

TOWN COUNCIL MEETING

FEBRUARY 13, 2002**

**** NOTE CHANGE IN DATE DUE TO HOLIDAY****

6:30 P.M.

AGENDA

Blessing – Eugene Riotte, Deacon – Holy Trinity Church

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#650-672) Totaling \$18,944.20 -Tax Collector
 - b. Approve and Accept the Minutes of the 1/8/02 Town Council Meeting
 - c. Approve and Accept the Minutes of the 1/22/02 Town Council Meeting
 - d. SET A PUBLIC HEARING for 2/26/02 at 7:45 P.M. to Consider Adoption of a Proposed Ordinance Entitled, “Noise Ordinance” as requested by Councilor Stephen Knight, Chairman of the Ordinance Committee
 - e. SET A PUBLIC HEARING for 2/26/02 at 8:00 P.M. to Consider Amending Chapter #122 Of Code of the Town of Wallingford Entitled, “Food-Service Establishments” as requested by Councilor Stephen Knight, Chairman of the Ordinance Committee
 - f. Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Custodial Services Acct. #001-4001-901-9014 to Building & Grounds Maintenance Acct. #001-4001-560-5100 – Parks & Recreation

- g. Consider and Approve a Transfer of Funds in the Amount of \$229 from Portable Electric Air Compressor Acct. #001-5015-999-9952 and #38 from Brooms Acct. #001-5015-999-9189 for a Total of \$267 to Hydraulic Auger with Attachment Acct. #001-5015-999-9954 – Public Works
- h. Consider and Approve a Resolution Authorizing the Mayor to Execute a Grant Agreement with the State of CT. for \$793,000 in Reimbursement from the State for the Acquisition of the Galko Property - State & Federal Program Administrator
- i. Consider and Approve an Agreement Between the Town of Wallingford and The Wallingford Community Day Care Center, Inc. Recognizing the Town has Executed a Contract with the State of CT. for Funding Programs to be Carried out by Said Day Care Center acting on Behalf of the Town - Mayor
- j. Consider and Approve a Resolution Authorizing the Mayor to Enter into and Amend Contractual Instruments in the Name and on Behalf of the Wallingford Community Day Care Center with the Dept. of Social Services of the State of CT. for a Child Day Care Program - Mayor
- k. Consider and Approve a Resolution Permitting the Wallingford Day Care Center to Borrow from the Town Amounts Necessary to Meet Essential Operating Expenses of Said Day Care Center Prior to the Time its Program is Approved for Funding from the State of CT. - Mayor
- l. SET A PUBLIC HEARING for 2/26/02 at 8:15 P.M. to Consider Adoption of An Ordinance Appropriating Funds to Design a Denitrification System for Wallingford's Wastewater Treatment Plant and Authorizing the Issuance of Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowing for Such Purpose
- m. Consider and Approve Obtaining a Twenty-Foot (20') Wide Storm Drainage Easement and Grant Further Authority to Release the Existing Storm Drainage Easement at Such Time as the New Easement is in Place and Functional – Asst. Town Attorney

4. Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD

6. Consider and Approve Confirming One (1) Mayoral Appointment to the Personnel Pension Appeals Board for a Five (5) Year Term to Expire December 31, 2006 – Mayor
7. Consider and Approve a Transfer of Funds in the Amount of \$7,833 from One Ton Crew Cab Acct. #001-5015-999-9185 and \$2,446 from Bulldozer Acct. #001-5015-999-9134 for a Total of \$10,279 to Purchase Services – Custodial Services Acct. #001-5015-901-9014 – Public Works
8. Consider and Approve a Transfer of Funds in the Amount of \$2,500 from Custodial Services Acct. #001-4001-901-9014 to Pickup Truck Acct. #001-4001-999-9905 – Parks & Recreation
9. Consider and Approve a Request to Name a Road in a Newly-Approved Subdivision Lendler Lane – Mayor
10. Consider and Approve a Transfer of Funds in the Amount of \$5,100 from Transportation Equipment Acct. #433-9012-392 to New Meters Acct. #433-9012-346 - Water Division
11. Consider and Approve a Transfer of Funds in the Amount of \$20,000 from Chemical Expenses Acct. #433-8640-641 and \$12,500 from Outside Services Acct. #433-8920-923 for a Total of \$32,500 to Distribution Reservoirs and Standpipes Acct. #433-9012-342 – Water Division
12. Consider and Approve a Budget Amendment in the Amount of \$45,000 Increasing Source of Funds – Appropriation of Cash for Rate Stabilization and Increasing Maintenance Sewer Treatment Equipment Acct. #461-8640-652 – Sewer Division
13. Report Out from the Public Utilities Commission and Possible Action Regarding:
 - a. Reservoir water levels, drought and possible water conservation measures;
 - b. Emissions of nitrogen, if any, into the Quinnipiac River; and
 - c. Status of PP&L's new power plant; its operation and lease paymentsas requested by Councilors Mike Brodinsky and Jim Vumbaco.
14. Executive Session Pursuant to section 1-200(6)(D) of the CT. General Statutes with Respect to the Purchase, Sale and/or Leasing of Property - Mayor

TOWN COUNCIL MEETING

FEBRUARY 13, 2002

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Wednesday, February 13, 2002* in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:37 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Doherty, Farrell, Knight, Papale, Rys, Toman & Vumbaco. Councilor Parisi was vacationing out of state. Mayor William W. Dickinson, Jr., Corporation Counselor Adam Mantzaris and Accountant Thomas Thompson were also in attendance.

*Meeting re-scheduled to Wednesday due to Lincoln's Birthday.

A blessing was bestowed upon the Council by Deacon Eugene Riotte, Holy Trinity Church.

The Pledge of Allegiance was given to the Flag.

Vice Chairman Stephen Knight announced that the Elks (B.P.O.E.) Club of Wallingford recently held their Annual Safety Awards Night. Lt. Ed Butkus received the Career Fire Fighter of the Year Award; Lt. James Barbieri received the Volunteer Fire Fighter of the Year Award, and Sgt. Glenn King received the Police Officer of the Year Award. The recipients of the distinguished awards were honored for their dedication and public service to the citizens of Wallingford.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#650-672) Totaling \$18,944.20 – Tax Collector

ITEM #3b Approve and Accept the Minutes of the 1/8/02 Town Council Meeting

ITEM #3c Approve and Accept the Minutes of the 1/22/02 Town Council Meeting

ITEM #3d SET A PUBLIC HEARING for 2/26/02 at 7:45 P.M. to Consider Adoption of a Proposed Ordinance Entitled, "Noise Ordinance" as requested by Councilor Stephen Knight, Chairman of the Ordinance Committee

ITEM #3e SET A PUBLIC HEARING for 2/26/02 at 8:00 P.M. to Consider Amending Chapter #122 Of Code of the Town of Wallingford Entitled, "Food-Service Establishments" as requested by Councilor Stephen Knight, Chairman of the Ordinance Committee

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Custodial Services Acct. #001-4001-901-9014 to Building & Grounds Maintenance Acct. #001-4001-560-5100 – Parks & Recreation

ITEM #3g Consider and Approve a Transfer of Funds in the Amount of \$229 from Portable Electric Air Compressor Acct. #001-5015-999-9952 and #38 from Brooms Acct. #001-5015-999-9189 for a Total of \$267 to Hydraulic Auger with Attachment Acct. #001-5015-999-9954 – Public Works

ITEM #3h Consider and Approve a Resolution Authorizing the Mayor to Execute a Grant Agreement with the State of CT. for \$793,000 in Reimbursement from the State for the Acquisition of the Galko Property - State & Federal Program Administrator

ITEM #3i Consider and Approve an Agreement Between the Town of Wallingford and the Wallingford Community Day Care Center, Inc. Recognizing the Town has Executed a Contract with the State of CT. for Funding Programs to be Carried out by Said Day Care Center acting on Behalf of the Town - Mayor

ITEM #3j Consider and Approve a Resolution Authorizing the Mayor to Enter into and Amend Contractual Instruments in the Name and on Behalf of the Wallingford Community Day Care Center with the Dept. of Social Services of the State of CT. for a Child Day Care Program - Mayor

ITEM #3k Consider and Approve a Resolution Permitting the Wallingford Day Care Center to Borrow from the Town Amounts Necessary to Meet Essential Operating Expenses of Said Day Care Center Prior to the Time its Program is Approved for Funding from the State of CT. - Mayor

ITEM #3l SET A PUBLIC HEARING for 2/26/02 at 8:15 P.M. to Consider Adoption of An Ordinance Appropriating Funds to Design a Denitrification System for Wallingford's Wastewater Treatment Plant and Authorizing the Issuance of Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowing for Such Purpose

ITEM #3m Consider and Approve Obtaining a Twenty-Foot (20') Wide Storm Drainage Easement and Grant Further Authority to Release the Existing Storm Drainage Easement at Such Time as the New Easement is in Place and Functional – Asst. Town Attorney

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, Items #3a-m, seconded by Ms. Doherty.

