

TOWN OF WALLINGFORD, CONNECTICUT  
SPECIAL TOWN COUNCIL MEETING  
*Town Council Chambers*

August 17, 2010

The following Minutes are a record of the Special Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, August 17, 2010. The Meeting was Called to Order at 6:30 P.M. by Acting Chairwoman Rosemary Rascati. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Vincent Cervoni, Nick Economopoulos, Craig C. Fishbein, John LeTourneau, Rosemary Rascati, John J. Sullivan and Vincent F. Testa, Jr. Councilors Jerry Farrell, Jr. and Robert F. Parisi and Mayor William W. Dickinson, Jr. were absent from the meeting. Town Attorney Janis Small was present at roll call. Comptroller James Bowes arrived at the meeting at 6:55 P.M.

An opening prayer, led by Reverend Margaret Jay, First Congregational Church, began the meeting. Those in attendance recited the Pledge of Allegiance. The Roll Call was taken.

Councilor Rosemary Rascati served as Acting Chairwoman and Councilor John LeTourneau as Acting Vice-Chairman.

**3.** Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#10-88) totaling \$16,081.61 Acct. #001-1000-010-1170 - Tax Collector
- 3b.** *Note for the Record – Mayoral Transfers; Anniversary Increases -Mayor  
Removed*
- 3c.** Consider and Approve Request of American Legion Shaw-Sinon Post 73 for use of Parade Grounds area on September 2, 2010 from Approximately 5:30 P.M. to 8:00 P.M. or in case of rain the use of Robert Early Auditorium - Mayor
- 3d.** Consider and Approve a Transfer in the Amount of \$520 to Capital-Printer Acct # 001-7010-999-9903 from Office Expenses Acct # 001-7010-401-4000 – Planning and Zoning
- 3e.** Acceptance and Appropriation of \$20 Youth & Social Services Special Fund to Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 - Youth & Social Services
- 3f.** Acceptance and Appropriation of \$24.53 Youth & Social Services Special Fund to Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 - Youth & Social Services
- 3g.** Acceptance and Appropriation of \$7,220 Youth & Social Services Special Fund to Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 - Youth & Social Services

- 3h.** Consider and Approve an Appropriation of \$2,695 Council on Substance Abuse to Revenue Acct # 232-1043-900-1001 and to Expenditures Acct # 232-3070-608-9061 - Youth & Social Services
- 3i.** *Consider and Approve a Resolution Authorizing the Mayor to enter into a contract with the State of Connecticut Department of Public Health, Preventive Health Block Grant, in the Amount of \$5,925 and designate Eloise Hazelwood, Director of Health, as the administrator of said program for the purpose of implementing a Skin Cancer Awareness Program – Health Director*
- Removed*
- 3j.** *Consider and Approve an Appropriation in the Amount of \$5,925 Preventive Health Service Block Grant to State Grant Acct # 224-1040-050-5000 and to Grant Expenditures Acct # 224-3010-605-6001 - Health Director*
- Removed*
- 3k.** *Consider and Approve the Appointment of Joe Rusczyk as an Alternate to the Zoning Board of Appeals to fill a vacancy for a term ending January 8, 2013 - Chairman Robert F. Parisi*
- Withdrawn*
- 3l.** Consider and Approve a Resolution Authorizing the Mayor to enter into a contract with the State of Connecticut Department of Emergency Management and Homeland Security, regarding the use of Federal Fiscal Year 2009 State Homeland Security Grant Funding and Custodial ownership of regional assets in DEMHS Region II – Fire Chief
- 3m.** Consider and Approve a Transfer in the Amount of \$11,000 to Injuries & Damages Acct # 431-8920-925 from Administrative & General Salaries Acct # 431-8920-920 FY 2009-10 - Water Division
- 3n.** Consider and Approve a Transfer in the Amount of \$17,500 to Pension & Benefits Acct # 431-8920-926 from Power Purchased for Pumping Acct # 431-8620-623 FY 2009-10 - Water Division
- 3o.** Consider and Approve a Transfer in the Amount of \$37,800 to Injuries & Damages Acct # 431-8920-925 from various accounts FY 2009-10 - Water Division
- 3p.** Consider and Approve a Transfer in the Amount of \$34,500 to Injuries & Damages Acct # 461-8920-925 from Operating, Labor & Expense-Treatment \$4,500 Acct # 461-8640-642 and from Administrative & General Salaries \$30,000 Acct # 461-8920-920 FY 2009-10 - Sewer Division
- 3q.** Approve Minutes of Regular Town Council Meeting of June 22, 2010
- 3r.** Approve Minutes of Regular Town Council Meeting of July 13, 2010

