

TOWN COUNCIL MEETING

DECEMBER 10, 1996

6:30 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Swearing In Ceremony - Justices of the Peace
3. Recognition of Wallingford Big Green Girls Soccer League as State Champions - 1996
4. Consent Agenda
 - a. Consider and Approve Tax Refunds (#212-234) Totalling \$2,730.62 - Tax Collector
 - b. Note for the Record Anniversary Increases Approved by the Mayor
 - c. Note for the Record Mayoral Transfers Approved to Date
 - d. Note for the Record the Financial Reports of the Senior Citizen's Center; Visiting Nurse Association and the Wallingford Public Library
5. Items Removed from the Consent Agenda
6. PUBLIC QUESTION AND ANSWER PERIOD
7. Consider and Approve One (1) Appointment to the Position of Commissioner on the Inland Wetlands and Watercourses Commission to Fill a Vacancy Which Expires 3/1/97
- 8a. Approve a Resolution Authorizing the Mayor to Enter Into an Agreement with the State Department of Social Services for Funding Associated with Child Day Care Program 148-CDC-26 for the Period of 1/1/97 - 12/31/97
- b. Approve an Agreement Between the Town and the Day Care Center for Funding Programs to be Carried Out by the Day Care Center
- c. Approve a Resolution Permitting the Wallingford Day Care Center to Borrow from the Town Amounts Necessary to Meet Essential Operating Expenses of the Center Prior to the Time Its Program is Approved for Funding by the State

9. Consider and Approve a Resolution Authorizing Continuation of a Grant from the Department of Mental Health & Addiction Services to the Mayor's Council on Substance Abuse - Youth Service Bureau
10. Consider and Approve a Transfer of Funds in the Amount of \$32,000 from Property & Casualty General Government Acct. to Self-Insurance Deductible Acct. - Risk Manager
11. Consider and Approve a Transfer of Funds in the Amount of \$4,500 from Engineering Salaries Acct. to Engineering Consulting Acct. - Engineering Department
12. Consider and Approve a Waiver of Bid for Guardrail Inc. to Supply and Install Used Railing to Correct an Unsafe Condition at Two Locations on Yale Avenue - Engineering Department
13. Status Report Out by the School Building Expansion Committee on the Middle School Project as Requested by Councilor David J. Doherty
14. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Pertaining to Pending Litigation - Town Attorney
15. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Sale of Property Regarding the Former Substation Property of the Electric Division - Town Attorney
16. Executive Session Pursuant to Sections 10-153d; 1-18a(e)(5) and 1-19(b)(9) of the CT. General Statutes Regarding Records, Reports and Statements of Strategy and Negotiations with Respect to Collective Bargaining - Personnel Department
17. Discussion and Possible Action on Ratification of an Agreement Between the Town of Wallingford and Police Union Local #1570 and Council #15 AFSCME, AFL-CIO Dated 7/1/96

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ADDENDUM TO AGENDA

18. Executive Session pursuant to Section 1-18a(e)(2) of the CT General Statutes to discuss pending litigation in the matter of Dortenzio v. Freedom of Information Commission - Town Attorney
19. Consider and approve appealing Dortenzio v. Freedom of Information Commission to the Appellate Court - Town Attorney
20. Executive Session pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Sale of property - Town Attorney
21. Discussion and approval of sale of property - Town Attorney
22. Approve and Accept the 1997 Meeting Schedule of the Town Council of the Town of Wallingford

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DECEMBER 10, 1996

6:30 P.M.

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TOWN COUNCIL MEETING

DECEMBER 10, 1996

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, December 10, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr.; Comptroller Thomas A. Myers and Corporation Counselor Adam Mantzaris were also present.

A blessing was bestowed upon the Council by Edward Smith, Evangelist, of the Wallingford Church of Christ.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Swearing-In Ceremony - Justices of the Peace

Town Clerk Rosemary Rascati took a few moments to perform the Swearing In Ceremony for the following Justices of the Peace:

Robert Avery
George Lane
Rita Katona
Jack Winkleman
Jerry Farrell, Jr.

ITEM #3 Recognition of the Wallingford Big Green Girls Soccer League as State Champions - 1996

The Wallingford girls finished the fall season with a record of 18 wins, 4 losses and 3 ties. The team had previously won the Wallingford TWIST (The Wallingford Invitational Soccer Tournament) Tournament in August.

Mayor Dickinson and Chairman Parisi Honored the members of the team, as well as Coach Gerald Labriola, by announcing each name and inviting the girls to the stage to receive a certificate of award.

ITEM #4 Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#212-234) Totalling \$2,730.62 - Tax Collector

ITEM #4b Note for the Record Anniversary Increases Approved by the Mayor

ITEM #4c Note for the Record Mayoral Transfers Approved to Date

ITEM #4d Note for the Record the Financial Reports of the Senior Citizen's Center; Visiting Nurse Association and the Wallingford Public Library

Motion was made by Mr. Rys to Approve Items #4a-4c on the Consent Agenda, seconded by Mr. Farrell.

It is noted that Item #4d was removed from the Consent Agenda at the request of Councilor Tom Zappala.

VOTE: All ayes; motion duly carried.

ITEM #4d Note for the Record the Financial Reports of the Senior Citizen's Center; Visiting Nurse Association and the Wallingford Public Library

Motion was made by Mr. Rys to Approve Item #4d, seconded by Mr. Centner.

