

SPECIAL TOWN COUNCIL MEETING

TUESDAY, OCTOBER 6, 1998

7:45 P.M.

AGENDA

1. Pledge of Allegiance and Roll Call
2. CONTINUED PUBLIC HEARING on an Ordinance Establishing Assessments for the Seiter Hill Water Line Extension Project - 7:45 P.M.
3. CONTINUED PUBLIC HEARING on an Ordinance Appropriating \$800,000 to Extend Water Lines to the Seiter Hill Area and Authorizing the Issue of \$800,000 Bonds of The Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 8:00 P.M.

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SUMMARY

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SPECIAL TOWN COUNCIL MEETING

OCTOBER 6, 1998

7:45 P.M.

A special meeting of the Wallingford Town Council was held on Tuesday, October 6, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 7:46 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Vice Chairman Raymond J. Rys, Sr. Mayor William W. Dickinson, Jr. and Town Attorney Janis M. Small were also present. Comptroller Thomas A. Myers was absent from the meeting.

The Pledge of Allegiance was given to the Flag.

ITEM #2 CONTINUED PUBLIC HEARING on an Ordinance Establishing Assessments for the Ter Hill Water Line Extension Project - 7:45 P.M.

Mr. Parisi opened the public hearing at this time and asked Director of Public Utilities, Raymond F. Smith if he wished to make a statement.

Mr. Smith stated, as a result of the bidding process, we have additional information on the project. The department staff will recommend to the Town Council to reduce the funding ordinance from \$800,000 to \$525,000. This reduction is predicated on a very favorable construction bid received from Quality Associates Construction. To put the bid into perspective, we calculated the average cost of the four other proposals received and for the same work, it would have resulted in an ordinance of \$787,000.; not far off from the original estimate.

Mr. Parisi asked, are you saying that four of the five bidders were basically in the same dollar amount?

Mr. Smith responded, they varied; I don't want to misrepresent. We took the average of the other four bidders and how they viewed the job.

Mr. Smith continued, dealing with the \$525,000 appropriation, this translates into the following charges; for the eighty six (86) assessable units that have been identified as part of the construction route as depicted on the map (on exhibit). The assessment per unit is estimated to be as follows:

Estimated Assessable Charges per Unit

| | |
|----------|--|
| \$ 4,900 | assessment |
| 460 | service excavation charge* |
| 195 | tap fee charge from Water Division (to make the tap and run pipe from the street to curb) |
| \$ 145 | meter charge |

* if done during the initial phase of the project

Mr. Smith continued, per the ordinance, the estimated \$4,900 assessment charge and the \$460 service excavation fee are due once the project is completed and the final assessment is levied. That can be paid over fifteen years; the projected life of the bonds. The tap fee, \$195., is due at the time the service is installed from the new main to the curb. The meter charge is payable at the time the meter is requested.

Last week the Water Division mailed to all affected property owners a schedule which indicates the individual payments required to cover the \$4,900 charge over the fifteen (15) years. The actual payments are due on an annual basis and would be \$571.71 in the first (1st) year; \$330.75 in the fifteenth (15th) year. Although not billed monthly, we provided an equivalent monthly payment schedule and those amounts are \$47.64 for the first (1st) year reducing to \$27.56 in the final year. If the property owners choose to also pay the \$460 over fifteen (15) years (optional), the new total monthly amounts would be \$52.11 for the first (1st) year, \$30.15 in the fifteenth (15th) year. I would like to remind everyone that the \$4,900 figure remains an estimate; a good estimate but there is a chance that it could vary up or down. The numbers are based on the construction bid price and including a ten percent (10%) allowance for contingencies during the project construction. If the actual final cost is less, the assessment will be lower. The final interest rate will be what ever the bond sale generates. We have used five percent (5%) in our estimate for illustration purposes. That may be high in today's marketplace but that number will be the actual number that results from the sale of the bonds. In conclusion, I have tried to summarize as briefly as possible the changes and recommendation of staff.

Mary Ann Cherniak-Lexius, Director of Health stated, as far as the Health Department is concerned, as the Council remembers on September 2, 1998 I mailed a letter to residents of Seiter Road area summarizes the stand of the Health Department just following the beginning of public hearing to give people an opportunity to know where we stand and the information we collected. In summary, I will outline a couple of those points to bring us back to that mode.

Historically, the development of the Seiter Hill Road area; we have learned that the topography was originally a rolling pasture. At the time of the development, the developer did what a lot of developers at that time did, eliminate that rolling pasture appearance and leveled the area; in some areas right down to bedrock. From an environmental standpoint that had a significant impact. Soil is nature's barrier of micro-organisms to prevent them from getting down into the rock fissures. The rock in this area is red rock. Eyewitness accounts, by and large they were well-drillers I have spoken to, recall that when this subdivision was developed also there was a lot of blasting that was done. Blasting was necessary because in some areas the stripping went right to the bed rock which is red rock. The blasting was done to put sewers in, to put foundations in and even in some cases to connect the laterals to the homes, to the sewers. The combination of stripping that topsoil material, the loam material and also the blasting further fractured the red rock. What we believe has happened is additional fissures have been opened up and easier transmittance between wells in that area sharing that same aquifer. We know that the wells, at least the ones that we have data on, are very similar in depth which also adds to our opinion that a lot of homes in at least the Seiter Hill Road development share the same aquifer. The Health Department conducted water testing on seventy (70) homes out of the seventy-six (76) homes that are there and in some cases we tested three times on the same well, maybe even more, as we were looking at different factors in this whole study that really began this past June.

conducted an M.P.A. (micro particulate analysis) test on two wells. This was important because we were interested in whether or not we were actually getting a surface water influencing the ground water. We found that one well on Seiter Hill, in particular, was definitely receiving direct influence from surface water into that well where we were actually able to find such things as pollen, algae, nematode eggs; these sorts of things that are normally associated with a surface water body were found in the deep well. Something we did also find in that particular well that really surprised us was by-products of chlorinating. This particular person has no reason not to be truthful to us and has said repeatedly that he has not chlorinated yet we were picking up by-products of chlorinating. We do know that the person's neighbor however, was chlorinating. You see evidence is pointing to the fact that we have sharing of similar source water of the same aquifer. We did additional testing looking for volatile organics, thankfully we did not find any of that. We are trying to identify sources but at this point, this is the direction that it has gone; there is not one source. It has been indicated by the repeated testings that we have been doing and investigations in this area that we have a number of sources. The elimination of a source to rectify this problem is elusive. The sources so far that we have seen in our investigation we believe are perhaps wells, themselves. We have talking about the fact that we have observed caps that were substandard and open to surface contamination. At this point we don't have information on the well inspections; we have extended that out to homeowners. I have not heard back from people if they have had their wells inspected but we suspect that the wells are too shallow on some. At least the well completion reports that we have on hand are

re shallow than a well would be installed today by today's standards. Other sources; we have looked at the environment, we have looked at North Farms Reservoir and had pulled a surface water sample there. We did find both e-coli there as well as coliform as we would expect in a surface water body and we also tested Caitlin Brook which flows out of that reservoir and moves through part of this subdivision of Seiter Hill Road. Caitlin Brook, itself, had far more contamination than the reservoir did. We kind of expect that in the middle of summer, moving through residential as well as farmland. We know that there is that kind of opportunity for bacteria to be coming into the area. We know that we have privately-owned ponds, they haven't been tested but, likewise, if they are rock-bottom they could also be a source of the surface water. I have spoken with experts in the field of groundwater quality and a number of different facets; CT. Welldrillers Assoc. Spent quite a bit of time with me; the State Water Supplies engineers have been very involved with us; area water company officials and our own Water Division officials; scientists from Yale who study the e-coli bacteria.....as I said the source seems to be multiple rather than a single source that could be readily remedied. The reality also exists that this is not only a Seiter Hill Road problem. We have expanded this out to the perimeters to other parts, to Grieb Road, to the outlying area of North Elm and also to North Farms to the perimeter where public water begins. The difficulty here is that wells that have been testing fine now are not guaranteed to remain fine in the future. We do know that people are, for example, installing ultra-violet systems. A u-v system on a contaminated well does solve the

blem of that supply at the tap however, from an environmental standpoint it does not rectify the problem. That surface water contamination is going to continue to get down into the deeper aquifer. People who have wells that are testing fine now, if all of the wells are providing an opportunity for surface water leakage are not repaired, down the road that aquifer that those wells are connected into could also be contaminated. Therefore the only solution that really guarantees a potable drinking water supply year round is public water to this area. I am not just speaking to Seiter Hill but this entire area that is not currently served by public water. The State Health Department likewise has echoed this and have recently reported to me a summary of their findings. They have recommended that the town consider, the people in this community consider, the extension of public water. The public's health is best served, therefore, in this particular neighborhood with the extension of public water.

Henry Bonk, 51 Seiter Hill Road stated, the most important obligation for government is to provide for the health and safety of people. What started out as a health and safety issue has remained so. While most of the attention has been given to e-coli and coliform, it is well-known that other bacteria viruses like salmonella, hepatitis-B can be present. Sampling and testing the water from five different wells in the area, the Seiter Hill Road by a Ph.D. Microbiologist from an independent laboratory, has confirmed the presence of numerous other micro-organisms. We have had invalid tests come back from the State and the Water Company where the e-coli and coliform could not fluoresce because it was blinded by too much stuff. One of my personal

concerns.....I have an auto-immune condition so the contaminated water for me is risky business. Others like the elderly, infirmed, infants, small children and women, more so than men, are at risk too. It would be nice if none of us had to worry about such things as urinary infections, bladder problems, itch skin, etc., when taking a bath or ingesting anything that has been in contact with domestic water supply. In conclusion, a chronic aquifer problem exists here. It is not transient based on long term disinfecting and testing experience, in fact I have filed a year long test results and it is quite comprehensive with the Health Department; that is my own experience. Municipal water is the only solution. The price is favorable and perhaps can become a little better, who knows, and hopefully municipal water can be provided to our neighborhood as soon as possible.

Arthur Ohl, 99 Seiter Hill Road stated, my house was one of the first built and I watched them drill all the wells and build all the houses. My wife died of cancer after suffering a lot of years and I am certainly not going to blame the water that killed her. She was drinking the water, too, along with everybody else. When you say you can be sick from it, take it from there. On June 24, 1998 the Health Department became involved in the simple problem of coliform and e-coli in our wells. Instead of investigating the cause and results, the media was notified. This became a see-ring circus. We lived in this area for more than twenty-five years and most of us did not know anything about coliform, shame on us but it is true. Since we have found that our wells do become contaminated from time to time, we also learned that we should use chlorine as the city does with their water. After all, the city gets the same water from the reservoirs and the wells and consequently they put in chlorine and other things. In your letter of June 24, 1998 you stated that seven wells were tested and six were coliforming; there are eighty some-odd homes. The test was inadequate because the report was "yes" or "no". It is like me saying to any one of you, "do you have cancer, yes or no?" We did not know the results of the tests. We did not know how much coliform was in our wells, we did not know to what degree and we did not know enough to test them. The people of Seiter Hill Road, N. Elm and Grieb Road entrusted me to check the status of their wells using a lab that is recognized by the city and state. The results of the wells tested nowhere near your results. True, it can change from time to time but so can our lives. Out of all the wells tested, thirty-nine (39) were tested; eleven (11) had some form of bacteria and that is what we are discussing. We are discussing bacteria in our wells; coliform and e-coli. The tests came back by a private lab and I have the results in front of me. Eleven (11) of them tested with coliform and out of the eleven, the highest figures were, five (5) units down to one (1) unit and only two homes tested higher. On North Elm, twenty-nine homes were contacted; twenty-four (24) tested fine out of twenty-nine (29). The other couple of wells tested with one part of coliform and that is expected. I was told that the gentleman treated his well and it came out clean. You are asking us to put in this system and that we should pay 100% and I think the Town is responsible for a certain amount of that because I feel that the testing was not good enough to

give us true results. As I said before, If I said you had cancer, does that mean that you are all going to die? It means, to what degree do you have it, and how could it be treated? Consequently, the way this looks is that you may have tested your way and we tested paying for it out of our pockets. Every home that I tested paid for the tests and we are happy to pay for it and the results were far less than what you are telling me. (Applause)

Dave Gessert, 90 Seiter Hill Road stated, I would like to congratulate the Chairman for his idea of waiting to set the price before getting the bid. If another couple of weeks had the same impact I would say, wait another couple of weeks. I think we are very impressed with the numbers that came back and appreciate the efforts of the Water Division and the Council to try and resolve this problem. Mr. Ohl talks about the tests and frankly, I have a lot of other things to do in my life rather than run to the testing lab every month to see if I can drink the water. As a matter of fact, with my wife it does not make any difference. If the tests come back zero she still has the bottle of spring water because she won't drink it until there is city water in there. I think it is a health question as Mr. Bonk has described. When you look at senior citizens, it might have more susceptibility to health problems, or children it might have more susceptibility to health problems, I think it is a critical issue. But I think for every person on Seiter Hill Road it is a critical issue when it comes to the value of their home. First our wells were tainted, now our neighborhood is tainted. I think I speak for a lot of the people on Seiter Hill Road when I say, they have looked at the new price, it is much more palatable, much more acceptable and we would urge the Council to move ahead as quickly as possible to get this project completed and we are willing to pay our fair share so we could go back to living our lives and not run back and forth checking our wells and putting chlorox down there. We have other things to do and we would appreciate your support on this particular motion. (Applause)

Robert Larsen, 22 Seiter Hill Road stated, we have a catch-22 situation here with well water. I tested completely clear and we do have a serious health problem presented to us but it is my impression that we have to pay you for the privilege of you selling us water and to me that is double-dipping. I think the Town of Wallingford owes its constituents to put in water lines free of charge to our neighborhoods. (Applause) I would also like to quote one of the Councilman who said that he could not, in good conscience, spend taxpayer's money on water problems but he would, however, use taxpayer's money to move an historical building or restore an historic monument. I think that is totally ludicrous. If you are really interested in the constituents of this town then I urge you to put in the water line at no cost to the citizenship. (Applause)

Mr. Parisi stated, If it is possible, please try to withhold the applause. I understand that it can make everyone not only feel better but also feel as though you are putting a little impetus behind the speaker but from the Council's perspective it does take a little longer and therefore we would

her just listen to everyone who wants to speak and get people up to the microphone so that everyone will have the opportunity to speak at a reasonable time.

