

TOWN COUNCIL MEETING

WEDNESDAY, NOVEMBER 9, 1994

6:00 P.M.

AGENDA

*** NOTE CHANGE IN MEETING DAY DUE TO LOCAL ELECTIONS ***
*** NOTE CHANGE IN MEETING TIME DUE TO EXECUTIVE SESSION ***

1. Roll Call and Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(1) of the CT. General Statutes with Respect to the Appointment of a Public Officer or Employee
 - Interviews
 - Housing Authority
 - Zoning Board of Appeals Alternate
3. Consider and Approve Accepting a Donation of Paintings from Fleet Bank to the Town of Wallingford
4. Consider and Approve One Appointment to the Position of Alternate on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/95
5. Consider and Approve One Appointment/Re-Appointment to the Housing Authority for a Term of Five Years to Expire 10/31/99
6. Consider and Approve a Donation of Concrete Slabs from United Aluminum Corporation to the Public Works Department
7. Consider and Approve Establishing a New Account Within the Fire Marshal's Department Entitled, "Public Safety Education Acct. #2035-400-4290" and a Transfer of Funds in the Amount of \$1,350 from College Training Acct. #2035-500-5710 to Public Safety Education Acct. #2035-400-4290
8. Consider and Approve a Transfer of Funds in the Amount of \$1,700 from Health Insurance Acct. #001-8041-800-8300 to Physical Exams Acct. #001-1590-500-5750 - Personnel Dept.
9. Consider and Approve a Transfer of Funds in the Amount of \$25,000 from Reconstruction of Grove St. Acct. #002-9394-501-2150 to Quinnipiac Corridor Acct. #002-9394-501-2170 - Engineering Dept.
10. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
11. Consider and Approve a Budget Amendment in the Amount of \$116,835.00 to Increase the Interest on Long Term Debt - So. Elm Street Acct. #427-041 and Decrease Net Income in the Amount of \$116,835.00 and to Decrease the So. Elm St. Sewer Ent. Contribution Acct. by \$9,210.00 and Decrease the Uncommitted Bond Interest Acct. by \$107,625.00
 - Sewer Division

(OVER)

12. Consider and Approve a Budget Amendment in the Amount of \$54,350.00 to Increase the Interest on Long Term Debt - Water Treatment Plant Project #11, Acct. #427-011 and to Decrease the Net Income After Transfer Acct. in the Amount of \$54,350.00 and to Decrease the Reserve for Project Bond Interest Acct by \$54,350.00. - Water Division
13. Consider and Approve Establishing a Special Funds Budget for F.Y. 1994-95 for the Forest Management Program - Program Planner
14. Consider and Approve Tax Refunds (#91-102) in the Amount of \$3,147.40 - Tax Collector
15. Note for the Record Mayoral Transfers Approved to Date by the Mayor
16. Note for the Record Anniversary Increases Approved to Date by the Mayor
17. Approve and Accept the Revised Minutes of the June 21, 1994 Emergency Town Council Meeting
18. Approve and Accept the Minutes of the October 25, 1994 Town Council Meeting
- 19a. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation as Requested by the Town Attorney's Office
 - Marguerite Larkin, et al v. Joseph J. Bevan et al
 - Guardian Life Insurance Co., et al v. Wallingford Board of Tax Review
- b. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Purchase, Sale and/or Lease of Property as Requested by the Mayor's Office

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6:00 P.M.

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TOWN COUNCIL MEETING

NOVEMBER 9, 1994

6:00 P.M.

A regular meeting of the Wallingford Town Council was held on Wednesday, November 9, 1994 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Thomas D. Solinsky at 6:09 P.M. All Councilors answered present to the roll called by Town Clerk Kathryn J. Wall with the exception of Councilor Papale who arrived at 6:23 P.M. due to a previous commitment and Councilor Zappala who arrived at 6:17 P.M. Mayor William W. Dickinson, Jr. arrived at 6:25 P.M., Town Attorney Janis M. Small arrived at approximately 7:15 P.M. and Comptroller Thomas A. Myers arrived at 6:27 P.M.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Executive Session Pursuant to Section 1-18a(e)(1) of the CT. General Statutes with Respect to the Appointment of a Public Officer or Employee

- Interviews
- Housing Authority

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

VOTE: Papale and Zappala were absent; Gouveia, no; all others, aye; motion duly carried.

Motion was made by Mrs. Duryea to Exit the Executive Session, seconded by Mr. Killen.

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

ITEM #7 Motion was made by Mrs. Duryea to Move Agenda Item #7 Up to the Next Order of Business, seconded by Mr. Killen.