Mr. Zappala asked Virginia Phillips, Executive Director of the Senior Center why the Town pays for the part time driver's pension plan?

Ms. Phillips stated that a S.E.P. pension plan was in place prior to her arrival at the center. She was told that the plan that was chosen dictated that all employees of the agency be included.

Mr. Zappala questioned the high monthly telephone bills.

Mrs. Phillips responded that the telephone system currently in use was purchased prior to her arrival at the center. The system does carry a substantial monthly charge. A separate line must also be maintained for the E.N.P. (Elderly Nutrition Program) which requires separate payment and additional funds from the budget. Long distance calls are placed on occasion to relatives of participants of programs and some of the trips that are planned require long distance calls to make the necessary arrangements.

Mr. Zappala asked, how many employees does the center have?

Mrs. Phillips responded, we have four full time, seven part time employees.

Mr. Zappala thanked Mrs. Phillips for her time.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Jack Winkleman, 141 S. Airline Road thanked everyone for allowing him to enjoy a second term as Justice of the Peace. He stated that

the Menorah lighting was a great success. Mr. Eric Reichbart was the individual who organized the event. Mr. Winkleman thanked the Wallingford Police Department for the excellent security given the occasion and his family. He publicly expressed his gratitude to the many fine citizens who came together in solidarity when he was threatened for his involvement in this occasion. He extended his thanks to those who traveled from other towns to show their support for religious freedom, Hanukkah, representing the first time 2,200 years ago that a war was fought and won for religious victory. Hanukkah is only eight days and is not on the same date each year because of the Jewish lunar calendar. Hanukkah, unlike Christmas, cannot be extended for up to forty or more days. We do not fear destruction of the Menorah no more than people fear destruction of the Christmas tree at the Johanna Manfreda Fishbein Park. He hopes that the Town Council can approve an unattended Menorah for eight days at the same location in 1997. He invited everyone to attend the Thursday night 5:30 P.M. celebration for the last night of Hanukkah at the green. Refreshments will be offered. In closing, he stated, as one great President said, "The only thing to fear is fear, itself."

Marion Smart, 52 Forest Road stated, I was very upset Saturday night for I feel I was a selected target of some malicious action by the Town plow driver. I am still upset but I do feel better since some inside information has given me a little different slant which leads to my question, do any of you "pop" down during a snow storm to either Public Works or to hail any of your plow drivers to check for alcohol abuse while they are on duty?

Mr. Parisi responded, I have never done that, no.

(It is noted that Mayor Dickinson was absent from the room at the time of this discussion.)

Ms. Smart stated, maybe we should look into it. I understand it is not uncommon for them to have six packs with them. I, personally, would rather feel that was the explanation for the drifts blocking my driveway rather than incompetence or malicious intent.

She went on to ask if it was possible to have an ordinance adopted prohibiting snowmobiles from using the streets?

Mr. Parisi responded, there is a State law which does not allow that action.

Ms. Smart asked, do our local policemen respond when there is a problem because we do have someone in the neighborhood doing this.

Mr. Parisi asked, have you called them (police)?

Ms. Smart responded, I didn't because I didn't know.

Mr. Parisi suggested that Ms. Smart first try calling the police. If there is any problem after he asked that Ms. Smart then call the Town Council Office or Mayor's Office.

Ms. Smart then asked, in view of the West Hartford tragedy, can we consider the possibility of adding funds to next year's budget so that we do have neighborhood police patrols on a regular basis?

Mr. Parisi responded, I don't know if that would be possible for every neighborhood. The police do try to maintain some privacy as to what streets are patrolled at what hours. We do not want to make that schedule public. The police normally will respond to an area that is having a problem.

Ms. Smart answered, there is a difference between responding and preventative maintenance by patrolling through. She urged the Council to give the idea some thought over the holidays.

Mr. Parisi stated, it would be a very big order for the amount of miles of road that we have in Town.

Pasquale Melillo, 15 Haller Place asked, has there been any decision on the issue of offering incentives to local vendors bidding on Town projects/services?

Thomas Myers, Comptroller responded, the Economic Development Commission is looking into certain business incentives. To date we have not received any information from the commission, itself. The Finance Department has not researched or reviewed any of the proposals. It is the position of the Finance Department that the purpose of public purchasing is to ensure open competition and through competition you receive competitive pricing.

Mr. Melillo then asked the Council what their thoughts are on the consultant's recommendation that the Town spend \$2.2 million to upgrade the computer system for the utilities and other departments of the Town?

Mr. Rys responded, a special meeting was held on this issue last Tuesday and the information was presented to the Council at that time. They will need some time to digest it since it was very detailed. It is still in the study phase as far as the Council is concerned.

Mr. Melillo was of the opinion that there is no need for a \$2.2 million computer in this town. There is a wealth of experience and knowledge available to the Town through its employees. Sometimes the best computer is located on top of one's shoulders. We need to begin using that equipment more and more. He asked, how much

of the taxpayer's money has been spent over the past year on consultants and for what service/study? He reminded the Council that it was not too long ago that a consultant recommended closing the Pierce Generating Plant. Had we followed that advice where would we be today?

Mr. Parisi responded, we hire consultants when we need them because of the expertise they bring to the issue. It is always a difficult question to answer because after a consultant makes a report if you don't follow what they recommend a lot of people say it was a waste of money to have them here. A lot of times they help to put what ever the question is into perspective and it helps you to decide whether or not you want to proceed with or end a project.

