

TOWN COUNCIL MEETING

AUGUST 10, 1993

6:45 P.M.

**\*\* NOTE START TIME OF MEETING \*\***

1. Roll Call and Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Regards to Pending Litigation
  - Tax Appeals
  - Sherwood v. Town of Wallingford
  - Other Matters
3. Consent Agenda
  - a. Note for the Record Anniversary Increases Approved to Date by the Mayor
  - b. Note for the Record Mayoral Transfers Approved to Date
  - c. Consider and Approve a Resolution Naming the Algonquin Drive Park as the Richard Sheahan Memorial Park
  - d. Consider and Approve a Request by the Department of Public Works to Change their Capital Request in the 1993-94 Budget to Allow for the Purchase of One Additional Portable Radio Without an Increase to the Capital Equipment Budget
  - e. Consider and Approve a Transfer of Funds in the Amount of \$305 from Micro Computer System Acct. #912-9000-999-9901 to Materials and Supplies Acct. #012-9000-400-4000 - Youth Service Bureau
  - f. Consider and Approve a Budget Amendment in the Amount of \$104,857 to Revenue from the State of Connecticut and to Expenditures: Capital Improvements Accounts - Dept. of Public Works
  - g. Consider and Approve a Budget Amendment in the Amount of \$772 to Revenue from the State of Connecticut and to Expenditures: Maintenance of Improved and Unimproved Roads - Dept. of Public Works
  - h. Consider and Approve a Transfer of Funds in the Amount of \$800 from Overhead Door Acct. #001-5170-999-9901 to Rear Cylinder for Truck Acct. #001-5050-999-9907 - Dept. of Public Works
  - i. Consider and Approve a Transfer of Funds from F.Y. 1992-93 in the Amount of \$319 from Utilities - Parks Acct. #001-5031-200-2010 to Utilities - Railroad Station Acct. #001-5110-200-2010 - Dept. of Public Works

(OVER)

- j. Consider and Approve Tax Refunds (#229-232) in the Amount of \$1,969.01 - Tax Collector
  - k. Consider and Approve Tax Refunds (#233-239) in the Amount of \$1,576.71 - Tax Collector
  - l. Consider and Approve a Transfer of Funds from F.Y. 1992-93 in the Amount of \$244 from Printing Acct. #001-2001-400-4180 to Supplies - Building and Grounds Acct. #001-2001-400-4270 - Dept. of Police Services
  - m. Consider and Approve a Transfer of Funds from F.Y. 1992-93 in the Amount of \$2,241 from Maintenance of Equip. Acct. #001-2001-500-5200 to Telephone Migration Acct. #001-2001-999-9905 - Dept. of Police Services
  - n. Consider and Approve a Transfer of Funds in the Amount of \$1,825 from Property/Casualty Self-Insurance Acct. #001-8040-800-8250 to Professional Services Claims Administration Acct. #001-1620-900-9010 - Risk Manager
  - o. Consider and Approve a Transfer of Funds in the Amount of \$242 from Refurbish Back-up Copier Acct. #001-1460-999-9902 to Maintenance of Equipment Acct. #001-1460-500-5200 - Purchasing
  - p. Consider and Approve a Transfer of Funds in the Amount of \$4,499 from Part Time Secretary Acct. #001-1118-100-1350 with \$4,000 Transferred to Secretarial Services Acct. #001-1118-600-6040 and \$499 to Misc. Committee Expenses Acct. #001-1118-600-6010 - School Expansion Building Committee
  - q. Consider and Approve a Resolution Authorizing the Mayor to Apply for Funding Through the Social Services Block Grant for the Meals on Wheels Program - Program Planner
  - r. Consider and Approve the Modification of the Small Cities Community Development Block Grant to Reflect the Reformulation of the Match Requirement and the Development of a Low-Interest, Deferred Loan Option - Program Planner
  - s. Consider and Approve a Resolution Authorizing the Mayor to Apply for Funds from the Department of Social Services to Support the S.C.O.W. Organization - Program Planner
  - t. Consider and Approve Waiving the \$750 Lease Payment for the S.C.O.W. 1993-94 Program - Program Planner
4. Items Removed From Consent Agenda
5. Approve and Accept Minutes of the 5/25/93; 7/13/93 and 7/27/93 Town Council Meetings
- 6a. Consider and Approve the Appointment of Vincent Celeste to the Position of Commissioner on the Zoning Board of Appeals to Expire 1/8/96

(NEXT PAGE)

- 6b. Consider and Approve Waiving the Two Week Waiting Period for the Swearing-In Ceremony of the Zoning Board of Appeals Commissioner
7. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
8. Consider and Approve the Town of Wallingford Entering Into a Subordination Agreement for the Housing Authority for the Purpose of Increasing the Housing Authority's First Mortgage with People's Bank by \$100,000 (from \$700,000 to \$800,000) and Authorize the Town Attorney to Enter Into Said Agreement
9. Discussion of the Town Attorney's Opinion Requested by Councilor Geno J. Zandri, Jr. on his Proposal to Implement a PILOT Payment from the Water Division to the Town of Wallingford General Fund
10. Consider and Approve Revising the Personnel Pages of the Water and Sewer Divisions to Reflect the Binding Arbitration Award for IBEW Local 457 - Water & Sewer Divisions
11. Consider and Approve Revising the Personnel Pages of the Electric Division to Reflect the Binding Arbitration Award for Local IBEW 457 - Electric Division
12. Consider and Approve a Three Percent (3%) Increase in Benefits for Town of Wallingford Retirees - Personnel
13. Report Out by the Committee to Review the Establishment of a New Recreation Building and Ice Rink
14. Discussion on the Needs of the Department of Fire Services as Requested by Councilor Albert E. Killen
15. Consider and Approve Draft Policies for the Government Access T.V. Station - Mayor's Office
16. Consider and Approve a Resolution Authorizing the Mayor to Apply for Recycling Program Grant Funds - Mayor's Office
17. Consider and Approve a Waiver of Bid to Hire Criscuolo Shepard Associates to Provide Engineering Design, Contract Documentation, Bidding Preparation and Supervision and Contract Administration Services for the Correction of Drainage Problems at Highland School - Board of Education
18. Consider and Approve a Transfer of Funds in the Amount of \$4,200 from Wages - General Acct. #001-5030-100-1300; \$1,525 from Gradall Acct. #001-5030-999-9902; \$1,525 from Repair Tennis Courts Acct. #001-5031-999-9912; \$350 from Grease Unit Acct. #001-5050-999-9905 and \$1,200 from Overhead Doors (3) Acct. #001-5190-999-9901 for a Total of \$8,800 to Walkway Bridge - Doolittle Acct. #001-5031-999-9903 - Dept. of Public Works
19. Discussion and Possible Action on the Charter Revision Commission's Final Report to the Council

(OVER)

20. SET A PUBLIC HEARING for September 14, 1993 at 7:45 P.M. on an Ordinance Regulating Vehicle Towing Service on Behalf of or for the Town of Wallingford Police Department (together with Towing Regulations)
21. SET A PUBLIC HEARING for September 14, 1993 at 8:00 P.M. on an Ordinance Establishing Traffic and Parking Regulations, Violations, Penalties, Enforcement, Collection and Hearing Procedures
22. SET A PUBLIC HEARING for September 14, 1993 at 8:15 P.M. on an Ordinance Repealing Ordinance #352 Entitled, "An Emergency Snow Removal Parking Ordinance"
23. SET A PUBLIC HEARING for September 14, 1993 at 8:30 P.M. on a Proposed Ordinance Entitled, "An Ordinance Concerning Rapid Entry Into Multi-Unit Dwellings, Commercial and/or Manufacturing Buildings within the Town of Wallingford"

TOWN COUNCIL MEETING

AUGUST 10, 1993

6:45 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
Consent Agenda - Items #3a, 3d, 3j & 3k	1 - 2
2. Executive Session with Regards to Pending Litigation	1
4. Items Removed from the Consent Agenda	
3b. Note for the Record Mayoral Transfers Approved to Date	2
3c. Approve a Resolution Naming the Algonquin Drive Park as the Richard Sheahan Memorial Park	2
3e. Approve a Transfer of Funds in the Amount of \$305 to Materials and Supplies - Youth Service Bureau	2
3f. Approve a Budget Amendment in the Amount of \$104,857 to Revenue from the State of Connecticut and to Expenditures Capital Improvement Accounts	2
3g. Approve a Budget Amendment in the Amount of \$772 to Revenue from the State of Connecticut and to Expenditures Maintenance of Improved and Un-improved Roads - Dept. of Public Works	2
3h. Approve a Transfer of Funds in the Amount of \$800 to Rear Cylinder for Truck Acct. #001-5050-999-9907 - Dept. of Public Works	3
3i. Approve a Transfer of Funds from the F.Y. 1992-93 Budget in the Amount of \$319 to Utilities - Railroad Station Acct. #001-5110-200-2010 - Dept. of Public Works	3
3l. Approve a Transfer of Funds from the F.Y. 1992-93 Budget in the Amount of \$244 to Supplies - Building and Grounds Acct. #001-2001-400-4270 - Dept. of Police Services	3
3m. Approve a Transfer of Funds from the F.Y. 1992-93 Budget in the Amount of \$2,241 to Telephone Migration Acct. #001-2001-400-4270 - Dept. of Police Services	3

<u>Agenda Item</u>	<u>Page No.</u>
4. Items Removed from the Consent Agenda (cont.)	
3n. Approve a Transfer of Funds in the Amount of \$1,825 to Professional Services Claims Administration Acct. #001-1620-900-9010 - Risk Manager	3
3o. Approve a Transfer of Funds in the Amount of \$242 to Maintenance of Equipment Acct. #001-1460-500-5200 - Purchasing	4
3p. Approve a Transfer of Funds in the Amount of \$4,000 to Secretarial Services Acct. #001-1118-600-6040 and \$499 to Misc. Committee Expenses Acct. #001-1118-600-6010 - School Expansion Building Committee	4
3q. Approve a Resolution Authorizing the Mayor to Apply for Funding Through the Social Services Block Grant for the Meals on Wheels Program - Program Planner	4
3r. Approve the Modification of the Small Cities Community Development Block Grant to Reflect the Reformulation of the Match Requirement and the Development of a Low-Interest, Deferred Loan Option - Program Planner	4 - 5
3s. Approve a Resolution Authorizing the Mayor to Apply for Funds from the Department of Social Services to Support the S.C.O.W. 1993-94 Program - Program Planner	5
3t. Approve Waiving the \$750 Lease Payment for the S.C.O.W. 1993-94 Program - Program Planner	5
5. Approve and Accept the Minutes of the 5/25/93; 7/13/93 and 7/27/93 Town Council Meetings	5
6a. Approve the Appointment of Vincent Celeste to the Position of Commissioner on the Zoning Board of Appeals to Expire on 1/8/96	5
6b. Approve Waiving the Two Week Waiting Period for the Swearing-In Ceremony of the Zoning Board of Appeals Commissioner	5
7. PUBLIC QUESTION AND ANSWER PERIOD - Health and Transit Survey Questions; Molinari Case; Janitorial Services Budgets for Yalesville School and 88 S. Main St.	35

