

TOWN COUNCIL MEETING

FEBRUARY 28, 1995

6:30 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Regards to the Acquisition of Property
3. Consider and Approve a Transfer of Funds in the Amount of \$1,800 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Public Celebrations Acct. #001-1310-600-6100 - Public Celebrations Committee
4. Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Misc. Fact Finding Acct. #1300-600-6020 - Mayor's Office
5. Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Utilities Acct. #001-5230-200-2010 to Maintenance of Building Acct. #001-5230-500-5100 - Public Works
6. Consider and Approve One Appointment to the Position of Alternate on the Inlands Wetlands Commission to Fill a Vacancy to Expire 3/1/97
7. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
8. PUBLIC HEARING on "An Ordinance Amending An Ordinance Appropriating \$2,000,000 for the Design and Contract Administration Phase of Town-Wide School System Improvements and Authorizing the Issue of \$2,000,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose" to "An Ordinance Appropriating \$3,500,000 for the Planning, Acquisition and Construction of Improvements and Additions to Yalesville, James H. Moran and Dag Hammarskjold Schools and Authorizing the Issue of \$3,500,000 Bonds of the Town...." - 7:45 P.M.
9. Discussion and Possible Action Resulting From Certification of Petitions from Qualified Electors Requesting that Ordinance #426 be either Repealed or Submitted to Referendum - Mayor's Office
10. Consider and Approve a Transfer of Funds in the Amount of \$899 from Canvass Cards Acct. #001-6010-400-4010 and \$4,701 from Postage Acct. #001-6010-400-4080 for a Total of \$5,600 to Recreation Building Referendum Acct. #001-6010-600-6000 - Registrar of Voter's

(OVER)

11. Consider and Approve a Transfer of Funds in the Amount of \$391.00 from Map Index Acct. #001-6030-999-9903 to Elections Acct. #001-6030-400-4060 - Town Clerk
12. Report Out by the Advisory Maintenance Committee as Requested by Councilor Thomas Zappala
13. Consider and Approve Tax Refunds (#199-202) in the Amount of \$1,237.54 - Tax Collector
14. Approve and Accept the Minutes of the February 14, 1995 Town Council Meeting

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6:30 P.M.

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TOWN COUNCIL MEETING

FEBRUARY 28, 1995

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, February 28, 1995 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Thomas D. Solinsky at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Councilor Gouveia who was out of town on a personal matter. Mayor William W. Dickinson, Jr., Town Attorney Janis M. Small and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Regards to the Acquisition of Property

Motion was made by Mrs. Duryea to Enter Into Executive Session, seconded by Mr. Knight.

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

Motion was made by Mrs. Duryea to Exit the Executive Session, seconded by Mr. Killen.

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

ITEM #3 Consider and Approve a Transfer of Funds in the Amount of \$1,800 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Public Celebrations Acct. #001-1310-600-6100 - Public Celebrations Committee

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

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

ITEM #4 Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Misc. Fact Finding Acct. #1300-600-6020 - Mayor's Office

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

Frank Wasilewski, 57 N. Orchard Street asked what facts the Mayor's Office was trying to obtain that would cost \$6,000?

Mayor Dickinson explained that the account is established to pay the arbitration award invoices. The \$6,000 bill is a result of the firefighter's arbitration process.

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

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ITEM #5 Consider and Approve a Transfer of Funds in the Amount of \$1,000 From Utilities Acct. #001-5230-200-2100 to Maintenance of Building Acct. #001-5230-500-5100 - Public Works

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

Mrs. Duryea asked Henry McCully, Director of Public Works if Yalesville School has an alarm system?

Mr. McCully explained that the school does not presently have an alarm system due to the fact that the electricity is shut off to the building. There is nothing worth protecting at the building. At one point a motion alarm was in service which resulted in numerous false alarm calls at night therefore it was disconnected. He has contacted the Police Department requesting that they increase their patrol activity around the school. The building has been experiencing minor cases of acts of vandalism recently.

Mr. Rys pointed out that Parker Farms School experienced similar problems while awaiting renovation to it and the act of covering the windows with plywood solved the problem.

Mr. McCully stated that he has only had to replace a few small windows and advises against boarding the building up since it draws attention to the fact that it is empty.

Mr. Zappala stated that School Building Expansion Committee will begin work in the near future at the site. Why bother spending \$1,000 to replace windows when the committee has plans to change all the windows in the building?

Mr. McCully responded, it will cost a lot more than \$1,000 to board up the entire building.

Mr. Zandri suggested that only the windows that are broken be boarded up and if some others are found broken then board them as you find them. The project is scheduled to begin at the school shortly and we should not be wasting the money on windows if we don't need to.

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

WAIVER OF RULE V Motion was made by Mrs. Duryea to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering a Transfer, seconded by Mr. Killen.

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

Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Maintenance of Heating System Acct. #001-5140-500-5400 to Maintenance of Building Acct. # 001-5140-500-5400 - Public Works Dept.

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

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Mr. McCully explained that some plumbing repairs were made recently at the school along with roofing repairs on the VNA side of the building.

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

ITEM #6 Consider and Approve One Appointment to the Position of Alternate on the Inland Wetlands Commission to Fill a Vacancy to Expire 3/1/97

Mr. Solinsky asked Mr. Fritz if he currently holds a real estate license?

