

SPECIAL TOWN COUNCIL MEETING

JANUARY 11, 2000

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consider and Approve Adoption of the Town Council Meeting Procedures
4. Consider and Approve Adopting the Town Council Meeting Schedule for Calendar Year 2000
5. Consent Agenda
 - a. Consider and Approve Tax Refunds (#340-346) Totaling \$2,714.71 – Tax Collector
 - b. Approve and Accept the Minutes of the December 14, 1999 Town Council Meeting
 - c. Approve and Accept the Minutes of the December 21, 1999 Special Town Council Meeting
 - d. Consider and Approve Appointment of a Flood & Erosion Control Board in Accordance with Ordinance #355 of the Town of Wallingford
 - e. Consider and Approve Re-Naming the Following Advisory/Study Committees:
 - Committee on Aging's Adhoc Committee to Study the Expansion of the Senior Center Facility and Parking
 - Community Lake Restoration Committee
 - Municipal Golf Course Study Committee
 - Steering Committee Jubilee 2000 Celebration
 - Historical Properties Study Committee
 - Quinnipiac Linear Trail Advisory Committee

- f. Consider and Approve a Transfer of Funds in the Amount of \$500 from Self-Insurance Claims Acct. #001-8030-800-8280 to Transportation Reimbursement Acct. #001-1320-300-3201 – Town Attorney

6. Items Removed from the Consent Agenda

7. PUBLIC QUESTION AND ANSWER PERIOD

8. Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Health Insurance Acct. #001-8035-800-8300 to Self-Insurance Deductible Acct. #001-8030-800-8270 – Personnel
9. Consider and Approve a Transfer of Funds in the Amount of \$46,000 from Self-Insurance Workers Compensation Acct. #001-8035-800-8310 to Fire Heart & Hypertension Acct. #001-8035-800-8410 – Personnel
10. Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Contingency General Purpose Acct. #001-8050-800-3190 to Professional Services – Lawyers Acct. #001-1320-901-9002 – Town Attorney
11. Discussion and Possible Action Regarding Clarification of Voting Members of the School Renovation Project Building Committee to Reflect that the Two (2) Board of Education Appointees Serve as Non-Voting Members of the Committee – Board of Education
12. Report out from the School Renovation Building Committee on a Recommendation for the Hiring of an Owner Representative – School Renovation Building Committee
13. Discussion and Possible Action Regarding a Waiver of Bid and Authorization to Proceed with Qualification Based Selection by the School Renovation Committee for the Hiring of One (1) or More Architectural Firms – School Renovation Building Committee
14. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes with Regards to Pending Litigation in the Matter of Andrea Dayharsh v. Town of Wallingford – Town Attorney
15. Consider and Approve Settlement of a Workers' Compensation Matter as Discussed In Executive Session – Town Attorney

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6:30 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
2. Correspondence – No items presented	
3. Adopt the Town Council Meeting Procedures as Presented, Deleting Item #1B.	1-2
4. Adopt the Town Council Meeting Schedule for Calendar Year 2000	2
5. Consent Agenda – Items #5a,b,d,e & f	2-3
6. Items Removed from the Consent Agenda – Item #5c	3-7
Approve the Minutes of December 14, 1999 Town Council Mtg. With Additions	3-7
7. PUBLIC QUESTION AND ANSWER PERIOD – Comments re: Swearing-In Ceremony; Statement by Mayor on Newspaper's Reporting of Town's Fiscal Condition; Comments re: Town's Audit Report on Fiscal Condition	7-13
8. Approve a Transfer of \$6,000 to Self-Insurance Deductible Acct. – Personnel	13
9. Approve a Transfer of \$46,000 to Fire Heart & Hypertension Acct. – Risk Manager	13-14
10. Approve a Transfer of \$15,000 from Contingency to Professional Services – Lawyers Acct. – Town Attorney	14-16
11. Rescind Action Taken by Town Council and Approve Two (2) Board of Education Appointees as Non-Voting Members of the Committee	16

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SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
2. Correspondence – No items presented	
3. Adopt the Town Council Meeting Procedures as Presented, Deleting Item #1B.	1-2
4. Adopt the Town Council Meeting Schedule for Calendar Year 2000	2
5. Consent Agenda – Items #5a,b,d,e & f	2-3
6. Items Removed from the Consent Agenda – Item #5c	3-7
Approve the Minutes of December 12, 1999 Town Council Mtg. With Additions	3-7
7. PUBLIC QUESTION AND ANSWER PERIOD – Comments re: Swearing-In Ceremony; Statement by Mayor on Newspaper's Reporting of Town's Fiscal Condition; Comments re: Town's Audit Report on Fiscal Condition	7-13
8. Approve a Transfer of \$6,000 to Self-Insurance Deductible Acct. – Personnel	13
9. Approve a Transfer of \$46,000 to Fire Heart & Hypertension Acct. – Risk Manager	13-14
10. Approve a Transfer of \$15,000 from Contingency to Professional Services – Lawyers Acct. – Town Attorney	14-16
11. Rescind Acting Taken by Town Council and Approve Two (2) Board of Education Appointees as Non-Voting Members of the Committee	16

<u>Agenda Item</u>	<u>Page No.</u>
12. Report Out from the School Building Renovation Committee on a Recommendation for the Hiring of an Owner's Representative	16-28
13. Approve Waiving the Bidding Process to Allow the School Building Renovation Committee to Proceed with the Qualification Based Selection of One (1) or More Architectural Firms for the School Renovation Project	28-30
14. Executive Session – 1-200(6)(B) – Pending Litigation – Andrea Dayharsh v. Town of Wallingford	30
15. Approve Settlement of a Third Party Claim, Workers Compensation as Discussed in Executive Session	30-31

TOWN COUNCIL MEETING

JANUARY 11, 2000

6:30 P.M.

A special meeting* of the Wallingford Town Council was held on Tuesday, January 11, 2000 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:34 P.M. Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, Rys, Vumbaco and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr., Assistant Town Attorney Gerald E. Farrell, Sr. and Comptroller Thomas A. Myers were also present.

*This meeting is designated as a special meeting to meet State Statute guidelines. The Council did not adopt its calendar year 2000 meeting schedule until after January 1, 2000 therefore it constitutes a special meeting.

A blessing was bestowed upon the Council by Rev. Sydney Parker (Ret.).

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

No items of correspondence were presented.

ITEM #3 Consider and Approve Adoption of the Town Council Meeting Procedures

Motion was made by Mr. Farrell to Adopt the Procedures as Presented (Appendix I), Deleting Section 1B, seconded by Mr. Knight.

Chairman Parisi stated that the proposal to delete Section 1B would be the only revision forthcoming this evening. It is the general consensus of the Council that the third meeting, Public Speaking Meeting, of each month no longer be conducted. The next order of business on this agenda is to adopt the Town Council Meeting Schedule for calendar year 2000 and by making the revision to delete the public speaking meetings from the meeting procedures, the calendar of meetings can now be adopted, minus the extra meeting dates.

The Meeting Procedures will be placed on the agenda of the January 25th meeting to be reviewed in greater detail at that time.

VOTE: All ayes; motion duly carried.

A member of the audience questioned why the public was not given an opportunity to speak to the item.

Chairman Parisi explained that the measure this evening is merely housekeeping in nature and the public will have the opportunity to speak on the meeting procedures at the January 25th meeting.

ITEM #4 Consider and Approve Adopting the Town Council Meeting Schedule for Calendar Year 2000 (Appendix II)

Motion was made by Mr. Rys, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

ITEM #5 Consent Agenda

ITEM #5a. Consider and Approve Tax Refunds (#340-346) Totaling \$2,714.71 – Tax Collector

ITEM #5b Approve and Accept the Minutes of the December 14, 1999 Town Council Meeting

ITEM #5c Approve and Accept the Minutes of the December 21, 1999 Special Town Council Meeting

ITEM #5d Consider and Approve Appointment of a Flood & Erosion Control Board in Accordance with Ordinance #355 of the Town of Wallingford

ITEM #5e Consider and Approve Re-Naming the Following Advisory/Study Committees:

- Committee on Aging's Adhoc Committee to Study the Expansion of the Senior Center Facility and Parking
- Community Lake Restoration Committee
- Municipal Golf Course Study Committee
- Steering Committee Jubilee 2000 Celebration
- Historical Properties Study Committee
- Quinnipiac Linear Trail Advisory Committee

ITEM #5f Consider and Approve a Transfer of Funds in the Amount of \$500 from Self-Insurance Claims Acct. #001-8030-800-8280 to Transportation Reimbursement Acct. #001-1320-300-3201 – Town Attorney

Motion was made by Mr. Rys to Approve the Consent Agenda, Items #5a,b,d,e & f, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

ITEM #6 Items Removed from the Consent Agenda

ITEM #5c Approve and Accept the Minutes of the December 21, 1999 Special Town Council Meeting

Mr. Vumbaco stated that he had requested that this item be removed from the consent agenda due to the fact that he attended the December 21, 1999 meeting and the transcription of the minutes did not include information that he felt was pertinent to Item #3, a Bid Waiver request by the Board of Education for transportation services. He requested that the minutes be re-typed to reflect the dollar amounts discussed for the service and to include the discussion which transpired between the chairman and the Board of Education members.

