

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

January 25, 2005

6:30 P.M.

MINUTES

This is a record of the minutes for the regular meeting of the Wallingford Town Council at its regular meeting held on Tuesday, January 25, 2005 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco Called the Meeting to Order at 6:38 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Vincenzo DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa, Jr. and James M. Vumbaco. Adam Mantzaris, Corporation Council, and James M. Bowes, Comptroller, were also present, and Mayor William W. Dickinson, Jr. arrived at 6:42 P. M.

There was a Moment of Silence and the Pledge of Allegiance was said.

2. Correspondence – There was no correspondence.
3. Consent Agenda
  - 3a. Consider and Approve Tax Refunds (#508-550) totaling \$11,884.71 Account #001-1000-010-1170 – Tax Collector.
  - 3b. Establish a Special Fund for the State of Connecticut Grant Award for Hispanic Human Resource Development Program for SCOW and Approve a Revenue State Grant Acct. #230-1040-050-5000 and a Grant Expenditure Acct. # 230-3070-605-6000 in the Amount of \$26,330 – Program Planning
  - 3c. Consider and Approve a Transfer in the Amount of \$1,100 to Capital – File Cabinets/Bookcases Acct. # 001-7030-999-9903 and from Promotional Expenses Acct. # 001-7030-600-6020 – Economic Development Commission

- 3d. Acceptance of the Minutes of the December 14, 2004 Town Council meeting
- 3e. Acceptance of the Minutes of the January 11, 2005 Town Council meeting. Withdrawn.

**Chairman Vumbaco** announced that Items 3e. and 6. were withdrawn from the agenda. **Ms. Papale moved** to accept the Consent Agenda 3a. through 3d. **Mr. Farrell seconded.** The motion passed with all Councilors saying aye.

- 4. Items Removed from the Consent Agenda – None.

**Chairman Vumbaco** announced that he was moving up Item #20.

Item #20

- 20. Executive Session pursuant to Section 1-200 (6) (E) of the Connecticut General Statutes with regard to strategy and /or negotiation with respect to collective bargaining, the Board of Education

**Ms. Papale moved** to enter into Executive Session pursuant to Section 1-200 (6) (E) of the Connecticut General Statutes with regard to strategy and /or negotiation with respect to collective bargaining by the Board of Education. **Mr. Farrell seconded.** The motion passed and the Council entered into Executive Session at 6:50 P.M.

**Ms. Papale moved** to exit from Executive Session. **Mr. Knight seconded.** The motion passed and the Council exited from Executive Session at 7:00 P.M.

Attendance at the Executive Session –All Councilors, Mayor Dickinson, Dale Wilson, Assistant Superintendent for Personnel, Kenneth Henrici, Superintendent of Schools, Michael Votto, Chair of the Board of Education

## 5. PUBLIC QUESTION AND ANSWER PERIOD

**Robert Sheehan, 11 Cooper Avenue,** asked about Item #6 and whether it would reappear again and the Chairman told him that it would be scheduled for the February 8, 2005, meeting.

- 6. Consider and Approve contract language for the purchase of the Simpson School property by the LaRosa Building Group – Chairman James M. Vumbaco  
Withdrawn.
-

**Chairman Vumbaco** announced that the three transfers for Personnel would be taken at the same time, Items #7, 8, and 9.

7. Consider and Approve a Transfer in the Amount of \$10,000 to Unemployment Compensation Acct. # 001-1602-600-8290 and from Life Insurance Acct. # 001-1602-800-8270 – Personnel
8. Consider and Approve a Transfer in the Amount of \$5,000 to Office Expense and Supply Acct. # 001-1600-401-4000 and from Professional Services – Exams Acct. # 001-1600-901-9009 – Personnel
9. Consider and Approve a Transfer in the Amount of \$64,663 To and From the Accounts listed: - Personnel

	<b>Account Number</b>	<b>Amount</b>
Contingency - Accrued Expenses	001-7060-800-3230	64,633

