

Summary of Town Council Minutes

August 12, 1986

491

- Roll call and pledge of allegiance. 1
- Moment of Silence for Probate Judge Mary Scott. 1
- Public Question and answer period. 1-3
- TABLED appointment of Mr. Robert Fleming to the Personnel & Pensions Appeals Board.
- Waived bidding process on Public Bid 86-6 for 30 Fire Coats and permitted purchase from the second lowest bidder. 3
- SET a PUBLIC HEARING for September 9, 1986 at 8:00 p.m. on an Ordinance Amending Ordinance #343. 4
- Approved the resolution authorizing selection of the firm recommended by the Asbestol Removal Committee to perform inspection work for the Town and authorize the Chairman of the Asbestos Removal Committee to sign a contract with said firm on August 20, 1986, contingent upon Ordinance #344 not being the subject of petition or repeal. 4  
(amended to state firm of APPLIED THERMODYNAMICS ASSOC., INC.)
- Moved up ADDENDUM ITEM. 4
- APPROVED transfer of \$15,587 from 805-319 to \$12,612 to 601-135-01 \$875 to 601-200-01, \$400 to 601-580-01 & \$1,700 to 601-900-01. 4-5
- APPROVED Resolution amending the 1986-87 General Fund Budget
- |               |                  |                       |          |   |
|---------------|------------------|-----------------------|----------|---|
| Revenues:     | Account #101-003 | Taxes                 | \$929.00 |   |
|               |                  | Overpayment           | \$929.00 |   |
| Expenditures: | Account #1420891 | Tax Collector         | \$929.00 |   |
|               |                  | Refund of Overpayment | \$929.00 | 5 |
- APPROVED Refund of \$928.26 to Thomas H. Johnson. 5
- Approved following changes in 1986-87 insurance coverage:
- |                     | <u>PRESENT</u><br><u>DEDUCTIBLE</u> | <u>PROPOSED</u><br><u>DEDUCTIBLE</u> | <u>SAVINGS</u> |     |
|---------------------|-------------------------------------|--------------------------------------|----------------|-----|
| Property Coverage   | \$5,000                             | \$10,000                             | \$5,000        |     |
| Contractor's Equip. | \$1,000                             | \$ 5,000                             | \$4,000        | 5-6 |
- Ferguson & McGuire proposal. 7
- Item 9 withdrawn. 8
- Established Revenue Account #1107 and appropriated \$4,931 coming to the Board of Education under the "Math/Science Bill" and the Expenditure Account is #900-807. 8
- Approved transfer of \$1,250 from A/C 145-520 to A/C 145-612 and established A/C 145-612. 8

Approved transfer of \$116 from 146 Capital to 145 Capital.	9
Approved Central Services Clerk Job description.	9
Approved job specification for Assistant Town Planner.	9
Established new Line Item A/C 802-801 and transferred \$5,000 from A/C 802-800 to A/C 802-801.	10
Meeting/Municipal-State Legislators prior to resolutions on projects to be included within the Town Improvement Program.	10-11
Approved Resolution approving First Supplemental Agreement on State Project No. 148-110, Railroad-Highway Grade Crossing, Ward Street-Wallingford.	11-12
Approved resolution appropriating \$207,380 received from the State of Connecticut and authorize awarding of Oak Street Bridge design contract to engineering firm.	12-13
Awarded bid for two snow plow trucks including equipment to the second lowest bidder. (Mack Trucks).	13-14
Approved following transfers for Public Works:	
\$1,200 from C-503-006 to A/C 503-512-01	14-15
\$1,100 from C-503-002 to A/C 503-512-01	14-15
\$5,775 from A/C 504-901-Snow Plow trucks and \$1,425 from A/C 504-140, a total of \$7,200 to A/C 503-512-01.	15
EXECUTIVE SESSION For the purpose of Discussing the Resource Recovery Contract.	15-17
OUT of EXECUTIVE SESSION.	16
Approved Ordinance Committee be directed to draft an ordinance that would mandate any spills or leaks that have to be reported to DEP, also must be immediately reported to Town Officials.	17-18
Discussion of divestment of town pension funds in South Africa.	19-21
Item 23 withdrawn.	21
Waived Rule V.	21
Approved resolution authorizing the Town Attorney to proceed with the condemnation action to obtain an electrical easement from Angelo Morillo.	21-23
Meeting Adjourned.	23

TOWN COUNCIL MEETING

AUGUST 12, 1986

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Consider approval of Mayor William W. Dickinson, Jr.'s appointment of Mr. Robert Fleming to the Personnel & Pensions Appeals Board to fill the vacancy created by the death of Mr. Charles Biondino. This term will commence immediately and expire on December 31, 1990.
- (4) Consider waiving bidding process on Public Bid 86-6 for 30 Fire Coats and permit purchase from the second lowest bidder, a difference of \$1.85 per coat, requested by Fire Chief Jack K. McElfish.
- (5) SET PUBLIC HEARING on AN ORDINANCE AMENDING ORDINANCE #343 BY INCREASING THE APPROPRIATION THEREIN FROM \$205,000 to \$585,000 FOR ARCHITECTURAL AND CONSTRUCTION MANAGER FEES FOR THE DESIGN AND CONSTRUCTION OVERSIGHT OF THE RENOVATION FOR REUSE OF PARKER FARMS SCHOOL AND THE CONSTRUCTION COSTS ASSOCIATED THEREWITH AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION. (Ordinance will be available on August 12, 1986.)

- (6) Consider and approve resolution authorizing selection of firm recommended by the Asbestol Removal Committee to perform inspection work for the Town and authorize the Chairman of the Asbestos Removal Committee to sign a contract with said firm on August 20, 1986, contingent upon Ordinance #344 not being the subject of petition or repeal, requested by Vincent T. McManus, Jr., Town Attorney.

ADDENDUM - Transfer of \$15,587 requested by Registrars Office.

- (7) Consider and approve budget amendment to amend the 1986-1987 General Fund Budget as follows: Revenues, A/C 101-003 \$929 and Expenditures, A/C 142-891 \$929 to allow overpayment of \$928.26 to Thomas H. Johnson, 1 Peach Hill Drive, Wallingford, CT 06492. (Bill #85-1258)

- (8) Consider and approve changes in 1986-1987 insurance coverage:

	PRESENT DEDUCTIBLE	PROPOSED DEDUCTIBLE	SAVINGS
Property Coverage	\$ 5,000	\$10,000	\$10,000
Contractor's Equipment	\$ 1,000	\$ 5,000	..\$ 4,000
Boiler-&Machinery	<del>-----\$25,000-----</del>	<del>-----\$50,000-----</del>	<del>-----\$10,000-----</del>
	At Electric Plant	At Electric Plant	

requested by Council Chairman David A. Gessert.

