

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

December 12, 2006

6:30 P.M.

MINUTES

This is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, December 12, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, and Rosemary Rascati. Councilor Vincent F. Testa, Jr. was absent from the meeting recovering from surgery. Mayor William W. Dickinson, Jr., Corporation Counsel Adam Mantzaris, and Comptroller James Bowes were also present.

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

Chairman Parisi announced that Items 10 and 11 were withdrawn from the agenda. Councilor Knight read a memo from the Mayor to Chairman Parisi, regarding the *Solid Waste Ordinance* Public Hearing (Item #9), which involved notification to the trash haulers.

(The memo is part of the record of the meeting.)

2. Correspondence

None

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#408- #415) totaling \$16,764.39
Acct. #001-1000-010-1170 - Tax Collector

3b. Consider and approve a Transfer in the amount of \$9,000 from
Contingency General Purposes Acct # 001-7060-800-3190 to
Replacement Pay Acct # 001-2030-101-1500 – Fire Department

- 3c. Consider and approve a Transfer in the amount of \$8,100 from Contingency – General Purpose Acct # 001-7060-800-3190 to Two (2) Diesel Plow Trucks w/Equipment & Accessories Acct # 001-5015-999-9197-00 – Public Works
- 3d. Consider and Approve Town Council Meeting Minutes for November 14, 2006
- 3e. Consider and Approve Town Council Meeting Minutes for November 28, 2006
- 3f. Consider and Approve a Resolution Authorizing the Mayor to enter into Memorandum of Agreement (MOA) with the State of Connecticut Department of Emergency Management & Homeland Security (DEMHS) for Fiscal Year 2006 Homeland Security Grant Funding in the amount of \$29,124 – Fire Chief
- 3g. Set a Public Hearing for January 23, 2007 at 7:00 P.M. to amend Ordinance #438 “*An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures.*” of the Code of the Town of Wallingford.
– Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- 3h. Consider and Approve the Appointment of Frederick Monahan to the Board of Commissioners of the Wallingford Housing Authority for a Five-Year Term Expiring 10/31/2011– Chairman Robert F. Parisi
- 3i. Consider and Approve the Appointment of Jerry Labriola to the Board of Assessment Appeals for a Three-Year Term Expiring January 08, 2010
– Chairman Robert F. Parisi

MOTION

Mr. Knight made a motion to adopt the Consent Agenda items 3a. – 3i.
Mr. Farrell seconded.

VOTE

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.
The motion passed.

The Town Clerk swore in Jerry Labriola to the Board of Assessment Appeals for a Three-Year Term.

4. Items Removed from the Consent Agenda

None.

5. PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, asked if the public has a right to ask a proposed appointee any questions. Chairman Parisi responded that according to the procedures, they do not, but that a Councilor may request to interview a proposed appointee. The public could speak with a Councilor about any concerns or comments.

Bob Gross, 114 long Hill Road, asked if there is anything new about the trash to energy plant and CRRA. The Mayor said that there is nothing new except ongoing discussions between CRRA and COVANTA, and the we are in the process of putting together specs to make an effort to hire someone at the beginning of next year. The Mayor said that the Policy Board meetings are open to the public, CRRA Board of Directors meetings are public and any action taken by the town would be at a public meeting.

Wes Lubee, Montowese Trail, referred to repairs to a wrought iron fence in Wallace Park and asked when the flagpole in the same location would be repaired. He also inquired when the street lamp across from K of C would be repaired. George Adair, P.U.C Director, offered to look into the matter and to let the Mayor know.

6. Discussion and Action regarding sale of Nichols and Carlton Streets and Dudley Avenue to Ulbrich Steel for \$155,000 – Mayor

Mayor Dickinson said that an appraisal was done by the Assessor's Office, and a figure of \$155,000 was determined to be the value for the three streets – Nichols, Carlton and Dudley Streets. He said that the Assessor determined a per square foot value based upon property of like zone, and his appraisal of 50 pages draws on comparisons elsewhere. He said that representatives of Ulbrich Steel are in attendance this evening to speak about their interest in purchasing the roads.

Fred Ulbrich, Chairman Emeritus
John Cei, Vice President, Finance
Rob Giapponi, General Manager Operations

A brief history of Ulbrich Steel was presented using a map of the subject property in relation to the Ulbrich Steel plant. In order to compete on a global scale in a timely way, the company would like to construct a warehouse on the site and to close a remote warehouse in North Haven. Their interest in purchasing the streets stems from the purchase of a building that the company once leased. The purchase would allow all three parcels to be combined into one campus. This would call for a consolidation of operations and shifts. Purchase of the streets would also position the company for future expansion. Safety factors for three shifts traversing these streets were also discussed.

Mr. DiNatale, speaking to Adam Mantazaris, asked him to compare the creation of the roads in the past with the creation of new roads today and about the status of those roads today.

Mr. Mantzaris said that the town would be discontinuing easement over those public roads, which serve the public, in return for consideration, that being, the price that has been established by the Assessor. He said that the town has an easement over those roadways for the members of the public for their own use and for that of the town. He said that the town does not own the fee of that property, and he said that's clear from common law, but the town does own an easement over those properties, and that is what we are giving up by way of this discontinuance.

Mr. DiNatale asked if it was a roadway that was subdivided in the past year, how would we handle it differently in that we don't own the fee versus something that was done 50 years ago.

Mr. Mantzaris said that recent Planning and Zoning operations, the town would own the fee of those roads because they require developers to convey the public rights of way that are on the plan to the town as part of the approval process. Years ago before Planning and Zoning these matters were established by the people using them and needing a way to get someplace, and they became in a sense, if not actually deeded to the town, dedicated by usage of the public, the people and the town, the government. This was done prior to any planning and zoning.

Mr. DiNatale said because we don't own the fee that if the Council were to take an action tonight that we would be abandoning our interests in that roadway. Mr. Mantzaris said 'discontinuing.' Mr. DiNatale asked how would we handle the remaining sections of those roadways.

Mr. Mantzaris said that we would discontinue the entire roadways. There are two corner properties that would be left alone, and we will not discontinue the roadway for those two parcels so those people will have access out of their driveways onto a public road. They discussed those two properties and that there will be space on both roads for snowplows to plow snow so that the public section will be clear of snow.

Mayor Dickinson said that the Council's action does not involve paperwork but that they need to know if the Council is interested in having this occur and that subsequently they will draw up a contract for sale and set a closing date and iron out some of the description issues for documents that can be recorded on the land records to everyone's satisfaction. Tonight it is the concept of selling these properties.

Mr. DiNatale asked if it was possible to discontinue the entire section of either of those roadways, including the section that abuts the individual homeowners. How do you handle this. Some towns have paper roadways. In this case there is a

section that remains, and maybe if there are only two houses left, maybe we would want to abandon our entire interest in those roadways in that we are leaving an unusual configuration.

Mr. Mantzaris said that the private property owners have to have a way to get out, and they have a right to access to a public highway. He said he remembered only one other road that the town has abandoned in the past.

Mr. Parisi said that he wanted to point out that the town is trying to protect the two private homeowners as he understands this plan. Mayor Dickinson said that representations were made to the homeowners that they would remain on a public highway. Given the fact that the town doesn't have a fee simple title to the property that we are conveying, whatever interest we have in the property which is a public easement but that doesn't cover the right of access from those property owners. They have a separate right from the town's, and it gets complicated.

