallingford - Town Attorney

7. Consider and Approve a Transfer of Funds in the Amount of \$26,000 from Contingency, General Purposes Acct. #001-8050-800-3190 to Public Safety Communications Tower Acct. #001-2030-999-9999 - Dept. of Fire Services

8. Report Out by the Director of Parks & Recreation on the Status of the Community Pool Renovation Project as Requested by Councilor Gerald E. Farrell, Jr.
9. Consider and Approve a Request to Name a Street in a New Subdivision off High Hill Road Dogwood Lane - Mayor
10. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving the Estate of Andrew Masko and Martin Oslander - Town Attorney
11. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor
12. Consider and Approve the Settlement of Pending Claims - Town Attorney
13. Consider and Approve Authorizing the Mayor to Enter Into a Contract to Purchase Property on East Center Street Owned by Petrossi, Stone and Sartori - Town Attorney
14. Consider and Approve Authorizing the Mayor to Enter Into a Contract for the Purchase of Property from George Cooke - Town Attorney
15. Consider and Approve a Waiver of Bid to Hire an Environmental Testing Firm With Regard to the Purchase of Open Space - Town Attorney
16. SET A PUBLIC HEARING on an Ordinance Appropriating \$3,875,000 for the Acquisition of Real Properties Known as 1390 Whirlwind Hill Road, 135 Cooke Road and 200 Northford Road for Open Space, Recreation and Town Purposes and Authorizing the Issuance of \$3,875,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - November 10, 1998, 7:45 P.M.

TOWN COUNCIL MEETING

OCTOBER 27, 1998

6:30 P.M.

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## TOWN COUNCIL MEETING

OCTOBER 27, 1998

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, October 27, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr. at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Chairman Parisi who was ill at home with a back injury and Councilor Zappala who was attending to a family medical emergency. Mayor William W. Dickinson, Jr., Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Pastor Glen Havulmaki of Elim Park Baptist Home.

The Pledge of Allegiance was given to the Flag.

Mr. Knight stated that he had spent time with Chairman Parisi today who asked him specifically to take a few moments to explain that approximately three weeks ago he sustained a back injury while at work. He has been convalescing ever since then. He hopes to be back in action next week.

Mr. Rys stated that Mr. Zappala called in to the Town Council Office today to announce that he would not be at the meeting tonight. An illness in his family has taken him away from attending Council meetings for the time being.

### ITEM #2 Correspondence

A letter of correspondence from the Wallingford Physical Education/Health Teachers of the Highland Elementary School was read into the record by Mr. Knight.

The purpose of the letter was to inform the Council that the Wallingford Physical Ed/Health Teachers had entered the Wallingford Health & Fitness Fair for a state-wide Outstanding Program contest. The teachers were pleased to announce that they had won the contest and will be presented with an award at the Connecticut Association for Health, Physical Education, Recreation and Dance convention in November. Only three programs out of the state are picked each year for the Outstanding Program and entries are received in the areas of health, recreation, physical education and dance. Although their group will be honored at the convention, they wanted it made known that many students, teachers, parents and organizations worked hard to make the fair the success that it was.

this time a certificate of appreciation was awarded by the Mayor to the Yalesville Volunteer Fire Fighters in appreciation for seventy-five (75) years of outstanding service and dedication to the residents of Wallingford. The Mayor asked those representatives of the company present in the audience to stand and be recognized. (Applause)

Mayor Dickinson stated, it is truly a mark of distinction, seventy-five years, and I am sure you are in the process of scheduling other activities. If anyone wants to come forward and give a brief update on what will occur they are welcome to.

An unidentified fire fighter representing the Yalesville Company Fire House stated, on January 16th we will be having a banquet at the Villa Capri.

Mayor Dickinson stated, again, seventy-five years of protecting lives and property in the community pre-dates obviously, our present form of government and pre-dates many of the people in the room, but not everyone. Our appreciation is extended to you on behalf of the Town for all that you have done over that period of time.

Mr. Rys stated that the Town's Adopt-a-Road Program was given a 1998 Green Circle Award this week from the State Department of Environmental Protection. The D.E.P. Assistant Commissioner, Dave Leps said that he chose Wallingford because of the work done by the program with the area schools. The program co-founders are Gail Schaeffer and Mary Farrell. Mrs. Schaeffer stated that she was not sure what the award would entail but will be attending the award ceremony on October 29th to find out.

ITEM #3 Consent Agenda

ITEM #3a Approve and Accept the Minutes of the July 30, 1998 Special Town Council Meeting

ITEM #3b Approve and Accept the Minutes of the October 6, 1998 Special Town Council Meeting

ITEM #3c Consider and Approve Tax Refunds (#203-240) Totaling \$399.95 - Tax Collector

ITEM #3d Consider and Approve a Request by the American Legion Post 73 to Use the Parade Grounds on Veterans' Day, November 11, 1998

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, Items #3a-d, seconded by Mr. Farrell.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #4 Withdrawn

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

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #9 Consider and Approve a Request to Name a Street in a New Subdivision off of High Hill road Dogwood Lane - Mayor

Motion was made by Mr. Knight, seconded by Ms. Papale.

Mayor Dickinson stated for the record that he had checked with the necessary departments such as Police, Fire, etc. that would be affected by the naming of the street to ensure that they did not foresee any problems with naming the street Dogwood Lane. No objections were raised.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive read an excerpt of Ordinance #294, "Code of Ethics" into the record which states, "...No official or employee shall grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person similarly situated." In his opinion, he felt that he was cut off at the public speaking meeting of October 20th when he was not finished with his comments. He stated that the Council had changed its meeting procedures recently regarding the deadline by which speakers had to sign up for the meeting. He had followed the new procedure, calling and leaving a message on the Town Council answering machine that he would like to sign up for the meeting. He called the office the day of the meeting to make sure the secretary had received the message. Yes, he was signed up for the meeting, in fact, he was the only one at that point, he was told. Upon coming to the meeting he had learned that a woman had signed up to speak that very same evening. He questioned the Council's actions with regards to the matter. He stated that the Council pledges its allegiance to the Flag at the start of the meeting, reciting the words, "liberty and justice for all". "For all", he repeated. He went on to say that so much debate had gone on at the regular meetings, the Council decided to hold a third meeting at which people would be allowed to speak albeit that none of it would reach the rest of the Town's citizens because no reporters and no tapes go out to the public showing telling points discussed. As one Councilor said, "nothing will happen at the third meeting." At the public speaking meeting he was in the process of trying to get some sensible dialogue on taxation methods but was cut off by the Chairman pro temp because he (Reginald Knight) had requested ten minutes. Most of his time, he stated, was taken up

the Mayor repeatedly reiterating information that everyone had already knew and did not address his point. He was cut off at ten minutes because he had asked for ten minutes but no professional speaker knows exactly how long it will take when discussion erupts. He stated that he was the only person to register by the rules, yet a lady was allowed to take the floor after him to discuss flowers. This was the very first public speaking meeting held after the Monday noon ruling. The ruling was broken right away and then the meeting adjourned. He had nothing against the lady talking on any interest having to do with the Town but how come, he asked, he could not continue if everyone was here already? What was so urgent that you had to rush off? The Council proposed the third meeting and caused the loss of time that could have been saved if you had slackened just three minutes of the regular meetings so that a person could get a point across without time consuming interruptions and filibustering that eats up the precious minutes. Are you really listening? Do you listen to yourselves? Ethics, fair and equal treatment; every person should be able to speak at regular meetings. Not six people, three minutes each but everyone who wishes to speak. The oath of allegiance says it is justice for all, not just for those you want to hear. On January 27, 1998 the Chairman said that he did not want to restrict public speech but more and more we see the spirit of listening to the public is being eroded. Will the next thing be the removal of the third meeting altogether? Was it created with that in mind?

Masquale Melillo, 15 Haller Place asked if anyone had researched his suggestion of purchasing the new infra-red fire fighting equipment that helps the firemen see through a smoke-filled environment?

Mr. Rys explained that it is a matter for the Fire Chief to research. If the Chief thinks it is equipment that should be purchased then he would submit a request at budget time for the funds to do so.

