21

# Summary of Town Council Minutes

# November 12, 1985

and predge of allegiance	
ACCEPTED Vietnam Veterans Memorial from the Vietnam Veterans	1
Waived Rule V	1-2
Allowed Vietnam Veterans Committee to continue to use the office space on Center Street for an additional 12 months with the provision that they receive a notice for termination in the event they sell the building.	2
AUTHORIZED the Town Attorneys Office, at their discretion, to pursue legal action against the conversion of the Wallingford Convalescent Home.	2
MOVED UP Items 7, 8 & 9	3
ACCEPTED the report from Steven Deak regarding the costs of damage incurred during Storm Gloria.	4
APPROVED a transfer of \$17,568 from A/C 503-143 to A/C 503	4
until they find out more information about this item	4
REJECTED an Ordinance Establishing an Insurance Commission of the Town of Wallingford.	
APPROVED a Resolution authorizing the Mayor to Enter into a Landfill Lease with the Connecticut Resource Recovery Authority.	5-10 10-16
APPROVED a Resolution authorizing the Mayor to Enter into a Payment-In-Lieu of-Taxes Agreement with the Connecticut Resources Recovery Authority.	
APPROVED the transfer of \$203 from A/C 201AI-150 to A/C 201AI-175	16-18
"MISK-Rey wind Road and Cliffside Drive	
APPROVED a transfer of \$3,336 from A/C 142-130 to A/C 142 800	18 19
APPROVED the following tax refunds which total \$9,073.86:  Joy Peterson \$ 9.98  Lawrence Dewey 509.64  Nancy Keilty 185.23  H. Lawrence Bourland & Frank Gontarz 8.369.01	
5 Minute Recess 8,369.01	19
SET A PUBLIC HEARING FOR November 26, 1985 at 8:00 p.m. on AN ORDINANCE AMENDING ORDINANCE NO. 307 APPROPRIATING THE SUM OF TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000) FOR THE ACQUISITION OF THE STATE ARMORY, NORTH MAIN STREET, WALLINGFORD, CONNECTION ITS CONVERSION TO A NEW POLICE STATION, AND AUTHORITING THE ISSUANCE BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.	19 
MOVED Contact the Board of Ethics in regards to using Council Stationery for Political Endorsements and the ethics of such a letter.	
APPROVED a transfer of \$604 from A/C 132-125 to A/C 132-604.	20 20
OTED for the Record the following financial reports:  Wallingford Public Library  Visiting Nurse Association  Senior Citizens Center	20
AIVED Rule V for a transfer of the Police Department in regards to he Communication Tower.	20
PPROVED a transfer of \$14,950 from A/C 201-131-02 to /C 201-CAP-16.	20
OTED for the Record the monthly financial reports of the Town f Wallingford for the month of October, 1985.	21
CCEPTED Town Council Meeting Minutes of October 22, 1985 as mended.	
ent Into EXECUTIVE SESSION at 10:34 p.m.	21

Came out of EXECUTIVE SESSION at 10:36 p.m.

(005)21

Meeting Adjourned.

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#### TOWN COUNCIL MEETING

#### November 12, 1985

## 7:30 p.m.

- Roll call and pledge of allegiance. (1)
- (2) Public Question and Answer Period.
- (3) Acceptance of the Vietnam Veterans Memorial from the Vietnam Veterans Committee.
- Discussion regarding legal action by the town in regards to the Wallingford Convalescent Home conversion.
- Consider and approve the following resolutions for the Resource (5) Recovery Project, requested by Mayor William W. Dickinson, Jr.:
  - (a) Resolution authorizing the Mayor to enter into a landfill lease with the Connecticut Resources Recovery Authority.
  - (b) Resolution authorizing the Mayor to enter into a Payment in Lieu of Taxes Agreement with the Connecticut Resources Recovery Authority.
- (6) Consider and approve a transfer of \$203 from A/C 201AI-150 to A/C 201AI-175, requested by Joseph J. Bevan, Chief of Police.
- Report from the Director of Public Works as to the actual expenses incurred for accounts 503-143 and 503-405, including recommendations for additional expenditures from these accounts, (Storm Gloria).
- Consider and approve a transfer of \$17,568 from A/C 503-143, (8) Overtime-Storm Gloria, to A/C 503-405, Material and Supplies-Storm Gloria, as requested by Steven L. Deak, Director of Public Works.
- Consider and approve a transfer of \$1,125 from A/C 503-130 to A/C 503-520-01, as requested by Steven L. Deak, Director of (9) Public Works.
- Consider acceptance of the following roads, as requested by Linda A. Bush, Town Planner: (10)
  - (a) Whisk-Key Wind Road
  - (b) Cliffside Drive
- (11)Consider and approve the following requests by Thomas A. Myers, Comptroller:
  - (a) A transfer of #3.336 from A/C 142-130 to A/C 142-890. (b) Tax refunds totalling \$9,073.86.
- (12)Set a PUBLIC HEARING on AN ORDINANCE AMENDING ORDINANCE NO. 307 APPROPRIATING THE SUM OF TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000) FOR THE ACQUISITION OF THE STATE ARMORY, NORTH MAIN STREET, WALLINGFORD, CONNECTICUT, ITS CONVERSION TO A NEW POLICE STATION, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.
- (13) Discussion regarding ethics of using Council Stationery for Political endorsements, requested by Councilman Edward G. Polanski.
- Consider and approve a transfer of \$604 from A/C 132-125 to (14)A/C 132-604, as requested by Vincent T. McManus, Jr., Town Attorney.

(15) Note for the Record the following financial reports:

Wallingford Public Library Visiting Nurse Association Senior Citizens Center 666

- (16) Note for the Record the monthy financial reports of the Town of Wallingford for the month of October, 1985.
- (17) Accept Town Council Meeting Minutes of October 22, 1985.
- (18) EXECUTIVE SESSION, requested by Vincent T. McManus, Jr., Town Attorney.

#### ADDENDUM

TO

TOWN COUNCIL AGENDA

November 12, 1985

8:00 P.M. Public Hearing on "AN ORDINANCE ESTABLISHING AN INSURANCE COMMISSION OF THE TOWN OF Wallingford".

