

TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 27, 1990

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, November 27, 1990 at 7:00 P.M. in the Robert Earley Auditorium and called to order by Chairman Albert E. Killen at 7:07 P.M. Answering present to the Roll called by Town Clerk Kathryn J. Wall were Councilors Bradley, Duryea, Gouveia, Killen, Papale, Solinsky and Zandri. Councilor Holmes arrived at 7:10 P.M. and Councilor Parisi was absent due to physician's orders. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the Flag.

Mr. Killen asked everyone to remain standing to observe a moment of silence for Raymond E. Bradley, father of Edward R. Bradley, Vice Chairman and also for Retired Police Captain George Williams who served the Town of Wallingford for a period of 18-20 years.

A motion was made by Mr. Bradley to place the following items on the Consent Agenda to be voted upon by one unanimous vote. Seconded by Ms. Papale:

ITEM #3 Consider and Approve Anniversary/Merit Increases - Personnel Department

ITEM #13 Note for the Record the Financial Reports (1st Qtr. F.Y. 90-91) of the Library, Visiting Nurse Association and the Senior Citizen's Center

ITEM #14a Consider and Approve a Road Acceptance for Bartholomew Lane

ITEM #14b Consider and Approve a Road Acceptance for Chestnut Lane and Juniper Street

ITEM #14c Consider and Approve a Road Acceptance for Nathan's Path

ITEM #16 Consider and Approve a Transfer of Funds in the Amount of \$700.00 from Supplies and Materials Account #001-7011-400-4001 to Office Supplies Account #001-7011-400-4000 - Inland Wetlands Commission

ITEM #17 Consider and Approve a Transfer of Funds in the Amount of \$285.00 from Laser Printer Account #001-1400-999-9904 to Refunds - Other Account #001-1400-800-8900- Comptroller's Office

November 27, 1990

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

ITEM #25 Accept the Minutes of the November 13, 1990 Town Council Meeting

Motion was made by Mr. Bradley to Add Agenda Item #25 to the Consent Agenda, seconded by Ms. Papale

VOTE: Parisi was absent; Bradley, passed; all others, aye; motion duly carried.

ITEM #2 Consider and Approve a Tentative Labor Agreement with CSE, Inc. Local 760 - Personnel Department

Mr. Bradley read correspondence from the Personnel Department to the Mayor into the record.

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

Mr. Zandri asked if wages were part of the contract as far as percentage increases?

Mr. Seadale: Yes.

Mr. Zandri: The first year is 6 1/2%, the second 6 1/4% and the third is 6%?

Mr. Seadale: Yes.

Mr. Zandri: I noticed that while reviewing the item and one of the things that I mentioned the last time a contract was before me was that my cycle on contracts was to start and that any contract that came before me with an increase higher than 6%, I would vote in the negative. I want people to understand why I am voting against this contract.

Mr. Gouveia: What kind of jobs do these people perform?

Ms. Ann Eckard: They work in the special education classes, they work in kindergarten classes that have more than 25 students, transitional students that have more than 15 students, developmental kindergarten classes that have over 15 children as well.

Mr. Gouveia: Most of these positions are part time?

Ms. Eckard: No, they are covered by contract by working more than 20 hours. They generally work 30 hours per week.

Mr. Gouveia: Do they received medical benefits?

Ms. Eckard: No.

CORRECTION

PAGE #14 - Remarks attributed to Mr. Gouveia - Line #14

Reads - "pursuit of happiness, there if very little if we start to"

Stands Corrected to Read - "pursuit of happiness, that means very little if we start to.."

RECEIVED ON FILE _____
AT _____ H _____ M _____ M
ATTYEST *[Signature]*
SECRETARY

TOWN COUNCIL MEETING

NOVEMBER 27, 1990

7:00 P.M.

1. Roll Call & Pledge of Allegiance
2. Consider and Approve a Tentative Labor Agreement with CSE, Inc. Local 760 - Personnel Department
3. Consider and Approve Anniversary/Merit Increases - Personnel Department
4. PUBLIC QUESTION & ANSWER PERIOD - 7:30 P.M.
5. Consider and Approve the Fire Fighters Local 1570 Tentative Pension Agreement - Personnel Department
6. PUBLIC HEARING to Consider and Approve An Ordinance Prohibiting the Use of Certain Devices and Activities on Town Streets - 7:45 P.M.
7. PUBLIC HEARING to Consider an Ordinance Amending an Ordinance Appropriating the Sum of \$2,750,000 for Professional Design and Engineering Services for a Water Treatment Facility and Authorizing the Issue of \$2,750,000 Bonds and Temporary Borrowings of the Town to Meet Said Appropriation for Such Purpose - 8:00 P.M.
8. PUBLIC HEARING to Consider an Ordinance Amending an Ordinance Appropriating \$245,000 for the Planning and Acquisition of An Addition to the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$245,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 8:15 P.M.
9. An Ordinance Appropriating \$370,000 for the Purchase of the Property Known as 88 South Main Street and Authorizing the Issue of \$370,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - SET A PUBLIC HEARING
10. Remove from the Table to Discuss and Possibly Act Upon the Discontinuance of a Portion of Old Colony Road
11. Report Out by the Public Works Department on Revenues Generated Over the Past Six Months Through the Sales of Coupons to Offset the Operational Cost of the Landfill as requested by Councilor Geno J. Zandri, Jr.
12. Discussion on the Present Status of the Former Yalesville Fire House as requested by Councilor Susan Duryea

(OVER)

November 27, 1990

13. Note for the Record the Financial Reports (1st Qtr. F.Y. 90-91) of the Library, Visiting Nurse Association and the Senior Citizen's Center
14. Consider and Approve Three (3) Road Acceptances:
 - a. Bartholomew Lane
 - b. Chestnut Lane and Juniper Street
 - c. Nathan's Path
15. Consider and Approve a Transfer of Funds in the Amount of \$257.00 from Entrance Doors Canopy Account to Chipper Account - Public Works Department
16. Consider and Approve a Transfer of Funds in the Amount of \$700.00 from Supplies & Materials Account to Office Supplies Account - Inland Wetlands Commission
17. Consider and Approve a Transfer of Funds in the Amount of \$285.00 from Laser Printer Account to Refunds-Other Account - Comptroller's Office
18. Consider and Approve a Transfer of Funds in the Amount of \$1,300.00 from Pro-svs Investigative Account to Pro-svs Claims Admin. Account - Risk Manager
19. Consider and Approve an Appropriation of Funds in the Amount of \$13,675.00 for Appraisal Work on Open Space Parcels - Program Planner
20. Consider and Approve a Waiver of Bid for an Additional \$20,000 to Miller, Balis & O'Neil for Continued Legal Expenses in Connection with the NEU/PSNH Merger - Public Utilities Comm.
21. Consider and Approve the Presentation of Plans for North & South Main Street Improvements
22. Consider and Approve the Waiver of the Non-collusive Bid Statement Required for Awarding of Electrical Work to the Lowest Responsible Bidder
23. Consider and Approve a Transfer of Funds for the Electric Division to Enter Into a Contract for Work to be Completed
24. Consider and Approve the Comprehensive Plan for North & South Main Street Improvements
25. Accept the Minutes of the November 13, 1990 Town Council Meeting
26. Correspondence

TOWN COUNCIL MEETING

NOVEMBER 27, 1990

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
Consent Agenda - Items #3, 13, 14a, 14b, 14c, 16, 17 & 25	1 - 2
2. Approve a Tentative Labor Agreement with CSE, Inc. Local 760 - Personnel Department	2 - 7
4. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.	7
5. Approve the Fire Fighters Local 1570 Tentative Pension Agreement	26 - 28
6. PUBLIC HEARING to Consider and Approve An Ordinance Prohibiting the Use of Certain Devices and Activities on Town Streets - 7:45 P.M.	7 - 15
7. PUBLIC HEARING to Consider an Ordinance Amending An Ordinance Appropriating the Sum of \$2,750,000 for Professional Design and Engineering Services for a Water Treatment Facility and Authorizing the Issue of \$2,750,000 Bonds and Temporary Borrowings of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 8:00 P.M.	15 - 26
8. PUBLIC HEARING to Consider an Ordinance Amending An Ordinance Appropriating \$245,000 for the Planning and Acquisition of An Addition to the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$245,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 8:15 P.M.	26
9. SET A PUBLIC HEARING - An Ordinance Appropriating \$370,000 for the Purchase of the Property Known as 88 South Main Street and Authorizing the Issue of \$370,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose	36
10. Remove from the Table to Discuss and Possibly Act Upon the Discontinuance of a Portion of Old Colony Road	28 - 29
11. Report Out by the Public Works Department on Revenues Generated Over the Past Six Months Through the Sales of Coupons to Offset the Operational Cost of the Land-fill as requested by Councilor Geno J. Zandri, Jr.	36 - 37

<u>Agenda Item</u>	<u>Page No.</u>
12. Discussion on the Present Status of the Former Yalesville Fire House as requested by Councilor Susan Duryea	40 - 42
15. Approve a Transfer of Funds in the Amount of \$257.00 from Entrance Doors Canopy Account to Office Supplies Account - Inland Wetlands Commission	38
18. Approve a Transfer of Funds in the Amount of \$1,300. from Pro-svs Investigative Account to Pro-svs Claims Admin. Account - Risk Manager	39 - 40
19. Approve an Appropriation of Funds in the Amount of \$13,675.00 for Appraisal Work on Open Space Parcels - Program Planner	42 - 46
20. Approve a Waiver of Bid for an Additional \$20,000 to Miller, Balis & O'Neil for Continued Legal Expenses in Connection with the NEU/PSNH Merger - Public Utilities Commission	36
21. Approve the Presentation of Plans for North & South Main Street Improvements	29 - 34
22. Approve the Waiver of the Non-collusive Bid Statement Required for Awarding of Electrical Work to the Lowest Responsible Bidder	34 - 35
23. Approve a Transfer of Funds for the Electric Division to Enter Into a Contract for Work to be Completed -	35
24. Approve the Comprehensive Plan for North & South Main Street Improvements	35 - 36

November 27, 1990

Mr. Gouveia: Mark, please tell me how much it costs the Town of Wallingford to provide medical insurance to employees who work more than 20 hours.

Mr. Mark Wilson, Risk Manager deferred the question to Mr. Stanley Seadale, Director of Personnel.

Mr. Seadale: Medical costs run approximately \$5-6,000 per year for a family. I feel that the percentages here should not be taken in the same context as the other employees of the Town. The wages must be looked at, we have looked at comparable communities, we have a good feel for what we are doing here and I assure you that it is not exorbitant. Also remember that there are no step classes in this unit.

Mr. Gouveia: For the first six months, if you were to take an employee hired today, working 20 hours a week, that employee will work 720 hours for the year and will put in 60% of his time within the first 6 months. That calculates out to 432 hours. At \$6.69 per hour that equals \$2,890.00. The remaining 40% equals 288 hours. Assuming that he is going to make \$7.19 after the probationary period, that equals \$2,070.00 for the 288 hours, with a grand total of \$4,960.00. In the 28% tax bracket, he will pay \$1,389.00, and 7% to the pension fund which is \$347.00 that person is left with \$3,224.00. If he then has to buy insurance, he must get another job to do so.

Mr. Seadale: We were in negotiation, then went to mediation which was unsuccessful and then proceeded to factfinding. The fact-finder, quite frankly, acted as a mediator and was successful in bringing parties together. It is in my opinion a fair agreement.

