

TOWN COUNCIL MEETING AGENDA

JULY 11, 1989

6:30 p.m.

1. Roll Call and Pledge of Allegiance.
2. Present Certificates of Appreciation to the "Pythons," "Lightning," and "Comets" State Soccer Championship Teams.
3. Consider and Approve Transfer of \$6,123 to Maintenance of Building - Dog Warden.
4. Consider and Approve Transfer of \$1,500 to Part-Time Wages - Town Attorney.
5. Consider and Approve an Increase to the Board of Education Special Fund Budget for 1989-90 of \$9,781 for the State Legalization Impact Assistance Grant (SLIAG).
6. Consider and Approve Merit Increases.
7. Consider and Approve Resolution Authorizing the Mayor to Execute a Grant Agreement to Receive Funds for the Wallingford Substance Abuse Prevention Council - Requested by Mayor Dickinson.
8. Discussion and Possible Action Regarding Hiring an Outside Attorney for Analysis of Town Charter and Connecticut Statutes Concerning Education - Requested by Robert Parisi.
9. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 p.m.
10. PUBLIC HEARING on Charter Revision Committee Draft - 7:45 p.m.
11. Report from the Historic District Study Committee Summarizing Comments Received at the Public Hearing.
12. Authorize the Town Clerk to Mail Ballots to Property Owners - Historic District Study Committee.

TOWN COUNCIL MEETING

JULY 11, 1989

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers and called to order at 6:45 p.m. by Chairman Albert Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Bradley, Doherty, Papale, Solinsky, Zandri and Killen. Also present were Mayor William Dickinson, Adam Mantzaris, Town Attorney, and Tom Myers, Comptroller.

The Pledge of Allegiance was given to the flag.

Motion was made by Mr. Doherty to have Items 4, 6 and 7 placed on the Consent Agenda to be voted upon by one unanimous vote.

ITEM 4 Consider and Approve Transfer of \$1,500 from Legal Secretary Wages Acct. No. 1320-100-1250 to Part Time Wages Acct. No. 1320-100-1350 to Provide Additional Funds for Wages - Town Attorney.

ITEM 6 Consider and Approve Merit Increases.

ITEM 7 Consider and Approve Resolution Authorizing the Mayor to Execute a Grant Agreement to Receive Funds for the Wallingford Substance Abuse Prevention Council.

Seconded by Mr. Solinsky.

VOTE: Holmes and Parisi were absent; all other ayes; motion duly carried.

ITEM 2 Presentation of Certificates of Appreciation to the "Pythons," "Lightning," and "Comets" State Soccer Championship Teams.

(Mr. Parisi and Mr. Holmes arrived at 6:52 p.m.)

Mayor Dickinson and Mr. Killen presented Certificates of Appreciation to the Coaches and members of each of the three teams.

ITEM 3 Consider and Approve Transfer of \$6,123 from Contingency-Reserve for Emergency Acct. No. 001-8050-800-3190 to Maintenance of Building Acct. No. 001-2020-500-5100 to Provide Funds for Repair of Dog Runs - Dog Warden. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached letter from Shirley Gianotti to Mayor Dickinson.

Mr. Holmes asked were you aware of this problem before the inspector came in?

Shirley Gianotti replied we knew it was bad but we thought we could make it through another year. The State inspects every three months and did not pass us. She said she will give us time to do the repairs, but when she comes back in 3 months and it's not done she will demand that it's done or close us down.

We spent \$1,900 of our tag sale money to fix the cracks. Unfortunately when you just patch the cracks it doesn't last.

Mr. Zandri stated I'm concerned about just patching this again. Maybe more extensive repairs should be done once and for all. Is the contractor going to take out the whole floor?

Ms. Gianotti replied no. He's going to cut out the bad spots and the area around it, patch it and then cover the entire floor with thorax.

Mr. Zandri asked is there a guarantee for his work?

Ms. Gianotti replied he said the floor will last as long as the pound does.

Mr. Zandri stated I'm concerned about what caused the cracks to start off with.

Mayor Dickinson stated most of the cracks are associated with where the fence posts are in the cement or it's where the cement is butted up against another part of the building. The runs are pulling away a little bit from where the shelter for the dog is. It's partly age and partly wear and tear.

Mr. Zandri stated it looks like this is just a patch job. What's to say a year from now we won't have the same problem.

Ms. Gianotti replied this is not a patch job.

Mr. Zandri asked doesn't this have to go out to bid?

Mayor Dickinson replied yes unless Shirley's also requesting a waiver of bid.

Mr. Solinsky replied I have to agree with Geno. This looks like a patch job and if the floor is old it may need more extensive work.

Ms. Gianotti stated we have to do something before 3 months are up or we're not going to have a pound.

