

TOWN COUNCIL MEETING

OCTOBER 11, 1994

6:30 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Consider and Approve Waiving the Bidding Process for the Purpose of Contracting with our Current Vendor, Bugaeff-Cogswell Associates to Administer Examinations for the Position of Police Officer - Personnel
3. Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Health Insurance Acct. #001-8041-800-8300 to Personnel Exams Acct. #001-1590-800-8010 - Personnel
4. Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Health Insurance Acct. #001-8041-800-8300 to Physical Exams Acct. #001-1590-500-5750 - Personnel
5. Consider and Approve a Waiver of Bid for Professional Services Provided by Donald T. Ballou, P.E. for the Inland Wetlands Commission
6. Consider and Approve a Transfer of Funds in the Amount of \$500 from Part Time Secretary Wages Acct. #001-7011-100-1350 and \$2,555 from Council Contingency - Reserve for Emergency Acct. #001-8050-800-3190 for a Total of \$3,055 to Professional Services Acct. #001-7011-900-9001 - Inlands Wetlands
7. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
8. Consider and Approve a Transfer of Funds in the Amount of \$13,018 from 1500 GPM Attack Pumper Acct. #2030-999-9920 to Aerial Platform Truck Acct. #2030-999-9907 - Dept. of Fire Services
9. Consider and Approve Appointing Members to the Advisory Maintenance Building Committee as Requested by Thomas Zappala
10. Consider and Approve an Amendment to the Public Access Television Lease for Space Located at 88 S. Main Street - Department of Law
11. Consider and Approve a Resolution Pertaining to the State Grant for Annual Preschool Budget - 148-CDC-24 for the Year 1994-95 - Wlfd. Community Day Care Center, Inc.
12. Consider and Approve Tax Refunds (#70-81) in the Amount of \$4,988.02 - Tax Collector
13. Approve and Accept the Minutes of the September 22, 1994 Special Town Council Meeting

(OVER)

14. Approve and Accept the Minutes of the September 27, 1994  
Town Council Meeting
15. Note for the Record Mayoral Transfers Approved to Date by the  
Mayor
16. Note for the Record Anniversary Increases Approved to Date by  
the Mayor
17. Executive Session Pursuant to Section 1-18a(e)(4) of the CT.  
General Statutes with Regards to the Purchase, Sale and/or  
Lease of Property as Requested by the Mayor's Office

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6:30 P.M.

ADDENDUM TO AGENDA

18. Consider and Approve Establishing a Committee to Investigate the Board of Education in Particular, but not Limited to, the Lyman Hall High School Activity Fund as Requested by Councilor Albert Killen

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OCTOBER 11, 1994

6:30 P.M.

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TOWN COUNCIL MEETING

OCTOBER 11, 1994

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, October 11, 1994 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Thomas D. Solinsky at 6:33 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall. Mayor William W. Dickinson arrived at 6:41 P.M. and Town Attorney Janis M. Small arrived at 7:04 P.M. Comptroller Thomas A. Myers was also present.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Consider and Approve Waiving the Bidding Process for the Purpose of Contracting with our Current Vendor, Bugaeff-Cogswell Associates to Administer Examinations for the Position of Police Officer - Personnel

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

VOTE: All ayes; motion duly carried.

ITEM #3 Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Health Insurance Acct. #001-8041-800-8300 to Personnel Exams Acct. #001-1590-800-8010 - Personnel

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

Mr. Rys asked if the wages set aside at budget time for the Personnel Director position were still in that salary account since the position has not yet been filled?

Thomas Sharkey, Acting Personnel Director, explained that \$20,000 was removed from that account during budget workshops since it was anticipated that the position would be filled approximately December or January.

Mr. Zandri asked, how many individuals applied for the positions?

Mr. Sharkey responded, five hundred forty-nine (549). Approximately one year ago one hundred twenty-five (125) applicants were tested and approximately two hundred twenty-five (225) were tested approximately two and one half years ago.

Mr. Zandri asked if Mr. Sharkey planned to test all of them?

Mr. Sharkey answered, we could, the requirement is only a high school diploma and now there is an age requirement set by the Police Academy of twenty-one. Under that basis we could test most of them, if not all of them. In checking with the Law Department, we are under no obligation to test any of the applicants.

Mr. Zandri pointed out that since it is costing the Town dollars for testing, should we not screen applicants first to reduce the number of

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people who will ultimately be tested? Since the failure rate is approximately ninety-eight percent (98%), by performing a preliminary screening a good amount of candidates could be eliminated, reducing the number to be tested, resulting in a cost savings to the Town.

Mr. Sharkey commented, we are currently looking at three openings and an additional three to four to come. On that basis, in order to fill all of the positions we will need approximately four hundred (400) candidates. Out of one hundred ninety-nine (199) people tested two and one half years ago, four (4) police officers were hired, one of which has since been terminated for unsuccessfully completing his probation. The summer before last we tested one hundred five (105) applicants of which only thirty-five (35) passed the test. Out of those thirty-five we hired two police officers, possibly a third. The failure ratio holds around ninety-eight percent (98%). They have to also proceed through a gauntlet of psychological exams, agility, polygraph, background checks, etc. The Police Chief and Mr. Sharkey have been investigating a firm called Registry that performs the police hiring for approximately eighteen or nineteen towns in the State. The City of Meriden has recently utilized their services. They perform all of the testing, which entails eight or nine different tests, all at no cost to the Town.

Mr. Zandri asked, how much was placed in the account?

Mr. Sharkey explained, the account balance was dropped. Historically over the past three or four years the balance was always \$2,100. Last year the Fire Department had promotional testing for Lieutenant and Captain positions and with the help of the State Fire Marshal's Office we developed our own promotional test and entry level test for the Fire Department so we cut the budget request back to \$1,500., figuring that we would have the same amount of police applicants that we always had but then we experienced the Oklahoma land rush of applicants. The \$1,500 currently in the account will cover the testing of two hundred to two hundred twenty-five applicants (200-225). There is a minimum charge of \$9.00 for the first twenty-five and then it drops down to \$6.00 per test for each candidate.

