

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

January 23, 2007

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its Regular Meeting held on Tuesday, January 23, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Vice Chairman Stephen W. Knight Called the Meeting to Order at 6:37 P.M. Responding present to the Roll Call taken by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Lois Doherty, Gerald Farrell, Jr., Stephen W. Knight, Iris F. Papale, Rosemary Rascati and Vincent Testa. Chairman Robert F. Parisi was absent due to illness. Councilor Vincenzo M. DiNatale arrived at 6:42 P.M. and Mayor William W. Dickinson, Jr. arrived at 6:46 P.M. Corporation Counsel Adam Mantzaris and Comptroller James Bowes were also present.

There was a Moment of Silence. The Pledge of Allegiance to the Flag was said, and the Roll Call was taken by Town Clerk, Barbara Thompson.

2. Correspondence

None.

Vice Chairman Stephen Knight announced that Items 9, 11 and 12 were withdrawn from the agenda.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#460 - 483) totaling \$6,138.85
Acct. #001-1000-010-1170 - Tax Collector
- 3b.** Consider and approve an Appropriation in the amount of \$1,441 Young
Astronaut Special Fund to Expenditures Acct # 226-3070-611-6500 to Donations
Acct # 226-1042-701-7010 - Youth and Social Services
- 3c.** Consider and approve an Appropriation in the amount of \$6,913 Youth and Social
Services Special Fund to Expenditures Acct # 213-3070-600-6000 to Donations
Acct # 213-1042-070-7010 - Youth and Social Services
- 3d.** Consider and Approve a Resolution authorizing the mayor to enter into and
amend Contractual instruments in the Name of and on Behalf of the Wallingford

Community Day Care Center, Inc. with the Department of Social Services of the State of Connecticut for a Child Day Care Program – Mayor

- 3e. Consider and Approve an Agreement between the Town of Wallingford and the Wallingford Community Day Care Center, Inc., Recognizing that the Town had executed a Contract with the State of Connecticut Commissioner of Social Services for Funding Programs to be carried out by said Day Care Center Acting on Behalf of the Town - Mayor
- 3f. Consider and Approve a Resolution permitting the Wallingford Day Care Center, Inc. to Borrow from the Town of Wallingford amount necessary to meet the essential operation expenses of said day care center prior to the time its program is approved for funding from the State of Connecticut - Mayor
- 3g. Consider and Approve Town Council minutes of January 9, 2007
- 3h. Consider and Approve minutes of December 12, 2006
- 3i. Consider and Approve a change to the Town Council Schedule of Meetings by canceling the meeting scheduled for December 25, 2007.

Ms. Rascati made a motion to accept the Consent Agenda 3a. to 3i. Mr. Farrell seconded the motion.

All nine Councilors present votes aye, and the motion passed.

Mr. Testa stated as a point of order that he was not present at the December 12, 2006 meeting, and Ms. Papale stated that she was not present at the January 9, 2007 meeting.

4. Items Removed from the Consent Agenda

None.

5. PUBLIC QUESTION AND ANSWER PERIOD

Bob Gross, 114 Long Hill Road, requested that the agenda be put on the town's website. Ms. Papale responded that it is aired on Channel 20, Government Television. Mr. Gross said that there are certain documents that the town releases, such as the town audit, and he suggested that they be scanned and also put on the website. Ms. Papale said that copies of any public information of the business of the Council are available in the Town Council Office and the Town Clerk's Office.

Debbie Gross, 114 Long Hill Road, asked when 2007-20078 budget process will begin and when it will be available to the public. Mayor Dickinson said that most of the departments have already begun the process. He said that budget requests are submitted to the Mayor's Office in February, and the budget goes through a review with the Comptroller. He said the budget document is available around the first of April.

Item 8 was moved up in the agenda, after discussion that determined it could be taken up before the Public Hearing in Item 7.

8. Discussion and action regarding amending the *Recycling Regulations* of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Ms. Rascati read the item - Discussion and action regarding amending the *Recycling Regulations* of the Town of Wallingford requested by Councilor Gerald E. Farrell, Jr., Chairman of the Ordinance Committee.

Doreen Zaback, Resource Recovery Project Coordinator for the Town of Wallingford was present.

Mr. Farrell said that we currently have Recycling Regulations in effect that date to 1990. He said that the Wallingford's Program Planner came to the ordinance committee and talked about perspective changes to the regulations. They worked with the Town Attorney's Office to make some changes. He spoke about a regulation change regarding who is required to receive notice, regarding additions to the definitions of what is a recyclable item, regarding the definition of a recycling facility.

Mr. Mantzaris said that the changes include the addition of junk mail, catalogues and magazines to items that should be recycled and #1 & #2 category plastic containers, and also that owners of residential properties that have three or more residences must provide bins for recycling for those tenants and that the property owner is responsible for disposal.

Mr. Farrell added that the State of Connecticut is going to be asking that every resident increase what we recycle in a very substantial way as Connecticut will be in a predicament if it does not increase the rate of recycling. He said the adopting the amendments to the recycling regulations supports what is coming from the State.

Mr. Mantzaris said that Mr. Roe informed him that the state is now going to require 57% recycling and that Wallingford is now recycling 26%.

Mayor Dickinson said that 57% is the proposed rate in the solid waste management plan that is being discussed by the Department of Environmental Protection. He said that there is a real crisis coming as there isn't the ability to handle the volume that is produced in Connecticut. The state's proposed requirement will drastically cut into the amount of solid waste and that this will require very significant change in the way people operate in regard to waste.

Mr. Knight made comments about recycling in other states and pointed to the variety and differences as to what can be and is being recycled. He said that the state of Maine recycles #4, #5 and #6 plastics as well as #1 and #2 plastics.

Mr. Testa asked if this is different than an ordinance in that it is a regulation.

Mayor Dickinson said that the ordinance provides for the adoption of regulations by simple motion, and this is a mechanism to avoid the need for a lot of details in an ordinance, and then having to amend the ordinance and wait 30 days.

Mr. Testa said that the way he reads the regulation is that all of the items listed *must* be recycled, and he doesn't think that people are aware of this and with the ordinance there are fines. It was determined that the reasoning between two family and three-family or more in the regulation is that it follows the other regulations and statutes that orient three-family and larger as business property where two-family does not necessarily fall into that category. Two-family dwelling residents must recycle whereas in the three-family scenario the landlord is responsible. Multi-family is typically three and up and that falls into a separate category for enforcement issues.

Mr. Knight asked if an announcement regarding the expansion of recyclables could be included with a P.U.C. mailing.

Ms. Zaback addressed the publicity regarding the changes. She said that personal letters to owners of multi-family housing, fliers, and press releases were being discussed and that as part of the five towns in the project that the Wallingford project recycle items will be publicized in each of the towns. Mr. Gessert said that P.U.C. sends out a quarterly newsletter, and this information could possibly be included in the newsletter. He also mentioned the possibility of bill stuffers.

Mr. Testa suggested the use of the Town's website as people can have it, and to also post it on television.

MOTION

Mr. Farrell made a motion to adopt the amendments to the Recycling Regulations as presented. Ms. Rascati seconded the motion.

