

TOWN COUNCIL MEETING

MARCH 12, 1991

7:00 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Consider and Approve a Contract between the Town of Wallingford and CRRA for the Period for July 1, 1991 to June 30, 1992 for the Grant under which the Resource Recovery Project Coordinator is employed.
3. Consider and Approve a Resolution Authorizing the Mayor to Sign the Contract between the Town of Wallingford and CRRA
4. Consider and Approve a Waiver of Bid to Employ a Clerk of the Works for the Vo-Ag Project
5. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
6. Consider and Approve the Revised Personnel Pages for the Current Fiscal Year for the Electric, Water & Sewer Divisions - Personnel Dept.
7. Consider and Approve the Authorization for the Town of Wallingford to Contract with Other Than the Lowest Bidder for Provision of Architectural Services for Rehabilitation of the Railroad Station - Program Planner
8. Consider and Approve the Waiver of the Public Bidding Requirement for the Express Purpose to Purchase a Xerox Machine Under the Municipal Government Price for the VNA as Requested by VNA
9. Consider and Approve An Ordinance Establishing a Code for Rental Housing For the Town of Wallingford - SET A PUBLIC HEARING
10. Report Out From the Community Pool Renovation Building Committee
11. Consider and Approve a Transfer of Funds in the Amount of \$750.00 from Hazardous Materials & Supplies to Maintenance of Vehicles - Fire Dept.
12. Consider and Approve a Transfer of Funds in the Amount of \$13,000.00 from Blue Shield to Retirement, Sick Leave - Personnel Dept.
13. Consider and Approve Tax Refunds in the amount of \$2,372.73 (#163-179) - Tax Collector's Office

(OVER)

14. Consider and Approve a Transfer of Funds in the Amount of \$2,000.00 from Worker's Comp. to Sick Leave Replacement - Police Department
15. Consider and Approve Re-Establishing a Method for Payment of Fees for the Recording of Liens and Lien Releases to the Town Clerk's Office - Water Division
16. Consider and Approve the Waiving of the Bidding Process to Select A & S Welding and Boiler Repair, Inc. to Repair/Replace a Damager Boiler at Lyman Hall High School - Risk Mgr.
17. Remove from the Table for Discussion and Possible Action on the Naming of the Building Committee for 88 S. Main Street
18. Consider and Approve a Request from the Wallingford Education Department to Amend the Special Education Grant Fund Budgets
19. Rescind a Budget Amendment in the Amount of \$30,000 Approved at the October 9, 1990 Town Council Meeting - Comptroller
20. Consider and Approve a Corrected Budget Amendment in the Amount of \$30,000.00 approved by the Town Council on October 9, 1990 - Comptroller
21. Consider and Approve a Transfer of Funds (2) - Town Council Office
 - a. \$500.00 from Contingency; Reserve for Emergency to Office Supplies
 - b. \$1,200.00 from Contingency; Reserve for Emergency to Overtime
22. Consider and Approve Payment for Legal Services of Attorney Fees and Witness/Expert Costs Associated with Lawsuits Involving the Town of Wallingford - Town Attorney's Office
23. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes for the Possible Sale and/or Purchase of Property as requested by Council Member Zandri
24. Note for the Record Anniversary Increases (10) Approved by the Mayor
25. Note for the Record Mayoral Transfers Approved to Date by the Mayor
26. Accept and Approve the Minutes of the 1/8/91, 1/31/91, 2/7/91 and 2/13/91 Town Council Meetings

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TOWN COUNCIL MEETING

MARCH 12, 1991

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, March 12, 1991 at 7:00 P.M. in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:04 P.M. by Chairman Albert E. Killen. All Council Members answered present to the Roll called by Town Clerk, Kathryn J. Wall with the exception of Mr. James who arrived at 7:07 P.M. Mayor William W. Dickinson, Jr. arrived at 7:15 P.M., Town Attorney, Janis Small arrived at 7:10 P.M. Thomas A. Myers, Comptroller was 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 #11 Consider and Approve a Transfer of Funds in the Amount of \$750.00 from Hazardous Materials & Supplies Acct. #2032-400-4230 to Maintenance of Vehicles Acct. #2037-500-5000 - Fire Department

ITEM #12 Consider and Approve a Transfer of Funds in the Amount of \$13,000.00 from Blue Shield Acct. #001-8041-800-8320 to Retirement, Sick Leave Acct. #001-8041-800-8360 - Personnel Dept.

ITEM #13 Consider and Approve Tax Refunds in the Amount of \$2,372.73 (#163-179) - Tax Collector's Office

ITEM #24 Note for the Record Anniversary Increases (10) Approved by the Mayor

ITEM #25 Note for the Record Mayoral Transfers Approved to Date by the Mayor

VOTE: All ayes. Motion duly carried.

ITEM #2 Consider and Approve a Contract between the Town of Wallingford and CRRA for the Period of July 1, 1991 to June 30, 1992 for the Grant under which the Resource Recovery Project Coordinator is Employed.

