

TOWN COUNCIL MEETING

WEDNESDAY, NOVEMBER 12, 1997

6:30 P.M.

\*\*\*NOTE THAT MEETING IS SCHEDULED FOR WEDNESDAY\*\*\*

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence - Presentation on New Format for Tree Lighting Ceremony and Frosty Parade - Johanna Fishbein
3. Consent Agenda
  - a. Consider and Approve Tax Refunds (#157-172) Totalling \$39,378.19 - Tax Collector
  - b. Note for the Record Mayoral Transfers Approved to Date
  - c. Note for the Record Anniversary Increases Approved by the Mayor to Date
  - d. Consider and Approve a Re-Appropriation of Funds in the Amount of \$3,519.90 to Project Graduation - Contribution Acct. #074-9001-900-9061 and to Project Graduation Appropriation from 1996/97 Balance - Youth Service Bureau
  - e. Consider and Approve an Appropriation of Funds in the Amount of \$90,000 to Non-Operating Revenue Refunds of Overpayments Acct. #001-1090-090-9040 and to Refunds of Overpayments Acct. #001-1401-800-8910 - Comptroller
  - f. Authorize the Mayor to Enter Into an Agreement with the State of CT. for Railroad/Highway Grade Crossing Improvement Program - Clintonville Road - Mayor's Office
  - g. Authorize the Mayor to Enter Into an Agreement with the State of CT. for Railroad/Highway Grade Crossing Improvement Program - Harrison Road - Mayor's Office
  - h. Authorize the Mayor to Enter Into an Agreement with State of CT. for Railroad/Highway Grade Crossing Improvement Program - East Center Street - Mayor's Office
  - i. Approve and Accept the Minutes of the October 14, 1997 Town Council Meeting
4. Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve One Appointment to the Position of Commissioner on the Housing Authority for a Term of Five (5) Years to Expire 10/31/2002
7. Consider and Approve a Transfer of Funds in an Amount Totalling \$16,028 from Various Accounts within the Fire Dept. Budget to Building Expansion and Repairs - Central Fire Headquarters - Dept. of Fire Service
8. Consider and Approve a Transfer of Funds in the Amount of \$26,028 from Contingency - General Purposes Acct. #8050-800-3190 to Building Expansion & Repairs - Central Fire Headquarters Acct. #2030-999-9934 - Dept. of Fire Service
9. Consider and Approve Amending the Table of Organization of the Police Department in the Budget to Show an Increase of Hourly Bargaining Staffing from 89 to 91 Positions - Dept. of Police Services
10. Consider and Approve a Transfer of Funds in the Amount of \$35,124 from Accrued Expenses Acct. #8050-800-3230 to General Wages Acct. #001-2205-101-1000 - Dept. of Police Services
11. Consider and Approve a Revised Job Description for the Position of Secretary in the Risk Management Office - Personnel
12. Consider and Approve the Closure of Oliver Creek Road as Requested by the Director of Public Works
13. Consider and Approve a Budget Amendment in the Amount of \$60,000 to Establish and Fund Acct. #427-042 - Interest in Durham Road Pump Station/Williams Road Pump Station from Estimated Interest - Durham Road Pump Station Acct. - Sewer Division
14. Report Out by the Planning & Zoning Commission on Open Space as Requested by Councilor Gerald Farrell, Jr.
15. Discussion and Possible Action on Purchasing Property as Requested by Councilor Thomas Zappala
16. Discussion and Possible Action on the Method of Determining Which Items are Considered Capital Equipment of the Town and the Process of Budgeting for the Purchase of Said Equipment as Requested by Councilor Peter Gouveia

17. Executive Session Pursuant to Section 1-18a(e)(2) With Respect to Pending Litigation - Town Attorney
18. Consider and Approve Settlement of Pending Litigation - Town Attorney
19. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale, Purchase and/or Lease of Property - Mayor's Office

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6:30 P.M.