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

ITEM #7 Consider and Approve Establishing a New Account Within the Fire Marshal's Department Entitled, "Public Safety Education Acct. #2035-400-4290" and a Transfer of Funds in the Amount of \$1,350 from College Training Acct. #2035-400-4290 to Public Safety Education Acct. #2035-400-4290

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

Mike Lamy, Fire Marshal and Rich Foreman, Inspector, were present for this topic of discussion.

Mr. Lamy explained how his department is spearheading a pro-active approach to fire prevention education in the town. The Fire Department and Fire Marshal's Office have been working together, but not in a coordinated fashion, to provide public safety education to the community. Upon reviewing the program with Asst. Fire Chief

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Struble, it was determined that a focal point was needed for the programs. Both parties concluded that a nationally-recognized standard of education is not being provided to the community. If a stop, drop and roll program is going to be taught to the kindergarten and first grades in town, Engine Co. 4 does not present the lesson in the same manner that another Engine Company does. The two parties sought out an individual, Rich Foreman, Inspector, to be the coordinator for the town, acting as a liaison for all volunteer career fire departments and fire prevention to structure and monitor the programs.

Mr. Foreman stated that he enrolled in the CT. Fire Academy spring program to become a certified public fire educator in preparation for the role of teaching children the basic fire safety principles.

Mr. Lamy stated that the bureau's free sources of information are beginning to dry up and it is becoming more and more difficult to find the necessary information to use as tools for this education. He informed the Council that the funds he is seeking tonight will be used to purchase pamphlets, video tapes to be loaned out and other information purchased pertaining to the subject. It is his hope to establish a video/slide library which teachers and day care operators can access as well as civic organizations in an effort to educate the public on the issue of fire safety and prevention.

Mr. Rys asked, could this expenditure have been anticipated at budget time?

Mr. Lamy stated, if we had an individual at that time in place during the budget workshops then he would have given consideration to requesting the establishment and funding of the new account.

Mr. Rys encouraged the idea.

Mr. Zandri stated, it is still early in the budget year, are you certain that the dollars are available in the College Training account?

Mr. Lamy responded, he has asked the other individuals in the office if they are planning to enroll in any other courses and they have assured Mr. Lamy that they will not be taking them until next Spring. He is not depleting the entire account but transferring approximately half of it. If they do decide to take courses in the Spring then they will not be completed until the summer at which time the issue can then be addressed during the budget workshops for F.Y. '95-96.

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

Mr. Killen asked that a moment of silence be observed for John Shortell, President, Treasurer and Chief Executive Officer of Dime Savings Bank.

ITEM #3 Consider and Approve Accepting a Donation of Paintings from Fleet Bank to the Town of Wallingford

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

Johanna Fishbein, Chairperson of the Jubilee 325 Committee stated, some years ago the former Connecticut Bank and Trust Company commissioned several artists to create paintings which would be displayed in their banks throughout the State. A great deal of effort was expended in trying to locate the five artists whose paintings were displayed of various locations in Wallingford. Four of the five artists were located through the efforts of Tony Scarfarello, Asst. Vice President and Branch Manager of Fleet Bank in Wallingford.

Ms. Fishbein introduced the five artists to the public as John Neff, Joseph Ferrara, Tony Falcone, Lou Bonamart and Newell Jiles. Mr. Neff, Mr. Ferrara and Mr. Falcone were present this evening while Mr. Bonamart was unable to attend due to a previous art class commitment. Mr. Jiles could not be located.

Mr. Scarfarello explained how the paintings originally displayed in the former CT. Bank and Trust office (now Fleet Bank, Center Street) had been misplaced during the changing of the operations of the branch. After months of research the paintings were located in a Providence, R.I. warehouse. He requested in May of 1994 that the paintings be returned to the branch. When the paintings arrived the Town was in the midst of the Jubilee 325 festivities, therefore he felt it was fitting to offer the paintings to the Historical Society, Wallingford Public Library and the Town where all the residents of Wallingford can enjoy them at their leisure.

At this time Mr. Scarfarello made his presentation to the Wallingford Historical Society. Mr. Nunn received and acknowledged the generosity of Fleet Bank as did Leslie Scherer and Karen Roesler, Co-Directors on behalf of the Wallingford Public Library and Mayor William W. Dickinson, Jr. on behalf of the Town.

VOTE: All ayes; motion duly carried.

ITEM #4 Withdrawn

ITEM #5 Consider and Approve One Appointment/Re-Appointment to the Housing Authority for a Term of Five (5) Years to Expire 10/1/99

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

Mr. Solinsky asked for nominations at this time.