#### Town Council Meeting

## November 12, 1985

#### 7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:35 p.m. by Chairman Gessert. Answering present to the roll called by Town Clerk Rascati were Council Members Gessert, Holmes, Killen, Krupp, Polanski and Rys. Council Members Bergamini and Diana arrived after the roll was called. Councilwoman Papale was on vacation and not present for the meeting. Also present for the meeting were Mayor William W. Dickinson, Jr., Assistant Town Attorney Adam Mantzaris and Comptroller Thomas A. Myers. The pledge of allegiance was then given to the flag. Since there were no comments or concerns from the public for the Public Question and Answer Period, Chairman Gessert then moved on to Item 3 on the agenda.

Charles Park then came up and introduced Walter Barnes, Richard Mayberry and Tony Baia. He then thanks the Town Council for all the help they have given over the last 18 months in establishing the very beautiful Vietnam Veterans Memorial. He then reads the following letter dated November 12, 1985 that was sent to Mayor Dickinson:

# To All Concerned;

As you all know, for many months the Wallingford Vietnam Veterans Memorial Committee has been diligently working to provide Wallingford and its residents with a Vietnam Memorial. This memorial has made us so proud and by enlisting the towns help it has made the community very proud and aware of not just, the Vietnam Veterans, but also the Missing in Action and the Prisoners of War.

By giving this Monument of names and memories to the town of Wallingford, we hope that this great town of ours never lets the memories of those who fought and those who died in Vietnam, ever be forgotten. For it is these men and women who made wallingford a special place to live.

With this thought in mind, we would be pleased and honored if the town of Wallingford would accept the ownership and responsibilities of this very special Memorial.

1067

Sincerely,

Charle R Rod

Charles Park Chairman of the Board Wallingford Vietnam Veterans Memorial Committee

Mr. Rys then made a motion that the Town accept the Vietnam Veterans Memorial; seconded by Mr. Polanski.

Mr. Rys then says it is an honor to accept this memorial that was put together by the Vietnam Veterans. It was built to honor our living and our dead and he thanks the committee and all the people who participated in making this a weekend that nobody will ever forget. He looks forward to the Spring of 1986 when they can all get together again for the dedication of the Vietnam Veterans Memorial Field on Center Street.

Chairman Gessert then comments that a lot of organizations talk about getting things done, some organizations think about getting things done but he has never seen an organization that worked as hard as the Vietnam Veterans Memorial Committee. Everyone is always saying let government do it for me and all these people came to us for was the green light. From then on they put it together and he has nothing but the greatest admiration and respect for all the members. He states it was a tremendous effort on all their fund raising events and he knows one person sold about \$20,000 in T-shirts to help fund this monument. There are also a number of corporations who should be thanked. Many gave financial contributions and some put a lot of sweat efforts into this project. Everyone got behind this as a community effort and everyone in Wallingford should be proud. He then congratulates them all again on all their effort.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert then says that the Vietnam Veterans Committee has been using the office on Center Street for the 1st 15-16 months and they would like to continue to use this space. He then would like to request that they Waive Rule V to discuss this matter.

Mr. Rys then moved to Waive Rule V; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp then moved to allow the Vietnam Veterans to use the office for an additional 12 months; seconded by Mr. Holmes.

Chairman Gessert then says this will be with the provision if they decide to sell the building or any other matter comes up, they will give them at least 30 days notice to try and find them another room.

Mrs. Bergamini then asks the Mayor if there is a problem with that.

Mayor Dickinson says he had discussed this just a few minutes ago and Adam would check into what our previous agreement was. As long as they update the insurance, he doesn't see where they would have any problem. If there isn't a provision for notice of termination, they will have to put that in there in the event that they sell the building.

Mr. Baia then noted that they do have insurance on the building themselves.

VOTE: Unanimous ayes; motion duly carried.

The Vietnam Veterans Memorial Committee is then given a standing ovation and everyone again thanks them.

Item 4 is then up for discussion. Chairman Gessert then says we have no material on this but he did request this. This has been discussed and has been the subject of several hearings of the Town for the last several weeks. The residents of the Town are taking their own legal action on their standpoints. We have

discussed some of the ramifications and some of the difficulties that have been discussed. He would like to entertain a motion to discuss this. They cannot require, demand or instruct the Mayor or the Town Attorney's office but they can make a recommendation that they take legal action on behalf of the Town.

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Mr. Krupp then moved to authorize the Town Attorney's office, at their discretion, to pursue legal action against the conversion of the Wallingford Convalescent Home; seconded by Mr. Polanski.

Mrs. Bergamini then asks is there any legal action they can take?

Adam Mantzaris then replies he had called Attorney McManus on this item but he is still working on the Taber House. However, he has been talking to the attorney's representing the residents and self-researching the question of whether or not there is a legal avenue for the Town to take. He doesn't yet have an answer. He is working on it. He should have an answer this week. They have 30 days for appeal.

Mr. Krupp then says part of the obligation of the community is to protect the safety and welfare of the people. He feels if the Town Attorney's office finds that there is cause that it would be desirable to pursue this action, they should have the authorization to proceed. He also states he did not like the rather arrogant, condescending comments by the Commissioner of Mental Health toward the citizens of this Town.

Mrs. Bergamini then says since they have the 30 days, rather than vote now, table this item and see what the Town Attorney comes up with, and then take our course.

Mayor Dickinson then says they are going to appeal if there are grounds. It depends on their ability to form a case that will hold water. He doesn't feel it requires Council action. They can show their support for it by voting.

Chairman Gessert says this is exactly what they are doing. If it gets to the point where it looks like they can file, they won't have to wait for the Council and they will have the support of the Council.

Mr. Killen then asks what is the motion and Mr. Krupp explains it is to authorize the Town Attorney's Office if they find sufficient cause to proceed with the appeal at their discretion.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert then notes that they do have a public hearing scheduled for 8:00 p.m. but since it is not yet 8:00 p.m. they will have to move up some of the other items.

It is then decided they will move up Items 7, 8 & 9.

