

TOWN COUNCIL MEETING

TUESDAY, OCTOBER 23, 1990

7:00 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Presentation of C.I.A.C. Class L State Championship Jackets to the Lyman Hall Girl's Softball Team - Mayor's Office
3. Approve Not Holding a Public Hearing on Ordinance #233 Amending Ordinance #11 Relating to the Hours of Closing of Certain Liquor Vendors
4. Approve an Appropriation of \$40,000. to Pay the Municipal Division's Current and Outstanding Specific Scarring Awards - Risk Manager's Office
5. PUBLIC QUESTION & ANSWER PERIOD - 7:30 P.M.
6. Public Hearing to Consider and Approve the Revised Recycling Ordinance and Regulations - 7:45 P.M.
7. Discussion and Possible Action on the Investigation of Paper Streets within the Town of Wallingford as requested by Councilor Geno J. Zandri, Jr.
8. Consider and Approve a Transfer of Funds in the Amount of \$643.00 to Crime Prevention Clerical Wages - Personnel Dept.
9. Consider and Approve the Local 1282 Communication Workers of America Consolidated Pension Plan - Personnel Dept.
10. Consider and Approve the Acceptance of Collins Court - P & Z
11. Consider and Approve the Acceptance of 3 Parcels of Land for Road Widening - P & Z
12. Consider and Approve a Transfer of Funds in the Amount of \$20,000 to the General Hospital Fund - Welfare
13. Consider and Approve a Request to Waive the \$750.00 Payment Required in the S.C.O.W. Lease Agreement and Authorize the Borrowing of Funds up to \$6,000.00 for Purposes of Cash Flow in the Grant Account - Program Planner's Office
14. Authorize the Mayor to Extend the Admet Pilot Program Agreement and Approve the Implementation of the Recycling of Junk Mail & Magazines at the Drop-Off Center - Program Planner
5. Status Report From the Mayor & Phil Hamel on the Projected Increase by CRRA as requested by Councilor Bradley

(OVER)

16. Request to Waive the Bid to Allow for the Preparation of an Agreement with MDC for Long Term Sludge Removal - Water & Sewer Division
- 17a. Note for the Record a Report from the Comptroller with Respect to a \$4,400,000.00 General Obligation Bond Issuance
 - b. Consider and Approve a Transfer of Funds in the Amount of \$250,000 to Principle Retirement Self-Finance Portable Classroom Fund
18. Executive Session to Discuss the Possible Purchase of Land Pursuant to Section 1-18a (e)(4) of the CT. General State Statutes as requested by Council Chairman Albert E. Killen

TOWN COUNCIL MEETING

OCTOBER 23, 1990

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, October 23, 1990 at 7:00 P.M. in Town Council Chambers and called to order at 7:08 P.M. by Chairman, Albert E. Killen. Answering present to the Roll called by Town Clerk, Kathryn J. Wall were Council Members Bradley, Duryea, Gouveia, Holmes, Killen, Papale, Solinsky and Zandri. Council Member Parisi was absent due to minor surgery. Mayor William W. Dickinson, Jr., Town Attorney Janice Small and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the flag.

Motion was made by Mr. Bradley to move the following items to the Consent Agenda to be voted on by one unanimous vote, seconded by Ms. Papale.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$643.00 from Crime Prevention Part Time Help Acct. #001-2013-100-1350 to Crime Prevention Clerical Wages Acct. #001-2013-100-1300 - Personnel Department

ITEM #10 Consider and Approve the Acceptance of Collins Court - Planning & Zoning Dept.

ITEM #11 Consider and Approve the Acceptance of 3 Parcels of Land for Road Widening - Planning & Zoning

ITEM #12 Consider and Approve a Transfer of Funds in the Amount of \$20,000 from General Necessities Acct. #3060-700-7010 to General Hospital Acct. #3060-700-7040 - Welfare Department

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

ITEM #2 Presentation of C.I.A.C. Class L State Championship Jackets to the Lyman Hall Girl's Softball Team - Mayor's Office

Ron Piazza, Coach of the Lyman Hall High School's Girl's Softball Team thanked the Mayor and the Town Council for their continued support for the team and for their generosity in presenting the girls with the jackets and tee-shirts honoring them. He also extended his thanks for the funding of the new softball field at the high school. He assured everyone that the funds were well spent. He informed all present that a new State record had been set by the team, winning their 4th State title in the last 9 years. He called each member of the team forward to receive their jackets and shirts while the Council, as well as those present in the audience, applauded the team's accomplishments.

ITEM #3 Approve Not Holding a Public Hearing on Ordinance #233 Amending Ordinance #11 Relating to the Hours of Closing of Certain Liquor Vendors.

Mr. Bradley made a motion to Rescind a Public Hearing on Ordinance #233 Amending Ordinance #11 Relating to the Hours of Closing of Certain Liquor Vendors, seconded by Ms. Papale.

