

TOWN COUNCIL MEETING

SEPTEMBER 22, 1998

6:30 P.M.

AGENDA

Blessing - To be announced

1. Pledge of Allegiance and Roll Call
 2. Correspondence - HazWaste Satellite Day - Oct. 17, 1998
 3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#110-164) Totaling \$7,633.50 - Tax Collector
 - b. Consider and Approve Merit/Anniversary Increases for Thomas Dooley and Terrence Sullivan
 - c. Consider and Approve an Appropriation of Funds in the Amount of \$2,720 to Revenue (Hwy. Safety) Acct. #1050-050-5883 and to Police Overtime Acct. #001-2005-101-1400 in the Federal Highway Safety Grant Memorial Day/July 4th DUE Enforcement Program - Dept. Of Police Services
 - d. Approve and Accept the Minutes of the Joint Town Council/PUC Commission Meeting of August 25, 1998
 4. Items Removed from the Consent Agenda
 5. PUBLIC QUESTION AND ANSWER PERIOD
 6. Consider and Approve the Confirmation of One (1) Mayoral Appointment to the Personnel & Pensions Appeal Board to Fill a Vacancy for a Term Which Expires 12/31/2000 - Mayor
- Consider and Approve a Budget Amendment in the Amount of \$19,250 Increasing Acct. #633-000, Maintenance Pumping Equipment and Increasing Sources of Funds Section, Appropriation From Cash, 1-91 P/S Upgrade (No Acct. No.) - Sewer Division

8. Consider and Approve Amending Section I.B. of the Town Council Meeting Procedures as Requested by Chairman Robert F. Parisi
9. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor
10. CONTINUATION OF A PUBLIC HEARING on an Ordinance Appropriating \$195,000 for the Acquisition of Real Property Known as 1070 East Center Street for Open Space, Recreation and Town Purposes, and Authorizing the Issuance of \$195,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.
11. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss the Settlement of Pending Litigation Involving the Town of Wallingford v. Franklin Environmental - Town Attorney
12. Consider and Approve the Settlement of Pending Litigation - Town Attorney

TOWN COUNCIL MEETING

SEPTEMBER 22, 1998

6:30 P.M.

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TOWN COUNCIL MEETING

SEPTEMBER 22, 1998

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, September 22, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr. At 6:31 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Chairman Parisi who was ill at home. Mayor William W. Dickinson, Jr., Assistant Town Attorney Gerald Farrell, Sr. and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Town Council by Rev. Dean Warburton of the First Congregational Church.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

A letter from Mayor William W. Dickinson, Jr. was read into the record informing the public that the Town will be hosting a HazWaste Satellite day on October 7, 1998 from 9:00 a.m. to Noon at CYTEC's parking lot (Appendix I).

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#110-164) Totaling \$7,633.50 - Tax Collector

ITEM #3b Consider and Approve Merit/Anniversary Increases for Thomas Dooley and Terence Sullivan

ITEM #3c Consider and Approve an Appropriation of Funds in the Amount of \$2,720 to Revenue (Hwy. Safety) Acct. #1050-050-5883 and to Police Overtime Acct. #001-2005-101-1400 in the Federal Highway Safety Grant Memorial Day/July 4th DUE Enforcement Program - Dept. Of Police
- vices

ITEM #3d Approve and Accept the Minutes of the Joint Town Council/PUC Commission Meeting of August 25, 1998

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, seconded by Mr. Farrell.

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

ITEM #4 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive stated that he was unable to attend the most recent scheduled hearings conducted by the Board of Assessment Appeals due to the fact that he was working in the primary September 15th. He asked if it would be easier to send the tax bills out to the recipients as soon as possible and then schedule three or four different dates and times for people to appeal their assessments to the Board?

Rys explained, State Statute and guidelines must be followed regarding this process.

Comptroller Thomas Myers further explained, the Town Charter along with State Statute sets out a calendar by when the budget is to be adopted and the tax rate set. With the filing of the grand list which starts on January 31st, the Town must adopt a budget and set a mill rate no later than the second Tuesday of May. We are already up to May with a budget and tax rate process which will go into effect July 1st. It takes us from the second Tuesday in May until approximately the 10th of June to prepare all of the tax bills. The bills are then mailed out and are due July 1st. All of those dates are set out in regulations in one way or another. The Board of Assessment Appeals is an independent Board. That Board is not linked to the Assessor's Office or any other office in the Town. They use official Town of Wallingford records to seek information regarding the value set on automobiles or real estate or business assets. They make their decisions and conduct their meetings in accordance with specific State laws that say when those meeting will occur and how they will be administered. I know of no way that the information could be gotten to a taxpayer any sooner and a bill corrected in a manner such that a corrected bill would be paid in the manner which you (Reginald Knight) described earlier.

Reginald Knight pointed out that a person is allowed one month's grace period to August 1st by which to pay their bill which is due July 1st. Knowing that there are people who are locked into various commitments on one particular day, couldn't they hold more than one session between July 1st and August 1st? Six years ago when I attended an appeal session, there were probably seventy-

e (75) people standing in the hallway. By the time I got to up to the front of the line it was midnight. This is not giving the citizen fair time to settle the matter. Doesn't the Town have any control over the Board so as to persuade them to hold more than one meeting?

Mr. Myers stated, the Council appoints the Board of Assessment Appeals.

Mr. Rys stated that he will look into the matter to see if there is any way the Board can legally hold additional meetings.

Frank Wasilewski, 57 North Orchard Street referred to Item #3b, Anniversary/Merit Increases and asked, are the increases anniversary or merit in nature? Are they one or two raises?

Ms. Papale responded, it is only one raise.