**TRANSFER TO:**

	<b>Account Number</b>	<b>Amount</b>	
Building	001-2050-101-1000	5,921	
Engineering	001-5010-101-1000	4,594	
Finance	001-1401-101-1000	10,003	
Fire	001-2030-101-1000	4,366	
Fire Marshal	001-2035-101-1000	1,352	
Government TV	001-1303-101-1000	1,060	
Health	001-3010-101-1000	3,460	
Law	001-1320-101-1000	1,812	
Mayor	001-1300-101-1000	961	
Personnel	001-1600-101-1000	6,639	
Planning	001-7010-101-1000	2,381	
Police	001-2005-101-1000	4,844	
Program Planning	001-1302-101-1000	1,227	
Public Works	001-5015-101-1000	6,265	
Recreation	001-4001-101-1000	3,197	
Town Clerk	001-6030-101-1000	943	
Veterans	001-3090-101-1000	1,113	
YSS	207-3070-101-1000	<u>2,074</u>	
	sub-total		62,212
Social Security	001-1601-800-8000	188	
Medicare	001-1601-800-8010	902	
Pension	001-1601-800-8080	<u>1,361</u>	
	sub-total		2,451
	<b>grand total</b>		<b>64,663</b>

**Ms. Papale** made the motion to consider and approve the transfers presented in #7, #8 and #9, and she read them. **Mr. Farrell** seconded.

Item #7

**Mr. Terence Sullivan** addressed the unemployment transfer, reminding everyone that he had been before the Council in November on this issue, stating that the current balance is \$555 and that the entire year's budget is spent even with the transfer in November. This transfer will get them through the next few months.

**Chairman Vumbaco** asked if this is our self-insured unemployment compensation and **Mr. Sullivan** said that we are a reimbursement employer and we pay as we go. He also said that this is the highest unemployment year he has seen since he has been here. One of the reasons was the \$10,400 payment to Massachusetts in the reciprocity agreement. One employee left and the Town Clerk changed and the benefit at her outgoing salary was high so she is at the maximum weekly amount and when you take these \$400-\$450 charges times 26 weeks, it adds up. It's a hit on the budget when top level people go out. **Chairman Vumbaco** asked about the Life Insurance that these funds will be taken from and **Mr. Sullivan** said that they went out to bid this year for the first time in many years, dropping Cigna, and going to the Harvard Insurance Company and the term insurance products went down by 60%, and this will leave a balance in this account even after the transfer and this is a multi-year contract.

Item #8

**Chairman Vumbaco** asked the Council, and then the public, if they had any questions, and then asked **Mr. Sullivan** to address Item #8, who said that they have had a very active recruiting year. The budgeted amount was \$15,500 and to date with the encumbrance for supplies and paper goods we have spent 80% of our budget to date. Larger papers cost more than the local papers. Recruiting for Comptroller, Police and Tax Collector is when costs run higher for advertising. Advertising, arbitration filing fees to the state and related expenses such as employment applications, personnel rules, labor contracts also come from this account. **Chairman Vumbaco** asked if employment advertising is up why isn't the exam account also being used, thinking that they go hand-in-hand. **Mr. Sullivan** responded that we administer most of the exams ourselves so there is relatively little cost to us.

**Mr. Knight** asked if the primary way to advertise was in newspapers or are there specific targeted websites that would be less expensive and more effective like monster.com for municipal employees. **Mr. Sullivan** said that they have used different media. Newspapers are the way we usually go. We have use the internet and monster.com and they are not inexpensive, and we're not convinced it's the best way to go because sometimes we are flooded resumes that don't even say what job is being applied for. We use professional associations and journals for the trades, like lineman, technical jobs and department head level jobs. We post

vacancies with ten or fifteen minority and cultural groups around Connecticut and the various municipalities. We've even looked at the cost effectiveness of radio advertising in the greater new Haven area. We get good newspaper results locally from the Record Journal and the Hartford Courant. The Courant gets to all four corners of the state. We have used the Boston Globe and the New York Times for high level jobs.

**Frank Wasilewski, 57 North Orchard Street**, asked about the source of the funds and whether personnel can save it from one year to the next if it isn't used. **Mr. Sullivan** said that the money tonight is being transferred within Personnel accounts, and that if there is any left then it goes back to general surplus at the end of the year.

Item #9

**Mr. Sullivan** said this is in relation to the supervisors contract that was ratified at the last meeting. **Chairman Vumbaco** said this is money that is coming from Contingency to pay for the contract settlement to which **Mr. Sullivan** said yes. **Chairman Vumbaco** asked for other questions of the Council and the public, and there were none. He said we have a single motion on the table for three transfers and asked for those in favor and opposed. None were opposed and the motion passed.