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

ITEM #4 Approve an Appropriation of \$40,000.00 to Pay the Municipal Division's Current and Outstanding Specific Scarring Awards - Risk Manager's Office

Mark Wilson, Risk Manager distributed a revised Appropriation of Funds form to the necessary individuals along with correspondence explaining more clearly the need for the funding. The new appropriation amount is \$43,272.00. The appropriation effects Account #001-1065-060-6240, Current Services - Recovery of Insurance Premiums and Account #001-8040-800-8350, Insurance - Workers Comp.

Mark explained to the Council that the fund had become depleted due to the fact that many cases have now reached the final settlement stage. The account is funded by unexpended wage accounts of those individuals who are out on long term disability. If there is a decrease in the amount of employees out on long term disability then the account runs short of funds. This problem will hopefully be addressed making a change to the ordinance governing this issue. In the meantime, the appropriation will need to be made.

Mr. Zandri questioned where the funds were coming from for the appropriation?

Mr. Thomas Myers, Comptroller explained that the Town has received checks from the insurance companies totaling \$70,000.00 on audited insurance policies for fiscal year 86-87, 87-88 & 88-89. Approximately \$13,000.00 of the \$70,000.00 will be booked, recorded in the Electric Division due to the fact that the premiums were paid for by the Division. The amount requested this evening for the appropriation will also come from these funds.

Mr. Killen asked that it be noted for the record that he is requesting a report on the scarring account on a regular basis.

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

ITEM #7 Discussion and Possible Action on the Investigation of Paper Streets within the Town of Wallingford as Requested by Councilor Geno J. Zandri, Jr.

Mr. Zandri made a motion to Have the Mayor have the Appropriate Town Departments Look into the Status of All Existing Paper Streets that are on Record with the Town of Wallingford to Determine who is the Land Owner of Record. Seconded by Ms. Papale.

Mr. Zandri explained that his request is due to the fact that for the past several months he has been following one particular case in Town of an individual who approximately 30 years ago purchased what he thought at the time to be 4 separate building lots. At that time it was not a requirement that when a subdivision was formed that the streets be paved. Not only did this happen, but the lots were sold off and the roads were not put in and never formally accepted by the Town. As time passes the individual appears before the necessary Town departments to acquire building permits. Now an entirely new set of rules have come into place. One of the existing rules is that unless you have frontage on an existing street in Town, you do not have a building lot. That is exactly what has happened to this individual. His lot was unimproved and on a "paper street" as it is now referred to and because of this he was denied a building permit. The appropriate people were contacted to look into this to find that the title search revealed the property in the name of the individual who formed the subdivision. No taxes have been paid for 30 years on this property by the original owner. It concerned Mr. Zandri because it is wrong to have a resident who believes he honestly purchased a building lot to find that 30 years later he does not own one and also the fact that for those 30 years, the legal owner has not paid \$.10 worth of taxes on the property.

Mr. Zandri would like to have all of the so-called "paper streets" looked into to find out who the Land Owners of Record are.

Mr. Bradley related to the issue do the area that he lives in. He felt that a procedural problem existed in the past. He has a "paper street" running across property that he owns which is also wetlands. He has requested in the past that the Town remove it from record and/or maps. The response at that time was that the Town had reviewed it but could not remove it because the Town had never accepted it as a street into the directory. He felt that many developers put the streets in on paper but fail to develop them, yet they are still filed in with the land records and they continue to appear on maps.

Mayor Dickinson stated that there is no way to remove streets from maps, the issue really involves whether the so-called "paper streets" are reflected on the Assessor's records and not taxed. That could be looked into. Otherwise he felt that it would be too costly for the Town to hire someone for the title searches of these properties. The return to the Town with regards to taxes would be minimal.

Mr. Bradley pointed out the problem that the revaluation team is having in the field with workers trying to locate paper streets. He requested that an inventory be performed to determine how many currently exist.

The Town Clerk stated that she had the list in her office and made copies to be distributed to all necessary parties.

Mr. Killen asked the Town Attorney to work with the Assessor's Office to determine the status of the properties.

Mayor Dickinson reiterated his position on this subject stating he is against it for the cost to the Town being much higher than the anticipated return.

Mr. Zandri felt that perhaps the Town should therefore lay claim to the respective properties.

Mr. Bradley asked how can the Town keep these streets from becoming part of the land record?

Mayor Dickinson felt this problem is far more unlikely today to occur due to the commissions and regulations that currently exist.

Mr. Zandri withdrew his motion on the stipulation that the Town Attorney obtain the list and work with the Assessor's Office to report back to the Council exactly which properties are involved and how much is owed to the Town in back taxes.

Ms. Papale withdrew her second.

ITEM #6 Public Hearing to Consider and Approve the Revised Recycling Ordinance and Regulations - 7:45 P.M.

