

TOWN COUNCIL MEETING

JUNE 11, 1991

\*\*6:00 P.M.\*\*

AGENDA

1. Roll Call & Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(1) Regarding Discussion Concerning the Performance of a Public Officer or Employee as Requested by the Town Council
3. SET A PUBLIC HEARING on An Ordinance Establishing the Wallingford Housing Partnership - Mayor's Office
4. SET A PUBLIC HEARING to Approve a List of Municipal Projects to be Submitted to the State of Connecticut For the Application of Funds Under the Neighborhood Assistance Program and Authorizing the Mayor to Sign a Resolution Approving Said Projects and to Accept Any Funds Available for Them - Program Planner's Office
5. SET A PUBLIC HEARING on An Ordinance Amending An Ordinance Appropriating \$1,075,000 For the Planning, Acquisition and Construction of the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$1,075,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof, the Making of Temporary Borrowings for Such Purpose  

(The purpose is to increase the appropriation and bond authorization for an addition to Lyman Hall High School Vocational Agricultural Center by \$60,000, from \$1,075,000 to \$4,135,000)
6. PUBLIC QUESTION AND ANSWER PERIOD - 7 :30 P.M.  

PUBLIC HEARING for the Small Cities Housing Rehabilitation Component - 7:45 P.M. - Program Planner's Office
8. PUBLIC HEARING on An Ordinance Appropriating \$850,000 For the Planning Acquisition and Construction of Various Municipal Capital Improvements 1991-92 and Authorizing the Issue of \$850,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings For Such Purpose - 8:00 P.M.
9. Consider and Approve a Transfer of Funds in the Amount of \$300 from Promotional Expenses to Part-Time Secretarial Wages Acct. - Program Planning
10. Report Out from the Department of Environmental Protection on Their Role in Regulating and Monitoring the Resource Recovery Plant
11. Consider and Approve a Tentative Pension Agreement Ratified by Union Local 1183 and Local 1303 - Personnel Department

(OVER)

12. Discussion and Possible Action on the Method of Repairing and Rebuilding Town Roads as Requested by Councilor Duryea
13. Discussion on the Funding of the Second Half of the North Farms Volunteer Fire Department Rescue Truck in the Amount of \$112,500 as Requested by Councilor Papale
14. Report Out from the Revaluation Committee on the Status of the Revaluation - Comptroller's Office
15. Report Out from the Spacial Needs Building Committee on the Re-Opening/Re-Use of Yalesville School
16. Consider and Approve a Transfer of Funds in the Amount of \$900.00 from Training Drill Ground to Training Tech. College - Fire Dept.
17. Consider and Approve a Transfer of Funds in the Amount of \$764.00 from Maint. of Vehicles to Van Radio - Dog Warden
18. Consider and Approve a Correcting Transfer in the Amount of \$4,850 to the Mayor's Secretary's Wages Account - Comptroller's Office
19. Consider and Approve Transfers of Funds (3) Within the Public Works Department
  - a. \$6,800 to HVAC System Repair - Town Hall from the Street Lighting Account
  - b. \$4,000 to Utilities - Town Hall from the Street Lighting and Sand Accounts
  - c. \$11,000 to Town Hall Vault from the Waste Disposal & Composting Account
20. Consider and Approve a Budget Amendment in the Amount of \$20,000 to Increase the Regulatory Expense Account and to Decrease the Estimated Unappropriated Balance Account - Water & Sewer Division
21. Consider and Approve a Transfer of Funds in the Amount of \$6,000.00 from the Property & Casualty Insurance Acct. to the Self-Insurance Deductible Acct. - Risk Manager
22. Consider and Approve a Waiver of Bid to Hire Outside Counsel - Department of Law
23. Consider and Approve a Transfer of Funds For Advertising Costs to be Announced by the Town Clerk
24. Note for the Record Mayoral Transfers to Date
25. Note for the Record Anniversary Increases Approved by the Mayor to Date

26. Approve and Accept the Minutes of the March 26, 1991 Town Council Meeting

27. Correspondence

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Approve a Transfer of Funds in the Amount of \$500 from Dog Food Acct. #2020-400-4400 to Overtime Acct. #2020-100-1400 - Dog Warden 20

Approve a Transfer of Funds in the Amount of \$300 into the Purchasing Overtime Account #1450-1400 from the Purchasing - Part Time Wages Acct. #1450-1350 20

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6:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, June 11, 1991 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 6:06 P.M. by Chairman Albert E. Killen. Answering present to the Roll called by Town Clerk, Kathryn J. Wall were Council Members Bradley, Duryea, Killen, Papale, Solinsky and dri. Councilor Gouveia arrived at 6:35 P.M., Holmes arrived at 0 P.M. and Parisi arrived at 6:10 P.M. Mayor William W. Dickinson, Jr. and Corporation Counselor Adam Mantzaris were also Present. Comptroller Thomas A. Myers arrived at 7:05 P.M.

ITEM #2 Executive Session Pursuant to Section 1-18a(e)(1) Regarding Discussion Concerning the Performance of a Public Officer or Employee as Requested by the Town Council

Motion was made by Mr. Bradley to Proceed into Executive Session, seconded by Mrs. Duryea.

VOTE: Gouveia, Holmes & Parisi were absent; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Exit the Executive Session, seconded by Mr. Parisi.