- (9) Consider request of James J. Acton, President, Wallingford Public Library Association, for financing of additional library parking on a parcel of land purchased in September, 1985 from Attorneys Regan and Farrell.
- (10) Consider approval of Account #1107 (Revenue) and Account #900-807 (Expenditures) for new state grant funded under Education for Economic Security Act in the amount of \$4,931.
- (11) Consider and approve a request by Donald T. Dunleavy to transfer \$116 from 146 Capital to 145 Capital.
- (12) Consider and approve a request by Donald T. Dunleavy to transfer \$1,250 from A/C 145-520 to 145-612. Account #145-612 must be established.
- (13) Consider approval of Central Services Clerk job description (backup documentation to be available on August 7, 1986).
- (14) Consider approval of job specification for Assistant Town Planner, requested by Stanley A. Seadale, Director of Personnel.
- (15) Consider establishment of a new line item account #802-801 and transfer of \$5,000 from A/C 802-800 to A/C 802-801, requested by Stanley A. Seadale, Director of Personnel.
- (16) Consider request by Steven L. Deak, Director, Public Works Department, to award bid for two snow plow trucks including equipment to second lowest bidder since lowest bidder does not meet specification because they are offering a 7-speed transmission and we requested a 6-speed transmission.
- (17) Consider and approve transfers requested by Steven L. Deak, Director of Public Works:
- (a) \$1,200 from C503-006 to 503-512-01
  - (b) \$1,100 from C503-002 to 503-512-01
  - (c) \$7,200 from 805-319 to 503-512-01
- (18) UPDATE REPORT by Philip J. Hamel, Jr. and/or a Town Representative on current Connecticut Resource Recovery Contracts, requested by Councilman Edward L. Diana.
- (19) DISCUSSION of two items requested by Councilman Peter A. Gouveia:
- (a) Discuss the feasibility of passing an ordinance that would mandate any spills or leaks that have to be reported to DEP, also must be immediately reported to Town Officials.
  - (b) Discussion and possible action regarding the divesting of town pension funds in South Africa.
- (20) Meeting/Municipal-State Legislators prior to resolutions on projects to be included within the Town Improvement Program.
- (21) Consider resolution approving First Supplemental Agreement on State Project No. 148-110, Railroad-Highway Grade Crossing, Ward Street-Wallingford, requested by Mayor William W. Dickinson, Jr.

- (22) Consider resolution appropriating \$207,380 received from the State of Connecticut and authorize awarding of Oak Street Bridge design contract to engineering firm. 494
- (23) EXECUTIVE SESSION, requested by Town Attorney Vincent T. Manus, Jr., to discuss disposition of pending litigation.

Town Council Meeting

August 12, 1986

7:30 p.m.

A regular meeting of the Wallingford Town Council was held on this date in Council Chambers, called to order at 7:36 p.m. by Chairman David A. Gessert. Answering present to the roll called by Town Clerk Rosemary A. Rascati were Council Members Bergamini, Diana, Gessert, Killen, Polanski and Rys. Councilman Gouveia arrived after roll call. Also present were Mayor William W. Dickinson, Jr., Comptroller Thomas A. Myers.

The pledge of allegiance was given to the flag.

Chairman Gessert requested everyone to remain standing for a moment of silence for distinguished Probate Judge Mary Scott.

Mr. Gessert mentioned that ITEM 9 has been withdrawn since Jim Acton is out of town and the Council will not discuss the plan for town owned buildings since Mr. Caplan is not available this evening.

PUBLIC QUESTION & ANSWER PERIOD

Shirley Calandrella, 17 Laden Avenue referred to a newspaper article for shelter for the homeless and she indicated that Meriden's shelter will allow men only and the women will be bused to Wallingford's shelter and she feels that each town should be responsible for its own residents only. Mr. Gessert felt that once a shelter is opened, you can't designate who can come to it and Shirley felt that Meriden is discriminating men and women and she requested having the Town Attorney looking into this before it gets off the ground.

Vincent Avallone, 1 Ashford Court said it wasn't too long ago that the Town of Wallingford was involved in a Board of Education recall which was challenged in court and the lower court determined that the recall was not valid. The Council decided to appropriate funds to challenge that lower court decision and Mr. McManus did challenge it to the Supreme Court but the Supreme Court did not hear the matter because of mootness, continued Mr. Avallone. Mr. McManus went to a PAGB meeting the other night and explained that it was only because of this administration's view and the Town Council's view on recall that it was still on the books. Mr. Avallone felt that this article could be taken out of the Charter by Charter Revision. Mr. Avallone mentioned that the Town Clerk would not accept the PAGB petitions and the following day a newspaper article quoted Mr. Gessert as saying, "he felt it would be a waste of the taxpayer's money in light of the court decision that was on the books to appropriate funds for a recall." Mr. Avallone feels this decision is inconsistent with Mr. Gessert's prior stance on recall, extremely self serving, and violative of the rights of the residents under the Charter which gives the right to recall. Mr. Avallone asked Mr. Gessert to comment and Mr. Gessert said when he votes on it, his vote is up for discussion and until he votes on it, he hasn't taken a position at the Council table.

Mr. Avallone said that on the day Mr. Gessert was quoted, Mr. McManus and Mayor Dickinson were quoted in the newspaper saying that people had the right to recall but Mr. Gessert, as Chairman of the Town Council, said that he would not appropriate the funds because it would be an abuse of the taxpayer's money.

Mr. Sal Falconieri noticed that Councilman Holmes has missed the last 4 or 5 Council Meetings and he asked if he was sick and Mr. Gessert said he was on vacation for the last meeting. Mr. Falconieri mentioned that Mr. McManus said that the Council could not be stripped of more than 3 Council people and he presented a hypothetical situation of 4 or 5 Council people being on a trip and getting killed and unable to perform their duties and the town will cease to function and Mr. Falconieri has recommended that the Council set in motion Charter Revision. Mr. Gessert said Charter Revision will be established since it was funded for 7/1/86. 495

Mary Mushinsky wanted to give the Council an update on the recycling program and she stated that environmental legislators throughout New England are moving to work on mandatory separation, curb-side collection and building regional processing facilities for recyclables collected, sorted by regions. The legislation done in the special session in June is copied after Massachusetts and the \$10,000,000 is largely because of folks like PAGB to appropriate recycling money. Four projects could be in harmony with coming state funds:

- (1) \$25,000 could be spent on public education and preparation for source separation.
- (2) Two barrels for each household would be provided at \$4 each for recyclables.
- (3) Financial incentive can be provided for private haulers to encourage their participation in enforcement of the system.
- (4) A local recycling coordinator could be hired to administrate the system.

In Connecticut, it is not mandatory that towns participate but it is hoped towns will participate. A source separation ordinance must be passed and Ms. Mushinsky will give the town a model ordinance to copy. 95% of the households are not participating in the paper drive. Glass and metal loads were rejected in the past if not properly sorted. Curbside collection provides a large volume which is clean and dependable and sorted. An additional benefit is that about 15% of the waste is recyclable and the tipping fee is saved on that 15%. The trucks, 2 bins per house and processing facility and collection is paid for by the state. Ms. Mushinsky presented the Council with a model ordinance and said the first grant will be available next April.

Mr. Diana asked what burning 15% less would do to the cost of the resource recovery plant and Ms. Mushinsky felt Phil Hamel should address that question. Mr. Hamel said glass and metals would affect the tonnage but not the energy produced and he felt that to the best of his knowledge, it would not affect the project and it will probably extend the life of the plant.

Mr. Polanski asked if the garbage collection will be 3 times a week, his price for garbage collection will be tripled, correct? Ms. Mushinsky said the state grant buys the trucks and it may also cover the labor but she would have to find out but the grant will help pay.

Senator Richard Eaton, 12th District felt that all the answers are not available and he just received notice today that he has been appointed the Senate member of the Task Force and he would want to try to find ways to deal with Wallingford's specific problem. By moving forward with Wallingford's own recycling program, the first step has been taken and it will take planning to work out the details of that and Senator Eaton congratulates the town on that and said he is available to all the townspeople for that purpose and he hopes to bring more information to future meetings.

Mr. Polanski asked when the state grant would be available and Ms. Mushinsky said the money would be given in April of 1987.

Mr. Rys felt that recycling refers mostly to households and asked if business and industry would be required to take part and Ms. Mushinsky felt the ordinance can be adapted to fit business and industry and the town could go further than the state plan.