Mr. Gouveia: I have a great deal of respect for people for mop floors, wash dishes, bag groceries, clean bathrooms, etc., because I have done all that. I have been gainfully employed in all of those positions. What does this say to a society that says it is o.k. to pay these people more than people that are willing to take care of our own children? I think that it is a very fair contract.

Mr. Seadale: It is also a second bargaining agreement. We really are at the beginning stages.

Mr. Gouveia: On page #5, article II, section 1, subsection P, the language agreed to has now been added to the contract. I think that is an error of omission there, it should have been added in. The language is, "provided no bargaining unit member is replaced on a permanent basis". Subsection P does not reflect the language that was agreed to. Also on page #10, section 5, the language agreed to has not been changed to read 80%. With regards to article II, what kind of problems, if any, necessitated the additions to subsections G & P?

Ms. Eckard: There were some concerns, for health reasons, that a person may have to be out for an extended period of time when a replacement would be brought in, at that point they wanted to

November 27, 1990

protect themselves by saying that you can bring someone in as long as we know that it is not permanently.

Mr. Gouveia: I notice that there is a totally new, quite extensive section on grievances, that is article VII, is this due to any problems that have occurred during the duration of the previous contract?

Mr. Seadale: Not really.

Mr. Bradley: Why was the amount of unused sick leave changed from 30 to 60 days?

Mr. Seadale: As an improvement.

Mr. Bradley: What does that represent in dollars?

Mr. Seadale: It is the ability to accumulate more sick leave to use. It is more in keeping with the other units in Town.

Mr. Bradley: Is the extension of the holidays based upon matching comparable contracts with other employees, what was the basis?

Ms. Eckard: The factfinder compared this to the school cafeteria employee's union and is working it in gradually, not all at one time, it is being phased in over a 3 year period.

Mr. Bradley: The concern I have with unused sick leave is that it is there for a reason, the employee's well-being that when they are sick they use it, I don't know if it is unique to municipalities or what, we keep saying 30 days extended to 60 days, some even go up further than that under other contracts, it should be there for the employee's well-being not to accumulate and collect dollars at a later date in time. I am also in agreement with Mr. Zandri with the greater than 6%, and I know that you are comparing that with other towns, but I think that if we keep doing this, when and where does it stop? We have to look at the market place and the economy today. There is not many 6% raises given.

Mr. Seadale: If you look at the cost step, and the step cost in the Town unit is typically 1%, generally 20% of the people are on steps at any given time, because of new hires, turnovers, retirements, etc., with that 20% and averaging 5% each step you are looking at a 1% step cost, and there is no step cost here, what they make is what they make when they are hired.

Mr. Holmes: How many people are covered under this contract?

Ms. Eckard: 27.

Mr. Holmes: For the record, I will not vote on this due to the fact that I have a relative that is covered by this bargaining unit. The people that is doing this service are not doing it

for a lot of money and it is a very difficult job. They are dealing with children who require a great deal of intensive care, a lot of one on one interaction. Although it is a 6 - 6 1/2% increase, if you look at the money they are earning for the services that they are providing, the Town is well served. I don't believe that it is a lot of money for 27 people for the amount of attention these children get and require.

Ms. Papale: I agree with Mr. Holmes and I understand what Mr. Zandri and Mr. Bradley is saying but we are really trying as a Council to keep costs down and the amount of money paid out by the Town but I think that this special service these people provide should be an exception. I feel that this contract should be passed.

Mr. Killen: It is our obligation to take care of the rest of the people in Town and the question that I have is that we seem to be giving and giving and giving and do we get anything in return?

Ms. Eckard: I would say that these people give every day, they are caregivers to special children. It is not just a one on one for discipline. They do an outstanding job in their field.

Mr. Killen: No one is disputing that. I am saying that we are talking about contract negotiations, we are talking that as soon as these part time people reach parity with the full time people then those full time people will say look what they are getting we should be getting more. This Council has been wrestling with that domino theory for years. I don't know when it will come to an end. This Council cannot afford it. I have said time and time again, one thing that people have that work for this Town is that they are not worried about their mortgage payments next year because their job is there so long as they do their job. Many people have to worry about their job being there next year, they do not receive 6 1/2% raises, they do not have medical insurance. It is a nice deal. I am not picking on the people, I am talking about the bargaining process, what did the Town get in return for saying, yes. When did we bargain?

Mr. Gouveia: I can appreciate what you are saying Mr. Chairman, but we must keep in mind that these people do not receive any medical insurance which costs a great deal of money for the Town, 6 1/2 % of \$6.75 is a lot less than 6 1/2% of \$20.00/hour. The next item on the agenda, we are being asked to accept merit increases for four individuals which will account for \$4,433.00 a year. I think it makes a big difference. I think we need to look at those things.

Mr. Killen: I am looking at those things, the fact that we are not only giving 6 1/2% but we are giving the holidays, the opportunity to buy in to the insurance at a lot cheaper cost. The point is that they are getting an opportunity that many people do not get. The cost of living is predicated on things such as insurance. What did we get in return for all of this?

November 27, 1990

Mr. Gouveia: You get a dedicated person who is willing to come in and perform a difficult job. It is not all glory in the schools, believe me.

Mr. Killen: The problem with that theory is that if I buy this, every time someone comes with another union in front of them, we either have to buy your theory or make that person seem worth less than this person and I cannot do that.

Ms. Papale: I think that it is very hard to get teachers to come and be trained for this type of teaching, it is easier to teach the reading, writing and arithmetic, these are a special group of people. My family is benefiting from having teachers like this teaching my grandson, to me we are definitely getting something back. This is an exception and I really feel that they should have all the things, insurances, paid holidays, etc.

Mr. Edward Musso, 56 Dibble Edge Road asked who CSE, Inc. Local 760 was and what are they asking for?

Mr. Seadale: CSE stands for Civil Service Employees Affiliates, Inc., Service Employees International Union Local 760. I have no desire in public session to present their original proposals.

Ms. Eckard: They are aides that work with the classroom teachers.

Mr. Killen: They will be receiving a 6 1/2%, 6 1/4% and 6% increase over the next 3 years.

Mr. Holmes: The hourly rate ranges from a low of \$7.19/hr. to a high of \$9.00/hour.

Ms. Sylvester of 22 Glaston Lane: I have a son who is 2 years old and found that day care providers for children of this age make an average of \$6.00/hr. As a mother who cares about the future of this Town and the nation, that is grossly underpaid for our caregivers. I then take that a step further and say, if my child were a special child that needed intensive care, then I would say the Town of Wallingford should be one that makes exceptions such as this because if we as townspeople make decisions strictly and always from budgetary angles, then we will not move forward in a positive way for the care of our children. I see that there are 27 workers here that can benefit from a slight increase in my estimation and who will experience burn-out without an incentive to stay dedicated to these children and give them constant care, I believe that we should give that consideration.

Mary Dunabeitia of Ward Street Ext. was the next person to speak. She agreed with Ms. Sylvester and Ms. Papale. She supported that increase it is a good cause.

Mr. Edward Musso, 56 Dibble Edge Road stated that he was angry with those individuals supporting the increase and they should

consider paying their day care instructors more money themselves instead of trying to pick his pocket.

Mr. Solinsky: If this is not approved, where does it go?

Mr. Seadale: It goes to binding arbitration which is costly to both parties.

Mr. Solinsky agreed with the statements made regarding the sick leave, the cost must be kept down.

Mr. Killen: It is not the quality of the care nor the people who give it, its that this situation is getting out of hand.

VOTE: Parisi was absent; Bradley, no; Holmes abstained; Solinsky & Zandri, no; all others, aye. Motion failed.

PUBLIC QUESTION & ANSWER PERIOD

Tim Cronin of 47 S. Ridgeland Road was the first to speak. He asked why most things that are expensive have to go out to bonding but yet for some reason the Council seems to be circumventing the bonding process with the revitalization project?

Mr. Killen responded that he did not see how the Town was circumventing. The funds were appropriated in the budget and there was a public hearing on the budget of which it was appropriated.

Mr. Cronin: You may as well do this for all the other bonding ordinances.

Mayor Dickinson: It is Capital Non-recurring which is part of the budget. It probably gets a lot more scrutiny at the budget public hearing than it does going through an ordinance process.

ITEM #5 Consider and Approve the Fire Fighters Local 1570 Tentative Pension Agreement - Personnel Department

Motion was made by Mr. Bradley, seconded by Mr. Holmes.

Mr. Seadale was not immediately available to speak on this issue therefore the motion and second were withdrawn so as to proceed onto the public hearing scheduled for 7:45 P.M.

ITEM #6 Public Hearing to Consider and Approve an Ordinance Prohibiting the Use of Certain Devices and Activities on Town Streets - 7:45 P.M.

Mr. Bradley read the ordinance into the record.

November 27, 1990

Mr. Zandri explained to everyone exactly how this issue came about. It was due to a telephone conversation from Mr. Warren Becker requesting that the Council look into this type of ordinance and followed that up with a written request.

Mr. Killen explained that Councilor Zandri is the Chairman of the Ordinance Committee and is responsible for putting the words on paper for issues such as this.

Ray Arcangelo of 19 Tremper Drive was the first to speak. He asked if the sidewalks were to be repaired, some were in such a state of disrepair they cannot be skated upon. Can we skate on the sidewalks?

Mr. Zandri: The purpose of this ordinance is to keep the skaters off the streets which is where the problem is occurring. The sidewalks are not included in this ordinance.

Mr. Arcangelo asked that the sidewalks be repaired.

Mr. Killen stated that a sidewalk repair crew is responsible for maintaining the sidewalks and funds are allocated each year for that purpose. There sometimes is not enough to do all of them but the effort is there, it may take some time.

Mr. Arcangelo: Which streets will be used?

Mayor Dickinson: Defects in sidewalks, unless it is caused by a tree, are the responsibility of property owners that bounds the sidewalks. If the Town owns the property adjacent to the sidewalk that is in disrepair, then the Town is responsible for the sidewalk.

Mr. Arcangelo: Will the Town consider building a skateboard park that the children can use for free rather than paying \$75.00 year?

Mr. Killen: I know of no intention to do so at this point in time.

Tim Cronin, 47 S. Ridgeland Road stated that he believed the children would not understand the reasoning behind the ordinance. There no longer exists places to sled ride, roller skate and now this.

Mr. Killen: The Council doesn't take a lot of satisfaction in trying to pass something like this, however, we are living in a society that sues each another over everything and we must try to protect ourselves.

Mr. Ryan Sullivan: How can we cross the street?

Mr. Killen: Carry your skateboard. If the Town were to designate a certain area and someone gets hurt on that area, the Town is liable.

November 27, 1990

Ryan Sullivan: What happens on the first violation?

Mr. Killen: Written warning and confiscation, on the second offense you would be fined.

Peter Dunabeitia, Ward St. Ext.: Why are we banned when runners and bicyclists are just as much a hazard?

Mr. Killen: There have been no complaints received against them.

Susan Mismas: Not all of us complain about joggers but we do have some on Woodhouse Ave. dressed in black and jogging 2 abreast. There are so many laws on the books that are not enforced. Enforce those that exist now.

