

SPECIAL TOWN COUNCIL MEETING

February 19, 1987

7:00 P.M.

A special meeting of the Wallingford Town Council was held on Thursday, February 19, 1987, called to order by Chairman Gessert at 7:04 p.m. Councilmembers Adams, Bergamini, Gouveia, Killen, Polanski and Rys were present. Councilmember Papale arrived after the meeting began and Councilmember Holmes was not present. Also present were Mayor William W. Dickinson, Jr. and Mr. Thomas Myers, Comptroller.

Discussion with Auditors. . . . .	1-09
Discussion on Handicapped Accessibility. . . . .	9-21
Discussion on Asbestos Removal . . . . .	21-33

Chairman Gessert began by introducing Mr. Cappelletti, Auditor, and stated that he was available to answer any questions that the Councilmembers may have. Mr. Glen Klocko and Mr. Tom Myers were also present with Mr. Cappelletti.

Mr. Cappelletti began by stating that this year, this is a single audit and explained that this means that all of the funds of the Town, including any compliance audits or grant audits are included within one package. This is new and required by the Federal Government.

Mr. Myers explained that the audit report is really the auditor's opinion on the financial statements of the Town. All of the financial statements are prepared by town staff, in house. He comes in and examines our work and renders an opinion on the financial statements and the condition of the finances of the community. Out of this book, one page belongs to him and that is the opinion page.

Mr. Cappelletti added that page 19 is the Comptroller's summary of the Town's activity. That is what we have total control of. If we feel that the statements do not fairly present the financial position and results of operation of the Town, this is where we would say.

Mr. Myers explained that there are two types of audit opinions. There is a qualified opinion where the auditor will make a comment and say there is some significant departure from accounting practices and principles or the Town is lacking in some significant accounting policy and then there is the unqualified opinion where everything is in order. For the last 5 or 6 years, we have received an unqualified opinion in Wallingford. To the industry, that is known as a clean opinion.

Mr. Gessert asked what their recommendations were.

Mr. Klocko suggested that Mr. Gessert turn to page 101 and it continues to page 104.

Mr. Cappelletti explained that on page 101 there are two or three opinions in a row that are required by the Federal Government for Federal Existent Programs. They are pretty much clean opinions but, there are a couple of federal items that are questioned in the end of this report. On page 104, the comments start and recommendations to the Town. The first one is about the Tax Office and they have already corrected those items.

Mr. Gessert pointed out that he has a severe problem with page 107 and read " we repeatedly recommended to the Electric Division to improve their inventory procedures. These recommendations have not been implemented .....

Mr. Cappelletti explained that they have had numerous problems over the last few years with the procedures of the Electric Division taking their physical inventory and maintaining perpetual records on the inventory throughout the year. We've met with them over this a number of times and the last meeting we had, (December) and my understanding was that these would all be corrected this year. He added that he was told this by Mr. Ray Smith.

Mr. Gessert asked how much time they have to implement a procedure to correct it?

Mr. Cappelletti answered that they should have 60 to 90 days.

Mr. Gessert then asked what would happen if the Council said that until they come up with an appropriate procedure to do that, there would be no more transfers within the Electric Division. Mr. Cappelletti answered that he believed that this would make them do this immediately. Mr. Gessert continued by adding that some of the people in the Utilities Division are the best paid employees in town and yet when he sees something like this and it is repeatedly recommended and obviously if it has been repeatedly recommended it has been repeatedly ignored, is our only leverage to turn around and tell them that we are not entertaining any transfers until this is implemented?

Mr. Klocko added that they have met with all of the departments on these recommendations. We have gone over these by department head level. So, we have met previously in December as Mr. Cappelletti said and addressed it specifically to them and said that they should take care of it at that time.

Mr. Myers added that this is an operational matter and not a fiscal matter. The accounting records are correct. It's a matter of reconciling the actual number of parts supplies and materials in the the actual physical inventory to the accounting records. There is no problem with the accounting records and finance. It's an operational matter and not a financial matter.

Mr. Gessert asked how you get them to comply?

Mrs. Bergamini asked Mr. Cappelletti if they had an outside service to come in and do that inventory for which they paid big bucks? Mr. Cappelletti responded yes and added that he did not know if they paid big bucks and added that they had a lot of problems with that too.

Mr. Cappelletti stated that they came three times to observe the taking of this inventory because, the first time we came it was done with numerous errors. The second time they corrected some of those errors. The second time we came back, there were more errors so we came back the third time to finally get all of the errors corrected but, in our opinion, we should not have to come back three times to get inventory done properly.

Mrs. Bergamini asked that after all of this, did Mr. Cappelletti finally have an inventory figure? Mr. Cappelletti responded yes and Mrs. Bergamini asked that if they had that then why haven't they worked with that and continued that?

Mr. Cappelletti answered that he hasn't checked to see if they have done anything since he talked to them in December, if they have done anything to correct that. He added that he has met with them with Tom Myers and they said they would correct it this year. He was not sure if they have at this point.

Mr. Rys commented to Mr. Myers that he stated that this was not a financial matter but an operational and added if you come before the Council and ask for a couple of more transformers, they don't know what they have down there if you are talking about money.

Mr. Myers added that it relates to money. The problem is in the operational side and not in the accounting side. It's not a finance problem, it is down in operations, the actual counting of materials and supplies.

Mr. Cappelletti added: and the perpetual record of keeping track of what they have on hand at all times.

Mr. Rys added that there is a possibility that they might have a little more or less than what they have listed.

Mr. Myers added that it is the difference between what they have on hand and what is in the books.

Mr. Klocko commented that it has an effect on what information they are providing to you.

Mr. Myers added that as a matter of finance, it is beyond the authority level of finance to go down and direct operations. We can recommend, we can assist, we can tell them, but we can't go down there and physically perform it for them. There has to be a separation.

Mr. Gessert commented that maybe if they have trouble getting their finances approved, then maybe they will get their operations together. Maybe that is the only way to get their attention.

Mr. Killen pointed out that the other night when they were before the Council looking for more assistance, he commented that they had too many chiefs and not enough warriors. We are paying the top people X number of dollars and they get percentage rates on top of that. These gentlemen have broken down some of the sources of the problem they have down there. With all of their chiefs, they can't hand a man a slip of paper with this and say come back to me within 10 days and show me that this has been done. That's all that is necessary. He does not understand why we put up with this.

Mr. Gessert told Mr. Killen that if he wanted him to send a letter stating not to bring the Council any more transfers until you address this problem, he would be delighted to send it.

Mr. Cappelletti suggested that the Council ask for a report to find out if they have implemented any of these recommendations as of now.

Mr. Killen pointed out that they have had enough time.

Mr. Myers added that another alternative that they would have would be to ask Mr. Cappelletti to go down and pull an interim check, or report.

Mr. Polanski asked if they are saying that they spend money and they don't know where the items that they purchased have gone?

Mr. Cappelletti responded that what they do is they buy wire or other parts and put it in the yard. They find the parts and put them into inventory then they use them out on the job. What happens is, they are suppose to keep records of what they received in the yard and then what went out to the jobs. They are not keeping those records properly.

Mr. Polanski added that this is the point he was trying to make.

Mrs. Bergamini added that these things can become very expensive.

Mr. Cappelletti added that he is not saying that they don't totally know. We don't feel they have proper control. The idea is to keep a perpetual record all the time and periodically check that record physically and see if that record is being kept properly. That should be done throughout the year and not waiting to the end of the year.

Mr. Polanski asked how often Mr. Cappelletti thought it should be done and Mr. Cappelletti answered it should be done on a continual basis, monthly.

Mr. Gessert referred to page 13, Pension Fund, and asked how the Town of Wallingford or the Council get a handle on whether we are doing a good job? How do we know if we are getting a good return or not a good return on our Pension Funds?

Mr. Cappelletti responded that he believes they get quarterly reports. The quarterly reports are available on the activity of the Pension Fund. This is a time where certain investments are very good and lucrative so they should be getting a good return at this point. You have a good mixture in your Pension Fund.

Mr. Myers added that they have two portfolio managers, Connecticut Bank and Trust and Aetna Capital Management. The fund is split approximately 50% per manager. He suggested that a letter can be sent to the Chairman of the Pension Commission and ask for a report. He added that they just had a meeting today and received reports from both portfolio managers.

Mr. Gessert pointed out that in the first section they have the cost at \$5.2 million for bonds and notes and the value is \$6,364,524.00 and the second one you have the cost at \$3 million and the value is in round figures \$5.6 million. Does that mean that mean in the second one that they cost us more than they are worth?

Mr. Cappelletti explained that sometimes what happens is that when you buy bonds and notes at 5% and at the time you bought them there is a good return and they are long term bonds and market changes where bonds are going out at 6%, your bonds if you sold them, you

wouldn't get all of your principle back. So, their market value is less but you are still getting your earnings on those bonds as long as you hold them to maturity.

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Mr. Klocko added that this is exactly what is happening. We account for the Pension Fund within our office. I see it personally and that is the exact scenerio. A lot of those are long term bonds and notes.

Mr. Gessert asked if they have seen any municipalities offering people buyouts on their pensions?

Mr. Cappelletti replied that the Board of Ed has done it trying to get early retirement on some people but, he has not seen the municipalities doing that.

Mr. Killen asked why the stocks cost in the market exactly the same.