Phyllis Brosnan, 16 Marriott Circle asked Mr. Hamel, if the town really became educated in recycling, if there is any possibility foreseen of a problem with meeting the tonnage, if within 4 or 5 years, 30% is recycled. Mr. Hamel said that right now, there is nothing to suggest there will be a problem meeting the tonnage requirements. 496

Elizabeth Valalik, Willard Avenue said big trucks come down her street to avoid a red light and Mr. Gessert asked the Mayor to notify the Police Department to followup on this matter.

ITEM 3. Mrs. Bergamini moved the appointment of Mr. Robert Fleming to the Personnel & Pensions Appeals Board, term commencing immediately and expiring on December 31, 1990. Mr. Rys seconded the motion.

Mr. Killen requested an interview with Mr. Fleming before any appointments are made. Mayor Dickinson said Mr. Fleming is out of state tonight. Mayor Dickinson indicated there would be no problem in tabling this item until September.

Mr. Killen moved to table appointment of Mr. Robert Fleming to the Personnel & Pensions Appeals Board until September 9, 1986 Town Council Meeting, seconded by Mr. Diana.

VOTE: Unanimous ayes with the exception of Mrs. Bergamini who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 4. Mr. Hacku said the problem with the low bidder Fire Coats is with the fit and the second lowest bidder's coats are more comfortable, due to the cut.

Mr. Killen moved to waive the bidding process on Public Bid 86-6 for 30 Fire Coats and purchase them from the second lowest bidder at a difference of \$1.85 per coat. Mr. Diana seconded the motion.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 5. Mrs. Bergamini moved to set a public hearing at 8:00 p.m. on September 9, 1986 on AN ORDINANCE AMENDING ORDINANCE #343 BY INCREASING THE APPROPRIATION THEREIN FROM \$205,000 to \$585,000 FOR ARCHITECTURAL AND CONSTRUCTION MANAGER FEES FOR THE DESIGN AND CONSTRUCTION OVERSIGHT OF THE RENOVATION FOR REUSE OF PARKER FARMS SCHOOL AND THE CONSTRUCTION COSTS ASSOCIATED THEREWITH AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION. Mr. Rys seconded the motion.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 6. Mr. Chicoski said the resolution basically speaks for itself and referred to the June 24, 1986 presentation to the Council.

Mrs. Bergamini read and moved the following resolution:

RESOLVED, the Town Council, Town of Wallingford, authorizes selection of firm recommended by the Asbestos Removal Committee to perform inspection work for the Town and authorizes the Chairman of the Asbestos Removal Committee to sign a contract with said firm on August 20, 1986, contingent upon Ordinance #344 not being the subject of petition or repeal. Mr. Polanski seconded the motion. (AMENDED BELOW.)

Mr. Killen asked why the company was not named in the resolution and Mayor Dickinson said he did not have the name at the time the resolution was prepared.

Mr. Killen moved to amend the resolution to include APPLIED THERMO-DYNAMICS ASSOCIATES, INC. immediately after "selection of" and before "recommended by" and Mr. Diana seconded the motion which Mrs. Bergamini accepted as a friendly amendment.

Mr. Gessert asked if a figure is available for removal of asbestos and Mr. Chicoski said the contract cost is a maximum of \$1,500,000 and the requirements are that any friable asbestos be removed and the whole basis of inspection is to pinpoint what types of asbestos material is located within the school system and present options based on data, certified test results which will be reviewed before any decision is made but the cost will not be known until that time. Before any decision is made, the Town Council will have the benefit of the report and the final approval rests with the Council.

Mrs. Bergamini asked what would be done with the asbestos after removal and Mr. Chicoski said there are state requirements for disposal and the contractor removing it must provide all of those services by specifications. 497

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

Mr. Rys moved to take up ADDENDUM ITEM, seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

Mr. Rys moved to transfer \$15,587 from 805-319 to \$12,612 to 601-135-01, \$875 to 601-200-01, \$400 to 601-580-01 & \$1,700 to 601-900-01. Mr. Polanski seconded the motion.

Mr. Gessert felt that the Registrars Office should budget the primary expenses in their budget and Mrs. Moriarty said they could easily do that.

VOTE: Unanimous ayes with the exception of Mr. Killen who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 7. Mr. Rys moved the following resolution to amend the 1986-1987 General Fund Budget as follows:

RESOLVED: Amend the 1986-1987 General Fund Budget as follows:

Revenues: Account #101-003

Taxes	\$929.00
Overpayments	\$929.00

Expenditures: Account #142-891

Tax Collector	\$929.00
Refund of Overpayment	\$929.00

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

Mr. Rys moved approval of a refund of \$928.26 to Thomas H. Johnson, seconded by Mrs. Bergamini.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 8. Mr. Gessert said he talked with Mr. McGuire and asked if premiums could be reduced in any way and raising certain deductibles was suggested.

Mr. Edward Musso, 56 Dibble Edge Road asked what property coverage entailed and John McGuire said it covers all of the buildings owned by the town and the contents in those buildings. Mr. Musso felt the deductible should not be raised there because of the heavy vandalism. Mr. Gessert asked Mr. McGuire if vandalism was covered here and Mr. McGuire said it covered everything, including vandalism, and there are preventive efforts by the school system.

Mr. McGuire said there could be a \$5,000 deductible on property coverage or a \$10,000 deductible for a \$5,000 savings or \$25,000 for a \$10,000 savings. The present deductible is \$5,000 per occurrence. Mr. Gessert asked how many occurrences in excess of \$5,000 the town has had and Mr. McGuire recalled the smokestack at the Board of Education which was damaged by lightning. Mr. McGuire is presenting these options for edification so they will know what is available as far as insurance is concerned. Mr. McGuire feels that a town of this size should not be looking to cover the small claims. Mr. Gessert asked what the average claim was for broken windows, etc. and Mr. McGuire said they have had some large claims such as the \$25,000 for the fire set in a wastebasket.

Mr. Killen asked if Charlotte Collins had any input in this at all and Mr. McGuire said he brought this up because they didn't have a chance to get into this at the last meeting. Mr. Killen would like Charlotte's input.

Mr. Gouveia asked if this includes automobiles and Mr. McGuire said it did not and he felt that issue was addressed pretty well last year and many older vehicles were taken off and he doesn't think there is a problem in this area. 498

Mr. Musso asked what contractor's equipment covered and Mr. McGuire said basically parks department equipment, bulldozers, backhoes, etc.

Mrs. Bergamini asked about the boiler and machinery and Mr. McGuire said the most prominent is the steam turbine generator at the Electric Plant and the municipal locations have \$1,000 deductible and the Utility Division with the exception of the transformers has a \$5,000 deductible and transformers over a 10,000 kva limit have a \$10,000 deductible and the steam turbine generator at the plant has a current \$25,000 deductible. The optional plan would have a \$5,000 municipal deductible, Utility Division at \$10,000, transformers over the 10,000 kva would be \$25,000 deductible and the steam turbine generator would be a \$50,000 deductible. Mr. Gessert said the Electric Division pays for their coverage out of their budget and Mr. Rys felt the Electric Division should provide input on this and Mr. Killen agrees they get paid for this.

Mr. Gouveia asked, based on claims made last year, if these new deductibles were in place, what would the net savings be and Mr. McGuire said he would like to get input on boiler and machinery but the higher deductibles on property coverage and contractor's equipment is going in the right direction and he feels very comfortable with a \$10,000 deductible on the property. Mr. Gouveia asked if these were in place last year and Mr. McGuire felt there would have been a \$10,000 savings.

Mr. Diana felt that the three items chosen would not necessarily have been what he chose but Mr. McGuire said he feels more comfortable with these areas because he knows his parameters.

Mrs. Bergamini moved approval of the changes in property coverage and contractor's equipment but did not want to include any changes in boiler and machinery coverage. Mr. Gouveia seconded the motion.

