

TOWN COUNCIL MEETING

SEPTEMBER 27, 1994

6:30 P.M.

AGENDA

1. Roll Call & Pledge of Allegiance
2. Consider and Approve the Installation of a Tent in the 88 South Main Street Parking Lot for an Open House at the Wallingford Municipal Federal Credit Union
3. Discussion and Possible Action on Outside Legal Counsel's Opinion Regarding the Town Council's Motion Regarding Non-Union/Classified Employee's Salary Increases as Requested by Councilor Geno J. Zandri, Jr.
4. Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Police Administration Town Share - Off System Accident Fund Acct. #001-2001-600-6700 - Dept. of Police Services
5. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
6. Consider and Approve a Correcting Budget Amendment in the Amount of \$300 to Increase Youth Projects Acct. #012-9000-900-9010 and to Increase Revenue Acct. #012-1040-700-7010 - Youth Service Bureau
7. Consider and Approve a Transfer of Funds in the Amount of \$73,500 from Health Insurance Acct. #001-8041-800-8270 of Which \$10,000 is Transferred to Physical Exams Acct. #001-1590-500-5750 and \$63,500 is Transferred to Retirement Sick Leave Acct. #001-8041-800-8360 - Personnel Department
8. Discussion and Approval of Finance Department Request for a Bid Waiver for Replacement of Payroll, Accounting and Reporting Software to be Converted From IBM System 36 to IBM System AS 400 Processing Unit - Comptroller
9. Consider and Approve an Appointment to the Board of Education to Fill a Vacancy Created by the Resignation of Thomas Murphy
10. Consider and Approve a Resolution for Tax Abatement for Dairy Farm and Fruit Orchard Property
- 11a. Discussion Regarding the Proposed Ordinance Entitled, "Tax Abatement for Dairy Farm and Fruit Orchard Property"
- b. SET A PUBLIC HEARING for October 11, 1994 at 7:45 P.M. on a Proposed Ordinance Entitled, "Tax Abatement for Dairy Farm and Fruit Orchard Property"

(OVER)

12. Discussion Regarding the Design and Funding of Phase III of Downtown Redevelopment as Requested by Councilor Stephen W. Knight
13. Discussion and Possible Action on Establishing a Charge and Duties or Responsibilities of the General Building Committee as Requested by Councilor Thomas Zappala
14. Consider and Approve Adding the Name of Lester Slie to the Golf Course Study Committee as Requested by Councilor Thomas Zappala
15. Approve and Accept the Minutes of the 6/21/94, 5:45 P.M. Emergency Town Council Meeting, 8/25/94, 9/1/94 and 9/13/94 Town Council Meetings
16. Consider and Approve Merit Increases (4) Approved to Date by the Mayor
17. Consider and Approve Tax Refunds (#46-69) in the Amount of \$4,747.09 - Tax Collector
18. Note for the Record a Certificate of Appreciation to the Town of Wallingford from the United States Government Department of Defense

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SEPTEMBER 27, 1994

6:30 P.M.

ADDENDUM TO AGENDA

19. Consider and Approve a Waiver of Bid for the Purpose of Hiring Outside Legal Counsel - Town Attorney
20. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Purchase, Sale and/or Lease of Property

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SEPTEMBER 27, 1994

6:30 P.M.

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16. Approve Merit Increases (4) Approved to Date by the Mayor	30-33
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TOWN COUNCIL MEETING

SEPTEMBER 27, 1994

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, September 27, 1994 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Thomas D. Solinsky at 6:38 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Councilor Iris F. Papale. Mayor William W. Dickinson, Jr., Town Attorney Janis M. Small and Comptroller Thomas A. Myers was also present.

The Pledge of Allegiance was given to the Flag.

It is noted that Mrs. Duryea refrained from reading this evening due to laryngitis.

ITEM #2 Consider and Approve the Installation of a Tent in the 88 South Main Street Parking Lot for an Open House at the Wallingford Municipal Federal Credit Union

Motion was made by Mr. Knight to Authorize the Installation of a Tent in the 88 South Main Street Parking Lot on October 13, 1994, seconded by Mr. Rys.

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

ADDENDUM - ITEM #19 Motion was made by Mr. Knight to Move Agenda Item #19 Up to the Next Order of Business, seconded by Mrs. Duryea.

Attorney Small explained, due to the fact that the Council has requested the presence of Attorney Ciulla at the meeting to address Item #3, she was concerned that he may exceed the \$2,000 limit allowed by Charter for approved expenditures without solicitation of bids. Once over the \$2,000 amount a waiver of bid is necessary. Due to the nature of the topic, it is uncertain how long Attorney Ciulla's attendance will be required therefore Attorney Small felt it was prudent to waive the bid prior to going any further.

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

ADDENDUM - ITEM #19 Consider and Approve a Waiver of Bid for the Purpose of Hiring Outside Legal Counsel - Town Attorney

Motion was made by Mr. Knight, seconded by Mrs. Duryea.

Romeo Dorsey, Grieb Trail questioned Atty. Small why she had to hire outside legal counsel on this matter?

Attorney Small responded that she could not render an opinion on this matter for it would result in a conflict of interest regarding the employees who staff the Law Department.

VOTE: Papale was absent; Killen, no; all others, aye; motion duly carried.

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ITEM #3 Discussion and Possible Action on Outside Legal Counsel's Opinion Regarding the Town Council's Motion Regarding Non-Union/Classified Employee's Salary Increases as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Knight, seconded by Mrs. Duryea.

Mr. Zandri stated, in reading Attorney Ciulla's opinion, he interpreted it to read that the action taken by the Council applies to some employees that were encompassed by the action and that the classified employees are exempt. Is that correct?

Attorney Robert K. Ciulla of the firm Tyler, Cooper & Alcorn responded, "Yes, the action of the Council would not be valid with respect to employees in the classified service because of the provisions of the Town Charter establishing the classified service and the provisions of the departmental personnel rules and regulations which were established pursuant to the Charter. So, for the reasons he set forth, specifically the section provides that the salaries of classified employees of the Town with respect to increases.....and so forth...not less than the most closely related union employees and because of that, the attempt to not increase the base salary by the full amount of the raise that, therefore, you would violate the provisions of your classified service as expressed in the personnel rules with respect to the classified employees. The only way, with respect to classified personnel, to not violate the provisions if they were entitled to increases in benefits and compensation not less than the most closely related bargaining units, you would have to, each year thereafter, in effect add to the amount of the lump sum payment that you were giving them so that they were never behind the total salary that the people in the bargaining unit receive. Actually by doing that, as I stated in my opinion that you could do it, but it would be ludicrous because after about five years you would be giving these people an enormous lump sum payment at the beginning of the year. Now you are left with nine people who are not in the classified service. You are going to have to decide whether or not it makes sense to limit the action to the nine people when all the rest of the people in the classified positions would not be effected by it."

Mr. Zandri explained for the sake of the public why people are placed in positions referred to as classified. It is his understanding that because those individuals are not allowed to join the union, this special classification was placed on these individuals.

Attorney Ciulla responded, that is correct. It is basically the equivalent of the civil service. It is called classified but is basically the same as the civil service where people are hired according to certain criteria, they are classified with respect to pay plans and systematic salary steps and then receive the benefits of certain protections that the Town sets forth in its personnel rules having to do with termination, suspension, etc. That is a rather significant portion of your Charter. When the personnel rules were adopted by the proper authority, the Town included in them the concept that no one in the classified service who was supervising in many cases union workers and employees, would receive less of an increase

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than the union most similar to performing the work that the classified people were in. That concept is in there to prevent a situation where, because of bargaining, the union wages eventually exceed what some of us traditionally thought of as supervisor or manager positions.

Atty. Ciulla pointed out that his opinion, with respect to the classified...pertained only to non-bargaining, classified employees.

Mr. Zandri stated, the intent was to, obviously, set an example for future bargaining negotiations by taking on this new method of an increase. Although this action may be viewed as unusual for some municipalities to take, if you look at private businesses, in order to stay competitive, they have to come up with new ways of doing business. This is one of the methods that is being introduced by many companies as a way to curb the escalating cost of salaries. This is what the Council's intent was, to set an example that can be referred back to in the future when we are negotiating contracts. It is a message that the status quo no longer exists. One of the major factors behind increasing taxes in the municipality is salaries. It makes up the largest portion of our budget. By taking a base salary of \$30,000 or \$35,000 and increase it by 3% over a ten year period you would be shocked at what the dollar amount comes out to. This was an attempt on the Council's part to slow down the rate of inflation as far as salaries are concerned. His personal feeling is that he would like to see it apply to the nine positions as the Council wanted to implement and to exempt the classified employees.

Atty. Ciulla explained, what is unusual about the lump sum or bonus payment for government employees is being paid at the beginning of the year. There are many contracts that allow for longevity clauses which provide a lump sum of money. This is very unusual to pay the lump sum July 1st when you still have an entire year to go.

Mr. Zandri responded, there is always an exception to the rule. There may be a few cases when someone may leave shortly after receiving their bonus and, in that case, the Town is short-changed. Otherwise under normal circumstances Town employees stay on for a long period of time. The reason for the lump sum up front is that they are not going to get that portion of dollars added on yearly for their salary so by having those funds in their hands at one time there is a certain benefit of interest that they can earn on that money over a period of time even though they are losing it as a salary enhancement.