10. Consider and Approve a Transfer in the Amount of \$50,000 To Gas and Oil Acct. # 001-5015-300-3000 and From Class 8 Snow Plow Truck w/Equip & Access. Acct. # 001-5015-999-9196 – Public Works

Addendum Item

24. Consider and Approve a Transfer in the Amount of \$50,000 to Overtime Acct # 001-5015-101-1400 from Class 8 Snow Plow Truck w/ Equipment & Access. Acct # 001-5015-999-9196 - Public Works

Addendum Item

25. Consider and Approve a Transfer in the Amount of \$25,000 to Materials and Supplies Acct. # 001-5015-401-4100 from Class 8 Snow Plow Truck w/ Equipment & Access. Acct # 001-5015-999-9196 – Public Works

Item # 10 and Addendum Items 24 and 25

**Ms. Papale** made a motion to consider and approve the transfers in Items 10, 24 and 25. presented by the Public Works Department, and she read them. **Mr. Farrell** seconded.

Item #10

**Henry McCully**, Director of Public Work said they are running behind in their budgeted amounts even in July due to increases in diesel and unleaded gas. He said they are now locked into a price and looked forward to being more accurate in the next fiscal year. Our winter this year has exacerbated the whole fuel situation. **Mr. Knight** asked if this is all a result of the weather and **Mr. McCully** responded that it's a combination of winter storms and locking into a price and currently diesel fuel is at \$1.39. **Mr. Knight** said that the national average for diesel fuel kept by the National Department of Transportation is about \$1.96 at the pump.

**Chairman Vumbaco** asked **Mr. McCully** if when he did his budget where did the numbers come from for fuel? **Mr. McCully** said that the average we take is for usage, not price. Total usage for the last five years for diesel was 59,000 gallons.

**Chairman Vumbaco** asked where he got the \$.92 and \$.93 that he budgeted at. **Mr. McCully** said that it came from the purchasing department, and **Chairman Vumbaco** asked if it was a quote that we got.

**Jim Bowes**, Comptroller, said that those were the last prices during last year's budget making season.

**Chairman Vumbaco** wanted to know why the \$.93 weren't locked in and asked or weren't they available to be locked in?

**Mr. Bowes** said that it was not available. That was the last known price last spring as the budget was being developed. Our contract was until June 30, 2004, and when we went back out to bid the prices were tremendous and spikes in prices all summer long. We went out to bid and rejected all of them. The second time we went out to bid we saved about \$.20 per gallon on both diesel and unleaded. **Chairman Vumbaco** asked what the bid price is now. **Mr. Bowes** said that \$1.36 for unleaded and \$1.39 for diesel.

**Chairman Vumbaco** asked we budgeted \$.93 for the budget generated in May, 2004, knowing that the contract was going to end in June. Why did it take us until September or October to lock in a new price when we could have been pushing to lock in a price sooner and getting our process fixed? That's the question, he said, that he has. **Mayor Dickinson** said that when the bids came in they were so high that the advice of the Purchasing Department was to wait and bid it again and that's what was done. We went out two more times. **Chairman Vumbaco** asked what the high price was. **Mayor Dickinson** said about \$1.70 was rejected.

**Frank Wasilewski** asked if **Mr. McCully** bids as just Public Works or with other departments? **Mr. McCully** said that the bids that go through the Purchasing Department

cover the entire town. Mr. Wasilewski asked about fuel storage. Mr. McCully said that he has storage of fuel and so does the Water Department and he commented on a memo that was sent out on fuel conservation.

**Robert Sheehan, 11 Cooper Avenue**, wanted to know if this transfer will take us through the winter and **Mr. McCully** said that it would be fine by him. Mr. Sheehan said he was wondering because we are supposed to get more snow tonight. He then acknowledged Mr. McCully for the fine job he is doing on the roads especially after the bizzard last weekend. He said he was overly impressed. Mr. McCully said he would pass the word along to the men and said thank you.

**Chairman Vumbaco**, asked when the fuel price lock ends and when we will be going out to bid again. **Mr. Bowes** said that it ends in June and that we will go to bid again in June or July when the industry will be looking for it.

**Frank Wasilewski** commented on parking bans and the need to enforce them.

Item #24

**Mr. McCully** said that during the last two storms, the overtime cost to the town was approximately \$46,000. Employees are paid double time on Sundays and holidays and the account is depleted and this transfer will replenish the account. **Chairman Vumbaco** asked for questions. **Mr. McCully** responded to **Mr. Parisi's** question about the weather that we would be getting about 6" to 8" of snow tonight.