<u>Agenda Item</u>	<u>Page No.</u>
8. Approve the Town of Wallingford Entering Into a Subordination Agreement for the Housing Authority for the Purpose of Increasing the Housing Authority's First Mortgage with People's Bank by \$100,000 (from \$700,000 to \$800,000) and Authorize the Mayor to Enter Into Said Agreement	5 - 6
9. Discussion of the Town Attorney's Opinion Requested by Councilor Geno J. Zandri, Jr. on his Proposal to Implement a PILOT Payment from the Water Division to the Town of Wallingford General Fund	6 - 7
10. Approve Revising the Personnel Pages of the Water and Sewer Divisions to Reflect the Binding Arbitration Award for IBEW Local 457 - Water & Sewer Divisions	7 - 11
11. Approve Revision the Personnel Pages of the Electric Division to Reflect the Binding Arbitration Award for Local IBEW 457 - Electric Division	11
12. Approve a Three Percent (3%) Increase in Benefits for Town of Wallingford Retirees - Personnel	11 - 13
13. Report Out by the Committee to Review the Establishment of a New Recreation Building and Ice Rink	23 - 25
14. Discussion on the Needs of the Department of Fire Services as Requested by Councilor Albert E. Killen	25 - 30
15. Approve Draft Policies for the Government Access Television Station - Mayor's Office	31 - 34
16. Approve a Resolution Authorizing the Mayor to Apply for Recycling Program Grant Funds - Mayor's Office	30 - 31
17. Approve a Waiver of Bid to Hire Criscuolo Shepard Assoc. to Provide Engineering Design, Contract Documentation, Bidding Preparation and Supervision and Contract Administration Services for the Correction of Drainage Problems at Highland School - Bd. of Ed	13 - 21
18. Approve a Transfer of Funds Totalling \$8,800 to Walkway Bridge - Doolittle Acct. #001-5031-999-9903 - Dept. of Public Works	21
19. Discussion and Approval of the Charter Revision's Final Report with Changes by the Town Council	22 - 23
20. SET A PUBLIC HEARING for September 9, 1993 at 7:00 P.M. on an Ordinance Regulating Vehicle Towing Service on Behalf of or for the Town of Wallingford Police Department (together with Towing Regulations)	34

<u>Agenda Item</u>	<u>Page No.</u>
21. SET A PUBLIC HEARING for September 9, 1993 at 8:00 P.M. on an Ordinance Establishing Traffic and Parking Regulations, Violations, Penalties, Enforcement, Collection and Hearing Procedures	34
22. SET A PUBLIC HEARING for September 9, 1993 at 8:15 P.M. on an Ordinance Repealing Ordinance #352 Entitled, "An Emergency Snow Removal Parking Ordinance"	34
23. SET A PUBLIC HEARING for September 9, 1993 at 8:30 P.M. on a Proposed Ordinance Entitled, "An Ordinance Concerning Rapid Entry Into Multi-Dwellings, Commercial and/or Manufacturing Buildings within the Town of Wallingford"	34



TOWN COUNCIL MEETING

AUGUST 10, 1993

6:45 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, August 10, 1993 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 6:50 P.M. by Chairperson Iris F. Papale. Answering present to the Roll called by Town Clerk Kathryn J. Wall were Councilors Doherty, Duryea, Killen, Papale, Solinsky and Zandri. Councilor McDermott arrived at 6:51 P.M.; Councilor Holmes arrived during Executive Session and Councilor Parisi was absent. Mayor William W. Dickinson, Jr. arrived during Executive Session as did Comptroller Thomas A. Myers. Town Attorney Janis M. Small was also present.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Regards to Pending Litigation

- Tax Appeals
- Sherwood v. Town of Wallingford
- Other Matters

Motion was made by Mr. Doherty to Move Into Executive Session, seconded by Mr. Solinsky.

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

Motion was made by Mr. Doherty to Exit the Executive Session, seconded by Mr. Solinsky.

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

ITEM #3 Consent Agenda

Motion was made by Mr. Doherty to Place the Following Items on the Consent Agenda to be Voted Upon by One Unanimous Vote of the Council, seconded by Mr. Solinsky.

ITEM #3a Note for the Record Anniversary Increases Approved to Date by the Mayor

ITEM #3d Consider and Approve a Request by the Department of Public Works to Change Their Capital Request in the 1993-94 Budget to Allow for the Purchase of One Additional Portable Radio Without an Increase to the Capital Equipment Budget

ITEM #3j Consider and Approve Tax Refunds (#229-233) in the Amount of \$1,969.01 - Tax Collector

ITEM #3k Consider and Approve Tax Refunds (#233-239) in the Amount of \$1,576.71 - Tax Collector

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

ITEM #4 Items Removed from the Consent Agenda

ITEM #3b Note for the Record Mayoral Transfers Approved to Date

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3c Consider and Approve a Resolution Naming the Algonquin Drive Park as the Richard Sheahan Memorial Park

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

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

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$305 from Micro Computer System Acct. #012-9000-999-9901 to Materials and Supplies Acct. #012-9000-400-4000 - Youth Service Bureau

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3f Consider and Approve a Budget Amendment in the Amount of \$104,857 to Expenditures: Capital Improvements Accounts - Dept. of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

The Office of Policy and Management of the State of Connecticut has informed the Town that it will be the recipient of a total of \$308,481 in Town Aid Grant funds. The budget reflected an estimated amount of \$203,624. Therefore, an amendment to the budget in the amount of \$104,857 is necessary.

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

ITEM #3g Consider and Approve a Budget Amendment in the Amount of \$772 to Revenue from the State of CT. and to Expenditures: Maintenance of Improved and Unimproved Roads - Dept. of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

The Public Works Department was advised by the State of Connecticut, Dept. of Transportation that the final amount of Town Aid Grant Funds extended to the Town for Maintenance of Improved and Unimproved Roads was increased from the original estimate in the budget of \$184,091 to 184,863. Therefore, an amendment to the Revenue and Expenditure sides of the budget in the amount of \$772 was necessary.

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

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

ITEM #4 Items Removed from the Consent Agenda

ITEM #3b Note for the Record Mayoral Transfers Approved to Date

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3c Consider and Approve a Resolution Naming the Algonquin Drive Park as the Richard Sheahan Memorial Park

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

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

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$305 from Micro Computer System Acct. #012-9000-999-9901 to Materials and Supplies Acct. #012-9000-400-4000 - Youth Service Bureau

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

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

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

ITEM #3h Consider and Approve a Transfer of Funds in the Amount of \$800 from Overhead Door Acct. #001-5170-999-9901 to Rear Cylinder for Truck Acct. #001-5050-999-9907 - Dept. of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3i Consider and Approve a Transfer of Funds from F.Y. 1992-93 in the Amount of \$319 from Utilities - Parks Acct. #001-5031-200-2010 to Utilities - Railroad Station Acct. #001-5110-200-2010 - Dept. of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3l Consider and Approve a Transfer of Funds from F.Y. 1992-93 in the Amount of \$244 from Printing Acct. #001-2001-400-4180 to Supplies - Building and Grounds Acct. #001-2001-400-4270 - Dept. of Police Services

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3m Consider and Approve a Transfer of Funds from F.Y. 1992-93 in the Amount of \$2,241 from Maintenance of Equip. Acct. #001-2001-500-5200 to Telephone Migration Acct. #001-2001-999-9905 - Dept. of Police Services

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3n Consider and Approve a Transfer of Funds in the Amount of \$1,825 from Property/Casualty Self-Insurance Acct. #001-8040-800-8250 to Professional Services Claims Administration Acct. #001-1620-900-9010 - Risk Manager

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

This transfer of funds is necessary to provide funds for payment of the renewal of the second of a multi-year (5 year) claims administration service contract. The estimate presented at the budget workshop was less than the actual. A surplus exists in the Property and Casualty account because the actual premium charges of some liability policies were less than anticipated during the budget workshop.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye;

motion duly carried.

ITEM #3o Consider and Approve a Transfer of Funds in the Amount of \$242 from Refurbish Back-up Copier Acct. #001-1460-999-9902 to Maintenance of Equipment Acct. #001-1460-500-5200 - Purchasing

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3p Consider and Approve a Transfer of Funds in the Amount of \$4,499 from Part Time Secretary Acct. #001-1118-100-1350 with \$4,000 Transferred to Secretarial Services Acct. #001-1118-600-6040 and \$499 to Misc. Committee Expenses Acct. #001-1118-600-6010 - School Expansion Building Committee

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #3q Consider and Approve a Resolution Authorizing the Mayor to Apply for Funding Through the Social Services Block Grant for the Meals on Wheels Program - Program Planner

Motion was made by Mr. Doherty to Append a Copy of the Resolution (Appendix I) to the Minutes, seconded by Mr. Holmes.

For several years the Town has received funds from the State of Connecticut through the Social Services Block Grant Program. For the past program year, the Town received approximately \$19,000 that helped support the meals program for the homebound, respite care program for the elderly and adolescent counseling programs.

In order for the Town to participate, it will be necessary to submit a new application for funding. The resolution authorizes the Mayor to sign such application and act on behalf of the Town should the State offer the grant to us.

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

ITEM #3r Consider and Approve the Modification of the Small Cities Community Development Block Grant to Reflect the Reformulation of the Match Requirement and the Development of a Low-Interest Deferred Loan Option - Program Planner

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

Don Roe, Program Planner explained that due to the state of the economy many people are not renovating properties that qualify for funding through the Small Cities Community Development Block Grant. Currently the program matches dollar for dollar with the applicants. What is being proposed tonight is a modification of the grant to reflect a match of two dollars of funding for every

one dollar spent by the applicant for renovation. An additional low-interest loan option will also be available to applicants. These modifications will hopefully stimulate people to apply for the grant funds so that revitalization of key areas in Town will occur.

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

ITEM #3s Consider and Approve a Resolution Authorizing the Mayor to Apply for Funds from the Department of Social Services to Support the S.C.O.W. Organization - Program Planner

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

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

ITEM #3t Consider and Approve Waiving the \$750 Lease Payment for the S.C.O.W. 1993-94 Program - Program Planner

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

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

ITEM #5 Approve and Accept the Minutes of the 5/25/93; 7/13/93 and 7/27/93 Town Council Meetings

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

VOTE: Parisi was absent; Killen and Zandri passed; all others, aye; motion duly carried.

ITEM #6a Consider and Approve the Appointment of Vincent Celeste to the Position of Commissioner on the Zoning Board of Appeals to Expire 1/8/96

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

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

ITEM #6b Consider and Approve Waiving the Two Week Waiting Period for the Swearing-In Ceremony of the Zoning Board of Appeals Commissioner

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

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

Kathryn J. Wall, Town Clerk performed the official swearing-in ceremony.

ITEM #8 Consider and Approve the Town of Wallingford Entering Into a Subordination Agreement for the Housing Authority for the Purpose of Increasing the Housing Authority's First Mortgage with People's Bank by \$100,000 (from \$700,000 to \$800,000) and Authorize the Mayor

to Enter Into Said Agreement.

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

Attorney Thomas Richardson explained that at the October 13, 1992 Town Council Meeting the Council approved to extend financial assistance to the Housing Authority in the form of a loan to purchase property in the Ridgeland Road neighborhood. At that time the Town agreed to become the second mortgagee to the property in the amount of \$100,000 for a period of eleven years at a rate of five percent interest. Upon the commencement of work it was discovered that the furnaces, water heaters and pipes needed replacement in many, if not all, of the units. This resulted in unanticipated costs. To this end, the Housing Authority is requesting that the Town extend an additional \$100,000, raising the total of the original mortgage to \$800,000 to help defray those costs and complete the project.

VOTE: Parisi was absent; Duryea, Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #9 Discussion on the Town Attorney's Opinion Requested by Councilor Geno J. Zandri, Jr. on his Proposal to Implement a PILOT Payment from the Water Division to the Town of Wallingford General Fund

Motion was made by Mr. Doherty to Hear Discussion on This Topic, seconded by Mrs. Duryea.

Mr. Zandri explained that he requested that this item be placed on the agenda so that he may bring everyone up to date on this issue. During the budget workshops Mr. Zandri had made a motion to have both the Water & Sewer Divisions contribute a PILOT payment of \$150,000 to the Town. He made the motion based on his feelings that the two divisions are businesses that are run within the Town and should be treated like businesses and also because these businesses pay taxes to other communities, presently in their budget. Upon making the motion it was challenged by Attorney Farrell when he stated that the divisions did not have to pay taxes to the Town because they were exempt from doing so. The item was then tabled and passed on further into the budget workshop schedule. Upon the receipt of Attorney Farrell's opinion Mr. Zandri was unsatisfied with the explanation given in the opinion so he proceeded to solicit an interpretation of the State Statutes from the Attorney General's Office of the State of CT. Unfortunately, they responded that this issue was not within their jurisdiction and to consult our Town Attorney for an interpretation of the law. He then proceeded to request, in writing, an opinion from Town Attorney Janis Small. Mr. Zandri was informed by Attorney Small that State Statute clearly states that both the Water and Sewer utilities fall under the umbrella of Town property and, therefore, are exempt from paying taxes to the community. However, the Statute does allow neighboring communities to tax the Town for property that is located within that community. The only way around this issue is to introduce legislation, ourselves, that would allow the Town to tax the Water & Sewer Divisions if we

so choose. He announced that he plans to pursue that course of action in the future.