Douglas Dortenzio, Chief of Police stated that although he did not have any experience riding skateboards, but does with the procedural and operational difficulties this ordinance will propose. He was not in favor of it based on concerns he had over technical aspects of the ordinance and its enforceability. Police staff have spoken with the State Attorney's Office as well as the Chief State's Advocate representing juvenile matters and both indicate that they will not prosecute any violations to the ordinance. The juvenile court cannot impose monetary fines. Infractions cannot be issued to the juveniles but to the parents. Confiscating skateboards and imposing monetary fines does not come under their purview. If the violator were 16 years of age or older, Ct. State Statute dictates an office must charge \$60.00 for the infraction regardless of what the ordinance states. That \$60.00 will go to the State and not to the Town. Numerous forms will need to be filled out by police personnel upon the confiscation of the equipment which in all likelihood will be picked up by the parents long before the paperwork is complete. There is not enough space presently to store evidence of a commission of crime let alone skateboards. He realized the ordinance is well intentioned but felt that it is more of an educational problem then enforcement. Perhaps videotapes can be utilized to demonstrate the safe use of the equipment in proper environments. He also had legal concerns which he deferred to the Town Attorney. He felt the ordinance in its present proposed language would place his employees in a position that they might be a defendant in civil litigation brought against them for trying to enforce this.

Mr. Zandri stated for the record that this ordinance, when first drafted, was forwarded to the Town Attorney for his legal opinion on it. Adam Mantzaris forwarded back the ordinance and a letter stating that he found no problem with the fine or the language of the ordinance. There are communities who have this ordinance on their books and are fining violators without any problems.

Chief Dortenzio stated that Meriden is not fining violators of their same ordinance and the court system is backing them on this issue.

November 27, 1990

Mr. Zandri: Do you have any suggestions on how to enforce this?

Chief Dortenzio: No.

Mr. Zandri: How are other communities fining violators?

Chief Dortenzio: It is a paper ordinance and not being utilized when I checked with the agencies responsible for enforcing the ordinance. The skateboarder can pose a hazard to pedestrians on sidewalks but it is one of the complexities facing our community as well as many other communities in today's age and I am not sure the ordinance is the best way to address it.

Mrs. Duryea: I sat on the Ordinance Committee and feel that we are losing sight of what the ordinance is for and that is for the protection of the child as well as the motorist. I was not in favor of the \$25.00 fine but suggested the taking of the equipment for a period of 30 days for the first offense. I also asked the parents present that evening to form a group to find a place for the youngsters to ride so the children do not have to pay exorbitant prices for the use of a facility. I am willing to work with the group. I have had a few frightening experiences with children on Farm Hill Road 6 abreast coming down the hill towards my car.

Chief Dortenzio: I have also. I advocate the idea of having a place for the children. I feel we do not have the authority to confiscate the equipment. State Statutes set guidelines for confiscation of vehicles towed, but this does not apply.

Mrs. Duryea: I am against the fine due to the fact that the parents will have to pay it not the children.

Chief Dortenzio: I will be hard pressed to decide why one street is more hazardous than another to ride. I personally do not want the responsibility of designating or advocating some public thoroughfare as being less dangerous than another only to have an injurious situation occur on that designated street.

Janis Small, Town Attorney: Adam did forward a letter outlining a series of questions regarding the ordinance and indicated that a response was not prepared for this evening's meeting. The Risk Manager also has many serious considerations. I received the draft ordinance and felt that the second paragraph was extremely vague. Many serious legal questions have not been addressed.

Mr. Zandri: The reason the Police Department has been identified as the department that will designate an area for skateboarding is so that the ordinance will not need to be revised if it is passed to allow for certain streets. Again, when the letter was sent to Adam the first time he found no problem with the language and/or fines contained in the ordinance, all the legal questions have surfaced afterwards.

Atty. Small: We stated that we were not prepared for this evening and recommended against it being on the agenda tonight.

Mayor: Do the current traffic regulations deal with this issue at all?

Chief Dortenzio: I don't believe so and I anticipate another fad giving us similar problems, that being the blade rollers, a new form of roller skates. Section 18 under Traffic Rules and Regulations reads, "it shall be unlawful for any person upon roller skates or riding in or by means of any toy vehicle or similar device to go upon any roadway in town except while crossing a street on a sidewalk". Another State Statute regarding the "Reckless Use of a Device by a Pedestrian" is one that we could really get into splitting hairs over. I suspect we may want to review all operations to determine whether or not there are enough legal options to handle the problem without enacting anymore. Education may be the best way to go. My staff is looking into training films designed for use that speak to the issue of using skateboards in roadways. If available, we intend to acquire them to make them available for review in schools, etc., as part of our crime prevention program.

William Maitz, 34 Spring Street felt that the Police Department should look into enforcing the ordinance pertaining to reckless use of a device by a pedestrian first.

Mr. Gouveia thanked the Chief of Police for his input and asked if any occurrences have been reported in Town, any experiences and/or complaints?

Chief Dortenzio: Next to non-existent for statistics but not necessarily indicative of the problem. Many people like myself have experienced it most do not report it.

Mark Wilson, Risk Manager: Whenever the Town decides to designate an area for public use, they are assuming liability and therefore advocating additional exposure. The children will skateboard where they wish whether we designate an area or not. We must be willing to maintain, supervise and fund this area if it is designated. You cannot have an ordinance without any way of enforcing it. You are adding an additional burden to the Town.

Ray Arcangelo: What days will the names of the streets be in the newspaper?

Mr. Killen: We haven't gotten that far yet.

Walt Sawallich, Jr. of 100 Jobs Road was not sure if he was for or against the ordinance but felt that the joggers and bicyclists as well as skateboarders could possibly be handled under an existing ordinance without creating a new one.

Sue Baker of Wharton Brook Drive stated: If you take this away from the children they will have nothing else to do. We have no place to go to the movies, the roller skating rink was closed down, there will be nothing to do.

November 27, 1990

Mary Lou (last name inaudible) of So. Colony St.: The skateboard park is not responsible for any injuries, the P.I.T. Crew has to assume their own insurance for Doolittle Park.

Mr. Killen: The only thing I can tell you is that you can disavow all the responsibility you want but if you are named in a suit it does not matter what the sign may say, the Town in the eyes of a jury is rich and we must protect ourselves.

Mary Lou: Then will both the P.I.T. Crew and the Town be liable if someone gets hurt at Doolittle Park?

Mr. Killen: We carry an umbrella policy and we would be named in a suit if anyone were hurt.

Mary Lou: I am in favor of skateboarding. In California many areas exist, not here.

Mr. Killen: At least these children have their parents to go to bat for them - many parents are overly protective and should encourage their children to get out and do what they can in this issue.

William Masa, Jr.: I sell the skateboards and I hate to see them banned. I realize the safety issue but with gas almost \$2.00 a gallon we may all soon be riding skateboards. I would hate to be arrested if I chose this method of transportation.

Ryan Sullivan: Why aren't bicyclists fined if they fail to use hand signals?

Mr. Killen: There are regulations to make the bicyclists safer and prevent them from being hurt - that is the principle we are trying to adopt here.

Ryan Sullivan: What about riding on property of businesses after they close?

Mr. Killen: If you have their permission to do so, fine.

Mario Tolla, 69 Pond Hill Road was disappointed in what was taking place this evening. If you haven't experienced a skateboarder coming at you down a hill while driving, then you should not make light of the subject.

Mr. Killen: We are trying to get both sides of the coin tonight to find out what is best for the Town this evening.

Ms. Papale: Where do you use the skateboards, the middle of the street, for fun, for a sport, etc?

Ryan Sullivan: I use it for fun but will use it for travelling short distances. We have been working hard to learn this and have spent a lot of money on equipment.

Ms. Papale: Do you know of anyone who has gotten hurt?

Ryan Sullivan: No.

Ms. Papale: To vote on an ordinance that will be impossible to enforce does not make sense. I listened to the Chief of Police with regards to fining a child under the age of 16, I listened to the Risk Manager and I have a problem with this entire issue. I wish you young people would tell me that you will be careful and stay out of the street. To vote for this ordinance to me, would be a waste. I hope that we, the Town of Wallingford could set up a place for you to skate, but with the insurance issue that would be another difficult problem. I just wish you would all be very, very careful. If we could educate the children as the Chief stated, that would be the way to go.

Mr. Bradley: We all understand that the Town has a concern for the skateboarders as well as the motorists. Mr. Zandri did ask for recommendations on the ordinance and I think that it should go back to committee again. Let me offer at least one, and that is, are there current ordinances on the books that something like this could fall into place under without creating new ones? It is not a complex ordinance and it looks as though minimal research would have to go into this, we do have 3 staff people in the Town Attorney's Office and I would hope that this could come back in a timely fashion for consideration.

Mrs. Duryea: This is not against skateboarding, it is just for safety. This will go on forever, if it comes back to the Ordinance Committee, I suggest at that time that the Chief of Police, Risk Manager and anyone else concerned, please come to the meeting and at that time please state the problems that you have so we do not have to go through this. Only two adults showed up at the last meeting.

Mr. Holmes: When I skateboarded, we did not have such fancy equipment. I think to add another ordinance of this nature to the books will just be an enforcement nightmare for the Police Department. We do not have the manpower to enforce it. I think that the police have more important things to do rather than chase down skateboarders.

Mr. Solinsky: We have been notified of a danger in Town and we have to address it. It may be unpopular but steel and children don't mix. We don't allow go-carts and bikes and anything else to be on the road. The Risk Manager stated that this could be a barking dog without any bite but the barking dog could work wonders. The second part of the ordinance does not prohibit all of these things it just keeps it from interfering with the free, safe and convenient use of such street on the second section. On the first section, it is not just dealing with skateboards it is dealing with sleds, roller skates, three wheelers, etc., we need to address it.

November 27, 1990

Mr. Gouveia: I take an action like this very seriously. When asked to take a vote that seriously curtails the freedom of individuals, I take it very seriously. That is the reason I asked the Council Secretary to ask the Police Chief to come before us and give us his comments on it. Quite frankly, I am very appreciative that he did because he may have made up my mind. I was very much undecided which way to go. We regulate almost everything from what to do with our garbage to what size of a banner a businessman can put on his business to tell his customers not to do drugs. We regulate almost everything. The more we regulate our activities, the less of a free people we are. The Constitution of the United States of America guarantees us the right to life, liberty and the pursuit of happiness, there is very little if we start to regulate every single little thing that we want to do.

Mrs. Duryea: Can we vote on this if there is a question of the legality of the \$25.00 fine?

Atty. Small: All that would have to be looked into. We need more time to look at this.

Mr. Killen: I would like to remind you youngsters though that this is not a regulation aimed at curtailing your fun. I would like to ask those of you who have Sunday morning's newspaper to get it out and look at that picture on the front page of the vehicle, there is a young lady in Meriden who was killed, the car was struck by another car. There is no doubt in my mind that the person in control of the other car, both cars, are experienced drivers. But that young lady is dead, her companions and family have to live with it, the person who struck her car has to live with it. These are the kinds of rules that are put into effect to protect all people, not just the skateboarders but other people whom you may come in contact with because they will have to live with whatever injuries they may cause. We are trying to be fair to you people as well as the other people in Town. I don't think that we have all our answers yet, I think that we will have to go back and come up with something better. At that time it will be announced in the paper. If you have further comments and you want to hear what goes on you are certainly welcome to attend. I think a motion to table or defeat would be in order.

Mr. Bradley: I would like to make a Tabling motion on this ordinance and send it back to committee for review with whatever comments came forward along with the Chief, Town Attorney and anyone else who would be involved in the process. Motion was made by Mr. Bradley, seconded by Mrs. Duryea.

Mayor: I want to make sure that a failure to adopt an ordinance tonight does not and should not mean that skateboarding in the streets is permissible. There is an existing traffic regulation that does prohibit it. It is dangerous and we cannot condone skateboarding in the street.

VOTE: Parisi was absent; Holmes & Papale, no; all others, aye.
Motion duly carried.