Mayor Dickinson commented, for most of the people that this action will effect, it will not be a case of being able to invest what ever that one-third is. That means that they are receiving less over the rest of the year. I believe that most of them are living certainly comfortable lives but are not rich by any means. What happens is that they receive lesser payment through the rest of the year so that the money paid up front is going to have to be used to meter out over a period of time. They are not going to be able to invest it and make all kinds of interest on it. If that is the thought, that there is an advantage to receiving it up front...my concern is, as administrator, has been stated. Paying someone up front that kind of money only means



that where you know someone is going to retire, you are going to pay a lump sum up front which will effect retirement, I believe. I do not feel that this is a good course of action from an administration standpoint.

Mr. Gouveia pointed out that the Council is discussing the merits of the issue and since we are paying an attorney to provide the Council with a legal opinion, he would like to concentrate on that first and then send the attorney on his way since it is costing the Town money.

The issue of what constituted a base salary was the next topic of discussion at which time it was clarified for everyone's understanding that the base salary, for example, of an individual who earns \$30,000 for F.Y. 1993-94 and receives a 3% increase for F.Y. 1994-95, the new base pay for F.Y. 1994-95 would be \$32,000 with the remaining \$1,000 paid in the form of a lump sum to the employee.

Atty. Ciulla pointed out, as the minutes are written they did not reflect that the Council had literally held any salary increase, that is the increase in a base salary of two-thirds. That is very important because that triggers....

Mr. Gouveia responded, that is extremely important because what precipitated that motion or action was simply to try to slow down the growth of salaries. The intent is as you presented in the base salary example.

Atty. Ciulla stated, that is why I wrote the opinion based on that understanding and pointing out that the motion, as he saw it in the minutes, did not exactly accomplish that. The problem and the reason that the Council cannot do that, with respect to the classified, non-bargaining employees, is because you have linked their increases to the unions.

Mr. Gouveia noted that Atty. Ciulla's opinion was based largely on the personnel rules, section 6, rule XI. He had a problem with one part of Atty. Ciulla's opinion which states, "A second relevant provision of Chapter XI is Section 4 which states that any increase in wages for members of the classified service shall only become effective upon the approval of the Town Council and the Mayor." He feels that it is a moot point.

Atty. Ciulla responded, the second paragraph on page three sets forth an additional reason why, under the present circumstances....

Mr. Gouveia commented, it is a moot point because you have to live by Rule VI....

Atty. Ciulla answered, that is exactly right. They are both reasons why it is not valid for the classified. I find the first reason much more important.

Mr. Gouveia stated, therefore what ever action was taken or not taken, in reference only to the classified employees, is a moot point because we have a Rule XI, Section 6 that clearly explains....

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Atty. Ciulla added, the reason I added that is that if the personnel rules were changed, for example, to eliminate the section which has to do with "they shall not be less than granted the bargaining employees" you would still have a problem unless.....that was the only reason.

Mr. Gouveia reiterated, based on the facts before us, it is a moot point.

Mr. Killen stated, it is up to the Council at this point to take it upon themselves to....it has already gone forward hasn't it? Did the motion carry or didn't it?

Mr. Zandri stated that the motion carried during the budget process.

Mr. Knight asked Atty. Ciulla to list the nine positions which are effected by the Council's action.

Attorney Ciulla responded, it effects the Chief of Police, Fire Marshal, Director of the Youth Service Bureau, Director of Public Utilities, Town Clerk, Dog Warden, Fire Chief, Program Coordinator of the Youth Service Bureau and Clerk Typist for the Youth Service Bureau.

Attorney Small stated that it applies to her position as well because her position is considered part time. In reading Atty. Ciulla's opinion again, it dawned on her that non-bargaining employees would also include those people who work for the Town on a part-time basis. She felt that it was the Council's intent to apply strictly to management.

Mr. Zandri responded, the original intent was that it apply to all non-bargaining employees: He asked if the Personnel Director was on the list of employees effected by the action?

Atty. Ciulla responded, no.

Thomas Sharkey, Acting Director of Personnel stated, if we are to include the part-time employees, it tremendously increases the number of people this action effects. We have part-timers in most of the departments. We have six in Public Works alone.

Mayor Dickinson pointed out that it becomes complicated because most of the employees are hourly. If you are talking about calculating what the one-third would be.....

Mr. Zandri asked again, is the Personnel Director part of the list?

Atty. Ciulla stated that the Acting Personnel Director is listed as a classified non-bargaining employee.

Mr. Zandri then asked, is the Personnel Director or Acting Personnel Director directly involved in the negotiations of our contracts?

Mr. Sharkey responded, yes.

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Mr. Zandri stated, there is a potential conflict of interest.

Mr. Sharkey responded, I am not the chief negotiator, that is how we get around that. The labor attorney is.

Mr. Zandri commented, then either he (the labor attorney) would negotiate the contracts excluding your or...do you have input on that?

Mr. Sharkey answered, I also have input.

Mr. Zandri stated, that is a topic for another agenda because I have concerns about that. He asked the Town Attorney, what action do we need tonight to exclude the classified from the original motion? Would that suffice the original intent of the Council's action?

Atty. Small asked Atty. Ciulla, do you believe that the motion was effective in terms of covering all of the bargaining, non-bargaining and non-bargaining classified? You raise the point in your opinion that the motion did not accomplish what they intended.

Atty. Ciulla responded, technically, I think that the motion did not do what I understand tonight what you wish to do but that can be presumably corrected if not this time around then the next. The bottom line is that the only opinion I rendered is that, in my judgment, it is invalid and illegal in the sense that it is contrary to your own internal Charter and personnel for you to take the action that you thought you had taken with respect to the non-bargaining classified employees. So I suppose that the appropriate thing to do is to start revisiting the issue....you need to consult with your own counselor.

Mr. Zandri stated, I assume that the only action that would have to be taken is to exclude the classified people from the original motion.

Atty Ciulla added, or to make a motion to direct the Comptroller or whomever is in charge of your payroll not to carry out or effectuate that motion with respect to the classified, non-bargaining employees. If you leave the rest in place....

Mr. Killen stated, the bottom line is that the Mayor asked Atty. Ciulla if the Town Council can validly proceed in this fashion and Atty. Ciulla summed it up in his opinion which states that he sees nothing can prevent the Council from so doing.

Atty. Ciulla added, with respect to the non-bargaining, non-classified employees.

Mr. Killen stated, the bottom line is that the Council can go forward with respect to that.

Mr. Zandri made a motion to Exclude the Classified Employees from the Original Motion that was Made During the Budget Process, seconded by Mr. Killen.

Mr. Knight commented, he is concerned with the language in the Town Charter which includes part-time employees as well as temporary

employees. Aren't we getting into a potential can of worms in terms of definition? Would we rather define exactly the people we are trying to cover with this motion in order to avoid misinterpretations?

Mr. Solinsky asked Mr. Zandri if that was his original intent?

Mr. Zandri answered, the original intent was to set an example, a precedent that can be utilized in future bargaining negotiations. You always have to start from the top and work down. You cannot ever get this through negotiations because they will always say that management continues to get their increase, we deserve ours.

Mr. Solinsky asked, do you want to go all the way down to the bottom of the list and get the part-time employees too?

Mr. Zandri did not have a problem with excluding part-time employees from this action.

Atty. Ciulla was excused from the meeting at this point in time.

Mr. Zandri withdrew his original motion this evening and offered the exact motion made at the budget workshop to include excluding part-time workers.

Mr. Killen felt that the issue should be tabled until a thorough review of which positions are effected by the action and to which degree. Seconded by Mr. Zandri.

Phil Wright, Sr., 160 Cedar Street spoke in support of the action of the Council.

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

ITEM #4 Consider and Approve a Transfer of Funds in the Amount of \$10,000 from Contingency Reserve for Emergency Acct. #001-8050-800-3190 to Police Administration Town Share - Off System Accident Fund Acct. #001-2001-600-6700 - Dept. of Police Services

Motion was made by Mr. Knight, seconded by Mrs. Duryea.

Mrs. Duryea asked Richard Doll, Traffic Maintenance Officer, to explain precisely where the intersection was located, whether or not any traffic studies have been conducted and if any accident reports have been generated?

Officer Doll responded yes to all of the above. He informed the Council that back in the Fall of 1993 the CT. Dept. of Transportation was looking for candidate intersections for federal monies available for intersections on Town roadways. One of the criteria was that it would not be on any state road nor have any of its intersecting streets on any state road. The program came through the Council on Governments. After reviewing the files, approximately three to four intersections met the criteria, appearing to have high accident rates. Barnes Road and Barnes Park Road North was identified as one of those intersections. Each of the accident reports were reviewed to

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determine the causes of the accidents. Based on the knowledge gained from the review an application was submitted for the Barnes Road and Barnes Park Road North. We were notified on May 12, 1994 that based on a cost to ratio benefit that it was a qualifier out of approximately twenty-eight applications.

Mrs. Duryea asked Officer Doll what measures will be taken to correct the problem?

Officer Doll responded, a traffic light will be installed. Currently there exists a three-way stop at a cross intersection. The east bound lane has no stop at it due to grade of the hill. The light will be operated actuated which means that the department will be running with Barnes Road with the grade, also considered the main artery on that phase. When there are no calls on the side streets, Barnes Park Road North, it will maintain what is called a "green rest" and it will always hold on green unless a call is placed in by a loop in the roadway on either one of the legs of Barnes Park Road North.

Mrs. Duryea pointed out that a problem will continue to exist due to the grade of the hill.

Officer Doll stated, we also have a list which is prioritized with the Highway Department, in case of icy conditions the areas are plowed and sanded first. Should we run into major inclement weather, we will have the option of flashing that intersection to an amber for the east traffic.