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

Mr. Bradley read the accompanying correspondence into the record.

The correspondence outlined the general description of services performed and the duties of the coordinator.

Mr. Zandri stated for the record that his feelings and opinions have not changed from last year on this particular issue.

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Mr. Gouveia asked if the equal opportunity rider is part of the contract and also if the job will be advertised?

Mr. Hamel replied yes, the rider is part of the contract and no, to his knowledge the job will not be advertised.

Mr. Gouveia asked what opportunity existed if the position is not to be advertised?

Mr. Hamel responded, should the job become vacant, it will be advertised.

Mr. Gouveia felt that the provisions of the contract should be followed, i.e., equal opportunity, job posting. How can this be true if the position is to begin on July 1, 1991 and it is already filled?

Mr. Holmes pointed out that if the contract is being renewed, it is not necessary to post the position and seek a new employee.

Mr. Killen agreed. The Town is not going out of its way to discriminate against anyone. Every contract would then have to be handled the same way. He felt Mr. Gouveia was drawing a fine line.

Mr. Bradley asked if there were any changes in the contract?

Mr. Hamel explained that there were two changes; one being the date and the second being the reduction in the total budget, \$25,300 vs. \$32,000 last year.

Vincent Avallone, 1 Ashford Court asked who the parties to the contract were?

The Town of Wallingford and C.R.R.A. was the response.

Mr. Avallone asked why C.R.R.A. would pay Mr. Hamel for work performed for the Town of Wallingford?

Mr. Killen stated that he could not explain why C.R.R.A. is doing this but it is the way we have been running and no one has found any fault with it.

Mr. Avallone felt it should raise some red flags as to why C.R.R.A. is so willing to pay a Town employee. What is the reason for this? Why doesn't someone else step in and pay for other employees of the Town?

Mr. Parisi stated that Mr. Hamel works for all the towns.

Mr. Avallone asked again, why C.R.R.A. is paying for a Town employee?

Mayor Dickinson stated that Mr. Hamel has to be an employee of one of the municipalities and works on behalf of all five towns. C.R.R.A. is paying for a project expense, which is what Mr. Hamel is.

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Mr. Avallone: What concerns me is that I have been reading statements made by representatives of all five towns that are in this project suggesting, alleging and sometimes accusing C.R.R.A. of not being forthright in its representations in the whole project. I am not saying the Mr. Hamel is not working, but I find this is a lot of cause for concern and possibly a conflict when someone is working for the Town and being paid by C.R.R.A. funds and our Town has some questions about the way C.R.R.A. is treating us.

Mr. Killen: I sit in on the meetings with C.R.R.A. and if Mr. Hamel being unfaithful to anyone it would be C.R.R.A. Without his input we would not have the amount of information at our fingertips that we do have. He has been even-handed and has told us what he thinks is there, what should be there, what shouldn't be there, in his own opinion. He has served the five communities well.

Mr. Avallone: I am not accusing him of being unfaithful to any of the towns. I have asked the question why an employee of the Town of Wallingford be paid by someone who is not a member of this Town? Why? There seems to be a reason for it. No one is questioning that?

Mr. Killen: What is the reason that you have? You are asking the question?

Mr. Avallone: Is it logical?

Mr. Parisi: In my own business, I have had my own employees on an arrangement with one of my accounts that they may work there on a three month period. They are paid for by the account. Doing work for the account.

Mayor Dickinson: We have had a number of positions in the Town that have been paid directly through State and Federal funds. Those positions still receive a Town of Wallingford check but the actual dollars came from sources outside of the Town but they worked for the Town.

Mr. Avallone: Is Mr. Hamel a Town employee?

Mr. Hamel: Yes.

Mr. Avallone: Is C.R.R.A. covering you on workman's compensation or is the Town paying for that?

Mr. Hamel: To the best of my knowledge, there is nothing paid for by the Town of Wallingford. This job does not have health insurance, I pay for that myself. I am not allotted holidays and/or sick/vacation time. I am paid for the hours that I actually work.

Edward Musso, 56 Dibble Edge Road: Is the plant running at full capacity?

Mr. Hamel: No. Improvements are currently taking place, and while

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being done, the plant is running at less than capacity.

Mario Tolla, 69 Pond Hill Road commented on behalf of Mr. Hamel. He felt that it would be a very foolish move on the part of the Council not to approve the contract. He has been a tremendous help to the Recycling Committee with the ordinance and regulations. He commended Mr. Hamel for the outstanding job that he has done and asked the Council to approve his contract.

Mr. Bradley asked what the \$7,500 interest free loan from C.R.R.A. for the Town to meet its expenses in carrying out its responsibilities under the contract was for?

Mr. Hamel stated that it was basically an advance. It is set up so the Town receives cash in advance and then the Town is not out any money of its own.

Mr. Gouveia asked Mr. Hamel to elaborate on the statement under Scope of Service "provides staff for the Policy Board".