Item #25

**Mr. McCully** said that our sand and salt supplies come from the materials account. Salt prices went up about \$9.00 per ton and sand went up about \$.75 a square yard. Depending on our winters, if we finish the winter with a large stockpile, we have a good start on the next winter. He said that because of the hard winter last year that they were not able to do that this year. We have exhausted the accounts for sand and salt. There are various other supplies that come out of this account, so there may be a need to replenish this account again. **Mr. Knight** asked about the cost of salt. **Mr. McCully** said \$42 per ton up from \$34 last year, and it is tied to fuel costs. We don't get salt bids until after our budgets are submitted. We took the 5 year average on the usage. We piggyback with the State of Connecticut for salt and delivery from the barges in New Haven goes to the state first, not the municipalities, so we have to keep a stock pile.

**Chairman Vumbaco** asked about the three transfers that total \$125,000 and the truck that Public Works had budgeted for \$137,000. He commented on that well being pretty dry now, and wanted to know that if Public Works needs to come back to the Council again, where would he be looking. **Mr. McCully** responded that the last quarter of the

fiscal year, we can transfer between departments. He said that they weren't there yet and that hopefully things will slow down. **Chairman Vumbaco** asked about the truck saying that obviously the truck is a needed item. Is the equipment rotated or is this going to set you back? What's it going to cost to keep the truck that was going to be replaced on the road? **Mr. McCully** responded that there are 25 vehicles on the road with the oldest being from 1986 and the newest from 2004 and that ten years is set as the trade-in benchmark for their equipment. He pointed out budget constraints mean that they have to play around with those. Trucks are well maintained and older trucks are used primarily as backup trucks for the trucks on the 21 snowplow routes. The town keeps expanding and he would like to see the money returned to the account for the truck at the end of the year. It's good to stay on target with a replacement plan. **Chairman Vumbaco** asked for further questions, and there were none. He called the vote and the **motion** for the three transfers **passed**.

Item #11

11. Report out from Public Works regarding resulting damage from snowplowing during recent storms - Councilor Michael Spiteri

**Ms. Papale** read Item #11. **Mr. Spiteri** said that he had received a few phone calls this past weekend pertaining to the mailboxes that were knocked down during the last storm. He asked about the process for getting them replaced and how many are knocked down every year. **Mr. McCully** responded that there were 284 mailboxes replaced last year. This year Public Works is approaching 100 and that calls are still coming in. He explained the mailbox replacement policy that has been in use for a number of years. The resident calls his department and they send someone out to determine how the box was knocked over. It could be a private contractor other than the snow coming from a town plow. The town will replace the mailbox with a standard box and post, if needed. The crews will usually replace within a day or two. Or a claim can be submitted to the Town Clerk's Office, and the town will reimburse at the rate of \$37.50. That is the maximum for any damage. **Mr. Spiteri** asked if there has ever been any studies about the types of boxes that have been knocked down, and **Mr. McCully** responded that the ones that hold up are made with eye beams, brick and mortar, and metal post boxes. The front of the box is supposed to be 12" from the curb. Most of the boxes that are broken are broken by the snow being thrown by the plow but not by the plow, so it's the wet slushy A plow going 10mph can throw snow from the plow up to 6 or 7 feet. The resident should call Public Works. **Chairman Vumbaco** asked if there were any questions from the public. There were none, and he moved to Item #12.



12. Consider and Approve a Budget Amendment in the Amount of \$9,450 by increasing the Appropriation from Retained Earnings-Cash to the Accounts listed below: - Water Division

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT OF INCREASE</u>
433-9012-343	Transmission & Distribution Mains	\$500.00
433-9012-346	Meters	150.00
431-8600-601	Operation Labor & Expenses	375.00
431-8600-612	Maint. Collecting & Impounding Reservoirs	325.00
431-8600-617	Maint. Misc. Water Source Plant	150.00
431-8620-624	Pumping Labor & Expense	350.00
431-8620-626	Misc. Expenses - Pumping	125.00
431-8620-633	Maint. of Pump Equipment	350.00
431-8640-642	Operation Labor & Expense	1,250.00
431-8640-652	Maint. of Water Treat Equip	800.00
431-8660-663	Metering Expenses	150.00
431-8660-664	Customer Installation Expenses	175.00
431-8660-665	Misc. Expenses - Trans & Dist.	75.00
431-8660-673	Maint. Transmission & Distribution Mains	425.00
431-8660-675	Maint. of Services	475.00
431-8660-676	Maintenance of Meters	75.00
431-8660-677	Maintenance of Hydrants	150.00
431-8900-902	Meter Reading Expense -	125.00
431-8900-903	Customer Records & Collection Exp.	350.00
431-8920-920	Administrative & General Salaries	2,900.00
431-8920-932	Maint. of General Plant	175.00
	<b>Total Increase</b>	<b>\$9,450.00</b>

Item #12

Ms. Papale moved to Consider and Approve a Budget Amendment in the Amount of \$9,450 by increasing the Appropriation from Retained Earnings-Cash to the Accounts presented for the Water Division. Mr. Farrell seconded.