Matthew R. Fritz, 43 Grove Street, Yalesville, responded, no.

Mr. Killen asked Mr. Fritz if any conflict of interest possibly exists that Mr. Fritz is aware of?

Mr. Fritz responded, no, not in the foreseeable future.

Mr. Killen stated that he was impressed with Mr. Fritz's credentials and interest in serving on the commission. He was happy to see "young blood" in the group.

Motion was made by Mrs. Duryea to Approve the Appointment of Matthew R. Fritz as Alternate on the Inland Wetlands Commission to Fill a Vacancy Which Expires 3/1/97 Subject to a Two Week Waiting Period, seconded by Ms. Papale.

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

PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place stated that the Board of Education is dictating the rules surrounding the use of the school buildings and/or grounds for activities. He is opposed to the position of the Board in such matter.

Mayor Dickinson explained that State law gives the Board of Education sole jurisdiction over the use of the school buildings and grounds.

Ms. Papale informed Mr. Melillo that the Board of Education has, on occasion, called the Recreation Department offering the use of the school gym for Recreation Department-sponsored dances and have been turned down.

Mr. Melillo stated that he has heard many complaints regarding the unavailability of the Community Room at the Library for public use.

Mayor Dickinson responded that the number of requests to use the room by the public far outweighs the availability of the space. Mr. Melillo should contact the Library regarding his concerns.

Mr. Melillo asked the Mayor, what is the status of Mr. Melillo's suggestion to adopt an ordinance which inspects barber shops and

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beauty parlors?

Mayor Dickinson responded that, upon investigating the matter, he found that only one complaint had been filed in the past twenty-five years regarding the cleanliness of a barber shop. It is the State's responsibility to inspect the businesses. If the State receives a complaint they follow up with an investigation and inspection. There is no reason to adopt an ordinance and hire personnel to inspect the businesses when there seems to be no need to do so.

Frank Wasilewski, 57 N. Orchard Street stated that he was under the impression that all asbestos had been removed from Yalesville School in the past. Why is there now talk of having to remove asbestos with the school expansion project?

Mayor Dickinson explained that when the public hears of an asbestos removal project they assume that all asbestos material is being removed. It is only the exposed asbestos or that which is subject to wear which is removed or encapsulated. The asbestos which is located in inaccessible locations are not removed. Now that Yalesville School will be undergoing major renovations more asbestos will need to be removed that may have been inaccessible before.

Mr. Wasilewski asked, why is there a highway guardrail located on the Wooding Property?

Mayor Dickinson stated that a guardrail has always existed, to his knowledge, on the property.

Mr. Wasilewski asked, how many acres is the Wooding property in size?

Mayor Dickinson believed it to be three acres.

ITEM #8 PUBLIC HEARING on "An Ordinance Amending an Ordinance Appropriating \$2,000,000 for the Design and Contract Administration Phase of Town-Wide School System Improvements and Authorizing the Issue of \$2,000,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose" to "An Ordinance Appropriating \$3,500,000 for the Planning, Acquisition and Construction of Improvements and Additions to Yalesville, James H. Moran and Dag Hammarskjold Schools and Authorizing the Issue of \$3,500,000 Bonds of the Town..."

Motion was made by Mrs. Duryea to Waive the Reading of the Ordinance and Append a Copy of it to the Minutes of This Meeting, seconded by Mr. Knight (Appendix I).

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

Jon Walworth, School Building Expansion Committee (SBEC) Member explained that Don Harwood, Chairman of the committee would be arriving late due to a family matter. The purpose of the public hearing is to come before the Council and the public on an incremental increase of the bonding for the school expansion project. At various times during the evolution of the program the committee will be

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requesting an increase in the amount. The purpose of this particular request is for the funding of construction management services and to bring the Yalesville School into environmental compliance. Those two items will be invoiced only as charges appear based on actual costs. This program will take care of the asbestos problem discussed previously and the removal of lead.

Dave Canto, 4 Meadows Edge Drive asked if the \$2,000,000 has been spent in full?

Mr. Walworth responded, no, more than \$1.5 million has been but we have not yet approached the \$2 million. There is a certain portion of the construction management services that are going to be taken away from the original \$2 million.

Mr. Canto asked, the \$1.5 million is going to cover 100% of the construction management plus the asbestos removal?

Mr. Walworth answered, correct, construction management based on three schools beginning on the same date.

Mr. Canto asked, every time you come for an increase in the ordinance you will be increasing the total amount of the ordinance?

Mr. Walworth answered, yes, when we come back with bids for Yalesville we will be asking for an increase and when we come back with bids for the two middle schools we will be coming back for an increase.

Mr. Canto asked, wasn't there supposed to be two more cost estimates that they were supposed to do on the expansion project before it went out to bid?

Mr. Walworth stated, they have been done. They came back to us with a final estimate in December and early January.

Mr. Canto asked, what was the total bottom line for both of the estimates?

Mr. Walworth did not have the figures with him but stated that they were very similar to what the committee saw in the earlier accounting.

Mr. Canto was sorry to see that the numbers have not come down.

Mario Tolla, 69 Pond Hill Road asked, how much money is the Town paying Gilbane Construction Company to manage the project?

