

TOWN COUNCIL MEETING

SEPTEMBER 25, 1990

7:00 P.M.

1. Roll Call & Pledge of Allegiance
2. Recognition of Christina Smith, a Holy Trinity Student, for her Selection as the Connecticut Representative in a Literacy Time Capsule Competition - Council Member Bradley
3. Final Report Out on the Attempt to Create an Historic District - Historic District Study Committee
4. PUBLIC QUESTION & ANSWER PERIOD - 7:30 P.M.
5. Public Hearing to Consider and Accept a Recycling and Anti-Litter Ordinance and Recycling Regulations - 7:45 P.M.
6. Resolution Establishing a Project DARE Revenue and Expenditure Account within the General Fund - Dept. of Police Services
7. Consider and Approve Tax Refunds in the Amount of \$4,001.60 - Tax Collector's Office
8. Report Out on The Revaluation Project Update - Revaluation Committee
9. Consider a Re-appropriation of Funds in the Amount of \$4,099.00 of Donated Monies to the 1990-91 Project Graduation Account in the Mayor's Council Budget - Youth Service Bureau
10. Consider and Approve a Transfer of Funds to Hire a Private Consultant to Tabulate & Submit a Final Report on the Wallingford Housing Partnership Committee Survey - Mayor's Office
11. Discussion Regarding Leaf Composting and Approval of Amending the Title of Account #5060-6540 to Read, Waste Disposal & Composting Fees - Mayor's Office
12. Consider and Approve a Request to Increase the Waiver of Bid by \$9,000.00 for Legal Representation in the Northeast Utilities/PSNH Case - Dept. of Public Utilities
13. Consider and Approve a Waiver of Bid to Allow the Sewer Division to Proceed with the Preparation of an Agreement with Metropolitan District Commission (MDC) for Sludge Disposal Services to Begin Approximately 1/1/91 - Sewer Division
14. Report on Admet Recycling Contract
15. 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 - SET A PUBLIC HEARING

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7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, September 25, 1990 at 7:00 P.M. in Council Chambers and called to order at 7:24 P.M. by Chairman, Albert E. Killen due to a malfunction in the audio system. Answering present to the Roll called by Town Clerk, Kathryn J. Wall were Council Members Bradley, Duryea, Gouveia, Holmes, Killen, Papale, Solinsky and Zandri. Council Member Parisi was out of Town on a business trip and unable to attend. Mayor William W. Dickinson, Jr., Town Attorney Janice Small and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Recognition of Christina Smith, a Holy Trinity Student, for her Selection as the Connecticut Representative in a Literacy Time Capsule Competition - Council Member Bradley

Mr. Bradley asked Ms. Smith to join him as he lauded her accomplishment of being chosen as the Connecticut Representative in the competition. Over 5,000 students across 50 states participated in this event sponsored by Pizza Hut and the Center for the Book in the Library of Congress. The entrants were to submit letters describing a book they thought children in the future would like. Ms. Smith chose "Where the Red Fern Grows" because it tells of the mutual respect and devotion between a boy and his two dogs. She wrote in her letter, "The values in this book are important because they show us that we should never give up hope and to keep on praying and working for our certain goal."

The 50 winning submissions, along with photos and personal profiles of the winners, will be placed in a time capsule at the Library of Congress until 2089, the 100th anniversary of National Young Readers Day.

On behalf of the Town Council, Mr. Bradley presented Christina with a plaque as a certificate of recognition for her selection as the Connecticut Representative in a Literacy Time Capsule Competition. It was signed by both Mr. Bradley, Vice Chairman of the Town Council and also Mayor William W. Dickinson, Jr. Both congratulated Christina for her accomplishment.

PUBLIC QUESTION & ANSWER PERIOD - 7:30 P.M.

Edward Musso, 56 Dibble Edge Road spoke against the option of purchasing 50 S. Main street and stated that he will do anything to prevent it from happening. He has personally contacted the contractor responsible for building the two-level garage at the Meriden-Wallingford Hospital for information on building one here in Town to help ease the parking problems.

ITEM #3 Final Report Out on the Attempt to Create An Historic District - Historic District Study Committee

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Richard Krombel, Chairman of the Committee distributed prepared statements to all Council Members present thanking them for their support of his committee's effort to create an Historic District. The property owners who live in the proposed area defeated the proposal by a 15 vote margin. The committee's next question was "where do we go from here?". The committee felt that since a degree of public interest was evident during its attempt to create a district, several possible options existed:

- Formation of a Preservation Trust
- Developing a new arm of the Wallingford Historical Society
- Creating an informal group that would identify and address historical issues as they relate to various land use projects

Regardless of the outcome of the committee's past and continuing efforts, Mr. Krombel acknowledged that the attempt to create an historic district was motivated by a genuine caring and concern for the Town of Wallingford.

The Council thanked Mr. Krombel and the committee for their hard work and dedication.

ITEM #6 Resolution Establishing a Project DARE Revenue and Expenditure Account within the General Fund - Dept. of Police Services

Mr. Gouveia praised the program and the accomplishments it has made in the academy here in Town. He felt that everything must be done to try to eradicate the drug problem that has become a national epidemic.

Mr. Douglas Dortenzio, Chief of Police gave the Council an overview of the project and answered any/all questions of the program. He stated that this program is running in grammar schools throughout the United States. It helps to build self-esteem as a method to counteract drug abuse in the adolescents of this country. The intention of the department is to reach the entire 5th grade of the Wallingford School System and eventually involving the entire system. This can only be accomplished through education and the department is looking to utilize and enhance the current Board of Education programs. To accomplish this, the department is willing to put forth the necessary time and effort to make this project work.

Mrs. Duryea was very impressed with the program and its presentation before the Council by the Chief so soon in his new position. She asked if the students receive some sort of recognition for taking part in the program?

Chief Dortenzio responded that they will receive both a certificate and a tee shirt.

Mrs. Duryea asked how the individual is chosen to fill this important position to assure they have the qualifications to work closely with the children?

Chief Dortenzio answered that the individual has to be certified to teach in the program. He is contemplating training and certifying a second individual if the workload warrants it.

Ms. Papale asked how individual businesses will be approached for contributions?

Chief Dortenzio stated that most businesses are aware of the program from national press and exposure at the local school levels.

Ms. Papale asked if the local Chamber of Commerce was approached?

Chief Dortenzio responded that he has not done so at this point in time, he did not want to preempt the Council's judgement.

Mr. Killen asked that it be noted for the record that it is not o.k. for the Police Department to solicit funds creating a vehicle for funding.

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

ITEM #5 Public Hearing to Consider and Accept a Recycling and Anti-Litter Ordinance and Recycling Regulations - 7:45 P.M.

Mr. Tim Cronin, 47 S. Ridgeland Road spoke in opposition of the recycling ordinance. He feels that the Town is forcing a particular lifestyle upon him. He felt that it should be voluntary and that half of his trash is grass clippings. He produces a tremendous amount of grass clippings and is having a tough time getting rid of them.

Mayor Dickinson stated that the grass clippings will be picked up with the regular trash for the recycling plant at the rate of 1 bag per pick-up.

Walt Sawallich, 100 Jobs Road took offense to Mr. Cronin's remarks. He stated that CRRA will accept grass clippings co-mingled with trash but they must be predominately grass. Mr. Sawallich suggested that Mr. Cronin take his trash down to the plant himself if he has a problem with the fact that half the weight of his trash is grass clippings and the haulers are charging him in accordance to the weight. He went on to ask the Council that they recommend all trash be contained in the clear plastic bags so that he can determine, as well as the landfill personnel, whether or not recycleables are being dumped at the trash plant.

Mr. Ray Rys, 96 Pierson Drive questioned the issue of who will be responsible for policing and enforcing the ordinance? Will a written ticket be given like normal ordinances?

Mr. Killen responded that an agent would be responsible as outlined in section 3.10 of the recycling regulations.

Mr. Philip Hamel, Program Planner's Office stated that a municipal agent would receive complaints from the haulers. Haulers are required under State Statute to report non-compliance to the municipal agent. They are also required to leave a ticket, if so directed by the municipal agent. The municipal agent will be the primary enforcement agent. An enforcement procedure will need to be worked out, none has been to this date yet.

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Mr. Killen felt that it is a hollow gesture to adopt an ordinance such as this one this evening with so many unanswered questions.

Mayor Dickinson stated that the ordinance empowers a certain fine and also authorizes the adoption of regulations. Those regulations, if they do not contain a procedure to allow for due process, that due process procedure would be imposed if it became an issue where someone appealed a fine or sought to contest one. There will have to be a procedure by operation of law other than these regulations. He felt that something needed to be placed in the regulations but not necessarily in the ordinance.

Mr. Rys felt that the Police Department did not need another responsibility added to the list and he also felt that the haulers did not have the time to perform the policing of the ordinance as well. He asked if the businesses have to make arrangements for themselves as far as recycling goes?

Mayor Dickinson stated, yes. The Town is accommodating some recycleables as far as cans and bottles at the drop-off center, but the larger items such as cardboard, etc., businesses have to obtain their own market.

Mr. Rys asked if the haulers are supposed to notify the municipal agent if the businesses are not complying with the recycling ordinance?

Mayor Dickinson verified that statement.

Mr. Rys felt that too much responsibility is being placed on the haulers.

Mr. Cronin approached the microphone once again to complain about the grass clippings.

Mr. Zandri informed Mr. Cronin that he can contract with his hauler for him to take any amount of trash that Mr. Cronin places at the curb, he will have to compensate him for it.

Mr. Cronin thanked Mr. Zandri for giving him a straight answer.

Mr. Ron Gregory, 59 Hill Avenue was the next to approach the microphone. He pointed out that agenda stated that the public hearing was to consider and accept a Recycling and Anti-Litter Ordinance and Recycling Regulations (the Mayor made a statement earlier that the regulations should not be voted on or included this evening since they still remain vague). Mr. Gregory felt that the regulations continue to be addressed at various times during the discussion and wanted to know if they were to be accepted this evening or not?

