

TOWN COUNCIL MEETING

DECEMBER 10, 1991

\*\*6:30 P.M.\*\*

AGENDA

1. Roll Call & Pledge of Allegiance
2. Executive Session Pursuant to Section 1-18a(e)(2) of the General Statutes to Discuss Strategy and Negotiations With Respect to Pending Litigation
3. Consider and Approve a Resolution Authorizing the Reimbursement of Expenditures with Bond Proceeds - Mayor's Office
4. Consider and Approve the Appointment of George Grasser, Jr. to the Position of Alternate on the Planning & Zoning Commission for a Three Year Term to Expire on January 8, 1994
5. Note for the Record Mayoral Transfers Approved to Date - Mayor's Office
6. Note for the Record Anniversary Increases Approved to Date - Mayor's Office
7. Note for the Record Financial Reports of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the Second Quarter of F.Y. 91-92 - Mayor's Office
8. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
9. Consider and Approve Accepting the Following Roads: TYNE/Country Way - Section 3; McNamara/Molly O'Neil; York/Huntington Ridge Road; Ahearn/Garden Road; Ricci/Whispering Pines; Cassella/Cassella Drive; DelBuono/Whiffle Tree from Harnish to Cornelia Due to Be Accepted Planning & Zoning Commission Meeting of December 9, 1991 - Town Planner
- 10a. Discussion and Possible Action on Authorizing the Mayor to Sign a Resolution To Execute an Agreement Between the State of Connecticut and the Town of Wallingford for Installation of a Traffic Signal - Dept. of Police Services
  - b. Consider and Approve an Agreement Between the State of Connecticut and the Town of Wallingford for the Installation of a Traffic Control Signal At the Intersection of Rt. 150 and Rt. 15 and Colonial Lane - Dept. of Police Services
  - c. Consider and Approve a Transfer in the Amount of \$13,400 to Fund the Town's Share of the Cost for the Installation of the Traffic Control Signal - Dept. of Police Services

11. Consider and Approve Waiving the Bidding Process to Award the Contract to Mechanical Maintenance Company to Make Corrections to the Heating/Ventilation/Air Conditioning System of the Town Hall and to Approve a Corresponding Transfer in the Amount of \$16,500 for Such Work - Public Works Department
12. Consider and Approve a Budget Amendment in the Amount of \$905 to Allow for a 3% Cost of Living Increase to the Town's Award from the Department of Children and Youth Services - Youth Services Bureau
13. Consider and Approve an Appropriation of Funds in the Amount of \$700 to Allow for a Purchase of a Copier - Youth Services Bureau
14. Consider and Approve a Transfer of Funds in the Amount of \$800 to Maintenance of Vehicles - Civil Preparedness
15. Consider and Approve a Transfer of Funds in the Amount of \$205 to Outside Services - Security - Registrar of Voters
16. Report Out from the Town Attorney on the Progress and Efforts Made To Date Regarding the Yalesville Post Office - Requested by Councilor Gouveia
17. Discussion and Possible Action Regarding Authorizing the Town Attorney to Make an Offer to the United States Postal Service With Regards to the Yalesville Post Office - Requested by Councilor Gouveia
18. Discussion and Possible Action Regarding the Possibility of Rolling Back Water Rates Approved by the Public Utilities Commission to Become Effective June 1, 1992 - Requested by Councilor Gouveia
19. Discussion and Possible Action With Regards to Flat Rate Fees Charged to Customers of the Sewer Division - Requested by Councilor Gouveia
20. Remove From the Table to Discuss the Changing of the Computer Operator A Position to Clerk Typist Position and Associated Changes to the Personnel Pages
21. Executive Session Pursuant to Section 1-18a(e)(1) to Discuss the Appointment, Employment, Performance, Evaluation, Health or Dismissal of a Public Officer or Employee

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7:00 P.M.

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TOWN COUNCIL MEETING

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7:30 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, December 10, 1990 in the Robert Earley Auditorium of the Wallingford Town hall and called to Order by Chairman Albert E. Killen at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Mr. Gouveia who arrived at 6:37 P.M. Mayor William W. Dickinson, Jr. was present; Corporation Counselor Adam Mantzaris arrived at 7:45 P.M. and Comptroller Thomas A. Myers arrived at 8:04 P.M.

The Mayor asked the Council to hold their order of business so that two Boy Scouts, Anthony Sangvy and Robert Mandle, who are working on earning their eagle badges could make a brief statement to the Council.

Robert Mandle, 57 Maltby Lane, approached the Council to make the following statement:

"Good evening, my name is Robert Mandle. I live on 57 Maltby Lane, Wallingford. I am eleven years old and I am very concerned about Tyler's Mill. Sometimes I walk down there thinking that maybe this one time I could see nature in its natural state. But I see anything but that. Instead, I see bags of leaves, tires, rugs, sofas, cans of used oil and many other things that may do harm to nature. It is a disgrace to Wallingford. It is time to do something about it. Something like raising the fines for dumping so it is not cheaper to dump in the forests than to take it to the Wallingford dump. It may be a good idea to close off roads to prevent dumping. Just something...anything to help nature. I am looking forward to walking down Tyler Mill Road and seeing nature in its beauty. Thank you." (applause)

Mr. Killen thanked the boys for coming to the Council meeting.