#### **ADDENDUM**

- 3s.** Consider and approve a Transfer in the Amount of \$4,500 to Maintenance Wells & Springs Acct # 431-8600-614 from Transportation Equipment Acct # 433-9012-392

– Water Division

Mrs. Rascati announced that there is a correction to the minutes of July 13, Page 4, paragraph 4, that should read “44” days, not “45” days. An announcement was made that the following items have been removed from the Consent Agenda 3b., 3i. and 3j. and will be discussed under Item 4. It was also announced that Item 3k. has been withdrawn from the agenda.

#### MOTION

Mr. LeTourneau made a motion to Approve Consent Agenda Items 3a.; 3c. - 3h.; and 3l. – 3r. and Addendum 3s. Mr. Fishbein seconded.

#### VOTE

All Councilors present (7) voted Aye. Councilor Farrell and Chairman Parisi were absent from the meeting. The motion passed.

#### 4. Items Removed from the Consent Agenda

##### 3b. Note for the Record – Mayoral Transfers; Anniversary Increases – Mayor

Mr. LeTourneau read the item. Mr. Fishbein stated that initially he was looking for more detail and since that time he has received more information from the Administration. He said that based upon that he has no further questions.

There were no other questions from the Council of from the public.

#### MOTION

Mr. Sullivan made a motion to accept item 3b. - Note for the Record – Mayoral Transfers; Anniversary Increases as presented by the Mayor. The motion was seconded by Mr. Fishbein.

#### VOTE

All Councilors present (7) voted Aye. Councilor Farrell and Chairman Parisi were absent from the meeting. The motion passed.

##### 3i. Consider and Approve a Resolution Authorizing the Mayor to enter into a contract with the State of Connecticut Department of Public Health, Preventive Health Block Grant, in the Amount of \$5,925 and designate Eloise Hazelwood, Director of Health, as the administrator of said program for the purpose of implementing a Skin Cancer Awareness Program – Health Director

Mr. LeTourneau read Item 3i.

Mr. Fishbein said that when the Council went through the budget that he spoke frequently about ‘wants and needs.’ He said that he reviewed the attachment, which was part of the packet, and he is trying to figure out when this program became a need for the town.

Mrs. Hazelwood said that this program is being offered on a non-competitive grant application from CDC to the state to local health departments. She said that CDC uses the Healthy People 2010 objectives for creating better public health. She stated that in the programs they offer that they decide what criterion they are going to give us. She reported that CDC decided that this is a criterion that we should be addressing.

Mr. Fishbein stated that in the past we've discussed that the health director decides what programs we need here in town to be in compliance with the statutes. Mrs. Hazelwood said that that is correct. He asked if this need was recognized prior to this grant becoming available. Mrs. Hazelwood responded that skin cancer prevention is always a recognized need and that what has happened this year is that CDC has included it in a block grant, which they did not previously. Mr. Fishbein was concerned that this block grant is not into infinity. Mrs. Hazelwood stated that it is only a one year period and that the program is very specific, she follows CDC guidance; she has to use CDC criterion, which includes providing two one-hour sessions of educational material with a dermatologist, or an MD, and that is followed by a two-hour public screening for skin cancer. She reported this is a skin cancer screening awareness program. It is only for one year and what the grant will allow them to do is to contract with a dermatologist, or a board certified MD, so that the educational sessions can be provided. In addition, it will allow the Health Department to purchase a *derma-screen scan analyzer*, so that beyond the grant, we can use our own staff time to do sun-screening awareness. The machine is a relatively easy machine to use although it is not a skin cancer detection machine, it does detect sun damaged skin. She said that their goal, after the grant, is to use the *derma-screen scan analyzer* from an educational aspect concerning tanning beds.