Chairman Parisi stated that the Town Council secretary has been incapacitated and the staff of the Town Clerk's Office covered so as not to have a problem with F.O.I. requirements. He asked that the Town Clerk extend his thanks to her staff for their assistance. He felt they did a fine job considering the staff had never transcribed minutes before. He went on to say they were very prompt and satisfied the rule of law which kept the Town out of trouble.

Motion was made by Mr. Farrell to Remove Item #3 in the Town Council Minutes of December 21, 1999 and Insert a Re-Typed Item #3 with Attachments, seconded by Mr. Knight.

Mr. Centner stated that he would also like more detail to appear in the same set of minutes with regards to the discussion of Item #6, a Letter of Agreement between the Town of Wallingford and City of Meriden regarding the Federal Transportation Enhancement Act allocating funds for the Quinnipiac River Linear Trail, Phase II. At the meeting of December 21st Mr. Centner read the Letter of Agreement into the record which clearly sets out the Town of Wallingford's and City of Meriden's share of the High Priority Funds, as well as the Federal share of the project costs. The agreement also specifically lists what

each municipality's share of the project costs will be. Mr. Centner was of the opinion that the specific dollar figures were important to note and asked that the minutes be re-typed to include them, or at the very least, append a copy of the Letter of Agreement to the revised minutes.

Motion was Amended by Mr. Centner to Include all of the Dialogue Held on Item #6 or at Least to Append the Resolution (Letter of Agreement) to the Minutes, seconded by Mr. Knight.

Robert Sheehan, 11 Cooper Avenue stated that he was also in attendance at the December 21, 1999 meeting and upon obtaining a copy of the transcribed minutes was very disappointed with the finished product. He commented that the six pages of typed minutes in no way accurately reflected the business that transpired in the hour-long meeting. He compared the minutes of December 14, 1999 to the minutes of December 21, 1999 which were both transcribed by the same individual filling in temporarily for the Town Council Secretary. He commented that the set of minutes from December 14th weren't too bad but there was a drastic difference in the method of transcribing the December 21st minutes. He could not help but wonder why the second set of minutes were condensed so drastically. He pointed out that the meeting of December 21st was a special meeting and was not televised which left the public completely in the dark as to what transpired. For this very reason, the minutes should have been transcribed in greater detail. Unless the public came in and requested a copy of the audio tapes they would have no way of knowing the dollar figures on the bid waiver, the Business Manager's re-negotiated contract amount nor the towns' and federal government's share of the project costs for the linear trail. He had asked a question of the Chief Executive Officer (Mayor) pertaining to the West Dayton Hill Road Dam which did not appear in the minutes. That question, he felt, was very important. He had asked, "if the State ruled that the Town owned the dam, since we already own the water, and the cost of the repair of the dam was prohibitive to the property owners, would he (Mayor) fix the dam?". The Mayor's answer that night was, "no, he would breach the dam." That question and that answer does not appear in the minutes, Mr. Sheehan commented. He pointed out that this is a good example of why all meetings, including special meetings, of the Council should be televised. Although everything was above board that evening, it did not get to the final transcription of the minutes. He went on to say that last year special meetings averaged one per month and only a few that might have dealt with the power plant had been televised. He requested that all meetings of the Town Council, special meetings included, be televised. The typed minutes are the permanent record whereas audio tapes are not.

Chairman Parisi stated that the audio tapes are kept by the Town Council for approximately seven (7) years.

Mr. Sheehan stated that he was glad to see that the minutes had been corrected to reflect discussion and dollar figures for Item #3 however, he was requesting that the item regarding the West Dayton Hill Road Dam be expanded upon also. According to Roberts' Rules, which the Council adopts, the minutes should reflect evenly both sides of any given issue.

Mr. Parisi agreed.

Mayor Dickinson stated, as a general rule, minutes are not meant to be a transcript. Minutes reflect action taken and reasons for that action, those in attendance....you can have any amount of additional material you want, but that is a matter of what the body wants. The minutes, generally, are never expected to be a transcript of everything said or provide ancillary information.

Mr. Sheehan stated that the minutes should at least reflect when questions are asked and the answers given. It does not have to be exact; the general intentions can be there. It does not have to be word for word.

Mr. Parisi explained, it is almost impossible to articulate minutes. Three different people can type minutes and if they are not verbatim they will be three different sets of minutes.

Mr. Sheehan did not mean to criticize anyone but stated that the difference between the minutes of December 14th and December 21st are night and day.

Mr. Parisi agreed that there is a big difference.

Mr. Sheehan stated, it is not the quality of work he expects out of the Town Council Office.

Mr. Parisi stated, that one (set of minutes) was dictated to the guidelines by the Town Attorney. Understand that the person who was typing the minutes had a different set of parameters.

Mr. Sheehan stated, you sign these minutes and you are supposed to know what happens.

Mr. Parisi answered, I was comfortable with them (the minutes).

Mr. Sheehan replied, that is where we differ. I have been coming here for seven years and I have never seen.....she (the temporary recording secretary) had to have had help with the minutes; she did not do it on her own.

Mr. Parisi agreed, there are many different minutes. Every secretary has had a different way of taking them. I am not going to fault anybody.

Wes Lube, 15 Montowese Trail pointed out how the Council is ignoring its own procedural rules very early in the year. Robert's Rules of Order is quite specific about published minutes as the Chairman knows. He quoted Robert's Rules of Order as follows: "In keeping the minutes, much depends upon the kind of meeting and whether the minutes are to be published" as ours are. "Under no circumstances, however, should the clerk criticize in the minutes either favorably or otherwise anything said or done at a meeting." "If they are to be published" as yours are "it is often of far more interest to know what was said by the leading speakers than to know what routine business was done and what resolutions adopted. In such cases the duties of the secretary are arduous and she should have at least one assistant." It goes on to say, "...that if the proceedings are to be published the secretary should always examine the published proceedings at similar meetings so as to conform to the custom excepting where it is manifestly improper."

Mr. Lube stated, your (Council's) rules are quite definite on this subject; that your minutes are supposed to, in contrast to the Mayor's comments, reflect the debate that occurred prior to any of your actions.

Mr. Parisi answered, right, but it doesn't say in there that they are to be reflective verbatim.

Mr. Lube read from Robert's Rules again, "...the primary speaker's comments.." pointing out how they were deleted from the minutes.

Mr. Parisi asked, does it say verbatim?

Mr. Lube stated that he was upset when he saw the brevity of the minutes so he asked that the secretary copy the meeting tapes for him. It was as though they were two different meetings. The comments about the (West Dayton Hill Road) dam, the comments about a hearing officer....how did these comments...

Mr. Parisi reminded Mr. Lube that it was just explained why the minutes were condensed.

Mr. Lubees felt that there should be no explanation; someone should have been hired to type the minutes the same way that the minutes have been transcribed.

Mr. Parisi noted Mr. Lubees's comments regarding the transcription of the minutes.

Mr. Lubees next went on to point out that the Council's rules read: "The minutes and all other official documents that have come before a deliberative assembly are in the custody of the secretary but they are open to the inspection of every member." At the November 23rd meeting Henry McCully (Director of Public Works) was in attendance talking about 34 S. Turnpike Road, the old package store. At that time the Council was told by Mr. McCully that a \$2,400 environmental study, approved by the Council after the fact, had been performed and was very extensive. The study does not appear to be attached to your minutes, which is your customary procedure. Mr. Lubees stated that he went to the Town Clerk's Office today to view a copy and the Town Clerk informed him that the report was never filed with her office. The Town Clerk then called Mr. McCully who informed her that the study was in the Law Department. In Mr. Lubees's opinion, the study should not be in the Law Department but attached to the minutes; it was part of the meeting that night. He stated that the Council is in violation of its own procedures; the procedures set out by itself.

Mr. Parisi replied, I don't think we are doing anything we haven't done in the past. Are you proposing that we make three and four copies of documents so that they can be distributed to everyone?

Mr. Lubees explained, if you have materials that are used as part of your meeting, you are supposed to have a copy attached to your minutes. What other copies are made are not of your concern. Your concern is that your copy is in your minutes.

Mr. Parisi suggested that the Mayor check into what the requirements are on that issue.

VOTE ON AMENDMENT: All ayes; motion duly carried.

VOTE ON MOTION AS AMENDED: All ayes; motion duly carried.

ITEM # 7 PUBLIC QUESTION AND ANSWER PERIOD – 7:07 P.M.

