

TOWN COUNCIL MEETING AGENDA

OCTOBER 10, 1989

6:00 P.M.

6 P.M. - 7 P.M. - INTERVIEW CANDIDATES FOR FIRE MARSHAL POSITION.

1. Re-Naming of Historic District and Designate Regular and Alternate Members.
2. Consider Adoption of Resolution Approving the Second Supplemental Agreement for Railroad-Highway Grade Crossing Improvements on Toelles Road and Authorizing the Mayor to Execute said Supplemental Agreement.
3. Consider approval of transfer of \$7,000 to Bridge Repair/Design Fee, Ward Street Extension Bridge over Wharton Brook.
4. Consider Approval of Transfers Necessary to Fund the Binding Arbitration Award for Local #1282 Managers and Supervisors Union for the Current and the Past Two Fiscal Years.
5. Consider Approval of Adjusting Fiscal Year 1988-89 Transfer of \$10,200.
6. Consider Approval of Transfer of \$2,000 to Part-time Secretary Account - Town Attorney's Office.
7. Consider Approval of Tax Refunds in the amount of \$7,172.50.
8. Consider Approval of Transfer of \$1,659.00 to Advertising Account - Tax Department.
9. Consider Approval of Transfer of \$204 to Cover Unanticipated Charges for Tables and Chairs - Fire Department.
10. Acknowledge Receipt of Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada.
11. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
12. PUBLIC HEARING to Consider a Petition Designating East Main Street from Old Durham Road to Grieb Road as a Scenic Road
7:45 P.M.
13. Consider Adoption of Resolution Authorizing Application to State of Connecticut for Drug Enforcement and Drug Prevention Education and Authorizing the Mayor to Execute and file Such Application with the Office of Policy and Management.

14. Consider Acceptance of Section 3 of Twin Oak Farm Road and Fox Run Drive and Consider Acceptance of Land for Highway Purposes:
 1. Along North Airline Road
 2. New Place Street
 3. Along Mapleview Road
 4. Along South Branford Road.
15. Discussion to Review Ethics Procedures - Requested by Councilman Zandri.
16. Consider Confirmation of Appointment of Joseph Blichfeldt to the Personnel and Pension Appeals Board to Fill Vacancy.
17. Consider Confirmation of Appointment of Maria Lunt to the Recycling Committee to Fill Vacancy.
18. Consider Re-appointment of Robert A. Meyers and Mrs. Marilyn Massores and Appointment of Mrs. Rosemarie Preneta to the Visitors' Council for 3-year terms.
19. Discussion on Establishment of Wallingford Garbage Plant Monitoring Commission - Requested by Councilman Doherty.
20. Approval of Town Council Minutes of September 12, 19, 26, 27 and October 3, 1989.
21. Correspondence.

TOWN COUNCIL MEETING SUMMARY

OCTOBER 10, 1989

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Meeting Adjourned	

TOWN COUNCIL MEETING

OCTOBER 10, 1989

7:00 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers and called to order at 7:20 p.m. by Chairman Albert Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Bradley, Doherty, Holmes, Papale, Parisi, 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 6, 7, 8, 14, 16, 17, 18 and 20 placed on the Consent Agenda to be voted upon by one unanimous vote.

ITEM 6 Consider and Approve a Transfer of \$2,000 from Secretary Wages Acct. No. 1320-1250 to Part-Time Secretary Acct. No. 1320-1350 to Provide Additional Funds for a Part-Time Secretary - Town Attorney.

ITEM 7 Consider and Approve Tax Refunds in the Amount of \$7,172.50.

ITEM 8 Consider and Approve a Transfer of \$1,659 from Postage Acct. No. 001-1420-400-4080 to Advertising Acct. No. 001-1420-400-4100 to Provide Additional Funds for Advertising - Tax Collector.

ITEM 14 Consider and Approve Acceptance of Section 3 of Twin Oak Farm Road and Fox Run Drive and Acceptance of Land for Highway Purposes as Follows: Along North Airline Road, New Place Street, Along Mapleview Road and Along South Branford Road - Town Planner.

ITEM 16 Consider and Approve Appointment of Joseph Blichfelt to the Personnel and Pension Appeals Board to Fill a Vacancy.

ITEM 17 Consider and Approve Appointment of Maria Lunt to the Recycling Committee to Fill a Vacancy.

ITEM 18 Consider and Approve Reappointment of Robert A. Meyers and Marilyn Massores and Appointment of Rosemarie Preneta to the Visitors' Council for 3 Year Terms.

ITEM 20 Consider and Approve Town Council Meeting Minutes of September 12, 19, 26 and 27, 1989.

Seconded by Mr. Bradley.

VOTED: Unanimous ayes; motion duly carried.

Motion was made by Mr. Doherty to Waive Rule V to Name a Fire Marshal, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Doherty to Name Michael A. Lamy to the Position of Fire Marshal, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

ITEM 1 Renaming of Historic District and Designate Regular and Alternate Members.

