

TOWN COUNCIL MEETING SUMMARY

NOVEMBER 22, 1988

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TOWN COUNCIL MEETING AGENDA

NOVEMBER 22, 1988

6:30 p.m.

1. Roll Call and Pledge of Allegiance.
2. Consider and Approve Transfer of \$5,082 for Parker Farms Building Committee - Remove From Table.
3. Consider and Approve Transfer of \$500 to Paramedic Bonus - Fire Department.

4. Consider and Approve Transfer of \$1,395 to Highway Guard Railing - Public Works Department.
5. Approve Anniversary Increases for Management Personnel.
6. Consider Appointment to the Housing Authority for a Five Year Term.
7. Consider Additional Appointment to the Vo-Ag Building Committee.
8. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 p.m.
9. Consider Resolution to Appoint a Charter Revision Commission - Requested by Councilman Bradley.
10. Consider and Approve Cable Franchise Agreement.
11. Discuss Possible Adoption of Ordinance Pertaining to Leaf Pickup.
12. Report from the Committee Investigating the Purchasing Procedures of the Board of Education.
13. Consider Extension of Time for the Committee Investigating the Purchasing Procedures of the Board of Education.
14. Approve Town Council Minutes of October 11, October 25, November 1, and November 7, 1988.

TOWN COUNCIL MEETING

NOVEMBER 22, 1988

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 6:50 p.m. by Chairman Albert E. Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Doherty, Holmes, Papale, Parisi, Solinsky, Zandri and Killen. Also present were Mayor William W. Dickinson, Jr., Adam Mantzaris, Town Attorney, and Thomas A. Myers, Comptroller.

The Pledge of allegiance was given to the flag.

Mr. Killen then asked for a moment of silence for Dotty Chamberlain who passed away last week.

A motion was made by Mr. Doherty to have the following items placed on the Consent Agenda, to be voted upon as a block by one unanimous vote:

ITEM 3. Consider and Approve Transfer of \$500 from Degree Allowance Acct. No. 001-2032-100-1950 to Paramedic Bonus Acct. No. 001-2032-100-1680 to Fund Additional Paramedic Bonus.

ITEM 5. Approve Anniversary Increases for Management Personnel.

ITEM 14. Approve Town Council Minutes of October 11, October 25, November 1, and November 7, 1988.

Seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to remove from the Table Item 2 - Consider and Approve Transfer of \$5,082 for Parker Farms Building Committee. Seconded by Mr. Doherty.

VOTE: Unanimous ayes; motion duly carried.

ITEM 2. Consider and Approve Transfer of \$5,082 from Contingency Acct. No. 013-1300-800-8070 for the Parker Farms Building Committee: \$2,083 to Architectural Services Acct. No. 013-1300-600-6510 and \$2,999 to Interior Work

Acct. No. 013-1300-600-6560 to Fund the Additional Costs for Redesigning the Entry Road and Installation of Ultraset Moisture Protection to Cafeteria Floor. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Zandri asked if this was the final bill on these particular items.

Mr. Devine responded yes. Both of these bills are issues that we discussed previously. The architectural expense is for the redesign of the road and the

interior transfer is for additional labor and services to correct a problem in the cafeteria floor.

Mr. Doherty asked are we satisfied with the road.

Mr. Devine responded yes.

Mr. Killen asked if there was a time limit for the committee to complete its work.

Mr. Devine replied we hope to be inactive by the end of the year.

Mrs. Papale asked why the Town was paying the extra fee for the road.

Mr. Devine responded our decision, based on Attorney Mantzaris' recommendation, was if appropriate action is taken against the people who provided an inconsistent survey this would be one of the expenses we follow up on them for. Kaestle Boos did nothing but work off the survey we provided. Attorney Mantzaris does not feel we have a claim against Kaestle Boos, but we may have a claim against the people that provided the survey. He is checking into this.

Mr. Killen asked was the cafeteria floor an unanticipated expense?

Mr. Devine replied there was a severe problem with buffing the tiles. A moisture test was taken and it was found that the moisture in the slab did not meet industry standards for putting down a floor under normal conditions. The whole floor had to be cleaned and this new method of Ultraset, which is a sealing of the floor prior to putting down the cement for the new tile, had to be done.

Edward Musso, 56 Dibble Edge Road, stated he felt the architect or contractor was responsible and should pay for it.

VOTE: Unanimous ayes; motion duly carried.

ITEM 4. Consider and Approve Transfer of \$1,395 from Professional Services Monitor Test Wells Acct. No. 001-5060-900-9000 to Highway Guard Railing Acct. No. 001-5030-999-9923 to Fund Cost Overrun on Guard Rail Installation. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Zandri asked why there were extra dollars in the Monitor Test Wells account.

Mr. Deak replied the responsibility for the testing went to CRRA when the landfill was taken over by CRRA. We were not aware of this during budget time.

Mr. Killen asked are we doing anything at all at the landfill?

Mr. Deak responded not at the present time.

Mr. Killen then asked Mr. Deak to put together a report on the accounts which have excess funds in them and provide him with a copy.

VOTE: Unanimous ayes; motion duly carried.

