

TOWN COUNCIL MEETING

NOVEMBER 9, 1993

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, November 9, 1993 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairperson Iris F. Papale at 7:07 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall. Mayor William W. Dickinson, Jr. arrived at 7:23 P.M.: Town Attorney Janis M. Small was absent due to illness: Corporation Counselor Adam Mantzaris arrived at 7:15 P.M. and Comptroller Thomas A. Myers was also present.

The Pledge of Allegiance was given to the Flag.

A moment of silence was observed for Carol Ireland, Housing Authority Commissioner.

ITEM #2 Consent Agenda

Motion was made by Mr. Doherty to Place the Following Items on the Consent Agenda to be Voted Upon by One Unanimous Vote of the Council, seconded by Mr. Parisi.

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

ITEM #2b Note for the Record Anniversary Increases Approved by the Mayor

ITEM #2c Note for the Record Financial Reports of the Wallingford Public Library; Visiting Nurses' Association; Senior Citizen Center

ITEM #2d Consider and Approve Tax Refunds (#108-126) in the Amount of \$13,880.24 - Tax Collector

VOTE: All ayes: motion duly carried.

ITEM #3 Items Removed From the Consent Agenda

ITEM #2e Consider and Approve a Transfer of Funds in the Amount of \$6,750 from Clerks & Maint. Wages Acct. #001-2003-100-1300 to Temporary Help Acct. #001-2003-100-1360 - Dept. of Police Services

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

VOTE: Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #2f Consider and Approve a Transfer of Funds in the Amount of \$990 from Meetings & Expenses Acct. #001-1300-600-6600 to Misc. Fact Finding Acct. #001-1300-600-6020 - Mayor's Office

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

VOTE: Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #2g Consider and Approve a Budget Amendment in the Amount of \$3,000 from State Grant Revenue Acct. #001-1001-001-1730 to Program

Expenditures Acct. #001-9000-900-8730 - Superintendent of Schools

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

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

ITEM #2h Consider and Approve a Budget Amendment in the Amount of \$15,795 from State Grant Revenue Acct. #001-1001-001-1740 and \$205 from State Grant Revenue Acct. #001-1001-001-1740 for a Total of \$16,000 to Program Expenditures Acct. #001-9000-900-8740 - Superintendent of Schools

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

Mr. Edward Bradley, 2 Hampton Trail asked, what specifically are the funds for?

Mr. Doherty explained that at selected schools where students currently in remediation programs are not making sufficient progress, those students are entitled to funding to provide for supplemental assistance in the areas of reading and math. This is a federally funded program where funding and schools can vary on a yearly basis based on pre and post testing indicating student progress.

VOTE: Killen. no; all others. aye; motion duly carried.

ITEM #2i Consider and Approve a Transfer of Funds in the Amount of \$3.500 from Power Purchased for Pumping Acct. #623-000 to Laboratory Expenses Acct. #923-001 - Sewer Division

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

Mr. Killen stated that Acct. #623-000 only has a balance of \$375 unencumbered.

Roger Dann, General Manager of the Water & Sewer Division responded, that is correct. I will have to reduce the amount of encumbrance to correspond with the transfer.

Mr. Killen asked why it was encumbered?

Mr. Dann responded, at the start of the fiscal year, in accounts such as this which is entirely set up for electrical purposes, we encumber the full amount that we anticipate will be necessary for each of the various stations during the course of the year. By so doing we then avoid any utilization of funds that are necessary for those stations for any other purpose. It is a record-keeping, management technique on the division's part.

Mr. Killen responded that those funds are put aside at budget time for that specific purpose, namely power purchased for pumping, in this case. There is no need for an encumbrance. All those funds stay there unless the management desires that they be transferred. If the Council were to suggest that a transfer be taken from that same account at any time during the year, management would respond that those dollars are encumbered and cannot be transferred. He felt that no purpose was served by encumbering the funds.

Mr. Dann felt differently on the matter. He was of the opinion that it would be inappropriate to fail to encumber sufficient funds to recognize what the division's anticipated expenditures are going to be during the course of the year.

Mr. Killen responded, the account is listed as Power Purchased for Pumping. Those dollars can only be used for that purpose. The only reason that Mr. Dann is before the Council is because those dollars cannot be used for any other purpose without the Council's o.k. He could not see what is gained by encumbering the funds. If accounts are encumbered then it keeps the Council from knowing exactly what dollars are available in other accounts for transfer.

VOTE: Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #2j Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Contingency Reserve for Emergency Acct. #001-800-8050-3190 to Jubilee 325 Celebration Acct. #001-1310-600-6160 - Public Celebrations Committee.

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

VOTE: Killen abstained; Zandri, no; all others, aye; motion duly carried.

Johanna Fishbein, Chairman of the Public Celebrations Committee informed the Council that there are thirty-five (35) committees working at large on this project. In addition to that, there are committees working on marketing, budgeting, events, etc. The committee needed seed money in order for the committee to begin its fund raising events. She thanked the Council for their approval of the funding.

ITEM #4 Withdrawn

ITEM #5 Approve and Accept the Minutes of the October 26, 1993 Town Council Meeting

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

VOTE: Killen passed; all others, aye; motion duly carried.

Motion was made by Mr. Doherty to Move Agenda Item #7 Up to the Next Order of Business, seconded by Mr. Solinsky.

ITEM #7 Consider and Approve a Resolution for the Downtown Bicycle Race Closing Certain Streets in the Center of Town to Vehicular Traffic on May 1, 1994 from 12:30 P.M. to 4:00 P.M.

Motion was made by Mr. Doherty to Approve the Resolution and Append a Copy of it to the Town Council Minutes (appendix I), seconded by Mr. Parisi.

Motion was amended by Mr. Doherty to Approve the Resolution with an Amendment to the Time from 12:30 P.M. to 4:00 P.M. to 12:30 P.M. to 6:00 P.M., Incorporating the Amendment Into the Original Motion, seconded by Mr. Parisi.