Mr. Hamel explained that someone has to take minutes and generate agendas, arrange Policy Board meetings, etc.

Mr. Gouveia stated that services performed and expenses incurred should clearly be documented and provided to the Council along with the contract in the future.

VOTE: Holmes, Papale, Parisi, Solinsky & Killen, aye; all others, no. Motion duly carried.

ITEM #3 Consider and Approve a Resolution Authorizing the Mayor to Sign the Contract between the Town of Wallingford and C.R.R.A.

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

VOTE: Holmes, Papale, Parisi, Solinsky & Killen, aye; all others, no. Motion duly carried.

ITEM #4 Consider and Approve a Waiver of Bid to Employ a Clerk of the Works for the Vo-Ag Project.

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

Edward Polanski, Chairman of the Vo-Ag Committee reported out on the status of an asbestos problem encountered while working at Lyman Hall High School.

A slight asbestos problem was encountered at the school when the shed roof was torn down at the Vo-Ag building. Unfortunately, the Asbestos Committee report on what was outside the building was not available until approximately 1 week ago. The Roof Committee discovered the information.

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Mr. Edward Polanski, Chairman of the Vo-Ag Committee explained that the report was not on file anywhere within the Town's filing system, whether at the Board of Education or anywhere else. Other parts of the roof may contain asbestos as well. He suggested that when a Committee is through with a project, all the reports should be submitted to one location for other building committees to access. Approximately \$6,000 had to be spent for the removal of the asbestos at Lyman Hall.

Mr. Killen asked if anyone had been made aware of the possibility of the existence of asbestos?

Mr. Polanski read correspondence from the architect into the record. It stated that reports/studies performed by various committees were nowhere to be found. Those reports could have proven valuable to the architect and the project.

Ms. Papale mentioned the fact that a \$30,000 surplus remains in the Asbestos Committee Account which maybe should be considered for this project since it deals with asbestos.

Mr. Killen stated that it depended on whether or not the funds were bonded.

Mr. Zandri asked how much asbestos was involved?

Mr. Polanski responded, approximately 84 sq. ft. which cost \$6,500 to dispose of it.

Mr. Zandri felt that it was a great deal of money for a small amount of asbestos which measures 8' X 10'.

Mr. Parisi felt that other prices should have been solicited.

Mr. Polanski stated that the project would have had to been suspended.

Mr. Parisi feels that the projects should stop in the future to solicit prices.

Mr. Zandri asked what the procedure was for handling this?

Mr. Polanski responded that the committee did not go out to bid, it was handled as an emergency situation.

Mayor Dickinson explained that it warranted emergency action because the disposal of it must be handled in statutory and regulated manners. It cannot just sit there and have someone cart it away.

Mr. Zandri could understand a delay in the project if the asbestos was still on the roof at the time it was discovered, but it was already away from the job site in a dumpster which could have been sealed until disposal arrangements were made.

The Council could not understand why the entire project became an emergency, the only thing that was necessary to do at that time was to ensure the safety of that particular dumpster that contained the asbestos.

Mr. Polanski will ask this question of the individual who directed the committee to act in the manner that they did and he will report back to the Council with that information.

Mr. Bradley asked what the \$780 fee charged by Lazarus & Sargeant was for?

Mr. Polanski responded that it was due to a change order. He was in receipt of a breakdown of the fee, however, he did not have it with him this evening. He promised to provide a copy to the Council in the immediate future.

ITEM #4 Consider and Approve a Waiver of Bid to Employ a Clerk of the Works for the Vo-Ag Project

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

Mrs. Duryea asked that the duties of a Clerk of the Works are.

Mr. Polanski stated that the person would be the Town's representative to be on sight to assure that the contractor is fulfilling his obligation to the contract. He will be hired by the Town and report to the Vo-Ag Committee. It will be a part-time position.

Mrs. Duryea asked where the funds will come from to pay the salary?

Mr. Killen assumed it would be from the bond ordinance.

Mr. Polanski stated that it will have to come from Vo-Ag's Contingency Fund.

Mrs. Duryea asked how the person is appointed, and what credentials they need to possess?

Mr. Polanski asked the members of the Vo-Ag Committee to submit names of people they thought would be good candidates for the job. One person was agreed upon by the Committee as the candidate that the Committee would suggest for the position. That person worked for a large construction company and is currently retired. The Committee felt this gentlemen had a wealth of experience and knowledge that would benefit the project.

The Committee itself felt that a Clerk of the Works was not necessary on this project but they were acting upon the suggestion of the Council.

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This individual would work approximately 25 hours per week at the rate of \$12.00 per hour. There will be no benefits paid.

Mr. Zandri asked if there were a job description developed in the past for this position that could be used as a standard for hiring a person for this project?

Mayor Dickinson was not aware of any.

Mr. Zandri suggested that a job description be developed to be used as a standard for hiring someone into this type of work since the occasion will be arising more frequently in the future.

