

Summary, Town Council Meeting

November 27, 1984

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Town Council Meeting

November 27, 1984

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:35 p.m. by Chairman Gessert. Chairman Gessert introduced Mrs. Carmen Gonzalez, who is the new secretary to the Town Council, to the public and press.

Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Gessert, Holmes, Killen, Krupp, Papale, Polanski and Rys. Also present were Mayor William W. Dickinson, Town Attorney Vincent McManus, and Thomas A. Myers, Comptroller. The pledge of allegiance was given to the flag.

Invocation by Reverend Craig Spooner, Advent Christian Church:

Father, we thank You for these fine men and women who have cared enough about their town to be here and give of themselves unselfishly. We pray that You will give them Your blessing and Your guidance. The Bible talks about people who look and look and never see, who listen and listen but never hear, and I pray that You will help them to look and see, to listen and hear, and to have their eyes wide open and their ears attentive to all the things which are brought before You tonight. And I pray that they just won't think about Election Day but about Judgement Day and that they are responsible to You above all. Thank you, again, for them in Jesus' name. Amen.

636 Public Question and Answer Period

Ms. Jean Holmes, a member of the Taber House Preservation Committee, presented petitions in favor of saving the Taber House, along with cover letters, for each of the Council members. Ms. Holmes presented the petitions on behalf of Mr. James Kennedy, Chairman of the above committee, who was not able to attend the Council meeting. She stated that the committee had over 1,100 signatures and that it was the committee's hope that the Council would take the petition into consideration. Mr. Gessert thanked Ms. Holmes and distribution of the petition packets was made.

Chairman Gessert commented that Item 16 on the agenda, regarding consideration of appointing a limited charge CHARTER REVISION COMMISSION, was withdrawn by Councilman Edward L. Diana.

Mr. Gessert presented for consideration the appointment of Laurence J. Zabrowski to the Housing Authority (term: 11/1/84 to 10/31/89). Mr. Rys moved to approve the appointment of Mr. Zabrowski. Mrs. Bergamini seconded the motion.

Mr. Gessert read into the minutes a letter from Mr. Zabrowski, in which he submits his name for the above opening. Mr. Gessert commented that Mr. Zabrowski has been very active in Wallingford for many years and has a background in engineering and construction, and that his expertise would come in very handy.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert introduced for consideration the appointment of Richard R. LeClaire to the position of Selectman to fill the vacancy created by the resignation of Councilman Steven B. Holmes. Mrs. Bergamini moved to approve the above appointment. Mr. Rys seconded the motion.

Mr. Gessert mentioned that Mr. LeClaire has been endorsed by the Republican Town Committee and had 20 years of public service in his background.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert then presented for consideration the appointment of Robert A. Jacques, Sr., to the position of Constable to fill the vacancy created by the death of Mr. Stephen M. Hopkins. Mr. Krupp moved to approve; Mr. Holmes seconded.

Mr. Krupp commented that he has known Mr. Jacques for a significant number of years and felt that he would make a very worthy Constable and public servant. Mr. Gessert added that Mr. Jacques is very active in Yalesville Volunteers, soccer, and most of the organizations around town.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp moved to waive the waiting period on the part of the three appointments, (as mentioned above). Mr. Rys seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert asked Messrs. Zabrowski, LeClaire and Jacques to come forward and they were sworn in by Town Clerk Rascati. Mr. Gessert asked Council Secretary to prepare letters, for his signature, confirming the above appointments.

Mr. Gessert read into the record a letter from Councilman James A. G. Krupp, requesting the Town Council's consideration of a resolution endorsing the multi-level certification proposal developed by the Connecticut State Association of Part-Time and Volunteer Police, Inc. Mr. Krupp read the resolution, as follows:

A RESOLUTION ENDORSING MULTI-LEVEL CERTIFICATION FOR POLICE

WHEREAS the Town Council of the Town of Wallingford has reviewed and considered the report and proposal for "MULTI-LEVEL CERTIFICATION FOR POLICE" prepared by the Connecticut State Association of Part-Time and Volunteer Police, Inc., and submitted to The Connecticut Municipal Police Training Council on October 4, 1984, *

AND WHEREAS it is the opinion of the members of this Council that Public Act #82-357 places an unreasonable and onerous load on those public servants who serve in voluntary and part-time service to their communities by imposing unrealistic training requirements on such individuals,

BE IT RESOLVED that the Town Council of the Town of Wallingford in session does hereby endorse and support the recommendation of the above referenced report for differentiation between certification levels and development of separate training programs for each distinct level,

*See amendment, page 4 of these minutes

AND BE IT FURTHER RESOLVED THAT said Council does hereby request and urge State legislators representing Wallingford to initiate and/or support amendments to Public Act #82-357 necessary to facilitate such changes and recommendations as may be developed and presented by a joint committee of CSAPV and CMPTC.

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Mr. Ernest Frattini introduced Mr. William Gucci, President of the CSAPV, and Mr. Peter Jay Gould, CSAPV Vice-President. Mr. Frattini indicated that there is one change on the resolution, regarding the date. The resolution was sent out on October 4, but was returned, and the CMPTC has set December 6 as the date the CSAPV can present this resolution in person. Mr. Krupp recommended that this be shown as "dated October 4 (1984)."

Mr. Gucci commented that the CSAPV is not against the Public Act #82-357, but rather in favor of changing the implementation as mandated by the Municipal Police Training Council. He further added that the CMPTC are the ones who have made the regulations that the CSAPV feels are unreasonable for the duties it performs and stressed that the law itself is not in error.

Mr. Gessert asked the CSAPV representatives for a synopsis of what the law is about and why they want to change it. Mr. Gould stated that, in the Fall of 1982, the Legislature enacted a public act called "An Act Concerning Police Training," and in addition to changing some of the definitions in the statutes relating to police training, the Act also broadened the definition of police officer to include certain kinds of part-time and volunteer personnel. What it really did, according to Mr. Gould, was create two separate categories: "Police Officer" - an individual who performs police duties for 20 or more hours per week, and "Part-Time or Volunteer Police Officer" - who performs police duties for less than 20 hours per week. Mr. Gould stated that the Act then requires that anyone who is appointed as a full-time police officer must receive 480 hours of training within a year of appointment, and that it then says that the Act shall apply only to persons who perform police duties for 20 or more hours per week and that the CMPTC shall establish criteria for situations in which the training requirements will apply to part-time personnel. Mr. Gould further stated that what the CMPTC has done is to establish that the training requirements for part-time and volunteer personnel are identical to the full-time person. He felt that this does not seem to be in keeping with the legislative intent, although he could not speak for the legislature. Mr. Gould stated that what the CSAPV is looking at, and is reflected in their proposal, is the fact that there appear to them (CSAPV) to be three categories of personnel who work on a part-time basis: officers who may or not have powers of arrest but work exclusively as an arm of a regular full-time officer and work exclusively under his supervision, initiating no action on their own and only following orders; a second level of personnel, such as they have in Stamford, who work with some degree of autonomy but do not conduct an investigation. Such an officer's action at a major crime scene would be to secure the crime scene and wait for the investigators and he would not conduct a major criminal investigation or a traffic accident investigation. He might make an "on-view" arrest in an immediate situation that occurred in front of him or in obedience to a warrant, but would not get into an on-going police investigation; the final category would be an officer who performs all the duties of a police officer but on a part-time basis, and the CSAPV would be the first to say that that individual should have the same training, but that there are only a few cities and towns that use their personnel in that way.

Mr. Gessert commented that this made a lot of sense and that the Council would be happy to help. Mr. Gould stated that it might help to have it known that the cities are supporting the CSAPV resolution, and that they might be able to change this by regulation, rather than by statute. The statute does give the CMPTC the latitude to make this change in their regulation, Mr. Gould added, but it is just a question of whether or not the CMPTC feels it would be desirable to do so.

