

TOWN COUNCIL MEETING

JANUARY 13, 1998

6:30 P.M.

AGENDA

Blessing - Rev. Dr. Richard C. Diehl, Evangelical and Reformed United Church of Wallingford & Chaplain, Whitney Center, Hamden

1. Pledge of Allegiance and Roll Call
2. Approve the Adoption of the Town Council Meeting Procedures
3. Correspondence
4. Consent Agenda
 - a. Consider and Approve Tax Refunds #204 - 209 Totalling \$1,686.86 - Tax Collector
 - b. Approve and Accept the Minutes of the 11/25/97 Town Council Meeting
 - c. Approve and Accept the Minutes of the 12/9/97 Town Council Meeting
 - d. Consider and Approve Re-naming the Following Advisory/ Study Committees:
 - Committee on Aging's Adhoc Committee to Study the Expansion of the Senior Center Facility and Parking
 - Community Lake Restoration Committee
 - Municipal Golf Course Study Committee
 - Steering Committee Jubilee 2000 Celebration
 - Historical Properties Study Committee
 - Quinnipiac Linear Trail Advisory Committee
 - Habitat for Humanity Council Committee
 - e. Consider and Approve Disbanding the Recreation Center/ Ice Rink Committee
 - f. Consider and Approve Appointment of a Flood and Erosion Control Board in Accordance with Ordinance #355 of the Town of Wallingford
 - g. Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Regular Salaries & Wages Acct. #3010-101-1000 to Telephone Acct. #3010-201-2000 - Health Dept.

- h. Consider and Approve a Transfer of Funds in the Amount of \$2,705 from Recreation Supplies Acct. #001-4001-401-4100 of Which \$1,205 is Transferred to Capital - Digitimers Acct. #001-4001-999-9951 and \$1,500 is Transferred to Capital - Batters' Boxes Acct. #001-4001-999-9952 - Parks & Recreation Dept.
 - i. Consider and Approve a Resolution Authorizing the Mayor to Enter Into an Agreement with the State Department of Social Services for Funding Associated with Child Day Care Program 148-CDC-27 for the Period of Jan. 1, 1998 to Dec. 31, 1998
 - j. Consider and Approve a Resolution Permitting the Wallingford Day Care Center to Borrow from the Town Amounts Necessary to Meet Essential Operating Expenses of the Center Prior to the Time Its Program is Approved for Funding by the State
5. Items Removed from the Consent Agenda
 6. PUBLIC QUESTION AND ANSWER PERIOD
 7. Consider and Approve a Transfer of Funds in the Amount of \$26,000 from Liability Insurance Acct. #925-000 to Maintenance of Sewer Treatment Equipment Acct. #652-000 Sewer Division
 8. Consider and Approve a Budget Amendment in the Amount of \$40,900 from Liability Insurance Acct. #925-000; \$3,000 from Property Insurance Acct. #924-000; \$4,000 from Maintenance Transmission & Distribution Lines Acct. #673-000; \$1,000 from Structures and Improvements Acct. #390-098 and \$4,800 from Power Purchased for Pumping Acct. #623-000 for a Total of \$53,700 Transferred to New Distribution Mains Acct. #343-098 - Water Division
 9. Consider and Approve Abandoning Portions of the Original Fairlawn Drive cul-de-sac to the Owners of Lots #18, 19 & 20 - Town Planner
 10. Consider and Approve Accepting the Following Streets:
 - Bridle Lane - off of Woodhouse, next to Town's open space
 - Hitching Post - off of Halsey
 - Megan Lane - off of Pond Hill, next to CL&P Right-of-Way
 11. Consider and Approve the Appointment of Elaine Trahan-Kirkland, Alvin Gasser and James Rainey to the Positions of Constables for a Two Year Term to Expire 1/13/2000
 12. Consider and Approve One (1) Appointment/Re-Appointment to the Position of Commissioner on the Planning & Zoning Commission for a Term of Five (5) Years to Expire 1/8/2003

13. Consider and Approve One (1) Appointment/Re-Appointment to the Position of Commissioner on the Zoning Board of Appeals for a Term of Five (5) Years to Expire 1/8/2003
14. SET A PUBLIC HEARING for January 27, 1998 at 7:45 P.M. on an Ordinance Amending an Ordinance Appropriating \$315,000 for the Planning and Design of West Side Tankage and Associated System Improvements and Authorizing the Issue of \$315,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose
15. Consider and Approve a Resolution of the Town Council Supporting Various ISTEA-STP Projects
16. Discussion and Possible Action Regarding Naming the Street Designated "Squire Place" in the Terrill Subdivision Maps as "Merriman Lane" as Requested by Councilor Gerald Farrell, Jr.
17. Discussion and Possible Action Regarding Naming the Street Designated "Manor Court" in the Terrill Subdivision Maps as "Davenport Road" as Requested by Councilor Gerald Farrell, Jr.
18. Discussion and Possible Action Regarding Naming the Street Designated "Churchhill Drive" in the Terrill Subdivision Maps as "Dana Drive"
19. Discussion and Possible Action on Establishing a Town Policy Exempting Property Owners from Being Assessed Additional Tax For Work Performed on Their Property for the Purpose of Maintaining It as Requested by Councilor Geno J. Zandri, Jr.
20. Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Health Insurance Acct. #8035-800-8300 to Professional Services - Exams Acct. #1600-901-9009 - Personnel
21. Executive Session Pursuant to Section 1-18a(e)(5) and 1-19(b)(9) Pertaining to Strategy and Negotiations with Respect to Collective Bargaining - Personnel

TOWN COUNCIL MEETING

JANUARY 13, 1998

6:30 P.M.

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6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, January 13, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:33 P.M. All councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Councilor Papale who arrived at 6:41 P.M. Mayor William W. Dickinson, Jr. and Comptroller Thomas A. Myers were also present. Assistant Town Attorney Gerald Farrell, Sr. arrived at 6:40 P.M.

A blessing was bestowed upon the Council by Rev. Richard Diehl, Evangelical and Reformed United Church of Wallingford and Chaplain, Whitney Center, Hamden.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Approve the Adoption of the Town Council Meeting Procedures

Motion was made by Mr. Rys to Approve the Town Council Meeting Procedures as Written, seconded by Mr. Knight (Appendix I).

Mr. Parisi explained that the Council has initiated work on the Council rules and they are not yet ready therefore they will be instituting the existing rules. Hopefully the new rules will be presented in either late January or early February.

Motion was made by Mr. Zandri to Amend Section IV of the Meeting Procedures by Eliminating the following words after the word, Chairperson, "and limit his/her speaking time to three (3) minutes."

Seconded by Mr. Zappala.

Mr. Zappala asked what the purpose of the amendment was?

Mr. Zandri explained that he is merely eliminating the time limit for he feels that it is unenforceable and there is no reason to have it in the Council's rules.

Mr. Centner asked, would the language pertaining to the public addressing questions or comments to the Chairperson remain intact?

Mr. Zandri responded, yes.

Mr. Parisi opened the discussion to the public at this time.

Frank Wasilewski, 57 N. Orchard Street asked, if I ask a question

do I have to direct it to the Council Chairman?

Mr. Zandri responded, yes, that has not changed.

Pasquale Melillo, 15 Haller Place, Yalesville asked, if the Council does change its meeting procedures to any degree, will the Council limit itself to the same degree it is limiting the public's comments/questions?

Mr. Parisi responded, probably not.

Mr. Melillo asked, why not?

Mr. Parisi stated that he will not discuss the matter at this time because the meeting procedures are not done yet.

Mr. Melillo pointed out that a few Councilors have stated in the newspaper that the public has thrown too many insults at the Town Council in the past. He asked, hasn't the public also praised the Town Council at times when they have done a good job? Not a word was mentioned in the newspaper about that whatsoever. He reminded the Council to weigh everything carefully.

Mr. Parisi asked that the public let the Council finish the rules first.

Mr. Melillo went on to say that he received a call at home from a private citizen who stated, if there is a reform of the Public Question and Answer Period in the future and it violates the First Amendment of the Constitution, the Town of Wallingford is going to have a lawsuit on its hands.

Mr. Parisi stated, that is correct; we understand that.

Philip Wright, Sr., 160 Cedar Street stated, I hope that the members of the Council and Administration would weigh carefully their statements about personal attacks and recognize that strong, hard questions are not personal attack but just that, hard questions. They are not meant in any way to incriminate anyone and they ought to be answered. That is all I would like to make perfectly clear.

Mr. Parisi asked that the public stay on the topic of the amendment.

Jason Zandri, Circle Drive, wished to comment about the new rules that the Council is working on.

Mr. Parisi informed Jason Zandri that he should wait until Public Question and Answer Period because the new rules are not a topic of the agenda.

Jason Zandri pointed out that the Chairman had asked for questions on this topic.

Mr. Parisi clarified that he asked for questions on the amendment.

Jason Zandri responded that his statement is going to be on the amendment to the rules. He requested that the Council remember the people's rights to speak and not to incriminate those members of the public who do not make the personal attacks. One comment was made that there are a lot of people up here wasting time; there are many, many people who don't. He asked that the statement be taken into consideration.

Mr. Parisi acknowledged Jason Zandri's comments as being correct. He added that the Council has conducted a far-reaching survey on what other towns are presently doing.

Reginald Knight, 21 Audette Drive stated that he did not think the fifteen minute rule was fair. It leaves too much discretion up to the Chairman as to who he will pick and choose to speak, leaving some people without the opportunity to do so. If people say that the time is being used to cast slurs and throw mud or what have you, it goes both ways. At the last meeting a remark was made by a Councilor to an elderly person in the audience, "If I was retired, I'd have time to read the newspapers." He informed Chairman Parisi that he (Reginald Knight) has a very busy day. His last paycheck was for 37 1/2 hours for the week; he runs (jogs) four hours per day; he attends public meetings, sometimes two in one evening; he walks on the linear trail. It is not very nice to talk about elderly people that way. Most of the volunteer work in this town is performed by the elderly. He resents any insinuation that the elderly do nothing but sit around and read the paper to chastise the Council.

Mr. Parisi responded that he did not recall anyone saying that the elderly people sit around reading the newspaper. The people on this Council have been extremely supportive of elderly people and will continue to do so.

VOTE ON AMENDMENT: Centner, Papale, Zandri and Zappala, aye; all others, no; motion failed.

Motion was made by Mr. Zandri to Amend the Meeting Procedures to Add a Section to the Rules Titled, "Section XVII. Public Question and Answer Period." The new section will read as follows: "In an effort to minimize the possibility of someone monopolizing the public question and answer period, each person will be allowed to make only one comment or ask only one question at a time as long as there are other people waiting to speak. However, a person can return to ask questions or make comments as many times as they want until all their questions and comments have been heard."

Mr. Parisi stated that it would have been helpful to have the amendments typed up and distributed to the Council ahead of time.

Mr. Zandri distributed copies to all the Councilors.

Motion was seconded by Mr. Zappala.

Mr. Centner pointed out that these proposed amendments are just for the interim period between now and whenever the Council adopts new rules.

Mr. Parisi agreed.

