

TOWN COUNCIL MEETING

NOVEMBER 23, 1993

6:30 P.M.

**** NOTE START TIME OF MEETING****

AGENDA

1. Roll call and Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Regarding Discussion and Action Concerning Pending Litigation - Workers Compensation Cases; Waiver of Bid to Hire Outside Counsel with Regard to Pending Litigation as Requested by the Town Attorney
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#127-139) in the Amount of \$1,244.02 - Tax Collector
 - b. Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Overtime - Police Acct. #001-2002-100-1400 to Worker's Compensation Replacement Acct. #001-2001-100-1630 - Dept. of Police Services
 - c. Consider and Approve Merit Increases (7) Approved by the Mayor
 - d. Consider and Approve a Transfer of Funds in the Amount of \$600 from P.T. Account #001-5010-100-1350; \$200 from O.T. Account #001-5010-100-1400; \$219 from Directory Acct. #001-5010-400-4510; \$200 from Reproduction Supplies Acct. #001-5010-400-4020 and \$75 from Micro Filming Acct. #001-5010-100-1200 for a Total of \$1,294 to Salaries Acct. #001-5010-100-1200 - Engineering Department
 - e. Consider and Approve a Transfer of Funds in the Amount of \$616 from Safety Clothing Acct. #2031-400-4820; \$200 from Cameras & Audio Visual Acct. #2032-400-4250 and \$416 from Rubbish Removal Acct. #2032-500-5120 for a Total of \$1,232 to Portable Radios Acct. #2032-999-9909 - Dept. of Fire Services
 - f. Consider and Approve a Transfer of Funds in the Amount of \$274 from Tires & Tubes Acct. #2036-400-4520; \$290 from Tires & Tubes Acct. #2038-400-4520 and \$700 from Tires & Tubes Acct. #2039-400-4520 for a Total of \$1,264 to Tires & Tubes Acct. #2032-400-4520 - Dept. of Fire Services
4. Items Removed From the Consent Agenda
5. Approve and Accept Minutes of the October 12, 1993 Town Council Meeting with One Correction

(OVER)

6. Approve and Accept Minutes of the November 9, 1993 Town Council Meeting
7. Consider and Approve the Appointment of the Committee on Aging Adhoc Committee to Study the Expansion of the Senior Citizen Center
8. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
9. Report Out on the Renovation of the Carriage House for Government Access Television Studio Space as Requested by Councilor Geno J. Zandri, Jr.
10. Discussion Regarding the Contract Between the Town of Wallingford and International Building Maintenance for School Traffic Control (Crossing Guard) Service as Requested by Councilor Brian M. McDermott
11. Report Out by the Chief of Police Regarding the Status of the Snow and Towing Ordinances as Requested by Councilor Susan S. Duryea
12. Discussion on the Town Attorney's Opinion on the Right of the Electric Division to Propose a Deficit Budget as Requested by Councilor Albert E. Killen
13. Remove From the Table to Consider and Approve the Water Division Part Only of the Forestry Management Plan
14. Remove From the Table to Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Outside Services to Transfer Out - Forestry Account - Water Division
15. Discussion and Possible Action on Approving the Schematic Design from the Community Pool Renovation Building Committee

TOWN COUNCIL MEETING

NOVEMBER 23, 1993

6:30 P.M.

SUMMARY

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| 12. Discussion on the Town Attorney's Opinion on the Right of the Electric Division to Propose a Deficit Budget | 10-12 |
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| 14. Withdrawn | |
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WAIVER OF RULE V

Approve a Resolution Closing Simpson Court, in its Entirety, to Vehicular Traffic on Sunday, December 12, 1993 from 3:00 P.M. to 7:00 P.M. for the "Candles of Unity" Celebration

9-10

TOWN COUNCIL MEETING

NOVEMBER 23, 1993

6:30 P.M.

A meeting of the Wallingford Town Council was held on November 23, 1993 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:03 P.M. by Chairperson Iris F. Papale (the meeting time was changed to 7:00 P.M. due to the withdrawal of Item #2 on the agenda). All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall. Mayor William W. Dickinson, Jr. arrived at 7:29 P.M.; Town Attorney Janis M. Small arrived at 7:10 P.M. and Comptroller Thomas A. Myers was also present.

The Pledge of Allegiance was given to the Flag.

ITEM #2 - Executive Session - Withdrawn

ITEM #3 - Consent Agenda

Motion was made by Mr. Doherty to Place the Following Items on the Consent Agenda to be Voted Upon by One Unanimous Vote of the Council, seconded by Mr. Parisi.

ITEM #3a Consider and Approve Tax Refunds (#127-139) in the Amount of \$1,244.02 - Tax Collector

ITEM #3c Consider and Approve Merit Increases (7) Approved by the Mayor

VOTE: All ayes: motion duly carried.

ITEM #4 Items Removed From the Consent Agenda

ITEM #3b Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Overtime - Police Acct. #001-2002-100-1400 to Worker's Compensation Replacement Acct. #001-2001-100-1630 - Dept. of Police Services

Motion was made by Mr. Doherty to Approve the Transfer, seconded by Mr. Parisi.

Mr. Killen asked Deputy Chief Darryl York why the funds needed cannot be taken from the capital account for Police Cruisers? It is early in the season with regards to overtime and he is concerned that the department will need to leave those funds intact. Since the bid came in low, why not utilize the remaining funds in the capital account?

Deputy Chief York explained that the bids came in over what was budgeted for in that account.

Mr. Killen obtained a copy of the bid from Purchasing and stated that the low bid was \$83,244. The capital account is funded with \$100,000.

Deputy Chief York insisted that there will be no funds remaining in that account once the seven cruisers are purchased. He has not yet received a copy of the bids and was unaware of any of the prices bid by the vendors.

Mr. Killen agreed to allow more time to pass for the Police Department to receive a copy of the bid prices and will contact them for follow-up information.

VOTE: Killen and Zandri. no; all others. aye; motion duly carried.

