

TOWN COUNCIL MEETING SUMMARY

JANUARY 10, 1989

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TOWN COUNCIL MEETING AGENDA

JANUARY 10, 1989

6:30 p.m.

1. Roll Call and Pledge of Allegiance.
2. Consider and Approve Transfer of \$1,860 to Burial Fees - Dog Warden.
3. Consider and Approve Transfer of \$4,177 for Fireproof Files - Assessor's Office.
4. Consider and Approve Transfer of \$1,350 for Maintenance of Heating System - Public Works Department.
5. Consider and Approve Transfer of \$166,296 to Fund Current Wage Increase for Local 1183.
6. Consider and Approve Transfer of \$1,990 to Cover Purchase of Equipment for Accreditation Process - Police Department.
7. Consider and Approve Budget Amendment - Electric Division.
8. Consider and Approve Tax Refunds in the Amount of \$2,078.78 and \$3,707.16.
9. Consider and Approve Transfer of \$2,000 to Overtime Account - Comptroller's Office.
10. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 p.m.
11. Public Hearing on an Ordinance Appropriating \$125,000 for the Design Phase of the Public School Roof Reconstruction Project and Authorizing the Issue of \$125,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue thereof the Making of Temporary Borrowings for Such Purpose - 7:45 p.m.
12. Acceptance of Work Performed by Judd Square Associates for Renovation of the Robert Earley School Building as the Wallingford Town Hall.
13. Consider and Approve Waiving of Bid Procedure for the Purchase of Programming Routines and Application Software - Risk Manager.
14. Consider and Approve Resolution to Accept a \$1,000 Bequest to the Wallingford Board of Education through an Amendment to the 1988-89 General Fund Budget and an Addition to the 1988-89 Education Budget in the Amount of \$1,000.
15. Consider and Approve Waiver of Bid for Employee Assistance Program - Board of Education.

16. Confirm Appointment of the Wallingford Housing Partnership Committee.
17. Consider Appointment to Planning & Zoning Commission for a 5-Year Term.
18. Consider Appointment to Zoning Board of Appeals for a 5-Year Term.
19. Approve Town Council Minutes of December 13, 1988.
20. Correspondence.

TOWN COUNCIL MEETING

JANUARY 10, 1989

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 6:48 p.m. by Chairman Albert E. Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Bradley, Doherty, Holmes, Papale, Parisi, Solinsky, Zandri and Killen. Also present were Mayor Dickinson, Adam Mantzaris, Town Attorney, and Thomas A. Myers, Comptroller.

The Pledge of Allegiance was given to the flag.

Motion was made by Mr. Doherty to have Items 2, 3, 4, 6, 8, 9 and 19 placed on the Consent Agenda, to be voted upon as a block by one unanimous vote. Seconded by Mrs. Papale.

Motion amended by Mr. Parisi to only include Items 8, 9 and 19.

ITEM 8. Consider and Approve Tax Refunds in the Amount of \$2,078.78 and \$3,707.16.

ITEM 9. Consider and Approve Transfer of \$2,000 to Overtime Account - Comptroller's Office.

ITEM 19. Approve Town Council Meeting Minutes of December 13, 1988.

Seconded by Mr. Adams.

VOIE: Unanimous ayes; motion duly carried.

ITEM 2. Consider and Approve Transfer of \$1,860 from Maintenance of Building Acct. No. 001-2020-500-5100 to Animal Burial Fees Acct. No. 001-2020-600-6050 to Provide Additional Funds for Animal Burials - Dog Warden. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mrs. Papale read the attached letter from Shirley Gianotti to the Town Council.

Mr. Bradley asked where the dogs were buried previously.

Shirley Gianotti replied we have a burial ground alongside the dump which has been used for fifteen years and can be used another 15 years, but we can't get to it because the people that took over the dump don't want us in there.

Mayor Dickinson stated lately they were using a frontend loader and the dogs were taken from the freezer, placed in the bucket and driven down to the back.

Ms. Gianotti replied not lately. They told us to go down ourselves and we got stuck down there because of the road condition.

Mayor Dickinson stated I think the issue with transporting the dogs to the bucket can be worked out and they can still be buried there if this is acceptable to Ms. Gianotti.

Ms. Gianotti replied yes as long as the people at the dump know what they have to do.

Mayor Dickinson replied he will speak to them in the morning.

Motion was made by Mr. Bradley to Table Item 2 until a solution is worked out between the Mayor's Office and the Dog Warden. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Ms. Gianotti then asked who is going to dig the holes for burial. The fellows at the dump don't have a machine to dig the hole. They've already told me they can't do it.

Mayor Dickinson stated if you know they don't have a machine then I suggest we deal with the transfer of funds for the burial fees. Public Works was digging the holes previously but they were also running the landfill at the same time. There's also the issue of who's going to cover the holes with dirt.

Motion was made by Mrs. Papale to Remove Item 2 from the Table. Seconded by Mr. Bradley.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Zandri to Approve Transfer of \$1,860 from Maintenance of Building Acct. No. 001-2020-500-5100 to Animal Burial Fees Acct. No. 001-2020-600-6050 to Provide Additional Funds for Animal Burials - Dog Warden, and Also to Have the Mayor Look Into the Possibility of Making Other Arrangements at the Landfill and Notify the Council In Writing. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 3. Consider and Approve Transfer of \$3,840 from Clerical Wages and \$337 from Printing to Fireproof Lateral Files Acct. No. 001-1430-999-9903 to Fund Purchase of Fireproof Files - Assessor's Office. Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mr. Bradley asked if the condition in the vault would be a safety violation as far as OSHA.