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

Mr. Phil Hamel, Program Planner informed the Council that an additional review of the ordinance and regulations was performed by the Recycling Committee and changes were made pursuant to the Council's requests at the September 25, 1990 meeting. The Town Attorney also reviewed the revised information. The ordinance and regulations before the Council this evening have had the following revisions made to them upon the recommendation of the Recycling Committee:

- Residents should be subject to a fine if they ignore the first three steps as outlined under Section 3.11 of the regulations
- Enforcement would be easier if residents were required to use clear plastic bags for both recyclables and garbage

Mr. Hamel pointed out that minor changes were also made to the language in Section 4a & 4b of the Recycling Ordinance as suggested by the Town Attorney.

Provision 3c of the ordinance had the provision deleted from it stating that the Council could only act upon recommendation of the Mayor. The Council can now revise the regulations from time to time.

The Violations and Penalties Section was modified. Concerns were raised over the \$100 & \$500 fine. Those fines have been deleted as suggested by the Council.

Plastics were added as a mandatory item for residential segregation in line with the contract with Admet in the regulations.

The provision which allowed the hauler on his own to stop collecting refuse if people did not recycle was deleted. The hauler will now do it at the request of the municipal agent.

The non-profit provisions were modified so that the non-profit organization may automatically collect and sell recyclable material without the Mayor's approval. They must report to the Town the amount of material they do collect due to the fact that the Town will need to report this information.

Sections 3.11 & 3.12 are new. They replace the prior Penalty Provisions. A penalty for a person other than a collector who violates the ordinance first receives a notice of the recycling requirements and the information packet about the recycling program to make sure that person is informed. Second, that individual would receive a warning ticket or sticker which shall be delivered by the agent or at the direction of the agent by a collector to the violator. The collector will not be allowed to hand out stickers or tickets. The agent will have to be notified and the agent will then give permission for the collector to do so. Third, for any subsequent violation, the agent will direct the collector to suspend collection until that problem has been corrected. If refuse is left on the curb because it have recyclables in it, the violator will be required to segregate. In addition, a notice will be given to the Health Department. If the refuse is not cleaned up, there are provisions under the refuse ordinance which the Health Director may use to ensure compliance.

For businesses who do not comply, they have a registration rather than a permit. That registration will be suspended. Their right to deliver waste would be suspended for the month.

Section 3.12 is primarily for collectors. The first violation, a notice will be given. Second violation (if occurs within 1 year of a warning) the permit of the collector will be suspended for 30 days for this or any subsequent violation.

Paragraph 3.16 was added which states that the regulations would not become effective until the Town has provided with the provisions of Section 3b of Public Act 90-220 as such provisions relate to recycling. That is a statutory requirement that if the Town designates a place, the Town must notify haulers and/or collectors and a 60 day waiting period must pass before the public hearing can be held prior to the Town requiring any collector to go to any specific with recyclables.

These are the major changes made to the regulations and ordinance. There may be minor changes that Mr. Hamel may have forgotten to outline.

Much discussion ensued around the ordinance over the same issues that were discussed at the September 25th meeting.

Mr. Tim Cronin, 47 S. Ridgeland Road voiced his opposition to the ordinance and regulations.

Mr. Walter Sawallich Jr., 100 Jobs Road asked why the recommendations by the Recycling Committee were not in the proposed revised ordinance this evening?

Mayor Dickinson stated that recommendations were brought to a meeting that included the Mayor's Office and there were some questions surrounding what should be included and what should not be included in the ordinance. He did not agree with mandating clear plastic bags for all garbage and he does not agree with the inclusion of fines. That is why these items were not included in the revised ordinance/regulations. If the Council wishes to include them, they can be amended to include them.

Mr. Sawallich disagreed with the Mayor. He supported the clear plastic bag being mandated for all refuse due to the fact that the haulers do not have any way of telling what is in the bags they will be collecting. How can the hauler notify the Town agent of violations if the refuse is not visible? He asked what the incentive is for people to comply with the ordinance if there is not at the very least a threat of a fine at step 3 or 4?

Mr. Gouveia pointed out that this discussion involves the Recycling Ordinance & Regulations, not the Refuse Ordinance. That is an entirely different matter that should be discussed at another date and time.

Mr. Sawallich asked why the resident can accumulate 3 offenses with the only threat of fine being that his garbage will not be collected? If the hauler fails to comply, then by the

second offense he is out of business? The hauler will be out of business before the resident is fined.

Mr. Killen understood Mr. Sawallich's point.

Mr. Zandri asked, if the person put out non-recyclables on the date that the recyclables are supposed to be collected, does the hauler have to pick it up? He did not believe so. It is his understanding that recyclables will be in a clear, plastic bag. If, on the date of collecting recyclables, anything other than a clear, plastic bag with recyclables is placed for pick up, the hauler should leave it there.

Mr. Sawallich asked what he should do in the case where an individual puts his recyclables into a dark plastic trash bag to avoid recycling? After a while it will become apparent to the hauler that the person is not recycling. But, what is to stop that person from saying that they take their recyclables to the landfill themselves? How can he know this to be true? Should he have to open the bags up? What if he hears glass bottles in them? He felt this was getting ridiculous.