ITEM 6. Consider Appointment of Jack Savage to the Housing Authority for a Five-Year Term. Motion made by Mrs. Papale, seconded by Mr. Doherty.

Mr. Killen asked if there were other nominations.

Mr. Parisi moved the nominations be closed, seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

ITEM 7. Consider Additional Appointment of Sandra Schwink to the Vo-Ag Building Committee. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Killen asked the Council if there were any objections to her name being added to the Committee.

There were none.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive Rule V to Consider and Approve Transfer Covering the Hazardous Waste Collection Day, Consider and Approve Longevity Transfer for the Police Department, and Discussion and Possible Action Dealing with the 1985 Resolution Authorizing the Mayor to Sign Contracts Between the Town and CRRA. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Make a Budget Amendment Appropriation of Funds in the Amount of \$6,168 to DEP Grant Acct. No. 1040-050-5680 and \$6,168 to Hazardous Waste Removal Contract Acct. No. 1114-600-6010. Transfer \$15,816 from Reserve for Emergency Acct. No. 1-8050-800-3190 to Hazardous Waste Removal Contract Acct. No. 1-1114-600-6010. Transfer \$935 from Miscellaneous Expense Acct. No. 1-1114-600-6500 to Hazardous Waste Removal Contract Acct. No. 1-1114-600-6010. Seconded by Mr. Parisi.

Mrs. Papale then read into the record the attached letter, dated November 15, 1988, from Laurie J. Manke, Chairman WHHW Collection Committee, to Mr. Killen.

Mr. Killen asked if the CRRA gave them a good reason for not allowing the latex paint.

Laurie Manke replied CRRA informed me two days before the collection that they did not want that volume of liquids coming into the landfill all at once. So I was either to turn people away or accept everything. We choose to accept everything. If people want to dispose of latex paint in their trash they can. CRRA would just like them to dry it out first and then put it out with their trash.

Raymond Rys commented on the waste motor oil that was collected. Local service stations cannot handle the amount brought in. We mentioned last year that something has to be done with this, either on a town level or we have to better publicize the facilities that are available for waste oil disposal. I've talked

with a couple of people that are placing a type of oil burner in their place of business that burns waste oil. Maybe this is something that could be used in the Town and have a collection facility and utilize that oil. We don't want the waste oil going into our drains and into our water system.

Mr. Killen asked if there were stations in town that would take waste oil.

Raymond Rye responded there is at least two. There were four previously.

Mr. Killen stated apparently people are not aware of where to dispose of it. It might be worth it to pursue publicizing the fact that these places will take it.

Mr. Parisi stated he thought we should look into burning the waste oil for heat at some of the town garages.

Mr. Doherty asked what was the original budget and what was the final cost.

Laurie Manke stated the budget was \$30,000, the final cost was \$52,919.

Mrs. Papale stated that next year when we go into budget we should be sure this committee has enough money to work with.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen thanked Laurie Manke and Raymond Rye for their efforts.

Motion was made by Mrs. Papale to Transfer \$1,300 to Longevity Acct. No. 001-2015-100-1750 for the Police Department; \$600 from Longevity Acct. No. 001-2011-100-1750, \$250 from Longevity Acct. No. 001-2012-100-1750, and \$450 from Longevity Acct. No. 001-2014-100-1750. Seconded by Mr. Parisi.

Mr. Killen stated this happened because when they had the contract settlement there was a slight snafu and they were short in the Patrol Division so they are transferring the money from one of the other longevity accounts.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen stated the Mayor has asked for an Executive Session covering the trash plant and did Mr. Zandri want to wait till then or discuss part of it in open session.

Mr. Zandri asked the Town Attorney if the resolution was still in effect and whether the Council was bound by it.

Attorney Mantzaris replied _____.

Mr. Zandri stated Mayor Dickinson I believe you said any new contracts would be brought before the Council for discussion.

Mayor Dickinson replied that is correct. We will not sign a new contract, to my knowledge, but we will pass on changes in the facility contracts of which we are not a signer.

Mr. Zandri asked is this something we will discuss later on this evening?

Mayor Dickinson responded it certainly involves a choice of operator and everything which is what I wanted to discuss later on.

Mr. Zandri stated I'm under the impression that, or at least you gave me the impression previously, this Council would review any new contracts and there would be an approval from the Council on any thing new that comes up. That is my concern.

Mayor Dickinson replied that is correct. I do not plan to exercise a vote on the Policy Board without the Council's input.

Mr. Zandri asked would a motion be in order to rescind that resolution at this point so that this Council will have the power to authorize you to sign the contracts?

Mayor Dickinson replied I won't be signing a contract, to my knowledge. However, regarding a change in the prior resolution, the Town Attorney would have to indicate what his opinion on it is as far as potentially opening up the Town to liabilities on the total project.

Mr. Zandri asked if we are in negotiations with a new contractor and a whole new set of rules, I don't see where the other contract is valid at all. Aren't we starting from square one again on this whole thing?