The resolution lists South Main Street from Sylvan Avenue northerly to Center Street (Route 150); North Main Street northerly from Center

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Street (Route 150) to Church Street; Center Street (Route 150) westerly from North and South Elm Streets to North and South Orchard Streets; Ward Street easterly from South Orchard Street to South Elm Street; Prince Street from South Orchard Street easterly to South Main Street; South Whittlesey Avenue northerly from Ward Street to Center Street (Route 150); North Whittlesey Avenue from Center Street (Route 150) northerly to Church Street as the area that will be closed to vehicular traffic that day.

Beverly Belliveau, Executive Director of Wallingford Center, Inc. stated that it is the hope of the organization that this event be held annually one in conjunction with Alpha-Lo Bicycles. It is an exciting race which attracts approximately 400 riders and approximately 300 spectators. This will bring a large amount of people into town. If successful it could become a major yearly event. The course has been reviewed by Richard Doll, Traffic Officer and all expenses associated with holding the race will be incurred by Alpha-Lo. All three churches have been notified and the necessary insurance is being carried.

Mrs. Duryea asked if a letter was sent to all residents in the area alerting them of the race?

Ms. Belliveau responded, yes, and provided a copy of the correspondence to all Councilors.

Mrs. Duryea asked, what kind of response did Wallingford Center, Inc. receive from the residents and are they aware of the impact?

Ms. Belliveau answered, yes, a letter and questionnaire was mailed out first, followed by a second letter and questionnaire of which eight were returned. The responses were mostly favorable with just a few having reservations about the parking.

Mrs. Duryea was concerned about the parking as well. The last bike race attracted over 500 spectators. Where will they all park?

Ms. Belliveau stated that the Wooding/Caplan property was being considered for spectator parking as well as Walgreen's Pharmacy accompanied by shuttle busing.

Mr. Stephen Lazarus, Race Committee Member reminded the Council that Celebrate Wallingford attracts approximately 12,000-13,000 people to essentially the same area and the parking was managed just fine. He stated that the responses totalled approximately 22 from the first mailing as well as fifteen phone calls while the second letter generated an additional eighteen responses. Out of the forty written responses, only four expressed concerns while the remaining thirty-six were in support of the race. Every mailbox or stoop on the route have been notified twice of the race.

Mrs. Duryea did not feel comfortable with the small number of responses received from an area that is dominantly two and three family homes.

Mr. Lazarus responded that he, personally, delivered the second mailing. Another member of the Board personally delivered the first.

Mr. Zandri asked if the businesses were contacted along the route as

well and what were their responses?

Mr. Lazarus responded, they were all contacted, however, the majority of them are closed on Sundays. He did not recall receiving any responses from any of the businesses. The churches are enthusiastic about the event.

Deputy Chief York explained that North Main Street from Church Street will be closed off because the traffic would have no where to go if they were detoured to Center Street which would be closed. Therefore although the road will be closed effecting the merchants on Simpson Court the area is not part of the actual raceway.

Mr. Zandri pointed out that we are impacting businesses that may be off the actual bike route. They should be notified to make sure that they are aware of this impact and to see if they have any objections to it.

Ms. Belliveau agreed that it was a point that was missed and vowed to notify all those merchants effected in that area.

Mr. Solinsky asked, if the residents living on the exterior roads which will be closed will be allowed to come and go from their homes?

Deputy York responded, they will be allowed to come and go from their houses providing that the manpower is there to let them in and out of their streets. Of course, if an emergency arises it will be handled without a problem.

Mr. Solinsky asked if there will be time lapses in the course of the race to allow residents the opportunity to come and go from their residences?

Deputy York responded, generally speaking, people will be able to come and go from their places of abode.

Mrs. Duryea stated that she spoke with Rick Doll, Traffic Officer, today and he informed her that they will not be able to go to and from their homes between the hours of 12:00 Noon and 6:00 P.M. Once the vehicles are out of or in the yard that is how it will remain until 6:00 P.M.

Mr. Solinsky pointed out that there were allowances made for homeowners to travel to and from their homes at the last bike race held in the Barnes Industrial Park.

Ms. Papale asked that the correspondence to the homeowners on the route be read into the record so that everyone is aware of what the residents have been led to believe (appendix II).

Mr. Zandri felt that before the Council votes on this issue all the businesses and residents who will be effected by this should be notified. Since it seems as though some of those businesses and/or residents were missed in the mailing we should try to contact them again in case there is any negative feedback. There does not seem to be a timeframe problem on this issue since it will not take place for another six months.

Mr. Lazarus stated that Alpha-Lo has committed to this date since it is an international bicycle race. An article did appear in the local newspaper on the race which did not solicit any additional responses.

Mr. Solinsky felt that other arrangements can be made to allow people to have more access to their homes during the race.

Mr. Parisi stated that there is no way to be sure that everyone has received their letter.

Mr. Killen pointed out that there were no residents in the area at the meeting this evening to express their opposition to the event.

Mr. Zandri asked, on the streets that are not part of the bike route but will be closed off, will those residents have access to their homes from only one direction?

Deputy York responded, yes. The residents living on the outlying streets will be allowed to travel to and from their homes.

Mr. McDermott felt that a great deal of effort has been made to notify the public of the race. There does not seem to be any opposition to it. He felt that most people feel a great sense of community spirit in Wallingford and that this event will only enhance it.

Mrs. Duryea felt that as long as everyone was notified and the public is satisfied with the restrictions for that particular day then she supports the event.

VOTE: Duryea and Zandri. no; all others. aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Edward Bradley, 2 Hampton Trail, informed the Council that they should have all received a packet of information this evening from him as information regarding an audit he conducted, personally, on travel expenses within the Electric Division. His audit began while he was on the Council in September of 1991. He summarized irregularities in information submitted in expense reports for reimbursement which ranged from lack of receipts to amounts that do not total correctly. He also pointed out a memo from one of the P.U.C. commissioners which states that "records are purged on a yearly basis.." which is in direct violation of State Statutes which clearly state that records must be kept for a minimum of three years. He was unable to complete his investigation of some of the material due to the purging of those records. He pointed out that these travel expenses were incurred during a time when the Mayor issued a moratorium on out of state travel. The travel that Mr. Bradley questions is throughout the United States: i.e., California, Florida, New Hampshire, British Columbia, Washington, D.C. and South Carolina.

