

AGENDA

SPECIAL TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 1, 1988

7:00 p.m.

1. Roll Call and Pledge of Allegiance to Flag.
2. Executive Session for discussion of CRRRA negotiations with Operator and Wallingford.
3. Adjournment.

SPECIAL TOWN COUNCIL MEETING

NOVEMBER 1, 1988

7:00 p.m.

A special meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:10 p.m. by Chairman Albert E. 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 Dickinson and Attorney Mantzaris.

The Pledge of allegiance was given to the flag.

Motion was made by Mrs. Papale to go into Executive Session pursuant to Section 1-18A(e), (2) and (5) and Section 1-19B (1), (4) and (7) of the Connecticut General Statutes to discuss strategy and negotiations with regard to the pending claim of the Town of Wallingford for additional benefits as the host community of the CRRRA trash to energy and waste disposal system for the five town region of which Wallingford is a member and to discuss preliminary drafts regarding a perspective public supply contract for a replacement vendor to operate the trash burning facility of said system.

Seconded by Mr. Adams.

VOTE: Mr. Bradley, Mr. Doherty and Mr. Zandri voted no; all other ayes.

Mr. Bradley asked that the Sections of the FOI law under which we're going into Executive Session be reiterated.

Mr. Killen stated them again.

Mr. Bradley stated as far as Section 1-18A(e) and (2) - Strategy in Negotiations with Respect to Pending Claims and Litigation to which the Public Agency or a Member thereof. Mr. Mantzaris could you expound on where this Council enters into negotiation with respect to pending claims and litigation?

Attorney.Mantzaris responded the basis of Executive Session on that Section is the Mayor's decision to consult with the Council on what he votes as a member of the Policy Board on the selection of an operator for the plant. The Mayor made it clear at the last meeting of the Policy Board last Friday he intends to seek additional benefits from the Policy Board members and/or the CRRRA Authority in return for the Town of Wallingford's participation. Since he had made a decision to consult with the Council on these benefits, that satisfies in my opinion Section 1-18A(e) and (2).

Mr. Bradley asked where do benefits enter into the verbiage "claim and litigation"?

Attorney Mantzaris stated claim is fighting for additional benefits for the Town of Wallingford with regard to the pending new contract. That's what he wants to discuss and get your approval of tonight.

Mr. Bradley stated isn't pending claim something that has to be filed with the Town Clerk. I'm looking for a legal opinion.

Mr. Killen stated in order to get a legal opinion you have to request it in writing. That is how the Charter reads.

Mr. Bradley asked can you tell me where the term litigation enters into this as far as #2. You did talk about 1-18A(e) and (2). (2) does state strategy and negotiations with respect to pending claims and litigation. Is there any pending litigation?

Attorney Mantzaris --- claims and litigation are separate. That is supported by 1-19(b) and I believe (1) or (2) which uses the word for discussion of pending claims and litigation. That our position --- we presently have pending litigation --- involving the very same language - claims and litigation.

Mr. Bradley stated if I understand you correctly, are you saying that the town is a party in a matter of litigation here?

Attorney Mantzaris responded not involved with CRRA but with ---

Mr. Bradley said Mr. Chairman again I don't see the relevance of Executive Session here.

Mr. Killen responded the sessions with CRRA have all been in Executive Session so the negotiations can go forward. The attempt for this evening is to keep you posted on what is going on. If you don't care to know what is going on we can dissolve the meeting. It's as simple as that. But the Mayor is not empowered by the other people that he's negotiating with to come down and reveal everything that took place in the Executive Session. We've asked them more or less to keep things to themselves because it is in negotiation. If everyone is going to start spreading the word around, we might as well just call all the parties in and sit them in front of us and do the negotiating. It doesn't make a lot of sense.

Mr. Bradley said all I'm stating for the record is that, again, I don't see the relevance of Executive Session here, nor do I see it falling within the guidelines of FOI.

Mr. Killen then asked are you going to challenge this evening. The reason behind this is to keep you posted. I'm posted. The easiest thing for me to say is let's adjourn the meeting and go home. But if you're going to get the information that the Mayor has, the mayor has the same obligation to refrain from making remarks that the other people have. If you want to get information from him, it's going to have to be in Executive Session. If you don't want it, we might just as well go home.

Mr. Bradley said we went into Executive Session stated on an opinion and I'm stating my opinion. Again, I think the public has a right to know which way this whole thing is heading.

Mr. Killen stated the bottom line all the time is the public always has a right to know, but if you follow all the way along, nowhere is the public always invited into negotiations. One of the parts about this is there are two sides to the strategy. We're not all invited to take part in the PAGB's consultations and I'm not interested in that. They're entitled to their own rights to plot their own strategy. Otherwise what would happen in our system of jurisprudence everybody had to be sitting in on the other side. No one would be able to put any of their act together. This evening's meeting was just done to keep you people abreast of it. I don't understand why you're fighting the knowledge that you constantly seek.

Mr. Bradley stated it's not just that I only seek it. I think a lot of other people seek it.

Mr. Killen said I'm not just blaming you Ed. I'm saying it isn't being done just for you and I'm not chastising you. I'm thinking out loud here. There's always been a cry that everyone wants to be posted. We've had it for discussion time after time after time. We've gotten to a point in the discussions now where it looks like we're close to doing something. The Mayor would like to keep you posted on it, and now you people don't even want to vote to go into Executive Session to allow him to keep you posted. I don't follow that reasoning at all.

Mr. Bradley said the reason I'm following is the law. That's my reasoning and I don't see a right here for Executive Session.

Mr. Killen said that's why I'm saying if you care to challenge it, I'll dissolve the meeting. I'm not going to get hit with FOI again. I'll adjourn the meeting. If you people want to find out, you can each call Mayor Dickinson on your own. If he cares to discuss it that's entirely up to him. I'm not going to be a party to this if we're going to play games here. I'm tired of games. We're trying to run a business and we're trying to follow the rules. Sometimes the rules are bent a little bit, and they're bent on both sides. But the intent this evening was to keep you people posted. If you're not interested in being posted, I couldn't care less. The public will never learn if you never learn. It's up to you people to decide. Do you want the Executive Session or don't you want the Executive Session. I'll be more than happy to have the role called again. Before we go into it, if someone's going to take this to FOI be honest with me and let me know.

I'm going to ask any of you gentlemen who voted no about going into Executive Session are any of you intending to take this to FOI?

Mr. Doherty responded I have no plans to do that.

Mr. Zandri responded no.

Mr. Bradley said I'm not going to say yes or no. I reserve that right.

Mr. Killen responded you reserve the right then I'm going to adjourn the meeting.

Meeting adjourned at 7:25 p.m.

Meeting transcribed by: Katrina M. Manley,
Council Secretary

Approved:

Albert E. Killen
Albert E. Killen, Chairman

11/22/88
Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

11/22/88
Date