Mr. Rys placed the name of Laurence Zabrowski in nomination of the position, stating that he has known Mr. Zabrowski to be a fine, respectable individual of the community who is willing to dedicate his time and should, therefore, be re-appointed to the position he currently holds with the Housing Authority.

Nomination seconded by Mr. Knight who stated that the expertise that Mr. Zabrowski has in the field of construction would prove useful to the Housing Authority.

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Mr. Gouveia placed the name of William Ulbrich in nomination for the position of commissioner. Mr. Ulbrich is a past Chairman of the commission as well as former commissioner who has served the Town of Wallingford well in his capacity.

Mrs. Duryea seconded the nomination.

Mr. Solinsky requested a roll call vote of the Council asking that each Councilor offer the name of the individual of choice as their vote.

VOTE: Duryea, Gouveia, Papale, Zandri and Zappala - Ulbrich; Killen, Knight, Rys and Solinsky - Zabrowski. Motion duly carried to appoint William Ulbrich to the position of commissioner on the Housing Authority.

Mr. Ulbrich extended his thanks to the Council stating that it is a pleasure to serve on a commission originally formed by his uncle Fred Ulbrich.

Kathryn J. Wall, Town Clerk, performed the Swearing In Ceremony for Mr. Ulbrich at this time.

ITEM #11 Consider and Approve a Budget Amendment in the Amount of \$116,835.00 to Increase the Interest on Long Term Debt - So. Elm Street Acct; #427-041 and Decrease Net Income in the Amount of \$116,835.00, and to Decrease the So. Elm Street Sewer Ent. Contribution Acct. by \$9,210.00 and Decrease the Uncommitted Bond Interest Acct. by \$107,625.00

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

Mr. Zandri asked if a public hearing is required to amend the budget of the Sewer Division?

Mayor Dickinson stated that the Town Attorney had ruled in the past that a public hearing is not required to amend the budget.

Mr. Killen stated that the budget is a budget ordinance and an ordinance, according to Town Charter, requires a public hearing to amend it.

Mr. Zandri asked how the project was progressing to date?

Roger Dann, General Manager of the Water and Sewer Divisions stated that the project is on time and he expects that the main will be placed in service somewhere around the middle of December.

Mr. Zandri asked if the Colony Street portion had started?

Mr. Dann stated, the jacking portion is scheduled to begin tomorrow.

Mr. Solinsky asked if the paving will be performed before Winter?

Mr. Dann responded, the temporary paving repair will be done as they go along. The specification is not to install the permanent pavement until after May 15, 1995. The lapse of time will allow for a Winter of settlement and the consolidation of the material which has been placed back in the trench so that when the final product is down it will be absent of additional settlement.

The Town Attorney stated that, in her opinion, a public hearing was not required for this budget amendment. She recalled rendering a legal opinion within the past two years on this matter and offered to obtain a copy from her office if the Council so desired.

Mr. Gouveia stated that the budget is adopted by ordinance. The Mayor can veto the budget which requires seven votes to override the veto. The reason he is able to veto the budget is because it is an ordinance.

Atty. Small stated, the veto section of the Charter specifically references the budget ordinance, itself. She did render an opinion that it was not necessary to hold a public hearing and offered to obtain it from her files.

Motion was made by Mr. Gouveia to Table This Item, seconded by Mr. Killen.

VOTE: Knight, Papale, Rys and Solinsky, no; all others, aye; motion duly carried.

ITEM #9 Consider and Approve a Transfer of Funds in the Amount of \$25,000 from Reconstruction of Grove Street Acct. #002-9394-501-2150 to Quinnipiac Corridor Acct. #002-9394-501-2170 - Engineering Dept.

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

Mr. Rys asked John Costello, Town Engineer, if he still plans to perform the work at Grove Street?

Mr. Costello responded, yes. The budget estimate was based on the private contractor performing the work, however, Public Works has expressed an interest in the project which means that it can be done for less, indicating a surplus of funds in the account.

Mr. Rys asked if Grove Street is being done according to the Engineer's plans or the resident's plans?

Mr. Costello stated, he is not aware of any plans from the residents, he is the only one with a set of plans.

Mayor Dickinson stated that there is not a current ability to move ahead on Grove Street. The plan has not been finalized. Questions remain with regards to sidewalks and the surveyors are reviewing the area. When the plan is finalized the residents will be called into a meeting.

Mr. Killen was not comfortable with taking money from the Grove

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Street project if it has not been completed. Also, an ordinance is not supposed to be changed without holding a public hearing.

