

TOWN COUNCIL MEETING AGENDA

MAY 23, 1989

6:30 p.m.

1. Roll Call and Pledge of Allegiance.
2. Consider and Approve Transfer of \$7,230 to Part-Time Personnel and \$790 to Utilities - Parks & Recreation.
3. Consider and Approve Transfer of \$1,725 to Computerized Indexing - Town Clerk.
4. Consider and Approve Transfer of \$8,000 to Sidewalk Installations and Repairs - Engineering Department.
5. Consider and Approve Transfer of \$36,000 to Self-Insurance Workers' Comp - Risk Manager.
6. Consider and Approve Transfer of \$5,000 to Workman's Compensation - Water & Sewer Divisions.
7. Consider and Approve Transfer of \$800 to Secretarial Services - Town Planner.
8. Consider and Approve Transfer of \$1,800 to Maintenance of Vehicles - Public Works.
9. Consider and Approve Transfer of \$200 to Overtime - Fire Marshall.
10. Consider and Approve Transfer of \$1,500 to Part-Time Wages - Town Attorney.
11. Consider and Approve Transfer of \$500 to Advertising - Purchasing Department.
12. Consider and Approve Transfer of \$2,136 to Postage - Purchasing Dept.
13. Consider and Approve the Following Transfers for the Fire Department:
 - a. \$208 to Recognitions & Awards
 - b. \$360 to Laundry
14. Consider and Approve Appropriation of \$675 to State Grants-Education Misc. and Board of Ed Co-op Teacher/Best Program - Board of Education.
15. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 p.m.
16. PUBLIC HEARING on an Ordinance Amending an Ordinance Appropriating \$125,000 for the Design Phase of the Public School Roof Reconstruction Project - 7:45 p.m.

17. Consider an Ordinance Amending an Ordinance Appropriating \$800,000 for Various Municipal Capital Improvements 1989-1990 and Authorizing the Issue of \$800,000 Bonds - SET PUBLIC HEARING.
18. Consider and Approve Waiver of Bid for Design Work of Air Conditioning and Heating System at Senior Citizens Center - Public Works.
19. Consider and Approve Recommendation to Terminate Contract with Aetna Life Insurance Company and Initiate Investment Agreement with Trinity Investment Management Corporation - Pension Commission.
20. Consider and Approve Acquisition of Property Rights Required for Replacement of Bridge No. 01380/Route 150 Over Quinnipiac River.
21. Presentation and Request by LEPC Education Subcommittee.
22. Consider and Approve Transfer of Taxes to Suspense Book - Tax Collector.
23. Note for the Record Financial Reports from Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center.
24. Approve Town Council Minutes of April 25 and May 9, 1989.

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Meeting Adjourned	

TOWN COUNCIL MEETING

MAY 23, 1989

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers and called to order at 6:45 p.m. by Chairman Albert Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Bradley, Doherty, Holmes, Papale, Solinsky, Zandri and Killen. Also present were Adam Mantzaris, Town Attorney, and Tom Myers, Comptroller.

The Pledge of Allegiance was given to the flag.

(Mayor Dickinson arrived at 6:46 p.m.)

Motion was made by Mr. Doherty to have Items 7, 9, 10, 11, 13.a, 13.b, 22, 23 and 24 placed on the Consent Agenda to be voted upon by one unanimous vote.

ITEM 7 Consider and Approve Transfer of \$800 from Part-Time Clerk Acct. No. 001-7010-100-1350 to Secretarial Services Acct. No. 001-7010-600-6040 to Provide Additional Funds for Secretarial Services due to Special Meetings - Town Planner.

ITEM 9 Consider and Approve Transfer of \$200 from Tires Acct. No. 2035-400-4520 to Overtime Acct. No. 2035-100-1400 to Provide Additional Funds for Overtime for Fire Investigations - Fire Marshal.

ITEM 10 Consider and Approve Transfer of \$1,500 from Legal Secretary Wages Acct. No. 001-1320-100-1250 to Part-Time Wages Acct. No. 001-1320-100-1350 to Provide Funds for a Part-Time Secretary - Town Attorney.

ITEM 11 Consider and Approve Transfer of \$500 from Maintenance of Equipment Acct. No. 001-1450-500-5200 to Advertising Acct. No. 001-1450-400-4100 to Provide Funds for Increased Advertising - Purchasing.

ITEM 13.a Consider and Approve Transfer of \$208 from Gas/Oil/Diesel Acct. No. 2038-300-3000 to Recognition & Awards Acct. No. 2032-600-6060 to Provide Additional Funds for Engraving - Fire Department.

ITEM 13.b Consider and Approve Transfer of \$360 from Hazardous Materials & Supplies Acct. No. 2032-400-4230 to Laundry Acct. No. 2032-400-4280 to Provide Additional Funds for Cleaning - Fire Department.

ITEM 22 Consider and Approve Transfer of Taxes in the Amount of \$163,318.67 to Suspense Book - Tax Collector.

ITEM 23 Note for the Record the Financial Reports from Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center.

ITEM 24 Consider and Approve Town Council Minutes of April 25 and May 9, 1989.

Seconded by Mr. Holmes.

VOPE: Parisi was absent; all other ayes; motion duly carried.

ITEM 2 Consider and Approve Transfer of \$7,230 from Personnel Acct. No. 001-4000-100-1300 to Part-Time Personnel Acct. No. 001-4000-100-1350 and \$790 from Personnel Acct. No. 001-4011-100-1350 to Utilities Acct. No. 001-4010-220-2010 to Provide Additional Funds for the Softball League and Pool Utilities - Parks & Recreation Department. Motion made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Killen asked you added a couple of teams?

Stan Shepardson replied we started out with 108 and added 7 additional teams which were not budgeted for.

Mr. Killen stated I looked through the figures and in the last four years the Personnel budget has gone up almost \$90,000.

Mr. Shepardson replied we've increased our programs. All the sports programs are included in there.

Mr. Killen stated I realize we're charged with running a recreation department and providing certain things, but somewhere along the line something has to come to a screeching halt.

Mr. Shepardson replied I can provide you with a breakdown and show you where all this money is going to.

Mr. Adams asked a lot of the money that comes in goes to the General Fund? So the figures we see here are just the outgoing figures. The incoming figures in many cases could be a washout.

Mr. Shepardson replied yes.

Mr. Zandri asked on the additional dollars for utilities, is there something unique that happened?

Mr. Shepardson replied basically the one thing that happened is this year we had no breakdowns at all at the pool. Normally we have had to shutdown two to three days at a time and of course electricity went up on us too. Because we ran a full nine weeks we fell short.

Mr. Doherty stated I'm more concerned that we have enough fields.

Mr. Shepardson replied only at the present time. If we increase any more than this, no we won't have enough fields. We are looking into building additional fields. The Town is growing and more people are getting involved and more industry is coming in. We only allow one team per industry so you can imagine if we allowed more than one team there would be absolutely no more room for them.

Mr. Doherty asked how many teams are industrial teams?

Mr. Shepardson replied 45-50%.

VOTE: Zandri voted no; Parisi was absent; all other ayes; motion duly carried.

