

Original!

TOWN COUNCIL MEETING

AUGUST 27, 1991

7:00 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Consider and Approve the Bidding Specifications for Work to Be Performed at 88 South Main Street - Submitted by the 88 South Main Street Building Committee
3. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
4. PUBLIC HEARING On An Ordinance Appropriating \$80,000 For A Feasibility Study And The Design Of Renovations To The Outdoor Community Pool And Authorizing The Issue Of \$80,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issue Thereof The Making Of Temporary Borrowings For Such Purpose - 7:45 P.M.
5. Consider and Approve a Waiver of Bid to Allow Professional Service Industry To Continue Concrete Inspection and Testing Until Such Time as the Sidewalks at the Vo-Ag School is Completed - Vo-Ag Expansion Committee
6. Consider and Approve a Waiver of Bid to Award a Contract For Work to Be Performed at Riccitelli Field at Sheehan High School not to Exceed \$25,000 as Requested by the Superintendent of Schools
7. Consider and Approve a Waiver of Bid for Payment of Invoices to Mystic Air Quality for a Chemical Hygiene Plan and Asbestos Abatement Services as Requested by the Superintendent of Schools
8. Consider and Approve the Establishment of a Permanent Continuing Building Committee Which Would be Responsible for all School Construction and Renovation Projects as Requested by the Superintendent of Schools
9. Consider and Approve Waiving the Bid In Order to Solicit Proposals for a Recycling Operator and Authorize the Mayor to Negotiate an Interim Agreement/Arrangement with Admet or Other Vendor to Continue Operation of the Resident Drop-Off Center Until the RFP Process is Complete and a Vendor Selected as Requested by Vice Chairman Edward R. Bradley
10. Approve and Accept the Minutes of the August 6, 1991 Town Council Meeting
11. Correspondence

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TOWN COUNCIL MEETING

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7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, August 27, 1991 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:15 P.M. by Chairman Albert E. Killen. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Ms. Papale who had a family commitment and joined the meeting at 9:32 P.M. Mayor William W. Dickinson, Jr. was absent; Town Attorney Janis M. Small and Comptroller Thomas A. Myers were present.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Consider and Approve the Bidding Specifications for Work to be Performed at 88 South Main Street - Submitted by the 88 South Main Street Building Committee

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

It was not a necessity of the Council to approve the specifications unless the Council preferred Waiving the Bidding Procedure and allowed for the solicitation of R.F.P.s.

John Costello, Town Engineer, did recommend that the project be put out to R.F.P.

Mr. Parisi felt that if the committee did want the bid to be waived they would have requested it.

The bid specifications were presented to the Council at this meeting and it was decided that no action would be taken.

VOTE: All present, aye; motion duly carried.

ITEM #6 Consider and Approve a Waiver of Bid to Award a Contract for Work to be Performed at Riccitelli Field at Sheehan High School Not to Exceed \$25,000 as Requested by Superintendent of Schools

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

Dr. Cirasuolo, Superintendent of Schools stated that the final figures have been received from the contractor and they exceed the \$25,000 by \$398.13. He asked that the ceiling on the cost of the project be raised to \$26,000. If normal procedure was followed regarding the contracting of work, the project could not be completed before the end of the upcoming football season. He would like to allow the students, coaches and parents to have the benefit of the lights on the field. In addition, it does impact the revenue of the Board. The attendance is greater at the evening games than the day games. The budget was predicated on a certain number of night games which will not occur if the work is not expedited.

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Mr. Holmes asked, if the bid was waived would the work be completed on time for the first scheduled night game?

Mr. Gerald Powers responded that the contractor could complete the work within two weeks of start-up.

Mr. Zandri asked when the lighting problem was initially discovered?

Mr. Powers responded that it was when they were installing the new field. The wiring and conduit was broken during the work and upon replacement it was noted that the conduit was not the proper size.

Dr. Cirasuolo explained that the original problem occurred when the contractor who was re-sodding the field dug up the wiring because it had not been installed low enough. The appropriate conduit was placed underground prior to the re-sodding of the field and the project to have the electrical wiring pulled through the conduit was put out to bid. The electrical permit was not granted to the low bidder due to the fact that the remaining conduit needed to be inspected. The Board then had to go out to bid for an engineer. The specifications were submitted to the Purchasing Office on July 24, 1991. On August 16th he had met with the Mayor and Purchasing Agent to review a timeline. At that time it became apparent that if they proceeded with the bidding process the work would not be completed prior to the start of the football season. The bidding process was stopped and the Board authorized the project and a waiver of bid is being requested.

Mr. Zandri asked if a permit was taken out at the time of the installation of the original wiring?

Dr. Cirasuolo responded, it was his understanding that there was a permit issued.

Mr. Zandri asked if our inspectors inspected it at that time?

