

Town Council Meeting Summary

6103

November 25, 1986

Public question and answer period.	<u>1-4</u>
Adopted resolutions approving budget for April 1, 1987 to September 30, 1987 for The Wallingford Community Day Care Center.	4-7
Adopted resolution to support proceeding with creation of VISITORS COUNCIL AND TOURISM DISTRICT.	7-9
Approved tax refunds totalling \$984.81.	9
Waived bidding for Tire Removal Program at Wallingford Landfill.	9-10
Waived Rule V to discuss Transit Authority request to place antenna on Town Hall building/granted request.	10-11
Adopted resolution to establish Town Improvement Program Trust Fund and appropriate allocations in form of a line item budget.	12-13
Adopted resolution approving first supplemental agreement to original agreement dated 8/18/78 between State of Connecticut and Town of Wallingford for Railroad-Highway Grade Crossing Improvements on Toelles Road and authorized Mayor William W. Dickinson, Jr. to execute said supplemental agreement on behalf of Town of Wallingford.	13-14
WITHDREW Item 9/discussion regarding questions posed by Mr. James A.G. Krupp pertaining to 12th district voting machines.	14
Adopted resolution amending 1986-1987 General Fund Budget for Assessor's Office.	14-16
Approved transfer of \$125 for Stanley A. Seadale, Personnel.	16
Removed from table subject of Robert Earley School Rehabilitation.	17
Authorized Town Attorney and Mayor to negotiate contract with George Cooke Properties to renovate Robert Earley School to Town Hall/contract to be brought back for Town Council approval.	17-22
Waived bidding for renovation and rebuilding of Robert Earley.	22
Approved Allegheny Ludlum request for an easement/East Street.	22-23
Report and new amendment to Deputy Fire Marshal transfer approved at November 12, 1986 Town Council Meeting.	24
Tabled consideration of easement to Town of Wallingford over property owned now or formerly by C. Young. This item will be considered at the December 9, 1986 Town Council Meeting.	24-26
Approved transfer of \$351 for Dog Warden Truck and \$10,000 transfer from Emergency Contingency to Dog Warden Truck and awarded bid to Jim McCarthy's Wallingford Dodge for \$10,351.	26-27
Approved transfer of \$500 from Transportation Expense-Building Department to Printing 001-2050-400-4180-Building Department.	27
	<u>Page</u>
Approved transfers of \$296 from Administrative & General Salaries, Water Division to Customer Records & Collection and \$296 from Administrative & General Salaries, Sewer Division, to Customer Records & Collection.	28
Approved transfers of \$2,550 from Administrative & General Salaries, Water, to Outside Services & \$2,550 from Administrative & General Salaries, Sewer to Outside Services.	28
Approved 9 budget amendments, Water & Sewer Divisions: (after motion to establish appropriate accounts)	28-29
\$250,000 INCREASE in Contribution from General Fund STP III	
\$250,000 INCREASE in Estimated Unappropriated Balance	
\$226,250 INCREASE in Interest on STP III Bonds	
\$226,250 INCREASE in Estimated Unappropriated Balance	

\$250,000 INCREASE in Estimated Unappropriated Balance	
\$250,000 DECREASE in Bond Payments or Reserve	
\$726,250 INCREASE in Interest on Long Term Debt-STP III	644
\$726,250 DECREASE in Estimated Unappropriated Balance	
\$ 22,162 INCREASE in Contribution from General Fund P.H. P/S	
\$ 22,162 INCREASE in Estimated Unappropriated Balance	
\$ 22,162 INCREASE in Interest on Long Term Debt . P.H. P/S	
\$ 22,162 DECREASE in Estimated Unappropriated Balance	
\$ 56,000 INCREASE in Interest on Investment	
\$ 56,000 INCREASE in Estimated Unappropriated Balance	
\$ 75,000 INCREASE in Debt Reduction	
\$ 75,000 DECREASE in Estimated Unappropriated Balance	
\$102,250 INCREASE in Interest on Long Term Debt	
\$102,250 DECREASE in Estimated Unappropriated Balance	
Upgraded Water & Sewer Chemist from Labor Grade 6 to 7.	29
Approved Water Division's request to retain Vehicle WD-16.	29
Downgraded position in Water/Sewer from Secretary to Clerk Typist II.	29
NOTED FOR RECORD Report of Director of Utilities/9/30/86.	30
ACCEPTED Town Council Meeting Minutes of October 23, 1986, October 28, 1986 and November 12, 1986.	30
Meeting adjourned.	30

TOWN COUNCIL MEETING

NOVEMBER 25, 1986

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Consider approval of Annual Budget for April 1, 1987 to September 30, 1987 for The Wallingford Community Day Care Center, Inc., not to exceed \$91,000, requested by Kathleen M. Queen, Executive Director, The Wallingford Community Day Care Center, Inc.
- (4) Consider resolution to support proceeding with creation of VISITORS COUNCIL AND TOURISM DISTRICT.
- (5) Consider tax refunds requested by Norman Z. Rosow, Tax Collector:

Grace Street (Terwilliger) and/or	
New Haven Savings Bank	\$588.12
Patricia Server	104.00
Hiram White	33.69
Linda Lewis	<u>259.00</u>
TOTAL	<u>\$984.81</u>
- (6) Consider waiving the bidding procedure for Tire Removal Program at Wallingford Landfill, requested by Steven L. Deak, Director, Public Works Department.
- (7) Consider resolution to establish the Town Improvement Program Trust Fund and appropriate the allocations in the form of a line item budget, requested by Thomas A. Myers, Comptroller.
- (8) Consider resolution approving first supplemental agreement to original agreement dated August 18, 1978 between the State of Connecticut and the Town of Wallingford for Railroad-Highway Grade Crossing Improvements on Toelles Road, State Project No. 148-105, Federal Project No. RRP-4148(2) and authorize Mayor William W. Dickinson, Jr. to execute said supplemental agreement on behalf of the Town of Wallingford.
- (9) Discussion regarding questions posed by Mr. James A.G. Krupp ~~WITHDRAWN~~ pertaining to twelfth district voting machines on November 4, 1986

