

TOWN COUNCIL MEETING

NOVEMBER 22, 1994

6:30 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Consider and Approve one Appointment to the Position of Alternate on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/95
3. Discussion and Possible Action on Approving the Voluntary Education and Community Improvement Plan for Region I as Requested by the Board of Education
4. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
5. Consider and Approve Acting Upon the Wallingford Teacher's Contract Effective September 1, 1995 to August 31, 1999 as Requested by the Board of Education
6. Consider and Approve a Transfer of Funds in the Amount of \$16,000 from Sworn Officer's Wages to Workers Compensation - Dept. of Police Services
7. Consider and Approve a Transfer of Funds in the Amount of \$1,900 from Health Insurance Acct. #001-8041-800-8300 to Personnel Exams Acct. #001-1590-800-8010 - Personnel Dept.
8. Consider and Approve a Transfer of Funds in the Amount of \$799 from Full-Size Van Capital Acct. #001-2020-999-9902 to Maintenance of Vehicles Acct. #001-2020-500-5000 - Animal Control Officer
9. Consider and Approve a Budget Amendment in the Amount of \$2,650 from Revenue Acct. - Other Revenue Misc. Acct. #001-1075-070-7040 to Expenditure Acct. Fire Department Aerial Ladder Truck Acct. #001-2030-999-9907 - Dept. of Fire Services
10. Consider and Approve a Budget Amendment in the Amount of \$116,835.00 to Increase the Interest on Long Term Debt - So. Elm Street Acct. #427-041 and Decrease Net Income in the Amount of \$116,835.00 and to Decrease the So. Elm St. Sewer Ent. Contribution Acct. by \$9,210.00 and Decrease the Uncommitted Bond Interest Acct. by \$107,625.00 - Sewer Division
11. Consider and Approve a Budget Amendment in the Amount of \$54,350.00 to Increase the Interest on Long Term Debt - Water Treatment Plant Project #11, Acct. #427-011 and to Decrease the Net Income After Transfer Acct. in the Amount of \$54,350.00 and to Decrease the Reserve for Project Bond Interest Acct. by \$54,350.00 - Water Division

(OVER)

12. Consider and Approve an Appropriation of Funds in the Amount of \$173,615 to Estimated Revenue State of CT. Vo-Ag Equipment Grant Project 148-130EQ and to Expenditures Vo-Ag Equipment Grant Project 148-130EQ - Board of Education
13. Consider and Approve a Resolution Authorizing the Mayor to Execute a Cost Sharing Agreement with the State of Connecticut for the Installation of a Traffic Control Signal at the Intersection of Route 68 and Leigus Road - Mayor's Office
14. Consider and Approve a Waiver of Bid to Hire a Consultant for the Planning & Zoning Commission - Town Attorney's Office
- 15a. Consider and Approve a Waiver of Bid to Proceed with Construction Management as Requested by the School Building Expansion Committee
- b. Consider and Approve a Waiver of Bid to Hire an Architectural and Engineering Firm to Review All Drawings and Documents of the School Building Expansion Project
16. Report Out by the Advisory Maintenance Committee on the Location of a Recreation Center at Community Lake as Requested by Councilor Peter Gouveia/Advisory Maintenance Committee
17. Remove From the Table to Consider and Approve the Abandonment of Property Adjacent to Pent Highway as Requested by Attorney Richard Gee
18. Note for the Record Financial Reports of the Senior Citizen Center, Visiting Nurse Association and Wlfd. Public Library
19. Consider and Approve Tax Refunds (#103-118) in the Amount of \$6,545.01 - Tax Collector
20. Approve and Accept the Minutes of the November 9, 1994 Town Council Meeting
21. Approve and Accept the Minutes of the November 14, 1994 Special Joint Town Council/Public Utilities Commission Meeting
22. Executive Sessions Pursuant to Section 1-18a(e)(2) and 1-18a(e)(4) of the CT. General Statutes with Respect to Pending Litigation and the Purchase, Sale and/or Lease of Property, respectively
 - Marguerite Larkin, et al v. Joseph J. Bevan, et al
 - Guardian Life Insurance Co., et al v. Wallingford Board of Tax Review
23. Discussion and Possible Action on the Purchase of Private Property as a Result of Executive Session Discussion
24. Consider and Approve a Transfer of Funds in the Amount of \$13,500 from the Capital and Non-Recurring Fund, Bond Issue - New Acct. to Bid Deposit - Purchase Property Acct. - Mayor's Office

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SUMMARY

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10. Approve a Budget Amendment in the Amount of \$116,835. to Decrease the So. Elm St. Sewer Enterprise Contrib. Acct. by \$9,210.00 and Decrease the Uncommitted Bond Interest Acct. by \$107,625.00 - Sewer Division	17-21
11. Approve a Budget Amendment in the Amount of \$54,350. to Decrease the Reserve for Project Bond Interest Acct. by \$54,350. - Water Division	21
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18. Note for the Record Financial Reports of the Senior Citizen Center, Visiting Nurse Association and Wlfd. Public Library	32
19. Approve Tax Refunds (#103-118) in the Amount of \$6,545.01	32-33
20. Approve and Accept the Minutes of the November 9, 1994 Town Council Meeting	33
21. Withdrawn	
22. Executive Session - 1-18a(e)(2) - Pending Litigation - Marguerite Larkin, et al v. Joseph J. Bevan et al - Guardian Life Ins. Co., et al v. Wlfd Bd of Tax Review - Stevens v. Town of Wallingford Executive Session - 1-18a(e)(4) - Purchase of Property	33
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TOWN COUNCIL MEETING

NOVEMBER 22, 1994

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, November 22, 1994 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Thomas D. Solinsky at 6:37 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Councilor Gouveia who stepped out of the room just prior to the call and returned at 6:38 P.M. and Councilor Knight who was absent. Mayor William W. Dickinson, Jr. arrived at 6:55 P.M.; Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present; Town Attorney Janis M. Small arrived at 9:35 P.M.

The Pledge of Allegiance was given to the Flag.

A moment of silence was observed for Hugh Hayden, former Town Council Chairman and Board of Education Member.

ITEM #2 Consider and Approve One Appointment to the Position of Alternate on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/95

Motion was made by Mrs. Duryea to Place the Name of Ellen Mandes into Nomination, seconded by Mr. Rys.

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

Kathryn J. Wall, Town Clerk, performed the Swearing-In ceremony for Ms. Mandes.

ITEM #3 Discussion and Possible Action on Approving the Voluntary Education and Community Improvement Plan for Region I as Requested by the Board of Education

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

Dr. Joseph Cirasuolo, Superintendent of Schools, informed the Council that back in 1993 the State legislature passed a bill (Public Act 93-263, "An Act improving Educational Quality and Diversity") which required all local Boards of Education to develop a plan to include the quality of education while addressing the issue of reducing racial isolation. Another requirement of said Boards was to appoint representatives to serve at regional forums. Eleven regions were established throughout the State. It was mandated that the Chairperson of the local Board of Education along with the chief elected officer of the Town serve as appointees representing their community in conjunction with a representative of the teachers and parents. A regional plan was then developed which exhibited the same purposes as the local plans. Formal public hearings were held in November by the regional forum in Cromwell and Deep River. Each municipal body of the region has to vote yes or no on the regional plan by the end of this month. The Board of Education considered this matter last night and in a 6-2 vote rejected the plan. For a community to participate in the program both the Board and the Town Council have to say yes.

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Ms. Papale stated, she felt that it was the right thing to do for the Town to go with the regional plan. If, however, both bodies need to approve the plan to implement it, then why are we discussing this topic if the Board rejected it?

Dr. Cirasuolo responded, the law requires it.

Ms. Papale stated, we should just move onto the next item on the agenda.

Mr. Rys stated, the Council should vote on it. If it passes this Council the Board can learn a lesson and perhaps re-convene in a special session. He commented how the plan included magnet schools and diversity training for the students. He stated that the diversity training should also be administered to the parents. It emphasizes voluntary rather than mandated approach to bringing the students from cities and suburbs together. It suggests, does not mean that we must, implement each and every portion of this plan. On November 30th a ruling will be made by Judge George Springer on the Sheff v. O'Neill case. Unfortunately, depending on what that ruling is, it may effect the community in a different manner than accepting the plan that is before the Council. In speaking with the public on this issue he found that the people are under the impression that this is a mandatory bussing issue involving loss of local control over where our children attend school. That is not true. It is a plan, a beginning, and he does not wish to have a judge tell him where his child must attend school. He opposes forced bussing and does not wish to see children hurt. He would entertain the approval of this plan by the Council this evening sending the Board of Education a message that the plan is not a bad one. For the public's information Region I includes, Cheshire, Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, Killingworth, Madison, Meriden, Middletown, Old Saybrook, Portland, Westbrook and Wallingford. We are in an excellent region and should take advantage of it now and not be mandated to participate.

Mr. Zandri did agree with everything in the plan as outlined in the book, but there are things he does agree with. The reason that Wallingford should become involved is because there are some positive points in the plan and we will have an opportunity to bring those points forward and vote on them individually as to whether or not they should be implemented. It also gives the Town the opportunity to take advantage of funding that may become available from the State. He is in favor of the plan and will support it.

Mr. Killen would not take a stand on the issue but felt that the public should be heard.

