

TOWN CLERK

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

April 12, 2005

6:00 P.M.

The following is a record of the minutes made of the Wallingford Town Council at its regular meeting held on Tuesday, April 12, 2005 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco Called the Meeting to Order at 6:10 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Michael Spiteri, Vincent F. Testa, Jr., and James M. Vumbaco. Mayor William W. Dickinson, Jr., Janis Small, Town Attorney and James M. Bowes, Comptroller, were also present.

Pledge of Allegiance

Chairman Vumbaco announced that there would be no Public Question and Answer Period at tonight's meeting to allow for the Budget Public Hearing at 7:00 P.M.

2. Correspondence

Ms. Papale read a press release from Representative Mary Fritz and Senator Len Fasano to the Connecticut Siting Council regarding the proposed 68-mile Middletown to Norwalk power line that runs through Wallingford. She said that she would like to enter the release into the record.

Chairman Vumbaco: Just an editorial comment on my part. I guess the Siting Council apparently voted in favor of the initial run so I think that I speak for all of the Councilors here and for the Administration that Wallingford definitely took it on the chin in this one. We have the longest run and it's all going to be above ground. The Utilities are spending untold thousands of dollars advertising asking people to contact their representatives to not support any bills to change this. I just want to urge all of our

citizens to contact our representatives to urge Mr. Fasano and Ms. Fritz to continue to fight for the citizens of Wallingford.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#634 - #662) totaling \$32,117.67 Account #001-1000-010-1170 – Tax Collector.
- 3b.** Consider and Approve a Transfer in the amount of \$15,000 to Overtime Acct. #001-5015-101-1400 from Contingency-General Purpose Acct. #001-7060-800-3190 – Public Works
- 3c.** Consider and Approve use of Parade Grounds in front of 9, 23, & 35 South Main St. and the grounds in front of the Veteran's Building on Friday, May 13, 2005 for tent setup and on Saturday, May 14, 2005 from 11:30 A. M. to 1:30 P.M. by the First Congregational Church – James M. Vumbaco
- 3d.** Consider and Approve a Resolution Authorizing the Mayor to Execute on behalf of the Town of Wallingford a Grant Agreement and Conservation and Public Recreation Easement under the Open Space and Watershed Land Acquisition Program with the State of Connecticut for financial assistance to acquire permanent interest in land known as 1352 Scard Road Open Space OSWA-92 and to manage said land as open space land pursuant to Section 7-131d of the Connecticut General Statutes – Program Planner
- 3e.** Approve the Appointment of Mr. Richard Nunn to the Public Utilities Commission effective immediately for a three year term to expire March 1, 2008 – Mayor
- 3f.** Consider and Approve of a change of date in the Town Council Meeting calendar from Tuesday, May 10, 2005 to Monday, May 9, 2005 – James M. Vumbaco, Chairman
- 3g.** Consider and Approve a Resolution Authorizing the Mayor to Make Application by April 30, 2005 to Contract with the State Library Through the Historic Documents Preservation Grant Program for an Inventory and Planning Grant for the Purpose of Hiring an Approved Consultant to Conduct a Municipal Wide Disaster Preparedness and Business Recovery Plan and Records Management Survey – Town Clerk

- 3h. *Removed* - Consider and Approve a Transfer in the Amount of \$300 to Overtime Acct. #6030-101-1400 from Re-Creating Volumes Acct. #6030-999-9907 – Town Clerk
- 3i. Approve minutes of the Town Council Meeting of March 9, 2005
- 3j. *Removed* - Consider and Approve a Transfer in the Amount of \$5,344 to Salaries and Wages Acct. #6030-101-1400 from Re-Indexing Land Records Acct. #6030-999-9907 – Town Clerk

Ms. Papale: I would like to remove Items 3h. and 3j. from the Consent Agenda. That would be approving #a, b, c, d, e, f, g, and i. **So moved.**

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved. Items removed from Consent, Mr. Knight?

4. Items Removed from the Consent Agenda

- 3h. Consider and Approve a Transfer in the Amount of \$300 to Overtime Acct. #6030-101-1400 from Re-Creating Volumes Acct. #6030-999-9907 – Town Clerk

Mr. Knight: 3h. and 3j. both deal with the Town Clerk's Office. There are a couple of reasons for wanting to discuss this in open session. One is that there are only three offices over which we have direct supervision – the Fire Marshal's Office, Town Council Office and the Town Clerk's Office -and that a transfer of this size in 3j. that we ought to learn more about it. The second reason is that this is the second Council meeting in a row in which we have transferred money around that budget to fund additional salaries and I'm trying basically to find out if this is going to be the end of those transfers. Have we funded the salaries for this office for the rest of the year. Kathy, do you want to address that?

Ms. Zandri: I believe that this will fund the salaries for the remainder of the year. I will not be seeking another transfer before the end of the fiscal year, and we may in fact need every dollar if the person who has

announced they are going to retire does actually retire. We've had three false starts already.

Mr. Knight: We got into this essentially because you had calculated that somebody was going to retire and their decision was otherwise. Am I getting that right?

Ms. Zandri: This transfer that we are talking about this evening is to fund for the remainder of the year because we have someone who has announced that she will be retiring. She is also out currently recovering from surgery and expects to have several weeks of occupational therapy and is coming back on light duty and can't do very much besides most likely answer the phone. This is what was explained to me before she left. In the meantime, I will be at Town Clerk's school tomorrow, Thursday and Friday. I will also be on vacation two weeks at the end of April and the beginning of May coupled with our losing our part timer and another girl announcing recently that she is also scheduled for surgery at the end of April. We're operating as a skeleton crew.

