

TOWN COUNCIL MEETING

MAY 22, 1990

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, May 22, 1990 in Council Chambers and called to order by Albert E. Killen, Chairman at 7:10 p.m. Answering present to the Roll called by Town Clerk Kathryn J. Wall were Council Members Bradley, Duryea, Gouveia, Holmes, Killen, Solinsky and Zandri. Council Woman Papale arrived at 8:43 p.m., Councilman Parisi was absent due to an injury. Mayor Dickinson, Assistant Town Attorney Janice Small and Comptroller Thomas Myers were also present.

The Pledge of Allegiance was given to the flag.

Motion was made by Mr. Bradley to move the following items to the Consent Agenda to be voted upon by one unanimous vote. Seconded by Mr. Holmes.

ITEM #6 Consider and Approve Tax Refunds totaling \$13,749.21 - Department of Finance - Tax Collector.

ITEM #7 Consider and Approve a Transfer of Funds in the amount of \$2,000.00 from Account #001-8020-800-8000, Social Security to Acct. #001-8040-800-8290, Self Insurance Unemployment - Personnel Department.

ITEM #16 Consider and Approve a Transfer of Funds in the amount of \$1,323.00 from Workmen's Compensation Acct. #1-8040-800-8370 to Self Insurance Deductible Acct. #1-8040-800-8270 - Risk Management Office.

ITEM #18a Consider and Approve a Transfer of Funds totaling \$842.00 from Longevity Acct. #001-2011-100-1750, \$350.00; Longevity Acct. #001-2015-100-1750, \$450.00, and from I.D. Kit Rental Acct. #001-2014-600-6130, \$42.00 to Prisoner's Meals Acct. #001-2015-400-4220, \$350.00 and to Rental Cars Acct. #001-2014-300-3100, \$492.00 - Police Department.

ITEM #18b Consider and Approve a Transfer of Funds in the amount of \$1,400.00 from Wages, Police Chief Acct. #001-2011-100-1200 to Dry Cleaning Acct. #001-2015-400-4280 - Police Department.

ITEM #19 Consider and Approve a Transfer of Funds in the amount of \$300.00 from Fire Hose Acct. #2037-999-9907 to Maintenance of Equipment Acct. #2038-500-5200 - Fire Chief.

ITEM #20 Note for the Record Receipt and Review of the Quarterly Reports from the Wallingford Public Library, Visiting Nurse Association and the Senior Citizen's Center - Mayor's Office.

VOTE: Papale and Paris were absent; Zandri, no; all others, aye; motion failed. Town Council Meeting Procedures state that the Consent Agenda must be accepted by a unanimous vote.

Council Member Zandri explained his reason for voting no was due to the fact that he disapproves of taking funds from salary accounts to fund non-salary accounts (Agenda Items #18a & 18b).

Mr. Bradley removed Agenda Items #18a & 18b from the Consent Agenda and made a motion to accept the amended Consent Agenda consisting of items #6, 7, 16, 19 & 20. Seconded by Mr. Holmes.

VOTE: Papale and Parisi were absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve a Transfer of Funds in the amount of \$28,609.00 from Contingency Reserve - General Government Acct. #1-8050-800-3230 to Insurance Self Insurance Oil Spill Dag Hammerskjold Acct. #1-8040-800-8420 - Risk Management.

This item was withdrawn due to the fact that the Education Liaison Committee had not held a meeting to date. The next meeting was scheduled for Wednesday, May 23, 1990.

ITEM #2 Consider and Approve a Budget Amendment in the amount of \$128,170.00 to Education Department Additional Appropriation Formula Grants Acct. #001-8500-800-7011. The budgetary amount in the accounts listed below is amended and the net increase is an additional appropriation of \$128,170.00 - Mayor's Office.

<u>Amount</u>	<u>Account Title</u>	<u>Account Number</u>
\$ 241,171.00	Education Cost Sharing	#001-1030-050-5025
13,061.00	Transportation	#001-1030-050-5060
(12,647.00)	Non-Public Transportation	#001-1030-050-5070
\$(113,415.00)	Special Education	#001-1030-050-5120

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

Mr. Bradley asked that the Budget Amendment be appended to the minutes.

Mr. Bradley requested that Dale Wilson, Assistant Superintendent of Schools explain where the funds will be used.

Mr. Wilson explained that the Board of Education made a commitment to work on the athletic fields at Lyman Hall & Sheehan High Schools. The Softball and Track Fields at Lyman and the Football Field at Sheehan to be specific. \$80,000.00 has already been received last year and was earmarked for these projects as was the \$128,170.00. A deficit balance in this account will be offset with the appropriation or pass-through of the funds this evening.

VOTE: Papale and Parisi were absent; all others, aye; motion duly carried.

ITEM #3 Consider and Approve a Quarterly Budget Adjustment for the Electric Division.

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

Mr. Myers explained that in the past the Electric Division had approached the Council for Transfers as circumstances unveiled themselves warranting immediate attention. In many cases, those circumstances were known in advance but the Transfers were not processed until the actual work orders or costs were known. What he is recommending is that, due to the nature of the utility businesses, each utility prepare a quarterly updated budget

from Revenues down through Expenses. Each line will be reviewed and an amendment will be recommended to the Council to more accurately reflect what is happening in the operation of the utility. Each division's General Manager will submit a narrative or explanation as to why the numbers are being adjusted. This procedure should accomplish two objectives: 1) the Budget would receive a top to bottom review every 3 months, be updated and explained to the Town Council and, 2) all elected officials would become more familiar with each of the three public-owned utilities, the operations, and where the work is actually being performed.

This format that the utilities will follow will show the original adopted budget in the first column for the current fiscal year, the second column will show the budget as amended to date. The next two columns will reflect what adjustments to the budget accounts are being made. The next column will show the final amended budget through the transfers. The last column shows the expenditures by line, or the receipt of revenues by line, through the current date. Mr. Myers explained that these reports will not change any of the normal monthly financial statements that everyone receives. They will continue to be sent to you, as well as the Director's Report.

Mayor Dickinson stated his opinion that he felt this was a positive approach that will enable us all to stay in better contact with the plans and operations of the utilities. He went on to say that this could reduce many of the transfers due to the fact that the budgetary amendments would eliminate the need for the transfers. It would not eliminate all transfers. There is the possibility that an emergency could arise during the 3 months time between quarterly reports.

Mr. Bradley asked if each transfer will be outlined i.e., where the funds are coming from, where they are going to, as has been done this evening?

Mr. Barry answered that this was the Electric Division's first attempt to compile a quarterly report. He solicited feedback from the Council on the format of the report. The report can be presented in a number of different formats, this is the concept they started with.

Mr. Bradley emphasized that the Council is accustomed to viewing the transfers by a line item basis. This format presented this evening is one that still allows the Council to track the necessary information.

Mr. Barry stated that in future reports he would also like to include a narrative as to which projects are getting done and which ones are not due to the devotion of resources elsewhere.

Mr. Bradley asked if the Council wanted to reject one of the amendments but not all listed in the quarterly report, how would this be accomplished?

Mr. Myers answered that the Council could reject any part of the quarterly report at which time the entire report would have to be reworked before the Council at the meeting and therefore, accepted that way, or presented in its amended form at the next meeting.

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Mr. Zandri questioned, at the end of the fiscal year, where do the dollars from the Net Income go?

Mr. Barry answered that they are placed in the Retained Earnings account as do all other dollars that are left unspent.

Mr. Zandri pointed out that according to the quarterly report presented this evening, as of April 30, 1990, the budgeted amount for Net Income was \$1,084,000.00 and the actual amount for April 30, 1990 was \$2,557,171. There was an increase in Net Income, over budget for 10 months of the fiscal year, in the amount of approximately \$1,475,000.00 (the difference between the budgeted and actual amounts for Net Income). He then stated that if you continue to project out the remaining two months of the fiscal year, at the current rate, a figure of \$1,700,000.00 would be arrived at.

Mr. Walter Lee, General Manager, Electric Division stated that historically, the Electric Division's Net Income in the last quarter of the fiscal year results in a Net Loss. To project a 10 month budget to a 12 month budget is not, in Mr. Lee's opinion, a proper projection. Losses have been experienced in May and June of each year.

Mr. Zandri asked if Mr. Lee had an estimate as to what the Electric Division's losses would be over the next two months?

Mr. Lee could not answer what that figure would be since he was not sure what the sales for the Electric Division would be. He felt that the sales were declining slightly over last year's figures. His prediction was that there would definitely be losses over the next two months.

Mr. Zandri then asked, if the budget is accurate for 10 months, there still remains \$1,500,000.00 (approximately) in excess, over budget that is going into Retained Earnings?

Mr. Barry responded, yes, if everything else remains the same for the remainder of the year.

Mr. Gouveia asked if these quarterly transfers would be done before or after the fact?

Mr. Barry answered that they would be done before the fact, always.

Mr. Myers stated that the underlying reasons for reviewing the budget line items would be to bring those line items into alignment with what work is actually being performed in the three utilities, and to anticipate for the next three month period a sufficient amount of funds in each line item to carry their operations.

Mr. Gouveia noticed that, even if you annualize the Operating Budget, you will have approximately \$2,000,000.00 that will not be spent. Why was \$41,000,000 budgeted when you are going to spend only \$39,000,000?

Mr. Lee stated that one of the Electric Division's largest expense is purchased power. If their sales are as predicted, their expenses will be as predicted also. In reviewing the April 30, 1990 statement, sales are \$1,700,000.00 under the Division's projections. If approximately 80% of the sales are under, then the expenses will follow the same suit. The Electric Division is not buying as much power from Northeast Utilities.

Mr. Gouveia pointed out that the Division is very much on target with their projection of purchased power.

Mr. Lee felt that it is very difficult to annualize the purchased power due to the peak power usage in the warmer months and coldest months. The weather can be predicted to a certain point but is not foolproof.

Mr. Gouveia stated that the Division is way off target with regards to the Operating Budget. Only 80% was spent in 10 months of the budgeted amount. The Council did cut \$700,000.00 from the Division's budget and Mr. Gouveia felt that this is an indication that justifies the cut.

Mrs. Duryea asked if all these Transfers will be done at one Council Meeting (regularly scheduled)?

Mr. Barry stated yes.

Mr. Killen asked why the figures listed under Sales of Electricity, Residential, read the same, \$13,258,000.00 under both columns titled, Budget Fiscal Year 89-90 and Budget 4/30/90, respectively?

Mr. Barry responded that the first column is what was budgeted and the second column reflects that same amount because no transfers in or out of the account have been made to date.

Mr. Killen then asked where the actual dollars taken in from Residential appear?

Mr. Barry pointed out that they appear in the last column titled Expended 4/30/90.

Mr. Killen then asked if an adjustment had been made anywhere along the line for those dollars?

Mr. Barry answered, no.

Mr. Killen asked why not?

Mr. Barry stated the reason was that this was an initial start up of the process and that the Electric Division is open-minded about this (process). The only adjustments made are those referred to in the accompanying narrative. He stated that if it is in the best interest, an adjustment can be made in this particular account, or any other that the Council has reservations with.

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Mr. Killen felt that a series of 6 or 7 amendments would have accomplished the same as this quarterly report has, since nothing else has changed. He felt the paper volume was unnecessary.

The report was accepted as presented.

VOTE: Papale and Parisi were absent; Duryea, no; all others, aye; motion duly carried.

ITEM #9 Public Hearing to Consider an Ordinance Appropriating \$1,105,000.00 for Various Municipal Capital Improvements 1990-91 and Authorizing the Issue of \$1,105,000.00 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose.

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

Mr. Gouveia asked if one vote would be cast for all of the improvements or would the Council be voting on the individual improvements?

Mr. Killen answered the voting can be done whichever way the Council prefers.

Mr. Gouveia stated that he cannot vote or discuss the improvements to East Main Street due to a conflict of interest.

John Marriot, 33 Grieb Road, approached the microphone. He wanted Mr. John Costello, Town Engineer, to present a breakdown of what the \$400,000. would be spent on for the East Main Street Project. At a previous Budget Hearing Mr. Marriot requested a final version of the map for this particular project. He asked if this was the final phase of the construction of East Main Street?