Mr. Gouveia asked, are the funds being requested for one position or several?

Mr. Sharkey responded, several. We had a surprise retirement from the Police Department today.

Mr. Gouveia then asked, you will use the five hundred forty-nine (549) applicants to fill the three or four positions?

Mr. Sharkey answered, three or four right now and we are expecting at least two more to come. There is one who is going to try and go out on disability retirement, he just has not submitted his paperwork yet and there is one other that he has been hearing about. That makes a total of five. Next week we have an arbitration hearing on the one probationary officer who was terminated. His status is in limbo and if he is reinstated then we do not have an extra opening. If it is upheld, however, then we can add one more police opening to the list.

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None of the positions are new. Out of the five or six openings only one was anticipated and therefore budgeted for.

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

ITEM #4 Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Health Insurance Acct. #001-8041-800-8300 to Physical Exams Acct. #001-1590-500-5750 - Personnel

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

Mr. Gouveia asked, are the exams for the police positions just discussed?

Mr. Sharkey responded, yes and for two firefighters. One firefighter started yesterday and one retirement is coming up in January. The exams are approximately \$850 each with seven or eight positions vacant. As mentioned above, one officer will be submitting paperwork for disability retirement. Upon receipt of that information he has to be sent to two different physicians for independent medical evaluations. That runs approximately \$500-\$700 a piece.

Mr. Gouveia will keep in mind that salary accounts in the Fire and Police Departments should have surpluses at the end of the year because of the replacement of personnel. Not only will the new hires start at a lower rate of pay but it will also take time to complete the hiring process, leaving the positions vacant for a period of time.

Mr. Zandri asked if the exams are administered at the latter part of the hiring process?

Mr. Sharkey answered, they are given the written test, agility and then polygraph and background tests. The psychological and intensive physical exams will come later in the process. All of this will occur before the end of the fiscal year.

Mr. Zandri asked, then this money is not needed right now?

Mr. Sharkey explained, we are doing other hiring as well. We are down to \$600 in this account as of today. We are continually hiring and we will deplete this account quickly. We are awaiting one bill for \$300 for an examination of a firefighter.

Mr. Gouveia asked, is it possible that some of this money will not be spent until April?

Mr. Sharkey answered, possibly, some of it could be. It depends how fast we go through....once we lose a candidate say, through the polygraph test, we have to keep running the others through until we get someone to move onto the next stage.

Mr. Gouveia understood that Mr. Sharkey was before the Council requesting all the necessary funding at once for the sake of efficiency, however, it is not more cost-effective. If some of the tests are not given until April of next year then transfers can be



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made from different sources of funding during the last three months of the fiscal year, specifically, those salary accounts which will exhibit a surplus.

VOTE: Knight, Papale, Rys and Solinsky, aye; all others, no; motion failed.

Mayor Dickinson stated that an upcoming physical has to be paid for.

Mr. Sharkey explained that he could most likely cover the costs of the recent physicals administered, however, beyond that he cannot cover any other physicals.

Mayor Dickinson stated, we are only going to have Mr. Sharkey come back before the Council every time he needs funding for a physical. This will result in a waste of time for everyone. If the money is not spent it can be transferred out in April or after, however, to have a department constantly come back for every time a physical is needed is inefficient.

ITEM #5 Consider and Approve a Waiver of Bid for Professional Services Provided by Donald T. Ballou, P.E. for the Inland Wetlands Commission

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

Mr. Knight asked, when did it become known to the commission that they would have to go out to the professional engineer for this work, in the course of the deliberations regarding Infinity Route 5 Limited Partnership?

James Vitale, Chairman of the Inland Wetlands Commission responded, August 10th.

Brent Smith, Environmental Planner was also present to respond to any questions the Council may have of his office.

Mr. Knight asked, wouldn't it have been a good idea to come to the Council at that point?

Mr. Vitale answered, the commission felt that the information that was going to be generated to help them make the decision was going to be under their line item budget amount at that time. What ended up taking place was a "snowball" effect. When the report became generated, it became more intense, challenged by the applicant and out of the control of the commission.

Mr. Gouveia commended Mr. Vitale and Mr. Smith for the steps that they have taken to protect the environment in the Town. He agreed with Mr. Knight that it would have been preferable for the commission to come before the Council prior to the issue, however, given that you had to move quickly he was glad that the commission took the steps that they did. He asked if the cost could be passed onto the developer as a condition of permitting for the project?

Mr. Vitale thanked Mr. Gouveia for his comments and stated that

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the commission, as well as Mr. Smith, tries their best to protect the environment around Wallingford as well as Wallingford's interest. The developer volunteered to share in the cost of the consultant's fee, however it was the feeling of the commission that it may not be looked upon favorably by the courts, should we have to take legal action, that the Town and developer shared the cost.

Mr. Gouveia asked, is there a possibility of passing the costs of consultants onto the developer through the permitting process in the future? Is it legal?

Mr. Vitale was not sure.

Mr. Gouveia stated, this new development, a development, is going to cause a great impact. If it is going to cause the greatest impact on the environment in that area then why should the Townspeople foot the bill for that? Why shouldn't it be the people who create the greatest impact on the environment?

Mr. Vitale warned Mr. Gouveia that we must be careful in discussing the greatest impact. The issues that were generated was the storm water runoff. There were no wetlands on this particular site. Therefore the major concern of the commission was, how the storm water running off the site effected Meetinghouse Brook. That is the problem that we have in that area, Meetinghouse Brook, at this point, not caused by this developer. The concern that was raised was the fact that the brook is generating, in a twenty-five year storm, 1,300 to 1,500 cubic feet per second passing by any given point in that brook. The applicant generated an environmental study of storm water management plan, generated all the calculations, which was saying that he was putting four cubic square feet into this brook. Is that creating a severe impact to the environment in that issue? Mr. Vitale did not personally think so, if the number four was correct. That is how the issue developed, verifying that the number four was accurate. If another outside engineer generated a four hundred, forty, any other number that was not in the general four category then he felt that the commission had the ability to question the overall impact generated by the applicant. In conclusion, the outside consultant verified that the development is not the greatest impact to the environment. The different areas of the report generated for/by the applicant in a different methodology of calculating was 5.8 but either number, 4 or 5.8 in relation to 1300 or 1500, he felt the significance of the activity, 4-6 c.f.s. into a 1300 to 1500 c.f.s. brook line was not significant activity or a negative impact to the environment. The outside consultant verified what the applicant had generated for a report. The problem was that the issue got carried away. What we thought we had under control, took off and became out of control. The commission missed that point at which it got out of control and for that Mr. Vitale apologized.

