

Special Town Council Meeting

July 19, 1988

	<u>Page</u>
Approved establishing a committee to investigate purchasing practices of the Board of Education	1-5
Approved use of office space in the basement of the Railroad Station for Government Census Bureau	5
Approved Item 14 of the Town Council Minutes of June 14, 1988	6

NOTICE OF SPECIAL TOWN COUNCIL MEETING

Tuesday, July 19, 1988

7:30 P.M.

1. Roll Call and Pledge of Allegiance.
2. Establish Committee to Investigate Purchasing Practices of the Board of Education. Requested by Councilman Robert Parisi.
2. Authorize Use of Office Space at the Railroad Station for Government Census Bureau.
3. Approve Item 14 of the Town Council Minutes of June 14, 1988.

SPECIAL TOWN COUNCIL MEETING

July 19, 1988

7:30 P.M.

A special meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:30 P.M. by Chairman Albert E. Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Bradley, Doherty, Holmes, Killen, Papale, Parisi, and Solinsky. Mr. Adams and Mayor Dickinson arrived after roll call. Attorney Mantzaris and Thomas A. Myers, Comptroller were absent. The pledge of allegiance was given to the flag.

A moment of silence was held for the late Rev. Pitaro.

ITEM 2: Establish a committee to investigate the purchasing practices of the Board of Education. This investigation has been requested by Councilman Robert Parisi.

Mr. Parisi's motion requested the Town Council establish a committee to investigate the purchasing practices of the Board of Education as related to educational and non-educational items, and he further requested that all phases of the recent attempt to acquire a computer be investigated. Mr. Parisi's motion was seconded by Mr. Holmes.

Mr. Parisi presented to the Council a copy of the Hewlett Packard HP-3000 XE quotation. The quotation represented back-up information to the Council when they were asked to waive the bidding procedure by the Board of Education. At that meeting Mr. Kari was asked if he had discussed the computer with any other people - at that time he came forward with three such quotations; one being from Hewlett Packard, one from IBM, and the third from Structured Technology Corp. On the quotation that Mr. Parisi had in his possession,

software was listed. The quotation listed hardware at \$128,328. Noted on the bottom of the quotation above financial applications: software was included in the price; 144 hours of application training was included in the price, and the first six months of support were free. Mr. Parisi asked if anyone disclaimed the sheet. No one from the Board of Education commented.

Mr. Zandri asked if there was a particular point that prompted Mr. Parisi to take this action. Mr. Parisi advised that as part of this quotation there was an agreement with a software company that had been signed.

Mr. Parisi noted that the total package was \$128,328, but that the \$36,550 from the software company was not added to the total package.

Mr. Bradley asked about the additional information that was compiled. Mr. Parisi advised there is additional information, but he would not release it at this meeting. Mr. Parisi also did not have the information with him.

Mr. Parisi advised that he does not know all there is to it; he has found enough to make him want to have the Council look into it. Mr. Parisi advised that he has spent a month gathering this information with other people's help, it was not just something he did lightly.

Mr. Bradley noted his concern on how the Board went about justifying one system over another since the specifications were nonexistent at that time. He thought that after the Board of Education came back and talked to the Council that they were then proceeding in the right direction.

Mr. Holmes mentioned to Mr. Bradley that if he looked at the information which was presented the night the Board of Education came back to the Council, combined with the fact that there was a software contract signed, the three proposals without the \$36,000 factored into the Hewlett Packard package does not seem right. The other two quotations had software and hardware combined. The package the Board of Education selected had just hardware and the software was already purchased - so right there you do not have a straight bit of information coming to the Council for them to make a decision. Mr. Holmes commented that he does not know any company that is going to send \$128,000 worth of equipment on a whim.

Mr. Parisi advised that he spoke to the software company in California, and as of that time they stated that this was a legitimate agreement. It was as legitimate as any other agreement that was in their files. What has transpired since that date he does not know - every time he calls California now, there are instructions for them not to talk to him.