Mr. Holmes suggested that the concerns will be passed along to the Public Works Department to see what could be done. It will not be solved overnight but it will be reviewed. A copy of the request was left with the Council Secretary.

ITEM #2 Executive Session Pursuant to Section 1-18a(e)(2) of the General Statutes to Discuss Strategy and Negotiations with Respect to Pending Litigation.

Motion was made by Mr. Bradley to Enter Into Executive Session, seconded by Mr. Holmes.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Holmes to Exit the Executive Session, seconded by Mr. Bradley.

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VOTE: All ayes; motion duly carried.

The Pledge of Allegiance was given to the Flag.

Motion was made by Mr. Bradley to Table the Final Settlement Between the Town of Wallingford and Stone and Webster Construction Company, seconded by Mrs. Duryea.

Mr. Gouveia felt that he could not vote on this issue this evening due to the fact that the information available was presented to the Council moments before the start of the meeting tonight while it had been made available to the P.U.C. on November 14, 1991. He could not possibly give it the proper attention necessary to make an educated vote on the issue. He felt it was not fair to ask the Council to decide in five minutes what took six years to happen.

Mr. Parisi felt that there was no reason to hold the item up; nothing would change. It is a negotiated settlement.

Mr. Killen agreed with Mr. Gouveia. He felt that he did not have enough time to digest the information. He would like to read the material thoroughly first.

Ms. Papale felt that since the next meeting of the Council will bear two new Councilors who are not familiar with this item. She felt that this present Council should hold a special meeting to discuss this matter.

Mr. Killen asked for a vote on the Tabling motion at this time.

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

Motion was made by Mr. Parisi to Act Upon this Item at a Special Meeting Prior to the End of The Calendar Year, seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Bradley to Place the Following Items on the Consent Agenda to be Voted Upon By One Unanimous Vote of the Council, seconded by Mr. Holmes.

ITEM #5 Note for the Record Mayoral Transfers Approved to Date - Mayor's Office

ITEM #6 Note for the Record Anniversary Increases Approve to Date - Mayor's Office

ITEM #7 Note for the Record Financial Reports of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the Second Quarter of F.Y. '91-92 - Mayor's Office

ITEM #15 Consider and Approve a Transfer of Funds in the Amount of \$205 to Outside Services - Security - Registrar of Voters

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

A. Moran, 76 North Airline Road, complained that a sign is posted facing her property that reads, "Town of Wallingford Property" which is located across the street from her home. Sgt. Fairchild explained to Ms. Moran that this was enforcing an ordinance signed by the Police Chief on October 16, 1991. She had in her possession a letter dated June 27, 1986 which states that there is no problem with parking a vehicle where the sign has been placed. She was under the impression that she can bring her problem to the Town Council and ask for their assistance in the matter. She has been parking in the place where the sign now stands for better than thirty-five years. She is now being told she cannot park there.

Mr. Killen asked Richard Doll, Traffic Officer to update the Council on this matter.

Mr. Doll explained that in October a traffic regulation was authored to deal with the problem of parking on Town property. This came as a result of the complaints of the property owners adjacent to the Playground in Town. He went on to say that the problem occurring on North Airline Road stems back to 1985. There is another residence across the street from Ms. Moran's which is owned by a party named Wood. According to Mr. Doll the place that Ms. Moran parks her vehicle obstructs the driveway of the Wood party. When the Engineering department was staking the property it was discovered that the property is owned by the Town of Wallingford. When Ms. Moran parks her vehicle three or four feet to either side of the driveway, in this case she normally parks to the north of the driveway, it makes it difficult for the owner to exit the driveway to leave. This causes a sideline obstruction.

Mr. Killen asked if this means that anyone having difficulty exiting their driveway due to the fact that another car is parked close to the side of it, the Town can put up a sign?

Mr. Doll explained, yes, if the property belongs to the Town of Wallingford.

Ms. Moran argued that her car has never been parked closer than fifteen feet to the driveway.

Mr. Parisi asked how long the driveway has been in existence?

Ms. Moran responded, thirty-five years.

Mr. Parisi feels it is a case for the selectmen. It sounds as though it is a border dispute.

Ms. Moran was upset that the sign was facing her house and not traffic.

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Mr. Doll explained that the "no parking" and "no trespassing" signs are always placed facing the street and not the traffic.

Mr. Parisi asked if there is a sight line problem?

Mr. Doll responded, when the truck is parked there, yes.

Ms. Moran interrupted to say that she drives a Chrysler Lebaron not a truck.

Mr. Zandri asked if there is street parking allowed on North Airline Road?

Mr. Doll responded, yes there is.

Mr. Zandri then asked, if the vehicle was taken off the grassy area and parked on the street would that be o.k.?

Mr. Doll responded, yes. However, in the Airline Road area we have not experienced a parking problem on street side because no one parks there.

Mr. Parisi asked if there is another place for Ms. Moran to park that would not interfere with the sight line?

Mr. Doll responded, in her driveway.