Mr. Gouveia concurred with Mr. Rys' comments. He has read the report and has found one section that he is not in agreement with, however. In the beginning it states that the program is a "voluntary education and community improvement plan". As an education improvement plan, he is in total agreement with it, but half of the plan reads more like an

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economic development plan than an educational improvement plan. The schools should not be in the business of "...conducting a market survey to determine public transportation needs and rider potential, increase incentives for businesses to establish or expand systems, establish reliable and affordable public housing", etc. He stated, for several decades now schools, throughout the country have been asked to continue to fix society's problems and then, in turn, they are also blamed for those problems. There are many problems facing schools, one, and most importantly, is the lack of parents taking responsibility for their children and their actions. He stated that he liked the program but there are many facets of it that do not require legislative action to implement them for he is sure that the Superintendent has already applied some of the programs. Those who look at this plan with fear will vote against it, but those of us who look at this with the hope that people will become better educated and more aware of diversity in cultures will vote for it. He preferred to vote on the side of hope for there is a great deal to benefit from in the plan.

Dr. Cirasuolo stated, this plan is community-approached meaning that the schools would not be the ones who would advance those suggestions that are community improvement suggestions. It is for that reason that the participation in the plan not only requires a vote of the Board of Education for the educational component, but also by the Town Council for the community component.

Mr. Zappala asked if Middletown has rejected the plan?

Dr. Cirasuolo responded, according to the Hartford Courant this morning the Middletown Board of Education approved it. He is not sure of any other community in Region I that has rejected the plan other than Meriden.

Mr. Zappala stated that he attended the Board of Education meeting last evening of which approximately 45 people were present. Four of those spoke in favor of the plan while many spoke against it. This plan may give the Board of Education an avenue to receive more money from the State, however, that money is our money. He supports the people's feelings last evening and will vote in opposition of the plan.

Ms. Papale asked if it was made clear to the Board of Education that each item in the booklet would be voted on separately if they voted in favor of the plan?

Dr. Cirasuolo stated that everyone understood it.

Wayne McDermott, 22 Cooper Avenue stated that he does not personally agree with everything in the report and asked that the Council reject it because the Sheff v. O'Neill case will not be settled on this report. When we begin accepting State funds we do so with a long string attached to it. Yes, it is nice to have my tax dollars come back to my community, but it comes with strings attached. The report is wonderful and it has already changed the school system but once we accept the State funds we accept all the other mandates that will come

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with it. He urged the Council to reject the plan.

Mr. Zandri clarified the point that by accepting the plan it has nothing to do with initiating any of the points of the plan or accepting any dollars from the State. The implementation of any part of this plan would have to be voted on again.

Mr. Gouveia reiterated his point that even if rejected, the Town should strive to implement many of the educational and economic aspects proposed in the plan.

Mr. Solinsky informed everyone that, according to CCM (CT. Conference of Municipalities) the State Board of Education has included in its budget request for 1995-96 and 1996-97 a total of \$27 million to support the expansion and creation of inner district programs, and an additional \$50 million in bond funds have been requested for planning and building of magnet schools.

Hank Hoffman, 110 N. Airline Road stated that racial discrimination is a problem that is faced in Wallingford as well as throughout the country. It is the central problem of our history. Yes, a lot of good has come out of the report but it will dissipate if the Board of Education and Town Council reject the plan. Wallingford is developing an image amongst other communities as a community with a problem about race. Image conforms to reality. There was a lot of fear expressed at the meeting last night about people who live outside of Wallingford and about our children going to school with other children from outside the community. It is very important to approve this plan for there is some very good recommendations such as the inter-district partnerships and student exchange, the recruitment of diverse teaching and administrative workforce which would be damaged by the rejection of the plan for it would show the Town is hostile to minorities and expanded multi-cultural curriculum. We need to be sensitive to how Wallingford's rejection of the plan will be viewed outside of the community. It will be reviewed as a rejection of diversity. He urged the Council to act in a manner which affirms a commitment to diversity in Wallingford and send a message to the Board of Education to re-think the message they are sending to school children with their actions.

Barbara Chayer, 24 Willow Street spoke in opposition of the program stating that our concentration should be on educating our children without becoming involved with the State on any level. She is in favor of maintaining home rule. She stated, as a former resident of New Haven, she is now afraid to walk in many of the areas of that city now and would be very happy to keep Wallingford free of that situation. It does not bother her to be accused of wanting to build walls around Wallingford for if you have something good, protect it. We need not kid ourselves as to what this is and there is no point in accepting the program and not implementing any part of it. She asked the Council to reject the program in its entirety.

Edward Bradley, 2 Hampton Trail recommended that those Councilors who were unable to attend the Board of Education meeting last evening watch the televised broadcast of it. He asked that they pay

particular attention to what the taxpayers of the Town are saying for it may help the Council to better understand the issue. Mr. Rys stated that he wanted to send a message to the Board of Education, however, the Board did get a message last night from the large majority of the taxpayers present that they don't want the program. The plan does have some good points as was discussed last evening and there should be no reason why the Board cannot take those points and implement them regardless if the plan is approved or not. Once our tax dollars are allocated to the State Board of Education we lose control. We don't need Public Act 93-263 mandating to us how to achieve a quality education in Wallingford. People are crying out that they want less government in their lives. He urged the Council to reject the plan.

Mr. Zandri responded to Mr. Bradley's comments by saying that the tax dollars associated with the plan will be there whether or not Wallingford accepts the plan. The only difference is that if we choose to reject the plan we will not have access to any of those dollars. In regards to the public attendance at the Board of Education meeting last evening, any time you have a controversial issue such as this the people who are against the issue will attend the meetings, you will not see the people present in support of the issue, therefore the people who spoke from the public last night are not a true cross-section of the people of Wallingford.

Philip Wright, Sr., 160 Cedar Street asked if any of the Councilors were a member of the study committee and, if not, did the Council appoint anyone as a representative on their behalf?

Mr. Solinsky responded, no to both statements.

Mr. Wright asked if anyone from administration was a representative on the committee?

Mayor Dickinson responded that he was involved in the issue, however he was not active at the regional level and somewhat active at the local level.

Mr. Wright stated that many of the concerns voiced at the Board of Education meeting on the part of the public was fueled by a great deal of sensationalism. He asked the Council to make up their minds based on what they see before them and do not take last night's vote or discussion as the reason why they should vote for or against the plan.

John Carr, 1249 Yale Avenue agreed with Ms. Chayer's comments stating that he also lived in New Haven for some time and is now afraid to walk the streets there. He therefore favors the plan for we need to help people learn to get along with people who are different and not to be afraid. We need to learn that if we continue to keep walls around our community we are going to have greater costs later as people are afraid of and work against each other. He implored the Council to look at the hidden costs if we are so afraid to relate to other citizens of this country because they are different than we are. He hoped that we have the courage and sense to realize the values in some of the implementations of this plan.

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Mayor Dickinson stated, although he did participate at the local level he was unable to participate on the regional level to any degree. He was supportive of the local committee and their final report. He is a strong supporter of the local school, the neighborhood school and feels that people take active interest in something that is close to them and familiar with. Anything that detracts from that ultimately will hurt education wherever the community may be. At the same time it is good to be familiar and feel comfortable with where you are. You have to be aware of others and how they feel comfortable with where they are and how they may do things differently or may look different. We must be aware of those things while, at the same time, we are made to feel comfortable. He does support the plan and feels that it is as much an issue of attitude as it is a project or program issue. It is important that we show a willingness to learn about other circumstances, people and educate ourselves to make ourselves more of a whole people.

Mr. Rys asked, is there any certain number of communities, a simple majority, that must pass the plan?

Dr. Cirasuolo responded, yes, a simple majority.

Mr. Rys asked, if Wallingford rejects this plan and it is passed by the simple majority of communities regionally, can we still participate in the plan?

Dr. Cirasuolo answered, no. Once we decide not to participate, we cannot do so at a later time. If Wallingford along with other communities wanted to, outside of the purview of this plan, do something together there is nothing legally to stop the towns from doing so. The access to whatever State monies are available, however, would not be available to Wallingford. Communities participating in the plan could not include communities who were not participating. The next step is for the communities to accept or reject the plan. The Commissioner of Education is then required to report to the legislature in the next session what the results are. There is an implication that the legislature is supposed to take that information and do something with it but we will have to wait and see if that occurs.

Mr. Rys asked Dr. Cirasuolo if he thinks that the general public is familiar with the actual issues of the plan?

Dr. Cirasuolo could not answer that question.

Mr. Rys gathered the impression that people see this as a bussing issue and a loss of local control. That is not part of this what so ever. He hoped that people would review the plan again.

Mr. Zappala stated that he was sure that the six Board of Education members who voted against the plan reviewed their material thoroughly and made an informed decision on this matter. We cannot persuade them to change their votes nor can we tell the public who attended the meeting and spoke in opposition of the plan that they were wrong.

Ms. Papale stated that people do not like changes and the residents of Wallingford would like our town to stay the way it is but we know that not to be true. She was disappointed many months ago when the Council voted against the funding of a diversity program. We have to change and we have to learn how to for it will happen to Wallingford and this is a good place to start.

Mr. Gouveia stated, it would be politically-correct to vote for this since the majority of the people seem to agree that we should not go along with this plan. There comes a time, however, when you have to stand alone and vote your conscious. It is not a political decision, it is a conscientious decision. He will vote in favor of this plan for it does not play on his fears. He believes the fears of forced bussing is unfounded. People seem to fear the unknown and it is much easier to stay with what you have, you know what it is. This plan plays on his hopes of reducing barriers being it economic or educational. It is his hope to improve the quality of education not only for the people in Wallingford but for the people throughout the region, that is why he will vote in favor of it.