- (10) Consider resolution amending the 1986-1987 General Fund Budget  
 REVENUES: Account 560  
           State Grant in Aid-Other 665  
           Elderly Tax Relief Administration Fee \$5,390.00  
 EXPENDITURES: Account 001-1430-100-1400  
                   Assessor's Office Clerical Overtime \$5,205.00  
                   Account 001-8050-800-3190  
                   Contingency Reserve for Emergencies \$185.00
- (11) Consider & approve transfer requested by Stanley A. Seadale:  
 \$125 from LONGEVITY (administrative offices) to LONGEVITY  
 (Management-Engineering Department).
- (12) REMOVE FROM TABLE subject of Robert Earley School Rehabilitation  
 for discussion and possible action.
- (13) Consider Allegheny Ludlum Corporation request for an easement  
 and road construction from East Street to their rear property.
- (14) Report on amendment to Deputy Fire Marshal transfer approved  
 at November 12, 1986 meeting.
- (15) Consider easement to the Town of Wallingford over property  
 owned now or formerly by C. Young. (Attorney Gerald Farrell  
 will have all information pertaining to this item by Monday.)
- TABLED  
 UNTIL 12/9/86
- (16) Consider and approve a transfer of \$351 from Vehicle Maintenance  
 to Additional Funds-Truck requested by Shirley Gianotti, Dog Warde
- (17) Consider and approve a transfer of \$500 from Contingency Reserve  
 for Emergency to Printing, requested by Carmen Spiteri, Building.
- (18) Consider and approve transfers requested by Raymond F. Smith:  
 (a) \$296 from Administrative & General Salaries to  
 Customer Records and Collection Expense.  
 (b) \$296 from Administrative & General Salaries to  
 Customer Records and Collection Expense.
- (19) Consider and approve transfers requested by Raymond F. Smith:  
 (a) \$2,550 from Administrative & General Salaries to Outside Servi  
 (b) \$2,550 from Administrative & General Salaries to Outside Servi
- (20) Consider and approve 9 budget amendments/Water and Sewer Division:  
 \$250,000 INCREASE in Contribution from General Fund STP III  
 \$250,000 INCREASE in Estimated Unappropriated Balance  
 \$226,250 INCREASE in Interest on STP III Bonds  
 \$226,250 INCREASE in Estimated Unappropriated Balance  
 \$250,000 INCREASE in Estimated Unappropriated Balance  
 \$250,000 DECREASE in Bond Payments or Reserve  
 \$726,250 INCREASE in Interest on Long Term Debt-STP III  
 \$726,250 DECREASE in Estimated Unappropriated Balance  
 \$ 22,162 INCREASE in Contribution from General Fund P.H. P/S  
 \$ 22,162 INCREASE in Estimated Unappropriated Balance  
 \$ 22,162 INCREASE in Interest on Long Term Dept. P.H. P/S  
 \$ 22,162 DECREASE in Estimated Unappropriated Balance  
 \$ 56,000 INCREASE in Interest on Investment  
 \$ 56,000 INCREASE in Estimated Unappropriated Balance  
 \$ 75,000 INCREASE in Debt Reducation  
 \$ 75,000 DECREASE in Estimated Unappropriated Balance  
 \$102,250 INCREASE in Interest on Long Term Debt  
 \$102,250 DECREASE in Estimated Unappropriated Balance
- (21) Consider Water & Sewer (regorganization & upgrade) Chemist,  
 requested by Stanley S. Seadale, Director of Personnel.
- (22) Consider endorsing Water Division's proposal to keep Chevy Chevette  
 proposed for trade-in, requested by Vincent Mascia.
- (23) Consider request to down grade position from Secretary to Clerk  
 Typist II for Water/Sewer Division, requested by Raymond A. Denison
- (24) NOTE FOR RECORD Report of Director of Utilities for 9/30/86.
- (25) ACCEPT Town Council Meeting Minutes of 10/23/86, 10/28/86 and  
 11/12/86.

TOWN COUNCIL MEETING

NOVEMBER 25, 1986

6666

7:30 p.m.

A regular meeting of the Wallingford Town Council was held on Tuesday, November 25, 1986, called to order by Chairman Gessert at 7:38 p.m. Answering present to the roll called by Town Clerk Rascati were Council Members Bergamini, Gessert, Gouveia, Holmes, Killen, Papale, Polanski and Rys. Councilman Diana after roll call. Also present were Mayor William W. Dickinson, Jr., Glen Klocko (Comptroller's Office) and Town Attorney Vincent T. McManus, Jr. The pledge of allegiance was given to the flag.

ITEM 2. Public question and answer period.

Mr. Ernest Kingley (Wallingford Moose Lodge #748) 2 Long Hill Road brought to the attention of the Council that the President of the United States met with the Supreme Governor of the Loyal order of Moose regarding what type of program they could set up regarding drugs. He stated that they came up with the idea of having a teenage council where they go to all the High Schools in the United States, pick out two of the best schools in Conn. and they will go to all schools in Conn. Two of the children from these schools will meet with the Principals, and will go to Hartford to meet as a Congress up there. Two children will be picked from there and will go to Mooseheart Ill., under supervision, and will tell their stories of how to stop drugs in the schools, to the Council at Moosheart Ill. After they leave there, they will go to Washington D. C. and give their ideas on how to stop drugs in the schools to the President of the United States, and the President will be working with these children and their ideas. Mr. Kingley added that there are over 2,600 Lodges in the United States. They also have Lodges in Canada and Great Britan, who will be working on this campaign. He added that he went to see Mayor Dickinson and Mayor Dickinson thought this was a great idea, and asked him to come before the Council. The Loyal Order of Moose will cover these children who are picked as far as Life Insurance so they will be well covered.

Chairman Gessert asked Mr. Kingley what type of action he would like the Council to take and then asked Mayor Dickinson to contact the schools.

Mayor Dickinson commented that the schools have already been contacted.

Chairman Gessert added that because the schools have been contacted, they will comply with the representative they think will be appropriate.

Mr. Kingley added that any adult can go and listen to this program but they will not have any voice. Adults cannot advise the children what to say or how to say it. Mr. Kingley then thanked the Council for their time.

Chairman Gessert thanked Mr. Kingley for his report and wished him success with the program and added if there is anything the Council can do to help, do not hesitate to contact the Mayor or the Council.

Mrs. Vera Zima, 114 Lincoln Ave., Foresville, Conn. began by asking Chairman Gessert why her letter was not on the Agenda for tonight.

Chairman Gessert responded by saying that he did receive her letter and explained this was not a financial or legislative problem. The Council has the power to transfer money from one item to another, we have the power to pass budgets and the power to pass local Ordinances.

Mrs. Zima asked Chairman Gessert who has power over the local Police Department?

Chairman Gessert explained that the Police Department comes under the Administrative Department of the Town of Wallingford, they report to the Mayor. (667

Mrs. Zima asked who the Administrative Department was.

Chairman Gessert responded by saying Mayor is the Chief Executive of the Town of Wallingford. He added that all they can do is approve their budget when they come in for manpower, gasoline, etc. but cannot run the Police Department.

Mrs. Zima added that she would like to file a complaint against the Police Department through the Town Council.

Mrs. Zima began by saying that this concerns a triple homicide at 84 Ridgetop Road on Good Friday, which Detective Butka has called a murder-suicide, despite all of the evidence to the contrary.

Before Mrs. Zima continued, she asked Chairman Gessert if there was any legal action being taken against the Town of Wallingford in regards to this case, including the Police Department.

Chairman Gessert replied that he has read repeated articles about various state agencies being involved with this case, but did not know the status of any lawsuit.

Chairman Gessert then asked Attorney McManus if he knew of any lawsuits in this case, and he responded no.

Mrs. Zima: As a Town Council, you should be concerned with a case of perjury, on legal documents, that can be attributed to Det. Butka and several of his Detectives, with regards to this case of the so-called rape, which did not occur. We have a gynecologist report that states the contrary, which everyone seems to be ignoring. The internal and external examination of Tracy Zima, age 7, requested by Det. Butka, is proven right here (referred to a report in front of her), that there was no sexual assault involved. He also lied to the Hartford Hospital personnel, stating that the mother, Connie Zima was raped, which is why they requested the examination of Tracy Zima.

Mrs. Zima then asked the Council if this bothered them that their Police Department has been lying.

Mrs. Zima continued: We have also been denied access to the telephone calls, (emergency calls for help) to the Police Department. My son has personal property that the Wallingford Police Department is holding illegally, which is stealing, because the case has been closed. I have here a letter from a Judge of the Superior Court in New Haven, which states that since there is no case pending, civil or criminal in this matter, the property is supposed to be returned to us. He said to renew our request to the Police Department for the return of the property and an explanation as to why it is being held. We have done that and are still meeting with total silence on the part of the Police Department.

Mrs. Zima added: They said that this was a murder-suicide. I have in front of me the autopsy results on Connie Zima. She was supposed to have committed suicide. The report on the test firing of the gun involved, that she supposedly used, the test results of the muzzle distance, the hole, the pellet separation, on the test results compared to the same items on the autopsy reports on Connie Zima, point to a muzzle distance of 5 ft. If you can tell me how a 5 ft. 1 in. woman, 7 months pregnant, can shoot herself at close range with a rifle (shotgun) and have a distance of 5 feet (based on the autopsy report), how this could happen. This is not a suicide and murder, this is a triple homicide that is being covered up by your Police Department and other state officials.

Chairman Gessert commented that this is a very difficult case, and he appreciates that amount of stress Mrs. Zima is under.