Mr. Bradley did receive a response from the Mayor on October 27, 1993 acknowledging receipt of the information stating the he (the Mayor) will have Mr. Smith review Mr. Bradley's questions. Mr. Bradley wanted it noted that, contrary to what was reported in the Record Journal, this goes far and above a \$25 breakfast. Mr. Bradley followed up with correspondence to the Mayor dated October 30, 1993 stating that the Mayor's solution was unacceptable to him. He

did not feel it was correct procedure to turn the investigation over to the very person being investigated. An independent audit should be conducted. One or two days following the article in the Record Journal a call was received from the Mayor's Office requesting a meeting between the Mayor, Mr. Smith and Mr. Bradley. Mr. Bradley informed the Mayor's secretary that the meeting was inappropriate and that an independent audit was being requested by him with a follow-up written report. He brought this issue to the attention of the Town Council due to the fact that the Charter gives authority to the Council to investigate any Town agency.

He asked the Mayor, will you appoint an independent auditor to review these findings?

Mayor Dickinson responded, generally, before there would be any kind of necessity for an investigation the person accused or identified as allegedly doing something wrong has the opportunity to respond. Any questions raised regarding a department head's activities should be answered by that department head. If the answers are not satisfactory then, perhaps, the next step is to go beyond that. Before having the opportunity to hear from the department head, in question, he did not think it was proper procedure to distrust what that department head may say and immediately resort to some sort of outside investigation.

Mr. Bradley pointed out that nowhere in the packet of information will the Mayor find any allegations of wrong-doing. He raises questions. He does not say he is right or wrong. He mentioned of an investigation through the Town Charter, via the Town Council. He felt that having an auditor, even at the Town level, go through and review what questions have been raised is not an investigation. There is a big difference between an investigation and an audit.

Mayor Dickinson responded that an audit would be necessary where it is impossible to review the material adequately through your own resources. The questions you raise are not so voluminous or so difficult to review that it would take a separate expenditure of money or time by someone else. Significant questions were raised regarding \$25 for breakfast. That is a per diem. The \$25 covers breakfast, lunch and dinner. All that was received on those days were \$25.00. At this point the Mayor could not conclude that it is necessary to have someone with the expertise of an auditor to review the issue.

Mr. Bradley pointed out that it goes beyond the \$25 breakfasts. He is referring to spousal travel, spousal accompaniment, phone calls being made to spouse's place of employment....

Mayor Dickinson answered that he believed that none of the reimbursements included any of the outside phone calls, spousal travel, etc.. he did not feel any of those additional expenses were not reimbursed. The amounts in question are not large amounts, they total fairly small amounts when considering many other matters. Again, he does not feel that it takes special expertise to review this matter.

Mr. Bradley asked if some sort of report will be forthcoming?

Mayor Dickinson answered, yes. I will review the matter and determine what was reimbursed for what reasons and a report will be issued.

Raymond Smith, Director of Public Utilities, welcomed a meeting with Mr. Bradley and the Mayor on this issue. He reminded the Council that there is a system of checks and balances. His expenses are reviewed by the P.U.C. commissioners, Comptroller, Office Manager and Internal Auditor of the Town. He has no compunction about a meeting. He would be glad to have a meeting with any of the newspapers, television stations, etc. He encouraged the Council, if they would like, to spend \$10,000 for an independent, outside audit. That is how confident he is. He stated for the record that there are some personal phone calls made by his wife that were included in the bills. Someone has been investigating them and there was no request for reimbursement for them. He checked with the freedom of information office, that is illegal. He is pursuing that. He has no problem with any of the expenses. He would be glad to speak to anyone on them with or without reporters. He would appreciate the Council ordering an audit for he does not want to live being questioned with this.

David Gessert, P.U.C. Commissioner, Seiter Hill Road, stated that several years ago our Director of Public Utilities was asked to serve on the National Board of American Public Power Association. There are over 2,000 members of that organization nationwide. It just so happens that our director was asked to serve on the Board of Directors. When he was asked to serve he knew the Mayor's guidelines, knew what the situation was with regards to out of town travel and he discussed the ability to be able to serve with Mayor Dickinson and got the Mayor's approval to be able to serve on that board. It is a several year term. During the course of serving in that capacity, yes, he has gone to meetings or conferences out of state. It is not uncommon today. It is unfair to go through some accounts and make an issue out of what reports to be a \$25 breakfast when, in fact, \$25 is a per diem amount that the director took. If in New York, you would have pretty hard time getting along on \$25 per day for meals. It is not an exorbitant amount. He does not feel that the utility nor ratepayers have been taken advantage of at all. The question about purging the records after one year, his understanding is that the records are kept for three years and those records have been checked with information forthcoming. He warned that you have to be very careful when investigating these types of excursions. If someone goes on a business trip and they make a personal phone call from their hotel, if they are on their time they can call anyone they feel like calling as long as they don't ask the Town of Wallingford to pay for it. It is no one's business where those personal calls are made as long as they are not asked to be reimbursed for. He felt that it was treading very dangerously on the right to privacy.

Don Harwood, 5 Chestnut Lane, Chairman of the School Building Expansion Committee stated, in reference to a letter of request by the Council regarding Edward Musso's concerns stated at the October 26, 1993 Town Council Meeting, he wanted to clarify the record so as to ensure that everyone that has an opportunity to participate understands the criteria in which the committee has to work under. As far as all the meetings that the committee has on a monthly basis, the meeting schedule was posted in January of 1993 with the Town Clerk. The twelve meetings scheduled for the year invites the public to participate, as they have, and as Mr. Musso has done so. One item that needs to be clarified, Mr. Musso's statement said, "it seems as though the building committee has just talked amongst themselves what they feel should be done and maybe they should get more public input".