Mr. Knight: My only purpose, as I said, is that we are responsible for supervising this office and I just want to make sure that this is going to take care of it and you are assuring us that this is the case.

Ms. Zandri: Yes. This is the worst case scenario that if our intended retiree does not retire and we need the other individual to fill the year then we'll have both but we are still going to need some of these funds. We will have enough in the salary account to pay both if both will stay on because we still will have one out at surgery and myself on vacation and at Town Clerk's School. I must say that our part timer-we are very, very fortunate to have her. She is a wonderful individual that has been with us for three years. She stands toe-to-toe at the counter with each one of the girls down there at a part time rate. We are very fortunate to have her. That skill is very difficult to come by. It takes a good two to three years of daily training standing at the counter performing the duties to learn the job.

Mr. Knight: Is she coming on as a replacement for the person that's going to be out with the surgery?

Ms. Zandri: She would be working part time. She performs nearly all of the duties of the office. The indexing she does not do and that is what the other staff member who has recently announced that she'll be having surgery. She is my indexer. She's my primary indexer. I do have a second one that I will shift over into the indexing and then this young lady, my part timer, will be able to fill the spot of the individual that I will be shifting over. There is a desire to cross train and we are working towards that.

Mr. Knight: So the indexing budget that you are taking the money from is money from the left pocket going to the right pocket? You would have expended that money doing indexing, and now it's going to be used to perform daily functions?

Ms. Zandri: This re-indexing of land record line item that is for a large project that we have been funding over a three year period in phases so that we can index some very older volumes and because the transfer –I did ask for a transfer outside the department but the Mayor refused to sign – so I had to take from within my own budget. He still refused to sign the transfer but if it is approved by the Council tonight, the funds can be transferred as long as it is within my department. So I have no other option to take it anywhere else.

Mr. Knight: OK. I just wanted to make sure that we are set for the rest of the year. That was my main purpose to see that the budget that we established a year ago has been exceeded and that is it. I'm at the end of my questions.

Chairman Vumbaco: Any other questions? No? We need a motion.

Ms. Papale: I'd like to make a motion to consider and approve a transfer in the amount of \$300 to Overtime Acct. from Re-Creating Volumes Acct.(Item 3h.) So moved.

Mr. Farrell: Second.

Chairman Vumbaco: All in favor? Opposed? So moved.

Ms. Papale: I'd like to make a motion to consider and approve a transfer in the amount of \$5,344 to Salaries and Wages Acct. from Re-Indexing Land Records Acct. (Item 3j.) So moved.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved. Thank you. Item #5.

5. Consider and Approve contract language for the purchase of the Simpson School property by the LaRosa Building Group – Chairman James M. Vumbaco

Ms. Papale: Item #5 is to Consider and Approve contract language for the purchase of the Simpson School property by the LaRosa Building Group. So moved.

Mr. Parisi: Second.

Chairman Vumbaco: We have an agreement that was sent out by Attorney Small on Friday as well as backup to the exhibits that were provided by Mr. LaRosa and his attorney. Exhibit A that you gave us. That can be worked into this process.

Ms. Small: I gave you a new one. That should be with the renderings I gave you.

Chairman Vumbaco: OK. We got that this evening. This should have met all of the requirements and all of the questions that the Council had at the prior workshop that we had on this so if you had a chance to review this or not if you have any further questions or comments to Mr. LaRosa, he's here to answer.

Ms. Doherty: I has a question on number 6, well, it's actually #4a and then number 6 says the buyer agrees the units constructed in one to three unit buildings shall contain a minimum of 1400 square feet, etc. Could you explain what you mean by that? It's under #4 on the real estate agreement, it's the 2nd page It's under 'A' and then it's

Chairman Vumbaco: On page three. 4a #6.

Mr. LaRosa: At our last workshop meeting, we were talking about the minimum square footage we would have, and it was agreed that there would be 1400 in the one to three unit buildings. That encompasses a single family or a duplex or a triplex and the 840 square feet is the minimum that would be in the attached housing. Those are the 'affordables'. They aren't all affordables in there but that's the minimum that would be in the attached housing.

Ms. Doherty: I had one other question at the end in Exhibit B.
"...will not be submitted to Planning and Zoning as an affordable housing project." Could you explain that?

Ms. Small: I added that language, so it's not under the Planning and Zoning regulations 'affordable housing' regulations. So this is not an affordable housing project, which gives a developer a whole lot of room to do what he wants, and the Commission no room to say 'no'. This is a housing project that has several 'affordable housings' in it so I just wanted to add a sentence to make that clear.

Chairman Vumbaco: Any other Council have questions or concerns?

Mr. DiNatale: Just to clarify that when this is submitted to Planning and Zoning at that point for some reason that we are relying on them to fit this into the planning and zoning of the Town of Wallingford, and if it doesn't meet their standards and is not approved, the understanding is that contract is null and void.

Mr. LaRosa: That is correct.

Mr. Knight: In the very end of it where the association has to furnish a certificate to the town annually regarding the common interest community, to whom should that be directed? Perhaps that should be specified. Or does that just go to the Law Office?

Ms. Small: I hadn't really decided where it should go. I took this regulation out of another project I worked on and it

went to zoning but that was because it was in the zoning regulations, and I said, well, that isn't going to work. The department that I thought of would be building but we are going to have to tell them which department we want them to send it to. Maybe it is the Law Department. I'm not sure which department we would have do that.

Mr. Knight: I didn't know if there were other such agreements in town with other developers having to do with age restricted housing.