The Mayor was hesitant to adopt a formal job description since it is a part-time position. It certainly would be a guide to the Building Committee involved. He felt it was a good idea.

Mr. Solinsky felt that the individual would not be an employee of the Town but rather a subcontractor. Whether he worked 25 hours or 40 it would not effect the part-time rating. He felt full representation should be considered since the contractors will be there a full day.

Mr. Polanski stated that August 15, 1991 is the target date for completion of construction.

Mr. Killen felt that there may be days that warrant the clerk there all day, there may be times when it is not necessary and he may only need to be there for a few hours.

Mayor Dickinson felt that an important factor to consider is how much money is in Vo-Ag's Contingency Account to pay for salary. If the position will be more than 20 hours per week, there should be a form of contract that would spell out the benefits. He asked that the Town Attorney's Office be consulted on that issue.

Joseph Magani, Architect (has a practice in Derby, CT.) offered a definition of the term "Clerk of the Works".

He went on to say that the purpose of this individual is to keep a diary of the daily activities on a project as to what tasks are being performed, who is on the job site, when they arrive, when they leave, etc. The advantage of having a Clerk of the Works is that you have someone representing the Town's interest. An Architect only determines whether or not the work is performed according to specifications.

VOTE: All ayes. Motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

There were no participants in this portion of the meeting.

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Mr. Gouveia made a motion to Move Agenda Item #14 Up to the Next Order of Business, 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 \$2,000.00 from Worker's Compensation Acct. #001-2015-100-1630 to Sick Leave Replacement Acct. #001-2015-100-1600 - Police Dept.

Mr. Bradley read the accompanying correspondence into the record.

Motion was made by Mr. Bradley for the Transfer of Funds, seconded by Ms. Papale.

Mr. Bradley asked what the purpose is of the Sick Leave Replacement Account and how is it used?

Chief Dortenzio explained that if personnel "books off" sick and that position is essential, the department replaces them by "hiring" someone to take their place on that shift. The overtime expense is charged to the Sick Leave Replacement Account so as to differentiate overtime from the continuation of an assignment.

Mr. Bradley asked if this tied into contractual agreements?

Chief Dortenzio stated that sick leave is a benefit granted within the Local 1570 bargaining unit.

Mr. Zandri asked if the positions filled are deemed critical and does the contract address the fact that a specified number of individuals must be staffed on a given shift?

Chief Dortenzio stated, no. There are times that positions are not filled. It is a judgement call by a supervisor who is in charge of the shift as to whether or not that position will be filled. In many cases we do not fill it. There are other factors to consider, i.e., how low the staffing gets, what day of the week, time of the year, hour of the day, etc., that will warrant replacement also.

VOTE: All ayes. Motion duly carried.

ITEM #6 Consider and Approve the Revised Personnel Pages for the Current Fiscal Year for the Electric, Water & Sewer Divisions requested by the Personnel Department.

Mr. Bradley read the correspondence into the record.

This requests occurs because of the recent Town Council approval of the new contract for the managers and supervisors Local 1282.

Mr. Myers recommended appending a copy of the revised figures to the Town Council Minutes.

Mr. Bradley made the motion to approve the revised pages and attach the figures to the Town Council Minutes, seconded by Mr. Holmes.

Mr. Tom Sharkey, Assistant Personnel Director stated that these figures are the second revision for the same budget year. The first revision occurred in June due to the Management Plan. This revision is strictly due to the union contract approved two weeks ago.

Mr. Gouveia inquired as to how the two revisions could equal a 32% increase for the nine positions?

Roger Dann, General Manager of the Water/Sewer Divisions commented that the positions listed are those impacted by the contract that was accepted. In putting this information together, they retained under the 1989-90 budget column, whatever what was in the budget as presented for 1990-91. Three things have happened since then. Two contract increases plus the impact of the management study.

Mr. Zandri asked who reviews the calculations on the positions?

Mr. Sharkey stated that he reviews them with the pay plan and then they are checked by Ray Dennison and Walt Lee.

VOTE: Bradley, Duryea, Gouveia & Killen, no; all others, aye.
Motion duly carried.

Mr. Killen recognized and welcomed former Council Member and Vice-Chair Harry Patzea.

ITEM #7 Consider and Approve the Authorization for the Town of Wallingford to Contract with Other Than the Lowest Bidder for Provision of Architectural Services for Rehabilitation of the Railroad Station - Program Planner

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

Mr. Bradley read correspondence into the record from Don Roe, Program Planner.

Seventeen bids were solicited of which 13 were in excess of \$10,000. Four were under. The dollar difference between the low bidder and the recommended contractor is \$350.00. The low bidder did not have any experience with small cities block grants and, in fact, should not have been included in the consideration. The other three low bidders were certainly well qualified to perform the work, it is the recommendation, however, of Mr. Roe that the firm of DeCarlo & Doll be awarded the contract.

