

TOWN COUNCIL MEETING

JANUARY 10, 1995

6:30 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(1) of the CT. General Statutes with Regards to the Appointment of a Public Officer
  - Interview of Board of Tax Review and Inland Wetlands Commission Appointees
3. Consider and Approve One Appointment to the Board of Tax Review for a Term of Three (3) Years to Expire 1/8/98
4. Consider and Approve One Appointment/Re-Appointment to the Position of Alternate on the Planning & Zoning Commission for a Term of Three (3) Years to Expire 1/8/98
5. Consider and Approve One Appointment to the Position of Alternate on the Inland Wetlands Commission to Fill a Vacancy Which Expires 3/1/97
6. Consider and Approve a Transfer of Funds in the Amount of \$1,500 from Capital - Dual Deck (Tape Recorder) Acct. #001-7010-999-9901 to Advertising Acct. #001-7010-400-4100
  - Town Planner
7. Consider and Approve a Waiver of Bid to Retain Existing Secretarial Services for the Town Planner's Department
8. Consider and Approve a Transfer of Funds in the Amount of \$31,691 from Health Insurance Acct. #001-8041-800-8300 to Retirement - Sick Leave Acct. #001-8041-800-8360 - Personnel Department
9. Consider and Approve the Purchase of One Mortar Mixer for the Public Works Department
10. Consider and Approve Granting Permission for the Erection of a Temporary Sign on Town Hall Property Announcing the Site as a Future Location of the Korean War Veterans Memorial - Mayor's Office
11. Discussion Regarding Community Pool Operational Plans for 1995 as Requested by Councilor Thomas Zappala
12. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.

(OVER)

13. Consider and Approve an Appropriation of Funds in the Amount of \$1,100,000 to Amend the Revenue Budget by Increasing the Reimbursement from Bond Proceeds/6 Fairfield Blvd. Purchase (New Revenue Acct.) Acct. #001-1090-090-9240 and Increasing the Recreation Facility/Community Center Acct. #001-8010-800-8530 by \$1,100,000 - Mayor's Office
14. Consider and Approve a Resolution of Official Intent to Reimburse Expenditures with Bond Proceeds in the Maximum Amount of \$1,100,000 for the Acquisition of Real Property and Buildings Located at 6 Fairfield Boulevard for Reuse as a Recreation Facility/Community Center - Mayor's Office
15. SET A PUBLIC HEARING for January 24, 1995 at 7:45 P.M. on 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
16. Consider and Approve Authorizing the Mayor to Sign a New Lease and Supervisory Agreement with Greater New Haven Transit District - Mayor's Office
17. Report Out from the Committee to Review the Establishment of a New Recreation Center/Ice Rink
18. Discussion on the Flashlights Presently Being Used by the Department of Police Services as Requested by Councilor Raymond J. Rys, Sr., Chairman of the Public Safety Committee
19. Discussion on the Status of the Auxiliary Police Force of the Town of Wallingford as Requested by Vice Chairperson Susan S. Duryea
20. Consider and Approve a Transfer of Funds in the Amount of \$101.00 from Seminars & Dues Acct. #001-1110-700-7990 to Professional Services Golf Course Study Acct. #001-1110-900-9003 as Requested by Councilor Thomas Zappala, Chairman of the Golf Course Study Committee
21. Consider and Approve a Transfer of Funds in the Amount of \$60 from Portable Radio Acct. #2035-999-9911; \$140 from Vehicle Equipment Acct. #2035-999-9906; \$305 from Department Vehicle Acct. #2035-999-9904 and \$200 from Physical Exams Acct. #2035-500-5760 for a Total of \$705.00 to Telephone Acct. #2035-200-2000 - Fire Marshal's Office
22. Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Vehicle Maintenance Acct. #001-2035-500-5000 - Fire Marshal's Office
23. Consider and Approve Awarding to Other Than Low Bidder the Purchase of Two Map Cabinets for the Town Clerk's Office

(NEXT PAGE)

24. Note for the Record Mayor Transfers Approved To Date
25. Note for the Record Anniversary Increases Approved by the Mayor to Date
26. Consider and Approve Merit Increases (6) Approved by the Mayor
27. Consider and Approve Tax Refunds (#161-178) in the Amount of \$3,058.26 - Tax Collector
28. Approve and Accept the Minutes of the December 13, 1994 Town Council Meeting with One Correction
29. Approve and Accept the Minutes of the Continuation of the December 13, 1994 Town Council Meeting Held on December 19, 1994

TOWN COUNCIL MEETING

JANUARY 10, 1995

6:30 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
2. Executive Session - 1-18a(e)(1) - Interview of Bd. of Tax Review and Inland Wetlands Commission Appointees	1
3. Approve the Appointment of Louis DePonte to the Bd. of Tax Review for a Term of Three Years to Expire 1/8/98 Subject to a Two Week Waiting Period	1
4. Approve the Re-Appointment of Jay Fishbein to the Position of Alternate on the Planning & Zoning Commission for a Three Year Term to Expire 1/8/98	1-2
5. Approve the Appointment of Wayne Wright to the Position of Alternate on the Inland Wetlands Commission to Fill a Vacancy Which Expires 3/1/97 Subject to a Two Week Waiting Period	2
6. Approve a Transfer of \$1,500 to Advertising Acct. #001-7010-400-4100 - Town Planner	2
7. Approve a Waiver of Bid to Retain Existing Secretarial Services for the Town Planner's Dept.	2
8. Approve a Transfer of \$31,691 to Retirement-Sick Leave Acct. #001-8041-800-8360 - Personnel	3-4
9. Approve the Purchase of One Mortar Mixer for the Public Works Dept.	4
10. Approve Granting Permission for the Erection of a Temporary Sign on Town Hall Property Announcing the Future Site of the Korean War Veterans Memorial Monument	4-6
11. No Action Taken on Community Pool Operational Plans for 1995 - Requested by Councilor Thomas Zappala	9-15
12. PUBLIC QUESTION AND ANSWER PERIOD - Suggestion for Proposing Ordinance Governing Hair Salons; Comments Re: Proposed Enrollment Figures for Middle Schools; Inquiry Re: Wooding Property; Budget Figures for Recreation Center, F.Y. 1993-94 & 1994-95; Comments Re: Town's Yearly Surplus; Correspondence from Philip Wright, Sr., re: Intentions to Not Seek Re-Appnt. to Planning & Zoning Commission	6-9

<u>Agenda Item</u>	<u>Page No.</u>
13. Fail to Approve an Appropriation of \$1,100,000 to Establish and Fund the Recreation Facility/Community Center Acct. #001-8010-800-8530	15-27
14. Approve a Resolution of Official Intent to Reimburse Expenditures with Bond Proceeds in the Maximum Amt. of \$1,100,000 for the Acquisition of Real Property and Buildings Located at 6 Fairfield Blvd. for Re-Use as a Recreation Facility/Community Center	27-28
15. SET A PUBLIC HEARING for January 17, 1995 at 6:45 P.M. on an Ordinance Appropriating \$1,400,000 for the Acquisition of 6 Fairfield Blvd. and the Planning, Design and Construction of the Building's Conversion to a Town Recreation Center	28-29
16. Approve Authorizing the Mayor to Sign a New Lease and Supervisory Agreement with Greater New Haven Transit District	29-30
17. Report Out from the Committee to Review the Establishment of a New Recreation Center/Ice Rink	30-34
18. Discussion on the Flashlights Presently Being Used by the Dept. of Police Services as Requested by Councilor Raymond Rys	34-39
19. Discussion on the Status of the Auxiliary Police Force of the Town of Wallingford as Requested by Vice Chairperson Susan S. Duryea	40-44
20. Approve a Transfer of \$101.00 to Professional Golf Course Study Acct. #001-1110-900-9003 as Requested by Councilor Thomas Zappala, Chairman of the Golf Course Study Committee	44-46
21. Approve a Transfer Totalling \$705 to Telephone Acct. #001-2035-200-2000- Fire Marshal	46-47
22. Fail to Approve a Transfer of \$2,000 to Vehicle Maintenance Acct. #001-2035-500-5000 - Fire Marshal	47-48
Reconsider and Approve a Transfer of \$2,000 to Vehicle Maintenance Acct. #001-2035-500-5000 - Fire Marshal	48
23. Approve Awarding to Other Than Low Bidder the Purchase of Two Map Cabinets for the Town Clerk's Office	48-49
24. Note for the Record Mayoral Transfers Approved to Date	49
25. Note for the Record Anniversary Increases Approve by the Mayor to Date	49
26. Approve Merit Increases (6) Approved by the Mayor	49

<u>Agenda Item</u>	<u>Page No.</u>
27. Approve Tax Refunds #161-178) in the Amount of \$3,058.26 - Tax Collector	49
28. Approve the Minutes of the 12/13/94 Town Council Meeting with One Correction	49-50
29. Approve the Minutes of the Continuation of the 12/13/94 Town Council Meeting Held on 12/19/94	50
<u>Waiver of Rule V</u>	
Approve Accepting the Extension of Laurel Ridge Court Approved by the P&Z Commission at their Meeting of 1/9/95	2-3

TOWN COUNCIL MEETING

JANUARY 10, 1995

6:30 P.M.

The following is a record of motions made and acted upon by the Wallingford Town Council at its meeting of January 10, 1995 held 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. Also in attendance was Mayor William W. Dickinson, Jr. and Deputy Comptroller Eva Lamothe. Attorney Janis M. Small arrived at 8:06 P.M.

The Pledge of Allegiance was given to the Flag.

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

-Interview of Board of Tax Review and Inland Wetlands Commission Appointees

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

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

All Councilors were in attendance during the executive session along with Louis DePonte, candidate seeking appointment to the Board of Tax Review and Wayne Wright, candidate seeking appointment to the Inland Wetlands Commission. Both candidates were interviewed separately during executive session with each leaving the room during the item that failed to pertain to them.

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

VOTE: All ayes; motion duly carried.

ITEM #3 Consider and Approve One Appointment to the Board of Tax Review for a Term of Three (3) Years to Expire 1/8/98

Motion was made by Mrs. Duryea to Appoint Louis DePonte to the Board of Tax Review for a Three Year Term to Expire 1/8/98 Subject to a Two Week Waiting Period. Absent any negative action by this Council concerning this appointment during such time, Mr. DePonte will be sworn in by the Town Clerk, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

ITEM #4 Consider and Approve One Appointment/Re-Appointment to the Position of Alternate on the Planning & Zoning Commission for a Term of Three (3) Years to Expire 1/8/98

Motion was made by Mrs. Duryea to Re-Appoint Jay Fishbein to the Position for a Term of Three Years to Expire 1/8/98, seconded by Ms.

January 10, 1995

Papale.

VOTE: All ayes; motion duly carried.

ITEM #5 Consider and Approve One Appointment to the Position of Alternate on the Inland Wetlands Commission to Fill a Vacancy Which Expires 3/1/97

Motion was made by Mrs. Duryea to Appoint Wayne Wright to the Position for a Term to Expire 3/1/97 Subject to a Two Week Waiting Period, after which, absent any negative action taken by this Council concerning this appointment during such time, Mr. Wright will be sworn in by the Town Clerk, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$1,500 from Capital - Dual Deck (Tape Recorder) Acct. #001-7010-999-9901 to Advertising Acct. #001-7010-400-4100 - Town Planner

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

Linda Bush, Town Planner, explained that a surplus remained in this account due to the fact that the Council, during budget session, allocated \$2,500 for the purchase of a recorder, basing that allocation on their conclusion that Ms. Bush required a recorder similar to the unit used by the Town Council. Ms. Bush found a suitable recorder which meets all the requirements of her department at a much lower cost, resulting in a savings of \$1,500. Anticipating additional advertising costs in the near future associated with the Wal-Mart/K-Mart Issues, Ms. Bush is therefore requesting a transfer of the funds to her Advertising account.

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

ITEM #7 Consider and Approve a Waiver of Bid to Retain Existing Secretarial Services for the Town Planner's Department

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

Mr. Solinsky asked if Ms. Bush is requesting a waiver of bid for the calendar year or remaining fiscal year?

Ms. Bush explained that, until recently, she was not aware that a Town Bid Waiver List existed which is approved as a whole by the Council at budget time. She was therefore requesting a waiver based on the new calendar year. Now that she is aware of the bid waiver list she will contact Robert Pedersen, Purchasing Agent, to see that her service is included on said list.

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 the Purpose of Accepting a



January 10, 1995

Town Road, seconded by Mr. Knight.

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

Motion was made by Mrs. Duryea to Accept the Extension of Laurel Ridge Court Approved by the Planning & Zoning Commission on January 9, 1995, seconded by Mr. Rys.

Ms. Bush explained in her letter to Mayor Dickinson that this acceptance is being requested so that the residents of this area can receive municipal services for the remainder of the winter. Enclosed with the letter was a sign-off by John Costello, Town Engineer and Henry McCully, Public Works Director.

VOTE: All ayes; motion duly carried.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$31,691 from Health Insurance Account #001-8041-800-8300 to Retirement - Sick Leave Acct. #001-8041-800-8360 - Personnel Department

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

Mr. Killen asked Mr. Sharkey, how many departments does this retirement, sick leave account effect?

Thomas Sharkey, Acting Personnel Director responded, it does not cover the utilities nor the Board of Education. All of the regular Town departments, i.e., Fire, Police, Public Works, etc., are covered.

Mr. Killen asked, how much lead time does the Town need for notification of retirement?

Mr. Sharkey responded, we usually require about two months.

Mr. Killen asked, we have used up close to \$100,000. already?

Mr. Sharkey answered, a little over \$100,000. and this is to cover the two current retirements, one of which is occurring now and the other is occurring February 1st. There are another two retirements which will become effective March. This has been a banner fiscal year for retirements. One of the current retirement requests involved a disability, so they had made application during the fiscal year but we did not know if they were going to meet the qualifications. The other retirement is from the Fire Department and that notice was received in October and it was not until late November before a specific date was determined.

Frank Wasilewski, 57 N. Orchard Street commented that the Health Ins. account must have been over-budgeted for in looking through the budget \$2,540,000. was budgeted in it and you continue to transfer funds out of it.

Mr. Sharkey explained, it was not a matter of over-budgeting, it is a matter of obtaining cost-containment benefits with Local #1183 and then with the management contract. That is money saved.

January 10, 1995

Cost-containment was also negotiated into the Police Department's contract which will be coming before the Council in the near future. That results in a 2-3% savings in premiums which translates to approximately \$75,000.

Mr. Wasilewski asked for an explanation of the sick leave benefit.

Mr. Sharkey explained, when people retire they are entitled to the accumulated sick paid out to a maximum of ninety (90) days.