Frank Barta stated there is no hazard to you or I. I have a handicapped woman in my office and it presents a hazard to her. If we remove the files from the vault, she won't have to go back in the vault for anything.

Mr. Bradley stated but we still have an exposure there if that person does venture back there and has an accident.

VOTE: Unanimous ayes; motion duly carried.

ITEM 4. Consider and Approve Transfer of \$1,350 to Maintenance of Heating System Acct. No. 001-5140-500-5400: \$1,010 from Trailer Rent/Paper Disposal Acct. No. 001-5060-600-6520 and \$340 from Metal Disposal Acct. No. 001-5060-600-6530 to Fund Repairs to the Heating System at 701 Center Street- Public Works Department. Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mr. Bradley asked what "etc." was on the cover letter.

Steven Deak replied this would be labor in balancing the system.

VOTE: Unanimous ayes; motion duly carried.

ITEM 5. Consider and Approve Transfer of \$166,296 from Council Contingency Acct. No. 001-8050-3230 to Various Accounts (see attached) to Fund the Current Wage Increase for Local 1183 - Personnel Department. Moved for discussion by Mrs. Papale, seconded by Mr. Parisi.

Motion was made by Mr. Doherty to amend the above motion to include the binding arbitration award that dates back to July 1, 1987 and would also include the award that would take effect July 1, 1988. Seconded by Mr. Adams.

Mr. Doherty stated this was the decision of the binding arbitration panel and I think the Town should honor it.

Mr. Killen asked if he had a specific amount for the transfer.

No dollar figure was available at this time.

Both motions were withdrawn.

Motion was made by Mrs. Papale to approve transfer of \$166,296 from Council Contingency to Various Accounts to Fund the Current Wage Increase for Local 1183. Seconded by Mr. Parisi.

Mr. Solinsky asked why there were landfill wages on the attachment.

Thomas Sharkey responded we took the items from the budget. I don't know if Mr. Deak has any more work that's still being charged to that account even though they might not be actually at the landfill.

Steven Deak replied the three people who used to work at the landfill now work for Public Works. Next year's budget will indicate they were transferred to Public Works.

Joseph Lynch, Union Representative for Local 1183, read the attached letter, dated January 10, 1989, from himself to the Town Council.

Edward Musso, 56 Dibble Edge Road, did not agree with the arbitrator's award.

Peter Gouveia, 39 Lincoln Drive, stated he thought the Council should rescind the motion to appeal the arbitrator's award and move to accept the arbitrator's award. The Mayor stated in the paper it would cost \$10,000 to appeal the award. I think it will cost more and Wallingford will lose. If you are just doing that

to send a message to Hartford that you are against the binding arbitration law, then I think it's the wrong way to do it and very expensive.

Larry Warner, 19 Hillside Lane, Vice President of Local 1183, we want to know how you could take a vote on something like this when you didn't have the award in front of you. Do you really understand how we got to this point after 2 years. At one of these meetings we all had an opportunity to explain why we thought we should get certain things in this award and the town had the same opportunity. At that particular meeting your lawyer chose not to be there and sent his junior partner to that meeting. The man was not prepared to represent you. We argued our points and made comparisons to other towns around us. That man sat there and all he said was we'll address it in our brief. This was stated for 46 issues. I don't feel we should be penalized because your hired lawyer was not prepared to defend your town. We had three truck drivers, a mechanic and a police dispatcher on our negotiating team. Maybe one of the questions you should be asking Mr. Seadale is how did three truck drivers, a police dispatcher and a mechanic present a better case than a \$45,000 personnel director and his hired lawyer.

Mrs. Papale stated I talked to some of the people in the union and their tone seems to be a little different from the tone of Mr. Lynch's letter. Our out-of-town lawyer is working for the Town of Wallingford. I took offense at the letter. We were not able to see the contract and from what I understand, if it didn't go through binding arbitration and we didn't put it to appeal, we wouldn't have seen it at all.

Mayor Dickinson replied you certainly can be informed about it. But there would not be a reason for you to take action. Ordinarily, items on a Council agenda are items for Council action. An award that is accepted would just not come to you because there is no action necessary.

Mrs. Papale stated so much has come out since that vote. These people are not my enemies and I realize the faithful services they do. It's discouraging to me the whole way it's been done.

Mayor Dickinson replied I think we're all conscious of the fine work record of our town employees. Tonight's agenda would not contain a transfer of the \$166,296 if there were truly a situation of enemies. Is the award under appeal - yes. Are we looking to voluntarily pay the increases - yes. Why then is there an appeal. Let me read to you a few lines from the Town Arbitrator's position on the appeal.

"The award would also allow the decision to layoff or the exercise of any other management right to be grieved. This is patently absurd and is totally unknown to any private or public sector contract of which this arbitrator is aware. The award would also allow grievances over any incident that occurred prior to the effective date of the agreement."

I am quoting from a legal document which supports a case. Binding arbitration is controlled by state statute. State statute gives rights to all parties. Those rights are exercised, and should be exercised, be they management or union, to the fullest extent in order to protect all parties. I would fully expect that if this award resulted in a reversed consequence that hurt the



union, the union certainly would want to appeal. In this instance we were the ones jeopardized by what I feel is an unjustified extension of many of the provisions. Are they grounds for appeal - yes they are. All we are doing is exercising our rights under the law. But not to the extent that we are unwilling to voluntarily pay the increases in salary.