Mr. Krupp then moves to move up Items 7, 8 & 9; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

Mr. Rys then moved to accept the report from Steven Deak regarding costs of damage incurred during Storm Gloria; seconded by Mr. Krupp.

Mr. Killen then says for the meal allowances he estimates this and shows no actual. It then says see below and below he doesn't show for those particular dates it shows from beyond 10/1. It picks up at 10/2. Is this all encompassing? Mr. Deak says yes.

Mr. Polanski then asks Mr. Deak about the repair to dome light at Lufberry Park. What is the cost? Mr. Deak explains he does not have a cost yet.

VOTE: Unanimous ayes; motion duly carried.

Item 8 is then up for discussion.

Mr. Krupp moves a transfer of \$17,568 from A/C 503-143 to A/C 503-405; seconded by Mr. Rys:

Mr. Rys then says his comment is that in looking over the account he sees they have \$98,000+ unencumbered in the account. Are we adding to this? Are we looking to spend \$106,000?

6009

Chairman Gessert then asks Tom Myers that he knows he had applied for reimbursement, does he have any idea how long it will take the Federal Government to process this?

Mr. Myers says his guess is they won't see the money for a year to 18 months.

Mr. Deak states he feels it will be sooner. He will be able to tell them more tomorrow.

Mayor Dickinson says they led them to believe it would be sooner than this but Mr. Myers is playing cautious as he should.

Mr. Killen then says the \$17,000 they are going to transfer, is any of that going to cover the proposed expenses? He is told yes. It will cover all of them. Mr. Deak says they have \$29,000 in 503-405 and they will use part of this balance also. Mr. Killen then says this will leave them with an \$8,000-\$9,000 balance. They will not come up short. He realizes it will not be right on the button.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp then moves a transfer of \$1,125 from A/C 503-130 to A/C 503-520-01; seconded by Mrs. Bergamini.

Mrs. Bergamini then asks on this transfer, the caretaker's house, who lives in it? Does he pay rent? Mr. Deak does not know. Mr. Killen says he does not believe they pay rent.

Chairman Gessert says what they did was fix up the house that was out there because the whole place was getting destroyed. People had been going through there with motorcycles and tearing the place up. They renovated the house and they have someone living there.

Mr. Rys then comments they should look into this agreement.

Mrs. Bergamini then asks what happened here. Did the water pump break down? Mr. Deak replies yes it did. Mrs. Bergamini then states she is not going for this until she finds out more about it.

Mr. Rys then asks what is the actual cost of the pump? It isn't \$1,125 is it?

Mr. Deak replies yes it is. Mr. Rys then asks about the unencumbered funds here? Mr. Deak replies that is for something else.

Mr. Deak explains that the pump and wiring is \$800 and the labor is \$233.

Mrs. Bergamini thensays she really wants to know what is up there, and just what they are getting for their money.

Mr. Holmes says they have a person living there now and they don't have any water. We don't know what the agreement is but they have no water.

Chairman Gessert then says some people have commented that until they find out who is there, what he is doing there and what he is paying for rent they don't want to spend \$1,125.

Mr. Killen then notes he has other monies in the account and he could leave it there in the interim one way or another until they go forward with this.

Mayor Dickinson recommends that they table this item.

Mr. Krupp then moved to table the transfer of \$1,125 from A/C 503-130 to A/C 503-520-01; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried

Mrs. Bergamini then notes to the Council Secretary that the next time this item comes up, Stan Shepardson should be present and explain this item.

Chairman Gessert then moves on to the Public Hearing scheduled for 8:00 p.m. on an Ordinance Establishing an Insurance Commission of the Town of Wallingford. He then reads the following ordinance:

- 560 (400) 479 (500) 40

070

# AN ORDINANCE ESTABLISHING AN INSURANCE COMMISSION OF THE TOWN OF WALLINGFORD

BE IT ENACTED by the Town Council in Session:

#### I. SCOPE AND PURPOSE

A. Due to conditions of instability and dysfunction in the procuring and maintaining of insurance coverage for the Town of Wallingford, the Town Council has determined that a separate and dedicated advisory Commission in the area of insurance coverage is warranted and desirable.

B. To this end, this Ordinance establishes an advisory commission to be known as the Wallingford Insurance Commission, and defines general responsibilities, membership, and terms of office for said Commission.

# II. GENERAL RESPONSIBILITIES

- A. It shall be the duty and responsibility of the Wallingford Insurance Commission to:
  - maintain an updated catalog of all insurance coverages of the Town of Wallingford (including self-insurance policies) and premiums/ costs associated with each category of coverage,
  - 2. evaluate each category of coverage as to its appropriateness and/or sufficiency,
  - 3. investigate alternative sources for insurance coverage and/or evaluate options of self-insurance versus purchased coverage, and
  - 4. submit to the Mayor, the Town Council, and the Comptroller its findings and recommendations as well as its catalog of coverages by December 31 of each fiscal year.
- B. The requirement of II.A.4 above shall be waived for calendar year 1985; said report shall instead be filed within 120 days of the appointment of said Commission.

#### III. HEMBERSHIP

A. The Wallingford Insurance Commission shall be comprised of five (5) members, appointed by the Mayor and confirmed by the Town Council.

B. Each Commissioner shall serve a term of five (5) years from the date on which the vacancy which he/she is appointed to fill occurred, except that the first appointments to said Commission shall expire as follows:

1 abbreviated term to expire on March 31, 1987 1 abbreviated term to expire on March 31, 1988

1 abbreviated term to expire on March 31, 1989 1 abbreviated term to expire on March 31, 1990

1 extended term to expire on March 31, 1991

## IV. GENERAL PROVISIONS

A. The Wallingford Insurance Commission shall establish its own rules of procedure, and shall elect a Chairman and other such officers as it deems necessary from among its own membership.

B. Commissioners of the Wallingford Insurance Commission shall be disqualified from submitting bids or proposals for insurance coverage for the Town of Wallingford, in accordance with the provisions of the Town Charter and the Code of Ethics.

Mr. Krupp then moved the ordinance; seconded by Mr. Diana.