Mr. Zandri informed everyone that the meeting procedures can be brought forth at any meeting for proposed amendments so long as it is done in the proper format.

Mr. Parisi agreed and noted that the meeting procedures can be suspended as well.

Mr. Zappala stated, the amendment is o.k. but how will we know how many people want to speak unless we have them sign up to speak when they come in? There should be more to it than the way it is written. It will be difficult to know how many people will speak and for how long we will allow them to.

Mr. Zandri responded, we usually do it by a show of hands. Obviously, if there are any questions and four or five people raise their hands you will know that there are other questions from the audience. After a person is finished making their comment or asking their question the Chairman can ask if anyone else from the audience has a question. If not, that person can continue. It is very simple; it should not be made any more complicated than that.

Mr. Zappala stated, it is going to be complicated merely by the fact that you can't tell how many people are going to speak. How do you determine the time if you really don't know? What happens if someone makes up their mind last minute? If you ask people to sign up who are willing to speak then you more or less know how much time you need to allow them to speak.

Mr. Zandri explained, there is no time limit. There is just one comment, one question at a time. If it takes a person five minutes to get their question out, so be it.

Mr. Melillo stated that Mr. Zandri's suggestion is a very practical solution and it should be passed. Common sense tells you that certain questions or comments carry a lot more weight and importance than others and deserve or merit a lot more time.

Albert Killen, 150 Cedar Street asked Mr. Zandri if it was his intention to limit the questions at this time or the subject matter?

Mr. Zandri responded, neither. My recommendation is to have an individual ask one question or make one comment at a time and then if there is someone else who wants to speak they can come up after the first individual. If, however, you had three questions this evening you would have to sit down and then come back again to ask your second question and again, for your third.

Mr. Killen stated, if I had three diverse questions that had nothing to do with the same subject matter, I agree. But suppose I come forward and ask a question and I get a short answer that does not satisfy me. Do I then have to leave the microphone and wait until everyone else waiting to speak does so and then return to the microphone to come back and pick up the topic again?

Mr. Zandri responded, no. I would expect that your question would be finalized.

Mr. Killen stated, it cannot be limited to one because if the answer only begets more questions I have got to have the right to ask that other question otherwise I am left hanging.

Mr. Zandri responded, maybe I should have said topics instead of question.

Mr. Killen stated, if the Chairperson is paying attention they should be able to hold a person in line; that is entirely up to the Chairperson.

Mr. Farrell commented that some of Mr. Zandri's suggestions were good but for this evening he will vote in opposition of them because he wants a chance to digest some of them and come back at them at the next meeting, hopefully.

VOTE ON AMENDMENT: Centner and Zandri, aye; all others, no; motion failed.

Motion was made by Mr. Zandri to Amend the Motion by Amending Section XV Entitled, Consent Agenda by eliminating the third paragraph and add the following three paragraphs:

"The opening motion on the consent agenda shall be to move the passage of the consent agenda. Upon being seconded, each item on the consent agenda will be read into the record.

Removal of items on the consent agenda are permitted on the part of any councilor or any member of the public, but no other amendments or discussion of the remaining items on the consent agenda will be allowed.

With the removed items noted, the final vote would be taken on the consent agenda. The passage of the consent agenda is to be by roll call vote and must be unanimous. If it fails, each item must be taken up and voted in its turn."

Motion was seconded by Mr. Zappala for the purpose of discussion.

Mr. Zandri explained that the original idea behind adopting a consent agenda was to shorten the time taken at the meeting by putting items on it that were not of much importance. We do not want to eliminate the public from being involved in any portion of the meeting and that is why I feel it is important that the items on the consent agenda be read into the record and not moved without any indication as to what they are. It does not give the viewing audience or the people in the hall an opportunity to even know what items are on that consent agenda unless they happen to have an agenda for the evening. That is why I feel that it is important to have them read into the record. I also feel that it is important that the Councilors and the public have a right to remove an item from the consent agenda because it gives them the opportunity to ask questions on an item if they choose. The rest of the consent agenda, obviously, would be voted on unanimously by the Council.

Mr. Zappala stated, we do have the power to take any item off of the consent agenda. Your suggested amendment allows the public to get involved in any discussion on the consent agenda.

Mr. Zandri stated, I want to give the public the opportunity to pull an item off the agenda if they have a question. Remember, the original intent of the consent agenda was to speed the meeting along and not to try and eliminate the public from participating in any part of the meeting. When you do not allow the public to take an item off of the consent agenda you are excluding them from part of the process. The proposed amendment is the exact wording that existed in the Council's rules when the consent agenda was first adopted.

Mr. Zappala stated, I have taken items off of the consent agenda on behalf of a citizen that has requested me to remove them. The citizen who is concerned and is knowledgeable on a topic on the consent agenda may call any councilor and request that the item be removed. I don't see how this amendment will make any difference.

Mr. Zandri asked, what happens if a person came to the meeting this evening, read the agenda and had an item they wanted removed? If they don't have the opportunity to do that....

Mr. Parisi stated, but they can request that an agenda be sent to them and then they would have the agenda to read through.

Mr. Zandri reiterated, I feel that there is no reason to put restrictions on the public even on the consent agenda.

Mr. Centner stated, I am concerned that in the interim we have been operating in the last term up until now with an addendum on January 17, 1996 which cover those rules of removing items from the agenda but they are really not rules because they were not voted in as such. What are we going to do in the interim? Are we going to continue accepting this addendum as rules?

Mr. Parisi responded, we can, yes.

Mr. Centner stated, this is then contradicting that item there and I didn't have much difficulty with the addendum other than paragraph four which states that a Councilor must call in by 2:00 P.M. on Friday to pull an item off of the consent agenda. I find that difficult so I would prefer a change somewhere in the rules; I am not necessarily saying this one but a change is needed because in the last term we encountered half a dozen times we had difficulty with the consent agenda.

Mr. Parisi stated, that is what prompted the letter, was the problems that we had with the consent agenda; trying to get the department head notified so that he would be back here if his item was removed from the consent agenda and answer any questions the Councilor had.

Mr. Centner stated, I appreciated that, it was the Friday by 2:00 P.M. preceding the Tuesday meeting.

Mr. Parisi responded, that can be changed; that was an arbitrary figure. Some of those things will be addressed in the new rules. People have made comments about it and we have heard them. Everyone will, all of the Councilors will have the opportunity to review the rules before we do anything; everyone will. It is not a big secret it just is not finished yet and we cannot all meet together and work on it. That is the way it is.

Mr. Centner stated, the agenda packets are being delivered to my house sometimes on Wednesday but most of the time on Thursday and it only gives me Friday until 2:00 P.M. and sometimes the packages are quite large. If we could extend that to Monday morning, that would be nice; that would work for me.

Mr. Melillo stated, this last proposal from Mr. Zandri should be passed in its entirety. The most practical part of it is that the public is to have the option of removing an item from the consent agenda. That is very important. Most of the people who come to these meetings do not have the time to ask for a copy of these items on the consent agenda before they come here to the meeting; they barely have enough time to make it here. Is there a strong

possibility that politics are being played relative to all these practical and brilliant ideas that Mr. Zandri has come up with? Could it be possible? Everything that Mr. Zandri has come out with the proposed amendments are very practical and good for the public as well as the town government. Don't forget, it is supposed to be town government, the welfare of the people and not any political party. Political parties come a distant last, that is the way it is supposed to be. The welfare of the taxpayers are supposed to come first without any politics being played. Don't underestimate us.

Robert Sheehan, 11 Cooper Avenue stated, the important part of this is to bring discussion on certain parts of this, especially when it comes time to vote. I brought this up last year when there was a vote 8-1 and it passed and I was under the impression that the consent agenda needed a unanimous vote because the items that were put on it were, I hate to say it, agreed upon beforehand; that you had a meeting or agreed but, they are usually simple town business. But I also remember at the end of the last fiscal year you had a consent agenda with eighteen items and the total amount of money transferred was close to \$3 million. One item alone was a \$1.9 million transfer. The only way I got an answer to that was, luckily, someone from the Electric Division was here that night and I got an answer through the question and answer period. If he was not here I would have just been left here to say, that is the way it goes. In some instances items placed on the consent agenda should have a dollar value attached to it seeing you have to waive a bid if it is over \$2,000. The consent agenda should apply to those types of items whether it is normal town business; final bookkeeping at the end of the fiscal year or what. For your benefit, and the public's benefit, it would ease their mind as to what is happening to the money.

Philip Wright, Sr., 160 Cedar Street stated, the consent agenda is a very worthwhile procedure. You have to realize, however, that when you fellows and ladies put something on the consent agenda you have the benefit of the knowledge of what it is really all about. You have your packet which gives you the information concerning it. We, the public, don't have that kind of information. We may well have questions and I believe that we should have the right to ask the question and have an item removed. I believed, as it worked in the past, that people who came to these meetings used a lot of discretion and it was not an effort to knock all of the items off of the agenda. It was an item, it was particularly pertinent to some member of the public based on what knowledge they had concerning them. I believe that should be a provision in the consent agenda.

Albert Killen, 150 Cedar Street stated, the consent agenda originally did call for unanimous consent and I can picture Mr. Zandri and myself taking our pot shots in that we always had one

to three items removed from the consent agenda because the material was not in front of us at the time to give it the kind of thought that was called for. I am looking at one item you have on this evening, item "d" under the consent agenda; consider and approve re-naming the following advisory/study committees. I give you dollars to donuts most of you don't know who is on those particular committees and if you had to put you life on it you couldn't tell me whether or not the positions were all filled at this time. That is one of the problems when you take something and just throw it into the hopper and see if it flies; there is no one there doing the homework. If I am wrong, I will stand here, now, and be chastised; I would be more than glad to be. Are you all familiar with all the members of these committees?

Mr. Parisi responded, I could not name them all. We have a list of them.

Mr. Killen stated, the public doesn't have one and can offer you no input on these particular committees which are very worthwhile. For a matter of record it should be that so and so was appointed and so and so appointed and for what particular terms. That is for the good of the population of the Town of Wallingford, not just for the Council, itself. You should give it a little more thought.

Mr. Parisi responded, that list is available to anyone that would want it. It is not secret information. If someone felt strongly that they wanted to know who was on the Historical Properties Study Committee that information is readily available.

Mr. Killen answered, no doubt about it but if I were to go back to this evening's meeting a few years from now to determine who was on this first committee, I will never be able to find out from your minutes. It is not a matter of your minutes at all, it is not in there at all. Yet, your minutes are supposed to reflect what has transpired here.

There was no response from the Council.

Philip Wright, Sr., 160 Cedar Street asked what conversation was being held amongst the Councilors at the bench out of the public's earshot?

Mr. Parisi responded, Mr. Rys made a comment about having the committee member lists attached to the agenda.

VOTE: Centner voted present; Papale, Zandri and Zappala, aye; all others, no; motion failed.

Mr. Parisi called for comments from the public on the main motion.