Mrs. Papale thanked Mr. Shepardson and Johanna Fishbein for the beautiful dedication of the Vietnam Memorial Park last Saturday.

ITEM 3 Consider and Approve Transfer of \$1,725 from Part-Time Wages Acct. No. 001-6030-100-1350 to Computerized Indexing Acct. No. 001-6030-600-6500 to Provide Additional Funds for Computerized Indexing - Town Clerk. Motion made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Killen stated I wanted to make sure you all understood where the monies were coming from and going to.

VOTE: Bradley and Zandri voted no; Parisi was absent; all other ayes; motion duly carried.

ITEM 4 Consider and Approve Waiver of Bid in the Amount of \$8,000 for Sidewalk Installations and Repairs. Motion made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Zandri asked why are we waiving the bid?

John Costello replied because it's a small contract. The bidding process would require a bid bond, performance bond, etc., all of which increase the costs and it becomes a bigger percentage of a small job.

(Mr. Parisi arrived at 6:58 p.m.)

Mr. Zandri asked is there any way to get pricing from different contractors without being so formal? At least if you got a few you could say we got ten prices and they are all the same. It's a lot easier to waive a bid under those circumstances.

Mr. Costello replied this is the same contractor that for the last two years has been repairing sidewalks in Town. He was the low bidder on the Ward Street sidewalk. We can go out to bid, but you won't get the same price.

Mr. Zandri stated a formal bid is not necessarily essential to me as much as getting some cost comparisons from two or three contractors so I can say it looks like this type of work is relatively competitive. I find it a lot easier to waive the bid under those circumstances versus just one price.

Mr. Bradley asked you're happy with the contractor's performance?

Mr. Costello replied yes and his price as compared to last year's is very close.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve Transfer of \$2,000 from Correction to Sanitary Laterals Acct. No. 001-5011-999-0002, \$3,000 from Repair Flood Damage Acct. No. 001-5011-999-0004 and \$3,000 from Bridge Repair-Design Fee Acct. No. 001-5011-999-0006, a total of \$8,000 to Sidewalk Installations and Repairs Acct. No. 001-5011-999-0024 to Provide Funds for Repair/Replacement of Sidewalks - Engineering Department. Seconded by Mr. Holmes.

Mr. Killen stated the last couple of budgets don't show any amounts for this.

Mr. Costello replied no they don't. They probably should because the Town does have a responsibility to repair sidewalks damaged by tree roots and that's the case in all these locations.

Mayor Dickinson stated significant work was done, but we had a grant from the State. That's how we were doing the repairs the last few years.

VOTE: Unanimous ayes; motion duly carried.

Mr. Doherty asked is there a completion date for the Oak Street bridge?

Mr. Costello replied we expect to pave next week and within a couple of weeks it will be opened to traffic.

ITEM 5 Consider and Approve Appropriation of \$36,000 from Unappropriated Fund Balance to Self-Insurance Workers' Comp Acct. No. 001-8040-800-8350 to Provide Additional Funds for Workers' Compensation Assessments - Risk Manager. Motion made by Mrs. Papale, seconded by Mr. Holmes.

No one was present at the time to answer questions on the transfer.

Motion was made by Mr. Holmes to Table Item 5. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 6 Consider and Approve Transfer of \$5,000 from Labor for Maintenance of Lines Acct. No. 673-001 to Workman's Compensation Acct. No. 925-001 to Provide Additional Funds for Wages, Medical Payments and State Administration Assessments - Sewer Division. Motion made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Killen stated on Item 5 there are dollars due from your department but they don't approach the \$5,000 and you still have money in your account. Why the necessity for the \$5,000 transfer?

Roger Dann replied at the present time we have expenses in that account of over \$12,000 total for the year. I'm working from the most recent set of numbers of May 17, 1989.

VOTE: Unanimous ayes; motion duly carried.

ITEM 8 Consider and Approve Transfer of \$1,800 from Gas & Oil Acct. No. 001-5030-300-3000 to Maintenance of Vehicles Acct. No. 001-5050-500-5000 to Provide Additional Funds for Maintenance of Vehicles - Public Works. Motion made by Mrs. Papale, seconded by Mr. Adams.

VOTE: Doherty was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to move up Item 18. Seconded by Mr. Holmes.

VOTE: Doherty was absent; all other ayes; motion duly carried.

ITEM 18 Consider and Approve Waiver of Bid for Design Work of Air Conditioning and Heating System at Senior Citizens Center - Public Works. Motion made by Mrs. Papale, seconded by Mr. Adams.

Mrs. Papale read the attached letter, dated May 16, 1989 from Steven L. Deak to Mayor Dickinson.

Mr. Zandri asked are you going to go out and get pricing on this work?

Steven Deak replied after the bid specs are done we will go out for bid on the job. We are looking for an individual to do the design.

Mr. Killen asked you're not limiting this to one company, you're seeking proposals from several different people?

Mr. Deak replied that's correct; we're going to interview them.

Mr. Solinsky asked at this point what is the need for waiving the bid if you're seeking RFP's. When you get them I would think you'd come to us to waive the bid then.

Mr. Deak replied this is the instruction I received from Mr. Dunleavy.

Mr. Killen stated people are already quoting a price with the RFP's and you can't very well go out to bid then. If we don't waive the bid, then what happens to the people who already quoted a price.

Mr. Solinsky replied he could get several proposals, review them, and ask us to waive the bid for a particular one.

Don Dunleavy stated there's always confusion about RFP's. Any department head should come to you to let you know they want to go out for an RFP. This is so the specifications for the job can be done. Once the RFP comes in they will notify you of the person they have selected for that job and then we will go out to public bid for the job actually to be done. No department head should be allowed to go out and just solicit prices on their own.

Mr. Parisi stated are the qualifications the deciding factor and price is secondary.

Mr. Dunleavy replied yes an RFP is done that way. First you open the envelope which gives their qualifications and you select the firm which you feel is best qualified to do the job. A second envelope contains the pricing and that is opened in a secondary manner. And you hope that the lowest bidder is also the most qualified. If it is not, you hope that you can justify to the Council why you want to go with that particular firm even though it may cost more dollars to do so.

Mr. Parisi asked is the Council bound to accept that?

Mr. Dunleavy replied no.

Mr. Parisi stated it appears in the last three months we're starting a trend toward more RFP's.

Mr. Dunleavy replied I would hope as time goes by you'll see more of them in order to get expertise at the level you'd like to have.

Mr. Parisi stated I would rather see things go out to bid.

Mr. Dunleavy replied in the actual work being done I agree, however, when it comes to using professionals in given areas I think it's wise to have an RFP. After the Charter Revision Committee has completed their work, Mr. Zandri and ourselves are going to have to sit down and address the ordinance and at that time have a clear definition of how RFP's will be handled in the Town of Wallingford.

Mr. Zandri stated I would assume we won't be sending out RFP's or bidding to just anybody. I would assume that the choice made up front would be from qualified people on a bidding list that have already been checked out for their expertise in doing that type of work.

Mr. Dunleavy replied we do not pre-qualify 4,000 bidders. There is nothing in our Charter that allows us to prevent anyone from bidding.