The rights extended in this award will not be limited to this union. They will find their way into every other argument and every other part of collective bargaining with every other union. As you know we have 12 unions. Our obligation is to look at the total welfare and at times that creates uncomfortable situations. I would not be doing my duty to the total town to say forget it, this is fine.

Joseph Lynch stated the Mayor just read a statement from the Management member of the panel after the award was issued and after he signed the award. That was language that was entered in his so-called Amplification of Descent. That was not the neutral member's statement.

I would be more than glad to meet with you or members of the Council and give you our version of what happened during negotiations. I do this for a living. The binding arbitration law has been in effect for 14 years. The constitutionality of that law was challenged when it was adopted by the legislature. It was ruled constitutional. We have gone to binding arbitration on every contract in this town except for a couple. This is nothing new to the Town of Wallingford and we have never ever had this type of stuff thrown at us before.

Mr. Killen stated I read your letter and take exception with the second to the last paragraph. Under binding arbitration we have no more say than the man in the moon.

Mr. Lynch disagreed.

Mr. Adams stated he resented the 11th hour decisions that we are exposed to and have to make a decision that night. I'm not going to vote on any contract till I have some time to listen to both sides of the issue. We have to have time to think, digest and ask some questions. There was no reason we couldn't have had this information prior to the day we had it.

Mr. Holmes stated I don't think anyone at this table or the Mayor's office is disputing the services that are obtained by the people of this town. However, as we look across the state and the nation most of the workers today are getting 2 and 3% raises, they're getting insurance take-backs and they're losing a lot of benefits. For us to go out to the constituents of Wallingford and say look this is the package that we approved and we think it's bad for the taxpayers, it's just derelict of our duty. And when you're coming in here and chastising us for not doing our job, I resent that.

Mr. Zandri stated there seems to be a misunderstanding on these issues. There have been two points brought before this Council. One of them was whether or not the proper procedures were followed in binding arbitration and the second, which is on the agenda this evening, was whether or not we're going to pay a portion of the pay for a six month period. I hear a lot of talk about the contract and different points of the contract and I don't think that's the issue

that's before this Council tonight. The issue is whether or not the state statutes have been followed in this binding arbitration agreement. I would like to ask the Mayor is that the main issue that was brought before the Council.

Mayor Dickinson replied the issue was the authorization to appeal a binding arbitration award. The appeal is based upon what we feel are departures from what the statute requires in binding arbitration awards. The statutes require certain standards to be met. We feel those standards were violated in this award and that forms the grounds for an appeal.

Mr. Zandri stated I want to make sure everyone out in the audience understands that tonight. We were told that the procedures were not followed properly and it should be appealed on those grounds. I'm not here being against anybody and what they're going to get in their contract. If all the groundwork was followed in the binding arbitration, I would have voted not to appeal.

Mr. Lynch replied I disagree. The procedure under the present law was followed. Every neutral chairman has a different style. When the question came to put your two issues back on the table, it had never been done in the state. The neutral did it because the law didn't say to him he couldn't do it. He gave you two bites of the apple which is something we never got. That's the only thing that wasn't followed that's normally done in binding arbitration.

Mr. Zandri asked it's my understanding that when a decision is handed down in binding arbitration there has to be an explanation for the decision. Is that true?

Mr. Lynch replied there's a criteria in the act that says the arbitrators have to take into consideration that criteria. To my knowledge there aren't any arbitrators that put down every reason why they ruled the way they did.

Mr. Zandri asked isn't that part of the state statute that it has to be done that way?

Mr. Lynch replied there's a criteria that they have to follow and as far as I'm concerned it was followed.

Mr. Zandri asked were there written explanations along with all of the awards?

Mr. Lynch stated no, but I don't know that a written explanation is required.

Mr. Killen stated we have been led to believe that there should have been a written statement of the reason for arriving at this decision. We now have to decide who's right and who's wrong. This is our problem.

Mr. Lynch stated it would be nice if that's what the problem was. The problem was you took it out of your own hands when you let your lawyers take it to court last Thursday. It's now going to be in the hands of a judge.

Mr. Killen stated if we hadn't appealed it would have been taken out of our hands because we had absolutely nothing to say when it arrived the way it did. We never would have seen it.

Mr. Lynch asked but who's fault is that?

Mr. Killen stated we have honest differences and we're not going to resolve them this way. It's going to depend on how each one sees the issue in front of them.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive Rule V to Consider and Approve a Departmental Line Item Which was Left Out of the Contingency Fund Transfer in Connection with the Wage Increase for Local 1183. Seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Approve a Transfer of \$1,249 from Council Contingency Acct. No. 001-8050-3230 to Part-Time Help Acct. No. 001-2032-100-1350. Seconded by Mr. Parisi.

Edward Musso, 56 Dibble Edge Road, stated he was against giving them any increase like that and firmly against increasing the dispatchers' pay.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Doherty to Make Funds Available in the Form of a Transfer at our Next Meeting to Fund this Particular Contract Back to July 1, 1987 at 7% and to Include the Beginning of This year July 1, 1988 at 7% also. Seconded by Mr. Bradley.

Mr. Holmes asked if there was contract language in the decision that was handed down that the Town is obligated to a back-pay award.

