

TOWN COUNCIL MEETING

NOVEMBER 26, 1996

6:30 P.M.

AGENDA

Blessing

1. Roll Call and Pledge of Allegiance
2. Consent Agenda
 - a. Consider and Approve Tax Refunds (#158-211) Totalling \$3,189.40 - Tax Collector
 - b. Consider and Approve Merit Increases (3) Approved by the Mayor
 - c. Approve and Accept the Minutes of the 10/2/96 Special Town Council Meeting
 - d. Approve and Accept the Minutes of the 11/12/96 Town Council Meeting
 - e. Consider and Approve a Transfer of Funds in the Amount of \$935 from Snow Plow Truck w/Equip. Acct. to Underground Tank Decontamination & Disposal - Dept. of Public Works
3. Items Removed from the Consent Agenda
4. PUBLIC QUESTION AND ANSWER PERIOD
5. Consider and Approve Accepting a \$500 Donation from Vincent T. McManus, Jr., Esq. to the Department of Parks & Recreation to be used for the Beautification of Wallingford Through the Parks Department - Parks & Recreation
6. Consider and Approve a Transfer of Funds in the Amount of \$3,500 from Maint. Structures and Improvements Acct. #611-000 and \$2,000 from Power Purchased for Pumping Acct. for a Total of \$5,500 to Maintenance of Structures and Improvements Acct. #631-000 - Water Division
7. Consider and Approve a Budget Amendment in the Amount of \$13,250 Decreasing Appropriation to Cash Acct. and Increasing the Customer Overpayments Acct. - Water Division
8. Consider and Approve a Transfer of Funds in the Amount of \$8,340 from Pension & Benefits Acct. to Increase Labor for Records & Collection Acct. - Sewer Division

9. PUBLIC HEARING on an Ordinance Amending Ordinance #418 Entitled, "An Ordinance Appropriating \$124,000 for the Design of Renovations to the Wallingford Community Pool and Authorizing the Issue of \$124,000 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.
10. Consider and Approve Waiving the Bidding Process for the Purpose of Purchasing and Installing Telephone Service from S.N.E.T. for the Fairfield Boulevard Project - Department of Public Works
11. Consider and Approve a Transfer of Funds in the Amount of \$6,150 from Repair & Resurface Tennis Courts Acct. and \$418. from Snow Plow Truck w/Equip. Acct. for a Total of \$6,568. to Addition for Tire Storage Area - Department of Public Works
12. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Regarding Pending Litigation
13. Consider and Approve Settlement of Pending Litigation Concerning Buno Tax Appeal - Town Attorney
14. Consider and Approve Waiving the Bidding Process to Hire Appraisers in Pending Tax Appeal Litigation - Town Attorney

TOWN COUNCIL MEETING

NOVEMBER 26, 1996

6:30 P.M.

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WAIVER OF RULE V

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TOWN COUNCIL MEETING

NOVEMBER 26, 1996

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, November 26, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr. and Comptroller Thomas A. Myers were also in attendance. Town Attorney Janis M. Small arrived at 6:45 P.M.

In lieu of a blessing this evening, Chairman Parisi asked everyone to observe a moment of silence to give thanks in their own private way.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Consent Agenda

ITEM #2a Consider and Approve Tax Refunds (#158-211) Totalling \$3,189.40 - Tax Collector

ITEM #2b Consider and Approve Merit Increases (3) Approved by the Mayor

ITEM #2c Approve and Accept the Minutes of the 10/2/96 Special Town Council Meeting

ITEM #2d Approve and Accept the Minutes of the 11/12/96 Town Council Meeting

ITEM #2e Consider and Approve a Transfer of Funds in the Amount of \$935 from Snow Plow Truck w/Equip. Acct. to Underground Tank Decontamination & Disposal Acct. - Dept. of Public Works

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #3 -Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place asked for a status report on Community Lake.

Mr. Parisi explained that the Chairman of the Community Lake Restoration Committee has been in contact with the State. The program to restore the lake is in the hands of the State at this point in time. He will invite the Chairman of the Committee to the first meeting in January for a report out.

Mr. Melillo next asked, how close is the Town to completing the construction of the new Recreation Center?

Mr. Parisi noted that Item #10 on the agenda deals with this topic and Mr. McCully, Director of Public Works will give a brief report on the status of the project when he appears for Item #10.

Mr. Melillo suggested that once the project is complete the Town should sell the center to a private owner so that we can collect taxes on the property.

Frank Wasilewski, 57 N. Orchard Street commended the Public Works Department crew for doing such a great job of cleaning the leaves out of the streets in his neighborhood.

Mr. Wasilewski next asked when the Mayor will be reporting out on the financial status of the Town? Will we see a surplus again of approximately \$2 million this year? Other towns are reporting their final figures, how about Wallingford?

Mayor Dickinson responded, the results of the F.Y. 1995-96 audit will be announced around the end of December when the audit is published.

Mr. Wasilewski asked about the status of the Lacey Property on Prince Street and the Wooding/Caplan Property?

Mayor Dickinson responded, the fence and landscaping is completed at the Wooding/Caplan property. No plans have been developed for an R.F.P. due to the state of the economy. A possible joint project would be considered for the property. With regards to the Lacey Property the Town is in the process of hiring a Town Engineer therefore the project is on hold until such time one is hired. Planning & Zoning has some concerns regarding the configuration of the parking lot that is to be located there.

Mr. Wasilewski asked, how close are we to hiring a Town Engineer?

Mayor Dickinson answered, the second candidate who was offered the job refused the position. I will be interviewing again and hopefully there will be success following that.

Mr. Wasilewski asked, why not use a temporary engineer for the Lacey Property on a one job basis to keep this project moving instead of letting it stay stagnant?

Mayor Dickinson responded, we can but it is probably too late for any paving. I don't see that as a most critical project. We have a number of other projects that we do need the engineer that we have hired from outside for. We have hired one to fill in on some Planning & Zoning issues and an emergency issue regarding a bridge that will be taken up tonight. There are other matters that are absorbing the individual's time but if we reach a point where it is feasible we can ask him to deal with drawing up a plan. Even with a plan, however, we would not be able to move ahead given the time of the year.

Albert E. Killen, 150 Cedar Street asked, what percentage of the grand list was put aside to maintain the Town's Aa credit rating?

Thomas Myers, Comptroller responded, five percent (5%) of the Town's revenues, not grand list, was put aside which equals approximately \$3.9 million.

Mr. Killen pointed out that Cheshire sets aside only two percent (2%) of their revenues to maintain their Aa credit rating and they do not own an Electric Division.