Wes Lubee, 15 Montowese Trail stated, maybe I could give you some food for thought. I think that it is time to make a change for the

public commentary in your meeting procedure rules has become unworkable. Recent Council sessions have had question and answer periods which were abused by individuals who embarked on lengthy tirades, confused issues and spoke on a multitude of their personal concerns, jealously monopolizing all the time the Chair was willing to allocate to this portion of the council agenda. But, be judicious. Be wise and sensible. Use your good judgement only after thoughtful deliberation. It is so easy to be emotional and irrational and resentful. Let's look at the item as it appears on your agenda, "Public Question and Answer Period", there is absolutely no provision for this in your meeting procedures. None. Section IV which Councilman Knight oft refers to does not provide for a Public Question and Answer Period. No where in the Council's Meeting Procedures is there a provision which states, "there shall be a question and answer period." It's just assumed there will be such, perhaps by tradition, perhaps a carry over from old Representative Town Meetings or its predecessor, the Typical New England Town Meeting. Section IV of your Meeting Procedures makes just such an assumption. Section IV was designed to explain how the public must conduct itself. It instructs the public to address the Chair with public comment or questions and the speaker is limited to three minutes. These instructions applied to the public when speaking on individual agenda items or during the assumed Public Question and Answer Period. A-hah, you say. There's Section III. To what you may be referring expressly provides the position, a Question and Answer period will occur on your meeting agenda and limits the public's participation to town government policies and operation. But, missing are the words, "There shall be a Question and Answer period." Again, it's assumed there will be one. Please note, I've already exceeded three minutes. As defined by historical practice and precedent, this portion of the Council meeting has not been limited to questions answered by the Chair. Even your favorite reference, Section IV refers to public comments as well as questions. Your meeting procedures should be revised. There should be a section stating "There shall be a specific segment at each Council meeting set aside for Public Commentary and Inquiry." That section should then contain the how and what, everything pertaining to the public participation. Which brings us to, "Who needs this?" Let me tell you about a highly motivated citizen who did his homework thirty-eight years ago, in 1959; never missed an RTM (Representative Town Meeting) meeting, didn't show up to be on TV for there wasn't any in those days, and seemed to have an opinion on every item in the budget and on every agenda item. He was one royal pain in the ass. He sat with an old codger named Joe Pinsker in the public seating area at every R.T.M. meeting. We, who had to lead, knew we better do our homework or he and Joe would make us look silly. If we did something unexpected, he asked, "why?". If we didn't do something we were supposed to, he asked, "why not?". If we didn't do something by the book he hauled out the old Charter and put us straight in no uncertain terms. He was a favorite of Gil Kelman, Publisher and Editor of the Old Wallingford Post. Gil could always count on him

for a good newsworthy item, too often to the embarrassment of the Town Meeting representatives. But, isn't that what we want? Don't we wish there were more Bert Killens? Yes, Bert was the fellow who sat out there with Joe Pinsker thirty-eight years ago. Yes, the same Bert you recently attempted to memorialize by inclusion on a list of preferred street names. Thank goodness, thirty-eight years later, Bert still cares about our town. He was usually right then and we paid attention. He's usually right now. Don't kill that tradition in this town. Its too precious to lose. You hear concerns with eastern European accents, you hear Irish brogue, you hear German and Italian and Hungarian accented complaints or advice or requests. You hear from the elite and you hear from the less well-educated. You have children who can dare to stand up and be heard. Isn't that great! You don't want to lose it. We don't want to lose it. But, how to stop the meeting from degenerating into a verbal slugfest. It may require compassion, some humor, patience and a sincere interest in the subject addressed by the speaker. Remember, you attempt to master all the items on every meeting agenda. The speaker may be concerned with only one item and has researched it well, possibly devoting more time to that one subject than you could ever afford. The speaker may be retired and a full time researcher. You have to work for a living. The speaker may be an expert in a related vocation. He or she may have something to contribute. It may not be on your agenda that night. The Chair is somewhat remiss in offering a phone call to a Councilman prior to a meeting as an alternative to speaking to the collective Council. This begs the issue. It is the speaker's optimistic intent to persuade a majority of councilman acting under the camera lights, rather than lengthy repetitious private phone calls to all nine councilman seeking that same majority and the speaker may have documentation to submit, an impossibility by phone. Bob, don't forget I wrote you a letter four months ago which you have yet to acknowledge. Obviously, your suggestion is not a workable solution. What is? First, each speaker should be limited to one subject. The Chair should not recognize a speaker a second time until everyone has had a chance to speak. Only then should he ask for repeat speakers. They, too, should be limited to one subject, etc. Secondly, each speaker should have a realistic time limit that is not three minutes. A meaningful contribution cannot be completed in three minutes. This is not intended to be a meaningless exercise. Give the speaker sufficient time to feel he has been heard and to make his point. You've tried to do that. I haven't seen you gavel anyone at the end of three minutes. So obviously, all that three minutes does is put pressure on the Chair. That's crazy. What you may need is a ten minute limit with a yellow warning light followed by a red light such as used at Congressional hearings. This relieves the Chair of having to gavel speakers and maybe you should smile more often. To summarize: 1) Change the name to Public Commentary and Inquiry; 2) Amend your Meeting Procedures to provide for a Public Commentary and Inquiry and put all applicable material in that one section; 3) Limit each speaker to one subject; 4) Deny a

speaker a second opportunity until all other speakers have had their turn; 5) Limit each speaker to ten minutes; 6) Time each speaker by machine, and 7) Smile more often, it becomes you. By the way, this took ten minutes. (applause)

Mr. Parisi suggested that Mr. Lube submit his recommendations to the Council.

Frank Wasilewski, 57 N. Orchard Street stated, I would like to take my hat off to Wes Lube, this is one of the tapes that this Council should save for I would like to watch it fifty years from now. Don't destroy this tape because you will not hear words like that in this hall very often. (applause)

MOTION ON ORIGINAL MOTION TO ADOPT MEETING PROCEDURES: Zandri, no; all others, aye; motion duly carried.

Mr. Zandri asked as a point of information, could someone point out to me in these procedures that have just been passed where a Councilman has a right to take an item off of the consent agenda? Where is it stated in the procedures?

Mr. Parisi responded, I don't believe it says it in the procedures.

ITEM #4 Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#204-209) Totalling \$1,686.86 - Tax Collector

ITEM #4b Approve and Accept the Minutes of the 11/25/97 Town Council Meeting

ITEM #4c Approve and Accept the Minutes of the 12/9/97 Town Council Meeting

ITEM #4d Consider and Approve Re-Naming the Following Advisory/Study Committees:

- Committee on Aging's Adhoc Committee to Study the Expansion of the Senior Center Facility and Parking
- Community Lake Restoration Committee
- Municipal Golf Course Study Committee
- Steering Committee Jubilee 2000 Celebration
- Historical Properties Study Committee
- Quinnipiac Linear Trail Advisory Committee
- Habitat for Humanity Council Chambers

ITEM #4e Consider and Approve Disbanding the Recreation Center/Ice Rink Committee

ITEM #4f Consider and Approve Appointment of a Flood and Erosion Control Board in Accordance with Ordinance #355 of the Town of Wallingford

ITEM #4g Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Regular Salaries & Wages Acct. #3010-101-1000 to Telephone Acct. #3010-201-2000 - Health Dept.

ITEM #4h Consider and Approve a Transfer of Funds in the Amount of \$2,705 from Recreation Supplies Acct. #001-4001-401-4100 of Which \$1,205 is Transferred to Capital - Digitimers Acct. #001-4001-999-9951 and \$1,500 is Transferred to Capital - Batter's Boxes Acct. #001-4001-999-9952 - Parks & Recreation Dept.

ITEM #4i Consider and Approve a Resolution Authorizing the Mayor to Enter Into an Agreement with the State Department of Social Services for Funding Associated with Child Day Care Program 148-CDC-27 for the Period of Jan.1, 1998 to Dec. 31, 1998

ITEM #4j Consider and Approve a Resolution Permitting the Wallingford Day Care Center to Borrow from the Town Amounts Necessary to Meet Essential Operating Expenses of the Center Prior to the Time Its Program is Approved for Funding by the State

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, seconded by Mr. Centner.

VOTE: Zandri abstained; all others, aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Frank Wasilewski, 57 N. Orchard Street stated that he received a reply from the Mayor's Office pertaining to the handicapped ramp on Simpson Court and it was explained quite well but I investigated it further and it is built two inches (2") from the Town's property. Also, that whole section from Center Street to the old Library, wherever they put that ramp, all that is private property. When Becky came before the Council to put a couple of little tables out there she didn't have to do that because it was her property and yet, the Council spent all that time debating whether she could put the tables out; she had every right to according to the way the thing is set up in Wallingford. I think all of Center Street is the same way.

Mr. Parisi stated, we were not told that.

Mr. Wasilewski responded, somebody has to know these things that are going on.

Mr. Parisi answered, you go by the opinion you get.

Mr. Wasilewski stated, if it comes up again, you people will know. I would like to thank the Mayor for replying but I was here when the Mayor was sworn in and the Council was sworn in and so was the Board of Education. The Mayor is the only official in Wallingford that has to uphold the Constitution of the United States and the Constitution of Connecticut. All the rest of you on the Board of Ed and Council just have to uphold your specific duties. What I am doing now is throwing everything in the Mayor's lap; he is going to protect my rights. I am not going to question you people (Council) at all, if the Mayor sees that you are doing something wrong and it is against the Constitution, I want him to stand up and say, Frank doesn't like this.

Walt Sawallich, Jr., 100 Jobs Road apologized for walking in a few moments late. He did not want to speak on the last item because he walked in late and was not sure where everyone was on the speaking issue. He asked what the original motion was?

Mr. Parisi explained, we passed the existing rules we have. We are in the process of reviewing the rules we have and may, perhaps, propose some new rules. That has not been done tonight; it will be done at a later meeting.

Mr. Sawallich asked, will the public have a chance to speak on the new rules before they are put into effect?

Mr. Parisi answered, that is correct.

Mr. Sawallich asked, will they be in the paper or something?

Mr. Parisi answered, I would hope that it would be, yes.

Mr. Sawallich asked again, so, it will be discussed and put before the public again....?

Mr. Parisi stated, it does not have to be published.

Mr. Sawallich asked, is it going to be put before the public again before you bring new rules into effect on this speaking issue?

Mr. Parisi answered, yes.