There was discussion with the public regarding regulation compliance, enforcement, enforcement procedures, enforcement responsibility, and fines.

Mr. Mantzaris said that the Mayor appoints the Agent who is the Program Planner to enforce the regulations. The ordinance changes provide for a hearing procedure, set out fines for recyclers or people in the business that are more substantial than for property owners, including a loss of license for several days. Enforcement has been beefed up from what it was in the original ordinance. The Program Planner initiates his own investigation. Cooperation from residents brings some compliance. It was pointed out that there also has been cooperation with the haulers. The primary enforcement with the haulers right now is at the plant.

Comments were made about disposal of plastic shopping bags, large plastic containers and deposits on beverage bottles.

In response to the calculation of the 26%, Ms. Zaback said that 26% represents residential and commercial and is calculated by totaling all of the municipal solid waste and the recyclables, which include compost items such as leaves and brush. That total is divided into the amount that is recycled. She said that they receive reports from the haulers and from the town recycling center. Mayor Dickinson added that it's 26% of the total volume of the solid waste that is recycled, and the state is going to be asking for 58% to be recycled.

Mr. Zandri said that we have a CRRA tonnage requirement and asked how is recycling going to effect that. Mayor Dickinson said that minimum tonnage has never been a problem with the existing contract and that we are well above minimum tonnage, and that it's anticipated that the recycling side of it will not produce problems. The 58% requirement is by year 2024 which is a phased-in program. New contracts for solid waste will have to address that.

ROLL CALL VOTE:

Brodinsky- yes; DiNatale – yes; Doherty – yes; Farrell – yes; Knight – yes; Papale – yes; Rascati – yes; Mr. Testa – yes. Mr. Parisi was absent from the meeting.
8 yes; 0 no; 1 absent

The motion passed, and the amendments were adopted.

Appendix I.

6. Conduct a Public Hearing at 7:00 PM to amend Ordinance # 438 "An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Ms. Rascati read the item to amend Ordinance # 438 "An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures of the Code of the Town of Wallingford as presented by Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

In attendance:

David Gessert, P.U.C. Chairman
George Adair, Director, Public Utilities
Tom Sullivan, Business Manger, Electric Division
Rick Hendershot, General Manager, Electric Division
Robert Beaumont, P.U.C. Commissioner
Richard Nunn, P.U.C. Commissioner

Mr. Farrell said the town has regulated the contribution of the Electric Division to the general government side by Ordinance. He said that they were approached by the P.U.C. because of all the changes in the electric industry.

He said that in essence the ordinance needs to be changed, and he read from Section 3 Item E. that the Council needs to focus on in Ordinance 104, "An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures," as amended by Ordinance No. 170 and as further amended by Ordinance No. 438, is here by repealed and the following "Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures" is submitted in lieu thereof.

"Section 3 Item E – An amount from the General Fund of the Town (of Wallingford) not to exceed the product of the Electric Division's electrical energy sales, expressed as megawatthours (MWh) for the most recently completed fiscal year multiplied by \$3.14 per MWh. A MWh is equal to 1,000 kilowatt-hours (1,000 KWh)." He said that previously been defined by a percentage of gross sales. He asked the P.U.C. why the percentage of gross sales no longer works and why the new definition that the Ordinance Committee has drafted with the P.U.C. is necessary at this time.

David Gessert, P.U.C. Chairman, (using projected slides) said that in the past the Electric Division contributed 45% of net income to the Capital and Non-Recurring Fund but that is years past it was changed to 4.5% of gross sales. He said that at that time there was stability and prices were rising by a modest amount year by year, and it provided for good financial planning for the Town of Wallingford. Recently, however, the change in oil prices has had a direct impact on electric prices and skyrocketing purchase power costs, so now if you take 4.5% of a figure that is skyrocketing, it changes the general fund, the contribution. He said that P.U.C. is also looking at a forecasted rise of 69% in electric costs in the next several years. Considering all of this the P.U.C. came up with a formula so that the Town of Wallingford receives a consistent contribution that is dependable and that doesn't further burden the Electric Division customers. One slide showed contributions beginning with 1980, and it demonstrated escalation over the years to the point at 2005 and 2006, it was \$2 million, and the proposed base, using the new calculation of \$3.14, brings it to about \$2 million per year. This was compared to using 4.5% where the number would skyrocket. This formula is based on usage not on the price of oil.

George Adair, Director, Public Utilities, (using projected slides) said that their goal was to pursue a stable contribution level for the town and avoid an additional burden to the electric customers. He said they decided to set the base year at the one we are currently in because it is a number that they are already seeing, and because they are in a 25-year historical high. He said on that basis they worked with a multiplier for this base year using the volume of sales and megawatt hours would be produced this base year amount

of just under \$2 million. He showed how that compared with the current method. He said in summary that the recommended approach produces a far more stable stream of revenue and one that is easier to plan for on the parts of the town and the Electric Division. Variables include weather and customer gain or loss in terms of sales. However, the current method has the added volatility of applying to those variables, the issue of purchased power costs, which is a very volatile issue driven by the price of natural gas.

Vice Chairman Knight opened the Public Hearing at 7:25 P.M.

Wes Lube, 15 Montowese Trail, asked about increases in rate and volume.

Mr. Gessert said that they are talking about increase in revenue not in public power costs. It is an increase in the contribution if using the gross revenue 4.5% figure.

Mr. Adair said it would reflect additional increases and the contribution level this year was set based on sales dollars two years ago, so there is a two-year lag here. Overall, based on what is expected in the marketplace, they put together a forecast for this fiscal year, and it was in anticipation that there would be continued rise of power costs. More increases are on the way – additional costs imposed by ISO New England for paying for capacity encouraging generators to build plants to support system peak load requirements, also due to natural gas prices, some of the long term contracts will expire and then higher prices for energy. Long range there is the expectation of substantial increases for purchased power costs.

Mayor Dickinson said it is not being said that the rates are going up 69% but due to the increase in the cost of electricity, increase in the gross sales, the amount that the town would receive, given the current 4.5% of gross revenue, reflects money coming to the town (*as illustrated in the slides on view*).

Mr. Adair said that the contribution to the town, based on the higher revenues we are producing today at the much higher prices than were around two years ago, will be felt out two years hence. He said the 2008-09 contribution was based on the forecasted revenues for the year that we are in right now.

Mayor Dickinson said that if the ordinance is not passed then the additional would have to be collected by the utility from us, the rate payers. We shouldn't collect that and with the change in the ordinance, we won't collect that, and it saves everyone.

Mr. Gessert said we are looking at a 69% increase in the contribution if you continue to use the 4.5% of gross sales formula, and that is not saying that the rates are going up 69%.

Mr. Adair said that we have already experienced the bulk of that increase is what we are saying. The year that we are in now is producing those revenues. We are 50% plus higher than we were three years ago, so we are already experiencing this much higher

cost for electricity but the lowest rates of all in the State of Connecticut. He said that rates would remain stable through June, and then an expected increase of a forecasted amount of approximately 10%.