When the effort to implement a PILOT payment failed during the budget workshops Mr. Zandri then introduced a second motion which was to "Have the Sewer Division pay back \$300,000 of a \$2.7 million contribution that the Town made to subsidize the Sewer Plant".

Mr. Zandri felt that it was not fair to have tax dollars subsidize capital improvements to the Sewer Division when not everyone in this community can benefit by that particular facility. Again, he was blocked, because there was an opinion rendered that these monies, \$2.7 million of taxpayer's money, was given in the form of a contribution, not in the form of a loan. Again, it was not possible to make the Sewer Division pay back the funds unless they took it upon themselves to do so.

The reason the Mr. Zandri brought this item forward tonight is to make the Council aware of this scenario so that in the future if any tax dollars are given to any of the utilities, in his opinion, it should be done in the form of a loan and not a contribution. That way in the future, if we so choose to recoup these dollars, the Town has the opportunity to do so.

He wanted the Council and general public to be aware of the situation.

Mr. Killen pointed out that both Section 7-240 and Section 7-267 of the CT. General Statutes read that "...they (funds) should be used for such waterworks or sewer system and for no other purpose". The loan was made between one department to another which clearly violates the Statutes. The only difference between what Mr. Zandri proposed (PILOT payment) and what actually took place is that the Division proposed the payment between departments, not the Council. The shoe is on the other foot.

ITEM #10 Consider and Approve Revising the Personnel Pages of the Water and Sewer Divisions to Reflect the Binding Arbitration Award for IBEW Local 457 - Water and Sewer Divisions

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

Thomas Sharkey, Acting Personnel Director, explained that when the personnel pages of the utilities are changed the utilities, themselves, present the changes. They calculate the adjustments and present the revised pages to the Mayor and Personnel Dept. At that point the Personnel Dept. adds a summary sheet of changes. The Sewer arbitration award was received some time ago from the labor negotiator but not the Water. As of yesterday, we still did not have the Water award in hand. Upon investigation of the matter it was found that the award was mailed out on July 20, 1993. In checking with Kate Wall, Town Clerk it was determined that she had received it in her office for some unknown reason. A copy was then made and a summary sheet compiled, hastily, this afternoon. Hence, the delay in the Council receiving the back-up information on this item.



August 10, 1993

Mr. Sharkey emphasized the fact that these two awards are under the old arbitration award. Just over a year ago the binding arbitration laws were changed to a new procedure which allows for the presentation of the award to the Council for approval or rejection. If it is rejected then it proceeds to a second arbitration. When the law changed, the State Board of Mediation and Arbitration found that there were countless contracts in the process of negotiation. Their feelings were that you should not start negotiations under one law and conclude them under another. They ruled that if you were not in arbitration on May 26, 1992 when the law changed, or you were supposed to be in arbitration, then you would follow the old law. That rule applies to this situation.

A list of last best offers made by both the Town and Union was reviewed by the Council (appendix II).

Mr. Zandri expressed his dissatisfaction with the fact that no insurance co-pay concession was made on the part of the union.

Mr. Sharkey shared the same feelings. On the six wage issues, however, five were won by the Town. He explained how the arbitrators are reluctant to hastily remove or reduce something in a contract. The unions are seeing this for the first time and their feeling is if it gets into a contract it will always be there and only go up in the future. So they are seeing some of what we see from the other side. That is the reason for the strong reluctance on the part of the union to agree to a co-pay concession. Co-pay was one of the reasons that this went into arbitration to begin with. We did not receive the co-pay but we made out better on the percentages compared to what other units were receiving at the time.

Mr. Killen was also disappointed that a co-pay stipulation was not agreed to.

Mr. Sharkey stated, with regard to the Board of Education units, seven of the eight have health insurance and six of those seven now have some form of co-pay in their contracts. There are no co-pay concessions on the Town or utilities contracts, currently. He reminded the Council that we are already two years into this three year contract with the utilities and come February and/or March we will be starting the process all over again for a new contract and the issue will be up for negotiation once again.

Mr. Killen pointed out that the Town's offer of a \$5.50 per week co-pay was not extravagant by any means.

Mr. Sharkey stated that the \$5.50 per week translates out to approximately 2.5% of the premium for someone currently under the family plan. The Town did not feel that this was an unreasonable request. In fact, this is the exact same amount as what is listed in the Custodian's and Secretary's contracts in the Board of Ed units.

Mr. Holmes stated that when you recognize that the job of the

August 10, 1993

arbitrators is not so much to come through with equitable settlements but to make sure that they are picked for another arbitration. The real pressure coming from the issue of co-pay is not so much from the Town but from people within the community who have plans where they pay fifty percent of their insurance. Many would consider themselves lucky to only pay twenty percent of their insurance premiums. There are also many people who do not have the benefit of a Blue Cross/Blue Shield/Century 100 product who have witnessed their wages eroding to the point of being laid off. He felt that there has to be more of a move in the direction of co-pay and he urged the Acting Personnel Director to continue to try to resolve that issue.

Mr. Sharkey stated that they have exhausted every possible way of attempting to persuade the unions on this issue. Recently, three sessions totalling approximately eight hours of negotiations were conducted to no avail because it fell apart over the failure to agree upon the issue of co-pay.

Mr. Holmes stated that \$10-\$12 million is paid by the Town to Blue Cross for health care. That is a significant portion of the budget.

Mr. Sharkey informed the Council that he is hoping to come back to the Council in the near future with a total comprehensive review of what the Town should or should not be doing with our health insurance throughout the entire Town including the utilities and Board of Ed. That review should be completed by the Segal Company by the end of the month.

P.U.C. Commissioner David Gessert commented that we all recognize locally that the cost of health care is extremely expensive. The premiums in the utilities are astounding. As a rule the cost of healthcare is killing a lot of governmental agencies as is it killing a lot of businesses. Employees are coming to grips with having to pick up part of the cost or look at plans that are not as lucrative as they have had in the past.

Mr. Zandri stated that the Town always has to settle with the final word sent down from the arbitrators in Hartford and at some point in time we have to take a stand. One of the big issues on all the contracts before the Council over the past couple of years has been co-pay. He felt that the Town's offer on all the wage settlements for all the unions have been what he considers fair. He was not certain that the Town has to fund the entire package awarded by the State arbitrators.

Mr. Zandri amended the motion to read that the Town Only Fund the Dollar Amount Equivalent to the Town's Final Offer.

There was no second to the motion.

Mr. Killen asked what the ramifications of that action would be?

Mr. Sharkey responded that there would only be a change in the meal allowance by \$.25 which is effective July 20, 1993 and the longevity which goes into effect with the next longevity payment

August 10, 1993

on December of this year. That would result in a difference of \$25 across the board for those individuals who are eligible for it. He stated that, financially, it would not make a big difference this year.

Mr. Zandri pointed out that it would also include the amount equivalent to what we would have gotten from co-pay.

Mr. Sharkey was uncertain as to how the Town could exclude the amount of co-pay since the arbitrators tell us what wage to pay. We cannot lower each pay by the \$.20 or so that amounts to the co-pay fee.

Mr. Gessert stated, whether we like arbitration or not, it is a law that we must live by.

Mr. Zandri made it perfectly clear that he is not proposing to violate the law. He is proposing that the Town pay exactly what has been awarded but we do not have to fund the total amount of employees that the Town has budgeted for. As an example, if the Town funded \$250,000 for the Town's part of the contract then that is all we have to fund. If the Town now needs \$260,000 in order to fund it after the arbitration award then we will be \$10,000 short of funds. Someone will have to go.

Mayor Dickinson was not sure that course of action would work since we are only working with co-pay. He could not relate the co-pay issue to salary issue. He felt that the utilities were not in a position to lose employees. It would not directly relate to anything in the arbitration award, it would only result in saving a specific dollar amount which would cause one layoff. At this point, without an indication from the General Manager and P.U.C. regarding the effect of loss of positions....with the new water treatment plant he did not believe the Water Division to be over-staffed.

Mr. Zandri pointed out that in many, many companies today when an employee leaves to retire or move on no one is hired to replace that individual. The remaining employment force of that company picks up more of the responsibility.

Arbitration is forced on the Town and there is no way to ever get ahead on any of the agreements. It was stated here tonight that arbitration is a balancing act, the Town is going to win some issues and the union will win some issues. It only stands to reason then that the union would always want to go to arbitration because they will always win some. They will never settle for what the Town is going to offer knowing this.

Mr. Gessert agreed totally. He pointed out that one of the interesting facts about binding arbitration is that they (the arbitrators) are not responsible. They are not elected, they are appointed and remain there until the Governor throws them out. It is very difficult to change the process.

That was exactly Mr. Zandri's point, that someone, at some point in time has to be brave enough to take a stand. He would not be bringing

up this issue if he felt that the Town's offer was unfair. He felt that it was a very fair offer.

Mr. Gessert agreed. He reiterated the Mayor's point on the need for all positions in the Water Division with the new treatment plant on line. With regards to the Electric Division, however, upon the opening of several positions due to retirement, etc., the Division has re-organized duties and work processes rather than fill the vacancies. When an employee leaves the work force that position is studied very carefully to determine whether it is necessary to fill it.

Mr. McDermott pointed out that the Town was successful in obtaining the option of changing healthcare carriers. We have had our hands tied with certain providers and now are in a position to be a bit more competitive.

Mr. Solinsky asked when the negotiation process begins again for this contract?

Mr. Sharkey responded, approximately February or March is the time that the Town should be notified of an intent on the part of the union to negotiate. Fortunately for all concerned, with the new arbitration law they are adhering to all the timelines and deadlines. If you are not in arbitration thirty days after expiration, you will be. We will no longer be dealing with a process that takes two years to resolve. The worse case scenario would be six or eight months following the expiration of the contract the award would be in.

Edward Musso, 56 Dibble Edge Road felt that there were too many unions. If the arbitration awards are more than what the Town budgets for or offers then the union representatives and arbitrators should pay the difference, not the taxpayers of Wallingford. There should be no more than three or four unions in town.

VOTE ON ORIGINAL MOTION: Parisi was absent; Zandri, no; all others, aye; motion duly carried.

ITEM #11 Consider and Approve Revising the Personnel Pages of the Electric Division to Reflect the Binding Arbitration Award for Local IBEW 457 - Electric Division

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

Mr. Sharkey stated that the issues are almost identical to the Water Division's. The only slight change was that the first year of the Wages was won by the union not the Town (appendix III). In the area of Longevity, however, the Town did win. Other than that, it is almost the same. It is the same union and representative, however we did have two different neutral arbitrators in this matter.

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

ITEM #12 Consider and Approve a Three Percent (3%) Increase in

Benefits for Town of Wallingford Retirees - Personnel

A list reflecting the breakout of the 224 retirees eligible for a possible increase by annual amount of pension received was reviewed by the Council (appendix IV).

Mr. Doherty pointed out that approximately 140 retirees fall under the \$10,000 mark for annual pension funds received. They have not received an increase in their pensions for the past four years and they do not receive a cost of living raising. Those retirees would receive approximately \$300 with this increase. Another 63 retirees fall in the \$10,000 - \$20,000 range which would result in an increase of \$600 to their pensions. In reality, 200 of the 224 retirees are under \$20,000 and the increases would be minimal with an increase of only 3%. He did not feel it was extravagant by any means and was in support of the action.

Mayor Dickinson stated that good management principles dictate that this subject be revisited regularly. It is appropriate that we approve this action this evening. There is a duty to do so for various reasons.

Edward Musso, 56 Dibble Edge Road was not in favor of an increase based on percentages but rather a flat figure of \$400 each no matter what the retiree's yearly pension is.

Mr. McDermott was in support of the increase, especially since the Town has so well over-funded its pension fund.

