

TOWN COUNCIL MEETING

NOVEMBER 12, 1996

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, November 12, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:34 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Mr. Knight who arrived at 7:26 P.M. due to a previous family commitment. Mayor William W. Dickinson, Jr. arrived at 6:36 P.M.; Assistant Town Attorney Gerald Farrell, Sr. arrived at 6:35 P.M.; Comptroller Thomas A. Myers was also present for the meeting.

A blessing was bestowed upon the Council by Rev. Stephen Bzdyra of SS Peter and Paul Church.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Consent Agenda

ITEM #2a Consider and Approve Tax Refunds (#105-157) Totalling \$7,834.74 - Tax Collector

ITEM #2b Approve and Accept the Minutes of the 10/8/96 Town Council Meeting

ITEM #2c Approve and Accept the Minutes of the 10/22/96 Town Council Meeting

ITEM #2d Approve and Accept the Minutes of the 10/29/96 Special Town Council Meeting

ITEM #2e Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #2f Note for the Record Mayoral Transfers Approved to Date

ITEM #2g SET A PUBLIC HEARING on an Ordinance Amending Ordinance #418 Entitled, "An Ordinance Appropriating \$124,000 for the Design of Renovations to the Wallingford Community Pool and Authorizing the Issue of \$124,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - November 26, 1996 - 7:45 P.M.

ITEM #2h Consider and Approve Establishing a Special Fund Entitled, "Lighting Improvements Acct." and Appropriating \$200 to Said Fund to Supplement a State Grant Award for Lighting Improvements at Fire Central - Mayor's Office

Motion was made by Mr. Rys to Approve the Consent Agenda as

Presented, seconded by Mr. Farrell.

Mr. Zappala requested that Item #2g be removed from the Consent Agenda.

Mr. Parisi stated that it is against the Council rules to do so. He stated that Mr. Zappala is aware of the procedures regarding the consent agenda and the Council can not violate its own rules.

Mr. Zappala stated that he tried very hard to get the matter resolved before this evening but was unsuccessful in doing so. He was under the impression that it was not written in stone that the Council had to accept the consent agenda. Sometimes circumstances do not lend themselves to giving the Councilors an opportunity to clarify some items in a proper amount of time.

Mr. Parisi reminded Mr. Zappala that the item cannot be discussed. The item is on the (consent) agenda and has not been taken off and therefore it goes forward.

Ms. Papale stated that she was under the impression that if any Councilperson wanted to take an item off the consent agenda they could call the Chairman and it would be done.

Mr. Parisi stated, if they call by the Friday proceeding the meeting, yes. Not the night of the meeting. I had no notification until this minute.

Ms. Papale stated, I had the discussion this morning with Mr. Zappala and I was under the impression that Mr. Zappala had called Mr. Parisi to request the item be removed.

Mr. Zappala stated, being a holiday yesterday....I tried to get the issue clarified yesterday but could not since the offices of the Town were closed.

Mr. Doherty asked, why not just remove Item #2g? If we don't I will vote against the entire consent agenda and it won't pass since you will need a unanimous vote.

Mr. Parisi stated, you may vote against it if you want but I will not condone breaking the rules otherwise we might as well throw them away, what is the sense of having them? The rules are very clear.

VOTE ON THE CONSENT AGENDA: Knight was absent; Doherty, Renda, Papale and Zappala, no; all others, aye; motion failed.

Motion was made by Mr. Doherty to Approve Items #2a-2h, omitted Item #2g, seconded by Ms. Papale.

VOTE: Knight was absent; Renda, no; all others, aye; motion duly carried.

ITEM #3 Items Removed from the Consent Agenda

ITEM #2g SET A PUBLIC HEARING on an Ordinance Amending Ordinance #418 Entitled, "An Ordinance Appropriating \$124,000 for the Design of Renovations to the Wallingford Community Pool and Authorizing the Issue of \$124,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - November 26, 1996 - 7:45 P.M.

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

Mr. Zappala stated that he does not wish to delay the process for he feels that the pool is long overdue to be fixed. He does have a problem with the company that it seems will get the job. If that is the choice of the Council then he will support it but there are some issues that need to be discussed and he does not want to wait until the night of the ordinance to do so. He is afraid that the issue he will raise will delay the process, therefore he is trying to avoid that delay by discussing the problem this evening.

Mayor Dickinson responded, not setting a public hearing date tonight will delay the process because it will put off the date for any public hearing.

Mr. Parisi reminded Mr. Zappala that the discussion on the item will take place at the time of the public hearing, we cannot get into that matter tonight.

Ms. Papale stated that it is her understanding that she is voting strictly on setting the date tonight and not setting the amount of the ordinance.

Mayor Dickinson explained, the Council is voting on setting the date, however, at the public hearing you cannot increase the amount of the ordinance but you can decrease it.

Mr. Zappala stated that he had no problem voting on the date, he only wished that he had more flexibility with regards to the amount of the ordinance to give the Council the option of selecting the firm they felt was the most qualified to perform the work. He understands that it is the department head's task of choosing the firm however, that department head may change their mind after listening to points of discussion brought forth by the Council.

Mr. Doherty asked the Mayor to clarify exactly what the Council would be holding a public hearing on. The proposed new ordinance exhibits a figure of \$124,000 and the existing ordinance is for \$58,000.

Mayor Dickinson explained that the new ordinance will be repealing the existing ordinance that was approved for \$58,000 three years ago. Arguably, the ordinance has lapsed and will be taken off of the books and replace it with this one for \$124,000.

Albert Killen, 150 Cedar Street asked the Mayor what facts he based his opinion on when making the statement that the ordinance could not be increased?

Mayor Dickinson answered, my understanding of the process is that we give notice to the public on an appropriation and it could be reduced but to increase it would create problems of notice, so we are advised by Attorney Fasi (bonding attorney).

Mr. Killen pointed out that the title of the ordinance is incorrect to begin with. It states that the public hearing is on an ordinance amending ordinance #418 entitled, "An ordinance appropriating \$124,000 for the design..." when in fact, the title of ordinance #418 is "An ordinance appropriating \$58,000 for the design...".

Mayor Dickinson stated that the title of the ordinance will be cleared up by the body of the ordinance that the Council will be adopting. Attorney Fasi is inserting language into the body of the ordinance which states that the proposed ordinance is repealing the existing ordinance and replacing it with this one for \$124,000.

Mr. Killen stated, the ordinance is not available to the public until after it is passed that evening. The public has no knowledge of what figures we are talking about here. I would like to hear from Attorney Fasi where it says that you cannot amend anything before the Council for amendment purposes so long as it is perfectly legal and there is nothing illegal about adjusting the figure upward, downward or otherwise.

Mayor Dickinson responded, our existing procedure, as far as I can remember, is that we have been told to not increase ordinance amounts that have been the subject of being published in the paper and notification of the public. That is what we are doing here.

Mr. Killen stated, in the twenty years that I have served on the Council, four in the capacity of Chairman, that information was never shared with me.

Pasquale Melillo, 15 Haller Place, Yalesville stated that we have a lot of time and should not rush into this matter for the summer is over with. It is being addressed as though it is an emergency situation.

Mr. Parisi stated that the Council is merely setting the date for a public hearing, no one is rushing into anything.

Discussion ensued on the issue with Mr. Zappala reiterating his concerns with setting the public hearing.

VOTE: Farrell, no; all others, aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville asked if any further discussion has followed on the matter of the Town considering the idea of awarding bids to local contractors providing they are within close range of the lowest bidder?

Mr. Parisi responded that the matter is being looked at closely by the Finance Department.

Tom Myers, Comptroller stated, it is our position that such action will limit competition. It costs all bidders money to construct a bid and when they are going to be limited subject to a process other than direct pricing, eventually you will attract less and less bidders.

Mr. Melillo does not support the practice and advises the Town against adopting such a policy.

Mr. Melillo next asked, has Northeast Utilities taken over the Pierce Plant?

Mr. Parisi responded, no.

Mr. Melillo stated, the power generated by Pierce is being fed into the State grid of electricity. If this is so we are losing control of our electricity.

Mr. Parisi responded, we are contributing the power that we generate to the State power supply which is then being re-distributed to all the towns, including us. It is a cooperative measure.

Mr. Melillo asked, would other towns do the same for us? I doubt it. All the taxpayers of this town have maintained the Pierce Plant, investing in it and here we are sharing it with other towns.