Geno Zandri, 9 Balsam Ridge Circle, asked if the usage fluctuation over the last several years.

Mr. Adair used a chart that illustrated that the trend has gone up.

Mayor Dickinson said the blue column represents what is being proposed with the new ordinance, and the red column illustrates what happens if the ordinance stays the way it is with the current formula. The whole point is to not have rate payers paying large amounts of money. He said that this is an effort to control and reduce what will be increases in the electric prices just to keep up with what is going to happen if we stay with the existing ordinance.

Geno Zandri, 9 Balsam Ridge Circle, talked about trying to stabilize income to the town in regard to the variable kilowatt hours consumed and how that will affect the contribution to the town.

Vice Chairman Knight closed the Public Hearing at 7:42 P.M.

MOTION

Mr. Farrell made a motion to adopt the Ordinance as presented. Ms. Papale seconded.

Mr. Brodinsky asked about transition roles if the ordinance is passed and asked what the megawatt hours number is that is being used with the new formula of \$3.14.

Mr. Adair said the contribution to the town with the new formula presented in the ordinance will be \$2,071,067 for the next budget.

Mr. Brodinsky and Mr. Adair discussed projections for future budget years. It was understood that megawatt hour usage may go up or down in the forecasting. It was pointed out that there is historically growth each year. There was more discussion of the 69% increase.

Mayor Dickinson said that the discussion is about the contribution to the general fund and what will happen to the contribution to the general fund if we don't change the formula. He said that the contribution to the general fund will go up 67%. He said that is what this discussion is about, and there is no relevance to what's happening with rates.

Mr. Gessert addressed the concern about rates and stated that they are working with CMEEC to get power at the lowest possible price and to pass along the savings to customers; there is a major energy conservation program going for residential customers as well as commercial and industrial customers to help them to keep their cost down; and there is major work going on at the Pierce Power Plant to keep future energy costs down.

Mr. Nunn, P.U.C. Commissioner said that this change also addresses the drop in the reserves from \$20 million to \$5 million.

Mr. Testa referred to the initial presentation in regard to the formula that is now in place in that it was in part due to the concern that there could be years when they couldn't give funds to the town, if they didn't make any money, but the chart shows that type of situation never occurred. He asked if they had looked at the old income approach and how it would have looked over time if it remained in place and how an income based formula might look in the future based on their current projections. Mr. Gessert talked about net income over the years showing that they spent more than they took in for some years, which were offset from their reserves. Mr. Testa, talking about current conditions in the market, said that seems to indicate it would not be a good idea to go back to an income method. He asked about contributions to the town and that his assumption is this formula and the philosophy seems to be that *that* profit margin should remain fairly constant to enable you to only have to increase rates relative to how much the cost goes up, and Mr. Adair said yes, and pointed out the slide that showed the draw down in the cash reserves from about \$20 million in 2002 to about \$5 million as compared the target for reserves of \$10 million as a minimum according to their consultants on rates. He responded to setting a cap. He said they would hope and expect to see gradual growth over time but things can happen, and if there was a loss of a major customer, and a major downturn in revenue, the alternative, if there was a constant contribution level, would be to spread that out have the existing customers take up the slack. Mr. Gessert said that their job is to provide electricity and to provide the lowest possible rates, not to generate the most amount of profit. He said that the Electric Division contributes approximately four times the amount that taxes would represent if the Electric Division were owned by a private entity. The other benefit the town realizes is that the electricity consumed by town-owned buildings represents approximately \$850,000 per year.

Ms. Rascati asked, if the Electric Division were to get one or two large customers and sell more megawatt hours, would the contribution to the town also grow. Mr. Gessert spoke about new large customer possibilities such as Lowes, Mortgage Lenders, Polylok and the new hotel that is being planned, and that if those customers were on board, megawatt hour usage would increase, and therefore, the contribution to the town would also grow.

ROLL CALL VOTE:

Brodinsky- yes; DiNatale - yes; Doherty - yes; Farrell - yes; Knight - yes; Papale - yes; Rascati - yes; Mr. Testa - yes. Mr. Parisi was absent from the meeting.
8 yes; 0 no; 1 absent

The motion passed, and the amendments were adopted.

Appendix II.

7. Conduct a Public Hearing at 7:25pm to amend Chapter 190, *Solid Waste* of the Code of the Town of Wallingford- Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Mr. Farrell said that the existing ordinance, Chapter 190, that deals with solid waste, and as in the recycling regulations, the Ordinance Committee was approached about making some changes. He asked the Council's attention to Section 7 that deals with violations and penalties and warning notice. He said that this is the area where most of the changes to the ordinance are located. He said that the methodology for enforcing the ordinance would be by written warning, and then through subsequent monetary fines. He said that there is a hearing procedure that is a person who is aggrieved by a citation under the code feels it is unjust, there is a hearing officer who would hear their appeal, which follows our procedure on many other ordinances. It is largely an update of the existing ordinance to better delineate what the process is for enforcement and subsequent fining.

In attendance:

Doreen Zaback, Resource Recovery Project Coordinator for the Town of Wallingford
Henry McCully, Director, Public Works
Don Roe, Director, Program Planning

Doreen Zaback said that the changes are clear and that the violations are very clear and more enforceable than what the town had in the past.

Vice Chairman Knight opened the Public Hearing at 8:12 P.M.

Participating in the Public Hearing
A representative from A.J. Waste
Lucille Trzcinski, 25 Turnberry Road
Charlie Capinary, Cytec Corporation
John Letourneau, 3 Regent Court
Geno Zandri, 9 Balsam Ridge Circle

Concerns discussed included fines in regard to haulers in relation to CRRA and their customers and how that works, the fines process, who gets fined and under what circumstances, how violators are identified and how enforcement works, recycling locations for new inclusions to this list provided by the town or is it up to the hauler/generator to seek those locations out, sorting of waste to include the new items of catalogues and magazines, generators of the waste where violations may be occurring, #1 and #2 plastics, what is junk mail and what is included in the junk mail category and what is not, how will the public be informed, misuse of dumpsters by residents at business locations and enforcement, and about type of mail and type of paper.

Don Roe spoke about the re-organizing the recycling committee and that focus for the committee has been on the enforcement issue. He said that most of the interventions in the past were about education and persuasion. He said that this sets in place and provides

for a small fine for residents, and the enforcement falls with the Program Planning Department. He said that haulers have access to the recycling center on the commercial side where there is a tipping fee. He said that they can look at defining junk mail and that most confusion on the paper stream regards catalogues and whether they are considered a magazine or junk mail, and for most haulers that is all going to be collected together, and it's not a matter of separating. He said that there is not one standard of sorting from one hauler to the next. He said that the program right now for junk mail is catalogues and magazines, and it started at the recycling center in the last fall. Ms. Zaback said that at the recycling center there are bins for newspaper, junk mail and catalogues, and office white paper. Junk mail includes solicitations but does not include any envelopes that have foil on them or are plastic coating.

Vice Chairman Knight closed the Public Hearing at 8:30 P.M.