Mr. Zandri was pleased with the letter submitted by Mr. Smith, explaining the problems the commission encountered on this particular issue. He stated that this instance can be used to gain insight to avoid future problems. He recommended that any future hiring of a consultant have a spending cap associated with it. Once the

consultant begins to approach that cap they can come back to the commission and inform them that they cannot proceed with services until additional funding is appropriated. This will hopefully allow the commission time to appear before the Council for a bid waiver and transfer.

Mr. Vitale agreed with Mr. Zandri. He noted that had they not failed to send a purchase order up to the Purchasing Department, that department would have controlled the commission's spending as well. The commission had used Mr. Ballou's services before on a project in the vicinity of Spring Lake which is also a severely sensitive area. The same concept of verifying the calculation submitted by an engineer was performed by Mr. Ballou and, at that time, his services totalled approximately \$600. The commission felt that the cost would be similar and was wrong in assuming so.

Mr. Rys asked if the commission contacted the Town Attorney and passed it by that department at all?

Mr. Vitale responded, no. At the time of the first site investigation, Mr. Vitale determined that it would not be in the best interest of the Town to share the cost with the developer in case it became a legal matter, in view of what was occurring at the time. His feelings remain the same to this date on the matter. The fact that the report is paid for solely by the Town gives more credibility to it. He offered to approach the applicant to see if the offer still stands.

Mr. Rys did not want Mr. Vitale to do so at this point in time. He urged Mr. Vitale to feel free to contact the Law Department for legal advice in such matters in the future.

Attorney Small understood Mr. Vitale concerns regarding the applicant's contribution towards the cost of the report. She felt it was no problem to refuse their offer. She has talked to Mr. Smith and Mr. Fitzsimmons on this issue.

Mr. Knight asked, do what degree did Infinity Route 5 say they were going to participate?

Mr. Vitale responded, his impression of their offer to share the cost was to split it fifty/fifty.

Mr. Knight asked if any other developer in a similar situation has been willing to do the same?

Mr. Vitale responded, no, as well as it was never requested of another developer. Infinity volunteered to. The commission has never asked another applicant if they would be willing to share in the cost.

Mayor Dickinson stated, in general terms, the regulatory body, Inlands Wetlands Commission in this case, is asked to review applications. If you were reviewing their work and included in it is a report which states that the application is fine, you would ask, who paid for the

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report? If you were told, the applicant did, what would your reaction be regarding their work and the ultimate approval of what happened? There would always be that taint that perhaps it was not an arms length of the applicant's proposal. As a rule the Council would most likely want the Town to be paying for reviews of what applicant's want. That arm's length quality of the report is very important in order to reassure the public that what we are doing is of interest to the public and not tainted by the special interest that may be sitting before our regulatory agency asking for action.

Mr. Gouveia explained, if special expertise is required in reviewing an applicant's request and the Town does not possess that expertise in house, could it be made a part of the permitting process that the applicant pay for the cost of the Town's hiring of a consultant to supply such expertise?

Mr. Vitale responded, it may not belong as a condition of approval but it may belong in the body of the regulations which states that if an outside, independent study is required to verify the information on the application, the Town will be reimbursed by the applicant providing we have some real strong parameters.

Mr. Gouveia does not want any board or commission to begin capriciously asking for the studies. They must show in good faith that they cannot handle the review in house and you need someone else to do it. Why should the taxpayers pay for that? He commented that, aside from the issue of funding, the report was very thorough and informative.

Mr. Vitale responded that it was a valuable learning experience for Mr. Costello, Mr. Smith, and the Wetlands Commission for the information gained by them throughout this ordeal can be equated with attending a seminar on the subject for a week. By being exposed to the technical abilities and personal philosophies of the four or five engineers involved with the issue, all benefited by gaining a better understanding in many areas related to this subject.

Mr. Gouveia responded, for that fact in itself, the money was well spent.

Mr. Zandri spoke in opposition of burdening the developers with additional costs. It is very costly for them to appear before the various commissions for the initial studies and now we are considering having them pay for studies that the Town is requesting. The commissions we have in place are set up by the Town to protect the Town. Even though they are tax dollars, they are wisely spent to protect the community. We should not be burdening the developers to the point that they will be looking elsewhere, especially when we are in the mode of trying to encourage development right now to strengthen our tax base.

Mr. Vitale explained that any rule or regulation that is being considered for adoption by the commission must first be approved by the D.E.P. in Hartford. It is possible that D.E.P. would not approve the recommendation.

Mr. Knight stated that strict parameters would have to be placed on such a regulation due to the fact that the temptation associated with an unpopular project would be to load it down with studies to try and discourage its completion.

Mr. Vitale would hate to see it used as a scapegoat for the commission in determining their decision also.

Pasquale Melillo, 15 Haller Place, Yalesville, felt that a trend has been established whereas we rely too much on outside professional consultants. We have able professionals who work for the Town who should have enough expertise in their areas. They can also consult with the D.E.P. for advice. He was opposed to waiver of bids since it eliminates a great deal of competition.

VOTE: All ayes; motion duly carried.

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$500 from Part Time Secretary Wages Acct. #001-7011-100-1350 and \$2,555 from Council Contingency - Reserve for Emergency Acct. #001-8050-800-3190 for a Total of \$3,055 to Professional Services Acct. #001-7011-900-9001 - Inland Wetlands

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

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

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$13,018 from 1500 GPM Attack Pumper Acct. #2030-999-9920 to Aerial Platform Truck Acct. #2030-999-9907 - Dept. of Fire Services

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

Chief Wayne Lefebvre, Deputy Chief William Herrington and Asst. Chief Peter Struble were present for this topic of discussion.