Mr. Killen had no problem with the bottom line of the increase but was unhappy with the way the funds will be allocated. There are many who are receiving the lower amounts for pensions that need to live just as much as those who are at the higher end of the scale yet, the larger pensions will receive the larger increases. It doesn't seem fair. Due to that fact he could not support the action.

Mr. McDermott felt that it boils down to the pension being a reflection of what an individual put into the system, i.e., years of service, salary earned, etc.

Steve Hacku, Colonial Lane reminded the Council that some of the pension figures are misleading. Some retirees chose to leave the Town's employment after twenty years of service to go on to another job. Some work thirty, some forty, etc. Those who left at ten, fifteen, twenty, etc. have worked elsewhere. have retired there as well and are now drawing multiple pensions. It does not mean that each and every one of the retirees are receiving only the Town's pension.

Mr. Sharkey acknowledged that the Town does hire a fair number of people who come to us for employment later in life and may already have their quarters in Social Security and will be eligible to collect such when they retire. He could not provide all the details of the 224 people as to whether or not they have extra income. are considered a "second income" in a family or otherwise. We really

have no right to know that information.

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

Motion was made by Mr. Doherty to Move Agenda Items #17 & 18 Up to the Next Order of Business, seconded by Mr. Holmes.

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

ITEM #17 Consider and Approve a Waiver of Bid to Hire Criscuolo Shepard Associates to Provide Engineering Design, Contract Documentation, Bidding Preparation and Supervision and Contract Administration Services for the Correction of Drainage Problems at Highland School - Board of Education

Motion was made by Mr. Doherty, seconded by Mr. McDermott.

For the past few months, the Board of Education has been considering how best to solve a very serious water drainage problem at the Highland School. This problem which apparently has existed to some degree for approximately ten (10) years became much worse this past winter when, because the drainage was so poor, a major portion of the gymnasium floor buckled and became unusable. The school system's Maintenance Department has repaired the floor as much as it possibly can, however it will continue to warp and buckle until the drainage problem is corrected.

The Board commissioned an engineering study by Criscuolo Shepard Associates who estimates a cost of \$175,600.00 for work they recommend be done to correct the drainage problem.

The next step is to hire a firm to design the project, prepare contract documents, provide professional services with respect to bidding and administer the construction contract. To accomplish this next step as expeditiously and inexpensively as possible, it is necessary for the Town Council to approve a bid waiver so that Criscuolo Shepard can be hired to do the tasks listed above for the price of \$18,500.

It has been determined that a surplus of \$182,756.00 remains in the Board of Education F.Y. 1992-93 Budget. These funds are not available for use until the auditing has been complete sometime in November. The Board was seeking approval from the Town Council for a special appropriation in the amount of \$18,500 to pay Criscuolo Shepard for engineering design and contract administration. It is the hopes of the Board that the surplus funds can be "earmarked" to pay for the entire cost of the drainage project.

Mr. Zandri stated that he voiced his concerns at the recent Board/Council Liaison Meeting that the upstream water draining down to Highland School needed to be addressed in this plan. He asked if a resolution to that problem had been obtained.

Mr. Shepard of Criscuolo Shepard Associates responded that his firm

did consider collecting rain leaders into the system. To tie them into the drainage system would cost an additional \$30,000.

Mr. Zandri pointed out that the source of the majority of the water creating this problem originates from upstream or higher ground seeking a lower point. Now would be the time to confront that problem and correct it. He was under the impression from the Board/Council Liaison Meeting that the Board would fund the \$18,500 for engineering design and contract administration.

Barbara Beecher, Board of Education Chairperson, stated that when the Board met there were funds remaining in the budget that were returned to the Town. They were under the impression that those funds could be "earmarked" for this purpose. The Board has since been notified otherwise. They feel that it is too early in the year to know if a surplus will remain in their budget. They are not comfortable with expending funds that were not budgeted for.

Mr. Zandri stated that it was his understanding that the Unappropriated Fund Balance of the Town would be tapped for this expenditure since there were no available funds in the General Fund or the Board of Education's budget. He wanted an honest answer as to whether or not there was cooperation on the part of administration to fund this project in this way otherwise it does not pay to even begin it.

Mr. Holmes asked if it was the Board's intention to have Criscuolo Shepard do all of the work when they originally hired the firm?

Gerald Powers, Buildings and Grounds Supervisor responded, no. His instruction were to obtain another opinion and seek recommendations on repair options. He was not instructed at that time to submit bid specs for writing specifications for a general contractor to repair the work.

Mr. Holmes asked if the only company that has performed any substantial work is Criscuolo Shepard Associates?

Mr. Powers responded, no. The first company was a geotechnical engineering firm who was hired for less than \$2,000 to investigate the water problem and provide options for repair. That report was given to the Board. They requested another opinion with the hopes that other options would be presented. This would help them to gain a broad knowledge of all alternatives available to them for repair to the system. Due to the fact that he was requiring extensive information, a bid document was prepared to solicit an engineering firm to study the problem. It is standard practice of engineering firms to disregard reports from other engineers. They will conduct a thorough investigation of the project without influence from other studies. The liability must remain with the company who prepared the report.

Mr. Holmes stated that we have had this scenario before. Once you hire an engineering firm perform some work for the Town it precludes anyone else from ever bidding on the project. We are not certain that this engineering firm is correct in their assessment of the

problem.

Mr. McDermott asked. if this problem existed for ten years or more, why wasn't the repairs budgeted for at any time during that time?

Ms. Beecher responded that it was repaired several times with those repairs lasting for a reasonable amount of time but something can be repaired only so much. This year the water table was higher, the problem worsened and became a major problem. It can no longer be repaired to last any substantial amount of time. To continue spending funds for repairs that will not last is not prudent financial planning. The Board's budget was prepared in October when the area was dry and the problem did not exist. In February or March it became apparent that the problem had mushroomed and it was going to be a major undertaking to eradicate.

Mr. Powers explained that \$50,000 was placed in the Five Year Capital Plan to repair and replace the floor. At that time he was not aware that a recurring problem existed. When he was made aware of the scope of the problem he withdrew the funds and project from the list so that he could obtain more information on the cause of the problem and how to properly repair it. All that information took time to gather which brings us to today. A firm cost figure was not obtained until July.

Mr. McDermott asked where the funds were being transferred from?

Mr. Zandri wanted to see the \$18,500 taken from the Unappropriated Fund Balance.

Mr. McDermott stated that he would like to have the maintenance of all Town buildings come under the auspices of the Town. He was very pleased with the job that Mr. Powers is doing, however, he feels that more money should be spent on the maintenance of Town buildings, not that we have had much luck with that system to date. He pointed out the condition of the Simpson School roof, Town Hall roof and other buildings that have been neglected over the past ten years. He felt that the conditions of the buildings could be better monitored under the Town departments.

Mr. Zandri reminded the Council that another concern is timing of the project. The reason it is being introduced now is because they want to do the work during the summer months so that they will not disrupt the classes at that school. The reason is to have a construction window which will open when classes are out for the summer next year. If we wait for another budget process it will push the project off for another two years.

Mr. McDermott stressed the point that it is very important that this project be done. He was horrified at the condition of the gymnasium floor and felt that it needed immediate attention.

Mr. Killen stated that the problem was not going to go away, that was obvious over the past ten years and some funds should have been budgeted for in the Capital Improvements accounts.



Mr. Doherty stated that it will be difficult for the Council to answer to their constituents if they approve funding for the Board of Education when they (B.O.E.) ended the F.Y. 1992-93 with a \$1.1 million surplus.

Ms. Beecher responded that the B.O.E. also experienced a budget cut this year. The surplus was in last year's budget and could not be carried over. This project was not budgeted for in this fiscal year.

Mr. Doherty pointed out that the Board has consistently had surpluses over the past few years although the Board presents an honest budget to the Council every April. He anticipated that occurring again this coming April.

Mr. Dale Wilson, Asst. Superintendent of Personnel, stated that the Board always presents an honest budget. At this time in August there is no surplus available and the \$18,500 has not been budgeted. If the Board felt that they could absorb this cost at this time of the year they would have done so.

Ms. Beecher explained that the Board has had to address unexpected maintenance problems that were not budgeted for already this year. A retaining wall at Sheehan's pool has begun to crack, it needed repair. An electrical problem that was budgeted for came in far over the expected cost. The Board is currently \$30,000 over what was budgeted.

Mr. Zandri felt that it was useless to start a project when there was no commitment to fund the final phase of it.

Mr. McDermott felt that the principal of Highland School did her job by bringing this to the attention of the Board for the past ten years. He went on to say that there is a perception, whether it is true or not he was not certain, that the maintenance budget of the schools have been pillaged over the years to be used for other things.

Mr. Solinsky asked what the cost of each consultant was?

Mr. Powers answered that the first one was approximately \$1,800 and Criscuolo Shepard Assoc. charged \$9,500. He asked how the two firms arrived at identical figures for exterior work, bidding and contract administration, etc.

Mr. Shepard of Criscuolo Shepard Assoc. responded that part of the scope of services was to prepare an engineer's estimate of construction costs to Dr. Welty's (the other consultant in this matter) original solution, in addition to any other solutions that Criscuolo Shepard may have suggested.

Mr. Solinsky asked if Dr. Welty prepared a construction estimate of his own?

Mr. Powers and Mr. Shepard both responded no.

Mr. Solinsky asked Mr. Shepard if he plans on leaving the existing slab in place?

Mr. Shepard responded, yes. They will tear out the wood and the sleepers, gaining a few inches of depth to work with; construct a drainage layer on top of the existing slab of waterproofing membrane, have a 3" slab above that and then the synthetic flooring will be installed. The new floor will be slightly higher so his firm will have to perform some tapering and adjustments at the thresholds. Their goal is to try and minimize the thickness so as to limit the expansion of the scope of the work outside of the gymnasium.

Mr. Solinsky asked if there is standing water on the slab under the wood?

Mr. Shepard responded, there are reports to that effect, yes.

Mr. Powers stated that he has taken out portions of the floor to find that the sleepers that the floor is sitting on are saturated with water. There is no standing water, but a great deal of moisture that is saturating the wood. There is standing water under the vapor barrier.

Mr. Solinsky is concerned with the drainage. Something must be done to correct it.

Mr. Shepard stated that they are proposing a drainage system under the proposed floor assembly and a cut-off and surface water drainage system upgrade of the gym to pick up both the surface water and ground water that is contributing to the problem. The water will be cut off at the courtyard that is directly upgrade from the gym.

Mr. Solinsky asked if Mr. Shepard is certain that is where the water is coming from?

Mr. Shepard responded, yes.

Mr. Solinsky was not sure that this proposed solution will work 100% for the amount of money that is being requested.

Mr. Shepard felt that the largest part of the cost was for site drainage work.

Mr. Solinsky was of the opinion that the best solution would be to rip up the slab and get to whatever is under there.

Mr. Shepard planned to trench through the slab to install an under-drainage system and upgrading to install both an under-drainage and surface water drainage system to pick up the water before it reaches the gym. There are some major building utilities that are cutting across the gym under the floor which is the reason why Mr. Shepard's firm is trying to focus their efforts on trying to solve the problem above the existing slab rather than perform extensive excavations.

Mr. Solinsky asked, what if we were to have a failure of the utilities under the new slab? Those utilities were located under the existing slab in 1958 when the building was constructed.

Mr. Shepard responded that he could not comment on the condition of the under-slab HVAC system for he was not familiar with it.

Mr. Solinsky felt that was all the more reason to excavate the old slab. If we spend \$200,000 on this project and the utilities fail we would be tearing up the new work.

Mr. Shepard pointed out that the electrical, plumbing or HVAC are not components of the problems.

Mr. Powers pointed out the instance when the utilities failed under the slab at Rock Hill School. In that case the crew reportedly went up to the roof and re-wired from that point for a total cost of \$23,000. This was a much more viable solution than tearing up the slab.

Mr. Solinsky was concerned with the fact that Mr. Shepard's firm reports that it would not be more economical to tear up the existing slab for an extra \$19,000 yet prices out that option in their estimates. He also found it interesting that Criscuolo Shepard Associates' estimate and Dr. Welti's estimate of \$19,000 to excavate the existing slab matched exactly.

