
TOWN COUNCIL MEETING

OCTOBER 28, 2003

6:30 P.M.

AGENDA

Blessing – Rev. Mark Angerosa – White Oak Baptist Church

1. Pledge of Allegiance and Roll Call
 2. Correspondence
 3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#337-369) Totaling \$19,956.22 Assistant to the Tax Collector
 - b. Consider and Approve a Budget Amendment to Increase the Appropriation from Retained Earnings (Cash) for Rate Stabilization and Increase Various Labor Accounts Totaling \$32,500 – Sewer Division (to fund Approved AFSCME Local 1183 Contract)
 - c. Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Distribution-Maintenance Station Equipment Account #592 to Transmission-Maintenance Overhead Lines Account #571 – Electric Division
 4. Items Removed from the Consent Agenda
 5. Public Question and Answer Period
 6. Consider and Approve a Transfer of Funds in the Amount of \$16,265 from Contingency-General Purpose Account #001-7060-800-3190 to Class Eight Tractor Account #001-5015-999-9903 – Public Works
 7. Consider and Approve a Transfer of Funds in the Amount of \$100,000 from Property and Casualty-General Government Account #001-1603-800-8250 to Fire-Heart and Hypertension Account #001-1602-800-8410
 8. Report out from Building Committee – School Renovation Project - Robert F. Parisi, Council Chairman
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9. To Conduct a Public Hearing and Consider and Act on the following Ordinance Entitled:

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$770,000 TO DESIGN A DENITRIFICATION SYSTEM FOR WALLINGFORD'S WASTEWATER TREATMENT PLANT AND AUTHORIZING THE ISSUE OF \$770,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$2,530,000, from \$770,000 to \$3,300,000, to provide for construction, grant funding and project contracting, and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.) - **7:45 p.m.**

10. Consider and Approve a Resolution Authorizing the Mayor to execute and file applications, contracts, and agreements on behalf of the Town of Wallingford with the Commissioner of Environmental Protection for state grants and loans pursuant to the provisions of Section 22a-475 through 483 of the General Statutes of Connecticut, as amended, and to execute on behalf of the Town of Wallingford all the applications, instruments, contracts, and documents, and accept payments and do all other things that may be necessary for state grants and loans for DENITRIFICATION IMPROVEMENTS AT THE WALLINGFORD WASTE WATER TREATMENT PLANT-
Water – Public Utilities
11. PUBLIC HEARING to Amend Chapter 203, Article VI, "Abatement for Members of Volunteer Fire Departments" – **8:00 p.m.**
12. Executive Session Pursuant to Section 1-200(6)(D) of the Connecticut General Statutes Pertaining to the Purchase, Sale and/or Leasing of Property – Mayor

Addendum

Town Council Meeting

October 28, 2003

6:30 p.m.

3. Consent Agenda
 - d. Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Continuing Education Account #2035-501-5700 to Computer Acct. #2035-999-9903 – Fire Marshal

13. Consider and Approve Sale of Property to Ralph DeMatteo, Brothers Restaurant - Mayor

TOWN COUNCIL MEETING

OCTOBER 28, 2003

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, October 28, 2003 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:33 P.M. Answering present to the Roll Called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Doherty, Farrell, Knight, Papale, Parisi, Rys, Toman and Vumbaco. Mayor William W. Dickinson, Jr., Corporation Counselor Adam Mantzaris and Comptroller Joseph Swetcky, Jr. were also in attendance.

A Blessing was bestowed upon the Council by Rev. Mark Angerosa of the White Oak Baptist Church.

A short recess was taken due to a malfunction of the recording equipment at the Town Clerk's bench.

ITEM #2 No items of correspondence were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#337-369) Totaling \$19,956.22 - Assistant to the Tax Collector

ITEM #3b Consider and Approve a Budget Amendment to Increase the Appropriation from Retained Earnings (Cash) for Rate Stabilization and Increase Various Labor Accounts Totaling \$32,500 - Sewer Division (to fund approved AFSCME Local 1183 Contract)

ITEM #3c Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Distribution - Maintenance Station Equipment Acct. #592 to Transmission - Maintenance Overhead Lines Acct. #571 - Electric Division

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Mr. Parisi stated, Item #4a, will be #5a, an item from the Fire Marshal. It will not be put on the consent agenda, but will be a separate item. (Posted as Item #3d - incorrectly stated and referred to as #5a.)

ITEM #4 WithdrawnPUBLIC QUESTION AND ANSWER PERIOD

Wes Lube, 15 Montowese Trail stated, two meetings ago, last month when I was speaking, you gaveled me down and asked if I had a question. You repeated, "is there a question?" Then you went on according to the minutes of your meeting to say "that's what this is for." You then, according to the minutes, were talking over me so they were not transcribed. Then you went on to say, "I'm telling you that this is a question and answer period and we are only too happy to try and give you all of the answers that we can and that's what we're doing." You said, "It is not a commentary and it never has been."

Mr. Parisi stated, I think I said it was never intended to be but go ahead.

Mr. Lube answered, either way. It so conflicted with my memories of what transpires at these meetings that I wrote a letter to your secretary and asked her to please provide me with a copy of the current meeting procedures of the Wallingford Town Council together with a copy of the procedures for all of the amendment dates going back to the year 1980 and she very kindly complied. She also, in response to my request for correspondence, provided me with a copy of a memorandum to you from Janis Small, Town Attorney and I am quoting from her memorandum of January 5, 1998 at which she told you, "However, once the public is invited to speak, the council must be careful not to interfere with the contents of this speech." Your habit of asking of myself, do I have a question is not focused only on me. It is a very common practice of yours that you thrust at many of my peers who attempt to speak at these meetings and I want to read from your procedures. These are your meeting rules that you chair currently. "Each individual wishing to speak will address their questions or comments to the council chairman." Not "and" but "or" comments. It is not necessary to have a question. Your current regulations go on to say, there is no required notification for talking as far as the next meeting is concerned. You have members of the general public; these are your current regulations; "Members of the general public, all remarks and questions.." remarks and questions, "...shall be addressed to the chair as a whole and not to an individual and all remarks and questions addressed to other town officials or individuals..." These procedures, these rules go back time after time after time and I won't both reading all of them because they are all pretty much the same. Back in 1994, I'll just jump to that; "Individuals wishing to speak either during the public question and answer period..." question and answer period; "...or an individual will be required to address their questions or comments to the council chairperson." When you say it never has been, how far back to you want me to go, Mr. Chairman? Because it has always been.

Mr. Parisi answered, no it hasn't always been. You can go back to some of the other chairman.

Mr. Lube asked, how long have you been here, forty years?

Mr. Parisi asked, did you ask me a question?

Mr. Lube answered, sure.

Mr. Parisi asked, will you allow me to answer it?

Mr. Lube answered, you bet.

Mr. Parisi stated, you can go back and read the minutes for some of the other chairman and you can determine how they interpreted those rules. Again, my statement, and I stand by it, this is not a place for a platform. It is the place for a question and a comment that is pertinent to the agenda or to, as you were conducting your lobbying for your tree that was stuck on the dam down at the Quinnipiac River, that's fine. But it isn't a forum to direct political comments or actions toward individuals and that's what we try very hard and I think all of the chairman before me have tried to do and that's what I try to do; try to keep this on a reasonable track.

Mr. Lube stated, I can't recall ever hearing anybody step before you with a political comment. That is not justification for what you are doing.

Mr. Parisi stated, I have served on other councils and I can remember, believe me, very vividly, other chairman acting in the same manner that I have.

Mr. Lube replied, other chairman may not have been challenged. You are being challenged to live by your procedures as chairing these meetings. Your procedures say, and they always have said; well, they didn't say it from 1990-1994. In 1990 they decided to knock that out but re-invoked it in 1994. Ever since '94 comments have been welcomed by this board. If you have had prior chairman who you felt were biased in misusing these procedures, it doesn't justify your misusing them.

Mr. Parisi answered, I have to run a meeting so it is my perception of how it is being; how it is going.

Mr. Lube answered, absolutely.

Mr. Parisi continued, that's what my job is and that's the job up here for chairman. I really don't want to debate the issue. I think you made your point and that's fine.

Mr. Lube stated, I want to make one further comment.

Mr. Parisi asked, what's that?

Mr. Lube stated, If you once more ask, "Do you have a question?", "Is there a question?", "Is there a question?", you and I will discuss it in court, o.k.?