Mr. Parisi explained that the Pierce Plant does not contribute enough power to light Cherry Street, however, when combined with the overall power supply it has some significance. Standing by itself it does not provide a lot of power.

Philip Wright, Sr., 160 Cedar Street asked, is it possible for a citizen to have an ordinance drawn up and brought before the Council? How can a member of the public get an ordinance passed

or created?

Mr. Parisi suggested that the individual approach the ordinance committee and discuss the issue with the committee. If the committee feels that there is merit to the issue perhaps they will take it from there.

Mr. Wright asked, if the committee does not feel the matter is of importance then what? Is there any other route to take?

Mr. Parisi responded that he is not aware of any other procedure and deferred the question to the Town Attorney, Gerald Farrell, Sr.

Attorney Farrell, Sr., responded, he is not aware of any other procedure.

Mr. Wright asked, what authority establishes the ordinance committee and what are their powers?

Mr. Parisi answered, it is a Town Council sub-committee.

Mr. Wright asked, how do you describe their rights and responsibilities and duties?

Mr. Parisi stated, the charge comes from the Council. Their duty is to establish and review ordinances.

Attorney Farrell, Sr., referred Mr. Wright to Section 8, page 8, Power of Initiative which does provide that an elector can petition the Town Council to create an ordinance, any ordinance other than a budget ordinance and provides a procedure to bring this to a town-wide vote if, in fact, the Town Council does not adopt that.

Reginald Knight, 21 Audette Drive stated, at the last meeting he asked the Mayor if he ever hunted. The Mayor responded that he had done so with a BB gun. He therefore asked the Mayor where he obtained his permits to go hunting?

Mayor Dickinson responded, the incident dates back to the 1950s and he does not recall having to obtain a permit at that time.

Mr. Knight informed everyone that the State Statutes regarding dangerous weapons reads as follows, "Any person that carries upon his person any air rifle or BB gun, unless such a person has been granted a written permit or authorization, any such person carrying such a weapon or instrument upon his town or borough shall be fined not more than five hundred dollars or imprisoned not more than three years or both". He went on to say that the Mayor walked around with a dangerous weapon, as defined by the State, yet a child with a pair of skates is dragged into jail and fingerprinted.

Mr. Killen asked, where was everyone yesterday morning at 11:00 a.m. (Veterans Day)? Schools were closed; Town offices were closed; Library was closed; Post Office was closed; where was everyone who had a paid holiday yesterday? I wish everyone would think about it on these holidays to take the time to appear (at the memorial service honoring the veterans).

Robert Sheehan, 11 Cooper Avenue asked, did the consent agenda pass or fail?

Mr. Parisi responded, the consent agenda failed. He apologized for not announcing the vote.

Frank Wasilewski, 57 North Orchard Street asked, will the Town pick up leaves this year?

Mayor Dickinson responded, they are supposed to.

Mr. Wasilewski asked, what are they going to do with all the leaves that are in the street blocking all the storm sewers? Who will pick those up?

Mayor Dickinson responded, I believe Public Works will begin with the leaves in the yards and at the point that there is a problem in the streets anywhere it will have to be cleared up at that time. We do not pick up leaves that have been raked into the streets. We have an ordinance that prohibits the activity.

Mr. Wasilewski pointed out that there are trees along the street that belong to the Town. The leaves from those trees fall to the ground into the street. It is the Town's property. Just recently we had the Water Department flushing hydrants and one of the fellows had to clear out the storm sewer for the water to drain down. That is how bad the streets are. It is up to the Town...which they didn't do last year when the snow came all the leaves were pushed around that they didn't pick up. It is more important to clean the streets and let the leaves in the yard come later. I want a clean street for the taxes I pay and lately I have not been getting that. I don't mind my taxes going to the recreation center, lights at Doolittle Park, new school, etc., all I want is clean streets. It should be up to you, Mr. Mayor, to see that is done. You walk around this town, especially down this end, the roads are hazardous when they get wet. There are leaves all over the place.

Mr. Doherty asked Henry McCully, Director of Public Works to elaborate on the leave pick-up schedule.

Mr. McCully responded, the Town will begin picking up bagged leaves the week of November 25th on the east side. The west side will be started on December 2nd. Equipment has been out on the streets in

the downtown area, the heavier areas are being addressed first.

Mr. Doherty asked, is the town zoned for pick-up?

Mr. McCully responded, yes, it is split into four (4) zones. Two zones at a time are picked up.

Patrick Hayden, 212 S. Orchard Street asked, who recommended to the Council that the fine be reduced on the Skateboard Ordinance?

Mr. Parisi responded, that issue was raised out of the discussion which took place at the last Town Council Meeting on the subject.

Mr. Hayden asked, who requested that this be placed on the agenda of the Town Council meeting?

Mr. Parisi responded, we all did.

Mr. Hayden asked, why did the Council want the lower amount?

Mr. Rys answered, the Council was not aware that a booking would have to take place, fingerprinting, taking someone to the Police Department, etc., until we had this discussion with the police chief and town attorney. By reducing the ordinance it would eliminate all of that. You would not be taken to the police station.

Mr. Centner explained, it reduces the charge from a misdemeanor to an infraction.

Bernadette Renda, 753 N. Main Street Extension stated, it was a disgusting disgrace that one of our youths was arrested, fingerprinted and booked because he was skating in town. The police could have taken away his skates and called his parents in to handle the matter but to arrest, book and fingerprint him is outrageous. He now has to appear in court and miss school. Just recently a gentleman was charged with assaulting a youth in the center of Town and was only given an \$80 fine which he was able to mail into the department. A young child should never have been subjected to such treatment. A lot of people were confused as to when the ordinance actually took effect.

ITEM #5 Consider and Approve a Request by Wallingford Center Inc. for the Use of the Parade Grounds for their Seasons of Celebrations Festivities Scheduled to be Held December 7, 1996

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

Lucille Trzcinski, Chairperson of Wallingford Center Inc. gave the Council a brief overview of the planned activities for the day

which will begin with a victorian tea at the Royce House followed by a jingle bell parade on Center Street. An ice carving competition, candlelight caroling and country hayrides also adorn the list of numerous activities occurring throughout the day beginning at 11:00 a.m. The festivities would not be complete without a visit from Mr. & Mrs. Claus on the green and a performance by Miss Connecticut '94 winner of the Miss America Talent Competition along with supporting cast of actors, actresses and professional singers. It promises to be an outstanding event.

VOTE: Knight was absent; Farrell & Parisi abstained, all others, aye; motion duly carried.

It is noted that Mr. Farrell is a member of the Seasons of Celebrations Festivities Committee and Mr. Parisi is a Board member of WCI.

Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Approving a Resolution for Wallingford Center, Inc., seconded by Ms. Papale.

VOTE: Knight was absent; all others, aye; motion duly carried.

Mr. Rys stated that due to an oversight on the part of Wallingford Center Inc. they failed to request that the Council approve a resolution with regards to vendors such as the one in place for Celebrate Wallingford. A letter requesting approval of such a resolution was submitted by Lucille Trzcinski to the Council today.

Ms. Trzcinski explained that the only vendor participating in the Seasons of Celebrations festivities is one who will be selling roasted chestnuts which is traditional to the season. It is not the intention of WCI to have this annual festivity take on the same characteristics of Celebrate Wallingford which showcases many different vendors and their wares.

Mr. Zappala asked, why would WCI want to eliminate other vendors from participating?

Ms. Trzcinski responded, this is WCI's gift to the community and many times this kind of thing requires a great deal of spending on the part of parents, although optional, and we will be giving away candy canes, gifts and toys, etc., we don't feel that this should be a commercialized event.

Mr. Zappala stated that someone may feel that the Town is discriminating against other vendors.

Mr. Parisi stated that there was some miscommunication on the specific resolution WCI was seeking therefore he would like to pass it as the resolution that is applied to Celebrate Wallingford. The action will allow WCI to sanction who will participate as a

vendor.

Motion was made by Mr. Rys to Approve a Resolution for Wallingford Center, Inc. for Their Seasons of Celebrations Festivities as it Applies to Celebrate Wallingford, seconded by Mr. Centner.

VOTE: Knight was absent; Farrell and Parisi abstained; all others, aye; motion duly carried.

ITEM #6 Consider Approving Four (4) Road Acceptances Approved by the Planning & Zoning Commission at Their Meeting of November 12, 1996

Motion was made by Mr. Rys to Approve and Accept:

- Crystal Lane - off of Church Street
- Pogmore Drive - off of Pond Hill Road
- Promontory Drive - Section VI - off of Leigus Rd.
- Coventry Court - off of Promontory Drive

Seconded by Mr. Centner.

Linda Bush, Town Planner explained, with regards to Crystal Lane, we are missing a drainage easement. In speaking with Atty. Farrell, Sr., and Atty. Small about it, the lot was sold with a drainage easement...this has been through three developers; the first developer sold the house without the drainage easement; we are working on getting that, it should create no problems.

Mr. Parisi stated that several of the Councilors checked the roads to view their conditions and noted that the repairs made to Crystal Lane were done very nicely. The remainder of the roads were completed to satisfactory condition.

Mr. Centner asked, where exactly did the drainage easement lay?

Ms. Bush responded, there is an existing house on the corner and the land that the subdivision came out of was originally part of that house lot. The developer subdivided it and sold the house. The drainage easement is the to rear of that house. The pipe is in place and if the Town does not obtain the easement then the homeowner has to maintain it, not the Town.

Mr. Doherty stated, I have a problem with approving roads that have been approved by the construction inspector and not the town engineer. Nothing against the construction inspector, I am sure that Mr. Cassista does a fine job, but I am questioning the fact that there is another item on our agenda (#13) that is requesting funding to hire a licensed, professional engineer to review site plans, subdivision plans, drainage and road construction. The road construction is what bothers me in terms of having these particular roads approved without an engineer in place.

Ms. Bush stated that she went to the Mayor requesting that Item #13 be placed on the agenda to review a specific site plan. It is the Bell Atlantic Mobile site plan at the top of Alexander Drive. It is to review the drainage calculations. The abutting property owner, Thurston, has raised a question as to whether the detention basin that is proposed as part of that site plan is adequate because the drainage from that site goes into Alexander Drive and then proceeds down to Thurston's detention basin. Normally this would be turned over to the town engineer and ask him to review the drainage calculations. We don't have an engineer and no one in the Engineering Department is qualified as a P.E. to review those calculations so I went to the Mayor specifically to ask for a consultant on that issue. If we were approving a new subdivision with a proposed new road and storm drains in them, I would also ask that the Town hire a consulting engineer to review that proposed road and the associated drainage. The roads you are accepting tonight...the construction of them, plans and storm drainage were all approved by a P.E., a town engineer. The way it works in the Engineering Department is, once they get approved and are under construction it is the construction inspector's responsibility to constantly inspect during the entire development and construction of the road to make certain that they are built in accordance with the approved plans. The town engineer does not go out and review the roads while under construction, the construction inspector does. I feel that he is qualified to sign off for the roads are built to town standards and that is his job to make certain it was built according to the plans approved. If we were approving a new road with new storm drainage I would ask for someone to review that the same as I have asked for an engineering service to review the drainage calculations for Bell Atlantic Nynex.

Mr. Doherty pointed out that the Planning & Zoning Agenda for this evening's meeting lists a Public Hearing on site plan #5 at Harrison Road; site plan at South Turnpike #9; site plan #10 at North Colony Road; site plan #12 at South Colony Road; site plan #13 at Ives Road and North Colony Road; and site plan #14 a site plan at South Broad Street and asked, how about the town engineer on those? You have all these site plans.....

Ms. Bush explained, there is only one site plan in that group that is involved enough to potentially require a town engineer and that is the one on Harrison Road. At the moment we do not have any road plans to review. The applicant hasn't given us any plans so there is nothing to have engineering review. If it comes to that point I will go to the Mayor's Office again and inform him that we need a consulting engineer again. A lot of site plans do not need a P.E. to review them because they are not public infrastructure improvement or the possibility for storm drains that you would want to make sure that the calculations are adequate.

Mr. Parisi asked if there were any further comments pertaining to the acceptance of the roads. Hearing none he called for a vote of the Council.

VOTE: Doherty, no; all others, aye; motion duly carried.

ITEM #7 Consider and Approve an Appropriation of Funds in the Amount of \$240 to Connecticut State Grant DCF Acct. and to Youth Projects Acct. of the Youth Service Bureau

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

VOTE: All ayes; motion duly carried.

ITEM #8 Report Out by the Director of Public Utilities on the Potential Shortage of Electricity Crisis Possibly Facing the State During the Winter Months and the Electric Division's Plans to Address the Issue as Requested by Councilor David J. Doherty.

Motion was made by Mr. Rys to Hear the Report.

There was no second to the motion.

David Gessert, Chairman of the Public Utilities Commission explained that the Pierce Plant is currently up and running and has been producing electricity all week. The plant generates the equivalent of twelve percent (12%) of Wallingford's power supply. This is the prime time for performing maintenance on the equipment in the utility business as we enter the most critical period for generating capacity, the Fall peak, which begins now and continues until the third week of December.

Raymond Smith, Director of Public Utilities explained, the existing generation in the State equals 3,747 megawatts out of the normal 7,000 when all energy plants are online and functioning. Northeast Utilities can import 2,100 megawatts from out of state bringing the total megawatts available to 5,847. The projected peak load for the winter is 5,300 megawatts. We still have the options of calling upon interruptable customers and utilizing voltage reduction procedures as well as load shifts. Some loads will be physically or electrically moved to being served from other states such as New York and Massachusetts. Utilization of the above-mentioned options will result in a margin of approximately 1,300 megawatts.

Mr. Doherty asked, how many times during the summer was the Pierce Plant put into operation?

Mr. Smith responded, a total of eight days for generation only.

Mr. Doherty asked, were we expecting to use the plant so early this winter?

Mr. Smith responded, if the temperature remains below normal this is the most vulnerable period. There is a lot of scheduled maintenance activities planned for late October, the month of November into early December. The plans would have most of the maintenance schedules completed by mid-December. We knew there was a critical period going into the Fall where we would have the least margin.

Mr. Doherty asked, are you saying that during this critical period from now until the third week in December we are more than likely to use the Pierce Plant than we would late in the winter?

Mr. Smith responded, yes, that is my sense of it. The least margin period occurred in this Fall. It is also very temperature-sensitive. If we get below normal temperatures and snow events, it could impact it.

Mr. Doherty asked, how about the costs involved so far for the summer operation of the Pierce Plant?

Mr. Gessert answered, the Electric Division is paid, in our latest contract, over \$600,000 a year to have Pierce Plant available and be able to run. We did a number of repairs and upgrades at Pierce this summer with money from Northeast Utilities through CMEEC to the tune of approximately \$400,000. Any additional costs over our normal labor and operating costs are passed on and paid by CMEEC and back-billed to Northeast Utilities. We currently have about \$35,000 worth of work that needs to be done to bring another unit on line. We have a proposal in front of them, waiting for their approval. If they give us the o.k. that they are willing to spend the money we will invest it into our system so we can bring a second unit on line.

Mr. Doherty asked, we get paid \$600,000 to make this plant available period?

Mr. Smith corrected Mr. Doherty, we are paid \$656,000.

Mr. Doherty asked, we are paid \$656,000 to make the plant available whether it is used or not?

Mr. Gessert stated, that is correct.

Mr. Smith commented, we have turned that capacity over to CMEEC and they count it in their sources or portfolio of resources.

Mr. Doherty asked, was the \$480,000 upgrade to the system deducted from the \$656,000 or was it paid in addition to it?

Mr. Smith responded, it was not taken from the \$656,000. I don't want anyone to think that the plant was enhanced by the upgrade, it was made useable for the summer. There was no added capacity. There was a lot of maintenance that was required on the plant. Black & Veatch reported out in early Spring that there were a lot of things that needed to be attended to at that plant. We were asked by Northeast Utilities, what was the bare minimum that would make the plant fairly reliable for the summer? We presented that information; CMEEC went about hiring the contractor for the work and was reimbursed by Northeast. It had no effect on the \$656,000. Before doing the work we had Hartford Steam Boiler come in and perform an inspection. They said, with these maintenance items we will probably get about 400 hours of service out of the unit before we start experiencing some additional problems. There are boiler tubes in the #3 unit that are getting thin or marginal. They could fail during operation. Thus far we have accumulated approximately 200 hours. We are on a margin. The \$488,000 did not upgrade the boiler tubes in #3, for example.

Mr. Doherty stated, in your meeting notes of October 29th, Tuesday, you mention that you may possibly experience additional costs; you are talking about leaks in the #2 steam turbine worth about \$14,000-\$15,000; you talk about the possibility of an additional \$10,000 for a total of \$25,000; you say that Northeast is committed to \$35,000 through CMEEC?

Mr. Smith responded, those are the dollars that Chairman Gessert was referring to. They came back to us and said, o.k., we have until the summer, what is the condition currently? The plant superintendent responded, there is a steam leak in the #2 unit in the casing which is a major concern. In fact, he recommended not operating it until it is opened up and inspected. It is probably some seal leaks that is allowing steam to get through. In addition, on the #3 unit there were some problems with the governor which controls the seat of the unit. When they are trying to synchronize the unit, bring it on line, there were some problems with bringing it to the appropriate speed. That item was identified as a \$10,000 fix. They considered taking the governor off of the #1 unit, replace it and put it on the #3 unit. It is operable today without those changes but the governor will continue to deteriorate and be more problematic.

Mr. Doherty asked, has NU (Northeast Utilities) committed through CMEEC to provide that \$35,000 to cover those repairs?

Mr. Smith responded, yes they have.

Mr. Doherty stated, there is also a question about fuel oil supply in your notes, specifically the south tank. What is the possibility there?

Mr. Smith responded, the only tank over the summer that had oil in it was the south tank. The north tank was abandoned a few years ago after we had an oil spill. The oil is down to a level now where it really needs a thorough inspection. To supplement that for the summer a temporary tank of 20,000 gallons was leased. That was a part of the \$488,000 that was paid, there was no expense to the division. Twenty thousand gallons of oil does not give us a lot of running time. A decision will need to be made whether or not to supplement the temporary tank with an additional tank. I don't think that we can get any major repairs done to the main tank. We may find that the tank is o.k. in its present condition but we do need a good inspection. The cost of purchasing any oil, by contract, is reimbursable to the Town. It is not part of the \$656,000. In addition, there is an ongoing 1.5 mill or \$.15 cents per kwh that is paid to us for every kwh that is generated out of Pierce in recognition of normal maintenance and operating expenses.

Mr. Doherty asked, have we had a lot of overtime expenses over the summer months? Has CMEEC covered those costs?

Mr. Smith responded, yes, overtime is covered.

Mr. Centner asked, it seems that on a number of instances we seem to "cannibalize" unit #3 to keep units #1&2 going, are we in the position where we cannot go to the well much longer? Are these not commonly available components? What is happening?

Mr. Smith responded, several years ago we made a decision not to put in any substantial dollars into boiler #1. That unit is no longer in service, it has been declared out of service. Although the nameplate rating of the plant may be 22 or 24 megawatts, we are down to a 16 megawatt capacity availability that we have declared.

Mr. Centner asked, on the remaining two turbines in their useful life, is there any calculated life on some of the major components in there that would create that type of decision, either shut it down or face a significant bill? Are there any type of components that are due or at the end of their useful life and we are living on hope for these other two?

Mr. Gessert responded, the turbines are probably in better shape than the boilers. One turbine was re-worked only a couple of years ago. The boilers are old and loaded with tubes that have hot water running through them. Eventually, some of the tubes rust and start to leak. We have replaced a large number of tubes over the years but there are also a number of tubes that have been blocked off. When too many become blocked it won't run anymore.

Albert Killen, 150 Cedar Street asked, on what date was the contract between Northeast Utilities and the P.U.C. to upgrade the plant discussed?

Mr. Gessert responded, the information regarding the upgrading and performing of certain repairs was discussed back in the late Spring or early Summer.

Mr. Killen asked, was a contract entered into and signed?

Mr. Smith answered, the contract is between Northeast Utilities and CMEEC. The P.U.C. never executed any contract.

Mr. Killen stated, NU was upgrading our plant making us part of the liability and we were not part of the process?

Mr. Smith answered, we were part of the discussions that took place and we obviously had to identify what items needed attention in order to make this thing useable. Long before Northeast made a decision to go ahead they had to understand what the potential cost was that they were going to incur. Had the condition of the plant been that it would have cost \$2,3 or 4 million, they may have decided not to proceed with any repairs.

Mr. Killen asked, who would have assumed the liability if something would have gone wrong during the upgrading?

Mayor Dickinson explained, the contract we have with CMEEC is the only contract that we have that effects us. The work done by Northeast was pursuant to their arrangements with CMEEC. Our involvement is that it is our property and we have a contract with CMEEC. Any liability with a contractor who worked on the plant would be covered by that contractor's employment liability insurance, etc. Our employees who ran the plant are covered by the Town's insurance. There is no contract between Northeast and the Town of Wallingford for the operation of the Pierce Plant to my, or anyone else's knowledge.

Gabe Stern, CMEEC Representative commented, as of last Spring the plant was not in good operable condition. Northeast Utilities approached CMEEC and said, if that unit has to run several hundred hours this year can it? We asked the folks in Wallingford who informed us that it needed much work. We had a discussion with Northeast Utilities and there was no obligation on Wallingford's part to make those repairs at that time and we so informed Northeast Utilities and they asked us for an estimate of what needed to be repaired. An outside party was brought in to develop an estimate and it was agreed that Northeast Utilities would pay for those repairs and Wallingford would accommodate operating the plant through the summer if the repairs were made.

Mr. Killen pointed out that when "it was agreed" we entered into a contract.

Mr. Gessert stated, a contract is an agreement.

Mr. Stern added, it was all done through an existing contract between CMEEC and Wallingford.

Mr. Killen quoted the minutes of the May 7, 1996 P.U.C. Meeting as follows: "Mr. Cominos: NU is scurrying around trying to find generation. One of the areas that they are looking at is our Pierce Power Plant. The proposal, as it stands right now, which has not been accepted by CMEEC or Wallingford at this point is that NU is going to pick up the upfront costs by getting the two boilers we have at Pierce into operating conditions, operate two of the three turbines and do some miscellaneous work that may come to about a quarter of a million dollars. They would pay for all that, they would pay for all the incremental costs in running the plant, i.e., oil, fuel, overtime costs and if we have to bring in additional personnel they would pay for that. They have been informed that it is one thing to start Pierce and another to try and keep it running, it is a 1952 plant." To sum the substance of it all, you were talking in terms of negotiating a contract. Apparently you entered into such a contract but you choose to look at it as not a contract. Where does that leave the Town of Wallingford should the plant fail for some particular reason? We already have one lawsuit because we had a temporary setback at one of the plants in town. If we have a setback down there who are they going to lay the blame on, the work that we had done on it or the other outside contractor?

Mr. Stern responded, summer has come and gone and had the plant not operated there would probably have been an assessment as to whether or not more dollars needed to be spent. That was the basis of the understanding that we had with Northeast Utilities. If you notice there was an estimate of \$250,000 for the repairs and as it turned out the estimate turned out to be low and the cost was more like \$488,000. NU picked up that tab and were informed of what the actual cost would be prior to incurring them, there was an understanding that they would pay for it and we moved in that direction. The proposal is that we would operate in a similar fashion for the winter; NU will reimburse CMEEC and CMEEC will reimburse Wallingford for work done. There is a letter of agreement between NU and CMEEC and CMEEC has pledged to reimburse Wallingford for these extra expenses that they have not planned for to operate the plant. It all stems to the extra hours that this plant will have to operate over and above what was planned for and budgeted for.

Mr. Killen asked the Council, how many of you were aware of what you are being told this evening or were you aware before this evening of what transpired?

Mr. Parisi responded, I was aware we had an agreement, I was told we had an agreement.

Mr. Gessert stated, we have an agreement with CMEEC. Part of that contract requires us to provide power when called upon. We are compensated for doing that and because we did not have the ability to provide as much power as might have been needed this summer CMEEC, through Northeast Utilities invested Northeast's monies in our plant. We did not hire contractors, they did, the contractors reported to them, did work on our premise under our supervision. We did not spend a dime and we were not given a bill. We got \$488,000 invested in our plant to help us provide electricity for everyone. That is not a bad deal. The Council has been kept very well informed on this entire issue and has been extremely supportive.

Mr. Parisi stated, I have said that we have an agreement with CMEEC and through CMEEC we were protected. That has always been my understanding since the first question was raised regarding the running of the plant and distribution of the power.

Mr. Killen stated, we had an agreement with CMEEC long before NU developed its problems. To say that issue was already covered in that agreement is absurd. There had to be something added because CMEEC nor Wallingford anticipated a problem for NU.

Mr. Doherty asked, would it have been possible under our contract with CMEEC for the \$656,000 for them to come in to us this year and tell us to fix up the plant using the \$488,000 out of the \$656,000 because we want it running and Northeast needs the power and we are going to supply it to them?

Mr. Smith responded, that was a possibility. That is one of the considerations we were looking into is in the shut down mode then the \$656,000 eventually disappears. You don't get the capacity credit...there is a system in which CMEEC has to go out and acquire capacity because it is no longer available at Pierce the payments will decline to the point that they go to zero.

Mayor Dickinson thought that Mr. Gessert and Mr. Smith missed the intent of Mr. Doherty's question that being, whether or not CMEEC could require the Town to fix up Pierce Plant.

Mr. Smith responded, no, CMEEC cannot require us to fix up the plant.

Mr. Gessert added, if the plant dies the \$656,000 could be reduced.

Pasquale Melillo, 15 Haller Place, Yalesville asked, are we going to end up owning that plant or will it be split up between CMEEC?

Mr. Gessert responded, we own it 100%, we have not sold it, we are not giving it away and we are not going to. It is our plant.

Mr. Melillo asked, with all the money that is being thrown into it, why shouldn't the plant be geared to run in a more permanent manner than short term?

Mr. Gessert responded, the plant is not very efficient due to its age. It is fifty year old technology. You can make it run but it is not very efficient compared to the technology out there today. We are keeping it running on a short term basis because of the emergency nature of demand in the State currently. If the P.U.C., Mayor, Council and everyone else were to decide to upgrade that plant to modern technology and bring in gas turbines, we are looking at somewhere in the \$30-65 million range. Even in that we would not be producing enough electricity for the entire town, we would be able to produce only half of our needs.

Mr. Melillo asked, if the boilers break down what do you intend to do?

Mr. Gessert responded, we would have to take a hard look at how serious it is, how much it would cost to fix them, who is willing to ante up the money, etc. If it is not a lot of money we might do the fixing, if more than we anticipated and more than we wanted to spend we might see if there was someone else that would want to invest in it, perhaps Northeast Utilities, depending on how bad they need them.

Mr. Parisi reminded everyone that the topic of discussion is the potential shortage of electricity for the winter and asked that all parties speak to that issue.

Geno Zandri, Jr., 37 Hallmark Drive stated, the way I understand the existing contract with CMEEC is that Wallingford was not obligated whatsoever to generate any electricity, correct?

Mr. Gessert, Mr. Smith and Mr. Stern all responded, correct.

Mr. Zandri asked, when and where was the decision made and by what body to go into a different mode of generating electricity with our plant? That is the question that Mr. Killen was seeking an answer to. Who made the decision and was the Council part of the decision when it was initially made?

Mr. Smith responded, Mr. Gessert stated before that the issue was brought to the attention of the P.U.C. and discussions were held on the subject.

Mr. Gessert added, I attended several meetings up in Berlin when Northeast Utilities was talking about capacity and shortages this summer and I think that if we had the ability to produce and didn't supply power to help our residents we would be grossly negligent.

Philip Wright, Sr., 160 Cedar Street asked Mr. Smith to explain the 90 kwh temporary interruptable rider.

Mr. Smith explained that it is being made available to all Connecticut users, not just Wallingford, in NU and UI (United Illuminating) territory. The participant receives payment for a commitment to be able to interrupt or reduce your load when called upon. The payment during the summer was approximately \$6 or \$8 per kwh and will be somewhere around \$2 per kwh in the winter. The program had a number of people who signed on and the expectations are that an equal number will sign on for the winter.

Mr. Wright asked, did we sell less electricity this past summer than we would have if all of these things did not occur?

Mr. Smith answered, we had a lower peak demand but we sold more electricity for the summer.

Mr. Wright asked, would we have sold more electricity if there was not a curtailment?

Mr. Smith answered, there was only two curtailments that occurred all summer; May 21st with the interruptable customers and again in August when the regular interruptable customers were interrupted. That is a lower number than has been interrupted in past years. I would hope that people took conservation measures. The system did experience a 3.5% increase this year compared to last year in sales.

Mr. Gessert noted that it was a much cooler summer this year than the previous year.

Mr. Wright stated, from all that I have read and heard the people in town have been praised for having done a good job in curtailing their usage of electricity; the homeowner and everyone else. That being the case then I would assume that we would have used more electricity this past summer if everyone had not been asked to shut off the light switch, the air conditioners, etc. and since we have this business and we support it; we support the number of people that we have working down there by selling electricity; then I think that our profits, if we ever make one, was reduced by the fact that someone who had guaranteed to produce power for us didn't produce it. The net result is, less dollars came in to Wallingford for the sale of electricity than would otherwise. I would like to know when we are going to set about trying to recoup those dollars and determine how much they are. I believe that this, in effect, says the contract that we entered into with CMEEC and whomever else to supply power to us in sufficient quantity at a set cost, was not followed. I also believe that there is a big liability on the part of whoever agreed to supply us power and didn't. In addition

to that, I believe that if anyone in this town wants to sell \$200 worth of anything on behalf of the Town, it has to be in writing. They should have to go to the Law Department, Purchasing Department, etc. That was not done in this case. Do I agree that it is nice to be neighborly? Do I agree that it is nice to lend someone your car? Yes, I agree but that is not what we run this business on, agreements. It should be done in a legal format. Numerous times I have heard the contract with CMEEC referred to as something that binds us to start up that plant down there. Did the contract say that we can tear the plant down, bulldoze it or what? If it did say that then let's stop referring to "that contract" and operating this plant now.

Mr. Parisi once again asked Mr. Wright to stay on the topic of the electricity crisis. He suggested that Mr. Wright approach the P.U.C. and ask them his questions.

Mr. Wright responded, I elect the Council and the Mayor, I don't elect the P.U.C. You are the ones that should be supplying the answers to the questions that I as a citizen ask.

Mr. Parisi stated, every time you ask questions you have gotten an answer to them.

Mr. Wright asked again, would we have sold more electricity in this town last summer if there had not been a problem with supply?

Mr. Gessert responded, there would be more sold statewide if there had not been a problem.

Mr. Smith answered, it is a guess. We believe that people in Connecticut responded positively to conservation measures as a serious issue and responded. The answer is yes, we believe the people did use less. Was it less, was it wasteful electricity, a re-awakening of the conservation mode is important. It is my understanding that the State estimated about 150 megawatts less peak demand. There is no way of measuring how much was not used because of conservation measures. It is my personal feeling that less electricity was used.

Mr. Wright was of the opinion that someone should be able to come up with some sort of figure as to how much less was sold.

Mr. Parisi stated that Mr. Smith clearly stated that the question cannot be answered.

Mr. Wright stated that CMEEC did not deliver.

Mr. Gessert was of the opposite opinion stating that there were no blackouts in Wallingford.

Mr. Wright asked, do you feel that it is legal to proceed with the expenditure of \$400,000+ without anything in print, without any contract? If the Director of Public Works needs \$10,000 to straighten out a mess at the Wooding Property he has to come before the Council for approval. It has to be done legally. Here we are involved in a huge project and there is nothing in print.

Mr. Gessert responded, if the Electric Division was spending \$488,000 of your money and the townspeople's money you could be darn sure that it would be in print. We are not spending the money; someone else was spending their money at our facility.

Mr. Wright asked, does that make it legal? What in our Charter would describe that kind of arrangement? I don't know of any such language.

Mr. Parisi stated, the Charter also does not contain language that says we cannot do it either.

At this point the item was considered closed to further discussion since more than one hour was devoted to the topic and a public hearing had been delayed due to the lengthy discussion.

ITEM #10 PUBLIC HEARING on an Ordinance Amending Ordinance #445 Entitled, "An Ordinance Amending Ordinance No. 445 Restricting Locations for Using Skateboards, In-Line Skates and Roller Skates" (Appendix I)

Motion was made by Mr. Rys to Amend Section 3 of the Ordinance to Reduce the Fine from \$100 to \$25, seconded by Mr. Farrell.

Mr. Parisi informed everyone that the topic of discussion is the lowering of the fine, Section 3 entitled, "Penalty".

Reginald Knight, 21 Audette Drive stated that it would be helpful to have the definition of the word "restricting" in order to comment on the fine. He asked if restricting meant banning?

Mr. Parisi pointed out that the word restricting is not in Section 3. The section pertains solely to the fine.

Reginald Knight stated, if you are going to make the fine fit the act let's understand what the act is so we can properly fit the fine to it.

Mr. Parisi responded, no, we are just dealing with the fine. That is the item of business tonight, the fine. It is dropping from \$100 to \$25.

Reginald Knight asked, what is the perimeter of the area that the fine is being applied to?

Mr. Parisi stated, it is in the ordinance of which he does not have a copy. The original ordinance defines all the streets the fine and act pertains to, north to south, east to west.

Reginald Knight asked, does the ordinance pertain to four wheel vehicles commonly referred to as "quads"?

Mr. Parisi answered, it is very specific as to what it covers, in-line skates, roller skates, skateboards.

Reginald Knight asked, if a youth were to ride a "quad" down the street would that be a problem?

Mr. Parisi responded, no, it would not violate this ordinance.

Reginald Knight stated that he has witnessed an adult riding a child on the cross bars of a bicycle past Caplans with two police officers watching and nothing is done about it. If you are going to set a fine for this act, then let the fine fit the crime. If we are going to let adults ride bicycles with children on cross bars and let children ride "quads" down the street then let's drop the fine for violating the ordinance down to \$.50 or some amount that suits the violation. You have passed a law without any concept of what the \$100 fine meant. Why don't you research these things prior to enacting laws?

Mr. Parisi informed Reginald Knight that the Ordinance Committee had in attendance at its meeting on this issue a member of the Police Department. He asked Reginald Knight what his feeling was on the amendment to Section 3.

Reginald Knight stated that it is an imposition on the young people. I am told that it is for public liability. If you set a perimeter on where these activities are prohibited and fine people within that perimeter does that then mean that the Town is also liable for ten yards beyond that perimeter if some little old lady gets knocked down?

Mr. Parisi responded, no, I don't believe the Town is liable.

Reginald Knight stated, then the children located outside of this perimeter are considered more adept and in control and everyone else is at their own risk then? Downtown is a more dangerous area than the east side or west side?

Mr. Parisi responded, it is dangerous all over when it is done improperly.

Reginald Knight asked, why not ban it all over town then?

Mr. Parisi stated, we are off of the subject which is the reduction in fine.

Reginald Knight stated, the fine is ludicrous and should not be in place at all.

Doug Newell, 32 Cooper Avenue stated that he is here tonight to support his son Ross who, if the Council lowers the fine tonight, will have the unfortunate distinction of being the only child of legal age to be arrested under this Town ordinance. My son will probably receive a criminal record. The punishment did not fit the crime. To have a kid taken to the police station, fingerprinted, mug shot taken, as though he robbed a bank, did not make sense. To quote Mr. Parisi, "A law is a law." That is a true statement but not everything is black and white. There are good laws and there are laws that fit personal agendas. This could possibly be the latter. At the last two Town Council meetings the majority of the speakers were against this law, including our Mayor. The Council chose to ignore that fact and passed the law. I feel that if this was an election year for the Council I would bet my mortgage that this law would not have passed. A politician who ignores the majority of people who come forward and express their opinion commits political suicide. My son Ross chose to go with his convictions that this law was one that targeted a non-voting minority, teenagers. According to Mr. Parisi's logic that a law is a law and they should be blindly obeyed without question would change everything happening here tonight. There would probably never be a Town Council or the government as we know it today. Our forefathers were law breakers. If they did not follow their convictions and protests there would not be a United States. The towns surrounding Wallingford have children killing children. Wallingford does not have this kind of violence, why?, because the kids in Wallingford are good kids and have good ideals. How does Wallingford show its appreciation for these kids? They pass a law that makes them criminals for doing things that any kid would do, enjoying themselves and making their own fun. The Town does not find alternatives for these kids, just passes laws to prevent them from doing kid things. I know that older people are intimidated by teenagers but these kids downtown are not bad and are doing anything wrong. They are not destroying property as some people have claimed. Wallingford has become the laughing stock of the State through the media and it is baloney. I got a call tonight from the Associated Press, they want to do a story and go nationwide with this. It is becoming ridiculous. It is no longer going to be banned in Boston, it is going to be banned in Wallingford. I am proud of my son and if the Judge, next Monday, finds him guilty then I will gladly pay the \$100 knowing that he was right. (applause)

Mayor Dickinson stated, I don't want anyone to think that the ordinance with the \$100 fine is changed depending upon a vote

tonight. That ordinance will still be in effect for at least thirty (30) days beyond the publishing date of tonight's actions. It does not immediately change. I don't want anyone to think that if it passes tonight the fine is \$25 tomorrow. That is not the case.

Mr. Parisi stated, for further clarification if the fine was reduced to \$5 it would still be a payment of \$60 to the State as explained by the Chief of Police at the last Town Council meeting.

Kathy Newell, 32 Cooper Avenue stated, I was shocked on Sunday, November 10th when I had to call the Wallingford Police to find out that my son Ross was being arrested for rollerblading in town. He is a good kid, he is not a trouble-maker. He is respectful of other people and their property. There was also some confusion regarding this ordinance being in effect on Sunday. I was not aware, my husband was not aware...none of us were aware that the ordinance was a law as of Sunday, November 10th at 12:00 midnight. We and other parents were under the impression that it was going to be made a law thirty (30) days after the last town meeting which was the end of October. It was a misunderstanding. The \$100 fine and arrest is much too severe a punishment for Ross's mistake or for any other kid who defies this ordinance. They are really good kids and they are doing just what kids do, rollerblading, having fun and not causing any trouble for anyone else. This is a very heavy fine and arrest and treats the kids as criminals. It is a negative treatment of kids that are basically good. It encourages kids to further become more frustrated and more rebellious. This fine must be reduced to at least \$25.00. This whole issue of banning rollerblading in town is a negative feeling towards our kids and to youth, in general. I feel that the main issue is that certain people in town are discouraging our kids from congregating in town. This is their home town and it is their center of town, too. I know that there are some trouble-makers and kids do intimidate older people or bad mouth people but they are the minority. Most of the kids are well-behaved that need a place of their own. If they are not welcomed in the center of town they need a place they feel is theirs. I am all for us pursuing a skating park for the rollerbladers and skateboarders. Rollerblading is a serious sport for many kids. They take it as seriously as soccer players and baseball players and football players and they have just as much a right to pursue their sport and test their skills as any of the other athletes in town.

Philip Wright, Sr., 160 Cedar Street stated that he is of the opinion that the size of the fine is inappropriate. Yesterday I was out in front of Town Hall. It was a nice ceremony (Veterans Day). The Mayor was quoted as saying, "A veteran was someone working for our country's future, not boasting about its past." I never heard that definition before so I went to Webster's (dictionary) and I looked and I didn't find that definition.

The definition I did find said, "A veteran is a person of long experience in some occupation or skill such as politics." Then I looked up the word, "leader". The definition of leader is, "A person that leads. A person who has commanding authority or influence." Bill, I implore you to be a veteran leader and get out and do something about this.

Mr. Parisi asked Mr. Wright to stay on discussion pertaining to Section 3 of the ordinance. This is getting unreasonable. Let's discuss the fine of \$25.00.

Mr. Wright commented, I think the fine ought to be \$2,500 so that it would smell bad enough so that everyone who voted yes for it would not be able to live with themselves at all. It is totally inappropriate, it stinks and you ought to know it. You ought to have trouble living with yourself as the Mayor does when he says, "I disagree with the ordinance" but he won't do a blasted thing about it.

Sam Levchuck, 104B North Turnpike Road stated, it is completely appropriate to have restricted activities in places of high pedestrian traffic. I do think it is inappropriate to have a \$100 fine considering the fact that it involves a custodial arrest. I think \$25.00 is a good amount, it would involve a mail-in penalty, would not take up much of the police department's time and would be treated as a normal traffic violation. I also understand that it is probably not within the Mayor's power to give a pardon as the Governor gives a pardon for something minor but there probably is something that the executive office or the Town Council can do to facilitate a nolle considering the intent of the legislation was not met, it was inadvertently put in that it was a custodial arrest, it was not the intent of the Town Council or Mayor.

Pasquale Melillo, 15 Haller Place, Yalesville strongly recommended lowering the fine below the \$25.00. I know next year when it becomes an election year you (Council) will eliminate this ordinance. I would like one of you (Council) to make a motion to reduce this fine to \$25.00 retroactive to the time before this fellow was arrested. It would eliminate the court date, criminal record, etc.

David Owens, 255 S. Main Street stated that he supports the amendment reducing the fine to \$25.00 however it feels a little like passing sentence on an innocent man. I would like to spend 2-3 minutes discussing the skateboarding issue, in general.

Mr. Parisi asked that Mr. Owens limit his discussion to the item at hand, the reduction of the fine.

Pat Hayden, 212 S. Orchard Street stated, I am in favor of reducing the fine as most of the kids in town are but we feel that there is

no need for the ordinance.

Ross Newell, 22 Cooper Avenue stated, I am the youth who was arrested. I was very disappointed at the last Town Council meeting when the Council passed the ordinance. I am disappointed now that after having gone through being arrested, fingerprinted, having my mug shot taken, rollerblades confiscated and assigned a court date for November 18th to pay a \$100 fine you are now going to lower this fine so that other kids will not have to go through what I went through. If possible my fine should be lowered also.

Mr. Parisi promised that the Council and Administration will try to make every effort to do that.

Mr. Newell added, I also hope that you pursue dropping the ordinance altogether and providing the skaters a skate park. That is the real solution to making the problem go away.

Robert Sheehan, 11 Cooper Avenue stated, no matter what the fine is, if you cite a young gentleman or female, isn't that person still required to go to court?

Mr. Parisi responded, no, it is my understanding that it is treated as a violation and the fine is mailed in to the police department.

Rose Walsh, 5 West View Drive stated, what keeps coming to my mind is that we are trying to teach the children to obey the law. Ross broke the law however, ultimately who is going to pay this fine? Is Ross learning a lesson by his parents paying the fine or by him doing chores as payment for that fine? I sometimes wonder if it wouldn't be a better idea instead of a \$25.00 fine for kids, perhaps they should perform some community work so they understand why we are trying to protect the environment downtown?

Mr. Parisi responded, community work can become cumbersome too, unfortunately. We do have other programs that deal with it and they are not always as successful as we may be led to believe.

Ms. Walsh added, there was an elderly lady at the last meeting who was frightened for her safety and I thought perhaps if the kids spent some time with the elderly they would understand their fears a little bit more.

Ms. Papale commented, most often we criticize our police department because when we pass ordinances every time we do we hear that it is useless because it will not be enforced. This time it was enforced and the police department most likely was making a point to the entire community that they are going to enforce it whether it carries a \$100 fine or a \$25 fine. While I can understand how the family felt, I am really surprised that Mr. Newell was not aware that the ordinance was in effect. The other children were

aware of it. We asked the police department to enforce this ordinance and they did as they were told.

Mr. Zappala stated, I know that the police are doing their job, I agree with the amendment but I still feel the ordinance was unnecessary therefore I am voting against the motion.

Mr. Renda stated, I will not stand by and watch the youth of this town be made out to be criminals. In America we educate our children, we don't make criminals out of them. I am going to bring this ordinance back in the Spring and will continue to keep bringing it back until we get rid of it. We have to work with the kids not against them. I agree with Mr. Zappala. The Mayor was asked to go easy on the youths...I have since found out that there are two more warrants out for two more arrests. I would like to see the Mayor do the same with them. Give the kids warnings and then if you have to make an arrest after the second warning, do so. I want the fine lowered; I am against the ordinance and always will be.

VOTE: Renda and Zappala, no; all others, aye; motion passed.

Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Taking up a Recommendation from the Mayor, seconded by Mr. Zappala.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys that the Town Council of the Town of Wallingford Authorize the Town Council Chairman to Communicate with the State Prosecutor's Office with a Recommendation that the Charges of Violating the Skateboard Ordinance be Nollied as the Amount of the Fine is now Reduced and There was no Intent to Cause a Custodial Arrest for this Offense, seconded by Mr. Renda.

Mr. Zappala asked, does this motion cover everyone who has been arrested up until this point?

Mr. Parisi was not aware of any other arrests, pending or otherwise.

Mr. Knight stated that he is concerned over what happens within the next thirty days. Are we recommending that all bets are off until this new fine takes place? This ordinance has had more publicity than most of the State elections. Every talking head from every news program in this State has been wandering around here stirring things up as much as they possibly could. I can't believe that there isn't anyone in this community that watches television that is not familiar with this ordinance. The fact is that there has been yet more streams of news media with nothing better to do, coming into this community and we have a situation where one young

man is saying that he went through a process that he should not have had to go through. We are making an effort in this individual case to ameliorate this fine but I think that it ought to be really clear to anybody that listens to this body that this ordinance is in effect and this fine is in effect for another thirty days, plus. The fact is the ordinance is in effect. I am concerned with the precedent we are setting here and I don't think that we are backing up our own talk from two weeks ago.

Mr. Centner stated, right now I am a little disturbed by this. I did not support the original ordinance and I still don't support it at all, however, we, as a Council, passed a law. The Chief and his police unit went out and followed it. I can't go with this. I am going to be opposing the measure.

Mr. Farrell stated, I agree with Mr. Centner and Mr. Knight. I don't think that we should send mixed signals on this which I think in asking the prosecuting authorities to nolle this or any other case that is brought until the fine becomes effective, the change, is sending a mixed signal. I had the stomach to pass this ordinance and I have the stomach to live with its consequences.

Mr. Rys stated, the reason that I support this is because I don't really think that in the beginning that there was any indication that there would be a custodial arrest and someone would be dragged up to the police department and that is why I am going to support this. Whether it is right or wrong now is tough. I think we owe something to him, honestly.

Mr. Farrell stated, I have minutes from the September 24th meeting at which Mr. Newell was present and spoke to the ordinance.

Mr. Parisi stated, the unfortunate part of this is that this should have been brought up at the Ordinance Committee meeting. If it had been we would not be in this position tonight.

Reginald Knight, 21 Audette Drive asked, if the recommendation to the prosecutor is taken up will the boy's record be cleared or will he still have a record? I don't understand the meaning of the term, "nollied".

Atty. Farrell, Sr. explained, nollied means, "no prosecution". It does stay on your record that you were arrested for thirteen months. At the end of thirteen months by a State Erasure Law the charges are dismissed and they are done in such a manner that the prints, mug shot, record of your arrest are totally erased from the public record. Even under oath you are allowed to say, "I have never been arrested."

Reginald Knight suggested that signs be posted defining the perimeter of the area in which the skating is prohibited. If

posted then no one can use the excuse that they were not aware of such a law.

Doug Newell, 32 Cooper Avenue stated that Mr. Farrell is under the erroneous impression that my son knew nothing about the ordinance. That is not true, he did know about the ordinance. The question was, when did it come into effect? Everyone I talked to told me it was after the second Town Council meeting which it was not, in fact. It was after the first Town Council meeting. That was a gray area and not everyone was aware of it. That was what Ross was saying, that he was not sure when the ordinance went into effect. He is not claiming that he had no knowledge of the ordinance.

Cathy Newell, 32 Cooper Avenue asked, if the prosecutor nollies Ross's arrest does that mean that he still has to go to court on Monday, November 18th?

Mr. Parisi was not sure.

Mayor Dickinson stated, you would have to contact the prosecutor's office, chances are you may have to go anyway. The action is taken there and the judge has to accept it as a recommendation of the prosecutor.

Philip Wright, Sr., 160 Cedar Street stated, you (the Council) are a legislative body and I don't believe that you should be dabbling in trying to influence the judiciary system. You created a law and while your intentions are great, it is not something you ought to be doing. I agree with Steven Knight. Consider your action carefully before approving this.

VOTE: Doherty, Renda, Rys & Zappala, aye; all others, no; motion failed.

The Chair declared a five minute recess at this time.

ITEM #9 Consider and Approve a Transfer of Funds Totalling \$2,000 to Personal Computer Acct. of Which \$650 is Transferred from Mail Machine Software Program Acct.; \$80 from Printer Acct. and \$1,270 from Microfilm Reader/Printer Acct. - Comptroller's Office

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

Mr. Centner stated, in reviewing the information supporting this request it is my opinion that this system is adequate and necessary for the Finance Department to operate given that there is current new legislation for wire transfer. This system has a microprocessor that is upgradable and the chassis has many expansion slots. It should serve them for quite a while. I recommend that the Council approve this request.

Philip Wright, Sr., 160 Cedar Street stated, about three years ago I recommended that the Town consider creating a position such as a Computer Czar. I see that Meriden has done that. I think that the Town should call a halt to every nickel that is being spent on computers until we get someone here that really knows where we are going. We spent \$80,000 on a consultant recently to tell the P.U.C. and others what they do and don't need in the way of computer equipment. I have not yet seen the results of that study and am still awaiting a copy. The suggestion should be looked at carefully.

Mr. Centner stated, in this case with the new legislation being enacted which dictates that documentation must be wired to the IRS, purchasing the system is almost a must.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve Establishing a Budget Revenue Line Acct. Entitled, "Federal Highway Safety Acct." for the Receipt of Grant Funds - Dept. of Police Services

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

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve an Appropriation of Funds in the Amount of \$1,334 to Federal Highway Safety Acct. and to Handheld Laser/Radar Unit Acct. - Dept. of Police Services

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

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve a Transfer of Funds in the Amount of \$1,500 from Contingency Reserve for Emergency Acct. to Purchase Services - Engineering Consultant Acct. (New Acct.) - Mayor's Office

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

Mr. Doherty asked, why didn't we do this months ago?

Mayor Dickinson responded, the department did not approach him until recently with this request. This service applies to specific applications only.

Frank Wasilewski, 57 N. Orchard St. asked, what happens to the funds that were budgeted for Mr. Costello's salary for the year?

Mayor Dickinson stated, they remain in the budget unexpended unless they are transferred for use elsewhere.

Town Council Meeting

32

November 12, 1996

VOTE: All ayes; motion duly carried.

ITEM #14 Consider and Approve One (1) Appointment to the Position of Commissioner on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/2001

Motion was made by Mr. Rys to Appoint Ellen Mandes to the Position, seconded by Mr. Renda.

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

Mr. Farrell abstained due to the fact that Ms. Mandes is a client.

ITEM #15 - Withdrawn

ITEM #16 - Withdrawn

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 9:49 P.M.

Meeting recorded and transcribed by:

  
Kathryn F. Zandri  
Town Council Secretary

Approved by:

  
Robert F. Parisi, Chairman

11-26-96  
Date

  
Rosemary A. Rascati, Town Clerk

11-26-96  
Date

10

**AN ORDINANCE AMENDING ORDINANCE NO. 445 RESTRICTING LOCATIONS FOR USING SKATEBOARDS, IN-LINE SKATES AND ROLLER SKATES**

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Ordinance No. 445 entitled "Ordinance Restricting Locations for Using Skateboards, In-Line Skates and Roller Skates" is hereby amended by deleting Section 3 and substituting a new Section 3 in lieu thereof as follows:

**SECTION 3. PENALTY**

Any person who violates this ordinance shall be fined Twenty-Five Dollars (\$25.00).

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this      day of      , 1996, in accordance with the provisions of the Charter of the Town of Wallingford.

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

APPROVED: \_\_\_\_\_  
William W. Dickinson, Jr., Mayor

DATE: \_\_\_\_\_

TOWN COUNCIL MEETING

NOVEMBER 12, 1996

6:30 P.M.

AGENDA

Blessing - Rev. Stephen Bzdyra - SS Peter and Paul Church

1. Roll Call and Pledge of Allegiance
2. Consent Agenda
  - a. Consider and Approve Tax Refunds (#105-157) Totalling \$ 7,834.74 - Tax Collector
  - b. Approve and Accept the Minutes of the 10/8/96 Town Council Meeting
  - c. Approve and Accept the Minutes of the 10/22/96 Town Council Meeting
  - d. Approve and Accept the Minutes of the 10/29/96 Special Town Council Meeting
  - e. Note for the Record Anniversary Increases Approved by the Mayor to Date
  - f. Note for the Record Mayoral Transfers Approved to Date
  - g. SET A PUBLIC HEARING on an Ordinance Amending Ordinance #418 Entitled, "An Ordinance Appropriating \$124,000 for the Design of Renovations to the Wallingford Community Pool and Authorizing the Issue of \$124,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - November 26, 1996 - 7:45 P.M.
  - h. Consider and Approve Establishing a Special Fund Entitled, "Lighting Improvements Acct." and Appropriating \$200 to Said Fund to Supplement a State Grant Award for Lighting Improvements at Fire Central - Mayor's Office
3. Items Removed from the Consent Agenda
4. PUBLIC QUESTION AND ANSWER PERIOD
5. Consider and Approve a Request by Wallingford Center Inc. for the Use of the Parade Grounds for their Seasons of Celebrations Festivities Scheduled to be Held December 7, 1996

6. Consider Approving Four (4) Road Acceptances Approved by the Planning & Zoning Commission at Their Meeting of November 12, 1996 - Town Planner
7. Consider and Approve an Appropriation of Funds in the Amount of \$240 to Connecticut State Grant DCF Acct. and to the Youth Projects Acct. of the Youth Service Bureau Budget
8. Report Out by the Director of Public Utilities on the Potential Shortage of Electricity Crisis Possibly Facing the State During the Winter Months and the Electric Division's Plans to Address the Issue as Requested by Councilor David J. Doherty
9. Consider and Approve a Transfer of Funds Totalling \$2,000 to Personal Computer Acct. of Which \$650 is Transferred From Mail Machine Software Program Acct.; \$80 From Printer Acct. and \$1,270 From Microfilm Reader/Printer Acct. - Comptroller's Office
10. PUBLIC HEARING on an Ordinance Amending Ordinance #445 Entitled, "An Ordinance Amending Ordinance No. 445 Restricting Locations for Using Skateboards, In-Line Skates and Roller Skates" - 7:45 P.M.
11. Consider and Approve Establishing a Budget Revenue Line Acct. Entitled, "Federal Highway Safety Acct." for the Receipt of Grant Funds - Dept. of Police Services
12. Consider and Approve an Appropriation of Funds in the Amount of \$1,334 to Federal Highway Safety Acct. and to Handheld Laser/Radar Unit Acct. - Dept. of Police Services
13. Consider and Approve a Transfer of Funds in the Amount of \$1,500 from Contingency Reserve for Emergency Acct. to Purchase Services - Engineering Consultant Acct. (New Acct.) - Mayor's Office
14. Consider and Approve One (1) Appointment to the Position of Commissioner on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/2001
15. Executive Session Pursuant to Sections 10-153d; 1-18a(e)(5) and 1-19(b)(9) of the CT. General Statutes Regarding Records, Reports and Statements of Strategy or Negotiations with Respect to Collective Bargaining
16. Discussion and Possible Action Regarding an Agreement Between the Town of Wallingford and the Wallingford Police Union Local #1570 and Council #15 AFSCME, AFL-CIO Dated 7/1/96

TOWN COUNCIL MEETING

NOVEMBER 12, 1996

6:30 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
2. Consent Agenda - Items #2-h	1-2
3. Items Removed from the Consent Agenda - Item #2g	2-5
4. PUBLIC QUESTION AND ANSWER PERIOD - Awarding Bids to Local Contractors; Pierce Generation; Procedure for Bringing Ordinance to Council; Leaf Pick Up Schedule; Skateboard Ordinance Comment	5-8
5. Approve a Request by Wallingford Center Inc. for Permission to Use the Parade Grounds for their Seasons of Celebrations Festivities to be Held on December 7, 1996	8-10
6. Approve Accepting Crystal Lane off of Church St.; Pogmore Drive off of Pond Hill Rd.; Promontory Dr. Section VI off of Leigus Rd. and Coventry Court off of Promontory Drive	10-12
7. Approve an Appropriation of \$240 to Ct. State Grant DCF Acct. and to the Youth Projects Acct. of the Youth Service Bureau Budget	12
8. Report Out by the Director of Public Utilities on the Potential Shortage of Electricity Crisis Possibly Facing the State During the Winter Months and the Electric Division's Plans to Address the Issue as Requested by Councilor David J. Doherty	12-22
9. Approve a Transfer Totalling \$2,000 to Personal Computer Acct. - Finance Dept.	30-31
10. PUBLIC HEARING on an Ordinance Amending Ordinance #445 Entitled, "An Ordinance Amending Ordinance No. 445 Restricting Locations for Using Skateboards, In-Line Skates and Roller Skates	22-30

<u>Agenda Item</u>	<u>Page No.</u>
11. Approve Establishing a Budget Revenue Line Acct. Entitled, "Federal Highway Safety Acct." for the Receipt of Grant Funds - Dept. of Police Services	31
12. Approve an Appropriation of \$1,334 to Federal Highway Safety Acct. and to Handheld Laser/Radar Unit Acct. - Dept. of Police Services	31
13. Approve a Transfer of \$1,500 to Purchase Services - Engineering Consultant Acct. (New Acct.) - Mayor's Office	31-32
14. Approve the Appointment of Ellen Mandes to the Position of Commissioner on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/2001	32
15. Withdrawn	
16. Withdrawn	

Waiver of Rule V

Approve a Resolution for Wallingford Center Inc. for their Seasons of Celebrations Festivities as it Applies to Celebrate Wallingford	9-10
---	------