

Town Council Meeting SummaryNovember 10, 1987

	<u>Page</u>
POW flag presented to Town of Wallingford.	1
Adopted resolution designating Town of Wallingford bonds sold on 11/30/87 as bank qualified obligations.	2-5
Approved a transfer of \$14,400 from Dispatcher's Wages to Retirement-Sick Leave, Deputy Chief, Police Department.	5-7
Approved a transfer of \$1,000 from Clerk's Wages and \$6,000 from Dispatcher's Wages, a total of \$7,000 to Retirement-Sick Leave, Police Department.	7-8
Approved a transfer of \$2,200 from Council Contingency to Retirement-Sick Leave, requested by Director of Personnel.	8
Adopted resolution appropriating \$80,000 for advance money on elderly housing project and authorized signing Cooperation Agreement with State of Connecticut.	8-16
Denied transfer of \$1,000 from Council Contingency to Dog Survey, Dog Warden.	16-17
Approved transfer of \$8,000 from General Hospital to Burial, Welfare Administrator.	17
Request to save old Simpson Pond Dam forwarded to Water Department/to be placed on future Council Agenda.	18-19
Approved budget amendment of \$45,000 from Net Income to Boiler Maintenance, Electric Division.	19-20
Approved transfers for Water Division and Sewer Division:	
Water Division:	
(a) \$ 8,721 from Maintenance Transmission and Distribution Lines	
\$24,000 from Maintenance of Services	
\$ 3,660 to Purchase of Water	
\$ 3,175 to Power Purchased for Pumping	
\$ 675 to Maintenance, Structures and Improvements	
\$ 45 to Maintenance Distribution/Reservoirs & Standpipes	
\$ 5,010 to Proportionate Charges	
\$16,081 to Workmen's Compensation	
\$ 2,925 to Employees' Pension and Benefits	
\$ 1,150 to Miscellaneous General Expenses	20
Sewer Division:	
(b) \$15,135 from Administrative and General Salaries	
\$ 805 to Miscellaneous and Safety Expenses	
\$ 170 to Maintenance of Transmission and Collection Lines	
\$ 1,765 to Proportionate Charges	
\$12,395 to Workmen's Compensation	20
Noted for record update report on Individual Water Supply Plan.	21
	<u>Page</u>
Approved transfer of \$4,900 from Reserve for Emergency to Local Match-Municipal Liability Trust Fund, Risk Manager.	21
Adopted Municipal Liability Trust Fund Certification resolution.	21-23
Accepted Town Council Meeting Minutes dated October 27, 1987.	23
Set Public Hearing for 8:00 p.m. on November 24, 1987 on an ORDINANCE APPROPRIATING THE SUM OF ONE MILLION NINE HUNDRED EIGHTY THOUSAND (\$1,980,000) DOLLARS FOR THE REHABILITATION AND REPLACEMENT OF THE OAK STREET BRIDGE (BRIDGE #4830) AND AUTHORIZING THE FOREGOING APPROPRIATION TO BE DEFRAID BY THE ISSUANCE OF BONDS OR NOTES OF THE TOWN, A LOAN OR GRANT	

Approved transfer of \$2,626 from Council Contingency Reserve for Emergency to Fire Marshal Salary, upgrade from 12 to 13, retroactive to July 1, 1987.

23-24

Discussed Planning and Zoning Meeting of November 9, 1987 and the fact that FIP received approval for another non profit organization on Lot #19 after agreeing that there would be no more than three non profit organizations.

24-25

Meeting adjourned.

25

TOWN COUNCIL MEETING

NOVEMBER 10, 1987

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Presentation of POW flag to Town of Wallingford.
- (4) Discussion with Comptroller with respect to December, 1987 issuance of bonds and adoption of resolution designating Town of Wallingford bonds sold on November 30, 1987 and 1986-1987 Electric Capital notes dated December 15, 1987 as bank qualified obligations.
Items 14 and 15.
- (5) Discussion and action regarding resolution appropriating \$80,000 for advance money on elderly housing project and authorization to sign Cooperation Agreement with State of Connecticut.
- (6) Consider and approve a transfer of \$1,000 from Council Contingency to Dog Survey, requested by Shirley Gianotti, Dog Warden.
- (7) Consider and approve a transfer of \$8,000 from General Hospital to Burial, requested by Francis Francesconi, Welfare Administrator.
- (8) Consider request to save old Simpson Pond Dam, requested by Representative Mary M. Mushinsky.
- (9) Consider budget amendment of \$45,000 from Net Income to Boiler Maintenance, requested by Charles F. Walters, Electric Div.
- (10) Consider and approve 1986-1987 transfers requested by Raymond F. Smith, Director of Public Utilities:
 - (a) \$ 8,721 from Maintenance Transmission and Distribution Lines
 - Water \$24,000 from Maintenance of Services
 - \$ 3,660 to Purchase of Water
 - \$ 3,175 to Power Purchased for Pumping
 - \$ 675 to Maintenance, Structures and Improvements
 - \$ 45 to Maintenance Distribution/Reservoirs & Standpipes
 - \$ 5,010 to Proportionate Charges
 - \$16,081 to Workmen's Compensation
 - \$ 2,925 to Employees' Pension and Benefits
 - \$ 1,150 to Miscellaneous General Expenses
 - (b) \$15,135 from Administrative and General Salaries
 - Sewer \$ 805 to Miscellaneous and Safety Expenses
 - \$ 170 to Maintenance of Transmission and Collection Lines
 - \$ 1,765 to Proportionate Charges
 - \$12,395 to Workmen's Compensation
- (11) Update report on Individual Water Supply Plan, provided by Raymond F. Smith, Director of Public Utilities.
- (12) Report regarding selection of self insurance consultant and action regarding appropriation of local match, requested by Mark Wilson, Risk Manager.
- (13) Consider acceptance of Town Council Meeting Minutes dated October 27, 1987.

- 753
- (14) Consider and approve a transfer of \$14,400 from Dispatcher's Wages to Retirement-Sick Leave, Deputy Chief, requested by Police Chief Joseph J. Bevan.
- (15) Consider and approve two transfers to Retirement-Sick Leave (backup forthcoming).
- (a) Consider and approve a transfer of \$1,000 from Clerk's Wages and \$6,000 from Dispatcher's Wages, a total of \$7,000 to Retirement-Sick Leave, requested by Joseph J. Bevan, Chief of Police.
- (b) Consider and approve a transfer of \$2,200 from Council Contingency to Retirement-Sick Leave, requested by Stanley A. Seadale, Director of Personnel.
- (16) Set public hearing on AN ORDINANCE APPROPRIATING THE SUM OF ONE MILLION NINE HUNDRED EIGHTY THOUSAND (\$1,980,000) DOLLARS FOR THE REHABILITATION AND REPLACEMENT OF THE OAK STREET BRIDGE (BRIDGE #4830) AND AUTHORIZING THE FOREGOING APPROPRIATION TO BE DEFRAYED BY THE ISSUANCE OF BONDS OR NOTES OF THE TOWN, A LOAN OR GRANT FROM THE STATE OF CONNECTICUT PURSUANT TO THE "LOCAL BRIDGE PROGRAM" OR ANY COMBINATION OF THE FOREGOING.

Addendum

Consider and approve reclassification of Fire Marshal.

Town Council Meeting

November 10, 1987

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:33 p.m. by Chairman David A. Gessert. Answering present to the roll called by Rosemary A. Rascati, Town Clerk, were Council Members Adams, Bergamini, Gouveia, Holmes, Killen, Papale, Polanski, Rys and Gessert. Also present were Mayor William W. Dickinson, Jr., Town Attorney Adam Mantzaris and Thomas A. Myers, Comptroller. The pledge of allegiance was given to the flag.

Public question and answer period.

There were no questions or comments from the public.

ITEM 3. Presentation of POW flag to the Town of Wallingford.