Charlotte Collins is then asked to join the Council with her comments.

Mr. Polanski then notes that they once asked for exactly what coverages the Town has and they never received this.

Chairman Gessert then states that all they know is they have coverage on "x" number of cars. They have no breakdown.

Mayor Dickinson states that they are not talking about breakdown as far as liability, but each individual car.

Charlotte Collins then replies she has a copy in her office if anyone would like to see it.

Chairman Gessert says he would like to see it and that all they had received from Ferguson-McGuire was so much for buildings, so much deductible, so much for cars and deductibles and the price. Mayor Dickinson then says just to be clear this lists by license numbers? Charlotte Collins replies this is by ID numbers, year, and make with original costs.

Chairman Gessert then notes if she wouldn't mind, please send a copy to the Council Secretary and they could then be forwarded to the Council members.

Mr. Polanski then notes that since the Town has paid so much for insurance they should know what coverge they have.

Charlotte Collins then says she can give them all copies of the policies that are in place right now. Do they want everything including bonds and securities.

Mayor Dickinson then notes that Chairman Gessert does have one copy that shows the general coverages.

Chairman Gessert says it is general coverages. He can't show where Lyman Hall would have \$5 million, \$10 million or what. He has no breakdown.

Charlotte Collins then explains that that is a blanket coverage. Everything is appraised at a certain amount for all the buildings. If a building was taken off, they would notify them and it would be reduced.

Mr. Polanski then says this would be a good way to know what property and what buildings the Town does own. Nobody seems to know what they own.

Charlotte Collins says that as far as buildings and contractors equipment, many of the coverages they have been putting in are well below what they should be insuring. For instance, lights at the ballfields have been insured for \$100,000. It is inconceivable that all of those lights would be vandalized at the same time. They have to go over the list and cut the things they shouldn't be insuring. They shouldn't be insuring cars that are worth \$1,000.

Mr. Diana then says he knows Charlotte is here to speak out against an insurance commission. However, they have been discussing insurance since last August. To this point, nobody on this Council has any idea of what is going on with insurance. To continue to fight the formation of an insurance commission is totally counterproductive to what they are trying to do. If they find a year from now that the commission is a total waste of time, then abolish it. However, if they have the chance to become a little more educated on insurance issues, there is nothing wrong with it. It doesn't cost them anything. Right now nobody knows what they have. He believes the commission will not hurt anything. He feels they will become better educated and informed. This is the worst and best that will come out of it.

Charlotte Collins then says that they are going to have an insurance committee to meet with the now defunct Wallingford Board of Independent Insurance Agents. It took them about a whole year to get one meeting with this committee and she feels it was nonproductive.

Mr. Diana says that too many times people have said don't try something because it has been tried before but this doesn't stop him. This commission would be very productive.

Charlotte Collins then notes that when the public hearing was set, she believes it was Marie who said that if they had people interested in the commission, they would know it at the time of the hearing. She would like to know if anyone has come forth with the wish to serve on this commission. To her estimation, the only people in this town who would know about insurance are the agents and they would then be restricted from bidding on any insurance. She does not feel there would be a gain by having 5 people that you have to educate on insurance. The Council probably doesn't know too much about their home policies. If you go with an insurance consultant and have someone tell you your levels of self retention, what you should be insuring on your own then fine. However, an insurance commission would not know enough to follow the whole process.

Mr. Krupp says we have committed ourselves to a consultant. If we are to proceed with an insurance commission now would be the time to do it so the commission could work with the consultant. The decision

The basic question is, is there a is up to the Council as a whole. value to having an agency with a specific responsibility in this area. If it doesn't pan out, as Ed said, there is nothing stopping the Council from abolishing it by rescinding the ordinance. There is nothing to lose from this. The Council had asked for this in the first place because it was felt there would be gain from such a They aren't going to get a bunch of people who are commission. experts in the field of insurance, but in some areas this may be an advantage. Charlotte's arguments do have some merit in that it will take time to train people. These are 5 year terms on a rotating basis so that on one given year only one person's term is going to expire. We don't appoint people to the P & Z Commission because they know State Statutes backwards and forward. We appoint them on the basis that they will learn what needs to be known. You take the same approach on any advisory commission. As he said, it is the Council's option. Is there any harm in having additional input from Council's option. an independent advisory board.

Mr. Holmes then notes that an individual on this commission who advises on coverage on a building and then there is a catastrophy to that building and it does not have coverage, he understood that the people on that commission would hold some liability because they advised. Is that true?

Mayor Dickinson says that anyone who sits on an appointed board or commission has exposure. On something like this, he suspects the exposure would be greater because of the potential frequency of claims and also the dollar figure. If for instance there should be a self-insurance program and it was not adequately reserved and was approved by the commission and there was some large loss, he doesn't know.

Mr. Krupp then says there are no decision powers incorporated into this ordinance.

Mayor Dickinson then says if there is any exposure, it just seems like bureaucracy for bureaucracy sake. It has no authority and it is 5 laymen making judgement on an area that has some pretty big results as far as the Town. Frankly, he can't see that anyone is going to want to sit on it. This gives him the ability to appoint people and he doubts there is going to be anyone that wants to expose themselves to this kind of grief.

Chairman Gessert then asks how far along are we on the RFP's for an insurance consultant?

Charlotte Collins then says at the request of the Mayor she has contacted 6-7 communities and this information has been forwarded to the Mayor. Also, she wrote to the Insurance Commissioner to ask for a list of all the certified insurance consultants. This should then be ready to go out before the first of the year.

Chairman Gessert then asks of the surrounding towns, how many of them use an insurance consultant?

Charlotte Collins says she has found nobody that uses an insurance consultant. In the town of North Haven, she talked with the director of finance and he secured the insurance consultant who was from Hamden. The city of Hartford risk manager has sent her a copy of a RFP that they had used and she forwarded this to the Mayor. The cities of Manchester and Norwich use an agent who assesses their needs and goes out to bid. She hasn't found many that use an insurance consultant. None of them uses an insurance commission. They are all still in a state of shock and nobody knows where they are going right now. On Monday there is a hearing at the State Capital on Insurances. She can't offer anything that anyone has done in the area constructively except those communities that already have a risk manager in place. These are the large cities, Hartford, West Hartford etc. In Hamden, the man there was also the purchasing agent.