Mayor Dickinson explained, the raises are dictated by the management contract. Management union members receive merit increases and employees belonging to other bargaining units receive what are called anniversary increases.

r. Wasilewski asked the Mayor, have you ever refused a merit raise?

Mayor Dickinson responded, I believe so, yes, but it is not real common.

Mr. Wasilewski asked, for as long as you have been in office, how many merit raises have you rejected?

Mayor Dickinson answered, not a lot but I believe there have been some.

Mr. Wasilewski stated, plus they get their contractual raises so actually they get two raises every year.

Mayor Dickinson explained, there is a general increase. This increase is for an employee who is in the step process; there are several steps within each position.....

Mr. Wasilewski asked, do they ever reach a ceiling on their salaries?

Mayor Dickinson answered, they reach a ceiling regarding the steps. After that it would be general raises.

Mr. Wasilewski asked, so they never stop getting raises?

Mayor Dickinson answered, that depends upon budgets and negotiations. It is possible that there would not be an increase but in general there is an increase.

With regards to comments made at the last meeting pertaining to an air coolant-type of system for the proposed generating plant, Mr. Wasilewski stated, in talking with one of the fellows from Stone & Webster who are designing the new plant, it will have a water-cooled system because air is more polluting, takes more space and creates more noise. They use huge fans to cool the towers where, with water, you don't have that problem. I don't think they will have room where they want to put the plant to put air cooling towers in. Stone & Webster is against air cooling towers and they would never design a plant with them. The serious question is, are we able to supply them water? I have not heard the Water Division come out and say that we can supply water to the plant. Either we will have to build another reservoir in Wallingford and get more water if we want to go with this system on East Street. Before a contract is signed the public should be more informed and should have something to say whether we go with this deal or not. If you go back in time when this was a Town
1 borough, somehow the borough lost out on the Electric Division through some legal mumbo-
nbo in the Charter and what State rules we had at the time. The people of the borough thought they owned the plant but they didn't. With the Charter being changed, our first Charter for the whole town, with the wording of it, automatically, the Electric Division was taken out of the borough's hands. I had supplied every Councilmember with this information a couple of years ago and not one of them had the interest then to ask me any questions about it. If you read, when they were going to consolidate, this was the first paragraph in the consolidation that it was still the borough's plant but it wasn't because the politicians worked out where they just took it away from the borough and nobody ever brought it up except for me. No one had any interest in it; I think that was wrong. We have to be very careful what kind of contract we sign with this company who wants to generate power here in Wallingford. From what I read in the Charter, it says that we can only sign ten (10) year contracts. These people want a thirty year contract. How are we going to change that? The people in Wallingford should know how we are going to change that before they sign any contract with this outfit. The Councilors should be a little more vocal and expressive on this issue. This is a very serious matter that we are looking to undertake in Wallingford. All the young people should get involved in this matter.

Robert Sheehan, 11 Cooper Avenue asked, what is the status of the Assessor's Office? Are we ively seeking new employees? I assume within the next month or so the Comptroller will be ning back to the Council for more money for the temporary staff in that office.

Mr. Myers answered, your assumption is correct, I will be coming back for more money. I have been working with the Personnel Director to actively seek candidates for the positions that have been vacated in the Assessor's Office. On a positive note, as of today through the efforts of the staff in the office, myself and other members of the Finance Department, and the Cole Layer & Trumbul staff, we are in pretty good shape. We are going to face an onslaught of work with the motor vehicle lists coming from the State of Connecticut and the personal property declarations. That is the next work crunch that I am looking at now. Cole Layer & Trumbul is a national appraisal firm that deals with real estate, they do not deal with personal property and they do not deal with motor vehicles. I am going to have to explore several other avenues that might or might not be available to us for assistance in the motor vehicle and personal property area.

Mr. Sheehan asked, do you have any kind of time frame for when you think you will have those positions filled by?

Mr. Myers responded, I have been talking to the Personnel Director about conducting a very thorough search on a northeast and slightly south of us regional basis to see what type of applicants we can attract and work from there. We want to be very thorough.

Mr. Sheehan asked, how much have we spent so far on this outside help?

Mr. Myers answered, by the next Town Council meeting we will have spent about \$22,000.; since July. Prior to July we spent about \$9,000.

Philip Wright, Sr., 160 Cedar Street stated, for those who are watching the program, the two employees, Mr. Dooley and Mr. Sullivan got increases of approximately \$2,600 each. The devil's acre down where Pond Hill Road and Elm Street intersect is looking messy and has been for quite a while. A number of years ago it was painted green and in the meantime it has gotten chopped up, chewed up and needs some attention.

With regards to Wallace Park, Mr. Wright stated that he has been observing the sidewalks, bricks and the rest of the work. He stated, I am really struck by the fact that the sidewalks, themselves, are pretty narrow. If a child riding a bicycle meets up with someone pushing a baby carriage, there's trouble. In addition to that, I don't know if it was by design or not but on at least one of the corners there is no concrete ribbon going around. If there is some youngster or oldster with their rollerblades, they are in trouble when it comes to the corner. I don't know if it was to discourage rollerblades down there or whether it was a design flaw. Either way, it is not too desirable.

On a separate matter, Mr. Wright said, there was a statement in the newspaper made by someone that timecard punching by other employees was one of the infractions committed by a couple of the employees who were involved in the Assessor's incident. In listening a little bit to employees in the Town, it is my understanding that the practice of punching someone else's timecard is rampant and has been for some time. One employee punching the other's card; supervisors punching people's cards and giving them time off in that manner; I am in no position nor will I try to verify what I am saying but I would say that if this is the case, that is the sort of thing that will spread like wildfire. I know that at good ol' uncle Cy's (Cytex) when you punched somebody's timecard, you both got headed out. That is a violation that should not be, in any way, tolerated. I don't expect any response from anyone but.....