Mr. Walworth responded, approximately \$1,255,000+- on a maximum reimbursable basis plus general conditions which are part of the (inaudible)...which is not included in that.

Mr. Tolla asked, couldn't we have contracted with someone....what expertise is Gilbane going to have that some other person in the Town of Wallingford wouldn't have had for "X" amount of dollars per year? Why couldn't we have hired someone local for this?

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Mr. Walworth stated, some may feel that this is just a clerk of the works but, in fact, we have eliminated the general contractor and used Gilbane as the construction manager and contractor of the project. There will be no general contractor on the project, only subcontractors so whether we bid it out, it would be 6% of the project, or there about, or if we did what we did which was pre-qualify firms and then ask them to bid, it still came in at the amount that the committee anticipated which is about 6% of the total project.

Mr. Tolla asked, what responsibilities does Gilbane have for the overall project?

Mr. Walworth responded, the construction manager has full responsibility as far as the delivery of this project.

Mr. Tolla stated, the architect has responsibility also. Are we getting double insurance here?

Mr. Walworth responded, no, when we negotiated the architect's agreement we knew that we were going to have a general contractor or construction manager come on board. The task of reviewing invoices for completeness which was performed by the architect is being taken away from them and given to the construction manager. The architect will continue to review shop drawings. The areas in which there was potential duplication will be removed from the architect so we will not have double responsibilities.

Mr. Tolla asked, will that lower the fee for the architect?

Mr. Walworth responded, it will lessen the amount that he will bill the Town.

Mr. Knight asked for an explanation of lead abatement and the extent to which it will be performed and why?

Mr. Walworth was not familiar with this technical aspect of the environmental clean up and he would have to ask for someone else to explain that to the Council. The committee originally had Enviromed review the schools as far as the extent of asbestos and lead that should be removed that could otherwise contaminate the student or work area. Once the committee received an estimate of the work they then authorized Enviromed to proceed with a design of the removal of both the items.

Motion was made by Mrs. Duryea to Approve the Ordinance as Presented Without Changes, seconded by Mr. Killen.

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

The Chair declared a ten minute recess at this time.

ITEM #9 Discussion and Possible Action Resulting From Certification of Petitions from Qualified Electors Requesting That Ordinance #426 be Either Repealed or Submitted for Referendum - Mayor's Office

Motion was made by Mrs. Duryea to Consider and Act Upon a Resolution Entitled, "Resolution Providing for Referendum", seconded by Mr. Knight.

Kathryn J. Wall, Town Clerk explained that the Council has within thirty days of the Town Clerk's verification of signatures to decide whether they will either rescind the ordinance or schedule a referendum. The signatures were verified on February 22, 1995. The Council has within sixty days from that date in which to hold the referendum. The Town Clerk requires thirty days before the referendum to place a warning in the newspaper. The Charter is loosely worded with regards to the period of time between the verification of signatures to the referendum. It can be interpreted as ninety days, however, upon consulting the Town Attorney, it is the opinion of Ms. Wall and Attorney Small that the referendum shall be held within sixty days. A public hearing is not required to rescind the ordinance. The target date for the referendum is April 11, 1995.

At this time the Chairman went out to the public for discussion on this matter.

Mario Tolla, 69 Pond Hill Road stated that it was quite an experience (obtaining the signatures for the petition) and, if necessary, he would do it again because the people of Wallingford deserve more than what the Town is trying to give them. He asked that the Council consider placing more options on the table such as Community Lake, the Backus property or some other piece of property in Town. Upon reviewing possible sites, if Fairfield Blvd. still proves to be the best site, then go ahead with it. If the Council feels it needs to go to referendum, then so be it.

Philip Wright, 160 Cedar Street read a prepared statement into the record addressed to the Council, Mayor and residents of Wallingford which outlined the objectives that the petitioners seek to achieve which are: 1) a facility that will adequately provide for the needs of the Recreation Department as they perceive these needs currently and for the reasonable foreseeable future, 2) the facility be conveniently located where it will best serve the largest number of our citizens of all ages with as little use of automobiles as possible for now, and in the future, 3) the cost of such facility to be determined by the Council and the Mayor, mindful of the needs and ability to pay for such a project through the use of existing town funds and/or bonding, 4) that a committee of qualified citizens be properly appointed to seek suggestions of possible/plausible sites and evaluate these locations, 5) such committee be empowered to make a decision and serve as a building committee to bring the matter to satisfactory conclusion as expeditiously as possible.

He went on to say that the petitioners do not seek the following objectives: 1) to scuttle the project, 2) to prolong the process, 3) to be declared winners or losers in some self-serving battle that can be divisive to the community or to exercise some nebulous citizen's rights as provided by the Charter, 4) to draw battle lines or create enemies with any person or group, 5) to spend Town funds for a referendum. To these ends, he asked the Council to repeal the subject

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ordinance as provided and that a committee be appointed, as requested, and that the Council provide initial funds for such a committee to get started. If the Council acts in this manner now, you will be serving the best interest of the community without the delays and uncertainty of a referendum. He stated that he received the warmest, best feeling of being a part of the Wallingford community that he has had since he came to town in 1942. His group was very graciously received by many people and thanked by many as well for putting in the effort. It was a most gratifying experience. If he could find another such project to put his shoulder behind, he would be very pleased to do so based on the fact that the people in this Town seem to appreciate the efforts put forth.