Mr. Rys is very familiar with the intersection since his employer is located in Barnes Industrial Park. He pointed out that no matter how many times Public Works sands the hill in the winter it still remains treacherous. Traffic travelling east up the hill bearing left into the industrial park is always in a hazard because the traffic heading west bound either cannot stop at the stop sign or completely ignore it. In dry weather conditions the same problem exists, traffic heading west bound ignores the stop sign or rolls through it or doesn't realize that the people travelling east bound have the right of way because there is no stop sign. He did not feel that the traffic light is the solution at a cost of \$100,000. Officer Doll should first try and install a traffic sign on the east side and make it a four-way stop. All of the accidents, according to the report dated March 3, 1992 to August 2, 1994, the majority of the accidents are angle accidents. Angle accidents, in his interpretation, is traffic heading east bound making the turn into Barnes Park Road North being hit by a vehicle coming down the hill. That is because the vehicle coming down the hill does not realize that the vehicle coming up the hill has the right of way because it is a three way intersection. The \$100,000 would be better spent on places like South Elm Street, Ward Street Ext., Cook Hill and Mansion Roads where we really have major problems.

Officer Doll stated that the traffic for that leg on the grade for the east bound movement would maintain an amber, not red, flash. This is an issue that has been addressed over the years on more than one occasion in that area. Both Officer Doll and the Town Engineer has looked at it extensively regarding the grade to install a multi-way

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stop, especially in inclement weather will only cause drivers to ignore that stop sign completely. A recommendation made by the State was to look into some geometric changes or triangular site line improvements which would mean some lowering of the grades on a few of the banks around the intersection. We plan to look at that in the course of this project.

Mr. Rys referred to the accident statistic report given him by the Accident Investigation Unit of the Wallingford Police Department. It lists accidents according to categories and reflects that two of the accidents were side-swipes, fifteen were angled, three were rear-end accidents and one was a struck object. It was his opinion that the angle accidents were all caused, basically, by that turn into Barnes Park Road North. A lot of people who are not familiar with the intersection do not know that the traffic heading west up the hill has no stop sign and the right of way. If you install a flashing light on the side of the traffic travelling east down the hill, they will assume that there is a flashing red light on the other side as well. He suggested trying a stop sign first.

Officer Doll addressed Mr. Rys comments regarding angle accidents by stating that most of those accidents in that area were not caused by left turning movements onto Barnes Park Road North. They were caused by through movement on Barnes Road with the traffic travelling north bound at the intersection of Barnes Park Road North. We try to avoid the experimentation with stop signs. He recalled just such an experimentation a few years ago at the intersection of North Main Street Ext. and North Street. What transpired was that the stop sign was up for about three months, found that it was not accomplishing what they hoped it had and taken down. It was re-installed and removed three or four times, and in the course of that period those drivers familiar with the area were either expecting it or not expecting it. We try not to do that. It is the recommendation of this officer and the Town Engineer that we not utilize a multi-way stop with the extra sign installed at the intersection in question this evening.

Mr. Rys wanted it noted for the record that there is a definite vision problem if you are at that intersection going into the park looking west bound. That hill needs to be cut down.

Officer Doll stated, that was one of the issues that we were planning to look at under the roads program. We were not only going to have that one line looked at but all approaches on that particular intersection looked at.

Mr. Gouveia stated that the intersection was made dangerous because of the connection, the road that was opened to Route 68 and Barnes Park Road. He understands that there are no businesses that exit to that section of the road, between Rte. 68 and the stop sign.

Officer Doll responded, there is none. It is his understanding that prior to his employment with the department that particular was installed in order to provide almost a through movement although you have a cross intersection with Route 68 from Barnes Park Road South up

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to Barnes Park Road.

Mr. Gouveia was surprised that the State did ~~not~~ look favorably upon opening and allowing that road (Route 68) to be accessed that easily. The Town was drawn into an ugly legal battle with a business entity in that area because the State D.O.T. did not favor that entity to access Route 68. That lawsuit has cost the Town quite a bit of money and is ongoing. Not only do you have access to Route 68 but also the visibility problem that you referred to. Let's do what ever we need to in order to solve the problem. He agreed with Mr. Rys that a lot of people will fault you for not looking a gift horse in the mouth and it can be attractive to pay \$10,000 and receive \$90,000 from the State on this project, however, that \$10,000 is our money too and there comes a time when you have to tell the State that we don't need their money because, eventually, they take the money from our (the taxpayer's) pockets also for that \$90,000. He asked Officer Doll what he thought of Mr. Rys' suggestion to try the other stop sign?

Officer Doll stated, we would be opposed to the installation of the additional stop sign due to the grade issue. We also have the Town Engineering Department looking at the possibility of having the grade dropped out there. It would cost the Town, however, much more than \$100,000 to drop that grade, closer to \$1 million.

Mr. Gouveia asked, if you have to eventually address the visibility problem do you see the need to acquire property or rights of way?

Officer Doll responded, it is our hope, under this project, that what ever improvements or drop of grade that may need doing on the corners would end up within the Town's own right of way. We did not want to get involved with any right of way acquisitions yet.

Mr. Gouveia asked, if it comes to that, do you feel that will do the trick without purchasing any land?

Officer Doll answered, we need to find out how far in we would have to go to drop that grade and make the necessary site line improvements out there. That is difficult to determine at this point.

Mr. Killen felt that there are other areas in Town that this attention would better serve, Route 68 and North Main Street Extension is one example. Even though a light currently exists, it leaves a lot to be desired. If you are north bound on North Main Street Ext. and you come to a stop at Route 68 and the light turns green, the south bound has the right of way and unless you want to play chicken, and a lot of people do, you won't have a prayer of getting through. If the State in all of its wisdom can't see that problem and correct it with a left signal, they are not going to do a heck of a lot for us by giving us \$90,000.

Officer Doll explained that this program only deals with Town roads. The area Mr. Killen is referring to involves a State road. We are currently involved in review of the K-Mart project and will be making recommendations, and have already, regarding other improvements out

there.

Mr. Killen reiterated that there are other intersections which need more attention such as S. Whittlesey and Center Street or where S. Whittlesey and Ward Street crosses. Both those intersections have school children on both corners. There was an accident at Center and S. Whittlesey today. This is a common occurrence. If we are going to be spending even \$10,000, those are the places I want to see considered.

Officer Doll responded, Center Street and S. Whittlesey Ave. intersection is currently under review in the Quinnipiac Corridor project.

Mr. Zandri stated that this application had to be submitted quite some time ago, why wasn't the \$10,000 budgeted for this project?

Officer Doll responded, the applications had to be in by January 1, 1994. By budget time we had not yet received approval from the State and therefore felt we would wait. If we had budgeted it we would not have had an account to allocate the funds to. We are here now asking for the \$10,000 which cover the engineering fees. Once we had the proper agreements from the State then we would return before the Council for the remaining \$90,000. Under the program we have to front the money and be refunded later.

Mr. Gouveia asked, why are we paying \$800 to the State?

Officer Doll answered, it is an administrative fee. It is commonly paid for every project we undertake.

Mr. Gouveia asked, what would it take to move the traffic light from N. Orchard and Ward Streets to S. Whittlesey and Ward Street?

Officer Doll responded, we would be opposed due to the restrictions on the site lines and tight radius' at the corners along with the fact that it is our other north and south movement from Route 5 into the middle of town. It would not be wise to move it. We currently have a capital item which was approved last year which will allow us to upgrade the intersection of Ward and N. Orchard Streets, hopefully within the next six months.

Mr. Gouveia felt that of the two intersections S. Whittlesey Ave. and Ward Street is the most dangerous.

Mr. Rys stated, it does not make sense that Officer Doll and the Town Engineer recommend against installing an additional stop sign due to the grade but yet they approve the installation of a traffic signal. What is the difference?

Officer Doll reminded Mr. Rys that the intersection will be run with actuated traffic equipment.

VOTE: Papale was absent; Killen, Rys and Zandri, no; all others, aye; motion duly carried.



PUBLIC QUESTION AND ANSWER PERIOD

Romeo Dorsey, Grieb Trail asked the Town Attorney if she has ever appeared before a judge in a labor case in court?

Atty. Small responded, yes, but on labor negotiations, no.

Mr. Dorsey expressed his opposition to the practice of hiring outside legal counsel on matters such as this.

Frank Rhenda, 753 N. Main Street Ext., President of the CT. Action Committee pointed out that the Town is in violation of its own litter ordinance. The area along the east side of North Main Street Ext. from the cemetery to Community Pool is strewn with litter. He would like the Town to do something about it.

Mr. Rys suggested that Mr. Rhenda contact Public Works in a case such as this one. They have always responded expediently to correct the problem. It is difficult to monitor every part of the Town at all times. It can be cleaned one day and, due to high traffic volume, littered the next day.

Henry McCully, Director of Public Works assured Mr. Rhenda that his crew will be dispatched to clean it.

Mr. Killen asked, what is the status of the ordinance, is it in effect or not?

Mayor Dickinson responded, it is not yet in effect. Thirty days has not passed since the publication of the ordinance. There are some problems with provisions of the ordinance and he was under the impression that the Ordinance Committee was going to review it again. The Law Department provided the Mayor with a letter indicating that there were some problems with some of the provisions.

Mr. Gouveia, Chairman of the Ordinance Committee, spoke with the Corporation Counselor yesterday and there is new language which will go into effect October 1, 1994 provided by State Statute. We may soon revise the ordinance to amend it. The language will strengthen the ordinance rather than weaken it.