VOTE: Parisi was absent, all ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Bernadette Renda, 753 N. Main Street Ext. asked that Town Engineer, John Thompson, report out to the Council and public at a meeting in the near future, what the status is of the North Main Street road-widening project. Quite some time ago residents' properties were marked in relation to the project and nothing has transpired since that time.

Gary Linsley, 520 Ward Street, Extension stated that he has forwarded copies of two letters of correspondence pertaining to the Town and himself to the Town Council recently. One of the letters from the Town states that a meeting with department heads and Mr. Linsley will not take place without Mr. Linsley's attorney in attendance.

Mr. Linsley asked, under what authority or jurisdiction does the Town have the right to place such a stipulation upon him in order to meet with Town department heads?

Atty. Mantzaris replied, I am awaiting one response from your questions and then I will respond to you about the meeting that you are asking about. You will have a response when I get my other question answered.

Mr. Linsley asked his question once again.

Atty. Mantzaris answered, there isn't a statute that requires that.

Mr. Linsley asked, then why did you send me a letter saying that?

Atty. Mantzaris answered, that was the feeling of the (Public Utilities)Commission; that they would not meet with you without an attorney.

Mr. Linsley asked, under what authority?

Atty. Mantzaris stated, that was their feeling. They can require that; they don't even have to meet with you. I will respond to your questions as soon as I get one answer from Mr. Smith.

Mr. Linsley stated that there was an ethical violation made by the Public Utilities Commission (P.U.C.) and I want to make a complaint right now to the Council. The violation is that the PUC did something for an Assistant Principal in the Town of Wallingford School that they would not do for other residents. On the (audio)tape of that (PUC) meeting, they stated that even though the meter was correct and the gentleman had a problem with running water in his toilet, that they were, because he was an outstanding Wallingford citizen, were going to give

him something that they would not give me. That was a precedent that was set and I think that there should be fairness for everyone.

Vice Chairman Knight asked Mr. Linsley to wait for Atty. Mantzaris' response and then the matter will be taken up from there.

Mr. Linsley replied, that is precisely what was asked of him two months ago at a Town Council meeting; to wait and see what answers came forward.

Vice Chairman Knight pointed out to Mr. Linsley that his disagreement seems to be largely with the P.U.C., not with the Town Council.

Atty. Mantzaris stated, there will be a writing out of my office by Friday of this week.

Mr. Linsley asked, what about the ethics involved?

Vice Chairman Knight stated, we have an Ethics Commission if you prefer to put in a request that something that an officer of the Town did need to review, I am sure they would be happy to hear it.

Mr. Linsley stated, when an officer of the PUC takes his/her oath, he/she does it under the state standards; there are certain laws by which he must abide. In the situation where you favor one individual or another, that is not fair. I need some answers to that. This happens all over in the departments. Their answer is, "I'll get back to you." and nothing ever seems to take place.

Pasquale Melillo stated that he read an article which stated that a study was conducted which showed that diesel fumes from school buses are toxic.

Vice Chairman Knight pointed out that any follow-up to that study would most likely be conducted by the State Dept. of Health since it would impact all the children in the state and probably would need to be addressed from an emissions-standpoint with the D.E.P. the D.O.H. The State of CT. is the proper authority to follow up on this.

Richard Nunn, 45 Montowese Trail, Public Utilities Commission Member stated, I would like to make a statement for the record for the Commission. During the course of a given year, we probably have two dozen or more requests from various members of the public for consideration on electric, water or sewer bills. We take each of these cases on its individual merits, discuss them, get input from staff and at that time, make a decision as to how we should act on that and some of these items we turn over to the Town Attorney if something cannot be resolved to everyone's satisfaction. That is the process that we use.

Jack Agosta, 505 Church Street, Yalesville asked the Mayor what his plans are to improve the Town so that the prices of homes in Wallingford do not continue to escalate at the rate they have?

Mayor Dickinson replied that he did not have a plan. In a recent newspaper article, he referenced information which appeared in the Hartford Business Journal regarding the average sale price of homes. It appeared, to him, to be a high price for homes in this area but whether that reflects that there is a problem or not is another question. Anything that we would initiate would be subsequent to the budget process and a couple of other projects that are now getting full attention.

Mr. Melillo asked if anything new has developed regarding the ball fields for the kids in Wallingford? Ball fields develop good character and good constructive habits. We should try and get some big companies in Wallingford to pitch in and help us with this problem.

Mayor Dickinson stated, we are having the Engineering Department work on plans for little league fields because of the need to provide Wallingford little league with fields at Community Lake and at Vietnam Memorial Park. We have applied for funds and discussion has occurred with the State Health Department; plans are being developed. There is a process for review and decision-making that will include the State Health Department as well as our own Planning & Zoning Commission. It is in process but it takes time.

Gary Linsley, 520 Ward Street Ext., rebutted Mr. Nunn's statements and asked the Town Council to listen to the audiotapes of the November 18, 2001 P.U.C. meeting. He stated that Mr. Nunn came up to the microphone this evening and made a statement that Mr. Linsley believes to be totally false. Mr. Nunn gave the wrong impression; that everyone is treated equally. Mr. Linsley believes that there is a serious ethics violation and a serious discrepancy in what Mr. Nunn stated took place and what the audiotape will prove. He suggested that the tape be brought to Council Chambers to be listened to so that the Town of Wallingford will understand what is going on.

Vice Chairman Knight stated that he did not wish to enter into a debate between different speakers this evening. He stated that we are here for Public Question and Answer Period.

Mr. Linsley replied, I am rebutting what Mr. Nunn just came here to state. He came here as a member of the P.U.C., so he stated, and he made a false statement as far as I am concerned. I believe the easiest way to settle this... is to put the (audio)tape on there and listen to it and the entire Town can hear what goes on at these meetings. This meeting was strictly a one-sided deal; a person walks in off the street; explains to the Town P.U.C. that they work for the Town as an Assistant Principal and, without even with the meter being incorrect and admitting there is a problem, two individuals; Mr. Gessert and Mr. Nunn, took it upon themselves to give an immediate; he just stated that he only goes through...rights and all this, that's absolute.

nonsense. If you want to listen to the tape, we will find out who is right and who is wrong and then I think maybe Mr. Nunn and Mr. Gessert should resign immediately for serious ethics violations; serious.

Mr. Linsley went on to address the revaluation program and the letter he sent to the Council regarding the matter. That letter stated very simply that the things that went on during revaluation are serious and I think you should know about it. There are some commercial properties in town, here; a whole bunch of commercial properties and if you want to sit down afterwards and have a discussion as to which ones, the properties, apparently weren't inspected. If they were inspected nobody could say that a building that is 175' long is one floor when it is two floors if it was inspected. Nobody can miss a brand new building that wasn't even on a permit, unless you went there and looked at it, o.k.? There are certain things that are very common sense so, apparently, a lot of these inspectors either didn't even look at the property or had their hand out to compensation; one or the other; it is common sense. One of the two things took place. You tell me which one?

Vice Chairman Knight asked, have you brought this to the attention of the Assessor?

Mr. Linsley answered, of course.

Vice Chairman Knight stated, I assume he is going to respond.

Mr. Linsley answered, no, I presume that he just shrugged his shoulders and says, "I'll get back to you."

Vice Chairman Knight asked, but he did say that he would get back to you, did he not?

Mr. Linsley replied, but this has been going on for a year. Do you understand? The only reason I am here; I don't like coming in front of these cameras. I am not a talker; a speaker. I come here because I think this is the only way we are going to get anything resolved. I have gone through the procedures; gone through them; wrote them letters; I have done everything I can think of to keep it within the department that it is supposed to be. I am here because the department won't do anything and I think it is your responsibility, representing the townspeople...you should know what is going on and then take some kind of action or at least check into it. Now that you know, what are we going to do to check into it?

Mayor Dickinson replied, it is really an administrative matter, Mr. Linsley. The process for revaluation involves the inspection of property, it then involves the right of the property owner to notify the company that you don't agree with the results. A meeting could have been scheduled or was scheduled. If there is still disagreement, then it is appealed to the Assessment Appeals Board. The Assessor, unless there is error found somewhere in the process, is duty bound to follow what values are appropriately assigned to the property in question. Each

property was to be inspected. Was your property inspected? That meant you had to allow someone entry to the property.

Mr. Linsley answered, no, my property was not inspected. Do you want to know why? Because nine and one-half months after they started the inspection, those chosen (to inspect) were not even checked to see if they had a criminal history and that was part of the bid contract. Now what's your answer now that you understand there is a situation involved here?

Mayor Dickinson stated, Mr. Linsley, the fact of the matter is, your property was not inspected because you did not allow entry to the property by the appraisers.