Mr. DiNatale said they, we have to look at their interests and where they (the homeowners) end up when this is done.

Mr. Farrell said that he found it interesting that it is being characterized as we are 'abandoning an easement' as opposed to 'selling fee simple' and his recall on several prior transactions is that we abandoned an easement – like North Plains Industrial Park – that we did not charge people for that. He asked if he was wrong on that. He said that there were a series of electrical easements that ran through that whole park that we abandoned within the last couple of years.

Mr. Mantzaris said that when the road was originally constructed, we assessed benefits to the adjoining property owners. He said that he does not recall giving up anything. Mayor Dickinson said that the electric transmission lines were never used, and they were never paid for, and so in fairness to the Electric Division, who said that they had no need for this, they were abandoned.

He said that the town hasn't done that with a highway. He said that where we have abandoned portions of highway, we have been paid, and he named Pent Highway and along South Turnpike Road. He said that those were slivers of highway that were abandoned by the town to the benefit of the property owner and the town sold square footage. He said that electric easements are a somewhat different situation.

Mr. Farrell said that the town has the benefit of the \$155,000 that is being offered, and the Council and the public have to come to some conclusion that that is a fair price. He said that his point is that \$155,000 in his perspective becomes a fair price where we are not selling fee simple. We are abandoning an easement.

Ms. Papale said that the Council was given a list of the surveys that went out to people. She said that 41 names were listed as replying and asked if the people who own the homes that we are discussing on the end of each street replied. She is interested in what they have to say. She said that there were six people who

had concerns regarding Carlton Street, and 34 people had no concerns. She said that six people have concerns regarding the closing of Nichols Street and 32 people had no concerns. She said that it tells her that the majority of the people in the area have no problems.

Mayor Dickinson said that they sent out 487 letters and surveys and 42 were returned. Everyone was invited to a meeting that was held here and, he believes, the property owners attended and indicated concern and opposition. He said that he does not know if they filled out a survey. Ms. Papale asked if Ulbrich has talked with these property owners since that meeting and that they should be part of the discussion. Mr. Cei said they talked with them at the meeting and that during the meeting these homeowners expressed concerns regarding traffic and that they did not want the area developed. Ulbrich subsequently did their own informal traffic study which was conducted from 7:00 A.M. to 6:00 P.M. and found that it averaged five vehicles an hour and in the peak period it was eleven vehicles an hour. Ms. Papale said it would be a good thing for the homeowners to be present when the details are discussed.

Ms. Papale asked how the appraiser's office came up with \$155,0000. Mayor Dickinson said that Mr. Jackson used several comparisons and arrived at a figure of \$2 per square foot. He said that it is similar to like properties elsewhere.

Mr. Ulbrich said that they will get together with those two families and find out what their problems are.

Wes Lube, Montowese Trail, said that the agenda says 'sale' of Nichols and Carlton Streets and Dudley Avenue. It doesn't say 'sale of easements' and asked about legal ramifications. Mayor Dickinson said that the agenda does not represent any technical representation as to the nature of the sale. Mr. Mantzaris said that we are selling the public easements over those streets and that before the sale the Council will be asked to pass a resolution to discontinue those streets. Mr. Mantzaris said that the idea tonight is to get an idea as to whether this price is appropriate or not. Mr. Lube asked about industrial sewer lines and other utilities. Mayor Dickinson said that Public Utilities has already discussed with Ulbrich what portions of services will be owned by Ulbrich and that Public Utilities will not be looking for any reimbursement from Ulbrich. Mr. Lube said that he does not think that the appraisal is fair considering all that Ulbrich is receiving. There was further discussion regarding Dudley Avenue.

Chairman Parisi said what about the addition to the tax roles and the jobs that will be created in allowing this to go forward. He asked Mr. Lube if that did not have benefit to the town.

Mayor Dickinson said that the town is not looking to make a profit but to be fair to a business that has been in Wallingford for decades that represents heavy industry, manufacturing, and is competing on a global scale in an international marketplace in an economy that has trouble keeping manufacturing in the northeast. He said that all of these things are important to the town to have a

business such as Ulbrich that has a good corporate presence that is showing in innovation, talent and capability, unlike many other businesses. He said that price is fair that we are not creating something that hasn't existed before and that it's not an inconvenience to the public.

Andrew Mezzi, 86 North Cherry Street, asked the Council not to vote on this contract tonight. He asked if Planning and Zoning has been asked for input on this. He said that there is more to this deal than just the money and listed his observations regarding the area.

Chairman Parisi asked Mr. Mantzaris about Planning and Zoning. Mr. Mantzaris said, regarding a statute, that he wasn't sure if an easement would qualify, but it may in which case they (Planning and Zoning) would have to vote on the question. He said that it may just apply when we are selling fee interest. If it's appropriate it will go before the Planning and Zoning Commission also before it comes back to the Council. He said that he would look at the statute.

Jim Wolf, Economic Development Commission, said that the EDC sub-committee had looked at this over the past months and said that in terms of economic development that the price really doesn't matter. He said that the town could give this away, if you look at the jobs coming into town, elimination of road maintenance and the increase in the tax roles for new buildings and a manufacturer who is expanding. He said that the EDC is totally in favor of moving forward with this.

Lucille Trzcinski, 25 Turnberry Road, agreed that the Council should move forward with this but not until every aspect is thoroughly understood. She asked the Council to vote only when they have the facts and to review the statute and should it go before Planning and Zoning that there is no perception with the taxpayers that they didn't do their homework. She said that this will be a benefit to the town. She agreed that the price is not important because there is a larger picture.

Chairman Parisi said that this item can go forward subject to the reading of the statute because if the Town Attorney determines that that's the road that should be followed, then it would go to Planning and Zoning. He said that what the Council is doing is subject to the ruling of Planning and Zoning.

Attny Mantzaris said that the Council is not voting tonight to actually sell the property or give up the easement but the Council is voting that the price is OK. If it needs to go to Planning and Zoning, it will. He said that the only question tonight is if this a price that the Council is comfortable with.

Chairman Parisi said the Council is approving a concept. He said that the contract still has to be worked out.

Ms. Trzcinski again stressed that she does not feel the Council should vote even on accepting the price and saying it's OK until you have all of the facts.

Mr. Farrell asked Mr. Ulbrich if the Council were to receive a report in January 2007 and act upon this in January, would this prove difficult for the company.

Mr. Ulbrich said that when he originally brought this up, he asked if it could be given to the company since they are not really buying two roads but rather a strip of property. He said that if it is determined that \$155,000 is a fair price, even though he does not agree, then the company will do that. He said that questions need to be answered but that there should be a cutoff date for that, and that they could wait another month.

Chairman Parisi said that the question concerns the statute, and he thinks that this needs to get done.

Mr. Farrell said he understands Mr. Lubee to say that he feels that the value should be more based on this additional benefit (utility easements) that he asserts Mr. Jackson did not make part of the appraisal and that it's better to have the correct answer. Mr. Farrell stated that he does not think Mr. Lubee is correct but feels the question should be addressed.

Chairman Parisi differed with Councilor Farrell in the sense that when the contract is worked out, it will be worked out to the satisfaction of everyone but it will be worked out correctly and by the law. He added that Mr. Jackson is the expert and that his opinion should weigh in and that if it were something that had to be considered, then he would have considered it.