Mayor Dickinson added, to the extent that there are legal problems with it, we will not enforce provisions that have legal problems because I don't want the Town to open itself up to a counter lawsuit when we tried to fine someone and there is a constitutional deficiency to it.

Philip Wright, Sr., 160 Cedar Street felt that Mr. Zandri's question with regards to who is in the union and what are the responsibilities that they hold should be vigorously pursued by the Council as well as the personnel rules of the Town. He asked, where do we stand on the purchase of a building for Parks & Recreation? Mayor, are we working on anything?

Mayor Dickinson answered, the Town is considering a building at this

time. We are awaiting a response from the owner.

Mr. Wright asked, are you saying that the Town has made an offer to buy a piece of property?

Mayor Dickinson answered, there is no sale agreement but we have expressed interest. A proposal has been made.

Mr. Wright asked, when is the public going to begin to know something about these things?

Mayor Dickinson answered, fortunately and unfortunately, with the sale of real estate, appraisals, etc., they are exempt from F.O.I. and public discussion can only adversely effect the ability to negotiate with private property owners for the acquisition of property. We have to handle it that way to protect the public interest. A widespread discussion would not further the interest of the public or our ability to complete deals of this kind.

Mr. Wright asked, what input will the public have with respect to the purchase of a piece of property before someone signs on the dotted line?

Mayor Dickinson answered, at some point, when it is appropriate in the process, certainly it will be known the location of the property and what the Town's interest is. Until we reach that point we can't share that. Doing so beforehand could adversely effect the public's interest in the matter.

Mr. Wright asked again, will the public have the opportunity to have input on whether or not we buy the piece of property for what you or the Council considers to be a proper price after all your negotiating?

Mayor Dickinson responded, yes, the most obvious time would be at the time for appropriation of funding.

Mr. Wright asked, is the Ice Rink study still active?

Mr. Solinsky answered, the committee was performing a partial study and when the first phase of that study was complete then they would continue onto the second phase.

Mr. Wright stated that Cheshire is constructing a roller blade rink.

ITEM #6 Consider and Approve a Correcting Budget Amendment in the Amount of \$300 to Increase Youth Projects Acct. #012-9000-900-9010 and to Increase Revenue Acct. #012-1040-700-7010 - Youth Service Bureau

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

Mr. Killen stated that the budget is being amended without a Public Hearing.

VOTE: Papale was absent; Killen, no; all others, aye; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$73,500 from Health Insurance Acct. #001-8041-800-8300 of Which \$10,000 is Transferred to Physical Exams Acct. #001-1590-500-5750 and \$63,500 is Transferred to Retirement Sick Leave Acct. #001-8041-800-8360 - Personnel Department

Mr. Rys asked Thomas Sharkey, Acting Personnel Director, why the Retirement Sick Leave Acct. exhibits a balance of \$35,000 which is not encumbered.

Mr. Sharkey responded, we had two retirements this month of which the individuals received \$29,000, combined.

Mr. Rys asked, why are we transferring \$63,000 into an account which has \$35,000 unencumbered in it?

Mr. Sharkey was not sure if the funds in this account are encumbered or whether or not they are just paid out. There are a lot more people retiring this year than expected due to exceptional circumstances. Last year we were faced with eleven retirements, the year before, six and this year twenty-five.

Mr. Gouveia pointed out that most businesses would look upon this scenario (increased amount of retirements) as down-sizing without pain. As those individuals retire they are replaced with new employees starting at lower rates of pay therefore generating a net gain of dollars. He asked whether or not Mr. Sharkey had analyzed the net gain we would realize from this activity?

Mr. Sharkey did not have specific figures but pointed out that three veteran firefighters retired and have been replaced as of July 1st with firefighters paid at entry level wages.

Mr. Gouveia asked, how long, typically, does it take to fill a vacant position caused by retirement?

Mr. Sharkey responded, anywhere from two weeks to one year. We have a list of candidates which is sent over to the appointing authority to expedite the procedure.

Mr. Gouveia pointed out that the wages are already in the budget for those open positions whether or not they are filled. His experience is that the funds will be spent one way or another, transferred out of the account for other purposes just prior to the end of the fiscal year.

Mr. Sharkey stated, when computing the retirement and pension budgets for this fiscal year an "average" vacancy rate was built into it, since they always exist to some degree.

Mr. Gouveia commented, if things work as they should some of these

accounts should exhibit a huge surplus in them because they are not going to be replaced. He would rather have Mr. Sharkey wait until the last three months of the fiscal year at which time a better understanding will be gained of which accounts will have those surpluses and the transfer could be made at that time. He does not feel that this is an emergency situation requiring an immediate transfer, just another appropriation of funds without any way of recovering some of those funds that have already been allocated and not fully expended because of the entry level wage aspect.

Mr. Killen referred to Mr. Sharkey's statement placing a ceiling of one year on how long the process can take to hire an employee to fill a vacancy created by a retiree. He asked, do we ever go beyond the year?

Mr. Sharkey responded, not that he could recall. It is generally a patrol officer position which takes up to one year to complete the hiring process.

Mr. Killen asked, how long has the Personnel Director position been vacant?

Mr. Sharkey responded, in January 1995 it will be two years. It is his understanding that an advertisement will appear in the paper this weekend.

Mr. Killen pointed out that there could be mitigating factors involved which could effect that one year rule. He asked, what figures did Mr. Sharkey base his budget request on?

Mr. Sharkey stated that he based his request on the past three year's average retirement benefits paid out. There was no way, however, to tell that within two months one employee would suffer a heart attack and another, a stroke.

Mr. Knight asked, what is the anticipated amount of savings to the Town with regards to the health insurance?

Mr. Sharkey answered, the premium for this particular group, Local 1183 is roughly \$1 million. The 2-3% savings on that premium amounts to approximately \$20,000 - \$30,000. At budget time, although negotiating with the union for a give-back on the health insurance premiums, they had not yet been finalized. Only upon winning in arbitration were we able to realize this future savings. We are now looking for that same give-back from other Town unions as well which will result in a further savings.

Philip Wright, Sr., 160 Cedar Street, asked, how much is the total cost of health insurance to the Town?

Mr. Sharkey responded, excluding the utilities, \$2.6 million.

Mr. Wright asked, how much excess is in that figure now, besides the \$73,500?

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Mr. Sharkey was not sure. He stated that he can project but must also consider a May 1, 1994 rate change for two months. It could be higher than anticipated or lower. He gave an educated guess for the excess amount of approximately \$100,000. including the \$73,000. If the rates increase after May 1st then it will be less.

Mr. Wright asked, if you transfer this \$73,000 tonight from the account and the rates increase after May 1st, will the Town be in the hole?

Mr. Sharkey was not certain.

Mr. Wright pointed out that there is no guarantee that the \$73,000 is even available for this transfer.

Mr. Sharkey stated, it appears as though it is available now, based on the liberal estimate for a rate change and if the hiring structure continues the way it has been, then this money will be there. If, however, the next twenty hires are all family people, which is out of the ordinary, then it will be very close.

Mr. Wright asked, do you still consider it wise to transfer money out that you may need by the end of the year?

Mr. Sharkey responded, yes I do.

Mr. Wright stated that there should be funds left in the salary accounts of those individuals who unexpectedly retired due to illness.

Mr. Sharkey informed Mr. Wright that he does not have access to salary funds in the Police and/or Fire Departments. Those are separate departments and their respective department heads have jurisdiction over those funds. Even though the funds may be surplus, they cannot be transferred interdepartmentally until the last three months of the fiscal year.

VOTE: Papale was absent; Knight and Solinsky, aye; all others, no; motion failed.

The Chairman noted for the public that items #12 & 18 have been withdrawn and declared a five minute recess at this time.

ITEM #8 Discussion and Approval of Finance Department Request for a Bid Waiver for Replacement of Payroll, Accounting and Reporting Software to be Converted from IBM System 36 to IBM System AS 400 Processing Unit - Comptroller

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

Eva Lamothe, Deputy Comptroller gave a brief summary on the issue. The Finance Department purchased a C.P.U. and software in 1985 known as a IBM System 36. A request was placed in the budget and approved by the Mayor to replace that equipment. They would like to purchase a new IBM AS 400. The current CRT's, printers and support systems will continue to be utilized with the new system. They simply want to

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replace the C.P.U. In order to do that they also need to upgrade the software. They are not looking to change the software, simply upgrade it so that it will run on the new C.P.U., therefore the request for the bid waiver. They will purchase the upgrade from Ralph Walsh, the Finance Department's current software provider. Although they are going out to bid for the C.P.U. they would like to specify that it be an IBM System AS 400 because that is what their software will run on.

Mr. Knight asked, is the software IBM specific?

Ms. Lamothe responded, yes, it is IBM driven software.

Mr. Knight asked, will it be easier or more feasible to convert to an IBM?

Ms. Lamothe answered, it will be easier to convert from an IBM to an IBM. Our histories will convert over a lot more smoothly than if we changed units completely. We would also be able to use our current screens and programs that our staff is trained on. If we changed to a different type of unit and software it would mean re-training the staff. We are simply looking to change the C.P.U. and in order to run our software on that equipment we must upgrade it.

Mr. Knight asked, has any other manufacturer approached you with regards to your C.P.U.?

Ms. Lamothe, no. There are other companies that provide software for municipalities. This happens to be the particular software that our office has been using for the last ten years.