Mrs. Zima added that they are looking for the truth. I am

requesting an investigation of your Police Department. They have committed perjury, and are working with other departments in the state, and I can back up what I have said. In your newspaper, regarding the FOI hearing, in the Record by Ms. Campagna, states here that Zima won't view codes. Mr. McManus is creating a smoke screen by stating that I want the codes. We wanted a simple report as to what caused the fire, the final report. They are giving us coded information which is totally meaningless to us. I am not looking for any codes that are private, that can be exploited. He is doing this to prevent us from getting any information that we want. All we want is access to the information, which has been promised to us on the day he closed the case in July, which we have been fighting for ever since. He has charged a dead woman with murder-suicide, who can't defend herself, and sits there pompous full of lies. 668

Chairman Gessert commented that Mrs. Zima's time is five minutes past and he will take her questions from the transcript and look into them.

Mrs. Zima: Evidently, the Town is the only one that can do anything about this, because there is no court case involved. She added that no-one seems to be concerned, including the Council.

Chairman Gessert stated again, that he will get a list of her questions and see if he can get answers to these questions.

One last comment was added by Mrs. Zima regarding the baby that was killed. The baby was not hit by any pellets in the womb, Connie was shot in the womb, but the baby had two fractures on the skull and was out of the womb when they delivered her through Cæsarian section. How did she get those fractures and why was the baby out of the womb? Your Police Department has picked and chosen what evidence they wanted to investigate in this case, and that is not a true investigation. To place these charges against a dead woman, if you have no respect for human life, at least have it for someone who is dead and cannot do anything about it.

Mrs. Zima then left her evidence with the Council Secretary.

ITEM 3. Consider approval of Annual Budget for April 1, 1987 to September 30, 1987 for the Wallingford Community Day Care Center, Inc., not to exceed \$91,000.

Councilwoman Bergamini read the following Resolution:

#### R E S O L U T I O N

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the TOWN OF WALLINGFORD make application to the State in order to undertake a Child Day Care Program and to execute a Grant Action Request therefor. It is understood that the Local Agency will provide a local grant-in-aid, where applicable, in accordance with the requirements of Chapters 133 and 300a of the Connecticut General Statutes, as appropriate.

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

TOWN OF WALLINGFORD:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes. 669

2. That it recognizes the responsibility for the provision of a local grant-in-aid to the extent that it is necessary and required for said program.

3. That the filing of an application by the Local Agency in an amount not to exceed NINETY-ONE THOUSAND AND 00/100 (\$91,000.00) DOLLARS is hereby approved, and that William W. Dickinson, Jr., Mayor of said Town of Wallingford, is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the Local Agency.

Councilwoman made a motion to adopt the Resolution and was seconded by Councilman Rys.

Councilman Killen: I am assuming that we have to approve your budget figures.

Kathleen Queen: That is the Resolution, to approve the budget. That is the process by which the budget is approved. This year it is an unusual figure because it is a 6 month period, not really a 6 month budget because it reflects the total cost for things like insurance and things of that nature that have to be paid up front.

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

Councilwoman Bergamini read the second Resolution:

R E S O L U T I O N

WHEREAS, The Wallingford Community Day Care Center, Inc. is a designated agency of the Town of Wallingford funded by the State of Connecticut through the Town of Wallingford for service to pre-school children and their parents; and

WHEREAS, The Wallingford Community Day Care Center, Inc. has been commended for both the level of service and the fiscal responsibility with which it has performed during its years of operation; and

WHEREAS, The Wallingford Community Day Care Center, Inc. <sup>670</sup>  
is supported by State funds, voluntary contributions of time,  
money and material, including in-kind contributions by the Town  
of Wallingford; and

WHEREAS, The Town of Wallingford has not found it  
necessary to provide direct financial support as is done in  
most other towns providing Day Care service; and

WHEREAS, The Wallingford Community Day Care Center, Inc.  
is continually in operating difficulty because of the delay in  
actually receiving funds approved by the State.

NOW THEREFORE, BE IT RESOLVED:

1. That The Wallingford Community Day Care Center, Inc.  
be permitted to borrow from The Town of Wallingford amounts  
necessary to meet the essential operating expenses of the  
Center between the time that the Center's program is approved  
by the State of Connecticut through its Department of Human  
Resources and the actual funding is received, but in no case to  
draw more than the amount approved and budgeted by the State  
for the period of operation as set forth in the 1986-1987  
budget.

2. The Wallingford Community Day Care Center, Inc. will  
repay the amount so borrowed immediately upon receipt of the  
State grant for the period for which the funds were borrowed.

A motion was made by Councilwoman Bergamini to adopt the  
Resolution and was seconded by Councilman Rys.

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

ITEM 4. Consider resolution to support proceeding with creation  
of VISITORS COUNCIL AND TOURISM DISTRICT.

Councilwoman Papale read the following Resolution:

RESOLUTION TO SUPPORT PROCEEDING WITH CREATION  
OF VISITORS COUNCIL AND TOURISM DISTRICT

WHEREAS, the State of Connecticut provides funds to  
municipalities or municipal districts under Section 7-136b

for the operation of visitors commissions,

671

WHEREAS, the City of Meriden has indicated an interest in joining with Wallingford to establish a municipal district in accordance with Section 7-330 for the purpose of operating a visitor's commissions

WHEREAS, these funds would be expended in support of local services and programs that benefit Wallingford and its residents, and

WHEREAS, by-laws and policies controlling the operation of the organization will be submitted to the Council for approval prior to the official formation of said organization,

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Wallingford hereby indicates its intent to participate in said program provided that said by-laws and policies are satisfactory to the Town Council of the Town of Wallingford.

A motion was made by Councilwoman Papale to adopt the Resolution and was seconded by Councilman Polanski.

Chairman Gessert commented to Robin Chait that at the last meeting, she explained the benefits of this.

VOTE: Unanimous ayes with the exception of Bergamini and Diana who were not present; motion duly carried.

ITEM 5. Consider tax refunds for:

Grace Street (Terwilliger) and/or New Haven Savings Bank	\$588.12
Particia Server	104.00
Hiram White	33.69
Linda Lewis	259.00
TOTAL	<u>\$984.81</u>

Councilman Rys made a motion to transfer funds in the amount of \$985.00 from Res. for Emergency Council Contingency Account # 001-8050-800-3190 to Tax Refunds Account # 001-1420-800-8900 Motion was seconded by Councilman Polanski.

Councilman Killen asked Mr. Rosow if these monies had been collected during this fiscal period or do they go back?

Mr. Rosow responded by saying that these had been collected from the beginning of this fiscal year.

Councilman Killen commented that as everyone knows, he is not in favor of Account # 319 and believes that a revolving account should be set up.

VOTE: Unanimous ayes with the exception of Killen who voted no and Diana who was not present; motion duly carried.

ITEM 6. Consider waiving the bidding procedure for Tire Removal Program at Wallingford Landfill.

Councilwoman Bergamini read a portion of a letter dated November 19, 1986 from Steven L. Deak, Director, Public Works Department to Mayor William Dickinson, Jr. (672)

This program is for the period from November 1, 1986 through June 30, 1987 and is to the Don Stevens Tire Co. Inc. per the attached specification.

The rental rate for the trailer is \$75.00 per month. The removal of the full storage trailer is \$800.00 for each occasion. Total cost for this period will not exceed \$3,000.00. We have budgeted funds to cover this expense.

Councilman Holmes moved to accept waiving of the bidding procedure, seconded by Councilman Rys.

Mayor Dickinson commented that Mr. Deak says that he comes in and takes what he likes or needs, he is taking tires that can be recapped or re-used. This is a type of recycling.

Chairman Gessert added that the Town benefits from this.

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

Chairman Gessert asked that before the Council discusses Item 7 he would like to Waive Rule 5, because Mr. DeBaise is here from the Transit Authority and he issued a request to get something on our Agenda. He is basically asking that an antenna be put on this building.

Motion to Waive Rule 5 was made by Councilman Polanski and seconded by Councilwoman Bergamini.