Mr. Costello responded that this was the last phase of the East Main Street Project that runs from Christian St. to Greib Road.

Mr. Marriot stated that over the past 3-4 years, Mr. Costello was on record with the Planning & Zoning Department that he would not design a road that was less than 24' in width. The plan viewed earlier for East Main Street Phase IV did include expanding the road to a 24' width. The section between Westview and Constitution Streets is considerably less than 24' wide. He felt that the \$400,000.00 bond appropriation is going to be a significant waste of money.

Mr. Arnold Yaghsizian spoke next. He lives at 336 East Main Street, at the corner of Stevens St. where the projected improvements are to take place. He noticed recently that the Town of Wallingford had blacktopped the rough pavement areas, and felt that was all that was needed to be done for the job to be completed. He feels that it is not necessary to widen the road for the amount of traffic passing through the area. He believes it was designated a scenic road by the Town. He wants to protect that designation and feels that more accidents will occur when the road is widened and additional traffic is invited to use the road.

Phyllis Corneal of 339 East Main Street spoke next. She informed the Council that she lives in an area that has been involved in all three phases of the improvements to the road. She gave an overview of all of the phases that she has witnessed and her opinion was not favorable. She feels that the section of East Main Street from Christian Street to a few hundred feet north of Stevens Street has become more hazardous since it has been widened. Since it is wider, people have an enlarged driving view, and therefore, are speeding. The section over Caplan Brook to the north, is far too wide as far as Ms. Corneal was concerned. She felt that much of the scenic nature of this road has already been destroyed. All of the improvements have set back the progress of the Town of Wallingford, rather than improving the Town's interest, she stated. She feels the way to solve this dilemma is to move the culvert to the Old Durham Road area and raise the level of the road for a better driving view on the particular area of the road. She also feels that the Town should replant the trees that have been destroyed to restore the scenic beauty of the area. She stated that if the Town would follow through with the promises it made in the letter sent out by the Engineer's Office prior to the start of Phase II, there would not be a problem. It should remove the asphalt surface, regrade and repave it. This is what was promised. Most of the residents agreed with this plan. The repaving of the road for the roadrace seemed to solve the problem (culvert issue excluded), so she could not understand why the Town would still want to spend an additional \$400,000.00. She pointed out that if the Town did spend the \$400,000.00 on this project, it would ultimately amount to approximately \$2.1 million that will have been expended on East Main Street, an area covering approximately 1 1/8 miles of road. At a time of lean budgets, she asked what is so lean, and how do you justify to the residents of this town, spending \$2.1 million on 1 1/8 miles of road? She stated that if this project continues, there are still more costs to be incurred, properties that need to be acquired via rights of way, which the Town has taken by trespass up until this point, and far more greater in value is you ignore the quality of life of the residents along those streets. The public welfare is being ill-served by the work that has been performed in this location Ms. Corneal stated. In conclusion, Ms. Corneal once again urged the Council not to approve the \$400,000.00 bond authorization, at least not until everyone involved has seen a final plan for East Main Street.

Mr. Tim Cronin, 47 So. Ridgeland Road stated that in last year's budget \$300,000.00 was appropriated in the six year capital project fund for work to be performed in the Chimney Hill Road section of town. This year the work has been rescheduled back three years. The residents of this area have had their street sealed with a chip seal finish over the past year and will continue to have to accept this road surface for the next three years as well. He agreed with Ms. Corneal that the money for East Main Street should not be spent, that those funds and man hours should be directed to finishing Chimney Hill Road.

Ms. Shirley Lagerstrom of 55 Grieb Road was next to speak. She also agreed with Ms. Corneal. She addressed the point made previous to this evening's issue regarding Mr. Costello's remark that in cutting back a particular section of East Main Street to make it wider, the road then became steeper. This resulted from the fact that Mr. Costello chose not to widen the road even more than the existing width. The problem that currently exists is one of mud slides that occur with each heavy rainfall.

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She went on to state that she believes that mud slides will not occur on the section of East Main Street at issue here this evening if Mr. Costello leaves the road alone. If Mr. Costello cuts into the road again, the corner near the intersection of Grieb Road and East Main Street, she felt sure that mud slides in this area would result. She felt that not a single penny more needed to be spent on this street. She begged the Town to leave the road alone.

Mr. Costello offered to send a copy of the breakdown of the cost and work entailed to any resident wishing one.

Mr. Killen asked Mr. Costello to read the report to the Council and public this evening.

Mr. Costello read the following:

Clearing and Grubbing	\$ 20,000.00
Unclassified Excavation	117,600.00
Cutting of Bituminous Concrete Pavement	300.00
Rock & Trench Excavation	5,000.00
Formation of Subgrade	6,300.00
Sedimentation Control Bales	1,000.00
Rolled Gravel Base	16,800.00
Processed Aggregate Base	22,050.00
Bituminous Concrete Pavement	56,000.00
Concrete End Wall	900.00
Type C Catch Basin	9,000.00
Reset Catch Basin	1,000.00
Convert Catch Basin to Manhole	2,000.00
15" Reinforced Concrete Pipe Class 4	15,000.00
Bedding Material	500.00
15" Reinforced Concrete Pipe Reinforced Concrete Culvert End Section	1,000.00
Intermediate Riprap	2,000.00
Remove & Reset Metal Beam Railing	6,525.00
Bituminous Concrete Lip Curbing	720.00
Wire Fence	925.00
Bituminous Concrete Driveway	3,000.00
Calcium Chloride for Dust Control	4,000.00
Water for Dust Control	100.00
Furnishing & Replacing Top Soil	20,000.00
Turf Establishment	7,500.00
Wood Chip Mulch	4,120.00
Junipers	5,200.00
Maintenance & Protection of Traffic	10,000.00
Mobilization & Demobilization	10,000.00
Barricade Warning Lights	200.00
*(2) Additional Catch Basins	3,000.00
*Additional 740 L.F. Pipe	37,000.00

TOTAL

\$ 388,740.00

*Revised drainage system resulted in these additional costs

Mr. Costello explained that he rounded the number up to \$400,000.00.

A gentlemen from the audience who failed to identify himself approached the microphone to state that in the breakdown of the cost to perform the work on East Main Street that Mr. Costello previously read, there failed to be any funds allocated to purchasing the rights or easements from the residents.

Mr. Costello answered that there were funds left over from the previous work (account) which he intends to use specifically for that purpose. One location is estimated to cost \$11,358.00 for the rights, and the second location will cost approximately \$3,200.00 in order to grade the properties to finish the work.

Ms. Corneal approached the microphone once again. She asked Mr. Costello to define the rights of way that he referred to in the statement above.

Mr. Costello responded that the \$3,200.00 would be paid to the Cowan family at 385 East Main Street for the rights to their property, and the \$11,358.00 would be paid to the Schnakenberg family for their parcel on the east side, south of Maplevue Road.

Ms. Corneal then asked Mr. Costello how wide he intended to make the road from 200' north of Stevens St. to where Phase II of this project begins?

Mr. Costello responded, 24 feet.

Ms. Corneal then asked if he expected to have anything beyond the 24' by way of grading, etc.?

Mr. Costello answered, yes, it will either be graded up or down to meet the existing land.

Ms. Corneal continued to ask Mr. Costello, how wide he intended to make the road just north of the Schnakenberg parcel?

Mr. Costello responded, 24 feet.

Ms. Corneal asked Mr. Costello if he intended to made the widening of the road only isolated to the east side of the road?

Mr. Costello answered, north of Maplevue Road, yes. Due to the steep driveway grades on the west side, it has to be isolated to the east side.

Ms. Corneal confirmed that the well-established, beautiful sugar maples on the east side of the road will be destroyed? Will you replace them?

Mr. Costello answered, yes they will be destroyed, no they will not be replaced.

Ms. Corneal asked Mr. Costello if he knew how wide the road was between 200' north of Stevens Street and to Phase II of the project?

Mr. Costello estimated approximately 18'.

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Ms. Corneal retorted that it was 16½' but over the past few years the workers have managed to widen it to the 18'. She wanted to know how Mr. Costello plans to fit a 24' road onto an 18' road without acquiring easements from property owners.

Mr. Costello felt that the right of way was wider than 24'.

Mr. Corneal asked on what did Mr. Costello base his opinion that the right of way is wider than 24'?

Mr. Costello answered, the maps on file in the Town Clerk's Office. Maps drawn by different surveyors over a period of time.

Ms. Corneal stated to the Council that there is no right of way beyond the edge of the road, anywhere, on East Main Street, except, perhaps, on the Rolling Meadow section and a few homeowners that Mr. Costello acquired easements from prior to this project. She went on to say that with Planning & Zoning designating East Main Street as a Collector Road, being 30' from center, it also told all of the surveyors in this Town how to survey for a lot. In connection with this, the Planning & Zoning Commission directed the surveyors to set back that lot line in accordance with its designation of the Collector Road. She emphatically stated that Planning & Zoning in any way, cannot effect the title to land, nor can a property owner who wants to sell a lot which is landlocked. Therefore, the maps to which Mr. Costello refers have no relevance to the width of the road or the rights of the Town. She assured the Council that all along East Main Street the Town would be paying the price, if the Town proceeds on the basis of what Planning & Zoning instructed surveyors to do.

Mr. Zandri asked why did the Town pick this road for reconstruction?

Mr. Costello answered that this road was added to the Six Year Capital Budget by a previous Town Council, perhaps due to the condition of the road.

Mr. Zandri asked if the condition of the road was the mitigating factor or could it also have been a safety problem?

Mr. Costello answered, the poor condition of the pavement and the narrow width.

Mr. Zandri pointed out that over the past number of years, school bus traffic has been an issue on this particular road. Could that have also played a part in determining this road as a Six Year Capital project?

Mr. Costello answered yes.

Mr. Bradley still could not understand why this particular piece of road was designated for improvements. He did witness Mr. Costello's remarks regarding the previous Town Council, however, he saw no valid reasons for this action. He went on to say that the "skim" paving that was performed over the past year on this stretch of road seemed to make the road more passable. He wondered if all this work was necessary and if possibly some minor repairs can be made with a resurfacing project.

Mr. Costello pointed out that widening the road and putting down some smooth pavement will cause the traffic to drive faster, this is the argument against the project. With the road smoothed, and minus the widening of the road, the traffic will continue to pass very quickly in a narrower section of the road.

Mr. Costello then read a brief article from Road & Bridges Magazine, October 1989. It stated that single vehicle traffic accidents could be reduced by 23% by widening road lanes only 1 or 2 feet in Illinois. Mr. Costello pointed out that this does not only apply to Illinois. He continued with, "data from the Transportation Research Board show that widening a lane by just 1' can reduce runoff road, single vehicle accidents by 10%; 2' additional width can reduce those accidents by 23%." The article went on to state that with road lanes 10' or less, do not provide an adequate margin for error for such vehicles as a 7' wide school bus, 8' wide tractor trailer truck, or even a 5' wide full size car. Hence, the reason Mr. Costello recommended 24' as the minimum width on a thoroughfare such as East Main Street.

Mr. Bradley asked if Mr. Costello had intentions of continuing down to Christian Street?

Mr. Costello stated that Phase III started at Christian Street and continues up to Grieb and there are no plans at this point in time to go any further south on the other side of Christian Street.

Mr. Holmes stated that he would not support this additional \$400,000.00 expenditure on East Main Street for the reconstruction due to the fact that the residents have been persistent in fighting this issue long and hard and he respects their wishes in opposing this project.

Mrs. Duryea stated that she lives in the general area and travels the route quite frequently. She agreed with everything stated this evening with regards to the opposition to widening this road. She made it a point to drive through the area recently and admitted that she agreed with Mr. Cronin in that as soon as you leave the tree-lined area, it appears as though you are traveling on a major highway. She then turned her vehicle around and proceeded through once more. The beauty of the trees were inspiring and she felt that there is not enough of this natural beauty in town. She pointed out that there are no sidewalks for pedestrians or bicyclists, and joggers as well as the Choate students use this route quite frequently. She feels this road is still very dangerous. She does not feel it is necessary to have any further work performed in this area.