Mr. James Bowes, Comptroller, added that he spoke with Mr. Jackson. He said that it goes along with the principle of the best utilization of the property. He said he would liken it to the town's purchase of open space. He gave an example comparing farm acreage to buildable lots in regard to the appraisal.

Robert Sheehan, 11 Cooper Avenue, said that all the Council is voting on is if it is a fair price. He said that they have co-existed in that neighborhood for 80 years.

Mr. Lubee, Montowese Trail, said that this question could be contingent on fact finding and on an independent appraisal. He also said to make sure that the title is clear. He talked about the Wooding Caplan property.

MOTION

Mr. Knight made a motion that we make the appropriate disposition of the property to approve the sale of Nichols Street and Carlton Street and Dudley Avenue for the amount of \$155,000. Ms. Doherty seconded.

Mr. Knight said that he supports the motion and talked of the hostile business environment in Connecticut and noted that businesses leave Connecticut and the United States. He said we have the opportunity to support business, especially manufacturing. He said that Ulbrich is a world-class manufacturer and that \$155,000 is more than adequate for the value that the town will receive.

Ms. Rascati said that she will support the motion and that we are only abandoning easements, not voting on the contract and feels \$155,000 is a fair price.

Mr. DiNatale said that he respects the points that were brought up by the public and the he will support the motion. He said that he is most discouraged by the fact that the remaining roadway was left out, and he spoke about the turnaround. He said there are some issues with the deed and easements and utilities which ultimately will have to be resolved and thinks they should have been looked at in advance of the Council's discussion and will have to be before the town releases their interests. He said that we should take step 2 and look at the remaining sections – turnarounds, access, snow shelves and look out for the remaining properties that are on those sections of roadway.

Chairman Parisi will support the motion and requested Mr. Ulbrich meet with the property owners and to watch out for their welfare. Mr. Ulbrich agreed.

VOTE

Individual Councilors voiced their vote. Mr. DiNatale – yes; Ms. Papale – yes; Mr. Knight – yes; Ms. Rascati – yes; Ms. Doherty – yes; Mr. Farrell – yes; Mr. Parisi – yes. Mr. Brodinsky recused himself, as he is a Director of the Board of the Ulbrich Boys and Girls Club. Mr. Testa was absent from the meeting.
7- yes; 0 - no

The motion passed.

7. Hold a Public Hearing at 7:15 P.M. to amend the *Parks and Playgrounds Ordinance*, Chapter 151, of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

John Gawlak, Director Parks and Recreation
Dave Gelo, Vice Chairman of the Parks and Recreation Commission

Chairman Parisi opened the Public Hearing for the *Parks and Park Facilities Ordinance*, Chapter 151, and called for comments.

Mr. Gawlak explained that they reviewed the entire ordinance and that they made changes in languages and added items in administration and control, enforcement and park and field preservation.

Mr. Gelo said that changes are to protect all of the facilities for the town and for the people of Wallingford. He said that there has been an influx of non-residents using the facilities without permits and as well as using a facility even though the facility is closed so that the ordinance needs to be re-enforced.

The Public Hearing was closed when no one from the public chose to speak.

Mr. Knight asked the Council for comments.

Mr. Farrell said that the Ordinance Committee worked on this over several meetings and that Mr. Gawlak made a good presentation of the complicated nature of enforcing who can use these facilities and that rationale of working with Corporation Counsel and the Town Attorney on this was for clarity in the ordinance which has been accomplished.

Ms. Doherty, referring to 151-5, page 3, asked if alcohol being prohibited has been in the past or if is this new for anybody using the facilities. Mr. Gawlak said that it is not new and that they have just eliminated old language. Ms. Doherty asked if this is on the permit for which they user applies. Mr. Gawlak said that it is included in the disclaimer on the permit. Ms. Doherty asked about 151-4, Use of Vehicles, in regard to motorized vehicles and referred to a policy at the Linear Trail and said that one person with accessibility issues uses a motorized scooter Mr. Gawlak referred to page 2, vehicle definition. Attny Mantzaris said that it does not use the word motorized in the new definition and that it accepts wheelchairs. Mr. Farrell said that the intention of the ordinance is to allow a handicapped individual to access the park and that you don't have to define every single means of doing that. Attny Mantzaris said that was the intention when the change was drafted.

There were no further comments.

MOTION

Mr. Farrell moved to adopt the the ordinance as presented. Ms. Doherty seconded.

ROLL CALL VOTE:

Brodinsky- yes; DiNatale – yes; Doherty – yes; Farrell – yes; Knight – yes;
Papale – yes; Rascati – yes; Parisi – yes.
8 yes; 0 no; Mr. Testa was absent from the meeting.

The motion passed, and the amendments were adopted.

Appendix I.

MOTION

Mr. Knight made a motion to move up Item #12. Ms. Papale seconded.

VOTE:

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed.

12. Report out from the Engineering Department on the status of the Christian Street bridge – Chairman Robert F. Parisi

Chairman Parisi said that he asked for this item for the benefit of the public and those people that have been inconvenienced by the closing of this bridge. He asked for the progress report so that they will know that the town is diligently pursuing the completion of this project.

A brief report was given by the Town Engineer, John Thompson, who handed out a chronology of the project to the Council. The report begins with 1991 and, it details a request to the state in 2001 for the bridge to be added in the state's local bridge program making it eligible for funding under their grant program. He said that in June 2006 a heavy rainstorm caused bridge undermining, and the bridge was closed. They considered several strategies but decided that remedial repairs would not be economically feasible. He said that since July things have advanced and that they are waiting for DEP permit for flood management, the last in a series of steps to go to construction. He said the design has been finalized and been delivered to Purchasing for their review. He said that the project could be ready for advertisement for construction bids in early 200(7)4. He said that they need another permit and funding for this project. He said that he believes an appropriation is going to be necessary.

Ms. Papale said that she thinks repairing bridge repair is an emergency.

Mayor Dickinson said that this involves a very large amount on money and that we did have \$600,000 that was transferred to the Dayton Hill bridge and at this point there is no money for construction. He said this is a significant hurdle that it will impact the mill rate.

Ms. Papale said that there are so many people involved. She said she hopes that when the all documents come in that the town can find the money.

Mr. DiNatale asked if their hands are tied until source of funding is determined. Mr. Thompson said it is the Dept of Engineering project and that it is their responsibility.

Mayor Dickinson said that until the town has bid documents with proposals, they don't know how much to appropriate.

Mr. Thompson said he believes that we will be able to go forward with the bid contracts but not be able to award the contract until the finances are in place and construction cannot begin until they have the flood management certificate from DEP.

Mr. Parisi commended Mr. Thompson for what has been accomplished in the last month.

Appendix II.

No action was taken.

8. Hold a Public Hearing at 7:20 P.M. to amend the *Purchasing Ordinance*, Chapter 43, of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

James Bowes, Comptroller
Salvatore Amadeo, Purchasing Agent

Mr. Bowes said that a lot of this is updating for clarification of language.

The Public Hearing opened and since no one from the public wished to address the ordinance amendments, the public hearing was closed.