VOTE: Council Members Bergamini, Gouveia and Rys voted aye;  
Messrs. Diana, Gessert, Killen and Polanski voted no;  
MOTION DID NOT CARRY.

Mr. Gessert suggested a \$10,000 deductible for property coverage and a \$5,000 deductible for contractor's equipment.

Mrs. Bergamini moved approval of property coverage deductible of \$10,000 for a savings of \$5,000 and approval of contractor's equipment deductible of \$5,000 for a savings of \$4,000. Mr. Rys seconded the motion.

VOTE: Unanimous ayes with the exception of Mr. Killen who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

Page 7 details original proposal by Ferguson & McGuire pertaining to current deductibles and proposed deductibles.

**Ferguson & McGuire**

*Auto/Home/BUSINESS/Life/Health*

July 3, 1986

Mr. David Gessert  
90 Seiter Hill Road  
Wallingford, Connecticut 06492

Re: Town of Wallingford- insurance



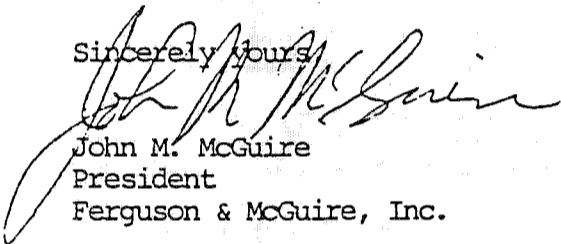
Dear Dave:

Per our recent telephone conversation the following is a list of your current deductibles and the savings if the town would want to increase the deductibles.

	<u>Present Deductible</u>	<u>Proposed Deductible</u>	<u>Savings</u>
Property Coverage	\$5,000	<del>\$25,000</del> \$10,000	\$10,000
Contractor's Equipment	\$1,000	\$ 5,000	\$ 4,000
Boiler & Machinery	\$25,000 at electric plant	<del>\$50,000 at electric plant.</del>	<del>\$10,000</del>

Dave, if you have any questions, please give me a call when you return from vacation.

Sincerely yours,



John M. McGuire  
President  
Ferguson & McGuire, Inc.

*Insurance*

JMM/ras

373 Center St. / Wallingford, Conn. 06492 / 265-5681

ITEM 9. WITHDRAWN.

ITEM 10. Mrs. Bergamini moved to establish Revenue Account #1107 and appropriate \$4,931 coming to the Board of Education under the "Math/Science Bill" and the Expenditure Account is #900-807. Mr. Rys seconded the motion.

Mr. Inglese said this is designed for in-service of math and science teachers for which these funds will be used. Mr. Killen asked about the account numbers and Mr. Myers said they will be accounted for through his office, not commingled with the Education Budget and can only be used for the purposes of the grant.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

Mr. Dunleavy requested that items 11 and 12 be reversed and item 12 taken first.

ITEM 12. Mrs. Bergamini moved to establish a new line item account #145-612 and approved the transfer of \$1,250 from A/C 145-520 to A/C 145-612.

Mrs. Bergamini asked if this Xerox is being leased and Mr. Dunleavy said it is and Mrs. Bergamini asked why there was a maintenance fee and Mr. Dunleavy said it was an inherited situation and he feels that at \$9 per hour, the 200 man hours savings would be worthwhile. Mr. Killen felt that the idea is fine but the vehicle is wrong and the Council is not really transferring but appropriating. Mr. Myers said it does not change the total bottom line in the budget and it's a \$40,000,000 General Fund Budget and that is why Mr. Myers calls it a transfer. Mr. Killen wants someone to read into the record how transfers can be made and he felt that if a department head wants to transfer from money set aside for one specific purpose to another, that is a transfer for which he must come before the Council. Appropriations are made at budget time and additional appropriations may be made over and above the budget when the Comptroller certifies there is available money that hasn't been encumbered or expended. Mr. Killen said this is establishing a new item and you must make an appropriation or it does not exist.

Mr. Gessert asked if Mr. Killen wanted to amend the motion to make it an appropriation and Mr. Killen said the problem is many things like that don't make sense but they are there for a reason and he felt \$5,000 should not be spent on Charter Revision--just override them.

500

Mrs. Bergamini agreed to withdraw her motion if Mr. Killen could tell her how this can be done for Mr. Dunleavy to allow him to rent the new Xerox and Mr. Killen said he could not tell her how to do this if it is not allowed by the Charter and it's that simple. Mr. Myers said new accounts were established and money put in for the primary and he felt this was the same thing and Mr. Killen said that was not done with his vote.

VOTE: Unanimous ayes with the exception of Messrs. Gouveia and Killen who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 11. Mrs. Bergamini moved a transfer of \$116 from 146 Capital to 145 Capital, Purchasing, seconded by Mr. Rys.

Mrs. Bergamini read Mr. Dunleavy's July 10, 1986 letter requesting this transfer.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 13. Mrs. Bergamini moved, for discussion, approval of Central Services Clerk job description, seconded by Mr. Killen.

Mr. Gessert asked the purpose of redoing this job description and Mr. Seadale said it was one they were committed to doing and it was his feeling that the Clerk Typist II job description did not adequately describe what goes on in that room and this description fits the job and doesn't affect the current personnel.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 14. Mrs. Bergamini read Mr. Seadale's August 6, 1986 letter pertaining to this item.

Mr. Rys moved approval of the job specification for Assistant Town Planner, seconded by Mr. Polanski.

Mr. Killen pointed out the required qualifications and he hopes there will be some planning done in this particular case because his big argument has been that the knowledge and expertise is in that office and with 2 people there, he would expect some planning done some time in the future; otherwise, he won't vote for this. Mr. Killen said that under State Statutes, you can have a Planning Commission and a Zoning Commission and Wallingford happens to have a Planning and Zoning Commission and the time of the Town Planner seems to be usurped on Zoning Commission items time after time and he would like to see 1 person spending some time on planning. Mr. Diana said we already have a Planner, Linda Bush, and a Zoning Enforcement Officer which does just the opposite and he does not see any need for an Assistant Town Planner and he cannot support giving an assistant to that position with all the controversy that comes out of that office.

Mrs. Bergamini said she has been an advocate and a foe of Planning and Zoning for 15 years and she has to say that, in view of what has gone on for 15 year, she can't say everything is being done exactly the way she likes it, but it's a big improvement and Mrs. Bergamini supports her but there are not enough hours in the day. Once an assistant is in the job, it will give the Town Planner more time for planning.

VOTE: Unanimous ayes with the exception of Mr. Diana who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 15. Mrs. Bergamini moved to establish a new lint item account #802-801 and moved a transfer of \$5,000 from A/C 802-800 to A/C 802-801, seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Killen who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

A five minute recess was held at 9:30 p.m.

Mr. Gessert said there was a request to move up items 20, 21 and 22. 501

Mrs. Bergamini moved to place ITEM 20, ITEM 21, ITEM 22 to this place in the meeting, seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exception of Messrs. Diana and Gouveia who voted no and Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 20. Mr. Gessert read the July 28, 1986 letter from Mayor William W. Dickinson, Jr. pertaining to this item. Mayor Dickinson pointed out that some of the Representatives will be late due to the fact that they are attending other meetings this evening.

Mr. Gessert mentioned that Representative Thorpe gave his permission to the Council to appoint someone to represent him in spending these funds and the Council voted to have Ray Rys fill that slot and Councilman Gouveia has been asked to represent Mary Mushinsky in that role.

Senator Philip Robertson said the reason they are here is that the statute requires it and though taxes have been reduced over the past 2 years for almost \$3,000,000, the surplus continues to grow and it is the desire of all members of the General Assembly to try to return as much of that back to the taxpayers as possible and it is \$10 per capita with Wallingford's appropriation some \$380,000. The reason for the involvement is that this surplus is not anticipated next year and there is a need to explain the process.