Mr. Melillo next asked if anyone has looked into the matter of the East Street Substation equipment malfunction he brought to their attention at the last meeting of the Town Council?

There was no response from the Council.

Mr. Melillo next asked, what is the status of Pennsylvania Power and Light's (PP&L) agreement with the Town? What stage of the process are they at with their proposal to locate a generating plant on the Pierce Plant site? When does the three month period lapse for PP&L to come back to the Council with a formal document?

Mr. Knight responded that he has been in communication with William Cominos, General Manager of the Electric Division and Raymond F. Smith, Director of Public Utilities on the matter. Upon conclusion of their presentation to the Council on August 25th, PP&L left the room with lots of homework to do pertaining to issues involving water, noise, transmission lines, etc. There are many other complex technical issues that must be investigated thoroughly. The firm is still working on

overcoming obstacles associated with siting this plant. This is potentially a \$225-250 million investment for PP&L. They are being thorough with their proposed venture.

Mayor Dickinson explained, PP&L is now in the process of developing a proposed contract which will come back to the Council when it is completed from their standpoint. They did find that it is a feasible project and they are looking to produce a more detailed document as to exactly what they need and want in the way of a relationship with the Town.

Mr. Melillo asked, what if another company comes along and wants to bid on the project since the three month exclusive agreement period has expired?

Mayor Dickinson replied, if it has expired, then someone else would have an opportunity.

Frank Wasilewski, 57 North Orchard Street stated that he was very concerned over the issue of videotapes being made for the Council Chairman. He asked Ms. Papale, when you were Chairperson of the Council, did you ever have tapes made for your own personal use?

Papale responded, no, I did not.

Mr. Wasilewski asked, you had no reason to make them? You never wanted to look them over afterward the meetings?

Ms. Papale answered, I felt that we did have tapes and if I had to listen to anything, I could listen to the tapes. Mr. Parisi has had these tapes made not only for himself but for the convenience of the entire Council. There have been members of the Council that have listened to the tapes that Mr. Parisi has at his home. It happened that something came up over a weekend and maybe the tapes could not be reached at the Town Hall so Bob did have another set. They are not just for him, but for any Councilperson.

Mr. Wasilewski asked, are they property of Mr. Parisi?

Mr. Rys responded, yes.

Mr. Wasilewski stated, if he wants tapes made he could tape his own because it is televised a number of times on the Town channel, not at the expense of the taxpayers. If it is for his own personal use, I believe that Mr. Parisi should foot the bill himself.

Mr. Rys stated, that may be your opinion, Mr. Wasilewski, but he did ask Councilors and he also asked Mr. Hanley if it would be all right.

∴ Wasilewski stated, the reason I am asking this is because when I suggested that we save the videotapes on file a question came up that we can't afford to do it. I say that is a lot of baloney.

Philip Wright, Sr. stated that he read in the paper today that the Board of Education saved \$400,000 by changing the insurance carriers. He asked, who is carrying/covering the rest of the Town employees? Is it the century preferred plan that the B.O.E. is using now?

Mayor Dickinson responded, generally, it is Blue Cross/Blue Shield. There are H.M.O.s (Health Maintenance Organizations) and preferred provider contracts that are options in most of the bargaining unit contracts. Right now the majority of coverage is provided by Blue Cross/Blue Shield. The change in the provider was a result of the teacher's contract negotiations. They are estimating the savings but until you have an actual experience, it is all estimates.

Mr. Wright asked, when new contracts come forward from the bargaining units at that time we will hear that we either changed contracts/providers or didn't and why? Is that correct?

Mayor Dickinson responded, we will know whether there are changes or not in the various coverages, that is correct.

Mr. Wright asked, will we seek to change providers/contracts if there is a cheaper, better way of doing it? Can I assume that?

Mayor Dickinson answered, that is correct. The health coverages are always a matter of discussion. If there is a way of proposing lower costs but, again, the costs are totally estimates. If experience shows an increase in illness or results in more people needing services than expected, you could easily not have a savings. We pay dollar for dollar what the costs are for health coverage. The savings are estimated based upon comparisons to the past. It is not insurance in the same sense as auto insurance.

Wes Lube, 15 Montowese Trail stated, it has been two weeks since the Town embarked on a marketing program for the American Legion Building next door. Has any steps been taken over the past two weeks? There is an absence of the "for lease" sign on the building. What other things have been done?

Mayor Dickinson stated, the R.F.P. (Request for Proposal ) has been turned over to the Purchasing Department and will be part of their process for advertising over the next weeks. They currently have a heavy workload and I am not sure when it will be out or published but it is in the department and will be published and advertised so that we can receive proposals.

...: Lubee asked, to whom are the responses sent?

Mayor Dickinson answered, the Purchasing Office.

Mr. Lubee asked, if I stop there tomorrow I can get a report on the building?

Mayor Dickinson answered, I don't think it is ready for publishing as of yet. The Purchasing Department will put the request in a form that complies with our bidding processes and when it is ready it will be advertised.

Mr. Lubee asked again, can I get information on the building?

Mayor Dickinson directed Mr. Lubee to contact the Public Works Department for information on the building.

Mr. Lubee stated, I have been to public works ten times and so far I have not caught anyone in. I am sure they are busy but he (Mr. McCully) is not the easiest one to talk to.

Mayor Dickinson suggested that Mr. Lubee stop by his office and drop off a list of the questions he has regarding the building and the Mayor will endeavor to get the answers for him.

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

ITEM #6 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving Dellavecchia v. Factory Built Homes and the Town of Wallingford - Town Attorney

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

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

The Council entered into executive session at 7:12 P.M.

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

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

The Council exited the executive session at 8:40 P.M.

∴ Rys stated that Item #7 was withdrawn at this time.

Waiver of Rule V Motion was made by Mr. Knight to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering a Revised Transfer of Funds Request Submitted by the Department of Fire Services, seconded by Mr. Farrell.

Mr. Knight stated that the purpose for withdrawing Item #7 was that the amount originally requested by the Fire Department has risen from \$26,000 to \$29,300.

VOTE TO WAIVE RULE V: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #7 (Revised)

Consider and Approve a Transfer of Funds in the Amount of \$29,300 from Contingency, General Purposes Acct. #001-8050-800-3190 to Public Safety Communications Tower Acct. #001-2030-999-9999 - Dept. Of Fire Services

Correspondence from the Fire Chief to the Mayor dated October 27th states that the original figure requested (\$26,000) was derived under the premise that the department could save approximately \$6,000 by having the tower foundation work performed by either Public Works or the Town's concrete bid vendor. The project was reviewed by the Director of Public Works and was determined to be beyond the scope of work performed by his department. It was learned that the bid contractor, Bee Mack, will require \$5,800 to install the foundation. This is \$3,300 more than expected. This brings the total project cost to \$29,300 which is still a savings of \$2,700 under the \$9,500 bid by the tower installation company (AAT Communications Systems, Corp.).

Motion was made by Mr. Knight, seconded by Ms. Papale.

Mr. Zandri asked if the project was reviewed by the Public Works Director when he was first asked about the foundation work? Was it determined then whether or not he could handle the work?

Fire Chief Wayne Lefebvre responded, the reason he could not make a determination at that time was because I was waiting for some blueprints to be fax'd to me by the communication company. I could not get them to do that until the bids were open and I found out who would be the construction company. That was the delay that caused a gap in our process. We continued to move forward as quickly as we could when the bids were open and this is the result.

Mr. Zandri asked, is the foundation for the tower complicated?

Chief Lefebvre answered, yes it is. There has to be a template made and a rebar (reinforcement bar) cage welded and the template placed over the top of the rebar cage with the bolts which are enormous, welded to the cage and set in the hole. It is going to have to be done by a mechanical drafting firm to make that template. I am talking with a company now; I want them to make the template because if you are off by one-eighth of an inch when you weld those bolts in it is not going to work and there will be sixteen yards of concrete underground. It is something you do not want to make a mistake with. This is a free-standing tower with no guidewires that is why it is so critical. One box containing four bolts weighs in at fifty (50) pounds.