Mr. Zandri explained that it was Mr. Shepard's responsibility to provide the cost estimates of the design methods of the other firm (Dr. Welti).

Mr. Solinsky reiterated that the more expensive project should be performed and have the work done correctly.

Mr. Zandri pointed out that if your objective is to try and solve the water problem then potentially both methods could work. One is more costly than the other. What is not being taken into consideration with the higher figure is the replacement of the electrical and HVAC system which would result in a cost over and above the estimate presented this evening.

Mr. Solinsky felt that we may face that eventually and it is cheaper to do it all at once.

Mr. Zandri disagreed. He felt that the water problem can be corrected at a choice of two costs. Should a utility problem arise at some later date, which may not occur in the immediate future, there are other options such as the one utilized at Rock Hill School to address the problem.

Mr. Solinsky disagreed.

Mr. Holmes stated that this issue will have to come back before the Council again at some point to fund the \$200,000. He asked Ms. Beecher if she would be willing to go before the Board and ask them to pass a resolution stating that at the end of their budget year they will

designate part of their surplus to be repaid to this project?

Ms. Beecher was willing to place the item on the Board's agenda for discussion. She could not, however, answer for the Board on this issue.

Mr. Zandri pointed out that you could look at the other side of that in saying that the Board has already contributed \$180,000+ towards the Town from their prior surplus.

Mr. Holmes wanted to prevent every department from approaching the Council with requests because they ended their fiscal year with a surplus.

Mr. Zandri stated, we have situation where another building is falling apart. We can squabble over whether or not it was budgeted for and where the dollars will come from but regardless, the problem needs to be addressed. He felt that it needs to be determined whether or not the Council and Administration is committed to funding the project and getting it done.

Mr. Holmes felt he was committed to the project but reminded everyone how the Board had a surplus in excess of \$1 million at the end of their fiscal year and went on to spend all but the last \$180,000 of it. They did not turn over their entire surplus, rather a very small portion of it.

Mr. Zandri pointed out that the Board expended funds to offset their budget cut. They did not spend additional dollars over and above what they budgeted for in the upcoming year.

Ms. Beecher stated that the Board tries very hard to create a savings at the end of the fiscal year. There is no guarantee that they can do so this year.

Mr. Wilson commented that the Board could have very easily spent that \$182,000 surplus. They recognized that they had a major project that could cost up to \$200,000 and therefore decided not to spend that money. In the past, Boards have spent that money. This one did not.

Mr. Killen stated that the Comptroller needs to ascertain whether or not the funds are available and then it must be determined whether or not the Mayor will fund the project.

Mayor Dickinson responded that we do not have a bid amount therefore he would not support appropriating any large amount of money until there is a bid contract and we are aware exactly what the dollars are. Also the entire project is a large one and if it is regarded as or appears as an emergency then it would have to be dealt with as such. It would have to be dealt with outside of the normal budget. Tonight, however, none of that is before us. What is before us is a bid waiver in the amount of \$18,500. He did not view this as an emergency issue. There should be an ability on the part of the Board to fund \$18,500 from its budget. When it comes time for the construc-

tion project then we will have to deal with that. The other part of this issue is that work needs to be done on Johnson and Gregory Roads by the Town before any of this work can be completed. Public Works hopes to have this work completed by this fall or winter. If they do not then none of this can move ahead. We have to have a storm drainage system capable of handling the water off of the property. He has heard reports of discussion on the part of the Board with regards to hiring extra staff that was not in the budget. The Board needs to set priorities.

Mr. Killen asked the Mayor if he understood him to say that the funds will not come from anywhere other than the Board of Education's budget?

Mayor Dickinson answered, \$18,000 is a very small percentage of a \$44 million budget. He could not believe that there was no room in the budget to take this small amount to fund the project. He felt it was realistic at this time to say that the Town does not have \$200,000 available for construction work, nor does the Board.

Mr. Zandri stated that it was his understanding when Criscuolo Shepard Assoc. gave their report that the water that currently flows in the area is all uphill from those roads and the existing storm drainage is currently taking it all away. This would not add any additional water to the system.

Mayor Dickinson responded that in order to handle the volume of water the drainage pipe must be 24" in diameter. It is currently 12" in diameter on Johnson and Gregory Roads. Yes, there won't be new water added to the drainage it will just exit at a greater rate of flow.

Henry McCully, Director of Public Works stated, prior to his becoming aware of the problem at Highland School he had planned to pave Gregory and Johnson Road this year. Upon further investigation of the drainage systems in the area, ground water behind the curbs and in the gutters were revealed. The Town Engineer notified the Board of the problem and made recommendations to them to correct the problems. One of those recommendations was to install 24" drainage pipe from Highland Avenue exiting to Donat Drive all the way to intercept the water flowing from the School.

Mr. Zandri asked the Mayor if he is going to be committed, seeing he is the one who has to make the recommendation for funds to be utilized from the unappropriated fund balance, to fund this project once the cost has been identified?

Mayor Dickinson responded, at this point I will not identify the source of funds. There is a lot of time that will lapse between now and then. If there are vast savings of some kind in the Board's budget perhaps some of it can be funded from that source. At this point we are not even aware of what the bid amount will be.

Mr. Zandri agreed that if there are funds in the existing budgets, obviously they will be used first. His question was, if the worst case scenario plays out where there are no funds in the existing

- 21 - August 10, 1993

budget, what is the Mayor's intent for funding the project? Are you committed enough to the project to be willing to make a recommendation if funds are available in the unappropriated fund balance for this project?

Mayor Dickinson refused to identify what source the funds will come from. The first source should be the emergency contingency fund. We should deal within the existing budget before we try to appropriate funds from outside the budget. If all else fails and it is absolutely necessary to do the project and there are no funds from any other source, that would be a source.

Frank Wasilewski, 57 N. Orchard Street pointed out that the Mayor has increased the Board's budget by over \$2 million. He did not decrease the budget by any means. The Board has over \$44 million to work with. Why not use their money? If, at the end of the year, the Board is short from using the funds for this project then the Town can give them back the money.

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

A ten minute recess was declared.

ITEM #18 Consider and Approve a Transfer of Funds in the Amount of \$4,200 from Wages - General Acct. #001-5030-100-1300; \$1,525 from Gradall Acct. #001-5030-999-9902; \$1,525 from Repair Tennis Courts Acct. #001-5031-999-9912; \$350 from Grease Unit Acct. #001-5050-999-9905 and \$1,200 from Overhead Doors (3) Acct. #001-5190-999-9901 for a Total of \$8,800 to Walkway Bridge - Doolittle Acct. #001-5031-999-9903 - Dept. of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

Mr. Killen asked what was originally budgeted for this project?

Mr. Henry McCully, Director of Public Works responded \$15,000.

Mr. Killen asked, if the low bid was \$13,000 why would the account be short?

Mr. McCully responded that originally it was anticipated that Public Works would install the bridge upon purchase. The bridge has a forty foot span and both John Costello, Town Engineer and Mr. McCully felt that it was in the best interest of the Town to have a contractor install the structure. He did not have a piece of equipment that could pick up the bridge. The low bidder has experience in installing this size structure. The price includes the removal of all the old concrete from the existing bridge and the installation of a concrete walkway and approaches to the bridge. The riprap is quite expensive as well.

VOTE: Parisi was absent; Killen and Zandri, no; all others, aye; motion duly carried.

Motion was made by Mr. Doherty to Move Agenda Item #19 Up to the Next Order of Business, seconded by Mr. Holmes.

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

ITEM #19 Discussion and Possible Action on the Charter Revision Commission's Final Report to the Council

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

No Charter Revision Commission members were present this evening.

Mr. Doherty made a motion to Go Ahead with the Changes and Recommendations that the Town Council Made to the Charter Revision Commission on Changing the Charter at the July 13, 1993 Town Council Meeting - All the Changes that the Town Council Approved that the Charter Revision Commission Submitted to the Town Council and the Summary Form be Approved as One Package, seconded by Mr. McDermott.

The purpose of Mr. Doherty's motion was to keep from having to read and vote upon each change separately.

Attorney Small explained that if everyone is going to vote the same on each change as they did on the draft report then the Council can make one consolidated vote on the entire package. If anyone is going to change their vote on any one issue then each change must be voted upon separately. The draft report is now the final report and the Council must now act on it.

Edward Musso, 56 Dibble Edge Road felt that there should be term limits. He also felt that the public should have the right to referendum when an expenditure exceeds \$1 million and that the people should have the final say on the budget.

Mr. Holmes stated that the present and two past Chairpersons of the Council have been more than generous with members of the public when they (the public) have wanted to speak. The ten minute Public Question and Answer Periods quite often run to twenty-five, thirty and even thirty-five minutes. For the record our Chairpersons have been very generous with public speaking time.

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

Motion was made by Mr. Doherty that the Question on the Ballot Read as Follows: Shall the Revisions to the Charter of the Town of Wallingford Approved by the Town Council at its Meeting of August 10, 1993 be Adopted?, seconded by Mrs. Duryea.

Mr. Holmes asked if a complete listing of the changes be available to the public prior to the election?

Town Clerk, Kathryn Wall responded that the State Statutes state that at the polling place a listing of all the changes has to be made available.

- 23 - August 10, 1993

A summary report can also be mailed out to anyone who requests it. It is the call of the Council.

Mr. Holmes felt that the public should receive the information in as complete a form as is possible.

Ms. Wall asked, who will be providing the information to the public?

Mr. Holmes was not sure how it was to be accomplished but felt that it should be done.

Ms. Wall explained, prior to the Council taking its vote, that the question will be written the same way the 1989 Charter Revision question appeared on the ballot.

Steve Hacku, 10 Colonial Drive felt that public access television would be a good medium for informing the public of the changes.

Mr. Musso felt that the questions should be listed separately.

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

Mr. McDermott moved that the Question that was Approved by the Town Council be Placed on the November 2, 1993 Ballot, seconded by Mr. Killen.

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

ITEM #13 Report Out by the Committee to Review the Establishment of a New Recreation Building and Ice Rink

Motion was made by Mr. McDermott, seconded by Mr. Zandri.

Tom Wall, Chairman of the Committee to Review the Establishment of a New Recreation Building and Ice Rink and Lawrence Singer, Committee Member were present to Report Out to the Council.

Mr. Wall informed the Council that Mr. Migliaro has withdrawn his proposal to build the rink and recreation center facility. He then asked the Council for direction.

Mr. Holmes reminded Mr. Wall that the Council originally asked the committee to hire their own consultant to review the needs for an ice rink. The committee was then to take that report and compare it with Mr. Migliaro's report and find out what is the best method for the Town to take. In reviewing the committee's minutes, however, it seems as though none of that happened. The main charge that was given by the Council to the committee did not even come close to being resolved. Until the committee had both reports in their hands to compare how could they make a recommendation as to which option to take?

Mr. Wall agreed that Mr. Holmes was correct in his description of



August 10, 1993

the charge to the committee. however, the members of the committee felt very strongly that Mr. Migliaro's proposal was not feasible. There was no room for negotiations. They felt it was foolish for the Town to hire a consultant when they could not support his proposal.

Mr. Holmes asked, the committee then sees no need for a facility like this in the Town?

Mr. Wall responded, the committee feels that Mr. Migliaro's proposal was one-sided.

Mr. Holmes could not understand how the proposal was judged as one-sided if there was no comparison proposal? He felt that the members of the committee had pre-judged the report and were not capable of performing an unbiased review of Mr. Migliaro's proposal, let alone any other. He suggested that a new committee be appointed.

Mr. Zandri echoed Mr. Holmes feelings on the matter. His expectations of the committee was that they produce a report from another consultant which substantiated whether or not it would pay the Town to get involved with a venture such as this to see if it would pay for itself.

Mr. Wall reminded the Council that he did not appoint the committee, the Council did therefore the Council will have to accept their actions. He felt that the committee did not go far enough.

Mr. Zandri recommended finding out whether or not the committee is still interested in researching what the Council wants researched. If not, then another committee should be formed.