Mr. Killen read an article from Monday's (11/25/96) Wall Street Journal which reads, "Duke power plans to acquire _____ energy and stock transaction of about \$7.7 billion." Duke (power) was the one that our friends from Dreyfus were hooked up with and were trying to get us to buy electricity from. At a time when it looks like CL&P is gasping for air the assets of Duke Power are \$13.6 billion; revenues, \$4.68 billion; net income, \$715 million, etc., this is a company that we turned down. Keep it in mind please.

Philip A. Wright, Sr., 160 Cedar Street asked, why does Cheshire and Southington release their audit reports before the end of November and we have to wait until the end of December?

Mr. Myers responded, I cannot explain what Cheshire and Southington do. I don't know how expansive an operation it is; they don't own three utilities; I don't know how they account for their pensions. There are some communities that have their pension funds accounted for on their master trustee agreements where the community does not do the work itself. We do all our work in-house. I cannot answer that question without performing an in-depth study of the community. The end of December is a statutory filing date.

Mr. Wright stated that he would like to see the report made available sooner, if at all possible.

Patrick Hayden, 212 S. Orchard Street stated that the Skater's Committee is requesting the setting of a public hearing to amend Ordinance #445. He asked if there are any questions from the Town Council regarding the request?

Mr. Parisi stated that he did not believe the Council could set the public hearing.

Mr. Hayden stated, the committee is concerned about the Town Councilors involvement in the community. As a representative of the Skater's Committee, Mr. Hayden asked, how many Councilors came out to speak to the skating citizens of the Town before passing the ordinance? Actually came out to Main Street and talked to the skaters before passing the ordinance?

Mr. Parisi responded, I attended the Skater's meeting but I did not go out into the street to talk to the skaters, no one asked me to.

Mr. Hayden next asked, how many Councilors spoke with the Skaters after the ordinance passed?

Ms. Papale stated, we, as Councilors, answer our phones, voice mail, answering machines, etc. Whenever Mr. Hayden called me I returned his call as well as anyone who called me to talk to me about this issue before or after the ordinance was passed. For all the years that I have served on the Council I don't remember having to make calls to someone first, they would always be calling me for information. I think that goes for all of us (Councilors). Many of us (Councilors) attended your meeting and anyone contacting us would have been called back.

Mr. Hayden stated, no one from the Ordinance Committee or Town Council came out to the street to talk to the skaters in Simpson Court.

Ms. Papale responded, we may not have talked to them but we were there.

ITEM #5 Consider and Approve Accepting a \$500 Donation from Vincent T. McManus, Jr., Esq. to the Department of Parks and Recreation to be used for the Beautification of Wallingford Through the Parks Department - Parks & Recreation

Motion was made by Mr. Knight to Table this Item Until the Council Could Meet with the Department Head of the Parks Department, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #6 Withdrawn

ITEM #7 Consider and Approve a Budget Amendment in the Amount of \$13,250 Decreasing Appropriation to Cash Acct. and Increasing the Customer Overpayments Acct. - Water Division

Motion was made by Mr. Rys, seconded by Mr. Knight.

Roger Dann, General Manager of the Water Division stated, in order to issue a refund that is due to one of our customers we need to amend the budget. The size of the credit exceeds what we would normally place within the budget for this service.

In summary, a review of as-built records for a condominium account revealed billing for a number of private fire hydrants which were actually public fire hydrants and therefore should not have been billed. There were eleven fire hydrants on the property of which three were "yard hydrants" used for water main flushing purposes only and four were public hydrants, leaving four billable private hydrants. The account was billed accurately for three hydrants until December 1988 when a fourth hydrant was installed but not reflected in the billing. Since June 1991 billing, the account has been charged erroneously for nine hydrants. The billing history for this account was reconstructed from the June 1989 billing forward to correct for the above-mentioned errors and it was determined that a credit of \$13,215.05 was due.

Mr. Knight asked, what constitutes a private fire hydrant?

Mr. Dann responded, that determination is based on the ownership of the main itself. The mains that the Town owns and the hydrants located on those mains, as long as they are situated at normal spacing, would be public hydrants. If, in fact, a customer desires to have fire service brought into their private property whether it be a hydrant for sprinkler systems or things such as that or even if they are on a Town-owned main but wanted an additional hydrant installed beyond the spacing that we would normally apply then we would consider those to be private hydrants and we would bill the customer for those.

Mr. Parisi asked, how did we discover this situation?

Mr. Dann responded, we were looking at this complex in our engineering section for a different reason but in the process of doing so we discovered there was a mismatch between the number of hydrants for which we were billing and the number of hydrants that we were actually finding and the type of hydrants we were finding on our record drawings. That is what brought it to our attention. This was something that we uncovered internally and which we pursued as a credit with the customer of our own volition.

Mr. Parisi stated, could this be happening any other place in Town? A place of this size and, in fact, should we be reviewing them too?

Mr. Dann responded, it could. There are several other cases that we are currently looking at. This is something that has been done in the past and on some frequency we do go out and invest time in trying to make sure we have accurate records.

VOTE: All ayes; motion duly carried.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$8,340 from Pension and Benefits Acct. to Increase Labor for Records & Collection Acct. - Sewer Division

Motion was made by Mr. Rys, seconded by Mr. Knight.

Mr. Renda asked, how much money is in the pension account?

Mr. Dann responded, the budget in the 926 Acct. which is the Pension and Benefits account is \$117,678. That does not reflect the total cost to the Division for pension and benefits. For the first time in this year's budget, rather than placing all of the pension and benefits expenses in that account we distributed the expenses out to the various individual accounts wherein the labor is also budgeted so that we have a more proper accounting of the labor and its associated benefit costs in the various accounts.

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V

Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Discussing Emergency Repairs to a Bridge on Pond Hill Road, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Approve a Waiver of Bid to Allow for Emergency Repairs to Pogmore Bridge on Pond Hill Road, seconded by Mr. Centner.

The Pogmore Bridge on Pond Hill Road is a two lane bridge. The original bridge (19 feet wide) was widened by thirteen (13) feet in 1969. The new portion of the bridge was constructed with concrete footings under the concrete abutments. The original bridge concrete abutments, however, were constructed without footings.

Inspection of this structure on November 22, 1996 by Joel Cassista, Construction Inspector, and Thomas Juros P.E. revealed the following:

1. Severe erosion under both of the original bridge abutments.
2. Accretion of material on the northeasterly side of the new abutment and scouring of the river bed on the southeasterly side of the new abutment.

3. Roadway settlement on the southeasterly side of the bridge and settlement of material under the portion of the sidewalk adjacent to the bridge near this same location.
4. The sidewalk on the westerly side of the bridge is also settling.