Reginald Knight, 21 Audette Drive stated, I know that some of us, as the gentleman said there, we have accents and we talk a little funny; we are not public speakers like you are. We are not trained, we are not educated the way you are so I will just have to ask you to bear with me on this. In recent articles in the newspaper we hear such words as, "lambaste, embarrass and insult" the Council and the Mayor. But apparently, they seem to do a good job among themselves. One republican up there said, "Mr. Rys and Mr. Parisi run a very tight disciplinary control, I do not care what time meetings close. It will be interesting to see how

the vote goes on that." Mr. Renda vowed to make leadership changes on the campaign trail when he was speaking. He (Mr. Renda) said, Parisi and Rys would not listen to him and controlled him but they gave him a party and everything is o.k. so I guess that's....they are saying these things about themselves. I didn't say it, they quote themselves right in the paper. Comments made about people staying away; but if people do come it will extend the time of the meetings so that sort of cancels that out. Also, I would like to bring to a point about the time talked compared to the time listened to. I brought this subject up on many occasions where people are talking here (on the Council), nobody's listening; they are reading something; they are writing something; they are having little chats and I have even seen giggling sessions going on like little schoolgirls. That is not meant as a slur or anything but that is what I have seen and other people have seen that. If you don't believe me read (Ted) Moynihan's column (Record Journal). In regards to the length of time taken by speakers, Councilors expound and pontificate for long periods on subjects which are a done deal before they even come in here. If you don't believe me, believe one of your own who says, "When they have their little quorums they are all going to agree with us; right; there is a difference between what they say on the Council stage and what they say at the office, I will be damned if I'll make another mistake." These are their own remarks of people within their own party talking about each other. With regards to our speaking delivery; there is one Councilor up there, I don't understand a word he says I have to wait for the tapes when I get home. As for embarrassment of any person up there; if a taxpayer brings something to light that embarrasses a politician, that is part of the system. Is the Council above reproach? Our resident historian has said that clergyman's invocations are long traditions but, "I worry about wickens and other such people becoming involved." Here we start talking about undesirables and desirability; who picks out who is desirable and undesirable? A short meeting is not necessarily a good productive meeting, nor a long one either. But at least points of view will be heard in the longer one to give insight to a decision. If the power shoe were on the other foot would the present group not criticize the opposite group or would they blindly trust them in blind faith that they would do the right and honest or logical thing? Democracy in America was born in New England; like people who spoke up against the power of that day. Many Americans have died protecting the most basic of American rights; free speech. If cutting off dissent in the first step is the first step, closed sessions only or in camera as they say in Latin...Mr. Renda has told myself and others that things are always settled before at the meeting before the meeting. What next? No press allowed? This great efficiency spiel and talk of undesirables sounds awfully familiar from the '30s. Democracy has taken a long time to grow and it is very fragile. We see it being eroded every day. Dachau and Bergen Belsin were very efficient with no dissent and very productive.

Mr. Farrell stated, I think that last part was a personal attack. I think the comment about concentration camps was out of order.

Reginald Knight explained, I am talking about the erosion of democracy, sir. It comes in little bites.

Mr. Farrell stated, I think that likening concentration camps to what goes on here is highly inappropriate...it's a disgusting thing.

Reginald Knight added, I am talking about the beginnings of the erosion of democracy. To get back to that statement that older folk have the time to read the newspaper.....older folk are very busy too, they have a lot to do. You people (Council) sit up there on your very wide and well-padded swivel chairs while the public has to sit on hard, wooden seats designed for children and listen to words that have little or no meaning because the issue was settled in quorum according to one of your own. How about a referendum? Let the wording be that the people of Wallingford speak against the people coming up here to speak and then we will have a result like we did with the recreation committee where the vote was 2 1/2 to 1 against it but because there were not enough voters, the apathy killed it and it went through. A suggestion a while back that we phone councilors and what not to get our point across instead of on the public time which is here and for which this group is paid; we are not paid out here; if we were to call them at home I don't think it would be too terribly long before there would either be two phones in the house or there would be a blocker picking up the phone and the person would not be at home. (applause)

Pasquale Melillo, 15 Haller Place, Yalesville stated, I read some articles recently relative to Community Lake. It seems the State D.E.P. have made up their minds that they are going to restore the dam at Community Lake at a height of six feet. If you recall several meetings ago I brought up the fact that the deed for Community Lake and the dam specifically states that the height of the dam should be maintained forever at twelve feet; it should never be changed. Let's say it stands that the State constructs a six foot dam. That would be a violation of the mandate and intent of the deed which specifically states that the dam is supposed to be twelve feet forever. What happens if someone comes along and brings a lawsuit against the town for constructing a six foot dam as opposed to a twelve foot dam? Who will be liable?, the Town of Wallingford or will the State D.E.P. be liable?

Mr. Parisi asked Assistant Town Attorney Gerald Farrell, Sr., if he had an opinion on that matter?

Mr. Melillo asked the Asst. Town Attorney to look into the matter along with the Council and Mayor.

Mr. Parisi stated, Mr. Melillo is saying that the deed states that the dam should be twelve feet high and that the D.E.P. is recommending a six foot high dam and if there is any problem with it who's liable because of the deed stating a twelve foot dam; we will try to get you an answer.

Mr. Melillo next asked if he could get an update on the Linear Park Trail.

Mr. Parisi responded, no, not now. Is there another meeting coming up?

Mr. Centner explained, the meetings are held monthly; the first Thursday of the month here, at Council Chambers, at 7:00 p.m. We just held one this past Thursday.

Mr. Parisi stated, the meetings are posted.

Mayor Dickinson stated, I think the State is holding an informational session on Community Lake tomorrow night at the Library in the Community Room at 7:00 p.m.

Mr. Melillo reiterated that he is mostly concerned about the deed restriction with regards to the height of the dam. He asked that the Councilors, Mayor and Town Attorney get together and have an answer for him at the next Town Council Meeting. He would appreciate this item being put on the next Town Council agenda so that the public could find out exactly what will happen.

Mr. Parisi stated, you will receive the information from the Town Attorney's Office.

Andy Kappi, 6 Deme Road stated, I know this is going to come to a vote at the next meeting but I imagine that this is the best time to try and input into this process and I think that one of the things that we can clear up tonight on the speaking issue, I hope, is the semantics that we decide upon as to what meetings and what terms and phrases we are using. Earlier tonight we moved from statements to topics in a discussion of what a comment would consist of. At this point I would like to take that a tiny bit further and make an argument.....

Mr. Parisi pointed out, this is not what we are discussing now. I don't want to go into a long discussion on something we just discussed. This was an item on the agenda.

Mr. Kappi thought the Council was discussing amendments.

Mr. Parisi explained, this is Public Question and Answer Period. The item has been dealt with. The outcome is that we passed our existing rules and the rules are still being worked on and have not

been presented so it will be done in the very near future.

Mr. Kappi asked, don't you want to hear any further argument or discussion on what you are going to consider when you formulate your new procedures?

Mr. Parisi responded, you can submit something if you would like to. We are not going to remember every word of what you are going to say. I would rather have what you have written, if you have it and have copies distributed that would be far more beneficial. We asked Mr. Lubee to submit his statements, too.

Mr. Kappi agreed to hold his comments until such time as the rules are before the Council for review but stated, I have done some research and contacted the City Attorney in Middletown and that was the one set of procedures.....all I would say is that I would want that particular example not to be minimized in your consideration because those folks schedule a third meeting per month for the purpose...

Mr. Parisi commented, you will have ample time in the future to make every discussion item that you want to bring up.

Albert Killen, 150 Cedar Street asked, are the Councilors all in possession of the Actuarial Report for the Pension Fund for this past year?

Mr. Parisi responded, no.

Mr. Killen asked, are you aware it is available?

Mr. Parisi answered, no, but I am sure it is available if we want it.

Mr. Killen stated, it is not a five cent item; it may run into millions of millions of dollars and I cannot understand why you were not made aware of it as soon as it became available. It is one of the tools you have to work with. It is one of the things we have for running a little bit behind, when we had the knowledge ahead of time we would not have had to put any money into this year's budget for the pension fund. There is an interesting little item in there and I will not go into any detail because I am hopeful that you people will take advantage of something that you did not take advantage of before which was to set up the (Pension) committee and find out what the hell is going on. On page 6 it says, "Fiscal 1998 annual town cost payable July 1, 1997.....amount under Hazard, zero; under Regular, zero; under the Total, zero. Based on the current amortization schedule of nine years, as of July 1, 1997 there would be no required contribution for fiscal 1998 and 1999." We have been telling you that for about five years but we continue to put money in and these people who are sitting

here now that pay taxes have been paying through the nose for something that they did not have to pay. I please ask you to get a copy of the report...

Mr. Parisi stated, we are not going to have to put anything in, now.

Mr. Killen responded, that is wonderful but how did we get to this particular point when it could have been, and I think it was Mr. Valenti's report, in 1990 we could have stopped.

Mr. Parisi stated, the point is that we got here because we faithfully contributed for twenty some odd years, that is how we got here.

Mr. Killen stated, you don't understand, Bob. The purpose of bonding and the reason for putting money in these particular things is to spread it around, not to hit someone now so that the people in the future can live high off the hog. You are supposed to put in just what is necessary, we have been putting in more than necessary so that we have been doing now and we are getting nothing in return and all of a sudden it is good enough for me because it is a done deal.

Mr. Parisi pointed out, we have benefited from a very healthy market, too, as I hope everyone has.

Mr. Killen responded, but what you hire outside people for is to let you know how can you take advantage of this particular thing.

Mr. Parisi answered, they let us know; as you say it is in their report.

Mr. Killen stated, I give up.

Jason Zandri, Circle Drive asked, when the Council moves to remove an item from the consent agenda does it have to be unanimous or not?

Mr. Parisi answered, no, it does not.

Jason Zandri asked, is that stated in the (Council) rules?

Mr. Parisi answered, it just states that it is a roll call vote required.

Jason Zandri asked, then it is by majority vote?

Mr. Parisi explained, it does not state that but that is the way it has been interpreted.

Jason Zandri stated, then it is understood and there is nothing set in stone.

Mr. Parisi answered, not yet. That is something that has to be cleared up.

Jason Zandri asked, any Councilor can bring it up and it is done by majority vote when they want to have something removed?

Mr. Parisi answered, no, there is not a.....attachment to the rules that is a letter that described a procedure to remove an item from the consent agenda. It has never been voted on but we did it for almost two years on a gentlemen's agreement, if you will, and we all complied with it.

Jason Zandri asked, so the idea is, any Councilor can bring it up, that something be removed and then it is voted on and it goes by majority?

Mr. Parisi answered, right.....no, no, no, I am going to take that back. If a Councilor requests that an item be removed from the agenda by Friday at 2:00 P.M. it is removed.

Jason Zandri asked, but beyond that time period?

Mr. Parisi answered, no, then not.

Jason Zandri asked, how is this vote taken? There is no vote taken.

Mr. Parisi explained, the vote is taken just like we did tonight.

Jason Zandri asked, so they make a request by 2:00 P.M. on Friday, the request is read out loud and a vote is taken on it?

Mr. Parisi explained, no, they call into the Council office and usually they tell the secretary that they would like to remove what ever item it is listed as and then it is removed. There is no vote. It is removed and then it is taken up under the item following the consent agenda titled, "Items Removed from the Consent Agenda."

Jason Zandri asked, any Councilor can do it before 2:00 P.M. on a Friday?

Mr. Parisi responded, right.

Jason Zandri asked, currently, is there a provision for a townsperson to do the same thing?

Mr. Parisi answered, no, there is not.

Jason Zandri asked, if there was something that I would like to request be removed, then I can call a Councilor before Friday at 2:00 P.M.?

Mr. Parisi responded, that was being very creative. On occasion there can be some discussion over the item and further information presented to that Councilman and he can choose at that point to not take it off but if he feels strongly enough that it be taken off, it is taken off.