Mr. Gessert understood, although not stated, that the bottom line is the training that would be required. He added that, if this regulation goes to the extreme, what would happen is that a lot of people, who could have been in the auxiliaries but who just will not have time for the training, will be wiped out. Mr. Gould agreed and said it was the main problem, and added that the main intent of the legislature was to create more fully-trained police officers, and, instead, will have fewer police officers, which was not the purpose of the Act.

Mr. Holmes asked what category, of the three mentioned before, would the Town of Wallingford fall under. Mr. Gucci responded that it would be the second category. Mr. Holmes further asked what contributions the Wallingford auxiliary police have made and whether they were beneficial. Mr. Gessert responded by reading into the record a letter coincidentally received that evening from Lt. Jack Barbera, Sr., Wallingford Auxiliary Police, in which Lt. Barbera writes that the auxiliary police have put in a total of 5,548 hours in town services from September 1983 to August 1984, which hours consisted of assisting regular police officers in 1,503 complaints, 507 motor vehicle arrests, 347 other arrests and 76 motor vehicle accidents, as well as 234 hours of traffic and the balance for training. Mr. Gessert commented that the cost of these services in wages was zero.

6 38 Mr. Krupp observed that the CSAPV was requesting a change in regulation rather than a change in statute, and felt that a change in statute would be more effective because the CSAPV has already found out what would happen when they are put at the whim of a regulatory agency. Mr. Grucci agreed and said that they would probably approach it from both directions.

It was agreed that the first paragraph of the RESOLUTION ENDORSING MULTI-LEVEL CERTIFICATION FOR POLICE be amended as follows:

WHEREAS the Town Council of the Town of Wallingford has reviewed and considered the report and proposal for "MULTI-LEVEL CERTIFICATION FOR POLICE" prepared by the Connecticut State Association of Part-Time and Volunteer Police, Inc., dated October 4, 1984,

Mrs. Papale moved to adopt the resolution, as amended. Mr. Polanski seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert asked Council Secretary to have the resolution retyped and copies forwarded to those indicated on the resolution, as follows:

- 1) Connecticut State Association of Part-Time and Volunteer Police
- 2) Connecticut Municipal Police Training Council
- 3) All State Senators and State Representatives representing Wallingford or any portion thereof

Town Clerk Rascati agreed to retype the resolution and forward a current list of legislators, as indicated above, to the Council Secretary for mailing.

Chairman Gessert asked the Council Secretary to add a cover letter with the above mailing stating that, "as issued, subject resolution was adopted unanimously by the Town Council on November 27, 1984."

Mr. Gessert moved on to the next item on the agenda, reading into the record a letter from Mr. Ernest Frattini, Civil Defense Director, requesting approval of a change from already budgeted handgun model to a better and less expensive one. Mr. Krupp moved that the request be approved. Mrs. Bergamini seconded the motion.

Mr. Frattini clarified that it is not only a better gun, but also \$5.00 cheaper.

Mr. Diana expressed his concern regarding the change from a .38-caliber revolver to a .357 magnum, which he felt was less accurate, especially since the Town Council is supporting lesser training. Mr. Frattini responded that the ammunition to be used in the .357 magnum will be the same, 38 125-grain hollow-point, not the .357 magnum ammunition, and that it will be a heavier-built service revolver but nothing heavier in it other than the .38 standard ammunition, so there will be no fast kick-back situation. He also added that the gun will last longer.

Mr. Diana expressed his opinion that the police force around the country seem to be going to increased fire power, and expressed his concern that the Town will be giving increased fire power to a group of volunteers. He interpolated that he did not mean to minimize the volunteers, but that it had to be said. Mr. Frattini clarified that with the training program, as just voted on, the police force, whether full, part-time or volunteer, must go to the same fire-arms course given by Lt. York and that whoever does not make it cannot carry a gun. He added that, in their rules and regulations, no officer can carry a gun off-duty. If he does, it is as a private citizen with a permit.

Mr. Diana re-stated that his question was whether the volunteers would be getting the same training and Mr. Frattini responded that they would be getting the same training by Lt. York.

Mr. Killen asked what number of bids were received, to which Mr. Frattini replied that two were received; one was for \$225 a gun and one for \$275. Mr. Killen asked whether the second bidder had been able to give a better price, since they were changing the type of gun. Mr. Frattini stated that Silver City, the \$225 bidder, deals directly with Smith & Weston.

Mr. Killen questioned why the request letter had taken 2½ months to reach the Council, since it was dated September 7, 1984. Mr. Frattini stated that he had to first talk to the Chief of Police, then had to speak to the Mayor, and then the Mayor had to meet with the Chief of Police for approval.

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Mayor William Dickinson commented that the reason why the request had not come to the Town Council right away was that he wanted to check with the police force to find out what their situation is. He further stated that he did not want to be in a position of approving the purchase of handguns for the auxiliary that would be of much higher quality than the Town's regular police force carry.

VOTE: Unanimous ayes, with the exception of Councilman Rys, who passed.
Motion duly carried.

Mr. Gessert introduced a request to approve refund forms for seven individuals, totalling \$1,004.02, as requested by Mr. Charles L. Fields, Tax Collector.

Mrs. Bergamini moved to approve the above refund forms. Mrs. Papale seconded the motion.

Mrs. Bergamini read into the record the names of those individuals who will receive the refunds, as listed in Mr. Fields' letter of November 20, 1984.
(SEE ATTACHMENT TO MINUTES)

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert presented a request for approval of transfer of \$390 from A/C 203R-Capital, Training Tower Elec. Work, to A/C 203R-Capital, Pager Replacement, as requested by Fire Chief, Jack K. McElfish.

Mr. Rys moved to approve the above transfer. Mr. Holmes seconded the motion.

Mrs. Papale questioned whether the pager had been in the budget request and had been refused by the Town Council. Mr. Steven Hacku confirmed but added that the pager is about ten years old and the plastic case is broken and that the user, Assistant Chief Wayne H. Lefebvre, has been having problems with it.

Mr. Polanski asked whether \$390 is the normal price for a pager. Mr. Hacku replied that it is a two-tone system and it also has a charger, and that it had gone out to bid. He added that it was a voice pager, coded, and included other options.

Mr. Killen inquired as to how much was saved on the Training Tower electrical works. Mr. Thomas Myers estimated that it was about \$600. Mrs. Bergamini asked if this was the same Training Tower that she complained about because the roof was costing the Town \$1,200 and the Fire Department came back for more money, and now the Town is saving \$600 on the electrical. Mrs. Bergamini also asked what was electrical in the Training Tower. Mr. Hacku responded that there were lights that were burned out and they eliminated and circuitry that was not necessary that got damaged, and it was redesigned to be more simple and more functional.

Mrs. Bergamini expressed her discontent with how much this approximately 10'x10' structure is costing, and could not see how this size structure could need a \$1,200 or \$1,600 roof. Mr. Myers stated that they budgeted \$2,000 for the roof and another \$1,000 to repair the wiring. Mrs. Bergamini felt that a house could be wired and roofed for the same money. Mr. Hacku stated that the structure has been there for ten years and gets used daily and nightly and weekends. Mrs. Bergamini still felt that if they were to insulate it, put new beams and roof it, it would not cost \$1,200. Mr. Hacku commented that the roof has special material in the inside so that it would not burn.

Mr. Killen questioned the fact that \$1,000 had been budgeted for electrical work and that it cost \$400, since Mr. Myers had stated that there was \$600 left. Mr. Myers stated that the balance was something like that. Mr. Killen asked why the budget was so far off, and whether changes in the specifications were made after the budget amount was set. Mr. Hacku replied that the changes made were in the tower itself, not the specifications. Mr. Myers added that the Training Tower elec. work budget was lowered from \$2,300 to \$1,000 for the wiring. Mr. Killen felt that the estimates were badly made in view of this. Mr. Myers responded that the wiring went to bid.