Mr. Zandri asked did you consult with the Town Engineer on this to get his suggestions on how to approach this?

Ms. Gianotti replied I called the Town Engineer once before to come down because I wanted to put an addition on the pound and he never came down.

Mayor Dickinson stated you have to recognize that if we don't do this it's going to cost a lot more. There are even new standards regarding dog pounds and right now the State isn't requiring we meet those. You get into one question after another when you start talking about rebuilding. I don't know how the new codes would affect this if we wanted to put in all new floors.

Mr. Adams stated if you could get a guarantee from the contractor I think that would satisfy the Council.

Mr. Zandri stated I would also like to see the Town Engineer take a look at this and get a recommendation from him. Right now we have no idea what the problem is down there, how severe it is or what the solution is.

Mayor Dickinson stated this is a cosmetic solution to a code requirement and that's why the Town Engineer wasn't consulted, but certainly we can do that.

Mr. Holmes asked how many contractors did you contact on this?

Ms. Gianotti replied we talked to several, but this was the only one that gave us a price.

Mr. Holmes asked did you try going through the Purchasing Department?

Ms. Gianotti replied yes and I believe Mr. Dunleavy gave the Mayor's office the okay.

Mayor Dickinson stated I haven't spoken to Mr. Dunleavy on this.

Ms. Gianotti stated I explained everything to Don and he said to go ahead and if anyone asked any questions he would know what it was all about. He said we should waive the bid.

Motion was withdrawn by Mrs. Papale.

Motion was made by Mrs. Papale to Waive Rule V to Consider Waiver of Bid for Repair of Dog Runs. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive the Bid and Award the Contract to D.R.C. & ME General Contractors. Seconded by Mr. Adams.

Mr. Bradley asked how long does it take when we go out to bid?

Tom Myers replied it can be anywhere from 14 days to 60 days depending on what you're looking for. Of course you also need specifications when you go out to bid. So the Engineering Department would have to prepare specifications.

VOTE: Bradley, Doherty, Holmes, Parisi, Solinsky, Zandri and Killen voted no; Adams and Papale voted yes; motion did not pass.

Mr. Holmes stated I request the Mayor to contact the Engineering Department, explain this is a priority item, and have them draw up some specifications for repair of the floor and go out to bid.

ITEM 5 Consider and Approve an Increase of \$9,781 to the Board of Education Special Fund Budget for 1989-90 for the State Legalization Impact Assistance Grant (SLIAG). Motion was made by Mrs. Papale, seconded by Mr. Adams.

Jay Cretella stated this is the second part of the grant. In April we amended the 1988-89 budget to include a line item for the first part of the grant. This money is for salaries for the rest of the year. We haven't added any new teachers, but we have added hours. We are serving quite a few people.

VOTE: Doherty abstained; all other ayes; motion duly carried.

Mrs. Papale then read into the record the Resolution for Item 7 which was approved under the Consent Agenda.

Mayor Dickinson stated most of this money will be used for the safe graduation program.

PUBLIC QUESTION AND ANSWER

Tim Cronin, 47 South Ridgelane Road, asked on the Charter Revision draft are you going to approve or disapprove the entire document or go through section by section?

Mr. Killen replied tonight is just to hear comments from the public.

Vincent Avallone, 1 Ashford Court, stated many people are concerned about what is being done to assure the trash plant will be operated as safely as possible. Prior to the final permit being granted by the Department of Environmental Protection, I'd like the Council to consider inviting members of the DEP to meet with the Council and explain exactly what the testing procedure is, what steps will be taken if the plant doesn't comply, etc. I'd just like the Council to have as much information as possible prior to the final permit being granted. I also think the residents of Wallingford would have a lot more confidence if they knew our local government had an opportunity to see the plan the DEP has for the successful and safe operation of this plant.

Edward Musso, 56 Dibble Edge Road, stated no matter what you do there's some contamination to it. The more experts you bring in the more confused you get.

Motion was made by Mrs. Papale to Waive Rule V to Read a Letter from James Krupp. Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen then read the attached letter from James Krupp which suggested renaming the Oak Street Bridge to the Ralph Ives Bridge.

Mr. Killen stated I think this is an excellent suggestion and I'd like the Town Attorney to look into this to make sure there is nothing preventing us from naming a bridge.

ITEM 10 Public Hearing on the Charter Revision Committee Draft. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached Summary of Changes.

