

Summary of Town Council Minutes

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August 7, 1985

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Town Council Meeting

August 7, 1985

8:00 p.m.

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- 1) Roll call and pledge of allegiance to flag.
- 2) Public Question and Answer Period.
- 3) Report from the Computer Advisory Committee.
- 4) Consider the following requests to support the parade on Sunday, November 10, 1985, in honor of Wallingford's Vietnam Veterans, requested by Quentin J. Goodrich, Commander, VFW Post 591:
 - (a) Consider and approve a transfer of \$3,000 from the Town of Wallingford for assistance for this parade.
 - (b) Consider appointment of a member and an alternate from the Town Council to attend the parade meetings and work with the Vietnam Celebration Committee.
- 5) Consider acceptance of Regent Court, requested by Linda A. Bush, Town Planner.
- 6) Consider & approve the following transfers, requested by Steven L. Deak, Director of Public Works:
 - (a) Transfer \$2,800 from A/C 503-130 to A/C C504-2.
 - (b) Transfer \$2,554 from A/C 505-130 to A/C C504-2.
- 7) Consider and approve the following reorganizational changes in the Assessor's office as requested by Francis J. Barta, Assessor.
 - (a) Consider & approve the position of Chief Clerk-Assessor be changed to Senior Clerk.
 - (b) Consider & approve that some of the duties performed by the Chief Clerk be transferred to the Real and Personal Property Appraiser position as noted in the revised job classification.
- 8) Consider acceptance of Factfinding Report for IBEW, Local 457, (Electric Division), Town of Wallingford.
- 9) Consider the following items requested by Raymond A. Denison, Water Division:
 - (a) Establish A/C 332-086.
 - (b) Consider waiving bidding procedure to enter into pilot study programs to evaluate alternative water treatment processes.
 - (c) Consider budget amendment of \$70,000 from Retained Earnings to A/C 332-086.
- 0) Report on site selections on GOPIAN RELOCATION PROJECT.
- 1) Consider requesting Planning & Zoning Report on the Taber House in accordance with State Statute 8-24, as requested by Councilman Albert E. Killen.
- 2) Discussion and possible action regarding the formation of a Town Insurance Commission, as requested by Councilman Edward L. Diana.
- 3) Amend minutes of July 11, 1985 as requested by Philip J. Hamel, Jr.
- 4) ACCEPT Town Council Meeting Minutes of July 18, 1985 (Special Emergency).
- 5) ACCEPT Town Council Meeting Minutes of July 23, 1985.

ADDENDUM

TOWN COUNCIL MEETING

AUGUST 7, 1985

DISCUSSION AND ACTION REGARDING THE TOWN AMBULANCE.

DISCUSSION AND ACTION REGARDING PURCHASE OF TRAFFIC LIGHT FOR THE INTERSECTION OF CHERRY STREET AND JOHN STREET.

Town Council Meeting

August 7, 1985.

8:00 p.m.

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A special meeting of the Wallingford Town Council was held in Council Chambers on this date. Chairman David A. Gessert called the meeting to order at 8:05 p.m. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Gessert, Killen, Krupp, Papale, Polanski and Rys. Also present were Mayor Dickinson, Comptroller Thomas A. Myers and Town Attorney Vincent T. McManus, Jr. Chairman Gessert then noted for the record that Mr. Holmes is on vacation. The pledge of allegiance was then given to the flag.

PUBLIC QUESTION AND ANSWER PERIOD

Mr. Abraham Kanter, 122 Grandview Avenue states that for the past 4 years, he has been constantly annoyed, both day and night by a barking dog. This is caused by one neighbor directly across the street and by another neighbor who has 5-6 dogs. He has just recently found out that the neighbor with 5-6 dogs has a license for this. He states that approximately one year ago when he applied to the police for help, they referred him to the Dog Warden. He went there, made a complaint, and was informed that the Dog Warden was aware of the situation there already. The Dog Warden did follow up and for a short time the situation did ease up a little bit. He states that the situation is that an elderly man keeps his dog on the porch. No matter who passes that house, the dog barks continuously. He has tried to live with this but he cannot do this any longer and he does not intend to. He is a citizen of this Town, he pays taxes, and he has a right to make a legal complaint. When he inquired downstairs about this, he was told that a dog could bark at any hour, day or night. He was surprised and then he went to Hartford. There is an ordinance regarding the excessive barking of dogs. In Section 22-30 and Section 22-264 both refer to dogs. He states that July 18th, approximately 11:33 at night, he called the police. The small dog across the street had been barking for an hour. He told the Police he would be in the next morning to file a complaint. The Police claim they went there but the dog did continue to bark for another hour after he made his phone call making this a period of two hours. He states that when he went in to file his complaint, four other people on that same evening had made similar complaints in similar situations in Wallingford. They again referred him to the Dog Warden. In going there, the Dog Warden claims that she called the owner of dog and spoke with them and also sent a letter to the person who owns the 5-6 dogs. Approximately 1 year ago, the person with the 5-6 dogs had to fence in her back yard per the Dog Warden. Anyone who goes near this house when the dogs are outside hears continuous barking.

Chairman Gessert then states that he feels that Mr. Kanter has convinced the Council already that a problem does exist. The Mayor has heard it and the Mayor has taken notes down. He is the Administrative head of the Town of Wallingford and he would think by now, enforcement will be done to solve this difficulty.

Mr. Kanter wants to make one more point. He states that at one time he almost hit one of these dogs while backing out of his driveway.

The dogs had gotten loose and all 6 dogs were running wild in the street. A neighbor walking her dog on a leash had her own little dog jump right into her arm. Also, a woman passing the house pushing her little girl had to carry her little girl passed the house because she was so frightened by the dogs. Chairman Gessert questions what kind of dogs these are and is told they are a variety of dogs. Small and large. He states that the owner of the dog stands there and never says a word to the dog to be quiet.

Mrs. Papale questions Attorney McManus on why there is a license to have these 5-6 dogs.

Attorney McManus states that all dogs have to be licensed. Town Clerk Rascati comments that if the dogs are spayed or neutered, they have what is called a Kennel License for 3 or more dogs. They call it a kennel license but the dogs are spayed or neutered and cannot reproduce. If they are breeding and have a kennel, they then must have 5 acres.

Linda Bush then replies that their definition of kennel is 3 or more pets kept for breeding, grooming or boarding purposes. If they have neutered animals, they are not kept for breeding purposes. 451

Mrs. Bergamini states that she thought there was a limit on animals. They could only have a certain number of animals and not have an influx of any certain one.

Mr. Kanter states that he was told there was no ordinance in the Town of Wallingford concerning dogs.

Town Clerk Rascati claims that there is an ordinance concerning dog defecation. You have to clean up after your dog if he does his business on someone else's property. There is no ordinance regarding the licensing of these dogs.

Chairman Gessert states that there is no limit on the number of dogs you can have. There is no law that says you can't go past 3 or 4. However, what you do have you have to keep under control. If they cause a disturbance, they are violating a state law.

Mr. Kanter states that they should regulate the number of dogs in a private home on a private street.

Mr. Killen states that would be Planning & Zoning. They could get involved in the nuisance issue but the number of dogs and the type of animals would be handled by Planning & Zoning.

Attorney McManus states that whether the Town of Wallingford regulates the amount of dogs a person can have really begs the question. If Mr. Kanter has a problem with his neighbor, there are nuisance laws. If something is causing a public nuisance, in this case the dogs, the court will protect Mr. Kanter. He can bring action against his neighbor in nuisance. The court can rule that she remove the dog or whatever.

Chairman Gessert states that without going to court there must be something that can be done as far as the State Statute goes.

Attorney McManus states that he will have to look into this. When you try to regulate the number of pets a person owns, it can get hairy.

Mr. Krupp brings up the fact that the Council before them tried to do this. It was decided, however, that this would not be a fair restriction on the people who already had pets. The question is not the number of pets, it is the degree of nuisance they are causing. Chairman Gessert states that it is keeping the dogs under control. They will review the Statutes and Mayor Dickinson also assures Mr. Kanter that they will research this problem.

Another member of the audience has a question on Item 8 on the agenda and is told that public question and answer period is for any item that is not on the agenda. He can discuss his concerns when Item 8 is brought up.

Before going on to Item 3, Mr. Krupp questions Chairman Gessert and the Town Attorney on whether this is considered a regular or special meeting.

Mayor Dickinson states that this is considered a special meeting. He had a conversation with the Attorney for FOI. They feel that at any time, unless a regular meeting is adjourned and continued to another time, any other meeting unless it is an emergency meeting, is a special meeting. Under their interpretation, the rest of the rules prevail. Their view is that if something is less than 24 hours away and it is an emergency you can handle it. What they are saying is that anything that happens within 24 hours of a special meeting, if it isn't an emergency, too bad and they have to schedule another meeting. Even though this meeting is in place of next Tuesday's meeting, they feel that the meeting schedule set up in the beginning of the year is the regular meeting schedule. Unless you meet on one of those occasions and continue the meeting or if during the year you change that schedule with one month's notice and put out a new list of dates, this is the only way to change a regular meeting.