Mr. Parisi answered, fine, thank you. Are there any other comments? The first public threat I've had. Any other comments? Any other comments? I will ask one more time, are there any other comments or very decisive statements or anything, whatever? Hearing none, I declare the public question and answer period closed.

Mr. Knight asked, do you want to move on to that #5a that you spoke of?

Mr. Parisi answered, yes, #5a.

Addendum #3d Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Continuing Education Acct. #2035-501-5700 to Computer Acct. #2035-999-9903 – Fire Marshal

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

Correspondence from Fire Marshal Joseph Micalizzi explains the need for the request to purchase a new computer; a sudden and almost catastrophic breakdown of one of the department's workstations. Presently, Inspector Gudelski is relegated to sharing a workstation at another desk and cannot do his report writing in a timely manner. Fortunately, the department has enough funds in its continuing education account to allow for the purchase without any need to add to the account in the current budget year. Upgrading is not an option due to the obsolescence of this unit. It is over seven years old and would require hundreds of dollars in memory and operating systems which would only likely extend its usefulness by a year or two if that.

VOTE: All ayes; motion duly carried.

ITEM #6 Consider and Approve a Funds in the Amount of \$16,265 from Contingency-General Purpose Acct. #001-7060-800-3190 to Class Eight Tractor Account #001-5015-999-9903 – Public Works

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

Competitive bids were obtained and Gabrielli Truck Sales bid of \$81,265 was accepted as they met all specifications.

Mr. Parisi asked, what was it about the lowest bidder that didn't qualify?

Roger Palermo, Garage Foreman, replied, the rear axle didn't meet our specifications. It was a single-reduction rear axle where as we specified a double-reduction rear axle.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$100,000 from Property and Casualty – General Government Acct. #001-1603-800-8250 to Fire – Heart and Hypertension Acct. #001-1602-800-8410 – Personnel

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

Correspondence from Personnel Director, Terence Sullivan explains that the funds are needed to cover costs related to weekly indemnity payments and medical bills for two fire retirees and one current employee. At the time the budget was prepared the future conditions of these individuals were unknown and the Town is obligated to pay these significant medical and indemnity benefits. There is truly no way of anticipating a person's sudden deterioration of his medical condition. Risk Manager, Kurt Treiber, will be at the meeting to answer any questions that may arise.

Mr. Brodinsky asked, how long will the \$100,000 last us?

Mr. Treiber answered, the \$100,000 is directed solely at the medical expenses that we have either incurred or anticipated with outstanding bills. My anticipation is that it should take us through approximately 4-5 months. Before that particular time should we anticipate needing additional monies, obviously I will appear before the Council requesting it. This money is just to cover that amount to get the budget back to where it was prior to these conditions taking place.

Ms. Papale stated, you are asking for \$100,000 so soon into the new budget year. Why isn't more money budgeted for this account when you actually do the budget?

Mr. Treiber answered, what we take into consideration when we are doing this budget is past experience and anticipated expenditures. The problem that we ran into this particular year is that we have one current employee who is not actively on benefits at the time the budget had come about because their condition was such that they didn't require medical treatment. They have subsequently had a serious health condition that has rendered them to have to sustain out of state surgery and start to collect weekly indemnity benefits that were not anticipated. That is a chunk of what we are looking at. The other two conditions were, they were not actively seeking medical benefits, routine health benefits they were on. They, too, had conditions to their health that caused them to sustain long term hospital stays and cardiac rehabilitation programs. All of this was completely unexpected. If we were to take into consideration that, on anticipation that this would happen, we would be over-budgeting. It is of the opinion not to try and do that but, rather, should we come into a shortfall, we would come in front of the Council and request the additional funds that we absolutely need. We try and budget as close as possible with realistic expectations. If we anticipate that someone is currently under medical conditions going forward, can next year's budget be adjusted? Obviously, we would be looking at this for the next budget

season to possibly anticipate it but I would rather come before the Council with known expenditures than trying to put a budget together based on what I think may happen. I think in the years that it doesn't happen, you have over-budgeted for those funds.

Ms. Papale stated, what you are saying is that you go year by year what was provided to you during that year. When it comes time to do next year's budget, you will look at this year's budget and you will have more in there.

Mr. Treiber answered, we will take that into consideration. When I do my budget I look back as far back as 7-8 years and take a statistical history. If we happen to have a new case, like in this particular year we had a new case; by the time we are developing the budget for next year, that case will have matured and I will know whether that individual will still be on benefits, have any other anticipated medical benefits, and that will be built into the budget. It is very hard because there may be somebody that has an accepted claim that is not seeking any benefits at the time and has a heart attack or something of that nature. There is no way to foresee that. Unfortunately, we are forced to do a reactionary thing when that happens.

Mayor Dickinson added, in the formation of the budget, don't we request a report from the third party administrator that forecasts what is potential cost?

Mr. Treiber answered, right. There is a very detailed forecast report that they do to assist us in the budgetary process that we request from them. We utilize that document as well.

Mr. Parisi stated, are there periodic updates on medical conditions of people that are...

Mr. Treiber answered, for the active treating ones, yes. Whenever any condition arises such as this year we have had someone; we monitor very closely, the best we can, medical conditions because they are subject to fluctuation.

Mr. Vumbaco asked, we are only three months into our new fiscal year. How is it possible that we have \$100,000 available to transfer out of the property and casualty account?

Mr. Treiber answered, when we developed the budget for the property & casualty, we use in conjunction with our agent forecasts, we take into consideration market conditions, our current and previous years experience ratings; that altogether, we formulate a budget projection of what we think premiums are going to be. Then we go to the market and actually bid them out. We bid it out and it came in less than what we had budgeted for, that's the only reason why that money is available in the budget. This request tonight is not asking for additional money be put in the overall budget, just a reallocation of money from one account to another account.

Mr. Vumbaco asked, you work with the agent in developing the budget?

Mr. Treiber answered, they give us budgetary forecasts of what they anticipate other municipalities our size and our experience ratings are going to anticipate for premiums. It is used as an indicator for what we think and they think the market is out there for municipal insurance. Then we go to market.

Mr. Vumbaco asked, and it came in less and these agents couldn't predict that?

Mr. Treiber answered, at the time that we went out to market, no.

Mr. Vumbaco asked, how much is still left in that account?

Mr. Treiber answered, by my projections, there is approximately about \$20,000 after the \$100,000 (transfer).

VOTE: All ayes; motion duly carried.

ITEM #8 Report Out from the School Renovation Building Committee

Don Harwood, Chairman of the School Building Committee updated the Council on the status of the construction associated with Moses Y. Beach since that is the school the committee has engaged in as follows:

Phase A which was Moses Y. Beach and Lyman Hall currently we are about 80% complete with the school. The major work went on this summer. New construction on the media center and its associated areas remains to be done, including the installation of the elevator, etc. The roofing and final construction to weatherproof the media center is what is happening right now. The project schedule is still right on track and it is anticipated that the vast majority of the work would be completed by the end of the fourth quarter; the end of December. There will be a few punch list items that will move into January but, for the most part, the school will be pretty much finished, including the furniture, fixtures and equipment items that we will be bringing onto the site. There will be some site work that will need to be done in the Spring.

With regards to the Lyman Hall project, the committee will be re-bidding select trades on November 19th if all goes well. It is expected that bid responses will be returned by December 19th. At that time the committee will start moving forward on how to handle the construction logistics. It is anticipated that Turner Construction will provide an update on November 3rd, per the building committee's request to address the committee's timelines, critical milestones and budgets, trying to build in bidding phases and construction starts. There are two elements that are going to start to play into the picture as the committee moves through Phase A to B to C. One is that by June '04 the committee will need to get funding approval from the Town of Wallingford for the overall project, otherwise an extension from the state will have to be obtained. By June '05, the committee needs to make sure they have a shovel in the ground at all locations.