Mayor Dickinson felt that it will be a judgement call as to what is recyclable material and what is not. Several items which appear to be recyclable are not marked so. This could pose a problem. Until such time that items are uniformly stamped recyclable or not, it will be a judgement matter. Some will look to be recyclable and will not be. Haulers could refuse to pick up the trash because of the mistake, the municipal agent will be contacted to go out to the residence to find that the item was not recyclable to begin with. Regarding fines, he felt that the amount of money received is so small in proportion to energy and time that goes into collecting it is counter-productive. No one wants refuse to sit out at the curb and not be collected. If it sits there and the Health Department has to pick it up, then the individual has to pay for the pick up through billing by that department. He felt that it can be worked out that way without being fined.

Mr. Killen empathized with Mr. Sawallich because the resident can hire another hauler.

Mayor Dickinson recognized the fact that no matter what system is developed, the collector is the one with the first-hand knowledge of what is out at that curb and the Town will not change that. The collector will be the one to notify the municipal agent.

Mr. Hamel pointed out that the collector enforcement role is designated by State Statute. The hauler will not lose his permit if he is hauling material that contains recyclables. His responsibilities under the regulations are fairly simple. He must report it if it is his belief that someone is not complying. He cannot intentionally mix things that were set

October 23, 1990

out at the curbside.

Mr. Sawallich reiterated his belief that a fine has to be instituted at some point in time.

Mr. Ray Rys, 96 Pierson Drive referred to Section 3.01 of the regulations and asked why the commercial establishments were not governed by this section, just the residents?

Mr. Hamel stated that there is no requirement at this time that businesses segregate plastics.

Mr. Rys asked which of the two is the bigger generator of waste?

Mr. Hamel: In this case, for this type of material, residential. It is not required by State Statute. It is in line with Admet's contract.

Mr. Rys stated that he, like most residents, was unfamiliar with what is recyclable and what is not.

Mr. Roe explained the difference.

Mr. Rys asked if the State of Connecticut has any authority with regards to the fines applied to residents?

Mr. Hamel stated that the State Statute allows the municipality to charge up to \$100.00 for violation of an ordinance. In addition, State Statute PA-249 allows the Town to charge up to \$500.00 per violation of the Recycling Ordinance by a commercial entity.

Mr. Phil Wright, 160 Cedar Street referred to Section 2a and suggested that the word "generate" be changed to "dispose of" for the purpose of clarifying that an individual can leave the state and take the refuse they generate with them. Section I also should show the same revision.

Mr. Roe stated that the language was taken from State Statute. He felt that upon researching the definition of solid waste it would impose limitations on the word generate. It states that what is being generated are unwanted and discarded materials.

Mr. Bradley reminded Mr. Wright that the same language appears in the municipal solid waste contract that the Council approved for the Trash Plant.

Mr. Wright asked why grass was not mentioned in Section 3.01?

Mr. Hamel stated that grass is not a mandatory recyclable item under the State Statutes. He was not sure that D.E.P. was issuing permits for the composting of grass.

Mr. Wright stated his objection to the clear, plastic bags. He found that the clear bags always cost more.

Mr. Richard Krombel, 38 North Elm Street was the next to speak. He supported the need for recycling. He did, however, want to state that the language referring to the clear plastic bags be amended to include "marked trash containers". He has had problems with raccoons. Trash bags can puncture and spill more easily when being transported. He pointed out that the purpose of the ordinance was recycling. He was not sure that plastic bags were recyclable in an environmentally sound manner. Alternatives to their use should be available. Don Roe informed Mr. Krombel that Admet's contract clearly specifies plastic bags. He strongly opposes the clear plastic bags for all trash as recommended by the Recycling Committee. He suggested considering alternate means of containers for the disposal of trash when Admet's contract is up for renewal.

Mr. Gouveia asked whether or not the clear plastic bags were recyclable.

Mr. Hamel was assured by Admet that the clear plastic bags required by Admet is recyclable.

Mr. Roe has surveyed and spoke with many area stores to see which ones stock and will stock the particular bags. He presented samples to the Council for their perusal.

The recorder briefly malfunctioned.

Mr. Gouveia felt that these were good regulations and that this is a good beginning, one that should have been started a long time ago. He felt that Section 3.11 & 3.12 were going to be difficult to enforce. He felt that perhaps the hauler should be contracted by the Town instead of by the resident. He was aware of one municipality that was doing just that at a cost of \$1.58 per month/per household. This did not include the tipping fee. It is a pickup of recyclables once a week. He pointed out that in the definitions of the ordinance under "collector", the same language is not included in the regulations. He asked if the ordinance should include "that the Town of Wallingford Public Works Department shall not be considered a collector"?

Mr. Gouveia made a motion to amend Section I of the Recycling Ordinance be to include "the Town Public Works Department shall not be considered a collector", seconded by Mr. Bradley.

Mr. Solinsky asked why that would be in there to begin with?

Mr. Gouveia pointed out that with leave and spring clean up the Town could be considered a collector.

