

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

August 16, 2005

6:30 P.M.

The following is a record of the minutes made of the Wallingford Town Council at its regular meeting held on Tuesday, August 16, 2005, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco Called the Meeting to Order at 6:43 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa, Jr., and James M. Vumbaco. Mayor William W. Dickinson, Jr., Janis Small, Town Attorney, and James Bowes, Comptroller, were also present.

There was a Moment of Silence and the Pledge of Allegiance was said.

2. Correspondence – *None*

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#18 - #54) totaling \$ 23,901.91 Account # 001-1000-010-1170 - Tax Collector.
- 3b. Appoint Jeffrey Kohan to the Inland Wetland and Watercourses Commission as an Alternate – James M. Vumbaco
- 3c. Consider and Approve an Appropriation of Funds in the Amount of \$159 to Furniture/Storage Acct. # 228-6030-999-9903-00 and to Revenues – Preservation Town Acct. # 228-1010-020-2030-00,
– Town Clerk
- 3d. Consider and Approve conducting the *Celebrate Wallingford* festival at the Railroad Station Green, Hall Avenue and the Town-owned parking lot on Saturday, October 1, 2005 from 11:00am to 6:00pm and on Sunday, October 2, 2005 from noon to 6:00pm
– Chairman James M. Vumbaco

- 3e. Approve minutes of the Town Council Meeting of April 27, 2004.
 - 3f. Approve minutes of the Town Council Meeting of April 20, 2005.
 - 3g. Approve minutes of the Town Council Meeting of June 28, 2005.
 - 3h. Consider and Approve a Transfer of Funds in the Amount of \$8,500 to Injury and Damage Insurance Acct. # 925 and from Outside Services Acct. # 923 for FY 2004-05 – Electric Division
 - 3i. Consider and Approve a Transfer of Funds in the Amount of \$2,900 to Maintenance of Transmission & Collection Lines Acct. # 461-8661-673 from Maintenance of Water Treatment Equipment Acct. # 461-8640-652 for FY 2004-05 – Sewer Division
 - 3j. Consider and Approve a Transfer of Funds in the Amount of \$500 to Power Purchased for Pumping Acct. # 461-8620-623 from Misc. General Expenses Acct. # 461-8920-930 for FY 2004-05 – Sewer Division
 - 3k. Consider and Approve a Transfer of Funds in the Amount of \$1,200 to Computer Acct. # 001-1320-999-9912 from Office Expenses and Supplies Acct. # 001-1320-401-4000 – Law Department
 - 3l. Consider and Approve an Appropriation of Funds in the Amount of \$2,170 to Project Graduation Contributions Acct. # 232-3070-608-9061 and to Revenue – Appropriation Acct. # 232-1043-900-1001 - Youth and Social Services
 - 3m. Consider and Approve an Appropriation of Funds in the Amount of \$2,882 to Project Expenses Acct. # 226-3070-611-6500 from Revenue Acct. # 226-1042-701-1-7010 – Youth and Social Services
 - 3n. Consider and Approve a Resolution Authorizing the Mayor to make Application to the Connecticut State Library for an Historic Document Preservation Inventory and Planning Grant to Hire an Approved Consultant to Develop Individual Office Records Management Plan(s) – Town Clerk
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- 3o. Consider and Approve Tax Refunds in an Amount up to \$62,060 due to Assessment errors on Motor Vehicles – Finance
- 3p. Consider and Approve a Transfer of Funds in the Amount of \$306 to Overtime Acct. # 001-2020-101-1400-00 from Other Pay Acct. # 001-2020-101-1700-00, FY 2004 –05 – Animal Control
- 3q. Consider and Approve a Transfer of funds in the Amount of \$3,800 to Self-Insurance Deductible Acct. # 001-1603-800-8270 from Health Insurance Acct. # 001-1602-800-8300, FY 2004-05 – Personnel
- 3r. Consider and Approve a Transfer of Funds in the Amount of \$16,000 to Re-Index Land Records Acct. # 6030-999-9909 and from Restoration of Old Records Acct. # 6030-999-9912 – Town Clerk
- 3s. Acceptance of Shangri Lane and various Deed and Easement acceptances, Items 1 to 11 in a letter from Linda Bush – Planning and Zoning

CONSENT AGENDA ADDENDUM

- 3t. Consider and Approve use of the Parade Grounds on September 2, 2005 from 6:30 P.M. to 9:30 P.M. by the American Legion in observance of VE - VJ Day – Councilman Robert F. Parisi

Chairman Vumbaco announced a correction to 3f., changing the word motions to the word minutes.

Ms. Papale: I make a motion to accept Consent Agenda Items 3a to 3s. and 3t, the Addendum Item to consider and approve use of the Parade Grounds on September 2, 2005 from 6:30 P.M. to 9:30 P.M. by the American Legion in observance of VE - VJ Day as asked for by Councilman Robert F. Parisi.

Mr. Farrell: Seconded.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved.

4. Items Removed from the Consent Agenda – *None*
5. Executive Session pursuant to Section 10-153 (d) of the Connecticut General Statutes to meet and confer with the Town Council prior to teacher negotiations - Board of Education

Ms. Papale: Mr. Chairman, I would like to make a motion to go into Executive Session pursuant to Section 10-153 (d) of the Connecticut General Statutes to meet and confer with the Town Council prior to teacher negotiations asked for by the Board of Education. So moved.

Mr. Parisi: Second.

Chairman Vumbaco: All in favor? Opposed? The Council is now in Executive Session.

The Council entered into Executive Session at 6:47 P.M.

Ms. Papale: I would like to make a motion to come out of Executive Session.

Mr. Farrell: Second.

Chairman Vumbaco: All in favor? Opposed? So moved.

The Council exited Executive Session at 7:10 P.M.

ATTENDANCE AT EXECUTIVE SESSION # 5:
Council (9), Karen Hlavac, Jennifer Cozzi, Valerie Ford, Marty Taylor, Dale Wilson, Kenneth Henrici and Mayor Dickinson.

Chairman Vumbaco: Before we go on I'd like to introduce a member that we have put on the Inland Wetlands and Watercourses Commission, Mr. Jeffrey Kohan, so he can come up get sworn in, please.

The Town Clerk swore in Jeffrey Kohan as an Alternate to the Inland Wetland and Watercourses Commission.

(Applause)

Chairman Vumbaco: I'd like to thank the public here this evening for your indulgence in our going into Executive Session with the Board of Education.

6. PUBLIC QUESTION AND ANSWER PERIOD

Chairman Vumbaco: Item 6 is a public question and answer session. Are there any members of the public who wish to address the Council this evening?

Pasquale Melillo, 15 Haller Place, Yalesville, said that the last he heard we were trying to get the state to pay for our \$200,00 legal fees relative to the transmission lines and asked if any progress had been made.