Ms. Moran informed the Council that the road was not widened to meet the specifications that it should in front of her house. Instead of lowering the road when it was reconstructed and paved, it was raised. She has trouble getting out of her driveway since the Town rebuilt the end of her driveway. She feels that it is not feasible to park her vehicle in her own driveway when there is an impending snow storm. That is the only time that she parks across from her driveway.

Mr. Killen asked if Ms. Moran would be willing to attend a meeting of the Police Chief, Officer Doll, Town Attorney Small and himself to discuss this matter?

Ms. Moran responded, certainly.

Mr. Killen explained that if the problem cannot be resolved at the meeting then it will be placed on the Town Council Agenda at a future meeting.

ITEM #3 Consider and Approve a Resolution Authorizing the Reimbursement of Expenditures with Bond Proceeds - Mayor's Office

Mr. Bradley read the Resolution into the record.

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

Mr. Gouveia asked the Mayor if he could break down the estimated cost of \$38 million since the Comptroller was not present to ask.

Mayor Dickinson did not have the breakdown. He believe that was the amount of the ordinance approved. He was sure of the fact that it was over \$30 million on the total cost of engineering, design, construction...but the \$38 million is the figure that the original ordinance was.

Mr. Gouveia asked if this meant that the remaining \$8 million could account for bonding costs for the project? The original bid was for \$23,750,000, the original engineering costs were \$2 million which has already increased to \$5 million which totals approximately \$28 million. He asked again, is the additional \$8 - \$10 million to cover bonding costs?

Mayor Dickinson responded that we are not borrowing money to pay the debt that would be recovered each year through the rate in order to recover enough money to pay the principle and interest each year. The original ordinance authorized an issue of \$38 million.

Comptroller Thomas A. Myers arrived at 7:45 P.M. at which time Mr. Gouveia asked him why the Town would authorize the bonding of \$38 million on a project that was anticipated costing only \$25 million?

Mr. Myers explained that at the time the project was in the design and engineering stage the engineer's estimate was \$38 million. The funding of the \$38 million came from three sources; the local source of which we issued bonds in the amount of \$10 million; there were also state and federal grants amounting to some \$23 or \$24 million. The authorization of the ordinance would be a gross amount so that we have approval to spend state and federal money received and whatever had to be appropriated locally, in this case, \$10 million.

Mr. Gouveia responded that we now know that the project is going to cost substantially less than the \$38 million.

Mr. Myers stated that the last estimate he has received from the managers in the utilities was that it would cost close to \$38 million.

Mr. Gouveia retorted, that is the revenue. I'm talking about the expenditures. It seems to him that the total cost would be less than \$38 million especially after the facts that were presented to him in executive session.

Mayor Dickinson added that the cost to the Town is different than the cost of the project. Our ordinance corresponds to the total cost of the project which is over \$35 million. There are already other costs involved.

Mr. Gouveia: Construction and engineering costs, what else is there?

Mayor Dickinson: I believe those are the costs, attorney's fees, etc., what we could do.....this is actually necessary for payment of the matter that was discussed earlier so this could be tabled for that

special meeting if you want to do that.

Mr. Killen and Mr. Gouveia agreed because there is definitely something wrong with the figures.

Mr. Gouveia made a motion to Table This Item and Discuss It at the Special Meeting to be Scheduled for Item #2, seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

ITEM #4 Consider and Approve the Appointment of George Grasser, Jr. to the Position of Alternate on the Planning & Zoning Commission for a Three Year Term to Expire on January 8, 1994

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

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

Mr. Killen asked the Council if they felt that they needed to interview Mr. Grasser prior to voting on the appointment?

Mr. Parisi felt that, in all fairness, all other candidates seeking appointment to a position for the first time are interviewed by the Council and the same procedure should be followed for this appointment.

Mr. Bradley made a motion to Table This Item and Schedule an Interview with the Candidate Prior to the Start of the Special Meeting to be Scheduled for Items #2 & 3, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve Accepting the Following Roads; TYNE/Country Way - Section 3; McNamara/Molly O'Neil; York/Hunting Ridge Road; Ahearn/Garden Road; Ricci/Whispering Pines; Cassella/Cassella Drive; DelBuono/Whiffle Tree from Harnish to Cornelia Due to be Accepted at the Planning & Zoning Commission Meeting of December 9, 1991 - Town Planner

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

Mr. Killen read a letter from Linda Bush, Town Planner into the record and asked that it be appended to the Town Council minutes to show that Planning & Zoning has accepted the roads at their meeting of December 9, 1991 (Appendix #1).

VOTE: All ayes; motion duly carried.

Mayor Dickinson asked that Mr. Killen read the list into the record again to clarify that TYNE/Country Way - Section 3 was not included.

Mr. Killen obliged.

A vote was taken on the amended list of roads accepted by Planning

& Zoning.

VOTE: All ayes; motion duly carried.

ITEM #10a Discussion and Possible Action on Authorizing the Mayor to Sign a Resolution to Execute an Agreement Between the State of Connecticut and the Town of Wallingford for Installation of a Traffic Signal - Dept. of Police Services

Mr. Bradley read the Resolution into the Record (Appendix #2).