Mr. Gessert stated that Mr. Dennis P. Ward was at the meeting representing the V.F.W. and added that he was very successful with the activities with the Vietnam Veterans Memorial.

Mr. Ward explained that this flag was the same size flag that was presented 6 months ago. Right now, we are trying to get a flag that is the same size of the American Flag on the green. The V.F.W. Post 591 thanks the Town of Wallingford for accepting this flag and flying it. I just came back from 3 days of rallying and protests in Washington D.C. in reference to the POW and MIA issue. We are finding that we are making more and more progress. We need to do more than just flying a flag. We need to get people to support the cause and write to their elected officials, telephone blitzes and try to continue to increase the momentum and put pressure on the government officials. The Vietnam Veterans are trying to rally around the idea of becoming more active politically, being more active voting and get a lot of block voting to eliminate officials that are unwilling to try to do anything to resolve this issue. There is more and more proof, that is being presented to the government, that people are alive and being held hostage, captive, in Southeast Asia and we find it totally unacceptable.

Mr. Gessert thanked Mr. Ward and added that he agrees with him. He added that he heard on the radio that Congressman Rowland is going back to Southeast Asia to try to establish negotiations regarding

the return of Americans that might still be there and he also heard that the President is going to appoint a Veterans Affairs Officer at cabinet level. Mr. Gessert told Mr. Ward to let the Council know if there was anything else that they could do and they would be happy to help. 754

On behalf of the Town of Wallingford, Mayor William W. Dickinson, Jr. accepted the POW Flag from Mr. Dennis P. Ward and commented that he will make sure that the flag is put up on Wednesday, November 11, 1987, (Veterans Day).

ITEM 4. Discussion with Comptroller with respect to December, 1987 issuance of bonds and adoption of resolution designating Town of Wallingford bonds sold on November 30, 1987 and 1986-1987 Electric Capital notes dated December 15, 1987 as bank qualified obligations.

Mr. Myers explained that he is at the meeting tonight to inform the Council and keep them abreast on the latest developments that they are undertaking with respect to permanent financing for several town projects. We find, through our financial position and our budgeting process, we are in the enviable position and situation of being able to make changes to determine the most feasible route for the Town of Wallingford to follow, with respect to permanently financing some capital projects. There are two projects that we are going to talk about tonight, the Parker Farms School and the other is the 1986-1987 capital improvements, which are roads and streets. As you know, the Parker Farms Elementary School was authorized for bonding in the amount of \$2,997,000. Presently, the expenditures, on that project, totaled \$2,377,000, which are actual cash expenditures, cash out the door. At the present time, we also had \$1,235,000 of bond anticipation notes outstanding, or borrowed funds, the difference being, cash that we advanced of our own money toward the project. We anticipate the project to consume approximately, another \$300,000. There are \$247,000 of outstanding bills and purchase orders against the school and a balance of uncommitted funds of \$50,600, that we anticipate will be spent on purchases of equipment, materials, etc. to complete the Parker Farms project. These numbers mean that we will issue a bond dated December 15, 1987, in the amount of \$2,625,000. You will note that that is substantially less than the \$2,997,000. The difference being, the non-issuance of notes, so we did not incur a lot of temporary interest on notes, for that project, and we have provided some \$200,000 in the General Fund budget for debt reduction. We will use \$75,000 of that \$200,000, toward paying down this issue. The reason that we come up with an amount of \$2,625,000, we are looking to issue a 15 year bond and 15 divides into \$2,625,000 at the annual rate of \$175,000. As Mr. Post will tell you, there are certain denominations of bonds that are more attractive on the street and the denominations are \$50,000, \$25,000, and \$100,000 lots and that is what the purchaser looks to buy when issues come to market. We have done the same thing with the second issue, which is the 1986-1987 Capital Improvements. It was authorized for \$800,000 and we will bond \$750,000, which is evenly divided by 15 at the rate of \$50,000 per year, for 15 years. It makes a lot of sense for us to permanently finance these projects today, because the market conditions are favorable, we can do it, and not incur additional financing expenses by borrowing notes. This is another situation where we can make our financial position take advantage of our financial position, in other words, make our position work for us. I think there is a real savings on the Parker Farms issue, there is a savings on the Capital Improvement issue, depending on whether or not, at a future date, we issue the remaining \$50,000 or just pay it off. We can reserve our decision on that until a later year. We are looking to sell these bonds at 11:00 a.m. on December 1st. I wanted to inform the Council tonight, because on our November 24th meeting, I will have to come and reallocate, transfer some money around the debt service. The Charter prohibits us from transferring money from debt service for another purpose. When I prepared the budget, I earmarked certain monies for certain issues and now we see a better plan, so we are going to reshuffle those numbers around a little bit and run with the scenerio I have described to you tonight. We wanted to take this opportunity to come before you, explain what was happening and keep the Council informed. When we complete this financing on the Parker Farms School and 1986-1987 Capital Improvements, the only outstanding bond anticipation note that we will have remaining on our accounts is the electric. As you remember, in 1986-1987, we financed the electric fund capital improvement, their capital budget, and it was \$1,700,000, with the idea that we would pay the notes off over 4 years. We paid it down from \$1,700,000 to \$1,475,000 in August.

We are going to make another \$200,000 payment in December and in the next fiscal year, we will budget another \$425,000 to pay it down again in the second year of the note. Two years past that, that note will be fully retired, without incurring any bonding debt in the Electric Utility. A positive aspect of proceeding with permanent financing at this point, aside from not borrowing on the notes, is that the projects are substantially complete and it will leave 1988 for us to direct our attention on financing towards the utilities. I am concerned that we have some very large issues in the utilities, and they are going to require a lot of planning and a lot of careful analysis, and those are any remaining issues that we might have to face on the Sewer Treatment Plant and the Water Treatment Plant. There is no state grant or subsidies to look for, on the water plant. I consider those to be two very significant issues and I feel that when we proceed and finalize our general government issues, we will then be able to direct our attention towards the utility issue for 1988, which because of the size, are going to require some very careful and very deliberate steps in the area of financing. The other issue that probably come in 1988, is the school asbestos and handicapped renovation projects. That is going to be no way near the demonination or the dollar amount that we are talking for the utilities.

Mr. Gessert asked if the extra \$300,000 incurred for Parker Farms School was incumbered and Mr. Myers replied yes and explained that as of October 30th, they have purchase orders unpaid in the amount of \$201,000, which in his guess, is money that has been retained. He added that all major contracts have a 10% retainage.

Mr. Rys suggested that the Parker Farms Committee come before the Council at their next meeting to explain the unpaid amount and Mr. Gessert agreed.

Mr. Killen asked what they had anticipated they would be paying if they had gone to notes in interest and Mr. Myers explained that they had \$368,000 in the Ordinance, and he will reduce the Ordinance by that amount of money, write that off the books, so it will never be borrowed. Mr. Myers added that he is also very pleased, because this whole program stays with their accelerated debt policy and that speaks very favorably for the community and it lends to the attractiveness of their paper in New York.

Mrs. Bergamini asked what the bottom line figure was for the entire Parker Farms project and Mr. Myers replied, the bottom line figure for the school would be \$2,700,000 and the \$2,700,000 would be made up of \$2,265,000 in bonds and \$75,000 in cash, which was in the budget.

Mrs. Bergamini read and moved the following Resolution:

RESOLUTION DESIGNATING CALENDAR YEAR 1987 BOND SALE AND BOND ANTICIPATION NOTE ISSUES OF THE TOWN OF WALLINGFORD QUALIFIED OBLIGATIONS PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE.