Mr. Solinsky interjected that there was no permit taken out for the work.

Mr. Zandri had a problem with the fact that the original work was never inspected by the Town Electrical Inspector.

Dr. Cirasuolo claims to have seen a permit that was issued for the original work.

Mr. Gouveia asked how much was originally spent on the project?

Dr. Cirasuolo was not sure since much of the work was performed by volunteers.

Mr. Gouveia explained that funds were expended on the materials for the project and someone has to be held accountable for the error and waste of the taxpayer's money. He went on to say that safety regulations are enacted to minimize and/or eliminate safety hazards and because this project was not done according to the regulations we may very well end up with a safety hazard and could have had one

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without realizing we had one. Someone has to investigate how this progressed to this point without someone being aware of it. The liability to the Town could have been extensive.

Mr. Killen was not fond of the idea of awarding a contract to a vendor who is already performing work at the site on another project.

Ray Rys, 96 Pierson Drive was getting tired of reading and hearing about the project, he would like the Council to support it. He suggested tapping the expertise the Town has at its Electric Division for this project.

John Tangredi, President of the Sheehan Titan Football Club asked that the Council support the bid waiver for the project. He had in his possession signed affidavits from over 450 people supporting the football club and bid waiver.

Tim Cronin, 47 S. Ridgeland Road asked that the Council support the bid waiver.

Seth Carey, Captain, Sheehan Football Team, urged the Council to support the bid waiver. The evening games will build an interest for a future in football for the younger people watching in the stands. The lighted games will attract the kids and keep them out of trouble and off the streets.

John Palsko, Titan Football Club, pointed out that the fields will also be used for soccer. The Friday night games will bring out the excitement of professional teams and provides the town with a social event, not to mention the revenue it will generate.

Jack Ziglewski (sp?) pointed out that every team in the Housatonic League has lights. It is not just the glamour of playing under the lights but it gives the team an advantage because it gives the kids a day off. If they play on Saturday, they view films the next day and then the school week begins. He asked the Council to support the bid waiver.

John Walworth, Laurelwood Drive, stated that he was from the east side of town and would like to see lights at Sheehan so that he could go over to Sheehan from Lyman Hall and win a game against them. He urged the Council to approve the waiver of bid.

Mr. Holmes asked if a motion should be made to take the wiring from the Lyman Hall field and bring it over to Sheehan.

Mr. Parisi stated that the members of the Council are as supportive of the athletic program as is anyone else is in town and as proud of Sheehan and Lyman Hall as they are. The Council's only concern is that the proper procedures were followed which is protection for taxpayers and their dollars as well as the safety features that were mentioned.

Mr. Killen pointed out that there are no feelings of animosity

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for the Superintendent and Mr. Powers, they were not employees of the town when the original work was performed, the Council needs to inquire as to certain facts of the matter, these gentlemen are the individuals who can best present the facts.

Motion was amended by Mr. Bradley for the Purpose of Raising the Limit so as not to Exceed \$26,000, seconded by Mr. Holmes.

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

Mr. Zandri requested that the Council Chairman Request from the Mayor a Report from the Building Department on the Permitting & Inspection of the Original Work Done at Sheehan.

ITEM #4 PUBLIC HEARING On an Ordinance Appropriating \$80,000 for a Feasibility Study and the Design of Renovations to the Outdoor Community Pool and Authorizing the Issue of \$80,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings For Such Purpose - 7:45 P.M.

Mr. Bradley read Section I of the ordinance into the record and asked that a copy be attached to the minutes of this meeting.

Dave Cantor, 4 Meadows Edge Drive felt that this issue has become one specifically because the pool was not taken care of properly. If the job is to be done, do it right.

Joseph Ferrara, 185 South Main Street asked the Town Council to consider the alternative to building a new pool, which is the refurbishing of the existing pool. With the Town placing great effort on retaining its historic "Norman Rockwell" image with Center Street and Simpson Court, he urged the Council to think hard and long before destroying fond memories (applause).

Peter Hale, Scard Road recalled his fond memories of Beaumont's Pond, now known as Community Pool. He stated that our pool qualifies for repairs under any grandfather clause, having been there for thirty years. Work on it little by little with the most important work being done first. He asked the Council to consider expanding the adjoining area to the east which is a large wetlands area that could be utilized for ball fields, picnicing and possibly parking. It is listed on the Assessor's list for a few thousand dollars why not take advantage of it? (applause)

Ann Altieri, 15 Apple Street stated that she called Mary Mushinsky and asked her about the pool. Mary stated, "what we have is illegal and it has been that way and the State never knew it". Ms. Altieri still likes the pool, its design, and wants it kept up the way. She hopes that the people get what they want.

Tim Cronin, 47 S. Ridgeland Road does not want to see the Town spend this kind of money on this pool at this point in time. It is just

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too much money.

