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TOWN COUNCIL MEETING

FEBRUARY 24, 2004

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
  2. Correspondence
  3. Consent Agenda
    - a. Approve and Accept the Minutes of the January 27, 2004 Town Council Meeting
  4. Items Removed from the Consent Agenda
  5. Consider and Approve Acceptance of One (1) Mustang Cold Water/Ice Rescue Suit as a Donation from Ashlar Village to the Department of Fire & Emergency Services
  6. Report Out from Timothy Wall, Chief of the North Farms Vol. Fire Dept. on the American Cancer Society's Relay for Life of Meriden-Wallingford Event Scheduled For Friday, June 11<sup>th</sup> through Saturday, June 12, 2004 at Sheehan High School Track as Requested by Chairman James Vumbaco
  7. Executive Session Pursuant to Section 1-200(6)(E) of the CT. General Statutes Pertaining to the Discussion of Records, Reports and Statements of Strategy and Negotiations with Respect to Collective Bargaining – Personnel
  8. Discussion and Possible Action Regarding AFSCME Co. 15, Local 1570 Case No. 2001-MBA-153, Police Interest Arbitration Award – Personnel
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9. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Matter of Cuneo v. Town of Wallingford - Town Attorney
  10. Consider and Approve a Waiver of Bid to Hire Outside Legal Counsel for Representation of the Town in the Matter of Cuneo v. Town of Wallingford - Town Attorney
  11. PUBLIC QUESTION AND ANSWER PERIOD
  12. PUBLIC HEARING to Amend Chapter 62, "Alcoholic Beverages" of the Code Of the Town of Wallingford - 8:00 P.M.
  13. PUBLIC HEARING on "An Ordinance Amending an Ordinance Appropriating \$22,842,000 for the Planning, Acquisition and Construction of Town-Wide School System Renovations and Authorizing the Issue of \$22,842,000 Bonds of the Town To Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose" - 8:15 P.M.  
  
(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$22,388,000 from \$22,842,000 to \$45,230,000 and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.)
  14. Report Out by the Assessor on the Upcoming 2004 Revaluation to be Performed by Vision Technology Co. - Comptroller
  15. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Leasing of Property - Mayor

## TOWN OF WALLINGFORD, CONNECTICUT

## TOWN COUNCIL MEETING

FEBRUARY 24, 2004

6:30 p.m.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, February 24, 2004, in the Robert Earley Auditorium of the Wallingford Town Hall. The meeting called to order by Chairman James M. Vumbaco at 6:33 P.M. Answering present to the Roll called by Town Clerk, Kathryn F. Zandri, were Councilors DiNatale, Doherty, Farrell, Knight, Papale, Parisi, Spiteri, Testa and Vumbaco. Mayor William W. Dickinson, Jr., and Comptroller Joseph Swetcky, Jr. were also in attendance. Atty. Janis M. Small arrived at 6:37 P.M.

Gene Riotte, Most Holy Trinity Church, offered the blessing followed by the Pledge of Allegiance.

**Chairman Vumbaco:** There is no correspondence. The consent Agenda Please, Iris.

**Ms. Papale:** I'd like to make the motion to accept the Consent Agenda which is just one item, Item A, to accept the minutes of January 27, 2004 Town Council Meeting.

**Mr. Testa:** Second.

**Chairman Vumbaco:** We have a motion and a second. All those in favor. Opposed? So moved. **Item #5.**

**Ms. Papale:** Item #5. I'd like to make the motion to Consider and Approve Acceptance of One Mustang Cold Water/Ice Rescue Suit as a Donation from Ashlar Village to the Department of Fire and Emergency Services. So moved.

**Mr. Testa:** Second.

**Chairman Vumbaco:** We have some representatives to make a brief presentation. Here are pictures for the Council of the suit. Please introduce yourselves. /

**David Baradeskas, Assistant Fire Chief.** Good evening. Before I introduce the people to my left, I'd like to that the people of Ashlar Village for their generous donation to our arsenal of technical rescue equipment that we have now.

**John Benoit, President of Ashlar Village, and Eileen Tate, Ashlar Village Residence**

**Association President** were introduced. Ms. Tate spoke about Ashlar Village residents' donation to the Fire Department as responsible citizens of Wallingford. She expressed appreciation for the Council's support and interest. On behalf of the town, Mr. Vumbaco expressed appreciation for the generous donation to the town and said that Ashlar village deserves a round of applause.

**Chairman Vumbaco:** We have a motion and a second. All in favor? Opposed? So moved. **Item #6** report out from Tim Wall. There is a communication issue with Mr. Wall, who has asked to be on the next (meeting) agenda, so this item is being withdrawn.

**Ms. Papale:** Item #7. I'd like to make a motion to go into Executive Session pursuant to Section 1-200(6) (E) of the CT. General Statutes Pertaining to the Discussion of Records, Reports and Statements Of Strategy and Negotiations with Respect to Collective Bargaining. And Item #9. Also there is another item that we will be discussing Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Matter of Cuneo v. Town of Wallingford. And Item #15 An Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Leasing of Property that is being requested by the Mayor. So moved.

**Mr. Testa:** Second.

**Chairman Vumbaco:** OK, we have motions on the floor. All in favor? Any opposed? So moved.

The Council is entered into Executive Session at 6:45 P.M..

**Ms. Papale:** I'd like to make a motion to exit from Executive Session.

**Mr. Farrell:** Second.

**Chairman Vumbaco:** OK, We have a motion and a second. All in favor? Opposed? So moved.

The council exited from Executive Session at 7:39 P.M.

Attendance at the Executive Session Present in Executive Session for Item #7 were all Councilors, Terri Sullivan, Atty. Dennis Ciccarillo and Mayor Dickinson who entered the Executive Session at 6:54 P.M.

Present in Executive Session for Item #9 were all Councilors, Atty. Janis Small and Mayor Dickinson.

Present in Executive Session for Item #15 were all Councilors with the exception of Mr. Farrell and Mr. DiNatale. Present were also Atty. Small and Mayor Dickinson.

- Ms. Papale:** Item #10 I'd like to make a motion. Consider and Approve a Waiver of Bid to Hire Outside Legal Counsel for Representation of the Town in the Matter of Cuneo v. Town of Wallingford brought to us by the Town Attorney.
- Mr. Farrell:** Second.
- Chairman Vumbaco:** OK, We have a motion and a second. Is there any discussion by the Council? Any discussion from the public?
- Pat Mellilo, 15 Haller Place, Yalesville:** This should not be waived unless we have no choice at all so that's my position on this. This should not be waived.
- Chairman Vumbaco:** Thanks. Janis just for the record can you explain why we need this bid waiver?
- Janis Small:** This matter up until recently was being handled by insurance and therefore insurance counsel in the insurance company has indicated that there is no coverage for this claim. It is however, about two weeks away from trial so given the shortness of the matter and the length of time the attorney has been handling the matter I need the same attorney to handle this because we're going right into trial. If in fact the trial is delayed and with sufficient time them, my office will look at it to handle it ourselves. The timing of this really doesn't leave much time but to do this.
- Chairman Vumbaco:** Are there any other questions by the public? Council? Do you have any idea what this is going to cost, Janice?
- Janis Small:** I don't off-hand but I don't expect it to be a significant cost. It's probably only a day and one half or two day trial. I can report back to you on that.
- Chairman Vumbaco:** We have a motion and a second. All in favor? Opposed? So moved. We'll now have the Public Question and Answer period. Mr. Wright?
- Phil Wright, Sr., 160 Cedar Street:** Item #15. An item such as that seems to come up in almost every meeting that we have and we the public never find out through any meetings or any information that is supplied here what was decided or if anything was decided. I guess you have to decide something but we never know if you bought land or sold land or what happened and I think there is something wrong about this. Maybe I could find out about this if I went to the law office and questioned it, maybe somebody else

could but I think it's improper that we have an item such as this at almost every meeting and we never find out what happens. Last night there was a meeting at the Senior Center, and three Councilors were there and I was glad to see that, concerning open space in the town. I made the statement then and I make it now. We've got enough. We've spend enough money. Let's take care of what we have instead of trying to handle it on the cheap. Let's hire somebody to manage it properly instead of buying more. Let's take care of ball fields, skateboard parks. Let's do something for the children of this town.

**Chairman Vumbaco:** Just for the record, there is nothing decided. It's purely discussion on potential issues. By law, we are not allowed to make decisions in Executive Session and anything that goes forward on that ends up on the agenda for public session and input. There is a lot in inquiries that come Up, and this is a way of informing the Council. I'm sure the Mayor gets calls all the time and he brings it to the Council's attention. We discuss it and the next step is taken.

**Mr. Wright:** And so we will never know whether you passed on a purchase or sold something.

**Chairman Vumbaco:** That's correct. Only if we take it to purchase or we take it to the next step to come in front of the public.

**Mr. Wright:** And is there ever any reference to the meeting to which you decided on that?

**Chairman Vumbaco:** There's nothing decided in Executive Session so there's no reference to any decision that's made.

**Mr. Wright:** Nothing decided.

**Chairman Vumbaco:** That's correct.

**Mr. Wright:** Strictly information.

**Chairman Vumbaco:** That's correct.

**Guy Beach, 61 Cheshire Road:** When ever anyone mentions the Cuneo property, my eyes perk up. The Cuneo property is smack dab between Fresh Meadows, which is Wallingford Land Trust property, and the (*undecipherable due to microphone shuffling*) property which was acquired by the town about three years ago. Potentially you have 6-8 houses in there, so we're talking about \$1,000,000 over 13 years, and I would like to ask a question. Is there anything to do with the potential acquisition of this property?

**Mayor Dickinson:** We really are not at liberty to discuss the issues concerning Cuneo. There is a lawsuit right now with the town, and certainly there are efforts right

now to deal with that lawsuit and hopefully settle it but beyond that we're not at liberty to discuss.

**Mr. Beach:** It seems to me that the issues are unrelated.

**Frank Wasilewski, 57 North Orchard Street:** I have some good news and some bad news for you. I may be coming out of retirement. Take it any way you want it. It's good news for my wife because I'm out of the house but she always tells me to be careful to not hurt anyone's feelings, so I'm going to be very careful and try not to hurt anyone's feelings. I understand that we're going to negotiate with some of the unions for another contract and I want to bring up sick time where employees could accumulate sick time 90 days or 110 days or whatever it is and if they don't use that sick time whenever they retire, they get a nice sum for their retirement. They get this lump sum for sick time and somehow that is incorporated into their retirement and that means that as long as they're retired they're also getting a certain percentage of that sick time every single year. Now they're not working. They're getting retirement and I don't think sick time should be incorporated into their sum of retirement. Grant you they get the lump sum, fine, but to keep paying every single year that they're retired is not right. Is that true? Here's an example, a person gets \$10,000 in sick time when he retires. Now that \$10,000 is added onto his retirement sum, say he gets \$25,000, so they're going to make it \$35,000.

**Mayor Dickinson:** That he would receive every year?

**Mr. Wasilewski:** Every year.

**Mayor Dickinson:** No. Unused sick time payment is a one time payment. The calculation for the retirement benefit is based upon the averaging of the three years of salary.

**Mr. Wasilewski:** In understand that.

**Mayor Dickinson:** The sick time payment is a one time sick payment

**Mr. Wasilewski:** Are you absolutely sure?

**Mr. Swetcky:** There are some employees who are grandfathered in under the contract in that sick time payment is part of the three highest years of earnings so it does factor into their earnings calculation but they don't receive that lump sum beyond that one time payment.

**Mr. Wasilewski:** They don't get the lump sum. They get a certain percentage of that lump sum included into their retirement.

**Mr. Swetcky:** It becomes part of their final average earnings so it becomes part of the formula.

**Mr. Wasilewski:** Well, I don't think it should be average earnings. They got that lump sum and to give them a certain percentage as long as they are retired is not right.

**Mr. Swetcky:** Again it's a smaller group of the longer term employees. Newer employees do not have that payment calculated into their benefit. It's just that some of these longer term employees had it in their contract at that time.

**Mr. Wasilewski:** That is not in any contract now.

**Mr. Swetcky:** It's in some contracts now but for a limited number of employees. It's a certain time period when you are hired.

**Mr. Wasilewski:** It shouldn't have been done that way and it's not right because we're already gaining money for sick time and we're also getting a certain percentage of that as long as they're retired. I don't care when they started working. I've never heard of anything like that where you get a certain percentage of your sick time when you're retired. You get the lump sum. That should be fine but to also keep paying them is wrong. And it's coming out of all of our pockets.

**Mr. Parisi:** When the Comptroller is finished, I want to be sure he understood the question because I'm a little confused. I think that Frank is saying that some people have that in their contract now or was it something that happened in the past and will not happen at the present time?

**Mr. Swetcky:** It's something that can happen for a certain number of employees in the town who were hired before a certain date. For example, for someone like me, it doesn't apply because I was hired after that date so that 90 days will not be factored into my pension calculation. I don't know what the date is. I apologize. If you were hired prior to a certain date that 90 days is factored into the calculation.

**Mr. Parisi:** But at some point, are they all gone?

**Mr. Swetcky:** At some point all those individuals will retire.

**Mr. Parisi:** And they will be flushed out.

**Mr. Swetcky:** Right Exactly.

**Mr. Wasilewski:** We don't have to look forward to that then. Taxes will go down.

**Mr. Parisi:** Hopefully you will be here to see it. Thank you, Mr. Chairman.

**Pat Mellilo, 15 Haller Place, Yalesville:**

Asked about any new developments on the Wooding-Caplan property and



Mr. Vumbaco responded that the committee was still meeting and developing a plan for development.

**Mr. Wasilewski:** How many tenants do we have at 88 South Main Street?

**Chairman Vumbaco:** I believe one. Mayor? Yes, one, the credit union.

**Mr. Wasilewski:** Is that a profit making business?

**Mayor Dickinson:** I believe that they are non-profit but I'm not certain. It is a corporation.

**Mr. Wasilewski:** But they are in there to make money, so it's profit, correct?

**Mayor Dickinson:** I don't think it's a profit making company under IRS or those types of rules.

**Mr. Wasilewski:** Well, I don't care about the IRS. I'm going by my rules on this one.

**Mayor Dickinson:** Regardless of whether it is or it isn't, what is the ....

**Mr. Wasilewski:** I think the town should get rid of that property, put it up for sale while the real estate is high. We have no use for it. It should be put on the market and get a good price for it. You won't have to worry about maintaining that property. I don't think that we're getting that much income out of it for us to have the responsibility, the insurance, the maintenance and everything that goes with it.

**Mayor Dickinson:** Some of the thought process today is that it is valuable. Parking today and it will be more valuable in the future. Whenever we have events that parking lot does get used. When we have repair or other activities going on in the municipal parking lot there is a need to use the lot across the street. I don't think anyone can represent that it is of no use to this area or to the town hall in particular for parking purposes.

**Mr. Wasilewski:** Let me put it this way. If you have an event on a weekend, and we do once in a while, that parking lot is empty. I think we should get rid of it.

**Pat Mellilo, 15 Haller Place, Yalesville:**

Regarding the Wallingford Housing Authority and an ordinance allowing the Council to have legal authority over the Housing Authority. And a meeting with legislators, local, state and federal, to get solid communication going on this issue to have a sweeping reorganization.

**Chairman Vumbaco:** We'll discuss this with the sub-committee to see if that is even feasible. I think we explained to you in the past that the Housing Authority is under the guise of the State of Connecticut.

**Mr. Wasilewski:** Spoke about the auditors recommending new computers the bugs in our

present system and about warranties and our guarantees.

**Chairman Vumbaco:** I'm not sure they suggested that we go into new computers. Joe is in the process of answering that management letter and when he finalizes it, I'm sure it will be made public and I think we will be calling a Finance Committee meeting to discuss it with Joe in the near future.

**Mr. Wasilewski:** Have we straightened out all the bugs that we have now? Have we gotten back some of our warranties or guarantees or are we still out of a lot of money for what we have?

**Chairman Vumbaco:** One question at a time, Frank. Mayor?

**Mayor Dickinson:** I think that they are relatively very few issues on the punch list but there are always outstanding with computer systems. There is always something that needs to be worked on that isn't working quite the way it was expected to. Is it manageable at this point? Yes. Did we buy all of the modules that were offered? No. and these modules that are discussed by the auditor for modules that we had considered but now the new owner of the company is saying that they don't recommend that we buy the original modules. They think we should buy their modules. If we buy their modules, we have to update the entire system.

**Mr. Wasilewski:** I hope if we go into a new system that we are very, very careful.

**Ms. Papale:** **Item #12.** I like to make a **motion** for a **PUBLIC HEARING** to **Amend Chapter 62, "Alcoholic Beverages" of the Code Of the Town of Wallingford.**

**Mr. Testa:** **Second.**

**Chairman Vumbaco:** We're going to open the public hearing but prior to that, this is the second time that this has been brought before the Council, after some input from council and public. Steve (Knight) and the Ordinance Committee took it back under advisement and made some revisions, and I'm going to turn this over to the Chairman of the Ordinance Committee, Steve Knight, to give us a brief synopsis of what the changes are, and what we did, and then we'll open it up for public comment.

**Mr. Knight:** Thanks, Jim. Just so that everybody knows, there are copies near the Town Clerk if anybody needs to see them. We won't go through all the changes or all the ramifications. Certainly this was in front of the Council before, and people expressed concern about certain matters. We did go back into the Ordinance Committee meeting and we discussed what was said in the first public hearing. Essentially, we had discussed whether the barriers needed to be changed and we found that indeed they met the letter of the law but they seemed to be suitable to the purpose of separating the patrons of the restaurant who are going to be sitting outside at tables on

the sidewalk from the general traffic. That was one of the big concerns. There were also concerns about whether or not we would be encouraging the sale of alcoholic beverages to minors and we've talked it over and felt that the Ordinance as constructed would put the onus very squarely and very fairly on the restaurant with the permit and that the permit could be instantly revoked for something of that nature, so we felt that the Ordinance covered that. Those were the two major issues. We also restricted the area in which this will become effective to essentially the downtown area and I think that will lead to more careful scrutiny. That was a concern at one point. We've brought it back because most of us on the committee think it will be a very favorable addition to downtown Wallingford.

**Chairman Vumbaco:** Thank you, Steve. This is a public hearing. If anybody would like to speak in favor or against this Ordinance, please raise your hand and I'll call on you and when you come up to the microphone, please state your name and address.

**Jack Agosta, Yalesville:** Spoke about the type of fencing that should be used and to decide before the fencing goes into effect and general aesthetics.