Mayor Dickinson stated that the major factor is that no site has been designated under the regulations. Under the Statute, the Town must provide 60 days notice when a site is designated. If anything is adopted tonight we would have to readopt and insert the site later on. Rather than do it twice, we should wait until a site is designated and adopt both at the same time.

Mr. Gregory stated that a very easy process was built into the ordinance to amend the regulations. All that is needed is a Council Resolution. He referred to Section 4C of the ordinance and respectively suggested that this section be amended to read as follows: The Recycling Regulations may be amended from time to time by Resolution of the Town Council acting on its own or upon Resolution of the Town Council upon the recommendation of the Mayor. He felt that some flexibility should be built in so that if the Council wants to initiate some action they can do it without it coming from the Mayor. He commented on a few sections of the proposed regulations. Regarding Section 3.04, he felt this section should be more detailed and would take into account any contract the Town may have with a Recycling Center so that some standards are placed in the language as far as what the haulers can require. He felt the language was very vague as it now stands. He had a problem with the rule that materials separated for recycling may be placed at curbside no earlier than twenty-four (24) hours prior to such specified pick up time, and any empty container shall be removed from curbside no later than twenty-four (24) hours after pick up has occurred. There was no such requirement with regards to trash in the Town of Wallingford and felt that this requirement was extremely strict. He pointed out that some individuals will go away on vacation or over a long weekend and could easily violate the ordinance if they place their trash out before they leave. He suggested loosening that part of the ordinance and inserting the following language; ..except for leaf collection or spring or fall clean-up program sponsored by the Town, materials separated for recycling may be placed at the curbside no later than...etc. He felt that the business of clear plastic bags has never really been explained to the people of the Town of Wallingford. He felt there were too many loose ends, i.e., should the materials go in bags, in bins, etc. If regulations are to be adopted he felt that more thought should be given to issues such as these. If thought has been given then why not write it in, it is easy to change by Resolution. He then asked what the effective date is? When are the people of Wallingford going to have to recycle at the curb if this is passed?

Mr. Killen: It depends on when the site is designated. The State dictates that we must do this by January 1, 1991. It should not be any longer than 3-4 months.

Mayor Dickinson: There is a provision that 60 days notice should be given on the site, I don't know that the program cannot begin before that.

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Mayor Dickinson stated that perhaps the notice can be provided before regulations are actually adopted. The earliest time this could be effective is 30 days after publication date, assuming it is passed tonight. Otherwise, it would be at a time providing for the 60 day notice. It looks to be around November or December.

Mr. Gregory expressed his concerns over a "breaking in" period when this is finally enacted, and that people will not be fined or made examples of in the first few months while becoming used to the ordinance. He suggested that Section 3.09 be deleted in its entirety and felt that it was much too restrictive. He hoped the Town Attorney would consider deleting this Section.

Mr. Hamel stated that as part of the Request For Proposal (R.F.P.) as well as part of the earlier bid, the Town indicated to bidders and to perspective proposers that it would require that all residential recyclables go to the Recycling Center upon which the bidder made a proposal. The reason was to guarantee a certain supply. The Town does not have adequate information to enter into a put or pay contract which may be required in other areas. We are not certain of the volume of recyclables we have. The only thing the Town can do is permit all residential recyclables to that program and that was part of the offering on the part of the Town. This exclusion was meant to be narrow and specific because the intent was for all residential recyclables to go to the center.

Mr. Gregory felt this was preposterous. He felt that many household items are too good to send to the Recycling Center and could be given to other charities elsewhere and that was the option of the individual owner of those recyclables.

Mr. Killen pointed out that this issue was referred to in Section 2C of the ordinance which does limit the destination of the recyclables.

Mr. Gregory repeated his opposition to this issue. He did agree with Mr. Sawallich in his request for uniformity in procedures and felt that the haulers should be given more guidance. He stated on a personal note that he firmly believed that each town in Connecticut should provide for municipal garbage collection whether it is through going out to bid for certain sections or whatever else it is, and he believed this is the beginning of the road to municipal garbage collection and whether it is this Council or a succeeding Council, the people are going to want it and it is the most economic and sensible way to go.

Mayor Dickinson pointed out that the ordinance indicates Recycling and Anti-Litter Ordinance, and fortunately and unfortunately a Revision in the Charter has been uncovered in an unlikely place, under Council Duties that requires ordinances to have one subject. Therefore, a prepared deletion of the Anti-Litter Provision should be amended to take out the Anti-Litter Provisions and they will have to be dealt with separately. The deletions will be as follows:

- Delete in Title "and Anti-Litter"
- Delete in Section 1. Definitions of "Dump" and "Litter"
- Delete Section 3 "Littering and Dumping"
- Renumber Sections 4 & 5

(the recorder malfunctioned at this point in time)

Mr. Philip Wright, 160 Cedar Street approached the microphone next. He feels that it is not fair to either the Council or the public to vote on this issue this evening since the language is not clear. He feels that it should be tabled until all the details are worked out and presented clearly.

Mr. Holmes asked Mr. Zandri, Chairman of the Ordinance Committee if this ordinance passed through his committee prior to presentation this evening? If not, why?

Mr. Zandri: No it did not and was not ever presented to the Ordinance Committee.

Mr. Holmes: I'm not in favor of passing this ordinance tonight and then coming up with the rules of the game at a later point in time. The rules should be in place along with the ordinance and adopt them at the same time.

Mayor Dickinson: The time tables are very different with the regulations. If we can move ahead with the regulations designating a site very soon, that would be o.k., but given that it is a 30 day waiting period for the effectiveness of an ordinance after publication, we really need something on the books in the not too distance future. It is possible that if we can get a contract with Admet and then be able to move ahead with the regulations there could be an ability to have the two coincide. The two move at different timetables and to wait on the ordinance could put us past January 1, 1991 without an ordinance. I would rather not do that.

Mr. Holmes: I feel that we are penalizing the public for situations that we put ourselves into. I will not vote for this until I see regulations. When trash is picked up at the curbside, will it be separated in the hauler's truck?

Mr. Sawallich stated that dividers are used in his truck. He stated that whether or not an ordinance is in effect, he is going to begin separating the trash and he will make it work himself.

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Mr. Holmes: Has any thought been given to the thought of providing color-coded bins to the residents to help in the sorting process?

Mr. Roe: The Admet proposal would not require the use of bins on a residential basis. The reason being that they (Admet) prefer their bid would have materials delivered in clear plastic bags. I don't believe you will see big changes in the regulations, what you will see is the addition of a few items, those items being things that are tied into making the facility work that was designated at our last meeting. You will see a provision which identifies that, as well as the clear plastic bags. You will not see a lot of changes only additions.

Mr. Holmes: There is not an abundance of clear plastic bags for the Town, how will we address that?

Mr. Roe: They are already available to the community through the plastics outlet at the North Plains Industrial Blvd. We will make an attempt to contact the local grocery stores for their assistance in carrying/stocking the product.

Mr. Gouveia: Are we going to discuss regulations or not, it seems that we keep referring to them.

Mr. Killen: I will allow some discussion of them but they are not up for adoption this evening. As I see it they are a vital part of the overall picture so therefore, I have allowed questioning on it. I, myself, feel that the two of them should be adopted simultaneously to make any sense.

Mr. Gouveia: I would like to make a motion Mr. Chairman to table this item until next meeting or sooner if you would like to call a special meeting, whatever you want is fine with me.

Mr. Bradley seconded the motion.

Mr. Killen asked that the motion be withdrawn for the time being to allow for more discussion.

Mr. Gouveia withdrew the motion. Mr. Bradley withdrew his second.

Mr. Gouveia: I would like to refer to the ordinance, itself, I like the point that Mr. Gregory brought up regarding Section 4C. In addition to the recommendations that he made, I would like to see the municipal agent referred to under regulations 3.10 to be included there also and I think that the Town Council on its own, and on the recommendation of the Mayor and/or municipal agent be added to the section as well. Under Section 3.05 of the Regulations, it does not state where the material is to be delivered, even at a later point we do come up with a location, a specific place such as John Street, I still think that perhaps the sentence, "a site designated by the municipality for recycling" could be added to the paragraph.

Mr. Roe: That is one of the items that needs to be included in the regulations.

Mr. Gouveia: Also, in Section 3.07, you make reference to business, in our contract with Admet it does not refer to business at all. The contract is strictly for haulers and residential drop-off. I am in favor of small business having a place to bring their recyclables to, but this does not go along with the contract. How do you remedy the fact that the regulations does not allow businesses to bring their material in?

Mr. Hamel: In terms of this (Section 3.07), people who are taking their materials to any location for recycling, either collectors or businesses, they must pay the fee. That is all that Section 3.07 is intended to say.

Mr. Gouveia: My problem is still with businesses. Although I agree, especially small businesses should be allowed to come to Wallingford. The contract we have with Admet does not address businesses.

Mr. Roe: My impression is that it is not site-specific. This is saying that we are disclaiming, it is a disclaimer stating that the municipality is not in any way obligated to pay for depositing of recyclables. It is an effort to protect the municipality.

Mr. Killen: Small businesses are going to be on their own?

Mr. Roe: That is largely correct, yes.

Mr. Killen: Under Section 2C it states that any material designated for recycling, that would encompass them.

Mr. Roe: The onus is on the business and commercial sector, the same as is on us to deal with household collected recyclables. What is not on us is that we do not have to do the problem-solving around that. The problem-solving around how they deal with theirs is just that, their problem.

Mr. Killen: I'm sorry Don, but it says "it shall be taken to such location as may be designated". You designate here, here or here.

Mr. Hamel: Section 2C states that "any recyclable that is generated by a household" it is very specific. It does not require businesses to go anywhere. The statute requires that municipalities make provisions for household generated recyclables. It requires businesses to recycle, it does not require municipalities to make provisions for that.

Mr. Gouveia: Does the contract prohibit small businesses from bringing recyclables to our recycling center?

Mr. Hamel: The current contract generally prohibits small businesses from bringing anything for which the Town would have to pay. The small businesses are allowed to bring in office paper and bottles and cans.

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Mr. Gouveia: In looking at the contract that we approved with Admet, the proposal, it is specific. It states that "it is a recycling program for the hauler delivery and residential drop-off". It does not mention anything about businesses. Again, I am stating that I would especially like to see small businesses.