Dave Canto, 4 Meadows Edge Drive stated that he hoped that the Council will not vote to rescind the ordinance before it goes before the people. If ten percent of the people signed the petition to vote on it, then let the vote take place. If the ordinance is defeated at referendum or if the Council votes to rescind it tonight, the issue will be dead and the Town will have no recreation center for the foreseeable future.

Cheryl Demott, 184 Mansion Road urged the Council to allow the referendum to take place. We have already delayed the project enough by failing to choose a building. She is tired of having to wait. Her children want to be involved in sports and recreational programs but there is not enough room. To use the argument that the center should be located where people will walk to it is not valid. She admitted that if the recreation center were located down the street from her should would still drive to it. No one walks anywhere anymore. The children of Wallingford need the center now. Let the referendum take place.

Peter Hale, Scard Road asked, why adopt and spend over \$100,000 a year, more or less, on a Planning & Zoning program for the plan for development and after having done this, tear it apart by proposing a use such as the recreation center, right in the middle of it? It is tax-exempt usage. Why locate such a use way out in one corner of the Town when it is supposed to serve the entire population? He cannot believe that it would take two years to put the facility together in the right way. The Recreation Department knows exactly what it needs by now so they should not need to spend time deciding how to design it for the various types of use it will experience. Having been in the building business and design for the past forty years, he knows that the building trade is starving today. They are dying to get their teeth into something which will expedite a project. A while ago the Town took the Caplan Wooding property off the tax rolls which is costing the Town thousands of dollars a year out of the central tax district. Now here goes another \$40,000 - \$50,000 per year off the tax list with Fairfield Blvd. The Tax Collector will have to get those tax dollars from somewhere, namely the poor homeowners who are trying to pay their bills and live the best they can. He pleaded with the Council to make haste slowly and save time and money and get the job done as soon as possible but done right and in the right location.

Reginald Knight, 21 Audette Drive asked, why does the center have to be one building? One of the most under-utilized buildings in the country is the schools. Why not have the functions at the schools? They have the facilities, gymnasiums, they can be utilized for dances, meetings, etc.?

Mr. Solinsky explained that the school buildings are under the sole jurisdiction of the Board of Education. Night programs are currently scheduled at the buildings and it would not be a plausible solution for the long-term problem. The Board of Education has, on occasion, offered the use of the gyms to the Recreation Department and that offer has been turned down.

Mr. Killen stated that problems arise between the two entities with regards to playing fields when activities are "rained out". It is not as easy a solution as it seems to be.

Jill Brown, 83 Hintz Drive stated that she encountered Mr. Wright and Mr. Wasilewski during their petition drive. As she witnessed people signing the petitions she would stop them and ask them if they knew why they had signed and half of the people stated that they were not sure except that they wanted to go home, quickly. When she asked the same people if they had looked at the proposed site, which was right around the corner (this took place at Edwards Food Store) they stated that they did not have the time to do so. She feels that there is a great lack of understanding on the part of the public with regards to this petition. She resented the fact that there will be a referendum because we are delaying any progress that has been made to get a new center. We all agree that we need one and this petition campaign has delayed it. What will happen is that we will end up without one. It is her understanding that the building will cost the Town approximately \$2.5 million. As a former commercial lender who financed commercial buildings she stated that the Town will not be able to build a new facility consisting of the same square footage as Fairfield Blvd. on a new piece of land for less than \$2.5 million. She asked the Council, is there anything that can be done to avoid going to an open referendum and spending additional monies to get people to vote one way or the other on this issue? Is this our only option?

Mr. Solinsky stated, this is the way we have to go.

Ms. Brown stated that it is a shame since there is no other proposed location in mind and she is afraid that this issue will go the same way that Community Pool went where we appointed a committee to look at a new site, we started looking at additional parking spaces across the street and nothing has changed.

Johanna Fishbein, 112 East Main Street stated that she has had the occasion to visit Simpson School during the daytime on many occasion to find that every one of the rooms are being used. It is impossible to try and hold those programs occupying the rooms in a school which is utilizing the rooms during the day for their own educational uses. The public schools are not only used all winter long but during the summer as well for all sorts of activities. She questioned whether

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or not the people who signed the petition are genuinely concerned about what goes on in the Town? Yes, it is the people's right to have a vote on this issue but do they really know the true facts? She urged the Council not to rescind the ordinance. It will delay what we need now. This fight for a new recreation center has been going on for almost ten years. We have a wonderful Parks & Recreation Department in this town and we need the proper space for it.