ITEM #3d Consider and Approve a Transfer of Funds in the Amount of \$600 from P.T. Acct. #001-5010-100-1350; \$200 from O.T. Acct. #001-5010-100-1400; \$219 from Directory Acct. #001-5010-400-4510; \$200 from Reproduction Supplies Acct. #001-5010-400-4020 and \$75 from Micro Filming Acct. #001-5010-400-4040 for a Total of \$1,294 to Salaries Acct. #001-5010-100-1200 - Engineering Department

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

Due to the fact that the Mayor had not yet arrived for the meeting, Mr. Killen made a motion to Table this Item so that he could ask the Mayor his questions upon his arrival, seconded by Mr. Holmes.

VOTE TO TABLE: All ayes; motion duly carried.

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$616 from Safety Clothing Acct. #2031-400-4820; \$200 from Cameras and Audio Visual Acct. #2032-400-4250 and \$416 from Rubbish Removal Acct. #2032-500-5120 for a Total of \$1,232 to Portable Radios Acct. #2032-999-9909 - Dept. of Fire Services

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

Mr. Killen asked Chief Lefebvre why the funds needed were not being taken entirely from the rubbish removal account?

Chief Lefebvre responded that there will be an increase in the pick-ups this year due to the volunteer company functions. He does not feel comfortable drawing the entire transfer from that account at this time.

VOTE: Killen and Zandri. no; all others. aye; motion duly carried.

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$274 from Tires & Tubes Acct. #2036-400-4520; \$290 from Tires & Tubes Acct. #2038-400-4520 and \$700 from Tires and Tubes Acct. #2039-400-4520 for a Total of \$1,264 to Tires & Tubes Acct. #2032-400-4520 - Dept. of Fire Services

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

Chief Lefebvre explained that the department currently has five Tires & Tubes accounts for each company. A specific amount is allocated each budget session into the accounts and it is a guessing game as to which company will experience tire failure. Ideally it would be beneficial to have one account for all tires & tube expenditures but that is not how the budget is structured.

Frank Wasilewski, 57 North Orchard Street felt that the money should remain in the volunteer companies' tires & tubes accounts and should not be taken for the regular department to use.

VOTE: Killen and Zandri, no; all others, aye: motion duly carried.

ITEM #5 Approve and Accept Minutes of the October 12, 1993 Town Council Meeting with One Correction

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

VOTE: Killen passed; all others, aye: motion duly carried.

ITEM #6 Approve and Accept Minutes of the November 9, 1993 Town Council Meeting

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

VOTE: Killen passed; all others, aye: motion duly carried.

ITEM #7 Consider and Approve the Appointment of the Committee on Aging Adhoc Committee to Study the Expansion of the Senior Citizen Center

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

Mr. Doherty asked that the list of names be appended to the Town Council Minutes (appendix I).

Jack Sheehy, Committee Member, explained that there exists a serious problem with adequate parking at the facility. Yankee Gas Company has been contacted to obtain permission for use of their property for additional parking. The committee feels that it is necessary at this time to establish a committee to review long range plans to address this problem.

Madeline Erskine, Committee Member reiterated Mr. Sheehy's comments. There are additional physical plant needs that will require more parking in the future. By addressing this problem now it won't come as a surprise to the Council at a date when proposals for a solution is presented.

The committee will have to be re-appointed at the first regular meeting of the Council in 1994.

Mr. Killen was reluctant to name the committee since no funds may be forthcoming for the project.

Ms. Erskine understood Mr. Killen's feelings but felt that at least the Mayor and Council are being forewarned. Funding could be discussed at a later date.

Mr. Killen made it clear that he did not dispute the needs of the center.

Mr. Doherty felt that there are funds available in many accounts to fund the project.

VOTE: All ayes: motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Frank Wasilewski, 57 N. Orchard Street asked, whose responsibility is

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it to clean up the leaves that blow into the street? They clog the storm drains and freeze along the curb causing the snowplows to plow them right back onto his property. He has cleared his yard many times only to find that other resident's leaves blow to the street in front of his house. He asked the Mayor if Public Works vacuums the leaves out of the streets?

Mayor Dickinson responded that the town does not vacuum the streets. The town lacks sufficient manpower to clean the 5,000+ catch basins in town of leaves. It is only through community effort that they are cleaned out of the streets. Any cooperation from the public in this area is greatly appreciated. The 190 miles of street are swept once a year.

Mr. Wasilewski asked, is it more important to have eight Public Works employees raking Dutton Park or raking leaves out of the streets? The leaves will remain in the park for a while and they are of no consequence to anyone. He stated that he is tired of excuses and would like some action for a change. Everyone says that the town is in good shape (financially) but has anyone really looked around at the town? The streets are terrible and the overall condition of the town is bad!

Sidney Parker, 40 S. Cherry Street stated that the refuse accumulating along the railroad tracks from Quinnipiac Street to Foucault's Furniture store is hideous. There are mattresses, panel doors, all types of refuse in existence. He also remarked that 23 S. Colony Street parking lot is accumulating trash as well. He asked that the situation be looked into.

Lester Slie, 18 Green Street responded to Mr. Wasilewski's comments regarding the leaves that it is up to each neighborhood to keep the streets clean. Take pride in your community.

Edward Bradley, 2 Hampton Trail distributed a listing, by department, of what the town pays for healthcare costs. He informed the Council that healthcare costs the town approximately \$8.7 million per year. By reducing the cost by 15% the taxpayers would save \$1.2 million per year. He is not suggesting reducing their coverage but to look into requiring co-pay or raising deductibles. He reminded the Mayor that he has repeatedly questioned him on what is being done. On September 28, 1993 Mr. Bradley was informed by the Mayor that the Segal Company was reviewing it and report was forthcoming. He inquired as to the status of that report.

Mayor Dickinson responded that he is expecting a final report next month, in time for budget preparation. At some point a copy will be supplied to the Council. If the Council requests a meeting on the issue then it will be done. The report, most likely, will be given to the Council sometime in January.