Tim Cronin, 47 South Ridgelane Road, stated right now the Town Committees essentially appoint the Board of Education. The only thing the elector does is eliminate one of the Board of Education members through the election process. If all the Board members ran at the same time it would eliminate this phony election process. I respect the Town Committee's chore of nominating their candidates, but I don't think they should be in a position to elect the Board of Education and it's pretty close to that right now. This year there's 6 people running for 5 spots on the Board of Education. The Democrats are going to

nominate 3, the Republicans are going to nominate 3, and the electors are going to eliminate 1. You can do away with this appointment process by having all of the Board members run at the same time whether it be for 2 years or 4 years. I would like to see a 2 year term.

Edward Musso, 56 Dibble Edge Road, asked I thought there was a change to the Charter where if an expenditure exceeded \$1 million there would have to be a referendum?

Mr. Killen replied there was a proposal, but the Charter Revision Committee voted it down.

Vincent Avallone, 1 Ashford Court, asked could someone give an explanation of the Department of Law and how that would differ from what we have now?

Theodore Lendler replied the main thrust of this is continuity in the legal department. The Corporation Counsel would be the Mayor's man. The Mayor has to have someone to talk to and this person would be the head of the Law Department. More important than the Corporation Counsel would be the Assistant Corporation Counsel who will handle the day to day operations of the Town. This Assistant will provide the continuity that a Town of this size needs. Subject to the Town Council's approval we've provided for more than one Assistant. Under certain specified conditions, outside counsel could be hired for specialized circumstances, conflicts of interest, ethical considerations, etc. If another department wants to hire a lawyer, they would have to at least go to the Law Department and get approval.

Thomas Flynn stated the appointed Corporation Counsel will ultimately become a classified service employee.

Mr. Lendler stated we would expect the Assistant Corporation Counsel to carry the bulk of the work and also be making considerably more money than the Corporation Counsel.

Mr. Avallone asked who would have more authority?

Mr. Lendler stated the part time would still be the boss of the department.

Mr. Avallone asked are their duties specified or does the final say go to the head of the department?

Mr. Flynn replied it's not laid out other than to say the Department of Law shall be the legal advisor to and represent the Town and all it's agencies, officers, boards and commissions acting in an official capacity in all legal matters. The jobs themselves, as far as the Charter is concerned, aren't defined. That would have to be worked out within the department itself. We expect the Personnel Department to set up some jobs specs.

Ron Gregory, 59 Hill Avenue, stated I think our Chairman is confused in his terminology. A Town Attorney will be appointed by the Mayor and called a Town Attorney. He will be a part-time political appointee. In addition, a Corporation Counsel will be appointed who will be civil service and may have assistants who are civil service. The part-time political Town Attorney is

going to be the head of the department over the full-time and part-time civil service attorneys. I hope you all have received the minority report. I'm not going to read it, but I would like to enter it into the record by giving it to the Town Clerk.

Mr. Flynn stated if this is passed by the electorate, it would change dramatically the way the Department of Law is run and there would have to be some budget transfers and reallocation of funds to hire the full-time Corporation Counsel.

Mr. Bradley stated on this agenda there is an item where one of the Council Members wants to hire an outside attorney to review the Town Charter and Connecticut Statutes in regard to education. If this Council votes yes, then the outside attorney will be hired. Under the proposed Charter changes what would happen?

Mr. Lendler replied the Council Member would go to the part-time Town Attorney and request an independent or outside review and I imagine it would be approved.

Mr. Bradley stated my concern is the Council does not make that decision. You're usurping the powers of this Council to go out and hire legal counsel. With this change we would have to go to a "political" attorney to make a decision on something like this. I understand he can approve it, but he can also disapprove it.

Mr. Lendler replied in Washington when something gets stirred up they appoint a special prosecutor. I have no reason to believe that the same thing wouldn't happen in Wallingford. By in large the Town does what it's supposed to do. I have no qualms whatsoever that the attorney appointed by the Mayor would be scared to death not to do it. I certainly would say to go ahead and do it. I understand your fear, but if it doesn't work, you'll change the department. This is our first stab at compartmentalizing the legal side of the Town of Wallingford. Maybe we did it wrong and further changes will have to be made. Try it this way and see what happens.

Mr. Zandri asked when the study committee reviewed this did they find other towns structured the way we're trying to do it?

Mr. Doherty replied we interviewed two Town Attorneys, one from Meriden and one from New Britain. The situation in both towns was the same. They had an appointed political attorney that ran the department and a full-time person, called Corporation Counsel, that was there to provide continuity.

Mr. Flynn replied most of the cities in the state work that way.

Mr. Solinsky stated on Page 18 it states the Mayor will appoint a Corporation Counsel and he will become a member of the classified service. After an election, does the new Mayor appoint a new Corporation Counsel? The first one is now part of classified service.

Mr. Flynn replied the intent was that language applies once. When the appointment is made that person becomes a full time classified service employee and he's not replaced unless he resigns or is removed pursuant to the rules and

regulations of the classified service. If there's a new Mayor, he would not get to appoint a new Corporation Counsel. There has to be some mechanism to start this process in terms of who's going to make the initial appointment.