David Gessert, Seiter Hill Road stated, as he reads articles in the newspapers about the educational system and test scores, it seems that we have enough things to work on without trying to solve the social problems of the world. It is no wonder that we do not have enough time to cover Math and English and prepare people for the real world of work with the system loaded down with mandates from the State. Now the State brings out this new plan which is "voluntary". Most voluntary plans introduced from the State, once you volunteer for it you will soon find it is mandatory and once it starts it will take off and you find yourselves with more mandates, more orders, more instructions. Once you get started and are committed, it isn't very long before that State money dries up.

Philip Wright, Sr., 160 Cedar Street stated, Mr. Gessert, fear not, we have a new Governor.

Mr. Rys stated that he has served on the Council with Mr. Gessert and when it comes to State funding, yes, on several occasions the State dangles a carrot before your nose and before long you are committed. He did not see a commitment with this program other than on paper to go ahead and move along. The real world is work. We all have to get along together and we need a little training in diversity and multi-culturalism in order to achieve that.

Mr. Solinsky referred to page 1 of the plan which states, "The recommendations reflect the understanding that diversity and awareness of diversity are a benefit to students and are desirable. Diversity may be defined as the differences or similarities that exist as a result of race, ethnicity, culture, religion, sexual orientation..." and asked, how can awareness of diversity of sexual orientation be of benefit to students and would be desirable? If he had a child in the public school system he would be here this evening speaking to this issue for he would be strongly opposed to that facet of this plan. It falls right out of line from all the other differences or similarities listed.

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Wayne McDermott, 22 Cooper Ave. stated that the literature he studied from during his schooling did not adequately represent certain races and cultures. There also existed a biased attitude with regards to sex. He felt that by including those recommendations referred to by Mr. Solinsky it is an attempt to eliminate those biased attitudes.

Dr. Cirasuolo speculated that the reason sexual orientation appears in the recommendation is to allow for the option of discussing gay and lesbian lifestyles. It was not part of the local plan.

Suzanne Wright, Chairperson, Board of Education and a member of the regional forum explained that it was discussed as one of the ways that people are different from each other. For school systems to be able to implement programs that teach diversity, you make decisions about whether we are talking about multi-culturalism and what is appropriate for the system you are working in but it doesn't mean that we are required to identify sexual orientation as a definition toward diversity. It was simply part of a definition that was expansive enough to identify areas in which people are different.

Mr. Solinsky stated, he is opposed to the sexual orientation recommendation and questions what we are attempting to teach our children.

Motion was made by Mr. Rys to Approve the Voluntary Education and Community Improvement Plan for Region I, seconded by Mr. Gouveia.

VOTE: Knight was absent; Gouveia, Papale, Rys and Zandri, aye; all others, no; motion failed.

PUBLIC QUESTION AND ANSWER PERIOD

Wendy DeForge, 2 Garden Road stated, after the June 1992 flood the residents of Garden Road met with Town and Federal and State officials on possible long-term and short-term remedies to the flooding problems in their neighborhood and asked, what is happening with regards to the short-term remedies? A flood warning system was suggested in the past and an update on the issue would be appreciated at this time.

Mayor Dickinson stated that the State was still in the process of compiling figures for the cost of the program and was looking for a commitment on the part of the Town. He will contact Mr. Morrissey to find out the status of the issue.

Ms. DeForge asked whether or not the Flood and Erosion Control Board could act on this?

Mr. Solinsky was under the impression that there is pending litigation with regards to Garden Road.

Mayor Dickinson stated that there is pending litigation on this matter. One plan was offered with regards to purchasing the properties and it was rejected. The next step is to probably see if there is willingness on the part of the property owners to have a dike located nearby.

Ms. DeForge stated that she was extremely disappointed since a number of the Council members sat in on the meetings discussing short term solutions to the problems over and above litigation. Information was given to the residents outlining the potential options and remedies.

Mr. Solinsky asked Ms. DeForge, who gave the information to the residents? The Council did not distribute anything.

Ms. DeForge stated that the residents met in conjunction with Mr. Solinsky representing the Town and/or Town Councilors representing the Town.

Mr. Solinsky clarified that at the meeting that he attended the residents were going to get together to see if there was enough support for a buy-out and a letter was going to be sent to them from the State. That is as far as he knew this issue to go.

Ms. DeForge stated that the Council should have received a packet on where the residents stood on the long-term issues. She is now addressing the short-term remedies. The Mayor, Town Council and residents sat and talked about what we could do to avoid a bad situation in the future. One of the things talked about two and one-half years ago was a flood warning system. The residents were told that it would be easy to install and not take much time at all. That was two and one-half years ago. We have an option to utilize that the State admits is in place in other communities, why isn't it here? Why is it taking so long?

Ms. Duryea asked that the Mayor give Ms. DeForge a timeframe by which to expect an answer on the short-term issue?

Mayor Dickinson will contact Tom Morrissey. It is a State program and the State has to indicate the availability of the project for the Town to participate in it. As yet, he has not received an indication from the State. The Town could not simply perform the project, itself.

Ms. DeForge stated, if this is a reflection of the commitment on the part of the Town with regards to the \$40,000 project she can imagine the commitment of a buy-out.

Mr. Zandri informed Ms. DeForge that an item must be formally placed on the Town Council Agenda in order for the Council to take any action on it. He, along with other members of the Council, did not recall any short-term solutions being discussed at a Council meeting.

Mayor Dickinson stated that the information relates to meetings that were held at which some Council members were present, it was not a Council meeting per se, with the residents of the area. The issue of a flood warning system was part of those discussions. It was not at a formal Council meeting.

Alta Moran, 76 N. Airline Road stated that she would appreciate it if everyone who appeared before the Council at a meeting would identify themselves, including the Town department heads. She often watches the meetings at home on television and has no idea as to who the

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officials are before the Council. She asked that the Ordinance Committee consider reviewing all the ordinances to see whether or not they are needed since many of them are unenforceable or the Town chooses not to enforce them.

Ms. Moran wanted to know what is being done about the parking ordinance as it effects her. Her problem has appeared on the Town Council Agenda formally for discussion and she would like an update on the issue. She was issued parking tickets in December, her formal appeal hearing was held in March and she was told at that time that if she forces this issue the hearing officer will find against her. She finally received a reply on Labor Day.

Atty. Mantzaris, Corporation Counselor, informed the Council that he was Ms. Moran's hearing officer. He denied stating that he would find against her if she pressed the issue. He informed her in the past that he needed to research the issues involved and would render a decision at a later date. The ordinance requires a decision at the time of the hearing so he asked for her permission for additional time. Councilor Killen was present at that hearing as well. Atty. Mantzaris finally absolved Ms. Moran of the three parking tickets she received. Something will be done about the problem. Atty. Mantzaris intends to visit the site and to ask some questions of Ms. Moran. He will contact her soon.

Mr. Killen stated that a sign is posted out on N. Airline Road which states, "No parking Town property". There are no parameters outlined by the signage therefore no way of telling which Town property it governs.

Mr. Gouveia asked, what is the remedy to the problem?

Ms. Moran stated that the sign was placed there illegally.

Atty. Mantzaris stated that the sign is placed properly but it fails to designate the area from which parking is prohibited. There is nothing wrong with the ordinance.

Ms. Moran then asked, why isn't the abandoned vehicle ordinance enforced? She has been aware of such a vehicle in one location for more than five years. In August it was posted in a newspaper advertisement that it had to be moved and it is still there.

Mr. Gouveia stated, there is nothing wrong with the ordinance but it should be determined why it is not being enforced.

Frank Wasilewski, 47 N. Orchard Street stated that there is a leaf ordinance enacted by the Town which prohibits the residents from sweeping their leaves into the street. The Town, however, is not picking up their share. He asked the Public Works Department three weeks ago, when are you going to vacuum? The answer was, when we get around to it because they have other projects. This morning, however, he noticed the vacuum down at Wallace Park. The streets and manholes are all covered but they are vacuuming Wallace Park. He feels that the Public Works Department should not vacuum the parks

until after the streets are done.

Mr. Wasilewski asked, who is responsible for the leaching that is coming from the ash landfill? Is it Wallingford or CRRA?

Mayor Dickinson responded, it would be the CRRA project.

Mr. Wasilewski then asked, are they having a problem with leaching from the ash and how long are they going to keep dumping ash into that landfill?

Mayor Dickinson responded, there is monitoring going on and there are allegations involved that dispute that but the details of what the proof is, he does not know.

Mr. Wasilewski has heard that it is going to be a serious problem. All that contamination is going down the Quinnipiac River to Long Island Sound from Wallingford. Other towns are leaching as well. We better investigate to see if we are going to be liable for that leaching.

Mayor Dickinson stated, we are part of the project so we would have the liability of one of the towns.

Mr. Wasilewski stated, originally, CRRA was paying Meriden \$300,000 to dump the ash which they never dumped. Did Wallingford get that \$300,000?

Mayor Dickinson answered, no, we are not getting the \$300,000 from that but we are receiving \$1 million.....

Mr. Wasilewski commented, that is for the other part....we should be getting the \$300,000 for having the ash dumped in Wallingford. Whomever represents Wallingford should go after CRRA to obtain all that back payment.