Mr. Brodinsky pointed to page 9, Section 43-13b, regarding the language for awarding a bid to a 'quotation.' Mr. Bowes responded that this needs to be changed. Mr. Brodinsky suggested that it 'be awarded to the responsible and responsive bidder with the lowest quote.' There was discussion regarding bid, bidding and bidder. They decided on 'quotee.'

There were no other comments from the Council.

MOTION

Mr. Farrell made a motion to adopt the ordinance as presented with the change to 'quotee' as Mr. Brodinsky described (43-13B, using the word "quotee" in place of the word "bidder".) Ms. Papale seconded.

[Please note that Corporation Counsel, Adam Mantzaris corrected "quotee" to "quoter" on December 13, 2006. This correction will be used in the amended Purchasing Ordinance, Chapter 43, of the Code of the Town of Wallingford.]

ROLL CALL VOTE:

Brodinsky- yes; DiNatale - yes; Doherty - yes; Farrell - yes; Knight - yes;
Papale - yes; Rascati - yes; Parisi - yes.

8 yes; 0 no; Mr. Testa was absent from the meeting.

The motion passed, and the amendments were adopted.

Appendix III.

9. Hold a Public Hearing at 7:25 P.M. to amend Chapter 190, *Solid Waste* of the Code of the Town of Wallingford- Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

MOTION

Mr. Farrell made a motion to re-set the Public Hearing for the *Solid Waste Ordinance* of the Code of the Town of Wallingford to January 23, 2007 at 7:25 P.M. Mr. Knight seconded.

There was no discussion on the motion.

VOTE

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed

10. Discussion and action regarding amending the *Recycling Regulations* of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Withdrawn

11. Report out from the Conservation Commission and the Environmental Planner, and discussion and possible action, on the farm lease program.
- Councilor Michael Brodinsky

Withdrawn

13. Consider and Approve the *Meeting Procedures* of the Town Council with proposed amendments - Chairman Robert F. Parisi

MOTION

Mr. Knight made a motion to approve the *Meeting Procedures* of the Town Council with proposed amendments. Mr. Farrell seconded the motion.

There were no comments regarding Item 13.

ROLL CALL VOTE:

Brodinsky- yes; DiNatale - yes; Doherty - yes; Farrell - yes; Knight - yes;
Papale - yes; Rascati - yes; Parisi - yes.

8 yes; 0 no; Mr. Testa was absent from the meeting.

The motion passed.

14. Consider and Approve an Ice Time Lease Agreement with Choate Rosemary Hall Foundation for use by the Department of Parks and Recreation – Law Department

MOTION

Mr. Knight made a motion to Approve an Ice Time Lease Agreement with Choate Rosemary Hall Foundation. Mr. Farrell seconded the motion.

John Gawlak, Director Parks and Recreation
Michele Bjorkman, Superintendant of Programs

Ms. Bjorkman said that the town has been renting from Choate Rosemary Hall for the last 15 to 18 years, and this year the town was presented with a lease agreement, a request for a deposit and that interest will be charged on late payments. She said that they have reviewed the lease agreement the Corporation Counsel, Mr. Mantzaris, and are now looking for the Council's approval for ice time in January and February.

Chairman Parisi asked if the prices are standard. Ms. Bjorkman said that they are standard and average about \$210 per hour. Last year they sold about 550 tags for eight dates and anticipate the same amount for this year. She said the town has not been requested to make a deposit in the past but that they are prepared to make the deposit within their budget.

Ms. Papale asked what was paid last year, and Ms. Bjorkman said that \$4,320 is allocated for this year based on last year's usage and that her department charges \$10 per tag per person. She said that since 2001 that the department has averaged 690 skaters per year but she also noted that it has been decreasing each year. Mr. Gawlak said prior to 2000, they sold over 1200 tags and thinks that the decrease may be due to Galko outdoor skating and the rink in Northford, which is open all the time.

There were no other comments.

VOTE

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed.

15. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

Withdrawn

16. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of Stop and Shop Supermarket Co. v. Town of Wallingford – Law Department

MOTION

Ms. Knight made a motion to enter into Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of Stop and Shop Supermarket Co. v. Town of Wallingford. Mr. Farrell seconded.

VOTE

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed.

The Council entered Executive Session at 9:08 P.M.

MOTION

Mr. Knight made a motion for the Council to exit from Executive Session. Mr. Farrell seconded.

VOTE

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed.

The Council exited from Executive Session at 9:16 P.M.

Attendance at Executive Session:

Eight (8) Councilors; Mr. Testa was absent. Mayor Dickinson and Corporation Counsel, Adam Mantzaris.

17. Motion to consider and approve a settlement of the pending tax appeal matter of Stop and Shop Supermarket Co. v. Town of Wallingford as discussed in Executive Session – Law Department

MOTION

Mr. Knight made a motion to approve a settlement of the pending tax appeal matter of Stop and Shop Supermarket Co. v. Town of Wallingford as discussed in Executive Session. Mr. Farrell seconded.

VOTE

Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed.

MOTION

Mr. Farrell made a motion to adjourn the meeting. Mr. Knight seconded.

VOTE


Eight Councilors present voted aye. Mr. Testa was absent from the meeting.

The motion passed.

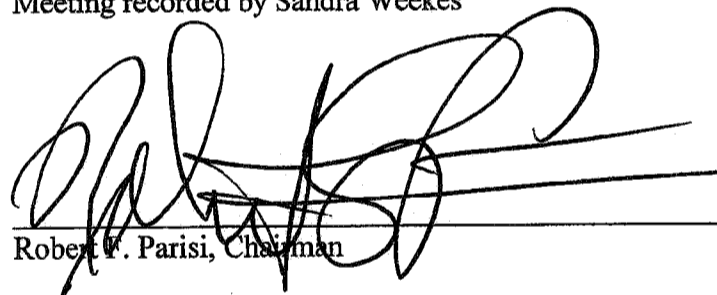
Chairman Parisi wished everyone a Happy Holiday.

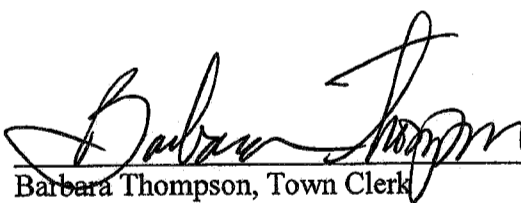
The meeting adjourned at 9:19 P.M.

Respectfully submitted


Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra Weekes


Robert F. Parisi, Chairman 1-23-07
Date


Barbara Thompson, Town Clerk 1-23-07
Date

RECEIVED FOR RECORD 1/17/07
AT 11 H 25 M A M AND RECORDED BY
Barbara Thompson TOWN CLERK

REV. 9/18/06

PARKS AND PLAYGROUNDS PARK FACILITIES

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Chapter 151, "Parks and Playgrounds", of the Code of the Town of Wallingford is hereby repealed, and the following Chapter 151, "Parks and Park Facilities" is substituted in lieu thereof.

§151-1. Definitions and word usage.