It is hereby found and determined that with regard to the following proposed Bond and Bond Anticipation Note (hereafter "Note") issues: (1) \$ 3,375,000 Bond Sale, Bonds dated December 15, 1987, and (2) \$1,275,000 Utility Division Capital Improvements dated December 15, 1987:

1. The obligations will be issued during calendar year 1987.
2. The use of the proceeds will not cause the obligations to be Private Activity Obligations.
3. The Town of Wallingford is a political subdivision of the State of Connecticut with General taxing power and was such a political subdivision on and prior to October 23, 1985.
4. The Town of Wallingford reasonably anticipates that the amount of tax exempt obligations that will be issued during the

calendar year 1987, including periodic refinancings, by the Town on its behalf by any district, department, board, or authority, will not exceed \$10,000,000. 756

Therefore, it being found and determined that the foregoing conditions exist, or are reasonably expected to exist, the Bonds and Notes aforesaid of the Town of Wallingford are hereby found and declared to be "Qualified Tax Exempt Obligations" within the meaning of section 265(b)(3) of the Internal Revenue Code.

Mr. Holmes seconded the above Resolution.

Mr. Killen asked if this resolution had anything to do with the sewage plant or the water plant of large denomination issued in this year and Mr. Myers explained that he does not intend to be in the market after this. They will issue these bonds, refinance the Electric Division capital note on December 15th, and that will be it for 1987.

Mr. Holmes asked how much money was saved by not going to notes and Mr. Myers replied, approximately \$368,000. Mr. Holmes added that he enjoyed Mr. Myers presentation because he is always very thorough.

Mr. Edward Musso, 56 Dibble Edge Road, asked how much was reimbursable by the state or if that was already taken into account and Mr. Gessert explained that it is not already taken into account, allegedly it is 61% of the reimbursable costs.

VOTE: All ayes; motion duly carried.

A motion was made by Mrs. Papale to move up items 14 and 15, seconded by Mr. Gouveia.

VOTE: All ayes; motion duly carried.

ITEM 14. Consider and approve a transfer of \$14,400 from Dispatcher's Wages to Retirement-Sick Leave, requested by Police Chief Joseph J. Bevan, moved by Mr. Holmes and seconded by Mrs. Papale.

Mrs. Bergamini asked to have this explained and Mr. Seadale explained that the Deputy has not been out on sick leave, he has been out on workmen's compensation, (hyper-tension). The hyper-tension was decided upon by 3 doctors. Mrs. Bergamini commented that she does not agree with this.

Mr. Seadale explained that they have tried every year, to suggest to legislators, to change the heart and hyper-tension act in certain ways. Mrs. Bergamini suggested that the sick leave should be knocked out.

Mr. Gessert asked why he is not paid under sick leave and Mr. Seadale explained that heart and hyper-tension is going to be workmen's compensation.

Mayor Dickinson explained that there is a distinct difference between workmen's compensation and sickness. Workmen's Compensation is a job related injury. Hyper-tension falls under state statutes and is treated similar to workmen's compensation. Mrs. Bergamini pointed out that hyper-tension is hereditary. Mayor Dickinson added that you have to deal with what the state law states. The state law provides for workmen's compensation type benefits, whether it is fire or police, and it is hyper-tension related. Sick leave is when someone is out sick.

Attorney Mantzaris explained that the legislator passed a law that said, if you are a fireman or a policeman and you have a heart problem, you are injured, and that is the law.

Mr. Gessert asked how much the town is paying out per year for the

heart and hyper-tension and Mr. Mark Wilson replied, at least between \$100,000 and \$150,000 a year.

Mr. Seadale added that the law says, if a policeman or a fireman gets a heart disease or hyper-tension, it is presumed to have come about as a result of his job. We have tried to do everything, from eliminating the act, to modifying the act, so that we can contest the presumption and we have not been successful in any of these attempts.

Mr. Polanski asked how many days they are paying the Deputy Chief for and Mr. Seadale replied 90 days.

Mr. Killen asked why the position has not been filled for 22 weeks and Mr. Seadale explained that on June 15th he got an approved authorization to fill the 3 new dispatcher positions. We advertised, tested, we had 5 people that applied, 2 of them passed the test and we gave a list of 2 names to the Chief on August 17th. He had a list of 3 and we had to go out again, but he had 2 names on August 17th. I do not know why they weren't filled. We went out again with a closing date of October 2nd, because the first time we tried to do it fast, we changed our rules, partly because of a result of discussions we have had here on filling positions and we changed our rules, so we did not have to remain open for 4 weeks. In this labor market, that short period did not work. We did not get enough candidates. We went out again and stayed open for a longer period of time. We had 7 eligible applicants and 5 showed up and 5 passed, and he got that list on October 28th. In terms of people, we have filled 107 positions, as of today, as opposed to 81 of all of last year. I do not know the reason why these positions were not filled.

Mr. Gouveia stated that he takes exception to some remarks being made at the table, saying that the employee did not perform his duties to the satisfaction of the town. We are barking up the wrong tree when it comes to the heart and hyper-tension law and Mr. Seadale has to live by the law, and we have no other alternative but to vote for it.

Mayor Dickinson added that he believes that under the law, they are obligated to pay this.

Mrs. Bergamini asked Mayor Dickinson if they should vote on something that says 22 weeks and they do not have an explanation and they are not 22 weeks into the budget and Mayor Dickinson explained that if there is concern, why a job has not been filled, that is one question. We are merely taking money from that line item, in order to fund a contractual obligation.

Mr. Polanski asked where retirement-sick leave, under other circumstances, come from and Mr. Seadale explained that years ago, (4 or 5 years ago), what used to happen was that everytime a person was fired, the department head was required to come up here and get a transfer to pay that person's retirement. About 3 years ago, I said to this Council, instead of getting mad 9 times a year, why don't we put it in 1 budget item that is mine and you can only get mad 1 time a year, so that is what we did and it has run out of money this year. The past 2 years, we have come in under \$50,000 a year and this year we are over because we have had a couple of deaths where we had to pay the money.

Mr. Killen asked why this was being put into a non-existent account and Mr. Myers explained that he made the account number and he could have transferred it to sick leave in the Police Department, but he thought it would be more easily defined if he created a new line and transferred it to a new line within the Police Department and he entitled it Sick Leave-Deputy Chief, so that at budget time, they could trap the expenditure of the funds. The reason that he did not transfer it back to the account that Mr. Seadale had established in the Pension area of the budget, was because he considered that to be a separate department and the Charter prohibits a transfer from one department to another department during the first 9 months of the fiscal year.

Mr. Killen pointed out that the budget also prohibits making appropriations, unless they are from an outside source and this is an appropriation. There is not any line here so, to do so, we have to appropriate money and establish a line. The additional

appropriations have to come from over and above the budget. They can't come from monies that are already existing in the budget and you are taking this out of an existing line item in the budget. Mr. Myers stated that his definition of an appropriation, is that it changes the bottom line of the budget and this does not change the bottom line of the budget. It merely reallocates money from one source to another source, one line to another line. Mr. Killen did not agree with Mr. Myers and added that they have a public session, and the budget is put in by the Department heads, requesting what they want, they Mayor goes over them, the public has a right to speak about them, the Council works on it and we adopt the budget, which is a series of line items, each of one is an appropriation, and you reach the bottom line by totalling them all. If you want to make additional appropriations during the course of the year, you have to show that there are new funds coming in that we had not anticipated during the course of the year, when we adopted the budget, otherwise you make transfers. 758

A motion was made by Mr. Holmes to make an amendment to the original motion to establish the new line item 001-2011-100-1601, seconded by Mrs. Papale.

Mr. Polanski asked how much was in that account as of today and Mr. Killen pointed out that \$3,000 has already been taken out. Mr. Myers explained that as of October 31, 1987, there is \$80,487.00 is left and nothing is encumbered for the present employees, and \$17,400 was spent in 4 months. Mr. Polanski pointed out that they will not have enough if this money is taken out.

VOTE: Killen, Polanski and Gessert voted no; Adams, Bergamini, Gouveia, Holmes, Papale and Rys voted aye; motion duly carried.