Mr. Parisi asked the Town Council Secretary to research how much money has been spent for consultants over the past year and the subject matter of the issue for which the consultant has been hired.

Lou Rubenstein, 40 S. Whittlesey Avenue stated, I have had a problem in local and State government, as well as business life, separating the administrative end from the legislative end. It is a constant problem. Where do we have our initiatives? Who is in charge up to what point? Who sets policy? The reason I am here tonight is that we seem to have difficulty communicating with each other from time to time. Many people cannot express themselves properly. Many people are intimidated or are afraid to say anything. They shouldn't be, but this is what happens in government. What I might suggest tonight, and we do have some people capable of this, is it possible to have an ombudsman to represent the people of this town to ask certain pertinent questions? A single person or two people who have all of the questions funneled through them? It may be much easier for the Council to answer these questions and be prepared in case something like this happens. May I suggest that as an ombudsman I would gladly accept. Mr. Philip Wright, Sr., I would gladly accept; Mr. Wasilewski I would certainly accept; they are plain-talking, never lose themselves, they don't get emotional the way I do. I would gladly have that.

Mr. Parisi asked, what problem are you having?

Mr. Rubenstein responded, I have seen it work. My cousin was the ombudsman at Baltimore, Maryland for many, many years. I have seen it work.

Mr. Parisi asked again, what problem are you trying to solve?

Mr. Rubenstein answered, all problems. The lack of communication between the citizenry and this board. It is obvious that we have difficulty from time to time. I have insidiously watched the Town

Council on television and I see times when a lack of communication exists with people in the audience, the Councilors...everyone cannot be completely informed. I think an ombudsman who is interested enough can ask the pertinent questions and maybe get some satisfactory answers so people will not feel as though they are left out of local government, whether they are ignored or not talked to properly.

Mr. Parisi stated, I don't understand why you feel that people are not getting their questions answered.

Mr. Rubenstein responded, watch the Town Council Meeting on television; you don't see yourselves when you are in the room. I am not saying it happens all the time.

Mr. Parisi stated, we will take the suggestion under consideration.

Frank Wasilewski, 57 N. Orchard Street stated, I have a lot of questions to ask but at this time of the year I will not ask them, I will simply wish each and every one of you a happy, holiday season, including the Mayor, Comptroller and Corporation Counselor.

Philip Wright, Sr., 160 Cedar Street stated, ditto.

ITEM #7 Consider and Approve One (1) Appointment to the Position of Commissioner on the Inland Wetlands Watercourse Commission to Fill a Vacancy Which Expires 3/1/97.

Motion was made by Mr. Rys to Appoint Ellen Deutsch to the Position, seconded by Mr. Centner.

Mr. Rys stated that Ms. Deutsch has served on the commission as an alternate for four years and is very familiar with the operation of the board. She will be a fine addition as a full time commissioner.

Mr. Doherty stated that he wanted to commend Ms. Deutsch for as an alternate she has attended eleven (11) seminars on her own which is very commendable for someone who is trying to learn a position. The seminar topics range from Forestry to Wetlands Act to Site Plan Review, etc. To attend these seminars to learn more about the subject matter of a board on which you volunteer your time gratis, is commendable.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Knight to Waive the Two Week Waiting Period and Swear Ms. Deutsch in this Evening, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #8a Approve a Resolution Authorizing the Mayor to Enter Into an Agreement with the State Department of Social Services for Funding Associated with Child Day Care Program 148-CDC-26 for the Period of 1/1/97 - 12/31/97

Motion was made by Mr. Rys to Approve the Agreement and Append a Copy of it to the Minutes of This Meeting, seconded by Mr. Centner. (Appendix I)

Kathleen Quinn, Executive Director of the Wallingford Day Care Center took a moment introduce Kathy Randolph, Board President, replacing Bob Wilson. Kathy has been on the Board of Directors of the Day Care Center for twelve years.

The Council welcomed Ms. Randolph to the Board.

Mr. Doherty stated, this is a standard resolution that is approved by the Council each year.

VOTE: Farrell abstained; all others, aye; motion duly carried.

Mr. Farrell abstained due to the fact that the day care center is a client of his firm.

ITEM #8b Approve an Agreement Between the Town and the Day Care Center for Funding Programs to be Carried Out by the Day Care Center

Motion was made by Mr. Rys to Approve the Agreement and Append a Copy of it to the Minutes of This Meeting, seconded by Mr. Doherty (Appendix II).

VOTE: Farrell abstained; all others, aye; motion duly carried.

ITEM #8c Approve a Resolution Permitting the Wallingford Day Care Center to Borrow from the Town Amounts Necessary to Meet Essential Operating Expenses of the Center Prior to the Time Its Program is Approved for Funding by the State

Motion was made by Mr. Rys to Approve the Resolution and Append a Copy of it to the Minutes of This Meeting, seconded by Mr. Knight (Appendix III).

Mr. Zappala asked if the center has had any luck with selling the building on the corner of Ward & Washington Streets?

Ms. Queen responded, no. We have tried everything short of selling it for parts. Unfortunately, because of the new building the old building/property is mortgaged. It is built of solid chestnut so the wood may very well be valuable and the land is a nice piece of property, but we cannot do anything with it at the moment.

VOTE: Farrell abstained; all others, aye; motion duly carried.