Mr. Cappelletti answered that he assumes that they are recently bought close to June 30th.

Mr. Klocko added that on these particular ones, they weren't holding many stocks throughout the fiscal year and they purchased most of their stocks at the end of the year. Connecticut Bank and Trust gives us quarterly reports as does Aetna, but their reports show us the market value (very current market value) and Aetna does not. We take the Wall Street Journal and at the end of the fiscal year, we go through the stocks and see what the close was and the compute the amount of stocks we have times the value. I computed this figure and put it in there.

Mr. Gouveia referred to page 5 and asked if we took in more receipts than was expected or was it due to savings in the budget adopted in 85/86?

Mr. Cappelletti replied that that is actually the fund balance at June 30th. He believes that the fund balance increased during the year about \$600,000 and so that means most of that was carried over from the year before. An addition of \$600,000 was added to it so, the year before must have been approximately \$1.9 million.

Mr. Myers explained that concerning the \$600,000, most of it came from the receipts. The departmental budgets produce approximately \$700,000, the balance came from the revenue side.

Mr. Gouveia added that this did not come from anyone doing a good job and saving money.

Mr. Myers added that the departmental budgets have become tighter and tighter over the years. We just haven't allowed on the General Governmental Services side that much growth in the departmental accounts. They have really been held back. He added that he does not see any accounts that are suffering and he thinks they are properly funded but not funded beyond what is really necessary so, any savings that you would get from departmental management is going to be minimum. As we have gone over the budget year after year, it's gotten down to a point where the department line items are really refined. There isn't a large cushion or an account that is over-budgeted when we go into the fiscal year. You are always going to get open positions, you are always going to have a turnover staff where you have someone budgeted at a salary at \$26,000, they leave the service and the new person comes in at \$20,000. You are always going to have fluctuations. That's what is producing the approximate \$700,000. The rest of it is coming from revenues, good tax collections license and permit fees, town clerk fees, real estate transfers etc.

Mr. Gouveia asked what the highest rating achieved by an Administrator was and Mr. Cappelletti replied Aaa.

Mr. Myers commented that this Council and the Mayor have taken some very progressive steps in recognizing long debt position and hopefully to put us in line for an upgrade. That is what we are looking for in the future. That is not saying that we are going to achieve it. Town finances play several major components in the ratings. Town finances are one, National Economics is another and the third are Regional Economics that play a heavy role per capital income. There are factors so that we as Town Administrators cannot control. The economics on the national level, the economics on the local level, we can control our finances. Our finances right now are in line for an upgrading. If

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it was strictly on local finances alone, we would be upgraded but, we have the other economic areas to deal with such as educational level of attainment, per capital income, income average for the community as a whole and some of those are within the parameters for an upgrading and some of them are below. On a positive note financially, we are in line for an upgrading and our last two sales we received interest rates at a lower level as if our bond rating was higher. Our interest rates have been very favorable on our last bond sales, that's why I went to market on them. I took advantage on the fact that our finances are in line. The reason that I mention these in the transmittal letters is because they are very important. It is going to be very important for Wallingford to maintain our fund balance level. That is one of the major financial criteria. The rating community, the financial market place looks for us to have 5% available. We are right on target now. I think this year we are close to 6%, but our budget is going to grow. So, we've got to be looking at maintaining that 2.4, 2.5, 2.6, somewhere in that range, we've got to maintain that figure. That's going to become more and more difficult as we start the budget tighter, as we start to look at our dollars to use against tax rates and that. If we do not maintain that, that's going to be a negative force, financially.

Mr. Cappelletti added that it is important to maintain that level (2.4) because they take that into consideration that if the town is just zeroing out every year with their budget and they have no fund balance, they hold it against you.

Mr. Killen added that we are layman and he does not buy this kind of stuff. They set figures and charge you accordingly. If this town isn't in good financial shape, then there is something radically wrong. You have a statement here that the Mayor and Town Council in adopting the 84/85 budget establish a policy to accelerate the financing and new debt to reduce bond anticipation notes prior to issuance. We've been doing that, we have the surplus.

Mr. Myers agreed and added that it is a negative process. They are not at all positive in their reception to any community because the liability rests with them once they place their rating should there be a failure. They are looking for security. The fund balance is part of the security. In the face of a disaster they don't want you going to the bank to borrow money. This is forcing communities nationally to prepare budgets with the goal in mind of maintaining a certain fund balance level and that is very different from the past where we set budgets to come in at zero.

Mr. Gessert referred to page 7 and stated that if you look at the Light Division, there has been a marked decision to try to shorten the period of financing. That means your payments are higher but your total cost is a lot lower because it is like taking a 15 year mortgage vs. 30.

Mr. Myers added that your total interest cost is lower.

Mr. Cappelletti added that now they are not asking for a shorter life on bonds.

Mr. Myers pointed out that out of the 21 year issue, which is for the Sewer Treatment Plant, we financed that before we constructed it. That's the first project that the Town of Wallingford has financed before it has been completed (permanently). We did not borrow notes on the Sewer Treatment Plant, we sold the bonds up front. Now you are talking about eliminating the mill process, the bond anticipation process, so you don't incur the interest on there. So we felt that we could go out for a longer period of time and if you remember the scenerio at the time we sold the bonds on the Sewer Plant, we phased in the cost to the mill rate and the cost to the sewer rate over four years through 1990. So we have a phase in to pay the debt service on those bonds over a four year period from 1986-1990 and we have our rates structured so that we know where we are going to account for that sewer issue.

Mr. Gessert asked Mr. Myers if we are also going to be able to reduce that?

Mr. Myers answered that we should never even come close to the \$38 million.

Mrs. Bergamini asked about the interest and Mr. Myers responded that we are using the interest to pay off the bonds. We sold the bonds and there was no principle payment for the first two years. The prin-

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ciple payment occurred at the end of the second year and the interest that we are earning on the \$10 million dollar bond we are using to offset the interest expense plus tax rate money, plus sewer use money so, we have 3 sources of revenue going in to support that debt right now. As of early January, we are right on target.

Mr. Cappelletti responded to Mr. Gouveia and Mr. Killen's comments about the funds and replied that these funds are all physically held by the Town.

Mr. Killen added how do we gain anything from an audit if we are not aware that these dollars are available to us? I want to know that if the Town took in dollars that the Town put the money where the money was suppose to be.

Mr. Cappelletti commented that if you are talking about the Electric Division in itself, that is a very large fund. There are large amounts of cash in and out every month. The electric bills that they pay out are about \$2 or \$3 million a month.

Mr. Killen pointed out that the Charter not only will we get their earnings, but we will pay their bills. We would have been liable if they didn't have the \$3.5 million, we would have had to pay it anyhow because that is the way the Charter reads.

Mr. Myers added that the real question here is does the Town have the legal right to extract (Town Council) from the Electric Fund and are those funds available to the Town Council during the budget preparation, yes. At any other time during the year, they are only recommended by the Mayor and approved by the Public Utility Commission. At the same token, the funds came about through the Electric use rate. Should the funds be returned at the use rate level or should they go to the tax rate level? You are artificially inseminating a tax rate with funds that won't repeat themselves in the future year because the Public Utility Commission sets the electric rates and the water rate and the sewer rate.

Mr. Cappelletti added that you have revenues and expenditures. If they increase our rates, they will have higher revenues and if they hold back their expenditures, they will produce a bottom line item and should that be used to offset millrate?

Mr. Killen commented that they are using it to keep their rates down. They are using part of their investment. The State Statute says that "all sales from the sales of electricity, shall be turned over to the Town General Fund". That is the way it reads. If at the end of the day you have taken in \$100,000 or \$200,000, you turn it over to the town and when you have a bill, you present it to the town and the town will pay it out.

Mr. Cappelletti replied that this is what happens now.

Mr. Killen pointed out that it is kept in a separate account.

Mr. Gessert explained that if you look at the bottom line of the whole thing, they generated a great deal of income from their investments. When you get through with their income from investments, costs expenditures and revenues and according to rules, the net income is split. What Mr. Killen is saying is in addition to splitting the net income, if the Town of Wallingford controlled the revenues, especially those they could invest and receive interest, then the Town of Wallingford would get 100% of interest income, not just 55% of the net income.

Mr. Myers added that when the Utility Commission sets the utility rate, one of the factors in the rate is interest income from investments. They don't invest the money, the finance department invests the money. If you take the interest income from the Electric Fund and you put it somewhere else, factor in their rate. It is going to cause an electric rate, a water rate or sewer rate go up. Part of accounting principles say, if you want to run utilities on a business like basis to make a profit, to provide a service at a reasonable rate, at a competitive rate to make a profit, all costs and all income attributable to that operation should be accounted for in that set of books. All of those factors are presently being done in the Town of Wallingford. All costs, all revenues are accounted for in the electric, the water and the sewer sets of books. Those electric, water and sewer sets of books are the Town of Wallingford. They are not some separate corporation, they are not beyond the control of this Council, they are not beyond the control of the Mayor. They are administered by

the finance department. They are the Town of Wallingford. They are not some separate piece. If you take it from part A and you put it over in part B, all you have done is move it from one section to another. You haven't really accomplished anything. 138

Mr. Killen commented that what we have here is the classic confrontation between what is good bookkeeping and what the State Statute and Charter say.