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

Mr. Gouveia made a motion to Amend Section 3.04 of the Regulations (last sentence) to begin "Except as provided in Section 3.08", any person transporting.... Seconded by Mr. Bradley.

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

Mr. Bradley made a motion to Approve the Recycling Ordinance and Regulations as Amended, seconded by Mrs. Duryea.

Mr. Solinsky felt that the two should be made in separate motions.

Mr. Bradley and Mrs. Duryea withdrew their respective motion and second.

Mr. Bradley made a motion to Approve the Recycling Ordinance as Amended, seconded by Mrs. Duryea.

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

Motion was made by Mr. Bradley to Approve the Recycling Regulations as Amended, seconded by Mrs. Duryea.

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

PUBLIC QUESTION & ANSWER PERIOD

Mr. Tim Cronin, 47 S. Ridgeland Road feels that the identification card recently issued to the school children dropped.

Mayor Dickinson stated that the Mayor's Council on Drug Abuse has set up a separate committee to review the use of the card and made an initial report that they have been investigating some other ways of accomplishing the same purpose that the card had served. There is an effort going on. Until the subcommittee makes a recommendation, the Mayor's Council on Drug Abuse will not take any action. He felt that the Charter Revision Commission should look into the practice of elected officials can serve on committees other than their own subcommittees.

Mr. Killen stated that without the volunteers who serve on these committees, this Town would be nowhere and neither would any of your major organizations from the Library through the Red Cross. They all rely on volunteers. This Town is not solely run by paid full-time employees.

ITEM #9 Consider and Approve the Local 1282 Communication Workers of America Consolidated Pension Plan - Personnel

Mr. Bradley asked if this has been in negotiation since 1988?

Mr. Stanley Seadale responded, yes.

Mr. Gouveia asked how long the 2% multiplier has been in effect?

Mr. Seadale responded, since 7/1/75.

Mr. Gouveia asked how long the 5% employee contribution has been in effect?

Mr. Seadale, since 1975.

Mr. Gouveia asked what the present Town contribution is?

Mr. Seadale, 15% covering both the regular and hazard plan. The normal Town cost of the non-hazard plan is 10%. The contribution went to 22% somewhere around 1980 and was maintained by the administration's recommendation and the Council's acceptance. It is approximately 92% funded.

Mr. Gouveia: What effect does these changes have on the overall stability of the program?

Mr. Seadale: None. The cost to the Town is in the order of two-tenths of one percent, very low. It was through the efforts of a mediator that we reached an agreement.

Mr. Gouveia: What kind of long term benefits will the employees receive?

Mr. Seadale: I feel the employee contribution is a benefit to the Town.

Mr. Gouveia was not happy to have decreased the percentage of the Town's contribution from 22% to 15%.

Mr. Seadale felt the plan was well funded.

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

Mr. Bradley made a motion to move up Item #16 to the next order of business, seconded by Mr. Solinsky.

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

That motion and second was withdrawn due to the fact that the Council decided to address agenda item #13 next.

ITEM #13 Consider and Approve a Request to Waive the \$750.00 Payment Required in the S.C.O.W. Lease Agreement and Authorize the Borrowing of Funds up to \$6,000.00 for Purposes of Cash Flow in the Grant Account - Program Planner's Office

Motion was made by Mr. Bradley, seconded by Ms. Papale.

Mr. Gabe (?): The reason for the Waiver of the \$750.00 is due to the fact that the budget was disapproved by the State that was turned in in the draft for the F.Y. 91 in the amount of \$54,400. They counter offered \$49,900 as the maximum. Increases in pay have been cut from 6% to 4%, expenses in supplies and the travel budget have been cut to help ease the disapproval. These cuts have netted a savings of \$1,000 to help defray costs of the proposed plan for next year. A dues structure will be initiated to the members that we service and a payment structure for services rendered in the form of transportation will also be instituted.

Ms. Papale pointed out that we were not denied funds, the State did actually renew the current grant. Fund raisers will be held to also defray costs.

Mr. Bradley stated that this is not the first time the State has cut back on grants for the Town and the onus is up to the Town to come up with the difference. He asked if anyone has gone back to the State to challenge the cut?

Mr. Gabe: Don Roe has been in touch with Mr. Markle who is the agent for our organization throughout the State. It is the same story for every other agency he services, it is something that he would have to fight for every one of us. That does not go too far.

Mr. Bradley pointed out that the line has to be drawn somewhere, the ripple effect is damaging. He asked if the \$6,000 will be returned to the Town when the grant is approved?

Mr. Roe responded, yes. It will be approximately the first quarter of the new year.

Mr. Killen wanted to know if this will be a phase-out of the grant?

Mr. Roe offered to place a protest and/or request for appeal and/or review in the letter that will be transmitted to the State. He did that last year with the Day Care Grant and the courtesy of a response was not extended.

Mr. Gouveia asked how long S.C.O.W. has been in operation?

Mr. Roe: Since 1972.