Mr. Killen read the section of the Purchasing Ordinance into the record pertaining to this issue. It reads as follows:

"Award to Other than Low Bidder - Whenever there is a desire to award the bid to other than the lowest bidder meeting the stated

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specifications or better, the Purchasing Agent shall submit the entire file concerning such matter to the Council together with his recommendations and report from the interested Department Head. The Council may, after hearing thereon at a regular or special meeting, direct the Purchasing Agent to award the contract to other than the lowest bidder. The Council shall thereupon return the entire file to the Purchasing Agent together with the bid as awarded. The Council minutes shall specify the reasons for awarding the bid to other than the lowest bidder."

Mr. Holmes felt that if the second to the lowest bidder meets the specifications and there is no evidence of faulty workmanship, he thinks that weighs more heavily than a subjective basis for picking a vendor.

Mr. Roe stated that, to his knowledge, this has never been done before. He suggested that the Town do not go out to bid for Architectural Services in the future. The issues by which a determination is made really relates and are much more subjective and related to their ability to perform on a certain job. All firms may be licensed but do not do the same thing. The breadth and depth of experience cannot necessarily be reflected or measured by the pricing.

Mr. Parisi felt it was a very healthy situation to have this number of bidders involved. He was very impressed with the qualifications of the second to the lowest bidder and felt the firm to be well qualified for the job.

Mr. Roe used the analogy of making the decision of choosing the best clean-up hitter for the job for his reasoning behind his recommendation.

Mr. Holmes felt more comfortable with awarding the contract to the second to the lowest bidder, O'Riordon/Migani Architects.

Mr. Solinsky agreed.

Comptroller, Thomas A. Myers stated that the firm recommended by Mr. Roe was also the firm of Mr. Myer's choice.

Town Attorney Janis Small reminded the Council that the bid form states the vendors can not be held to their quoted prices 30 days from the date of the bid opening.

Mr. Roe noted that the bids were opened on February 14, 1991.

Mr. Paul Gough, 1 Kingsland Avenue agreed with Mr. Holmes. He wanted to know what the objective material was that was used in his determination.

Mr. Roe responded that experience was the criteria. It becomes subjective when you have firms with 5 year's experience vs. 10 year's vs. 30 year's experience.

Mr. Killen reminded Mr. Gough that Mr. Roe has the right to appear

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before the Council to make his recommendation. In the final analysis the Council makes the decision.

Mr. Zandri interpreted Mr. Roe's recommendation as one that it is worth \$350 more to hire a firm that has the experience that DeCarlo & Doll has. The Town is also familiar with their past work history.

Mr. Roe stated the interpretation as correct.

Mrs. Duryea asked if quality of work was compared to experience as well?

Mr. Roe stated that both firms are noted for their quality of work. There was nothing presented to him proving the contrary.

Mr. Parisi commended Mr. Roe for a fine job of writing the specifications to the best of his knowledge without assistance from the Purchasing Department.

John Marriott, 33 Grieb Road felt that there may be a technical point of concern. He pointed out that the entire file is supposed to be reviewed by the Town Council as the Purchasing Ordinance states. In listening to the questioning he had the impression that the Council had not done so and it could present a technical problem in the future.

Mr. Duane Braithwaite, 26 Kingsland Avenue pointed out that in Chapter 7 of the Charter it reads, "...shall let the purchase of contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals". He asked if the Council then has to reject all the other bids?

Mr. Killen responded no. In this instance the Purchasing Ordinance allows the Council to award to other than the lowest bidder.

Vincent Avallone of 1 Ashford Court asked Mr. Roe to compare the third lowest bidder to the second lowest and state what the comparisons were.

Mr. Roe explained that he did so before, 10 year's experience vs. 30 year's, a staff of 40 - 50 people vs. a staff of 4, etc.

Mr. Joseph Migani, O'Riordon/Migani Architects addressed the Council. He pointed out that his firm is a young firm started in 1975 in Boston. DeCarlo & Doll, although the principals in the firm have been in the business all their professional careers, have actually started their firm in 1980 or 1981. Mr. Migani's firm was moved to Connecticut back in 1985. His firm has significant, equal experience to DeCarlo & Doll in Small Cities Grant work. They were selected as the consultants for a project which is virtually identical to the one the Town needs. They were retained under a Small Cities Grant Fund to do a traffic and historic revitalization for the Historic Derby Train Station. The difference between the large firm vs. the smaller firm, Mr. Migani explained, is that he is not a manager who delegates tasks three levels deep to be implemented on

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a project. He is the person here this evening because he is interested in working for the Town of Wallingford and the person who will actually be doing the work, including the field work, the drawing, design, preparation of specifications, field review and supervision, and, in every aspect of the job, bring to bear his full professional experience and capabilities. That will not be obtained from a large, corporate practice. He went on to cite the staff's credentials. His firm currently has five projects under way for the Board of Education in Shelton. That client was a former DeCarlo & Doll client. He felt his firm's qualifications were superior to DeCarlo & Doll's and pointed out that the leaders of the firm of DeCarlo & Doll are not architects. He expressed his enthusiasm, concern and interest in working for Wallingford and encouraged Mr. Roe to contact and consider the references his firm has submitted.