Martha Szivak, 100 East Side Drive addressed Mr. Cronin's remarks about spending all the money on the pool. She responded that there are a lot of children in Wallingford who would like to use the pool. In its present condition it cannot be enjoyed. She urged the Council not to spend the money to fix the pool solely because of an emotional attachment to memories if the pool is not useable. It would certainly be a waste of money. She asked the Council to chose the new design that will be useable (applause).

Jean DeGenova, 7 Regent Court asked the Council to leave the pool as it is because it serves the family population of Wallingford in its present design. She and her family had the opportunity to use Sheehan Pool this year and this was due to the fact that her husband was present to help watch the children. That is not the case at Community Pool since the wading area is safer for the smaller children and does not require both parents be available to monitor the children. Her son would not have learned to swim if she had to supervise her other two youngsters and not been available to hold him in the water during lessons.

Dave Lovelet, Lyman Hall High School Swim Coach would like to see the new design approved. He felt that the usage of Community Pool was down due to the fact that it has a reputation for not being very clean. He thinks that the lifeguards would have an easier time watching the children in the newly designed pool.

Diana Hotchkiss of 38 Clifton Street was adamantly against the new pool design. She pointed out that the Community Pool Committee started out as the Community Pool Renovation Building Committee. She visited the Wallingford Public Library to obtain Webster's definition of the word "renovation" which means, "to make fresh; or sound again; as though new; to clean up; to replace worn and broken parts; repair, etc." The recommendations made by the Community Pool Committee does not sound like a renovation to Diana. She has attended many of the Community Pool Committee's meetings and feels that there are a great deal of contradictions between minutes, meetings and discussions. She read an excerpt from the Public Hearing held on June 27, 1991 by the Community Pool Renovation Building Committee into the record as follows, "Mr. Dooley at that time said at that time that, from what he gathers it is inevitable at some point the system is going to fail. We are better off doing nothing with this pool and see how far we can get with it. Conceivably we can keep this pool operable for another five years if we dump chlorine into it and shock it and keep clear. Mr. Walworth at that time stated, "I would not advise that, the argument heard now is exactly what South Windsor had with the State for months, guess who won the argument, the fellow who signs the license." Mr. Walworth states later that South Windsor was not able to keep their pool and they had to change it according to the design of the 1980s and get rid of it. She informed the Council that she spent the afternoon at South Windsor and the pool was one and the same that they (S. Windsor) had asked the State if they can keep. She

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presented pictures to the Town Clerk as proof that the pool still exists. She also provided the Town Clerk with an audio tape of an interview with Mr. Jim Snow, Director of Parks and Recreation, South Windsor on the pool issue in his town. The State approved the renovations to the South Windsor pool in 1982. South Windsor also received a State & Federal Grant in the amount of \$625,000, 50% came from the Federal Government and 25% from the State. It did not make sense to her that the State is denying Wallingford the renovations to its pool using its own funds but approves South Windsor's renovations with State and Federal Funds. She stated for the record that her husband accompanied her on the trip to the South Windsor pool and he was the one who took the pictures. Prior to this time he had been totally against his wife being involved in this issue. She then presented a file folder of information provided by South Windsor with contacts listed for information on the grants. She explained that South Windsor does not empty their pool to avoid heaving so they leave it half full and invests \$400 to stock it with trout in the Spring for a fishing derby. Passes are then sold to the public to fish and a fish fry is held for people in the town. Without putting out feasibility studies and by using our imagination we can raise money to fix and utilize the pool in many different ways. She has obtained more than 200 signatures through petitioning from people who do not want a new pool option. Again, in closing, Mrs. Hotchkiss stated her opposition to the new pool design and urged the Council to investigate all the information presented this evening so the people of Wallingford can have what they want (applause).

Mr. Musso was unable to attend the meeting this evening, however he did ask Mr. Killen to read a letter authored by him (Mr. Musso). The letter detailed the discussion on Community Pool which took place at a meeting of the committee on August 23, 1991. He felt that the discussion was a waste of time. "They had come in hopes of retrofixing the pool and discussing what could be done to keep our pool its large, natural size, sloping bottom and no walls that separate the main pool and the wading pool". He asked to be put on record that he wishes the Town to keep the conventional pool with some improvements like deepening the diving area and adding the slide and skimmer and to not have any walls that people could fall off of.

Mr. Musso's address is 56 Dibble Edge Road.

The Chairman reverted the questioning back to the Council.

Mr. Zandri asked the Community Pool Renovation Building Committee to review the legalities of the Town's ability to renovate the existing pool.