Motion was made by Mr. Doherty to Name Richard Krombel, Gerald Farrell, Jr., Dean Bertoldi, Ellen Mandes and Rita Owens as Regular Members of the Historic District Study Committee and Pete Fresina, David Barkin and Alice Leighner as Alternates. Seconded by Mrs. Papale.

Mr. Parisi stated with all due respect to the work of these committees, I'll support it this time but if it doesn't pass then it will be my feeling that the people in that area don't want a historic district.

Ron Gregory, 59 Hill Avenue, stated the General Statutes provide that votes on Historic District questions shall be by secret ballot. I've been reading in the newspaper that people know what the vote was by street and I don't understand how anybody found this out if it was a secret ballot.

Kate Wall replied it was done by secret ballot.

VOTE: Unanimous ayes; motion duly carried.

ITEM 2 Consider Adoption of Resolution Approving the Second Supplemental Agreement for Railroad-Highway Grade Crossing Improvements on Toelles Road and Authorizing the Mayor to Execute Supplemental Agreement. Motion was made by Mrs. Papale, seconded by Mr. Solinsky.

Mrs. Papale read the attached resolution.

Mrs. Papale asked is there any money involved in this?

John Costello replied there is no money at this time, the Town appropriated money in the past. This is just changing the amount of reimbursement that the Town is going to get.

VOTE: Unanimous ayes; motion duly carried.

ITEM 3 Consider and Approve a Transfer of \$7,000 from Sidewalk Installation/Repair Acct. No. 001-5011-999-0024 to Supplemental Funding Bridge Repair/Design Fee Acct. No. 001-5011-999-0006 to Provide Additional Funds to Replace the Ward Street Ext. Bridge - Engineering. Motion was made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Costello stated we originally bonded \$50,000 and the consultant's original fee was \$44,800 so we had a surplus of \$5,200. We transferred some of that surplus to sidewalk repairs and now we're asking to transfer money from sidewalk repairs back into this account because of the additional expense of the design work associated with the sanitary sewer and water main.

Mr. Myers stated this appropriation supplements an 88-89 appropriation.

Mr. Bradley asked what is the target date for commencement of this work?

Mr. Costello replied we don't have a definite date yet. The design isn't finished and we haven't applied under the local bridge program for funds. It will be next year at the earliest.

Mr. Zandri asked do we have a projected surplus in the sidewalk account?

Mr. Costello replied it's hard to say because we haven't done all the design work on all the streets that we want to repair sidewalks.

Mr. Zandri stated it concerns me when we set aside a certain amount of dollars for this type of work and then take \$7,000 out of the account.

Mr. Bradley stated I think when we allocate monies we should know what the definite plan is and what sidewalks are going to be replaced.

VOTE: Zandri voted no; all other ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Ray Rys, 96 Pierson Drive, stated I spoke with a food director from the Town of Hamden and they are going to have a serious problem when their plastics ordinance goes into effect because they did not look at their school system and how it operates as far as packaging, etc. Our school system also prepackages meals to be sent out and in the elementary schools the dishwashers have been taken out and the space has been utilized as classroom or teaching space. So this plastic ordinance will have an impact on the school system. If you haven't considered it, please look into it.

Tim Cronin, 47 South Ridgelane Road, asked are the Council representatives on the ad hoc committee for the relocation of the elementary schools keeping the Council informed as to facts and figures so they can make an intelligent decision at the October 24 meeting?

Mr. Adams stated arrangements have been made to get that information out to the Council.

Motion was made by Mr. Holmes to move up Item 10, seconded by Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 10 Acknowledge Receipt of Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada. Motion was made by Mrs. Papale, seconded by Mr. Holmes.

Mrs. Papale read the attached letter, dated October 3, 1989, from Thomas Myers to Mayor Dickinson.

Mayor Dickinson stated this acknowledges the efforts of Tom Myers and the efforts of all of those in the Finance Department including the Water, Sewer and Electric Divisions.

ITEM 12 Public Hearing to Consider a Petition Designating East Main Street from Old Durham Road to Grieb Road as a Scenic Road. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Edward Musso, 56 Dibble Edge Road, stated he was not in favor of this proposal.

Ron Diotaiuto, 386 East Main Street, stated the people in this area feel they are very fortunate to live in such a nice rural section. We know there have to be improvements and we don't want to see an unsafe road. But we don't want to see what happened on Phase I and Phase II repeated where no one was informed. We want the scenic designation, not so the road doesn't get improved, but so the Town Council will have the power to control what is done. Remember when you widen a road it tends to bring up faster speeds.