Mr. Knight asked, are there any other firms who have approached you for software and conversion?

Ms. Lamothe answered, no because we have not yet gone out to bid.

Mr. Knight asked, what is the ball park figure for the C.P.U.?

Ms. Lamothe responded, the figure for the C.P.U. including the systems software which runs the C.P.U.....

Thomas Myers, Comptroller stated, to purchase a new C.P.U., operating software for that equipment and to convert our existing application software (payroll and all accounting software presently in use) from a IBM System 36 to an IBM System AS 400, is estimated to be \$40,000. We expect that system to then last another ten years. We are looking at an amortized cost over a ten year period of \$4,000. per year.

Mr. Knight asked, is there capability to expand the AS 400?

Ms. Lamothe answered, yes.

Mr. Knight asked if the department intends to expand their programs?

Ms. Lamothe stated, it has a much larger capacity for memory then we currently have. It should last us for the next ten years.

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Mayor Dickinson informed the Council that one of the reasons for going with IBM and staying with Walsh Associates was that we don't own the code to the programs currently in use. If we switch to some other brand of equipment we would have to buy a new software package.

Ms. Lamothe stated that the Town would have to purchase the old code from Walsh Associates in order to have all of our history files moved to the new equipment.

Mr. Zandri asked, you are seeking a bid for a revised version of your current software?

Ms. Lamothe responded, it is not even a revision, it is exactly what we are using now, it is upgraded to run on the AS 400. The software cannot run on an AS 400 as it is currently written. We want the exact same software that we are using now, the same screens, etc. In order to have that the current software has to be re-written to run on the new C.P.U.

Mr. Zandri asked, is there a cost estimate for the conversion?

Ms. Lamothe answered, approximately \$13,000. That price includes installing it on the new C.P.U.

Mr. Zandri then asked, If you were to buy that software today, what would it cost?

Ms. Lamothe, \$17,000.00, approximately.

Mr. Zandri felt that it was an awful lot of money for a small enhancement to the existing software.

Ms. Lamothe explained, you are basically re-purchasing the same software all over again.

Mr. Zandri asked, what is the difference between the two IBMs that causes the software to operate on one and not another?

Ms. Lamothe responded, the language that it is written in.

Mr. Zandri asked, are you buying the new equipment because of size or capacity?

Ms. Lamothe answered, the usual life of most computers is ten years. The current system is presently ten years old. We have already had one head crash two years ago and at that time they told us that we were taking a chance. We did install back up support by utilizing the Water & Sewer Division system, however, we are currently experiencing difficulties.

Mr. Zandri asked, IBM no longer makes the IBM System 36 computer?

Ms. Lamothe responded, no, 1988 was the last year they made that system.

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Mr. Zandri asked, is there any computer manufactured on which our current software will run and have the same capacity as the AS 400? Has that question been asked of IBM?

Ms. Lamothe responded, no, she did not ask IBM that question.

Mr. Myers stated that, ideally, his department would like to stay with the System 36, except it is ten years old. When purchased the life expectancy, according to the manufacturer, was only seven years. We have out lived that period by three years. Every day of every month we stand a good chance of experiencing a system failure. It is outdated equipment which is no longer manufactured. IBM is unwilling to continue a maintenance agreement on that processor. We feel that the most expeditious and efficient way to continue using the same applications and processes is to bid the C.P.U. and simply use our present software provider to convert all our files from the System 36 to the AS 400. We are not looking to change the way we do payroll or accounting services. Over the past ten years, however, we did make a lot of programming and software changes to adopt it to Wallingford. It would be a very costly task to re-bid all new software and hire a different software provider, re-program the equipment, re-train all the staff involved, managers, etc.

Mr. Zandri was not asking that new software be purchased, simply to ask IBM if the existing software can be utilized on any computer that IBM presently makes.

Ms. Lamothe reiterated, the only system that the current software will run on is an IBM System 36 which is no longer manufactured but has been replaced with a System AS 400 and the software will not run on that C.P.U.

Mr. Knight asked, has IBM discussed possibly picking up the tab for the conversion?

Ms. Lamothe stated, she has not yet spoken to IBM. IBM no longer sells their products directly. She has been approached by several IBM business partners. Our software provider is an IBM business partner. They have recommended an IBM System AS 400, whether we buy it from them or any other business partner, it doesn't matter. They (Walsh Assoc.) are the ones with whom we have spoken to about this purchase and what is best to use with our particular software.

Mr. Knight was curious as to whether or not it could be part of the sales agreement that the conversion be included. Perhaps it would serve as an "enticement" to purchase from one dealer as opposed to another.

Ms. Lamothe explained that Walsh Assoc. has been the department's software provider and systems support for the past ten years and were planning to have them perform the conversion. The business partners are looking to sell the customer the whole package including the conversion which, in this case, they can't perform since they don't own the code. The cost to buy the code is as much as it is to buy the software.



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Mr. Myers explained that the reason the code was not purchased in 1985 was due to the fact that his staff are not programmers. You need to be knowledgeable in the field of programming in order to understand and use the code to change the programs. The decision, therefore, was to not purchase the code and utilize the programmers the software was purchased from to maintain/modify it to meet the department's needs on an ongoing basis.

Ms. Lamothe stated that two motions are needed tonight; one, to authorize the Finance Department to go out to bid for a new IBM AS 400 and the other is to waive the bid to allow for the conversion of the software.

Mr. Solinsky asked, why the approval to go out to bid?

Ms. Lamothe responded, we don't want any substitutions. We want to go out to bid for an IBM AS 400.

Mr. Solinsky felt that no action was required regarding the bid for the computer.

Mayor Dickinson was of the opinion that the only action necessary was to waive the bidding process for the software.

Mr. Killen disagreed, stating that it is not open bidding if you are specifying IBM, therefore you would need to waive the bid.

Mayor Dickinson responded, when the Town bids pistols it specifies a certain make or model.

Mr. Killen responded, any item that the Town puts out beyond open bidding, we are in violation...the Purchasing Ordinance clearly states that everything goes out to open bidding.

Mayor Dickinson commented, we can determine exactly what we need with regards to machinery. Anyone who happens to sell that make or model is able to bid on it.

Mr. Killen disagreed, reiterating his interpretation of the ordinance.

Mr. Solinsky did not recall ever waiving the bidding process for a specific make or model of any item.

The majority of the Council, along with the Mayor, was of the opinion that the bidding is not limited since there are many distributors of IBM products that can bid on the item if they choose to. The bidding process would be limited only if IBM were the sole provider of the product.

Much discussion ensued on this issue with Mr. Killen standing firm in his belief that the Town is violating its Purchasing Ordinance by limiting the bidding process strictly to IBM.

Mr. Knight suggested that the bid can be written to specify a machine which the current software will operate on. The bidding will be limited to the particular equipment they are seeking, regardless. There seems to be no necessity for a motion to approve the bidding process for the IBM AS 400.

Philip Wright, Sr., 160 Cedar Street stated that computers cost this town a lot of money and several people their careers. Don't proceed lightly on this topic without verifying that we are not duplicating problems we experienced years ago. The Town needs to be unshackled from an old computer system that may have lost us money over the past three or five years. The opportunity exists to take a good look at this as well as other areas of Town with regards to computer equipment. We need to establish a process whereby someone having knowledge and experience with computers reviews all computer requests and recommends the best product to meet the needs of the department, if warranted. He has spoken to Mr. Myers about this very issue before. Mr. Knight seems to share a similar concern. Mr. Myers and Ms. Lamothe have stated, themselves, that they are not experts in this area. This may provide an opportunity to spend some money and hire a consultant to review the operations of the Town instead of bleeding ourselves to death \$40,000 at a time.

Edward Bradley, 2 Hampton Trail asked, was the AS 400 approved as a capital item? Is so, why is it even being discussed? There is no need to waive the bid on it.

Mr. Solinsky explained, it was a topic of discussion due to the fact that Mr. Killen feels the Town is limiting the bidding process by being too specific regarding the make and model of the equipment.

Mr. Bradley stated, the AS 400 is a normal migration path from the System 36. He urged the Finance Department to look carefully at the third party vendors, it may be cost-effective. He pointed out that the maintenance costs will greatly diminish with new equipment.

Ms. Lamothe reminded the Council that she reduced the maintenance of equipment account this year, anticipating the purchase of the new equipment.

Mr. Bradley commented, if the users of the software are satisfied, this is the way to go.

Mr. Killen responded, the department does not have the authority to determine which equipment it wishes to purchase and place out to bid.

Motion was made by Mr. Knight to Approve the Finance Department's Request for a Bid Waiver for Replacement of Payroll, Accounting and Reporting Software to be Converted from IBM System 36 to AS 400 Processing Unit

VOTE: Papale was absent; Killen, no; all others, aye; motion duly carried.

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ITEM #9 Consider and Approve an Appointment to the Board of Education to Fill a Vacancy Created by the Resignation of Thomas Murphy

Motion was made by Mr. Zappala to Nominate Thomas Gilloly to the Position, seconded by Mr. Rys.

Mr. Solinsky noted for and read into the record correspondence from Mr. Gilloly expressing his interest in serving on the Board of Education.

He explained that, according to Town Council Meeting Procedures, all candidates being considered for any Council-appointed/re-appointed position must submit their letter of intent to the Council no later than seven (7) days prior to the appointment/re-appointment. Mr. Gilloly's letter was not received until this same date. The procedures will have to be waived.

The Council felt that the appointment should be voted on first.

