

TOWN COUNCIL MEETING

JANUARY 14, 1992

7:00 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Consider and Approve a Resolution Rescinding the Previous Fee Schedule for the Resident Disposal Program and Establishing a New Fee Schedule for the Town of Wallingford - Mayor's Office
3. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
4. PUBLIC HEARING on an Ordinance Appropriating \$200,000 for the Planning and Design of the South Elm Street Parallel/Relief Sewer and Authorizing the Issue of \$200,000 Bonds or Notes of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.
5. Consider and Approve a Transfer of Funds in the Amount of \$1,619 to Maintenance of Equipment - Department of Fire Services
6. Consider and Approve a Transfer of Funds in the Amount of \$650 to On Call Duty Allowance - Public Works Department
7. Consider and Approve a Transfer of Funds in the Amount of \$14,000 to Heating System - Repair - Yalesville School - Department of Public Works
8. Consider and Approve Authorizing the Mayor to Sign a Five Year Lease to Renew the Farm Lease Program in the Town of Wallingford - Mayor's Office
9. Consider and Approve a Resolution Authorizing the Reimbursement of Expenditures with Bond Proceeds - Mayor's Office
10. Consider and Approve Amending the Personnel Pages of the Electric Division to Reflect a Change of the Pre-Approved Clerk-Typist Position to a Computer Operator A Position - Public Utilities Commission
11. Discussion Pertaining to Utilities Commission Matters as Requested by Councilor Albert Killen
12. Discussion Pertaining to the Budget Workshop Process for F.Y. 92-93 as Requested by Councilor Geno J. Zandri, Jr.
13. Discussion and Possible Action on Initiating a Payment Plan to the Town of Wallingford of Money Received Annually From the Town of Wallingford Electric Division as Requested by Councilor Geno J. Zandri, Jr.

4. Discussion and Possible Action on Waiving the Bidding Process and Approve a Request for Proposal from Engineering Firms for the Repair of the Quinnipiac Street Bridge and Tyler Mill Road Bridge - Department of Engineering
5. Consider and Approve Tax Refunds (#79 - 119) Totaling \$3,544.66 - Tax Collector
6. Consider and Approve Merit Anniversary/Merit Increases (8) as Requested by the Merit Review Committee
7. Note for the Record Anniversary Increases (7) Approved to Date - Mayor's Office
8. Note for the Record Mayoral Transfers Approved to Date - Mayor's Office
9. Discussion and Possible Action on Approving the Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 1991 as Requested by Vice Chairman David Doherty
10. SET A PUBLIC HEARING on an Ordinance Amending an Ordinance Appropriating \$20,658,000 for the Planning, Acquisition and Construction of a Water Treatment Facility and Associated System Improvements
11. Consider and Approve Re-naming the Following Advisory Committees
 - Committee to Study the Feasibility of a New Connecting Road from Route #5 to Hartford Turnpike
 - Reorganization & Relocation of WPL-TV Committee
 - Community Lake Study Committee
 - Recycling Committee
 - Municipal Golf Course Study Committee
12. Approve and Accept the Minutes of the 11/26/91 (with Water & Sewer Division amendment), 12/10/91, 12/19/91 - 5:30 P.M., 12/19/91 - 7:00 P.M., and 12/30/91 Town Council Meetings

Correspondence

TOWN COUNCIL MEETING

JANUARY 14, 1992

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
Consent Agenda - Items #5, 6, 8, 15, 18 & 22	1 - 2
2. Approve a Resolution Rescinding the Previous Fee Schedule for the Resident Disposal Program and Establishing a New Fee Schedule	2 - 5
3. PUBLIC QUESTION AND ANSWER PERIOD	13 - 17
4. Approve Amending an Ordinance Appropriating \$200,000 for the Planning & Design of the South Elm Street Parallel Relief Sewer by Decreasing it to \$180,000	5 - 13
7. Approve a Transfer of \$14,000 to Heating System Repair - Yalesville School	7 - 19
9. Approve a Resolution Authorizing the Reimbursement of Expenditures with Bond Proceeds	19 - 22
10. Approve Amending the Personnel Pages of the Electric Division to Reflect a Change of the Pre-Approved Clerk-Typist Position to Computer Operator A Position	22 - 24
11. Discussion Pertaining to Public Utilities Commission Matters	24 - 25
12. Withdrawn	
13. Withdrawn	
14. Withdrawn	
16. Approve Merit Anniversary/Merit Increases	25 - 26
17. Note for the Record Anniversary Increases Approved to Date	26
19. Table Discussion and Possible Action on Approving the Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 1991	26
20. SET A PUBLIC HEARING for January 28, 1992 at 7:45 P.M. on an Ordinance Amending an Ordinance Appropriating \$20,658,000 for the Planning, Acquisition and Construction of a Water Treatment Facility and Associated System Improvements	26
21. Approve Re-naming Town Council Advisory Committees	26 - 27
22. Fail to Approve Minutes of the 11/26/91, 12/10/91, 12/19/91 and 12/30/91 Town Council Meetings	27

TOWN COUNCIL MEETING

JANUARY 14, 1992

7:00 P.M.

meeting of the Wallingford Town Council was held on Tuesday, January 14, 1992 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:07 P.M. by Chairperson Iris F. Papale. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Mr. Zandri who was ill. Mayor William W. Dickinson, Jr.; Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the flag.

Ms. Papale took a brief moment to thank the public in attendance in the audience at the first Council meeting of the new term. She introduced Vice Chairman David Doherty and Councilor Brian McDermott and wished them both good luck in their new endeavor.

Mr. Doherty made a motion to place the following items on the Consent agenda to be voted upon by one unanimous vote of the Council;

ITEM #5 Consider and Approve a Transfer of Funds in the Amount of \$1,619 to Maintenance of Equipment Acct. #001-2032-500-5200 from Dept. of Bldg. - Outside Contractor Acct. #001-2032-500-5110, \$1,000; from Copy Machine Acct. #001-2032-999-9942, \$420; from Replace Time Locks (2) Acct. #001-2032-999-9944, \$154 and from Fuel Hose Retractor System Acct. #001-2032-999-9946, \$45 - Dept. of Fire Services

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$350 from Pioneer Covers Acct. #001-5030-999-9951 to On Call Duty Allowance Acct. #001-5030-100-1450 - Public Works

ITEM #8 Consider and Approve Authorizing the Mayor to Sign a Five Year Lease to Renew the Farm Lease Program in the Town of Wallingford Mayor's Office

ITEM #15 Consider and Approve Tax Refunds in the Amount of \$3,544.66 (#79-119) - Tax Collector

ITEM #16 Consider and Approve Merit Anniversary/Merit Increases (8) as Requested by the Merit Review Committee

ITEM #17 Note for the Record Anniversary Increases (7) Approved to Date - Mayor's Office

ITEM #18 Note for the Record Mayoral Transfers Approved to Date - Mayor's Office

ITEM #21 Consider and Approve Re-naming the Following Advisory Committees:

January 14, 1992

- Committee to Study the Feasibility of a New Connecting Road from Route #5 to Hartford Turnpike
- Reorganization and Relocation of WPL-TV Committee
- Community Lake Study Committee
- Recycling Committee
- Municipal Golf Course Study Committee

ITEM #22 Approve and Accept the Minutes of the 11/26/91 (with Water & Sewer Division Amendment), 12/10/91, 12/19/91 - 5:30 P.M., 12/19/91 - :00 P.M., and 12/30/91 Town Council Meetings.

Motion was seconded by Mr. Holmes.

Mr. Doherty pointed out that Item #22 is accepted as presented and not to include the Water & Sewer Division Amendment to the 11/26/91 Town Council Meeting Minutes. The amendment was for informational purposes only and not meant to be amended to the minutes.