Mayor Dickinson replied that is one of the points on appeal.

Mr. Holmes stated I thought the language as stated should have said specifically that there would be back pay.

Mayor Dickinson replied I think generally the contract requires that. I don't know that this is a serious point of contention depending upon other items.

Mrs. Papale asked why would retroactive pay be on appeal. This is their money that is being held up. Don't we have this money in contingency anyway? If we vote tonight on Mr. Doherty's motion, do you feel that this may hurt the appeal? We're only voting to have it brought in front of us.

Mayor Dickinson replied I don't know without discussions with the other parties who are more directly involved in the appeal. As I stated earlier, I don't think the retroactive pay is of a nature that it could not easily be disposed of depending upon other items.

Mr. Bradley stated there are a lot of uncertainties that I've heard tonight. Can I please have a copy of Mr. Lynch's report from the previous Council meeting?

Mayor Dickinson replied yes I don't see why not.

Mr. Killen stated it is Mr. Doherty's request to have the figures brought together in the form of a transfer and considered at our next meeting. We can put that into action without any unnecessary vote here. We'll have the item put on the next agenda.

Mr. Doherty withdrew his motion.

ITEM 11. Public Hearing on an Ordinance Appropriating \$125,000 for the Design Phase of the Public School Roof Reconstruction Project and Authorizing the Issue of \$125,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue thereof the Making of Temporary Borrowings for Such Purpose. Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached ordinance into the record.

Edward Musso, 56 Dibble Edge Road, stated he was in favor of the ordinance but that the money should be deducted from the Board of Education budget.

Mr. Doherty asked how many schools are you going to do the roofing on?

Bill Fisher replied nine schools; all except for Sheehan. Also Yalesville School will not be done because it's no longer part of the school system.

Mr. Killen stated when the Board of Education no longer uses it for educational purposes it becomes the property of the Town. The Town owns it and is leasing it out as a school.

George Cook stated the first school to be done will be Stevens School.

Mr. Bradley asked are there any known problems with the roof at Yalesville that you are aware of?

Mr. Fisher replied we were never asked to address it.

Mr. Zandri asked just how far is this \$125,000 going to take us?

Mr. Fisher responded this is strictly design phase only for all the schools.

VOTE: Mr. Holmes was absent; all other ayes; motion duly carried.

ITEM 6. Consider and Approve Transfer of \$1,990 from Training, Tuition, Books Acct. No. 001-2011-500-5700 to Capital Acct. No. 001-2011-999-9909 to Fund Purchase of Computer for Accreditation Process - Police Department. Motion made by Mrs. Papale, seconded by Mr. Adams.

Mr. Bradley stated there was no capital item anticipated in the 88-89 budget for this. Was this known at that time?

Betty Herman replied \$15,000 was set aside for the beginning of the accreditation process. This \$1,990 is for a computer, printer and workstation. They would like to have a computer to put all the information on that they are going to need. This does not include software. Some of the software is available at the Accreditation Office in Fairfax, Virginia. Some of it they can get from

other police departments. We don't know what the cost will be at this point. When they get into the program and find out all that is necessary to become accredited then we'll come back to you with better figures.

Mr. Killen stated we would like some idea of what it might cost us for the software. In the future, as soon as possible, could you give us the figures on software.

Mr. Doherty asked if there were any computers down there now that could be used for this.

Ms. Herman replied we do have other computers, but this is something that will be used quite frequently during the accreditation. The accreditation will stay on there and every so often you have to renew your accreditation.

Mr. Doherty asked how many computers do you have down there now?

Ms. Herman responded we have two personal computers - one in the Business Office and one in Youth Services.

VOTE: Unanimous ayes; motion duly carried.

ITEM 7. Consider and Approve Budget Amendment for the Electric Division.  
Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached letter, dated December 15, 1988, from Raymond Smith to the PUC Commissioners.

Raymond Smith stated this is the second step in the long range plan for the Electric Division. The first step was the settlement. The next phase was to straighten out our budget which was based on some false information and of course was prior to the settlement. These figures are more representative of what we might expect for this year, but they still could be more conservative. The next step is an adjustment to the rates. A public hearing has been set for next Tuesday night. The net result of that rate discussion next Tuesday is the recommendation to amend the power cost adjustment. To the average ratepayer it will mean about a 6 1/2% reduction in electric rates. Those rates should stay in place through 1992. This would still generate significant net income. Our costs are down as result of the settlement and the rates will be lowered through the fuel adjustment to reflect that. It will stabilize the rates and also provide us the income that we see down the road that we're going to need to fund some of these improvements, such as the substation and the need to phase out the Pierce Plant by January 1993.

We have the opportunity at this time to make the investment in a new facility at the Pierce Station site. We can put a larger unit in there which would be more efficient and more economical to operate. The plans for that are being formulated at the present time.

I'm assuming the PUC will adopt the recommendation of the consultant. The reasons for the transfers is to correct this year's budget to be more reflective so that the numbers make more sense when you compare this year's budget to next year's.

Mr. Zandri asked is the 6 1/2% reduction coming from the settlement and is there going to be any refund to the customers because of the settlement?

Mr. Smith replied it is not my recommendation to make any refund. The money that was returned from CL&P should be put into the sinking fund because we need to make that major investment.

Mr. Zandri asked how long has this increase been in effect? Hasn't there been an overpayment within the time frame?