Mr. Killen thanked everyone for their input.

ITEM #7 Public Hearing to Consider an Ordinance Amending an Ordinance Appropriating the Sum of \$2,750,000 for Professional Design and Engineering Services for a Water Treatment Facility and Authorizing the Issue of \$2,750,000 Bonds and Temporary Borrowings of the Town to Meet Said Appropriation for Such Purpose - 8:00 P.M.

Mr. Bradley read the ordinance into the record.

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

Edward Musso, 56 Dibble Edge Road stated that this ordinance is just a waste of time. The State of Connecticut mandates that the water must be treated so there is no way around it.

Tim Cronin, 47 S. Ridgeland Road: I object to it and would like to tell the State to go jump in the lake among other things. Only \$1 million will come from the State we are stuck with the other \$19 million. What is the worst that would happen if we don't have this plant?

Mr. Roger Dann: At the present time there is new federal regulations that mandates changes in the way in which we treat drinking water from surface water supplies. It mandates infiltration of all surface supplies, considerable alteration to the manner in which we disinfect our surface water supplies. The overriding reason at this point in time is to be able to maintain a level of drinking water quality which is in compliance with nationally accepted drinking water standards. This does not mean our water is not fit to drink but that the drinking water standards themselves are being upgraded.

Mr. Cronin felt that the Town cannot keep placing these burdens on the Townspeople. Someone along the line has to look at the financing, can we continue to afford living here? He went on to say that the Town should help finance some of this project with the \$27 million in Retained Earnings.

Mr. Bradley asked the Comptroller if some funds were already appropriated for this project?

Mr. Myers answered, yes, \$2,750,000. we are raising it by \$17,900,000.

Mr. Solinsky: That was just for engineering?

Mr. Myers: Yes, \$2,750,000 was comprised of \$2,625,000 for engineering costs. \$125,000 for debt administration.

Mr. Bradley: In going back to a April 20, 1990 memo from the

November 27, 1990

Mayor and an April 11, 1990 memo from Roger Dann along with some correspondence from Whitman and Howard, the Mayor's letter expressed some concern on the diversion permit and the timing as far as us going out to bid. Where do we stand with the diversion permit, has it approved?

Mr. Dann: The permitting process has turned out to be far more extended than we ever envisioned heading into this process. We are continuing to work with D.E.P., we have had multiple submittals, we have continued to meet with D.E.P. personnel and have made progress. We are not yet in a position to have the permit in hand, and I suspect it will be quite some time before we receive the actual permit. I think that we have enough information at this point in time to know that the construction of the treatment plant can proceed and that regardless of the ultimate outcome of the permitting process that we could support that facility utilizing the existing transfer pump stations and transfer capability built into the McKenzie Treatment Plant. There are a couple of reasons that we need to proceed at this time. We are facing a deadline in terms of the federal drinking water regulations and we need to be in a position to comply with those by the end of June 1993. We are also in what we feel is a favorable bidding market. We did receive 10 bids on the project and I think that the pricing was very favorable and the delay would result in an increased cost to us for two reasons: 1) the market would probably even out and prices return more to a normal competitive environment and 2) natural course of inflation will result in higher bid prices at a later time. The recommendation is to proceed. Keep in mind that what you are seeing tonight in terms of the funding ordinance represents only about 80% of the total dollars required to accomplish all of the projects ultimately. It involves more than just the pieces in front of you tonight. Those pieces will come to you as we are able to finalize the design and bid those pieces.

Mr. Bradley: The diversion is diverting water from McKenzie up to Pistapaug in excess of the current 6 million gallons per day?

Mr. Dann: Any withdrawal is a diversion. The number that applies to the existing capacities, we have 3 ways of withdrawing water from McKenzie Reservoir: the existing transfer station, the existing filter plant and also housed with that plant is another transfer station which can transfer water directly from McKenzie to Pistapaug Pond. The sum total of those 3 diversion add up to 12.29 million gallons/day. That is why we feel that we are entitled to withdraw from that reservoir.

Mr. Bradley: The 12 million is in effect meeting the plant design size, correct?

Mr. Dann: Correct. You would not need to transfer a full 12 million to justify the plant's size. It is sized to deal with peak flow conditions rather than average conditions.

For the situation where you might need to run the facility at 12 mgd treatment rate, your average daily demand for the year would probably be more in the range of 6-8 mgd. That is what you must be able to move in order to justify the 12 mgd facility. How you do that, there is obviously better and worse ways of doing that.

Mr. Bradley: If the diversion were not approved, and based on the 6 mgd, that would satisfy the plant requirement?

Mr. Dann: The existing transfer stations that we have which is just for transfer purposes is slightly in excess of 8 mgd. With more than 5 going from McKenzie to the Ulbrich reservoir with 3 million being able to transfer directly from McKenzie to Pistapaug Ponds. Accordingly we can pump from Ulbrich up to McKenzie. The sum total flow going in there would be that 8 mgd plus a contribution of approximately 500,000 gals/day coming from Lane's Pond. The sum total at that point would be in excess of approximately 8 1/2 mgd.

Mr. Bradley: That is under desirable conditions? We can expect less in drought conditions?

Mr. Dann: In drought conditions there are times when we would not be able to move that much water. What it comes down to is the safe yield of the system which means the ability of that system to survive a drought for a specific period under a specified daily yield. That number is somewhat less for the existing as well as the proposed system. There are many different ways of gauging the performance of this entire reservoir system. The ability to get the most out of the system is dependent upon your ability to pump effectively. The reason that we would like to upgrade the system is two-fold: 1) to increase capacity and 2) to improve reliability. At each of the existing stations we have a single pump, if that pump goes out of operation, we are down until the time that we can effect repairs.

Mr. Bradley: Based on the 1987 peak of 10 mgd is the 12 mgd plant properly sized in looking ahead to the year 2020?

Mr. Dann: There are two things to consider, 1) that peak if you analyze it is way out of line relative to historical peaks; 2) the 11.4 mgd is from the surface water supply only, added to that under peak conditions would be the withdrawals that we can get from the three production wells and that is an additional 2 1/2 mgd. We do in fact have some additional capacity over and above that. Based on the most recent analysis at this point I feel that we are looking at, with these improvements, adequate capacity and still leaving some margin of safety to carry us somewhere between the year 2005 and 2010. At that point in time we certainly better be able to come up with another source of supply. Integrated with this will be water conservation techniques that we expect to encourage over

November 27, 1990

the next few years. That will have an impact of extending the life of our existing system. We hope with those type of activities we can push this out another 5-10 years.

Mr. Bradley: Is the plant properly positioned up on Pistapaug to take advantage of any new sources of supply?

Mr. Dann: Based on the most likely sources that we would turn to, this comes out of our water supply plan, the plan at this time would not call for any increase in capacity at the treatment plant. It would most likely occur as the result of an additional well being brought on line or potentially interconnection with another utility. Those appear to be the most cost effective ways to proceed. For some reason if those cannot be effected we would have to go to progressively less and less cost effective solutions until we can ultimately find more water or become a water limited Town in terms of growth.

Mr. Bradley: Some new sources would be cost driven from a dollars and sense standpoint.

Mr. Dann: That obviously would be the way I feel to proceed, the most cost effective solutions be pursued first. That is not to say that something could not identify itself in the future. In the design of the facility we have left ourselves the option to expand.

Mr. Bradley: The lagoons were relocated up by the plant and I would like to know, 1) is that all set from an acceptance standpoint and 2) was there any additional cost and is it included in the bonding this evening?

Mr. Dann: The movement of the lagoons to that site allowed us to stay outside of wetlands areas, we have received Planning and Zoning approval for that site, we have submitted revised plans to D.E.P. and the D.O.H.S. along with all of the permits and at the present time we are dealing with relatively minor comments to follow up. We are still pursuing permits and based on the input we have received up until now, we should have no problem obtaining them.

Mr. Bradley: Any additional cost?

Mr. Dann: There certainly was an additional cost from the perspective of the engineering, we had already designed the lagoons at one site, we had to redesign them at another site at a cost of approximately \$65,000. In the process of relocating the lagoons we did alter their configuration and size to make them better fit the Pistapaug site. They are not of the same capacity as the original lagoons and makes the comparison a little bit difficult. I don't have those numbers. Mr. Bill Nunnery representing the consulting engineering firm of Whitman and Howard perhaps may have a better sense of the additional cost that may have been incurred on the construction site.

Mr. Nunnery: In response to concerns raised we also included design features which raised the cost. By making the lagoons smaller it cut the cost by putting in some other design features to erase some public concerns about the cost up. It ends up as a wash or at least very close to one.

Mr. Gouveia: It is my understanding that the Town has been ordered by the State D.E.P. to upgrade its water quality as far back as Mayor Vumbaco's time.

Mr. Dann: I believe it was somewhere around 1976.

Mr. Gouveia: Basically the Town must provide acceptable water treatment by September 19, 1992.

Mr. Dann: That is the date that the D.O.H.S. has ordered.

Mr. Gouveia: D.E.P. regulations require that improved infiltration by July of 1993, correct?

Mr. Dann: Nine months after that.

Mr. Gouveia: Since March of 1985 the Commission of Health Services has been ordering Wallingford to provide for acceptable water quality through different orders.

Mr. Raymond Smith: It went back prior to that time. We have been through this on several occasions modifying the consent order many times. When I was hired in 1974 I was told the treatment plant was imminent.

Mr. Gouveia: In March of 1987 dates of compliance were agreed upon with the D.O.H.S.

Mr. Smith: That was based on the study presented on a water supply program. We thought that those dates were achievable.

Mr. Gouveia: In December of 1988 Wallingford requested that the dates be revised again.

Mr. Smith: We will probably have to go back again.

Mr. Gouveia: As a result of your request in December of 1988 a new compliance list of dates was issued again in April of 1989. For this latest phase of compliance orders the clock started to tick in June of 1989.

Mr. Dann: That was the first step.

Mr. Gouveia: According to that particular list we should be 5 months into the construction phase. We are not obviously. What problems could that cause?

November 27, 1990

Mr. Dann: We have invested quite a bit of time in keeping the D.O.H.S. apprised of the status of the project and letting them know when we run into difficulties. They are awaiting a revised schedule from us. They are well aware of the problems we have been facing they are willing to work with us. Their concern is that we continue to show a good faith effort towards completion of this facility. There is an end date that will occur as a result of the new federal regulations.

Mr. Gouveia asked what risks Mr. Dann was referring to in a letter to the Mayor back in April, 1990?

Mr. Dann: We were six months into the process and did not receive any feedback whatsoever. We were concerned because we needed to be in a position to be knowledgeable in what the requirements and ground rules were going to be and what the grandfathered diversions were going to be in order to make an educated decision and proceed. I think that we have made progress since that point in time and continue to do so. The risks referred to would be to proceed too far into the project without having a good solid knowledge of where we were heading in the diversion permitting process.

Mr. Gouveia: Could you please explain what safe yield means?

Mr. Holmes: The amount of water you can take over a year, an average pull, with a 100 year drought of record including the 3 dry years after the 100 year drought occurs. It is a very extreme, worst case condition. On an average day basis, you can pull that for the year.

Mr. Gouveia: Are you sure that you are going to be grandfathered?

Mr. Smith: This whole grandfathered issue has laid dormant for many years. They are trying to establish, use us perhaps as a benchmark to establish a policy of what those grandfathered diversions are. It is the ability to withdraw. Our ability was greater than what we did.

Mr. Gouveia: What will the safe yield demand be in the year 2020?

