

Summary of Town Council Minutes

April 9, 1985

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Town Council Meeting

April 9, 1985

Council Chambers

A regular meeting of the Wallingford Town Council was held on this date, called to order at 7:40 p.m. by Chairman Gessert. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Holmes, Killen, Krupp, Papale, Polanski, Rys and Gessert. Mayor Dickinson was out of state and was represented by Administrative Aide Ruth Kenney. Also present were Town Attorney Vincent T. McManus, Jr. and Thomas A. Myers, Comptroller. The pledge of allegiance was given to the flag.

Public Question and Answer Period

Mr. Edward Musso, 56 Dibble Edge Road felt that the Board of Ed is giving the town a "snow job" with a \$20,000,000 budget request. He felt that with alternate M.F.R. the Board of Education would only need \$17,900,000 plus \$840,000 from the State of Connecticut for a total of \$18,740,000 which should be sufficient. He also felt that programs should be trimmed to eliminate a tax increase. He also objected to the hiring of remedial reading and other specialists since he felt that qualified teachers would suffice. Gifted programs are a luxury and an option. Mr. Musso criticized Mr. Soldan and Mr. Gessert asked him to refrain from making any personal attacks or he would be removed from the meeting. The Chairman declared the public question and answer period ended. 236

Item (3) Report on Resource Recovery Facility by Mr. Phil Hamel.

Mr. Hamel introduced Mr. Dennis Martin, Project Manager from the C.R.R.A. who is responsible for overseeing the Wallingford project. Mr. Hamel stated that the town's involvement with the Authority started about three and one-half years ago when the Town Council authorized the Mayor to negotiate with the C.R.R.A. for a Resource Recovery Project. The agreement was for the Mayor to negotiate, bring back a contract to the Town Council who would decide at that time whether or not they would like to participate with the Authority. Negotiations with American Cyanamid started just about that time and it took a couple of years to get a statement of intent from them in terms of how they would use steam and under what conditions. Then we went out for a sole source negotiation which was based on the New Haven bid for a contract for a Resource Recovery Project. In September of 1984, negotiations with a utility company began and a delay in negotiations was caused by the acid gas scrubber requirement imposed by the State Department of Environmental Protection.

Mr. Hamel indicated that what is now being considered is a 420 ton per day plant located at the north end of Cyanamid property on Cherry Street and 5 towns will be participating--Meriden, Wallingford, Cheshire, Hamden and North Haven. All will actively participating in that their legislative bodies will have to approve the agreements when finalized. Far more negotiations will be involved and it is not certain that all 5 towns concerned will be involved in it but they are the towns now participating. On March 1, 1985, a bid was received from the Citizens Utilities Company and Vicon and that started the clock running. According to the bid, the capital costs will hold for 180 days and then start escalating according to inflation. This means we must get our contracts together as soon as possible which puts us under pressure to get through the process and if we are going to go with this system, we must get our contracts together.

Mr. Hamel further stated that the Authority, Vicon and Citizens Utilities Company have gone into almost fulltime negotiations. We are now negotiating with Northeast Utilities for the sale of electricity and with American Cyanamid for the sale of steam. A municipal contract is being prepared and a new draft will be released within a couple of weeks. There are six different lawyers who have to look at each agreement as well as bond counsel and consultants. Vicon and Citizens Utilities Company will be involved with at least five different contracts concerning the construction of the facility, the operation, the mortgage agreement, loan agreement and guarantee agreement. We are negotiating with Meriden for the use of its landfill as a residue site and in all probability, C.R.R.A. would like to lease the Wallingford site after it is closed down for additional residue. If we want this agreement, it must be in place soon or the price will start going up because of the 180 day clock. We have insisted that they get the permits going and arrangements have been made for C.R.R.A. to meet with all department heads concerned to talk about what must be done to get local zoning permits.

Mr. Dennis Martin stated that prior to financing the project, permits are needed from the DEP, the Air Compliance Unit, the Water Compliance Unit and Solid Waste Unit. These should be in place in about a month and involve a cost of approximately \$100,000. The necessary hearings with DEP will bring us into September of 1985 and a filing might also have to be made with the Connecticut Siting Council which oversees electrical producers

and this filing is comparable in scope to an environmental impact statement and this work has been started. A separate ecological study would be done at the American Cyanamid property. A consultant is working 7 days a week to get the permits in place. 23

Mr. Martin indicated that the plant would have state-of-the-art controls for gases, particulates, organics and all pollutants.

Mr. Polanski asked when the decision was made as to which type of plant would be used and Mr. Hamel indicated that no decision has been made. The intention was to compare this process with ORFA and Mr. Hamel has not heard back yet from ORFA. Mr. Gesert stated that he had heard from ORFA about a week ago and they are still interested.