John Walworth, 28 Laurelwood Drive urged the Council to follow the recommendation of Mr. Roe.

The vote is on the motion to award the contract to other than the lowest bidder.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Holmes to Award the Contract to O'Riordon/Migani Architects, seconded by Mr. Parisi.

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

ITEM #8 Consider and Approve the Waiver of Public Bidding Requirements for the Express Purpose to Purchase a Xerox Machine Under the Municipal Government Price for the VNA as Requested by the VNA.

Mr. Bradley read correspondence into the record from the Mayor.

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

Mr. Myers explained that the VNA, which is a separately incorporated organization, surveyed three type of copy machines. They operate under their own guidelines separate from the Town Charter. They do not have to comply with the Town Charter. After conducting their survey, they selected Xerox. Xerox then approached the VNA and offered them a \$700 discount if they could purchase the copier through the Town of Wallingford's purchasing system with a guaranteed 30% discount on supplies as well. The Mayor discussed the possibility of the purchase with the Department of Law to assure the legality of the action. Each month the Town pays 1/12th of the Town's contribution to the VNA, so the month that the purchase occurs the Town would pay for the copier and deduct that amount from their monthly contribution from the Town.

Mayor Dickinson read Atty. Adam Mantzaris's Legal Opinion on the matter into the record.

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Mayor Dickinson wanted it stated for the record that the Town is not representing to anyone that it is maintaining ownership of the machine. Also, the only reason for this purchasing exception is due to the unique relationship between the Town and VNA.

Mr. Gouveia was concerned that this could be setting a precedent. He was not comfortable with circumventing the bidding procedure. He felt that other companies may also be able to offer a lower price if they were given the chance.

Mr. Musso was worried that it may turn into a fiasco similar to the Board of Education's problem.

Helen Boyle, 25 Cooper Avenue stated, as a taxpayer, she is very happy that the VNA could save money by purchasing a copier this way.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve An Ordinance Establishing a Code for Rental Housing for the Town of Wallingford - SET A PUBLIC HEARING

Motion was made by Mr. Bradley to Schedule a Public Hearing for Tuesday, March 26, 1991 at 7:45 P.M., seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

Mr. Zandri, Chairman of the Ordinance Committee, pointed out that he handed out a draft of the new ordinance with the word "new" on it, the one sent out in the packet is missing a page. He hopes that everyone will review the ordinance carefully prior to the public hearing.

The Chair declared a 15 minute recess.

ITEM #10 Report Out from the Community Pool Renovation Building Committee

Motion was made by Mr. Bradley to receive a report from the Committee on the status of the project.

John Walworth, Chairman of the Community Pool Renovation Building Committee gave an overview of the progress made to date and also of the project itself, and its constraints. The committee is made up of five individuals, John Walworth, Steve Knight, Sal Falconieri, Charles Johnson and Bill Choti. Stan Shepardson has attended each meeting held to date and could not appear this evening. On February 14th three firms were selected out of 14 to review their references. On February 28th those firms were selected to proceed as finalists to the proposal phase. Those firms were Green & Peterson of East Hartford; TPA Design Group of New Haven; and Fletcher Thompson Architects/Engineers out of Bridgeport. The next step is the issuance of a scope of services which has been prepared and the firms will respond to in a written proposal combined with an interview. This process will take place through to early April when a final decision will be made. This committee will then appear before

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the Council with a contract and a recommendation to proceed to the design phase. The next step will be the bond authorization for construction costs with construction commencing in March possibly and proceeding, unfortunately, through part of the swim season in 1992.

Mr. Zandri asked if there was a total cost for the renovation?

Mr. Walworth stated that the committee does not/nor will they have for the next two months, a conceptual estimate to judge where they are headed.

Mayor Dickinson asked that any amenities over and above the basic improvements to the pool be separate, so that should the project reach proportions that are too expensive, items could be cut out.

Mr. Walworth stated that this has been done. His committee is striving to upgrade the facility as well as look at the ways to increase the usage of the facility to justify the costs. There will be a public information meeting in the early part of the design phase to obtain information from the public.

Mr. Zandri felt that the specifications would have to be finalized prior to hiring someone to perform the design phase.

Mr. Walworth stated that the committee is asking the consultants to respond to that in the conceptual design. The first phase of design is to come back to the committee with what is required by the Health Department, initial anticipated costs, etc.

Mr. Gouveia wanted to make sure that the committee comes before the Council prior to moving ahead with any other phase of the project. He is concerned that perhaps what is outlined this evening could be revised once the conceptual design phase is complete.

Mr. Bradley asked how long the project will take, from the design phase through to and including the construction phase?

Mr. Walworth: One and one-half years. The 1991 pool season will not be interrupted, the 1992 season will.

The Council thanked Mr. Walworth for his report.