<u>Agenda Item</u>	<u>Page No.</u>
2. Correspondence - Presentation on New Format for Tree Lighting Ceremony and Frosty Parade	6-7
3. Consent Agenda - Items #3a-d & #3f-i	7
4. Items Removed from the Consent Agenda - Item #3e	8-9
5. PUBLIC QUESTION AND ANSWER PERIOD - Question RE: Individual Councilor's Powers; Comments RE: Town Council Secretary's Possible Conflict of Interest; Discussion on Pension Fund Statistics and Cost to Manage Fund; Comments RE: Magnet School Issue	9-19
6. Table Appointment to the Housing Authority	6-7
7. Approve a Transfer of Funds Totalling \$16,028 to Bldg. Expansion and Repairs Acct. - Fire Dept.	20-24
8. Approve a Transfer of Funds in the Amount of \$26,028 to Bldg. Expansion and Repairs Acct. - Fire Dept.	24
9. Approve Amending the Table of Organization of the Police Dept. to Show an Increase of Hourly Bargaining Staffing from 89 to 91 Positions	24-25
10. Approve a Transfer of Funds in the Amount of \$35,124 to General Wages Acct. - Dept. of Police Services	25-26
11. Approve a Revised Job Description for the Position of Secretary in the Risk Management Office	26-27
12. Approve the Closure of Oliver Creek Road and Attached Resolution Contingent Upon the Positive Response from the Legal Department of the Town That We Have the Right to Take This Action Without a Formal Public Hearing	27-30
13. Approve a Budget Amendment in the Amount of \$60,000 to Establish and Fund Acct. #427-042 - Interest in Durham Rd. Pump Station/Williams Rd. Pump Station from Estimated Interest - Durham Rd. Pump Station Acct. - Sewer Division	30

<u>Agenda Item</u>	<u>Page No.</u>
14. Report Out by the Planning & Zoning Commission on Open Space	30-42
15. Withdrawn	
16. Withdrawn	
17. Executive Session - 1-18a(e)(2) - Pending Litigation	42
19. Executive Session - 1-18a(e)(4) - Purchase of Property	42

WAIVER OF RULE V

Appoint Peter A. Gouveia for the Balance of the Term  
of the Current Town Council Ending January 5, 1998 1-6

Authorize the Town Attorney's Office to Take an Appeal  
of the Granting of the Drive Up Window Variance on Dunkin  
Donuts Property on the Hartford Turnpike 42-44

TOWN COUNCIL MEETING

NOVEMBER 12, 1997

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Wednesday, November 12, 1997 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr. at 6:31 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Chairman Parisi who was at home ill and Mr. Gouveia who was seated in the audience. Mayor William W. Dickinson, Jr. arrived at 6:37 P.M., Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also in attendance. Veterans Day fell on Tuesday, the date the meeting would normally have been scheduled for.

A blessing was bestowed upon the Council by Rev. Wm. Huegel of the First Baptist Church of Wallingford.

The Pledge of Allegiance was given to the Flag.

Mr. Zappala asked why Mr. Gouveia was seated in the audience?

Mr. Gouveia responded, it was brought to my attention last night by Mr. Killen that, as far as the Charter is concerned, my term has expired as of last Tuesday, Election Day, therefore to sit on the Council I would not be a duly appointed Council member. I understand that there may be an action before the Council today to re-appoint me. If that is the case then I will be seated on the Council. I should have learned all the rules to the game; I am a part-time replacement and we do have people in this town who have been playing by these rules for as long as twenty-two years some claim. We have people who do this for a living twenty-four hours a day and it took a citizen of the Town to find out that what I would be doing would be in violation of the Charter. That concerns me greatly. What if I were seated on the Council and we were to move or make a motion to condemn property today and I was the swing vote in favor of condemnation of the property and I was not a duly appointed member of the Council? Great ramifications! Who is minding the store I must ask?

Ms. Papale asked for an explanation of what was happening. She was under the impression that Mr. Gouveia was serving until the new Council was sworn in January.