Karen Mayer, 388 East Main Street, stated since the completion of Phase 2 and Phase 3 I've noticed the traffic has increased considerably because people think the road is a through street. East Main Street is not a through street. The majority of the people traveling on East Main Street are not residents and I'm concerned that the width of the road will influence the speed traveled and these people are unaware of the children who play in the area. The reconstruction has inspired drivers to travel at a faster speed. There is also a considerable amount of trash discarded along the roadside. We urge the Council to support the designation of East Main Street as a Scenic Road. Upon that designation we hope the reconstruction of East Main Street will continue, respecting however the residential nature of the area. We do not feel the Town should attempt to make East Main Street a throughway since it is not a through street. A new foundation for the road is essential, the trees should be left undisturbed and minimum widening should occur only to accommodate storm drains to provide for proper drainage. There is no reason why road improvement, safety, environmental concerns and aesthetics cannot go hand in hand. Before it's too late, let's try to retain what beauty is left of East Main Street while insuring the safety of our families and visitors. The purpose of the scenic road application is not to bar the completion of East Main Street, but to insure that completion of that area and any future modifications are implemented following approval of the Council and with prior knowledge of abutting property owners. John Marriott has been and still is a strong supporter of the scenic road, but he couldn't be here tonight.

Phyllis Corneal, 339 East Main Street, stated I have some pictures of the scenes along East Main Street which I would like to show the Council. Let me point out that each application for a scenic road, which this Town may consider in the future, must stand on it's own merits. This road is not used simply to move traffic, it is used to move people. You cannot see the beauty of the road at 45 mph, but when you walk along the road the beauty is there.

Vincent Santacroce, 32 Pine Glen Terrace, stated my wife and I are in favor of this ordinance. There's a lot of history there on East Main Street.

Linda Bush, Town Planner, stated Wallingford has a town road plan which lists East Main Street as a collector road. Presently more than 1,400 vehicles travel this portion of road and 20 feet of pavement is not safe for any amount of traffic. By designating East Main Street as a scenic road you are establishing the standards for a scenic road within the towns. What does East Main Street

have that the other collector roads do not have? East Main Street is bordered for a good portion of its length by metal guard rail. It has a few but not many trees with a diameter of over 12". Trees 12-15" in diameter are generally defined as matured trees. Most people would not consider it as offering a scenic view and the brook that parallels it is not easily visible from the road. If people from Schoolhouse Road and Tuttle Avenue come and want the same designation, how are you going to differentiate their request from this request? That's something you have to take into consideration when you're making a land use decision and that's what the Council is being asked to do. I suggest that before the Council approves any scenic roads they conduct a study of all potential scenic roads within the Town, look at the safety factor, and then establish very specific standards for designation, not the very general standards contained in the present ordinance. Wallingford has a town plan, but it's only good if it's implemented.

Ed Czechowski, 360 East Main Street, stated we need to continue to improve the road.

Mr. Killen then read a letter from Joan and John Harlow and a letter from Mr. and Mrs. Yaghsizias who both support the scenic road.

Mr. Solinsky stated I heard it said a few times about limiting the width of the road to 20 ft. In my mind this ordinance would not limit the road to 20 ft. If the road needs to be widened because of safety, it will be widened.

Mr. Doherty stated the problem goes back to the way this was handled in the first place and the way the trees were just chopped down without any resident input. It was done too quickly. The scenic road ordinance would slow things down a little bit. It requires the Town departments to come before the Council with their plans and have the Council approve the plans on a scenic road. On Phase 3 or 4 we had a meeting with the residents and they were able to comment on the plans. The Town Engineer then acted upon these particular comments. Basically what we've done with Phase 4 is what this ordinance will do. It will slow things down to give the residents who care about their street an opportunity to review and make comments. It shows community pride in our Town.

Mr. Zandri stated I think the courtesy belongs to every resident in this Town if there's going to be changes to that road. I think there should be a policy set by this Council to review any future improvements to any road. I don't feel a road has to be designed scenic in order to extend that courtesy.

Mr. Bradley stated I was glad to hear some of the residents address the safety aspect of the road. I think everyone does agree that something has to be done on the northern most reach of that road from a safety standpoint. This ordinance will guarantee proper planning without pre-empting safety.

Mr. Parisi asked will this designation of scenic road in any way prevent improvements to the road?

Mr. Zandri replied no.

Mr. Doherty stated it just puts it in the Council's hands.

Mayor Dickinson stated I just want everyone to realize that the design for the last portion of the road is more than 20 ft. wide.

Mrs. Papale stated I'm sure the people on East Main Street realize that very quickly that portion of Town will be developed into housing. In the very near future Phase 4 will be done.

Mayor Dickinson stated Phase 4 has been designed but there's resistance by a number of property owners to provide easements. Although funds have not been appropriated for Phase 4, even if they were we could not proceed with it because we don't have a right of way. If property owners on the last portions are unwilling to provide easements, the Council would have to condemn property. If condemnation does not occur, we would not have sufficient right of way to proceed.

Mrs. Papale stated I can't imagine an increase in traffic going through that road the way it is now. I know the Scenic Ordinance is just to slow things down, but I feel that it may cause problems as far as the safety aspect.