Ms. Small: Not that I am aware of. If there was, it would be a tie-in to a specific zoning regulation that called for it and that's not the scenario here. At closing we will designate if I can't figure out who else would do it, then it will probably be my office.

Mr. Knight: After a few years, that's the kind of thing that all of a sudden doesn't happen anymore.

Ms. Small: It's between Building and my office. That's what I came up with anyway. If you have any other ideas, maybe you want it.

Mr. Parisi: Under 4a6 again – "Units shall contain a minimum of 840 square feet" which is I know very small, "however the square footage may be less if required by the Planning and Zoning of the Town of Wallingford or any town ordinance." You mean it could go smaller than that?

Mr. LaRosa: Two comments on that. 840 square feet is not that small. I've seen many units that are in the 600 square foot range. Secondly, if the town Planning and Zoning Commission doesn't allow to build it that large, we have no control over that. We plan on keeping it at 840 square feet.

Mr. Parisi: He said that his office was 700 square feet and I was over there and I saw two rooms and a bathroom.

Mr. LaRosa: I can't comment on that.

Chairman Vumbaco: Anyone else? Are there any members of the public who would like to address this? If not, we will bring it back to the Council. We have a motion and a second. All in favor? Opposed? Mr. Farrell is voting no. Eight Councilors in favor and one opposed. The motion is carried. It took us a long time. Thank you Mr. LaRosa and good luck. Item #6.

6. Consider and Approve an Appropriation in the Amount of \$450,000 to Quinnipiac River Linear Trail – Phase II Acct. #302-1403-815-3051-00 and to Quinnipiac River Linear Trail – Phase II Acct. #302-1040-050-5002-Fed./State Grant- Engineering

Ms. Papale: Item #6 is to consider and Approve an Appropriation in the Amount of \$450,000 to Quinnipiac River Linear Trail – Phase II Acct. #302-1403-815-3051-00 and to Quinnipiac River Linear Trail – Phase II Acct. #302-1040-050-5002-Fed./State Grant as requested the Town Engineer. So moved.

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second.

John Thompson, Town Engineer: I believe that the memo that I wrote to the Mayor is fairly clear. We received notification back in December from Rosa DeLauro that she was successful in getting us another \$500,000 for the Quinnipiac River Linear Trail. It's a grant. We have to appropriate the money first, spent it and then seek reimbursement so essentially I am coming to the Council tonight to advance me \$450,000, we'll spent it and seek recovery from the state and federal government and then put it back into the account.

Mr. Knight: The grant was for \$500,000 and the net is \$450,000. Who gets the other \$50,000?

Mr. Thompson: It's called a cap and seal. It's used to fund state operations. They take it as part of their operating costs.

Mr. Knight The state takes 10% off the top?

Mr. Thompson: Approximately.

Mr. Knight: We have to find a way to work this angle.

Mr. Parisi: We should take 10% from the departments when we give them their budget.

Chairman Vumbaco: At least from the department head, don't you think?

Mr. Testa: Where are we getting the money to front you for \$450,000?

Mr. Thompson: I'm going to turn to the Comptroller who is the financial man. I only handle the technical aspects.

Mr. Bowes: Right now our cash is basically pooled in our various bookkeeping funds. Basically we are going to be floating some of our operating cash until we get the reimbursement from the State of Connecticut and then it's replenished. Hopefully, it's only going to be a few months from discussion that John and I had. We have to spend it or we don't get it.

Mr. Testa: Just for budgeting purposes, don't we have to do some kind of transfer?

Mr. Bowes: This is the action that we are asking you for. We are asking you to appropriate it right into the Capital Projects fund the 302 that you see listed there. In essence it's a wash on the Town's books. There is no effect other than showing a revenue of \$450,000 and an expense of \$450,000 in this Capital Projects fund.

Mr. Testa: I understand that. It just seems that wherever the \$450,000 is now has to be somewhere in the budget I would think.

Mr. Bowes: No.

Mayor Dickinson: If I can help, the appropriation gives the authority to spend and the appropriation is based upon the verification from the state and federal government that we will receive the money. So the Finance Department is satisfied that is a reliable source of funds and that is the authority at which the money

would be spent. You are actually creating a budget here of \$450,000 – revenue and expenditures.

Mr. Testa: We don't have to account for where the up front \$450,000 is coming from even for a short period of time? - in the budget where is it right now? OK?

Chairman Vumbaco: All set Vinnie?

Mr. Testa: I am. Thank you.

Chairman Vumbaco: Any other Council? John, what will it be used for? From the bridge out?

Mr. Thompson: Actually when we bid Phase II - this is all bid work that we are going to spend this money on – we were financially constrained on the original project. We only had sufficient funds to do the tunnel. We saved some money during the process and were able to construct the bridge. There are three additional alternatives, or add-ons, to the project – paving of the trail, landscaping amenities and tunnel lighting, so we will be using the money to complete the unfunded portion of the Phase II construction and also for the planning and design purposes for the extension.

Chairman Vumbaco: So after this money is spent it will end at the end of the tunnel.

Mr. Thompson: That's correct.

Mr. Spiteri: What is the plan for Phase III which I assume is from the tunnel to the island.

Mr. Thompson: That's correct.

Mr. Spiteri: Is that going to be done by Town departments or are we going to bid?

Mr. Thompson: We would undertake a design. We've done some preliminary planning and route analysis that would take us from the west side of the parkway at the tunnel entrance up to Fireworks Island. We have a route that we have selected that seems to make some sense in terms of minimizing wetlands impact and minimizing the cost to build boardwalks and such to get us onto

Fireworks Island which the Town Council accepted through the Ahern Rogers transfer, and we will be coming to you very shortly with another land transfer which will allow Phase III. We were also notified that there's tentative long term enhancement funding coming to the town that we hopefully will be able to use to fund the construction of the Phase III project. At this point all we have is the preliminary route. We will be doing the final design, developing construction documents for bidding purposes.