Mr. Jon Walworth, Chairman, explained that there are basically two conditions to allow for a pool to be constructed; one being approval submitted to the Department of Health Services based on a design developed in conformance with the CT. Public Swimming Pool Design

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Guide. If an existing pool has existed prior to 1980 and substantially is in conformance with a swimming pool design guide then it may, in fact, receive a certificate for approval of use which is essentially "grandfathering" and allows for certain modifications to the swimming pool design guide. In a letter from the State of CT. which was before each Councilor, the response is that this pool cannot, in fact, qualify for a certificate for approval of use because it does not conform substantially with the Public Swimming Pool Design Guide. The Public Health Code was adopted in 1984, two years after South Windsor's pool was approved, mandates that therefore, the facility be reconstructed if, in fact, it is going to be modified with any substantial change in accordance with the guidelines. The committee has viewed S. Windsor's pool, spoke with that Town, as well as the Dept. of Health Services about S. Windsor's pool.

Mr. Zandri asked, if the pool is kept the way it is today, are we allowed to operate it from the State of CT.'s point of view?

Mr. Walworth: Yes, that is my understanding. It has to be replaced in kind.

Mr. Zandri: Do you have any estimates on what it would cost to replace the filtering system as it exists today?

David Golebiewski of TPA Design Group responded that initial estimate to just replace the filter were approximately \$350,000 - \$400,000.

Mr. Zandri asked how much it would cost to replace the filtering and the piping?

Mr. Golebiewski answered that in doing so we begin to reconstruct things that do not conform.

Mr. Zandri did not feel that would qualify as reconstructing. He asked again what it would cost to replace the two items as they exist today?

Mr. Golebiewski answered approximately \$500,000.

Mr. Holmes asked if the filtration system would have to be supplemented to circulate the water for proper levels of chlorination?

Mr. Golebiewski responded that 340 openings would have to be installed in the pool to properly circulate the water. There currently exists only 4 openings.

Mr. Holmes asked if the circulation problems would be corrected if the other 336 openings were installed in the pool?

Mr. Golebiewski answered that the surface would continue to go unskimmed.

Mr. Holmes asked if we could obtain funding from the State?

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Mr. Walworth responded that his committee has done some preliminary checking and has found that minimal grants are available and will check into it further. He doubted that there were any available.

Mr. Parisi asked if the pool was improperly designed initially?

Mr. Golebiewski pointed out that part of the problem is that the pool started out as a swimming pond and not a pool.

Mr. Walworth stated that when the filtration system was installed in 1963 the State Department of Health Services in effect then were not addressed in the design of the existing pool and it was not submitted to the Dept. of Health Services and should not have been issued a certificate of occupancy or a building permit when the filters were designed by the Town.

Mr. Parisi: It seems to be par for the course. What is happening is that I really don't know who to believe anymore.

Mr. Walworth: Perhaps we have not communicated as well as we thought we had. Because of the amount of effort expended on this undertaking we may have known a lot more than others did and we were looking for design details and others were saying we still don't like the new pool. We have exhausted every effort and attempt to save the existing pool and still make it meet present design criteria. We still tried to do what South Windsor did.

Mr. Gouveia: I attended a meeting on Friday (Aug. 23) and felt a lot better because there was a great deal of give and take. The State seemed to be saying that they would be willing to allow us to at least maintain some, if not all, of the unique features of the pool even though we would have to say that we still had to build a new pool. Since then I have continued to research information and what amazes me is the amount of contradictory information that we seem to be getting from all over the State. I, too, visited the South Windsor pool yesterday with Susan Duryea and took pictures and spoke with two gentlemen for over two hours. There are a lot of similarities between our two pools.

Mrs. Duryea was under the impression that the Public Health Code was changed in 1984 but that would not effect the Design Guide which was the reason that South Windsor was allowed to renovate their pool.

Mr. Walworth responded that the certificate of use terminology was added in 1984.

Mrs. Duryea asked if the Town was ever given a certificate of use?

Mr. Walworth answered that prior to 1984 the certificate did not exist, there was just an approval. Prior to that you had to just conform to the Design Guide. The State said that Community Pool did not conform with their recollection of the Design Guide back

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in 1965 and that there is no record of Wallingford ever having submitted to have received approval so that a public building office could have issued a building permit.

Mrs. Duryea referred to the Public Hearing minutes of June 27, 1991 at which TPA stated, "you (the Town) is currently operating under an existing permit....you are grandfathered..what they do in the future speculation", she asked what they were referring to, what they mean by that?

Mr. Golebiewski asked that he stand corrected on that statement.

Mrs. Duryea pointed out that this is exactly the kind of information that the Council feels is contradictory and confusing. All Councilors as well as the committee want to do what is best for the community and she is very confused as to which way to go. She asked if by solely replacing the piping and filtration system would the pool operate in the manner that it should?

Mr. Golebiewski responded that there are a number of other issues including diving....

Mrs. Duryea: We don't have to dive do we? South Windsor stated that most of their accidents occurred where the diving board is and if they had their way they were thinking about trying to do away with the diving there. I am looking at cost, what the Town would like, what is best for the Town, the senior citizens, everything, and I am wondering that is a possibility?