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The one criteria that is very important for everyone to understand is that the building committee was dealt a hand by the Superintendent of Schools and the Town Council. That hand of cards did not include Rock Hill School or Highland School. Although Mr. Musso was interested in exploring the possibilities of those areas for expansion, they were not submitted to the State Department of Education in the ED040 forms that were required back in 1991. So although Mr. Musso has some ideas, the toughest part the committee has to deal with is that those sites were not included. The committee does not have the authority to add those sites to the list. Unless the Council deems it appropriate to step out and look at additional sites the committee cannot do so. The committee more than welcomes everyone's participation at the meetings.

Ms. Papale stated that a Special Town Council Meeting was scheduled for November 16, 1993 to discuss the Middle School expansion issue. That meeting has been re-scheduled to November 30, 1993.

Mr. Harwood had hoped that an architect would be engaged by that time. He urged the Council to call a brainstorming session of the committee, board of education, Mayor and itself if there will be a change in the course of action. This will give the committee a better sense of direction.

Frank Wasilewski, 57 N. Orchard Street asked, what is the process of the Public Hearing with regards to the budget? Will the public hearing be held before the Mayor starts his budget or before the Council gets their budget? How does the system work? In the past when the public gets to speak half the process has already been etched in stone. It is very frustrating for a concerned citizen to get up then and try to change something that has already been printed. Somewhere in the system the public should be able to speak to the Mayor about their concerns before the Mayor presents a budget to the Council. He would like to see this done this year.

Mayor Dickinson responded, he did not feel that a public hearing is necessary. If anyone is interested in talking to him directly about the budget he encouraged them to contact his office to speak with him about it. Everyone has an opportunity during Public Question and Answer Period of a Council meeting to voice their opinions on the matter.

Mr. Wasilewski complained that by time the public receives their copy of the budget there is not enough time to go through it. By the time the Public Hearing is held it is too late for the public's input. He encouraged the Mayor to come up with a plan to involve the public more on this aspect of the budget.

Mayor Dickinson reiterated that if Mr. Wasilewski has thoughts and items of concern, he will make opportunity for him or others to present those thoughts for discussion. If the Council wants to provide public time for that then that is a matter for the Council to schedule at a public meeting.

Mr. Wasilewski complained that it is very difficult to arrange an appointment with the Mayor.

The Mayor stated that an appointment will be made for those requesting

such.

Mr. Wasilewski then asked, how many elderly people have signed up for the Senior Citizen Tax Deferral?

Mr. Doherty responded, 47 families.

Mr. Wasilewski asked, how many taxes will be deferred each year from these people?

Mr. Doherty was not sure.

Mr. Wasilewski asked, how long does the lien last that is placed on the property of those families on the Senior Citizen Tax Deferral plan?

Mr. Doherty thought it was as long as the family is on the program.

Atty. Mantzaris responded, fifteen years.

Mr. Wasilewski pointed out that if these people live longer than fifteen years then the first year of the deferral will be dropped off so that the Town cannot recoup them.

Atty. Mantzaris stated that the lien could be renewed.

Mr. Doherty will investigate this issue.

Mr. Wasilewski asked, do these families know that six months after the death of the homeowner if the back taxes are not paid in full they will be subjected to 18% interest?

Mr. Doherty responded that Mr. Barta, Assessor, most assuredly explained the program to all applicants.

Mr. Wasilewski then asked, does anyone know how many vehicles the Police Department has?

Mayor Dickinson responded, he was not entirely sure but it must be approximately 25-30. Patrol has 7-8; Detectives, Accident, A&I, Administrative Staff (Chief, Deputy Chief).....

Mr. Wasilewski asked if the Chief and Deputy Chief take their cars homes out of Town each night?

Mayor Dickinson responded, yes. The Chief is able, through radio contact, is able to be in touch with the department wherever he is. It is a 24 hour emergency service operation and the Chiefs and Deputy Chiefs are responsible for that operation. It is well justified.

Mr. Wasilewski asked, is that the only department that can drive out of Town with a car at night? All other departments leave their vehicles in Wallingford?

Mayor Dickinson responded, no, that is not true. There are department heads who do take vehicles. However, no one else is allowed to use a vehicle on a 24 hour basis other than police and fire.

Mr. McDermott commended the students from Lyman Hall and Sheehan High Schools as well as Choate Rosemary Hall for taking part today in Community Day which involved raking leaves for elderly citizens of the Town. In these times when there are so many young people involved in violent crimes on the news it is wonderful to see the efforts made by our young people in Wallingford to make this community a better place in which to live (applause).

Mayor Dickinson clarified that not only do the students rake the leaves in elderly citizen's yards but a number of parks in Town as well.

ITEM #8 Report Out by the Public Works Department, Mayor and Building Committee on the Status of the Renovation of 88 S. Main Street as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Doherty to Hear Discussion, seconded by Mr. Parisi.

A few months ago the Town signed a contract for interior work on the building.

Mr. Zandri asked the Mayor for an update on where we stand on this particular project?

Mayor Dickinson responded, to his knowledge there was a delay due to the telephone and roof replacement items and during that time the work could not progress inside. The contract provided for an extension should there be a delay of that kind. There is a letter to Robert Avery, Chairman of the 88 S. Main Street Building Committee from the contractor, American Excavating Company stating that the completion date has been extended to December 15, 1993.

Mr. Avery answered that the committee fully expected to be finished by the fifteenth, they were really looking at the end of the month (November).

Mr. Zandri asked, how does the roof effect the interior?

Mr. Avery did not buy that statement either. It should not have effected it one way or the other. The telephone wiring is what held everything up because he was not able to close up the walls.

Mr. Zandri did not recall any mention of a delayed completion date the night that the telephone wiring transfer was approved by the Council.

Mr. Avery disagreed. He believed that it was stated in correspondence supplied to the Council that very evening. Construction stopped prior to that Council meeting while awaiting Council approval.

Mr. Zandri pointed out that the telephone wiring was not part of the original contract.

Mr. Avery agreed but the Council voted to give him the o.k. to go ahead and install the phone wiring.

Mr. Zandri asked, how long did it take to wire the building?

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Mr. Avery responded, approximately two days.

Mr. Zandri asked, how long are we extending the contract?

Mr. Avery answered, 45 days.

Mr. Zandri asked, do we have a firm date as to when the inside of that building will be complete?