Mr. Bradley stated on the definition of an RFP on the utopian situation. It says should that not be the case a determination must be made as to whether the qualifications justify spending more to permit awarding based on qualifications. Who would make that determination? Would it come back here?

Mr. Dunleavy replied obviously it would because before we go any further he has to come back here and you will know what the final determination and selection process is for the RFP. Then it's his choice as to whether or not he's going to waive the bid. What his intent is presently is just to have these people draw up the specifications and then go out to public bid for the actual work to be accomplished.

Mr. Parisi asked would this RFP be by invitation or a notice in the paper?

Mr. Dunleavy replied who ever appears on our list for that type of work would be sent a legal notice inviting them to come in.

Mr. Parisi stated then you preclude new companies who may be very good.

Mr. Dunleavy replied not necessarily. If you're more comfortable with it being legally advertised, we would be glad to put it in the paper.

Mr. Solinsky stated if we waive the bid tonight, we don't waive it some other time. We don't review the price if we waive it tonight?

Mr. Dunleavy replied no it has never been that case. RFP's have been handled so many different ways. As a courtesy situation, Mr. Deak will get the RFP's, make his determination as to which one of these firms he would like to have draw up the specifications, and come back to you and let you know which one he has selected. If you disagree, then it can be discussed. We would hope that you would agree with him at that particular time.

Mr. Parisi stated I feel we should work all this out first to standardize the RFP's. For right now we should follow the procedure that has been established which is primarily one of bidding.

Mr. Solinsky stated I think Mr. Deak should get the RFP's, bring the figures to us and then waive the bid for the one we choose.

VOTE: Bradley, Doherty, Papale, Parisi, Solinsky and Zandri voted no; Adams, Holmes and Killen voted yes; motion did not pass.

Motion was made by Mrs. Papale to Seek RFP's for Design Work of Air Conditioning and Heating System at Senior Citizens Center and When Received to Come Back to the Council. Seconded by Mr. Bradley.

VOTE: Parisi voted no; all other ayes; motion duly carried.

ITEM 12 Consider and Approve Transfer of \$4,000 from Management Salaries Acct. No. 001-1400-100-1200, \$1,000 from Telephone Acct. No. 001-1450-200-2000, \$136 from Copier Rental Acct. No. 001-1450-600-6120, \$500 from Office Supplies Acct. No. 001-1460-400-4000 and \$500 from Maintenance of Equipment Acct. No. 001-1460-500-5200, a total of \$6,136 to Postage Acct. No. 001-1460-400-4080 to Provide Funds for Increased Postage - Purchasing. Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mr. Bradley stated I noticed the money is coming from three other departments. Is there a reason why?

Don Dunleavy replied two of the departments are under my control. The third is under Tom Myers. We cleared out the Central Services and Purchasing accounts of everything we possibly could before we asked for money from any other departments.

Mr. Killen stated in the last three month's of the year you can take it from any department, but also under the Charter Don's department comes under the Department of Finance and that's why we transfer between them.

Mr. Zandri asked why is there extra dollars in the salary account?

Tom Myers replied I had open positions.

VOTE: Bradley and Zandri voted no; all other ayes; motion duly carried.

ITEM 14 Consider and Approve Appropriation of \$675 to State Grants-Education Miscellaneous Acct. No. 001-1030-050-5190 and Board of Education Co-Op Teacher/Best Program Acct. No. 001-8500-800-7026 for the Professional Development Fund - Board of Education. Motion made by Mrs. Papale, seconded by Mr. Adams.

Mr. Bradley stated in the letter from the State of Connecticut it says the funds have to be expended by June 30, 1989. What will the funds be used for?

Clelia Tenerowicz replied I intend to use this for the recommendations that are in the letter. First I would have a meeting with all the Cooperating Teachers and their students to go over the past year, what the strengths and weaknesses were, and I would like to have some refreshments at this time which I estimate to cost \$75-\$100. I would also like to set up a professional library and purchase some VCR tapes which would run from \$300-\$500. There are a couple of conferences that Cooperating Teachers are requested to attend and I would like to pay for that out of this fund and also reimburse our Substitute Account for the substitutes that would be necessary to allow the teachers to go to the conference. These are not firm but that's what I'm thinking of at this point.

VOTE: Doherty abstained; Holmes was absent; all other ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER

Carolyn Massoni, 41 Hillsvie Road, stated a couple of weeks ago I asked if anyone could give me the total figure appropriated for waste removal in the new budget for all town departments. Does anyone have that figure?

Mr. Killen replied I don't know of anyone that did.

Mrs. Massoni asked how much do we receive from CRRA for the landfill use per year?

Mr. Killen replied \$40,000 per year.

Mrs. Massoni stated Meriden just had their spring cleanup. Does anyone know where that was deposited?

Mayor Dickinson replied if there was garbage it's possible it went to the incinerator, but otherwise bulky waste would have gone to either their landfill or some other place.

Mrs. Massoni stated I was told it went to the Meriden dump at no cost to the taxpayers. Our spring cleanup is still in progress. Does anybody have any idea what the Town is required to pay to deposit this in our landfill?

Mayor Dickinson replied it's \$41 per ton. We won't have a final figure until CRRA bills us. Meriden is also paying at their landfill. They have to budget money for cover, employees, etc. So they are also paying in their tax rate for disposal just as we did previously.

Mrs. Massoni stated back in January I came before you and read an order from the State of Connecticut. Part of it said, "Recorded tapes shall not be removed from Town Hall at any time. They shall be transcribed on the premises by the Recording Secretary." By statute who is responsible for the transcription of Town Council minutes?

Adam Mantzaris replied the Town Clerk. That would be the motion and the vote.

Mrs. Massoni stated after I read that order it stated in the newspaper that the order was being taken care of by a copy of the tapes being made and the secretary was taking that home to transcribe. I understand that was done for

just one meeting and it didn't work out well. During the months of February, March and April tapes were removed from Town Hall. I questioned it several times and the Town Clerk had no comment. I went to the Board of Ethics and they decided there was no probable cause as far as they were concerned. They said it should be reported to the Freedom of Information Commission. I don't agree with that, but I did take their advice and have filed again with FOI. I don't think it's right that one or two people can continue to violate the statutes when they were ordered by the State of Connecticut not to do so.

At the last meeting the Council saw fit to appropriate \$1,100 to buy a new recorder so a duplicate tape could be made to convenience the secretary. We do have a Code of Ethics and in that it says that no Town official or employee should be given special consideration. If we're not going to abide by the Statutes, the Charter and the Code of Ethics, then we should just throw these things out and be done with it.

Mr. Holmes replied the reason we talked about buying a new tape machine was that frequently the secretary was not getting a sound pickup. It wasn't for convenience.

Mrs. Massoni stated this convenience isn't given to anyone else. There's no reason why a secretary cannot come in nights and do this on the premises.

Mr. Bradley stated there was also a duplication piece also in the transfer. Is there any way we can expedite that?

Kathryn Wall replied we already have the duplicator and one set of tapes will be kept here.

Edward Musso, 56 Dibble Edge Road, stated he commended the Mayor for rejecting the budget.