Mr. Krupp questions that this interpretation came from full-time employees of the FOI Commission who conduct all of their meetings during the work day and who also have no concept of what is involved in municipal government.

Mayor Dickinson states that there may be that there should be requirements for people who sit on those commissions. He states that they have really talked this issue up and down and this is what they came up with. 450

Chairman Gessert then states that Item 3 is a report from the Computer Advisory Committee.

Mayor Dickinson then states that they have 3 members from the committee present. They are Mari Rigali, Bob Woodfield and Frank Papale. Combined they represent some 32 years or more of experience in data processing. There is also another member of the committee, Jack Beacher, who could not be here tonight. They are well experienced in the field and they have interviewed various departments and came up with some conclusions. Mary Rigali then passed out the following letter which was copied and distributed to each Council member:

To: Mayor William Dickenson March 7, 1985
Re: Computer Advisory Committee Recommendations
From: Chairman, Mari Rigali
Committee Members: Frank Papale
Jack Beacher
Bob Woodfield

The Computer Advisory Committee members held preliminary discussions with the: Electric Division, Comptroller, Police Department, Purchasing, Assessor, Adult Education, Deputy Fire Marshall and Fire Department. These interviews were for the purpose of a general exchange of information and in no way attempted a comprehensive or detailed understanding of the work of each department. We found the relationship between various departments and computer support has evolved casually over time until the complexity and degree of demand has now reached a point of diminishing return for the casual approach. Since the Town of Wallingford and the respective responsibilities of it's departments has grown to over a \$100 million dollar corporation, we feel that further information systems development be approached in a formal manner.

The following recommendations are made by the Computer Advisory Committee:

- 1) Although all departments could take better advantage of good data processing support, we did not sense an urgency for implementing this data processing support. We therefore recommend that all expenditures for computer equipment be frozen with the following exceptions:
 - a. providing a PC type microcomputer plus spreadsheet software so the comptroller can perform appropriate financial analysis;
 - b. an additional terminal for the Police Department so they may take better advantage of an ongoing system.
- 2) Establish a Data Processing Steering Committee which would consist of volunteer data processing professionals, the mayor and one town council member for the expressed purpose of procuring a consulting firm, specializing in information processing for municipalities. The consulting firm would be engaged to prepare and recommend an organizational and operating plan for the town. Realistic expectations of what the consulting firm might address are for instance:
 - a. to evaluate the wholesomeness of the town's dependency on the Electric Division for data processing service;
 - b. the issue of to consolidate or not to consolidate all the data processing responsibility under a data processing manager;
 - c. to evaluate the validity of separating the educational facets from the administrative needs of the Board of Education;
 - d. the issue of where the data processing manager fits into the organizational structure of the Town of Wallingford and safeguards to insulate this position from political change;
 - e. selection of hardware and software;
 - f. overall systems analysis and design;
 - g. development of an implementation plan.

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Mari Rigall states that the four of them got together with Mayor Dickinson and he asked them to look over the departments and give whatever guidance they could in terms of a unified effort, priorities, and where to move next. This was in October when they met, they did finish everything up in February and got this letter off to the Mayor in March. What she basically wants to do is run down this letter and then answer any questions when she is through. They held preliminary discussions with the Electric Division, Comptroller, Police Department, Purchasing, Assessor, Adult Education, Deputy Fire Marshall and Fire Department. They did not see all the departments, but they all felt that they had enough information at that time to go on with what Mayor Dickinson had asked them to do. The interviews were for the exchange of general information. They were not for detailed information. This was to get a feeling of what directions things could go into. They found that the relationships between various departments and the computer support, especially that which came from the Electric Division, had evolved casually over time until it has reached a point where the complexity and the degree of demand for the departments was such where the casual approach was not working. This is something very typical. It is not unusual for the Town of Wallingford. Computer support in many businesses has started out with a casual approach. Things move casually until you have to put formalized procedures in place in order to handle everything. An example is that about 4-5 years ago there was a municipality in the Hartford area where they kept the check signing machine in the top drawer of the secretary's desk and this was kept unlocked. However, since the Town of Wallingford and its respective responsibilities has grown to over \$100 million dollar corporation, further information systems development would not be good to proceed in the casual manner but be approached in a formal manner. They then made 2 recommendations to Mayor Dickinson. The first comes with an acknowledgement acknowledging that all the departments they saw could better use computer support. They had excellent manual systems in place. You can't computerize a system if the manual system isn't working. Sometimes these manual systems were difficult to maintain and certainly better jobs and more efficient jobs could be done with computer support. They all could use computer support very nicely, and it would enhance the job that was being done but they didn't find any urgency in implementing this data processing support. Therefore, they recommended that all computer expenditures be frozen with the two exceptions being they provide a PC type microcomputer plus spreadsheet software so the comptroller can perform appropriate financial analysis and an additional terminal for the Police Dept. to support an ongoing system that a policeman in the Hamden Police Department had written and designed a system for Burroughs Machine, the Electric Department has a Burroughs Machine, and it is her understanding that the Hamden Police Department gave this to the Wallingford Police free of charge. The second recommendation was to establish a Data Processing Steering Committee which would consist of volunteer data processing individuals, the Mayor, one Town Council Member for the expressed purpose of procuring a data processing consulting firm which specialized in municipalities. An example is about 4-5 years ago the Wallingford Public Library recieved a \$15,000 federal grant, and they spent that money by hiring d.p. library professionals from Chicago. These are people who are data processing consultants and the only field they focus in is library systems. What the library wanted to do was to put 13 libraries together on a single computer system and they would share the equipment and they would share the information. One thing that makes this specialized consultant important is the short, middle and long range planning. These consultants can look at what your want now, 5 years from now and 15 years from now. The Library Congress has a huge data base. The records they store their information on is called is called the Monarch Record. It is very large and obviously takes up much space. Approximately 400-500 characters need to be stored for one book. This is a lot of overhead. The library consultants are familiar with this kind of detail so they can say to the libraries, do they want to go with small records, spend less money and buy less space or do they want to look at a package where they will have the opportunity to graduate their system in the future. She then states that the consulting firm would be engaged to prepare and recommend an organizational and operating plan for the Town. The Steering Committee would be there to set up the guidelines and the goals for this consulting firm and come up with expectations of what the consulting firm might address. The first would be to evaluate the wholesomeness of the town's dependency on the Electric Division for data processing service. However, there are both pros and cons to this. The Town of Wallingford is different from other municipalities in that it has an Electric Division on its own. That Electric Division can buy a computer and depreciate it. Whereas most corporations design their data processing within their financial division. Some have their own

departments. If the Comptroller bought the computer system for his department, the law does not allow him to depreciate it. This is one set of pros and cons. On the other hand, the people who work for the Electric Division report to and work for the Electric Division. Therefore, a number of the systems that have evolved at the Electric Division basically is not their job to do. People have come to them and they fit it in to their schedule. Consequently it brings up the fact that since it is located at this company, their business would come first and the Town of Wallingford would come second. Next comes the issue of to consolidate or not to consolidate all the data processing responsibility under a data processing manager. If Mr. Myers wanted to have his own manager, would you change the Town Charter to create a new department. Next would be to evaluate the validity of separating the educational facets from the administrative needs of the Board of Education. What they saw was a lot of the departments doing the same work, processing the same information, checks being done in several places. It doesn't matter if the union has 45 different kinds of deductions, one computer program can handle it. This would then separate the administrative needs from the educational needs. In terms of payroll, inventory, cafeteria needs, is like keeping separate sets of books in all different locations all doing the same function. Whereas, they could have the function being done in one place and just have the data different. Next would be the issue of where the data processing manager fits in to the organizational structure of the Town of Wallingford and safeguards to insulate this position from political change. Would they want this data processing manager to be a position that is permanent and consistently take care of the Town. The last three are selection of hardware and software, overall systems analysis and design, and the last very important item would be the development of an implementation plan. What comes first, second, time span etc.

Chairman Gessert states that Mr. Krupp had entertained a motion to set up a committee to evaluate potential computer applications for Wallingford and evaluate expenditures for this processing and find out exactly how bad they would need this system. Mr. Krupp had a motion to establish this type of Steering Committee with qualified people in this field. He has two people picked for this committee in mind. One of them is Mr. Krupp and the other would be one of the four of you who are on the Computer Advisory Committee. This way with someone who is familiar with this field when it came down to purchasing, they would have the expertise to say what equipment would be the best to buy.

Mari Rigali comments that Cheshire has put together a group of people like them and it took them 18 months to put together an integrated plan for the Town. Instead of purchasing individual pieces, they all felt that a unified general plan needed to be taken a look at.