~~A. Word usage. For the purposes of this chapter, the following terms, phrases, words and other derivations shall have the meaning given herein. When not inconsistent with the context, words used in present tense include the future, words in the plural number include the single number, words in the single number include the plural number and words in the masculine gender are intended to also include the feminine gender. The word "shall" is always mandatory and not merely directory.~~

~~B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:~~

~~ALCOHOLIC LIQUOR – Defined in accordance with Chapter 545, Section 30-1(3), of the Connecticut General Statutes, as amended. As defined by §30-1 of the Connecticut General Statutes which includes all forms of alcohol, beer, spirits and wine.~~

~~COMMISSION – The Recreation Commission as set forth in Ordinance No. 253.~~

~~DEPARTMENT – The Department of Parks and Recreation~~

~~DIRECTOR – The Director of Recreation of the Town of Wallingford or his authorized designee.~~

~~FACILITY PERMIT – Written authorization issued by the Director or his designee to a person to use a particular park facility for the date and time prescribed.~~

~~PARK – Any park, playground, recreation center or other area in the town owned or used by the town and devoted to active or passive recreation. Park shall not include any through town street that crosses a park. A place for recreation as designated by the Commission whether active or passive, laid out in walks, drives and recreation grounds or fields, but not including any public street that may cross a park.~~

PARK FACILITY – the particular function available in any park such as a pavilion, a tennis court, a ball field, etc.

PERSON – Any person, group of persons, firm, partnership, association, corporation, company or organization of any kind any other legal entity.

SPECIAL EVENT, TOURNAMENT – Department sponsored sporting events which are widely known and attract large crowds. Examples are the TWIST Soccer Tournament, the Tradition Softball Showcase, intra-Town soccer and softball tournaments. This definition shall not apply to the Department's normal, regular summertime permitted sporting events and recreational activities.

TOWN – The Town of Wallingford

VEHICLE – ~~Any and all wheeled conveyance, whether motor, animal drawn or self propelled. The term "vehicle" shall also include motorized snow vehicles and mechanized sleds. Exception is made for baby carriages and vehicles in the service of the town parks. Includes any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, a cushion of air or by any other means except baby carriages, wheelchairs and vehicles used by the Town to maintain or service the parks.~~

§151-2. Hours. Closing Hours of Parks; Exception.

A. No person shall enter or remain in any park between dusk and 5:00 a.m. except that if artificial lighting has been installed by the Town for the purpose of illuminating sporting events or other activities or events authorized by the Director, then the closing hours shall be as follows:

- (1) If the entire park is so illuminated, then the closing hours for such park shall be from the time the lighting is extinguished and 5:00 a.m.
- (2) If only a section of a park is so illuminated, then the closing hours for such Section, and such section only, shall be from the time the lighting is extinguished and 5:00 a.m. and the rest of the park shall be closed.

B. ~~These persons in attendance at an activity which is authorized by written permit, issued by the Director pursuant to §151-5 hereof, which permit shall be carried upon the person of the individual or group representative claiming a right to so remain in said parks, and which permit shall allow said activity to be conducted during the prohibited hours. Any person in attendance at an activity authorized by written permit issued by the Director and which permit allows such activity to be conducted during the prohibited hours, shall be exempt from this section.~~

§151-3. Closing of Certain Parks.

A. *The entire park at which a special event or tournament has been scheduled will be closed to any other recreational activity or sporting event throughout the duration of such event or tournament. Any persons involved in such other recreational activity or sporting event during those times must vacate the park.*

B. *Park Facilities shall be closed to all recreational activity and sporting events during such time as the facilities are undergoing reconditioning, repair or general maintenance.*

§151-4. Use of Vehicles.

~~A. No person shall ride or drive any vehicle in any park except upon the roads, paths or trails provided therefore or at times and in areas which have been designated for such purpose by the Commission.~~

~~B. No vehicle shall be driven at a rate of speed greater than 15 miles per hour upon any roads, paths or trails provided for such travel in any park.~~

~~C. No one shall operate any vehicle upon the turf, lawns, sidewalks or footpaths except in such places and at such times as may be designated by the Commission.~~

No person shall ride or drive any vehicle in any park except upon the roads, paths or trails provided therefore or at times in areas which have been designated for such purpose by the Commission.

§151-5. Use of Alcoholic Liquor. Alcoholic Liquor Prohibited.

~~A. No person shall drink or consume any alcoholic liquor in any park, nor shall any person possess or bring into any park with the intent to drink or consume said alcoholic liquor with the intent to drink or consume said alcoholic liquor within any park.~~

~~B. This section shall not pertain to any person or activity which is authorized by a written permit issued by the Director, which permit shall exclude such person or activity from the provisions of this section, and which permit shall be carried upon the person of that individual or group's representative claiming any exclusionary rights under this chapter.~~

No person shall drink or consume any alcoholic liquor in any park, nor shall any person possess or bring alcoholic liquor into any park with the intent to drink or consume said alcoholic liquor within the park.

§151-6. Issuance of Facility Permit.

~~A. Any person seeking issuance of a permit as provided under §151-4 herein shall file an application with the Director, which application shall state:~~

- ~~(1) The name and address of the applicant.~~
- ~~(2) The name and address of the person, persons, group, association or organization sponsoring the activity, if any.~~
- ~~(3) The day and the hours for which the permit is desired.~~
- ~~(4) The park or portion thereof for which such permit is desired.~~
- ~~(5) An estimate of the anticipated attendance.~~
- ~~(6) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.~~

~~B. Standards for issuance. The Director shall issue a permit hereunder when he finds that:~~

- ~~(1) The proposed activity or use of the park will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.~~
- ~~(2) The proposed activity and use will not unreasonably interfere with or detract from the general public health, welfare, safety and recreation.~~
- ~~(3) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.~~
- ~~(4) The proposed activity will not entail unusual, extraordinary or burdensome expense or police protection by the town.~~
- ~~(5) The facilities desired have not been reserved for other use at the day and hour required in the application.~~

~~C. Appeal. Within 10 days after receipt of an application, the Director shall either issue a permit or apprise an applicant, in writing, the reasons for refusing a permit, and any aggrieved person shall have the right to appeal, in writing, within five days to the Commission, which shall consider the application under the standards set forth in Subsection B hereof and sustain or overrule the Director's decision within 10 days.~~

ORDINANCE NO. _____

A. Any person seeking to reserve the use of a park facility for a certain date and time must file a facility permit application with the Director. Application forms are available at the Department of Parks and Recreation, 6 Fairfield Boulevard, Wallingford, Connecticut. The Director shall determine the information requested in the application.

B. Any person holding a facility permit shall have priority for the use of the particular Park Facility on the date and time indicated on said permit and if another person is there at such date and time, that person must vacate such park facility.

C. Any person issued a facility permit must comply with any conditions of use made a part of said permit.

D. Any person issued a facility permit must carry it on his or her person or have it readily available during the entire period of reserved use and exhibit same upon request to the Director, his designee or to a Wallingford peace officer.

E. Standards for issuance. The Director shall issue a facility permit when he finds that:

- (1) The proposed use will not interfere with the use of any other park facility or the enjoyment of the park by the public;
- (2) The proposed use is not reasonably anticipated to result in physical damage to the park facility or create a public safety issue; and
- (3) The proposed use is appropriate to the park facility.
- (4) The application does not unreasonably reserve the park facility for multiple dates.
- (5) The park facility is available for use on the date and time requested in the application.

§151-7. Restrictions during Period of Organized Sporting Events

A facility permit is required for the use of ball fields in any park during the period from April 1st through October 31st.