The apparent reasons for the erosion is mainly due to the accumulation of sediment and vegetation on the northerly side of the upstream end of the watercourse. This material causes the watercourse channel to be reduced in width, increasing the water velocity and directs the water flow southerly against the new southeasterly bridge abutment.

The erosion and settlement of the bridge structure, road and sidewalks will continue until failure occurs which could result in injury to the public. Due to the rapidly approaching freezing weather conditions it is imperative that the necessary remedial concrete bridge structure repairs be accomplished immediately, hence the request for a bid waiver this evening.

The estimated cost to repair the bridge is \$4,000-5,000. The funds are available in the Engineering Department "Repair Storm Damage" account.

Mr. Parisi asked, did the new home construction in that area contribute in any way to this problem?

Mr. Cassista responded, no, what we found in a very in-depth inspection was that there has been some build up of natural growth over the years on the northerly side of the entrance to the culvert. This shifted the water to the other side. The velocity of the water during the April storm was too much, scouring severely under the abutments.

Mr. Parisi asked, did we experience any flooding in that area during the storm?

Mr. Cassista responded, further down stream we did but not right at the culvert.

Mr. Zappala asked, is that the bridge next to the Church of the Resurrection?

Mr. Cassista responded, yes, at the southerly end of the parking lot. Settlement of adjacent sidewalks of about seven (7) inches is what alerted us to the problem.

Mr. Zappala asked, has someone been contracted to do the job? Has the cost estimate been submitted by someone or is it your estimate?

Mr. Cassista responded, no one has been contracted for the work. The estimate is mine.

Mr. Centner asked, what will the work consist of?

Mr. Cassista responded, we will be performing form work in the stream bed to create a footing for those existing abutments that do not have any. At a later time we will have to obtain a permit to do some serious opening of the inlet end that has become clogged with trees and bushes growing. At this time we want to stabilize the loss of material.

Mr. Farrell asked, do we have a regular program of inspection on our bridges?

Mr. Cassista responded, there is a federally-mandated program that the State performs every two years. They start with bridges that are twenty feet wide and above. This bridge is a little shy of that size so it does not come under the mandate. It has helped us in the sense that we are going to have to look closely at the other smaller bridge culverts.

Mr. Farrell asked, should we implement our own program?

Mr. Cassista responded, it is something that we will have to look at in the department. We will have to see just how many there are that are effected below the twenty foot width and then, yes, we may do that.

Mr. Farrell asked, within the Engineering Department, whose responsibility is this end of it? It is yourself or the Town Engineer's?

Mr. Cassista responded, it would be both of us. I would be in the field more than maybe the Town Engineer on certain occasions. It would be brought back to a Town Engineer, a P.E. and then we would go out and seriously inspect it.

Mr. Doherty asked, who is Thomas Juros, P.E.?

Mr. Cassista responded, it is someone to whom we went out to bid on a temporary hourly basis for some emergency work pertaining to subdivisions, site plans, Planning & Zoning.

Mr. Doherty asked, what is the body of water traveling under the bridge?

Mr. Cassista answered, the only reference we can find is to the Pogmore Farm therefore we labeled it the Pogmore Stream or Brook. We have no name for it, we find none in the records.

Pasquale Melillo, 15 Haller Place asked, if it is an emergency situation why do you have to wait to a later date to obtain a permit to address the concentrated dangerous area?

Mr. Cassista responded, if we are going to do extensive cleaning and regrading within the stream bed we would need to get a permit from the Inland Wetlands Commission.

Mr. Melillo asked, aren't there any exceptions they can make for an emergency situation such as this one?

Mayor Dickinson answered Inland Wetlands has been contacted and the Environmental Planner will be notified at the point any work begins so that there is a presence to make sure that we are not disturbing anything beyond what we should. The plan is that there will not be any equipment going down in the stream or under the bridge.

Mr. Melillo asked, why were there no footings?

Mr. Cassista responded, many bridge culverts from that period of time (approx. 1930-40s) were three sided without footings. They sat on natural ground and a slab was poured across the top and that carried the road. That was common practice and there is no problem with that so long as the stream bed does not scour. In this case it severely scoured and got below the abutment walls.

Mr. Parisi asked that the Council be informed as to what the cost of the project will be.

Lester Slie, 18 Green Street asked if the rain running off of the new houses in the area, draining back into the brook is causing a problem?

Mr. Cassista answered, no, it was the direct result of the April storm along with the growth in the stream bed.

VOTE: All ayes; motion duly carried.

ITEM #5 Consider and Approve Accepting a \$500 Donation from Vincent T. McManus, Jr., Esq. to the Department of Parks and Recreation to be used for the Beautification of Wallingford Through the Parks Department - Parks & Recreation

Motion was made by Mr. Rys to Remove Item #5 From the Table, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Accept the Donation, seconded by Ms. Papale.

Mayor Dickinson stated, for the record the donation, he is told, is on behalf of Jim Vitale.

Mr. Parisi thanked Mr. McManus for his generosity.

Albert Killen, 150 Cedar Street asked, who is the donor?

Mayor Dickinson responded, it is being donated on behalf of Jim Vitale.

Mr. Killen could not understand why Mr. Vitale is having Atty. McManus make a donation on his behalf. He asked, Is there something we should know?

Mayor Dickinson responded, if you have questions about it you should ask Jim Vitale.

Mr. Zappala asked if the Parks Department had earmarked the money for a specific use?

Tom Dooley, Director of Parks & Recreation responded, we plan on buying some trees to use at Westside Field.

Mayor Dickinson stated, in order for the money to be spent on anything it will first have to be appropriated.

Mr. Centner asked, will it be received into a new account?

Mayor Dickinson answered, the monies will be received into the General Fund. For it to be spent it would have to be appropriated into a specific account first.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve Waiving the Bidding Process for the Purpose of Purchasing and Installing Telephone Service from S.N.E.T. for the Fairfield Boulevard Project - Dept. of Public Works

Motion was made by Mr. Rys, seconded by Mr. Knight.

Mayor Dickinson explained, the purpose of this bid waiver request is to allow for the wiring to be done in the building. We currently have the CENTRAX system with SNET and we want to move or replace that system from Simpson School to Fairfield Boulevard. This is the system that allows us to dial between departments using the last four digits of the telephone number. It has worked well and we wish to continue with the service. The actual telephone sets and installation of them can be bid at the point we are ready for them.

Mr. Centner asked, is this strictly wiring for the system or is there a controller?

Henry McCully, Director of Public Works responded, it is wiring and a controller that is part of the computerized system that the Town Hall installed six or seven years ago. It allows conference calls, four digit dialing between departments, etc.