Philip Wright, Sr., 160 Cedar Street stated that he was impressed with the swearing-in ceremony and thought the mayor did a wonderful job in presenting what he had to say; Mr. Parisi did well also. He referred to the article which appeared in the newspaper today on the results of the audit; the general fund balance. He agreed with those quoted as

saying that the town came "pretty close"; we can't expect to do any better than being within that margin. He thought it was interesting that the mayor was quoted as saying, when budgeting, you are not going to end up with zeros; you either end up with a surplus or a deficit. Mr. Wright was surprised that the mayor used the word "surplus" and deferred further questions to Comptroller Myers. Mr. Wright recalled that it was about a year or so ago that the mayor and Mr. Myers said publicly that they did not know what the term "surplus" meant. He was glad to see that things have changed.

Mayor Dickinson responded, I want to alert everyone that the article appearing in the paper regarding a deficit is not a correct reflection of the Town's fiscal condition. I am hoping that there will be a correction on that information. It distorts the audit report from the factual material associated with the past year's findings and results. In the event that anyone is wondering how an article on December 23rd or 24th reflects a \$3.7 million unappropriated balance and an article of today that says we have a \$16,000 deficit; what kind of questions of credibility and how those two things can exist and have any semblance of truth in today's world, I have the same questions and today's article is not accurate.

Frank Wasilewski, 57 N. Orchard Street stated that he did not believe the article himself because he listened to what the Chairman has said in the past which is, "don't believe everything you read in the paper." I don't know how we can have a deficit when we have a balance; I am not using surplus, but balance. How can we have a balance while we are in debt up to our eyeballs? You figure it out, I can't.

Geno Zandri, 37 Hallmark Drive addressed Comptroller Myers referring to pages 80 & 81 which deals with the General Fund Schedule of Revenues Expenditures and Changes of Fund Balances. Three columns are listed on each page; the first column is titled, "Amended Budget", please explain that column.

Comptroller Thomas Myers explained, the Amended Budget is the budget adopted by the Town Council in May of 1998 plus any subsequent appropriations that increased the budget during the year.

Mr. Zandri pointed out that the second column is titled, "Actual", please explain that column.

Mr. Myers explained, it means the amounts taken in by the general fund and the amounts expended by the general fund.

Mr. Zandri asked, does that mean those numbers reflect what actually happened in those lines items during the course of that year?

Mr. Myers answered, those are actual dollars received and actual dollars spent.

Mr. Zandri referred to the bottom line titled, "Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses". On this list of numbers, some are in parenthesis and some are not. What does it mean when a number is in parenthesis?

Mr. Myers answered, it depends upon whether it was a revenue item or an expenditure item in parenthesis.

Mr. Zandri asked, if the bottom line titled, "Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses" is in parenthesis, what does it mean? It is the bottom line figure in the "Actual" column.

Mr. Myers answered, if it is in parenthesis it is a minus number.

Mr. Zandri asked, do you agree that the number is the bottom line after all is said and done between taking revenues in and expenditures out?

Mr. Myers answered, no. It represents the difference between external revenues and monies spent by the Town, not accounting for the amount of Fund Balance that the Town budgeted in order to balance the budget. That is a schedule, it is not an official financial statement. It is presented in a manner to be liftable to the formal financial statements which appear in the financial section of that report.

Mr. Zandri asked, so that is not the actual figure of what happened during the course of the year?

Mr. Myers: No it is not, because it does not deal with balancing the budget; that schedule does not deal with balancing the budget. If you look at that schedule it shows that the amended budget has revenues of \$87 million and expenditures of \$90 million. The Town did not adopt a deficit budget. It also shows in the amended column a figure of (\$3,760,000.00). That figure is the amount that was appropriated from the Town's Fund Balance; General Fund Balance; available Fund Balance to balance the budget. That money was used instead of raising property taxes.

Mr. Zandri asked, there is an amount plugged in here from our Fund Balance to balance the budget in the beginning of a budget year?

Mr. Myers answered, that is right and in order to interpret that statement as compared to balancing the budget, you would have to reconcile that schedule that appears on Page 80 & 81 to the budget presentation.

Mr. Zandri asked, the amount of dollars that came out of our reserves to balance the budget; we took \$16,738.00 out of that amount in order to balance the budget, correct?

Mr. Myers answered, no, to balance the budget the Town appropriated \$3,760,000.00 from the reserves.

Mr. Zandri responded, that is true but where does the \$16,738.00 come from?

Mr. Myers answered, it is a figure that subtracts the expenditures the Town received from the revenues, not counting that \$3,760,000.00. The principal schedule in a government such as Wallingford and many other municipalities is the legally adopted budget. The Town of Wallingford every year adopts the budget in two motions; it adopts a revenue budget and it adopts an expenditure budget. Part of that revenue budget is an amount appropriated from Fund Balance. In order to reconcile the schedule that you are looking at there to the adopted budget of the Town, you have to take certain of those numbers and put it into the Town budget format. When you do that it shows that the revenues, including what was appropriated from Fund Balance because that is a revenue; that money is legally appropriated, it is not available for any other use during the year; that \$3.7 million is not available. It is appropriated to the budget to avoid a deficit. It is appropriated rather than raising property taxes. In every sense of the word it is a valid revenue appropriation. When you account for the revenues, including the Fund Balance, the report shows that there were \$2.7 million in revenue received above what was budgeted, including the Fund Balance and the expenditures were approximately \$1 million less than what was budgeted. Therefore when the two are added together it shows that the budget variance....was \$3.7 million.

Mr. Zandri asked, at the end of the year our Fund Balance is \$16,738 less in our savings account now, or at the end of the year, than we did when we started, is that a fact?

Mr. Myers answered, we had more. We finished the year last year with a total saving of \$18.1 million and I think this year it is \$18.2 million.

Mr. Zandri stated, I am still confused because I don't understand how we could have a \$16,738 shortfall that had to come from savings yet we have more money in our savings account now than we did when we started?

Mr. Myers explained, these schedules are subject to interpretation. They are prepared in order for people who are knowledgeable and deal with municipal financial statements to interpret and read, based on how different communities develop and measure themselves against budgets. In Wallingford, we have a legal obligation to adopt a balanced budget. The revenues of the General Fund must meet the expenditures. In the General Fund each budget stands on its own; the Revenue budget stands on its own and the Expenditure budget stands on its own. They balance. It is a balanced budget theory, the balanced budget concept.

Mr. Zandri asked, you are telling me that the Fund Balance as of July 1, 1998 and the Fund Balance of June 30, 1999, we have an increase in that Fund Balance?

Mr. Myers answered, it was a small increase; I don't recall what it is off the top of my head.

Mr. Zandri stated, according to this (C.A.F.R.) as of July 1, 1998 the Fund Balance was \$12,421,528.00 and the Fund Balance as of June 30, 1999 was \$12,404,790.00.

Mr. Myers answered, that is the Total Fund balance and some of that, on a budgetary basis; that is just the Fund Balance on a budgetary basis; the Total Fund balance is some \$18 million. Of that \$12 million, if you look on the previous page, you will see that some of that money is designated and some of it is not. I am referring to the savings account or the available money. In 1998 there was \$8.6 million available; almost \$8.7 million; and in 1999 it is \$8.7 million. I thought there was a slight increase.

Mr. Zandri stated, in looking at the figures there is a negative amount which is equal to the \$16,738.00 that, in my opinion, is a shortfall in the budget. The only thing that makes that up is the dollars we are plugging in. You can use all the smokescreens you want in this (budget). Personally, I think the Town is in good financial shape but other towns report deficits and surpluses except Wallingford. Wallingford is the only one that has a "budget balance". I think if you look at the figures, they are self-explanatory. Without plugging in the money from the excess funds; if we did not put that dollar amount in there you would have had a deficit. There was a \$16,000 negative cash flow as far as I am concerned in this past year and it took savings dollars to make up that difference.

Mayor Dickinson stated, three columns were mentioned but it was not spelled out what the third column was. I believe the third column is indicating a difference. If we could hear what the figure is on that same line that the \$16,000 appears on; what is the third figure that shows the difference, is that a negative or a positive?

Mr. Zandri answered, the third column is a variance. A variance is nothing more than the difference between what was budgeted and what actually happens.

Mayor Dickinson answered, that's right, what is the figure?

Mr. Zandri answered, \$3,743,276.00.

Mayor Dickinson explained, the budgetary figure is \$3.7 million. There is a \$16,000 supposed deficit on the actual but the variance between the amended budget and the actual is \$3.7 million plus. I don't know how we find there is a deficit.

Mr. Zandri responded, Mayor, the variance amount is nothing more than what you took out of savings in the beginning of the year to balance your budget. You balanced the budget by taking money out of the savings and plugging it into the revenue side of the budget.