**Robert Sheehan, 11 Cooper Avenue:** Did not speak in favor of the Ordinance in relation to youth and blocking sidewalks.

**Wes Lube, 15 Montowese Trail:** Page 3, Item B regarding ordering drinks and dinner.

**Mr. Knight:** Responded to Mr. Lube about the relationship between ordering food and drinks. According to the letter of the law, if they want to make sure that the patrons going to comply with the law and make a food purchase it would certainly be going to behoove them to make that known at the time they are ordering alcoholic beverages. It will be in the best interests of the restaurant to make sure that both purchases are ordered at the same time.

**Wes Lube:** What is the law that you are referring to?

**Mr. Knight:** I'm speaking of the Ordinance.

**Wes Lube:** OK, so it's the Ordinance.

**Mr. Knight:** We look at it as a law. It's an Ordinance. It's part of the Ordinance that you refer to.

**Wes Lube:** But the ordinance could be changed tonight.

**Mr. Knight:** Yes, certainly.

**Chairman Vumbaco:** Wes, if I could just answer your question too. The Ordinance committee looked at it. We did not want random drinking and just hanging out

outside the restaurant so at the suggestion of some members of the Ordinance Committee, the only time alcoholic beverages can be ordered outside is with the purchase of a meal, and it's going to be the responsibility of the restaurant owner that at the time they take the order that dinner has to be ordered with the cocktail. If the patron does not want that, the restaurant will ask the patron to go inside.

**Wes Lube:** That's accepting a basic premise that drinking alcohol is a sin. You want to hide it. You don't want it to be out in public. Mr. Lube then spoke about Item C referring to covering alcoholic containers to hide it to which Mr. Knight said that the Committee was very sensitive to all considerations that might come from the public and that they covered as many bases as possible.

**Phil Wright, Sr.:** Asked about dancing girls and was told they will take that under advisement.

**Jack Agosta:** Talked about types of beer service and youth.

**Craig Turner:** I am the Director of Youth and Social Services, and I serve as the Chairman to the Mayor's Council on Substance Abuse Prevention. I'd like to applaud the Ordinance Committee for their due diligence in looking this over and for making some adjustments that make it more palatable. I do think that the way it's written goes well beyond expectations for the individuals that had identified concerns in the previous meeting. I do think that you have done a great job on that. One thought, however, in response to this type of Ordinance and perhaps a philosophical perspective which was brought to light to me by something I heard on the radio just before I came in and I tried it in the back room. There is some recent research that suggests that there is a bias in flipping a coin that's it's not random and if you put it on your thumb, heads up, and flip it and catch it in the same hand that it will end up with the head up again more often than not, not a lot more often. So I just flipped a coin eighty times, trial and error and sixty times it came up heads. My point is this, this Ordinance is grounded in the good will of certain businesses of the community and I think also to stimulate a pleasant environment perhaps in the middle of town, which is all well and good. What I would like to remind you of is perhaps the slight bias you have to go toward the public interest and the public will. The few businesses that may have a reasonably sound vested interest in the Ordinance that you are passing may not be the primary consideration for making the decision. The primary consideration would be the general well-being of the community and whether or not this fits that litmus test. I do think that you did a very good job given that difficult situation that you had and for those of you that weren't on the Council in October, I was one of those that spoke in opposition of the original language in the Ordinance, and I think that most of that language has been cleared up, and the Substance Abuse Council is quite pleased with the way its written but I would caution you in the general venue that when you

make a decision in an Ordinance that effects the entire community as most Ordinances do, I would encourage you to lean your bias toward the general public and not necessarily toward a specific interest group.

**Mr. Knight:** One of the things that we put into this Ordinance, one of the restrictions, is the sunset provision and it's an experiment for one year. It's one of the only Ordinances written in the Town of Wallingford to have this sunset provision. It will lapse after one year unless it brought up again and then has another discussion. To speak to the bias of the general public was something that we thought should be included. I hope that illustrates your point.

**Mr. Turner:** I appreciate that. Thank you.

**Mr. Vumbaco:** Any other members of the public wish to speak?

**Patricia Sittnick, 139 Prince Street:** Spoke to Section 3D regarding public sidewalks says the outdoor sideway dining area must be separated from the remainder of the public sidewalk, and I don't think there is going to be much remainder. I looked at the ramp on Simpson Court and the owners there even have flower pots hanging off the railing, and I'm thinking that a lot of people sitting at tables will stretch out into the pedestrian right-of-way. This is going to be any time of day? Lunch? Or supper? Every day of the week, am I right?

**Mr. Knight:** Yes, 9am to 11pm.

**Ms. Sittnick:** I guess I was almost thinking maybe it should just be Thursday, Friday, Saturday, Sunday. A lot of people may hesitate to walk. We have a lot of residential areas where people are walking from the north to the post office or to the stores particularly on the eastern side of Simpson Court, and it may be awkward when they have to skirt the tables. With regard to our youth, they are going to see people getting into their cars right there in Simpson Court and driving away and this a block away from the police station. And we say that you shouldn't drink and drive but they are going to see adults drinking and then driving.

**Mr. Knight:** Let me just answer that. One of the things that this Ordinance requires is that the area is set up to go through the restaurant. So no one can just drink and walk away to their car. They must go back into the restaurant. Coming and going is through the main door of the restaurant. There is not a separate entrance for the outdoor area. It is only through the restaurant.

**Chairman Vumbaco:** Any other members of the public wish to speak?

**Cheryl Milott, 2 Perlin:** I also want to commend the Committee. You did a wonderful job compared to the last one. This is way beyond expectations. I just want to address a few things as a business owner who asked for this Ordinance.

We didn't necessarily do this to benefit our business. I think that it would bring people downtown where they can sit outside and enjoy the downtown area. Any responsible business owner will monitor inside and outside the same way so as to not jeopardize their license. These guidelines are pretty well set, and I will have no problem abiding to them. It should be tried for a year.

**Chairman Vumbaco:** Any other member of the public wish to speak? I declare the Public Hearing closed.

**Iris Papale:** I'd like to make a motion to amend Chapter 62, "Alcoholic Beverages" of the Code of the Town of Wallingford.

**Chairman Vumbaco:** We have a motion. Is there a second? Thank you, Bob.

**Mr. Parisi:** Second.

**Mr. Knight:** I have just one small thing that was requested, and I want to make a possible amendment to extend the dates rather than be May 1<sup>st</sup> to October 15<sup>th</sup>, to be from April 1<sup>st</sup> to October 31<sup>st</sup>. I think there are going to be opportunities for the restaurants to seat people outdoors in April and in late October, and I would like to have them have that opportunity. I wanted to bring it up for Council discussion, so I am making that motion for that amendment. To restate the amendment that we extend Section #3 I. that presently reads "Outdoor sidewalk dining is effective from May 1<sup>st</sup> to October 15<sup>th</sup>". I'd like to change that to read "April 1<sup>st</sup> to October 31<sup>st</sup>".

**Mr. Testa:** I'll second the amendment.

**Chairman Vumbaco:** Is there any Council discussion?

**Mr. Parisi:** I just wanted to make one observation on the public comments and that was that I think that we're underestimating the professionalism of the wait staff that work in the restaurants. I think they can distinguish between people, and I think this should go forward, and I'm going to support it.

**Chairman Vumbaco:** We're going to discuss and vote on the amendment and then go into the rest of the Ordinance. Any discussion on the date changes as proposed by Mr. Knight? If there is no discussion, may we please have a roll call vote on the amendment changing Section I. to read "outdoor sidewalk dining is effective from April 1 to October 31".

**Roll Call Vote:** DiNatale – yes; Doherty – yes; Farrell-no; Knight – yes; Papale – yes; Parisi – yes; Spiteri – yes; Testa – yes; Vumbaco – yes.

**Chairman Vumbaco:** The motion passes 8 to 1. Now we can have further discussion of the Ordinance.

**Ms. Papale:** I have a few questions and one or two comments. It was just explained to us that one of the restaurants is looking to do this as soon as possible will work it out that you will have to walk through their door to get to the outdoor seating area. What will happen if other restaurants in town, and I'm sure there will be, that will want outdoor seating, will it have to work the same way?

**Mr. Knight:** Yes, it's part of the Ordinance. (reading from the Ordinance) "the outdoor sidewalk dining area must be separated from the remainder of the public sidewalk by a railing or other divider which shall be at least 30 inches in height and be so configured that the entrance and exit from said area be through the restaurant.

**Ms. Papale:** So whatever restaurants may decide if they would like to do this. I know they are going to have to give it a lot of thought since it will cost them to set this up, and I feel if they're going to put a lot of money into the change then they are going to watch it very closely and make a good thing for the town. It was mentioned that we should really look at what the people in Wallingford might like not just a few merchants that are in the restaurant business. I happen to see a lot of people at different restaurants and most would like the opportunity to sit outdoors and enjoy a drink or wine with their meal and the wait staff can handle what's necessary. As far as underage drinking, I don't think this will happen because they know they are being watched and if there is underage drinking in Wallingford, it's being done mostly at home. The railings are temporary barriers and will be put out and taken in at night?

**Mr. Knight:** Yes, your assumption on that is correct. They will be removed at 11:00 P.M. along with the tables.

**Ms. Papale:** Every restaurant that does this will also have to put up the railings.

**Mr. Knight:** Correct

**Ms. Papale:** How far can they extend onto the sidewalk?

**Mr. Knight:** One the restrictions is in Section 3 F. says "The area of the public sidewalk remaining for use by the public must be wide enough to permit travel by persons in compliance with the Americans with Disabilities Act" so that was our definition of the remainder of the sidewalk – what it would be, figuring that would be adequate.

**Ms. Papale** stated that it is very pleasant to eat outside on Simpson Court and inquired of Mr. Knight about the space for others on the sidewalk, who are not at the restaurant.

**Mr. Knight:** That's required, and it will be policed to ensure there is compliance to the Americans with Disabilities Act.

- Ms. Papale:** Who is liable if anything happens? Who has this insurance? The town? The business?
- Mr. Knight:** Section 2 B.
- Ms. Papale:** The certificate of insurance naming the Town of Wallingford, its officers, employees, agents and assigns as the additional insured party. Said Certificate of Insurance shall be in the minimum amount of \$2,000,000 against any and all damage and injury to property or person by reason of or related to the applicant use of the public sidewalk.
- Mr. Knight:** Item 3 also shows an executed agreement to indemnify and hold harmless the Town of Wallingford ,etc., etc.
- Ms. Papale:** So the people that own the restaurants are liable?
- Mr. Knight:** Correct.
- Ms. Papale:** And people are willing to do that to have three or four tables in front of their restaurants?
- Mr. Knight:** That's our understanding.
- Ms. Papale:** I wish everybody luck. That's all I have right now.
- Mr. Knight:** One other thing to Iris' point regarding the part of the sidewalk that will not be occupied by the tables, in Section 2. #4 that "a drawing to scale to scale for the area for which the application to occupy the public sidewalk is made showing its dimensions, etc." So we'll be able to review, or the Town will be able to review, to make sure that the sidewalk is still useable.
- Mr. Farrell:** I know I'm the only person up here who does not support this, and I've consistently voted against it when it's come up both at the Council and at the Ordinance committee. It certainly came across to me, and some of the points our speakers pointed out this evening, that sometimes the ridiculous barriers that have to be enacted into a law should be a reason not to pass the law. I have to say that I was amused by the conversation that the patron who is drinking beer or wine must go back into the restaurant before exiting the restaurant and entering their car. I was waiting for the provision where the restaurant would have to supply a disguise to the person as they exited so they wouldn't appear to be the same person. My deal with this whole Ordinance is it allows the public sidewalk to be privatized. The public sidewalks are there because the taxpayers paid to put them there. In most cases they should be fully accessible to everyone. They should not be privatized. They should not be cannibalized to allow a private landowner to take them over, and I think that's especially the case



the purpose of doing that is to permit the drinking of alcohol, so for those reasons I will yet again vote against this. Thank you.

**Mr. Testa:** Basically this is saying that restaurants with one door can't do this. That has me concerned.

**Mr. Knight:** I can appreciate that, and it is possible that some of the restaurants will not be able to comply with terms of the Ordinance. But we did feel that to control this adequately that we had to have a provision like that in there. Otherwise the possibility did exist that people could come and go as they pleased, and it's a protection for the restaurant to maintain some control. In fact, it may be part of the state statute that allows these kinds of provisions that you have to do this. It was not one of our rules. It was something that was taken from State of Connecticut statutes and is required. I can get back to you on that. My memory is that many of these provisions come from state law. We did take a lot from one we saw in West Hartford that was enacted. This may be one that is a state requirement.

**Mr. Testa:** You mentioned that no liquor advertising may be displayed. That's understandable. And no umbrellas or awnings may be situated over the tables. I'm curious. Is that because most umbrellas say 'Cinzano' or is it for another reason that you don't want awnings or umbrellas because I would think that in the summer during lunch, that would be nice. That's part of the atmosphere of what we're trying to accomplish to allow them to have umbrellas.

**Mr. Knight:** You may be right on that. And to be honest with you, I would ask some of the other members if they can recall the reason for this. Again a good deal of the Ordinance was lifted from other ordinances that we saw from other communities that they saw fit to have that provision. Adam may have added it or perhaps somebody else on the committee has a reason for adding it.

**Mr. Parisi:** I think it's because it keeps the openness. We're doing this for one year, and it can be fine tuned the second time around, if in fact this goes forward.

**Mr. Testa:** I just think that it's an unreasonable restriction on the business owners. If the fact is that you don't want to have this huge umbrella advertising an alcohol, you could have one in a solid color. I would offer an amendment in Section 3. E. that would read "no alcoholic liquor advertising may be displayed on the outdoor sidewalk dining area and no umbrellas or awnings containing such advertising may be situated over the tables or chairs in said area." I hadn't really thought about clutter or openness as Bob mentioned but again I don't think that would be a problem anyway. I would offer that amendment to the motion.

**Mr. Parisi:** I will second.

**Chairman Vumbaco:** We have a motion and a second for that amendment. Is there any discussion from the Council?

**Mr. Parisi** asked for the wording again.

**Ms. Zandri:** What I remember from sitting in. Many years back when we first outdoor dining with sidewalk and tables, the concern raised about umbrellas was the wind catching the glass windows in the front of the buildings so there was concern over that. Now awnings May be mounted on the building would be one thing because they are mounted down and they are attached to the building. But the umbrellas with the free-standing tables there was concern.

**Chairman Vumbaco:** What's the wording and then we can discuss it.

**Mr. Testa:** I'm actually inserting the following words into this – as it reads

"no alcoholic liquor advertising may be displayed in the outdoor sidewalk dining area and no umbrellas or awnings – and at this point , I insert – containing such advertising – end insert –may be situated over tables and chairs of said area."

I'm simply addressing what's on the umbrellas.

**Mr. Turner:** Just as a point of reference, some of the points that have come dup in the previous discussion over the umbrellas – one was the advertising, another was the size of the umbrella that it may actually overhang and encroach on public space and the third one was the issue of wind that if the tables were unattended and the wind was blowing heavily, that they May be knocked over or blow the tables into public areas. Those are the three issues that came up previously.

**Ms. Papale:** The umbrellas that we are discussing are so simple to be put into the round table that I can put them in and take them out and I think that on a windy day the people that are working there can either close them up or pick them up and put them away. It isn't a big deal.

**Mr. Testa:** There are also weighted bases if you want to get a little more detailed. You can always have an ordinance about umbrellas.

**Ms. Papale:** Why don't you just go "no alcoholic liquor advertising May be displayed in the outdoor sidewalk dining area." Why even mention umbrellas and awnings?

**Mr. Parisi:** We have an amendment on the floor already.

- Mr. Testa:** Then people will get into arguments saying that's not an advertisement. So if it's said then you can't get around it.
- Chairman Vumbaco:** We have a motion and a second. Is there any other discussion on the motion?
- Mr. Farrell:** Is that amendment going to authorize an awning where no such awning is authorized, and it's becoming an encroachment on public sidewalk? This is a question for the Town Attorney.
- Ms. Small:** What is the question about?
- Mr. Farrell:** They're talking about an awning that would be affixed to a building that's going to then come over the sidewalk. We just finished beating up on Mr. Danadio on a fairly similar issue and made him take his down.
- Ms. Small:** The awning would be something that only goes over the area for which you are allowing them to put the outdoor seating, which would show on the plan which you could tell them what they could or could not do when they file the application. It wouldn't extend beyond the area which is designated for the seating.
- Mr. Farrell:** It ends up extending the building beyond where the building now exists. That's the argument.
- Ms. Small:** They are using this public space with our permission. That's what this is all about.
- Mr. Farrell:** So if the ordinance indeed sunsets, the awning goes away.
- Ms. Small:** It goes away.
- Mr. Farrell:** OK. Thank you.
- Chairman Vumbaco:** Any other comments?
- Mr. DiNatale:** Is there a provision in our Ordinances now that allow tables and umbrellas if there is no alcohol being served?
- Ms. Small:** I think the Council has done it on individual request and that's how this all started. It was that restaurants would make requests to the Town Council for permission. The Council has granted it in the past without an alcohol provision and so I think that this arose out of that. The Town Council by a vote on individual applications for use of Town property,
- Mr. Parisi:** I don't think we've voted on the individual applications but there was an application procedure.

- Mr. DiNatale:** So if there were establishments that wanted outdoor dining but didn't want to get involved in the alcohol they wouldn't necessarily fit under these regulations. Would they have to come to Council for permission?
- Mr. Parisi:** I don't remember ever getting an application. I thought that it was done through the Town Attorney's Office.
- Ms. Small:** No, it wasn't done through my office.
- Mr. Parisi:** Jerry raises a good point. We did get one application but there never were any more applications but there were only two places.
- Ms. Small:** But they did ask your permission, the Town Council's permission.
- Mr. Parisi:** Right, but they are supposed to ask every year.
- Ms. Small:** Oh, I didn't know.
- Mr. Parisi:** And that's the way this reads.
- Mr. DiNatale:** So any other establishment wouldn't look at this ordinance, they would come for specific permission.
- Mr. Parisi:** Right.
- Ms. Small:** If they are not serving alcohol at all but want outdoor seating, I'll have to figure out what that procedure was. I'm not certain what that procedure was.
- Mr. Parisi:** I don't remember either. Mr. Chairman, I think that perhaps an application procedure established so that we are sure that everyone is following the ordinance versus just putting tables outside and serving food without the alcohol.
- Chairman Vumbaco:** I think there even might be one. Steve and I were just talking about it We'll investigate that. The Town Attorney's Office can look into that and see exactly what the procedure is and then we can discuss it in committee.
- Mr. Testa:** I read this to mean if "Ann's" wants to serve lunch outside that this is the ordinance she uses. Just because she doesn't serve alcohol, this is just outdoor dining. It happens to talk about alcohol but in the area that is delineated on the sidewalk, this addresses anybody who wants to do outdoor dining period. Now for somebody who is outside the designated areas that we have written into this ordinance, then obviously you have to address them on a case by case or with another ordinance.
- Chairman Vumbaco:** To answer you question, if you read C. it says outdoor sidewalk dining means dining on a public sidewalk after approval of the Town Council of

the Town of Wallingford where alcohol/liquor is served by wait staff, so this is purely about the alcohol issue not the non-alcohol issue.