ITEM #15 Consider and Approve the Re-Establishing of a Method of Payment of Fees for the Recording of Liens and Lien Releases to the Town Clerk's Office - Water Division

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

Mr. Bradley asked the Kathryn Wall, Town Clerk, how this would impact her and her staff.

Ms. Wall stated that the workload is already there.

VOTE: All ayes; motion duly carried.

ITEM #16 Consider and Approve the Waiving of the Bidding Process to Select A & S Welding and Boiler Repair, Inc. to Repair/Replace a Damaged Boiler at Lyman Hall High School requested by the Risk Manager

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

Mr. Bradley asked Mr. Mark Wilson, Risk Manager if this damage occurred due to the "dry firing" of the boiler?

Mr. Wilson responded, yes, it appeared that the low water cut off valve malfunctioned and no water was entering the boiler. The boiler continued to fire.

Mr. Bradley asked if A & S Welding and Boiler Repair is proposing replacement of the boiler with the same type?

Mr. Wilson: The existing burner was not damaged and could be used. Once A & S start a boiler and connect the burner and a problem arises, a new burner will be paid for by the insurance company. Right now, it does not appear as though a problem exists with the burner.

Mr. Parisi asked if a procedure/policy of checking boilers periodically is presently in place?

Mr. Wilson responded, no. The Board of Education does not have the qualified personnel to perform the task. A plumber is required.

Mr. Parisi felt that a plumber is not needed to check water levels in the boilers. He felt that the Risk Manager should generate correspondence recommending the hiring of staff for this particular task. A preventive maintenance program should be implemented to protect the Town's investments in its municipal buildings.

Mr. Wilson did not agree. It was not his responsibility to do so. He felt the Council should approach the Board of Education and discuss the issue with them.

Mr. Parisi argued the point with Mr. Wilson. He felt that by not implementing a preventative maintenance program it puts the Town at an increased risk level, hence, the onus should be with the individual dealing with risks to the Town, Mr. Wilson.

Mr. Wilson agreed to make a recommendation to the Board of Ed.

Motion was amended by Mr. Zandri to state that the Waiving of the Bidding Process to have the Boiler Repaired by Contingent Upon the Approval of the Board of Education.

Holmes left for work at 11:07 P.M.

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

ITEM #17 Remove from the Table for Discussion and Possible Action

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on the Naming of the Building Committee of 88 S. Main Street.

Motion was made by Mr. Bradley to Remove the Item From the Table, seconded by Mr. Zandri.

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

Mr. Killen submitted the following names on behalf of the Council for the committee:

1. William Fisher
2. Sandy Schwink
3. Peter Fresina

The Mayor did not have the two names he was required to submit for the committee.

He made two suggestions that would eliminate having to set up a building committee; 1) purchasing property discussed at the previous Town Council Meeting in Executive Session, and 2) park behind the existing building at 88 S. Main Street.

He suggested looking into these options before establishing the building committee and undertaking the project.

Mr. Zandri felt those suggestions could be charges for the new committee.

Much discussion ensued between the Council and the Mayor, and the Council itself over the need to establishing a building committee. The Mayor and a few of the Councilors were not in favor of the idea for this project. The majority of the Council disagreed.

Mr. Gouveia stated that it was obvious that the Mayor was not going to submit names for the committee, therefore he made the following motion:

Motion was made by Mr. Gouveia to Rescind the Motion to Name the Building Committee for 88 S. Main Street which was made at the January 22, 1991 Town Council Meeting, seconded by Mr. Bradley.

Mr. Edward Musso, 56 Dibble Edge Road felt that the Council should let sleeping dogs lie. Leave the building alone.

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

Motion was made by Mr. Bradley to Form a Building Committee Consisting of Five (5) Members, Three (3) of Which Will Be Appointed by the Council Chairman and Two (2) by the Council and/or the Council Chairman for the following:

1. To Oversee the Design and Construction Phase of Developing 88 South Main Street in Accordance with the Proposed Site Plan and

2. To Consider Renovating the Structure Located at 88 S. Main Street

Seconded by Mrs. Duryea.

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

ITEM #18 Consider and Approve a Request from the Wallingford Education Department to Amend the Special Education Grant Budgets.

Mr. Bradley read the attached Resolution into the record (appended to the minutes).

Motion was made by Mr. Bradley to Approve the amended 1990-91 Education Budget Special Revenue Fund Budgets as Detailed in the Attached Correspondence and Appended Such Documentation to Town Council Minutes, seconded by Mrs. Duryea.

Mr. Myers stated that some of the grants are pre-payments and some are reimbursable. The Town is always spending the money and then recovering it from the State. The State tells us what the money can be spent on. The Board of Education submits an application and the State approves how much is granted for each program.

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

ITEM #19 Rescind a Budget Amendment in the Amount of \$30,000 Approved by the Town Council at the October 9, 1990 Town Council Meeting - Comptroller's Office.