Mr. Dann: The safe yield is invariably comfortably higher than the demand. Our target in our planning process is to make sure that we maintain no less than 15% margin of safety. If we get within 15% of our safe yield, we better darn well know where our next source of water is going to come from, but we better institute activity designed to curtail any increase in consumption at that point.

Mr. Gouveia: My main concern is that we are not going to be able to treat water if we don't have water to treat at Pistapaug. That is not fed by any stream. am I correct?

Mr. Dann: We operate 4 reservoirs. Of those 4 only McKenzie has

a substantial watershed and therefore can contribute a substantial amount of flow. Both Ulbrich and Pistapaug pond are large impoundments. We can store a lot of water, we just don't have a lot of watershed. They will not naturally contribute a lot to safe yield other than their ability to store water which we have already drawn off from McKenzie or from Williams Pond. The concept here, and the reason that we can increase the safe yield of our system, is to better utilize the water supply at McKenzie rather than watch that water go over the spillway during the high precipitation periods, we want to recover it, store it and utilize it during the drier periods of the year. The intent of these improvements is to do just that, to upgrade our ability to utilize what is there. Yes, there are a few streams that go to Pistapaug, in terms of any significant yield, they are insignificant.

Mr. Gouveia: If the diversion permit is denied what is the expected average daily yield?

Mr. Smith: We will be allowed to continue to divert the water and we feel that is more than adequate to justify the plant. We would like to increase the diversion at McKenzie and that is a result of the new pump station and I feel that we will face this problem again.

Mr. Gouveia: If you are only allowed to divert 4 or 5 million gallons per day, is that on a year average per year, month?

Mr. Smith: The diversion permit is supposed to be average withdrawal but it can be a peak withdrawal. Our concern is to raise the peak withdrawal from McKenzie to times when we may draw 10-12 million gallons if we could at the appropriate time. If there is plenty of water going over the spillway, that is the time to withdraw it.

Mr. Gouveia: Has anyone thought of using a dual distribution system even on a limited basis? One with water that is treated for human consumption and one that water is treated for industry?

Mr. Smith: That is one option we are looking at right now. We have talked to a customer recently about that very issue. We still need to go through the diversion permit process.

Mr. Gouveia: How much water does the Trash Plant use per day?

Mr. Dann: Approximately 250,000 to 275,000 gallons per day.

Mr. Gouveia: Would it be cost-effective to have just one line going directly to the plant or recycle the water?

Mr. Dann: That is a possibility. There are a number of facets to it and I think that the next major component for us and statewide is the direction that we are seeing here. I will be coming back to you in the not-to-distant future for additional fund for this purpose, to move in the direction of water conservation first. We will look for retrofit devices, get out there and look to audit your large customers looking for ways in which they can save money. Potentially look at rate structures which will by intent encourage water conservation to take place. We are internally discussing

November 27, 1990

water reuse.

Mr. Zandri: Will the total bonding for this project be reflected in the Water Department's budget?

Mr. Dann: Yes. The cost of this bonding as well as the anticipated cost of bonding the remaining parts of this overall project is reflected in both our rate analysis for the next 3 years and then subsequently reflected in each of the next years as we phase into the construction period.

Mr. Zandri: The total cost of this project will be reflected in our rates?

Mr. Dann: That is correct.

Mr. Solinsky: How will the money be structured into the finances, would that go to the Water Division or the General Fund?

Mr. Myers: Any funds raised through water use rates for debt service will be reserved for debt service so they won't fall through to an unappropriated retained earnings position in the water, but we would set up a reservation retained earnings, or a sinking fund. If we did not issue bonds right away those funds could be used to reduce bonding costs to partially self-finance or pay in cash a portion of project expenses. Right now we are trying to remain flexible on the overall financing scheme. There is always the option to enter in a temporary market, issue temporary notes in anticipation of bonds and then issue bonds at a later date. There are alternatives that are available.

Mr. Solinsky: You have \$900,000.00 in contingency?

Mr. Dann: Yes, that is a 6% contingency on the construction based on our experience with the waste water treatment plant, based on our experience with the Oak Street facility...

Mr. Solinsky: I don't think that you can by the waste water plant because you have so many problems with that that are still not resolved.

Mr. Dann: Factoring out those issues, not taking into account the lay cost but those items that will naturally occur during the course of construction, as well as the input from the engineer on that we feel that it is a very reasonable number, reflective of what normal for a project of this type should be.

Mr. Solinsky: It seems like a large margin. We pay \$2.7 million for an engineering firm and hopefully they are qualified and they come up with every foreseen and unforeseen thing, and to add another \$900,000.00 for a margin of error, additions, whatever you want to call it seems to be an excess amount of money.

Mr. Dann: I think that in any project, regardless of how good your efforts are, there are going to be unforeseen circumstances. Things will occur during the course of construction that could not reasonably be anticipated. Regulations will change, something new will come along in the building code, whatever, those things happen. The engineers have, in fact, told us that that is an appropriate number to put in (\$900,000.). The fact that it is there does not mean that it is going to be spent.

Mr. Solinsky: The Council would have been notified sooner of any problems with the waste water facility had there been no funds available for example.

Mr. Smith felt that it was a poor example. The day the bids were opened it was realized that a problem would exist. He felt that 6% of the project was not an unreasonable amount to be put aside in case.

Mr. Solinsky proposed that in the future a building committee be established to help oversee a project such as this.

Mr. Killen did not want the contingency to be bonded and an extra charge incurred. Our engineers have been jumping the gun with a contingency and they have approved certain things predicated on the fact that we would get a credit and in some cases we did not get the credit. We need a tighter reign on the engineers.

Mr. Smith stated that none of those things were approved in fact, we objected and disapproved them. There was no contingency for the contractor to dip into. When we felt that he overcharged us for \$49,000. he did not give us credit, he substituted an inferior product, we accepted that knowing it but we expected a credit. There are trade offs that occur during the construction. If we felt that we made a decision during the construction, we can live with something lesser but we want some economic response to that. On the other side of the coin, he felt that he had supplied faith in excess of the specifications. They were denied and not given those things.

Mr. Killen stated that in reading the report on that specific issue the gentlemen doing the judging, in some instances, was not particularly happy with the way the engineering was carried out.

Mr. Smith: I assure you that we will sit on this engineer just as much as we sat on the last one. In private I have chastised them at times that I felt their performance was weak, just as I have complimented them when they have performed well.

Mr. Bradley asked what is actually involved in the cost of financing for \$750,000.00?

Mr. Myers: Those funds will be provided to pay interest expense on temporary notes. If we issued notes in anticipation of bonds

November 27, 1990

and entered the short term market. If we don't enter the short term market, those funds will not be expended and they will not be bonded.

Mr. Bradley: What determines if we enter the short term market?

Mr. Myers: The general financing plan, the cash flow of the project, market conditions, whether we should issue long term bonds to front some of the project costs, use our own cash to front project costs, in general, it is the financing scheme that will work out as the project progresses. That has not been decided. If short term borrowing is not used, those funds will not be expended and they will not be bonded. We do not use a practice to bond money that is not expended. We will only bond actual expenditures.

Mr. Killen asked if we are already collecting money on new rates?

Mr. Myers responded, yes.

Mr. Killen: Has a fund been set up to receive those funds?

Mr. Myers: Yes.

Mr. Killen: Is that predicated on the difference between the old rate?

Mr. Myers: It is predicated on what was designed in the rate to provide debt service, interest and principle payments on bonds to be issued for the water treatment project itself. The new rates were designed to provide money for principle payment on water treatment bonds and interest on water treatment bonds and those funds will begin to be affected, the rate will produce those funds for F.Y. 1991. If we do not issue bonds during 1991 and call upon those funds to retire the bonds, they will be reserved within the retained earnings of the water enterprise fund.

Mr. Killen: But then there has to be an assumption that you will sell X million gallons on the new rate to build in that new...

Mr. Myers: That is correct. The assumption on the rate is the assumption you see before you tonight plus the remaining two portions of the project that Mr. Dann has referred to in his comments tonight.

Mr. Killen: The demand on water has been dropping, should that demand continue to drop will you meet your responsibilities?

Mr. Myers: Presently, the revenue flow from the new rate is ahead of the projections. Again, we are only looking at a three month actual, July - September. The next billing will give us further actual data on how those revenues are tracking. When I meet with Mr. Dann and Mr. Dennison we will review those figures.

Mr. Killen: Will you see that we receive a copy of that please?

Mr. Myers: Absolutely. If you like, we can comment on it when we submit the financial reports to the Council.

Mr. Solinsky asked Mr. Dann to run through the construction on the McKenzie, Ulbrich, all those future projects.

Mr. Dann: The proposal there is to construct new pump stations at both sites. They will be somewhat differently located from the existing stations, in each case they will be pup grades with regards to capacity and the provision of redundancy. The Transmission Mains relates to both raw and finished water transmission mains which are necessary. The raw water mains will connect the new pump stations to either existing transmission mains at the existing pump stations or will be run separately, in the case of the Ulbrich station. The other part of the work is a new finished water transmission 24" main which will be laid from Pistapaug Pond down to a tie in with the existing transmission mains in the vicinity of the McKenzie filter plant. What you are seeing tonight in terms of the total ordinance dollars represents almost 80% or more of what we anticipate the final total project cost will be.

Mr. Solinsky: Are all of these 5 projects, all or nothing at all?

Mr. Dann: The reason that I have continued to mention the other projects as part of this is that this is an overall project. The reason it was broken up into pieces is that in order to provide for the most competitive possible bidding scenarios, it all must be done as part of the overall system improvements. If you don't do one part of it, you will not receive the benefit you are expected to get. We tried to lump together pipework so that contractors specializing in that can then bid that. By bidding this directly we feel that we will get better pricing and more competitive bids. It is all one big package. It is all necessary in order to achieve the desired result.

Mr. Solinsky: What will happen to the 3 lines presently at McKenzie filter station?

Mr. Dann: Under the current plan, once the new 24" mains are installed we intend to go back to clean those lines out and maintain them in service at least for the possibility to expand our service area in the future or a longer term plan which is to look into rezoning of our distribution system in order to optimize pressures within each independent zone. There are areas of Town that have pressures in excess of what is necessary and we would like to reduce that.

Mr. Solinsky: Are some of the people on Northford Road getting treated water now?

Mr. Dann: No, they are not getting water of an acceptable quality. For that reason we have been, and continue to provide them with

November 27, 1990

bottled water. When this project is completed, they will be provided with finished drinking water.

Mr. Bradley amended the motion to Append the Ordinance in its Entirety to the Minutes of the Town Council, seconded by Ms. Papale.

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

ITEM #8 Public Hearing to Consider an Ordinance Amending an Ordinance Appropriating \$245,000 for the Planning and Acquisition of An Addition to the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$245,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 8:15 P.M.

Mr. Bradley read the ordinance into the record.

Motion was made by Mr. Bradley to appropriate the funds and to Append a Copy of the Ordinance in its Entirety to the Town Council Minutes, seconded by Mr. Holmes.

Mr. Zandri asked if this \$1 million figured as the total project cost?

Mr. Ed Polanski: This is the amount of money that was appropriated by the State of CT. for this project. We have bids being opened on the sixth of December and will know the final cost at that time. If it runs over \$1 million we have a letter from the State Dept. of Education saying "reimbursement for the above project is based on a final total net eligible project cost." The eligible cost, Sam Sargeant of the architectural firm has made sure that everything is eligible. So if it runs over the State should reimburse us. The Finance Department will be contacting the State to find out if we can get partial reimbursement in advance.