Mr. Hamel indicated that the Town Council will make a decision about C.R.R.A. or ORFA once all the documentation is presented to them. He did wish to brief the Council on a couple of points, one of which is that he has pretty much been working on this full time. The Authority is putting in for a grant which becomes a loan if this project goes ahead and then we capitalize the loan and that means all the municipalities will be paying for it and not just Wallingford. This grant would pay for Mr. Hamel's time through this process, until the end of September.

Mr. Hamel stated that one of the questions which came up is allowing local residents to come into the facility and that presents a problem because if residents bring in the same volume of refuse which is presently being brought into our landfill, the cost will be between \$145,000 and \$200,000 per year--it might go up but it will not go down. This will require monitoring and administrative time and a tipping fee for the refuse. Mr. Hamel knows that the Mayor has been committed to doing this and he wants to make the Council aware of the costs involved for that service.

Mr. Hamel responded to the question of using ash for cover and after checking with the DEP, he indicated it could not be used.

Mrs. Papale asked Mr. Hamel if he would compare the ORFA report with C.R.R.A. and he indicated he would make the comparison and a recommendation. Mr. Hamel felt that the cost of resource recovery would not be more than the current cost of operating the landfill today and the capital costs projected in the report indicate that the town will save over \$1,000,000 with resource recovery in terms of capital costs.

Mr. Diana stated that Hamden was not originally included in the plan and asked how the plans would be altered when a town the size of Hamden was included. Mr. Hamel stated that this process was originally planned for a 360 per ton, per day plant and Vicon's licensee expanded its technology about 15% to 20% expansion of the basic module to handle more waste. Three units came to a 420 ton a day plant rather than 360 and it was felt it would be in the best interests of everyone involved to invite another community in because the refuse can be used. It is not expected that Hamden will have any more refuse than Meriden and perhaps a little less since Hamden is a little smaller than Meriden in terms of population.

Mr. Diana asked if the C.R.R.A. module units could be expanded and Mr. Hamel said we are going to make sure the project is expandable; however, a great deal of capital cost will not be built into that now because it's conceivable that if we are full, there may be another plant in West Haven or New Haven and it might be better at that point to form a subregion if everyone is full and those decisions are best left to ten years out but there will absolutely be a provision made for expandability in this plant.

Mr. Diana indicated that residents in Pittsfield are allowed to bring their refuse in and he felt that this was part of the original plan in Wallingford and was not aware that it would include an additional \$145,000 to \$200,000 per year. Mr. Hamel indicated that the Pittsfield refuse brought in by residents costs another \$7 to \$10 per ton to handle.

Mr. Gessert asked if residents of any town other than Wallingford would be allowed to bring refuse to the landfill and Mr. Hamel indicated they would not. Over the past 2 years, the Town of Wallingford had 75,000 vehicle trips and there is no way that any facility could multiply that by 5 and handle all that traffic. 238

Mr. Diana asked if substation dumpsters could be located throughout the town and Mr. Hamel felt this is possible but Mr. Deak feels there should be a central site to eliminate a widespread litter problem. It was found in Pittsfield it was necessary to have a full time person monitoring the facility; otherwise, a town could end up paying for refuse it shouldn't rightfully be paying for. Control measures are being examined for the system.

Mr. Killen objected to the deadline being imposed and Mr. Hamel does not expect a decision from the Town Council until late June and the agreement will be given to the Council over the next week or two and whatever mechanism the Council wishes to set up to deal with this could be explained to Mr. Hamel. Mr. Hamel felt that when budget workshops were complete, meetings could be arranged and he and all others involved will be available to the Town Council.

Mrs. Bergamini asked when Hamden came into the picture and is concerned about the volume of trucks coming into town through South Cherry Street. Mr. Hamel estimates that 70 trucks per day will come to town, less than 10 per hour in an 8 hour day. Mr. Martin stated that a traffic study will be done and this will be included with the report to the Council.

Mr. Polanski expressed a concern about the road being able to accommodate the heavy vehicular traffic for this plant. Mr. Gessert suggested an alternate route but Mr. Hamel indicated that Cyanamid owns most of the land to which Mr. Gessert referred and this land is being saved for expansion.

Mr. Holmes asked what the bottom line was on the project at this time and Mr. Hamel stated that the current bid price on the project is \$26,000,000, not all inclusive. Some of the things excepted from the bid is an electrical interconnect and the costs associated with that will be over \$1,000,000. The \$26,000,000 is for the plant, generating equipment, steam generating equipment, tie-in to Cyanamid for the sale of steam, the metering, etc.

Mr. Gessert wanted it clarified for the record that we are not spending \$26,000,000 of Wallingford taxpayers' money and that this \$26,000,000 would be funded by CRRA and the tipping fees will recover the cost of the capital investment. Mr. Hamel pointed out that Citizens Utility Company will put one-quarter of the price in up front which will not have to be bonded; there are some other costs which will have to be bonded.