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

Motion was made by Mr. Bradley for the Mayor as the Chief Executive Officer Be and Hereby is Authorized By This Council To Take Any Action He Deems Appropriate Concerning The Fire Marshal's Activities On May 13, 1991, seconded by Mr. Parisi.

E: Holmes was absent; all others, aye; motion duly carried.

The Pledge of Allegiance was given to the Flag.

Motion was made by Mr. Bradley to Place the Following Items on the Consent Agenda:

ITEM #9 Consider and Approve a Transfer of Funds in the Amount of \$300 from Promotional Expenses Acct. #001-7030-600-6020, to Part-Time Secretarial Wages Acct. #001-7030-100-1350 - Program Planning

ITEM #16 Consider and Approve a Transfer of Funds in the Amount of \$900 from Training Drill Ground Acct. #2032-500-5710 to Training Tech. College Acct. #2032-500-5700 - Fire Dept.

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ITEM #17 Consider and Approve a Transfer of Funds in the Amount of \$764.00 from Maintenance of Vehicles Acct. #001-2020-500-5000 to Van Radio Acct. #001-2020-999-9904 - Dog Warden

ITEM #18 Consider and Approve a Correcting Transfer in the Amount of \$2,300 from Elections - Primary Wages Acct. #6011-100-1350; \$200 from Elections - Polling Place Rental Acct. #6011-500-5800; \$250 from Elections - Food Allowance; \$2,100 from Purchasing - Purchasing Agent Salary for a total of \$4,850 to the Mayor's Secretary's Wages Account #1300-100-1250 - Comptroller's Office

ITEM #19b Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Street Lighting Acct. #001-5080-600-6460 and \$3,000 from Sand Acct. #001-5040-400-4580 for a total of \$4,000 to Utilities - Town Hall Acct. #001-5200-200-2010 - Public Works

ITEM #21 Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Property & Casualty Insurance Acct. #001-8040-800-8250 to Self-Insurance Deductible Acct. #001-8040-800-8270 - Risk Manager

ITEM #24 Note for the Record Mayoral Transfers to Date

ITEM #25 Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #26 Approve and Accept the Minutes of the March 26, 1991 Town Council Meeting

VOTE: All ayes; motion duly carried.

NOTE: Items #22 & 23 were withdrawn from the agenda at the request of the respective departments.

ITEM #3 SET A PUBLIC HEARING on an Ordinance Establishing the Wallingford Housing Partnership - Mayor's Office

Motion was made by Mr. Bradley to Schedule a Public Hearing for June 25, 1991 at 7:45 P.M., seconded by Mr. Holmes.

VOTE: All ayes; motion duly carried.

ITEM #4 SET A PUBLIC HEARING to Approve a List of Municipal Projects to be Submitted to the State of Connecticut for the Application of Funds Under the Neighborhood Assistance Program and Authorizing the Mayor to Sign a Resolution Approving Said Projects and to Accept Any Funds Available for Them - Program Planner's Office

Motion was made by Mr. Bradley to Schedule a Public Hearing for June 25, 1991 at 8:00 P.M., seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

ITEM #5 SET A PUBLIC HEARING on an Ordinance Amending an Ordinance Appropriating \$1,075,000 For the Planning, Acquisition and Construc-

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tion of the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$1,075,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof, the Making of Temporary Borrowings for Such Purpose.

(The purpose is to increase the appropriation and bond authorization for an addition to Lyman Hall High School Vocational Agricultural Center by \$60,000, from \$1,075,000 to \$4,135,000).

Correction was made to the purpose of the ordinance to read that amount is being increased to \$1,135,000.

Motion was made by Mr. Bradley to Schedule a Public Hearing for June 25, 1991 at 8:15 P.M., seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

ITEM #10 Motion was made by Mr. Bradley to Move Agenda Item #10 Up to the Next Order of Business, seconded by Mr. Zandri.

VOTE: All ayes; motion duly carried.

ITEM #10 Report Out from the Department of Environmental Protection on Their Role in Regulating and Monitoring the Resource Recovery Plant

Phil Hamel, Resource Recovery Program Coordinator introduced the representatives from the Department of Environmental Protection (D.E.P.) to the Council. They are listed in the order in which they addressed the Council:

- Mike Harden, Director, Water Engineering and Enforcement Division
- David Nash, Director, Waste Engineering and Enforcement Division
- Joseph B. Ulevicus Principal Air Pollution Control Engineer
- S. Lovvoll, Asst. Director, Bureau of Air Management - Air Toxics /Lab Support
- Dennis J. Demchak, Senior Air Pollution Control Engineer

Mr. Harden explained that one permit has been issued for the resource recovery facility which expires in September of 1993. The discharges authorized by the permit from the plant are categorized as minor. The one significant problem is that the permit requires the facility to monitor on a monthly basis and forward results to the D.E.P. This has not been the case. The D.E.P. has not taken any formal action against those violations at this point. An inspection was performed last fall by the D.E.P. and again, a minor violation was discovered when the test results are forwarded to the D.E.P. that the individual recording the information is supposed to note the name of the person obtaining the test results. In a few cases this did not occur. One other minor issue was that the chlorine additive was changed and the plant was using another additive instead. They were instructed by the D.E.P. to return to using chlorine. The change should have been done under the modification of the permit.