Mr. Roe: The difficulty then becomes, how do you define small businesses? Is the person who owns 2 and 3 family houses, is that a small business vs. the person who has 10 of the same houses? Who do you allow in and who do you not allow in? Once you allow small businesses in, how do you not allow medium businesses in?

Mr. Gouveia: With the new mandatory recycling program, will we allow small businesses to bring down recyclable items that do not cost the Town any money?

Mr. Hamel: My understanding is that it was always our intention to allow basically the same thing at the resident drop-off center as we have allowed in the pilot program.

Mr. Gouveia: Does the contractor know that? Again, the contract does not address that.

Mr. Hamel: We can address that, there has been a draft contract, we can address that.

Mr. Gouveia: Under Regulation 3.04, I pretty much concur with what Mr. Gregory stated before, but I would like to go a step further on the 24 hour rule. Personally, I think that you are creating a situation that will be totally impossible to keep track of. Right now, any given street in Town could be serviced by several haulers. Because the regulations state that "each person shall place such materials as such location in such manner and at such time as may be reasonable requested by such collector ...", I guess what I am saying is if the place is open 5-6 days a week, because any given street is serviced by several contractors, you could potentially have garbage cans there every single day. How will you know which one is which?

Mr. Hamel: There is a similar provision in the refuse ordinance for garbage. I don't think that anyone will go out every single day and check everyone's garbage, if the Health Director sees a garbage pail in the street and there are signs that it has been there for a while, this person can be cited by finding out when the pickup is scheduled.

Mr. Gouveia: I think that it is going to be extremely difficult to enforce it. It would be easier to enforce if the Town had a wet garbage pickup one day and then the recyclables another day. On Section 3.09, the second sentence I have a problem with. I'm not sure that the entire Section is necessary to begin with. I feel that the government should tell people where and to whom and when they should give their valuables. I have a problem with that.

Mr. Gouveia: You mean to say that I can't give the shelter my recyclables for them to use for a tag sale to raise funds for their organization?

Mr. Hamel: The thing is that if you have a lamp and it is old and it may be designated as scrap metal, it is still a lamp, it is not a recyclable item until you place it out on the curb as one.

Mr. Gouveia: This section does not differentiate between an old lamp or newspaper.

Mr. Hamel: Recyclable items are defined on page 2, Section 3.01 of the Regulations. I'm not sure there is a conflict. The recyclables do not become such until they are placed out at the curb. It is still your property.

Mr. Gouveia: Then why do you need that sentence?

Mr. Roe: That section would apply to the newspaper drives of old that would have been held by the Boy Scouts. I don't think that the example you are referring to Mr. Gouveia applies.

Mayor Dickinson: It is only at the point that you want to throw the items away that this section applies. You can give them to the shelter prior to putting them out to the curb. This is meant to address a situation where another competitor comes into Town and picks up recyclables and takes them to some other place not designated by the Town of Wallingford.

Mr. Killen: The intent of the second sentence by itself could cause some problem, but if you read it in conjunction with the first, it makes more sense. If the Mayor granted the Boy Scouts permission for a paper drive for a 30 day period you can donate your newspapers to them during that period of time. They will not be allowed to accept papers through a paper drive throughout the entire year.

Mr. Gouveia thanked the Town Council Secretary for passing along the information on the different State Statutes that pertain to this ordinance. It is one thing to read "according to State Statute", but it is another to have the applicable statute attached to the material to reference.

Mr. Zandri: I feel that the Council should discuss this issue thoroughly this evening and get all the points out now because there is no sense sending this back to the committee or the group to rewrite this unless they have their input. Then what will happen is it will come before us again and we will have even more questions. You should get all your questions out tonight for it will be helpful in rewriting the regulations and the ordinance.

Mr. Killen: The major hang up is that the regulations are really something that we are not debating and it is not something that will go forward with the ordinance. If we pass anything, it will be the ordinance. Resolutions are now subject to referendum and there is no public hearing required on them according to the Charter.

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Therefore, we could pass the ordinance this evening and the Resolution could be held without a public hearing and it is very germane to this ordinance. I would like the two of them taken hand in hand.

Mr. Zandri: I agree and I am not arguing that, I don't want to see this tabled and not have any additional discussion on it. All comments questions should be addressed this evening to avoid having the same discussion all over again. I think that only minor additions need to be made to the regulations. Everything you see will be before you again except for the language surrounding the clear plastic bags and designating a site.

Mr. Holmes: I think there was discussion on the enforcement of any potential violators. There was no groundwork on how that would be taken care of. That still needs to be addressed.

Mr. Zandri: That is precisely why we need to discuss it this evening.

Mr. Solinsky: Who came up with the dollar amounts for the violations in the ordinance?

Mr. Hamel: Those are statutory amounts that the Town is allowed to impose.

Mr. Solinsky: Do they have to be that high? I think that they are higher than they should be. It is a good way to make enemies by charging \$500.00 per violation for businesses.

Mr. Hamel: They do not have to be that high.

Mr. Roe: I believe it is a requirement, I will have to check on it.

Mr. Solinsky: I agree with Mr. Gouveia, I believe that Section 3.09 should be deleted in its entirety.

Mr. Roe: It was put their to be a window of opportunity. The Town is required to meet a 25% goal. To do so we have the capability of controlling the flow of recyclables the same as we control the flow of garbage. That provision comes from the D.E.P. model ordinance which suggests adding the opportunity for some of that flow to go elsewhere to benefit not-for-profits in the community should the occasion arise without the Town relinquishing its control over the flow.

Mayor Dickinson: If you look at the statute it requires reporting to D.E.P. annually on what is happening with recyclables within the Town. If we don't have an ability to make accurate reports that will show up in any review by the State.

Mr. Hamel: If the commissioner feels that the Town is not producing enough he can site the Town and could require changes in the way the Town operates its recycling program.

Mr. Solinsky: Under definitions it says "material designated for recycling means any item required by the regulations to be separated from solid waste and recycled". It does not state whether it is at home, on the curb, in the garage.

Mr. Hamel: The key here is "separated from solid waste and recycled". If you look at Section 3.01 which deals with that in the regulations it states "each person in this municipality shall separate from his or her solid waste and shall recycle and cause to be recycled", so it is put in the same category as solid waste.

Mr. Killen: On Section 3.11 the wording basically states that it is entirely up to the agent that if I created it, he can say to the collector, forget about it. If Phil Hamel did it, he can say hang him.

Mr. Zandri: On Section 3.09 is there any reason that it has to be in there? The State Statute does not mandate that it be in there.

Mr. Hamel: That is correct and then no one would have a right to have a recycling drive in Wallingford and no one would be able to take any recyclables to anyone else.

Mr. Zandri: I just want to make sure that everyone is clear that if it is deleted what the consequences are.

Mr. Gouveia requested Mr. Roe's office review Section 3.09, particularly the second sentence.

Mr. Solinsky also felt this Section was unwarranted. He then asked how much recyclable items would create a violation with regards to Section 3.11?

Mr. Hamel stated that it would have to be a judgement call. There is some room for abuse and that is why it has to go to the municipal agent and the collector does not have the right to issue a ticket on his own. The individual cases would have to be reviewed. The haulers generally know what is in people's waste stream. They will know who is recycling and who is not.

Mr. Solinsky: Can 1 plastic jug be a violation? Perhaps it should be by volume or weight?

Mr. Hamel: Collectors are not going to go around with a scale and take items out of bags, it will be a judgement call.

Mr. Solinsky: But 1 soda can or plastic jug will be a violation.

Mr. Roe: Technically that is correct. My feeling about the common sense approach is that it really is looking at folks that are not making an effort to participate at all. The haulers will know that because they will pick up items and will know which of their customers are not participating at all.

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Mr. Killen: Where are the small business people suppose to dispose of their recyclables?

Mr. Hamel: They can make a deal directly with their hauler, they can speak with the Quinnipiac Chamber who has been working both for and with the small businesses to try to organize and coordinate things. There was no intent on the part of the Town to take away the ability to recycle office paper or bottles and cans.

Mr. Killen: Where does it state that the small businesses can take their recyclables elsewhere?

Mr. Hamel: There is nothing in the ordinance that requires a business to take their recyclables anywhere.

Mr. Killen: Under Section 3.08 it states "no person shall take any material which has been separated for recycling to any public or private property in this municipality unless specifically authorized to do so under the terms of these regulations". Where is the specific authorization to take them elsewhere?

Mr. Hamel: That is an anti-scavenging provision and it may have to be sharpened.

Mr. Walter Sawallich, Jr., 100 Jobs Road: The last comment about Section 3.08 means that it should be a permitted hauler, you don't want people putting out bags of cans because they don't want to return them and somebody goes down the street and scavenges, by opening up the bags taking out the cans and leaving a mess. I believe that is what the section is referring to. He believed that the State regulations regarding this was relaxed in July somewhat so that if a truck going into a facility will be allowed to be mixed with up to 25% recyclables in a load for the first year of implementation. If a customer of mine makes a mistake and inadvertently throws out a bundle of newspaper with the garbage, I will not turn this man in, I don't want to lose a customer. It is for major offenders.

Ms. Papale: My biggest concern is the municipal agent. I can't imagine the Police Department enforcing this. The agent will be the most important part of this ordinance. Who and what are you going to come up with? The haulers can certainly go around and check, they will probably have the best insight but I don't feel that as business people that it should be up to them to turn their customers in. Who will be the municipal agent?

Mr. Hamel: I don't know why you would assume that it would not be the Police Department.

Ms. Papale: Are you going to hire another policeman?

Mr. Hamel: I have not had a discussion with the Mayor, I don't know what his thoughts are on the agent.

Ms. Papale: I worked on the Ordinance Committee for four years and we worked hard on ordinances and then turned them over to the Police Department and it was almost impossible for them to check every sidewalk that was not shoveled and every car that was parked in the wrong place without a registration, etc. I feel that it is too much for them to do.