Mr. Myers explained that a utility budget never balances to zero because the generic term Utility Fund. When a community owns utilities, the intent is to make a profit, the intent is not to balance a budget. Why do you make a profit? Because part of that profit is returned back into the utility business, expanding the plant, keeping the plant in good repair, increasing the service area, adding new customers, that is part of the expense of doing business. Where do you generate the funds to do that? You generate them partially from making a profit.

Mr. Killen added that we have been giving them 55% of the money to do certain things and they haven't been doing them with it. We've lost control of it. When the plant ran down hill, they had to come back to the Town and they had to float a bond issue to take care of some of the things that they should have been doing with the 55% that was going to them.

Mr. Gessert added that that was when they were running the plant.

Mr. Myers commented that the Council might want to get involved in the rate setting process when all of these factors are known.

Mr. Gessert commented that with some of decisions that have been been made in that area recently, I think we might exercise a little better judgment than they have.

Mr. Myers added that if you want to exercise control, then you have to be prepared to enter into the rate setting process.

Mr. Gessert thanked Mr. Cappelletti for his input and also thanked Mr. Myers and Mr. Klocko for their input.

#### DISCUSSION ON HANDICAPPED ACCESSIBILITY

Mr. Gessert introduced Mr. Tom Chicoski, Jay Cretella and Roger Rivers.

Mr. Chicoski passed a folder with information regarding what is required in the realm of handicapped accessibility.

Mr. Chicoski began by explaining that P.L. 94-142 is one of the first laws that was instituted and states that in Connecticut every handicapped person between the ages of 3 and 21 is entitled to a free and appropriate education. The main piece of information that I would like to discuss is Section 504, the Rehabilitation Act of 1973. This is the basis for the institution of our building committee and the implementation of handicapped access renovations to the public school system of Wallingford. As you can see, it is a Civil Rights Law whose full title is P.L. 93-112, Title V, Section 504. Mr. Chicoski read from the material that he passed out to the Council, a paragraph which read: Section 504 is often thought to be an architectural barriers law. It is not: it mandates access to programs, allowing a variety of methods to achieve programmatic accessibility. Architectural modification is required only when it is the only way to achieve equal programmatic opportunity. The study that was done was called the feasibility study in 1984 by the architect that was commissioned to do that. From all that we have read, studied, accessed, etc. really attack architectural barriers. From all that we have read and seen, there has been no complete and thorough analysis or effort as to program accessibility. There is a possibility that what you are looking at now or thinking about from the basis of that study, that some of what is put down there as far as architectural improvements that would have to be done, may not have to be done. The thrust is, program accessibility. There has been discussion within the committee that 50% of the buildings have to be made accessible. If you have unequal programs in both of your high schools, and you have the same identical programs then you could handle one of those high schools so that your programs would be entirely accessible. If you have separate and distinct programs in those two high schools, then unfortunately you will have to make both of those high schools accessible. There are a number of other areas

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besides just architectural modification for entrances, exit ways, lavatories, etc. that have to be considered. The Rehabilitation Act of 1973, Section 504, was passed in 1973 with various changes through 1977. In 1978, the State Building Code was modified or amended to include those building requirements that were spelled out per Section 504 so that right now, the current building code that we are using, if you look in Section 315 of the State Building Code, calls out all of the requirements for what you have to have for a lavatory facility, etc. There is a lot more depth of analysis that should have been done as we feel, in that initial report that really needs to be done to insure that the Town is doing the job as properly and completely as it should as required by the Federal Laws. After going over with quite a bit of detail, the Committee have learned from the architects that discussed it with us, and from our own discussions, that even the estimates that you have for 1984, you can't really rely on the figures you have there, just as you weren't able to rely, as we have seen so painfully in the past number of months on the estimates on Parker Farms. What we would like to bring out to the Council and have some discussion back, is that the charge that was given to the Committee for the handicapped access to implement the recommendations that were put in that 1984 study, are not really complete or proper, or thorough, whichever way you want to look at it, to fully comply with the requirements that were enacted by Section 504. Our feeling is that based on the experience of a number of the other school systems in the state, that yes, it is a lot of money to put out to implement the program accessibility requirements. Can you expect to do that in one year? Not rationally. That would be anywhere from a 2, 4 or 5 year program. You need to have a complete and thorough professional analysis on what you have to do, how you have to do it and master plan it. Our feeling is that by commissioning a thorough and proper study with the direction of program accessibility to insure that the Town of Wallingford complies with everything that it should. A study of that type was recommended by at least two of the architectural firms that we had during our interview process. The time frame that you are looking at for a complete review, which include not only the review, the study and analysis of those items that are architectural, but also the coordination of programs to insure that if you had to make some program change within a particular school, that that would be included in the overall plan, so that if you didn't have to make extensive modifications, that you really didn't do that but you did achieve the sum total of the requirements. A study of that type would take somewhere between 6 and 8 weeks to complete. The cost for a complete study like that would probably range between \$20,000 and \$25,000. The study that you have that was done in 1984 was a \$2,000 study. A lot of the studies that you have instituted in recent time for traffic analysis are really in the same vein, is what we are saying here, so that you can effectively look to the future and manage what has to be managed and do it from a professional and organized standpoint.

Mr. Polanski asked if they were meeting with the Superintendent of Schools so that the programs that are offered in one school will be accessible for the students in the other school?

Mr. Chicoski replied that they have requested, since there are provisions in Section 504, that if you have more than 15 employees, there should be a separate 504 coordinator. We have asked the Superintendent of Schools to appoint a 504 coordinator for the Board of Education and he has appointed Mr. Al Cei to be the focal point for feeding things. As far as the coordination of programs, I think that all of the architects that we have discussed, have emphasized that the coordination has to be there between the Board of Education, the Architect and the Committee to insure that everything is fed.

Mr. Gessert asked what kind of information have they gotten from Mr. Cei.

Mr. Chicoski replied that Mr. Shea is still in his learning process. We have asked both the State Department of Education and the State Advocacy Office to send him a large volume of information at which they have so that he can read up and study that. He will not be our guiding light for the Board of Education, but rather a coordinator for things that have to be done directly from the Committee.

Mr. Polanski pointed out that the Law does not state that every building has to be handicapped access as long as the programs are accessible. That would mean that the programs come first which means that any coordination with the building is secondary. You are not going to know which building is going to be the one that needs access if you don't know where the programs are being held.

Mr. Chicoski added that this is why the master plan has to take that into account and then has to be coordinated between the architect making out that study and the Board of Education (Superintendent Office). 140

Mr. Gessert pointed out that what he said was, we have to be able to have the programs accessible, so we have to know where the programs take place. Mr. Rivers agreed. Mr. Gessert continued: If you need to know if they are accessible, the first thing that you have to put on a piece of paper is what programs do we have? The Board of Education, the Superintendent of Schools, all at \$60,000 a year salaries, somebody should be able to create a list of what programs we have. Now you match that list to what schools are accessible. We have Latin at Lyman Hall. Is Lyman Hall accessible to handicapped? Does it have ramps? Does it have stairs? Does it have an elevator? We need to have a \$25,000 expert to tell us if latin is available at Lyman Hall to a handicapped individual?

Mr. Chicoski explained that this is not the total purpose of hiring an outside consultant to do that. The listing of programs that are available is existing knowledge that there is either a document or a number of documents that completely list out all the programs within the Wallingford Public Schools. When you have to consider the location and whether a given program should be retained and/or moved to someplace else.

Mr. Gessert pointed out that the question is, what's the program, what's the accessibility? Once you define the programs, once you define the accessibility to those programs, then all you have to do is make sure the two fit. What has to be done to make those fit?

Mr. Chicoski replied that for something as simple as that, you don't need a consultant. If you have to make a judgment and an assessment of whether or not a program that is inaccessible or accessible, has to be relocated to another area and have that relocation tuned in with the most effective of those. That is where you need someone who has the expertise in knowing what you have to do to a given structure and given location in order to achieve the most effective co-location of buildings and programs.

Mr. Gessert asked if there was anybody within the Board of Education structure that could say that in order to make Latin accessible at Lyman Hall could say that we should cut this ramp, cut this sidewalk?

Mr. Chicoski commented that he does not believe that the Board of Education or the Town of Wallingford has any one with that expertise.

Mr. Gessert added that we recently re-did the toilet facilities on the first floor of this building (Town Hall). To the best of my knowledge, there was not a consultant hired.

Mr. Greg Matuskiewicz, Handicapped Access Committee Member who is confined to a wheelchair stated that he tried to use the facility and found it impossible. He added that there is not even a sticker there that states Handicapped.

Mr. Gessert commented that he was not aware of this.

Mr. Chicoski added that there are certain requirements that various engineers have professional expertise in certain areas and know exactly what has to be done and what would be the effective way to do it. In the building code you have requirements such as basic turning radius, type of toilet, height of lavatory facilities, etc. that are written right into the code. Some of the code requirements, particularly for lavatory facilities, are being changed and the new building code that will be coming out in April to alleviate some of the errors that were put into the 78 code. There could be a simple way and an inexpensive way to do things or a complicated and expensive way to do things. If you have the right professional to guide you and direct the effort, that is what you are paying them for.

Mr. Gessert apologized and stated that he is so cynical lately about consultants that the only thing he can see from a consultant is he is going to figure out the most expensive way possible to do it and then tell you you didn't budget enough money. That is not from your committee, that is from recent experience.