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The other permit issued is for the landfill in 1988, transferred in 1988 to C.R.R.A. and expires in 1993. It pertains primarily to monitoring. Most of the monitoring requirements are being met. One requirement that is not being met is the Zone of Influence. It is exceeding the property. This is a permit violation. No enforcement action is being taken. It is a requirement that for discharges of this nature to the ground waters that the permittee, own or maintain or in some way have control over the leaching plume. The present situation is inconsistent with the D.E.P.'s requirement.

The Zone of Influence is defined to mean the extent of the ground water that is impacted by the leaching. It is the direction of the ash site and not the bulky waste site. The basic problem is with the ash site. D.E.P. will require C.R.R.A. to take the appropriate steps to bring them into compliance with the state's requirement.

The Council wanted to know the reason behind no action being taken for the failure to file monthly reports?

Mr. Harden responded that the category for the facility is minor. They will be informally notified to get back on schedule and file the reports on a monthly basis. At this point the violation does not justify a formal action.

One of the major concerns that the residents of Wallingford had with this facility was whether or not it was going to be monitored once it was in operation. The Town expects monthly reports to be filed if that is what is required.

Brief presentations were made by the remaining speakers on their respective areas pertaining to the plant.

The Council overall was not satisfied with the lax attitude of the D.E.P. with the violations that were occurring at the plant. Their lack of action due to the fact that the facility is categorized as minor was viewed as a lame excuse by the Council.

A list of all the permitted levels of the pollutants in the scale of tons per year including the actual readings from the plant was requested by the Council. The D.E.P. will forward that information soon.

It was asked whether or not any measurement of the dioxin content of the ash was performed?

The tests were done and it was determined that 1 isomer of dioxin 2378 TC/DD was detected at .02 ppb (parts per billion). This test is not performed that frequently because it has to be done with the twenty-four hour composite sample. That was only performed once to the best of the D.E.P.'s knowledge.

Kathleen Avery, 42 N. Elm Street asked if the C.E.M. monitoring process measures the cadmium or lead that is being emitted from the stack?

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Mr. Lovvull responded that it does not.

Mrs. Avery then asked how many times the D.E.P. has tested the stack emissions for lead, cadium or any hazardous material?

Mr. Lovvull responded, once.

Mrs. Avery stated that the plant has been in operation for 3-4 years and it has only been tested once.

Lovvull stated that the D.E.P. recognizes that when a plant is tested they are on their best behavior. The continuous emission monitoring (C.E.M.) then keeps track of the parameters to make sure that the operator does not slip; to make sure that they maintain their performance.

Mrs. Avery felt it hard to believe that the D.E.P. would assume that the stack is testing with the same results, or that the plant is operating at the same level as it did when the first and only test of that nature was performed.

Mr. Lovvull stated that the only assumption made by the D.E.P. is that there has not been a substantial change in the composition of the refuse.

Mrs. Avery asked if there is any compensation considered for equipment that is getting older, dirtier, etc.?

Mr. Lovvull stated that this would be reflected in the C.E.M.

Mrs. Avery read correspondence from different people at the D.E.P. regarding air monitoring. They were very concerned back in 1989 about the C.E.M. equipment itself. When Ogden Martin came in and took over the plant they, themselves, were very displeased with C.E.M. equipment and wanted to replace it. To date, it has not been replaced or improved. She did not want the residents to be misled into believing that the plant is being monitored and tested on a twenty-four hour a day basis. We do not know the levels of the mercury, lead, cadium and who only knows how many thousands of other chemical compounds are being emitted. She felt the information was being masked.

Mr. Vincent Avallone, 1 Ashford Court asked if there is one enforcement agency with the D.E.P.?

Mr. Demchak responded that the enforcement sections would change with each individual bureau.

Mr. Avallone asked if it was the practice of D.E.P. to just give time for someone to correct a problem? What corrective measures or punishment/deterrent is given to someone who has violated other than having them report it and fix the problem four or five months later. How many violations are they allowed, how many times can they continue to violate?

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When the equipment was not working properly, something could have been escaping into the air that was not being monitored.

Mr. Demchak responded that is correct. They are not given an open time frame, time periods are established that are achievable as far as engineering requirements. One violation could trigger corrective or enforcement action, a violation is a violation.

Mr. Avallone asked if the company sits down with the D.E.P. to discuss what corrective measures will be instituted and, at that point, does the D.E.P. o.k. it and then it is corrected? Or does the D.E.P. allow the company to do whatever they want to do to say it is going to be corrected and wait to see if that works?

Mr. Demchak answered that generally, the violation is detected and some enforcement action is taken. The company usually designs and proposes the situation. The state's engineering department is not in the business of being consultants. They do not absolutely approve a plan. They do absolutely require compliance. The change proposed had better well bring them into compliance. Compliance is determined at the end of the first month period. The company's word is not taken for granted. This is the standard operating procedure.

Mr. Avallone asked what was sent out by the D.E.P. and what results are they waiting for that they could not perform themselves?

Mr. Lovvull answered, the various components of the dioxins and feurons. It is a family of seventy some odd components.

Mr. Avallone went on to say that when the D.E.P. reports 1/50th of a picogram which is under the limits, is that supposed to mean that it is safe? How can they make that statement when all of the results are not in? Some results take up to one to one and one half years. He asked Mr. Lovvull to explain what the 1/50th was compared to what the D.E.P. is waiting for for the information that was sent out.