Attny Small, Town Attorney: I believe the proposed legislation was to have the developers of the project reimburse the municipalities, not the state. There was legislation passed for \$25,000 or \$50,000, which was supposed to be shared by all municipalities. The last report we had from our legislative body was that their attempts to have that legislation passed were not successful but they were not finished trying so I don't even know if they're in session right now. I'm not sure what point in time they would take it up again but I believe our delegation has indicated that they would continue trying to get that legislation passed.

Chairman Vumbaco: Thank you. Anyone else?

Colleen Sear, I'm an executive board member of the Meriden-Wallingford NAACP and I'm historian for our local branch and I wanted to come out as I had an opportunity to read the recommendations made by the Commission on Diversity.

Chairman Vumbaco: Excuse me, Colleen, but you can make your comments when Item #7 is addressed and that is the next item on the agenda.

Phil Wright, Sr., 160 Cedar Street asked about the American Legion Building.

Chairman Vumbaco: Janis, Could you let us know where we stand with the suit?

Attny Small: It's still pending in New Haven court and there really hasn't been in the recent past much activity on that front. It will come up in due course. I'm not sure what the backlog is currently in New Haven.

Mr. Wright: You have no idea when it might come up?

Attny Small: I really don't know.

Mr. Wright: We've gotten rid of the Simpson School, and it looks like we're going to give away Wooding-Caplan. Let's give this one away too and get it out of the way.

Chairman Vumbaco: Thank you, Mr. Wright. Any other member of the public?

Mr. Melillo asked about the future of our ball fields and said that the way he heard it that we still are not organized legally for the future of our ball fields for the kids.

Mr. Testa: All the leagues in Wallingford of all sports have facilities to play on. The only issue that we've been attempting to deal with is whether or not one particular league, the Wallingford Little League, has all of their fields at one location as they had at Cytec but the league has very nice fields to play on and all of the other leagues have fields to play on. There is not shortage of ball fields anywhere right now.

Mr. Melillo wanted to know about the future.

Mr. Testa reassured him that we have enough fields and that as the need arises that Public Works and Park and Rec make new fields available. They build new ones. They renovate fields. We've made attempts to make some changes, to consolidate some playing areas. The only issue is if Wallingford Little League has all of their fields at one location and they don't that that is something that some of us have in mind to try to rectify. We'll continue to do a nice job for the players.

Mr. Melillo then asked about the Wallingford Housing Authority, mentioning Ridgeland.

Chairman Vumbaco responded that the Wallingford Housing Authority has nothing to do with the Town of Wallingford. It was sold to a private developer in a legal transaction between the private party and the Wallingford Housing Authority and the Town has no say in that matter. Any other members of the public wish to speak? No? I declare the Public Question and Answer period closed. Item #7.

7. Consider and Approve the Final Report and Recommendations of the Commission on Diversity and Equal Opportunity to the Town of Wallingford Administration - Chairman James M. Vumbaco

Ms. Papale: Item # 7 is to Consider and Approve the Final Report and Recommendations of the Commission on Diversity and Equal Opportunity to the Town of Wallingford Administration put on by Chairman James M. Vumbaco.

Chairman Vumbaco: If I may indulge the Council for a minute, I think the best way for us to approach this is to address the five recommendations that have been made by the Commission and I think instead of addressing the entire report, we'll go through each recommendation one by one and we'll have motion to accept or reject those items. I feel that there are probably some areas of this report that are definitely agreeable to the majority of the Council members and there could be some areas here that might not be. To avoid an all or nothing vote, we will go forward just consider each recommendation. The first recommendation for the Council is just to accept the report from the Commission as a whole. They put eleven months into working on this so I think we should just accept it and then we can do an individual vote on the actual recommendations

1) **MOTION:**

Ms. Papale: I'd like to make a motion to accept the Report of the Wallingford Commission on Diversity and Equal Opportunity as presented to the Wallingford Town Council at the July 19, 2005, Town Council meeting. So moved.

Mr. Testa: Second.

Chairman Vumbaco: This motion is to accept the work that was done by this Commission. Is there Council discussion? Public?

Colleen Seer, Meriden, Historian, Meriden-Wallingford NAACP, I did have the opportunity a few months ago to read the recommendations, the five pages. I was extremely impressed. I thought it was a good report. I thought it was very detailed. I just wanted to come out and say that I support all five of the recommendations, including the addition of a compliance officer. I commend you for your work in this area. You didn't have to take it on. It was a challenge that you didn't have to take on but I was really pleased with the report and interestingly enough it's the 40th anniversary of the Voting Rights Act and there are three clauses coming for reactivation. I was in New Haven for a leadership meeting a few weeks ago and I'm trying orchestrate a state demonstration in support of reactivation of those clauses and one of the things I noted was that sometimes in terms of history when you look back on things like the Voting Rights Act, the civil rights era of the 1960s in this country, everything looks really clear cut when you're looking back on it. Certainly the people who lived through those time periods, it might not have looked so clear cut. So tonight is an historic moment for Wallingford, and I think that great progress can be made. The only other comment I would have is the Mayor appointing a compliance officer. That would be quite a responsibility but I'm assuming that you have a strong mayoral form of government and that he makes most of the appointments. I would just hope that if it's passed tonight that who whoever was hired as a compliance officer was someone who respected diversity, valued it and came with good solid background and a good record in increasing the hiring of minorities or women in another community, comes with a good track record and I would anticipate that the Mayor would welcome input into that hiring. Thank you very much.

Chairman Vumbaco: Are there any other members of the public who wish to address this issue? Hearing none, I'll bring it back to the Council. Any comments? We have a motion to accept the report as presented, all in favor? Opposed? So moved. What we're going to do is just follow the recommendations,

starting on page 2 and go in the order that it was presented by the Commission.

2) **MOTION:**

Ms. Papale: I'd like to make the motion to accept the recommendation "that the existing orientation process should be expanded to ensure that each new employee is familiar with the terms and conditions of all Policies and Procedures and his/her collective bargaining agreement" as presented under the heading *Orientation* of the Report. So moved.

Mr. Testa: Seconded.

Chairman Vumbaco: We have a motion and a second. Any discussion on the Council on the orientation issue?

Mr. Parisi: Yes, Mr. Chairman, I'm going to support it but through my support I'm not implying that we aren't doing anything or that we aren't doing enough in Town but I fully realize that we can always set the bar a little higher in an attempt to achieve something but in no way do I want my support to be taken that I don't feel we doing enough or we're not doing anything. Thank you.

Chairman Vumbaco: Any other members of the Council?

Mr. Testa: I just wanted to make the point is what we are doing is again recommending?

Chairman Vumbaco: That's correct.

Mr. Testa: This can simply be an endorsed recommendation of the Town Council to Administration but that wouldn't in fact ensure that any of this would be done.

Chairman Vumbaco: That's correct. For the sake of the record, what we are voting on this evening are just recommendations that this Commission has made. These recommendations are to be forwarded on, if voted on affirmatively this evening, to the Administration. The Council has no authority in enforcing any of these recommendations. It's just a recommendation as

stated, it's going to go forward to the Administration who may or may not decide to follow the recommendations. You are correct, Mr. Testa. Any other members of the Council have a question? Any members of the public?