Mayor Dickinson replied, when we adopt the budget we include all revenue items. Amounts coming from retained earnings, fund balance, are designated. They are right in the budget as coming in as cash. We can't at the end of the year decide that we are not going to count those are part of the budget anymore. For a full year they were part of the budget. If we did not count them at the end of the year someone would ask what happened to \$3.7 million which was there at the beginning of the year and now gone at the end. It was a \$93 million budget, not an \$87 million budget. There is no smoke and mirrors. It comes down to basic accounting and those who are unfamiliar with the principals and technical information necessary to properly use accounting, that is where the answer lays. We rely upon the Finance Department's trained accountants, we rely upon the auditors and we rely upon reports from credit rating agencies. All of those seem to say that the Town is doing things properly. This is an unqualified report; we have never been told we are not reporting everything accurately but all of a sudden we are going to pull one figure off a page and decide that is a deficit for a year. I am sorry, I think that misrepresents reality to the public.

Mr. Zandri commented, we have been arguing about this for a while but the fact is, at the end of the year, when you look at the bottom line and when you look at what you had in your savings account, there is \$16, 738.00 less. I don't care what you call it but at the end of the year, that was the difference.

Mayor Dickinson replied, at the beginning of the year we had \$3.7 million less in our savings account, if you want to look at it that way. That is when the money left the savings account, at the beginning of the year when it was appropriated into the budget.

Mr. Zandri answered, that's right. It came out of the savings, the figure was right and at the end of the year you put less back in. I don't see where you could say you had a surplus.

Mr. Parisi acknowledged that both parties have made their point.

Public Question and Answer Period was declared closed at 7:27 P.M.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Health Insurance Acct. #001-8035-800-8300 to Self-Insurance Deductible Acct. #00-18030-800-8270 – Personnel

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Risk Manager Mark Wilson explained, the Town had some unanticipated self-insurance retentions we had to pay for some claims that have come through this year. We did not expect an out of court settlement which occurred. There was also an unanticipated \$10,000 self-insurance retention which caused a shortfall in the account.

Jack Agosta, 505 Church Street, Yalesville wished to address the issue of transfers.

Mr. Parisi asked that Mr. Agosta speak to the issue at hand and not to transfers in general.

Mr. Agosta stated that his comments were regarding transfers, in general, therefore he will address the topic with the Council at the next meeting.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve a Transfer of Funds in the Amount of \$46,000 from Self-Insurance Workers Compensation Acct. #001-8035-800-8310 to Fire Heart & Hypertension Acct. #001-8035-800-8410 – Personnel

Motion was made by Mr. Rys, seconded by Mr. Knight.

Risk Manager Mark Wilson explained, this transfer is being requested as a matter of housekeeping. We will be paying an individual the same amount but just out of different account. He began the year being paid out of the Workers Compensation Account and then he was switched over as a heart and hypertension case. We are just transferring the funds that we would have paid him out of one account to the other. We have to categorize the case differently.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$15,000 From Contingency General Purpose Acct. #001-8050-800-3190 to Professional Services – Lawyers Acct. #001-1320-901-9002 – Town Attorney

Correspondence from Attorney Small states how the Town has several workers compensation matters which involve formal hearings and briefs. Further, title searches for foreclosures have been paid out of this account instead being paid out of Legal Expenses and Specialists accounts. The transfer is based upon estimates given to our office by the attorneys handling the files. The department does not have sufficient funds and is therefore requesting a transfer be made from the Contingency/General Purpose account into Professional Services – Lawyers Acct.

Mr. Knight asked, there is one account in the Law Department titled, “Specialists” and another titled, “Outside Attorneys”, what is the difference?

Asst. Town Attorney Gerald E. Farrell, Sr. could not answer the question due to the fact that he does not prepare the department’s budget.

Mayor Dickinson explained, if you are hiring someone for a title search, if that individual is not a lawyer their fee would come out of the “Specialists” account. If that individual is a lawyer, if he is just providing a title search you may pay that out of “Specialists” but if the lawyer is giving you a title certificate and functioning as a lawyer, then the fee will be paid out of the “Professional Services – Lawyers” account. Appraiser’s fees would come out of the “Specialists” account. It is analyzed on a case by case basis.

Town Attorney Janis Small asked Atty. Farrell, Sr. to convey to the Council that several workers compensation matters have gone to or were heading toward formal hearings and that had not been anticipated in her budget requests.

Mr. Knight pointed out that there remains \$35,000 unencumbered in the "Specialists" account and he wondered if the workers compensation matters would not fall into that category?

Atty. Farrell, Sr., replied, Atty. Small stated that she still needs those funds for specialists.

Mr. Parisi asked, does it matter which account it comes out of if it is so nebulous to start with?

Mayor Dickinson responded that it is not meant to be nebulous; it is meant to have a little more certainty and that is why Atty. Small is going to speak with Finance about it so there is more uniformity in the use of the accounts.

Frank Wasilewski, 57 N. Orchard Street stated that \$45,000 was budgeted for "Specialists". The year before \$73,000 was appropriated for that line item with \$57,000 being the actual amount of dollars spent. This year the account was cut back to \$45,000. He stated, a lot of money was cut out that should have been left in. That is why we have this situation. Should some of these services have been put out to bid? Are the bills over \$2,000? We have had a lot of discussions over that very topic. Some of these items should have gone out to bid. We should be a little more careful. We cut budgets to save dollars when, historically, it is proven we need them. Dollars that are left over at the end of the year are not thrown away. Give the budget a more thorough look before you (Council) approves it.

Wes Lube, 15 Montowese Trail asked if the \$15,000 is for expenses to be incurred entirely or are some retro-active?

Atty. Farrell, Sr. answered, it is my understanding that it is for expenses to be incurred that have not been incurred yet, just anticipated from what we are being told by attorneys representing the Town.

Mr. Lube asked, if any of these legal fees; attorneys fees, exceed \$2,000., is it necessary to obtain a waiver even though it has been pre-approved?

Mayor Dickinson answered, I don't know whether these (dollars) are for hiring new attorneys or whether these are sums of money that will be owed to existing ones and the new bills will have to be paid. But as a general rule Janis (Small) received bid waivers on hiring of appraisers or hiring an attorney on cases. It is my recollection that she always mentions that to the Council and bid waivers are approved. I don't believe this is for new

attorneys, I believe it is to pay bills that are expected at some point in the future that she doesn't have funds in order to address new bills.

Mr. Lube asked, if this pre-approved amount is going to be used to pay bills on a single attorney in excess of \$2,000., would a bid waiver be required?

Mayor Dickinson answered, if there hasn't been a bid waiver received previously and it was under \$2,000., there would have to be a bid waiver.

Mr. Lube asked, and if it was over \$2,000.?

Mayor Dickinson answered, if we have already hired someone and they have been paid less than \$2,000., and now the bills are going over \$2,000., it would require a bid waiver from my understanding.

VOTE: All ayes; motion duly carried.

ITEM #11 Discussion and Possible Action Regarding Clarification of Voting Members of the School Renovation Project Building Committee to Reflect that the Two (2) Board of Education Appointees Serve as Non-Voting Members of the Committee – Board of Education

Correspondence from Board of Education Chairperson Patricia Corsetti explains that when Phyllis DeChello and Andre Loubier were appointed to the School Building Renovation Committee, it was with the understanding that the two would be non-voting members. The motion made by the Council at the time of Phyllis' and Andre's appointment referred to the Board members as ex-officio which entitles both to be voting members. This action being requested tonight would clarify that Ms. DeChello and Mr. Loubier are non-voting members of the committee.

Motion was made by Ms. Papale to Rescind the Action Taken by the Town Council and Approve the Two Board of Education Appointees as Non-Voting Members of the Committee, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #12 Report Out from the School Renovation Building Committee on a Recommendation for the Hiring of an Owner Representative.

School Building Renovation Committee Chairman Don Harwood and Vice Chairman Bill Choti were in attendance to facilitate the presentation.

It is noted that other members of the committee were collectively in attendance seated in the front row of the auditorium.

Mr. Harwood reviewed the process followed by the committee in selecting an owner's representative:

Selection of Building Committee Client Representative

The following is an overview of the several weeks of activity and 160+ hours by Committee Volunteers for a thorough Evaluation of Candidates.