Mrs. Duryea noted that Chief Lefebvre's letter refers to a balance of \$250,000 in the Attack Pumper Account while the monthly balance sheet reflects only \$150,000.

Chief Lefebvre responded, an additional \$100,000 was put aside in the 1993-94 budget, bringing the total to \$250,000.

Mr. Gouveia asked if any other bids were received that were lower than the "lowest responsible bid"?

Chief Lefebvre responded, yes. They were rejected because they did not meet the specifications of the bid.

Mr. Gouveia asked, what was the budgeted amount for the Platform Truck?

Chief Lefebvre answered, \$465,000. was budgeted and \$33,775 was collected as a matching grant for a total of \$498,775. The \$33,775 consists of \$25,000 from a Bristol-Myers matching grant and the

remainder from other contributions.

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

ITEM #9 Consider and Approve Appointing Members to the Advisory Maintenance Building Committee as Requested by Thomas Zappala

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

The names submitted for membership on the committee are as follows:

Joseph DiNatale	(Zappala)	Robert Prentice	(Knight)
William Ulbrich	(Zappala)	Robert Fritz	(Zappala)
James Barker	(Zappala)	Gary Powell	(Rys)
Mario Tolla	(Zappala)	<i>Papale</i>	<i>10/25/94</i>

Motion was made by Mrs. Duryea to accept the names of those individuals entered into the record as members of the Advisory Maintenance Committee, seconded by Mr. Rys.

Mr. Killen warned the Chairman to be sure that the minority representation rule is met for membership on the committee.

Town Clerk, Kathryn J. Wall, stated that the committee will not have any powers. They simply act in the capacity of an advisory committee.

Mr. Killen stated that he received a letter recently from Attorney Farrell on the matter of minority representation which he (Mr. Killen) believes applies to this committee. He did not have the letter in his possession.

Motion was made by Mrs. Duryea to Table the Item Until the Town Attorney can be Consulted on the Matter, seconded by Mr. Knight.

ITEM #7 PUBLIC QUESTION AND ANSWER PERIOD

There were no questions from the public at this time.

Mrs. Duryea read a Proclamation into the Record Proclaiming the week of October 9-15, 1994 as Fire Prevention Week (appendix I).

ITEM #10 Consider and Approve an Amendment to the Public Access Television Lease for Space Located at 88 S. Main Street - Department of Law

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

Marcia Todd, Recording Secretary for the Wallingford Public Access Association Board spoke on behalf of David Burkhardt, President of the Public Access Assoc. Board.

The Board deems it necessary that the association rents the extra room on the second floor due to the logistical position that the association is in with all the equipment that they have such as, programming, editing, community service bulletin board and office

equipment.

Mr. Zandri asked if any other Town department is interested in the space or in need of it?

Mayor Dickinson responded, currently the space is not leased and the Credit Union was contacted to see if they were interested in it and they were not.

Dave Canto, 4 Meadows Edge Drive supported any action that will improve and/or enhance the ability to produce public access programming in the Town.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve a Resolution Pertaining to the State Grant for Annual Preschool Budget - 148-CDC-24 for the Year 1994-95 - Wallingford Community Day Care Center, Inc.

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

Kathleen Queen, Executive Director of the Day Care Center was present to address any questions the Council had regarding this issue.

Mr. Zandri asked, how are the funds handled as far as from the State to the Town to the agency?

Ms. Queen responded, the Town provides the center with the accounting services necessary. The center submits vouchers to the Town, and the grant is handled through the Town's accounts. The money is set aside in a separate account for day care operations and fees are deposited into that account as well. The Town pays the bills. It is set up this way because the Town is the grantee for the money from the State. The center is the sub-contractor to the Town strictly for the pre-school program.

Mr. Zandri asked if it is mandated by the State that the Town has to handle the accounting?

Ms. Queen responded, initially, under the legislation that created the Department of Community Affairs many years ago, municipalities were encouraged to participate in this program because there are many expenses that would otherwise be a burden to the programs that actually keep the cost down for the taxpayers because they are handled as "in kind" services.

Mr. Zandri asked, why can't the funds go through the Town to the day care center and the center take care of paying its bills? Is it mandated by the State that the Town provide the accounting?

Ms. Queen responded, it is not mandated but is common practice. It saves the center a great deal of overhead costs and provides a clear audit trail.

Mr. Zandri asked, wasn't there a concern last week that dollars were

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not available?

Ms. Queen responded, there were not dollars available because of the transition from the old building to the new building, the center had actually ran out of money as of July 1st. The center applied to the State for an amendment in the amount of \$40,000. For the sixth year running the State has given the center \$196,936. It is very difficult to run a business on the same amount of money allocated for six years. The difference has to be made up somewhere. The center anticipated its move to the new building much earlier in the year and therefore tried to enroll people from the neighborhood who needed the center's services desperately and were waiting for the move of the center into their new location. A lot of very low income families were admitted to the program, which the center considers to be its mandate. The center's average fee dropped from \$44 week to \$22 week. That did not make the grade in terms of the budget. She had no way of expanding the program since the building was not finished and there was no way to cover the deficit. There were many people who would not enroll their child/children for fear that two days or two weeks later the child/children would have to adjust to a move in location. Anticipating that they were going to lose money, they applied to the State. The State commended the center on a job well done and how cheap they ran their business, however, refused to extend additional funds for the remainder of the year. The center ran out of money September 9th. They managed to cover the shortage with fees because they are now in their new location and able to start collecting additional fees. They still remain \$4,000 - \$5,000 short for the remainder of the year. October 1st arrived and no letter had arrived from the State yet informing the center of how much money they were receiving from the State for the grant year. The center could not come before the Council seeking approval of resolutions since the State had not yet committed to funding. To date, the letter still has not arrived. The Department of Social Services has simply not gotten around to processing the paperwork for these programs which effects 112 centers across the State. We are all in a similar bind.