John Beecher, 65 Seiter Hill Road stated, since the last meeting the Water/Sewer Division sent out a survey to all of the people who were affected by this and asked them to vote yes or not or indicate their preference yes or no. I would like to get the results of that if we could.

Mayor Dickinson stated, as of now, the responses we received are:

| | <u>Yes</u> | <u>No</u> | <u>No Response</u> |
|-------------------------------|------------|-----------|--------------------|
| North Elm Street | 5 | 8 | 5 |
| North Farms Road | - | 1 | 1 |
| Seiter Hill Road | 36 | 5 | 4 |
| Grieb Road | 1 | 6 | 3 |
| North Elm (S. Of Seiter Hill) | 1 | 1 | 4 |
| Total | 43 | 20 | 17 |

Mr. Beecher asked, if I am correct, there are actually two things that need to take place; one, you have to vote to do this and, two, you have to vote on how much of it is assessable, is that correct? We don't want to get tangled here into the horse being out of the barn before we have a chance to speak about the assessment.

Mr. Parisi stated, we are discussing the ordinance that will establish the assessment.

Mr. Beecher asked, then it is a foregone conclusion that the water is going to be installed according to contract #15?

Mr. Parisi answered, no. I am not going to say that. That is the item of discussion because that is what was carried forward from the last meeting.

Mr. Beecher stated, my personal feeling notwithstanding, we have a very complex situation. At the last meeting there was a difference of opinion and the Town Attorney had one legal opinion and a few of us went up to Hartford to check in with (Department of) Environmental Protection

...th the commissions and we also have had news in recent weeks of three other towns taking positions that appear to be contrary to the position that Wallingford is taking, that being whether the statutes that we talked about last time prohibited participation on the part of the municipality and the cost of running this water line. At the last meeting the Mayor corrected me and indicated that the second part of the State Statute that I referred to had to do with organic, chemical or volatile compounds. I subsequently read that section and it specifically includes sewage and specifically defines sewage as human and animal wastes. When we up to (Department of) Environmental Protection, although they were very interested in giving us the history of the legislation and they were very quick to tell us that they were not lawyers, they also could not tell us that that precluded, specifically precluded our situation from being assisted by municipal funding. I think we have a legal conundrum here and I think that the jury is still out, so to speak, with due respect to Counsel present. That is what court cases are run on; we don't know. That led me to my personal position now that I have expressed to a couple of you, that I am very, very concerned with; extremely concerned with. To me it is a very sad state of affairs. I originally felt very strong that we were lucky to have a municipal utility because it would not be like we were the folks from out of town going down to the regional water supply and asking people we didn't know. We had a municipal facility that we owned; the people who run it know us; the people they report to, we elect. I have not really felt that we have gotten any advantage from it but at least I can say, it is a sad state of affairs when what is legal is more important than what is right. We have seen it in Washington (D.C.), people hiding behind what is legal. I know that many of you, and I really hope, that you will search down deep inside and take a look at what is right to do here. We are going to set a precedent that is going to have to stand. We all know that the water isn't going to get any better and that the environment is not going to magically get any better and it is quite likely that you will be faced with this problem from other neighborhoods besides Seiter Hill. I know and respect the difficulty of the decision you have to make about setting a precedent but please, please, don't let the legal question on the table cloud your decision when you try to decide what is right to do. I think what is right to do really is not to pay for 100% of putting water into Seiter Hill Road or any other area but nor do I think that it is right to do what has been proposed which is to share in the smallest percentage that I have found historically. The Town does need to find a way to acknowledge what its share will be when we run into these kinds of problems and I don't think it is represented in this current project properly nor do I think it would be properly represented if you sat there and said 100%. As a taxpayer I would not be in favor of that. Take a real close look and don't hide behind the law. The law is challenged all the time. We have seen three other towns that have taken different positions than our leadership is saying that we must take. I respectfully remind you that this form of government is not just an executive branch; it includes our Town Council and our founding fathers did that for a reason. You have some responsibilities here and I hope that you will exercise that responsibility in consideration of the citizenry of Seiter Hill in that area and of the town as a whole. I thank you for all the work you do for us. (Applause)

Jim Mascia, 9 Grieb Road stated, today happens to be the twentieth anniversary of the day my wife and I moved into our home on Grieb Road. When I went to look at houses back then, I was not too crazy about the house I am living in right now. The thing that attracted me to this house was that the owner and realtor offered me a glass of water and I took a taste of it and I thought it tasted great. I had lived in three previous Wallingford locations that had town water and I thought the well water was quite a treat, truthfully. That was one of the main attractions why I went with this house. I would like to keep my well because I am fond of it. Recently, since the beginning of summer, I had three consecutive water tests which all turned out negative; zero bacteria. The majority of wells on Grieb Road test O.K. at this time also. There are a few problems but what I have experienced is pretty typical. I feel that we are all right on Grieb Road, basically. I don't really feel as though we should be dragged along into this project with everybody else. I really feel bad for the people on Seiter Hill Road and other properties that are affected in the area but I don't see Grieb Road as having a real major problem. I would like to request that the Council consider a motion to exclude Grieb Road from this project. In addition, I would like to see future situations like this prevented. I would like to request that the Town Attorney and our local legislators, Mary Mushinsky and Brian McDermott investigate whether there is a Wallingford and State of Connecticut Standard specification for well design and materials and also whether any laws have been broken here. I think that we have pretty much ignored this subject of liability on the part of contractors and other people involved in the construction of wells; the drilling of the wells and maintenance, etc. The little investigation that I have done, I really don't see that there is a state standard. It seems like a contractor can come in and it is kind of like a free-for-all; they sort of do what they please. There seems to be no two wells alike as far as the depth, type of construction.....it varies from neighborhood to neighborhood and from house to house on the same street. There is no standard. To prevent this from happening, I think we should look into whether or not we can come up with a standard. Maybe Wallingford could spearhead this. Maybe we could be the leader in this and come up with some kind of a committee of well experts to come up with a specification on how a well is supposed to be constructed. I don't think it is a wide spread pollution problem, I think it is ground water getting into the wells due to improper construction. The lining of these wells is not going down far enough into the ground. Any of the well experts can tell you that there is a way of construction these wells to not totally eliminate the possibility of pollution but to minimize the possibility of this happening, at least from this type of source, from ground water getting in. In this type of neighborhood we are not dealing with industrial pollution; there is no factory next to us. I think it is just harmless bacteria getting in from the ground water. I think we should have a standard, put it into law and standardize the depth of the well or at least the range, diameter, type lining and the depth of the lining which is very critical, and the exact materials to be used. I think that will eliminate most of the problems of this type in the future. (Applause)

Brian McDermott, 678 North Elm Street (State Senator) stated, I was not planning to speak tonight in the capacity of State Senator but I was asked a question if we would look into whether or not there are any standards or the standardization of wells and pumps as we go forward. I will look into that information and get back to the residents on it. I speak tonight more in the role as a resident of North Elm Street. I also set up some meetings this week up in Hartford with the Commissioner of the Department of Environmental Protection and the Commissioner of Public Health. They have been very helpful and, of course, their concern is for the public safety of the people involved. We wanted to get an interpretation of the State Statute that has been cited at this meeting several times about the Town's inability to participate at any cost to the residents of these neighborhoods. I was going to get an interpretation from the Attorney General, Richard Blumenthal. I talked to his office late this afternoon and his interpretation is that the Town Attorney has the final say in interpreting the laws on behalf of the municipality. The way around it is for the residents to come together and to sue the town over their interpretation of how they read the Statute. The Attorney General felt that it was something with the Town Attorney's purview to look into and be able to interpret a Statute as she saw fit in this case. I think there is very much room for other interpretations of that State Statute and perhaps it needs some clarification. Seiter Hill Road is not the first street affected by this problem and will not be the last. We see by the media attention throughout the State and town that this is a very, very important issue. It affects public safety, lives of the people who we, in government, represent. That is what part of government's role is, to help out on public safety issues. This is a crisis for a lot of people from a public safety standpoint but also from a financial standpoint. To be able to meet the needs of having safe, clean public drinking water is a part of what government is about; to be able to look out for the interest in the public where the public can't act on their own to provide for themselves clean, safe, drinking water. We have to look at ourselves as elected officials and as a community to see where we want to go forward. This is something, e-coli and coliform, words that have come up in the last few years that people never talked about before but today they are very prevalent around the entire country. We need to decide how to address these financial issues. It behooves us as elected officials to be able to participate with the community when they are faced with a crisis, a public emergency. A health crisis is something that the community should participate with, not in the realm of 100% but I think the town should be able to share some of those costs and be able to say to the people that they do care. There are many people who will be affected by this decision tonight that are not going to be hooking up to public water and they are going to be providing water service to people who are desperately in need of it. That is a big bill for them to pay; I happen to be one of those people, having just built a house up on North Elm Street and my well is not affected. My well was built to the newer standards with a forty foot (40') casing and the well is a new well and in good condition. I am willing to put my share in for the issues of public safety; I think this is a bigger issue, however, it is a

community issue. We really need to sit down and address how the Town is going to look at it. We don't want to get to the point where we are taking the Town to court and suing over a few dollars. It is our responsibility to make a clear decision; we are setting a precedent tonight and potentially could be erasing a precedent that was already set when the Town made the decision to help other residents. We need to set a precedent that will be fair to all people and for future cases. I am asking the Town to help the residents and help with all future residents who meet the same public health emergency. (Applause)

Mayor Dickinson stated, just so that everyone is aware, according to our figures what is not recoverable, that is, what the Town of Wallingford is participating in on the monetary side is about thirteen percent (13%) without including engineering and the expenses of coming up the specifications and the oversight of the project. Without counting that, it is about thirteen percent (13%). The other thing I wanted to mention is, at the State level there really are no grants for these types of problems, water problems. There is a loan program, the revolving water fund, and we have applied for that grant. If we become eligible and it is a lower percentage rate than the bond sale then there would be financial benefit from that. I checked with E.P.A., their situation is similar, they do not have grant programs for bacterial problems on water supplies. Yes, it is certainly a Town of Wallingford issue but we do not find at the state and federal level that monies have been made available in terms of grants to allow funding that would subsidize these projects.

Rosemary Mascia, 9 Grieb Road reiterated some of the statements her husband, Jim, said but also wanted to add a couple of other points. She stated, I have an extensive background in health, health care, and I, personally, would not shower in water that has chemicals in it. Those of us who have wells that work very well and are not contaminated, we have something very priceless here and I know plenty of people who would be looking for homes with good wells. We don't want to play that down. Also, living on Grieb Road where most of the people's wells are very good and I think all of them are actually, and where only one person has requested city water, I don't think it is fair for us to have to bear the financial burden of putting water in when we will not connect up with it. I beg you to look at that particular situation. I don't think it is fair. I want people to think very clearly about this situation and not jump to the conclusion that having city water is going to give them better health. If that were so, the bottled water companies would not be doing so well; the filtration systems that are on the market are numerous and many of them don't work very well. I think people with contaminated wells should also look at how they can clean that up rather than jump to this conclusion so quickly. (Applause)

vin Frelander, a resident of North Haven, stated, I have an interest in Wallingford because my two daughters and two granddaughters live in Wallingford. Also, my wife's sixth great-grandfather, John Moss, was one of the founders of the Town of Wallingford and the First

Congregational Church of Wallingford. The urban sprawl of today is destroying our clean drinking water and farmlands. Back in the 1940s Wallingford had about two hundred (200) farms producing milk, fruit, produce and poultry. We are down to about eight (8) farms today. In 1940 Clintonville Road in Wallingford to the North Haven town line had sixteen (16) full-time farms alone. Who will feed us tomorrow? We are losing five hundred (500) farms per week throughout the United States. It is past time to put all real estate developers on a short lease. I am not anti-development but I will make this audience tonight of how they are destroying our drinking water, please bear with me I have a lot to say this evening and it is hard for me to do so because I have Parkinson's (Disease). I have spent thirty-five (35) years in the residential home field. Urban sprawl is destroying too much of what is good for the functioning of the human body today. We are polluting our drinking water by using up too much of our farmland which once fed us. Facilities for sewage disposal brought into the Seiter Hill area twenty-five (25) years ago and now as many as fifty-two (52) homes have polluted wells today. There are still some homes there today that have not tied into the sewer system. Before the sewer system serviced the area, each homeowner flushed about seven hundred (700) gallons a week into the septic system. That amounts to 34,000 gallons a year for each home; for fifty-two (52) homes, it amounts to about 2 million gallons a year. The land was used as a bladder for human waste. Digging opened the roads to bring in sewers twenty-five (25) years ago did not cause the problem. The excavators operate very cautiously so that their insurance coverage does not skyrocket. They are very cautious not to crack foundations, plaster walls and windows. For sewer lines, the best procedure to prevent wells from being polluted is to go down with an eight (8) inch casing until they strike ledge. At that time a six (6) inch casing is set inside the eight (8) inch casing. Now the eight (8) inch casing is pulled out leaving a large, open space surrounding it. A large amount of cement can be now be poured around the six (6) inch casing, sealing it properly into the ledge. The Town should not brush this pollution problem under the rug. These wells can be saved by re-drilling, saving the public thousands of dollars. If the city water piped into Seiter Hill comes from McKenzie Reservoir, the residents could end up with a bigger problem entirely. On the west side of McKenzie Reservoir, a large sign reads, "Public water supply. Strictly prohibited, swimming, boating, picnics and bathing." High on a hill west of the reservoir about 1 1/4 miles away draining into the reservoir lies Stony Brook Road called Meadow Brook Estates with a brook flowing into the reservoir. These many new homes all have septic systems and wells today. Each of these new homes will flush 34,000 gallons of waste a year into the ground in a vital watershed area. This road is rather steep requiring salt when slippery in the winter weather and end up in the storm drains with a direct route into the reservoir. Also keep in mind that some of these new homeowners in Connecticut today use more herbicides and insecticides than our farmers do. All acreage around the reservoir should be off limits to developers. This year a North Haven farmer rented 400 hundred acres to plant vegetable crops at Whirlwind Hill. Most produce this summer in the Stop & Shop stores was harvested on Whirlwind Hill Road and ended up on our dinner tables. Give these real estate folks half a

chance and they will take the food right out of your mouth. All of our farms in Wallingford are vital to the health of the public. The few that are left should be protected by all means possible. Whirlwind Hill is a beautiful area to live on and being so desirable developers will not let up until it is consumed into residential housing. Only they and the insurance companies will reap a fortune in dollars. We owe it to our grandchildren, great-grandchildren and the unborn generations to come to put land aside to nourish the human body and protect our drinking water. If we move the future up until tomorrow, we will have another fifteen thousand (15,000) people to water and feed in the Town of Wallingford. The education budget will practically strangle us. All town services will become unbearable. The Town very shortly must buy a twelve acre parcel of land at 1070 E. Center Street. From an engineering standpoint, this would be the most logical location for a sewage treatment plant. We would be better off to declare Whirlwind Hill an agricultural zone now. If the Town needs financial help to do so I would like to contribute in the memory of John Moss, our founding father. I do not live in Wallingford but I would give \$100 every year for the rest of my life; a small price to pay to stabilize our food production and property taxes. If enough Wallingford residents and business establishments felt the same way, we could raise a large sum of money to help accomplish such a goal. I have worked on many residential homes and have seen problems; wells go bad. I have seen a well driller come back and pull out a casing that wasn't even into bedrock; ten feet of casing where it should have gone down thirty feet. You can't not seal a well into hardpan but this has been done, even in North Haven I have seen it. I live on a street where there are all wells; Clintonville Road, from North Haven to Northford. When they brought the city water by, I did not tie in. There was about thirty (30) houses on that road at that time and no wells went bad from blasting. (Applause)