Attorney Mantzaris replied the contract that the Town has with CRRA is the municipal service contract. That contract is one that requires us to bring our waste to the facility, control traffic as it comes over our streets, etc. That contract is not an issue in these negotiations. What is an issue is the service contract between CRRA and the new operator. That contract we are not a party to as the Town of Wallingford. We have veto power such that any change in the service contract requires unanimous approval of the Policy Board of which

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Wallingford is a member. That is the contract that is presently being renegotiated. The Mayor would not be signing that contract nor did he sign that contract under the resolution you are asking about. That's the contract where the Mayor has indicated he will come to the Council for a vote of approval before he casts his vote as a member of the Policy Board.

PUBLIC QUESTION AND ANSWER

Edward Musso, 56 Dibble Edge Road, suggested making a parking lot at the Vietnam Veterans Field for the workers at Town Hall. There is no place to park for others that have business at Town Hall. He also suggested that PAGB be liable for the increase in tipping fees because of the problems they have caused.

Vincent Avallone, 1 Ashford Court, asked if the Mayor would consider being bound by the vote of the Council when he comes back with different proposals. As a member of the Policy Board he has the authority to vote whatever he wants. Will he consider adhering to the wishes of the Council when it comes to voting on that?

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Mayor Dickinson replied I will make every effort to obey the wishes of the Council, but as to limiting my responsibilities as Mayor I won't do that at this time.

Vincent Avallone then asked about a Hartford Courant news article regarding the trash plant in Hartford. It states workers at the trash-to-energy plant in Hartford are wearing safety respirators and protective suits because potentially dangerous levels of lead have been found in and around a damaged boiler. The company discovered high levels of lead in samples of ash. Some members of the union working on repairs chose not to work until tests were completed and now everyone in the facility is wearing a respirator and suit. This indicates to me that if something goes wrong, or if something doesn't go wrong, there is a potential for high emissions of lead to cause some serious problems. I'd like to ask the Council to get our local health inspector involved and find out exactly what went on in Hartford and whether or not something like that can happen in Wallingford.

Mr. Killen stated he would address this issue to the local health inspector.

ITEM 9. Consider Resolution to Appoint a Charter Revision Commission. Motion made by Mrs. Papale, seconded by Mr. Adams.

Mrs. Papale read the attached resolution into the record which appoints James Krupp, Ron Gregory, Peter Gouveia, Katy Rizzo Didden, Carolyn Massoni, Theodore Lendler, Rosemary Rascati, Abigail Nell, Robert Applegate, Ray Rys and Thomas Flynn to the Charter Revision Commission.

Mrs. Papale stated each person on the Town Council gave a name and the Mayor gave two names.

VOTE: Mr. Parisi was absent; all others ayes; motion duly carried.

Mr. Killen then asked James Krupp to act as the first chairman for the purpose of calling a meeting to get started.

ITEM 10. Consider and Approve Cable Franchise Agreement. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mayor Dickinson stated the Board of Education voted earlier to approve their part of this lease. A series of meetings were held involving representatives from the Board of Education, the Library, Public Access Cable group in town, my office and the Town Attorney. This lease is different from the agreement approved by the advisory group for the region. The PUCA deals with that agreement. This is solely a lease of the space at Sheehan for use by Heritage Cable in order to put up the antenna dish and enable transmissions from Sheehan.

Thomas Gallagher stated the lease provides payments of \$2,000 a year to the Town. It also provides a \$30,000 grant to the Town to be used for municipal, public access and educational purposes. The Town was originally granted three channels. This agreement reduces the channels to two, but it does provide for educational, municipal and public access use through shared channel use. It still provides bi-directional capability and it provides a 5-year renewal term unlike the first agreement which had a 15-year term.

Mr. Holmes asked Mayor Dickinson you just stated this was just for leasing space at Sheehan and Mr. Gallagher just stated far more ranging positions than that.

Mayor Dickinson stated the purpose of this lease is that space. We are gaining certain things in return. The loss of a channel really is approved through the regional advisory group. This is the same channel that is being lost region wide.

Mr. Gallagher stated to clarify this, currently there are three channels for municipal use. One is not being used. I would like to take that channel and introduce a basic service to all subscribers, a channel called Nickelodeon which is a quality children's programming in the day time and evolves into family programming in the evening. I think it's a better use of the channel than is currently being used now in Wallingford.

Mayor Dickinson stated this lease provides that when the system is expanded beyond 43 channels we will receive the third channel back.

Mr. Holmes asked when the upgrade is expected to be completed.

Mr. Gallagher replied it is currently under negotiation now with the DPU during franchise renewal proceedings. Although there is no guarantee of this, there is a probability.

Mayor Dickinson stated also in exchange is the \$30,000 worth of equipment.

Mr. Gallagher stated the \$30,000 grant will be used for the Town to purchase video broadcasting equipment to be used for shared use with municipal, educational, and public access entities within the town. The Company will make the purchases upon recommendation of the town entities involved.

Mayor Dickinson stated this would not go through the purchasing office. It will be a receipt by the town of specific equipment in the amount of \$30,000.

Mr. Holmes asked what is the advantage for Wallingford in this.

Mr. Gallagher replied the advantage is it does provide for rental compensation to the town. It provides the \$30,000 grant. It also provides a modular for use by the Public Access group in order to allow them to do their own programming.

Mr. Holmes stated we seem to be giving up a public access channel in this agreement with no guarantee we will get it back.