Mr. Zandri stated, it was explained to him that people had worked for the day care center and were entitled to their payroll. He was not arguing that fact, however, he was concerned when he found that those people were being paid with Town of Wallingford checks. This puts the Town in a position that obligates them to make the payroll whether or not the money is there.

Mr. Solinsky stated, if someone was aware that the funds were not going to be available they should have come before the Council earlier than tonight.

Ms. Queen responded, if she had known that the State was not going to provide the center with the paperwork ahead of time the Council would have been told about it earlier.

Mr. Solinsky responded, if you witnessed the balance drawing down, you should have come forth at that time.

Ms. Queen responded, it is a new program year and she had no choice



but to wait for the paperwork to arrive. If she had approached the Council in September without a grant award amount, asking for the Council to sign off on the resolutions to apply for it, she could not imagine that the Council would have. She could not guarantee the Council that she was awarded the grant so how could she ask the Council to sign off on resolutions to that effect? She had to wait until she had the paperwork in hand which arrived last Thursday.

Mr. Zandri was strictly opposed to the fact that the Town is the middle person in this matter, distributing the checks. He is in favor of the Town participating to apply for the funding for the program which he supports, but the funds should be passed through to the center to handle.

Mr. Killen was amused that the State was the one who insisted that everyone adopt a uniform fiscal year, yet they do not adhere to their own guidelines. He suggested that Ms. Queen contact her local legislators on this matter.

Mr. Gouveia asked, how does the center propose to cover the remaining \$4,000-\$5,000 deficit?

Ms. Queen responded that she has a wonderful team of volunteers and Board members who will find a way.

Mr. Gouveia asked, how much financial support do you derive from the Town?

Ms. Queen answered, we receive \$3,500 for the Before and After School Program through the Youth Service Bureau grant.

Mr. Gouveia was concerned with the language contained in the fourth paragraph of the second resolution to be adopted which reads,

"Whereas the Town of Wallingford has not found it necessary to provide direct financial support as is done in most other towns providing day care services; and"

He felt that the State would have every reason to ask the Town to contribute to the center should this resolution be submitted to them. It clearly states that other towns are contributing. He is not opposed to the Town further supporting this program but he would prefer to see this section of the resolution stricken simply because he does not want to give the State any ideas. After all the State has not increased their funding for the program in the last six years. He would like to see this paragraph stricken from the resolution.

Mr. Solinsky suggested that a motion be made to do so when the second resolution is on the table for discussion.

Mrs. Duryea made a motion to Adopt the First Resolution Empowering the Mayor to Enter Into and Amend Contractual Instruments in the Name and on Behalf of the Wallingford Community Day Care Center with the Department of Social Services of the State of Connecticut for a Child Day Care Program and to Affix the Corporate Seal and to Append a Copy of the Resolution to the Minutes, seconded by Mr. Knight (appendix II).

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Mr. Zandri stated that he will vote no since he is opposed to the Town issuing checks to the day care center employees.

Thomas Myers, Comptroller explained that the checks are encoded with specific numbers which identify the payroll for day care center operations. They have their own filing with the IRS and separate taxpayer identification number. They file their quarterly reports to the State and Federal government under separate identification number. Chapter XVI of the Charter states that employees of a program funded by State or Federal government are not Town employees. Because the Town acts in a capacity of their accounting function, however, there is a responsibility that the employees who rendered services would be paid for those services. Because the Town is acting as the administrator or a part of the administrative process on the funding, should the employees of the day care center not be paid on time, forseably the Town could be drawn into a labor dispute or filing with the State Labor Board. That is where the crossover begins. Back in the early 1970s when the program was started, the reason the Town became involved in the administrative process was because, at that time, the State requirement was that a certain amount of service be provided by the Town without dollars changing hands referred to as "in kind" services. Although the Town did not bill day care for the service, the grant for the center was predicated and awarded based on how much support the Town rendered to the day care center itself. It has been this way for the past twenty-four years.

Mr. Solinsky asked if there are any other agencies that the Town issues checks for?

Mr. Myers responded, no. Everyone else, Library, Transit Authority, Senior Citizen Center, etc., handles their own accounting functions.

Mr. Killen asked if the Town is still obligated to provide the "in kind" services?

Ms. Queen responded, yes. The document has been changed but the requirement is still there.

Ms. Papale commented that she was also concerned when she received the phone call on Thursday regarding this issue. It could have ran into a much larger problem because not all the Councilors are available to receive phone calls the last minute. What would have happened if we couldn't have been reached? If someone was aware of the approaching problem the Council should have been made more aware of it.

Ms. Queen stated, the employees were not in danger of not being paid. The Board of Directors had authorized expenditures of funds that they had accounted for other purposes, namely the completion of the building for the purpose of continuing the operation. She was not aware that the Mayor had polled the Council until Friday morning. We were prepared to make up the deficit between fees that were coming. The Board of Directors were prepared to make good on the payroll. We would not, under any circumstances, jeopardize our staff payroll. That is one of the reasons the Council was not notified ahead of time because we were aware that the payroll would be met.

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Mr. Solinsky asked if there is a different way of setting up the system so that it would not be paid on Town of Wallingford checks? If the Town could find itself in a labor dispute Mr. Solinsky had a problem with that fact.

Mr. Myers responded, at the present time that would be a relatively expensive proposition. We run all the payroll in one shot. Not only would we have to segregate the payroll but we would have to buy separate checks since part of the in kind services are to provide the checks. For sixteen people a week we would have to purchase separate checks.

Mayor Dickinson asked the Council to keep in mind that this is not a recurring problem. For us to begin gerrymandering this at this point would be counterproductive. If it seems to not be getting any better and is at the same confused level or worse, then we would have to seriously look at it. It would incur more costs at this point.

Mr. Solinsky responded, the Council receives a call that the Town has to front some money or else some people will not receive their paychecks and we go around this entire issue all to find out that it was not even necessary. What confusion are we talking about?

Mayor Dickinson responded, I don't think that is true, that it was not necessary. I think you had people who were owed a paycheck.

Mr. Solinsky stated, Ms. Queen now informed us that there was money in other accounts.

Mayor Dickinson was not aware of that fact at the time.