Mr. Avery answered, no, you have a firm date for the entire project to be complete which is basically the inside and a little bit on the outside. That should be done by December 15th.

Mr. Zandri asked, will the contract come before the Council for an approval of the extension?

Mayor Dickinson answered, it will be pursuant to the contract.

Henry McCully, Director of Public Works answered that he has been speaking with Robert Pedersen, Purchasing Agent, and it was decided that the contract will have to be modified. The original completion date was October 30, 1993. Mr. Pedersen would like to have the approval of the building committee to modify the contract. The reason that the completion date is extended the amount of time that it is due to the fact that the contractor had to stop and wait for Council approval. He inspected the building on Friday and again, today and the contractor is quite comfortable that he will be completed by November 30th.

Mr. Avery will call a meeting of the committee to approve the modification of the contract. He did not anticipate a problem. He reminded the Council that he originally asked for a contingency amount on this construction phase to alleviate delays such as this. The Council refused that request and, ultimately, a few thousand dollars of work has resulted in a 45 day delay.

Mr. Zandri asked for a formal letter from the committee stating that they have approved the modification.

Mr. Avery will forward a copy of the minutes of the meeting at which the action occurred.

No action was taken.

The Chair declared a ten minute recess.

ITEM #9 Remove from the Table to Consider and Approve the Acceptance of Quit Claim Deeds to Roadway Adjoining Property Owners on Grieb Court - Corporation Counselor

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

Mr. Holmes stated that he will abstain from voting on Items 9, 10, 11 & 12 due to the fact that he has a fiduciary relationship with one of the property owners who is involved in this matter.

VOTE TO REMOVE FROM THE TABLE: Holmes abstained; McDermott was absent; all others, aye: motion duly carried.

Motion was made by Mr. Doherty to Consider and Approve the Acceptance of Quit Claim Deeds to Roadway Adjoining Property Owners on Grieb Court, seconded by Mr. Parisi.

Mr. Zandri asked if all the property owners have agreed to deed their property over?

Atty. Mantzaris responded. Mr. Flis has not and he does not expect that he will. There is also one property owner on the right hand side that the Town has never been able to make contact with.

Mr. Zandri asked. how will this effect the Town?

Atty. Mantzaris answered that it should not effect us. The deeds from the property owners which quit claim their interest...if each one quit claims their interest in the entire roadway, he has no doubt that anyone could prevent entry of the public or Town vehicles onto that roadway if they don't sign the quit claim deed.

Mr. Zandri asked. perhaps they cannot stop entry but can they stop potential work that will be performed on that property, i.e., storm drainage, sewers, paving, etc.?

Atty. Mantzaris feels that the two property owners who have not signed the quit claim deeds conveying whatever interest they may have in that road, cannot stand to prevent the Town from maintaining the road.

Mr. Zandri felt that there could a lot of problems in the future if those two parties wish to pursue lawsuits and cause delays. He pointed out that there is a letter from the Town Engineer which states that the road is in bad need of repair and does not conform to the current road standards of the Town. It is slightly narrower than normal configurations. There is an estimate by the Town Engineer of approximately \$22,000 that will need to be spent almost immediately to bring the road into proper condition. He wanted it noted for the record that he wants everyone to understand what the Town is doing here. We are accepting a road which the Town will be spending money on. There are other situations in Town which are similar to this one which could potentially be coming up at a later date.

Mayor Dickinson wanted it clarified that there is no one to turn to to repair this highway. There is no central entity responsible for this highway. We have existing homes which are expecting and paying for services and for that reason the feeling is that the Town should accept the road.

Mr. Zandri realized that there are existing homes and that people are paying taxes and he is not against accepting this road but there are also lots out there that can be developed in the future. He wanted to draw a parallel between this and other situations that may be similar to this one in Town. He just wanted to make sure that everyone understands that the Town is accepting a road that there is extensive work that has to be done on this road and it will mean that tax dollars are going to pay for it.

Mr. William Lavorgna, 6 Grieb Ct., stated that the Water & Sewer & Engineering department heads should have been present at the last meeting on this issue and they were not. He expected that they would

be present this time to answer questions and, again, they are not. He felt that it was inappropriate that they are not here tonight. He went on to note that the \$22,000 the Engineer reports as needed to repair the road does not include drainage which is the most important thing. There is 300-400' of running curb without storm drains. The one storm drain that is present is considerably higher than the road service. Therefore a significant amount of water must accumulate prior to it reaching the storm drain. The Fairlawn subdivision drains water off into the creek which runs under Grieb Court. He felt that Mr. Dorsey had the right to build on his property as long as all the proper procedures have been followed. Once the Town approves the road, however, and Mr. Dorsey develops his property more water runoff will flow into the creek. There is an inadequate storm drainage system to handle the water coming down the road.

Mr. McDermott stated that Planning & Zoning reviews that situation when the application is before them. There are more safeguards in place today to prevent what happened years ago which brought us to this predicament.

Mr. Lavorgna pointed out that Mr. Barberino did not go through Planning and Zoning so how can they trust that Mr. Dorsey will? People don't always do what they are supposed to do. He wanted some guarantee that Grieb Court will never be widened.

Ms. Papale stated that the Engineering Department, Mayor's Office and Mr. McDermott, who was a commissioner on Planning & Zoning, are well aware of what should and should not be done.

Mr. Lavorgna reminded everyone that currently the Town has no liability should his property flood. Once it becomes a Town road the Town is responsible should his property flood.

Ron St. Clair, 69 Gopian's Trailer Park asked, if the Town accepts this road and Mr. Lavorgna's property floods then the Town will be liable?

Mayor Dickinson responded that the liability would only be there if the Town did something improperly. Otherwise the flooding of an area due to an act of God, heavy rains over which the Town has no control would not result in municipal liability. If we put improvements in place that were improperly engineered or designed, then there would be a possible argument and successful one that the Town would be partially or completely liable.

Mr. St. Clair felt that the Town should not get in the middle of getting everyone out of a bad situation when it comes to flooding. He does not want to see anyone flooded out of their homes but he also does not want to see the Town get hung up on the liability or get in the habit of bailing everyone out who built in a valley twenty years ago.