Mr. Steve Hacku, 10 Colonial Lane thanked Officer Doll, State Legislators Mary Fritz and David Thorpe for their assistance and cooperation in helping to bring this issue before the Council. He stated that this is a very dangerous intersection being that it involves the entrance and exit ramps of Route #15 (Merrit Parkway), the entrance to Colonial Lane, Route #150 as well as public access and egress from Dime Savings Bank parking lot. It is the site of numerous motor vehicle accidents of which Mr. Hacku was an innocent victim of, himself. He urged the Council to take action on the Department of Police Services' recommendation to install a traffic signal at this intersection.

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

VOTE: All ayes; motion duly carried.

Mr. Gouveia asked Traffic Officer Doll to look into the traffic light at South Orchard and Ward Street. He felt that the traffic light most assuredly served a good purpose while South Whittlesey School was in use, however, now feels that the light hinders traffic flow in this area.

Mrs. Duryea asked Officer Doll to investigate the possibility of installing the "lead light" option to the light in front of Everybody's Market on Route #5.

Frank Wasilewski, 57 North Orchard Street suggested that Officer Doll check into the intersection of North Whittlesey and Church St. You cannot see oncoming traffic in either direction due to on-street parking. He pointed out the hazard of South Main Street at WaWa's Supermarket and Route #5. If you are turning off of Route #5 to enter South Main Street via South Elm Street, you must stop immediately due to the traffic on South Elm Street waiting for the light on Route #5. Motorists heading west on South Elm Street to Route #5 block the entrance of South Main Street. Mr. Wasilewski spoke with Chief Bevans about this problem and was told that it would be taken care of. He also pointed out the risk of injury to pedestrians walking east on Center Street approaching North Orchard Street, that being the one way sign that is posted. It is too low and one can hit their head on it if they are not paying close enough attention. There is also a one way sign on Williams Street that is difficult to read.

Officer Doll agreed to look into all of the above-mentioned sugges-

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tions and thanked all for their input.

ITEM #10b Consider and Approve an Agreement Between the State of Connecticut and the Town of Wallingford for the Installation of a Traffic Control Signal at the Intersection of Route #150 and Route #15 and Colonial Lane - Dept. of Police Services

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

Mr. Killen asked that the entire agreement be appended to the minutes (Appendix #3).

VOTE: All ayes; motion duly carried.

ITEM #10c Consider and Approve a Transfer of Funds in the Amount of \$13,400 from Patrol Wages Acct. #001-2015-100-1310 to Traffic Upgrade - Route #150 & Colonial Lane Acct, #001-201-999-9912 - Dept. of Police Services.

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

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

ITEM #11 Consider and Approve Waiving the Bidding Process to Award the Contract to Mechanical Maintenance Company to Make Corrections to the Heating/Ventilation/Air Conditioning System of the Town Hall and to Approve a Corresponding Transfer in the Amount of \$16,500 for Such Work - Public Works Department

Mr. George Cook, Northford Road asked why the Council was waiving the bid?

Mr. Killen stated that is the request being made of the Council.

Mr. Cook asked, aren't there specifications being drawn up for this?

Mr. Steven Deak, Director of Public Works responded, no.

Mr. Cook asked, what firm has the maintenance contract?

Mr. Deak answered that it is Mechanical Maintenance Company of South Windsor, CT. since November of 1991.

Mayor Dickinson explained that there was a bid for the maintenance contract of which Mechanical Maintenance Company was the lowest bidder. They did a review of the system and have made recommendations on how to fix the system. Mr. Deak has costed out those repairs to the tune of \$16,500.

Mr. Cook asked, what is the cost of the maintenance contract?

Mr. Deak answered, \$1,400 for four maintenance calls per year.

Mr. Cook felt that the building has not been maintained properly at all. Now the system is going to be upgraded and a maintenance company given a contract for \$1,400 per year to keep it maintained

when it should cost at least \$7,000 per year (Mr. Cook was involved in re-building the Town Hall and is somewhat knowledgeable in this area). He pointed out that the filters alone will cost \$1,200 per year.

Mr. Zandri asked Mr. Deak if the maintenance contractor will guarantee that the work needed will solve the problems?

Mr. Deak felt that no firm would give a guarantee.

Mr. Zandri stated that if Mechanical Maintenance Company has reviewed the system and recommended \$16,500 worth of work be performed in order to get it to work properly, then they should guarantee that it will work once it is done.

Mr. Bradley pointed to the fact that, according to Mechanical Maintenance's review the rooftop equipment was inferior and undersized for this building to begin with.

Mr. Cook explained that the equipment was purchased from a company that he has purchased equipment from over the past twenty-five years. Those purchases and engineering services pertained to many buildings in town as well as this building. There have been no complaints with the equipment in the other buildings. His firm did not purchase the "cadillacs" of equipment, but it was good sound equipment. There is nothing wrong with the present system it just needs proper maintenance.

Mr. Holmes would like to see the job bid.

Mr. Solinsky asked if the only reason that fifty-one thermostats are going to be replaced is solely because they have no temperature reading?