Mr. Singer felt that the committee was receiving a "bum rap" by Mr. Holmes and Mr. Zandri. The committee sat through two meetings attempting to find out what the charge of the Council was to the committee. The Chairperson, in fact, was sent back to the Council on two separate occasions to try and obtain a more definitive explanation of the charge. He agreed that the issues became mixed and muddled. He, personally, felt that the committee received a mixed message with regards to the charge.

Whether or not Mr. Migliaro's proposal was good or bad was a secondary issue, Mr. Holmes explained.

Mr. McDermott thanked the committee for their time and efforts. He did understand what his fellow Councilors were saying but still wanted to acknowledge the fact that it does take time and dedication to try and understand the charge set by the Council. He did not feel that the Town has a "tainted" committee and that a great deal of information was obtained on the subject over the past several months. It was his hope that the committee would be willing to carry on with the charge and investigate the feasibility of an ice rink/recreation center in the Town.

Mr. Wall stated that it was very clear from the start that there were several members on the committee that were dead set against an ice rink. Members of the Recreation Commission also visited the meetings and stated that they did not need a new recreation center.

- 25 - August 10, 1993

Mr. Wall stated that he would have to call a meeting of the committee to see how many members were willing to continue on with a more definitive charge.

Mr. Singer informed the Council that he was now that direction was given to the committee. He stated for the record that the minutes of the committee meetings accurately reflected the business conducted by the committee.

Mr. McDermott spelled out very clearly that he wants the committee to determine whether or not an ice rink can sustain itself financially. If it cannot then he is not interested in building one.

Mr. Zandri shared Mr. McDermott's views on the facility being self-sustaining.

There was much discussion surrounding the misunderstanding of the formal charge by the Council to the committee.

Mr. Wall and Mr. Singer will call a meeting of the committee to determine who wants to continue on or resign from it.

Mr. Killen felt that the committee did properly address the first order of business. Now they must continue on to see if a rink or recreation center is feasible and self-sustaining.

Mr. Myers felt that members of the Recreation Commission should be included in the process since a firm will need to be hired to draw up bid specifications and a needs assessment will have to be performed of the Recreation Commission.

Edward Musso, 56 Dibble Edge Road was in favor of Mr. Migliaro's proposal. He liked the idea of the combination Rec Center and Ice Rink. He is opposed to an ice rink solely being constructed.

ITEM #14 Discussion on the Needs of the Department of Fire Services as Requested by Councilor Albert E. Killen

Motion was made by Mr. McDermott, seconded by Mr. Killen.

Mr. Killen was interested in hearing what the overall plan of the department was for the next five or ten years, specifically, with regards to the uptown area on North Main Street. What are the department's plans for expansion? Is a different location being considered because it can tie in very closely with the disposition of the Wooding/Caplan properties.

Deputy Chief Herrington thanked the Council for their time and interest in this matter. He reminded the Council that the department's needs are addressed each year to the Council in a "Status Report of Fire and Emergency Medical Services" which is issued to each and every member.

He proceeded to read the following information into the record:



*Town of Wallingford, Connecticut*

WAYNE H. LEFEBVRE  
FIRE CHIEF

DEPARTMENT OF FIRE SERVICES  
75 MASONIC AVENUE  
WALLINGFORD, CONNECTICUT 06492-3019  
TELEPHONE (203) 269-0276

August 10, 1993

Wallingford Fire Department  
Town Council Meeting - Ques. #14

I would like to thank the Wallingford Town Council for the opportunity to express the needs of the Wallingford Fire Department. We have addressed our needs each year to the Council in a "Status Report of Fire and Emergency Medical Services" which is issued to each and every member.

In going over some of our composite needs for the next five years, our capital requests are going to call for the replacement of Engine I, which is a 1985 Pierce Arrow stationed at the 95 No. Main Street station. As reported in the annual report book for 1993-94 budget year, Engine I has in excess of 75,000 miles and over 300,000 engine hours. This Engine is the busiest in Town and covers the largest area. It has had a major overhaul in the last year and will make an excellent back-up piece for use by all companies whenever vehicles are out for repairs.

(\$250,000)

We also have a need to replace Car #4, our Shift Commanders' vehicle. At the present time, we are using a 1988 Ford LTD Crown Victoria, a used police car that has been converted for our use. This vehicle had more than 71,000 miles when our Annual Report was published. We have a need in the future for a four-wheel drive vehicle for off road use as well as for heavy snow conditions, heavy mud conditions, and for any use when an all-wheel drive vehicle would be beneficial. This vehicle carries our Command Post equipment such as communication equipment, maps, air packs, industrial haz-mat information and LEPC information. In the future, it would be equipped to access haz-mat information more quickly than we currently can. This vehicle covers the entire community and coordinates the activities of all career and volunteer personnel.

(\$ 20,000)

Another item of priority would be to replace the Assistant Chief's car, Car #3, which is a 1983 Plymouth. At the time of this report, it had in excess of 80,000 miles on it. The car is the third of the command vehicles and is used to respond to major alarms and it sometimes becomes the command vehicle at second calls where the command vehicle is already committed.

(\$ 14,500)

We are also in need of replacing our Medic 2 Unit. The present Medic 1 would, at that point, become Medic 2. Medic 2 is a 1987 Ford diesel and is used as a backup. It has 70,000+ miles on it. This is the longest we have kept a Medic unit in service in the past several years. By the time a new one could be purchase, this will probably exceed 80,000 miles.

(\$70,000)

The next major item in the vehicle line is to replace Ladder I. Ladder I would then become our backup unit which is Ladder 8. Ladder I is a 1975 (18 yrs) Pierce body over a 1987 American LaFrance chassis (6 yrs). Ladder 8 which is stationed at East Wallingford Vol. Fire Dept. is a 1948 American LaFrance ladder on a 1981 GMC chassis. Ladder 8 is rapidly becoming obsolete due to the difficulty of getting parts for repairs. American LaFrance, as you may be aware, has gone bankrupt at least once, has been reconstituted and are closing down some of their operations. I presently must deal with Virginia for parts and Pittsburgh for service, making it extremely hard to keep this vehicle on the road. Several parts have recently been fabricated locally with no guarantee that the parts would hold up under heavy use. Fortunately for us, this vehicle has passed its annual ladder safety inspection.

(\$485-500,000)

Regarding non-vehicle needs at this time, we are mandated by Connecticut State Statute to replace our fuel tanks every 20 years. We are required to do this in the 1994-95 budget year. The new standards also require double wall tanks, corrosion protection and electronic leak detection devices. Between the project design and replacement, we have estimated the cost to be approximately \$145,000. We are actively searching for ways of reducing this figure, such as possibly installing above-ground fuel tanks.


Project Design	\$ 5,000
Replacement	140,000
	<u>\$145,000</u>

Another major need is the replacement of the breathing air cascade system. This system will be 22 years old in 1995. It was re-built in 1988. This system is used to refill air pack bottles used for the protection of personnel in hostile environments. This system is inadequate for the new high pressure bottles which would give more service time for our personnel in the hostile environments and would also allow more rapid refilling of our bottles that we already have in service and would approve the efficiency of our Department. There is the possibility that this older cascade system could be used with the Co. #4 volunteers as a backup system. Redundancy is very important in the Fire Service.

Our largest single need would be to remodel Central Fire Headquarters to accommodate the ADA (Americans with Disabilities Act) requirements and in conjunction with this, we are considering enlarging and remodeling Central Fire Headquarters to improve our 911 System and our administrative offices, thus only requiring a remodeled 95 No. Main St station or the construction of a smaller station that had originally been intended in the uptown area.

Hopefully, after consultation with the Town Engineering Department, we could determine the most economical way to meet the Town's firefighting needs.

I am only presenting our needs, it is up to you, our Town fathers and the Mayor to determine the Town's ability to fund these needs and at what levels.

  
W. H. Herrington  
Deputy Fire Chief

WHH:bo

cc: K. Wall-Town Clerk  
Chief W. Lefebvre

Mr. Killen asked, with regards to remodeling Central Fire Headquarters, would there be room to house a ladder truck?

Chief Herrington responded, if we enlarge Company 1, the building itself is not adequate to house the proper vehicles now. We would have to perform extensive renovation to the Company 1 station. The renovations he referred to would be performed at Central Fire Headquarters, Company 2, over by Masonic Home. In conjunction with bringing the building in compliance with ADA (American Disabilities Act) the facility could be enlarged to adequately house the department's communication needs and rearrange office space and continue to keep one engine at the North Main Street station. There would be no ladder truck in the uptown area.

Mr. Killen pointed out that the tallest buildings in town start at the railroad tracks and move up this way (east to Center St. and North/South Main Street). The ladder truck would be located on the other side of town.

Chief Herrington stated that the department will review Engineering's recommendations closely. At one time consideration was given to the Wooding/Caplan property but it seems as though the Town has other interests in that property....

Mr. Killen interrupted Chief Herrington to say not necessarily so. This (the Council) is the body that will decide what is done with the property.

The farthest away the the department recommends locating a new station would be out to the Simpson School area, according to Chief Herrington. Once Chief Lefebvre returns from vacation plans are in place to meet with the Engineering Department to review the feasibility of plans at most stations or other Town-owned property.

Mr. Killen thanked Chief Herrington for staying so late for his presentation.

Mr. Zandri felt that the department has to produce a needs assessment. It should not be influenced by Engineering or any other department in Town. They have to decide where each truck should be housed to best suit the emergency needs of the community. It is up to the Council at that point to decide how to solve their problem or meet their needs. It was pointed out in Chief Herrington's report that North Main Street Company 1 is the most active vehicle in Town. It only makes sense then that the vehicle is housed in the proper location.

Chief Herrington agreed that is why they have set strict guidelines surrounding the location of a new facility. It must remain within the core of the uptown area. Any further out past Simpson School would prove crucial to response time.

Mr. Zandri stated that the department must bear in mind the logistics of a new station in a residential area and their effect upon such an area. He felt that the current location suited the Town's needs just fine and he would have to hear some convincing arguments for

him to be convinced otherwise.

Chief Herrington reminded Mr. Zandri that the building was constructed when fire apparatus was much smaller. It would take major, extensive reconstruction to make the building adequate.

Mr. Zandri stated all the more reason why the Wooding/Caplan property must be seriously considered.

Chief Herrington commented that the department does have site plans for that property and it is being given careful consideration.

Motion was made by Mr. McDermott to Move Agenda Item #16 Up to the Next Order of Business, seconded by Mr. Holmes.

VOTE: Doherty and Parisi were absent; all others, aye; motion duly carried.

ITEM #16 Consider and Approve a Resolution Authorizing the Mayor to Apply for Recycling Program Grant Funds - Mayor's Office

Motion was made by Mr. McDermott to Approve the Resolution and Append a Copy of it to the Town Council Meeting Minutes, seconded by Mr. Holmes.

Program Planner, Don Roe explained that the when the State adopted its mandatory recycling their strategy they incorporated into its funding program was to provide funds for regional facilities. Last year the legislature did change the law and has now provided for recycling grant funds to be made available to individual communities. Over that period of time the Ad-Hoc Committee picked up at different points in time what possible uses those funds could be put towards. The Town is technically entitled to over \$400,000 of recycling grant funds. What is before the Council is a proposal which is very capital-intensive. Two pieces of equipment (rear-end loaders) will be purchased for the leaf and brush collection which takes place during the spring and fall seasons. A grinding machine would be purchased to allow for reduction of brush and other materials. By changing the heads on the machine it will be possible to grind asphalt and concrete as well. There is a possibility of adding another ramp at the Recycling Center, located at a higher grade separation which would allow for the direct discharge of residentially collected materials into a roll-off. Lastly, education of the recycling program as it pertains to parks and other public places would be stressed by providing containers that facilitate the recycling of bottles and cans on location.

Mr. Solinsky asked, if Public Works only received half of the \$400,000 what would they purchase for equipment?

Mr. McCully responded that they would first purchase the packer trucks (rear-end loaders)

- 31 - August 10, 1993

VOTE: Doherty and Parisi were absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve the Draft Policies for the Government Access T.V. Station - Mayor's Office

Motion was made by Mr. McDermott, seconded by Mr. Holmes.