Ed Loughlin, 150 S. Main Street spoke on behalf of his friend, Philip Wright, Sr., stating that he has witnessed Mr. Wright's service to the Town on the Planning & Zoning Commission for a number of years. He is not about to succumb to what is the popular vote at any particular moment. There is not a more avid supporter for the cause for a new recreation center than Mr. Wright. There is no one in the Town who believes more in the programs that will and have been offered at the center than Philip Wright. Mr. Wright is like so many other people walking the American streets today...it is reflected in our federal government, in our state government and you are now seeing it reflected in our local government...where people just feel that they are not in touch. He does not question for one single moment the motivations, desires or purposes of the Council, public servants who serve for practically nothing. He did not envy the Council's task of making some tough choices. Nevertheless, the Council has, for the public's benefit, opted to serve as public servants. Whether anyone likes it or not there is a perception, it may be incorrect, but there is a perception that the little guy does not amount to much any more...that the bureaucracy of government, be it federal, state or local, is up to a bunch of boards and commissioners and professionals that leaves the little guy on the street, the taxpayer, without recourse. He is a forgotten man. This is the perception of the American people, in growing numbers. What Mr. Wright and Mr. Tolla and other frustrated people are recommending is a completion and attainment of the finest Parks & Recreation center we can have. The money is there and these people are in support of spending it. The scare tactics of warning that if we don't get this we will have nothing, is absurd. There is a possibility that this site is not the best one that could be chosen. There is a possibility that there has been a rush to judgement to select a site due to the frustration of the wait. If this request has been on the table for ten years then what is another sixty days? Let's have a group of well-intentioned people sit down and present all the options available, solicit suggestions and, if in fact, Fairfield Blvd. is the best choice then by all means locate the center there. Give the people an opportunity to feel that they still have some control over their destiny.

Frank Wasilewski, 57 N. Orchard Street stated that getting the signatures accomplished one thing, it got Mrs. Brown to come to the meeting and become involved in the situation. Although he is against the site it should go to a referendum. That was his purpose in obtaining signatures. He hoped that more young people will get involved in helping the Council and Mayor make tough decisions.

Pasquale Melillo, 15 Haller Place stated that he did not want to have his efforts wasted, nor the efforts of the other petitioners. He suggested that an ordinance be proposed to eliminate the jurisdiction

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that the Board of Education has over all the school buildings and grounds in Town. He was in favor of the referendum.

Sharon Sanders, Franklin Street, stated that the people had the opportunity to speak at the public hearing on this issue. This Town is fortunate to have the Mayor and Council that it has in that they allow the public to speak at length on issues. Meriden allows only three speakers at a public hearing and even they are cut short in time. If this issue was of importance to the public they had the opportunity to speak at the public hearing.

Dave Canto defended his earlier comments regarding the demise of the recreation center project if the referendum is defeated by pointing out the case of Community Pool. He explained that the way the Charter is written the Mayor is the budget making authority of the Town and if he (the Mayor) is not in favor of a project, it fails. That is the way it is. What was the point in obtaining signatures if you are not going to have the referendum?

Ms. Papale commended Mr. Wright, Mr. Wasilewski and Mr. Tolla for their hard work and dedication in obtaining the signatures. It will end up costing the Town over \$4,000 for this referendum. It should not, however, be held against the Council that it cost money for this process since it is evidenced by the signatures on the petition that the people of town felt it was important to push this to referendum. She spent a long time researching the information before making her decision for the location of the recreation center at Fairfield Blvd. It was her opinion at the time she voted for it that it was the best value for our money and the availability of the property was suitable. It seems that the major issue of concern here is that the center will be located in an area that people cannot walk to. She pointed out that no one walks to Simpson School, the Y.M.C.A. or Community Pool. The Town has changed and everyone gets to their destination by car. In these times people don't let their children walk very far to any function. She will not vote to rescind the ordinance and will make sure she encourages the public to vote to keep Fairfield Blvd. as the site of choice. In reading the referendum question she noted that the people who wish to repeal the ordinance will have to place the pointer in the election booth over the word "yes" and the people who are voting against the repeal of the ordinance will have to vote "no". This can be confusing to the public who will think that they need to vote "no" to repeal the ordinance. Why can't the question on the referendum be simply stated so that a "yes" vote is cast to keep the Fairfield Blvd. site and a "no" vote is cast to not keep the property? It will be much clearer to the public if so stated.

Ms. Wall agreed with Ms. Papale that the question will be confused but the Charter clearly states how the wording is to appear on the ballot.

Ms. Papale made it clear that the people who wish to keep the recreation center at Fairfield Blvd. will have to vote "no" on the ballot. If they favor rescinding the ordinance and do not want the Fairfield Blvd. location they should vote "yes".

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Mrs. Duryea commended the gentlemen who took the time out to gather signatures. She did not agree with their actions but nevertheless gave them credit for doing so. The Council is constantly criticized for not moving on projects. A majority of the Council, along with the Mayor, have finally agreed to move a project along and this is what happens. It is baffling. The majority of the signatures were obtained at Stop & Shop, Finast, Edwards, that area of town. She recently obtained a brand new map of the town and stated that the signatures were obtained in direct line of the location of the building that the group was opposing. The signatures were gathered very close to the site of the recreation center at a location where everyone shops. Why can't everyone drive to that side of town for the center? She has reviewed all the possible sites, in all fairness. We do have an existing recreation center that is located in the center of town and it is causing havoc and dangerous situations. There are numerous cars that drive there even though it is in the center of town. People will drive to Fairfield Blvd. They drive to Northford for soccer, the Veteran's Field out by the reservoir for soccer, and most people shop at Finast and Caldor, etc. The proposed site is not so far out of the way as it is claimed to be.