Mr. Gouveia said the reason he voted no to moving this item up is that he was hoping to remain to ITEM 18 on the agenda and he feels it is rather important to have the concerns of the people of Wallingford listened to concerning the trash plant. Mr. Gouveia asked if the money has to be used this fiscal year and Mr. Robertson said the money has to be used by June 30, 1987; otherwise, it's returned. It can be put in a trust fund and used at a later date or the interest can be used on a continuing basis. Representative Robert Ward said there are two options with regard to the money (1) any range of capital programs and/or a combination with a trust fund or a separate trust fund which you would use for later purposes if you haven't been able to determine a specific need at this particular time such as capital projects you wanted to get in but could not. Mr. Gouveia thought it could be put aside for a new town hall. Mr. Ward said the architectural fees are an appropriate use for these funds because they are part of a capital project and you could use it for that.

Mr. Rys asked if the town has a capital project that is being planned right now, can money from this program be used to help subsidize the bonding and Mr. Ward said it wouldn't violate this program but it may violate the grant program. Senator Eaton said there are some restrictions on some grants that you must use your own money but at some point in time, this will be your own money so maybe it's a question of timing as opposed to any other factor but that is a consideration to keep in mind.

Mr. Gessert said the Council will be meeting with these people again.

Senator Eaton said they are here to assist and help and one of the greatest complaints he hears from the municipalities is the lack of cooperation between the State of Connecticut and the municipality. Senator Eaton is proud to be able to work with the town for the good of this community and this is the first step and maybe a model for future action for other things that can be done together. Mr. Gessert said the problems with the state are not with the legislators who have done an excellent job and some of the bigger problems with the State come from administration.

Mrs. Bergamini asked if any of the surplus could be used to straighten out Route 68 that was promised 5 years ago and Senator Robertson said \$2,000,000 was in the budget this year for Route 68, and the commitment is there and signed by the Governor.

Mr. Killen said the fact that they let the town know it is a one shot deal is right. Senator Robertson said an additional \$70,000,000 has been put into the municipal infrastructure trust fund for separate accounting since that money will be distributed on a yearly basis.

Mr. Musso asked if every school building must be made accessible to the handicapped and he felt that 1 school at each level should be sufficient. Senator Robertson said that the State's ability to regulate what needs to be accessible to the handicapped is restricted by federal legislation and perhaps Mr. Musso should address his Congressman on this issue. Senator Eaton added that after this meeting, the town decides what it wants to use the funds for and this is discussed and then a public hearing is held for input. He is pledged to do what the town proposes. The role of the Allocation Council is only to reject by a 75% vote and if no action is taken by not rejecting, the action passes.

Mr. Gessert thanked the legislators for their time.

ITEM 21. Mrs. Bergamini read Mayor Dickinson's July 22, 1986 letter.

Mrs. Bergamini read and Mr. Killen moved the following resolution:

RESOLVED, that the Town Council of the Town of Wallingford hereby approves the first supplemental agreement to original agreement dated February 28, 1979 between the State of Connecticut and the Town of Wallingford for railroad-highway grade crossing improvements on Ward Street, State Project No. 148-110 Federal Project No. RRP-4148(3) and authorizes William W. Dickinson, Jr., Mayor of the Town of Wallingford to execute said supplemental agreement on behalf of the Town of Wallingford. Mr. Rys seconded the motion.

Mr. Polanski asked what "Force Account Work" was and Mr. Costello said there is work that has to be done either by the town or by a contractor such as work done by the railroad and by the state and the force account work refers to the work to be done on town property itself.

Mr. Diana asked what the end result will be and Mr. Costello said there will be new crossing material between the rails on the Ward Street Railroad Crossing which is hard rubber to give a smooth crossing and the sidewalks will be reconstructed, along with a new signal installed on Ward Street for which the town will pay only 10%. Mr. Killen felt that the contract is ambiguous. Mr. Diana asked if any safeguards will be built into this and Mr. Costello said that the signal lights are set up so that nobody will be trapped on the track and signs prohibiting right turn on red when the gates are down.

Mr. Myers asked Mr. Costello if the money which has been appropriated for capital improvements is sufficient for this project since he assumes this is a state grant which will be reimbursible. Mr. Costello said we will spend our funds up front only for the work that is related to Ward Street and money will not have to be spent up front for the railroad work or for the signal work and the town will get billed for their share after the work is done and that will be 10%.

Mr. Killen referred to page 3 of the agreement (a) where Mayor Dickinson's name is inserted and page 4 under (ii) where there is no name and Mayor Dickinson felt that his name should appear under (ii) and it was just inserted in the wrong place.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 22. Mr. Gessert read Mr. Myers' August 4, 1986 letter pertaining to this item.

Mrs. Bergamini read and moved adoption of the following resolution:

RESOLVED: The 1986-87 General Fund budget is amended as follows:  
Estimated Revenues

Account 577

State Grants - Other

Telephone Access Line Grant (PA 86-178 amended by SA 86-58)

\$207,380

Total Estimated Revenues

\$207,380

Appropriations

Account 501 - Capital

Engineering

Design Fee - Oak Street Bridge

56,500

Account 503 - Capital

Public Works - General Improvements

Repave: Park Lane, Circle Drive, Beaumont Road

35,000

Repave: Hanover Street

23,562

East Center Street & Scard Road (from North-  
ford Road to bridge)

43,197

Whirlwind Hill Road (from Center Street to  
Hull residence)

16,886

Mapleview Road

32,235

Total Appropriations

\$207,380

Mr. Rys seconded the motion.

Mr. Gessert said if the town gets the money, he wants the paving jobs done and he asked what had to be done to insure the work being done. Mr. Costello said Park Lane, Circle Drive and Beaumont Road will be paved this year. Park Lane will be paved this month, Circle Drive in September and Beaumont Road in October, added Mr. Costello. Mr. Costello said that portions of the \$56,500 for design fee for Oak Street Bridge will be refunded to the town in the form of a grant and some in the form of a loan. Mr. Gessert asked about the others and Mr. Deak said they will be done during August and September and contractors have already been lined up.

Mr. Killen asked what line 576 money is and Mr. Myers read the titles from the State Act appropriating these monies and explained that this is a one-time grant from the State surplus and the Telephone Access Line tax share is defined under P.A. 86-410 which requires the Telephone Companies to pay 2/9's of their gross earnings tax which would otherwise be due to the state directly to the towns. Senator Robertson said there was an attempt by the General Assembly this year, again trying to return money to the towns, to allow towns and cities to charge property tax on telephone companies. After investigating that for a short period of time, it was realized that local assessors would have an extremely difficult time, specifically with some of the high tech computer systems so a simpler system was sought by asking how many access lines there were, further stated Senator Robertson.

Mr. Diana asked about the paving that has been done over the last year and wanted to know if any of that applied here and Mr. Deak said it applied just to regular paving.

Mr. Gouveia asked how many of these projects will be done by Public Works and how many are bid out and Mr. Deak said the preparation is all done by Public Works and the paving will be done by Tilcon-Tomasso and Mr. Costello said Costello Industries is paving North Elm Street.

Mr. Rys questioned page 17 of the budget book showing A/C 576 Access Line Grant totalling \$283,194 and Mr. Myers said that was the Revenue Sharing and \$283,194 was appropriated and he changed the title, not the appropriation. The information Mr. Myers has received as of 7/15/86 indicates that the town will receive \$271,899 and that is the Telephone Access Line Tax, funds to be paid to the town by the phone companies. He added account 577 which he calls Telephone Access Line Grant and appropriate \$207,380. Mr. Killen said it will be underfunded and he asked why the shortfall was not made up and Mr. Myers' feeling right now is he hopes to pick up the \$12,000 during the year.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 16. Mrs. Bergamini read Mr. Deak's August 6, 1986 letter pertaining to this item.