Chairman Vumbaco asked the cameras to move closer and showed everyone a photograph that he cut from the newspaper noting that Mr. Ray Smith came on as the

Director of Public Utilities in 1979, and said that, if you look at him then he had nice mustache and no gray hair and asked if this assures people for employment in Wallingford. **Mr. Smith** asked if he saw the caption that said 'fifty years.' **Chairman Vumbaco** said yes, December 21, fifty years ago today. It's about 30, right? **Mr. Smith** said that he contacted the Personnel Department about that.

**Roger Dann** said that this budget amendment deals with the costs necessary to fund the Local #17 contract that was approved by the Council at the last meeting. The subsequent one is the same transfer requirement although in the Sewer Division. **Chairman Vumbaco** asked why is this a budget amendment and not a transfer? **Mr. Dann** replied that it's a budget amendment because the funds are from cash. **Chairman Vumbaco** asked for questions from the Council, and then from the public and there were none. He called for the vote and all Councilors responded aye. **The motion passed.**

13. Consider and Approve a Budget Amendment in the Amount of \$7,175 by increasing the Appropriation from Retained Earnings-Cash to the Accounts listed below:

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT OF INCREASE</u>
461-8620-624	Pumping Labor & Expense	\$250.00
461-8640-642	Operation Labor & Expenses	2,425.00
461-8661-673	Maint. Collection System	1,150.00
461-8900-902	Meter Reading Expense	300.00
461-8900-903	Customer Records & Collection Expense	250.00
461-8920-920	Administrative & General Salaries	2,400.00
461-8920-923	Outside Services Employed	<u>400.00</u>
	<b>Total Increase</b>	<b>\$7,175.00</b>

Item #13

**Ms. Papale** moved to Consider and Approve a Budget Amendment in the Amount of \$7,175 by increasing the Appropriation from Retained Earnings-Cash to the Accounts as presented and asked for by the Sewer Division. **Mr. Farrell** seconded.

Mr. Dann confirmed that this is the same contract except for the Sewer Division. Chairman Vumbaco asked if there were any comments or question from the Council or the public. He called for the vote and all Councilors responded aye. **The motion passed.**

14. Consider and Approve a Budget Amendment in the Amount of \$314,700 by increasing the Appropriation from Retained Earnings-Cash to the Accounts listed below:  
- Water Division

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>AMOUNT OF INCREASE</u>
433-9012-343	Transmission & Distribution Mains	\$16,500.00
433-9012-346	Meters	5,000.00
431-8600-601	Operation Labor & Expenses	13,000.00
431-8600-612	Maint. Collecting & Impounding Reservoirs	10,500.00
431-8600-617	Maint. Misc. Water Source Plant	5,000.00
431-8620-624	Pumping Labor & Expense	11,700.00
431-8620-626	Misc. Expenses – Pumping	4,200.00
431-8620-633	Maint. Pump Equipment	11,700.00
431-8640-642	Operation Labor & Expense	41,800.00
431-8640-652	Maint. Water Treat Equip	27,200.00
431-8660-663	Metering Expenses	4,500.00
431-8660-664	Customer Installation Expenses	5,600.00
431-8660-665	Misc. Expenses	2,000.00
431-8660-673	Maint. Transmission & Distribution Mains	14,000.00
431-8660-675	Maint. of Services	15,700.00
431-8660-676	Maintenance of Meters	2,000.00
431-8660-677	Maintenance of Hydrants	5,300.00
431-8900-902	Meter Reading Expense	3,800.00
431-8900-903	Customer Records & Collection Exp.	11,500.00
431-8920-920	Administrative & General Salaries	98,500.00
431-8920-932	Maint. of General Plant	5,200.00
	<b>Total Increase</b>	<b>\$314,700.00</b>

Item #14

Ms. Papale moved to Consider and Approve a Budget Amendment in the Amount of \$314,700 by increasing the Appropriation from Retained Earnings-Cash to the Accounts listed for the Water Division. Mr. Farrell seconded.

**Mr. Dann** said that this addresses the Local #457 contract, which represents employees in the Water Division. This contract was not resolved for a long time, so this reflects contractual increases that were provided for in 2001, 2002, 2003 and 2004 – about 3.5 years of retroactive pay for these employees along with funds to complete the remainder of the current budget year.