- 11/3/99 - 1. Requirements for Client Representative outlined by Building Committee
2. Board of Education Superintendent's Office develops Scope of Services Outline
3. Building Committee provides Scope Refinements which are subsequently approved
4. Committee forms Task Force made up of all who volunteer to investigate potential Firms providing defined Client Representative services on public school projects in Connecticut
5. Search involved contacts to State Department of Education, review of potential sources from published sources, various market inquiries, and calls to Towns by all Task Force members
6. Chairman contacted Council Chair and Committee Liaison regarding Process, only four found to date
- 11/9/99 - 7. Committee formal request of Bid Waiver by Council is approved - minimum four candidates
8. Four firms submitted by Task Force, and approved for further inquiries by Committee
- 12/1/99 - 9. RFP prepared by volunteer and sent to four firms
- 12/7/99 - 10. Proposals submitted in two packages per Town Regulations, Qualifications and Price Information Submitted
11. Two additional firms request consideration, one via phone call, second via package two weeks after solicitation sent.
12. One firm drops out, second sent letter after consensus from Committee not to accept late applications
13. Update to Council, Committee asked why not consider another firm who already dropped out
14. Firms invited to scheduled interviews and project scoring methodology and form prepared
15. Individual from Committee volunteers to meet and provide background data to any of those being interviewed to assist them in project understanding
- 12/21/99 - 16. Five-hour interview session of four firms attended by all but one Committee Member. All firms are rated based upon scoring sheet, and ranked. Konover Swinerton receives greatest first place votes

17. Motion made and accepted to recommend KS to Council subject to review of salary rates and reference checks
18. In addition to a review of references made by the Superintendent of Schools, additional reference checks are undertaken by a new Task Force separate from first
19. Envelopes opened and reviewed by still another group of Volunteers and summary sheet prepared for Committee review
20. Following review of salary rates, overhead multiplier and other data, consensus by the Committee is made to recommend KS to Council subject to one final interview of KS by a fourth group of volunteers
21. Volunteers take time again from work to interview KS at Town Hall
22. All Reports of Meetings, solicitation materials developed by the Task Force and submissions by the four Proposing Firms have been submitted on a routine basis either to the Purchasing Department and/or the Council Secretary.

Mr. Harwood stated that the committee would like to make a recommendation to the Council to hire Konover Swinerton as the Town's Owner Representative in the project. They were exceptionally thorough in their presentation of their proposal to the committee. They have good experience in the industry as an owner's representative; educational experience...they faired very well. The committee had an evaluation process for the qualitative section when the interviews were held. In that qualitative section were structured questions that were consistent so that all firms could be compared based on the same criteria. From a fee structure; their fee structure was very competitive. The follow-up interviews and references have all panned out to be very positive for the firm. He stated that the committee hoped to obtain the Council's approval tonight so that they could begin contract negotiations.

Ms. Papale stated that she had heard that only four (4) members of the committee had gone through the procedure and other members did not go through the entire procedure. She asked if this was a rumor?

Mr. Harwood stated, almost categorically, that is incorrect. The entire committee was part of the process. Each committee member received a copy of the proposals....each had an opportunity to review those proposals prior to the interview sessions. The entire committee was invited and, except for one or two, sat through the process. The entire committee had the opportunity to listen to the interview. The entire committee was there for the quantitative section; absolutely not, that information is not correct. Some of the committee members are behind me, here, so they can certainly substantiate that.

Mr. Knight asked, has the structure of the contract been developed any further so as to get the owner's representative on board as soon as possible?

Mr. Harwood answered that he has had personal discussion with Corporation Counselor Adam Mantzaris as well as Konover Swinerton about the importance of getting together

language of a contract that was friendly to both parties so as not to get bogged down. Prior to Friday (1/21) Konover Swinerton is supposed to get a document which meets their expectations to Counselor Mantzaris for his review. Meetings will be scheduled with representatives of the Town's Law Department, Konover Swinerton and the committee to begin flushing out a final document. This is, of course, contingent upon approval by the Council this evening. If there are any problems with drawing up a long term contract, the committee may want to look at a shorter-term, front-end contract to deal with a Phase I approach. That way it gives the Town an opportunity to see how the firm performs and also an opportunity to look at a window that the committee can measure because they are clear as to what they have to do in the next ninety (90) days.

Mr. Knight asked, which way is the committee leaning? The latter sounds pretty flexible.

Mr. Harwood answered, that offers us a great deal of opportunity, unless we are successful in developing something on a longer scale.

Mr. Knight thought maybe the misunderstanding regarding the number of committee members being present at meetings that Ms. Papale referred to earlier, might have been due to when the committee was putting together its list of potential owner representative. There were only certain committee members working on that task with input from everyone.

Mr. Harwood stated, yes, we did. We had a task force that met on Friday; these were agreed-upon selected people from the committee, by the committee, at a committee meeting to work on elements. Obviously, you will want to do homework in committee that reports back to the overall committee. We had four people meet with Konover on Friday to meet a project manager who was selected for the project to go forward. Specifically, to the process, it was open and everyone was involved. There was also a report back to committee.

Mr. Farrell stated, I recall from the last meeting that there was some range of figure quoted in regards to what the owner's representative would be compensated but I don't recall what it was.

Mr. Harwood answered, from a fee structure, in order to evaluate the firms, we narrowed it down to what the hourly, billable rate is; our comparisons were on hourly rate. We asked each firm to provide us with their multiplier; what they used for the percentage mark-up on the base hourly rate for burden, overhead, fringe; those types of elements. From there we asked them to extrapolate, based on the documentation we provided each firm which was the criteria for owner's rep, what they thought their services, in more of a bulk fee would

be for the first year. That is how we asked each firm and we graphed those on an Excel sheet and scrolled them down; that was the fee proposal review.

Mr. Farrell asked, amongst those that you did review, were other candidates of the same financial range and of the same competence?

Mr. Harwood answered, yes.

Mr. Farrell stated, since you state that they do stack up somewhat similar, I don't want it to come out of the blue as to why I am going to vote no on this; that my own feel for this is that since it is my understanding that Konover is the moving entity behind the CVS project and that, in my opinion, that tends to undermine things we have done with the downtown area, that as a philosophical thing, I would not vote to hire someone who I feel is doing something against the interests of the town. Those things stack up....

Mr. Harwood answered, I am not familiar with the CVS project.

Mr. Brodinsky stated that he was impressed with the process the committee has been going through. He congratulated them for their good work. He stated that it was mentioned how the experience of the firm was one of the determining factors; they worked on some major projects before. He asked Mr. Harwood to share with the Council exactly what projects they have worked on.

Mr. Choti replied, a list of references to be called was submitted with their proposal. Phone calls were made to five (5) companies who were listed; one did not respond, maybe because they were too busy. Of the contacts that were made; one was from the Gunnery School in Washington, CT. which the committee felt was very important since it is a school project. The second contact was with the CT. Dept. of Social Services. Their project was a community health services building. Because this will have State of CT. interaction through funding and they will be dealing with those folks, the committee felt that was an important aspect. Konover Swinerton has also done quite a bit of work as an ongoing project management, program management for Fleet Bank. They do have dealings with the private sector; one of the difficult companies to work for, the Friendly Ice Cream Company, they have been reported to be sticklers in what they want and what they ask for. From those four (references) that responded, we received very favorable reports. I made two specific phone calls to some friends of mine who are in the construction business just to find out what their feelings were; they do not want to be named but said that the company was completely competent and worthy of their reputation.

Mr. Brodinsky asked, has Konover worked on something this size before?

Mr. Choti answered, the Konover side, yes.

Mr. Brodinsky asked, what project would that have been?

Mr. Choti answered, I think their representative could speak to that better when he steps up.

Mr. Brodinsky asked, does the firm have a brochure that advertises who they are, what they have done and what their qualifications are?

Mr. Choti answered, yes they do.

Mr. Brodinsky asked, can that be made available to the Council and to the press so we can get a good feel for them?

Mr. Choti answered, their proposal for the work that they are going to be doing has been submitted to the Town Clerk as part of our minutes, that is available, yes....and also at Purchasing and also it is part of the Council's minutes.

Mr. Brodinsky asked, maybe you could give them another whisper to drop off another batch. That way members of the public could come up to the table at another meeting. We can have them available and we can get to know the firm a little better; just a suggestion.

Mr. Choti answered, not a problem.

Mr. Harwood added, some of the relative experience they have provided to the committee; significant work for Foxwood Resort in the amount of about \$40 million; Fleet Financial Services; AFSA; Fairfield third high school at \$35 million; the Gunnery School which represents about \$1.5 million; Clarence Rogers, \$8 million; Community Health Services Bldg.; UCONN, \$12 million; St. Bonaventure School \$6 million; you can see there is some focus, too, in the educational arena.

Mr. Brodinsky stated, you have talked about the hourly rates; what matters is the bottom line, not necessarily hourly rate. What kind of controls do you contemplate on this deal to prevent a runaway bill?

Mr. Harwood replied, the toughest thing we see is hiring a firm for a "not to exceed" price or a fixed fee because we anticipate that the services are going to peak and valley depending on the demands of the project. That is why we really focus on the hourly rate, the billable for a quality person. We talked about the reconciliation process; how do we manage the funds and who authorizes work to be done and what criteria will be set forth? We talked about a monthly reconciliation with the firm so as to clearly understand what is being billed out and what they are working on. We would anticipate on the front end of the project or at least in the next 90-120 days there is a fair amount of invested hours because you are in the process of architect selection and all of the work that goes on putting that process together... (the audio system malfunctioned for a short period of time).

Mr. Brodinsky stated, you mentioned the interview process which intrigues me a little bit; can you give me a brief example of the kind of questions that you asked; maybe one of your hardball questions you asked to see what you put them (firms) through?