Mr. Roe: We have not had any departments volunteer for the position. It is something that we will have to look at. My concern is that we approach this issue on a positive note, that we look to conduct the kind of education that we have been told that recycling takes, that we know recycling takes. I see that being the far more significant side of the coin and quite frankly, that is where most of our attention and effort has gone. That is why we don't have a ready answer for you on how the enforcement side would play out. It is much more important for us to be spending our time on the education aspect of the issue. Mr. Bradley has been part of that process. We certainly hope to have an answer when we come back next time.

Mr. Solinsky: Why are the regulations so vague so that if the Town wants to be soft on the violators it can, if it wants to be hard on them it can? Why isn't the intent made clear? When you get down to it, if the recyclables are left on the curb and not picked up people will get the hint. Why come down with such a heavy hand? Forget about the fines for a while.

Mr. Roe: I think that part of the interest of having a fine structure in place is the problem that the community had with the "false alarm" ordinance. Money does make them pay attention.

Mr. Solinsky: There is never a doubt with a false alarm.

Mr. Hamel stated that the Town will not fine anyone for the first year anyway.

Mr. Solinsky asked why the regulations don't state that?

Mayor Dickinson pointed out that you cannot write into the regulations that they will not be enforced the first year. But realistically, there will not be rigid enforcement right off the bat from January 1. There has to be a time of assimilating the information and getting used to a new procedure. By the same token, at some point during the first year, people who don't come into line and ignore it, then begin to stand out, and unless you do something to force compliance, everyone starts figuring that they don't have to comply. Will it be an immediate effort to fine with day one? No. When you write regulations you have to write them to effect the proper course of action.

Mr. Solinsky: I believe the wording of the ordinance should match the intent.

Mayor Dickinson: After a reasonable length of time and reasonable efforts to communicate, when there is a complete disregard after sufficient notification, yes there will be an effort to fine, but it will not be a peremptory fine. We can state in the ordinance that we will provide a warning and then we will notify of a violation and a

fine, we can write that in the ordinance.

Mr. Solinsky: If it will be followed.

Mayor Dickinson: If that is what the interest is, that is fine.

Mr. Roe: That has always been my belief of how it would be implemented. I think that we can go back and try to incorporate some language to that effect.

Mr. Zandri: We are overlooking something here. There is an incentive for people to comply with this, it is dollars. Because if a person continues to throw their recyclables in their normal waste stream it will cost \$50/ton to dispose of it. If he realizes that if he recycles it will only be \$20/ton, there will be a cost savings to him, therefore the incentive for him to comply with recycling. I think that will out-weight all the regulations.

Mr. Solinsky: Will that effect the residents?

Mr. Zandri: Definitely. Their haulers should pass the cost savings onto their customers if they are going to be bringing more to the recyclables and less to the waste stream.

Mr. Killen: If we adopt this, this is what we are going to do. No matter what your intentions are, this says.. "in addition to any other penalties herein provided, any person who violates this ordinance shall be fined \$100.00. In lieu of the fine established....shall be fined \$500.00". There are no ifs, ands, or buts. If we adopt this we cannot say that the first 500 people are exempt.

Mr. Roe: It is my understanding that the Council wishes language included that provides a warning stage prior to penalties.

Mr. Killen: There has to be.

Mr. Gouveia: If they could cut a deal with a vendor that could perhaps give them the same or more, why can't the residents of Wallingford, at any time they so desire, give recyclables such as glass, plastics, etc. to any non-profit organizations?

Mr. Roe: When we sought vendors we indicated to them that we would be committing to them the recyclable materials generated by Wallingford households. In doing so, that is what they used as their database to determine their pricing.

Mr. Gouveia: I have a big problem with that, how could you commit my valuables to someone else?

Mr. Roe: The Town has control under State Statute.

Mr. Gouveia: Government should not be allowed to have that kind of control over people.

Mr. Gouveia: Suddenly we are no longer worrying about the environment, we are worrying about making a profit.

Mr. Hamel: We are worrying about allowing haulers to bring materials to a central area that is going to have a very small price impact on all of the residents of Wallingford.

Mr. Gouveia made a motion to Table This Item Until the Next Meeting, seconded by Mr. Holmes.

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

Mr. Killen asked Mr. Gouveia to correct his motion to designate a specific date and time for the public hearing.

Mr. Gouveia stated the issue will be discussed at 7:45 P.M. on October 9, 1990, accepted by Mr. Holmes.

Mr. Hamel pointed out that the Admet contract will be presented at the next meeting and asked if this item should be handled after the Admet contract or not?

Mr. Killen: We can always move the Admet item up on the agenda or back, the important thing is to cover the public hearing at 7:45 P.M.

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

Ms. Papale made a motion to Move Agenda Item #9 Up to the Next Order of Business, seconded by Mr. Bradley.

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

ITEM #9 Consider a Re-appropriation of Funds in the Amount of \$4,099.00 of Donated Monies to the 1990-91 Project Graduation Account in the Mayor's Council Budget - Youth Service Bureau

The funds affected Acct. #037-1041-900-9000, Revenue - Project Graduation and Acct. #037-9001-900-9060, Expenditures - Project Graduation.

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

Mr. Tim Cronin, 47 S. Ridgeland Road: Was the Board of Education ever paid back, was the money borrowed from them for this project?

Sue McLaughlin, Youth Service Bureau Director - The Board of Education donated just over \$3,000, and made a direct appropriation to the Healthworks Club. When Gaylord Hospital made an appropriation to the project Graduation they requested that \$2,000 of that money not be spent directly on the party on June 22nd, but indeed go through the following year to be allocated specifically for on-going educational purposes throughout the course of the year. This will include money to provide busses for students from the high schools to go to Gaylord and

use the drunk driving simulating computer and other programs. The remaining \$2,000 came in the last 2 weeks of the campaign. We did not anticipate. When we went to the Board of Education and up until the beginning of June, we were not sure we would have enough money to pull the party off. A lot of people jumped on the bandwagon at the very end. It is our feeling that the \$2,000 will go directly into the next project Graduation and the \$2,000 from Gaylord will indeed be spent on the educational programs themselves.

Mr. Cronin: So the Board of Education did pay for approximately \$3,000 for this party?

Ms. McLaughlin: Yes.

Mrs. Duryea: How does someone get appointed to the Mayor's Council of Substance Abuse?

Ms. McLaughlin: It is an appointment by the Mayor. They can request of the Mayor or myself or John Bruce that they be considered for the Council. There is also a membership committee that meets with the individual and goes over what their interests are and what they would bring to the Council and what their commitment would be to the Council.

Mrs. Duryea: Are there a certain number of people on this Council?

Ms. McLaughlin: We are required by the State to have at least 12-15 positions that need to be there. A list of criteria needs to be met in order to comply with CADAC stipulations. Beyond that, the history of the Mayor's Council is that it involved a number of people that were interested and needed to represent various groups that supported drug and alcohol education efforts in the Town.

Mrs. Duryea: At this time do you have all the people that you need on the Council?

Ms. McLaughlin: Yes, we have a body of approximately 26 people.

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

ITEM #7 Consider and Approve Tax Refunds in the Amount of \$4,001.60 - Tax Collector's Office.

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

Mr. Gouveia questioned a refund of \$1,081.99 made to Mark & Kimberly Criscuolo of 16 Summerhill Condo made on January 27, 1989 and January 17, 1990, respectively. He asked if the date should read 11/27/89?

Mr. Rosow stated that the second payment should read 1/27/90.

(It was later discovered that in copying and shrinking the original the month of November (11/27/89) appeared as 1/27/89.

Mr. Gouveia asked if the clerk in Mr. Rosow's office can tell whether or not a payment has been made before by either a bank or individual entering his office to pay their bill?

Mr. Rosow: No, there is no way to tell.

Mr. Gouveia asked what "overpayment due to correction" means.

Mr. Rosow: It could be after they appear before the Board of Tax Review or it could be when they go to the Motor Vehicle Department to register their car and realize they may have sold a car before the end of the year.

Mr. Gouveia asked if we pay any interest on those overpayments? There is no mechanism to pay these individuals interest on their money?

Mr. Rosow: No. We have no way of paying interest. If we have charged interest on the bill, they will receive the interest and the overpayment. It is not the Board of Tax Review that creates most of these overpayments. Most are caused by people themselves. When people sell homes, sometimes there is a mix-up, we receive payment from their attorney, sometimes from the homeowner who fails to realize their mortgage company will make the payments, etc.

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

The Chair declared a 5 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 was absent; all others, aye; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds to Hire a Private Consultant to Tabulate & Submit a Final Report on the Wallingford Housing Partnership Committee Survey - Mayor's Office

The Transfer of Funds in the Amount of \$1,500.00 is from Acct. #8050-800-3190, Contingency/Reserve for Emergency to Acct. #1300-900-9041, Housing Partnership Committee/Survey Printing & Analysis.

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

Mrs. Duryea: Is this all that this committee does or do they have other functions?

Mayor Dickinson: It investigates the need for affordable housing. As part of that assignment it has been looking to encourage adoption of Planning & Zoning Regulations. Dime Savings Bank has contributed \$5,000.00 for the development of the survey. It is ready to be utilized. These funds tonight is needed in order for the Town to have someone tabulate the results and handle aspects of it so we can deal with returns when the surveys come back.

Mrs. Duryea: Is this the first time we have done this?

Mayor Dickinson: Yes.

Mr. Gouveia asked what the anticipated cost is to print the surveys?

Mr. Fred Gettner, Chairman of the Housing Partnership: I received 8 quotes from Wallingford printers, the lowest being \$390.00.

Mr. Gouveia: The Town will pay for the surveys, the cost of the printing, and the tabulation of the information? Dime Savings Bank will pay for the distribution of the surveys?

Mr. Gettner: That is correct.

Mr. Gouveia: What is your projection on the returns?

Mr. Gettner: I would say if we get between 5-10% (500 - 1,000) I would be very happy.

Mr. Gouveia: Would that give you enough information to work with?

Mr. Gettner: Yes.

Mr. Gouveia: Does Dime Savings Bank play any other role or have any other interest in this?

Mr. Gettner: They just have one person on the committee.

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

ITEM #8 Report Out on the Revaluation Project Update - Revaluation Committee

Motion was made by Mr. Holmes to Hear the Report Out by the Committee, seconded by Mr. Solinsky.