Mr. Fishbein asked about the \$5,925 and wanted to know if there was a cost to the town over and above the grant. She said that there is no cost to the town. Mr. Fishbein stated but there will be in a year if the intent is to continue this program after the grant. Mrs. Hazelwood stated that there will be no additional cost to the town in that it will be done utilizing existing staff time. Mr. Fishbein said that the town pays for. Mrs. Hazelwood replied that the town is already paying for the staff time to do public health education, so this is a wonderful component because it gives them the opportunity to purchase the machinery under the grant and not under town money. Mr. Fishbein questioned the cost of the machine asking if it cost \$5,925. Mrs. Hazelwood responded that the machine costs \$900. He wanted to know about the balance of the \$5,000 that was left and stated that it was for staffing and asked if that was correct. Mrs. Hazelwood replied that it would not entirely be used for staffing and asked Mr. Fishbein if he wanted a breakdown. He replied that it was not in the packet. She proceeded to give the entire breakdown of the \$5,925 to show how the grant will be used. She listed:

T2-10:19:50

- \$360 - 12 hours Public Health Educator time
- \$28 - Benefits equated at .0765
- \$450 - Staff member from the ADA
- \$900 - Visia DermaScan machine
- \$250 - Portable TV-DVD to do the presentation
- \$100 - Educational video provided by the ACS
- \$750 - Advertisement -2 ads
- \$900 - Participant books \$9 per book, authorized to purchase 100 to continue in the program
- \$800 - ACS sunscreen kits \$8 per 100 kits, identification guide and sunscreen material –
- \$450 - Miscellaneous educational material, which among other things, includes the ABCDs of melanoma (how to identify skin cancer)
- \$937 - Meeting supplies –notepads, pens, refreshments

Mr. Fishbein inquired so next year when you don't have the \$5,925, how much was anticipated it would cost the town to continue to operate this program. Mrs. Hazelwood said

that they anticipate that it would cost her department twelve (12) hours of Public Educator's time. She is already on staff so it won't be an addition to. Mr. Fishbein interjected asking if she won't advertise this program. Mrs. Hazelwood said that *Peoples Press* has been wonderful with them in doing the advertisement, and they hope to advertise in their second year aiming at the school system with regard to sunbeds, which is why the machine is a very valuable educational tool for them. They will be using a different target population for the second year.

In the second year, which is not grant funded, they will have the equipment and staff on hand. She explained that the program population is for parents of young children and adolescents. She reported that children who are sunburned in childhood are more prone to skin cancer in adulthood. The first year the target group is adults. Mr. Fishbein said that he didn't get his answer on the advertising, and he referred to the two ads in the first year for \$750. He inquired that next year through the schools, wouldn't there be advertising. Mrs. Hazelwood said that won't have a need to advertise to the general public because their target group is teenagers in the school system, and she added that if someone wanted to give them an in kind ad, that they would take that too.

Mr. Cervoni commented that his questions were answered and that at the end of the grant we will have some equipment and some supplies and that she can run the program with twelve hours of staff time after that. Mrs. Hazelwood said that is their goal.

Mr. LeTourneau asked about the second year. He said that there has been much talk about tanning beds and wanted to know if this was becoming a real problem in the high schools. Mrs. Hazelwood reported that legislation was proposed last year for local health departments to inspect tanning facilities but the legislation was not passed, and she does not think that it is being put forward again this year. She said that there is concern about exposure to sun, and it has been suggested that if a young client is under 18, that the tanning salon owner voluntarily require parental permission. She said that in some cases, although not in Wallingford, the salon owner requires that the parent be present for a tanning session.

There were no other comments.

#### MOTION

Mr. Cervoni made a motion to approve a Resolution Authorizing the Mayor to enter into a contract with the State of Connecticut Department of Public Health, Preventive Health Block Grant, in the Amount of \$5,925, and designate Eloise Hazelwood, Director of Health, as the administrator of said program for the purpose of implementing a Skin Cancer Awareness Program as proposed by the Health Director. Mr. LeTourneau seconded.

#### VOTE

All Councilors present (7) voted Aye. Councilor Farrell and Chairman Parisi were absent from the meeting. The motion passed.

- 3j.** Consider and Approve an Appropriation in the Amount of \$5,925 Preventive Health Service Block Grant to State Grant Acct # 224-1040-050-5000 and to Grant Expenditures Acct # 224-3010-605-6001 - Health Director

#### MOTION

Mr. LeTourneau made a motion to approve an Appropriation in the Amount of \$5,925 Preventive Health Service Block Grant to State Grant Acct # 224-1040-050-5000 and to Grant Expenditures Acct # 224-3010-605-6001 as presented by the Health Director. Mr. Fishbein seconded.

There were no comments.

#### VOTE

All Councilors present (7) voted Aye. Councilor Farrell and Chairman Parisi were absent from the meeting. The motion passed.