Mr. Martin pointed out that CRPA does not own the plant and that the vendor will be the owner and operator.

Mr. Rys asked for an indication of the tipping fee and Mr. Hamel felt this would be between \$20 and \$25 and there are still some things which must be plugged into the computation. Mr. Hamel did not know Pittsfield's tipping fee but agreed to find out. He did point out that there are a number of different components to Wallingford's project when compared to Pittsfield.

Mr. Holmes asked if EPA will make regular air testings for pollution and Mr. Martin stated that the vendor will do a full range of air pollution tests. Mr. Holmes felt that the system should have as many safeguards as possible--an important aspect.

Mr. Diana asked what the dollar incentives will be since Wallingford is the home town. Mr. Hamel explained there are two real advantages and one is that our refuse does not have to be transported. The other is that it is customary in these projects to have a payment in lieu of taxes. Full taxes on this project could be \$4 to \$5 per ton, enough to sink the project and this would deter municipalities from signing up because of the expense. Generally, there's a payment in lieu of taxes in the amount of 20% to 25% of the normal taxes and because it is a publicly sponsored project, that usually flies. We'd estimated around

\$125,000 to \$150,000 a year that would probably be coming in as a result of having this in Wallingford, somewhere in the area of \$1 per ton. This amount will be negotiated between the town and the project. 2

Mr. Killen asked if the municipality was precluded from making a profit on a venture of this nature. If the amount of income is greater than anticipated, will the tipping fees have to be dropped? Mr. Hamel pointed out that any excess profits will be shared and the intent is that they will be shared with the user. Because there are some people who will be paying through a private hauler, some collections municipal and some private, the intent is that any excess revenues will go to reduce the following year's tip fees. There is proviso that they cannot be reduced below -0- but in terms of looking at the municipal agreement, it was viewed in a business like manner so that it falls into the municipal budget cycle. By January of every year, the town will know what the tip fee will be for the next year.

Mr. Hamel noted that a mechanism was put in which is called a "municipal disposal tip fee stabilization fund" where certain monies will be put into a fund and if in the middle of a year the Authority is in trouble, they can tap that fund and don't have to come to a town and ask them to raise taxes. The Authority has to pay off the bond and vendor. All of this will be spelled out in the agreement.

Mr. Killen felt that the Council will have a difficult time absorbing the agreement due to its length and Mr. Hamel agreed to summarize the document and outline it.

Mr. Musso asked if the refuse currently at the landfill could be burned through the CRRA system and Mr. Hamel did ask that question and was told no.

Mr. Diana moved to waive Rule V for the purpose of discussing an urgent problem facing Public Celebrations Committee. Mr. Killen seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mr. Diana pointed out that on May 1, the State of Connecticut is having its 350th birthday celebration, a simultaneous ceremony state-wide on that day. Our Public Celebrations Committee needs help in organizing this project. Mr. Avitable told the Council that the State of Connecticut would like all churches in town to ring their bells at noon on May 1 and they want the Public Celebrations Committee launch 350 balloons and they would like the Mayor to make some mandate to begin opening festivities from May 1 to Apr. 26, 350 years of Connecticut history which will be celebrated. Mr. Avitable would like the Council's permission to obtain the railroad station and send a letter to the churches. An activity list for the year will be distributed on May 1. The State will send the town a banner with the American Flag to show Wallingford is participating with Connecticut's 169 towns. Refreshments will be provided at noon on May 1, 1985.

Mr. Gessert assured Mr. Avitable that the Mayor's Office and Public Works Department would help in any way they could. Mr. Avitable invited the members of the Town Council to be present on May 1, 1985 at noon.

Report on Convention and Visitors Commission - Donald W. Roe.

Mr. Roe stated that the town received from Meriden information and a proposal that Wallingford join with Meriden in forming a Convention and Visitors Commission. Wallingford did meet with Meriden in February and determined that Wallingford's Economic Development Commission should review the information and material and determine if there is any merit to this. Mr. DiNoia is here tonight to convey that the Economic Development Commission has given this their stamp of approval.

Mr. Roe indicated that the documents given to the Town Council contain the letter from the state that identifies what must be done and the timetable. Attached to that is a draft of by-laws based on the Central Connecticut's Convention and Visitors District, marked up with provisions to give this municipality greater control over such a district. There

are excerpts from the State Statutes that apply to development of such a district. This would be done under Section 7-330 since Meriden and Wallingford does not have a municipally owned facility such as the New Haven Coliseum. The composition of the group would be determined by Section 7-330. The funding of the district is determined by Section 7-136b, option B where the district would get a portion of the sales tax on gross receipts on motel-hotel rooms. The purpose of the district is to promote tourism, 11 such districts in Connecticut at this point. 240

Meriden-Wallingford's district would have 13 members from Meriden and 9 from Wallingford. Based on 1983 tax receipts, the budget for that organization would be \$33,375, based on the total of the sales receipts from the two communities--the Meriden share is \$18,775 and Wallingford's is \$14,600. One of the provisions in the Connecticut By-Laws is a "set aside provision" whereby 25% of each town's funds are set aside specifically for promotion activities, determined by the members participating.