Mr. Rys asked the Mayor, punching someone else's timecard I know in private industry is a violation of.....it is definitely personnel violation. I would assume that if someone punched someone else's card out that would be grounds for termination in most factories that I know of. What about the Town?

Mayor Dickinson responded, it is certainly taken into consideration. I can't say that that act alone would constitute enough to terminate employment. But I believe it is unlawful. It certainly would be subject to discipline; whether it is enough by itself to have someone terminated is another question. It is clearly a violation of the Town's rules. It is a violation of the State rules and anyone who is doing it is doing it at extreme risk of discipline to themselves.

Councilor Farrell stated, it was not that long ago that I did work here at the Town Hall for two summers as a college student. A lot of the same people are still here. There have been some of these incidents but I don't think that you can generalize in that kind of way and say that it is rampant and that a lot of people are doing it because I never saw it and I am in this building quite often during the day now and I never see that and I think that the vast majority of our Town employees are very honest people. I would be careful to generalize.

Mr. Wright responded, I believe that the majority of our employees are honest also but I think that if you believe that because you don't and you haven't seen it, Jerry, that it is not happening, then you have your head in the sand. Are there a decent set of employee rules and regulations, Mayor? Is there something that says somewhere that thou shalt not do this, that and the other thing?

Mayor Dickinson replied, there are memos that have been put out to all departments indicating what rules are regarding timecards. I believe it is well-known that it is not permissible for anyone to punch someone else's timecard. That timecard is the record of employment by State rules. I don't

ik that there is any misconception on the part of anyone that it is not an accepted practice to punch someone else's timecard.

Mr. Wright asked, has there been anyone disciplined for timecard violations in the last three years, other than this past incident?

Mayor Dickinson answered, I don't believe there has been anyone prior to that but I would have to speak further with the Personnel Department. I am not aware of any other instances.

Mr. Rys stated, I am going to talk with the Personnel Director, myself, and find out what the actual rules are because I know in regular industry and regular companies that falsification of a document of time is terms for immediate termination. I am not saying that is the rule here; obviously, we have union contracts and everything else but I will check with the Personnel Director and if you would like me to, I will get you an answer.

Pasquale Melillo, 15 Haller Place stated, many Town residents have called me asking that I be their spokesperson expressing their appreciation for the free legal services donated by Gerald Farrell, Sr. and Gerald Farrell, Jr. relative to the cemetery vandalism.

With regards to open space, Mr. Melillo stated, relative to the future purchases of open spaces, I think we should specifically set aside a certain amount of open space for the animals because they are running out of territory. How many times do you hear about coyotes roaming in people's backyards; foxes, and other animals roaming around. We have to do something about it because they are entitled to their habitats, too.

Next, Mr. Melillo asked, what is going on with Community Lake?

Mr. Rys stated, the Community Lake Study Committee is still meeting with the State. We are going to get a report eventually.

Mr. Melillo stated, I have read in the newspaper that the golf course proposal has been rejected relative to participation by both Meriden and Wallingford, am I right or wrong? Was that article correct?

Mr. Rys answered, that was a meeting between the Golf Course Committee and the City of Meriden and I believe that Mr. Zappala could answer the question.

Mr. Zappala stated, it is not the wish of the committee to get involved in a joint venture with Meriden.

Mr. Melillo stated, if we do decide to purchase any land for a golf course in the future, we should not enter into a partnership with anyone else. The Town should be the only one involved in the venture.

ITEM #6 Consider and Approve the Confirmation of One (1) Mayoral Appointment to the Personnel & Pensions Appeal Board to Fill a Vacancy for a Term Which Expires 12/31/2000 - Mayor

Motion was made by Mr. Knight to Confirm the Appointment of Larry Drapela to the position, seconded by Mr. Centner.

Mr. Zappala asked, how long has there been a vacancy on the Board? How many members serve on the Board?

Mayor Dickinson stated, I believe it to be a five member board and someone resigned earlier this year. This is a replacement. There are five members and there are two members for certain items. Those two are elected by the employees.

OYE: Parisi was absent; all others, aye; motion duly carried.

Philip Wright, Sr., 160 Cedar Street stated, it is an appointment to a very important Board or Commission as the others are. I have noted that of late there has been.....Larry is not here tonight; I know him well and he is very qualified for the position but, of late most of the people that are appointed are not present to be sworn in. It doesn't seem as though the whole thing is being handled; people being appointed and re-appointed with any sense of importance to the public. People should be up here where they could be seen and they should be sworn in at the meetings, not at some other time. That is my personal opinion.

Mayor Dickinson corrected his statement made earlier with regards to the membership on the committee; there are three members appointed and two are elected by employees. In some instances there is a sixth individual.

ITEM #7 Consider and Approve a Budget Amendment in the Amount of \$19,250 Increasing Acct. #633-000, Maintenance Pumping Equipment and Increasing Sources of Funds Section, Appropriation from Cash, I-91P/S Upgrade (No acct. no.) - Sewer Division

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

Correspondence from Roger Dann, General Manager of the Sewer Division states funds were budgeted in the prior fiscal year for the upgrade of pumps at the I-91 pump station. During the year bids were received for this work. The actual costs, based upon the bids received however, were well in excess of budget and the time frame for completion of the work. Due to the long lead time for pump delivery, completion of the work was delayed past the end of the fiscal year. The Sewer Division re-evaluated its options for upgrading the pump station and placed the work back out to bid based upon a revised scope of work. Since no funds were budgeted in the current year's budget for this purpose, it is now necessary to request a budget amendment. The amendment would re-appropriate the unused funds from the prior year for the purpose of completing the work in the current fiscal year.

Mr. Zandri asked, why wasn't this planned for and included in the funding of this year's budget?