Mayor Dickinson commented that the committee was authorized to hire an architect and the architect is going to give you the expertise necessary to design properly. That is what he is hired to do. The real question is, whether another study is necessary to determine

program accessibility. I don't quite understand the need for another analysis on program accessibility since the assignment of a given program to a school, is not the responsibility of an architect, it's (4) the responsibility of the school superintendent and his staff, ultimately, the Board of Education. If we have schools that are structurally accessible, as long as any program is available in one of those schools, it would seem to me we meet all mandates under the law. The question as to whether a new program should come up in a school that is not accessible, is a question that will always be there 10 years from today. Again, it will be a matter for the Board of Education and their professional staff to make sure that the programs that they assign to schools include any course available in a non-accessible school is also available in an accessible school. I'm not sure I see the role of an architect in determining where programs will be located. If we need a list, it should be a matter for the school personnel to put together, where programs are available and where they are not. All an architect is going to do is talk to the school personnel and come up with the same list they would have come up with on their own. He has no direct school knowledge other than what he obtains from our professionals. As far as a consultant telling us what we should do, we do need one and that consultant is the architect. Whether there should be another study to deal with anything other than structural accessibility, I don't know how an architect is going to determine anything other than what our professional staff can tell us.

Mr. Cretella replied that their professional staff are not architecturally equipped; they do not possess the technical knowledge to know whether a program is suitable in a particular location. They may know all there is to know about the curriculum and other kinds of things about the program, but they certainly do not possess the knowledge (regarding the building) that is required under this Act to recommend whether or not a program is suitable in a particular part of a building. We are overestimating in over-simplifying this whole issue because it would be so much easier for us to have simply gone out and spent the dollars recommended in the original report. It would not be in the interest of our community to have done that because of the flaws in the original program. Please don't imply that our staff should be the ones to determine the suitability of an architectural location.

Mr. Gessert commented that he thinks that we were thinking of someone a little higher up.

Mayor Dickinson explained that he is not saying that his staff or whomever, shouldn't have architectural knowledge. What he is saying is that if we have schools that are accessible, then to make sure that any program available at that grade level which happens to be in that school, is available at that school, is a simple matter of addition and subtraction. If you have two junior high schools and every program that is offered in one school is offered at the other, then every program is accessible. If you have three programs that are at one school and not at the other, then you had better make sure that those three are in the school that is accessible. But, you are only dealing with the programs that are not offered in every school at a given grade level. Those are the only ones that you have to worry about and make sure that they are in the school that is handicapped accessible, if they aren't duplicated in the other school. That does not require any architectural knowledge, it requires the knowledge of where you are offering a program and what school. He added that he does not understand what specialized knowledge is necessary to determine that facet of what we are talking about. The architectural knowledge is what the architect provides but, where programs are offered is best supplied through the school administration, which has nothing to do with the architecture, just where the programs offered.

Mr. Gessert agreed with Mayor Dickinson's comments.

Mr. Rivers commented that he thought that the purpose of coming before the Council was to get their charge. They were requesting a change in their charge as a building committee. Their charge was to implement the feasibility report as handed to us which was done in 1984 and the problem with it as a committee, entirely, we find that that report is flawed. We do not want to implement that as a building committee.

Mr. Gessert asked Mr. Rivers why it is flawed.

Mr. Rivers explained that they don't honestly believe that it was done with the idea of program accessibility.

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Mrs. Bergamini commented that the Committee was charged (referring to the minutes of 1985) with making Sheehan, Dag, Stevens, Pond Hill, exterior and interior handicapped and Lyman Hall and Moran, Moses Y, Hyland, Rock Hill improved for exterior. We are getting the idea that you are telling us that every school has to be accessible for interior and exterior. Could you explain what you want changed in the charge.

Mr. Chicoski explained that it is quite possible, while we have become extremely knowledgeable in a lot of the areas of both asbestos removal requirements, regulations and handicapped accessibility requirements, we are not positively sure that by going by the exact charge that you have given, that that will fulfill all of the requirements that would be set forth if we were audited or inspected. There are other possibilities, that maybe we wouldn't have to improve all of the schools. We might just have to improve some of the exterior access. If we go into a full blown project and the architect says, hey, by the requirements that I am familiar with and I am positive about, that you have to do this, that or the other thing in addition to what you have here" Would it be best to come out at that time and say that the scope of work that was recommended and charged to the committee has to be exceeded or modified or should the charge really be that the building committee has instituted now should entertain architectural services to make certain that the public school buildings in the Town of Wallingford are totally in compliance with all building and program codes.

Mrs. Bergamini asked why they need anything more than the original charge? I think Wallingford has been more than fair with the Board of Education, as far as giving them what they need. I don't think that we have ever shirked it. If you are here to tell me that every school has to be fixed interior and exterior for handicapped, then I am sorry. The cost is going to be exorbitant.

Mr. Chicoski agreed with Mrs. Bergamini.

Mr. Roe explained that the piece of the pie that is missing is a review of program accessibility. If I were to give an example, it would be after the fact, it would be after we had done the accessibility for the schools and the exterior accessibility at the balance only to find out that there is a special program at Moses Y Beach, that is not offered at Stevens or at Parker Farms, then what you have is a situation where you do not have program accessibility even though you have two schools at that level accessible. However, I don't see that as being an architectural issue, that's a management issue and that's what program accessibility directs or is directed at. There was a change in philosophy. The original approach to handicapped access was a brick and mortar approach, however, as the government got involved in doing that, it became pretty clear that it would break the public piggy bank to try to brick and mortar across the board. What evolved was the notion of program accessibility and another catch word is reasonable accommodation. Those are controlled by policy and management decisions as opposed to a brick and mortar approach. If I was on the committee, my concern would be having the community spend money on making X number of buildings accessible and then not have the programs that are needing to be there, be there. What I think that entails is a commitment by the Board and the Administration of the school system to make sure that that happens. Perhaps the need is to have that process of reviewing the programs underway. Municipally, we did that in-house and we review each year. The Mayor has our managers look at our operations for each division from a program accessibility point of view.

We even thought of incorporating that into the budgetary process and having that be the time when we also pay attention to that because that's the time we also begin to propose changes in buildings, new programs, etc. and it's a likely time to be looking at the issue of program accessibility. We didn't pursue that this year because we recognized how complicated the budgetary process is anyhow, so we are probably going to continue with the once a year check starting at the fiscal year.

Mayor Dickinson added that the missing piece of the pie is the program accessibility and that can be provided through an administrative review of programs and where they are located.

Mr. Rivers pointed out, what about programs that can't be moved. For example, at Sheehan we have the swimming pool, that is a learning station that cannot be moved. The charge talks about Sheehan being accessible interior and exterior. Lyman Hall has

the vo-ag program that is not offered in the other high school, yet the charge says only the exterior accessibility. We can't commission anybody to give us plans to give us plans to do the things the charge tells us to do if we know in our own minds that that's not going to do the job on handicapped access. 143

Mr. Gessert asked why that wouldn't do the job.

Mr. Chicoski commented out that with the scope of work that was in that report, there are definite possibilities that there are additional items of interior access work that will more likely than not have to be done or could have to be done to insure that the programs within the given schools that you are talking about are not. What happens if that is the case, if we come back with good plans and say according to that study, you said do this, do that, that there is something in addition to that. That's in violation of the charge that you have because in there is very specific about do this or that, as far as you are modifying this lavatory and that exterior door. There is a definite possibility that by sticking to the number of schools that you are talking, Sheehan, Lyman Hall and then go into Dag, Stevens, Pond Hill as well as the other ones in here, that you don't have everything included because you are saying Sheehan, Dag, Stevens, Pond Hill and Cook be improved to provide exterior and interior handicapped and Lyman Hall, Moran, Moses, Highland and Rock Hill be improved for exterior access. If Lyman Hall and Sheehan have separate programs that you cannot move, there will have to be interior access in Lyman Hall as well. With the charge you have, you cannot do that. What you are talking about is the difference in the two high school programs. If you have all of the same programs available in a elementary school, and you can have that completely done. What about the high school? You have some programs at Lyman Hall, you have some programs at Sheehan but here, the only thing that you are going to do for Lyman Hall is exterior access only and to do anything else would be in complete violation of that.

Mr. Gessert commented that he would rather pay a handicapped person to tell him what is accessible rather than pay a consultant.

Mr. Chicoski commented that that could be a good point come April because there will be a state audit of all of the programs within the Wallingford public school system. (April 28th) They are going to be analyzing and reviewing all of the Wallingford public school systems in conformance to all of the various code requirements including the program accessibility requirements under Section 504. So, at that point in time some of the things that we have been discussing here will come out.

Mr. Polanski commented that if the State comes in and tells them that they are doing something wrong, then they should tell them how to fix it. He does not agree with bringing someone else in. He added that there are other ways to do it rather than paying some individual to do it. He added that he hasn't heard how they want their charge changed. The buildings don't have to be changed, they have to change accessibility. If you want your charge changed, what do you want it changed to? How do you want it to read? Then we will decide whether we want to change it. I haven't heard that at all.