Mr. Centner asked, will the work be sub-contracted to another entity to do the relocating of the device or will it be done by SNET workers for a SNET CENTRAX system?

Mr. McCully answered, it will be done by SNET workers.

Mr. Centner asked, if it becomes damaged whose responsibility will it be?

Mr. McCully answered, SNET maintains our current system and will also maintain this.

Mr. Zappala asked, do you have an estimate on what the service will cost? It is difficult to approve a waiver of bid without knowing the cost.

Mr. McCully answered, this is something that we have not nailed down a figure on. When you are on the service you are billed on a monthly basis. We are already on it but I am sure there is an installation fee that may or may not be under \$2,000.

Mayor Dickinson stated, in order to compare anything we would have to draw up specifications. I don't know where we would begin to draw up specifications for what CENTRAX offers vs. any of the other companies. We would have to hire a consultant to draw up specifications.

Mr. Zappala asked Mr. McCully, do you have any idea how much this will cost? Do you have a way of obtaining that information?

Mr. McCully answered, no, I don't know how much it will cost.

Mr. Parisi also asked, do we have any idea how much it will cost?

Mr. McCully answered, at this time I could not tell you. One of the reasons we are here now is to get some lead time on this. We are planning occupancy for the end of February.

Mr. Parisi stated, wouldn't it be a good idea to have some idea of what we are looking at?

Mr. Zappala asked, was the cost of transferring the telephone system factored into the renovation costs?

Mr. McCully responded, no, it has nothing to do with the renovations.

Mr. Knight explained, the Parks & Recreation Department is merely asking to be kept on the CENTRAX system.

Mr. Doherty asked for a status report on the project.

Mr. McCully stated that the steel was being erected today for the gymnasium. The concrete pad was poured on Friday and most of the sheetrock is complete. Painting has started in most of the offices. The target date for occupancy is the end of February.

Geno Zandri, 37 Hallmark Drive asked, is there a CENTRAX controller presently at Simpson School?

Mr. McCully responded, I don't know.

Mr. Zandri reminded Mr. McCully that he stated that something had to be moved from Simpson School to Fairfield Boulevard. Is that true?

Mr. McCully answered, I don't know exactly how the telephone company does it. I don't have the knowledge of their computer and telephone system.

Mr. Zandri asked, why do you have to waive the bid if nothing has to be done? If there is a controller at Simpson School that presently runs the system there and it has to be relocated to Fairfield Boulevard then the bid process has to be waived for the cost to perform the relocation of equipment. If that is the case you should be able to get an estimate on what that work would cost. If there is nothing to relocate then there should be no charge. I suggest that you check into what the price is that SNET wants to charge the Town before waiving the bid.

Mr. Knight stated, there may be a small module that operates the network within the building but the basic CENTRAX network is at the telephone company's main office.

Mr. Parisi suggested that Mr. McCully question this charge more closely. He asked the Town Council Secretary to make a note that Mr. McCully obtain pricing for the Council for the next Town Council Meeting.

Jack Winkleman, 141 S. Airline Road agreed with Mr. Zandri and Mr. Zappala that a cost estimate should be obtained before a waiver of bid is approved. SNET should have the expertise in past practice of installing or relocating the equipment and should be able to provide a cost estimate if asked to do so. That information should have been obtained before a request to waive the bidding process

was made to the Council.

Philip Wright, Sr., 160 Cedar Street stated, we should be worried more about whether or not we are moving a dinosaur. Perhaps we should be looking at what current technology is available for telephone systems. If we are moving equipment from Simpson School to Fairfield Boulevard, how long will Simpson School be without the piece of equipment that we are moving?

Mr. McCully answered, when that time comes we can continue to operate without interruption. We may have to operate a small system at Fairfield until the building is fully occupied.

Mr. Wright stated, there are a lot of "I think" statements here instead of "I know". The Council should have a better definition of what the problem is before it approves action.

Mr. Parisi stated, I know it can be done without interruption. The facility at which I work had their phone system changed very similar to what Mr. McCully is explaining tonight and it was done without any interruption of service.

Mr. Zappala stated that he would like to table this item until the next meeting so that the cost estimates could be obtained.

Mr. Zappala moved that the Item be Tabled, seconded by Mr. Knight.

VOTE: Centner, Doherty, Papale and Zappala, aye; all others, no; motion failed.

Pasquale Melillo, 15 Haller Place, Yalesville was surprised that only a few people on the Council were concerned that no cost estimate was obtained for the work and the others were willing to waive the bid without the information.

Geno Zandri, 37 Hallmark Drive stated, I am very concerned that you (Council) are ready to waive the bid on this item without any idea as to what the cost is. You should think about this, you are waiving the bid without any idea of what the cost will be.

Jack Winkleman, 141 S. Airline Road stated, I agree with Mr. Zandri. The bid may be very little money that we are wasting a lot of time over but it would be better to know what it would be. It could be \$50 or \$500, we don't know. If it was going to cost \$15,000 then the bid should not be waived. We should have a ball park figure. I am sure that a phone call to SNET could have clarified this issue before the meeting.

Mr. Parisi stated, I did ask Mr. McCully to obtain a cost estimate for us before the next meeting therefore if the Council passes this tonight and it comes back as some exorbitant amount, it will not

be allowed to proceed. In the sense of expediency for this evening I will vote for it. I will not buy it blindly. I asked for the information very specifically from Mr. McCully and asked that the Town Council Secretary make a note so that Mr. McCully will report back at the next meeting.

Mr. Zappala stated, I don't like to vote no but you have forced me to do so. This waiver of bid does not interfere with the progress of the project and there is no reason why we can't wait two additional weeks for a definite price. Mr. McCully himself stated that it does not make a difference to wait two more weeks so why do we have to do this tonight?

Mr. Parisi stated, we are doing this by procedure. Your tabling motion was defeated. If you don't want to vote for this then don't.

Mr. Knight asked for clarification on this issue since Mr. McCully's letter clearly states that the waiver is being sought to allow for the purchase and installation of telephone equipment. We are talking about telephone service; two different things. It is my understanding that this waiver has nothing to do with equipment.

Mr. McCully stated, it has nothing to do with equipment. This is to stay on the CENTRAX system.

Mr. Knight wanted it to be very clear that all we are talking about tonight is extending the current telephone system service that we purchase from SNET to the new recreation facility at Fairfield Boulevard and that is all. We are not talking about purchasing any equipment from this company.

Mr. McCully responded, no.

Mr. Wright stated, I don't understand your way of doing business. You are going to approve it and if the price comes back too high you will yank the rug out from under it in two weeks.

Mr. Parisi stated, that's correct.

VOTE ON ORIGINAL MOTION TO WAIVE BID: Papale, Renda and Zappala, no; all others, ayé; motion duly carried.