Mayor Dickinson replied if we do not give up this channel we will not get Nickelodeon. Nickelodeon is scheduled throughout the rest of the region. Wallingford would be the only town that does not have it should we stick with the third public access channel.

Mr. Parisi asked what channels were the public access channels.

Mr. Gallagher responded 32, 33 and 34. You would lose 34.

Mr. Parisi asked as far as the equipment, the Town will get whatever they ask for within the \$30,000.

Mr. Gallagher replied they will create a list and through our purchasing power we intend to maximize that \$30,000.

Mr. Parisi asked if the committee was in agreement with this.

Mayor Dickinson stated yes. Members of the Committee were Clay Tenerowicz from the Board of Education, Carol Kotyk from the Public Access Group, Scott Hanley, Director of the Library channel, Leslie Scherer, Director of the Library, Dave Burghardt, Ed Mik and others.

Carol Kotyk, 19 Hall Acres Drive, stated from the WPAA's standpoint we agree with the lease proposal. Although we will be losing Channel 34, once we have two channels remaining the Public Access Association will be able to get a modulator and will be able to broadcast on our own. The current situation is

Mr. Gallagher responded in 1974 less than half the channels were programmed and that was prior to the commercial use of satellites. Since 1977 we have seen rapid growth of cable services and within the last ten years we have virtually used all the channel capacity that is currently available to us right now. Total channel capacity right now is 36. The newer systems built in the mid-1980's have a 54 channel capacity.

Mr. Solinsky asked about the 1/2 mile of cable to run to any building. Is this for changes in the locations of equipment? According to the map it doesn't look like we'd be able to go from Simpson School.

Mayor Dickinson replied I think all town owned structures are included.

Mr. Gallagher stated Attachment D is the company's existing B cable system which is the return system to transmit cable signals from a location within the town back to Sheehan for distribution through the A cable system which is received by

all subscribers. The A cable would go to any municipal building; the B cable would depend on the location, but there is a provision for a 1/2 mile from the existing B cable.

Mayor Dickinson stated as I understand this, the cable service is at any municipal building, but the bi-directional capability is restricted by the 1/2 mile. It wasn't clear to us that we needed to have bi-directional capability at every municipal site.

Mr. Killen stated he had a problem with the gentlemen's agreement mentioned previously.

Mayor Dickinson stated he did not think that issue was part of this lease. Our internal decision as to how the channels are utilized is not something that Heritage has any interest in. Public Access needs equipment even to use the channel and under this agreement they will receive the equipment.

Mr. Killen stated there are areas in this town that could have been used as parks or other things and we did not recognize the value at that time. I have no idea what a channel would be worth, but television is one of the hottest things on the boards right now.

Mayor Dickinson stated keep in mind if we do not reach an agreement on this with Heritage, we will be the only town that won't have the programming that the other towns have. On balance I think most people in town will be interested in whatever the cable package is offering and capable of offering. I don't know at this point that our unused public access channel is of enough interest to people to offset their desire to have Nickelodeon or whatever programming may come along. There are also liability questions because the whole issue of what gets shown and who determines what the content is is pretty much up in the air from a public access standpoint. With the Board of Education and the Library the oversight is performed by those groups. The Public Access Group would perform some oversight, but the very nature of public access is that the amount of oversight is vastly reduced. So there are issues there that have to be dealt with that go beyond the issue of the sharing of time.

Mr. Killen asked who would be purchasing the equipment.

Mr. Gallagher responded the company will make the purchase based on a list supplied to us by the town entities.

Mr. Killen stated on page 12 the last sentence reads, "The equipment selected by the board shall be purchased through approved vendors of the company." You can read more into this section and 99 people can come up with 99 interpretations.

Mayor Dickinson replied I think the company wanted to identify the fact that they would determine where they would purchase the equipment. They didn't want a situation where we would identify where we wanted to purchase the equipment. I assume they have better working arrangements with certain vendors and prefer to use those vendors.

such that the Board of Education is able to broadcast and the municipality is able to broadcast through operating out of the library. Public Access has no access. We would be provided with a third modulator and we would share channel space with the library. When the channel space is expanded it is provided in the new lease that a third activated channel would be provided back to the Town of Wallingford for public access programming. At that point in time the municipal station which would have been a shared channel would revert back just to the municipality. You would then have three entities each operating on their own channel space.

Mr. Zandri asked with the shared channel is there available time for both groups to get all their programming in?

Carol Kotyk replied this would be left to a gentlemen's agreement. There is nothing at this time that states how much time each entity would have. Most likely the Public Access Association would not need as much time as the library. We would probably be looking for a portion of the time available and we would certainly be looking for some prime time.

Mr. Zandri asked for an explanation of the difference in the original lease agreement as far as the financial terms and the new one.

Mr. Gallagher replied there were no financial terms in the original agreement. It did not call for compensation to the Town.

Mr. Doherty asked if it was the position of the Public Access Group that sometime in the future they would take over Channel 34 as their channel.

Carol Kotyk replied the original lease did provide for that channel space to Wallingford. So if the potential was there to be able to use it for public access we would have liked that.

Mr. Doherty asked from the Library's point of view is the sharing of Channel 33 going to present some problems?