ITEM 15a. Consider and approve a transfer of \$1,000 from Clerk's Wages and \$6,000 from Dispatcher's Wages, a total of \$7,000 to Retirement-Sick Leave, requested by Joseph J. Bevan, Chief of Police, moved by Mrs. Papale, seconded by Mr. Gouveia.

Mr. Gessert explained that this is for a senior clerk that has retired.

VOTE: Killen and Polanski voted no; Adams, Bergamini, Gouveia, Holmes, Papale, Rys and Gessert voted aye; motion duly carried.

ITEM 15b. Consider and approve a transfer of \$2,200 from Council Contingency to Retirement-Sick Leave, requested by Stanley A. Seadale, Director of Personnel, moved by Mrs. Papale and seconded by Mr. Holmes.

Mr. Gessert asked if 4 years was a little late to be coming in for sick leave and Mr. Seadale explained that they had a court case with the Board of Education and they started off through the grievance procedures and we contested that a person who was a terminated, vested employee, which means that they had left the employment of the Town of Wallingford, but at some future date, were entitled to a pension, we took the stand that that person never became a retiree. The final process was that the court ruled that, that person was entitled to get the sick leave at the time they started collecting the pension, at the rate that they had at the time that they left. However, what the judge did, was to cut the baby in half because he said that that money was not used to enhance the retirement calculation. When he did that, he did it on the basis feeling that either party probably felt that they did as good as they could and if they came back, they were liable to lose the whole ball of wax, so that both parties would accept his rationale. That was a decision that was handed down. When a person retires from the Town of Wallingford, they are contractually entitled to their sick leave.

Mr. Gessert asked why this person did not get their sick leave when they left and Mr. Seadale explained that they took the stand, that when a person who is a terminated vested employee is not retiring and never becomes a retiree. When this landed in court, the judge said that we pay it when they start collecting a pension, at the rate they had when they left the town employment. Mr. Seadale added that in order to be vested, you have to be 62 or have 15 years with the town and both of these requirements have to be met.

Mr. Killen asked if the insurance programs are locked in tight and Mr. Seadale stated that by his calculations, they are running very close on insurance money and may run short.

VOTE: Killen voted no; Adams, Bergamini, Gouveia, Holmes, Papale, Polanski, Rys and Gessert voted aye; motion duly carried.

ITEM 5. Discussion and action regarding resolution appropriating \$80,000 for advance money on elderly housing project and authorization to sign Cooperation Agreement with State of Connecticut.

Mrs. Bergamini read and moved the following Cooperation Agreement between the Housing Authority of The Town of Wallingford and The Town of Wallingford:

COOPERATION AGREEMENT

BETWEEN

HOUSING AUTHORITY OF THE TOWN OF WALLINGFORD

AND

THE TOWN OF WALLINGFORD

This Agreement, entered into this _____ day of _____, 1987, by and between the Housing Authority of the Town of Wallingford, a municipal housing authority duly organized and existing pursuant to the Laws of the State of Connecticut, herein called the Authority, and the Town of Wallingford, herein called the Municipality.

WITNESSETH THAT:

WHEREAS, The Authority and the Municipality duly declare there is an acute shortage in said Municipality of decent, safe and sanitary dwelling accommodations for elderly persons at rents which they can afford to pay; and

WHEREAS, The Authority certifies that it has received from the State of Connecticut an allocation for the development of a project of rental homes for elderly citizens, known as Project 148-H-E-196 herein called the Project, and that it proposes to enter into a contract with the State of Connecticut, for financial assistance for the development of the Project pursuant to the provisions of Part VI of Chapter 128 of the Connecticut General Statutes, as amended;

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein provided and for the purpose of carrying out the provisions of the housing laws of the State of Connecticut, relating to the development of rental homes for the elderly citizens of the State, the parties do mutually agree as follows:

1.a. The Municipality will advance to the Authority Advance Funds, without interest, in the amount of EIGHTY THOUSAND AND 00/100 (\$80,000.00) DOLLARS to be used to pay for only those expenditures authorized in the Project Financing Plan and Development Budget from the State Allocation and only in the amounts approved and for the express purpose for which they are provided. It is understood that Advance Funds will be reimbursed to the Municipality by the Authority from funds provided by the State from the approved project allocation provided that in no case will such reimbursement be in excess of the total amount advanced by the Municipality. However, it is further understood that no State funds will be paid to the Authority unless and until the State has approved all planning and a general construction contract for the project. Therefore, should such approvals not be given, no reimbursement will be made from the Authority to the Municipality on the Advance Funds. Upon receipt of State funds, the Authority agrees to retain State funds sufficient for the purpose of reimbursing the Municipality's Advance Funds.

b. The advance of \$80,000 shall be made in installments of \$20,000. The first such installment of \$20,000 shall be received by the Authority by December 1, 1987. Each subsequent installment shall be paid upon receipt of proof of expenditure of the previous installment.

c. Reimbursement of Advance Funds will not be made by the Authority until the State has completed and approved a Development Close Out audit.

d. The Authority shall be responsible to insure that no expenditure is made from Advance Funding which does not meet the criteria defined herein.

e. The Authority shall be responsible for identifying any necessary expenditures for which funding approvals have not been secured and documented in the approved Project Financing Plan and Development Budget. The Authority is further responsible, in such event, for immediately contacting the Department of Housing, to seek approval to identify, secure and document a funding source for any and all such expenditures prior to incurring them.

f. The Municipality will require full accounting from the Authority regarding all Advance Funding expenditures, to include, but not be limited to a copy of the Project Financing Plan and Development Budget and Quarterly Reports on Expenditures for the Project.

2. The Authority shall make payments to the Municipality in lieu of real property taxes, special benefit assessments and sewerage system use charges, in accordance with the provisions of Section 8-118a of the Connecticut General Statutes, as amended, in an amount equal to 10 % of the shelter rent per annum.

3. The Municipality agrees to furnish municipal services and facilities for the project of the same character as those furnished other dwellings and citizens of the Municipality.

4. The Authority agrees to dedicate, and the Municipality, contingent upon Planning and Zoning approval, agrees to accept for municipal purposes, land which may be owned or acquired by the Authority, and which the Authority determines to use for public streets within the boundaries of the Project, or for access to the Project.

5. The Authority agrees to install all streets, roads, curbs, walks, driveway ramps, drives and parking areas, including all necessary cuts and fills, underdrains, preparation of subgrade, base courses, grading and seeding of slopes, and other areas. The Municipality agrees to install at its cost off-site drainage improvements.

6. The Municipality agrees to waive all building and inspection fees, including permit fees, as might be payable during the development of the Project, and to cooperate with the Authority by such other lawful action or ways as the Municipality and the Authority may find necessary in connection with the development and administration of such Project.

7. The Municipality and the Authority agree that this Agreement shall not be abrogated so long as there is outstanding any indebtedness or any balance of indebtedness on account of such Project to which this Agreement relates, which remains unpaid, and so long as the title to such Project is held by the Authority or some other public body or governmental agency, including the State of Connecticut, authorized by law to engage in the development and administration of rental homes for the elderly.

8. The Municipality agrees to cooperate with the Authority in all matters pertaining to the development of the Project as authorized and provided for in Section 8-59 and 8-60 of the Connecticut General Statutes, as amended.