Frank Wasilewski, 57 N. Orchard Street asked, if the Town accepts this highway, all they will get is thirty feet, right?

Atty. Mantzaris answered, yes, thirty feet.

Mr. Wasilewski added, usually the Town owns so many feet off the road.

will that apply in this case?

Atty. Mantzaris responded. no.

Mr. Wasilewski suggested that the Town put storm sewers in before doing any work to the road. He also felt that there should be two detention ponds for the storm sewers to drain off to. This is in a watershed area and eventually, all this will seep down into the reservoir. Who will check the ponds? What kind of pollutants will be in those ponds?

Kathleen Pike, 4 Grieb Court informed the Council that she has never had a water problem since she has lived there for approximately ten years until about two years ago when she started noticing drainage coming down off of Grieb Trail. She called the Engineering Department and spoke with Mary Lou and with Mr. Costello who informed her that they have regraded Grieb Trail to drain onto Grieb Court. She asked why and he responded that it was due to the fact that Grieb Court was a lower lying area. She reminded him that Grieb Court was not a public road and he responded that he was aware of that fact. Although the road does not meet the current standards it is three car lengths wide which is a lot wider than Grieb Trail, Hampton Trail, Eaton Trail and all the other roads in the area. She did not see any reason to widen the road in the future. The Engineering Department is responsible for the creek and they used to come out with a backhoe and dig out the creek area around the two culverts under the road. They have stopped doing this because the road is not public.

Mr. Killen asked if the two catch basins recommended by Mr. Costello in his letter will be sufficient to cover the entire area?

Atty. Mantzaris pointed out that one catch basin exists currently and it is not that large a street, he felt the added two would suffice.

Mr. Solinsky interpreted Mr. Costello's remarks regarding the catch basins to mean that two are existing and he will be raising them up to allow for the paving.

Mr. Killen wanted to be sure that the two catch basins will suffice before he votes on the item.

Mr. Lavorgna stated that two additional catch basins would adequately relieve the problem. To raise the catch basins would aggravate the problem not alleviate it.

Mr. Doherty asked, in the Spring Lake area, are there other roads that would fit this description and be similar?

Atty. Mantzaris was not aware of any. He has never heard of any in the past twenty or so years.

Mr. Bradley, 2 Hampton Trail was not aware of any other road with a similar problem.

Atty. Mantzaris stated that if we are going to accept the road and be responsible for it then we, as a town, should be obliged to add the two basins if we need them. If that is what is needed to make this a decent, acceptable road comparable to our other roads in Town then

we should do it.

Mr. Killen asked the Council to decide amongst themselves whether or not they find the correspondence from Mr. Costello sufficient or if they would like him in person before the Council to answer questions.

Mr. Zandri felt that the Town will end up accepting this road one way or the other. it has to be fixed. people are living on this road and are paying taxes and that is the name of the game at this point. We are all in agreement that there is going to be work that has to be done. It may be more than just putting pavement down. The \$22,000 is probably low but there is no alternative.

Mr. Parisi agreed with Mr. Zandri. The sooner the work is done the better off everyone will be.

Mr. McDermott was willing to vote this evening.

Mayor Dickinson pointed out that the lack of storm drainage is not a unique situation. There are other roads in Town and we respond as we can as priorities arise and try to deal with those things.

Mr. Doherty was satisfied with the correspondence.

Mr. Killen added that this situation did not happen over night. If we are going to accept the road and pave it soon without adding catch basins then we are pouring good money after bad.

Edward Musso, 56 Dibble Edge Road agreed with Mr. Killen that the Town Engineer should be present to answer questions.

Mr. Killen made a motion to Table This Item Until the Town Engineer is Before the Council on This Issue.

There was no second to the motion.

VOTE ON ORIGINAL MOTION: Holmes abstained; Killen, no; all others, aye; motion duly carried.

ITEM #10 Remove From the Table to Consider and Approve the Acceptance of Grieb Court as a Public Highway - Corporation Counselor

Motion was made by Mr. Doherty to Remove the Item From the Table. seconded by Mr. Parisi.

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

Consider and Approve the Acceptance of Grieb Court as a Public Highway - Corporation Counselor

Motion was made by Mr. Doherty. seconded by Mr. Parisi.

Mr. Zandri asked if this issue received clearance from Planning & Zoning?

Atty. Mantzaris responded, yes.

VOTE: Holmes abstained; Killen, no; all others, aye; motion duly

carried.

ITEM #11 Consider and Approve Town Conveyance to Adjoining Property Owners of Certain Foreclosed Property - Corporation Counselor

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

Atty. Mantzaris explained that these are the two tax foreclosures by the Town of Wallingford many years ago. They somehow seemed to have been lost for in excess of twenty years. Under our law, ordinarily, private citizens cannot acquire title to public land by what is called adverse possession (occupying the land as though it was their own for fifteen years) accepting when the land is not used by the Town for public purpose. These two twenty-five foot slices were made part of the Flis lot and a part of the Ford's lot which were built on in the 1970's and used by private owners for in excess of fifteen years. The Town did not even know that it had acquired title to these two twenty-five foot sections by foreclosure although Mary Lou in the Engineering Department turned that information up. It had been missed by numerous attorneys over the years. If we don't take this action the owners could sue the Town to clear their titles and would be successful in a court of law. He felt that it would be fair to grant it back to the property owners and, on the record, clear their titles so that there would not be a cloud on their title. Legally they own it anyway. By conveying it back through quit claim deed it clears their record title.