Mr. Zandri stated, most of the time when they do anchor bolts in a set up like that, they will use the base of the tower as a template and come up with some sort of a wood structure and actually bolt the bolts to the wood structure and that is part of the forms.

Chief Lefebvre replied, that is what we have to do, exactly.

Mr. Farrell asked, what is the height of the present tower?

Chief Lefebvre responded, approximately ninety (90) feet; there is a ten (10) foot difference. It will actually be less obtrusive because there are not going to be any guidewires. The guide poles that are in the ground now stand about six feet high. They are old telephone poles and one of the guides is anchored into the roof of the fire house which is not a preferable way to anchor a tower of that height.

Mr. Farrell stated, I know that some cellular phone companies have "sweetened" deals for other towns by enticing the police and fire chiefs to put their antennas on cellular towers. I assume that if we approve this that we will not have such enticements offered to us which I view as a positive and that you won't be coming back to us asking for that kind of deal?

Police Chief Douglas Dortenzio responded, your information is correct; they do make those sorts of "sweetheart" deals with public safety communications. But it is all based on whether or not the towers are in locations which are suitable to provide coverage for the town. The cell site antennas generally straddle highways because the predominate users are commuters and motorists with cell phones in their cars. When you get inland our communication coverage needs are remarkably different than a cellular telephone company. In some cases you can use their towers but we have had our system engineered and none of the existing monopoles in town that are used by the utility companies are suitable to provide us the coverage in Wallingford that we need to achieve.

Mr. Farrell stated, I am not criticizing, I am only anticipating that there is probably going to be some type of application for a cell tower somewhere on the west side of town. I notice that they seem to be moving up the Merritt Parkway right now as they did up I-91.

Chief Dortenzio stated, when we were originally doing our research, we actually went back and looked at some of the towers that had previously been approved and installed as much as several years ago and there were some offers made to the town at the time the approval was granted to host public safety. We gave that to the engineering folks who were laying out where we needed to be located in order to provide the coverage and they were not suitable sites. There were some privately-owned sites that were viable but when we sent correspondence to the owners of those sites and asked them about whether or not they would be willing to host us, it was about \$1,000 per month in some cases.

Mr. Farrell stated, I prefer that we not get into those "sweetheart" deals because I think it would tend to cloud our judgment in whether or not it is a good idea for that particular location.

Chief Dortenzio stated, we are using existing sites at this point. This particular site has not been used by the Police Department but will be in the future. It has been used by the Civil Preparedness, Fire Departments and C-Med to provide coverage in Wallingford for many, many years. It is just that the tower has exceeded its life expectancy and needs to be replaced.

Pasquale Melillo, 15 Haller Place, Yalesville urged the Council to approve the request.

VOYE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #8 Report Out by the Director of Parks & Recreation on the Status of the Community Pool Renovation Project as Requested by Councilor Gerald E. Farrell, Jr.

Mr. Farrell asked Parks & Recreation Director Thomas Dooley, what are your expectations regarding when the project will be complete next year? What can the public expect? What complications have risen towards getting us a finalized product? This way we can all be aware of where the project is going at this point far enough ahead of the summer season. This was the purpose of my placing this item on the agenda, to give you that opportunity to update both the Council and the community at large as to what we can expect.

Mr. Dooley stated, a detailed report of what has been completed on the project up until this point has been provided to you (Appendix I). I would say that since the last time that I have spoken, we have held two pool meetings and some significant progress has been made towards being able to give you some hard and fast dates. One thing that needs to be discussed is the fact that we have made a decision based upon the change in weather and the fluctuating weather that we have experienced this fall, not to pave the bottom of the pool until Spring. The opening date of the pool will be determined by when we can get into the pool to pave it. Right now things are going along almost according to schedule. Hopefully we will be in the pool at the end of June. The latest date we are anticipating

being in there will be some time in the middle of July but that would be only if we got a late start paving in the Spring.

Mr. Farrell asked, and that is in comparison to what type of date that in previous years the pool would open?

Mr. Dooley responded, we normally open the pool in the last week of June.

Mr. Farrell stated, we would be approximately on target, possibly two weeks late.

Mr. Dooley answered, possibly.

Mr. Farrell asked, can you give us a little better feel for the paving and painting of the paving and how that complicates the opening of the pool?

Mr. Dooley explained, the painting of the pool depends upon the curing of the bituminous. There is a minimum amount of time which we would hope to have after the pool has been paved. The manufacturer's recommended time is about ten (10) days. We would like to see it cure a little longer than that just to ensure that the end product is perfect. We have spent this much time getting the pool in order, I would hate to have the last part of this go sour because we did not wait a significant amount of time. Besides the painting and the paving, I assume that there are other things that need to be done to finalize that. Would that all be working along.....that we have a completed product that we could really open up?

Mr. Dooley stated, they will be doing work throughout the course of the winter. The bath house, filter plant, stainless steel gutters, all of the work that can be accomplished during the course of the winter will be done. The last thing that will be done will be the paving and the painting.

Mr. Farrell asked, would it be accurate to say that we want to do that on a time line that ensures that it is done correctly and that you are not going to have problems with the paint curing or with the black top heaving if you did it too early before the winter?

Mr. Dooley responded, you have two very good people in the audience tonight who are overseeing project; Mr. McCully (Director of Public Works) and Mr. Tim Brewer (TLB Designs) plus Mr. Simpson (Town Engineer). I think this decision was made very, very carefully and I have been ensured that every precaution will be taken to ensure that the product that we are left with is top shelf. I am very confident that you are going to be very pleased when the pool is finally opened and it will be opened at a time that satisfies every need and every desire that we hoped for. It is going to be fantastic.

..... Farrell asked, would our anticipation be that after that somewhat abbreviated season of '99 that in future needs we might open earlier to anticipate greater use of the pool?

Mr. Dooley stated, we have discussed opening it on Memorial Day in the past. One of the problems that we are encountered with is, on a national level, there is a shortage of certified (life) guards. It becomes more subject to the whims of how many guards we can get there. We have discussed opening it early and I would anticipate trying to open it in the middle of June in the year 2000.

Mr. Farrell stated, I thought it was important to get all of this out because I know a number of people have asked me that do drive by. They see what the status is just visibly and they were wondering what the time table was going to be and I didn't want anyone to have false expectations that it would be open day one or June 1; that you really need some time to wrap this up correctly.

Mr. Dooley stated, the project is going pretty well; exceptionally well I would say, given all things considered.

Mr. Centner stated, following up on the delay of the paving into the springtime period, my concern would be work done up until that point in terms of erosion and wash out; if you are compacting the base and the protection of the piping and all that underneath; is adequate measures being taken to protect all of that?

Henry McCully, Director of Public Works stated, drainage is provided for surface run-off throughout the winter. Any structures that are exposed will be mothballed for the winter. They will be buried and covered with mats. We don't anticipate any damage by frost throughout the winter to those exposed structures. At our meeting today, that was one of the topics. When we get into the real cold weather, possibly around the middle of November, I will walk the site with the staff architect of TLB and the contractor to identify all those areas that we want mothballed or protected throughout the winter. It would be to the contractor's advantage to do this. If he doesn't and there is any damage in the Spring. Again, we are looking to next year, we want everything to go as planned and we don't want to do anything over again.

Mr. Centner asked, would you put antifreeze in the piping and then cap it so the spill off would not run into the pipes and freeze?

McCully stated, there will be no water in the pool. These pipes will all be empty.

Mr. Centner asked, so you will cap them to be sure?

Mr. McCully responded, yes. The structure that we are the most concerned with is the concrete that will be exposed to the weather. I don't know if you are aware of it or not but this pool, once completed, will be protected by the water. The water will be left in the pool and that is how it is going to be protected. Until we get the water in there, we need to take measures to protect the structures.

Mr. Knight asked, when does the pool personnel normally start?

Mr. Dooley replied, we usually hire our guards and start them with training in the middle of June. You will probably see that as a budget item. We will have to hire our guards early and have them working on either cleaning up the pool or working on our playground or something. I visited the site once and it is really coming along well. From what I am hearing, from a construction stand point but also from a financial stand point, everything seems in line. I am disappointed, of course, that we are not going to have the pool, day one, maybe, but the fact is that you are taking a conservative cautious approach to make sure that this job is done right but the most difficult aspect of Community Pool has always been the condition of the bottom. It was one of the primary reasons that the pool renovation was recommended back in 1990. I am pleased you are taking this conservative approach to making sure that the product we get is going to last as long as we anticipate.