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

Mr. DeBaise began by saying that there are problems with the communications of the radios on the buses and our servicemen for our radios tell us that we are having trouble with the existing old police antenna that needs repairs for one thing, and rather than repair something that we will not be able to use two years from now when you get your new Town Hall, we are thinking of getting our own antenna which can possibly be put on the roof of this building. We are asking permission of the Town to put an antenna on this existing Town Hall. It won't cost the Town of Wallingford any money, we will pay all the costs incurred. If it has to be moved over to the Robert Earley School, we would move it and it would not cost the Town anything. We will pay all the expenses.

Councilman Killen asked when this antenna would be put up.

Mr. DeBaise responded by saying that he could not give a time but hopefully, as soon as possible. Hopefully, by the end of the year.

Councilwoman Bergamini asked that in view of our negotiations, do we have the right to give permission to put this on?

Mayor Dickinson responded by saying that we are not under contract with anyone, and this is a question of when we enter into a contractual relationship. We will still have custody of the premises. This will be a right we will have with the Transit Authority to maintain the tower until such time as we leave.

Mayor Dickinson added that the only thing that would concern him would be at the point that you are going to have a contractor put the tower up there, I would ask that he be in touch with Engineering to make sure that whatever he is going to do on the roof, is compatible with the structure.

Chairman Gessert commented that we don't want any more leaks in the roof.

Mayor Dickinson continued: Before he is done, notify Public Works and Engineering so they will have someone in place who can stay on top of it. 673

Mr. DeBaise added that he will get the necessary departments approval before the work is done. There is a possibility that we won't have to do this. This is what they are telling us at this particular point and time. Since we need it so desperately we would like the approval now so that whatever way we do have to turn, we can go ahead and get this thing done.

Councilman Rys asked if this requires any Planning and Zoning permit?

Mr. DeBaise was not sure. If you were willing to grant us permission to do this, you could grant it to us on the basis that we get the permission of Planning and Zoning and any other office that is necessary.

Mayor Dickinson noted that the Tower at the Police Station, sits on the ground. That would require changing the site plan. We are talking about a tower on a roof top, so there is no change in the footprint of the building, no change in use of any additional equipment. Mayor Dickinson suggested that Mr. DeBaise check with Linda Bush (P & Z).

Councilman Killen: In the State Statue itself, it uses the term improvements. If you want to use this as an improvement, you might end up having to see P & Z. It depends on who is looking at this.

Marybeth Applegate commented that she believes that only satellitedishes and solar panels come under regulations, only in residential zone. We are in a commercial zone and I believe that goes before Z B A.

VOTE: Unanimous ayes with the exception of Diana who was not present, motion duly carried.

Chairman Gessert stated that at the next Council Meeting there will be two names to fill the vacancies on the Transit Authority.

ITEM 7. Consider resolution to establish the Town Improvement Program Trust Fund and appropriate the allocations in the form of a line item budget.

Councilwoman Bergamini read the following Resolution and moved it:

Resolved:

The Town of Wallingford Town Improvement Program Trust Fund be established and the budget approved as indicated herewith:

Appropriations

Revenues:

550	State of Connecticut Town Improvement Program Grant - PA 86-1	\$379,070
	Total Revenues	\$379,070 =====

Expenditures:

2020	<u>Dog Warden</u>	
	Truck	10,000
2032	<u>Fire Department - Regular</u>	
	Funds for additional refurbishment to Ladder 1 (or purchase of new ladder truck)	50,000
2039	<u>Fire Department - Yalesville Volunteer</u>	
	Funds for new Yalesville volunteer fire station	62,500

4000 Recreation

Improvements to Little League fields including fencing,  
parking lot and installation of railroad ties at  
Sartori Field

674  
50,000

5030 Public Works - Highway General Improvements

Road Paving, Road Shaving, Catch Basin Work:

158,070

Hope Hill Road (from Parker Farms to High School)

Parson Street

Spring Street (Route 5 to South Orchard Street)

Prince Street (Route 5 to South Main Street)

Franklin Street

South Orchard Street (Center Street to Ward Street)

8100 Contribution to Robert Earley Project

48,500

Total Expenditures

379,070  
-----

Motion was seconded by Councilman Rys.

Mr. Klocko: The only reason that we are doing this is because at the time reviewed, this will give us the best accounting control. Putting it into General Fund would be too difficult for you.

VOTE: Unanimous ayes with the exception of Killen who voted no and Diana who was not present; motion duly carried.

ITEM 8. Consider resolution approving first supplemental agreement to original agreement dated August 18, 1978 between the State of Connecticut and the Town of Wallingford for Railroad-Highway Grade Crossing Improvements on Toelles Road, State Project No. 148-105, Federal Project No. RRP-4148(2) and authorize Mayor William W. Dickinson, Jr. to execute said supplemental agreement on behalf of the Town of Wallingford.

Councilman Holmes read and made a motion to adopt the following Resolution, seconded by Councilwoman Bergamini:

RESOLUTION

RESOLVED, THAT THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD HEREBY APPROVES THE FIRST SUPPLEMENTAL AGREEMENT TO ORIGINAL AGREEMENT DATED AUGUST 18, 1978 BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF WALLINGFORD FOR RAILROAD-HIGHWAY GRADE CROSSING IMPROVEMENTS ON TOELLES ROAD, STATE PROJECT NO. 148-105, FEDERAL PROJECT NO. RRP-4148(2) AND AUTHORIZES WILLIAM W. DICKINSON, JR., MAYOR OF THE TOWN OF WALLINGFORD TO EXECUTE SAID SUPPLEMENTAL AGREEMENT ON BEHALF OF THE TOWN OF WALLINGFORD.

Chairman Gessert asked Mayor Dickinson if this project may be completed in our lifetime.

Councilman Killen showed concern and asked Chairman Gessert if we are coming up with more money. Originally, \$8,000 was suppose to be a foot forward, then \$22,500 and now they are up to \$33,000. When does it stop?

Councilman Killen continued: These are tax dollars that we are putting forward, and if the state has no interest in tax dollars, we have.

Mayor Dickinson responded by saying that he does not believe that there is any money on deposit with them now. I don't think we put that on deposit until we are ready to commence work. This would commit us to a higher amount of commencement and we wouldn't do this until contracts are in place and work can begin. 675

Councilman Killen agreed with Mayor Dickinson's comments.

Mayor Dickinson gave another example by stating that one of the priorities that came up showed Spurs Crossings, a higher priority than the Toelles Road, which is a main line crossings. The priority list shows that Spurs that runs off West Street or East Street at a higher priority than Toelles. That is not true now. Whatever problem that was, has been corrected. This is just an example.

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

ITEM 9. WITHDRAWN: Discussion regarding questions posed by Mr. James A.G. Krupp pertaining to twelfth district voting machines on November 4, 1986.

Chairman Gessert did not intend for this item to be on the Agenda. Mr. Krupp's questions were answered by the Registrars of Voters in a letter dated November 21, 1986. Chairman Gessert requested copies be sent to Mr. Krupp and all Councilmembers.

ITEM 10 Consider resolution amending the 1986-1987 General Fund Budget

REVENUES:	Account 560	
	State Grant in Aid-Other	
	Elderly Tax Relief Administration Fee	\$5,390.00
EXPENDITURES:	Account 001-1430-100-1400	
	Assessor's Office Clerical Overtime	\$5,205.00
	Account 001-8050-800-3190	
	Contingency Reserve for Emergencies	\$185.00

A motion was made by Councilman Rys to adopt the following Resolution, seconded by Councilwoman Bergamini:

Resolved:

The 1986-87 General Fund budget be amended as indicated herein:

Revenues:

Account 560	
State Grant in Aid - Other	
Elderly Tax Relief Admin. Fee	\$5,390.00

Expenditures:

Account 001-1430-100-1400	
Assessor's Office Clerical Overtime	\$5,205.00
Account 001-8050-800-3190	
Contingency Reserve for Emergencies	\$ 185.00

Chairman Gessert asked Mr. Frank Barta to explain where the \$5300.00 is coming from.