9. This Agreement will not become effective unless and until approved by the Commissioner of Housing.

TOWN OF WALLINGFORD

BY: _____
William W. Dickinson, Jr.
Its Mayor, Duly Authorized

HOUSING AUTHORITY OF THE
TOWN OF WALLINGFORD

BY: _____

STATE OF CONNECTICUT
DEPARTMENT OF HOUSING

BY: _____

Mr. Gessert pointed out that this Agreement mentions the local property taxes to be paid by these units and asked what property taxes are now paid by these housing units. Mr. Nere explained that they have 133 units of moderate rental where they are now paying taxes. The Town used to receive a pilot payment, which was payment in lieu of taxes. That was no longer received by the town when our debt service was taken care of with the state and we are obligated to pay 12 1/2% of our shelter rent, to the town and we are presently under a 3 year agreement. The elderly do not pay taxes to the town. Mr. Gessert pointed out that the residents of Ashlar Village are going to be paying \$124,000 a year more in taxes than the people in the elderly housing in the Town of Wallingford. Mr. Gessert added that as far as local property taxes for senior citizens, this Council has waived the taxing of the senior citizen units because it would just end up going into the rent. There is also a law in the books, that many senior citizens have taken advantage of years ago, to freeze local property taxes and there is also a circuit breaker law, which says that a certain portion of your property taxes, if you are below a certain income, will be refunded to you by the State of Connecticut. There are a lot of different programs around, so that senior citizens do not pay a huge amount in property taxes.

Mr. Gessert asked why the Town of Wallingford turned back money on a previous project and why the Grant got turned back to the State of Connecticut? Mr. Gouveia explained that he was a member of the Housing Authority, when this town received \$900,000 from the state. As a condition of the Grant, we have to provide a site that would be suitable to build. The site that was chosen and approved by this Council, was the present one where we were going to build Simpson School. It was suitable to build on but, there were many different questions and legal questions that had to be resolved. Some of the residents abutting the property, took the Planning and Zoning to court and the town and it took quite a bit of time to resolve that issue. The reason that we returned the money to the state was because it was 2 1/2 years after we received the money and \$900,000 would not have been enough. Second of all, the State of Connecticut, DOH holds the purse strings. We knew that if we held onto the money, we would have a very difficult time in trying to get further monies from them. We had an outstanding rapport with DOH then and we do now. If we didn't send the money back, they would have come to get it. We were assured, at that time, that monies would be available the moment the land was free and clear of any legal problems. Recently, many people have taken credit for this and I am glad to see, that we did not get the \$900,000 back, but we got \$2.3 million and now we can go ahead and build 35 units and we will not have any problems building them. There is one person in this town, that on my behalf, many times, lobbied DOH, Mary Fritz, and never once took credit for it.

Mr. Gessert explained that there were adds, during the past several months, that indicated that this administration, which includes all of us, were delinquent and failed to get this thing going, and it was our fault because we had to turn back that \$900,000, when in fact, it was the lawsuits against it, that precluded that project being built.

Mrs. Bergamini asked if this was going to be for congregate housing and Mr. Nere replied no and explained that they are putting together an application and will have it filed before the first of the year, with the DOH, for congregate units but this is for conventional elderly. Mrs. Bergamini asked if the case was settled and Mr. Nere explained that the town won all of the suits.

Mayor Dickinson explained that the town defended that lawsuit, which as contesting the change of zone, allowing the area for multi family. We did make some changes in the language. The final sentence in paragraph 1a., we added, "Upon receipt of State funds, the Authority agrees to retain State funds sufficient for the purpose of reimbursing the Municipality's Advance Funds." This is to try to address the situation where, on the previous advance, we lost most of it, partly because we paid part of an architect's fee and partly because they never got the grant funds to build the project, so they could never use any of the funds to pay us back. I do know, on a previous project, we were reimbursed and I felt that we should have something in here indicating that all of it should not go for construction. There is an obligation to try to reimburse the town. Paragraph 1b. requires payments of installments, which is also a change. It is not an \$80,000 lump sum, it is installments of \$20,000 to help our cash flow and facilitate the project. One other change, was the

language in paragraph 4. We added that the Municipality, contingent upon Planning and Zoning approval, was not language in there, but I think that it is important that we are obligated to take any public property by deed only, after Planning and Zoning approves it. In paragraph 5., there is language in there that the Municipality would take title to any paved streets. Without a site plan, I can't tell what streets are involved or whether they meet the proper standards, or anything else. I do know, that there will be off-site drainage improvements, which will be installed at our cost. We are not obligated to pave streets. 762

Mrs. Bergamini asked if there was a time frame and Mr. Nere replied that if all goes well, they are looking to break ground in late Spring or early Summer and they look to occupy about 1 year later. They will be building 35 one bedroom units.

Mr. Holmes asked if any of this contract language will affect any agreements with the State and Mayor Dickinson replied, that at this point, he is cautiously optimistic that there won't be any problems. Mr. Nere added that he does not see any problems, and the DOH is very comfortable with the installment plan.

Mayor Dickinson pointed out that, on the next agenda, they will have to put on the amount that has not been reimbursed from the prior project. It is not coming back because it was never an appropriation into the loan, so it has to be written off as a bad debt, which is approximately \$20,000.

Mr. Gessert asked how much it will cost to do each unit and Mr. Nere said it will cost \$65,000 per unit because of the cost of construction. The state has indicated that it is conceivable that it can come in higher, and they are ready to kick in the additional money.

Mr. Gouveia remarked that during the last campaign, he did not make any of the accusations that were referred to and he stands by his record on the election and Mr. Gessert concurred with Mr. Gouveia's comment and stated that the remarks were not addressed to him.

VOTE: All ayes; motion duly carried.

Mr. Edward Musso stated that he is against this project.

Mrs. Papale read and moved the following Municipal Resolution:

Certified a true copy of a resolution duly adopted by the Town of Wallingford at a meeting of its Town Council on November 10, 1987, and which has not been rescinded or modified in any way whatsoever.

Rosemary A. Rascati

Town Clerk

MUNICIPAL RESOLUTION

November 10, 1987

WHEREAS, the Housing Authority of the Town of Wallingford is undertaking, with State financial assistance, the development of an Elderly Housing Project known as Project Number 148-H-E-196; and

WHEREAS, it is desirable and in the public interest for the Town of Wallingford will advance funds in the amount of \$30,000 to be advanced, without interest, to the Housing Authority of the Town of Wallingford, for use in the development of said Project; and

WHEREAS, it is desirable and in the public interest for the Town of Wallingford to execute a Cooperation Agreement with the Housing Authority of the Town of Wallingford setting forth the conditions of the advance and certain other conditions necessary to the development of the Project; and

WHEREAS, it is desirable and in the public interest for the Town of Wallingford to accept Payments in Lieu of Taxes (PILOT) in accordance with the provisions of Section 8-112a of the

Connecticut General Statutes, as amended, from the Housing Authority of the Town of Wallingford for Project Number 148-H-E-196.

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

763

1. That funds in the amount of \$80,000 are advanced for the purpose of making advances to the Housing Authority of the Town of Wallingford for the development of Project Number 148-H-E-196.

2. That the Town of Wallingford will accept, in lieu of real property taxes, special benefit assessments and sewerage system use charges, Payments in Lieu of Taxes from the Housing Authority of the Town of Wallingford for Project Number 148-H-E-196 at the rate of 10% of the shelter rent per annum.

3. That the Town of Wallingford will waive all building and inspection fees, including permit fees as might be payable during the development of this project.

4. That the Mayor of the Town of Wallingford is hereby authorized, directed, and empowered to execute the Cooperation Agreement described above with the Housing Authority of the Town of Wallingford, and to execute any amendments, recisions, and revisions thereto.

5. That the Mayor of the Town of Wallingford is further authorized and directed to execute other documents, and take other actions necessary to assist the Housing Authority of the Town of Wallingford in the development of Project Number 148-H-E-196.

6. That all previous actions of the Mayor of the Town of Wallingford with respect to the project described above are hereby ratified.

seconded by Mrs. Bergamini, as amended.

Mr. Musso suggested that it should be added on to this resolution, that the residents should be residents of Wallingford for at least 5 years, not because it is the best place to get the most goodies.

Mrs. Papale stated that they are going to try to make sure that the Wallingford residents are the first ones to occupy this apartments.

Mr. Myers explained that the first resolution, calls for an appropriation of \$80,000 and an appropriation is a specific sum of money that is voted in a budget. We are not appropriating money, we are simply going to advance cash and there is a big difference between an appropriation and an advance of cash.