Reginald Knight, 22 Audette Drive explained the runaround that he has been given with regards to appealing his tax bill for his automobile which reflected a 110% increase over last year's. He spent four hours at an appeal session in March at which time the Board of Tax Review ruled that his tax bill should be \$850. when he thought it should be \$600. He received a letter in September stating that the Board agreed with Mr. Knight that \$600. was a valid figure for his auto taxes. He then received a letter from Norm Rosow, Tax Collector, that his taxes are overpaid and he must contact someone at Town Hall. He proceeds to talk to the Tax Office who verifies that the taxes are overpaid. He then receives an application form which must be completed and returned before the item can go before the Town Council for approval of the refund. He asked if all this work is necessary and are our tax dollars being used efficiently when all this must take place to receive a \$20 refund?

Thomas Myers, Comptroller informed Mr. Knight that the State laws are written in such a manner which binds the Town to follow the procedures

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as outlined by Mr. Knight above. The law requires that the Town seek an application for a refund from the taxpayer who has overpaid their taxes even though it is fully aware that they have done so. As time-consuming and inconsiderate as it is, the Town is following the procedure set forth by the State with regards to the overpayment of taxes. If we don't follow the rules we are held personally responsible.

Mr. Gouveia stated that the steps are necessary in order to uphold the State law but unnecessary to wait from March to September to receive an answer. It could have been resolved much sooner. The steps are necessary to protect the citizens from any wrongdoing on the part of local officials. It is part of the check and balance system.

Ms. Duryea read a letter into the record from Democratic Town Committee Chairman William Fisher commending the Registrar of Voters, moderators, workers, ballot counters, checkers, challengers and machine mechanics, Town Clerk's Office and Public Works employees for their efficient and professional manner during the recent recount for the Secretary of State office held on Monday, November 14th.

ITEM #5 Consider and Approve Acting Upon the Wallingford Teacher's Contract Effective September 1, 1995 to August 31, 1999 as Requested by the Board of Education

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

Suzanne Wright, Chairperson, Board of Education and Dale Wilson, Assistant Superintendent for Personnel were present for discussion on this issue.

Mrs. Wright stated, from the Board's perspective they were very pleased with the contract that was negotiated with the teachers. She explained how the contract allows for an additional twenty minutes of instructional time to the school day and a couple of days to the school year throughout the life of the contract. The Board was very cognizant of the economic concerns that the Town has as well as the Board and tried to be very careful with salary issues. The co-pay on medical insurance has been increased as well.

Mr. Wilson reviewed the specifics of the contract for the Council and public explaining that it is a four year contract effective September 1, 1995 to August 31, 1999. The first year of the contract reflects a 2.75% raise including increment; for 1996-97 it is a 2.70% including increment; 1997-98 is a 2.70% including increment and 1998-99 is a 2.99% increase. The last two years of the contract has an additional instructional day added bringing the total instructional days to 189 by 1999. Although the first year of the contract is a 2.75% raise that is for new costs to the Board and Town. In 1995-96 for the top step for bachelors, which is the eleventh step, it is a .27% raise; for masters it is a .20% raise and for the sixth year degree it is a .28% raise. For the entire four years it calculates out to less than the overall percent that was given each year. The purpose of that was to keep the top step wages down. The other percentages are in steps one through ten. Starting after September 1, 1995 new employees will

not be able to participate in the current longevity payment. Another priority of the Board which was accomplished was to increase co-pay. Presently there is a 5% co-pay which is increased in the second year of the contract to 7.5% which will be maintained in the third year of the contract, however in year four it increases to 10%. Through payroll deductions the Board presently collects \$165,000 with the current 5% co-pay. That equates to nearly .75%. By the end of this contract that will increase to close to \$400,000 which equates to 1.5% to 2%. Major Medical has increased their lifetime maximum from \$1 million to \$5 million and again, the Board was concerned about the cost of that change so it was capped at \$13,000 per year. If it costs more than that the teachers will have to pay the difference themselves. An additional priority of the Board was to lengthen the school day which was accomplished by the negotiations. In service credit was also a give-back. Teachers presently are reimbursed \$30 per credit for any amount of time they attend school for advanced degrees. It has now been capped after the eleventh step. If they haven't applied for the credit then they will not receive it. With regards to graduate study approval, teachers can presently take thirty credits and not have a degree and receive a differential beyond the B.A. degree. This will stop for they will have to earn degrees at all levels to receive differential. A maximum of eight (8) in-service days/workshops shall be scheduled each year. These workshops, four (4) of which shall be on released time and four (4) (meetings will not exceed two (2) hours and will begin within thirty (30) minutes following the close of school) of which shall be conducted after school at the discretion of the Superintendent of Schools.

Mr. Gouveia asked, what is the present number of instructional days?

Mr. Wilson responded, there are 182 instructional days and 5 staffing days. By the end of the contract there will be 184 instructional days and 189 staffing days.

Mr. Gouveia asked, what is the percentage of the staff who are at maximum step?

Mr. Wilson responded, a little over 50%, closer to 58%.

Mr. Gouveia hoped that other unions in Town take notice of this contract specifically that approximately 58% of the union workers will receive only a .2% increase while at the same time increasing their work day by 20 minutes while paying a larger amount towards their co-pay for insurance. Employees with a masters degree will receive a 3.9% increase over four years' time. It is a good contract for all involved. He hopes that this does not become a trend where teachers are paid less than the average worker as it was in the 1970s and 1980s.

Mr. Zandri stated that this contract should be used as a model for the upcoming contracts to be negotiated. It addresses three key points, to keep the base salary increments low, concessions with regards to benefits and increased co-pay. It is a fine contract, the Board and teachers did a good job. He hopes other unions take note of this and

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the Council as well when other contracts come before them.

Philip Wright, Sr., 160 Cedar Street asked, does this new contract retain the provision of allowing the spouse of the union worker to waive their medical benefits for remuneration?

Dr. Cirasuolo responded, any union worker governed by this contract can give their medical benefits up in return for approximately 40% of what the Board would pay for premiums. There is a cap placed on it and it is not restricted for husband and wife teams working for the school system, any employee of the school system can waive their insurance. The participation in this option is higher than ever.

Mr. Wilson stated there is presently 72 people waiving their insurance benefits. Approximately 40-45 of them are teachers, 10% of the staff. That calculates out to an approximate savings of \$425,000 - \$450,000 for the Board which has been cut out of the budget.

Mr. Wright agreed that this is a good contract, a step forward and the mold has finally been broken. He is especially pleased with the fact that the school day has been lengthened.

Frank Wasilewski, 57 N. Orchard Street asked, who negotiated the contract for the Board of Education?

Mrs. Wright responded, the team was comprised of Mr. Centner, Mr. Wooding, Mrs. Beecher and Mrs. Wright.

Mr. Wasilewski asked if any of the administrators participated?

Mrs. Wright answered, the administrators participated in the negotiations but the above-mentioned individuals comprised the negotiating team which made the final decision on each of the items.

Mr. Wasilewski asked if the administrators belong to the union?

Mrs. Wright answered, no.

Mr. Wasilewski asked, when was the last year that the teachers did not receive a raise?

Mr. Wilson could not answer that but guessed it had to have been approximately forty years ago.

Mr. Wasilewski stated, the teachers in Connecticut are the highest paid teachers in the U.S.

Dr. Cirasuolo stated, that is correct but Connecticut also has the highest cost of living.

Mr. Wasilewski pointed out that back in 1992 the starting salary of a teacher was \$30,580. In 1994-95 it is \$32,159. What will the starting salary be when this contract is expired?

Mr. Wilson responded, \$33,360.

Mr. Wasilewski asked, how many years does it take for a teacher to reach the top of the scale?

Mr. Wilson responded, twelve years if future contracts do not have a freeze on the increment.

Mr. Wasilewski stated, other unions in town only have four steps. They don't get these kinds of raises. Everyone else working for the Town has just as important a job as the teachers. They should be making a decent living too. There should have been a freeze on the teachers pay for one year. It would not have made that much of a difference.

Dr. Cirasuolo stated, the chances of achieving that through arbitration would be zero.

Mr. Wasilewski stated, the cost of education keeps rising while the teachers receive cost of living raises, however, the people who are paying the taxes are receiving less while taxes are rising as well.

Dr. Cirasuolo responded, over 50% of the teachers over the past three or four years have not had cost of living increases. Those who are at the top of the scale are not receiving a percentage increase anywhere near the increase in the cost of living.

Mr. Wasilewski asked, how many more teachers have we added to the teaching force since Dr. Cirasuolo has joined the staff?

Dr. Cirasuolo responded, quite a few because our student enrollment has increased by almost nine hundred students. He would have to check his records to count how many teachers but in terms of actual classroom teachers, approximately 30-40.

Mr. Wasilewski stated, as good as this sounds, the cost of education over the past ten years in Wallingford has increased \$30 million.

Dr. Cirasuolo answered, that is true largely due to the education enhancement act (EEA) and the infusion of State money into teacher's salaries. He recalled what things were like prior to the EEA when the average S.A.T. scores of individuals entering teacher training institutions was 700. They could not play sports with 700. That was the quality problem we were concerned about. In researching why the best and brightest students would not enter the profession of teaching the answer was unanimous, they could not make a decent living at it. There were teachers in this State who qualified for food stamps at one point in time. All indications show that the EEA has brought about an increase in the quality of people entering the profession.

Edward Bradley, 2 Hampton Trail asked, how many steps are there within the teachers salary and what are the ranges?

Mr. Wilson stated, eleven steps and the current low step range is \$32,159 to \$48,772. The highest step, sixth year, range is \$34,801 to \$60,703. There is no change in step one with the new contract for B.A., M.A. and Sixth Year for year one and two. That changes in the

third and fourth year.