Mr. Gouveia stated, I believe that there was no malice intended at all. It was the feeling of the Councilors that I serve until December.

Mr. Rys stated, previous Councils have gone ahead and appointed

people.

Ms. Papale wanted to waive Rule V of the Town Council Meeting procedures on this matter.

WAIVER OF RULE V

Motion was made by Mr. Knight to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Addressing the Question of Proper Seating of a Town Councilor That is Replacing a Councilor That Was Duly Elected to This Council and When That Term Expires, seconded by Mr. Centner.

VOTE: Parisi was absent; Centner, Farrell, Knight, Papale, Renda Zappala and Rys, aye. Motion duly carried.

Mr. Rys asked for an interpretation of the matter from Attorney Mantzaris, Corporation Counselor.

Atty. Mantzaris explained that the Charter section which applies to vacancies reads that "for the unexpired term of an elected official shall be filled by appointment by the Council for the remainder of the term or until the next biennial election, which ever comes first." When Mr. Gouveia was appointed to take Councilman Doherty's place according to the language of the Charter he was appointed because there was an election coming up before his term expired in January. His term actually ended last Tuesday. The Charter goes on to say that if an election comes before the expiration of the term then there shall be an election of a person to fill the unexpired portion of the term. The Charter would have required that someone's name appear on the ballot last Tuesday to fill the remainder of what was Mr. Doherty's original term. We neglected to place anyone's name on the ballot for that so there is now a vacancy in that seat. Per the Charter you can fill it by appointment and that is what is happening tonight, you are filling the vacancy in what was Councilman Doherty's seat for the remainder of the term being the remainder of the term from Election Day to the date in January when the new Council is sworn in. It is also arguable that you can use biennial elections of the State but that did not happen in the meantime. It was a surprise to me and to everyone, especially Councilman Gouveia.

Ms. Papale asked, are you saying that someone like Mr. Zandri who was on the ballot could sit in the seat and Mr. Gouveia, because he was not on the ballot, could not?

Atty. Mantzaris responded, no, Mr. Zandri was elected for a full time commencing in January. He was not elected to fill the unexpired term of that seat.

Ms. Papale stated, I am confused that no one was aware of this

until Mr. Killen became aware of it. When we voted on this months ago it is too bad that it wasn't brought up then and noted for the record.

Atty. Mantzaris agreed. He stated, it was brought to my attention that a Council woman was once appointed to a term that someone who, after election, moved to California and vacated the position, the appointment served the whole two years with no questions.

Ms. Papale made a motion to Appoint Peter A. Gouveia for the Balance of the Term Ending January 5, 1998, seconded by Mr. Zappala.

Ms. Papale stated, a mistake was made that we were all unaware of so why keep on talking about it for ten minutes? Why don't we just do it and get on with our meeting?

Albert Killen, 150 Cedar Street stated, I am not motivated by political reasons or anything else. As it has been said I have studied the Charter many times. Just the other day it hit me out of the blue and I said, let me go look it up and see if it is the way that I remember it. It was just the way I remember it. The other day I tried to get a hold of Mr. Gouveia all day. What you are doing now is just kidding yourself by thinking that you can bypass the Charter. The Charter is very specific, he must be elected to this term, you cannot appoint him. It comes under vacancies (in the Charter) and I will read it to you. It says, "Any vacancy in any elective town office from whatever cause arising, except as otherwise provided in this charter shall be filled by appointment by the council..." now remember this is the first inkling you have that you have the shot to fill it by appointment which you did. "...for the unexpired portion of the term of until the next biennial election, whichever shall be sooner, provided that such vacancy shall be filled by a person of the same political party or affiliation as that of the person who just vacated the office." Here is the pertinent part, "If there shall be a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section.." Which we know has come about, "...such office shall be filled by the election of a person to fill that office for the unexpired portion of the term." You appointed him, you cannot elect him. There it is.