Mr. Wasilewski stated, this is the only business he is aware of where the employees are paid not to be sick. We have one at the Electric Division, a woman who is retiring, she is receiving a check for \$10,000. Nowhere in the outside world would any company give an employee a check like that one. Somewhere along the line this has got to stop. Between the pension plan and sick time, the Town will run the residents broke.

Mr. Knight asked, how long has the Town had this stipulation in its contracts?

Mr. Sharkey responded, approximately thirty years. It is a very standard situation in municipal as well as state government.

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

ITEM #9 Consider and Approve the Purchase of One Mortar Mixer for the Public Works Department

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

Henry McCully, Director of Public Works, explained to the Council how the piece of equipment that the department was planning to transport the mortar mixer on has a tailgate lift on it. At the time he was hoping to tow the mixer but found that it was too difficult to come up with the proper configuration for towing the vehicle behind the tailgate. It was determined that the smaller machine fit better, it could be put on the tailgate and up onto the truck and transported rather than towed. He has already purchased one mortar mixer that is in use. The original budget request reflects the desire for two mixers however the price listed was per unit.

Mr. Killen stated that the Town could have received a better quote for the machines had the dealers known that he was in need of two mixers.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve Granting Permission for the Erection of a Temporary Sign on Town Hall Property Announcing the Site as a Future Location of the Korean War Veterans Memorial - Mayor's Office

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

John DeNino, President of the Korean War Veterans Memorial Committee

January 12, 1995

and Robert F. Parisi, Secretary of the committee were on hand for this item.

Mr. Parisi requested, on behalf of the committee, that they be granted permission to erect a temporary 4'X4' sign announcing the future location of the monument.

Mr. Gouveia asked, what is the committee's target date for erection of the permanent monument?

Mr. Parisi responded, April 29, 1995. The committee has been successful in collecting funds for the project. The contract for the erection of the monument was signed last Friday. The committee felt that it should first raise the money, sign the contract and then approach the Council for permission. It will be the same size as the WWII monument and will fit in nicely.

Mr. Gouveia reminded Mr. Parisi that, at some point in time, the committee will have to approach the Council for permission to erect the permanent monument.

Mr. Parisi offered to submit copies of the rendering to the Town Council, along with a letter requesting permission for the permanent monument erection.

Mr. Gouveia stated, he would have no problem voting for the monument providing it does not overshadow any of the existing ones.

Mr. Parisi stated, it is the exact same specifications of the WWII monument, the plaques are even the same. There may be a bit more ornateness to it, but it will not stand out any more or any less than the existing ones. He will forward the information to the Council tomorrow.

Mr. DeNino stated that a spot was promised to the veterans for the monument.

Mr. Killen asked, who designated the spot?

Mr. Parisi responded, the committee was informed that a spot was designated for the monument when the Town Hall was moved from the old location to the new one. He could not recall who told them.

Mr. Solinsky stated, when the Town Hall was renovated the monument was placed so that there could be another installation at a later date. There was no official designation, however.

Mr. Killen was concerned that perhaps the spot was being saved for another monument of some sort.

Mr. Parisi was not aware of any other monument coming forward.

Frank Rhenda, 753 N. Main Street extension supported granting permission for the monument.

January 10, 1995

Mayor Dickinson stated that the committee may have to appear before Planning & Zoning for permission to erect the sign as well.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, stated that he believes there should exist an ordinance, within the Town, which governs the sanitary conditions of hair salons and barber shops.

Mr. Gouveia, Chairman of the Ordinance Committee, failed to see the usefulness of such an ordinance, however, if Mr. Melillo felt that strongly about the issue, he suggested that Mr. Melillo file his concerns on the matter in the form of correspondence directed to the Ordinance Committee for discussion.

Mr. Zappala explained that the State of Connecticut licenses the hair stylists and are responsible for inspecting them. Unless the Town issues licenses to the stylists, they have no jurisdiction over them.

Mayor Dickinson will look into the matter and contact Mr. Melillo with his findings.

Mr. Melillo then asked if the Town is considering instituting the practice of selling tax liens?

Mayor Dickinson responded that the Town has utilized the services of private collection agencies for motor vehicles and has begun using the Law Department in foreclosure matters, however, it is highly improbable that it will be selling tax liens.

Tim Cronin, 47 S. Ridgeland Road asked Mr. Solinsky if he had any timetable available to him with regards to the Public Hearings on the middle school expansion project?

Mr. Solinsky responded, the elementary school portion of the project is supposed to be approved by the State around the 20th. It would probably depend on what the Board of Education does on Thursday. If there are changes to the major designs then it will effect the timetable and could throw it off a couple of months past any dates already projected.

Mr. Cronin added, the figure recently stated by the Superintendent of Schools with regards to school capacity, namely 1,035, is artificial in nature and based on a hypothetical situation. There seems to be a rush to get this job done, we should slow the process down a bit.

Philip Wright, 160 Cedar Street asked what the status was of the Wooding Property?

Mayor Dickinson responded, there was a development of a R.F.P. regarding private development and that is waiting re-submission to the Council. It has been some time since this issue was before the Council due, in part, to the economy and considerations over when to

January 10, 1995

move forward on it. There have been changes in the R.F.P. and, as a result, it has not had the highest priority in bringing the issue back to the Council. There is a drafted document that has undergone change and may still be in the process of revision. Don Roe, Program Planner, would be the best person to answer that. Assuming that the current revisions have been completed, the document could be before the Council at the next meeting or in the near future.

Mr. Wright stated, this is the same answer that you gave me, Mayor, six months ago. He did not believe that the magnitude of this situation is being given proper consideration.

Frank Rhenda, 753 North Main Street Extension stated that the government should not stick their nose into business. Between taxes, laws, statutes, ordinances, etc., once government got involved in the running of businesses it created many problems. Leave the businessman alone.

Bernadette Rhenda, 753 North Main Street Extension thanked the Public Works Department for cleaning the areas where debris have collected in the vicinity of her neighborhood as stated during Public Question and Answer Period at the December 13, 1994 Town Council Meeting. She asked if a sign should be posted in the area of the proposed location for the new K-Mart? She noticed it was no longer there and wondered if it should still be since the matter is being appealed?

Frank Wasilewski, 57 North Orchard Street stated, at the December 13, 1994 Town Council Meeting, Mrs. Duryea asked the Mayor how much was budgeted in the previous year for the Recreation Center. He asked Mrs. Duryea if she had received her answer yet?

Mrs. Duryea responded, no.

Mr. Wasilewski informed Mrs. Duryea that, in reviewing the budget, he discovered that Yalesville Roof, Open Space and Recreation Center account had a total of \$0.00 budgeted for F.Y. 1994-95. For F.Y. 1993-94, \$330,000 was budgeted, however. Did some of that money go towards the purchase of open space we are buying?, repairing the roof at Yalesville?, or was it a surplus amount at the end of the year? There is no money budgeted in the current fiscal year for the Recreation Center so it could not have been a high priority.

Mayor Dickinson responded, \$218,000 of that figure is allocated towards the Yalesville School roof.

Mr. Wasilewski stated, the roof was not repaired.

Mayor Dickinson answered, we are still under contract for repairing it. That money is still budgeted for that purpose in the capital account.

Mr. Wasilewski stated, if you budgeted \$218,000 for the roof then you did not budget very much for the Recreation Center and it was going to cost the Town \$600,000 for open space at East Center Street, wouldn't you consider that to be poor budgeting if we were planning to do these

January 10, 1995

things? Yet, this year we have a fantastic surplus, where is all that money going to go? Where did the money go from last year's surplus? He directed his question to Mr. Killen.

Mr. Killen responded, everyone I talk to seems to want to continue to accumulate surpluses even if it means being over-taxed to achieve that.

Mr. Wasilewski stated, my taxes continue to go up while accumulating surpluses.

Mayor Dickinson explained, some of the so-called "surplus" goes toward the Aa credit rating while \$1.7 million was placed back into the budget against taxes. So \$1.7 million out of the unappropriated balance is in this year's budget.

Mr. Wasilewski stated, we do that every year with the surplus. You did it last year, you are doing it this year, you will do it next year, it does not seem to make sense to take money out and put money back for the same thing. Ten dollars in my pocket is better than \$20 in the surplus amount.

Mr. Killen suggested that Mr. Wasilewski go back a few years into the Council meetings and you will see in the past an appropriation from certified surplus. Year in and year out we took the dollars, after we got the auditors report, and we used those dollars. We did not have to raise the taxes too high in the current year because you knew those kinds of dollars would be available immediately after the first six months, period. We used the monies after that to add to the budget for that particular year. So the same people who were being taxed were getting the results of those same tax dollars back again. You are being double-taxed.

Diane Hotchkiss, 38 Clifton Street stated, the last time she was at a Council Meeting the Yalesville Roof was also being discussed. At that time a bunch of money had come in and it was going to be used for the Yalesville Roof and also for open space. At that time her question was, Community Pool. This is the fifth year discussing Community Pool. She asked, where does the money go to that the Town receives from the State from the funding from Ledyard? Last time she was here she was given a figure of over \$800,000 that is given to this Town per year. She was also told that it does not show up in budget, it disappears. Where is that money and why don't we use it for some of the projects?

Mayor Dickinson answered, that money would be general revenue received by the Town and would offset an increase in taxes. That would be budgeted as money to be received from the State and since it is not dedicated for a specific purpose then it would reduce by its amount the amount that would have to be raised in local taxes.

Ms. Hotchkiss stated, last year she was told that the money was used to fix Yalesville Roof and to buy open space.

Mayor Dickinson stated, if it was the \$330,000., when it came in it was not part of the budgetary process and it was appropriated at a

January 10, 1995

time during the budget year for the three purposes, Yalesville Roof, Open Space and/or Recreation Center. That account is still there, \$330,000.

Mr. Solinsky stated, the budget sheets reflect a figure of \$413,000., not \$800,000.

Mayor Dickinson stated, this year the Town is anticipating \$413,000. The \$330,000., last year was budgeted in the capital account.

Ms. Hotchkiss stated that the last time she was at a Council meeting the subject of long-term projects was discussed. She asked, do we have any plans for that yet?, do we have anything listed for long-term projects?

Mayor Dickinson responded, we increased the amount of debt payments in the amount of some \$5 million. We have debt that would cover \$5 million worth of borrowing, anticipating the school project. That is the primary hurdle that the Town faces.

Ms. Hotchkiss asked, so there is still nothing in the long-term project that we are supposed to be using?

Mayor Dickinson answered, it depends upon the timing of a project. Undoubtedly the Community Pool, as well as Community Lake, project would require borrowing and that means that the money would have to be in a debt schedule to allow that to happen. Whether that timing fits with other projects necessarily impacts what else can be done.

Ms. Hotchkiss asked, therefore our Aa credit rating doesn't get us the money to do anything in that area?

Mayor Dickinson answered, the Aa credit rating reduces the interest rate that you would receive in the borrowing.

Ms. Hotchkiss asked, does our surplus help in that area or not?

Mayor Dickinson stated, the term surplus is misleading. The money that is held for Aa credit purposes enables us to command a lower interest rate when we seek investors to buy the bonds and effect their investing in the community because of its fiscal health.

Mrs. Duryea read a letter from Mr. Philip Wright, Sr., into the record stating his reasons for not seeking re-appointment to the Planning & Zoning Commission (Appendix I).

Mr. Solinsky thanked Mr. Wright at this time for his ten year's of service to the Town, serving on the Planning & Zoning Commission (applause).

The Chair declared a five minute recess at this point in time.

ITEM #11 Discussion regarding Community Pool Operational Plans for 1995 as Requested by Councilor Thomas Zappala.

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

Mr. Zappala stated, although this is not the weather to think about swimming, why wait until June or July to discuss Community Pool, a subject that is very important to the people of Wallingford. He commended the former Community Pool Renovation Building Committee for their hard work and thorough review of the matter, only to find the matter tabled with no progress to date. If the pool is to be opened again this summer, he did not want a repeat of the action taken last year to achieve that. It was sparingly patched just to get it open. Many people did use the pool during the summer, which was what everyone ultimately wanted. He went on to say that the people of Wallingford, however, deserve better. The pool has been in existence for approximately forty-five years without major renovation. He, personally, likes the current design of the pool and would like to retain that, however, we need to perform a thorough job to keep it working for the people of Wallingford. Mr. Zappala has been approached by an interested resident, Karen Foster, who would like to become involved in this issue.

Mr. Knight, former member of the disbanded Community Pool Renovation Building Committee, explained how it had been the committee's first course of action, back in January of 1990, to investigate the possibility of performing a major renovation to Community Pool while maintaining the original design. The State of Connecticut swimming pool design guide standards were referenced and presented to the Council only to be rejected. Special legislation was requested to exempt the pool from State standards and was achieved, however, with the exception that the recirculation requirements still applied. The committee then prepared and presented alternatives which left the pool in its present form while improving circulation and adding amenities that would enhance the meager turnout that the pool enjoyed at the present time. Neither of the alternatives met with the Council's approval and funding became elusive. The idea then died and the committee resigned. We are not at the juncture where we have patched the pool to get through another year. There seems to exist a body of thinking that by investing approximately \$400,000 into the pool it will leave us with a viable product for another ten to fifteen years. That simply is not so. The committee unanimously agrees that it is not feasible. That is an estimate that is less than half of what will be required to bring recirculation standards up to what the State is expecting and, even if we invest that \$400,000, we will fail to attract the number of people that the committee feels should be attracted to this community facility. The survey conducted by the committee has proven that the vast majority of the people were not interested in patronizing Community Pool in the condition that it was in at the time of the survey. He would like to pursue patching the pool one more year and pursue the reconstruction of a pool that will meet the needs of the community. The pool, in its present condition will not do that.

Ms. Papale thanked Mr. Zappala for having the foresight to bring this issue forth now. After what happened last season the Council has realized the importance of the pool to the entire community. The pool is enjoyed by the young, middle-aged and seasoned residents of Town.



January 10, 1995

She would like the pool to be renovated so as to retain its current design. The Council, Mayor and Recreation Department need to work together on a plan for the pool. It is an asset to the Town which needs action, one way or another.

Mayor Dickinson stated, everyone is aware of what the past history is. A design must be approved first. Tonight we are dealing with the expenditure of the Recreation Center and we have the school project that is facing us as well. If Community Pool has to be dealt with, realistically, the ability to have the pool opened this summer and initiate any kind of work on it in the Spring of 1995, is virtually impossible. If the pool is to be open this summer there cannot be work on it prior to the summer, the earliest would be the fall. The timetable is not optimistic.