Mr. Dooley stated, TLB, Mr. Brewer, has done an exceptional job in representing the town every step along the way. They have put the town's interest, at times, ahead of their own. They have done an outstanding job. I am very pleased.

Bernadette Renda, 753 North Main Street Extension stated, the pool is looking good. Have the drainage pipes been hooked to the sewers yet? Before it was not going into the sewer line, it dumped into that little brook; the run-off. Has that been hooked up yet?

Mr. McCully responded, the final connection for that will be done in the Spring. The sanitary sewer has been completed. We have to change the elevation of that; a local contractor is doing that, yes.

Mrs. Bernadette stated, every time the pool is filled my water pressure shuts right down. I hope that will be fixed, too.

McCully responded, once the pool is filled, it will hopefully remain filled for a number of years. That is the way it is being designed. Next year you will lose your pressure but only for one year I hope.

Phil Wright, 160 Cedar Street asked, what date was specified in the contract as the opening date for the pool?

McCully responded, June 15th.

Mr. Wright asked, are we going to meet that (date) or not?

Mr. McCully answered, no, there is going to be an extension to the contractor to July 15th or around that time.

Mr. Wright stated, first we are a year late, now we are a month late. Is this ever really going to work the way it ought to?

Mr. McCully answered, we are dealing with open-air construction. Just to be reasonable, take last Spring. If we were in the situation we are in now, ready to pave and we had a spring like we had last year, again, as Mr. Knight said, we are taking a cautious approach to this. We are planning to pave the middle of May when the temperatures in the morning are going up rather than going down; it is more conducive to a better product for the lining of the pool which is the heart of this job. I don't feel by giving a contractor an extension at no extra cost to the town and in the best interest of the town to get a good job and a long term is really not a sacrifice at this time.

..... Wright stated, the contractor should have had the knowledge to know that these kinds of things might likely occur. Either he says he can make it or he can't. I don't understand why this thing has to bounce always behind.....how are we doing with the money? Do you have any accounting as to where you stand now?

Mr. McCully stated, to date we have had three change orders; one was a credit to the town for a change and another one was for approximately \$1,600 to remove some fill. We are doing extremely well as far as the funds go on this job. We have a \$25,000 contingency and I believe there is a balance of \$23,000 in the account. For a job of this size, scope and technical difficulty, we are doing extremely well.

Reginald Knight, 21 Audette Drive asked, what will be the maximum depth of the pool?

Mr. Dooley answered, in the lap area it is six feet and in the rest of the pool it is five feet. There will be no diving area.

Reginald Knight asked, will there be any straight walls or is it a.....

Mr. Dooley replied, there are two straight walls on the lap pool.

Reginald Knight stated, with the depth being five to six feet, the whole topography of the bottom of the pool has changed apparently.

Mr. Dooley responded, yes.

Reginald Knight continued, I am talking about the sub-surface. We seemed to have problems before with it erupting under the skin, breaking the skin of the surface of the pool. Have they taken any special measures to stop that under soil or what have you?

Mr. McCully stated, there are under drains that are being placed. That is some of the work that is taking place now, they are under drains to deal with subsurface moisture accumulating and creating any upward pressure to affect the lining. We expect to get a long life out of this lining. Every precaution is being taken in the plans and specifications and I don't foresee any problems in that area.

Councilor Knight stated, one of the primary missions was to attack this problem that we had in the deep area of the pool. One of the simplest and most effective ways is to raise the bottom of the pool above the water table. It will not be as deep as the old Community Pool was.

Joseph Melillo, 15 Haller Place, Yalesville expressed his concerns with regards to the electrical systems and potential safety hazards it may pose to swimmers. He also expressed concern over the increase in suction created by the larger filtration pipes. He has heard of incidents where bathers have been injured by either electrical shortages/malfunctions or drowned due to abnormally strong suction from filtration systems. He asked if every precaution is being taken to make sure our patrons are safe?

Mr. McCully responded, those concerns have been addressed in the design of the pool.

Mr. Melillo asked, do you see us having to pay more money in the future over what has been budgeted for the project so far?

Mr. McCully answered, the maintenance of the pool, chlorination, we hope to have a firm do that on an ongoing basis. I believe at some point in the future that there would be....it has been expressed that further renovations to the bath house be done in the future. They are not included in this project.

Ms. Papale stated, I would like to see the pool opened as early as possible but I understand how the weather is a factor. I would like to thank Mr. Dooley for all the information he has been providing the Council all along. Let's pray for a nice Spring so that it can open up as early as possible.

This concluded the report out on Community Pool.

EM #10 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving the Estate of Andrew Masko and Martin Oslander - Town Attorney

ITEM #11 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor

Motion was made by Mr. Knight to Enter Into Executive Sessions, seconded by Mr. Farrell.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

The Council entered into executive session at 9:19 P.M.

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

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

The Council exited the executive sessions at 9:50 P.M.

EM #12 Consider and Approve the Settlement of Pending Claims

Motion was made by Mr. Knight to Approve the Settlement of Pending Litigation Involving the Estate of Andrew Masko as Discussed in Executive Session, seconded by Mr. Farrell.

Philip Wright, Sr., 160 Cedar Street asked, what is the settlement?

Attorney Mantzaris responded, until the settlement is approved by the Commissioner we should not be discussing it. They will vote on what was talked about in executive session; the figure I recommended or suggested to them. It may not be approved by the Commissioner. If it is approved then you will know because it is then public record.

Mr. Wright stated that he will call Atty. Mantzaris.

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #13 Consider and Approve Authorizing the Mayor to Enter Into a Contract to Purchase Property on East Center Street Owned by Petrossi, Stone and Sartori - Town Attorney

A memo from Janis M. Small, Town Attorney states that the parcel is approximately 11.417 acres in size and the key contract terms are:

- Purchase Price: \$180,000
- Contingent upon passage of a Bond Ordinance and expiration of time for a Referendum
- Contingent upon satisfactory environmental testing
- Contingent upon completed surveys.

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

Philip Wright, Sr., 160 Cedar Street asked, haven't we investigated whether or not there is oil on the property prior to making an offer?

Mayor Dickinson explained, the Town does not have the right to be on the property prior to purchase. Pursuant to this contract the property owner would have to give us the right to have a Phase I environmental test.

Mr. Wright asked, doesn't the land owner have to attest to certain things before we enter into a tract with them?

Mayor Dickinson answered, if they tell us there is something there, that is one thing but very often their representation is that they know of nothing there but whether a prior owner did anything is an open question.

Wes Lube, 15 Montowese Trail asked, is this the same piece we discussed two meetings ago out on East Center Street?

Mr. Rys answered, yes.

Mr. Lube stated, if I remember correctly the appraisal was based on a four lot yield; three or four lots?

Mr. Zandri answered, no, two lots.

Mr. Lube stated, in listening to the conditions, I don't believe that I heard a condition for septic tank testing. This is not an area of city water so therefore if the appraisal is based on building lots be it or what ever, we would have to satisfy ourselves that this appraisal is correct by testing to see if they are, in fact, valid building lots. If they don't test out for proper drainage for a leaching field then they are not buildable lots.

Mayor Dickinson responded, we are not purchasing the property to build anything.

Lubee stated, we are buying the property at a price that is based on an appraisal and the appraisal was based on lot values.

Mayor Dickinson stated, an appraiser generally is never going to go out and make sure that there are perc (percolator) tests done and follow through on all of those details, nor do we try to prove whether or not the appraiser is right or wrong. They arrive at a general value and with eleven acres; two lots, chances are there is more than enough location to be able to place a septic tank in that area. We have not looked to second guess the appraiser and go into the kind of analysis that would be necessary to determine whether or not perc tests are passable.

Mr. Lubee asked, if you are making the sale conditional on environmental testing, why wouldn't that be a proper condition?