Currently, at Moses Y. Beach and Lyman Hall, the committee will be putting their technology package out to bid in November. For Phase A the committee will get a feel for what the technology request was and what the market is going to bear as far as cost. That was a separate and distinct element of the project. The overall budget currently at Moses Y. Beach is tracking favorably; not a lot of favorability but enough so that the committee is comfortable where we are right now. Most of the hidden conditions that would be found in the renovation spaces have already been unearthed because that part of the project is done. In new construction, the need to tap into contingency accounts is much more reduced. The Phase B schools will be put out to bid with responses received, hopefully, by December 31st. The committee will have the next four schools with some numbers that can be quantified to see how the project is progressing. Phase C schools will be put out to bid in early spring with responses due back by April 1, 2004. All phases will then be in which will provide the committee with substantial numbers to show whether they are in line with the committee's estimates and funding that has been projected since the beginning of the end of schematic design. Hopefully, as a result of that, the committee can come before the Council and get approval by the June '04 date.

It may be appropriate, if Phase B comes back in in the end of December and the committee sees clearly that it is in fine shape and the numbers seem to be tracking well, that they may want to come back and get the ordinance to reflect Phase B and engaging that phase a little sooner which helps the committee spread the project timeline and not overlap the projects quite as heavily.

The most important thing is the Town's ability to pay and the cash flow that is going to be required in between when the committee starts construction, what the Town needs to bond, what they can afford to pay out of cash reserves until such time as the committee were to get money back from the state from a reimbursable standpoint. The committee has requested that Turner Construction provide a cash flow projection based on a schedule going into '03 and '04 so that it can be presented to the Comptroller, Council and Mayor to make sure that funding will be available, schedules work and the committee can proceed forward.

The committee anticipates that during November they will be having meetings with the Lyman Hall principal and staff to start putting the logistics together and how to move forward with the project. November is a critical time to look and see where the project is going to go over the next 2+ years of construction.

Ms. Doherty asked, is there any indication with the re-bids that the same companies are still involved? Have some of them left or have they dissolved?

Mr. Harwood answered, the companies that have shown interest before, I don't believe that any of them have backed away. I anticipate that the market conditions are as good, if not better, than they were eight months ago. There is not a huge glut in demand on the

building trades which is very favorable for the community right now. We should get some very competitive bids back.

Mr. Vumbaco asked, with regards to the two year slippage in the dates; what is the reason the committee feels that there is no chance of going over the original cost estimates?

Mr. Harwood answered, obviously, the two year slippage; I don't believe there is two years' slippage. My concern was, that was what got reported but if you look at the proposed schedule that was put out there, we basically have about a one year slippage in the schedule. Some of that; I am not sure we ever defined a real line in the sand and said, "this must happen." Here, we are not in the ground and our specific project schedule projection shows about a year where we anticipated we might be able to be in most of these schools, for the most part, in '03. We are going to get into them in '04 and '05. We need two summers for quite a few of the schools to actually do the work because we just don't have a long enough window. In that vein, we asked the Superintendent at last week's meeting to anticipate the summer of '04, providing this moves forward, that we would probably want to see if we could get the full summer window through and including the Labor Day weekend to allow us to actually get that extra full week. That will be significant for the work that has got to go on at Lyman Hall at this point.

Mr. Vumbaco stated, I didn't think it was two years and felt it was necessary that we let the public know that it would be less than that. With regards to the technology that you said you were placing out to bid now, knowing full well how that market stands right now, extremely, extremely low as far as getting a better bang for your buck, we just went through a massive bidding process at my work and the equipment came in upwards of 60% less than what we thought they were going to be. Is it wise to start shopping the Phase B technology portion, at least on the bidding project so we can maybe lock in some better costs than what we thought they might be?

Mr. Harwood answered, the possibility of moving into Phase B we discussed at our last committee meeting and what was anticipated is, we are ready to put Phase A out in the next couple of weeks with Lyman Hall re-bid and the technology. That can get out on the street. Phase B is tracking behind that only by about a month and we felt that we can accelerate the Phase A because if we get that out and get that bid; we couldn't combine them in thirty days, we would have to hold off Phase A. We would love to try and get Phase A in, see what elements for Moses Y. Beach can be piggy-backed right on the end instead of almost wrapping that project up, walking away and then coming back and reinserting technology. Excellent point. We also thought about whether we could lump it all together and buy the whole package. The problem is, the construction duration for Phase C is too far out. But A & B, you are exactly on, on that.

Mr. Vumbaco stated, the last time Mr. Choti was here giving us an update, there was a new individual hired by the Board of Education to work with the Building Committee on the project going forward. From what I can gather, and the Council received a stack of

paperwork this thick with questions and all sorts of things and Bill (Choti) kind of talked about it. I am curious as to whether or not that relationship is working better? Was it ever a problem? Has most of his concerns been answered, in general? I don't mean to put you on the spot on specific questions but I am just curious to see if, in fact, that this is working.

Mr. Harwood asked, is it working? There has been significant challenges. I would be understating it phenomenally if I didn't say that; significant challenges. We have been trying to work through those challenges. We currently have Turner Construction on board. For Turner to run the whole, 11 school project, we are talking about a \$5+ million overall construction management fee. Clearly, we are very comfortable that they have the skills, the personnel, the focus and our wallet and they are going to perform for us. Yes, there have been significant challenges.

Mr. Toman asked, did you say that construction cost conditions are favorable at this time?

Mr. Harwood answered, yes.

Mr. Toman stated, I just read a report that seemed to indicate that markets from Boston to Washington, D.C. were starting to heat up and even such a conservative group as the Federal Reserve Board yesterday remarked that the coming quarter or the next quarter could show a 6% real growth. I would think that it will continue with high growth afterwards. It is not unlikely, especially at the federal reserve level and I think you saw the market reaction today to comments like that, it is not unlikely that we are going to see a real pickup in the economy here and smart money on Wall Street is saying that two or three quarters of 5 or 6% real growth is saying that the Federal Reserve could reverse its interest rate policies by some time next summer. Do you have somebody or do you read something that advises you about the quickening pace of the economy or just what that economy is versus how quickly you should get some of these things, some of these costs out to bid and locked in?

Mr. Harwood answered, yes. The tools we use are; 1) one of the number one leaders in certainly the school market currently employed by Wallingford, being Turner Construction. They are in the market every single day and they are seeing what bids are coming back on multiple projects statewide and that is key to us. Lynn Temple, who we work with from Turner, has been extremely focused along with Gregg Schuler and other staff members. My personal exposure in the market would give me the indication that in the timeline that we are talking about putting the bids out, we probably don't have a huge risk.

Obviously, any company, if they see that they are going to have a two-year duration and construction period, they are going to factor in what they think is in inflation, what the price of goods are going to do, they are going to build that into their number, clearly.

Some of the people who are on the building committee work in the industry directly and that is very helpful to us, to assess where we are going. Everything that I am seeing; I serve on a couple of committees; I happen to be up at the University of Hartford last week at a building institute meeting and I can only hope that you are absolutely right by the way, because my 401k would be doing better but I think we will track o.k. I would be surprised if, all of a sudden we saw a 10-15% blip on favorability in where we think the numbers are going to come because that is not what we have seen so far. I would be very surprised and in some respects I would be very happy. It would be more expensive for the Town but I don't think we are going to get caught At least in the short term.

Mr. Knight asked, which trades are you re-bidding on the Lyman Hall job?

Wm. Choti, Vice Chairman of the Building Committee replied, the two big ones that we are looking at are electrical and mechanical. Those are the only two. Everyone else seemed to hold. We had six bids that were going out and we are also looking for a general trades bid which is something that we saw in lessons learned over at Moses Y. Beach. When the building officials and the Fire Marshal came in, they were looking for temporary partitions, they were looking for different egress paths, so these were costs that we didn't really think at the time that were going to be substantial enough to put into a separate bid package but we have decided to do that. Currently, we have six bids that are going to go out. We are going to look at them again just to make sure, but the two big ones are the electrical side, because we have totally re-thought the electrical design for Lyman Hall and we will be meeting with the building officials the first week of November to discuss that even further because they have some input on that that is a local authority issue that we may also have to incorporate into the rest of Lyman Hall Phase B and Phase C schools. But the general trades, on the mechanical side, again, because we see the issue of heating, air conditioning and ventilation upscaling, when we started in '99 we had a certain mindset of how ventilation and heating was going to impact the project. In the corresponding years, into '04, we have seen those regulations and those standards change. You can read in the paper almost every day, schools being closed because of mold problems, etc. What we are looking at right now are those two big trades. They will have a substantial...

Mr. Knight stated, what I am hearing is that it sounds like you are going out to bid again because there has been a substantial improvement in the design of from the time you first took a look at it.