ITEM #9 Consider and Approve a Resolution Authorizing Continuation of a Grant from the Department of Mental Health & Addiction Services to the Mayor's Council on Substance Abuse - Youth Service Bureau

Motion was made by Mr. Rys to Approve the Resolution and Append a Copy of it to the Minutes of This Meeting, seconded by Mr. Centner (Appendix IV).

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$32,000 from Property & Casualty General Government Acct. to Self-Insurance Deductible Acct. - Risk Manager

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Mr. Doherty referred to Mr. Wilson's correspondence to the Mayor in which he lists seven cases for which this transfer of funds is being requested so that payment may be made on them. Mr. Doherty asked, what are the particular claims for?

Mark Wilson, Risk Manager responded, those are claims of police liability and public officials' errors and omissions.

Mr. Doherty asked, are these cases where the police were liable in a situation, did something wrong and these are payments that are going to be made because of them?

Mr. Wilson responded, right.

Mayor Dickinson clarified the question to Mr. Wilson by asking him, were all those payments made because of findings against the Police Department or are they ongoing expenses?

Mr. Wilson responded, they are ongoing expenses.

Mayor Dickinson added, the cases are not over so there has not been any finding one way or another. We pay on our deductible as these cases move forward. Where the insurance companies are incurring costs and hiring a lawyer to defend, we are paying the first bills to come in on the case. The payments do not necessarily represent any party being wrong or right. The seven cases listed are outstanding at the moment.

Mr. Doherty asked, are there more cases in the works?

Mr. Wilson responded, yes, there are approximately fifteen cases.

Mr. Doherty asked, do all of the seven cases listed have to do with the Police Department?

Mr. Wilson responded, the Police Department; Planning & Zoning; public officials' errors & omissions. The majority are Police Department issues.

Mayor Dickinson stated, two of the cases involved the railroad fatalities. They should be completed at this point in time. Two of the seven cases listed are the railroad fatalities.

Mr. Doherty asked for a breakdown one by one of the cases.

Mr. Wilson responded,

1. Morin, Fernand H. - Railroad Crossing
2. Templeman, Avaline - Railroad Crossing
3. Moran, Mary Alice - Personal Injury/Liability Case
4. Blanchard, Michael - Personal Injury False Arrest Allegation
5. Maggiore, Danny - Excessive Force Allegation
6. Dufresne, Brian - Unsure
7. Carrier Enterprises- Alleged Breach of Contract for Improper Zoning Regulations

Mr. Doherty asked, overall would you say that there has been an increase in cases filed against the Police Department over the last couple of years?

Mr. Wilson responded, there has been an increase nationwide. Police Departments seem to be targeted as an entity to sue. Arresting someone is a technical procedure and is always open to different judgments. Anyone can claim that someone grabbed them too hard or spoke to them too harshly.

Mr. Doherty asked, how does Wallingford average out with the number of cases we have?

Mr. Wilson answered, for a town our size we are doing very well.

Mr. Zappala asked, does the Board of Education have their own insurance?

Mr. Wilson answered, no, their insurance policy is with the Town.

Mr. Zappala asked, do we have to buy those items that were stolen from the schools?

Mr. Wilson answered, yes.

Philip Wright, Sr., 160 Cedar Street asked, how many dollars are

in the property and casualty general government account?

Mr. Wilson answered, we started off the budget with \$592,858. To date, \$371,801 has been expended. Barring encumbrances \$76,031 remains in the account. The account is encumbered at the beginning of the year to pay for the actual insurance premiums.

Mr. Wright stated, it does not seem sensible to me that we are taking out half of what is left in the account tonight when we have spent the larger part of the entire budgeted amount in the first six months of the fiscal year.

The \$76,000 that is remaining in the account to date was an excess amount as a result of the marketing of our umbrella insurance. The market for umbrella insurance is very volatile. The pricing that we estimate at budget time may not be the prices we get at the time of renewal which is seven months away. We saved approximately \$90,000 over what the budget estimate was.

Mr. Wright asked, is this account for this fiscal year a larger amount than the prior year?

Mr. Wilson answered, no it was not. Currently we are paying the same premium for higher limits of liability than we paid ten years ago.

Mr. Wright asked, is that through your efforts Mr. Wilson?

Mr Wilson answered, that is through my efforts, sir.

Mr. Wright asked, are the seven or eight cases mentioned earlier included in the self-insurance deductible account? Suppose that one of the cases does not take us to court and there is a settlement, would it show up here?

Mr. Wilson responded, our policy is set up so that our insurance company will administer the claim, they will handle the claim defense, pay the expenses of the claim to its fruition. The Town is responsible for the self-insurance amount. For the police liability we have a \$25,000 deductible. If the claim comes in as it did with the two deaths (railroad crossing), that claim came in at near \$900,000., the self-insurance deductible of \$25,000 was paid by the Town. That is the most we would pay on that claim. The other \$875,000 would be absorbed by the insurance company.

Mr. Wright asked, are the claims settled by the Town Attorney in other matters reflected in this account?

Mr. Wilson answered, I would not know about the claims that are settled by the Town Attorney's Office.

Geno Zandri, 37 Hallmark Drive asked Attorney Mantzaris, is it true that some of the dollars paid out in the deductible are to cover attorney's fees?

Attorney Mantzaris responded, yes.