ITEM #9 Public Hearing on an Ordinance Amending Ordinance #418 Entitled, "An Ordinance Appropriating \$124,000 for the Design of Renovations to the Wallingford Community Pool and Authorizing the Issue of \$124,000 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.

Motion was made by Mr. Rys to Approve the Ordinance and Append a Copy of Sections 1-7 to the Minutes of this Meeting (Appendix I), seconded by Mr. Knight.

Mayor Dickinson stated, the \$124,000 represents the result of a public bidding process. The approval of the ordinance would allow the Town to hire the firm that is the low bidder and allow them to design the renovations to Community Pool. At the point the design is satisfactory, that firm would draw up bidding specifications and this same ordinance would have to be amended once we had construction bids to provide money for actual construction.

Dave Canto, 4 Meadows Edge Drive stated, so long as the lowest bidder is a qualified bidder I cannot see any problem with proceeding on this. A project delayed is a project denied. I hope that you vote for the acceptance of this firm to do the work.

Albert Killen, 150 Cedar Street asked, what is the status of Ordinance #418?

Thomas Myers, Comptroller responded, Section 7 of the ordinance before the Council tonight repeals ordinance #418 which was an ordinance that appropriated \$58,000 for renovation of the pool.

Mr. Killen asked, why not just amend the ordinance for the difference between \$124,000 and \$58,000? Why repeal the previous ordinance?

Mayor Dickinson stated, this is the recommendation of the bond counsel that we do it this way first. There is an argument to the effect that no money was spent out of the previous ordinance for three years therefore it lapsed. Rather than deal with questions on that, upon the advice of bond counsel, a paragraph was inserted in this ordinance repealing the previous ordinance.

Mr. Killen asked, how can you amend ordinance #418 if three years has caused it to lapse? How can you amend a lapsed ordinance?

Mayor Dickinson stated, it is not being amended, it is being repealed. This is a new ordinance being adopted.

Mr. Killen read Item #9 on the agenda as follows: Public Hearing on an ordinance amending ordinance #418.." If you are not amending ordinance #418 what are you doing?

Mayor Dickinson stated, the language regarding amending is not part of this ordinance. This ordinance is entitled, "An Ordinance Appropriating \$124,000 for the Design Renovations..", etc. The title of this ordinance does not amend ordinance #418. That was explanatory material on the agenda.

Mr. Killen stated, it was on the last agenda the exact same way.

Mayor Dickinson stated, the agenda is not the controlling document, the ordinance is. The title and language in the ordinance is correct. The action taken by the Council is on the language in the ordinance itself.

Philip Wright, Sr., 160 Cedar Street asked, how will the ordinance be numbered?

Mayor Dickinson stated, it would be the next consecutively numbered ordinance.

Bernadette Renda, 753 N. Main Street Ext. read the following letter into the record from Amy Humphries who could not attend the meeting this evening and asked that Mrs. Renda represent her feelings on this matter:

"November 19, 1996

Town Council &
Members of the Parks & Recreation Commission

We have spent a lot of time over the years trying to decide what to do about Community Pool. During that time my family and friends have continued to enjoy the pool every summer wondering whether it will be there the next summer. As a member of the group, "Friends of Community Pool" I have been aware of the pool's problems. I have seen the pool study committee evaluate and reject a new pool and I have taken part in the more recent effort to restore and improve Community Pool. During the process support was given to a pool that would maintain a zero depth design while upgrading the filtration system to meet the regulations. This is important to the families that have used and enjoyed Community Pool over the years that allows people of all ages and aquatic abilities to use a pool at many levels and for different reasons. Some years back the Town was informed by the T.P.A. Design Group that keeping the current design would not be possible. They recommended rebuilding the pool in a more traditional rectangular design. Their recommendation was rejected at that time. I am disappointed to learn that T.P.A. in association with another company is being considered to reconstruct Community Pool. I urge the Parks & Recreation Department and the Town Council to be very careful about this choice, to not necessarily accept the lowest bidder and most importantly, to choose a company which can build the pool that the citizens of Wallingford want and deserve.

Sincerely,

Amy Humphries
17 Mellor Road
Wallingford, CT"

Karen Foster, 40 Jones Road read the following prepared statement into the record:

"Mr. Mayor, Members of the Town Council, and people of Wallingford,

Friends of Community Pool's goal was to save our pool, as it is, and as it has been for the past forty years. We take justifiable pride in the success of our mission. With the Council's six to three (6-3) acceptance last November of the recommendations of Friends of Community Pool and the Parks & Recreation Commission, the Town at last announced a common vision for the direction of this project. You are being asked to vote tonight on an ordinance appropriating \$124,000 which is the amount of the joint venture bid of T.L.B., T.P.A. and Scott Pools for designing the renovations for the pool. Friends of Community Pool see strong and compelling reasons why this ordinance should be rejected. T.P.A., one of the principals involved in the present bid has a definite bias against renovation of the facility in its present configuration. We have no faith in their change of heart. We do not believe that they are truly abandoning their long standing view of the project. We fear they are perceiving mixed signals and perhaps do not understand that the Town now has a unified common vision for this project. A very brief historical review will demonstrate T.P.A.'s past bias against renovation.

1. T.P.A. was hired by the Community Pool Building Committee to design renovations for the pool.
2. T.P.A. said to scrap it and build a new one because it did not conform to State standards passed long after the pool was built.
3. Mary Mushinsky (State Representative) sponsored legislation exempting the pool from meeting certain State standards, in other words, making renovation legally possible.
4. T.P.A. still said, "replace it with a new facility" and quoted astronomical figures for doing anything else. For example, \$1 million just to fix the filter system.
5. T.P.A. was paid \$21,950 of the \$80,000 appropriated for them to design renovation work. All their designs met with marked, public disapproval.

6. T.P.A. sent Mr. Willis of Scott Pools to resident's meetings called to discuss the report of Century Pools which said that indeed, it was feasible to renovate this pool for a reasonable sum. Mr. Willis defended T.P.A.'s work and conclusions.
7. T.P.A. did not put in a bid back in the spring. Why are they bidding now?

In sum, we see ample evidence for substantial bias on the part of T.P.A. against renovation of this facility in its present configuration. What assurance do we have that they fully understand the Town's common vision for this project or are they perhaps perceiving mixed signals. Are they really prepared to abandon all their previous statements? What guarantees can they give the Town that they are really committed to the project goals? We trust that members of the Town Council will recall that last November a common vision for this project was passed by a vote of six to three (6-3). We urge that the bid not be awarded to a firm that has a long standing bias against this common vision. Let us move forward, not backwards, nor around in circles. Thank you."