Mr. Farrell asked if the ordinance would need to be rewritten if recycling became single stream. Mr. Roe said that having recycling regulations facilitates ease of change, and should there be dramatic change in the marketplace, then yes, they would need to be rewritten. Mr. Farrell asked if single stream could become a reality. Mr. Roe said it is evolving and some Connecticut companies have the capabilities for single stream recycling. Mr. Farrell said that as he understands it that all people would need to do is remove food from their trash. Ms. Zaback said it would still include soiled papers. She said that single stream would not necessarily change the recycling regulations and that single stream is everything but newspaper and that everything goes in one bin but it wouldn't effect the list of items that goes in the bin. Mr. Farrell said it would eliminate the sorting and make it easier for people.

Ms. Papale asked who is the citation-hearing officer. Mr. Roe said that is all likelihood it would be someone from the Law Department, which is like we do under other ordinances, with Program Planning serving the citation.

Mr. Testa said that the hearing procedures allow for reasonable discussion and that if someone is cited that they are given an opportunity to present evidence. He asked if the spirit of this allows for that. Mayor Dickinson said that if the Resource Recovery inspector finds it, then it's a different process. It's a separate enforcement. The town does not inspect at the Resource Recovery. Mr. Roe gave a hauler example, which provides for the town to discuss but then to fine if the event repeats itself.

Mr. DiNatale asked what happens with a complaint about a business dumpster. Mr. Roe said that investigation happens and that the town is willing to work with the business person to find the source but also said that it is the responsibility of the dumpster owner.

MOTION

Mr. Farrell made a motion to adopt the amendments to the code as presented. Ms. Rascati seconded the motion.

ROLL CALL VOTE:

Brodinsky- yes; DiNatale – yes; Doherty – yes; Farrell – yes; Knight – yes; Papale – yes;
Rascati – yes; Mr. Testa – yes. Mr. Parisi was absent from the meeting.
8 yes; 0 no; 1 absent

The motion passed, and the amendments were adopted.

Appendix III.

- 9. Discussion and Possible Action regarding the Optasite LLC proposal to construct a telecommunications tower at 53 Mapleview Road – Chairman Robert F. Parisi

Withdrawn

- 10. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

Withdrawn

- 11. Executive Session pursuant to §1-200 (6)(B) regarding strategy and negotiations with respect to a claim filed by Robert and Diane Puszka – Town Attorney

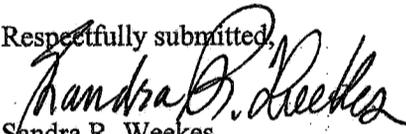
Withdrawn

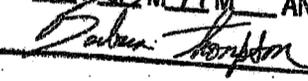
- 12. Motion to Consider and Approve a Settlement of a pending claim of Robert and Diane Puszka as discussed in Executive Session - Town Attorney

Withdrawn

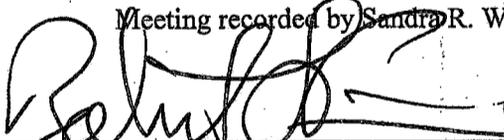
Mr. Farrell made a motion to adjourn. Ms. Doherty seconded. The meeting adjourned at 8:49 P.M.

Respectfully submitted,

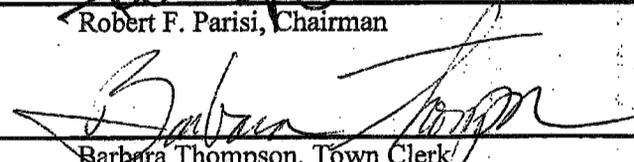

Sandra R. Weekes
Town Council Secretary

RECEIVED FOR RECORD 2-2-07
AT 10:05 AM AND RECORDED
 TOWN CLERK

Meeting recorded by Sandra R. Weekes


Robert F. Parisi, Chairman

2-13-07
Date


Barbara Thompson, Town Clerk

2-13-07
Date

APPENDIX I.

ORDINANCE NO. _____

8.

REV. 11/16/06

AMENDMENT TO RECYCLING REGULATIONS

BE IT RESOLVED BY THE TOWN COUNCIL IN SESSION:

That the Recycling Regulations approved by resolution of the Town Council on October 23, 1990, are hereby repealed and the following Recycling Regulations are substituted in lieu thereof.

SECTION 1.

The Town Council, pursuant to the authority of §22a-220 of the Connecticut General Statutes and the Solid Waste Ordinance of the Town of Wallingford, hereby adopts the following regulations for the separation, collection, processing and marketing of items generated within the boundaries of the Town of Wallingford as solid waste designated for recycling.

SECTION 2. DEFINITIONS.

AGENT means the person appointed by the Mayor designated to enforce the recycling regulations and to notify collectors registered to haul solid waste of the provisions for the collection, processing and marketing of items mandated to be recycled and the person designated to receive the required notice from collectors who have reason to believe that a person from whom they collect solid waste has discarded recyclable items with such waste.

COLLECTOR means a person engaged in the business of collecting and/or removing solid waste generated within the Town of Wallingford except that the Department of Public Works shall not be considered a collector.

MATERIAL DESIGNATED FOR RECYCLING (RECYCLABLE ITEMS) means Corrugated cardboard, glass food and beverage containers, newspapers, junk mail, catalogs, magazines, lead-acid storage batteries, office paper, scrap metal, leaves, waste oil and plastic containers marked 1 or 2 within the triangular recycling symbol except those which have contained automotive fluids, such as motor oil, transmission fluid or anti-freeze. Deposit containers may be included as recyclable items at the option of the owner.

PERSON means any individual, corporation, association, partnership or other legal entity.

ORDINANCE NO. _____

RECYCLER means a person engaged in the business of recycling.

RECYCLING FACILITY means land and appurtenances thereon where recycling is conducted.

RESIDENT means an individual living in the Town of Wallingford.

SOLID WASTE means unwanted or discarded solid, liquid, semisolid or contained gaseous material as more specifically illustrated in §22a-207(3) of the Connecticut General Statutes.

TOWN means the Town of Wallingford.

SECTION 3. RULES; PROCEDURE.

A. Each person living or with a place of business in the Town shall separate from solid waste all material designated for recycling (recyclable items) and cause same to be recycled except for such items as are toxic or otherwise contaminated.

B. Residents may either place their recyclable items out at curbside for pick up by a collector or deliver them to the Town recycling facility.

(1) Lead-acid batteries, scrap metal and waste oil, however, shall only be taken to locations designated by the Agent.

(2) Leaf pick up shall be on such dates as may be designated by the Town Public Works Department. The leaves must be placed at curbside in paper bags designed for containment of yard waste.

C. Collectors shall notify their customers of the days and places for collection of recyclable items. Residents who elect to have their recyclable items picked up by a collector shall place such items at the location and on the days as, within reason, is requested by the collector.

D. The owner of any residential property containing three (3) or more dwelling units shall provide on-site bins or other containers for use by the residents of such units for the placement of their recyclable items and shall be responsible for disposal of same.

E. Collectors shall pick up or cause to be picked up all recyclable items and shall not mix such items with other solid waste.

F. Any fee charged for the depositing or drop off of recyclable items at any location shall be paid by the collector depositing such items or by the person depositing such items from a business.