#### 5. PUBLIC QUESTION & ANSWER

Robert Gross, 114 Long Hill Road, was interested in the viability of the parking lot project behind the old Dime Savings Bank and made reference to the funding of it. He asked if the money was still in the budget. Mrs. Rascati said that there were problems with easements from all of the property owners. Attorney Small thinks that the project is not dead but does not know if the money is still available. Mr. LeTourneau said that Engineering is working on possible structural problems with that wall, which is between the Holy Trinity School and the parking lot. Mr. Testa asked about the scope of the project since in the past there was an inability to get agreement from Wachovia Bank. Mr. Gross asked about the re-appropriation of the funds. Attorney Small said that if it lapsed, it will be re-appropriated.

Mr. Gross asked where to find the Parks and Recreation project in the budget. Mrs. Rascati said that is a question for the Comptroller and that an inquiry will be made and that someone will get in touch him.

#### 6. Consider and Approve an Appropriation in the Amount of \$3,800 to Fire Station Feasibility Study Acct # 200-2030-999-9903 and to C.R.R.A. Distribution Acct # 200-1050-050-5000 – Fire Chief

*In attendance: Peter Struble, Fire Chief*

The Fire Chief began the discussion stating that since the last November there has been an extended period of time where there was no movement on a property that the previous Council had approved the funding to purchase. He said they began to look at other options and came back to the current site where the fire station is, considering it to be an option. He said that they are at the end of their expertise in terms of being able to identify how much it would cost, and is it possible to be done there or somewhere else. He said that they put together a simple bid to go out for a closed, sealed competitive bidding to look at the present site and the North Farms site to determine whether or not it is feasible to do a fire station there, to identify program needs, what square footage would be necessary, would there be trade-offs to those sites, and to find the cost. He said they received a good range of bids, and they are recommending to Purchasing the second lowest of \$3,800 with the lowest being \$3,600. He said that the lowest bidder did not meet the technical qualifications. He said one of the criteria was to have built or renovated five fire stations within the last ten years. The second lowest bidder, the preferred one, has built ten fire stations in the last ten years. He said he is here to seek the funding, and if the Council approves the funding, they can award that contract and get started. He said that under the bid, the selected firm has 30 days to finish the report.

Mr. LeTourneau asked what happened between the low bid and the high bid as there was such a discrepancy. Chief Struble said that vendors were asked to come to a pre-bid meeting for project explanation. Fifteen architects came to the meeting with the result of 11 bids for this project. He said that the highest bid was \$34,000, and that firm did not come to the pre-bid meeting. He said that in his opinion that it was clear that their proposal was like a cookie-cutter type of bid that they use. He added that they are not from Connecticut, and they have never done a project in Connecticut. He thinks that perhaps they did not have the understanding that the other firms had from attending the pre-bid meeting. Chief Struble said that he has confidence in the selected bidder in that they have done many Connecticut projects, including stations that he has looked at for identifying program needs. He said when they began to look for an expansion for the North Farms Station ten years ago, the same architect worked on that project, and that architect has the knowledge of the station.

Mr. Fishbein assumed that Chief Struble would work hand-in-hand with these people. He continued that both of the sites have unique challenges and that the Fire Department has specific needs. He asked about the ETA on this. Chief Struble said that in the bid, its thirty days but that this is only a feasibility study and that it was made very clear to all of the architects that this is not an award for design of the building and the project. He said that when it comes time to do the project, then another forthcoming bid will be put out for those architectural services. Mr. Fishbein said so we are not to anticipate drawings as a result of this. He noted that it is indicated 'site plans only.' Chief Struble said his expectation is that the Council will get a plot plan of the site, and that once the square footage is identified by the architect, after they give the architect the program needs, that that will be plotted on the site. He said that there will be costing associated with that. He also commented to the Council that what they will not get is a frontal view of a fire station, the floor plan of it. They will be able to put a definitive square footage once the program needs are identified, and then from there, they will determine whether it will work on either of the two sites.

Mr. Sullivan asked if when they get the feasibility study back that we may discount the Barnes Road address for the new fire house. He inquired if that is what this is going to tell us. Chief Struble said that he doesn't know and that he keeps an open mind. He said that they took the footprint of a fire station that would accommodate four bays but 'single-deep' and a second floor. He said that they maneuvered that footprint onto the existing property (Barnes Road), including the state property. He stated that from their perspective you can get that footprint on there but there are trade-offs to that site that might not be present with another site. He said that his expectations of this report are that you will be able to tell you A) Whether or not you can work with that site B) Because it is a smaller site, explain the trade-offs. He added that also this is what we can do with the other site (North Farms), and importantly to determine the costs. He said that we will try to give you as much information as possible so that the Council can move forward with a decision.