ITEM 16 Public Hearing on an Ordinance Amending an Ordinance Appropriating \$125,000 for the Design Phase of the Public School Roof Reconstruction Project and Authorizing the Issue of \$125,000 Bonds of the Town to meet said Appropriation and Pending the Issue thereof the Making of Temporary Borrowings for Such Purpose by Substituting the Figure \$340,000 for the Figure \$125,000. Motion made by Mrs. Papale, seconded by Mr. Adams.

Mrs. Papale read the attached Ordinance into the record.

Edward Musso, 56 Dibble Edge Road, stated he was not in favor of the ordinance. The Board of Education is responsible for the roofs going to rot and the money should come out of their budget.

Mayor Dickinson replied I think roofs are a justified large capital expense. Roofs have a certain life time and at some point they have to be replaced. Even though its unfortunate it's all at one time, I'm not sure it's an inappropriate way to finance the replacement.

Mr. Killen asked in doing all the schools are we going to continually amend this particular ordinance.

Tom Myers replied yes we are. The Committee is going to handle each roof as a separate bid. Further, each roof has a separate grant number with the State of Connecticut for reimbursement. The reason we're amending the ordinance as each bid is received is because we're dealing with hard dollars not an estimate. We review the bids and make a recommendation on the bids. If other than a low bid is awarded, it would come before the Council. After that determination is made, we are then amending the ordinance so that the ordinance carries the exact dollars that the construction is going to cost.

Mr. Killen stated why doesn't the ordinance state what school this is for?

Mr. Myers replied the bond attorney advised that we do not delineate it in the ordinance but delineate it in the accounting. If the Council wishes to have it listed in the ordinance, we can spell out each roof in the ordinance.

Mr. Bradley asked how did we arrive at the \$14,318 for add-ons? You had one bid for \$200,712 and another for \$202,314. Items 1-5 show as \$14,318. What is the breakdown on both of those companies as far as those items?

Bill Fischer replied the breakdown still came out that G. R. Cummings was the low bid.

Tom Myers replied the \$14,318 is to cover Items 1-5 as needed. There is no way to break them down. Until they begin working on the roof they won't know what insulation has to be replaced, etc. The engineer was looking for \$12,000 on Items 1-5. I made the figure \$14,318 to come up with \$215,000, an even amount for the ordinance.

Mr. Bradley asked is it possible that F.J. Dahill came in at \$11,000 or \$12,000 thereby making them the lower bidder?

Bill Fischer replied no because the figures were all guesses on Items 1-5 as to the amount of material that has to be removed or replaced. All the bids were extremely close. In fact the bids came in so low we're going to put all the schools immediately out to bid.

Tom Myers replied the bid was awarded based on the base bid of \$199,638. On the other cost items there is no way to price them out.

Mr. Bradley asked were the companies made aware that Items 1-5 would be variable and would not be included in the selection of the overall bid.

Mr. Fischer replied that was all part of the bid specs.

Mr. Bradley stated in the minutes there's a sentence that states the contract has to make those bidding aware of the asbestos in the roof. Does the bid spec call for asbestos removal or containment or is that above and beyond?

Mr. Fischer replied no that's all part of the contract.

Mr. Zandri asked was the bid awarded strictly because of low bidder?

Mr. Fischer replied yes because the companies that bid were all very good reputable companies. Both companies have done work for the Town before and we've had no problems.

Mr. Zandri stated I'm under the impression they did work at Sheehan High School and there's problems there.

Mr. Fischer replied not that I'm aware of, but I will check into it.

VOTE: Doherty abstained; all other ayes; motion duly carried.

ITEM 17 Set Public Hearing Date to Consider an Ordinance Appropriating \$800,000 for Various Municipal Capital Improvements for 1989-1990 and Authorizing the Issue of \$800,000 Bonds.

Motion made by Mrs. Papale to set a public hearing date of June 13, 1989 at 7:45 p.m., seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

ITEM 19 Consider and Approve Recommendation to Terminate Contract with Aetna Life Insurance Company and Initiate Investment Agreement with Trinity Investment Management Corporation - Pension Commission. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Bradley stated in the minutes of March 8 there was one vote that was taken by telephone. Although the vote did not sway the final outcome, it is an invalid vote per FOI. Would you please show in an amended set of minutes that the vote did not count towards the final vote to switch the pension funds. Will the portfolio remain the same when we switch to Trinity?

Fred Valenti replied the breakdown between the equities and the bonds will have the same percentage, but I'm sure Trinity will put the money into different stocks and bonds.

Mr. Bradley asked are the fee schedules comparable?

Mr. Valenti replied yes. The main reason for changing was they were always late with their reports and Tom's office needed the reports for the auditors. They were put on notice over a year ago and they never did quite comply with it.

Mr. Doherty asked are we moving to a much smaller company in the field?

Mr. Valenti replied yes in total dollars that they handle. If you compare their performance over the last five years to Aetna, Trinity is well ahead of them in terms of return on investment. Trinity comes very highly recommended.

Mr. Killen stated Trinity made a presentation to the Pension Committee. I'm sure they would be happy to make another presentation if you people are interested. I sat in on the first one and I was impressed.

Vote: Unanimous ayes; motion duly carried.

Motion was made by Mr. Bradley to Waive Rule V to Vote to Override the Mayor's Veto on the Proposed 1989-1990 Budget per Chapter III, Section 7 of the Town Charter. Seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Papale read the attached letter, dated May 19, 1989, from Kathryn Wall to Albert Killen and also the attached letter, dated May 18, 1989, from Mayor Dickinson to Albert Killen.

Motion was made by Mr. Bradley to Vote to Override the Mayor's Veto on the Proposed 1989-1990 Budget per Chapter III, Section 7 of the Town Charter. Seconded by Mr. Adams.

Mr. Doherty stated as I look at this letter dated May 18, 1989, the sentence "not a time to expand capabilities" catches my eye. If I go back a couple of months to another letter dated February 9, 1989, I discover it was time to expand things. The Council was presented with appropriations for the spending of \$1.9 million in the month of February. In the letter of May 18 I discover there's a reduced revenue stream in May, but in February the revenue stream was overflowing it's banks. Two months ago we were putting in all kinds of new things. The economy is cited as a reason. It's debatable how the economy is going. It looked bad back in February and I think it looks better now in May. As far as the revenues go from the State of Connecticut, certainly they don't know what they're doing up in Hartford, but in our contacts with the state representatives we talked revenue sharing money and when the Council was acting on this particular budget we removed \$108,000 of State Revenue Sharing money. The Mayor's budget still has \$215,000. We acted responsibly when we got the information and removed half of it this year and we'll remove the other half next year. We're in a fiscal position where we can do that.