Attny Small: I wanted to ask the same question as Councilman Testa and I wanted to have an understanding of that, that's all.

Chairman Vumbaco: Thank you. We have a motion and a second on the orientation issue, all in favor? Opposed? So moved.

3) **MOTION:**

Ms. Papale: I'd like to make a motion to accept the recommendation "that an ongoing program of training should be established and expanded to allow supervisory personnel to remain current with new developments in both sexual harassment laws and all forms of unlawful discrimination in employment. Such training should be offered at least once every three years. It also is recommended that an abbreviated training course should be offered periodically to non-supervisory personnel," as presented under the heading *Training* of the Report. So moved.

Mr. Testa: Second.

Chairman Vumbaco: We have a motion and a second. Any discussion from the Council?

Mr. Parisi: Mr. Chairman, I'm just taking the information that we're presented with and I would call the Council's attention to the letter from the personnel director, Mr. Sullivan, dated August 9th where he states that the Town newly hired or promoted supervisors receive at least two hours of training and education in the sexual harassment laws. The Town provides this training once and at times twice per year for new supervisory employees whether hired or promoted, and on and on. Is that basically what your recommendation is?

Chairman Vumbaco: No, the recommendation that the discussion was is that you are required by law you are required to do two hours of training within six months of hiring by law.

Mr. Parisi: For whom, Mr. Chairman? Everyone?

Chairman Vumbaco: No, for newly hired employees. Any newly hired employees within a six month period of time has to go through a minimum of two of training on sexual harassment and other forms. This Commission is recommending that there should be ongoing required training. The laws change constantly every time there is a court case as Mr. Lettick had explained to us and that changes the law because now you have a new bar or a new piece that needs to be known and the Commission felt that even though it is offered to the employees, the supervisors and managers, that they're not required to go to it so all the Commission is doing is saying, it should be a written part of the policy that every three years, they are 'required' to attend, not 'suggested' to attend. There is a debate whether we go every year up to two years or three years or five years. Everybody had an opinion because everyone on the Commission had gone through it. In my previous job, it was once every year. Other places, it was once every five years, so the Commission decided that three years was a good mark.

Mr. Parisi: I'm curious. Were there a lot of employees at your previous job?

Chairman Vumbaco: Total employees were 15,000. Supervisor staff was probably about 400 or 500. That was where I worked. Northeast Utilities has one, I believe, that's required every three years according to what Mr. Heltke has said.

Mr. Parisi: Three's acceptable.

Chairman Vumbaco: All this is saying is that the courses are held in this community. The supervisors are encouraged to show and all this Commission is saying is that they feel it should be required that they show up.

Mr. Parisi: Thank you.

Ms. Doherty: I just want to clarify something because you said 'all employees' and that's mandated for every supervisory employee.

Chairman Vumbaco: Excuse me?

Ms. Doherty: Supervisory employee. Correct?

Chairman Vumbaco: Yes, every three years, right.

Ms. Doherty: OK, but it's mandated under state law only for supervisors.

Chairman Vumbaco: No, I believe, Janis correct me, help me. I think it's supervisory – it's all employees required to go through a two-hour course.

Ms. Doherty: That's what I wanted to clarify.

Chairman Vumbaco: Any other questions? Comments? Public?

Mr. Parisi: How many supervisory do we have? I missed that. Mr. Sullivan, do you know? I just want to see what it equates to.

Terence Sullivan, Personnel Director: We have approximately about 75 full-time supervisors.

Mr. Parisi: So in a three-year period, it's 30 a year.

Mr. Sullivan: Yes, if you do the math that way. We offer it twice a year because we have to, and we try to get as many people in there as we can who may have already gone through it.

Chairman Vumbaco: Any other members of the Council? Public?

Kathryn Zandri: Being in a unique position of being an employee for an elected body, are elected officials included in this?

Chairman Vumbaco: Excuse me? I didn't hear you.

Ms. Zandri: Being in the unenviable position at times of being an employee of an elected body, are elected officials included in this or are they just employees?

Chairman Vumbaco: Elected officials are treated just like supervisors.

Ms. Zandri: I just wanted to make sure that that was understood, and I

think it's wonderful if we do fire extinguisher training once a year that we can do we should do sexual harassment training.

Chairman Vumbaco: Any other members of the public? Seeing none, I'll bring it back to the Council. Any final comments? Hearing none, all in favor? Opposed? So moved.

4) **MOTION:**

Ms. Papale: I'd like to make a motion to accept the recommendation that a policy, as defined in the Section under *Diversity* titled Recruitment of Women and Minorities, shall be adopted and enforced by the Town in all its recruitment efforts. So moved.

Mr. Testa: Second.

Chairman Vumbaco: We have a motion and a second. Any comments?

Mr. Knight: I think I'm probably echoing what Bob said a minute ago and in that Terry Sullivan's remarks in a letter to us a few days ago indicated that the Town looks to me to be an extensive effort to contact agencies and groups that represent the minority community. The list of agencies ran –there were 20 agencies in all, including five different chapters of the NAACP. I do think all of us here in Wallingford are a little frustrated that the efforts that are made are not bearing as much fruit as we'd like. I think everybody agrees with that but I don't want our support of this recommendation to indicate that we feel that the Town falls very short in this effort. According to Terry, our percentage of minority officials and professionals is the highest of the comparison group of Wallingford, Stratford, MiddleTown, Southington, Thomaston, Cheshire, Windsor Locks and Middlebury. In no way do I see where the Town is either complacent or self-satisfied that the goals are being met but that the efforts are being made and I'm just hopeful that in time they will bear more fruit.

Mr. Parisi: I would make the observation that in my former life I was in a management position. I worked for a company that actively attempted to increase their minority status every year and my own experience is that it is not the easiest thing to do for whatever the reason was. It was an awesome job, and I don't

know that we were ever truly successful but having checked back with them, I find now that the figures have moved forward, and that in fact, there are more minorities there now than there were eight years ago when I was there, which I find interesting, and perhaps a good thing because maybe times are changing, and maybe there are more people who fit the criteria, which I hope is the case. I feel that the Town, again referring to the letter as Mr. Knight said from Mr. Sullivan, has made a very adequate effort to notify the groups and organizations as listed here, and I don't really see where much is left out.

Chairman Vumbaco: Thank you.

Mr. Testa: Sometimes people's behavior is driven by perceptions and maybe just a simple fact that something such as this and in such detail is adopted as a written policy, and they in fact change some people's perceptions, and that in itself might encourage more applicants to come forward. I think it's a nice step in the right direction.

Mr. Spiteri: I just want to mirror what Vinnie was saying. At the Board of Education we faced the same obstacles and we made a policy change with the idea that it being part of the policy, it is a matter of perception and it tells the public that we are interested in these hiring goals. With the Board of Education we weren't pointing out that we weren't trying and I think that's the case here. It's to get the perception out to the public so that we get more applicants.