Mr. Choti answered, the longer you have to analyze what you have done, the longer you have an opportunity to make it better going into the future. Again, we started this altogether back in '99 so four years later the technology has changed, the mindset has changed, we have a whole new generation of engineers who have graduated from college in the time we first started speaking of this. If we can make it better to the future, I think it is in our best interest to do that.

Jon Walworth, Laurelwood Drive stated, I think it is good that the citizens of Wallingford and the Council has to recognize that every project has a few heroes and while a lot of the paid consultants and paid town employees pull together, we had two individuals that really worked very hard to make the project a success and perhaps Don's overview makes it a little bit more simplified and everything just went smooth. In fact, there was a tremendous amount of work that had to be done to make this renovation portion of the project come together by the end of July so the students could take the space. We read a lot about towns who have not made those successes so we need to recognize at least two individuals, Ms. Carrie Heil, the principal, and here staff who worked many hours beyond the call of duty, and Bill Choti who was there for hundreds of hours, who is a volunteer and both need recognition (applause).

Mr. Parisi stated, let the record show that Mr. Walworth is a member of the committee. Not that there is anything wrong with that but just so that the public knows who you are. I will take the liberty of speaking for the Council. I think that we are all pretty much satisfied with what you are doing and your report tonight seems to tell us that things are going along as you expect them to. I am sure you know but it can never be said too much that all your time, of all the members of the committee, and there are certainly several members, it is appreciated. It is a tremendous undertaking and all of you are giving a tremendous amount of your life to this project and you certainly all are to be congratulated.

No Action Taken

ITEM #13 Consider and Approve the Sale of Town Property to Ralph DeMatteo, Brothers Restaurant – Mayor (Appendix I)

No motion and second were offered.

Mayor Dickinson stated, you should have information regarding this item. It came to our attention through survey by the Engineering Department that the addition to the restaurant still is outside of the property line and it may be a minor fraction; it may be more. It is hard to tell until the building is actually completed with the siding on it. It could be a couple of inches; it could be a fraction of an inch but the information is that it is over the line. This is meant to allow the structure to continue with approval of this agreement, the payment by the owner of \$2,000 as consideration for the building exceeding the property line and hopefully straighten the matter out.

Mr. Farrell stated that he would have to abstain from the matter for he has represented Mr. DeMatteo in the past and the Code of Ethics, therefore, would prevent him from participating or voting on this matter.

Ms. Papale stated, I am also going to have to abstain, Mr. Chairman, because I am an employee there.

Mr. Vumbaco stated, I have a question and a comment. First the comment; some of us aren't allowed to get home to collect our mail so in the future if information is being sent out on an agenda item, I would appreciate it if at least it was delivered prior so that I have a chance to review this. Apparently it came in the mail today. I am not able to get home to my mailbox to get this information. This is the first that I have heard of it, tonight, when I saw it on the agenda.

Mr. Parisi replied, it should have come last night.

Mr. Vumbaco answered, it didn't.

Mayor Dickinson stated, it was delivered by the Police Department so it would have been delivered last night. We realized that the mail probably wouldn't get there in time so one of the police officers took all of the packets and delivered them last night.

Mr. Vumbaco answered, apparently there was no knocking at the door or doorbell because I didn't see it and I didn't get it. The other issue I have is, why was this just developed and not discussed with the Council prior to this agreement being struck like we do with all land purchases and sales of public property?

Mayor Dickinson answered, this item is involved; it comes before us because the owner wants to continue with construction and cannot do so. There has been a stop order on it because the building is over the property line. I don't believe it's really something that would be involved in an executive session because we are not looking to purchase anything. It is not a real debate over price, although you can place the price on it that you believe is appropriate. It is meant to clear up a situation where the owner cannot proceed with construction and through one reason or another is over the property line according to the Engineering Department survey team. It is not a circumstance like we would normally be dealing with where it is property that is really useable. It is a very small fraction of property. There are three areas cited as encroaching. One can be removed; a doorway entrance. Two others are areas that encroach over the property line due to construction. One is pre-existing and the other is just recent with the addition. That's why. It is not a circumstance where there was a negotiated price issue. On this I suppose the price could be anything. A figure of \$2,000 was chosen because it's meant to, in part, deal with the issue that the Town has spent considerable time on this issue, between Engineering and the Town Attorney. It is also meant to be an indication that we do not encourage anyone to go over their property lines and we have to take that as a serious matter because it is public property.

Mr. Vumbaco stated, for the record, I am actually questioning the policies and the procedures here, not this particular actual agreement. I still think that if anything like this is to be discussed and negotiated, regardless if it is \$5.00 or \$2,000., I think it should come from the Council whose charge is the public assets of this community, not you, the Mayor. When was the stay order put in place, Mr. Thompson?

John Thompson, Town Engineer replied, October 24th.

Mr. Vumbaco asked, when did they find out that they were over the line? I have heard that this has been going on for a lot longer than October 24th. I am curious because all of a sudden it is just showing up to be done and, again, it is a policy and procedure issue. It has nothing to do with the individual.

Mayor Dickinson answered, there have been two episodes of over the line. Initially, the foundation was over the line. It then was removed or allegedly removed when it was determined to be over the line. It was reconstructed, hopefully, within the line. Subsequent to the reconstruction and erection of the wall, it became an issue as far as an as-built. Engineering was asked to site the line and it was determined that it is still encroaching. There was an earlier problem but, on that occasion, the foundation was chipped back, removed. Again, the purpose was to take it inside the line. Apparently it was not taken far enough so it's still over the line. We have had two episodes; this is the second and that's what brings it here. Engineering cited it somewhere around October 24th and then the stop order went on because at that point there's no authority to be building on Town property.

Mr. Vumbaco asked, how was the building allowed to be built right on the line? Isn't there setback requirements through regulations?

Mr. Thompson answered, not in this particular zone.

Mr. Vumbaco stated, I have no problem with it, mistakes happen but I just don't like the issue being forced down my throat as a councilman at the last minute.

Ms. Doherty asked, we are talking about three things; they are eliminating the canopy and then it is .64 sq. feet and .38 sq. ft. so it is 1.02 sq. ft. we are talking about over the line?

Mr. Thompson answered, that's correct. Those are approximate dimensions because what we are doing is anticipating what the ultimate construction is going to create the trespass. As noted on the plan, there will be a final determination of what the actual area is. Once the area is put on we will have a final determination what the dimensions are. At this point, the numbers that are depicted on the map are what we are able to report based on the field surveys.

Mr. Brodinsky stated, I am interested in the policy that the Council has in cases such as this. I remember another situation that came up not too long ago where there was an encroachment and we took an entirely different approach and I think the criteria that we use when we decide whether we should settle or take another approach it should be sort of out there so that we are consistent in case something else should happen again. The first question I have is, are you aware of any other properties where there are encroachments on

Town-owned land that have not yet been resolved somehow with either a lease or some sort of an instruction to remove the encroachment?

Mr. Thompson answered, I am not aware of any other situations where there is current, ongoing construction that creates this same type of situation.

Mr. Brodinsky replied, that's not quite my question. I know that. Are there any other properties that encroach on publicly-owned land that we have not resolved through some sort of a lease or purchase or something like that?

Mr. Thompson answered, I don't know of any.

Mr. Brodinsky answered, I got a call from a resident that was encroaching due to the design of some road he found that his porch may have been over the line of the road and if we establish a policy or decision here, I know very often we use the word "precedent"; I've heard it brought up. We do it one way on one occasion; we should follow that process in another to avoid the appearance of favoritism, etc. That's why I ask the question.

Mr. Thompson answered, I believe the situation you are referring to is Lendler Lane? That's a road that is not yet Town property.

Mr. Brodinsky asked, I assume then that what will happen in that case is that the Mayor will go out and without our prior consultation set a price and bring it to us in open session without discussing it and we will just...is that what is going to happen then, too?

Mr. Thompson answered, my understanding of that particular situation which is still ongoing and not yet resolved is that the trespass onto potential future Town property is going to be remedied before the Town takes ownership of the right-of-way for the road.