Mayor Dickinson answered, environmental testing involves whether there are materials on the property, buried on the property that are hazardous and would require removal. If there are oil spills or other contaminants that would have to be removed, we would want to know it and not be responsible for that removal at some future time should the contamination become known later on.

Lubee stated, I was approached and told that the reason why this is being sold to the town is because tests have been made on this property and they are not buildable. I think we are paying a price based on the fact that they are buildable and you ought to satisfy yourselves that this is, in fact, correct. If you don't you are overpaying for the land.

Reginald Knight, 21 Audette Drive asked if the Council or the Mayor has any proposed use for the land? Is there any thought as to what they could use the land for apart from just leaving it as it is? Is the topography such that we can use it for any particular purpose for the town apart from trail wandering and that kind of thing?

Mayor Dickinson stated, to my knowledge there are no plans other than for passive recreation, hiking, that type of activity. The land annexes land that is supervised by the Water Division and there are horseback riding trails and that type of thing in that area. Whether they are on this piece of property? I don't know.

Reginald Knight asked, is it suitable for any other purpose?

Mayor Dickinson answered, I don't know, it is a wooded piece of property.

Reginald Knight asked the Mayor and Council if either of them, personally, has made a trip out to look at the property?

Mayor Dickinson answered, no, I have pictures taken by the appraiser and that is all I have at this point.

Reginald Knight stated that he was surprised. If he was going to buy land he would first go and look at it. He asked, has anyone gone out to look at it?

No one from the Council responded yes.

Mr. Farrell stated, I know where it is, I go by there all the time.

Reginald Knight asked, have you gone into the area to look at it?

Mr. Farrell responded, it is not my right to go onto someone's private property.

Reginald Knight stated that he is aware of that fact but a Councilor can go on the property by invitation. It would be nice to know what we are buying and what uses we could possibly put it to.

Philip Wright, Sr., 160 Cedar Street asked if the Town will permit hunters to hunt the land?

Mayor Dickinson stated, at this point hunting is not allowed on Water Division property.

Wes Lube, 15 Montowese Trail stated, Councilor Farrell said something I don't understand; that as buyers of this property we don't have the right to inspect it physically?

Mayor Dickinson answered, at this point we don't have a contract for the purchase. I think, up until now, there has been discussion about the Town's interest. Following an indication that we are entering into a contract, what you are talking about can occur. We are talking about a relatively small piece of property it annexes existing Town land and is within the general views of what we are seeking to achieve in the purchase of open space. Open space being property that does not have a purpose for development. Whether you can put a septic system there and things of that kind, we really are not interested in that at this point. We are interested in protecting the open space land that the Town owns at this time.

Mr. Lube stated, I asked you something that was much more specific. Did you ever sell a house and say to the person, you can look at my house after you give me a contract? That is wrong. If you are a potential prospective buyer without a contract, you should have the right to inspect that property. It is nonsense that you cannot set foot on the property until after a contract....

Mayor Dickinson explained, with notice to the owner, it can be arranged for people to be on the property. I don't think that people should just stop and go walking the property. With sufficient notice to the owner, that could be arranged.

Mr. Lube stated, I agree. If the Council is talking about spending \$180,000 of taxpayer's monies, I think that they should be making an appointment and inspect what they are about to buy. Don't say that you can't do it; you can do it.

Mr. Zandri stated, one of the reasons why I am going to support this (purchase) this evening is, basically, the property is in our watershed area. That is very important; that we make sure that we protect the watershed. It also abuts existing water department land now which would now make it a larger piece by being contiguous. We have town maps to refer to when making our decision to purchase property. Besides that, there were several pictures taken of the parcel; we know where it is in relation to other pieces of Town-owned property. The recreation fields are right across the street from this parcel. The main thing that I was concerned about was the watershed and that it abuts existing Town-owned land.

..... Knight added, one of the purposes for purchasing open space is that we don't necessarily have to have a specific use in mind. One of the things that has been made clear by many members of the public is that the Town should pursue the purchase of open space almost for its own sake, not so that we look at it as a future park or that we have actual recreational uses for it. I support the purchase on that basis alone and as Mr. Zandri has noted, we have a lot of information available to us without stomping around the property to see what specific use we may make of it. The fact that it is developable and it is being removed from the market is also strong incentive for me to approve this purchase.

VOTE: Parisi and Zappala were absent; Rys, no; all others, aye; motion duly carried.

ITEM #14 Consider and Approve Authorizing the Mayor to Enter Into a Contract for the Purchase of Property from George Cooke - Town Attorney

Mr. Knight stated, the Cooke Properties are described in a memorandum from Janis Small, Town Attorney to the Mayor as:

- Approximately 64 acres, N/S Whirlwind Hill Road and S/S Scard Road
- Approximately 77 acres, W/S Cooke Road
- Approximately 108 acres, E/S Cooke Road and Northford Road

The key contract terms are:

- Purchase Price: \$3,800,000
- Contingent upon passage of a Bond Ordinance and expiration of time for a referendum
- Contingent upon satisfactory environmental testing
- Contingent upon completed surveys
- Lease back agreement permitting seller to maintain farming properties for five years. Either party may terminate during the five-year period provided that the seller may remain on the farm until harvest is completed. Rental to be comparable to rental charged farmers with similar lease agreements with the Town

Motion was made by Mr. Knight to Approve Authorizing the Mayor to Enter Into a Contract for the Cooke Properties Contingent Upon the Key Contract Terms, seconded by Mr. Farrell.

Mr. Rys reminded everyone in the audience that this item will be part of a public hearing which will be scheduled for the next Town Council Meeting. This action is only authorizing the Mayor to enter into a contract.....this is not the actual purchase, Mr. Rys stated.

Mayor Dickinson stated, we will bring in the actual contract for the Council's approval at a subsequent meeting. The appraisal on these properties totals \$3,515,000. We are paying above the appraisal, approximately \$285,000. The properties are outlined on a map for the audience members view should they wish to.

Mr. Zandri asked the Mayor, does the purchase of this land (Cooke properties) qualify for direct replacement for our Durham piece?

Mayor Dickinson answered, my guess is that we can make that application. Until we actually have that application before the State, there is no guarantee. I would think that it would; it is similar-type of property. It is open, farm-type property.

Mr. Zandri asked, if that does transpire then would you recommend that we go through with the sale of the Durham property?

Mayor Dickinson replied, the Durham property is appraised at a much lower value than this property. In my opinion, at this point, it is much more of a judgment call as to whether there is interest in continuing to own that in Durham or not. I don't think it is critical to our ability to purchase this piece. It would be difficult for me to right now to say why I think we should sell the property that is located in Durham.

..... Zandri responded, but it does give us an opportunity to recoup some of the dollars.

Mayor Dickinson stated, it would recover some of the cost on it.

Mr. Zandri stated, one of the things that concerns me about this purchase was being put in an either/or situation with other parcels that we have been interested in. My question to you, Mayor, is if the Self property became available in let's say a month from now and we could come to terms dollar-wise, would you then also recommend the purchase of that piece?

Mayor Dickinson stated, I don't think this purchase would exhaust our ability to purchase open space and I believe we would still be able to proceed with a piece similar to the Self piece.

Mr. Zandri stated, that is important for me to know in order to support this action tonight. I would want to make sure that we are not exhausting our ability to purchase the Self piece because I feel very strongly about that particular piece.