Mr. Gouveia: Have the room size problems been resolved?

Mr. Polanski: Yes. The rooms will be the size that they were drawn.

Mr. Solinsky: Where did the equipment fall into here?

Mr. Polanski: The equipment has its own authorization, it was \$145,000.00. It is being purchased at this time. \$855,000.00 was for the building, \$145,000.00 for the equipment, total \$1 million.

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

ITEM #5 Consider and Approve the Fire Fighters Local 1570 Tentative Pension Agreement - Personnel Department

Motion was made by Mr. Bradley, seconded by Mr. Holmes.

Mr. Zandri had a question regarding wages. He asked if the percentages were figured in as part of the new contract?

He referred to page #11, Wages.

Mr. Seadale pointed out that it was just a pension not a contract.

Mr. Zandri apologized.

Mr. Killen asked why the Town was giving up the age 50 requirement?

Mr. Seadale explained that it was the only thing that was being given up basically. You get into situations where you make trade offs and this was one. We gave something on #3, that has now been deleted. Our agreement span is for a reasonably long span of time, actually 7 years, we feel that it is an equitable agreement.

Mr. Killen had a problem that it was taking nothing away from those firefighters now on board but it is building into those who will be coming on board. It will be a built in increase which is exactly what the Town has been trying to do away with all along.

Mr. Seadale: Firefighting and Police Work are basically young men's professions. I think that one of the things that this does is, say someone has been on board for 25 years, they are o.k. to leave. Before it was 25 years and age 50. From a practical standpoint most people will come somewhere between 20 and 25 so the impact is not that great it is rather small.

Mr. Killen: I believe we will see more coming on that young in the future and that is the point that disturbs me. People are living longer and longer and we are going to be paying longer and longer.

Mr. Seadale: We turned this to the actuary and did a rundown on what we had in terms of age and when the people could retire, the actuary looked at all the numbers and the cost of it and it is the only cost to this package, approximately 1%. We have a 7 year extension on a pension agreement at a cost of about 1% which we feel is fair.

Mr. Gouveia: What are the differences between this pension and the pension plan recently approved for managers and supervisors?

Mr. Seadale: Different groups want different things.

Mr. Gouveia: Isn't it some sort of policy that we try to make it as equal as possible?

Mr. Seadale: We try. But they are not. We can't enforce it as a negotiators it is in our best interest and the Town's if we had one pension plan for hazard people and one for non-hazard, but we cannot force that. By State Statute they have the right to negotiate and they have chosen to exercise that right.

Mr. Gouveia: Except that I see in the last one that the multiplier was increased in this one it stayed the same. I see that they also have the right to buy back two years of military service, there is

November 27, 1990

nothing in this one. I really don't think that they are quite alike.

Mr. Seadale: There is considerable differences between the hazard and the regular.

Mr. Gouveia: So if the intent is to try to equalize them as much as possible, I'm sorry to say that someone got the short end of the stick on this one.

Mr. Seadale: This is equivalent to what the police have. There were two plans all along, a hazard one and a regular one. The hazard plan consisted of police, fire and electric utility line people. They were the same at one point in time but the unions have chosen to go their different routes and not negotiate as a consolidated unit. We have tried to do that and have been unsuccessful. We cannot force them to do that.

Mr. Gouveia: The multiplier, 2.15% change doesn't seem much when you look at it, but it is quite a bit if you take into account 30 years of service.

Mr. Seadale: The cost on that was a wash. You can't get them any cheaper, that doesn't happen very often.

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

The Chair declared a 10 minute recess.

Motion was made by Mr. Bradley to Move Agenda Item #10 Up To The Next Order of Business, seconded by Mr. Holmes.

VOTE: Parisi and Solinsky were absent; all others, aye; motion duly carried.

ITEM #10 Remove from the Table the Discontinuance of a Portion of Old Colony Road.

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

VOTE: Parisi & Solinsky were absent; all others, aye; motion duly carried.

ITEM #10 Discuss and Possibly Act Upon the Discontinuance of a Portion of Old Colony Road.

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

VOTE: Parisi was absent; Zandri, no; all others, aye; motion duly carried.

Mr. Zandri asked if there has been any other evidence whether or not this is actually a Town road?

Atty. Edward Loughlin: Historically it is a highway. It was a

main road from New Haven directly into Hartford. There were no deeds prepared back then. They were public rights of ways recognized in the Town. In 1945, the Town abandoned a portion of it, so there certainly is precedent for the recognition by the Town and of course it is a highway. Further recognition is that the Town is presently getting State aid based upon the length of that highway. If, by the wildest stretch of the imagination it is not a highway, then what you have abandoned does not amount to anything anyway. There is nothing illegal about abandoning something that you do not own in the first place.

Mr. Gouveia asked who the owner was of the property located on the other side of the Backus property, the other side of the road?

Mr. Loughlin: I believe it is Fulton Forbes, Inc.

Mr. Gouveia: If we are going to engage in abandoning this shouldn't we also abandon that lot?

Mr. Loughlin: I am not certain, there is no application and it has not been approved by Planning & Zoning, and Backus Realty actually uses that highway from what point, I don't know. They have considerably frontage on the street. I know that Backus does access his site, in part.

Mr. Solinsky: When your client's land is improved by this abandonment, does he have any objection to the substation going in down there?

Mr. Loughlin: No. I can state for the record that my client has no objection and it would not make any difference whether he did or didn't, he has nothing to say about it.

VOTE: Parisi was absent; Zandri, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Move Agenda Items #21, 22, 23 & 24 Up To the Next Order of Business, seconded by Mr. Holmes.

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

ITEM #21 Consider and Approve the Presentation of Plans for North & South Main Street Improvements.

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

Mayor Dickinson stated that Agenda Item #21 & 24 look to be about the same. He referred to the letter from himself that the Council had in its possession indicating the general parameters of this project. It goes back approximately a little over 2 years, it involves aesthetic structural improvements to the North and South Main Street area. The principle part of it is electric work and that work is advisable even without this project. That work will require the digging up of most of the sidewalks in the area which means they will have to be replaced. A second portion involves

November 27, 1990

quite a bit of money for the traffic control improvements. We are in desperate need of a new traffic light and that accounts for well over \$100,000.00. Money has been budgeted and other than the transfer for the Electric Division, money is available for this project.

Mr. Don Roe, Program Planner: Last March we presented plans to the Council which were voted on and approved at that time. You have before you the drawings once again, I really just want to turn the microphone over to Audrey.

Ms. Audrey: We were before you last March, the 13th to be exact, and you saw our pictures and we spoke about North and South Main Street, Simpson Court, what WCI had as far as vision goes for renovating that area. We have got some letters of support that I just thought would be nice to mention to you. They are from various organizations in the Town. They are addressed to Mr. Killen, and they are from the following organizations; The Wallingford Historical Society; Habitat for Humanity; Wallingford Junior Women's Club; the Wallingford Grange; Wallingford Chapter of AARP; Wallingford Garden Club; Wallingford Jaycees; Wallingford Public Celebrations; a letter from Peter Foster and a letter from Louise Ives. I just want to emphasize again to the members of the Council how important so many of us feel that this effort is. It has been our blood, sweat and tears for the past 4-5 years. We have given nothing but thought and effort to the project. We had 10,000 people at the Celebrate Wallingford festivities last fall and I think that is a great display of community spirit that is living in this Town. People want this to happen. I can only encourage you to help us move towards that ultimate goal in your decisions tonight.

Mr. Zandri asked if there was a total cost for this project?

Mr. John Costello: I don't have a total cost for the electrical. The representatives from the Electric Division could give you that figure. The estimate for the sidewalk, curbing, drainage, pavement work is approximately \$700,000. The traffic signal at the intersection of Center and Main Streets, the last estimate I had was \$135,000. That still stands.

Mr. Zandri asked if there was an estimate for the electrical work?

Mr. Smith explained that it was approximately \$400,000.00.

Mr. Zandri: Mayor, how much is already budgeted for this project?

Mayor Dickinson: I believe it is in the neighborhood of \$900,000.

Mr. Smith: The project that we bid is far more extensive than what is required just to underground the utilities in this area. At the same time we were making some system improvements; 1) to give this building a second source of supply to provide back up for an inter-connection between two of our primary feeders in Town and provide some additional redundancies in our circuits. It also includes some conversion from 5kv to 13kv of feeders. The project, \$360,000 is far more than just what is required to put these lines underground. That also includes the conduit and the bases for the

proposed street lights to go in.

Mrs. Duryea asked where the \$900,000 appeared in the budget, she could only find \$525,000.

Mayor Dickinson responded that money was budgeted in the prior year.

Mr. Gouveia asked that the Center Street Cemetery be listed in the National Registry of Historic Places. He posed the question of possibly looking into this to the Wallingford Historical Society. He was appreciative of the fact that previous Councils had set aside money for this project since times are now tough and the funds are already there. He felt that it was a worthwhile project.

Mr. Roe: The State of Connecticut Historic Commission sometime ago there was submitted to them the notion/request that perhaps a study be done to establish a railroad station district area. It was at the time largely motivated by the work that was being done in conjunction with Judd Square, the Railroad Station Property and Parker Place. They contacted the Town last week to ascertain whether there might still be interest on the part of the property owners in that area to have that study undertaken. Obviously the State does not want to have staff resources, which is very limited, spent on a study that will not go anywhere. We have not yet responded, we have not contacted all of the property owners but your comment, Mr. Gouveia, about the cemetery, I thought that I should respond. When the area was drawn or submitted, it might very well have been included.

Ms. Papale: If approved, when will you start this project?

Mr. Costello: The Electric Division has already opened bids and they have a contractor on line so to speak. We would not expect to get started until spring.

Ms. Papale: I wish to commend the entire group and their blood, sweat and tears that they have put in this effort. I wish you luck.

Mr. Richard Krombell: In 1986 you made an investment in the Town Green at the Railroad Station but you did not invest in sod or bricks or park benches and a gazebo, you invested in people. People who later organized Celebrate Wallingford which has become bigger and better every year. You invested in the spirit, energy and enthusiasm that is the life blood of Wallingford. This investment continues to pay dividends long after the fact. Tonight we are asking you to continue the commitment you have previously demonstrated for this project. We are asking you to continue your investment in the people who are Wallingford, a town that Norman Rockwell could have painted.

Mr. Holmes asked if anything has been done to alleviate the traffic problems caused by the cars parking and going into the Post Office, the bus stop area?

November 27, 1990

Mr. Costello: The bus driver does not use it as a layover point in the afternoon. He lays over further south on S. Main Street. The street will be widened about 5 feet which will give a little more elbow room.

Mr. Holmes: Will it give us a two lane situation going northbound?

Mr. Costello: Yes. It will enhance the existing 2 lanes.

Mr. Bradley: I have been concerned since budget time where we are headed with all these major projects that we have before us. On the other hand this is budgeted money and was approved for this budget year and I am a big supporter and participator mainly because there is a lot of pride in the community and in this area of Town. While I still have the financial concerns, I know that if I don't agree with this now chances are we may not have the opportunity again.

Mr. Solinsky: What will be done with regards to the driveway issue with the church?

Mr. Roe: We will be reclaiming it since the church no longer wants that to remain a driveway.

Mr. Solinsky: How much money has been spent to date?

Mr. Roe: \$10,000.00.

Mr. Solinsky: This seems to be a lot of money for what we are getting, for the financial problems that we have. Wasn't this going to be bid in two sections?