Eva Lamothe, Deputy Comptroller reintroduced two of the members of the firm Cole-Layer Trumbull, Larry LaBarbara, Project Supervisor and Mr. Ed Colvert, Project Coordinator. She provided the Council with the background on the project to date. Data collectors have been on-sight since late July.

Frank Barta, Assessor, gave an update on the project status. Approximately 15,600 parcels exist in Town. To date, information has been transferred and sketched over to property record cards. These cards are made field ready (9,200 are ready to date). Approximately 3,381 properties have been visited and of that number, approximately 2,400 have been entered (71% entry rate). Prior to visitation and entering 4,309 data mailers were sent out informing residents we were coming. Currently there are 6 data collectors active in the field. There are two group leaders in the field in charge of all quality control. Every first 100 homes a data collectors visits are double checked by the group leaders. The number becomes smaller as the data collector becomes more and more familiar with their work. At the end

of the project 3% of the work will be quality controlled. There have been very few problems. The residents have been very cooperative.

Mr. Myers, Comptroller explained to the Council in great deal what is done to make a property record card "field ready".

Mr. Rosow, Tax Collector, stated the Committee's commitment to keep the public informed of every step of the process and prevent as many errors as is possible. Confirmation notices will be mailed by the committee to homeowners once the information has been gathered on the property. The homeowner can review it for accuracy, at their leisure and before the value is placed on the home. All pertinent information is included on the form. The form is designed to allow the homeowner to return to the Assessor, postage-paid, notification that there may be a problem/question that requires immediate attention. They will be introduced after January 1, 1991.

Dennis Hlavac, Chief Appraiser, updated the Council on the computer and software which the Council approved for use in this project. An installation plan was coordinated by Cole-Layer Trumbull with the phases of revaluation. It is extremely organized. As revaluation is taking place the software will be installed with each phase. As the information comes back from the field, the modules that will allow the computer to accept the information will be coordinated respectively. A coordinated effort was made to draw up specifications for the hardware required for this project. Cole, Layer-Trumbull, Trudy Brady, and the Assessor's Office worked closely to develop the requirements for the necessary hardware. Currently the hardware is out to bid. The opening of the bids should occur on October 3rd. Nothing has been purchased as of yet. The required cabling for the computer hardware has been installed in the Assessor's Office and Conference Room #109. Trudy Brady or someone from her office will be fully trained in every aspect of the software (the recorder experienced a malfunction for a short period of time).

Mr. Myers explained that a penalty of 10% of the Town's State Grants is currently on the books if the Town does not comply with the revaluation of property by the 10th year. That amounts to approximately \$1.5 million. To date, no municipality has been penalized, but the legislature just came into effect. Legislature has enacted a law which says the Town must conduct, complete and implement revaluation or be fined as stated above. As the project progresses toward the last 25% of the work, the current legislation will be looked at to see what options are available to the Town at that time and make an analysis and report back to the Mayor and the Council.

Mr. Barta explained how three attempts are made to enter the property, one during the week, one after 5 P.M. during the week and one on a Saturday. If no contact is made at this point, a certified letter requesting an appointment be made for the property to be viewed is mailed. By contracts, the Town is required to gain 95% entry.

Mr. Robert Ronstrom, Internal Auditor explained that so far the press conferences and releases have worked very well. The committee

intends to conduct press conferences/releases during the entire project. It has been 4 months since the committee first appeared before the Council with its presentation and felt that the committee should continue to appear before the Council and the Mayor as well as the public every 4 months until the project is completed. A public information pamphlet should be ready for distribution some time in December or January. It is intended for mass mailing and in conjunction with that the Assessor's Office and representatives of Cole-Layer Trumbull will be available for public groups after January 1, 1991. If a group wishes to have someone speak to them regarding the project, they may contact the Assessor's Office and the meeting will be arranged.

Mr. Barta stated that the Town is planning to begin the commercial and industrial data collection sometime in November, residential data collection will continue until it is completed, estimated date of completion, February or March, 1991. Sales information and actual sales transactions are being accumulated and the market is being monitored very closely.

Mr. Gouveia asked if the same sketch is used this time around that was used during the last revaluation plus any additions made since then?

Mr. Myers responded, yes.

Mr. Gouveia asked Mr. Barta to explain the new surtax.

Mr. Barta explained that the surtax is brand new and it is 1990 legislation. It allows the Town to add 15% onto commercial and industrial properties which relieves 15% of the tax burden from the residential properties. There are several requirements of a municipality that elects to do that. One being a 5 year statistical revaluation, which is a must. Another being that a committee must be formed to evaluate what good the surtax did, if any. There are many study programs that have to be done and signed off by the State.

Mr. Gouveia: Anything on differentiation on tax classification?

Mr. Barta: Nothing at all.

Mr. Myers informed that Council that a Ms. Rubenbauer from the Office of Policy and Management who is extremely knowledgeable of the laws and their implementation and did express a willingness to attend a Town Council Meeting at the appropriate time to explain the Statutes in detail.

Mr. Gouveia felt that it would be a good idea to have her in attendance at one of the future meetings. Especially since he did request the committee to make use of any/all State Statute and/or Regulations at the first meeting before the Council to help lessen the impact of the revaluation. He requested a recommendation from the committee at the completion of the project to be forwarded to State Legislators regarding specifically which State Statute should be revised, repealed, added, etc.

Mr. Gouveia asked if any actual assessment has taken place yet?

Mr. Barta stated, value-wise, no. There will not be any values set until sometime in July.

Mr. Gouveia was eager to see if any trends were developing.

Mr. Myers explained that sales data is being collected on Wallingford properties that have sold and that data is going to be comprised of 2 year's history (July 1898 - July 1991). It will be used before a value is placed on Wallingford property.

Mr. Bradley asked if the project is on target? Any problem areas?

Mr. Barta stated it was on target and there were minor problems that were not worth speaking about.

Mr. Bradley asked if the Town complies for the state grant for the software?

Mr. Barta: We will comply. We will not apply for the grant until we produce tax bills from the revaluation. You need to prove that the system works.

Mr. Bradley asked specifically which type of hardware was being considered for purchase?

Mr. Barta: Four computer terminals, two printers and two workstations.

Mr. Bradley: Currently, do you have any workstations in place?

Mr. Barta: One. We own it.

Mr. Hlavac: Once the revaluation is completed and they are no longer processing information for it, those terminals will be installed in our office for our use.

Mr. Bradley: How many terminals will have access to all of the information via the link?

Mr. Hlavac: They (Cole-Layer Trumbull) wanted to connect and do their work from Albany while we were waiting to connect the hardware. They will be able to start up and access the computer on off-hours through Trudy Brady and start installing information back and forth in doing their installation process. Part of the software is installed so that they will accept the information collected in the field and they will be using the terminals in their office to enter data while they are also installing.

Mr. Bradley: Has there been any impact on the project from the conversion going on upstairs from the two C.P.U.s?

Mr. Hlavac: Not at the current time. Our old software has been converted to the new terminals, our old programs are in place and they are being used on the new system.

Mr. Killen: Thank you ladies and gentlemen for your efforts, it sounds as though you have done everything that you can to make the public aware of what you are doing and why. I think that you are doing a fine job and I hope that you continue with these reports which are very informative.

Mr. Gouveia: I would much rather have these reports as the first item of business on the agenda at future meetings. It is now 11:00 p.m. and the public is not available witness this information. The other alternative may be to hold a special meeting. This issue has the potential to be an explosive one.

Mr. Killen: I am working on a plan since I have so many requests from everyone to be the first item on the agenda that I am going to institute a new procedure. We will just have 1 item on the agenda, 1a, 1b, 1c, etc. That way everyone will be the first item on the agenda.

ITEM #11 Discussion Regarding Leaf Composting and Approval of Amending the title of Acct. #5060-6540 to read, Waste Disposal and Composting Fees - Mayor's Office

Motion was made by Mr. Bradley to Change the Title from CRRA Tipping Fees to Waste Disposal and Composting Fees, seconded by Ms. Papale.

Mayor Dickinson stated that the bid of \$18.75 by Earthgro, Inc. is for the composting which will allow the Town to pay for the leaves, most of which will be delivered by Public Works but it would also provide for residents to drop off leaves.

Mr. Bradley: We are not taking any action on the bid, am I correct?

Mayor Dickinson: That is correct. The bid goes to Earthgro, Inc. since they are the lowest bidder and we need the money to pay for the program. It won't be very long, unfortunately, before the leaves are falling.

Mr. Killen: How is the leaf collection going to be done, will they accept the plastic bags?

Mayor Dickinson: For the bid price they will open the bags, dump the leaves out, they will be collected the same way they always have been.

Mr. Killen: Then there is more reason than ever to make the public aware that it is their duty to bag them and not to be pushing them out into the streets.

Mr. Gouveia: This account will now include recycling, composting and CRRA Tipping Fees?

Mayor Dickinson: There is a separate account on recycling. This one will cover the leaves, landfill and incinerator fees.

Mr. Gouveia: I would prefer to see exactly what goes into CRRA Tipping fees and exactly what goes into the composting when we receive a report from Tom.

Mayor Dickinson: I am sure we could do that. The problem is now that it is almost impossible for us to estimate how much it will be. Will we save money vs. what we pay when it goes into the landfill.

Mr. Gouveia: I would not have to call Tom's Office, it would already be broken down for me. What will happen to the leaves after composting?

Mayor Dickinson: They are obligated to market and have the site cleared of material by the time the next collection occurs.

Mr. Hamel: The Town will get a portion of the revenue if they market. They (Earthgro, Inc.) are obligated to make sure that all of the compost is off of that site in time for the next leaf collection.

Mr. Gouveia: I know that they (Earthgro, Inc.) take away leaves, grass clippings and small shrubs in one particular municipality for \$30/ton. Should we look into why we are paying \$49/ton at the trashplant to dispose of grass clippings when each resident is only allowed one bag of clippings out at the curb each week?

