

TOWN COUNCIL MEETING

OCTOBER 25, 1988

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 6:40 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 was Attorney Janis Small.

The Pledge of allegiance was given to the flag.

Killen announced that the Public Question & Answer Period at 7:30 p.m. is intended to be a "question and answer period", i.e., questions of general government which are not on the agenda this evening. We won't guarantee you an answer at this time, but we will try to get it for you or direct you to the proper source. This is not a time for someone to take the floor and expound their personal views.

A motion was made by Mr. Doherty to have the following items placed on the Consent Agenda, to be voted upon as a block by one unanimous vote:

ITEM 4. Consider and Approve Tax Refunds in the Amount of \$4,385.58 - Tax Department.

ITEM 6. Consider and Approve Establishment of New Account Number for Refunds and a Transfer of \$28.60 - Town Clerk.

ITEM 14. Consider and Approve Reappointment of Richard Nunn and Donald Roe to Visitor's Council and Appointment of Vincent Celeste to Visitor's Council.

ITEM 18. Note for the Record the Financial Statements for the Town of Wallingford.

Mr. Doherty's motion was seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

ITEM 2. Consider and Approve Transfer of \$3,000 to Fund the Prevention of Sludge Overflow into the Quinnipiac River for the Water & Sewer Division from Power Purchase & Natural Gas Acct. No. 643-000 to Maintenance Structures & Improvements Acct. No. 651-000. Motion made by Mrs. Papale, seconded by Mr. Bradley.

Mr. Zandri asked whether the transfer was being requested after the fact.

Mr. Dann explained that they have not spent over the account level at this time, but because of this unanticipated emergency they expect that by the end of the fiscal year the additional funds will be necessary.

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Mrs. Papale stated that when the money was taken out to take care of the sludge emergency there was no wrong doing because the money was appropriated for reasons such as this. Now they want to replace the spent monies in case something else occurs.

Mr. Killen asked why there was an excess of funds in the Power Purchase & Natural Gas account.

Dann responded the excess funds are available because the Wastewater Treatment Facility is coming on-line slower than anticipated.

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

ITEM 3. Consider and Approve Transfer of \$2,000 to Fund the Relocation of the Recreation Department to the former Comptroller's Office for the Public Works Department from Hydraulic Pressure Cleaner Acct. No. 001-5050-999-9908 to Maintenance of Building Acct. No. 001-5140-500-5100. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mr. Killen asked if anyone was here from the Public Works Department. No one responded.

Motion made by Mr. Doherty to Table Item 3, seconded by Mr. Bradley.

VOTE: Unanimous ayes; motion duly carried.

ITEM 5. Consider and Approve Additional Funds for Historic District Study Commission.

Motion made by Mr. Doherty to Table Item 5 until later in the evening, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 7. Consider and Approve Release of Right-of-Way/Property at 1209 Old Colony Road. - Electric Division. Motion made by Mr. Adams, seconded by Mr. Holmes.

Mrs. Papale read into the record the attached letter dated October 12, 1988 from Raymond F. Smith, Director-Public Utilities to the Public Utilities Commission.

Al Kovacs stated the property in question is an old feeder line that has not been in use for many years. We questioned Attorney Farrell and Ray Smith as to the future needs of this line. We were assured no one could use it and we certainly have no use for it. For these reasons we passed it.

Mr. Zandri asked if there was an existing line there.

Attorney Powers responded there isn't anything there. In 1942 they had a right-of-way possibility but it's never been used.

Mr. Bradley asked what the \$1,000 was for.

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Mr. Kovacs stated its a token payment for releasing the right-of-way to the client. This is standard procedure and is something we've done in the past.

Mr. Solinsky asked how the right-of-way was originally obtained and if there was a dollar amount.

Mr. Kovacs responded the right-of-way was obtained in 1942 by a grant from a private property owner. There is a deed in the land records reflecting the right-of-way for the transmission of electric current only. It merely states a consideration in dollars, but no exact amount is stated.

Mr. Parisi asked how the \$1,000 was arrived at.

Mr. Kovacs stated he did not know. This was a figure given to me, what they call a "token payment."

Mr. Killen asked if this was a limited right-of-way strictly for the transmission lines.

Mr. Kovacs responded yes.

Mr. Zandri asked if the right-of-way continued on the adjacent property owners.

Mr. Kovacs stated he did not know but suspects that because there are developments down there that it was probably abandoned in other places.

VOTE: Mrs. Papale passed; all other ayes; motion duly carried.

Motion was made by Mr. Bradley to Waive Rule V to provide an update on the Department of Environmental Protection's findings that relate to the Conrail incident and town residents' complaints of sewer-type odors. Seconded by Mr. Parisi.

Mr. Bradley read into the record a letter dated October 21, 1988 from John W. Anderson, DEP, to Edward Bradley, and an interoffice memo dated October 18, 1988 from John W. Anderson to William J. Wihbey, both of which are attached.

Mr. Bradley then referred back to the paragraph in the report which mentioned the "cloud of white particulate" which was released from American Cyanamid on August 19, 1988. This is often referred to as white rain or a white mist. He recommended that the Committee follow up on this to determine exactly what this is.

Mr. Bradley also stated that for many years people have been raising many questions regarding odors in that particular area. Because of this persistence and the incident with the Conrail employee, we are finally seeing the DEP getting involved, and also American Cyanamid is getting involved in cleaning up emission problems at their plant.

