



STATE OF CONNECTICUT

BOARD OF TRUSTEES
FOR THE STATE COLLEGES

P. O. Box 2008 NEW BRITAIN, CONNECTICUT 06050
TEL. NEW BRITAIN: 203-229-1607 TEL. HARTFORD: 203-566-7373

Rescinded
See 83-24

RESOLUTION

Concerning

SCHEDULE OF USER FEES FOR WEATHER INFORMATION
AND FORECASTING SERVICES

at

Western Connecticut State College

July 17, 1981

- WHEREAS, By Resolution #81-28, dated February 6, 1981, the Board of Trustees established a Weather Center at Western Connecticut State College, and
- WHEREAS, Information and forecasts resulting from the operation of the Weather Center are available to various commercial enterprises, to radio and television stations and to public agencies, which entities can be expected to support financially the costs of operation and maintenance of the Center through the payment of user fees, be it
- RESOLVED, That Western Connecticut State College is authorized to charge user fees for services offered by the Weather Center and that, subject to the approval of the Board of Higher Education, such fees shall be as stated in the addendum to this resolution, and be it
- RESOLVED, That all proceeds from such user fees shall be expended only for the operation and maintenance of the Weather Center.

A Certified True Copy:

James A. Frost

James A. Frost
Executive Director

SCHEDULE OF USER FEES
for the
WEATHER CENTER
at
WESTERN CONNECTICUT STATE COLLEGE

FULL COMPREHENSIVE WEATHER SERVICE:

A custom designed weather service that provides daily in-depth weather forecasting and, in cases of severe weather, current continuous updating.

Personalized access, via telephones, telecopier, telex, or a combination of these media, to the meteorologist. Limited to persons directly concerned with operations, site services and/or employee information needs.

Minimum Period One Year.....\$200.00 Weekly

LIMITED CUSTOM WEATHER SERVICE:

A weather service offering the same as the full weather service, except inquiries limited up to 50 per year.

Minimum Period One Year.....\$75.00 Weekly

LOCAL AREA FLIGHT INFORMATION (120 mile radius):

General weather flight information, current information and flight forecasts, hard copy of local area radar map, hard copy of regional weather maps indicating wind velocity and icing conditions. All facets of flight weather information are updated four times daily.

Customized flight weather information per annum contract.

Minimum Period One Year.....\$100.00 Weekly

Per inquiry on non-contract flight weather information service.....\$5.00

RADIO WEATHER UPDATES:

Weather feeds during regular business hours Monday through Friday, twice on Saturdays and Sundays, per feed.....\$1.00

LOCAL TELEVISION WEATHERCASTS:

On-air presentations by Meteorologist, per telecast.....\$50.00

WEATHER TELEPHONE (24-hours):

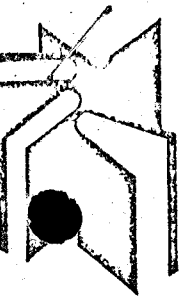
Full sponsorship, two telephones updated four times daily, with more frequent updates as required by conditions.

Partial sponsorship also available, per week.....\$150.00

HISTORICAL WEATHER INFORMATION:

Local climatological reports for attorneys, medical profession, insurance companies, construction companies, etc. Hourly rate.....\$50.00

Monthly weather summaries, per annum.....\$120.00



THE
CONNECTICUT
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COLLEGES

FOUNDED 1849

Executive Officer for
Finance and Management

P.O. BOX 2008 NEW BRITAIN, CONNECTICUT 06050

Telephone : (203) 827-7700

July 21, 1981

TO: Mr. Mark Sullivan
Coordinator, Budget & Financial Analysis
Board of Higher Education

RE: PROPOSED USER FEES

Enclosed please find proposed Schedules for User Fees for the following:

On-Line Information Retrieval Services at
Southern Connecticut State College

Weather Information and Forecasting Services at
Western Connecticut State College

The fees requested are typical for similar services offered by other organizations.

If you have any questions, please feel free to call me.

Antoinette M. Bascetta
Executive Officer for
Finance & Management

AMB:il
Encls.