Mr. Bradley asked, is there a difference in the distribution of the increase for a person in the \$30,000 to \$40,000 range vs. the person in the \$50,000 to \$60,000 range?

Mr. Wilson answered, yes, each level is different. There are thirty-three different percentages for the first year. It is distributed depending on how many people are on each step and what the cost is based upon the number of people at each of those steps.

Mr. Bradley asked, what is the bottom line increase to the Board's budget the first year of the contract?

Mr. Wilson answered, for salary schedule it is \$692,000. or 2.75% That is the cost over this year's schedule.

Mr. Bradley felt this contract was in line with outside industry. He hoped that the Council could encourage the Board of Education to apply the "bonus" type increase or the one time payment not added to the base salary theory to the administrator's salaries as well.

Mr. Gouveia stated that Mr. Wasilewski's question should have been, "When was the last time any of the unions in Town failed to receive an increase?" It would have been a much fairer question to ask. He pointed out that approximately 58% of the employees in this union will only receive a \$135 increase next year while being asked to work 60 hours more per year. In addition they will lose credit for college course reimbursement and may pay part of the major medical coverage. If this does not amount to a zero percent increase, what does? We must present facts from both sides of the table. We always seem to blame binding arbitration or unions, etc., yet we have an employee in this town which is not effected by binding arbitration or union and thirteen years ago started at \$39,000 per year and is now making \$95,000 today. Let's bring all the facts on the table, not just some of them.

The Council did not take action on this item. By State Statute the Town Council has thirty (30) days to reject the contract after receipt by the Town Clerk. If no action is taken by the Council by the thirtieth day, the contract is binding.

ITEM #6 - Withdrawn

ITEM #7 - Withdrawn

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$799 from Full-Size Van Capital Acct. #001-2020-999-9902 to Maintenance of Vehicles Acct. #001-2020-500-5000 - Animal Control Officer

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

Mr. Solinsky asked if the Animal Control Officer plans to be present for the item?

Mayor Dickinson believed she was planning to be present, however, there was no one in attendance.

Mr. Rys had a question regarding the \$2,441.02 encumbrance in the Animal Control Officer's maintenance of vehicles account.

Mayor Dickinson and Comptroller Myers could not answer Mr. Rys' question.

Motion was made by Mr. Rys to Table This Item, seconded by Mrs. Duryea.

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

ITEM #9 Consider and Approve a Budget Amendment in the Amount of \$2,650 from Revenue Acct. - Other Revenue Misc. Acct. #001-1075-070-7040 to Expenditure Acct. Fire Department Aerial Ladder Truck Acct. #001-2030-999-9907 - Dept. of Fire Services

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

Mrs. Duryea read correspondence from Fire Chief Wayne Lefebvre into the record which stated that the Bristol Myers Squibb Co.'s challenge grant which was established to fund the new aerial platform truck now stands at \$36,425. Included in this amount are two recent donations totalling \$2,650 of which \$2,500 was donated by Bristol Myers Squibb and Mr. & Mrs. Ralph Habersand donated \$150. He requested that the Town Council officially recognize and accept the donations so that they may be deposited.

VOTE: Knight was absent; all others, aye; (NOTE: SEE PAGE 28 - Noting no objection on the part of any Councilor Mr. Killen's vote is changed to "no") motion duly carried.

The Chair declared a five minute recess at this time.

Mr. Killen asked that his vote on Item #9 be changed to read "no" instead of aye.

Atty. Mantzaris stated that it is recorded as an aye. There would have to be a way to open the item again to re-vote on it.

ITEM #10 Consider and Approve a Budget Amendment in the Amount of \$116,835.00 to Increase the Interest on Long Term Debt - So. Elm Street Acct. #427-041 and Decrease Net Income in the Amount of \$116,835.00 and to Decrease the So. Elm St. Sewer Ent. Contribution Acct. by \$9,210.00 and Decrease the Uncommitted Bond Interest Acct. by \$107,625.00 - Sewer Division

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

Roger Dann, General Manager of the Water & Sewer Division stated that this item along with the next appeared on the last Council agenda and was defeated. He wanted to be sure that the Council fully understood the necessity of approving these items. When the budgets of the Water & Sewer Divisions were prepared and approved, incorporated in the budget were funds for making interest payments on anticipated bond

sales. Those bond sales were expected to take place to finance the needs for the South Elm Street Sewer Project and in the Water Division to meet the ongoing needs of the water supply projects. The funds were budgeted in a reserve area of the budget in anticipation of the bond sales since the sale had not occurred at the time that the budget was acted upon. Subsequently, in June of this year the bond sales did take place. Associated with those sales were schedules for making principle and interest payments on the debt. Those are obligations which are inherent with the bond sales themselves. These two budget amendments involve placing the funds in the appropriate accounts from which the interest payments on those bonds will be made. If, in fact, we do not make the transfers we will be unable to make interest payments on existing debt which would place the Town in default on its obligations relative to those bonds sales. That is the issue here.

Mr. Zandri asked, when are the interest payments due?

Mr. Myers responded, December 15th.

Mr. Zandri asked, what is the amount due on December 15th?

Mr. Dann answered, it would be half of the \$116,835.00 since the other half of the payment would be due in June for the Sewer Division.

For the Water Division it would be half of the \$54,350.00.

Mr. Zandri then asked, when was the shortfall recognized?

Mr. Dann answered, it was recognized at the time that the budget was prepared and presented to the Council. That is the reason that it is reflected in your budgets under the category of "Use of Funds - Uncommitted Bond Interest".

Mr. Zandri asked, if it was recognized at budget time why are you waiting until the last minute to come before the Council on this?

Mr. Dann stated, this item was presented to the Council two weeks ago which was sufficient advance notice of the anticipated payment date.

Mr. Zandri responded, it depends on whether or not the Council wishes to go through the process of holding a public hearing.

Mr. Dann stated, it is not required and he has been advised that a public hearing is not necessary.

Mr. Zandri reminded Mr. Dann that it is the Council's choice to hold a public hearing.

Mayor Dickinson stated that it should not be left that it is a new legal requirement and suddenly becomes the choice of the Council. The Charter is set up the way it is simply because if the Town faced an emergency measure, money would have to be obtained from outside the normal budget in order to fund the emergency, whether it would be borrowing from a bank or transferring money from reserve accounts or retained earnings. In order to accomplish that the budget would have to be amended. There is no practical way to wait two months to infuse new money in the budget to handle an emergency. The writers of the

Charter wrote it as they did in order to allow the flexibility to provide funding when necessary without going through the time-consuming process of amending the budget as if it were an ordinance. Thus the budget is not an ordinance for the sake of amending it and it allows us to provide for the needs of the community without undue delay. A sudden desire to hold public hearings without legal basis is really a direction that shouldn't be pursued because all it does is interrupt the very service and professionalism that we should represent to the public.

Mr. Zandri stated that he did not classify this scenario as an emergency.

Mayor Dickinson responded, if the proposition is that any budget amendment requires a public hearing, a need to address an emergency would, by its nature, be a budget amendment also and that would have to fall into the same ruling that would require a public hearing. Either a budget amendment requires a hearing or it doesn't. We just passed a budget amendment for the Fire Department and obviously there was no public hearing on it. Now we are dealing with the same thing for the Water and Sewer Division and are now saying it requires a public hearing. Government should not operate on an arbitrary basis. There would be no way for the departments to know what they were expected to do in order to comply.

Mr. Zandri pointed out that in the Fire Department's case we are accepting money into the budget whereas in this case we are expending it. One is a gift the other is expending additional dollars over and above what was anticipated in the budget.

Mayor Dickinson stated that Mr. Zandri's rationale is not based in any legal requirement. A budget amendment is a budget amendment regardless of where the money comes from.

David Gessert, Public Utilities Commissioner referred the Council to page 134 of the Town Budget, Department of Public Utilities to view the two accounts. They are in the budget. It is not an addition to the budget, they are budgeted respectively. It was realized when the budget was presented that these expenditures would have to be made later during the year.

Ms. Papale stated that the Council has been voting on budget amendments without public hearings for quite some time. Two years ago this issue was raised and it was reviewed by Town Attorney Small at which time it was determined that a public hearing was not required.

Mr. Gessert stated that the Town's credibility will be compromised if we don't meet our obligations as intended. The bond rating will be effected as well.

Mr. Killen stated, when the Mayor chose to veto the budget in the past because it was an ordinance he received the backing to do so. Nowhere in the history of the Charter, itself, or the minutes of it has it been shown that the Town of Wallingford will adopt its budget by ordinance. There was never a positive motion which states that the Town must adopt its budget by ordinance. If the Town Attorney rules that the budget is an ordinance then it must remain so all the way

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down the line. The only way to amend a budget ordinance is by the means by which it is adopted.

Ms. Papale stated that the Town will suffer not solely the Mayor. Why punish the Mayor?

Mr. Gouveia stated, some would have us believe that the Town Attorney's opinion is the word of the gospel. He sat on the Council when three individuals have worked as either Town Attorneys or Asst. Town Attorneys and gave their opinion on the Rights In Deed issue. It cost the Town a lot of money. He believes that a public hearing is required in order to change the budget. The bottom line changed by \$116,000. The Net Income decreased by \$116,000. At the last meeting Rule V of the Council Procedures could have been waived and a public hearing set for this evening. If time was of the essence then we should have utilized the time we had.