Mr. Frank Barta responded by saying the our legislature changed our laws this year and caused all of our elderly to re-apply for benefits to be held harmless. What that did was cause 539 applicants to come back and re-apply and we included a \$10.00 fee for an approved application to be used on the Assessor's staff.

Mr. Barta held up a book and stated that these are all new laws that were passed by our legislature. There are 22 in this book and out of the 22 there are 5 that have been devastating to my office, as far as impact and demand. 676

Chairman Gessert asked if any of them produce revenue or just more work.

Mr. Barta Responded by saying that it would produce money for you and not for the Town of Wallingford. He added that they are giving money away. In order to receive additional benefits, IRS forms have to be looked at, etc.

Councilman Gouveia was wondering if the \$10.00 spoke about before came from local residents.

Mr. Barta responded by saying that it came from the State of Conn.

Councilman Polanski asked if we could have an update by the end of the month on the audit, for information purposes.

Mr. Barta answered that not at this time, but in January.

Mr. Barta added that one thing he would like to caution the Council on is that these laws that they have passed have affected my department.

Councilman Killen commented that Mr. Barta is warning the Council for budget time.

Chairman Gessert requested that Mr. Barta submit the information as soon as he is aware of it to the Council.

Mr. Barta added that mobile homes are now considered real-estate, and will no longer be taxed as personnel property, they will be taxed as real-estate. That has put a bit demand on Rosemary as well as myself. He added that he now has over 300 new real-estate accounts. Trailers have depreciated over the years, so the assessments will go down. As of the last evaluation, that practice has stopped because they no longer depreciated, they escalate in value, just as your house does. We will not see any increase generated in revenues from now on.

Mayor Dickinson added that it does change our legal requirements in other areas as far as services and other aspects.

Rosemary Rascati commented that there will be some revenue from a conveyance tax. However, they are not paying sales tax.

Councilman Killen commented that in all actuality, they are creating new sub-divisions and when they were mobile homes we had no obligations.

Mr. Barta added that the real-estate that they sit on will not be treated any differently.

VOTE: Unanimous ayes with the exception of Diana who was not present, motion duly carried.

ITEM 11. Consider & approve transfer of \$125.00 from LONGEVITY (administrative offices) to LONGEVITY (Management-Engineering Department).

A motion was made by Councilman Holmes to approve the transfer of \$125.00, seconded by Papale.

VOTE: Unanimous ayes with the exception of Bergamini and Gessert who voted no, and Diana who was not present, motion duly carried.

Councilman Diana arrived at 8:40 p.m.

ITEM 12. REMOVE FROM TABLE subject of Robert Earley School Rehabilitation for discussion and possible action. (67)

A motion was made by Councilman Holmes to remove Robert Earley discussion from the table, seconded by Councilwoman Bergamini.

VOTE: Unanimous ayes with the exception of Councilman Polanski who was not available for vote; motion duly carried.

Mr. Steve Horvath asked the Councilmembers if the Robert Earley School has been tested for asbestos.

Chairman Gessert answered that as of this time, not yet but it will all be removed.

Mr. Horvath then asked if bids for proposals have been sent out.

Chairman Gessert answered no.

Mr. Horvath then asked how a company interested in this asbestos abatement be involved with this project?

Chairman Gessert answered that if Mr. Cooke receives approval, then he will be looking for contractors to do every phase of the operation. I'm sure that Mr. Cooke will involve anyone with qualifications.

Mr. Horvath wondered if the \$1.3 million dollars that is allocated for the school, is this part of the same project?

Various Councilmembers answered no.

Mr. Horvath asked if anyone knew when all of this would be taking place.

Chairman Gessert: I believe that Mr. Cooke's plan of action calls for a 12 month time limit from the time that the agreement is approved and we move in. I imagine it will be on a very fast track when and if it is approved.

Councilwoman Bergamini made a motion to move that the Town Attorney and the Mayor negotiate a contract with George Cooke properties for the purpose of renovating Robert Earley School to a Town Hall, with the contract being brought back to the Council by the first meeting in January of 1987, (if possible) and to have a group of Council appointees involved with the renovation, seconded by Councilwoman Papale.

Mr. Cooke stated that he would have no problem attending a Special Meeting with the Town Council before January/1987, if needed.

Mr. Cooke then stood up and showed a chart to all of the Councilmembers.

Mr. Cooke began by saying that the Council and the Mayor are going to appoint a committee. Mr. DiNatale and I discussed this and we decided that this is not the way it should go. We put a building committee together which is formulated by the Mayor and the Town Council and the Architect, which is King and Tuttle, the people who have drawn up the basic layout that we are going to go with. Then the Judd Square Associates, which will be the group that is going to rehabilitate the Robert Earley School, will be the construction managers. Then we will contract the subs and then the subs will be paid after the committee approves their bills by the Town of Wallingford. In the Construction Management profile, this is no fee. This is all incorporated in the \$2.5 million dollar presentation which was given to you two weeks ago. There is a no fee basis here. We have a superintendent in our group that we will hire to run the job. If you feel that you want someone from overview, then you can appoint a clerk of the works, that is entirely up to you.

We will have a supervisor that will run the job and Mr. DiNatale and myself will be the construction managers and will see to the work flow to the subs and so-forth. At the time the sub presents his bill, it will then be approved by a committee and then go to the Town to be paid. That is the way that will flow. 678

Councilman Gouveia asked if the contract includes the specs.

Mr. Cooke explained that the drawings that he discussed two weeks ago, that the Architect will give us a blueprint and working drawings. It is not a spec that you can put out to bid. We will go through, after the Architect has reviewed with the department heads to see what they need for footage, and we will lay the school out so we can incorporate that footage, also including the traffic flow. If you are going to go out to bid, and you are going to hire an Architect to see the project through from the specs right down to the specifications for the air-conditioning and whatever units you are going to put in there, you're looking at a \$150,000 dollar project to carry it from inception to completion. That was not put into the program, this architect is working with us on other projects and the building tells us what they can do with it and then he will go to the different department heads and get their layout and we will incorporate it into the building. Another thing that is not included in this, is there are no soft costs, no money costs, because we are not going out to borrow money to rehab this building, you are going to pay for this as it goes along. So, there will be no bank costs of \$400.00 or \$500.00 for carrying costs.

Councilman Gouveia asked Mr. Cooke if they were going to get anything more detailed than this.

Mr. Cooke answered by saying that as soon as this is approved, we will give you a detailed program on what we are going to do with the roofs, how it will go down, with the insulation, the number of plys that will be put on and how it will be structured. The same with the rehabilitation of the building, tearing down a portion of the outside building that is crumbling and so-forth. The same with the air-conditioning. We have had an engineer in there already. Design it and lay it out in zones and you will have all of those figures or what is going to be done. We are not going to tell you where the wires are going to go etc. , but the normal basic breakdown of what's on that list, will be broken down as soon as we get a blueprint layout from the architect on how it is going to flow and where the different departments are going to be situated.

Councilman Gouveia told Mr. Cooke that he would like to have more detailed information before he approves this.

Mr. Cooke responded by saying that he knows what is going to be incorporated by what we have done in other buildings and what it takes to put forth an office building that is functional under today's standards. We will give you a break-down, but before I spend \$25,000 for an architect, I want to make sure I am going to get the job when it is completed. If you decide that you want someone else to do the job after the plans are drawn up, just pay us the \$25,000 and we will go home.

Mayor Dickinson directed his comment to Councilman Gouveia: The way that George is talking, it sounds like how this would operate, there would be a contract for him to do work in the amount of \$2.5 million dollars to rehabilitate Robert Earley. What actually will be done, will be under the supervision of the parties shown there (pointing to chart on wall), so that during the process, specifics will have to be approved as they become reality. But, he is not going to be able to come up with everything up front. What we will do is give him a contract or enter into the contract with him to do an overall work. Now the specifics get approved as you go along, but within the money constraints that George has indicated.

Councilman Gouveia asked what would happen if the committee and Mr. Cooke do not agree on some specifics? We have already signed the contract, what do we do then?