ORDINANCE NO. _____

G. No person, except a recycler, shall take any recyclable items which have been placed for pick up or collection .

H. Non-profit organizations are authorized to collect and sell recyclable items for purposes of their organization, but must submit a written report to the agent specifying the volume by weight of such items collected and recycled.

I. The owner or operator of any recycling facility situated in the Town shall report the total volume, by weight, of recyclable items received during any calendar quarter to the agent on or before the last day of the month next following. Each person delivering recyclable items to a recycling facility other than to the Town recycling facility shall report such volume to the facility and shall notify the agent of the name and address of the facility.

J. Any collector who has reason to believe that a person from whom he, she or it collects solid waste is regularly discarding recyclable items with other solid waste shall promptly notify the agent. *Upon such notification, the agent will conduct his own investigation and any prosecution for violation of those regulations shall be at the instance of the agent.*

K. Copies of these regulations shall be available at the Town Clerk's Office and the Town Public Works Department.

I HEREBY CERTIFY that this Amendment to the Code was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 2006, in accordance with the provisions of the Charter of the Town of Wallingford.

BARBARA THOMPSON
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____

APPENDIX II.

6.

ORDINANCE NO. _____

ORDINANCE TO PROVIDE A RESERVE FUND FOR CAPITAL AND NON-RECURRING EXPENDITURES

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Ordinance No. 104, "An Ordinance To Provide a Reserve Fund for Capital and Non-Recurring Expenditures", as amended by Ordinance No. 170 and as further amended by Ordinance No. 438, is hereby repealed and the following "Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures" is substituted in lieu thereof.

~~WHEREAS, it is deemed in the best interests of the Town of Wallingford to create a reserve fund for capital and non-recurring expenditures as contemplated by Section 4 of Chapter XV of the Town Charter;~~

~~WHEREAS, it is deemed advisable to make use of a certain portion of the earnings of the Electric Division of the Town of Wallingford for the payment of capital improvements;~~

~~WHEREAS, the General Statutes of the State of Connecticut, Chapter 108, authorizes and provides the mechanics for setting up and administering a municipal reserve fund;~~

~~NOW THEREFORE, Be it enacted by the Town Council of the Town Council of the Town of Wallingford as follows:~~

Section 1. Definitions.

CHARTER – Charter of the Town of Wallingford.

ELECTRIC DIVISION – Electric Division of the Department of Public Utilities.

FUND – Reserve Fund for Capital and Non-Recurring Expenditures.

GENERAL STATUTES – Connecticut General Statutes.

MAYOR – Mayor of the Town of Wallingford.

TOWN – Town of Wallingford.

TOWN COUNCIL – Town Council of the Town of Wallingford

Section 2. Purpose.

Pursuant to the provisions of Chapter 108, *Municipal Reserve Fund*, of the General Statutes of the State of Connecticut, Revision of 1958, there is hereby created a Reserve Fund for Capital and Non-Recurring Expenditures to aid in the financing of capital improvements in the Town of Wallingford. It is the objective of this fund to provide the financing of necessary capital improvements in the Town of Wallingford, including, but not limited to, school building

construction, other municipal buildings, highways and sewer systems. It is intended that this fund not be used for municipal expenditures of a recurring nature, but limited to the purposes provided for under ~~said Chapter 108 of the General Statutes of the State of Connecticut, 1958 Revision, and Chapter XIII XV, Section 3(d) of the Charter of the Town of Wallingford~~, that is for capital improvements only.

Section 3. Procedure; Formula.

Upon recommendation of the Mayor, the Council may in each year direct payment into ~~said Reserve~~ *the Fund for Capital and Non-Recurring Expenditures* of monies from any of the following sources:

- A. Amounts authorized to be transferred thereto from the General Fund cash surplus available at the end of any fiscal year.
- B. Amounts raised by the annual levy of a tax not exceeding two mills for the benefit of such fund.
- C. Surplus cash funds already held in reserve and available for such capital or non-recurring expenditures as are contemplated by the terms of §7-364 of the General Statutes and ~~Article IV Section V~~ of this ordinance.
- D. An amount from the General Fund of the Town not to exceed two mills on the Grand List of the Town for the year in question.
- E. An amount from the General Fund of the Town not to exceed 4.5% of the gross sales revenue of the Electric Division of the Department of Public Utilities as reported in the most recently audited fiscal year ~~the product of the Electric Division's electrical energy sales, expressed as megawatthours (MWh), for the most recently completed fiscal year multiplied by \$3.14 per MWh. A MWh is equal to 1,000 kilowatt-hours (1,000 KWh).~~
- F. The proceeds of any bond issue sold to finance any portion of the Town's capital improvement program, except school construction.
- G. State grants in aid of school building projects made to the Town with respect to school building projects financed from the Fund.
- H. Interest, dividends and other monies earned from the investment of said Fund.

Section 4. Management of Fund.

~~Said~~ *The Fund shall be administered consistent with Chapters VII, "Department of Finance", and XIII Chapter XV, Finance and Taxation", of the Charter of the Town of Wallingford and as provided in §7-361 of the General Statutes and shall be invested in accordance with pursuant to the provisions of §7-362 of the General Statutes, Revision of 1958.*

Section 5. Use of Fund.

Monies shall be appropriated from said *the* Fund as the needs of the Town demand, consistent with *the provisions of said* Chapter 108 of the General Statutes, Revision of 1958, and *said* Section 3(d) and Section 4 of Chapter XIII XV of the Charter of the Town of Wallingford, to pay the cost of the capital improvement plan for each respective fiscal year, which appropriation shall, so far as possible, coincide with the appropriation of the annual capital budget, provided, however, that the portion of the fund which consists of the principal received from the sale of bonds shall not in any event be appropriated for the building of schools, and provided further that any unexpended appropriation may be continued until the project for which the appropriation was made is completed. Monies may also be appropriated from the Fund for the payment of the interest and principal on any bond issue or note issue, or interest on bond anticipation notes, the proceeds of which have been paid into the Fund. Any unexpected portion of any such appropriation remaining after completion of the particular project shall revert to the Fund.

v.