Mr. Zandri asked if the committee was formed, what would take place as far as the investigation and reporting. Mr. Killen advised that the motion is self-explanatory. The problem is who is going to do the investigation; based on what Mr. Parisi presents, the committee is going to have to find out if it is fact or fiction, and the committee can stop it at any parameters set. There are really no guidelines concerning where to stop. It is an investigation because it seems to be called for in Mr. Parisi's eyes; if three people concur, the investigation will go forward, how far they want to go with it remains up to them. The Council is trying to stay within the bounds of good taste, they are not on a witch hunt, they are trying to find out if something started here, and if there is something wrong with the governing of it, not with the people who are running the government.

Mr. Parisi mentioned that if the Council should choose to establish the committee, he will present the information he has. At this point he feels there is no need for the benefit of anyone and everyone to present everything if there is not going to be an investigation. Mr. Killen advised that Mr. Parisi has to convince two other Council members of the need of the investigation.

Mr. Adams stated that as Chairman of the Liaison Committee, he thinks that they have a function. He would like the opportunity to sit down with Nicoletti, Kari, etc. as the chairperson to get the information from them on some of the information brought to his attention at this meeting. If after

this meeting, the Education Liaison Committee feels it is necessary, then he thinks the Council can takeover from there, but he believes the Liaison Committee should take the first step. Mr. Adams feels they are working with information that is incomplete.

Mr. Parisi asked Mr. Adams what information he would need. Mr. Adams noted that he finds the information confusing. Mr. Parisi asked if Mr. Adams thought someone had a right to sign a contract and then ask for a bid to be waived. Mr. Adams noted that he would like to have the Board of Education's information as well.

Mr. Killen commented that there has to be enough evidence for an investigation to be brought forward. The Council has to decide on the basis of what Mr. Parisi is willing or able to present this evening on whether or not they should have a committee. The entire issue should not be decided at the meeting this evening.

Mr. Holmes commented to Mr. Adams that as Chairman of the Board of Education Liaison Committee, that he obviously is not aware of the additional contract. There were two opportunities for the administration to present their side at a meeting, and again they failed to bring this to the Council's attention. According to Mr. Holmes, the Board of Education has been given ample opportunity over the past seven months for this information to filter to the Council and it has not.

Mrs. Papale mentioned that everyone but the Council people knew about the computers already being at the Board of Education offices. She did not like the way the Council found out about it. Mrs. Papale commented that knowing Dr. Nicoletti nothing was being done underhandedly. Mr. Killen advised Mrs. Papale that the Council was not trying to pin the tail on the donkey. They are not trying to prove that anyone deliberately did something wrong, but they are trying to find out if the system works correctly.

Mrs. Papale mentioned that the purchasing practices problem may be with the Purchasing Department rather than the Board of Education. These are things she really questions. Mr. Killen advised that without this investigation, she may never find out; if the investigation goes forward, she may never find out. He cannot guarantee either way, apparently there seems to be some question about our practices, we are not questioning the people involved.

Mr. Holmes reminded Mrs. Papale about the 1984 purchase of the Wang Computer by the Board of Education which again was in the office before it came to the Council for bid waiver. The differing point of that situation was that Mr. Soldan came before the Town Council and told them that the computer was in, it is bolted to the floor and they are using it. Mr. Holmes felt these two situations are totally different: rather than coming to the Council and saying they made a mistake - this is what happened. Mr. Holmes commented that the Board of Education is trying to hide the facts; trying to misrepresent the bids, and attempting to get the computer and the software in the back door.

Mr. Solensky commented he would like to see this investigation go forth.

Mr. Parisi noted that the committee has to recognize the problem, find and solve the problem.