Atty. Mantzaris stated, my interpretation is that there is a vacancy now in that office because there was a neglect or whatever you want to call it, to have somebody on the ballot to fill the unexpired portion of the term. So the first sentence of Section 6, Vacancies, applies and you can appoint Mr. Gouveia until the expiration of the term or the next biennial election, which ever occurs first; actually the expiration of the term will occur first.



Ms. Papale asked Mr. Gouveia if he would be comfortable sitting on the Council with everyone until January, going by Adam's (Atty. Mantzaris') interpretation?

Mr. Gouveia responded, not only would I be comfortable, I would be very much willing to sit up there since there are a couple of items; in fact I have one on the agenda today; there are a couple of items I am pursuing. One of the things that I wanted to do was to pursue the wishes of Councilor Doherty and one of the items that he left behind was a note requesting that an item be put on the agenda. I have been pursuing that item for quite some time. I am hitting walls like he was hitting and right now, in fact, I will tell you right now because I know if I will have an opportunity to sit up there but I have requested a department head to come before the Council and that department head refused to come before the Council because he stated that he serves the Mayor, not the Council. Since then I have pursued that further through the Law Department. So to answer your question, yes, I definitely would like to be up there, there are things that have taken so long such as naming a street for Dave Doherty, I don't know what has happened to that but I tried to do it on the first meeting. My term, even if I serve until December, is almost up. Nothing has taken place on that item. Yes, there are items I would like to pursue; I would like to be up there but I must say this to you. I have been one of the people that always tries to point to the Charter, not just to the letter but to the intent of it. I think that the intent in this case was simply to minimize appointments and in a republic you want elected officials, not appointed officials. The intent is to minimize appointments and to maximize elections. I think what I would offer, in view of the fact that there was an election and I was not on the ballot and Mr. Geno Zandri was on the ballot, the people have spoken, they like to see him up there. They voted for him. If that makes it more in accordance with the letter of the Charter or the intent of it then I would offer that as a compromise if it would make Mr. Killen happy. Either way it is fine and I am very confident that if I am not there and Mr. Zandri is there he will pursue at least one item that was dear to Mr. Doherty that I have been trying to pursue and I hope that someone, if not me, someone will pursue it.

to make sure that Mr. Gouveia was comfortable with Atty. Mantzaris' interpretation. It seems as though he is therefore I would like to move on my motion.

Mr. Killen stated, first off, I gain nothing whether you do something or appoint Peter or you appoint Geno or you appoint John Jones, it makes no difference to me but this is a book; this is how you people got up there and now you are going to turn your back on the book. I don't understand it.

Ms. Papale responded, I am not turning my back on the book, we have an attorney here and his interpretation I could go with.

Mr. Killen answered, you can take it any way you want but if you read english you will read into it. What you are facing here is the possibility of a 5/4 vote in which the fifth vote would be cast by whomever you are going to name this evening if you go ahead with it. If that happens to affect me in property one way or another then I know where I've got you when my lawyer sits down and talks to you. This has to do with liability and I know the Mayor time and time again has pointed out projects that people said should do something and he is worried about the liability of it. That's great, that's good government. You have the same thing facing you here today and you have to remember that the bottom line in that section is very, very strong. "If there shall be a biennial election before the expiration of the term of office of any person...shall be filled by the election." You had better pay attention to that because if you are not then there is no sense in saying you will vote. We can ignore your votes as well as we can ignore this. The reason that was put in there was that the best government in our form of government is by an elected group. If somebody should die or leave the office within the first few days after a person takes office in an elective office, you have to fill the vacancy somehow. The only other alternative is to hold a special election which is very expensive if you are going to do it for one person. The next best thing around was the next time there was an election you would fill that vacancy and that is why the wording is in the way it is. This is not something that was just tossed in there it was well thought out. You are going to knock it all down for one vote tonight.

Acting Chairman Rys asked that the motion be read back to the Council.

Mr. Farrell asked, if we were in a regular election and between the two political parties that nine candidates were not nominated but the remaining number, let's say eight, between the two parties were elected, how would that vacancy be filled?