Za DiNoia feels this is a good idea for the town in all respects. The By-Laws were not reviewed one by one, pending an opinion by the Town Council. Mr. Roe felt that the EDC did not want to put a great deal of effort into such a program without Council approval.

Mr. Krupp pointed out that a letter was received on 2/15/85 and it is now 4/9/85 and by 5/1/85, a resolution, copy of adopted by-laws, list of elected officers (9) must be in place. Mr. Roe explained that a meeting took place in late February with Meriden and it made sense to present this to the EDC which took a month. Mr. Krupp wasn't sure there was enough time to meet the May 1 deadline to fulfill all the requirements.

Mr. Holmes asked if the main function would be to attract visitors to this area and Mr. Roe explained that many of the districts do a great deal of historical and museum type promotions of their community. Other communities use it to sponsor public celebrations such as the Meriden Daffodil Festival. It's very open ended as to how the funds can be used for promotion in the community.

Mr. Killen asked what the EDC has in mind because if it is just publication of a brochure, he is not in favor of it. Wallingford lacks a Founder's Day and something along that line could be suggested.

Mr. Diana has never felt that Wallingford should share any effort to promote itself with any town since we have a Prospectus and we don't need Meriden to put such a document in publication. Mr. Roe felt that Meriden is interested because of the additional funds--\$18,775. Mrs. Papale felt that Mr. Roe has enough to do at this time and Mr. Roe explained that he is looking for guidance from the Council to continue working on this project and asked if Meriden should be informed about Wallingford's position.

Mrs. Papale moved to have Mr. Roe inform Meriden that Wallingford's Town Council is not interested in a Convention and Visitors Commission at this time. Mr. Polanski seconded the motion.

Mr. Killen noted that funds obtained would be for recreation and tourism and asked if such funds could go to the General Fund for recreation. Mr. Roe indicated that the commissioner district has to appropriate its own funds which would be received from the State Department of Revenue as a refund as of July 1. Mr. Killen felt that the town would be passing up money.

Vote: Unanimous ayes with the exception of Messrs. Holmes and Killen who voted no; motion duly carried.

Mr. Roe noted if there is some interest, perhaps this can be pursued next year.

Mr. Gessert read a letter from Mayor Dickinson dated 4/2/85 regarding a grant for dust control equipment at the Senior Citizens Center.

Mr. Krupp moved to establish Account 307-684, Contribution--Federal Grant for Wallingford Committee on Aging--Dust Control. Mr. Killen seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mrs. Bergamini moved to amend the A Revenue Budget, A/C 704, Miscellaneous Revenue, in the amount of \$1,988.00, seconded by Mr. Krupp. 241

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved to amend the B Expenditure Budget, A/C 307-684, Contribution-Federal Grant for Wallingford Committee on Aging-Dust Control, in the amount of \$1,988.00, seconded by Mrs. Bergamini.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert read a letter dated 4/2/85 from Robert F. Wilson, Chairman, Wallace International Silversmiths, Inc. regarding vandalism and trespassing on properties located in Barnes Park Association.

Mr. Gessert pointed out that should the need arise during the discussion of vandalism and trespassing on properties located in the Barnes Park which require the Chief of Police to divulge information pertaining to specific patrol areas, he will entertain a motion to move the meeting into Executive Session for this purpose.

Mr. Joseph H. Blichfeldt, President of Mohawk Aluminum, former President of Barnes Industrial Park and still on the Board of Directors, introduced Sean L. Markel, Personnel Manager of Quantum, Inc., currently President of Barnes Industrial Park.

Mr. Blichfeldt stated that their goal in coming to the Council was to provide the Council with an opportunity to see another point of view and hopefully lay the groundwork for some evolutionary increase in the amount of security provided for Barnes Industrial Park. Presently, the Wallingford Police Department provides 4 officers during the evening hours for patrols. Things quickly go awry when an emergency arises in another area of town which requires the entire force to converge on one area. Barnes Park gets 1 or 2 patrols a night between the hours of 8 p.m. to 4 a.m. Mr. Blichfeldt estimates that around \$15,000 worth of scrap has been stolen from Mohawk Aluminum and Mr. Blichfeldt personally lied in the grass every night for a full week and finally caught the thief. Barnes Park has had a string of mostly non-malicious type damage, most quickly deterred by police presence. Examples are snowmobiles going across the property, motor cross riders, 4-wheel drive vehicles which might seem relatively unimportant but we are only allowed to build on 20% of the land and the other 80% is to be kept as open land, part of a park requirement which Mr. Blichfeldt feels beautifies the town. Malicious damage done to lawn quickly turns into an expensive proposition.