Mr. Roger Rivers advised that the issue for establishing a committee for investigating the purchasing practices is a dead issue. The library has the Board of Education policy book which sets the policies for purchasing practices for educational and non-educational items. This is a matter of public record. It was approved on June 24, 1985, and on February 18, 1988, at a finance committee meeting the Board of Education and the Financial Committee reviewed the purchasing procedures because there was some concern within the system of what was being purchased. Mr. Rivers commented that Mr. Parisi's issue is a dead issue. The Board of Education is now out for bid for the computers for the second time. The information that Mr. Parisi has given the Council has already been discussed with the Mayor, Purchasing Agent, Town Attorney and the Superintendent. Mr. Rivers advised that the superintendent is the only one authorized to sign contracts for the Board of Education, anyone else who signs them is doing it illegally.

Mr. Rivers mentioned if there was any further need for information, he felt the Board and Council Liaison Committee is the proper forum. They have set up a meeting and hopefully they will get some attendance. The Board of Education will be there to answer questions. Mr. Rivers commented that he was concerned

about Mr. Killen's authority to appoint a committee to investigate the Board of Education. Mr. Rivers asked where the authority comes from and if they discussed this with the Town Attorney.

Mr. Killen advised that the charter says that the Council may investigate any and all boards and commissions.

Mr. Rivers advised that the Board of Education is not a department of the town. Mr. Killen advised that they operate with town dollars.

Mr. Rivers commented that if there is a committee, the Board of Education will seek an opinion from the Attorney General as opposed to the Town Attorney. Mr. Killen stated he had no problem with that. Mr. Killen commented that if the investigation is in the interest of the Town of Wallingford, he would hope the Board of Education would cooperate and not say on a technicality that you cannot do this. Mr. Rivers noted that if that is the case, why can't it be resolved as two boards rather than having a committee appointed.

Mr. Killen advised that part of the problem was that when the Board of Education had a problem no one went to the members of the Liaison Board to discuss it. Mr. Killen advised the Council is not accusing anyone of doing anything wrong.

Mayor Dickinson noted that the two groups as a whole should look for an exchange of information.

VOTE: Mr. Adams voted no; Mr. Doherty abstained; seven ayes; motion duly carried.

Mr. Killen advised that he will appoint a committee consisting of: Mr. Parisi, Mr. Holmes, Mr. Adams and Mr. Bradley. The committee is to report back to the Council within 60 days with their findings. Mr. Killen asked Mr. Parisi to chair the first meeting for the purpose of getting organized, and the committee will elect amongst themselves a chairman.

ITEM 3: Authorize use of office space at the Railroad Station for the Government Census Bureau.

Mrs. Papale read Mayor Dickinson's letter dated July 15 asking for office space in the railroad station for the United States Department of Commerce, Bureau of the Census, for the period August through December.

Mayor Dickinson advised that the space was on the upper level of the railroad station. He noted that the fire marshall has indicated that the space cannot be occupied for 7 to 8 hours a day because of an open stairway. The Mayor advised that two people will be using the office. There is a room in the basement which the fire marshall said the Census Bureau would be able to use.

Mr. Doherty advised that he thought the Adult Education Director had plans for the room. Mayor Dickinson commented he was unaware of any such plans and if this space was approved by the Town Council, he would be in touch with the Adult Education Director.

Mr. Zandri asked if there was any other office space available. The Mayor advised he was not aware of any. There was none available at Simpson School either.

Mr. Doherty brought up the fact that a day care center might be located in the railroad station office for children of those parents in the Adult Education Program. Again Mayor Dickinson knew nothing of these plans.

Mr. Bradley asked if any money would be given in return for this space. The Mayor advised they would not pay any rent, but they would share utility costs.

Mr. Adams asked if the town's obligation was to provide space to the Census Bureau as is. Mayor Dickinson advised that this was his understanding. He noted the town would provide any appropriate documents that would protect the town. Mayor Dickinson also noted that the Census Bureau was pleased that the town proposed any space at all.

Mr. Doherty's motion that office space for the Census Bureau would be in the basement of the Railroad Station was seconded by Mrs. Papale.

Mayor Dickinson commented that the space is for one to two people for the period August through December.

VOTE: Unanimous ayes; motion duly carried.