Phil Wright, Sr., 160 Cedar Street asked for an update on the status of the Wooding/Caplan property?

Mayor Dickinson answered that an R.F.P. was sent to the Council in July of which they did not approve of. It has not be brought forth again. If the Council so desires it can be discussed once again. No requests have been made to date.

Motion was made by Mr. Doherty to Remove Agenda Item #3d From the Table, seconded by Mr. Holmes.

VOTE: All ayes; motion duly carried.

ITEM #3d Consider and Approve a Transfer of Funds in the Amount of \$600 from P.T. Acct. #001-5010-100-1350; \$200 from O.T. Acct. #001-5010-100-1400; \$219 from Directory Acct. #001-5010-400-4510; \$200 from Reproduction Supplies Acct. #001-5010-400-4020 and \$75 from Micro Filming Acct. #001-5010-400-4040 for a Total of \$1,294 to Salaries Acct. #001-5010-100-1200 - Engineering Department

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

Mr. Killen explained that he would be voting against this item due to the fact that it is a transfer and that he does not disagree with the sentiment in the letter. He asked if the town will be setting a precedent of granting requests on the recommendation of a department head? In some instances some individuals may be paid for services and some may not.

Mayor Dickinson responded that the procedure to be followed will be that the Mayor must first approve the request before forwarding it to the Council for approval. Mr. Cassista assumed the duties of Acting Department Head in addition to his normal duties as Construction and Sidewalk Inspector in the Engineering Department during Mr. Costello's recent open heart surgery and subsequent recuperation period. He shouldered responsibilities far beyond what he normally would. It is appropriate for Mr. Cassista to receive pay somewhat representative of his increased responsibility. That is a policy that we would follow throughout the town. Department heads are not, in most cases, members of a union so there is not a contract which governs this issue but, in fairness, if we are expecting someone to exercise judgement and supervise beyond what they normally do, it is correct and proper that we recognize that, in some form, through remuneration.

Mr. Killen asked, has this happened in the past in other departments and the department head has not made a formal recommendation to have the individual compensated? The town, itself, should have a plan to apply to anyone who may find themselves in that situation.

Mayor Dickinson responded, different departments have different structures. In some cases an Assistant Director is on staff for that purpose. That assistant is expected to fulfill the responsibilities of the person in charge. In those cases, unless there is a union contract which effects it, there may not be a clear case as this one. There is no Assistant or Deputy Engineer. It is expecting a great deal of someone who would not normally be looked to for the types of judgements and responsibility as was in this case.

Mr. Parisi suggested that there be a policy instituted whereas a specified amount of money is added to the salary of an individual who assumes another's responsibilities in the event of illness or other unforeseen circumstances, where it applies.

Mayor Dickinson will review the system to see if there is a way to come up with a uniform increment. There are many variables involved in each department.

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Mr. Zandri pointed out that the Council is voting on this issue after the fact and that in the future the Council should be made aware of the situation as soon as it occurs.

Mayor Dickinson responded, the Personnel Department was looking at was the overall picture which included a potential re-classification.

Frank Wasilewski, 57 N. Orchard Street asked, how does this work with the issue of our Personnel Director? We have an Assistant Personnel Director performing the job of Director.

Mayor Dickinson responded that Mr. Sharkey is being paid as Acting Director of Personnel and is serving as such.

Mr. Wasilewski asked if the town will be hiring an Assistant Personnel Director?

Mayor Dickinson responded, the decision will have to be made in the near future as to what course we will have to take once it is determined what will happen with the Personnel Director's position. The results of the testing for that position was inconclusive.

Mr. Wasilewski asked, how many people applied for the job?

Mayor Dickinson responded, fifty or sixty people. Approximately fifteen or sixteen applicants were initially interviewed with final interviews conducted with three or four of those individuals.

Ms. Wall stated that the Microfilm Account number listed on the agenda was incorrect. The correct account number should read, 001-5051-400-4040.

VOTE: Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #9 Report Out on the Renovation of the Carriage House for Government Access Television Studio Space as Requested by Councilor Geno J. Zandri, Jr.

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

Mr. Zandri asked the Mayor if he could update the Council on the progress of this issue.

Mayor Dickinson answered that specifications are being written and he believed that the attempt is to have them completed and mailed out for bid by the middle of December. Recent meetings were held with the Purchasing Office and other parties to draft the specifications.

Mr. Zandri added that Don Roe, Program Planner, informed him that the specifications for the construction phase should go out to bid some time in June of 1994, with hopes of awarding the contract by August, 1994 and completion of the construction by November, 1994.

Edward Musso, 56 Dibble Edge Road stated that no one has bothered to investigate his suggestion of renovating the second floor (balcony area) of the Robert Earley Auditorium for a studio.

Mayor Dickinson informed Mr. Musso that there is an insufficient

amount of space to renovate. The risers (steps) are constructed of concrete and cannot be removed.

No action taken.

ITEM #10 Discussion Regarding the Contract Between the Town of Wallingford and International Building Maintenance for School Traffic Control (Crossing Guard) Service as Requested by Councilor Brian M. McDermott.

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

Mr. McDermott explained that he feels that it is a good idea to follow up on any new service provided in the town which especially impacts the safety and well-being of the community. This is the first time that the town has hired an independent firm to provide our crossing guard service. It is a good measure to step back and re-evaluate the progress of the new endeavor. He has also received several calls from the crossing guards and parents of school children asking that the item be placed on the agenda for various reasons. Since this is the time that the budget begins to take shape this would also be the time to re-evaluate the program for future funding.

Mr. Parisi had also received several calls pertaining to the same matters as Mr. McDermott. He was glad to see the item on the agenda and was anxious to hear what the public had to say on this matter.

Mr. Zandri asked to hear from the Police Department regarding the operation of the program.

Deputy Chief Darryl York stated that the service is being provided and it has alleviated the workload of the patrol division to cover the absent school posts. A few problems exist between the employer and employees but, by and large, the contract has been fulfilled.