Mr. Harwood replied, we had questions such as, tell us what services you performed as an owner's rep for public schools; the type of overall services the company performs; how do they interact currently with the State Department of Education; who their go-to person is; how would they establish the project team; describe project philosophies. We asked them to speak on what they saw in the construction market; where do they see the construction market moving to currently and the pressures currently on the market; what roles do they play in professional community, so we get a feel for their interactions outside of just working for an owner. What value-added process did they bring to the table to be successful as an owner's rep? That gives a snapshot of the type of dialogue that we have.

Mr. Brodinsky asked, what deadlines do you see that you are up against to make this quasi-expedited process worthwhile of our action today on a timeline basis?

Mr. Harwood answered, the biggest timeline element is the September filing with the State Department of Education of schematic designs for the eleven (11) school project. We should be out to the later part of March or April if the architectural firm(s) can "ramp up" that fast. We are probably into May or June when we will be starting to put pencil to paper and then you have the process of trying to pull all of that together; getting buy-in with the Board of Education. We really need to have schematics hammered down in August for the most part so we will be doing finalization work at the first part of September. I don't think we should be any further past September 1st to have some breathing room for the state.

Mr. Brodinsky asked, and the consequences of missing that September 30th deadline?

Joseph Cirasuolo, Ed.D, Superintendent of Schools stated, the consequence is tied to the legislation that says from the moment the legislature approves the reimbursement, you have two (2) years to start construction. That means the legislature will approve the project this Spring. Somewhere around June 1, 2002 construction has to start. Before the Town can go out to bid for the project, it has to have state approval and that means the schematic design has to be in and you have to go through all the local processes of going out to bid. If the project gets into the state department much later than September 30th of this year, you start to run up against problems for getting bid prices for consideration by the Town Council....you also have to have local approval; funding from within one year of approval by the legislature. By June 1, 2001 there has to be local funding in place. If that does not happen, the action take by the legislature is null and void unless you can get a representative from the community to get some special legislation passed; it has happened before. That usually passes only after there has been a good faith effort on the part of the Town to meet the deadlines.

Mr. Parisi stated, for the sake of everyone, this is a report out. We have approved the process already.

Mr. Zappala stated, Item #13 says that we have to take action to waive the bid. Is that for the company that you are talking about?

Mr. Harwood answered, they are two separate line items. Item #12 is a report out on the owner's rep and Item #13 deals with the architectural firm.

Mr. Zappala asked, are you satisfied by the ratings given each of the four companies? Was Konover your first choice and, if so, how did you come to that conclusion?

Mr. Harwood replied, it is the four or five elements that we went through as a committee;

- the proposal; how is their responsiveness and thoroughness in meeting what we ask;
- the interview process; what is the dynamics of the group; expertise; meet intent of the committee and the Town's objectives;
- cost element;
- references; and
- secondary interviews.

Mr. Zappala asked if the committee would have been satisfied with any one of the four firms?

Mr. Harwood answered, all four firms were very competent firms.

Mr. Zappala asked, how is Konover ranked as far as cost to the Town?

Mr. Harwood answered, they were the lowest fee.

Mr. Zappala stated, I have talked with builders and contractors while they are in my barber's chair, although I do share Mr. Farrell's feelings with regards to the Konover company, I must say that the reports I got about this company were not very well. I will not be able to vote in favor of the next agenda item because I am not satisfied with the information that I got from your selections. It is hard to hear a report and expect us to vote on it on the very same night.

Mr. Parisi pointed out that the Council cannot vote on the matter tonight. It is not on the agenda for a vote. We are going to have to have a special meeting. The agenda is done on the first and third Tuesday of the month because the Council meets the second and fourth Tuesday. Any items to be put on the agenda would have to be received before the first Tuesday or before the third Tuesday of the month. You would have to request that those items be put on the agenda. I am explaining it because there is a miscommunication somewhere. If this does not slow the committee up too much, the agenda for the meeting of January 25th will be done next Tuesday. If you request to be put on, you will be placed on the January 25th meeting. If that does not help you, we will have to have a special meeting.

Mayor Dickinson explained, subject to people's availability, we can have a meeting this week or put it on the meeting of January 18th, perhaps a 5:30 meeting this week?

Mr. Vumbaco stated, Mr. Zappala stated that he wanted some time to be able to absorb some information. I don't think it is fair to any of the council people who would like some more information to try and push a meeting within a twenty-four hour time period.

Mr. Parisi stated, the item will be discussed on the Council meeting of January 25th. The committee can request to be placed on that agenda and you can also fulfill any request for information that any councilor may want. It will give you time to forward it to them.

Mr. Harwood stated, the committee's secretary, Ann Hoag, sent correspondence requesting that we be on the agenda tonight. She is not here tonight. Is the correspondence making its way to you alright? This is rather surprising to us tonight.

Ms. Papale pointed out that Item #12 on the agenda does not read on the agenda in such a way to allow the Council to vote tonight. That is the main reason it can not go forward. The item would have to read, "report out and possible vote" or something to that effect.

Mr. Harwood stated that he will go back and review his correspondence.

Mayor Dickinson stated, the letter from the committee requests a chance to present, to the Council, a recommendation for the position of owner's representative. The agenda got drawn up based upon the letter. Unfortunately, the way the agenda titles are interpreted, unless it says, "discussion and action" it is just a report. The agenda said report and if we put it as discussion and action, that would be one thing but it was taken right from the letter so there is a little bit of everything. It is not the committee's fault. It is a little bit of everything.

Joseph Ferrara, 185 S. Main Street stated, just as a point of order, Roberts Rules allows you to amend the agenda right now with a two-thirds vote and you can put it on the agenda for a vote and action.

Mr. Parisi noted that Councilors are requesting additional information.

Mayor Dickinson pointed out that there is also a legal reason not to do it; F.O.I. Under F.O.I. this is a special meeting and you cannot change the agenda of a special meeting. That is one of the reasons why we want to get the regular meeting schedule out because you are restricted as to what you can do at a meeting if it is a special or emergency meeting. F.O.I. precedes Roberts Rules.

Mr. Parisi reminded everyone that agenda packets are distributed on Tuesday night (one week prior to the meeting) and if additional information is needed, every effort should be made to contact people so that if, in fact, this was in the proper form (on the agenda) it would have been a question as to whether the Council would have voted on it tonight. That is not fair to the committee. If we are going to need information, we had better try and ask for it ahead of time, if we can.

Mr. Vumbaco asked, when you were giving the timeline for the process that you had just gone through for the solicitation of the four firms, you said it was around the beginning of December when the solicitation was put out to the firms? The four firms were requested to come back to the committee with proposals?

Mr. Harwood answered, yes, December 1st.

Mr. Vumbaco asked, who short-listed it to four firms? Were there more than four firms who could have potentially done this job and we short-listed it to only go out to four? How was that taken care of? I thought you said that you solicited four firms to give you proposals or did you solicit ten firms and.....

Mr. Harwood answered, four.

Mr. Vumbaco asked, who chose that four and how did that short list come about?

Mr. Harwood answered, there was a sub-committee that was put together to develop the listing. The committee reviewed that list. I contacted David Wedge at the state related to firms that do construction management. The State D.O.E. was contacted to try and identify who is in the marketplace. Jon Walworth, through professional contacts, got a listing of firms that were in this business. From that we identified the four firms that seemed to have the most horsepower and off the committee went.

Mr. Vumbaco asked, was it a decision of the committee and not just one individual?

Mr. Harwood answered, the committee makes the decision overall. There are reports back but it is the committee's decision.

Mr. Vumbaco stated, I would have no problem with adding an agenda item prior to the January 18th meeting; starting at 6:00 P.M. I don't believe it will be a long, drawn-out process. The committee has answered most of our questions tonight.

Mr. Parisi stated, if that satisfies whoever needs information, I don't mind doing that.

Mr. Centner stated, I concur with Tom (Zappala) on his earlier statements because I, too, read it as a report out. In the previous vote I favored the modification to the bid to go to the four companies. I have no information and I was hoping for a summary comparison of the four firms. The committee may feel that this may be the chosen firm, that's fine, but in terms of the low bidder, I would like to see a summary of the bids, not a full thick package. I was looking for a quick summary of what their capabilities were and, in summary, what the hourly rates were and any other charges. Did this particular firm mention the work on the CVS plaza here, in Wallingford? Did they mention it as part of their experience?

Mr. Harwood replied, I knew nothing; I don't know anything about this CVS issue until Jerry (Farrell) mentioned it. I have no clue, to be honest with you, what that is about.

Mr. Centner stated that it was the first time he was hearing of it as well and he was interested in seeing what their play was in that particular program.

Mr. Parisi asked that copies of all business conducted by the committee be forwarded to the Council.

Mr. Harwood asked if the Council was receiving all the minutes of the committee's meetings?

Mr. Parisi replied, yes. He asked the committee if they were getting the proper support from the Board of Education that was agreed to?

Dr. Cirsuolo answered, they are getting everything they ask for, Mr. Chairman.

Ms. Papale reminded the Council that there is an open invitation to the Council to attend the committee meetings.