Mr. Sullivan asked if this volunteer department absolutely needs four bays. He inquired as to what is actually required. Chief Struble stated the highlights of the program needs for this station, and it was summarized for the architects for this study. He said that they have stated from the beginning that they need to build a fire station that will do everything that we possibly can to keep a vibrant volunteer system in that area but we also need to build a fire station that anticipates the need for the next 10 to 30 years in that area. He observed that if there is a vibrant volunteer system there in 20 years, that would be great. If we don't, we have to put help there, and there would need to be a station that could accommodate that. He said

that the best way to do that is to be able to do both during the transition. He explained fire help and medical help with relation to the needs in a station. Mr. Sullivan said what he is looking for is if they need four bays in this fire house no matter where it is. Chief Struble said, "Yes," and that anything short of that just isn't logical. He spoke about a second floor. He said that there are three apparatus that are all actively used, so there is no room for expansion if they need to provide additional help. Mr. Sullivan said that what he is trying to get to is that by September the Council should know if this is a viable location for this station, or not, based on what our needs are. Chief Struble said that was correct. Mr. Sullivan stated that we could reduce our initial plan but it's not going to get us where we need to be in 10 to 20 years. The Chief said that yes that was the case.

Geno Zandri, 9 Balsam Ridge Road, commented that last year when we initially identified the farm parcel that we were going to purchase it at the cost of nearly \$1 million not including the demolition costs. He stated that he did some research and identified another piece of property right around the corner from the existing firehouse on Fairfield Blvd. He said that if you are going to do a study that all three pieces should be studied because then you will know which one is the best site.

Chief Struble stated that they didn't include Fairfield Blvd. into the bid, so now that point would delay the process. He said at Barnes Road station he has kept the volunteer leadership involved every step of the way. He stated that when it was apparent that the North Farms site was bogging down with delays, and they weren't sure if it was going to move forward or not, that he met again with the volunteer leadership to discuss the Fairfield Blvd. site. The volunteers, who know the area well, have concerns with moving farther north from their current location and concerns with egress and access. This is the reason that they didn't go farther with Fairfield Blvd. He noted that one thing this study does is to give a footprint of square footage with the cost, which is something that we need. He acknowledged that it is a chess piece that you can move around, but because of the concerns, they chose the other two properties. Mr. Zandri said that he understands the volunteers' concern but thinks that the professional should look at it and let the professional determine the negatives to that site. It is a piece of the decision.

Ben Martin, Ward Street, with regard to the financial transaction, asked how an appropriation can be distributed to two different accounts. Mr. Bowes explained that the top line is a revenue line. He said that the funds were received last fiscal year and this is asking the Council to authorize budgeting on both sides of the equation, the revenue side and the expenditure side for this purpose.

Mr. Economopoulos made comments about the Fairfield Blvd. to Mr. Zandri with regard to the volunteers and said that moving the station farther away from the current site is a safety factor as well as a timing factor.

Mr. LeTourneau said that when this process began they looked at a parcel on the corner of Rt. 68 and Research Parkway, a town owned property. He stated that the volunteers looked at it, studied it and ran scenarios. He said they put a lot of work into it, as much as the architect would do. He said that he listens to them, and he is confident in the locations that will be studied.

#### MOTION

Mr. Cervoni made a motion to approve an Appropriation in the Amount of \$3,800 to Fire Station Feasibility Study Acct # 200-2030-999-9903 and to C.R.R.A. Distribution



Acct # 200-1050-050-5000 as presented by the Fire Chief. Mr. Fishbein seconded

VOTE

All Councilors present (7) voted Aye. Councilor Farrell and Chairman Parisi were absent from the meeting. The motion passed.

7. Discussion regarding Board of Education Custodial Contract, Local 1303-60  
– Councilor Vincent F. Testa

*In attendance: Thomas Hennessey, Chairman Board of Education  
Roxanne McKay, Vice-Chairwoman, Board of Education*

Mr. Testa said that he is interested in a brief clarification from the legal staff as to just what this decision states, and then, hopefully, once and for all, to make sure that the town-side and the Board of Education-side have a mutual understanding of how these timelines work and when the clock really starts ticking. He said that the Superintendent prepared a document that he found to be very helpful to him.