Frank Wasilewski, 57 North Orchard Street stated, with regards to removing something from the consent agenda; about a year or so ago I did call you up, Bob, to remove something from the consent agenda, some large amounts of money, but after you explained it to me you figured that you did not have to remove the item from the agenda and I did not argue the point; I figured, if that's the way you want it, let it be. But, it is not going to happen; anyone can call a Councilman but that doesn't mean that it is going to be removed from the consent agenda. If they say they don't agree with you, it stays on the agenda. There is good and bad in everything.

Mr. Parisi pointed out, you have nine (Councilors) to call. I find it hard to believe; I thought that we understood.....it wasn't that I was not honoring your request.

Mr. Wasilewski stated, I was not fooling around with the little guys, I was going with the big guys. I wonder if the Council could make a request of the Mayor before he goes to some of the organizations in town to give the State of the Town Address, it would be appreciated by the taxpayers and also the Council if the Mayor gave his State of the Town Address before the Council and the public. I know he is going to have one at the country club on Friday but if I wanted to go to that it is going to cost me \$20. We are paying him a salary and I think it would be nice if he were to come here; we have everything set up for the Mayor, to give us a nice address where we could either agree or disagree with him.

Mayor Dickinson stated, it is not meant to be anything more than a speech. The Chamber of Commerce titles it the State of the Town, I think it gets some notoriety or attention because it is similar to the State of the State or the State of the Union Addresses made at State and Federal level but it is a speech. It is not an official speech anymore than any speech may be. It is not that the Town of Wallingford has something similar to the State of the Union Address that the President gives. I don't think that we should look at it as something more than just a speech.

Mr. Wasilewski stated, it is in the paper as a State of the Town Address and the members get it free.....I know that it has been going on for a number of years. The Mayor has not given us a State of the Town Address in a number of years. I think we should go

back to that and let the Mayor get up and explain the State of Wallingford.

Mr. Parisi stated, he (Mayor) does it at the budget time, too.

Mr. Wasilewski stated, I have had private meetings with the Mayor and I have never won a discussion with him anyway because he is pretty clever. I have to admit that. He will let me talk but somehow he could turn my thoughts around and before I am through I am saying, what the heck, you're right Mayor, thank you.

The Chair declared Public Question and Answer Period closed at this point in time.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$26,000 from Liability Insurance Acct. #925-000 to Maintenance of Sewer Treatment Equipment Acct. #652-000 - Sewer Division

Correspondence from Roger Dann, General Manager of the Water & Sewer Divisions was read into the record by Mr. Rys. In part it states, "During the current year the Sewer Division has experienced an increased number of failures of the drive units for the rotating biological contactors (RBC's) at the Wastewater Treatment Plant. As a result, the Division will need additional funds in the current year in order to make all necessary repairs and/or replacements." Hence, the need to request a transfer of \$26,000. Mr. Dann states in his letter that funds are available in the Liability Insurance Account due to a favorable bid pricing received for the current year.

Moved by Mr. Rys, seconded by Mr. Farrell.

Mr. Knight stated, it seems as though you have found the mother load in that Liability Insurance Account for both the Sewer Division and the Water Division. They're significant in terms of their percentage of the actual dollars that were budgeted for that item. What is extraordinary about it?

Dave Gessert, Chairman of the Public Utilities Commission stated, we did make an inquiry recently from the P.U.C. to the Risk Manager regarding our insurance coverage. We wanted to evaluate it and see if we were getting the best possible rates and that kind of thing and look at alternatives. We got a letter back from him; he had put it out for a long term bid and the prices were significantly lower than they had been in the past. When I say significantly we are looking at all three divisions. There is over a forty percent (40%) decrease in our premiums. A significant amount of money that was budgeted for all types of insurances in the divisions has become available to use for other purposes. We would not just think these things up to take advantage of that money, I can assure you. Once in a while some things do go down.

Mr. Centner asked, what is an RBC and what is the total cost to make the repair? I know this is the additional funds needed but what did it really cost for the whole unit?

Mr. Dann responded, the RBC is a rotating biological contactor. If you have been down to the Wastewater Treatment Plant you've seen those large, white, half cylindrical covers. Those cover a rotating media that is about twelve feet in diameter and weighs in the order of about twenty-five tons and is continually rotating into and out of the wastewater stream. The purpose for it is to allow for a large surface area where the growth of organisms that are beneficial to the breakdown of the wastewater are allowed to grow. We have a total of fifty-six of those units at the wastewater plant and I don't recollect what the initial cost of those was. They were installed as part of the upgrade to the wastewater facility. The budget as we presented it for the current year contained an amount of about \$38,700 for maintenance of the drive units and that included the replacement of two with new units and the rebuild of approximately four to five units. It costs us, when one is damaged, on the order of between four to five thousand dollars, typically, to rebuild the unit if it can be salvaged. The additional funds that we are requesting here will bring the total budget for that purpose up to an amount of \$64,700 and what we are looking to do there is to purchase four brand new units and we hope to have enough funds remaining then to rebuild five to six. That would be consistent with a failure rate that we are experiencing at the present time.

Mr. Centner asked, these things do not go through systematic maintenance? You just repair them as they fail and the distribution of failures is about four or five a year?

Mr. Gessert stated, they are being maintained systematically but it is a huge wheel extremely heavy that is powered by a rather small motor. It is like a five horsepower (5 h.p.) motor. The motors are maintained but these things have been in operation for about ten years and that is pushing the limit on a motor that size to move the type of weight that they move on a regular basis. This is not the end of the project. Roger talked to the P.U.C. the other evening and informed us that in this year's coming capital budget he will be budgeting for additional ones in next year's budget to do some replacements down there.

Mr. Centner asked, do you think you can turn them all over before you start the failures again so that you can go with the systematic plan? Ten percent a year is about what you are expecting?

Mr. Dann responded, it is an increasing failure rate. As they age we are experiencing more and more failures every year. Say over the last four year period we may have had four or five a year. That grew to six and in the past calendar year it actually went up to

nine units. In fact, the units are aging, the failures seem to be fatigue-related so we should continue to see an increase in frequency. One of the things that we are doing when replacing these outright is we are going to a different manufacturer who makes a unit which is somewhat heavier duty and we are hoping by making that switch over time we will, in fact, get a longer life out of the units. With fifty-six units, however, at a cost of about \$10,000 per unit it is a substantial investment and one that we will be looking to make over a period of time.

Mr. Parisi asked, did you say you were looking around for different manufacturers?

Mr. Gessert stated, Mr. Dann said that the ones he is purchasing or planning to purchase will be a different type and hopefully get a longer life out of them; a little more substantial than the units that are there now. We hope Roger is correct.

VOTE: All ayes; motion duly carried.

ITEM #8 Consider and Approve a Budget Amendment in the Amount of \$40,900 from Liability Insurance Acct. #925-000; \$3,000 from Property Insurance Acct. #924-000; \$4,000 from Maintenance Transmission & Distribution Lines Acct. #673-000; \$1,000 from Structures and Improvements Acct. #390-098 and \$4,800 from Power Purchased for Pumping Acct. #623-000 for a Total of \$53,700 Transferred to New Distribution Mains Acct. #343-098 - Water Division

Correspondence from Roger Dann, General Manager of the Water & Sewer Divisions states, in part, that bids have now been received by the State Department of Transportation for the Quinnipiac Corridor Project which includes the replacement of water mains, the cost of which is the responsibility of the Water Division. For this project, the amount of \$210,000 was included in the current year's capital budget however, based upon the actual bids received, additional funds will be required. Hence, the need for a budget amendment in the amount of \$53,700.

Moved by Mr. Rys, seconded by Mr. Farrell.

Mr. Centner stated, my concern is, I understand the letter, the increase is roughly twenty-five percent (25%) of the original estimate to budget for that, is that due to a different kind of project for budgeting purposes? It is a sizable deviation from the account.

Mr. Dann responded, yes it is. We prepared a budget for it that had been reviewed by the State prior to the bidding process however, as the bids have been received, I cannot point to one particular item that is substantially higher. I think across the

board all of the numbers for each of the individual items are somewhat higher. Whether or not it is a function of this being included into a State project with various requirements that are attached to that, because it is federal money, that would appear to be one possibility to me.

Mr. Centner asked, labor, materials and things all appear to be a little higher than anticipated as well?

Mr. Dann answered, yes, a little higher than we normally do see.

Mr. Gessert stated, it should be noted that it makes sense to replace this water line in that particular area. Those of you who have been around Wallingford for a while know that we have seen streets paved and a year later someone decides that they are going to put a new line under the street and it is insanity but we have seen it too many times. I think that this shows some good planning and discussions between departments.

Mr. Parisi asked, have we contacted Yankee Gas Co. and the other companies that have reason to dig the roads up on occasion?

Mr. Dann asked, relative to this particular project? I really could not answer that. I would presume that is part of putting the overall package together for the Town.

Mr. Parisi recalled how Whittlesey Avenue Extension was recently paved and is being dug up. I know that it is a difficult thing to accomplish and it has been elusive for the twenty-two years I have been on the Council and I know that we are successful at times....

Mr. Gessert asked the Mayor if the Engineering Department checked with the Gas Co. on the Quinnipiac Corridor Project to see if while that street is open they wanted to replace their underground facilities at the same time?

Mayor Dickinson responded that he did not know and he would have to check with Engineering.

Mr. Gessert asked of the Mayor, if the Engineering Department hasn't yet done so, have them check with the Gas Co. before the project is started and the road opened if they want to replace their mains in there at the same time while the work is being done.

Mr. Parisi agreed that it would be a good idea to make an effort to communicate on these issues.

Mayor Dickinson stated, that is a Town project but it is run by the State so we will have to find out what the process is.

Mr. Dann stated, I would expect that they have been notified. Typically, on a project like that the utilities receive

notification so that they know at the very minimum that they have to adjust their facilities whether or not it was specifically as to if they wanted to, in addition to that, replace mains it is hard to say.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve Abandoning Portions of the Original Fairlawn Drive cul-de-sac to the Owners of Lots #18, 19 & 20

Motion was made by Mr. Rys, seconded by Mr. Knight.

Linda Bush, Town Planner stated, with the cul-de-sac the road got extended about two years ago, the pavement was dug up, lawns were put in and it is no longer road it is people's front lawns and we are just deeding it back to the three lots that abut the cul-de-sac. The Town Attorney's office has prepared the deeds.

Mr. Zappala referenced the accompanying map stated, the cul-de-sac are lots marked, #20, 22 & 25.

Ms. Bush explained, those are street numbers; addresses.

Mr. Zandri asked, has the cul-de-sac been removed, it no longer exists and it is just a straight road now?

Ms. Bush responded, yes.

Pasquale Melillo, 15 Haller Place, Yalesville asked, are there any liabilities placed upon the Town by giving back the land?

Mr. Parisi responded, no, that has all been addressed by the Town Attorney's Office.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve Accepting the Following Streets:

- Bridle Lane - off of Woodhouse, next to Town's open space
- Hitching Post - off of Halsey
- Megan Lane - off of Pond Hill, next to CL&P Right-of-Way

Motion was made by Mr. Rys, seconded by Mr. Centner.