Administration Roof Access Improvements Account No. 001-2011-999-9904; \$1,500.00 to Cat Walk Account No. 001-2011-999-9905; and \$5,460.00 to Programmable Security System Account No. 001-2011-999-9906.

Mrs. Papale's motion was seconded by Mr. Adams.

Chief Bevan's letter noted that this transfer is in compliance with the recommendation of the Town Attorney to correct OSHA violations at the Police Department; this is for the roof, cat walk and programmable security lock readers.

Mr. Holmes asked if the OSHA violations are new requirements or if they were existing conditions that were around when the building was accepted, and if so, was the Council aware of it.

Mayor Dickinson advised that these are items where there is a disagreement between the contractor and the architect; the Town Attorney's office will be taking this matter to law suit. The Mayor noted that the town will hopefully be reimbursed on these items, but they have to be repaired now in order to protect the employees and meet code requirements, then they will be proceeding with the law suit.

Mr. Zandri asked if they were aware of this at budget time, and if the Police Department expects to do the work this year. Assistant Attorney Small advised that the dispute is regarding who is going to pay for the repairs. The town claims that the contractor and the architect are responsible for some of the repairs, they have been going back and forth for some time now regarding who is going to pay. Since they are refusing to pay, the Town Attorney's office is going to proceed with the law suit. Assistant Attorney Small advised that both contracts have arbitration clauses and they are going to be going to arbitration on it. In the meantime from a legal standpoint, the Town Attorney's office advised the Police Department to make the repairs; (1) so OSHA won't begin to fine the town for not making the repairs, and (2) as in any law suit you are required to mitigate your damages, you have to go out and make repairs and then sue for what it cost you.

Mr. Adams asked if the Wallingford Town Attorney was going to handle the suit. Assistant Attorney Small advised yes.

Chief Bevan advised that the cat walk is not built to OSHA standards. Chief Bevan also advised that the PSL's are not an OSHA item. There is a security lock system in the Police Department which has a sensitized card. When the card is inserted, the door opens. Chief Bevan advised that the wiring is in, the small transformers with the programmable boards which are mounted over the door are in place, and he has 300 sensitized cards. The small attachments that go into the electrical boxes, however, are missing. There were 13 ordered and delivered to C.F. Wooding Company. They were signed for but never installed. The Motorola radio people were going to install them, but when they went to hook them up, they were missing. They were signed for and received by the superintendent working for Wooding on the job. They were not turned over to any town representative.

Assistant Attorney Small advised that the missing attachments will be part of the arbitration.

Mr. Zandri mentioned that by the way this is presented it appears as if all three items are involved with OSHA requirements, and it is very misleading. Mr. Zandri asked if the building was accepted knowing that these attachments were not installed, and if the town knew about the missing parts.

Chief Bevan advised that this had nothing to do with the C.O. He noted that they did not discover the PSL's to be missing until after the Police Department moved in, approximately two weeks later.

Mr. Zandri asked if Wooding had been contacted regarding this. Chief Bevan advised that he met with Wood, Justin Williams and Attorney Mantzaris on several occasions.

Mr. Zandri asked what Wooding's position was on this. Mayor Dickinson advised that this case should not be tried at the Council meeting. It is a matter for arbitration. The Mayor does not feel the positions of the parties should be discussed because it is not an issue for the Council. The Mayor noted the Council's role is to determine whether the town funds this. The Mayor feels this is not a matter of public discussion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Doherty asked about the security problems at the Marcus Cooke playground. Mr. Doherty asked if there were any plans for the police department to increase police patrol in that particular area, since one of the playground supervisors was being harassed by motorcyclists. Chief Bevan advised he intends to have the police patrol that area.

ITEM 4: Consider and approve a transfer of \$6,000.00 from Town Council Contingency Account No. 001-8050-300-3260 to Air Conditioning Old Building Account No. 005-5140-999-9908.

Mrs. Papale's motion was seconded by Mr. Parisi.