If you look at the report of the Electric Division, you discover that their cash ending 1989 reads a whopping \$11,344,122. It's an awful shame that we would want to take and return to the taxpayers \$145,000 extra this year. We also encountered during the workshops problems with computation of insurance benefits to the tune of \$80,000 to \$100,000. We adjusted our budget to include that. The Mayor's budget does not include that. The Board of Education switched their Major Medical to Boston Mutual and saved \$200,000. We stayed with Blue Cross on the Major Medical and have an increase of close to \$100,000. If you look at these figures in what we did during the budget workshops and what the Mayor's budget has at 2.8 mills, it doesn't reflect \$100,000 we cut out for revenue sharing--that's .1 mill. It doesn't reflect another .1 for the insurance cost rise. Now we're up to 3.0 mills. Our budget is 3.2--not too much of a real difference to justify a veto in my eyes. I find it strange that things change so much between February and May. We have a six year capital plan which the Mayor has to propose and it is approved by Planning & Zoning. We also have a Capital and Non-Recurring fund. The reason behind both of these things is so we don't run things pellmell. I didn't feel we were running pellmell back in February. We looked at the financial situation, the revenue stream was very strong then, we had \$1.9 million and it was good to spend that particular money. The Mayor said in his February letter, "Thank you for your review of this

matter. None of the above items are unnecessary or frivolous. If we fail to invest in these things now, the community will only have to invest large sums at some future date." It certainly made sense to me to do that back then and there.

When we went through this particular budget in April my goal was to go under 2.8 mills. We went through it night after night till 1 or 2 a.m. trying to cut the budget. Then there was the Board of Education meeting which I don't sit in on. That night, five people, which is a majority on this Council, went through that budget line by line and came up with a cut that was livable for the Board of Education. I went along the following night with the five that constituted a majority of this Council. They had worked hard and I respected what they did on that Monday night enough to go along with it. I really didn't care to go along with it because my goal of being under 2.8 mills went out the window. I think they did the right thing. And at the Public Hearing in April 95% of the people said they wanted something restored to the education budget. I think we acted responsibly and I'm very dissatisfied with the veto.

Steve Holmes stated when you look at the budget presented by the Mayor and the one that was passed by the Council, I'm sure you can say it only went up a few tenths of a mill. But when you combine that with what's happening on the State level, we're fast outpacing the ability of the taxpayers to pay when you consider the raises that have been granted to the industrial workers of this state. Workers are getting 3-5% increase in wages. How can we expect them to support 12-14% municipal budgets. It's just not going to happen. In reference to the Electric Division, that is set up as an enterprise fund which means that all monies taken in by the Electric Division go to support that operation. One of the goals of the Electric Division, which was supported by this Council was the upgrading of the Pierce Station facility so we could expand our generating capabilities through the purchase of a gas turbine. So if we start messing around with that money to support the tax rate, we're treading in some very dangerous waters. Everyone was appraised of that situation by the Director of Public Utilities. He made an effort to meet with everyone on this Council on an individual basis to explain this. The majority of this Council felt that this was the most prudent way to go.

As far as education is concerned, I think this Council and Administration in the past has supported education very well. We were the first ones ever to pass a budget at 100% of what was asked for by the School Administration. This Administration signed on to the Teacher Enhancement Act to be able to attract and retain the most talented individuals available. We are faced with major expenditures such as handicap access, roof replacement, asbestos abatement, vo-ag expansion and the possibility exists that this Council will face major dollars to upgrade and expand elementary classroom space. With all that said, I do not feel it is in the best interest of the taxpayer to expand the additional burden that they will have to pay when you look at the state, federal government and municipal budgets all rolled into one. We cannot afford to keep hammering the taxpayer over and over again.

Mr. Adams stated in lieu of the movement on a national level supporting education, it disturbs me that we have to go a little bit backwards in Wallingford now. I feel the five of us did put quite a bit of time into going line by line over the Board of Education budget to justify the cuts. I

originally was against it, but when I saw what the intent was I went along with it till 2 a.m. We did not want to affect programs that would affect our young people. In a way you might say we were representing those people who did not have a vote. Someone has to be concerned with their needs and educational opportunities. When we talk about relief of that burden to the taxpayer, it's only \$20 a year—less than \$2 per month. This is a case in which the minority is controlling the majority.

Mr. Zandri stated regarding the additional dollars we took out of the Electric Division to offset taxes, the interest alone on that \$11 million will more than offset the \$145,000 that we wanted to take out of the Electric Division this year. I definitely feel the Electric Division should contribute more towards the Town. I think the taxpayers deserve more of a return on their investment. As far as the difference in the two tax packages, it does work out to only approximately \$20 per family. The majority of that money was redirected to the educational system and I think it would be money well spent.

Mr. Killen stated I voted against the original budget because there were parts of it I didn't agree with it. Now I'm faced with the task of deciding whether I will uphold a pledge that I made to the Board of Education. That was we would work with them and try to reach a form of understanding of what their budget was all about and we would cut from them no more than we felt could be cut. It may cost the taxpayers a few more dollars this year, but I feel we've got a foothold in the door. I've always felt the legislature should let them set their own tax rate and divorce them from us and we will not have these problems. My second thought was if we can sit down with them and go over their budget line by line maybe we can understand them, they can understand us and we will have a meeting of the minds. The way to approach anything is to say how come this and how come that. After awhile we got our backs up with the Board of Education because we seemed to be making no progress with them. In the final analysis we all lost. I feel that this year we have finally made some progress. I honestly feel that given the chance the Board of Education, even though most of them did not back Dr. Nicolletti and his efforts to work with us, might go along with it. I'm willing to take that chance and for that reason I'm going to vote to override the veto.

Edward Musso, 56 Dibble Edge Road, stated the average taxpayer has to work 6 months a year before they're able to use their money to buy food. The Mayor gave the Board of Education an 11% increase. He should cut them another 6-7% and keep everyone within 5%. If we hadn't spent the \$2 million in February, it would have been up to \$4 million for the increased cost of everything. I think the Mayor did the right thing. You should have told the Board of Education there is so much money in the till, this is your share, and you make due with what it is. You should give the taxpayers a break. Let's do what we can afford.

Ray Rys, 96 Pierson Drive, stated I support the veto the Mayor made on this budget. I understand how you Councilors work on these budgets and till what time you work. But you have to consider not only the people of this town but also industry. If you continue raising taxes in this Town, we're going to drive the industries out of this town and we can't afford that. Twenty dollars to us may be \$200,000 to some of the larger businesses. I work in Town and enjoy

working here. We have to take into consideration that when we raise taxes, we're not only raising them on the residents of this Town but also on all the businesses and industries.

Mrs. Papale stated I just want to express my frustration with the problem we have here with the budget. Sitting down with the Board of Education was just one part of the time the Town Council spent going line by line with the different departments. We spent ten nights, some of which went till 2:30 in the morning. This is a real educational process for me going line by line. This is how we learn a bit more of what's going on in each office. As far as the Board of Education, when we went in there and sat down with them I said to all my councilmen, on both sides of the table, I don't know why we're doing this. We all realized that whatever we decided it was just a recommendation. The Board of Education will decide among themselves how the money will be spent. I went in there with a chip on my shoulder. After being there till 2:00 a.m. I said to myself well maybe this backfired on me. I went in there thinking I'd be able to take out more money than the Mayor took out and it ended up we took out less. In fourteen years of sitting down with the Board of Education, I never walked out of a budget meeting feeling as good about the Board of Education and the Council getting together and maybe trying to work for the same reason.