Mayor Dickinson responded, even if it had been placed on tonight's agenda we do not have the time before December 15th to have the thirty day appeal period. We either have consistent rules or we do not. There was not a public hearing for the amendment to the Fire Department's budget. How is anyone supposed to know what the rules are? Are we going to waste the money to publish it in the newspaper every time there is a budget amendment? If there is no legal rule for a public hearing then we should not require one. When we start imposing rules that are not legally necessary, are not sanctioned by those who are employed to interpret the language of the rules that we utilize, we have a serious problem. That is where government gets out of line. Rules are in place to give everyone proper notice and when we depart from the legal necessities, that is when you get arbitrary and inconsistent decision-making.

Mr. Killen stated that the source of information from which the Council is fed at times makes all the difference in the world. Anyone can hand down a legal opinion. That does not necessarily mean it is right, just that it is an opinion.

Mr. Solinsky urged the Council to pass this because this money is owed.

Mrs. Duryea commented that she is having a hard time with this issue and did come prepared to vote no, however, it is time that someone else accepted responsibility. The Council seems to be yelled at and scolded if they don't do this or that they will be jeopardizing the Town. She stated that Mr. Dann, as a department head, jeopardized the Town by not bringing this item forth sooner than he did. This issue could have been avoided. She stated that the feeling of the majority of the Council is no secret to anyone. If this was known at budget time he waited too long to do something about it. She did not want the Town to be in default for this so she will vote in support of this issue.

Mr. Dann took exception to the statement by saying that this was fully disclosed during the budget process. The expectation that we would have to sell these bonds and incur the debt service and make these

payments was fully disclosed at the time the budget was prepared. He is following what he perceives to be the appropriate legal procedures in bringing this to the Council. He brought it to the Council two weeks ago which is more than adequate notice. He has no way of knowing since the item before him was voted upon unanimously without a public hearing. There is no way that he can read the Council's minds as to which budget amendments will require a public hearing and which ones will not, therefore he needs to rely on proper procedures and legal opinions that go along with it.

Mr. Killen asked, why wasn't the money placed where it should have been to begin with and now have to transfer it?

Mr. Dann responded, it is the procedure that has been followed for the past several years. The purpose is that in the event that the bond sale does not take place or because of differences between the anticipated date of sale, interest rates, etc., and the full amount of interest is not needed then the remainder of the funds, which have been collected within our rate structure specifically for the purpose of that project, are retained for the use in that project. It is not a new or unique way of structuring the budget.

Ray Denison, Office Manager, Water & Sewer Division stated, he has been involved with budget amendments for twelve and one-half years. On numerous occasions they have been approved without any public hearing. All of this was disclosed last February or March when the division appeared before the Council to present their budget. He reminded Mr. Killen that on many occasions he (Mr. Killen) has often told the division, "don't put it in the budget now, when you need it come back and we will give it to you". We were working on that assumption.

Philip Wright, Sr., 160 Cedar Street stated that the Council should approve the amendment without prejudice which means that it does not become a precedent and it can be argued at a later date when the issue is not under the gun.

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

ITEM #11 Consider and Approve a Budget Amendment in the Amount of \$54,350 to Increase the Interest on Long Term Debt - Water Treatment Plant Project #11, Acct. #427-011 and to Decrease the Net Income After Transfer Acct. in the Amount of \$54,350 and to Decrease the Reserve for Project Bond Interest Acct. by \$54,350 - Water Division

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

VOTE: Knight was absent; Gouveia, Killen and Zandri, no; all others, aye; motion duly carried.

ITEM #12 Consider and Approve an Appropriation of Funds in the Amount of \$173,615 to Estimated Revenue State of CT. Vo-Ag Equipment Grant Project 148-130EQ and to Expenditures Vo-Ag Equipment Grant Project 148-130EQ - Board of Education

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

Mr. Killen asked, where does the \$173,615 reside currently?

Mr. Myers assumed it is with the State. We have a commitment letter. It is a reimbursable grant. We have to spend the money in order to receive the grant.

Mr. Killen asked, where are we supposed to get the \$173,000?

Mr. Myers answered, we will finance it the same as we do other education reimbursable grants such as adult education, Title I, Title II. We are fronting our own cash and recovering it at a later date.

Mr. Killen stated, when we wanted \$25,000 a couple of meetings ago for the Engineering Department, Quinnipiac Corridor, we were told we didn't have it.

Mr. Myers recalled that the transfer was not approved from one line account to another. The transfer was within an overall appropriation of \$1,250,000. It had nothing to do with a budget amendment.

Mayor Dickinson stated that ordinance was not amended because we were trying to comply with an accelerated State approval and construction process. In order to do that we had to have designs completed by late January or February. We could not do that if we went through a two month process of amending the ordinance.

Mr. Killen stated that the point he was making was that we had \$25,000 available and could have amended the ordinance in the interim.

Dr. Cirasuolo stated, in June of 1993 the Council authorized the Board to apply for these funds. The process is identical to the one used to apply for school construction grants, the forms are the same and they go through the same department. We received authorization to purchase the equipment for a total of \$173,615. Once the purchase is complete we will submit the paperwork and the Town will be reimbursed.

Mr. Solinsky stated, at the time the addition was placed on Vo-Ag a tractor was considered hazardous that was placed on the list of equipment to be purchased at that time and it was never bought is that correct?

It was stated that the only piece of equipment removed from the list had to do with radiation/radiology.

Mr. Solinsky asked, what if the bids come in lower than the grant?

Dr. Cirasuolo answered, we have authorization to spend up to \$173,615 so the list will be supplemented, if necessary.

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

Motion was made by Mr. Zappala to Move Agenda Item #16 Up to the Next

Order of Business, seconded by Ms. Papale.

VOTE: Knight was absent; Solinsky, no; all others, aye; motion duly carried.

ITEM #16 Report Out by the Advisory Maintenance Committee on the Location of a Recreation Center at Community Lake as Requested by Councilor Peter Gouveia/Advisory Maintenance Committee

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

Mario Tolla, Chairman of the Advisory Maintenance Committee, Joe DiNatale, Committee Member and Justin Williams, a voluntary consultant to the committee were in attendance for this item.

Mr. Tolla explained how the committee met with Tom Dooley and John Pawlak of the Park & Recreation Department, Sue McLaughlin of the Youth Services Dept. and Scott Hanley of the Government Access Television Department to assess the needs of each group with respect to space requirements in a new recreation facility. After a review of the present facilities and discussions concerning future space that may be required, the consensus was that 38,000 square feet would be necessary.

Depending on the layout of the building and other intangibles, the committee feels that a steel construction-type building can be built for a cost of \$2M to \$2.3M

Mr. Tolla distributed a preliminary budget estimate sheet to the Council detailing the costs associated with the basic construction of a 38,000 sq. ft. facility, listing such items as masonry, concrete, carpentry, suspended ceilings, painting, etc. totalling \$1,718,835.00 for the base building estimate. Also listed were alternates I - VII detailing various upgrades to the structure, i.e., carpeting of office areas, air conditioning gymnasium, basketball equipment, etc. bringing the total construction cost, including a 10% contingency for upgrades, to \$1,998,777.00, excluding a 6-8% architectural fee allowance.

Ms. Papale pointed out that there are additional costs associated with landscaping, groundwork, playing fields, etc., which are not addressed which will drive the price of the project up.

Mr. Tolla reminded the Council that they were asked to develop a cost estimate for the construction of a building only. They have done so, submitting a plan which costs out at approximately \$50 per square foot.

Mr. DiNatale stated that there are two options for construction of the facility, one is a design-built similar to what the Town went out to bid for on the Wooding/Caplan Property or we can go out to bid with a design which is the routine option. The latter of the two options will cost approximately 15%-20% more. The option recommended by the committee is the one in which a pre-designed "shell" building is constructed. The architectural fees associated with designing a 38,000 sq. ft. building are approximately \$140,000.

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Mr. Rys asked, with the design-built option will we be looking at a "warehouse" type of structure?

Mr. Williams stated, if you are looking at a metal building as a "warehouse" concept, the cost is approximately \$25-\$30 sq. ft. We are talking in excess of \$50. sq. ft. which technically means that you will have a lot of amenities within this building, not only on the interior but also as an exterior appearance which will effect a very attractive building, not a "warehouse" effect. He submitted a booklet which detailed what a pre-engineered metal building can look like with a little ingenuity and imagination. It can provide a very aesthetic appearance.

Mr. Rys stated, when involved with putting portable classrooms on the schools, there was much concern regarding the life of the buildings as well as durability. He envisioned a metal-type building as one that will not have as normal a longevity period that a brick building would have. Is there any information that would dispute that fact?

Mr. DiNatale stated, the committee figured in a block and brick facade on the front of the building, together with other details. He informed the Council that in his experience as a mason he has found metal buildings which have stood the test of time for over thirty to thirty-five years. After that amount of time a building of any type becomes obsolete anyway, regardless of what material it is constructed from.

Mr. Williams stated, the pre-engineered concept comes into play in the structural steel, roof system, etc., which effectively reduces the cost of structural engineering by the standard in which architects and engineers have to design every aspect of a structure.

Mr. Killen asked if the committee found a location for the building?

Mr. Tolla responded, Community Lake. He has been informed by Linda Bush, Town Planner, that nine acres exist at Community Lake. One acre will be occupied by the building. There was no problem in the past with the Boys Club's proposal to construct a building in the same location. It was almost a done deal so it should not be a problem with this one.