Atty. Mantzaris responded, it would be by Council appointment, there is no affiliation. Section 6 is clear, "from whatever cause" I suppose the cause would be that you did not have enough people running for election so there is a vacancy and the Charter does require a nine member Council to be elected.

Mr. Farrell stated, so the eight people would proceed to appoint someone.

Atty. Mantzaris stated, I don't know how you would get around that, there is no affiliation because the seat was not held by anyone with a party affiliation.

Mr. Farrell stated, basically we are in the same situation, you have answered my question.

VOTE: Parisi was absent; Centner, Farrell, Knight, Papale, Renda, Zappala and Rys, aye; motion duly carried.

Town Clerk Rosemary A. Rascati performed the Swearing In Ceremony at this time.

Mr. Gouveia seated himself at the Council bench.

Mr. Rys stated that he had the opportunity to attend the Veterans Day festivities held on the front lawn of the Town Hall. He thanked all of the kind citizens who attended, taking time from work and daily lives to honor the veterans.

Mr. Rys congratulated Mayor Dickinson in his victory November 4th and the rest of the Councilors who were elected and Mr. Zandri as well.

#### ITEM #2 Correspondence

##### Presentation on the New Format for Tree Lighting Ceremony and Frosty Parade

Johanna Fishbein, Chairman of the Public Celebrations Committee asked the Council to refer to the Santa Claus flyer distributed this evening to the Council pointing out that there is a very new format this year for the coming of Santa Claus to town. The festivity is a joint effort between the Wallingford Parks & Recreation Department and also through the school system and will be held on Saturday, November 29th, the Saturday after Thanksgiving. The flyer will be sent home with all the school children inviting them and their families to attend. She impressed upon the Council how important their attendance at this function will be to those who have worked hard to make it a success. She is cognizant of the fact that the Councilors have busy schedules and asked that they give some of their time and join in.

This year the participants will be assembling at the Town Hall at 4:45 P.M. As in the past, school children will be performing their numbers on the steps on the Town Hall. The program is held rain or shine. This year the procession will be escorted by a drum corp to Johanna Manfreda Fishbein Park. She would like Mayor Dickinson and the nine Councilors to lead the parade with frosty. This year the tree will be lit when it is dark. Those who cannot march in the parade should meet on the green to welcome the procession. She asked that the Councilors introduce themselves to the public once they reach the green. The music will continue to 6:30 or 7:00 P.M. Santa Claus will be available in the railroad station to meet all the children.

Mr. Rys informed the public at this time that Item #16 has been withdrawn from the agenda at the request of Mr. Gouveia.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#157-172) Totaling \$39,378.19 - Tax Collector

ITEM #3b Note for the Record Mayoral Transfers Approved to Date

ITEM #3c Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #3d Consider and Approve a Re-Appropriation of Funds in the Amount of \$3,519.90 to Project Graduation - Contribution Acct. #074-9001-900-9061 and to Project Graduation Appropriation from 1996/97 Balance - Youth Service Bureau

ITEM #3e Consider and Approve an Appropriation of Funds in the Amount of \$90,000 to Non-Operating Revenue Refunds of Overpayments Acct. #001-1090-090-9040 and to Refunds of Overpayments Acct. #001-1401-800-8190 - Comptroller

ITEM #3f Authorize the Mayor to Enter Into an Agreement with the State of CT. for Railroad/Highway Grade Crossing Improvement Program - Clintonville Road - Mayor's Office

ITEM #3g Authorize the Mayor to Enter Into an Agreement with the State of CT. for Railroad/Highway Grade Crossing Improvement Program - Harrison Road - Mayor's Office

ITEM #3h Authorize the Mayor to Enter Into an Agreement with the State of CT. for Railroad/Highway Grade Crossing Improvement Program - East Center Street - Mayor's Office

ITEM #3i APPROVE AND ACCEPT THE MINUTES OF THE OCTOBER 14, 1997

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, seconded by Mr. Farrell.

Mr. Gouveia requested that Item #3e be removed from the Consent Agenda.