Mr. Zandri asked why wouldn't this be a normal hiring going through the hiring practices of any other position in Town?

Mayor Dickinson replied this tracks with other positions. The Comptroller and Public Works Director are appointed by the Mayor and then subject to classified service. The other chief department heads are appointed by the Mayor also. You would have a job description approved by the Council and the filling of the position would follow testing, evaluation procedures, and interviews.

Mr. Avallone asked would the Town Attorney be the boss over the Corporation Counsel? What's the purpose of a job description if the Town Attorney can tell the Corporation Counsel whatever he wants him to do?

Mr. Flynn replied yes the Town Attorney is the boss. I would assume you would want to hire an attorney who is versed in municipal law. I would assume that's the kind of job description that's going to be advertised or published.

Mr. Avallone asked what do you see as the major changes as compared to what presently exists and the proposed Department of Law?

Mr. Lendler stated you would have a continuity in handling the matters that are not resolved by the time one attorney goes out of office and the other comes in.

Mr. Flynn replied the idea was to have someone responsible for the day-to-day, run of the mill responsibilities of the law office.

Mr. Killen stated the very instrument we're changing tonight has a lot of written words in it that we've ignored continuously. If the man at the top says do it this way, it's done that way - right or wrong. One of the things that ought to go along with continuity of that office is familiarity. A Town Attorney may have his teeth into a case and then get replaced. Someone else comes in and he doesn't know the nuts and bolts of the case. If we have a full-time attorney, we can assume this man will know all the cases that are being brought by and against the Town of Wallingford and be able to prosecute or defend them.

Mr. Holmes stated one of the reasons the study committee went ahead with a full-time attorney is so someone is in the office five days a week to answer the questions of the department heads and deal with the public on a daily basis.

Mrs. Papale asked by hiring a full time attorney will this make a difference as far as having to hire outside attorneys?

Mr. Lendler replied I'm not sure. There are so many specialized fields of law. I don't know if you'll save money by doing this.

Mrs. Papale stated there are many times something has come up very quickly and we've had to hire outside attorneys because our part-time attorneys have not had the time to do it. I'm not thinking in terms of saving money. It just makes more sense to have our own attorneys handle the case.

Mr. Flynn replied it wasn't our intent to save the Town any money. There are too many things inherent in the practice of law, such as conflict of interest or expertise, that are going to require outside counsel.

Marybeth Applegate, 1 Perkins Drive, stated the study committee named 6 benefits for having a full-time attorney: 1) allows for a distinct separation of politics and law; the Town Attorney would handle the politically sensitive types of cases and the full time classified position would do the day to day job and be separated from any of the political aspects of the job; 2) establishes continuity in the legal department; 3) increases efficiency in running the office through familiarity with past and present cases; 4) standardizes settlements as one person builds experience with similar cases; 5) eliminates the distractions and conflicts generated by involvement in a private law practice while employed part-time with the Town; and 6) provides for faster response and greater accessibility.

Mr. Gregory stated I'm completely appalled by the study committee report that suggests a Town Attorney to handle political issues and a Corporation Counsel to handle routine matters. If that's what is intended, then it's a sad day for Wallingford. We don't have a Town Attorney in this Town for political issues or purposes. If we do, then maybe we need another investigation in this Town. When I read the report I applauded the idea that the full time Town Attorney should be separate from politics. I would like to see all the attorneys in this Town give legal opinions, not political opinions. Years ago all Town Attorneys in Connecticut were appointed by the Chief Executive Officer. There is a transition going on in this state whereby civil service attorneys are being hired and what you have left is the vestige of the old system where you have a Town Attorney who is a political appointee in charge of a civil service attorney. If this Council want's to be forward looking, they would recognize that it's time for a civil service attorney to be in charge of the legal department. The Governor does not appoint the Attorney General, he is elected and he has a whole department of civil service attorneys. The Governor does have his own Counsel. One of the proposals discussed by the Charter Revision Commission was that the Town Attorney should be civil service and in charge. If the Mayor wants his own counsel then he should make a political appointment for a part-time attorney, but under no circumstances should that person be in charge of the legal department. Please don't be too shortsighted. Whatever you do I hope you don't grasp on the idea that you have one attorney for political issues and one for legal issues.

Mr. Cronin asked what would happen several years from now, following another Charter revision, if we came to the conclusion that this was a bad idea. Wouldn't we be stuck with a civil service employee?

Mr. Killen replied you could eliminate the position by changing the charter.

Mr. Cronin stated I think you have to be careful when you look to other towns as examples. Some of them are way behind the times on how to properly run their own towns.