Mr. Solinsky asked, is there money in the Capital and Non-Recurring Account for this project? How can we transfer from an ordinance if it has not yet been exercised?

Mr. Myers stated that the money does not exist in the Grove Street account as of yet. The ordinance gives authorization to enact funding and it contains a clause that gives the Town Council the flexibility to transfer money between the projects listed in the ordinance, so long as the total of the ordinance is not exceeded.

Mr. Zandri stated that the ordinance is project-specific. You are limited to the projects and cannot transfer dollars from one project to another.

Mr. Myers added, except that the ordinance for those projects contains a clause that gives the Town Council the flexibility to transfer money between the projects as long as the total of the ordinance is not exceeded. That language is placed in there in case one project is short money and another has excess funds, the Town Council has the privilege, in public session, to make those changes by resolution. Both of these projects, Grove Street and Quinnipiac Corridor are in the same ordinance.

Mr. Zandri asked, are we not then amending the ordinance by changing the bottom line of the Quinnipiac Project?

Mr. Myers stated, the bottom line of the ordinance is the total which is comprised of the three projects.

Mr. Zappala asked whether or not the icing problem on Grove Street has been corrected?

John Costello, Town Engineer, responded that a catch basin which was located at the intersection of Grove Street and Chimney Hill intercepted the flow of water coming down the gutter, passed underneath Grove Street and then discharged it back into the gutter on Chimney Hill. That has all been resolved due to new construction.

At Fritz Place where the road is cross-sloped from one side of the road to another, when the snow melts on the high side it runs across Grove and ices up. To correct that would involve approximately 300' of road reconstruction, some of which is on private property today. That has not been corrected to date. Public Works is aware of the situation and has promised to pay particular attention to it this winter.

Mr. Killen stated, we should amend an ordinance in the same manner in which it is adopted. If you are going to amend it or rescind it then you have to have a public hearing on it.

Mr. Solinsky asked, if that ordinance was not in effect would this money still exist?

Mr. Myers responded, no, the funds nor projects would exist.

Mr. Solinsky asked whether or not bonds have been sold yet for the project?

Mr. Myers stated, no.

Mr. Solinsky asked where the money has come from then?

Mr. Myers responded, we don't have actual money yet. We do not have cash yet. A budget, however does exist, along with the authority to issue bonds. How we achieve receipt of the cash and when we receive it depends on construction schedules he works out with John Costello and others, bond market conditions, etc.

Mr. Gouveia stated, the Grove Street project has not yet demonstrated whether the funding will be adequate, short or excessive since the work has not yet begun. How can we take \$25,000 from it?

Mr. Myers responded, it is only demonstrated by the Town Engineer's revised estimate.

Mr. Gouveia stated, if the three projects have been specified in the ordinance they are certainly needed and the people want the work done. We have all voted for them therefore until the project is completed we should not transfer any monies to make sure that enough funds are available to complete the projects.

Mr. Killen pointed out that the budget sheets reflect, to date, that current expenditures are \$123,000 and \$267,302.24 is encumbered. If the funds do not yet exist than how can we have expended funds and encumbered others?

Mr. Myers stated that the Capital & Non-Recurring Program has a cash position. That is evident in Mr. Myers' statements and review of the Town's financial position last year, there is cash in the account. He has used some of that cash to meet expenditures for these projects as they have occurred. When he feels that it is the correct time he will either approach the Council and ask for an appropriation of funds to self-finance or issue bonds as the ordinance authorizes us to do.

Mayor Dickinson stated, if we were to go out and sell bonds every time that we wanted to pay a \$1,000 bill, it would be inopportune. We would not have the advantages of going out at one time and getting better interest rates, etc. The Finance Department utilizes a cash position to be able to pay bills and when the time is right to bond, borrowing to receive the money authorized by the ordinance or an appropriation for self-financing. In effect we will be paying back our cash that was used for the interim period. We don't borrow every time we have to pay a bill on one of these projects. That comes down to a judgement by the Finance Department as to what is the most opportune time to be borrowing. The \$25,000 is needed for additional engineering work on the Quinnipiac corridor. Some of the reason is that additional work may have to be done in the way of reconstruction of roads and some borings have to be taken and analyzed to determine

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whether we have to reconstruct sections of Quinnipiac Street. We want to move this project along as quickly as possible because the State is providing an advanced, updated and accelerated time period in order for us to begin construction. We have indicated that we are going to try to have plans to them by January or February. If we fail to do so then the project won't go out to bid until later which means that all of the construction occurs later which, as you know, some of this project is the Cook Hill Road intersection. The State wants to place the entire project out to bid at once.