Mr. Smith replied back in 1985 the Commission raised rates 11 1/2%. We are collecting more than we should, that's why we're reducing the rates at this point.

Mr. Zandri asked but what happened to the increase they've been paying for the last three years?

Mr. Smith responded some of that went to pay off the monies that were borrowed for the capital program. We dipped into the retained earnings for a couple of years and we've replenished those funds. I feel this is the appropriate action. We are going to be making an investment of probably \$15-\$20 million in the next few years and I'm not sure its appropriate to give back the money and then turn around and borrow it from a bank. We don't have enough money to fund the whole project, but certainly we have significant seed money.

Mr. Zandri asked will the Council have an option at any point in time to vote on how this money is allocated?

Mr. Smith replied I believe it will probably require some action by the Council to establish a sinking fund.

Mr. Solinsky asked didn't you explain to us at one time that when the rate increase went up the entire rate increase wasn't passed onto the consumer? Taking into account the entire rate increase what percentage would you guess was passed on to the consumer.

Mr. Smith responded that is correct. It was a 45% increase and the original plan was to phase it in over 3 years if we were not able to come up with a favorable settlement. Five percent was probably passed on.

Mr. Solinsky stated I think we should take into consideration that the customer didn't pay the entire rate increase.

Mr. Killen stated this will come up again, this evening is just the budget amendments.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to move up Items 17 and 18. Seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

ITEM 17. Consider Appointment to the Planning and Zoning Commission for a Five-Year Term. Motion made by Mrs. Papale.

Mr. Parisi submitted the name of Phil Wright, seconded by Mr. Solinsky.  
Mr. Adams submitted the name of James Fitzsimmons, seconded by Mr. Doherty.

VOTE: James Fitzsimmons: Adams, Bradley, Doherty, Papale and Zandri  
Phil Wright: Holmes, Parisi, Solinsky and Killen

James Fitzsimmons was appointed.

ITEM 18. Consider Appointment to the Zoning Board of Appeals for a Five-Year Term. Motion made by Mrs. Papale.

Mr. Adams submitted the name of Bonnie Rubenstein, seconded by Mr. Bradley.  
Mr. Holmes submitted the name of Mildred Dorsey, seconded by Mr. Parisi.

VOTE: Bonnie Rubenstein: Adams, Bradley, Doherty, Papale and Zandri  
Mildred Dorsey: Holmes, Parisi, Solinsky and Killen

Bonnie Rubenstein was appointed.

James Fitzsimmons and Bonnie Rubenstein were then sworn in by Kathryn J. Wall, Town Clerk.

#### PUBLIC QUESTION AND ANSWER

Carolyn Massoni, 41 Hillsvie Road, stated at the December 13 meeting the item on the computerized indexing for the Town Clerk's office was withdrawn. According to the minutes it was supposed to be on the agenda for tonight. At the December 13 meeting there were representatives from one of the companies involved and they sat through the meeting until it was withdrawn at 10:30. They are sitting here again tonight because they expected it to be on the agenda. As a courtesy to them I think they should be allowed to make their presentation. Kate Wall, Town Clerk, responded they were told before this meeting even started that the item was not on the agenda and that I had learned of that today.

Mrs. Massoni stated well why wasn't it on. This goes all the way back to the June meeting when a request was made to waive the bidding. There were no quotations presented and the Town Clerk was asked to come back with three quotations. What's going to happen to this. Is it never going to come back here for discussion.

Mr. Killen stated it was supposed to be put on the agenda, but unfortunately Katie was away on vacation and there were a few questions I had to ask and I was not going to have the answer to them before this evening. They bore very heavily on whether or not we would be waiving the bid so I did not put the item on the agenda.

Dwayne Braithwaite, 26 Kingsland Avenue, stated under FOI I was able to obtain some documents from the Town Attorney's office and it appears that you have been looking into rescinding the second agreement we had with the Masonic Foundation.

You were given a legal opinion from the Town Attorney's office that if the Town were to attempt to breach the contract there would be a number of consequences. The opinion of the Town Attorney was that they would be successful in their claim for damages.

I have a similar agreement. Have you been told why they would win and we wouldn't. I have an agreement under the statutes that is for 99 years. Their agreement was for perpetuity. If they can win a perpetuity why would you think you couldn't make one for a number of years. I know of at least two or three documents from the Town Attorney's office that say you will not be successful in this case. You take the advice when it comes to the Masonic Foundation and you ignore the advice when it comes to my issue and 350 citizens. I don't think that's right.

I overheard a conversation about what the Town intended to do. They stated that if they lost the case they would go for condemnation. The figure that they used was \$3-4 million. Even at the cost of \$5,000 per family that everyone thought was excessive, that's less than \$2 million. So I don't see where condemnation is cost effective if that's what you plan on doing.

David Hetzel, Yalesville, asked the Council to ask the Mayor for the conclusions of his Health Advisory Board as it pertains to the water quality problems experienced on the west side of town. This is long overdue. Also, is the Council condoning the violation of the law by the Water Division by not ordering them to comply with the notification section on sodium in the water at Well #3. According to their own test results they have exceeded the limit since 1988.

Mr. Killen stated I think the Mayor heard your first question regarding the Health Advisory Board and he'll let me know one way or the other.

Mr. Solinsky stated I think Roger Dann explained at the December meeting that the level in Well #3 was high but the blended wasn't and that's what he was going by.