Mr. Diana then says he does not feel we have to wait for surrounding towns to adopt something before they do. This commission would they could work hand in hand with one another. We were the first to speak on a ceiling for municipality suits and that is hopefully going to be a statewide project. Hopefully, this will be statewide. He sees no reason why they can't put a commission together and the bottom line is if it doesn't work, abolish it. At least we tried. If everyone is opposed to it, let's just put it to a vote. We can spend all night talking about it, let's just vote and whatever happens happens but at least we tried. He then notes that we do

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have the Economic Development Commission and Phil Hamel was the coordinator at the time but they still have no voting power in the sense that they could change the direction the town was going.

It is going to be that kind of relationship with the commission.

Mr. Holmes then says if this pans out, maybe we could look at some kind of standing committee of the Council.

Mr. Killen says he will vote against this. At the meeting we said if someone were interested and he doesn't see the floor overflowing. They decided on a consultant and he sees no need for an insurance commission. If it does pass, in membership section of the ordinance, it says each commissioner shall serve a term of 5 years from the date on which the vacancy which he/she is appointed. He would assume we would strike this since there is no vacancy from the beginning. You could fall under the trap when a vacancy does occur, you are saying the person will serve 5 years from the date which he is appointed occurs. There seems to be no real reason to put vacancy in, in the first place because this is not a commision now and they are not appointing someone to fill the vacancy. It goes just as easy as saying they will fill a term of 5 years from the date on which he or she is appointed and the first shall begin on March 31, 1987 and so forth. There is no vacancy at this point so there is no need to put the term in.

Mr. Polanski then says when they decided about this hearing he said if interested, they would hear from the people between now and November 12th. Do they have anyone interested? No.

VOTE: Council Members Diana, Krupp and Holmes voted yes; Council Members Bergamini, Gessert, Killen, Polanski and Rys voted no and Councilwoman Papale was absent from the meeting; motion does not carry.

Item 5 on the agenda is then up for discussion.

Chairman Gessert then states this item is to consider and approve the landfill lease agreement and the payment-in-lieu-of-taxes agreement with the Connecticut Resource Recovery Project. He does then note that they have a letter from Mayor Dickinson describing these agreements and he then reads the following letter:



ILLIAM W. DICKINSON, JR.

OFFICE OF THE MAYOR

TOWN OF WALLINGFORD
CONNECTICUT

November 6, 1985

Wallingford Town Council Wallingford, Connecticut

Attention: Mr. David A. Gessert, Chairman

Dear Council Members:

Enclosed are two agreements for the Resource Recovery Project which we have discussed with you in general terms at prior meetings. The Landfill Lease Agreement is accompanied by a Summary prepared by Phil Hamel.

The Payment In Lieu of Taxes (PILOT) Agreement provides for payment to the Town of \$1.50 per ton of refuse processed at the facility (about \$200,000 per year), escalating for the ten years at 80% of the Consumer Price Index after the ten years at 80% of the Consumer that at 100% of the Consumer facility is accepted and after that at 100% of the Consumer Price Index. The PILOT will be paid to the Town quarterly. The Landfill Lease Agreement pays the Town \$40,000 per The Landfill Lease Agreement pays the first full contract year.

Both agreements have been reviewed by Attorney Adam Mantzaris. I believe both agreements are fair to the Town and vital to the project, so I hereby request that you adopt the attached 674 resolutions.

If you have any questions or comments, please contact me or Phil Hamel.

Sincerely,

William W. Dickinson, Jr.

Mavor

WWD/rk Encs.

Mr. Holmes then reads the following resolution:

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LANDFILL LEASE WITH THE CONNECTICUT RESOURCES RECOVERY AUTHORITY

WHEREAS, the Town of Wallingford has determined that it should enter into a contract with the Connecticut-Resources Recovery Authority for the delivery of solid waste management services; and

WHEREAS, the Connecticut Resources Recovery Authority will provide these services in conjunction with a regional project and has entered into contracts with other municipalities pursuant thereto; and

WHEREAS, it is desirable and necessary to have sanitary landfill capacity available for the disposal of residue and other acceptable waste from the processing of solid waste at the project's facility;

WHEREAS, the Town of Wallingford's Landfill meets the requirements of the Connecticut Resources Recovery Authority in order that it fulfill its obligations under said contracts; and

WHEREAS, it is in the best interest of the Town of Wallingford to enter into the attached Agreement with Connecticut Resources Recovery Authority for the lease of its Landfill.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, the Chief Executive Officer of the Town of Wallingford, be and hereby is authorized to enter into and execute said Lease Agreement in generally the form and upon the general terms and conditions as presented, with such changes, revisions and amendments as he, in the exercise of his judgment, may agree to as being in the best interest of this Municipality, and which terms, conditions, changes, revisions and amendments are hereby approved and specifically agreed to, and to deliver the same to the Connecticut Resources Recovery Authority under the corporate seal of the Municipality which shall be affixed and attested by the Town Clerk; and

BE IT FURTHER RESOLVED, that the Mayor and other proper officers of this Municipality be, and they hereby are, authorized, directed and empowered on behalf of the Municipality to enter into, execute and deliver such other agreements, certificates and other instruments as they may deem necessary or appropriate to consummate the transactions contemplated by said Lease Agreement.

Mr. Rys then moved the above resolution; seconded by Mr. Krupp.

Mr. Hamel says this lease was modeled after the lease for Meriden. The payment was determined on a formula basis and the number of cubic yards we have available for this project.

Chairman Gessert then says if we use the yardage we have here, does that mean we will have a high peak or will it level off or what?

Mr. Hamel says the state is asking that we use every inch that is available for landfill space.

Chairman Gessert then says it is up that worries him. Mr. Hamel says he feels we are very near the top we can go. He hasn't seen the plans but they do ask that we go right up to the top because of the shortage of landfill space.

Mr. Krupp then states that if he were in the Chairman's shoes, he would recognize the great accomplishment by these people.