Mr. Lovvull characterized it as insignificant.

Mr. Avallone asked again, how does the D.E.P. compare the testing procedure used by the lab that the tests are sent out to and the procedure used by D.E.P. to determine that it is 1/50th of the standard or the limit.

Mr. Lovvull stated that it is the same test procedure in either case. The test procedure was set up to determine whether or not there was a violation of the standard. The test procedure would be at its most accurate when measuring concentrations around the picogram per cubic meter.

Mr. Avallone asked, if the test procedure is the same, and the D.E.P. was able to get results from the test procedure, why did they send it out and why are they waiting over a year for results?

Mr. Lovvull replied that these are the results that have come back

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from the lab. These are not results the D.E.P. generated, these are results that have come back from the lab. They are waiting for more to return.

Mr. Avallone asked if it is necessary to have results of all the samples before an accurate result can be given to the Council and the community?

Mr. Lovvull answered, yes.

Avallone then asked, how can the D.E.P. say that the result 1/50th of the limit?

Mr. Lovvull stated that it was qualified in the beginning.

Mr. Killen thanked the representatives from the D.E.P.

Mr. Gouveia made a statement that no one agrees whether dioxins are cancer promoters or initiators, but everyone does agree that dioxins cause cancer.

Mr. Lovvull felt that not necessarily true. They deal with standards created by others.

Mr. Gouveia went on to say that proponents and opponents alike agree that trash plants produce dioxins.

Mr. Lovvull: That is correct.

Mr. Gouveia said that proponents of the plant state that, with the right temperature and combustion, those dioxins are destroyed. His comment is that if the right temperature and combustion are not achieved, why wait four months for the company to fix the problem? Why not shut down the plant until it is fixed? Why allow the company do something that proponents and opponents agree causes cancer? It would have a great financial impact, therefore, they would fix it quicker.

Mr. Gouveia felt that the D.E.P. had a stake in the success of trash plants.

ITEM #7 PUBLIC HEARING for the Small Cities Housing Rehabilitation Component - 7:45 P.M.

Motion was made by Mr. Bradley to Receive the Report Out, seconded by Mr. Holmes.

The Town has received a Small Cities Community Development Grant Award to undertake rehabilitation for rental housing and rehabilitation of the railroad station. The rehab of housing units has been focused on the target area in the railroad station vicinity. The State Dept. of Housing has indicated to the Town that the target area can be expanded and can actually encompass the entire Town. There has not been sufficient response within the target area to utilize grant funds in the time period allocated and there

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have been requests from others in Town to participate in the program and thereby benefit low and moderate income residents. The purpose of this hearing is to allow the public the opportunity to comment on a proposal to make the housing rehab program available on a Town-wide basis.

Mr. Solinsky asked how much money was involved?

Mr. Roe, Program Planner answered that in year one, \$110,000 was budgeted for rehab of rental housing in the target area. The property owner has to contribute up to \$10,000 dollar for dollar per unit. Fifty one percent of the money will be set aside for low and moderate income residents. Only two applications have been received to date and neither one has materialized into an actual project. To date there has been no expenditure of funds on the rehab program. A letter was mailed to every property owner in the target area inviting them to a meeting/telling them we will provide them with information. This was done one year ago last August.

No action was taken on this item.

ITEM #8 PUBLIC HEARING on An Ordinance Appropriating \$850,000 for the Planning, Acquisition and Construction of Various Municipal Capital Improvements 1991-92 and Authorizing the Issue of \$850,000 Bonds of the Town To Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings For Such Purpose - 8:00 P.M.

Mr. Bradley asked why the 1992-93 Budget Book reflects a cost of \$275,000 for the Tyler Mill Road - Muddy River Project and this ordinance now reflects a cost of \$350,000?

The Mayor responded that it must have been determined that it will cost more than the original \$275,000. He will get the file and review it.

Mr. Myers stated that the Capital and Non-Recurring Budget was revised by John Costello, Town Engineer on April 15, 1991. The budget book was correct as of April 14th. This was due to the State requiring bridge replacement for one of the projects.

Jobs Road and Rock Hill Road to Durham Road will have complete reconstruction with storm drainage and rebuilding. It will be bituminous pavement on the top.

Edward Musso felt that Grieb Road from Durham Road to \_\_\_\_\_ Road. It is a very narrow road with school buses passing on it daily. He felt it should have a higher priority than Jobs Road or the Tyler Mill bridge.

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

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PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.

Edward Musso, 56 Dibble Edge Road voiced his dissatisfaction with the Board of Education and their eagerness to spend money on building a new school for \$8 million. He objected to the latch key program if it was to cost the taxpayer additional money.

The Chair declared a recess at this point.

EM #11 Consider and Approve a Tentative Pension Agreement Ratified Union Local 1183 and Local 1303 - Personnel Department

Mr. Bradley read correspondence into the record from Stanley Seadale, Director of Personnel.

The cost is 2.17% of payroll and is less than the cost of the recently approved Police pension.

Motion was made by Mr. Bradley to Approve the Agreement, seconded by Ms. Papale.

Mr. Killen asked that, in the future, the summary sheet note the section of the agreement that was amended.

Mr. Zandri asked what the percentage translated into as far as dollars?

Mr. Seadale could not give that figure. The prior agreement had expired and a new one had to be negotiated.