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Mrs. Duryea asked if Mr. Costello had a list of the town-designated scenic roads?

Mr. Costello stated he was aware of only two; East Main Street and Tyler Mill Road.

Mr. Costello explained that he was only following the directions of the Council's predecessors that were given him in December.

Mr. Solinsky stated that he has voted in favor of East Main Street all along. He was recently in the area driving through and became surprised at the change that had taken place. He felt that only a few minor improvements needed to be made to the area. He was not in favor of spending \$400,000.00 on the remaining project. He pointed out that Williams Road has many hazardous areas that the money could be better spent on. Mr. Solinsky felt that if we paved more often instead of performing major reconstruction, we would get more mileage from our money.

Mr. Costello stated that without proper drainage the pavement life of a road is shortened considerably.

Mr. Solinsky pointed out that drains were installed on North Airline Road but yet, there are no curbs, what is the reason for this?

Mr. Costello stated that the earth at the end of the pavement will be mounded up to keep the gutter flow in the gutter to the catch basins. On a narrow road, curbs are not put in, due to the fact that people shy away from the curb when driving.

Mr. Holmes came to Mr. Costello's defense in stating that it is his (Mr. Costello's) job to recommend what he feels is a proper standard for a road, and then it becomes a decision of the Council to proceed or not. He credited Mr. Costello with fulfilling his job as best he could.

Mr. Costello told the Council that in December as well as during the Budget Hearings he stated that in addition to the funding, authorization for the scenic road ordinance, authorization to obtain easements and possibly condemnation, if necessary, would be needed. He thought that would be the biggest hurdle to get over (condemnation).

Mr. Solinsky asked if the Town still needed to acquire property rights on the Schnakenberg property?

Mr. Costello stated that the property corner is now located on the new pavement and 350 sq. ft. is needed to move the property corner back off of the pavement.

Ms. Papale arrived at 8:43 p.m.

Mr. Solinsky stated that the Town needs to acquire the property either way.

Mr. Costello felt that was not necessary due to the fact that the Town is using private property all over town that very same way.

Mr. Zandri pointed out that according to the drawing of the area he had with him this evening, there were 5 trees to begin with in the location that everyone is referring to.

Mr. Costello believes that many more than 5 trees were destroyed in this project. He felt it has become more scenic with the trees gone.

Mr. Zandri questioned the unfinished business with regards to Phase III, the section that is south of the culvert and north of Stevens Street.

Mr. Costello stated that easements could not be obtained from the abutting property owners to rebuild their driveways, therefore the work was not completed. The plans to complete this section is in Phase IV.

Ms. Papale mentioned that during the Budget Hearings, the Council accepted the first year of the Six Year Capital Budget. At that time she expressed her feelings on the way this project was and should continue to be handled. She was amazed that not everyone on the street had received notice of this work that would effect each and every one of them. In the future everyone being effected by work performed by the Town should be notified well in advance to give them the opportunity to discuss it with the Council. Ms. Papale felt that since it is 2/3 of the way done, we should continue and finish the project due to future projects that may occur. There remains quite a bit of undeveloped property on this road that may in the future develop. We must think of the future as well.

Mr. Zandri asked if it is possible to amend the ordinance tonight since the consensus seems to be in opposition to the project?

Attorney Fasi stated that if the ordinance is to be amended by deleting the \$400,000.000 for East Main Street, there needs to be a motion to amend the ordinance to delete the East Main Street project and to decrease the appropriation and bond authorization by \$400,000.00. This can occur tonight.

Mr. Zandri asked if the name of the road can be changed?

Attorney Fasi stated no.

Mr. Solinsky pointed out that if we did not have figures for another project for a different road, then there would be no sense in putting in a substitute road.

Mr. Zandri suggested that the money can be earmarked for a certain road.

Mr. Solinsky observed that we have gotten ourselves in trouble with other roads in the same fashion.

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Mr. Solinsky asked Mr. Costello to describe the railroad crossing improvements to Pond Hill Road.

Mr. Costello informed everyone that the Town only pays 10% of the cost, the remainder is federally funded. New crossing material, i.e., lights, and gates, along with an advance warning sign due to the crest of the hill, will be installed.

Mr. Solinsky asked which other projects listed this evening will be reimbursable by the State or Federal Government?

Mr. Costello responded that the local bridge projects make us eligible for a grant of 30% and a loan at 50% of the cost. He was not sure if Ward St. Ext. is eligible for these funds.

Mr. Solinsky asked what singled Ward St. Ext. out from the others that it would be denied the funds?

Mr. Costello said that the State did not give this project as low a rating as the Town Consultant did.

Mr. Zandri noted that, at time, traffic issues are used as a deterrent to new development. He did not want to see an issue brought forth to the Zoning Board to stop a development due to traffic or narrow roads. The residents of this area need to think about how this will effect them in the future when and if the area develops and they find increased traffic on a narrow road.

Motion was made by Mr. Bradley to delete East Main Street, Phase IV, Steven St. to Grieb Rd. and to decrease the total appropriation and bond authorization by \$400,000.00, seconded by Mr. Holmes.

VOTE: Parisi was absent; Gouveia, abstained; Papale, Zandri & Killen, no; all others, aye; motion failed.

Attorney Fasi was consulted on how to present this item for consideration of a vote without including the East Main Street project so that Mr. Gouveia could vote affirmative on the other projects? He stated that the only way to get around this is to have the ordinance broken out with motions to amend such as the Council did above.

At this point a motion was made by Mr. Bradley to accept the ordinance as presented, seconded by Mr. Solinsky.

VOTE: Parisi was absent; Bradley, Duryea, Holmes, Solinsky, no; all others, aye; motion failed.

The Mayor offered to indicate that no money be spent, nor work performed until such time as the Council is satisfied, at a meeting, as to the plan of this project to avoid all the remaining capital projects being rejected as a result of this action on the part of the Council to oppose the East Main Street Project.

Mr. Zandri inquired that if the motion was defeated tonight, and it came before the Council as a new ordinance, at that point, could a different road be included?

Mayor Dickinson answered that yes, either it could be done that way, or pass it this evening and amend it.

Attorney Fasi stated that there is no requirement that if the Council authorizes a project they must borrow for it. The borrowing and appropriation is at the discretion of the parties indicated in the ordinance. If the project is approved but the decision is made not to spend the money for it, then the project does not go forward and the money is not spent. The Mayor and the Comptroller make the decision since they are the parties indicated in the ordinance. They have the authorization to issue the bonds.

Mr. Killen objected to the power of the Mayor and Comptroller to defeat an ordinance after a public hearing and the Council's approval of funding. He felt it was rather redundant to hold the hearing when the Mayor and Comptroller could inevitably reverse any decision made by the Council. He informed Attorney Fasi that it was not the intention of the Council to have the ordinance written in this fashion.

Mayor Dickinson stated it was not an uncommon thing to do. He felt rather than get into a debate over this issue, he recommended either the Council reject the ordinance or take no action on it this evening. Then the capital budget could be reworked. If a substitute street was a consideration of the Council, then Planning & Zoning would need to be involved and it could develop into a lengthy process.

Mr. Costello pointed out that this very issue was at hand some years ago when Phase IV of the East Main Street Project was discussed. It was taken out of the ordinance then, and the remaining projects were voted on.

Mr. Solinsky confirmed Mr. Costello's statement.

Mr. Gouveia asked if, since a motion to delete East Main Street failed, could the Council now make a motion to approve all other projects, minus East Main Street?

Attorney Fasi pointed out that public hearings are published and held to take action on the advertised ordinance. The ordinance can be amended, which is what the public hearing is intended for. You cannot, however, vote on something entirely different than was published. He stated, that is what will happen if you delete East Main Street from the ordinance. It would be a vote on part of the ordinance, and this is not the intention set forth by the publication of the ordinance.

The motion on the floor at this point in time was to accept the ordinance as presented. Motion was made by Mr. Bradley, seconded by Mr. Solinsky.

VOTE: Parisi was absent; Bradley, Duryea, Holmes, Solinsky, no; Gouveia abstained; all others, aye; motion failed.

Mr. Holmes requested a 5 minute recess of the Council.

Mr. Killen declared a 5 minute recess.

Mr. Bradley made a motion to Waive Rule V of the Town Council Meeting Procedures.

Mr. Killen inquired as to the reason of the Waiver?

Mr. Bradley responded to Consider an Override Veto of the Mayor's Proposed Budget.

Motion was made to Discuss the Consideration of an Override Veto of the Mayor's Proposed Budget, seconded by Mrs. Duryea.

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

Motion was made by Mr. Bradley pursuant to Chapter III, section 7 of the Wallingford Town Charter, for Discussion to Consider an Override Veto of the Mayor's Proposed Budget, seconded by Mrs. Duryea.

Mr. Killen explained to all present that it is his belief that the Mayor's Veto was improperly exercised, and therefore, improperly before the Council. He stated that he believed that the Budget was not presented to the Mayor for his signature, lacking certification, he felt that the Budget could not be vetoed. The Assistant Town Attorney was referred to the same section of the Town Charter that Mr. Bradley referred to and was asked if she agreed or disagreed with Mr. Killen.

Section 7(a) reads:

Every proposed ordinance, except an ordinance relating to appointment or designation of officers, or relating to the council or its procedures, shall, before it becomes effective, be certified to the mayor for his approval.

Assistant Town Attorney Janice Small asked what has been done in the past to certify the budget?

Mr. Killen stated that the minutes from the meetings have been certified by him, ordinances have been certified by the Town Clerk. He pointed out that the Budget had not been signed by either himself or the Town Clerk.

Ms. Small asked why?

Mr. Killen answered that the minutes have not been presented to the Council for approval, and therefore, he could not sign them to certify them.

Mr. Killen and Ms. Small conversed with each other privately within the Council Chambers.

Mr. Gouveia requested that the remainder of the Council be privy to the conversation so they may keep abreast of what is being discussed. He felt that perhaps the public was experiencing the same interest.

Mr. Killen summarized the discussion between himself and Ms. Small. The point in question is whether or not Mr. Killen is contesting that the budget can be certified. He is not contesting this issue, he is stating, up to this point, that it has not been certified and it has been vetoed and he feels this was a premature act on the part of the Mayor. It can be certified either by the Town Clerk or by Mr. Killen's signature on the minutes of the meeting as has been done in the past. Either way should suffice. There is a slight flaw in the Charter that it does not state who should certify the budget, and it also does not state a deadline by which it must be done. This is not necessarily fatal, everyone is interested in the same outcome, which is to get the government running.

Mr. Gouveia asked how Mr. Killen proposed to remedy this situation?

Mr. Killen stated that he had no political motives, no wish whatsoever to embarrass the Mayor, it was the furthest thing from his mind. He went on to say that he disagreed with the Mayor's letter, and felt that the only way for the Council to possibly get an open forum would be of this nature to discuss with the Mayor his reasons for vetoing the Council's budget and for the Council to state their reasons for their action against the Mayor's budget. He felt that a lot of hours were invested by the Council on the budget and that it was a darned good budget in his estimation and that nothing is to be gained by a veto. By dialogue perhaps the Council and Mayor can resurrect some of the points that the Council has been trying to make, something will be gained than stonewalling it. Mr. Killen apologized to the Mayor for any embarrassment this may have caused him, it was not Mr. Killen's intent. He is hoping to dissuade the Mayor from his veto message.

Ms. Small stated that she interpreted the Charter to read that the 10 days time period will begin once the budget is certified this evening.

Ms. Papale questioned the fact that if the Mayor chose to veto the Council's budget ten days from this evening, then the Council can, in turn, override this veto within the allotted time frame?

Ms. Small answered yes.

Mr. Killen then addressed the Mayor's points of concern in his budget message. The first concern Mr. Killen chose to address was the last one listed on page 2 of the Mayor's letter to the Town Council dated May 16, 1990 (see attached). Mr. Killen researched back over the years (including all of the Mayor's previous terms) to verify that funds have been used to balance our budget from the Electric Division. In the Mayor's letter, he states, or gives the impression that this is the first time that funds are being used by the Town Council to balance the budget, which is not so.