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

Mr. Bradley made a motion for the Council to Authorize the Borrowing of Funds from the General Fund for the Purpose of Cash Flow in the Amount of up to \$6,000., seconded by Mr. Holmes.

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

Mr. Bradley made a motion to Move Item #16 up to the Next Order of Business. Seconded by Mr. Holmes.

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

ITEM #16 Request to Waive the Bid to Allow for the Preparation of an Agreement with MDC for Long Term Sludge Removal - Water & Sewer Division

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

Roger Dann, General Manager updated the Council on this issue. He explained that the three potential bidders would participate in the bidding process. By the literature forwarded everyone in the agenda packets, it is clear that the companies either chose not to or it was not their usual practice to do so. At this point in time there are no viable bidders. Given the fact that it is not a biddable commodity and we are dealing with a limited group of potential vendors, we are once again requesting a waiver of bid so as to negotiate a deal with MDC.

Mr. Zandri asked if any additional information or material has been gathered on when the landfill will close?

Mr. Dann: No. We need to arrange a deal before the landfill closes. The landfill is not a cost-effective means of disposal whether the landfill remains open or not. It is an issue of timing. We do not want to wait and pay top dollar and have the fewest options available to us.

Mr. Zandri: The cost from these vendors can go up over the course of the years as well.

Mr. Dann: That is true, there will be some increases in costs that comparatively speaking relative to the other options, they will not go up as quickly.

Mr. Zandri: As far as the landfill is concerned, as part of the contract they are supposed to be taking the sludge. If they cannot do so it is their problem not ours. What concerns me is that we have a trash plant in Town because our landfill was going to close and I don't want to see another decision and get involved in another contract based on the same philosophy.

Mr. Bradley asked when the landfill does become cost-effective?

Mr. Dann: At \$49/ton we are very close to the quoted price of MDC. It is about a \$10/ton difference.

Mr. Bradley: Do you feel that MDC is the lowest?

Mr. Dann: Yes.

Mr. Bradley: Isn't it true that the quoted price at the 9/25/90

meeting was your estimated cost, not MDC's?

Mr. Dann: We had to factor in costs to compare each option on exactly the same basis, we calculate the estimated cost for disposal from the time the product is generated until the time that it is delivered.

Mr. Bradley: What if the price comes in higher?

Mr. Dann: We feel pretty comfortable, there could be some fluctuation, but overall, we are comfortable.

Ms. Papale pointed out that at the 9/25/90 meeting much of the discussion centered around the incorrect procedure of this issue with regards to the Purchasing Agent. This evening she wanted it noted for the record that Mr. Dunleavy's letter stating MDC as the choice vendor is proper.

Mr. Bradley asked if the division will receive separate bills from the trucking firm and MDC?

Mr. Dann: Yes. The bid for the trucking will be separate and apart from the sludge service. Trucking was figured into MDC's figure by the division to make it comparable.

Mr. Gouveia felt that the two companies that the division did not choose were penalized due to the fact that so much time passed between the receipt of quotes from all three companies.

Mr. Dann checked back with all three to receive updated prices.

Mr. Bradley asked if Mr. Dann was aware of the fact that according to the solid waste report prepared by Phil Hamel that there are draft requests for proposals for a vendor to construct and possibly operate a plant to compost sludge for project towns?

Mr. Dann was aware of it, they participated in meetings and offered information. The division is interested in it especially if it results in a lower disposal cost to the Town. It may or may not. In terms of the scale of the facility, there is more cost-effectiveness in a larger facility that may not be achieved in a smaller one. Perhaps MDC has a cost advantage in that respect. MDC also received State grant money for the construction of their facility. Our intention is to allow us an escape from our agreement in the event that a better option arises. It is not definite, we cannot speculate on the timeframe.

Mr. Bradley asked if it is still in the draft stages?

Mr. Hamel stated that R.F.P.s have been issued and the proposals are due back by the end of the year. It should take 18 - 24 months.

Mr. Bradley: What type of commitment are you looking for?

Mr. Dann: Long term with periodic renewals to give us the periodic option to escape.

VOTE: Parisi was absent; Bradley, Duryea, Zandri, no; all others, aye; motion duly carried.

ITEM #14 Authorize the Mayor to Extend the Admet Pilot Program Agreement and Approve the Implementation of the Recycling of Junk Mail and Magazines at the Drop-off Center - Program Planner

Motion was made by Mr. Bradley, seconded by Mr. Gouveia.

Mr. Roe asked that the pilot program that began in July be extended until such time as the new program becomes effective. Some changes will be occurring in the program. One change being that, if the Council so desires, to accommodate the drop-off of junk mail and magazines as part of the extension. They have offered to extend service to 5 days a week.

Mr. Bradley felt that we should be lobbying our legislators on the junk mail issue.

Mr. Phil Wright, 160 Cedar Street asked if we have been losing money or holding our own when it comes to the resident drop-off at the landfill?

Mr. Hamel stated that we are receiving approximately 50% of our costs through revenues.