Mayor Dickinson arrived at 7:15 p.m.)

Motion made by Mrs. Papale to remove Item No. 5 from the Table, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

ITEM 5. Consider and Approve Additional Funds for Historic District Study Commission. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mrs. Papale read the attached letter dated October 11, 1988 from Mary I. Annis to Mayor Dickinson regarding the above item.

Mr. Parisi asked if Mary Annis could work with the noted total of \$6,5000.

Mrs. Annis stated yes. The difference is the printing costs are for a very good quality report, excellent reproduction of the photographs, etc. If you go with the town's printing services you're going to lose some of that quality.

Mr. Killen asked which items have to be done in a hurry. Those items that you might want to explore for in-kind services should perhaps be reviewed further.

Mrs. Annis stated the report will hopefully be submitted to the State in early November, at which time we will need 50 copies. After it has been submitted to the State they have 65 days to act on the report. The reports are submitted to the property owners along with any recommendations from the State Historic Commission or the Planning & Zoning Commission of Wallingford before a public hearing. A public hearing must be held not less than 65 days or more than 130 days after the transmittal to Hartford. We would have to have the 350 copies by then.

The items listed with an asterisk can be taken out of the total cost if the town picks up those printing costs, although the quality of printing will suffer.

Mr. Parisi asked what the purpose of this book was.

Mrs. Annis stated this is something mandated by the state and has to include a historical overview, an architectural overview, photographs of each of the 287 properties in the proposed district, descriptions of the properties, the ordinances and the state ordinance.

Mr. Killen asked if the printing was going to be done in one place, and if it was going to be done as a lump sum it would have to go out to bid.

Mrs. Annis stated she understood that.

Mr. Zandri asked if this was really to determine whether we are going to have a historic district in Wallingford, and if there was any way to take a survey on this prior to going through all this expense.

Mayor Dickinson stated the purpose of the booklet is to inform the property owners exactly what the nature of the Historic District Commission is and what benefits there are to the property owners. Without the information to explain this, it is very difficult to ask them to give an opinion.

Mrs. Annis stated they have made three mailings and put in a questionnaire as to how property owners felt about the district. Although only 40% returned the questionnaire, the response was favorable with many undecided.

Mr. Holmes asked if we have the staff and capabilities to do this report in-house.

Mayor Dickinson responded if it's duplicating through Xerox it can be done, but as Mary has indicated the quality isn't going to be as high. The town does not have printing capability for this project.

Mr. Parisi stated the Committee has worked very diligently to bring this project to the state where it's at right now. I can understand our concern about the amount of money, but we charged this Committee with getting the job done and they're poised and ready. I question whether we are being less than fair with them when we don't grant them the money.

Mayor Dickinson suggested we identify those items for which funds are needed immediately, within \$2,500, and then define at a future time exactly how far the town wants to go in funding the project.

Motion made by Mrs. Papale to Approve a Transfer of \$2,440 (to cover expenses of \$300 - Photographic Expenses, \$300 - Newsletter, \$300 - Film, \$1,100 - Stripping, and \$440 - Plate) from Acct. No. 503-319 to Historic District Committee Acct. No. 3070-600-6870. Seconded by Mr. Adams.

James Annis, 68 Northford Road, stated there is an awful lot of work going into this study and I believe you'll be very proud and pleased with what this Commission is doing.

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

PUBLIC QUESTION & ANSWER

Mr. Killen again reminded those present that this is a question and answer period and we will try to hold it to fifteen minutes.

Mike Staines, 10 Sorrento Road, stated he reviewed the Town Charter which states the town may not purchase anything over a certain value without going out to bid or getting a bid waiver from the Council. If an \$11,000 purchase has been made, what does one do to bring this to the Council's attention if we are only limited to a question and answer format during the public session.

Mr. Killen responded he should put it in writing and if there is enough substance there, the item would be put on the agenda.

Mike Staines then stated many months ago I voiced a concern regarding the purchase by the Police Department of a rather expensive radio system. I was promised by Mr. Killen and the Mayor that I would receive an answer.

Mr. Killen requested that Mike Staines call him on that.

Robert Avery, 70 Masonic Avenue, asked what the status was between CRRA and Wallingford regarding the renegotiation of the landfill lease to get Wallingford a better deal now that all the other problems are in the same hopper.

Mr. Killen responded he did not have an update.

Robert Avery then asked if they plan to vote on a new operator before they renegotiate the new contract and wouldn't it be better to renegotiate the landfill lease before the operator contract is signed.

Mayor Dickinson stated that at the time of any vote on an operator the position of the town and the terms we live under would be part of whatever we were voting on. It's going to be pretty much in one package. When there is a vote, whatever benefits the town can achieve in the process we will look to achieve. Each of the parties has particular benefits it brings to the table. We have certain strengths that we will emphasize and hopefully come up with a better deal for the town.

Edward Musso, 56 Dibble Edge Road, again complained about the limited access to the Town Hall during meetings.

Carolyn Massoni, 41 Hillsvie Road, asked if Ed Bradley had a chance to sit with the Town Clerk and discuss the quotes on the computerized indexing and microfilming.