Mr. Zandri asked, if the Town wins its case is it possible to recoup attorney's fees? Will the law allow for that? If someone is suing the Town and the judgement finds that the Town was not negligent and we have already expended dollars for attorney's fees, can we recoup those costs?

Attorney Mantzaris responded, no, the law does not allow it.

Mr. Zandri commented, that is something we should work on in Hartford to see if we can get that law changed. We could save ourselves a lot of money.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$4,500 from Engineering Salaries Acct. to Engineering Consulting Acct. - Engineering Dept.

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

Mr. Doherty asked, is this transfer for the P.E. that the Town has hired as a consultant?

Joel Cassista, Acting Department Head, Engineering Department responded, yes it is.

Mr. Doherty asked, are you finding that we are using him more and more?

Mr. Cassista responded, we are not using him as much as I thought we might need to. It is on a "as needed" basis and we are being very frugal with it. The expense that we needed for the Pogmore Bridge was something out of the ordinary. We are just beginning to get some sight plans in now so the need to use him may pick up.

Mr. Parisi asked Mr. Cassista if he was able to obtain prices for the work to be performed on Pogmore Bridge?

Mr. Cassista answered, three quotes have come in; a high of \$4,600 and a low of \$3,600. We are going to start making sandbags tomorrow.

Mr. Doherty asked the Mayor, how close are we to hiring a Town Engineer?

Mayor Dickinson answered, more interviews are to be conducted.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve a Waiver of Bid for Guardrail Inc. to Supply and Install Used Railing to Correct an Unsafe Condition at Two Locations on Yale Avenue - Engineering Dept.

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

Mr. Doherty asked, how far along are we with this project; how much is left?

Mr. Cassista responded, a lot of drainage has been installed and paving done. You would have to check with Mr. McCully (Director of Public Works) for the completion date. We had no idea that the guardrail would be needed and that the vendor did not supply the item.

Pasquale Melillo, 15 Haller Place, Yalesville asked for an explanation as to why the Engineering Department decided to request a waiver of bid on this project.

Mr. Cassista explained, when his department received the request from Public Works that they were ready to install guardrail, the vendor was contacted. It was learned at that time that the vendor was unable to supply the type of rail needed. We needed to go to a second bidder on the State bid list and he immediately came out and corrected the problem by installing all the necessary guardrail but by him not being the low bidder we have to obtain a bid waiver for the work.

Philip Wright, Sr., 160 Cedar Street asked, what is the ballpark figure on the work?

Mr. Cassista responded, \$8,494. It is approximately 1,100 linear feet of metal beam guardrail.

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

Ms. Papale left the meeting to retrieve Don Harwood, Chairman of the School Building Expansion Committee, from a meeting of his committee so that he may appear for the next agenda item.

ITEM #13 Status Report Out by the School Building Expansion Committee on the Middle School Project as Requested by Councilor David J. Doherty

Don Harwood, Chairman of the School Building Expansion Committee stated, with regards to Moran Middle School the anticipated target date for substantial completion of all the occupied spaces is

December 17th. We have substantial completion of all the classroom additions and most of the site work will be done February through April due to the weather. Landscaping will take place in April and the project should be wrapped up in the Spring. There was some delays with the site contractor at both schools which put the schedule back just a little but should not cause the Town any financial exposure.

With regards to Dag Hammarskjold, substantial completion of occupied spaces is targeted for December 17th. Most of the other items will be substantially completed by December 31st. We have some site work; a little road work; some topping of asphalt for the finished coat that will have to be done in the Spring since the asphalt plants will be closing on the 15th of this month. The weather has not been favorable due to all the rain and snow that we have had. There should be no financial exposure to the Town.

As far as the budget is concerned, Dag and Moran are tracking almost to the dollar. There will not be a great deal of savings on the two schools for there have been quite a few hidden conditions that we have encountered that have eroded the contingency account. Quite a few utility issues came up that were not on any as-builts that we ran into. Both the exterior of the building and the gas line got some attention when the contractor hit the gas line. We not only found unmarked telephone wires but upon excavation of the cafeteria floor at Moran utilities that were not identified were discovered causing significant cost overruns. The budgets are running exceptionally tight. The committee is meeting upstairs in the Town Hall as we speak to try and deal with any overruns. From a budgetary standpoint we are still tracking well, we are very comfortable.

With regards to Yalesville School, the project is just about closed out with just a couple of small punch list items left. With that budget we ran \$100,000 favorable. Overall the project ran very well. Some sub-contractors have not performed up to our expectations and that has caused a little indigestion but does not mean the committee is not getting through it. Those issues are being tracked very tightly. A little work will be done during the holiday break as well as the February vacation.

Mr. Parisi asked, as the work is being finished is the committee filing completed plans with the Engineering Department so that we will not encounter these problems in the future?

Mr. Harwood responded, yes. Significant dollars could have been saved if the as-builts were properly filed with the Town.

Mr. Centner asked, does the committee expect to exhaust the contingency account entirely?

Mr. Harwood responded, yes. Currently we are tracking a favorable balance of approximately \$10,000 at Dag. In putting a \$10,000 balance against a \$7.7 million project we are talking really tight.

Mr. Centner stated that the Council had earlier made it very clear that they would not entertain any new dollar spending within the building project, however, if the contingency accounts are exhausted he recommends that the Council consider transferring the \$100,000 left from the Yalesville project to the middle school projects. He is well aware of some of the issues that absorbed the contingency funds.