Mr. Deak explained that the thermostat equipment currently in place was taken off the market after two years. There is no temperature reading, therefore no one can set the temperature correctly in their office.

Mr. Solinsky feels that \$4,500 alone for thermostats is a lot of money just to read the temperature. The entire project is beginning to cost a lot more than was discussed the first time before the Council.

Mr. Deak implored that the Council give him some direction to go on this issue.

Mr. Killen asked if the other firm that has been allocated \$5,000 to work on the system is finished yet?

Mr. Deak answered, no. The company is having trouble getting parts to correct the first floor problems.

Mr. Parisi felt that the recommendations made by Mechanical Main-

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tenance Company is strictly to balance the air. It is not to change the units.

Mr. Deak agreed.

Mr. Parisi felt that the same problems would still exist after spending \$16,500.

The Council felt that nothing would be gained by waiving the bidding process and awarding a contract to Mechanical Maintenance Company for \$16,500 worth of work since they cannot guarantee that the problems will be solved. They want a firm to come in and research what is needed to solve the problem and warranty the work.

Richard Parmalee, 738 North Farms Road asked what the specifications were on the maintenance contract?

Mr. Deak reviewed them with Mr. Parmalee.

Mayor Dickinson recommended that Mr. Deak and Mr. Cook meet to draw up specifications on this system.

Motion was made by Mr. Bradley to Table This Item and Have Mr. Deak and Mr. Cook Meet to Draw Up Specifications for the Work to be Performed, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve a Budget Amendment in the Amount of \$905 from Revenue - CT. State Grant DCYS Acct. #012-1040-50-5000 to Expenditures Acct. #012-9000-100-1350, YSB Counselor, \$362.00 and to FICA Acct. #012-9000-800-8010, \$43.00 and to Maintenance of Equipment Acct. #012-9000-500-5200, \$500.00 to Allow for a 3% Cost of Living Increase to the Town's Award from the Dept. of Children and Youth Services - Youth Service Bureau

Mr. Bradley asked why Acct. #012-9000-500-5200 was over-expended?

Susan McLaughlin, Youth Service Bureau Director responded that she was operating the budget under the assumption that the funds were placed in the account without having to appear before the Council for a budget amendment.

Mr. Bradley asked if this is truly a pass down of money by the State since it is involving three different accounts, one being the FICA account?

Ms. McLaughlin could not second-guess the State's motivation but one thing that is for certain is that DCYS has to increase the amount of money that it is giving to the local Youth Service Bureaus despite the State cutbacks in the budget. The funds can be applied to any line item of the department budget at the discretion of the director.

Mr. Bradley asked why a 3% cost of living increase was given to the YSB Counselor Account?

Ms. McLaughlin stated that she is anticipating needing it since there has been very little "down time" for the counselor and feels that the account will be over-expended if the amendment is not made.

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

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve an Appropriation of Funds in the Amount of \$700 to Donation - Copy Machine Acct. #037-1041-900-9010 and to Copy Machine Account #037-9001-9001 - Youth Service Bureau

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

Ms. McLaughlin stated that due to the influx of work at the YSB over the past year it was felt that the Bureau was in need of a copy machine. The average copy count per month is 7,000. A \$500 grant was solicited from the Wallingford Foundation to originally apply towards the purchase of a computer. Since it was not enough to purchase one, a copier was the second choice. The Elks Club donated an additional \$200 making a total of \$700. Nutmeg Business Products works with the YSB and was kind enough to let them try a second-hand machine which they were very satisfied with. The purchase price is \$695.00.

VOTE: All ayes; motion duly carried.

ITEM #14 Consider and Approve a Transfer of Funds in the Amount of \$800 to Acct. #001-2090-500-5000, Maintenance of Vehicles from Federal Emergency Supplies Acct. #001-2090-500-5810, \$300 and from Health Welfare Rescue Supplies Acct. #001-2090-500-5790, \$300 and from Training Education Supplies Acct. #001-2090-500-5780 Civil Preparedness

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

Mr. Killen asked Mr. Frattini, Civil Preparedness Director, if he was foregoing purchasing vital equipment for the maintenance?

Mr. Frattini responded, no.

VOTE: All ayes; motion duly carried.

The Chair declared a short recess.

Mr. Parisi spoke on behalf of the members of the Council and the public present in extending gratitude to Councilor Susan Duryea, Barbara Killen, Kathryn Milano and Jane Bradley for the refreshments this evening.

Mr. Bradley made a motion to Waive Rule V of the Town Council Meeting Procedures to Set a Public Hearing, seconded by Ms. Papale.

WAIVE RULE V Motion was made by Mr. Bradley to Waive Rule V of the

Town Council Meeting Procedures to Set a Public Hearing on an Ordinance Appropriating \$200,000 for the Planning and Design of the South Elm Street Parallel/Relief Sewer and Authorizing the Issue of \$200,000 Bonds or Notes of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings For Such Purpose to be Scheduled for January 14, 1992 at 7:45 P.M., seconded by Ms. Papale.

Mr. Solinsky asked if this has already gone out to bid and are the figures in?

Mayor Dickinson responded that it had gone out to bid and he did not think that the \$200,000 was the final figure. The bid had not yet been awarded.