Mr. Doherty asked what is the procedure if you don't get the easements?

Adam Mantzaris replied we would have to condemn and the Council would have to authorize it.

Mr. Doherty stated if the residents think we'll stop the road from meeting the needs of safety out there by means of a Scenic Ordinance, they're going down the wrong path. And I don't think they see it that way. I'm sure they realize that that road has to match the various other parts to it. What I think they're saying is they care an awful lot about that road and want to see it done in a safe and ecological fashion and it may take a little bit longer to do it.

Mr. Holmes asked on the disputes that are pending regarding the easements, is there any way to resolve these problems and go ahead with the project?

Mayor Dickinson replied the Town Engineer has been involved with the property owners and he doesn't feel there is any possibility of obtaining a signature on the easements. The matter has more or less been tabled pending this ordinance. I didn't feel it was timely to discuss what would be done out there in the midst of the approval or disapproval of a designation of a scenic road.

Mr. Holmes asked is this Council willing to condemn property for safety reasons after a two year fight by the residences to get a scenic road designation? Now that their concerns are being heard, a month from now we'll condemn the property rights to widen the road.

Mr. Killen stated there is no direct answer. Anyone reading the original ordinance is aware that we can designate East Main Street as a scenic road and in three or four months if we choose we can rescind it. I'm thoroughly confused over what the intent is in designating this as a scenic road. I keep hearing that the public was not aware of the plans for East Main Street. Every dollar that goes out from this Town runs across this Council table and we vote on it and the opportunity to be seen and heard on most of these projects has been here. To designate a scenic road as way of forestalling this thing makes an

imbalance that I can't live with. I'm a little leery that the intent right now is more or less to prevent the street from being a made a major highway which it's going to be anyhow, rather than preserving a scenic road and that disturbs me.

Mr. Holmes stated I'm in favor of the scenic road ordinance for the simple fact that the majority of the residents out there want that and I think we should try to reflect their wishes as best as possible. But we're going to have a tough decision to make coming down the road.

Mr. Zandri asked if the road construction was completed and there wasn't a final phase to be done, would the residents still be here asking that the road be designated a scenic road?

Phyllis Corneal replied there is absolutely no question, regardless if you make this a 10 lane highway, that we want this area designated as a scenic road. We want it's history preserved, it's plant life preserved, and we want as many trees as possible preserved. We think it would be good if we had a Planning & Zoning authority responsive to the citizens of this Town. We believe the Council is far more responsive to the citizens than Planning & Zoning. We do not want East Main Street to become a 4 lane highway, but if it's necessary so be it. But when you do that, design this road so that people traveling on it do not have to be followed by a policeman to make sure they travel at 30 mph. We're confusing the issue—should this or should this not be a scenic road? We believe East Main Street meets all or a number of the criteria. The question of condemning property out there has nothing to do with whether or not East Main Street should be a scenic road. We want East Main Street designated as a scenic road. We say it deserves to be a scenic road because of it's uniqueness in the history of this Town. If you have to widen the road in the future, then fine. But when you do it take into consideration to preserve as much of the beauty that is there as possible. Don't turn this over to an engineer whose chief interest is mobility and access.

Mayor Dickinson stated I think you should approve this request for East Main Street to be a scenic road. From what I've heard I think everyone understands what the effect of that approval is. As long as everyone is on the same wave length as to what it means, I think it's fine.

Motion was made by Mr. Holmes to Designate East Main Street from Old Durham Road to Grieb Road as a Scenic Road. Seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Bradley to move up Item 13, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

ITEM 13 Consider and Approve a Resolution Authorizing Application to the State of Connecticut for Drug Enforcement and Drug Prevention Education and Authorizing the Mayor to Execute and File Such Application with the Office of Policy and Management. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached resolution.

Don Roe stated the State notified us of the availability of funds on September 25 and indicated there was an application deadline of October 20. We met with school and police department officials and framed a proposal that would meet the grant requirements and criteria. We envision an application that totals \$130,000; 30% will be utilized to support the education prevention component and the balance will be used to support the enforcement component.

Clelia Tenorowicz stated the education portion of the Drug Enforcement Training Education Grant Program will be focused on expanding and enhancing the federal Drug Free School Grant that Wallingford has been participating in for a number of years. We would like to hasten a long range plan that we would have otherwise implemented. The school system does have a K-12 program that addressed drug, alcohol, and tobacco substance abuse. Recently we added to that program, at the high school level and middle school level, a curriculum that has been approved and recommended by the State Department of Education. It is called Here's Looking At You - The Year 2000. We would like to implement this phase of the program in Grades K-5 this current year. The curriculum has a comprehensive program that addresses the students' abilities and social skills and gives a clear no use message. There's a component in it for parents and it does address the issues of identifying drugs. The important thing is it addresses skills and attitudes that are so much more important than a knowledge of drugs so that when children find themselves in situations they will be able to deal with peer pressure or utilize their refusal skills. They build self-esteem and research tells us that's really the way to go in education of this nature. Our portion of the grant would be utilized in buying the material which is expensive and includes video tapes, hands-on materials, etc. We will have to train the teachers to utilize the curriculum so part of the grant would be used to pay substitutes to release one teacher per grade level to go through the training. It would also pay for the consultant fees to do the training. We're also working with the police department in having parent awareness programs so there's a stipend in that. So the education part of the grant would be \$39,845.