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Mayor Dickinson disagreed with Mr. Killen's point. The Mayor stated that funds have been used in the past for capital projects, but not for operational costs of the government. The Capital Non-Recurring Fund is typically where the money has gone. In the past, perhaps they have been used for school projects, but strictly kept to capital projects. He was not aware of any time that money was taken for operating costs.

Mr. Killen stated that the monies from the Electric Division have been used for Capital and Non-Recurring, due to an ordinance passed sometime ago. By the same token, the surplus that has been built up through the years has not been used by this Council to offset Capital and Non-Recurring which this Council can do. The same dollars that is being referred to from the Electric Division could have been used to offset operational costs. Those dollars have been taken and used to offset operational costs.

Mayor Dickinson did not follow what Mr. Killen was saying.

Mr. Killen repeated that the capital dollars remaining that was put at the top of the Council's Budget as balance carried forward from other years, \$1,300,000.00, is at the beckon call of the Town Council to use at any time if they so desire. These funds could be put into the Capital and Non-recurring Fund if the Council chooses to. It does not wish to do so. A surplus, therefore, remains. The surplus, then becomes part of the operating budget.

Mayor Dickinson stated, to his knowledge, the funds in the Capital and Non-Recurring Fund stays in that account. Any unappropriated balance from a prior year is unexpended funds, which are chiefly from the taxpayer or grants, or some other forms of revenue that support the General Government Budget. They are not funds that would have come out of Capital and Non-Recurring Fund. That fund has its own accounts and is maintained in a separate manner. The money that is shown as the initial cash support for the budget, represent funds that were generated by the taxpayer or grants, etc., and were unexpended in a prior fiscal year. They are then put back into the next year's budget. They do not come from the Electric Division.

Mr. Killen repeated that all dollars proceed back to the general fund.

Mayor Dickinson disagreed with the Council's approach to this matter. He did not deny that the Council was wrong to do this, but did state his disagreement. He stressed his point that he did not believe that the practice of taking the unexpended funds and using them to offset operational costs has been done in the past. He admitted that the Council had the option to do this, but that it had not been done in the past.

Mr. Killen next addressed the Mayor's point of concern with regards to non-assurance of the fact that there will be \$1,787,000 available annually from the Electric Division for support of general government spending. He pointed out that there are no guarantees that any dollars will be available for one reason or another, and there is also no guarantee that this Council will look at the budget and spend the hours that have been spent in fine-tuning it. The Council is not necessarily going to be looking for the same funds to be available to them year after year just because they have taken a certain amount of dollars this year. Mr. Killen felt

that the Mayor's assumption or belief that every budget is predicated on the previous year's budget may lead one to believe that the Council does not spend any time and/or expertise in working through the budget.

Mayor Dickinson felt that budgeting has to occur on multi-year periods. If \$1,787,000.00 does not come from the Electric Division next year, then it is going to have to come from the taxpayer.

Mr. Killen felt that under the Mayor's system, he (Mayor) was taking from the taxpayer. The dollars belong to the taxpayer. At a time when the Electric Division is sitting on a \$25 million fund, you (Mayor) are trying to raise their mill rate. We are financing part of the low electric rate that we are giving our taxpayers.

Mayor Dickinson believes that when a person uses a utility, they are expecting to be paying for that service. He went on to say, that if we (the Town) are expecting the taxpayer to pay for more than their service, to support operational costs of government, there has to be some disclosure somewhere stating this. Ultimately, what this does is misrepresents the cost of government. If our taxes are the main revenue source of funding the cost of government, then we know what that cost is in a clear picture. If the Town starts funding the operations of the government out of utility bills, then how do we know how much of government is in the utility bill and how much is in the tax bill?

Mr. Killen read the following into the record (source Public Utilities Commission Minutes, April 17, 1990):

"...in the Electric Division, has our system input been falling off almost constantly every single month?" (Mr. Alexander Kovacs, Commissioner)

Ray Smith: "It had been down this year with the exception of December."

Mr. Killen explained that he would not read all of the minutes nor try to take them out of context. He wanted to show everyone the point he was trying to make.

Mr. Raymond Smith: "What you will see compared to the budget is a bigger gap because they are not only down compared to last, year, we also made an estimate of an increase based on what was happening to the system 1½ years ago. We are probably 4-5% under estimate on the budget. The budget is in good condition. A lot of it is from unanticipated income. Especially from non-revenue interest-bearing income that is very important to the utility."

Mr. Killen: That is part of the rate structure, in other words, the money that should be flowing back here, are being invested by them and used to give us an artificially low electric rate. If you want an analogy with that, let CL&P and U.I. go to communities they serve, and say, let us only pay 50% on our tax rate in town, and they will have a rate that will make this town look sick. We are subsidizing them pure and simple. I have to go out on Election Day and say to the public, "your taxes are going up, the electric rates may be down, when I'm the one that says, you pay higher taxes so that you may have an artificially low electric rate."

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Mr. Killen: It does not make sense.

Mayor Dickinson: Maybe the question to be asked is, whether the \$1,213,000. this year from the Electric Division represents what they would pay in the way of taxes. My information is, is that it is more than what they would pay on a straight taxation. Certainly we can look at that and have them pay exactly what would be their tax rate if they were a private company. The private utilities use their investments in arriving at the rates that they charge. We can say, no, whatever investments that you have, you can not use them in your development of rates. But that means that, ultimately, the rate will have to be higher. Within the past year or two, a 5 year cash analysis was done by the auditors which showed, in 5 years time, assuming that major projects would be undertaken (i.e., Pierce Plant generators), they would be in a deficit situation without raising rates. To say that there is a lot of extra money there, that may be true if we were not looking at major projects. If we want to increase the electric rates, because we are going to take the interest derived from the income that they have invested, we can do that. But I don't think that we can just take the money and say, well, if they raise the rates, it is their responsibility. We are the ones who are encouraging them to raise their rates. We are taking money that a private utility would use in its rate development. We are taking money over and above what would typically be paid as part of their responsibility as a taxpayer, in this case, a payment in lieu of taxes to the Town of Wallingford.

Mr. Killen felt that we have encouraged the Electric Division to do just the opposite. The Electric Division has never been encouraged to be as good as they can be. He feels that we have said to them, in essence, here is your budget, you don't have to worry, if you run any deficits, don't worry, come forward and we have to take care of them also. We don't know what they can produce. They have been on this level for a long time ago. The Electric Division has been talking about these capital projects since Mr. Killen first came on board.

Mayor Dickinson said that the issue is, if the Electric Division is not completing projects they should, then it is our responsibility to see that they do so. But, to say that because they are not completing projects we should take their money, even though we are not arguing that they do not need it,... I have trouble agreeing with that.

Mr. Killen pointed out that the Mayor refers to the funds as belonging to the Electric Division, saying it is "their" money. He asked when it became "their" (the Electric Division's) money? The Tax Collector takes as much money in as the Electric Division does, but he does not take the excess funds and invest it for the sole purpose of benefiting the Tax Collector's Office.

The Mayor explained that the Enterprising method of accounting separates the Electric Division's funds from the General Government Funds. It is all Town of Wallingford revenues, whether it is for Utilities, General Government or Education. But for ease of conversation, it is referred to as "their" (Electric Division's) money. All funds are in the custody of the Finance Department. It is not a question of the Electric Division having funds that are untouchable by anyone else.

Mr. Killen disagreed with the Mayor on this issue. He pointed out that every other department within this Town gives back to the Town all unexpended funds at the end of the year. He felt that every department but one follows suit.

The Mayor disagreed with Mr. Killen. He stated that all funds are paid over through the Finance Department and are held by the Town of Wallingford, whether they are Utility, Clerk's Office, or anyone else.

Mr. Killen stated that the money the Town has at the beginning of the year that is used to help balance the budget is carried forward from two years ago. There is not one single cent from the Electric Division in that money. Every other department that has had an excess of funds left at the end of the year that remained unexpended contributes to that fund. Every department but one, the Electric Division. Mr. Killen asked the Mayor if he disagreed with this statement.

Mayor Dickinson did not.

Mr. Killen then asked the Mayor, when was the last time the figures for the unexpended funds of the Electric Division have been presented to the Town Council and told, "these are the dollars available, do as you see fit"?

Mayor Dickinson explained that the funds are there and can be appropriated, the issue raised here is, because there is a veto over use of those funds. He asked, is it legal for the Town Council to appropriate those funds? Yes, it is. They are within the reach.

Mr. Killen asked why those funds are not brought forward with the report that he receives from the Comptroller every year, stating the surplus dollars?

Mayor Dickinson's understanding is, that the general accounting principles require the separation of those funds from enterprise funds. So the accounting requirements separate them and they are found in separate reports. That does not mean that they are not available for appropriation, or not within the control of the Town Council or other responsible officials of the Town. They are separated for accounting purposes.

Mr. Killen asked the Mayor, "are you now saying to me, the dollars that now exist within the so-called "net surplus" of the Electric Division are available to us (Town Council) at this time, to do as we see fit with?"

Mayor Dickinson answered, "as a general rule, yes." Those funds have to be appropriated, however. The funds would not show up in the same figure as the unappropriated balance.

Mr. Killen asked why they would not?

Mayor Dickinson's understanding that G.A.P. (general accounting principles) require that the enterprise funds be separate from the General Government sources of revenue.

Comptroller Myers explained that taxes are accounted for in the General Fund, Electric, Water & Sewer are accounted for in separate operations. That is a requirement of the Charter, is it not?

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Mr. Killen answered that he was not debating that point. The point he is debating is why the Electric Division does not hand over their unexpended funds to the Town as does every other department?

Comptroller Myers answered, because they are accounted for separately under the rules of the Charter. Enterprise funds remain with enterprise operations. The enterprise system would have to be abolished and make the Electric, Water & Sewer Divisions departments of General Government if we wanted to change our accounting system. In some communities, Water Operations are not accounted for, or run as a separate profit making entity of government. The rate is not a stand-alone utility rate. It's merely a partial subsidy or a rate that partially recovers costs of the utility operations. The balance of the cost of that utility operation is finance through a general taxation or government grant or other revenue sources. It is not a self-sustaining utility rate. One that is set to produce income.

Mr. Killen asked the Comptroller, "are these funds from the Electric Division turned over to the Town of Wallingford Treasurer?"

Comptroller Myers: "Yes".

Mr. Killen: "What does she do with them?"

Comptroller Myers: "The funds are accounted for and are available in each utility enterprise operation."

Mr. Killen: "They are available only to the utility?"

Comptroller Myers: "They are available to the Town of Wallingford."

Mr. Killen: "That is not what you just said. You said that they are available to the utility. If they are available to the Town of Wallingford, the number of dollars should be made available to this Council stating in plain language, we have 'x' number of dollars left over, we have never been given that information".

Comptroller Myers: "Is it not a known fact that there is \$15 million of cash in the Electric Utility presently?"

Mr. Killen: "One cannot go out and say, I'm going to appropriate \$15 million dollars because, everyone knows, there is \$15 million there. The figures that I have in front of me are the figures that I worked with because these are the figures I have been given to understand that have been worked by the people who know and are stating to the fact that these are the figures. I can't go on a premise that there is \$15 million dollars. If that \$15 million appeared as part of the surplus, then I could appropriate it any way I so desire."

Comptroller Myers: "It appears in the financial statements."

Mr. Killen: "It does not appear here to be available to be appropriated. Is there anyone here, either side, that disagrees with me on this statement?" "Was the money from the Electric Division made available to you at the Budget Hearing to be appropriated? The money has been withheld and we have no way of getting to it. We are violating the Charter and the State Statute."

Mayor Dickinson: "If it was not known that the funds could be taken, then how was it that it was accomplished in the budget adopted by the Town Council?"

Mr. Killen: "We are not taking it out of the past, we are taking it out of the upcoming budget."

Mr. Bradley: "I don't recall seeing anywhere, a break-out of that \$15-16 million of this \$27 million is cash and the rest is whatever, and I think how this was communicated to this Council has been verbally, through conversation that this money was available."

Mayor Dickinson: "I know that it has been stated at meetings. Again, the fact is, it was appropriated, the \$1,787,000.00. I'm not sure I understand our conversation about whether or not it was known that it can be done."