Mayor Dickinson suggested that the resolution be amended to read: "The Town of Wallingford will advance funds in the amount of \$80,000, without interest to the Housing Authority."

Mr. Killen pointed out that paragraph 1 (page 15 of these minutes) should also be changed to read "advanced" instead of appropriated.

VOTE: Gessert was not present for the vote; Adams, Bergamini, Gouveia, Holmes, Killen, Papale, Polanski and Rys voted aye; motion duly carried.

ITEM 6. Consider and approve a transfer of \$1,000 from Council Contingency to Dog Survey, requested by Dog Warden, moved by Mrs. Papale and seconded by Mr. Gouveia.

Mrs. Papale asked why they are going into Council Contingency for these funds and Ms. Gianotti explained that she received information from the State stating that this is where other towns take the money from.

Mr. Rys asked Mr. Myers what was budgeted for the Assistant Dog Warden and Mr. Myers explained that they have a salary of \$31,549.00 and expenditures \$10,362.00, for 4 months, leaving a balance of \$21,186.00. 764

Mr. Killen pointed out that at budget time, only \$325.00 was budgeted for. Ms. Gianotti explained that they are bringing in new licenses all of the time. The \$325.00 has been used up already.

Mr. Killen asked what the \$325.00 was based on and Ms. Gianotti said that they did that, one year before.

Mr. Myers pointed out that in the prior year, on the Dog Survey, they spent -0-. Ms. Gianotti added that this year, the State sent them a letter telling them that they are entitled to it.

Mr. Killen commented that encumbrances should not go in until the end of the year. Mr. Killen asked how much was spent for gas & oil, and Mr. Rys replied, \$171.00, for 3 months. Mr. Killen stated that they are dealing with figures and if you take \$171.00 for 3 months, multiply that, and \$600.00 or \$700.00 should cover you, and yet, you probably have about \$3,000 encumbered. Ms. Gianotti explained that the money in the budget is not far off from last year and they may go out twice as much next month.

Mr. Killen explained that it is up to the Council and the department heads to sit down and say, that it is possible that you may need this, but at this point, it doesn't look like you are going to, so therefore, we are going to transfer it. If, at a given point you run out of funds, you are going to have to come up here and again, we are going to have to look at it. I am not saying that you don't need the money, I am saying that by encumbering it, you took away from us, the opportunity to suggest a transfer because, we can't touch it, once it is encumbered. If it had not been encumbered, we could tell you to take the money from the Gas & Oil account and if after the first of the year, you still need money from Gas & Oil, we will have our audit report in and have our surplus and we can give you more money. We can't touch accounts that have been encumbered.

Linda Mercier pointed out that the Town Clerk gets \$1.00 for every dog license which she sells and that comes from the Dog Pound account. Mr. Myers pointed out that the Dog Pound operates at a deficit--\$12,000 is taken in and \$70,000 is spent and there is a \$58,000 deficit.

Mrs. Papale asked to have the dog survey explained and Mrs. Gianotti explained that it is a door to door survey asking if the owner has a licensed dog and if not, the dog must be licensed within five days and the \$1,000 is an incentive to perform this survey. Mrs. Papale asked when there is time to do this survey and Mrs. Gianotti explained that after going to one house, they are told about others who have unlicensed dogs. Mr. Myers said that prior to the current fiscal year, half of the dog license was payable to the state and the other half remained with the town; effective this fiscal year, 40% goes to the state and 60% stays with the town and this transaction occurs at year end and the town will realize 10% more from the dog licenses this year due to changes in the statute.

Mr. Gessert reminded everyone that the Dog Warden's department presented at budget time a plea for an additional part time person or an additional full time person due to the fact that they were burdened with work and the Council overrode the Mayor's recommendation for a part-time person and approved a full-time employee. Mr. Gessert does not agree with harrasing the public in town by going door to door inquiring about unlicensed dogs. Mr. Musso felt that if the state wants this survey done, they should do it.

Mrs. Eleanor Durgen asked how many dogs a person is allowed to have in their yard and Ms. Mercier said a kennel license can be obtained and you may own up to ten dogs or you can license up to ten single dogs.

Mr. Gouveia said that it is a state law that every dog must be licensed and he does not believe this is harrasing people and he cannot stand by and allow town officials condoning the violation of laws and it should be enforced.

* VOTE: Adams, Gouveia, Papale and Rys voted aye; Bergamini was not present for the vote; Councilmen Holmes, Killen, Polanski and Gessert voted no; motion did not carry.

765

Mrs. Gianotti reminded the Council that this is a state law which has been passed and Mr. Holmes suggested that there should be funds available within the Dog Warden's existing accounts.

ITEM 7. Mr. Killen moved a transfer of \$8,000 from General Hospital to Burial, Welfare Department, seconded by Mr. Rys.

Mr. Gessert read Mr. Francesconi's November 4, 1987 letter in this regard, 90% reimbursable by the State. Mr. Killen commended Frank on taking this from another account, the whole name of the game.

VOTE: Unanimous ayes; motion duly carried.

ITEM 8. Consider request to save old Simpson Pond Dam, requested by Representative Mary M. Mushinsky. Mayor Dickinson felt that we should get an indication from the Water Department of whether there is a useful purpose for Simpson Pond within the water system. The Mayor has some concerns about expenditure of town money unless there is a broader purpose to the pond since the same issues can be raised on Spring Lake.

Mr. Killen moved to consider the request to save old Simpson Pond Dam, seconded by Mr. Rys.

Mrs. Bergamini felt that the consensus was when Carabetta was given permission to put those buildings there, part of the deal, which was 90% federally funded, was to maintain the pond for the residents, even to the point of promising to put ducks in it. Mayor Dickinson said that to his knowledge, there is no written agreement between Carabetta and the town. Mayor Dickinson pointed out that when Planning and Zoning approves a given site plan, zone change, whatever, the conditions must be listed as part of that approval, part of the written condition that is written on the map approved by Planning and Zoning and it just can't be said in the minutes because there is no way to enforce it.

Mr. Gouveia said that indeed there were verbal assurances given that this pond would be maintained. Mrs. Bergamini felt that once this structure is removed and the area filled, another building will be erected and Mr. Gouveia is afraid of that, too. Mr. Gouveia said there are recommendations made by the Water Department that Simpson Pond could be used as a conversion storage pond to potentially increase the system.

Mayor Dickinson felt that aesthetically, it would be a great improvement to that area but he would insist on a thorough review because many of the same arguments can be raised at Spring Lake. Mr. Gouveia felt that if this is 3 or 4 acres and the state will provide 1/3 of \$200,000, if you look at the future of the town, it is money well spent for the town and there is a mechanism by which you can recover all that money. Mr. Gessert asked how much Carabetta will provide for this project.

Mr. Rys supports the Water Division study and sees the \$201,500 and from past experience of reconstruction of dams, the cost is usually more than originally planned and he felt there are many variables in this issue.

Mr. David Doherty, 6 Reynolds Drive added that the figure comes from the State Department of Environmental Protection--Mary Mushinsky brought down an expert from their dam division and he looked at that particular water structure and estimated the cost. Mr. Doherty recommended a study with the Water Department to determine if this is worthwhile.

Mr. Killen inquired about the time frame involved and Mayor Dickinson felt that realistically, it must be more than two months.

Mr. Musso thought it should be a requirement to repair that dam.

Mr. David Doherty added that the experts from DEP again inquired into this repair order and they were told by the Attorney General's Office that it was unenforceable and their particular department could not enforce anyone to repair a particular dam and they would not even take it to court.

Mr. Holmes moved to forward Simpson Pond Dam information to the Water Division for their suggestions and possible recommendations, seconded by Mrs. Papale.