Pasquale Melillo, 15 Haller Place, Yalesville acknowledged that the committee members are volunteering their time and are being very thorough, he appreciated that. He was opposed to the process being limited to only four firms, it eliminates competition.

Mr. Centner stated, although the Council modified the bid down to four firms to streamline the process, we are saying that we would like more information on those four firms.

Mr. Melillo reiterated that competition is being eliminated. He questioned the method of being billed by an hourly rate method.

Mr. Harwood explained, it is a fixed fee per position, but not a fixed fee based on total number of man hours across an annualized basis.

Mr. Melillo expressed concern that the final contract document would not best protect the Town's interests.

Mr. Harwood reassured Mr. Melillo that the Town's Law Department would review all documents carefully and are capable of protecting the Town's interests.

Mr. Melillo questioned, why is the term owner's representative used?

Mr. Parisi explained, it is the phrase that is used in the business at this time.

No action was taken.

ITEM #13 Discussion and Possible Action Regarding a Waiver of Bid and Authorization to Proceed with Qualification Based Selection by the School Renovation Committee for the Hiring of One (1) or More Architectural Firms – School Renovation Building Committee

Motion was made by Mr. Rys, to Waive the Bid to Authorize the School Building Committee to Proceed with the Qualification Based Selection to Hire One (1) or More Architectural Firms for the School Renovation Project, seconded by Mr. Knight.

Jack Agosta, 505 Church Street, Yalesville asked if all the plans for what has to be done at each school ready to be handed to the architect when he begins work?

Mr. Harwood explained how the Board of Education, Building & Grounds Supervisor, School Building Committee and Superintendent have all conferred on the project. The committee gathered the information and held more dialogue with the principals of those schools affected. That will be the springboard for an architect and owner's representative to really look at how those pieces are put together. Changes will inevitably be made due to a number of reasons; hidden conditions, adjacencies, code impacts, etc. Right now, it is a first pass. It is a good straw man from which to work. The full document will be put together with the architect.

Mr. Agosta stated, there is about \$900,000 put in for asbestos in all the schools. I read in our budget; Mr. Myers said, asbestos had been removed from all schools. Is that true? Does that mean that the cost of renovation will be less than the \$43 million stated? That is about \$5 million of asbestos that was figured in.

Mr. Harwood answered, it is a tough question to answer. It is not correct to say that all asbestos has been taken out of the schools.

Mayor Dickinson added, there were previous project catch-ups which dealt with removal of asbestos. Asbestos was taken out of Yalesville School as part of that major renovation. As a general rule, asbestos was taken out where it was in friable condition; that is, it was in a condition that could affect students and the public using the building. Where it is encapsulated and it doesn't constitute a threat of that kind, I don't believe the asbestos was dealt with. As this project moves forward and its necessary to open walls or change the configuration of buildings, it is most probable that materials made of asbestos will be part of removal and ultimately disposal. That does represent a cost. There have been previous projects regarding asbestos removal but, in no way, did that involve removal of all

asbestos in the buildings. In some cases that would probably require a major reconstruction of the entire school.

Mr. Agosta stated, that was misleading. I found the report very hard to read but I read most of it and it says that asbestos has been removed from all schools. Last year there was money in the budget for asbestos work and I was told that money was being held back because of the school renovation project and that the money was to be used towards renovation costs. I have talked to people who have told me that you do not have to remove asbestos; you can seal it at minimum cost.

Mr. Harwood agreed that asbestos can be encapsulated. He stated that asbestos is an issue when it is airborne. In many buildings and in many of the schools, you will still find asbestos tile on the floor. It is very common. That asbestos poses no risk providing it is not chipped and breaking apart so that particulates are airborne. Will every bit of asbestos be removed in this project? I doubt it.

Mr. Agosta suggested sealing what asbestos can be sealed to minimize the cost.

Andy Kapi, 14 N. Turnpike Road asked if an architect has already been selected and how far into the process has the committee gotten?

Mr. Harwood answered, an architect has not been selected.

Mr. Choti stated, the discussion that just took place was regarding an owner's representative; an individual who would help the committee administer their side of the project. The individual is not a construction manager or architect. The committee will now short list an architectural firm or more than one firm to bring the process up to speed.

Mr. Kapi asked, will Konover Swinerton have any advisory capacity in terms of the selection of the short list?

Mr. Harwood answered, knowing the players in the industry from the last project and having dialogue with the State Dept. of Education, the committee will be able to identify five, six or seven firms very easily that are the key movers and shakers who have the horsepower to tackle this project or architects to tackle the project easily without going anywhere.

Mayor Dickinson stated, it is important that we get on the record the reason for the request for the bid waiver; my understanding from the Purchasing Department is that it is a two -

three month process for this to go out to bid; two months for actual bidding. The question is, how to arrive at specifications on a project that really is not clearly defined at this point. The difficulty of writing a public bid document outlining what we want from an architectural firm would be extremely difficult because, at this point, we really don't know exactly what we are requesting in the way of one or more construction sites. There could be other reasons; I do think it is important to get the rationale on the record so that it is clear that it is in the public interest for us to waive bidding. We all know this could be a very large contract(s) for services.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he is opposed to waiving the bidding process. It is his opinion that there is no emergency which warrants waiving the bidding process. He wants competition for the taxpayer's money.

VOTE: All ayes; motion duly carried.

ITEM #14 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes with Regards to Pending Litigation in the Matter of Andrea Dayharsh v. Town of Wallingford – Town Attorney

Motion was made by Mr. Rys to Enter Into Executive Session listed above, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council entered executive session at 9:08 P.M.

Present in executive session were all Councilors, Mayor Dickinson, Asst. Town Attorney Gerald E. Farrell, Sr. and Risk Manager Mark Wilson.

Motion was made by Mr. Rys to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council exited executive session at 9:26 P.M.

ITEM #15 Consider and Approve Settlement of a Workers Compensation Matter as Discussed in Executive Session

Motion was made by Mr. Rys to Approve the Settlement of a Third Party Claim, Workers Compensation Matter as Discussed in Executive Session, seconded by Ms. Papale.

VOTE: Brodinsky, no; all others, aye; motion duly carried.

Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 9:27 P.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri
Kathryn F. Zandri
Town Council Secretary

Approved:

Robert F. Parisi
Robert F. Parisi, Chairman

Feb. 16, 2000
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

Feb. 16, 2000
Date

Note: These minutes are filed three (3) days late due to work restrictions (physician's orders).

**TOWN COUNCIL
TOWN OF WALLINGFORD, CONNECTICUT
MEETING PROCEDURES**

In accordance with the provisions of Chapter III, Section 4 ("PROCEDURE") of the Charter of the Town of Wallingford, and in conjunction with the provisions of Chapter 3, Section 1-21 of the Connecticut General Statutes (hereafter abbreviated as "CGS 3, 1-21), the following rules of procedure are adopted by the Town Council:

I.

A. The Town Council will schedule regular meetings on the second and fourth Tuesday of every month in the Town Council chambers of the Town Hall. In addition, the Chairman of the Council or, in his/her absence or inability to serve, the Vice-Chairman may, at his/her discretion, call a special meeting at any time. All Town Council subcommittee meetings, with the exception of the Merit Review subcommittee, must take place at or after 6:00 P.M.

~~B. A third meeting, specifically for the purpose of hearing input on policy and operation of town government from the public, will be scheduled for the third Tuesday of every month, beginning at 6:30 P.M. Members of the public wishing to speak at this meeting will be requested to sign up by noon of the day prior to the meeting. If no one is signed up by that time the meeting will be canceled. Sign-up can be done in person or by phone either at the Town Clerk's Office or the Town Council Office. The order in which members will speak will be determined by the length of time requested at the time of sign-up with the person requesting the least amount of time being allowed to go first. Speakers will be limited to the time that they have requested.~~

II.

Except as otherwise specified in this procedure, the order of all Council meetings will be conducted at the discretion of the Chairman, or in his/her absence or inability to serve, the Vice-Chairman, with Robert's Rules of Order (Revised 1915) as a guide.

III.

The Council will convene at 6:30 P.M. on the dates of its regular scheduled meetings; the Pledge of Allegiance to the Flag will be given at the start of each meeting. The Consent Agenda will be presented as described in Rule XV. The Public Question and Answer Period will occur after the acceptance of the Consent Agenda and will be limited to policy and operation of town government. The Public Question and Answer Period will be for a maximum length of twenty (20) minutes. Each individual wishing to speak will address their questions or comments to the Council Chairman and limit his/her speaking time to a maximum of three (3) minutes.

IV.

Public input on individual agenda items will be received during the discussion of the specific item, after the members of the Council have had an opportunity to review and discuss the item. Individuals wishing to speak on individual agenda items will be required to address their questions or comments to the Council Chairman and limit his/her speaking time to a total of three (3) minutes. The Chairman has the authority to limit total discussion time for each agenda item, except in the case of a Public Hearing.