**Mr. Parisi:** So we determine and the applications have to will have to come to the Town Council.

**Chairman Vumbaco:** That's correct.

**Mr. Parisi:** Good.

**Chairman Vumbaco:** Any other discussion on the amendment? We have an amendment in front of us and we have a second. Roll call please.

**Roll Call Vote:** DiNatale – yes; Doherty – yes; Farrell - no; Knight – yes; Papale – yes; Parisi – yes; Spiteri – yes; Testa – yes; Vumbaco – yes.

**Chairman Vumbaco:** The amendment passes. Is there anymore discussion from the Council on the Ordinance? If not, Roll call vote, please.

**Ms. Zandri:** This on the Ordinance as amended.

**Chairman Vumbaco:** That's correct.

**Roll Call Vote:** DiNatale – yes; Doherty – yes; Farrell - no; Knight – yes; Papale – yes; Parisi – yes; Spiteri – yes; Testa – yes; Vumbaco – yes.

**Chairman Vumbaco:** **The Ordinance passes.** Item # 13.

13. PUBLIC HEARING on “An Ordinance Amending an Ordinance Appropriating \$22,842,000 for the Planning, Acquisition and Construction of Town-Wide School System Renovations and Authorizing the Issue of \$22,842,000 Bonds of the Town To Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose” – 8:15 P.M.

(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$22,388,000 from \$22,842,000 to \$45,230,000 and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.)

**Ms. Papale:** I'd like to make a motion for a PUBLIC HEARING on “An Ordinance Amending an Ordinance Appropriating \$22,842,000 for the Planning, Acquisition and Construction of Town Wide School System Renovations and Authorizing the Issue of the Issue of \$22,842,000 Bonds of the Town To Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose”

(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$22,388,000 from \$22,842,000 to \$45,230,000 and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.)

**Chairman Vumbaco:** Thank you.

**Ms. Papale:** That was a motion for the Public Hearing. Mr. Parisi seconded.

**Chairman Vumbaco:** I think this is just a Public Hearing I don't think there's a motion. We all set? I hereby convene a Public Hearing for the \$45,230,000 Appropriation in bond authorization for the Townwide School system Renovations consisting of an amendment to existing \$22,842,000 Ordinance. The Ordinance, which is subject of this Public Hearing, is available to the public and may be obtained at this meeting from the Town Clerk. Is there a motion and a second to read the Title and Section I of the following proposed Ordinance in their entirety and to waive the reading of the remainder of the Ordinance, incorporating its full text into the minutes of this meeting?

**Mr. Testa:** So moved.

**Mr. Farrell:** Second.

**Chairman Vumbaco:** Will the Clerk please read the Roll Call vote.

**Ms. Zandri:** DiNatale-Yes, Doherty-Yes, Farrell-Yes, Knight-Yes, Papale-Yes, Parisi-Yes, Spiteri-Yes, Testa-Yes and Vumbaco-Yes.

**Chairman Vumbaco:** The motion passes.

**Ms. Papale:** An Ordinance Amending an Ordinance Appropriating \$22,842,000 for the Planning, Acquisition and Construction of Town-Wide School System Renovations and Authorizing the Issue of \$22,842,000 Bonds of the Town To Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose".

An Ordinance entitled An Ordinance Appropriating \$22, 842,000 for the Planning, Acquisition and Construction of Town-Wide School System Renovations and Authorizing the Issue of \$22,842,000 Bonds of the Town To Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose. Adopted by the Town Council on December 14, 1999 and as amended at the Town Council meeting held August 21, 2001, January 8, 2002, June 11, 2002, October 22, 2002, and December 10, 2002 which ordinance is hereby ratified, confirmed and adopted as amended to increase the appropriation and bond authorization therein by \$22,388,000 from \$22,842,000 to \$45,230,000 as follows, the title of the Ordinance is amended to read as follows:

An Ordinance Appropriating \$45,230,000 for the for the Planning, Acquisition and Construction of Town-Wide School System Renovations and Authorizing the Issue of \$45,230,000 bonds of the Town to be said appropriations and pending the issuance thereof the making of temporary borrowing for such purpose. So moved.

**Chairman Vumbaco:** Thank you, Iris. We have the Building Committee Chairman and Vice Chairman here.

*[Long pause while Mr. Harwood and Mr. Choti set up and dealt with technical problems for their presentation.]*

**Mr. Don Harwood, Chairman of the Building Committee**

Thank you for your patience. Also it's always quite enjoyable when we have reasonable attendance by the public, so I hope everybody is here for this and it's fabulous because it makes it worthwhile.

**Chairman Vumbaco:** If you would introduce yourselves, please.

**Mr. Harwood:** My name is Don Harwood. I am Chairman of the Building Committee.

**Mr. William Choti:** William Choti, Vice Chairman [of the Building Committee]

**Mr. Harwood:** What I'd like to do, representing the committee, is give an overview of the eleven (11) school projects in a very brief format for the benefit of our new councilors, and on behalf of the committee, congratulations. This is the first time we are in front of this council, and we look forward to working with you over the next two years, which is going to be the most aggressive part of this project so we will certainly need partner and team over the next two years.

This happens to be the project team as we defined some three and one half years ago, the Town Council, the School Building Committee, Turner Construction, which is represented here tonight, and Jeter, Cook and Jepson, who is our architect, who is also here tonight, the Board of Education, individual school principals and staff who are for the most part our customer. Our job as Building Committee is to deliver a product to the Board of Education and, of course, the Mayor is part of our project team.

The objective tonight is just to cover four items -to provide a brief project update, summarize our committee's project management approach and I will come back to that. It's very important. Review the budget, current and projected, because we have not addressed Phase B; that's why we're here tonight, and also Phase C, which will be upcoming here in short

order. And then address any questions that you have. As far as just the identification on this map, we've identified the schools that we'll be working on with the exception of Yalesville. This goes back to schematic design and some people have seen this but I think it helps to give perspective. We have highlighted the schools only for Phase A and B in this presentation, and for the most part it's very difficult for you to read on the bottom in black. Modifications have been made during design development and construction document phases. The following pictorial representations provide general spirit and/or focus areas. Certain schools have had shifting of new additions and/or modifications. Just so you understand, these were early schematic design drawings but it will give you overall design perspective. Lyman Hall High School. You can take a look at the graphic here and just get an idea of the site and the ball fields and the school and where you see, what I will call the pinkish areas that is new construction. It gives you perspective and that's important. I'll go through them very rapidly. Again this gives you a little better overview with the gold color in renovation areas.

At Moses Y as you can see, the new addition is really just a media center and some associated classroom areas in the back of the school. You really can't see it from the street. In the next week or so that will be occupied space. It won't be much longer and that will be fabulous for Moses Y. The project is going extremely well. We're just about done. There was a lot of renovation work inside the school. That's part of Phase A. That's why I put it up here. It just gives you an idea of some of the areas that were impacted, rather aggressively actually.

Cook Hill – Now we're into Phase B and that's really the essence of tonight's discussion. Cook Hill is one of the Phase B schools, there's four of them, and they're all elementary schools. Cook Hill as you can see had a very large addition in the back on the south part of the building and for the most part that is a gymnasium and some associated classrooms. A better pictorial here, and you can see some of the internal modification areas. It provides perspective to all in attendance here this evening.

Highland Elementary – You can see that there will be some major work in the front area. We are proposing some modifications that the Board has agreed to and that the Council will have the opportunity to review this evening as far as the busing coming in, still maintaining some separation but trying to be a little more cost effective in the way we address that and the front entrance making some changes with the new addition. It gives you an idea of the areas that will be worked on.

Rock Hill is Phase B also and Rock Hill is a little different. The front entrance is not as pronounced as you see it here. That is a change since this diagram was put together in the schematic.

Last, Stevens. An addition will be in the northwest corner of the school,



which is really a media center, a major addition.

Let's talk about the cost estimating and the final bid methodology, and how we go about this as a committee with our professional help being Turner and Jeter, Cook and Jepson. For the most part, early on in the process, we establish what the scope is going to be. The Board of Ed put together the project scope as far as what they wanted and then it has to be translated and that translation comes from the architect working with the schools, the principals and the specific disciplines that are going to be impacted. As we go through that process, there's early estimating that goes on and that's pretty much from history. And you understand that to build a classroom, it's may be \$130 square foot or to build an art room it may cost you \$162 or a lab may cost you \$189. I'm just using those arbitrarily but there's a pretty good understanding of what's it's going to cost for new construction. Renovation is done in the same vein but clearly as you go from early conceptual to schematic to design development to construction documents, the bidding phase, you hone in on those prices. I'm giving that overview for the benefit of all here so you can understand how we get to a projected bid number and not only that but when you get there and you finally put it out on the street, you may see some differences and variations and timing always has some play on that also.

But what you see here is input from what the architectural and engineering firms, on site work, construction, renovation and MEP (mechanical, electrical, plumbing), ADA - code compliance for the American Disabilities Act. I'll try to hit the acronyms so that you are with me on this. GC-General Contractors and/or CM overhead profit contingency escalation - you factor these in as you are building numbers very early on. Construction phasing, scheduling in occupied buildings have a very significant impact on pricing. Trying to build in an occupied school is very challenging and must be phased, and there's a great deal logistical issues that go on, and we're currently working with Lyman Hall on that because that project is about ready to start and there's a huge amount of logistics that will need to take place. Ben Scott and Ben Ryan have been phenomenal working with us on the front end of that.

Cross database from similar projects as I mentioned - quantity take-offs, as I mentioned, the state - I'm drawing a blank - I'll come back to that. Ongoing budget and cost controls throughout final design phases and then ultimately project bidding. I'm just trying to take you through the normal steps. Project bidding is really where we are now, and we receive bids back on those projects that are in process. Bidding just came back on B and that's where we are tonight.

How does the committee approach this? These five bullets give you the best understanding of how a building committee ...and I look at it as Project Management 101 and you try to decide what is a building committee's role. A

building committee's role is really to be a Project Manager in concert with our hired professionals, and our job should always be to look at the holistic approach. We talked about this early on and Council Chairman Vumbaco mentioned this early on some three and one half years ago that we can't forget about where we are going to be with Phase C and spend a lot of money up front in Phase A, and he was absolutely right then, and he is absolutely right now, and we took that very seriously as a committee because we need to look the holistic, the broad brush all the way through all eleven projects.

The total project budget we needed to focus on, we clearly needed to make sure that we look at the budget as a total budget and not a single school budget because that can cause us some fiscal challenges if we get significantly out of whack early on in the project. And it was inclusive. It was inclusive – all eleven schools, very important, so if we felt that there needed to be some reductions in scope or some value engineering or anything along that line that it really needed to cross all sectors and it couldn't be identified just to one school. One of the biggest elements clearly is fiscal stewardship. That's an item we have to pay attention to, and it's amazing when you're a taxpayer how important that is to you when money is being spent because it really does come out of each and everyone of the committee's members pockets every time we make a decision one way or the other.

And project delivery....we deliver to the customer, being the Board of Education, that's key. These are the underlying themes and management approach that the committee has taken on.

With that said, tonight brings us Phase B for the most part we have received some bids back. The bids have been a little higher, not terribly and we'll talk about the percentages and the growth in how we approach that. But we had three potential options to bring to the Council, our management. Number one option was just simply come in here and provide you a full value of bid projects no options at all. Just simply saying we received the bids back. Phase B came in higher than was projected in November 2001, and here we are in February 2004, and that, ladies and gentleman on the Council, we just fully expect you to fund it, and we're out of here. That was one approach that we could have done.

Our second approach really was to present the project with full deletions to meet the project costs estimate and just simply come in and say, we've burned, cut, slashed and the number that we projected back in 2001. We're going to get there, not allowing for any sort of flexibility or good sound value engineering and/or project management.

Or number three, we could deliver a balanced alternative approach. Obviously, number three is clearly where the committee decided to go. Number one is to be a good fiscal steward; number two is to deliver the

project and to really look at it from a project management 101 perspective. Where do we go from here?

Obviously we need to obtain funding approval for Phase B. That's why we're here tonight because we have some state mandates we're trying to hit. I think essence of the project has had concurrence both from the Mayor and the previous Council and previous Board of Ed that we should move forward on this project. It's just a matter of how we get to the final end. Tonight one of the items is to obtain funding approval for Phase B and from there we want to be in construction on Phase B. We're going to be bidding for Phase C. That will be going out the first part of April, and maybe sooner if we can possibly do that. Our key milestone date that is so critical is to meet is a June 30<sup>th</sup> commitment to the State of Connecticut funding approval on this entire project, so that's why some of these dates actually drive backwards, if you want to figure out how long it takes to get things through the system and to recognize the Town's approach to referendums in the thirty days, if someone wants to come back and rebut what the Council has done or move in that fashion. You quickly go backwards. We want to obtain funding approval for Phase C, begin construction on Phase C, complete our major construction by the 4<sup>th</sup> quarter of 2006, and the ultimate goal to deliver a quality project for the students. That's really where we want to go.

Our next steps are funding approval, presentation and possible approval this evening and then our Phase C, coming back to you as Council in short order in May and asking for funding approval for our Phase C. Let me stop there and switch gears for a second. I want to just demonstrate to you the summary sheet. I'm sorry I couldn't get this into a PowerPoint presentation. This helps you with Phase B in a very summarized fashion, and please accept it as that. We have four schools that were part of this Phase B project Highland, Cook Hill, Rock Hill and Stevens. If we go down to Line 16 and you look at the original approved project budgets, for the most part the essence of those numbers came from November of 2001, and at that point, you're doing the best take offs, the best history, the best square footage comparatives that you've had with some thought process for potential escalation.

Fortunately over the past few years we have not been hit with huge escalation costs and/or project costs and material costs. Let's take Highland, for instance, - you know we target at about \$5.3 million. We've got the bid results here in December 2003, and we're running about \$5.8 million, and our suggestion in discussion here tonight is centered around Item 14 which is where we think we should be as far as a balanced approach. The same thing across the line with Rock Hill, Cook Hill and Stevens is identifying - starting off with about \$5.29 million, and you're up to \$5.39 million, and our value engineering actually provides us a little opportunity there, a favorability. There is a difference between what we presented to the Council from early inception to where we are tonight.

Most importantly, I think, in the approach the building committee had taken was #1 – What would be a reasonable escalation in a business environment. Our job really is to be businessmen here. We're spending in a committee of eleven people; we're managing \$62,000,000. I laugh at this all the time. And it's going to be more than that. We're going to be in the upwards of \$63,000,000 to \$64,000,000 that we're managing for the Town of Wallingford. My compensation, the Building Committee's compensation is rather insignificant compared to the expenditure by the way. We need to look at this from a business approach. That's our job, and this demonstrates the numbers and the percentage. If we came to you with a 10% skew, I think that would be unreasonable and unacceptable from a business approach. We went back and looked at items that were what we would consider non-programmatic impacts where clearly if the science lab needed to be built, it needs to be built so we're addressing the student needs. Some of them you could argue one way or the other. There may be a potential for an impact on a programmatic issue.

We spent time with the Council Chair, the Board of Ed Chair, the Superintendent, the Principals and the Committee to try to say how can we go at this. How can we bring this to the Town in an equitable fashion that everybody can live with. I always use the analogy, and it's always funny, everybody here has probably had an old house, and you go ahead and renovate the kitchen and you decide OK we'll put the cabinets in and now the floor and pretty soon you realize that this is way out of skew so you come back and you I like the Formica as long as I get the molding, and it looks good, and you come to a compromise on how to meet the objective. It's no different here. It's just that we're spending a heck of a lot more money. The principles are the same. As you look at this, we came down to probably about a 5.8 - 6.5 percentage increase over a period from November 2001 to February 2004. Relatively insignificant impact although it does hit a bottom line, and there is a cost and there is a financial commitment that the community would have to make. I think it provides a reasonable approach or a stepping point for the Council to consider. I believe that everyone has received the budget control report indicating recommended items.

A great deal of work from Turner and JCJ [Jeter, Cook and Jepson], who have been fabulous partners so far in this project, very tolerant of the Building Committee in working hand in glove with us. Put together recommended items that should come out potentially and then other considerations. What we're bringing forward to you tonight only consists of the recommended items, not the other considerations. The other considerations get a little deeper, like going back to the kitchen analogy and doing the whole kitchen but never putting the counter on. That's where we start to get into those modes but yet it's incumbent upon us as fiscal managers to look at deeper cuts if we so need to.

With that said, I think that opens up at least little dialogue here. We

certainly would be open for questions and how we developed this. I do have some other spreadsheets if you feel we need to pull up the budget control on a broader spectrum, we can do that. I will follow your lead. Thank you.

**Chairman Vumbaco:** Thank you, Don. This is a Public Hearing so we will be taking comment from the public. I just request that if you come up, raise your hand, I will recognize you and you come up to the microphone and give your name and address and make your comments. Is there any input from the public?

**David Astorino, 33 Buttonwood Circle:** I'm here representing some of the parents from Sheehan High School. I have a son that's going there right now. I've got a daughter that's in Moran that will be going up to Sheehan in the next year or so. The parents at Sheehan are a little concerned because it's looking like in Phase C, which Sheehan is a part of that, one of the possible cuts that are being looked at is the elimination of the four additional classrooms that were going to be built at Sheehan. Now I understand that over a three year period the cost of living and the cost of construction has gone up but it seems to me and the rest of us parents that Phase A is getting pretty much everything that they were supposed to get and Phase B is say getting 95 % of everything that they were supposed to get and Phase C is going to take the hit. And that hit is four classrooms at Sheehan that are desperately needed, and we do not want to see that.