Mr. Testa said that when he first got this decision, the labor board was saying that once the Board went through negotiations and reached an agreement and approved it that it was an unfair practice for the Town Council to deny it in general.

Town Attorney Small said that the Board's own attorney handled this but essentially when the tentative agreement was signed, July 15th, that the clock started ticking. She said that in past practice that it wasn't felt, on the board side of those who were handling it, that the clock started at that point. Attorney Small said the labor board said that clock started ticking on July 15<sup>th</sup> and within 14 days, it had to get here, and then within thirty days from the expiration of the 14 days, you had to act. She said that it didn't get here in 14 days, and when it did come, it was sent to the Council, and the letter said to please put it on the September 8<sup>th</sup> (agenda) date and that date was too late to be within the 44 days. She stated that you had a total of 44 days. She said that she discussed this with the Board's attorney, Peter Janus, and she also asked the town's labor attorney to read it, and she also talked to Terry Sullivan. She said that if the Board missed the 14 days, but we acted within the 44 days, how would they have viewed it. She stated that it didn't even look like the labor board would have liked that. She said if that were the case, she would look at going to court but that wasn't the factual case. She commented that the Superintendent has given the Council his memo outlining his thoughts on that. She said that Terry also prepared a memo where he is putting out the same timelines. She thinks that there needs to be further conversation regarding not losing connection in the town side. She said that this it is not going to happen again but since this could happen again, her concern is that the Council doesn't lose its legal opportunity to do something in a timely manner. She said that if a mistake happens again on the administrative side, how are you going to know about it in time to get it in the 14 days, and that there may be a way to make sure you know when it is coming.

Attorney Small pointed out that it is not easy to just put together how you are going to do that because with these things, when they reach a tentative agreement, they may or not, they may think that they are not going to reach an agreement on a given day. She said, essentially, when they sign it as a tentative agreement, they've got 14 days to give it to the Council, and the Council has 30 days from the expiration of the 14 days to act on it.

Mr. Hennessey said that the way business was handled in the past, and that Dr. Menzo has studied all the time tables of all of the Board's contracts and that as they have just done with the nurse's contract, they have a memorandum that the Board's chair will sign along with the head of the negotiating team for that union, so that the time table won't start ticking until the Board ratify's it. At that time it will be sent to the Town Council. He said that they have changed their practice. He said that with Attorney Janus' memorandum, they have closed the gaps. Mr. Hennessey discussed with Mr. Testa some of the Board's future actions including calling special meetings.

Mr. Testa called attention to page six of the decision and the statement in the second paragraph that says ". . . the parties are free to negotiate ground rules..." etc. . . . "However such agreement cannot act as a waiver of the time lines specified in Section 7-474(b) of the statute." Mr. Testa noted that he thinks everybody's attorneys need to play with this a little longer. He said that the memorandum agreement that looks so cool, and looks like it is going to solve everything, says that the board and the union in negotiation agree for the purposes of this particular statute that the date of agreement reached by the negotiators shall be the date upon which the Board ratifies the tentative agreement. He said that what this allows us to do is go back to the old timeline but both sides agree that the clock will not start ticking until the Board ratifies the agreement, but the Labor Board states that you are free to make the agreement but the statute says 'too bad', it's still going to be the date somebody signs it, the agreement. He said that he is concerned with this because if we leave here thinking that this is going to solve everything that it might not.

Mr. Hennessey agreed. Mr. Testa said that this is a nice way to say, 'union –board we are agreeing to this tonight and the Superintendent is going to sign it and the union president is going to sign it, and the Board is going to ratify it, and we both agree that is the actual date where the clock starts ticking, and everybody can feel good about that but if something goes wrong down the road, the Labor Board is going to say the statute still says the clock started ticking when you signed it and that it doesn't matter about the little agreement.

Attorney Small said that is an excellent point and that she did send a note to the Superintendent raising that issue and that she said that she does not believe, based upon this decision, that you can agree to what the triggering dates are. She thinks that the decision is pretty clear. She offered to talk with the Board of Education's attorney again about this point.

Mr. Testa stated that he just wanted this looked at a little further and a little more carefully. He asked if it was true that the 44 days is an important date, or is it 30 days after the Council received notification. He said that could technically make it 35 days.

Attorney Small said that the way that she read the decision, and she spoke with the other attorneys, is that she thinks that they are all on the same page with this decision. She said that basically it is 44 days, the first 14 (days) it has to get here, and then the statute says the 30 days, as we read it, run from the end of the 14 (days). She stated that is why she thought that perhaps if we acted within the 44 in that we hadn't gotten it in the 14.