Mr. Killen pointed out that he agreed with Mr. Gessert with regards to having a disabled person's comments and #4 - Plans for achieving accessibility (i.e., the Transition Plan and Self-Evaluation) must be developed in consultation with persons with disabilities. They had that in mind. It would seem to me that the Superintendent of Schools could go over that list and state particular reasons for doing something or not doing something. Someone has to come and show us that somewhere along the line we have to change this for this reason, we have to leave this for this reason, we can't just take generalities.

Mr. Chicoski stated that Mr. Killen's point was well made.

Mr. Adams added that he has recently gone through a state compliance and they do offer the opportunity for a school system to have a pre-compliance visitation and what these people are trying to do is come down and take a look at what the situation is as far as the programs are concerned and as far as your accessibility is concerned. They will sit down with you and give you direction and go over any questions that you may have. It is my recommendation that it would probably be to the advantage of Wallingford to sit down with the expert, especially in the area of handicapped accessibility and get their input, which is free. These are the people that deal with it on a daily basis.

Mr. Chicoski stated that if they could get someone in from the state department, that would be helpful.

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Mr. Adams told Mr. Chicoski to get in touch with him at a later date and he will find out how to get the contact.

Mr. Chicoski added that what he would like to do is have someone come in (especially if it is no charge at the state expense) so we can have something concrete and specific.

Mr. Rivers added that it was his understanding that they did not want to implement the feasibility study given to us that was done in 1984, we wanted to commission a new study. The fact of the matter is that we feel that if that study is sent to the state department of education for review and acceptance, it will be rejected. If that is the course of action you want us to take, then that is what we will have to do.

Mr. Gessert told Mr. Rivers that this group wants a little more information on what has to be done, why it has to be done and how to make the program successful.

Mr. Chicoski pointed out to Mr. Rivers that by doing that we will probably be able to achieve the same end result and may end up saving ourselves money.

Mr. Adams pointed out that when the state comes down and takes a look, they will be making recommendations in black and white. The recommendations will be spelled out as to how to meet standards. They make sure that everything is the way it should be.

Mr. Chicoski pointed out that the state Elections Enforcement Commission is grappling with the sensitive question of polling-place access for handicapped voters and some changes in state policy have been predicted.

Mr. Gessert agreed and added that if someone falls and injures their back a month before elections, do they lose their right to vote?

Mr. Chicoski added that what they are talking about is the accessibility of the polling places per the building codes that are in existence. He added that perhaps this should be taken into consideration when we have this further review.

Mr. Cretella commented that when they prepared themselves to come before the Council, we did so with the idea that after the many months the Committee members had spent investigating this, we did draw certain conclusions that we felt were major barriers to us following our original charge. We really have not gotten a chance to do what we intended to do and that was to make this an information session for everybody. He expressed frustration because he feels given the hours that they've spent, they feel more knowledgeable and yet there has been a great deal of information as if other people do know what they are talking about. We have consulted State people (directed at Mr. Adams) and I have been involved in four compliance reviews.

Mr. Gessert commented that he respected their knowledge but added that he does not have a report in front of him telling him what is wrong, and here is what we have to do to correct it. You stated that you needed another study and we asked why another study was needed. I don't think anyone satisfactorily answered that question.

Mr. Cretella replied that he doesn't think anyone could answer that, and Mr. Gessert commented that this is the problem.

Mrs. Papale commented that the Committee themselves were not sure exactly what they wanted changed. It seems that not everyone is on the same wavelength. You people have studied it and know more about it than I do. I thought that what Frank said about the expert coming down from the state, that was the first step to finding out what you want to change in your scope. I would not like to see someone from the state come down and tell us what we did wrong. Let the state people come down and tell us exactly what has to be done. If they tell us we are going to have to do it, then we will have to do it. I would also like to have Mr. Soldan get involved because maybe there

are some things that can be in one school.

Mr. Cretella stated that he appreciated Mrs. Papale's comments.

Mr. Gouveia commented that if we follow the charge that was given to us before, it may end up costing us more money. Mr. Chicoski agreed. Mr. Gouveia continued: it may not be necessary to do all of those things that you were told to do. I expected to get a lot more information than I received but, we should have listened to more regarding the concerns that you have that may indeed cost us more money if you follow the charge that was given to you.

Mr. Killen commented that when the Committee states this part may not work, the Council would like to know which portion of it may not work or for what reason. We would like it specified.

Mr. Chicoski added that what he would like to to if they come back, whether it be in the Council or one of his meetings, so we can have a good discourse going back and forth and if we present to you in very specific terms that this is what you are saying by the charge, this is the additional work or the deleted work, in black and white terms as we have learned through whatever means, so you have something to compare.

Mr. Polanski: When this charge was first given to the committee, it was based on the information we had at that time. If you have further information that has changed what the charge should be, tell us what you feel the charge should be with this new information. If you don't have enough information to change the charge, don't come back until you do. If you have to get the state people down here first to tell you what is wrong so the charge can be changed, let's change it one more time, but know where we are heading. Let's make sure that we are going in the right direction.

Mr. Chicoski stated that the meeting they had with the State Advocacy Office did not go into a large number of specifics. Normally when someone from that office comes in to do a survey, it is because there has been a complaint issued. When a complaint is issued and those people come in, do a survey and an audit, then the Town is placed under the gun that they have to respond with plans or construction within a certain period of time which ends up costing the community more money which we would like to avoid at all cost. So, instead of spending \$1 million, you might have to pay \$3 million for explanation purposes. If we can find an individual that would give us essentially the same services and direction that we feel we could get most competently from a qualified architect or consultant, fine, as long as we know what exactly has to be done. I still feel the basic outline of work and estimating of costs that was done in that original report, is flawed.

Mr. Gessert added that if someone tells us what they have found, that this program is not accessible because this has to be done and this has to be done to make it accessible. Maybe you don't know the dollars of doing A and B to make that accessible and the architect has to say to change that doorway, or steps, to make it accessible legally, morally and financially, this is what it is going to cost to do that, fine. The architect to me, is the one that flushes out that we have to change A B and C and he says that in order to change A B and C to make legal and in compliance with the law, it's going to cost this much money and here is what is going to have to be done. That I understand because I know what has to be done.

Mr. Chicoski added that the bottom line is that neither yourself or the Council get presented with the factual data that the scope of work has to be expanded to include not only A B and C but, A-F, if that is presented to you clearly and definitively, then you have no heartburn about that.

Mr. Killen added that they are not hollering about dollars, they go along with the whole concept but we want something very definitive. Because the other charge was flawed, we don't want to give you another charge that is flawed.

Mr. Gessert added that if someone says to us that we have one student in this program at Sheehan High School and it's going to cost \$1 million dollars to make that program accessible to that student, we might say that before we spend \$1 million dollars, maybe it's better to put a teacher on staff at Lyman Hall to teach that one student until he graduates rather than spend \$1 million dollars to address that one unique situation.

Mr. Roe commented that when you begin to look at the individual student, whatever the handicapping is, that's a different issue because then the school system is under some requirements to develop a plan that works. Fitting in with that is reasonable accommodations which is another principle that kicks into play, that farther on down the line, a school system or a municipality has to be prepared. If a person presenting a certain handicapped situation at our doorstep, maybe will require some additional accommodation being made. My concern is that I think that underlying the original charge, that is not what I see as being flawed. The basic principle underlying that original charge was the notion of access at one high school, access at one middle school and access at two elementary schools, that we were going to make a commitment to do brick and mortar changes at that number of facilities. What that meant was that the school system in their planning, their curriculum development, needed then in turn to be attentive to being able to utilize those facilities in order to accommodate handicapped students and handicapped needs. The difficulty I have with not having that principle continued is that you can make an argument through the fact that you could have a unique program at each and every school and therefore have to have each and every school accessible and I think that argument is flawed. It's not necessary under the law and I don't think it is a necessary expenditure of public funds to properly serve students.

Mr. Gessert explained what Mr. Roe meant by saying that if you have a particular child with a handicap, let's say a 4th grader and a 3rd grader, one lives on the east side and one lives on the west side, let's say they are both wheelchair and we have a grammar school on the east side that is equipped to handle that student and a grammar school on the west side that is equipped to handle students from that side of town, does that mean that we are not providing access because we only have one grammar school on each side of town equipped to handle that wheelchair?

Mr. Killen commented that the Committee has an idea what the Council wants and he added that they have done a fine job up till now, we've given them what we want and expect from and if they come back and do the best they can, we're going to work with them the best we can.

#### ASBESTOS REMOVAL

Mr. Chicoski: As in our previous meetings, I said on a number of occasions that the State Department of Health Services still has to submit the remainder of the lab samples in order to complete the finalized report.

Mr. Chicoski read from a letter he received on 2/13/87 from Mr. Michael Callahan from Applied Thermodynamics Associates, Inc., Consulting Engineers which read:

As you know, the State of Connecticut Department of Health still has not completed the analysis of the asbestos samples we sent them in October 1986. We had hoped that we would have had the results so we could finish our final report.

We can not wait much longer before proceeding with the preparation of plans and specifications for the 1987 asbestos abatement project without jeopardizing the schedule. It is essential that the project be bid early enough to get reasonable bid prices. We have evaluated the condition of the asbestos containing material in each school and have determined that asbestos containing material should be removed during the 1987 summer recess from the following five schools: 1. Lyman Hall High School, 2. Moran Middle School, 3. Moses Y. Beach School, 4. Rock Hill School, 5. Highland School.