Mr. Rys asked, with regards to the road, Hitching Post, we are retaining a maintenance bond of \$8,000. Would that money be useable if we found problems in the road later?

Linda Bush, Town Planner responded, yes, that is what we keep bonds for. We rarely have to call maintenance bonds because normally the people who build in Wallingford plan to build in other locations

in Town and if we find a problem they correct it. Rarely we have to call the bonds; but we have.

Mr. Rys explained, upon visiting the cul-de-sac it appears that there was a piece of heavy equipment used and one portion of the road appeared indented as though it was not compacted enough. I am not an engineer but I am bringing this up so that it can be a matter of record here.

Ms. Bush stated, that is why the maintenance bond is kept until the Spring of the following year. Occasionally during winter problems arise. We keep the bond for that reason.

Mr. Rys stated, I looked at the area in December and it may have been corrected but I wanted this noted for the record in case something is wrong.

Mr. Parisi asked, are you expecting any problems with this road?

Ms. Bush responded, no, otherwise Engineering would not have signed off on it, no. This bond of \$8,000 is not considered large so I don't expect any problems but occasionally there have been instances where a catch basin has sunken after winter. The contractor goes out in the Spring, digs it up and corrects it. That does not happen often but it happens on rare occasions.

Mr. Centner stated, I appreciate the Engineering Department providing us with conditions and exceptions as to why the maintenance bond is targeted because it really helps me. This is for Megan Lane; it is clearly stated that they want street trees and two small sections of sidewalk and a driveway apron. It is very helpful for us to see that and I appreciate it.

Mr. Zandri asked, these roads have been approved by the Engineering Department?

Ms. Bush responded, yes, they have been signed off on, you should have those. They were all signed off on by Engineering and Public Works. Hitching Post and Megan were accepted last night by P & Z (Planning & Zoning Commission); Bridle (Lane) had been accepted a couple of weeks ago.

Pasquale Melillo, 15 Haller Place, Yalesville asked, what is factored into the word "accepting"?

Ms. Bush explained, if it snows on Thursday Public Works will plow the road and that is why we want to get them accepted. It means that the Post Office will deliver mail; Public Works will plow; if there is a bulky waste pick-up or trash pick-up in Wallingford, they will go down the street. It is a private road as of today and the minute it becomes accepted it becomes a public road, the Town's responsible for maintenance and the residents get services.

VOTE: Knight was absent; all others aye; motion duly carried.

ITEM #11 Consider and Approve the Appointment of Elaine Trahan-Kirkland, Alvin Gasser and James Rainey to the Positions of Constables for a Two Year Term to Expire 1/13/2000

Motion was made by Mr. Rys, seconded by Ms. Papale.

Mr. Farrell asked, are any of the individuals here this evening? The question I have went to whether the candidates would be willing to do the job in terms of serving legal papers? I know sometimes that has come as a surprise to people once they have been appointed a constable and I wondered whether those individuals knew of that part of the job?

Mr. Zappala responded, I believe that they are aware of the conditions of the job of constable and they are willing to do it.

Mr. Farrell stated, your word is golden, Mr. Zappala, so I accept it.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve One (1) Appointment/Re-Appointment to the Position of Commissioner on the Planning & Zoning Commission for a Term of Five (5) Years to Expire 1/8/2003

Motion was made by Ms. Papale to Re-Appoint Vincenzo DiNatale to the Position, seconded by Mr. Zappala.

Ms. Papale stated, much of the discussion was mentioned when Mr. DiNatale was nominated part time two months ago.

VOTE: All ayes; motion duly carried.

Town Clerk, Rosemary A. Rascati, performed the swearing-in ceremony at this time.

(applause)

ITEM #13 Consider and Approve One (1) Appointment/Re-Appointment to the Position of Commissioner on the Zoning Board of Appeals for a Term of Five (5) Years to Expire 1/8/2003

Motion was made by Ms. Papale to Re-Appoint Steven Hacku to the Position, seconded by Mr. Zappala.

Mr. Farrell stated, I have watched Steve Hacku in action; I think he does a great job on the ZBA and I am very glad to reach across the aisle and say that.

Ms. Papale stated, we are very glad to have him back.

VOTE: All ayes; motion duly carried.

Town Clerk, Rosemary A. Rascati, performed the swearing-in ceremony at this time.

(applause)

ITEM #14 SET A PUBLIC HEARING for January 27, 1998 at 7:45 P.M. on an Ordinance Amending an Ordinance Appropriating \$315,000 for the Planning and Design of West Side Tankage and Associated System Improvements and Authorizing the Issue of \$315,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Frank Wasilewski, 57 N. Orchard Street asked, is this for the water tower up at Gaylord?

Mr. Parisi responded, that's it.

VOTE: All ayes; motion duly carried.

ITEM #15 Consider and Approve a Resolution of the Town Council Supporting Various ISTEAs-STP Projects

Motion was made by Mr. Rys, seconded by Ms. Papale.

Mr. Rys read the resolution in its entirety into the record (Appendix II).

Mr. Farrell asked the Mayor, at the (public informational) meeting (1/6/98, 7:00 P.M) you had generally made a commitment that if we went forward with the North Main Street Extension Project that we weren't, in general, going to consider widening of that road. Perhaps a minimal widening to make things consistent but not further widening of the road or that we would get to reconsider that at the point that becomes an issue, is that correct?

Mayor Dickinson answered, that is correct. This was presented in concept form; surveys haven't been done so there aren't real details. It is necessary for us to have the resolution in order for us to comply with State requirements. They don't want to get into the project with Engineering and find out the Town does not want to do it because it does absorb State time as well. We have committed to surveying, getting an idea of exactly what the right-of-way would be. At the point we know that, we can answer questions of any residents and the commitment was to not deal with a widening project but to try to restrict our activities to the

existing paved areas, particularly in the residential areas and move forward in that way.

Mr. Farrell asked, do we have the option of backing out of this if it becomes apparent that federal money has the kind of strings attached to it that we would not find acceptable?

Mayor Dickinson answered, right. What will happen is that the report is made to the State; we are going to do survey work as John Thompson, Engineer, has indicated at the meeting; in addition, the Town is obligated to perform 100% of the engineering cost on the project. I don't believe that they are funded for that at this time. There would at some point be the opportunity on the part of the Council to approve or disapprove funding for engineering and certainly you have the right to have more details in what the project is, especially where there have been concerns raised. Those concerns deal with the width and some other issues but primarily width and those questions have to be answered. Yes, there is an opportunity to, for us not to do the engineering in effect. If we don't do the engineering, the project cannot go ahead because under this program the municipalities are obligated to do the engineering.

Mr. Parisi asked the Mayor if the discussion pertaining to Main Street Extension was resolved at the informational meeting. He explained that he could not stay at the meeting.

Mayor Dickinson responded, the discussion dealt with concerns over the widening of the road and it was presented that we would present a plan to the State that did not deal with widening. There may be some minor areas for adjustment but as an overall project it would not be dealing with widening of the road.

Ms. Papale stated that she was unable to attend the informational meeting and has not read anything as far as what was decided or what the people discussed so she has a problem voting on the resolution until she obtains more information on the subject.

Mayor Dickinson explained, we are not putting out any money at this point. The dollar figures represented here are coming from the State from the federal government. That's their estimate on the cost of the project. The engineering we will have to do which is a separate issue. We will have to appropriate funds for engineering.

Ms. Papale stated, we could vote on this resolution and not be tied down for the 100% utilizing of the engineering consultant.

Mayor Dickinson responded, that is correct. That would be a separate act on the part of the Town to deal with the engineering. The purpose of the resolution is to let the State know that in

concept the Town is in agreement that we want these projects done and it moves forward according to their timetable. It is the same type of project as the Quinnipiac Corridor which started in 1992 and is just going to construction in Spring, 1998. There is a significant time factor involved with these projects. I would hope that these don't involve that lengthy a period of time. The State has its own routine and requirements and one of those early requirements is, first of all there is a concept team that comes out, verifies that they think it is o.k., then they come back to the Town and say, o.k., now will you pass this resolution so that we don't waste any time. The next step would be for us to begin to get into engineering. Prior to us doing that we are going to do surveys so that we can assure people that we are not going to be taking front yards and causing other problems as voiced by residents at the meeting. This is not appropriating money, it is telling the State of Connecticut, Department of Transportation we are interested in these projects.

Ms. Papale asked, were there minutes taken at this hearing?

Mayor Dickinson answered, it was not a public hearing, it was a public meeting so there was not, there were not minutes of a formal nature taken. I took some notes, I don't know if others did. You would be welcome to see what notes I took. I believe five Councilmembers were there.

Mr. Centner asked, I am sort of following up; a little bit was earlier discussion about that maybe "need" to use some of the Town-owned land on the fronts of the properties but not privately-owned land in these yards, correct?

Mayor Dickinson answered, that is exactly correct. There is no need to take private property. The issue comes down to what property the Town owns and some circumstances that causes concern because, as we are all aware of, along most of our highways some of what we regard as our front yards is not our front yard it is a public right-of-way. Even with that issue, however, we are saying that we are not looking to widen the road anymore than it is except maybe in some minor circumstances; not looking to widen the paved portion of the road anymore than what it is so that even where we own the property we wouldn't be paving.

Mr. Centner stated, I agree with that. What it is I didn't want to see was the dispute between the Town-owned portion in front of a parcel and the privately-owned. I know that John (Thompson) said his intent, at this point in the design, is to keep the minimum at a matter of a few feet. But to be past the engineering fees and find out that three feet was four feet and the whole project comes to a halt after we ate the engineering fees. I also suggested to John, he was willing to, when it is time for the surveys, and mark the anticipated needed land that he might mark it two ways; showing

what the Town's ownership is on the parcel and then the intention of what was going to be taken to help give a perspective on what it is the needs are going to be for the project.

Mr. Zandri stated, I attended that meeting and one of the things I want everyone to realize is that this project will be three to four years away as far as completion is concerned. But the main concern of the residents on the Barnes portion of this project and North Main Street Extension was their property lines. The Town Engineer had agreed that evening that he would be willing to survey all of the private property owner's land to make sure that they understood exactly where their boundaries were and where the potential roadline would be. My concern is, you are always going to end up with dispute if the Town surveys the portion of land that they think that they own vs. what is recorded on the resident's deeds in the Town Hall. My recommendation would be that we stake out the properties of the residents using their recorded deeds to make sure that we don't come into a conflict as far as who owns what.

Mayor Dickinson responded, surveys generally use points that would be points in common with private property as well as the property in question, in this case the Town's right-of-way. So I believe that any survey crew would have to be looking at individual deeds in order to arrive at where the line would be. I think it is one and the same.

Mr. Zandri asked, I don't know if it would be out of order but is it out of line to make an amendment to this motion, Mayor, to include a motion saying that the Town's next step would be to appease the property owners by making sure that we do the surveying as our next step before we proceed any further?