ITEM #12, 13 & 14 - Withdrawn

Mr. Killen requested that Item #21 be removed from the consent agenda.

Mr. Frank Wasilewski asked that Items #16 & 17 be removed from the consent agenda since he would like to know who is receiving merit increases.

The consent agenda consisted of Items #5, 6, 8, 15, 18 and 22.

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

Mr. Edward Bradley, 2 Hampton Trail asked for a point of order. He pointed out that Mr. Doherty and Mr. McDermott were not present at the Town Council Meetings which they have voted on to accept and approve minutes of.

Ms. Papale thanked Mr. Bradley for his suggestion.

Mr. Doherty withdrew the consent agenda motion, Mr. Holmes withdrew his second.

Mr. Parisi stated that there was no reason why Mr. Doherty and Mr. McDermott could not vote to accept the minutes.

Mr. Doherty made the motion to place Items #5, 6, 8, 15 & 18 on the consent agenda to be voted upon by one unanimous vote of the Council, seconded by Mr. Holmes.

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

ITEM #2 Consider and Approve a Resolution Rescinding the Previous Fee Schedule for the Resident Disposal Program and Establishing a New Fee Schedule for the Town of Wallingford - Mayor's Office

Mr. Doherty read the Resolution into the record (see appendix I).

Mr. Roe, Program Planner explained that two years ago the Council approved the fee schedule that was proposed and adopted which established the \$.50 per bag fee. The guiding principle behind the program is to provide a service to those residents who don't want to pay a hauling charge. The tip fee was to be covered by those residents to avoid the situation of looking for the entire population of the town to be subsidizing the tip fee cost. It appears as though there will be a deficit of approximately \$80,000-\$84,000 this year.

In 1991, based on the number of permits issued to non-senior residents of the town, an average permittee delivered 61 bags per year to the landfill. For seniors it was 43 bags per year. In essence what is being proposed is an increase of \$.50 per bag which would bring the average permittee's cost per year to \$60-\$61. At this point, that is the only change being proposed at this time.

Mr. McDermott asked if the town was running a deficit when the tip fee was \$45.00 and the landfill charge \$.50 per bag?

Mr. Roe responded, yes. The price of \$.50 per bag was originally calculated based on an estimate of what we thought the weight of a 60 gallon bag would be. With the introduction of recycling and people becoming wiser, the weight of the bag is increasing. Our tonnage is increasing while the number of bags may not necessarily be.

Mr. Killen felt that this issue should have received more publicity. He was disappointed in the turnout this evening on this subject and thought perhaps it was due to the public's unawareness of the subject matter. The resolution will become effective April 15th and it is subject to a referendum which means that we are shaving it pretty close.

Mr. Holmes asked what the operating hours are for resident drop-off?

Mr. Roe responded, Monday through Friday 8:00 a.m. to 3:30 p.m.

Some residents have approached Mr. Holmes asking if the hours could be extended to 4:00 p.m. one day out of the week and he would like to see if that could be arranged.

Mr. Parisi suggested that the center open later on that day and close later to solve the problem.

Mr. Roe will check into it and see if it could be arranged and will respond in writing to Mr. Holmes.

Ms. Papale had a question on Section 3.b which states, "residents over 65 years of age shall be permitted to personally bring two bags..." It was brought to her attention by several phone calls from the public and she asked, if you can tell if it is really necessary to give a senior citizen....it seems like a lot of baggage for a senior citizen to put... she thought that maybe one bag would be sufficient? Is there any way that it could be figured out?

Mr. Roe responded, we took the total number of redeemed senior coupons and we did develop an average. We divided by the number of permit holders. The average was forty-three bags during the fiscal year 1991. So that does compute to less than one bag per week.

Ms. Papale: So what is happening to the second bag that they are getting?

Mr. Roe: It would seem to suggest that it is not being used. Now there has also been some concern about whether those bags are finding their way into non-senior's hands. As a matter of fact, that concern has been raised numerous times by residents that utilize the program and people who have oversight. The difficulty is that we have not really been able to investigate that. At least right now we have almost two full years of data and the average is forty-three bags per week. My recommendation is to continue to look at that over time. The cost to the community for the senior program is approximately \$45,000 to \$50,000 per year.

Ms. Papale invited the public's opinion on the issue.

Edward Musso, 56 Dibble Edge Road stated that he agreed with Ms. Papale's suggestion that the senior citizen's allowance should be cut back to one bag and see how that works. He did not agree with Mr. Roe's theory of less plastic and more garbage in the bags.

Ms. Papale stated for the record that she did not make the suggestion that the senior's allowance be cut back to one bag, she only inquired about the estimated use of the system by the seniors.

Mr. Edward Bradley, 2 Hampton Trail addressed the resident's side of the resolution. Realizing what the economy is today and with people trying to make ends meet and being creative to try and save some money to be able to take their rubbish to the landfill, he encouraged the Council to leave the residential fees the way they are. If the town could come up with over a \$3 million surplus we can make up the little bit of slack to help the people get through the rough times.

Frank Wasilewski, 57 N. Orchard St. complained about the conditions of the landfill. He is of the opinion that the town should improve the condition of the road leading into the dumping area prior to even considering raising its fees to dispose of the garbage. Other surrounding towns have paved or stone roadways into their landfill. The mud is terrible and nothing has been done about it for two years. When it rains they pump the water off the scale and onto the area in which the residents drive in through. The area never dries out. You have to correct the conditions prior to raising the rates without any turmoil here. With the surplus this town has it should invest some funds in building a better recycling center and improving the conditions of the landfill. Recycling is forever, invest in it. He has complained numerous times to Mr. Hamel and everyone else to be told, "we'll see what we can do" and nothing happens. The landfill is a disgrace to the town.

Mr. Doherty asked the Mayor who we approach to address these conditions at the landfill?

- 5 - January 14, 1992

Mayor Dickinson responded that the conditions are under the control of the operator of the landfill who is nearly at the end of their contract.

Mr. Roe stated that the current operator of the landfill is Landfill Compaction who is close to the end of their tenure there. A new operator will be in within the next month or two. The service of the current operator is very limited right now for they see no economic return.

Mr. Doherty asked that correspondence be directed to the new operator, once on board, asking that these conditions be improved.

Mayor Dickinson agreed to.

Mr. Walt Sawallich, Jr., 100 Jobs Road, agreed that there is a lot of room for improvements but we are on a maiden voyage of which is to get the program off and running without costing everyone a fortune. If after two years we want out we can seek other options. He personally felt that the landfill has never been in such good shape. When the town ran it it was a mudhole. He reminded everyone that the recycling area is provided for the residents free of charge. This will encourage people to recycle all the more because the more that is taken out of the garbage for recycling, the more garbage goes in the bag, hence, less bags. He suggested clear, plastic bags so that people who do not wish to recycle cannot get the recyclables in as garbage. He is all for giving residents a break but he agreed with Ms. Papale in that, if we are going to go up to \$1.00 a bag, his company gives a 25% discount to senior citizens on their monthly bills. He felt that a 50% discount would be outstanding and give them one bag for free and \$.50 per bag after that. There ought to be something, why should they get in totally for free? If they are going to generate more than one bag a week then the garbage is being generated by more than senior citizens. He has run into situations where seniors try to dispose of their children's garbage for them to avoid the cost of a hauler. He reminded the Council that if the new rate goes into effect in April it will stay in effect until the following April. An increase in the tip fee will occur in July which is estimated to increase to \$72.