Mr. Linsley answered, no. They are not appraisers, they are data collectors, get it right; they are not appraisers, but data collectors and they did not have their background checked out.

Mayor Dickinson commented, the representatives for Vision (Appraisal Service) were not allowed entry to your property. Right there we do not have a situation where there is a great flow of information between the parties. You object to what they found as a value. You have the freedom to appeal that.

Mr. Linsley replied, we are not talking about that. We are talking about the fairness throughout the system.

Mayor Dickinson replied, we cannot address that without addressing your particular circumstance. Whether there is unfairness with regard to any other property, that will be the duty of each of the owners of those other properties.

Mr. Linsley stated, when it is brought to your attention and the attorneys' attention that there is something going on out there, you are duty bound to represent the people of the Town of Wallingford. If you are missing things out there, you are missing a tax base which, in effect, makes everyone else's taxes higher. My suggestion is that when it is brought to your attention, you do something about it.

Mayor Dickinson stated, we review the information you submitted and make our judgment on that. You certainly should, if you disagree with the appraisal on your property, then appeal it to the Appeals Board.

Mr. Linsley replied, I have done that but that still has not answered my question. Adam (Mantzaris) has known about it for about a year and one-half and everything gets put off, put off, put off, put off. If you want to sit down after this meeting and discuss the pieces of property out there either wasn't checked or someone took a hand-off to change the numbers on it. You tell me which? There is no way on earth you can have it both ways.

Atty. Mantzaris answered, we have been investigating Mr. Linsley's complaints about the assessment for a better part of a year now with the Assessor and Vision Appraisal staff and although we have asked for specific items of complaint from Mr. Linsley, besides the generalizations that he is talking about right now and we have never gotten anything specific from Mr. Linsley.

Mr. Linsley replied, you went out and inspected a piece of property on _____ and you found a building that wasn't even there. That building is not even on the assessment.

Atty. Mantzaris stated, that is not really finished. We have looked into everything that he has talked about and we are going on maybe two years now but certainly for the past year on the assessment and we have requested specific information about his complaints; he hasn't come forward with any so he has made these general complaints to my office, to the Assessor and tonight, to this body. Anybody can come up here and make those statements. We need some information before we can do anything. We cannot operate on general statement of claimed irregularity.

Vice Chairman Knight stated, you (Mr. Linsley) have to provide some specifics.

Mr. Linsley answered, I did. He (Atty. Mantzaris) went out and inspected it himself, did you or did you not?

Atty. Mantzaris answered, there was one specific, I investigated it and what he said was accurate and we took care of it. It involved the Building Department, not the Assessor's Office.

Mr. Linsley asked, so then why isn't on the new assessment if you took care of it?

Atty. Mantzaris answered, I don't have the answer to that question.

Vice Chairman Knight replied, we will follow up on that particular question and let's leave it at that. We are about done with Public Question and Answer period at this time anyway. Atty. Mantzaris will follow up on two things and if that isn't forthcoming, please come back to us. You have had a fair amount of time up here and the question and answer period is now over.

Mr. Linsley replied, I am here because this is the final situation. It doesn't get taken care of when I follow the normal procedure.

Vice Chairman Knight replied, we do understand; I hear what you are saying but I am saying that, right now, we are going to move on. We have set somewhat of an agenda on this item of yours and let's work through it that way.

Vice Chairman Knight answered, If I don't hear anything between now and the next meeting, I will be back.

Public Question and Answer Period was declared closed.

ITEM #6 Consider and Approve Confirming One (1) Mayoral Appointment to the Personnel Pension Appeals Board for a Five (5) Year Term to Expire December 31, 2006 – Mayor

Motion was made by Mr. Rys to Appoint Matthew Furman to the Position, seconded by Mr. Toman.

Ms. Papale asked, whose place with Mr. Furhman be taking?

Mayor Dickinson replied, Mr. Foster has resigned, he chooses not to continue. He provided many years of very good service.

VOTE: Parisi was absent; all ayes; motion duly carried.

Town Clerk Rosemary A. Rascati performed the Swearing In Ceremony for Mr. Furhman at this time.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$7,833 from one Ton Crew Cab Acct. #001-5015-999-9185 and \$2,446 from Bulldozer Acct. #001-5015-999-9134 for a Total of \$10,279 to Purchase Services – Custodial Services Acct. #001-5015-901-9014 – Public Works

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

Correspondence from Director of Public Works, Henry McCully, explains that there was a miscalculation of the F.Y. 01-02 budget for custodial services at the new senior center that will result in a shortfall of funds. The additional square footage of the new building was calculated at \$1.17 per sq. ft. instead of \$1.70 per sq. ft.

A question was raised by Mr. Vumbaco as to why there was a surplus of dollars in the capital accounts from which the funds were being transferred? How were the original budget figures for the capital items arrived at?

Mr. McCully answered, funds remain in the account because the equipment was purchased at a lower price than anticipated, thereby resulting in a savings. The original budgeted amount was based on quotes obtained from various vendors on the equipment while preparing the budget. We spec the equipment that we are in need of "or equal" and the vendors submit their bids. The lowest qualified bid was less than what we budgeted to spend.

Mr. Brodinsky asked, if we do not transfer the funds into the custodial services account, will that account be exhausted and, if so, by what date?

Mr. McCully answered, they will probably be exhausted some time in April.

Mr. Brodinsky asked, how much is in the accounts that are the source of the transfer?

Vice Chairman Knight replied, \$2,619.00 for the Bulldozer Account. I see an unapplied balance of \$7,834.00 in the One Ton Crew Cab Account. There is an unexpended \$79,000 balance in the account but that is encumbered for the amount of the bid.

Mr. Brodinsky asked, the total amount that is going to go into the Custodial Services account; that is going to go over budget only by the amount of this particular transfer?

Mr. McCully answered, yes, that is a contractual amount.

Mr. Brodinsky asked, will there be another request for another transfer?

Mr. McCully answered, no.

VOTE: Parisi was absent; all ayes; motion duly carried.

Vice Chairman Knight passed over Item #8 until such time as Parks & Recreation Director, Tom Dooley arrived at the meeting. Mr. Dooley sent word ahead that he would be detained due to a prior commitment and would arrive late.

ITEM #9 Consider and Approve a Request to Name a Road in a Newly-Approved Subdivision Lendler Lane – Mayor

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

VOTE: Parisi was absent; Toman, nay; all others, aye; motion duly carried.

Ms. Papale stated that she would very much like to see the new road named after Atty. Lendler. She recalled how active Mr. Lendler was in the Town, not only in his law practice but he did many, many things for the Town and she would appreciate it if the street were named Lendler Lane.

Mr. Farrell concurred, stating that he knew Ted (Lendler) the last couple of years of his practice and thought well of him as an attorney. By coincidence he shared a legal/paralegal, Mrs. Catherine Norie was his paralegal for many years and now she is mine. She always remarks on what a heart of gold Ted had; that he did many things for the town and for people in the

community and really got no credit for it. Now that is the standard that she holds me to. I echo her comments that Ted is an appropriate person for which to name a street after.

Mr. Toman stated, I intend to live on Lendler Lane, if that is the name of it. I think that the Council should stay with the list of approved street names, by and large. I know last year, at the end of the year you deviated from that when a street was named after the late Mayor Carini, a man who dedicated a lot of time in his life to top service. I think, however, you set a precedent here and I hear what is being said about the contributions of Mr. Lendler but I think you are setting precedent here since you do have an approved Town Council list and on that list, as I am looking at that list now, you have for example, founding families of Wallingford. When you think about the history of Wallingford; think back a couple of hundred years, how difficult it was for those families to establish what we have here, today. I think you have several dozen names that could be considered and, according to the correspondence I am reading, the justification apart from what I have heard tonight, is that the individual was a co-property owner and I don't think that should be just justification, I have heard other justifications currently. But I would urge the Council to stay with the names. Perhaps we should solicit names from individuals, council members, charities in town, civic groups, people in the past who have also contributed greatly to the Town and the list be expanded. But I suggest that, for now, we keep to the names on the list and I would focus our attention on the founding families of Wallingford.

Ms. Papale commented, I would be the first one not to want to set a precedent but, in this case, I just feel a little different and sometimes precedents have to be put aside. Not only was Mr. Lendler a co-property owner, he worked so many hours in that building where Lendler Lane will hopefully exist and I understand about precedent but sometimes things have to be different and I would hope that people on this Council would... I would love to have seen Teddy Lendler Lane. I think Lendler Lane would be an excellent choice for that area.