Mr. Musso asked if there were any storm water drains that end up there and he asked if there was a necessity there for flood control. Mr. Ed Bradley, 2 Hampton Trail wanted to be sure Representative Mushinsky is present when this item is presented. Mayor Dickinson said he would talk to the Water Division and have a report with cost estimates. Mr. Holmes felt that the Water Division is in dire straights now to undertake an analysis such as this. Mr. Killen asked if there is a possibility of finding out from the Department of Public Works how many drains run into that stream and the pond itself and Mayor Dickinson said this information can be obtained from Engineering Department. Mrs. Bergamini asked to have Mary Mushinsky contacted before this item is placed on the next agenda to determine what time she can be present.

Mr. Andrew Kapi, 6 Deme Road asked if Mr. Carabetta has already received Planning and Zoning approval for this site and Mr. Gessert said that to the best of the Council's knowledge, no. Mayor Dickinson added that it is very unlikely that someone could get a building permit there since it is probably part of the flood zone because of the stream.

VOTE: Unanimous ayes; motion duly carried.

ITEM 9. Mr. Holmes moved a budget amendment of \$45,000 from Net Income to Boiler Maintenance, Electric Division, seconded by Mr. Rys.

Mr. Michael Holmes explained that recently, \$165,000 was approved for repair of superheater tubes at Pierce Station and this is a similar type of budget amendment request to reduce net income by \$45,000 and essentially, since the last request, there have been failures of an induced draft fan at Pierce Station and also a boiler feed pump. These repairs have proceeded and the total amount in the budget is being spent for the latest two repairs and this request for an amendment is to provide adequate funds for the balance of the year and the fan and motor have been repaired and are in the process of being reinstalled and a full capacity test is being scheduled on November 20. Mr. Holmes explained that because of the one boiler, 1/3 of the plant's capacity was lost and it cost \$150,000 a month more on the whole-sale power and it is important to get it repaired soon. Steven Holmes mentioned that the last couple of times money was appropriated for retubing, it has not gotten to the tubes and Mr. Michael Holmes explained that the project was delayed due to other problems and last year there was an unexpended surplus in A/C 512-2 of \$86,000 not expended due to delays in completing the work. Mr. Killen said there are more problems with that plant and the Council has not received a financial report since August and he is frustrated with working in the dark and his faith has dissipated.

Mr. Michael Holmes said the total retubing of #2 boiler is complete, tested and approved by the insurance company. Mr. Killen added that it was recommended at one of the last Council meetings that the job be done right and he does not believe the Council receives the kind of cooperation it needs.

VOTE: Mr. Killen voted no; all other Council Members voted aye; motion duly carried.

Mrs. Bergamini asked how long it took to repair the fans and Michael Holmes believed the latest from dismantling, shipping out and return took about 1 1/2 to 2 weeks.

ITEM 10(a). Mrs. Bergamini moved the following Water Division transfer, seconded by Mr. Rys: (Fiscal year 1986-1987)

\$ 8,721.00	From	Title Maint. Transmission & Distrib. Lines	Acct. No. 673-000
\$ 24,000.00	From	Title Maint. of Services	Acct. No. 675-00
\$ 3,660.00	To	Title Purchase of Water	Acct. No. 602-00
\$ 3,175.00	To	Title Power Purchased for Pumping	Acct. No. 623-00
\$ 675.00	To	Title Maint. Structures & Improvements	Acct. No. 631-00
\$ 45.00	To	Title Maint. Distrib. Reservoirs & Standpipes	Acct. No. 671-00
\$ 5,010.00	To	Title Proportionate Charges	Acct. No. 923-00
\$ 16,081.00	To	Title Workmen's Compensation	Acct. No. 925-00
\$ 2,925.00	To	Title Employee's Pension & Benefits	Acct. No. 926-00
\$ 1,150.00	To	Title Misc. General Expenses	Acct. No. 930-00

Mr. Killen asked what would happen if these transfers were not made and Mr. Denison explained that these are auditor amounts and the auditors have concurred with the charges to the accounts as charged and if these transfers were not made, he would perhaps be obligated to reverse the numbers and charge it to this year's budget but the auditors would say they are properly charged to last year.

Mr. Killen's problem is why the monies were not in the proper accounts at the proper time and Mr. Denison said that many are due to accruals, etc. and a review is made to see where items should be properly charged and some of these items were unforeseeable when the budget was prepared and when you get to the month of June, you accrue invoices still coming in during July and August and your reaction time is gone and as explained in the letter, after the audit was complete, based on the auditors sanction, this has been done correctly. Mr. Killen just wanted to be sure there is a plausible reason. Mr. Gouveia said it is a lot better than it was last year.

VOTE: Unanimous ayes; motion duly carried.

ITEM 10(b). Mr. Rys moved the following Sewer Division transfer, seconded by Mrs. Bergamini: (Fiscal year 1986-1987)

\$ 15,135.00	From	Title <u>Administrative & General Salaries</u>	Acct. No. <u>920-000</u>
\$ 805.00	To	Title <u>Misc. & Safety Expenses</u>	Acct. No. <u>665-000</u>
\$ 170.00	To	Title <u>Maint. of Transmission & Collection Lines</u>	Acct. No. <u>675-000</u>
\$ 1,765.00	To	Title <u>Proportionate Charges</u>	Acct. No. <u>925-000</u>
\$ 12,395.00	To	Title <u>Workman's Compensation</u>	Acct. No. <u>725-000</u>

VOTE: Unanimous ayes; motion duly carried.

ITEM 11. Update report on Individual Water Supply Plan. Michael Holmes explained to the Council that at the last Council meeting when Ray Smith was present requesting a transfer and waiver of bid, the Council requested certain information from him on the bidders which he forwarded and this was inadvertently considered an agenda item.

Mr. Holmes moved to note for the record Mr. Smith's update report on Individual Water Supply Plan, seconded by Mrs. Bergamini.

Mr. Michael Holmes explained that there is a significant amount of work that has to be done after meeting with the engineers; they have been retained and work has commenced.

VOTE: Unanimous ayes; motion duly carried.

ITEM 12. Mr. Rys moved a transfer of \$4,900 from Reserve for Emergency to Local Match-Municipal Liability Trust Fund, Risk Manager, seconded by Mr. Holmes.

Mark Wilson indicated that the Council would need to waive Rule V to submit the new application to the Office of Policy and Management. On October 27, 1987, the Council approved application submittal but at the time, Mr. Roe had incorrect information on how to ask for additional funds and instead of asking for just the additional amount, a new application for the total was submitted and since then, he was informed that he only need to request the difference from what was originally approved and that is what this is for.

VOTE: Mr. Killen voted no; Mr. Polanski was not present for the vote; all other Council Members voted aye; motion duly carried.

Mr. Holmes moved to waive Rule V to consider Municipal Liability Trust Fund Certification, seconded by Mrs. Bergamini.

VOTE: Mr. Polanski was not present for the vote; all other Council Members voted aye; motion duly carried.

Mrs. Bergamini read and moved Municipal Liability Trust Fund Certification which appears on page 22 of these minutes, seconded by Mr. Holmes.

Mr. Gessert asked when this study will be completed and Mr. Wilson indicated the consultant has given 90 days for

completion and there will be a kick-off meeting the first week in December. Mr. Gessert suggested that the input be available for the next budget process.

768

Mr. Holmes felt that Peat Marwick is ready, willing and able to provide a financial scheme on implementation of this self insurance program and Mr. Wilson said their recommendations take into account the financial status of the town and its impact on the credit rating and they are willing to assess the municipal structure of the town--legal department and accounting department. Mr. Holmes commended Frank Adams for his involvement on this program.

Municipal Liability Trust Fund Certification

RESOLUTION

BE IT RESOLVED BY TOWN COUNCIL OF WALLINGFORD
(Legislative Body) (Public Entity)

THAT William W. Dickinson, Jr., Mayor
(Name of Incumbent) (Official Position)

is hereby authorized to execute for and in behalf of the Town of Wallingford, a public entity established under the laws of the State of Connecticut, this application and to file it with the Municipal Liability Trust Fund Committee (MLTFC) for the purpose of obtaining financial assistance under the Municipal Liability Trust Fund Program established under Public Act 86-350.