Mr. Krupp states that when the motion was made to set up this Steering Committee they felt that three people would be a good start for this. He does states that this is not incompatible with what they suggest. He does not have any exceptions to what was talked about. He does have a comment that does warrant prospective and that is their reference to depreciation in the Electric Division versus nondepreciation within the Town of Wallingford. To the taxpayer of Wallingford it is an irrelevant question. If they were dealing with a private enterprise it would be one thing that it occurs as a tax write off. However they have to keep in mind that the Electric Division is an enterprise operation of the Town of Wallingford. Even if the Electric Division depreciates it, it is still the rate payers that pay that depreciation. Whether they pay for it in a tax or whether they pay for it in an electric rate is somewhat irrelevant except that in their tax rate they get to deduct it from their federal income tax so they at least recoup 15-30% of it. This is an area he would ask to modify. (The approach Line) What is identified here, provides a good basic charter for the Computer Advisory Committee. He then comments that by making this a standing committee, the objective was to have this as an ongoing-continued project. He does not want to see it ending with the development of a strategic plan. The whole reason in continuing this lies in the strategic plan development and implementation.

Chairman Gessert then comments that there is no reason to buy something now that won't fit into the plan 6 months from now. They have to be compatible. He then thanks the Computer Advisory Committee and again states that they would like to solicit one or more of them to serve on the Data Processing Steering Committee. Chairman Gessert then states that Bob Applegate, who is sitting in the audience, is also someone who has considerable experience with data processing.

He again thanks the committee and states that he is sure this study represents many hours of their time and they can be sure that this issue will certainly be followed up.

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Chairman Gessert then moves on to Item 4 and states that we have a letter from Quentin Goodrich regarding a parade that is intended to be held the day before the official dedication of the Veteran's Memorial Monument. The VFW has raised some funds and expects to spend approximately \$10,000 of their own raised money for this parade and they are asking the Town to help them out.

Mr. Rys then asks Tom Myers if A/C 131-619 is a new account and is told yes by Mr. Myers.

Mr. Rys then moves to establish A/C 131-619 Vietnam Veterans Parade, seconded by Mr. Krupp.

VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Mr. Rys then moved to transfer \$3,000 from A/C 805-319, Reserve for Emergency, into A/C 131-619, Vietnam Veterans Parade; seconded by Mr. Krupp.

Chairman Gessert comments that last year 4 men sat before them and talked about raising \$80,000 to build this monument. It took a lot of courage on their part to raise this kind of money. He has been to some of the meetings, Ray Rys has been and a couple of other people from the Council have been and these people have done everything within the law to raise money. From bake sales to begging and then some. They have done a fantastic job, they have put this together and the marble is on order and the monument will recognize the 700-800 people from Wallingford who served in the Vietnam War. To date, the contribution from the Town of Wallingford for that effort has been zero. Zero in the form of financial aid. They gave them the property, they authorized them to build the park, the Mayor's office gave them space and the heat and lights from Simpson School to provide a base of operations, but they have never sought any funding from the Town of Wallingford. He feels they have done a great job and to celebrate their efforts with a parade is a good idea.

Mr. Killen questions Mr. Myers if they have any General Fund surpluses that the money could come from rather than 805-319. Mr. Myers states that not at this point. Mr. Killen questions nothing even from last years. Mr. Myers again replies no. Mr. Myers then states that the books are closed and he is adjusting now. He really would prefer that they conservatively try to use 805-319 and at the point where they get audited and have the results of the audit, he would be glad to certify any surplus at that time. Right now the balance in 805-319 is \$80,000. Mr. Killen states that the problem is taking the money from 805-319. Nobody loves a parade more than him but he cannot support this in good conscience from this account and he has to make his feelings known.

Mr. Krupp states that he is in favor of this. It is recognition for the Vietnam Veterans and he would like to point out that this is not the first time the Town of Wallingford has made recognition of the Vietnam Veterans. It is probably fitting that at the same time the monument is completed, they should begin effective use of the 130 acre park on the east side of Town known as the Vietnam Veterans Memorial Park, combined with the Memorial at Pregeman Park to those who died in combat at Vietnam. He states that Wallingford has shown their recognition to the Vietnam War Veterans.

George Soltesz, 7 Russell Street, states that he is not against the veterans as he is a veteran himself, but he does not understand why they are always going with the Vietnam Veteran. What is the parade for?

Chairman Gessert then states that Mr. Soltesz is welcome to read the letter from Quentin Goodrich requesting the support from the Town of Wallingford.

Mr. Krupp states that this is not precedence setting. The Town, last year and previously, the VFW has in the past requested and has received assistance on parades other than just recognizing Vietnam Veterans.

Mr. Soltesz comments that when they came back from the Korean War they got nothing. He is not against the Vietnam War Veterans but he

does feel that \$3,000 is a lot of the taxpayers money. This is the place to say what you feel and shouveling out this money like chicken feed is a little bit too far. 456

VOTE: Unanimous ayes with the exception of Mr. Killen who voted no and Mr. Holmes who was on vacation; motion duly carried.

Mr. Myers then comments that the motion include a recommendation that Mr. Goodrich and the VFW present the invoices to his office and they will then forward the money rather than make it an advance. This way the Town will have something to show what the expenditures were for rather than just drawing a lump sum check. This is how others were done in the past.

Mr. Krupp then makes a friendly amendment to have the VFW submit invoices to the Town Comptroller's office and said invoices will be paid on receipt; seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Mrs. Bergamini then moved to have the chairman appoint a member and an alternate from the Town Council to attend the parade meetings and work with the Vietnam Celebration Committee; seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was on vacation; motion duly carried.

Chairman Gessert then appointed Mr. Rys and Mr. Polanski as the alternate to attend the parade meetings and work with the Vietnam Celebration Committee.

Next item up was Item 5, acceptance of Regent Court, and it was determined that this item had been tabled in February.

Mr. Rys moved to remove Regent Court from the table; seconded by Mr. Krupp.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was on vacation; motion duly carried.

Mr. Krupp then moved to accept Regent Court; seconded by Mr. Rys.

Mr. Rys comments that he has been out to Regent Court and as far as he can see Regent Court is completely acceptable.

Chairman Gessert states that the reason they wanted it reinspected was because they had a letter that seemed to yellow and they wanted an updated report.

Mrs. Begamini states that they tabled this item because on that night they had people who lived on Regent Court complaining that the easement problem had not been settled.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was on vacation; motion duly carried.

Mrs. Bergamini then made a motion to move up Items 8 & 9 on the agenda; seconded by Mrs. Papale.

Chairman Gessert noted that Mr. Smith will be going on vacation tonight and they were asked if possibly these items could be moved up.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was on vacation; motion duly carried.

Mr. Krupp then moved to reject the Factfinding Report for IBEW, Local 457, (Electric Division), Town of Wallingford; seconded by Mr. Rys.

Chairman Gessert noted that for the record he has submitted a letter to the Council Secretary stating his reason for not voting on this particular issue. He has a relative in that bargaining unit and he does not feel it fair that he vote on this contract. He did want this noted for the record. Chairman Gessert's letter is attached hereto and made a part of these minutes, designated as Exhibit I.

Mr. Krupp states that he moved to reject the Factfinding Report not only because it was the technical procedure to follow, but he would also like to state his objections.

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Chairman Gessert then notes that if the discussion goes beyond a general nature, he would suggest, seeing this is still in negotiation, that they carry on in Executive Session. They will come out of Executive Session to vote on it.

Mrs. Bergamini notes that she has many questions that she feels should be answered under Executive Session.

Mr. Krupp states that he rejected the contract because he feels, as with any contract, any award greater than inflation rate is unreasonable and any increase beyond the already excessive benefits in the contract is unreasonable.

Chairman Gessert then states that before they go into Executive Session they will ask the public for comments.

George Soltesz, 7 Russell Street, says the factfinder is irresponsible to give the Electric Division a 7% increase when the inflation rate is only at a 4.1% level. Also, the factfinding states that the Town should give 5 weeks vacation after 15 years. He thinks they are getting 5 weeks now after 15 years and he thinks they are going to six.

Chairman Gessert states that there are some people who are under the old rules and some people now have accumulated a maximum of 6 weeks. Several years ago, the contract was changed so that people hired after a certain date wouldn't exceed 4 weeks vacation. Therefore, some people have a maximum of 4 weeks and some have a maximum of 6 weeks.