~~— An Ordinance Creating A Reserve Fund for Capital and Non-Recurring Expenditures (File #61), enacted by the Town Council of the Town of Wallingford on March 31, 1964, is hereby repealed.~~

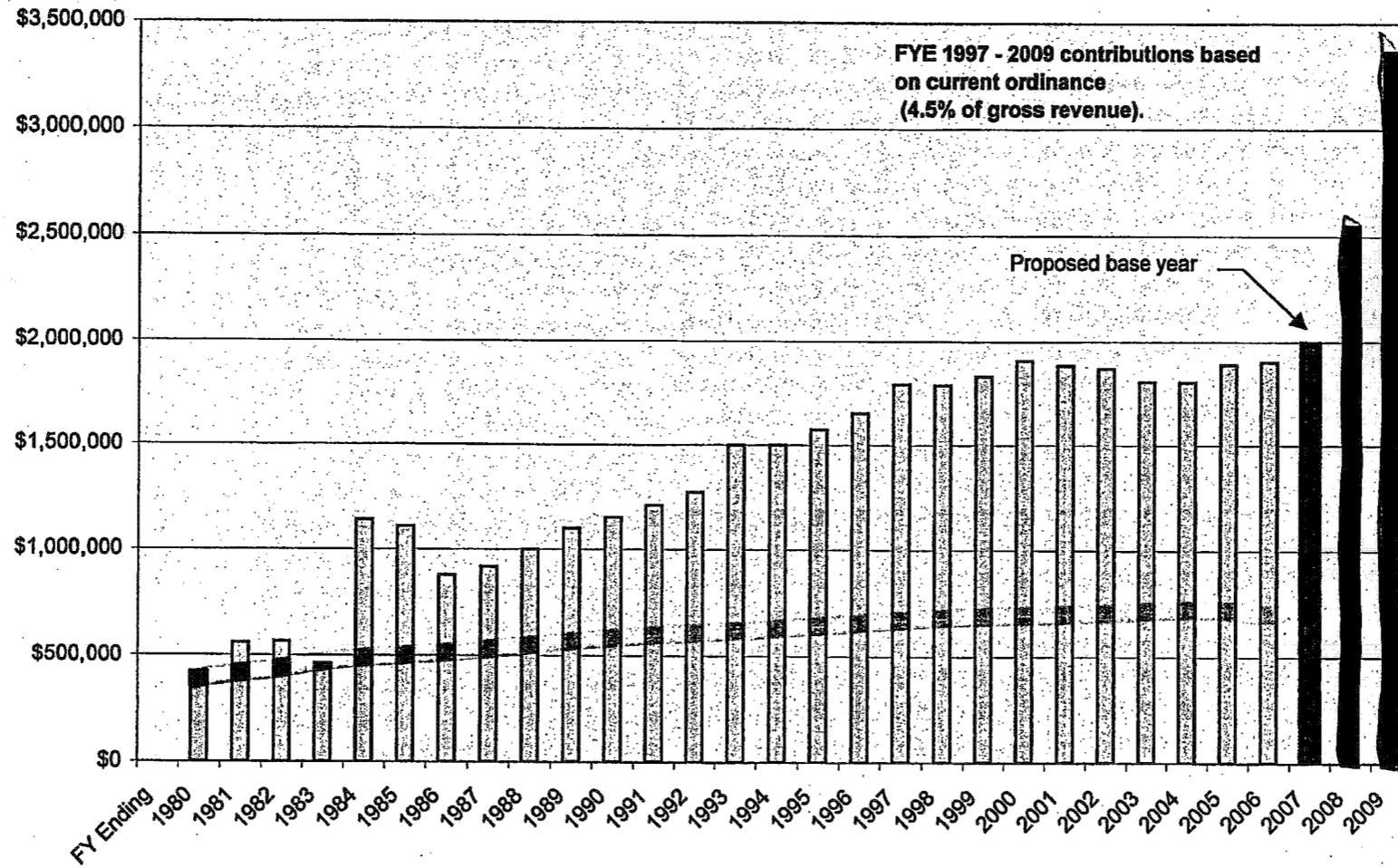
I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 2006 in accordance with the provisions of the Charter of the Town of Wallingford.