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

ITEM #15 Status Report From the Mayor & Phil Hamel on the Projected Increase by CRRA as requested by Councilor Bradley.

Mr. Bradley: Why didn't they see what was coming?

Mayor Dickinson: A staff inquiry made up of a cooperative effort of the five towns, myself, Bert, Don and Phil will be looking at it from the Policy Board level. We definitely felt that the CRRA Board of Directors should be inquiring as to what mode of operation was used by the staff since such a short amount of time has passed since they provided us with different figures. The answer will hopefully come out of both of those inquiries.

Mr. Bradley: Does the Town receive a financial report from them?

Mayor Dickinson: We do but not as frequently as requested and it was not until just this last meeting, or shortly before it, that it became known that there was such a huge deficit.

Mr. Bradley: I have a hard time understanding that a projected deficit of \$1.5 million for this year can appear in just 4-5 months.

Mayor Dickinson: The CRRA overhead is way over what the C.S.I. projections had been and that is one area of definite inquiry. It cannot be allowed to stand the way it is but until we get a better handle on what makes up the difference and what the projections are and what they are telling us now, it is hard to tell why.

Mr. Bradley: Does the bulky waste that they anticipated come into play?

Mayor Dickinson: Yes, but not \$1.5 million worth. We increased the fee in the bulky waste because we wanted to reserve the space for the municipal bulky waste and not encourage commercial haulers. Then we realized that we don't have the revenue stream and are running deficits. We cannot play both ends against the middle. There is no new situation regarding bulky waste. We expected to see less revenue but it was never presented that it was a critical factor in the whole economics of the project. What is disturbing to all five towns is the lack of new information that would lead us to believe that there was an unforeseen circumstance.

Mr. Bradley: There won't be any additional revenue from bulky waste is that true?

Mr. Hamel: Yes. CRRA is looking at the possibility of expansion in the bulky waste area. It is currently almost at permit limit.

Mayor Dickinson: That could be an increase in cost if it has to be shipped elsewhere.

Mr. Bradley: In the budget projection summary for F.Y. 91, they are showing 170,000 tons of municipal solid waste coming in from the five towns. Out of that, 135,000 is anticipated to be burned, 10,000 tons to be landfilled and 25,000 tons to be transferred. That represents about 14.7% of the total tonnage. But on the expenditure side of that and under Waste Transport, we are showing almost \$1.8 million on the expenditure side. With recycling coming along there should be a reduction there. In the minutes of the Policy Board, Paul Guidone states that the plant has been able to handle all waste delivered. Is that being burned or is it a combination of it being burned, landfilled and transported?

Mr. Hamel: For that two week period and into this week as well, we have not transported anything to Bridgeport. The waste comes in cycles and we are currently at a low ebb. There are not many leaves coming in yet and the volume will increase over the next few weeks. We are doing many things to attempt to reduce the volume to reduce the cost of trans-

porting to Bridgeport. We hope to eliminate as much of the transport as is possible.

Mr. Holmes: How much is CRRA involved in setting the tip fee?

Mr. Hamel: That is their job.

Mr. Holmes: They are going on information they receive from the vendor?

Mr. Hamel: Part of it is from the vendor, part from the landfill cost, administrative cost, it is a complex budget.

Mr. Holmes felt that CRRA should bear the brunt of the deficit if they did not warn the towns that this was coming. He believes that they were less than honest with the Town at the onset of these negotiations for setting the initial tip fee in the \$40-45.00 range. Were they artificially keeping it low to get us all to sign onto the project? Perhaps this is a strong-arm technique to get the Meriden landfill on line. He felt that it was a power play on their part to try to get to the landfill.

Mr. Hamel: That is the purpose of the staff group to look into all those issues.

Mr. Holmes: Who owns the Bridgeport facility?

Mr. Hamel: Signal. It has nothing to do with Ogden. Ogden owns the Bristol facility. We are shipping most of it to Bridgeport but we have shipped a small amount to Bristol, it is less expensive, they are very near capacity and can only take a very small amount.

Mr. Zandri wanted to make sure that the Council had an opportunity for input prior to the decision being made as to whether or not to expand the facility.

Mayor Dickinson: We have to approve it through Planning & Zoning. I cannot see how it can be justified. It is a projected cost of \$93/ton to construct the facility. Ogden's figures were out of line.

Mr. Zandri asked if Wallingford has veto power over a vote on that issue?

Mayor Dickinson: Under one of the provisions we do. I would have to go back over the contract.

Mr. Zandri felt that a future landfill site has to be factored in on the projected tipping fees. When the landfill eventually closes, this facility will somehow have to acquire another landfill and all of those costs will be reflected in the tipping fees.

Mr. Gouveia asked if CRRA is still paying the \$300,000 to Meriden for the landfill that is not even being used?

Mr. Hamel responded, yes.