Chairman Gessert then says he would also like to say it is quite an accomplishment in this day and age to get 5 towns to agree on anything.

Mr. Killen then says this was run over lightly. The biggest problem with Meriden was the use of their landfill for refuse. We never got into any depth of the fact that we were going to be using the local landfill here for any of this disposal. We have not dickered on this or said let's look over the bit about the methane or any other things. Here it is all cut and dried.

Mr. Hamel says he is pretty sure they had told the Council about leasing the landfill.

Chairman Gessert says he is sure Mr. Hamel had mentioned it but with all the other things they were talking about at the time as far as size, location, etc. this item probably didn't get as much attention.

Mr. Killen then says he doesn't believe they discussed if the facility is down for some time, other communities will be dumping their raw garbage in their landfill area.

Mr. Hamel says it could be ours or it could be in Meriden. The authority has agreed that if they know the plant is going to be down for more than 15 days, to divert the waste so it is not coming into these landfills.

Mr. Killen says this lease agreement is so thick, about as thick as the agreement with CRRA and then to be told they have to adopt this tonight in a moment's notice is really something that took Meriden so damn long to agree on. We are accepting the plant in Wallingford and whatever goes with it were accepting and this is slipping right by us. He is not happy about that.

Mr. Polanski then says in the Mayor's letter it says we are getting \$1.50 per ton from ton one correct? Mr. Hamel says yes. Mr. Polanski then says that the lease states that they will not accept brush which exceeds 4 feet in length and 4 feet in diameter. What will we do with it? Mr. Hamel says nonprocessible will be accepted at the landfill. Ours or Meriden's. Mr. Polanski then says it says for Basic Rent, they will pay us \$3,335.00 per month in addition to the \$1.50 per ton? Mr. Hamel replies yes. The \$1.50 per ton is a separate contract.

Mr. Holmes says Mr. Hamel did bring up the fact about the landfill lease and he doesn't feel they have been left in the dark about this. Nothing was done last minute. This is his opinion.

Chairman Gessert then says the last area where it says the town shall be responsible for putting final cover on any area that reaches final contours before CRRA starts using the landfill. Anything new after they open up, they are responsible for covering it and burying it correct?

Mr. Hamel replies yes. Anything they have filled at the time they take over where it can't be used again, we have to put final cover. Anything they have filled where it reaches final contour, they have to put final cover on.

Chairman Gessert then asks if anyone has done any computations as to the cost reductions on our current landfill as far as the cost of the scale house, labor, gasoline, etc.

Mayor Dickinson says not other than looking at a budget and see what money is appropriated for use of the landfill. This would be the quickest way. The personnel would probably be absorbed elsewhere at the point the landfill is closed. We do plan to keep some of the landfill. We are looking at an area of 10 acres. They also have to include language about preparation of a map showing what contours are theirs and which are ours. In order to clearly prove responsibility. They will make sure it is in there.

Mr. Polanski then says on page 3 of their summary it says CRRA will maiantain general public liability if it is reasonably available. What if it is not?

Mr. Hamel says if not reasonably available no one will maintain liability. The same way the town is not able to obtain liability for the landfill the authority may not be able to. What will happen is that all 5 towns will be responsible. In the municipal agreement, the municipalities have agreed that they will pay the net cost of operation so if there are costs involved that cannot be covered by insurance the municipalities will be responsible. The way the costs are allocated are by adjusting the tip fee. The municipalities that have more tons coming in will pay for more. One quarter on a ton. If they have 50,000 tons they are

Mr. Diana then asks what is the one benefit Wallingford is getting out of this that nobody else is getting.

paying 50,000 quarters. This shows in the municipal agreement.

Mr. Hamel says the primary benefit is we don't have to tansport refuse to other towns and our residents should not have to bear that cost. There is also the PILOT. Payment-in-lieu-of-taxes no other town gets. No other town can bring refuse that close. They have to transport it out of town.

Mayor Dickinson says what Phil is saying we should have a lower cost for disposal of refuse in the Town of Wallingford than any surrounding towns.

Mr. Diana then asks Mr. Hamel to explain the PILOT program again.

Mr. Hamel says the proposal is that the authority will own this project. There is a lease back arangement where the vendor will own it for tax purposes but the authority will actually own it and lease it. This gives the tax benefits. Since the authority will own it it is not taxable. Under ordinary circumstances, they will not pay taxes. In the Statute that makes them exempt, it states that it will not preclude any payment-in-lieu-of-taxes agreement with any municipality. So what has happened is they have negotiated the \$1.50 per ton. This is in lieu of taxes and will cover costs.

Edward Musso, 56 Dibble Edge Road asks how big is the landfill. Mr. Hamel replies 50 acres. When the plant goes online, there are only going to be 400,000 cubic yards left. That is a respectible amount but not a lot. Meriden has over 3 million: cubic yards of space. Mr. Musso then says this is going to be built on Cyanamid property. Did they donate, lease or what. Mr. Hamel replies that the current understanding is that it is going to be a gift. Mr. Musso replies we should go for this because we have no alternative, the landfill is to the top. As far as brush, don't they have chippers? Will that fill be usable. Can it be used if someone wants to. Mr. Hamel asks if he means the ash and Mr. Musso says yes. Mr. Hamel says Vicon is doing tests to determine if it can be used and if it can if he wants to buy some they would be happy to sell it. He states the Satori property needs fill.

Chairman Gessert states that if you look at what comes out the tail end of the plant you are liable to get a wheel or a bed spring or whatever. This does not disappear. The lettuce, coffee grounds, newspaper comes out ash but metal products come out similar to what they went in as. It is not completely digested.

Mrs. Bergamini then asks what they do with refridgerators and stoves.

Mr. Hamel says they set them aside. That is their responsibility. The concept is we are no longer in the landfill business. It may be part of the lease that they buy the scale houses. They will pay us for using the landfill and part of what they are paying for may be the scale. They are still dickering on this.

Chairman Gessert then states that in driving through North Haven recently he has noticed them burning the aftermath of Hurricane Gloria. To his knowledge they didn't burn it but just pushed it into a pile. Can they burn it or should they?