BARBARA THOMPSON, Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

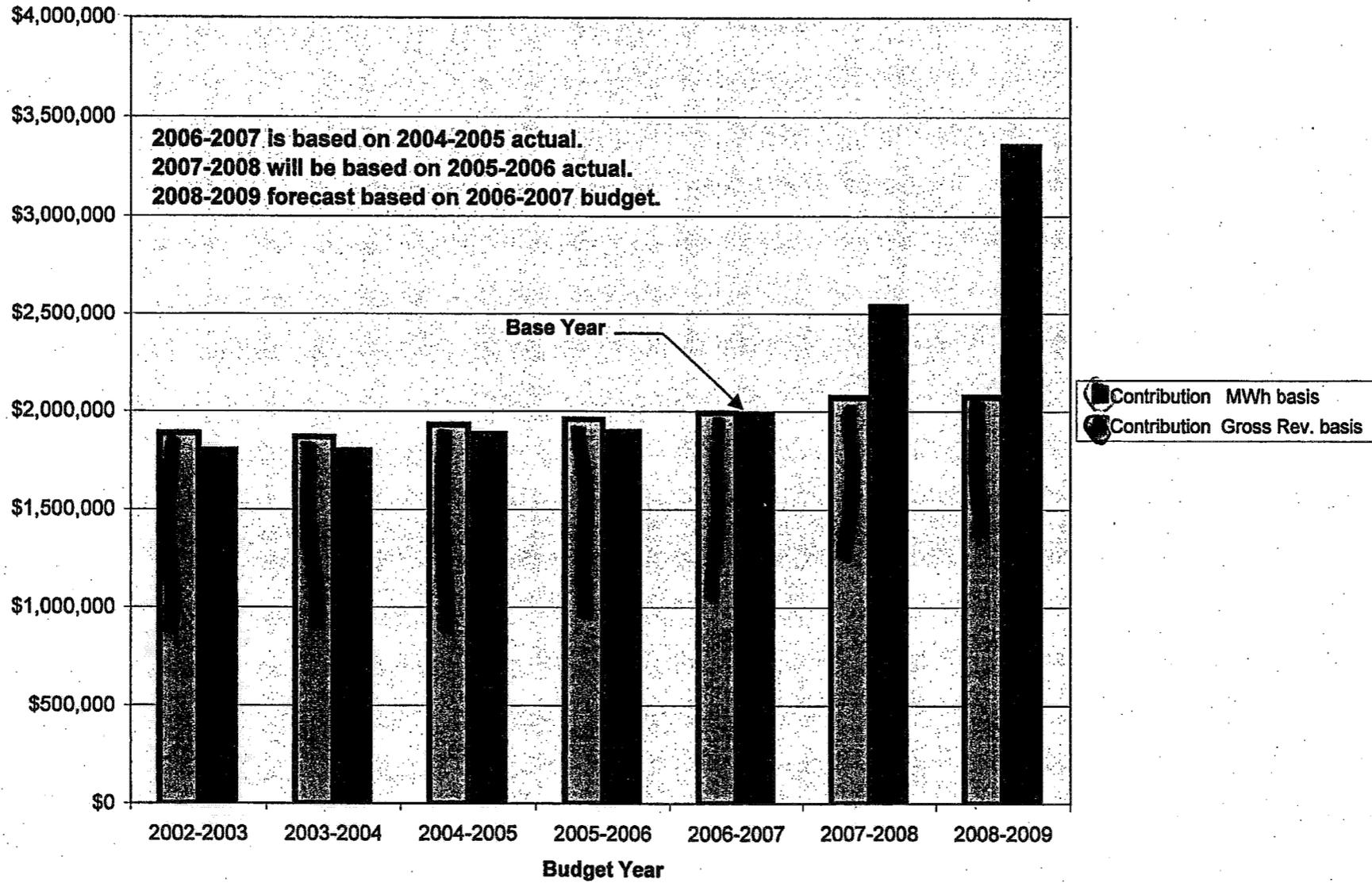
DATE: _____

Electric Division Contribution to Town

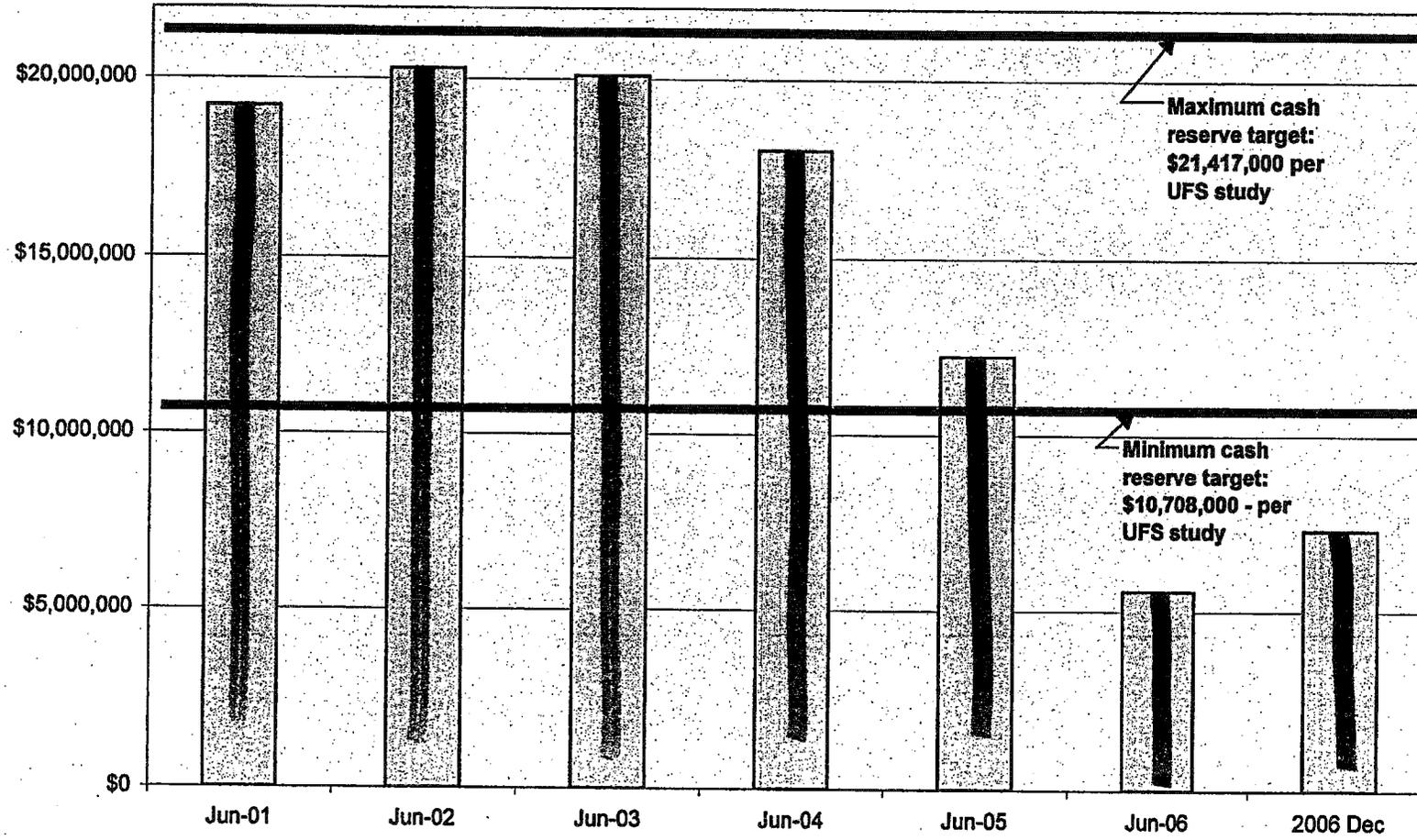


JAN 30 2007
 TOWN COUNCIL OFFICE

Electric Division Contributions to General Fund Current and Proposed Methods



Electric Division Cash Reserves



Wallingford Electric Division



Contribution to General Fund Proposed Revisions

Methodology:

- 1. Use energy sales as basis for calculation.**
- 2. Set multiplier with 2006-2007 FY as base year
(Target contribution: \$1,991,177).**
- 3. Multiplier: \$3.14 per 1,000 kWh (MWh)**



Contribution to General Fund Proposed Revisions

Objectives:

- 1. Provide stable contribution level.**
- 2. Avoid added burden on electric customers due to skyrocketing purchased power costs.**
- 3. Set starting point at 2006-2007 FY levels (25-year historical high).**

Wallingford Electric Division



Contribution to General Fund Problems with Current Method

- 1. Subject to impact of skyrocketing purchased power costs.**
- 2. Forecasted rise of 69% over next two years.**
- 3. Undue burden on electric customers.**

APPENDIX III,

7.

ORDINANCE NO. _____

REV. 8/10/06

AMENDMENT TO CHAPTER 190 OF THE CODE

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Chapter 190, "SOLID WASTE", of the Code of the Town of Wallingford is hereby repealed and the following Chapter 190, "SOLID WASTE", is substituted in lieu thereof.

§190-1. PURPOSE.

Pursuant to the authority of §22a-220 of the General Statutes, the Town of Wallingford, through the adoption of this ordinance, hereby makes provision for the safe and sanitary disposal of all solid wastes which are generated within its boundaries.

§190-2. DEFINITIONS.

APPROVED PRIVATE CONTAINER means a watertight, vermin-proof metal or plastic receptacle, with a tight fitting lid, of not over (30) gallon capacity, except that commercial collectors may provide for a larger covered container designed to be emptied into a refuse truck. Approved Private Container also means a watertight, plastic bag of not over (30) gallon capacity which is tied off and a paper bag used for the disposal of leaves.

BULK CONTAINER means any metal, or other structurally sound material, garbage, rubbish and/or refuse container which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.

COLLECTOR means any person who holds himself out for hire to collect solid waste from residential, commercial, industrial or other establishments. Person includes firms, partnerships, associations and corporations.

CRRA means the Connecticut Resources Recovery Authority established pursuant to §22a-261 of the General Statutes.

DIRECTOR means the Director of the Department of Public Works.

GARBAGE means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

RECYCLABLE MATERIALS means any solid waste items designated by the Department of Environmental Protection that are required to be recycled pursuant to §22a-241b of the General Statutes.

ORDINANCE NO. _____

REFUSE means putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, yard clippings, leaves, abandoned automobiles, shopping carts, solid market (waste resulting from handling, storing and selling of food) and industrial wastes, but shall not include properly maintained compost.

RUBBISH means nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, wood, glass, bedding, crockery and similar materials, but shall not include properly maintained compost.

SOLID WASTE means unwanted or discarded solid, liquid, semisolid or contained gaseous material as more specifically illustrated in §22a-207(3) of the Connecticut General Statutes.

§190-3. STORAGE OF REFUSE.