Yalesville School is to be open for the 87/88 academic school year when asbestos containing material should be removed from the school during the 1987 summer recess and the work at Highland School be delayed until 1988. We recommend that you authorize us to proceed with the design work for the above schools no later than March 1, 1987.

Mr. Chicoski continued: You have a four to five week period to create the drawings and specifications, some additional period to go through the review in Hartford and then go out for public bid. By starting the process by March 1st. you would probably be able to go out to bid by the end of April or the first of May. If you look at the preliminary estimates that were in the additional report and add up those initial

estimates, it comes out to approximately \$610,000.00 for asbestos removal by the preliminary estimates with a contingency fee which was mentioned in that report, was suggested to be a 20% contingency fee so that going into the recommended scope of work for the summer, you would have a total dollar of somewhere between \$730,000 and \$750,000 for asbestos removal. 147

Mrs. Bergamini asked if he was talking about the six schools mentioned.

Mr. Chicoski explained that it would be the five schools with a possible exception if Yalesville is to remain open for the upcoming year, if Parker Farms is not open per schedule then that should be done in place of Highland School. If you are going to end up not using Yalesville School, why go through all of the work removing the asbestos material.

Mr. Polanski asked what time period would they have to complete the school, asked if \$200,000 would start the process, which schools would it do and why do we have to go with all the schools at once.

Mr. MacQueen answered Mr. Polanski by stating that 5 out of 11 schools are up and even out of those five, all of the material isn't going to be removed. Some areas have to be demolished and are rarely ever accessed. The material that is being recommended to be removed is accessible, shows evidence of considerable wear from routine maintenance and or emergency maintenance, some of it is accessible to students on a routine basis and should be removed. Some of it has already been damaged. \$200,000 certainly would start the project. It might get two of the schools complete however, without a doubt it would leave possibly 3 of the worst case scenarios that exist, ongoing for another year or whatever amount of time the action is referred. At this time, OSHA, E.P.A. and State Requirements are continually getting stricter and there may come a time when you are required to remove this material, at which case approximately 169 towns will be rushing to get this done with the limited number of contractors available and prices could really rise. Nearly two years ago, these cost estimates would have been half of what they are now.

Mr. Polanski asked if we have been mandated to remove X amount of items from each school. Who decided on the number of 5?

Mr. MacQueen answered that the number came out of the number of schools where there was higher priority. There are areas where the children are in bodily contact with it. A couple of years ago in Columbia, Ct. material had been disturbed and a complaint was raised and the State Department came in, sampled the air and found the fiber count was above the action level at that time and they shut the school down while emergency measures were taken. I was the one that inspected the schools and on the day I was at Lyman Hall, there was some asbestos material sprayed on the Gym lobby ceiling. The samples that I took of the material came up positive. The material is being dislodged because you can see handprints and basketball prints.

Mr. Gessert pointed out that he does not see a list that explains what school is the worst and how much it will cost.

Mr. MacQueen explained that he has put off sending that priority list until he does receive the Health Department lab reports. He added that he has only received 4 out of the 11 to date. The Health department notified him of a 4 month backlog and he thought that a preliminary report would be useful by him using some background expertise in identifying what are routinely known to be asbestos material so he summarized the tables of the samples he took with educated guesses. From the sample results he has received lately, he has been on track. He added that some of the floor samples of tiles have come up positive but other than that, he has been very close, and added that he will be providing the Town with a priority list and a summary but in the meantime he feels that a motion be made towards getting this latest list which is the letter of schools prioritized, which should go out as soon as possible to prepare for bid documents so we can try to get some competitive contractor prices without waiting for the last minute.

Mr. Gessert asked if pipe tunnels are accessible to the students.

Mr. MacQueen replied that the tunnels are not accessible to the students, only to maintenance personnel. At Lyman Hall, the entire plumbing and hearing system network is underneath the school and there are times where the maintenance personnel involved have to belly underneath

marks on the material and directly underneath for radiuses of up to 12 feet, just ground up asbestos material in the dry dirt. When he did his inspection, he wore full protective gear.

Mr. Gessert asked what he would recommend for the pipe running under Lyman Hall and Mr. MacQueen suggested that he would recommend removal. He explained that if you encapsulate, it would run almost 1/2 to 2/3 of the expense of the removal and it would not guarantee that the material wouldn't be disturbed in the future, if maintainence has to be done. The encapsulation material may strenghen it at one particular time but, should maintainence have to be done on it in the future, the encapsulation will have to be broken through and the asbestos insulation will have to be removed out of the way to access the particular place that has to be maintained.

Mr. Gessert added that he received information from an Illinois firm who use the approach of spraying and it is used successfully in a lot of their school systems, obviously not on an exterior heavily coated item like a boiler, and asked if this was a viable alternative.

Mr. MacQueen replied that this is a viable alternative but he would not recommend it because of the argument he offered before and also because it does nothing to treat the dirt underneath those pipes that has already been contaminated.

Mr. Gessert added that if there is damage or contamination to another area, that would certainly have to be addressed at the same time and if you have to remove asbestos that is in the soil, that would have to be done at the same time.

Mr. Chicoski added that when you encapsulate the material, it is still there and you still have to maintain an active management plan which in the case of any school system requires that you have a visual re-inspection every two months and that you have it inspected and air quality tested yearly. While you can save some money encapsulating, in the long run you are better off removing it because then you have no continual maintainence and management plan as well as the potential hazard and/or liability of people that are working in that area.

Mr. Gessert asked what the cost percentage wise would be.

Mr. MacQueen stated that the project cost for the encapsulation of tunnels, (Lyman Hall or Moses Y Beach) would run about 2/3 and this is not taking into consideration the cost of any future inspections and reporting.

Mr. Chicoski added that one thing that has to be considered is whether or not the plans that would be submitted, would have no adverse reaction from the state department of education facilities unit. In some cases, they may decide that encapsulation is not the best course of action that they would prefer removal in order to approve the plan so you would have your funding reimbursment.

Mr. MacQueen added that if you ever did have to do emergency maintainence project, you would be ineligible for any kind of reimbursment because they would consider it to be double-dipping for the same material. We have not had any experience with an encapsulation project being reimbursed. If the town has been in violation of something which would pre-empt them getting funding for some reason, we have not been a part of that. But, on our previous encapsulation projects, we have not had one be reimbursed yet.

Mr. Gessert asked if they lose out on reimbursment because they use this process and Mr. MacQueen replied that he cannot speak for the state.

Mrs. Papale asked how much reimbursment they are suppose to receive and Mr. Chicoski responded that at the current rate he was given for Rock Hill, 64.05%.

Mrs. Papale referrrred to an article in the paper where it states that lawmakers in Washington are being called upon to reject the President's plan to rescind \$47.5 million that Congress earmarked last year for asbestos removal. Where does that leave us?

Mr. Chicoski replied that there are two things to consider, one is past and one is present and in the past, there were funds available to school systems that had the financial need and if they qualified for that financial need, they were given assistance and whatever asbestos abatement inspection removal plans were necessary. Wallingford

was visited and inspected by the E.P.A. and found to be not eligible for Federal Fund assistance. There is a new law that Marie brought to our attention at a previous meeting that is public law 99-591 which mandates that the E.P.A. within one year from October 22, 1986, create new regulations that mandate the removal of asbestos and started a trust fund started by \$25 million dollars annually for 4 years from which the communities, towns, etc. would have the ability to borrow money. Mr. MacQueen had spoken with the asbestos hotline and found out that basically the regulations will be a mere image of what is in place right now with the State of Conn and the Department of Education and that in all likelihood, the funding reimbursement that you currently get from the State, would be far in excess of what you never expect to get out of there. I think if anybody is going to be making themselves available to reimbursement from that \$100 million or so, it ultimately would be earmarked under that particular Public Law that would go to those communities that are most needy that do not have the financial assets to handle it nor that did not have any state reimbursement program. The State of Conn. probably has the highest reimbursement program, in the Country. As long as the forms are filled out properly, you could have someone follow up with the State facilities unit because he did hear the comment that there a lot of open reimbursements. 149

Mr. Chicowski added that he knows for a fact that the project at Rock Hill did have all of the proper forms filled out even if there was more than one submission to make sure those forms are filled out properly. In that particular case where you had three basic charges that we put up against that project code, the abatement contractor, the air tester and the engineering services so that those charges are eligible for reimbursement since that was done on a cash basis within one year from the project close out. The total project includes finishing Rock Hill,, right now Rock Hill is not completed. When we say that Rock Hill is completely finished, that all of the encapsulation, removal, etc. is done, at that time there is another form that is filled out (EL-11 form) that has to be submitted and then the funding reimbursement process starts so that you will be repaid within one year if the total cost is under \$25,000 and you paid it in cash. If you paid it in cash and it is over \$25,000, it is paid out in equal payments in a period of five years. You have to make sure you apply properly for the reimbursement and follow up with that reimbursement.

Mrs. Bergamini: You are telling us that if we want to put the wheels in motion, we have to do something now.

Mr. Chicowski replied that from the standpoint of this, just so you don't think you have to make a motion to create an Ordinance or borrow money from this or that, the way it would be is that the committee would authorize the firm to prepare the plans and specifications at your normal sequence of events of appropriating the money through Ordinance, Bond Issue, etc. you would take a certain period of statutory time. We would have the exact bid prices in in the period of May of this year. That is how long it would take to generate the actual specifications, go through the state approval process, go out to bid, review those bids and have those prices in hand.