I am very frustrated by this whole procedure. I realize what the Charter says and I realize the Mayor has a right to veto the budget. For the time and effort the Council put into the budget, and then to have the Mayor veto it, I said afterwards what was I doing there all this time. What did I do up there for ten nights--it doesn't mean a darn thing. Well, it does mean something. I really worked very hard doing this budget and I want to thank everyone else who worked so hard. I'm not happy with what the Mayor did and I also will vote to override the veto. Good things have come out of this budget. We did our job and the Mayor certainly has his job to do. Let's hope we're all here for the same reason.

Mayor Dickinson stated in my opinion much of the problem at the State level can be described in the difference between operational and capital budgets. The \$1.9 million we spent was for capital projects. What we're talking about mainly in the 89-90 budget is an operational budget. If you allow operational budgets to get out of hand, then you have the problems the State is having today. Whatever dollar goes up this year, it ends up being a multiple the next time the budget comes in because it's all built on a base that just keeps increasing. Secondly, I realize everyone spent a great deal of time on the budget, but so did I. Can anyone here answer this question: why were the salary accounts in the Board of Education request budgeted at a little over 12% when the wage increases per binding arbitration are at 9.2%?

Mr. Bradley replied we sat for an hour and half to derive where you came from in your 12% versus what the Board had said as far as the 10% change. We did question them on that and they were very straight forward. I think Iris asked them on three different occasions and they did say the 10%. It's a question that still stands in my mind and it's a question that I would like an answer to. Mainly because the difference comes to some \$400,000. I realize there's not much we can do about that now, but looking at the \$400,000 there and what the additional cost is on the insurance which wasn't anticipated, I think it brings your budget and our budget fairly close to one another. But again I don't have an answer.

Mayor Dickinson stated I raise that question because I recognize everyone is saying how much time was spent on that budget. I do not have an answer to that question. I believe money was taken out of it subsequently in order to deal with what was recommended in the proposed budget. But it gives an example of what happens in the budgetary process. The 10% figure is over the 9.2% which is the wage increase that is generally recognized as the award through binding arbitration. So even the 10% granted in the proposed budget is .8% over what is necessary for salaries. I think we're all concerned about the same thing, unfortunately we've come up with different solutions.

Mr. Parisi stated I'm pleased to support the Mayor's budget. I was very impressed with the way he approached it. As far as I'm concerned, it was very accurate based on percentages and his question about the salary account is still unanswered. Plus there's the additional \$82,000 that will be collected in enhancement money that was supposedly overpaid by mistake. There's about \$400,000 in my mind that still remains as extra money. I will vote not to override the Mayor's budget.

Mr. Killen stated we need 7 ayes to override the veto.

VOTE: Holmes, Parisi and Solinsky voted no; Adams, Bradley, Doherty, Papale, Zandri and Killen voted yes; motion did not pass.

ITEM 20 Consider and Approve Sale of Property Rights Required for Replacement of Bridge No. 01380/Route 150 over the Quinnipiac River. Motion made by Mrs. Papale, seconded by Mr. Adams.

Mayor Dickinson stated one parcel is .083 acre and the other is .024 acre on either side of the Hall Avenue bridge. They want to widen the area and I believe they need to own some area on either side of that bridge, even down to the lake bottom.

Mr. Bradley stated why don't we give them the land in return for repair of the dam on Community Lake?

Mayor Dickinson stated I think their proposal right now is just to repair the bridge. In the future the dam would not be able to be connected to the bridge so it would be a separate project. Their purchase price of \$400 is based upon an appraisal. This extends within a few feet of either side of the roadway and extends down to the river bed. It's not prime property.

Mr. Bradley asked what would be our cost to perform the sale with them?

Adam Mantzaris replied there would be no charges to us.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive Rule V to Consider Transfer and Waiver of Bid for the Fire Department and to Consider Job Description for Environmental Planner. Seconded by Mr. Solinsky.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve Transfer of \$1,000 from Gas, Oil, Diesel Acct. No. 2032-300-3000 and \$2,930 from Utilities Acct. No. 2032-200-2010, a total of \$3,930 to Maintenance of Equipment Acct. No. 2032-500-5200 to Provide Funds to Rebuild Air Compressor - Fire Department. Seconded by Mr. Parisi.

Wayne Lefebvre stated the air compressor in question is used to fill the air packs that we use for hazardous environments. The compressor is about 24 years old and we've been patching it up to keep it going. It will take about 40 working hours to accomplish this and it does place us at risk. We will probably put other towns on notice to bring us air in case of a large fire during this period of time. We're trying to accomplish this as quickly as possible which is why we want to waive the bid.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Adams to Waive the Bid on Rebuilding the Air Compressor - Fire Department. Seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Bradley, still under Rule V, to Consider and Approve Job Description for Environmental Planner. Seconded by Mr. Solinsky.

Mr. Killen asked is there a reason this had to be taken up this evening?

Stan Seadale replied as I understand it the Commission wants to move quickly in trying to get this position filled. There are a lot of steps involved and the job description is the first one.

Mr. Holmes asked how was this job description developed?

James Heilman replied it's based upon the needs the Inland/Wetlands Commission has recognized in order to function efficiently and responsibly. It was expanded beyond our needs to also include the Conservation Commission. Whoever becomes the Environmental Planner would also have responsibilities to the Conservation Commission. A further expansion of it was to assist Planning & Zoning in sedimentation and erosion controls. It was felt by the Inland/Wetlands Commission that no matter where erosion takes place, ultimately it will affect a wetlands or water course. In view of the fact that we ourselves have very specific requirements in specific wetland applications for sedimentation and erosion control, we felt it would be advantageous to expand this position to also assist with P&Z's sedimentation and erosion control program.

Mr. Holmes asked why is this a union position?

Mr. Seadale replied it's going to have to be in a supervisory union, there's no way you can keep it out.

Mr. Parisi asked do you feel that four years of experience is the equivalent of a bachelor's degree in environmental science or planning?

Mr. Seadale replied if it's the right experience it could be.

Mr. Heilman replied a bachelor's degree in environmental science can have an extremely broad base to it and in many instances may never once really involve a wetland. I personally would be far more concerned in finding someone who has had experience specifically with wetlands than a person with a bachelor's degree in overall environmental science.

Mr. Bradley asked would the position have enforcement capabilities? It mentions it under Required Qualifications but not in the General Statement of Duties. Should that be included?

Mr. Heilman replied yes perhaps there or even in the title Environmental Planner and Enforcement Officer.

Mr. Killen stated it seems he reports to three people. What happens if there is a conflict?

Mr. Heilman replied that is a concern of ours. One way to resolve this is to give him written requirements to make sure these requests of the Commission get carried out and he can report on a daily basis exactly where we have sent him. But I can see this potentially becoming a problem. I feel the Wetlands Commission should have the primary hold on the Environmental Planner. Maybe we could subdivide his time.

Mr. Killen stated there's no limits on the Town Planner's day-to-day direction. So if she gives directions to do this, this and this, he could be doing that all day long and neither of you will ever have any calls on the gentlemen.

Mr. Heilman stated my other concern is the number of meetings he would have to attend. I don't know how that is going to work out. I don't want a person in this position to become overstressed with meetings.