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

Motion was made by Mr. Knight to Waive Rule 12b(1) of the Town Council Meeting Procedures to Allow for Mr. Gilloly's Appointment and Swearing In, seconded by Mr. Rys.

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

Town Clerk, Kathryn J. Wall, administered the oath of office to Mr. Gilloly at this time.

ITEM #10 Consider and Approve a Resolution for Tax Abatement for Dairy Farm and Fruit Orchard Property

Motion was made by Mr. Knight, seconded by Mrs. Duryea.

Mr. Knight read the resolution into the record (Appendix I).

Mr. Solinsky feels that if the property is sold and it continues to be operated in the same manner as the previous owner operated it, the tax abatement should then be continued. He also believed that the ten year property tax recapture clause should be revised to five years.

Mr. Gouveia, Chairman of the Ordinance Committee, explained how the proposed tax abatement ordinance was sent back to committee for re-working a few weeks ago and since the committee has not yet had a chance to work on it, the Assessor's Office necessitated a resolution on this issue so that they can provide the abatement this year. Hopefully by this time next year all warranted revisions will be made to the proposed ordinance and it will be adopted.

Mr. Solinsky was of the opinion that his recommended changes, if approved, could be incorporated into this resolution this evening.

Mr. Gouveia felt that it didn't matter, unless the owner sells the property this coming year.

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Mr. Solinsky was of the opinion that the sale could effect the taxes if the property is sold this year. Any taxes that have been abated this year and past years would be governed by the resolution, it is just one more year that would slip by.

VOTE: Papale was absent; Zandri, no; all others, aye; motion duly carried.

ITEM #11a Discussion Regarding the Proposed Ordinance Entitled, "Tax Abatement for Dairy Farm and Fruit Orchard Property"

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

Mr. Gouveia explained, the reason for placing this item on the agenda is due to the fact that the Council will be adopting a new process by which the Town drafts ordinances. In the past the Ordinance Committee has always met to review/revise proposed ordinances. In attendance at these meetings are the three Councilors who comprise the Ordinance Committee, the Town Attorney or Corporation Counselor, on occasion, various other department heads whose input may be helpful to the committee, depending on the nature of the proposed ordinance and a handful of local citizens. Upon completion of the review/revision process by the committee, a Public Hearing date is set for the Council and a legal notice published listing the date and time of such Public Hearing. Too often a great deal of input is given by the Council and the public during the hearing, causing the committee to either re-review the ordinance or make substantial language changes that evening. In the future it would be better to come to the Council first, gather information from the Council and public and then take that information back to committee and use it to draft the ordinance. By doing so we minimize the need to send the work back to committee and avoid publishing the legal notice more than once or twice.

Mr. Solinsky agreed with Mr. Gouveia.

The Council sent the proposed ordinance back to committee to address the issue of change of ownership, specifically, if the new owner continued to use the property as a dairy farm or fruit orchard then the recapture time should be modified to five years vs. ten with regards to taxes.

Mr. Knight asked, what would happen if the new owner operates the dairy farm or orchard for one year and then discontinues that use? How would we discourage it?

Mr. Solinsky responded, then you would recapture the five years' worth of abated taxes.

Mr. Knight asked, from whom?

Mr. Gouveia felt this was a good point to raise since the previous owner who reaped the benefit of the tax abatement would be long gone with his money. The new owner should not have to pay the abated taxes.

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Mr. Solinsky thought that a lien of some sort should be placed on the land.

Mayor Dickinson was under the impression that a certificate of some kind was placed on the land records regarding the tax abatement.

Mr. Zandri asked, what are you trying to accomplish with the tax abatement? Are you trying to help the farmer out because of the business and you are subsidizing it?

Mr. Knight and Mr. Zandri viewed the abatement as a subsidization.

Mr. Zandri explained, that is why I voted no because once the farmer sells that land they are benefiting from the sale of their property.

Mayor Dickinson and the Town Attorney were not sure that there was any way of controlling the situation if there is not some evidence on the land records that would allow the enforcement of it.

Mr. Zandri suggested that a stipulation be placed on the abatement that the land be used for farm land for five consecutive years after the purchase in order to lock it in.

Mayor Dickinson responded, assuming that there was some kind of certificate on the land record that would have to be dealt with upon the sale of the land. The new owner would have to apply for abatement and it would then continue for the new owner. If they are not eligible then the abated taxes would have to be paid at the closing.

Attorney Small added, when the person sells, however, no one will lend money with the lien on the land. It will have to be resolved at the time of the closing. The entire purpose of the statute providing the authority to recapture within the five years is because someone has gained or profited. It defeats the purpose of the tax abatement which you grant so that they can make a profit and stay in business.

Mr. Zandri commented, currently the resolution offers a ten year window. Every year beyond ten years that the owner is in possession of the property and continues to use it as farm land, he is gaining that tax abatement, never to lose it at that point. That is what the ten year window is for. He felt that once the property is sold and gains on the sale, those taxes that the Town has abated should come back to the Town from that particular owner. If the next person who purchases the land is in the same business, then he starts his abatement process the same as the previous owner.

Mr. Solinsky responded, that is if the sole purpose was to just subsidize someone. The benefit to the Town is, every year that we can help or keep land open, a farmer or orchard operating, the Town benefits for we keep development out, keep utilities out, etc.

Mr. Zandri answered, that is what the abatement is for. This stipulation on the sale is where the confusion comes in.

Mr. Solinsky stated, there is not always a financial gain.

Mr. Gouveia had no problem with the fact that so long as the property remained in the same use then you will not collect the taxes owed to the Town for the previous ten years. Mr. Knight raised a good point. What happens if the property is no longer farmed after one year from the sale?

Mr. Solinsky responded, as the Town Attorney stated, any lender would require that to be eliminated either by placing a sum equal to the ten years' tax abatement in an escrow account until the years dropped off or.....

Attorney Small clarified that a lien will have to be paid before any lender will enact a sale. If the Council is going to consider a lien she wanted to inform them that it doesn't work, in the practical sense.

Mr. Gouveia thanked everyone for their comments/suggestions. He will take them back to committee for review.

No action taken.

ITEM #11b SET A PUBLIC HEARING for October 11, 1994 at 7:45 P.M. on a Proposed Ordinance Entitled, "Tax Abatement for Dairy Farm and Fruit Orchard Property"

In order to allow enough time for the Ordinance Committee to review the issue and for publication of a legal notice it was decided to set the public hearing for a later date.

Motion was made by Mr. Knight to set a PUBLIC HEARING for October 25, 1994 at 7:45 P.M., seconded by Mrs. Duryea.

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

ITEM #13 Discussion and Possible Action on Establishing a Charge and Duties or Responsibilities of the General Building Committee as Requested by Councilor Thomas Zappala

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

Mr. Zappala pointed out that all Councilors received a list of the committee's charges/duties/responsibilities and solicited suggestions and/or revisions to them.

Mr. Solinsky asked, can this committee be referred to as a building committee?

Kate Wall, Town Clerk responded, if it is established as a building committee, it would continue past the term of the Council. The intent two weeks ago was to re-appoint the committee with each new Council. It is more of an advisory committee. Building committees continue until their charge is complete, usually it is for one specific purpose, i.e., Vo-Ag, etc. Advisory committees are appointed/re-appointed in January of the year that a new Council is sworn in.

Mr. Zappala, upon recommendation of the Council, made a motion to change the name of the committee to "Advisory Maintenance Committee", seconded by Ms. Duryea.

Mr. Rys asked if the committee will hold meetings, post agendas and hire a secretary?

Under F.O.I. all notices of meetings and site investigations must be posted in the Town Clerk's Office twenty-four hours prior to their taking place. Motions, votes and any action taken must be recorded and filed with the Town Clerk while brief notes can be taken for historical purposes for the benefit of the committee. A member of the committee shall serve as secretary.

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

Motion was made by Mr. Gouveia to Amend the Purpose of the Committee to Read: "To serve as a nucleus in order to use their expertise on solving and preventing maintenance problems relating to Town-owned property." Seconded by Mr. Zappala.

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

Motion was made by Mr. Gouveia to Amend the Charge to Read:

"The committee shall periodically visit and inspect all Town-owned property and report to the Town Council on condition of said property including any potential problems and/or concerns and advise how said problems or concerns should be addressed."

Mr. Killen felt that the charge should include language which states that the committee shall meet on a fairly regular basis. He wanted to avoid the problem of having the wrong person chair the committee and, at that person's discretion, never meet.

Seconded by Mr. Zandri

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

Mr. Rys asked, is it right to assume that these individuals who will comprise the committee will be excluded from the bidding process?

Mr. Zappala assumed that anyone involved with this committee would not bid on any projects associated with them for it would be a conflict of interest.

Mr. Solinsky felt that there were other rules in place to prevent that from happening.

Mr. Gouveia stated that there is a great potential for conflict of interest.

Atty. Small suggested that an agreement of some sort be entered into with the committee members regarding their exclusion from the bidding process for any/all work recommended by the committee.

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Mr. Gouveia asked the Town Clerk and Council Secretary to draft language to be added to the Qualifications/Experience section of the charge excluding committee members and their immediate families from bidding on any projects associated with the committee.

Atty. Small stated that an agreement would have to be signed by all committee members since it is their right to bid on the projects. It can be made a condition of their appointment.

Mr. Gouveia offered the following language: Members of said committee agree that, as a condition of their appointment, they waive their right to bid on any/all work associated with committee's function.

Atty. Small stated that other family members cannot be bound to the agreement, therefore if a committee member's spouse operates a business they cannot be excluded from the bidding process.