Mr. Roe stated we asked our educational and police officials to respond in very quick order to a program that had two major criteria. You had to hit the ground running; it had to be a program that was easily and quickly implemented. The reason is these are one shot funds that expire as of June 30, 1990. There's no lead time for program planning.

Bill Butka stated we felt this grant was an excellent opportunity to sit down with the education system and attack this problem together. We need the help of the education system, the family, and ourselves. That's what this whole program is about. We're working together to try and reverse the trend.

Mr. Bradley asked how does the grant work?

Mr. Roe replied October 20 is the deadline and they will not accept applications beyond that. Then they will evaluate the applications in comparison to each other. There are criteria that they will look at. Some of the criteria are the extent of the drug problem in the applicant's jurisdiction, the strategies or programs proposed as a response, the projected results, the strength and

effectiveness of the educational component, manner in which the applicant will coordinate it's efforts with other groups in the community, and the ability to devote personnel without interruption to purposes outlined in grant application.

Mr. Bradley asked can we meet the deadline and expend the monies by June 30?

Mr. Roe replied the application is already done and on the police department side it all depends on our ability to utilize personnel in a manner that's consistent with the application. On the education side we won't have a program.

Mr. Bradley asked how much time will be spent implementing the program?

Mrs. Tenorowicz replied it will vary. There are a number of lessons in the curriculum. At the high school level we chose to do 10 lessons because we're sharing it with physical education. State law recommends 17-20 hours of substance abuse education, but that has to vary on grade level. It may be realistic at the 5th grade level and not at the kindergarten level. The curriculum is set up so that you can select appropriate lessons. You can start in kindergarten and then elaborate in 1st grade and 2nd grade.

Mr. Holmes stated I think it's important to get the K-5 kids educated because that's when they start forming their opinions of self-esteem and their various personality traits. The younger they can be educated the better the chance we'll have later on in life that they won't be users of illegal drugs. In 1987 there was 408 narcotic cases and in 1989 there was 800. If we don't get this grant, I think we should dig into our pockets to fund these types of efforts in the future. I hope this program is a success and we'll do everything we can from this end to see that it works.

Jack Winkleman, 141 South Airline Road, stated I support the efforts of this program. What teachers are they going to use in the elementary levels?

Mrs. Tenorowicz replied in the elementary level we will use one teacher per grade level. It's also been suggested that the nurses go through the training also.

Mr. Winkleman asked how long is the training period?

Mrs. Tenorowicz replied the training period is 3 days and will be done in stages.

Mr. Parisi asked if a student was observed to be under the influence, would that be reported to the school authorities or the police?

Mrs. Tenorowicz replied there is a procedure in place and it would be reported ultimately to the police but through the school authorities first. It would be reported and a referral for rehab counseling would be made. The child doesn't have to go, but the school system is mandated to make that referral.

VOTE: Unanimous ayes; motion duly carried.

ITEM 4 Consider and Approve a Transfer of \$41,894 from Council Contingency Acct. No. 001-8050-3230 to Various Accounts (attached) for FY 1987-1988, Consider and Approve a Transfer of \$131,081 from Council Contingency Acct. No. 001-8050-3230 to Various Accounts (attached) for FY 1988-1989, and Consider and Approve a Transfer of \$225,838 from Council Contingency Acct. No. 001-8050-3230 to Various Accounts (attached) for FY 1989-1990 to Provide Funds for the Binding Arbitration Award for Local #1282 Managers and Supervisors Union. Motion was made by Mrs. Papale, seconded by Mr. Adams.

Mr. Bradley asked could you explain Item 7 regarding employees assigned to stand by and carry a pager for a week and receive \$100 per week?

Tom Sharkey replied these are the people who are designated to respond in possible emergency situations. For the duty of carrying a pager, remaining within a certain radius of the Town and having to respond within 30 minutes, we feel they are entitled to something for that. It's an added extra duty. You may be out to dinner or at the theater and if the pager goes off you have to respond. You may be leaving something that you had waited for for a long time. There is one person assigned each week so we're looking at \$5,200 in the Electric Division and \$5,200 in Water and Sewer.

Mr. Killen asked how do you ascertain that person is available? If there's no call you have no way of knowing whether that person was available or not.

Mr. Sharkey replied no we do not, but that's their assignment.

Mr. Parisi asked what is the frequency of rotation?