Mr. Myers stated for the record that the Town's cash used to pay bills against these projects in no way represents financing for the projects. The use of cash and an appropriation of cash are two different things.

Mr. Killen stated that the Council should be made aware of the intent to use cash to pay the bills before they are paid. The Charter states that the Mayor shall keep the Town Council informed of the financial condition of the Town at all times. You may draw down the cash and in the meantime a motion may be introduced by the Council to rescind the ordinance and it may pass. Then what would happen?

Mr. Myers answered, if we had expenses against the ordinance and it was rescinded, the Council and the Mayor would then have to make an informed decision on how we were going to finance those expenses.

Mr. Rys stated that he recognized the need for the additional \$25,000 and how Mr. Costello estimated at budget time what the projects would cost to implement, however, what could be done if the Council chose not to take the \$25,000 from Grove Street or culverts or whatever may be in the ordinance?

Mr. Myers responded, the alternative would be to amend the ordinance.

Mr. Gouveia stated, it is simply a matter of the Council being asked to take \$25,000 from a project specified in the ordinance which has not been started or completed. If that is going to be done it has to be accomplished through an amendment to the ordinance.

Mayor Dickinson disagreed. The ordinance authorizes the moving of funds between the projects that are all contained in the same ordinance. You can move the funds either through the mechanism before the Council tonight or go through the process of amending the ordinance. The latter will take two months.

Mr. Gouveia stated that it has taken the residents of Grove Street years to get the road repaired. If you amend the ordinance without involving the public in the discussion, you may end up with not enough money to complete the project and the Grove Street residents may find the project will not be done due to lack of funds. He will vote against the transfer simply because, in the long run, there may not be enough funds to complete the project. It has been exhibited that the project was a worthy one, so much so that a public hearing was held and a funding ordinance adopted.

Mr. Killen stated that he obtained an outside legal opinion years ago, on a separate but similar matter, as to whether or not the funds specifically set aside for a particular purpose via an ordinance has to be used specifically for that purpose and no other. That opinion stated that if you don't use it for that particular purpose then you have to pay off the notes on which you borrow the money. The funds cannot be used for any other purpose. That opinion is on file with the Law Department.

Mr. Knight asked, if we were to approve the transfer and then started the Grove Street project and find ourselves \$25,000 short, would we not go through the budget amendment process then?

Mr. Gouveia reiterated that the project (Grove Street) was worthwhile enough to hold a public hearing and adopt an ordinance on it and it has not yet been started, therefore he felt uncomfortable about transferring the funds from it.

Ms. Papale stated that she was also concerned because both of the projects (Grove Street and Quinnipiac Corridor) are worthwhile but she also realizes that the installation of the traffic signals are very important due to the safety factors. Is there any other account the \$25,000 can be taken from?

Mr. Costello stated, he supposed that another ordinance would have to be amended.

Mayor Dickinson assured the Council that by moving \$25,000 from one road to another by no means indicates that the other road is not going to be done. There is plenty of controversy over the Grove St. project and we don't have a final plan on it as of yet.

Ms. Papale asked if the Grove Street residents ever came to any agreement with the Engineering Department with regards to the work that they would like to see done on the road?

Mayor Dickinson answered, they were not happy with the plans as presented, those plans are still in review, the surveyor is just now finalizing the right of way lines to identify where we would have to acquire private property in order to accomplish some of the goals in that plan. Before moving ahead we would have to hold a meeting with the residents and notify the Council of the plan. Considerable work remains to be done before moving ahead. There is not that latitude of time available, in his opinion, on the Quinnipiac Corridor. We are under increasing pressure to move that forward.

Mr. Solinsky asked Mr. Costello, of the \$350,000 set aside in the ordinance for culverts, how much of that has been used?

Mr. Costello responded, none of it has been used yet.

Mr. Solinsky asked if we can take the funds from that line account?

Mr. Costello answered, I suppose that you could.

Mr. Rys asked, what do we need to do to accomplish that?

Mayor Dickinson stated that Mr. Costello would have to verify that the funds can come out of the culvert account. We cannot do it tonight and risk it not being correct and have another problem.

Mr. Costello stated that we have not yet started the design work on the culverts, therefore he is in no position to say that there is a \$25,000 surplus in the culverts anymore than he has a \$25,000 surplus in Grove Street. He added that he has a little more in the Grove Street account because he expects Public Works to perform the work. The only account that he feels comfortable about taking \$25,000 from is Grove Street.