Mr. Solinsky stated I'm concerned about the same thing. It seems from the Statement of Duties it's almost like he's a department head for the Inland/Wetlands Commission and under Supervision Received it's confusing. I'd like to see just "Reports to the Inland/Wetlands Commission for Policy Guidelines" and that's it under Supervision Received.

Mr. Heilman replied we can live with that in terms of our Commission. I think the concern was there was a need for an overall environmental plan for the Town and technically that falls under the guidelines of a Conservation Commission. We will not need the Environmental Planner on a full time basis and that is one of the reasons for the expansion of duties.

Mr. Killen stated this is a first time position and my own thoughts are if he were limited to start off with and if the spirit of cooperation which is intended to be there is there, you could lend him out when you didn't need him. Later on we might be able to come up with some better language. Right now it's a little ambiguous.

Mayor Dickinson stated I think the reason Planning & Zoning is in there is because no one is there from Inland/Wetlands on a day by day basis. So there would be no supervision. I don't think that's a healthy situation for someone

who doesn't have a full time job with that one commission. That is why the Town Planner was supposed to be the supervisor. For day to day administrative purposes there's got to be someone on hand.

Mr. Heilman stated the position was conceived with the idea of expanding his duties for sedimentation and erosion control for protection of wetlands. It was also recognized there was a significant need for sedimentation and erosion control in areas around Town that do not require a wetlands application. We felt it would be a good way to expand to have him also look into them as well.

Mr. Bradley asked how much work is available for him?

Mr. Heilman replied at the present time about 25 hours per week and at the same time we have found that he just doesn't have time to really get all the information we're asking him to get. I honestly think it would take a minimum of 28-30 hours per week to get all the information our Commission is looking for to make a decision. That is why we evolved the whole concept of erosion control expansion.

Mr. Parisi stated what bothers me is the day to day direction from the Town Planner. What does direction mean?

Mayor Dickinson replied the primary function is for Inland/Wetlands, but for what time is available the Town Planner would be able to direct where he would be checking on soil and erosion control projects and making sure that things were done properly.

Mr. Heilman stated that may not be entirely proper either. Instead of under direction maybe it should be report to the Town Planner on a daily basis and therefore the Planner would have a record. In some cases the Planner would say I want you to go out to the job site and the Commission would say well we want you to go out to this other job site.

Mayor Dickinson replied if the Commission directs that he should go a given place, he has to go there.

Mr. Heilman replied the problem is he previews the stuff before we get it and often before we have a chance to tell him to go and do it, he takes it upon himself. He will spend hours and hours on a given proposal so that he can now come to us and say here's where we have to go on our field investigations so that you will know what's important to see. He initiates it on his own and then we give him direction and I think he has to have that flexibility within whatever department he is in.

Stan Seadale stated what we're trying to do is put him in a location where there is a department, where there is a secretary and he does in fact do what Mr. Heilman just said, but he can say to someone I'm going out here and I'll be gone for about 3 hours. That's what our intent was.

Motion was made by Mr. Adams to Table the Job Description for Environmental Planner. Seconded by Mr. Bradley.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Mr. Killen stated if any of you have any suggestions on the job description, put them in writing and send them to Stan Seadale.

ITEM 21 Presentation by the Education Subcommittee of Local Emergency Planning Committee (LEPC)

Larry Drapela stated we are going to make a presentation on the work we've done since this committee was formed last year. Our initial charge was to prepare some type of public education related materials or brochures. Before we could accomplish that we needed to assure that the Town of Wallingford was in full compliance with some of the Community Right to Know provisions of the SARA Title III Regulations. That's why we got into this document entitled Community Right-to-Know Procedures. Our intention is to produce a document that would be kept in a similar location as the hazardous materials emergency plan for the Town of Wallingford. Between the two they would represent the Town's written documentation of how it has complied with the SARA Title III regulations. The purpose of this document would be to assure that all aspects of the SARA regulations are spelled out. There are two main areas spelled out here. The first is the area of business compliance in terms of reporting, the Material Safety Data Sheet (MSDS), and the inventories of the hazardous materials. The other is in the area of public access to that information. We've outlined procedures that are in full compliance with SARA regulations and we've also included a description of the public education portions of our responsibility. This draft has been approved in this format at the LEPC meeting in April.

Carl Noonan stated on page 6 there is a letter that would go out to all businesses in the Town to alert them that under Section 3.11 of SARA if they have an MSDS for a chemical in which they have over 10,000 lbs. at their facility, or if that material is listed as an extremely hazardous substance and they have either the threshold planning quantity or 500 lbs., they are required by law to submit an MSDS or a list of chemicals to the State, the SARA Committee, LEPC and the Wallingford Fire Department. This letter would go out alerting them to that responsibility, but also requesting that instead of sending the MSDS to the Wallingford Fire Department that they would send a list of those chemicals. That served a couple of purposes. At the time the limit was 10,000 lbs. or if it was an extremely hazardous substance. The Federal government was considering lowering the 10,000 lbs. down to 0 in which case we saw the Town being swamped with MSDS's from all businesses in the Town.

The MSDS is generated out of OSHA's Hazardous Communication Regulation which requires that anybody that manufactures something that would be considered hazardous under a bunch of general categories has to prepare an MSDS to accompany that material to whomever they sell it to. What happens is you receive an MSDS for white-out, Teflon tape, pens, etc. The whole intent of the regulation was to address specific hazardous chemicals. Manufacturers got worried because they make the judgment of what is hazardous or not so they wrote sheets for everything. Our concern was the Town would be so swamped with all these sheets it would dilute the effectiveness of the whole program. The law said either the sheets or a list and we decided the list would be a much easier mechanism for the Town to keep a record of. In addition, it relieves the facility of the responsibility of submitting a new sheet within 3 months if something has changed.

This cover letter discusses this responsibility and notes there currently is a 10,000 lb. limit that may be lowered in the future. It also states we provide some guidance documents on how to fill out the list. Attachment A is the list of extremely hazardous substances. The first thing an employer has to do is ask do I have 10,000 lbs. of any chemical. If they say no, then they have to look at this list and ask do I have any of these chemicals on site at the threshold planning quantity or 500 lbs. If the answer is yes, they have to fill out a list and send it to the Town. Attachment B is the form we're requesting they use to list the chemicals. It gives the chemical number, a CAS number which is an identification number, and some health hazards. There's an optional column on there for some rating systems to use as a comparative method between one chemical and another as to their hazard. Attachment C is instructions on how to go about and make some of those judgments—if it's not on the MSDS already, how do you determine if it's a fire hazard or an acute health hazard. Attachment D is a letter which states once this package of materials is received by the business they should immediately report back to the Town as to who they are, that they have reviewed the package, and either they do fall under the SARA requirements or they don't. If they are responsible, they have to fill out Attachment B which is the listing of chemicals. We tried to make this as easy as possible and gave them as much information as possible to make that judgment. Attachment E falls under Section 312. The Federal law says under SARA if you have to report an MSDS then you also have to do a chemical inventory report. The first page describes what it's about and the next page provides information on how to fill out a Tier 2 report. Initially it was a Tier 1 report, but the State decided they just want Tier 2's which provides just a little more information than a Tier 1. On a Tier 2 report you would list the chemical, the CAS number, the storage location and how much you have on site.