V.

- A. Business acted upon at regular Council meetings will be limited to the agenda prepared by the Chairman or his/her designate for each meeting on the Tuesday prior to that meeting. The Chairman will instruct the Council Secretary to ensure that copies of the agenda are sent to each Councilor, Mayor, Town Clerk, Town Attorney, Comptroller and all Department Heads prior to such a meeting. The Town Council Secretary will have the finished agenda material available for delivery by the evening of the Tuesday prior to the next meeting.
- B. However, subsequent business not included on the agenda may be discussed and acted upon, upon the affirmative vote of a two-thirds majority, but not less than five (5) of those Councilors present and voting.

- VI. Any Councilor, the Mayor, Town Attorney or Comptroller, must request in writing that an item be placed on the agenda of a regular meeting, provided that the request is submitted to the Chairman of the Council by no later than noon of the Tuesday, one week prior to the meeting. All items so requested that will require that a specific action be taken must be included on the agenda. However, no more than two items submitted for Discussion or Reporting Out will be placed on any one Council agenda, with each councilor being given an equal opportunity by the Chairman to so place these items. The Council Chairman can grant exceptions to this rule, depending on the length of a given Town Council agenda. No item of new business will be considered unless prior notice is given in the manner described above; however, the Council may suspend this rule in accordance with the provisions set forth in Section V (B) above. Any resident elector may also request in writing that an item be placed on the agenda; however, it will be at the discretion of the Chairman as to whether the item is considered as an agenda item or as an item of general correspondence to the Council.
- VII. Except as provided in Sections V and VI, no rule of the Council will be waived or suspended at any time, unless the Councilor requesting such action so states his/her reason and not less than five (5) of the members present concur.
- VIII. The proceedings of the Council, except those portions conducted in Executive Session, will be recorded and reported in accordance with the provisions of CGS 3, 1-21. The Chairman and the other Town Council members, the Mayor, the Comptroller, and Town Attorneys will receive an accurate copy of the minutes of all Town Council meetings. The Chairman of the Town Council and the Town Clerk will sign two (2) copies of the approved minutes for public inspection. The Public Library will receive a signed copy of the minutes of all Council meetings.
- IX. Meetings of the Board of Public Utilities: the Council will request that the Public Utilities Chairman arrange for a completed copy of the minutes of those meetings be mailed to all Councilors immediately upon completion. It will be the responsibility of each individual Councilor to determine whether any Council action is necessary and/or appropriate.
- X. The Comptroller will provide the members of the Council with a monthly financial report of all department budgets.
- XI. The investigatory powers of the Council will be exercised only by decision of the Council at a regular or special meeting, subject to the provisions of Chapter III, Section 10 of the Charter.
- Requests for appropriations or transfers, subject to the provisions of Chapter XV, Section 7 of the Charter, must meet the following requirements:
- (1) Written approval of the Department Head, Mayor and Comptroller.
 - (2) Written authorization from the Comptroller stating source from which money is coming and to which account number funds should be appropriated or transferred.
- No item will be acted upon unless the Department head, or his/her authorized representative, is present at the Council meeting. This rule may be waived by the Chairman.
- XII. Requirements regarding appointments:
- A. Mayor's Appointments Requiring Council Confirmation:
- (1) A letter from the mayor naming his/her appointment must be presented.
 - (2) A letter from the person(s) receiving the appointment(s) indicating his/her/their availability and acceptance should accompany the Mayor's letter, but shall not be considered mandatory.
 - (3) Any name submitted to and approved by the Council for confirmation will be held over for one week, or until the next regularly convened Council meeting, before receiving final confirmation by the Council.

B. **Council Appointments:** A letter to the Council from all prospective nominees indicating a desire for appointment or reappointment accompanied by an application form provided by the Council will be submitted at least seven (7) days prior to the date set for making such appointments. (This requirement may be waived at the discretion of the Council). Any individual recommended to the Council for appointment or confirmation may be interviewed at the discretion and request of any Council member.

XIII. No correspondence shall be read at a meeting of the Council unless it is addressed to, or intended for, the Council and contains the written signature and address of the person who wrote it.

XIV. These rules may be amended by a vote of not less than five (5) of those members of the Council present at a regular meeting of the Council.

XV. **Consent Agenda:**

Definition: A Consent Agenda is a separate listing from the regular agenda of a variety of items to be approved by one vote of the Town Council rather than specific votes on each item. There is no discussion or debate either by members of the Council or by the general public on Consent items. The opening motion on the Consent Agenda shall be to move the passage of the Consent Agenda. Upon being seconded, the final vote will be taken on the Consent Agenda, passage of which will be by a single vote for approval for all items.

Procedure: The Town Council Chairman shall delegate to one or more Councilors the preparation of the Consent Agenda. The Consent Agenda shall contain a motion relative to all matters listed on the Agenda. Review by individual Councilors shall be as follows:

- (1) Agendas will be delivered the Tuesday evening prior to the meeting.
- (2) Each Councilor should review the entire Consent Agenda at his/her earliest convenience. Any problems or questions that arise regarding an item on the Consent Agenda should first be taken up with the Department Head submitting the request or the Mayor if a satisfactory answer is not obtained.
- (3) If, after following step (2) above, a Councilor still requires more information, he/she shall request that the item be removed from the Consent Agenda by notifying the Town Council secretary by Friday at 4:30 P.M. Should the Town Council secretary be unavailable, the Town Clerk should be notified.
- (4) The Town Council Chairman will also be available to all Councilors to discuss any item on the Consent Agenda in order for it to remain as intact as possible.

XVI. **Public Hearing Procedure - Bonding Ordinances**

1. Call the Public Hearing to Order
 - a) Call to order a Public Hearing to introduce an ordinance entitled, "[enter title of proposed ordinance]" and inform the public that copies of the proposed ordinance are on file and open to the public at the office of the town Clerk and at this meeting.
2. Motion to Dispense with Reading the Full Ordinance
 - a) A motion to dispense with the reading of the ordinance in full; that Section I of the proposed ordinance be read and that a copy of the complete ordinance be attached to the minutes of this meeting. (Make motion, second, roll call vote, read Section I).
3. Motion to Adopt Proposed Ordinance
 - a) A motion that the ordinance entitled "[enter title of proposed ordinance]" be adopted. (Make motion, second, roll call vote).

XVII. **Decorum and Order:** The meeting Chairman shall preserve decorum and decide all questions of order subject to appeal to the Council.

1. During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the meeting Chairman or the rules of the Council. Every Councilor desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself to the

agenda item under discussion and shall avoid all personalities and improper language. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless another member raises a point of order. All members of the Council shall accord the utmost courtesy to each other, to anyone appearing before the Council and to the members of the general public present at the meeting. They shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

2. Members of the general public and those appearing before the Council to discuss an agenda item shall observe the same rules of propriety, decorum and good conduct as are applicable to members of the Council. Anyone desiring to address the Council shall be recognized by the Chair, shall speak into one of the microphones provided and shall begin by stating his/her name and address for the record. All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof unless authorized by the Chair. All remarks and questions addressed to other Town officials or individuals appearing before the Council shall be done through the Chair. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the Chair.

Adopted:	January 14, 1964
Amended:	January 12, 1965
	February 15, 1966
	January 16, 1968
	January 5, 1970
	January 3, 1972
	January 7, 1974
	January 5, 1976
	January 10, 1978
	January 7, 1980
	January 4, 1982
	January 10, 1984
	April 24, 1990
	January 11, 1994
	January 23, 1996
	March 26, 1996
	February 24, 1998
	October 13, 1998

Appendix II

PROPOSED TOWN COUNCIL MEETING SCHEDULE
JANUARY 2000 – JANUARY 2001

JANUARY 11
~~JANUARY 18*~~
JANUARY 25

MAY 9
~~MAY 16*~~
MAY 23

SEPTEMBER 12
~~SEPTEMBER 19*~~
SEPTEMBER 26

FEBRUARY 8
~~FEBRUARY 15*~~
FEBRUARY 22

JUNE 13
~~JUNE 20*~~
JUNE 27

OCTOBER 10
~~OCTOBER 17*~~
OCTOBER 24

MARCH 14
~~MARCH 21*~~
MARCH 28

JULY 11
~~JULY 18*~~
JULY 25

NOVEMBER 14
~~NOVEMBER 21*~~
NOVEMBER 28

APRIL 11
~~APRIL 18*~~
APRIL 25

AUGUST 8
~~AUGUST 15*~~
AUGUST 22

DECEMBER 12
~~DECEMBER 19*~~
DECEMBER 26

JANUARY 2001

JANUARY 9
~~JANUARY 16*~~
JANUARY 23

*Denotes the scheduling of a meeting for the purpose of receiving public input only. Eliminated with revision of Section 1B of meeting procedures.

Meetings are held in the Robert Earley Auditorium of the Wallingford Town Hall, 45 S. Main Street
At 6:30 P.M. unless otherwise posted.