Mr. Myers commented, absent this resolution, prior to October 1st, that is the issue. We are acting on a resolution tonight which is retro-active to October 1st. On October 1st there was no authority for us to issue any checks. There was no contract, no confirmation of a State grant and still isn't, and there was no resolution by the Town Council. There was an inability to act and issue. Our in kind services are provided in accordance with the resolution before you tonight retro-active to October 1st.

Mr. Gouveia agreed with Mayor Dickinson on the issue that the Town and day care center are partners in this endeavor and the Town would be brought into a labor dispute, like it or not. Granting State funds are predicated, to a certain degree, on the Town's involvement. That is the only way to get the money. That, in itself, makes the Town a partner. What really concerns him that the actions taken this past weekend were inappropriate because we spent Town funds that were not appropriated for that purpose. Calling people over the phone, getting a consensus is not substitute for a legally-called meeting. A legal meeting should have been called and a vote taken of the Council. We violated Town Charter and policy. We must do everything we can to refrain from doing this in the future.

Pasquale Melillo supported adopting the resolution.

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

Motion was made by Mrs. Duryea to Approve the Second Resolution and Append a Copy of it to the Minutes, seconded by Mr. Killen (appendix III).

Motion was amended by Mr. Gouveia to Strike Paragraph Four From the Resolution, seconded by Mrs. Duryea.

Mr. Knight commented that we will not be able to hide from the State of Connecticut by eliminating the verbiage from the resolution. There are dozens of commissioners in hundreds of buildings in Hartford that spend a good deal of their time finding out how they can squeeze more participation out of a local community. The fact that they have not increased this grant once in six years is testimony to the fact that sooner or later something is going to give and it is going to be Wallingford. He voted in favor of striking the language but it will not change the State's attitude.

Mr. Gouveia stated, it was not his intent to hide from the State. He made it very clear that he would be very open to the suggestion if it came forth from the day care center to have some funds available from the Council. He felt, why should we, if it is not necessary that it be incorporated into the resolution, incorporate it (the language)? If this doesn't pass one question he would like answered is, how much do the other towns contribute? Maybe our in kind contribution is more than other financial contributions by those towns.

Mr. Knight clarified that he did not mean to insinuate that Mr. Gouveia's actions were intended to hide the Town from the State, he (Mr. Knight) was merely being facetious more than anything else since his one experience with a State department has caused him to form that opinion.

VOTE: All ayes; motion duly carried.

Mr. Myers suggested amending section 1 of the second resolution since we have not yet received confirmation from the State on these funds.

Motion was made by Mr. Knight to Amend Section 1 of the Resolution by inserting the words, "prior to" instead of "between" in line four of the first paragraph and add the following sentence to the end of the section, "Prior to approval of State grant award the Town of Wallingford shall not advance more than one month's operating expenses". Seconded by Mr. Zappala.

It is noted for the record that approval means receipt of the State Grant Award Letter.

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

Motion was made by Mrs. Duryea to Approve the Resolution As Amended, seconded by Mr. Knight.

Motion was made by Mrs. Duryea to Approve the Agreement Between the Town of Wallingford and the Wallingford Community Day Care Center, Inc., and Append a Copy to the Minutes, seconded by Ms. Papale (appendix IV).

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

The Chair declared a five minute recess at this time.

ITEM #9 Motion was made by Mrs. Duryea to Remove Agenda Item #9 From the Table, seconded by Mr. Zappala.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve Appointing Members to the Advisory Maintenance Building Committee as Requested by Thomas Zappala

The names submitted for membership on the committee are as follows:

Joseph DiNatale	(Zappala)	Robert Prentice	(Knight)
William Ulbrich	(Zappala)	Robert Fritz	(Zappala)
James Barker	(Zappala)	Gary Powell	(Rys)
Mario Tolla	(Zappala)	<i>Papale 10/25/94</i>	

It is noted that, upon checking, minority representation is upheld on this committee.

Motion was made by Mrs. Duryea to accept the names of those individuals entered into the record as members of the Advisory Maintenance Committee, seconded by Mr. Zappala.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve Tax Refunds (#70-81) in the Amount of \$4,988.02 - Tax Collector

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

VOTE: All ayes; motion duly carried.

ITEM #13 Approve and Accept the Minutes of the September 22, 1994 Special Town Council Meeting

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

VOTE: Duryea and Zandri passed; Killen and Zappala abstained; all others, aye; motion duly carried.

ITEM #14 Approve and Accept the Minutes of the September 27, 1994 Town Council Meeting

Mr. Gouveia noted a correction to Page 10, Line 2 which should read, "Mr. Gouveia was surprised that the State looked favorably upon.." and that Romeo Dorsey's address be corrected to read, "South Orchard Street."

Motion was made by Mrs. Duryea to Approve the Minutes as Corrected, seconded by Mr. Knight.

VOTE: Killen and Papale abstained; all others, aye; motion duly carried.

ITEM #15 Note for the Record Mayoral Transfers Approved to Date by the Mayor

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

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

ITEM #16 Note for the Record Anniversary Increases Approved to Date by the Mayor

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V Motion was made by Mrs. Duryea to Waive Rule V of the Town Council Meeting Procedures for a Transfer of Funds for the Town Clerk's Office, seconded by Mr. Rys.

VOTE ON WAIVING RULE V: All ayes; motion duly carried.

Motion was made by Mrs. Duryea to Approve a Transfer of Funds in the Amount of \$437 from Recreating Volumes Acct. #001-6030-999-9907, to Election Supplies Acct. #001-6030-400-4060, seconded by Mr. Rys.

Kathryn Wall, Town Clerk, explained that she is approximately \$437 short for election supplies, specifically, long machine strips. The machine strips which are placed by the mechanics in the voting machine contain the candidate's names. Since 1990 the Town Clerk has ordered the long strips based on the fact that the mechanics prefer them because they are easier to handle and lock into the machine. The Registrar of Voters Office are the ones responsible should the short strips move and throw off the election results and they prefer the long strips as well.

Mr. Zandri was opposed to spending an additional \$400 due to the fact that the mechanics cannot tape the short strips into the machine and check them on occasion. We hire and pay people to set up the machines properly, we should not be paying an additional \$400 for this purpose.