Mr. Hamel: We could look into that, there would be a displacement of cost. Right now the haulers are paying for the leaves and shrubs at the landfill or at the waste to energy plant. If the Town were to enter into an agreement, then the Town would end up paying for it, probably subjected to some sort of fee schedule.

Mr. Gouveia: The haulers would rather pay someone \$30/ton to haul it away rather than pay \$49/ton themselves. Grass clippings is not something that the plant should be burning to begin with.

Mr. Holmes left for work at approximately 11:06 P.M.

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

ITEM #12 Consider and Approve a Request to Increase the Waiver of Bid by \$9,000 for Legal Representation in the Northeast Utilities/PSNH - Department of Public Utilities

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

Mr. Bradley asked Mr. Raymond Smith, Director of Public Utilities why an agreement hasn't been reached?

Mr. Smith: No one has come up with a program that satisfies all of the various interests that are in the case at this stage. It remains as 44 impacted intervenors. Eastern Massachusetts has certain concerns, they feel as though they are landlocked from a transmission situation. In addition, for the most part of August, hearings were held in Washington and most of the witnesses presented all of their testimony. A briefing schedule was received by my office today. It is a long, drawn out procedure. Several proposals have been made as an attempt to negotiate a settlement on the outside, but in the meantime the legal process continues to grind along.

Mr. Bradley: Have our needs been met?

Mr. Smith: No more than anyone else's.

Mr. Gouveia: Why is the figure at \$9,000?

Mr. Smith: That is the balance of the monies available in this year's account #923-2. At the end of October we plan to meet with the Council on the quarterly budget transfers to replenish that account and maybe put more money into this. It matched up with the available, unappropriated funds in the account.

Mr. Gouveia: Are we still in this with the other communities that we have joined? Are they paying a proportionate amount?

Mr. Smith: Yes, yes. The arrangements were based on the amount of sales each community produced, we are at approximately 41% of that.

Mr. Gouveia: I read an article in this morning's paper, correct me if I am wrong. I read that CL&P can only pass along a specified percentage of the cost of Seabrook to the customers now, did you see that article?

Mr. Smith: No I did not. There have been arrangements made with the State of New Hampshire about charging the customers in that state for the cost of Seabrook. I believe there is a cap of 6% per year for 6 or 7 years as a limit that they can increase their rates in the state.

Mr. Gouveia: What impact will this have on your fighting this, if any?

Mr. Smith: There are two key issues, transmission access and the re-allocation of cost, which may or may not impact us. We do not have a straight answer on that. The testimony to date should have no negative impact, by yet they have not quantified that. We are a very small piece to a puzzle.

Mr. Killen: In April, the Council waived the bidding and put a cap of \$15,000 on it at that time. According to the figures you spent \$12,674 in last year's budget and this year we have not waived anything, but so far \$7,200 has been paid.

Mr. Smith: You did waive it. I have been back to this Council for a cap of \$30,000. This is the third time.

Mr. Killen: I stand corrected, but you have a Purchase Order with a limit of \$15,000 on it.

Mr. Smith: That should have been updated. The cap should have been raised to \$30,000 which was the waiver of bid. I believe that we have \$25,000 in that account this year and we have used approximately \$15,000 or \$16,000 and the balance is the \$9,000 that we are seeking tonight. This is not for the transfer, but the bid waiver.

Mr. Killen: My problem was with the original request of \$20,000 being required and no one picking it up in the P.U.C. including the Director,

the fact that the \$20,000 was not available at that time.

Mr. Smith: My recommendation was to waive bids and then come back and move the monies at the appropriate time.

Mr. Killen: I am not picking on you because you are constantly in front of me, but there are a series, including the commissioners themselves, that did not raise the question, "do you have that kind of money in your account?".

Mr. Smith: We discussed it at the P.U.C. meeting tonight.

Mr. Killen: It was \$20,000 when it came before us and I questioned the Comptroller if we had that kind of money and he said, no, they have \$9,000 and then the figure was changed to that amount. These are the kinds of things we expect from the commissioners. It is asking too much for them to open their books to check if what you are asking for in the way of dollars is feasible? This matter should have been discussed amongst the commissioners prior to you coming before us to request this matter.

Ms. Papale: The P.U.C. meeting was postponed from last week.

Mr. Smith: It was a last minute thing on my part in realizing that we were coming to the end of the available ceiling that we have.

Mr. Killen: It is not my idea of how business should be conducted.

VOTE: Holmes & Parisi were absent; Zandri, abstained, Killen, no; all others, aye. Motion duly carried.

ITEM #13 Consider and Approve a Waiver of Bid to Allow the Sewer Division to Proceed with the Preparation of an Agreement with Metropolitan District Commission (MDC) for Sludge Disposal Services to Begin Approximately 1/1/91 - Sewer Division

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

Mr. Gouveia: These are not bids but quotes, am I correct?

Mr. Roger Dann, General Manager of the Water & Sewer Division: That is correct.

Mr. Gouveia: The dollar amount on the cover letter for MDC does not seem to correspond with the amount listed as quotes, please explain.

Mr. Dann: In order for us to provide you with a true comparison of disposal costs, we had to compare each of the options on the same basis. In some cases, they require that they would only handle liquid material, in other cases, liquid or sludge cake. We looked at all the possible options. On top of that, some of the pricing includes the cost of trucking to get to the facilities, in other cases the cost of trucking was not included. We brought it all into the same cost-per-dry-ton basis. You do not see directly the numbers that you read on the quotations on my cover letter, instead you will see those numbers analyzed and brought forward into the final disposal cost

estimates. In some of these cases trucking costs are formally quoted and in some we would have to go out and bid the trucking. We have a pretty good handle on what those figures are.

Mr. Gouveia: Is de-watered the same as dry?

Mr. Dann: De-watered sludge is going to be somewhere in the vicinity of 23-25% solids. A dry ton is, in fact, a dry ton.

Mr. Gouveia: So when they say 185 or 215 in their letter, de-watered, is not the same thing as dry, because you come up with 220, 64 dry.

Mr. Dann: Actually it is \$185/dry ton accepted in the form of a de-watered sludge cake of at least 22% solids.

Mr. Gouveia: For our purpose, the de-watered in their letter and the dry ton in your letter is basically the same thing?

Mr. Dann: Yes, the only difference is the estimated trucking cost for us to get it there.

Mr. Gouveia: They do not provide the trucking cost?

Mr. Dann: That is correct.

Mr. Gouveia: I have a problem with the letters. I noticed the first letter was sent out on June 22, 1990 and you received a reply on July 13, 1990. The second letter has no indication when it was sent, but you received a reply on July 10th. The third letter, again, I don't know when you requested a quote from MDC, but I know you received a reply on September 10, 1990 by fax and your meeting was on September 12, 1990. Why did you request 2 proposals so early, and I'm not saying that you did not request the same proposal from MDC at the same time, I'm just asking why it took until September 10th, 2 days before your meeting to reply and by fax at that?

Mr. Dann: We had met with each of the potential vendors sometime in advance of this to discuss with them what the availability was, what the options were, what forms would they accept material in. Following those meetings we then sent letters to them requesting that they specifically quote us the prices that they did. We sent those requests to Mattabassett and to Naugatuck, but we did not request another quote from MDC in that they already provided us with that information through both an open meeting for all municipalities and then subsequent meetings that we had had with them. We did not formally request another quote from them. As we got to the point that we were ready to move forward, obviously we needed to have a piece of documentation for the purposes of proceeding. It did take longer than we had hoped to get that from them. We received it on September 13th. The P.U.C. meeting that week was postponed until the 14th, so we did have this documentation prior to the action by the P.U.C.

Mr. Gouveia: You are saying that you already knew beforehand when you talked to them exactly how much they would charge you.

Mr. Dann: We had an indication. Their price was actually higher when we first talked to them. The reason that it came down in part was

due to other municipalities signing onto the project so they distribute the cost of operation over a larger volume of users. The original quotations received were \$225/ton, they have come down to the \$185/ton estimate at this point.

Mr. Gouveia: How do you know that the other two companies are not cheaper three months later? It seems that you are using the prices of the other two companies to validate the third company or rather, your actions.

Mr. Dann: Keep in mind that we are here for a waiver of bid, so clearly these are not intended to be bids. They are intended to provide information to you that shows the options available to us so that you can make an educated decision with regard to our recommendation. The differential in cost is a significant amount and worth consideration in this overall evaluation.

Mr. Gouveia: These are public funds and everyone has the same right to those public funds and you are asking for a waiver of bid which is fine, you are coming up with 3 different quotations, and they were not taken at the same timeframe. One was given to you on July 10th, and the other on July 13th, and the third was given to you on September 10th. How do we know that those first two could not have made it just as cheap or cheaper since you spoke with them? We have no idea as to whether or not the other two have come down since.

Mr. Dann: Short of getting them at the same time on the same date, we have no guarantee that, in fact, they would not change. That is what the bid process is all about. By soliciting bids then you are guaranteed that at a specific date and time that is the price.

Mr. Gouveia: In the absence of bid, and sometimes I do realize that it is very difficult to go out to bid on certain services, I realize that, but in the absence of a bid, I would think that if you are going to solicit quotes you try to provide information that is identical, as much as is possible, to all three, four, five different people that are giving you a quote.

Mr. Dann: In our evaluation of this we see such distinctly different characteristics of these operations that to us it is almost inconceivable that they would alter their price by any significant amount. Keep in mind that we are not dealing with a seller's market, if you will, we don't have a product that a lot of people are interested in coming to get.

Mr. Gouveia: They are going down in price, next year it could drop lower.

Mr. Dann: They are not going down in price to get our product. They are evaluating the actual cost of their operations and then allocating that over the total volume of sludge which is to be disposed of. That is how they determine that price for the year. If someone else comes in with another 600 tons for the year, it gets spread over another 600 tons. Our entry into the system will most likely cause their price to drop further in the following year. Once again, the fixed cost of operation is now spread out over a larger user base. MDC, in our

discussions with them, is not interested in making a profit, they are simply interested in being able to spread that cost over a larger group of users. Keep in mind that they receive State grant money in order to construct that facility and part of that money is linked to the concept that a portion of this facility is available for other municipal participation.