Mr. Parisi: I just want to make it very clear that I am not against this. OK? And that's for the gentlemen sitting to the left of in the audience. I am not against any effort to increase this so I hope my colleagues understand that statement. OK?

Chairman Vumbaco: Absolutely.

Ms. Doherty: The list the personnel department gave us. What are we adding to what we have already, if we are, or are we just reiterating what we already have?

Chairman Vumbaco: I can't speak for Mr. Lettick. I wish he was here this evening to answer this question. Apparently in the discussion he felt that it was necessary to spike out the policy

to have it as a separate written policy in order to stress the Town's commitment to hiring minorities and that I believe was the only reason for him writing this policy. As far as what is being done as far as advertising any differently, all that information was provided to the Commission at the time. I think it's just a fact that they felt it was necessary to have a policy that gave a little teeth to the hiring process. Any other members of the Council? Any members of the Public wish to address this issue? Again, to reiterate what Bob has said, I don't believe anywhere in this process anybody said that the Town is doing a lousy job but they also felt that you can do a better job, and it makes a better workforce, so please don't take the feeling that this Commission said that the Town is doing lousy, no good, etc., it's just the fact that going through the discussions with the Town personnel as well as the individuals that came to the Commission etc., they just felt that there could be some areas that we could do better. We have a motion and a second. All in favor? Opposed? So moved.

5) **MOTION:**

Ms. Papale: I would like to make the motion to accept the recommendation that the Town's set of Personnel Rules and Regulations be reviewed and further revised to be "gender neutral." So moved.

Mr. Testa: Second.

Chairman Vumbaco: Any comments from the Council? Just to give you a run down of what that was for. If you go through the policies even though there is a statement in the beginning of the policy when you see the word 'he', the Commission felt that it would be a good faith effort to show that we are looking for gender neutral policies so that wherever you see the word 'he' is to generate a gender neutral word. Any comments from the public? Council? We have a motion and a second. All in favor? Opposed? So moved.

6) **MOTION:**

Ms. Papale: Mr. Chairman, I would like to make a motion to accept the

recommendation that the following Draft Policies and Regulations titled:

Recruitment of Minorities and Women
Equal Employment Opportunity
Discrimination and Sexual Harassment and
Discrimination and Sexual Harrassment (Regulations)

be considered for adoption by the Town of Wallingford and that any existing policies that are inconsistent with or redundant of the recommended policies should be revoked or revised accordingly. So moved.

Mr. Testa: Seconded.

Chairman Vumbaco: Council? Discussion? Public? Hearing none, We have a motion and a second. All in favor? Opposed? So moved. Before we get into the final recommendation, sitting as Chairman of this Commission, I brought forth their recommendations. When we get into this final recommendation, I don't believe at this time that there is a need for us to recommend any further commissions to look into the issues that were raised by the survey; however, I do feel that while there has been considerable discussion that this Commission did go beyond what the original scope was, Mr. Lettick felt it necessary to put in here in furtherance of its mission as an italicized comment, and the Commission did feel that it was necessary to make this Council and the Administration aware of some of the concerns of the employees out there that were brought forth during the eleven month process that this Commission went through. There were some individuals on the Commission that felt that they should be recommended to the Administration to go forward with a regulatory body to look into these issues but I feel that we have the personnel in place currently right now that at least let them have the opportunity to take the report and look at it and the concerns and the issues that were raised by the employees and really to take it upon themselves to look into it to see if in fact they do see a pattern or that there are issues that they think need to be addressed that were beyond the scope of this Commission. With that in mind, Iris has the final motion and then we can have discussion on it if necessary.

7) **MOTION:**

Ms. Papale: I'd like to make the motion that further inquiry by the Administration needs to be done to research, investigate and recommend measures to address allegations of possible inequities in:

- (1) hiring and promotion
- (2) general harassment (other than sexual or other unlawful forms of harassment)
- (3) favoritism by management based on personal or political connections rather than merit, and
- (4) a possible need for sensitivity training

Mr. Testa: Second.

Chairman Vumbaco: Discussion Council?

Mr. Testa: The recommendation was actually to create an investigatory body to look into those types of accusations, correct?

Chairman Vumbaco: Right, the original recommendation was that.

Mr. Testa: I don't believe that it is either necessary or appropriate right now to do so. I'm not in favor of recommending the creation of another investigation or investigatory body at this time to look into the basically the results of the employee survey.

Mr. Spiteri: Have there been steps taken to do a second survey in maybe a 1 year or 1½ years to see if there has been any change in perceptions?

Chairman Vumbaco: That was not discussed, Mike. It's just the fact that these issues came up and we just wanted to make sure that the Administration and those who oversee these issues are aware of them and then it's up to them to do something about it if they feel it's necessary.

Mr. Spiteri: Is that something that Terry (Sullivan) can take on, on his own?

Chairman Vumbaco: Whoever the Mayor designates to look into it if he wants to. We're not suggesting that a body be formed.

Mr. Parisi: Would you explain that, that last statement?

Chairman Vumbaco: All I am saying is that there is a two-part recommendation. The first one was that these are issues that they feel the Administration and the people who oversee the regulations and policies are aware that there are other concerns out there that were the result of the survey. The second part of the recommendation was to form an investigative body to look into this. The motion that is on the table right now is just to pass these issues on to the Administration. If they deem it necessary to look into them, then they should go forward and do that.

Mr. Parisi: We're not recommending a Commission?

Chairman Vumbaco: No Commission is being recommended.

Mr. Parisi: I just wanted make sure I was on the right page.

Chairman Vumbaco: That's what I stated earlier.

Ms. Papale: I just asked the same questions. I again want to take the time to thank the committee for all the hard work that they did. We on the Council, all of us, I think, have taken this report very seriously, and now we have to pass it on the Administration, and I'm hoping that the Administration takes it as seriously as we did and we really keep on track of everything and Terry I want to thank you for your letter. It was helpful for me to see all of the information that you gave us. I wish I had it earlier but it did arrive and I think it make the Council a little bit more of the work that has been done. We may just be passing this on and voting it quickly but we know the time that it took the Committee. I know how long it took me to read the Committee's report so I do want to thank them again and like I said we have taken this very seriously and hopefully the Administration will do the same and just keep on top of it. Thank you.

Mr. Parisi: I too wish to commend the Committee for their hard work. I also will say that the one thing that came out of this I didn't quite realize all that Mr. Sullivan does through his office. I was very pleased to see that. I also quite frankly commend

you, Mr. Chairman, for your revisiting this issue and your decision. Personally, I think it was an appropriate one and very wise.

Chairman Vumbaco: Thank you.

Mr. Knight: I think when this Commission was established, I think, there were some of us who were skeptical that it could be a vehicle for a political football and in the last five minutes, I have been delighted to hear that that has not become its result. I'm proud of the Council's efforts. Of course, I'm very impressed with the Commission's efforts but I'm also pleased that the temptation to use the work of this Commission for other than the betterment of Wallingford and its government was avoided, and I congratulate you, Mr. Chairman, on having kept the Commission on the straight and narrow and focused on its legitimate concerns.

Chairman Vumbaco: Thank you, Steve, I appreciate that. Any other members of the Council? Public?

Colleen Sear: For some reason, I thought there was going to be a compliance officer or something.

Chairman Vumbaco: That recommendation is one of those written policies and that is what is being passed on. Any other members of the public? If not, We have a motion and a second. All in favor? Opposed? So moved. I do also thank the Commission, Mr. Lettick, Mr. Heltke, Ms. Whitney, Ms. Mill and Ms. DeRenzo for all of their hard work that has been put into this issue over that last eleven months. Thank you.

8. Consider and Approve a Transfer of Funds in the Amount of \$40,200 to Pension and Benefits Acct. # 431-8920-926 from various accounts, FY 2004-05 – Water Division

Ms. Papale: I'd like to make a motion to consider and approve a Transfer of Funds in the Amount of \$40,200 to Pension and Benefits Acct. # 431-8920-926 from various accounts, FY 2004-05 by the Water Division.

Mr. Testa: Second.

Chairman Vumbaco: Water Division

William Phelan, Water Division: Agenda Item # 8 is a transfer of funds for sick and vacation time accruals for each of the Division's employees. This is a typical, annual routine entry that we make that will recognize the liability of each employee sick and vacation time. It typically increases annually due to increased wages and additional sick time accrual.

Chairman Vumbaco: And this is for the 2004-05 budget year, correct?

Water Division: That is correct, as of June 30, 2005.

Chairman Vumbaco: Any questions from the Council? Public? All in favor? Opposed? So moved. # 9.

9. Consider and Approve a Transfer of Funds in the Amount of \$22,200 to Injuries and Damages Acct. # 461-8920-925 from various accounts, FY 2004-05 – Sewer Division

Ms. Papale: Item # 9 is to consider and approve a Transfer of Funds in the Amount of \$22,200 to Injuries and Damages Acct. # 461-8920-925 from various accounts, FY 2004-05 by the Sewer Division

Mr. Testa: Second.

William Phelan, Sewer Division: Once again this is a routine annual accounting entry that we make that recognizes an expense that has occurred over the past fiscal year for various specific worker's compensation awards that have been distributed to employees. This will replenish the division's reserve account to its full charter maximum amount of \$100,000.

Chairman Vumbaco: Any questions from the Council? Did we incur any extraordinary workman's comp cases this year?

Mr. Phelan: We didn't incur any real tragic worker's comps. These are weekly payments that have been made to various employees throughout the year.

Chairman Vumbaco: Any questions from the Council? Public? Hearing none, all in favor? Opposed? So moved. Number 10.

10. Consider and Approve a Transfer of Funds in the Amount of \$34,700 to Pension and Benefits Acct. # 461-8920-926 from Interest Expense Acct. # 461-8970-427, FY 2004-05 – Sewer Division

Ms. Papale: Item 10 is to consider and approve a Transfer of Funds in the Amount of \$34,700 to Pension and Benefits Acct. # 461-8920-926 from Interest Expense Acct. # 461-8970-427, FY 2004-05 from the Sewer Division. So moved.

Mr. Testa: Second.

Mr. Phelan: Once again Council members, this is an identical transfer for as in Item # 8; however, this pertains to the Sewer Division

Chairman Vumbaco: Any questions. Public? All in favor? Opposed?
So moved.

11. Consider and Approve a Transfer of Funds in the Amount of \$19,800 to Loss on Disposition of Plant Acct. # 411-7 and from Depreciation Acct. # 403, FY 2004-05 – Electric Division

Ms. Papale: Number 11 is to consider and approve a Transfer of Funds in the Amount of \$19,800 to Loss on Disposition of Plant Acct. # 411-7 and from Depreciation Acct. # 403, FY 2004-05 by the Electric Division. So moved.

Mr. Testa: Second.

Richard Hendershot, General Manager, Electric Division: Mr. Vumbaco and Council, .Office Manager, Tom Sullivan, will explain the accounting portion of this item.

Thomas Sullivan: This transfer is to give us sufficient funds to recognize the book value of capital assets that were disposed of during the year. In particular, this is related to transformers, damaged during the year and when evaluated determined to be unusable. There was a group earlier in the year that we determined to be obsolete that were sold, and there was some loss on that that ate up most of our budget, so when we reviewed it at year-end and looked at those obsolete and damaged transformers, there was a need for this transfer in the amount of \$19,800. That's the remaining book value. these assets are purchased over the years and a certain portion of that is expensed through

Chairman Vumbaco: Any other member of the Council? Public?

Phil Wright, Sr., 160 Cedar Street asked to know who is covered in this. **Mr. Sullivan** responded that with the exception of the Police, Fire and most linemen in our hazard pension plans, everyone else, which is the lion's share of retirees in town, 80% of all retirees, do not get an automatic adjustment, and there are contracts that we negotiate on pension plans that say that the town will consider an adjustment every three years and this approval tonight will grant all these people an adjustment of 3%. **Mr. Wright** wanted to know how many people. **Mr. Sullivan** said 308 people. The average pension is about \$1330 per month and the increase would be about \$40 on average. **Mr. Wright** acknowledged that these people really need it in light of the increase in taxes and said he would like to see a plan of reduction put in place and said that his benefits have not increased at the rate of his taxes which have tripled. He does not see that people in this town get their money's worth for what our tax increases are and would like to see a reduction in the cost of running this railroad.

Chairman Vumbaco: Any other member of the public wish to speak?
Hearing none, Terry, has this 3% been budgeted for this year?

Mr. Sullivan: It's not general fund. As you know it's the Pension Plans which has all of the all the pension assets so it's in there.

Chairman Vumbaco: OK. Thank you. Any other members of the Council? We have a motion and a second. All in favor? Opposed? So moved.

13. Consider and Approve a Resolution Authorizing the Mayor to sign an agreement entitled "First Supplemental Agreement to the Original Agreement Dated October 23, 2003 between the State of Connecticut and the Town of Wallingford for the Construction, Inspection, and Maintenance of the Quinnipiac River Linear Trail utilizing Federal Finds from the High Priority Projects Program – Engineering

Ms. Papale made a motion to consider and approve a Resolution Authorizing the Mayor to sign an agreement entitled "First Supplemental Agreement to the Original Agreement Dated October 23, 2003 between the State of Connecticut and the Town of Wallingford for the Construction, Inspection, and

Maintenance of the Quinnipiac River Linear Trail utilizing Federal Funds from the High Priority Projects Program. So moved.

Mr. Parisi: Second.

John Thompson, Town Engineer: This is part of the federal process of receiving federal funds for the construction of the Quinnipiac River Linear Trail. As you may recall, we received back 6 or 7 years ago about \$750,000 in federal monies which was applied to the construction of Phase 2. In January of this year the congressional legislation from Connecticut was successful in getting us another \$500,000 of money which the Town Council acted on in April and budgeted the monies. We are now coming before the Council at the request of the state to execute the first supplemental agreement to the original agreement which was executed back in October of 2003 so this is part of the procedural agreement that we have to follow with the state. They need a resolution from the Council to authorize the Mayor to execute this first supplemental agreement.

Chairman Vumbaco: Thank you. Any members of the Council? Questions? Public?

Ms. Papale: Before we vote on this item, I want to take just a few minutes to mention to everyone what a nice evening I had Friday night. I was at the linear trail ribbon cutting of the trail and the underground part going under the parkway. I was very happy to be there and I know other Council people that were there were happy to be there and thankful to the Committee and you, John, and people that had so much to do with linear trail. I'm a little disappointed that none of the newspapers were there to write it up big because I thought it was a big thing. We had so many different people there –Mr. Blumenthal spoke, the Mayor spoke. Rosa DeLauro's representative was there and it's been a long time in coming and it's a lot of work and I just want to make it public to the people of Wallingford that it's a wonderful place to go and they should go and see it and to thank you again on behalf of the Town Council.

Chairman Vumbaco: Thank you, Iris. Any other comments from the Council?

depreciation expense, and if you are half way through the life, you've got half that value remaining on the books and that's what we're looking at that gets written off this account.

Chairman Vumbaco: Any questions from the Council? The reason I put this on the regular agenda instead of the consent agenda is do you do a projected retirement schedule every year that you feel is going to be assets that are not fully depreciated that you might have to write off and budget for that on a yearly basis?

Mr. Hendershot: Some funds were budgeted in this account in the amount, I believe, of \$15,000 based on previous experience. This year was just an unusual year in that regard exacerbated by the sale of many obsolete units that were sitting in the yard that had been purchased many years previously and just not the right kind for the power system any longer. We did find a system in Massachusetts that could use them but they're not going to pay full original purchase price for that. They will use them as used units even though they were never used.

Chairman Vumbaco: I understand the process. I was just curious this being an enterprise, do you look into the future and say, we're going to be retiring X, Y and Z, especially when there are assets out there that you feel aren't going to be utilized by the system so that you do budgets somewhat appropriately. I was assuming that most of these were damaged items that you did not foresee being damaged, and instead of repairing them, you decided to write them off.

Mr. Sullivan: There was and a few years back, these items used to be written off to depreciation expense, our account 403. A review of that with the auditors a few years back, we began accounting for these things under this account 411-7 so to a certain extent, we're still establishing that history.

Ms. Doherty: You just touched upon here the unusual amount of newer transformers this past year than usual.

Mr. Sullivan: The actual number of transformers wasn't significantly different was my understanding just by chance the newer ones happen to get hit.

Mr. Hendershot: These might be ones that were damaged due to

accidents. A car strikes a pole with a transformer on it and the transformer get destroyed in the accident. We'll get reimbursed for that by the insurance company of the driver of the car but when that check comes in, it doesn't go against this budget. It comes into the budget in a different place and this account still has to account for the undepreciated worth of the damaged beyond repair transformer. It's just a newer than average population of transformers.

Ms. Doherty: It's not just a change in manufacturer?

Mr. Hendershot: It's not like it's a rash of premature failures.

Chairman Vumbaco: Any other Councilors? Members of the public?
Seeing none, all in favor? Opposed. So moved. Thank you.

12. Consider and Approve 3% Pension Cost of Living Adjustment – Personnel

Ms. Papale: I'd like to make the motion to consider and approve a 3% Pension Cost of Living Adjustment as asked for by Personnel Department. So moved.

Mr. Parisi: Second.

Terence Sullivan, Personnel Director: Every three years by contracts with the various unions, I approach you and ask for an adjustment in pensions and beneficiaries who do not have automatic cost of living adjustments or not on a worker's comp or not out on heart and hypertension. In other words, those three I just mentioned have adjustments by law. These are people, which make up 80% of all retirees and beneficiaries who don't see any other adjustments other than the ones you grant. The cost is \$147,439 per year, and I have some other facts on that sheet. The average pension would increase roughly by \$40 per month.

Mr. Knight: I can't figure whether we're giving them a 3% increase per year for every three of the three years or 3%

Mr. Sullivan: It's a one time 3% adjustment and if it's granted, that will be their pension for the next three years. It won't change until we come back and talk about it sometime in the future.

Mr. Parisi: I would take that just a little farther. I was there also, and I'm sure, Iris, you would want to commend our colleague, Lois, for her work and Lynn Hoffman and State Representative Mushinsky. They are the two co-chair persons. It was a fine job.

Ms. Papale: By all means. I did mention to Lois because she was our liaison and kept us informed.

Mr. Testa: I will comment that I had the pleasure of attending that ceremony as well. It didn't occur to me that the ribbon was going to be at the other end of the trail. It was a nice two mile walk. It is beautiful and I encourage everyone to get out there. Does this have to do with money we've already spent or does this new funds that have come in for the next phase?

Mr. Thompson: This money was appropriated during the construction of the project. We had a shortfall. The project was base bid which was the tunnel and the bridge and we had three other alternates. As we advanced through the project we were able to add the bridge as alternate one. I didn't have sufficient financial resources to do the final three alternates. When we got the \$500,000 of additional money, and it's broken down into what we're actually going to really get immediately and then over the long term. That money is going to be used first. We're going to use the federal money to pay for the construction of the ongoing work that was done and keep the town's money in reserve. We will spend the federal money first and seek reimbursement of those monies so it's going to pay for the current construction.

Mr. Testa: So it's already been done.

Mr. Thompson: Yes.

Chairman Vumbaco: Any other members of the Council? Public? We have a motion and a second. All in favor? Opposed? So moved. #14.

14. Discussion and Possible Action on the Request for Proposal and Request for Qualifications draft for the redevelopment of property located at 390 Center Street, 11 Wallace Avenue and 29-47 Wallace Avenue, aka Wooding – Caplan Property – Law Department and Chairman James M. Vumbaco

Ms. Papale: Number 14 is Discussion and Possible Action on the Request for Proposal and Request for Qualifications draft for the redevelopment of property located at 390 Center Street, 11 Wallace Avenue and 29-47 Wallace Avenue, aka Wooding – Caplan Property brought by the Law Department and Chairman James M. Vumbaco. So moved.

Mr. Parisi: Second.

Chairman Vumbaco called on Town Attorney, Attny Small: .