**Mr. Harwood:** Fabulous observation. Not so much from an illumination however and I think that that could be a misconception. The proposed project demonstrated an addition of four additions, brand new additions. The discussion that has gone on is could we use space existing in the building, allocating that space to meet the academic needs and not an administrative office need, and that is where is the Building Committee – that issue would need to be flushed out more to ensure that we get the best value for the community. There are some significant factors that need to be discussed related to Sheehan, and it's not only Sheehan, it happens to be our other schools. Because of the way the Town of Wallingford over the years have developed their schools, we quickly fall out of percentage reimbursement ratings because our schools are overly large in square footage per student attendee. The minute we go ahead and expand Sheehan even more, which is already above the maximum reimbursable rate, we actually go down even more. So there's many factors that go into Sheehan. Bill absolutely has the best understanding of the reimbursable rates and the square footage, and we can talk to that and we probably should because I think it's helpful because it applies at other schools, especially our Florida complexes, if you want to call them that, like Rock Hill and Highland, which are ludicrous in the environment.

But the most important thing is saying is wait a minute, if we need X square feet for a science lab to meet what the state facilities unit wants us to have, based on standards - they publish standards for what we need per

student per classroom – we're saying, wait a minute. Let's look at this from a business perspective and private industry - it's very simple - you look at an office, and you say a standard manager's office should be 120 square feet, for a key executive it may be 240 square feet. For a senior executive, it may be 240 square feet with an attached administrative assistant's office, which is typically a cubicle, and that you would have a conference that has accessibility to those areas. That's what's done in industry. That's what's done in a business environment in which profits and best use of space is done. What occurred at Sheehan was a very good approach at the time. I'm not at all negative to that. They utilized space that wasn't being utilized and moved the Board of Ed offices in there. But at a time when we're trying to meet new needs, we may want to look at saying, OK, let's revisit and administrative offices compared to academic needs against reimbursement rates against a new time a new point in time and say where do we get our best value for the community overall, and that's what's being brought forward there so it was never the intention of the Committee to do anything to impact programmatic needs for the kids, not at all, just the opposite. It was to say, let's look at space allocation and see if we can approach this outside-the-box thinking.

**Mr. Astorino:**

Thank you for opening that door. That was going to be a point of mine to make that the Board of Education is taking up at least 15 classrooms worth of square footage at Sheehan High School. Now the Board of Education was put in there, it was my understanding, back in 1991 for a five-year period, ten years at the most. We are now into the 13<sup>th</sup> actually the 14<sup>th</sup> year of them being in Sheehan High School taking up valuable school space and until you just used your little speech here, we had heard nothing about a discussion about the Board of Education possibly being moved out. This last Board of Education meeting, which was not even a month ago, that was forbidden to even think about. There's no room in town, there's no room here, there's no room there. Well, we're situated. We don't take as much space as maybe needed by the classrooms. That's a bunch of malarkey. You got almost nine classrooms alone on the first floor that were sacrificed for the Board of Ed, and you're got another maybe five, six maybe seven down on the lower level that is also being taken up by the Board of Education. If we were to put them in a separate building or wherever, there is no need for four different classrooms. You have available space there and I agree with you, in business and industry, and I'm a facility manager at a 167,000 square foot building, the last thing I allow in my shop is for an office to take up production space, and that is basically what we are doing with the Board of Education. We've got an overhead indirect labor business taking up floor space, taking up production space, and that doesn't get done, not in industry.

**Mr. Harwood:**

Let me just clarify one item, and this is a fabulous point. In order to get to [Phase] B, we need to address [Phase] C, and that's why we addressed it in the full spreadsheet for the Council and the Board of Ed because we looked across the whole eleven school project. Number one, the Building

Committee's role certainly is to bring suggestions back. We won't be the ultimate decision makers on this but again what we did was project management 101, very simply and said where and how can we get the best bang for the taxpayers dollars in existing facilities and what options might be able to be explored. What I would like to ask Bill just to take two minutes to give an idea – it's very complex issue, not always as simple as just square footage. There's a fair amount of discussion that goes on about our ability to get the maximum amount of reimbursement from the State of Connecticut, and I think it would be a good exercise ....

**Mr. Astorino:**

If I may, we heard that at the last Board of Education meeting. The point being though is the Board of Education, and the space they are taking up, is being used as part of that formula of square footage based upon the number of students attending that school. Now you take the Board of Education out of there, we don't need more room, which means you don't have to go for the reimbursement. You take the Board of Education out of there, there is no need for additional classroom space; we already have it. Now I guess part of the problem is that if we move the Board of Education, and we go to the state for reimbursement, we get reimbursed at a lower level for administrative offices than if we have classrooms, and if we build classrooms we go for reimbursement on that level.

Move the Board of Education out, give us back the classroom space that was ours, that was built into the school. It made for the students and get a lower reimbursement but put the school back to work for what it was built for and that's educating our students, educating our kids, not running the Board of Education. I'm sure we can find other space within this town or on town owned property. If we can't, then lease. Put them in trailers. I'll bring you down to Sykorsky Aircraft down in Stratford, and who's in the trailers? It's not the production people out on the floor, it's the admin people, the engineering department, the accounting department, the marketing department. You don't put production people in the trailer, put the admin people out in the trailer. And I know there's leasing. There's costs involved with that. There's some beautiful leased trailers out there, office trailers. I had one at my last facility. The classrooms belong to the students and the teachers and the people who are trying to teach them. It's not there to run the business of the Board of Education.

Move the Board out, put them where they belong and give us back our classrooms. Worry about the reimbursement level for an admin kickback from the state. Do that some other time. I'm concerned, and we're concerned, about not only our kids now. My son's going to be out of school in 2006, so is it going to affect him? No. But you know what, it's the kids coming up behind. We're putting a lot of dollars into this. This is a tremendous. We're putting forth here, and I take my hat off to the Town and the Council and the Mayor for going ahead with this. We're talking \$67 – 68 million. It's a big investment. Let's not blow it, and I think we will blow it if we start counting nickels and dimes to save money on a

renovation at Sheehan and maybe some of the other schools. Put them out. Put the Board of Education where they belong in their own business, in their own building, in their own set of offices. Give us back Sheehan High School, give us back the classrooms. Thank you.

**Chairman Vumbaco:** Thank you. Anyone else from the public wish to speak?

**Howard E. Koenig, 27 Edgewood Drive, Wallingford:** I was at the Board of Education's meeting, and I also brought up the same point about the Board of Education taking up space at Sheehan High School. I do have a son that goes there now. My understanding is that at minimum that there are three buildings that the city owns that are vacant. Next door from what I understand is a vacant building. I also talked to people at the Senior Citizen's Center. The old Senior Center still has vacant space that's not being fully utilized from what I was told. There's also the old Park-Rec. Those are the three that I know of. There's probably more. My question is what the gentleman just said – Why can't the Board of Education go back to a place where they can be and leave the high school for the kids use the space for what it was intended. The formula that was explained to us at the Board of Education meeting, I found quite offensive that you were going to penalize the kids because the Board of Education has their office at Sheehan High School. That's the agenda that the Building Committee used to say they shouldn't do it because of the reimbursement rate was lower because the Board of Education was taking up valuable space that the kids need.

**Chairman Vumbaco:** Thank you.

**Mr. Harwood:** Please just help me with this. Understand. Maybe I misunderstood your comments but at this point the Building Committee is recommending to use the existing space at Sheehan that the Board is in so the Building Committee is in concurrence with your comments and with the gentleman before that and probably other people that are wishing to speak.

**Howard Koenig:** I would like to make a comment on that. The meeting that I went to at the Board of Ed – that's not what the Building Committee's general consensus was, and I think you've changed the opinion. I hope for the better. That's not what was said at the meeting. As a matter of fact, I spoke about this exact same topic, and I was told it was not feasible to move, was the comment that was made.

**Mr. Harwood:** The only thing in order to make sure that the record is straight is since Bill Choti, our Vice Chairman, spoke at the Building Committee is just understanding who spoke, and what is said. This is not a change in philosophy. This is a proposal that's been put forth since we've developed this document for utilizing the space. On the document it says 'eliminate the four classroom addition' exactly. What's not printed there is 'eliminate the four classroom addition' and utilize existing space to accommodate the



need'. That's not written on that piece of paper, and if that causes confusion, I certainly apologize for not making sure it was part of the descriptive but that's exactly where we're going. Exactly.

**Howard Koenig:** Then I applaud the Building Committee because that's, I believe, exactly the direction that you should go – get the Board of Education out of there, use the school for a school. Thank you.

**Chairman Vumbaco:** Thank you. Mayor.

**Mayor Dickinson:** Earlier this was discussed what was the most feasible direction. It was determined that it was more expensive to move the Board of Education into another site. Without getting into not building four classrooms, I don't really think it's before us this evening anyway, but if we take the holistic approach, what is the total impact on the Town? Should we decide that we're going to move the Board of Education to some other site, which could be a significant new expense, and we cannot pretend that somewhere it will not be addressed by the community. This is at this point a \$62 million project that we're discussing increasing the size of it. I suspect that it's a multi-million dollar expense to create office space for the Board of Education somewhere else.

Saving money in this project, and creating a whole new project, is not going to be good fiscal management. So I think we need to have that holistic approach if there's something about this project that's creating a need for a whole new project. It may be less of a financial challenge to have the four classrooms at Sheehan and deal with whatever the incremental increase is in the project here rather than create a whole new project and then find out where we're going to have the Board of Education Offices but I don't think that can be easily determined this evening, especially given that we're talking about Phase B.

**Chairman Vumbaco:** And I agree, and I think what Don [Harwood] was trying to explain – I don't want to put words in his mouth – is that we were looking at all sorts of options, not just one, which is the move. If there's a chance that you can shrink down their offices, then there are multiple options to look at, and the move was just one of them. We do realize the fact that these classrooms are needed, and I don't believe at all the committee is trying to sacrifice that.

**Mr. Henrici:** Thank you. My name is Kenneth Henrici, Superintendent of Schools. I would like first of all to agree with the two gentlemen that spoke previously in terms of doing what's best for the kids. I think that's our mission. We'll never lose sight of that mission and obviously, anything that we can do to meet the educational and programmatic needs of the kids, we will do. I would just like to just echo what the Mayor mentioned and that is I think the best decision is an informed decision and what we \

need to do is to do more research and get more data and more information and make the best decision possible considering not only the educational implications but also the financial implications and that's what we're asking for. Clearly we want to do what's best for the kids but we also want to do it in a fiscally responsible manner. Thank you.

**Bill Choti:**

Mr. Chairman, I just want to clarify something for the last gentleman who came up to speak. I did not speak in favor of or against the four classroom addition and/or utilizing or moving the Board of Education to new space. The discussion came up on the table because it was a Phase C not recommended alternative. What you heard from the Superintendent is the same gist of the words that he spoke at the meeting, not I. Everyone in the public has to understand and all the parents have to understand that this Building Committee is given a specific scope of work. At Sheehan, it was a four-classroom addition. That was the part of the scope of work; that's why it was designed; that's why it was placed where it was placed because it was part of the scope of work. Way back when in 2001, there was a discussion as to whether or not the Board of Education was in appropriate space. I have also had further discussions with a few of the educators that are at Sheehan.

We have now instituted block scheduling. It has changed dramatically the dynamics of a four-classroom addition. It may not be (undecipherable) and I'm sure the principals at both of the high schools can speak very intelligently on how their building structure, their flow through the school, their number of available classroom space has changed due to block scheduling. When we talked originally about the four classroom addition to Sheehan School, there wasn't block scheduling.

We are here tonight to talk about the funding for Phase B and not the funding yet for Phase C. I think this is a topic for discussion that should go to the people that have the authority over the employees of the Town of Wallingford, that being the Board of Education, the Town Council, and the Mayor. You're the folks that write the checks that pays for whatever space they go into. If the direction from this Council is to return that school space back to school space – I don't know if anybody has been over there lately but if you walk out of the superintendents office, there is a hallway with lockers in it – if we do return it to classroom space, we will do exactly that, what we are told to do. If there's some other place the Board of Education can go, am I in favor of another cost center in this town? Paying for another heating system? Paying for another renovation of another building? Unless the taxpayer, I suppose I have some issues with that. But we can show you based on reimbursable rate and based on the cost of dollars to do the four-classroom extension, whether or not it is fiscally responsible to move in that direction. The only thing I wish you would do is also consult with those principals to find out if four is enough. But I did not state at that meeting either one way or the other. I just

brought it on the table that this was something that was up for discussion.  
Thanks.

**Chairman Vumbaco:** Mr. Sheehan.

**Robert Sheehan, 11 Cooper Avenue:** My concern has been from the beginning before you even put a shovel in the ground or started, you borrowed money Cook Hill School, for either part of Moses Y or Lyman Hall, half a million dollars, and my concern for them is since then the rear end of the project is going to get shortchanged. And I keep hearing, no, it's not. Just a little bit of common sense to me, and you're just starting construction, and you're getting ready to start in Lyman Hall again. You're finishing Moses Y. Actuality is a lot different that project or what you think is going to happen. Now we're going to tear down that wall, what's behind that wall. I have no idea. We're going to find something that we didn't know was there and that's going to cost money and you're running roughly 10%, your bids are higher 10% than what you thought they were going to be. Just using that simple scenario, if I add 10% onto \$62,000,000 that's another \$6.2 million. That brings us to \$68,000,000 without finding a problem, that is if everything goes right, and everything is just the way you said it was.

**Mr. Harwood:** I think maybe the best way to address your question really is to look at the overall spreadsheet that address eleven schools because then you would have a better appreciation that every school was looked at as potential value engineering in order to fiscally manage this project, not to short end that back end of the project by any stretch of the imagination and that's even if the Phase B school that we're here to discuss tonight is that there's potential recommended reductions to allow for an overall expenditure that does not creep up to over 10%.

**Mr. Sheehan:** I don't envy your job because you're not going to satisfy everybody. Some people will always figure they got shorted, other people say you're spending too much, you're never going to reach a happy medium. There's only on guy that pays the bill and that's the taxpayer and that's the guy you've got to satisfy and my concern is that you're already making cuts, deferrals, that's something you're going to do later on if you have the money and the way it's been going, you're not going to have the money so that's the thing that going to be sacrificed, and I don't like this project over a four year period is going to take in construction I don't want it to wind up an 8 or 9 year period where you're just did a cosmetic thing over. Now we've got to go back and take all the rest of the stuff like roofs for example. Whatever you find in that school, correct and go on to the next school. Some of these schools the best solution at Rock Hill School take a wrecking ball to it, knock it down and start all over. You could do that with Highland too. When a kid has to walk to the next class and has to put on his coat and boots in a grammar school, something is wrong. I don't mean to complain to you but if you're going to this, do this right. I don't

want to go through a 4 year period and spend \$62 million, and oh, by the way, I need another \$25-\$30 million to go back over and fix some of the other stuff. I took a look at your list that you made cuts out of and one of the things that got me in some of these schools you're cutting out windows.

**Mr. Harwood:**

That's not correct. Let me address a couple of your points so as to ensure everybody understands where we're going. #1 it's always important and I go back try to reiterate this point for everybody all the time. The Building Committee's role is very simple. The Building Committee's role is to build what we are asked to build, so the project scope was not developed by the Building Committee. It was developed by the Board of Education. The dollar value that is allotted for the projects is not the Building Committee's decision. It's the Town Council. The actual deliverable of giving a project scope alignment to the Town for what we've been allocated to do is our job so we don't make decisions on what should be done. I laugh a little bit in jest about some of your comments because you're absolutely on target. Our buildings...this project will just get finished and the Town of Wallingford will need to engage a Building Committee to start addressing major capitol issues that are going to present themselves within the school system. The Town of Wallingford is probably the largest landholder and building management company in the Town of Wallingford with a lot of areas where we don't have a strategic plan to manage. It's a reactionary management as far as overall building and that's for a lot of reasons, not negative to anyone but all roofs are going to come due at the same time because guess what we did a roof project some 25 years ago, and we did multiple schools. We're going to get this big slug. It's on its way. For the general public they need to know that. Our job however is take what we've been asked to do and deliver it. Any decision over and above that the project scope, the BOE in their 5-6 years ago when they were really talking about this said, let's approach this differently.

Let's go into Rock Hill and do 100% renovation of Rock Hill or demolish it and build a new one or go into Lyman Hall and get rid of Lyman Hall and combine the two high schools, which was a process that was overly favorable quite a few years ago. It went along that path. It's a whole different path. The mission of Building Committee was given was very strategic. And if we went back to the 2001 listening that we had, it was Mr. Choti's comments a couple of minutes ago, four classroom addition, HVAC, electrical, code updates. The vast majority of the work that the Town's going to get in this project is hidden in ancillary space. You will never even see the value of it because it HVAC trying to give better quality, meet actuary standards, ANCI standards, so this is scratching the surface of a multi, multi million dollar real estate holding. And if we were a real estate investment trust, we would manage out properties differently. That's what business does. That's not what municipalities in general do, not to be negative to Wallingford but that's just how you do municipalities,

state government and federal government does not operate like a business.

**Mr. Sheehan:**

That's right and you're very true. The scope of this project is, I defy, I've never heard of a project of this size undertaken by a municipality where they went out and renovated their entire school system. Never happens. They may put up a new school. They may do one school. They may do two schools. I never heard of anybody doing their entire school system and supposedly in one shot bringing in Phases or whatever it is. And I can't blame you because you're in a time restraint and you got to get it done. I'm just saying maybe you're going to have to step back a little bit and take a harder look at what you're going to cut or what you want to cut and what you can deliver given the constraints your time and your money. Your biggest restraint is your money. My thing is when the scope of this project was started I said you're going to spend \$62,000,000 honestly and everybody is going to go around and look at the schools and say where did they spend the money. You're not going to see it. And you're very right because most of it's in ventilation, heating, whatever. You're not going to see it. I'm saying if you start, and you have no choice because you have to make cuts, and you have to defer stuff. Once you get into that process, somebody is going to pay somewhere along the line. You've got to make it up or deny something to somebody, and I'm just afraid because it started before you even got into the ground or went to your first school. You started taking it off the end [of the project]. And I'm just figuring that when you come to Phase C at the end of this project, maybe you'll get up to your 9<sup>th</sup> school, and, guess what, you're not going to have anymore money.