Mr. Harwood explained that Thomas Myers, Comptroller has planned very well with regards to bonding the project, therefore there is some money that was set aside in the master control budget for bonding that has not yet been touched. Those funds are allocated on a per school basis. Mr. Harwood remains hopeful that the project will come in on budget with the dollars allocated and will not need to consider tapping other line items within the current middle school budget.

Mr. Doherty asked, will all the classrooms be ready to operate when the students return from the holiday vacation in January? All that will be left is site work that will be finished in February and April?

Mr. Harwood responded, that is the committee's expectations.

Mr. Doherty asked, to your knowledge are the principals of these schools planning to use these classrooms in the second half of the year?

Mr. Harwood answered, there have been some comments by both principals about certain rooms that they need to bring on board. I am not sure that they will be using them all immediately.

Mr. Zappala asked, who designed the traffic pattern at Dag? Is this the way the traffic will flow after the project is completed?

Mr. Harwood answered, yes. It would have been designed through Fletcher Thompson.

Mr. Zappala asked if the traffic consultant of the Town was approached for input or did Fletcher Thompson design the traffic flow on their own?

Mr. Harwood answered, Rick Doll, Traffic Maintenance Officer, would have reviewed it when it went through Planning & Zoning and Wilbur Smith also did some work for us on the impact to Pond Hill Road.

Mr. Zappala stated, in the thirty-five years that I have travelled

that road (Pond Hill) I have never seen so much traffic congestion in the morning. The traffic is unbearable in the morning. They made two-way traffic into the school when it used to be one way. It is creating a hazard to the children walking to school.

Mr. Harwood stated, the committee has looked at the problem. There are trade-offs of the design. If you look at the entry drive on the East side of the school, it separated bus traffic from parent drop-off traffic. That was a significant safety concern highlighted at both schools by the principals through Administration. Children were actually getting dropped off in the same bus loop by their parents and were walking in between buses to get to the sidewalk to get to the school. When we went to design the focus was on the separation of bus drop-off and parent drop-off. We now have true separation. There are some restrictions regarding the actual width and flow of traffic going into the Westerly driveway based on wetlands that are there as well as an existing bridge. The total site work is not finished; the stop lines; yellow lines separating the traffic is now in place and based on our discussion with the principal we will work it out. We are seeing peak issues during the day. If it rains we have a huge increase in the amount of parent drop-offs that occur. Society is in a different mode as to how children get to school. It occurs everywhere. We cannot build for that huge volume.

Mr. Zappala stated, the way it is now I do not believe it is safe for the children. Something needs to be done.

Mr. Harwood explained, when the issue was raised they looked closely at the surrounding schools to draw parallels in an effort to get people to understand. Lyman Hall and Stevens School were both studied. You have a single drive coming in and out of Lyman Hall and Dag. Overall the inflow and outflow is still the same, it was not changed by the project.

Mr. Zappala responded, Lyman Hall has a wider and longer driveway than Dag. People are turning into the driveway and are stopping in the middle of the road holding up other traffic. In the meantime the children are crossing the street between all the stopped traffic.

Mr. Harwood stated, the crossing guard should be manually controlling the traffic for the children crossing. The turnaround and drop-off inside will now stretch all the way to the back of the school or over near where the Board of Education has the refrigerators. We have made some site modifications to try and deal with it. We are aware of the issue and it is a challenge.

Mr. Parisi thanked Mr. Harwood for his presentation on this matter.

ITEMS #14, 15, 18 & 20 Motion was made by Mr. Rys to Enter Into Executive Sessions Pursuant to Sections:

- 1-18a(e)(2) - Pending Litigation - Dortenzio v. Freedom of Information Commission
- 1-18a(e)(4) - Sale of Property
- 1-18a(e)(4) - Sale of Property Regarding the Former Substation Property of the Electric Division
- 1-18a(e)(2) - Pending Litigation

Seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Present in Executive Session were all Councilors, Mayor Dickinson and Corporation Counselor Adam Mantzaris.

Motion was made by Mr. Rys to Exit the Executive Sessions, seconded by Mr. Renda.

VOTE: All ayes; motion duly carried.

ITEM #15 Motion was made by Mr. Rys to Approve the Sale of Substation Property in the Amount of \$85,000. and to Allow the Mayor to Execute the Agreement, seconded by Mr. Renda.

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

ITEM #16 Withdrawn

ITEM #17 Withdrawn

ITEM #19 Consider and Approve Appealing Dortenzio v. Freedom of Information Commission to the Appellate Court - Town Attorney

Motion was made by Mr. Rys to Approve Appealing Dortenzio v. Freedom of Information Commission to the Supreme Court as Discussed in Executive Session, seconded by Mr. Renda.

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

Attorney Mantzaris apologized to the Council for incorrectly wording the motion with regards to Item #19 calling for an appeal to the Supreme Court. It should be corrected to read, appellate court.

Mr. Parisi asked that the record be corrected to read appellate court.

Atty. Mantzaris explained, the case went to the superior court and we won at that level. It was appealed to the appellate court and the appellate court sent it back to the superior court for a question and we lost at the superior court. Now we have to go back to the superior court and then to the Supreme Court if we have to.

ITEM #21 Discussion and Approval of Sale of Property - Town Attorney

Motion was made by Mr. Rys to Approve the Sale of a Portion of Property off of Winding Brook for the Price of \$3,500 and to Authorize the Mayor to Execute the Agreement, seconded by Mr. Renda.