Karen Foster, 40 Jones Road stated, in reviewing the material left behind as a matter of record by the former committee, many obvious questions were left unanswered. She commended the committee for a wonderful job of record-keeping, however some of the basic information is missing in order to make a good decision.

Mayor Dickinson suggested that Mrs. Foster meet with Mr. Knight, perhaps Mr. Walworth and other members of the committee who are willing to meet for informational purposes.

Mrs. Foster agreed to.

Mr. Knight would be happy to share the information and conclusions the committee had drawn from their history on the matter.

Mr. Killen stated that he voted against opening the pool last year because he does not want to be responsible for someone becoming maimed or losing their life in that pool because the risk is there. It is simply a matter of calculated risk and interpretation and/or opinion. Someone can interpret the situation to be one way, namely that the pipes are in good condition and can withstand another season or two of use while another may have the opinion that the pipes have outlived their use and cannot last another season. Mrs. Foster may not be able to obtain the answers she is looking for so easily. He encouraged her to stay involved in the issue.

Mr. Gouveia stated that what happened last May or June is a perfect example of the way that this government operates, always reacting to problems. We were forced to react last year and we reacted after failing to act in a timely manner early on. Today, he is happy to see this subject brought forth three or four months before something could be done before the Council has to react again, in an untimely manner. He pointed out that a Councilor brought this matter forward, not a member of the Parks & Recreation Department, nor a member of the administration. This leads Mr. Gouveia to ask the question of those individuals, "what is the commitment on your part to partake in the solution of this problem?" It is a problem that will not go away and someone has to take the bull by the horns. Last year, this Council, because no monies were placed in the budget for the repair and maintenance of Community Pool, and after being told by the committee,

January 10, 1995

and other people involved that the pool was not safe and was hazardous, this Council removed the money set aside for the operation of the pool. Why leave the money in place to operate a pool which cannot open? That is creating a burden on the taxpayers, therefore, the Council removed the funding for operation. The Council then had to react due to public outcry. They had to react and reverse their vote to put the money there and keep their fingers crossed that the pool could be opened for another year without any injuries occurring to anyone using the pool. This cannot go on forever. Something has to be done with the pool. He would like to see a more concerned effort on the part of the Park & Recreation, Council and Mayor to resolve the problem. He thanked Mrs. Foster for her interest in this matter and Mr. Zappala's foresight to bring this issue to everyone's attention now.

Philip Wright, Sr., 160 Cedar Street stated that between Stan Shepardson, Director of Parks & Recreation, Stephen Knight and Tom Zappala, some type of evaluation should be drawn as to the condition of the pool. He asked Mr. Shepardson if it is worth going on with for another year? What really was the usage of the pool last year?

Mr. Shepardson responded, the use of the pool last year was an average of 150 people per day. The condition of the pool is the same today as it was last year. If we are going to keep it open some repair work must be done to the surface. To put money into the filtration system would be to change the entire system. You cannot piece meal it. If we really want to go forward with a new pool, he recommends that we get a committee together, and do it quickly, to include the Council and Park & Recreation Commission and anyone the Mayor chose to have sit in attendance, and sit down and detail exactly what we want to do. We must come up with a conclusion.

Mr. Wright pointed out that the Mayor has already stated earlier that we cannot afford to do anything with the pool. Can we keep it going another year and it is justified with the use that it experiences?

Mr. Shepardson recalled the days when 1,000 people utilized the facility. It meets a need for those individuals who do not have a pool. It is up to the Council and the Mayor if they want to spend \$67,000 for a total of 3,000 to 4,000 people using the pool. If renovations are to be planned it must occur in the fall. Budget this spring for the renovations this fall.

Frank Rhenda, 753 North Main Street Extension, stated that someone has not been doing their job at the pool for it should never have gotten to this stage of disrepair. He encountered a gentlemen who claimed to work for the Board of Education installing a new roof on the structure at the pool the year before last. Last year the same man was observed installing a third roof over the roof installed last year. Mr. Rhenda wants to know where the money went and why a Board of Education employee was working on the roof? He asked how much of a surplus the Town truly has?

Mr. Killen responded that the auditor's figures reflect a surplus of \$6 million that is undesignated.

Mr. Rhenda stated, some of those dollars will now be carried on to the

January 10, 1995

following year so why not take a few million off of it and put it towards some of the projects that we need to do? Committees are established, architects are hired and everything falls by the wayside.

Mr. Killen responded, you are asking questions of the Council who does not have the power to appropriate money. The Council can approve the appropriations, when requested, but we do not have the power to make the appropriation, the Mayor is the only one who can.

Mr. Rhenda stated, there are pleas made for the public to get involved and do their share, however, if we cannot get anywhere when we do attend the meetings, why bother? He vowed not to give up. It is about time we had some movement in this town.

Bernadette Rhenda, 753 North Main Street stated that the water quality was very good last year. If the Town has a surplus, keep the same design of the pool, fix the filtration system and get the pool going again.

Diane Hotchkiss, 38 Clifton Street stated the money has to come from that table (pointing to the Mayor) not from that table (pointing to the Council). If the Mayor does not say o.k. we don't get the pool. Everyone makes the Council sound like the bad guys. She has not gotten that impression over the past five years. The Mayor says that there are no funds. There is where the question has to come, there is where the surplus is, on that side of the table (pointing to the Mayor). She directed a statement to Mr. Knight by saying, she has all of the charts and meeting records of the committee when she was very involved in the issue and the conclusion was that it was cheaper to build a big, new pool then to perform a major renovation. Increased parking was another issue that led the committee to believe that a larger, new pool was the solution. Yes, the committee originated in 1990 and by the beginning of 1991 it was the firm conclusion that we did not need a renovation, we needed a new pool. You (Mrs. Foster) will not find what you are looking for, it was never there. She has searched for months for minutes of meetings that never existed. The money has to come from the Mayor or we don't get the pool again. This has been five years. The "vast majority" referred to with regards to the survey was, in essence, only nine hundred responses received. The vast majority of the townspeople never had a vote or a say or were even aware that meetings were taking place until a new pool design was proposed. It should not be tabled again. There is nothing in the five or six year capital plan for this project so it will just be pushed aside again. It has been pushed aside for five years. The Aa credit means that I can use the credit for something. How much money do you need to have Aa credit? Every year having a surplus in the budget that is put into the next year's budget does not say, to me, that you have done a great job, it says that it was the same surplus as last year. How are you making it look good for the Town? It is pretty poor that you cannot get a Community Pool going. It has come to pass before and will come to pass again that you will not draw people to a big, new pool with lanes and the like. The people want what they have now. The only reason the State said no is because you went to the State with drawings with huge change. So here we are back where we were five years ago.

January 10, 1995

Tim Cronin, 47 S. Ridgeland Road stated, there is a general theme going on, not only regarding the swimming pool, but all projects, blaming the Mayor. He would like to inform the Council that the reason that the people vote for the Mayor is because he is doing precisely what the people want him to do. The people don't want the Mayor to do all the projects. He is getting sick of what seems to be a planned attack against the Mayor. That is why he votes for the Mayor most of the time. He admitted that he did not vote for him once, that was over the issue of the Electric Division. He suggested that the Council start a new plan of attack because this one is not working.

Lester Slie, 18 Green Street stated that a general contractor should be solicited to provide a total cost for the job to be done, in compliance with the State regulations. Architects and designers are eating up the Town's money.

Pasquale Melillo, 43 Haller Place, Yalesville stated that this situation has been dragging on and on with nothing being done. By wasting time the figure to repair or rebuild the pool can mushroom the same as the school expansion figure that started out as an estimate of \$12-14 million. We are now looking at a figure of more than \$30 million. With our own Engineering Department, why not utilize them to advise us on this project?

Mr. Zappala stated, he was encouraged to believe that the pool can be placed into operation without having to spend a great deal of money on constructing a new pool. The water quality was good last year, a contractor has approached Mr. Zappala informing him that the pool can be renovated at a cheaper cost than anticipated and a Public Works employee has assured Mr. Zappala that his department is capable of performing the work, resulting in additional savings.

Mr. Knight stated that contractors have approached the committee in the past as well. It is not that simple. It is more complex than meets the eye. The committee's contention was that they were attempting to bring a pool back from the absolutely marginal use that it was experiencing. The total usage, based on the average stated by Mr. Shepardson of 150 people per day over an eight week period, amounts to approximately 8,400 trips to the pool. In comparison, Southington owns and operates a pool which is 60'X 75', and experienced 42,000 trips for the season with a total outlay of operational costs of \$65,000. When you compare that to Wallingford who had an outlay of \$64,000, we had 12,800 trips to our pool which measures 170'X 300'. If this is the best we can do then we should not have a pool. It is a waste to pour in that kind of money to maintain this kind of attendance. He was very much looking forward to working with Mrs. Foster.

Mr. Killen pointed out that the committee was appointed to review the issue of renovating the current structure. Not more than two months into the charge, the committee came before the Council citing State rules and regulation governing that the existing pool could not be renovated and proposing the construction of a new pool. Legislation was proposed in Hartford to allow Wallingford to renovate the existing

construction and was passed. The committee still stood by its findings that the pool could not be renovated and a new pool was the only solution. How can we get anything accomplished when we keep going around in circles?

Mr. Knight responded that the committee worked under the existing State law and felt that they had an obligation to follow a path that was within the guidelines because those guidelines, the committee was made to understand, that they were cast in granite. Numerous conversations with and trips to the Department of Health Services led the committee to believe that a significant deviation from those standards would not be allowed. To Mr. Killen's credit he did contact his legislators, legislation was proposed and indeed the committee was given the o.k. to work around the swimming pool design guide. The committee then went to work to come up with what they thought were two viable alternatives that included the most important elements that the people wanted, zero depth and lack of separation between the children and adults. The committee did not, at any time, withhold any information which indicated that they were going to be able to construct anything else, other than the pools, that the committee recommended the first time out. The second time out, given the freedom from the regulations, the committee was free to research other areas of the country.

No action was taken by the Council on this matter.

Mrs. Duryea, at this time, publicly apologized to Mr. Gouveia for criticizing him at the last meeting for not viewing the Fairfield Blvd. property when, indeed, he was not on the Council at the time that the Council first viewed the building and when he did sit on the Council, a key was unavailable for him to view the building.

ITEM #13 Consider and Approve an Appropriation of Funds in the Amount of \$1,100,000 to Amend the Revenue Budget by Increasing the Reimbursement from Bond Proceeds/6 Fairfield Blvd. Purchase (New Revenue Acct.) Acct. #001-1090-090-9240 and Increasing the Recreation Facility/Community Center Acct. #001-8010-800-8530 by \$1,100,000 - Mayor's Office

Motion was made by Mrs. Duryea to Approve the Appropriation Increasing the Reimbursement from Bond Proceeds/6 Fairfield Blvd. Purchase Acct. and to Establish and Fund the Recreation Facility/Community Center Acct. #001-8010-800-8530 in the Amount of \$1,100,000., seconded by Mr. Knight.

Mayor Dickinson explained that this issue is a consequence of the prior meeting's action to authorize purchase of the facility of the Recreation Center. In contacting the owner, he is extremely anxious to close a deal by January 31st. Efforts to prolong the date met with great resistance and, at this point, the Mayor anticipates the real possibility of additional expenses for the Town in order to meet some of the owner's demands. In order to avoid those additional expenses, it was thought that the better course would be to try and complete the deal in as short a period of time as possible. Essentially the item before the Council creates a revenue account and then reimbursing the money. It comes from the cash that the Town holds and, at the time the borrowing occurs, the cash is replenished. The recommendation is

based on the Mayor's perception of adverse consequences, should we try to work out a deal that would take a longer period of time. From the Finance Department's stand point, Mr. Myers felt that this was the best way to proceed with the matter. Eva Lamothe, Deputy Comptroller, is standing in for Mr. Myers who is on vacation.

Mr. Gouveia asked, what guarantee do we have that the action will not be challenged by the public and if it is challenged by the public, what guarantee do we have that we will prevail because if the Town does not prevail and the money has already been spent, then what?

Mayor Dickinson responded, the decision regarding the purchase of the building has been a very public process and we have had a lot of input on that. The decision was made to purchase. This funding creates a scenario where, no one can guarantee that there will not be a challenge to a bonding ordinance to reimburse the Town. If a bonding ordinance should not be approved, essentially the money would not be reimbursed. That failure to reimburse would be an immediate reduction in our accumulative balance. It would not run a deficit but it would be a reduction in cash on hand which would show up ultimately as a reduction in the accumulative balance.

Mr. Gouveia stated that it is a most acute way to circumvent the referendum process because you have the money, one way or another, you end up with the money. He had a problem with this because, we are amending the budget, we are changing the bottom line to the tune of \$1.1 million and, as he stated before, he maintains that a public hearing is required to amend the ordinance. On the basis of that alone, he would vote against it, however, the issue is more important than that. There have been people who have spoken at this meeting against this type of proposal and some comments have been made that they may very well take this to a referendum, therefore, this is like trying to pull the rug out from under their feet and spend the money for even if they go to referendum, so what, for the money has already been spent.

Mr. Zandri stated, on this particular item the point that concerns him is that we are speculating here that the money is going to be reimbursed through bonding. His personal feeling is that there has been a commitment by this Council to go ahead with this project, there are monies available in unappropriated fund balance, why not go right to that fund and transfer the money out of that to pay for the building and then reimburse the fund balance with the bonding at a later date?

Mayor Dickinson responded, essentially, that is what we are doing. But this gives us the right to reimburse those funds. Attorney Fasi would represent that we need the resolution of intent here...

Mr. Zandri stated, we are not doing it that way Mayor because what we are doing is we are appropriating funds that are not accounted for. It is speculation that they will be accounted for if the bonding process goes through. If you transfer money from the unappropriated fund balance into the stream of the budget, that is saying, yes, here is the money, it is available to us and we are now going to put it into the budget on the revenue side and we are going to spend it. That is all legitimate dollars that will flow. But the way you are

January 10, 1995

proposing it, Mayor, is strictly on speculation that the bonding is going to pass.

Mayor Dickinson responded, under your scenario, Mr. Zandri, if the bonding did not pass, it would be the exact same consequence. There would be a hit to the accumulative balance of \$1.1 million.

Mr. Zandri responded, yes, so why beat around the bush, let's go right to it and get it over with right from the get go? We know what the consequences are going to be if the bonding doesn't pass, so then if you are willing to take that chance, then go right to where the dollars are so that we can make a legitimate dollar transfer from the savings account into the working budget, spend the dollars and then reimburse the savings account if the bonding passes.

