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SPECIAL TOWN COUNCIL MEETING

TUESDAY - JULY 15, 1986

5:00 p.m.

A special meeting of the Wallingford Town Council was held in Council Chambers on July 15, 1986 for the following two items:

- (1) A PUBLIC HEARING ON AN ORDINANCE APPROPRIATING THE SUM OF NINETY THOUSAND DOLLARS (\$90,000) FOR AN ASBESTOS ABATEMENT, INSPECTION, DESIGN AND SERVICES PROGRAM FOR WALLINGFORD PUBLIC SCHOOLS INCLUDING INSPECTION, DESIGN, AND RELATED SERVICES AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.
- (2) APPROVAL OF APPEAL FROM STATE ARBITRATION PANEL DECISION ON FIRE FIGHTERS PENSION PLAN.

Vice Chairwoman Marie B. Bergamini called the meeting to order at 5:10 p.m. and answering present to the roll called by Town Clerk Rosemary A. Rascati were Council Members Bergamini, Diana, Killen, Papale, Polanski and Rys. Councilman Gouveia arrived immediately following roll call and Councilmen Gessert and Holmes were not present and it was noted that Councilman Gessert was on vacation. Mayor Dickinson and Comptroller Myers were also present.

Mrs. Bergamini read and Mr. Rys moved adoption of the following ordinance:

AN ORDINANCE APPROPRIATING THE SUM OF NINETY THOUSAND DOLLARS (\$90,000) FOR AN ASBESTOS ABATEMENT, INSPECTION, DESIGN AND SERVICES PROGRAM FOR WALLINGFORD PUBLIC SCHOOLS INCLUDING INSPECTION, DESIGN, AND RELATED SERVICES AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

Be it Enacted by the Town Council in Session:

I.

The sum of Ninety Thousand (\$90,000) Dollars is hereby appropriated for an asbestos abatement, inspection, design, and services program for public schools in the Town of Wallingford, all as hereinafter set forth, including design costs, engineering, architect, inspection fees, administration expenses, costs of marketing temporary notes pending the sale of bonds, legal expenses, and all other expenses incidental to said projects.

II.

To meet said appropriation, not more than Ninety Thousand (\$90,000) Dollars of bonds of the Town of Wallingford shall be issued pursuant to Chapter XV of the Town Charter, as amended, and Section 7-369 of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

III.

The Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to sell the bonds, either all at one time, or from time to time, in series, at public sale, either as a separate issue or combined with other authorized but unissued bonds of the Town of Wallingford, at not less than par and accrued interest, an advertisement of which shall be published at least seven days before the date of sale in The Bond Buyer. They shall determine the rate of interest of such bonds, and shall determine the amount of each issue of such bonds, and shall determine the dates of principal and interest payments, the manner of issuing such bonds, and by whom and how such bonds shall be signed or countersigned, and all other particulars thereof.

The Town Treasurer shall deliver the bonds and receive the proceeds thereof. The Connecticut Bank and Trust Company, N.A., of

Hartford, Connecticut, shall be the certifying and paying agent. Adinolfi, O'Brien & Hayes, P.C., Attorneys-at-Law, of Hartford, Connecticut, shall render an opinion approving the legality of such particular issue. Such bonds shall be general obligations of the Town of Wallingford and the full faith and credit of the Town shall be pledged to the punctual payment of principal and interest of the bonds in accordance with their terms. 453

IV.

The Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to sell temporary notes of the Town, from time to time, in an amount not to exceed Ninety Thousand (\$90,000) Dollars, under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of bonds hereby authorized, and are authorized to comply with the provisions of Section 7-378a, as amended, and any other legislation regarding the extension of temporary periods whether presently in effect or enacted subsequent to the passage of this ordinance, if the maturity of such notes shall extend beyond the time permitted by Section 7-378; the Mayor, the Comptroller and the Treasurer, or any two of them, are hereby authorized to determine the rate of interest of such notes, determine the amount of each issue of notes, their form, their date, the dates of principal and interest payments, the manner of issuing such notes, and by whom and how such notes shall be signed or countersigned, and all other particulars thereof. Such notes shall be general obligations of the Town of Wallingford and the full faith and credit of the Town shall be pledged to the punctual payment of principal and interest of the notes in accordance with their terms.