Mr. Soltesz questions who gets the 6 weeks? After 20 years? Chairman Gessert replies that after 20 years they get 6 weeks. Mr. Soltesz then comments what private industry gets 6 weeks vacation? He then goes on to explain that he is looking for years ahead. He doesn't want to be paying a mortgage on taxes that will be way over his head. It will be another mortgage payment if this continues like this. Also, the factfinder bases this 7% increase on the 83-84 fiscal year \$875,000 surplus for the Electric Division. This is nice but this has no bearing whatsoever on a 7% wage increase. Another item they are requesting is full medical coverage after they retire. Nobody in private industry gets that. When they retire, they have to foot the bill on their own. They pay their medical payments. Also, it states that other towns bargaining units have similar contracts. If other towns jumped off the George Washington Bridge would we follow? In closing, he would like to say that where he works and where another Council member works, they have from June 1st to October 1st, no raises at all. There are many companies where nobody gets a raise until things start to look up for them. These guys work for the Town and they have a good job, they ought to be glad for this. 7% is riding way over the inflation rate of 4.1%. He again states that he is worried about what will happen to mortgage payments 10 years from now. The man making \$40,000 a year doesn't have to worry but the man who makes \$15,000-\$18,000 a year does. He recommends they knock this 7% down because it is way over the inflation rate.

Mrs. Bergamini then moved to go into Executive Session to discuss the Factfinding Report for IBEW, Local 457, (Electric Division), Town of Wallingford; seconded by Mr. Rys.

Mr. Krupp would like an opinion from the Town Attorney on going into Executive Session. Mrs. Bergamini asks "Can they go into Executive Session to discuss the contract."

Mr. Krupp states that in looking at Section 118A, Subsection E, he cannot find anything that deals with labor negotiations as being a reason for going into Executive Session.

Town Attorney McManus states that it may not be in that Section but he does know they can go into Executive Session when labor negotiations are being discussed.

VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Douglas Quat from the Record Journal would like to go on record as protesting they go into Executive Session. He understands that the Freedom of Information Act is that labor negotiations is not covered under Executive Session. He would like to be noted for that. 458

Mayor Dickinson then states that under 119B Section 9 states records, reports, statements of strategy and negotiations.

Mr. Krupp then withdraws his objection.

The meeting then went into Executive Session at 9:15 p.m.

Mrs. Bergamini moved to come out of Executive Session at 9:41 p.m.; seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was on vacation; motion duly carried.

It was then noted that the motion on the floor is to reject the Factfinding Report. A "yes" vote means to reject.

VOTE: Unanimous ayes with the exceptions of Chairman Gessert who passed and Mr. Holmes who was on vacation; motion duly carried.

Mr. Diana then made a note to have Mr. Lynch at the next meeting.

Mr. Krupp then moved to establish A/C 332-086; seconded by Mrs. Bergamini.

Chairman Gessert noted for the record that what they are doing is they got a request from the Water Division. He thinks they have all read about the alternative water filtration plant. The State is requiring them to pilot these proposed plants because they want to collect data. Apparently all that falls into a reservoir in Connecticut is different from that which falls in a reservoir in Massachusetts. It was tested in Massachusetts and New York and our people want to test it in Connecticut. The purpose of these next three items is spending \$70,000 to prove that a system of \$5-6 million dollars will do the same job as a \$15 million system. This will save all of us somewhere between \$8-10 million.

Mrs. Papale questions that there are two pilot programs and when they are studied this will give a better idea as to which program would be best?

Mr. Smith states that they want to decide if they are acceptable. Mr. Smith then states that if it is decided they are both acceptable and either one will do the job, at that point they could go out to public bid.

Chairman Gessert states that if they pick one and the other is never tested, they will never know.

Mayor Dickinson comments that there are a couple of things they should keep in mind. The first idea was to choose one and then have them do the pilot study this would avoid double. Another question was that if they go with both, there are going to be ongoing expenses that they won't know about unless they see them operate. This will help determine which is the better one ultimately. The third element is the time factor. If they wait until the fall to choose a company and then have them do the pilot study, this will push off the whole time table and they will lose the late summer testing that the State wants. This means that whole year of testing gets pushed back another period of time into 1986.

Chairman Gessert questions that if they should decide to pick the system they want and they are going to put it in. Is this an option?

Mr. Smith says the State has the responsibility for the drinking water in the State. It comes under the EPA regulations. They could say that they will pick one but if they get to that stage and they find out they picked the wrong system, then what do they do. He states that right now they are asking for the total appropriation, it is conceivable that they can get RFP's out and if they are acceptable responses at that point they can pick one. They can then say that this person build a plant with the guarantee that they get the water to standard regardless. In the meantime they started the process and they are in compliance with the consent order. They may not spend the total \$70,000. If they can make a

decision sometime in the winter, they may choose one and stop the other.

Mr. Rys questions if there are two companies involved here and is told that yes there is. He then asks if the \$70,000 is going to be split up between them. 459

Mr. Smith comments that one proposal is \$28,000 and the other is around \$36,000.

Mr. Rys then asks that after the testing is done and one of the individuals is picked out, can we then recoup some of the money.

Mr. Smith states that they both have agreed to reimburse us in the way of a credit toward the purchase cost. This would be approximately 50%. Again, he states that this is on a per diem basis and if they find after the summer test that they can choose one, they will.

VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Mrs. Bergamini then moved to waive the bidding procedure to enter into pilot study programs to evaluate alternative water treatment processes; seconded by Mr. Krupp.

Mr. Killen questions Mrs. Bergamini if she got a notice for the meeting concerning this budget amendment. His point is that his was mailed July 31st and the meeting was August 1st. He was wondering what kind of mailing delivery they thought they had in Town. He would like to see that this doesn't happen again.

Chairman Gessert suggests that in the future they may have someone make a phone call.

Mrs. Bergamini notes that the Town Clerk's receipt was dated July 29th and if it had been mailed to them at the same time they would have gotten it on time.

VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Mr. Krupp then moved the budget amendment to reduce Water Division Retained Earnings by \$70,000 and to increase A/C 332-086 by \$70,000; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Chairman Gessert states that Item 6 is to consider two transfers requested by Mr. Steven L. Deak.

Mrs. Bergamini then moved to transfer \$2800 from A/C 503-130 to the Sweeper A/C C504-2; seconded by Mr. Rys. Mrs. Bergamini states the reason being that the additional funds are needed to award the bid for the purchase of a new sweeper for the Public Works Department. It was then decided that items a & b would be handled together and Mrs. Bergamini then moved to also transfer \$2,554 from A/C 505-130 to Sweeper A/C C504-2; again seconded by Mr. Rys.

Mr. Polanski states that he is against taking any money out of Personnel accounts. Is there anywhere else they could get the money.

Mr. Deak states that not at this stage in time of the year.

Mr. Polanski states that he wants the people there. The job may be filled in the future.

VOTE: Council Members Bergamini, Diana, Gessert, Killen, Papale and Rys voted yes; Mr. Polanski voted no; Mr. Krupp was absent for the vote and Mr. Holmes was on vacation; motion duly carried.

Item 7 on the agenda was next up for discussion.

Mrs. Papale moved the position of Chief Clerk-Assessor be changed to Senior Clerk; seconded by Mr. Rys.

Mrs. Papale then comments that this was discussed at the last Council meeting.

Chairman Gessert states that basically it is a reorganization of duties within that department and funding them accordingly.

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Mrs. Bergamini then questions the 35 hour work week.

Mr. Myers explains they have 4 different pay weeks. (35, 37½, 40 and 42).

Chairman Gessert then suggests that they combine Items 7 a & b.

Mrs. Bergamini then moved to approve that some of the duties performed by the Chief Clerk be transferred to the Real and Personal Property Appraiser position as noted in the revised job classification seconded by Mr. Rys.

Chairman Gessert then noted for the record that the specifications on the Personnel Detail and Salary Calculations should be part of the minutes. They are as follows:

Town of Wallingford
Personnel Detail and Salary Calculations
For the Fiscal Year July 1, 1985 to June 30, 1986

Assessor's Office

<u>Position Title</u>	<u>No.</u>	<u>Hours Worked</u>	<u>Date</u>	<u>Step</u>	<u>1985-86 Adopted Budget</u>	<u>Net Change</u>	<u>1985-86 Amended Budget</u>
Chief Clerk Assessor	0	35	12-26-84	Min	13,559		
Anniv/Merit		35	12-26-85	1	331	-728	
Senior Clerk	1	35	9-01-85				13,162
Real & Personal Property Appraiser	1	35	10-19-83	4	22,714	+728	23,442
					<u>36,604</u>	<u>0</u>	<u>36,604</u>

Real and Personal Property Appraiser

General Statement of Duties: Develops, prepares and tabulates technical information involved in the assessment of real and personal property on the grand list of the Town. Inspects sites of new construction, renovations, additions and demolitions; inspects, measures and collects all assessment information on residential buildings; assists the Assessor in making personal property inspections; obtains fair market value of inventory, work in process and finished goods of both manufacturing and mercantile establishments and obtains current value of furniture, fixtures, machinery and equipment. In preparing information for assessment purposes, will use various assessment methods, ranging from sight appraisal to detailed examination of books of account, such as the preparation of pricing schedules and the investigation of sales information and construction costs in computing replacement values. Will assist the Assessor in all phases of the assessment function, including, but not limited to, assigning, assisting and instructing the office staff and performing any related work as required.