§151-8. Regulations

The Commission may adopt regulations setting forth the facility permit fee structure for use of the various park facilities, the liability insurance requirements of persons using park facilities, the form of the application for use of a park facility and any other matter deemed necessary for the efficient administration of the permitting process

ORDINANCE NO. _____

and for the protection of park facilities and other areas administered by the Commission.

§151-9. Violations and penalties.

Any person who violates any provision of ~~§151-2, 151-3 or 151-4~~ of this chapter this ordinance shall be subject to a fine not to exceed \$100 for each offense guilty of an infraction and shall be fined \$90.00.

§151-10. Enforcement.

This ordinance shall be enforced by the Director or his designee and by the Police Department, acting separately or jointly.

§151-11. Decision by Director; Appeal.

Any person denied a facility permit by the Director may appeal such denial to the Commission. Any appeal must be in writing and mailed or delivered to the Department of Parks and Recreation within ten (10) days of the date of denial. The Commission shall sustain or deny the appeal based upon the written record consisting of the Director's reasons for denial and the applicant's reasons of appeal, but may invite the parties to a hearing. In any event, the Commission shall render its decision within fifteen (15) days of the date of appeal.

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 2006, in accordance with the provisions of the Charter of the Town of Wallingford.

BARBARA THOMPSON
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____

APPENDIX II.

8:35pm - 8:50pm
#12


Christian Street Bridge PROJECT CHRONOLOGY

Pre 2000	No reports of any problems
2000	Observed signs of cracking/settlement in Christian Street Bridge.
2001	Had structural analysis performed (March, 2001 Final Report Issued),
2001	Requested that Conn DOT add the bridge to their "Eligible List",
2002	July, received advisement from Conn DOT that bridge was eligible for a 31% Grant,
2004	November, publicly advertised the project for Bridge Designers,
2005	Spring: B-L Companies from Meriden selected to design the bridge,
2006	February/March; \$600,000 transferred from the Christian Street Bridge project to the West Dayton Hill Road Bridge project to make up for short-fall,
2006	June 21 st : based on severe undermining of the abutment walls, due to an intense storm event and a resultant log jam under the bridge, the bridge was closed to all vehicular traffic,
2006	July 14 th : B-L recommends that bridge remain closed and final design be accelerated,
2006	August 2 nd received local Inland Wetlands permit for bridge reconstruction,
2006	November - received approval from Conn DOT for Bridge Reconstruction;
2006	December: Plans are being reviewed by the CT DEP for the required Flood Management Certification,

NEAR-TERM ACTIONS

- Contract Documents are currently being reviewed by the Purchasing Department,
- We anticipate an early 07 advertisement for Construction Bids,
- While the project can be advertised for Construction Bids, the Contract can not be awarded nor can construction be started until the necessary funds are appropriated and the CT DEP Flood Management Certificate is issued,
- Current Construction Cost Estimate is \$700,000 - \$1,000,000,
- Upon receipt of Bids (for Construction), a request will be made to appropriate the necessary capital funds,
- Most likely start of Construction is spring, 07 with completion in late summer, 07.

C:\My Documents\john\Project Chronology 121206 Christian Street Bridge.doc

Rec'd from
Town Engineer
12/12/06 

ORDINANCE NO. _____

8.

APPENDIX III

PURCHASING

REV. 11-9-06

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Chapter 43, "Purchasing", of the Code of the Town of Wallingford is hereby repealed, and the following Chapter 43, "Purchasing" is substituted in lieu thereof.

§43-1. Bureau of Purchases established.

There is hereby established in the Department of Finance a Bureau of Purchases in accordance with the provisions of Section 4 of Chapter VII of the Charter of the Town of Wallingford, Connecticut, as adopted June 6, 1961, and amended.

§43-2. Definitions and word usage.

A. Word usage. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

COMMODITY – An item or like kind items of trade or commerce including goods, wares and merchandise of any kind.

COMPTROLLER – The Comptroller of the Town of Wallingford.

CONTRACTUAL SERVICES – Includes all telephone, gas, water, electric light and power services; towel and cleaning service; leases for all grounds; buildings, office or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other Town-owned property.

COUNCIL – The Council of the Town of Wallingford.

EMERGENCY PURCHASE – Purchase of supplies and/or services to address life, health and/or safety needs of citizens when time is of the essence.

MAYOR – The Mayor of the Town of Wallingford, Connecticut.

PURCHASING AGENT or AGENT – The Purchasing Agent of the Town of Wallingford.

SUPPLIES – Includes all supplies, materials and equipment.

TOWN – The Town of Wallingford.

USING AGENCY – Any department, agency, commission, bureau or other unit in the Town government using supplies or procuring contractual services as provided for in this chapter.

§43-3. Town Purchasing Agent.

The Town Purchasing Agent shall, as prescribed by Section 2 of Chapter VII of the Charter, be under the control and supervision of the Comptroller and shall be the head and have general supervision of the Bureau of Purchases. The Agent shall perform all duties required by the Comptroller and shall have the powers and duties prescribed by this chapter.

§43.4. Appointment of Purchasing Agent.

The Comptroller, with the approval of the Mayor, shall appoint and may remove, subject to such rules and regulations as may be adopted pursuant to the provisions of Chapter XVI of the Charter, a Purchasing Agent, in compliance with Section 2 of Chapter VII of the Charter.

§43.5. Powers and duties of Purchasing Agent.

A. Purchase or contract. The Purchasing Agent shall have the *exclusive authority* power, and it shall be his duty, to purchase or contract for all supplies, materials, equipment, other commodities and contractual services required by any department, office, agency, board or commission of the Town government, except that he shall not purchase books, equipment and materials for instructional purposes for the use of the Department of Education unless specifically requested to do so by said Department, ~~or make expenditures for public welfare relating to poor and defective and dependent persons by the Department of Public Welfare,~~ pursuant to the rules and regulations as established by this chapter, and such other rules and regulations as shall be prescribed by the Mayor and the Town Council.

~~B. Exceptions prohibited. The authority of the Purchasing Agent to negotiate all purchases for all using agencies shall not be abridged by excepting any particular agency except for the Department of Education and Department of Public Welfare.~~

ORDINANCE NO. _____

B. Unauthorized purchases. Except as herein provided, it shall be unlawful for any Town officer or officers to order the purchase of any supplies or make any contract within the purview of this chapter other than through the Bureau of Purchases, as provided by Subsection A of this section, and any purchase ordered or contacted made contrary to the provisions hereof shall not be approved by the Comptroller, and the Town shall not be bound thereby, as prescribed in Section 7 of Chapter XV of the Charter.

§43-6. Other powers and duties.

In addition to the purchasing authority conferred in §53-5A and, in addition to any other powers and duties conferred by this chapter, the Purchasing Agent shall:

A. Minimum expenditures. Act to procure for the Town the highest quality in supplies and contractual services at the least expense to the Town.

B. Encourage competition. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

C. Purchasing analysis. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the Town the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and by private businesses and organizations.

D. Forms. Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this chapter.

E. Standard nomenclature. Prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.

F. Vendors' catalog file. Prepare, adopt and maintain a vendors' catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices and discounts.

G. Bulk purchases. Exploit the possibilities of buying in bulk so as to take full advantage of discounts.

H. Federal and state tax exemptions. Act so as to procure for the Town all federal and state tax exemptions to which it is entitled.