Mayor Dickinson added that what Mr. Hacku was indicating was that they did not do all the work they were expecting to do and that that is why the price was reduced. Mr. Killen remarked that the Town Council, in good faith, gives the Fire Department an x number of dollars to do certain things and they cut it back and come back to get something else for the money, and next year they come back to do the same thing. Mr. Killen felt that the Town Council should know, in good faith, that they intend to do \$1,000 work when they ask for \$1,000 from this Council.

Mr. Gessert commented that he had been in a couple of local fire houses recently, one in an open house and the other one at an old-timer's night, and had noticed that the furniture in the Volunteers' office was about ten times better than what is in the paid fire company. He said that there were three old beat-up chairs in central Fire headquarters. He felt that this would be something to really look into, even though it is not firefighting equipment.

640 Mr. Killen mentioned that the furniture in the Cherry Street fire house came from people on their way to the dump and that the Council was not overly generous for furnishings.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert introduced a request for approval of budget amendment, Item 10(a) of the agenda, of \$69,000 from Retained Earnings to A/C 368, Line Transformers, as requested by Mr. Charles F. Walters, General Manager.

Mr. Krupp moved to approve the amendment. Mr. Polanski seconded the motion.

Mr. Krupp addressed Mr. Walters and stated that the Council was dealing not only with this amendment, but with the next one (Item 10(b)), both of which imply additional installations that are forthcoming, over and above and beyond what was projected. Mr. Krupp asked if it was unreasonable to assume that if these installations are exceeding the projected level, it would also imply an income increase. Mr. Walters agreed and added that, in time, Mr. Krupp would recognize that many times when the utility would have to provide service while the structure is still in the final stages of construction, it may not necessarily be sold immediately. He added that sometimes it is and that, sometimes, if it is a commercial or an apartment-type building, the utility would want to give service to the entire building, sometimes before it is completely occupied. Unfortunately, he added, the utility has to make the entire expenditure to provide service before the income has any chance of beginning.

Mr. Krupp questioned if he was saying that for a significant portion of the impact of that on retained earnings might not occur in this fiscal year. Mr. Walters said that it was very likely.

Mr. Krupp was concerned, from that standpoint, because realistically, every time the Town transfers out of Retained Earnings, it is also costing income to the Town of Wallingford, because of its "cut" of that Retained Earnings that occurs each year, and that the people of the Town are supporting this transaction, to some degree. Mr. Krupp added that there is a 55/45 split on this income.

Mr. Walters stated that, as he tried to show the Town Council in the memorandum before them, there have been recent years when, although the utility budgeted for a higher level of activity, that did not develop. He added that now they are looking at the other side of the situation.

Mr. Krupp asked that he not be misunderstood and that he was not questioning the need for this transfer. He said that if these installations are running ahead of what the utility anticipated, then obviously they need it. He stated that the question becomes that of the impact on earnings and that hopefully the Town would see this in future months or years.

Mr. Walter Lee, Office Manager - Electric Division, commented that if this transfer were to come from Retained Earnings, it would be from the 45% that the Electric Division keeps for this very thing; the 55% that goes to the Capital and Non-Recurring fund for the Town would not be touched at all. He added that it would strictly come from the 45% or the depreciation, whatever source it is. Mr. Krupp commented that the transformer would become a capital asset. Mr. Lee agreed and added that there are two items that come immediately under capital asset - one is a transformer and the other is a meter. Other items first go to inventory and then capital.

Mr. Krupp asked, with regard to the surge that is creating this need, where most of this construction work is. Mr. Walters responded that the bulk is in the apartments and condominiums, with quite a bit of work on the west side - Parker Farms Road, Mansion Road. Mr. Walters added that it may well be before the end of this fiscal year that the project on Fairway View may come along and will have to be provided for out of these funds. He stated that there has been some activity elsewhere that had to be taken care of also.

Mr. Krupp remarked this is not an expenditure that is "going down the tubes" and that when he says expenditure from the standpoint that the utility is just going to spend the money, this is not true here because it will actually be an asset. Mr. Walters agreed and commented that this will serve customers for many years in the future.

Mr. Polanski inquired as to how many new households did the utility anticipate this year. Mr. Walters replied that they had anticipated approximately 300. Mr. Polanski said that the utility had already pushed 500 and were now needing another 288 more, which is twice the estimate. Mr. Walters agreed that it looks as if they will come close to that. Mr. Walters also stated that he wanted to

avoid the situation they had at the end of the last fiscal year and beginning of this fiscal year, where they had essentially no inventory on meters, which is not a comfortable way for a utility to operate. He added that this amendment would give them a little bit to go over into next year. 641

Mr. Polanski asked who the high-voltage customers were. Mr. Walters responded that one that they are anticipating, for which they have already had to put in a temporary service, is Bristol Myers. There are, according to Mr. Walters, several potential customers - Connecticut Steel taking the place of Yale Steel, for instance, which was being metered in the past, but right now is being metered at a very low level and the utility would have to provide for an increased level next Spring.

Mr. Gessert asked if anyone had looked into any other line item in the Capital items where this transfer could come from, other than Retained Earnings. Mr. Walters replied that they had looked into it, but they felt that it would be inappropriate in that, although some of the accounts do have funds today available, they would only be fooling themselves if they took it from there, because with this level of activity, they would need everything that they have in the other accounts and that they would have to come back in certain other accounts.

Mr. Gessert asked why, when there is obvious growth, the budget summary shows that the utility is behind in revenues. Mr. Walters replied that the two are not necessarily tied together and that this question was answered when Mr. Krupp asked whether there would be an immediate recognition of income from these services. Mr. Walters said that many of these locations that the utility has provided services for in the last several months are still just beginning to be occupied or still under construction.

Chairman Gessert asked if there was any indication of this in the Grand List from this department, regarding this "construction zone" that the Council is being told about. Mayor Dickinson replied that he had not gotten any readout of the Grand List. Mrs. Bergamini said that it was on, and suggested that Mr. Gessert look at the Planning & Zoning meeting agendas which have about 36 items every other meeting.

Mr. Gessert felt that Planning & Zoning can approve the construction zoning, but that once these are built or under construction, then the Town should see a reflection in the Grand List, which closed October 31, 1984. Mr. Walters indicated that he did not know at what stage Mr. Gessert would say that applied, but that, as Mrs. Bergamini had commented, the utility is seeing a continuing flurry of plans coming by and different from several years ago, where they often saw a plan approved and it just sat there with no activity. He felt that it seemed that plans are starting the day after they are approved now.

Mr. Killen voiced his opinion that the funds should be taken out of capital items, regardless, and if the utility has to come back again, then they can. He felt that the transformers and meters should be taken out of the capital budget at this point. Mr. Walters pointed out that, as shown in the letters dated November 6 from Mr. Walters, with regard to the transformers and meters, in some recent years there was not the need, and that this year he felt these are the first indications that it is going to be a big year. He stated that some of the places most likely to be looked at are the overhead lines, where some of the big dollars are, and that they are in the process of rebuilding lines, and that they have to connect the new substation to the regular system. He added that, although that money has not yet been spent, it is in the process of being spent. Mr. Walters said that it is not impossible to do as the Council is suggesting but that he felt it would just make double work for everyone.

Mr. Killen commented that, having gone through four months, the figures expended and encumbered do not come up to a large amount when they consider the amount of time that has gone by and that indication from the purchasing agent is that most of the purchasing is done in the first part of the year. He felt therefore that apparently the utility had not made purchases and encumbered the funds. He felt that some of the funds would not be expended this year.

Mr. Walters stressed that, as Mr. Lee had explained, other than the transformers and the meters which are immediately capitalized, the bulk of the other materials that the utility uses, such as poles, wires, insulators, street lights, etc., is first put in the inventory in their process and not capitalized and that this is not shown in the Town's accounting until it is put out in service. Mr. Walters stated that they are in the process of doing that and that Mr. Donald Dunleavy could attest that they have bought a good number of poles and that they have been using wire that has been on hand for a while and does not require for them to buy it this year.