THAT (1) the project listed below for which grant assistance is requested is a municipal liability survey or activity (2) the project was authorized by the Town/City of Wallingford on November 10, 1987. The project is:

A Liability Risk Study

Name of Municipal Liability Project: Municipal Liability Trust Fund Feasibility Study

Location and Description of Project: A feasibility study to establish a self-insurance program for general, property and auto liability in tandem with implementation of risk management program. Town of Wallingford (feasibility plan and implementation study)

State Grant Requested: 6,820
Local Match (if required): 758

THAT ten percent of the project cost will be provided from non MLTF sources for any activity that is not a pollution liability risk survey or a pollution loss control activity;

THAT if the project is cancelled or if a project costs less than estimated, unused funds must be returned to the MLTFC immediately. If grant funds remain unexpended 6 months after a project's estimated completion date, the unused funds should be returned to the MLTFC or an application requesting extension of the project should be made accompanied by a project status report.

THAT each grantee will be required to maintain a detailed accounting record of the project listed above and ensure that clear and concise audit trails are maintained at all times. It is not necessary that a separate bank account be maintained for each project.

Passed and approved this _____ day of _____, 19____.

CERTIFICATION

I, _____, duly appointed Town/City Clerk

of _____, do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of _____
(Legislative Body) (Public Entity)

Signature

Mr. Adams said the Council was represented which he felt was important to the work being done and he asked Mark Wilson if the money being requested above and beyond what was allotted and Mr. Wilson said a letter was received on September 10, 1987

from the Office of Policy and Management and the town was informed that additional funding was established, up to \$27,000 and the town can apply for that amount.

769

Mr. Wilson wanted to make one more point which was recommended by the Purchasing Agent--when the bidding process is waived, it must be in the minutes that the bid is being awarded to other than the lowest bidder. Mr. Holmes felt that since this was done through an RFP process, he wasn't sure any bid needed to be rejected but just make selection of a firm. Mr. Killen reminded everyone that the Charter states that anything over \$2,000 goes out to bid and he doesn't like departments to use RFP's and then come to the Council after the fact because that authority lies with the Council. Mr. Gessert felt that the bid had been waived in this particular case to obtain proposals.

Mr. Holmes felt that this would be a tremendous step forward for the town and hopefully, over the next year or so, the town will be able to implement the self insurance program which may save the town quite a bit of money and is worth the efforts. Mayor Dickinson said there were two meetings with Peat Marwick--one with a representative and one with a Partner.

VOTE: Unanimous ayes; motion duly carried.

ITEM 13. Mr. Rys moved acceptance of the Town Council Meeting Minutes dated October 27, 1987, seconded by Mr. Polanski.

VOTE: Mr. Killen passed; all other Council Members voted aye; motion duly carried.

ITEM 16. Mrs. Bergamini moved to set a public hearing on November 24, 1987 at 8:00 p.m. on

AN ORDINANCE APPROPRIATING THE SUM OF ONE MILLION NINE HUNDRED EIGHTY THOUSAND (\$1,980,000) DOLLARS FOR THE REHABILITATION AND REPLACEMENT OF THE OAK STREET BRIDGE (BRIDGE #4830) AND AUTHORIZING THE FOREGOING APPROPRIATION TO BE DEFRAYED BY THE ISSUANCE OF BONDS OR NOTES OF THE TOWN, A LOAN OR GRANT FROM THE STATE OF CONNECTICUT PURSUANT TO THE "LOCAL BRIDGE PROGRAM" OR ANY COMBINATION OF THE FOREGOING.

Mr. Polanski seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Addendum: Consider and approve reclassification of Fire Marshal.

Mrs. Bergamini moved the transfer of \$2,626 from Council Contingency Reserve for Emergency to Fire Marshal Salary, seconded by Mrs. Papale.

Mrs. Bergamini read the September 9, 1987 letter from Mr. Seadale recommending that the position of Fire Marshal be upgraded from paygrade 12 to paygrade 13, retroactive to July 1, 1987.

Mr. Killen noted that the letter from Mr. Seadale is dated September 9, 1987 and he asked why it is an addendum this evening. Mr. Gessert said he had a meeting with the Mayor on this item about a month ago to review it and it is certainly not the Mayor's fault that this has been delayed but Mr. Gessert had some questions on it which had to be ironed out. Mayor Dickinson added that this was reviewed by the Personnel Department, comparisons were made and it is felt that this is proper. Mr. Killen has a problem with where the funds are coming from. Mr. Polanski asked what Council Contingency is down to now. Mr. Rys mentioned that these future increases are usually taken from a salary account and he questioned making this decision now and Mrs. Bergamini felt it was because the job was recommended upgrading in September. Mrs. Papale asked if this was brought up at budget time and Mr. Scionti said it was not discussed when he was present and Mayor Dickinson felt that it may have been discussed the year before but not this year's budget process. Mayor Dickinson added that it would not be in the approved budget if there wasn't a report from Personnel. Mr. Killen felt there should have been a request shown in the budget book and Mrs. Papale said that is her point--it was asked for and it was not approved.

VOTE: Council Members Adams, Bergamini, Gouveia, Holmes and Papale voted aye; Killen, Polanski and Rys voted no; Gessert passed; motion duly carried.

770

Mrs. Bergamini commented for the record on Planning and Zoning Meetings and the fact that we are all out of sewer capacity. Last evening, FIP came before P & Z and asked permission to put another building on Lot #19 and when Mrs. Bergamini asked to have the name of the company repeated, it was said to be American Heart Association, non profit with no taxes generated. Mrs. Bergamini added that when the third non-profit company went into that park, there was an agreement with former Mayor Vumbacco that FIP would allow no more non profit in that particular part and she checked with George Cooke after the meeting and he agreed that it was absolutely true since he was Chairman of Planning and Zoning at that time and this should be in the minutes of five or six years ago. Mrs. Bergamini said it was approved but she does not know who should research such matters before approval. Mrs. Bergamini added that Lot #19 does not require improvement on North Main Street Extension but Lot #20 does and she suggested getting the road improvement for Lot #20 which FIP was refusing but nevertheless, the town is saddled with another non profit after agreeing that no more than three non profit organizations would be allowed in that park and she recommended doing research on it. Mr. Killen commented that FIP's track record on their word is not worth the powder it would take to blow them to hell. Mrs. Bergamini wanted this a matter of record. Mayor Dickinson said this will be researched--Attorney Mantzaris will check the Town Attorney's Office. George Cooke felt that he could zero in on the time if he were given a day or two to think about it. Mayor Dickinson said that for the town to enter into an agreement with FIP would require the Council to approve it.

Mrs. Bergamini mentioned another item on Pierson Drive which was presented at the P & Z meeting, to be looked into later.

Mrs. Bergamini felt that what is contained in the minutes should hold true. Mayor Dickinson felt that we have to have a lawyer sitting at the Planning and Zoning Meeting to make sure that the minutes are proper. Mrs. Bergamini commented that maybe it's time for a lawyer to be present--she fought for years to get the Town Engineer to appear and Al Bruno resented the fact that he was forced to attend since, up to then, there was no representation and John Costello is the only one who is very faithful. Mayor Dickinson told P & Z if they can't keep up, perhaps the applications will have to stop.

Mr. Killen asked what happened to the \$15,000 spent for someone at the Water Division and Mrs. Bergamini said there are two excellent candidates but housing costs are a factor for one man.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 10:42 p.m.

Meeting recorded by:
Susan M. Baron, Council Secretary
Meeting transcribed by:
Susan M. Baron and Delores B. Fetta

Approved David A. Gessert
David A. Gessert, Chairman

November 24, 1987
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

November 24, 1987