Scott Hanley responded it's difficult to say until we enter negotiations with the Public Access organization. We really haven't discussed any of the details. I believe we are all reasonable people and I think we can come to some sort of agreement.

Mr. Doherty asked in your opinion is the Town receiving adequate compensation for the loss of this channel?

Scott Hanley replied there are a variety of ways to look at that. Certainly the Town has not received any financial compensation in the past. Things change over the years and the Town and the school system saw an opportunity to gain something from the cable company in exchange for the channel. We're looking at two things here, compensation for the loss of a channel and the cable company continuing to use a location at Sheehan High School. A \$30,000 figure has been placed on the channel and \$2,000 on the site. The figures arrived at were agreed upon by all parties as being reasonable.

Mr. Doherty asked if anyone could give an adequate appraisal of how much this channel is worth if we looked at it as a piece of property.

Scott Hanley responded that would be very difficult. You really have to look at the overall appeal of their package, the basic programming package they offer. If they add another channel, they certainly hope that subscribers will be even happier with their cable service especially in light of rate increases and things of that sort.

Mr. Doherty asked what will be in the package of equipment?

Edward Mik replied the equipment will be decided upon by the Board with input from the Library and the Public Access Association. The equipment that we have looked at is getting into a mobile facility that could be shared among the three groups. So we are looking at cameras for the mobile facility and also enhancing our fixed location at Sheehan.

Mr. Doherty asked what the growth history of the channels was.

Mr. Killen stated but if we want to put it all into one piece of equipment made in Japan or elsewhere, that should be our prerogative. What happens if we want something that you people don't have from one of your vendors.

Burton Cone responded that certainly wasn't the intent of this particular provision. The only intent was that we could provide the board with equipment that was up to system specifications which would be utilized in the cable system and that we would probably be able to get a good price with a discount through the approved vendors of the company.

Mr. Killen suggested this last sentence be deleted.

Mr. Gallagher replied the company would agree to withdraw the last sentence.

Mrs. Papale asked if the three boards wanted this to go through.

Mr. Mik responded yes.

Carol Kotyk responded Public Access ultimately wants to do programming without any restrictions by the Board of Education or the municipality. If that means we can try to accommodate everyone and be able to utilize one of the two existing channels at some point in the future when we feel capable and ready to broadcast, we would be very satisfied with that. For the present time Public Access has agreed, in theory, to be able to broadcast over the Educational channel and under the Library channel under their guidelines. These guidelines, in my opinion, are very restrictive, but we have agreed to do that in order to show the town residents what we are capable of producing.

Mr. Adams stated ever since I've been on the Council when it comes to contracts I would like to have a chance at the meeting to ask pertinent questions and then have some time to digest the information. A lot of work went into this contract and now less than 45 minutes later we're supposed to make a decision. This contract affects every person who lives in Wallingford. Let's take two weeks to get some feedback from the public.

Mike Staines, 10 Sorrento Road, read from the previous contract, "Section 4.d - The company will provide, maintain and administer a channel for public access that will be distributed to all subscribers. This channel may be reserved for hardship cases wherein persons seeking to participate in community dialog are unable to utilize the common public access channel which serves the entire franchise area." This is the true public access channel which was never activated to my knowledge. I'm sure if we asked Mr. Gallagher to activate this channel, which he agreed to 15 years ago, he would say we can't give it to you because we've already used it up. We're not just losing one channel we are losing the option on two more. One of which, by this paragraph, is defined for public access.

Also, I'd like an answer from Mr. Gallagher on whether or not the Heritage Advisory Board, which is made up of volunteers from Wallingford, has asked for the removal of the Bridgeport channel. If that is the case then Nickelodeon could go there.

Raymond Rys, 96 Pierson Drive, asked does the Council have to approve any equipment that is requested from the Board or the Library?

Mayor Dickinson replied the Council must approve the receipt of equipment or gifts to the Town of Wallingford. By approving this lease they are approving the receipt of \$30,000 worth of cable production equipment. It would be placed on the inventory of the Board of Education and utilized by Public Access, the Library, etc.

Motion was made by Mr. Adams to Table consideration of the contract approval for two weeks to be put on the next Council agenda. Seconded by Mr. Doherty.

VOTE: Mr. Holmes, Mr. Parisi, Mr. Solinsky and Mr. Zandri voted no; Mr. Adams, Mr. Doherty, Mrs. Papale, and Mr. Killen voted yes; MOTION DID NOT PASS.

David Applegate, 1 Perkins Drive, stated there should be Nickelodeon because on Channel 34 there really isn't anything and I think some kid's shows should be on there.

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Ellen Doitsche, Wallingford, stated I don't believe my best interests are served by relinquishing the public access channel.

Motion was made by Mrs. Papale to amend the original motion by deleting the last sentence in Section D.1 on Page 12 of the Contract, seconded by Mr. Parisi.

VOTE: Mr. Adams passed; Mr. Doherty and Mr. Killen voted no; all other ayes; motion duly carried.