Mr. Blichfeldt has worked on almost every charitable effort in Wallingford and there are fine corporate citizens in Barnes Park and after talking to the people running companies in the Barnes Park, he discovered they would be much more inclined to support the community than to repair lawns on a continuing basis. Mohawk has had thousands of dollars of theft as well as Hitchner, Quantum had \$14,000 worth of tools stolen, some have had signs stolen and Wallace can document in excess of \$5,000 worth of sign replacement over the past 5 to 10 years. Add to this the extra liability incurred by snowmobilers riding extremely fast, covering wires to make them visible to limit the company's liability should someone get hurt, hunters in the Barnes Park shooting birds. This open space in the Barnes Park is not open to the public because of the liability and responsibility to maintain it. The association polices the park and we have a responsibility to our own constituents to represent their needs such as is being done this evening. One of the things Barnes Park wants is more security, on a continuous basis. No extra service is being requested. Police presence wards off many acts being committed.

Mr. Blichfeldt pointed out that there were 2 or 3 buildings in Barnes Park in 1973 and there are now 33. If you look at the assessed value and quality of the buildings and number of personnel who work in those buildings, I don't think you would find a commensurate growth in the police force; obviously, we couldn't. The fact of the matter is that you can only stretch a rubber band so far, as pliable as it may be.

Mr. Blichfeldt would like the Town Council to consider this. We think that the town and those who have authority in the town have a responsibility to live up to the obligations that they somewhat represented by saying we have industrial land available--will you come and occupy it? One of the obligations was to provide water, sewer and electricity and certainly that was done. Another one might be to continue to provide security. There is also another aspect of it--this town is selling something. It's selling in the sense that you have more new industrial parks coming in and you want to see them occupied to produce revenue. In Mr. Blichfeldt's observation, you do not actually use community services when the schools' budget is the major portion is the major portion of the budget and there is not a giant building program for the people who work in Barnes Park and you can assume many are commuters and are not using a proportionate share of community funds but are providing a good solid revenue. Word of mouth is the best advertising when new industries are considering locating to Wallingford and that has always been very, very positive. The fact of the matter is it is a cost of doing business when you have excess vandalism and if you can reduce the cost of doing business, you can attract more and better corporate citizens. This is far preferential to giving a tax abatement to somebody to lure them into town. It's always been Mr. Blichfeldt's observation that small to medium size companies seem to always carry the full tax burden. 5,000 to 10,000 employee companies seem to want a major tax abatement to locate in any community and they seem to be able to prosecute that plan. 242

Mr. Blichfeldt would like the Town Council to consider the fact that resources may need to be redeployed or augmented which is a decision to be made between the Mayor, Town Council and Chief of Police. From the standpoint of the Barnes Park companies, the security level in that industrial activity is not what it should be in their opinion. The fact of the matter is that a person calling on the phone asking for help with an emergency must always take priority and that is fully recognized. An empty, dark building is not able to call out and say, "somebody is robbing me--we need help." As a result, this goes unnoticed until the next day when something is found missing or destroyed. Mr. Blichfeldt stressed Barnes Park does not want anything different than the rest of the world is getting--it is just that they are formed into an association which is good for Barnes Park and good for the town. As a cohesive unit, we would like to say to you that we think the time has come for you to review with your police force and resources available to determine how more security can be provided in Barnes Park.

Mr. Gessert indicated he did have some questions to ask Chief Bevan regarding deployment which he felt should be asked in Executive Session.

Mrs. Bergamini moved that the meeting go into Executive Session for the purpose of discussing security within the town, seconded by Mrs. Papale. (Section 118A, Subsection E, item 3).

Vote: Unanimous ayes; motion duly carried and the meeting moved into Executive Session at 9:20 p.m.

Mrs. Papale moved to come out of Executive Session at 9:45 p.m., seconded by Mr. Rys, and unanimously approved.

Mr. Rys referred to the southwest end of the dump being used for excess and illegal dumping and apparent hazardous shooting incidents with high powered rifles. On a day Mr. Rys went to this area to observe, there were children riding bicycles and beyond the woods, there is a trailer court which could be a target for stray bullets. Mr. Rys feels this area should only be accessible to landfill personnel and the Dog Warden for burial of animals. Rabbits are being hunted and the town could be held liable for an unfortunate incident on town property.