Mayor Dickinson answered, it should not be part of this resolution. This resolution is what it is for the State of Connecticut. We are going to survey it; it doesn't end here. The State can't do anything without us doing the engineering. If the engineering shows that we are going to be significantly impacted with this, there is going to be another meeting on it once we have more detail. I would advise not to deal with a motion right now because it could encourage the State to say, if there are problems on it we are not going to go forward with it. It is not appropriate as part of this resolution. We really don't know at this point and until we get more detail this really is in concept. Does the Town want improvement, that is, better pavement, reconstruction of these roads and I think that everyone agreed at the meeting that these roads need to be reconstructed. The issue comes in about details such as width and other things of that nature which comes into the actual design and the detail. There is not a debate that these roads need to be constructed and it would be good for the Town to be able to have access to the funds coming from the State.

Mr. Zandri asked, then I can be assured though that the next step will be the surveying part?

Mayor Dickinson answered, absolutely.

Mr. Zandri stated, Mayor, you did mention that evening that you would at that point have to have another meeting with the residents as well.

Mayor Dickinson answered, right, we will have another meeting if it looks like we need a meeting after the survey, that could be possible. It certainly would happen at the point we have some drawings that show more detail. The drawings we had were just an approximation of what the right-of-way would be along our existing maps. No one had drawn up new maps. There were errors pointed out; at least some people in the audience that night felt that there were errors, especially in the Barnes Road area. Those maps were old ones, there is not new survey or engineering done. All of that has to be accomplished.

Bernadette Renda, 753 N. Main Street Ext., stated, first, I do not want to see that road widened. There are school children who wait for buses there and there are people who walk back and forth and I think it would just be more hazardous and I don't think we need it widened. Maybe if they make Beaumont Street going one way down to Route 5 to eliminate some of the traffic. When Shaw's opens they could probably make sure it is one way coming out on the side going onto Route 5 and that would take some of the big box stores off of North Main Street because people do come on North Main Street to avoid traffic lights that are on Route 5. Two, they should also close that park entrance that leads onto North Main Street and that would eliminate some of your traffic. Will they notify us before they survey?

Mayor Dickinson responded, you would see the stakes out there.

Mrs. Renda stated, before they go ahead and do anything they should call a meeting before so we could see the new maps and see the drawings because part of that road does curve so where we could see where the cut off would be. A lot of us who were at that meeting do back out onto North Main Street or our driveways are on North Main Street Extension. So we would like to see where, if they are going to widen that part, where it is going to be. On my side, I live on the east side of the street, we have a little slope in our land so if they start cutting into that, even a little bit of the part they cut off could leave part of that grass and lawn to start dropping so they would have to put something to barricade it from dropping. We would like to see two maps drawn up once they do the survey because even the maps they had here had the wrong property name owners on them.

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Mayor Dickinson stated, typically, maps will show the original property owner. It is not always a bring down of title. They absolutely would have to have new maps in order to show the project. Those maps don't show any of the details.

Robert Sheehan, 11 Cooper Avenue asked, what was the total amount of the project?

Mr. Parisi responded, \$1.1 million; \$635,000 to \$883,000 and \$1.6 million which comes out to about \$3 or \$4 million.

Mayor Dickinson stated, it is about \$3.6 million.

Mr. Sheehan asked, does this project have the full backing of the State of Connecticut?

Mr. Parisi answered, it will have it.

Mr. Sheehan asked, if we adopt this resolution the State will go for the whole project?

Mayor Dickinson responded, at this point the State will. If, due to engineering, the State ends up disagreeing with what our plan is vs. what they feel they have to have, there may not be agreement.

Mr. Sheehan asked, if we meet all their agreements, it will happen?

Mayor Dickinson stated, if there is an agreement between them, it will happen.

Mr. Sheehan asked, when is this due to begin?

Mayor Dickinson answered, I would expect probably; at the quickest it would be three years probably but I cannot be absolutely certain.

Mr. Sheehan asked, the work doesn't begin until you have all your money in your hands from whether it is the federal grant and the state funds, right?

Mayor Dickinson stated, the money does not come to us. The State will hold the money and they will control the payment to the contractors to do the work.

Mr. Sheehan asked, if for some reason federal or state funds dry up do we have any plans to do anything on our own with these roads?

Mayor Dickinson responded, we would have to plan for these roads ourselves if the federal ISTEA funds are removed.

Mr. Sheehan asked, right now we are going to expend the money for engineering and surveying costs?

Mayor Dickinson answered, that is correct.

Larry Lacombe, 762 N. Main Street Extension stated, I had stated at the informational meeting that I was opposed to any widening of the road and most of the residents agreed with me. I also made a suggestion and I strongly recommend that everybody here take heed. Eyelet is sitting there on that property; we are just doing a patchwork job on that road. Five or six years from now you are going to complete that project; you are going to fix the road and you are going to have another major box store to look at. I think that we should think about that, folks. Take a good, hard look. I made a couple of suggestions of maybe closing the hill, making it a one way going up the hill. I sent the Mayor a letter with those suggestions. I think you should discuss it; think about it; it is not an easy decision.

VOTE: All ayes; motion duly carried.

ITEM #16 Discussion and Possible Action Regarding Naming the Street Designated "Squire Place" in the Terrill Subdivision Maps as "Merriman Lane" as Requested by Council Gerald Farrell, Jr.

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Mr. Farrell explained, the Council received a letter from the developer requesting that the street names be changed. The names that are used in Items #16, 17 & 18 are off of the list that the Council recently passed.

Mr. Parisi stated, that builder was at the meeting tonight and he stated to me and several others that he had no problem with the changing of the names so that everyone is aware of it.

VOTE: Papale was absent; all others, aye; motion duly carried.

ITEM #17 Discussion and Possible Action Regarding Naming the Street Designated "Manor Court" in the Terrill Subdivision Maps as "Davenport Road" as Requested by Councilor Gerald Farrell, Jr.

Motion was made by Mr. Rys, seconded by Mr. Farrell.

VOTE: Papale and Zappala were absent; all others, aye; motion duly carried.

ITEM #18 Discussion and Possible Action Regarding Naming the Street Designated "Churchhill Drive" in the Terrill Subdivision Maps as "Dana Drive"

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Reginald Knight, 21 Audette Drive asked, are the residents requesting the changes?

Mr. Parisi responded, the streets are not built yet, it is the subdivision up off of Route 68. There are no houses, it does not make a difference.

Reginald Knight wanted to make sure it would not cause a hardship for residents who might have been living there.

Mr. Parisi stated, the developer submitted the street names very, very early.

VOTE: Papale and Zappala were absent; all others, aye; motion duly carried.

ITEM #19 Discussion and Possible Action on Establishing a Town Policy Exempting Property Owners from Being Assessed Additional Tax for Work Performed on Their Property for the Purpose of Maintaining It as Requested by Councilor Geno J. Zandri, Jr.

Mr. Zandri explained that he had come prepared to make a motion but he received a call today from the Law Department saying that there is a potential problem with this. He asked the Mayor to explain further.

Assistant Town Attorney Gerald Farrell, Sr., stated, Attorney Janis Small has left a message or spoken to you and Chairman Parisi that it is her opinion that the Town Council has no authority to institute policies regarding duties of the Assessor. That is actually governed by State Statute and what isn't covered by statute is, in fact, administrative. She has stated if, in fact, it is requested that she furnish a written legal opinion on that she would do so.

Mr. Zandri responded, yes, he did want Atty. Small to write a legal opinion and if possible, I would also like her to check to see if this can be done by way of ordinance; if there is any statute that allows this by way of ordinance? For example, we give tax exemptions to farmland in town which is done by ordinance. If she could look into if this can be done by ordinance, I would appreciate that.

Mr. Zandri went on to say, I think that my intention is good; it will definitely help out the property owners. This originally started with Dave Doherty, Peter Gouveia mentioned it in December and brought it forward and that is why I want to follow up on it. I think it will not only help out the individual property owners but also help to maintain the town as a whole. If it is not in the

State Statutes and I get such a ruling on that then I will pursue it through our legislators and see if I can't work through it in that avenue.

Peter Gouveia, 39 Lincoln Drive Extension stated, on the issue of policy; the Council has the right to advise and consent to advise the administration and to also provide for consent whenever the administration asks for a consent. The administration may choose not to accept your advisement. On the issue of the policy, the Assessor has changed the policy, if you recall at the last meeting, as of October 1, 1997, therefore it seems to me that State Statute allows at least in some cases for the Town to change policy. I think; my way of looking at it, and I didn't know this ruling from the Department of Law has come down, Geno's action would be appropriate to advise the administration on a policy. There was a policy in place up until October 1, 1997 which was changed without any change in State Statute. Geno's action would be on target.

Reginald Knight, 21 Audette Drive stated, we have come upon a very complex situation; talking about keeping the house maintained. If you paint the house you are maintaining it; you are protecting the wood yet, you hear that if you side the house to protect the wood the taxes go up. There is so many different ways to look at this. It is not going to be simple; it will be complicated. The definition of what is maintenance and what is improvement; this is going to need an awful lot of discussion. If a roof is leaking, you maintain it by putting a new roof on. If a buyer came along and saw a rotten roof and came back next week and saw a good roof, the value of the building would go up. Where do you draw the line between maintenance and improvement.

Mr. Zandri will follow up on it with the Law Department. He stated, this issue will come back.

No action taken.

ITEM #20 Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Health Insurance Acct. #8035-800-8300 to Professional Services - Exams Acct. #1600-901-9009 - Personnel

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Mr. Zappala stated that the number of policemen we are replacing seems high. He stated, if there was some precaution we could take when we send the officers to the academy; if we do have a guarantee that if they perform well and graduate, is the same way we could get some assurance that they will not go work for someone else? Maybe it will be a discussion I will have to have with our Police Chief. I heard that, in some cases, after we train the officers and we hire them they choose to go elsewhere and we, the Town,

absorb the expenses associated with training. Once we send the police to the academy and they do graduate they should not be able to go elsewhere.

Mayor Dickinson stated, I think we should wait for the Personnel Director to come down. I am not sure if it is the difficulty of getting the applicants through the whole process of hiring them. I don't know if you can obligate someone to remain an employee for a period of time having hired them.

Mr. Zappala stated that he had a discussion with Mr. Sullivan, Personnel Director yesterday. The Town does not have a way to demand that the officers stay once they graduate. We can try and hire people from the local area. That may be our only option. If it could be done then we should train individuals who live in the Wallingford area.

Terence Sullivan, Personnel Director stated, the police officer must live within a ten mile radius of towns that are contiguous to Wallingford and they have to move to within that area by the time they complete their probation which is two years.

Mr. Zappala thought that if the Town required that they live within the area from the beginning we may have a better shot at not losing the individuals at a cost to the taxpayers.

Mr. Sullivan stated, it is a valid point but we have not incurred a lot of losses based on residency; for other reasons, yes. In the last calendar year we obtained the services of an officer who had been trained by another town. We benefit in one and not in another. It balances out.

Mr. Parisi stated, Mr. Zappala raises a good point. I am not sure what the answer is but it is a considerable cost.