Mayor Dickinson stated, there are two reasons for not doing that, one is that it absorbs funds that we may need in the budgetary process and he did not know at this point a bond issue would actually be pursued. Secondly, this is a recommendation, again, of our paid professional, the Comptroller of the Town of Wallingford. The Finance Department has presented this scenario as the best mechanism to maintain the flexibility we need to go into budgets as well as giving him the flexibility to adequately manage the assets of the Town and preserve our fiscal position for all purposes.

Mr. Zandri did not question Mr. Myers' ability. Mr. Zandri stated that he tries to do things practically and it does not seem to be practical to work on speculation and he will not go along with this method that has been recommended by Mr. Myers.

Mr. Solinsky asked, how is this not what you are trying to do? It is coming as cash dollars from the Town.

Mr. Zandri explained, with this transfer before us, there is no transfer of dollars here. There is no appropriation of funds here. We are spending money on speculation that a bond issue is going to go forward.

Mr. Solinsky responded, you are spending real dollars.

Mr. Zandri answered, no you are not.

Mr. Solinsky stated, you would have to write a check from the Town to buy the building.

Mr. Zandri stated, I don't care how you want to manipulate the books, if you spend \$1 million next week, there is no money to back it up. There is no budgetary money to back that up. You are spending on speculation that two months from now a bonding issue will occur. I am not saying that the check would not be good. But you are spending Town dollars that are not appropriated.

Mayor Dickinson stated, at any given point in a budget year, you are potentially spending based upon money that you anticipate coming in. We receive large amounts of money twice a year from taxes, we receive

grants from the State that we budget and we are never sure exactly when those grants will come in. In the course of making expenditures during a budget year there is not an exact balancing of what dollars go out and what dollars come in. Over a year it has to balance out. You can be "out of sync" because of those flows and the inexactness of estimating exactly when given dollars will come in over a year. A budget is an estimate of a year's finances. It is only an actual at the time that the audit is done when the year is over.

Mr. Zandri stated, we have been here time and time again preaching to department heads that they cannot spend money that is not budgeted for in their accounts. We have scolded people for spending money that is not in their line item. The budget is set on dollars that are expected to come in through taxes, our whole budget is supposed to balance. The revenues and expenditures are supposed to balance. What you are doing here is expending money on speculation that this bond issue is going through. I disagree with it, we preach constantly that we are not supposed to be spending dollars that we don't have in our hands, and this is exactly what we are attempting to do here. My personal feeling is that I feel a lot more comfortable transferring money that I know we have and then reimbursing that savings account when the bond issue goes through.

Mr. Killen stated that he shares Mr. Gouveia's and Mr. Zandri's feelings. He asked, where is the authority to do what you are doing now? You are making an appropriation over and above the total budget.

Mayor Dickinson responded, we are amending the budget, I am not sure I understand what you are getting at.

Mr. Killen stated, you have to have permission to make an appropriation over and above the total budget. He referred to the Charter (Chapter XV, Section 7 (f), page 33). Upon recommendation of the mayor and certification from the comptroller that the dollars are there in the unexpended, unencumbered, general fund cash balance, that is when you may make the transfer. That is where you have to take it from, that is specific.

Mayor Dickinson stated, I don't know that it says that that is where we must take it from.

Mr. Killen read the exact wording from the Charter as follows: "Additional appropriations over and above the total budget may be made from time to time by a resolution of the Council upon recommendation of the Mayor and certification from the Comptroller that there is available an unappropriated unencumbered general fund cash balance to meet such appropriations." The intent is clear as to what it is all about, that that is where it will come from.

Mayor Dickinson responded, the audit shows that we have additional funds that would meet this obligation.

Mr. Killen stated, there is no doubt about that, the problem is that you are not making the appropriation from the general fund surplus.



January 10, 1995

Mayor Dickinson pointed out that it does not say that it has to be appropriated from there.

Mr. Killen stated, it certainly doesn't say that you don't have to...the point is that it was put in there (Charter) for a reason. You cannot make an appropriation without the dollars being there. You don't have the dollars there now. Anyone who does this particular thing (expend dollars that are not budgeted) is liable for it, they are not only liable for the dollars but they can also lose their job.

Mayor Dickinson stated, I understand that there is a disagreement of opinion on this, we have a Finance Department who has gotten a certificate of excellence for the past four or five years, he has no basis in which to distrust the recommendations, the advice he received from the Comptroller. If people are not satisfied with it, then they will not vote on it.

Mr. Killen stated, everything that we do here is structured to meet the Charter and State Statutes. You cannot simply brush them aside because this situation arose. This situation arose because we got ourselves into a bind with a man that is telling the Town of Wallingford that we will buy his property under his terms. This Council was never made aware of anything other than the fact that we had to put up "X" number of dollars and we then proceed to own this piece of property.

Mayor Dickinson responded, conditions change and I would be wrong if I didn't bring it forward and relate to the Council what the circumstance is. He is looking to meet the circumstance as best we can. If we don't then we go onto a new circumstance. He is reporting what the current situation is and the means of meeting it. If you are not satisfied with it, obviously you will not vote for it. Hopefully others will and we will go on from there. He felt that he would be wrong if he did not bring this forward now and waited until later and have someone accuse him of not taking quick enough action to get the property.

Mr. Killen stated, this agenda was put together last Wednesday. You had the knowledge ahead of time to get it ready for last Wednesday, you could have called the Council in a special session or sent a letter out to any of us to let us know what the situation is and to ask advice if the item should go on the agenda or not. Now we have the item before us in a fete accompli situation. We would like to be part of the circle of information.

Mayor Dickinson reminded Mr. Killen that he was given authorization, by the Council, to attempt a negotiated deal for the Town, that is what this process involves. At this point we need money to be able to consummate the deal by January 31st.

Mr. Killen did not recall the Council authorizing the Mayor to negotiate. He recalled authorizing that the Town would go for "X" amount of dollars to buy it. There was no negotiations involved, we were going to buy it...that was the price...that was the purchase price.

January 10, 1995

Mr. Solinsky stated for the record that the authorization was to enter into contract to purchase...

Mrs. Duryea stated, upon reading this she anticipated that a problem would arise. She spoke to the Mayor with the hopes that she could offer something that would be palatable to the majority to pass this through. In view of the way this transfer is written she could not support it tonight. She offered suggestions to the Mayor but they were shot down. When dealing with Item #15, she will make a suggestion that may give the Council more leeway.

Mr. Zappala asked if a deposit was placed on the property?

Mayor Dickinson responded, no. There has been no ability to enter into a contract.

Mr. Zappala asked that the Mayor elaborate on why the Town must rush into this deal.

Mayor Dickinson answered, we have someone who owns the building who may be willing to sell but is not necessarily anxious to sell. He does not think it is palatable of the owner to have contingencies over possible future financing. He wants to know that we are going to buy it. This gives him the money to commit to buying it by a given date. This owner is not interested in hearing that there may be a sale, he wants to know that there is a sale. Mayor Dickinson cannot tell him that there is a sale until he has the money available to put down on the table and complete the deal.

Mr. Zappala stated, most real estate deals have to wait a few months before closing. His feelings in the past with regards to location of the center has nothing to do with this matter for he wants to see it go ahead but he cannot understand why it cannot be processed in the proper way. The Town's word is good. Why can't this gentlemen take us at our word? Why does he have to back us against a wall?

Mayor Dickinson stated, he is from out of state and is not familiar with our process. Government can change its mind and he is aware of that.

Mr. Knight stated, we have a buyer we know little about. He has out-foxed us at an auction, or at least had a little more flexibility than we did. We came back and offered him a quick turnover, he literally would not have to take possession of the building and he could have made a tidy little sum. We could not even get him to return phone calls or letters. Now we have come so far and have gotten so close to actually getting on board and having a Recreation Center for this community and we are stuck because we are having a dispute as to some of the aspects of financing. He asked everyone to keep in mind that the chief financial officer of the community has suggested this plan of action, it has been reviewed by our legal department, he assumed, as well as the bonding attorney. Everything looks possible. We may be calling his bluff tonight, maybe he likes to play with perspective bidders but he is not one to take that chance. He wants this Recreation Center and he does not see why

January 10, 1995

a tiny disagreement in where certain funds are coming from and going to, all of which has been reviewed by experts in the field. Why this should stand in the way of having a Recreation Center...we are playing with fire for nothing.

Ms. Papale asked, if Item #13 and #15 does not pass this evening and we get onto #15 and we set a public hearing for January 24th, once that hearing has taken place and the money has been approved, what happens after that?

Mayor Dickinson responded, we would have to wait thirty days from the date that it is published. We would have to wait the thirty days to utilize the money that is appropriated.

Ms. Papale asked, the feeling is that this gentleman will do something else with this building before the thirty days is over? A regular down payment was not sufficient as far as the gentleman was concerned?

Mayor Dickinson responded, it is not a typical situation. There are distinctly mixed signals as far as his intention and what he wants to do. The Mayor is not totally sure that the gentleman is even sure he knows what he wants to do. If I tell him that there is a deal then I feel somewhat confident that it will be completed. If I can't say that then I am saying, "let's set a date and we will be ready to go" at the very least he will be asking for certain items of expense to be covered. At what point he says, "enough, I've got some other deal", I don't know. I am concerned enough to be here tonight on this. We will make an effort to go forward with the other direction but I cannot sit here and say that I have had reassurances from him that we can still work out a deal to our liking with a later date. I don't know that for certain. I will try to accomplish that.

Ms. Papale stated, if it was not of a grave concern to you, Mayor, I know that you would not have done that.

Mayor Dickinson responded, I would prefer it to be what would be regarded as the development as a contract with deposit in the usual amount subject to language and everyone is happy and it is all completed. This whole issue has had its controversial and much debated aspects from the beginning so this is one more element in the long history of it.

Ms. Papale stated, I feel that the Comptroller had to know what he was doing to suggest this and I feel that Atty. Fasi, our bonding attorney, who is here tonight is well-educated in this sort of business and she will vote in favor of it. She wished it could have been done in a different way.

Mr. Killen stated, there is a way, Iris. There is a cash surplus there and available. If you want it ask for it. We are playing a cute game of making it seem as though the Mayor is backed into a corner and there is no other way to go. The alternative is there. People are normal human beings and they do make errors. We should not assume that everything is in order just because someone says so.

January 10, 1995

Ms. Papale stated, this something that I am sure had to be given much thought. We are paying Mr. Myers to make these judgments.

Mr. Killen reiterated his statements regarding Chapter XV, Section 7(f) and the authority required to make an appropriation over and above the budget.

Ms. Papale asked the Mayor what his reasons were for not making the transfer as recommended by the Council?

Mayor Dickinson responded, it is not the recommendation he has from the Finance Department. He will have to talk further with Mr. Myers. Part of Mr. Myers' concern was adversely effecting the budget process. With regards to the bonding, that is why Attorney Fasi is here. In no way is Attorney Fasi here for the subject at hand, namely Item #13 and the financial issues surrounding it. It is not an impossible thing to appropriate directly but it is not the recommendation before the Council and without further discussions from Mr. Myers he will not say that it is something that will be forthcoming because that is not what his discussions with him involved or what his recommendation was.

Mr. Zandri stated, I don't know where anyone could find where it is written anywhere that we have the authority to spend money that we don't have and that is what we are attempting to do. I don't care what Mr. Myers is saying. We are not boxed into a corner, we have until the 31st of this month to finalize this deal. There is one more Council meeting before the end of this month which will give the Mayor the opportunity to re-discuss this with Mr. Myers and come before us in a form that we all can support. He wanted very much to support this but cannot do so when he feels that the Council is going against the Charter and what he feels is common sense as far as budgeting is concerned. This item can come before us in two weeks with Mr. Myers here with this money coming from the Unappropriated Fund Balance and I will guarantee you that it will pass without any problem without a public hearing.

Mayor Dickinson stated, it will be the same issue of needing the ordinance, however, so you will need to set the Public Hearing...

Mayor Dickinson asked Atty. Fasi, if we passed the resolution of official intent (Item #14) tonight without the appropriation, is that possible with the potential that there could be a subsequent appropriation prior to the time of the actual approval of the ordinance?

Atty. Fasi responded, Item #14 is not a budget procedure, not a local law procedure, it is not an act of an appropriation or an act of an expenditure, it is an act which will authorize you to reimburse an expenditure with bond proceeds in the future. My advice to you is that if you think that you may appropriate money from the Undesignated Fund Surplus to acquire the property on a temporary basis then you should also adopt the resolution of official intent tonight. If it turns out that you do not advance funds from the Undesignated Fund Balance then you have not lost anything by adopting the resolution.

January 10, 1995

Mrs. Duryea stated, we finally have a project that we need to fund immediately. It seems that this would be the one project at this time that we should just fund through surplus that would not hurt the Town at all and not even repaying it. This is a one-time expenditure that we have talked about before. I have a problem with this item all together no matter which way you do it unless you are going to just pay cash and not go to bond because what you are saying is that no matter which way you do it, in two weeks when you have the Public Hearing, you may as well tell the public not to show up because we have already bought the building. If we pay cash for it we are not going out to bond.

Mayor Dickinson stated, in my opinion, we don't have right now \$1.1 million that could be spent without a potential adverse impact on other issues.

Mrs. Duryea stated that she had a hard time believing that.

Mr. Killen agreed.

Mayor Dickinson explained, we have placed \$1.7 million in this year's budget out of savings last year. That \$1.7 million, depending on where the budget comes out this year, may have to be put back in. Otherwise taxes get raised by that amount. If the cash is used here then it is not available for the budget and it has a direct impact on the taxes.

Mr. Killen stated, taxes have been raised every year with a surplus every year and the taxes have still been raised. It is only a matter of degrees as to how much it is going to be raised. There have been years where we did not have to raise the taxes. I find it so incongruous that we who have the lowest electric rates in the State of Connecticut don't have the lowest tax rate. What do we do with our surplus dollars? We give it to the electric customers, to give them lower rates to the people who already have the lowest rates...to the taxpayer?, no. It doesn't make any sense and to someone who has lived in this Town all his life and pays taxes here I resent the fact that people who move in this year and next year or the year before will be getting the benefit of the dollars that we taxpayers have accrued.

Mayor Dickinson stated, regardless of the larger philosophical issues, there is a combination of \$1.2 million and \$1.6 to \$1.7 million dollars in this year's budget. That is a \$2.9 million subsidization of the local government budget. \$1.2 million is placed every year and when we started with revaluation we began to support the tax rate through infusion of those dollars in order to offset revaluation. That has gradually been reduced to the point this year that it was \$1.6 to \$1.7 million. That \$1.6 million will have to be raised again. It is either going to come out of savings or higher taxes but the money is in this year's budget and unless you are going to reduce expenditures by that amount, that may become an issue. It is not in our interest to tie our hands when we are going into budget by using up funds of this kind and not utilizing them in a way that better helps the citizens with regards to the next budget. We should not remove flexibility.