Mayor Dickinson says we can burn it by a permit from DEP. Will it save space yes. Should we, he didn't ask Steve to apply for a permit because of the air quality problems we have all been notified about

and a lot of burning down there would have a potential to having the smoke stay in that area. Any kind of stagnant wind current, lack of it they would have the smoke for a long period of time. It would be better to lose the space in the landfill than incur increased air quality problems.

Mr. Killen then asks what is the commencement date of this lease.

Mr. Hamel says one of them is July 1, 1987. The other is two weeks before start up. Start up is when they are going to test the plant and begin operating the plant. The town has the option. We will be paying the authority its cost for operating the landfill for disposal of our refuse during that time. The price that is fixed in the municipal agreement when the facility is on line for what we pay for refuse going through that. If the price is lower than our current price, they expect start up around July 1, 1987, if there is delay, they may not want to enter into the agreement until the plant is ready to start up. The town has to decide if it wants July 1, 1987 or with start up.

Mr. Killen says when does the town have the option of deciding their option? We are adopting the lease tonight with an open end.

Mr. Hamel says if the authority could run the landfill with less cost than we could, we might want to go tommorow. The latest we can do it is two weeks before start up. At that point if they haven't decided to do it on July 1st or if that is July 1st, he is not sure we will have a choice.

Mr. Killen says we are entering into a legal agreement with an open end to it that he is not impressed with. Mr. Hamel says we can't accurately predict costs right now. That will have to be decided at the time. Mr. Martin then says they should have 3-4 months notice. Mr. Hamel then says we will have a minimum of 2 months notice. This is in the vendor agreement. Mr. Killen says the things that mean something you can't find. Somebody has the figures somewhere but they are never put in writing. Later on people come to us and we don't know where it is in writing. Mr. Hamel says the July 1, 1987 date we know about now. What they will add in there is the authority must give them a minimum of 2 months notice before start up. Mr. Hamel says he will put this into the contract.

VOTE: (on the lease agreement) Unanimous ayes with the exceptions of Mr. Killen who voted no and Mrs. Papale was not present for the meeting; motion duly carried.

Mrs. Bergamini then reads the Resolution authorizing the Mayor to enter into a payment in lieu of taxes agreement with the Connecticut Resources Recover Authority.

The resolution reads as follows:

WHEREAS, the Town of Wallingford has determined that it should enter into a contract with the Connecticut Resources Recovery Authority for the delivery of solid waste management services; and

WHEREAS, the Connecticut Resources Recovery Authority will provide these services in conjunction with a regional project and has entered into contracts with other municipalities pursuant thereto; and

WHEREAS, under Section 22a-270 and 22a-270a the Connecticut Resources Recovery Authority and its lessees are exempt from

WHEREAS, it is in the best interest of the Town of Wallingford to enter into the attached Agreement with Connecticut Resources Recovery Authority for payment of monies to the Town of Wallingford in lieu of Taxes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, the Chief Executive Officer of the Town of Wallingford, be and hereby is authorized to enter into and execute said Agreement for Payment in Lieu of Taxes in generally the form and upon the general terms and conditions as presented, with such changes, revisions and amendments as he, in the exercise of his judgment, may agree to

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as being in the best interest of this Municipality, and which terms, conditions, changes, revisions and amendments are hereby approved and specifically agreed to, and to deliver the same to the Connecticut Resources Recovery Authority under the corporate seal of the Municipality which shall be affixed and attested by the Town Clerk; and

BE IT FURTHER RESOLVED, that the Mayor and other proper officers of this Municipality be, and they hereby are, authorized, directed and empowered on behalf of the Municipality to enter into, execute and deliver such other agreements, certificates and other instruments as they may deem necessary or appropriate to consummate the transactions contemplated by said Agreement for Payment in Lieu of Taxes.

Mrs. Bergamini then moved the above resolution; seconded by Mr. Rys.

Mayor Dickinson then states just to clear up payment-in-live of taxes is based on \$1.50 per ton so if it is 125,000 tons that would be \$187,500. Minimum tonage it would be at \$187,500. It is expected it could go as high as 140,000 tons. We get \$1.50 per ton regardless of the number.

Mr. Holmes says they originally had anticipated 100,000-125,000 and this is potentially 50,000 above his expectations. It was a negotiated effort and he commends all involved.

Mayor Dickinson then says the PILOT is really to cover the impact that they receive. Road costs, fire, police etc. In addition there is some extra to cover inconvenience. The higher the figure is, the higher the tip fee goes. If we negotiated a much higher figure, it just means the tip fee is higher for all the people in Town. The desire was to cover the Town's cost but keep the tip fee as low as possible. In effect it just comes around and bites you again.

Chairman Gessert then says for the past couple of years they have been talking about this in theory, then reality, various alternatives, various negotiations and various contracts, when will they know that the facility says OK I'm going to put a shovel in the ground and start pouring concrete.

Mr. Hamel says this is an extremely complex deal. There are still threads hanging but if all goes well they will have someone breaking

Mr. Musso, 56 Dibble Edge Road asks if this plant will be expandible. Mr. Hamel says yes. Mr. Musso then asks if it can be condensed if someone drops out. Mr. Hamel says they enter into a 20 year agreement. They can't drop out.

Mayor Dickinson then says he doesn't think anyone is jumping up and down that this is paradise for the Town of Wallingford. It is not. What they are doing is trying to deal with the Wallingford trash problem and it also has affected the regional trash problem. In an ideal world it would cost us less and we could ship it anywhere but within the Town of Wallingford. Unfortunately, that would cost us more. We are going to have to stay on top of the environmental impact, and a lot of aspects. In an imperfect world, this appears to be the best way to go.

VOTE: (on the PILOT agreement) Unanimous ayes with the exception of Mrs. Papale who was not present for the meeting; motion duly carried.

Item 6 is then up for discussion.

Mr. Krupp then moved the transfer of \$203 from A/C 201AI-150 to A/C 201AI-175; seconded by Mr. Diana.

VOTE: Unanimous ayes with the exceptions of Mr. Rys who was not present for the vote and Mrs. Papale who was not present for the meeting; motion duly carried.