Mr. Killen: "We gave the Electric Division the dollars that it takes to operate from them, and we expect 'x' number of dollars back from them. This is the way it is supposed to be done."

Mayor Dickinson: "You are talking about, whether the money is coming from Retained Earnings or from the current sales of the Electric Division, is that the issue? To me, it doesn't really matter. They have to absorb some \$2 million additional money from Retained Earnings for their Capital project because that money is being taken out. Whether it is coming from Retained Earnings or sales, it is still the enterprise fund used to support operational costs of general government. I go back to my earlier comments on that, I think that that creates some problems. We can see similarities with the State of Connecticut. I think that we need to be careful about where we develop revenue sources and what the long-term effect can be. I don't see that there is a major difference between taking from directly out of Retained Earnings or from their current revenue and forcing them to take Retained Earnings to support their current budget."

Mr. Killen: "There was an oil spill this year. If they did not have the money to pay for that, we (Council) would be obligated to pay for that spill. Any expenditures that are necessary for operating that plant, we are liable for. If they come in over the figure they expected to earn, every penny over goes back into that fund of theirs, what kind of arithmetic does it involve, that they don't have to know in advance that they are going to get these projects done. It doesn't matter what the bottom line is everything goes back in there. With a plan, you try to figure in advance what is needed in the fund every year."

Both Mr. Killen and Mayor Dickinson continued to express their personal viewpoints on the enterprise system of accounting and whether or not the funds should stay in the enterprise system or go into general government.

Mayor Dickinson is concerned that by relying too heavily on the Electric Division and the variables that are completely different than the variables the rest of the Town deals with, when the money isn't there, than it will have a yo-yo effect on the local taxpayer. That, in his opinion, is not the purpose of the Electric Division, to support local government. The purpose of the Electric Division is to provide electricity as efficiently and cost-effectively as is possible.

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If they are not doing that, then the Town should be concerned and work some changes. If they are providing, then the Mayor believes it to be a mistake to try to have the Electric Division underwrite the cost of general government. That is one step beyond what their purpose is.

Mr. Killen: "We are required by law to underwrite them. We are right now, holding their prices up, they have three chief claims to fame; 1) lower rates, 2) they give darned good service, and 3) they make a contribution to the Town. They can give good rates because we subsidize them. No one will dispute the fact that the service is good. Their contribution to the Town is miniscule. You are asking the taxpayer to pay higher taxes at a time when the Electric Division could be making a larger contribution. We, as a Council, spend many hours going through the budget. You did not change so much as a decimal point."

Mayor Dickinson: "I did not approve all of what was requested by the Electric Division for expenditure. They requested positions which you will not find approved. If there is not a job description, then the job will not appear for you to see this."

Mr. Killen: "There were no dollars figures for those positions, then, because you approved exactly what they asked for."

Mayor Dickinson: "But that is the difficulty with the enterprise accounting. It is almost impossible to change a figure and have it mean anything in the final analysis. If they can't spend it, it drops out into Retained Earnings ultimately, anyway."

Mr. Killen: "You are inviting the Electric Division to present a budget to you year in and year out, and you won't touch it because nothing can be done with it. I don't see where that is an encouragement for them to be practical."

Mayor Dickinson: "I'm not saying nothing can be done with it, I am saying that the affect is not as obvious or as clear as it is in the general government. The general government, if you don't approve a specific project, it won't be accomplished, the money won't be spent. If you eliminate money in any given line item in the Electric Budget it does not necessarily eliminate any given project. Their projects are charged across several lines."

Mr. Killen: "In looking at the 10-year budget, it shows so much that they can't even hope to accomplish. Yet, they put the same figures in year-in and year-out. You're telling us not to touch them, it can't accomplish anything."

Mayor Dickinson: "I am not telling you not to touch them. Everyone can have a different philosophy and I'm not saying that mine is the only one. I don't think that it is an incorrect one, I'm not saying that it is the only one. Much of what was accomplished by the Council is very good. It is on the major policy question that we differ. If it had not been for those issues, I wouldn't have a great deal of disagreement with the actions taken on the budget. I have problems with the items I have specified in the veto message."

Mr. Killen: "If you go through the revenue side of our budget, you will find that there is not one single line item that you can count on. None are carved in stone. We expect dollars to come from the State of Connecticut, permits and licenses, for services, etc. Yet, you put them in the Revenue Budget and find no problem with it. You say the Electric Division cannot be counted in. The Electric Division has a better record than any of the above-mentioned sources for being able to produce, and yet, you say they cannot produce. An outfit that sits on \$27 million and operates on a shoestring budget is able to produce a lot more than you are giving them credit for."

Mayor Dickinson: "There were years that there was no net income in the Electric Division. No money was paid over, and not too many years ago at that. It has a lot to do with the rate structure and a multiple of variables. Not too long ago, Northeast Utilities raised their rates which caused anticipated deficits for a number of years. Ultimately, there was a rate settlement and money came back into the Electric Division, but it is not a clear picture of always being able to depend upon revenue production by the Electric Division. I am reluctant to begin dependency on another variable when we already have so many. I think some other governmental entities have shown the errors of doing so. I don't feel it is in the best interest of the Town to start that process with another revenue such as the Electric Division's."

Mr. Killen: "As I said before, I am not doing this to embarrass you. The bottom line seems to be, that no matter what it is out there, you cannot count on it, you have to raise the taxes, that is the only way we are going to get anywhere. If that is your philosophy, good luck to you, Bill, but I am a taxpayer also and I don't and can't buy that philosophy. I know there are methods and dollars out there. This Council worked very hard trying to get those dollars available, you don't agree, that's your philosophy, fine, you can live with it. I can't buy that now, I can't sell that to anyone else, and I don't think that you will find anyone outside of these chambers that will buy that either."

Peter Gouveia: "There was some confusion over where the \$1.7 million that was taken from the Electric Division Budget specifically came from. Whether it was from Retained Earnings or from next year's budget. That money came from next year's budget. By reducing their Operating Budget, we saved \$700,000.00. Earlier today, the word was that perhaps they will end the year with a \$1.5 million unexpended balance. The rest of the money was mainly from revenues that were grossly underestimated. Again, in the report that was presented to us today, they budgeted for 12 months, \$474,800.00 from Revenues (other than sales) yet, they have already collected in 10 months \$1,208,444.00. That is where the money came from."

Tim Cronin, 47 S. Ridgeland Road, Wallingford stated that the Electric Division has no right to keep any of the Retained Earnings without the Council's permission. He felt that this was a major league error that has taken place for years. When errors are made, you will keep making them, year after year, and after a while you don't think that anything is wrong with it. The fact of the matter is, that any revenue, whether from dog licenses, or parking tickets, is a tax. That means that the revenue from the Electric Division, Water Division, Parking Tickets, Town Clerk's Office, etc., is all a tax, and therefore, must be treated like a tax. This Town has been making a major league error doing this. After this is over, you (Council) have every right to take every dime of that \$27 million. The Mayor's argument makes a lot of sense when you are talking about an annual

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income. I agree with him. I wouldn't want to see the Electric Division customers paying for general expenses of the Town, however, when you progress his argument further to include the Retained Earnings, his argument doesn't water. Neither does the Democrat's argument hold water. This Retained Earnings belongs to the taxpayers. It has for years. Page 35, Section 4, lines 99-108 of the Charter of the Town of Wallingford states that you can only keep this money for three years and then you must apply generally accepted accounting principles." In other words, the same applies to the Electric Division that applies to the other departments. He kept impressing upon the Council that this is a tax and should be handled the same as any other tax.

The next person to speak did not clearly identify himself and the City Directory for the Town of Wallingford reported no information for the address of 35 Apple Street which was this person's reported address. This gentleman stated that the Citizen's Action Group of years ago asked the same questions of the Electric Division that are being asked here tonight. They wanted a R.O.I. (return on investment). All they received was an electric bill that looks different than today's. He went on to say that maybe it is time that the Town re-examine what the Electric Division is giving back to the people. He did not understand the reasoning behind the Mayor's Veto of the \$1.7 million if it lowers his tax rate. Part of the problem over the years has been that no one has ever been able to understand the Electric Division. Why can't some of that \$27 million be given back to the customer? He resented a comment made by a well-known politician of this Town towards a Council Member's request to have a study done of the Electric Division, just because that Council Member works for a utility company. He felt that it was smear tactics. It was uncalled for. He closed with asking the Council to look closely at the Electric Division to find out why the taxpayers cannot receive more R.O.I. He did not feel the utility should be sold or given away, but he felt that they should certainly be returning more of their surplus into the Town coffer so that the tax rate can remain one of the lowest in the New Haven County.

Mr. Holmes: "There are a lot of questions surrounding Retained Earnings, such as who should or should not be spending them. As far as a study of the utilities, perhaps when I hear more information on it, I could go along with it. I'm not convinced that we should sell the utilities. The more money you pull out of the Electric Division the more pressure, perhaps, you can put on the rates and then the benefit of the utility customer getting a lower rate is vanished. It takes a great deal of restraint to keep that line between what we call an enterprise fund where those monies derived, the income generated goes back to the ratepayer. When you look at the fact that we have a \$20 million project facing us to upgrade that facility, the money in the Retained Earnings and the money we set aside for that project become that much more important. Every dollar we pull away from that fund, the higher your costs will be when we have to go out to bond. I think that one of the reasons that we have been successful in Wallingford in keeping our tax increases at a minimum, when you look at some of the surrounding towns who have 5,6,7 mills or more of an increase, we have been very prudent in the amount of money that we have dedicated to be coming into the Town Treasury. The times that we felt that State aide would be in jeopardy, we've been advised and accepted that opinion to not put that money in the budget. We have not gone out on a

limb counting on revenue sources that we are not 95-100% sure they will come in. Because of that, we have seen our Town Credit Rating increase to AA. The financial institutions recognize that we take a very prudent approach to our finances. Perhaps to the average person on the street an increase in credit rating doesn't seem that much, but when you look at the amount of bonding that we will be going out for over the next few years with the Water Treatment Facility, the Electric Division upgrade, it will directly relate to the money you are paying out of your pocket. I am in agreement with many of the points raised by the Mayor as far as delineating the money and the budget that was passed, it looks good from both ends. It looks like we are getting more money in and we are able to give education more money. What is to say that a year from now, the votes are not there to take another some of money from the Electric Division? You have already plugged in a bigger expense side on your budget. When it comes time to build another budget, you will have \$1 million that has been added. That will steamroll into a higher mill rate increase. For those reasons, I vote against the budget and I support the veto."

Mrs. Duryea: "For your information, no one is in favor or have taken a position on selling the Electric Division. No disrespect to you Mr. Holmes, but had you been here during the Electric Division Budget Workshops, I know you have to work but you were gone, you would have realized that all we are trying to do is get a better investment for our monies. Not sell the Electric Division. I am not criticizing the Mayor or you, Mr. Holmes, I am merely expressing myself. I expressed myself by being here until 4:30 a.m., 3:30 a.m., 2:00 a.m. and 1:00 a.m. and I am expressing myself now. I don't want to argue with you, I feel that I have a very good rapport with the three of you (Republicans), but I do want to say that, had you been here, and had the Mayor been here during our long, long hours, and I know Mayor Dickinson that you are a very busy man and I am not attacking you. But I am saying that we spent many hours as did the people presenting the changes in their department's needs, and why. Had you listened to the changes and why they were presented, rather than seeing a figure, maybe it could have been resolved."

Mr. Holmes: "I have been on the Council since 1984, not as long as some other members, but in previous years, we have never been here until 5:00 a.m. or 4:00 a.m. or 3:00 a.m., but when you start spending an hour talking about a \$15.00 cut on a \$70 million budget that you cannot even calculate a savings to the taxpayer, I think inefficiency is a prevelant factor in the Budget Workshop. All the other years we have been able to do the budget efficiently and at a reasonable time, but when you begin to work until 5:00 a.m., no sensible person should be here."

Mr. Killen: "I would recommend for your light summer reading, that you listen to the tape sometime and listen to some of the people on your side of the aisle speak for 15 minutes and then not make a motion one way or the other and then decry us for trying to save \$15.00. I don't buy that logic."