Supervision Received: Works under the direct supervision of the Assessor who revises work for effectiveness and conformance with established policies, objectives and plans.

Supervision Exercised: Assigns, assists and instructs the office staff.

Required Qualifications: Knowledge, Skill and Ability: Knowledge of the techniques and procedures used in the assessment of real and personal property and of real estate and its mar-

ket trends. Some knowledge of accounting, office procedure and the use of business machines. Ability to make involved mathematical computations and in written and oral expression. Ability to work with others and to deal courteously and effectively with the public.

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Required Experience and Training: High school graduate, plus not less than four (4) years, of which at least six (6) months must have involved work related to the assessment of real and personal property, or the appraisal of land and buildings or building cost estimating OR two (2) years of college level courses in business administration or related engineering courses substituted on the basis of one (1) year of college for one (1) year of required employment up to two (2) years, and two (2) years of employment specified above, including the six (6) months of specialized experience OR a combination of the training and experience specified above.

NOTE: (Items 7 a & b)

Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Mayor Dickinson comments that in regards to Item 10, Don Roe is here and he has some information to give them. Some 11 sites have been reviewed using several criteria. Some of them were utility proximity, wetlands, slope problems, acreage needs and some 15 acres are needed proximity to bus routes etc. Out of 11, it has been reduced to three that look the most promising. The owners of the three sites have been notified that there is interest. Last night they had a meeting with the residents, they were invited again tonight and a number of them are here tonight. They are not asking for any kind of decision buy the Mayor does states that they want to acquaint the Council with what work has been done this far and get some input. The next step is for the Army Corp. to have an appraisal done and from there there would have to be a site acquisition. Right now it is pending an agreement with the State of Connecticut as far as what reimbursement schedule they are willing to commit themselves to. In order to protect Wallingford he feels they need a contract with the State. He does not feel they would be in a position to make a decision until September or October. He wants everyone to be aware of these sites, get some input and feedback on how they feel. Mayor Dickinson then points out that Don Roe, Linda Bush and John Costello all were involved in the review of sites and he will let Don explain the selection sites. This was based on acreage and not just whether a property was for sale or not.

Mr. Roe comments that what they have provided them with is the evaluation criteria used in looking at the sites and a list of the sites reviewed. They started by looking at more that the sites listed and they started by looking at Public land that might be available. State or municipal property. This is why they see at the top of the list Pregelman Park and Lufbury Park. The other sites looked at were the K of C Park off Clintonville Road, some property on South Curtis Street that they called Belejack property, South Broad Street property and there are currently two sites on that, one of them has a proposal on the way and the other is north of that is another parcel. This, as he is working his way down the list, is one they have included in their primary list of parcels. This would be the one marked Cerrato. They also have the P.N.A. Park, South Turnpike Road area, (Amba Property), several parcels here. Also, Delancy Street at Route 68 (Woronick/Kurtz), it is best if they invasion the corner of Route 68 and North Farms Road. The southwest corner. As they are going out North Farms Road, they can see the tree line of what was probably the Old Farms Road, and that is Delancy Street and both sides of that is property they looked at.

Chairman Gessert states that this is basically across the street from the North Farms Fire House.

Mr. Costello states that Delancy Street comes in on North Farms Road. This is just a paper street.

Linda Bush states that there is pavement going in from both North

Don Roe comments that if they would imagine an intersection and there were 4 quadrants, it would be the southwest corner.

Linda Bush comments that if they were standing on the property, they would be looking at the Business Park on North Farms Road.

Don Roe also comments there is a tension pond there also. The zoning at this spot is residential. He also states that this area is another one in the group of primary sites. The third site is the Corner of Harrison and Pond Hill (Pogmore). This would be the southeast corner. This is directly across from the Church of the Resurrection. The other site looked at was North and West of Spring Lake. This is the Dorsey Property and runs parallel to I91. This is L shaped.

Mrs. Bergamini questions that she thought they needed 18 acres.

Mr. Roe comments that they were looking in the neighborhood of 12-15 usable acres. In raw acreage these properties are this large but in usable acreage they are not. What they looked at in terms of site conditions was the availability of water and sewer with the main point of view in development costs: In addition, they wanted sufficient acreage out of the flood plain and sufficient acreage without wetlands. They also looked at easements over property, slopes over 10% and again from the view of development costs. A flatter parcel is less expensive to develop. Also, overall acreage. What they tried to do was come up with usable acreage by taking the overall acreage and deducting from that flood plains, easements, wetlands and slopes over 10% in order to arrive at usable acreage. They also looked at bus routes, miles from the present site, schools, and neighboring land uses. Going over that list, he would like Linda Bush to speak on the usable acreage.

Linda Bush says that they started looking out at parcels that were large enough and they had the utilities there. To determine usable acreage, they deducted 100% of the areas flood plains, and regulated inland wetland. None of the flood plain would be used. For development purposes, a small amount of the regulated inland wetland soil might be used if they got a permit from DEP to fill. Instead of worrying about this, they just deducted 100% of this. They also deducted the area slopes over 10%. Even though some of the slopes could be used, they also deducted electric easement areas. They then came up with the usable land area. Many of the properties looked at had a great amount of regulated wetlands.

Don Roe comments that they brought along some of the schematics of these sites. This is one design approach.

John Costello then shows these layouts that have been drawn up. He showed the Harrison & Pond Hill site. He also showed the Spring Lake area and Delancy Street site.

Mrs. Bergamini asks if these sites are for sale.

Mr. Costello states that a couple of sites were offered to the Town for this use. They were the K of C Park off Clintonville Road and the Dorsey Property at Spring Lake. However, these are the only two. He then states that the Gopian Site has been subject to frequent flooding during storms and several studies have been done to see what could be done. Relocation is the only realistic alternative

Mrs. Papale finds this very hard to believe. She just can't imagine that they cannot do anything and that nothing has been done a long time ago. It is hard for her to imagine that these people will have to be uprooted and relocated. She knows it is for their own benefit but she also says that the Gopians will stand there and collect the rent. She just can't understand how this is being done.

Mr. Costello states that when it comes to floods and streams, there are some areas where man doesn't belong. He doesn't belong in the flood plain. This happened in North Haven. There were homes along the Quinnipiac that have all been removed.

Mrs. Papale states that possibly the Gopians got greedy and wanted more rents. Couldn't something have been done sooner?

Mr. Roe comments that the flood plain goes beyond the Gopian line. Their starting point was property very close to the site. They then looked directly across the street but this was also in the flood plains. They even looked at a site farther down the road that the Town owns, this was sort of at the bottom of Parker Farms Rd. Again, they had considerable acreage but not enough outside the flood plains.

Mrs. Bergamini comments that a developer could come in and put in condominiums on Parker Farms road or something else, but they can't come along and use this site.

Mr. Krupp states that he is offended by this listing. He hopes if it comes to them again, there will be no public recreation areas. Regardless of what the background is, this will only serve to benefit a private enterprise. Here, first on the list, is a recreation park in the Town of Wallingford. These are public lands that belong to the people of Wallingford and he violently opposes the taking of these public lands and converting them to private use. 463

Mr. Costello states that one thing that goes along with this proposal is the present Gopian site will be converted to a park land and only a park land.

Mr. Krupp then states that in a flood plain, they are going to replace the ball fields at Pregon Park.

Linda Bush comments that ball fields are the best use of a flood plain. This is all that should ever go on a flood plain. Mr. Krupp states that then the Town has to bear the cost of rebuilding those fields just like the baseball field at Simpson School.

Linda Bush states that all property gets designated as some use. If it is a recreation area which has very low usage as far as building construction, there is very little impact on the flood plain.

Mr. Krupp states that he would hope they don't go selling Pregon Park or Lufbury Park for private developers.

Mr. Roe comments that they are not even certain that under Conn. Statute that they can actually take over open space once it has been designated as open space and not have it be open space anymore. This experience was based on what they had to do with the land swap for the water treatment plant out on the Water Company property. They are not even certain that this is feasible. The second thing they thought was that it really behooved them to look at public land in the context of the project. Not to do so is going to open the door to people saying why not look at public land. What they did, by doing this, they covered that argument. Also, this is not entirely a private interest. Mr. Krupp disagrees with this and says that whether they are involving the people in the community having to give up financial value in the form of assets or whether it involves any expenditure on the part of the Town of Wallingford, he will still strongly oppose it. In the end, it boils down to benefiting the private enterprise. He then states that when they authorized this motion, it was to have the Mayor negotiate and at that time it was understood this would be acquired property private property. No one even hinted that public land would be considered.

Chairman Gessert states that he doesn't know that public lands have been considered. They have been evaluated as part of the overall project, to preclude the argument of why are they looking at private property when they haven't looked at their own. They have looked at their own.

Mayor Dickinson states the final point is that the sites that have been narrowed down do not include any of those parks. They can waste a lot of time talking about why the parks shouldn't have been under the evaluation, but it won't get them anywhere. At this point, they are not one of the final three selections.