Mayor Dickinson asked Mr. Chicowski if he had money now to pay for the initial work.

Mr. Chicowski answered that the consultant contract that was appropriated by Ordinance 344, covers the specification writing.

Mayor Dickinson asked what the amount of money was and Mr. Chicowski replied that it was \$90,000, so we have the money to proceed with the specifications and drawing preparation.

Mrs. Bergamini asked what the next step would be and Mayor Dickinson answered that they would have to put the specs out, the bids would then come in on the work. You would have to put the bid out with the knowledge that they would have to hold it for 6 weeks until we had the funding Ordinance.

Mr. Chicowski added that if we say that your estimate for the project is \$730,000 or whatever the amount of estimated project cost is, that if we make plans now to appropriate, bond or issue that funding that yes, that is the scope of the project that the town and the Council wishes to go into if, when those final prices come in and it's less, then we will have to adjust the scope of work or perhaps remove one of the schools that we are planning to do this summer and do it at a future time.

Mayor Dickinson asked Mr. Chicowski is saying that we should appropriate the money before we get the prices?

Mr. Chicowski responded yes and Mayor Dickinson and Mrs. Bergamini said that they have a lot of problems with that.

Mr. MacQueen commented that in the past, when towns have made their appropriations public knowledge, it hasn't had a material effect on the bids. On a project of this scope, contractors would be very competitive. It would be a good project for contractors to compete to get and then to perform well on because of it's size, complexity and the nature of the client. If they did an outstanding job, they would be used for a reference. They know very well that to screw up a project of this size and with a client of this nature, would mean a black mark which might mean their demise for the near future or maybe full future in that industry.

Mayor Dickinson suggested that they have in their specs that they hold onto their price.

Mr. MacQueen stated that this is very typical but, what would be optimal is to have the funding in place so that the contractor could start the first day that schools are out and cleared so that they have the full summer to get this material out of the way and have time to do any re-cleaning if it is necessary and to have the final air-testing be done.

Mayor Dickinson asked how long it would take for specs to be prepared.

Mr. MacQueen replied that for the five schools it would take about 3 or 4 weeks. The state review process, another two weeks so, opening bids, the beginning of May.

Mayor Dickinson added that it would fit right into their schedule because they couldn't do the work before June.

Mr. MacQueen pointed out that he thought the purpose of this meeting was to get the ball rolling by making a motion to prepare specs. If I am turned on tonight, then this project starts gearing up for just that and then I meet the deadline sooner, state review is done sooner and you have a more comfortable time period to go through the town process.

Mr. Chicowski added that the purpose of presenting this before the Council is to update with you what the magnitude of the scope and if anyone has any reservations about entering into the project at this level of magnitude, then have something to say about it.

Mrs. Bergamini commented that she would prefer that they go out to bid or put the wheels in motion and do this and for no one to assume that she will go for bonding or notes on this project. Where the money is coming from is another discussion. The time frame is very important. Is there anything to say that we are committed to go to bonding on this?

Mayor Dickinson replied that at this point, what would be authorized would be in given scope of the project. The presumption would be that we were interested in doing the work. Anytime you can put out a project to bid and when it comes in, it comes in more money than what you want to spend, you can fail to award the contract.

Mrs. Bergamini pointed out that she would like to see the project go out to bid. She is not committing herself to going for the full scope or not until she gets the figures.

Mayor Dickinson added that he thinks it is important for the committee to know what scope are we talking about. Are we talking about complete removal or everything, or encapsulation?

Mrs. Bergamini stated that she does not approve of encapsulation. If we are going to go through this hassle, I want it all out. I do not want the encapsulation. If the figure comes in \$1.2 million dollars, obviously you know we are going no-where. This Council has had it with estimates and I would prefer to know where we are going and how much. dollars we are talking about as soon as possible.

Mr. Gouveia added that he concurs with Marie's comments. He added that he does not want them coming back 5 years from now telling them that the job was done wrong.

Mr. Gessert pointed out that 5 years from now, the state could come back and say that the material that they are using now is hazardous.

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Mr. Roe added that he has worked on these projects and the reason that these came before you 1 year ago was because of the work that we did in preparation for that. What we have is an interest to protect public health. There is no State or Federal requirement to remove. What you are doing is, saying that it is important enough to do this to protect public health. There is no mandate to remove. If you have friable asbestos, you have to have some management plan or a school system will be required to have a management plan. That plan can include removal, encapsulation or some other management strategy. What you are doing is, going the extra measure and getting it out and away and done with. It's the final solution for the ultimate solution. You might ask yourselves what the health risk is and has anyone done that assessment. The risk of death by cause in 1983 mortality rate per 100,000 pop. Accidental deaths by motor vehicle was 19.1 per 100,000. Intentional deaths by suicide was 12.3, homicide 10.7. On the disease side, heart disease 325.8, all cancers 188.8, asbestos disease from building exposure .022. There is no scientific estimate that establishes what is safe and what is unsafe.

Mrs. Papale added that a lot of parents will be up in arms asking why these schools were picked when this is publicized. Once you start, it is going to be very hard to stop.

Mr. MacQueen explained that there is a vast difference between the condition of the material at these five schools and the condition of the material at the others.

Mr. Gessert pointed out that Mrs. Papale is trying to say that we are going to have demonstrators from the other schools.

Mr. Roe asked if it is not friable, is there any risk?

Mr. MacQueen stated that extremely little unless some activity is grinding it up. Friable means easily crumbled.

Mrs. Papale asked why we are doing it.

Mayor Dickinson replied that the State Health Department and the E.P.A. are concerned about asbestos but no one is quite sure what the risk is. Congress is into the act and they have recently passed the 1986 Asbestos Emergency Hazard Act. That Act is out of frustration with E.P.A.. E.P.A. has not come up with standards as far as what should be removed and when. So, Congress has told E.P.A., you have to come up with standards and if you don't, there is a fallback position. The fallback position will be the same standards that E.P.A. has now.

Mrs. Papale added that some people in Congress don't think it is necessary either.

Mr. Chicoski pointed out that all of the asbestos has been removed from the White House and they have started to remove it from all of the Military installations throughout the Country.

Mr. MacQueen added that all of the Federal Government branches have made an effort in getting that material out of their buildings. Strictly get it out, no encapsulation.

Mayor Dickinson added that in terms of our policy decision, if we do not look to remove all of it, there will have to be a monitoring program because, we have to become aware of any place that does become friable and does potentially become an identifiable hazard. So, at the point we decide, should we not do everything, take it all out, we do look to implement to do something that keeps us well aware on a regular basis of what the condition is and look to protect public health. If it is all removed, then there is no need for a regular monitor. I suspect that as time goes on, given the agitation there is on this subject now, increasingly there is going to be pressure to remove all of it. If we can afford, it should be removed especially in the more public areas. In the more inaccessible areas, you are going to at least have to have employees who have special equipment to protect themselves.

Mr. Gessert asked if you remove it, what do you replace it with?

Mr. Chicoski replied you replace it with non-asbestos materials.

Mr. MacQueen added you replace it with fiberglass on pipe runs, a non-asbestos calcium silicate block material that can be put on boilers and another paste put over that to help keep it in place. There are numerous plaster finishes that do not contain asbestos that can be put up.

Mr. Gessert asked what the health risk of the materials he is talking about substituting. Is it less than .002?

Mr. MacQueen replied that it very well could be less but he does not have any figures to support that.

Mr. Gessert asked that when you are talking about these prices for removal, does that include the price to replace?

Mr. MacQueen responded yes.

Mr. Gessert referred to the Asbestos Report and stated that it mentions some areas and says recommendation to leave in place under an Asbestos Management Program, cost if removed \$13,000. The \$750,000 that you are talking about, does that mean that all of these, if removed, are in there?

Mr. MacQueen replied no and added that if he put a recommendation down there for an Asbestos Management Program, these are just removal costs of areas that I have recommended removal for. At Moses Y Beach, there are two straight pipes that run above a plaster ceiling with only a simple access door at one end of the corridor. To access these pipes, would mean tearing down an entire ceiling and replacing it. I think that is ludicrous. The pipe insulation is in good condition not having been touched and probably won't be touched until the building has to be demolished. At that time, the material will have to be dealt with, but until that time, there are no activities which are accelerating the deterioration of that insulation so it can be left in place. The areas that I have talked about that are in poor condition have had activities in the past or maybe ongoing now, that are helping to accelerate the deterioration.

Mr. Killen pointed out that many members of the Council were under the impression that this was mandated and now they are being told that it is not. The second point was that one of the other alternatives would be fiberglass. I've seen many articles about people bringing suits against using fiberglass and what has happened to their lungs. How are we suppose to make decisions based on things along this line? I can't.

Mr. Gessert pointed out that the people that work at Midas are installing asbestos brake linings so they should be dying right and left unless it is a different type of asbestos.