Mr. Testa said that if they sent it to us in 7 days, this makes it sound like the clock ends after 37 days, 30 days after we receive it. Attorney Small said that she does not read it that way. She will make this inquiry again to confirm. Mr. Testa asks so that everything is looked at and that it won't come back to bite us again. Attorney Small said that the agreement that was drafted, she thinks is a good idea if we actually put in the statutory dates, so if the union and

the administration sit down and use that form, putting in the statutory dates, that then we need to talk about trying to get a copy to the town side so that we are all tracking the same date, then that will accomplish it since we will all be on the same page at that point.

Mr. Hennessey agreed stating that the Board would be more inclined to be acting more expeditiously, and that they could have a special board meeting if necessary. We would be more aware of that timeline and that a courier would bring all the necessary documents to the Town Council's Clerk.

Mr. Testa stated that he was happy at this point.

Mrs. McKay remarked that Dr. Menzo could not attend this meeting due to a death in his family. However, she added that he had intended to be present the meeting.

Mr. Cervoni asked if this is the end of the road after this particular contract's decision from the Labor Board, or is there time for us to consider further action on this contract and in light of the way the decision was written, is it worth our while to bother looking into it. Attorney Small stated that you have 45 days to appeal. She said that she asked their thoughts and impressions and that neither of them thought that it was a venture... She said that is where we got on that conversation because when she read the decision, she said that if the Council had actually acted within the 44 but didn't get in the 14, although this board was saying something different, she thinks that is something that you take a shot at with a judge. She said that she thinks that a court might look at this differently because she thinks that the Labor Board is saying that you can't miss the 14. She said their advice is that this is not an incorrect analysis, not worth something chasing in appeal.

There were no further comments or questions from the Council or from the public.

**8. Consider and Approve Appropriations to Federal/State Grant Fund (Special Revenue) as follows:**

\$1,971,677 to Grant Revenue-ARRA/Ed. Grant Funds	Fund #235
\$1,087,094 to Grant Revenue-ARRA/Gov.'s Service Funds	Fund #235

\$1,971,677 to Grant Expenditures-ARRA/Ed. Grant Funds	Fund #235
\$1,087,094 to Grant Expenditures-ARRA/Gov.'s Service Funds	Fund #235

**Reductions**

\$3,058,771 to Revenue – ECS Grant	Acct # 001-1030-050-5025
\$3,058,771 to Expenditures-Education	Acct # 001-7060-860-1110

- Comptroller, James Bowes

Mr. LeTourneau read the item.

Mr. Fishbein was concerned with the last paragraph of Mr. Bowes' letter. He said it says that it is a \$3 million expenditure, that it is the last year, and we don't know what the state is going to do with this, and it could be a shortfall for next year. Mr. Bowes agreed with this summary.

Mr. Bowes said that he is asking the Town Council to do two things. 1) To appropriate those funds to Revenues and Expenditures in the Special Revenue Fund the way the Federal government wants us to identify it. He said that it is more of a bookkeeping item, and 2) To reduce revenues and expenditures in the General Fund. He said that it won't have effect on anything because we don't want to 'double-count' those funds. We followed this process for the fiscal year 2009-2010, which just ended, and it seemed like it worked out.

MOTION

Mr. Fishbein moved to Approve to Appropriations to Federal/State Grant Fund (Special Revenue) as follows:

\$1,971,677 to Grant Revenue-ARRA/Ed. Grant Funds	Fund #235
\$1,087,094 to Grant Revenue-ARRA/Gov.'s Service Funds	Fund #235
Reductions	
\$3,058,771 to Revenue – ECS Grant	Acct # 001-1030-050-5025
\$3,058,771 to Expenditures-Education	Acct # 001-7060-860-1110

as presented by the Comptroller, James Bowes. Mr. LeTourneau seconded. Mr. Bowes asked that for Fund 235 side to also appropriate the same amounts to Expenditures. He continued by stating that the motion was for the Revenue side for fund 235, and that it is also needed for the expenditure side of Fund 235. He said that it is a wash, a balancing act.

Mr. Fishbein added to his motion:

\$1,971,677 to Grant Expenditures-ARRA/Ed. Grant Funds	Fund #235
\$1,087,094 to Grant Expenditures-ARRA/Gov.'s Service Funds	Fund #235

Mr. LeTourneau seconded.