Roger Dann, General Manager of the Water & Sewer Division responded, at the time the budget was being prepared, which in our case is in December and January, we had not yet put the project out to bid. We were unaware that we would be unable to complete the work in the prior fiscal year.

Mr. Zandri asked, are the funds coming from unappropriated fund balance?

Dann responded, unappropriated cash balance.

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

ITEM #8 Consider and Approve Amending Section 1B of the Town Council Meeting Procedures as Requested by Chairman Robert F. Parisi

Mr. Knight read the present wording of the section into the record as follows:

"A third meeting specifically for the purpose of hearing input on policy and operation of town government from the public will be scheduled for the third Tuesday of every month beginning at 6:30 P.M. Members of the public wishing to speak at this meeting will be requested to sign up in advance of the meeting at the Town Council Office." It goes on but the essential part that is being requested to be changed is that second sentence.

The request is to change it to read:

"Members of the public wishing to speak at this meeting will be requested to sign up by noon of the day before the meeting date."

Essentially, what we are requesting is that the public that wishes to speak at this meeting make their decision on the Monday; by Monday noon of the day before the meeting, Mr. Knight stated. We will move that.

Motion was made by Mr. Knight to Approve the Change in Language, seconded by Mr. Renda.

Mr. Zandri stated, when we originally passed the rules for the Council, I was opposed to this third meeting. I felt that we should not be restricting the public at all from speaking at our regular meetings. I saw no need to have the third meeting. I voted against it originally therefore I will be voting against this change this evening as well.

Mr. Zappala stated, I did vote against the third meeting way back when because I did not think it was really necessary but I feel that if we are going to hold the meeting, we should have some idea of how many, if any, speakers will come to the meeting. For instance, last Tuesday I had an Ordinance Committee meeting which was canceled because of the public speaking meeting at which only two people spoke and I think they did only because we assembled and no one else had shown. We had a meeting of no major importance. No one had signed up. We had canceled a meeting that was important to me and the Ordinance Committee to come to a meeting at which no one was present to say anything because no one had signed up to speak. To have advance notice as to how many people going to be speaking would be helpful.

Mr. Renda concurred with Mr. Zappala.

Mr. Centner concurred with Mr. Zandri stating, I also voted against the third meeting for all the said reasons and so far it has not been practical. We canceled a couple of times for no turn out and the balance of the meetings have had low turn out. It is not a practical use of time however I will continue to attend these meetings; I just don't think they are very efficient and practical. I would rather work them into our regular meetings. I will vote no on this tonight but I will continue to attend the third meeting.

Ms. Papale stated, I also voted against this when we voted on our meeting procedures last year. But since it did pass that we would hold the third meeting, I have attended the meetings. I also agree with Mr. Parisi's item on the agenda. We as Councilpeople are very happy to be here on the third Tuesday; happy to be able to do it for the community but the people in the community have to realize that we have many other things going on in our lives. A lot of things have to do with committee meetings and it was a shame that the Ordinance Committee meeting had to be postponed because I thought it to be an important meeting and it should have taken place. I will also vote to have people sign up the day before so if there is not a meeting on the third Tuesday we can go on with our

es and do other things that are important to us. It is also coming to be winter and maybe the guys, more, don't have a problem but I don't like to drive in the snow if I don't have to. It would mean a lot to me to know either yes, there is a meeting or, no, there is not a meeting; not to come up here and wait and see who shows up.

Mr. Rys stated, at our last meeting we did have someone come up and speak and someone else from the audience, but I must mention to the Council that not everybody likes to speak or ask questions of the Council in front of a camera. That was brought out at one of the first meetings that we had. I feel that to continue this would be good because that allows some of the public who may be camera-shy who don't like to come out because perhaps they don't speak well in public. I do support a sign up prior to the meeting, that way we can schedule it and make sure that the people are heard.

Reginald Knight, 21 Audette Drive asked if an individual can phone in their name to the sign-up list since many people have obligations during the day that prevents them from being able to come down in person?

Mr. Rys responded, yes, they may call either the Town Council or Town Clerk's Office.

Reginald Knight stated, we are limited as to how long we can speak at a regular meeting therefore I think the third meeting is an invaluable tool for the public to come forward and make their views known to the Council. He recalled one Councilor saying "the third meeting really doesn't matter because nothing important happens during the meeting; nothing is done." I would like to feel that at least the opinion of the townspeople will be heard.

Pasquale Melillo, 15 Haller Place, Yalesville stated that the Council should drop its requirements to call in or sign up. As time goes by, if very few people attend the Public Speaking Meeting should be incorporated into the Public Question and Answer Periods of the regular meetings. There are ten cities across the country who are currently involved in court cases brought against the town by people who feel that their First Amendment rights are being violated by putting a limit on the Public Question and Answer period.

Andy Kapi, 6 Deme Road stated, I was one who thought this session would not develop into a useful and practical tool. While I would not use the term "waste of time" but I don't know if it is the best, most practical use of time. If it is all that is to be offered in place of the tendency this Council had expressed back then, which was a desire to limit Public Question and Answer Period during regular Council meetings, then certainly I would not recommend to take that section away. If people have a fear of speaking publicly, they can go the more direct route and call a Councilperson and try to find a champion to bring something to the Council table. Generally speaking, these sessions have not been

adequate substitute for a full Q&A session. Today was a pretty good example; last meeting I thought was an excellent example of what I consider to be a fruitful Q&A session. Obviously, you are not going to reconsider that issue now to put the Q&A limits during regular sessions back to where they were but as you consider this decision, it would be useful to note that the special third meetings have not taken off because, like with anything else, a question occurs to people when the moment is right and the issue is hot when it is on the table. Therefore, people have the tendency to want to come up and talk on the night when possibly there would be some action as a result of something that would be a suggestion. I think the issue of televising is also germane because, as with the Middletown example, which I discussed with them back then, they do televise those sessions and people think it has a more binding effect on what will come of their remarks. The people in public office are forced to confront those remarks and react to them and possibly as you, yourself, promised tonight to take some action as a result. For all of those reasons, the third meeting suffers. As I recall you made a last minute change the night the last version of the procedures were adopted to change the words "may schedule" to "will schedule" making it more of an imperative that the third meeting would be scheduled. I take it that you would now have to change those words back to "may schedule" if you are going to make this a contingency effort, or if no one signs up, that you are not going to stage the meeting. Would that be correct?