Scott Hanley, Manager of Government Television explained that the Program Planner's Office and himself made contact with over a dozen government access operations throughout the country and also considered the effectiveness of the policies that had been utilized by the Library. Also taken into consideration were requests that have been made recently by Town departments for programming which could not be accommodated under the Library's policies. This process also included several meetings with the Mayor and Mr. Roe. The goals were to create guidelines which would establish a specific mission for the service, one that would essentially make government more accessible and understandable to the residents of Wallingford. The group also sought to create programming distribution priorities which would emphasize the coverage of public meetings and the dissemination of information about special programs offered by Town departments. They also sought to anticipate potential problems regarding program content and allocation of staff time. They considered the history of the Town-funded television in Wallingford and the value of making some continuity since there has been a seventeen year history. Above all they wanted to create policies which would minimize guesswork or frequent deliberations regarding the suitability of proposed programs. Mr. Hanley felt that the policies developed (appendix VII) are flexible enough to allow for professional staff to accommodate special needs. The policies emphasize the distribution of meetings by decision-making bodies and they also allow for reports by elected officials. They are very specific in the area of prohibitions. They allow for some production opportunities for those non-profit organizations which carry Town-funded and Town-sanctioned services.

Mr. Zandri voiced his concerns with Town Council Meetings, specifically Special Meetings and the televising of such. He felt that some are very important and should be televised. Some may not be and, therefore, do not warrant broadcasting. A system should be put in place as to whether or not they should or should not be televised. He suggested that at the time the Town Council secretary conducts a poll for attendance at a Special Meeting, she can also inquire as to the feelings of the Council on televising the issue.

Ms. Papale stated that emergency meetings are not always necessary to televise. However, if the Council wishes a poll can be conducted by the secretary each time a Special Meeting is being called.

Mayor Dickinson commented that there would be a budgetary impact as well as a shortage of volunteers for the cameras. It depends on how many special meetings and what impact it has on Mr. Hanley's scheduling.



Mr. Hanley explained that his staff is budgeted for 30-36 hours per week, part time. These meetings can eat up those hours very quickly. He was hoping that special meetings would not be called that frequently to avoid problems with the budget. The Town Council Meetings are a top priority and Mr. Hanley would like to accommodate the needs of the Council.

Ms. Papale felt that the Council has been fortunate this year with not having to call too many special meetings. She admitted that there were requests to have the budget hearings televised and she consulted with Mr. Hanley and it was decided that they would not be broadcasted.

Mrs. Duryea and a few other Councilors disagreed. They felt that the main budgets, (i.e., Public Works, Utilities, Board of Education, etc.) should have been televised.

Ms. Papale stated that the Council will have to reconsider adding more funds to the budget of the Government Access Television accounts during budget workshops next year.

Mr. Killen asked if Mr. Hanley's position will be classified?

Mr. Roe responded, yes.

Mr. Killen referred to page 2, item #6, Special programs on current events or particular community issues and asked, how does one get on the list? Is this an issue that the Manager of Government Access will take on and try to establish a priority list?

Mr. Hanley responded, this is part of the priority list and we do have some basic criteria which appears on page 5. There will always be some interpretation of the priorities and criteria. He hopes to address requests on a "first come, first served" basis while keeping the priorities and criteria factors in mind. He stressed, again, that he has limited staff and will try to do his best at accommodating everyone. He will seek out help from Program Planner and other sources to help determine what is appropriate at that given time. The policies are flexible enough to do so.

Mr. Killen asked if the programming will continue to be taped or will it be live?

Mr. Hanley answered that he is hoping to obtain the option of broadcasting live. He has to work with the cable company to have the building wired for the capability. He filed his request with TCI back in February or March. He has not heard anything to this date. If everything goes well we should have the option of going live in the spring of next year.

Mr. Killen asked what the proposed hours for airtime are?

Mr. Hanley answered, there are viewers in every time slot of the day. Morning, evening and even the 3:00 a.m. slot seem to catch the viewing audience.

Mr. Killen then asked, if a partisan program is televised, will the rebuttal time be broadcast at the same time slot? He wanted to be assured that if a viewpoint is televised at 9:00 a.m. on Monday that the rebuttal will not be televised at 2:00 a.m. or an unpopular viewing time for the audience.

Mr. Roe commented that there would be equal time and equal format for individuals and elected officials. That will be the ruling guideline.

Mr. Killen then referred to page 6, Item V, Editorial Rights which reads, "The Town of Wallingford reserves the right to identify any material as unsuitable for production or distribution by the Service". He asked, who constitutes the Town of Wallingford? Who will make that decision?

Mr. Hanley responded that the first step will be the Manager of Government Access who will apply the policies. The priorities and criteria will be the next determining factor. These policies before the Council will be Mr. Hanley's guiding document to help him perform his job of trying to determine what is and what is not appropriate for production and distribution. If he has a question he will approach his supervisor and if it needs to go beyond that point then it will go to the Mayor.

Mr. Solinsky referred to page 6, Item 4d., Panel discussion programs will not be modified or edited and asked, what if someone states something that is offense or objectionable to a group of people?

Mr. Hanley answered that it has been the policy of the programming not to edit and let things stand as they are, as is the case in the Gavel to Gavel program. It is up to the individual to edit themselves as opposed to the program manager doing it. It is a difficult area and, more often than not, in public access content is not altered. The power of any one individual to edit content was a concern that was discussed. It is very, very easy to alter content by taking a few words out or rearranging things. If you give someone the right to take out something that is offensive you are also giving someone just a little too much power to make alterations at some other time.

Mr. Solinsky referred to page 4, Item 3b., Note - "During the four month period preceding an election, programs which feature elected officials will not be produced or distributed". He asked for an explanation of the section.

Mr. Hanley explained that the program, Focus on the Mayor is suspended prior to an election to keep from allowing a political campaign-type forum for a candidate seeking re-election.

Mr. Solinsky requested that the language be revisited again for the simple reason that in the future the incumbent Mayor may not be seeking re-election therefore there is no need to suspend the program. He asked why the Town Council meetings continue to be broadcast? This showcases the political stands of the incumbents seeking re-election.

Mr. Hanley pointed out that in other areas of the document the issue of allowing candidates to appear in a forum format is addressed. He explained that it may appear as though this section prohibits the coverage of Council meetings but it was clearly not the intent.

Mr. Roe agreed to revisit the language and stated that the purpose is not to give the incumbents an advantage.

Mr. Holmes left the meeting at 12:20 a.m.

VOTE: Doherty, Holmes and Parisi were absent; all others, aye; motion duly carried.

ITEM #20 SET A PUBLIC HEARING for September 14, 1993 at 7:45 P.M. on an Ordinance Regulating Vehicle Towing Service on Behalf of or for the Town of Wallingford Police Department (together with Towing Regulations)

Motion was made by Mr. McDermott to SET A PUBLIC HEARING for September 9, 1993 at 7:00 P.M., seconded by Mrs. Duryea.

VOTE: Doherty, Holmes and Parisi were absent; all others, aye; motion duly carried.

ITEM #21 SET A PUBLIC HEARING FOR September 14, 1993 at 8:00 P.M. on an Ordinance Establishing Traffic and Parking Regulations, Violations, Penalties, Enforcement, Collection and Hearing Procedures

Motion was made by Mr. McDermott to SET A PUBLIC HEARING for September 9, 1993 at 8:00 P.M., seconded by Mrs. Duryea.

VOTE: Doherty, Holmes and Parisi were absent; all others, aye; motion duly carried.

ITEM #22 SET A PUBLIC HEARING for September 14, 1993 at 8:15 P.M. on an Ordinance Repealing Ordinance #352 Entitled, "An Emergency Snow Removal Parking Ordinance"

Motion was made by Mr. McDermott to SET A PUBLIC HEARING for September 9, 1993 at 8:15 P.M., seconded by Mrs. Duryea.

VOTE: Doherty, Holmes and Parisi were absent; all others, aye; motion duly carried.

ITEM #23 SET A PUBLIC HEARING for September 14, 1993 at 8:30 P.M. on a Proposed Ordinance Entitled, "An Ordinance Concerning Rapid Entry Into Multi-Unit Dwellings, Commercial and/or Manufacturing Buildings within the Town of Wallingford"

Motion was made by Mr. McDermott to SET A PUBLIC HEARING for September 9, 1993 at 8:30 P.M., seconded by Mrs. Duryea.

VOTE: Doherty, Holmes and Parisi were absent; all others, aye; motion duly carried.

ITEM #7 PUBLIC QUESTION AND ANSWER PERIOD (Please note that this author inadvertently omitted the public question and answer period from the proper order of the minutes. It is inserted here for convenience.)

Frank Wasilewski, 57 N. Orchard Street inquired about the responses from the Health Survey and Transit Questionnaire.

Mayor Dickinson responded that approximately 11% of the 15,000 health surveys were returned. He was uncertain how many were returned of the transit questionnaires.

Mr. Wasilewski stated that either the Council or the Charter Revision Commission should have mailed out a survey for input from the public on whether or not the Charter should be changed. He then asked if the Molinari case is still active?

Mr. Myers responded that next fiscal year will be the last payment.

Mr. Wasilewski pointed out that there currently exists a \$10,000 budget for janitorial services at Yalesville School. Do we need \$10,000 worth of janitorial services at the school?

Mayor Dickinson responded that he was under the impression that once the roof was repaired it would be possible to use the building on a temporary basis for Adult Education or Recreation. The reason it has not been used is because of the roof and heating system.

Mr. McCully stated that the \$10,000 was for utilities. There are no funds for janitorial services.

Mr. Wasilewski disagreed. He pointed out that \$3,000 is allocated for janitorial services at 88 S. Main Street. Is that necessary? Are we going to use it? These are funds that could be shaved from the budget. They should not be built into the budget because we are contemplating the use of them. Somewhere along the line before the year is out the funds will, undoubtedly, be transferred for other things. He was opposed to the transfers on the agenda this evening that were effecting the 1992-93 budget year.

Mr. Myers explained that they are merely housekeeping transfers made only within the 1992-93 budget year and not funds being carried over to the new fiscal year.

Edward Musso, 56 Dibble Edge Road complained that the Council does not speak clearly into their microphones.

Motion was made by Mr. McDermott to Adjourn the Meeting, seconded by Mrs. Duryea.

VOTE: Doherty, Holmes and Parisi were absent; McDermott, no; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 12:50 a.m.

Meeting recorded and transcribed by:

*Kathryn F. Milano*  
Kathryn F. Milano, Town Council Secretary

Approved by:

*Iris F. Papale*  
Iris F. Papale, Chairperson

**SEP 14 1993**

Date

*Kathryn J. Wall*  
Kathryn J. Wall, Town Clerk

**SEP 14 1993**

Date

CERTIFIED RESOLUTION OF LOCAL AGENCY

Certified a true copy of a resolution duly adopted by the Town Council of the Town of Wallingford at its meeting on \_\_\_\_\_, and which has not been rescinded or modified in any way whatsoever.

\_\_\_\_\_ Date \_\_\_\_\_ Clerk \_\_\_\_\_ Secretary

WHEREAS, it is desirable and in the public interest that the TOWN OF WALLINGFORD make application to the Department of Social Services in such amounts as may be made available for undertaking a Social Service Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD that the Mayor, William W. Dickinson, Jr., file such application with the Department of Social Services, to provide such additional information as may be requested, to enter into and amend contractual instruments in the name and on behalf of the Town and to act as the authorized representative of the Town.