Mr. Brodinsky stated that he was somewhat concerned about the usefulness of the list of approved names that we have. If, when a worthy cause or individual, or name, such as Mr. Lendler is comes up that we make an exception to it. I think Lendler Lane is a fine name and Mr. Lendler is a fine guy... I have the utmost respect for him. This is not about Mr. Lendler. The purpose of the list, I thought, was so that we wouldn't have to have this discussion and put someone in issue. The Town might be better served by doing away with the list and whoever owns the property has the right to submit a name. I know there are arguments against that but, in looking over the list, Lendler would be a great name. We all know Mr. Lendler but Quesaquach Road, if I am pronouncing it right; or Sawseunck Rd. is a good name; there are a lot of other names. Again, I am concerned now that our list and the rationale for the list is being eroded and maybe we ought to re-examine whether or not we need a list. I am going to vote for this in any event. I just want to draw on the question of the usefulness of the list.

Mr. Farrell stated, I think Mr. Brodinsky is misstating what the policy is. The policy is not that the list is exclusive. The policy is that one has to come to the Council if one is not picking off

of the list. Mr. Geremia has done the right thing by coming to the Council and asking ahead of time because the rule is, you either get permission or use the list. He has gone through the proper procedures and I don't think there is any faulting him or faulting the procedure.

Mr. Brodinsky stated, I was not finding fault with anybody or any individual, nor was I criticizing anything or anybody. I was questioning the wisdom of a list and suggesting that, at some point, maybe we need to re-examine the rationale for the list. No one is saying that someone is not doing the right thing. It is the right thing to come in front of the Council, I commend you for it, I am going to vote for this. I am looking at a broader public policy and that is the need and usefulness of the list because I don't think it is always in the Town's best interest to have this debate when a name comes up that is not on the list.

Mr. Farrell replied, not to get into a debate but, it was the subject of many Planning & Zoning/Town Council Liaison Meetings that this was the procedure that the Planning & Zoning Commission largely requested that we adopt; that they wanted a list that names could be chosen off of or else there had to be some type of procedure that someone with a unique name that they wanted could come to the Council and that is what Mr. Geremia has done.

Brian Geremia, 21 Turnberry Road stated, Mr. Lendler was a big part of Wallingford and I thought it was a good idea to honor him by naming the street Lendler Lane.

Bernadette Renda, 753 N. Main Street Ext., stated that Ted Lendler, years ago, was her and her husband's landlord before they purchased their home. Mr. Lendler was a very interesting man; very pleasant to deal with as a landlord. Many times when something went wrong, he was there the next morning and if he wasn't there the next morning he would leave a note or message with his secretary telling us when he would get there. I think this would be a great honor to have this named after him since that building in front was his office. It would be a great pleasure for his family and anyone else who knew him to know the street is named after him. I hope you do vote in favor of naming the street Lendler Lane.

VOTE: Parisi was absent; Brodinsky, nay; all others, aye; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$5,100 from Transportation Equipment Acct. #433-9012-392 to New Meters Acct. #433-9012-346 -Water Division

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

Mr. Brodinsky asked, if we don't transfer the funds are you going to run out of money in this account and, if so, when?

Roger Dann, General Manager of the Water & Sewer Divisions answered, it is less a matter of running out of money than it is running out of meters. We have utilized the bulk of the funds that were budgeted to purchase the new meters and those are in inventory status. As we draw those out for the purposes of new installations or for the testing program we are depleting our inventory. We would prefer not to get into a situation where we have any unmetered services because we simply do not have the meters in stock.

Mr. Brodinsky asked, so the consequences of not transferring the money would be what?

Mr. Dann answered, we would be unable to install meters in some installations, assuming that we would fully exhaust our inventory.

Mr. Brodinsky asked, when would that exhaustion of funds happen?

Mr. Dann answered, I couldn't give a projection on that. It is dependent upon when new buildings are available and ready for meter installations. Presumably that activity will pick up as we go into the spring so, in the later part of the spring.

Mr. Brodinsky asked, you don't need the infusion of funds into this account now or for the next 30 or 60 days; this is sort of a pre-emptive strike?

Mr. Dann answered, that is probably correct.

Mr. Brodinsky asked, are you able to keep your eye on this account so that if you get within 30 days of exhaustion, you would be able to tell us?

Mr. Dann answered, presumably, yes.

Mr. Brodinsky stated, I will vote against this. It seems somewhat premature. If you need the money, you'll get it, we'll transfer it. I guess you don't need it now and that suggests that you may not need it until the end of the year. Am I wrong?

Mr. Dann answered, we will need the meters at some point in time. Whether we purchase them now or we wait until we have an imminent problem and purchase them I suppose is up for some discussion. My preference at this point is to make sure that we have an adequate supply to meet our anticipated needs.

Mr. Brodinsky stated, I want to avoid imminent problems and no one is suggesting that you get into an imminent situation, that is why I suggest that within 30 days you could tell us that you need the money and then you get it. It is a matter of timing. You're coming now sort of looking way ahead and how far ahead you are not sure.

Mr. Dann answered, end of the year.

Mr. Vumbaco asked, what is the inventory balance; numbers of meters?

Mr. Dann answered, I don't believe I have that number with me this evening. I can give you a call and let you know what it is.

Mr. Vumbaco asked, what is your safety net?

Mr. Dann answered, we don't have an established safety net. What we have done, and this has come about at this time in part because we are in the process of preparing our budget for next year. At that point in time we are looking at what our needs will be next year. Part of that is, how many meters do we need anticipate we will need for the various functions of the department and what do we have in inventory at this point in time. I don't recollect that number but I would be more than happy to give you a call if that is important.

Mr. Vumbaco stated, there is a dual purpose to this request; you are looking ahead to next year and seeing that you had some extremely favorable pricings you are going to have some favorable variances to your accounts and you are trying to use some of that this year to build your inventory back up so you don't have to budget for it next year. It is also a budgeting technique. What is your balance in your transportation equipment account after your favorable pricing?

Mr. Dann answered, I believe it was on the order of \$7,600.

Ms. Doherty asked for a brief explanation of the water meter requirements for the new installations and the routine testing program.

Mr. Dann explained, when a new home is constructed, the first time the water service is activated, there is a need to install a meter. We need to take a meter from our inventory and install it in that house. There are a certain number of those every year, probably an average of 200 per year of those types of installations that we have to make. The meter testing program revolves around meters that have been in service for a number of years and our target for a residential meter is about an eight year cycle where we go out and remove the existing meter, replace it with a new meter which has been tested and shown to be accurate, bring the old meter back and then we go through a testing process to determine whether or not that meter can be re-used or scrapped and replaced.

Mr. Vumbaco stated, in reading through the Planning & Zoning report last year and they only approved twelve housing applications. If you are using 200 per year are they mostly replacement then on average? There is not a whole lot of construction going on in the Town of Wallingford right now, either commercial, residential or industrial that we are going to need a lot of meters. What is the proportion? Is it mostly replacement during your process?

Mr. Dann answered, it is probably equal. Even though the activity may have been slowed, there is still a significant backlog of buildings that were approved in prior years that are now becoming ready for building, construction and metering purposes. You cannot go strictly on what was approved. Presumably, a low number of approvals this year should lead us to a reduction in the future at some point.

VOTE: Parisi was absent; Brodinsky, nay; all others, aye; motion duly carried.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$20,000 from Chemical Expenses Acct. #433-8640-641 and \$12,500 from Outside Services Acct. #433-8920-923 for a Total of \$32,500 to Distribution Reservoirs and Standpipes Acct. #433-9012-342 – Water Division

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

These funds are being requested to install an electronically-operated gate in conjunction with video and voice communication systems at the water treatment plant.

Mr. Vumbaco referred to a passage of Mr. Dann's correspondence to the Council which states that there are surplus funds in outside services account "due to the delay in the initiation of Water & Sewer bill collection". He asked, what is the delay; what has caused the delay; why is there a delay and will it be budgeted for next year?

Mr. Dann replied, the intent was that the Water & Sewer bill collections that are currently handled in this building, Town Hall, and has historically been handled by the Electric Division would be, instead, handled by the Tax Department. Consistent with that, when this year's budget was prepared, a proportionate charge was determined for the provision of that service by the Tax Department. The implementation of the software related to the ability to perform that function at the Tax Office has been somewhat delayed. To the extent that it was budgeted but hasn't occurred, the funds are now available in that account. I am anticipating that, once again, the projection is that that function will be assumed by the Tax Office as we will budget for that. The "Outside Services" are really proportionate charges; charges we pay over for services that various Town departments extend to the Water & Sewer Departments.

Mr. Toman asked, is the \$32,000 the cost for the gate?

David Gessert, PUC Commissioner replied, I believe it is the cost of the gate, video; everything.

Mr. Dann added, that is giving myself a little bit of leeway over the quotation that we had. That cost involves a gate with an electric operator. We need to get the electrical service to that point.

We need the video camera; cabling to get from that site back to the treatment plant and the associated wiring so that the operator can actually operate the gate from a remote location.