**Mr. Harwood:**

Let me just take a second because it might be helpful for the overall gathering here tonight and maybe I can show it off this slide if it's acceptable. Is that OK, Jim? I'm going to scroll across as best as I can, and please work with me on this. If you look at current project costs adjustments, there are line items. From the left margin, I'll scroll across. What we've done is for the most part you have current project adjustments, and then we get into recommended items, and those recommended items go from Item 9 to Item 39. As you scroll across the horizontal part of the page, it effects each school or some schools, so what you're going to see, and I'll try to work off my sheet, and I'll just point and tell you where to look up here. Where it says to eliminate HVAC plumbing scope defer to Board of Education maintenance program or provide PVC conduit in lieu of rigid galvanized conduit. That's at Lyman Hall. Defer landscaping for the most part at Lyman Hall. You'll see those across the page, and I'm going to refer to the columns. Column K happens to be Lyman Hall, and then you have Highland and L and M and N and O and P. If you go across the spreadsheet, each school has adjustments that are being made in order to meet a budget target. Understand that even today all we are doing with the Council is making a recommendation that in our project management approach, we would suggest this as a way to manage the finances and to manage the project without really shortchanging any school. Not only did

we do that but with the help of Ken Henrici, and his staff, the principals, they took a look at this and for the most part, and Ken can certainly speak to this, is the principals looked at it, our business people, and they concurred that it was an acceptable approach from how to get the most from the money and the programmatic issues into each school, so I don't think with the balanced approach which we brought across what we're trying to do is meet most of the needs at all of the schools. And the items that come out are somewhat non-programmatic so when we go to Stevens to Line Item 20 – defer removable, existing canopies, patch and paint existing canopies only. That's just a canopy that's out in front of Stevens. If we don't do anything with that, and we leave it there, and we paint it, we get about a \$16,000 savings. It doesn't impact a great deal from a programmatic standpoint. It doesn't impact the students. It actually continues to provide them some shelter and our intent was not to eliminate it but to address it in some fashion instead of knocking it totally down is to paint it in place and make it acceptable and move on.

If we go to Cook Hill School, for instance, leave existing sidewalks at front entrance bus loop. So we just leave the existing sidewalks in place and, we don't go ahead and dig them all up at this point and blow them out of there and spend \$79,000. We leave them alone. We leave the canopy alone. No impact to the students really. It's an item that, yes, it would be nice to go ahead and address those. Yes, it would be but we thought, it's non-programmatic that would be a good suggestion when you look at it from a management perspective. If we go to Lyman Hall we have a lot of items there one of which got pushed back by the Board of Education. There are two methods of delivering electrical conduit in their conduit tray area, which is in a quasi tunnel. The Board of Education felt that they should spend the additional \$70,000 to use EMT to provide conduit piping down there. The Building Committee recommended that we should use PVC. It's UL rated; it meets FDA-70, the national electrical code; you increase the spacing on hangers; and it certainly would fit the need but the Board of Education felt they wanted to keep it in there. That's fine. We'll build it with EMT. It's two different methods that meet the same end. But with that \$70,000 that just got put in on February 9, 2004.

Tonight we need to talk with the Council about the fact that's \$70,000 that we're not sure where it's coming from. So something else has to go, which could be a tennis court which the kids would use, or it could be furniture and fixtures and equipment (FF&E). There are things like that. There are tradeoffs, and if somebody wants to accept one construction method over another, they're more than acceptable, both are used. It's just that there are offsets that happen. How are we addressing Highland? What are we doing for site work? Stevens - not putting additional parking in the back two parking lots as a suggestion but going ahead and making a connection with the Dag [Dag Hammerskjold Middle School] parking lot that allows for much learner, easier access. Now we can utilize the Dag parking lot and make it much more accessible to Stevens during events and vice

versa. It will probably be one of those management items where both Dag and Stevens agree on nights when they are going to have their big events so that way they can use that space. What we're doing is similar to the whole issue with the Board of Education, it's space planning to use existing space more efficiently so that's an approach. Again not impacting the kids in their classroom. At Stevens we talked about only renovating maybe two of the four restrooms. The principal came in and indicated that they were in terrible condition. That impacts the kids dramatically. We said OK then it's not an issue on the table.

What we've tried to do is look at things that don't impact the kids directly, alternative approaches, thinking outside the box, acting like business managers running a corporation of a \$62,000,000 project. In fairness, I don't think we're going to shortchange the backend of the project as each project has items that are being addressed but clearly not programmatic impact. A limited garage facility at Moran, the item was to build a new garage bay at Moran. It's not a reimbursable expense anyway. The Town has to eat the whole cost. Would it be prudent from a financial perspective for the Town to bond a \$50,000 garage over a 20 year bond? Absolutely not. It's ludicrous. It doesn't make sense. You want to do it with your own finances? Do we suggest to pull it out? Absolutely, we do because it's the right fiscal approach, and that's how we should run any of these things.

I'm passionate about it because this is my money as well as yours, Bob, and when I look at some of these things, it make me hot under the collar to think we would approach things along this line. What we've done is come back and work together as team. Ken Henrici got together with us, the Chair of the Council got together with us, the Board got together with us, the principals got together with us. Let's approach this as a team. Do the best we can with what we have and then find a balanced approach. This is a balanced approach. It's a clearly balanced approach.

**Chairman Vumbaco:** Don, may I interrupt a minute? We're going to have to change protocol for a second, so Bob (Sheehan) if you can hold your thought for a moment, Mike Spiteri needs to leave, and he has a couple of comments that he would like to make. I want to afford him the opportunity to do so.

**Mr. Spiteri:** Unfortunately, I cannot stay here for the rest of this hearing as much as I would like to. I would like to say that I've been following this as a liaison with the Board of Education and I have some quick comments I'd like to make. I had concerns four years ago when we had a ceiling put on this project because they were pretty much four years in advance and they were on estimates so I'm not surprised to see that we've had some fluctuation. I also don't want to see compression or one of the Phases suffering because things are done in steps. At this point I support the amendment that was stated earlier to go ahead and go forward with this project with the slight increase.

**Mr. Sheehan:** I want to change subject. I notice on your, I'm going to call it, budget sheet for lack of a better term. You had a line on there – compensation for a CM, and I assume a CM means construction manager, and you had it listed by schools under each school, it was different, like for Lyman Hall \$1,000,000 and for another school it was \$200,000. Each figure was different. Then maybe 7 or 8 lines down, you had an additional compensation CM that was \$30,000 under each school. What's the \$30,000?

**Mr. Harwood:** Very good catch. You know I appreciate when people really look at the details and you should be. My hat's off to you. You are absolutely right. Here's where we are. Understand when the phasing project started and Turner was asked to put together their schedule, they were asked to look a proposed delivery system that would basically get us finished in 2005. Finished. Done. This project has slid out for a couple of reasons but now we're into 2006 the 4<sup>th</sup> quarter at best to complete what was being proposed. With that there's a couple of things that happen. Number one is actually get less compression of being able to us some CM labor to multi-task across many schools. We're going to end up with a five school project going on. I would anticipate, if the Council moves on this tonight, we'll get Phase B going, which is four schools plus Lyman Hall that will run concurrently. Then there will be a time that we'll bump something else in, which will be the back end, which is Phase C.

So what ends up happening? Well, a couple of things. One is we've extended the time period in which we have coverage by a CM, we haven't extended the amount of work. We're going to reduce some of the work. We may have some opportunity to leverage some additional CM value approach to how they manage projects but they also may find that as a result of now all of a sudden we have ten projects going on concurrently that they can't spread themselves so thin because we want to make sure we are maintaining the logistics issue at each school so they can maintain the educational environment. So what happens is we have this fluctuation on what we originally forecast is not the same. It's simply not. What we did is we did an allocation. We know that we have to put a number there. Yesterday I had a management meeting with Turner. Bill and I sat down with Turner management which is a common thing to talk about issues. Two hour meeting to focus on how could we manage our CM expenses as we go forward. But we had to put a number forward in this budget so as to move the process forward. We have to now look at if our start time for Lyman Hall is March of this year and we're able to engage Phase B schools rather rapidly. We could get Phase B schools started, fired up in the next 60-90 days or certainly into the summer months, and we work on a staffing plan that allows up to maximize our efficiencies. That \$30,000 hopefully will come down. Absolutely that's our goal. That's already been on the table, and the representatives from Turner will tell you that was a very active discussion last night, and we're going to try to work at a team



to figure out how to manage that. But we had to carry a dollar value across the schools to understand where we would be over the next two years, and we're still in a forecasting mode here, and we will manage below that. One thing, we were actively involved with Dag, Moran and Yalesville, we were able to take advantage of some of those management approaches and reduce some of our expenses. That project actually came in under budget and faster than the time line had identified. These are still projections. Our actual dollars will not be what is on this sheet. I would love to drive them down but there's going to be other factors that come into play.

**Mr. Sheehan:** Well, I was just curious because you take \$330,000, and I didn't know if it was a budget as a contingency fund or you were figuring that you had to make room for another position. I thought you were going to hire somebody else and create a position to fall under the CM job.

**Mr. Harwood:** No, Our intention, it was discussed at the last building Committee Meeting, is to bring on some support to assist in the reimbursement process with the State of Connecticut, especially to the State of Connecticut at least every other month a request for reimbursement, so just like in retail, just like in any business, cash flow is king. The Town of Wallingford should not be digging deep in their coffers and floating all that cash and losing potential revenue. What we should be doing is utilizing Town funds to give us a hedge until we can get money back from the state, and there should be a constant balance every other month...boom, boom, boom. So we end up only putting out the minimum amount that we have to out of our own cash reserves, and that's how we will approach that. So we're likely to bring on somebody on to do more of an administrative support role. We'll go back to what we learned in our first project was to assist Linda Winthrop, to assist Bob Ronstrom in the Comptroller's Office in making sure the numbers are accurate, that our submissions are correct on the front end so we don't have a back end issue of trying resurrect and figure out where we are. It would not be a fulltime job, some sort of a part time support role administratively.

**Mr. Sheehan:** Well, I'm glad to see that you are keeping abreast of the reimbursement paperwork. I assume that you have somebody designated or you hired somebody to keep filing those papers with the State right along.

**Mr. Harwood:** The one thing that I should never do is not recognize somebody that has given a phenomenal amount to this committee and that's our Vice-Chairman, Bill Choti. Bill is on about every issue like fly on you-know-what, and it's fabulous, I mean, he has been a big supporter of making sure all the information is pulled together. He is currently working as adjunct to try to assist in pulling together numbers for reimbursement and our intent is to....the way it should flow should be very simple. We should be able to provide to both the Comptroller and to the Superintendent a document that's just about there without signatures, and they should be

able to look at it and be comfortable with the analysis, how it was put together, what's reimbursable, what's not reimbursable and be able to move quickly through that process. We're constantly maintaining cash flow, just like WalMart does. There's no difference.

**Mr. Sheehan:** I wish you good luck, Don, you're going to need it. You don't have an enviable job but I hope it all works out.

**Mr. Harwood:** Thank you. Stay with me. Come to the Building Committee meetings.

**Mr. Sheehan:** I went to the last one, and I don't think you were there. Someone told me you were out in the sunshine and the warm air. I know it wasn't here.

**Mr. Harwood:** I was skiing

**Chairman Vumbaco:** Thank you. Somebody in the back?

**Mary Ann Moran, 106 Farm Hill Road:** Good evening. I am the parent of a student who attends Sheehan High School and I would like to make a followup comment to something that Bill Choti had said regarding the block scheduling at Sheehan. I do agree that it's going to impact the school. One of the comments that I want to make is that the four classrooms that are scheduled are not new classrooms. Actually what's happening with the renovations is in order to accommodate the larger size science classroom, these four classrooms are really to bring us back to where we currently are, and I will tell you that we are not offering classes at Sheehan because we have a lack of space currently and I do agree that block scheduling is going to cause a problem. In addition the class of 2006, the students that attend Sheehan have to take, instead of 5.5 credits, they will have to take 6.5 credits. So my concern is that we really do have a space problem, and I just wanted to reiterate that. Thank you.

**Chairman Vumbaco:** Thank you. It's getting late and we do recognize that Sheehan and the space problem has going to be discussed and as we go forth into Phase C, we will address it as we said earlier. So could we for now keep our comments to the Phase B scenario? Sir?

**Paul Gambino, 425 Long Hill Road, Wallingford:** I have two children in E.C. Stevens School, and I also have represent the principal and a bunch of parents who are here in favor of adding money to this. I have the budget cuts that were proposed. I'm a plumber by trade, and I see here renovate two of four bathrooms. The school is over forty years old. I don't understand why you would do that.

**Mr. Harwood:** We're doing all four. I don't know if you caught that.

**Paul Gambino:** You're doing all four?

- Mr. Harwood :** That's correct.
- Paul Gambino:** What about the ones, the little ones, the bathrooms in the smaller classrooms?
- Mr. Harwood :** These were the only ones that were requested for us to do in the project scope.
- Mr. Gambino :** Then you're not going to do anything with them; you're just going to leave them?
- Mr. Harwood :** Yes. Understand that there is a very limited scope under which the committee was operating. We did not set what we were going to do. All we are going to do is deliver on what we were asked to do. It's like hiring somebody to put aluminum siding on your house, if you didn't ask for windows, you're not getting windows and the Building Committee's role is that. So it's really, the issue, although very relative in front of this group from a committee perspective, we're just delivering what we've been asked to deliver. So there are many items to your point that are going to be left in a condition in which they're going to need to be addressed in the future. Absolutely. Many.
- Mr. Gambino :** What about this one here. It says defer window replacements.
- Mr. Harwood :** The windows will not be deferred.
- Mr. Gambino :** They are getting all changed?
- Mr. Harwood :** At Stevens, That's correct.
- Mr. Gambino :** And they are going to have emergency exits?
- Mr. Harwood :** Yes, there's a requirement under the NFPA-101 Safety Code in Connecticut to address proper egressing in the educational section of the code and we must do that when we're touching those.
- Mr. Gambino :** What about this one to defer work to provide hot water to existing classrooms?
- Mr. Harwood :** That is also going to happen.
- Mr. Gambino :** Other than that we do have some of the classrooms that teachers and staff told me that the roof is leaking. Is that going to be addressed? Is that going to happen?
- Mr. Harwood :** Bill, knows this better than I do.
- Mr. Choti:** No.

**Mr. Gambino :** Why not?

**Mr. Choti:** Because roofs are not part of this project. We are replacing two roofs at this time, one is going to be over the boiler room at Lyman Hall and the cafeteria. All other roofs fall under the authority of the Superintendent of Buildings and Grounds. At that last meeting I think he explained very well how the procedure works where the teacher would report to the principal, the principal would report to the Grounds and Maintenance of the issue and a repair letter/work order would be submitted, a vendor would come out to that site, and they would then work on the roof in that particular area. It is our understanding that is how the Board of Education (i.e. the Town) wanted to handle roofs from the beginning. We did do a roof survey way back when, I think some of the veterans on the committee will probably remember that, and I think because we do have members of the Board of Education that are now on the Council. We did do a roof report. We looked at that at the front end of the project, and it was decided that with the age of the roof, it would not be part of the project until they were available for state reimbursement and I believe that's in the next four years.

(Off microphone conversation ensued which was not decipherable)

**Mr. Gambino:** So none of these renovations besides those two roofs are getting changed.

**Mr. Choti :** Correct, sir.

**Mr. Gambino :** It may still have to go through their proper channels to get the problem fixed. One of the classrooms has ceiling stains, water stains, all over it and I just figured this is part of the project.

**Mr. Choti :** That question is probably best brought to the Board of Education.

**Mr. Gambino:** OK. That's it. Thank you.

**Mayor Dickinson:** Mr. Chairman, may I just ask for a clarification on the Ordinance? The Ordinance is seeking an additional \$22,388,000. I saw on the spreadsheet the original the original was \$20,496,000, the alternative was \$21,689,300. I believe that the full amount was \$22,682,000, so I'm confused as to what amount of money we're talking about here for the Ordinance. The Ordinance appears to be a different figure than any of the three that were shown.

**Mr. Harwood:** I guess there's a couple items. One is, if you're looking at this from the working spreadsheet that we have please make sure that you're referring to the second page below Item 39 and that would allow you to look at what would be consistent as far as total of the recommended items so that would be our listening that budget control report on that line which is the

second from the bottom matches the summary that I displayed up there a few minutes ago, I believe, if you look for the Phase B.

**Chairman Vumbaco:** It's the one dated February 10, 2004, am I correct?

**Mr. Harwood:** That's correct.

**Chairman Vumbaco:** I think what happened, Mayor, is that the number when the Ordinance was written and provided to Bond Council was a previous spreadsheet and that was the full build-out at that time and those numbers since then have been adjusted recognizing that we are probably going to go down in the number anyway so if we ask for that we know we couldn't go up but we know we could go down. I think that's where the confusion came because it's a time that the Ordinance was put together for this meeting, they had a different number for us.

**Mayor Dickinson:** So what is the figure?

**Mr. Vumbaco:** The full build-out figure is \$22,682,000, if we were to go with the full bid. The adjusted number that is the first round of adjustments is \$21,689,377, which as the Council discusses it, that number could fluctuate but if we were to go with full bid everything works, it would be \$22,682,000 which obviously we can't do because the Ordinance is \$22,388,000. That's correct. Are there any other public comments? Sir?

**Mr. Barry Barassa, 305 North Airline Road:** I'm representing the PTO Parents at Rock Hill Elementary. Forgive me for being uninformed or misunderstanding the scope of the project as it was bid, if I'm understanding it correctly, the project as a whole was bid on and given the full amount? The full number that we're asked to vote on tonight? Are we being asked to vote on what was bid or what the committee is recommending that they vote on?

**Mr. Harwood:** The fiscal approach that the Chairman just explained is that from a bonding ordinance standpoint, it's prudent for us to bring a number forward that represents basically the high end of what this would be. The Council could, after discussion tonight, say we will fund up to that bonding ordinance and build to that bonding ordinance. But if we had come in with a lower number, if we came in with our recommended number, and we went to the Council Chair and said that we would like to bring it in at this lower number, and the public turns out and says my golly, we can't, we want a few of those things back in or the Council wants them back in or the Board wants them back in, we can't adjust that Ordinance back up at that time. So you bring in the higher number anticipating that there's probably going to be a balanced approach, which is going to be probably a reduction, so to your point, a long winded answer, the bonding ordinance number was higher than the actual that we will probably shake out tonight will be lower with some reductions in scope. I hope that helps.

**Mr. Barry Barassa:** It does. If I may, I have another question. I've been to numerous Board of Education meetings and discussion has gone back and forth and spreadsheets are using terminology such as 'other considerations'. Is there one body or one group that is going to be responsible for deciding which 'other considerations' are going to be funded? I'm really trying to understand it but 'other considerations' on my list are things at Rock Hill such as windows, safety items in hallways. These things are in my mind not negotiable.