Andy Kapi, 6 Deme Road stated, I am deeply saddened by Attorney Blumenthal's apparent decision to not render any definitive judgment in this area. It wouldn't be the first time that a politician has washed his hands of an affair and left people with their own cross to bear. Figures obtained from Roger Dann, General Manager of the Water Division show that the average quarterly bill for a water customer is approximately \$76.21. If the project cost is \$525,000 and it was defrayed at the proportion of one-third by the Town and if those costs were either passed on to water users or not necessarily causing an immediate rate increase but by using what ever Water Division revenues are currently available and temporarily forestalling any rate increase, that one-third proportion or \$175,000 over fifteen years of bonding by my math would cost the Town with the debt service something like \$245,000. That \$245,000 divided over fifteen years comes out to something like \$1.39 or \$1.40 per one of 12,000 users. That quarterly bill would be \$76.21, it would be \$76.56. That is something to keep in the back of your mind. With regards to the legal issues, I did have my exchange with Atty. Small last time and I am happy to know that some other folks may read that statute as I do. I won't rehash the same argument, I will simply say that language in that statute clearly states that the Town may waive reimbursement. Most folks here generally are not looking for the Town to cover those costs in

their entirety for these folks. However, anyone who could take the position that any statute that contains language that says a town could do that but somehow magically a town could not cover one-third of those costs, I find that interpretation preposterous and just not supported by logic. I recognize that some of the language in the statute is perhaps not well-constructed but obviously it is a subject of controversy and if Ms. Small or Mr. Mantzaris or Mr. Dickinson know of any sanctions that have been applied to the City of Norwalk or the City of Middletown for taking the positions that they have, I would like to be informed of that. I think it is clear that if we have the political will, we can take a position to defray some of these costs for these people. An analogy to this situation and some of these poor folks in the audience tonight is, what if we had a dangerous railroad crossing in town and if somebody wanted to put that to a public referendum, you would have people who would say, "let's not spend the \$150,000 to fix that crossing because I can get through it." The unseemly side of this entire discussion and part of the spectacle which I think as concerned members of this community that we don't want to have happen is to force people in the corner of making a judgment based only on financial concerns which may be against their own self-interest which may be against the health interest of their family. Granted, people have different views on that and I wouldn't at all discourage somebody who wants to make the judgment that they don't need that city water, that is their prerogative. But, to have the assurance of this catastrophic cost place folks in that bind of making that kind of leverage to a decision is to me something that, as public officials, you folks ought to want to try to do away with. Clearly, we have a divided audience here and possibly in that division is a solution that could be staring us in the face because what we need here is Solomon-like wisdom. I, myself, would propose the Town defraying one-third of this cost to those folks who say they don't need this, I would say, think about your property values ten years from now. It is going to be an issue; there is going to be a lingering residue from this entire debate and if the cost that you pay now or through the next fifteen (15) years at two-thirds the rate of assessment may well be worth your while. It may be the best you can do in this situation, even if you are on a street where it never would become an issue for you. But for those others who have to have the solution; for the folks who have auto-immune system problems or children or elderly parents, there is no question that this has to be done. What is wrong with the Town paying for part of this cost? I gave you a figure of \$1.40 per user per year. As Rep. Mushinsky's letter pointed out, depending on the type of bonding you choose, you can defray those costs through water users or through taxpayers. I gave you the higher option; the more direct assessment to water users. If you defray that among taxpayers that figure could be even lower. I would like to think that in the Town of Wallingford we have an insurance policy and I believe that this situation could happen in other neighborhoods again and again and it may, in fact, follow that pattern very closely; we have had early indications. I would like to say to the people of Wallingford, if we have an insurance policy against that type of catastrophic assessment and problems and that the insurance policy costs \$1.40 per year, I think that is reasonable and I urge you to consider that. (Applause)

Frank Punzo, 14 Grieb Road stated, there has been a lot of talk about the statute requiring 100% payment by residents. I have downloaded the statute and read it several times. In my opinion, there is no way this situation can be deemed anything but a community pollution problem. At the second meeting on this subject, Mr. Beecher of Seiter Hill Road stood at this microphone and argued that this situation was, in fact, a community pollution problem. The answer to Mr. Beecher was that, a community pollution problem as referenced in statute 7-137c meant the "existence of volatile chemical waste" and was not applicable to this situation. That could not be further from the truth. statute 7-137c defines "community pollution problem" in statute 22a-423. It defines "community pollution problem" as the existence of pollution which, in the sole discretion of the commissioner, can be best abated by the action of a municipality." "Pollution" being the key word in that definition because 22a-423 defines "pollution" as "harmful thermal affect or the contamination or rendering unclean or impure or prejudicial to public health of any waters of the state by reason of any wastes, or material discharged or deposited therein by any public or private sewer or otherwise so as to directly or indirectly to come in contact with any waters." The key word there is "wastes". Statute 22a-423 defines "wastes" as "sewage or any substance liquid, gaseous, solid or radio-active which may pollute or tend to pollute any of the waters of the state." The key word there is "sewage" and Statute defines "sewage" as "human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health." What that says through all of those definitions is that a community pollution problem; one of the sources of a community pollution problem is human or animal excretions. We have a bacteria in our water called e-coli. The only place that bacteria can exist is in the intestines of human and animals. It enters the outside world through human or animal excretions. If we follow the letter of the law as defined in statute 22a-423, we cannot deem this anything but a community pollution problem. I think we need to have some discussion as to why this was not considered a community pollution problem from the onset? Further, I would like to know what research was done and what documentation was presented that proves this is not a community pollution problem.

Mayor Dickinson responded, I believe the statute does state exactly as you have indicated, however, as I indicated, I spoke with the Commissioner of the Department of Environmental Protection, that statute indicates that the commissioner must determine a community pollution problem. Historically, D.E.P. does not declare, does not order, issue orders regarding community pollution problems when it is a bacterial problem. Historically, they have utilized the statute purely for the v.o.c.'s, the other types of pollutant situations. It is necessary for D.E.P. to become involved and issue that type of order or make a finding regarding a community pollution problem. They have not done so; in speaking with the commissioner as well as the head of the Water Resources Division, they said they would look at it but to this day, D.E.P. has not taken that kind of position and that is why the Town has taken the position that it has. For us to find a

community pollution problem that involves bacteria, also involves the State D.E.P. making that finding and issuing that order. They have not done so and as I have indicated, historically, they have not done so.

Mr. Punzo responded, I have actually called the D.E.P. myself also and spoke with Bob Smith and Bill Worzeka from the D.E.P. and they have said that the Town, they have to utilize the Town's resources and information from the Town, specifically the Health Department, and they are looking for the Town to give them direction to help them deem this a community pollution problem. When I asked Bill Worzeka some pointed questions regarding whether or not there were any septic system problems in the area, he did not know the answer. When I asked him if he knew of any street drains that were dumping into any brooks in the area, not being specific, he did not know the answer to that question. When I asked him what the e-coli count was in the nearby reservoir and brook, he did not know the answer to that question. He said they are looking towards the Town Health Department to help them in determining a community pollution problem. That is the answer that I have gotten from the D.E.P.

Pete Prizzi, 21 Grieb Road stated, I lived at this address for thirty-six years and I have never had a problem with my well. I think the majority of the wells on Seiter Hill were built by developers never went down deep enough. If you drill your well deep enough you will get beyond that surface water and any pollution. If you go down 100' or more it is never going to reach that point. All that area is red rock and very heavy dirt so it would never seep down that far. Furthermore, there are people on my street, on the east side, that never paid for the pipeline. The pipeline was already there and they only paid to hook up from their home to the street so why should we pay to have that pipeline run in front of our property? They never paid and maybe a lot of people around town never paid, only to hook up from that pipeline to their home. Now you people want to charge us, explain to me why they are not paying and we have to. Someone put that pipeline there, the city had to pay for it and they just hooked up. I owned a home once on East Center Street and the pipeline ran in front of my home and I hooked up from the street to my home and I never paid for that pipeline. There are hundreds of others who did and now you want to charge us to hook that pipeline up? I don't need the water and I won't hook up to it anyway. I have talked to my neighbors and they said their water is perfect, they have had it tested, I have had it tested.....if Seiter Hill is concerned that they need city water, then just give it to them and leave us alone. Why should we have that extra expense? I am eighty (80) years old, when I get through paying for that I will be ninety-five (95). Will you guarantee that I will live to ninety-five? If you do, I will pay for it. (Applause)

Mr. Vumbaco, 81 High Hill Road stated, I am probably one of the few citizens that is not truly affected by this yet, but I could be. I would like to praise the professionalism of Mary Ann (Lexius) in dealing with this situation; it is probably her first real issue as the Health Director of the Town of Wallingford. From what I read and see, I think she has handled this with nothing but professionalism. I am glad that we finally do have a full-time Health Director in the Town of Wallingford. Mr. Vumbaco asked Ms. Lexius, do you have the number of wells that were tested and how many tested for e-coli and coliform?

Ms. Lexius responded, the last full round of testing was completed just before this public hearing began on August 18th. I am not going to risk giving you actual numbers; I will give you percentages. There were seventy-six homes that are involved. I know there are more properties but I am talking about homes with wells. Out of seventy-six, seventy households participated in the analysis through the Health Department and we had a seventy percent contamination rate on the first round of testing. That was for coliform. Out of that seventy percent, thirty-eight percent were also positive for e-coli. People have been doing a variety of things independently since that round was completed. Some people are chlorinating at different rates and some people have purchased u.v. systems. For us to go back we would not have the same even.....getting a handle on what the true status is at this point in time of everyone's well. That is what it is based upon.

Mr. Vumbaco asked, why, with at least thirty-eight (38%) of the wells testing positive with both e-coli and coliform is that not considered a health hazard? Is this considered a health hazard?

Ms. Lexius answered off microphone, yes, it is.

Mr. Vumbaco repeated, this is considered a health hazard?

Ms. Lexius answered off microphone, yes.

Mr. Vumbaco stated, my understanding of the law is, if it is deemed a health hazard, even going against the community environmental issue that was raised earlier, I still don't understand that if it is considered a health hazard why this Town is not willing to at least pitch in to help the citizens defray some of the costs? (Applause) After all, twenty-five years ago the Town did approve the development and if, in fact, some of the reasons that could be for this contamination that MaryAnn (Lexius) raised earlier through blasting and stripping of the land, the Town allowed that to happen when we allowed this development to be put in. Since we have allowed this to happen, since we had standards at that point in time for wells to be built the way the wells are currently installed, we approve those homes; we gave certificates of occupancy to those homes, we, meaning the Town. I think it behooves the Town to have to put in something towards this; I am not saying 100% but something towards it. He asked Director of Public Utilities, Ray Smith, is there any town enhancements that are into this water extension or is this

purely to bring water to this area? Is the Town using the minimal amount of mains? Are we doing any kind of upgrades to our system along with this extension of the water?

Raymond Smith, Director of Public Utilities responded, there is one portion where we will be oversizing the main going from eight (8) to twelve (12) inch which the Town will be paying for, that is part of the Town's cost.

Mr. Vumbaco asked, the cost that is attempting to be passed on is purely to bring water into the area?

Mr. Smith answered, that is correct.