Mr. Knight felt that the \$400 is worth the assurance that the election balloting will be more accurate. It is a minor expenditure compared to some of the requests and expenditures authorized by the Council.

Mr. Rys was of the opinion that the longer strips were better, speaking from experience as an election worker. If the voter ahead of you moves the strip over, without realizing it you could be voting for someone else. It is impossible during busy times for the workers to go into the booth and check it.

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

Motion was made by Mrs. Duryea to Move the Addendum #18 Up to the Next

Order of Business, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

ADDENDUM - ITEM #18 Consider and Approve Establishing a Committee to Investigate the Board of Education, in Particular, but not Limited to the Lyman Hall High School Activity Fund as Requested by Councilor Albert E. Killen.

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

Mr. Killen made a motion that the Council Establish a Committee of a minimum of Three but No More Than Five Members to Investigate the Activities Having Transpired within the Lyman Hall High School Activity Fund Put Forward by a Member of the Community, seconded by Mr. Gouveia.

Mr. Solinsky asked if the name of the member of the community will be entered into the record?

Mr. Killen stated, that person will come forward if the committee is established.

Ms. Papale stated, upon viewing the addendum to the agenda she could not understand why Mr. Killen had placed the item. If I remember correctly, I wrote it down to make sure, that this particular activity fund at Lyman Hall High School went through a Superintendent's review, a Board of Education review, an Audit review, Police review, State Attorney's review and last week by the Board of Ethics. I do not feel that anyone has had any problems with the fund. This fund has been in existence for over twenty-five years and Sheehan High School has the same type of fund run the same way. I will not vote on this in the affirmative because I believe there is no warrant to investigate it.

Mr. Gouveia shared the same feelings as Ms. Papale. He asked Mr. Killen, what do you expect a committee of people with limited time and abilities to do?, what the Board of Education, Ethics Board, Wallingford Police Department, State Attorney's Office were not able to do? They were not able to uncover any wrong-doing. I, personally, would like to learn more but to subject these people to another long process of interrogation simply for my personal curiosity, it is wrong. He is not convinced that there is any wrong-doing here. If the State Attorney's Office was not able to uncover anything how do you expect the committee to do so?

Mr. Killen referred to the computer investigation by a committee a few years ago involving the schools. It had supposedly all been taken care of until the committee became involved and it all fell apart.

Mr. Gouveia stated that he did not feel that justice was done with the results of that investigation either.

Mr. Killen was not looking to hang anyone, a request was made by a

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member of the public and if they can get the committee together and exhibit what they have as proof and what the results were of the different studies performed then it can be investigated properly. If in one meeting the committee is not satisfied with what is brought forward then it could be dropped.

Mr. Gouveia asked Mr. Killen if he is proposing that three Councilors meet and review the five or six previous investigations?

Mr. Killen responded, the committee should meet and let the individual requesting the item bring forth all the information at that point, including the reviews and all the information submitted previously. Some very important matters have been thrown out of cases as evidence due to technicalities.

Mr. Rys had confidence in the fact that our police department performed a thorough investigation of the matter not to mention that the Board and Superintendent have met and changed the way in which these accounts can be utilized. He was opposed to establishing the committees.

Mr. Zappala felt that this issue has been dragged on too long. He saw no point in opening another investigation.

Mr. Zandri felt that this matter has been subjected to enough review and he is satisfied with the results. He is opposed to establishing the committee.

Ms. Papale recommended contacting Detective Butka at the Police Department for any information on this matter.

Mr. Knight felt that the issue has been investigated to death. The Council has no investigative expertise nor any powers to subpoena. We would be looking to find something that six other investigations failed to uncover. When is enough enough? It can only harm the reputations of people who have not been found guilty of any wrong-doing to date.

Mr. Killen stated that the Council would not be limited by rule books or regulations and that can be a benefit to an investigation. He asked, how many here have read the five reports?

Mr. Solinsky responded, I have. He agreed that the investigation is complete.

No one else responded from the Council to Mr. Killen's question.

Pasquale Melillo, 15 Haller Place commended Mr. Killen for bringing forth an item for a member of the community requesting that he do so. He asked Mr. Killen if he, himself, had read the investigations?

Mr. Killen had not. The person closest to it feels that they have been shortchanged.



Mr. Melillo felt that it was the duty of the Council to investigate the matter at the request of the individual.

VOTE: Killen, aye; all others, no; motion failed.

ITEM #17 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Regards to the Purchase, Sale and/or Lease of Property as Requested by the Mayor's Office

Motion was made by Mrs. Duryea to Enter the Executive Session, seconded by Mr. Rys.

Mayor Dickinson and all Councilors were present in executive session.

VOTE: All ayes; motion duly carried.

Motion was made by Mrs. Duryea to Exit the Executive Session, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 10:22 P.M.

Meeting recorded and transcribed by:

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

Approved by:

*Thomas D. Solinsky*  
Thomas D. Solinsky, Chairman

10-25-94  
Date

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

October 25, 1994  
Date



OFFICE OF THE MAYOR  
TOWN OF WALLINGFORD  
CONNECTICUT

WILLIAM W. DICKINSON, JR.  
MAYOR

PROCLAMATION

- WHEREAS, Fire deaths due to smoke inhalation outnumber fire deaths to burns by more than two to one, and
- WHEREAS, Smoke detectors are our first line of defense against fire, and
- WHEREAS, Research shows that having a smoke detector cuts our risk of dying in a fire nearly in half, and
- WHEREAS, Even though 90% of U.S. homes have at least one smoke detector, estimates show that about one-third of all homes that have fires have smoke detectors that are not working, usually because of dead or missing batteries, and
- WHEREAS, The National Fire Alarm Code requires smoke detectors outside each sleeping area and on each level of the home and recommends testing smoke detectors at least once a month. A smoke detector that is not working cannot protect us from deadly smoke and fire. "Test Your Detector for Life" is an important message to communicate to our community, and
- WHEREAS, The fire service of Wallingford is dedicated to the safety of life and property from the devastating effects of fire, and
- WHEREAS, Those members of the fire service are joined by other concerned citizens of this town, as well as business, schools, service clubs and organizations in their fire safety efforts, and
- WHEREAS, The local efforts of the fire service are supported by the activities of organizations such as the American Burn Association, the American Red Cross, The Congressional Fire Services Institute, the Fire Marshals Association of North America, the International Association of Arson Investigators, the International Association of Fire Chiefs, the International Association of Fire Fighters, the International Association of Black Professional Fire Fighters, the National Association of State Fire Marshals, the National Fire Protection Association, the National Volunteer Fire Council, and the United States Fire Administration.