642 Mr. Killen asked then, if the funds for the transformers and meters were taken out of the Retained Earnings, that there would be no possible chance that the utility would end up with \$100,000 in the capital budget at the end of the year. Mr. Walters replied that he felt there was a very limited chance of that happening. He added that, if at the end of the year, these monies were not expended, they would automatically default to Retained Earnings. Mr. Killen questioned the type of bookkeeping that is done by the utility. He said that now, four months into the year, they are talking about taking money that was not budgeted and that Mr. Killen did not intend to do that until he found out that every penny can be accounted for. Mr. Killen felt that there would be no sense in working on a budget, if the monies could easily be taken out of Retained Earnings, which run approximately to \$500,000 a year, and the Council could, for that matter, give a sparse outline of how the monies should be spent.

Mr. Walters remarked that a budget is nothing more than an estimate and that the utility did not estimate this increased activity. If they had been correct, all the other things would be going along at their estimate, but that this has exceeded the estimate. Mr. Killen stated that they have other department heads that come in with the same requests, but that with them there is no Council contingency and perhaps no surplus at the end of the year, and the Council must wait until the last three months of the year before the Council can give them certain things. Mr. Walters stated that these are two different things. He said that they are talking about a town budget that is locked in and about an enterprise fund that is for an on-going operation set up to make a profit.

Mr. Killen commented that the budget becomes a mockery if they do not try to stay within that budget. He said that the utility was given a budget which has not been expended and that there is a possibility that they will end up with a surplus, which has been shown by past history. He felt that the Council should say that the monies be taken out from these capital funds, and that if these are exhausted, then they can request that funds be taken out of Retained Earnings.

Mr. Gessert asked if Mr. Killen would like to suggest what account to transfer from so that the an amendment can be made to the request and voted on. Mr. Killen suggested that the Council defeat this particular motion and that the Electric Division, with their expertise, go back and discuss this, and if they still feel that there is no possible way to take the funds from capital budget, then they can present it again.

Mr. Walters stated they had looked into other possibilities, and that, if they had to pick a capital item, they might as well pick it at this meeting, but he felt that this was not the way to run a business. Mr. Holmes asked if this lack of funds for transformers and meters would cause any delay in hook-ups. Mr. Walters said that not immediately, but they are beginning to run low on meters, and they have bids on the meters ready to be awarded if these requests are acted upon at this meeting. He added that it would take about one or two months before the meters are delivered. Mr. Walters said that transformers have not gone out to bid and that he would like to stay in a position where they never reach the day that they cannot respond to a need for service.

Mr. Walters did state that there is one account with enough dollars to do anything but that work orders are underway and, when finished off and turned in for accounting, these will require that they come back and ask for more money within two months. He said that if the Council wants to proceed this way, the utility can do that.

Mr. Killen asked if Chairman Gessert was aware of the asterisk on the capital budget, page 5, and that \$30,500 was not put into the budget by the Town but rather carried over from the year before, and that x amount of dollars was put in by the Town for A/C 368. Mr. Walters explained that delivery on some of these items is at best 8 to 10 weeks, some are 16 to 20 weeks. Many of the items were bid and awarded in March, April, and May of the last fiscal year as commitments, but they were not delivered until this year, so they are carried over from one year to the next.

Mr. Killen felt that the utility was very well-budgeted and that the Council was not aware of how much money the utility had and where it was. Mr. Walters stated that the financial statement for the utility was accurate to the penny and that there is not one thing that can be expanded upon to show the Council what the utility has, what the appropriations are, what the expenditures are. He stated that the Mayor, the Comptroller, and PUC have gone over this statement. Mr. Walters added that the facts are there and that perhaps the Council does not know how to interpret these facts.

Mr. Killen agreed that he does not know how to interpret these facts but that they are dealing, at this meeting, with a different type of financial picture and that he thought the money could be taken out of the surplus. He stressed that he did not like going, four months into the year, into Retained Earnings.

Mr. Krupp asked if it was not the intend of Retained Earnings to finance some of these capital expenditures. Mr. Walters answered that the utility always thought so.

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Mrs. Bergamini expressed her support of Mr. Killen's suggestion to take the money that is in the accounts and that when those are expended, the utility could then go to Retained Earnings.

Mrs. Bergamini asked if she was wrong in her thinking that Retained Earnings are in the bank earning money. Mr. Walters felt that it was an over-simplification. Mr. Lee stated that he felt that "Retained Earnings" is an archaic term used by old-time accountants. He felt that it really meant owner's equity; nothing more than the excess of the assets over the liabilities. He added that this is not necessarily dollars, but can be converted to dollars. He said these may be oil, accounts receivable, which they may not collect, and inventory, etc., and that some of it is cash. Mr. Lee stated that there expenditures are in the form of truck time, which are intangible things such as materials, labor, etc. Mrs. Bergamini said that this was no different from the Public Works expenditures where man-hours are an expenditure. Mr. Lee agreed with this, but added that these expenditures could come about tomorrow that they do not even know about tonight.

Mr. Gessert pointed out that the real difference between the Public Works Department's expenditures and the Electric Division's is that the PU pays for the total work whereas the utility pays for each separate function of the work.

VOTE: Council members Diana, Holmes, Krupp, Papale and Polanski voted aye; Council members Bergamini, Gessert, Killen and Rys voted no; motion duly carried.

Mr. Krupp moved to approve Item 10(b) of the agenda, a request for approval of a budget amendment of \$44,000 from Retained Earnings to A/C 370, Meters, as requested by Mr. Walters, General Manager. Mr. Holmes seconded the motion.

Mr. Killen questioned what figure this \$44,000 was being taken from in the Retained Earnings account and was surprised that this was not questioned by the PUC. Mr. Walters stated that, on page 8 of the budget statement, they will see a figure that is an increase in the working capital which would be an increase in equity, or retained earnings. This figure is \$358,000, as of October 31 and in this particular case is cash. He added that there is also included a depreciation of \$293,000 of that which is a non-cash expense.

Mr. Walters expanded that this \$293,000 figure is put on the expense side of the P&L statement to lower the net income. He pointed out that if they did not have depreciation at all, the net income would be higher by that much. Mr. Killen asked if the Town would get 55% of that and Mr. Walters replied yes, but of the bottom line, not the \$293,000, which is retained by the utility as per the charter.

Mr. Krupp commented that there seemed to be an error in Mr. Walter's letter of November 6 regarding the meters, specifically that, for fiscal year 1982-83 and 1983-84, the difference should be \$11,158 and \$6,617, respectively. Mr. Walters agreed that this should be corrected as stated.

VOTE: Council members Diana, Holmes, Krupp, Papale, and Polanski voted aye. Council members Bergamini, Gessert, Killen and Rys voted no; motion duly carried.

Mr. Gessert introduced Item 10(c) of the agenda, requesting approval of a transfer of \$6,600 from A/C 555, Purchased Power, to A/C 501, Fuel Expense, as requested by Mr. Charles Walters, General Manager.

Mr. Krupp moved to approve this transfer. Mr. Rys seconded the motion.

Mr. Walters commented that there was an explanation on the back of the request, stating that since their budget was prepared, the Connecticut Light & Power Company that oversees their Rider A agreement where they are to operate the plant twice a year at least for capacity tests, has changed their requirements from a four- to an eight-hour test. He stated that this would obviously require more oil to establish that testing.

Mr. Gessert asked how many people were employed internally in the power plant. Mr. Walters responded that six were employed. Four of these are on a rotating shift of forty hours covering every hour of every day operation. One is there when anyone else is sick or on vacation, etc., and the sixth is performing minimal maintenance, and the fifth man is available, when he is not on the switchboard, to assist with maintenance also.