John Ludovico, 53 Alison Avenue, asked if the Town Council is denied the opportunity to hire outside counsel, does the Town Council reserve the right to do so?

Mr. Killen replied not as I see it. There would be no authority for it.

Motion was made by Mr. Bradley to move up Items 11 and 12. Seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

ITEM 11 Receive Report from the Historic District Study Committee Summarizing Comments Received at the Public Hearing. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mary Annis read into the record the attached addendum to the report issued by the Wallingford Historic District Study Committee.

Mr. Killen asked that the motion be amended to "receive and accept the summary report."

Motion amended by Mrs. Papale to read "Receive and Accept a Summary Report." Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 12 Authorize the Town Clerk to Mail Ballots to Property Owners by August 7, 1989 - Historic District Study Committee. Motion was made by Mrs. Papale, seconded by Mr. Adams.

Gerry Farrell stated we also need 5 p.m. on Wednesday, August 23, to be set as the date of the election. The ballots will go out August 7 and then people have 15 days to return them. These dates are agreeable to us and the Town Clerk.

Motion amended by Mrs. Papale to add "to be Returned by 5 p.m. on August 23, 1989." Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 8 Discussion and Possible Action Regarding the Hiring of an Outside Attorney for Analysis of Town Charter and Connecticut Statutes Concerning Education. Motion was made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Zandri asked is there any reason why this cannot be handled in-house?

Mr. Parisi replied I just gave Adam Mantzaris a letter officially requesting an opinion. So yes that can be pursued.

Mrs. Papale asked if the Council prepares a list of questions they have as far as the Statutes and Charter, couldn't that be turned over to the Town Attorney and he could look into it? Really the only thing the Town Attorney can do is research what statutes apply to the Board of Education and local government and when does one dictate from one to another.

Mr. Parisi replied that's fine with me.

Mayor Dickinson cited several sections of the statutes and stated the statutes are fairly clear as to what authority, purposes and duties the school board has. When exercising those duties they are not just local officials but agents of the State of Connecticut. The State of Connecticut mandated that every community provide public education for children within the community and set standards for that education. In order to implement the state program at the local level, local school boards were created. So the Board of Education is not like other departments in the Town. The Police or Fire Departments are not agents of the State. I think the questions can be answered by the Town Attorney and if he runs into problems he can consult with State officials. I don't think the statutes are gray on the matter, they do describe what the duties are.

Mr. Parisi replied I agree with the Mayor as far as the establishment of minimal amounts of education for all the children in the State of Connecticut. The Board of Education also has to administer state and federal funds and is required to monitor and report back as to how those funds were expended. The State Board of Education, however, does not wish to get involved in any local squabbles involving any types of control other than those items that would deal primarily with the education of youth in meeting the minimal standard requirements. My question is does anyone have the right to not be responsible to anyone in Town?

Mr. Holmes stated I'd like to know if the Board of Education and it's employees have to follow the laws and ordinances of the Town of Wallingford. If you talk to people in the educational field, they seem not to think so. I'd like that clarified. I'd also like to know if certain people not in the teaching profession are subject to oversight by the Council.

Mr. Adams stated the State does have attorneys and consultants who are available and I think if there is a concern that should be the first step. At a time when people are concerned over the rising cost of things, we shouldn't be hiring outside attorneys. After 10 months I want to know where is this going and when is this going to stop. An investigation is one thing, but an obsession is something else.

Mr. Bradley asked Bob what answers are you looking for?

Mr. Parisi stated I want to know who the Board of Education reports to, who the Superintendent of Schools reports to, and are they governed in any way by the Charter.

Mayor Dickinson asked does the Board of Education have to follow the purchasing ordinance, yes and no. For instructional items they do not have to, for non-instructional they do. Let's say an item is purchased and proper procedures are not followed. What is the recourse? Ultimately the check wouldn't be processed so the purchase couldn't be made. The other question is who can discipline anyone supervised by the Board of Education if they fail to do what is necessary? There are two sides to the coin: one is procedurally what do you have to follow and the second is who has the authority to discipline someone if they don't follow the right procedures.

Mr. Parisi replied I was told by the State Board of Education that even though they are purchasing instructional items, they are to purchase prudently. It

doesn't give cart blanche just because it's instructional. This is something I would like to clear up also. I wonder if there is a misconception in the Town.

Mr. Killen stated you're asking who is going to do something about the Board of Education if they go amiss. In my opinion, the electors are the only ones who can do something about it.

Mr. Zandri stated I think the statutes clearly state what powers the Board of Education has and the Superintendent. I think what you're looking for is more accountability as far as how they're spending their dollars. I think that comes when we're doing the budget process. I think we as the Council can make them as accountable as we want them to be and as detailed as we want them to be depending on what questions we ask at that particular time.