Item 10 is then up for discussion.

Chairman Gessert then reads the letter from Linda Bush and states that they do have a letter from Mr. Costello and Mr. Deak saying the roads are ready for acceptance.

Mrs. Bergamini then asks the Mayor Dickinson about this where it says "High Hill Acres--Property of Kogut. How does Kogut come into this particular piece of property? They had a session with Kogut because of the way he wanted to start ripping down the countryside and start building houses at the top of the hill. Is this the piece involved?

Mayor Dickinson then says all this is is the real estate to form these highways.

Chairman Gessert says it looks like they bought this subdivision from Kogut. Mayor Dickinson says DiPasquale must have purchased the property he developed from Kogut. Some of it went for the road and the other was subdivided.

VOTE: Unanimous ayes with the exceptions of Mrs. Bergamini who passed and Mrs. Papale was not present for the meeting; motion\_duly carried.

Chairman Gessert then asks if we can get a letter to every subdivision that has a road that is yet to be accepted so they can put the squeeze on the property developer.

Mayor Dickinson says he doesn't think we have any new roads that hadn't been notified the last time. The Town is looking to put up a sign on any of these roads that says "private way". We notify the developer. Chairman Gessert then suggests we notify the property owner.

Mr. Diana then says he understands we are not going to plow the roads because it is not accepted. Can we get a legal opinion from the Town Attorney as to what happens if fire access is denied because we didn't take care of the roads.

Mayor Dickinson then says we do plow them but we give the developer 8 hours to do it. If he doesn't do it, we plow them and we bill the developer. This is the way we did it last year and a number of them got billed. We have had 5 roads accepted this spring, he thinks 11 are pending out of some 30. The number is rapidly dwindling. There is an incentive to get it done. Do we plow them, yes we do. If the developer doesn't do it, we do and then we bill the developer.

Item 11 is then up for discussion.

Mr. Krupp then moved a transfer of \$3,336 from A/C 142-130 to A/C 142-890; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp then moved the following tax refunds:

Joy Peterson \$ 9.98 Lawrence Dewey 509.64 Nancy Keilty 185.23 H. Lawrence Bourland

& Frank Gontarz 8,369.01 Total \$9,073.86

This was seconded by Mr. Rys.

Chairman Gessert then asks what the last refund was for.

Mr. Myers says it was a duplicate payment that occured during last Grand List year. Last fiscal year. He does have their money in reserve. He prefers all refunds come through the appropriation process. It is a wash on the books.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert then notes that Item 12 is then up for discussion but before they get into this they will take a 5 minute Recess.

From this point on, the recorder malfunctioned and the tape on the 2nd side was inaudible. Therefore, the motions and the votes for the remaining agenda items will follow.

Mr. Holmes moved to Set a Public Hearing on AN ORDINANCE AMENDING ORDINANCE NO. 307 APPROPRIATING THE SUM OF TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000) FOR THE ACQUISITION OF THE STATE

ARMORY, NORTH MAIN STREEET, WALLINGFORD, CONNECTICUT, ITS CONVERSION TO A NEW POLICE STATION, AND AUTHORIING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION; for 8:00 p.m. on November 26, 1985; seconded by Mr. Krupp.

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VOTE: Unanimous ayes; motion duly carried.

Mr. Polanski then moved to Contact the Board of Ethics in regards to using Council Stationery for Political Endorsements and the ethics of such a letter; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes with the exception of Mr. Diana who voted no and Mrs. Papale was not present for the meeting; motion duly carried.

It was then noted that the Council Secretary send this letter to the Board of Ethics asking them to review this matter along with a copy of Mr. Krupp's letter. This letter should be sent to Charlotte Wallace.

Mr. Krupp then moved a transfer of \$604 from A/C 132-125 to A/C 132-604; seconded by Mr. Holmes. This transfer was needed in order to cover payments for a temporary legal secretary in the Town Attorney's Office.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes then moved to Note for the Record the following financial reports:

Wallingford Public Library Visiting Nurse Association Senior Citizens Center

This was seconded by Mr. Polanski.

VOTE: Unanimouas ayes; motion duly carried.

Mr. Krupp then moved to Waive Rule V for a transfer of the Police Department in regards to the Communication Tower; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp then moved a transfer of \$14,950 from A/C 201-131-02, Sargeant & Investigator Wages, to A/C 201-CAP-16, Capital- Communications Tower; seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exceptions of Mr. Killen and Mr. Polanski who voted no, and Mrs. Papale was not present for the meeting; motion duly carried.

Mr. Holmes then moved to Note for the Record the monthly financial reports of the Town of Wallingford for the month of October, 1985; seconded by Mr. Krupp.

VOTE: Unanimous ayes; motion duly carried.

The next item up for discussion was the Town Council Meeting Minutes of October 22, 1985.

Mr. Killen then noted that the summary sheet showed for the 4th item down, REJECTED the Factfinding Report on the Wallingford Educational Secretaries, Local 1303. This should have read ACCEPTED because of the way such a motion has to be read. Also, then on Page 3 of the minutes where they vote the above Factfinding Report, it should read "MOTION DULY FAILED".

Mr. Holmes then moved to accept the Town Council Meeting Minutes of October 22, 1985 as amended; seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes then moved to go into EXECUTIVE SESSION for the purpose of discussing pending litigation; seconded by Mr. Krupp.

VOTE: Unanimous ayes; motion duly carried.

The meeting then went into EXECUTIVE SESSION at 10:34 p.m.

Mr. Holmes then moved to come out of EXECUTIVE SESSION; seconded

VOTE: Unanimous ayes; motion duly carried.

The meeting then came out of EXECUTIVE SESSION at 10:36 p.m.

Mr. Holmes then moved a settlement of \$750 to a young man whose motorcycle hit a depressed manhole cover on Christian Street near St. John's Cemetery; seconded by Mr. Krupp.

VOTE: Unanimous ayes; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 10:40 p.m.

Approved:

David A. Gessert, Council Chairman

11-26-85

Date

Date

11-26-85

Date

Date

Date

11-26-85