Mr. Spiteri: You don't have that trail design at this point. Is that correct?

Mr. Thompson: That's correct.

Mr. Spiteri: What are you looking at? Will you have to build up a Bed and is that part of the trail going to be paved and will it be next to the river or quite a distance from the river so we don't have to worry about washout?

Mr. Thompson: The area that we have selected on a preliminary basis is relatively high.. There is a lot of wetlands on what we are calling the former Beaumont property. The next section of the trail is about 3500 linear feet from the tunnel onto Fireworks Island. There are a number of wetland issues but specifically, the trail will be paved. A decision was made at the outset of the trail project that this would be a paved trail for a myriad of purposes – roller-blading, bicycling, etc. this section, Phase III, may have some boardwalk sections which would be a similar type of wooden treatment as to the pedestrian bridge that was just constructed over the Quinnipiac River.

Ms. Doherty: Do you want to mention also about the senior loop? I don't want people to think that we've left that alone.

Mr. Thompson: The senior loop is under design, and we are taking that to the Inland Wetlands Commission at their next meeting to keep them apprised. We made a commitment when we brought Phase II to them when Mr. Vitali indicated that he wanted to play a more active role, so we are bringing this to him before we take it to the public, so that their agency could have

input during the design process. This design is proceeding on a parallel path and separate funding is being sought for that.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved.

7. Consider and Approve a transfer in the Amount of \$89,665 to Self-Insurance Deductible -\$37,665, Heart and Hypertension Police -\$35,000 and Heart and Hypertension Fire -\$17,000 from Self-Insurance Workers' Comp. – Personnel

Ms. Papale: Number 7 is to Consider and Approve a transfer in the Amount of \$89,665 to Self-Insurance Deductible - \$37,665, Heart and Hypertension Police -\$35,000 and Heart and Hypertension Fire -\$17,000 from Self-Insurance Workers' Compensation as asked for by Personnel. So moved.

Mr. Farrell: Second.

Terence Sullivan, Personnel Director, asked if there were questions on the transfers and the memo to the Mayor and said that there are two things. We have a self-insurance deductible account as you know to cover various litigation and property claims, unemployment litigation, and we have heart and hypertension –two accounts, one for Police and one for Fire. Due to the serious health conditions of some of these retirees when they incur medical claims we are on the hook again and that's why we need the money.

Chairman Vumbaco: What's the balance remaining in the self insurance account that you are taking this out of?

Mr. Sullivan: We have \$774,000 in the net budget. As of the end of March we had spent \$444,000. It's hard to project. We're looking pretty good. We'll have a little left over.

Kurt Treiber, Risk Management: It's a weekly account so each Week money comes out and I don't have this week's total amount. Looking at where we were we're being right on target at 55% to 60% expended.

Chairman Vumbaco: Teri said \$400,000 which answered my

question but another question that I do have is the self-insurance account – this wasn't part of the original budget, correct?

Mr. Sullivan: Maybe I wasn't clear or maybe I misspoke, we don't have \$400,000 available we have \$444,000 spend as of the end of March. So we have roughly \$329 unexpended at this point.

Mr. Testa: Regarding this self-insurance deductible, It says here that it covers property, casualty and general liability claims. How is the deductible calculated? Is it a 5% or 10% of a claim?

Mr. Treiber: It's a flat deductible per policy. Each policy has a different deductible based on how the policy is written. Some have \$5,000, some have 10, 15 , 20 depending on the nature of the policy, the town pays from dollar one through the deductible and once it reaches the deductible then the policy kicks in and takes over the rest of the claim.

Mr. Testa: What type of claims do we have right now? Or do you anticipate that necessitate a \$38,000 in deductible payments on the town's behalf? Are these large claims that the town anticipated and that's why it's requiring a transfer?

Mr. Sullivan: All of these are unanticipated. We insure for the risk and the deductible is the amount that we are on the hook for. One of these is a CHRO case, Board of Education, and we have a bill for that. There is some employment practices liability case.

Mr. Treiber: And that policy is a \$20,000 deductible on it.

Mr. Sullivan: We have property damage, the recent case in the police department with the water main break. We have a \$5,000 deductible that we have to pay on that, so it can add up. But we don't anticipate those, we just have to try to plan for them.

Mr. Testa: Could you elaborate a little bit – what is the claim that has the \$20,000 deductible?

Mr. Sullivan: The Connecticut Human Rights and Opportunities Commission hears complaints based upon discrimination allegations – it's for the Board of Education.

Mr. Testa: What's the amount of that claim right now?

Mr. Sullivan: The bill is \$7,218.

Mr. Treiber: That bill combined with the previous bill will be up at the \$20,000 deductible.

Chairman Vumbaco: Any members of the Public? Hearing none, We have a motion and a second. All in favor? Opposed? So moved. Item 8.

8. Consider and Approve Resolution authorizing the Mayor to enter into a Memorandum of Understanding between the State of Connecticut, Department of Emergency Management & Homeland Security and the Town of Wallingford for a Fiscal Year 2005 Homeland Security Grant Program in the amount of \$135,299 – Mayor

Ms. Papale: Item 8 is to consider and Approve a Resolution authorizing the Mayor to enter into a Memorandum of Understanding between the State of Connecticut, Department of Emergency Management & Homeland Security and the Town of Wallingford for Fiscal Year 2005 Homeland Security Grant Program in the amount of \$135,299 as asked for by the Mayor. So moved.