Mr. Brodinsky stated, I remember an article appearing in the paper a couple of years ago and I think it was a comment made, I think by Mr. Farrell and it was a very poignant comment. I think the article was entitled, "A jealously guarded power." I think Mr. Farrell was taking the position that the authority to sell or lease real estate rested with the Council and he took objection to things sort of being "worked out" without the involvement of the Council and basically a fete accompli presented to us and, of course, that is what is happening tonight. I have to sort of refer those comments and incorporate them by reference. I am not comfortable with the procedure that we are following. I don't know how the \$2,000 was negotiated. Maybe it should be \$1,000.; maybe it should be \$50. but that was just set and we weren't involved in that process and whether there should be a 100 year lease or a sale, that was never discussed either. It was just something that was done. Our authority was taken away, put in a contract and brought to us. This is sort of irregular and I don't think this is a healthy way of going about it. That is not to say how I am going to vote on it, but I just don't like the process.

Mr. Parisi answered, I think we actually have the item before us now and if any of us disapprove of it, we can vote against it. If we are in favor of it, we can vote for it.

Mayor Dickinson answered, nothing has been negotiated. The figure; I have had no conversations, I don't think the Law Department has nor has the Town Engineer with Mr. DeMatteo about the dollar figure. That is a suggested dollar figure. I have no idea whether he agrees with that or not. Time was of the essence. We felt that rather than have him held up in construction, we put something together, put it here, you can approve it, disapprove it, change it. Nothing has been negotiated. It is the type of thing; it's similar in nature to on South Main Street where there is property that is on town and there is a license for I think ten years and there's a payment of \$2,000 a year which will be removed at the end of ten years. That's the way that was handled. This is a little bit different; it is less property. It is not into a Town right-of-way for a highway. It is really wide open but if we didn't have something before us, I think it would be very difficult for everyone to understand what is the nature of this. Engineering put together the map and we have some language here. If people agree with it, fine. If they don't, that can be discussed.

Mr. Brodinsky stated, I just saw the figure in the contract of \$2,000. I didn't realize it was pulled out of the air. I thought there was more of a rationale basis to it. I am somewhat surprised and seeing \$2,000 in the contract, I figured it was discussed. Apparently, it hasn't been discussed. If we had an idea that maybe it should only be \$1,000., we certainly can't negotiate strategy on the sale of a contract here, in open session, so I guess we will just have to go with it.

Mayor Dickinson answered, as I stated earlier, the figure comes from the significant time spent by Town offices on this issue. I think there should be some penalty involved with us having to deal with the encroachment on Town lines when surveys should have been done earlier and construction not performed in a way that would bring about this problem. Is there a little bit of a penalty to it? I suspect there is. However, we are also aware that where a private property owner built on someone else's property, you can tell them that they have to get the building off my property or pay me \$100,000. You can be very tough about it or take any stance you want. This is a suggested amount to kind of hit some kind of middle ground.

Mr. Brodinsky stated, I am going to vote in favor of this. I am just hoping that this procedure is never followed again. That a number is put in a contract; it is put at us without a description of the policy; information comes to us at the last minute; in some cases people don't even get it. It just doesn't seem to be the best way to handle this. In view of the fact that it is the Council that has authority to sell or lease real estate. This is a fete accompli put in front of us. But I am going to be voting for it.

Mr. Parisi answered, we can turn it down. There is no one being forced to do anything. The guy's in a jam is what it boils down to. We can either help him out or not. It is as

simple as that. We talked about being business-friendly and whatever, this is a case, I think, of trying to help someone out of a jam.

Mr. Knight asked, how many square feet are we dealing with, at the most?

Town Engineer, John Thompson answered, there is one area which is identified as area 3 where it is .38 sq. ft. trespass. The second area which is the area that is currently under construction and currently has a trespass of approximately .64 sq. ft. and that is what Ms. Doherty indicated that was the 1.02 sq. ft. trespass. Again, just for clarification, that is based on the information that we have as we stand or sit here tonight. When the siding is put on and a final survey is done, then we will have exact square footage area of what that overall trespassing is going to be. The area is...the overall dimensions of the area are somewhat secondary to the issue of the two trespasses.

Mr. Knight answered, we understand that and I understand what the Mayor is saying and the penalty is built into it, but I think it is relevant that if this is a public meeting and the public is watching, that they understand that what we are talking about is approximately 1 square foot of property. Our survey indicates that, indeed, he has encroached and he should have had his homework done and he didn't and he went forward and so forth. So somehow the figure of \$2,000 has come up and we are going to see if he is willing to, essentially, buy his way out of this mistake. It seems to me like we are not setting any grand precedent by asking this guy to pony up \$2,000 for one square foot of property. I understand that we have to jealously guard our powers and so forth and so on and I think everyone understands that but I would hope that there are some people in the public who would look askance at a body that would take and put somebody through the ringer at the end of October who is trying to cover his construction project and adding to the tax base of Wallingford and try to get it undercover before everything is ruined. I think it is only fair that; yes, are we going ahead a little quickly? No doubt about it. But I would hope that anybody in this community, given the same circumstances, would receive some kind of consideration from their government and that's why for one square foot and \$2,000 I think it is a fair trade and I am going to vote for it.

Mr. Rys asked, when we are involved with a private entity that is surrounded by Town property, what is the normal procedure. Do they get their own survey and locate where they are going to be pouring the footings or building the building? Prior to doing that, does someone actually inspect this to make sure that they are within the boundaries?

Mayor Dickinson answered, the Town is under no obligation to survey its boundaries where someone is building or improving property, next to the Town. No different than if someone built a house next to one of your properties or homes. The abutting owner certainly can do so to inform himself or herself as to where the boundary is, but you are under no obligation. The burden is on the person who is performing the new activity. If that person fails to obey what are the boundary lines and encroaches on someone else's property, they have the owner's duty of either removing what they have done or paying to

receive title to what they have constructed. Obviously, they want to have title to the property because if they go to sell it, they will never sell it if there's a question of whether they own the property because the building is constructed. The burden is always primarily on the person looking to perform activities. You only have the legal right to do that on property you own. You take a risk if you go ahead and have not informed yourself to the best degree possible as to where the boundaries are. If he surveys his boundaries and the Town then says, we had better survey it and make sure we agree with the surveyor, we can do that. But we are under no obligation to do that.

Mr. Thompson replied, that's exactly correct. The process began with the owner of Brother's Restaurant making application to the Planning & Zoning Commission at which time he presented a plan that depicted this proposed addition. As a result of that meeting, that was what initially caused us to go out and do the initial verification survey. When it came to our attention during the application process that the foundation might be over. At that point, that led us from one step to another to advising Mr. DeMatteo that the foundation was over. He subsequently took some action, not sufficient action to get the foundation fully away from the property line so that the building would not ultimately be on Town property. As the Mayor said, it is his (Mr. DeMatteo's) responsibility; the fact that he was adjacent to Town land, we got involved in order to assure that the Town's property was not being adversely impacted as a result of this construction.

Mr. Rys asked, do both parties agree now?

Mr. Thompson answered, we agree on the technical aspects of the dimensions that we are talking about. I didn't talk to Mr. DeMatteo, I talked to his brother and updated him on the technical aspects. We have not discussed in any way, to my knowledge, the fundamentals of the agreement or the dollar amount involved.

Mayor Dickinson explained, we don't know if he agrees or not. If he would like to proceed, he will be able to sign the agreement if the Council approves it. If he disagrees with it, then he certainly has the right of having his surveyor argue that it is not on Town property and ultimately we resolve the differences in the surveys or take some other direction. But he has all the rights that a person would have as far as this. But this allows this to proceed. If he wants to sign the agreement, then with the payment of the amount of money we can allow him to continue construction.

Mr. Vumbaco stated, since this is for the public, since Steve (Knight) has pointed out, the inference was made that we'd want to take Mr. DeMatteo through the ringer for one square foot. I don't think that is the case at all. I think, Steve, you missed the point. The point is, it is the policy and the procedures that we are going through. It has nothing to do with taking Mr. DeMatteo through the ringer for one square foot. I am all in favor of getting this done because that poor man has been put through a lot of aggravation over this issue. The question that I raise and Mr. Brodinsky raised are the policies and procedures of

going about this. Please don't make the inference that we are attempting to put Mr. DeMatteo through the ringer for one square foot.

VOTE: Farrell & Papale abstained; all others, aye; motion duly carried.

ITEM #9 PUBLIC HEARING on an Ordinance Amending an Ordinance Appropriating \$770,000 to Design a Denitrification System for Wallingford's Wastewater Treatment Plant and Authorize the Issuance of \$770,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$2,530,000 from \$770,000 to \$3,300,000 to provide for construction, grant funding and project contracting, and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.) – 7:45 P.M.