Mr. Vumbaco stated, in conclusion, we have to vote to go forward and I would like to see the shovel get into the ground as soon as possible. I would not want to see it wait until April so that these people do not have to go through another winter of driving down to Simpson School to get their water. I also believe that we have spent an inordinate amount of time on this administration's part to find out and hide behind the law. I just wish we would spend as much as we are trying to find ways to help these people pay for this instead of just strictly going by the law. I also believe that other towns have done this. I, as a taxpayer, have no problem with kicking in some of my tax dollars to help these people out. (Applause)

Robert Greenfield, 10 Seiter Hill Road stated, if there is a will here, there is going to be a way. If you people have the will to provide one of the most vital things in life, water, then we will find a way. It is as simple as that. We need it. By my rough calculations we still have twenty to twenty-five percent (20-25%) of the wells contaminated. Everybody thought this was going to go away; it hasn't gone away and I doubt it will. It will only get worse, probably in the Spring just like it did last time. We do have a significant problem; we find out we have a health emergency according to the Health Department. I think we should listen to that. Some people might get sick. We are not talking just about e-coli, we are talking about things that we don't know is in there. You are only going to find what you test for. If we have only tested for e-coli and coliform, that is the only thing we are going to find but human waste and animal waste have a lot of other infectious diseases. These wells are all connected. The Health Department has told us that. We could have a very serious problem. We are very lucky that we don't have one at this time but we certainly could. I don't want to see anybody get sick. I noticed that everybody has water on their table. Do you know where that water came from? Suppose I told you that it came from Seiter Hill? Would you be drinking it? If you did think it came from some place where you weren't sure, you would have a little voice in your mind going, "should I really drink that?" That is what everyone is living with here, whether or not their well is contaminated or not. There is that thought in the back of their mind, "how do I know right this minute it is (contaminated) or it isn't?" That is something that is pretty difficult to live with on a day to day basis especially

with little kids, older people, some people who may be sick. You (Council) should think about it very, very hard. Again, if there is a will to do something, then you will find a way. There is legal and there is also legal as we have all learned. (Applause)

Mary Mushinsky, Rep. of the 85th District (which includes Seiter Hill), stated, I was asked a few months ago to clarify some of the statutory questions and responded with a couple of memos which then made people wonder why there are two different legal opinions. It is not because whenever you put two lawyers in the room, you get two different opinions but it is actually that each opinion is correct because it applies to a specific thing. I also discussed this on Friday with the Mayor and sure enough that is why we are talking about two specific funding mechanisms. The Town Attorney says there has to be 100% assessment on the residents and the Office of Legislative Research says, there is no requirement that it be 100% paid by the residents; there are many choices to fund it. The reason for the difference of opinion is that, Wallingford chooses to use only the assessment method to build a water main and that is really a policy decision. Other towns use other options or methods to bill their water mains that is why in other towns you don't see the 100% burden on the residents. Some towns use geobonds which are backed by taxes such as Middletown and some towns use revenue bonds which are paid back through the revenue the waterworks system itself. Some towns use the losid money which is the revenue sharing money that we give to the towns and then you are free to spend it the way you wish. Some towns use an appropriation. For example, Norwalk is the town that splits the cost two-thirds/one-third; two-thirds on the existing customers and one-third on the new customers. They are able to split that because they pay the new main by appropriation. We talked to Manchester Water Division because they have had a very similar problem with bacteriological contamination and if folks want to check with Manchester's Water Division contact person his name is Bob Young, he suggested a longer pay back period. At the last hearing I had suggested or had asked if we could make the lien go longer than fifteen years so that people would have a smaller payment per month. I was told that the law requires fifteen years only and that is true; the statutes do say that. Manchester suggested that we could file the lien for fifteen years assessment and then a few years after it was filed, say five years later, re-file the lien for the amount remaining for another fifteen years thereby stretching the lien out, making the payment more bearable per month. Another way suggested to do this is to break up the cost into neighborhood benefit, one chunk of it; larger community benefit; the other chunk of it, because the line extension benefits fire prevention, brings dependable water service to more of the community so there is a certain larger community benefit that goes with extending the line out that way. I am still happy to file the bill if you want to change the D.E.P. policy to offer assistance for bacteriological contamination cases because I think the D.E.P. would be hard to move. On this issue they are insisting that the statutes do not cover bacteriological and I don't think I can prove that it does but I can certainly clear that up with legislation. That won't help tonight's residents but it might help in the next incident, I am

sure there will be one. I hope that clarifies the dueling memos problem. It is still a policy decision for you but there are many ways to skin this water main cat. It is a policy decision for the Council. (Applause)

Jim Vitali, North Elm Street asked, what is the money? You have sent a letter out that says \$4,900 for the basic assessment but I hear tonight that there could be an extra ten percent (10%) associated with this. Is the number \$4,900 or \$5,500 plus hooking up the laterals?

Raymond Smith, Director of Public Utilities responded, the \$4,900 included an allowance for ten percent (10%) construction contingency. If that does not occur the \$4,900 will be lower. We don't know what type of conditions this contractor is going to encounter. You never go into a project with the contractor's raw price; we have to assume an allowance for something coming up during construction. The other \$460 is for trench excavation. When we described the project initially, there was an assessment and then there was a connection fee to get from the street to the curb; we talked about \$1,600.; the \$460 plus \$195 would replace that \$1,620 charge.

Mr. Vitali stated, that part I understand. I am having a lot of trouble with this ten percent (10%) contingency fee. Usually when there is a bid involved the bid is the bid. I don't know of too many bids that the Town gets involved in where they allow a contractor to have a ten percent (10%) to it.

Mr. Smith stated, we are not calling it a bonus; it is an allowance for some unknown conditions that might arise on the job. The actual number, \$4,900, will be what ever the final construction contract figures are; the total package at the end of the project. We are telling you that the assessment is based on an estimate at this time. Hopefully, it will be lower. There is an outside chance that it may be higher but my opinion is that it will probably be lower. It will be what ever the final construction costs turn out to be. That is what the assessment will be predicated on.

Mr. Vitali stated, I don't think it is fair to the taxpayers and the people who do not want the water going in front of their house to put out a bid and lead people to think that they are getting a \$4,900 package and allow the ability to have extra charges added to the project. (Applause)

Robert Sheehan, 11 Cooper Avenue asked Mr. Smith, I read in the paper that the bid figure was \$417,000., why are you asking for \$525,000.?

Mr. Smith responded, the ordinance we are requesting is in the amount of \$525,000. That figure comprised of not only the construction costs but the bonding costs, boring charges the

department has incurred, advertising, printing and an administrative contingency. There is a ten percent (10%) contingency; \$41,000., for construction costs.

Mr. Sheehan asked, why can't the Town absorb the other \$68,000.?

Mr. Smith answered, the number that the Town is going to be paying out of that number which is not being recovered is \$66,740.

Robert Larsen, 22 Seiter Hill Road asked, when the Town ran electric lines to Seiter Hill, did the Electric Division charge each individual homeowner for those lines or did you string the lines and just charge for the electricity used? In the same respect, if you are going to run water, run the pipes and charge us for the water and not for the pipe.

John Beecher, 65 Seiter Hill Road stated, I had requested from the Mayor and Water Division a breakdown of the project into assessable and non-assessable costs. Up until this point we haven't really been talking about the numbers. I want to steer away from, as much as possible, the original estimate of \$800,000 that have magically, due to wonderful bids, have come down to \$25,000. The project can be broken into three phases; the Grieb Road phase can be separated from the Seiter Hill Road phase and the North Elm Street phase can be divided from the project if the Council so chose. If you took that option, in fact, the Seiter Hill Road residents would pay less. That is a major eye-opener. It turns out that the folks on Grieb Road would be subsidized in some way; it is a community so this happens but in this particular case it would be unfair for the people on Grieb Road or North Elm Street were feeling like they were subsidizing what was going on on Seiter Hill Road. Actually, their cost for water, if these numbers were correct, would be less based on the fact that they came in to get their water service at the same time as Seiter Hill. There is also a \$25,000 administrative contingency and \$14,600 for advertising, printing and legal costs and we have a ten percent (10%) construction contingency on a bid project that has been bored. We originally talked about having North Elm Street resurfaced. I don't know if that has been excluded; that was on the schedule for the Town to do and it is not clear from looking at these numbers whether.....I think it was actually cheaper for the bidder to instead of filling the trench, do the whole road. Can someone tell me whether the costs of resurfacing North Elm Street have been included or excluded?

Roger Dann, General Manager of the Water and Sewer Divisions responded, at this time, because of the uncertainty as to what time of the year we will be doing the work in, we have not yet excluded those costs from the project. As indicated at the last meeting, however, we have pursued this somewhat since with the Public Works Department and Mayor's Office. If, in fact, the Town can perform the overlay over the top of the contractor's trench, then that money which I estimated at about \$23,000 of cost could be further deducted from our estimate. As Mr. Smith

indicated, the ultimate goal is to bring the project in at the lowest possible cost and only the actual costs incurred are what we expect to include in the final assessment figures. At this point in time, the overlay remains within the project.

Mr. Beecher asked, isn't it within the Council's and Mayor's power to direct that Public Works didn't resurface the road until this project was done? There is \$23,000 right off the top; we are bonding \$23,000 over that is under our control which brings it down to a \$500,000 project. The problem that I run into continuously with this is.....we were talking \$10,000-\$12,000 a family and you start to get suspicious if you are a cynical person. I have been in car dealerships and it is \$35,000 for the car but they are going to make a deal and I will get it for \$22,000. It just doesn't feel right.

Mr. Parisi stated, I will not entertain any of that because that is like almost an insinuation that the price was inflated. I think initially prices were given based on an estimate. That is the nice thing about bidding and this is why I like it so much. You can always get a pleasant surprise. You don't always but the possibility always remains that you can. In this case we were very fortunate to get what I consider a very pleasant surprise. As Mr. Smith said earlier, if you average the other four bids they were very close to the estimate.

Mr. Beecher stated, with all due respect to Mr. Smith and everyone else, I would like to average those (bids) myself; I know that is public record. I would like to see the four bids at some point.

Mayor Dickinson stated, Public Works was supposed to do the North Farms and North Elm (Street) area this past construction season. It was put off because of this (project). Our full intention is that Public Works will do that project; they have the money and the intention is that they will do it. Yes, the money right now is in this bid for safety reasons. At this point, I don't anticipate anyway that this contractor will put the final overlay onto the road; that will be a Public Works project.

Mr. Beecher stated, there is a very reasonable expectation that this would be \$23,000. approximately less.....

Mayor Dickinson replied, a very reasonable expectation.

Mr. Beecher stated, I don't mean to impude anyone at all but the facts are that we had an estimate of \$800,000 that came in substantially different.

Mr. Parisi stated, I am not going to argue the facts but I am saying that the beauty of the bidding process is that this is allowed to happen; that we do come in with a price that is significantly lower. That's all.

Mr. Beecher stated, again, Barbara and I have been fortunate enough not to have problems with our well; we are very much in favor of having the water service run into the neighborhood; we probably won't hook up at this point in time but we would love to have the option later. As Barbara and I talk about it, we don't think that anyone should be forced to have water. We were worried that if the Grieb Road folks who appear to be very much against this, voted against it, that you wouldn't bring water to Seiter Hill (Road). I certainly would see it within their rights to say that they don't want it and we don't want to impose our will on them but we do, the people on Seiter Hill, do want the water.

Mr. Freeland of North Haven stated, to abandon these wells the pipes and the pumps have to be pulled out and they have to be filled with concrete. You cannot leave them.....

Mr. Parisi stated, we are not worrying about that right now; we have a long way to go before we get there.

Mr. Freeland asked, why can't some of the polluted wells be re-drilled using an eight inch pipe.....

Mr. Parisi stated, that has all been discussed already. That was brought up already; re-drilling of wells; at the last meeting.

Ken Daley, 594 North Elm Street stated, I am not affected by the water problem but I have attended three of these public hearings and I am as affected as anyone else would be that sat through this. Jack Beecher is a friend of mine and we have disagreed about the necessities and the details on this for months. He finally pointed to the kind of dichotomy that reinforces the question he has, he has always had; what public purpose does this project have that can be separated from the neighborhood purpose of getting them water? It seems to me that if you have a project with three legs on it and you subtract two, the remaining leg would experience an increase in cost. But by subtracting two, if the remaining leg gets a reduction, that implies that there is an economy of scale here that perhaps the Water Division.....the Wallingford public is benefiting from a larger project than it would with the smaller one. I am not saying that has to be true, I am just saying the one thing that has not been addressed by the Council, Water Division or P.U.C. is public purpose. Don't you know that is the big question in your authorizing legislation? All the legal arguments would be gone if you would kindly define on a policy basis what a public purpose/a municipal purpose is, and that is over and above that which is attributable to the need for water in that neighborhood. That, I suspect, is why the estimate had to be generalized early on because no one wanted to share the details of the individual cost

ments. What I would ask is that in the future, if not tonight, before the project is complete that you convene; a subcommittee of the Council with the Mayor's Office and Mary Mushinsky maybe, other interested parties with the P.U.C. and define for yourselves what kinds of improvements the Town of Wallingford would not feel abused if they were asked on a problematic basis to, as a percentage of total costs, pay for a Town contribution equal to that amount. Examples that come to mind are fire plugs (hydrants). It is a facts v. values issue and I realize that and I don't pretend to be an expert on the facts or the values but fire hydrants.....I purposely bought a house within seventy-five feet (75') of a fire hydrant because I recognize that need. Others may or may not have had this choice. It is in the community's interest that fires be effectively controlled. That might be in the "community benefit" column as one of the elements that might be deductible from the assessment. If you have to expand to secure this water system improvement, just for the benefit of the Water Division more than you do for a direct shot to the neighborhood, then that is a public benefit. You people (Council) are intelligent; the staff of the Water Division is intelligent; these people have shown some intelligence when they engage in polemics and sophistry, it really is because they are up against an absence of facts from the Water Division. Somebody there told them two months ago that the estimated cost was \$800,000 and that the ultimate cost would depend on elements that he did not define. Then he divided the households into the \$800,000 and scared the hell out of everyone. When you have a facts versus values conflict you have to narrow in on the facts first and then you can have some hope of reaching an consensus. It is not for me to tell you your job but I have sat on.....I was the Environmental Compliance Manager for the Department of Transportation (D.O.T.). I have spent more than \$100 million over eleven years on these kinds of problems inspired by D.O.T. In every case, if we did not agree on values with the affected part of the community.....it was because we didn't agree on the facts and the best opportunity to reveal the facts is a forthcoming complete sharing of information from the Water Division. I would suggest that you do future cost estimates and this one as well, on the basis of an estimate item by item, element by element. Have one column being a cost totally attributable to the need for fulfilling the water needs of that neighborhood. Column two should be the ones that are arguable; column three the ones that are clearly public and you would be amazed at how little you would have to argue about. That is really all I care about. I came to this series of meetings really as a form of entertainment and I have become increasingly concerned because I do have friends at the Water Division, on Seiter Hill and the outside community and I, alone, would never know what to do balancing the values that all those people hold dear as well as the Mayor if I didn't narrow in on the facts. I don't know what mechanisms you have available but I really believe that a sub-committee of this board, the P.U.C. and perhaps a legislator, perhaps the Department of Health that I agree has done a great job, can get together and define on page two of that law what they mean, what they meant "Municipal purpose" to mean. From that, that would be subtracted from the total and the remainder would be the assessment. If you have to do it every time, that's fine. Maybe you can do it programatically, I have a disability so I kind of mumble. It is clear in the law "except where

any portion of such water service gets to be used for a municipal purpose". One guy at the D.E.P., and I have dealt with them for years, one guy said, that means that City Hall is hooked into the water. It does not have to mean that, it means that if Wallingford defines it as a public good not to subsidize people for a risk they may have taken imputedly, but a risk that they could not have anticipated, a solution that can't be solved individually, there is a public good associated with part of that project. The Mayor says at the drop of a dime it is thirteen percent (13%) so far. I believe it could be higher; I don't want to put a number on it. I would like for you (Council) to use this experience tonight and the previous night and the previous night to that to motivate you to create some kind of a mechanism to resolve the issue of public purpose because that is really what we are all about. I don't think the people on Seiter Hill or Grieb Road have any problem paying for what they believe they owe nor do I believe the rest of Wallingford has any problem with paying for legitimate public purposes. The past speaker made the point of electric lines. I can insert my philosophy if I get the chance but that is the nut you have to crack. I am not speaking as a legal authority or any authority nor as an expert because in eleven years of coping with these very same problems, what I have learned is that there is always more to learn. People pretend to be expert; I tend not to believe them. Here is an opportunity to solve a problem before it tends to get bigger. Wallingford's land use is becoming much more intense and that I bring with it horror stories and train wrecks with the ground water. It is just advice; it is friendly; it is a peace offering to Jack Beecher because we have been arguing like you would not believe. (Applause)

Andy Kapi, 6 Deme Road stated, the Health Director had sent a letter to the Seiter Hill Road residents on September 2, 1998 and it is a summary description of the situation. I noticed that it was copied to the Town Attorney's Office and the Mayor but I did not see that it was copied to the Commissioner's Office (D.E.P.) or to someone like Bill Worzeka who was working on the case and drafting a response to Mr. Dickinson's letter. Does anyone know if anyone in the Commissioner's office may have seen that letter?