Mr. Walworth: I am sorry to say, no, with all due respect. So therefore, we came about with another concept....

Mrs. Duryea: And I realize what that other concept is. Thank you very much.

Mr. Killen: Everything hinges on the word "renovate". There is nothing wrong with taking a structure and updating it, making it good as new, as long as you don't alter it way out of sight, the game plan of that pool. That is what your committee was asked to do.

Mr. Walworth: We found that we could not do it.

Mr. Killen: You found that you did not want to do it, Jon, I am sorry and that disturbs me. I went back two or three times including before the meeting this evening, back in early March, before it had been discussed anywhere else you were talking of....before you had even hired the architects of asking them to also submit an "L" shaped pool..

Mr. Walworth: Exactly.

Mr. Killen: You had no orders from this group or anyone else...you had been given specific instructions to go out and see what it would cost to renovate the pool and bring in the plans accordingly. You

capitulated at the first sign of the State saying that it could not be done.

Mr. Walworth: And those concepts were brought to the Council shortly thereafter.

Mr. Killen: Fine, but you had already made up your mind and nothing has changed it. Are you aware of who is in charge, in Wallingford, of making sure that things are sanitary and clean? Our sanitarian is so I called him. Do you know how often the State requires him to check the pool? Once a year. Now this is a group (the State) who is telling us you must, you must, you must...and once a year is all the requirements that he has to test it to see if the water is sanitary or not. This is from the letter from Mr. Homisky, Environmental Sanitarian of the State, "The use of the term, water slide, is not appropriate for public pools. This term is used when describing a slide at a private backyard pool. These slides are prohibited at public pools. The correct terminology for such an installation at a public pool in Connecticut would be 'water flume'." It sounds great on paper, what does it do about taking care of the health aspect so that our kids could use that pool, not a damn thing, nothing at all. They come out with concepts. We have heard remarks here about the Sheehan pool. I would pick up the paper and every other day that pool was closed. Problems, problems, problems. Just what are we talking about here, Jon, that we have to go groveling before the State and say, "may we do this please". What have we done so wrong?

Mr. Walworth: We failed to recognize proper health code requirements.

Mr. Killen: If we build it according to their (the State's) design, no matter what we do or do not do, this will meet the health code and we have no problem so long as we meet their design.

Mr. Walworth: That is at least the minimum we would have to do.

Mr. Killen: That is the maximum as far as they are concerned because they are not going to pay any more attention after that. That is my whole problem with this whole thing. They are telling us we shall do this and we shall do that but yet they state in their letter that they do not have the manpower to go out and inspect any of it.

Mr. Stephen Knight, committee member asked Mr. Killen if he understood Mr. Killen to mean that the function of the committee was to have read the Design Guide and to have ignored phraseologies such as, "no person shall construct a public pool or shall substantially alter or reconstruct any public pool except after the plans for such have been approved in accordance with the specifications contained in the most recent edition of the CT. Public Swimming Pool Design Guide"? He did not understand where the committee went wrong by adhering to the fifth page of the Design Guide.

Mr. Killen: What are we here for this evening? Do you know the purpose of this evening's meeting?

Mr. Walworth: To approve funds for the reimbursement for the feasibility study and also for the design of a reconstructed pool.

Mr. Killen: No sir. Read it. Read the title of tonight's ordinance. It is for renovations and that is what the bond issue would go out for this evening, for renovations and renovations only.

Mr. Walworth: I have just received a copy tonight. I have made mention of that several months ago.

Mr. Killen: If we approve this you will have to renovate. If you are telling me we cannot renovate then there is no reason to go forward this evening. That is what the committee was charged with. On March 14, 1991 the minutes of your committee reflect, under additions to scope, it reads... "provide a fee for a conventional pool alternative". Where did this come from? Who gave you this charge?

Mr. Walworth: I am not sure what meeting it was at but the Council requested that we look at alternatives.

Mr. Killen: The charge was for renovations.

Mr. Zandri asked Mr. Shepardson if by solely replacing the filtering system could the pool operate under its present condition?

Mr. Shepardson seems to feel that more inlets and outlets need to be installed to bring the circulation up to par in the pool.

Mr. Parisi pointed out that Lake Winnepesaukee measuring 64 square miles had a problem with circulation. At Weir's Beach they brought in the Mt. Washington (ship) and tied it to the pier and ran the motors and the propeller solved the circulation problem. His point being that there may be another way to solve the problem and maintain the integrity of the pool.

Mr. Gouveia stated that Mary Mushinsky called from Hartford a few minutes before the start of the Council meeting to say, "If the Council wants me to I will try to amend the regulations to allow for variances on the State Health Code."

Mr. Bradley commented that he could not see what that would gain (laughter).