January 10, 1995

Mr. Killen stated, approximately one year ago Mr. Zandri came in with a list of figures that he reviewed with the Comptroller, whom you are putting all your faith in now, and Mr. Zandri asked the Comptroller if each figure was correct. Mr. Myers verified them. He asked Mr. Zandri if he remembered what those figures were?

Mr. Zandri responded, it was approximately \$15 million.

Mr. Killen stated, \$15 or \$19 million of surplus funds that were unexpended and unencumbered. It is a cute game. People vote for you Mayor because they like you yet they expect the Council to do the work of running this Town properly. We get this kind of stuff constantly.

Mayor Dickinson stated, it is not a case of good guys or bad guys, the public has a right to feel that their assets are properly managed. The yearly audit illustrates that the Town's assets are properly managed. It is an objective view, outsiders are looking at what the Town has done over a year and where we stand. We have had good solid reports of how the Town's assets are managed. That is to the credit of the Council, Town employees, public, etc.

Mr. Gouveia stated, although he voted against the siting of the Recreation Center, he would vote enthusiastically for the monies if the transfer was in the proper form. On the issue of financial experts, we should listen to them. He has a great deal of respect for them and enjoys reading the information forwarded from them and the gained by listening to them. He does, however, enjoy doing the thinking for himself. He was sure that the legislators and executive chief officers of Orange County, California were sure that they had the best chief financial advisors and the best lawyers and the best bonding attorneys and what happened? We have been through this before with the Rights In Deeds issue when the so-called "experts" said precisely the same thing that we are saying today, "why don't you listen to the experts?". They listened to the experts, what happened?

Frank Wasilewski, 57 North Orchard Street asked, what did the Town offer for this property one year ago at the auction.

Mayor Dickinson responded, \$750,000.

Mr. Wasilewski asked, what did the fellow who outbid us bid for it?

Mayor Dickinson responded, \$800,000.

Mr. Wasilewski asked, how much is he asking for this building now?

Mayor Dickinson answered, \$1.1 million.

Mr. Wasilewski could not see giving him a profit. We should only offer the \$750,000. He should take it or leave it.

Mr. Solinsky stated, we offered it and he told us to leave it.

Tim Cronin, 47 S. Ridgeland Road stated, in his opinion, by following the process of going out to bonding after the fact is, quite frankly,

January 10, 1995

like urinating all over the Town Charter. You are insulting the public. We have a system of checks and balances in this Town and people can go out and get a significant amount of signatures to bring this to referendum. If you can circumvent that process and sleep well at night, go ahead. You cannot vote on this issue in its present form because what you will be saying to the public is that we are going to have a public hearing on a bond issue. I don't care what anyone says, I am in complete agreement with Mr. Gouveia. You cannot, no matter how much you desire this, circumvent the Town Charter deliberately like what is being intended this evening. If you have \$1.1 million cash then you can do it legally. But if you don't have it and you are going to pull this stunt that is being proposed this evening....I have been down this path of having elected officials before the Board of Ethics before...I am not going to do that again. I will appeal to your good sense to do what is correct here and follow Mr. Gouveia's remarks.

Dave Canto, 4 Meadows Edge Drive stated, you can either approve this tonight and risk violating the Charter or you can pay cash for it or you can go through the proper procedure and take the risk of blowing the deal. The question is, do you want to take the risk? You have to answer that question yourselves. It is tough. If the seller is intent in making that \$300,000 profit then he is going to do it. Is there any way of properly restoring the \$1.1 million that you will take from cash before June?

Mayor Dickinson stated, we would have to approve an ordinance. Depending on when the sale of the bonds occurred, it would probably be alright. Whether you appropriate cash or advance funds pursuant to what is suggested tonight, you still have the same issue. The appropriation of money from cash means that there is not a public hearing just as if we did this here. The two are confused.

Mr. Canto stated, then what you are saying is that there is no way to settle this deal by the 31st?

Mayor Dickinson responded, if the objection is that there isn't an approved ordinance and a public hearing for that then there is no way that this can be closed January 31st. If the objection is, rather than advancing funds, it is better to appropriate from cash, that is another technique but it virtually amounts to the same thing for there is no public hearing nor ordinance approved at the point you are purchasing the building.

Mr. Canto did not want to see anyone violate the Charter but at the same time he did not want to see this issue fall by the wayside.

Philip Wright, 160 Cedar Street was sorry that Mr. Myers was not present this evening. He respected Mr. Myers' ability and believes that Mr. Myers, like any other public servant, does what he is asked to do like, "please do it this way", as our Town Attorney is asked often times, "please testify what I've just said I wanted to do" and they go out and do it. They are servants and within a certain area of conscious he is sure that they do exactly what they are asked to do. He doesn't like the smell of this. He suggested that we just let this

January 10, 1995

thing run out. We should not be bamboozling and "slick-willying" the taxpayers of this Town. If it is going to cost us \$3.5 million, let's put it out there on the table, let them see it, tell them what it is going to cost them in their taxes and let it be passed or approved by the Council, however it goes, up or down, black or white. It smells.

Pasquale Melillo, 15 Haller Place, Yalesville, stated that millions of dollars have been lost by professional experts. Items #13 & 14 should not have been on the agenda this evening, it is a blatant slap in the face to the taxpayers of Wallingford. The vote will have already been taken on the transfer of funds and resolution before the public hearing, therefore it is the same as telling everyone that it does not matter what the public says at the public hearing for the transaction has already taken place. We are blatantly violating the Town Charter if you approve this transfer. The taxpayers will be exposed to lawsuits if someone wanted to sue the Town for violating the Charter. Why should we take that chance? Are we legally committed to buying this property?

Mr. Solinsky stated, no.

Mr. Melillo stated that he has been given the impression by the discussion this evening that we are legally committed to purchasing the property. He urged the Council to vote against this item and hold a true public hearing on the matter.

Fred Valenti, 73 Liney Hall Lane stated that we lost this sale a year ago over \$25,000 or \$50,000 and we are about to do it again. Yes, we are saying that he will be making a quick profit but he did pay the Town of Wallingford a year's taxes and he did pay a year's worth of interest on the money he put up. We have money in reserves and a surplus that we have been carrying from one and one half years ago and there will be another surplus at the end of this year, there always is, so why not make a new motion to pay cash for this thing. If we can't pay for this with cash the Town is in trouble anyway. We can raise money any day of the week in the position this Town is in. To save aggravation and have people go against their own Charter, make a new motion to pay cash for it and if you have to take a five minute recess to call Tom Myers, that's what you need to do.

Mayor Dickinson responded, I don't believe that there is any violation of the Town Charter, that has not been established by any legal authority, he is not aware of any violation of the Town Charter by what is being proposed here tonight and it would not be on the agenda if he believed that it was a violation of the Town Charter. There may be opinions of individuals who feel that it is, he is not aware of any legal basis to form that conclusion. Secondly, the Town, in general, does not have millions of dollars sitting around that have no identified purpose. All of our funds are inter-related and support the general fiscal position of the community. There is not vast sums of money that you can just pull out and not have consequential effects. Managing resources is just that, it is not just simple expenditures. Managing means raising revenues as well as expending resources. Anyone can decide to expend something, the question is, what impact that expenditure has on the total. To his knowledge we do



January 10, 1995

not have \$1.1 million that we can freely take out of our system and have no consequence in any other area of the system. For him to sit there and quickly devise a way of coming up with \$1.1 million and then tell the public, don't worry about it, we just had that sitting there with no identified purpose and there will be no consequence for us suddenly spending that money when all of the planning regarding the matter before you was in the context of reimbursing those funds, he felt that he would not be doing his job in advising the Town in the best course of action. He offered to have subsequent conversations with Mr. Myers, if necessary, but at this point he is not aware of this amount of money that is available that has no strings attached and just sits there waiting for a check to be written. That is not the case.

Mr. Killen stated, you, Mayor, have stated that over \$3 million has been put aside to preserve the integrity of our Aa credit rating. The Town of Cheshire has Aa credit rating, they have nowhere near the amount of reserves put aside that we have, they have no electric division, the golden cow, to produce it. You can take that \$1.1 million out of that and they won't touch your Aa credit rating unless those people down there (Wall Street) are a bunch of fools, he did not believe that they were. He stated that the Mayor knows that as well as he does.

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

ITEM #14 Consider and Approve a Resolution of Official Intent to Reimburse Expenditures with Bond Proceeds in the Maximum Amount of \$1,100,000 for the Acquisition of Real Property and Buildings Located at 6 Fairfield Boulevard for Reuse as a Recreation Facility/Community Center - Mayor's Office

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

The resolution will be appended to the minutes (appendix II).

Mr. Zandri asked, is there a reason why this has to be voted upon tonight and cannot be voted upon on the night of the public hearing?

Mr. Killen stated that the last words of the resolution read, "The Comptroller or his designee is authorized to pay project expenses...and to amend this declaration." That is a carte blanche right to the Comptroller. How much of this can he amend?

Atty. Fasi responded, the Comptroller can amend it to continue to comply with the regulations. That is the intent of the language.

Mr. Killen stated that it is very loose language. To adopt an official resolution and leave it that someone can amend it to their own desires...he was not saying that there is something illegal about it...but that is very loose language. Is that the way all of them are worded?

Atty. Fasi answered, that is the way I word them. The point of the

January 10, 1995

language is, for example, if the maximum amount of the reimbursement is not going to be \$1.1 million but something less than that amount then the declaration can be amended to correspond with the amount of the money advanced.

Mr. Killen stated that he would have no problem with it if it gave the Comptroller the right to change the amount, however this gives him the right to change any part of the resolution that he so desires to change.

Atty. Fasi stated that he did not know what other part could be changed that would be a substantive part.

Mr. Killen pointed out that the resolution sets forth particular time periods. Does the Comptroller have the authority to change those time periods?

Atty. Fasi explained that the time periods are derived from the tax codes.

VOTE: Duryea, Knight, Papale, Rys and Zappala, aye; all others, no; motion duly carried.

ITEM #15 SET A PUBLIC HEARING for January 24, 1995 at 7:45 P.M. on 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

Motion was made by Mrs. Duryea to Amend the Date to January 17, 1995 and the time to 6:45 P.M., seconded by Mr. Zappala.

Mrs. Duryea felt that we should try to do everything that we can to try and meet the demands of the gentleman if we don't want to lose the building.

Mr. Solinsky stated that, in his opinion, we have a good plan here to work with and go forth in a timely manner to purchase the building. If we don't have a willing Council and we don't have a willing seller, we may as well play it out. He did not see what another few days would help.

Mrs. Duryea stated, we have been dragging our feet too long...we have been dragging our feet too darned long and it is about time we took an aggressive manner and it is not going to hurt anyone to come out for twenty minutes or one half hour or however long it takes.

Mayor Dickinson stated, it is worthy of an effort and gives us something to represent that we are moving with all due speed.

Mr. Solinsky stated, if we wanted to move in an aggressive manner then we would have voted yes on item #13, but we will take it to a vote.

Mr. Knight noted that on January 17th the School Building Expansion Committee is going to be in executive session to interview prospective construction managers beginning at 5:00 p.m. until at least 8:30 p.m.

January 10, 1995

Mr. Zandri did not see what is gained by holding the special meeting. If we are going to hold a public hearing a week early on setting a bond issue it is not going to get us the cash by the 31st of the month.

Mayor Dickinson stated, assuming that we are not going to be able to close this the 31st, every day and every effort on our part to move this forward will be a benefit.

Mr. Zandri stated that there is no reason that we cannot close this deal by the 31st. All you have to do is appropriate the money, it is your choice.

Mayor Dickinson responded, it is the Council's choice too.

Ms. Papale asked if the Council is invited to the School Expansion Committee's executive session which starts at 4:45 P.M.?

Mr. Knight responded, yes.

Ms. Papale stated that the Council could attend that meeting and then leave to hold the special meeting. She disagreed with Mr. Solinsky's comments by saying that she feels the Council wants to put this together with the Fairfield property. She was in favor of the action this evening until she changed her vote after listening to the discussion. She wants to see this go through and feels that everyone can compromise by leaving the executive session with the School Expansion Committee, come here for the public hearing and then return to the executive session.

Atty. Small expressed reservations about the Council attending an executive session of the School Building Expansion Committee.

Mr. Knight explained that the issue came up at the meeting of the committee last week and the idea was that the committee was created by the Council and the Council had the right to attend the executive session.

Atty. Small answered, according to the last conversation she had with the committee, their expectation was that they were doing the interviewing and then making a recommendation to the Council with the person who was selected and the Council was not going to be involved in that process. You (the Council) may want to talk to the committee or herself about.

VOTE: Solinsky and Zandri, no; all others, aye; motion passed.

ITEM #16 Consider and Approve Authorizing the Mayor to Sign a New Lease and Supervisory Agreement with Greater New Haven Transit District - Mayor's Office

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

Mr. Knight stated that he did not get schedule A & B, page 12 in the packet and requested that a copy be forwarded to him (it is noted that

January 10, 1995

all packets were absent said schedules).

Mayor Dickinson explained that this agreement memorializes the relationship between the Greater New Haven Transit District. We lease vehicles from them and then lease them, in turn, to the Committee on Aging for the Senior Citizen Center. There are two vehicles, previous to this each one had its own agreement, both vehicles are in one agreement now with added language in accordance with new regulations on alcohol and drug testing for the drivers. There is no significant change from the prior leases.

Mr. Knight asked if these vehicles are used strictly in Wallingford?

Mayor Dickinson stated, yes. They are leased to the Wallingford Committee on Aging for the Wallingford Senior Citizen Center.

VOTE: All ayes; motion duly carried.

ITEM #17 Report Out from the Committee to Review the Establishment of a New Recreation Center/Ice Rink

Motion was made by Mrs. Duryea to Hear the Report, seconded by Mr. Knight.

Tom Wall, Chairman of the Committee to Review the Establishment of a New Recreation Center/Ice Rink stated that Phase I of the study which verifies the need for an Ice Rink in the Wallingford area, however, the committee unanimously voted not to go forward with Phase II of the study which would determine whether or not the facility would be self-sustaining financially. He stated that the Council has put certain restrictions on the project and have made it very plain that the Town did not want to provide any funds towards the rink. It is the feeling of the committee, therefore, that the project will not fly unless there is aid from the Town. The committee is understanding of the fact that the Town is presently burdened with the school expansion project as well as a new recreation center and other obligations. The committee has entertained thoughts of possibly working with a neighboring town to have the two towns develop the rink. We have areas where we have private developers that may come in and build a rink. We may come back for some assistance, if not the Council's blessing, on undertaking one of the above-mentioned ventures. As far as going ahead with the second phase of the study and spending \$12,000 to \$15,000 to have the study sit on the shelf, the committee recommends that the Council give its blessing to not proceed to the second phase. If we can continue negotiating to have, in some way, a rink come into the Town the committee would seek the Council's approval to do so.