Mr. Farrell: Second.

Ms. Papale: Be it Resolved, the William W. Dickinson, Jr., Mayor of the Town of Wallingford is authorized to sign the Memorandum of Understanding between the State of Connecticut, Department of Emergency Management & Homeland Security and the Town of Wallingford for a Fiscal Year 2005 Homeland Security Grant Program in the amount of \$135,299. (*Appended to the minutes*)

Mayor Dickinson: This is another grant. The Fire chief is here.

Chief Struble: What get confusing is that everything comes out of Homeland Security now. You discussed back in November or December a grant for the Fire Department that was out of Homeland Security called the Fire Act Grant. This grant is out of state Homeland Security for a 2005 allocation. The state is the administrator of the grant and we will direct the state to what equipment we require and the state will procure it and supply the equipment. It was the same in 2004. That money has not been expended yet. We are still waiting for them to get organized so that we can make equipment requests for 2004.

Chairman Vumbaco: So you put the equipment request in for a this amount of dollars and they provide you with the equipment.

Chief Struble added that part of this money pays for training through a reimbursement path and **Chairman Vumbaco** asked what kind of equipment was being purchased. **Chief Struble** responded anything that supports Homeland Security efforts that can range from personal protective equipment for hazardous materials to an emergency generator for the Police Department 911 center to communications equipment and the training that supports the overall state plan.

Mr. Farrell: Last week I had the opportunity to participate in Homeland Security exercises, and I know that I will embarrassing him by stating it, but when I spoke with a lot of the Homeland Security officials and mentioned that I was from Wallingford, they said, "You are so lucky that Peter Struble is your Fire Chief. He knows this Homeland Security stuff better than anyone, and you are in very good hands with him." We know that already but it's very nice to hear that his colleagues think so and I thought that it's nice to pass that kind of compliment along. *(applause)*

Mr. Knight: Do you anticipate that we will get full funding of this grant request? Is that how these things work that in advance you can determine what you can expect.

Chief Struble: Ultimately, we expect that all the funding that is allocated to Wallingford would be expended on equipment for Wallingford. The timelines on that are

(Chief Struble con't) questionable because of the reorganization with Homeland Security, so they are about a year behind. This memorandum that you are approving tonight, realistically this equipment won't be purchased until 2006. The federal government is very concerned that the money get passed down to the locals.

Mr. Knight: But you will get the money. There's no question.

Chief Struble: Yes.

Mr. Knight: Will they take 10% of that like they did with the linear trail money?

Chief Struble: : Yes, I think as a matter of fact it is 10%.

Ms. Papale: It's mentioned in our letter from the Mayor that the funding will be used to address the equipment training, planning and exercise needs of the police and fire departments that the police department will be receiving some of this funding.

Chief Struble: Yes, there's actually a specific portion in the 2005 funding of \$37,956 that can only be spend on law enforcement prevention activities for Homeland Security and the balance is designated for police, fire, emergency medical services, civil defense.

Ms. Papale: How is it decided how much money each community will receive?

Chief Struble: The 2005 formula was every community received a base funding of \$10,000 and then every community received \$2.03 per capita.

Mr. Testa: For the record, that goes nation wide?

Chief Struble: Each state has to submit a plan for how it intends to spend the Homeland Security monies, so depending on the plan submitted is related to how much money they get and in what way that money can be spent. There has been a push to give more money to populated centers as opposed to Wyoming.

Mr. Testa: That's kind of what I was getting at. The formula as originally calculated says someplace out in the middle of nowhere...

Chief Struble: Should get less now

Mr. Testa: But they could be getting this kind of money just because.

Chief Struble: Right

Mayor Dickinson: I believe that when we receive this we would have to come back with a budget to authorize the expenditure.

Chief Struble: Actually what you will probably have to do is accept the equipment for your inventory.

Mayor Dickinson: So we're not getting the money. We're just receiving the equipment.

Chief Struble: Because we have designated the state to administer the funds, we're not required to submit a spending plan. That can be done administratively.

Mayor Dickinson: I just wanted to clear that up because some of the terminology says we'd receive the money and we are not receiving the dollars; we are receiving the equipment.

Chairman Vumbaco: Any others? Public? If not, We have a motion and a second. All in favor? Opposed? So moved. Before we go into the first Waive Rule 5, Mr. Nunn was voted in as a member of the P.U.C. this evening. Would he please come up to be sworn in?

Town Clerk, Kathryn Zandri, swore in Mr. Richard Nunn to the Public Utilities Commission for a three-year term that expires 03/01/08.

WAIVE RULE V - #1

Consider and Approve a bid waiver to allow the Town of Wallingford School Building Committee to engage a Support Staff person for the eleven-school renovation project – James M. Vumbaco

Ms. Papale: I'd like to make a motion to Waive Rule V to consider and approve for a bid waiver to allow the Town of Wallingford School Building Committee to engage a Support Staff person for the eleven-school renovation project.

Mr. Knight: Second.

Chairman Vumbaco: We have a motion and a second to Waive Rule V. All in favor? Opposed? So moved.