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Mayor Dickinson pointed out that it had been mentioned several times that \$27 million is at issue here. "It is not \$27 million in cash. It is \$15 million in cash. The \$27 million represents Retained Earnings but that is assets over and above cash. Our auditors, the Cash Flow Analysis indicated that we needed \$3.5 million, generally, in reserve representing each month's power cost. So that reduces it to \$11.5 million. Approximately \$8.5 million of that is the Rate Settlement that came in from Northeast Utilities. So now we are down to \$2 or \$3 million that represents a so-called ongoing profit. There is a debate over how to use the \$8.5 million. I just don't want anyone to think that somehow, every year, we are accumulating vast sums of money that represent, at that point, too high a rate. If we were accumulating that kind of money, then we need to look at the rates, they must be too high. I think that we have to keep in mind where much of that money came from and that helps in analyzing what this represents to the Electric Division and maybe the Town of Wallingford."

Mr. Killen: "Bill, in short-term investments, they have \$15 million. Their current liabilities are only \$6 million total. Years ago when U.I. made an offer to this Town, the Electric Division approached the Council showing them the monies that could be produced for the Town if the Town agreed not to sell out to U.I. \$1 million dollars per year, at least, was promised for the first 10 years. Needless to say that never happened. When they began to produce, the pressure from the Town diminished. Our first \$1 million was given to the Town only a few years ago when the Council threw out the 45/55 ruling (Ordinance #104). Again, the same situation has availed itself, leave them alone and you will receive no more than what you ask for. If U.I. or anyone else approached us tomorrow, the Electric Division would be quick to match or exceed that amount. They are not being pushed, therefore, we are not doing our jobs."

Mr. Cronin approached the microphone to reiterate his previous statements. He admitted being a registered Republican who congratulates the Democrats for taking a stand on this issue.

Cynthia Melvin, 34 Terrace Gardens, spoke next. She asked if it were true that the funding of the Pension Fund for Town employees had been reduced by 7%?

Mr. Killen: That is correct.

Ms. Melvin: Mr. Mayor, do you plan to not fund it by 7% or more next year?

Mayor Dickinson: We were funding it at a rate of 22%. The actuary recommended that we fund it at a rate of 12%. In fact, it is currently funded at a rate of 15%. It is over what the actuary indicated was absolutely necessary. We have some unknowns in the way of some possible pension benefits which encourage me to feel that we should be higher than 12%. It is not required to be 22%. It has been in the past, but the actuaries have steadily dropped their recommendation and due to unknown liabilities we have been very conservative in dropping the pension contribution. We are still above what the actuary is requesting.

Ms. Melvin: Don't you feel that it is just as fiscally irresponsible to underfund the Pension Funds as it is to take money from the Electric Division?

Mayor Dickinson failed to understand how Ms. Melvin felt that the Pension Fund was underfunded after the explanation he just had given her.

Ms. Melvin felt that any cut in the funding of the Pension Fund constituted it being underfunded.

Mayor Dickinson explained that the previous year when it was funded at a rate of 22% the Town was criticized for overfunding it. It is not being funded at as rapid a rate in the past, but it still is over and above what the actuary requests.

Ms. Melvin asked, if all the Town employees retired next week could the Town carry them?

Mayor Dickinson answered that no Pension Fund could afford to do that. There are a number of variables that prove it to be impossible for a Pension Fund to be fully funded all the time.

Ms. Melvin asked if there were any risks imposed on the Town by reducing this funding every year?

Mayor Dickinson answered that nowhere has it been said that the funding will be reduced every year. The actuaries are monitored and analyzed every year accordingly.

Ms. Melvin felt that this argument applies in theory to the Electric Division.

The Mayor did not feel the same way due to the different sources of funds for the two subjects. The Pension Fund is funded from known revenues. The Town is using the Electric Division as a revenue source, we are not dealing with the expense factor. The Pension Program is an expense factor not a revenue factor.

Ms. Melvin felt that the Town should take the money from the Electric Division as opposed to the cut in funding of the Pension Fund.

Mr. Solinsky pointed out that there was a motion on the floor to discuss the override of the Mayor's veto. He felt that some of the discussion was getting off the subject.

No action was taken on this motion due to the fact that it was for discussion purposes only.

PUBLIC QUESTION & ANSWER PERIOD

Walter Sawallich, Jr., 100 Jobs Road, A & W hauling, was the first to approach the microphone. He asked if all the Council members received the handwritten material that was distributed to the Mayor's Office and asked to be forwarded to the Council members. They had.

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Mr. Sawallich stated that he wanted it noted for public record that, as the local businesses in Town, they are owed the courtesy of being consulted with on the issue of the waste collection that will soon be reviewed by the Finance Committee sometime in the future. As a spokesman for these businesses, they feel that they are the experts on this issue since they deal with it everyday.

Mr. Bradley answered that he did value the input from this sector of the industry and will notify Mr. Sawallich when the Finance Committee will meet on this issue.

Mr. Vincent Avallone, 1 Ashford Court, was the next to speak. He asked if the other utilities turned their surpluses over to the Council?

Mr. Killen answered that, in some instances, their surpluses are so miniscule that they are kept on hand within the utility in case of emergency.

Mr. Avallone asked if the other utilities have capital projects planned in the future?

Mr. Killen answered that there is a new Water Plant being built...

Mr. Avallone asked if that reflects on the amount of surplus the Council allows them to retain? Is that the main reason that the Electric Division is allowed to keep so much money, because of their proposed capital projects? Is that the reason?

Mr. Killen answered that the reason is any one that you choose to make it. He really did not know the answer.

Mr. Cronin spoke again, saying that he distributed a packet of information to everyone. In that info was House Bill #6055 which died on the House Calendar, Mr. Cronin was happy that it did so. Also included was an article entitled "A Political Nightmare Seeks Daylight", which Mr. Cronin recommended the Council pay particular attention to. It pertained to the Revaluation Program and its problems in Meriden.

ITEM #4 Consider and Approve a Budget Amendment for the Water Division, Operating Fund, Capital Project Acct.

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

Mr. Bradley asked if the Water & Sewer Division could follow the same format as the Electric Division with their report?

Mr. Dann agreed to change the format if it was desirable to the Council. He stated that each account was visited. No direct correlation between accounts will be visible, each account was adjusted in its own right.

Mr. Bradley also requested a summary or cover that details what the transfers are as far as the account numbers, where the money is coming from as well as going to, along with the need of the transfer.

Mr. Dann explained that the Water & Sewer's approach in looking at this report was to simply evaluate each individual account whether it was high, low, needed adjustment or not. No specific recommendations were made as far where the money should come from or go to. As a result, when you look at the net impact of the various changes recommended, the bottom line is also being changed to reflect the overall impact, the net between the additions and subtractions. He went on to say that, certainly, he could discuss the reasons why a particular account is being adjusted, but would not be able to give the Council the "from - to" sort of accounting that the Council is used to seeing on transfer requests.

Mr. Bradley asked, are the adjustments listed in the report directly related to a transfer?

Mr. Dann answered that they are an adjustment to the account upward or downward based on the Division's most current projections as to where the year end requirements will be.

Mr. Killen: In other words, they are not "wash" items.

Mr. Dennison reminded the Council that this is not a direct transfer. It is a Budget Amendment.

Mr. Killen asked why, if the Division has expended \$70,000.00 over a period of 3 months, are they expecting to expend \$140,000 over the next 2 months?

Mr. Dann commented that one of the biggest components of the total is account #623, Power Purchased for Pumping. In that particular account there are two factors that do not make that ideal for annualizing on the same basis as the rest. The first being that the billing tends to lag so that what is being seen in the particular account is more along the line of 9 months of actual electric consumption rather than 10 months as you would expect since the date on the report refers to 4/30/90. Second, there has been increased emphasis on pumping from the rural water transfer station, so there will be impacts, once again, that do not lend themselves to annualizing. At this point, in looking at each of the accounts, the Division feels that it will still come in relatively close.

Mr. Gouveia, in looking at the Total Operating Expenses line of the report, stated that the Division has expended a total of \$2,173,550.00 so far this year. That is 72% of the total over 10 months. He asked if there should be some adjustments made since there are 2 months left?

Mr. Dann answered that instead of looking at the Total Operating Expense and annualizing it, each individual account was analyzed and adjusted. If, in fact, that it will not annualize relatively close to the proposed budget, it is because, somewhere, in the individual line accounts there must be something that is significantly off. The major accounts would have to be looked at to see if they were tracking properly or if there were some seasonal impacts, such that a straight, 10 month annualization would not be the most appropriate way to go.

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Mr. Gouveia: Do you expect to spend 28% of your total budget in 2 months?

Mr. Dann: I feel that it will come in reasonably close to budget.

Mr. Gouveia: With regards to the property tax of \$8,000.00, who are those taxes paid to?

Mr. Dann: We pay taxes to the Town of North Branford, Guilford and Durham.

Mr. Gouveia: On page 4-4, under Depreciation, where are the monies from contributions coming from?

Mr. Dann: These monies are from our acceptance of various system improvements, water mains, etc.

Mr. Gouveia: You put that right back into your capital additions?, is that right?

Mr. Dann: Yes, we do it that way to reflect the acquisition. We are required to depreciate it based on its value. We don't actually spend any funds to obtain that system.

Mr. Bradley: In going back to the transfer side of this, if my reading of this is correct, this is being used in lieu of a transfer. In other words, you are not going to be presenting transfers like you normally would be?

Mr. Dann: We would use this to reflect on a quarterly basis the division's adjusted educated guess of where the budget is and where it is going to be. If between and beyond that point in time, we identify the need for a transfer, we would come before the Council. Hopefully, this will give the division the opportunity, as well as the Council, to periodically review the status of the various accounts so that the expenses and revenues can be tracked.

Mr. Bradley: Your adjustments will occur solely on the line-by-line item, not across lines?

Mr. Raymond Smith: What this is an attempt to do by the utilities department is to update the budget plain and simple. It is a collection of transfers. It is a wholesale adjustment. This is our first attempt at it. Let us know what you think to be the best method of presentation between the two before you this evening (Electric & Sewer and Water)? It should eliminate the line-by-line transfers for the most part, unless an emergency arise.

Mr. Bradley: This appears to be a better way. I feel that a summary is extremely helpful. My preference is the format used by the Electric Division.

Mr. Zandri: You have Income, Expenditures and Net Income, they all have to balance and you are just shuffling from one to another, and in the end they will all balance to what the original budget was, am I understanding this correctly?

Mr. Dann: That is not entirely correct. If Income is different from what the original budget projected, then we would have to adjust the remainder of the budget accordingly.

Mr. Zandri: If you add on the Income side, and your expenses are down, your Net Income, its all going to balance out in the end I would think.

Mr. Smith: That is the direction we are seeking, how you want to approach this.....

Mr. Myers: Geno, you should be able to reconcile the adjusted numbers back to the original number, you are exactly correct. I think that the Council has to bear in mind that this process is designed to be a fine-tuning of the budget. One so that the budget closely approximates or tracks to the actual expenditures that are occurring and the actual revenues being realized by the 3 utilities.

Mr. Dann: We could provide more information in a narrative form if the Council wishes.

Mr. Gouveia: On the narrative summary, I like it because it could save the Council from having to ask alot of questions at the night of the meeting. I prefer the format of the Water & Sewer Division because it has a current request of transfer of this particular quarter. It also has previously approved transfers. The next quarter would show the aggregate on the previous quarter plus the quarter approved today.

Mr. Smith: I think that it is clearer also. Please channel your suggestions and comments through your Chairman and forward them to us please.

Mr. Killen: I have a problem with this format because we are being asked to approve figures carte blanche without doing our homework. We could be here all night asking questions with regards to the adjustments. I would like to have you bring these figures up as closely as possible, that would cut down on the odds of us having to ask questions that are superfluous.

Mr. Dann: I agree and understand, but we must be careful that we don't do this to such detail that 2 weeks later we will need a transfer because we have cut it to fine. We will adjust where major adjustments are needed. But for relatively minor adjustments, we can just as easily get ourselves into a situation we would not want to be in.