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

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

ITEM #20 Consider and Approve a Corrected Budget Amendment in the Amount of \$30,000 Approved by the Town Council at the October 9, 1990 Town Council Meeting - Comptroller's Office

The Amendment was from Acct., Tax Overpayments, \$30,000 Acct. #1090-9040 to Acct. Tax Collection Refund of Overpayments Acct. #1420-8910 in the amount of \$30,000.

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

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

ITEM #21a Consider and Approve a Transfer of Funds in the Amount of \$500 from Contingency Reserve for Emergency to Office Supplies.

The Transfer is from Acct. #8050-3190 Contingency, Reserve for Emergency, to Acct. #1110-400-4000, Office Supplies.

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Motion was made by Mr. Bradley to Change the Transfer of Funds in the Amount of \$500 to come from Acct. #1110-700-7990, Seminars and Dues to Acct. #1110-400-4000, Office Supplies, seconded by Mr. Parisi.

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

ITEM #21b Consider and Approve a Transfer of Funds in the Amount of \$1,200 from Contingency; Reserve for Emergency to Overtime.

Motion was made by Mr. Bradley to Change the Transfer of Funds in the Amount of \$1,200 to come from Acct. #1110-100-1250, Wages to Acct. #1110-100-1400, Overtime, seconded by Mr. Parisi.

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

ITEM #22 Consider and Approve Payment for Legal Services of Attorney Fees and Witness/Expert Costs Associate with Lawsuits Involving the Town of Wallingford - Town Attorney's Office.

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

Mr. Zandri asked where the dollars are coming from to pay this?

Atty. Janis Small replied, the P.U.C. The P.U.C. has agreed to pay for the invoices.

Mr. Gouveia asked if it would be possible to obtain a total of legal fees to date?

Atty. Small replied, yes.

Mr. Gouveia asked that the record show that he is voting against this action because he felt that the Town took the wrong course of action in the beginning of the condemnation issue and if this came before the Council he would not have voted for it and will still vote against it.

Duane Braithwaite, 26 Kingsland Avenue stated that the Charter states that "no agency, officer, board or commission of the Town, while acting in the official capacity, shall employ an outside attorney without the prior approval of the Department of Law except that the Town Council, at its discretion, appoint an outside counsel to represent the Town Attorney Officer." He felt that the Department of Law has the right to defend the Town but does not have the right to go out and run up tabs all over the place and obligate the Town for hundreds of thousands of dollars and then come to the Council for payment.

The Law Department has to be accountable for actions that they took. He urged the Council to "make it stick".

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Mr. Braithwaite made several statements from the audience that went unrecorded. Mr. Killen asked that he approach the microphones when speaking to the Council.

Mr. Braithwaite took an adamant position in his belief that the Department of Law has to be accountable for the reporting of the expenditures of legal fees on a regular basis for each active case being handled by the office. He pointed out that the Council is being asked to vote on a case without the knowledge of legal fees incurred to date.

Mr. Henry Renfrew attributed this to lack of management and control of legal fees by the Council. He reminded the Council that two years ago procedures were implemented for the Department of Law to present the Council with a monthly report giving the status of each case.

Mr. Paul Gough asked if anyone on the Council knows the dollar amount of the bill they (the Town) has received and is being asked to vote on?

Mr. Killen responded that he did not.

Mr. Bradley responded that there were two bills. The total is \$105,430.28.

Mr. Killen stated that \$21,863.00 has been previously paid on this account, therefore the total is approximately \$127,000.

Mr. Gough asked who authorized the hiring of Atty. Gallagher?

Atty. Small stated that she could not have conversation with parties to litigation.

The Mayor responded that the Town Attorney's office hired Atty. Gallagher.

Mr. Gough asked if there is a written agreement between the Town and Atty. Gallagher?

The Mayor stated that he is sure there must be a letter of representation.

Mr. Gough reiterated his position, which was similar to Mr. Braithwaite's, that the Town Attorney's Office should report monthly to the Council on the status of legal fees.

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

Motion was made by Mr. Bradley to Move Agenda Item #26 Up to the Next Order of Business, seconded by Mr. Parisi.

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

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ITEM #26 Accept and Approve the Minutes of the 1/8/91, 1/31/91, 2/7/91 and 2/13/91 Town Council Meetings.

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

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

ITEM #23 Executive Session Pursuant to Section 1-18a (e)(4) of the CT. General Statutes for the Possible Sale and/or Purchase of Property as requested by Council Member Zandri.

Motion was made by Mr. Bradley to Proceed Into Executive Session, seconded by Ms. Papale.

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

Motion was made by Ms. Papale to Exit the Executive Session, seconded by Mr. Parisi.

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

Motion was made by Ms. Papale to Adjourn the Meeting, seconded by Mr. Parisi.

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

There being no further business, the meeting adjourned at 12:50 A.M.

Meeting recorded and transcribed by:

Kathryn Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Albert E. Killen, Town Council Chairman

Date

Kathryn J. Wall, Town Clerk

Date