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Mr. Gessert asked whether anyone of these people can use a hammer, since he saw that there was a bid for \$18,000 to install overhead doors in the utility's storage building, and that there should be some people there with talent to do this. Mr. Walters responded that it is a good deal more than just installing doors and that the whole front of the building needs to be rebuilt. Mr. Walters said that they were also rather amazed at the cost and that he did not think they were going to go ahead with this at that kind of price. He added that what Mr. Gessert suggested was a possibility but did not think it was a one-man job, since he understood that the bidders were thinking of sending in four or five people to do the work. Mr. Walters pointed out that they do try to do many of the minor maintenance jobs themselves. Mr. Gessert noted that there was only one bidder on that job and Mr. Walters said he was puzzled by that, also.

VOIE: Unanimous ayes; motion duly carried.

Mr. Krupp moved that the financial statements of the Electric, Water, and Sewer Divisions, month ending 10/31/84, be noted for the record. Mrs. Papale seconded the motion.

Mr. Krupp stated that the letter from Mr. Holmes dated October 10, 1984, is extremely important and interesting in that it shows a comparison between what the Town's residential users are paying and what is paid by the surrounding utilities, and around the country. Mr. Krupp noted that, when looking at the rates around the country, the Town does not seem to be in the bottom half. He asked where these areas paying lower rates are getting their power so much more inexpensively than the Town is. Mr. Walters agreed that many areas in the country are paying lower rates. Seattle is primarily a hydropower-supplied area and the water costs nothing after the dam is built. Other areas where the rates are quite low are very close by to either natural gas or coal reserves. Mr. Krupp noted that these areas are spread around the country and wondered if there were opportunities there that the Town could take advantage of. Mr. Walters pointed out that transporting power long distances does cost money, whether it be hauling coal or bringing natural gas from the deep South to here or hauling electricity from the mid-West to here.

Mr. Polanski questioned the statement that the utility has 17,751 customers and yet they have 18,555 collections, which seems to indicate that they have more customers paying than they have customers. Mr. Walters clarified this by saying that some customers are on multiple-payment schedules, some paying four times a month, rather than once a month, which would explain the discrepancy.

Mr. Killen commented that he remembered a discussion at budget time regarding purchasing a car for either Mr. Walters or Mr. Ray Smith and that the Council had decided to get a car for the meter reader instead. Mr. Walter thought that what had occurred was that they came before the Council because of an accident that totally took one car out of commission and that they did add a new car. Mr. Krupp recalled that the utility came in with some excess funding asking for an additional subcompact for the meter reader, who was added to the staff. Mr. Walter also recalled that the Mayor had cut some vehicles off the budget before it came to the Council for approval.

Mr. Killen stated that, a long time ago, he had suggested that the earnings of the Electric Division be turned over to the Town Council and that at that time the matter was turned over to Mr. Thomas Myers to be presented to the Council some time in November. Mr. Killen asked Mr. Myers if the loss of his assistant had anything to do with his not being able to get a report on the impact of turning over 100% of the earnings of the Electric Division to the Town Council. Mr. Myers responded that this has a major impact, and that, up to the point that he lost his assistant, he had done many hours of research on it and had come up with quite a few questions of his own, as to propriety of funding and internal controls exercised over the Department of Public Utilities. Mr. Myers stated that he went over these questions with the Mayor and that was where he left off in his research.

Mr. Killen stated that he would like something concrete before budget time, and he would like to find out if the money is there and if it can be utilized. Mr. Myers commented that over the last three or four years, with working with the utilities, they have been able to establish timely and accurate financial information through people such as Walter Lee and Ray Denison. It was Mr. Myers' opinion that the reports are accurate and they reflect what is going on in the utilities. He added that this, however, did not begin to address other problems such as retained earnings position, return on investment, depreciation allowances, controls over actual cash on utility funds. Mr. Myers felt that a lot of progress has been made but that obviously the Council is concerned and that there are other things that can be done.

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Mr. Killen suggested that the Council appoint a subcommittee to work together with the Comptroller and the Town Attorney to find out where the Town stands on this. Mr. Killen commented that the Town Attorney's opinion seemed to bear out what he had claimed, that 100% of the earnings were to come to the Town treasury. Mr. Killen felt that, if the Town continues at the pace it is going at now, it is not going to happen, and every year will be the same as the year before. He said that now is the time to expedite it and a three-man committee appointed to work with the Comptroller and the Town Attorney on this decision, that the Town would have to stand behind, would get the Town somewhere.

Mr. Krupp pointed out that, although he is not opposed to Mr. Killen's suggestion, he cannot see what purpose it would serve to appoint a subcommittee since there is already a PUC Liaison Committee, and that perhaps this item should be delegated to that standing committee.

Mayor William Dickinson felt that what was holding up this research was the lack of assistance for the Comptroller at the office. Mayor Dickinson stated that he had several meetings with Mr. Myers and the PUC personnel and that he had asked Mr. Myers at the beginning of this week at what point Mr. Myers thought they could both sit down and finalize a report for submission to the Council. Mayor Dickinson stated that Mr. Myers raised the point of needing an assistant and being swamped with a number of things. Mayor Dickinson stated that Mr. Myers is currently putting together a note issue that has to be sold in January. Mayor Dickinson said that, given that scenario and the full intention to have the report well before budget time - budget time being not the end of the fiscal year but the time the Council receives the budget requests, he is not sure what would be accomplished by having a committee. He felt that financial experts are one thing, but having another meeting to fuss around with more exotic language would have a questionable outcome.

Chairman Gessert asked what would have to be done to get this issue to dead center. Mayor Dickinson stated that it is about dead center now and that as soon as Mr. Myers gets squared away and has prepared for the coming budget, he can proceed with the report.

Mr. Gessert asked whether it would be worthwhile to hire outside accountants to come in and pay them a fee to develop a plan and come up with a proposal on how it will be implemented. Mayor Dickinson was not sure this was necessary. He felt that they would still have to sit down with the Comptroller and other concerned parties, and that the time saved would perhaps be the writing of the report. Mayor Dickinson indicated that the report would be in well before the budget time. Mr. Gessert asked how long it would take to hire a deputy comptroller and Mayor Dickinson indicated that the money for this position is there and the transfer had been approved to allow for the hiring of the auditor to fill in. However, he added, the auditor has not been available because of their work load. Mayor Dickinson said that he will have a report at the end of January.

Mr. Killen commented that it doesn't take a bunch of fiscal experts to fool around with figures, since it was a layman like himself who brought the matter to a head, and he is not a fiscal expert. He added that, if he read the statute correctly and Town Attorney Vincent McManus backed him up on it, then this has to be done. He felt that the only thing that has to be looked at is finding out the ramifications, which Mr. Myers and the Electric Division will have to work out as to the Electric Division. He stated that if that law is correct, and those earnings go to the Town, the earnings will come to the Town, no matter what the ramifications may be. Mr. Killen said if the law says the money has to come to the Town, then it has to come here, and it is not up to us to decide. He added that the law must be obeyed.

Mayor Dickinson categorically stated that there is no law being broken and he defied anyone to say that there is a law being broken. Mayor Dickinson addressed Mr. Killen and said that if he wanted to get into a debate as to some of the uses of the funds and whether they are held in special accounts or whether they are turned over to the Town, he can say that there is not a dollar that comes into the Town, utility or otherwise, that is not held by the Town. Mayor Dickinson defied anyone to show any records or any procedure in Town that does not back up that statement. Every dollar that comes into this community is turned over ultimately to the control of the Comptroller's office presently.

Mr. Killen asked if the State statute said that the earnings will go to the Town treasury, to which Mayor Dickinson replied affirmatively and that the earnings do go over to the Town treasury and that there is no separate treasury. Mr. Killen then asked, once the earnings come over and are invested, if the Town gets 100% of the investment or is that split with the Electric Division. Mayor Dickinson replied that now Mr. Killen was talking about an ordinance that has nothing to do with the statute. Mr. Myers interpolated that this was one item that he did get into as far as research. Investment income, according to Mr. Myers, is credited to the enterprise operation, and is a factor in each enterprise rate. He stated that in order to change this, it will change the rate setting process. Mr. Myers confirmed that the Mayor was absolutely correct and that all the funds are held by the Town of Wallingford, whether they be in one or two or twenty bank accounts.