Mr. Diana mentions that something already mentioned is that they are going to be using public funds for private use. The other thing is that are the residents going to be protected from rent increases and so forth later on down the line. He wants to be sure Gopians doesn't have a windfall at the public's expense. He also wants to be sure they are not leaving themselves open to suits from disgruntled area residents because of claims such as property values when they do move these people. What will Wallingford use the vacant Gopian property for? Will they be setting a dangerous precedent by using public funds to relocate hardship problems from a flood plain. What about the individual home owner who might have an isolated problem also. Do they have an obligation to that person and finally, what will the benefits of this be to the Town of Wallingford? These are going to be concerns and he hopes these will be addressed. If not tonight, he hopes as their talks continue.

Mrs. Bergamini then asks Linda Bush if this will cause a zone change.

Linda Bush states that she has written a draft and she calls it the Draft Regulations. This was so that when Mr. Costello drew up some schematics on a park, he had something to go by. There is nothing

in the new regulations and it will not be part of the new regulations because this is a separate item. When the site is picked, they will have to have a public hearing and first create regulations to regulate a relocated mobile home park and then approve a site plan under those regulations. It will then be a zone change. This is the legal way to handle it. They would change the zone to create a zone that will allow the relocation of a mobile home park and then allow the other necessities. It would have to be written in the Zoning Regulations or as an amendment to the Zoning Regulations. 464

Mrs. Bergamini then states that they have narrowed it down to three, what are the zonings at these locations.

Linda Bush states that So. Broad Street (Cerrato) is now zoned I40 and will probably be changed to CB. The other two sites would be residential.

Mr. Killen questions if they will allow this particular zone change or will they allow for future trailer parks.

Linda Bush states that the purpose of the zone is to allow for the relocation of an existing mobile home park within the Town of Wallingford to remove it from a flood plain. The purpose was not to allow new mobile home parks in the Town of Wallingford but to allow the relocation of existing ones for health, safety and the welfare of the residents of that mobile home park.

Mr. Killen then says they are making a special exception in this case.

Linda Bush states that this is the way the draft is written up. If the Town of Wallingford is going to allow the relocation, there has to be a zoning regulation to make it permitted.

Mr. Killen then states that they would be on pretty shaky grounds if someone wanted to take them to court about it.

Mrs. Bergamini states that North Farms has been changed zone wise so many different times and now they are going to come along and put a trailer park and she doesn't think this is going to fly.

Mr. Costello comments that community acceptance is important. However, this whole study was requested by the Town.

Mr. Rys comments that if someone else came into Town and wanted to make a trailer park, would this zone change hold true for them.

Linda Bush states that each zone has a purpose. Their existing zoning regulations do not list purposes for each type of zone. The revised ones do. The name of the zone would be called the Mobile Home Park Relocation. The purpose of this is to provide an area in which to allow a mobile home park in the Town of Wallingford to be relocated, remove the residents of that park from the hazards of flooding and other risks to the health, safety and welfare. It is very specific. If another developer does not fit this purpose, they cannot go into this zone and this is the only zone there is going to be.

Mr. Rys then comments that if they tried to negotiate something and the owners did not want to sell, what would happen then. Would they have to start all over again?

Mayor Dickinson states that they could exhaust the list of potential sites in Town and put in the basic groundwork necessary. If they run into a road block, they will have to jump over them or find another way around.

Linda Bush states that they are still hoping someone will call up on the phone tomorrow and say they have the ideal property. They have had a few calls but very few.

Mr. Rys says that if someone should decide they want to move to Florida from the Gopians, and they try and sell their property, he feels they are going to have a hard time.

Mayor Dickinson then states that the steps that follow are that an appraisal has to be done, the Town has to have an option on a piece of property, at that point the Army Corp does an evaluation, their evaluation must meet their estimates. If their evaluation shows the costs are too high, they will not want to proceed. They have to certify what their estimates were as to the feasibility. There is a lot of work that has to be done.

Mr. Rys says the Gopians have to be relocated, so when the Town comes up with that piece of property and the owner isn't willing to sell, what happens?

Attorney McManus then states that they always have the option to condemn.

Mrs. Papale then states that if the price is high enough, maybe they will buy.

Mr. Killen says that earlier Linda Bush mentioned that the purpose of zoning isn't protection. This was his idea of what zoning was really about. In this case they are not protecting. For reasons that everyone is aware of, they don't allow any more trailer parks in Town. Nobody is trying to change the zones around and make sure we can get all the trailer parks we can get in Town. The people on the west side and the Gopians have a problem. What about the people on the east side in the Harrison Road area. The fact that you have a problem down there, you are not protecting those people over there by simply making a particular change. You are now saying that a person can buy a piece of land in Wallingford now and assume that this won't happen and this will happen until such a situation arises. Now we have a situation where we are going to knock down the barriers and if you are stuck in the middle, that's it. He cannot buy this concept. This is why he is one of those people who have been against condemnation. In a life or death situation he can understand it. But to just go out and tell someone who has worked and sweated and put something away, all of a sudden everything he believes about in this country isn't worth a damn. This is right.

Mr. Costello comments that one of the advantages at the site at Pond Hill and Harrison is that it has actual boundaries which separates it from an adjacent neighborhood. $\frac{1}{4}$ of the immediate site in the corner will not be disturbed because of the stream that flows through. This will be left as an open space. The whole southern bounds of the site is an overhead electrical transmission line. The part CL&P owns they will have to retain easement at least for their overhead transmission line. Along the eastern side, the land actually butts up against I91. On three of the four sides, there are natural or existing barriers. Buffers is a better term.

Mr. Killen states that he agrees with buffers, but in reality, outside the transformer which is not a major thing, the only other eye sore is I91. The Church of the Resurrection has its own boundaries. If you put the trailer park around, the person who says looking at the church what a beautiful surrounding, when they take a look at the trailer park, they aren't going to think this is such a perfect neighborhood.

Linda Bush states that the existing trailer parks in Town have been there for many years and there were not any regulations when they were put in as far as lot size and landscaping. This is one of the reasons she wrote draft regulations. She believes that the present zoning is 85 sites on 8-9 acres. They are proposing to double the land area and that means double the lot area per mobile home. The regulations are written to include buffer landscaping, interior landscaping, a minimum space for recreation and open area. If they have been into a newer mobile home park, they will notice the change. What exists in appearance at Gopians on Hartford Turnpike will not exist in the relocation of this site. They will not look like \$100,000 homes obviously, but it will require landscaping.

Mr. Killen comments in building elderly housing, he is surprised they did not put trailers in. If you could see the type of trailers that could be put in, they are as good if not better than the elderly housing they have now. You can put twice as many in for the same amount of dollars and they still have land if ever needed to move them.

Mr. Krupp comments that they should take a ride out to Sunny Acres and see what they look like. Gopians from the road does not represent the image you get when you go inside and see how well kept they really are.

Mr. Killen then states that he read in the paper that neither the State nor public government was coming up with any money up front. Are we going to have to put up the money up front and then be reimbursed?

Linda Bush states that for the purchase of the property only. 46

Mr. Killen states that will be a cold day. They are wasting their time for his vote.

Item 11 is next up for discussion.

Mr. Killen states that he has a problem with this. In considering the matter, it opened a can of worms. He read through statute 8-24 again and in doing so he came up with the word lease. It rang a bell with him and he cannot find anywhere in the records where Planning & Zoning ever took up the matter of leasing the library from the Town of Wallingford. Now he has 2 problems before him. One is whether it has to be referred for the sale and the other is it has to be referred for the lease. In digging, he remembered that the first question he asked at the last meeting was how this particular idea was going to serve library purposes. He did not get a satisfactory answer. In more digging, he came up with a letter from Adam Mantzaris to the Taber House Committee stating that the house must be used for library purposes for the lifetime of Mrs. Taber. We are back to square one again. Even if they get the OK, the question is can they sell it in view of the Town Attorney's opinion that it can only be used for library purposes. They now have Mr. Northrop's proposal that does not state it will be used for library purposes.

Mrs. Papale says they are talking about the property and Mr. Killen says this says the Taber House and is addressed to the Taber House Disposition Committee. There is no doubt in Adam's opinion. It says yes and no. One is no it cannot be used for other than library purposes while she is still alive and the yes is it can on her demise. Now they have whether they again want to refer it to the Town Attorney for an opinion on whether or not their action taken the last time was legal.

Mr. Killen then moves that they get a legal opinion from the Town Attorney as to whether their action was legal in view of the Assitant Town Attorney's letter in March or April of 1983 on whether or not they have the power to dispose of the Taber House; Mrs. Bergamini seconded the motion for discussion.