James Vumbaco, 81 High Hill Road stated, I know that you are going to have a public hearing on this issue so there are a lot of things I will talk about then but I have stood in front of this Council in the past and I am standing in front of it again tonight and I am going to ask, where is our open space plan? Where is our formal plan that puts all the reasons for purchasing open space; the type of land are going to buy, whether it is residential, commercial or industrial; how we are going to fund this besides just going out and haphazardly bonding when we find a piece which, in turn, adds to the cost of the property and, more importantly, what are we going to do about the Durham piece? It is my understanding that over a year and one half ago the Mayor was given direction to go out and sell the Durham piece of property by this Council. Now I am hearing that it is not a high item to sell. The sale, whether they get the appraised value or not, would help defray any of the costs of the open space planning. The problem I am having again is that we are going forward with an attempt to spend \$3.8 million of taxpayer's money on property that is deemed open space and we have no formal plan in place. It is my understanding, and I did a little research on this parcel, that there could be upwards to sixty homes built on that piece of property; this is a three acre zone area. It is my understanding also, in looking at the types of homes that are going up in that area, we are talking \$400,000 - \$500,000 homes. The Self property is more along the range of the younger adults who have children which would defray.....and I understand part of the Council's reasons for wanting to buy open space is not to have services spent for the school system and they figure the taxes that they raise from homes does not fully support the services provided. I am not quite sure that is the case when we look at this piece of property. The point I am trying to make is, we really don't know because we don't have a formal plan in place. Six weeks ago I stood in front of this Council and asked the Mayor if there was a formal plan in place and he said, yes, only to find out, no there isn't, we have a draft plan. I am very frustrated in not understanding why since open space has become such a hot issue for this Council and this administration that we don't have the same enthusiasm for pushing forward a plan to the public so that we can finally put to bed what we want our open space to be in this town.

A situation where everybody is on board with it and half the questions that is constantly proposed to this Council when you go out to buy land would be put to bed. I don't understand why we are not willing to put up a plan; I don't understand why this Council and this administration is not going to the Conservation Commission as stated in their plan of development...a plan that was finalized in 1993, six years ago. That plan states, "The Conservation Commission with input from the Planning & Zoning Commission, the Inland Wetlands Commission, the Land Trust, Recreation Department and other departments should prepare an open space plan for the Town as soon as possible. As soon as possible, that was six years ago and we still do not even have a plan in place. We have a draft proposal but that is as far as we have gone. I am here to say tonight that I am not in favor of or against purchasing open space, I think it is a great idea for the Town, I just don't like the idea that we are spending taxpayer's dollars without having a formal plan in place. I would like an answer tonight of when we are going to have this plan. I keep hearing it will be in November, I keep hearing it will be such and such a date, when is this plan going to be presented to this Council and to the people so that we can finally put this issue to bed?

Mayor Dickinson responded, I disagree, there is a plan, it is going to be fine-tuned by the Conservation Commission, it is a plan that the Commission adopts, it does not have to be adopted by another body. It is meant to be of guidance to the Town but there is a plan, the main tenants of it are in the draft; they are going to fine-tune it but the plans exists. We can argue about semantics but that is really what it amounts to, semantics arguments because the plan is there. These purchases do fit within the general boundaries and guidance of what the Conservation Commission is indicating are of interest for the future of the community.

Mr. Vumbaco asked, what you are saying is that a group of commissioners who sit for the Conservation Commission are the ones who are setting the plan and that is what the Town is going to live by? You don't feel that it is necessary to bring it to the public so that they can have input on it?

Mr. Rys stated, it does come before the public when we have the bond issue. The public gets to..... what we are discussing right now is entering into a contract to purchase property, not a plan. That should have been brought up during Public Question and Answer Period, basically.

Mr. Vumbaco stated, if I would have asked these questions at the Public Question and Answer Period you would have told me to defer it until it became an item on the agenda.

Rys asked, your question is, where is the plan?

Mr. Vumbaco replied, the Mayor just stated the fact that there is a plan in place. The one I have is dated July 1, 1998 that I received from the Environmental Commission which basically says is a

draft. He said they are just fine-tuning it but basically they are following the guidelines of this. I don't see where there has been much opportunity for the public to give input on this where yes, you can attend their meetings and we have attempted to attend their meetings.....

Mr. Rys stated, the public gets that (draft) as you did. Have you reviewed it?

Mr. Vumbaco replied, yes I have.

Mr. Rys pointed out, the rest of the public can review it also.

Mr. Vumbaco answered, that is right but when are they going to have the opportunity to review it Mr. Rys?

Mayor Dickinson stated, the Conservation Commission right now is an advisory body. They advise the community. They, as volunteers, have put together a document, they are fine-tuning it, that is what they recommend. We can follow it or not. If another body wants to say that they adopt it, it is but it doesn't make it any more of a plan than what the Conservation Commission has put together; their job is to advise. They do not have formal powers. They cannot enforce anything. They do it (serve) on a voluntary basis, I think they have done a good job. The plan is in existence. I don't know what more they can do other than be part of hearings that deal with the actual purchase of property. That is ultimately what becomes of issue; what property do we purchase and is that property an advisable purchase? Regardless of any other document, the critical issue is, are we able to buy open space?

Mr. Vumbaco asked, what you are saying is, we are following this procedure and as land becomes available you are going forth and are going to ask to bond and purchase it if it becomes available? I am still confused; who is responsible for making the decision to go out and buy this land?

Mayor Dickinson responded, it is the Town Council that deals with the purchase of property for the Town; what recommendations are made by the Town Council. It gets to the Town Council through the efforts of the Conservation Commission and through the administrative offices.

Mr. Vumbaco asked, am I correct in my feeling or understanding that the Council did direct the Mayor to look into selling the Durham property more than a year and one half ago? I have read in the paper that there are interested parties in the Durham property so why has it not been sold?

Mayor Dickinson replied, for the reason that we cannot sell that property until the State of Connecticut rules on our purchase of similar property since state funds were used for the purchase of that property. We must show that any proceeds that are received from that property will be used in

the acquisition of similar property elsewhere. Until we had a large piece that might qualify, there was nothing to put before the State of Connecticut.

Mr. Vumbaco asked, are you putting this piece of property in front of the State of Connecticut?

Mayor Dickinson replied, if that continues to be the will of this Council, that is what will happen.

Mr. Vumbaco asked the Council, is the Council going to ask that the piece of property in Durham be put forth towards the purchase of this property?

Mr. Rys replied, that is not relevant to this question here.

Mr. Vumbaco asked, why isn't it?

Mr. Rys answered, this is not the agenda item; you are completely off the agenda here.

Reginald Knight, 21 Audette Drive asked, if Mr. Cooke had workers on that land after we purchased and they were injured while working, would that put the Town in any sort of a litigation situation? We always seem to be very conscious of that around here; litigation.

Mayor Dickinson answered, we enter into a lease on many of our pieces of properties with farmers who seek to continue farming the pieces that the Town now owns. The lease protects the Town in regards to liability of that kind. The value to the Town is that, in this case, the property owner is familiar with the property. Farm land will not remain farm land unless someone is mowing the hay, making sure that the fields stay clear of the scrub growth; the trees, the brush, that ultimately takes over and you have a young forest. If we want to keep the property open where it is open and had been farmed, it is necessary for someone to be doing the activities that an active farm would involve. In this case the property owner is very familiar with the operation.

Reginald Knight asked, will the farmer be paying the Town back for the privilege of leasing that land? Will there be money paid back to the Town?

Mayor Dickinson replied, it will be a lease similar to others and there is a payment made by others where we enter into those leases so the details have to be finalized on it. Yes, there would be a payment back for the lease of the property.

Reginald Knight asked, at the proposed hearing we are going to be presented with a sales price and then an amount for which the land will be leased? Will those figures be available so that we will know how much we are going to get back for the leasing?

Mayor Dickinson answered, we will have a complete contract that will be before the Council that will indicate those factors.

Reginald Knight asked, and the public will be made aware of those figures?

Mayor Dickinson answered, absolutely.

Reginald Knight stated, the amount we pay for the land will be less than the figure of buying it if we are going to get money back through the leasing?

Mayor Dickinson stated, you can look at it as if we are receiving funds for several years afterwards on the lease, you can look at it that it would offset the cost of the purchase. You can look at it that way but there are other responsibilities we have on the property thereafter also. Someone can also argue that we will not be receiving tax revenue.....

Reginald Knight stated, it would be nice to have all those figures out and in the open so that when the meeting does come up we can balance what we are actually going to win/lose or lose/win out of the equation. Are those figures going to be available?

Mayor Dickinson stated, we can have those figures available. The tax records are public information.

Robert Sheehan, 11 Cooper Avenue asked, why can't we put a contingency on this contract which states that if this property meets the criteria with the State as replacement property for the Durham piece, the funds derived from the sale of the Durham property be put towards the sale of the Cooke property and the purchase of this property will not occur until the sale of the Durham property.