Mrs. Bergamini moved that the bid be awarded to the second lowest bidder for two (2) snow plow trucks including equipment to Mack Trucks. Mr. Rys seconded the motion.

Mr. Rys asked what equipment was included and Mr. Deak said the plow and sanders.

Mr. Gouveia comments that the difference between the low bid and the second lowest bid is \$17,256. He wonders if it is very important that this piece of equipment be 6 speed transmission instead of 7 speed. He feels they are getting an extra speed for \$17,000 less. 504

Mr. Deak explains that the town has had very poor experience with these trucks. They are hard to get parts for and it is more than just because of the 7 speed transmission. They feel the Mack trucks are a much better truck overall.

Mrs. Bergamini comments that she has an International tractor and she is having a great problem trying to just replace the seat. You can't get parts. International is no longer a flourishing company.

Mr. Killen asks if the trade-in price on the 68 & 69 Reo's are the best prices Mr. Deak can get. Would he do better at an auction?

Mr. Deak explains the trucks are old. One is running. They do need a lot of work. Chairman Gessert comments how he has seen old trucks purchased and they still keep running for years later. Mr. Deak then says he can try to take them to auction and get more for them. Chairman Gessert asks if we could put an add in the paper for these and Mr. Deak says he can.

Mr. Killen comments he would like to see these go to auction or some other means. He would rather try something else other than trade-in. It is worth a shot.

Edward Musso, 56 Dibble Edge Road says what is so objectionable about having 7 speeds instead of 6? Mr. Rys explains that it has to do with the transmission and the ratio of the gears.

Mr. Deak says the rest of the trucks are 5 speed. Again he also comments about the ratio Mr. Rys spoke of.

Chairman Gessert then comments that maybe they should try to auction all three vehicles and go with no trade in. He then says maybe Mr. Deak could put an ad in the paper and see what happens.

Mrs. Bergamini then amends her motion to accept the Mack Truck company the second lowest bidder for two (2) snow plow trucks including equipment and change the figure to \$159,224.00, eliminating the trade-in allowance; seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 17. Mrs. Bergamini moved the transfer of \$1,200 from A/C C-503-006 to A/C 503-512-01

Chairman Gessert then says they just appropriated the \$159,224.00 for the Macks. Mr. Rys then says at this point, they have \$5,776 left over from the money for the trucks. This would then allow them to bring the Council Contingency account down for this transaction.

Mrs. Bergamini then continues and makes the motion she was starting to earlier.

Mrs. Bergamini moved the transfer of \$1,200 from A/C C503-006 to A/C 503-512-01 and the transfer of \$1,100 from A/C C503-002 to A/C 503-512-01; seconded by Mr. Rys.

Mr. Gessert comments that they do have an underground electrical problem at Prageman Park somewhere between the refreshment stand to one of the light poles. Sometimes the electricity comes right up through the fence. The electricity has been shut off in the park at this point.

Mr. Diana feels that once they determine the problem, this is something the Electric Division should handle. Chairman Gessert says they do not have an aerial lift that goes high enough. Mr. Deak agrees with Chairman Gessert.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

Mrs. Bergamini then moved the transfer of \$7,200 from A/C 805-319 to A/C 503-512-01 for discussion; seconded by Mr. Gouveia.

Mr. Rys then says what he was suggesting earlier was instead of taking the \$7,200 from Council Contingency, \$5775 rounded could be applied that we just saved on the dump trucks and the balance would then be approximately \$1,425, which maybe Steve could come up with an account for this.

505

Mr. Gouveia is confused about the original amount allocated for the dump trucks and he is then told it was \$165,000 and not \$160,000.

Mr. Myers then asks Mr. Deak if he has any open positions and Mr. Deak says no. Chairman Gessert then recommends they take the remaining amount of money out of snow plow overtime. Mr. Deak says this account would be 504-140.

Mrs. Bergamini then changes her motion to take \$5,775 from A/C 504-901-Snow Plow Trucks and \$1,425 from A/C 504-140, a total of \$7,200 to A/C 503-512-01; seconded again by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried.

ITEM 18. Mayor Dickinson then says that he feels any discussion on this should be, since it is an item of pending litigation, should be in Executive Session.

Mr. Diana says we don't know what we are talking about yet so why go into Executive Session. Mayor Dickinson says we are talking about contracts that are now subject to litigation. Mr. Diana says he has a very specific question to ask Phil Hamel and the Mayor can tell him if it is in violation of that. Mayor Dickinson says it is not a violation, it is just a question of whether it should be in open session since there is pending litigation.

Mr. Diana then asks Mr. Hamel if we have made any changes on the contract from the time we have approved it. Mr. Hamel says yes. There was an amendment called the first amendment made.

He says he does have copies of the amendment and hands them out to the Council. He also has about 5 copies of the signed contract which they have all seen.

Mr. Diana asks if the signed contract differs from the original contract. Mr. Hamel says yes there are some differences. There are a lot of very technical changes which are minor.

Mayor Dickinson says again, he feels this is the subject of pending litigation. In courts, there are motions for disclosure that are meant for the purpose of disclosing legal documents which this is. Since this is a matter that is in the court system, that is the mechanism to be used by any litigant to obtain copies or additional information regarding the contract. He does not think that is a proper subject for public discussion at this time.

Mr. Hamel says the validity of this contract is in question, he believes in this court case.

Mr. Diana asks if any of the amendments of this contract have been discussed with any other towns.

Mayor Dickinson then says he does not want any further discussion on this matter.

Mrs. Bergamini then moves to go Into Executive Session; seconded by Mr. Rys.

VOTE: Council Members Bergamini, Gessert, Killen, Polanski and Rys voted yes; Council members Diana and Gouveia voted no; Mr. Holmes and Mrs. Papale were not present; motion duly carried.

The meeting then went into EXECUTIVE SESSION at 10:58 p.m.

There is a pause in the meeting at this time as the correct statute to go into Executive Session is found.

Mrs. Bergamini then moves to go Into EXECUTIVE SESSION Under Connecticut Statute 118AE2, Executive Session, she moves to go into executive session for the purpose of discussing the Resource Recover Contract which is now in litigation; seconded by Mr. Killen.

Mayor Dickinson states discussion of any document or anything related to the Resource Recovery, effects our stance in court and our strategies and capability of representing the interests of the Town of Wallingford. 506

VOTE: Council Members Bergamini, Gessert, Killen, Polanski and Rys voted yes; Council Members Diana and Gouveia voted no; Mr. Holmes and Mrs. Papale were not present; motion duly carried. The meeting then went back into EXECUTIVE SESSION at 11:11 p.m. Mrs. Bergamini then moved to come out of EXECUTIVE SESSION; seconded by Mr. Rys. The meeting came out of EXECUTIVE SESSION at 11:30 p.m.

Mr. Diana then says there is a concern about the roadways. Can anything be built into the contract to protect the Town of Wallingford by specifically spelling out routes for the trucks and they adhere to that with a certain degree of penalty. It is then up to us, by ordinance, to put some teeth into this.

Mr. Diana says there are other plants that have done the same thing except what has happened is that there is flavored misuse of that and the local municipalities have no teeth in enforcing that rule. He feels some type of safeguard should be built in so that we don't have abuse of the roadways.

Mr. Gouveia then presents Mr. Hamel the letter which he mailed to each Council member and the Mayor on February 4, 1986 outlining 6 items that he would like to see changed in the contract.