Mr. Rys noted that Planning & Zoning Commissioners are asked to put their real estate license aside during their terms.

Atty. Small agreed and pointed out that the Town nor committee member can bind the immediate relatives or corporations to which committee members belong to the same agreement.

Mr. Zappala assumed that, as part of the charge, it will be made clear that the committee members are excluded from bidding on work related to their involvement with the Town and agrees that immediate family cannot be excluded.

Mr. Killen asked that the word "would" be changed to "shall" in the first sentence under the heading of "Appointments".

Mr. Knight made a motion to add the following language to the charge to follow the word "addressed": ".that the committee shall also investigate and suggest improvements to existing procedures used by Town departments to inspect and maintain Town-owned facilities".

He explained that the intention is to make the committee more pro-active by not only spotting potential maintenance problems but also to investigate how other communities and, in fact, the State, maintains/manages the thousands of facilities that they have.

Seconded by Mr. Gouveia.

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

Mr. Gouveia pointed out that the word "should" in the first sentence of the last paragraph be changed to "shall" and the words, "building committee" be changed to "advisory maintenance committee".

Mr. Solinsky had questions surrounding the involvement of the Building Inspector.

Mr. Zappala stated that he has spoken with the Inspector and his co-workers. They are willing to help out the best that they can on



anything.

Mr. Solinsky was of the opinion that the Inspector should not be a voting alternate on the committee.

Mr. Gouveia suggested that the Building Inspector be an ad-hoc committee member and unable to vote.

Mayor Dickinson was not sure whether or not they would be able to attend meetings. There are issues such as contracts, overtime, etc., that need to be considered. Where advice is needed, it would be appropriate to request it but to assign people to a meeting....he had concerns with that issue.

Mr. Gouveia asked if by making him/her an ad-hoc member of the committee would the Mayor's concerns be addressed?

Mayor Dickinson responded, so long as it would not be an expectation that he/she be at the meetings. An ad-hoc member can inform the committee that he/she will not be able to attend a meeting.

Mr. Zappala stated, it is not mandatory that the Building Inspector be at the meeting, just available to advise the committee, when needed.

Mayor Dickinson felt that it was more important for Public Works to advise the committee since, under the Charter, they are responsible for the maintenance of all Town structures. The direct responsibility would be Public Works and not the Building Inspector.

Mr. Zappala did not want to place additional burdens on the Director of Public Works whereas the Building Inspector has other inspectors who can help out and serve on the committee.

Mayor Dickinson stated, the department to be notified regarding remedial action or repairs would have to be Public Works and not the Building Inspector for he does not have the charge for that duty. He/she can advise the committee of certain codes but cannot make the repairs.

Mr. Zappala answered, that is specifically why he wanted the Inspector, the staff has more of a combined knowledge regarding codes, etc.

Mayor Dickinson responded, for the most part the codes have been met, it is a question of what remedial action has to be taken on an existing condition.

Mr. Zappala disagreed with the Mayor, reiterating that the combined knowledge of the staff of the Building Department would be an asset to the committee.

Mr. Solinsky did not dispute that fact, however, the Building Inspector is available for advice regardless if he is a member of the committee or not. He agreed with the Mayor that the buildings are under the jurisdiction of the Public Works. The Building Inspector

will not be working on a maintenance program or long range plans for building conditions. It is two different areas and Public Works should be more involved.

Mayor Dickinson clarified that most typically regarded as public buildings are Public Works' responsibility, however, education is responsible for all the education buildings and there are buildings which are the responsibility of given departments such as the utilities. We have somewhat of a mixed bag regarding the actual control and jurisdiction over given premises.

Mr. Zappala pointed out that the intention of the last paragraph is to assure that the committee will not interfere with any Town employee's responsibilities but to seek their cooperation. That applies to the Board of Education and Public Works also. He requested that the section pertaining to the Building Inspector stand as submitted.

Mr. Knight asked, if after inspection and remedial action recommended by the committee would they come back to the Council and the Council approach Public Works? Or does the committee meet with the department responsible for that facility to cut through all the red tape?

Mr. Zappala responded, that is the intent, of course.

Mr. Knight stated that the sentence which reads: "The committee shall report solely to the Town Council" seems to lock the committee indirectly to the Town Council. What you are seeking to accomplish is a closer working relationship with the people directly responsible for the buildings.

Mr. Zappala answered, he is seeking knowledge regarding what is happening to the buildings, what could be done and what hasn't been done.

Mr. Solinsky felt that the language pertaining to the Building Inspector be removed from the charge since he will be available for advice regardless.

Mr. Gouveia pointed out that the present language does not mandate that he/she sit on the committee, it states that they "may sit on the committee". He did agree that it would be best to simply state that the Building Inspector and Public Works Director shall be ad-hoc members of this committee. That allows for consultation with those individuals and does not require that they sit on the committee.

Mr. Solinsky brought out the other point regarding the education, utilities, etc., who also are responsible for buildings. We must either name everyone or include a blanket statement covering them.

Mr. Killen suggested that we strictly limit it to the Town-owned buildings for the time being since it is an exploratory issue and to eliminate the education and utility buildings.

Mr. Zappala felt that all the Town-owned buildings should be the responsibility of the committee to investigate them, including education and utility buildings.

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Mr. Killen asked Attorney Small, are the school buildings considered Town-owned at this time? When they are first built they are Town-owned but they are then turned over to the jurisdiction of the Board of Education.

Attorney Small responded, the buildings are owned by the Town but the custody of caring for them belongs to the Board of Education but that is part of their budget approved by the Town. She did not have a problem including them in the language for the committee to have jurisdiction over for investigative purposes.

Motion was made by Mr. Knight to Amend the section entitled, "Appointments" by eliminating the words, "..and the Town of Wallingford Building Inspector may sit as an alternate to the committee if he/she so desires."

Seconded by Mr. Gouveia.

VOTE: Papale was absent; Duryea, Killen and Zappala, no; all others, aye; motion duly carried.

Motion was made by Mr. Gouveia to Accept the Charges and Duties/Responsibilities of the Advisory Maintenance Committee as Amended, seconded by Mrs. Duryea.

VOTE: Papale was absent; Rys, no; all others, aye; motion duly carried.

Mr. Zappala stated that he has names this evening to submit for the committee.

It was suggested that the item will be placed on the agenda of the next meeting.

ITEM #14 Consider and Approve Adding the Name of Lester Slie to the Golf Course Study Committee

Motion was made by Mr. Knight, seconded by Mrs. Duryea.

Mr. Zappala stated that Mr. Slie would be a welcomed addition to the committee. He could not think of a better person to place on the committee.

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

ITEM #15 Approve and Accept the Minutes of the 6/21/94, 5:45 P.M. Emergency Town Council Meeting, 8/25/94, 9/1/94 and 9/13/94 Town Council Meetings

Motion was made by Mr. Knight.

There was no second.

ITEM #16 Consider and Approve Merit Increases (4) Approved to Date by the Mayor

Mr. Solinsky was of the opinion that this item should be noted for the record and did not require a vote.

Motion was made by Mr. Knight to Note the Merit Increases for the Record, seconded by Mrs. Duryea.

No Action Taken.

Philip Wright, Sr., 160 Cedar Street asked, why were the increases noted for the record? The agenda states that they must be considered and approved.

Mr. Solinsky asked Mr. Myers if the increases needed approval of the Council?

Mr. Myers responded, yes.

Mr. Wright asked, what is the total amount of money for the four increases being approved this evening?

Motion was made by Mr. Knight to Consider and Approve Merit Increases (4) Approved to Date by the Mayor, seconded by Mrs. Duryea.

Mr. Myers wanted a correction to the motion. He stated that the increases were not approved by the Mayor but the Merit Review Committee. These are supervisory positions. The Purchasing Agent (union contract), Inland Wetlands Planner (union contract), Police Chief and Welfare Director (union contract) are all supervisory positions.

Mr. Wright asked, who signs the document allowing the increase to go through?

Mr. Myers responded, the department head. In the case of the Police Chief and Welfare Director it is the Mayor. In the case of the Inland Wetlands Planner, it is the Chairman of the Inlands Wetlands Commission and in the case of the Purchasing Agent, it is Mr. Myers.

Mr. Wright stated, this item appears on the agenda very frequently and it always appears using the same terminology. It seems to me that the Mayor is the one who approves all of the increases. I assume we are doing this because the Charter says we have to.

Mayor Dickinson stated, contractual agreements indicate approval, department heads have to approve it and providing that everything else was met, if the department head refused to approve it, whether or not that would be enough to prevent the increase from going through is an open question. In the final analysis, the administrative arm of the government, the Mayor has to sign it, yes. They have been approved by the Mayor. There are overlapping jurisdictions here as to what is being followed and why. Contractual as well as Charter as well as classified service provisions all play a role.

Mr. Wright felt that his question remained unanswered and asked it again. Who has to sign the form?

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Mayor Dickinson responded, the department head has to sign it, the Mayor has to sign it and the Comptroller has to sign it as to the availability of funds.

Mr. Wright commented, in essence, the Council is approving the merit increases that the Mayor has approved, correct?

Mr. Wright asked, the Council is required to approve what the Mayor has already approved?

Mr. Rys responded, the Merit Review Committee has approved them, the Council is now approving them.

Mr. Wright stated, then the motion is not correct.

Mayor Dickinson commented, it is part of the procedure but for the action tonight, it has been approved by the requisite administrative areas and then proceeds to the Council for final approval.