Mayor Dickinson responded: There would have to be a requirement there be an agreement or a mechanism for deciding disagreements, should there be one.

Mr. Cooke agreed that this is the function of the committee. 679

Councilman Killen: On some of the major items, I would like his o.k. When you say a brand new roof, two, new heat and air conditioning throughout the building, three- new electrical wiring and a new service, and four- the 2,500 lb. capacity elevator. I would find no fault with going ahead with this sheet, if you would agree that the Town Engineer would agree that those things that you are going to use in those instances are major items.

Mr. Cooke agreed with Councilman Killen's comments and added that he has had the roofing people on the roof, that means taking the roofing right down to the boards, and new insulation and a new roof, just like we are did on the school in Hamden. If the boards need replacing, we will replace them. It would be a 20 year roof (bonded). The heating and air-conditioning would be completely new because we are going to a gas fired system in singular units, four zones on each floor, the boilers will be completely removed from that building so that old system will be completely gone. The same with the electrical, we take the wiring, probably using some of the the same conduit and take the service out or if it is adequate and sized properly according to the requirements of the building, we may leave it. But, the service will have to be changed to some degree, I know that already. The outside of the building will be completely pressure washed and the portion of the back that is falling down will have to be re-bricked. As I stated in item 7, the outside windows will be redone, if necessary, but they will be painted in the same style the school is now with a storm window put over it.

Mr. Cooke told the Councilmembers that if they would like to have an idea as to what the windows will look like, they can look at the Wallace building.

Councilwoman Bergamini asked Mr. Cooke to explain the placement of the vaults.

Mr. Cooke began by saying that the main vault for the Town Clerk will be in the gymnasium. That is the level that the Town Clerk's office will be on in order to have accessability to the vault. The only way you are going to get a 3,000 lb vault in is to put it in the gymnasium. That is on the ground level, at the rear of the building. The elevator will stop at that floor. Every floor will have an elevator stop, including the outside ground levels, so you will have a 5 stop elevator.

Councilwoman Bergamini asked if the other vaults will be put into the offices.

Mr. Cooke answered that in all probability, they will be built into the room of the particular offices. He also added that they were thinking of taking the existing carriage house and making it a drive through collection area for the electric division to facilitate the parking. That is not in this proposal. The building is in very good shape and could be incorporated. That was something that was discussed to eliminate excessive parking in the area.

Chairman Gessert added that this is something that can be looked at in the future.

Mr. Cooke added that the only thing that has to be done to that building is painting the trim of the building.

Councilwoman Papale asked Mr. Cooke if he felt that there were enough parking spaces available now.

Mr. Cooke responded by saying that what they decided to do is to pick up another 5 or 6 spaces, when they take the boilers out, they will knock the boiler house out, which is an extension of the building and make that available for parking. That will give you more parking and the boiler room is below grade level.

Councilwoman Papale asked Mr. Cooke if he had the figures for the additional parking.

Mr. Cooke responded that he does not at this time.

680  
Mayor Dickinson agreed that we will need additional parking. He added that he sent a letter and believes that they had a date to go over there.

Mr. Cooke added that there have been discussion as to easements agreements so that there could be additional parking and so that the town would make the parking lot for themselves and they could use it for their functions.

Councilwoman Papale asked Mr. Cooke if there was parking in front of Robert Earley at the present time.

Mr. Cooke responded by saying no.

Councilman Killen asked Mr. Cooke if this has gone before Planning and Zoning.

Mr. Cooke stated that he did not even consider going before Planning and Zoning, because I don't think there is a change in use. I believe this is a formality.

Attorney McManus, Jr. stated that there are things that I am familiar with called cost plus contracts, whereas if a certain level of development is to be achieved for the demonstrative cost plus a fee in this particular situation, if I understand what is being offered here, if you were to offer this on a cost situation. In a situation like this he would be picking up 20 or 25% over and above for his scale and knowledge and experience and putting the thing together for you and getting the job done for you within a certain budget. This is a very unusual situation where you have a developer who is essentially is going to do this for cost.

Attorney McManus mentioned that there are very few people in southern Connecticut that have the amount of square footage to their credit that Mr. Cooke does and as a practical matter, the setup suggested by Mr. Cooke is not any different than the way the Police Station was done but the difference, of course, is there were plusses on the Police Station and a great deal of money was spent on the plusses.

Mr. Gessert said this subject has been discussed for at least twelve years and felt that perhaps this would put an end to the discussion.

Mr. Diana asked if, while Robert Earley was being renovated, there would be any way to start work on 350 Center Street. Mr. Cooke felt that in order to put 350 Center Street on stream, the occupants of the current Town Hall must have a home and it would be in Mr. Cooke's interest to get 350 Center Street as soon as possible and that is why it is being done without a fee and that is a saving of \$500,000 right off the bat and that is the way Mr. DiNatale and he agreed to do it.

Mrs. Bergamini asked if Mr. Cooke could return to the Town Council by December 16, 1986 and Mr. Cooke said the architect must spend time with department heads and the previous plan to determine square foot needs, etc. and this takes time to lay it out.

Attorney Lendler stated with his current workload, it would be impossible to have a contract negotiated and brought back to the Council before January 1, 1987 but it could be ready for the first meeting in January, 1987.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen moved to waive the bidding on refurbishing and rebuilding of Robert Earley into a Town Hall. Mr. Gouveia seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Bergamini indicated that she would not be present for the first meeting in January and she would like to appoint herself as a representative on the Robert Earley Committee.

Mr. Edward Musso, 56 Dibble Edge Road felt Mr. Cooke has done the town a great favor but cutting out the executives, etc., by giving the town a good price and he thinks it will be a good building.

ITEM 13. Mrs. Bergamini read the 11/6/86 letter from Mr. George A. Smith, Jr. of Allegheny Ludlum Steel Corporation requesting an easement and road construction from East Street to their rear property

Mr. Rys moved approval of the Allegheny Ludlum Steel Corporation request for an easement and road construction from East Street to their rear property, seconded by Mr. Polanski.

(New motion on page 23)

Attorney Donald Lunt was present representing Allegheny Ludlum, along with George A. Smith, Jr., Manager of Engineering/Maintenance. Mr. Lunt explained a drawing to the Council, showing land owned by Allegheny which is going to be sold to key distributors for office and warehouse facilities. The land to be sold is land locked and to obtain access, the best route is through East Street, some over Allegheny land and some over town owned land which is operated by the PUC and in talking with the PUC, there were no objections since it would not interfere with their use or potential use of the land. It is proposed that a 25 foot paved road be built from East Street to the rear area to be sold and this has an advantage to the PUC and the town in that they can access now the new pumping station, as well as the power lines that pass over to the rear. It will not be a public road but the town will have the right to use the road. Allegheny will build the road, about \$400,000 to built, will maintain it and will plow it as well.

Mr. Killen asked if this matter went before Planning and Zoning and he was assured it did. Mr. Gouveia asked if the town would be incurring any costs at all and Mr. Smith said Allegheny would bear any expense necessary.

Attorney Gerald Farrell said that most things would meet with his approval; there are some language things that must be clarified and one of the things the PUC was concerned about was the exact area the easement would cover and the final drawings have not yet been received. It is important to the town that the easement, before it crosses the railroad spur, stay on Allegheny land. Mr. Farrell would ask the Council to consider authorizing the giving of the easement subject to the approval of the Town Attorney's Office and the Director of Utilities as to the placement of the easement and the exact wording of the easement to protect the town's interest. Mr. Lunt presented a proposed easement and most things are fine.

Mr. Rys amended his motion to approve granting the easement to Allegheny Ludlum Corporation, its heirs and assigns, subject to the approval of the positioning of the easement and the wording of the easement by the Town Attorney's Office and the Director of Utilities, seconded by Mr. Polanski.

Mr. Musso asked where the easement would be and he was told north of the Pierce Station. Attorney Farrell explained that between 35% and 40% of the easement will be over what is Allegheny land so that the town is in fact gaining a permanent easement over that land for its use and if Allegheny ever abandons it, they will give the easement to the town.