Mr. Zandri asked, are you saying that the rink, itself, would not stand on its own as far as financing, etc.?

Mr. Wall responded that it is questionable. This study is much more conservative than the previous one submitted by Chris Migliaro. Our committee was comprised of some very good business minds who did not feel that this project would fly. It will not finance itself, no.

January 10, 1995

Mr. Wall stated, there is a tremendous need for a rink in Town, not only for hockey but for skating and such.

Mr. Zandri asked, how are the other rinks managing, are they being subsidized by Towns?

Mr. Wall responded, I am sure that they are. He is asking that the Council keep the door open on this issue for there is a possibility that the committee may come back with other alternatives.

Mr. Zandri asked, how can a private developer build a rink and make it fly on his own and the Town, which has a borrowing capacity of more than a private firm, we cannot do it but they can?

Mr. Wall stated, we were not considering that the Town was going to provide the borrowing. That has never been offered to the committee.

Mr. Zandri responded, that was the direction that he was headed. He was headed in the direction that the Town would fund the borrowing or float the bond and the facility would pay back the bond. It would not cost the Town anything other than borrowing the money.

Mr. Wall stated, perhaps he misunderstood the Council but his impression was that the Town was not going to provide anything at this time.

Mr. Zandri stated, that was not the direction of his philosophy.

Mr. Solinsky stated, perhaps you should hang onto your philosophy (Mr. Wall), it is safer.

Mr. Knight commented that the study was sketchy and asked Mr. Wall if the committee felt that the study fulfilled the requirements that it set forth in the specifications?

Mr. Wall responded, the study did not tell the committee anything they didn't already know.

Mr. Knight stated that the study was an example of an A-1 job of padding the statistics. He tried to draw charts of the information and could not fill in the gaps. Some of the research is lacking some of the details.

Mr. Wall stated that the committee could not obtain straight answers from the firm at their meetings.

Mr. Knight suggested that the committee hold the next firm's feet to the fire, should it hire another one.

Mr. Zandri stated that he was puzzled by Mr. Solinsky's comment with regards to Mr. Wall retaining his philosophy regarding borrowing for the project. There is also a committee currently conducting a study for a golf course. If that philosophy is going to hold true then we may as well tell that committee to hang their hat up as well.

January 10, 1995

Mr. Solinsky explained, Mr. Wall stated that there is a possibility that there is private participation, that is a safer bet. They can do whatever they want. For them to come here and put something together and have the Council approve it, this Council would not even be the body to approve it. It is safer for him, and more conservative, for him to pursue that avenue.

Mr. Zandri stated that he was not looking at either one of these projects as being private. His philosophy on both projects is that if it was feasible, pay for itself, then he would have no problem whatsoever in financing that and having the project pay for itself because it is not costing any tax dollars to have this in the town.

Mr. Solinsky stated, that is your opinion, but if you put the report in front of nine people they will read it differently. It may be feasible to you but someone else may have a problem and not trust it. How are we going to agree?

Mr. Zandri responded, that is two different issues. We are talking about whether or not you agree with the study or whether or not you agree with the philosophy that it would pay for itself, you would be willing to fund it.

Mr. Solinsky stated, there are other factors...whether or not a person wants a rink or have the Town participate in one. If a private concern is going to step in, he would much rather let the committee and firm take that route.

Mr. Zandri agreed. He would much rather have a private firm come in and build the town an ice rink and golf course...

Mr. Solinsky stated, that is what he is saying, let them go.

Mr. Wall explained, that is an avenue that is being pursued along with a joint venture with another town to cut down the cost. He is concerned with the bonding because consultants can come in and paint a very rosy picture and, over time, find it to be a much different scenario. The committee is going to be held accountable for the bill of goods it sold to the Council.

Mr. Zandri stated that we hire consultants to give us facts. We have yet to absorb those facts to determine whether or not they are legitimate. There are several rinks in the State and it should not be that difficult to look at their operating costs and revenues are to determine whether or not we can finance one.

Mr. Wall stated that the consultants do not make that information readily available.

Mr. Zandri stated that it is very easy to review the books of the towns which do own and operate ice rinks. The worst case scenario is that you would have to purchase the land and build the rink. By reviewing those books you should be able to tell whether or not the facility can pay for itself.

January 10, 1995

Mr. Wall stated, it is the committee's opinion that it will not pay for itself.

Fred Valenti, Liney Hall Lane, Rink Committee member stated that the committee looked into Hamden, who takes in a total of \$200,000 per year and is always busy. You cannot get near the place. Some of the money is in the school budget, its all over the place, you cannot find it. Some of the schools use the facility for free so it makes it difficult to draw conclusions. It is similar to the issue of our Recreation Department budget where the building maintenance funds are placed in the Public Works Department budget.

Mr. Zandri stated, by taking the total amount of skating time of the place that is utilized and figure out what the dollar cost is that they are charging for it and you should be able to figure out what the potential revenue is.

Mr. Zappala stated that it is a worthwhile issue to pursue. It is good that the committee is considering all the options.

Mr. Knight hoped that when the committee pursues the issue they come up with better numbers than what the consultant did. For \$5,000 Mr. Knight felt that he, himself, could have put this study together. What Mr. Zandri is asking for is exactly what the committee will have to press for, hard numbers. What are they paying now for ice time, how much time are they using per week, which teams could we woo away from a different rink are a sample of some of the information that has to be extracted. None of that information is present in that study. The existing demand is not catalogued in this study at any time.

Mr. Wall explained, that information is to be contained in Phase II of the study.

Mr. Killen stated, the figures were intriguing but the conclusions were almost amusing. He found that the study starts out with a statement that "There is a strong demand for ice time within the overall market area.." and the second sentence states, "There is also a large concentration of competitive facilities within the market area." The next sentence states, "A survey of organizations which use ice time indicates that they have trouble obtaining sufficient periods of time, particularly during prime time periods." "All the ice rinks have a strong demand for the facility to the point where many of them have been turning potential users away." They say one thing then offset it with another.

Mr. Philip Wright, 160 Cedar Street stated that he cannot understand why the stipulation is placed on the ice rink to be self-sustaining when we have the Parks & Recreation Department which is subsidized by the Town, we have baseball fields, soccer fields, etc. Why does it have to be self-supporting when it comes to skating?

Charles Johnson, 10 Holly Lane, Chairman of the Parks & Recreation Commission stated, the Wallingford Hawks are around and paying for ice time, besides that Parks & Recreation gets a couple of hours per week from Choate who sells 400 tags for each hour, a total of 800 tags that

January 10, 1995

sell out within one hour when they go on sale. Yesterday there were people coming into the Parks & Recreation office still looking to purchase skating tags. There is an interest, to say otherwise is incorrect. In the summertime the ice can be removed and the area can be used for indoor street hockey, square dancing, etc. He, personally has square danced at the skating rink in Providence, R.I. that they drain for the summer and use for other purposes. It can pay for itself especially now that we are talking about a rink alone without a recreation center. Mr. Migliaro's proposal also housed a recreation center so we must keep in mind that the original figures proposed that the facility would have been expected to sustain, are much lesser now.

Mr. Valenti stated, the Parks & Recreation Center sells the tags for skating at a cost of \$5 per season. That is why they sell so quickly. When the cost of a program is figured it must also entail the costs associated with heating the building, air conditioning, etc. He was of the opinion that the children's programs should be subsidized by the Town, but not the adult programs. You will only hurt the YMCA and cross-courts if you undersell everyone. When you are ready to hire a new Recreation Department Director you are going to need to hire someone who is somewhat of a business person who can budget in all associated costs, maintenance, heating, etc. With a bigger building and more facilities then subsidization is going to have to be bigger.

Charlie Burnes, President of the Wallingford Hawks, stated that it was not that long ago that the Mayor did support an ice rink so long as the Town did not have to fund any money. He tried then to convince the Mayor and Council that a rink is feasible and still believes that to be true. It was agreed that after a partial study was done and the committee was going to come to the Town for money, they would back off and say that they were not coming to the Town for help or direction. That does not mean that the committee is no longer going forward and looking for a rink to build in Town. Tri-Town charges are \$240/hr., Hamden charges \$180/hr., Choate is very good to the Hawks for they charge only \$100/hr. for ice time. Two years ago the committee stated that they would stand by whatever the Council decides on the matter and that offer still stands. Other avenues are being considered to get a rink in Wallingford, the committee will not roll over and die. It is a worthwhile issue and the Town will get a lot out of it. At some point in time the committee will come back to the Council to seek their blessing to move forward on some options. On behalf of the Wallingford Hawks Mr. Burnes thanked the Council for their courtesy over the past couple of years in listening to his organization.

Mr. Wall thanked the Council for their time and patience in this matter.

No action was taken.

ITEM #18 Discussion on the Flashlights Presently Being Used by the Department of Police Services as Requested by Councilor Raymond J. Rys, Sr., Chairman of the Public Safety Committee

Motion was made by Mrs. Duryea to Open Discussion, seconded by Mr. Rys.



January 10, 1995

Mr. Rys stated that he has placed this item on the agenda as a follow-up to a story that appeared in the newspaper on December 17, 1994 regarding inadequate light for the police. A letter was sent from the Ricci family to Police Chief Douglas Dortenzio, Mayor Dickinson, Town Councilors, and the Record-Journal stating their concerns over the flashlights currently being used by the department. He has also witnessed police officers on at least two or three occasions utilizing their standard issue light directing traffic at night. He agrees that the light is inadequate. With the strobe lights from the vehicles and the reflective safety vests, the lights do absolutely nothing. He had checked with eleven (11) other departments in the State and out of those nine (9) do not restrict the types of lights being used by the officers. Most of them do allow the metal flashlight and are within a three to five cell light with a lot of them mounted directly in the cruisers and are rechargeable. This Council has no authority over what the administration of the Police Department does, however, he did want to turn this matter over to the Mayor who is also the Public Safety Director on this matter so that he can investigate the matter and perhaps alleviate the problem because there are complaints from both the public and the police officers. Some of those complaints state that the flashlight breaks and batteries fall out if it is dropped, if you put it in a duffle bag on the seat of the car the switch can turn on inadvertently and draw the battery dead.

Chief Dortenzio asked, is that a statement or are there any questions?

Mr. Rys stated, in reviewing the information, i.e., a letter from the Ricci family, the Chief's correspondence to the Ricci family in response to their letter and a statement on the liability aspect of the matter made by the Chief. Hamden and New Haven were the only cities out of the eleven surveyed who do not allow the metal, four cell flashlight. They did not indicate that their decision was based on liability factors but just that they allow only the two cell batteries. They did indicate that they have 360° lighting on their cruisers which could help or maybe it can't.

Mayor Dickinson asked Chief Dortenzio to respond to Mr. Rys' comments by explaining the department's mechanism for choosing what is being used and what concerns there are regarding other types of flashlights.

Chief Dortenzio read the following which is an excerpt from the Chief's correspondence to the Ricci family; "The crux of the article was that two identified sergeants grumbled about the quality of the lights and their inability to use equipment other than that approved and supplied by the Town. This agency has always had, like most other public safety agencies, a prohibition against the use of unauthorized equipment, a sound and prudent principal tested numerous times in very costly municipal litigation. The policy eluded to in that article was not new, merely re-emphasized a few years back during a systematic review of uniforms and equipment. The Wallingford Police Department has for many years issued a flashlight similar in size and capacity to that used today though the current model has some advantages over the old. It was perhaps two years ago that liability case law and flashlight product lines were reviewed. The selection of the

January 10, 1995

multi-cell flashlight with high-intensity bulb in successful use for many years in many police departments was but one result of the overall review. Subsequent to its purchase and considerable field use, a small group within this agency began to report switch failures. Out of concern for personal safety the lights were immediately replaced though management could seldom replicate the problems reported with the allegedly defective device. The manufacturer was contacted regarding any potential product defects of which we may not be aware and we were advised that none were known to the company. Further, the manufacturer indicated that the flashlight in question was a stalwart of their product line with no reported problems from any other police departments in the United States. The information was provided the union with reassurance that any lights exhibiting problems would be immediately replaced. Despite the manufacturer information and our experiences to date, this agency nevertheless went about seeking a suitable replacement to the existing light. The union acknowledged the existence of several very costly losses from the use of certain types of metallic lights by other communities. Responsible product alternatives were acquired and provided the union for field testing. After weeks of testing the union advised me of their preference and they subsequently signed a labor document attesting to their selection. That action occurred more than one year ago. In the interim, the Town and the union have gone through labor negotiations and the issue of flashlights was never part of the discussions. The original newspaper article was devoid of these details. What it also did not indicate was that two individuals cited as grumbling were clearly aware of the union's significant involvement in the selection of the current light and the existing agreement resolving the issue. Equipment selections at any public safety agency are amazingly complex and satisfying all constituents never likely. Considerable time and resources are expended in such decisions, in large part as a result of staggering jury awards in seemingly simple cases. Wallingford is no different. Safety is of paramount concern to all police managers and is appropriately addressed but municipal decision-making can ill afford to focus on a sole consideration. The scope of considerations must be far more broad-based if we are to efficiently meet our responsibilities in today's litigious yet cost-conscious society." The article that was in the paper asked people to call my office and I received a total of five calls. And all but one of those people wondered, one; what the complaint was, two; why it was in the newspaper and three; why they wasted their time in calling his office. A letter dated November 8, 1993 from the union states, "I and many other members of the police department have used and seen the two proposed flashlights." Incidentally they acknowledge that there are problems with the metallic ones. "After considering the opinions of many people I feel that it is imperative that a decision be made on which of the two flashlights would be best for police use. It is my recommendation that the Lumi-light Z2D flashlight should replace the Brightstar flashlight that is currently in use." They (union) picked it. Regarding litigation and the use of flashlights, "A study group convened to advise the British Columbia Police Commission in Canada (published in 1990) recommended forbidding the use of heavy flashlights as impact weapons under all circumstances nationwide. Police flashlights should be thought of as a form of a police baton and they do not advocate using the flashlight as a

January 10, 1995

makeshift baton when a dedicated baton is available, and we do provide a dedicated baton. In 1988 one of these metallic flashlight manufacturers went on recommendation and were quoted as saying, "it would be irresponsible to use a flashlight for striking, jabbing or other offensive moves. Our company has never advocated the use of a flashlight as a weapon nor, to our knowledge, has any responsible flashlight manufacturer. The flashlight to which you elude is used for one purpose, it does not provide better illumination, it is used as a club. The City of Los Angeles (information is obtained from a publication published in 1988 by the Americans for Effective Law Enforcement) damages in Los Angeles, \$1.25 million for a man struck on the head during a routing traffic stop for a loud muffler. Virginia paid \$1.5 million to a person who was hit in the head with one of these metallic lights and wound up with paralysis and speech impairments as a result. \$450,000 was paid in Michigan for a person who had his nose broken by one of these metallic flashlights. The attorneys are laying in wait for a case. Wallingford had a case that we settled in 1989 where the flashlight was dropped and hit someone in the back of the head while laying on the ground. It split their head open and we paid \$3,000 just for that laceration. That was not even intentional. Manufacturers are reluctant to approve or endorse the use of their products for impact weapons and that is exactly how they are used and that is why they are banned. Flashlights have too short a reach to be effective as a tactical weapon, provide slower response than batons, the recovery time is not as rapid with a flashlight as it is with a baton, they have sharp edges which almost always result in lacerations, the multi-cell lights are very heavy and a blow to the head can prove fatal or cause permanent paralysis. We spend a great deal of time, attention and money dealing with problems of hepatitis and A.I.D.S. to police officers who are exposed to blood in the field so using tools that unnecessarily subject you to that risk are not appropriate. There is more than sufficient foundation to justify the reason why those particular lights described are not used.