Jon Walworth, 28 Laurelwood Drive stated, I read an article a number of years ago that said a pool project is one of the hardest facilities to get approved in a community. We can see why since it is just about seven (7) years that this Council and others approved the pool committee. It is also about two and one half years (2 1/2) since the project was stopped because of the school project. We know that the selection process that the Town has passed, requiring qualifications and bid review prior to selection, works. We saw it with the schools. We also know that qualified engineers and architects can develop a quality facility that is safe for the community. I would not want to suggest that this Town now taint that policy and process by suggesting that there is other criteria that are going to be utilized for the selection process than that which has already been published and responded to. If you do that think of what you may do to your process of looking for other architects and engineers in the future. There may always be something that comes up that no architect or engineer can ever anticipate. In the development of this project a number of architects and engineers looked at the project besides T.P.A. and specifically said "you cannot build this facility to meet Health Department requirements without demolishing the entire facility. That presentation was made to the pool community and the Parks & Recreation Commission and countless times the commission discussed the plans prepared by T.P.A. Charles Johnson, Chairman of the commission was there, Tom Zappala, Councilor was there and I was there. At no time did any member of the Parks & Recreation Commission vote against the design prepared by T.P.A. in recognition of the criteria for the health of the public, it was never rejected. It was unanimous approval throughout the process. You have to be careful, members of the Council, that the

governmental process is not allowed to continue because of impressions of individuals who write editorials, have falsehoods, innuendos and personal attacks. Because imagine if you disagree with those people, you may be next in their attack regime. A lot of people have spent countless hours working on this project only to be chastised, criticized and publicly condemned for doing what they were prepared to do. At the last meeting of the Park & Recreation Commission it was unanimously recommended to the Council that the recommendation of the Commission Director be accepted. For that reason, I again suggest to you that you follow and support your staff in that approval.

Pasquale Melillo, 15 Haller Place asked, has T.P.A. come out specifically stating that they have changed their position on this issue?

Tim Brewer, Principal, T.L.B. Architecture, Higganum, CT. stated, If awarded this contract TLB will have a contractual relationship with T.P.A. They will be a consultant of TLB's for the land development. He gave an overview of the project team that is being proposed for the work in hopes of clearing up the misunderstanding of the design professional of record on the project. T.P.A. has not indicated to Mr. Brewer whether or not they believe the pool can be renovated now or not renovated now. The simple reason for that is because they have no say in the matter. T.P.A. is the land development consultant on this team and as enumerated in the scope of services that T.L.B. is proposing to provide, they will be in charge of redesign of the markings in the present paved area to create a more safe entry and exit to the site; they will increase the number of spaces as required; coordinate pedestrian access at North Main Street; they will be looking at some of the amenities on site such as development of a park area and landscaping of the site. They do not have any jurisdiction on Mr. Brewer's team or decisions made about the pool facility, filtration, recirculation, etc. T.L.B. architecture is the prime design professional and will be making the decisions and leading the entire team on all matters but most importantly and directly will be making decisions about the renovation of Community Pool.

Mr. Brewer made the following statement: I, Tim Brewer, am totally committed to a successful renovation of Community Pool. We are not going to be removing Community Pool, reconstructing a new pool. I am telling you as the design professional of record that Community Pool can be renovated.

Patricia Sitnick, 139 Prince Street stated, the community has said that they want the pool renovated as it is. I hope you will remember that.

Jack Winkleman, 141 S. Airline Road stated, paying for the design is only one part of the cost. What monies, if any, have been set

aside for this project?

Mayor Dickinson stated, nothing has been appropriated. The estimates that we have geared the project around has been a total cost of \$1.4 million.

Mr. Winkleman asked, what percentage does the design work constitute of the \$1.4 million?

Mayor Dickinson responded, we won't know that until we have bid prices for the construction.

Mr. Brewer stated, we did enough homework and research and enough number crunching to get a sense of what we felt would be required to renovate the pool. We have proposed a fee which we believe to be extremely competitive and probably will end up below 10% of your ultimate construction costs. Meetings will be held at which the public will have input to determine which renovation features will be left in the plan, which will be left out of the plan and which will be added to the plan. Those renovations will then be prioritized and brought back to staff and perhaps staff to Council to get their input on what features to proceed with and what features to leave by the wayside. These decisions of how to spend public dollars will not be made around the conference table in my office, they will be made in working with staff in design meetings.

Mr. Winkleman asked, will you be supervising the construction and work done at the site? Is that part of your bid also?

Mr. Brewer answered, the R.F.P.s (request for proposals) were very detailed. They requested very clearly a certain amount of observation of all construction progress; something along the line of 3 or 4 hours per day, 3 or 4 hours per week. We are committed to providing that oversight with registered design professionals.

Albert Killen, 150 Cedar Street asked, how do you repeal an ordinance without a public hearing to do so? The action of repealing the ordinance is not included in the title of this ordinance.

Mayor Dickinson explained, this is the public hearing now. On the advise of the bond counsel this is the proper way for us to go about enacting the ordinance. Ordinance #418 has already lapsed and is void. The proposed ordinance tonight does make clear that the earlier ordinance is repealed.

Mr. Killen argued the point that the ordinance is comprised of two subject matters, repealing the previous ordinance and adopting the proposed ordinance. He reiterated his argument that the action of repealing the previous ordinance should have a separate public hearing on that matter alone. He stated that two separate votes

should be taken on the two actions. The way this is presented tonight there will be one vote for the two actions. The Council should vote separately on each matter. The making of a motion is supposed to be limited to one subject. Some Councilors may want to vote yes on one action and no on the other. This is not a good motion.

Ted DeVitt, 1025 North Main Street Ext. asked Mr. Brewer, has your firm designed a pool of this type before?

Mr. Brewer responded, yes, bids were received today on a facility, an impoundment-type facility like this only about three times bigger, for the Town of Wethersfield. I am sure our qualifications are on record for review. We have done a vast number of public facilities.

Charles Johnson, 10 Holly Lane stated, all the comments I have heard this evening against this project is because of T.P.A. It has been spelled out clearly that T.P.A. is not in charge of this project so I don't see what the problem is.

Mr. Melillo suggested that the item be tabled and taken up for further study.

Mr. Zappala was glad to hear that T.P.A. will have nothing to do with the design of the pool. He noted that the bid sheet reflects a bid from T.L.B. - T.P.A. Designs. He wanted to hear that this job was not awarded to both firms.

Thomas Myers, Comptroller responded, my understanding is that this is a joint venture bid with T.L.B, T.P.A. and I was not even aware that Scott Pools was in there. There are more firms in this joint venture than are listed on the bid review?