Mr. Zappala stated that he will vote against the transfer because he has heard remarks from the residents of Grove Street expressing their discontent with the fact that the project has not shown any progress. He felt that the money should stay where it has been allocated.

Ms. Papale stated that the Council was told only five minutes ago that if money was taken from Grove Street and when the time came to do that project we could have the ordinance amended, if the funds were needed, and the money would be available. If this is so important why can't we take the funds from culverts and when it is time to do that if the \$25,000 is needed then we can amend the ordinance to replace the funds?

Mr. Costello stated that the funds can be taken from any of the projects listed in the ordinance and, if necessary, the ordinance can be amended in the future.

Pasquale Melillo, 15 Haller Place, Yalesville stated that a public hearing should be held to amend the ordinance otherwise any taxpayer could take the Town to court for amending the ordinance without their input.

VOTE: All voted no; motion failed.

PUBLIC QUESTION AND ANSWER PERIOD

Edward Bradley, 2 Hampton Trail asked the Mayor if he is considering breaking the contract on the Yalesville roofing project?

Mayor Dickinson stated, he is not considering breaking it. It has been proposed that a different type of roof be placed on the existing portion of Yalesville and he has been researching what the consequences would be. That has been proposed to him by school officials. It would be a rubber membrane roof the same that was applied to the other eleven schools as recommended by the Roof and Tank Committee.

Mr. Bradley asked, why is the change under consideration?

Mayor Dickinson responded, there is interest in utilizing a four-ply roof instead of a membrane roof. There are people who believe that

the four-ply roof is better. He has been talking with the members of that committee to determine which roof is better.

Mr. Bradley asked if it is true that a four-ply roof is required for the re-design or development of the Yalesville expansion?

Mayor Dickinson responded, the building committee had asked for design of a four-ply roof on the new section.

Mr. Bradley asked, what will be the ramifications of backing out of this contract from a cost perspective?

Mayor Dickinson responded, we would have to pay the additional design fee, re-design fee and pay a profit to the contractor whose contract would be terminated. We would receive reimbursement for both from the State education grant, however, it would result in a cost to the Town to terminate the original contract.

Mr. Bradley asked, wouldn't it make sense to negotiate with the current contractor to have him install the four-ply roof?

Mayor Dickinson stated that it would require re-designing the roof at a cost of \$25,000 and a bid waiver. It is not a small issue.

Mr. Bradley asked if this item will come back to the Council before a decision is made?

Mayor Dickinson responded, no. We have an existing contract and the question is whether or not to cancel it. It would not require formal Council action to cancel the contract but to settle a possible claim, yes.

Mr. Bradley asked, who will be compiling the numbers and where/when will they be reported back and to whom?

Mayor Dickinson answered, the determination would be whether Public Works would go ahead with the existing contract or not. The Council will be informed of it.

Dave Canto, 4 Meadows Edge Drive preferred that the Town locate a building for the recreation center which can be renovated to meet their needs vs. new construction.

Pasquale Melillo, 14 Haller Place, Yalesville asked, when will the Town be negotiating the power contract agreement?

Mr. Solinsky stated that the negotiation process is taking place and that once a contract is drawn it will be presented to the public.

Frank Wasilewski, 57 N. Orchard Street asked when the Council will act on the school teacher contract?

Mr. Solinsky responded, when it is presented to them.

Mr. Wasilewski asked, when it is presented to the Council will it be

treated the same way the other eight employees have been treated with the recent motion passed to not compound increases each year?

Mr. Solinsky was not sure whether or not the Council had the ability to do so.

Mr. Wasilewski pointed out that each year that the teachers receive a raise, close to \$1 million in salaries and benefits are added to the school budget. Over a four year period that translates to nearly \$5 million. Keep in mind the twenty-seven administrators who will also be earning more money. These two factors coupled with the school expansion project will cost the Town a great deal of money, most of which will be for salaries and not the educational aspect. The \$27 million school project will cost the Town \$18 million in interest. We must be very careful and think about the future generations who will have to be paying this bill. He urged the Council to reject the contract when presented to them.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$1,700 from Health Insurance Acct. #001-8041-800-8300 to Physical Exams Acct. #001-1590-500-5750 - Personnel Department

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

Mr. Sharkey, Acting Personnel Director, explained that he was unable to be in attendance earlier due to the fact that he has been in a meeting from 3:00 P.M. to 7:00 P.M. with the Personnel Pensions and Appeals Board who had two cases to hear that had run much longer than anticipated. He informed the Council that recently there was a case in Stratford where a Board of Education contract, he was unsure if it was for the custodians or secretaries, was approved by the Board, rejected by the Stratford Town Council and the State Board of Mediation and Arbitration would not let it go to a second panel because they stated that the legislative body for a Board of Education contract was the Board of Education. It was another way of saying that it would not have to be brought to the Council. He is waiting to hear more on that issue and CCM (CT. Conference of Municipalities) is already checking with every town to see if they would like to be involved to get this overturned.