646 He added that they are under the discretion of the Comptroller's office and Mrs. Collins, Treasurer. Mr. Myers said that when it comes to the point of what is available to the Town, that is when it becomes more complex and more confusing than a simple situation of which bank account the money is in. Mr. Myers stated that he did determine and that he had documentation from Mr. Ray Smith, Director of Public Utilities, that in the case of the Electric Division, interest income had been appropriated during the rate setting process to the electric rate, for a total of \$675,000.00. Mr. Myers stressed that that is a procedural process where we would have to have a counter-procedure or procedure, before a rate is set, to either agree or disagree. Mr. Myers then said that you can then ask when is the next time the rate is going to be changed. Mr. Myers stated that, to indiscriminately extract funds at any given point where they are dedicated to a purpose, will create a negative some place else. Those are some of the points, according to Mr. Myers, that have to be addressed and that it will not be an easy situation to bring into perspective.

Mr. Killen found this hard to accept and Mr. Myers pointed out that the interest income, which Mr. Killen had always questioned, is a factor in the electric rate. Mr. Myers stated that electric rates are set predicated on so much interest income. Mr. Killen said that the Council sets the budget and when the utility comes to the Council, they put an x number of dollars for interest income. He then commented that if the Council were to say that the utility didn't have any interest income because they didn't have any coming in, then there would not be any interest income coming in. Mr. Myers said that then the utility would have to change the rates.

Mr. Killen continued that the Town Council has to start with "square one," which is: the money comes in here, and now that it comes here, the utility has been divested of some of this particular money and they have to find a new source; and that the Town Council would have to come up with this new source since it is the fiscal body, but that the Council cannot do this if everyone says that it cannot be done. Mr. Myers responded that he did not say it could not be done, but that his research had gotten to that point.

Mr. Killen added that Mr. Diana had planned to bring up charter revision, and Mr. Killen has said many times that the Town has a charter, State statute and everything, but that they are only taken into consideration when they are going the way of the Town, and when they are not going the way of the Town, the Town says that maybe next year they will get around to it.

Mrs. Papale commented that everyone understands what Mr. Killen is saying and the problems that Mr. Myers is having in his office, but that the Council only asks, understanding that everyone has priorities, that the report be put at the top of the Comptroller's priority list so that the Council will know it will be done in time to go into it before the budget.

Mayor Dickinson commented that there is no question this report is a priority, but that unfortunately it is a complex issue and troublesome - complex because of the financial information and expertise necessary to understand it; it is troublesome because it obviously has political and very attractive windfall overtones as to where money can suddenly be found to offset so-called other Town expenses vs. utility expenses. Mayor Dickinson said that he tended to see the Town as a total operation, whether utility, or education or town government - it is the Town of Wallingford. Mayor Dickinson said it is the Town's responsibility to address that total picture; and that on the one hand the issue concerns internal control - who controls the actual cash flow, who controls the investments, who controls monies coming in and disbursements. The other question is, Mayor Dickinson stated, where to appropriate funds and where do you use the funds you are going to appropriate, where should they be expended. He added that, in terms of the administration side, there definitely should be some changes, and these changes are being looked at. He stated that when you get to the appropriation angle, you get the more troublesome questions that involve judgment: at what point are funds appropriated without jeopardizing the fiscal integrity of an operation, such as the utility operation, which is, as has been stated, an enterprise accounting system not like general government. Mayor Dickinson stated that these are two issues - administrative and appropriation and judgment data - that will not be easy, but can be addressed. Mayor Dickinson felt that the administration issue was more important, because it is on this side that abuses can end up. On the appropriation side, Mayor Dickinson felt that the Council could appropriate any fund of money that comes into the Town of Wallingford, probably bringing purpose, but that the accountability is there. Mayor Dickinson said that if the Town appropriates funds for a given purpose, in 99.9% of the times this is done, it is going to have an impact somewhere else, so it becomes a judgment matter, in some cases a political matter, whether it is appropriated or whether it isn't. Mayor Dickinson asked that it be kept in mind the difference between those two, and that both are involved in this issue concerning the electric rate. Mayor Dickinson said that the subject is now the Electric Division, but as depreciation becomes part of the Water and Sewer rates, it is going to be the same kind of issue on the Water and Sewer Divisions, because depreciation is what allows the accumulation of funds allegedly for the replacement of equipment, capital needs, etc., but that this means that it is a fund of money. Mayor

Dickinson said that if the Town wanted to say that any fund of money should be subject to any use, regardless of the reason it was accumulated, the accountability question comes in there and the ability of the utility to operate. Mayor Dickinson added that he was not playing for time and he had no reason to. He felt that the Town should have the information and recommendations, from the administration side, on what should be done. 647

Mr. Krupp addressed Mr. Myers regarding the point the latter brought up about interest income and its impact on the rates, although Mr. Krupp was not sure how material that becomes because of the fact that interest income is only 1½% of the total income of the Electric Division. Mr. Krupp remarked that he found himself on the same side as Mr. Killen, but for a different reason. He noted that, as he looked at the actuals here to date, for four months alone, the Electric Division was running \$121,000 ahead on interest income; that figure annualized is in the region of \$360,000 over and above budget, of which, under current circumstances, the people of this Town will only see a portion, and if that control existed, as far as direct control by the Town, that money would go directly to the general fund at 100% of its excess.

Mr. Myers commented that on the interest income, and Mr. Walter Lee would bear him out, they set about the budget process last year, they budgeted interest income at 8%; the beginning of this fiscal year, rates were 11% and slightly above 11% and that today they are almost down to 8%. He stated that there is no way to be other than conservative when budgeting the interest income.

Mr. Gessert stated that nice, intricate financial arrangements were discussed, as well, as legalities of charters and state statutes, but that when he sees \$35,400 budgeted, on page 5, for street lighting and signal systems and further that \$32,000 is unencumbered, he knows that Yale Steel, etc., are being taken care of, but the persons who expects the light in front of his house to be working when he gets home does not get it. He remarked that other people on his street have had two lights burning side by side, twenty-four hours a day, seven days a week, for the last two years and this has never been gotten to.

Mr. Walters stated that the account Chairman Gessert referred to is for new street lighting and the reason the utility has not spent much there is because the utility is putting out new services and they are not putting up many street lights, very few if any. Mr. Walters stated that the maintenance account that Mr. Gessert is referring to should be taken care of, if the utility gets a different outlook on the expenditure of overtime, because the utility really needs to put a lot of time into that account to bring themselves up to the level of maintenance that the utility would like to see and the town deserves.

VOTE: Unanimous ayes; motion duly carried.

Mr. Wayne B. LeClaire presented a request for additional time for the Robert Earley Disposition Committee, while they wait for the appraisal to be done and in their hands. Mr. LeClaire indicated that no one had contacted the committee as far as the appraisal.

Mayor Dickinson remarked that the appraiser should have a report on two of the buildings very shortly, and that the appraiser is waiting for a report from the Town Attorney on the bank on 21 N. Main Street. Mayor Dickinson said that the appraiser is nearing completion.

Mr. LeClaire indicated that the committee's report is basically ready and the last option to offer to the Council as part of the charge was to give the Council funding alternatives and possibilities. Mr. Polanski asked if, when the appraiser was hired, he had been given a time period to have this report in. Mr. LeClaire stated that he had nothing to do with that. This question was then addressed to Mayor Dickinson, who responded that he could not recall what the specifications were but that they had indicated that they wanted the report as soon as possible. Mr. Gessert asked if this would go the way of the Taber House issue. Mr. LeClaire responded that the committee had originally requested an appraisal through the committee, but this was defeated by the Town Council, and the committee was going to do the report but were asked to wait until the appraisals came in. Mr. LeClaire stated that the committee was only asking the Town Council for enough time to get the facts and figures in.