A. All refuse shall be stored in the rear of premises or other suitable location approved by the Director and shall be kept in approved private containers or bulk containers sufficient for receiving and holding such refuse during the intervals between collections.

B. Refuse containers shall be maintained in a clean and sanitary condition; shall be watertight, rodent proof, insect proof, structurally strong and sound; and shall not allow leakage of their contents.

C. Garbage shall not be stored by any person for more than seven (7) days. All other refuse shall not be stored for more than thirty (30) days.

D. Any uncontainerized accumulation of refuse for any length of time and/or any containerized accumulation of refuse for more than the time limited by this Section is hereby declared a nuisance and is prohibited. Failure to remove any such accumulation of refuse shall be deemed a violation of this ordinance.

§190-4 REFUSE DISPOSAL.

A. Every person residing or having a place of business in the Town of Wallingford shall be responsible for the removal of his refuse to a lawful place either by himself or by a lawful collector.

ORDINANCE NO. _____

B. Refuse shall be disposed of at regular and frequent intervals, but no less frequently than within the time periods prescribed by §3-C of this ordinance.

C. The transportation of refuse by any person not a collector shall be subject to the provisions of §5-E of this ordinance.

§190-5. COLLECTION PERMIT; FEES; VEHICLES.

A. Any person in the business of collecting, hauling *er and* transporting garbage, refuse, rubbish or recyclable solid waste within the Town of Wallingford shall register with the Director and permit each vehicle used for such purpose.

B. Collection permits shall be valid for one (1) calendar year from June 30 and shall expire on June 29 of the year following. ~~All currently permitted Collectors are hereby granted a temporary one-time permit to continue their operations from April 15, 2004 to June 29, 2004.~~

C. All permits shall be issued by mail and the information required by the Director for the issuance of permits is as follows:

1. Valid Connecticut motor vehicle registration for each vehicle for which a permit is sought;
2. The CRRRA Wallingford Facility Authorization Letter;
3. The CRRRA Permit Listing By Customer; and
4. The required permit fee.

D. The required permit fee shall be published in a fee schedule set by resolution of the Town Council. No proration of the permit fee shall be allowed for late registration.

E. All vehicles permitted to collect and transport refuse shall be maintained in good and sanitary condition and shall be constructed and/or equipped so as to prevent the loss of refuse, including liquid waste, when in use, provided, however, that when any such vehicles are being used solely to collect and transport rubbish, they shall not be required to be constructed and/or equipped to prevent the escape of liquid waste.

~~§190-6. REVOCATION OR SUSPENSION OF PERMIT.~~

~~A. The failure of any Collector to comply with the provisions of this ordinance shall be grounds for the revocation or suspension of any permit issued hereunder.~~

~~B. The Director shall give written notice of any violation to the Collector setting~~

ORDINANCE NO. _____

~~forth the specific violation and the period of time within which such violation must be corrected.~~

~~C. Revocation or suspension shall become effective five (5) calendar days after the receipt of written notice from the Director. Any such notice shall be by certified mail or by service by a Connecticut Marshal and shall include information on how the Collector may petition for review of the Director's action.~~

~~D. If the Collector objects to the Director's action to revoke and suspend his permit, he may, within ten (10) calendar days of receipt of the notice of said action, file a written request for review of such action addressed to the Citation Hearing Officer, Room 308, Town Hall, 45 South Main Street, Wallingford, CT 06492, setting forth his reasons for questioning the action to revoke or suspend the permit involved.~~

§190-76. RECYCLING SOLID WASTE REQUIRED.

A. In conformance with §22a-241b and 22a-220(f) of the General Statutes, each person who generates solid waste within the boundaries of the Town of Wallingford shall separate recyclable materials from other solid waste.

B. The Mayor, subject to the approval of the Town Council, shall prepare regulations to implement the requirements of §22a-220 of the General Statutes.

C. In conformance with §22a-220c, Collectors shall make provision for the separate collection of materials designated for recycling in accordance with §22a-241b of the General Statutes and with the regulations prepared by the Mayor and approved by the Town Council

§190-87. VIOLATION AND PENALTIES; WARNING NOTICE

A. Any person who violates this ordinance ~~shall be guilty of an infraction and shall be fined \$90.00.~~ *or any regulations adopted hereunder for the first time shall be given written notice outlining the specific condition deemed to be in violation, the action necessary to correct the violation and that for a second offense, a monetary fine will be imposed. If the person who violates is a collector or recycler, then the notice should indicate that any violation beyond the second will result in suspension of the permit.*

(1) The notice shall also include a statement that if a citation levying a fine is served, the person may contest his liability before a citation hearing officer by written notice within 10 days of the date of the citation and that if no hearing is requested, an assessment and judgment shall be entered against him without further notice.

ORDINANCE NO. _____

B. For a second and subsequent violations, the following monetary penalties shall be imposed by service of a citation:

(1) By residential homeowners and apartment dwellers, a fine in the amount of \$25.00 and for all subsequent violations, a fine in the amount of \$50.00.

(2) By owners or lessees of a business, not a collector or recycler, who deposit recyclable items from their business, a fine in the amount of \$25.00 and for all subsequent offenses, a fine in the amount of \$100.00.

(3) By collectors and recyclers, a fine in the amount of \$100.00 and for any subsequent offense, suspension of their permit for a period of seven (7) days. In the event a suspension of a collector's or recycler's permit is mandated hereunder, then any such collector or recycler may contest his liability before the citation hearing officer by written notice within 10 days of the date of the notification that his permit will be suspended.

C. Hearing procedure for citations and suspension of permits:

1. Any person served a citation for violation of this ordinance or of any regulations adopted hereunder may appeal the citation within 10 days of the date of the citation on a citation appeals form available in the office of the Town Clerk, 45 South Main Street, Wallingford, Connecticut. Any collector or recycler given notice that his permit will be suspended may appeal the notice of suspension within the time limited and on the form prescribed for appeals of citations.

2. The Citation Hearing Officer appointed by the Mayor shall follow the hearing procedure set forth in §7-152c of the Connecticut General Statutes except as modified herein.

3. Any person who requests a hearing shall be given written notice of the date, time and place of the hearing.

4. The Hearing Officer may consider any documentary evidence on behalf of the Town and on behalf of the person contesting his liability or notice of suspension and shall render his decision at the close of the hearing.

5. If the Hearing Officer determines the person is not liable for the violation, he shall dismiss the citation or, in the appropriate case, deny suspension of the collector's or recycler's permit. If he determines the person is liable for the violation, he shall enter and assess the fine or, in the appropriate case, sustain the suspension of the permit.

ORDINANCE NO. _____

6. A person against whom an assessment has been noticed may file an appeal in the form of a petition to reopen the assessment with the Superior Court for the Judicial District of New Haven at Meriden within 30 days of the mailing or service of the assessment. A collector or recycler against whom a suspension of their permit has been upheld may file an appeal to the same Superior Court in Meriden within 30 days of the mailing or service of the hearing officer's decision.

I HEREBY CERTIFY that this Amendment to the Code was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 2006, in accordance with the provisions of the Charter of the Town of Wallingford.

BARBARA THOMPSON
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____