VOTE: All ayes; motion duly carried.

Mayor Dickinson asked that the motion be read back regarding the sale of the right of way at Windswept Road.

Kathryn Zandri, Town Council Secretary stated that the motion was not made for Windswept but for Winding Brook Road.

Mayor Dickinson asked that the motion be corrected and read back into the record.

Mrs. Zandri: "Approve the Sale of a Portion of Property Right of Way at Windswept Hill Road for \$3,500 and Authorize the Mayor to Execute the Agreement"

Motion was amended by Mr. Rys, seconded by Mr. Renda.

VOTE: All ayes; motion duly carried.

Mr. Rys asked that the Town Attorney and/or Mayor's Offices have motions pertaining to executive session prepared ahead of time to allow for negative or positive action to be taken upon exiting executive sessions. This takes the burden off of the Council to try and author motions on such short notice.

Mr. Parisi agreed stating, at times the Councilors, themselves, have no clue as to what the topic of discussion will be in executive session. It is unfair to expect them to come up with proper motion language in such limited time. It creates a burden on them.

He asked that language be ready ahead of time for approval or disapproval of a particular action, if action is required.

Both the Mayor and Corporation Counselor agreed to the request.

ITEM #22 Approve and Accept the 1997 Meeting Schedule of the Town Council of the Town of Wallingford

Motion was made by Mr. Rys to Approve the Schedule and Append a Copy of it to the Minutes of this Meeting, seconded by Mr. Farrell. (Appendix V)

VOTE: All ayes; motion duly carried.

Mr. Parisi noted, at the Meeting of November 26, 1996 the Council approved a waiver of bid for the Public Works Department to have the CENTRAX Telephone System moved to Fairfield Blvd. At that meeting Mr. McCully, Director of Public Works, was asked to bring forth an estimate for the work to be performed by this meeting. Mr. McCully has directed correspondence to Mr. Parisi informing the Council that the total cost for maintaining the CENTRAX system as it is will cost \$166.

At this time the Council extended seasons greetings to all the citizens of Wallingford.

Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 8:31 P.M.

Meeting recorded and transcribed by:

Kathryn J. Zandri
Kathryn J. Zandri
Town Council Secretary

Approved by:

Robert F. Parisi
Robert F. Parisi, Chairman

1-14-97
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

1-14-97
Date

AGREEMENT

AGREEMENT entered into between the TOWN OF WALLINGFORD, "Town", and THE WALLINGFORD COMMUNITY DAY CARE CENTER, INC., "Day Care".

WITNESSETH:

1. The Town has executed a Contract with the State of Connecticut, acting by its Commissioner of Social Services, "Commissioner", for funding programs to be carried out by Day Care, acting on behalf of the Town. The Contract has been executed as authorized by the provisions of the General Statutes. A copy is appended hereto and made a part hereof.
2. Day Care agrees to the terms and conditions set forth in said Contract including any special conditions imposed by the Commissioner at the time funds are made available to the Town pursuant to said Contract.
3. The effective dates of the contract and of this Agreement are from January 1, 1997 to December 31, 1997.
4. Day Care will carry sufficient insurance during the term of this Agreement "save harmless" the Town from any claims, suits or demands that may be asserted against it by reason of any act or omission of Day Care.

5. This Agreement shall be incorporated into and shall govern the other agreements that expressly exist between the Town and Day Care.

IN WITNESS WHEREOF, Day Care has caused this Agreement to be duly executed in its behalf and its seal hereunto affixed this _____ day of December, 1996, and thereafter Town has caused these presents to be signed and sealed by its Mayor, William W. Dickinson, Jr., duly authorized, this _____ day of December, 1996.

*Signed, Sealed and Delivered
In Presence Of:*

THE WALLINGFORD COMMUNITY
DAY CARE CENTER, INC.

BY: _____

TOWN OF WALLINGFORD

BY: _____

WILLIAM W. DICKINSON, JR.
Its Mayor
Duly Authorized

Appendix II

CERTIFIED RESOLUTION OF THE TOWN OF WALLINGFORD

I, ROSEMARY A. RASCATI, Town Clerk of the Town of Wallingford, a municipal corporation (the "Contractor"), DO HEREBY CERTIFY that the following is a true and correct copy of a resolution duly adopted at a meeting of the Town Council of the Contractor duly held and convened on December 10, 1996, at which meeting a duly constituted quorum of the Town Council was present and acting throughout and that such resolution has not been modified, rescinded or revoked and is at present in full force and effect:

RESOLVED: That the Mayor, William W. Dickinson, Jr., is empowered to enter into and amend contractual instruments in the name and on behalf of this Contractor with the Department of Social Services of the State of Connecticut for a Child Day Care program and to affix the corporate seal.

IN WITNESS WHEREOF, the undersigned has affixed her signature and the corporate seal of the Contractor this _____ day of December, 1996.