Mr. Rys asked, from a liability standpoint, if an officer approaches an individual and gets into a ruckus with them and the officer takes their PR24 and hit them in the head, aren't we subjected to a liability suit?

Chief Dortenzio responded, they should be but that is not what we train them to do.

Mr. Rys stated, if there is a directive as some of the departments issue to their officers that these flashlights are not weapons and are not to be used in that manner....

Chief Dortenzio answered, when you know that there is a national trend to use a product and the use of that product creates a clear risk that it will be used in an inappropriate manner, a prudent manager takes the tool away from someone and not just tries to absorb the risk and blame it on a single individual's use of the weapon.

Mr. Rys stated, the lighting, as far as he has seen it and heard about it, is not sufficient.

Chief Dortenzio answered, the lighting is not a great deal different than the one that was provided in years past when the initial study

January 10, 1995

on the equipment was undertaken several years ago, we supplied them with a three cell flashlight and we bought it with an optional bulb that was advertised to have the capability of producing a much brighter light source than the standard equipment. It was an industrial plastic unbreakable light that was designed to fit in the slot that is tailored into their trousers. It is advertised in our trade journals, used by fire departments, countless police departments and he has yet to see anyone have any problems with it. They could not replicate the problems that were claimed, nor could the manufacturer tell him that the Town had bought a bad production lot or that any other department in the country had reported the problems that this department claims to have. Does he think that might have been the product that should be in use? Yes. Would it might have been better than the one that is currently in use? Possibly. But he changed the product at their demand and he gave them exactly what they asked for from a limited range of devices that they field tested after they knowingly acknowledged the risks inherent with a metallic light.

Jim, Nancy, Jim Jr. and John Ricci, of 17 Fritz Place all spoke to the issue of a public safety problem. Mr. Ricci, personally, spoke with approximately fifteen police officers most of whom had horror stories about the flashlight. Only one officer informed Mr. Ricci that he had no problem with it but he works the day shift. The bottom line is that a flashlight is supposed to provide light. It is the opinion of the Ricci family that it is a substandard flashlight and places the safety of the officer at risk due to what Mr. Ricci feels is inadequate lighting provided by the product. A four cell light has a definite advantage over the two cell product. Jim Ricci, Jr. stated that the Town has a Town Attorney to review the potential liabilities of the Town, it is not Chief Dortenzio's job to do so.

Chief Dortenzio responded, in reviewing this matter with Attorney Small it is her recommendation that the department continue to use the flashlight it has currently issued to its officers. He added, for Mr. Ricci's information, that officers who work the day shift also encounter incidents/scenarios which require the use of the flashlights, for instance they may have to search abandoned buildings, cellars, vacant houses, etc. There is no distinction between day and night. The union had ruled out a product that is advertised in their trade journals when this issue was first discussed with them. He went to major distributors looking for alternatives and this one that is in use is only one of several. In his discussions, the union president at the time told Chief Dortenzio that he had visited a police equipment supply house looking for additional alternatives and could not find any. The Chief was willing to take any additional alternatives at that time and consider them and the union president, himself, could not come up with any.

Mayor Dickinson asked whether there has been any departure from the type of light that has been used historically?

Chief Dortenzio responded, prior to my employment with the Town, what was used was a Ray-o-vac Sportsman, still manufactured...it is a two cell light, perhaps a little smaller in diameter than the current

issue, the head is smaller, probably uses a similar bulb although he believes that the one in current use has some advancements made to it since the Ray-o-vac was first manufactured. This one is waterproof while the other one was not. The Ray-o-vac was metallic but not in the sense that the current metallic ones are.

Deputy Chief Darryl York stated that he had a conversation with the union president this evening at which time Deputy Chief York stated that the police administration has not been approached by the union on this issue. There is a grievance procedure to follow but no one has brought the issue forward. He cannot understand who is writing the letters to the editor and why for he is in communication with the union all the time, there are several grievances filed during the year, this issue was put to bed with them, we just went through contract negotiations and binding arbitration and it was not an issue on the table. We have not departed from any previous standard with the flashlight that we have issued in any general way.

Chief Dortenzio stated that the management of the department has added lights to the officer's vehicles to enhance the safety of the officers and public and has also approved and introduced the use of a chemical agent that would be used before harsher forms of force are utilized. These changes were made for the benefit of the officers and public, not at the request of the union. In fact, the Chief was later informed that the work force did not want the lights nor chemical agent. Upon investigating that information he found out that the representation made to him on behalf of the work force was not true. The management of the police department also initiated a change in some of the light bars mounted on the roof of the vehicles after studies have proven that specific colored lights are more visible than others in certain types of weather conditions. That action was not mandated, it was not negotiated, it was something that the management of the department added to enhance the safety of their employees during different types of weather conditions. We have gotten to where we are today, driven by complaints, albeit it may have been from only a few vocal people and not the majority, but they drove the system, he acquiesced on the issue and gave them a product to field test. They did, they selected it and he agreed to supply it.

Mr. Zandri stated, if the officers have a problem with their equipment or a safety issue they have the proper mechanism to channel their complaints through. That is what they should be doing. If they are not utilizing the mechanism available to them to voice their complaints or concerns then it is their own fault. If it goes through the mechanism and issues are not resolved then it can come to this forum.

Mr. Rys stated that the Mayor is the Public Safety Director of the Town therefore if there is a problem the work force is not satisfied with then they should follow the proper chain of command in filing their complaint.

Chief Dortenzio reminded Mr. Rys that this is a negotiated item.

No action was taken.

January 10, 1995

ITEM #19 Discussion on the Status of the Auxiliary Police Force as Requested by Vice Chairperson Susan S. Duryea

Motion was made by Mrs. Duryea to Open Discussion, seconded by Mr. Rys.

Mrs. Duryea asked Ernest Fratini, Civil Defense Director, to inform the Council as to the status of the auxiliary police a.k.a. special constables.

Mr. Frattini explained that the remainder of the auxiliaries are graduating this Thursday. They are still active, they are still here and training and number approximately twenty.

Mrs. Duryea asked, do we use them in any capacity at all?

Mr. Fratini stated, they are here if you need them. If the police department has sufficient manpower then the auxiliaries are not needed.

Mr. Killen stated that this year with the closing of the 325 celebration and the fireworks, both taking place at two different sides of Town, he is wondering what kind of problem is going to arise with staffing on the police department. Some years ago (1986) the Fourth of July activities had to be moved to another date due to a problem with overtime and staffing resulting in a shortage of work force for the event.

Ms. Papale asked, when are or when have the auxiliaries been called?

Mr. Frattini responded, generally during emergencies. With regards to events, if we are needed, fine, evidently we are not needed. We are not here to take away jobs, that is the last thing we want to do.

Ms. Papale asked, are the auxiliary police in existence or are they not? Are they just sitting around waiting to be called? Are they ever going to be called or is it a new policy not to call?

Mayor Dickinson responded, they are in existence, they are trained, it is not accurate to call them an auxiliary police force, it is more accurate to say, special constables. Any authority they have arises out of an appointment as a special constable. We don't have a second police organization in town. They have been called auxiliaries but the other towns call what we call supernumeraries they call auxiliaries. The nomenclature is so varied from community to community, it confuses it. In the past they were utilized for special events, they can be now.

Ms. Papale stated, they are not asked, Mayor.

Mayor Dickinson explained, typically it is because all the necessary manpower is filled by the regular police officers.

Ms. Papale asked, where were all of the regular police officers a few years ago when the auxiliary were doing these jobs?

January 10, 1995

Mayor Dickinson answered, in part there was more construction assignments so that overtime and the money to be earned by special assignments of that kind was more plentiful. The practice now is subsequent to some grievances that involved the claimed use of auxiliaries or special constables taking work away from the regular police department.

Ms. Papale stated, that is the bottom line. An auxiliary police person should never take a job away from a regular police officer on the force, however, it seemed to her that the auxiliaries were more or less disbanded and she was not sure why.

Mayor Dickinson stated, they are still in the budget and soon we will have people graduating from the M.P.T.C.

Mr. Knight asked Chief Dortenzio, what circumstances does the Chief anticipating arising that would warrant using the special constables?

Chief Dortenzio responded, at the point in time that we don't have the resources to address the needs of the event or the day, the special constables are a viable alternative.

Mr. Knight asked, what is going to have to occur for the constables to get some of the activity for which they have been trained?

Mayor Dickinson responded, we cannot be taking jobs away from the regular department pursuant to agreements with the union. Any circumstance in which they would be utilized would have to be one in which we were not taking work away from union members.

Mr. Rys asked, how many officers have attended the academy and are able to do this?

Mr. Frattini responded, approximately fifteen are already certified including himself.

Much discussion ensued on the issue with some Councilors debating the logic behind uniforming and training the personnel but not utilizing their services.

Mr. Frattini explained, what happened with the churches is if they wanted a police officer they hired them. What happened over the years is that the police officers became bogged down with work so it became a pick and choose situation. Now if Holy Trinity or Church of the Resurrection asked for three full-time police officers and we had two or three auxiliaries show up because perhaps the full-time officers were not available. That was back in the 1960's, '70's and '80's when there was a lot of work. One of the churches tried to pull a fast one by just asking for police officers on a Monday and send the special constables a letter requesting their services all week. When the constables found out what was happening they put a stop to it immediately.

Mr. Zandri stated that the Town is paying tax dollars to support the auxiliaries/special constables. As this picture is unfolding it shows that the Town is spending money and not getting any benefit from it.

January 10, 1995

Mr. Frattini stated, it is a matter between the Chief and the unions. He would like to see the constables riding with the officers again for it is not only a good experience for the constable but helps the officers by simply having an extra body there at times.

Mr. Zandri stated that there are two sides to the coin. There comes a time where there is a need for additional staffing. If we eliminated our volunteer firefighters then we would have to look at the staffing of our full-time firefighters in a different light. Have you looked into whether or not you can utilize auxiliaries/constables instead of hiring another full-time individual.

Mr. Frattini responded, no, you cannot do that. To try and replace a full-time person with a part-time, no, you are talking about someone's job.

Mr. Zandri stated, when budget time arrives if he has not witnessed a need for the utilization of the constables, the funding which subsidizes them will be removed. He did not mind subsidizing the volunteers who are providing a service to the community, however, if we are subsidizing a group of people who will be trained and the Town pays for that training and no benefit is derived for the taxpayers, he cannot support funding that group.

Mr. Gouveia asked if there is any State Statute or policy that prohibits a special constable from riding in a cruiser with an officer?

Chief Dortenzio responded, the special constable statute is an empowering one. It provides for an oath of office and term of office. There is a distinction. The volunteer firefighters, by Charter and by everything that follows the Charter, are members of the Fire Department, under the control of the Chief of Fire Services for rules, promulgation of regulations, etc. In this case the Civil Defense Unit is a separate branch of government. They do not come under Chief Dortenzio's supervision.

Mr. Gouveia stated, in the past we have had the constables with less training than those have today, riding in cruisers with officers. We have, at times, four cruisers patrolling the entire town on the third shift manned by only one officer each. It seems to be common sense that if you have individuals that can work hand in hand with the officers, why not utilize them? He is not substituting the officer.

Mr. Frattini stated, again, it has to be worked out with the unions and Police Chief.

Mayor Dickinson stated, we have never had people out there functioning as police officers. Yes, the constables were in the cruisers but never functioned independently. They were basically civilians who could have been requested by the police officer to assist. They do not augment police officers.

Mr. Gouveia stated, why can't an individual who has been trained and empowered to do some sort of police work ride in a police cruiser



January 10, 1995

with an officer. He is a volunteer.

Mayor Dickinson responded, because he is not a member of the Police Department.

Mr. Zandri asked, why can't they become members of the Police Department?

Mayor Dickinson answered, because we would have to restructure to have them fall under the Police Department and all the hiring and oversight involved would have to be the jurisdiction of the department. They will have to be subjected to the full scope of hiring procedure. That means that we will cut down on the number of volunteers who will be qualified.

Mr. Killen stated, it is ludicrous to hear what is being said this particular group of people that we are going to call on in an emergency. They are liabilities now until all of a sudden we need all the manpower we can get and they suddenly become knights in shining armor. Either they are capable or incapable. If they are incapable then we should not have them. If they are capable then we should use them.

Mr. Frattini stated, they are not incapable.

Mr. Killen echoed Mr. Zandri's statements, if we are not going to use them then at budget time we will eliminate the funding.

Mayor Dickinson stated, typically we have used the special constables for directing traffic which does not require all the training. We don't want them out there with criminal arrest authority. Because they carry a weapon they have to receive a full training under M.P.T.C. standards. He does not want our constables out there making criminal arrests. He did, however, feel it was valuable to have a second resource to call upon.

Ms. Papale stated, it is a shame that no one is there at the church functions if the church chooses not to pay \$60/hr. for a police officer and they cannot call the volunteer constables. It does not make any sense.

Mayor Dickinson stated, it would be a violation of the agreement with the union, you are taking work away from a regular member of the department. The Town of Wallingford, as the employer, cannot authorize the taking away a job from a regular member of the department through the volunteer. She made it clear that she fully supports the Wallingford Police Department and always will.