Mr. Hetzel stated they are doing testing independently on the wells and the law says when exceeded they will make the notification. It doesn't say but if you decide to put it into another bucket or anything else. It's very short, sweet and to the point. The law says they must notify us. In March of 1988 they exceeded the 20 milligrams per liter up until the last Health Board meeting in December. We should have received a notification in our June and December bills.

Mr. Solinsky asked does the blended water exceed the level?

Mr. Hetzel stated I don't know if they are testing the blended water. In March and June they were not blending and they violated the law. If you don't make them notify the people, you are condoning this violation. The only notification sent was on Well #1 not on Well #3. That notification has been going out with the bills for several years. It specifically says Well #1.

Mayor Dickinson stated Mr. Dann reported at the last meeting that the most important test results are the tests on the water which is consumed. Those tests show the standards are not exceeded. The Health Department is fully



informed on this and has not indicated that at a prior time we were obligated to notify residents. According to Mr. Dann there has not been a violation thus far.

Mr. Hetzel stated the Health Department has not ruled on it yet.

Mr. Bradley stated I've asked Commissioner Adams of the State Health Department to investigate your charges as they relate to Well #3. That was in December and I have had no response. As soon as I do I will let you know.

Edward Musso, 56 Dibble Edge Road, wanted to know what the Mayor was doing about making the Vietnam Field a parking area. The employee cars are taking up too much room. Also can we get the custodian to take care of unlocking the front doors.

Mr. Solinsky asked why the Vietnam Veterans parking lot is blocked off.

Mr. Deak replied these were Mr. Shepardson's orders.

ITEM 12. Discussion of Accepting the Work Performed by Judd Square Associates for the Renovation of the Robert Earley School Building as the Wallingford Town Hall. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mayor Dickinson stated I think the first question should be has the Building Committee signed off on it's responsibilities and do they feel the work has been completed.

Bill Fisher responded the Building Committee made it official at it's December 7 meeting that all the work has been completed by Judd Square according to their contract. There are a couple of minor bills that have to be paid so the Committee itself has not been disbanded yet. We will have a final financial report for you by the end of the month. However, Judd Square's responsibilities of their job on this building is complete to the satisfactory of the Building Committee. We've had two or three walking tours of the building, the punch lists have all been taken care of, and there is nothing more for us to do except for the Town to accept the building.

Mr. Killen asked did anyone take notice during the tour that these doors are noisy, hard to open, and they should have some type of closer on them. I'd rather get this taken care of now then have them creep up in the budget. This probably was not the charge to them but if they're still available to work I'd like to have someone do it while we still have money in that fund. I'd also like to see that the restrooms have proper seats on them all.

Mr. Fisher stated as far as Judd Square is concerned, they have done everything as far as their contract is concerned. There is money. The Committee would be more than happy to stay on and continue to take care of all these little extras that weren't part of the contract and spend whatever money we have left.

Mr. Killen stated I do not want to accept the building the way it is now, not because of what they haven't done, but I would like to take it a step further. As long as we have the funds available it's easier to do it now than to put it in another budget.

Mayor Dickinson stated the purpose of this item is to accept the work done by Judd Square and in effect indicate that they have performed all work assigned to them. If additional work is deemed advisable, certainly the Building Committee could be in charge of additional work.

Mr. Killen stated the only reason I bring it up is I'd like someone to pay attention to the fact that I think there are defects here, not having to do with the building itself, but we can improve on it.

George Cook stated regarding the doors, the latching is where your noise is coming from. We could possibly adjust the doors to soften the closing, but the latching device is something that was in place, it's mechanically sound, and there's no reason to change it. We were here to do the job as economically as possible and come out with as good a job as we did.

Mr. Bradley asked are all the department heads in the building satisfied with their office areas?

Mayor Dickinson stated I'm not aware of any ongoing complaints except for the heat or air conditioning system. We had a meeting on that and it's not a design problem really. It is a maintenance type of item. The only thing that might have to be done is to create another zone, but that again is not the responsibility of the contractor.

Mr. Bradley stated there is another problem. The men's room back here stinks like hell. I don't know if it's a ventilation problem, a cleaning problem, or a flushing problem in the urinals where not enough water is coming down to flush out the traps.

Mr. Cook stated all the rest rooms take in air from the outside to keep it fresh. The problem is that cigarette butts get thrown in the urinal and it plugs them. We've had a plumber come in and clean them twice, but it's the cigarettes that plug them up and then you get a backup and it smells. The solution is to put ashtrays in the restrooms and accept the fact that people are going to smoke in them.

Mr. Zandri stated maybe we should look into a new setup on the doors instead of the crash bar that is on there now.

Mr. Cook stated that is absolutely correct but there's a cost factor there and it's quite excessive to do that on all the doors in here. We can do anything that you want us to do. I think we should try to adjust the closure.

Motion was made by Mr. Holmes to Accept the Town Hall Building. Seconded by Mrs. Papale.

Mr. Killen stated we will accept it from the hands of the builders, but I would like the Committee to come back before us and we'll discuss anything over and above the contract.

VOTE: Mr. Solinsky abstained; all other ayes; motion duly carried.

Mayor Dickinson stated I hope I speak for all of you that we do appreciate the work done by the Building Committee and by Judd Square Associates.

ITEM 13. Consider and Approve Waiver of Bid for the Purchase of Programming Routines and Application Software - Risk Manager. Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mr. Bradley stated this is what I like to see. You're coming in to waive the bid and you have backup documentation. You have several quotes in here, you cost-justified it, you've been there to see the software performance, and you feel it's more than adequate for your department.