Mr. Toman stated that he is beginning to understand a figure he heard the other day in the press; that the Sept. 11th incident is going to cost this country between \$150-200 billion and this is part of it.

Vice Chairman Knight asked, when do you anticipate installation?

Mr. Dann answered, the earliest would be late springtime.

Frank Wasilewski, 57 North Orchard Street pointed out that something needs to be done to protect the water supply, not just the treatment plant.

VOTE: Parisi was absent; all ayes; motion duly carried.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$2,500 from Custodial Services Acct. #001-4001-901-9014 to Pickup Truck Acct. #001-4001-999-9905 – Parks & Recreation

Motion was made by Mr. Rys, seconded by Ms. Doherty.

Mr. Rys explained, the Park & Rec. Department's 1989 Nissan pickup truck is rusted and has been assessed by the Public Works garage as probably not fit for the road any longer. In addition to that, the department has a 1987 Dodge Pickup truck that is in need of repair to the tune of approximately \$100.

Director of Parks & Recreation, Tom Dooley, learned that there was a used pickup truck valued at \$2,500 available from the utilities division and is very much interested in purchasing it, hence the request for the transfer of funds.

Mr. Dooley explained, we have been utilizing three trucks over the course of the last eight to ten years. Our oldest two trucks are basically dead. We were able to bring back the 1992 vehicle but we were told we may only get another couple of years out of it, if we drive it gingerly.

Mr. Rys asked, is this something that is being done on paper for accounting reasons? Why can't we just take the vehicle and give it to you?

Mr. Dooley explained, the utility was going to trade the vehicle in on a purchase and the funds would be used to offset the cost of the purchase.

Mayor Dickinson stated, the utility needs the funds are part of the trade-in. In addition, we try to have the enterprise funds stand alone. In this instance it would be a subsidy of general government giving money or value into general government from the utility with the utility rates than making up the difference in order to buy another vehicle. In order to keep it separate, there should be this recognition of value exchanged and have general government pay for that value then the value of the vehicle is still within the utility for purchase of a new vehicle and the records reflected one entity is not subsidizing the other and either having tax rates fictitiously low or water/sewer rates fictitiously low. The effort is to be consistent about having rates, especially the utility rates properly show what the expenses are in the level of revenue necessary in order to operate the utility. Keep in mind that we are dealing with two separate revenue sources here; taxes on general government and the water/sewer rates of the utility. It is not as if it is a sharing of equipment between the Recreation Department and Public Works or the Fire Department and Public Works. They are both funded through the tax rate. You have two different rates involved here so that the operations of water/sewer should be funded by the water/sewer rate.

Mr. Rys asked, what year vehicle is it?

Mr. Dann answered, 1996.

Mr. Rys asked, you were going to get \$2,500 for it as a trade-in?

Mr. Dann answered, the trade-in value offered was \$2,500.

Mr. Vumbaco asked, will this replace the Nissan and will you still end up with three trucks; this one, the Dodge and your other pickup?

Mr. Dooley answered, yes, for as long as we can make it last.

Mr. Vumbaco stated, the Custodial Services account was budgeted for \$7,000 this year and we are seven months into the budget with only 15% of the budgeted amount gone. Why?

Mr. Dooley answered, we haven't used the Sheehan High School auditorium as much as we have in the past. We have had Community Theatre productions which eats up close to \$8,000 to \$10,000 with rehearsals. We use that account primarily for the use of the elementary schools for basketball practices; use of the Sheehan auditorium and/or gymnasium; custodial services for the pool and for maintaining and utilizing the Board of Ed fields in the summer. Will there be a reduction in the budgeted amount next year? I doubt it.

Mr. Vumbaco asked, why isn't the usage there this year?

Mr. Dooley answered, we did not have a Community Theatre production this year due to lack of interest.

VOTE: Parisi was absent; all ayes; motion duly carried.

ITEM #12 Consider and Approve a Budget Amendment in the Amount of \$45,000 Increasing Source of Funds – Appropriation of Cash for Rate Stabilization and Increasing Maintenance Sewer Treatment Equipment Acct. #461-8640-652 – Sewer Division

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

Mr. Dann stated, over the past decade the CT. D.E.P. has been looking at water quality conditions and Long Island Sound. The specific concern is low dissolved oxygen levels that occur during certain times of the year and, based upon their research, they associate those conditions with an excess quantity of nitrogen which finds its way into the Sound from a variety of sources, some of which are point sources such as the discharge from the wastewater treatment facilities and some of it from just normal non-point sources; run-off from the ground and things such as that. Having identified that particular problem, the D.E.P. has gone through a process to create permits which do limit the quantity of nitrogen which any wastewater facility in the state is allowed to discharge into their receiving stream. That permitting process actually came to closure right around the first of this year. There is now a general permit in place which applies to all facilities in the state and which establishes for each facility a nitrogen limit for each of the next five years, specifically, then a long term limit for the year 2014. The expectation is, between 2006 and 2014, additional limits will be placed on the facilities, predicated upon what progress has been made in the state to that point in time. This is something that we have been aware of for a number of years and we had started looking at back in 1996/97 timeframe. We looked at what could be done inexpensively to operate the existing facilities in a different manner to accomplish a certain amount of nitrogen reduction. We experimented with the facility somewhat and we are not able to come up with a successful approach at that time. We subsequently hired a consulting engineer and got a state grant to pay the cost of that, to study the various options that we had for both short and long term accomplishment of nitrogen removal consistent with meeting the anticipated permit limits. That work was completed back in the spring of 2001 and made specific recommendations as to what the most cost-effective approach for us to take would be and it involved a combination of those things; partially a re-use of certain parts of the facility and partially the addition of additional facilities. We have since that time been conducting some pilot study work in the facility utilizing equipment that we had already in our possession to verify that the concept that was put forward was, in fact, workable. We found that that has been successful and so at this point in time we are actually looking to proceed along two paths; one is to proceed with the actual project work and to that end we have put out to bid for consulting services for design and construction phase management of the denitrification project. That will be the subject of the funding ordinance for which the public hearing was established for the next meeting. That

project, if it follows the schedule that we anticipate would not bring the facility fully on line until probably the middle of 2005. In the interim we have a permit to comply with but we don't have the long term facilities available to us. One option is to do nothing and simply go out and pay the state for credits to offset the amount of nitrogen that we are over our allowable limit. One of the aspects of this permitting program is that for any given facility you have an option; you can either build facilities and remove nitrogen yourself to meet your permit limits, or you can buy credits which represent the amount of excess removal that other facilities in the state may have been able to achieve during the course of the year. There will be a credit trading bank established and run by the state and you can go there at the end of the year and purchase the amount of credits that you need to be in permit compliance. Based on our assessment of this, we don't feel that for Wallingford, the purchase of credits is the cost-effective approach to take either on the short term or the long term. This transfer in front of you attempts to take the pilot study that we have been performing for a little over six months now successfully and scale it up to the extent that we can, given the constraints of the existing facility and attempt to get rid of as much nitrogen as possible and possibly even be in compliance for a year or two with the new permit limits, certainly to the extent possible to minimize our necessity for purchasing credits so this is geared toward keeping our cost of operation to a minimum while we proceed with the overall project.

Mr. Brodinsky asked, if we spend this money, as I understand it this is kind of a band-aid pending a long term permanent solution, am I right?

Mr. Dann answered, that is a correct statement.

Mr. Brodinsky stated, does there come a time where the expenditure of the \$45,000 or what we are able to buy with the \$45,000 becomes now obsolete?

Mr. Dann answered, yes, at the point where the new facility is going to be brought on line, this equipment will, in fact, then no longer be.

Mr. Brodinsky asked, approximately when will that happen?

Mr. Dann answered, we are anticipating the project to be complete around the middle of 2005 however, one of the hopes I have is that, during the construction of the new facility, it can be phased such that part of the operation can be brought on line sooner. The part that I hope will be brought on line sooner would be the part that replaces these facilities but I don't have a time line and I can't say if it is brought on line sooner it probably wouldn't be more than six months sooner.

Mr. Brodinsky asked, about what will the total cost of the facility be to take nitrogen out of the effluent?

Mr. Dann answered, the Engineering study that was done developed a total project cost of about \$4.5 million and I give you that number but I am trying to make sure you understand that's a very preliminary estimate based upon a conceptual design. As we get into a much more detailed design, that number may go up or down, depending on what we find.

Mr. Brodinsky asked, how much would Wallingford have to pay the State of CT. to buy these credits if we didn't spend the \$45,000?

Mr. Dann answered, the State has not yet established an actual value but the numbers that are being tossed about and are probably fairly close to somewhere in the range of \$2.50 per pound of nitrogen that you have to buy. Is this something that has a relatively short payback? The answer is, yes. I believe that the payback on this investment will be in less than a year and, therefore, a net gain overall given that we would otherwise be purchasing credits for many years. Even though we would have to purchase credits, what ever we can remove this way, will be cost-effective.