The employer is living up to their end of the contract and the town is receiving the service it is paying for according to Mr. York.

Mr. Parisi stated that although the Chief of Police states in his letter to the Council that there is no proof of intent to commit criminal mischief on the part of the company simply because the checks to the employees are bouncing, the town does have a moral obligation to do business with companies that will treat our people properly. If Wallingford residents are working for this company then they deserve to be paid on time. If there is a problem with that aspect then we should be reviewing our purchasing ordinance to see if there is anything in it which addresses a situation such as this.

Deputy Chief York explained that although some of the checks did not clear at first, they all ultimately did. No one was held up for their money for a long time. He agreed that is no way to do business and reminded the Council that the Chief has referred the matter to the State Department of Wage Enforcement who is the authority to hear and settle matters such as this.

Mr. Parisi felt that it was unfair for employees to be waiting four weeks for their pay while expecting them to report to work in the meantime.

Mr. Holmes asked if the safety equipment has been provided by the company to the guards?

Deputy Chief York responded that some guards are unhappy about the uniforms but all have received the fluorescent safety vests.

Mr. Holmes asked if this company has engaged in this type of work before or is this a new venture for them?

Deputy Chief York answered that the furnishing of school crossing guard service is a new endeavor anywhere in the state.

Mr. Holmes stated that if these problems do not correct themselves then, hopefully, some move would be made to approach another vendor and utilize the existing personnel.

Mayor Dickinson stated that if the problems continue the employees should immediately notify the Chief's or Mayor's office which will give the town the ability to take action.

Deputy York explained that there has been a good faith effort to provide service and do the job. It is obvious that they have had some problems.

Mr. Zandri was of the opinion that as long as the company was fulfilling their contract the town has no right to intervene between the company and its employees. He felt that the town was overstepping its responsibilities in the matter. The town's responsibilities are to go out to bid, award a contract and ensure that the contract is being fulfilled. That is where the line is drawn for the town. We cannot get involved in employer/employee disputes.

Mr. Parisi disagreed. It is exercising a responsibility to the people who are living in the town. The town is the one who hired the company to provide the service. If the employees are from Wallingford then it is Wallingford's problem.

Mr. Holmes felt that the town is justified in intervening by the fact that the town is paying the money on time and those funds are not flowing into the paychecks.

Mayor Dickinson stated that the town does not wish to see anyone not paid because it ultimately effects the service provided and becomes a public safety issue. He urged the guards to contact his office if problems continue to exist.

Mr. Zandri agreed with the Mayor. If the service is becoming a problem then the town has all the right in the world to intervene.

Mr. McDermott requested that the training program be reviewed with the guards due to the fact that he has received many phone calls from parents stating that traffic is being stopped for each child crossing instead of waiting for other children to reach the corner and crossing them all at once.

Thomas _____, 23 Edgewood Drive stated that Meriden, Southington and North Haven follow a policy whereas they have a list of five "on call" personnel who are available to fill in for any shift and post

should a guard become ill. The Board of Education in Wallingford uses this method for cafeteria help. This company has a one year contract with the town which means that all the employees could be without a job next year if this company does not win the bid for the service.

Mr. Holmes stated that it is his desire to structure the specifications for future bids in the same way as in the past which entices the company to use the existing personnel.

Philip Wright, Sr., 160 Cedar Street felt that the town should cease doing business with the contractor if he is not performing his job. We should not, however, be harassing contractors either.

Karen _____, 23 Edgewood Drive, crossing guard, explained that she earns \$6.65/hr. and has lost money under the new contract. She is one of many crossing guards who report three times a day to protect everyone's children. Absenteeism is a shabby way of getting out of this. She asked why disciplinary action wasn't taken against guards who had taken too much time off? Instead the reliable guards got sold off because of the irresponsible ones.

Dave Canto, 4 Meadows Edge Drive felt it was a rip-off for the taxpayers to pay any contractor a fee and not have him meet his payroll. Yes, the service is being provided now but if the contractor continues to bounce the checks the service will be effected. We should not be doing business with this firm.

Jim Sabbatino, Former Supervisor of the crossing guards explained that he submitted his resignation for several reasons: one of which is that the checks are bouncing resulting in check fees he is incurring. Another reason is uniforms. One patch was given to the guards. They, in turn, are responsible for buying the white shirts and having the patch sewn on it. Without a valid paycheck how can the guards purchase shirts? He has placed many calls to Hartford to the company issuing his checks of which no return phone calls are received.

Thomas _____, 23 Edgewood Drive was told by the contractor that they have a high turn around rate and therefore cannot afford to supply the uniforms to the employees.

Mr. McDermott thanked the crossing guards for having the courage to come forward to the Council with their concerns. He looks forward to having any/all problems corrected.

Motion was made by Mr. Killen to Form a Committee Consisting of the Mayor's Office, Town Attorney's Office, Lt. McNeil of the Police Department, Public Safety Committee and Purchasing Agent to Review This Issue and to Report Back on by the First Regular Meeting of the Town Council in January of 1994. seconded by Mr. Doherty.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Doherty to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Passing a Resolution to Close a Public Highway for a Town Celebration. seconded by Mr. Parisi.

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

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Motion was made by Mr. Doherty to Approve a Resolution Closing Simpson Court, in its entirety, to vehicular traffic on Sunday, December 12, 1993 from 3:00 P.M. to 7:00 P.M. for the "Candles of Unity" celebration, seconded by Mr. Parisi.

VOTE: Killen and Zandri passed; all others, aye; motion duly carried.