Mr. Philip Wright, Sr., 160 Cedar Street felt that it was up to Don Roe to defend the expenses and not a hauler in town (referring to Mr. Sawallich). He did not appreciate being accused of having his children bring their garbage to his house (being a senior citizen). He had a lot of objections to the way that the ordinance was written, particularly about the fact that a resident can go in with a car and spend half of what you would pay if you went in with a pick-up truck. He felt that the agenda should have clearly stated the intention of the Mayor to ask that the garbage disposal fee be increased 100%.

NOTE: Zandri was absent; all others, aye; motion duly carried.

ITEM #4 PUBLIC HEARING on an Ordinance Appropriating \$200,000 for the Planning and Design of the South Elm Street Parallel Relief Sewer and Authorizing the Issuance of \$200,000 Bonds or Notes of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose

Mr. Killen made a motion to Dispense with the Reading of the Ordinance and Append a Copy of the Ordinance to the Town Council Meeting Minutes, seconded by Mr. Doherty.

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

Mr. Roger Dann, General Manager of the Water and Sewer Division gave a brief history of the project for Mr. Doherty & Mr. McDermott's sake. He explained how earlier this year it was determined that inadequate sewer capacity exists in the trunk sewers servicing the South Elm Street drainage area. In order to proceed with the necessary work of constructing additional sewer capacity the Sewer Division has solicited bids for consulting engineering services necessary for the design and construction of the proposed relief sewer as well as rehabilitation of deteriorating sections of the existing sewers.

The Division is before the Council this evening to request approval of the funding ordinance in order to provide the necessary funding for the engineering services. Once design has been completed and the bids received for the construction of the sewer improvements, it will then be necessary to amend the ordinance to incorporate the costs of construction. On the basis of verbal discussions with the Department of Environmental Protection there is a possibility of receiving some State funding for these projects. It cannot be determined how much funding we will receive from the State at this time until bids have been received for the construction contract.

Edward Musso, 56 Dibble Edge Road felt that developers responsible for causing the overload on the sewer system should share in the cost of the project, not the taxpayers of the town.

Peter Gouveia, 39 Lincoln Drive asked if the contract will be awarded to the third lowest bidder since Mr. Dann states in his correspondence dated December 4, 1991 that, "Inasmuch as the engineering bids are currently under review and no determination has been made to award at this time, the estimated engineering costs have all been based upon the third low bid received for the purposes of the funding ordinance".

Mr. Dann responded that yes, the division has completed the review of the bids and are prepared to make a recommendation and it will, in fact, be for a lesser amount. The apparent low bidder was determined not to meet the qualifications that have been called for in the specifications. Therefore it will be awarded to the apparent second lowest bidder.

Mr. Gouveia asked if the division will be asking the Council to accept other than the lowest bidder?

Mr. Dann answered, no, due to the fact that in this case the low bid was not responsive because they were not qualified.

Mr. Gouveia asked, are you willing to state at this time how much the second lowest bidder.....is it still \$150,000 or substantially less than that?

- 7 - January 14, 1992

Mr. Dann responded that instead of \$150,000 it now comes out to \$129,950.

Mr. Philip Wright, Sr., 160 Cedar Street asked what the estimated cost of the job will be upon completion?

Mr. Dann answered that, until the engineer completes the feasibility work, it is difficult to come with a clear estimate of the footage involved, etc. Based on preliminary numbers the project, overall, will be somewhere in the range of \$1.4 million to \$1.5 million.

Mr. Wright then asked, if the bid comes in at \$150,000 and the division has an appropriation of \$200,000 does that extra \$50,000 become part of a surplus?

Mr. Dann answered, we would hope never to expend it. It is there to deal with other circumstances, i.e., easement purchases, legal fees associated with the easements, etc. The goal is not to spend it.

Mr. Wright wanted to be assured that the division will be held accountable for the funds. He asked, if an additional \$50,000 remains will the division come before the Council for approval to use that \$50,000 on something else?

Mr. Dann responded, the funding ordinance would authorize expenditures up to \$200,000 for the engineering study as described in the ordinance itself. If additional funds are needed and when we get to the construction phase, we would have to come back before the Council to request an amendment of the ordinance to reflect the bid costs of the construction phase of the project.

Edward Bradley, 2 Hampton Trail asked, is there a reason why we don't know what the total cost is before we set a public hearing for a bonding ordinance for this phase?

Mr. Dann answered, the reason is that we had received bids, and in the interest of being able to work with the scheduled meetings, we needed to proceed to call a public hearing so we put together the estimate based on an assumed third low bidder realizing that we might come in with a different number. Some of the other items included in here are, in fact, unknowns. We don't know the final routing of the sewer therefore we don't know whether or not we will be utilizing existing roads, existing easements or perhaps have to purchase new easements. It is reasonable to assume that there may be some cost there.

Mr. Bradley asked, from a planning standpoint, you cannot put together a total and complete plan, go out to bid on it, and then come forward based on those numbers with a bonding ordinance?

Mr. Dann: We would not be able to put together a plan. We would need the engineer for that purpose. This funding ordinance allows us to bring the engineer on board to do those functions, feasibility study, design and ultimately the construction phase services.

Mr. Parisi asked Mr. Dann to clarify the statement that he made with

regards to disqualifying the lowest bidder and choosing to go with the third lowest bidder.

Mr. Dann: I said other than the apparent low. It is low only to the extent that the bidder complies with the criteria in the bid specifications. In this case there was a requirement relative to experience of the firm. We clearly wanted a experienced design firm to do the work. In this case the bidder did not meet that criteria and, therefore, was not in compliance with the bid specifications and, therefore, was not the low bidder.

Mr. Parisi: Based on the information you supplied us there is one low bidder. The Charter is rather explicit about your going with other than the low bidder and you should document to us the reason that you won't go with the low bidder. There is nothing wrong with it, but the procedure is very clear. That is not something that the department determines on their own.

Mr. Dann: We did not make that determination in a vacuum. We had advice from both the Purchasing Agent and the legal department with regards to that decision. It is a misunderstanding to confuse the term "apparent low" and "low bidder". You can throw any number in there and I can bid \$5.00 but if I don't have the ability to do the work based on the specifications of the project, I'm not the low bidder. Yes, after a review of bids if we were suggesting that we go to other than what is determined to be the low bidder, we would clearly have to come before the Council. In this case all we have done is recommend that we go to low bidder who meets the specifications.

Attorney Mantzaris: We construe the ordinance to mean that if the bidder, even though he has bid the lowest, does not meet the specifications then he is not a bidder.

Mr. Parisi: If I ask the Purchasing Agent for a copy of the bids on this particular item, would this company be listed?

Attorney Mantzaris: They would all be listed.

Mr. Parisi: Then you must justify to the Council why you did not choose the lowest bidder. I don't mind you doing business with someone else, that is not the point. The point is, he does not determine, solely, who the low bidder is. He determines it and recommends it to us.

Attorney Mantzaris: If a firm does not meet the specifications there would be no ground to award the contract to them.

Mr. Parisi: I feel it is the rule to document to the Council why you are not awarding the contract to the lowest bidder whose name appears on the list.

Raymond Smith, Director of Public Utilities added that the Purchasing Agent simply lists the number of people who respond. He does not qualify them at the opening of the bids, whether they are eligible or ineligible. It is then forwarded to the Department Head to decide.

Mr. Parisi: The Purchasing Agent can make a recommendation.

Mr. Smith: He doesn't.

Mr. Parisi: I can supply you with a couple of instances when there have been recommendations made by the Purchasing Agent.

Mr. Smith: In some cases he is not in the position to make that determination because he does not understand the specifications.

Mr. Parisi: But he can make recommendations if he chooses to or feels knowledgeable in the area. He is not restricted.

Mr. Smith: There is a low bidder and low price. Low price does not necessarily mean that you have a qualified bid.