Mr. Killen wanted assurance that the building will not encroach on inland wetlands.

Mr. Tolla stated, the wetlands area is located away from the proposed construction site.

Mr. DiNatale stated, the footprint of this building is only slightly larger than the Boys Club building.

Mr. Killen asked, how many vehicles can the parking lot accommodate?

Mr. Tolla responded, Ms. Bush informed him that there is no way of telling how many will be needed due to the nature of the building that is proposed.

Mr. DiNatale stated, there is no formula most likely for a Park & Recreation Building, as such.

Mr. Zandri stated, there are 140 parking places currently. There are additional parking places presently being occupied by vehicles that can be freed up as well.

Mayor Dickinson presented the Council with a site plan of the Boys & Girls Club. He stated that the footprint of the buildings are not the same. By superimposing one drawing over another you can get an idea of how the building fits on the site.

Mr. DiNatale stated that the footprint would be placed where the pavilion is and the pavilion would have to be done over. Someone at the meeting told the committee that the pavilion was not of much value to the project. The tennis courts would stay...everything else would stay but the pavilion. There are many ways to shift the footprint, towards the pavilion is one.

Mr. Gouveia asked, will the \$1.8 million finished product be a "turn key" product, notwithstanding the site work?

Mr. Williams stated, the cost does not include bringing the electricity to the site, nor water main, fire hydrants or site costs.

Mr. DiNatale added, the site work cost to erect the building is approximately \$111,000. The committee did not address offsite work costs since they were unfamiliar with what was required.

Mr. Gouveia asked if the exterior brick veneer will be on the entire exterior of the building or only on the facade?

Mr. Williams responded, the brick and block was figured in up to a ten foot elevation with a ribbon of metal panel above. The front elevations were predominately all brick.

Mr. Zappala pointed out that the site is comprised of nine acres of land and there is plenty of room to relocate any of the existing courts or fields or the pavilion.

Mayor Dickinson was not sure it would be that simple since the stream encroachment line cuts at an angle through the property. He was not sure that there was nine acres beyond being able to place the building and retaining the tennis and basketball courts.

Mr. Zappala was under the impression that the Boys Club was going to remove the tennis courts.

Mayor Dickinson clarified that they were going to eliminate the paddle tennis courts not the regular tennis courts.

Mr. DiNatale stated that the consensus at the meeting was that it was not necessary to keep the pavilion in its present location.

Mr. Killen appreciated the work the committee performed and stated

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that it is important to determine what the overall plan of the Community Lake Study Committee is and how this issue fits into their plans. The Council should now seek input from that committee.

Mrs. Duryea was not comfortable with the area being proposed for the building. She was very concerned with the traffic and safety issues associated with the facility being located at Community Lake. She contacted Officer Richard Doll, Traffic Maintenance Officer to see if any studies were performed regarding the impact of traffic on the area. She read an excerpt of correspondence dated October 13, 1992 from Officer Doll into the record as follows: "The mere nature and use of the proposed development raises some questions which should be addressed. As a Boys and Girls Club we can expect heavy use by school aged children. During the school year the arrival sometimes will be just before the start of peak hour traffic on Hall Avenue (Rte.150). Furthermore many of these children will be traveling home during the peak hour traffic and depending on the time of the year and low light conditions or darkness, this facility would not only draw pedestrians but also bicycles and possibly skateboards. Street lighting along Hall Avenue should be investigated to ensure that there is adequate light provided along sidewalks and traffic paths. Sidewalks may have to be extended or installed in order to provide a safe walk area. Directly to the west of the site drive after crossing the route 15 bridge, the sidewalk ends, turning into a narrow dirt path on the north side of Hall Avenue. To the east of the site additional walkway may be needed to the north side of Hall Avenue."

Mrs. Duryea stated, these are my main concerns with the traffic and they would have to be addressed and a cost associated with them in order to obtain a total cost of the project.

Mr. Tolla reiterated that the committee was requested to obtain figures for the construction of a building only. The Town will face the problems of foot and auto traffic no matter where they locate the facility. He, personally, would rather see the center located at Community Lake than in an isolated part of town such as Fairfield Blvd.

Johanna Fishbein, 112 East Main Street stated that she has been a Park & Recreation Commissioner for twenty-four years and is very much interested in this project. As a Wallingfordite she is in favor of retaining any/all land owned by the Town of Wallingford until the time is right for it to be utilized by the Town. The Board did view the Fairfield property at which time it was noted that parking existed for approximately 180+ cars. The landscaping was complete, the interior did need some work and, ideally, she would love to see the building at Fairfield Blvd. located on the Community Lake property. For years the Board has been trying to get a new building. There are good points about each location which will have to be weighed very carefully but a time element should be considered as well. She asked the Mayor how long it will take to achieve the final result of a new building?

Mayor Dickinson stated, once there is a committee there is a three or fourth month period to hire an architect, an additional six or seven

months for designs to be completed (these time frames are all optimal), the project would go out to bid and it would be another seven or eight months upon receipt of bids for construction. That translates to approximately two years.

Ms. Fishbein hoped that, whatever the choice is, it will happen quickly.

Edward Bradley, 2 Hampton Trail stated that he and Mrs. Duryea served on the Simpson School Study Committee at which time recommendations were made with regards to the need for a new facility. He hoped this would be the last round and something would develop soon. He asked about the agreement between Masonic Home and the Town which involved the "passing over of land" on condition of the construction of the Boys & Girls Club.

Mayor Dickinson stated, we modified the original agreement with the Masonic Foundation to the extend that a private organization would be able to use the Boys & Girls Club.

Mr. Bradley stated, no matter where the club is located a traffic problem will occur. It is also a nightmare trying to get out of that industrial park during rush hour. The traffic concern is secondary.

Philip Wright, Sr., 160 Cedar Street presented the Council with a five page document of what he determines to be locational considerations. He hoped that the Council and Mayor do not make moves just for expeditious acquisition of property or building. He believes firmly that the Community Lake expansion will occur and would be pleased to see that meld with the recreation center. He was pleased with the work of the committee.

Mr. DiNatale clarified the point that the committee was asked only to look at Community Lake and no other sites. The committee did not look at Fairfield Blvd.

Mayor Dickinson asked if the committee reviewed the parking issue at all so if there is a need for overflow for a variety of circumstances...?

Mr. DiNatale responded, the committee did not have time to look at the parking. They were only asked to determine the needs of the three departments, determine a square footage to meet those needs and associate a cost with the space.

Mr. Zappala stated, there is no question that the Park & Recreation Department needs a new site. He preferred the Community Lake site because of its location. It is in the middle of the Town vs. one side or the other. It would also make many of the residents happy to see the site used again. We would also keep the tax revenue from Fairfield Blvd. on the rolls. He hoped that the center would fit into the plans of the Community Lake Study Committee and that the two committees would work together. He appreciated the effort of the committee on this project.

Jon Walworth, 28 Laurelwood Drive, Park & Recreation Commissioner supported the development of a Park & Recreation Center for the community and perhaps Community Lake is an excellent location. He offered the suggestion of considering the Wooding/Caplan property as a viable option.

Mr. Gouveia commended the committee for responding so quickly to their charge and doing a thorough job as well. He supported the idea of locating the center at Community Lake for the purpose of enhancing the area itself and the surrounding recreational area. The building, itself, would be enhanced as well by the surroundings. That is far more valuable than taking a building that has absolutely no other recreational area surrounding it. He thought the suggestion regarding the Wooding/Caplan property was a good one but was not sure if it would meet with approval from Town officials. He does not want to extend the process of locating a suitable spot to the point where everyone is too old to see the building.

Mr. Tolla thanked Mr. Gouveia and the Council but most of all Mr. Williams, a member of the community, who has put all of this information together for the committee. He wished more people with expertise in this area would lend a hand to the Town as Mr. Williams did.

Mr. Killen moved to Reconsider Item #9.

Mr. Solinsky informed Mr. Killen that according to Robert's Rules of Order if no one objects to Mr. Killen changing his vote, he may do so.

Noting no objection on the part of any Councilor, Mr. Killen requested that his vote on Item #9 be changed to read, "No".

Motion was made by Mrs. Duryea to Move Up Agenda Item #15 Up to the Next Order of Business, seconded by Mr. Killen.

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

ITEM #15 Consider and Approve a Waiver of Bid to Proceed with Construction Management as Requested by the School Building Expansion Committee

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

Don Harwood, Chairman of the School Building Expansion Committee has been reviewing options for managing the construction process and subsequent delivery system. The committee's goal has always been, and will continue to be, to deliver the project in the best interest of the community in a timely fashion at the most cost-efficient manner that we can. It is very difficult for the committee to review the magnitude of the information and have the technical expertise and time to go through the process to ensure that the documentation of the project, review and supervision are all lumped in and met at a given time frame. Additionally, the committee wants to minimize their exposure associated with the project. To that end Jon Walworth and Dave Routhier have worked hard on compiling the information on this

request.