Mayor Dickinson explained, the sale of the Durham property is of no interest to this property owner. This property owner wants to sell the property and if the Town is not interested in immediately purchasing it, this property owner will seek other purchasers. For us to put a condition on there that we are going to sell other property and not be willing to purchase without that condition being met, we could quite possibly lose this transaction completely.

Mr. Sheehan asked, if we purchase this property and we find out that this can be a swap for the Durham property, are we precluded from selling the property in Durham at that time or does both have to somewhat occur within a certain time frame of one another? If we purchase Cooke's property now and six months from now we have an individual come to us that is interested in

purchasing the Durham property, do we have to wait again until we have a good size piece or can we  
it?

Mayor Dickinson answered, I believe we can do that and we will be confirming what the State's  
procedure will be but I believe we can do that.

Wes Lube, 15 Montowese Trail asked, why are we spending \$3,870,000 for open space?

Mr. Rys responded, it has been identified meeting after meeting why we purchase open space.

Mr. Lube responded, I have heard a lot of reasons but I have not heard that we were doing it in order  
to farm. Why are we spending \$3,870,000 for open space?

Mayor Dickinson stated, I think what has been designated as a goal is the desire to make sure that  
the community has open space available for any number of purposes years from now and with the  
rate of development the open space is disappearing. The goal has been to acquire some open space,  
hopefully reduce congestion, maintain some rural vistas in the community and again, provide for  
future generations when the property may have to be utilized for a municipal purpose. There is also a  
pose in protecting watershed areas.

Mr. Lube asked, not to farm?

Mayor Dickinson stated, but not to farm? Our purpose is not necessarily to farm though allowing  
agricultural uses to continue in the community is generally viewed as good in that it maintains a rural  
environment in areas of Wallingford and that is attractive to many and while it is not our intent to  
farm, an ancillary effect, a consequence of us purchasing pieces and wanting them to remain open and  
not turn into a forest is the leasing of property and the continuing farming of the pieces of property we  
own.

Mr. Lube asked, what do you mean, not wanting them to turn into forests? Forest isn't open space?

Mayor Dickinson responded, forests are open space, that is correct, but there is also benefits to  
having open meadows as well as forests. It is habitat that once you have all forest you don't have the  
transition habitat that allows many of the different types of animals to flourish so it is best to have a  
full range of habitat and certainly the transition from meadow to forest is a very valuable area for  
wildlife.

Lubee stated, the Mayor also said earlier that the Conservation Commission had the sole authority to prepare the acquisition plan for open space, establishing criteria. Does the Council have any interest in input into what the Conservation group is going to establish as criteria?

Mr. Rys stated, I don't see the relevance to the actual agenda item.

Mr. Lubee replied, you are about to authorize the Mayor to enter into a contract.....

Mr. Rys stated, that is what we are discussing this evening, we are not discussing what you want to bring up.

Mr. Lubee stated, I did not interrupt you. You are talking about authorizing the Mayor to enter into a contract which is intended to buy some open space. I am addressing the subject of open space.

Mr. Knight stated, you are not addressing the contract.

Mr. Lubee replied, yes I am. I asked the Council if they had any interest in providing input in our acquisition program for open space?

Mr. Rys replied, that is a different subject.

Mr. Knight re-read the item into the record once again for the purpose of clarifying what the topic of discussion is at this time.

Mr. Lubee asked, has the Conservation Commission, in their advisory capacity advised the Council as to this particular purchase that you are going to authorize a contract for?

Mr. Centner asked, if you are asking, did this parcel, these three parcels ever appear on the list that was generated by the Conservation Commission and ranked and graded?

Mr. Lubee responded, no.

Mr. Centner asked, then what is your question? It came to us on the Conservation Commission's list ranked, graded and indicated and we are now asking the Mayor to enter into a contract with it.

Lubee responded, thank you, that is all I was asking, have they given you any advice.....

Mr. Centner replied, it was fully ranked on a list.

Mr. Lube asked, what are you expecting to accomplish with this near \$4 million that you do not already have?

Mr. Rys stated that he did not understand the question.

Mayor Dickinson asked, the money that we don't have?

Mr. Lube responded, no.

Mayor Dickinson asked, the land that we don't have?

Mr. Lube stated, in spending this \$4 million and purchasing this 249 acres, what benefits are we going to derive as a community that we do not already have?

Mr. Knight responded, the same things you just said five minutes ago.

Mayor Dickinson stated, the benefits have been indicated before.

Mr. Lube replied, but they are benefits we already have.

Mayor Dickinson stated, we reduce congestion, protect watershed, provide habitat, there's areas for people to enjoy, open space and we are providing for the future of the community and the potential need for properties of this kind for any number of purposes.

Mr. Centner made a motion to Move the Question, seconded by Mr. Farrell.

At this time members of the audience who had not yet had the opportunity to speak on this item voiced their displeasure with the motion off microphone.

Due to the confusion and off-microphone comments being made by several audience members in opposition to the motion, when Councilors responded in unison to cast their vote, it was difficult for both the Town Clerk and Town Council Secretary to determine precisely how everyone voted on this matter.

NOTE: Parisi and Zappala were absent; Zandri and Papale did not vote (see change to recording of vote on page 31). Renda's vote could not be determined, all others, aye.

Mr. Rys asked the members of the audience to sit down and ruled them out of order.

As members of the audience continued to comment loudly from the audience Mr. Knight read Agenda Item #15 into the record.

Mayor Dickinson stated that the item had been withdrawn from the agenda.

ITEM #16 SET A PUBLIC HEARING on an Ordinance Appropriating \$3,875,000 for the Acquisition of Real Properties Known as 1390 Whirlwind Hill Road, 135 Cooke Road and 200 Northford Road for Open Space, Recreation and Town Purposes and Authorizing the Issuance of \$3,875,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - November 10, 1998 at 7:45 P.M.

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

VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #14 Revisited

Mayor Dickinson stated, I don't believe the Council voted on Item #14.

Mr. Centner stated, that is the one we moved.

Mr. Knight explained, we moved the question, you are absolutely right.

Mayor Dickinson stated, you just moved the question but that just means that you are in the position to vote on it.

Mr. Rys stated, you are absolutely right.

Mr. Farrell stated, I make a motion that we approve the contract as discussed, seconded by Mr. Centner.

Mr. Rys called for a vote asking, "all those in favor?"

Mr. Knight stated, we had a motion on the floor. It was on the floor.

Mr. Rys asked the Council secretary if a motion was made pertaining to the item?

Knigh responded, yes, on (item) number 14.

Kathryn Zandri, Town Council Secretary explained off microphone, we had a motion to approve the contract made by Mr. Knight and seconded by Mr. Farrell. We then had a motion to move the question and we (Town Clerk and Town Council Secretary) never caught who seconded it.

Mr. Rys asked, so we did not need this additional motion, all we had to do was vote on it?

Kathryn Zandri stated, we (Town Clerk and Council Secretary) could not hear a clear, audible vote from everyone on moving the question. Mr. Zandri and Ms. Papale did not vote and we did not hear Mr. Renda's vote. We could not catch everyone's vote. We want to make sure we hear.....can you just tell us what your vote was?

Mr. Rys asked Mr. Renda how he voted.

Mr. Renda indicated that he voted yes to move the question.

It was determined that Mr. Zandri and Ms. Papale had cast a no vote to move the question.

CHANGE TO RECORDING OF VOTE TO MOVE THE QUESTION : Parisi and Zappala were absent; Papale and Zandri, no; all others, aye; motion duly carried.

Mr. Rys determined that a vote had taken place on Item #14 already.

Kathryn Zandri next stated that both the Town Clerk and herself had not heard the vote to Item #15.

Mr. Rys stated that Item #15 was off the agenda.

Motion was made by Mr. Centner to Adjourn the Meeting, there was no second to the motion.

Philip Wright, Sr. came to the microphone to state, if you think that you have furthered the purchase of open space by ram rodding, by muzzling everybody in this audience, you are sadly mistaken.

As Mr. Wright continued to speak, Mr. Rys stated, Mr. Wright we are taking a vote, you are out of order, please sit down.