Mr. Krupp indicated that, because of the holiday season, it would be unfair to try to push this report to the first meeting in January. Mr. Krupp moved to extend to the second meeting in January (January 22). Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert introduced Item 13 of the agenda, requesting approval of the following transfer, as requested by the Sewer Division:

- 648 (a) Transfer of \$1,600 from A/C 631-000, Pumping: Maint. of Struct. & Improvements, to A/C 651-000, Treatment: Maint. of Struct. & Improvements

Mrs. Bergamini moved to approve the above transfer. Mr. Polanski seconded the motion.

Mr. Killen said that he read the accompanying letter and understood the reason behind it but that it did not seem to go with the original figures shown. The original budgeted figure was \$9,000 and expended actually \$2,483, and that the Sewer Department will be shaving it very close if they take \$1,600 out. Yet, the other account does not seem to be spending at the same rate, although it has as much money in it. Mr. Ray Denison stated that Mr. James Kirkland, Superintendent of the Sewer Division, gets very intimate with his budget and that question was raised of him as to what the future holds in these areas. Mr. Denison added that, not being operationally orientated with the operation, he had to rely on Mr. Kirkland and asked him that same question. Mr. Kirkland felt, according to Mr. Denison, that the \$1,600 transfer and leaving a short in that area would still be adequate. Mr. Denison commented that the other account does have expenditures coming up that Mr. Kirkland has in mind. He further pointed out that the Sewer Division is brand new to this chart of accounts, and in some areas they reasoned that they spent so much on this one account this year, and the account has to be broken into two, so they decided to split the account 50/50, until they could get some track record. He added that both of the requested transfers are for that reason.

Mr. Killen pointed out that in the financial statements, on page 3 of the Water Division Operating Budget, the title of the last two columns should be reversed. Mr. Denison agreed that this should be done and was an unfortunate typing error.

VOTE: Unanimous ayes, with the exception of Council members Holmes, Krupp and Papale who were not present for the vote; motion duly carried.

Mrs. Bergamini read into the record the following request for approval of transfer as requested by the Sewer Division (Item 13):

- (b) Transfer of \$3,000 from A/C 673-000, Maint. Trans. & Collection Lines, to A/C 641-000, Chemical Expense.

Mrs. Bergamini moved to approve the transfer, as read. Mr. Diana seconded the motion.

Mr. Denison stated that the accompanying letter commented in the last paragraph that the boiler was temporarily out of service and certain chemicals had to be used in the digester to do what the boiler normally would have done.

VOTE: Unanimous ayes, except for Council members Krupp and Papale who were not present for the vote; motion duly carried.

Mr. Gessert introduced Item 14, a request to consider rescinding action taken on 9/25/84, an ordinance amending Section 16(e) of the Purchasing Ordinance, No. 272, entitled "Competitive Bidding," as requested by Vice-Chairwoman Marie Bergamini.

Mrs. Bergamini moved to consider rescinding action taken on the above ordinance. Mr. Rys seconded the motion.

Mr. Diana stated that the sale of the Parker Farms School was extremely successful. He commented that, strangely enough, considering the thousands of people that were in attendance, they still had a considerable amount of merchandise still left in the school, basically chairs, student desks, and books. Mr. Diana indicated that, if these things are not sold, the next option would be to put them in a dump truck. Mr. Diana asked if the Council would possibly give a 30-day extension, to get the Parker Farms Committee together, if the Council approves, to have a second sale to try to eliminate more merchandise.

Mrs. Bergamini said that she had no problem with this since consideration for rescinding the action on the ordinance was set automatically by calendar for 60 days. Mrs. Bergamini suggested as another option that a "jobber" be called in who would give one set price for the whole lot and cart it away. The only problem would be that the committee would have to be in force to make sure the jobbers do not take items that are not on the list.

Mr. Diana commented that some of the things that were sold for under \$200 could have gone for more money, but there was nothing that shouldn't have been sold because of the tremendous amount of damage due to vandalism. Mr. Diana said that the school office had a communications control center that was quite costly and now, with the vandalism, it probably would not sell for more than \$10, and would have been worth thousands at one point.

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Mr. Diana felt that the committee should have another sale, even if they only made \$300-400 on it, which might be \$300-400 worth of oil that could be put into the school for a short time. Mr. Diana stated that he would like to see some research on how the books can be put to good use for people who are in need, rather than dump them or give them to a jobber for \$10.

Mr. Gessert felt that extending the action taken on the ordinance for another 30 days would not be good, especially with the holidays, and that it would be difficult to get volunteers to come in for a sale during this time. Mr. Gessert suggested that it be extended until the end of January.

Mrs. Bergamini suggested the January 22, 1984, Town Council meeting. Mr. Killen said that a public hearing must be held anyway.

Mr. Holmes moved that a public hearing be set for January 22, at 8:00 p.m., for the purpose of amending Purchasing Order No. 272. Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes, with the exception of Mr. Krupp, who voted no; motion duly carried.

Mr. Gessert presented the request to reconsider approval of the agreement with the supervisory union, as requested by Councilman Raymond J. Rys, Sr.

Mr. Rys stated that one of the reasons he particularly voted against approval of the supervisory union agreement, at the last Council meeting, was that he did not have information as to who belonged to this union. He stated that he has since gotten a copy of the list and has looked over the contract several times and he could not see where the Town would benefit at this point by having it go to a binding arbitration board. Mr. Rys stated that the 7% salary increase might sound a little high, but that some surrounding towns are giving out 7½% and 8½%. He pointed out that the Town did gain a couple of items on the contract - accumulated sick leave time was cut down from 1½ days to 1 day per month. The amount of vacation time for new employees was cut down from 6 to 5 weeks. Mr. Rys felt that it was a good contract and, at this point, was willing to give his support to it.

Mr. Krupp moved to approve the contract. Mr. Diana seconded the motion.

Mr. Krupp stated that he was not ecstatic with the contract, but unfortunately some of what is in it is reality. He noted that questions had been raised about the sick leave but, unfortunately, that is the existing practice. The question of who is incorporated in this contract was another issue that Mr. Krupp was not ecstatic about either, because he felt that there were certain mentioned positions that need to be reconsidered but that is in process. Mr. Krupp commented that, although he was not overly enthused about the contract, he would support the contract.

Mrs. Papale commented that she was also one of the members who had voted against the contract but that she had a discussion with Mr. Stanley Seadale, Director of Personnel, and a meeting with Mayor Dickinson and she had received more information about the contract. She felt that nothing can be gained, at this point, by going into binding arbitration, and that therefore she also supports approval of the contract. Mrs. Papale remarked that the only thing that bothered her was what is going to happen in the future years, and that she hoped that in future contracts the union would not ask for more than the Town can live with.

Mr. Gessert stated that a "non-meeting" was held and that they had all received a list of the people covered under the contract, and that he had learned something about the life insurance provision under the pension contract, which states that when an employee dies, and he is covered by the pension plan, his spouse gets 45% of his pay, and that this is like an on-going insurance policy, rather than receiving money in one lump sum. He felt that this was a better life insurance provision than he had thought was in the contract. As far as the educational provision providing management people to get reimbursed for college courses, this is something that the Council will address next year. Mr. Gessert felt that the sick leave issue should also be addressed and should be refunded properly or name it properly so that sick leave does not become a retirement bonus, which is what it is today. Mr. Gessert stated that Mr. Seadale had mentioned that there were a number of towns that had different ways of addressing this and that the Town Council would look into this. Mr. Gessert clarified a misconception that the Council had about the 150 hours of union activity in that it was not 150 hours each but a total of 150 hours for the three union representatives. Mr. Gessert felt that having the extra time to review the contract did help and hoped that before the contract goes out to negotiation next time that the Council have some input ahead of time.