Mayor Dickinson: The electrical work has gone out and bids received. The other work has not yet, the specifications have been put together but it could not commence until the electrical work has been completed. Much of the electrical work will require dislocation in most of the areas that we would then be replacing new materials.

Mr. Solinsky: We could offset some other projects with those funds.

Mayor Dickinson: If there is a will to see improvements, they can be realized, if there is not the will they can't.

Mr. Killen stated that if it is put off the price will not go down.

Mr. Holmes: I think that in the future, new ventures of this type have to be closely scrutinized, especially over the next 2-3 years. There will be tough times coming up.

Mr. Smith: That backup feed will also provide an alternate supply to Prince Street substation. It not only supplies this building but many residents in this community.

Mr. Killen: If I may take a little poetic license with Joyce Kilmer with the english language and say that "buildings are

built by fools like we, but only god can make a tree". I was hoping that we would have some sort of an outcry some while back when the desecration of the trees on South Main Street took place. I must have been the only one who noticed it. Item #21 & 24 seem to cover the same area, I don't know how far the Council wants to go into #21, I would rather that we consider that Agenda Item #21 is to consider, #24 would be to consider and approve, I would rather approve after we have done the Electric Division improvements.

Mrs. Duryea asked Mr. Costello why the bus shelter was moved to the corner where it now creates a visibility problem?

Mr. Costello stated that the bus stops only for a few seconds and anyone coming out of Prince Street will just have to wait until the bus leaves.

Mrs. Duryea asked why it was moved.

Mr. Costello explained that there is no place for a bus to pull in out of the travel lane back there. There is a stretch of no parking for the bus to pull in.

Mrs. Duryea: It is easier for a car to go around and avoid a problem than right on the corner there and hope that the people on Prince Street will wait and a car behind the bus will wait as well.

Joan Malloy, Attorney and Board Member of the Wallingford Center, Inc. stated that she supported this improvement for the sake of creating an atmosphere where people are going to want to spend their money and create business for the Town.

Mr. Killen stated that the business people in this area have to realize that we are taking tax dollars from other people, including their competitors to make this section more beautiful. We only ask for some interest in the matter. He went on to say that he looks out in the audience and something of this magnitude and the area it covers, he saw only the same hard working group that will be involved whether it is the center of Town or any other place. He did not see that many people interested in their own neighborhood which dismayed him. He apologized for soap boxing.

Mr. Don Pethybridge of 46 Shetland Drive, Member of the AARP: I don't feel I can speak for the whole group but certainly a great deal of them. I want to re-emphasize the investment the Town is making in itself and its people.

Reverend Bruce Bunker, Pastor of the Congregational Church was the next to speak. He supported the work and the fine contribution it will make to the Town.

Robert Beaumont, 16 Orchard Lane, Treasurer of the Wallingford Historical Society added the following comments: We did not poll all of the members of the organization but we did poll our Council and they was whole heartily in support of this

November 27, 1990

project. We are trying to see this Town do some good things in terms of trying to dress up the uptown. Wallingford has made a very good step in terms of the work done along the green down by the railroad station and I think this is a very good second step.

Edward Musso, 56 Dibble Edge Road: Tonight I am on Mr. Solinsky's side. Don't spend any money, times are bad.

Ellen Mandes, Member of the Economic Development Commission: We recently got a stack of inquiries from companies/businesses looking to come to Wallingford. They have come from Massachusetts, Illinois, and a number of other places. This is happening because we are doing something with our town and I think that anything we can do to make our Town look better and will bring business in here which will increase our tax base is only going to bring our money back.

Richard Stancel, 64 Colonial Hill Drive, Operator of Milton's Men's Shop, Co-director of A.W.A.R.D.: As head of the Retailer Merchant's Association, I disagree with Mr. Musso and we would whole heartily support this project.

Rita Katona, 148 N. Branford Road stated that it never gets any cheaper. In the long range it will be worth it.

Mr. Gouveia asked if the entrance to the Town Hall will be changed?

Mr. Roe stated that some of the planting areas will be revamped.

Mr. Gouveia agreed that Mr. Holmes and Mr. Solinsky's concerns were legitimate, but nonetheless we have an organization of people knowledgeable, ready and willing to do the work and he was not so sure that if this was held off another 2 or 3 years that those individuals would still be willing to dedicate their time and energy. There is no greater force than the spirit of people.

VOTE: Parisi was absent; Solinsky, no; all others, aye; motion duly carried.

Mr. Killen stated that the Town will need the cooperation of the store owners. If the area looks unsightly, it is not because the dollars were not there, and it wasn't because you people did not work hard, there are store owners who never look beyond going in and out that door. Many of you have seen me walking down the street picking up papers. Flowers are never looked at or watered, etc. We need that kind of cooperation. Dollars will not do that for the people. We need the spirit from the store owners down there. It cannot work by itself.

ITEM #22 Consider and Approve the Waiver of the Non-collusive Bid Statement Required for Awarding of Electrical Work to the

Lowest Possible Bidder.

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

Holmes left for work at 11:42 P.M.

Mr. Bradley asked Atty. Small if this can be done legally?

Atty. Small explained that there is legal authority for the proposition if someone makes a mistake such as this and makes even more serious mistakes in bidding that they can be corrected. She did not see any prejudice here in this mistake.

VOTE: Holmes & Parisi were absent; Solinsky, no; all others, aye; motion duly carried.

ITEM #23a Consider and Approve an Appropriation of Funds/Budget Amendment in the Amount of \$400,000 for the Electric Division from Acct. #512-2, Furnaces and Boilers to Net Income

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

Mr. Zandri asked if this was a budget amendment because there was no account set up for the underground?

Mr. Smith stated that was correct. This project was not part of the Electric Division's Plans at that time.

Mr. Bradley asked if the \$660,000 budgeted for maintenance on the boilers would be expended for this purpose or not?

Mr. Smith reminded the Council that the Electric Division made a commitment at budget time that the money was there but only to be used only if the generation expansion project did not go forward. It was discussed again at the quarterly budget amendment. He offered to take the funds out of Retained Earnings.

VOTE: Holmes & Parisi were absent; Solinsky, no; all others, aye; motion duly carried.

ITEM #23b Consider and Approve a Budget Amendment in the Amount of \$400,000 for the Electric Division from Net Income Account to Underground Cond. & Dev. Acct. #367

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

VOTE: Holmes & Parisi were absent; Solinsky, no; all others, aye; motion duly carried.

ITEM #24 Consider and Approve the Comprehensive Plan for North and South Main Street Improvements

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

VOTE: Holmes & Parisi were absent; Solinsky, no; all others, aye;

November 27, 1990

motion duly carried.

ITEM #20 Motion was made by Mr. Bradley to Move Agenda Item #20 Up to the Next Order of Business, seconded by Mrs. Duryea

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

ITEM #20 Consider and Approve a Waiver of Bid for an Additional \$20,000 to Miller, Balis & O'Neil for Continued Legal Expenses in Connection with the NEU/PSNH Merger - P.U.C.

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

Mr. Bradley asked if this was the final request for funds?

Mr. Smith stated that he hoped so.

VOTE: Gouveia, Holmes & Parisi were absent; Zandri abstained; all others, aye; motion duly carried.

ITEM #9 An Ordinance Appropriating \$370,000 for the Purchase of the Property Known as 88 South Main Street and Authorizing the Issue of \$370,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - SET A PUBLIC HEARING

Motion was made by Mr. Bradley to Schedule a Public Hearing for Tuesday, December 11, 1990 at 7:45 P.M., seconded by Ms. Papale.

VOTE: Holmes & Parisi were absent; Gouveia, passed; all others, aye; motion duly carried.

ITEM #11 Report Out by the Public Works Department on Revenue Generated Over the Past Six Months Through the Sales of Coupons to Offset the Operational Cost of the Landfill as requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Bradley, seconded by Mr. Zandri.

Mr. Zandri explained the reason for his request was due to the fact that when the fees were originally set the Town realized it was just making assumptions at that time. He felt the thought at that time was to give it a few months and come back to see exactly where we stood. Six months have passed, at least, and in going through the calculations forwarded in the agenda package that were prepared by Mr. Deak, Mr. Zandri came to the conclusion that approximately a \$20,000 shortfall in dollars existed. He solicited an interpretation of the report from Mr. Deak to assure that his assumptions were correct.

Mr. Stephen Deak, Director of Public Works stated that Mr. Zandri was absolutely correct.

November 27, 1990

Mr. Zandri explained that he arrived at these figures by using the April through October statistics, excluding the month of March completely.

Mr. Deak felt that we will have a clearer picture from July 1, 1990, the new fiscal year. In his estimation, with only 4 months into the fiscal year, and the recent opening of the recycling center it is too soon to tell and perhaps a few more months should pass before looking at the figures again.

Mr. Zandri stated that as next year comes around the tipping fees are going to change and, therefore, it will be more costly for the same volume of trash being deposited there which is something that needs to be taken into consideration when setting these fees.

Mr. Gouveia did not come up with the same calculations as Mr. Zandri or Mr. Deak. He asked that the computations be explained to him. He felt that from July to October, taking into account permits issued and the fact that \$5,855.00 should come from taxation, there is very little difference. He came up with \$33,149. - \$34,864. He did not feel this was a big difference. He went on to say that in the previous 4 months the Town actually made money. The Town paid \$25,000 to CRRA and actually over \$32,000 was collected. He did not take into account the first \$50,000 paid out.

Mr. Zandri asked what the cost is to man the operation?

Mr. Deak responded that it is approximately \$22,000.00 year.

Mr. Zandri explained that he excluded the permitting and fees figuring that is the administration portion of the operation, once that is done a shortfall is recognized. Again, he stated his concern with the future increase of the tipping fees. He felt that perhaps the cost should increase somewhat in the vicinity of \$.25/bag. It was not his intention to make a motion on it this evening but wanted to make everyone aware of the shortfall.

Mr. Deak stated that he will forward a monthly update to the Council.

Mr. Walt Sawallich, Jr., 100 Jobs Road commented that he predicted in the past that \$.50/bag would not be enough but settled for it with the hopes of getting the free dumping issue straightened out back then. He stated that the dumping fees were \$45/ton when the prices were set at \$.50/bag. He did not dispute the free service for the senior citizens. The prices have increased to \$49/ton resulting in a shortfall. He felt that raising the dumping fees will also encourage recycling because people will put less in the bag that costs money and more in the bag that is for free. It will help cover costs. If the price is increased and a profit is unintentionally earned, those funds could be used to help pay for the newspapers and cardboard that will cost the Town to dispose of through recycling.

November 27, 1990

ITEM #15 Motion was made by Ms. Papale to Move Agenda Item #15 Up to the Next Order of Business, seconded by Mr. Bradley.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

ITEM #15a Consider and Approve the Waiver of Bid to Other than the Lowest Bidder for the Purchase of a Chipper for the Public Works Dept.

Motion was made by Mr. Bradley, seconded by Mr. Solinsky.

Mr. Zandri asked why Mr. Deak is seeking to do business with other than the lowest bidder?

Mr. Deak stated that for maintenance and operating purposes it would be to the Town's advantage that this product be purchased through this company. The chipper that was traded in on this piece of equipment was made by the same manufacturer with a reliability rate of 30 years with the Town. The new equipment, therefore, is expected to last at least 20+ years. Given this exceptional quality of the product, Mr. Deak recommended the respective bidder and their product.

Mr. Zandri asked if there were any plans to use the chippers in the recycling area for brush, etc.?

Mr. Deak: No, they cannot bring brush to that area.

Mr. Zandri: If they could, could this equipment be utilized?