Mr. Parisi: Well then let them justify it to us, what is wrong with that? Does this have to be done in a closet or something?

Mr. Smith: I assure you it is not.

Mr. Parisi: What is the problem?

Mr. Dann: There are many bids where that exact situation applies. It is not a valid, low bid.

Mr. McDermott referred to the Purchasing Ordinance which lists the qualifications necessary and read them to Mr. Parisi.

Mr. Parisi asked Mr. McDermott if he felt that the Department Head should be the sole determining factor as to whether we can...

Mr. Dann interjected that he said quite clearly that, in fact, the Purchasing Agent was very much involved with this as was Attorney Mantzaris. He is not trying to impose himself in the role of the Purchasing Agent.

Mr. Holmes stated that all Mr. Parisi is asking for is that when a Department Head decides to award to anyone other than the low bidder correspondence should be forwarded to the Council stating why they are not chosen, whether it is because they don't meet the specifications or otherwise.

Ms. Papale added that Mr. Parisi has been requesting this of all departments.

Mayor Dickinson stated that the issue here is, who qualifies as a responsible bidder.

Mr. Holmes responded that that is not the issue here. The Mayor knows, the Purchasing Agent knows, the Department Head knows, everyone knows but the financial body of the town as well as the public. We are asking that the information be forwarded to the Council when the firm that is being considered is other than the lowest bidder.

Mayor Dickinson responded, it is not other than the low bidder. It is a bidder that is not a bidder because he does not meet the qualifications.

You are not understanding the kind of administrative load that will create. Every bid that goes out potentially has someone responding to it that does not meet qualifications. That means every time that occurs you are asking for a report. He asked if the Council meant that it should be a standard every time a bid goes out and unqualified prices are received? He reminded the Council that the item before them is approving an ordinance, not awarding the bid.

Mr. Holmes answered that, items such as this that routinely come before the Council involving these kind of dollars, when the bid will be awarded to other than the low bidder, just justify the reason to the Council. It is simple as that.

Mr. Parisi interpreted this as a continuing battle not to serve the wishes of the Council.

Ms. Papale asked that the public hearing continue on the ordinance appropriating \$200,000 and will sit down at another time to review the procedure as to how the purchasing ordinance should be handled.

Mr. McDermott asked where the \$750 sewer hook-up charge is applied?

Mr. Dann answered that the money goes into the restricted reserve account titled, Connection Charge Reserve to be utilized when it is appropriated for projects from time to time. For example, the infiltration in-flow, televising joint testing sealing, etc. They are intended to be utilized for unusual circumstances. They are not sufficient to cover something of the amount that we are looking at for South Elm Street.

Mr. McDermott: My understanding is that the intent of collecting that fee was for maintenance of the lines. Is that correct?

Mr. Dann: It is for....I don't have the paperwork with me but it is for emergency maintenance of the collection system. That is my recollection of the verbiage involved.

Mr. McDermott: Is there any way to use the funds to look into better planning maybe, for foreseeing these problems in the future. Can that money be appropriated for ways of discovering these problems so we won't have to get to the state of implementing a moratorium on development.

Mr. Dann: I am not sure under the verbiage of the connection charge that that is acceptable, presently, but that does not mean that it can't be modified at some time in the future. Certainly there should be a gameplan that involves both the availability of funds but also the planning for this type of circumstance. We have been seeking approval on a planning position for some time so that we can specifically dedicate a person to that type of longer term planning, i.e., analysis of capacity, growth, and projections of where we are going to need to expand on our system so that we can get into a much more pro-active stance than what we see in this particular case.

Mr. McDermott: Do you have ways of getting information to Planning & Zoning as to a potential trouble spot that you have under watch so that if a large user is considering the area Planning & Zoning will be informed, therefore keeping you informed?

Mr. Dann: We have developed a map which shows areas of concern which Planning & Zoning does have a copy of.

Mr. McDermott would like to see better communication between the Water & Sewer Divisions and Planning & Zoning on this matter.

Mr. Kovacs stated that correspondence is forwarded to the Planning & Zoning Commission to keep them informed of situations such as this.

Mr. McDermott responded that it has been delayed in getting to the Commission and would like to see that change.

Mr. Dann would like to be in the position to know about these potential situations sooner, so as to let everyone else know much sooner.

Mr. Doherty asked if anything has developed since December 4, 1991 on the issue of State funding?

Mr. Dann responded, no. We have discussed with the State the possibility of receiving funds, a partial grant, predominately a low interest loan scenario. That is dependent upon our being into a construction phase, which we are not, and then the availability of funds at that time from the State. Once we reach construction phase it is going to be important that we try to get the funding.

Mr. Doherty asked, wasn't there some type of contribution by developers on the Route 68 project? Is there any way in the future for us to recoup some of the expense if a developer builds a large subdivision feeding into this parallel line?

Mr. Dann could not answer that question. We actively and aggressively try to attach the costs of development to the developer. All on-sight costs are attached. It would have to be looked at in great detail.

Mayor Dickinson: Any property that is adjacent to the line, where lateral would access this line, that clearly is accessible.

Mr. Killen asked that the issue raised by Mr. Parisi surrounding the purchasing ordinance not be lost by the wayside.

Mr. Dave Gessert stated that it is his intention to set up a meeting with Ms. Papale, the P.U.C., the Purchasing Agent, the Town Attorney, Mr. Dann, etc., to come up with a policy to make sure that the Council is informed. He did not intend to let it drop.

Mr. Killen asked what the term "feasibility" is supposed to denote under the subject of engineering?

Mr. Dann responded that the engineering bids are broken down into three phases of the project. The first phase will be to perform

hydraulic calculations for the purpose of determining the final sizing of the new sewer, look at options of either parallel one of the existing sewers of the other, perhaps an outright replacement of one, investigate the various routing possibilities. What we should get at the end of the feasibility study is an analysis of the options available to us so that then there could be a decision made as to what the most cost effective approach to take is.

Mr. Killen then asked, how long ago was the line put in that is in there now?

Mr. Dann: There are two lines in there, my recollection is that the oldest of them was put in in 1925 the other was installed in 1959 which was a relief form at that time.

Mr. Killen referred to Section 5 of the ordinance and asked if there will be "scrambling" of our Water, Sewer and Electric dollars?

Mr. Dann felt that it would provide flexibility to utilize funds in anticipation....

Mr. Myers interjected that it will allow the town to use its own cash in lieu of temporary notes. When we issue bonds we will reimburse ourselves with the proceeds of the bonds.

Mr. Killen stated that this Council has not been able to make use of our cash resources before and he is not about to make use of them now. Enterprise funds were set up as separate businesses. If they are not going to be run as such then the funds should be returned to the General Fund at the end of the year so that the Council can decide what can be done with it. Absent of that, you will not get my vote.

Mr. Myers stated that a cash advance is not an appropriation of money.

Mr. Solinsky asked if the bid was sent out broken into the four categories of Feasibility, Design, Supervision and Contingency 15% +/-?

Mr. Dann answered that the bid award was based on the total bid price for the entire project. For the purposes of the division's own internal record keeping as well as tracking the engineer, we asked that they further break down their bids to reflect the portion contained within each of the three phases, contingency was the division's calculation.

Mr. Solinsky asked what supervision is involved?

Mr. Dann responded that, during the construction phase we would expect the engineer to provide someone to be on sight to perform inspection services, to review submittals for materials proposed on the project, look at month pay requisitions, etc.

Mr. Solinsky: Bid on a per day basis?

Mr. Dann: Based on a six month construction period.

Mr. Solinsky: What will the contingency be used for?

Mr. Dann: I hope not to use it for anything. If, for some reason, we encounter a special engineering requirement, unanticipated in the bid document, then we would utilize the contingency for the purpose of compensating the engineer for that.