VOTE: Unanimous ayes; motion duly carried.

Item 14. Report on amendment to Deputy Fire Marshal transfer approved at November 12, 1986 meeting. Mrs. Bergamini asked if Mr. Lamy would now be put in the Deputy Fire Marshal's Office. Mayor Dickinson said that at this point, he did not have a response from the union on the proposed amendment. Mr. Gessert felt that the purpose of the amendment was so that someone was not put in a position at a higher pay rate and then have that person not pass the test and still have the position. Mr. Gessert asked if the six month time frame was realistic and Mr. Scionti felt it was not but could be worded on completion of the test. Mr. Rigoulot said he never received a letter requesting any change and 6 months is ridiculous since the course will not finish until July 2. Mr. Gouveia said the amendment was made because the Council was under the impression that the course could be completed in 13 weeks and now he would

like to change the amendment from 6 to 12 months. Mayor Dickinson pointed out that the union must agree to this amendment. Mr. Rigoulot said he had no problem with 12 months from the date of school starting. (682)

Mr. Gouveia amended his motion on page 8 of the November 12, 1986 minutes to read twelve months from January 1, 1987, seconded by Mr. Holmes.

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

Item 15. Consider easement to the Town of Wallingford over property owned now or formerly by C. Young. Attorney Gerald Farrell said he did not have the information on this item and he explained that the easement that the town is contemplating giving up is over the lots and undeveloped common land shown in the subdivision. The easement itself, explained Attorney Farrell, is an easement from the 1890's and gave the town the right to collect water from off the land, dig canals and trenches on that land. The town does collect water off land adjacent to that property and that is why it does not want to give up the easement in its entirety. In return for giving up an easement not being used, the town will gain a wider easement over the land that it presently uses. Attorney Farrell further explained that the easement would be for any and all utilities over, under and on the land. Presently, if you read the easements, it's even doubtful if the town has the right to put those pipes across there as they exist. In return for the town giving up that easement that it is not using, the developers will pay to the town \$10,000 and Mr. Richardson has that money in his trustee account. The area is watershed and, unfortunately, the town has chosen to let development proceed in watershed and wells and septics will be used; the expansion of the water treatment plant hopefully would solve any problem that would develop. Mr. Gessert asked if the water supply would be jeopardized by septic systems and Mr. Mascia said one of the reasons they are willing to relinquish this particular segment is that it is no longer an active diverter to town water supply and it fell into disuse early in the 1900's and it would probably require the granting of a diversion right from the State of CT DEP to reactive it as a diversion outside the basin because currently, that water flows to the South Central Regional Water Authority.

Mrs. Bergamini asked where this property was located and Mr. Mascia said it was on South Branford Road and this area has already been approved by Planning and Zoning for development.

Mr. Killen said Attorney Farrell said, "unfortunately, the town has permitted developers to build on watershed land" and he asked which branch of the town has done so. Attorney Farrell preferred not to speak for the town but would guess it's Planning and Zoning. Mr. Killen asked if the PUC recommended that this not be done and Mr. Mascia said that in this specific instance in this subdivision, it was not opposed because it is not active watershed to the Town of Wallingford and there is not a general rule opposing all developments in the watershed area. Controlled development is endorsed, along with proper development with proper safeguards and many of those safeguards have been implemented within the present zoning regulations. Mr. Killen felt there should be no building at all in a watershed area. Mayor Dickinson didn't think it was possible to prohibit building in a watershed area since it is not possible to tell someone they cannot use their property because it is in a watershed. Mr. Killen felt there is no problem telling someone in a wetlands area. Mayor Dickinson wanted the Council to understand that DEP or the Inland-Wetlands doesn't give permits but they are controlled by their own regulations--if it's economically feasible, someone can built on stilts and they will get a permit if they are not impacting the wetlands.

Mr. Killen asked if the PUC was satisfied with this easement and Attorney Farrell said the PUC is satisfied--there was a title company that was willing to clear the title on this on the fact PUC was willing to recommend to the Town Council that it abandon

this easement. If the Council voted not to do this, the main result is the town does not get their easement or the \$10,000 but the development will go through anyhow. Attorney McManus said that nobody will build over that easement with an injunction action pending but he did not see this agenda item until tonight. Mr. Richardson said the town is gaining a 200 foot wide utility easement for all utilities, whether above ground or below, along with \$10,000 and the PUC has already looked through this in its entirety and the easement hasn't been used since 1911 or 1913 and would require a permit to be used again. All that is being given up is the town's purported right to collect water, rain water, off the land which has not been done since 1911 or 1913. Mr. Mascia said this easement is not needed to collect that water since the water which falls on the property will be collected by storm sewers and run off into the brook through the area. 683

Mr. Gessert suggested that a motion be made to vote upon this matter or the subject be tabled since the backup documentation was never received by the Town Council. Mrs. Bergamini asked how this went before Planning and Zoning before the easement problem was resolved and Mr. Mascia said P & Z approved the subdivision and it went to all department heads. Mr. Mascia added that the town had diversion rights to the property and they did not think there would be a challenge on those rights at the time the subdivision was submitted but later research revealed some doubt as to whether the town has a proper easement or not and it should be clarified.

Attorney Farrell said the PUC demanded and the developer is willing to give the right in any of the common area to look for a well and if a well is suitable, the town can construct the well, pipe it and use it. The water pipes have been there long enough to stay.

Mr. Killen moved to table subject of considering easement to the Town of Wallingford over property owned now or formerly by C. Young until such time as the Council has some written information on the subject. Mr. Holmes seconded the motion.

Mr. Gessert requested documentation for the December 9, 1986 meeting at which time the item will be put back on the agenda.

VOTE: Unanimous ayes; motion duly carried.

Item 16. Mr. Rys read Shirley Gianotti's November 20, 1986 letter regarding a new van for the Dog Pound which was approved in the Town Improvement Program funding.

Mr. Rys moved to award the contract to other than the low bidder, to McCarthy's Dodge in Wallingford, CT. Mr. Polanski seconded the motion.

Mrs. Gianotti said the low bidder was Roberts Dodge but they were going to supply a 109 wheel base instead of a 127 which they have now, along with a 12,000 mile warranty instead of a 5 year, 50,000 warranty. McCarthy Dodge will give the petitions as a gift. Delivery could not be guaranteed before 3 months with any vendor except McCarthy Dodge who can deliver in 2 to 7 days. Mrs. Bergamini said this is assuming that the \$10,000 TIP money is coming in and the Mayor said a contract cannot be negotiated until the money comes from the state. Mr. Gessert asked if the money could be taken from another source and then replaced with TIP money and Mayor Dickinson said it would require a transfer. Mr. Killen asked why the truck was not requested at budget time and Mrs. Gianotti said she thought the truck could be repaired. Mr. Gessert said a great deal of time was spent at budget time discussing the Dog Warden's truck.

Mr. Killen felt that the bidding could not be waived since this item has already gone out to bid and Mr. Gessert felt that someone other than low bidder can be selected based on delivery, etc. and he referred to a situation recently with Mack Trucks. Mrs. Gianotti said that some bidders did not meet the specs presented.

Mr. Rys felt that because McCarthy has the vehicle on his lot and is offering a 50,000, 5 year warranty and he felt it was a good deal. Mayor Dickinson mentioned that he just called Don Roe and Don thinks the TIP funds will be available within 2 weeks.

Mayor Dickinson suggested initiating a transfer tonight and use funds from Contingency and replace the funds when the TIP funds are received.

684

VOTE: Unanimous ayes; motion duly carried.

Item 16 (continued). Mrs. Bergamini moved a transfer of \$351 from Vehicle Maintenance to Additional Funds-Truck, Dog Warden, seconded by Mr. Rys.

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

Item 16 (continued). Mrs. Gianotti explained that each truck in her department brings in approximately \$300 per month.