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

ITEM #12 Consider and Approve the Acceptance of Deed of Easement to Town of Wallingford From Triple B Developers, Inc. - Corporation Counselor

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

Atty. Mantzaris explained that back in 1973 when the street was laid out by Triple B, the developer conveyed three, twenty-five foot lots to Mr. Flis and his wife. The conveyance was made subject to a highway easement to the benefit of the Town of Wallingford on only those three of nine lots purchased by Mr. Flis. On the map that was recorded in January of 1974 it showed the three lots and stated that they were easements for roadway to be deeded to the Town of Wallingford. Triple B never did, in fact, convey that easement to the Town of Wallingford. This did not become evident until the question of Grieb Court came up and we searched for a deed and could not find it. He did obtain a copy of the Triple B deed of that easement this year from Triple B's attorney. There is a State statute which allows a corporation, even though dissolved, to continue in existence for the purpose of satisfying whatever obligations it incurred as a corporation. One of those obligations was to convey that easement to the Town of Wallingford as noted on the map. In his opinion, Atty. Mantzaris feels that it is a proper deed and allowed under this particular statute. There is a question about it from a member of the Flis family. The Flis property is subject to the highway easement that was part of the deed and granted to the Flis family. No matter what, that property will be subject to that highway easement. He was asking the Council to accept the deed of that highway easement from Triple B to the Town of Wallingford.

Jeff Flis, 2 Stetson Street, Owner of 13 Grieb Court, explained that Mr. Barberino d.b.a. Triple B Developers, did appear before Planning and Zoning to obtain his building permit to build his development in the Spring Lake area. Mr. Barberino explained to the P&ZC that he was going to develop the roads in his development as laid out on the maps in the Spring Lake Camps map recorded 1928. Though they would only be 30' wide they would be worked out as public rights of way. He went on to say that it was explained to his family, being the first property owners on Grieb Trail, that all owners would be living on a public road and that all owners on that road would have to sign quit claim deeds on the road allowing it to be used as a public highway. He feels that his family was deeded the right to use the Spring Camp roads and they do not have that right because there is approximately 100' of road that is on that map that was deeded to them as a right to use that they cannot use because it has not been paved. Mr. Barberino and his attorney, Mr. Lendler, promised them, as landowners and prospective buyers and to the P&ZC, that he would develop these roads as shown on said map of Spring Lake Camps, which he has failed to do. The P&ZC did not pick this up until sometime around April, 1974 when there was a motion then to cease handing out permits to Triple B Development until they handed in a proper subdivision map of Grieb Trail. This was a little late since most of the houses were already built and people were living there. Mr. Flis felt it was P&ZC's responsibility to make sure that a builder who was taking out permits from the Town of Wallingford assures the homeowners that the developers live up to their responsibilities and promises. If the proper rules and regulations were followed by Triple B Developers and had P&ZC not evaded their responsibility to make sure the developer met all his obligations to the subdivision, the three lots that were deeded to the Town of Wallingford for highway use would never have been. Those three lots comprise 13 Grieb Court. In December, 1973 the purchase of 5 Grieb Trail took place. At the time of the purchase and at the time of recording the deeds, the map that exhibited the easement to be deeded was not available. A different map, of which Mr. Flis had a copy this evening, was available. That map was recorded. When it became evident to the Town that Mr. Barberino, Triple B Developers, was not living up to his responsibilities in the development the P&ZC filed suit against him to cease and desist and they were unsuccessful. The judge decided since the P&ZC waited so long to allow Triple B Development to get so far without trying to stop him that the developer would be allowed to finish. The road was intended to be a right of way and to be Grieb Trail and was only changed after the Town of Wallingford did not like what Triple B Developer was doing out there and did not like how he set up the road. It did not meet Town's specifications. The Town decided not to accept the road, in which case they made it a dead end. They dumped a cul-de-sac on approximately half of 13 Grieb Trail, now known as 13 Grieb Court and changed the name of the road. If the road is going to be repaired it should be done to the specifications that it was originally intended to. The owners that have the rights to use those roads as laid out on that map and in their deed, should have that right. Although the road has been accepted as a public road it has not been accepted as a public road as laid out on Spring Lake Camps map which was deeded to all landowners on that road. To conform to the rights that the landowners were deeded by Triple B Developers there would have to be an additional 100' of paved roadway. After the closing and the recording of the maps and deeds, the road was not accepted as a Town road, as is, approximately two months later a new

map appears. That map was not seen by the landowners until the past few years. It has been claimed that this new map was the map referred to in their deeds. Mr. Flis has had several title searches performed which involved several attorneys and they do not agree. As a landowner and resident of the Town of Wallingford he believes he has rights as well.

Mr. Killen stated that this item is not before the Council as a matter of adjudication but to Accept a Deed of Easement to the Town of Wallingford. If the Council accepts at face value that the land is the Town's because of the warranty deed, it is up to the Barberinos to defend their right to convey that land to the Town.

Atty. Mantzaris explained that the grantor warranted with that deed the description of the land that the Flis' purchased which includes the lots that the easement is sitting on.

Mr. Killen feels the entire question lies with whether or not Triple B Developers had the right to deed that easement to the Town.

Atty. Mantzaris argued that Mr. Flis had no right to the property until he purchased it. Part of his sale price was for the part of the land which was subject to this easement.

Mr. Killen stated that if the Town accepts that property then we will be claiming that land as belonging to the Town. If Mr. Flis has further cause for action he will be taking it against the Town of Wallingford or Mr. Barberino. For the Council to hear this...we are not a court of adjudication. We cannot decide who has rights. We are being asked to accept this easement. We are here to accept or not accept the easement.

Atty. Mantzaris clarified that the easement is a paved turnaround that the residents use.

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

ITEM #13 Consider and Approve a Transfer of Funds Totalling \$5,415 to Furnace Repairs - Co. #5 Acct. #2039-999-9919 - Dept. of Fire Services

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

Chief Wayne Lefebvre explained that of the \$5,415 that is being requested, \$2,500 will be for the replacement of the furnace. It was found through a study by three different companies that it was more prudent to go ahead and replace the entire unit rather than use a "band-aid" approach. It would not be cost efficient to patch it. The remainder of the funds will be used to repair some of the other deficits that were discovered in the heating system. They will change the flue stacks that go through the roof. There are signs of rusting that need attention. Pumps will also be installed on the furnaces in the apparatus room which will result in a more efficient operation of the system.

The firm highly recommended by the Board of Education will perform the work and will honor the bid prices for repair for the remainder of the fiscal year.

That same firm will review the heating systems in the other five stations and will make recommendations and institute repair plans. For the Co. 5 building this will not be the end of the heating system problems. They will also be reviewing the plenums in the ceiling because it was noted in the drawings that they were not drawn to the proper specifications to begin with and those specifications were followed precisely in construction. Further work will need to be done to make this an efficient system.