Mr. Zappala stated that he was one of the three Councilors who voted against Fairfield Blvd. for the location of the center. One of the reasons he voted against it was due to the fact that the Town would be losing \$61,000 per year off the tax rolls. He also stated that it was too far away from the center of town. He feels that a recreation center should be located in the center of town so it is easily accessible to many residents. A committee had been established and a study performed on constructing a building at Community Lake which would satisfy the needs of the Parks & Recreation Department. The Council accepted the report and that is as far as it went. The building could have been constructed for \$2,000,000. That is \$600,000 less than it would cost to buy Fairfield Blvd. The committee did a wonderful job and should be commended for it. We should at least explore all possibilities and options by charging a committee to do so, that way we will know whether or not Fairfield Blvd. is the way to go. It does not have to be Community Lake, we have numerous buildings in town that could prove to be a better site than Fairfield Blvd.

Mr. Rys stated that he voted for Fairfield Blvd. also. He was one of the Charter Revision Commission members who participated in revising the Charter from twenty days to thirty days time in which to obtain signatures for a referendum. He was glad to see that someone was able to do so. He hoped to see the 5,000-6,000 people come out to vote on this issue after all the effort and that they vote in favor of Fairfield Blvd.

Mr. Killen commended the gentlemen for obtaining the signatures and warned them to be prepared for the letdown that will follow. The hard part will be to get the necessary amount of people out to vote on the issue. He stated that many years ago he ran in a primary for the Mayorality of this town and went door to door with a clipboard in his hand at which time he collected a great many more signatures than votes because people didn't have to leave their home or the front of their television set to sign, which is not the case with a referendum.

The problem here is that the people are only allowed a simple "yes" or "no" answer. It is probably one of the points that the framers of the Charter had in mind when they did not let the budget go to a referendum for the simple reason that the answer would be "yes" or "no". If the question were asked, "Do you want the budget to be \$50 million, yes or no?" Those who would want the budget to be \$60 million would vote "no" and those who would want the budget to be \$40 million would vote "no". You never really find out what anyone wants. You don't get a lot of information out of a "yes" or "no" vote. What we have to find is an alternative. From what he has heard it is his opinion that people are against the Fairfield Blvd. site because it is located in an industrial area, it results in a tax loss to the Town and it is not centrally-located. If everything that should be centrally-located were centrally-located we would have a building such as the Post Office or Congregational Church, here uptown, with one hundred eighty stories to it. He is hopeful that, if anything, what will come from this referendum is education. Hopefully more people will become involved in the issue, for the majority do not take part in their government.

Mr. Knight stated, he was one of the six Councilors who voted in favor of Fairfield Blvd. and he remains in favor of the site. He would not vote to repeal the ordinance even if he did not want Fairfield Blvd. any longer. The people who went through the trouble of signing the petition want to be heard. There is a perception in government, especially on a state and national level that the individual has very little control over his destiny with regard to government. There is no purer form of democracy than to petition your government for the redress of a grievance. This is what this group has done. They may not be successful, they may be successful but what they are doing is exercising their right as an American citizen. This referendum should go forward, he hoped it will be well-publicized and he hopes that there is a very lively debate about the whole issue. To say that we don't want to go to referendum but we want to give the people a greater say in some of the matters before the Town, is a little puzzling. This referendum is an important occasion to test the sentiments of the entire voting population of the Town of Wallingford. He concurs that it should go forward.

The resolution was read, in its entirety, into the record by Mr. Knight (Appendix II).

Pasquale Melillo, 15 Haller Place stated that all the polling places should be open, not just two.

Mr. Tolla asked if the referendum question is misleading since it does not state the true cost of \$2.8 million and more that it will cost to purchase and renovate the building?

Mayor Dickinson stated, the ordinance is \$1.4 million which would allow for the purchase of the property to begin the process of design for renovation. There are still discussions being held with the seller. There are some unquantified aspects to the purchase at this point. The \$1.4 million is not the total cost. A specification will have to be drawn up for renovation and the construction of the gym as

well as other space in the building. That specification will result in public bid and the award of a contract for work to be performed. At that point there will be a larger amount of money that will have to be appropriated.

Mr. Tolla asked, wouldn't it be the proper thing to do to list the amount at \$1.4 million and more?

Mayor Dickinson responded, we have not identified the total cost of the project. There is reluctance to let the market place, let the people who would bid on the project, know how much we are willing to pay. That can influence the amount that would ultimately be bid in the process. The ordinance is then amended to reflect the actual award that will take place.

Mr. Tolla thanked the Council for their commendations, stated that there are no hard feelings and respects the Council's decision in the matter.

Reginald Knight, 21 Audette Drive asked if there will be anything in the referendum defining the term "recreation center" so that the voters know exactly what the money is being spent for?

Mr. Solinsky stated, he can only assume that the voters will think that the funds are for the recreation center, as it is now, moved to a better facility.

Mr. Rys pointed out that booklets were mailed to all Town residents by the Parks & Recreation Department depicting all the programs offered. That, in itself, is explanation enough to the residents the various programs that comprise the department.

Mr. Zandri stated, the issue here is not whether or not the Town needs a recreation center but whether or not this site is the best site and whether people agree that there could potentially be a better site.

Mr. Knight made a motion that the Resolution be Accepted as Read, seconded by Mrs. Duryea.

Mr. Rys stated that the hours of the referendum, as stated in the Resolution, are from 12:00 Noon to 8:00 P.M. He would rather see the hours changed to 6:00 A.M. to 8:00 P.M., the same hours as a regular election.