Mr. Zandri asked how this pension plan compared to other plans in the private sector?

Seadale did not think they could be compared because a private n, in addition to the pension, would also have Social Security. own employees are not covered by Social Security.

Mr. Gouveia asked how the five summary lines compare individually to the Fire and Police Personnel?

Mr. Seadale explained that these people did not want to discuss a COLIN (Cost of Living Increase) which is what is in both the Fire and Police Pensions.

Mr. Gouveia asked if the employees realized that once they retire and receive their pension, it will be frozen for the rest of their lives?

Mr. Seadale answered that the pension is frozen unless he appears before the Council and ask for an increase and it is granted. There is no mandatory requirement for a cost of living increase.

VOTE: Duryea passed; all others, aye; motion duly carried.

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ITEM #12 Discussion and Possible Action on the Method of Repairing and Rebuilding Town Roads as Requested by Councilor Duryea.

Motion was made by Mr. Bradley, seconded by Mrs. Duryea.

Mrs. Duryea asked that this issue be brought before the Council due to the dissatisfaction of the public with the process of chip-sealing Town roads. She asked Mr. Deak, Director of Public Works what type of road resurfacing and construction would be performed with the funds set aside in the budget for this purpose?

Mr. Deak explained that if the funds are not approved to pave the roads, then they must be chip-sealed.

Mrs. Duryea called three surrounding towns to see how they handle their road reconstruction and paving, Meriden, Cheshire and North Haven. None of them use the chip-seal method.

Mr. Deak explained that when there is no drainage system, the road cannot be paved.

Mrs. Duryea asked why certain roads were chip-sealed more than once over a period of one year?

Mr. Deak explained that some needed to be done twice.

The question was raised as to whether or not the process is being performed correctly by the contractor.

Mr. George Cooke suggested that the emulsion process of the chip-sealing be checked. This process can, and has proven successful in many other Towns if the mixture is correct. Perhaps the lowest bidder for this contract is not properly mixing or applying the product.

Mrs. Duryea pointed out that maybe the bid should not be awarded to the same company if they are the low bidder due to the fact that the service is not satisfactory.

Mr. Gouveia made a motion that No Residential Street or Roads With a Base and Drainage be Allowed to be Chip-Sealed Without Prior Consent of the Council, seconded by Mr. Zandri.

Mr. Zandri felt that it was not an option he would vote in favor of. He did not feel that it was necessary to use this method. Considering the outcry that the public has generated on this subject, he would consider spending the extra money to seal using another successful method.

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Mr. Deak stated that the Council only has to vote not to chip-seal any Town roads.

Mr. Zandri made a motion to Prohibit the Chip-Sealing Method from Being Used in the Town of Wallingford.

Mayor Dickinson explained how expensive it would be to install drainage systems so that the surfaces could be paved with bituminous product to avoid the use of chip-sealing. The chip-sealing method is comparable on a larger scale to the process of sealing a driveway with Jennite by a homeowner. If the process is not performed, the driveway cracks. Those roadways must be maintained and sealed. This is the only way to do it. It is a recommended road practice by the State of Connecticut.

Ms. Papale stated that she spends much time traveling through and about Madison, a town which also uses the chip-seal method and they have no problem whatsoever with it. She felt the problem must lie in the installation or the contractor.

Mr. Zandri agreed to withdraw his motion.

Mrs. Duryea and Mr. Deak will meet to further discuss this issue.

The Council apologized to Mr. Deak for not notifying him of the Council's intention to question him on this agenda item.

Mr. Solinsky and Mr. Holmes both felt that they would like additional information on this issue. They feel they are not qualified in this area of expertise and cannot condone the motion made in the heat of the moment.

VOTE: Holmes, Papale, Parisi, Solinsky & Killen, no; all others; aye; motion failed.

Motion was made by Mr. Holmes to Move Agenda Item #19a and #19c Up To The Next Order of Business, seconded by Mr. Solinsky.

VOTE: All ayes; motion duly carried.

ITEM #19a Consider and Approve a Transfer of Funds in the Amount of \$6,800 to HVAC System Repair -Town Hall Acct. #001-5080-600-6460 from Street Lighting Acct. #001-5080-600-6460 - Public Works

It was noted that the agenda failed to read that a Waiver of Bid is also requested with the Transfer.

Mr. Bradley made a motion to Waive the Bid to Allow for Necessary Repairs to the HVAC System at the Town Hall.

A report was forwarded to the Council prepared by R.C. Marra Systems, Inc. detailing the problems discovered in assessing the HVAC system at the Town Hall. Equipment failure and incorrect wiring procedures were just two of the many problems discovered with the system. The south side of the second and third floors are the areas identified as having a problem.



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Mr. Bradley pointed out page #3 that states "...this unit night thermostat, plus all 5 others, are wired in such a manner that they could not function at all or as designed" and asked whether or not we had a maintenance contract on the system?

Mr. Deak responded, yes.

Mr. Bradley: None of these things were singled out during routine maintenance procedures?

Mr. Deak: We followed all the maintenance contractor's recommendations.

Mr. Bradley: The other concern is that there has been so many complaints in the building with people complaining about the rooms being too hot or too cold. I know some of the things that I have heard second-hand that was told to these people that they don't know what they are talking about, wear an extra sweater, take some clothing off and what not when, all the while this report shows that there are some major problems.