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P. O. Box 2008

NEW BRITAIN, CONNECTICUT 06050

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RESOLUTION

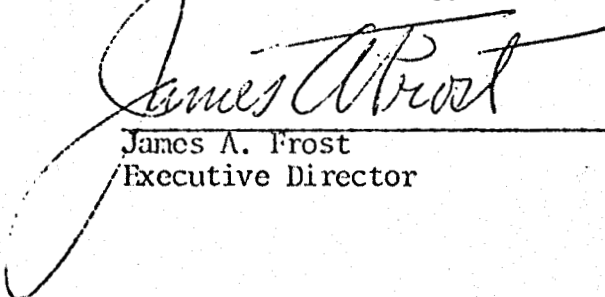
concerning

ESTABLISHMENT OF THE WESTERN CONNECTICUT STATE COLLEGE WEATHER CENTER

February 6, 1981

- WHEREAS, The Weather Center has existed for over a decade as an instructional laboratory for undergraduate and graduate students in Earth Science at Western Connecticut State College, and
- WHEREAS, The Weather Center, during its years of service as an instructional laboratory, has also provided weather information as a public service to area industrial firms and other businesses, to radio and television stations, to newspapers, to school systems, and to public agencies in Connecticut including the Office of the Governor, and
- WHEREAS, Many recipients of such public service weather information have provided grants and donated equipment to bring the services of the Center to a high professional level, and
- WHEREAS, The Trustees of the Connecticut State Colleges in Resolution #80-96 have mandated that all instructional, research, and service units other than teaching departments have express approval of the Trustees, therefore, be it
- RESOLVED, That the Trustees of the Connecticut State Colleges grant formal recognition and approval to the Western Connecticut State College Weather Center as an instructional support, research, and community service unit.

A Certified True Copy:


James A. Frost
Executive Director



RECEIVED

JUN 21 1982

WESTERN CONNECTICUT STATE COLLEGE BOARD OF TRUSTEES
FOR THE STATE COLLEGES

Office of the President

June 17, 1982

Dr. James A. Frost
Executive Director
Connecticut State Colleges
P.O. Box 2008
New Britain, CT 06050

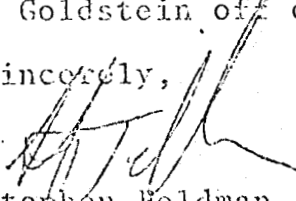
Dear Jim:

As you know, the proposed fee schedule for our Weather Center has not been approved. During the past year, we have lost \$12,500 operating this weather station, and for fiscal reasons we have made the decision to close the weather station. The last day the station was in operation was June 16, 1982.

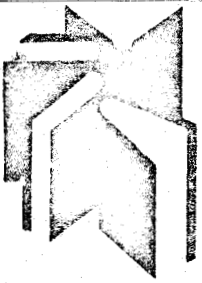
We will continue to educate students using our facilities and will, of course, continue to do academic research. However, we will no longer provide weather information or operate a weather center.

Thousands of people regularly call our weatherphone for free information. In order to avoid bad will with these friends of the college, for a reasonable period of time the phone will remain connected with a message stating that we have relocated the weatherphone and that if they wish weather information, they can call another local number. This new phone will be provided by Dr. Goldstein off campus.

Sincerely,


Stephen Feldman
President

jpb



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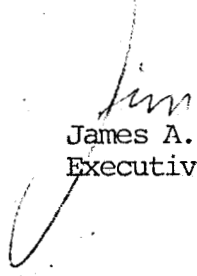
May 3, 1982

Dr. Stephen Feldman
President
Western Connecticut State College
181 White Street
Danbury, CT 06810

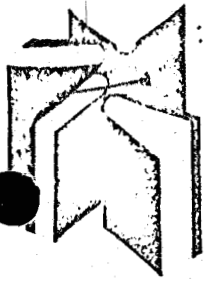
Dear Steve:

Enclosed is a copy of a letter to me from the Attorney General, dated April 7, 1982, and signed by Sidney D. Giber. The letter prohibits the use of the College Weather Station by a faculty member for his private business purposes. Please take whatever action may be required to ascertain compliance with the Attorney General's ruling.

Sincerely,


James A. Frost
Executive Director

encl.



THE
CONNECTICUT
STATE
COLLEGES

FOUNDED 1849

Executive Officer for
Academic and Student Affairs

P.O. BOX 2008 NEW BRITAIN, CONNECTICUT 06050

Telephone : (203) 827-7700

November 10, 1981

Mr. Sidney D. Giber
Assistant Attorney General
30 Trinity Street
Hartford, CT 06115

Dear Sid:

I want to thank you again for taking the time to talk to me about the questions surrounding the fee schedule for the Weather Center at Western.

The question about proprietary activities has suggested to me some other situations in which colleges charge fees to members of the public who wish to utilize services which are by-products of instruction.