ITEM 11. Discuss Possible Adoption of Ordinance Pertaining to Leaf Pickup. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Killen stated this past Fall has shown how people are inclined to rake their leaves out in the streets. This is very unsafe especially when the leaves get wet. I am proposing that the Ordinance Committee look at neighboring towns and see what provisions they have prohibiting the raking of leaves into the street. I put this on the agenda so people would know this will be coming up in the future and we will be looking for feedback.

Mr. Doherty asked if there was currently an ordinance on the books.

Mr. Killen responded there is nothing. We request residents to bag their leaves and we have a regular schedule for picking up the bags.

Mr. Killen reminded everyone the tree lighting ceremony was scheduled for Saturday on the green at 2:30 p.m.

Discussion Only - No Vote Was Taken

ITEM 12. Report from the Committee Investigating the Purchasing Procedures of the Board of Education. Motion made by Mrs. Papale, seconded by Mr. Holmes.

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Mr. Parisi stated we have examined a few of the purchasing documents of the Board of Education in the Town of Wallingford as identified herein. Our examination was made in accordance with the guidelines of the committee using information supplied by the Board of Education, Purchasing Department, and others. We used all available procedures to validate documents. In our opinion, the referred to documents present a fair and accurate position of the purchasing history practices of the Board of Education. Our investigation was made primarily with the collection of data and documents which we used to produce a history of those procedures. We have attempted to show only the facts of past events and to not form conclusions. In our opinion this history is fairly stated and material in relation to the total purchases as a whole.

We did have a meeting last night and for some reason there was total confusion and I was the only one there. This is written in the 'we' but I cannot state now that it is in total agreement with the rest of the committee. I did attempt to hand-deliver copies last night to the committee members' homes and tonight I distributed this same copy to the rest of the Council.

This report is a very basic summary of approximately 6 purchasing practices. Due to limited funds (less than \$300) and time (less than \$200) which is terribly understated, the Investigation Committee could not investigate in fine detail. Because the Board of Education issues thousands of purchase orders yearly we have only looked at a small sampling. All reviewed data is available in detail.

1. The purchasing lease on January 22, 1988 of Hewlett-Packard was \$97,395.92, Pertaine Software was \$36,550 and a commitment to pay interest of \$28,075 for a total cost of \$162,021. We believe this may violate the Town Charter (reference Page 36, lines 164-172, and Page 19, lines 35-41 and 67-80).
- 1.A Bid Document 88-16 was developed by a Hewlett-Packard 3000 marketing arm, Infopoint, which supposedly was an independent consultant. This was not an unbiased specification, but strictly outlined hardware and software that was leased on January 22, 1988. This was 6 months before Bid Document 88-16. Bid Document 88-16 was issued in August. The Hewlett-Packard equipment is used and the bid stated that the equipment must be new. When I say it's used I mean the equipment that exists down there now is the equipment that was delivered in January. It was removed from the premises to northern Connecticut somewhere and was just brought back after the bid was awarded. It is the same equipment. In November 1988 the Board of Education requested payments for February 1988 purchases of Hewlett-Packard items, but the bid was not awarded until August.
- 1.B Award of Bid 88-16 to Hewlett-Packard. Hewlett-Packard was not in specification as per bid documents. Hewlett-Packard cannot meet delivery, installation mandates as per their quote. As per standard purchasing bid practices this bid information should and must stand alone. See Bid Specification 88-16 and Hewlett-Packard Quote Document.
- 1.C Lease Purchase of Pertaine Software. Pertaine did not participate in Bid 88-16. There is no Pertaine bid document included in the bidding papers that were submitted, unlike the very first G92-50 or whatever it was when

Pertaine stood by itself. In the second one there is absolutely nothing there which makes me believe it was carried forward from the very first situation.

- 1.D Due to pressures put on the Board of Education, the School Administration and Hewlett-Packard by the Town Council via the Investigation Committee, the Hewlett-Packard award was changed after the award and saved the taxpayers over \$10,000. These changes came about mainly due to corrections in the discounts. The discounts on the first award were grossly in error. We did review them and calculated them all out. On the second one they were corrected and the reflection showed up as \$10,000 less.
- 1.E The Board of Education changed a lump sum award by the Town Purchasing Department to Hewlett-Packard from \$140,319.18 to a long term lease to Hewlett-Packard and Pertaine. That comes up to approximately \$170,000. Supporting documents are the monthly payment schedule for Pertaine Software of \$736.85 and a monthly payment agreement for hardware of \$1,836.21. I believe some of these bills were submitted for payment already.
2. Creation of documents that state IBM and Structure Technology Corporation offered more expensive hardware and software than Hewlett-Packard to the Board of Education. We say see tampering with or fabricating physical evidence, see fraud statutes, collusion statutes, see Structured Technology Corporation's July 7, 1988 letter denying offer.
3. Discarding of all Hewlett-Packard/Board of Education correspondence which included the lease agreement, Pertaine lease agreement, cancellation supporting documents. Again we say see tampering with or fabrication of physical evidence, fraud statutes, collusion statutes, and Structured Technology Corporation's July 7, 1988 letter denying offer.
5. Selling of taxpayers' property with monies not going to the Town of Wallingford, equipment issued over \$5,500, actual value of equipment not known. See Purchasing Ordinance 196, 238, 260, 272, Page 14, Section 16 A-E. That has to do with bartering. It is thoroughly spelled out in the Purchasing Ordinance.
6. It seems that the Board of Education is purchasing thousands of dollars worth of equipment using Town of Wallingford sales tax exemption, school educational discounts, the credit rating of Wallingford, etc. Yet this equipment does not seem to always show up on any inventory list or it is not always easy to find purchase orders or a Board of Education request for payment. We cite in the bartering material that we acquired, a purchase order to Computerland in Waterbury, Connecticut for a microwave.