Mr. Bradley responded yes and he has received three estimates. Now he would like to sit down and draw up the pros and cons on the estimates and come back before the Council for the selection process. He reminded everyone that the Council had already waived the bid.

Carolyn Massoni stated that was correct but the Council did not have any quotes to go by at that time. She then asked that this be put on the agenda for November 22 for reconsideration. She then asked Bob Parisi exactly what he was looking for in regard to his investigation of the Board of Education.

Mr. Parisi responded they were looking into the purchase of the computer and the purchasing procedures. He stated the State Attorney's Office is reviewing the findings and right now it's just a formality.

Carolyn Massoni stated so what you're really seeking is whether or not there was a violation in the bidding procedures or the way it was presented to the Council?

Mr. Parisi stated it's an overall review of the purchasing procedure for the computer and purchasing procedures in general.

Carolyn Massoni stated essentially the same thing happened a few months ago on the computerized indexing for the Town Clerk's office.

Motion was made by Mrs. Papale to remove Item 3 from the Table. Seconded by Mr. Parisi.

VOTE: Mr. Solinsky passed; all other ayes; motion duly carried.

EM 3. Consider and Approve Transfer of \$2,000 to Fund the Relocation of the Recreation Department to the former Comptroller's Office for the Public Works Department from Hydraulic Pressure Cleaner Acct. No. 001-5050-999-9908 to Maintenance of Building Acct. No. 001-5140-500-5100. Motion made by Mrs. Papale, seconded by Mr. Parisi.

Mrs. Papale read into the record the attached letter dated October 18, 1988 from Steven L. Deak to Mayor Dickinson.

Mr. Zandri asked why the switches and thermostats were being moved.

Mr. Shepardson responded they are removing the middle wall so they have a larger utility room. The switches and thermostats are located on this wall.

Mr. Doherty asked if the Recreation Department was behind in this program.

Mr. Shepardson responded that yes we are behind, but we are still utilizing the gym area for those programs. Once this room is done we will move from the gym. The work stated should take about a week once it gets started.

VOTE: Unanimous ayes; motion duly carried.

Motion made by Mr. Holmes to move up Item 16, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

EM 16. Discussion Regarding the Placement of a Stop Sign in the Area of Deme Road Requested by Steven Holmes.

Mr. Holmes stated he put the item on the agenda to give the residents a chance to give their side of the story in relation to a stop sign problem that they are having in the area of Deme Road. They are trying to acquire a new bus stop.

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Gary Wasilewski, 8 Michael's Way, stated my children walk down to Deme and Cheshire Roads to wait for the bus. This is very unsafe because the road slopes down and you cannot see the cars coming in the other direction. Also, with the morning sun it is very difficult to see the children. Cheshire Road is becoming very busy.

Mary Wasilewski, 8 Michael's Way, stated we have been to the Transportation Committee and we have the okay for the bus to come down our road if we can get the stop sign put up. The bus cannot enter our road without the stop sign because it is unsafe for the bus to exit Deme Road. We are told there are different surveys going on for the stop sign but it doesn't seem like we are getting anywhere.

Mrs. Papale stated she has contacted Patrolman Doll and suggested that Mary Wasilewski contact him directly because there seems to be some confusion over what the residents are asking for and what needs to be done.

Mary Wasilewski said she has tried to contact Officer Doll but he never returns her call.

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Mr. Killen asked that the Liaison Committee between the Council and the Board of Education take this issue up with the Transportation Committee and Rick Doll and report back to the Council.

Dennis Perilli, Michael's Way, stated our main concern is not the stop sign but getting the bus stop relocated from Cheshire Road so the children can stand and wait on a safe street. Now it seems our main problem is the stop sign and not the bus stop.

ITEM 8. Motion was made by Mr. Holmes to Accept the Fire Fighters' Contract. Seconded by Mr. Parisi.

Ed Lynch stated the settlement is comparable to the police settlement. Of importance is the fact there are no new insurances, which has been a primary concern of the Council and a primary instruction to us in negotiating. It does provide some bonuses for paramedics, EMT's and MRT's. This is due to the need to compete and keep the trained personnel. Continuous duty is the same as a shift differential.

Mr. Killen asked who came up with the figures for the Fire Watch Duty.

Mr. Lynch responded the figures are comparable to the Police contract. There is very little call for Fire Watch Duty that is similar to private duty in the police contract. It's paid by the party that requests that service.

Mr. Holmes asked what encompasses a Special Leave.

Mr. Seadale responded that is not something new in the agreement and is commonly called a "swap".

Mr. Holmes then asked why an additional five working days for services of the Honor Guard was extended.

Mr. Seadale responded that was the total for the year and it was extended so that the Honor Guard, which consists of 8 members, can attend funerals of other fire departments. Some of these people would be serving at their own costs if they were off duty. But anybody within the Honor Guard could take a day and they could take up to five days total.

Mr. Seadale stated the MRT bonus is effective in the third year - July 1990.

Mr. Holmes asked if the paramedic bonus was designed to draw people into the program.

Mr. Seadale responded yes and that it was very difficult to attract and keep people.

Mr. Bradley questioned the 1% under Item 12 for 1990.

Mr. Seadale responded it is 1% for January. It's what we call a split. Obviously that rolls up to 7% at the end of the year, but the cost in that fiscal year would be 6 1/2%.