. Knight stated, for the purpose of clarification, perhaps we should add verbiage indicating that the meeting will be canceled should no one sign up prior to noon of the day prior to the meeting. I believe that is the intent, certainly, of the change. While it may not be the strict construction you might request but that certainly is the intent. If one person signs up then the meeting takes place. If no one wishes to speak then, obviously, it defaults to the meeting being canceled.

Mr. Kapi stated, the last thing I would say about the procedures, in general, is the issue of televising special meetings. Obviously, in my ideal world, if you were going to stage these third meetings they would be televised as well. I think that if there was ever a serious effort to re-visit the idea of these procedures, you have to take into account the fact that televising of these.....I am talking about a special meeting, not the third meeting, I am talking about a special meeting. When I had an exchange with Bob (Parisi) about the last special meeting being staged, I asked, "who made that decision?" and he said, "I did." There is something about that that doesn't go down very easily for me, with all due respect to Bob who is not here. I don't think we elect Councilpeople to decide what should be shown as far as a discussion of important business before the Council and what shouldn't be shown. If you are going to look at Council procedures again, somebody at some point, whether it is this Council or the next one, is going to have to write in a section having to do with the procedure of televising special meetings. I recommend that they all be televised. In this past month we had a special Council Meeting and a special Planning & Zoning Meeting that were comfortably televised and adcast by our facilities. I don't think that is an unreasonable thing to ask. Some of the folks on this side of the aisle may still wish to participate in these third meetings and I would say, make what

...er language changes you would do to ensure the possibility that if that desire is there that it happens but again, I will say that I don't think that is an adequate substitute for a full free Q&A session during the regularly-scheduled meeting that is televised.

Mayor Dickinson stated, if this is going to go on further I suggest that you depart from it and go into executive session so that we can then hold the public hearing on time at 7:45 P.M.

Reginald Knight stated, I do remember one Town Councilor when asked, "what if no one shows up?" saying, "Then we will meet, then we will close the meeting and leave, it is as simple as that." All of a sudden there is a change of mind. At that time it seemed so clear. I am against the third meeting in the sense that we should be able to speak at the regular meeting on the grounds that, again, one Councilor said, "nothing really important is decided or done at the third meeting." I would like to think that something was thought to be important at least.

Mr. Renda stated, I keep hearing people saying that the third meetings amount to nothing. The Cat Ordinance came out of one of the public speaking or third meetings of the month. This Council listens closely to the people and if we have to take action, we take the proper action.

...r. Farrell stated, I am not sure that it is right to go forward exactly the way it is worded because I think it is not a great policy to have made two assumptions about what this language does; that I don't think that we should assume the fact that unless it is in writing that people can telephone in their sign-up and I don't think that we can assume that the meeting is canceled if no one signs up unless that language is in here. At this point I would make a motion to table this matter so that we can accomplish the other business that we have to in a timely fashion.

Motion was made by Mr. Farrell to Table This Item, seconded by Mr. Zappala.

VOTE TO TABLE; Parisi was absent; Centner, no; all others, aye; motion duly carried.

ITEM #9 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor

ITEM #11 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss the Settlement of Pending Litigation Involving the Town of Wallingford v. Franklin Environmental - Town Attorney

...otion was made by Mr. Knight to Enter Into Both Executive Sessions as Listed Above, seconded by Mr. Farrell.

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

The Council entered into executive session at 7:39 P.M.

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

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

The Council exited the executive sessions at 8:15 P.M.

ITEM #10 CONTINUATION OF A PUBLIC HEARING on an Ordinance Appropriating \$195,000 for the Acquisition of Real Property Known as 1070 E. Center Street for Open Space, Recreation and Town Purposes, and Authorizing the Issuance of \$195,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.

Mayor Dickinson asked that it be noted for the record that land area is 11.417 acres; 11 1/2 acres or it is located off of East Center Street in the area across the street from the Vietnam Memorial park; it is bounded on the northeasterly by Water Company property or the watershed; it is appraised, it is an RU 120 residential zone and our appraiser places a value of \$180,000 on the property.

At this time Vice Chairman Raymond J. Rys opened the meeting to the public.

Robert Sheehan, 11 Cooper Avenue asked the Mayor, are you still negotiating or have you come to an agreement?

Mayor Dickinson responded, we have not reached a firm agreement; I don't have approval from the Council regarding a contract.

Mr. Sheehan asked, isn't this somewhat of a contract if they approve this money tonight?

Mayor Dickinson answered, no, this would authorize a borrowing of funds but does not commit us to an actual purchase.

Mr. Sheehan stated, in the ordinance it identifies the property; just as you (Mayor) read.

Mayor Dickinson answered, it authorizes the expenditure of the money for the land in question. We do not have an executed contract with the property owner at this time.