For example, our theater departments present plays in which students act under the direction of faculty. This is clearly part of their instructional program. Admissions fees are charged to members of the public who wish to attend the plays. The money from the fees is used to pay for costumes and scenery. This is exactly analogous to the Weather Center. Similarly, music departments present concerts by student musicians for which fees may be charged.

We don't think of either of these activities as proprietary or as improperly competing with private entrepreneurs who also present plays and concerts in the community.

Virtually all colleges invite members of the public to pay admission to sports contests and use the proceeds to help sustain their athletic programs. NCAA Division I institutions even receive payment from T.V. stations to broadcast their games. This is clearly an activity in competition with privately owned football, basketball, baseball, hockey, and other teams. Yet it is never thought of as a proprietary activity, and while an important part of college programming, it is clearly not part of the academic program.

Therefore, when we are dealing with something which is a part of the academic program like the weather center, I believe that we can argue by analogy to the above examples that it is not proprietary.

We are always sensitive to concerns about competition with private enterprise, and we try to avoid any suggestion of such competition. One alternative to setting up our own laboratory would be to put students out as interns in private weather centers. However, as I mentioned over the phone, this is not an alternative in this case because there are no weather forecasting firms in Western Connecticut.

Mr. Sidney D. Giber

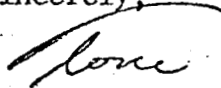
-2-

November 10, 1981

Even if there were one or two such firms, they probably would not be able to absorb an adequate number of interns, and the cost in time and load credit for our faculty to make supervisory visits in the pattern of supervisors of student teachers would be too expensive to be practical.

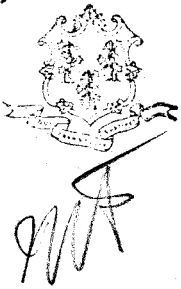
In better times we might suggest that the state pay for all the laboratory equipment and supplies, and simply give away free of charge the weather information generated in the laboratory. Since at the present time, however, the state cannot pay for the necessary equipment and supplies, and since there are businesses and individuals willing to pay for weather information, it seems that permitting the college to charge would benefit the taxpayers, the students, and the potential users of weather information. Since internships are not practical, charging fees to sustain our own laboratory is the only way we can in reality operate this instructional program. Thus, is there not an argument based on financial and academic necessity that this is not a propriety activity?

Sincerely,



Thomas A. Porter
Executive Officer for
Academic and Student Affairs

jy



STATE OF CONNECTICUT
BOARD OF HIGHER EDUCATION

Dr. Frost
cc: TAP

October 5, 1981

RECEIVED 8/107
OCT 7 1981
BOARD OF TRUSTEES
FOR THE STATE COLLEGES

Carl R. Ajello
Attorney General
State of Connecticut
30 Trinity Street
Hartford, Connecticut

Subject: Request for Legal Opinion on Charging of User Fees for Weather Information and Forecasting Services at Western Connecticut State College

Dear Mr. Ajello:

The Board of Trustees for Connecticut State Colleges recently submitted to our board a request to approve a schedule of user fees for weather information and forecasting services provided through the weather center at Western Connecticut State College (see attached Board of Trustees resolution dated July 17, 1981). The Weather Center, which has been in operation for over a decade, serves as an instructional laboratory for undergraduate and graduate students in the college's earth science program. Currently, the Center provides weather information services free of charge to radio and television stations, commercial enterprises, and public agencies.

When this request was discussed at the September Board of Higher Education meeting, several members questioned the authority of the State Colleges to charge user fees for these services. Members were also concerned as to the potential liability of the state in the event that faulty weather information was given to the public. (Here, I believe the concern focused mainly upon providing flight weather information.)

To expedite Board of Higher Education action on this matter and to insure that we act in accordance with state law, I would be most appreciative of receiving a legal opinion from your office on the following questions:

1. Are the State Colleges authorized under current Connecticut statutes to charge user fees for weather information and forecasting services provided to the general public?

Carl R. Ajello
Attorney General
October 5, 1981
Page 2

2. If the State Colleges are permitted to charge such fees, is there a potential liability to the state in the event that faulty information is provided to the public which results in personal injury or property damage?

If you need additional information, members of my staff are ready to assist you.

Thank you for your cooperation.