Mr. Killen asked if the percentages were strictly because the Police Department was getting the same thing.

Mr. Lynch responded the Fire Service felt they could not voluntarily accept a settlement that was much different from the police. They feel they are comparable services. That's an argument that was made by them but it's not solely because of the police.

Mr. Killen stated he had no problem with that. My problem is after awhile all the departments point to someone else. Sooner or later it has to come to a halt. They are rapidly pricing us out of business. For the first time I'm hearing people really raise the issue of tax dollars. They are very well aware that the costs on the outside world are going up but salaries are not going up in the amounts that we're giving in the municipal area. I'm not asking any particular department to take the first step but someone has to sooner or later.

Mr. Zandri agreed and stated the 6% and 7% increases in the private sector just aren't there anymore. We're going to have to start taking a look at this in the future.

Mr. Doherty asked the Mayor if he endorsed the contract.

Mayor Dickinson responded that to his knowledge the contract was in line with what was being awarded in the state. We are not leading the pack. The municipal arena does not march in step with the private sector and that is not always the best. We're stuck with collective bargaining statutes, fact-finding, arbitration, and a number of procedural steps that dictate what happens. I believe this contract is in the interest of the town. The contract we're looking at makes us competitive, does not place us in the forefront of contracts being awarded, compensates our employees, but certainly to go into fact-finding or ultimately arbitration, I don't think that we would do the town any good by prolonging the negotiations and taking the risk of ending up with an award that is not the figures you see and maybe higher.

Mr. Lynch stated he would corroborate Mayor Dickinson's statement.

Edward Musso, 56 Dibble Edge Road, said they should get a lump sum of \$1,000 a year and not percentages.

Mayor Dickinson stated we all have to be concerned about pay increases but we also have to be in a position to provide this type of service to the community. You gain some sense of where we are when you look at other communities and our own ability to hold employees and keep them involved in some of the aspects of this job, such as paramedic service.

Vin Celeste, 682 Williams Road, gave a vote of confidence to the negotiators. As a formal labor negotiator, the increases quoted tonight are not out of line. Many times people win a contract, but they lose the ability to recruit and retain employees.

Mr. Killen stated that one of the things no one takes into consideration is the fact that unless you foul up you don't lose your job. You're guaranteed your

job which is something you don't have in the private sector and that's worth quite a figure.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to transfer \$152,518 for the Fire Contract from acct. No. 001-8050-3230 to the following accounts as listed. Seconded by Mr. Adams.

FIRE CONTRACT 1988-89 COUNCIL CONTINGENCY FUND TRANSFERSFISCAL YEAR 1988 - 1989:

FROM 001-8050-3230 \$152,518

TO:FIRE DEPARTMENT:

001-2032-100-1320	Wages	\$108,195
001-2032-100-1360	Acting Officer	384
001-2032-100-1400	Overtime	1,032
001-2032-100-1450	Continuous Duty Pay	7,500
001-2032-100-1500	Vacation Replacement	4,301
001-2032-100-1550	Training Replacement	577
001-2032-100-1600	Sick Replacement	3,198
001-2032-100-1630	Workers' Comp Replace.	755
001-2032-100-1640	Union Business Replace.	343
001-2032-100-1650	Paramedic School Replace.	226
001-2032-100-1660	Paramedic School In Svcs Tr	421
001-2032-100-1670	Paramedic School Repl. Tr.	405
001-2032-100-1680	Paramedic/EMT Bonus	9,750
001-2032-100-1700	Paid Holidays	7,858
001-2032-100-1750	Longevity	3,800
		<u>\$148,745</u>

FIRE MARSHAL:

001-2035-100-1320	Deputy Fire Marshal	\$2,051
001-2035-100-1330	Inspector	1,467
001-2035-100-1400	Overtime	105
001-2035-100-1750	Longevity	150
		<u>\$3,773</u>

\$152,518

VOTE: Unanimous ayes; motion duly carried.

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Mrs. Papale announced the change in date of the next Council meeting to Monday, November 7, 1988, instead of November 8 because of Election Day.

Motion made by Mr. Adams to Waive the Waiting Period for the Appointment of Vincent Celeste to the Visitor's Council. Seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Vincent Celeste was then sworn in by Kathryn J. Wall, Town Clerk:

ITEM 12. Consider an Ordinance Appropriating \$100,000 for the Planning of an Addition to the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$100,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue thereof the Making of Temporary Borrowings for such Purpose. Set Public Hearing.

Motion made by Mrs. Papale to Set a Public Hearing Date on Item 12 of November 7, 1988, at 7:45 p.m. Seconded by Mr. Adams.

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

ITEM 13. Consider an Ordinance Further Amending Ordinance #344, Asbestos Abatement Program, by Increasing the Appropriation therein to \$1,223,000 and Authorizing the Issue of \$1,223,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue thereof the Making of Temporary Borrowings for such Purpose. Set Public Hearing.

Motion made by Mrs. Papale to Set a Public Hearing Date on Item 13 of November 7, 1988, at 8:00 p.m. Seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

ITEM 15. Discussion of Feasibility Report Concerning Full-Time Town Attorney.

Mr. Adams stated the Committee spent 10-11 months on the Feasibility Study and came up with some very interesting information. There is a recommendation that the Council consider very seriously hiring a full-time attorney for the Town of Wallingford. Basically because of the town's growth it is necessary to have legal representation at all times and to be sure that there is one person representing the firm of Wallingford without any other interests.