Mr. Brodinsky asked, when were you first alerted to these requirements for lower nitrogen emissions, how long ago?

Mr. Dann answered, the state started familiarizing the municipalities with the general direction back in the mid '90s timeframe. They held some informational sessions along the way but that was still very much conceptual and we didn't feel that we could really move forward until there was a little more definite information as to where the state was going; what were the actual levels that they were going to be looking for; was there going to be a nitrogen credit trading program; the real meat and bones of this thing had to be developed in order for us to have a clear idea how to go forward. I think we reached that point about two years ago and that is when we began pursuing the Engineering study. The study was completed in March of 2001 and I recollect that it was about a six month project, it was started in the Fall of 2000.

Mr. Gessert added, prior to this latest budget crunch in Hartford, there was indication down the road that there might be some funds available for these types of projects. Those companies or towns or municipalities that have developed the plans and are working on them and are ready to go will probably be first in line to put applications. If there is an opportunity, the fact that we are moving ahead now, if funding becomes available, we will be in a position to try and seek some, that is our intention.

Mr. Vumbaco stated, I talked with Paul Stacy today at the D.E.P. and he had some very good things to say about you, Roger. He had told me that they are looking at a cost of about \$1.00 per pound for credits right now on this trading and it is going to go up to a maximum of about \$5.00 years down the road but they are trying to keep it within that range because when they develop this trading, the trading purchasing is similar to what is done with air quality, they did it because they considered it a very economical, low-cost way for municipalities to comply with

the rules and new regulation, specifically because you have a lot of power or water plants dumping into Long Island Sound along the coast that cleaned up a lot, over and above what they are supposed to do by the regulation. The credits, therefore, are being sold by them; the state is acting as a mixing house. When you send a check to the state, the state turns around and sends the check back to the municipality that has cleaned up the water. If it is \$1.00 vs. \$2.50, that changes your payback calculation.

Mr. Dann agreed. He stated that he had not heard the \$1.00 fee.

Mr. Vumbaco stated that he had met with Mr. Stacey, today, and that is the information he was given. He asked, what is the poundage per day that you are required to remove this year, that you are using in your calculation for the payback?

Mr. Dann answered, for the year 2002, in order to be in compliance based on the average of the prior two years actuals vs. permit limits, we would have to remove approximately 173lbs. per day.

Mr. Vumbaco asked, where are we at right now?

Mr. Dann answered, before the pilot work was begun, we were averaging about 710lbs. per day. The pilot that we have been operating, has reduced that on the order of about 14%, based on only about six months of data. It is still a little early to tell but it has been in that range. In order to get to the permit limits that we have, we need to get a 25% reduction. We need to get these facilities installed and operating. Every month that goes by right now, we then have to remove all that much more at the end of the year in order to get the annual load to be what they would like to see.

Mr. Vumbaco asked, if that 173lbs. per day were based on \$1.00 per lb. Vs. \$2.50 per lb., we are talking about less than one year to two and one-half years, depending on what the credit cost is going to be. When are the new facilities going to be online?

Mr. Dann answered, we are looking at mid 2005. Even with those numbers, the payback would be extended and but it would still be worth it.

Mr. Vumbaco agreed, the payback is still worth doing it, the investment of the \$45,000 because you are not going to be online for another three years and even if payback is not for another two years, you are still ahead of the game.

Mr. Dann stated, there is definite uncertainty as to what those numbers are...it is kind of anybody's guess as to how this whole nitrogen board go about ultimately setting the dollar value. It is supposed to be predicated upon the actual operating cost of the facilities most

recently constructed in any given year. Progressively, as more and more expensive facilities are constructed, that price is expected to continue to rise each year.

Mr. Vumbaco concurred but stated, it is best to err on the low end instead of the high end because then the payback for your calculations purposes makes....being very conservative.

Mr. Dann repeated, I would have used that number except I have not heard that number.

Mr. Toman asked, if you don't hit these annual guidelines the authorities are setting up for you, are there heavy fines?

Mr. Dann answered, the only way you would be in permit violation would be if you did not, at the end of the year, go out and purchase the necessary credits to be in compliance. As long as you have purchased the credits, you're o.k., but if you do neither, build facilities to stay under your limit or purchase the credits, then you are going to have permit non-compliance and then you would be subjected to fines and consent orders, etc.

Mr. Gessert: You will pay one way or another.

Vice Chairman Knight commented, you have been telling us about this impending regulation for at least five years, Roger. I remember the first time I toured the plant as a new Councilor. You had said that at some time, some day, there is going to be regulations with regard to the discharge of nitrogen. I applaud your impressions in that regard but also I just wanted to note that you were on top of your game when it came to this.

Robert Sheehan, 11 Cooper Ave. asked if money for stabilizing the rates and maintenance of sewer equipment is money from the same account? How much of that \$45,000 is going to keeping the rates stable?

Mr. Dann answered, the money that is being brought in is being appropriated from cash of the division. The title of "rate stabilization" has been utilized over the years because that is where we have been able to bring money in as needed to maintain the sewer rates at a constant level over about the last eight years. To the extent that we have had a need to do that in various years, we have done it. In the current year, prior to this there was very little that had been appropriated for that purpose. We are only slightly above \$45,000 in the current year's budget with this appropriation. It is stabilizing the rate to the extent that we are utilizing the cash reserves of the division in lieu of increasing the rate to generate that same \$45,000.

Mr. Sheehan asked, in the new budget is there an allotment for rate stabilization or can we expect an increase in the Water & Sewer rates?

Mr. Dann answered, we are not through the budget process at this point so it is kind of premature for me to indicate whether there will or will not be. We would be in a better position to give an answer after we have gotten further through the budget process.

Pasquale Melillo, 15 Haller Place, Yalesville asked if factories are mandated by regulations relative to how much nitrogen they can emit?

Mr. Dann answered, for industrial facilities that have a wastewater discharge, they are subject to the same regulation that the municipal facilities are. This is strictly a water barn discharge that is being regulated. The one difference is that I don't believe the industrial facilities have access to the nitrogen credit trading program the way that the municipal entities do.

Mr. Melillo asked about federal regulations.

Mr. Dann explained, the state's regulation is driven by the federal regulation.

VOTE: Parisi was absent; all ayes; motion duly carried.

ITEM #13b Report Out from the Public Utilities Commission and Possible Action regarding Emissions of nitrogen, if any, into the Quinnipiac River

Mr. Vumbaco stated, a great deal of information regarding this report out was covered in the last item. It is not just CT. but New York also that is carrying even a bigger brunt of this clean up cost where I think the D.E.P. is stating that it could be anywhere from \$2-5 billion to clean up over the next 13 or 15 years. The State of CT. is going to probably be expected to share in the \$700 to \$900 million range. You can imagine what New York City is facing right now to clean up the (Long Island) Sound. It affects the fisheries and everything else. The oxygen is being consumed by the nitrogen-growing weeds that are in the Sound. Mr. Stacy told me that it was around the mid '90s when they started letting everyone know that had municipal sewer treatment plants that this was coming down the line...when did our sewer plant come on line, the new one?

Mr. Dann answered, late '80s time frame.

Mr. Vumbaco asked, was there any preliminary indication or planning done for this at all?

Mr. Dann answered, no. That was not on the horizon at that time. If you look at that facility, the planning for it was being done in the early '80s. The facilities that have been upgraded recently have had nitrogen removal incorporated into the projects but those are the projects that have really begun after this received a priority from the D.E.P.

Mr. Vumbaco stated, according to the newspaper, Cheshire's anticipated costs to clean up will be approximately \$2 million. Why is that?

Mr. Dann answered, each facility is different and the loading for each one is different. It is predicated on where you were at a moment in time and then a reduction from that level. To the extent that they have a smaller facility with somewhat different operating parameters, their limits are different than ours. Everybody's reduction from where they were to where they have to be should be equalized. The cost really vary from one facility to another. In part, that is why I think the nitrogen credit trading program makes a lot of sense. It encourages people to build the facilities that are cost-effective but does not force somebody who may have a very ineffective, costly facility to construct that facility if it is in their best interest, instead, to buy credits because somebody else, at a more cost-effective site is able to do the job for them. Our facility is different than Cheshire's. Ours is unique in that it has the rotating, biological contactors. There are very few facilities that have that method of b.o.d. and nitrification and that makes us somewhat unique and our project somewhat unique. I think, really what we are doing is likely to be something that is sort of breaks some ground for other facilities nationwide that is going to be facing the same sort of thing. We did an extensive search for a facility like ours and really were not able to come up with many, certainly at our scale, that are doing this type of work.

Mr. Vumbaco stated, you made the statement that the decision of the consultants and your organization decided that the purchase of the credits was not cost-effective therefore we are going forward with the full build to meet these standards that have been set by the D.E.P., I assume. What drew that conclusion?

Mr. Dann answered, as part of the analysis, what they were doing is looking at the difference between where we were and where the projected permit limits were going to be, take that difference and utilize numbers that the D.E.P. had given us as far as projections of credit cost and essentially lay that out over a fifteen year timeframe to assess what that cost would be. Similarly, when they assess the various options for constructing facilities, they looked at what we might be removing in excess of permit limits over time, therefore what we would be able to receive in terms of payments for credits generated. That factored in the analysis as well.

Mr. Vumbaco asked, and it came out to be a full build?

Mr. Dann answered, yes, it really even wasn't close.

MR. Vumbaco asked, when the general permit was being developed and they were going through the process of how they were going to be allocating the total pounds per day to the 79 municipal sewer plants, did our organization comment when comments were requested of the public utilities commissions on the regulations before they went into effect?

Mr. Dann answered, I don't recall whether or not we submitted any formal written comments. We were involved in dialogue with them and I know we had discussions encouraging them to consider going in some different directions. They ultimately went that way, whether it was because of our comments or whether it was because of many municipalities making similar comments, I don't know. I don't believe we made any formal written comments.

Mr. Vumbaco asked, when we go forward with this full build, the consultants and your organization are pretty sure we are going to get down to the 269 limit that is imposed on us in 2014?

Mr. Dann answered, that is the basis of design that we have stipulated for the engineers and from the preliminary work that was done in the initial study from some of what we have seen subsequently in the pilot work, we think we can get there. I don't think it is going to be easy and whether or not it is going to be a little more costly than we might have envisioned, some of this may revolve around how much chemical that you have to add, for example. It will be a variable cost depending on what level you want to get it to. We believe we can get to those levels but we are going to have to see how the design actually plays out and once we go into operation we will get a better idea.

Mr. Vumbaco asked, do you think you can get there sooner so that you can start generating some revenue from selling the credits? I understand that there are a lot of facilities upstream that have less reduction requirements because, as it flows through the rivers the nitrogen dissipates and the facilities upstream will, most likely, be looking to buy credits and not spending a whole lot of money on fixing their plants up.

Mr. Dann stated, once the facility is constructed and online, we should be able to remove to the full level. We should be able to target the 2014 limits at that point in time. Whether we think it is cost-effective to do that is going to be somewhat of an evaluation; what is our cost to remove some of the additional nitrogen vs. what we are getting in credit value. I do think it is the state's intent that once the facilities are operated, they are done so in an optimum manner.

Mr. Vumbaco encouraged everyone to go onto the D.E.P.'s website which makes available tons of information regarding this, TMDL (total maximum daily load) of nitrogen that any of the facilities can put into the water flow. There are some good sections on frequently asked questions and I encourage anyone who is interested to go online and review the material. We are talking about a major project that is facing us in the future. Do you think this will affect our water/sewer rates down the road?

Mr. Dann answered, we have to pay for this. There is no question, we are going to pursue to the extent that it is available, grant money. We are going to pursue, to the extent that it is available, low interest loan money. We will have to look at the additional costs, relative to anything that may be is a reduction in cost. The goal would be to minimize the impact to the ratepayer. To

assume that we can build \$4.5 million worth of facilities and not have to reflect that in the rates would not be accurate.

Andy Kapi, 14 N. Turnpike Road asked for a thumbnail estimate of what portion of the cost will be borne by ratepayers?

Mr. Dann answered, it is premature. It is going to depend, to some extent, on the availability of grant money, low interest loan money, the availability of other funds of the Sewer Division to self-finance some of this. Over and above that, it will also depend upon what is occurring in our budgets between now and that time. The project goes online 2005. Your debt service is likely not going to even be incurred until at least 2005 or 2006 time frame. There is a probability that some of our other debt service will drop between now and that time and maybe help offset some of this. There may even be a bond that was issued originally on the wastewater treatment plant which will run its term and therefore the debt service go away somewhere in that same time frame. If that were the case then the reduction for one purpose would help to offset the increase for this purpose. It really is premature for me to tell you or estimate a number on that. It is strictly a sewer rate issue.

Mr. Kapi asked, the industrial users that you referred to earlier; some have their own permit arrangements with the state. Some of those permits allow them to discharge directly into the Quinnipiac, is that true?

Mr. Dann answered, yes, some of the big industrial customers have their own direct discharge, they do not discharge to our system.

Mr. Kapi stated, then they would not actually be causal to this situation because they are covered by the state and as far as our rates go we don't have much to say about that.

Mr. Dann agreed.

Mr. Kapi asked, the industrial users who feed their waste through our system, in that category, do we have some that have special contractual rates based on volume use discounts, that sort of thing?

Mr. Dann answered, no. All of our ratepayers, be it residential, commercial or industrial ratepayer pay on the same basis.

Mr. Kapi asked, if we had an industrial user of the system that put out particularly high nitrogen discharges, how are we in a position to monitor that?

Mr. Dann answered, we do try to monitor all of our large dischargers for those components that are contained within our own regulations. To the extent that nitrogen is a regulated number in

the Sewer Division's regulations, then all users would be expected to comply with that and if we were aware that a particular discharger was exceeding it, then we would pursue that issue with a discharger seeking to have them come into compliance with our regulatory limits.

Mr. Kapi asked, do we have an enforcement mechanism for that?

Mr. Dann answered, we have a procedure to deal with that, yes.

Mr. Kapi asked, can we ask that they do structural changes to their operations to make that base line come down?

Mr. Dann answered, yes, and we have done that in many cases, not dealing with nitrogen but with other discharges.

Mr. Kapi asked, is it within the purview of the PUC in setting rates ever to make any kind of distinction for a user of the system that is really off the reservation in terms of levels of pollutants that they put into the system?

Mr. Dann answered, I believe that would be within the purview of the PUC if they chose to pursue that sort of a rate process to consider going that way.

Mr. Kapi stated, it is very serious, obviously, and I applaud the state for standing behind this. If we do get to a situation where we have to raise rates, noticeably, is there any threshold level at which we would consider a rate structure that penalizes over the line emitters into our system?

Mr. Dann answered, I can't answer for the commission. I think our intent, and the structure of our regulations, the structure of our rates is such that what we are looking for is everyone to be in compliance. We have not structured a rate as some systems may have that allows certain users for a premium to discharge larger quantities of various compounds into the system. We have chosen not to pursue that. We have chosen to try and keep everybody within the same regulatory framework and we have structured that with an eye towards what the impacts and implications are to the operation of our facility, to make sure that we are not accepting any compounds that we have determined would be detrimental in some way, either to the operation of the facilities or in our ability to dispose of waste products from the facilities.

Mr. Kapi agreed with the approach of trying to bring everyone into compliance rather than pursuing an after-the-fact penalty. He asked, do we have a rough comparison of what our industrial users of the system, in general and on average, put into the system in terms of nitrogen levels compared to residential input?

Mr. Dann responded, I would have to go back and see if we specifically looked at that the last time we went through the regulations. I don't recollect looking at the nitrogen end of it. We

looked at ammonia and that would be relatable but without going back and looking at that, I can't recall if we determined what the loading from various sources were.

Mr. Kapi asked Mr. Gessert, if this becomes a problem where rates have to be adjusted significantly, do you think that the commission might, at some point, entertain a different rate adjustment for industrial users of the system as opposed to residential?

Mr. Gessert answered, any decision on that would be premature right now. Obviously, we are looking at something four or five years away. If there was someone who was causing a significant problem, we would expect Mr. Dann to bring it to us and come up with recommendations on either how to improve how they are handling it or if there is a situation where if there were a particular industry driving our costs up, we might have to look at letting them pick up a little more of the cost but it is certainly something we would have to look at.

Pasquale Melillo, 15 Haller Place, Yalesville asked if any of the utilities can give any company that emits this nitrogen a legal notice stating that the utility is going to conduct legal, mandatory inspections to monitor the nitrogen emissions?

Mr. Dann answered, depending upon the particular entity and whether they have a specific permit or not, they may have an obligation to conduct their own sampling and reporting to the state and sewer division. One of the things the utility has done for a number of years with this type of customer is routinely have them construct their discharge facilities in such a way that we have a sampling point. We have a manhole where we can sample their particular discharge and we routinely do that in order to make sure our discharges are in compliance. We have a pretty active monitoring program intended to try and get out there and look at the discharges coming into our system and make sure that they remain in compliance with our regulations and with any permits that they hold. Our regulations give us the ability to enforce violations of our individual discharge standards. There is a procedure, by which if we identify a discharge which exceeds our regulations that we can pursue that with the intent of making them compliant.

Mr. Vumbaco stated, to correct an earlier statement, the total cost, the bill to remove the nitrogen is \$1-2 billion and not \$12 billion and Connecticut's share is \$700-900 million.