**Chairman Vumbaco** explained that the purpose of putting these on the agenda this way is to give the public the chance to see how this works and to give opportunity for questions. He thanked Mr. Smith and Mr. Dann for coming. He then asked for questions from the public.

**Frank Wasilewski** asked about the duration of this contract. **Mr. Dann** replied that it will go through August 2006.

**Mr. Wasilewski** asked if money was set aside every year to compensate for the final payoff or is this returned earnings going to take care of this agreement?

**Mr. Dann** said that money is not set aside for this purpose, so once the contracts are resolved, the funds need to come from the retained earnings account. During the budget preparation each year, rate review and availability of cash, they are aware that these contracts are outstanding, and that is accounted for the analysis they do each year.

**Mr. Wasilewski** wanted to know how much was in retained earnings. **Mr. Dann** asked did he mean the Water Division? **Mr. Wasilewski** said yes, and **Mr. Smith** asked if he meant retained earnings or cash.

**Mr. Dann** said that in the Water Division on 6/30/04, it was about \$5.2 million.

**Robert Sheehan** asked why not put money aside instead of taking it all out of cash?

**Mr. Smith** replied that it's a policy to not disclose how much money is available each year for contract settlements. Management, Mr. Dann, Mr. Hendershott and Mr. Smith, can be aware of how much to anticipate but that the money is not there to negotiate from.

**Mr. Sheehan** said that he could understand that point. At budget time, Mr. Sheehan said he asks how much is in retained earnings, and how much you have in cash for all of the utilities, and that this is a public hearing. He summed up saying that a 'budget amendment' is that you are coming here for money and that is a shortfall.

**Mr. Smith** said that it's a change in the budget requirements that occur in the fiscal year, and that if this contract didn't settle this year, then the budget amendment would be next year, and that they can anticipate but don't know the absolute number.

**Mr. Sheehan** mentioned the transfers that occur at the end of fiscal years and said that somewhere there has to be a way to cover this because they know it's coming. Just the terminology that's being used is perhaps what's throwing him off because when they come for a budget amendment, they have to take cash from somewhere to cover it, and it's not from one of the other departments.

**Mr. Smith** said that it was cash that was not spent during those fiscal years. He said had those contracts been settled, they would have expended those monies. It did build up and making was one massive adjustment. There is money set aside for certain commitments that we have. There are capital projects that have already been approved and the monies have to cover some of those projects.

**Mr. Sheehan** said that he considers it a commitment when you have a contract with your employees that it comes to a fixed cost in your budget.

**Chairman Vumbaco** asked for any other questions from anyone and there were none. He called for the vote and all Councilors responded aye. **The motion passed.**

**15.** Consider and Approve a Budget Amendment in the Amount of \$18,600 by increasing the Appropriation from Retained Earnings-Cash and increasing Meter Reading Expense Acct. # 461-8900-902 - Sewer Division

Item #15

**Ms. Papale** made a **motion** to Approve a Budget Amendment in the Amount of \$18,600 by increasing the Appropriation from Retained Earnings-Cash and increasing Meter Reading Expense Acct as asked for by the Sewer Division. **Mr. Farrell seconded.**

**Mr. Dann** said that this is dealing with the Local #457 contract some of the cost of labor, particularly with meter reading, which is shared with the Sewer Division, so that an adjustment needs to be made to the Sewer Division's budget to reflect that proportion of the #457 expense.

**Chairman Vumbaco** asked for any other questions from anyone, and there were none. He called for the vote and all Councilors responded aye. **The motion passed.**

**16.** Consider and Approve a Budget Amendment in the Amount of \$11,500 by increasing the Appropriation from Retained Earnings-Cash and increasing Outside Services Acct. # A/C 431-8920-923 - Water Division

---

Item #16

**Ms. Papale moved** to Consider and Approve a Budget Amendment in the Amount of \$11,500 by increasing the Appropriation from Retained Earnings-Cash and increasing Outside Services Acct. as asked for by the Water Division. **Mr. Farrell seconded.**

**Mr. Dann** said that the #457 contract lingered for quite some time and went to extended arbitration process. It took longer than expected, so funds budgeted in prior years to pay for the expenses of the arbitration process were unexpended and because they expected the contract to be done sooner than this, they did not provide adequate funds in the current year's budget to cover those expenses. He said they are looking to appropriate those funds that were unexpended from prior years in order to cover the expenses.

**Chairman Vumbaco** inquired if this was a budget amendment to this year's budget and **Mr. Dann** said that is correct.