Mr. Sharkey replied I believe there's as many as 7 at the Electric Division and 4 or 5 at Water and Sewer.

Mr. Parisi asked are these management personnel?

Mr. Sharkey replied yes.

Mr. Parisi stated quite frankly I think it's a bit much. I don't see any big sacrifice for an individual to carry a beeper once every four or five weeks especially at the management level.

Mr. Holmes stated when you're management there are certain responsibilities that you have to undertake. You're a better paid employee and perhaps have a little better benefit package. Dollar wise in the overall package it's not that big of an issue, but it's the principle.

Mr. Killen stated one of the problems we face here is that this is a binding arbitration award.

VOTE: Unanimous ayes; motion duly carried.

ITEM 5 Rescind the Adjusting Transfer (attached) of \$112,038 for the Police Department which was Approved on September 12, 1989 and Approve the Correcting Transfer (attached) of \$121,863 to Adjust the Police Department Budget for FY 88-89. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached letter, dated October 3, 1989, from Tom Myers to Mayor Dickinson.

Mr. Adams stated I get a difference of \$9,825 instead of \$10,200.

Mr. Myers replied the difference is \$9,825. I don't know where the \$10,200 came from.

VOTE: Holmes was absent; all other ayes; motion duly carried.

ITEM 9 Consider and Approve a Transfer of \$204 from Maint. of Building Acct. No. 2032-500-5100 to Folding Tables & Chairs Acct. No. 2036-999-9921 to Provide Funds for Unanticipated Freight Charges - Fire Department. Motion was made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Killen asked how do you know you have sufficient funds in the Building Maintenance account to make a transfer when we're only a couple of months into the fiscal year?

Wayne Lefebvre replied there's a limited number of places we can take from to cover the shipping charges.

Mr. Killen stated what about the department itself that it's going to. They bought some capital items and they seem to have dollars left in that particular account.

Mr. Lefebvre replied you do have a point, but this is the decision that was made.

Mr. Killen stated our intent from the very beginning is that if a transfer is necessary at the beginning of the year, they would first look at the capital items.

VOTE: Holmes was absent; all other ayes; motion duly carried.

ITEM 15 Discuss and Review Ethics Procedures. Motion was made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Zandri stated some residents have raised the question as to whether the Ethics Board is following a set of rules and procedures. Is there a set of rules and procedures that the Ethics Board has and are they following them?

Mr. Killen stated Attorney Gee couldn't be here tonight, but when we put the agenda together we decided to leave the item on and see if there was anything we could explore that might help us in helping him to come better prepared next time.

Mr. Zandri asked is there anything in the Charter that would mandate rules and procedures?

Attorney Mantzaris replied the only thing I'm familiar with is the ordinance sets out some time schedules for a probable cause hearing and a full hearing. As to whether the Board has adopted it's own internal rules of procedure, I'm

not aware either way. Further procedure in the Charter is that the Town Attorney sits as a ruler on evidence, but that's not really procedure that's more as to how a meeting will be conducted by the Board. The Board acts upon a complaint by a citizen or may act on it's own complaint. The ordinance sets forth the time limits within which it must make a decision on probable cause and then set up a hearing to consider the violation. Those are the only procedures I'm aware of and they're in the Charter and the ordinance.

Mr. Zandri asked to your knowledge are these things being followed?

Attorney Mantzaris replied to my knowledge they are.

Mr. Zandri asked is there any way we can have Attorney Gee here at the next meeting because I think we need him here to make sure that these procedures are being followed and to find out whether or not he has any in-house rules.

Mr. Killen stated it was our intent to have him here this evening, but he had a conflict.

Mayor Dickinson stated there's one thing that has changed as a result of a new State law. The Charter and/or ordinance require confidentiality. However FOI statutes conflicted with our Charter and ordinance requirement. So for a period of time the Ethics Board followed FOI rather than the Charter. There is a new State law that exempt Ethics Boards from FOI so now I expect they would be following the Charter or ordinance.

Mr. Parisi asked doesn't the Ethics Board have to respond to a complaint within a set period of time?

Attorney Mantzaris replied if they determine it may constitute a violation, then within 30 days of the filing of the complaint they have to fix a date for a hearing on the complaint which shall not be more than 60 days.

Mr. Parisi stated that procedure has not been followed. This was not done on the Computer Committee complaint and I know of a similar complaint filed by a citizen. That complaint was finally answered, but certainly far beyond the 90 day period.

Attorney Mantzaris stated I thought I read in the paper that the Board couldn't decide whether the computer matter was a complaint and therefore took no action.

Mr. Parisi replied in my letter I stated I was counseled by you so I don't know what their problem was. It has since been resolved, but there was a lot of confusion. The other complaint took over a year before they responded to it. This was before Attorney Gee was the Chairman.

Attorney Mantzaris stated now that you mention it, this same citizen mentioned to me that there was a complaint filed over a year ago. So in answer to your question Geno, I am aware of one situation where procedures weren't followed. I haven't checked into it so I don't know if it's true or not.