**Mr. Harwood:** Let me explain right there. For tonight's discussion, the only items that are included in the proposal the Building Committee is bringing forward are those that are listed in the recommendation section only. The other considerations would be if the Council so chose to direct us tonight and say, you know what, in fact the fiscal condition of the Town is deplorable, the economy has gone in the dump, and we can't afford this, and we need to take more money out of the project. Those are other considerations that we would say, well, you could look at these, doesn't mean that you have to accept them but these are items that you could do. So right now the only items that we're looking at are items 9 through 39 in the recommendation item section. Those items that appear in 'other considerations' are not on the table from the Building Committee tonight as please go ahead and make those cuts. What we did was try to provide the Council and the Board, the superintendent and the principals as relatively exhausted laundry list of potentials that they could go ahead and use as deductions if they so wanted.

The Board of Education decided that Items 1-39 were acceptable with the exception of the \$70,000 at Lyman Hall for another method of the delivery for the electrical conduit. That's what's in front of the Council tonight. So the 'other considerations' are not what we're bringing forward tonight at all. They're just there if somebody wants to *take home and add the project* [phrase not completely decipherable], there's opportunity.

**Mr. Barry Barassa:** So the 'other considerations' that are on the table as you are saying are part of the money that we're asking for now? Is that correct?

**Mr. Harwood:** That is correct.

**Mr. Barry Barassa:** So the 'other considerations' on the....

**Mr. Harwood:** ...are funded in what we're bringing forward. That's correct. That's absolutely correct.

**Mr. Barassa:** OK, then as a final comment, I urge the Town Council to approve the recommendation of the Building Committee and fund the extra money that's needed. The hallways at Rock Hill are deplorable. I'm sorry, if you're going to go through with a \$62,000,000 or \$68,000,000 or \$70,000,000 renovation project, then at the end of the project, you want to

bring people in and say this is how the Town spent our money. You don't want to come in at the end and say my son or my daughter wears his coat between the cafeteria and his classroom. Windows, I mean we are not talking about air conditioning; we're not talking about ancillary space; we're talking about windows in the hallway and safety items in the hallway. I invite anybody to come in. Leave your coat in the car and walk in the hallway at Rock Hill. Tomorrow. I think you will probably agree that we need to fund windows and items in the hallway.

**Mr. Harwood:** The only other comment I would make on that because I would never want Rock Hill parents and all my kids went through there as you are well aware, Barry, ..the efforts that we are doing with those hallways will help but the air and filtration that comes in when those doors are wide open is going to be very challenging to maintain. Once that becomes a static environment, after the kids load, and we're not opening those doors and changing that ambient temperature ..... huge, huge degree swings that will hold a relative temperature but we will still have because the design does not allow for at this point to really have unbelievable, effective vestibule separation air curtains, that's not in the project So again this is going to bring us to the next tier next but next winter or two years from now when that's finished, and we have the temperatures that we experienced this winter, those hallways are going to have dips that are going to be dramatic both at Highland and at Rock Hill until such time as we re-balance the air because the doors have been shut. I just want people to understand what will come, I mean it will be much nicer because it's going to be insulated, thermal windows and so on but we will still have swings in temperature. They are Florida designed schools in the northeast. Hello! Somebody made a big mistake years ago, and we're trying to fix it in some fashion.

**Mr. Barassa:** And I understand that, and I commend all the work the Board has done and the Committee and all the people involved but selfishly, and I know I'm looking at it narrow mindedly, that's one school. I understand the Town has to fund the whole project but if in fact Rock Hill is in the same boat with every school in Town, when we re-visit it, we're going to be going back to square one that we didn't do in this project and we'll be further behind. The schools aren't getting any younger.

**Mr. Harwood:** I would be remiss as a taxpayer and as a very interested party in what we do in this town that we have a strategic energy approach to how we manage our buildings and that should be a project that goes forward somewhere because we don't do that. That would be a phenomenal return on our investment overall. The amount of oil that we burned this winter is staggering at those schools because of the inefficiencies, and that's something might be a well worthwhile project two or three years from now to invest for long term return, life cycle cost management.

**Chairman Vumbaco:** Thank you.

**Mr. Barassa:** Please vote in favor of the recommended [undecipherable] to the project.

**Chairman Vumbaco:** Thank you. Sir?

**Mr. Glenn Hayes, 3 Summit Drive, Wallingford:** Good evening. I've been in town 28 years. I have two daughters in school. I have a 7<sup>th</sup> grader at Dag. I'm on the P-TAC there. I have a 1<sup>st</sup> grader at Rock Hill, and I'm co-president with Barry at the PTO there, and I'm also one of the room parents. Congratulations to the Building Committee and all you folks. You've done a great job, and please, like Barry said and some of the other folks said tonight, please, don't do anything that would harm the kids and the education now. Please spend the money. I know the first twenty years in Town, it was great; it's a great place to live. That's why I moved into town. The taxes are good. Unfortunately, now that I have kids in school, I'm saying, gee, I'd like to spend a little bit more money to have the schools to where I want them, to have this town grow to have people want to come into town. They're going to want to have good schools. People look at that. That's why one of the reasons I wanted to move to Wallingford in the first place because of the school system. I'm a block from school. I'm probably the only parent that walks a child to school through the middle of winter. My daughter likes to walk that block on the sidewalk. It's great. It's super. I love it. Please, I urge you to spend whatever it takes to do what you need to do to accomplish what you're doing right now. Thank you.

**Chairman Vumbaco:** Thank you. Are there any other comments from the public? [long pause] Then I will declare the Public Hearing closed. And I'll bring it back to the Council. Before I ask for comments and questions from the Council, there's one item, Bill, that I need to get squared away at Mr. Knight's urging. If I look at the February 10<sup>th</sup> spreadsheet that we got in the packet from Turner, the Mayor brought up a good point, the numbers don't jive with what you gave me tonight that we just discussed. If we look at this one, it says February 10<sup>th</sup>, and unless we're looking at the wrong line item but if we look at the line item - total project costs with current project costs adjustments - that would be the number that's the bid number. Correct?

**Mr. Harwood:** Just give me a reference point again, Jim?

**Chairman Vumbaco:** I don't have a line number on here but it's below line number 8. You've got three totals. One that says 'total current project costs adjustments' and you have 'total project costs with current project costs adjustments' and you have the 'savings' and the 'overrun'. Is that the line item of what the bids are?

*[Mr. Harwood's mike is not turned on or is not working properly]*



**Mr. Harwood:** What you should do is refer to the next page and look at total.....

**Chairman Vumbaco:** I'm not looking for total with recommended items, Don. I'm looking for the original....what would be the total amount if we do full build? That's the number I'm having a problem because I was given a number \$22,682,000, and if I add up \$5,753,154 and the \$5,289,788 and the \$5,700,405 and the \$5,643,887 that totals \$22,387,234, which is the Ordinance number.

**Mr. Harwood:** Right.

**Chairman Vumbaco:** So what's the difference between that and the project bid cost of \$22,682,000?

**Mr. Harwood:** I think the best way to approach that is Bruce Roth is here from Turner, and Bruce if you could speak to that and clarify that

**Chairman Vumbaco:** That'd be great because the difference here is \$294,000, and I just curious of where we are.

**Mr. Testa:** [off mike] the line above that says 'total'. That's the total actual bid when bids came in to Purchasing and then we made adjustments internally with contingencies...

**Chairman Vumbaco:** Let him speak to it.

**Bruce Roth, Turner Construction:** I think if you look at the last line item that Don gave you the \$20,000,000, if you go to Line Item 2 under 'current project adjustments' where it says Phase B, School Bidding of Direct Work with performance [undecipherable word].....those numbers come to a total of \$2,186,000 which give you that top number that I think you're looking at right now.

**Chairman Vumbaco:** I can't find it. [long pause] \$2,186,000.

**Mr. Roth:** If you add that to your previous budget, your original, that gives you \$22,682,000 is that the number off the top of my head? That gets you to your total, what the actual bid is. I think you're looking at, Mr. Chairman, is you take those numbers down below, that's taking into consideration reduction and redistribution of contingency and also what the bid results are of the technology package. So your true bid is those four numbers from Highland, which equal the \$2,186,000 plus your original budget. That gives you \$22,682,000.

**Chairman Vumbaco:** But if we were to appropriate the full funding tonight, which I am advocating, what would be the amount that we would be funding? \$22,682,000?

**Mr. Roth:** \$22,682,000. Right because I think the bonding ordinance was taken . . . the total project cost with current project cost adjustments is taken into consideration

**Chairman Vumbaco:** We used the wrong number what you're saying when we put this together. Ok. I think that might answer it, Mayor. We used the wrong number but I think that it's a mute point. I'm just trying to figure out to make sure that we're all using the same spreadsheet.

**Mayor Dickinson:** Just so I can understand and maybe this will help others. If the adjusted figure is \$21,689,377 – is that right?-

**Unidentified speaker:** Correct.

**Mayor Dickinson:** That's the adjusted recommended figure from the committee. That would mean the Ordinance amount of \$22,388,000 should be amended and reduced by \$698,623.

**Mr. Harwood:** [Off microphone] Yes, if that's what [undecipherable] wants to do. Absolutely.

**Mayor Dickinson:** So those are all correct

**Mr. Harwood:** Absolutely.

**Chairman Vumbaco:** Everybody happy with the numbers going forward? Ok, we're going to go left, right, left, right.

**Mr. Testa:** Mr. Chairman I just want to get clarification just to make sure. The bids actually came in, I understand this, at \$22,682,000. My question is the \$22,388,000, the adjustments that resulted in that number which I can read 1-8, that section, those are adjustments that have nothing to do with changes in the scope of the recommended reductions. Those are simply administrative adjustments that were made to the contingency and so forth, so in effect, if we did the [undecipherable word] ordinance as we've suggested tonight, we'd still be doing the project as bid with administrative adjustments made by you guys on this spreadsheet.

**Unknown speaker:** Correct.

**Mr. Testa:** Because you're talking about, I'm looking at line 4 the redistribution and reduction of contingency, technology, bidding results, additional CM compensation. That's administrative stuff you did to the bids.

**Mr. Roth:** That's taken before the value engineering.

**Mr. Testa:** Right.

**Mr. Roth:** It's line items 9-30.

**Mr. Testa:** Right. But if we wanted to do the bid as it came in, the scope with no changes, you've made some adjustments administratively, \$22,388,000 would be sufficient because that's what the total project costs with the current project costs adjustments is.

**Mr. Roth:** Yes.

**Mr. Testa:** OK, thank you. Now, if you start taking the recommended adjustments, the recommended quote unquote reductions, that they've come before us tonight with that leaves you down to \$21,689,000, and if you want to go beyond that to get to the quote unquote original estimate, you'd have to take in the other considerations, which were not recommended but are things we could think about. If you followed me, that's it. Unless I got lost.....

**Mr. Roth:** No, I think you're right there.

**Chairman Vumbaco:** That's correct

**Mr. Testa:** Just so we know where we're working from.

**Chairman Vumbaco:** Robert did you have a question?

**Mr. Parisi:** Yes, I'm confused on the numbers. I've heard so darn many of them. Where are we? Did the bond council figure out anything yet? Who's going to figure it out?

**Mayor Dickinson:** I think he can speak for himself. He was asking what figure, you know, I had mentioned earlier. The ordinance amount is \$22,388,00.

**Mr. Parisi:** Right.

**Mayor Dickinson:** The recommended adjusted figure is \$21,689,377. And, I think Vinnie Testa just indicated that the \$22,388,000 would be a figure that would represent just the administrative adjustments rather than anything else coming off the project. Clearly, the bid amount of \$22,682,000 cannot be approved tonight because it is in excess of the ordinance.

**Mr. Parisi:** Thank you.

**Mayor Dickinson:** Can I ask the committee, you have an adjusted recommended figure, what is your reaction to the \$22,388,000 where you are only adjusting administrative...does that expose us to not having enough in various areas, are we gambling in other words, with reducing one area and not the work that will be performed?

- Mr. Harwood:** I think what we find, Mayor, is that the number is going to be dynamic no matter where we go tonight, no matter where we go because what's going to drive our exposure by far is Lyman Hall. Lyman Hall has the most aggressive work, the most hidden conditions and the most potential for change orders. The issue with Craig Schuler and Bruce Hoff and his staff and Temple, and the like, that we've talked about, is how can we be effective managers to ensure that we try to minimize that along with Matt Wittmer is how can we manage that exposure because that's our risk potential. If we are successful, if JCJ with their design documents and their reviews identified most of our exposures and because we have a history, which was actually quite nice, Moses Y provided a history of some hidden and unexpected expenses that we have built into the go forward process. We are already mitigating some of our exposure. My gut feeling is, we're going to be challenged, very challenged, to meet the number at Lyman Hall, not to say that we can't meet it. The other schools in Phase B will probably have limited exposure but we've taken our contingency and brought it down at a very tight threshold to what you would normally carry on a renovation project. It's not up to 7% & 8%. So our contingency, we've already pulled that down. Maybe I'm giving you more facts than you were looking for but we're trying to manage our risk potential. The only exposure that I'm certain of right now is that there's a \$70,000 change that was made by the Board of Education at Lyman Hall on the February 9<sup>th</sup> meeting that's not reflected in here as far as how we're going to make up that \$70,000 at Lyman Hall, and we were dealing with a bogey at Lyman Hall of about \$180,000, and we felt that we would probably be somewhat favorable, but we don't have the numbers in on hazards abatement, our favorability on technology would afford us a little cushion to offset that, and then hopefully we would have some opportunity in contingency, if we don't have a great deal of change orders. That's going to be a tight, tight project over there. Overall, we're running this lean and mean. This is not an overly fat project. If we minimize some of those change orders, and we don't have hidden conditions, we'll do OK.
- Mayor Dickinson:** I do just want to mention one thing. This obviously would not take out the recommended items from the committee. Is that right?
- Mr. Harwood:** That's correct.
- Mayor Dickinson:** And I have to mention one item that I noticed which is the \$72,000 to air condition the cafeteria. No other school has an air-conditioned cafeteria.
- Mr. Harwood:** That was taken out.
- Mayor Dickinson:** But that's one of the first nine, so if we're going to finance the \$22,388,000 that would put that back in as I'm understanding it. It would only be the administrative cost that would come down.

**Mr. Harwood:** Yes, that's correct. You are absolutely right.

**Mayor Dickinson:** I have to raise a concern we've spent time dealing with this transmission line issue and the whole electrical problem that we don't have enough electrical energy, and here we go putting air-conditioning in a large area, which will significantly increase the operation costs to the school, and no other school will have that I'm just sure it's a wise direction to go given all the other issues facing the community. This will put that back into the project.

**Chairman Vumbaco:** If I may, Mayor, it won't because the \$22,388,000 starts with Highland, Rock Hill, Cook Hill and Stevens. That \$72,000 that was taken out is Lyman Hall, and that will get us back to the Lyman Hall budget which was already approved. So that won't go back in. That reduction if you look at the column, there's \$259,700 worth of proposed reductions at Lyman Hall to get us back within the Lyman Hall budget. In that \$259,700 is the \$72,000. \$22,388,000 is just the four schools in B. It has nothing to do with Phase A. So there's no air-conditioning. Don't worry about it.

**Mayor Dickinson:** So that is being done or not being done.

**Mr. Choti:** Lyman Hall is part of Phase A.

**Mayor Dickinson:** I guess I'm confused as to why that shows up on the recommended list for tonight's meeting then.

**Mr. Harwood:** Because what we did in order to give you full exposure, we did the holistic view. We showed you Phase A, B & C with each school having reductions in scope in order to manage within the overall financial picture.

**Mayor Dickinson:** So that has already been taken out?

**Mr. Harwood:** It's gone. It's history. In fact, there's something else that has to come out of there to make up the \$70,000 that got back in by the Board of Education. Something else has to go, so there'll be a meeting with Dave Bryant and Ken and probably Ben Scott if we do it tonight to quickly come up with another deduct.

**Mayor Dickinson:** I think it's helpful also, certainly I didn't understand, and people should understand that Phase A is feeling some sacrifices as well as the other phases of the project

**Mr. Harwood:** You're right. You're absolutely right.

**Chairman Vumbaco:** It's on the Council's table. Are there any questions, comments or concerns on this project? We'll start with Vinnie (Testa).

**Mr. Testa:** Having been on the Board of Education when this started, I remember when it was very difficult to put a scope together, and I seem to remember when the first estimates were put together after the Building Committee started, not the original guesses, but when the first estimates were put together, the scope was looked at pretty hard so I'm hesitant to want to reduce the scope or any of the stuff here that we're going to do because it's all so desperately needed and none of it is luxury. If I had my way there would be a lot more being done but that's not the case. However, if the (Building) Committee has met with the School Board and they've come up with recommendations that are acceptable for reduction, I'm not going to fight with them on that. I would prefer to have this thing approved as the bids came in personally. I don't know how much support that idea has. That's what Mr. Spiteri said as well. I certainly don't want to see us going into the other considerations without a doubt. Mostly I'm just curious. The site work at Cook Hill that was eliminated or is being recommended to be eliminated, what exactly is that?

**Mr. Choti:** Over at Cook Hill, we had because of the gymnasium that we were going to construct over there and the movement of the media center. At the time, because of the way our buildings are utilized, almost 24/7, we were looking at larger, more expansive parking lot on that side. One of the big issues that almost all of the schools has been separation of the bus loop and parking. There is no parking there now. We're going to continue to have parking to a lesser degree. The thought process was as anyone in the construction business knows the site work is very expensive. You see the pavement on the ground but all the money is buried underneath in the pipes. When we looked at the expanse that we were having, Mr. DiNatale was on the Planning and Zoning when we brought this before him and one of the big issues was always are you going to have enough parking when they have their assemblies, and when they have their concerts at night. We tried to put in as much parking as we could to bring it into a value and when we looked at how expansive the parking was, we figured that the easiest thing to do was trim that away and continue to keep the money inside the building rather than out in the parking lot. So that was the rational.

**Mr. Testa:** Can you explain what you were thinking about for Stevens? I understand there were different approaches that you took under the assumption that there were going to have to be some reductions after the bids came in. OK, that answers my questions. Thank you.

**Chairman Vumbaco:** Thanks, Vinnie.

**Mr. Parisi:** I have a quick question. Don, I had some calls to night and the question that I was being asked was how did I feel this thing is going to end up, how close to the \$62,000,000 and I just said that I would ask that question. I see what you have on here (referring the papers). Do you have any different feeling or are you pretty comfortable.