Mr. Walworth referred to a letter from Mayor Dickinson to the Community Pool Building Committee on December 14, 1990 which states "...Building Committee to oversee the repairs to Community Pool."

Mr. Killen pointed out that the Council's hands are tied due to the fact of the wording of the ordinance before the Council.

Mr. Walworth stated that he had met with the Comptroller to discuss this very problem should the committee determine that the pool cannot be renovated and a new pool design recommended the verbiage of the ordinance would present a problem.

Mr. Holmes asked if the committee showed interest in continuing on this task if the issue at hand tonight is defeated?

The committee will continue to see this task through. The Council will meet again with the Community Pool Renovation Committee along with a representative of the State Department of Health at a special meeting to be scheduled in the immediate future. Motion and second were withdrawn and no action was taken.

Mr. Zandri recommended that the question be considered for placement on the ballot at election time for a vote?

The Town Attorney and Town Clerk conferred and found that it was not feasible to do so.

Mr. Myers would like clear direction from the Council and Committee on what is to be done before contacting the Bond Counselor to avoid problems with the bond in the future.

Mr. Holmes assured the committee that their efforts are not in vain although it may seem that way.

Mr. Gouveia stated that until he is convinced that the State emphatically will not allow the Town to go through with simply renovating the pool he will not budge on his stand of renovating the pool.

PUBLIC QUESTION AND ANSWER PERIOD

Mr. Tim Cronin, 47 S. Ridgeland Road was upset with the Town Council's interest in buying the Wooding/Caplan Property and asked the reasoning behind the potential purchase?

Mr. Killen explained that the Police and Fire Departments are in need of parking space.

Mr. Phil Wright, Sr., 160 Cedar Street did not feel that the pool was not the subject for a referendum.

ITEM #5 Consider and Approve a Waiver of Bid to Allow Professional Service Industry to Continue Concrete Inspection and Testing Until Such Time as the Sidewalks at the Vo-Ag School is Completed - Vo-Ag Expansion Committee

Mr. Tom Wall, Chairman of the Vo-Ag Committee explained that the account is fast approaching the \$2,000 allocated for the work and prior to becoming overexpended the committee is before the Council requesting a waiver of the bidding process.

The sidewalks are the only part of the project left and the committee has already expended \$1,800 of the \$2,000.

Mr. Zandri was amazed that testing is required of sidewalks however electrical wiring can be installed at a field without a permit.

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

Ms. Papale apologized for arriving late and for having to leave early due to a family commitment. She asked that Item #9 be moved up to the next order of business.

Motion was made by Ms. Papale to Move Agenda Item #9 Up To The Next Order of Business, seconded by Mr. Parisi.

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

ITEM #9 Consider and Approve Waiving the Bid In Order to Solicit Proposals for a Recycling Operator and Authorize the Mayor to Negotiate an Interim Agreement/Arrangement with Admet or Other Vendor to Continue Operation of the Resident Drop-Off Center Until the RFP Process is Complete and a Vendor Selected as Requested by Vice Chairman Edward R. Bradley.

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

Mr. Bradley clarified the situation regarding whether or not the Town has a permit. By speaking with D.E.P. and Don Roe, Program Planner, it is clear that the Town, indeed, does have a permit to construct and operate the facility. There is one stipulation. Before the permit can be activated a site inspection must be completed.

He pointed out the fact that the Council did not give any direction to Mr. Roe upon request by him to do so when this item was last defeated. Mr. Bradley suggested at that time that the item be placed before the Council for reconsideration. Mr. Killen suggested going out for R.F.P.s as did Mr. Parisi. The purpose of this item this evening is to set a direction for the administration to take which is to solicit R.F.P.s for the commercial aspect of the facility and to arrange an interim agreement for the residential aspect.

Mr. Gouveia stated, as he has before, that he feels that the Council has not authorized a termination of the present contract. He did not support entertaining any type of interim agreement or contract until this Council terminates the existing contract. Many references are made to the fact that the contract was terminated at the August 6, 1991 Town Council Meeting. He fails to see how this happened since it is not stated at any point during the meeting. There was a motion to amend the contract, it was a 4-4 vote which failed, therefore he felt that the contract did not terminate as of August 6th. He went on to say that there have also been statements made that no contract existed to begin with. He referred to a letter of August 8, 1991 from Atty. Adam Mantzaris which stated that, "...the contract under which Admet Recycling Company had been operating Wallingford's Resident Drop-off Recycling Program had come to an end. The termination came on Tuesday, August 6, 1991 as a result of the failure of the Town's legislative body to vote approval of the Amended and Restated Recycling Agreement between Admet and the Town." Mr. Gouveia felt that someone has taken it upon themselves without the authority of this Council to terminate a contract. He felt

that prior to debating any other contract or entering into an interim agreement/contract the Council should terminate the existing contract should the Council so desire.