Mr. Zandri stated the main concern is that citizens feel there is a set of procedures and that they are being followed. If the procedures have been missed, I think now is the time to point it out and hopefully it will be rectified.

Carolyn Massoni, 41 Hillview Road, stated I too am interested in whether or not there are rules of procedure on file. Since I've been dealing with the Board of Ethics I have found they have violated several rules that are part of the Board of Ethics chapter in the Charter. One of them is they do not investigate. When Attorney Gee came before the Charter Revision Commission he said they don't have investigatory officers or the money to investigate. I don't know how they can proceed properly without investigating. Another one is their failure to establish rules and regulations of procedure. Another one is they reverse their own decision. How can a Board vote on something and then a couple of months later decide to reverse their decision. Also, improperly filed complaints were voted upon and discussed. At one meeting Mr. Winkleman moved to dismiss the charges because of lack of evidence. What kind of evidence did they rule on when they found probable cause for that particular complaint. This goes on and on. Someone should sit down with Attorney Gee, maybe form a committee if we have to, and form some rules of procedure that they would adhere to.

Ron Gregory, 59 Hill Avenue, stated I agree with Mrs. Massoni that the Ethics Board members have been quoted as saying they don't investigate. They apparently take the attitude that if we don't have any money we won't investigate. If a complaint is not properly filed, the Board shouldn't wait weeks or months to tell the person. They should notify whoever filed the complaint quickly. We shouldn't have to wait till their next meeting two months later. The same thing if they don't have jurisdiction. The Board apparently feels that the complainants or respondents should figure out what's being violated. I think due process requires that if the Board finds a probable cause of some violation, they have a duty to inform the respondent what section of the Charter of Code of Ethics was violated. Attorney Gee seems to feel it's up to the people to decipher it. The Cei case was initiated by the Board of Ethics and they never took a formal vote to initiate it and yet on Mr. Parisi's complaint they sat on it and said it wasn't filed properly. They could have initiated that one too. From what I witnessed there is chaos, erratic behavior, I saw guilty people being told they were innocent, etc. It borders on negligent duty and disregard of the Charter and any common sense procedures in this Town. Ethics is not a joke and I feel the Wallingford Board of Ethics is a joke. The Ordinance Committee should start looking at our Code of Ethics and put some teeth in it and spell out what their responsibilities are.

Tim Cronin, 47 South Ridgelane Road, stated something has to be done about the Board of Ethics. I found out years ago that it's a waste of time to bring a complaint to the Board of Ethics. My complaints year's ago were dealing with errors in judgment by some people. Now we're dealing with outright liars and I'll be damned if we're going to let this go on and on. I think we need a complete review of the whole process. I'm really upset with what's going on at the Board of Education. They're getting away with murder down there.

Mr. Bradley asked what power does the Town Council have over the Board of Ethics? From what I can see it's none. As far as budgeting money, they're no different than any other department in this Town. They can come before us and

make a request of their needs. They are the ones that are determining their budget and based on that I think our Council will look at that and make a determination of their needs.

Mr. Killen replied we adopt the ordinance. That would be the only control we have, but that is quite a bit of control. So I think it's very possible that it's necessary to investigate what's in the ordinance itself.

Mr. Bradley asked based on that if we're not happy with their performance, or lack of performance, can we make recommendations to the Mayor if we had to go as far as recommending removal?

Mr. Killen replied I won't go that far. What I'm saying is it's very possible that they're inept and it's possible that they don't have the guidance. If we spelled it out further in the ordinance and they then disobeyed the ordinance, I would assume the Mayor would step in. We're all saying what guidelines have they violated and then you look for the guidelines and find none. We have a very gray area here.

Attorney Mantzaris stated this discussion tonight is really a little surprising. You've got a volunteer attorney and volunteer members who sit on the Board and this year have been besieged by more complaints than have ever been brought before the Board of Ethics. From the decisions I've read about this year with the Board of Ethics, I haven't found fault with any of them. The Board initially was entertaining complaints about alleged unethical behavior on the part of government officials which had nothing to do with specific items in the ordinance or charter which would result in unethical behavior as found by your Council in the enactment of this ordinance and as found by the last Charter Revision Commission which adopted the Charter. It wasn't until I ruled at a hearing involving a Board of Ed member that the complaints levied against them were irrelevant to the ordinance and the Charter. If you're going to complain about the performance of a governmental body when it's not doing something that you think it ought to be doing, but the law doesn't call for it to be doing that, I don't understand what the emotions are all about tonight. I ruled per the Charter that they can only operate in 4 or 5 areas and they have to follow my ruling. If there's something wrong it's an error I've made, not the Board of Ethics. You're fortunate to have an attorney volunteer his time to sit as Chairman of the Board of Ethics and I think the citizens ought to be fortunate also to have an attorney who's trained in some rules of evidence and some procedure. Maybe some of the procedures haven't been set down too clearly, but in substance where it matters, I don't think the Board of Ethics has done this Town a disservice.