65D Mr. Holmes stated that he was one of the two who voted for the contract at the last meeting. He felt that the Council had to deal with the fact that there is a union, but he did appreciate the fact that the Council got the information well ahead of the meeting and that the negotiator, Mr. Lynch, and Mr. Seadale did act responsibly in the best interests of the Town. Mr. Holmes again said he would support the contract because he felt that steps were taken to try to contain costs.

Mrs. Bergamini stated that she would vote for the contract because she felt like she was pushing a brick wall and getting nowhere, for the last three years. She stated that there are still a lot of things she does not like about the contract, including the 150 hours total for the three union representatives, which translates into a supervisor being away for 6½ days a year on union activities, as well as 12 paid holidays, and some up to 6 weeks vacation. Mrs. Bergamini asked when do they supervise then. Mrs. Bergamini said the Town did not need this union and that there are people in the union who should not be involved in the union. Mrs. Bergamini stated that she has been fighting for years against the 90-day sick leave and the Council has never been allowed to try to negotiate that. She stated that it is a fait accompli and that she felt she was fighting a losing battle, and she might as well go along with it. Mrs. Bergamini felt the contract was disgusting and the Town Council is giving the Town away and nobody seems to want to stop it. Mrs. Bergamini felt that profit-making organizations could not support such a contract. She stated that firms in this community do not have enough money to give the benefits that the Town of Wallingford is giving away year after year, contract after contract. Mrs. Bergamini felt that the Council loses if they vote against and they lose if they vote it in.

Mr. Killen concurred 100% with Mrs. Bergamini's statements. He stated that he was very disappointed that department heads would be considered for a union. Mr. Killen stated that in private enterprise, the businesses could not live with their key men being part of a union. Mr. Killen also stated that these key people are paid for being so. Mr. Killen felt that it was about time that someone stood up and said that "we're not going to take it anymore." Mr. Edward Musso had handed him a newspaper clipping, Mr. Killen said, that he had already read, about how Cheshire is going to write to their legislators about the binding arbitration and that it is about time. Mr. Killen quoted an article from another newspaper which he felt summed it up in a nutshell, that the people put the Town Council there to run the Town and how can you run the Town when many are already being taken care of in some kind of a union agreement. For that reason, Mr. Killen stated that he would vote against the union contract.

Mrs. Bergamini commented to the Mayor that, if the contract will go into effect, every employee covered under this agreement should start punching in on time clocks. She stated that, if the contract goes through, there should be an accounting of how much annual and how much sick leave is used.

Mr. Edward Musso, 66 Dibble Edge Road, spoke from the audience and stated that he was glad that some of the Council members had guts and that it was about time that Wallingford is a leader instead of follower. He stated that the Town should get rid of the arbitrator and that he is against the control of the government by the union. He quoted excerpts from the article about Cheshire's move to write to their legislators about binding arbitration. Mr. Musso expressed his discontent with Councilman Rys in his statement that it was a good contract and that 7% was a good raise. Mr. Musso said Mr. Rys wanted to give 7% because Mr. Musso (as a taxpayer) was going to pay it and he hoped that he could do something about it. He stated that that was why the Town had the Town Council representing them for, but that the Council did not seem to be any better than the legislator that the people sent to Hartford that put all these mandates on the Town. Mr. Musso again quoted excerpts from the article and stated that the Town has the deck stacked against it. Mr. Musso felt he had to give Mrs. Bergamini and Mr. Killen credit for standing up to it. He ended with the statement that the Town should be a starter not a follower.

Mr. Gessert mentioned that the pay scale shows that it goes up to a higher salary than the Mayor's and he wished that the newspapers print all the provisions - big pension plan, million dollar major medical, \$5 deductible for office visits, six weeks vacation, etc.

VOTE: Unanimous ayes, with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Stanley Seadale stated that the feelings of the Council re: the contract should be conveyed to the administration and that, as far as the statute is concerned, that the Mayor was the chief spokesman for the Town and that the Council's input should go there. He added that the Council's input is welcome. Mr. Seadale said that he has been accused of giving the contract away, but that the truth is he had to abide by the State statute. He further added that he had spoken to someone in Milford and that they had just settled for two 7½% that the supervisors in Middletown had just turned down 8%. He stressed that he did not set those increases.

Mr. Gessert commented that Mr. Seadale should talk to the people at American Cyanamid and Data Products, not just the other towns, because they are also competing with the union, also. Mr. Gessert stated that, if the Mayor is still here and he is still here, he would like Mr. Seadale to put a note on the calendar that the Council would like to have some input before they go to the table. 651

Mr. Gessert then introduced the next item on the agenda, to note for the record the minutes of the Ordinance Committee meeting of November 7, 1984, as requested by Councilman James A. G. Krupp.

Mr. Killen moved to note the above minutes for the record. Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Edward Musso, 66 Dibble Edge Road, started to comment regarding the CHARTER REVISION COMMITTEE, but was advised that this has been withdrawn from the agenda.

Mr. Gessert presented the following for approval by the Town Council:

- (a) Anniversary increase, Rosemary Rascati, Town Clerk
- (b) General increase, Victor Scionti, Fire Marshall

Mr. Gessert commented that these requests are forwarded to the Council Chairman for signature, and that these are budgeted items, but that he wanted to include these in the agenda so that all members of the Council would know that this has been done.

Mrs. Bergamini moved to approve the increases as stated above. Mr. Rys seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert introduced for acceptance the minutes of the Town Council meeting of November 13. Mr. Killen moved to accept the minutes, with amendment of misspelled names. Mr. Holmes seconded the motion.

VOTE: Unanimous ayes, with the exception of Councilmen Diana and Krupp, who passed; motion duly carried.

Chairman Gessert requested a motion to go into executive session to discuss personnel matters, specifically a request to grant extra sick leave, to be repaid, as well as to discuss pending litigation. Mrs. Bergamini moved to go into executive session. Mr. Rys seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

The Council went into executive session at 10:20 p.m. At 10:28 p.m., Mrs. Bergamini moved to come out of executive session. Mr. Rys seconded the motion. VOTE: Unanimous ayes; motion duly carried.

One VOTE was recorded after coming out of executive session: granting extra sick leave to be repaid (Item 21).

Mr. Krupp moved to waive Rule V to discuss pending litigation under executive session. Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp moved that the Council go into executive session to discuss the pending litigation, at 10:30 p.m. Mr. Killen seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen moved to come out of executive session at 11:15 p.m. Mrs. Papale seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

No vote was recorded in this session.

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A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:16 p.m.

Respectfully submitted,

Carmen L. Gonzalez
Council Secretary

APPROVED: *David A. Gessert*
David A. Gessert, Council Chairman

December 11, 1984

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

December 11, 1984

Date



Town of Wallingford, Connecticut

1984 NOV 20 A 10:31

RECEIVED
MAYOR'S OFFICE

November 20, 1984

CHARLES L. FIELDS
TAX COLLECTOR

DEPARTMENT OF FINANCE (TAX)
P. O. BOX 416
WALLINGFORD, CONNECTICUT 06492
TELEPHONE 269-4458

(8)

Honorable William W. Dickinson Jr.
Mayor, Town of Wallingford
Wallingford, Connecticut 06492

Re: Refunds - \$1004.02 - Account #142-890

Dear Mayor Dickinson:

I am submitting the enclosed refund forms for your approval and the approval from the Town Council:

No. 11	Chester B. Bialicki	\$ 37.67
12	Jerome K. Heller	6.43
13	Joanne or Daniel Minion	50.23
14	Caldor Inc.	716.51
15	Irene Eimutis	27.51
16	Albert Finoia Jr.	23.92
17	Richard L. Craven	<u>141.75</u>
		1004.02

Refund Account - Balance \$6006.77.

Very truly yours,

Charles L. Fields

Charles L. Fields
Tax Collector

CLF:aa
encls.(7)

CC: Rosemary Rascati, Town Clerk

APPROVED *W. Dickinson*
William W. Dickinson Jr., Mayor

Thomas A. Myers
Thomas A. Myers, Comptroller