Mr. Robert (last name inaudible) 35, Apple Street: I have one question, how much more money will it cost the Town to start up this new accounting procedures?

Mr. Dann: I would hope that we will end up spending less time on preparing this. Quarterly reports will eliminate individual transfers, cover letter, visits to the Council, etc.

Mr. Myers questioned the Council on which format they prefer for the next quarterly report.

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The Council asked that the narrative format of the Electric Division should be the one to follow, and the report format of the Water & Sewer Division should be followed.

Ms. Papale: I think that this will be a big help to us. When it comes to budget time we may not have to stay so late since we will have more insight into the budget of your department(s). I wish all the Council members would think about the suggestion that we cover the quarterly reports from these divisions on a certain night(s) and not at a regular Council Meeting.

Mr. Dann agreed with Ms. Papale.

Mr. Holmes left for work at 11:32 p.m.

VOTE: Holmes & Parisi were absent; Duryea, no; all others, aye. Motion duly carried.

ITEM #5 Consider and Approve a Transfer in the amount of \$177,957.46 from the Grand List to the Suspense Tax Book to comply with State Statute 12-165 - Dept. of Finance - Tax Collector

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

Mr. Gouveia acknowledged the fact that it is very difficult to collect taxes on motor vehicles if people have left town, but in regards to personal property, what type of personal property are we talking about?

Mr. Norman Rosow: For the previous year, the personal property put into expense was over \$50,000.00. It is smaller this year than last. Motor vehicle for 1986 was \$82,000.00 and for 1987 it was \$131,000.00. There was a large jump in that area. Overall, there was an increase from \$163,000.00 last year to \$177,000.00 this year. But based on a much larger Grand List, the difference is not significant.

Mr. Gouveia: What is the prediction for 1988-89, is it getting better or worse?

Mr. Rosow: It is difficult now, as I see it, a lot of people out there are hurting.

Mr. Myers: On the amounts of money that was transferred into the suspense account previous to tonight, how much revenue have you collected year-to-date? Cash?

Mr. Rosow: As of May 18, 1990 we have collected \$37,387.27 from years up to 1987.

Mr. Myers: Every effort continues to be made to try to collect the taxes even after they are transferred into the suspense account.

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

ITEM #10 Consider and Approve a Transfer of Funds in the amount of \$1,500.00 from Acct. #001-1450-200-2000, Telephone, \$500.00; Acct. #001-1450-400-4180, Printing, \$500.00; and from Acct. #001-1460-500-5200, Maintenance of Equipment, \$500.00 to Acct. #001-1450-999-9903, Capital Memorywriter - Purchasing Department.

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

Mr. Dunleavy was very ill and could not attend the meeting. He did place a call to Mr. Killen to express the importance of the transfers and asked Mr. Myers to answer any questions the Council may have.

Mr. Bradley asked, why wasn't this included in the Captial Equipment Budget for F.Y. 89-90 or 90-91, why not a p.c.?

Mr. Myers: For 2 reasons. Mr. Dunleavy was hopeful that the bid limit was going to be increased with the Charter revision, and the present equipment had been working well up until recently. An IBM Selectric model which is approximately 20 years old has given out and the cost to repair it does not make sense as opposed to purchasing a new one. The amount of work being done by the major departments is on the increase and with the end of the year/beginning of the new fiscal year crunch time, the demand on the machines to produce purchase orders and contracts for July 1 is extreme. The reason for the recommendation of a memorywriter typewriter is due to the fact that a system rewrite would more appropriately be done by a new purchasing agent. I don't believe that we have had any capital equipment expense in the purchasing office for the past 3-4 years.

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

ITEM #11 Consider and Approve a Transfer of Funds in the amount of \$5,493.00 from Acct. #001-1450-400-4000, Office Supplies, \$175.00; Acct. #001-1450-500-5200, Maintenance of Equipment, \$70.00; Acct. #001-1450-700-7990, Convention & Dues, \$216.00; Acct. #001-1460-400-4000, \$600.00; Acct. #001-1460-400-4180, Printing, \$432.00, and from Acct. #001-1460-600-6120, Copier Rental & Supplies, \$4,000.00 to Acct. #001-1460-400-4080, Postage - Purchasing Department

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

Mr. Zandri asked why a balance of \$4,000.00 remained in the Copier Rental & Supplies line item?

Mr. Myers speaking on behalf of Mr. Dunleavy explained that a change of method of use on the copier resulted in a savings.

Mr. Zandri asked that Mr. Dunleavy pass those changes along to other department heads.

Mr. Myers stated that due to the fact that other departments have purchased small personal copiers, perhaps this has decreased the usage of the machine as well.

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Mr. Bradley: In 1989-90 we budgeted in that account \$28,154.00, we saved \$4,000.00. But yet, in the 1990-91 Budget, \$29,280.00 was budgeted. Why the increase?

Mr. Myers: The existing copier lease/rental payments are close to completion, Mr. Dunleavy is probably looking at a copier upgrade in that figure. I could be wrong.

Mr. Bradley: Wouldn't the upgrade show in the capital equipment side of the Budget?

Mr. Myers: Not if it is a lease.

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

ITEM 12A Consider and Approve a Transfer of Funds in the amount of \$3,613.00 from Contingency - Reserve for Emergency Acct. #001-8050-800-3190 to Contr: Sewer PILOT McKenna Court Acct. #001-3070-600-6611, \$1,181.00 and to Contr: Sewer PILOT Moderate Rentals Acct. #001-3070-600-6612 - Program Planner's Office. Motion was made by Mr. Bradley, seconded by Mrs. Duryea.

Mr. Gouveia: Traditionally, the Town waives the pilot payment from moderate rentals and the state elderly, now that we have to pay this, are we going to start taking the pilot payment or just the final payment to reflect this payment to the sewer, or is the Town going to pick up this cost?

Mayor Dickinson: I believe they are just going to make the payment on the Water/Sewer, just that portion of it, that is my understanding.

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

ITEM 12B Consider and Approve a Budget Amendment in the amount of \$1,441.00 involving Acct. #001-1000-010-1059, PILOT State Elderly Rentals and Acct. #001-3070-600-6610, Contr: Sewer PILOT State Elderly Rentals. Motion was made by Mr. Bradley, seconded by Mrs. Duryea. - Program Planner's Office

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

ITEM 13A Consider and approve a Transfer of Funds in the amount of \$500.00 from Acct. #001-7010-600-6120, Copier Rental to Acct. #001-7010-400-4100 Advertising - Town Planner's Office

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

Mr. Zandri: In referring to the correspondence, it states that if the money is not available from the Copier Rental Account, then it will be requested from the Contingency Account. There seems to be a false impression that the Contingency Account is an endless pit of money. It is not. Only if it is available (Contingency), it should not be an assumption.

Mayor Dickinson: The items here have to be advertised. It is mandated. The items are extremely necessary for the office to have.

Mr. Zandri: We went through a great deal of money in Contingency. The only reason that we have any money in there is due to the CRRA increase. What would happen if we used up our Contingency in six months?

Mayor Dickinson: I suspect that we would find money in other departments and transfer it over for items this small.

Mr. Killen: By December the audit comes in and, at that point, you can pick up your surplus allowance. The last three months you can take it out of any other account.

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

ITEM 13B Consider and Approve a Transfer of Funds in the amount of \$500.00 from Copier Rental Acct. #001-7010-600-6120 to Secretarial Services Acct. #001-7010-600-6040 - Town Planner's Office

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

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

ITEM 13C Consider and Approve a Transfer of Funds in the amount of \$360.00 from Office Supplies Acct. #001-7010-400-4000 to Capital Acct. #001-7010-999-9904 - Town Planner's Office

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

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

ITEM 14 Consider and Approve a Transfer of Funds in the amount of \$26,000.00 from Fire Hypertension Acct. #001-8040-800-8410 to Self-Insurance Workmen's Compensation Acct. #001-8040-800-8350 - Risk Management Office.

The amount of the Transfer was amended to read \$36,000.00 and signed by the Mayor and Comptroller prior to the start of the meeting. Amended Transfers were distributed to all parties involved during the meeting.

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

It was noted that the additional \$10,000.00 would be transferred from Acct. #001-8040-8250 Property Casualty into the Self-Insurance Workmen's Compensation Acct.

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

ITEM 17 Consider and Approve a Transfer of Funds in the amount of \$3,000.00 from Director's Salary Acct. #012-9000-100-1200 to Professional Services Acct. #012-9000-900-9000, \$2,000.00 and to Capital Equipment Acct. #012-9000-999-0001, \$1,000.00 - Youth Service Bureau.

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

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

ITEM 18A Consider and Approve a Transfer of Funds in the amount of \$842.00 from Longevity Acct. #001-2011-100-1750, \$350.00; Longevity Acct. #001-2015-100-1750, \$450.00; and from I.D. Kit Rental Acct. #001-2014-600-6130, \$42.00 to Prisoner's Meal Acct. #001-2015-400-4200, \$350.00 and to Rental Cars Acct. #001-2014-300-3100, \$492.00 - Police Department

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

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

ITEM 18B Consider and Approve a Transfer of Funds in the amount of \$1,400.00 from Wages, Police Chief Acct. #001-2011-100-1200 to Dry Cleaning Acct. #001-2015-400-4280 - Police Department

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

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

WAIVE RULE V Motion was made by Mr. Bradley to Waive Rule V to Consider a Transfer of Funds from the Police Department to Outside Contractors, seconded by Mrs. Duryea.

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

Mr. Bradley made a motion to Consider and Approve a Transfer of Funds in the amount of \$1,955.00 from Acct. #001-2011-100-1200, Wages, Police Chief to Acct. #001-2015-100-6520 Outside Contractors, seconded by Mrs. Duryea.

Mr. Zandri: Was this the same air conditioner that you have had problems with since day 1?

Deputy York: Yes, we did have to replace this unit once before. They did make an alteration and install another air conditioner. When Janazzo came to look at it in the spring, the compressor was not working. They claimed it was a faulty fan switch. We then went to Bett's Air Conditioners who put this compressor in two years ago and informed them of the situation and demanded an explanation. Bett's confirmed Janazzo's diagnosis of a faulty fan switch. He (Bett's) also gave us a price that was better than Janazzo's to replace the part which included a 5 year warranty.

Mr. Zandri: Was there a warranty on the old one?

Deputy York: Yes, 1 year.

Mr. Killen: The minutes from 2-3 years ago show that there was something wrong with the unit back then. How about the switch on the outside, that was mentioned back then, something to the effect that when the temperature drops down to approximately 55 degrees it will malfunction?

Mr. Doll: The switch you are referring to is a low ambient of temperature on that turn-off switch. That was also installed when the first air compressor was installed on the unit. It is in there now.

Mr. Killen: We took care of the two things that caused the problem and we still have the problem?

Mr. Doll: There continues to be one more item causing the problem that we have not yet corrected.

Mr. Zandri: This fan switch, obviously, the fan failed?

Mr. Doll: This unit is a two stage unit. What has happened is, when this particular switch failed, it caused the unit to run at stage one and two constantly. Without enough head-pressure on the first stage, it was over-working that particular stage and caused it to blow.

Mr. Bradley: On the cover letter, the total cost is \$1,887.00, yet, on the Transfer it reads \$1,955.00, why?

Mr. Killen: One is Janazzo and the other Bett's. Which one are you recommending?

Deputy York: My recommendation is the one with the 5 year warranty - Bett's.

Mr. Killen: The Transfer amount is for Janazzo's price. Do you want to switch?

Deputy York: The Transfer was drawn up prior to obtaining a price from Bett's. I recommend Bett's figure of \$1,887.00.

Motion was made by Mr. Bradley to amend the Transfer from \$1,955.00 to \$1,887.00, seconded by Mrs. Duryea.

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

ITEM 21 Discussion and Approval of action to be taken for Yankee Gas Company to remove contaminated coal tar soil - Mayor's Office

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

Mr. Bradley read correspondence from the Mayor to the Council Members into the record.

Mr. John Gomboty and another representative of Yankee Gas Company appeared on behalf of the utility.

Mr. Gomboty gave a brief background on this situation. Through testing it was discovered that the coal tar has seeped or was diverted into the lake bed. The utility is looking to treat the soil by excavating the soil and transporting it to their property to spread and farm it.