ITEM #11 Withdrawn

ITEM #12 Discussion on the Town Attorney's Opinion on the Right of the Electric Division to Propose a Deficit Budget as Requested by Councilor Albert E. Killen

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

Mr. Killen felt that the opinion rendered from the law firm of Silverstone & Koontz of Hartford does not address his question of whether or not the Electric Division has the right to propose a deficit budget? In their opinion the attorneys refer to the credit rider and not the deficit. State Statute #7-222 reads as follows, "Such price (to be charged to persons or corporations for gas or electricity) shall be fixed on a basis of not less than a net profit per year of five per cent on the cost of the investment in plant made by the municipality and also depreciation of the plant at not less than five per cent per annum of its costs, and the price shall not be greater than to allow a net profit of eight per cent per annum to the municipality on such cost."

Attorney Small responded that the issue of the credit rider was addressed because the Electric Division put the \$3 million back so that, in the law firm's opinion, was not a deficit.

Mr. Killen stated that a profit cannot be made by reaching back for profits that were made the year before.

Attorney Small felt that the attorneys construed that as income available to the utility for use.

Mr. Killen felt that the statute is very clear in stating that the utility must earn a profit of not less than five percent per year.

Attorney Small answered that when the rate is set the utility makes a projection that the rate will bring in that amount of profit. They have no way of knowing what the future will bring but they try to project that profit.

Mr. Killen stated that the utility cannot come forward with a projected deficit and claim that they will be earning five percent profit.

Attorney Small explained that the \$3 million is construed as being earned, which it was not on the budget showing as part of the revenues. When they added that into the budget they then reflected a profit of six percent. The fact that they are using income from the budget to pay for construction costs instead of taking it from retained earnings is not necessarily good practice. She is not sure that she is agreeable to the policy of replenishing the budget at a later date with retained earnings. She has not completed her research

on that aspect of it.

Mr. Killen pointed out that town budget cannot be arranged in that manner under any circumstances. Expenditures are identified and indirect income is subtracted with the tax rate set to generate the revenues necessary to balance the budget. They (the Electric Division) have the same situation. They have the right to change rates every three months if they need to. There is no reason for them to come up with a deficit budget.

Mr. Zandri asked Attorney Small how she interprets the State Statute?

Atty. Small responded that, at the time the rate is set, the division should have a yearly profit of not less than five percent.

Mr. Zandri asked, "Is the statute saying that once the rate is set you should have a five percent profit at the end of the year?"

Atty. Small answered, "You should set the rate and have between a five and eight percent profit in the formula set forth in the statute".

Mr. Zandri pointed out, "There are two ways to accomplish this. You can first set the rate and then set your budget to accommodate that rate and come out with a five percent profit or you can set your budget first and then set your rate so that you come out with a five percent profit. You have two means of accomplishing what the State statute dictates. That statute says that within a budget year you are supposed to come up with a five percent profit. I don't see how you can intentionally set a negative budget in the Electric Division. Intentionally setting a negative budget, in my eyes, is violating that statute." That was the question that was posed to Atty. Small by Mr. Zandri of which was forwarded to Silverstone & Koontz which was not addressed.

Atty. Small responded that she has not finished researching this issue yet and that she does not necessarily agree with Silverstone & Koontz's opinion. She will be in touch with Mr. Zandri and Mr. Killen once she has completed her research.

Mr. Zandri stated for the record that he totally disagrees with what the Electric Division is doing, knowing the terms of this State statute. When they say that they will take money from retained earnings to offset expenditures in your budget then you are intentionally forming a deficit. The minute you go into savings to offset any budget, that is a deficit in his eyes. He would like that issue to be clarified.

Mr. Killen asked Atty. Small to contact Silverstone & Koontz and ask them to be more specific in their response to the question of running a deficit.

Philip Wright, 160 Cedar Street stated that those viewing from home would not feel very good when they see a subject as important as this one being discussed while, at one point, four of the nine Councilors representing the town were absent from the room. It is poor practice and if he had put the item on the agenda he would have refused that it be discussed until all members of the Council were present and listening.

No action was taken.

The Chair declared a ten minute recess.

ITEMS #13 & 14 Withdrawn

ITEM #15 Discussion and Possible Action on Approving the Schematic Design from the Community Pool Renovation Building Committee

Jon Walworth, Chairman of the Committee introduced the other members present this evening as Sal Falconieri; Charles Johnson; Steve Knight and Bill Choti.

Bill Choti addressed the Council by informing them that tonight's presentation will be a visual interpretation of the sixteen items that needed addressing by the committee. The schematic design rendition is, in the most general terms, what the renovated pool would look like. The committee feels that the changes to the existing structure will only enhance the look of the pool, change the public's perception as to water quality, increase usership and will ease the maintenance requirements and the level of expertise needed to continue the present pool's operations. The committee is hopeful that they will continue to move forward on this project. The hundreds of hours spent developing an all new pool concept was with the Council and the public's demand that the unique qualities of the present pool be retained and all safety issues addressed. The costs associated with the design of a pool with the mammoth proportions that will be the new Community Pool are reflective. We, as taxpaying volunteers, have attempted to include as many innovative ideas to attract as many different types of bathers and users that would justify the costs. As of all the members of the committee, we have given our time and expertise to a project that we hope will be the last short step to the retention or possibly the demise of a truly unique town landmark. Both the informal survey that was conducted and several articles that have been presented to you tonight, capture the essence of how important a recreational resource this facility could become to the Town of Wallingford.

Subsequent to the enactment of legislation which followed the Council's requirement that the Health Department standards for a vertical wall pool be waived for our Community Pool, the committee met with the Council in May at a workshop which was the beginning of several meetings which the committee has conducted with the Mayor, Attorney Small, architects, Department of Health, Park & Rec Commission as well as the Park & Rec Department. The meetings were held to make sure that this is an integrated facility that adapts the best it can to legal and aquatic health issues.

At this point in time Mr. Walworth gave a presentation on comparative information for the current pool vs. the renovated facility, the features that the committee feels will enhance the facility and attract and increase usage of the pool and finally, the preliminary cost (see attachments).

The new facility will allow for a new deck on the north side of the pool, better bather and lifeguard access due to an increase in the perimeter of the pool; will exceed State standards for rate of water filtration while meeting criteria of major aquatic facilities and has

a potential to generate up to \$80,000 in annual revenue.