Mr. Deak stated that a gate in that area was installed today and he intends to extend the fence further along town property. The fence and gate is 6 feet high and the gate is locked. No trespassing signs will be posted on 4/10/85. Deputy Reynolds indicated that police patrol will begin as soon as no trespassing signs are installed. Mr. Gessert noted that American Cyanamid security guards have been reported to report any trespassers spotted by them while they are on patrol.

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Mr. Deak indicated that he intends to fully fence the town property all the way to the river. Mr. Gessert asked Ruth Kenney to ask Mayor Dickinson to request that Mr. Barberino further seal off the area he owns and if he needs the town's assistance, he may request it. Mr. Krupp suggested the use of concrete blocks as a deterrent on town property. Chief Bevan pointed that most of the people drive down Pent Highway to Oliver Creek Road to get to this area and this causes most of the problem and he felt if this area can be sealed off, most of the problems would be eliminated.

Chief Bevan mentioned that Mr. Gordon who lives in the trailer park has made many complaints and the Chief wonders if some of the problem originates with residents of the trailer park itself with the rifles.

Mr. Diana expressed concern over the use of guns in this area and he asked if there were an ordinance to govern this. Deputy Reynolds indicated the State Statute covers hunting. Chief Bevan stated a weapon cannot be discharged within 500 feet of a building.

Mr. Diana felt that people feel entitled to shoot in a heavily wooded area such as this. Mrs. Bergamini has found shells on her property and once lost a storm door window with a shell and the property has been posted and people are still shooting in her back yard.

Mr. Gessert noted Mr. Deak's recommendations and solutions and the Police Department will take actions to resolve the problem. Chief Bevan indicated that if the shooting continues, the Police Department will be notified. Deputy Reynolds stated that once the property is posted, arrests can be made for trespassing.

Mr. Krupp pointed out that passing an ordinance will not do any good since the State Statutes are in effect in regard to discharging weapons within 500 feet of a building.

Mr. Gessert moved to items 8(a) and 8(b), transfers for Public Works.

Mr. Rys moved a transfer of \$3,000 from A/C 504-140 to A/C 511-201, Public Works. Mr. Holmes seconded the motion.

Mr. Killen asked why over \$2,000 was spent in March and Mr. Deak indicated that this bill was for a 2 month period. Mr. Deak pointed out that the railroad station building is used by many people and organizations and he has no knowledge when his budget is presented how often it will be used and must be heated. Storm windows will be installed there during the coming month. A new heating system is being requested in this budget since the present system is incorrect for that building.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved a transfer of \$1,050 from A/C 504-140 to A/C 503-482. Mr. Diana seconded the motion.

Mr. Gessert referred to protective measures for men driving the sweepers to provide respiratory, head, eye and face protection.

Vote: Unanimous ayes; motion duly carried.

Mr. Polanski moved to establish a new line item account 601-408, Postage, Registrars of Voters. Mr. Diana seconded the motion.

Mrs. Bergamini stated that Mrs. Moriarty called her and explained that both she and Mrs. Goodrich had commitments and could not attend tonight's meeting. Mr. Killen asked when this format was decided upon and why \$6,000 was put into Printing and has not been used. Mr. Krupp is not sure he understands this new system or what degree of success is expected because he feels 80% of the people will discard this canvass card.

Mrs. Papale moved to table establishment of A/C 601-408 and a \$6,000 transfer associated therewith, Registrars of Voters. Mr. Krupp seconded the motion.

Mr. Gessert read Mr. Moraza's 3/22/85 letter regarding a request for an additional \$600 for the Zoning Board of Appeals advertising account. 244

Mr. Diana moved an appropriation of \$600 from 805-319 to 702-410, Zoning Board of Appeals. Mr. Krupp seconded the motion.

Mr. Krupp observed that as of the end of March, ZBA had expended 99.4% of their advertising budget.

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

Mr. Rys moved an appropriation of \$800 from 805-319 to 202-135 requested by the Dog Warden for a part-time assistant. This motion was seconded by Mr. Diana.

Mr. Gessert noted that Mrs. Gianotti is hospitalized for surgery, necessitating this help for a month or so. The request is for help for 25 hours per week. Mr. Krupp pointed out that there will not be another Council meeting in time for another transfer should it be needed and the Council felt the appropriation should be for \$800 rather than the \$600 which was requested.

Vote: Unanimous ayes; motion duly carried.

Mr. Killen moved to waive Rule V to discuss the Town Council account. Mrs. Papale seconded the motion.

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

Mr. Killen asked Mr. Myers why the quarters were not reflected on the wages and Town Council expenses. He felt the Town Council salary should reflect \$13,500 instead of \$13,326. Mr. Krupp pointed out that it was due to Mr. Parisi's resignation on 8/10/84.

Mrs. Bergamini read item (12), a letter from Mr. Denison dated 3/27/85 for repairs to water treatment equipment, Water Division.