Mr. Gouveia asked about the independent medical evaluation referred to in Mr. Sharkey's letter.

Mr. Sharkey explained that the intent is to try and get the employee to bring in as much of their own medical reports or x-rays in so as not to duplicate them and build up the cost. It is still a very extensive examination to determine if the level of disability from the individual's doctor is approved or confirmed.

Mr. Gouveia asked, when an individual retires through disability, what is the financial impact to the Town?

Mr. Sharkey stated, they may be leaving earlier. That results in additional requests to the retirement/sick leave account. On the positive side, we hire someone at the starting level of pay which

results in a salary savings. They draw directly from the Town's Pension Fund once it is determined that we have two confirming reports that the employee meets the level of requirements.

Mr. Gouveia asked if Mr. Sharkey was at liberty to discuss the individual's case?

Mr. Sharkey responded, normally we don't until we receive the doctor's reports back.

Mr. Gouveia asked, in every case involving disability does the individual request retirement through disability or are they sometimes asked to?

Mr. Sharkey stated, if someone has been out for eight months or one year on worker's compensation, we bring up the issue. The infamous case is of the Assistant Dog Warden where we terminated their employment because it had been a year, we knew that she was not going to come back and we won that case. It turned out that she put in for disability retirement and both doctors confirmed it. They were two tough doctors who validated that she was in horrible shape.

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

WAIVER OF RULE FIVE Motion was made by Mrs. Duryea to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering a Transfer of Funds for the Board of Tax Review, seconded by Mr. Zappala.

VOTE: All ayes; motion duly carried.

Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Contingency Reserve for Emergency Acct. #8050-800-3190 to Board of Tax Review Salary Acct. #1390-100-1100 - Board of Tax Review

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

This request pertains to reimbursement for services rendered by Gerald Labriola and James Loughlin during the February 1994 Board of Tax Review Meetings.

Mr. Zandri asked if the issue which leads to this transfer still being pursued?

Atty. Small responded, yes.

Mr. Gouveia asked, how many sessions does this reimbursement pertain to?

Mr. Loughlin responded, three meetings in February at which three members were present at each.

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

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The Chair declared a five minute recess at this point in time.

ITEM #11 Consider and Approve a Budget Amendment in the Amount of \$116,835.00 to Increase the Interest on Long Term Debt - So. Elm Street Acct. #427-041 and Decrease Net Income in the Amount of \$116,835.00 and to Decrease the So. Elm Street Sewer Ent. Contribution Acct. by \$9,210.00 and Decrease the Uncommitted Bond Interest Acct. by \$107,625.00

Motion was made by Mrs. Duryea to Remove Item #11 From the Table, seconded by Mr. Killen.

VOTE: All ayes; motion duly carried.

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

Atty. Small stated, as a general rule an ordinance is amended in the same manner in which it is adopted. The exception to that is if, in this case the Town Charter provides a different procedure. In Chapter XV, Section 7 it provides certain things that can happen to the budget by vote of the Council. It does not specify that it is done by public hearing. Under that provision a public hearing is not required. She read the following from the Charter: "Additional appropriations over and above the total budget may be made from time to time by resolution of the Council upon recommendation of the Mayor, certification of the Comptroller that there is available unappropriated and unencumbered general fund cash balance to meet those appropriations."

Mr. Killen pointed out that the word "ordinance" never appeared in the language. He stated that there has never been, by positive motion, a decision that the budget should be adopted by ordinance.

Atty. Small reminded Mr. Killen that he obtained an outside legal opinion which was in agreement with hers. She stated that they will never see eye to eye on this subject.

Mr. Killen stated his reasons for not agreeing with Atty. Small on this matter.

VOTE: Knight, Papale, Rys and Solinsky, aye; all others, no; motion failed.

ITEM #12 Consider and Approve a Budget Amendment in the Amount of \$54,350.00 to Increase the Interest on Long Term Debt - Water Treatment Plant Project #11, Acct. #427-011 and to Decrease the Net Income After Transfer Acct. in the Amount of \$54,350.00 and to Decrease the Reserve for Project Bond Interest Acct. by \$54,350.00 - Water Division

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

VOTE: Knight, Papale, Rys and Solinsky, aye; all others, no; motion failed.