Preliminary projections place the total cost of the pool including the design and contract administration: Clerk of the Works: Legal. Permits and Admin. estimates as well as inflation to approximately \$2,304,000. Offsite parking expenses are not included in the cost.

There are a number of other ways for the facility to generate revenue to offset the cost of the project, i.e., food concessions: soda sales: rental of the facility for swimming events during off peak periods, etc.

Mayor Dickinson pointed out that the facility would cost the town approximately \$260,000 per year should this project be bonded. The \$80,000 yearly revenue is not nearly enough to have the facility pay for itself.

Mr. Walworth stated that the facility will need to be marketed. This type of investment cannot be made and not marketed. Park and Rec. is prepared to bring their programs to fruition to make it work well. The season will run approximately ten weeks until 7:00 P.M. The committee has explored the possibility of lighting for security reasons and also for the fact that specific areas of the pool can be used in the evening for events and the like.

Ms. Papale informed everyone that at the December 14, 1993 Town Council Meeting a Public Hearing will be set for January 11, 1994 to discuss the financing of this project.

Mr. Doherty asked, what particular ways may the town finance this project?

Thomas Myers, Comptroller, responded that we would have to issue a town bond. It most likely will be a fifteen year term at a cost of approximately five percent interest. The principle payment on that bond for debt will be approximately \$150,000. The first year's interest would be \$100,000. The interest would decline every year. Depending on the time of the bonding it could have a full year's impact on the budget.

Mr. Doherty asked if we could use some of the town's cash reserves?

Mr. Myers responded, it is a possibility. Cash could be applied towards the project and bond less. Every time you pay off with some cash you save the interest on it. Wallingford has had that option to take advantage of for the past eight to ten years.

Dave Canto, 4 Meadows Edge Drive favors the pool renovation however, he feels that the cost is getting out of control. He was under the impression that the cost was going to be kept between the \$1.5 million to \$2 million range. Now we are being told it will cost approximately \$2 million to \$2.5 million. He was concerned that insufficient revenue will be generated to cover the cost of the project.

Mr. Walworth explained that if more parking were available then more revenue would be generated.

Mr. Canto suggested utilizing the parking lot of the empty factory

nearby and shuttling patrons in. He suggested that the committee try to cut \$300,000 from the project.

Mr. Walworth wanted to make it clear that the committee has never quoted a figure for the project. The \$1.5 million figure came from a newspaper article which they arrived at themselves. The grass area of the facility costs approximately \$10,000 and the \$1.7 million is in the pool area. Every square foot of the pool costs \$65.00. He asked the Council what their idea for cost is? What should this pool cost at the most? The committee feels that the amenities should remain to make the project a success.

Edward Bradley, 2 Hampton Drive explained that the town had a golden opportunity to use its vision and look ahead to foresee capital projects, one-time expenditures, such as this coming. We had \$18 million in retained earnings to help pay for this projects. Instead, protectionism was used on those retained earnings. They were rebated back. It would have been nice to have followed the Electric Division study which proved that the Division could return a few million dollars per year to the town while maintaining the integrity of the utility and never in any way jeopardizing it. If we go forward with building this facility, is there anything put in place guaranteeing the taxpayer that the facility will continue to be maintained up to par.

Mr. Walworth responded that everyone has to share that responsibility. Without proper attention the system will fail. An inexperienced eighteen year old cannot run this system. Other towns have made commitments not to cut the budget of the pool under any circumstances. That is an important commitment which will protect the investment.

Edward Musso, 56 Dibble Edge Road is under the impression that this issue has gotten out of hand. There is nothing wrong with the pool in its present state. The only work that is required is a new filtration system.

Mayor Dickinson asked the committee to put together a presentation which exhibits a construction cost of approximately \$1.5 million with other costs bringing it up to \$1.8 million to \$1.9 million. The cost should be kept under \$2 million.

Mr. Walworth explained that by removing 75' from the middle of the pool it can be achieved.

Mayor Dickinson explained that although the town does not pay for the water it is of great interest to the Water Division every spring when the pool is filled.

Mr. Walworth added that by reducing the size of the pool additional parking could be obtained on the west side of the pool. It would be very similar to the concept that the committee presented to the Council two years ago.

Mr. Knight explained that the swimming "lane" area is as large an area as the committee first proposed to the Council two years ago. The size of this proposed pool is enormous and it could easily accommodate 75' being taken from the middle.

Dianne Hotchkiss, 38 Clifton Street asked if the bath house will be larger than what we currently have or can we cut back in that area?

Mr. Walworth responded that the proposed bath house is the same size as the current one.

Ms. Hotchkiss then asked if additional parking could be placed on the north side of the pool where the grass is? Why not increase the parking spaces so that we will not have to take away from the pool?

Mr. Walworth responded that he was specifically told to reduce the size of the facility so as to reduce the cost. If additional parking was to be considered it would be placed on the west side.

Mr. Killen felt that everyone is spinning their wheels. For the Council or anyone else to suggest that the committee do anything different is senseless until we hear from the public on this matter. We have to utilize the area to its utmost extent for swimming and the amenities that go along with it. Not everyone goes to a facility like this one just to go swimming. There are some that want to play while others are swimming and you will need the playground area to get them there. We are going to have to utilize the entire area as a playground and keep the parking to a minimum while finding additional parking. As for the dollars and cents, it is up to the taxpayers of this town. Let's find out what they want.

Mr. Zandri recalled the outcry of the public at the first public hearing on this issue as one was to keep the pool as it is today. By cutting dollars out we will be proposing a smaller version of the existing pool. He did not feel that was the direction that the public had in mind at the first public hearing. He personally felt that in order for it to be a success it has to be built according to the proposal this evening and by trying to save \$500,000 is not going to do the town any good.

Mr. Doherty felt that the public hearing should give everyone the two options to look at. If the committee could produce a transparent overlay of the smaller design at that time it would be helpful to see the two versions.