Mr. Bradley asked, since this is on Town property, why are you coming forward to remove this now?

Mr. Gomboty responded that it was good business practice along with the fact that Yankee Gas forseees the Department of Environmental Protection tightening their regulations in the future.

Mr. Bradley asked how long this process will take? Will you be excavating and treating, or excavating and transporting it before treatment?

Mr. Gomboty is currently consulting with a contractor regarding this very subject. All the criteria must be reviewed before the plans are finalized. It is anticipated that 1/3 will be removed, stockpiled and treated over several months. Once laboratory tests are run over the next few months, Yankee Gas will have a much better idea as to the length of time it will take.

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It looks at this point to be approximately 2 field seasons (summers). We are currently working on both the federal and state level to secure all necessary permits. Since this operation is experimental, the state itself is unsure of which permits will be necessary. A preliminary application has been submitted to the Inland/Welands Commission in Wallingford along with a permit to the Army Corps. of Engineers. Also Stream & Channel Encroachment Permits have been filed.

Mr. Bradley: Is this material toxic?

Mr. Gomboty: No it is not a hazardous waste or substance. It does have some of the components found in gasoline.

Mr. Bradley: This tar is in a solid state now?

Mr. Gomboty: It drips a little, it could be considered semi-solid.

Mr. Bradley: Again, it does not contain any toxins or toxic material? If you state that it is in a liquid form and contains substances that could be considered hazardous then wouldn't that be hazardous waste?

Mr. Gomboty's associate answered that the reason it is being treated is that Yankee Gas Co. is worried about the long-term mobility.

Mr. Bradley asked the Mayor, once this process is complete, what do we envision doing with that property, are we going to let it refill?

Mayor Dickinson: We would ask that they slope the excavated area and hopefully, there would be a lake formed over time. One question I have is, are there two sites or is it just in the lake bed that you are excavating?

Mr. Gouveia: Are you removing the tar pit located on Yankee Gas property?

Mr. Gomboty: Not at this time. Possibly in the future.

Mr. Gouveia: Once excavated, how deep do you anticipate the pit to be?

Mr. Gomboty's associate answered: Approximately 6 feet deep, 50 feet wide and approximately 400 feet long.

Mr. Gouveia: What plans do you have for your property?

Mr. Gomboty: It is used as a parking lot overnight for our service people's vehicles. Until this issue is resolved, we will keep it as a parking area.

Mr. Solinsky: How did the tar appear here to begin with?

Mr. Gomboty: It is a by-product of the early 1900's manufactured gas era.

Mr. Killen: Are you clearing the tar pond as well as the finger-shaped area?

Mr. Gomboty's associate: Just the finger-shaped area.

Mr. Killen: Did you discover any behind where the gas tanks existed?

Mr. Gomboty's associate: No.

Mayor Dickinson: Do you need approval from us prior to receiving necessary permits?

Mr. Gomboty's associate: It would be helpful to have your approval. We do need permission to have access to the property so that we can continue to do the testing.

Mayor Dickinson: We just received notice from the Army Corp. of Engineers asking for comment on this, the comment period closes on June 18, 1990.

Mr. Bradley: I'm sure that our local Inland/Wetlands Commission will be involved in the permitting process. I recommend that they handle the comment to the Army Corp. of Engineers.

Mayor Dickinson: It appears as though our permission would have to be contingent upon Yankee Gas Co. receiving the necessary permits and representations as they have made that there is nothing hazardous, etc.

Mr. Gomboty's associate has spoken with the Chairman of the Inland/Wetlands Commission numerous times as well as visited the site with him.

Mr. Bradley: Some legal agreements will have to be drawn up and approved by the Council?

Mayor Dickinson: I think that would be in the best interest. We need protection from any injuries that may occur. We would not want to give permission that would in any way conflict with necessary permits from state or federal authorities. It would be a basic agreement to that nature.

Mr. Bradley made a motion to add a friendly amendment that the removal be contingent upon the Town Attorney drawing up the agreements that would hold the Town of Wallingford harmless and that Yankee Gas Co. will obtain the necessary permits, seconded by Mr. Zandri.

Mayor Dickinson: I feel that this is a good will gesture of the Yankee Gas Co. to clean this up since ultimately, it will present itself as a problem in the future for either or both of us.

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

ITEM 22 Discussion and Approval of Request for a Waiver of Public Bid required to purchase the appraisal software and the grand list management software for the Assessor's Office - Comptroller's Office

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

Mr. Zandri: Why are you not going out to bid, is this software specific to one vendor?

Mr. Bob Ronstrom, Internal Auditor: It is specific. We requested a manual revaluation system on our R.F.P. and every vendor came back to us with a computerized system.

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The vendor was chosen based on the strength of the company, the experience and all the other facets of it. They are going to do a computerized revaluation. We will end up with a product that can be utilized at any point in time. We have found it to be a considerable difficulty to use someone else's computer package and converting their revaluation data to another package on possibly a platform that we cannot use. This vendor's package will run on our Unisys system. The Electric Division's Data Processing department are convinced that the package will run on their system. If we go out to bid there are no guarantees that the software will run on our system.

Mr. Myers: Not all software packages are applicable to Unisys.

Mr. Zandri: Was the computer software packages priced out separately during the bidding process?

Mr. Frank Barta: The only company that itemized that component was the company that we chose. Everyone else was a package deal.

Mr. Zandri: Then there is no way of comparing their price to anyone else's?

Mr. Barta: No. No systems are identical.

Mr. Bradley: I was satisfied with the overall presentation that this company provided me and a host of other personnel of the Town a few weeks ago. We have the opportunity to take advantage of the software to upgrade the Assessor's Office. We have a commitment from Trudy's department to get this up and running in a timely fashion. Now is the time to do something like this, not 5 years from now. We are in a period of revaluation, the vendor is available to assist us within this process over the next year and it is a benefit to the Assessor's and Tax Collector's Offices. The video imaging equipment, though I was somewhat intrigued, I cannot see what is to be gained by the Town to purchase the equipment. It could be considered an invasion of privacy, that may be debatable.

Mr. Barta: I feel that the video imaging is a valuable revaluation tool. I view it as a necessary quality control measure to help the revaluation and the aftermath of revaluation. I feel that I am having a hard time convincing people of this.

Mr. Bradley: How would you use this tool?

Mr. Barta: You can view an entire street at a glance. You can compare any taxpayer's problem with any other taxpayer's problem. You can compare one house to another, to ten, to hundreds.

Mr. Bradley: How can you compare when you have only a front image?, you don't know what the back or sides look like.

Mr. Barta: You can compare types of construction, quality of construction, how many stories are contained, the type of dwelling, etc.

Mr. Gouveia: Should we be discussing this video imaging system?, according to the item on the agenda it does not seem to be appropriate to do so.

Mr. Myers: Mr. Gouveia, you are correct. It did not include the video imaging in the motion or the agenda notice. The reason being that the Mayor was unconvinced of the necessity of it. Mr. Bradley did not seem to be convinced at our last meeting of this very subject.

Mr. Solinsky: Is this the dollar amount you are looking for, \$166,000.00?

Mr. Barta: For the appraisal software and for the grand list software, exclusive of the video imaging, yes, \$166,000.00.

Mr. Zandri: Are those dollars included in the overall dollars budgeted for revaluation?

Mr. Barta: Yes.

Mr. Solinsky: Is this going to be effected by the video imaging software that you purchase?

Mr. Barta: No.

Mr. Myers: It is a totally separate cost.

Mr. Solinsky: It won't effect the way you buy this package, or which one you buy?

Mr. Barta: Included in the video imaging are three workstations. Including a mini-personal computer and two display terminals. I am going to have to buy display terminals anyway. This equals approximately \$21,000.00 worth of equipment.

Mr. Solinsky: Will that change the software you are going to buy?

Mr. Barta: No.

Mr. Myers: All hardware will be bid. Trudy Brady offered to help the committee draw up the bid specs for any hardware requirements.

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

ITEM 23 Discussion and Possible Action on the Possible Formation of a Senior Citizen Tax Relief Study Committee as requested by Councilman Gouveia.

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

Mr. Gouveia amended the motion to include: The Wallingford Town Council requests that the Mayor, the executive authority, appoint a committee which shall study and investigate the possibility of providing property tax relief such as tax credits and tax deferrals to resident senior citizens pursuant to the authority granted under Section 12-129n of the Connecticut General Statutes as amended. Seconded by Mr. Zandri.

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Mr. Gouveia: The Connecticut State Statutes enables the Legislative Body of the Town of Wallingford to move to take a vote on this. Before this is done, the Mayor must appoint a committee of not less than 5 resident taxpayer's of this town. This motion is asking the Mayor to appoint such a committee which then must prepare a report and present it to the Town Council within 60 days. In that report from the committee, they must include the financial impact on property tax revenues and a recommendation with respect to the form and extent of such a property tax relief.

Mayor Dickinson: The Revaluation Committee is supposed to present a report regarding whatever possibilities there are and the mitigating effects. I suggest that the Revaluation Committee do that simply because age alone, does not indicate a need for relief. If we needed to affect something, statutorily, then a committee would be appointed if necessary.

Mr. Gouveia: I was the one who had asked the committee to meet with the Council on options available. I know that this option is available and I would like a closer look at it. The committee will come forward and present options of which this one may not be included. It may and it may not. I am requesting it because I know that it currently exists. Why waste anymore time?

Mayor Dickinson: I am a little concerned about looking like we are immediately going to adopt a given approach when we don't have full range of what is potentially available.

Mr. Gouveia: Regardless of all the options the committee may bring forth, I have enough concern for the elderly that I would like to pursue this option. This is for tax relief for the elderly and has nothing to do with the revaluation process. It just so happens that they coincide at this time.

Mayor Dickinson: Does anyone object to the idea that the Revaluation Committee also be the committee that performs this study?

Mr. Gouveia: No, I certainly don't, are they all residents fo the Town of Wallingford?

Mr. Myers: They are not all resident taxpayers of the Town. They cannot be on the committee.

Mr. Zandri stated that the committees can work in conjunction with one another.

Mayor Dickinson felt that 60 days was not enough time for the committee to determine what the effects of revaluation will be on this portion of the populous.

Mr. Gouveia stated that a recommendation must be made within 60 days by the committee to the Town Council. There is no timeline as to when the Council has to act upon that recommendation.

Mr. Zandri: A recommendation can be made and then tabled until the Council determines whether or not it should be implemented.

Mr. Myers stated the the Revaluation Committee will prepare a written report to be mailed to each Council Member's home for review prior to an appearance on the agenda at an upcoming meeting for discussion only.

Dennis Hlavac: You need to also concern yourself with timing, you have every right to create the committee for results within 60 days, but you won't know the cost at the time of revlauation. There are 41 municipalities that have an option for the elderly. All of them operate differently. You need to decide what kind of limits and/or benefits to provide - actually the committee will need to decide. You will not know the cost until after the revaluation.

Janice Small, Assistant Town Attorney: You must draw your attention to the part of the State Statute that states the report must include an evaluation of the fiscal effect of such property tax relief on property tax revenue on such municipality. How effective can the study be at this point in time without the revaluation done?

Mr. Zandri stated that not all the elderly would be eligible for tax relief it must be based on income as well. The entire issue needs to be looked at.

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

ITEM 24 Motion was made by Mr. Bradley to proceed into an Executive Session under F.O.I. Section 1-21q for the purpose to Discuss Pending Litigation, seconded by Mr. Zandri.

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

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

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

Motion was made by Mr. Bradley to Authorize the Assistant Town Attorney \$1,500.00 to settle pending litigation, seconded by Ms. Papale.

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

Motion was made by Mr. Bradley to adjourn the meeting, seconded by Ms. Papale.

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

There being no further business, the meeting adjourned at 1:40 p.m.

May 22, 1990

Meeting recorded and transcribed by:

Kathryn F. Milano
Town Council Secretary

Approved by:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date

RECEIVED FOR RECORD JUN 28 1990
AT 3 50 P M AND RECORDED BY
Kathryn J. Wall TOWN CLERK