Mr. Deak: Yes. We are using the chippers now.

Mr. Zandri: We could save a lot of landfill space if we chip up the brush instead of just throwing it into the landfill.

Mr. Deak: The tree contractors use the chippers.

Mr. Zandri: I agree, but the homeowners are not.

Mr. Bradley asked if the chippers were available to the public?

Mr. Deak: Yes.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

ITEM #15b Approve a Transfer of Funds in the Amount of \$257.00 from the Entrance Doors Canopy Acct. #001-5140-999-9911 to the Chipper Acct. #001-5030-999-9922 for the Public Works Department

Motion was made by Mr. Bradley, seconded by Mr. Solinsky.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

November 27, 1990

ITEM #18 Mr. Bradley made a Motion to Move Agenda Item #18 Up To the Next Order of Business, seconded by Ms. Papale.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

ITEM #18 Consider and Approve a Transfer of Funds in the Amount of \$1,300.00 from Pro-svs Investigative Acct. #001-1620-900-9000 to Pro-svs Claims Admin. Acct. #001-1620-900-9010 - Risk Manager

Motion was made by Mr. Bradley, seconded by Mr. Solinsky.

Ms. Papale asked Marc Wilson, Risk Manager, what the loss control survey was and what exactly was to be done?

Mr. Marc A. Wilson, Risk Manager explained that reviews of the O.S.H.A. regulations, compliance, regulatory requirements that the Town has, what the status of our compliance is, any non-compliances. Recommendations will be made on how the Town can proceed to come into compliance with the O.S.H.A. regulations.

Ms. Papale asked if this survey, or anything similar to it, has been performed in the past?

Mr. Wilson responded that a study has not been performed to his knowledge since his employment with the Town over the past 10 yrs.

Mr. Bradley asked if this survey covered the N.F.P.A. regulations as well as O.S.H.A.?

Mr. Wilson explained that it covered more so the O.S.H.A. than N.F.P.A. regulations. He felt that the N.F.P.A. regulations could be addressed in-house by both the Fire Marshal and himself.

Mr. Bradley stated that the P.U.C. had a very active safety program and very involved with O.S.H.A. and do their own training, and asked how informed are the Department Heads as far as safety and what kind of training could be provided from within to assure awareness of the O.S.H.A. regulations?

Mr. Wilson explained that that is the hope of his department to accomplish, therefore the urgency to have the report done prior to budget sessions to sit down with the Department Heads to coordinate the expertise the Town has "in-house".

Mr. Bradley asked if this is a one time deal to get them going and from that point on it will be up to the Department Heads?

Mr. Wilson: Yes.

Mr. Zandri asked whether or not it was a Department Head responsibility to be up on this matter?

Mr. Wilson stated yes, it was. The goal is to make the Depart-

November 27, 1990

ment Heads accountable, but first they need to be aware of what they will be accountable for.

Mr. Zandri felt that is what they are getting paid for.

Mr. Wilson stated that he was not the Personnel Director.

Mr. Zandri was of the opinion that that is what they are being paid for and questioned the need for the study.

Mr. Gouveia asked how a comprehensive study can be performed in a total of 14 hours?

Mr. Wilson stated that a great deal of the study will comprise of sitting down and reviewing the on-going program, after that a walk-through survey will take place.

Mr. Gouveia's concern was that a "boiler plate" type of study will be done with only the blanks filled in.

Mr. Wilson felt that in contracting any type of professional service you will run into this "boiler plating" technique. O.H.I. costs are gauged at \$16,000 compared to a \$1,300 program. Sometimes that much information that warrants spending \$16,000 on a study in not necessarily needed, sometimes it just produces a great deal of verbiage for the extra dollars.

Mr. Gouveia asked to what extent are we self-insured?

Mr. Wilson responded that the Town is totally self-insured from the standpoint of the Workmen's Compensation Insurance. We are also self-insured as far as floods and earthquakes, next year he hoped that the Town would be self-insured as far as vehicle damage.

Mr. Gouveia asked if personal liability was been considered also?

Mr. Wilson answered, not as yet.

Mr. Bradley asked what programs currently exist in the departments?

Mr. Wilson: Embarrassingly few. Recommendations will be made for those areas without programs.

Mr. Bradley asked who Occupational Health Inc. (O.H.I.) is?

Mr. Wilson: That is an operation that the Water, Sewer and Electric divisions have been using.

OTE: Holmes & Parisi were absent; Zandri, no; all others, aye; motion duly carried.

TEM #12 Discussion on the Present Status of the Former Yalesville Fire House as Requested by Councilor Susan Duryea.

Mrs. Duryea asked what the status, condition, and whether or not the Town has heard from interested parties regarding the purchase and/or lease of the firehouse. She has heard that the AMVETS were interested in purchasing it and wanted to know if it were true.

Mr. Donald Roe, Program Planner addressed some of Mrs. Duryea's questions out of the range of the microphone for a short time and, therefore, not recorded in full. Once he approached the microphone the following responses were recorded:

Mr. Roe: The committee that was looking at the WPL status was looking at that at one point, but I'm not sure how active that interest is, and I do recall that it would be a rather expensive option because of the commitment to doing a studio is not yet expensive, but I am not up to date on where things stand.

Mr. Killen asked that the Mayor be located to address this issue.

Mayor Dickinson stated that Dick Nunn had indicated that he was going to be present this evening, the Mayor's Office had requested a report from him on this subject. Mr. Nunn is Chairman of the committee that was looking into quarters for the public television and whether they still had any designs for the building, no one was sure.

Mrs. Duryea explained that the AMVETS have contacted her in June and she tried twice to place this issue on the agenda to be addressed. They have approached her again showing interest in the building.

Mayor Dickinson stated that the Town is responsible for maintaining it to this point and leasing it is a possibility. Originally the plan was to sell it.

Mrs. Duryea stated that the AMVETS were interested in purchasing the building.

Mr. Killen reminded everyone that the Council voted to sell the property.

Mayor Dickinson did correspond with the Post Office and they have shown no interest in the building. If it were to be sold it would have to go out to the general public to be sold.

Mrs. Duryea asked if we should consider placing it up for sale rather than letting it sit there.

Mayor Dickinson stated that the building is being utilized. The Recreation Department has been using it. He agreed that a decision needed to be made for the longer term but it would be difficult now to make that decision now without hearing from Mr. Nunn's group. The decision will need to be made as to whether or not the Town

November 27, 1990

wants to have a free standing building for any municipal service, such as the public television. He was not entirely sure the Town needed

November 27, 1990

have had numerous conversations about how to actualize an open space plan. Mrs. Bush's comments in those minutes is really what we basically came up with is to wait until we come up with our full time Environmental Planner and see that that be one of the very immediate tasks that gets tackled. That person is now on board and I could see that as being a charge that is by statute given to the Conservation Commission and really does need to be fulfilled.

Mr. Bradley: I do believe that the Commission did hire or bring in an intern from Yale to go through open space, I'm not sure where that plan is.

Mr. Roe: That was an inventory of the farm land.

Mr. Roe recommended that Mr. Gouveia speak directly to Mrs. Bush.

VOTE: Holmes & Paris were absent; Killen, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Adjourn the Meeting, seconded by Ms. Papale.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 1:40 P.M.

Meeting recorded and transcribed by:

Kathryn F. Milano, Town Council Secretary

Approved by:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

RECEIVED ON FILE 12/21/90
AT 10:00 A.M. Date
ATTEST *Kathryn Wall*
TOWN CLERK

Ms. Papale stated that one of the owners, Nick Kerns, was never contacted for permission to have the work done.

Mr. Roe responded that Nick Kerns never returned any of Mr. Roe's phone calls to him. He left at least half a dozen messages on Mr. Kerns's answering machine. The other owners had no problem in approving the work. The abutting property owner informed Mr. Roe that Mr. Kerns stated there was no problem with the work and that he was interested in selling the land.

Mr. Killen asked what the difficulty is in getting bids for this work?

Mr. Roe explained that the difficulty is that they are extremely busy, the timetable that we are working with is one that would have them having to put their regular, full time clients on hold, they were very resistant to do that. Most of them have major commitments to banks at this point, the other is that at least 2 of them objected to bidding on it because it is a violation of their professional ethics. The other reason is the complexity of the island and that there is two partial takes there and that is a much more complex appraisal that is required.

Mr. Solinsky asked why go ahead with #3 & 4 on that half of the bid on each one of those, why the \$13,675.00?

Mr. Roe: We need to have the work done and that is at least one half of the work.

Mr. Solinsky stated that if the job is going to be rebid, it should be rebid to everyone. If a company bids \$10,000 for item #3 & 4 are you going to just use them, get one more bid?

Mr. Roe: If we get only one more bid I will come back before you.

Mr. Solinsky: I am saying go ahead with items 1 & 2 and rebid items 3 & 4.

Mr. Roe asked why? Why shouldn't we have the work done on item 3 & 4?

Mr. Solinsky: If you don't get another bidder on 3 & 4, those bids are useless. If no one bids on it.

Mr. Roe: No exactly. On item 3, my inclination is that I am going out to bid because of the mode that has been set, but that item is under \$2,000 perhaps, maybe I shouldn't even bother going out to bid on item 3. Item 4, I could restructure my bid to have each one under \$2,000. As I said there is four pieces of property on that item. I could have each one bid but I did not think that is in keeping with the spirit of our Purchasing Ordinance. If we get no bids back, we have at least half a package.

Mr. Solinsky: You said that D.E.P. wants two bids. If you get no

November 27, 1990

other bid, the first bid is useless.

Mr. Roe: It is not useless.

Mr. Solinsky: They will not accept it.

Mr. Roe: They will accept that work, they will be looking for the additional work to be done.

Mayor Dickinson: I think that what is getting confused is that D.E.P. wants two appraisals, so whether or not you get more than one bid on it, you need two actual appraisals. It is not that you have to receive more than one bid on the property. You need two actual appraisals.

Mr. Roe: If we did not get any other bids this fourth time out, I would come to the Council and ask you to waive the bid so I could go negotiate for that second appraisal to be done on those properties because I don't know what else to do. Both the Purchasing Department and myself are at the ends of the line in terms as far as knowing what to do to accomplish that.

Mr. Solinsky: Maybe you should negotiate now.

Mr. Roe: We did get a third response, however, the third bidder evidently, through some mistake in his office, hand delivered, on time, his bid document but did not have the price sheet on it. We could not accept it, it was not a valid bid.

Mr. Killen asked if the \$13,675.00 was the down payment on it or was that to have the appraisals done also?

Mr. Roe responded that the \$13,675.00 is a total of all the numbers on the sheet before the Council. Each parcel will have 2 appraisals done.

Mr. Gouveia: We have been very fortunate that Mr. Roe is the grant program coordinator and has aggressively pursued going after these grants. We are also very fortunate that we have two State Representatives that have time and time again make sure that this money will come to Wallingford. In addition to that, we are also very fortunate that we have a State Senator that sat on the Appropriations Committee and he saw fit that Wallingford got its share of the money. In fact, not just the money for the open space but for other projects such as the Boys & Girls Club. What is happening now is that the State Senator was not re-elected, the State is in a sad state of affairs when it comes to finances, and we don't have comprehensive open space plan. The mere fact that we pursue grants, sure that is an important component of an open space program, but that, in itself, is not an open space program. Planning and Zoning had an opportunity recently to adopt a new regulation. A new State Statute allows the Town to charge developers a fee in lieu of wetlands set aside. Planning and Zoning did not accept that. I would like to read to you from