Ben Martin, Ward Street, to understand the transaction, stated that this is a grant we are receiving from ARRA, and it's reducing the amount that was budgeted at the beginning of the year for education. Mr. Bowes said that the funds were budgeted but they were budgeted in the General Fund. He said that with regard to the ARRA grants, and along with Federal Guidelines, the Federal auditors and our own CPAs, who conduct our external audit, think that it is best to take those (funds) out of the General Fund. To take these funds out of the \$86 million school budget and to show them in their own booking fund makes it more transparent in the accounting of them for the auditors.

Mr. Martin asked about the characterization of the shortfall. Mr. Bowes explained that in the last fiscal year, the Governor's budget, adopted by the General Assembly, included a 14.26% reduction to every municipality in Connecticut for the Education-Cost Sharing Grant. The state utilized Federal 'stimulus' money to replace that 14.26% reduction, which made every town and city in Connecticut whole as compared to the prior fiscal year. The Federal government committed to a two-year funding to the state for these purposes. The state committed to the municipalities for two-years.

Mr. Bowes commented that the last sentence in his letter of request to the Town Council stated that all bets are off for Fiscal Year 2011-2012. The Federal government has said that to the states, and the state has said that to the municipalities. Right now we are in the 2011-2012

period of not knowing if any of that \$3 million will be replaced by state funding rather than Federal funding. The revenue part of the budget process for him starts usually in February, when they get an indication from the governor's office, or OPM, the Governor's budget office, as to what the Governor is going to allocate to the municipalities for formulary grants for the upcoming year. He said that we won't know until then, and if the state does not replace the \$3 million with state funds, rather than Federal funds, then every municipality in Connecticut will have a problem. He said that he read that there may be another round of stimulus funds for educational purposes but it is only talk at this point.

There were no further comments.

ROLL CALL VOTE:

Cervoni	Yes	LeTourneau	Yes
Economopoulos	Yes	Rascati	Yes
Farrell	Absent	Sullivan	Yes
Fishbein	Yes	Testa	Yes
		Chairman Parisi	Absent

Aye - 7; Absent - 2

The motion passed.

Mrs. Rascati read a letter addressed to James M. Bowes, Comptroller, from the Mayor which congratulated Mr. Bowes and the Finance Department staff for receiving the *Certificate of Achievement for Excellence in Financial Reporting Award* from the Government Finance Officers' Association for the Fiscal Year ending June 30, 2009.

Mr. Bowes thanked everyone and said that he has a good staff, who are very dedicated. He said that they are terrific folks and that we are very fortunate to have them.

ADDENDUM II

9. Consider and Approve the Appointment of Carmen Rao to the position of Fire Marshal for the Town of Wallingford as of August 18, 2010 – Acting Chairman Jerry Farrell, Jr.

MOTION

Mr. LeTourneau made a motion to Approve the Appointment of Carmen Rao to the position of Fire Marshal for the Town of Wallingford as of August 18, 2010 as brought forward by Acting Chairwoman Rosemary Rascati. Mr. Testa seconded.

Mr. Fishbein has no objection to Mr. Rao being hired as the town's Fire Marshal; however, he does have objections to the employment package that has been offered. He said that we have missed an opportunity to move forward here and to perhaps offer something different as opposed to a pension. He said that it is his position that you don't have to offer a pension for this position. He stated that there is a pension in the package and that he is opposed to that. He commented that he would like to vote on the individual, and then separately to vote on the package. He said that if the vote is to be in one whole, then he will vote 'no' because he objects to the package.

Acting Chairwoman Rascati said this is just to consider the appointment and that it says nothing about the package, so she does not believe that the Council can vote on the package.

Town Attorney Janis Small stated that the appointment is all encompassing and that is how she views it.

There were no further comments from the Council or from the public.

ROLL CALL VOTE:

Cervoni	Yes	LeTourneau	Yes
Economopoulos	Yes	Rascati	Yes
Farrell	Absent	Sullivan	Yes
Fishbein	No	Testa	Yes
		Chairman Parisi	Absent

Aye - 6; Nay - 1; Absent - 2

The motion passed.

MOTION

Mr. Cervoni made a motion to adjourn the meeting. Mr. Sullivan seconded.

VOTE

All Councilors present (7) voted Aye. The motion passed. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Sandra R. Weekes  
Town Council Secretary  
Meeting digitally recorded

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Robert F. Parisi, Town Council Chairman

Date

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Barbara Thompson, Town Clerk

Date