Attny Small: I forwarded to you a draft RFP. I did sent you a memo indicating that I did not have information from the Yale group. My understanding is that they are willing to do some work but I've yet to hear directly from them. I did send it to the Wooding-Caplan Committee and I gave you a copy their comments. I don't really have a problem with most of the comments. I'm not sure we would want to say in the RFP that the site is open for inspection at any time unguided. As an attorney I'm kind of nervous about that sentence. I don't believe 60 days from final date of submission. I don't think 60 days is enough but I'll defer that to you. There's a question about the developer doing improvements. The paragraph actually requires that all the improvements that are agreed to be done be done before the developer sells the property. They will be restricted in selling it until such time as they completed the project that they've agreed and contracted with us to do. Otherwise, it's for your acceptance, revision. My intent is to have pictures of the internal property along with pictures of the neighborhood. I thought we ought to show what neighborhood this property would be in and the assessor's office has agreed with me to accompany me to have the pictures taken so those would be put into the draft and also the study group's report would also be attached.

Chairman Vumbaco: You will be attaching the Jonathan Rose report?

Attny Small: Yes,

Chairman Vumbaco: Can you just go back to the last issue you discussed. I didn't follow you.

Attny Small: I'm sorry. In the memo from the committee, they asked the question if a developer does not own the property until he completes the improvement, how does he obtain financing? My answer to that is that is not what the paragraph says. The paragraph says s/he will own it but they going to contract with us to actually complete the project until they've actually completed the project they're not going to be able to sell it.

Chairman Vumbaco: Did you address the issue what land disposition agreement was?

Attny Small: Actually I would change that. The language is a little bit too Fancy. I took this RFP with samples from a couple of other places and adapted them. It's just a contract so I'll make that a little bit less of a fancy term.

Chairman Vumbaco: One other question that they had on here was about the size of the excluded land. Is there a description that you have of what the excluded land is?

Attny Small: I met with the Police Chief and engineering and I don't think I showed the map to the Mayor but I talked to him about it. I asked engineering to give me a map to attach to this draft showing it and my understanding is that it's slightly different than one ten years ago putting the police lot all the way back to the end of the property and that actually made some sense but I think that the Committee may actually have some questions about its width. That I'm really not able to address. I think that could be addressed with the Police Chief unless the Council knows something about that.

Chairman Vumbaco: I think one of the issues I raised for this RFP is to draw the line all the way back to the back of the property.

Attny Small: Oh, that's where I got it and that's what we did. But I think they questioned the width.

Chairman Vumbaco: We were also taking into consideration that it was just not the Police but in case there is any future expansion

required from the Fire Department, we just felt it was natural to take it from the Fire Department to draw it all the way back and hold that in abeyance. It doesn't necessarily in the future mean if it's not used that it can't be turned back.

Attny Small: I didn't remember that but that must be why I did it that way.

Chairman Vumbaco: Yes, I think that was what one of the discussions was.

Mr. Knight: What was that discussion and who had this discussion. We weren't party to it.

Attny Small: It was at the Council meeting when remember I asked you what you wanted and that was one of the, yes, that now refreshes my memory. That's where it came from. I couldn't think of it earlier.

Mr. Knight: Regarding the commentary from the Rose Group, where is that going to be?

Attny Small: The report that they submitted to the Council will be attached to the RFP for the developer to review.

Mr. Knight: Any you have yet to receive anything from the Yale Group? Is that right?

Attny Small: The Yale Group, my understanding is that they are willing to do some critique and give some additional criteria. I did ask that they contact me directly and they have not done so up to today.

Mr. Knight: I'll speak for myself. I would like to have their input. I think they are very professional and it would be very valuable and I think that we ought to press them for that input.

Attny Small: If the Council desires.

Mr. Testa: I think it would be nice to have their input. I'm a little disappointed because I thought we would be approving this RDP tonight to go out and apparently it's not ready to go out because we're going to be waiting for additional input from other bodies which infers some changes to the language and

some adjustments so all I would say is let's get it going and tell them we would like their input and we want it quickly because I want this RFP out on the street. I was hoping we would be sending it out after tonight which apparently we're not.

Chairman Vumbaco: Any other members of the Council? Public?

Caryl Ryan, Co-Chairman of the Wooding-Caplan Committee: Do you have any questions about the memo that we sent to Janice? The question we had about the property, the Police impound lot, that was pretty much answered. We were wondering why the width grew.

Chairman Vumbaco: Well, we just answered that. We took into consideration both.

Ms. Ryan: And Alan Plattus is willing to do a one page criteria or design criteria but we just have to get the lines of communication open. I think it's because of vacation.

Chairman Vumbaco: Does the Council have any questions of Caryl?

Kathleen Avery, 42 North Elm Street: When you say goes out for proposal, to whom does it go? Is there a website that it goes to. Is there a national board or bureau that sees these proposals and bids on them like throughout the United States?

Attny Small: I would start by talking to Purchasing about where they would send it. I don't know if the Committee or the Rose Company has ideas as to where it would go. I personally would not know where. People are going to have to give me that input but certainly I would expect it to be as broad as we can possibly make it.

Ms. Avery: There is a group that I've seen on the internet called Project for Public Spaces, an international group, known throughout the world and have done projects all over the world. I think it might be interesting to get this proposal to them. They're a non-profit group who works with cities, towns, whole areas that need development from gardens to educational. I would love to have them receive an RFP, pps.org. They also help find money to do these projects.

Chairman Vumbaco asked Mr. Bowes if he would talk to Purchasing about this suggestion and asked if any other members of the public had questions.

Mr. Wright talked about property transfers in the area of the Wooding Caplan property in particular the Slaker property and asked if the town had attempted to purchase it. **Chairman Vumbaco** said there was no effort made, and Mr. Wright asked why. **Chairman Vumbaco** responded that his personal belief was that the town should shop the property with what the town now owns and if there was a need for additional properties to be acquired that it would be up to the developer not the town so that no more funds were spent on the Wooding Caplan site. **Mr. Wright** commented that since an individual purchased this property that it's another opportunity for someone to make some money, and he wished that the town had purchased it to expand the Wooding Caplan piece.

Chairman Vumbaco: Any other members of the public? Any more comments from the council? Is there anything else that the Council would like Janice to add into the final RFP? Janis, if you can get the final to us by our first meeting in September, so we can vote on it and have it out on the street, so we don't miss any development opportunity, it would be great. Thanks for all your work, Janis, you did a good job and the committee too.

15. Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property - Mayor
16. Executive Session pursuant to Section 1-200 (6)(E) of the Connecticut General Statutes with regard to strategy and or negotiation with respect to Collective Bargaining – Personnel
17. Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford – Law Department
18. Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes to discuss pending litigation in the matter of Town of Wallingford v. State of Connecticut, Department of Public Health

– Law Department

Ms. Papale: I'd like to make a motion to go into Executive Session pursuant to:

Item #15: Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as asked for by the Mayor.

Item #16: Section 1-200 (6)(E) of the Connecticut General Statutes with regard to strategy and or negotiation with respect to Collective Bargaining asked for by Personnel.

Item # 17: Section 1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford asked for by the Law Department.

Item #18: Section 1-200 (6)(B) of the Connecticut General Statutes to discuss pending litigation in the matter of Town of Wallingford v. State of Connecticut, Department of Public Health asked for by the Law Department.