Mrs. Cherniak-Lexius responded, I believe the letter also went to Gerry Iwan, head of the Water Supply Section. Gerry works directly under Commissioner Harriman. I have spoken with Commissioner Harriman very recently on a matter pertaining to this whole investigation and went over with him what was stated in the letter and he was verbally, from me at least, notified what I had sent out to the people in the neighborhood. But, as I said, his people who work directly under him did get a copy of that. I guess it was an oversight that he was not included in the cc's that we listed.

Mr. Kapi asked, would he be the person considering this issue if it had to come to a decision to define this as a community health problem?

s. Cherniak-Lexius replied, he has made it clear to myself that it truly falls under the Commissioner of D.E.P. I do know that he has offered to co-request an opinion from the Attorney General's Office very recently and I think that was part of what was discussed earlier here. No, his role really is not in the interpretation of that Statute.

Mr. Kapi asked, has this entire scenario in its complete detail been transmitted to the people who could make that assessment?

Mrs. Cherniak-Lexius responded, it was not sent to D.E.P.

Mr. Kapi stated, if you need to rely on someone making a formulation on the Town's behalf to give you the leeway and the latitude to make these kinds of decisions then somebody has got to make the case and they have got to provide all of the information and be a proponent of having that decision rendered in the fashion that is beneficial.

Mayor Dickinson stated, I believe a letter was sent to the Commissioner on the question and I spoke directly with Bob Smith. He indicated that members of his department would be in touch with the Health Department, I believe I gave them the phone number. I don't know if they have contacted the Health Department but there was considerable contact.

Mr. Kapi advised that complete contact be made and that a tenacious presentation on behalf of the Town is required.

Larry Hogan, 651 North Elm Street stated, we have come a long way from the last meeting that we had and the Health Department has done a great job as I am sure Counsel has done. It looks like we have a figure that is somewhat realistic and something that everyone is going to go along with. I still have a big problem with understanding that the Town says they are going to put in thirteen percent (13%) which is a help but that thirteen percent is money that is probably already there from the taxpayers and they are paying for things that they would be paying for throughout the year anyway and they are being deferred onto this one. I also believe that hooking the loop together from the water company is something that they have wanted to do for years and they may want to deny that but I think that is true. They are benefiting very well from that. They don't say that they will be absorbing too much of the cost either. I don't need the connection; I am gifting; I would like the Town to do a little more gifting and I don't think that is out of the ordinary. We are looking for reasons to come up with excuses to justify not doing it and putting all of the expenses on the homeowners that are in the area that need the help. As a taxpayer for many years, I have paid my taxes; have supported everyone here. We are in the situation now that we need some support and I don't want to think.....I think Wallingford is a very good town,

od city, good community; don't turn your back on us. It is very easy for you to vote up there I say, "yep, we will go ahead with it and the taxpayers are going to absorb it and the Town will absorb the thirteen percent (13%)." This problem is not ending here, we all know it is going to other areas in Wallingford. You have got to help us; we pay our taxes, we look to you people for advice, we look for your help and I think you need to stay with us. (Applause)

Louise Zemina, 30 Seiter Hill Road stated, I have lived at this address for twenty-one years and also have the pleasure of serving the real estate needs of Wallingford for the past fourteen years. This issue is quite vital to me. I have had people ask me, "what has it done to the value of our neighborhood?". I tell them, with this situation we are having now, we are unable to sell our homes. As Mr. Farrell may attest to, each seller is required by state law to fill out a Seller Property Disclosure form. On that form it says, "do you have water problems for the type of water that you have?" The choices are easy, "yes", "no", or "unknown", explain. I, myself, have had a negative, positive, negative, negative (test result). How do I answer that question? How do I answer it if my neighbor has contamination? I think anyone here who thinks that we don't need public water is not looking at that because the person coming to your house, I would caution you if you are offering them water if your neighborhood has contamination. Because of our media attention it is widely known that it is around so well waters are thought of. We deal with buyers now, we represent buyers. When I deal with a house now that has well water, it is in my mind, it is in everyone's mind, "is this contaminated?" and how do you clearly say, "no". Think of that, each and every one of you owners of wells, "yes", "no", "unknown" and "explain". (Applause)

Mr. Parisi asked if there were any individuals who did not yet have a chance to address the Council?

Susan Vitali, 656 N. Elm Street asked for an explanation of what the \$25,000 Administrative Cost fee was for which made up part of the Town's thirteen percent (13%) contribution to the project.

Roger Dann explained, within the \$525,000 ordinance request we have shown \$25,000 for Administrative Contingency. We have shown that at the present time as a non-assessable portion of cost; meaning it is not included in the estimated \$4,900. That is there as a contingency for us in the event that subsequent to the rendering of the assessments any legal challenges are made to that and we have to defend the actions in a court of law. We hope that never has to be dipped into but we do have to recognize the reality of the situation that it could be contentious and that that type of situation may, unfortunately, develop.

thur Ohl, 99 Seiter Hill Road asked, why is the Town so generous to put in a twelve inch (12") main when all we need is an eight inch (8") main. If we are paying for an eight inch (8") main, why is the Town putting in a bigger one when we don't need it?

Mr. Dann replied, it is conceivable to us that at some time in the future a portion of these mains may serve a purpose to continue service out into another area of town. Consistent with that, in terms of our long term planning, we feel that it is more appropriate to put a larger pipe in the ground today than is strictly needed for this project. The differential in cost as was included in the bid, we had numbers for both twelve and eight inch pipe, has been separated from the assessable portion of the project and that is part of the thirteen percent (13%) that the Town is picking up and carrying on their own. The differential is not included in the assessable portion.

Mr. Ohl asked, if the Town is so interested in giving us the twelve inch pipe, why don't they pay for the whole pipe?

Robert Greenfield, 10 Seiter Hill Road stated, at some point I thought a four inch (4') main was suitable just for going into Seiter Hill so I don't see why we have to pay for the eight (inch pipe) if we could get a four (inch pipe).

Mr. Dann responded, I don't recall any discussion which suggested that a four inch pipe would provide adequate service. Eight inch is our minimum pipe size for service into any new areas.

Mr. Greenfield stated, there has been a lot of money spent up until this point on this project and I think it is going to be wasted if we can't get the water. We ought to know that our town is spending our money wisely. You have already done a lot of boring to do this testing. Is the Town going to pick that up? This is a vital thing that is needed.

Rosemary Mascia, 9 Grieb Road stated, I am very grateful that I found out tonight that running the pipe down Grieb Road would actually increase the cost for the Seiter Hill people because we want to be friendly with the Seiter Hill people and we thought that we were going to be subsidizing when we really didn't want the water. We thought we were going to be defraying some of the costs for them now we find it is the opposite. There is ever so much more reason since none of us are going to hook up to it to just cancel out the Grieb Road portion. (Applause)

Frank Punzo, 14 Grieb Road commended the Town Council for going about the process in an organized and logical manner, giving everyone a price and taking a vote was about the fairest thing you could do. Regarding the pipe size comments made by Mr. Dann; the Mayor mentioned that thirteen percent (13%) was the Town's portion for the project and Mr. Dann mentioned that built into that thirteen percent (13%) was a twelve inch pipe; the residents in the area do not need a twelve inch pipe, we don't want one, so the thirteen percent (13%) is a fictitious number in my mind and I would hope that the Town can pitch in its fair share, whatever the Council deems that to be. Lastly, Mr. Dann mentioned that there was a \$25,000 savings

if the project was run in conjunction with the re-pavement of North Elm Street, how did we arrive at that number? It seems awfully low to re-pave an entire road.

Mr. Dann stated, the number for re-paving was \$23,000. The way the number was arrived at was, the bids themselves contained a unit price per square yard for road overlay. We were able to calculate the approximate yardage involved in the Town's overlay and at the unit price that was bid, we could then develop what the estimated reduction in cost would be to the project.

Mr. Punzo responded, if the Town is going to re-pave the road anyway, why subtract the overlay cost? It is a moot point. Why build in a cost that wouldn't ever occur if the projects were developed together at any rate?

Mayor Dickinson restated the question as, why was it built into the bid at all given that we expect the Public Works Department to do the work? As a safety feature, in order to avoid a circumstance where, for some unknown reason, this project is finished at a time that requires additional work and we are in a circumstance that we cannot deal with the road through Public Works. It is extremely unlikely and we have put off the project that was supposed to be done this summer. I don't expect that will be the case but again, it is to avoid an unforeseen circumstance that would result in a road that couldn't be traveled on without our completion with this project. Again, very unlikely.

Mr. Punzo asked, so we can expect to have what ever number that we come up with tonight be significantly reduced based on that?

Mayor Dickinson replied, the ultimate cost we would expect to have without the final road resurfacing.

Steve Frank, 674 North Elm Street stated, before you vote I want to make the following comments; \$23,000 as a safety fund for paving in case Public Works....., \$25,000 included here as a safety fund if there were a (law)suit brought; I guess we are going to pay to protect ourselves from ourselves if we decide to sue; and then a ten percent (10%) contingency on the whole project; well over \$100,000 sounds like twenty percent (20%) of the whole project is to protect the Town's interest. Before you vote I would like to ask you to consider our interest as well as the Town's. (Applause)

Robert Testa, 30 Pieper Drive stated, based on the numbers that Andy Kapi was talking about, it seems that the average household may pay \$300 per year in water bills, average. There will be sixty households connected to the Water Division; that is about \$18,000 - \$20,000 per year. Over fifteen years that comes to \$300,000 which is revenue to the Water Division. Strictly from

business standpoint of trying to increase your market share, so to speak, has potential revenue at least been considered as impotice towards the Town paying more towards this? Over fifteen years half this project would be paid for simply through the revenues from these people. The increased revenue to the Water Division should be taken into account in determining if any Water Division/Town funding of this project is considered. It far exceeds thirteen percent (13%) and is justifiable to the whole town because you are basically making back that money.

James Vumbaco, 81 High Hill Road asked that the Town's thirteen percent (13%) be broken out into dollars.

Mayor Dickinson replied, it is approximately \$66,740.

Roger Dann explained, of the construction costs, the differential for the twelve inch versus eight inch pipe size is \$31,000.; a portion of the construction contingency which is related to that is also included as a non-assessable cost and we have the \$25,000 Administrative Contingency. There is an Administrative Contingency that we have shown in the event that we need legal representation however, that has not been included in the assessable cost of the project. We are not suggesting that that cost is one to be passed along as part of the process.

Mr. Vumbaco stated, \$31,000 goes to the water main; \$25,000 to a potential legal contingency and \$10,000 for the construction contingency. That to me is \$35,000 of \$66,000 that there is a ninety-nine percent (99%) chance that the Town is not going to have to pay; therefore the fictitious thirteen percent (13%) that the Town is kicking in drops down to more like seven percent (7%). I don't want everyone to leave here tonight believing that the Town, in its goodness, is kicking in thirteen percent (13%), theoretically they are kicking in seven percent required and maybe upwards to thirteen percent (13%). I, personally, think this town should and can kick in a heck of a lot more especially since the speakers tonight talked about what other added value this town is going to get and what dollar value you put on the perception that Wallingford does not care about its citizens. (Applause)

At this time Mr. Parisi called the public portion of the hearing closed.

Mr. Zappala stated, it seems as though half the people may go home happy tonight and the other half will not but one thing is certain, tonight the problem has to be resolved. This problem should have been resolved already. I don't know whose fault it is at this point but I find it very hard to understand why we did not have an emergency case declared when people cannot use their homes. I voted against Clintonville Road mainly because I did not like the way it was being assessed to the homeowners but maybe this time we will do it right so that everyone

I pay their fair share. Was consideration ever given to just bringing water to Seiter Hill and if so why wasn't it ever presented to the Council? Why is it that we are involving three other streets that do not have a problem with their wells?

Mr. Dann answered, very early on in the project it became apparent that there was potential that the contamination might extend further. The Health Department began looking into those wells; we were asked to put together a project that would encompass all of the anticipated potential problem areas and we did that. Is all of that pipe hydraulically necessary to provide service to Seiter Hill? No. If only Seiter Hill were to be served out of this then you could cut it down to a point where it only involves an extension from Catlin down to Seiter Hill and in through Seiter Hill. The Health Department has indicated concern with regard to that and I would add to that concern that I think those people who have not had problems to this point in time should at least be concerned about the possibility that they may experience similar problems in the future. I think we have favorable bid pricing in hand so I think it is an opportune time for those other areas to be completed. The pricing may be higher for those people if this comes back again at some later time with a much smaller project. My recommendation is, the whole project is desirable but I recognize that for some of the affected property owners, they don't want to pursue it so from a hydraulics perspective I would indicate to you that Grieb Road and the section of North Elm Street from Seiter Hill going south are not strictly necessary in order to provide service to Seiter Hill. The project was bid in three segments so that we have bid pricing that allows us to break it out into each of those three segments. If the ultimate decision is not to proceed with some phase of the work that is readily deducted from the bid pricing. We structured it that way with the expectation that not all the project would proceed.

Mr. Zappala asked, in other words, if we don't want to supply water to Elm Street and Grieb Road, we could do it with the price which is much less?

Mr. Dann answered, there would be a lower price but you would then have to determine for the reduced price and the reduced number of properties to be assessed, what the estimated assessment would be. I believe that for the reduced scope only coming down from Catlin to Seiter Hill and through Seiter Hill, that the actual assessment for those property owners is slightly lower; it is more like \$4,700 versus the \$4,900 if we do the whole scope of the project. The property owners who would "front" on the main in North Farms and North Elm from Catlin down to Seiter Hill and all the property owners fronting the main in Seiter Hill would be assessed an estimated \$4,700.; that's in comparison to the \$4,900 estimated assessment if we include Grieb Road and the remainder of North Elm Street.

viii. Zappala stated, we do have a choice not to include Grieb Road and North Elm Street.