Mr. Solinsky: Will that cover an item that the bidder failed to include in his bid?

Mr. Dann: He is required to meet the specifications as he bid it.

Mr. Gouveia, 39 Lincoln Drive pointed out that the Council is acting on an ordinance that is appropriating \$200,000 for the planning and designing phase of this construction. Engineering costs are part of this phase but, yet, the public bids for engineering services do not reflect the proposed funding before you. He suggested that the Council adopt the ordinance by reducing it first by \$20,000 because now we know that the engineering costs will be only \$130,000 not the \$150,000 as presented before the Council this evening.

Mr. Dann did not disagree with Mr. Gouveia's suggestion.

Mr. Doherty made a motion to Amend the Ordinance by Reducing it by \$20,000 to \$180,000 and Include the Amendment in the Title, Section I, II.1, II.2, seconded by Mr. Holmes.

Ms. Papale asked, why didn't the division approach the Council with the information that the ordinance could be reduced by \$20,000?

Mr. Dann answered that, at the time the information was compiled, they were not aware of final figures.

VOTE ON AMENDMENT: Zandri was absent; all others, aye; motion duly carried.

VOTE ON AMENDED ORDINANCE: Zandri was absent; Killen, no; all others, aye. Motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Ron Gregory, 59 Hill Avenue asked the Council, has the town considered an appeal of the Meriden Landfill court decision, and what is the timetable for filing an appeal?

Mayor Dickinson stated that the town is in the midst of considering it and will be meeting with the lawyer that handled the trial work. Following that a meeting will be scheduled with the Council to discuss it.

Mr. Gregory: Will the Council consider a resolution expressing its concern about the impact of the decision on our public water supply to our State legislators in Wallingford so they can immediately begin to look for legislative relief in case the court action does not go our way?

Ms. Papale we could certainly have it on our agenda for the next meeting.

Mr. Killen: In reading the decision the decision, itself, seems to be muddled by the fact that the legislature keeps changing its mind if the judge is interpreting them correctly.

Mr. Gregory stated the the D.E.P. will have the final say and they maybe, for a change, our salvation. In view of this, will this new Council finally make finding new water sources in Wallingford a top priority? It is time that this town took finding water seriously and started to make it a major priority at least for the next two years.

Mayor Dickinson: We purchased the Dapkus property along N. Turnpike Road in Yalesville. One of the primary reasons was that there is a site there that looks very promising for a well but, to date, there are not many other locations that have proven to be promising.

Mr. Gregory suggested that the town consider closing the wells in Yalesville if Meriden opens the landfill. He could not comprehend how the town could invest money in digging wells adjacent to the landfill. The town was stupid to invest millions of dollars in wells adjacent to a polluting landfill. He asked if the town had considered exercising eminent domain and taking the Meriden landfill so as to protect our water sources if we need them in Yalesville?

There was no response.

Mr. Gregory urged everyone to consider the idea. This town has condemned land for private use under eminent domain, certainly it can condemn land for public use. Make water a top priority - time is running out! Please don't let the public down on this, it is too important.

Mr. Philip Wright, Sr., 160 Cedar Street asked the Council not to insult the intelligence of the farmers with regards to the farm lease program by dictating to them what is to be planted and how to plant.

Mr. Edward Bradley, 2 Hampton Trail, asked Mr. Holmes why the Council was not apprised of the letter dated October 1991 from the Department of Health regarding the municipal golf course study?

Mr. Holmes responded that the letter detailed the concerns of the Department of Health in regards to any development that might go on in that area. There was nothing in the letter that states they will not permit us. Upon receipt of the letter he contacted Mr. Dann and Mr. Smith for their opinions. They thought that the Department of Health wanted to see plans and specifications of the course. I informed them that there were none. At that time there was no perceived impediment to any future designs.

Mr. Bradley: Is that also why you did not mention that at the Inland Wetlands Commission meeting?

Mr. Holmes: Yes. The night I got the letter I immediately approached Mr. Dann who was present that evening at our meeting.

Mr. Bradley: Was your committee apprised of this letter?

- 15 - January 14, 1992

Mr. Holmes: I believe I showed Mr. Parisi, I'm not sure if I showed Mrs. Duryea. I believe I did because I was trying to schedule a meeting.

Mr. Bradley: I tried to research minutes of the meeting because I have developed an interest in it from a dollars and cents standpoint. I could not find any minutes of your meetings. I went to the Town Clerk, Town Council Office, I could not even find this letter from October, why?

Mr. Holmes: Some of the meetings are on tape and I have the other ones.

Mr. Bradley: This is a \$4.4 million project. The minutes should be reduced to writing on this issue and filed in the correct locations.

Mr. Holmes: With the exception of the meetings on tape, all the other meetings were general discussion with the exception of the times.... one time we voted to form a sub-committee. The meetings do not reflect the verbatim conversations of all the people in the room.

Mr. Bradley: I have raised this issue before on the Council, there should be a reporting structure back to the Council on these committees on a quarterly basis. We somewhat lose sight of the committees. The sight being considered for the golf course is a vulnerable sight. Mr. Dann considers it a very viable sight for a future reservoir and would like to see the golf course committee sit down with Mr. Smith and Mr. Dann to discuss the issue. He reminded everyone to think long-range for the future of Wallingford and pointed out that the Director of Public Utilities is an avid golfer and hopes that the hobby will not stand in his way.

Mr. Holmes did not believe that to be the case. Whitman & Howard performed a study for the Water Division only a few years ago and discounted the area as a potential reservoir because it did not have the watershed capabilities. Some very serious questions still remain unanswered.

Mr. Bradley: Iris, there was an article in the New Haven Register on the "Utility Proposes Rate Cut to Spur Economy" and in there it did mention a statement that you made and that was in reference that stated, "the Council could override the plan if seven out of nine members voted against it", but they have you stating that you doubted that that would happen. I would like to know, why do you feel the Council wouldn't override it and what do you base that on?

Ms. Papale: I feel that....I know that you have to have seven votes for an override and from what I've seen happen in the past, I think the way.....you don't have seven people.....I can't speak for everyone and I made that statement in the paper, it is just the way I felt, it was more of a guess. To get seven people, the way that they have been thinking the last two years, to override what I thought would be in the best interest of the ratepayers of the Town of Wallingford, I couldn't, in my mind, think that seven people would override that.

Mr. Bradley: Everyone does have a copy of Camp Dresser & McKee's study of the Electric Division and I suggest that you read it, in particular, Section 7. Section 7 does talk about a potential wholesale

rate increase in 1993 upwards of 25%. The study further goes on to recommend that \$1 million per year for four years be set aside to soften that impact. While I welcome a rate decrease I remind myself with a cautious eye and recommend to you from a cautious standpoint that, before we go cutting rates I think that we better understand what the wholesale rate increase is going to be in 1993. I would hate to see a wholesale rate come in at 10% increase in 1993 and here we are decreasing rates by 5% and now have to make up for it.

Ms. Papale: We will be discussing this soon with the department and we will be aware of what Mr. Smith has to say as to what will happen in 1993. In sitting in on the meetings with the top ten businesses in the Town of Wallingford, I never realized what they pay for an electric bill every month. This incentive program will make a tremendous difference for those companies, it could mean the difference between staying in business. When all the facts are presented to us by Mr. Smith and the commissioners, I thought that there would not be seven votes to override what I thought was very good for the Town of Wallingford.

Mr. Bradley: Hopefully what is coming through will be for the good of the town but, again, I raise the point, from a cautious standpoint, that we not cut and then find ourselves 5% in the hole with a 10% rate increase coming down the road.

Ms. Papale: Mr. Bradley, you will be here?