Mr. Zandri asked if any survey was done on how many other towns have full-time attorneys.

Mary Applegate responded that on the last three pages of the report there is an itemization of the surrounding towns that responded to the survey regarding their staff, salaries, amount budgeted for outside professional services, and the types of cases not handled within their Town Attorney's office. It also gives the population of the towns so it makes it easy to relate to Wallingford in terms of size.

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Attorney Janis Small stated that the last page of the report is inaccurate as far as the types of cases handled in-house for Wallingford. We handle matters for the Board of Education, labor grievances, some workmen's compensation, zoning, some foreclosures and tax appeals. Both Adam Mantzaris and I feel you should have a full-time Assistant Town Attorney. But either the Town Attorney has to do some of the work or you need somebody else to do some of the work. That one person cannot do all that the two of us do together.

Mr. Adams stated the recommendation was to increase the three part-time attorneys to at least two part-timers and one full-timer.

Ted Lendler very heartily endorsed the appointment of a full-time Town Attorney. He agreed with Mr. Adams that Wallingford was too big now to be run on a hit-or-miss basis. It is being run well, but we want to improve that. He further clarified that the Town Attorney is and should be a senior advisor to the Mayor and should be appointed by the Mayor. The cases, decisions and opinions should be handled by, for lack of a better title, the Assistant Town Attorney. The appointed Town Attorney would still be the boss of the department.

Mr. Holmes stated we're not going to be saving any money with the appointment of an Assistant Attorney. Even with three full-time attorneys you will still be sending cases outside the office due to conflict of interest, expertise, etc.

Mr. Zandri asked what the advantage was in having a full-time attorney.

Mr. Holmes responded you would have someone there eight hours a day that various departments could turn to when legal questions arose instead of trying to track someone down in private practice. The other advantage is you would have someone there eight hours a day to handle some of the assignments that are passed on by the lead attorney.

Mrs. Applegate stated there would be a familiarity with all of the cases when you have a change in administration. With the appointed position you don't have any guarantee that the same attorney is going to continue from one administration to another. Also with one person handling the same types of cases you build an expertise in that. The advantage of this is when you go before a judge on a particular case they will often rely on that attorney presenting the case if he can say I've handled several others like this in the past and give examples of what the settlements have been. You would also eliminate the problem of conflict of interest, which is one of the reasons some of our cases had to go outside.

Mr. Zandri stated that with the Appointed Attorney in charge of the department he felt there would still be a problem with changes in administration as far as the overall department is concerned.

Mrs. Applegate responded the day-to-day function would still be able to continue because your cases are still going to be in progress and you'll have one attorney who is familiar with the flow of work. What gets affected there is when you have political decisions or politically sensitive issues, that's where your appointed person is the one who can influence policy.

Mr. Adams stated this works very well in other towns.

Mr. Zandri asked how easy would it be to hire someone who is not going to be able to have a practice of their own.

Mrs. Applegate responded as far as the main position that should not be a problem. The difficulty is when you're asking someone to go part-time and not have their own practice.

Mr. Adams stated there are some lawyers who would like to represent a town and not have to go out in the battlefields all the time. Simply do the best that they can without having to compete any more.

Mrs. Applegate stated one of the attorneys that spoke to us said that after having had a private practice it's nice to get into a position where you can have vacation time every year, and if you need a sick day you've got some benefits behind you. So it makes it attractive. You don't have to hunt behind closed doors to find people. There are those who would like the security of working for the town.

Attorney Small stated if you have a Town Attorney who acts as a senior advisor to the Mayor who does not share in the workload, and then add a full time assistant, then you haven't added anything in terms of handling the workload. You should consider that the Town Attorney himself has to share in the workload or you would have to get another part-timer. Adam and I do not believe that one full time assistant could handle what we do together. It's not physically possible.

Mrs. Applegate stated we're hoping that the case investigator might help in that area too. I'm assuming that's something you do with Adam at this point.

Janice stated preparing for a trial is intense work and you don't concentrate on anything else but doing that. It's just not possible for one person to handle all those things. Adam could be at an FOI hearing and I could be down in court in New Haven on the same day. Physically the full time Assistant Town Attorney cannot handle the entire workload. That is our concern.

Mr. Zandri asked Mr. Killen exactly how the Charter reads as far as the appointment of the Town Attorney. Is it attorney or attorneys?

Mr. Killen responded it states they shall not be members of the Classified Services.

Mr. Doherty stated the Committee's idea was that the Town Attorney would stay as is and carry the full load that is carried right now. That is our intention. What we're doing is taking an Assistant Town Attorney and making that person full-time. The reasons as emphasized here are: accessibility - to be able to put out the fire before it's raging; continuity - will develop expertise in the municipal area; costs can go either way; time split between private practice and this job; learn from our mistakes; town growth; growth of state and federal regulations; and also we are living in a litigious society - people are willing to sue at the drop of a hat.

Mr. Bradley asked Mrs. Applegate about the cases that have gone to outside legal services. With a full-time Town Attorney, which of those cases could have been handled inside?