James Vumbaco, 81 High Hill Road stated, I think it is a noble idea to purchase open space for the Town of Wallingford however, I am still not a proponent of spending taxpayer's dollars without a plan. This is the second time since the end of last June or July when the \$4+ million ordinance was rescinded that we have gone on record as attempting to purchase open space. I still don't see a plan in place, not for this particular property, but a plan for the Town of Wallingford. Through the Chair I would like to ask the Mayor at least where we stand on developing a town-wide open space plan; where do we stand in having that plan available for the public to review and make comments on and what is the intentions of the Town for having that plan put in place?

Mayor Dickinson replied, to my knowledge there is a plan. The Conservation Commission has adopted one; they are finalizing some features of it but it is available from the Commission and may be available in the Town Clerk's Office. The implementation is really through the purchase of open space. The pieces that come before the Town Council allow either our purchase or inability to purchase as pieces of property are identified and are for sale. We are only able to purchase, in general, where people are willing to sell. There are a lot of pieces that we would like to buy but, as a general rule, people are unwilling to sell. Where we can identify pieces and there is interest on the part of the owner and sale, we are actively pursuing those pieces and they do fit...this one does fit within the guidelines that the Conservation Commission has adopted and the guidance that they have offered.

Mr. Vumbaco asked, has this plan been presented to the Town, in general?

Mayor Dickinson answered, I believe that it has been given to the Town Council and is available, in general to the public.

Mr. Vumbaco stated, our last discussion with the Chairman of the Conservation Commission informed us that it was not a finalized plan, it is still in draft form.

Mayor Dickinson answered, they are in the process of gradually fine-tuning it and dealing with some aspects of it but there is a workable plan there. It is available and the Conservation Commission has indicated to the Council and my office they are interested in having the Town pursue pieces of property.

r. Vumbaco asked, for what reason?

Mayor Dickinson answered, for the purpose of preserving open space habitat environment for the future.

Mr. Vumbaco asked, is it also to stop residential development?

Mayor Dickinson replied, I don't believe that is an identified purpose of theirs. A consequential effect, naturally, is to restrict what property gets developed but I think that is the concern; what will the town be like one hundred years from now? Will there be significant pieces of open property or will it all be developed? That is a concern of the Conservation Commission and I believe it is a concern of the Council; I believe it is a concern of many people.

Mr. Vumbaco stated, I guess the problem I am having is that you are saying that there is a plan in place and yet we have had land use experts talk about and there is literature all over the place to read about that states that if you are going to have a plan that is good for the Town, you need public input; you need people to work on it; you need to present it, not in a secretive fashion. I understand that you are saying that the plan is available through the Conservation Commission or through the Town Council but the public does not know that and in order for anyone to have the public behind plans, they have to know what those plans are and in the plan there has to be stated purposes. Are we putting away "x" number of dollars a year to purchase; are we going to willy-nilly purchase when land becomes available; what are we going to use the land for? I don't think all of those issues are being addressed and I have read the draft proposal of the plan and those issues are not addressed. I just don't know why this is being kept so what I consider somewhat secretive and why the public hasn't been involved and why the Council has not had hearings on it. Why hasn't the Town's Conservation Commission announced meetings that invite people to come and discuss this? It is being formulated by a very, very small group and I just don't think that is right.

Mayor Dickinson explained, the Conservation Commission holds public meetings; they are posted; people can attend them and at the meeting at the Library, the plan was identified there. The Chairman of the Conservation Commission welcomed anyone's input on it at that time. I don't think that there is anything secretive about it except perhaps the list of properties that the Conservation Commission identified as of interest. That list has not been available but the areas of town, in general, the general concepts, the purposes of acquiring open space, have definitely been identified and the plan is in existence and it really comes down to, are we serious about purchasing pieces? That is what we are here about tonight. Are we interested in acquiring pieces of property?

Mr. Vumbaco replied, then I request of this Council that they take that plan because I don't think some Councilmen even realize that they have it and I suggest and request that there is a public hearing on that plan so that they can get public input; so that you do understand what people want as far as

open space is concerned. Get behind it and push for it and start deciding if you are going to put dollars away on a year to year basis so that when these properties come available, we have the funds available to purchase it. I, personally, am not against open space but I don't like the way we are going about it; funding and bonding on an "as needed" basis.

Pasquale Melillo, 15 Haller Place, Yalesville asked, have you had this property appraised by a real estate expert who specializes in appraisals?

Mr. Rys answered, yes.

Mr. Melillo asked, what was the figure it was appraised at?

Mayor Dickinson answered, it was appraised at \$180,000.

Mr. Melillo asked, how much will it cost us total, factoring in all of the interest and bonding costs?

Mayor Dickinson responded, over a twenty year period the total cost would be \$275,000 to \$300,000 but at this point we would endeavor not to have to sell bonds. Some projects/purchases are partial cash, partial bonding; it comes down to the best way to finance it and that will depend upon market conditions and a lot of other factors that the Comptroller is responsible to review and recommend. This (ordinance) is an appropriation that allows the expenditure of the money.

Mr. Melillo asked, do we have to assume the payment of taxes for this property also?

Mayor Dickinson answered, any back taxes due would result in an adjustment in the sales price. Once the Town owns the property, it would no longer make the payment of taxes.

Mr. Melillo asked, as of now, are there any taxes owed by anyone on this property?

Mayor Dickinson answered, if anything is owed it would be an adjustment on the purchase price. The price would be reduced in order to account for those sums owed. Our goal is to pay as much of it in cash as we can.

Mr. Melillo stated, we should be organized to pay for most of the property by cash so as to eliminate the huge costs relative to issuing bonds which take ten to twenty years to pay back with interest.

Philip Wright, Sr., 160 Cedar Street stated, Mayor, you've kind of danced around this question of whether we have come to a figure or not. Have we arrived at something or have we made an offer that is acceptable if the Town Council approves this tonight?

Mayor Dickinson stated, the Town Council has not approved a purchase figure at this time.

Mr. Wright asked, have they disapproved it?