Mr. Deak: When there are three people in an office, every person reacts differently to air conditioning. Someone doesn't like it, someone wants it colder, etc. You cannot satisfy everyone.

Mr. Killen could not buy that argument. It was extremely warm in Council Chambers this evening because the air conditioning did not seem to be working.

Mr. Deak reminded the Council they are seated below 500-600 watt bulbs.

Mr. Killen felt that the air conditioning should be compensating for that fact.

Mr. Deak stated it was running constantly.

That was hard to believe by most of the people present in the room fanning themselves.

Mr. Killen asked the Town Attorney if anything could be done with the contractor holding the maintenance contract. The system was wired in such a way that it never worked. How is it that the maintenance contractor never discovered it?

Atty. Small responded that it was not the person maintaining the system that could be held responsible for the incorrect wiring.

Mr. Killen was upset over the fact that had the Council not posted a request for complaints, this issue would never have been addressed.

It must be noted that only the second and third floors, south side were inspected for problems, not the entire building.

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Mr. George Cooke, a contractor responsible for re-building the building admitted to the fault of his company in incorrectly wiring the system. The system was installed in 1987 and was guaranteed for one year. He suggested taking the report outlining the problems with the system and write it up as specifications and put it out to bid.

Mr. Zandri asked if the system was checked out when the system was first installed?

Mr. Deak responded yes, and no problems were identified at that time.

Bradley pointed out the section that read, "the ductwork as existing on this system does not resemble the prints that were given to us for use in our study". He asked if there was a conflict over what is in the ceiling vs. what the prints call for?

Mr. Deak: Probably.

Mr. Bradley: Do we know for a fact?

Mr. Deak: I don't know.

Mr. Bradley: Can you find out for us?

Mr. Deak: Just tell me what you want.

Mr. Bradley: I would like to know, if indeed the ductwork that is in the ceiling does or does not meet the specifications of the prints.

Mr. Deak: We will have to hire someone to verify this.

Mr. Zandri: The Town Engineer can't do it?

Mr. Deak: He is not a heating engineer.

Zandri: He can read a print. It calls for a 20" duct, he can crawl up there and measure it to see if it is 20" or not. He then asked if there was any reason that it could not be bid?

Mr. Deak stated that it could and asked for a Transfer of \$400 from the Street Lighting Account to fund the preparations of the specifications for placing the job out to bid.

Motion was made by Mr. Holmes to Approve a Transfer of Funds in the Amount of \$400, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #19c Consider and Approve a Transfer of Funds in the Amount of \$11,000 to the Town Hall Vault Acct. #001-5200-999-9906 from the Waste Disposal & Composting Acct. #001-5060-600-6540.

Mr. Bradley noted that the agenda failed to read that a Waiver of Bid was requested with this transfer by Mr. Deak.

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Mr. Bradley made a Motion to Waive the Bid in for the F.J. Dahill Company for Repairs to the Town Vault, seconded by Mr. Holmes.

Mr. Zandri asked if there was a reason that this could not go out to bid also?

Mr. Deak asked for a transfer of \$1,000 to have someone develop the specifications for the job.

Mr. Solinsky stated that he feels the work outlined in Dahill's proposal will not correct the problem permanently. He felt it was a temporary solution to a problem that has been in existence for some time. The proposed solution was used before and it was not a permanent one obviously. He would like to meet with Mr. Deak to discuss what needs to be done, in his opinion, to correct the problem permanently.

A motion was made by Mr. Holmes to Table this Item for Future Opinion, seconded by Mr. Parisi.

Mr. Deak and Mr. Solinsky will meet on this issue.

VOTE: All ayes; motion duly carried.

Mr. Holmes left for work at 11:05 P.M.

ITEM #13 Discussion on the Funding of the Second Half of the North Farms Volunteer Fire Department Rescue Truck in the Amount of \$112,500 as Requested by Councilor Papale.

Ms. Papale stated that during the budget sessions the Council appropriated additional funds for the purchase of the truck. With the Mayor's veto things were changed around. She felt that if the Town waits until May of 1992 to put this item out to bid it will cost the Town more money. If the Council agrees tonight to the funding, the remainder of the funds will be requested in a transfer at the June 25, 1991 Town Council Meeting.

Mr. Zandri stated that during the budget process he was supportive of funding this truck but he was getting tired of the amount of work put in by the Council during the budget sessions and have it vetoed to cause the problem being addressed here this evening. He felt that it was time people began living with this veto. It is unfortunate but it is the only way to get this thing resolved is for the veto to stay, and the people effected by it have to live with it. If you want to get it straightened out, they should know when the time comes to straighten it out.

Ms. Papale stated that she did not put this item on the agenda to become a political issue in regards to the budget. This is a necessary item that is needed by the department.

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Mr. Bradley agreed with Mr. Zandri on the fact that long hours were put into the budget by the Council. He was supportive of this truck during that time but now feels that he will not put one penny back into the budget. Whether it was a political statement or not, that is where he stands.

Mrs. Duryea felt that it goes far and beyond being political. Last year air packs were cut from the budget with that veto and the Town was fortunate enough to have an organization donate the equipment to the department. She also was supportive of the truck during budget but feels that a statement has to be made tonight. It is not due to the Council that the department cannot have their truck.

Ms. Papale stated that the Fire Department is suffering for something that people are upset with the Mayor over. She felt it was not entirely fair to take this out on the volunteers.