Mr. Wright was not pleased with the answers. Every time it appears on the agenda it says that the Mayor approves the increases, does he or doesn't he?

Mr. Gouveia responded, the Mayor has to approve it or else it cannot come to the Council for approval.

Mr. Wright asked, is the Mayor's name on the piece of paper that states the name of the person and the amount of the increase?

Mayor Dickinson answered, yes.

Mr. Wright asked, so the Council is being asked to approve what the Mayor has already approved?

Mayor Dickinson answered, yes.

Mr. Zappala, Merit Review Committee Member, informed Mr. Wright that not everyone receives an increase. It is not automatic.

Mr. Zandri asked, do each of the increases conform with the percentages or guidelines?

Mr. Myers responded, it conforms to their pay classification in the budget. It conforms to their salary assignment and to the money budgeted for it, the steps. It has been explained many times how the Town hires below the paying rate for a position and we advance the employee through that pay range over a period of four years.

Mayor Dickinson commented, it conforms to the classified service which dictates the steps and the amount of them. Once an employee reaches maximum, there are no more merit increases unless that person's position is re-classified and they are back into the step process. Once you meet maximum there are no more steps and the only increases are general ones.

Mr. Gouveia stated, the problem is that a misnomer exists. There are

no merit increases. There are no merit increases for meritorious work. Someone can be on the top step and is the most excellent individual in the world yet not receive a merit increase. This amounts to an annual salary approval.

Mayor Dickinson stated, personally he does not like the step system and if he had the authority to eliminate it, he would. We would pay everyone at their maximum and any increase would be a general increase from then on and no one would debate step increases again. It is part of the classified service of every municipality in the State.

Mr. Wright suggested striking the word merit from the committee name.

Mayor Dickinson answered, it is not entirely accurate to say that merit has nothing to do with it. You have to reach an average performance for the first two years and above-average for the second two years in order to qualify. That has not always been achieved by every employee.

Mr. Wright suspected that if he were to gather the information he would find that there would not be 1/10th of 1% of the employees of this Town who do not receive the increases on an automatic basis. He asked the Mayor if those figures were correct?

Mayor Dickinson could not verify the percentages but stated there are employees who have not received their increase. Are they in the minority, possibly. It is not a rubber-stamp process.

Mr. Wright felt that this issue ties back to Mr. Zandri's item this evening (#2). He stated that the municipality exists for the employees and not for the taxpayer.

Mr. Solinsky stated that the Town of Wallingford has many dedicated employees and we do not exist solely to give them a job. They provide a valuable service to the Town and townspeople. There may be a minority who do not fit that class but the majority do.

Mr. Wright clarified that he has not criticized the performance or duties of anyone. He stated, Town government exists to pay its employees.

Mr. Solinsky disagreed.

VOTE: Papale was absent; Rys, no; Solinsky passed; all others, aye; motion duly carried.

ITEM #17 Consider and Approve Tax Refunds (#46-69) in the Amount of \$4,747.09 - Tax Collector

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

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

ITEM #15 Approve and Accept the Minutes of the 6/21/94, 5:45 P.M. Emergency Town Council Meeting

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

Mrs. Duryea asked the Council Secretary why all the minutes are stamped, revised?

Kathryn Milano, Town Council Secretary responded, a request was made for me to revise the minutes of the meeting of 6/21/94, 5:45 P.M. to broaden them. They were too condensed. They have been expanded upon.

VOTE: Papale was absent; Duryea, Knight and Solinsky, aye; Gouveia passed, Killen abstained; Rys passed, Zandri passed, Zappala abstained. Motion failed.

Mr. Solinsky asked, for those of you who have passed, is it due to the fact that you did not attend the meeting or is it because there is a problem with the minutes?

Mr. Zappala was not at the meeting.

Mr. Solinsky asked why Mr. Rys passed on the minutes.

Mr. Rys responded, he felt that the conversation which took place prior to the start of the meeting on the subject should not have been included in the minutes.

Motion was made by Mr. Rys to Strike All Language Which Appears on Page 1 Following the Wording: "NOTE FOR THE RECORD THAT THE FOLLOWING CONVERSATION TOOK PLACE PRIOR TO THE START OF THE MEETING TO PROVIDE THE COUNCIL WITH PERTINENT INFORMATION TO THE SUBJECT" continuing onto page 2 up to but not to include the words, "At this point the roll was called and the meeting officially started."

Seconded by Mr. Knight.

VOTE: Papale was absent; Duryea, Knight and Rys, aye; Gouveia & Zandri passed, Killen and Zappala abstained, Solinsky, no; motion failed.

Mr. Solinsky asked Mr. Gouveia what his reason was for passing on the minutes.

Mr. Gouveia stated that he recalled reading the first version of the minutes and, compared to the revised set, they do not seem to state what he read in the first copy. It was so long ago he cannot recall what actually took place, therefore he does not feel comfortable voting on them.

Mr. Solinsky advised Mr. Gouveia to listen to the tape of the meeting.

Mr. Gouveia took the suggestion into consideration.

Ms. Milano informed the Council that, according to the Town Council Meeting Procedures, the Town Clerk is required to forward an approved copy of the Town Council Minutes to the library. If we don't approve them, that copy is not on file for the public.

Mr. Gouveia stated, the Council has been told previously that the minutes do not have to be approved.

Mr. Solinsky asked, told by whom?

Mr. Killen responded, a Town Attorney informed the Council in the past that the minutes do not require approval.

Mr. Gouveia felt that all minutes should be approved, however, the problem he has with this particular meeting is that it happened a long time ago and when he reviews the revised edition, it is different. He will listen to the tape.

Town Clerk, Kathryn J. Wall explained that the Town Council Meeting Procedures state, "The Chairman of the Town Council and the Town Clerk will sign two copies of the approved minutes for public inspection. The public library will receive the signed copies of the minutes of all Council meetings."

Mr. Solinsky stated, it does not state that the Council has to approve the minutes.

Mr. Killen pointed out that the Chairman and Town Clerk will sign two copies under the supposition that the minutes are approved. They cannot be signed if they are not approved. There is nothing in the language which makes the act (approval) mandatory.

Motion was made by Mr. Knight to Approve and Accept the Minutes of the 8/25/94 Town Council Meeting, seconded by Mrs. Duryea.

It is noted that a revision was made to the minutes to reflect all parties present in executive session. This also holds true for the revised minutes of 9/1/94.

VOTE: Papale was absent; Killen and Zappala abstained; Zandri passed; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Approve and Accept the Minutes of the 9/1/94 Town Council Meeting, seconded by Mr. Rys.

VOTE: Papale was absent; Killen abstained; Zandri passed, all others, aye; motion duly carried.

Motion was made by Mr. Knight to Approve and Accept the Minutes of the 9/13/94 Town Council Meeting, seconded by Mr. Rys.

Mr. Gouveia did not have a problem with the minutes but raised a parliamentary question regarding a motion that he made on the leash ordinance, specifically, an amendment to include any other public property including schools. Mr. Knight voted against the amendment and later on in the meeting Mr. Knight offered an amendment which struck down the original amendment, in other words, to eliminate any other public property. In doing so, because he had originally voted against it, he should not have made that amendment. Only someone on the prevailing side may make a motion to reconsider an item.



Mr. Solinsky recalled that Mr. Gouveia's amendment added more language while Mr. Knight's simply eliminated just the public property.

Mayor Dickinson asked if the amendment was made prior to the final vote on the entire ordinance as amended?

Mr. Solinsky answered, yes.

Mayor Dickinson informed the Council that reconsidering an item deals with the issue of bringing back an item on the same evening, after it has been completed.

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

ITEM #18 - Withdrawn

ADDENDUM - ITEM #20 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Purchase, Sale and/or Lease of Property

Motion was made by Mr. Knight to Enter Into Executive Session, seconded by Mrs. Duryea.

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

Present! in executive session were the Council, Mayor, Town Attorney, and Henry McCully, Director of Public Works. Town Attorney, Janis Small left during executive session.

\*Present only for a portion of executive session.

Motion was made by Mr. Knight to Exit the Executive Session, seconded by Mrs. Duryea.

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

Motion was made by Mr. Killen to Adjourn the Meeting, seconded by Mr. Zappala.

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

There being no further business, the meeting adjourned at 11:42 P.M.

Meeting recorded and transcribed by:

*Kathryn F. Milano*

Kathryn F. Milano, Town Council Secretary

Approved by: *Thomas D. Solinsky*  
Thomas D. Solinsky, Chairman

10-11-94  
Date

*Kathryn J. Wall*  
Kathryn J. Wall, Town Clerk

October 11, 1994  
Date

Appendix I

R E S O L U T I O N

BE IT RESOLVED That pursuant to the authority of Section 12-81m of the Connecticut General Statutes, the Town Council of the Town of Wallingford hereby abates fifty (50%) percent of the property tax of any property assessed as a dairy farm and fifty (50%) percent of the property tax of any property assessed as a fruit orchard maintained as a business, for the Grand List of October 1, 1994, provided, however, that the original amount of tax so abated shall be paid to the Town of Wallingford if the property granted such abatement is sold within ten (10) years of said Grand List.

BE IT FURTHER RESOLVED That the application for abatement of property tax of property assessed as a dairy farm or of property assessed as a fruit orchard maintained as a business shall be made by the owner of such property to the Assessor on or before November 1, 1994 in order to qualify for such abatement for said Grand List. The application shall be recorded on the Land Records of the Town of Wallingford by the Tax Collector upon his processing of such abatement.