Mr. Smith stated, a portion of North Elm Street.

Mr. Parisi asked, if we pursued that would there be anyone who would be wanting water that would be left out of that proposal?

Mr. Smith responded, based on the information we received from the Mayor's Office, I believe the answer is yes. You would leave a couple of people out who have indicated that they would like water; one in the section of North Elm south of Seiter Hill and one on Grieb Road that would not be serviced if we took those components out of the project.

Mr. Zappala stated, I know that it is in our best interest to extend the water main and to put in twelve inch (12") pipes so that in the future we could supply water to other areas on that side of town but I also feel that we should be able to help this construction cost more than thirteen percent (13%). I think we are going to be selling water and collecting revenue later in the years and we have helped others in the past; Clintonville Road; I don't see why we can't take on one-third of the cost. That is the way I feel. One thing is sure, I hope we resolve the issue of bringing water to people who need it.

(Applause)

Ms. Papale stated, I have mixed emotions about the whole project. I did not think it was fair from the very beginning that people who were happy with their wells had to extend to Town water because that was the way I was told it had to be. I did not know until now that it could be done in three different sections. I felt, why would people that wanted to have water from wells have to be made to have city water? I discussed this with my colleagues on my right and on my left and now I hear that maybe you won't have to do it, it depends on which way we go. So if I was confused before, I am even more confused now. The more I listen tonight I hear the reasons why the Health and Water Departments feel that it would be important for the people in the Grieb Road, North Farms and North Elm Street area to have the extension of public water because I think that they are looking ahead to the future. There are so many questions still in my mind about the whole situation with the three streets that are not involved in Seiter Hill Road. If the vote occurs tonight and it is decided to go with city water out in the area, when would the job be able to begin?

Dann answered, when would funds be available? When would we be in position to actually enter into a contract? Through the ordinance process I believe the ordinance is typically effective twenty-one days after publication in the newspaper. Assuming there were action tonight and it could be published by Friday, twenty-one days subsequent to that.....I believe there is also

Charter provisions with regard to referendums that require thirty days or allow up to thirty days for a referendum. One or the other of those would certainly prevail in terms of the earliest possible date that we could sign a contract. Once we enter into a contract, from that time until project completion, based on the entire project, I have discussed this with the contractor and feel that his actual number of working days is going to be somewhere from forty to forty-five working days. Roughly, two months plus a little bit of actual construction start to finish and those are working days. That means holidays are lost days; inclement weather days are lost days and things such as that. If you have a start somewhere in the beginning of November, you are probably pushing into early to mid-January and depending upon what the weather conditions would be, if we get a favorable early winter and you can continue to work, he will stay on that type of schedule. If we run into early snow or deep frost penetration or things like that obviously, he is going to slow down and either have to pull off of the job and wait for more favorable conditions or he is going to slow if he is asked to continue. Early completion; we are looking at January under the most favorable conditions.

Ms. Papale stated, if maybe we could find money to front, the project could get started sooner.

Mayor Dickinson stated, at this point there is no money until the ordinance is effective. If there is a separate appropriation then the issue is that the contractor....if he started the job and then you told him to stop, he would be eligible for damages as a result of calling him off of the project at that point there would be no project. I believe, legally, he would have claims to potential lost profits and everything else. The only other time we did that is when it was a Town Public Work's project; it was a re-paving job on Highland Avenue. None of the work would be lost for the Town.

Ms. Papale stated, I will listen to what my other colleagues have to say on this matter. I am certain a vote will be taken tonight and I imagine that there will be Town water brought into the areas. I would be more comfortable if the Town could offer more (assistance). We owe it to the people of the Town of Wallingford. The comment was made that this issue will come up again in the Town and my response is, "so what?", we are here as a community and I never thought we should carry the whole cost but I was hoping that the Town could have given a little more to the people. (Applause)

Mr. Gessert asked, is there a vehicle where funds could be made available from existing Town funds and put up prior to waiting for the whole ordinance process? I have not seen a lot of people here complaining about the project or threatening to take it to referendum like there has been with other ones (ordinances). The Town might have the ability to put up its own funds pending the ordinance.

Mr. Centner stated, I have learned a lot from points brought out from all areas; from the speakers as well as Town officials. I want to officially, openly state that I agree that the area needs water however, I am also going to openly state that I totally disagree that the people should pay one hundred percent (100%) of it. I pulled the June 1998 financial report and our Water Division is making money. I know it is allowed to be called a profit but it is making more; we have \$21 million in retained earnings; we have almost \$5 million worth of cash and cash equivalents on hand as of the last report. They are making money on the water customers and this proposal could add eighty-six (86) new customers to the Division. The Water Division will make money on the new water customers. I also heard that the proposed project will only bring benefit to the Water Division. I don't care what the benefit is, it is a little more than it is for the area that is looking to be served. I don't care if it is a twelve inch or one hundred inch line, it doesn't really matter. More than what is absolutely necessary is being put in for economies of scale to serve that area for future planning. That also has a value. I think we are not taking that into account. Some of these things of value is, anytime you bring water service to an area and there are fire hydrants brought in, I can appreciate all the fire needs serviced by these hydrants but also in future budgets, that may be one less tanker truck that we need to buy for the Town to tank and t water up to the area in case of a fire. If the pressure is right you may also not need the pumpers that you need in certain areas sue to low water pressure. There are a number of what we will call intangible at this point, benefits that I think can be seen. This is not all to serve the residents; it is turning out to be more and more of a mutual service. By the link proposed, I think that link would be a lot more reliable; it is tying in a bunch of areas to main water service in case of another line cracking they may be able to, like a grid in power, move water one way or another and continue service during an outage on one length. It seems to be heading more towards a mutual benefit. I read the paper on Wednesday, September 30th, the Cheshire section; same kind of situation.....the Council extended the water to the people. The big deal there was that they offered two areas of concessions to the people; they went from a sixteen year payment to a twenty year payment. Whether or not that would apply here due to the way we are approaching it, I don't know but it shows the town made some effort there. Also, it reads, "The town is paying for twenty percent of the cost for municipal water uses such as fire hydrants." They are paying twenty percent...I think is it fair, not outrageous. Sitting in this position I have heard quoted a number of times what other towns are doing for their people. I can't tell you looking at the proposals and breakdowns with the contingency funds and the administrative costs whether they are going to be used or not, it is very hard to do that. At this point I would like to make a motion.

otion was made by Mr. Centner to Amend the Main Ordinance to Establish the Assessment for Seiter Hill Water Line Project to be Eighty Percent (80%) of the Final Project Cost and the Resultant Twenty Percent (20%) of the Cost be Borne by the Water Division.

Zandri asked, is the Final Project Cost figure defined as the total cost of the project or just the cost assessed to the residents?

Mr. Centner responded, I am looking at the total cost that would be assessable to the residents under the "Establishing assessments for Seiter Hill".

Mr. Zappala seconded the motion.

Mayor Dickinson stated, I believe it will violate the State Statute. The Cheshire project.....the municipal share there is due to a water tank and water pump station. They have an ordinance on their books calling for one hundred percent (100%) similar to North Haven and North Branford. Everyone uses the same statute. Also, on that line is one hundred and ninety some homes, a fire house and a school that are being served. All of which account for the municipal share on the Cheshire project. Statutory language is pretty clear. I don't think that we can arbitrarily adopt percentages and change this. I think we will be violating State law and I cannot recommend that we do that.

Mr. Farrell asked, if such an ordinance is passed this evening that you would deem to be in violation of the State Statutes, would it be your plans to veto it?

Mayor Dickinson responded, I would want the Town Attorney to review it. If the opinion of counsel is that it is a violation of State law, I cannot, given my duties of office, approve a local ordinance that would violate State law.

Mr. Centner commented, it is very disappointing to me to realize that if you try to help the citizens of the town it is illegal. It is very bothersome to me. (Applause)

Mayor Dickinson stated, I want to make it clear again; it has been stated at other meetings, there are other ways to finance a project as has been indicated earlier this evening. There are projects that are funded through other mechanisms. We are using a statute that calls for an assessable amount of money. That process requires certain things to happen but certainly it is possible to finance projects in other ways such as the Clintonville Road project. The P.U.C. adopted a public policy due to problems and unforeseen costs that result from other means of completing projects. They have adopted a policy urging or recommending the use of the assessment mechanism. That is what is at issue here, the assessment mechanism. State law is pretty clear and from what I can understand is to how that has to occur. It is not the only mechanism for

ding but that is what is on the table due to previous experience and recommendation from the P.U.C.

Mr. Zappala stated, I seconded the motion because I think that if we could add thirteen percent (13%) to the cost; if we are willing to pay thirteen percent (13%), why shouldn't we put in thirty-three percent (33%) because we are utilizing this opportunity to better serve the community. What is the difference of paying 33% versus 13%? Is there any difference?

Mayor Dickinson answered, the language in the statute talks about one hundred percent (100%) of the cost assessable including incidental costs to each property that benefits from the project. It places the municipality in the same position as every property owner. The municipality is assessed for each of its uses or purposes. There is one property on Grieb Road that would be assessed to the municipality. In addition, we are talking about the size of the mains and in some towns because of an outside regional water authority or some other mechanism, there is an actual fire charge that is in the tax rate. This community does not have a payment for fire charges in our tax rate. That is all borne by the Water Division. All of these factors go into determining what is a municipal purpose. The statute places the municipality in the same role as one of the property owners along the line that is serving the people for water. That is why, to jump from 13% to 33%, it has to be quantified in some way otherwise the statute is meaningless. If you could put any percentage that you wanted, the statute is virtually without meaning.

Mr. Zappala stated, if it is the will of this body (Council) to help the people, I am sure there is a way to do it. If you don't want to do it you can use any excuse you can find not to do it. I believe it is the wish of some of us to alleviate the cost to the residents. If you want to find an obstacle to keep us from doing it then we're not going to be able to do it.

Atty. Joseph Fasi, Bond Counselor to the Town stated, before there is a motion and discussion to amend the proposed ordinance, the clerks report that the main motion has not been moved and seconded. May we do that?

Mr. Farrell moved the ordinance, seconded by Knight.

Mr. Zandri stated, I feel that there is flexibility in the statute. Again, when you read it it says that the Town may waive assessments if there is a known pollution problem. I still think that you can hang your hat on that if you want to as far as the Town absorbing some of the costs associated with this project. There are always ways to look at the dollars on this; you can go back to look at paving costs which are \$23,000 and hydrant costs in here to \$22,000 that are part of the assessment to the residents which I think should be shifted over to the Town's side. Just to go back to the contractor, he could increase the cost of the hydrants and increase the cost of the pipes and that is another way you can do it if you want to stay within the law. I agree with Mr.

Centner as far as the Town.....I want to clarify the Town absorbing this.....any cost associated with this project would not be coming out of tax dollars, it would be coming out of the Water Division and would affect taxes what so ever. I want to make sure that people do understand that tax dollars would not pay for any portion of this job regardless of which way we go. Personally, I feel we are obligated to help these residents out and I would like to amend the motion, if I may.

Mr. Parisi stated, there is an amendment already. You can only have one motion on the floor at a time. You can amend an amendment if I am correct.

Mr. Zandri stated, I would like to amend the amendment because I would like to change the percentages to 25%/75%.

Mr. Parisi stated, why don't we vote this one and then make your amendment?

Mr. Zandri replied, if mine passes it would override Mr. Centner's and we could just vote them in sequence anyway.

: Zandri made a motion to Amend the Amendment to Change the Percentages to Twenty-five Percent/Seventy-five Percent, seconded by Ms. Papale.

VOTE ON MR. ZANDRI'S AMENDMENT: Rys was absent; Centner, Papale, Zandri and Zappala, aye; all others, no; motion failed.

VOTE ON MR. CENTNER'S AMENDMENT: Rys was absent; Centner, Papale, Zandri and Zappala, aye; all others, no; motion failed.

Mr. Zandri stated, another concern I have about this project is the starting time. I do feel that funds can be made available immediately in order to get the project started immediately so we will not be wasting any time waiting for the ordinance process to take place. I know it is a slight gamble but I don not think there are too many residents in this community that will start circulating petitions to defeat this ordinance. It is in the best interest of the residents to get started as soon as possible.

Motion was made by Mr. Zandri that the Council Make a Recommendation to the Mayor that he Get the Paperwork Together for the Next Council Meeting on Tuesday Night to Make Sure that Funds are Available so that This Project Can Get Started Immediately, seconded by Mr. Zappala.

Mr. Parisi asked, what about the legal aspect of leaving ourselves open to problems such as someone taking exception to what we are doing?

Mr. Zandri stated, again, I don't think there is a likelihood that will happen. You would not necessarily have to get out of the contract, the Town would go through with the contract and put the water in the neighborhood anyway. We would not be involved in any fines; the only difference would be that the Water Division would be putting the money up and we could still assess the people if you wanted to as far as their obligation to the Town. The only difference would be that we would not be bonding the money, the Town would be fronting the money.

Mayor Dickinson stated, depending upon which ordinance could be challenged, you could not assess. If the assessment ordinance would be challenged, then you would not be able to assess. The problem is using an outside contractor, as I see it. At the point that you are telling him to stop, we would be liable for damages. The purpose of the appeal period in the ordinance is to allow people the chance to have an opportunity to say whether they think it is appropriate or not. This removes that opportunity. It is not similar to the one other instance that we have done this; at this point I cannot recommend it.

Mr. Zappala stated, the Health Department should have declared this a community pollution problem and it would have covered us if anything else had followed through. It was the Health Department's responsibility at the time to proclaim a problem for the community. It is a problem and I am surprised it was never declared a community problem.

Mr. Parisi asked, don't we also have the opportunity to look at Seiter Hill, Catlin and Grieb Road? If we look at that, doesn't that eliminate the people that don't want it?

The answer, no, came from many individuals off microphone.

Mr. Smith stated, if you did the project in its minimal phase, running from Catlin down through Seiter Hill and in through Seiter Hill project, you will eliminate the Grieb Road portion, you would still have customers between Catlin and Seiter Hill on North Farms and/or North Elm who have indicated that they are not in favor of the project.