Mrs. Applegate responded we didn't go into the cases that went to outside attorneys. We found out what type of cases normally go outside and would they be able to come back in-house. Adam felt that not a lot of cases would be able to come back in-house regardless of how many attorneys we had because of the need for a particular expertise or extremely lengthy cases. The one thing that could make a difference is the conflict of interest.

Mr. Bradley asked is FOI complaints could be handled in-house.

Attorney Small responded yes with a full time assistant. We handle some of them now.

Mr. Bradley asked what the pencil totals represented on the Totals Page.

Mrs. Applegate responded those are the total amounts that each town spent for legal services, including salaries, benefits and their outside services budget.

Mr. Solinsky asked if you found that the full-time assistant wasn't doing the job how could you get rid of him.

Mr. Lendler stated that's a risk that you take in any classified department. I think the permanent Town Attorney should have a minimum of eight years of practice and possibly ten. There's more to being an attorney than book learning. You have to get some street smarts too. You're not going to save any money but you will get professionalism.

Edward Musso, 56 Dibble Edge Road, did not feel Wallingford was in need of a full-time attorney.

Mr. Killen and Mr. Adams thanked the Committee members for their efforts.

Richard Nunn was reappointed to the Visitor's Council and sworn in by Kathryn J. Wall, Town Clerk.

ITEM 17. Discussion and Possible Vote on Request for Charter Revision.

Motion was made by Mrs. Papale to adopt the following Resolution:

Be it hereby resolved by the Town Council, in session, that, in accordance with the provisions of Section 7-188 of the General Statutes of the State of Connecticut, as amended, this Council does hereby initiate action to provide for the amendment of the Charter of the Town of Wallingford adopted June 6, 1961 and the amendments thereto adopted November 4, 1969, November 6, 1973 and November 3, 1981.

Seconded by Mr. Adams.

Mr. Killen asked that everyone remember if we go ahead with this we will be operating on a very tight schedule. He understood the intent was to put this on the next municipal election.

Mr. Holmes stated there have not been any compelling reasons for us to consider this except as far as the full-time Town Attorney. If it's not broken, don't fix it.

Mr. Bradley asked if we approve the Resolution is there a commitment that it has to be carried forth.

Attorney Small responded, without looking at the statute, if you initiate this by resolution and in thirty days appoint a commission then there would be a commitment. You could initiate it and then let it lapse, but I'm not certain about that. And once you've appointed the Commission it's in the Commission's hands.

Mr. Bradley stated he has contacted the Connecticut Public Expenditures Council that deals with Charter Revision and they are going to send a packet which spells out the guidelines other than state statutes.

Mr. Doherty felt that Charter Revision was a necessary effort and should be done periodically to reexamine and look over the particular document. There are certainly some items that need to be looked at such as the Town Attorney, the Town Clerk's office, an elected Planning & Zoning Commission, the recall provision which the courts say is illegal, election of constables and raising bid items raised from \$2,000 to \$4,000 or \$5,000.

Mr. Killen stated he was reluctant to pursue Charter Revision because there is a tendency to ignore the Charter. Instead of abiding by the Charter they say let's change the Charter so we can violate it legally. I don't expect the Charter to be complied with 100%, but I would hope that sometime it would get into the 80% bracket.

Mrs. Papale stated she would like to see something done regarding the Contingency Fund if we have a Charter Revision.

Edward Musso, 56 Dibble Edge Road, did not think it was a good idea to play around with the Charter to satisfy a couple of people.

Mr. Doherty stated the Charter, like the Constitution, should be flexible. It should be reviewed periodically and when changes are necessary they should be made.

VOTE: Mr. Holmes and Parisi voted no; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive Rule V to receive an update from Mr. Parisi on the Committee Investigating the Bidding Procedures. Seconded by Mr. Holmes.

VOTE: Mr. Parisi passed; all other ayes; motion duly carried.

Mr. Parisi stated there is a great deal of information that has been gathered in regards to the purchase of the computer and the purchasing practices. Some of the high points are as follows.

1. The presentation of backup information by the School Administration to the Council that was supposed to have been received from IBM and Structured Technology Corporation was in fact not submitted as a quotation and the information presented to us was never meant to be a quotation. I was told this by Mr. DiVincenzo of Structured Technology and Mr. Spencer of IBM.
2. Original purchase price dated March 17 was \$124,000 over five years. However, was the Pertaine Software price included? My information shows the computer plus the interest on the lease program came to \$124,008.50 and the Pertaine Software agreement for \$36,500, which was never shown on any documents, brings the cost to \$165,000. This is the agreement that supposedly didn't exist because an unauthorized individual signed it.
3. Info-Point, the consultant that was hired by the School Administration to provide specifications, is in fact a Hewlett-Packard distributor. Info-point wrote specifications for the first bid for the price of \$1,500. The first bid was rejected. The specs were written again for \$1,500, however, there were no technical changes in the specifications. The only changes were the dates and the contract number. Payment was made again and Info-point received a total of \$3,000.
4. In the area of the bid and backup information there are tons of questions.
5. Hewlett-Packard does not support or sell Pertaine Software, the software program that goes with the Hewlett-Packard computer. A separate agreement always has to exist. Initially those documents did exist and we were able to come up with them even though we were told they did not exist. Today, even after requesting information, there is no proof of an agreement entered into with Pertaine Software, yet Pertaine Software will go with that computer sitting over there.