Mr. Killen felt that the contract terminated with Admet's admission of their inability to perform.

Mr. Bradley asked to go through the sequence of events one more time beginning with correspondence dated November 6, 1990 from the Mayor to Mr. & Mrs. Adamek. Under Item 1 it states, "the expiration date of the existing contract be changed from November 7, 1990 to the effective date of the Recycling Agreement between Admet and the Town." That agreement which was authorized by the Council on October 23, 1990 contained a clause which stated, "this contract is to be based on the four month period which will begin July 8, 1990 and expire November 7, 1990." The correspondence was to extend that contract. The contract dated December 3, 1990 is the one that became effective when the permit was issued. He asked if the Recycling Agreement had ever come before the Council?

Atty. Small responded that it had. She pointed out that the final permit had not yet been issued to operate since the equipment had not yet been installed and inspected. In June a letter was received from Admet stating that they could no longer operate successfully and had proposed changes. If the Town would not accept the changes we could go out to bid. From that point on negotiations occurred. At this point in time Admet is still willing to enter into the contract that was subject to the 4-4 vote and the administration's position is that we can either pursue that option or go out to bid for an interim agreement.

Motion was amended by Mr. Bradley to Consider and Approve Waiving the Bid and Authorize the Mayor to Solicit Proposals for an Interim Agreement/Arrangement with Admet or Other Vendor to Continue Operation of the Resident Drop-Off Center and to Go Out To Bid For a Vendor For the Entire Recycling Operation, seconded by Mr. Holmes.

Walt Sawallich, Jr. 100 Jobs Road was confused over what the Council was voting on.

Mr. Holmes explained that the purpose of this motion is to get an interim operator for the Recycling Center and during that time send the entire operation out to bid.

Mr. Sawallich asked if the other two contracts of July and December with Admet were null and void?

Mr. Holmes responded, yes.

Robert Avery, 42 N. Elm Street was under the impression that Admet was not interested in an interim agreement. He urged the Council to be careful in authorizing the Mayor to negotiate a contract. He advised against it.

Mario Tolla, Recycling Committee Member asked what happens if the motion before the Council is voted no and the amended agreement fails as well, where do we stand at that point?

Mr. Killen responded, exactly where we are at this point in time.

Atty. Vincent McManus stated that Admet is telling the Council now that they are willing and able to comply with its contractual obligations with the Town. It always has been. In looking at the Amended and Restated Recycling Agreement, it was an amendment to the contract of December 3, 1991. That contract has never been declared voided out nor declared in breach, nor nullified.

Mr. Killen reminded Atty. McManus that Admet came before the Council stating that they could not perform. The Town in turn stated, if you can't perform we will not renew the contract that you are seeking to amend.

VOTE: Gouveia abstained; Duryea, no; all others, aye; motion duly carried.

Motion was made by Mr. Zandri to Waive Rule V of the Town Council Meeting Procedures to Take Up An Interim Recycling Proposal, seconded by Mr. Bradley.

Mr. Holmes left for work at 11:20 P.M., Ms. Papale also left at 11:20 P.M. due to a family commitment.

VOTE: Holmes and Papale were absent; Gouveia abstained; all others, aye; motion duly carried.

Motion was made by Mr. Zandri to Review an Interim Agreement Presented tonight by Resource Technology Group, seconded by Mr. Parisi.

After a thorough review of RTG's proposal the following motion was made:

Motion was amended by Mr. Zandri to Authorize the Mayor to Finalize Negotiations and Enter Into a Contract with Resource Technology Group for an Interim Agreement to Operate the Residential Drop-Off Center for a Period of Six Months in Accordance with Resource Technology Group's Proposal Dated August 27, 1991, seconded by Mr. Parisi.

Mr. Brian McDermott, 359 N. Elm Street wanted clarification on exactly what was being voted upon.

Mr. Killen explained it.

Mr. McDermott then asked, if the Council has just given the Mayor the authority to negotiate an interim agreement, how is it that an agreement has already been negotiated with RTG?

Mr. Zandri explained that the directive was previously made to go through the committee and to the Council. It was an ongoing process that has been taking place since the Admet contract was turned down.

VOTE: Holmes & Papale were absent; Gouveia abstained; Duryea, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Approve a Transfer of \$49,450 from Account #001-8050-800-3190 Contingency, Reserve for Emergency to Acct. #001-5060-999-9903, Improvements to Recycling Site, \$6,000 and to Acct. #001-1116-600-6500, Pilot-Recycling Contract, \$43,450, seconded by Mr. Parisi.

VOTE: Holmes & Papale were absent; Gouveia abstained; Duryea & Killen, no; motion failed.

Mrs. Duryea asked that her vote on the transfer be reconsidered and changed to read, aye.

Motion then passed.