Mayor Dickinson replied, they have not approved a purchase figure. We have brought a contract to them for approval.

Mr. Wright asked, have you arrived at a price with the seller?

Mayor Dickinson answered, I have not arrived at a price; there have been discussions regarding price. The Town Attorney would have to indicate whether there has been an exact identification of a price but I have not been privy to those conversations.

Mr. Wright asked, you don't know what the Town Attorney...what the negotiations are?

Mayor Dickinson answered, I don't know what the exact price was from the Town Attorney.

Mr. Wright stated, with regard to the open space plan that Mr. Vumbaco was discussing; you stated it at the meeting at the Library the Conservation Commission said, "we have meetings and you are welcome to come" and they did. I have attended a few of those meetings. I have a great deal of regard for that group of people but let me tell you, if open space is really going to take off in this town, somebody has got to be the leader and somebody has got to get out and invite people to come, not just say, "you can come if you want". That is not the fault of the Conservation Commission. If we are really serious about buying open space in this town somebody has got to get pro-active and it is you, Mayor, you. You have got to do it. Not just say, "it is there if you want to come." You are going to have to get the people involved otherwise it is going to be nickel'd and dime'd to death every time this comes up. A real plan has to be established.

Andy Kapi, 6 Deme Road stated, I think that a funding mechanism for the future has to be contemplated; some sort of a roll-over account; something along those lines. This acquisition tonight seems to be fine. If we had a plan in place that was well-known and well-discussed within the community perhaps there would be no question about it at all. That should be our ultimate goal, to have that kind of conversation and that kind of presentation from the Conservation Commission in discussion with the Council. Mr. Vumbaco's suggestion of a public hearing is a good one. I attended a meeting and saw a very personal face to face presentation which I found to be impressive. I think people in the Town, to see a televised presentation in these chambers would probably agree. I think it would make actions like tonight a lot more unquestionable.

Mr. Wasilewski, 57 N. Orchard Street asked, if the Conservation Commission is recommending that we buy this property, I think it would be appropriate if one member of the commission were here to explain why they are suggesting that we buy this property. Could anyone describe this property to me? Is it flat, is it hilly, is it wetlands, what is it?

Mr. Rys answered, it is right opposite East Center Street Veterans Memorial Park; it has a fifty (50) foot right-of-way that goes up onto the knoll. Yes, it is very rocky.

Mayor Dickinson stated, I don't believe there is much wetland. It is right next to Water company property.

Mr. Wasilewski asked, what could the Town do with that property if it is right along side of the Water Division property?

Mayor Dickinson answered, it could still be used for passive recreation such as hiking.

Mr. Wasilewski responded, hiking? We have all that at Tyler Mill. It is only down and across the road. Why would we want one across the street?

Mayor Dickinson replied, the issue is, is it good for us to expand upon the land that we already own? Is that a suitable purpose? I believe it is. We own the property at Williams Road and East Center Street across the street from McKenzie Reservoir. This is another 11.4 acres. There could be houses built there. We are in a position to buy the property and expand upon property that we own; reduce the impact on the watershed, provide habitat...yes, it is across the street from additional habitat but what is wrong with that?

Mr. Wasilewski answered, I cannot see it (buying the property) myself if we are not really going to develop the land that we could use. We have not really done that much with Tyler Mill and that is a big piece of property there.

Mayor Dickinson stated, in the past thirty years or so, in my opinion, the best decision made by this town was made in the mid 1970s when Mayor Vumbaco and the Town Council at that time purchased the Water Division land known as Tyler Mill. That was not so that we can use it today, it was so that 200 years from now someone is going to bless the foresight of those who provided that kind of acreage; I think it is at least 900 acres; right in an area of the community that will allow people to enjoy the outdoors. That is irreplaceable. It is kind of a Wallingford Central Park 200 years from now. That is what the vision of the future has to be; it is not whether we can use it

narrow or even ten years from now; it is what the community will be like many, many years in the future. If we don't do things like this now, there is no opportunity to do it later.

Mr. Wasilewski stated, if you are saying that, 200 years from now go down to the landfill. That will be there 200 years also. That will be a contaminated piece of property that we are not doing anything about now. People are going to say, "what were those people thinking in Wallingford by leaving all this trash here?" 200 years from now.

Mayor Dickinson answered, so we won't get all "A's" on our report card but at least some of the report card will have some "A's".

Mr. Wasilewski stated, if you really want this property.....if you could put a deposit on it and hold it until December because that is when the financial report for the Town will come out and I know that we are going to have over a \$3 million surplus, there is your money to pay for it.

At this time Mr. Rys closed the public portion of the hearing.

Mr. Zandri asked, when this price is finalized, will it be brought before the Council for its approval at that time?

Mayor Dickinson answered, yes, we will have to approve a contract and the Town Council will have to approve the execution of that contract.

Mr. Zandri stated, I will vote in favor of this for two reasons; one, this parcel of land is in our watershed area and I feel that we should protect that area of town and, two, it abuts an existing piece of Town-owned property today.

Motion was made by Mr. Knight to Approve an Ordinance Appropriating \$195,000 for the Acquisition of Real Property Known as 1070 E. Center Street for Open Space, Recreation and Town Purposes and Authorizing the Issuance of \$195,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose and to Append the Remainder of the Ordinance to the Minutes of this Meeting, seconded by Mr. Farrell.

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

EM #12 Consider and Approve the Settlement of Pending Litigation - Town Attorney

Motion was made by Mr. Knight to Consider and Approve the Settlement of Pending Litigation Involving the Town of Wallingford v. Franklin Environmental as Discussed in Executive Session, seconded by Mr. Farrell.

Frank Wasilewski, 57 N. Orchard Street asked for an explanation of the settlement.