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

ITEM #14 Consider and Approve an Appropriation of Funds in the Amount of \$412,000 from Six (6) Capital Accounts Within the Electric Division's Budget to Provide Current Funding for General Construction to Colony Substation - Electric Division

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

Raymond F. Smith, Director of Public Utilities explained that there were original appropriations made on the substation which covered several budget years. In addition, there was a funding ordinance which was authorized this year in the last fiscal year. The combination of those funds would have been more than adequate to cover the cost of the project. Back in 1992 a departmental decision was made to defer some of those funds and they were used as a basis to establish the credit rider. As a result of the administrative hold that was placed on those funds, at the end of the year they were lost. They were not carried forward as a capital item. We have to replenish the original appropriation which is less than the original funds that were in there. The funds that were originally in there totalled \$550,000. The project is in under budget and this is really a re-appropriation. Because of procedure it is recommended that the money is to be taken from other capital line accounts at this point. Those capital items, however, are anticipated to be carried out during sometime in the fiscal year and it will be necessary to come back to the Council at some time to replenish them. The monies that were not used fell out in 1992 into retained earnings. We would bring those monies forward after January 1st or once the funds have been audited.

Mr. Zandri stated that there is a State statute that deals with municipal gas and electrical plants. CGS, Sec. 7-222 deals with price which reads, "The price shall be fixed and made on the basis of not to have a profit less than 5% in a given year." The way he interpreted that is that the Electric Division fixes their rates and then sets their budget accordingly. He interprets the statute to mean that you cannot intentionally have a negative budget. It has to be set in such a way as to have a 5% profit during the course of the budget year. If that is true, that you cannot intentionally budget in the negative, then he cannot see how, in any point in time - except for returning dollars as a credit rider to the customers - that the Division can take any retainage or retained earnings and utilize them during the course of a budget year to subsidize the operation of the utilities. This issue was to be the next agenda item. Due to the absence of the Town Attorney, however, it will not be discussed but he wanted to make everyone aware that this issue will continue to be pursued.

Ms. Papale stated that Item #15 will be placed on the next agenda.

VOTE: Killen and Zandri, no; all others, aye; motion duly carried.

Ms. Papale informed the public that CMX, a Wallingford firm, will be celebrating an important milestone tomorrow when they ship their 1,000th laser based circle precision system for high accuracy manufacturing applications between the hours of 12:30 P.M. and 2:00 P.M. They are located at 135 N. Plain Industrial Road.

Motion was made by Mr. Doherty to Adjourn the Meeting, seconded by Mr. Parisi.

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

There being no further business, the meeting adjourned at 10:35 P.M.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Iris F. Papale

Iris F. Papale, Chairperson

November 23, 1993

Date

Kathryn J. Wall

Kathryn J. Wall, Town Clerk

November 23, 1993

Date

R E S O L U T I O N

WHEREAS, Wallingford Center, Inc. and Alpha-Lo are sponsoring the Annual Bicycle Race to be held on Sunday, May 1, 1994; and

WHEREAS, the Annual Bicycle Race will be held at 12:30 P.M. until approximately 4:00 P.M.; and

WHEREAS, for the safety of the entrants and the public it will be necessary to close certain public highways to vehicular traffic during this time.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD that the following public highways shall be closed to vehicular traffic during the Annual Bicycle Race scheduled for Sunday, May 1, 1994 from approximately 12:30 P.M. to 4:00 P.M.:

South Main Street from Sylvan Avenue northerly to Center Street (Conn. Route 150);

North Main Street northerly from Center Street (Conn. Route 150) to Church Street;

Center Street (Conn. Route 150) westerly from North and South Elm Streets to North and South Orchard Streets;

Ward Street easterly from South Orchard Street to South Elm Street;

Prince Street from South Orchard Street easterly to South Main Street;

South Whittlesey Avenue northerly from Ward Street to Center Street (Conn. Route 150);

North Whittlesey Avenue from Center Street (Conn. Route 150) northerly to Church Street.

DATED AT WALLINGFORD, CONNECTICUT THIS _____ DAY OF NOVEMBER, 1993.

William W. Dickinson, Jr.
Mayor



WALLINGFORD CENTER, INC.

August 20, 1993

Downtown Resident, Church, or Business Owner
Wallingford, Ct. 06492

Dear Neighbor:

Wallingford Center Inc. is planning an annual bicycle race as part of our downtown celebrations. Similar races are held all over the country, and are enjoyed by competitors and spectators alike. We wanted you to know of our plans and have an opportunity to tell us your concerns before we meet with the Town Council.

With your support, a downtown bicycle race will highlight our historic town center, provide an afternoon of entertainment, and help our local merchants.

The bicycle race schedule is set months in advance. The United States Cycling Federation has assigned the first Sunday in May for the race in Wallingford. After review of several routes, the course that works well for traffic control and best highlights the downtown is: South Main Street, Ward Street, South Whittlesey Ave and Center Street. This charming route features the parade ground and restored houses on all streets.

We plan to begin the race after Church services to minimize disruption, and will end the race with a special event in Simpson Court at 6 P.M. For safety reasons no parking will be allowed on the course from 10 A.M. until 6 P.M. (except church parking until 11:30 if required). All cars needed during the event should be parked on adjacent streets. Of course, if there is a personal difficulty, arrangements can be made to drive into or out of the race area within five minutes. In the event of an emergency, the race would be halted.

This event will draw bicycle racers from all over the United States, as well as several international team members. It should be an exciting day. We would appreciate your involvement and

235 Center Street • Wallingford, Connecticut 06492 • (203) 284-1807

-2-

support. Please let us know how you feel about the race by filling in the attached questionnaire and returning it to us in the enclosed envelope. If you have any questions or suggestions, please call me at 284-1870.

Sincerely,
WALLINGFORD CENTER, INC.

Beverly Belliveau
Beverly Belliveau
Executive Director

THE RACE COMMITTEE
Stenen Lazarus/chair
Jane Smith
Dr. David Clukey