I have disclaimer letters that were written to Pertaine Systems, Inc. and Hewlett-Packard, Inc. These disclaimers state that no clerk, secretary, assistant superintendent, principal, department or individual board member _____ . These disclaimer letters were written July 7, 1988. The paperwork on this computer started in January 1988.

I hope this meets your request for a highlight. There is more information available and on the last several pages there is a table of contents that show 948 documents that are available for anyone's perusal.

Mr. Killen stated I asked Mr. Parisi to make a progress report to us because this committee has run out of time and we need to know where it's going. Attorney Mantzaris is this committee within its purview in investigating the purchasing practices of the Board of Education?

Attorney Mantzaris responded my initial reaction would be I don't know why it wouldn't be. At least as far as non-educational supplies are concerned. Without further study I will leave it with that answer.

Mr. Killen stated the reason I ask is I received a letter the other day from someone from the Board of Education and they are offering rebuttals. But they are not taking advantage of the opportunity to appear before this board. If this Committee is within it's rights to hold their hearings, and the Board wants to issue rebuttals then they should appear before them. Mayor Dickinson can you ask the Board if they can't appear before the Committee.

Mayor Dickinson replied I think the concern is the pending criminal issue. The Board feels they do not want to testify to what happened with the criminal investigation hanging in the air.

Mr. Killen stated they are choosing two options. One option is to deny the right to appear before the Committee because they are in danger of self-incrimination and yet they open the other avenue by mailing letters to us denying certain aspects of it. Why are they being picky and choosy? They are not doing themselves or the cause any good by just choosing certain things that they will answer to and leaving the rest of it unanswered.

Mr. Doherty stated certainly anyone that has been told that they are being investigated by the State's Attorney's Office and the Wallingford Police Detective Bureau would certainly contact a lawyer and ask what should I do. And I'm sure any criminal lawyer is going to tell you not to say anything.

Mr. Killen stated they could always appear before the Committee with their attorney.

Mr. Parisi stated if we're going to end this thing, someone is going to have to sit down and discuss it.

Mr. Adams asked is the Police Department going to follow through with the recommendations? If so I would think one investigation at a time is sufficient.

Mayor Dickinson stated I believe the Police Department will contact the State's Attorney's Office and make a determination as to whether the State's Attorney's Office is really pushing for continued investigation or if this is just their way of getting rid of the matter. If there is sufficient cause to continue the investigation, the Police Department will treat it as any other complaint. If there is something subject to prosecution then they will seek to bring the matter to a close.

Mr. Adams stated it was my understanding that Mr. Kari and Mr. Nicoletti stated that when this investigation was completed then they would be willing to appear before the Committee. I certainly would like to have this situation rectified.

Mrs. Papale stated I don't know if it's necessary to go on with the investigation if it's being handled through the Police Department. What will the Committee gain by extending the time? Wouldn't the report from the Police Department be sufficient?

Mrs. Papale read the attached letter dated November 18, 1988 to Detective Lieutenant William Butka of the Wallingford Police Department from Margaret K. Luchansky of the State's Attorney's Office.

Mrs. Papale stated my question is if this was answered by the people involved wouldn't that be sufficient?

Mr. Killen stated another aspect is that they would only be investigating the criminal aspects of it. Violation of the Town Charter wouldn't necessarily be criminal.

Mr. Holmes stated I detect a certain hesitancy on whether to continue this or not. I can't see abandoning this Committee and dropping the issue. I would hope that everyone here is interested in getting to the bottom of this and protecting some very important procedural matters and integrity in government. If the parties do not wish to appear before the Committee, I would hope they would stop their backdoor letter writing.

Mr. Solinsky stated this letter deals with just one item and I think the Committee's charge was broader than this. I think we should continue.

Mr. Parisi stated I think the Committee should sit down and put together a finalized report and present it to the Council. If further study of the purchasing practices is required, so be it.

Mr. Zandri asked in your investigation to this point has there been any evidence that shows there has been personal gain by any member of the Board?

Mr. Parisi replied I didn't find any personal gain.

Mr. Zandri asked is there any information that you are seeking that you haven't accumulated at this point? What is your goal as far as a presentation to the Council? I think what has to be done here is to present your findings to the Council with a recommendation, and at that point it will be up to the Council to make a decision one way or another.

Mr. Holmes responded I'm trying to obtain additional information.

Mr. Parisi stated that's what I'd like to do. I'd like to have this Committee start meeting next week and formulating all this information. While we're doing that Mr. Holmes can pursue whatever other information he feels he has. At the point it's all together we will make our presentation.

Mr. Zandri asked how much time do you think you will need to finalize your investigation?