Mr. Rys stated, when he belonged to the auxiliaries he rode with an officer and followed all directions of that officer. He did police work at that time, handcuffing individuals and finger-printing. They did act as police officers under the instruction of the officer they rode with.

January 10, 1995

Philip Wright, Sr., 160 Cedar Street stated, either we disband them and stop it or we do not let a grievance matter that we lost in 1982 choke the service available forever. We should take the bull by the horns and try again. Because we lost once doesn't mean we will again.

No action taken on this matter.

ITEM #20 Consider and Approve a Transfer of Funds in the Amount of \$101.00 from Seminars & Dues Acct. #001-1110-700-7990 to Professional Services Golf Course Study Acct. #001-1110-900-9003 as Requested by Councilor Thomas Zappala, Chairman of the Golf Course Study Committee

Motion was made by Mr. Knight, seconded by Ms. Papale.

Mrs. Duryea left the meeting at approximately 12:55 a.m.

Mr. Zappala stated that these funds are being transferred to allow for the funding of an application to the Planning & Zoning Commission to discuss the feasibility of a golf course in Durham. The committee is going to the Planning & Zoning Commission meeting next Wednesday (1/18/95) and if everything goes well then he would like to submit the application to P&Z at the first meeting of February. We will need to invite the neighbors of the property to that meeting to address the deed restriction placed on the land. If the neighbors object to the golf course it will present a problem.

Mayor Dickinson stated, there will have to be a signing-off if there is a deed restriction. That will not take place at a Planning & Zoning meeting.

Mr. Zappala stated, we do have to post a sign on the property stating that we wish to build a golf course there.

Mayor Dickinson stated, there are a lot of questions that need to be answered before we indicate to the neighbors that there is going to be an application for a golf course. We are way ahead of where we ought to be in terms of answering questions. We need to have sure answers with regards to wetlands, water supplies, etc. before going to the commission.

Mr. Zappala stated, I am following the steps for the proposed golf course. We will need to have the neighbors appear at a P&Z meeting to see if there is any objection.

Mayor Dickinson commented, at the very least you would need a vote from the Council as far as making application to receive authority for construction of a golf course.

Mr. Zappala answered, that is what this \$100.00 transfer is for.

Atty. Small stated, for a special permit you have to have site plans drawn up.

Mr. Zappala responded, that is why we are having our meeting in Durham next week with P&Z. It is basically to inform us of what is required by the committee for the purpose of proceeding on the issue.

January 10, 1995

Atty. Small stated, why can't we obtain that information by reading their regulations. Why do you have to attend their meeting to find that out? Are you on their agenda for that evening's meeting?

Mr. Zappala responded, we are on the agenda to discuss the item. I am attending the meeting with Golf Committee members Robert Parisi and Co-Chairman Steven Holmes to see what we have to come up with for the following meeting at which time the submission of an application will take place along with the payment of the \$100 fee.

Mr. Zandri stated, part of the process is to notify the abutting property owners due to the deed restriction and evidently in Durham you have to go through Planning & Zoning, post the property and notify all of the abutting property owners. The first hurdle is whether or not you can get past the deed restriction.

Atty. Small stated, you have to approach Planning & Zoning with that issue resolved. They don't resolve that issue for you.

Mr. Zappala stated that he travelled to Durham on Monday and spoke with the Planning & Zoning and Inland Wetlands Commission representatives and they have suggested the course of action I am taking. We are simply going to discuss what is required of the committee at our meeting with them next Wednesday. At the following meeting in February that is when the neighbors will have been notified to be at the Planning & Zoning meeting at which time the commission will make their decision on the special permit.

Atty. Small stated, plans, water, sewer are all part of the things for approval of a special permit.

VOTE: Duryea and Killen were absent; all others, aye; motion duly carried.

Mr. Zappala asked if he needed special permission from the Council to post a sign on the land that we (the Town) owns in Durham announcing the future location of a possible golf course?

Atty. Small asked, what authorization do you have to date to go to Durham?

Mr. Solinsky asked if P&Z in Durham is requiring a sign be posted?

Mr. Zappala stated, yes, it has to be done on a special permit.

Atty. Small stated, the notice you put up on the land is the notice of a public hearing and that is when you have to have all your documents in line.

Mr. Zappala stated, if we accomplish that for the February meeting then I will have to place a sign on the property seven days before the meeting.

Mr. Solinsky stated, you have to go there and find out exactly what they (P&Z) wants and come back to us and inform us on it.

January 10, 1995

Atty. Small asked the Council, have you authorized Mr. Zappala to go and apply on behalf of the Town to go through that procedure for you? Has the committee been authorized to process an application through the Durham P&Z?

Mr. Solinsky stated, you have to get more information to us Mr. Zappala before we can do anything, we have to take one step at a time.

Mayor Dickinson stated, the issue is that the Golf Committee is applying to another regulatory body for permission to do something on behalf of the Town of Wallingford. He thought that the Council would want a vote authorizing the committee to represent the Town of Wallingford and apply for this permit. The feasibility of a golf course does not necessarily mean, in his mind, the authority to represent to another community that this is a project.

ITEM #21 Consider and Approve a Transfer of Funds in the Amount of \$60 from Portable Radio Acct. #2035-999-9911; \$140 from Vehicle Equipment Acct. #2035-999-9906; \$305 from Department Vehicle Acct. #2035-999-9904 and \$200 from Training, College Acct. #2035-500-5710 for a Total of \$705 to Telephone Acct. #2035-200-2000 - Fire Marshal's Office

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

Michael Lamy, Fire Marshal stated, as best we can see it, over the past six months we are spending approximately \$125.60 per month for our two commercial office lines. The three mobile telephones, one for each car for the staff in the Fire Prevention Bureau are running approximately \$134.68 per month, bringing the total telephone bill for the department to \$260.28 per month. We also had to replace and repair some office equipment as well in the amount of \$198.97.

Mr. Gouveia stated that this transfer is being requested to carry the department through the remaining fiscal year. As of now, how much money do you need, are you running short of funds at this point?

Mr. Lamy responded, we have a balance of about \$955.00 in the account with one outstanding bill for the commercial lines. To continue the service at the present rate we are going to need \$705.00 for the remainder of the fiscal year.

Mr. Gouveia asked, if no transfer was to take place today, how long can you operate without running out of money?

Mr. Lamy stated, we would have to cancel some of the services.

Mr. Gouveia asked, at what point would you have to?

Mr. Lamy answered, this week. I will probably cancel two services this week.

Mr. Killen stated, in your letter to the Council it states that you would run out of money in mid-May.

January 10, 1995

Mr. Lamy responded, yes, if we keep the service at its present level of two office lines and three mobile phones.

Mr. Gouveia asked, nothing would really happen to you if this transfer was not made today?

Mr. Lamy responded, at this point I would cut services to make sure that did not happen. If we keep our services at their present level then we would need \$705 to make it to the end of June, 1995. Some adjustments were made in the past and the consensus at that time was, "come back and see us if you need the funds".

Mr. Gouveia asked, you would take the position that you would not continue the same level of service and hope that in May the funds would be transferred? You would not want to take that position?

Mr. Lamy stated, I would prefer to keep the level of service where it is right now, especially with the mobile phones for they are valuable tools to us in the field. Our offices are on wheels.

Mr. Gouveia stated, you have two choices if the transfer is not approved, either you maintain the same level of service and run out of money in May or start eliminating some services so that you would be able to carry through without the transfer all the way through the year.

Mr. Lamy agreed.

Mr. Gouveia then asked, you would not prefer to continue with the same level of service and take a chance in May to come before the Council and ask for more funds?

Mr. Lamy responded, no sir.

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

ITEM #22 Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Vehicle Maintenance Acct. #001-2035-500-5000 - Fire Marshal's Office

Mr. Knight asked that Mr. Lamy refresh his memory with regards to the budget workshops and the vehicle maintenance account in the Fire Marshal's Department.

Mr. Lamy explained we have three vehicles, the new van, a 1988 Ford and a 1983 Dodge Diplomat. The Ford has approximately 58,000 miles while the Dodge has about 76,500 miles. The account was originally requested at \$1,560 based on an average of \$134.00 per month for oil changes, tune-ups, brakes, fluids, wipers, parts, alignments, etc. The final amount approved was \$1,260. With one new vehicle the amount was lowered accordingly. Back in July the air conditioning went in the 1983 Dodge. Also the transmission in the 1988 Ford went in October. To repair the Dodge it cost \$640 that could have been

January 10, 1995

\$1,095.12 had we not cannibalized parts from the old Fire Department car #3. An agreement was worked out with the Fire Chief and Public Works came to the rescue and took the parts out, we took them to a dealer to have them re-installed resulting in a cost savings. The 1988 Ford was repaired in October for a cost of \$1,050. Unfortunately we missed the warranty period by approximately one month. We were hit with two large unanticipated repair bills that drew the account down quickly. The 1983 Dodge is currently at the Public Works Department for it needs a complete set of engine mounts. It is out of service because there is no money to pay for the repair. Three men are working out of two cars.

Mr. Gouveia left the meeting at approximately 1:29 A.M.

VOTE: Duryea, Gouveia and Papale were absent; Killen and Zandri, no; all others, aye; motion failed.

There was confusion over the proper procedure with regards to reconsidering a vote. The motion has to be made by a member who voted with the prevailing side. Ms. Papale left the room momentarily and missed the vote. Attorney Small's opinion was requested on the validity of a motion to reconsider a vote being made by someone who did not vote on the original motion.

Atty. Small stated, it is usually made by a member who voted with the prevailing side.

Motion was made by Ms. Papale to Reconsider the Vote, seconded by Mr. Knight.

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

VOTE ON ORIGINAL MOTION TO APPROVE THE \$2,000 TRANSFER: Duryea and Gouveia were absent; Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #23 Consider and Approve Awarding to Other Than Low Bidder the Purchase of Two Map Cabinets for the Town Clerk's Office

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

Kathryn Wall, Town Clerk explained how a bid was placed out in November and three companies submitted prices for Presto Map Cabinets or accepted equal. After the bids were open she had learned of a new map cabinet that had since become available to the market. The new cabinet allows the maps to hang on plastic bars mounted on plastic channels. The plastic holding the map in will not tear the maps or wear away as they are currently doing with the present cabinets. Another plus is the type of material that the maps are encased in which is a clearer plastic which keeps the images from moving to the plastic.

January 10, 1995

The difference between the two prices is \$238.00 and the money is available in the correct line item of the Town Clerk's budget.

Mr. Knight was concerned because a vendor had met all the specifications bid by Ms. Wall, Town Clerk and came in as the low bidder.

Ms. Wall stated that she had originally requested placement on the December Town Council Agenda for a waiver of bid. Robert Pedersen, Purchasing Agent, suggested that it was improper to do so since the bids had been opened, prices had been revealed and the proper procedure at that point would be to request an award to other than low bidder.

Mr. Killen stated that he did not care for the term "accepted equal" in the bid specifications since it leaves that decision to the sole discretion of one individual.

VOTE: Duryea and Gouveia were absent; Knight and Rys, no; all others, aye; motion duly carried.

ITEM #24 Note for the Record Mayoral Transfers Approved to Date

Motion was made by Mr. Knight, seconded by Ms. Papale.

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

ITEM #25 Note for the Record Anniversary Increases Approved by the Mayor to Date

Motion was made by Mr. Knight, seconded by Ms. Papale.

VOTE: Duryea and Gouveia were absent; all others, aye; motion duly carried.

ITEM #26 Consider and Approve Merit Increases (6) Approved by the Mayor

Motion was made by Mr. Knight, seconded by Ms. Papale.

VOTE: Duryea and Gouveia were absent; all others, aye; motion duly carried.

ITEM #27 Consider and Approve Tax Refunds (#161-178) in the Amount of \$3,058.26 - Tax Collector

Motion was made by Mr. Knight, seconded by Ms. Papale.

VOTE: Duryea and Gouveia were absent; all others, aye; motion duly carried.

ITEM #28 Approve and Accept the Minutes of the December 13, 1994 Town Council Meeting with One Correction to the Last Line of Page 1 to

January 10, 1995

Read, "Blossom Lane" instead of "Pelloni Hollow", seconded by Mr. Rys.

VOTE: Duryea and Gouveia were absent; Killen abstained; all others, aye; motion duly carried.

ITEM #29 Approve and Accept the Minutes of the Continuation of the December 19, 1994 Town Council Meeting Held on December 19, 1994

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

VOTE: Duryea and Gouveia were absent; Killen abstained; all others, aye; motion duly carried.

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

VOTE: Duryea and Gouveia were absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 1:47 A.M.

Meeting recorded and transcribed by:

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

Approved by:

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

2-22-95  
Date

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

FEB 14 1995  
Date





*Town of Wallingford, Connecticut*

Appendix I  
JAMES C. FITZSIMMONS

CHAIRMAN - PLANNING & ZONING COMMISSION

LINDA A. BUSH  
TOWN PLANNER

THOMAS M. TALBOT  
ASSISTANT TOWN PLANNER

WALLINGFORD TOWN HALL  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2090

January 9, 1995

Thomas D. Solinsky, Chairman  
Wallingford Town Council  
45 South Main Street  
Wallingford, CT 06492

Dear Tom and Counselors.

I was appointed to the Planning and Zoning Commission in 1985 as an Alternate Member - David Gessert was the Chairman. Mr. Killen and Mrs. Papale and you, Tom, have held the leadership position in the period from 1985 to 1995. Many changes have also taken place in the Council membership in that period. Similar changes have taken place in the Planning and Zoning Commission.

It has been a very gratifying experience to serve Wallingford in this important function of town government. Sometimes it was exasperating, but all in all very pleasureable. I feel I have contributed.

I believe it is time that new people have the opportunity and challenge to serve on the Planning and Zoning Commission and for that reason I will not seek re-appointment. I will continue to work for the good of our community as I see fit and as long as the citizen's input seems worthwhile.

I wish continued success and good judgement to you and all Council members.

Sincerely,

*Philip A. Wright Sr.* (2/15)

Philip A. Wright, Sr.

P.S. I would appreciate having this letter read into the record.

kps

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**A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH BOND PROCEEDS IN THE MAXIMUM AMOUNT OF \$1,100,000 FOR THE ACQUISITION OF REAL PROPERTY AND BUILDINGS LOCATED AT 6 FAIRFIELD BOULEVARD FOR REUSE AS A RECREATION FACILITY/COMMUNITY CENTER**

**RESOLVED:**

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 resolution in the maximum amount and for the capital project described above 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.