Motion was made by Mr. Knight to Read the Title and Section 1 of the Proposed Ordinance into the Record in Their Entirety and to Dispense with the Reading of the Remainder of the Ordinance, Incorporating its Full Text into the Minutes of the Meeting, seconded by Mr. Farrell.

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

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$770,000 TO DESIGN A DENITRIFICATION SYSTEM FOR WALLINGFORD'S WASTEWATER TREATMENT PLANT AND AUTHORIZING THE ISSUE OF \$770,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

An ordinance entitled "An Ordinance Appropriating \$770,000 To Design A Denitrification System For Wallingford's Wastewater Treatment Plant And Authorizing The Issue Of \$770,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" adopted by the Town Council on February 26, 2002, which ordinance is hereby ratified, confirmed and adopted, is amended to increase the appropriation and bond authorization therein by \$2,530,000, from \$770,000 to \$3,300,000, to provide for construction, grant funding and project contracting, as follows:

Section 1. The title of the ordinance is amended to read as follows:

“AN ORDINANCE APPROPRIATING \$3,300,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF DENITRIFICATION IMPROVEMENTS TO THE WALLINGFORD WASTEWATER TREATMENT PLANT AND AUTHORIZING THE ISSUE OF \$3,300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”

Section 2. Section 1 of the Ordinance is amended by substituting the following:

“Section 1. The sum of \$3,300,000 is appropriated for the planning, acquisition and construction of denitrification improvements to the Wallingford Wastewater Treatment Plant, including new pumping equipment, revised piping schemes, electric power and control systems, physical modifications to tanks, buildings and other portions of the treatment plant site, and for appurtenances, furniture, equipment, and design, engineering, and other consultant services or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs related thereto (hereafter the “Project”). Said appropriation shall be inclusive of state and federal grants in aid thereof.”

Section 3. Section 2 of the Ordinance is amended by substituting the amount of \$3,300,000 for \$770,000, each place \$770,000 appears. Such amendment will cause the first sentence of Section 2 to read as follows:

“To meet said appropriation \$3,300,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date.”; and cause Section 2 (iii) to read:

“(iii) any combination of bonds or temporary notes may be issued, provided that the total, aggregate principal amount thereof outstanding at any time shall not exceed \$3,300,000.”

Section 4. Section 5 of the Ordinance is amended with respect to grant funding and project contracting to read as follows:

“Section 5. The Mayor is authorized in the name and on behalf of the Town to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project. The Mayor, Comptroller and Town Treasurer, or any two of them, are authorized to expend said funds in accordance with the terms hereof. To meet any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under Section 22a-475 et seq. of the Connecticut General Statutes, as the same may be amended from time to time (the “Clean Water Fund Program”), the Town may issue interim funding obligations in anticipation of project loan obligations and project loan obligations in such denominations as the Mayor, the Comptroller and the Town Treasurer, or any two of them, shall determine. The Mayor, the Comptroller and the Town Treasurer, or any two of

them, are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to execute and deliver the same. Said obligations shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such obligation is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The Mayor is hereby authorized to execute and deliver to the State in the name of and on behalf of the Town Project Loan and Project Grant Agreements under the Clean Water Fund Program."

Raymond F. Smith, Director of Public Utilities, Roger Dann, General Manager of the Utilities and William Phelan, Office Manager for the Water Division were in attendance for this item of discussion.

Robert Sheehan, 11 Cooper Avenue stated, I thought at budget time Roger Dann stated that he had put away \$5 million on the side for this project.

Mr. Dann answered, I don't believe that I indicated that. We certainly have not set aside \$5 million for the project and I have no recollection of so indicating that at budget time.

Mr. Sheehan stated, I asked at budget time what your cash reserve was and you said, "\$7 million but you had \$5 million earmarked for the denitrification plan." Using that I would say, why borrow when you have the money set aside and you can spend it, buy it right out? I know Mr. Smith doesn't like that idea.

Mr. Smith answered, just to re-hash. I don't believe that Roger did make any such commitment that the funds are set aside because I am certainly not aware of it. This project will be partially funded through grants from the State of CT. The ordinance before us tonight is an ordinance that would authorize the expenditures of the monies and to also accept grants and loans from the State to cover the expenses of this project. We are amending the first phase which is the design phase, now that we are into the construction portion of the budget. I assure you that we don't have \$5 million set aside. I think it is good business practice to try and get any grant monies that we can acquire from the state and also use low interest loans to complete the project.

Mr. Sheehan replied, I agree with you. You should get money from wherever you can and I also believe that if you have the ability to pay, you pay rather than bond and go out, no matter how low the interest rate is at that time.

Mr. Smith replied, the Sewer Division is not in the position to pay this up front. This would have a direct impact on the rates. We planned for it over probably a twenty year period and it will be paid for similar to a mortgage on a house.

Mr. Parisi called the public portion of the hearing closed at this time.

Motion was made by Mr. Knight that the Ordinance Amending an Ordinance Appropriating \$770,000 to Design a Denitrification System for Wallingford's Wastewater Treatment Plant and Authorize the Issuance of \$770,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose be Adopted, seconded by Mr. Farrell.

Mr. Toman stated, we are at a point in the bond market where it has been the most favorable time to borrow money in forty years. With our Aa+ rating, could you give us an idea of what, I know it depends on the term of the bonds, but what we might have to pay at this time in the markets as far as an interest rate?

Mr. Smith answered, again, I am not sure that we are going to issue the bonds. There is a state revolving fund that I believe the interest rates have been in the 2% range, historically.

Mr. Toman asked, this is tax-free rates?

Mr. Smith answered, yes, it is part of the state bond system.

Mr. Swetcky explained, right now the bond market, you are probably looking at the high 3's (3%+) for twenty years. It is really going to depend upon the factors of when you go out and what the market is like when you go out. The timing would be crucial. Right now you are probably talking mid to high 3's.

Mr. Toman asked, I am curious; what would it be for an A rating?

Attorney Joseph Fasi, Bond Counsel answered, it would be approximately 25 basis points more than what the Town would borrow for, maybe slightly higher than that. In that range. Let me clarify, we are not issuing bonds for this project. This project would be funded by grants in 2% loans from the State.

Mayor Dickinson stated, that is the next item on the agenda that reflects our entering into appropriate documents with the State.

Ms. Doherty asked, this is Phase I of the denitrification project correct?

Mr. Smith answered, that's correct.

Ms. Doherty asked, and it is a state mandate?

Mr. Dann answered, yes. Back in roughly 1999 the State began making municipalities aware of their intent to regulate the discharge of nitrogen. Their concern being that nitrogen is, in fact, detrimental the health and water quality of Long Island Sound. They began developing a program which would require the removal of nitrogen, primarily addressing the wastewater treatment facilities in the state. Subsequent to that, as their program evolved, we began planning for that and in late 2000 into early 2001, we had a study performed to look at the various options that were available to the Town for retrofitting the waste treatment facility. That study indicated that a two-phase project made sense for our facility. The first phase being largely sort of a reconstruction of the existing facility with some added features to utilize the facility as it stands for denitrification. The second phase being the addition of new facilities, which would further reduce the nitrogen levels. Based upon the cost estimates for both Phase I and Phase II, we determine that it made sense economically to proceed with the Phase I work at this time and defer the Phase II work until a somewhat later time and that timeframe could vary anywhere from the 2008/2009 timeframe until possibly out to the year 2015. There is a certain amount of uncertainty as to how effective the Phase I facility would be. If you recall from some of our previous discussions, the way in which the State's program was structured allows us the flexibility to either construct facilities to remove nitrogen ourselves or, in lieu of that, to go out and to purchase nitrogen credits from the state and that allows you to contour a program which is the most cost-effective. What we are recommending here with a Phase I project does evaluate that. It looks at the option of doing nothing at this time, the Phase I project or the Phase II project. What we are trying to do is to follow the least cost option as we go out into the future. Somewhere out into the future there will be a need for Phase II work to be performed we believe to be cost-effective however, it would always be a possibility that we continue to buy credits in lieu of further construction activity.

Mr. Brodinsky asked, if we are not issuing bonds, why do we need this ordinance if we are going through the state program.