ROSEMARY A. RASCATI
Town Clerk
Town of Wallingford

CERTIFIED RESOLUTION OF THE TOWN OF WALLINGFORD

I, ROSEMARY A. RASCATI, Town Clerk of the Town of Wallingford, a municipal corporation, DO HEREBY CERTIFY that the following is a true and correct copy of a resolution duly adopted at a meeting of the Town Council of the Town of Wallingford duly held and convened on December 10, 1996, at which meeting a duly constituted quorum of the Town Council was present and acting throughout, and that such resolution has not been modified, rescinded or revoked and is at present in full force and effect:

RESOLUTION

WHEREAS, The Wallingford Community Day Care Center, Inc. is a designated agency of the Town of Wallingford funded by the State of Connecticut through the Town of Wallingford for service to preschool children and their parents; and

WHEREAS, The Wallingford Community Day Care Center, Inc. has been commended for both the level of service and the fiscal responsibility with which it has performed during its years of operation; and

WHEREAS, The Wallingford Community Day Care Center, Inc. is supported by State funds, voluntary contributions of time, money and material, including in-kind contributions by the Town of Wallingford; and

WHEREAS, The Wallingford Community Day Care Center, Inc. is continually in operating difficulty because of the delay in actually receiving funds approved by the State.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

- 1. That The Wallingford Community Day Care Center, Inc. be permitted to borrow from the Town of Wallingford amounts necessary to meet the essential operating expenses of the Wallingford Community Day Care Center, Inc. prior to the time The Wallingford Community Day Care Center, Inc.'s program is approved by the State of Connecticut through its Department of Social Services and the actual funding is received, but in no case to draw more than the amount approved and budgeted by the State for the period of operation as set forth in the 1996 budget. Prior to approval State Grant award, the Town of Wallingford shall not advance more than three months operating expenses.**
- 2. The Wallingford Community Day Care Center, Inc. will repay the amount so borrowed immediately upon receipt of the State grant for the period for which the funds were borrowed.**

IN WITNESS WHEREOF, the undersigned has affixed her signature and corporate seal of the Town of Wallingford this _____ day of December, 1996.

**ROSEMARY A. RASCATI
Town Clerk
Town of Wallingford**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD
FOR A YOUTH SERVICE BUREAU GRANT

WHEREAS, the State Department of Mental Health and Addiction Services has offered the Town of Wallingford a grant for Fiscal Year 1997 for purposes of operating the Mayor's Council On Substance Abuse Prevention of the Wallingford Youth Service Bureau, and

WHEREAS, it is desirable and the best interest of the residents of Wallingford to accept said grant:

NOW, THERE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

1. That it recognizes the responsibility for the provision of local grant to the extent that they are necessary and required for said program.
2. That the filing of an application by the Town of Wallingford in an amount not to exceed \$10,000 is hereby approved and that the Mayor of the Town of Wallingford is hereby authorized and directed to execute and file such application with the Department of Mental Health and Addiction Services, to provide such additional information, to execute such other documents as may be required by the Department, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, recisions, and revisions thereto, and to act as the authorized representative of the Town of Wallingford.

Appendix V

TOWN COUNCIL



Town of Wallingford, Connecticut

MUNICIPAL BUILDING WALLINGFORD, CONNECTICUT 06492 (203) 294-2155

Robert F. Parisi, Chairman
 Raymond J. Rys, Sr., Vice Chairman
 Richard J. Centner, Jr.
 David J. Doherty
 Jerry Farrell, Jr.
 Stephen W. Knight
 Iris F. Papale
 Frank A. Renda, Sr.
 G. Tom Zappala

Rosemary A. Rascati, Town Clerk
 Town of Wallingford
 45 South Main Street
 Wallingford, Connecticut 06492

Dear Mrs. Rascati,

The Town Council of the Town of Wallingford hereby sets forth its schedule of regular meetings to be held on the second and fourth Tuesdays of the month for the calendar year 1997 as follows:

January	14	May	13	September	9
January	28	May	27	September	23
February	11	June	10	October	14
February	25	June	24	October	28
March	11	July	8	November	12*
March	25	July	22	November	25
April	8	August	12	December	9
April	22	August	26	December	23

1998 (In accordance with CGS 1-21)

January 5 (Swearing-In of Newly Elected Council)**
 January 13
 January 27

Standing Committees

EDUCATION
 Stephen W. Knight, Chairman
 Richard J. Centner, Jr.
 Iris F. Papale

PERSONNEL MERIT REVIEW
 Iris F. Papale, Chairperson
 Richard J. Centner, Jr.
 Jerry Farrell, Jr.

PUC LIAISON
 Frank A. Renda, Sr., Chairman
 Raymond J. Rys, Sr.
 G. Tom Zappala

ORDINANCE
 Stephen W. Knight, Chairman
 Jerry Farrell, Jr.
 David J. Doherty

FINANCE
 Richard J. Centner, Jr., Chairman
 Stephen W. Knight
 David J. Doherty

PLANNING & ZONING
 Jerry Farrell, Jr., Chairman
 Frank A. Renda, Sr.
 David J. Doherty

PUBLIC SAFETY
 Raymond J. Rys, Sr., Chairman
 Frank A. Renda, Sr.
 G. Tom Zappala

Meetings are held in the Robert Earley Auditorium of the Wallingford Town Hall, 45 South Main Street at 6:30 P.M. unless otherwise posted. Please post this schedule accordingly, thank you.

Kathryn F. Zandri
 Kathryn F. Zandri
 Town Council Secretary

* Wednesday Meeting - Veterans Day Holiday falls on Nov. 11th.
 ** Meeting is scheduled for 8:00 P.M.

Approved and accepted by the Wallingford Town Council at its meeting of December 10, 1996.