Motion was amended by Mr. Knight to Approve Consent Agenda Items #3a-3d and #3f-3i, seconded by Mr. Centner.

VOTE ON AMENDMENT: Parisi was absent; all others, aye; motion duly carried.

VOTE ON ORIGINAL MOTION: Parisi was absent; Centner, no; all others, aye; motion duly carried.

ITEM #4 Items Removed from the Consent Agenda

ITEM #3e Consider and Approve an Appropriation of Funds in the Amount of \$90,000 to Non-Operating Revenue Refunds of Overpayments Acct. #001-1090-090-9040 and to Refunds of Overpayments Acct. #001-1401-800-8190 - Comptroller

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

Mr. Gouveia asked for an explanation of the request from Thomas Myers, Comptroller. He noted that there is an increase to the account that is used for refunds by \$90,000 and there is also an increase to close out the overpayments account. He is aware that it is a "wash" account but the \$90,000 estimated overpayments...that you now are requesting that an additional \$90,000 be put into that account. Where is the money coming from? Does it come directly from the overpayments?

Mr. Myers responded, yes it does. This has no effect on the mill rate or the budget.

Pasquale Melillo, 15 Haller Place, Yalesville asked, is the appropriation the result of two parties who have overpaid to the amount of \$90,000?

Mr. Myers responded, no. There are a whole host of different reasons that tax accounts are overpaid. The significant majority of them are automobiles. Cars are bought, sold, traded and adjusted bills have to be sent; we have to give credits to people who have traded cars, etc. When that happens the Town ends up being overpaid. Another common mistake is that people forget that they have paid their taxes and pay them again or in sum cases, a third time. This appropriation creates a budget item so that we can return the money back to the taxpayer.

Albert Killen, 150 Cedar Street asked, is this request for \$90,000 going to line up with the \$90,000 expenditure or are the funds being put in in anticipation?

Mr. Myers answered, it is because of anticipation.

Mr. Killen asked, where did the figure \$90,000 come from? Was it because it was available?

Mr. Myers answered, it is not the Town's money; it is money that people have either paid the Town in error or it is money that the Town owes back to people because vehicles were sold, traded or destroyed, etc. No one can anticipate the overpayments.

Mr. Centner asked, is this, in part Item #158 of Item #3a, tax refunds?

Mr. Myers answered, yes.

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

ITEM #5 PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville asked, according to your interpretations of the Town Charter, have all of you equal powers relative to town matters and relative to voting on any issue that comes up? Do all of you have the same amount of power?

Mr. Rys responded, yes we do.

Mr. Knight added, only with everything that is voted on in this Council, there are nine members and nine votes and these votes are made in public.

Mr. Melillo asked, if the Chairman or Vice Chairman wanted to exercise their authority as Chairman and Vice Chairman to override any of you in any vote you made, can they do that?

Mr. Rys responded, we do not have the ability to veto anything the Council does. All we have is one vote, it is either a yes or a no and that includes the Vice Chairman and the Chairman.

Mr. Melillo asked, relative to all of you being elected officials, are there any conflicts of interest in your jobs; performing your jobs as Town Councilors? Are there any conflicts of interest possible with any issues that come up in any way?

Mr. Rys answered, whenever issues are raised according to relations on the Council or dealings that one may have with someone bringing up something on the agenda it is usually up to that individual who has that conflict to tell the public and pass on the issue. If I have a, and I do; I have someone in the school system who is a nurse; if I am dealing with a contract it is up to me to eliminate myself from that vote and that is the same thing for Mr. Farrell and his mother and other people on this Council.

Mr. Melillo stated, each individual who may possibly have a conflict of interest, no matter who it is, would automatically remove themselves from that specific Town Council vote, correct?

Mr. Rys answered, correct.

Mr. Melillo asked if any of the Councilors would lose their job?

Mr. Rys answered, no.