Mr. Smith explained, it is the authority to spend the money. That is the primary cause. But to also accept money and use temporary financing, it gives you a lot of flexibility. But the primary focus of the ordinance is to authorize you to spend the funds.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve a Resolution Authorizing the Mayor to Execute and File Applications, Contracts and Agreements on Behalf of the Town of Wallingford with the Commissioner of Environmental Protection for State Grants and Loans Pursuant to the Provisions of Section 22a-475 through 483 of the CGS, as Amended, and to Execute on Behalf of the Town of Wallingford all the Applications, Instruments, Contracts and Documents, and Accept Payments and do all other things that may be necessary for state grants and loans for Denitrification Improvements at the Wallingford Waste Water Treatment Plant (Appendix II)

Motion was made by Mr. Knight to Approve the Resolution, seconded by Mr. Farrell.

Mr. Vumbaco stated, Ray, in your letter to the Mayor you said that the Public Utilities Commission will vote to authorize the Mayor. Has that vote been taken yet?

Mr. Smith answered, that vote was taken.

VOTE: All ayes; motion duly carried.

ITEM #11 PUBLIC HEARING to Amend Chapter 203, Article VI, "Abatement for Members of Volunteer Fire Departments – 8:00 P.M. (Appendix III)

Motion was made by Mr. Knight to Approve the Changes to the Chapter, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Mr. Knight stated, the purpose of the amendment to Chapter 203-13 is for the Town Council to reaffirm and re-states its purpose when the original version of this ordinance was adopted on November 14, 2000 to wit, as an incentive to encourage those serving as volunteer firefighters, emergency medical technicians, paramedics or ambulance drivers to continue their volunteer service and to encourage others to join one of Wallingford's Volunteer Fire Departments. The Town Council, however, because of a ruling by the United States Internal Revenue Service that because the volunteers are providing a service to the Town of Wallingford, they are deemed to be employees and subject therefore to all payroll taxes, is required to amend the ordinance to mandate that the amount of the tax abatement available to individual volunteers be paid in dollars and that such payment be made subject to state and federal income taxes and FICA and Medicare taxes.

Atty. Mantzaris stated that, in talking with the Fire Chief, he did not appreciate that the Tax Collector was still involved in the process of determining the amount of abatement that our volunteers would receive. So in 203-17 of the proposed ordinance, I eliminated the requirement that copies be forwarded to the Tax Collector. I talked to the Chief (of Fire & Emergency Services) a couple of days ago about this ordinance. The taxpayer is a very important part of this continuing procedure even though now we are paying \$1.00. I suggest that an amendment be offered, 203-17a of the proposed ordinance reading, "Forward said original to the Tax Collector with copies to the Comptroller..." and so on as it reads. I noticed that after talking to Chief Struble.

Mayor Dickinson stated, the Comptroller is the head of the department, the Tax Office is within that department. This goes to the Comptroller. I am not sure that it is necessary to state that it goes to the Tax Collector. It goes to the Comptroller who would get the pertinent information from the Assessor, the Tax Collector or whoever is within his or her department. I am not sure that it is necessary to change the language. Obviously, the right

figures have to be calculated and put in the records but the department at issue is the Finance Department. I think it is o.k. the way it is.

Motion was made by Mr. Knight that the Ordinance be Adopted as Presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #7 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale, and/or Leasing of Property

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

VOTE: All ayes; motion duly carried.

The Council entered executive session at 8:20 P.M.

Present in executive session were all councilors, with the exception of Councilor Farrell, Jr., Atty. Mantzaris, Mayor Dickinson and Jeff Borne of the Conservation Commission. Once the Council entered into executive session, although no discussion had begun, once Mr. Farrell learned of the topic to be discussed, he removed himself from executive session due to a potential conflict of interest.

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

VOTE: All ayes; motion duly carried.

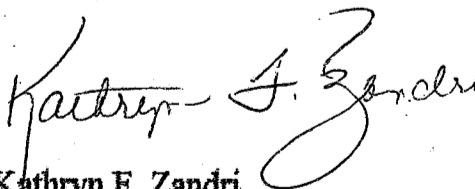
The Council exited the executive session at 8:47 P.M.

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

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 8:50 P.M.

Meeting recorded and transcribed by:

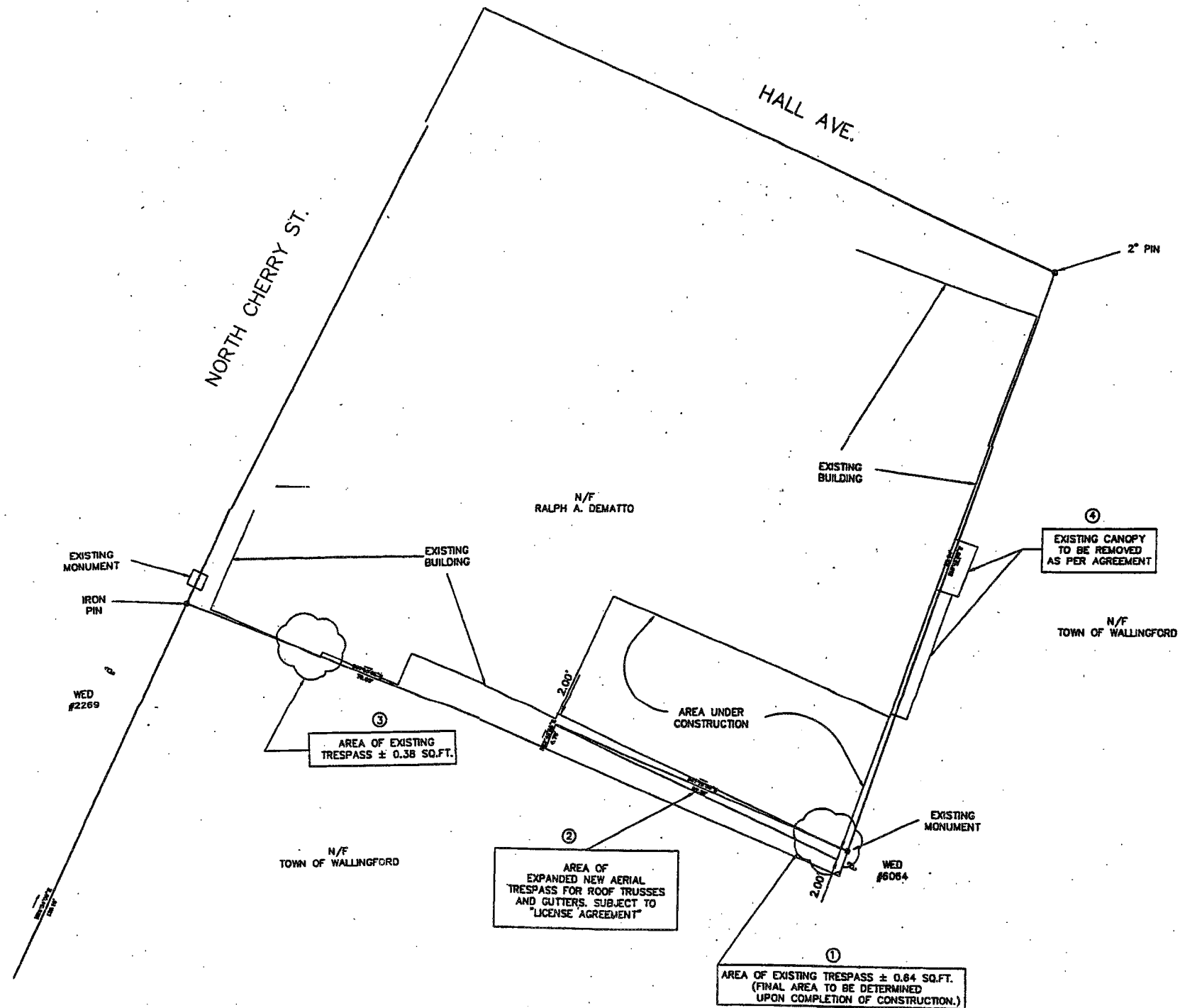

Kathryn F. Zandri
Town Council Secretary

Approved by: Robert F. Parisi (by RR)
Robert F. Parisi, Chairman

11-25-03
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

11-25-03
Date



RESOLUTION

BE IT RESOLVED THAT the MAYOR is hereby authorized to execute and file applications, contracts and agreements on behalf of the Town of Wallingford with the Commissioner of Environmental Protection for state grants and loans pursuant to the provisions of Section 22a-475 through 483 of the General Statutes of Connecticut, as amended, and to execute on behalf of the Town of Wallingford all the applications, instruments, contracts, and documents, and accept payments and do all other things that may be necessary for state grants and loans for DENITRIFICATION IMPROVEMENTS AT THE WALLINGFORD WASTEWATER TREATMENT PLANT.