Mr. Zandri agreed that the hours should be extended as well. A lot of people can only vote early before going to work. It should be held during the same hours as any election.

Mr. Killen stated that it is a waste of time, for the people who want to get out to vote will come and those that are not interested, won't.

Mr. Solinsky asked if absentee ballots will be used the same as a regular election?

Ms. Wall responded, yes. The applications will be available as of tomorrow in the Office of the Town Clerk.

Ms. Wall went on to say that the ballots will be available nineteen days before the referendum.

Mr. Rys Amended the Motion to Change the Hours of the Referendum from 12:00 Noon to 8:00 P.M. to 6:00 A.M. to 8:00 P.M., seconded by Mr. Zandri.

Mr. Zappala asked if there was any way to give the voters a choice of a better location?

Mr. Killen stated, there are only two courses of action, to rescind the ordinance or put it to referendum. You cannot add another course of action to the process.

Atty. Small stated that you cannot add another question. The referendum is to repeal a specific ordinance. She recommended raising the subject of the change of hours for the referendum with the Registrar of Voters since it effects the amount of money they are requesting in their transfer of funds.

Mr. Killen asked the Registrar of Voters, Marge Toth and Carmela M. Reig if they have sufficient funds in their budget to cover the additional hours?

Mrs. Toth responded, no.

Mr. Solinsky requested that they approach the table so that the Council may question how much they will need in addition to their requested transfer tonight.

He asked the ladies, "to extend the hours to 6:00 A.M. to 8:00 P.M. how much additional funds will you need?"

Ms. Reig asked, for how many polling places? For four polling places for the current hours it would cost \$5,600. If you want fourteen polling places....

Mr. Solinsky asked, to have four polling places from 12 Noon to 8:00 P.M. is \$5,600? What would it cost from 6:00 A.M. to 8:00 P.M.?

The Registrars could not immediately calculate the additional funds that would be required to staff the polls for the added hours.

Mr. Solinsky asked Mrs. Toth to provide the dollar amount for each of the personnel.

Mr. Toth explained that the Chief Moderator gets \$275.; the Moderator for the Absentee Ballots gets \$200.; the Checkers receive \$85. each and there are fourteen; four Moderators receive \$150. each; four Absentee Casters receive \$80. each and the Machine Mechanics receive \$700 each because their work begins four or five days before and there will be two of them. Twelve Machine Tenders receive \$75. each for the day.

Mr. Zandri calculated the total amount needed to pay the personnel involved with the election to be \$4,485.00.

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Ms. Reig explained that the figure does not include the thirty-nine individuals who the Town will have to provide lunches for.

With the figures added in for lunches the total was revised to \$5,158.

Mr. Killen found it hard to believe that it would cost only \$5,158 to operate four polling places for the entire day.

Due to the fact that the Council could not obtain verified figures for the cost to open the polls earlier, it was decided that the transfer being requested this evening by the Registrars would be voted on and if additional funds are required they could be documented, verified and requested at the next Town Council meeting.

VOTE ON CHANGING THE HOURS OF VOTING: Gouveia was absent; Killen, Papale & Solinsky, no; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Approve the Resolution as Amended, seconded by Mr. Rys.

Mr. Killen stated that the Council is violating the Charter by approving the opening of the polls for additional hours and not transferring all the necessary funds to do so.

Mr. Solinsky pointed out that the next item will put the dollars in place.

Mr. Killen asked Mrs. Toth why her office is requesting a transfer of \$5,600?

Mrs. Toth responded, it is to cover the cost of four polling places from 12:00 Noon to 8:00 P.M.

Mr. Solinsky stated, until they hold a referendum with no money, no one is violating the Charter.

Mr. Killen stated that the Council is entering into a contract without funding it.

Ms. Papale stated that had the Council not changed the hours of the referendum the resolution would have been voted on and the next order of business would be the transfer of funds.

Mr. Killen stated that he would not have voted on it for he would have asked that the resolution be tabled until the transfer was approved.

Mr. Solinsky pointed out to Mr. Killen that a referendum is not going to be held between the time the resolution is approved and the transfer is voted upon.

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

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$899 from Canvass Cards Acct. #001-6010-400-4010 and \$4,701 from Postage Act. #001-6010-400-4080 for a Total of \$5,600 to Recreation Building Referendum Acct. #001-6010-600-6000 - Registrar of Voters

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

Mr. Rys asked if four polling places was sufficient?

Mrs. Toth responded, yes.

Mr. Rys asked, where will the sites be?

Mrs. Toth responded, First United Methodist Church, which is District 1, Heritage Baptist, which is District 7, Holy Trinity Church, which is usually District 14 and the Lady of Fatima Church, which is usually District 12.

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

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$391 from Map Index Acct. #001-6030-999-9905 to Elections Acct. #001-6030-400-4060 - Town Clerk

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

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

ITEM #12 Report Out by the Advisory Maintenance Committee as Requested by Councilor Thomas Zappala

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

Mario Tolla, Chairman of the Advisory Maintenance Committee presented the Council with a summary of the committee's findings in reviewing the condition of 390 Center Street; Wooding Property; Railroad Station; Senior Citizens' Center Complex; Fire Headquarters and the various Parks located throughout the Town.