Mr. Parisi replied I agree. I think the statutes state the Comptroller is involved in the budgeting process of the Board of Education also. Their budget should be reviewed before the end of the year to determine what line items have been over or under expended. Then at the following budget session it can be put into line.

Mr. Zandri stated we started a change this past year and I think that has to be elaborated in the future. I think a lot more detail is needed on the spending of the Board of Education.

Mr. Parisi stated I would be willing to table this for the time being and allow Adam Mantzaris to pursue this.

Mr. Killen stated you cited numerous statutes in the document you handed out at the last meeting. If a statute has been brought to court, there is a case cited. So some of the things we've been discussing here have already been acted upon. I recommend you read some of the cases that are cited.

Mr. Parisi stated I'd be happy to read the cases if you show me how to find them.

Mr. Holmes stated it's easy to say the statutes are quite clear, but there's over 500 pages. So to cite a couple of statutes is just scratching the surface. I think this would be a worthwhile endeavor.

Mr. Killen replied the statutes aren't necessarily clear, but you're going to ask Adam and he's going to give his own interpretation unless there is a case that's been adjudicated.

Motion was made by Mrs. Papale to Table this Item. Seconded by Mr. Adams.

VOTE: Doherty abstained; all other ayes; motion duly carried.

Motion was made by Mr. Parisi to Waive Rule V to Discuss the Tape Recorder Purchase. Seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

Kate Wall stated we didn't use the new machine tonight because neither one of us is too familiar with it. We shouldn't have a problem using it at the next meeting. The tape recorder has been purchased, but we have since found out the modification to convert from half speed to full speed cannot be done on the machines currently being produced. We do not have a half-speed transcriber. The company is trying to find a half speed transcriber for us and will only charge us \$75 (the cost of the modification). The company sales representative was supposed to be here tonight. I will contact him tomorrow to find out the status of the transcriber. If we go with the half-speed recorder all the tapes will be at half-speed. This could cause a problem if someone from the public requests a copy of the tapes because most tape recorders are full speed. (A half-speed tape on a full-speed recorder sounds like the munchkins from the Wizard of Oz talking a mile a minute.) Of course, they could always listen to the tapes on our tape recorder in my office. I talked with Adam Mantzaris and this would not be a violation of FOI. If we cannot find a half-speed transcriber, the sales representative said we could return the machine or go to a reconditioned older machine (\$1,500-\$1,800) which can be modified to full speed.

Mr. Killen stated let's find out what the status of the transcriber is first. If the sales representative cannot find a transcriber, then we'll discuss where to go from there.

Mr. Zandri stated for the convenience of the public I would like to see a full speed recorder.

Tina Manley stated you should also be aware that if we go with the half-speed transcriber and it breaks down, then I'm stuck. The recorder and transcriber have to be compatible, either full-speed or half-speed. Right now if the full-speed transcriber breaks down I have a backup machine. With a half-speed transcriber I won't have a backup.

Mr. Zandri asked is there any reason why we can't purchase a recorder at full speed?

Ms. Wall replied no there isn't. But the dual cassette recorders, which means there's no interruptions during the meeting to switch the tapes, only record at half-speed. As I stated we can purchase an older reconditioned dual cassette recorder and have it modified to full-speed.

Mr. Killen stated we are under no obligation to make sure the public's machines are compatible with ours. We just have to make sure we produce accurate records. We'll accommodate the public to the best of our ability.

Ms. Wall stated I'll get back to you on this.

Motion was made by Mr. Doherty to adjourn, seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Meeting adjourned at 10:00 p.m.

Meeting recorded and transcribed by:
Katrina M. Manley, Council Secretary

Approved:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date



TOWN OF WALLINGFORD
WALLINGFORD, CONNECTICUT 06492

Shirley Gianotti
DOG WARDEN
367 Williams Road
(203) 269-1663

Dear Mayor Dickinson.

Will you please put this on the agenda for the next Council meeting? I need repairs to the dog runs. The cracks are so bad that the dirt and urine are depositing in them and we are not able to clean properly. Because of this the State Inspector did not give us a passing mark on ^{the} last inspection. This upsets me very much.

They can do it 2 ways. One is to just patch the bad places. This we have done before and it did not last. The other is to cut out all around the bad places and put new throat all over. When the man came he explained what he would do and this is what I would like to have done.

The price for this job is \$8,123. I have \$3,000 in maintenance of building for this year. I can use \$5,000 of it for this. I will still need \$6,123. If you have any questions please call me.

Shirley Gianotti

SUMMARY

• Substantive Changes

The following are changes to the Charter which will effect the way the Town of Wallingford operates. These changes should be examined carefully.