- Mr. Harwood:** The \$62,000,000 is not a realistic number so we won't hit \$62,000,000. It's a matter of what the delta is above that. We anticipate that we'll see a creep based on if you were to accept what has been recommended here, we're going to see the creep here of \$1,200,000 on the Phase B. I would anticipate that we will see possibly a little larger creep in Phase C. My guess is it won't exceed \$500,000 more than what we're presenting to you, and there are a couple things that we had some discussion on, and some of this is the benefit of having a CM (construction manager) that's doing a lot of work right now, such as Turner in the business, They're seeing the market starting to move on some of the materials and some increases that we weren't projecting in this projection. When we're said and done if it holds together and we see a 5% or 5.8% increase here in Phase B, we'll probably see about that in the Phase C projection or just a tad more. I think it probably shakes out at about \$65,701,000. My gut feeling is that if we can come in at \$66,000,000 or less, I think we're going to do well. This is a challenge for Turner as far as I'm concerned is how they're going to manage through this to take their margin because they deserve margin for doing their business with us and there're proper markups on their payroll and how can we manage this more efficiently and drive this down in change orders.
- Mr. Parisi:** I have one more question. What is the term delta mean?
- Mr. Harwood:** Just the difference, the bogey, the variance. It's used in the trade. It's the bubble, and it's going in the wrong direction.
- Mr. Parisi:** Well, bubbles usually go up. Thank you.
- Chairman Vumbaco:** Are there any other questions from the Council?
- Ms. Doherty:** You said you started with the estimates in November 2001. Is the biggest increase basically from inflation? It looks like it's higher than that.
- Mr. Harwood:** No, it's not only inflation driven. Some of the site work, if you went back and culled through the numbers, you'd see a fair amount of creep in site work. We had some creep in electrical. There are specific trades, HVAC, we saw some creep. It could be the price of materials. It was favorable forecasting and the markets moved a little, not a lot so even if we said that 3% is related to inflation across the board, it represents multiple years. It's probably not a bad number over multiple years and then just the cost of doing business for the company's that are the bidding, like their payroll or their healthcare. It's those types of things and raw materials.
- Ms. Doherty:** Thank you.
- Mayor Dickinson:** Just an observation, I think if it's \$5,000,000 on approximately a \$60,000,000 project, that's about a 20% increase. And if you had 3%

inflation each year that's about 9% over the course of three years or so. We are above what certainly we all ideally like to see. No one is to blame for it I know that there are a lot of vagaries in construction. It is pushing the upper reaches of what we'd really like to see in terms of reasonable increases due to the lapse of time.

**Mr. Harwood:** Help me with that. \$5,000,000 is not 20% on \$60,000,000. In fact, it's less than 10%. It's about 9.65% and that's doing the math in my head, and we're going to try to do is hit the number at somewhere about 5.8%.

**Chairman Vumbaco:** I think if you do the \$65,700,000 and subtract out the \$62,100,00, which was the original budget and take it as a percent of \$62,100,000, it's 5.8%.

**Mr. Harwood:** Yes, exactly.

**Chairman Vumbaco:** I think that's what you have as a target.

**Mr. Harwood:** And that's what we're shooting at. We saw the potential of a 9% bogey and to me that's not even acceptable in private industry but when you're looking at a 5% plus or minus over a 3-4 year window depending on where on where these numbers came from, it's not a terrible skew in the picture. It's just not. It's big numbers when you're talking a million bucks but when you put it against \$62,000,000 or \$63,000,000.

**Ms. Papale:** I understand that the construction rep that was on this committee has been retired.

**Mr. Harwood:** There has been no construction rep that has worked for the Building Committee. There was a construction representative that the Board of Education hired, and I'm not sure of the status of that individual.

**Ms. Papale:** Well, I was led to believe that the Board of Education was the one that hired this person. Unanimously, he was voted to have the job and why is it not necessary to have him there now?

**Chairman Vumbaco:** That should be answered.

**Mr. Harwood:** The only thing that I could give you is my opinion related to the need of an individual. I would be more than willing to that. It probably won't be the most friendly response.

**Chairman Vumbaco:** Mr. Henrici or Mr. Votto either or, or both.

**Mr. Henrici:** Yes, as you probably know there is a construction liaison position. There was an individual in this position that over the course of time we felt was not the best fit for this position, and therefore, we felt we wanted to move in another direction in terms of an individual for this position. I want to make it very clear that we're talking about an individual not the position



itself. In my judgment, I've said this publicly a number of times that this position is very valuable to maintain a liaison with the Board of Education, and we hopefully with the Board supported Building Committee's support will continue with this position with a different individual.

**Ms. Papale:** It's not that he was let go for the committee to save money. You just don't feel that he did his job correctly, and you're hiring somebody else.

**Mr. Henrici:** Yes, this was not an economic decision, and it was looking at the position. We were considering obviously redefining the position. There's an awful lot of paperwork that's involved. We know that we're considering a rep that will provide all the paperwork to my secretary to file progress payments with the EDO-46 so given some of the changes in this situation and in looking at this particular individual we felt it was best to find a better fit for this position given those changes.

**Chairman Vumbaco:** Thank you, Ken.

**Ms. Papale:** I can go back to the Building Committee. The only roofs that are going to be done by the Building Committee by this project, there's only two roofs?

**Mr. Choti:** Correct. And there reason those two roofs are being done is the roof at the cafeteria was requested on the original scope of work and there was some repairs that needed to be done on the original scope of the boiler room, and it was determined that the work was so extensive that it was easier to just replace the roof.

**Ms. Papale:** I don't know too much about roofing, and I know there's many different types, but somebody asked me to ask the Building Committee, why aren't you using standard steel instead of whatever it is that you are using. I don't know if that's a legitimate question. I know nothing about roofing.

**Mr. Choti:** I would venture to say that you were probably someone who has a alternate or a different opinion on the design and construction materials that the designer, JCJ, has chosen.

**Ms. Papale:** I was just told that money could be saved.

**Mr. Choti:** I am sure that if I put four engineers or architects in this room that I could get four different opinions as to whether or not your particular counter up there was correctly designed and built for this room. That's just the way things are. We felt that it was more constructible to use this type of method. If our architects had recommended that we do something else. If Turner came to us, and when they reviewed the bid specifications, felt that it was more appropriate to use a different construction method, they would have RFI-d (it) to the architect. The architect would have then gotten into a discussion, and it would have been a heated one, especially if we could

have saved money on it, and that's how that process will go but I'm sure in our \$62,000,000 project you could find 62,000,000 varying ideas as to how and why the project was designed, and the specifications for the materials placed in this project.

**Mr. Harwood:** If I can add to that a very important element. When we began the projects at Dag, Moran and Yalesville, Jerry Powers was supervisor there and was absolutely adamant that we do a four ply built up roof, absolutely adamant. When we approached this project, it was the same philosophy that was brought forward is there is no other roof. That is what the roof will be, so I think that this is really the essence of the answer. Bill is being very diplomatic but that has nothing to do with our selection of the roof. It was because that was what was specked, asked for and said that was what was going to be. It was extremely heated many, many times and there's the answer.

**Ms. Papale:** It was just brought to my attention that maybe money could have been saved by using a different roof. I know nothing about the constructions of roofs but when people ask me questions, and I don't know the answer I have to go to the people that know the answer. I'm sorry, you sound upset.

**Mr. Vumbaco:** Don.

**Mr. Harwood:** Matt Wittmer, do you want to speak to why we're doing what we're doing?

**Matt Wittmer, Jeter, Cook and Jepson:** I do want to just add to Don's comment. Don is absolutely right that certainly Jerry Powers did recommend that we go with a four-ply built up roof, which is really the most appropriate and best roof for the application of low slope roofs that we are doing. It's the proven workhorse of the industry. To answer your question, Iris, we certainly could have done a less expensive rood system. Currently what we are dealing with now on many of the schools is a membrane roof that was put on about ten years ago and it is a less expensive roof and unfortunately a lot of those roofs are going. There are some issues involved with those roofs. The four-ply built up is by far the industry standard for this area and it is a little more but it is a far superior product over the twenty years that you are looking for.

**Ms. Papale:** Thank you.

**Mr. Harwood:** There is also a major push on the state level to address roofs. Mr. Gaffey from Meriden is pushing it. They had a hearing last week on what roofs will be in the future and what the state is going to support and so on. It's a real hot potato going forward.

**Mr. Knight:** In reading through the material I was interested on getting a little more information on how some of the decisions were made and you were very thorough with some of the accompanying information and what I found

most interesting were some of the staff/administration comments. In some cases I saw where in the second group of other considerations, some of those seem to meet with approval from the staff and administration, not big ticket items, but I'm taking Cook Hill, for instance, deferring air-conditioning system at the administrative office. That seemed to be something that met with the approval of the staff and administration and yet it doesn't find its way into the recommended cuts and I wondered what's the thinking in the background on that.

**Mr. Harwood:** There's a couple of things that come into play. One is from a business perspective, there's probably no one that works in industry or business that works twelve months a year that doesn't have air-conditioning, including this Town Hall. Administration at the schools also work a 12 month window, although they have their vacation times certainly. It's an appropriate approach to provide them with an efficient environment for them to work. That was the approach from us. The other thing the principal at Cook Hill is fabulous. She's retiring this year so what's left behind is for someone else. We have to look at not an individual recommendation in fairness but we need to look at what's the right thing to have effective business operations run.

**Mr. Knight:** How did these come up in the first place then if you weren't going to recommend them? Where did these potential reductions come up?

**Mr. Harwood:** It was in discussion.

**Mr. Knight:** So these other things weren't necessarily seriously considered, they were just considered. Is that what you were saying?

**Mr. Harwood:** That's fair.

**Mr. Knight:** Despite what the staff might have exceeded to, you voted against it so to speak.

**Mr. Harwood:** We tried to be fair. We put things in that got floated to the table as far as what we should do. Voting against it- we just didn't consider it.

**Mr. Knight:** All right. Thank you.

**Mr. Vumbaco:** Are there any other questions or comments from the Council? Ok, I have a couple of questions. They'll be short. I need to know from Mr. Votto or Mr. Henrici, what did the Board of Education recommend for tonight? If we were to go with the first round suggested cuts and bring this project down to \$21,689,377, is that livable and do-able without affecting programming. Are the principals on board? Are the administrators on board? That sort of thing. Mike, maybe you want to address that? You and Ken.

**Mr. Votto (Chairman, Board of Education):** Mike Votto, 377 North Elm Street. Myself, the principals, Mr. Henrici, Jim and the Chairman and the Vice-Chairman of the Building Committee met and we discussed all these proposed changes. The principals came in with their recommendations. The Building Committee actually presented these to the principals and then the principals had a chance to go over them and make any changes that they thought would be better. Again they don't directly affect any programs.

**Mr. Henrici:** I would like to echo that In a perfect world and with money available, we'd like to fund everything. We realize the economic realities, so what we tried to do is develop an inclusive process. We had meetings not only with the principals but we asked the principals to consult with staff and parents as well so that there was input from all parties involved. We did so and we can live with adjustments.

**Mr. Vumbaco:** Thank you. The second question I have is for the bonding attorney. I think that Mr. Fasi can answer it. Are we going to meet all of the requirements for reimbursement to the state when we send them this paperwork? I know there are still some issues with Moses Y for reimbursement purposes because of minutes and what's stated, and I just want to make sure going forward that we do this so that when the time comes, and we want to start collecting on our reimbursement that we have the state on board with it, so that when we file for it, we get the cash.

**Atty Fasi:** That issue is still under discussion with the state as I understand it in talking with Mr. Swetcky, and I think that with this amendment, the state should be on board but whether or they will be on board is another issue. They may want to wait. As I understand it, the outstanding issue is whether or not they are going to wait until the final amendment to this Ordinance in order to start reimbursing us and that I don't really understand. We should at least be getting the reimbursement for the schools that have been under progress to date.

**Chairman Vumbaco:** I had a discussion with Joe (Joseph Swetcky, Comptroller) today too and that's the understanding I had too...that the state is still debating it. I don't understand.

**Mr. Harwood:** Just to give you the perspective here. This is eleven (11) separate, independent projects.

**Chairman Vumbaco:** That's correct.

**Mr. Harwood:** That's how it was submitted to the state so it has nothing to do. We get caught in stupidity is what happens here because they should be funding as you fund a site. That's how it was voted on by the state. We have individual numbers for each one so somebody is asleep at the switch outside of this group certainly. It's up to the state. That makes no sense to anybody. None

**Atty Fasi:** I've never seen the situation where the state has denied a Town's allocation of an appropriation to projects before and decided that they are going to make up their own. I honestly don't know where that's coming from.

**Chairman Vumbaco:** That's my concern because in speaking with Joe today, we're out about \$7,000,000 of the bond money that we put out for Moses Y. We haven't gotten a dollar back from reimbursement yet because of these issues with the state. I'm not sure but I think that's one of the things that has got to be top priority, and whether it comes out of the Comptroller's Office's, the Board of Education's Office or a combination of the whole group because not to be collecting back on our 42% of \$7,000,000 is absolutely absurd at least in my perspective. You answered my question. Thank you.

**Mr. Votto:** Just one more thing. Please also know that the principals are still looking at their schools at their project and still trying to find ways to save money. They're still looking at things that they might think... well, maybe we can do without this and they are going to come back to us and let us know, so this is an ongoing thing. Everybody is working together which I think is very good. Everybody is on board with each other.

**Chairman Vumbaco:** Ok. Thanks, Mike. Bill

**Mr. Choti:** Yes, Mr. Chairman, back to the bonding issue, my conversations with the State of Connecticut that they were interested in seeing the Town approve in their minutes each project by number, so if tonight, you approve the money for Phase B you may want to put a motion out for each one of the schools based on its project number to alleviate any concerns that the state has. We have electronically filed the first EDO-46 for payment through the Board of Education Offices and that has been accepted electronically by the state. We were under the understanding that we were supposed to see money in 30-45 days, I believe that was the term that we had heard. I'm not going to put any kind of guarantee on that being with the way the state is in the situation its in but the paperwork has been filed for the first payment for Moses Y. Beach. Because it was accepted, at this point I am going to hope that we will see a check.

**Chairman Vumbaco:** Thanks, Bill. Attorney Fasi, would we be able to amend if we were to go forward with that? Just so that we have additional information we can provide the state?

**Atty Fasi:** I think you can do that as a separate resolution, following the adoption of the amendment, approve the projects by project number.

**Chairman Vumbaco:** All right. Thank you. Are there any other comments or concerns from the Council? We are going to take a quick five-minute break here just to get all our ducks in a row and then we'll back in five minutes.

*Break*

**Chairman Vumbaco:** Ok, we can reconvene the meeting. Before we make a motion, I want to commend the Council Building Committee, the Board of Education and all the staff as far as Mr. Henrici and his group, the principals and everyone else because this was to me a collaborative effort. There was a lot of work and a lot of discussion and a lot of meetings that went into this, and I think we'll be coming up with a pretty solid, workable product. From my perspective, and I'm sure I'm speaking for all of my colleagues up here, we thank you for your time and effort. Joe, did you have something?

**Atty Fasi:** Two things, one very minor. May I suggest that you close the Public Hearing. Secondly, just so that the record is clear, may we have a motion and a second for the Ordinance that's on the agenda for tonight? The Clerk's records do not reflect a motion and a second.

**Town Clerk, Kathryn Zandri:**  
We did a motion to read to accept the reading of the entire Ordinance and to read the title in Section 1.

**Chairman Vumbaco:** I'll entertain a motion that we close the Public Hearing.

**Ms. Papale:** So moved.

**Mr. DiNatale:** Second.

**Chairman Vumbaco:** All in favor.

*Ayes. (no roll call given)*

**Chairman Vumbaco:** All opposed. So moved. I'll entertain a motion to ... (side bar: What do you want, Joe?)

**Atty Fasi:** Proposed Ordinance. A motion to adopt the proposed Ordinance.

**Chairman Vumbaco:** I'll entertain a motion to adopt the Ordinance ...

**Atty Fasi:** .....as proposed.

**Chairman Vumbaco:** ....as proposed.

**Mr. Fasi:** And now we need a second

**Mr. Knight:** Second.

**Chairman Vumbaco:** All in favor..... opposed

**Atty Fasi:** No, no, no, no.

**Chairman Vumbaco:** No, we're not voting yet.

**Atty Fasi:** Just a motion and a second. Now that's the motion that's on the agenda. Now...

**Chairman Vumbaco:** Now we're going to make the amendment. Thanks, Joe.

**Ms. Papale:** I'd like to make the motion to amend the proposed Ordinance by substituting in Section 1 the amount \$44,081,377 for \$44,780,000 and \$44,531,377 for \$45,230,000 and to incorporate these changes throughout the Ordinance.

**Chairman Vumbaco:** We have a motion. Is there a second?

**Mr. DiNatale:** Second.

**Chairman Vumbaco:** Any discussion on the motion. This motion will be funding the Project B for the amount of \$21,689,377. May we have a Roll Call Vote, please?

**Town Clerk, Kathryn Zandri:** And that was Di Natale who seconded it, right?

**Mr. DiNatale:** Yes.

**Roll Call vote:** DiNatale – yes; Doherty – yes; Farrell – yes; Knight – yes; Papale – yes; Parisi – yes; Spiteri – absent; Testa – yes; Vumbaco – yes.

**Chairman Vumbaco:** The motion carries. We're now going to have four separate motions.

**Atty Fasi:** That's the amendment. You just amended the proposed Ordinance.

**Chairman Vumbaco:** Now we have to vote on.

**Atty Fasi:** Now vote on the Ordinance as amended.

**Chairman Vumbaco:** We have the original motion of the floor for vote. We'll have a Roll Call Vote.

**Town Clerk, Kathryn Zandri:** Do we need a motion and a second as amended.

**Chairman Vumbaco:** Yes, we did.

**Mr. Testa:** We did them both.

**Town Clerk, Kathryn Zandri:** We're all set for a vote. DiNatale -- yes; Doherty -- yes; Farrell -- yes; Knight -- yes; Papale -- yes; Parisi -- yes; Spiteri -- absent; Testa -- yes; Vumbaco -- yes.

**Chairman Vumbaco:** Are we all set, Joe? Now we're going to do the four individual schools just to cover for reimbursement purposes.