I. Cooperation with Department of Finance. Cooperate with the Department of Finance so as to secure for the Town the maximum efficiency in budgeting and accounting as may be prescribed by the Comptroller.

J. Disqualification of bidders. Have the authority to declare vendors who default on their quotations ~~bids~~ irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

§43-7. Standard specifications.

The Purchasing Agent shall establish, with the approval of the Mayor and after consultation with the heads of the departments concerned, and enforce standard specifications for all supplies, materials and equipment required by the several departments, offices and agencies of the town, except as to the purchases and expenditures for the Department of Education and the Department of Public Welfare as exempted by §43-5A.

A. Capacity of Agent. The Purchasing Agent shall enforce the written specifications as may be adopted by this section of this chapter.

B. Classification. The Purchasing Agent shall classify all supplies and equipment used by the agencies of the Town government.

C. Exception. The Purchasing Agent, with the approval of the Comptroller, shall have the authority to exempt any using agency of the Town for use of the supply described in such standard specifications.

D. Laboratory facilities. The Purchasing Agent shall have the authority to request use of the laboratory and engineering facilities of the Town and the technical staffs thereof in connection with the work of preparing and adopting standards and written specifications.

E. Consultation with using agencies. The Purchasing Agent shall consult with the heads and other officials of the using agencies to determine their precise requirements and shall endeavor to prescribe those standards which meet the needs of the majority of such agencies.

F. Nature of specifications. All specifications shall be definite and certain and shall permit competition; exception: provided, however, that the provisions of this subsection shall not apply to noncompetitive types and kinds of supplies.

§43-8. Requisitions.

The Purchasing Agent shall prescribe the time of making requisitions for such supplies, materials and equipment and the future period which said requisitions are to cover. All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file requisitions in such manner, at such times and for such future periods as the Purchasing Agent shall prescribe. No purchases may be made without an authorized requisition.

A. Unforeseen requirements. A using agency shall not be prevented from filing, in the same manner, with the Purchasing Agent at any time, a requisition or estimate for supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.

B. Revisory power in Agent. The Purchasing Agent shall examine such requisition or estimate and shall have the authority to revise as to quantity, quality or estimated cost, but revision as to quality shall be in accordance with the standards and specifications established pursuant to this chapter.

§43-9. Encumbrance of funds.

Except in cases of emergency, the Purchasing Agent shall not issue any order for delivery on a contract or open-market purchase until the Comptroller or another official designated by the Comptroller shall have certified, after preaudit, that there is to the credit of the using agencies concerned a sufficient unencumbered appropriation balance in excess of all unpaid obligations, to defray the amount of such order.

§43-10. Conflict of interest; gifts.

A. Any purchase order or contract within the purview of this chapter in which the Purchasing Agent or any officer or employee of the Town is financially interested, directly or indirectly, shall be void, except that, before the execution of a purchase order or contract, the Council shall have the authority to waive compliance with this section when it finds such action to be in the best interest of the Town.

B. Noncollusive bid statement. ~~All bidders shall be required to provide a signed noncollusive statement with all public bids as follows:~~ *All public bids shall include a noncollusive statement as follows:*

(1) The bid has been arrived at by the bidder independently and has been submitted without collusion with and without any agreement, understanding or planned common course of action with any other vendor of materials, supplies, equipment or

services described in the invitation to bid, designed to limit independent bidding or competition; and

(2) The contents of the bid have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid and will not be communicated to any such person prior to the official opening of the bid.

C. Gifts and rebates. The Purchasing Agent and every officer and employee of the Town are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the Town.

§43.11. Competitive bidding requirement.

All purchases of and contracts for supplies and contractual services and all sales of personal property which has become obsolete and unusable shall, except as specifically provided herein, be based wherever possible on competitive bids.

§43.12. Formal contract procedure.

A. Purchases shall be made under such rules and regulations established by this chapter by the Council, provided that, if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity or service over a period of time, involves the expenditure of \$4,000 or more, the Purchasing Agent, unless it shall be determined by the Town Council to be against the best interests of the Town, shall invite sealed bids or proposals, giving sufficient publication to the trade and/or profession and 10 days' public notice thereof by publication at least once in a newspaper having a circulation in the Town, and shall let the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly.

B. Scope of notice. The newspaper notice required herein shall include a general description of the supplies or contractual services required and shall state where bid blanks and specifications may be secured and the time and place for opening bids.

C. Bidders' list. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a bidders' list, which the Agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to

commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

D. Bulletin board. The Purchasing Agent shall also advertise all pending purchases or sales by a notice posted on the public bulletin board in the Municipal Building.

E. Bid deposits. A bid deposit shall be required in any construction contract *estimated to cost more than \$25,000*. In all other cases, when deemed necessary by the Purchasing Agent, bid deposits shall be prescribed in the public notices inviting bids. Bid deposits may be provided by a bid bond, certified check or legal tender; bid bonds or certified checks to be made payable to the Treasurer of the Town of Wallingford. Unsuccessful bidders shall be entitled to return of surety where the Agent has required bid deposits. A successful bidder shall forfeit any surety required by the Agent upon failure on his part to enter a contract within 10 days after the award.

F. Bid-opening procedure.

- (1) Sealed. Bids shall be submitted sealed to the Purchasing Agent and shall be identified as bids on the envelope.
- (2) Opening. Bids shall be opened in public at the time and place stated in the public notice.
- (3) Tabulation. A tabulation of all bids received shall be posted for public inspection.

G. Rejection of bids. The Purchasing Agent shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

- (1) Bidders in default to the Town. The Purchasing Agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies to the Town *except that if the amount of the contract exceeds the monies due the Town, the Purchasing Agent may accept such a bid on condition that such bidder agrees that all monies due under the contract shall be retained by the Town and credited against the monies owed to the Town by the contractor until the same are paid in full, provided two or more bids were received.*

H. Award of contract.

- (1) Authority of Agent. The Purchasing Agent shall have the authority to award contracts within the purview of this chapter.

(2) *Lowest responsive and responsible bidder.* Contracts shall be awarded to the lowest *responsive and responsible bidder.* In determining lowest *responsive and responsible bidder,* in addition to price, the Purchasing Agent shall consider:

- (a) The ability, capacity and skill of the bidder to perform the contract or provide the services required in relation to the standards and specifications as required.
- (b) Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (d) The quality of performance of previous contracts of services.
- (e) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or service.
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.
- (h) The number and scope of conditions attached to the bid.
- (i) *The conformance of the bidder to the requirements stated in the bid, i.e. references provided, submittals or samples included, bid bond provided, bid signed, bid submitted on time, etc.*

I. Award to other than low bidder.

- (1) Whenever there is a desire to award the bid to other than the lowest bidder meeting the stated specifications or better, the Purchasing Agent shall submit the entire file concerning such matter to the Council, together with his recommendations and a report from the interested department head.
- (2) The Council may, after hearing thereon at a regular or special meeting, direct the Purchasing Agent to award the contract to other than the lowest bidder. The Council shall thereupon return the entire file to the Purchasing Agent, together with the bid as awarded.

- (3) The Council minutes shall specify the reasons for awarding the bid to other than the lowest bidder.

J. Tie bids.

- (1) Local vendors. If all bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

- (2) Outside vendors. Where Subsection J(1) is not in effect, the Purchasing Agent shall award the contract to one of the tie bidders by drawing lots in public.