Mr. Walworth explained, as the committee proceeded through its activities it realized that the original process of going to general contracting bids and the clerk of the works may not, in fact, be the best approach to the project, especially for Yalesville School. Data was gathered with regards to how the market is reacting to the public bid scenario and it was found that a number of municipalities have been experiencing serious problems. A lot of firms have gone out of business leaving only a few qualified general contractors who will actually bid public work. A number of them who do bid public work do not perform well on the delivery of public schools. A review of the process shows that perhaps only 25% of the general contractors meet their deadline, depending on the type of renovations to the school. The success rate with construction management is much better. He also noted that as far as the general contracting bid approach is concerned, bonding is the sole criteria which qualifies a firm to bid school work whether or not they have built ten or twenty or two. It is also becoming exceedingly more difficult for the committee to handle the paperwork and reviews itself. By bringing on board a professional this project can move ahead at a more efficient pace. Every day that the construction management process is delayed makes it exceedingly more difficult for the committee to accomplish their task. The documentation is becoming overwhelming. Construction management offers several advantages over the general contractor process, one is that Wallingford will take advantage of multiple low bids from subcontractors. A construction manager who retains a log of hundreds of firms is able to capture low bids in various different disciplines that small firms could not. Wallingford will have a watchdog on its side. The firm serves the purpose as the construction manager of the contractor as well as the resident engineer. It provides inspections and quality control services throughout the project. The firm serves as a non-adversarial team partner because the Town picks the firm, the firm does not pick the Town. By allowing this committee to go out and "short list" three to five firms and ask them for costs and qualitative information proposals, we will have the best of both worlds, the timeframe will be reduced and we will still have costs from the firms. The fee will be about the same as the general contracting and construction administration costs that were included in the cost estimates prepared at budget time. The committee is not requesting any additional costs. Construction management is, in fact, a general contractor who also provides quality control. Those costs have been included, about 6-7% of the total construction cost have been included in the estimates submitted previously. Most importantly, the committee has a much better chance of completing Yalesville within the August, 1996 deadline. The request for a waiver of bid is due, in part, to the fact that the State Board of Education has moved up the review date from February to January 4th. That is when the committee must have all the plans ready for the State in order to go out to bid.

The committee plans on pre-selecting three to five large well-established construction management firms who have substantial school experience. The committee will then finalize the scope of services, provide that to the firms and ask for performance proposals

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and fees. Interviews will be conducted with the top three firms. The committee will then make a recommendation to the Town Council. The contract will be finalized with the Town Attorney and the committee will then approach the Council for bond authorization because the terms and conditions of the bond authorization for design do not, in the committee's opinion, allow for the addition of this aspect of the project.

Mr. Solinsky asked Mr. Myers if the bond authorization allows for construction management at this time?

Mr. Myers responded, not at this time. It includes architectural services. We would have to amend the bond authorization (ordinance).

Mr. Walworth stated that the committee would be back before the Council in January with a recommendation with regards to a firm and costs as well.

Mr. Solinsky stated that he would support this request only if the Council is included in making the final decision of who to hire.

Mr. Harwood commented, it will have to be determined at what element or timeframe the Council wants to become involved, whether it be interviews or reviewing references.

Mr. Zappala stated, if the Town has to hire someone to oversee the expenditure of \$27 million, he wanted to make sure that he is confident with the firm that the committee is recommending. He wants to interview with the committee. He does not want one or two weeks' notice prior to voting. He asked the committee when they realized that they needed this additional expertise?

Mr. Walworth responded, the committee, up until a couple of weeks ago, was of the opinion that they were safe with the bid and resident engineer, clerk of the works approach. The committee's architect expressed that they were having extreme difficulty getting qualified bidders to submit bids on schools.

Mr. Zandri stated that the philosophy regarding construction management was a good move. We experienced a lot of problems with building the Yalesville Firehouse. It was a simple project that turned into a nightmare and that was nowhere near the complexity of a school project. He asked why we could not waive Rule V tonight to set the public hearing tonight for the next meeting?

Mr. Myers responded, in the past we have had a title for the ordinance from the bond counselor. He was reluctant to do so without the title. We can do it and he can review it with the bond counselor tomorrow and, if for any reason, he is not satisfied with it the public hearing can be cancelled. We can also obtain a title and set a special meeting.

Mr. Routhier felt that the wording of the original bonding ordinance should be reviewed. He was of the opinion that the committee is better off than it thinks with regards to the wording and subsequent

authorization. He is almost certain that there were some construction management services or wording of that type which would allow the committee to proceed ahead.

Mr. Gouveia stated, we could set the public hearing and if, upon reading the ordinance we find we don't need to hold it we can cancel it. In reference to the other issue from the past meeting, information that was due Atty. Small, has that been resolved?

Mr. Harwood responded, the only information that is outstanding is an item that Dr. Cirasuolo is responsible for getting to the Town Attorney. He promised this evening that he will get it to her tomorrow.

Mr. Myers read the following language from the ordinance into the record: "The sum of \$2,000,000 is appropriated for the design and contract administration phase of town-wide school system improvements including, feasibility studies, additions and expansions, code compliance, renovations and related improvements to various town schools and architects and engineer's fees, equipment surveying, project management and contract administration and for the administrative, printing, legal and financing costs related thereto."

Mr. Myers was of the opinion that the ordinance covers the cost of the management. He stated that he believed there would be no problem with the ordinance. We have a commitment to a contract for \$1.5m+ so it leaves roughly \$494,000+-.

Mayor Dickinson stated, as long as we recognize that we can only sign a contract with them for the portion that we have money for it is o.k. In order to sign a complete contract with them, we will have to have the money obligated to allow for that. He stated that his preference is to deal with the at risk approach to construction management simply because it requires the construction manager to take a much more active role and less able to sit in the middle and say that it is someone else's problem.

Mr. Harwood stated, the committee agrees 100% with that theory.

Mr. Zappala requested that the committee extend the privilege of attending the special sessions with the contractors to the Council.

Mr. Harwood stated, he will check the State Statutes to see precisely who can attend those executive sessions. Even though the committee is a committee of the Council he will check with the Law Department on that request.

Edward Bradley, 2 Hampton Trail stated that it would be a wise decision to utilize the services of a construction manager.

Motion was made by Mrs. Duryea to Approve the Waiver of Bid to Allow the School Building Expansion Committee to Proceed with Construction Management to Include Yalesville School and Moran and Dag Hammarskjold Middle Schools, seconded by Ms. Papale.

Mayor Dickinson asked, is this going to be by interview or sealed envelopes?

Mr. Walworth responded, there may be some areas where we are going to have to set maximum numbers because the scope cannot be determined to the nearest penny on some aspects, testing services, etc. Sealed bids will be used with some allowances.

Mr. Routhier stated that Yalesville's plans will be the first to be reviewed by the State Department of Education on January 4, 1995.

In closing, Mr. Harwood stated that the committee will obtain a legal opinion with regards to the interview process and will report back to the Council on that matter as soon as they can. He encouraged dialogue between the Council and committee since it is a significant decision that will be made.

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

ITEM #13 Consider and Approve a Resolution Authorizing the Mayor to Execute a Cost Sharing Agreement with the State of Connecticut for the Installation of a Traffic Control Signal at the Intersection of Route 68 and Leigus Road - Mayor's Office

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

Mrs. Duryea read the resolution into the record (appendix I).

Edward Bradley, 2 Hampton Trail asked, what is the reasoning for the placement of a traffic light at Leigus Road?

Mayor Dickinson responded, the cause is the subdivision approval for Ravenswood. As part of the Planning and Zoning approval, there is a requirement that a traffic light be put in.

Mr. Bradley felt that Williams Road experiences a backlog of traffic in the morning and there are many more homes in that area than the Leigus Road area.

VOTE: Knight was absent; Rys, no; Zandri passed, all others, aye; motion duly carried.

ITEM #14 Withdrawn

ITEM #17 Withdrawn

ITEM #18 Note for the Record the Financial Reports of the Senior Citizen Center, Visiting Nurse Association and Wlfd. Public Library

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

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

ITEM #19 Consider and Approve Tax Refunds (#103-118) in the Amount of \$6,545.01 - Tax Collector

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

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

ITEM #20 Approve and Accept the Minutes of the November 9, 1994 Town Council Meeting

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

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

ITEM #21 Withdrawn

ITEM #22 Executive Sessions Pursuant to Section 1-18a(e)(2) and 1-18a(e)(4) of the CT. General Statutes with Respect to Pending Litigation and the Purchase, Sale and/or Lease of Property, respectively

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

Motion was made by Mrs. Duryea to Waive Rule V of the Town Council Meeting Procedures to Add the Case of Stevens v. the Town of Wallingford to the Executive Session Pursuant to Section 1-18a(e)(2) with Respect to Pending Litigation, seconded by Mr. Killen.

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

Motion was made by Mrs. Duryea to Enter Into Executive Session with the Additional Case Added, seconded by Mr. Zappala.

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

It is noted that the Town Council, Mayor and Town Attorney were present in the Executive Sessions.

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

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

ITEM #23 Discussion and Possible Action on the Purchase of Private Property as a Result of Executive Session Discussion

Motion was made by Mrs. Duryea to Authorize Mayor Dickinson to Pursue the Purchase of Property Discussed in Executive Session and to Include Council Chairman Thomas Solinsky in the Process, seconded by Ms. Papale.

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

ITEM #24 Consider and Approve a Transfer of Funds in the Amount of \$13,500 from the Capital and Non-Recurring Fund, Bond Issue - New Acct. to Bid Deposit - Purchase Property Acct. - Mayor's Office

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

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

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

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

There being no further business the meeting adjourned at 12:58 a.m.

Meeting recorded and transcribed by:

Kathryn F. Milano
Kathryn F. Milano
Town Council Secretary

Approved by:

Thomas D. Solinsky
Thomas D. Solinsky, Chairman

12-19-94
Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

December 13, 1994
Date