**Chairman Vumbaco** asked what year the contract would be done?

**Mr. Dann** said that this contract will run through August 2006. **Chairman Vumbaco** asked if they had started the process again, and **Mr. Dann** replied that they should have started the other one three years ago, and he hopes that it won't take such a long time next time around. **Chairman Vumbaco** asked for questions.

**Frank Wasilewski** asked if this contract went to arbitration, and **Mr. Dann** replied that the #457 contract went to arbitration. It was delayed, and there was illness among some of the representatives, and it took far longer than expected. The utilities had an attorney retained through the bid process. That is part of the cost here and the other part is that of the arbitration panel themselves. If you can resolve the contract through negotiation process, then costs of arbitration and the cost for the labor attorney are not incurred.

**Mr. Wasilewski** asked what is the biggest problem in arbitration, and **Mr. Smith** responded that it was time. The Electric contract started the process earlier, and it's still not resolved, so they will be back again at some future date. The last hearing that they had on this contract was December 2003. **Mr. Wasilewski** said good luck.

**Chairman Vumbaco** asked for other questions from anyone, and there were none. He called for the vote and all Councilors responded aye. **The motion passed.**

17. Consider and Approve a Transfer in the Amount of \$26,300 as follows:
- To: \$2,200 Distribution Operation -Supervision and Eng Acct # 580 and
  - \$1,000 Distribution Maintenance - Supervision and Eng Acct # 590 and
  - \$700 Customer Records - Supervision Acct # 901 and
  - \$22,400 Administrative & General - Salaries Acct # 920
- From: \$26,300 Customer Records & Expenses Acct # 903 - Electric Division

Item #17

**Ms. Papale** made a **motion** to Consider and Approve a Transfer in the Amount of \$26,300 to and from the accounts listed asked for by the Electric Division. **Mr. Farrell** seconded.

**Mr. Hendershot** said that these transfers are necessary because of the recent settlement of the management contract. He said that several months ago there was settlement of the clerical unit of #457. He said they held off on adjusting the budget because of that settlement in hopes that the production unit would settle simultaneously and that they could do that all at once but that has not happened, so we're bringing them both of them forward for this adjustment at this time.

**Chairman Vumbaco** asked if there were any questions by the Council or the public. He called for the vote and all Councilors responded aye. **The motion passed.**

**Mr. Smith** said that he wanted to make note regarding fuel expense that the utilities will be back to the Council with a similar request.

18. Discussion and Action regarding authorizing the Mayor to sign the following Agreements for approval of a \$50,000 Urban Action Grant to the Wallingford Historic Preservation Trust:

- A. Indemnification Agreement
  - B. Agreement Between DECD and Town of Wallingford
  - C. Agreement Between Wallingford Historic Preservation Trust and Town of Wallingford
  - D. Assignment of Mortgage (copy enclosed) by the Town of Wallingford to the State DECD
  - E. Escrow Agreement Between DECD and Town of Wallingford
  - F. Authorization of the mayor to Execute Additional Documents –i.e. Certificate of Applicant Waiver of Notice in order to complete the transaction
- Law Department

Item #18

**Ms. Papale** made a **motion** for discussion and action in authorizing the Mayor to sign the Agreements as presented for approval of a \$50,000 Urban Action Grant to the Wallingford Historic Preservation Trust as asked for by the Law Department. **Ms. Papale** read the list of agreements. **Mr. Knight** seconded.

**Chairman Vumbaco** said that **Mr. John LeTourneau** was in attendance to represent the Wallingford Historic Preservation Trust in case there are any questions.

**Mr. Mantzaris** explained the State of Connecticut has had this grant award come through the town instead of the Wallingford Historic Preservation Trust. He said that the bonding council awarded \$500,000 directly to the Trust in the past but that this is coming through the town. The state has assigned nine or ten agreements, the major one being the financing agreement, between the town and the state, which obligates the town in case the Trust defaults. The other agreements are routine. We assign the mortgage to the state. We aren't going to have any responsibility regarding how the funds are expended, although we're responsible that they expend it properly. To cover the town, I prepared an indemnification agreement to be signed by the Preservation Trust just in case something goes wrong on their side. It will protect the town in case we become liable for something to the State of Connecticut under these several agreements. It should have been directly to the Trust to begin with. We wouldn't even be involved with this but for some reason this \$50,000 for landscaping was made by the state bonding council to come through the town rather than directly to the Preservation Trust.