I hereby certify that this is the Resolution approved by the Wallingford Town Council at its meeting of October 28, 2003.

Town Clerk

DRAFT

- 9/11/03

Appendix III

ORDINANCE NO. _____

**AMENDMENT TO CHAPTER 203, ARTICLE VI,
ABATEMENT FOR MEMBERS OF VOLUNTEER
FIRE DEPARTMENTS**

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Article VI, Abatement for Members of Volunteer Fire Departments, of Chapter 203, Taxation, of the Code of the Town of Wallingford, is hereby repealed and the following Article VI, Abatement for Members of Volunteer Fire Departments, is substituted in lieu thereof.

§203-13. Purpose.

The Town Council hereby reaffirms and restates its purpose when the original version of this ordinance was adopted on November 14, 2000, to wit: as an incentive to encourage those serving as volunteer firefighters, emergency medical technicians, paramedics or ambulance drivers to continue their volunteer service and to encourage others to join one of Wallingford's volunteer fire departments. ***The Town Council, however, because of a ruling by the United States Internal Revenue Service that because the volunteers are providing a service to the Town of Wallingford they are deemed to be employees and subject, therefore, to all payroll taxes, is required to amend the ordinance to mandate that the amount of the tax abatement available to individual volunteers be paid in dollars and that such payment be made subject to State and Federal income taxes and FICA and Medicare taxes.***

§203-14. Definitions.

A. "VOLUNTEER" means an individual who volunteers his or her services as a firefighter for the Yalesville Volunteer Fire Department, "YVFD", the North Farms Volunteer Fire Department, "NFVFD", the East Wallingford Volunteer Fire Department, "EWVFD", or as an emergency medical technician, paramedic or ambulance driver for any of said volunteer fire departments. The members of any volunteer fire department created after the effective date of this ordinance shall be added by amendment with coverage effective as of the date said volunteer fire department is certified as fully operational by the Fire Chief.

B. "ABATEMENT" means the payment in dollars which is the equivalent of the reduction in property taxes owed by the volunteer under the provisions of this ordinance subject, however, to State and Federal income taxes and Medicare and FICA taxes.

C. "PROGRAM YEAR" means the calendar year from January 1 to December 31.

D. "ASSESSMENT YEAR" means October 1 to September 30.

E. "FISCAL YEAR" means the same as Assessment Year.

F. "CERTIFICATION DATE" means December 15, 2000 for the Assessment Year/Fiscal Year commencing October 1, 1999 and means March 1, 2001 for the Assessment Year/Fiscal Year commencing October 1, 2000 and means March 1 for each Assessment Year/Fiscal Year thereafter.

G. "FIRE CHIEF" means the chief of the Fire Department consisting of the regular and volunteer divisions.

§203-15. Abatement.

Each Volunteer shall be entitled to an abatement measured by the property taxes, real and personal, otherwise due from the Volunteer on property owned by or held in trust for the Volunteer, for the Assessment Year/Fiscal Year next preceding the Certification Date in accordance with the following schedule:

<u>Years of Service</u>	<u>Abatement</u>
1-4	\$250.00
5-6	\$500.00
7-9	\$750.00
10 or more	\$1,000.00

Except that the Years of Service shall not begin to be credited unless and until the Volunteer has qualified for the Town of Wallingford Length of Service Award Program, "LOSAP", for the next preceding calendar year.

§203-16. Interrupted service.

Beginning with January 1, 1992, the date at which LOSAP became effective, a Volunteer whose service is interrupted shall, upon his or her resumption of service, have any prior years restored provided, however, that the Volunteer qualified for LOSAP credit for such years, but not unless and until the Volunteer has also qualified for LOSAP credit for the next preceding calendar year, except that any Volunteer who enters the Armed Forces of the United States of America in time of war, national emergency or pursuant to a national conscription law or draft, and was separated from active duty under conditions other than a dishonorable discharge, and returns to said service within three (3) months of the date of separation shall receive Years of Service credit for the Volunteer's period of active duty not to exceed three (3) years.

§203-17. Procedure.

A. The respective Chiefs of the YVFD, the NFVFD and the EWVFD shall, on or before the Certification Date, submit the original list of their members who are eligible for the Abatement to the Fire Chief for verification who would then forward said original lists to the Comptroller with copies forwarded to the Mayor and the Chairman of the Town Council. The list shall include the member's mailing address and the amount of the Abatement.

B. The Chiefs of the YVFD, the NFVFD and the EWVFD shall also submit a certificate, the form to be agreed upon by the Fire Chief and the Comptroller, to each individual member specifying the amount of the Abatement due the Volunteer. Upon presentment to the Comptroller, the amount of the abatement shall be paid to the volunteer.

§203-18. Eligibility.

A. Each Eligible Resident must earn at least 100 points during any Program Year by participating in the activities set forth in Section 7 in order to qualify for the Abatement for any Assessment Year/Fiscal Year.

B. Points will be earned by the Volunteers in accordance with the point system outlined in Section 7. The determination with respect to a Volunteer's performance of his or her duties and entitlement to points shall be a mathematical calculation based upon attendance and performance as established by the records of each Volunteer Fire

Department. Each Volunteer Fire Department shall maintain accurate written records of its member's attendance and participation in and performance of their duties upon which the determination of the number of points earned by said members in each Program Year shall be based. Points earned in any Program Year shall be fully transferable between the Volunteer Fire Companies.

C. Volunteers shall not be entitled to any abatement for any Program Year in which he or she has not been credited with the requisite number of points set forth in Section 7. Points earned in one Program Year cannot be carried forward or backward in any other Program Year.

D. The Fire Chief may periodically revise the determination of activity standards or points as outlined in Section 7.

§203.19. Point system.

The activities that follow establish the point system under which Volunteers must qualify in order to satisfy the entitlement to the Abatement provided by this Ordinance. Where a percentage requirement is used, the computation will be based upon the particular Volunteer Fire Department's number of activities in that category.

A. TRAINING – Total Points Allowed: 40

Points will be awarded as follows:

2 points for attending any scheduled departmental training event

1 point for every 8 hours of training attended out-of-house, the completion of which is evidenced by a Certificate of Completion or similar document. Out-of-house training includes, but is not limited to, any State or Federal classes or any college level courses that are related to fire department functions.

B. ALARMS – Total Points Allowed: 50

Points will be awarded as follows:

1 point for every one percent (1%) of alarms (calls) that the individual responds to except that no points will be awarded if the individual's

response total is less than ten percent (10%) of the total number of alarms.

C. MEETINGS – Total Points Required: 10; Allowed: 16

Points will be awarded as follows:

- 10 points for attending fifty percent (50%) of the individual Volunteer Fire Department's scheduled business meetings.
- 1 point for each additional business meeting over the fifty percent (50%) minimum.

D. EXTRA INCENTIVES

1. Points will be awarded for holding an elective office within the Department as follows:

Chief:	10
Assistant Chief:	8
Captain:	6
Lieutenant	4
Engineer:	4
Treasurer:	2
Secretary:	2

2. Three (3) points will be awarded each year for holding a valid State of Connecticut Fire Service Administration certification in each of the following: (cumulative)

- Firefighter I, II or III
- Fire Instructor I, II
- Fire Officer I, II
- Safety Officer
- Hazardous Material Technician
- Pump Operator
- Public Educator I, II

3. The following specified points will be awarded each year for holding a valid State of Connecticut Fire Service Administration certification in each of the following: (cumulative)

ORDINANCE NO. _____

1 point for Medical Response Technician
3 points for Emergency Medical Technician

4. One (1) point will be awarded for every meeting, other than scheduled business meetings, sanctioned by the Volunteer Fire Department, including Fire Department committee meetings, officer meetings, chiefs meetings, inter-Volunteer Fire Department meetings, State Committee meetings and any other sanctioned meetings.

I HEREBY CERTIFY that this Amendment to Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____ 2003, in accordance with the provisions of the Charter of the Town of Wallingford.

Rosemary A. Rascati
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____