Mr. Gouveia: Again, my only problem is that 2 months had passed between the time the first two replies were received and the third was received. Two months is a long time and a lot of things could change. I would much rather have quotes received at the same time. I do not wish to have the other companies feel that they have been cheated.

Mr. Zandri: What is the present cost of disposing the sludge at our landfill?

Mr. Dann: Currently, \$49/wet ton, at about 23% solids, that works up to just a touch over \$210/dry ton.

Mr. Zandri: Is the shipping cost included in that figure?

Mr. Dann: It does not include our cost to transport it, but that figure is fairly marginal, we are going basically around the corner.

Mr. Zandri: What documentation do you have that our landfill is closing as of the end of the year?

Mr. Dann: I'm not suggesting that it is closing. What I am suggesting is that we have had discussion which indicates that the life of the landfill is, in fact, limited and at this point I cannot tell you what the closure date is. It seems to be a moving target. Our ability to assure that we have a long term sludge disposal option, we cannot afford to wait until the time that the landfill closes and then begin looking for options. We are looking to enter into a favorable set of circumstances to tie up some long term disposal options so that we are not left out in the cold. If MDC ties up all of the available excess capacity and Wallingford is not part of that then, in fact, we are left with a higher priced option of Mattabasset or Naugatuck.

Mr. Zandri: I believe that we need to have a better handle on when our landfill is closing. I've heard stories about it for the last 10 years and it is still open and from my own personal observations, I don't see it being anywhere near the closing stage.

Mayor Dickinson: There have been some real problems in dealing with the sludge at the landfill. They have had several trucks that had to be towed out in order to dispose of the sludge they have to use bypass. They have to not burn some refuse. They save it on the side in order to mix it with the sludge. We went on a tour visiting several landfills in the state to look at how they are dealing with sludge. All of them indicated that it was a problem. They are all mixing with one thing or another in order to come up with a consistency which allows working. It is such a gelatinous kind of mass that, unless you mix it with high proportions of other materials, it cannot be landfilled. On two occasions that I am aware of, trucks have started to sink and had to be towed out.

Mr. Zandri: We have a contract that allows us to bring our sludge to the landfill. If it is a problem handling it, that is their problem, not ours.

Mayor Dickinson: Whatever that problem is and the costs associated with it becomes part of the operating costs which we are absorbing.

Mr. Zandri: Even though the cost is close, it is still \$10/dry ton cheaper here, then to go to the cheapest company (MDC).

Mayor Dickinson: The other issue is, when we are without a place to go and Meriden is looking at trying to implement a sludge composting site, there will be and is currently a crisis regarding sludge disposal. Some of the towns and what they are doing is not even permitting. No one wants the stuff. Right now we have an option that recycles it. Our landfill will not always be there.

Mr. Bradley: In the minutes of the September 14th P.U.C. meeting, a comment was made regarding the net profit of the sale of the compost. Were you referencing the sludge?

Mr. Jim Kirkland: The sale of the sludge compost, yes. That is another area where Hartford differs from Naugatuck and Mattabasset. The latter two are incinerators. They burn the waste product, Hartford composts it and sells it. Profits from the resale are put back and distributed among the participating municipalities as an offsetting cost. This is all part of the arrangement they have with the D.E.P. as a result of getting the \$10 million grant money to build this plant which also explains why it is cheaper to operate due to less bonding costs.

Mr. Bradley: Is the return of the profit from the composting reflected in the price here (MDC's price)?

Mr. Kirkland: MDC is a new facility. They are undergoing startup right now. They have not sold product yet. They expect to be on-line and in full operation by November and begin producing a marketable product. Keep in mind that as part of your recycling goals of the Town of Wallingford, by utilizing sludge for composting will be something that you can add to your percentage for recycling.

Mr. Bradley: That will be reflected in the price?

Mr. Kirkland: It is supposed to be, yes.

Mr. Dann: In our meetings with them they indicated that to be the case. At this point it would be speculation to say that they can sell it for profit. I think that initially they probably cannot dispose of all of it at a profit. They have to build a market for the product. At some point in time it is likely, however, that they will begin to turn a slight profit. And that will also be helped along that effort

if say, the Town of Wallingford has a use for some of the compost. If we have ball fields or some in-town use that we can except some of the material, therefore, potentially offset costs of operating the MDC facility, that will in turn bring the price down for all the participating parties.

Mr. Killen: What was the Purchasing Agent's role in all of this?

Mr. Dann: I did speak with Mr. Dunleavy, I informed him of what I had done and asked for him to comment on that, he was in agreement that what I had done was acceptable. He sees no problem with what I am recommending at this point.

Mr. Killen: We are supposed to have a process whereby it is preferably in order for you to go to the Purchasing Agent and notify him that you would seek R.F.P.s rather than the normal process and so forth, but the actual awarding of a bid, by ordinance and by charter is done by the Purchasing Agent. The only time that anyone else can award it would be this Council and that would be to other than the lowest bidder. The Purchasing Agent has to have a hand in this matter, you cannot just ignore him one way or the other. I don't know how he allowed you to go out and seek the proposals?

Mr. Dann: If I were asking for a waiver of bid to go for an R.F.P. process, then that is true, he would then have a role to play in the established policy. It is not always the case when the waiver of bid is granted that it is granted to obtain R.F.P.s. This information that I am providing is supplemental to my request for waiver of bid. I am not proposing that these quotes represent R.F.P.s.

Mr. Killen: You are looking for two things as your final paragraph says, "the Sewer Division is requesting your approval for a waiver of bids to allow us to proceed with the preparation of an agreement with MDC.." the only one that can enter into that contract is the Purchasing Agent.

Mr. Dann: I believe that the P.U.C. may also be able to enter into that.

Mr. Killen: No way. The ordinance is very specific.

Mr. Dann: Certainly once an agreement has been prepared it would go through the proper channels.

Mr. Killen: " It is under the Purchasing Agent's duties to purchase or contract for all supplies, materials, equipment, other commodities and contractual services required by any department, office, agency, board or commission of Town government, except the Board of Education in certain instances". Under C - "except as herein provided it shall be unlawful for any Town officer or officers to order the purchase of supplies or make any contract within the purview of this ordinance other than through the Bureau of Purchases". All the way through the ordinance it is the intent, with that one exception, that when the bid is to awarded to the lowest bidder, the Purchasing Agent must submit the entire file to the Council so that we can award it ourselves to the other than the lowest bidder. At that point a letter has to be sent back to the Purchasing Agent to that effect. All the actual

contracting and so forth has to go through the Purchasing Agent.

Mr. Dann: Mr. Dunleavy is fully aware of all that I have done up to this point.

Ms. Papale: Why didn't Mr. Dunleavy come tonight. We are always talking to the wrong people. He should be here tonight.

Mr. Killen: We met this morning Mr. Mayor because we are having more trouble with this Purchasing Ordinance. What is the intent of this ordinance?

Mayor Dickinson: Where there is a formal bid procedure and you award to other than low bidder, that is more the circumstance where the file is dealt with. Regularly when we have waived bids we have not had a file here and gone through it. This is not the first time. This circumstance is even more unique than most. Because of the extremely small number of places that sludge can be taken and the familiarity with those places represented by Roger and Jim. The Purchasing Office would not be in a position to really do much on the subject.

Mr. Killen: They should have been doing what these people did.

Mayor Dickinson: Regularly, where there is an item of special expertise, departments are the ones that do the discussion with the vendor. The Purchasing Office has no expertise in trying to determine what we are looking for in the way of terms or the type of material we are trying to dispose of or whatever. It is the department head or staff that know what is necessary. The Purchasing Office deals more with putting things into a form that is proper. It never deals with the generation of specifications.

Mr. Killen: It was their intent that they should and that is what the intent of this ordinance is. We are spinning wheels.

Mayor Dickinson: This instance is one in regular conduct that has developed a pattern that does not have the Purchasing Office doing exactly as the ordinance requires. Mainly, practically because that office does not have the expertise to deal with these things.

Mr. Killen: That office is supposed to have the expertise to deal with these things. We did not expect that we were going to pick one particular man who would be an expert on everything under the sun, if we did so we would not have enacted this. We expected a man who would be able to handle the purchasing requirements of the Town of Wallingford in which case he would have to call on department heads or other outsiders, if necessary, in order to get the information, but he is still going to have to do it. This ordinance is explicit. It clearly states "in who shall award all the contracts".

Mayor Dickinson: He would have to sign all the contracts but it is a question of who deals with what the terms will be and he is not in a position to determine that. Once a contract is developed, yes, he has to sign it but here we are talking about entering into one under certain terms. Once we decide what the terms are and that we will enter into it, the Purchasing Office will be the executing official. He is not in a position to negotiate things like this. Office paper is

a different story.

Mr. Killen: If we are going to buy office paper I think that we should get rid of the Purchasing Agent. We can purchase that ourselves. We are talking about a situation whereby we don't know that these are the only outfits that can provide us with this service. We are not calling these gentlemen liars, but the Purchasing Agent is supposed to, among other things, keep a list of vendors who can do these things. He is supposed to be on top of these things and make a recommendation to us. We are a bunch of laymen here. If he doesn't know, what do you think that we know?

Mayor Dickinson: Generally, we can all take judicial notice of the fact that recycling of sludge, the dealing responsibly with the sewage sludge, is a very new topic as far as statewide concern. It is just not been an issue until very recent years. There is not a pattern of conduct or a list of vendors that is regularly available to anyone. Meriden is trying to develop a program where they are trying to build a facility. It is just such a new topic and to expect a Purchasing Agent to know what it going on is not reasonable.

Mr. Killen: If it is such a new topic that the Purchasing Agent is not aware of it, how is it that these two gentlemen have more knowledge of it than the Purchasing Agent?

Mayor Dickinson: Because they deal with this subject as a regular, daily item.

Mr. Killen: Not with the sale of sludge, this is the first time they have ever approached us on the subject.

Mayor Dickinson: But they deal with people who handle sludge on a daily basis. It is a topic within the industry. The Purchasing Agent would only come across it as something came across his desk "out of the blue" literally. It is not a daily topic for him. These people have to deal with it on a daily basis.