6. Today I wrote a letter to the Superintendent. of Schools stating I would like to see the agreement.
7. In the bidding procedure there are categories of Y, N, M and O and everyone fills in what they can qualify under. Hewlett-Packard and Pertaine Software answered all yes's. No other bidder was able to answer all yes's without listing any exceptions.
8. The bid document states that the vendor will deliver the computer. School Administration personnel removed the computer, I was told it went to Hebron, and then it was brought back here by Mr. Kari with Board of Education personnel. There was no delivery by Hewlett-Packard.
9. The Hewlett-Packard bid states 12 months of free maintenance and support. The July bid shows a \$750 per month charge.

10. A purchase requisition or voucher was resubmitted to the Comptroller's office dated March 17, 1988. If the original agreement was null and void then the original voucher should be null and void also. It's dated March and the computer was awarded in July.
11. Gerelco, Inc. had an insurance claim against them for \$2,750 or more by the Town of Wallingford School Administration for property damage at Stevens School. A check was made out for \$1,750 by the Petruzelo Insurance Agency, noting there was a \$1,000 deductible. The check did not go to the General Fund as per the Town Charter. The check went to Tischler Carpet Outlet.
12. The School Administration decided that they did not require certain items belonging to the Town, namely, a Compugraphic typesetting machine and an A. B. Dick offset machine. They were put out to bid and the highest bid was \$5,500. This money remained with MGD Graphic Company in Milford, and the School Administration purchased a computer with software and furniture for \$3,372 and \$1,500, a microwave unit for \$332 and offset supplies for \$300. The bills were paid by MGD Graphics and vouchers were submitted.

Mr. Holmes stated supposedly this was surplus equipment. But the Town Charter states if something is surplus the Town Council authorizes the sale or disposal of those goods and the money goes back to the General Fund.

Mr. Parisi stated he also thought the procedure was that anything that was going to be sold or discarded was to come before the Town Council. These are some of the items that justify the existence of this Committee.

Mr. Bradley stated that while going through the documents, especially the bid, 85% favor Hewlett-Packard. A lot of the things he has seen to date have been procedural type discrepancies. A lot of reference has been made regarding criminal investigation. There is no criminal investigation at this time. This is a review, but that's not to say it cannot lead to a criminal investigation. Attorney Mantzaris has recommend the Committee put this investigation on hold. The State's Attorney recommended we proceed forward as outlined by our Town Charter. I have to agree with the State's Attorney.

Mr. Bradley stated to Mr. Parisi that anything that goes forward should go through the Committee. The investigation that is now started has put the Committee in an awkward position in that we cannot interview two key people, Mr. Nicoletti and Mr. Kari. I would like to see the Committee continue and put together some findings of fact. Then maybe we can seek some legal opinions through the Town Attorney.

Mr. Parisi apologized to the Council and stated in no way did he mean to circumvent his colleagues on the Committee. Things were happening very fast and, although it's not an excuse, it is an explanation of how things were at that particular time. I guarantee you it won't happen again.

Mr. Adams stated it has been very difficult to formulate any opinion on what's right and what's wrong because he has not had the opportunity to speak to all the principals involved. In a way it's an injustice not to be able to have

someone face whatever they're being charged with. I'm sure that opportunity will be given, but until then it's difficult to come out with any type of a charge. Hopefully this thing will be resolved as soon as possible.

Mr. Holmes asked if some issues were referred to the Town Attorney, would the office be willing to handle that instead of having to go to an outside resource.

Attorney Small responded first of all the recommendation to postpone the State's Attorney review was just a suggestion for the Committee to consider. Our recommendation is that you do make specific findings of fact, submit it to us for review, and we will give whatever legal advice we can give. It may very well be when you make those findings that we recommend you seek outside Council. We represent the Board of Education too so there may be a problem with that. Until you make those findings we just don't know what direction you're going to go in.

Mr. Holmes said according to the State's Attorney Office they are just conducting a routine review.

Attorney Small responded the only problem with that is you have witnesses that won't come before you and testify. I certainly, as their attorney, would advise them not to come and testify before anybody if the State's Attorney was reviewing the case. That was the only reason we suggested that you hold up your investigation.

Mr. Zandri stated he was concerned with everything that was taking place here. When I originally voted on this particular Committee I was under the assumption that the Committee was to investigate the purchasing practices of the Board of Education and report back to the Council. The Committee should have done their investigation, reported back to the Council, and then the Council should have decided at that point where we should go with it. It seems like it's totally out of our control right now.

Mr. Killen stated he was concerned that everyone's been worrying about who's going to control it and not how did it get this far. How long has this been going on and when are we going to uncover these things. We pay good money for an outside auditing concern and we have an internal auditor. Why is it that a bunch of laymen have to conduct an investigation to find out what is going on in our Purchasing Department.

Mr. Parisi stated there is no set procedure for an investigation. When the Chairman and Vice Chairman called for a report, a report was made. I don't know how far you could go gathering information. After awhile people call you up and tell you what's going on because they're concerned. My theory is don't sit still - move, do something. I made a move, if it was wrong, I stand corrected and I apologize. At that particular time I had spoken to two outside attorneys and they felt it would be wise to cover myself for the information I had gathered. To have it reviewed. There was never an intent for a criminal investigation. If it wasn't necessary to sign a name to a complaint form, there would not have been a name on there. The only thing I did wrong, if it's wrong, is I took it upon myself.