Wright responded, if I am out of order you can come and shut me up if you would like. Do you want to call the cops and make a scene over it? You are just ram rodding and shutting up the citizens

this town. You have done more damage to the purchase of open space in the last fifteen minutes than has ever been done in this town.

Mr. Rys stated, you're off. The meeting is over. We adjourned. This has got to stop.

Off microphone it was explained by the Mayor and Corporation Counselor that one item remained to be dealt with, Addendum #17.

Corporation Counselor Adam Mantzaris impressed upon the Council the importance of Item #17 stating that it had to be taken up this evening due to the limited amount of time the Planning & Zoning Commission has to consider an application before them pertaining to this item.

ITEM #17 Consider and Approve a Waiver of Bid to Allow the Town to Contract for a Peer Review of a Planning & Zoning Application Filed by Omnipoint Telecommunications

Motion was made by Mr. Knight, seconded by Ms. Papale.

: Zandri asked, will the Town be reimbursed for the dollars associated with the hiring of a firm to form the peer review?

Atty. Mantzaris responded, yes, according to the Planning & Zoning Regulations. The review will cost approximately \$10,350 and an up front payment could not be obtained from Omnipoint for the review. New England Digital Distribution, Inc. will be contracted with to perform the peer review of the cellular tower site on the Junior Achievement property located on Woodhouse Avenue.

Mr. Farrell stated that he will abstain from voting due to the fact that the study could come to some conclusions about a similar tower which sits outside his window.

Mr. Centner stated that he, too, will abstain because he did not receive the back-up information in the mail on this item.

Ms. Papale stated that the information was mailed to everyone at their home addresses last week. She stated that she attended a public hearing of the Planning & Zoning Commission on this matter. The applicants at first did not think that they would agree to a peer review however, upon listening to Atty. Mantzaris decided that they would because Planning & Zoning had told them they had to.

on leaving the meeting, she did not have any idea that the Town would have to front the money and cannot understand why. She asked Atty. Mantzaris to explain.

Atty. Mantzaris asked the applicant's attorney if his client would advance, New England Digital Distribution, Inc. wants half the money up front before they begin the review. The regulations actually state that the applicant will reimburse the Town for the service. Up until this point the P&Z Commission has been successful in getting applicants to pay the money up front for a peer review but it has never cost this much in the past. Omnipoint would not pay up front, the P&Z Commission needs the peer review.....

Ms. Papale stated, if the peer review is not done, it would not be in the favor of the residents. It looks like we are pushing this for Omnipoint but we are not. The peer review will be in the Town's favor hopefully in the long run. I would hope that the Council would pass this.

Atty. Mantzaris stated, the peer review firm is being asked to consider whether or not the Omnipoint tower can locate on the Sprint tower which is on the Beaumont property. Another question is whether or not they can locate on the Rod & Gun Club property which has been offered to Omnipoint. The third question will be whether a shorter tower could handle the same requirements that Omnipoint needs. Without this information we are left with what ever Omnipoint tells us and the denial, should it happen that way, may not be on firm legal ground. There is a regulation in the P&Z ordinances that require reimbursement for a peer review.

Ms. Papale stated, if some Councilors did not get this information in the mail, I wanted to make sure they understood that we were not pushing this in favor of Omnipoint.

Robert Sheehan, 11 Cooper Avenue stated that he has attended the P&Z public hearings on this matter also. He agrees with Ms. Papale. Omnipoint started out saying that the peer review was not necessary and that the cost was excessive. This belongs in Planning & Zoning. If they do not want to comply with P&Z rules then P&Z should deny their permit, simple. Ten thousand dollars should not be a deterrent to Omnipoint, they are spending a lot of money out there. What happens if the Council votes this down and it goes back to the P&Z? Does P&Z have the authority to make Omnipoint pay up front?

Atty. Mantzaris replied, the regulation does say that they will reimburse the Town of Wallingford before a decision. The regulation reads, "reimburse" it does not read, "pay up front" unfortunately. No applicant can be forced to pay up front.

Mr. Centner stated, thanks to Ms. Papale, the line of question and Atty. Mantzaris' responses, I have enough information to cast a vote. I will remove my abstention.

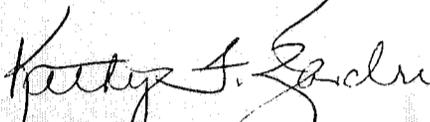
VOTE: Parisi and Zappala were absent; Farrell abstained; all ayes; motion duly carried.

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

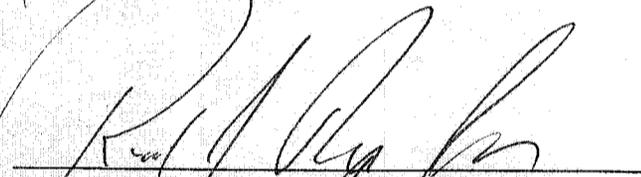
VOTE: Parisi and Zappala were absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 10:53 P.M.

Meeting recorded and transcribed by:

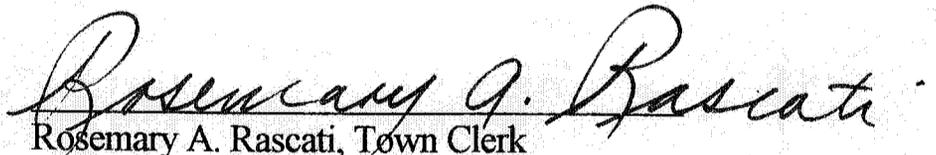
  
Kathryn F. Zandri  
Town Council Secretary

Approved by:

  
Raymond J. Rys, Sr., Vice Chairman

11-10-98

Date

  
Rosemary A. Rascati, Town Clerk

11-12-98

Date

Town Council Meeting  
October 27, 1998  
Community Pool Renovation Update

Financial status:

The project is going well from a financial point of view. While change orders to date have resulted in a net credit, recently adopted changes in DEP regulations will require alterations to pool water discharge piping, and will result in a Change Order of approximately \$1000.00.

Construction Status:

The Community Pool Renovation has progressed in a logical, orderly fashion to this point. The following will summarize completed work to date:

Pool:

- Demolition is complete, including removal of existing pool piping, concrete and lining.
- Sedimentation and erosion control measures are in place.
- Permanent underdrain piping is installed, backfilled and is operating to a temporary well point.
- Pool bottom has been fully excavated and compacted.
- The existing east end retaining wall has been cut and lowered for installation of the gutter system.
- Concrete mat slab, footings and walls are completed at lap pool and surge tank.
- Perimeter drain concrete trenches are complete, with stainless steel gutter boxes in place.
- Perimeter drain piping is substantially complete and backfilled.
- Other pool piping (10" filter return, 4' depression drain) is currently being installed.
- Pool bottom drain boxes are roughed into position, and ready for concrete.
- Concrete pool decks are substantially completed at the north side.
- Concrete pool decks at south side are currently being formed and poured.

Buildings:

- All filter and electrical equipment has been removed from the filter building.
- Selective demolition has started at the bathhouse and has been limited to the first aid room.
- New water service work at the bathhouse is in progress.

Site

- New street connections to storm and sanitary sewer lines have been completed and extended to the site.
- Trees and fencing between the pool and parking lot have been removed; rough grading here has started.

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October 27, 1998  
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- Concrete walks at the bathhouse have been removed
- Catch basins in the parking lot outside the bathhouse are installed and connected to existing system.

Work to be completed this Fall/Winter

- All concrete work at the bathhouse plaza area.
- Filter Plant installation.
- Stainless steel gutter at lap pool and wading area.
- Site grading.
- Sidewalks and curbing from parking areas.
- Site fencing.
- Bathhouse improvements.

Work to be completed in Spring 1999:

- Landscaping.
- Installation of bituminous pool lining.
- Bituminous parking lot paving.
- Painting of pool structure.
- Pool system start-up and training.

I hope this information is useful to you in keeping you informed and up to date on the status of the Community Pool Renovation Project. Please feel free to contact me at any time either before or after October 27th with any questions you might have with regards to this project.

Best regards,

*Tom Dooley*

Tom Dooley  
Director, Parks and Recreation