Sincerely,



Norma Foreman Glasgow
Commissioner

NFG/ark
Att.

cc: M. Sullivan, BHE ✓
J. Frost, SC ✓



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July 17, 1981

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WHEREAS, Information and forecasts resulting from the operation of the Weather Center are available to various commercial enterprises, to radio and television stations and to public agencies, which entities can be expected to support financially the costs of operation and maintenance of the Center through the payment of user fees, be it

RESOLVED, That Western Connecticut State College is authorized to charge user fees for services offered by the Weather Center and that, subject to the approval of the Board of Higher Education, such fees shall be as stated in the addendum to this resolution, and be it

RESOLVED, That all proceeds from such user fees shall be expended only for the operation and maintenance of the Weather Center.

A Certified True Copy:

James A. Frost
Executive Director

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for the
WEATHER CENTER
at
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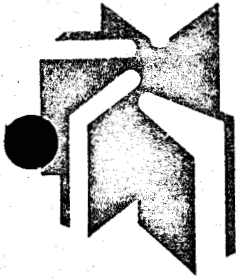
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Partial sponsorship also available, per week.....\$150.00

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Monthly weather summaries, per annum.....\$120.00



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Executive Officer for
Academic and Student Affairs

P.O. BOX 2008 NEW BRITAIN, CONNECTICUT 06050

Telephone : (203) 827-7700

October 2, 1981

Mr. Bill Bowes
Board of Higher Education
61 Woodland Street
Hartford, CT 06105

Dear Bill:

Enclosed is a copy of memo from Prof. Mel Goldstein and President Feldman of Western Connecticut State College regarding the Weather Center at Western. These communications show that there are no private firms in Western Connecticut which provide the kind of services that the college proposes to offer.

The basic purpose of the Weather Center is instruction. Providing weather services to real clients is a valuable aspect of the instructional program. It establishes a relationship to the "real world." All student work in the Center will be under the direct supervision of qualified faculty. Also, the service provided as a part of this instruction is of very great value to businesses in the region, and these businesses are willing to pay the fees proposed. Proceeds from the fees will be used for laboratory equipment and supplies which we will be hard pressed to acquire with state funds. Such new equipment and supplies will improve instruction as well as the service provided.

Therefore, the proposed fee schedule is an arrangement which benefits everyone concerned--the taxpayers, business in Western Connecticut, and the students.

The attached opinion from the Attorney-General's Office, dated June 14, 1977, affirms that the Trustees have authority to charge fees of this sort.

Sincerely,

Thomas A. Porter
Executive Officer for
Academic and Student Affairs

jy

Encl.

cc: Dr. Frost ✓
President Feldman



WESTERN CONNECTICUT STATE COLLEGE

Office of the President

September 25, 1981

To: Dr. Thomas Porter

From: Stephen Feldman

Enclosed is a memorandum to me from Mel Goldstein concerning the private weather services in Connecticut. As you can see from the note, there is not another weather station in our region, and a number of local concerns are almost totally dependent upon our operation and would feel a real reduction in services if they had to depend on an operation not located in this region.

jpb
Encl.

RECEIVED

SEP 28 1981

BOARD OF TRUSTEES
FOR THE STATE COLLEGES



STATE OF CONNECTICUT

WESTERN CONNECTICUT STATE COLLEGE

181 WHITE STREET

DANBURY CONNECTICUT 06810



September 25, 1981

To: Dr. Stephen Feldman, President

From: Mel Goldstein

A handwritten signature in dark ink, appearing to read "MG", with a long horizontal stroke extending to the right.

Re: Private Weather Services in Connecticut

The only privately operated weather forecasting facility in the state is the Travelers Weather Service located in Hartford. There are broadcasters who deliver weather forecasts in the media, but these individuals are not degreed meteorologists and they receive their information from the National Weather Service or some other private weather service operating outside of Connecticut.

There are some consulting meteorologists in the state, but none are involved in operational forecasting. I have attached a directory of certified consulting meteorologists and forecasting services listed by the American Meteorological Society. The only such firms listed in Connecticut are The Research Corporation of New England located in Wethersfield and York Research Corporation in Stamford. Both firms are primarily involved in air pollution work and neither perform operational daily forecasting. There is also the listing of a single consultant in Colebrook, but again, no operational forecasting service is provided by the individual.

Although the professional directory lists numerous private weather forecasting firms, these are all based outside of Connecticut. The lack of such services within Connecticut has resulted in the use of these out of state services by industries and media within Connecticut. The lack of such in state services is resulting in a high level of demand on our Weather Center.

jpb

professional directory

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Bulletin American Meteorological Society

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professional directory

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Dr. James A. Frost, Executive Director
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P. O. Box 2008
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Dear Dr. Frost:

By letter dated March 25, 1977 you inquired as to whether the Board of Trustees for State Colleges may charge fees to persons referred to the Southern Connecticut State College Center for Communication Disorders and, if so, whether there is a way in which the income from such fees could be returned to the Center.