Due to the fact that the information was not presented to the Council until this evening many Councilors preferred that they have time to review it. In discussing the matter it was decided by the majority that this report be forwarded to Henry McCully, Director of Public Works so that he may begin to immediately address some of the safety hazards identified by the committee such as the fire escape on the east side of 390 Center Street which is threatening to fall into the adjacent parking and the trash piled in contact with the furnace at the Railroad Station. Since the committee had not brought the safety issues to the attention of Mr. McCully they continued to pose a threat.

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The Council's wishes were to forward the report to Mr. McCully and have him report back to the Council at the next Town Council meeting on what measures, if any, have been taken with regards to the issues identified by the committee.

Motion was made by Mrs. Duryea to Submit the Committee's Report to the Director of Public Works and Have the Director Report Back to the Council at the March 14, 1995 Town Council Meeting, seconded by Mr. Zappala.

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

ITEM #13 Consider and Approve Tax Refunds (#199-202) in the Amount of \$1,237.54 - Tax Collector

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

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

ITEM #14 Approve and Accept the Minutes of the February 14, 1995 Town Council Meeting, seconded by Mr. Rys.

VOTE: Gouveia was absent; Killen abstained; Solinsky passed; all others, aye; motion duly carried.

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

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

There being no further business the meeting adjourned at 10:42 P.M.

Meeting recorded and transcribed by:


Kathryn F. Milano, Town Council Secretary

Approved by: 

Thomas D. Solinsky, Chairman

3-17-95
Date


Kathryn J. Wall, Town Clerk

MAR 14 1995
Date

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$2,000,000 FOR THE DESIGN AND CONTRACT ADMINISTRATION PHASE OF TOWN-WIDE SCHOOL SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. An ordinance entitled "An Ordinance Appropriating \$2,000,000 For The Design And Contract Administration Phase Of Town-Wide School System Improvements And Authorizing The Issue Of \$2,000,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose", enacted by the Town Council on October 12, 1993 and approved by the Mayor on October 15, 1993, is amended to increase the appropriation and bond authorization by \$1,500,000, from \$2,000,000 to \$3,500,000, to define the scope of the project, and to provide that the appropriation may be expended for costs of construction of the project, thereby making the title of said ordinance read as follows:

"AN ORDINANCE APPROPRIATING \$3,500,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS AND ADDITIONS TO YALESVILLE, JAMES H. MORAN, AND DAG HAMMARSKJOLD SCHOOLS AND AUTHORIZING THE ISSUE OF \$3,500,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

Section 2. Section 1 of said ordinance is amended to read as follows:

"Section 1. The sum of \$3,500,000 is appropriated for the planning, acquisition and construction of improvements and additions to Yalesville Elementary School, James H. Moran Middle School, and Dag Hammarskjold Middle School, including additions, renovations, refurbishment of Yalesville School for reuse, improvements to comply with governmental building, fire, handicapped access or other safety codes and improvements related thereto, asbestos abatement, lead abatement, feasibility studies, equipment, furnishings, site work, demolition, testing, surveying, architects' and engineers' fees, project management and contract administration, and for administrative, printing, legal and financing costs related thereto."

Section 3. The first sentence of Section 2 of said ordinance is amended by substituting the figure \$3,500,000 for the figure \$2,000,000 therein, thereby making said sentence read as follows:

"Section 2. To meet said appropriation \$3,500,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date."

Section 4. Section 5 of said ordinance is deleted, and the following substituted therefor:

"Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town of Wallingford (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration."

RESOLUTION PROVIDING FOR REFERENDUM

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

That the question of repeal of the ordinance entitled "An Ordinance Appropriating \$1,400,000 For The Acquisition Of 6 Fairfield Boulevard And The Planning, Design And Construction Of The Building's Conversion To A Town Recreation Center And Authorizing The Issue Of \$1,400,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose", enacted by the Town Council on January 17, 1995 and approved by the Mayor on January 18, 1995, submitted in a petition therefor pursuant to Chapter III Section 9 of the Town Charter, be submitted to the Town electors for approval or disapproval at a referendum to be held on Tuesday, April 11, 1995, between the hours of 12:00 Noon and 8:00 P.M. (E.S.T.), and that the warning of said referendum shall state the question to be voted upon as follows:

"Shall the ordinance entitled 'An Ordinance Appropriating \$1,400,000 For The Acquisition Of 6 Fairfield Boulevard And The Planning, Design And Construction Of The Building's Conversion To A Town Recreation Center And Authorizing The Issue Of \$1,400,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose', enacted by the Town Council on January 17, 1995 and approved by the Mayor on January 18, 1995, be repealed?"

The ballot label for said question shall read as follows:

"Shall the bond ordinance and appropriation of \$1,400,000 for the acquisition of 6 Fairfield Boulevard and its conversion to a Town recreation center, enacted by the Town Council on January 17, 1995 and approved by the Mayor on January 18, 1995, be repealed? YES
NO"

The warning shall also state that the full text of the aforesaid ordinance is on file, open to public inspection, in the office of the Town Clerk, that the vote on the aforesaid bond ordinance is taken under the authority of Chapter III Section 9 of the Charter of the Town of Wallingford and Chapter 90 of the Connecticut General Statutes, as amended, and that absentee ballots will be made available in accordance with law.