Mr. Parisi stated I'll ask for 60 days, but if I can do it in 30 it will be done.

Mr. Adams stated I still think we should put the Committee on hold for now until the Police Department renders a decision. At that time we can get started and we'll be able to get input from the people who should answer some of our concerns.

Mr. Parisi stated there's material in there that does not have to be investigated. It just has to be read by a legal person and a legal opinion issued. It was a lump sum bid and it turns into a monthly payment schedule of 5 years. There isn't anyone sitting here that doesn't know that's not exactly the way things are done. That's the only one I'm going to mention but there's six or seven others that are as obvious as that.

Mr. Killen asked Mayor Dickinson if the Internal Auditor had done any homework on this particular aspect of the charges.

Mayor Dickinson replied the Internal Auditor would review this at the point bills are paid. To my knowledge a bill hasn't been paid on this as yet. The Town Attorney is reviewing this and is looking to make a determination as to whether a bill should be paid.

Mr. Killen stated if I were an Internal Auditor and I saw something like this happening I would be chomping at the bit. The purpose of the Internal Auditor is to try to cut this off at the pass. They're supposed to be aware of hiring practices, firing practices, whether or not you follow the procedures set down by the company, etc.

Mayor Dickinson replied I think the duties you describe are far broader than what the position entails in Wallingford.

Mr. Myers stated the Internal Auditor did not pass the said vouchers for approval because of the questions that had been raised at this point. It was brought to my attention and then to the Town Attorney's attention.

ITEM 13. Consider Extension of Time for the Committee Investigating the Purchasing Procedures of the Board of Education.

Motion was made by Mr. Solinsky to approve an extension of 60 days for the Committee Investigating the Purchasing Procedures of the Board of Education to reach a summary. Seconded by Mr. Holmes.

Mr. Adams stated he still favored putting the Committee on hold until we get a legal decision from either the State or the Police Department so that the Committee will have the opportunity to discuss some of the concerns with members of the Board.

VOTE: Mr. Doherty abstained; Mr. Adams voted no; all other ayes; motion duly carried.

Mr. Parisi then asked for an additional appropriation of \$200.

Mr. Killen replied we will put it on our next agenda.

Motion was made by Mrs. Papale to go into Executive Session under the provisions of Section 1-18A(e)(b) and Section 1-19(6)(7) of the General Statutes to discuss the choice of an operator under a public supply contract and community benefits associated with said contract. Seconded by Mr. Parisi.

VOTE: Mr. Zandri voted no; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to come out of Executive Session. Seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Motion to adjourn was made by Mr. Papale, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Meeting adjourned at 11:42 p.m.

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

Approved: Albert E. Killen
Albert E. Killen, Chairman

12-13-88
Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

12-13-88
Date

November 15, 1988

Mr. Albert Killen
Town Council Chairman
45 South Main Street
Wallingford, CT 06492

Dear Bert:

As you already know, Wallingford's second Household Hazardous Waste Collection exceeded budget projections. The reasons for the increase in cost are:

- 1) CRRA decided not to allow non-hazardous latex paint brought to the collection to be deposited in the dumpster for disposal at the landfill. Result - 88 55-gallon drums collected at a cost of \$18,304.00
- 2) A substantial increase in the amount of pesticides brought to the collection due to the end of the gardening season. Result - 62 55-gallon drums collected at a cost of \$17,670.00

- 3) Local service stations would have been unable to handle the volume of motor oil brought to the collection.
Result - 18 55-gallon drums collected at a cost of \$3,744.00
- 4) Residents are apparently unwilling to take advantage of a battery recycling facility in Meriden.
Result - 12 55-gallon drums and 11 30-gallon drums collected at a cost of \$3,981.00

Therefore, the committee requests that the Town Council approve the attached transfers to pay the hazardous waste removal contractor. According to Leslie Lewis at the Connecticut Department of Environmental Protection, the State will reimburse the Town for 40% of the contractor's cost. If you have any questions, please contact me. Thank you.

Sincerely,

Laurie J. Manke

Laurie J. Manke

Chairman

WHHW Collection Committee

R E S O L U T I O N

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL, IN SESSION:

1. In accordance with the provisions of Section 7-190 of the Connecticut General Statutes of the State of Connecticut, as amended, the following named persons, to wit:

- | | |
|------------------|-------------------|
| James Krupp | Ron Gregory |
| Peter Gouveia | Katy Rizzo Didden |
| Carolyn Massoni | Theodore Lendler |
| Rosemary Rascati | Abigail Nell |
| Robert Applegate | Ray Rys |
| Thomas Flynn | |

are hereby appointed as a Charter Revision Commission with power and authority to consider revisions and/or amendments to the Charter of the Town of Wallingford which was adopted June 6, 1961, and amended effective January 1, 1970, January 1, 1974, and January 1, 1982, and that such revisions or amendments shall be added to the retained provisions of said Charter and published as a single document to be known as the Charter of the Town of Wallingford.

2. The Charter Revision Commission shall make its report to the Council, including therein the Charter revisions proposed by them, on or before June 27, 1989.

3. The Commission shall have authority to engage such secretarial assistance and to secure from the office of the Town Attorney such professional advice as it may require.