Mrs. Bergamini states that she was on The Taber House Committee and there were things that preceeded this letter. They were trying to get together something that would give them one recommendation. They never succeeded. They did ask for an opinion and Adam said this couldn't be used for other than library purposes. However, they took it one step further and said since the library does not choose to use the house, and he said as long as Mrs. Taber lived in it we could do nothing but once she had vacated the house, we could choose it for the purposes of the library. Their decision was that the house had to be moved so that the library could have the use of the land. They were using the house to get them the use of the land. There were a lot of meetings and if he wants to go through all of the meetings, he will see what led up to that opinion and followed that opinion is important.

Mr. Killen then states that they were using this to get them more land. They don't have to get them more land, they already have the land. Whether the Taber House is on it or not. Whether or not they can use the land and the building for other than library purposes is the question and the question as answered by Adam is no.

Mr. Killen then states the letter is dated March 24, 1983--Committee for the Disposition of the Taber House. It says: Dear Committee Members; This is in response to your letter dated March 3, 1983 that essentially asked the question, "Can the Taber House be used for other than library purposes?" Paragraph one of the contract of sale reads "It is understood between the parties hereto, the Town of Wallingford intends to use this property for public library purposes. The phrase it is understood when employed as a word of contract in a written agreement has the same general force as the word it is agreed. Without more, the agreement by the Town to use the property for public library purposes would not have survived the closing of title. The deed however, which conveyed the property to the Town was made subject to the contract of sale between the parties with the stipulation that none of the provisions of said contract would survive the survivor of Margaret T. Taber and Hershel Taber. The addition of such language to the deed created an encumbrance on the title conveyed to the Town which affected the free use of the property for the lifetime of Margaret T. and Hershel Taber. In legal

terminology the addition of such language to the deed created a restricted covenant, that is the use, which was limited at the time and the answer to the question therefore is "no" during the lifetimes of the grantor and her husband and "yes" thereafter. As long as the Public Library Association selects to use the property in question under a similar restraint as to use by virtue of covenant 4 of its lease, this limitation is for entire term of said lease unless it were to be modified by agreement of the association and Town that that could not happen during the lifetime of Margaret T. Taber and Hershel Taber. Very truly yours, Adam Mantzaris, Assistant Town Attorney." It is short and sweet and to the point. Everything is an interpretation and this is the legal interpretation. 467

Mrs. Bergamini states that she made her vote and she will stick to it.

Peter Hale, 1238 Scard Road, says he too was a member of that Committee and chaired by a lady who has since left Wallingford and didn't give much of a damn really. Mrs. Bergamini states that is uncalled for. She did give a damn and she gave a lot of her time and effort. Stick to the facts. Mr. Hale then states that she is no longer here and they are living with the problem. There are several thousand of them who are in favor of Mr. Killen's motion. He moves they accept it and go from here. If they have to, they are going to go to court. There are a lot of them devoted to Wallingford and they intend to keep as much of it as they can. Thank you.

Mr. Killen then tells Attorney McManus they started out with the supposition that under 8-24 the removal of the house be taken to Planning and Zoning. However, he went a step further and found no record that the lease went to Planning and Zoning before coming here. He found the letter from Adam Mantzaris dated March 24, 1983 in which he stated that during the lifetime of Mrs. Taber we could not use the Taber House for other than library purposes. His question is why refer it to P & Z when they are not sure that they can do anything at all with it. He then tells Atty. McManus that Mrs. Taber is still alive.

Mr. Rys also comments that at their last meeting they had a letter from Mrs. Taber which said that she did not care whether the property was moved to Rocky Hill or not.

Attorney McManus states that they can get an actual Legal Release of Covenant if that is the problem. This is the easy enough. If in fact this is the woman's wish, then that takes the issue away from consideration altogether. He feels their vote was totally proper.

Mr. Killen then tells Mayor Dickinson that his question is whether or not they have the right to dispose of the house in view of Adam's legal opinion.

Mayor Dickinson states that the issue is whether the covenant concerning the life use of Mrs. Taber prevents anything from happening with the house. She would have the power to waive.

Attorney McManus states that Adam Mantzaris does not issue opinions. Assistant Town Attorney's do not issue opinions.

Mayor Dickinson states that they shouldn't get into a debate about who can issue opinions. The opinion is there.

Mrs. Bergamini states that they had a lot of questions and Adam Mantzaris volunteered his own time to answer their questions step by step. As she said to Bert, what preceded that request and what went on after that request is a different context. They were trying to find out how the library could use that property. This is why they asked for the opinion.

Mr. Krupp then states that on whether this Council acted correctly or not, he will stand on Chapter III, Section 5 of the Charter which states "the Council shall have the power to take, purchase, hold, condemn, lease, sell and convey such real and personal property as the purposes the Town require."

Mayor Dickinson states that the question no longer concerns whether Planning & Zoning has to report on this but now whether the terms of the conveyance prevent them from doing anything with the house. Is this correct? He is told yes by Mr. Killen.

Mr. Killen then states that if you went by the records of this Town, there is very little that would stand up in court because the facts just are not there.

Chairman Gessert then asks Town Clerk Rascati to call the roll on Mr. Killen's motion. 46

Mr. Killen then states again that the motion is to get the legal opinion from Attorney McManus as to whether they have the power in view of the deed in the contract.

VOTE: Council members Diana, Gessert, Killen, Krupp, Papale, Polanski voted yes; Council members Bergamini and Rys voted no; Mr. Holm is on vacation; motion duly carried.

Mayor Dickinson then notes that he has already sent a letter to Planning & Zoning regarding Mr. Killen's request. Mr. Killen replies that this will just save time.

Item 12 is going to be discussed next and Chairman Gessert asks Mr. Diana to speak on this item since he requested it.

Mr. Diana states that because of the actions over the last month on the Town insurance, he thought that they might want to consider not only a consultant but also an Insurance Commission made up of people who are interested and who have a knowledge of the business and insurance and on a more full-time basis than what the Council would be looking for. They could then oversee their projects. They usually bring up insurance matters when the premiums are due or when they are upset over something. A commission would keep this in the limelight and would continue to pursue this on a 12 month basis. They would probably save themselves some money if they did this.

Chairman Gessert states that with the way the insurance is going, they have to look at all possible alternatives. This certainly requires looking at. He has asked for a response within a week from his letter and to date has heard nothing yet from Ferguson McGuire as to what the coverages are. He says he is tempted to ask the Comptroller that when this comes up for payment, not to ask them to issue a check until someone can tell us what we are paying for. If someone can put together a bid and give numbers, they ought to be able to tell the purchaser what they are getting.

Charlotte Collins states that she did send Chairman Gessert a list of the coverages. Chairman Gessert then replies that he was told that list represented last year's coverages. She then replies that he should have gotten the list with the red marks all over it showing the corrections and he states that he did not get that list.

Mayor Dickinson states that he thinks this brings up the nature of flux regarding this whole thing. The Hartford Insurance Company is now bidding on every town practically. For them to give them the information they want right when they want it, he has had to have two conversations with the Insurance Department regarding extension of coverages with CIGNA to give the Hartford time to quote to Wallingford. This is not a small thing. This is something that one company is providing all the information and not giving all the information they want and they are not getting it all when they want it because they are telling them; they can go elsewhere and get it and there is no where else to go. They are saying they are going to have to wait their turn. There is not a lot they can do about it. He has been told by Jack McGuire that he will get the information as of the middle of next week. He doesn't think it is normal that the Mayor's office has to be talking to the insurance commissioner of the State of Connecticut regarding extensions of coverage so that the Town is covered beyond the deadline. This is not normal but this is what is happening.

Chairman Gessert then states that he has read articles where one town had an 800% increase and a town toward the Groton area had a 1500% increase. The insurance companies state that the interest rates have changed. He has never seen a 800-1500% change in interest. He feels they have us over the barrel and are taking advantage of them.

Mr. Krupp then comments that if they elect to go with this Commission, as they have done with other commissions, any committee appointed by resolution dies with this Council, therefore, to establish this committee in order to provide continuity of it can only be done by ordinance.

Mr. Diana states that the benefit of the commission would be to start to pursue the possibility not only for themselves but with other towns, of self insurance. This is an area that he feels it is time to start looking into.

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Mrs. Bergamini states who does he plan to have on this commission. He can't have an insurance agent and yet this is where the expertise is.

Mr. Diana states that they have the Economic Development Commission, they have a group of people who are not necessarily developers. He thinks a panel of lay people, business people, just people who are willing to serve. This is nothing more than a group of people with collective ideas. With some interest, and isolating their thoughts on to this one area, such as insurance, they will benefit in the long run on it. If they went with a consultant, this would go hand and hand with that consultant. This would be putting a group of people together to benefit the Town of Wallingford on a full time basis.

Chairman Gessert states that he does not feel they should vote on this now, but he would like to see this come back to the Council with some more definition. Also, to get the people involved and see who would serve on this Commission.

Mayor Dickinson states they couldn't have insurance people on there because they couldn't bid on the Town business. What he would suggest is before they set it up, if there are people willing to serve on it. It won't do any good to go through the business of creating an ordinance and then asking people who have had some experience with insurance policies covering all types of liabilities, if no one is interested to sit on it.