Mr. Krupp moved a transfer of \$4,100 from A/C 677-005 to A/C 652-000, Water Division. Mr. Holmes seconded the motion.

Mr. Killen asked Mr. Denison how the Contingency Overtime account came into being and Mr. Denison indicated that the overtime for the Water & Sewer Division last year was estimated to be excessive and it was reduced and set up into a contingency account. Overtime was running in excess of 11% last year and this year about 9%. Mr. Killen feels there is a problem posed for taking money from a contingency account.

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

Mrs. Bergamini read agenda items 13(a) and 13(b) and a letter dated 3/28/85 from Charles F. Walters requesting a budget amendment to personnel detail.

Mrs. Papale moved the following budget amendment for the Electric Division--amend overtime amount on page 178 of the Personnel Detail and Salary Calculations to increase this amount to \$276,000. Mr. Polanski seconded the motion.

Mr. Walters provided a 5 page compilation of the Electric Division overtime, by accounts, current as of the end of last week. This letter is more informational than a budgetary line item consideration. The request to bring this forth came from the Mayor and Comptroller. The budget was put together in January of 1984 and the Electric Division did not budget separately the overtime from the regular labor, just totals for all labor in various accounts. As the budget document was going to print, a line was added to designate what the overtime would be and Mr. Walters put together a figure which is only about half of what it has been and is running currently. The account numbers in the earlier part of the budget document have included regular pay and overtime. Mr. Walters pointed out that this is not a figure which will be found within the budget document; it is a working document within the Electric Division.

Mr. Killen asked Mr. Myers how he was going to handle the change on page 178 of the Electric Personnel Detail page and Mr. Myers explained that their accounts don't need adjusting since this pertains to internal controls within the Electric Division. Mr. Myers explained the components of regular labor, overtime and material and supplies and the Electric Division breaks these accounts down further for internal working guidelines. Mr. Killen felt that he has no way of knowing what kind of control there is by this process. Mr. Myers explained that the bottom line is not changed; it is just a reallocation of funds within an existing budget. In Mr. Myers' opinion, a ceiling was set on the overtime in the budget document as listed on the labor that it would not exceed \$133,000 and they had more than \$133,000 but after up to \$133,000 was spent, some amending resolution of the Council had to be taken to exceed this amount. 24

Mr. Krupp asked if it was fair to say that the ceiling was exceeded before it came to the attention of the Town Council. In Mr. Myers' opinion, he felt it was but he could see how this could happen. Mr. Myers explained that it was allocated one way and then reallocated or amended but this allocation didn't change the fact that they were still limited to a specific amount on that line item.

Mr. Krupp asked if 3 basic components were looked at in the Electric Division budget such as direct labor, overtime and material, is it not fair to say that the \$133,000 is being increased and is coming out of somewhere if the bottom line is not changing?

Mr. Killen again pointed out that the Council does not have control over the ratio. Mr. Smith noted that there is no change in the line item historically--there can be an adjustment. There could be a fourth component, external labor, which is contract labor and as long as you didn't overexpend that account, there would still be line by line control. Mr. Smith pointed out that this action has no impact on the financial statements.

Mr. Diana pointed out that the budget amendment request was rubber stamped with the Mayor's name and asked if any safeguards were built into this procedure. Ruth Kenney stated that the Mayor did see this item and this procedure has been followed for years.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no and Mr. Krupp who passed; motion duly carried.

Mr. Polanski moved a budget amendment of \$4,000 to A/C 419 and \$4,000 to A/C 431, Electric Division. Mrs. Bergamini seconded the amendment.

Mr. Gessert read Mr. Walters' 3/28/85 letter pertaining to this request. Mr. Polanski noted that he received a letter from Mr. Walters after this request was voted down.

Mr. Polanski asked when deposits were returned to customers and Mr. Walters explained that homeowners' deposits are returned after 24 months if all payments have been timely. Business deposits are kept indefinitely and they are advised of that. When a business is terminated, the deposit is returned. Mr. Polanski pointed out that businesses can post a bond which would be less costly and asked if they are notified of this procedure. Mr. Lee indicated that everyone was notified of this by special mailing within the last 3 months.

Vote: Unanimous ayes; motion duly carried.
Acceptance of Town Council Motions of March 26, 1985:

Mr. Gessert pointed out that the tape on the recorder did not record when the microphone was plugged in and Mr. Polanski obtained a new adaptor for the microphone. As a result, full minutes are not available and Mrs. Rascati provided the motions. Mr. Krupp asked that a specific reason for the Executive Session be documented with the motions since it was an Executive Session to discuss an ongoing police investigation.

Mr. Killen moved acceptance of the motions of 3/26/85, as amended.
Mrs. Bergamini seconded the motion.