- Chapter II Section 2 Page 6 Line 11,
Removal of Selectmen and Constables from the Ballot. This is proposed to simplify the ballot. Since this is a change from elected to appointed the following changes support this proposal:
 - * Chapter IV Section 4 Page 16 Line 31 Section added to provide for the appointment of Constables by the Council.
 - * Chapter V Section 3 Page 17 Line 42 Section added provide for the appointment of the Board of Selectmen by the Mayor.
 - * Chapter X Section 2 Page 21 Line 13 Change reference from elected Constables to appointed Constables.
- Chapter II Section 2 Page 6 Line 22,
Change the wording on the number of candidates an elector can vote for from "three members" to "a number of candidates equal to the number of vacancies occurring on the Board of Education." Also change the term of office from four years to two years. These changes are proposed to make the election of the Board of Education more competitive and make the Board more responsive to the electorate.
- Chapter II Section 2 Page 7 Line 32-35,
Clarification of the definition of concurrent service. This proposed change provides a more specific definition of prohibited appointments for elected officials.
 - * Chapter III Section 1 Page 10 Line 3-5 Deleted to support this proposal.
- Chapter III Section 9 Page 14 line 174, 183 and 185,
These proposed changes effect the Power of Referendum. The

first change provides for the power of referendum on resolutions. This was left out of the last printing of the charter. The minutes of the last Charter Revision Commission clearly showed that the proposed wording was intended. The other two proposed changes allow 30 day rather than 20 days, to gather petition signatures. This will allow a more reasonable time frame.

– **Chapter III Section 11 Page 15 Line 213 Section added on Council Appointments.**

This proposed new section was requested by the Council Chairman. It provides for the term of an appointee to continue until the successor for that position is appointed.

– **Chapter IV Section 5 Page 16 Section added for authorizing the Inland Wetlands Commission.**

This proposed change authorizes the Inland Wetlands Commission, defines its makeup, term of office and the reporting responsibility for the Environmental planner.

– **Chapter VI Page 17 and 18 Line 2, 15 and 27-30,**

This proposal changes the Town Attorney to Department of Law and defines the responsibilities of the department. It further lists qualification and reporting structure within the department. This change is proposed to provide continuity and improved operation of the legal department. Changes supporting this proposal are

* Chapter XVI Section 2 Page 38 Line 11,
Adding Corporation Council and other full time assistants to Classified Service.

* Chapter XVII Page 39 line 39-41,
Clarifying Town Attorney's responsibility to the Board of Ethics.

– **Chapter VII Section 4 Page 19 Line 60-66,**

Remove the subsection 7 on Surety Bonds from the duties of the Purchasing Agent. These bonds are purchased by the Department of Personnel and Pensions.

* Chapter XIII Section 1D Page 26 has been added to the Department of Personnel and Pensions to place the respon-

sibility where it belongs.

- Chapter VII Section 4 Page 19 Line 71 and 74,
Change the amount from \$2000 to \$5000 for requiring a purchase to go out for bid and allowing a "Request for Proposal". These changes are to allow a more reasonable limit on the bid amount, which has not been changed in a number of years and to allow "request for Proposals".
- Chapter VIII Section 3 Page 20 Line 34,
Propose new language to clarify the Planning and Zoning Board's authority to appoint Enforcement Officers. This change will eliminate of some the legal issues in recent cases involving this issue.
- Chapter XV Section 3 Page 33 Line 35,
Propose new wording be inserted to recognize the long standing Council Contingency account.
- Chapter XV Section 7 Page 35 Line 119,
This proposal recognizes the need for emergency purchases and establishes the authority for such purchases.
- Chapter XVII Board of Ethics Changes.
 - * Page 38 Line 3
Increase Board of Ethics alternates from two to three to maintain consistency with other five-member boards.
 - * Page 39 Lines 6-12
This proposal establishes staggered terms for the Board of Ethics and defines the Board's role.
 - * Page 39 Line 27-32
Amend to eliminate confidentiality provisions which are of questionable legality.
 - * Page 39 Line 39-41
Ensures legal counsel to the Board during hearings.
 - * Page 40 Line 56-57
Define the requirement for a Code of Ethics.
 - * Page 40 Line 61-65
To delete the definition of "interest" in the charter and defer to the Code for such definition.

• Technical Updates

These are technical changes which correct numbering and chapter references and eliminate the wording which was used to originally establish Boards and Commissions in 1958. Also reference to specific State Statues is replaced with a "Generic Reference".