VOTE: All ayes; motion duly carried.

ITEM #18 Motion was made by Mr. Bradley to Move Agenda Item #18 Up to the Next Order of Business, seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

ITEM #18 Discussion and Possible Action Regarding the Possibility of Rolling Back Water Rates Approve by the Public Utilities Commission to Become Effective June 1, 1992 - Requested by Councilor Gouveia.

Mr. Bradley read a Resolution into the record (Appendix #4).

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

Mr. Gouveia stated that he realizes that this is only advisory action that he is recommending the Council take and hoped that the P.U.C. did not choose to ignore it. He felt that the Council missed a tremendous opportunity back in 1987 when they should have asked the P.U.C. to roll back the rates on the Electric Division. He reminded everyone that the P.U.C. increased the Electric Division rates by 12.5% in one year, went into court challenging those increases and won a \$7.6 million settlement and still continued to charge the rates they challenged along with the 12.5% increase to the present date. He feels that is the reason that the Retained Earnings account jumped from \$10 million to approximately \$18 million. He agrees with the Mayor in calling on the P.U.C. to reduce those rates now, however, he (Mr. Gouveia) feels that the action is five years too late. He wants to avoid this happening to the Water Division. He is of the opinion that the Water Division's present rates could sustain their present needs and there is no need to further increase these rates by 23% in June of 1992.

Mr. Killen concurred with Mr. Gouveia and felt it was an excellent Resolution.

Mr. Solinsky asked where the Unappropriated Earned Surplus funds (\$9,177,602.) are?

Mr. Smith answered that, similar to the Electric Division, not all of it is cash. It is a combination of things.

Mr. Solinsky feels that if the funds are available they should be used to lessen the bonding on the Water Treatment Plant.

Mr. Smith stated that approximately \$10 million in bonds have been sold for the project to date.

Mr. Solinsky asked how those bonds will be paid for?

Mr. Smith responded that it will be billed into the water rates.

Mr. Solinsky feels that the project should be paid for by the water users via rates.

Mr. Solinsky then asked, what impact on debt service would reducing the rates have?

Mr. Smith answered it will be less cash to make the payments.

Mr. Holmes saw no problem with making this recommendation to the P.U.C. to assure the Town of Wallingford Water Division customers the lowest rates possible. He supported the Resolution.

Mr. Gouveia stated that he fully realizes that the Retained Earnings Account is not all cash. The attempt was to show that from 1987 to 1991 there was a 60% increase in the Retained Earnings Account. Last year the Net Income surplus was more than \$600,000 above what was projected. For the first quarter of this fiscal year it is already \$266,000 above and beyond what was projected. If the P.U.C. looks favorably upon this Resolution and takes some kind of action it will, indeed, give the ratepayers a break.

Mr. Parisi likened this Resolution to the State Income Tax Resolution sent to the State of Connecticut. It is merely a reflection of the opinion of those who choose to vote for it. He felt that it is also a collaboration between the majority and minority.

Mr. Solinsky is for giving the ratepayers a break but did not want to see the burden shifted to the taxpayers. He was concerned about the huge debt on the Water Treatment Plant.

Mr. Gouveia corrected Mr. Solinsky in saying that debt on the Water Treatment Plant has to be paid for by the water customers.

VOTE: All ayes; motion duly carried.

ITEM #19 Motion was made by Mr. Bradley to Move Agenda Item #19 Up to the Next Order of Business, seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

ITEM #19 Discussion and Possible Action with Regards to the Flat Rate Fees Charged to Customers of the Sewer Division - Requested by

Councilor Gouveia.

Mr. Bradley read the Resolution into the record (Appendix #5).

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

Mr. Gouveia feels that, ultimately this Council, if there is to be any settlement, has to act on it and therefore, the Council should be made a part of it....the P.U.C. should engage the Council in any discussions on this matter.

Mr. Parisi did not feel it was wise for this Council to be on record stating something that is so conclusive, i.e., "whereas it is not in the best interest of the citizens of Wallingford, the Sewer Division, and the Town of Wallingford to overcharge customers for services received".

Mr. Killen pointed out that the Resolution states, "it can be reasonably concluded that the customers involved were quite possibly overcharged on their sewer fees for the period stated". Why else would someone roll the rates back? It doesn't make any sense that someone would change it in any direction unless they thought it was wrong.

Mr. Parisi could not live with the conclusive statement, "...it is not in the best interest...." that is conclusive. He did not think it is in the best interest of anyone to take such a finalized position.

Mr. Killen felt Mr. Parisi was taking it out of context.

Mr. Gouveia felt that the statement was a truism in government. The Town should not be overcharging anyone. He is not stating that it, in fact, did happen. It is a goal that everyone should be aspiring to.

Mr. Gessert understood Mr. Parisi's concerns. He issued a letter to the Director of Public Utilities on November 8, 1991 requesting research be done on this issue. He assured everyone that the P.U.C. is working diligently to resolve this particular question and to establish how the 16,000 cubic feet first came about, the validity of the figure, the cost differential between 16,000 cu. ft. and 12,000 cu. ft. over the period of time stated. His objective is to see this entire issue concluded within the next thirty days.