Mr. Bradley: I'll be here.

Mr. Killen: Iris, I don't believe it is within the purview of this Council to override the setting of rates by the P.U.C.

Ms. Papale: I thought with seven votes?

Mr. Killen: I don't believe so.

Ms. Papale: So maybe it is a dead issue, anyway, but I was under the impression that you needed seven votes.

Mr. Killen: The power to set the rates is granted to them by State Statute and our oversight is in our Charter but that certainly would not override the State Statute.

Ms. Papale: Mayor is that correct?

Mayor Dickinson: My understanding is that there would be an ability to veto a given action. The Council would not have the authority to set a new rate but my guess is that there would be authority to veto a given action. If there is real interest we can look into it.

Lester Slie, 18 Green Street spoke in defense of the Golf Committee in stating that the meetings were well publicized.

Bob Avery, 42 N. Elm Street pointed out that when he appeared before the Council as the Chairman of the 88 South Main Street Building

- 17 - January 14, 1992

Committee requesting a bid waiver for architectural fees his item was tabled due to the fact that the minutes from that meeting of the committee had not yet been presented. He felt that the Council committees should follow the same rule. They know the rules far better than he did because no one explained the procedure to him. His minutes were all transcribed, he had not handed them in and he was penalized for it. Yet, the Council sub-committee can have items proceed forward without any penalization. He felt it was unfair and disgraceful that three Council Members sit on the Golf Committee and do not follow the same rules that are in place for everyone else. He wanted the Council to direct those individuals to get the minutes transcribed and filed and not to hold any meetings until such time. He did not feel that those same individuals deserve re-appointment to the committee.

Mr. Holmes stated that it was not the responsibility of Mrs. Duryea and Mr. Parisi to file the minutes but his responsibility alone as the Chairman of the committee.

Mr. Gouveia, 39 Lincoln Drive followed up on Mr. Gregory's concern with the recent court decision. He felt that the Council's override concern should be the health and safety of our citizens. He felt that the Council should vote to appeal the decision, it deserves no less than that.

Mr. Frank Wasilewski, 57 N. Orchard Street stated that over four years ago he suggested to the P.U.C. that they should be looking into a new reservoir. Whitman & Howard's study recommended that the town consider building a new reservoir by the year 2000. I thought that they should have started thinking about it back then and they did not want to do anything about it. It takes ten years to fill up a reservoir and have it settled so that the water could be used. A few years later I suggested to engineers for the Sewer Treatment Plant that 8 million gallons of good drinking water that was currently going into the Quinnipiac River be shipped over to the incinerator which uses 250,000 gallons of water every day that is coming out of the reservoir. If that water could be utilized from the sewer treatment plant for the incinerator, it would save on our reservoir and we would not have to consider building a new one.

Mr. McDermott thought that the D.E.P. had concerns with taking water out of the Quinnipiac River. That issue has been looked at with concerns raised.

The Chair declared a ten minute recess.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$14,000 to Heating System - Repair - Yalesville School - Department of Public Works.

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

The transfer is from account #001-5040-400-4550, Salt Supplies in the amount of \$11,400 and from account #001-5040-100-1406, Snow Removal - O.T., \$2,600 for a total of \$14,000 to Heating System - Repair account #001-5230-999-9903.

Mayor Dickinson explained that the intention is to keep the building from deteriorating without a heating system. The purpose of this transfer is to obtain an expert to review the current system and determine what repairs are necessary and to draw up specifications to be placed out to bid for a newly designed heating system. The plan is to request that the design reflect the possibility of school use, even expanded school use.

Mrs. Duryea asked if correspondence can be sent to the Board of Education notifying them when the building is complete and ready for use so that there will be some sort of coordination in the moving and staffing of the building. This way programs will not move in to be asked to move out a short time later.

Mayor Dickinson responded that, according to Dr. Cirusuolo, as of March or April of 1992 the expectation is that the Board of Education will be making decisions based upon the needs assessment. The Adult Education and Recreation use of the building was to extend from June or July of 1991 through June or July of 1992.

Mrs. Duryea pointed out that by the time we get the specifications drawn up and the project goes out to bid the school will not be fixed in time for the winter months.

Mayor Dickinson agreed that, most likely, it wouldn't.

Mr. Killen asked if the \$4,750 for asbestos removal was bid?

Mr. Deak responded, no, it was covered by a blanket order of the Board of Education.

Mr. Killen explained that Mr. Petersen, Purchasing Agent, led him to believe that a firm was hired to perform one particular task and the asbestos removal was "piggybacked" onto the work.

Mr. Deak explained that the firm was doing work throughout the town for the Board of Education.

Mr. Solinsky asked if the firm was on the waiver of bid list.

Mr. Killen stated that Mr. Petersen was checking into it.

Mr. Parisi noted for the record that he was questioning how \$4,750 worth of work could be "piggybacked" when, in fact, we have a \$2,000 limit.

Mr. Deak asked for guidance on the matter.

Mr. Killen responded that \$2,875 worth of the work was placed out to bid and the remaining balance was under the \$2,000 limit which does not have to go out to bid. This was an assumption on his part.

Ms. Papale asked if the school will be available for the presidential election? The Registrar of Voters need to know by February 21, 1992 the latest.

Mr. Deak responded, probably not.

Ms. Papale asked Mr. Deak to look into an alternative polling place for the election.

Mr. Deak agreed to do so.

Mr. Parisi requested that the Chair inquire as to the rationale for "piggybacking" the \$4,750 onto the bid.

Mayor Dickinson will have a report mailed to all Councilors on the issue.

Edward Musso, 56 Dibble Edge Road suggested using the old Yalesville Firehouse on Church St. for the election.

Ray Rys, 96 Pierson Drive pointed out that asbestos identification was performed by Mystic Air Quality and detailed in DeCarlo & Doll's Yalesville School Report for the Board of Education, Appendix B to be exact. He warned the Council that this may end up costing the town more than \$4,750.

Mr. Deak was only concerned with the Boiler Room area at this time.

Frank Wasilewski, 47 S. Orchard Street was upset with the fact that asbestos still remains at the school. With the millions of dollars that was spent on the removal of asbestos in the town, Yalesville School was forgotten. He felt that the future use of the building should be studied prior to spending the money on the structure. He reprimanded the town for being poor landlords of the property. Rent had been collected for some time on the property which should have been put aside to renovate the structure.

Mayor Dickinson explained that Yalesville School was not part of the asbestos removal program. Some schools still contain asbestos. It is the friable, exposed areas that were treated. Those areas that are not exposed were left alone. The town wants to avoid another Parker Farms School problem where the building was left to deteriorate and ultimately cost more money to fix.

VOTE: Zandri was absent; Holmes, no; all others, aye; motion duly carried.

ITEM #9 Consider and Approve a Resolution Authorizing the Reimbursement of Expenditures with Bond Proceeds - Mayor's Office

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Mr. Doherty read the resolution into the record.

Mayor Dickinson addressed the Council and stated that this is a very important matter which would allow the town to pay the settlement amount on the Stone & Webster Contract for the construction of the Sewer Treatment Plant. It is important and allows us to use our assets in a

way that reduces the cost to the Town of Wallingford over short and long term.

Attorney Joseph Fasi, Bond Counselor, explained that the IRS, in August, promulgated some temporary regulations which said, in effect, if a community advances expenses for a capital project from its general fund or other available revenues of the town and plans to reimburse those expenditures with bond issue, then the town must adopt an official intent resolution or it will not be able to issue bonds to reimburse those expenses.

Mr. Killen asked where the money for the Rights In Deeds comes into the picture?

Mr. Myers explained that the money was appropriated from available funds in the Sewer Division and a \$900,000 ten year note that came from the Water Division.

Mr. Killen: This is going to cover up the fact that you took the monies out of there and now have to replace them.

Mr. Myers: Whether we bonded the Rights In Deeds or construction costs was a judgment predicated upon the opinion that it is more advantageous to take to market an issue comprised of bonding construction costs rather than bonding litigation. Do both of those get added to the cost of the Sewer Plant?, absolutely. It is a question of which one do you pay cash for and which one do you bond?

Mr. Killen: We are camouflaging the fact that we are bonding litigation so the guy buying the bonds has no way of knowing what he is doing. We are bonding litigation whether you call it that or not.

Mr. Myers: In my opinion we are paying cash for the litigation and bonding the construction costs. There was an informed decision made, do we bond construction costs or litigation?

Peter Gouveia, 39 Lincoln Drive called Mr. Myers' reference to the "technique" as a premeditated scheme to conceal the truth. He urged the new Council Members to read the minutes of the November 26, 1991 P.U.C. meeting. He felt it was a hypocritical recommendation to borrow \$2 million from the Electric Division since it will cost \$50,000 to do so. The same people making this recommendation have argued time and time again that the Electric Division revenue should not be used for anything other than Electric Division expenditures. A second option was studied that would have a lesser impact on the rates. The sewer rates have increased 42% since 1989, now they will be increased an additional 8% just to support this recommendation. He is of the opinion that the town used state and federal funds as well as funds received through bonding authorization for purposes other than those intended. It was used for Rights In Deeds. He felt the town should face the consequences of its actions honestly, and in open session.

Mayor Dickinson responded that if this was an item that there was an interest in concealing, he quoted from the Town Council minutes of

November 26, 1991 where Roger Dann stated (from Water Division's transcript), "We are now altering that to say that we want to use those funds for another aspect of the project, the Westview Hills Settlement but that will require that, in fact, the remainder of the town costs in the sewage treatment plant will now have to be bonded". I think it should be clear that there is no interest of deception and it was on the record as of November 26, 1991 what the purpose and goal here was. The bonding community is not interested in investing in something that does not have a lasting benefit.

Atty. Fasi explained that if the resolution is not passed, all it means is that the town will have to borrow twice. It will have to borrow very shortly on a short term basis and then it will have to turn that short term borrowing into long term borrowing. In order to avoid that process the regulations promulgated by the Treasury Department require that a resolution indicating official intent to reimburse advances from other funds be adopted by the town body. This resolution is put before the Council, not to hide anything, but simply to enable the town to borrow just once to pay for the Stone & Webster construction litigation.

Ms. Papale asked, if we don't proceed in this direction this evening, what will it end up costing the town in the long run?

Mr. Myers responded that it will cost temporary interest to borrow \$2,075,000 as well as issuance costs, bond attorney fees, bank fees, printing costs, preparation of financial information and interim financial information, other marketing costs associated with it. It will cost more money than to use our own cash. That is the bottom line.

Mr. Gouveia, 39 Lincoln Drive: We should always be willing to pay the price no matter how high it is for doing the job right, our citizens expect no less than that. Why is it that we cannot use the money from the Unappropriated Balance of the town, why the Electric Division?

Mayor Dickinson: The Unappropriated Balance funds have been earmarked for Revaluation, all of them except for the 5% reserve.

Mr. Gouveia: You only need the money for six months.

Mayor Dickinson: What you are talking about is borrowing money against the General Fund. As I understand it we are currently advancing cash on a number of school projects.

Mr. Myers explained the reasoning again behind this recommendation.

Mr. Gouveia's opinion of the handling of this matter did not change.

Mr. McDermott hoped that this chapter of the Rights In Deeds and Sewer project is at a close and that the town can get on with other business.

Mr. Doherty stated that the \$2.9 million was paid to the Rights In Deeds group and that particular issue is dead. He feels that he has no conflict of interest in this matter and therefore will vote yes. (Mr. Doherty sat on the steering committee of the Rights In Deeds group and was a claimant in the case).

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

ITEM #10 Consider and Approve Amending the Personnel Pages of the Electric Division to Reflect a Change of the Pre-Approved Clerk-Typist Position to a Computer Operator A Position - P.U.C.

otion was made by Mr. Doherty, seconded by Mr. Parisi.

For the sake of the new Council Members, Mr. Raymond Smith, Director of Public Utilities explained that a vacancy exists in the Electric Division which is identified in the budget as a clerk-typist. The request before the Council is to change the title that is approved in the budget as clerk-typist to computer operator A. The individual currently sitting in the computer operator A position would retain that title but perform clerk-typist duties.

Mrs. Duryea asked if there is part-time help currently helping out in the Data Processing department?

Mr. Smith responded, yes.

Mrs. Duryea asked if there is action pending this Computer Operator A?

Mr. Smith explained that the employee was transferred into a new location, the union filed a grievance and it may get to arbitration in 1 to 1 1/2 years.

Mrs. Duryea felt that it was a different position entirely otherwise a clerk-typist could be hired. She asked what happens to Computer Operator A position should the arbitration go against the town?

Mr. Smith stated that the plan would be to keep the two positions until one flushed out of the system. That should happen within the next few years.

Mrs. Duryea reminded Mr. Smith that someone could possibly decided to hang on to the job due to the economy and not retire so quickly.

Mr. Smith further stated that an agreement would be made with the union, via correspondence, that once one of the Computer Operator A positions vacated, it would then become a clerk-typist position.

Mr. Parisi asked if a new position is being created?

Mr. Smith responded, no.

Mr. Gessert assured the Council that no one will receive a down grade

in pay due to any limitations or problems that they are having.

Mr. Parisi asked if, upon employment, the new employee will understand that they are not considered a full fledged Computer Operator A?

Mr. Smith clarified that the new employee will be full fledged. The aggrieved party will retain the title of Computer Operator A should they win the grievance but they will not be assigned those duties.

Ms. Papale explained that Mr. Seadale states that grievances could take as long as two years. We cannot wait of a settlement to occur before filling the position. She felt that town would be hurt operating without a full compliment of staff.

Mrs. Duryea asked Mr. Smith to explain why an individual would not be awarded their position restored if the arbitration was ruled in their favor?

Mr. Smith used the analogy of taking a lineman out of the electric division workforce telling him that he is not to go up in the bucket truck anymore but you will retain your pay but you will perform janitor duties. What is the harm as long as you haven't taken away his pay? That is the issue.

Mrs. Duryea responded that as long as it is not happening to Mr. Smith or herself it is supposed to be o.k., but if it happens to someone else it is o.k. if it happens to someone else? Wouldn't it effect you, it would effect me. Even though I am receiving the same pay it would effect me, and then to win a case in arbitration and then not to be awarded back that position?

Mr. Smith: But if a supervisor found that is was unsafe for the line-man to go into the bucket truck and he was in jeopardy to himself or to fellow workers, in the interest of the division we would have to remove him to keep from experiencing a \$1 million lawsuit and having him fall out of the bucket truck one day. If that happens, where does the crucifixion come? Right here!

Mrs. Duryea felt that the example was to the extreme. She pointed out that management is not always correct in their judgment.

Mr. Smith agreed, hence, grievance procedures, etc.

Mr. Edward Bradley, 2 Hampton Trail suggested that the P.U.C. look into validating the Computer Operator A position with the Police Department leaving the computer system.

Mr. Gessert and Mr. Kovacs agreed to look into it.

Mr. Edward Musso, 56 Dibble Edge Road feels that the management running the department knows best what is needed.

Mr. Philip Wright, Sr., 160 Cedar Street was appalled that our arbitration process is backed up two years. He thought it odd that the Director of the P.U.C. and two commissioners sit in the audience two

nights to discuss a fourth-level management decision. Yet, there are other times when we are discussing millions of dollars being spent by the P.U.C. and we get fourth-level management to attend the meeting. Something is wrong with the way it is being handled.

Ms. Papale stated that Mr. Smith made it clear last week that he will be present at every meeting that has a P.U.C. item on it.

Mr. Solinsky left at 11:00 P.M.

VOTE: Solinsky & Zandri were absent; Duryea & Killen, no; all others, aye; motion duly carried.

ITEM #11 Discussion Pertaining to Utilities Commission Matters as Requested by Councilor Albert E. Killen.

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

Mr. Killen referred to the P.U.C. minutes of December 17, 1991 which corrects the November 26, 1991 P.U.C. minutes to read, "money would be borrowed with no interest to the Electric Division instead of low interest". He asked where the power to decide no interest would be charged come from?

Mr. Myers was not aware of any cash advance that he authorized from the Electric Division to the Sewer Division.

Mr. Killen read into the record Attorney Farrell's opinion on the P.U.C.'s authority to settle customer disputes with regards to billing. The opinion was solicited by Mayor Dickinson after some debate at a previous Town Council Meeting where the Council overturned action taken by the P.U.C. in granting credits/rebates to certain customers who were disputing their bills. The P.U.C. attorney was of the opinion that the P.U.C. does have the power to grant credits/rebates to customers so long as it does not affect the rates. Mr. Killen asked how the P.U.C. plans to handle those customers disputing their bills who don't dispute the fact that their meters are operating correctly, but rather do not want to pay their bills because they feel they are too high?

Mr. Gessert replied that that specific language will be incorporated into a policy that pertains to bill complaints. Roger Dann and the P.U.C. have been discussing this very topic. This policy should help some of the experts at the Water & Sewer Divisions come to a decision in a dispute. The suggestion to institute a policy was made by Councilor Zandri at a recent P.U.C. meeting and all present agreed it was a good idea.

Mr. Killen then directed his discussion towards the issue of receiving the P.U.C. minutes in a timely manner so as to afford the Council the opportunity to have enough time to overturn P.U.C. action if it so desires. The Council has fifteen days to act upon action taken by the P.U.C., according to the Town Charter. The November 26, 1991 P.U.C. minutes were received on December 9, 1991 and the December 17, 1991 P.U.C. minutes were received on January 3, 1992. The Town

Charter states that the P.U.C. must have their minutes filed within five days of their meeting.

Ms. Papale met with Kathy Savage, P.U.C. secretary, and explained how this has been a problem with the Council. She has agreed to try to have the minutes available prior to a Town Council meeting. The P.U.C. meets on the first and third Tuesdays of the month, the Council on the second and fourth. Hence, the Council receives the P.U.C. minutes at the night of their meeting and by the time the next Town Council meeting is held it is too late to take action. A special meeting would have to be called.

Mr. Kovacs will follow-up on this issue.

Mr. Wasilewski, 57 S. Orchard Street informed the P.U.C. that, with the water being the way it is in Wallingford, dirt can accumulate in the shut-off valve of a toilet and the valve does not seat properly, therefore water can run without a customer realizing it until the bill is received. Sometimes this is the underlying cause of a high bill being disputed.

No action was taken.

ITEM #16 Consider and Approve Merit Anniversary/Merit Increases (8) as Requested by the Merit Review Committee

Mr. Frank Wasilewski requested that the names and amounts be read into the record for the public's sake.

The following individuals received increases:

Ann Rabinowitz - \$ 985	Wendy Kudzma - \$ 789
Richard Vanski - \$1,285	Terry Smith - \$1,159
Thomas Esposito - \$1,008	Richard Meskill - \$1,007
John Burns - \$1,110	George Yasensky - \$1,166

Mr. Wasilewski objected to the fact that there is nothing listed on the agenda stating who is receiving the raises. He asked what the individuals did to merit the increases, did they improve a service in town?, did they save the town any money? or is this just automatic? He felt that these individuals were well compensated by the town and with the economy being what it is he felt that wages should be frozen. They are all management personnel who are earning good money to begin with. The only raises that should be given are to those who are in the lower earning groups. He went on to say that one of the lowest paid workers of the town is the Mayor who has not received a raise in some time. The Health Inspector earns close to \$50,000 per year and does not need an increase in this economy.

Mr. Parisi, Chairman of the Merit Review Committee explained that it is part of their contracts. On occasion raises are held back.

Mayor Dickinson explained that union contracts are negotiated for multi-year periods. The town expects a good job from the workers and, in return, the workers expect the town to meet its contractual obligations.

VOTE: Solinsky & Zandri were absent; all others, aye; motion duly carried.

ITEM #17 Note for the Record Anniversary Increases (7) Approved to Date - Mayor's Office

The following individuals received increases:

Patrick Dowling	-	Police
Carolyn Drago	-	Purchasing
Francis Sabo	-	Police
Joseph Ferreira	-	Police
William Cosgrove	-	Police
David P. Poach Sr.	-	Fire
Cynthia Braheney	-	Fire

VOTE: Solinsky & Zandri were absent; all others, aye; motion duly carried.

ITEM #19 Discussion and Possible Action on Approving the Comprehensive Annual Financial Report for Fiscal Period Ending June 30, 1991 as Requested by Vice Chairman David Doherty

Motion was made by Mr. Doherty to Table This Item Until the Next Town Council Meeting due to the Lateness of the Hour, seconded by Mr. Parisi.

VOTE: Solinsky & Zandri were absent; McDermott, no; all others, aye; motion duly carried.

ITEM #20 SET A PUBLIC HEARING on an Ordinance Amending an Ordinance Appropriating \$20,658,000 for the Planning, Acquisition and Construction of a Water Treatment Facility and Associated System Improvements

Motion was made by Mr. Doherty to Schedule the Public Hearing for January 28, 1992 at 7:45 P.M., seconded by Mr. Holmes.

VOTE: Solinsky & Zandri were absent; all others, aye; motion duly carried.

Mr. Wasilewski asked the Council if they would be acting upon the Board of Education Teacher's Contract soon?

Ms. Papale stated that they have just been received and will be taken up at the next regularly scheduled Town Council Meeting.

ITEM #21 Consider and Approve Re-naming the Following Advisory Committees

- Committee to Study the Feasibility of a New Connecting Road from Route 5 to Hartford Turnpike
- Reorganization & Relocation of WPL-TV Committee
- Community Lake Study Committee
- Recycling Committee
- Municipal Golf Course Study Committee

- 27 - January 14, 1992

Motion was made by Mr. Doherty to Re-name the Advisory Committee with Members Currently on the Committee at the Last Meeting of the Former Town Council, seconded by Mr. Parisi.

VOTE: Solinsky & Zandri were absent; McDermott and Parisi passed; all others, aye; motion duly carried.

ITEM #22 Approve and Accept the Minutes of the 11/26/91 (with Water & Sewer Division Amendment), 12/10/91, 12/19/91 - 5:30 P.M. 12/19/91 7:00 P.M., and 12/30/91 Town Council Meetings.

Ms. Papale stated that it is not necessary to accept the 11/26/91 minutes with the Water & Sewer Amendment, that amendment was sent along for informational purposes only for agenda item #9.

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

VOTE: Solinsky & Zandri were absent; Doherty, Killen, McDermott and Parisi passed, all others, aye; motion failed.

Motion was made by Mr. Doherty to Adjourn the meeting, seconded by Mr. Holmes.

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

There being no further business, the meeting adjourned at 11:59 P.M.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Iris F. Papale

Iris F. Papale, Chairperson

February 25, 1992

Date

Kathryn J. Wall

Kathryn J. Wall, Town Clerk

February 25, 1992

Date