An unidentified person asked, is there some reason why we take the longest line up North Elm up to Seiter Hill rather than coming from Kish if we are going to be eliminating pieces?

..... Smith responded, the line from Kish Street could not service the Seiter Hill area.

Mr. Parisi asked if Mr. Zandri's motion was in order at this time?

Atty. Fasi responded, it is a motion which properly follows action on the two ordinances that we are dealing with tonight; the assessment ordinance and the bonding ordinance. After that, if the Council wanted to do something related to that, you could entertain it (the motion) at that time.

Mr. Parisi asked, are you saying this is not legal?

Mayor Dickinson replied, we can take a look at it. My guess is right now that it carries some very difficult.....

Mr. Parisi called for a vote at this time.

VOTE: Rys was absent; all aye; motion duly carried.

Atty. Small asked, you just voted on the ordinance, itself, correct?

Atty. Small stated, Atty. Fasi explained that Mr. Zandri's motion was made when there was already a motion on the floor to approve the ordinance. The motion that Mr. Zandri is making could be done following the approval.....

Mr. Parisi stated, I misunderstood him (Atty. Fasi). Why don't you make an amendment?

Atty. Small stated, you can't put it in the ordinance; it would not be proper to put it in the ordinance but.....

Atty. Fasi stated, Mr. Zandri's motion at this time is out of order. The vote on Mr. Zandri's motion at this time is out of order. What is pending before the body is the ordinance with regards to the assessment; it has been moved, it has been seconded, you are in the course of discussion. After that, there should be a vote. You can either discuss further or vote now.

Mr. Knight stated, this is a very difficult decision no matter what happens. As one person said, there are going to be people disappointed regardless of what ever action is taken tonight. The first issue seems to be whether or not the Town should be participating financially in assisting with the payment of the extension of the water mains to the Seiter Hill area. I think it is a bit ironic that of all the solutions that have been recommended, that are possible, this is the very most expensive. There have been people, including experts at some of these other meetings, that have suggested that there are other ways to purify the water and it cannot be guaranteed. The fact is, if you were located two miles from the only available water, that would be your only solution and you would find that to be an attainable, acceptable solution because there are not other

(solutions). What we are talking about here, and more than just one person has brought this up is, this is not just a health issue; it is a property values issue. It is important to understand that your property values are threatened by the fact that you do have contaminated wells; some of you do; and the only solution that will practically guarantee that your property values will return to their former level is city water. It is important to understand that that is, indeed, a component to what we are talking about here; making the residents whole on their property values. We talked about the fact that it is the Town versus the residents; I have heard more than one person say that tonight. I have heard people say, "The Water Division...." The Water Division is made up of the people who buy the water; it is owned by the Town of Wallingford. In a lot of other places in the United States, it is a private company. If that were the case, this would not be an issue today. It is a Town-owned utility; it is a utility and that is an important distinction. We have three utilities in this town and they are supposed to be, and from what I have seen since I have sat here, they are supposed to be supported entirely by the people that derive the services. The proponents of having a cost-sharing by people other than those that are going to receive the service are asking the other ratepayers to support the installation for their neighborhood. It has been pointed out where there have been two instances in the past where this has been done; one twenty years ago and one two years ago. I don't know all the circumstances behind Perkins Road; obviously we all well aware of what happened on Clintonville Road but the fact is, this is a utility. It is supposed to be set up so that one hundred percent (100%) of the costs are borne by those that want the service. Thousands of other people before you, when they moved into this community, when they bought a new house, paid one hundred percent (100%) of the cost of the water installation. I feel, as a representative of not only everyone who is affected, and I have spent a great deal of time and continue to do so on this issue, we also represent in our charge, oversight over the thousands of other customers of the same division. It was brought up that if you spread out one-third of the cost among all the other ratepayers, then it will be an infinitesimal amount. That arithmetic is very seductive and this is exactly why every politician finds that almost overwhelmingly easy to fall on that side and say, "hey, it's only a dollar" or "it's only two dollars". This is why we, as a nation, are \$1 trillion dollars in the hole and why in the State of Connecticut we are the highest tax state in the US, because of that philosophy of "hey, we can nick everybody just a little and make the person who is the most affected, we will be much more popular with those people that are affected". Someday you have to fall back on what is appropriate philosophy for determining how these utilities are to be run. It would be so much easier to pony up one-third of the cost because, what the heck, ninety-eight, ninety-nine percent of the Water Division customers are not here and we probably won't hear from them. I honestly believe that the way the installations have been made, the way the Water Division has grown incrementally street by street has been done in a way that assesses one hundred percent (100%) the cost to the people who want the service. The idea that there is a \$25,000 contingency, and this and that and what the Town's percentage is, those are relevant issues but the fact is that, up until now with a couple of exceptions, the people who want the service have paid for it one

hundred percent (100%) and my feeling is that can continue. The Town will make every effort to doing this, cynicism aside that we have seen tonight from a few people, I do believe that the Water Division will bring that project in not spending one single dollar more than is absolutely necessary to have it done. There is no percentage for them and I think they have spent a lot of time this summer to work with everyone affected and involved. We should not deviate from the accepted practice established years and years and years ago that the residents that want the service need to pay for its installation.

Mr. Renda stated, I agree with my colleague, Mr. Knight. We can't live in dreams. Look at our air; it is polluted. Our waters are polluted. Our streams are polluted. The next phase is your wells. Let's not kid ourselves by saying, "it is good today" for how about next year or the year after? This is not only happening in Wallingford, but all over the country. The safest way to bypass the problem is to go for the whole system and it will pay off in the long run. I don't put the dollar before safety or health; my health comes first. We get criticized up here but let me tell you, next year or the year after if you have problem there, it is better to go now with it because if you wait three or four years down the line and something happens and you want to go for the system, it could be five or six times what you will pay now. Let's use common sense.

Mr. Zandri asked, is there a dollar revision to the ordinance?

Mr. Parisi responded, not on the first ordinance.

Mr. Centner stated, I will be voting against this ordinance because I cannot agree with it; the reason being is we have to go with this assessment way; it has to be one hundred percent, I will vote against it and hope that in the future we come up with another mix of numbers or financing or what ever it takes. I just don't agree with it.

Mayor Dickinson stated, if there is a desire to change the number of streets, they are listed in the ordinance.

Mr. Zappala stated, if we do eliminate streets we will affect some people who want water.

Mayor Dickinson stated for clarification, I thought there was a question about whether or not there has to be an amendment to this ordinance. I wanted to make it clear that both ordinances list all of the streets. I am not recommending a change; I just want to make sure everyone is aware of that.

VOTE ON THE ORDINANCE TO ASSESS AT ONE HUNDRED PERCENT (100%): Rys was sent; Centner, no; all others, aye; motion duly carried.

ITEM # 3 Continuation of a Public Hearing on an Ordinance Appropriating \$800,000 to Extend Water Lines to the Seiter Hill Area and Authorizing the Issue of \$800,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

Mr. Smith stated, my recommendation earlier to the Council was to change the ordinance amount to \$525,000.

Atty. Small suggested that the Council re-open its hearing and then we will deal, through a series of motions, amending the dollar amount. This is what your public hearing is on.

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

Frank Punzo, 14 Grieb Road asked, why are we talking about \$525,000 when the actual bid came in at \$400,000+? Will that amount be assessed to the individuals and, if so, how?

Atty. Fasi stated, you can talk about the difference between \$800,000 and the bid that actually is in.

Mr. Parisi asked, why aren't we considering lower the amount of the ordinance to \$502,000., removing the \$23,000 for paving?

Mr. Smith responded, as the Mayor pointed out, it is sort of a safety net in case things do not occur. The money is not spent. Regardless of what the ordinance says, the assessment is based on the actual final cost.

Mr. Parisi stated, I understand that, but the Town is going to do the overlay. This will probably be the most watched project that has ever been conducted in the Town of Wallingford by this Council and by these residents. I don't mean that as a threat; it is probably a good, solid promise. Can we lower the amount to \$502,000.? The Town is doing the road.

Mr. Smith recommended that the amount not be changed, however, if that is what the Council wants to do.....he stated.

John Beecher, 65 Seiter Hill Road expressed his disappointment with the ordinance. He was dismayed that the Council was willing to accept, at face value, all the numbers they have been given by the Water/Sewer Division and all the opinions they have been given by the executive branch and the legal office. He requested that the Council, in the spirit of the discussion, eliminate the people on Grieb Road and at the end of North Elm and given the Seiter Hill

idents a break on the cost of the project. They don't need the water and Seiter Hill residents don't wish to subsidize them. He stated that he will hold the Council to the degree that he can to keep this same spirit in every other case that comes up and see where it lands us. It will split the community; it does not bring it together. You have set a dangerous precedent, he stated. He went on to say, you are going to do what you are going to do anyway. Everyone has stood up here (microphone) and there has not been one iota of movement off of what was given to you in the beginning. Does one and one make two or does it make eleven? A good accountant will make it what ever you want it to be as will a good lawyer. The interpretation that you have gotten and accepted is simply one. My sense is that your minds are closed. (Applause) I will respect the difficulty in the decision that you have to make.....

Mr. Parisi stated, I resent that statement because every (telephone) call that was made was answered. I asked for input from several people which I never received. I did receive it from a couple of people. I was available and made myself available to everyone that asked for it. I would be willing to bet that all of these Councilors did the same thing. I don't want to be told that my mind was closed; it wasn't closed. Just because I don't give in to everything that everybody wants, doesn't mean that I go home happy every night. I am not going to go home happy tonight but I happen to feel that what I am doing is right and I thought that is why people voted us; to do what we thought was right.

Mr. Beecher stated, open-minded or not; our arguments have not moved anyone half an inch.

Mr. Parisi stated, I was willing to go a different route but that will exclude people.

Mr. Beecher stated, I feel that there are alternate interpretations (of the Statute) and I hear four of you with them. We need water up there and Seiter Hill folks want water and if you looked at the minimum number of homes affected, there is a majority on the shot from North Elm through Seiter Hill Road. That gives the most people who want water, water and the least people who don't want it. It eliminates one person on Grieb Road and one on the North Elm spur; that is what it does according to what Mr. Smith read earlier.

Mr. Smith explained once again, of the people who responded, in this segment; one yes, one, no, and five or six no responses. You can take them as yes or no. On the Grieb Road segment, there were far more no responses.

MaryAnn Cherniak-Lexius stated, I really feel it is necessary to bring this back to a balance point. I understand the emotion and that there are people who feel very strongly about keeping their wells because there are good right now. I need to re-state what I said earlier, there is no guarantee that the existing wells that are good today will be good tomorrow. If Seiter Hill is

brought public water and those wells are not upgraded; say people want to keep their wells for irrigation, it is legal. I have talked to many people who intend to try and do that by making complete separation. If they don't upgrade those wells, those wells are going to continue to provide an opportunity of surface water contaminants to get into that aquifer. There is no guarantee that without abandonment of wells on Seiter Hill or the correction of them that things are going to stay copacetic. There is that element of unknown that people need to look down the road. Right now there is an opportunity to address it. From a public health standpoint, this is something that really needs to be weighed as an important decision here and not something that is cut into pieces because then we will have additional individuals who will be left stranded.

Mr. Beecher stated, what the Health Director so eloquently described was that it would be in the community interest to do that spur and to do Grieb Road. The people there don't want it. The only reason that we would put it there, that you would impose it in your role as Councilors is because you determine it to be in the public interest. If you make that decision, it has been our contention all along that perhaps the cost of those two spurs should be considered what the Town needs to do. It would lower the cost of the project in its entirety, give relief to the people who did not want it in the first place; there are ways to look at this beyond what essentially is, twelve inch sus eight inch pipe. I am disappointed; I want water brought up to our area and I don't want any impositions placed on anyone. I was fully ready to accept if the majority of that had come in, people didn't want water then you folks would say, there is not going to be any water.

Rosemary Mascia stated, the Health Director said something that sounds logical but it is not. I am a nurse, too, a lot longer than she has. I have been in Public Health, I have taught nursing, I have my own medical center, I have taught at Yale University Medical School and I want to tell you that we on Grieb Road have some sense. We do not want the water running down our street. We are willing to take the risk that any other street in Wallingford could be chosen too if it had wells. There is one person on Grieb Road that requested it. I know the people on Grieb Road and I know my neighbors. If there was something wrong with that well we would all chip in and get that well fixed. You should not under any circumstances impose that on us. I thought by the tenor of what was going on previously that people were going to see that that was the only logical thing to do.

Sue Vitali, 656 N. Elm Street stated, the Health Director pointed out that because wells are not being abandoned in various parts of town contamination can continue, it can get into the aquifer. The solution of trying to fix our wells is not all that realistic, Mr. Knight. There are other problems you can encounter. If you go deeper you can get radon, sulfur, etc. There are a lot of us who do not need or want the water. What you are doing is pitting neighbor against neighbor because there are many people who have responded in a positive way because they do not want to upset their neighbors who really feel they need the water.

ry Mushinsky stated, if you are interested, I suggest that you lower the total value to the assessed first, you could still meet the law's requirement of 100% assessment by placing more of the cost on to the public benefit category and assess the balance at 100%. I think it would work. It achieves the reduction in price for the residents while still meeting the statutes. (Applause)

Mayor Dickinson stated, If I understand the suggestion, it is to adopt a fictitious or unquantified percentage that would be for public purpose and then use the remaining percentage for assessment purposes. I think the statute is clear and not subject to arbitrary determination. It is written in terms of the municipality being treated as if it is a property owner. In Cheshire there is a public school and fire house that is part of theirs; there is a water tank as well as a pumping station that are all taken out of the cost that is being assessed to the property owners. That is an interpretation that would not be appropriate under the history as well as the language of the statute.

Larry Hogan, 651 N. Elm Street asked, what is the benefit to the Water Division of having a twelve inch main, by connecting that loop? Why do you need a twelve inch line if it is not a benefit to you? What will you do with it afterwards?

Mr. Smith answered, if the section of Seiter Hill does not go in, we would not put in the twelve inch main.

Mr. Hogan asked, who would put that in then? Future development?

Mr. Smith stated, we don't want that main. Yes, future development. If the system does grow this would be paid for by water users for future growth just as the lines on East Main Street were paid for.

Mr. Hogan asked, if the property across the street on North Elm Street, Vitali's property, get bought and developed, is that what you are looking to do, have a twelve inch main for them?