Mrs. Duryea asked how many departments should come back to the Council to ask for the things that they will go without due to the veto?

Ms. Papale felt this was a safety issue.

Mr. Parisi asked Mr. Myers what options were available to fund this?

Mr. Myers responded that there was two. One is that one half of the truck is funded currently. It could be put out to public bid and the bid could not be awarded until May of 1992 (assuming that the 1992-93 budget contained the remainder of the funds). Another option is that it could be put out to bid, award it, and money would have to be transferred. The funding would have to be subject to Mayoral approval.

The Mayor pointed out that he doubts that there is another city in the State of Connecticut with an entire Fire Department fleet over five years of age. He could not support the fact that a rescue truck costs \$30,000 over the price of a new pumper.

The Mayor will set down with the two Fire Chiefs to discuss this issue.

No action was taken.

ITEM #14 Report Out from the Revaluation Committee on the Status of the Revaluation - Comptroller's Office

Eva Lamothe, Deputy Comptroller; Francis J. Barta, Assessor; Dennis Hlavac, Chief Appraiser; Robert F. Ronstrom, Internal Auditor and Norman Z. Rosow, Tax Collector approached the Council to give a brief summary to date how the program is proceeding.

It was stated that 12,403 homes were visited, 11,743 of which were entered for inspection for a success rate of 95%. A remainder of 660 homes need to be inspected. Letters have been forwarded to those residents to schedule inspections. Regarding the commercial

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aspect, 1,400 visits were made for a success rate of 100%.

Representatives from Cole, Layer Trumbull, Mr. George Wares; John Knifer and Larry LaBarbara were present.

The Council questioned why some inspectors walked through and thoroughly checked every room in the structure while others did not, solely taking the word of the owner as to the status of the home? This was reported to a few Councilors by residents.

Mr. LaBarbara stated that he was not sure why this was occurring and would speak to the inspectors to ensure that everyone was being inspected fairly.

A copy of the Revaluation Information Document (mailer) was distributed to everyone and explained in detail.

Mr. Myers stated that everything was proceeding on schedule with the project.

The Council thanked everyone for their time and patience this evening.

No action was taken.

Mr. Bradley congratulated Chris Capot, Record Journal Reporter, on the birth of his daughter.

ITEM #15 Report Out from the Spacial Needs Building Committee on the Re-Opening/Re-Use of Yalesville School.

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Ray Rys, Chairman of the Spacial Needs Building Committee gave a brief report on the recommendations made by DeCarlo & Doll regarding the protection of the Yalesville School Building to ensure the security of it while vacant. They recommend the disconnection of electricity, gas and water supplies, drain piping, cover windows with plywood, replace or repair the roof surface, extermination of the building and periodic surveillance of the building by a Town Department. The grounds should be kept groomed in the warmer climate and plowed during the winter season. Mr. Rys recommended that the heat and water not be turned off if there is a remote chance that the building will be put to use in the near future. The reason being that if it is turned off, the flooring could start to lift and crack exposing asbestos. This could ultimately result in a greater cost to the Town in the long run.

Mr. Joseph Ferrara, Board of Education Chairman stated that the Board took a vote at its meeting last evening to take the option of office space off the table for at least six months until the needs assessment report comes back. After the report comes back to the Superintendent and it is discussed with the Board, the Council is requested to hold off on making any decision on the building, which would be approximately April or March of 1992. The only remaining options are to stay at Sheehan or buy additional portables.

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Mr. Zandri felt that the location of the building warrants the position of re-use as an elementary school. Route 68 is too dangerous for the children.

Mr. Ferrara stated that it has been an elementary school since 1925.

Mr. Zandri reminded Mr. Ferrara that the reason it was closed was due to the traffic on Route 68. He would not support it being used as a school for the dollar figure alone.

Ferrara responded that if enrollment figures turn out to be as expected, three schools in the immediate area can be drawn from to fill up Yalesville School.

Mr. Zandri stated that two options remain, add to existing schools, and, if the dollars are right, build a new school.

Mr. Parisi asked Mr. Ferrara if he was familiar with the traffic problems in the area?

Mr. Ferrara responded yes.

Mr. Parisi agreed with Mr. Zandri that an extremely bad traffic problem exists in the area.

Mr. Bradley asked how long it would take to renovate Sheehan?

Mr. Ferrara answered that it would be completed by September.

The problem with the portables is that they have to be leased for a minimum amount of years at approximately \$10,000/year.

Mr. Gouveia felt that discussion on Yalesville School at this point time is premature.

Mr. Rys stated that DeCarlo & Doll address the traffic safety problem in their report by suggesting that the entrance be moved to the rear of the building.

Mrs. Duryea asked how much it would cost to renovate Sheehan?

Mr. Ferrara: \$140,000

Mrs. Duryea could not support the move to Sheehan because it would be a temporary solution. When the Board had to move again due to overcrowding, it would be an additional large cost visited upon the Town to facilitate the move.

Mr. Ferrara defended the Board's position of trying to get the best for the least amount of money.

Mr. Zandri's recommendation is to have the Board lease out the portables, stay where they are at Stevens School, just accommodate the space for one year and renovate Yalesville School for offices

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and deal with the needs requirement for the elementary schools once the report is in.

Mr. Ferrara: That option has already been said no to last night.