Motion was made by Mrs. Papale to Waive Rule V to discuss two items having to deal with the Board of Education, seconded by Parisi.

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

Mr. Killen stated the first item has to do with Council representation at the Board of Education administrative negotiation sessions. We're allowed one person from the Council and I think someone from the Education Liaison Committee should be present.

Mr. Adams replied someone from the liaison committee will attend.

Mr. Killen stated the other item has to do with an article in this morning's paper saying that the Board of Ed was passing along the higher cost of fuel oil to the Underground Tank Removal Committee which was appointed by the Council. Before this gets blown out of proportion I ask that the Education Liaison Committee sit down with the Board and come up with something concrete.

ITEM 19 Discuss Establishment of a Wallingford Garbage Plant Monitoring Commission. Motion was made by Mrs. Papale, seconded by Mr. Doherty.

Mr. Doherty read the attached proposal.

Mr. Doherty stated I tried to structure this advisory Garbage Plant Monitoring Commission along the lines that other commissions are set up. Some of these items may get knocked off because they're done by other people, but I wanted to touch all the bases as far as monitoring is concerned. The residents want a place to go to get things taken care of in a timely manner.

Mr. Zandri stated the State Council on Environmental Quality is urging unannounced public inspections of trash to energy plants. They want the host communities to assign someone to go into the facility unannounced and check on various operational aspects of the plants. So this is something that would actually work as far as this committee is concerned.

Mr. Killen stated the Town is not precluded from making on-site inspections. I know the Town Sanitary Inspector is allowed to go in and possibly two or three others.

Mr. Zandri stated the Town Sanitarian probably has a lot of other duties and I think what Dave is striving for here is to get one committee that is focusing just on this particular operation because there is so much concern about the way it's operating.

Mayor Dickinson stated I don't have any objection to this type of commission, but I think you want to be careful about what financial burden is created. The commission would be volunteers who would probably meet in the evening. This means that any on-site inspections would fall on the same people it falls on now. We do have a right to go in at any time to inspect, but it's doubtful that during the day commission members would be available for this type of activity. They end up being another layer that current employees would then report to. They would need a secretary and expense factors beyond that. As far as Item 8, hiring financial consultants, I don't know if you would want to authorize that. If you want to hire a financial consultant, it should be done through the Council or through an administrative office. They can certainly recommend that the Town do that, but I don't think they should actually hire or have the authority to hire.

Mr. Doherty replied it says with the approval of the Council.

Mayor Dickinson stated I just think the actual hiring should be done by the Council or another administrative office.

Mr. Doherty stated we could change Item 8.a to read recommend to the Council the hiring of financial consultants when necessary.

Mr. Solinsky stated I think this is probably a good idea but what we have here is a commission that has no authority. I don't know what power we can give to this commission.

Mr. Zandri stated the point is that they can address the complaints and funnel the information to the correct person to get it rectified. For example, if they found an emissions violation they could go to the DEP.

Mr. Doherty stated this is more like a watchdog type thing.

Tim Cronin, 47 South Ridgelane Road, stated as a resident I don't want to have to deal with a commission made up of private citizens. If I have a complaint, I'll first try to solve it with the department head. If I don't get results, I'll go to the Mayor's office or the Council.

Motion was made by Mr. Doherty to turn the proposal over to the Ordinance Committee, seconded by Mr. Adams.

VOTE: Holmes was absent; all other ayes; motion duly carried.

ITEM 21 Correspondence

Mr. Killen stated I've been asked by Roland Holmes, 528 North Main Street, to read the attached letter into the record. I've discussed this with the Town Attorney and I discussed this with the Assessor. There is a reasonable answer. The problem is getting the gentleman to accept the answer.

CRRRA Meeting

The next meeting on the CRRRA Municipal Contract will be held on Monday, October 16, 1989, at 7:00 p.m.

Motion to adjourn was made by Mrs. Papale, seconded by Mr. Bradley.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Meeting adjourned at 11:15 p.m.

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

Approved:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date

RESOLUTION

RESOLVED, THAT THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD APPROVES THE SECOND SUPPLEMENTAL AGREEMENT TO ORIGINAL AGREEMENT DATED AUGUST 18, 1978 BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF WALLINGFORD FOR RAILROAD-HIGHWAY GRADE CROSSING IMPROVEMENTS ON TOELLES ROAD, STATE PROJECT NO. 148-105, FEDERAL PROJECT NO. RRP-4148(2) AND AUTHORIZES WILLIAM W. DICKINSON, JR., MAYOR OF THE TOWN OF WALLINGFORD TO EXECUTE SAID SUPPLEMENTAL AGREEMENT ON BEHALF OF THE TOWN OF WALLINGFORD.