Don Harwood, Chairman, School Renovation Building Committee: I'd like to highlight some of the correspondence. The reason that we are coming to you now is the immediacy of where we are in the process. There has been a core group which we call the Building Committee Task Force which is represented by Bill Choti, Jon Walworth, Eric Morris and myself along with Jared McQueen as the treasurer and Ann Hoag as the secretary that have been putting in unbelievable hours. My concern beyond anything else is that I do not want to create a burnout situation where the value to the town is at stake. We feel it is paramount to engage some support. We are sensitive to the purchasing policies and the purchasing department controller when we talk about waiving a bid. We had some dialogue with our construction attorney who is working with Janis (Small), Jeff Donofrio, who is in North Haven. In the North Haven schools that brought on a committee representative called agent to construction management. We are looking for availability, a very effective rate that is competitive to where we are right now, someone that can really just jump on board so we minimize any exposure as we launch into Phase C this summer. With Jeff Donofrio we have developed some key scope elements to augment the committee so the committee can focus. We are looking for an agent for the committee for the purpose of carrying out our town obligations under contracts and most importantly the owner would maintain as we have ultimate responsibility of decision making and funding approval for day-to-day approvals and processing of invoices. Currently we approve a low of \$300,000 to multiple millions at a

meeting because of the extent of the project. Most of the

(Mr. Harwood con't) projects, we are 40% to 50% spent. Consider the average elementary school is between \$5-6 million and we have five of them engaged so you can see that we have a lot on our plate doing lots of decision making. For each school we have monthly project status, schedule budget, change order, claims and disputes and right now we have some 40 claims, 60 change orders at Lyman Hall that the committee task force is looking at and multiply that by another 5 schools. We are spending multiple nights and weekends to do this. There will be some focus for this agent on contractual documents, substantial completion, recommended applications for payment, advise, providing us some legwork and stuff that we struggle with and that is trying to do some of the homework to see if claims are valid and that we authorize appropriate funds for those claims. We look at current pricing on our current contracts. When we can get some additional services through our existing contracts but the minute we get into another service we always pay a markup on that service so if we have a fixed rate of \$75-\$80-\$85-\$95 an hour we immediately pay a load to our CM or our architect which is significant. Significant. We were fortunate recently to actually work with the purchasing department and bring on a secretary who is actually a part-time employee for the Town of Wallingford who is half the price of what we were paying for secretarial services prior. The hourly rate schedules that we are paying range from the high of \$150 for principals per hour to \$100 for directors to \$95-\$100 for managers. That goes across all contracts and it is a very standard fee of what you pay for a company. That crossed architectural, CM services, asbestos, project designer, electrical services, and on the lower tier inspection services about \$90 and then we get into some of our other consultants we are paying anywhere from \$140 to \$110 to \$85. I share that with you because it's existing. Lots of those we pay a load on. This would be a person working for a committee fully loaded dollar value around \$95 an hour. It's competitive. Jeff Donofrio provided information related to a review both at Hamden and North Haven to understand exactly

where they are. We are looking for basically is the ability to move pronto because we have some issues

(Mr. Harwood con't) today that really need to resolve that the committee has been working on. There's a meeting scheduled tomorrow during the day. We are trying to resolve claims. We need the support to make sure that we can give you a full and accurate reporting of where we are with this project and where the financials are especially because of project creep in. Because of winter conditions, we are taxing our contingency accounts on some of these projects.

Chairman Vumbaco: The reason being is that we are getting into the summer months very soon and time is of the essence and that's the reason why you are in front of us this evening with this request.

Mr. Harwood: Absolutely correct. Yesterday we put shovels into the ground for Phase C.

Mr. Testa: I'll give you the questions first, and then we can address them.

Does this type of expenditure effect the scope of the project as far as it relates to the state?

Where does the money come from that you would be spending for this in relation to the budget?

What do you think it's going to cost overall based on the hourly rate and what you think the work is going to be?

Since it is to assist the committee, theoretically couldn't we not address this by adding more members to the committee who have expertise in the areas that you are looking for since the whole principal is a volunteer committee to do this.

Mr. Harwood: Very good questions. Scope referenced to state -- no impact. The scope of the project was defined by the Board of Education and stays the same. How we provide services to the project and especially in this type of work is reimbursable by the state at the rate at

which we will get reimbursement. We do offset that as far as local dollars and state dollars. Money versus

(Mr. Harwood con't) budget – Any expenditures that we take against this project are either directly out of contingency offset by not doing part of the projects or out of committee expenses, the line item. This value would be allocated across schools based on the hours worked at those schools as far as allocation of dollars. The overall cost – We would hope that we could engage some sort of ramped up value at this point, maybe 20 hours, 24 hours, 30 hours over the next few weeks. As we get into summer maybe a 40 hour tilt for a little while and hopefully ramp back down as we get into the back end of school starting and then access are we caught up, are we in good shape, do we have an understanding of where we are, do we need to expand the services or continue services at a reduced level or at an engaged level. But key to that –we would have to come back and demonstrate a value proposition to this Council of the value of having somebody on board. I could spend much more time that is allocated tonight to get into the value. That's our responsibility to come back with a value proposition to you and make sure the money is well spent and the time is well spent and it's documented and it's credible. Adding members to the committee – We're looking for immediate expertise to support the committee. Immediate. We're looking for somebody who has depth in school experience, understands process, understands change orders, understands submittals, understands processes that we need to get our arms around post haste. Some of that comes from potential claims from our CM and from our architect for additional services that we want to make sure that we understand the background so we can either deny or accept for additional funding. So we need somebody whose got some horsepower. Real horsepower and that has time. The problem is time. Daytime meetings. Nighttime meetings. We are spending on an average day a couple of hours a day, each day on this project in some fashion. Sunday morning. 6am, walking the school for four hours. And that's just me, which I am doing half as much as Bill is doing and Jon and the other people. We're just getting maxed as a volunteer committee and I don't want to put the project

and/or the town at a point where we compromise the value we get for the dollar spent. We may find that the

(Mr. Harwood con't) value of dollar spent here, when we get caught up, may return money to us as a result of a double check on performance out in the field right now, and I'm sure there are areas of opportunity based on our professional observations.