Mr. Lawrence, 1139 S. Curtis Street thanked Mr. Gouveia for this recommendation. He apologized to Mr. Gessert for using him as a scapegoat and Mr. Burnes as well. An injustice has occurred and, as he told the Mayor last week, he did not feel that the customers who were slighted wanted any money. He, personally, did not. He would be satisfied with a credit. He did not support a distribution of cash since it effects the budget.

VOTE: All ayes; motion duly carried.

Mr. Killen took a moment to thank Mr. George Lane for Pearl Harbor Medallions that were distributed to all Councilors this evening.

ITEM #20 Motion was made by Mr. Bradley to Move Up Item #20 to the Next Order of Business, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #20 Remove From the Table to Discuss the Changing of the Computer Operator A Position to Clerk Typist Position and Associated Changes to the Personnel Pages

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

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

ITEM #21 Executive Session Pursuant to Section 1-18a(e)(1) to Discuss the Appointment, Employment, Performance, Evaluation, Health or Dismissal of a Public Officer or Employee

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

Prior to the Council Entering Executive Session the following dialogue occurred:

Ms. Cindy Melvin, Electric Division Employee and Union Steward for Local IBEW 457 AFL-CIO, asked, who is here on behalf of the employee who's fate is being decided?

Mr. Killen: No one that I know of, Cindy.

Ms. Melvin: I am the Union Steward of Clerical 457 that this employee is a member of and I would like to be present.

Mr. Killen: If you discuss it with Adam (Mantzaris).....would she be allowed or not?

Mr. Solinsky: Was the employee invited to attend?

Mr. Killen: Not to the best of my knowledge.

Mr. Raymond Smith, Director of Public Utilities: First of all I was not even invited but when I found out of this and there was a chance the employee was going to be discussed I did tell her this morning that this item was on and the purpose of the item is to transfer or amend the budget page so that an additional Computer Operator A can be established. Apparently during the last Council meeting of which I was not a party to there was some discussion about the prior employee so I did alert that person that this could be discussed tonight. I did not know if you were going to talk about that employee or the new position. That is where it stands.

Mr. Killen: The purpose of the executive session, of course, is to discuss a particular employee. That is what we intend to do, that

is what transpired at the last meeting.

Corporation Counselor Mantzaris: Under the F.O.I. statutes we had a situation similar to this. Persons can attend only for so long as there are needed for the purpose of giving testimony or information. Those that could be present throughout would be....if it is your body that decides this....what ever is going to be decided with this employee...you would be present throughout this entire session and others would be coming in and out. So Cindy could be present if something is required of her in the way of testimony otherwise I don't think under the statutes she would be a party that could be in attendance throughout. She could be a representative of the employee but, apparently, the employee has not chosen to ask that Cindy be her representative and under F.O.I.....the employee could have moved to have this session be open. I am not aware of the particulars of the situation prior to this evening.

Ms. Melvin: Neither is the employee nor her union.

Mr. Killen: Did I misunderstand you, Mr. Smith? She was notified?

Mr. Smith: I went to the employee when I was in Town Hall this morning and advised her that there was an item on the agenda that could be related to her position. I did not know the details of it because I did not, obviously, put the item on. I said, "you have rights under certain things and you can have it done in open session if that is your pleasure, the decision is yours". That is all I did, I advised her that this item is on the agenda.

Mr. Killen: I think, Cindy, that more or less covers it. I mean, she was aware there was a possibility and it was within her power to contact any one of us and find out if such were the facts and we could have told her, yes, and she could have been here. Her decision not to attend or to request that someone represent her, I don't see how I can allow someone to stay in executive session and be in violation of F.O.I. because we (the Council) would be the ones who would be cited.

Ms. Melvin: She received other advise today also and I don't believe .....if I am not allowed to stay, that is your decision....but I don't believe what you are about to hear is the truth. There is a union contract involved. The union has not been consulted or advised, the budget is being played with, this whole operation is a railroad job and you should be aware of this. This is an outrage that any of this is taking place.

Mr. Killen: Cindy, I won't agree or disagree with you. My problem is that this item came up on the P.U.C. agenda, they passed it, it came before as a routing item. It was picked up by a few people here and because it involved personnel we voted to go into executive session. Up until that point no one had paid any attention to it. We are certainly not trying to railroad anything through here.

Ms. Melvin: I realize you are not, however, there are people who are.

Mr. Killen: We have to cover ourselves, Cindy.....

Ms. Melvin: I understand your position but I want to make it very clear that you may not be told the truth because I have heard many falsehoods here this evening already.

Mr. Killen: That is why we are called politicians, I guess. I know where you are coming from, Cindy, but we are trying to get to the bottom of a very ticklish situation and I'm sure that we will even arrive at a decision. We did put it off last time and we were not aware.....

Ms. Melvin: And no one advised us or the employee at that time nor were we made aware that it was discussed at the P.U.C. and now we are here at the eleventh hour and Mr. Smith had the same opportunity to tell me this morning that it was on the agenda.

Mr. Killen: Now we are talking a union-management problem which is not in our bailiwick at this point. If you have a problem with them..