Mrs. Bergamini moved to establish account 001-2020-999-9901 Dog Warden Additional Funds-Truck and moved the transfer of \$10,000 from Emergency Contingency 001-8050-800-3190 to Dog Warden Additional Funds-Truck, seconded by Mr. Rys.

Mr. Killen asked why the funds had to come from 319 since it was approved this evening to allow Day Care to borrow \$91,000 at any time.

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

Item 16 (continued) Mr. Holmes moved to award the bid to Jim McCarthy's Wallingford Dodge in the amount of \$10,351.00, seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

Item 17. Mrs. Bergamini read Carmen Spiteri's November 20, 1986 letter requesting a \$500 transfer to cover the cost of permits to be printed for the Building Department.

Mrs. Bergamini moved a transfer of \$500 from Contingency Reserve for Emergency to Printing, Building Department, 001-2050-400-4180. Mr. Diana seconded the motion. (WITHDRAWN--NEW MOTION BELOW.)

Mr. Diana asked what this cost covered and Mr. Spiteri said he would get 1,000 building permits, 1,000 plumbing permits, 1,000 electrical permits and 1,000 mechanical permits. Mrs. Papale asked if it was necessary to take this from Contingency and Mr. Spiteri said he requested this at budget time but it was denied. Mr. Klocko suggested taking the funds from the transportation account which has a balance of \$1,200 and Mr. Spiteri said that was for the electrical inspector and he has a car now

Mrs. Bergamini withdrew the motion above and moved a transfer of \$500 from Transportation Expense-Building Department 001-2050-300-3200 to Printing 001-2050-400-4180, seconded by Mrs. Papale.

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

Item 18. Mrs. Bergamini read Mr. Raymond A. Denison's 11/12/86 memo pertaining to personnel reclassification and transfers:

Mrs. Bergamini moved a transfer of \$296 from Administrative & General Salaries, Water Division, to Customer Records & Collection Expense and a transfer of \$296 from Administrative & General Salaries, Sewer Division, to Customer Records & Collection Expense, seconded by Mr. Rys.

Mr. Killen just received the October, 1986 report from the Utilities Division but the September, 1986 report was distributed with the agenda packet and he is not prepared to vote on the PUC items because he has not had a chance to review their report.

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

Item 19. Mrs. Bergamini read Mr. Raymond A. Denison's 11/18/86 memo requesting two transfers for \$2,550 each to pay the Town Attorney for legal expenses associated with John J. Byrne.

Mr. Rys moved a transfer of \$2,550 from Administrative & General Salaries, Water Department, to Outside Services and a transfer of \$2,550 from Administrative & General Salaries, Sewer Department, 685 to Outside Services, seconded by Mrs. Bergamini.

Mr. Smith explained that these fees are for services outside the Town Attorney's Office.

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

Item 20. Mrs. Bergamini read Mr. Raymond A. Denison's 11/12/86 memo regarding 9 budget amendment requests for Water/Sewer Division.

Mrs. Bergamini moved the following budget amendments/Water & Sewer:  
\$250,000 increase in Contribution from General Fund-STP III/Sewer  
\$250,000 increase in Estimated Unappropriated Balance/Sewer  
\$226,250 increase in Interest on STP III Bonds/Sewer  
\$226,250 increase in Estimated Unappropriated Balance/Sewer  
\$250,000 increase in Estimated Unappropriated Balance/Sewer  
\$250,000 decrease in Bond Payments or Reserve/Sewer  
\$726,250 increase in Interest on Long Term Debt-STP III/Sewer  
\$726,250 decrease in Estimated Unappropriated Balance/Sewer  
\$ 22,162 increase in Contribution from General Fund P.H. P/S/Sewer  
\$ 22,162 increase in Estimated Unappropriated Balance/Sewer  
\$ 22,162 increase in Interest on Long Term Debt P.H. P/S/Sewer  
\$ 22,162 decrease in Estimated Unappropriated Balance/Sewer  
\$ 56,000 increase in Interest on Investment/Water  
\$ 56,000 increase in Estimated Unappropriated Balance/Water  
\$ 75,000 increase in Debt Reduction/Water  
\$ 75,000 decrease in Estimated Unappropriated Balance/Water  
\$102,250 increase in Interest on Long Term Debt/Water  
\$102,250 decrease in Estimated Unappropriated Balance/Water  
Mrs. Papale seconded the motion.

Before voting on this motion, Mrs. Bergamini moved to establish the appropriate accounts in the next motion.

Mrs. Bergamini moved to establish the following accounts:  
420-039 Contribution from General Fund-STP III/Sewer Division  
419-039 Interest on STP III Bonds/Sewer Division  
427-039 Interest on Long Term Debt/Sewer Division  
420-040 Contribution from General Fund P.H P/S/Sewer Division  
427-040 Interest on Long Term Debt P.H. P/S/Sewer Division  
Mr. Rys seconded the motion.

Mr. Smith feels that the money should be forthcoming from the state very soon and he has received two letters which state that the checks are in the mail. Mr. Killen suggested taking the 4% tax money and putting it in escrow and balance it off against the State of Connecticut and let them take us to court if they so desire.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was not present and Mr. Killen who passed; motion duly carried.

VOTE: (Item 20/page 28) Unanimous ayes with the exception of Mr. Holmes who was not present for the vote and Mr. Killen who passed; motion duly carried.

Item 21. Mrs. Bergamini read Mr. Seadale's 5/21/86 memo pertaining to Water & Sewer reorganization and upgrade/Chemist from labor grade 7 to labor grade 7.

Mr. Rys moved to upgrade Water & Sewer Chemist from Labor Grade 6 to Labor Grade 7, seconded by Mrs. Papale.

Mr. Smith explained that this was part of the package presented at budget time and he thought this was approved at an earlier Town Council Meeting. Mr. Smith explained that there was a contractual increase along with the labor grade change.

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

Item 22. Mr. Gessert was pleased with the explanation in the letter dated 11/13/86 from Vincent Mascia pertaining to the rationale in retaining the 1980 Chevy Chevette in the Water Division.

Mr. Rys moved to approve the Water Division's request to retain Vehicle WD-16, 1980 Chevy Chevette, seconded by Mrs. Bergamini. 686

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

Item 23. Mr. Smith explained that after in-house meetings and review, he requested that this position be downgraded and Mr. Denison is confident that this position will allow more flexibility and serve the needs as backup to some of the other positions.

Mrs. Bergamini moved approval to down grade position in Water/Sewer from Secretary to Clerk Typist II, seconded by Mr. Rys.

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

Item 24. Mr. Rys moved to note for the record the Report of Director of Utilities for period ending September 30, 1986, seconded by Mrs. Bergamini.

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

Mr. Rys moved acceptance of Town Council Meeting Minutes dated October 23, 1986, October 28, 1986 and November 12, 1986, seconded by Mrs. Bergamini.

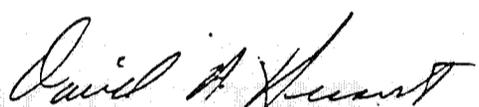
VOTE: Unanimous ayes with the exception of Mr. Holmes who was not present for the vote and Mr. Killen who passed; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:20 p.m.

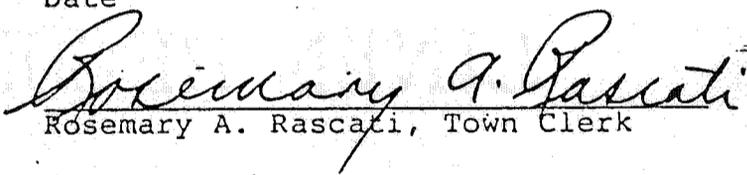
Meeting recorded by:  
Susan M. Baron, Council Secretary

Meeting transcribed by:  
Susan M. Baron and Delores B. Fetta

Approved

  
\_\_\_\_\_  
David A. Gessert, Chairman

December 9, 1986  
\_\_\_\_\_  
Date

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

December 9, 1986  
\_\_\_\_\_  
Date