Mayor Dickinson added that there is a mandate. The mandate is if you have asbestos in a school building, you have to manage it. Where the degrees of decision come in is on how you are going to manage the asbestos in the school building. You can have a monitoring program, you can encapsulate and you can remove. You do have to have a managing program. There is a mandate and the question is what action we have to take with that mandate. I think it is better to get rid of the problem than have an ongoing monitoring or question mark whether people are monitoring, whether those standards will change, as I am sure they will and this thing will go on year after year after year. If we are going to do it, I think we should try the removal method. If the prices come in too high then we may have to take a second look at it. Tonight, we should give this committee an indication on what they should put together in specs and lets get something off the ground. My recommendation right now is what they recommended, five schools removal, put the specs together, come back and we will look at the price and we will go from there. I don't think we should leave here with just great confusion and not have a direction for the committee.

Mr. Steven Horvath commented that he has a neighbor with the disease caused by asbestos and many of the people his neighbor worked with either have it or are gone. He asked what does it have to take for something to kick in? A child in kindergarten or any other school to come down with something for everybody to work together or are you afraid that the fiberglass is not the answer? Right now, the fiberglass is the only thing that is legal.

Mr. Chicoski added that the fiberglass is not loose material. The material is used to re-insulate pipe and other accessible areas as a higher density. That is what is mandated or required by various E.P.A. requirements that that is a suitable non-asbestos containing material for re-insulation. It is correct that there is no mandate that says you have to remove it. There is a Senate Bill being discussed this upcoming week up in Hartford that proposes that by 1990 all asbestos containing material be removed from the public school systems. There is also a public act (85-541) which is very specific in a number of

areas which says basically, what you have to inspect your school system for all asbestos containing material using such standards and procedures as required by the Department of Health Services and that such inspection must be ongoing in each instance in which asbestos is discovered and further that the Asbestos Inspection Report of which you see the copy, be submitted by January 1, 1987 with an abatement plan. That abatement plan meaning, what you plan to do with the asbestos containing material within your school system. There are further requirements that have been printed by the Department of Health Services that stipulate in very specific terms sampling and maintenance of asbestos containing materials and as far as the type of equipment you should have on hand, a description of your Asbestos Management Plan, education, labeling, etc.. All of this should be in place if you intend to maintain or remain to have your asbestos containing materials within the public school system. If you want to keep it in place, then you will have to manage it. It is still going to cost you some money.

Mr. Gessert commented that in answer to Mr. Horvath's question, I don't think that what you are seeing here is reluctance on the part of the Council to address the problem. I think that what you are trying to see is a better definition of the problem and the cost options to solve it.

Mr. Gessert asked Mr. MacQueen, if you went out to bid and you bid it as an option of A. removal or B. passivation for certain types of asbestos, does that increase our cost per year services tremendously if you provide a developed cost for option A vs. option B.?

Mr. MacQueen replied that it would in a way. Generally, I would be preparing two sets of documents. The removal specification is different from the encapsulation specification. As far as the technical sections, contractor requirements would stay exactly the same but, the technical specifications, many new sections would have to be added and the drawings would be prepared a little bit differently. Basically, there would be option A, option B. It would increase my work and I would certainly try to pass along some of the costs to the town. It would constrict the time line which we are setting up now. We would have the luxury of whatever time you needed to decide on funding, but it might restrict the time window we have in the summer recess to do the project in a way that would guarantee that we complete it on time, that school opens on time.

Mr. Killen commented that he is not impressed with the project now that he knows that there is no mandate to remove. As for the reasons as to what we might have to do, again, that is very fuzzy.

Mr. Roe added added that he has basically tried to look at each project that we initiated as saying , how can we do this with the least expense and went to the trouble of really trying to find ways of having our asbestos program be done at the least cost. I went so far as to look at risk studies that have been done and went so far as to look at economic analysis that's been done in terms of cost-benefit study on the different approaches to controlling asbestos. I favor the removal option as being the option that probably makes the most sense. I would ask, in terms of structuring the bid, would perhaps not necessarily have removal vs. encapsulation.

Mr. Roe asked Mr. MacQueen If he does bids such that he distinguishes between different pieces of the building. For instance, the public area vs. those non public areas so that you or the committee could make a determination if we can afford all of those public areas but we have a problem with some of the non public areas, those are just too expensive.

Mr. MacQueen replied that we did in the past and we do now. It's very easy to do. You just make a breakdown boiler room, class rooms as indicated on drawing X, spray on material in lobby Y, so you do get a good breakdown of costs.

Mr. Roe added that if you look at what is on the horizon, there is fine-tuning coming down the pike as far as what will be required on how you deal with asbestos in school buildings and as a footnote, public buildings are next. The asbestos issue is not going to go away from us, we're going to continue to have it but, when looking at the horizon, that fine-tuning in part, will come down on the side of removal particularly in public areas.

Mr. Gouveia commented that he thinks everyone is making too much of the figure that Mr. Roe mentioned before and added that we all know that figures can be manipulated to meet whatever needs. We also know that asbestos causes cancer and the number for cancer is much higher.

Mr. Adams added that the figures that were brought out before are based on the most recent investigation that they have had, but the latency in detecting the effects of asbestos poisoning, is anywhere from 10 to 40 years and that is something that is very hard to understand. In other words, if you are exposed to asbestos right now, as a child, it's very possible that you won't start to die until you are 48 years old but, I think that being aware of this is an important health factor. As far as control, I think it is going to become much stiffer as time goes on. 154

Mr. Horvath asked if anyone on the Council knew that the town was liable if a child had contact with asbestos in school and years down the road contracted an asbestos disease?

Mrs. Bergamini pointed out that her mother-in-law died at the age of 89 and did not smoke or have any vices. When she asked the doctors why, they had no answers. She is in favor of removing the asbestos for the sake of the children but by the same theory, that asbestos has been in the schools for many years. (Mrs. Bergamini's mother-in-law died of lung cancer).

Mr. MacQueen added that he would hope that turning us on to doing and starting the specifications wouldn't be hindered upon submitting those costs. Just because the time line is starting to get smaller and there really are benefits to be enjoyed by bidding a project early for the summer because a lot of the contractors are going to start to line up their work and if a bid comes out late, they might just throw a number at it and see what comes about.

Mr. Gessert asked Mr. Chicoski if he had funding to proceed with the work he has to do and Mr. Chicoski replied that they have funding that was passed by Ordinance 344 to create all of the engineering design services for the contract. If he had to do two sets of specifications, that would impact the amount of funding that we have agreed to put in because it was based upon certain criteria that we are going down the pike with. What I would prefer to do, knowing that we have a given amount of money per that Ordinance, if this is agreeable with Mr. MacQueen, start immediately with the generation of drawings and specifications for the five schools for the project of removal and as we get into that we would get up some estimates of what the difference would be for a possible encapsulation in those areas where it is feasible. There would be some areas where it is not so feasible. What also could be the case is that when you put something up for Hartford to look at, and say that they don't feel that this is the best alternative given the situation and we do not agree and would not fund for encapsulation in some areas. You do have a fair amount of experience with this firm having gone through 24 school systems that they have done within the state.

Mr. MacQueen added that he will call Nancy Harris and find out about reimbursments and will also ask about encapsulation.

Mr. Killen asked Mr. MacQueen if the samples that are sent out to the lab are done by themselves or do they send them out to a private lab.

Mr. MacQueen stated that they do it themselves. They could send them out to another lab but, there would be a cost charge to them. They hire chemists to do this work for them. When the State Department of Health Services and Diseases put together these regulations, I don't think they had the foresight to realize that any materials submitted by towns for public buildings and/or schools can get the samples analyzed for free.

An informal vote was taken to find out who was or wasn't in favor of moving ahead to obtain specifications for removal.

VOTE: Adams, Bergamini, Gessert, Gouveia, Papale, Polanski and Rys voted to obtain specs for removal.

Killen voted not to proceed because he does not feel the State has taken the look at it that they are trying to scare us into taking.

Mr. Holmes was not present for the informal vote.

Mayor Dickinson pointed out that there should be some coordination as to what their capital projects are so that we don't end up duplicating them.

Mr. Horvath pointed out that asbestos has to be removed off of a furnace before it is disposed of.

Mr. Gessert explained that if they are going to remove the whole boiler next year, if it's in their budget, we don't want to spend \$50,000 to take the asbestos off and then next year, replace the whole boiler.

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Mr. Chicoski explained that if you were to replace the boiler in a particular school and it had asbestos covering, asbestos pipes in the area, you would still have to remove the material to properly dispose of it at that point and time. It could be part of the contract but, whether that cost would be reimbursable, if you have a total cost of removing the asbestos at \$40,000 and you are being reimbursed 64% because it is part of a code violation project as determined by the state facilities unit vs. that you are replacing something that is worn out and that has a zero reimbursement which is better off for you. The costs that you are being given are for complete removal and re-insulation. That also includes proper disposal of all asbestos material. Al Cei will have to be implementing an Asbestos Management Plan in the interim before all of this material is taken out so you will see some considerable extra work and you will also see some money proposed in their budget for training and various pieces of equipment they will have to have such as face masks, things of that nature for emergency situations.

Mr. MacQueen added that he is under the impression that the Council wants him to go ahead with the preparation of plans and specifications for removal. As a courtesy to Mr. Adams, he will find out what the potential for reimbursement is for encapsulation.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 10:50 p.m.

Meeting recorded & transcribed by:  
Susan M. Baron, Council Secretary

Approved

David A. Gessert  
David A. Gessert, Chairman

3-10-87  
Date

Rosemary A. Rascati  
Rosemary A. Rascati, Town Clerk

3-10-87  
Date