Mr. Bradley asked are these standards the same as OSHA requirements for reporting in the workplace?

Mr. Noonan replied OSHA requires you to maintain an MSDS in your company for any chemicals that you receive or manufacture. These have to be maintained at the site for educational/informational purposes for your workers. SARA says if you have an MSDS at your facility and now you have 10,000 lbs. of that chemical or it is on the list of extremely hazardous substances, you have to send the MSDS into SARA, LEPC and the Fire Department.

Mr. Bradley stated although there are certain limits on certain chemicals as per these charts, those that are required by OSHA in the workplace are not necessarily made public.

Mr. Noonan replied yes.

Mr. Bradley asked of those that would not be made public, could they fall into the category of acute or chronic health hazard.

Mr. Noonan replied yes they could. The intent of the OSHA regulation was to inform the worker of the hazards there.

Mr. Bradley asked do you feel the general public has an exposure as well as the worker?

Mr. Noonan replied it would depend on how they were handled at the facility as to whether there was an exposure or whether the public should have any concern about that chemical being in their Town.

Mr. Bradley stated so really the response people and townspeople do have an unknown there.

Mr. Noonan replied there are other recording requirements that the State mandates to be reported to the Fire Marshal. This is confidential information that only the Fire Marshal and emergency planners see. That is totally separate from this regulation. In addition to that, facilities are required to have an emergency coordinator. If there was a problem at a certain facility and the Town had to respond, that emergency coordinator would meet with those officials immediately at the front gate or door and explain the situation and provide the information necessary. Generally in any situation where there is an unknown you protect yourself to the fullest extent that you're capable of.

Mr. Doherty asked is all this information in the hands of the Fire Department?

Mr. Noonan replied yes, they are the coordinators for the Town.

Mr. Doherty asked how do you get almost 100% compliance with these particular forms? How do we know we're hitting all the companies and getting a response?

Mr. Noonan replied that would come under Attachment D. The form requires them to read the information provided and go through a thought process. This is a federal regulation and if they don't reply they are subject to fines if it is their responsibility to report.

Don Roe stated basically the committee is going an extra step. I don't think you'll find in any other community the extra effort to solicit additional information. We have outlined what the responsibilities are, what kind of information is available and where people can go for that information.

Cheryl Purvis stated it states in the Community Right-to-Know Procedures to take reasonable steps to educate the public in matters concerning SARA Title III which impact Town government or the public and to help heighten the awareness of the public in matters concerning hazardous materials and general emergency procedures. Our first method of educating the public was to produce a brochure that would not only outline emergency procedures for potential hazardous material problems but also be an overall general emergency pamphlet. We took this approach because we wanted to soften the impact of hazardous material discussions and secondly to get people to read the pamphlet and keep it around. The pamphlet would include a letter explaining what the brochure was, emergency numbers to call, and what to do in a general emergency such as if you're told to stay in your home or evacuate. The cost of producing this brochure is between \$10,000-\$12,000. We will produce 15,000-20,000 copies which would include mailing to all the residents in town with additional copies to be handed out as new residents come in.

Mr. Roe stated in our previous presentation we outlined what the Committee would be doing and we would be looking at some costs associated with some of those projects. This is one of those projects. I think we will be looking for a

public/private funding on that. We're trying to get through the final so that a firm cost estimate can be arrived at and we will be coming back before the Council on this.

Motion was made by Mrs. Papale to Waive Rule V to Consider Transfer for the Police Department. Seconded by Mr. Parisi.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve Transfer of \$310 from Clerks Wages Acct. No. 001-2011-100-1300 to Admin. Lieutenant, Sergeant, Acting Captain Acct. No. 002-2011-100-1301 - Police Department. Seconded by Mr. Bradley.

Mayor Dickinson stated unfortunately the Chief is out and the Deputy is now out for medical reasons. It is of paramount importance that someone be over there in charge. The Lieutenant job description does not include the authority to supervise or oversee operation of the department. The Captain job description does, but currently we don't have anyone who is a captain. I've appointed Lieutenant Birney as Acting Captain and he would fill that function for a temporary period until further notice. Hopefully this will not last too long, but right now there's no way to know. This transfer will fund the differential in pay.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Remove Item 5 from the Table. Seconded by Mr. Bradley.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve Appropriation of \$36,000 from Unappropriated Fund Balance to Self-Insurance Workers' Comp Acct. No. 001-8040-800-8350 to Provide Additional Funds for Workers' Compensation Assessments - Risk Manager. Seconded by Mr. Doherty.

Mrs. Papale stated this was given to us by the Risk Manager who is on vacation. I spoke with Stan Seadale and he said he could not handle this because he's not familiar with it. It states in the letter there will be an interest charge if we don't pay the bill by May 26, 1989. So if we don't make the transfer we're going to have to pay the interest.

Mayor Dickinson stated I think at this point it is inexcusable that someone is not informed on this for this amount of money. I was not informed and certainly someone within that department should be informed enough to be able to present it. Unfortunately there is an interest factor. If you want to approve the transfer, I'll have to try to reach Mark wherever he is and get some answers before May 26. It should have been communicated that this was a critical thing.

Mr. Bradley asked is this above and beyond the balance in this account? There's \$46,000 in this account right now.

Tom Myers replied I asked Mark the same question and he said the \$46,000 is encumbered for a pending property and casualty audit bill that he's working on. We owe an additional premium and Mark was disputing certain aspects of the additional premium. I don't know what the final resolution was. But as far as I know the money has not been encumbered.

Mr. Bradley stated it seems to me there are sufficient funds to cover this right now.

Tom Myers stated I suggest you approve the \$36,000 and if the Mayor gets an answer that Mark doesn't need the money we can rescind the transfer at a later date. But why don't we transfer it now so the bill can get paid. Hopefully he's going to send the bill. If he's not here, who's going to send the bill? Maybe he paid the bill out of the \$46,000 that's available?

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive Rule V to Consider Appointments to the Ad Hoc Committee for the Proposed Reorganization and Relocation of WPL-TV. Seconded by Mr. Solinsky.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Mr. Killen stated we had a request from the Library to name three members. One of the names put forward has to be replaced and we were also short one name.

Motion was made by Mr. Parisi to Nominate Ed Polanski to Serve on the Ad Hoc Committee for the Proposed Reorganization and Relocation of WPL-TV. Seconded by Mrs. Papale.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion was made by Mr. Bradley to Nominate Jay Cretella to Serve on the Ad Hoc Committee for the Proposed Reorganization and Relocation of WPL-TV. Seconded by Mr. Solinsky.

Motion was made by Mrs. Papale to Nominate Diane Wishnafski, to Serve on the Ad Hoc Committee for the Proposed Reorganization and Relocation of WPL-TV. Seconded by Mr. Parisi.

VOTE: Cretella: Adams, Bradley, Doherty, Solinsky, Zandri
Wishnafski: Papale, Parisi, Killen
Holmes Was Absent

Jay Cretella received the nomination.

Motion to adjourn was made by Mr. Doherty, seconded by Mr. Bradley.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Meeting adjourned at 11:00 p.m.

Meeting recorded and transcribed by:
Katrina M. Manley, Council Secretary

Approved:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date