Mr. Diana states that they can rely on the press to see if some people are interested. They could circle it around and he doesn't see where they will have any problem to fill this type of position with very dedicated people. He would like to bring this in the form of the next meeting. It won't do any good tonight but certainly at the next meeting and in working with Mr. Krupp he can put it into an ordinance.

Mr. Krupp then moved to bring up the first item on the addendum which was discussion and action regarding the Town Ambulance; seconded by Mrs. Bergamini. VOTE: Unanimous ayes with the exception of Mr. Holmes who is on vacation; motion duly carried.

Mr. Krupp then moved to waive the normal bidding requirements for the original budget amount of \$30,000 for refurbishing the ambulance box and instead authorizing the Fire Department to purchase the Sentinel Ambulance with the trade in of the 1983 Ford and reject the bid from Yankee Coach; seconded by Mr. Rys.

Chairman Gessert states that they got the bid and just one person responded and was willing to do the transplants, however, it is just about the entire price that they allocated and also had a time delay for that purchase. They then made a request to look for alternatives and what he has heard from the Chief, he called around and came up with this vehicle in Pennsylvania. The difference between this one and the other one is that they are getting a 1985 vehicle, bumper to bumper instead of half of one and they are trading the 1983 Ford in.

Wayne LeFavre states that they are getting a 1985 Type III modular ambulance. It was built to be a show piece. The price is \$29,980 compared to the price of \$30,000 allocated.

Chairman Gessert states that there is an obvious hazard to refurbishing the old ambulance. When they get it back and there is a problem, who do they blame.

Mr. Lefebvre states that any problems should go back to the original manufacturer.

Mr. Polanski questions they don't want to get rid of the older one but they want to get rid of the newer one.

Mr. Lefebvre states that the conversion didn't work. This is an '83 cab and chasis and this is in fairly decent shape, it is the box on the back. He then states that they just cannot have one vehicle. They must alternate them. They plan to run the new one 75% of the time and run the other 25% of the time.

Chairman Gessert states that when they get a new vehicle for the same price as a patch job and do better on delivery, they should go with it. Also, the vehicle will not be out of service at all.

Mr. Killen states that in the cover letter it states they must reserve the right to modify or rescind this offer in the event that your Springfield requires an extraordinary amount of repairs. At what point will they know this? 470

Mr. Lefebvre states that he has sent photographs of the Springfield and this man stated over the telephone that they will patch up the body and sell it. They sent out bids asking for two things. One was to fabricate a new patient module and two was to take our present ambulance in trade plus money. The only fellow who responded with a bid wanted to manufacture a body. He called up and said that he thought they weren't going to go that route and he offered them \$3,000 for the old ambulance. This was ridiculous.

Mr. Killen then states that this leaves a very open line and when will he decide?

Mr. Lefebvre states that he will be on the phone with him tomorrow morning.

Mr. Killen states that this is a one time deal. If he votes for this tonight it is going to be with this is the offer and this is what they are taking. No more negotiations.

Mr. Lefebvre states that if they approve throwing out the other bid, he would have to go out to bid again and then go through the original fabrication of a box.

Mr. Killen then asks why they only got one bid. Mr. Lefebvre states that four people responded but only one bid. Mr. Killen states that aren't people in business anymore or what. The Town's money should be better than anybody's money.

Chairman Gessert then states this is a good idea, they will have two vehicles and let's do it.

Mr. Rys then states that in looking at the specs he doesn't see where they will have a problem with rust and corrosion. They have stainless steel bolts, screws etc. and he doesn't feel they will have any trouble.

Mrs. Bergamini questions the reason for an AM/FM Stereo.

Mr. Lefebvre states that there are a lot of ambulances in the county that take very long rides and this is one of the reasons. On something like this, he doesn't feel it unfair to have the men listening to the radio.

VOTE: Unanimous ayes with the exception of Mr. Holmes who was on vacation; motion duly carried.

The letter from Sentinel Ambulances to Mr. Lefebvre is attached hereto and made a part of these minutes, designated as Exhibit II.

Chairman Gessert then notes that the next item up for discussion is the discussion and possible action regarding the purchase of traffic lights for the intersection of Cherry Street and John Street.

Mayor Dickinson states that this item is really informational. The traffic light at this intersection has burned out. It is going to have to be replaced. The report he gets is that they can't fix it. It is on flashing right now and they are taking traffic counts, and they will have a policeman there, if necessary, for when Cyanamid gets out. It is a tough intersection. They really need a new light as soon as possible. Rather than go through the usual bidding of this, they are going with RFP to the same number of people on an emergency basis and get an idea of what the price is and then come back and look at the price. Delivery time as well as price will go with an RFP and went out the other day. Mayor Dickinson then informs Mr. Killen that this is one light.

Mrs. Bergamini then noted that Mayor Dickinson had said a price of \$20,000 when talking the other day. Is that for real?

Mayor Dickinson states that that is a probability. Hopefully it will be less. They don't have money appropriated now. He just wanted to inform them.

Mr. Myers comments that one of the points is that with the Mayor going out with RFP's they are actually going to solicit prices before they put up any money. It won't be a situation where they appropriate \$20,000 and everyone looks at that figure. 471

Mayor Dickinson then states that there is no indication as to what the cost is. They are departing from usual procedure. Again the Mayor states that he doesn't need a motion, he is just letting them know. If they get any calls about the traffic light, they are cutting as much tape as possible to move quickly. He had a meeting with Tom, Don Dunleavy, the Police Chief, and this is the best approach seen. If they went the bid route, it would take a lot longer. This way they will get the RFP's done, take a look at what they are and come back here to have them waive the bid and be in a position to purchase right away.

Item 13 is next up for discussion. Chairman Gessert noted that they had a request from Mr. Philip Hamel, Jr. to amend the minutes. Chairman Gessert has the copy of what the exact changes are to be.

Mrs. Bergamini then moved to amend the minutes as noted by Mr. Philip Hamel, Jr. for the meeting of July 11, 1985; seconded by Mrs. Papale.

VOTE: Unanimous ayes with the exceptions of Mr. Rys and Mr. Krupp who passed as they were not present for this meeting and Mr. Holmes is on vacation; Mr. Diana was not present for the vote; motion duly carried

Mrs. Bergamini then moved to accept the Town Council Meeting Minutes of July 18, 1985; seconded by Mrs. Papale.

Mr. Killen then questioned the Council Secretary if she had checked on the first page where it says "they" quite a few times. He is then told by the Council Secretary that the "they" refers to the Police Building Commission. He then states that if this is the way it came out there is nothing they can do about it.

VOTE: Unanimous ayes with the exceptions of Mr. Rys and Mr. Krupp (passed who were not present for that meeting; Mr. Diana is not present for the vote and Mr. Holmes is on vacation; motion duly carried.

Acceptance of July 23, 1985 meeting minutes is next and Mr. Killen asks if anyone read these as he only got to page 22. Mr. Krupp states that he read these and he found no problems. Mr. Killen then states that Mr. Krupp will do as good a job as he.

VOTE: Unanimous ayes with the exception of Mr. Diana who was not present for the vote and Mr. Holmes is on vacation; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:35 p.m.

Lisa M. Bousquet
Council Secretary

Approved David A. Gessert
David A. Gessert, Council Chairman

8 - 27 - 85
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

8 - 28 - 85
Date

To Whom It May Concern:

Because I have a relative in the IBEW, I will not vote on this contract. Such a vote could be construed to be a conflict of interest.



David A. Gessert
Council Chairman

August 3, 1985

Wayne LeFebvre
Central Fire Headquarters
75 Masonic Avenue
Wallingford, Connecticut 06492

RE: 1985 Type III modular ambulance

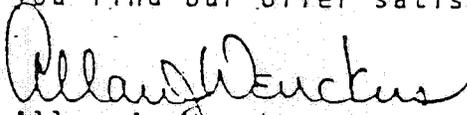
Wayne,

Per our telephone conversation of August 2, I have enclosed further information on the vehicle that we propose to sell.

The photographs are of the exact vehicle that is being quoted. The cot shown is not included. The vehicle includes all other equipment shown. Please refer to the enclosed standard specification list. We have a substantial number of items and features beyond KKK-A-1822A requirements. In addition to standard this vehicle includes a Unitrol dual amplifier siren system and extended front bumper with 2 bright finish 100 watt speakers. This factory demonstrator unit's mileage is about 3000 miles.

We will sell this vehicle for \$29,980.00 plus your 1983 Springfield. We understand that the mileage is about 20,000. We also understand that while the cab and chassis and vehicle interior are in good condition, the body exterior requires work due to corrosion. We must reserve the right to modify or rescind this offer in the event that your Springfield requires an extraordinary amount of repairs.

We appreciate this opportunity to assist you and hope that you find our offer satisfactory.



Allan J. Wenckus
National Sales Manager