- Preface (This will be done only if Charter is approved at Referendum)
- Index -Headings and Page Numbering
- Page Renumbering - Throughout the entire Charter
- Glossary - Renumbering and Update Page References
- Renumber Sections in Accordance with proposed changes
- Update Ratification Date (page 43 Only if approved)
- Establish Generic Reference to State Statues
 - Page 7 Line 39 Page 8 Line 84
 - Page 11 line 48 Page 14 Line 166
 - Page 15 Line 195 Page 16 Line 20
 - Page 20 Line 36 Page 21 Line 19
 - Page 22 Line 39 and 55 Page 23 Line 69 and 74
 - Page 28 Line 123 and 124 Page 29 Line 9,11 and 44
 - Page 33 Line 41 Page 35 Line 112
 - Page 37 Line 179 and 180
- Eliminate the references to original formation of Commissions and Boards in 1958.
 - Page 16 Lines 25-28 Board of Tax Review
 - Page 24 Lines 35-40 Board of Health
 - Page 26-27 Lines 66-70 and 71-74 Personnel and Pension Appeals Board
 - Page 27 Lines 103-108 Pension Commission
 - Page 29 Lines 25-30 Public Utilities Commission
- Correct Fiscal Year Page 36 Line 173-174 (refers to 1963)

• **Required Changes**

These revisions are necessary because court action or changes in State Statues have invalidated sections of the Charter.

Page 6 Line 24 and 25
Page 8 Line 69 and 70

Page 7 Line 43-56 and 57-68

Page 8 New line 73 Delete 75 and 76;
Correct line 71

Page 8 Line 81 and 82
Page 15 Lines 209-212

Page 9 Section 9 (invalid per courts)

Page 38 Line 42-45 (invalid per State Statues)

WALLINGFORD HISTORIC DISTRICT STUDY COMMITTEE |

Town Hall
45 South Main Street
Wallingford, Connecticut 06492

July 11, 1989

Addendum to the report issued by the Wallingford Historic District Study Committee --

In accord with the procedure set out in Section 7-147 of the Connecticut General Statutes, the Wallingford Historic District Study Committee held a public hearing on June 28, 1989 in the Council Chambers of the Wallingford town hall. All members of the Study Committee were present. Also attending were John Shannahan, Director of the Connecticut State Historical Commission, Scott Heyl of Wallingford Center, Inc. and Mr. Jay Cretella who moderated our hearing. Of those property owners who expressed an opinion that evening, two opposed the creation of an Historic District and 15 spoke in favor of the idea.

Those opposed spoke of their concerns with the restrictions put on property owners; those in favor welcomed the restrictions knowing the protection the district would offer.

Two comments were made about the proposed ordinances:

1. That the majority of the Commission should be held by property owners who also live within the district. We amended our ordinance as follows:

Section III-A, Composition - The last sentence shall read -
"At all times, at least three (3) members of the commission and two (2) alternate members shall own property within and reside within the Wallingford Historic District"

A new section - III-F, Commission Votes - is added to read -

"Any majority vote of the commission must include the votes of two (2) commissioners that own property and reside within said district"

2. That the time allotted to the commission to act on an application - which by State Statute cannot exceed 65 days - could impose a hardship on the property owner. We have amended Section V, B - Notices, hearings, approval and appeals, part ii to read -

"Within not more than thirty (30) days of the commission's monthly filing deadline, the Commission shall pass upon such applica-

Continued . . .

tion and shall give written notice of its decision to the applicant. Failure of the Commission to act within said thirty (30) days of the monthly filing deadline shall constitute approval".

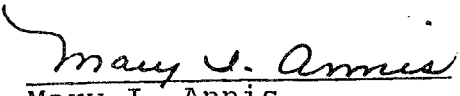
All of the above changes are in direct response to the input received at the public hearing.

A concern was brought forth as to the actual rules and regulations of the district. The actual "rules" are housekeeping "rules" instituted by a commission once it is established. These regulations include such as items as how many meetings are held, where, how a meeting is conducted, etc. In regards to the aspect of rules governing preservation, the guidelines often used in other Historic Districts are those provided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Because Wallingford's Historic District contains structures from the 17th, 18th, 19th and 20th centuries, a rigid set of rules would be nearly impossible to implement; therefore, we feel taking each application and treating it as a separate entity is the only way to handle applications from this district.

Those favorable comments included -

- Now is the time to protect our historic structures, not to wait until it is too late.
- Historic Districts in other states have turned slums into very prestigious areas.
- People feel threatened by pending development and over-development taking place in uptown Wallingford.
- In the past, buildings have simply disappeared.
- The protection offered by an Historic District would protect our history.
- Some people have purchased their homes gratefully knowing an Historic District was in the making and that the protection offered made their home more attractive and valuable.

Respectfully submitted,


Mary I. Annis
Chairman, Wallingford Historic
District Study Committee