WATER ARBITRATION AWARD

<u>ISSUE</u>	<u>TOWN</u>	<u>UNION</u>	<u>WON BY</u>
Shift Premium	\$1.00/hr	7%	Town
Meal Allowance	\$6.25	\$6.50	Union
Wages -			
9-91	4.5%	5%	Town
9-92	4.0%	5%	Town
9-93	3.5%	5%	Town
Longevity	plus \$25	plus \$50	Union
Co-Pay	\$5.50/wk starting 9-1-93	None	Union
Managed Care	yes	No	Union
Change Carriers	Yes	No	Town

Appendix III

ELECTRIC ARBITRATION AWARD

<u>ISSUE</u>	<u>TOWN</u>	<u>UNION</u>	<u>WON BY</u>
Shift Premium	\$1.10	7%	Town
Meal Allowance	\$6.25	\$6.50	Union
Wages -			
9-91	4.5%	5%	Union
9-92	4.0%	5%	Town
9-93	3.5%	5%	Town
Longevity	plus \$25	plus \$50	Town
Co-Pay	\$5.50/wk starting 9-1-93	None	Union
Managed Care	yes	None	Union
Change carriers	yes	no	Town





*Town of Wallingford, Connecticut*

DEPARTMENT OF PERSONNEL  
MUNICIPAL BUILDING  
WALLINGFORD, CONNECTICUT 06492  
TELEPHONE (203) 294-2080

June 21, 1993

TO: Mayor Dickinson

RE: Retirees' Income Distribution

Below is a breakout of the 224 retirees eligible for a possible increase by annual amount of pension received:

Under \$2,000	21
\$2,000-\$5,000	57
\$5,000-\$10,000	63
\$10,000-\$15,000	38
\$15,000-\$20,000	25
\$20,000-\$25,000	10
\$25,000-\$30,000	6
\$30,000-\$35,000	3
Over \$35,000	1

Please contact me if you have any questions.

*Thomas R. Sharkey*

Thomas R. Sharkey  
Acting Personnel Director

TRS/s

Appendix V

*CSM Specialty, Inc.*

870 CLINTONVILLE ROAD  
WALLINGFORD, CT 06492  
(203) 265-7710

August 10, 1993

Mrs. Iris Papale, Chairperson  
Town Council of Wallingford  
Wallingford, CT 06492

Dear Iris and Council Members:

I regret to inform you that I have withdrawn my offer/proposal to build a Recreation Center and Ice Skating Facility for the Town of Wallingford. Although the committee chosen to study this proposal was a diverse committee with strong leadership from Tom Wall, it was clearly stacked with several individuals strongly opposed to this whole concept.

The committee had several members who could not relate to the recreational needs of children, let alone adults. Others could not conceive nor understand the proposed method of financing, even after Tom Myers came in to a committee meeting, answered questions and then later supplied everyone with numerous articles on this method of financing. One committee member who was always opposed to this proposal was heard to complain "why (he) wasn't given a chance" to do this project. If this was such a negative project why did he want a chance to do it? Ron Gregory consistently produced the most one-sided, twisted accounts of meeting notes of any meeting I have been involved with, especially the meeting notes of the July 7th meeting.

The final straw was the mentality of a few members that this was a one-sided project all in Chris Migliaro's favor. This view caused a constant battle and delay of all efforts to proceed forward. These same committee members who thought:

- that a new recreation center built now for the townspeople;
- that the splitting of approximately \$1.5 - 2.0 million dollars with the town;
- that the town getting ownership of the ice rink in 20 years;
- that the town getting an additional \$ 4 - 500,000 bank account with the rink in 20 years,

was one-sided all in my favor, were the real cause for my withdrawal of this proposal.

For those who understood the recreational needs of this town and the benefits which could be reaped from this proposal are the real losers, along with the rest of the citizens of Wallingford.

Sincerely,

  
Christopher S. Migliaro

RECEIVED FOR RECORD AUG 10 1993  
AT 2 40 H P M AND RECORDED BY  
*Kathryn J. Wall* TOWN CLERK

**RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF  
GRANT FOR RECYCLING FROM STATE OF CONNECTICUT**

Whereas, the State of Connecticut has set a mandatory 25% recycling goal; and

Whereas, the Town of Wallingford has a mandatory ordinance which requires recycling by all waste generators within its borders; and

Whereas, the Town is eligible to apply for state grants to enhance its recycling program;

Now, therefore, be it resolved that the Town Council of the Town of Wallingford authorizes the Mayor of the Town of Wallingford, William W. Dickinson, Jr., or his successor, to file an application for recycling grant funds with the Department of Environmental Protection on behalf of the Town of Wallingford, and further authorizes the Mayor of Wallingford or his successor to sign and execute all necessary applications, contracts, vouchers, contract modifications and approvals necessary for the receipt of Department of Environmental Protection Recycling grant funds.

**CERTIFICATION:**

I, Kathryn J. Wall, hereby certify that the foregoing is a resolution adopted by the Town Council, Town of Wallingford.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

**Town of Wallingford  
Government Access Television  
P O L I C I E S**

**I. PREAMBLE**

The Government Access Programming Service (the "Service") is an electronic media production and distribution facility. It is supervised by the Program Planning Office.

The primary goal of the Service is to make local government more accessible and understandable to the residents of Wallingford. Through the production and distribution of programming which covers a broad range of government information, the Service will strive to assist local viewers in understanding how local government operates, what town services are available, how to utilize town services, and how the activities of town government affect the community.

The secondary goal will be to provide a vehicle for town government access to the cable television system (or other electronic media) for such vital uses as training, data transmission and new opportunities for public communications.

**II. OBJECTIVES**

- A. To provide information about programs and services offered to the Wallingford community by town departments and town-funded agencies;
- B. To expand community awareness of local government and its decision-making process;
- C. To inform residents about the organization of town departments and agencies;
- D. To expand the availability of programs and services by transferring some presentations and educational materials to videotape or other electronic media;
- E. To enhance existing public information materials through cablecast or other electronic media presentations;
- F. To assist with internal training of town personnel by transferring some presentations or educational materials to videotape or other electronic media;
- G. To provide emergency information in the event of disaster or widespread service disruption.

**III. PROGRAMMING POLICY**

Government access materials are to meet the same standards of accuracy and objectivity which characterize existing public information materials produced by town departments and agencies.

III. PROGRAMMING POLICY *continued*  
A. GENERAL PROVISIONS

1. **Supervising Authority**

The Service is under the direct supervision of the Program Planning Office. The Manager of Government Access is responsible for daily operation and oversight.

2. **Production and Distribution Priorities**

The Service will provide direct, nonpartisan information to the citizens of Wallingford concerning the operations and deliberations of the town's governmental entities and information of general civic importance to the community.

a. **Primary Priorities**

- 1) Local governmental legislative meetings:  
*Town Council;*
- 2) Local governmental commissions, boards, and committees:  
*Inland Wetlands Commission, Planning and Zoning Commission, Public Utilities Commission, Zoning Board of Appeals, etc.;*
- 3) Alphanumeric display information regarding meeting schedules of local governmental commissions, boards and committees;
- 4) Alphanumeric display information regarding agendas of local governmental commissions, boards and committees;
- 5) Alphanumeric display information regarding services and programs offered by town departments and town-funded agencies;
- 6) Special programs on current events or particular community issues:  
*recycling, charter revision, plan of development, candidates forums, election returns, emergency planning, building projects, health issues, etc.;*

### III. PROGRAMMING POLICY

#### A. GENERAL PROVISIONS

##### 2. Production and Distribution Priorities

###### a. Primary Priorities *continued*

###### 7) Programs regarding town services:

*recreation, public safety/crime prevention, fire safety, highway maintenance, animal control, tax assessment/collection, health services, income maintenance, electric/sewer/water utilities, elections, youth, town records/permits, veterans, etc.;*

###### b. Secondary Priorities

###### 1) Reports to citizens from elected or appointed public officials:

*Mayor, Town Council, state and federal officials, etc;*

###### 2) Programming obtained from outside sources to supplement locally produced government programming;

###### 3) Public service announcements;

###### 4) Alphanumeric display information regarding noncommercial community events;

###### 5) State or federal government meetings of special local interest;

###### 6) Special productions which feature community services provided by private, nonprofit organizations which are funded, in part, by the municipality:

*public library, senior citizens' center, visiting nurse association, etc.*

##### 3. Production and Distribution Prohibitions

Programs which contain, in whole or in part, any of the following subject matter will not be produced or distributed.

###### a. Commercial Message or Material

Anything promoting a product or service, with the primary objective of producing a monetary profit for a specific organization or individual, will not be produced or distributed.

**III. PROGRAMMING POLICY****A. GENERAL PROVISIONS****3. Production and Distribution Prohibitions****a. Commercial Message or Material *continued***

NOTE This is not to preclude incidental mention of a business or product as part of a program where the primary purpose is to disseminate information of public benefit. Businesses, individuals and organizations may be acknowledged for assistance in the production of a program or the provision of other means of support.

**b. Political Campaigning**

The Service will not be used for political campaigning by individuals or organizations seeking public office or legislation. Neither will the service be used for the solicitation of funds for political purposes.

NOTE During the four month period preceding an election, programs which feature elected officials will not be produced or distributed.

**c. Religious Material**

Program material which would advocate a particular religious belief will not be produced or distributed. Religious organizations or ideals may be mentioned as incidental information as part of a program.

NOTE This is not to preclude the appearance of an individual representing a particular religion as part of a program which provides general information. This will also not preclude the distribution of announcements of public events which are sponsored or conducted by religious organizations. (Please see Policies, Section III. B. 3.)

**d. Violation of Law or Regulation**

Program material which constitutes libel, slander, violation of trademark or copyright, or which might violate any local state or federal laws, including regulations of the Federal Communications Commission, will not be produced or distributed.

**4. Controversial Subject Matter**

Programs which contain controversial subject matter must provide an opportunity for opposing views.

**III. PROGRAMMING POLICY *continued*****B. PROGRAM PRODUCTION AND DISTRIBUTION PROVISIONS****1. PUBLIC MEETINGS**

- a. All public meetings of the town's commissions, boards and committees are authorized for electronic media distribution.
- b. All regular Town Council meetings will be distributed.
- c. All public meetings will be distributed in their entirety, gavel to gavel. Recesses will not be distributed. Explanatory information identifying agenda items and individuals may be provided to aid the viewer.

**2. INFORMATIONAL PROGRAMMING**

- a. The primary entities eligible to request program production or distribution will be town government departments;
- b. The secondary entities eligible to request program production or distribution will be private, nonprofit agencies to whom the town contributes funds to carry out specific town-sanctioned services;
- c. Production and distribution requests will be subject to the review of the Manager of Government Access for compliance with the policies herein and technical and logistical considerations. The decisions of the Manager may be appealed to the Program Planner.

The following criteria will be applied by the Manager when considering a production and/or distribution request:

- 1) The program must support the purposes and objectives of local, state or federal government;
  - 2) The program must pertain to a specific service or program provided or funded by local, state or federal government;
  - 3) The program must provide information of general civic importance;
  - 4) The program must adhere to the goals and priorities set forth herein.
- d. Written permission for the use of copyrighted materials must be authorized in advance by the materials owner and obtained by the department or agency sponsoring the local use of the materials.



**III. PROGRAMMING POLICY**

**B. PROGRAM PRODUCTION AND DISTRIBUTION PROVISIONS *continued***

**3. COMMUNITY INFORMATION MESSAGES**

- a. Information for distribution on an alphanumeric display device as part of the "Community Information Message Display" may be submitted by any government department, town-funded agency or bonafide nonprofit organization which serves the residents of Wallingford.
- b. Messages submitted must announce events or services which are noncommercial, open to the general public, and do not discriminate based on age, sex, race, religion, national origin or physical impairment.
- c. Messages submitted must not solicit funds. They may, however, provide general information about a specific fundraising event.

**4. STATEMENTS BY INDIVIDUALS**

- a. Statements by members of the general public and elected officials will be permitted in the regular discourse of a public meeting (pursuant to the rules of such meeting) or as participants in a panel discussion.
- b. The Service will provide equal time and format opportunities for both the executive and legislative branches of local government and semi-annual opportunities for federal and state legislators who represent Wallingford.
- c. Statements by announced candidates for public office will be permitted in the regular discourse of a public meeting (pursuant to the rules of such meeting) or within a forum of public debate with other declared candidates under the oversight of a non-partial third party using mutually agreeable ground rules.
- d. Panel discussion programs will not be modified or edited.

**IV. ENDORSEMENTS**

At no time will the Service endorse specific brand name products or service providers.

**V. EDITORIAL RIGHTS**

The Town of Wallingford reserves the right to identify any material as unsuitable for production or distribution by the Service.

**VI. WARRANTY**

The Town of Wallingford, its officers, employees and agents do not warrant the accuracy of any information distributed by the Service.