Asst. Town Attorney Gerald Farrell, Sr., responded, it is the settlement of a lawsuit brought against an environmental company who did some work for the Town in connection with the PCB spill at Caldor Shopping Plaza. The suit against the tort-feasor was settled two and one-half years ago.

Mr. Wasilewski asked, was the settlement in favor of the town?

Atty. Farrell, Sr., responded, yes.

Mr. Wasilewski asked, what is the Town getting out of this?

Atty. Farrell, Sr., responded, I am not at liberty to say at this point.

Mr. Wasilewski asked, does the Town get it or does the Electric Division?

Atty. Farrell, Sr., responded, the Electric Division paid the money up front so I would imagine that it goes back to the Electric Division. The settlement is in favor of the Town of Wallingford but the Electric Division had paid for the PCB spill.

Pasquale Melillo, 15 Haller Place, Yalesville asked for more detail on the lawsuit. He felt that the public was entitled to more information on the case than has been provided to this point.

Mr. Rys explained, the case is still pending.

Mr. Melillo stated, before the settlement is approved the public should have a final say on what the settlement will be.

Mr. Rys stated, the Town Council is the financial body of the Town; they have the final say in the matter.

DTE: Parisi was absent; all others, aye; motion duly carried.

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

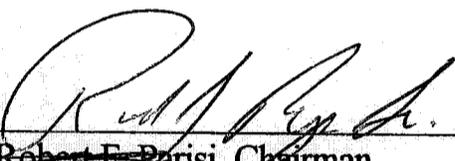
JTE: Parisi was absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 8:50 P.M.

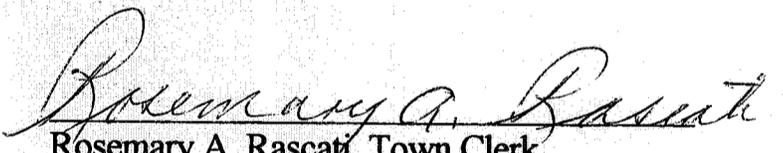
Meeting recorded and transcribed by:

Kathryn F. Zandri
Town Council Secretary

Approved by:


~~Robert F. Parisi, Chairman~~
ve

10 - 13 - 98
Date


Rosemary A. Rascati, Town Clerk

10 - 14 - 98
Date

Appendix I



OFFICE OF THE MAYOR
TOWN OF WALLINGFORD
CONNECTICUT

WILLIAM W. DICKINSON, JR.
MAYOR

September 14, 1998

Wallingford Town Council
Wallingford, CT 06492

ATTENTION: Robert F. Parisi, Chairman

Dear Council Members:

This letter is to inform you that Wallingford will be hosting a HazWaste Satellite Day on October 17th from 9:00 a.m. to Noon at CYTEC's parking lot. Individuals may bring household hazardous waste to this location for this one-time event. You may call the Program Planning Office at 294-2060 for more information or to volunteer to help.

As you are aware, HAZWASTE CENTRAL is open every Saturday, except for holiday weekends, during the summer. It is located at 90 Sargent Drive in New Haven and is open from 9:00 a.m. to noon on Saturdays from mid-May through October. For more information, please call the Regional Water Authority at 624-6671.

Sincerely,

William W. Dickinson, Jr.
Mayor

jms

In Wallingford

ONE DAY ONLY

Help protect our environment
— and our water resources by
using **HazWaste Central!**



Collection at CYTEC (Parking Lot), South
Cherry Street, Saturday, October 17, 1998

Open from 9:00 a.m. until noon



*Volunteers donate their time to make this
service available. If you would like to
volunteer, please call 294-2060.*

BRING US YOUR:

KITCHEN & BATHROOM

- Aerosols / Sprays
- Oven / Drain Cleaners
- Disinfectants
- Furniture / Metal Polish
- Floor Care Products

GARAGE & WORKSHOP

- Gasoline
- Brake / Transmission Fluids

- Oil-Based Paint / Varnish
- Paint Thinner / Stripper

GARDEN & MISCELLANEOUS:

- Insecticides / Herbicides
- Fertilizer / Bug Sprays
- Poisons / Solvents
- Pool / Photo Chemicals
- Camp Stove Cylinders

NO LATEX PAINT
RESIDENTIAL WASTE ONLY

**HOUSEHOLD
HAZWASTE
CENTRAL**

CALL US AT
203.624.6671
FOR MORE
INFORMATION.



A Place for Your Waste

ONLY FOR RESIDENTS OF BETHANY, BRANFORD, CHESHIRE, EAST HAVEN,
FAIRFIELD, GUILFORD, HAMDEN, LYME, MADISON, MILFORD, NEW HAVEN,
NORTH BRANFORD, NORTH HAVEN, ORANGE, WALLINGFORD, WEST HAVEN AND
WOODBIDGE.

AN ORDINANCE APPROPRIATING \$195,000 FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS 1070 EAST CENTER STREET FOR OPEN SPACE, RECREATION AND TOWN PURPOSES, AND AUTHORIZING THE ISSUANCE OF \$195,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$195,000 is appropriated for the acquisition of approximately 11.417 acres of real property located in the Town of Wallingford commonly known as 1070 East Center Street, and more particularly described at Volume 480, Page 556 of the Wallingford land records, for open space, recreation or other purposes as the Town may from time to time determine, and for appraisal, testing, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs related thereto. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcel and to sign purchase contracts and documents necessary to transfer title to the parcel to the Town of Wallingford.

Section 2. To meet said appropriation \$195,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Murtha, Cullina, Richter and Pinney LLP, Attorneys-At-Law, of Hartford. They shall bear such

rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of purchase agreement shall be subject to approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha, Cullina, Richter and Pinney LLP, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be

general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.