Mr. Killen stated one of my first official acts was to take something upon myself, as you recall, which was wrong. I did not come before you people who selected me. You're caught in the same position now. We both should learn from it and go forward with the consent of the people that elected us.

Mr. Parisi stated we'll go forward with the information, disseminate it, try to make some sense out of it, categorize it, and come up with findings. Hopefully by then we will be able to interview the last two people and if the Committee feels any more should be interviewed so be it. And then come up with a finding and a recommendation and present it to the Town Attorney or whoever will end up with it.

Mrs. Papale stated when I asked for this to be placed on the agenda it was only to get a report from Mr. Parisi not to slap his hand. I also feel that before it got this far it should have come back to the Council.

ITEM 19. Approval of Town Council Minutes of October 4 and October 11, 1988.

Motion made by Mrs. Papale to Table the Town Council Minutes of October 4, 1988. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Motion made by Mrs. Papale to Approve the Town Council Minutes of October 11, 1988. Seconded by Mr. Doherty.

Mr. Bradley asked why there was nothing in the minutes regarding the presentation on SARA besides a notation that there was such a presentation. He did not feel the minutes were complete.

Mr. Killen stated you can have the minutes verbatim if you so desire, but you're going to pay through the nose. If something calls for action or a motion I can understand putting those in, but I don't think it's necessary to put in a discussion along that line.

Mr. Bradley asked if the transcribed minutes in front of them were the official recording and official minutes of this Town Council.

Mr. Killen stated this is a summarization of what the Recording Secretary felt was the meat and potatoes of the whole thing. We do keep the tapes for a length of time. The corrections we're calling for are those having to do with the nuts and bolts of the running of the Town of Wallingford.

Mr. Bradley stated that's where we get into a difference of opinion. I may feel something is important from my perspective as a Council member versus the secretary that's transcribing them. That's where I have a problem.

Mr. Killen stated this is why the minutes are being accepted or rejected or corrected. What you feel has to go in there will be entirely up to you people.

Mr. Doherty stated he felt they should be verbatim.

Mr. Killen responded I will do my utmost to get them for you. But if you can stop and think of what we went through this evening, I could compress it on two pages. We'll see what we can do about getting them as close as you want. If you still find fault with that, we'll end up with a court stenographer and you'll definitely get them verbatim, but the budget will not stand up the way it is now.

Motion made by Mr. Bradley to Table the Town Council Minutes of October 11, 1988. Seconded by Mr. Doherty.

VOTE: Unanimous ayes; motion duly carried.

CORRESPONDENCE

Mr. Killen had three items of correspondence.

1. The Wallingford Constitution Bicentennial Commission wishes to extend a cordial invitation to the entire Council to attend the Awards Ceremony for the Constitution Essay Contest to be held in the Public Library Community Room, Monday evening, November 14, 1988, at 7 p.m.
2. Members of the Wallingford Memorial Day Committee are planning a rededication ceremony for the World War II monument that has now been placed on the lawn of the new Town Hall, thanks to the Council, for Saturday, November 12, 1988, at 11 a.m. We invite all members of the Council to attend this ceremony.
- 3 Dear Mr. Killen: Last Spring several members of the Council met with the Economic Development Commission to discuss issues and policies about development. The meeting and discussion was very candid and thought provoking. There was significant interest in having representatives of the Council, the Commission and the Manufacturing Association meet to discuss

the plight of manufacturers in the community. To this end, I would request that you solicit two Council people that would be willing to participate in such meetings. I have enclosed a copy of the minutes from the June meeting. As you can see Councilors in attendance were Edward Bradley, David Doherty, Robert Parisi, Thomas Solinsky and Geno Zandri, Jr. Thank you for your assistance in this matter, Very truly yours, Rosario A. DiNoia.

Mr. Killen asked if anyone would be interested. Mr. Doherty and Mr. Parisi responded yes. Mr. Killen stated he would submit their names to Mr. DiNoia and have him contact them directly.

otion to adjourn was duly made, seconded and carried and the meeting adjourned at 10:15 p.m.

Meeting recorded by: Rosemary Rascati

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



Town of Wallingford, Connecticut

RAYMOND F. SMITH
DIRECTOR
DEPARTMENT OF PUBLIC UTILITIES
100 JOHN STREET
WALLINGFORD, CONNECTICUT 06492
TELEPHONE 265-1593

Public Utilities Commission
100 John Street
Wallingford, CT 06492

October 12, 1988

SUBJECT: RELEASE OF RIGHT OF WAY
PROPERTY AT 1209 OLD COLONY ROAD
Gentlemen:

The attached request from Attorney Leonard Powers, representing Mr. Dominic Nigro, has been reviewed by Electric Division staff, and also by Assistant Town Attorney Gerald Farrell. It has been determined by staff that the Division no longer requires the above mentioned right of way.

Therefore, the Town of Wallingford, Electric Division, has agreed upon a sum of \$1,000.00, for the release of said right of way.

Sincerely yours,

R. F. Smith

Raymond F. Smith
Director - Public Utilities

RFS/kaw
Attachments

6-1

ITEM NO. 6-1
PUC AGENDA OCT. 18 1988