NOW THEREFORE, I, William W. Dickinson, Mayor of the Town of Wallingford do hereby proclaim the week of October 9-15, 1994 as

**FIRE PREVENTION WEEK**

This week commemorates the great Chicago Fire of 1871, which killed 300 persons, left 100,000 homeless and destroyed more than 17,000 buildings.

I call upon the people of Wallingford to participate in fire prevention activities at home, work and school, and to heed the message: "Test Your Detector for Life" as the 1994 Fire Prevention theme suggests.

  
William W. Dickinson, Jr.

DATED THIS 7<sup>th</sup> DAY OF OCTOBER, 1994  
WALLINGFORD, CONNECTICUT



CERTIFIED RESOLUTION OF THE TOWN OF WALLINGFORD

I, KATHRYN J. WALL, Town Clerk of the Town of Wallingford, a municipal corporation (the "Contractor"), DO HEREBY certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Town Council of the Contractor duly held and convened on October 11, 1994, at which meeting a duly constituted quorum of the Town Council was present and acting throughout and that such resolution has not been modified, rescinded or revoked and is at present in full force and effect:

RESOLVED: That the Mayor, William W. Dickinson, Jr., is empowered to enter into and amend contractual instruments in the name and on behalf of this Contractor with the Department of Social Services of the State of Connecticut for a Child Day Care program and to affix the corporate seal.

IN WITNESS WHEREOF, the undersigned has affixed her signature and the corporate seal of the Contractor this \_\_\_\_ day of October, 1994.

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KATHRYN J. WALL  
Town Clerk  
Town of Wallingford

CERTIFIED RESOLUTION OF THE TOWN OF WALLINGFORD

I, KATHRYN J. WALL, Town Clerk of the Town of Wallingford, a municipal corporation, DO HEREBY CERTIFY that the following is a true and correct copy of a resolution duly adopted at a meeting of the Town Council of the Town of Wallingford duly held and convened on October 11, 1994, at which meeting a duly constituted quorum of the Town Council was present and acting throughout, and that such resolution has not been modified, rescinded or revoked and is at present in full force and effect:

RESOLUTION

WHEREAS, The Wallingford Community Day Care Center, Inc. is a designated agency of the Town of Wallingford funded by the State of Connecticut through the Town of Wallingford for service to preschool children and their parents; and

WHEREAS, the Wallingford Community Day Care Center, Inc. has been commended for both the level of service and the fiscal responsibility with which it has performed during its years of operation; and

WHEREAS, the Wallingford Community Day Care Center, Inc. is supported by State funds, voluntary contributions of time, money and material, including in-kind contributions by the Town of Wallingford; and

WHEREAS, the Town of Wallingford has not found it necessary to provide direct financial support as is done in most other towns providing day care services; and

WHEREAS, The Wallingford Community Day Care Center, Inc. is continually in operating difficulty because of the delay in actually receiving funds approved by the State.

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

1. That the Wallingford Community Day Care Center, Inc. be permitted to borrow from the Town of Wallingford amounts necessary to meet the essential operating expenses of the Wallingford Community Day Care Center, Inc. ~~between~~ the time the Wallingford

Community Day Care Center, Inc.'s program is approved by the State of Connecticut through its Department of Social Services and the actual funding is received, but in no case to draw more than the amount approved and budgeted by the State for the period of operation as set forth in the 1995 budget.

2. The Wallingford Community Day Care Center, Inc. will repay the amount so borrowed immediately upon receipt of the State grant for the period for which the funds were borrowed.

IN WITNESS WHEREOF, the undersigned has affixed her signature and corporate seal of the Town of Wallingford this \_\_\_\_\_ day of October, 1994.

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KATHRYN J. WALL  
Town Clerk  
Town of Wallingford

AGREEMENT

AGREEMENT entered into between the TOWN OF WALLINGFORD, "Town," and THE WALLINGFORD COMMUNITY DAY CARE CENTER, INC., "Day Care."

W I T N E S S E T H :

1. The Town has executed a Contract with the State of Connecticut, acting by its Commissioner of Social Services, "Commissioner," for funding programs to be carried out by Day Care, acting on behalf of the Town. The Contract has been executed as authorized by the provisions of the General Statutes. A copy is appended hereto and made a part hereof.

2. Day Care agrees to the terms and conditions set forth in said Contract including any special conditions imposed by the Commissioner at the time funds are made available to the Town pursuant to said Contract.

3. The effective dates of the Contract and of this Agreement are from October 1, 1994 to September 30, 1995.

4. Day Care will carry sufficient insurance during the term of this Agreement to "save harmless" the Town from any claims, suits or demands that may be asserted against it by reason of any act or omission of Day Care.

5. This Agreement shall be incorporated into and shall govern the other agreements that expressly exist between the Town and Day Care.

IN WITNESS WHEREOF, Day Care has caused this Agreement to be  
duly executed in its behalf and its seal hereunto affixed this  
\_\_\_\_\_ day of \_\_\_\_\_, 1994, and thereafter Town has  
caused these presents to be signed and sealed by its Mayor,  
William W. Dickinson, Jr., duly authorized, this \_\_\_\_\_ day of  
\_\_\_\_\_, 1994.

Signed, Sealed and Delivered  
in the Presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE WALLINGFORD COMMUNITY  
DAY CARE CENTER, INC.

BY: \_\_\_\_\_

TOWN OF WALLINGFORD

BY: William W. Dickinson, Jr.  
Its Mayor  
duly authorized