V.

The Town of Wallingford covenants to the holders of the obligations herein authorized that the Town will perform all acts necessary to refund to the United States such sums as may be required by law in order to ensure the interest on its obligations remains exempt from federal income taxation. The Comptroller is hereby authorized to establish separate reserve accounts within which to deposit and hold such yield sums obtained from the issuance of obligations authorized herein and as are defined in H.R. 3838 §701, subpart B, §147(e), entitled "Required Rebate to the United States," or such other federal legislation requiring such rebate as may be enacted, to timely rebate such sums to the United States, to expend sums from the appropriation herein for such rebate and to perform all acts necessary and appropriate to ensure that the interest on the obligations authorized herein remains exempt from Federal income taxation.

Mr. Polanski seconded adoption of the above ordinance.

Mrs. Bergamini asked if there were any questions from the public and there were none. Mr. Rys asked if any of the \$90,000 to be expended would be reimbursed by the state and Mr. Myers understands this money is 62% or 63% reimbursable, over the life of a bond issue, the term of the bond. Mayor Dickinson pointed out that reimbursement would occur only on allowable costs and if it were determined that the roof were not an allowable cost, say at Parker Farms, that amount would be excluded. Mr. Chicoski mentioned that the contract is broken down into a firm fixed fee portion of \$22,000, basically inspection, report writing and compliance update and the majority of the \$22,000 is not reimbursable by the state but the construction is reimbursable, and if Phase II costs went as high as \$68,000, 62% of that would be reimbursed.

Mr. Diana asked if state grants could be applied for in such a project and Mr. Myers felt it could and could not but this would have to be researched. Mayor Dickinson felt this would be a capital project but the \$380,000 would not cover the complete costs and the town would still be looking for state reimbursement under a separate program and if that program did not allow the use of 2 different sources for state funds, then a problem could exist. Mayor Dickinson mentioned if the Council waits until that issue is voted upon, the town could not move ahead on this ordinance tonight and any potential work which can be done will be delayed until September and if another source of money is available, the bonds would not have to be sold.

Mr. Polanski asked about the design date to give the Council an idea of the total cost of the project and Mr. Chicoski said if the ordinance is adopted tonight, the actual inspection can begin in mid August and be complete in early September and by October, the options will be available but no work will be done on actual asbestos removal until after July of 1987. 454

Mr. Gouveia asked what the \$90,000 being appropriated would be used for and Mr. Chicoski said the \$90,000 is related to engineering services related to design inspection, abatement plan, report writing, compliance update and preparation of state forms and Phase II consists of the actual construction phase. Specifications are written and sent to Hartford for approval prior to going out to contract bid and the second phase is for a maximum of \$68,000.

Mr. Killen pointed out that the ordinance should have a lower case "a" rather than upper case in the third sentence under Section I and this was corrected to reflect this change.

VOTE: Council Members Bergamini, Diana, Gouveia, Killen, Papale, Polanski and Rys voted aye; motion duly carried.