VOTE: Unanimous ayes; motion duly carried.

ITEM 14. Consider and Approve Resolution to Accept a \$1,000 Bequest to the Wallingford Board of Education through an Amendment to the 1988-89 General Fund Budget and an Addition to the 1988-89 Education Budget in the Amount of \$1,000. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mrs. Papale read the attached resolution into the record.

VOTE: Mr. Doherty abstained; all other ayes; motion duly carried.

ITEM 15. Discuss Waiver of Bid for Employee Assistance Program - Board of Education. Motion made by Mrs. Papale, seconded by Mr. Holmes.

Motion was made by Mr. Holmes to Table Item 15 due to lack of representation from the Board of Education. Seconded by Mr. Parisi.

VOTE: Mr. Doherty abstained; all other ayes; motion duly carried.

ITEM 16. Confirm Appointment of the Wallingford Housing Partnership Committee. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mrs. Papale read the attached letter, dated January 10, 1989, from Mayor Dickinson to the Town Council.

VOTE: Unanimous ayes; motion duly carried.

Motion to adjourn was made by Mrs. Papale, seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Meeting adjourned at 10:15 p.m.

Meeting recorded and transcribed by:  
Katrina M. Manley, Council Secretary

Town Council Meeting

- 16 -

January 10, 1989

Approved:

\_\_\_\_\_  
Albert E. Killen, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kathryn J. Wall, Town Clerk

\_\_\_\_\_  
Date



TOWN OF WALLINGFORD  
WALLINGFORD, CONNECTICUT 06492

Shirley Gianotti  
DOG WARDEN  
367 Williams Road  
(203) 269-1663

to the Town Council -

Because we have no more place to Bury the dogs from the Pound - we will need more money to pay Inserve of Manchester to pick up and cremate the animals.

Inserve charges - \$ 5.00 for cat or small animal  
\$ 11.00 for an average size dog  
\$ 15.00 for any animal over 80 lbs.

They will come when ever we need them. We Bought our own freezer with our tag Sale Money so we don't need to rent a freezer from Inserve.

We estimate that we will need Inserve services for 10 dogs at 11.00 each, 10 dogs at 15.00 each and 10 cats at 5.00 each. We Estimated that we will need a total of at least \$ 310.00 a month to Carry us through June.

A large, stylized handwritten signature in black ink.

Shirley Gianotti  
Wallingford Dog Warden

1183 CONTRACT 1987 - 1989 COUNCIL CONTINGENCY FUND TRANSFERS

FISCAL YEAR 1988-1989:

FROM:		
001-8050-3230	GENERAL GOVERNMENT	166,296
ID:		
001-1300-100-1250	SECRETARY WAGES	727
001-1302-100-1350	PT CLERKS	406
001-1320-100-1250	LEGAL SECRETARY	367
001-1400-100-1250	SECRETARY	368
001-1400-100-1300	CLERK WAGES	9,325
001-1400-100-1350	PT CLERKS	1,661
001-1400-100-1400	OVERTIME	363
001-1420-100-1300	CLERK WAGES	5,085
001-1420-100-1400	OVERTIME	160
001-1430-100-1300	CLERKS, REAL PROP	4,986
001-1430-100-1400	OVERTIME	218
001-1450-100-1300	CLERKS WAGES	3,543
001-1460-100-1300	CLERKS WAGES	2,448
001-1590-100-1250	SECRETARY/TECH	682
001-1590-100-1350	PT CLERKS	683
001-1590-100-1400	OVERTIME	38
001-1620-100-1300	CLERK WAGES	1,261
001-1620-100-1350	PT CLERKS	575
001-2011-100-1300	CLERK WAGES	6,932
001-2011-100-1400	OVERTIME	290
001-2011-100-1450	SHIFT DIFF.	74
001-2012-100-1300	CLERK WAGES	1,081
001-2014-100-1300	CLERICAL WAGES	1,944
001-2015-100-1300	DISPATCHER WAGES	7,518
001-2015-100-1410	DISP. OVERTIME	423
001-2015-100-1460	DISP. SHIFT DIFF.	230
001-2015-100-1710	PAID HOLS. DISP.	568
001-2016-100-1300	CLERKS WAGES	2,521
001-2017-100-1300	MAINTAINER WAGES	1,411

001-2018-100-1350	PT CLERKS	607
001-2020-100-1200	AST DOG WARDENS	2,451
001-2020-100-1400	OVERTIME	363
001-2032-100-1300	CLERK WAGES	1,440
001-2035-100-1300	CLERK WAGES	1,210
001-2050-100-1300	CLERKS WAGES	1,129
001-3010-100-1350	PT CLERKS	444
001-3060-100-1300	CASEWORKERS WAGES	2,354
001-3090-100-1300	SECRETARY WAGES	1,440
001-3090-100-1350	PT CLERKS	439
001-4000-100-1300	CLERKS WAGES	2,177
001-5010-100-1300	ENGINEERING WAGES	10,351
001-5010-100-1350	PART TIME	517
001-5010-100-1400	OVERTIME	109
001-5020-100-1300	CLERKS WAGES	1,376
001-5030-100-1300	PUBLIC WORKS WAGES	48,838
001-5030-100-1350	PART TIME	870
001-5030-100-1400	OVERTIME	1,171
001-5031-100-1350	PART TIME	1,363
001-5031-100-1400	OVERTIME	435
001-5040-100-1400	SNOW OT	4,350
001-5050-100-1300	GARAGE WAGES	13,682
001-5050-100-1400	OVERTIME	435
001-5060-100-1300	LANDFILL WAGES	4,639
001-5060-100-1400	OVERTIME	628
001-6030-100-1300	CLERKS WAGES	4,681
001-6030-100-1350	PART TIME	252
001-6030-100-1400	OVERTIME	37
001-7010-100-1300	CLERKS WAGES	1,287
001-7010-100-1350	PART TIME	1,333