In your letter of March 25, 1977 you indicated that the Center is currently serving a sizeable number of persons and is receiving referrals from many sources, including, among others, the Child Development Center, the Gesell Institute, the Speech and Hearing Center at Yale University, the Public Schools of New Haven, West Haven, North Haven, Branford, Cheshire, Milford, Orange, Bridgeport, private physicians, the Department of Correction, and the Division of Vocational Rehabilitation.

Based on the above information we were of the opinion that the program being conducted at the Center was properly classified as a Community Service Program, and that the operation of such programs required specific statutory authority, such as that provided the Commission for Higher Education by § 10-334c, Conn. Gen. Stat., and the various boards of trustees of the constituent units of the state system of higher education by § 10-334h, Conn. Gen. Stat., for the purpose of establishing child care centers.

Dr. James A. Frost, Exec. Secy.

June 14, 1977

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Since the requisite specific statutory authority was lacking, we concluded that the College did not have the authority to establish and operate the Center, and therefore did not respond to your questions regarding fees. You were so advised by our letter of advice dated April 5, 1977.

Subsequently, by letter dated May 13, 1977, with various enclosures, you submitted additional data concerning the establishment and operation of the Center. The letter and enclosures indicate that the Center was established twenty years ago as a part of the academic training program at Southern Connecticut State College, and that presently there are seventy graduate students training at the center in full time programs for speech pathologists and audiologists and eighty students in the undergraduate program. The Center serves as a training laboratory for students taking various courses offered through the Department of Communication Disorders and that students training at the Center are supervised by faculty of the college.

Section 10-110, Conn. Gen. Stat., authorizes, in pertinent part, the Board of Trustees of the State Colleges to:

"... establish and maintain practice schools under teachers approved by it, in which the pupils of the state colleges shall have an opportunity to practice modes of instruction and discipline."

It appears from the additional information you submitted that the Communication Disorders Center was established and is maintained for the purpose of offering the opportunity to students to gain practical experience, and further that the students are supervised by faculty members. Accordingly, we conclude that the Board had the authority to establish the Center in the first instance and presently has the authority to continue its operation. Consequently, we now respond to your inquiries regarding fees.

Section 10-116, Conn. Gen. Stat., authorizes the Board of Trustees of the State Colleges to, inter alia:

Dr. James A. Frost, Exec. Secy.

June 14, 1977

"3"

"... six fees for such other purposes as the board deems necessary at the state colleges, subject to the approval of the commission for higher education...."

"A fee has been defined as 'a charge fixed by law for the services of a public officer or for the use of a privilege under the control of the government.' Webster's New International Dictionary (2d ed. Unabridged). A fee has also been defined as 'compensation or payment for services rendered, especially professional service.' Cf. County Auditors of McKeon County v. Anderson, 133 Pa. Super. 475, 3 A. 2d 28, 30." Letter of advice from Carl R. Ajello, Attorney General to Dr. Frederick G. Adams, Vice President for Student Affairs and Services, The University of Connecticut, dated December 2, 1976.

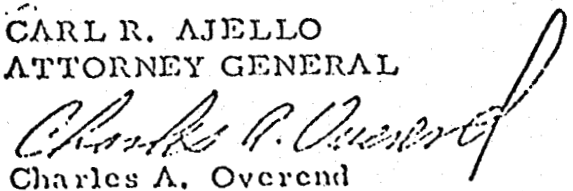
Since the contemplated charge to individuals who are referred to the Community Disorders Center is for the privilege of receiving services of a professional nature, and the use of the privilege is under the control of an agency of the state, they are properly considered fees. Accordingly, the Board may charge fees to referrals, subject to the condition set out in § 10-116, supra.

With regard to your second question, i. e., whether there is a way in which the revenue from such fees may be returned to the Center, we direct your attention to §§ 4-52 through 4-55, Conn. Gen. Stat., concerning institutional activity funds.

However, since § 4-53 requires the approval of the Comptroller in order to establish such a fund, we do not find it necessary to answer your second question, but rather advise you to confer with the Comptroller regarding the feasibility of utilizing an institutional activity fund as a vehicle for returning fees to the Center.

Very truly yours,

CARL R. AJELLO
ATTORNEY GENERAL

By: 
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