ITEM 19. Mr. Gouveia starts by saying some time ago, during the last chemical leak that occurred at Cyanamid, there was a great deal of concern expressed by this Council and members of the public because they felt there was not enough communication and not enough information getting out to the people. At that time, Chief McElfish did indicate to us at the meeting that the communications between American Cyanamid and officials needed fine tuning. Cyanamid did not notify Town Officials and they failed to notify DEP. A Mr. Charles Ziminski, DEP Official, was notified by our own police force. He states that he felt Cyanamid made an error there. Chief McElfish assured us that Cyanamid has always cooperated with town officials on anything. At that time, councilman Diana, tried to bring forth to this Council, the idea that maybe, not only the Mayor, but Town Council people should be informed of any leaks of any sort so that we in turn, in case we got calls, could assure the people that we were on top of the problem. Soon after that, there was another chemical leak at Bristol-Myers. Again, the same problem existed. They did not inform town officials. Bristol-Myers did not even inform out Fire Department. It took them an hour to do this. To make matters worse, he finds it somewhat offensive that Bristol-Myers chose to inform Mr. Bradley of the accident instead of informing the Mayor or another top town official. In view of that in order to inform the town people of a spill like this, we have to be able to know what the problem is. We can not assure the people if we don't know what the problem is. He feels an ordinance is in order that would state in the case of a chemical spill, the company involved, inform the town officials at the same time they call DEP.

Mr. Gouveia then states the following motion: I move that the Ordinance Committee of the Town Council be directed to take the proper steps to draft an ordinance that will require all companies to notify the Mayor of the Town of Wallingford of any hazardous or toxic waste accidents immediately after notification of the State Department of Environmental Protection. The Ordinance Committee shall pattern this ordinance after existing state regulations regarding notification (Article 22-450 of the Conn. General Statutes) The ordinance shall also state that in the event of the unavailability of the Mayor, the Chairperson or Vice Chairperson of the Town Council will be notified. He would also like to see a briefing to the press as soon as possible so that the people in town know exactly what has taken place. This motion is seconded by Mr. Diana.

Chairman Gessert comments he hopes they would notify the Fire Department first and then the Mayor or the chairman or vice chairperson whoever they may be at the time. Mr. Gouveia says they would have to first notify the Fire Department and the Police before they call DEP. Right after they inform DEP, they are to inform town officials.

Mrs. Bergamini says she would suggest he put this in the form of a letter what he would like this ordinance to cover.



She continues that maybe an outline would be helpful because what happens is once they get it before the Ordinance Committee they do have to get a town attorney to join us at that committee to tell them they can enact such an ordinance and then it comes back to the Council. Mr. Gouveia then says Southington has a similar ordinance on the books. 807

Edward Musso, 56 Dibble Edge Road, feels the people are getting carried away by nothing. They are making a mountain out of a molehill. If there is anything dangerous, the person responsible would notify the pcplus. You don't have to have any such thing like this.

Edward Bradley, 2 Hampton Trail, feels Mr. Gouveia's argument is in the right direction. He appreciates Bristol-Myers calling him but he is not the type of person that would pack up his family and leave the rest of the people there. They serve the residents of Wallingford of Wallingford and get on track of being a good neighbor by notifying the proper authorities. The last time he was here he made a recommendation. He feels a committee should be established. He would like to see a review of the emergency plans of the town level. That would include the Fire Department, Civil Defense etc. What their plans are to handle situations like this. As far as chemical companies in critical and all areas of town, a complete inventory of what is stored there and where it is stored. Supposedly the Fire Dept. already has this. That may or may not be true. He, as a member of the public would like to see it. He would like to see a review of the notification plans of all corporations. He would like to see a review of the emergency plans of those corporations. And then finally coming out of this committee once this is all put together, he feels the documents should be published. The emergency procedures should be filed at the Library for the public.

Mr. Musso says everyone was complaining about the odor and sickness from the spill at Bristol-Myers and he had no effects whatsoever.

Phyllis Brosnan, 16 Marriott Circle says she lives very close to Cyanamid. She says the odors emitting from that plant have decreased in the last year. She has an asthmatic child, she has had to call her children and better yet, they don't want to play out in the yard sometimes because the odor coming from there is so strong. They are not hysterical children and she is not a hysterical mother. Sometimes the odor is horrible. Her eyes burn and her husbands don't burn. She is not exaggerating and she is not making it up. She is happy for Mr. Musso that he is of a strong constitution and the odor does not bother him. Thank God he hasn't experienced it but she has and so have her children and it is true.

Mr. Gouveia then comments he is not targeting Bristol-Myers. We are not longer the little town we use to be. There are many companies who store a great deal of chemicals throughout the town and in the time of crisis, the last thing that we need is to have a lot of uncertainty and distrust and lack of confidence on the part of the townspeople and by assuring the people that we are on top of the problem and working on the problem goes a long way.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papale who were not present; motion duly carried

Item 19b. Mr. Gouveia states that this is one of the issues where he did not receive total support from the people at large. He has gotten calls from people who do not feel the same way he does about it but to him it is a matter of principle and although he is not trying to dictate morality to anybody else, he feels that divesting in South Africa, we are not jeopardizing our pension fund in any way. The city of New Haven has \$23 million in companies that do business in South Africa. A study has been done for them and it indicates that little, if any, long-term effect will have on their pension fund if they divest. The State treasurer which had opposed divesting for along time, finally stated that we shouldn't divest in South Africa, if nothing else, because of the business risk. If those people that are only influenced by economic consideration, should realize that there is going to be a change in South Africa no matter what. He is afraid it will not be a peaceful change. It is likely that the companies that are doing business there are going to suffer. If you don't want to think about the moral obligation that we have to stand up do something about it, then maybe think about the economic consideration. Again, he has a motion that he would like to present to this Council:

Mr. Gouveia moves that this Council direct the Town Pension Committee to notify the portfolio managers of the Town Pension Funds that no new investments will be made in companies doing business in South Africa as of the date of such notification. 508  
I further move that the Portfolio managers be instructed to submit to the Pension Committee by September 30, 1986, a plan for divestment of existing pension funds currently invested in companies doing business in South Africa. Such divestment should be completed by December 31, 1986 unless further action is taken by this Council on the request of the Pension Committee and or the Portfolio managers. This motion is seconded by Mr. Diana.

Mr. Rys comments that by divesting in some of the companies that deal with South Africa. There are a number of companies participating in the Sullivan Principles. Some of these companies hire a lot of people and perhaps what we should be looking at are these non-signatory companies that deal with South Africa and he does have a listing of the 9 requirements under the Sullivan principles which deal with freedom of association, benefits, equal pay, minimum pay etc. He cannot see punishing some of the larger corporations who are signatories and who do abide by the basic principles by divesting. He could see us divesting possibly the companies that are non-signatory.

Mr. Diana feels he is not necessarily opposed to this. He would support it only because it is the proper thing to do. How far can you take this. It is interesting that we are talking international politics and here we are in Wallingford talking about it and he feels it does have an effect. You may want to carry this to any country that violates human rights should be targeted and not necessarily just South Africa. There is a catch 22 to this whole thing. Many people do project that divesting will hurt the poor people in South Africa more than it will hurt anyone else. They will be the ones who ultimately become employed. This will, in fact, be a step backwards. However, we do have to start somewhere and this is the way to do it. The Congress of the U.S. is looking to put sanctions on people who don't go along with our policies on divesting. This will happen hopefully this year. They are also looking to put very strong regulations on it against those people that are allies right now that don't abide by our sanctions. We may actually impose our sanctions on that country. This is quite a Pandora's box being opened up internationally and this is our way of effecting it locally but whether we do something or not, it is going to be something addressed internationally within the next six months. He will support this motion because it is a violation of human rights.