Mr. Parisi left at 10:00 P.M.

Mr. McDermott stated that the town has had \$18 million in retained earnings that is slowly beginning to disappear with the rate reductions each year. To the average homeowner that translates to approximately \$3-5 per month. We could be using that money to take care of some of the capital projects in town. This project is in the neighborhood of \$2 million. Would you rather have a \$3 per month break in your electric bill for one year or have a \$3 million pool? The pool will be with us for a long, long time. You can enjoy the benefits of a lower electric bill for a short amount of time. It is a one time expenditure. The Electric Division has cooperated in the past on capital projects for the town. We can pay cash for that pool tomorrow. The Town of Wallingford is in a position to do that if it had the courage to do so. He is very interested in what the public will have to say in January on this issue.

Mayor Dickinson felt it was important to point out that the electric

rate provides a discount not primarily for the homeowners but as an economic development incentive that represents many tens of thousands of dollars to businesses in order to retain employment and maintain a healthier climate in the town. The trade-off may be more in terms of economic development arena than more minor savings for the homeowner. The bigger issue is that if we only had the pool as a capital expenditure that would be one thing but we have the school expansion project, the potential acquisition of open space, downtown revitalization project and a number of continuing projects that take dollars. We have responsibilities to maintain services and we have to address those responsibilities within the constraints of what we can afford. If the design before us will cost an additional \$250,000 per year in debt payment and add to that any debt payment for school expansion and other projects it becomes an issue of how much the taxes should go up? We will maintain a good position only if we act with constraint and caution. The recession is not over, layoffs are still advertised in the newspapers and we cannot act as if we are not aware of those factors.

Mr. McDermott agreed that the town has to be careful what direction it is going in that is why we have to prioritize and set goals. We hear the list recited each time but yet we are still giving \$3 million per year back in electric rates, still adding \$1.6 million in the pension fund even though it is over funded in excess of \$5 million surplus cash now and are still ending the year with surplus funds. The Town of Wallingford has the ability to go forward perhaps not the will to go forward.

Mr. Holmes stated that if the town paid for every project listed for the past five to ten years with Electric Division money we would be \$18 million in the red. He did not think it was fair to point to the Electric Division every time a project arises for funding. The key issue is how much of the cost can be defrayed? Can the pool survive in its present state? That will be determined at a later date.

Mr. Zandri stated that if \$1.5 million was used each year from the Electric Division each one of the projects would have been completed already.

Mr. Walworth stated that approximately 50% of the time that his committee has been before the Council they have to hear how many other projects there are in town. He asked if everyone could get back to the issue at hand here.

Ms. Papale informed Mr. Walworth that his request for a transfer of funds in the Amount of \$500 was not on the agenda this evening since no paperwork was available. It will be on the December 14, 1993 Town Council Meeting agenda.

Motion was made by Mr. Doherty to Set a Public Hearing for January at the December 14, 1993 Town Council Meeting and to Provide the Town Council with an Overlay of the Pool Design to Cost \$1.8 Million, seconded by Mr. Holmes.

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

Ms. Hotchkiss reminded everyone that while the study for the recreation center was being conducted land was purchased for it and that issue sailed right through because we were fixing Yalesville School Roof at the same time. We found money for something that was not even addressed yet. This (pool design) answers a lot of the questions the public brought forward regarding zero depth and putting it off and putting it off is ridiculous. She did not think that \$3 per month in her electric bill would make a difference but the pool would certainly be nice. If the Electric Division wants to take money from anywhere let them take it from the big companies since it is their families that want to use the pool too when they move in.

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

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

There being no further business, the meeting adjourned at 10:59 P.M.

Ms. Papale reminded the Council that the Tree Lighting Ceremony will be held on Saturday at 2:30 P.M.

A Special Town Council Meeting is scheduled for November 30, 1993 at 7:30 P.M. to Discuss the Addition of Ten Classrooms to Each of the Middle Schools.

Everyone was wished a happy and pleasant Thanksgiving holiday.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano
Town Council Secretary

Approved by: *Iris F. Papale*
Iris F. Papale, Chairperson

December 14, 1993
Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

December 14, 1993
Date

Appendix I

RULE V

R E S O L U T I O N

WHEREAS, the Wallingford Clergy Association, YWCA, Choate Rosemary Hall School, Wallingford Rotary Club, Quinnipiac Chamber of Commerce, and the Record-Journal are sponsoring the townwide celebration "Candles of Unity;" and

WHEREAS, the "Candles of Unity" celebration will be held on Sunday, December 12, 1993 from 4:00 P.M. to 6:00 P.M.; and

WHEREAS, a large number of people are expected to participate making it necessary to close certain public highways to all vehicular traffic to insure public safety.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD that Simpson Court, in its entirety, be closed to vehicular traffic on Sunday, December 12, 1993 from 3:00 P.M. to 7:00 P.M.

DATED at Wallingford, Connecticut this _____ day of November, 1993.

William W. Dickinson, Jr.
Mayor

11/23/93

Wallingford's Renovated Community Pool**Comparative Information**

| | <u>Current</u> | <u>Renovated</u> | |
|-----------------------------|----------------|------------------|---|
| Water Surface (s.f.) | 44,600 | 36,300 | Reduction for new deck on north |
| Gallons | 1,300,000 | 1,040,700 | Primarily due to depth reduction |
| Perimeter (l.f.) | 870 | 1,110 | Better bather and lifeguard access |
| Parking Spaces | 68 | 115 | Widened Beaumont Rd. still req'd. |
| Water Sanitation Rate (hr.) | 24 | 2 to 6 | Exceeds State standards and meets criteria of major aquatic facilities |
| Annual Pool Revenues | \$16,000 | \$80,000 | Average of several Towns and from projections of survey results |