- K. Performance bonds. A full, complete and total performance bond and a labor-and-material bond shall be required in any construction contract in excess of ~~\$2,000~~ \$25,000. In all other matters, the Purchasing Agent shall have the authority to require a performance bond, before entering a contract, in such amount as he shall find reasonably necessary to protect the best interests of the Town. Such performance bond, if required, must be provided by the contractor, at his own expense, to the Town of Wallingford and written by a company authorized to write business in the State of Connecticut and subject to the approval of the Comptroller, Mayor and Town Attorney.

- L. Prohibition against subdivision. No contract or purchase shall be subdivided to avoid the requirements of this section.

§43-13. Open market procedure.

- A. All purchases of supplies and contractual services ~~and all sales of personal property which has become obsolete and unusable~~ of less than the estimated value of ~~\$2,000~~ \$4,000 shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by §43-12 for the award of formal contracts.

- B. Minimum number of bids quotes. All open-market purchases shall, wherever possible, be based on at least three competitive bids quotes and shall be awarded to the lowest responsive and responsible bidder quotation in accordance with the standards set forth in §43-12H(2).

- C. Notice inviting bids. The Agent shall solicit bids by:

- (1) Direct mail request to prospective vendors;

- (2) By telephone; and
- (3) By public notice posted on the bulletin board of the Municipal Building.
- D. Recording. The Agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.

§43-14. Petty Expenditures Revolving Fund.

- A. There is hereby appropriated out of any money in the Town treasury, not otherwise appropriated, \$300 which shall be known as the "Petty Expenditures Revolving Fund." From this fund shall be paid all purchases not in excess of \$25.00 each made by the heads of using agencies for incidentals, with the approval of the Agent.
- B. Accounting. At the end of each month, the Agent shall render to the Comptroller a statement showing the actual expenditures for each using agency so made out of such Petty Expenditures Revolving Fund, and the Comptroller shall reimburse said Revolving Fund for such expenditures in the same manner as other expenditures of such using agencies are paid.
- C. Rules and regulations. The Agent shall promulgate rules and regulations for use of the Petty Expenditures Revolving Fund.

§43-15 Central storerooms.

The Purchasing Agent shall supervise and control such central storerooms to serve the several departments, offices and agencies, when and if these facilities are authorized by the Council.

§43-16. Transfer or sale of supplies.

- A. The Purchasing Agent, with the approval of the Mayor, shall transfer to or between departments, offices and agencies, or sell supplies, materials and equipment, determined, after consultation with the head of the department, office or agency concerned, to be surplus, obsolete or unused.
- B. Reporting. All using agencies shall submit to the Agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

- C. **Transfer.** The Agent shall have the authority, with the approval of the Comptroller and of the Mayor, to transfer surplus stock to other using agencies.
- D. **Sale.** The Agent shall have the authority, with the approval of the Comptroller and the Mayor, to sell all supplies which have become unsuitable for public use or to exchange the same for or trade in the same on new supplies.
- E. **Accounting procedure.** Supplies, materials and equipment transferred between departments or offered for sale, exchange or trade shall be credited by the Agent to the storeroom inventory and, if transferred, by a charge against the appropriation of the using agency.
- F. **Methods of sales.** Sales under this section shall be made by one or more of the following methods:
 - (1) To the highest *responsive and* responsible bidder in conformance with §43-12 hereof.
 - (2) By predetermined price tags, but only for items with a fair market value of less than \$200.
 - (3) By public auction. Sales by predetermined pricing or by public auction shall be advertised in a newspaper having a circulation in the Town at least 10 days prior to the sale.
- G. **Disposal.** *The Purchasing Agent shall have the authority, with the approval of the Comptroller and the Mayor, to dispose of all unsaleable or unsold supplies, material and equipment.*

§43-17. Emergency purchases.

A. By Agent.

- ~~(1) In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Mayor shall be empowered to authorize the Purchasing Agent to secure by open market procedure as herein set forth, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure.~~
- ~~(2) Recorded explanation. A full report of the circumstances of an emergency purchase shall be filed by the Purchasing Agent with the Mayor for forwarding to the Council to be entered in the Council minutes and~~

~~_____ shall be open to public inspection.~~

~~_____ B. By Heads of Departments.~~

~~(1) In case of actual emergency, the head of any using agency to purchase directly any supplies or contractual services whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of citizens.~~

~~(2) Recorded explanation. The head of such using agency shall send to the Purchasing Agent a requisition and a copy of the delivery record, together with a full written report of the circumstances of the emergency. The report shall be filed with the Comptroller, Mayor and Council as provided in Subsection A(2) above.~~

~~B. Emergency procedure. The Purchasing Agent shall prescribe by rules and regulations the procedure under which the emergency purchases by heads of using agencies may be made.~~

~~(1) In the event of an emergency requiring the expenditure amounts of less than \$4,000, and the funds are available for expenditure, the Purchasing Agent may purchase through the open market procedure the supplies or services needed, or authorize the head of any agency or department to purchase directly the supplies or services which are needed. The Purchasing Agent shall use his/her best judgment to most effectively acquire the supplies and/or services.~~

~~(2) In the event of an emergency requiring the expenditure of \$4,000 or more and the funds are available for expenditure, the Mayor may authorize the Purchasing Agent and the requesting agency or department to purchase directly the supplies and/or services necessary to address the emergency.~~

~~(3) Recorded explanation. The department head shall send to the Purchasing Agent a requisition and a full written report of the circumstances of the emergency. The Purchasing Agent shall file the report with the Comptroller and Mayor for forwarding to the Town Council.~~

§43-18. Inspection and testing.

The Purchasing Agent shall cause to be inspected all deliveries of such supplies, materials and equipment and to cause tests to be made when necessary in order to determine their quality, quantity and conformance with specifications.

- A. Inspection by using agency. The Purchasing Agent shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under rules and regulations which the Agent shall prescribe.
- B. Tests. The Purchasing Agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Purchasing Agent shall have the authority to request the use of laboratory facilities of any agency of the town government or of any outside laboratory.

§43-19. Inventory.

- A. Maintenance. The Purchasing Agent shall maintain an inventory of all movable equipment belonging to the Town.
- B. Forms. The Purchasing Agent shall prescribe such forms as may be necessary for reporting inventory information by any department, office, agency, board or commission of the town government.

§43-20. Insurance *Reserved for future use*

~~_____The Purchasing Agent shall purchase, at the expense of the Town, surety bonds for all officers and employees of the Town required by law or by ordinance to furnish bonds to the Town and insurance of such types against liability, loss or damage on the part of the Town or its property as the Council, upon recommendation of the Mayor, may authorize and shall be responsible for the collection of insurance benefits and other matters relating to the administration of the Town's insurance.~~

§43-21. Cooperative purchasing.

The Agent shall have the authority to join with other units of government in cooperative purchasing plans and participate with other utilities on an equitable basis in large bulk purchasing, when the best interests of the Town would be served thereby.

ORDINANCE NO. _____

§43-22. Audit.

A periodic audit shall be made to verify that authorized procedures have been followed, using generally accepted accounting principles and procedures based upon recommendations of the Council as provided by Chapter XV, Section 9 of the Charter.

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 2006, in accordance with the provisions of the Charter of the Town of Wallingford.

BARBARA THOMPSON
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____