Roger Dann replied, the only place we are recommending the twelve inch main is down Grieb Road and then from Grieb Road up to Catlin. If, at some future time, system growth continues to the north so that ultimately we tie this part of our system into a section of system further to the north, we would want the transmission capability through that area consistent with the possible desire to feed from one portion of the system into the other. We have no specific plans in that regard; it is possible at some point in the future a twelve inch pipe would be appropriate there.

... really are not looking at anything that is hydraulically beneficial in the immediate area; we are looking at something that is a fledgling possibility at some time in the future. It is an opportunity to get the twelve inch in rather than eight inch and if we ultimately want twelve inch, it will be there. If we don't ultimately need it, it will be an oversized piece of pipe.

Mr. Hogan stated, I am paying for the ground to be dug up for a twelve inch pipe. I don't need it. The Town keeps coming up with a good reason not to help out on this.

Mr. Parisi stated, every water pipe that has been put in the ground in Wallingford has been determined by the Water Division, not on request by the residents.

Frank :Punzo, 14 Grieb Road stated, it is clear that a portion of this project is municipal in some respect and the Council should make a motion to have the municipality pick up part of the tab.

Andy Kapi, 6 Deme Road stated, Mary Mushinsky sent a letter to Mayor Dickinson dated August 17, 1998; there was an article in the press recently in which the Mayor stated that he did not see the letter. Is this true?

Mayor Dickinson stated, I believe I was asked by the reporter if I had received a letter regarding the statute in question and that statute was not the subject of the letter that I had received from the Office of Legislative Research. That letter dealt with the generic subject of how to finance municipal projects, potential for grants, the revolving State Loan Fund, the general obligation and revenue bonds. It did not deal at all with the Statute in question tonight. My response to the paper was that I had not received a letter regarding State Statute #7-137c.

Mr. Kapi asked, did the letter contain the information from the Legislative Research Office including the references to Middletown, Norwalk and Manchester?

Mayor Dickinson responded, yes, the general ways of financing.

Mr. Kapi asked, did you call Norwalk? Did you call Middletown and ask how they managed to pull off this amazing feat of not being held in contempt of legalese ?

Mayor Dickinson responded, because they are not using #7-137c. They are not assessing properties. If you assess properties it has to be 100% of the cost. If you are financing a project similar to Clintonville Road or other projects, you do it through private contract or direct appropriation. There are no assessments.

Mr. Kapi stated, it all comes down to intent. I have been reminded of someone who recently said, "it depends on what the meaning of the word "is" is". My question is, is it our intent to help

these people or is it not? I think there has been a yes or no answer given to that question already tonight. We should not hide behind the legalese, we have had enough of that.

Mr. Punzo suggested removing all costs associated with the re-paving of the roadway out of the ordinance.

Mr. Parisi stated, if the money is not expended, it will not be assessed, either. The money is there more as a hedge than anything.

Mayor Dickinson stated, there has to be temporary repairs during construction. A portion of the roadwork would have to be included in the project.

Mr. Punzo asked, why would there have to be road patching at all? If the road is going to have to be re-paved and the pipe has to be laid, why can't they both be done at the same time?

Mayor Dickinson stated, typically you would dig a trench. The whole road would not be re-paved. You would put a finished patch on where the trench was excavated. Prior to the final paving of that, there was a temporary coating put on to allow the trench to settle. During that time period there are road expenses. Typically, that lasts a year between the time you put on a temporary cover and you put on the permanent. In this instance we are talking about putting the permanent full road re-paving that would be covered by the Town. There would be the need for temporary repair because during construction you have highway traffic and shortly there after. I think it would be very difficult to have Public Works crew trying to deal with temporary patching and trying to coordinate with the contractor as he does his work. That would be a formula for disaster.

Mr. Dann explained, initially when the trench is dug, back-filled and compacted, a temporary trench repair goes back over that trench. That temporary repair stays in place for a minimum of thirty days, preferably one year and certainly through a winter so that all settlement that will take place can take place. In the case of this bid, when you look at the permanent repairs, we bid the option of doing either a trench repair or as a alternate to that, do a full curb to curb overlay. In this case the curb to curb overlay was slightly less expensive; you get a better overall project when you are done, so that would be the selected final repair. Public Works would provide the permanent repair. The contractor would still have to provide the temporary repair and maintain that for a period of up to one year prior to the final pavement.

Mr. Punzo asked, during the road re-pavement for North Elm Street, is the road going to be dug up or is it not? If so, when is it going to take place and when will it be completed?

Mr. Smith answered, there will be a great deal of inconvenience during construction. The road will be dug up.

Mayor Dickinson stated, it will not occur until this project. If we determine we are doing this project, then it will not occur until it is finished.

Mr. Punzo asked, if the road is going to be ripped up when you re-pave North Elm Street, why can't that project be done in concurrence with this project so that when the road gets ripped up, we dig the trench and then we re-pave the road?

Mayor Dickinson responded, because the whole road would be ripped up for a lengthy period of time when it would be worked on for portions of that time because the contractor wouldn't be digging his trench. We would have all of the roads ripped up all at the same time while the contractor is working only in one area and gradually progressing with the trench excavation.

Jim Mascia urged any one of the Councilors to make a motion to eliminate Grieb Road from the project.

Jim Vumbaco, 81 High Hill Road asked, has anyone gone back to the P.U.C. and asked them to revise their thought process on the 100% assessment so that maybe there could be other alternative means of funding this to help these people out? If we haven't gone back to the P.U.C., I would like to know why.

Mayor Dickinson stated, the project was brought to the P.U.C., they came to the Council indicating their recommendation that the ordinance process be utilized. This was brought to the Council by the Public Utilities Commission; they were fully aware of it, they came in indicating on July 30th....it was a response to a petition from the residents in this area requesting the installation of a water main.

Mr. Vumbaco stated, this information should be brought back to the P.U.C. at a public meeting saying that there seems to be a problem here, maybe we don't want the citizens to have to fund this 100% out of their pocket, is there another alternative we could take and is there a way we could go about.....we seem to be hanging our hats on this one ordinance issue. Why haven't we looked at the other alternatives through the P.U.C.? That is all I am asking.

Mayor Dickinson replied, at the July 30th meeting or at a subsequent meeting the P.U.C. at one point or another indicated their rate structure does not cover the extension of water mains. Given their projected projects this would be a new area of expenditure; taking into account the

additional areas that are also now requesting water main installations; their finance structure would have to be reviewed in order to accommodate these types of projects. Hence, their recommendation that the ordinance method be used.

Mr. Vumbaco asked, with all the information that we have collected over these last public hearings, you don't feel it is worth the effort to go back to the P.U.C. and ask them to reconsider their thought process; the different opportunities for funding; the citizen's concerns; whether we should be doing the full project or partial project?

Mr. Parisi stated, I am not comfortable at all that these alternate methods of funding were completely explained.

George Cooke, P.U.C. Commissioner stated, when we got involved in the Clintonville Road project we were given information on the cost and then we made our arrangements with the property owners. The cost was incorrect; the Town picked up the differential and there was a labaloo on both sides and we made motions to go to an ordinance position so that we would have the proper information when it came to the general project at the next issue. We are now at the next issue.

Mr. Parisi noted that not all the commitments were honored by the residents.

An unidentified woman asked the Council to re-visit Mr. Beecher's recommendation that the stub south of Seiter Hill Road and Grieb Road be taken on by the town as a municipal improvement to service the two people in those areas who want service especially in light of the fact that neither the Mayor's Office nor the Health Department pursued this vigorously with D.E.P. to see if we could get a ruling that this a polluted area. Had that been done, maybe we would have been out of here hours ago.

Mr. Parisi asked, was it not pursued?

Mayor Dickinson stated, I spoke directly with the Commissioner and Mr. Smith of the Water Bureau, a division of the D.E.P.; I sent a letter to the Commissioner. We had direct contact with them; they indicated that they would send me a letter which they haven't. They said they would in touch with our Health Department.....

The woman stated, that is not working tenaciously on behalf of the citizens of this town. They did not have any of the information that the Health Department had. All the information that was gathered was not brought to them. A real tenacious effort on the part of the Town would have

gotten us out of here by nine o'clock tonight and that did not happen. Letters tend to be set aside; some of the people did not even respond to this survey. You need to have someone who is really going to be in your corner and when you are paying taxes in the town the way all of us have been paying for over twenty years, someone should have been fighting for us to get something for us that we deserve anyway. E-coli is a pollution problem.

Mr. Parisi stated, everyone has been asked to help; even our state legislators. There has been a lot of talk and a lot of dust but no delivery yet. Our problem is that no one has delivered anything yet.

Mr. Punzo asked, why didn't D.E.P. have the basic facts such as whether there were spicketts dumping into a brook.....

Mr. Parisi stated, I wonder why they were not concerned about it? You can't get them down here for what you need them for, let's be realistic.

Mr. Punzo stated, I spoke with Bill Smith and asked him whether or not he had very important facts in this case to determine whether or not this was a community pollution problem, he did not have them and he said that he looked to our Health Department to get them and I can't explain that.

Mayor Dickinson stated, my conversation with the Commission was very clear. Historically, D.E.P. has not gotten involved as Rep. Mushinsky said earlier, D.E.P. has not gotten involved with bacterial contamination of well supplies. They are resistant to doing that. I spoke with the Commissioner and sent him a letter; I also spoke with Mr. Smith. They were willing to contact the Health Department but they were very clear that this is something that they have not done in the past.

The Health Director echoed the Mayor's comments. The Mayor told her to expect a call from D.E.P. and it never came. Ms. Lexius stated, I spoke with Mr. Warzeka and he told me quite candidly, they do not want to open this can of worms.

Motion was made by Mr. Farrell to Amend the Ordinance to Change the Subject Amount of the Ordinance from \$800,000 to \$502,000.

Motion was moved by Mr. Farrell, seconded by Mr. Knight.

Mr. Farrell re-stated the amendment. The amendment was seconded.

Steve Frank, address unknown, pointed out that the Town of Wallingford is listed as a property owner of 155 Grieb Road. Will the municipality pick up a share for that piece of property to stay within that statute? Will that property bear an assessment different than the other eight-five properties in all?

Mayor Dickinson replied, it would bear the \$4,900. It would be one of the units calculated in the entire project as if it were a residential lot.

Larry Hogan , 651 No. Elm stated, the main line is going from Catlin to the existing hydrant on N. Elm. If you could make it that it has beneficial factors to connect those two lines together and the Water Division picked up that part of the tab, that would save the residents probably \$80,000 or \$100,000., what ever number you put on it. Then you could assess the homeowners the rest of the amount and it could go through just like it is. I am sure there is a benefit to hooking those two mains together.

VOTE ON AMENDMENT: Rys was absent; all ayes; motion duly carried.

VOTE ON THE ORDINANCE AS AMENDED: Rys was absent; all ayes; motion duly carried.

Mr. Zandri made a motion to Recommend that the Mayor Have the Necessary Paperwork in Place for the Next Meeting to Make Sure Funds are Available to Get the Project Started Immediately, seconded by Mr. Farrell.

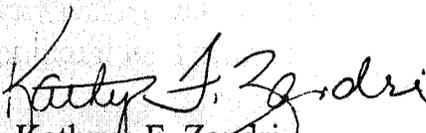
VOTE: Rys was absent; all others, aye; motion duly carried.

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

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

There being no further business the meeting adjourned at 12:09 A.M.

Meeting recorded and transcribed by;


Kathryn F. Zandri
Town Council Secretary

Approved by:

Robert F. Parisi, PR
Robert. F. Parisi, Chairman

10 - 27 - 98

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

10 - 27 - 98

Date

AN ORDINANCE ESTABLISHING ASSESSMENTS FOR
THE SEITER HILL WATER LINE EXTENSION PROJECT

Whereas the Public Utilities Commission ("PUC") has received a request to extend its water lines to the Seiter Hill area of Town, specifically, Seiter Hill Road and portions of North Farms Road from Catlin to Grieb Road; Grieb Road from Ice Pond Road to North Farms Road; and North Elm Street from Seiter Hill Road South approximately 690 feet to an existing water main (hereafter the "Project" or "new main");

Whereas section 7-137c of the Connecticut General Statutes provides that the owner of property abutting a water main extension shall reimburse the municipality its proportionate share of Project cost as the municipality by ordinance shall determine;

Whereas the PUC has recommended a methodology of levying assessments pursuant to section 7-137c to pay for the cost of the Project;

Now therefore, be it ordained by the Town Council of the Town of Wallingford:

Section 1. The PUC shall levy assessments pursuant to this ordinance and section 7-137c. The PUC shall follow the assessment procedures of section 7-250 of the general statutes with respect to filing the proposed assessments with the town clerk, public hearing and notice regarding the proposed assessments, filing the final assessments with the town clerk and newspaper publication of the final assessments. The assessments shall be determined and levied upon completion of the Project. Except as provided in section 2, the assessments shall recover 100% of the cost of the Project as set forth in section 7-137c of the general statutes.

Section 2. Properties are to be assessed on a per unit basis for all properties which can be serviced by the Project, as follows:

- A. One unit of assessment for each single family house abutting the Project that cannot tie directly into an existing main as determined by the PUC.
- B. All vacant land shall be assessed one or more units plus deferrals pursuant to sections 7-137c.
- C. One unit of assessment for each single family house or lot able to tie directly into the new water main through easements, rights-of-way, etc., and also able to tie into

AN ORDINANCE APPROPRIATING ~~\$800,000~~ ^{\$502,000} TO
EXTEND WATER LINES TO THE SEITER HILL AREA
AND AUTHORIZING THE ISSUE OF ~~\$800,000~~ ^{\$502,000} 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 ~~\$800,000~~ ^{\$502,000} is appropriated for the planning, acquisition and construction of the installation of water mains in the Seiter Hill area of the Town, known as Contract #15, including Seiter Hill Road and portions of North Farms Road from Catlin to Grieb Road; Grieb Road from Ice Pond Road to North Farms Road; and North Elm Street from Seiter Hill Road south approximately 690 feet to an existing water main (hereafter the "Project"). The project shall include pumping stations, storage tanks and related equipment as needed to implement the delivery of water to such project area, or so much thereof as may be accomplished within the appropriation. Said appropriation shall include, as necessary, architects' engineers' and consultants' fees, surveying, testing, inspection, land acquisition, easements, blasting, equipment, the planning and construction of related improvements and appurtenances including utility and infrastructure connections, and relocation, repair of abutting areas, administrative, advertising, printing, legal and financing costs.

Section 2. To meet said appropriation \$800,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the fifteenth 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.