No Action Taken

ITEM #13a Report Out from the Public Utilities Commission and Possible Action Regarding Reservoir Water Levels, Drought and Possible Water Conservation Measures as Requested by Councilors Mike Brodinsky and Jim Vumbaco

Mr. Brodinsky stated, it has been dry. What do we have to do? What might we have to do to address that?

Mr. Dann answered, we have been dry; it has been a condition that persisted since October, 2001. We have consistently run a substantial deficit since that time, in terms of precipitation versus average precipitation. Unfortunately, that is occurring at the time of the year that our reservoir system is typically in its recharge mode. We are not recharging as much to this point as much as we would like to be. Our actual status at this point is what is referred to in our drought contingency plan as an alert status, which is the very first status. It is not something from which any specific actions are taken, it is more a point at which we start considering what might be necessary; paying a little closer attention to the change in status from week to week. Our drought contingency plan is a multi-step process. We start at this alert status that we are at and there is a trigger level for that which are predicated on where we are as a percentage of our total impoundment relative to what is normal for that time of the year. Beyond that there are subsequent phases. The next phase would be an advisory phase, drought emergency phase I, phase II, phase III, each one being reflective of a progressively deteriorating level of storage. Even though we are only in the alert phase, we have implemented a number of things that are more consistent with being in the next stage, advisory stage. We have shifted from operation of the wells; we have actually shifted from operation of the wells at what is perhaps for this time of the year 8-10% of our supply, we are actually running closer to 20-25% of supply coming from the wells. This way we hold back water in the surface impoundments which is where we are currently experiencing the problem. We have done some work on lead detection, trying to find any spots in the system that may need tightening up a bit. Within the last week the PUC has requested and a press release has been issued, with the intent of making the public aware, if they weren't already, that we, like a lot of other utilities on the east coast, are experiencing conditions that are unusual and asking that people begin considering some voluntary conservation measures. Some are the more routine things we ask for year in, year out and have been for a number of years; full loads of dishes in the dishwasher and fix anything that is leaking; don't run the faucets continuously when you are brushing teeth. As we go into the spring, we will ask people to be mindful of other conservation measures; the washing of cars at car wash facilities that recycle water; curtailment of lawn irrigation, etc. We want people to at least be thinking in those terms at this point. We hope we won't get to a point where we will have to ask for more than that. The sooner we get started, the more we can curtail usage, the longer we can hold back our supply in the reservoir system. The next phase we would go into is a water advisory and we are not there but are fairly close to that. When we get to that stage, by our plan, that is the time when we would actually begin looking for things like voluntary conservation. It is a time when we would step up leak protection... a time when we would consider things like curtailing our annual flushing program; minimizing it to only deal with those areas that absolutely have to be flushed but not necessarily attempting to flush the entire system. We would begin to work with the media in getting the message out there. We would then begin thinking about what the next phase of activity would be; how we would go about implementing other measures. We would begin to look at other potential sources; another utility we can interconnect with who happens to be in a much more favorable condition.

Mr. Brodinsky asked, what percentage of normal impoundment would trigger the advisory phase?

Mr. Dann answered, if we were at or below 80% of normal gross impoundment.

Mr. Brodinsky asked, where are we now?

Mr. Dann answered, as of last week that trigger point would have been at about 1700+- million gallons and we were at 1764, slightly above. We took a little bit of an upturn last week. The low point was at the end of December and we did actually come up a little bit at the end of January. Each phase is separated by roughly 10%; the thought process being, that's enough water for a sixty day period with no rain conditions.

Mr. Brodinsky asked, what would nature have to do to us in order for you to recommend mandatory water conservation measures?

Mr. Dann answered, the next step would be to look for voluntary conservation. If nature did not cooperate and in spite of the voluntary conservation efforts and other things we were doing, we continued to drop, the next phase in the plan would involve some initiation of mandatory conservation efforts. What those would be would be subject to some discussion. There may be aspects of that that we would pursue before we got into that phase but I think that is a topic for the commission to pursue at the point that we hit the next phase and decide where they would like to go in terms of seeking some level of mandatory aspects to the program. That could be things such as advising all of those customers with whom we have irrigation agreements that this is not the year to operate their irrigation systems, for example. That might be something we can do a little earlier on.

Mr. Brodinsky asked, if we don't have a major rainstorm in the next 30 days, is that going to trigger another one of these alerts; another phase?

Mr. Dann answered, there is a pretty good chance we would hit that if we don't have any rainfall in the next thirty days.

Mr. Brodinsky asked if any action is required on the part of the Council to implement any form of mandatory water conservation measures?

Mr. Dann answered, I think that is a question for the commission. They would determine which approach to take and how they would like to enforce that.

Mr. Gessert stated that the commission would much rather prefer to use a voluntary approach rather than government dictating what the public can and cannot do.

Vice Chairman Knight stated, we have always found that with the ordinances, the best enforcement is when people are just aware of what they are expected not to do with regard to litter, for instance. Most people are cooperative and most people want to be part of the solution.

Jack Agosta, 505 Church Street, Yalesville stated, as of Saturday, our reservoirs were at 67% capacity. Last year, in January, the level in our reservoirs went down. We are in the middle of February right now and I think we should start telling the people to be a little more concerned about it. I think people are not that conservative, they are very busy with their lives. We should start warning them now, don't wait.

Robert Sheehan, 11 Cooper Avenue asked, do we have a system in place that not only affects residential but commercial and industrial to cut back on their daily use?

Mr. Dann answered, the intent would be to treat all users in the same way. I think there are certain types of users that are likely to be addressed sooner; lawn irrigation is one that comes to mind; car washing is another; pool-filling, etc., some of those uses that may apply to industrial or commercial customers as much or more so than to residential customers, some of which may not. I think those are the things to be addressed first, the most discretionary of uses that are out there. If we get beyond that and we are looking for everybody to conserve some percentage of their usage....I would think the intent would be that all users of the system share equally but that would be up to the commission.

Mr. Sheehan asked, if nature does not cooperate and we are into June, how does that affect Community Pool?

Vice Chairman Knight asked, isn't that getting the horse before the cart a little bit? We can promulgate all kinds of worst case scenarios, Mr. Sheehan, indeed.

Mr. Sheehan responded, we have made an obligation to certain industries in town that they will have an adequate supply of water. To me that relates to, they come first. That is our drinking water that we are guaranteeing them.

Mr. Dann reiterated that the intent is to treat all users the same. Should the situation continue to deteriorate over many, many months, we would progressively, as I assume virtually every other utility in the area would, seek to pursue ever more stringent controls.

Mr. Kapi asked Atty. Mantzaris, if we ever did get into a position where we are curtailing industrial use of water, I would think that our industrial customers, would want to be able to make the call if forced to make a reduction or that they wanted to let their lawns be scalded or cut back production or operations in some fashion or operate at a different hour of the day requiring less water for their operational use, that would seem to be some sort of enforcement definition that would give them more latitude. Legally, is there case law that you know to go

to, or are you already aware of or have you looked at it so that when we confront that point in time where we might actually think about a mandatory reduction in use by an industrial customer, would you have your backlog of case law to go to to be able to go to assess where we stand; whether it would be viable, in fact, to have that enforcement capability to ask that of our industrial customers?

Atty. Mantzaris answered, I haven't thought about that issue up until now. I don't have at my ready hand the case law, if there is case law and I suppose there is somewhere in this country. At this point I can't offer a legal opinion or authority for enforcement of those kinds of limitations on use by our industrial or commercial customers.

Mr. Rys stated that he did remember when the Town had a shortage in the past and the PUC did implement some sort of program to conserve; one side of the street would use their water on particular days and the other side of the street would use it on other days and there were fines levied if people did not cooperate. It is a scary situation, but next week we could get 3-4 inches of rain and this conversation will have been for nothing. It is good general information but I think the PUC has handled it very well in the past. I hope they will continue to do the same as they did in the past.

No Action Taken

ITEM #14 Withdrawn

Mayor Dickinson stated as a public service announcement; some child, around the December time frame, left a very nice scooter here, at the Town Hall. It is now in my office; we have advertised in the newspaper and put a notice has been posted on the Government Access T.V. channel. We are encouraging that anyone who can call and describe it, that it is their scooter, we would like to return it to the owner. Otherwise, we will have to make a decision about how to dispose of it in the most appropriate way. Some child out there is without one of these nice scooters and it is a shame.

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

VOTE: Parisi was absent; all ayes; motion duly carried.

There being no further business, the meeting adjourned at 9:21 P.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri
Kathryn F. Zandri
Town Council Secretary

Approved by:

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

3-26-02

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

3-26-02

Date

RECEIVED FOR RECORD 3-12-02
AT 12:45 M P AND RECORDED BY
Rosemary Rascati TOWN CLERK