Mr. Polanski feels we give the Pension Committee the responsibility of running the pension fund and he would not want to vote on any action on this until we find out what we are talking about. We may not have any funds invested. He is assured we do but Mr. Polanski wonders how many of those have it. He feels he would like to hear it from the Pension Committee themselves.

Mr. Killen says the part that bothers him the most is that there are times when he wonders if we can even handle our own little corner of the world and we seem to be wanting to get into what is going on in another part of the world. It is not that it is unimportant. The problem is that he only knows what he reads in the newspapers. When they attacked the problems they had before them tonight, he had other things to go by. In this instance, he can't begin to foretell the rights or wrongs of this instance. Some say it will hurt the poor people and some say it will have absolutely no effect on their economy anyhow. It depends on what you read. For us to get involved in it, unless someone knows something he doesn't know, he will vote no at this time and have faith that the people we have investing our funds are much more aware of what is going on.

Chairman Gessert says we all have to realize that South Africa doesn't run their government the way we do and it is nice that we can jump in and tell South Africa that they are denying peoples rights and you shouldn't do this or that. Interestingly enough, if we look at the economics of the situation, the primary source of the many primary metals that are used to build our spacecraft, airplanes and satellites comes from South Africa. We can't go buy these products from Canada or we can't buy them from Portugal because they don't have any. Mr. Gouveia takes exception to that. Mr. Gessert says he didn't single out Portugal he could go down the list and list many more. Chairman Gessert says the issue at hand is the primary other source in the world for these products is the USSR. If we would like to stop doing business with South Africa and put penalties on companies that

do business with South Africa, we could put ourselves in the corner, doing business with the russians. Talking international, he is not too happy with many issues taking place worldwide now. Chairman Gessert then says that the Supreme Court of South Africa is trying to institute some changes in the government, politics etc. There is adequate pressure on the government to bring this along. He doesn't feel this is going to solve the problem and he is opposed to this.

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Mr. Gouveia then says that Mr. Polanski suggested we seek the opinion of the Pension Board. This body is the body that sets policy in this Town. Not the Pension Board. Last week we let a commission in town dictate policy to this board that is not even appointed. This is the Library Board. The answer to Mr. Rys and Mr. Diana, to say that we shouldn't divest because it is going to hurt the poor, black people in South Africa, is to take a paternalistic attitude. To tell them that we know what is best for them. Every black leader in this country as well as in South Africa, have come out for divestment. Sure, there is no question that they will have to pay a price for whatever is done.

VOTE: Council members Diana and Gouveia voted yes; Council members Bergamini, Gessert, Killen, Polanski and Rys voted no; Mr. Holmes and Mrs. Papale were not present; motion does not carry.

ITEM 23. Withdrawn

Chairman Gessert says we do have a request to Waive Rule V to allow the Council to condemn a five foot square piece of property.

Mrs. Bergamini then moved to Waive Rule V to entertain the discussion described by Chairman Gessert; seconded by Mr. Rys.

The purpose of this is to discuss an electric easement over the land of Angelo Morgillo property located on Quinnipiac Street.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mrs. Papalè who were not present; motion duly carried.

Mrs. Bergamini then reads the letter from Attorney Gerald E. Farrell dated August 12, 1986 explaining the reasoning for this easement.

Mrs. Bergamini then moves the following resolution:

WHEREAS, the Town of Wallingford Electric Division needs to obtain an easement from Angelo Morgillo of the Town of Wallingford, County of New Haven and State of Connecticut for the purpose of relocating electric lines in connection with the Town of Wallingford's beautification project for the Railroad Station Green; and

WHEREAS, said Angelo Morgillo has refused to sign the easement agreement prepared by the Town of Wallingford Town Attorney's office; and

WHEREAS, the easement is necessary in order for the Town to continue with the beautification work on said Railroad Station Green.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD AS FOLLOWS:

The Town Council of the Town of Wallingford hereby authorizes the Town Attorney to proceed with the condemnation action to obtain said easement.

This resolution was seconded by Mr. Rys.

Mr. Diana then asks if we could use another spot other than having to use that to accept these electrical lines.

Chairman Gessert says that as you enter this building, there is a canopy there and just to the south of that is the little piece of property that is next to the doorway that there will be an overhead run and a guidewire to the ground just to hold the pole so it doesn't lean out onto the road. The only piece of land from the beginning of Colony Street all the way to the end of the Chinese Restaurant would be this spot. It is an overhead guide and shouldn't cause any problem. 510

Mayor Dickinson says the only other possibility would be to put a pole to the rear of the property which could take up one to two parking spaces and there was not an agreement to do this. That would be more costly, not only for easement, but for the other improvements that would have to be made for the stringing of the lines. This was felt to be the best approach and it is a 5ft. square area.

Mr. Diana then says we can't go closer to the tracks. Chairman Gessert says there will be a pole at the end of the block, a pole in the middle and if you go that whole span with no overhead lighting at all, it gets pretty dark. This is the one spot in the middle of this block for overhead lighting.

Mayor Dickinson then says it is not just the lighting but you have to string the wires and it is too long a span without something in there to support it.

Mr. Diana feels we don't want to clutter up our green so we are going to take his piece of property. He could see it if it were a matter of public safety but here we are not even asking that.

Mayor Dickinson says we don't like to condemn property. The problem is there is no way to get the lines off the green and you will not be able to make significant improvements with all the utility poles that exist out there. Undergrounding of them would be a far more costly project. The reaction we got wasn't a big objection other than the property is up for sale and there is reluctance to do anything that might jeopardize the sale. It really comes down to being able to move the electric poles from one side of the street to the other.

Mr. Killen asks if he was offered anything in return for this easement. Mayor Dickinson says any time you acquire an easement, you will have to pay something for it. The process of condemnation allows you to go ahead and appraisers to determine what the value is and that value is paid thereafter. It is not a question of taking property without payment for the right to use it, it is just a question of requiring that a conveyance go ahead.

Mr. Killen seems to feel he heard earlier that it might be possible to do it without using this gentleman's land. He doesn't like to use condemnation unless absolutely necessary.

Chairman Gessert says if we don't take his property, we go into the parking lot and we are taking someone else's or a different piece of his land.

Mayor Dickinson says in order to move the poles, we have to place the supporting pole somewhere over there. The problem is compounded because there is a different type of service for one of those buildings so you are restricted on how to allow access. It is considerably more expensive to put anything behind the building, not only because of the service required but because you will be definitely taking parking places and that is not in the interest of anyone. Any liability of course, is still with the Town of Wallingford wherever the guide is attached.

Mr. Killen comments that the Electric Division turned around and created something on their own with the Pocobello's and would admit no guilt on their part and he was not the least bit impressed. If he were in this gentleman's spot, right about now they wouldn't put the guide on my land either.

Mr. Gouveia asks why he refused to sign the easement agreement. Mayor Dickinson again states that the property is up for sale and he doesn't want to have any wrinkles in a potential sale. This is second hand from he believes the Town Attorney's office.

Mr. Polanski asks when they intend to change all this wiring and is told by the Mayor immediately. The phone company has to underground some of their cables on Quinnipiac Street. All utilities down there have to be moved before you can start doing any significant work on the green itself. This is something we need to be able to move ahead. If you don't move the poles, it restricts the whole project. 51

VOTE: Council members Bergamini, Gessert, Killen, Polanski, and Rys voted yes; council members Diana and Gouveia voted no; Mr. Holmes and Mrs. Papale were absent; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 12:16 a.m.

Meeting Recorded By:  
Lisa M. Bousquet

Meeting Transcribed By:  
Delores B. Fetta & Lisa M. Bousquet

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

9-9-86  
Date

Rosemary A. Rascati  
Rosemary A. Rascati, Town Clerk

9-9-86  
Date