ITEM #7 Consider and Approve a Waiver of Bid for Payment of Invoices to Mystic Air Quality for a Chemical Hygiene Plan and Asbestos Abatement Services as requested by the Superintendent of Schools

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

Mr. Bradley asked Dr. Cirusuolo why this item is appearing on the agenda this evening?

Dr. Cirusuolo explained that the Board of Education failed to encumber the funds for this expense and due to the close of the fiscal year those funds were lost.

Mr. Killen the Council should not be made a party to this action since the bill needs to be paid regardless if the Council waives the bid or not. He suggested forwarding written notice to vendors prior to the end of the fiscal year requesting outstanding invoices or charges.

Motion was amended by Mr. Parisi to Extend the Bid Waiver for Mystic Air Quality that ended on June 30, 1991 to Include Payment of the Two Invoices, seconded by Mr. Solinsky.

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

ITEM #8 Consider and Approve the Establishment of a Permanent Continuing Building Committee Which Would be Responsible for All School Construction and Renovation Projects as Requested by the Superintendent of Schools

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

Dr. Cirasuolo explained the difficulties that lie in trying to monitor and keep consistent and orderly the various building projects going on at the schools. He made it clear that no one was trying to cast any aspersions on the members of the various existing committees. They have given a large amount of quality time. This item was discussed at a Board of Education/Council Liaison Meeting at which time it was agreed upon that it be brought before the Council.

Mrs. Duryea was concerned with the fact that the individuals who volunteer for this committee will be committing themselves to a vast degree of involvement in committee work over a number of years. She felt that it will be difficult to recruit someone for the task once they become aware of this. She suggested that continuous or repeated absences of a committee member should be considered cause for replacement. She would like to review the process of the committee at the end of the first or second term to ensure that they are accomplishing their goal and measure the success of the group.

Dr. Cirasuolo took the suggestion under advisement.

Mr. Gouveia asked if the committee should be established by an act of Ordinance?

Mr. Killen will look into the point of interest.

Mr. Parisi asked to what degree the Council would oversee the workings of the committee?

Mr. Killen responded that the Council would not have any power of removal and that it could call the committee in for progress reports.

There was discussion surrounding the authority of appointment.

Dr. Cirasuolo explained that four members would be appointed directly by the Council, four members nominated by the Board, two members of the Town Council and two members of the Board of Education would constitute the committee.

Mr. Killen asked why the even number of members, it could present a problem with a tie vote.?

Dr. Cirasuolo never considered that aspect.

Mr. Bradley asked what the function is of the Board of Education Building & Grounds Committee?

Dr. Cirasuolo responded that they are brought, proposals, reports, matters that deal with on-going maintenance and cleanliness of the buildings and grounds. They do not, at this time, provide an oversight function with respect to building projects because there are building committees to do that.

Mr. Solinsky did not feel that a permanent building committee is the answer to what the Board is trying to accomplish. The

difficulties are in monitoring what each committee is doing and that is what needs addressing. It takes a lot of people and different committees to oversee all that is being done. People also have different interests which lead them to be involved with one committee as opposed to others.

Mr. Parisi felt that the committee would greatly narrow the opportunity for the public to participate in the process, something that has been promoted in the Town all along. He was not comfortable with the suggestion of this type of committee.

Atty. Small felt that a Clerk of the Works can accomplish the same task, they could monitor and report out progress.

Dr. Cirasuolo did not agree. He felt that the level of monitoring needed to be assigned to a group with an overview of all projects and an understanding of the scope of each to carefully chart the progress and influence it may have on other projects.

The Council asked the Town Attorney to work with them on the specifics surrounding the membership and quorum, etc.

No action was taken.

ITEM #10 Approve and Accept the Minutes of the August 6, 1991 Town Council Meeting

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

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

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

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

There being no further business, the meeting adjourned at 12:50 A.M.

Respectfully submitted,

Kathryn F. Milano, Town Council Secretary

Approved by:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date

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AN ORDINANCE APPROPRIATING \$80,000 FOR A FEASIBILITY STUDY AND THE DESIGN OF RENOVATIONS TO THE OUTDOOR COMMUNITY POOL AND AUTHORIZING THE ISSUE OF \$80,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$80,000 is appropriated for a feasibility study and the design of renovations and improvements to the Town of Wallingford Outdoor Community Pool, including architects' and engineers' fees, surveying, and inspection, and for administrative, printing, legal and financing costs related thereto.

Section 2. To meet said appropriation \$80,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

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

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. In order to enable the Town to proceed with the project described in Section 1 pending the issuance of tax exempt bonds and notes authorized herein, the payment of expenses incurred for the purposes authorized by this ordinance may be advanced by the Comptroller from the general, capital and non-recurring, or enterprise funds of the Town. Such advances shall be reimbursed from the proceeds of such bonds or notes.

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

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