Mr. Brewer responded, it is not a joint venture. It is an A.I.A. form B141 contract between an owner and architect. I am the architect. There is no contractual relationship between the owner and any of my consultants. It is not a joint venture. No contract has been signed to date.

Mr. Zappala stated that he would rather hear the explanation of T.P.A.s involvement in the issue from Robert Pedersen, Purchasing Agent.

Ms. Papale stated, a few of the Councilors need to hear again for their own piece of mind what, if anything, T.P.A. will have to do with the design of Community Pool. Mr. Pedersen is not here to alleviate their concerns, no offense to Mr. Brewer, but the Council does not know Mr. Brewer, personally.

Mr. Brewer explained, once again, his firm's relationship with

T.P.A. in this project.

Ms. Papale wanted Mr. Brewer to understand that the reason some of the Councilors and members of the public seem to be "giving him the business" and questioning him on this subject matter is, in speaking on behalf of Mr. Zappala and herself, they want this pool done as much as anyone else here.

Ms. Papale continued, we have been involved in this matter for a long time, it is very important to me and Mr. Zappala. We are very, very concerned. If this does go through and Mr. Brewer is the architect of choice for the project and he does report back to the Council on the work, it would make a few people on the Council a little more relaxed if he keeps the Council aware of all that he does with T.P.A. before it is done.

Mr. Brewer appreciated the concern and well-intentioned spirit of those involved.

Mr. Killen once again reiterated his opinion on the action being taken by the Council on the two ordinances. He referred to page 6, Section 4, Procedure, of the Charter of the Town of Wallingford, specifically line 50 which states that all ordinances and resolutions shall be confined to one subject.

Attorney Small stated that the ordinance is comprised of one subject, Community Pool.

Mr. Doherty stated, it has been previous practice by Town Councils that he has served on before to have bond counsel, Attorney Joseph Fasi in attendance at the meetings in case questions were raised pertaining to the ordinance. When did we stop paying Mr. Fasi to whom we pay a nice fee to show up at our meetings?

Mayor Dickinson responded, we did not necessarily stop the practice; he was not requested to be here tonight. I didn't think it was anything of size or nature that required his presence. We can write a letter asking if there is anything defective about the practice tonight.

Mr. Parisi asked the Council if any member felt that the action being requested this evening was defective in any way?

No response was heard which was interpreted as no Councilor opposed to the action.

Mr. Doherty asked, what will Scot Pools' involvement be in this project?

Mr. Brewer responded, the R.F.P. did not suggest that we would consult with industry-related professionals who are in the construction field. That is a long about way of saying that it is

o.k. to have a pool builder on our team. You have somewhat of a unique situation here so I went out and found the very best available construction consulting that my money could buy in the aquatics business. Scott Pools barring none in the State have dealt with more pool types, more difficult filtration issues than any builder I am aware of in our area. I am aligning myself with Jim Scott of Scott Pools to bring his experience and problem solving expertise to an existing facility. They will be relied on very heavily to react to schemes that we generate for filtration, recirculation and the constructability of those schemes which is absolutely critical to the success of this renovation. They will be consulting with me when we develop the specifications for the filtration system, the size of the filters, pump motors, making sure they are sized appropriately, etc.

Mr. Doherty asked, have you dealt with any pools that have the zero depth design that Community Pool has?

Mr. Brewer responded, every pool that we have built in Connecticut has had the zero depth feature. You have essentially zero depth at 360 degrees of the perimeter. That is probably the defining, unique element of your facility. I cannot say that we have had 360 degree zero depth entrance situation before.

Mr. Wright asked, assuming the Council approves this ordinance, what will the timeframe be for getting this project going?

Thomas Dooley, Director of Parks & Recreation responded, taking into consideration the thirty day waiting period we hope to get started after the new year.

Mr. Wright asked, will the pool be renovated and in full operation by this summer?

Mr. Dooley answered, we would be very hard-pressed to do that. It is very doubtful that we will have a pool for this summer.

Mr. Wright asked, who will oversee this project on behalf of the Town?

Mr. Dooley responded, myself and Mr. McCully. By the time we enter into the construction phase of this project we will have completed the Fairfield Boulevard project.

Mr. Wright wanted to ask the Mayor if he is going to support the \$1.4 million expenditure for the pool and since the Mayor was absent from the room he directed the question to Mr. Parisi.

Mr. Parisi answered, I would say that he (Mayor) is in support of this.

Mr. Walworth asked Mr. Dooley, is the west side of the pool where the diving board is zero depth?

Mr. Dooley responded, no it is not.

Mr. Walworth asked, is the east side of the pool where the kiddie pool is zero depth?

Mr. Dooley responded, the far wall on the east side is not zero depth.

Mr. Walworth just wanted everyone to realize that the pool is not 360 degrees zero depth as Mr. Brewer had stated.

Mr. Walworth then asked, is the \$124,000 strictly for design or is money there as well for construction inspection by the architectural team?

Mr. Dooley answered, yes, there is money there for that also.

The Mayor returned to the room at which time Mr. Parisi asked, are you prepared to fully support the funding of the pool project should it be designed and the bid awarded and the project moves forward?

Mayor Dickinson responded, yes, provided it is within reasonable range of the figures that have been mentioned before. If we are suddenly talking about a much more expensive project, that has to be taken into account. I just spoke with Attorney Fasi and verified that this is regarded as one subject. It is not a question of two ordinances and a violation of the Charter.

Mr. Parisi stated, in the future I ask that Attorney Fasi be in attendance at the meetings.

Mayor Dickinson stated, that can be arranged however, most of the time there are no questions and we are paying for his time.

Mr. Parisi stated, it may be better to bite the bullet on the expense to have him here so that if people have questions they can feel comfortable with his answer. It may make the general public feel better.

Mr. Farrell agreed with Mr. Parisi on the issue of having Atty. Fasi in attendance at the meetings when an ordinance is on the agenda. He informed everyone that the State of Connecticut currently uses the same firm of Robinson & Cole as bond counsel and they are presently shopping around for other bond counsel. We should have bond counsel present at our meetings in the future and if it is a matter of renegotiating our relationship, that may be in order.

Mr. Zappala asked, is there any plan to establish a committee to help with this project?

Mayor Dickinson explained, I think what is critical to the project is that there exist a harmonious relationship with the professionals that we hire for the job. We generally do not have building committees when we are dealing with renovation projects unless it is a very large project. Fairfield Blvd. does not have a building project. I don't have a problem sharing plans that are developed at Town Council Meetings or special meetings that can be held in the evening for people to view the design. It can be a difficult thing for a committee to start now when the firm has already been named, interviews conducted, specs developed for the bidding process and now infuse a new structure to coordinate that activity. That is a difficult assignment. The process can be very participatory involving any/all interested citizens as well as the Council.