Mr. Killen: You are double talking me. Sludge is sludge. Either you want to sell it, buy it, or dispose of it. You don't have to be an expert to know that you want to get rid of it, how much do you want to get rid of my sludge? I don't have to work down at the Sewer Plant for them to read these figures and arrive at my decision. Why our Purchasing Agent has to work down there, I don't know.

Mayor Dickinson: It would not be a topic of concern for the Purchasing Agent on a regular basis which is why he would not have any background knowledge on it.

Mr. Killen: Are we going to exempt him from everything just because he has not come in contact with that item before?

Mayor Dickinson: We are not talking about exempting him, I am just trying to explain how, in this set of circumstances, this has happened. I do not believe this is the time to be critical of him.

Mr. Killen: I am not being critical. Part of the problem that I have

had in all the years in this Town is that we pass certain things. We put words in our ordinances that are supposed to mean what they say. When the time comes, if it suits our purposes, to hell with it. This is no way to run a government. It says that, it means that, until you change it. This is our law. You know how I felt about the veto of the budget. That veto was upheld by three votes. I have to live with it. But then I come to these other items that can be lived with, the purposes are there, the intent is there and then we say, "that's fine but this time we are going to let it slide by the board". When do we decide we are going to let these things slide by the board and who makes that decision and where do they get that authority?

Mayor Dickinson: You have to look at things practically. This is a major problem for the Town and will only become more of a problem. Sludge is a very difficult topic. If there are problems with the implementation of the ordinance, then we should use items that are not so unique and don't require such a specialized treatment. This topic is specialized enough, it should not be the vehicle to reform what has been a pattern of conduct ever since I was elected Mayor and probably extends back long before that, where on bid waivers other than the Purchasing Agent indicating he didn't have a problem with it, we have never required the files going around. We have on an award to other than the low bidder.

Mr. Killen: Yes, other than low bidder. That is the only time that the file has to come to us. In all other instances, the Purchasing Agent is the one who does all the contracting for the Town. When these gentlemen had come before the Council asking that the bids be waived, when it should have been within the purview of the Purchasing Agent to seek whatever outfits there are such as these gentlemen did. It is not that hard. The Agent then should come back to us with these figures and a recommendation one way or the other.

Mayor Dickinson: It would have been difficult for the Purchasing Agent with no familiarity with the terminology and the people in the industry to understand what they are talking about and all of the ramifications. It goes beyond his expertise.

Mr. Killen: We are going to build a \$25 million generating plant. There are going to be materials and equipment bought for that plant. I see the picture now. He knows no more about the project than the man in the moon and Mr. Dunleavy is going to have to exempt himself from all that, \$25 million worth of work down there.

Mayor Dickinson: He will receive all of the specs written by engineers and other people. He will take that information, put it into a form required by the public bidding process and mail it out. He does not generate those specs, nor does he review them for their content and substance. All he does is put them in a form that meets public bidding requirements. He does not know what type of equipment or specifications should go into a plant. All he does is take the information that is given him, which our staff is supposed to certify as being proper and correct and put that information out in the public bidding process.

Mr. Killen: What was to prevent him from doing the very same thing, getting the input from these gentlemen and sending a letter to these

three people saying this is what we are looking for, what can you do for us? What is the difference between this and a closed bid other than the fact that it isn't a bid procedure?

Mayor Dickinson: The issue here is that due to the uniqueness of the subject matter, the few places that you can go to and the contacts that are already there on other matters, it was handled without a public bid. If it were a public bid it would have been handled that way.

Mr. Killen: They have replies to something that they sent out. All that was necessary was those requests going out over his signature. It would have met the requirements.

Mayor Dickinson: It is not a new phenomena, I don't think that this is the vehicle to make an issue out of it.

Mr. Killen: I have fought against violations of the Charter and ordinances from time in memorial and never has it been the time. I think that the time has come to start thinking about retirement because I am tired of banging my head against a stone wall. It has always been my intent to serve the Town to the best of my ability and I find that I cannot do so because the English language as I understand it does not mean what it used to mean to me. I can't serve that way glasses or no glasses.

Ms. Papale: I really understand what both Mr. Killen and what the Sewer Division is saying. We are talking about the Purchasing Department. I am suggesting that you sit down with that department and the ordinance and discuss it with him in a private meeting. We just spent over 30 minutes discussing something that should be discussed with Mr. Dunleavy.

Mayor Dickinson: We had a meeting today with the committee reviewing the purchasing procedures and another is scheduled for October and hopefully we will be able to reform some of these issues. Keep in mind that you can overemphasize form and lose substance.

Ms. Papale: I understand that there are rules and regulations to be followed, but it makes sense to me that these are the people that know what they need. If they only need a signature from Dunleavy, if you want to do it, then do it. I know that you have to follow those rules but these people in this department and others, they are the people that work there day and night and they would know what they need and what they are looking for and I don't care if it is Mr. Dunleavy or the next person taking his position, I feel that that person will be in the same situation.

Mayor Dickinson: We will address suggestions on how to make Purchasing more responsive to the needs of the Town and provide the disclosure that all of us want to see. I am in favor of it.

Ms. Papale: Mr. Dann discussed everything with Mr. Dunleavy as he went along so it was Mr. Dunleavy's place to inform Mr. Dann what should be done prior to appearing before the Council.

Mr. Gouveia: In reviewing the P.U.C. minutes, there were almost no

questions at all on this subject. We spent an hour discussing this that presumably was discussed at the P.U.C. Because they did not ask any of these questions at their meeting, that is why it has taken us an hour to discuss it here tonight. I am very uncomfortable with voting for something that usually requires 3 different quotations to make it somewhat valid. One quote comes so far ahead of the other two, especially since the price changed drastically from when they talked to the vendors until the time the last quote was received makes me very uncomfortable.

Mr. Killen: You sound like me. The motion allows you to prepare an agreement, are you going to enter into a contract?

Mr. Dann: We hope to enter into a contract and to negotiate the specific conditions of it, i.e., the amount of material we will be sending, the limitations on that material, compensation for going either above or below the limitations, term, escape clause, etc. That contract will come back to the Council for approval as well as the P.U.C.

Mr. Kirkland: We will follow the appropriate procedures.

Mayor Dickinson: I think that the P.U.C. should approve it first, the Council secondly.

Mr. Dann: I also believe that there is language under the duties of the P.U.C. which allows them to enter into contracts that do not exceed 10 years in duration.

Mr. Killen: It limits them. Section B of #4 "the authority of the Purchasing Agent to negotiate all purchases for all using agencies shall not be abridged by accepting any particular agency except for the Department of Education and the Department of Public Welfare.

Mayor Dickinson: His entering into a contract is his execution of it. The Purchasing Agent never awards a contract without the recommendation of the department. The Purchasing Agent signifies that the Town has committed to that agreement. He in no way deals with the substance of it.

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

Mayor Dickinson: We are going to need some direction on what you want to do because I cannot overemphasize that this is a major issue for the Town of Wallingford. If you are going to throw away substance on procedure then I want it very clear that that is exactly what is being done. Sludge is becoming an increasing problem in the State of Connecticut.

Mr. Killen: If procedure means nothing to you then I am going to refuse to recognize you, or anyone else who disagrees with me. I am going to go on procedure. It is about time that we realize that we are all bound by the same rules and I have aspirations for this Town that I cannot get forward simply because the law does not allow me to. If you can sit there and say, "look this is fine but it is not good for the

Town because I said so", I can't buy that Bill. Other Mayors before you have tried it.

Mayor Dickinson: I am not saying that.

Mr. Killen: It amounts to the same thing when you get through with it.

Mayor Dickinson: I am not saying that. What I am saying is that the procedure used here is not the new procedure. It may not comply with every detail in the Purchasing Ordinance, but it is not a new procedure.

Mr. Killen: Whether it is new or old, the question is, is it legal?

Mayor Dickinson: It is legal provided there are approvals on it. Given that it is not a new procedure and given the uniqueness of the subject matter, I would think that if there is a benefit of the doubt, you give it to the using department that is dealing with a very difficult subject. Is there need for reform on the involvement of the Purchasing Agent in these items, then that should be addressed, I agree with you. We should use an item that is not so unique as this that involves so much special technique as is represented by the Water & Sewer Division. The Purchasing Agent has absolutely no expertise on this subject matter.

Mr. Killen: As I understand it, the Purchasing Agent is supposed to know something about purchasing.

Mayor Dickinson: The authority rests with the Council decision to allow the proceeding, the negotiating to continue. Without that I am not sure where we stand. If I understand you correctly, you feel that it cannot go out to bid. What is your answer to that?

Mr. Dann: I believe that if it does go out to bid it will severely compromise our interests in that a bid, which is a viable bid by three parties with three separate and distinctly different methods of disposal cannot help but be so open-ended that the clauses that protect the Town's interests once the bids are received by the low bidder, MDC, are going to be detrimental to our operations. We can certainly bid it on that basis, if that is the intent here that is what we will do.

Mr. Kirkland: I am further concerned about the delay that will occur by proceeding with the bidding process. We are not the only municipality that Hartford is negotiating with. There is a limited capacity left. If we don't contract with them, we will pay the higher price.

Mr. Killen: I don't dispute you on this Jim, my problem was how you got this far along. You should have come before us as your first step requesting permission to waive the bid. You would have been home free, after that.

ITEM #14 Report on Admet Recycling Contract

Mr. Bradley made a motion to Hear the Report, seconded by Mr. Zandri.
No one was present to report out.

Mr. Bradley made a motion to Table this item, seconded by Ms. Papale.

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

ITEM #15 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 Purposes - SET A PUBLIC HEARING

Motion was made by Mr. Bradley to Schedule a Public Hearing for October 9, 1990 at 8:00 P.M., seconded by Ms. Papale.

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

Motion was made by Mr. Bradley to Adjourn the Meeting, seconded by Mrs. Duryea.

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

There being no further business, the meeting adjourned at 12:25^{KGW} a.m.

Meeting recorded & transcribed by:

Kathryn F. Milano
Town Council Secretary

Approved by: _____
Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date

RECEIVED ON FILE OCT 17 1990
AT 4:10 P.M.
ATTEST *[Signature]*