Mrs. Papale asked what part of Simpson School was involved, and who is housed there. Mr. Deak advised that the air conditioning was for the first floor of the building which houses the Youth Office, Big Brothers and Sisters, and a couple of council offices.

Mr. Bradley asked who would be doing the air conditioning work. Mr. Deak advised the job would be going out to bid after some electrical work is done in the building.

Mr. Zandri asked when the work would be completed and if it would be done before the end of the summer. Mr. Deak advised that as soon as the funds are allocated, it will go out to bid. Mr. Deak hoped the work would be done before the end of summer.

VOTE: Unanimous ayes; motion duly carried.

ITEM 6: Consider and approve the proposed use of the Simpson School facilities. A copy of the letter from Mayor Dickinson to Albert E. Killen is attached to these minutes.

Mrs. Papale's motion was seconded by Mr. Adams.

Mr. Doherty asked Mayor Dickinson about the deficiencies that still exist - what are they? Mayor Dickinson advised that the heating system is in need of repair, the Visiting Nurses using the ground floor will probably want additional room, the recreation department will be expanding, and the recommendation regarding Community Day Care enabling them to begin an infant care program also needs to be addressed. The Mayor advised he will be sending a letter to the Board of Education regarding construction of a new Day Care Center which will ultimately enable the Day Care Program to be in one site.

Mr. Raymond Rys, 96 Pierson Drive, mentioned that the Council should be looking at the feasibility for the town to be utilizing the Simpson School. Mr. Rys asked if the asbestos had been removed from the school. Mr. Killen advised that the asbestos issue would be looked into.

VOTE: Unanimous ayes; motion duly carried.

ITEMS 7 and 8 are to be removed from the agenda.

Mrs. Papale advised that the PUC Commission would be discussing the Northeast Utilities Rate Settlement at a Council Meeting in August.

ITEM 9: Report of Homeless Task Force. Mr. Doherty presented the recommendations of the Wallingford Task Force on the Homeless - a copy of the recommendations are attached to these minutes.

Mr. Doherty introduced Debbie Bowie, President of the League of Women Voters and Mr. Peter Gouveia. Mr. Doherty advised that the following individuals made up the task force: Tom Zappala and John Powers from the Shelter Group, Mary Lou Krawczyk from the Soup Kitchen, Diane Marandola and Eileen McMann from the Visiting Nurses Association.

Mr. Killen asked if the request for contribution in the task force report would be put in a formal motion later on. Mr. Doherty asked if he could Waive Rule V. Mr. Killen advised he would rather have it put on another agenda. Mr. Doherty advised he would put it on the next agenda for the August meeting.

ITEM 4: Approve Item 14 of the Town Council Minutes of June 14, 1988: Public Hearing on Neighborhood assistance program, Mr. Parisi read the resolution which would state a list of programs eligible for investment by business firms. Mr. Parisi moved and Mr. Bradley seconded it.

June 14 vote: Unanimous ayes; motion duly carried. (Adams, Doherty and Papale not present for vote).

Mr. Killen advised the reason this is being brought forth is that Don Roe must have a certification on this particular aspect for Hartford. Since the Council is not ready to accept the entire June 14th minutes, Mr. Roe asked if the Council could accept this particular item.

Mr. Parisi's motion was seconded by Mr. Holmes.

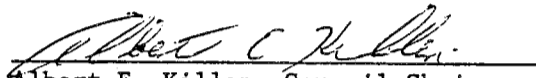
VOTE: Mr. Adams, Mr. Doherty and Mrs. Papale passed; six ayes; motion duly carried.

Meeting adjourned at 8:35 P.M.

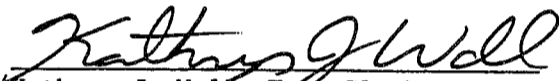
Meeting transcribed and typed by:

Dona P. Morse
Council Secretary

Approved:


Albert E. Killen, Council Chairman

3-28-89
Date


Kathryn J. Wall, Town Clerk

3-28-89
Date