ITEM #13 Consider and Approve Establishing a Special Funds Budget for

F.Y. 1994-95 for the Forest Management Program - Program Planner

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

Mayor Dickinson explained that this action represents setting up the special funds for this was not established in the budget when it was approved. In order for the accounting to proceed with this it has to be established as a special fund.

Mr. Solinsky asked, this is not in the main budget, but rather money in and money out?

Roger Dann, General Manager of the Water & Sewer Division responded, yes. The Forest Management Plan was approved by the Council and at that time a special revenue account was established for last fiscal year. Due to the timing, however, it had not been included in the current fiscal year's budget. This was recently realized and are now back to correct the situation. We are in a position where we are ready to sign for a timber sale and begin the project. The revenue is coming from three sources, the primary source is the first timber sale in the amount of \$16,000. In the Water Division's budget there was a transfer out of \$2,000 into the program and a similar appropriation was made in the amount of \$3,000 from the Recreation Department thus comprising the \$21,000 revenue stream. The expenditure account is established to match the revenue stream coming in that does not, in his mind, indicate the amount that we expect to spend during the current fiscal year. There will be a carry-over of those funds into subsequent years to fund the program as it goes on. This program is designed primarily to be self-funding.

Mr. Killen asked if there will be line by line accounting of this fund?

Mr. Solinsky stated, there are consulting fees along with the management of the program which is where the expense will be.

Mr. Dann stated, there were specific annual expenses outlined in that plan included in those were the fees for administering timber sales, specific activities designed to facilitate the goals of forest management. Those goals varied somewhat depending on whether it was Water Company property where primarily water quality issues dominated or whether it was in the Recreation Department where it looked more to the improvement of the recreational activities on the various properties. Over and above that there were other things identified such as better boundary location, marking of boundaries, improvements to some of the access roadways, etc. Those were laid out in annual schedules and, in general, we would propose to work within those schedules although there are some supplemental items that were identified as potentially possible if the revenue stream were sufficient to support it. In this case the value of the timber sale that was expected was somewhat less than what the actual sale brought in, therefore there are more funds available at this time than what was projected in the plan, itself. That may allow us to take on more projects that otherwise would not have been supported by the program, itself.

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

ITEM #14 Consider and Approve Tax Refunds (#91-102) in the Amount of \$3,147.40 - Tax Collector

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

VOTE: All ayes; motion duly carried.

ITEM #15 Note for the Record Mayoral Transfers Approved to Date by the Mayor

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

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

ITEM #16 Note for the Record Anniversary Increases Approved to Date by the Mayor

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

VOTE: All ayes; motion duly carried.

ITEM #17 Approve and Accept the Minutes of the June 21, 1994 Emergency Town Council Meeting

Motion was made by Mrs. Duryea.

No second was given to the motion.

ITEM #18 Approve and Accept the Minutes of the October 25, 1994 Town Council Meeting

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

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

ITEM #6 Consider and Approve a Donation of Concrete Slabs from United Aluminum Corporation to the Public Works Department

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

ITEM #19a & b

Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation as Requested by the Town Attorney's Office

- Marguerite Larkin, et al v. Joseph J. Bevan et al
- Guardian Life Insurance Co., et al v. Wallingford Board of Tax Review

Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General

Statues with Respect to the Purchase, Sale and/or Lease of Property as requested by the Mayor's Office

Motion was made by Mrs. Duryea to Enter Into Both Executive Sessions, seconded by Mr. Killen.

VOTE: All ayes; motion duly carried.

Present for the first executive session were the Council, Mayor and Town Attorney.

Present for the second executive session were the Council; Mayor; Town Attorney; Henry McCully, Director of Public Works; Tom Dooley, Recreation Department Supervisor; Stan Shepardson, Director of Parks and Recreation; Mario Tolla, Chairman of the Advisory Maintenance Committee and John Gawlak.

Ms. Papale and Mr. Zandri left the meeting at approximately 10:17 P.M. during executive session.

Motion was made by Mrs. Duryea to Exit the Executive Sessions, seconded by Mr. Killen.

VOTE: Papale and Zandri were absent; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Adjourn the Meeting, seconded by Mr. Killen.

VOTE: Papale and Zandri were absent; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 10:40 P.M.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Thomas D. Solinsky

Thomas D. Solinsky, Chairman

November 22, 1994

Date

Kathryn J. Wall

Kathryn J. Wall, Town Clerk

November 22, 1994

Date