**Ms. Papale:** To approve Highland Elementary renovation for \$5,721,254.

**Mr. DiNatale:** Second.

**Chairman Vumbaco:** We have a motion and a second. All in favor? Opposed? **Motion carries.** (*Mr. Spiteri was absent.*)

**Ms. Papale:** To approve Rock Hill Elementary school for the amount for the renovation of \$5,282,288.

**Mr. Farrell:** Second.

**Chairman Vumbaco:** We have a motion and a second. All in favor? Opposed? **So moved.** (*Mr. Spiteri was absent.*)

**Ms. Papale:** To approve Cook Hill Elementary School for renovation for the amount \$5,585,205.

**Mr. Farrell:** Second.

**Chairman Vumbaco:** We have a motion and a second. All in favor? Opposed? **So moved.** (*Mr. Spiteri was absent.*)

**Ms. Papale:** To approve E. C. Stevens Elementary School for renovation for the amount \$5,100,630.

**Mr. Farrell:** Second.

**Chairman Vumbaco:** We have a motion and a second. All in favor? Opposed? **So moved.** (*Mr. Spiteri was absent.*) Thank you all for your indulgence, and we now will go to Item #14.

Item #14

**Ms. Papale:** #14 is a report out by the Assessor on the Upcoming 2004 Revaluation to be Performed by Vision Appraisal Technology Services brought to us by the Comptroller.

**Shelby Jackson, Wallingford Assessor:** Thank you for this opportunity to address the Town Council and the public. With me this evening is Wallingford's Chief Appraiser, Dennis Levesque. We are here to give a brief report on a



project that we are about to begin...the revaluation project for the 2004 grand list. The town has selected the firm of Vision Appraisal Technology to assist us with this project. Many people may not realize so it's important to get this information out to the public. Since 1997 Connecticut law has required municipalities to perform a revaluation of real estate every four years. Prior to 1997, the requirement was every ten years. The project we were not undertaking represents the first time that Wallingford will perform a revaluation under the four year cycle. To ensure the success of this project, the Comptroller has established a Revaluation Committee that will guide and monitor the project from start to finish. The Committee consists of senior managers from within the Department of Finance and Visions Project Supervisor, Mr. Ronald Moida. He was here and left because he has a long commute. The Town of Wallingford controls this project. Vision Appraisal is assisting us. This Committee is the body which will direct Vision Appraisal and maintain the necessary control over the process.

A brief overview of the phases of the project are – the purpose is to establish a new market value for all real estate. Market value – What is market value? In layman's terms, it is the most likely price you can obtain for your property if it were offered for sale in the open market. To ensure that we assign accurate market values for all real estate, we'll be doing the following. The first step is verification of data that we now have on everyone's property. Over the next month we will be mailing what is called a data verification form to every residential property owner. These forms will contain relevant information about one's property, information that we will be using to establish new market values. Property owners will be asked to review the information, and if correct, retain this document for future reference. Should there be a question, or if the information is not correct, property owners will be asked to respond. Property owners should only respond if they are asking us to change the information. Any changes will be checked and verified. Vision Appraisal and assessing staff to ensure that we are using the most accurate data will review the forms that are returned and in some case a property inspection may be necessary before we can change the records.

For commercial and industrial properties, we will be sending an income and expense report. Income and expense information is very relevant in determining market value. In fact under Connecticut law, the assessor is required to collect and review this information for certain income producing properties. Under Connecticut law, once filed with our office this information is held as confidential. As these reports are filed, Vision Appraisal and our assessing staff will review this information to endure accurate evaluation of these commercial and industrial properties as well. A very important phase of this project will be to analyze market sales. Properties that sell in the Wallingford market will be analyzed, inspected and studied. To consider when establishing the market value of a property is to observe what other similar properties actually sell for. We will

carefully analyze every such sale as part of the project. We will analyze every property sale occurring between October 1, 2003 through October 1, 2004. We want to fully understand the conditions under which each sale takes place. We also want to understand the characteristics and the condition of that property at the point of sale. All sales properties will be fully inspected including a complete interior and exterior inspection. Prior to inspecting these sales properties, we will send by mail a sale verification form. This document will do a couple of things. First it will inform the property owner that Vision Appraisal is working in their area and will be requesting an interior inspection. Secondly, it will record for us the conditions under which the sale occurred. All Vision personnel assigned to inspect properties will carry a photo identification along with a letter signed by the assessor verifying that they are assigned to the project. They will also be registered with the Wallingford Police Department. Further, no interior inspection will be performed unless an adult is present. We spoke about the sales properties and how we will conduct an interior inspection on those properties. All other properties will receive an exterior inspection. Under the four year cycle requirements, we do not have to perform an interior inspection of all properties but we will conduct the exterior inspection of every Wallingford property. Under this phase of the project, a qualified revaluation employee will physically view each property from the exterior confirming much of the information upon which our new market value will be based.

During this phase of the process, we will also begin the process of assigning new market values. We anticipate that the new market values will be established by the end of November of 2004. Wallingford residents should expect to receive a written notice indicating the new market value of their property. It is anticipated that this notice will be mailed to property owners the last week of November 2004. After receiving this notice, property owners will be able to meet with Vision Appraisal to review the values or to just simply answer questions. When warranted, adjustments will be made. This is what we refer to as the informal hearing process. For those property owners attending an informal hearing, a second notice will be sent. If a property owner is not satisfied with the results of the informal hearing, they are entitled to file for an appeal before the Wallingford Board of Assessment Appeals. To do so a person must file a written application by February 29, 2005. Those applications are available in the Assessor's Office. These new values will form the basis of the 2004 Grand List. The market value we establish as of or effective as of the date, October 1, 2004.

Finally, in addition to leading and monitoring this project, personnel in the assessing division will be compiling a Grand List as though revaluation were not occurring. While Vision Appraisal is compiling new market values as of October 1, 2004, we in the assessing office will also be compiling valuations based on factors we established during our last revaluation. This is an important function. And the reason we need to do

this is it's really the only way that we can accurately measure the actual growth in the Grand List. This concluded my overview of the project. We would like to come back in the future as the project progresses to give the Council a status report or another update. At this time if there are any questions, we'd be glad to address them.

**Chairman Vumbaco** thanked Mr. Jackson and called for questions from the Council.

**Ms. Doherty:** This same company was the one that did the last one that we had, and I understand that there are quite a few houses that were not entered into for the valuation for the assessment.

**Mr. Jackson:** I'm not sure I know what you mean by not entered into.

**Ms. Doherty:** They were supposed to be going into the houses as opposed to drive-bys. And apparently there were quite a few where they were not going inside houses.

**Mr. Jackson:** I can tell you the process that we followed last time in order to gain entry, and of course, it is the property owners right to refuse entry, if that's what they want to do. Vision Appraisal was required to make three attempts. After the first attempt, a door hanger – a notice that we hang on the door and it says that an inspector was there that day and please call this phone number to schedule an appointment. The inspectors were then required to go back a second time that day. The third attempt was mandated that it be after 5 P.M. or on a Saturday. Still there were properties where no one was home and Vision just couldn't get in. In that case, we sent a letter and did what's called a certificate of mailing on those properties informing the property owner that we have tried to get in on several attempts to so the inspection and again asking them to call a number to schedule an appointment. We followed up with those that responded but there were still some who did not respond. Under the contract that is all that Vision is required to do is to make those three attempts.

**Ms. Doherty:** So they can call you and leave a message. I was one of those people.

**Mr. Jackson:** I would like to add that we had a pretty high entry rate compared to other projects in the area and the reason I believe is because we followed the three attempts and the letter. A lot of projects don't go to that extra step and we felt that it was necessary. We invite anyone to call the assessor's office if they have questions.

**Chairman Vumbaco:** Thank you for coming.

**Mr. Farrell:** I move that we adjourn.

**Ms. Papale:** Second.

**Chairman Vumbaco:** We have a motion and second to adjourn. All in favor? Opposed? So moved. Thank you. Good night.

The meeting adjourned at 12:03 A.M.

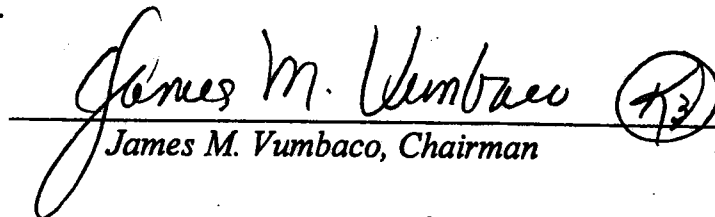
Recorded by Anna Nolan, Interim Town Council Secretary

Transcribed by:

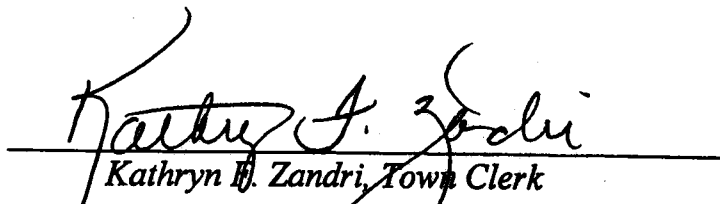


Sandra R. Weekes  
Town Council Secretary

Approved by:

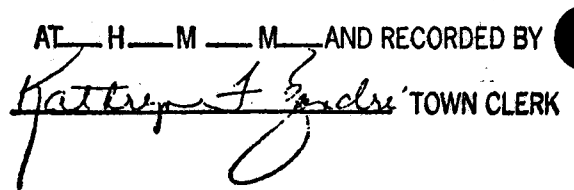
  
James M. Vumbaco, Chairman

Date: 2.8.05

  
Kathryn J. Zandri, Town Clerk

Date: 2.8.05

RECEIVED FOR RECORD 02-04-2005

AT \_\_\_ H \_\_\_ M \_\_\_ M AND RECORDED BY  
 TOWN CLERK

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**AMENDMENT TO CHAPTER 62 "ALCOHOLIC BEVERAGES"  
OF THE CODE OF THE TOWN OF WALLINGFORD**

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Chapter 62 of the Code of the Town of Wallingford, "Alcoholic Beverages" is hereby amended by the addition thereto of a new Article IV.

**ARTICLE IV  
Temporary Seasonal Outdoor Sidewalk Dining as an  
Accessory Use To Restaurants**

**Section 1. Definitions.**

- A. **ALCOHOLIC LIQUOR** means alcohol, beer, spirits and wine as defined by §30-1 of the Connecticut General Statutes.
- B. **RESTAURANT** means a space in a suitable and permanent building kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, not including such places or establishments where drive-up service, window-counter service or curbside service of food is provided. If alcoholic drink is served in any restaurant, it shall be as an adjunct to the primary function of serving food and operate under a restaurant liquor permit as provided in §30-22 of the Connecticut General Statutes, as amended, and comply with all Liquor Control Commission regulations appertaining thereto.
- C. **OUTDOOR SIDEWALK DINING** means dining on a public sidewalk, after approval of the Town Council of the Town of Wallingford, where alcoholic liquor is served by waitstaff of a restaurant holding a permit from the Department of Consumer Protection, Liquor Control Commission, allowing the retail sale of alcoholic liquor.
- D. **PUBLIC SIDEWALK** means any portion of the street between the curb and the adjacent property line, including any space beyond the property line, devoted to and intended for the use of pedestrians and for purposes of this ordinance, shall be limited to the following:
  - (1) The easterly sidewalk of North Main Street from Academy Street and westerly sidewalk of North Main Street from Church Street southerly to Center Street including the sidewalks located in the Simpson Court area;
  - (2) The northerly sidewalk of Center Street from North Main Street easterly to Wallace Avenue and southerly sidewalk of Center Street from South Main Street easterly to Fair Street;
  - (3) The northerly sidewalk of Center Street from North Main Street westerly to North Colony Road and southerly sidewalk of Center Street from South Main Street westerly to South Colony Road;

(4) The northerly sidewalk of Hall Avenue from North Colony Road westerly to North Cherry Street and the southerly sidewalk of Hall Avenue from North Colony Road westerly to North Cherry Street;

(5) The northerly sidewalk of Quinnipiac Street from South Colony Road westerly to Washington Street and the southerly sidewalk of Quinnipiac Street from South Colony Road westerly to Washington Street.

E. ADJACENT means the public sidewalk which is contiguous with the frontage of the premises of the restaurant.

## Section 2. Application Provisions.

A. Application forms shall be made available in the office of the Town Council of the Town of Wallingford, Room 220, Town Hall, 45 South Main Street, Wallingford, CT 06492.

B. A completed application shall include the following:

1. A copy of the deed or lease or other satisfactory evidence of proprietorship of the existing restaurant establishment;

2. Certificate of Insurance naming the Town of Wallingford, its officers, employees, agents and assigns as the additional insured party. Said Certificate of Insurance shall be in a minimum amount of \$2,000,000 against any and all damage and injury to property or person by reason of or related to the applicant's use of the public sidewalk.

3. An executed agreement to indemnify and hold harmless the Town of Wallingford, its employees, officials, and/or agents from any and all claims, actions, injuries or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the operation of outdoor sidewalk dining under this article.

4. A drawing to scale of the area for which the application to occupy the public sidewalk is made showing its dimensions; the number and placement of tables and chairs; the door which will lead out on to the dining area and whether the exit is from a dining room or a bar room; and the placement of a railing or other divider showing the area to be devoted to outdoor sidewalk dining and the area remaining for use by pedestrians.

5. The railing or other divider shall be constructed of sufficiently sturdy material and design as to prevent or discourage restaurant patrons from entering or exiting the outdoor sidewalk dining area except through the restaurant.

6. Any other information that may be deemed necessary to evaluate the application.

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### **Section 3. Regulations.**

Restaurants wishing to serve alcoholic liquor to their patrons on the public sidewalk must make application to the Town Council of the Town of Wallingford for permission and must, if permission is granted, comply with the following regulations:

- A. The outdoor sidewalk dining area must be adjacent to the restaurant.
- B. The service of alcoholic liquor in such outdoor sidewalk dining areas must be accompanied by a food purchase and must be performed by waitstaff only.
- C. All alcoholic liquor must be placed or situated on the dining table and must be in plain glasses, plain cups or other plain containers.
- D. The outdoor sidewalk dining area must be separated from the remainder of the public sidewalk by a railing or other divider which shall be at least 30 inches in height and be so configured that the entrance and exit to and from said area be through the restaurant.
- E. No alcoholic liquor advertising may be displayed in the outdoor sidewalk dining area and no umbrellas or awnings containing such advertising may be situated over the tables or chairs in said area.
- F. The area of the public sidewalk remaining for use by the public must be wide enough to permit travel by persons in compliance with the Americans with Disabilities Act.
- G. The outdoor sidewalk dining area may not be occupied later than 11:00 p.m. and all furniture, railings or other dividers and like appurtenances must be stored inside the restaurant by 11:30 p.m. Tables, railings and chairs may be placed outside between 9:00 a.m. and 11:00 p.m.
- H. Litter emanating from the outdoor sidewalk dining area must be collected by the applicant at all times.
- I. Outdoor Sidewalk Dining is effective from April 1 to October 31.

### **Section 4. Revocation.**

Any permission granted by the Town Council to operate an outdoor dining facility may be revoked for any of the following reasons:

1. Violation of any regulation under Section 3.
2. Failure of the applicant to maintain good order and proper conduct of outdoor dining patrons.

3. False information supplied with the application.
4. Any activity or event which is at variance with information submitted in the application process or which causes the Outdoor Sidewalk Dining operation to be in non-compliance Sections 2 or 3.

**Section 5. Duration.**

This article shall be effective until January 15, 2005 unless extended by action of the Town Council.

**Section 6. Effect.**

This Article IV shall supersede any contrary or inconsistent provision in Chapter 62 or in another chapter of the Code of the Town of Wallingford.

I HEREBY CERTIFY that this Amendment to the Code was enacted by the Town Council of the Town of Wallingford this 24<sup>th</sup> day of February, 2004, in accordance with the provisions of the Charter of the Town of Wallingford.

Kathryn F. Zandri  
Kathryn F. Zandri  
Town Clerk

APPROVED: William W. Dickinson  
William W. Dickinson, Jr., Mayor

DATE: March, 2004



MAYOR'S APPROVAL

I hereby certify that the following ordinance was enacted by the Town Council of the Town of Wallingford, on the 24<sup>th</sup> day of Feb., 2004, in accordance with the provisions of the Charter of the Town of Wallingford.

*Kathryn F. Zandri*  
Kathryn F. Zandri  
Town Clerk

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$22,842,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$22,842,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

An ordinance entitled "An Ordinance Appropriating \$22,842,000 For The Planning, Acquisition And Construction Of Town-Wide School System Renovations And Authorizing The Issue Of \$22,842,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" adopted by the Town Council on December 14, 1999 and as amended at Town Council meetings held August 21, 2001, January 8, 2002, June 11, 2002, October 22, 2002, and December 10, 2002 which ordinance is hereby ratified, confirmed and adopted, is amended to increase the appropriation and bond authorization therein by \$21,689,377, from \$22,842,000 to \$44,531,377, as follows:

Section 1. The title of the Ordinance is amended to read as follows:

"AN ORDINANCE APPROPRIATING \$44,531,377 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$44,531,377 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

Section 2. The first sentence of Section 1 of the Ordinance is amended by substituting the amount of \$44,531,377 for \$22,842,000, thereby making the first sentence of Section 1 read as follows:

"Section 1. The sum of \$44,531,377 is appropriated for the planning, acquisition and construction of Town-Wide school system renovations, including facility additions, expansions and space reallocations, approximately in accordance with the project summary approved by the Board of Education at a special meeting held May 24, 1999, to various school buildings including Lyman Hall and Sheehan High Schools, DAG Hammarskjold and Moran Middle Schools, Moses Y. Beach, Cook Hill, Highland, Parker Farms, Pond Hill, Rock Hill and Stevens Elementary Schools, and for appurtenances, furniture, equipment, and design, engineering, and other consultant services or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid, in accordance with the following:

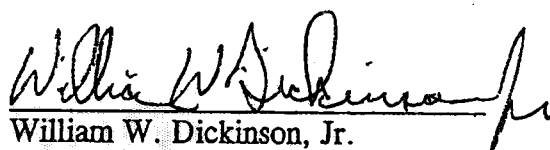
Planning, Acquisition and Construction:	\$44,081,377
Debt Administration:	450,000
TOTAL:	\$44,531,377

Section 3. The first sentence of Section 2 of the Ordinance is amended by substituting the amount of \$44,531,377 for \$22,842,000, thereby making the first sentence of Section 2 read as follows:

"To meet said appropriation \$44,531,377 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date."

I, WILLIAM W. DICKINSON, JR., Mayor of the Town of Wallingford, hereby certify that within ten days after the Feb. 24, 2004, Town Council adoption of the foregoing ordinance, I hereby approve such ordinance.

Dated 2/26, 2004.

  
 William W. Dickinson, Jr.  
 Mayor

Published: 3/3/04  
 Effective: 4/2/04