Mrs. Bergamini presented the addendum, APPROVAL OF APPEAL FROM STATE ARBITRATION PANEL DECISION ON FIRE FIGHTERS PENSION PLAN and Mayor Dickinson explained that what is being appealed is the decision of the State Binding Arbitration Panel on the Fire Fighters Pension Plan. He further stated that the decision provides for a cost of living increase of 2% per year and this opens this up to all 12 bargaining units and right now, there is no automatic increase in pension benefits. The Mayor's information is that generally it is not a provision that you find in any public or private pension program in the State of Connecticut. The Mayor views it as a very serious matter which has a large dollar figure attached to it over the years and he thinks the town should exhaust all administrative and legal remedies possible to try to avoid it in the interest of the fiscal health of the Town of Wallingford and the Mayor urged approval of the appeal. The Mayor met with the union personnel yesterday and they have already been served. A copy of the decision was received early last week which was dated June 19 and you have 30 days in which to appeal. Mayor Dickinson said that generally speaking, appeals on binding arbitration awards have not been successful. Ed Lynch recommended this appeal and he was very disappointed in what the panel did since they ruled on almost the exact situation a year earlier with the Police and disallowed it. The highest overhead cost that the Town of Wallingford faces is in salaries, pensions, etc. and the Mayor doesn't think the town wants to be in the position to break new ground for the state or anyone else and certainly not for any individual union within the Town of Wallingford. Mayor Dickinson told the fire fighters that this is not an effort to downgrade or show them up to be anything but capable employees because the town is proud of the services they render but by the same token, the town must do all they can because it represents a very serious new ground that will be chased after by every other bargaining unit.

Mrs. Papale moved approval of appeal from State Arbitration Panel decision on Fire Fighters Pension Plan, seconded by Mr. Polanski.

Mr. Rys asked where the appeal goes to and Mayor Dickinson said it would go to Superior Court and any time you take a decision in an administrative arena and try to take it to the legal arena, the courts generally are reluctant to deal with it unless you can clearly show that there's been a violation of some standards or statute or an arbitrary treatment that goes beyond what the body or commission should have done and this is a heavy burden to the Mayor. The Mayor felt that the first step would be that the attorney for the union would file a motion to dismiss and if his argument was successful, the action could be dismissed and if he is not successful and a threshold of a cause of action is met, then it would go toward the usual process of a suit. Mrs. Papale asked which lawyer would represent the town and the Mayor will send it to the Town Attorney's Office and it would come out of his budget and the court return date would be several weeks away and it's a process that does take some time. Mr. Seadale indicated that the arbitrator ruled one way on the Police and another on the Fire Fighters with the same set of facts with the same time period and same financial status of the town. Mr. Seadale said we are talking between 5% and 7% of payroll costs, or \$70,000+ a year, for just Fire Fighters.

Mr. Polanski asked if it were known of any town which challenged an arbitration rule to the Superior Court and what the results were

and Mr. Seadale felt that one or two may have been successful but most of them are not successful. Mr. Gouveia asked what the worst case scenario and the Mayor said that generally attorneys fees are not recoverable unless there's a statutory right to them and those statutory rights are severely limited.

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VOTE: Councilmen Bergamini, Diana, Gouveia, Killen, Papale, Polanski and Rys voted aye; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 5:45 p.m.

Meeting recorded by:
Rosemary A. Rascati, Town Clerk

Meeting transcribed by:
Delores B. Fetta

Approved Marie B. Bergamini
Marie B. Bergamini, Vice Chairwoman

Date Aug. 7, 1986
8-7-86

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

Date 8-7-86

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5:00 p.m.

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- cc: Mayor William W. Dickinson, Jr.
- Comptroller Thomas A. Myers
- Town Clerk Rosemary A. Rascati
- Town Attorney Vincent T. McManus, Jr.
- Town Council Members
- Mr. Thomas Chicoski
- Meriden Record-Journal
- Wallingford Post
- New Haven Register

ADDENDUM

SPECIAL TOWN COUNCIL MEETING

Tuesday, July 15, 1968

APPROVAL OF APPEAL FROM STATE ARBITRATION PANEL DECISION
ON FIRE FIGHTERS PENSION PLAN.

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Rosemary A. Rascati, Town Clerk

Meeting transcribed by:
Delores B. Fetta

Approved Marie B. Bergamini
Marie B. Bergamini, Vice Chairwoman

Date Aug. 7, 1986
8-7-86

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk
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