Mr. Zandri: That does not mean that we have to necessarily have to deal with it that way.

Susan Wright, Board of Education Member, emphasized that the Board in their discussions last night did not preclude Yalesville School as a place for office space and they passed a motion to request that the Council delay the decision on the Yalesville School regarding office or classroom space pending the completion of the building needs study. The majority of the Board is interested in making a long term, comprehensive decision and presenting a comprehensive plan to the Council.

Edward Musso, 56 Dibble Edge Road supported purchasing portable classrooms and suggested renting Yalesville School out for office space.

Mr. Ferrara felt that Yalesville was not an option at this time due to the fact that it cannot be completed by September.

This item will have to go on the agenda again to address the issue of what will happen to Yalesville School if it is not renovated for another year. There is no action to be taken this evening.

On June 24, 1991 the Board of Education will vote on moving to Sheehan High or renting portables or space elsewhere.

A meeting will have to held with the Mayor, Public Works Director and the Council Chairman to discuss the security of the vacant building.

No action was taken on this item.

Mr. Killen thanked Mr. Ferrara and Mr. Rys for their time.

ITEM #20 Consider and Approve a Budget Amendment in the Amount of \$20,000 to Increase the Regulatory Expense Account and to Decrease the Estimated Unappropriated Balance Account - Water & Sewer Division

Mr. Bradley read correspondence into the record from Raymond F. Smith, Director - Public Utilities.

Motion was made by Mr. Bradley to Approve a Budget Amendment in the Amount of \$20,000 to Increase Acct. #928-000 and to Decrease the Estimated Unappropriated Balance.

Mr. Roger Dann, General Manager, Water & Sewer Division stated that the consent order dated back to several previous occurrences that had at either the low level pump station or the treatment plant itself. It goes back to 1988 at which time several incidences occurred and the State had been looking to collect fines in the

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total of \$30,000. A decrease to \$10,000 was negotiated and a consent order was entered into to construct the low level pump station.

The consent order addressed the previous occurrences and put the Town on notice that if there were subsequent discharges it would be fined \$10,000 per bypass per day.

Mr. Dann stated that the order put us into agreement to construct the pump station by a specific date. A schedule of fines was included in the order.

Bradley asked why 90 days had lapsed between rejection of the first bid to re-bidding the project?

Mr. Dann answered that, to the best of his recollection, it went to nearly the full 90 day period before the final determination was made not to award the bid.

Mr. Bradley asked if that was an unreasonable time period?

Mr. Dann stated, no.

Mr. Bradley asked what transpired during the four month period of placing the project out to re-bid and awarding the bid the second time around?

Mr. Dann guessed that that timeframe included the period during which it was out to bid, bids were received, reviewed and a recommendation was made to award the bid.

Mr. Bradley was concerned about the amount of time that transpired between the initial bid, the bid rejection, the re-bid and the bid award, a total of seven months. He felt that being under a consent order, everything should have been moving a lot quicker | we would not have incurred the fines.

Mr. Dann felt that there was nothing unusual about the timeframes on a project that size.

Mayor Dickinson pointed out that the State verbally indicated that they agreed that the contractor could not have finished at the time of the violations but were unwilling to modify the consent order and still wanted the fines. They may still modify the consent order to allow a completion date at a later time, even though they are fining us now. It is a little bit of a strange situation.

Mr. Killen asked if anyone approached either one of the four State Representatives on the Town's behalf?

Mr. Dann was not aware of any contacts.

Mr. Killen was upset that an issue such as this is not brought before the Council until the eleventh hour.

Ms. Papale asked what will happen if the Council votes this down



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tonight?

Atty. Small stated that we would have to go to court. The Town would be sued by the Attorney General's Office. The Town did request a hearing of which we were denied. The fine could have been \$30,000, and they felt they were giving us a break. They referred the request for modification of the consent order to the Attorney General's Office who, in turn, denied it.

Mr. Killen felt that the Town should not pay the fine. If the State can show that there was a deliberate attempt on behalf of the Town not to do its utmost and behalf of the contractor, then they are entitled to the fine, otherwise they are not getting it.

VOTE: Holmes was absent; Papale and Parisi, aye; all others, no; motion failed.

Motion was made Mr. Bradley to Waive Rule V to Discuss a Transfer of Funds for the Dog Warden.

VOTE: Holmes was absent; Parisi & Solinsky, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Consider and Approve a Transfer of Funds in the Amount of \$500 from Dog Food Acct. #2020-400-4400 to Overtime Account #2020-100-1400, seconded by Mrs. Duryea.

VOTE: Holmes was absent; Parisi, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Consider and Approve a Transfer of Funds in the Amount of \$300 into the Purchasing Department's Overtime Account - Comptroller's Office, seconded by Ms. Papale.

The transfer of funds will be from the Purchasing - Part Time Wages Acct. #1450-1350 to Account titled Purchasing Overtime Acct. #1450-1400.

VOTE: Holmes was absent; Bradley, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to adjourn the meeting, seconded by Mr. Parisi.

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

There being no further business, the meeting adjourned at 1:29 A.M.

Meeting recorded and transcribed by:

*Kathryn F. Milano*

Kathryn F. Milano, Town Council Secretary

Approved by:

\_\_\_\_\_  
Albert E. Killen, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kathryn J. Wall, Town Clerk

\_\_\_\_\_  
Date