Mr. Parisi stated, the Council would be very willing to hold special meetings at which the public can come in and view the project plans and ask questions; similar to the East Main Street project meetings for the public. I will commit this Council to that as well as Mr. McCully. If we need you, Henry, you will be here.

Karen Foster, 40 Jones Road suggested that an independent study be performed of the bid package. It may help to clarify some issues raised this evening.

Mr. Wright asked, will the minutes of the meetings of the groups that will be supervising the project be posted and will they be held at a time when the public can attend?

Mr. Dooley responded, we certainly could do that if we were directed to if that were the wish of the public.

Ms. Papale asked, has the Council ever voted on an ordinance which enacted one and repealed another such as we are doing tonight?

Mayor Dickinson seemed to remember that it occurred once before but could not specifically remember the subject matter.

Mr. Knight stated, I will summarize a lot of thoughts I have had over the past five years regarding this project. I have sat at this microphone a number of times and have reviewed the long and tortured history of this project (Mr. Knight is a former member of the defunct Community Pool Renovation/Building Committee). I will not go through it again in the exhaustive detail that I have in the past. Having said that I would appreciate if I could make a few comments in support of the original committee and the pariah of the evening, T.P.A. Design Group. As a public official I expect to

find myself misquoted occasionally, or misunderstood or have a constituent misinformed as to my feelings on an issue. I am speaking more as a member of the original committee and I would like to answer a few of the comments that have been made in public regarding some of the issues surrounding Community Pool; the first of which is that T.P.A. proposed replacing the big basin with a small rectangular pool conforming to all the State's present requirements after many residents protested. There were residents that disagreed with the idea of having a small rectangular pool but there seems to be an indication now, and I am referring to the united, unified, common vision that nowhere ever has this pool had a unified common vision I don't care what side you were on. The vote, itself, was 6-3 when we voted for accepting this latest design. So let's dispense with the idea that this is a unified, common vision. It never has been. That is why the project has dragged on for five years. With all due respect to Mary Mushinsky, I would like to give more credit to Bert Killen for advocating and pursuing the idea of exempting the present pool from some of the CT. Swimming Pool Design Guide. The committee had made up its mind that the old pool should not be saved. Faced with resident's continued objections to T.P.A.'s designs, anxious about hefty price tags of \$1.4 to \$2.3 million for a new smaller pool and worried about liability, the Town Council voted to disband the committee and close the pool for 1994. First of all, the price objections; the second set of recommendations overcame the two main objections to the original design; that being the zero depth feature and the separation of the wading and main pool areas. Secondly, the money issue came about because, at the same time when this second set of designs were coming to the forefront, there were concerns on the part of the administration that we did not know the real scope of the school building expansion project. There was concern for the amount of money that we would spend at this time on a Community Pool. That is when the committee went back to the drawing board and made the pool, slightly, slightly smaller, added a good deal of parking spaces and came back to the Council with a price that dropped from \$2.3 million to \$1.7 million. The question was asked whether the \$1.7 million would be supported by the administration. And at that time the Mayor said that he still had concerns with the price tag. There were members at that vote, and I was on this Council and I made a motion that we accept the \$1.7 million design. Several of the votes went against that design because it was felt, and I wish that Geno Zandri were here now because he would be glad to affirm what I am about to say, I know that two of the votes in that room were negative because they wanted the larger pool. They wanted the \$2.3 million pool. Let's not forget that. The Town Council voted to disband the committee and close the pool for 1994 is another statement that has been made. The Town Council did not disband the committee. I want that very clearly remembered. Out of frustration after three or four different designs, that committee unanimously resigned in frustration. We were not run out of town on a rail. We exited the stage because we saw the process

going nowhere. One of the objections to what the original committee had come up with in its plans was that we hadn't done a very good job of testing the market, seeing what the people of the community really wanted. Friends of Community Pool found that our survey distributed to several thousand school children with a return rate of over 800 surveys, was inadequate. They did their own survey which consisted of a public meeting attended by twenty people. I don't want this subject closed without it understood that the first committee did a great deal of research with a budget of \$0. I support this ordinance. I did not support the motion to go with the present design a year ago but I vote for this ordinance tonight to move the process. We have been at it for five years. I have learned by talking with my friends on this Council that I am not going to get my way. I am not going to have the new pool that I think this Town really should have. I am going to get a renovated pool. I am voting for this ordinance, I recommend it to every Councilor because it is time to move on. (applause)

VOTE: All ayes; motion duly carried.

The Chair declared a ten minute recess.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$6,150 from Repair & Resurface Tennis Courts Acct. and \$418 from Snow Plow Truck w/Equipment Acct. for a Total of \$6,568 to Addition for Tire Storage Area - Dept. of Public Works

Motion was made by Mr. Rys, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #12 Executive Session Pursuant to Section 1-18a(e))2) of the CT. General Statutes Regarding Pending Litigation

Motion was made by Mr. Rys to Enter Into Executive Session, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

Present in Executive Session were all Councilors and Attorney Small.

Motion was made by Mr. Rys to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve Settlement of Pending Litigation Concerning Buno Tax Appeal - Town Attorney

Motion was made by Mr. Rys to Approve the Settlement of Pending Litigation as Discussed in Executive Session, seconded by Mr.

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Farrell.

VOTE: All ayes; motion duly carried.

ITEM #14 Consider and Approve Waiving the Bidding Process to Hire Appraisers in Pending Tax Appeal Litigation - Town Attorney

Motion was made by Mr. Rys, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Doherty to Adjourn the Meeting, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 10:24 P.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri

Kathryn F. Zandri
Town Council Secretary

Approved by:

Robert F. Parisi
Robert F. Parisi, Chairman

1-14-97
Date

Rosemary A. Bascati
Rosemary A. Bascati, Town Clerk

1-14-97
Date

AN ORDINANCE APPROPRIATING \$124,000 FOR THE DESIGN OF RENOVATIONS TO THE WALLINGFORD COMMUNITY POOL AND AUTHORIZING THE ISSUE OF \$124,000 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 \$124,000 is appropriated for the design of renovations and repairs to the Wallingford Community Pool and related appurtenances, including design development, final design, preparation of bid specifications, engineering and design services during construction, architects' and engineers' fees, and for administrative, printing, legal and financing costs related thereto.

Section 2. To meet said appropriation \$124,000 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

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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. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The

Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 7. Upon the effective date of this ordinance, the prior Wallingford Community Pool ordinance enacted by the Town Council on January 11, 1994 and approved by the Mayor on January 13, 1994, is repealed.