Mr. Sullivan stated, the Chiefs of Police have been speaking with the Attorney General's Office to try and come up with some legislation that would protect town's interests such as towns being reimbursed if it lost officers to another town. I don't know if that is legal but it is being discussed.

Mr. Zandri stated, if you put restrictions on the amount of time a police officer has to work before he is allowed to move on, then you have an employee in a very delicate field that does not want to be here. That causes a problem in itself. If you put a restriction on so many miles away from the town before they can go to the academy, that's o.k. providing there is an overwhelming amount of people willing to apply for that job within that radius. It is very difficult to work out.

Mr. Rys stated, I know things can be negotiated but is mileage part of the labor contract or policy? Don't we have to negotiate residency?

Mr. Sullivan: Part of the contract. It has to be negotiated. If there was to be a change in the labor contract, that would fall under collective bargaining which is exempt from F.O.I.

Mr. Zappala stated, after talking to the Police Chief it seems as though there are ample applicants from Wallingford.

VOTE: All ayes; motion duly carried.

ITEM #21 Executive Session Pursuant to Section 1-18a(e)(5) and 1-19(b)(9) of the CT. General Statutes Pertaining to Strategy and Negotiations with Respect to Collective Bargaining - Personnel

Motion was made by Mr. Rys, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: Zandri was absent; all others, aye; motion duly carried.

It is noted that Mr. Zandri left the meeting prior to executive session due to a potential conflict of interest on a discussion. It was mutually agreed upon that he do so.

Motion was made by Mr. Rys to Adjourn, seconded by Mr. Farrell.

VOTE: Zandri was absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 9:55 P.M.

Motion recorded and transcribed by:

Kathryn F. Zandri
Kathryn F. Zandri
Town Council Secretary

Approved by:

Robert F. Parisi
Robert F. Parisi, Chairman

2-10-98

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

2-10-98

Date

TOWN COUNCIL

TOWN OF WALLINGFORD, CONNECTICUT

MEETING PROCEDURES

In accordance with the provisions of Chapter III, Section 4 ("PROCEDURE") of the Charter of the Town of Wallingford, and in conjunction with the provisions of Chapter 3, Section 1-21 of the Connecticut General Statutes (hereafter abbreviated as "CGS 3,1-21"), the following rules of procedure are adopted by the Town Council:

- I. The Town Council will schedule regular meetings on the second and fourth Tuesday of every month in the Town Council chambers of the Municipal Building. In addition, the Chairman of the Council, or in his/her absence or inability to serve, the Vice-Chairman may, at his/her discretion, call a special or emergency meeting at any time.
- II. Except as otherwise specified in this procedure, the order of all Council meetings will be conducted at the discretion of the Chairman, or in his/her absence or inability to serve, the Vice-Chairman, with Robert's Rules of Order (Revised 1915) as a guide.
- III. The Council will convene at 6:30 P.M. on the dates of its regular scheduled meetings; the Pledge of Allegiance to the Flag will be given at the start of each meeting. The Consent Agenda will be presented and voted upon with a single vote. The Public Question and Answer Period will occur after acceptance of the Consent Agenda and will be limited to policy and operation of town government. Public input on individual agenda items will also be received during the discussion of the specific item, after the members of the Council have had an opportunity to review and discuss the item.
- IV. Individuals wishing to speak either during the Public Question and Answer Period or on individual agenda items will be required to address their questions or comments to the Council Chairperson and limit his/her speaking time to three (3) minutes.
- V.
 - A. Business acted upon at regular Council meetings will be limited to the agenda prepared by the Chairman for each meeting, who will instruct the Council Secretary to ensure that copies are sent to each Councilman, the Mayor, Town Clerk, Town Attorney, Comptroller and all Department Heads prior to such a meeting.
 - B. However, subsequent business not included on the agenda may be discussed and acted upon, upon the affirmative vote of a two-thirds (2/3) majority, but not less than five (5) of those present and voting.

- VI. Any Councilman, the Mayor, Town Attorney or Comptroller, must request in writing that an item be placed on the agenda of a regular meeting, provided that the request is submitted to the Chairman of the Council by no later than noon of the Tuesday, one week prior to the meeting; all items so requested must be included on the agenda. No item of new business will be considered unless prior notice is given in the manner described above; however, the Council may suspend this rule in accordance with the provisions set forth in Section V (b) above. Any resident elector may also request in writing that an item be placed on the agenda; however, it will be at the discretion of the Chairman as to whether the item is considered as an agenda item or as an item of general correspondence to the Council.
- VII. Except as provided in Section V and VI, no rule of the Council will be waived or suspended at any time unless the Councilman requesting such action so states his/her reason and not less than five (5) of the members present concur.
- VIII. The proceedings of the Council, except those portions conducted in Executive Session, will be recorded and reported in accordance with the provisions of CGS 1-21. The Chairman and the Town Council members, the Mayor, the Comptroller, and Town Attorneys, will receive an accurate copy of the minutes of all Council meetings. The Chairman of the Town Council and the Town Clerk will sign two (2) copies of the approved minutes for public inspection. The Public Library will receive a signed copy of the minutes of all Council meetings.
- IX. Upon receipt of the minutes of the meeting of the Board of Public Utilities, the Town Clerk will immediately submit copies of the minutes to all Councilmen, whose individual responsibility it will be to determine whether any Council action is necessary and/or appropriate.
- X. The Comptroller will provide the members of the Council with a monthly financial report of all department budgets.
- XI. The investigatory powers of the Council will be exercised only by decision of the Council at a regular or special meeting, subject to the provisions of Chapter III, Section 10 of the Charter.

Requests for appropriations or transfers, subject to the provisions of Chapter XV, Section 7 of the Charter, must meet the following requirements:

- (1) Written approval of the Department Head, Mayor and Comptroller.
- (2) Written authorization from the Comptroller stating source from which money is coming and to which account number funds should be appropriated or transferred.

No item will be acted upon unless the Department Head, or his/her authorized representative, is present at the Council meeting. This rule may be waived by the Chairman in the case of items taken up on the consent agenda.

XII. Requirements regarding appointments:

A. Mayor's Appointments Requiring Council Confirmation:

- (1) A letter from the Mayor naming his/her appointment must be presented.
- (2) A letter from the person(s) receiving the appointment(s) indicating his/her/their availability and acceptance should accompany the Mayor's letter, but shall not be considered mandatory.
- (3) Any name submitted to and approved by the Council for confirmation will be held over for one week, or until the next regularly convened Council Meeting, before receiving final confirmation by the Council.

B. Council Appointments:

- (1) A letter to the Council from all prospective nominees indicating a desire for appointment or reappointment accompanied by an application form provided by the Council will be submitted at least seven (7) days prior to the date set for making such appointments. (This requirement may be waived, at the discretion of the Council, in special circumstances.)

C. Any individual recommended to the Council for appointment or confirmation may be interviewed at the discretion and request of any Council member.

XIII. No correspondence shall be read at a meeting of the Council unless it is addressed, to, or intended for, the Council and contains the written signature and address of the person who wrote it.

XIV. These rules may be amended by a vote of not less than five (5) of those members of the Council present at a regular meeting of the Council.

XV. Consent Agenda

Definition - A consent agenda is a separate listing from the regular agenda of a variety of items to be approved by one vote of the Town Council rather than specific votes on each item. There is no discussion or debate either by members of the Council or by the general public on consent items, only a single roll call vote for approval of all items.

Procedure - That the Town Council Chairman delegate to one or more Councilors, the preparation of the Consent Agenda and that the Consent Agenda shall contain a motion relative to all matters listed on the Agenda. The Chairman has the authority to limit discussion time for agenda items.

The opening motion on the Consent Agenda shall be to move the passage of the Consent Agenda. Upon being seconded,

XV. Consent Agenda (cont.)

the final vote would be taken on the Consent Agenda. The passage of the Consent Agenda is to be by roll call vote.

XVI. Public Hearing Procedure - Bonding Ordinances

1. Call the Public Hearing to Order

- a. Call to order a Public Hearing to introduce an ordinance entitled, "(enter title of proposed ordinance)" and inform the public copies of the proposed ordinance are on file open to the public at the office of the Town Clerk and at this meeting.

2. Motion to dispense with reading the full ordinance

- a. A motion to dispense with the reading of the ordinance in full, that Section I of the proposed ordinance be read and that a copy of the complete ordinance be attached to the minutes of this meeting. (Make motion, second, roll call vote, read Section 1.)

3. Motion to adopt proposed ordinance

- a. Moved that the ordinance entitled, "(enter title of proposed ordinance)" be adopted. (Motion, second, roll call vote)

Adopted: January 14, 1964
Amended: January 12, 1965
February 15, 1966
January 16, 1968
January 5, 1970
January 3, 1972
January 7, 1974
January 5, 1976
January 10, 1978
January 7, 1980
January 4, 1982
January 10, 1984
April 24, 1990
January 11, 1994
January 23, 1996
March 26, 1996

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Town of Wallingford, Connecticut

Attachment # _____

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD

WHEREAS, the Town of Wallingford wishes to pursue the following ISTEA-STP projects, including: The Reconstruction of Research Parkway, between Bristol Myers and Carpenter Lane, with an estimated cost of \$1,166,000; the Reconstruction of Barnes Road, between Barnes Industrial Road and CT Route 68, with an estimated cost of \$635,700 to \$883,000; and the Reconstruction of North Main Street Extension, between Route 68 and Beaumont Road, with an estimated cost of \$1,600,000.

WHEREAS, the TOWN OF WALLINGFORD has published a Legal Notice; mailed a news release to a number of officials and agencies, and mailed a formal letter to the abutting property owners, announcing a public informational meeting on the proposed STP Urban Transportation projects for the Reconstruction of Research Parkway, the Reconstruction of Barnes Road and the Reconstruction of North Main Street Extension, and

WHEREAS, a public informational meeting was held on January 6, 1998, at Wallingford Town Hall from 7:00 PM to 10:00 PM, at which meeting residents had an opportunity to voice their concerns; and

WHEREAS, the South Central Council of Governments has selected these projects as regional priorities and has agreed to utilize federal funds for right-of-way and construction activities; and

WHEREAS, the project is located on municipally owned roads, the preliminary engineering phase will be performed by the Town of Wallingford's Engineering Consultant, utilizing 100% Town of Wallingford funds, the right-of-way phase (if needed) will utilize 10% Town of Wallingford funds; and

WHEREAS, the Town Council for the Town of Wallingford has considered the concerns of the residents from the public information meeting and finds that the proposed roadway reconstruction projects; the Reconstruction of Research Parkway (#148-H032), the Reconstruction of Barnes Road (#148-H033), and the Reconstruction of North Main Street Extension (#148-H034); is in the best interest of the Town of Wallingford and will promote the health, safety and general welfare of its residents and provide for the convenience and safety of the motoring public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD, based on the above information, and virtue of this resolution, hereby fully support the proposed projects.

This is to certify that the above resolution was adopted by the Town Council of the Town of Wallingford on January 13, 1998. This resolution has not been rescinded, revoked or amended and is still in effect.

Attest:

Signature

Town Clerk

Date: