

Special Town Council Meeting

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May 15, 1984

7:00 p.m.

A special Town Council meeting was held on this date for the purpose of:

Establishment of A/C 201P-481-KKK Rally. Pages 1-2.
Consideration and approval of transfer of \$3,021 from A/C 201P-300 to 201P-481, Police Department. Page 1-2.

Consideration and approval of transfer of \$1,000 from A/C 201P-300 to 201P-480, Police Department. Page 3.

Setting a public hearing ON AN ORDINANCE AMENDING ORDINANCE #306 TO INCREASE THE APPROPRIATION FROM \$100,000 to \$1,788,000 TO FINANCE THE COST OF REDESIGN, CONSTRUCTION, AND OTHER RELATED WORK IN CONNECTION WITH THE RENOVATION OF THE MACKENZIE DAM LOCATED ON NORTHFORD ROAD, WALLINGFORD, CONNECTICUT AND AUTHORIZING THE ISSURANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION. Public hearing set June 12, 1984 at 7:45 p.m. Page 3.

Consideration of budget amendment request to allow Electric Division to make a credit adjustment to customers of approximately \$800,000--no action taken. Page 3. Discussion pages 3 to 6.

Discussion and possible action regarding proposal for construction manager/Police Station Building Committee--WITHDRAWN. Page 4.

Approved Town Council Minutes of 5/7/84 and 5/8/84. Page 6.

Chairman Robert Parisi called the meeting to order at 7:10 p.m. Answering present to the roll called by the Council Secretary were Council Members Bergamini, Diana, Gessert, Killen, Papale, Parisi, Polanski and Rys. Councilman Krupp had a previous commitment and could not attend the meeting. Mayor Dickinson was also present, along with Thomas A. Myers, Comptroller.

Mr. Rys moved establishment of a new account 201P-481-KKK Rally, seconded by Mrs. Bergamini.

Mr. Killen asked Chief Bevan why this transfer request was not presented to the Council before the KKK Rally and the Chief replied that the number of men attending the rally was not known and it was not known how many would need to be fed. Certain functions pertaining to this rally were delegated to others by Chief Bevan. Mr. Gessert referred to the Charter provision about spending money without Council approval, etc. and Chief Bevan stated he was more concerned about the security and placement of the rally and it was not his intent to violate the Charter or to flaunt the Council as a whole. Mr. Polanski felt that all items pertaining to the rally should have gone out to bid and Chief Bevan stated that Magson Police Equipment has the quarter-master bid and what Magson could not supply was purchased from vendors since amounts under \$2,000 are not required to go to bid.

Mr. Polanski felt that more planning should have been involved and asked if riot gear was available from the 70's and the Chief indicated it was antiquated. Mrs. Papale commended all the men who did a fine job that day and indicated that although the meals should have gone out to bid, the safety of the people was the primary concern. Mrs. Bergamini does not approve of circumventing the Charter but in this situation, unusual circumstances were involved and food was not a primary consideration. Mayor Dickinson indicated that obtaining an injunction took considerable time two days before the rally and with the time constraints involved, another meeting with the Council to waive the bid for meals would have been difficult. Mr. Parisi noted that an outstanding job was done but felt this need should have been brought before the Council as the financial body of Wallingford. Mr. Killen noted that the Council is not questioning the cost of the meals but rather indicated this should have been planned and preparations made.

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Mr. Rys asked how the \$3,021 will be obtained from A/C 201P-300 and commented that the \$10,861.42 which is the total had the police departments of surrounding towns billed Wallingford for their service was in fact free and he hoped that the Chief would send a letter of thanks to these towns--Chief Bevan stated that they have already been acknowledged. Chief Bevan stated that the \$3,021 from A/C 201P-300 was encumbered internally and Mr. Myers explained the encumbrance system to the Council. In the past, it has been up to the department head to monitor his own encumbrances and his own commitments; however, Mr. Myers could see a need for a system whereby encumbrances could be reviewed within the finance control framework but this would be very time consuming because of the many line items involved and the details of the system. The basic responsibility for the operations of the department rests with the department head and they know their needs and operating requirements better than the Comptroller.

Mr. Gessert indicated that Mrs. Papale's point is well taken and there is no argument about the job done and this discussion relates to the procedures. Mr. Gessert pointed out that 12 M17 gas masks on page 1 of the 5/8/84 memo cost \$552.00 and on page 2, 1 was listed at \$89.35 and the Chief indicated this was probably an error in typing or one supplier was exhausted and another used.

Mr. Polanski indicated that preplanning should be instituted for any type of emergency situations in the future.

Vote: Unanimous ayes with the exception of Mr. Krupp who was not present and Mr. Rys who passed; motion duly carried.

Mrs. Bergamini moved the transfer of \$3,021 from A/C 201P-300 to A/C 201P-481 Meals KKK Rally. This motion was seconded by Mr. Polanski.

Vote: Council members Bergamini, Diana, Killen, Papale, Parisi and Polanski voted aye; Gessert voted no; Rys passed; Krupp was not present; motion duly carried.

Mr. Parisi read the 5/10/84 memo from Chief Bevan, agenda item 3.

Mrs. Bergamini moved the transfer of \$1,000 from A/C 201P-300 to A/C 201P-480, seconded by Mrs. Papale.

Mr. Killen noted that town dollars were involved here and Chief Bevan replied that he would endeavor to get as much back as he could when an insurance claim was presented. Mr. Polanski asked if there were any agreement in the police union contract for such a circumstance and the Chief indicated there was none. Mrs. Bergamini stated that Mr. Killen's point was well taken and felt that 100% reimbursement would not be made by the insurance company. Mrs. Papale asked if uniforms were returned to the Police Department upon retirement of an officer and the Chief noted that any items in good condition were recycled if possible.

Vote: Unanimous ayes with the exception of Killen who voted no and Krupp who was not present; motion duly carried.

Mrs. Papale moved to set a public hearing on June 12, 1984 at 7:45 p.m. on AN ORDINANCE AMENDING ORDINANCE NO. 306 TO INCREASE THE APPROPRIATION FROM ONE HUNDRED THOUSAND DOLLARS (\$100,000) TO ONE MILLION, SEVEN HUNDRED EIGHTY EIGHT THOUSAND DOLLARS (\$1,788,000 TO FINANCE THE COST OF REDESIGN, CONSTRUCTION AND OTHER RELATED WORK IN CONNECTION WITH THE RENOVATION OF THE MACKENZIE DAM LOCATED ON NORTHFORD ROAD, WALLINGFORD, CONNECTICUT, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION. Mr. Gessert seconded the motion.

Vote: Unanimous ayes with the exception of Mr. Krupp who was not present; motion duly carried.

Mr. Parisi indicated that there would be a brief recess to allow the PUC to vote on agenda item 5 before it is presented to the Council. Mr. Nunn stated the PUC was prepared to vote but felt that the motion could be made and seconded and allow discussion with the Council and PUC in the spirit of cooperation. Mayor Dickinson indicated that a recess would allow the PUC to go into session and vote on a matter very important to the town and once this was accomplished, the Council could reconvene and take up this matter. Mr. Killen asked why item 5 was on the Town Council agenda without action having been taken by the PUC and the Mayor noted it was to allow an opportunity for the Council to discuss this with the PUC before a vote was taken. This was meant for the convenience of both parties and uniformity in town government and to provide a smooth procedure on an important item.

Mr. Nunn indicated that perhaps the PUC should reconvene their meeting which is a published meeting. At this point, Mr. Parisi called for a brief recess which began at 8:00 p.m. and ended at 8:10 p.m.

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Mr. Parisi apologized for the misunderstanding and noted that the PUC left and reconvened their own meeting.

Mrs. Papale asked where the Police Station Building Committee was to present details of item 6. Mayor Dickinson indicated that he had a meeting with Bill Fischer, Kaestle, Howard Marshall and Don Dunleavy for the purpose of understanding the ramifications of a construction manager approach for the police station project. At this point, it was suggested that this item be withdrawn from the agenda to deal with questions about the contract between the town and the construction manager. Mayor Dickinson felt this was a very important matter and the advice of Mr. Dunleavy who is an expert in this area is being sought and once more information is available, this item can be put on the agenda.

Mr. Gessert stated that he would like to discuss item 5--budget amendment request regarding credit adjustment--Public Utilities Division and proposed that rather than returning credits on electric bills, those funds be allocated to rebuilding the MacKenzie dam and save the town between \$1.5 million and \$2.0 million in interest costs over the next 20 years. This idea is presented for discussion with the PUC, Mayor and Council and public input should be sought via an ad in the paper or an insert in the electric bill. The public should be asked if they would rather have a \$20 or so credit on their electric bill or if they would rather have those funds spent to repair the dam and save the interest costs over 20 years. Responses should be obtained and measured. Mr. Parisi suggested that the Council should complete their meeting and go to the PUC meeting and render that opinion there.

Mrs. Papale asked if the electric division's rebate could be applied to the MacKenzie dam project and Mr. Myers noted that a legal opinion should be obtained and this was subject to the appropriation process and the Council is the fiscal body of the town.

Mr. Musso felt that these funds should be used for repair of the dam and not rebated to customers of the Electric Division. Mr. Rys questioned the fairness of applying the funds in this manner since all users of electricity are not necessarily users of town water supplies. Mayor Dickinson stated that you are faced with some philosophical questions and consistency in handling funds from any given enterprise and these major questions should be addressed. It is Mayor Dickinson's opinion that the course of action taken is one which sets a precedent for other things and you can rapidly find yourself in a situation you do not necessarily want to be in but once you've taken an action, you do that again and maybe again after that. This looks attractive but you end up with a host of questions and the consistency of operation is gone. Mr. Killen suggested that the Charter and State Statutes be reviewed to determine where the setting up of a PUC Commission was allowed. Mayor Dickinson stated that a careful approach must be used when appropriating funds to insure consistency with the Charter and with the public's expectations when they pay the bills for whatever enterprise you are dealing with.

Mr. Gessert indicated that the electric billpayers should have an opportunity for input also, whether it be a newspaper ad, an insert in the bill or a telephone survey. There is a concern about bonded indebtedness and if there is an opinion obtained from the public on this issue, it may be possible to use those funds in this manner. Mayor Dickinson noted that this item must be acted upon before the end of June and not enough time is available for a billing insert to be mailed and returned.

Mrs. Bergamini pointed out that this repair to the MacKenzie Dam is unique and she would prefer input from the PUC to determine their stance on this matter. She would prefer not to increase the bonding in town and this is the only reason she would go along with the suggestion to use the funds for the MacKenzie Dam project rather than a rebate to electric customers. Mayor Dickinson urged the Council to be careful in their efforts to reduce bonding not to get into other problems with the use of funds. In the Mayor's judgment, it would be best not to enter into this area at this time.

Mr. Dorsey suggested that the Council meet with the PUC and determine exactly how much the town would receive after a rebate and deal with this matter when that amount has been determined. He also suggested that the question of a rebate is a legal question and if a rebate is not given, there is the potential for a lawsuit from the Town of Northford--the question here is does all this money belong to the Town of Wallingford? The Ordinance governing the 55% contribution to the Town of Wallingford has been in existence for 85 years. Mr. Diana agreed with Mr. Dorsey's reasoning and had not considered Northford but notes that this must be considered because of the legal implications. Mr. Diana also agreed with Mayor Dickinson's comments and noted there is not enough time to mail an insert to the Electric Division's customers and get a response on a timely basis but does not disagree with Mr. Gessert that opinions should be solicited from the ratepayers.

Mr. Dorsey noted that the Cook Hill School was paid with money turned over to the town from the utilities years ago and once the money is turned over to the town, it can be used for the MacKenzie Dam repair if the town chooses. Mr. Killen stated that according to the Charter, the town can take from certified surplus at any given time and put into the capital and non-recurring fund.

Mr. Polanski pointed out that the excess profits were due to obtaining a better rate from CL&P and not due to an overcharge, at least this was his opinion. Mr. Killen noted that CL&P does not refund to its customers when their profits are excessive and asked what provision would be made to refund to customers who cannot be located.

Mr. Diana indicated that there is a million dollar surplus in the budget and a million dollars plus in the Electric Division which is equal to 2 1/4 mills and if there is an opportunity to return this money to the people, this should be done. Mr. Killen pointed out that this would be given back to the ratepayer rather than taxpayer. Mr. Diana indicated that the majority of the ratepayers are taxpayers.

Mr. Killen pointed out to Mr. Myers that the detail sheet dated 5/15/84 presented with agenda item 5 is in conflict with the last financial statement presented by the Utilities Division and Mr. Myers noted that he would research the matter.

Mrs. Bergamini moved acceptance of the Town Council meeting minutes of May 7, 1984 and May 8, 1984, seconded by Mr. Diana.

Vote: Unanimous ayes with the exception of Krupp and Papale who were not present; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 8:50 p.m.

Delores B. Fetta
Council Secretary

Approved


Robert F. Parisi, Council Chairman

May 22, 1984
Date