11/23/93

| |
|-------------------------|
| Preliminary Cost |
|-------------------------|

| | | | |
|--------------------------------|--------------------|-----------|--------------------|
| Pool Structure | \$1,300,000 | to | \$1,400,000 |
| Bathhouse | 97,800 | to | 125,500 |
| Pool Equipment Building | 96,000 | to | 104,000 |
| Site Construction | 125,000 | to | 166,500 |
| sub-total | 1,618,800 | to | 1,796,000 |
| Amenities and Attractions | 178,000 | to | 189,000 |
| Parking for additional 44 cars | <u>40,000</u> | to | <u>44,000</u> |
| Total | \$1,836,800 | to | \$2,029,000 |

Other Expense:

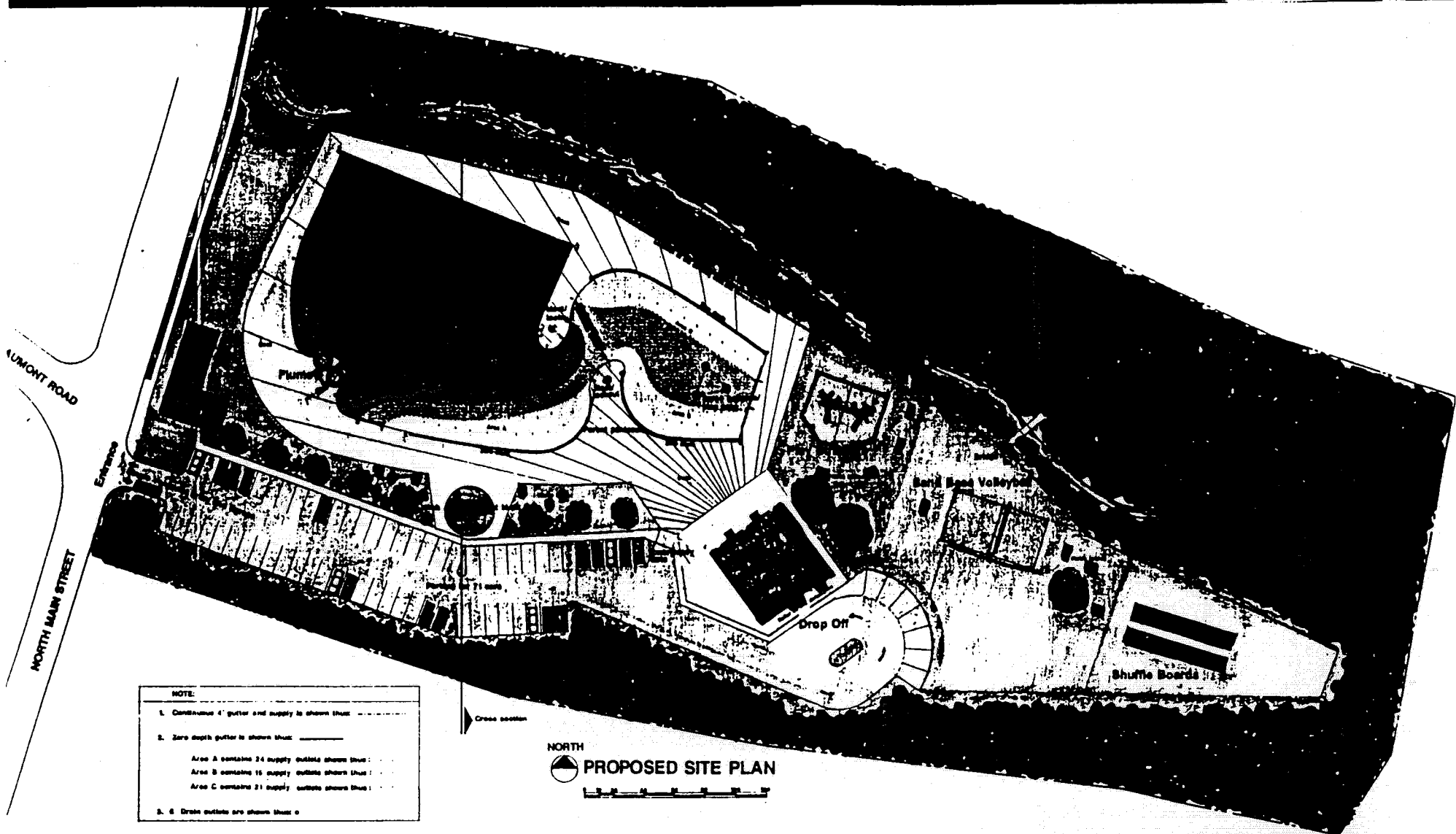
| | | | |
|-------------------------------|-------------|----|-------------|
| Design and Contract Admin. | 93,950 | to | 93,950 |
| Clerk of the Works | 62,400 | to | 62,400 |
| Inflation 1993-1994 | 73,400 | to | 79,800 |
| Legal, Permits, Admin. (est.) | 80,000 | to | 80,000 |
| Pool and Other Expense | \$2,146,550 | to | \$2,345,150 |

Committee Estimate in July, 1991 \$2,304,000

11/23/93

Features

- New "aquatic park" theme to substantially improve attraction
- 90' long water slide
- Parent Peninsulas
- Established swim lanes for adult laps, training, etc.
- Competitive swimming area for added revenue
- Shallow youth area with "rain drop" mushroom fountain
- Improved accessibility for lifeguards
- Upgraded bathhouse with lighting, shower, toilets, etc. meeting code
- Improved control of access to facility at bathhouse
- Complimentary recreation area in rear
- Cleaner swimming environment
- Reduced depth and slopes for more useful pool area
- Anticipated payback should cover operating cost or bonding
- No significant increase in annual operating cost after revenue increase



NOTE

1. Continuous 4" gutter and supply is shown thus: -----
2. Zero depth gutter is shown thus: _____

Area A contains 24 supply outlets shown thus:

Area B contains 16 supply outlets shown thus:

Area C contains 21 supply outlets shown thus:

3. 6. Drain outlets are shown thus: o

NORTH

PROPOSED SITE PLAN