**Chairman Vumbaco** asked for questions. **Ms. Doherty** pointed out that a reference to item 2.10 G, which should be located on page 8 and is referred to on page 13 in the financial assistance agreement, cannot be found. There is no G, according to **Mr. Mantzaris**, and 2.10 covers the defaults by the Preservation Trust, and we'd operate under 2.10. In jest, **Mr. Knight** congratulated his fellow Councilor on finding this, and he expressed his admiration to her for having waded through all of the umpty-nine pages of this agreement. **Mr. Mantzaris** agreed with **Mr. Knight**. Following along the same line, **Chairman Vumbaco** said that he thought **Ms. Doherty** should be concerned for the time it took to read this agreement.

**Chairman Vumbaco** asked what the budget was earmarked for.

**Mr. LeTourneau** said that it is to be used specifically for the fence and the gates in front of the Johnson Mansion. He said that half of the fence is up right now and half of it is down. And he said it's to repair the stone foundation, and if there are funds left, it will be used to hide the air-conditioning on the side of the building.

**Chairman Vumbaco** asked if there were any questions by the Council or the public. He called for the vote and all Councilors responded aye **except Mr. Farrell, who abstained. The motion passed.**

19. Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property  
– Mayor
21. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes to discuss pending litigation in the matter of Town of Wallingford v. Cavaliere Industries, Inc. – Law Department



Items # 19 and 21

**Ms. Papale moved to enter into Executive Sessions** pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property and pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes to discuss pending litigation in the matter of Town of Wallingford v. Cavaliere Industries, Inc. **Mr. Farrell seconded.**

**Chairman Vumbaco** asked all those in favor and opposed. The motion passed and the Council entered into Executive Session at 8:10 P.M.

**Ms. Papale moved to exit from Executive Sessions. Mr. Knight Seconded.**  
**Chairman Vumbaco** asked all those in favor and opposed. The motion passed and the Council exited from Executive Session at 8:42 P.M.

Attendance at the Executive Session #19 –All Councilors, Mayor Dickinson, Adam Mantzaris and Jeffrey Borne, Chair of the Conservation Commission

Attendance at the Executive Session #21 –All Councilors, Mayor Dickinson and Adam Mantzaris

23. Discussion and possible Action regarding the pending litigation matter of Town of Wallingford v. Cavaliere Industries, Inc. – Law Department

Item #23

**Chairman Vumbaco** said that there will be not be a vote for item #23, and it's being withdrawn.

Agenda Addendum

26. Executive Session with respect to Connecticut General Statutes (1-200-6A) to discuss personnel matter.

Item #26

**Ms. Papale moved to enter into Executive Sessions** with respect to Connecticut General Statutes (1-200-6A) to discuss personnel matter. **Mr. Farrell seconded.**

**Chairman Vumbaco** asked all those in favor and opposed. The motion passed and the Council entered into Executive Session at 8:45 P.M.

**Ms. Papale moved to exit from Executive Sessions. Mr. Knight seconded.**

**Chairman Vumbaco** asked all those in favor and opposed. The **motion passed** and the Council exited from Executive Session at 9:15 P.M. Attendance at the Executive Session included all Councilors.

The **motion** to adjourn was made by **Ms. Papale** and **Mr. Knight** seconded.

**Chairman Vumbaco** asked all those in favor and opposed. All Councilors responded AYE and the **motion passed**.

There being no further business to consider, the meeting adjourned at 9:17 PM.

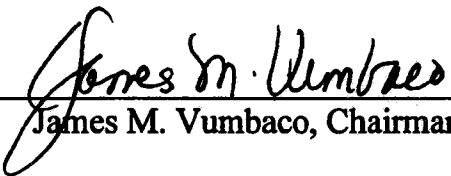

Respectfully submitted,



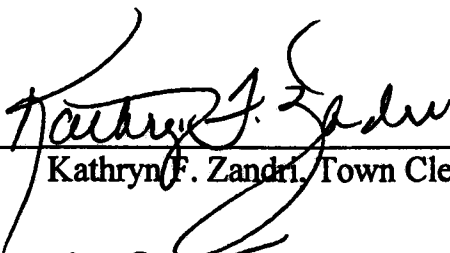
Sandra R. Weekes  
Town Council Secretary

RECEIVED FOR RECORD 1/31/05  
AT 9:25 M 11 M AND RECORDED BY  
Kathryn F. Zandri TOWN CLERK

Approved by:

  
James M. Vumbaco, Chairman 

Date: 2-8-05

  
Kathryn F. Zandri, Town Clerk

Date: 2-8-05