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Vote: Unanimous ayes with the exception of Mrs. Papale who passed; motion duly carried.

Mrs. Bergamini moved that the meeting go into Executive Session for the purpose of discussing pending litigation. Mr. Holmes seconded the motion which was unanimously approved. The meeting moved into Executive Session at 10:55 p.m.

Mr. Killen moved to come out of Executive Session at 11:10 p.m. Mr. Polanski seconded the motion which was unanimously approved.

Mrs. Bergamini moved to authorize the Town Attorney to settle the case of Dean Hucul vs. The Town of Wallingford for \$12,500. Mr. Krupp seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved to authorize the Town Attorney to pay the judgment of \$1,796.80 in the case of McCarthy vs. The Town of Wallingford. Mrs. Bergamini seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved adoption of the following resolution, seconded by Mr. Holmes:

RESOLVED: (a) That the Town Council deem it to be in the best interest of the Town to waive the bidding provisions of Chapter VII, Section 4, sub-paragraph 8 of the Town Charter, in the selection and hiring of the following:

TOWN AUDITOR

(b) That the Council hereby approves the appointment of Levitsky and Berney as the Town Auditor for the fiscal year beginning July 1, 1984.

Mr. Killen asked if this will run in 3 year cycles. Mr. Myers indicated that the town changed from an auditor which they had for many years to a national firm and under Mayor Carini, auditors were rotated every 4 years or so to alleviate a problem the Council had with getting up to date financial information, good reports and knowledge of the financial condition of the town. Since 1969, many improvements have been made and the information is readily available and deficiencies have been corrected and Mr. Myers makes every effort to keep the Council totally informed. He would not recommend a change in auditors for a 6 or 7 year period. To get a firm into Wallingford takes 2 years and the advantage of any forward movement is lost since it takes 2 years to train the auditors.

Mr. Killen objects to the fact that the Council never met with the auditors on the last audit report. Mr. Myers explained that any auditing firm hired comes in and certifies to the work being done in the Comptroller's Office, the accounting office in the Water, Electric and Sewer Divisions, Purchasing Department, Tax Collector, Town Treasurer and no audit firm will come in and act as the town's fiscal officer unless they are being paid as a consultant. In today's accounting and finance environment, it's construed to be a conflict of interest.

Mr. Myers further pointed out that an accounting firm will come in and certify the work as being properly done or improperly done or recommend improvement. There are very specific guidelines issued by the American Institute of Certified Public Accountants of which all of these firms are members. We hire an auditor to meet the state statute requirement that all public funds be independently audited. 247

Mr. Killen said that the audit came out and Mr. Myers' figures weren't published until much later. Mr. Myers felt it was the privilege of the Council to request a meeting with the auditors and they would be happy to attend. Mr. Gessert recollected asking the Council members if they wished to have a special meeting called for this purpose and it was not requested. Mr. Killen indicated he made this request of Mr. Parisi.

Mr. Krupp agrees there should be continuity but last year, the audit was completed in October and was not seen by the Council until January, an inordinate period of time. Mr. Myers said the financial statements would be available sooner because they must be available before he goes to New York for bonding.

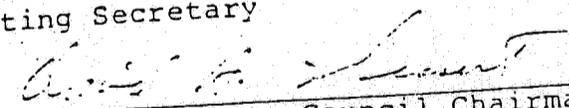
Mr. Krupp felt that the audit is beginning to look like a form letter and when the wording is identical on the operational audit, are you satisfied that they are in fact taking a complete look and nothing is being missed because of expectation? As an example, inventory control in the Electric Division, are we satisfied that they are not just looking at what they found wrong the previous year? Mr. Myers stated that the auditors were very, very upset with the inventory control in the Electric Division because no attempt was made to straighten this matter out. Controversial reports can be construed as the negative and Mr. Myers is more concerned with correcting this and Mr. Myers understands from the Mayor that it will be corrected this time. Levitsky & Berney is a very thorough firm and do a good review for Wallingford. There is very little in the Wallingford account that is not properly administered.

Vote: Unanimous ayes; motion duly carried.

Mr. Myers thanked the Council for what appeared in the minutes of March 12, 1985 and noted it is deeply appreciated.

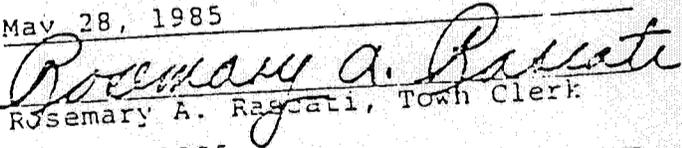
A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:30 p.m.

Delores B. Fetta
Acting Secretary

Approved. 

David A. Gessert, Council Chairman

May 28, 1985


Rosemary A. Rascati, Town Clerk

May 28, 1985