Mr. Gouveia quoted Meriden's committee who had come up with a report on the possibility of a trash burning plant. That report stated:

"As to track record and performance this is CRRA's most negative and serious drawback. CRRA has been in existence since 1973 and has formed only one completed project, the Bridgeport facility, the old one. This facility is a gross failure. It left some \$45 million in unpaid debts, sued eventually by Occidental Petroleum. CRRA's ability to deliver a successful project is obviously suspect."

Mr. Gouveia asked if the committee in Meriden was sleeping? They received a report that stated that CRRA could not be trusted. The new facility in Bridgeport is paying the city \$1.5 million payment-in-lieu-of-taxes. They are also giving Bridgeport a \$3/ton discount for garbage generated in Bridgeport. They are operating a bulky waste landfill in Waterbury and are paying \$4 million for that. Yet, according to their brochure in Bridgeport they seem to be doing o.k.

Mr. Hamel: I believe the current tip fee there is \$61.00. It is a 2,250/ton a day plant, it is about 5 times the size of our plant.

Mr. Gouveia: With the \$3/ton discount, that alone in one year was \$1 million.

He went on to say that Wallingford was not mentioned in CRRA's annual report. Numerous goals and objectives for Bridgeport and Hartford were outlined and Wallingford omitted.

Mr. Hamel pointed out that Wallingford has not been in operation as long and therefore does not have as many projects to note.

Mr. Gouveia stated that he was very dissatisfied with the Town's representation on the ad-hoc committee.

Mr. Bradley asked what the design capacity to burn was of the plant?

Mr. Hamel: According to consultant reports, the nameplate capacity was 153,300 tons/yr. Discount that by 10% to reach the expected capacity of the plant.

Mr. Bradley: What efficiency are we burning at?

Mr. Hamel: During the fiscal year ending June 30, 1990 we did 137,000 tons/yr. equalling 90-91%.

Mr. Bradley: Can we get that additional 10%?

Mr. Hamel: There is a possibility that we can get the plant up around 140,000 tons/yr. with some improvements that Ogden is making. I don't think we will get up to the 153,000.

Mr. Bradley: If these fees keep going up people are going to be looking for alternatives. These guys are on the line when they say that they are out of the picture and not participating in Wallingford and going to a municipal waste collection. That way you can still have a deduction included in your property tax. I see us heading more and more in that direction.

Mayor Dickinson stated that the next meeting of the Policy Board is on Friday, October 26, 1990 at 11:00 a.m. in Cheshire to initially determine what information will be sought from CRRA.

Mr. Bradley asked that copies of the minutes of the Policy Board meetings be forwarded to all council members.

ITEM #17a Note for the Record a Report from the Comptroller with Respect to a \$4,400,000 General Obligation Bond Issuance

Motion was made by Mr. Bradley, seconded by Mr. Gouveia.

Holmes left for work at 11:16 p.m.

Mr. Bradley referred to paragraph #3 of the comptroller's letter and asked exactly what he meant by the statement that currently the portable classroom funding is presently on the A-1 priority listing for the General Assembly approval.

Mr. Myers explained that the General Assembly has not yet approved the bonding for reimbursement. It is his understanding that when it occurs, we will receive the grant. It is scheduled for the current session. The State Department of Education has never refused funding approval.

Mr. Bradley then referred to page #2, where it states that the authorization of \$1,600,000. exceeds the estimated total project by \$550,000. Is this \$550,000 included in the total bonding amount?

Mr. Myers: No it was excluded.

Mr. Myers stated that he "bonded short". He bonded in the case of the roofs and the handicapped access project and the portable classrooms. But to a very small degree with the portable classrooms. He bonded below what he believed the total project costs to be. When the project total becomes known the Town can either issue more bonds or pay the balance of the project off in cash.

ITEM #17b Consider and Approve a Transfer of Funds in the Amount of \$250,000 to Principle Retirement Self-Finance Portable Classroom Fund - Comptroller's Office

The transfer if from Acct. #001-8010-800-8500, Principle Retirements to Acct. #001-8010-800-8540, Principle Retirement Self-financed Portable Classroom Fund

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

ITEM #18 Executive Session to Discuss the Possible Purchase of Land Pursuant to Section 1-18a (e) (4) of the Ct. General State Statutes as requested by Council Chairman Albert E. Killen.

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

Motion was made by Mr. Bradley to Waive Rule V of the Town Council Procedures to Include an Executive Session to Discuss Pending Litigation Pursuant to Section 1-18a (e) (2) of the CT. General State Statutes.

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

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to move into Executive Sessions, seconded by Mrs. Duryea.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Exit the Executive Session, seconded by Ms. Papale.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

Motion to Adjourn was made by Mr. Bradley, seconded by Ms. Papale.

VOTE: Holmes & Parisi were absent; all others, aye; motion duly carried.

- 21 - October 23, 1990

There being no further business, the meeting adjourned at 12:50 a.m.

Meeting recorded and transcribed by:

Kathryn F. Milano
Town Council Secretary

Approved by:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date

OCT 26 1990

RECEIVED ON FILE

AT 5 NOON P.M.

ATTEST Kathryn J. Wall