TOTAL

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166,296



# Connecticut Council 4

444 East Main Street, New Britain, Connecticut 06051

# AFSCME

New Britain - Hartford Exchange  
(203) 224-4000

New Haven Exchange  
(203) 776-1674

January 10, 1989

**TO: Bert Killen, Chairman - Town Council, Wallingford, CT  
and Council Members**

We are appearing before you tonight for several reasons, not the least of which is our continuing search for justice and dignity for the employees of the Town of Wallingford.

The members of Local 1183 are not your enemy. Most of them are residents of Wallingford. They, too, pay taxes. Their children attend our schools. They are your neighbors as well as your employees, and they, too, are concerned with the future of this fine community.

Lately, however, partly as a result of bad advice given to the Town fathers by high priced out-of-town lawyers who are fattening their own wallets with Wallingford taxpayers' money, your employees, who have given - and continue to give - dedicated and faithful service to the people of this community, have been treated as though they are the adversaries, rather than the friends and supporters of Wallingford.

The list of indignities is long. Let's deal with just those which are of immediate concern and which you, as the members of the Town Council, can control and correct:

We know - and the people of Wallingford know - that the members of Local 1183 have served our Town faithfully and loyally for many years. As employees, they have always given that extra effort, gone that extra mile, when the situation called for it. Now they are making a simple request: they are asking for fair and equitable treatment. They only ask that the Town keep faith with their employees.

We have been negotiating for approximately two (2) years, enough is enough, how much longer are we going to be treated like the enemy by your Personnel Department and your hired out-of-town lawyers. We both took our chances in binding arbitration your employees were willing to live with the Arbitrators decisions. The Arbitrators ruled on 46 issues, 25 were awarded to the Town and only 21 were awarded to the Union. Your out-of-town lawyers claim they can do better in court. Ask your out-of-town lawyers how many contract binding arbitration awards have been vacated in the courts in Connecticut and in what towns.



If this award is vacated, what then? Do we start negotiations all over again? When does it end?

We feel it should end here tonight. Its about time this Town Council took back control from your personnel department and out-of-town lawyers as to where this Town is going and what the future relationship between the Town of Wallingford and its employees is going to be.

Its time for this Council to accept the arbitrators award and put an end to game playing with the livelihood of your employees.

Respectfully Submitted:



Joseph Lynch  
Staff Representative  
Connecticut Council #4  
AFSCME, AFL-CIO

JL/sm

AN ORDINANCE APPROPRIATING \$125,000 FOR THE DESIGN PHASE OF THE PUBLIC SCHOOL ROOF RECONSTRUCTION PROJECT AND AUTHORIZING THE ISSUE OF \$125,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$125,000 is appropriated for design phase costs related to the re-roofing of various town schools, including design, engineering, infrared moisture testing, and asbestos testing, said appropriation to be inclusive of any and all Federal and State grants-in-aid thereof, and for administrative, legal, financing, and printing costs related thereto.

Section 2. To meet said appropriation \$125,000 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. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by and payable at The Connecticut Bank and Trust Company, N.A., which bank or trust company may be designated the registrar and transfer agent, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond 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 interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, the date, redemption provisions, if any, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, at public sale or private sale. If sold at public sale, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject

of state and municipal bonds. If the bonds are sold at private sale, the purchase agreement shall be approved by the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal or a facsimile thereof of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by The Connecticut Bank & Trust Company, N.A. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes 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 note 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 net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Nothing herein shall prohibit the advancement of expenses by the Comptroller from available cash funds of the Town for the purposes authorized by this ordinance and the reimbursement thereof from the proceeds of bonds or notes authorized by this ordinance.



OFFICE OF THE MAYOR  
TOWN OF WALLINGFORD  
CONNECTICUT

WILLIAM W. DICKINSON, JR.  
MAYOR

January 10, 1989

Wallingford Town Council  
Wallingford, CT 06492

ATTENTION: Mr. Albert Killen, Chairman

Dear Council Members:

In accordance with the resolution adopted by the Council at your last meeting, I am submitting herewith for confirmation the following individuals I have appointed to the Wallingford Housing Partnership Committee.

Robin Chait  
Fred Gettner  
David Juliano  
Gail McCormack  
Daniel Sullivan  
Samuel Sargeant  
Steven Nere  
Donald Roe  
Philip Wright, Sr.

Joseph DiNatale  
Robert Greene  
Rev. Brendan McCormick  
Walter Kowalski  
Diedre Shears  
MaryLou Banks  
Linda Bush  
Pat Piscitelli  
Rev. Dr. Laslo Medyesy

It was impossible to submit the names to you earlier as we were waiting for names from several of the representative organizations.

Sincerely,

William W. Dickinson, Jr.  
Mayor

jms