Mr. Spiteri: I'm to understand that this is for the duration while you have overlap in the final Phase with the earlier phases just through the summer?

Mr. Harwood: I would like nothing more to tell you that we would catch up, get processes in place that provided a very focused reporting and operation by the end of the summer. But next summer we are back engaged with all of these schools. We may find that we need some extra eyes to support the committee during those times and that's why I think this is a ramp up, ramp down, ramp up type potentially. But my commitment to the Council tonight is that we are looking at a six-month window to get this out to October. We will be able to understand the engagement of the professional services. We drive the scope. We drive the hours. We drive what gets delivered. We manage that. We evaluate and make sure we're getting the right work for the dollars expended. And then if we feel that we can demonstrate that we need this because we've seen value back and offset on the cost of the investment, we need to bring that back to you. Or we may launch it and be caught up and be in good shape.

Mr. Spiteri: Where does one purchase a contracted committee member?

Mr. Harwood: There are a few firms that are out there but big firms and their rates are going to be exceptionally high. We went on simply a recommendation by Jeff Donofrio who has worked on behalf of the Town of Wallingford in this project as our construction attorney, that's what his legal expertise is and the performance that the firm has done at the North Haven High School which is under construction. It's a \$70 million high school compared to \$68 million project here but at 11 locations versus one. They have got him

engaged fulltime down there working on behalf of the committee.

Mr. Spiteri: You still didn't tell me if this is going to be a construction manager. What are we ultimately looking at for someone to fit this position, and what are they going to do in the course of the day? Are they going to be there 8 hours a day and report to you when there's a problem or to Mr. Choti? I understand that the other committee members are not on the job 100% to the time. You are looking for someone now that's going to be here this summer and doing a multiple of tasks.

Mr. Harwood: Exactly. And a lot of that, Mike, is not walking and stepping the project all the time. We have an abundance of information that we are processing. An abundance. Change order and potential change order requests that are in the hundreds for the schools as you can appreciate. That's not out of line. Some of them will not occur. Some of them are not that important but you have six schools, five of which are in active construction. We have a potential of change orders and construction change orders far exceeding 100 or 150 at Lyman Hall alone. We have at each school change orders in excess of 30 to 40 for the most part. Potential change orders are equal to that or more. Each one is reviewed by the committee to make sure that we need to make this happen and why. The questions that we really need answered - Why are these change orders coming? Where did it get missed in architectural review? Did it get missed? Is that an issue? Is it a hidden condition? Are they unexpected conditions? Did we have winter claims? Are there things that were not put into the project? Did the CM perform? Did the structural engineer perform? Do we have things out there that are causing us problems? Do we have electrical? Do we have HVAC? That's the type of stuff. The committee task force is the one that is reviewing each and every one of those claims. We anticipate that the minute we open up the shows at the additional schools this summer - five more - that based on the volume that we are going through right now, it's going to be impossible to be expeditious in getting responses so we can make sure the time line is met. We're just trying to be somewhat proactive to make sure - let's spend the money upfront with some

help to try to ensure we've got our arms around it.
There's still a bonus and a contractual obligation by the

(Mr. Harwood con't) CM to perform and those are issues that we are going back and looking at now. We've spent a lot of time with Turner to make sure they're doing their job in line with the contract as well as the architect as well as all the subs. The other thing that we manage on behalf of the town – the CM doesn't manage this, the architect doesn't manage this, the committee manages IT. We added some support from the architect. We have FF & E, all the furniture, fixtures and equipment, we manage in some fashion. All of the hazardous material is managed by this committee. All of it. All the testing is responsible, the contract is responsible to the committee. All of these are managed by us, not by anyone else. We are managing these contracts. I always ask how many contracts do you manage day to day as a volunteer? And what we are trying to say is there is a whole lot out there. We have budgetary issues, soft costs. We manage all the soft costs beyond what the CM is obligated to, all the soft costs associated with those expenses, additional expenses, all are managed by this committee, volunteer. Those are the type of things that we need to fill the gap on right now to make sure that we have our arms around them so we are very definitive where this budget is going. There are going to be increases in this project costs. I said that when we were here in December. I know that there will be. We had winter conditions this year that caused us about \$500,000 in temporary heat that we don't have in the budget that would come out of contingency. Then guess what happened to the contingency that was only around 6% when the average on all of the renovations is around 15%. That's what we are looking to manage.

Mr. Spiteri: We're pretty much up to date with the paper work? So we are looking to have this individual come on during the summer pick up from that point on during the overlap of all three of these phases and you will re-evaluate this at the end of the summer?

Mr. Harwood: What I said earlier just to restate, I think if we look at a six-month review window where we do a value proposition of how has this helped us, what are values

of this. If we go into the mid-summer and find things are going well, we don't need to continue this contract.

(Mr. Harwood con't) If we find that the value is unbelievably paying back to the community, we will continue on. I'm certain we'll get through the summer months, absolutely, Mike.

Mr. Spiteri: What's the status with the Board of Education's liaison? Did they ever get another liaison?

Mr. Harwood: It's not appropriate for me to respond. I don't know.

Mr. Spiteri: Well, you would know if there's one on, I would hope.

Mr. Harwood: I think as a Council member that you probably have a good idea also.

Mr. Spiteri: Well, no, that's why I'm asking you.

Mr. Harwood: Most importantly, I don't believe that they have hired anybody.

Mr. Spiteri: I don't have a very good idea of anything that's been going on with this project to be honest with you.

Chairman Vumbaco: Any other Council? Members of the public?