Ms. Melvin: There is an outstanding grievance and the union has not been consulted..blah, blah, blah...and it states very specifically that no changes in job duties and classifications shall be undertaken without advising the union and with their consent.

Mr. Killen: Mr. Seadale do you have anything to say about that?

Mr. Stanley Seadale, Director of Personnel: There is a contract in place, there is a union grievance that has been filed that has gone through a couple of steps of the grievance procedure and to mess with that procedure is a prohibited practice. That grievance has to pursue its route. The contract works two ways. It establishes a method for resolving problems and that is the method accepted and that is legal in those issues. The issue before the Council, as I see it, is, will you amend that budget page? The issue before the Council is not to make a decision on what they feel about this matter. I think that there may be several people here that have indicated some things that are not necessarily true. The union is fully aware, I spoke with the business agent this afternoon and his advice to the individual involved was not to be here this evening. He knows that it goes through and goes to the State Board of Mediation and Arbitration which is where it will be heard and that is where it will be resolved.

Mr. Killen: Before we go any further it is going to be my advice, and I know how I am going to vote, that we are not going to touch this with a ten foot pole. There are procedures that handle this particular thing, it came as a simple request, it is not a simple request and I'll be damned if I'm going to be hanged by it. It is going to be clarified back in the Electric Division. When it is cleared up there and everyone knows what is going on and we don't have these charges back and forth, it will come before us as a simple matter to either make a transfer or not. Other than that I am not touching it. I am open for discussion.

Ms. Melvin: That sounds to be a reasonable decision.

- 18 - December 10, 1991

Mr. Killen: I ask that this item be withdrawn.

Mr. Solinsky felt that the Council should proceed into executive session to discuss this item.

Mr. Killen advised against it.

Mr. Killen: It was not the intent to carry on a discussion in Executive Session so let that be a matter of record.

Mr. Bradley made a motion to Exit the Executive Session If The Council Were In Executive Session, seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

Mr. Smith felt that the Council should still consider authorizing the position to be changed from Clerk Typist to another Computer Operator A, regardless of what happens to the grievance which may not come to a decision for a year or so.

Mr. Killen was still unwilling to go forward until the situation has been resolved. He was speaking only for himself.

Mr. Smith pointed out that the agenda read incorrectly. The action being requested is to change the Clerk Typist to the Computer Operator A position.

Mr. Holmes felt that the Council was being dragged into a labor-management dispute which is not in their arena.

ITEM #16 Report Out From the Town Attorney on the Progress and Efforts Made to Date Regarding the Yalesville Post Office - Requested by Councilor Gouveia

Motion was made by Mr. Bradley to Hear the Report, seconded by Mr. Holmes.

Mr. Bradley amended the Motion to Move Into Executive Session Pursuant to Section 1-181(e)(4) of the State Statutes to Discuss the Sale/Purchase and/or Lease of Property, seconded by Mrs. Duryea.

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

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

VOTE: All ayes; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 11:02 P.M.

Meeting recorded and transcribed by:

*Kathryn F. Milano*  
Kathryn F. Milano  
Town Council Secretary

Approved by:

\_\_\_\_\_  
Albert E. Killen, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kathryn J. Wall, Town Clerk

\_\_\_\_\_  
Date



*Town of Wallingford, Connecticut*

Appendix #1

PAT PISCITELLI  
CHAIRMAN-PLANNING & ZONING COMMISSION

LINDA A. BUSH  
TOWN PLANNER

THOMAS M. TALBOT  
ASSISTANT TOWN PLANNER

MUNICIPAL BUILDING  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2090

December 10, 1991

Honorable William Dickinson  
Mayor of Wallingford  
45 South Main Street  
Wallingford, CT 06492

RE: Road Acceptance

Dear Mayor Dickinson,

The following roads were accepted by the Planning and Zoning Commission at their meeting of December 9, 1991 and recommend that the Town Council accept them at their meeting of December 10, 1991:

McNamara/Molly O'Neil Road  
York/Huntington Ridge Road  
Ahearn/Garden Road  
Ricci/Whispering Pines Road  
Cassella/Cassella Drive  
DelBuono/Whiffle Tree from Harnish to Cornelia

Attached are sign-offs from Town Engineer John Costello and Director of Public Works Steven Deak.

Sincerely,

Linda A. Bush  
Town Planner

kps  
Enclosures

CERTIFICATION OF RESOLUTION

This is to certify that at its meeting held on \_\_\_\_\_,  
the following resolution was adopted by the \_\_\_\_\_,  
the legislative body.

Be it hereby resolved that William W. Dickinson, Mayor, Town of  
Wallingford, Municipal Building, 45 South Main Street, Wallingford,  
Connecticut 06492, is authorized to execute Agreement No. 10.21-02(91)  
between the State of Connecticut and the Town of Wallingford for the instal-  
lation of a traffic control signal at the intersection of Route 150 and  
Route 15 Southbound Ramps and Colonial Lane in the Town of Wallingford.

\_\_\_\_\_  
Town Clerk (Town Seal)

A True Copy

\_\_\_\_\_  
Attest Date