Mr. Farrell: Second

Chairman Vumbaco: We have a motion and a second to go into Executive Session. All in favor? Opposed? So moved. The Council is not in Executive Session.

The Council entered into Executive Session at 8:31 P.M.

Ms. Papale: I'd like to make a motion that we come out of Executive Session.

Mr. Farrell: Second.

Chairman Vumbaco: All in favor? Opposed. So moved.

(Mr. Testa and Mr. Parisi who were out of the room at the time of the vote.)

The Council exited from Executive Session at 10:04 P.M.

Executive Session Attendance:

Item #15: *Not taken up.*

Item #16: Council (9), Mayor Dickinson, Attorney Small and Comptroller Bowes.

Item #17: Council (9), Mayor Dickinson, Attorney Small, Comptroller Bowes, Ray Smith and Attorney Sussler

Item #18: Council (9), Mayor Dickinson, Attorney Small and Comptroller Bowes.

19. Discussion and possible action regarding tentative 9-year Pension Agreement with IAFF Local 1326 Firefighters as discussed in Executive Session – Personnel

Chairman Vumbaco: Before we get into the next order of business, the gentleman would like to make a statement.

Gene Letourneau, 1098 Durham Road: This is about approval or denial of the pension contract, Firefighters Local. I understand you are not going to take any action on that tonight and by doing that it becomes effective in 30 days.

Chairman Vumbaco: That's correct.

Mr. Letourneau: My question is, maybe it's a law question, I don't understand why a yes or a no vote doesn't take place.

Attny Small: I believe that the statute itself is written is that it becomes effective unless they affirmatively say no. why it was written that way I have no idea.

Mr. Letourneau: Are they not allowed to say yes?

Chairman Vumbaco: We could take a motion this evening to

approve that. We've never done it in the past but that is a possibility.

Mr. Letourneau: To sit out as a taxpayer and as someone who is part of the agreement, it's frustrating by not taking a vote. I can understand if you voted no. I can understand why but to not vote yes if you wanted it, and you are using the statutes to have it go into effect, I'm confused on the message it sends to the taxpayers. If you said we're not going to vote on it, as a taxpayer, I would say I'm telling the people that I don't want it to cost them any money to fund this, especially on an arbitration award. On the labor end of it, I don't want to say disrespectful but it's like we appreciate the work that people do, we pay them x amount of dollars to do it, and on this particular thing, this was a not an arbitration award, this was an agreed upon between the town's negotiating body and the union's negotiating body. To me it warrants a yes vote. If that's the way it's always been, it would be my position – why don't we change that? Take a stance to the labor force, to the public, taxpayers, are you for it, are you against? Take a stance.

Chairman Vumbaco: In essence by not taking a vote no on it, we are telling you according to statute that we are for it. I understand what you are saying. You just want us to say yes.

Mr. Letourneau: I want you to say yes. Tell the people, tell the labor force, this is what we are for. If it's a law if you can say yes that it's not against the law, then why not make that a practice for the future for any labor agreement in the town? And if you don't want to accept an arbitration award, I understand the cost involved but tell the people that you're behind it and you're not going to accept it and let the chips fall where they may. We do a lot of things where it costs money to attorneys because you take a stance, good or bad, it's your belief. None people up there voted and it's your belief. Take a stand and back it up. Thank you.

Mr. Parisi: I don't think it's a question of taking a stand because

there is no one against it. You would take a stand if you were against it because that would be taking a stand, a very specific action. We have done this for the years I was chairman, eight years. This is a very common practice.

Mr. Letourneau: I know it's common, and I've been involved in negotiating for nine years now and every year that this happened, and even if it wasn't my union, I saw it as very frustrating. How does the Council feel?

Mr. Parisi: I take it quite frankly. I think this Council and this town's been very generous in its praise of all of its employees and its union employees and the fire department in particular.

Mr. Letourneau: Oh, I know. I agree.

Mr. Parisi: It's like you want it, and I don't feel I have to do it. I think by not doing it I am acknowledging that I'm in favor of it.

Mr. Letourneau: It's just a difference of opinion, I guess.

Mr. Parisi: Philosophically.

Mr. Letourneau: Yes.

Mr. Parisi: Thank you, Mr. Letourneau.

Chairman Vumbaco: Thank you for your comments.

No action taken.

20. Discussion and possible action regarding the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford as discussed in Executive Session - Town Attorney

WAIVE RULE V

Ms. Papale: I would like to make a motion to request that Rule V be

Waived for the reason to consider and approve waiving the bid to hire experts not to exceed \$10,000 for pending litigation in the matter of PPL Leasing Company, LLC; PPL Wallingford Energy, LLC; and Wallingford, Energy, LLC v. Town of Wallingford.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion to Waive Rule V, all in favor? Opposed? So moved.

Ms. Papale: I would like to make the motion to consider waiving the bid to hire experts not to exceed \$10,000 for pending litigation in the matter of PPL Leasing Company, LLC; PPL Wallingford Energy, LLC; and Wallingford, Energy, LLC v. Town of Wallingford.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved. Before we adjourn, I just want to remind the public that there is a Public Hearing, 6:30P.M., this coming Thursday in this Council Chambers to discuss and allow the public to give their input into the Electric Rate increase being proposed by the Public Utilities Commission.

21. Discussion and possible action regarding pending litigation in the matter of Town of Wallingford v. State of Connecticut, Department of Public Health as discussed in Executive Session - Town Attorney

No action taken

Ms. Papale: I'd like to make a motion to adjourn.

Mr. Farrell: Second.

Chairman Vumbaco: All in favor? Opposed? We are adjourned.

There being no further business to consider, the meeting adjourned at 10:13 P.M.

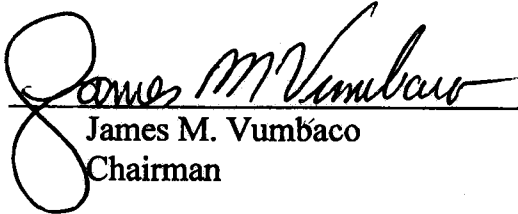
Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

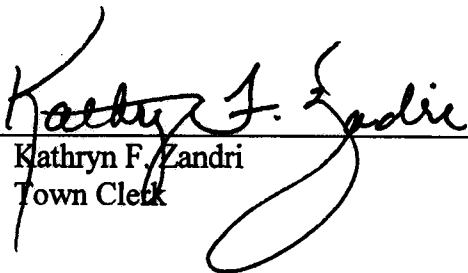
Meeting recorded and transcribed by Sandra R. Weekes

Approved by:



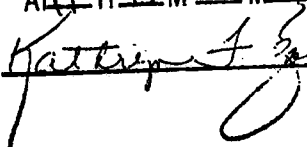
James M. Vumbaco
Chairman

12/13/05
Date:



Kathryn F. Zandri
Town Clerk

12-19-05
Date:

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