Robert Sheehan, 11 Cooper Avenue: This is going to come out as a criticism, Don, you do fine work and your committee should be commended for it but it has a tendency – now we are going to hire somebody in the middle of this project because the project is getting more involved. How come we didn't have this person at the beginning?

Mr. Harwood: That's a very simple question to answer. You have a dedicated committed volunteer committee, Mr. Sheehan, that has been working . . .

Mr. Sheehan: Well, I've . . .

Mr. Harwood: . . .timelessly . . . Excuse me, let me finish your answer because otherwise you are just grandstanding, and I think that's not appropriate. You have been to our committee meetings. You know the depth of the

issues that we cover. You are probable one of the few citizens that has come on a semi-basis to stay focused

(Mr. Harwood con't) on this project. My hat goes off to you. What the town has received, which could be demonstrated unbelievably across the state of Connecticut, is a huge, huge professional commitment by people that are currently CMs. Rick Morris is a CM. We have an engineer. We have an operations director. We have people in the field. An accountant. All have given numerous hours. You will notice that I will be defensive quickly but you have been there to see the magnitude of what goes on and what I would say is you should flip it the other way and change the paradigm and say thank you very much for three and one half, almost four years, of volunteer time or you should quickly sign on as a committee member and give the type of hours that this committee does instead of coming and quickly asking and purporting that it's a criticism.

Mr. Sheehan: I'm always criticizing you and I'm not going to stop and your little speech is for the audience but it doesn't mean nothing to me. I tell you that you are going to ask for more money and I'm sick and tired of your waiting until the last minute to get it done. You've know you're going to need this person for months, for six months. Conover said you would need this person. You said no what does this Conover person know. You got rid of them. We'll take it on ourselves. I give all the credit to Mr. Choti here because without him you would have been down the tubes a long time ago. He's done more than anybody on this committee.

Chairman Vumbaco: Bob, Bob.

Mr. Sheehan: Well, I'm not standing here and getting criticized too.

Chairman Vumbaco: Bob, excuse me. Maybe, Mr. Harwood went a little bit beyond. If you have a question, ask the question. If you have a comment, make a nice peaceful comment. If not, I will ask for someone else to come up.

Mr. Sheehan: I just wanted to know why they waited. I've been to the meetings and I expected you here right after the beginning of the year.

Mr. Harwood: To answer that very simply, the committee has been able to manage in a volunteer perspective since the beginning of this project. We will do that but we are trying to augment to ensure the best value for the committee. By clarification for the betterment of all parties. Conover decided to sever their responsibilities here so just to make sure that we understand what exactly happened. Conover also provided very good service when they were here and at this point we are just looking for some additional services.

Mr. Sheehan: Well, I just figure you should have been here earlier because you knew this day was going to come.

Mr. Harwood: I'm trying to save the town money, Bob. You are contradicting your self.

Mr. Sheehan: The project is just too big and you know something is going to happen. It's got to give on either end. You are lucky you've got as many people as you do that give their time for no benefit. No monetary benefit. Just get your name on a plaque or give you a nod and a pat on the back and all well and good. That's all well and good but you spend a lot of time doing this and it's just the size and the scope it's not something that just pops up because you have been discussing it. You've been discussing change orders.

Chairman Vumbaco: I think the point has been made, Bob. We got the message. Any other members of the public?

John Rooney, 62 Williams Road: I know you are doing a lot of work, and I want to thank you. I believe just what he said. You should have had help a

long time ago to go between you. Mr. Spiteri said he didn't know what was going on. Maybe

if he had a contract manager or something he could have been the liaison between you guys and helping everybody out. We can't expect a million hours from you without some help and really he's right.

Chairman Vumbaco: any other members of the public? Anyone else on the Council.

Mr. Parisi: I'd like to call the question, Mr. Chairman.

Ms. Papale: All we did was vote to Waive Rule V. I'd like to make the motion to consider and approve a bid waiver to allow the Town of Wallingford School Building Committee to engage a Support Staff person for the eleven-school renovation project.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? Mr. Spiteri voted nay. Eight to one. Motion carries.

WAIVE RULE V - #2

Consider and Approve a Transfer in the Amount of \$16,000 to Condenser Unit Acct. #001-2005-999-9954 from Overtime Acct. #001-2005-101-1400

Ms. Papale: I'd like to make a motion to Waive Rule V to consider and approve a transfer in the Amount of \$16,000 to Condenser Unit Acct. from Overtime Acct. asked for by the Police Department.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion to Waive Rule V and a second. All in favor? Opposed? So moved.

Ms. Papale: I'd like to make a motion to consider and approve a transfer in the Amount of \$16,000 to Condenser Unit Acct. from Overtime Acct.

Mr. Farrell: Second.

Chief Dortenzio: Thank you for the expeditious scheduling of this matter. I appreciate it. I'll be happy to answer any questions.

Chairman Vumbaco: Are there any questions from the Council? This is purely to buy air-conditioning for the Police Department. The Mayor and I talked today and he said that if we don't do this it will be 95 degrees today and if we do this it's going to be 50 degrees for the next two months. We have a motion and a second to approve this transfer. All in favor? Opposed? So moved.

Ms. Papale: I'd like to make the motion to adjourn this meeting.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved. This meeting is adjourned.

There being no further business to consider, the meeting adjourned at 7:28 P.M.

Meeting recorded and transcribed by Sandra R. Weekes

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Approved by:

James M. Vumbaco
Chairman

Date:

Kathryn F. Zandri
Town Clerk

Date:

RECEIVED FOR RECORD

5-24-05

AT 2 H 35 M P AND RECORDED BY

Kathryn F. Zandri TOWN CLERK