Mr. Melillo asked, why should there be a conflict of interest relative to the possibility that the Town Council secretary losing her job because of supposedly and allegedly conflict of interests in her specific capacity as Town Council secretary and relative to her husband, Geno Zandri, being a newly elected Town Councilman? Why should she be jeopardized in possibly losing her job as I understand that some Town Councilmen feel that should be the case? There should not be a conflict of interest that warrants that woman losing her job because her husband was elected Town Councilman in this recent election. It is the same ball park as all of you. When something comes up on a specific issue then you remove yourselves from the vote but you do not eliminate your jobs. Why should that woman have her job possibly eliminated?

Mr. Rys responded, I think you have a misinterpretation and someone would like to answer you.

Mr. Knight stated, you probably got your information from an article that was published in the Record Journal a few days ago. Obviously there were several comments made, some of which were made by me and I can only give you my interpretation I would not speak for the whole Council. There was never, I don't think the term "conflict of interest" was ever used. Be careful when you use terminology that you are very careful when you interpret articles that you read in the paper or anything else. For my comments, I never indicated conflict of interest. That is a term, an inflammatory term, and it insinuates that somebody can't perform their job and has to be removed. That was never, ever in the article. That was never at issue. That is a very complex issue; it is a very sophisticated issue; something of this nature. I tried to make it very clear in my commentary that, I can only tell you that my relationship with my wife is a very close one and one in which many, many matters are discussed. I want to make it clear that I am not suggesting for one second that the Town Council secretary is not trustworthy, is not worthy of the job, or demonstrates that there is a conflict of interest. My comments merely were that I believed that there is a natural relationship that is put into stress because of some of the things, again, you have to listen carefully, that the Town Councilors request her to do a lot of research. Some of that research is done with the hope that it remains their work only. I think that Kathy is not intentionally necessarily but I think naturally because of the relationship a husband has for a wife, I think that there is a concern that she is put under an undue pressure that the information may not remain totally confidential. That is as far

as it went, there was no indication whatsoever, ever in that article or in anything that I have ever said to indicate that this is an action that is going to come before this Council. I think that you have to listen very carefully to the words that people are speaking about so sensitive an issue and you have to read that article over and over again to make sure you understand that nothing like that was insinuated.

Mr. Melillo asked, am I to understand that Kathy's job as Town Council secretary is not in jeopardy?

Mr. Knight responded, I have just described to you my remarks in great detail. There is no question at this time, that was not the question that was asked me and that is not the question at issue.

Mr. Melillo stated, I have the right to ask that question that I just asked. My question is, at the present time is the Town Council secretary's job as Town Council secretary in jeopardy or in danger of being lost by said Town Council secretary; being eliminated by the Town Council in any way?

Mr. Knight responded, I can only speak for Steve Knight and at this point in time I see no reason to do so. I see no; listen to me; at this time and in the foreseeable future I see no reason at all for any change in her status as the Town Council secretary.

Mr. Melillo asked, is her job safe as of now?

Mr. Knight answered, as far as Steve Knight is concerned it is.

Mr. Melillo stated, you made some remarks before that some Town Councilors may give information to the Town Council secretary that you would have to keep confidential, right?

Mr. Knight answered in the affirmative with a closed-mouth response.

Mr. Melillo asked, if you want your information to be kept confidential that would still be no basis for any conflict whatsoever or putting her job in danger by anyone on the Town Council or try to have her removed by anyone in town government. The fact is, if said situation as described by you wants to be confidential, her husband as Town Councilman has the same legal authority as you (Councilors). He has the same right to come across anything that should be kept confidential by the Town Council. When you say that you want to give the secretary something to be kept confidential, should it really be kept confidential? Should that just be a matter of public information where the public should be entitled to know about it? When you come down to the nitty gritty and the rights of the public in the Town Charter, do you (Councilors) have the right to give information to the secretary and say that you want it to be kept



confidential in a secretive nature or by right should it be put in the open and become part of the public forum where anyone can be aware of it? Why should it be kept confidential? You are going to bring it up at the Town Council meetings anyway. It is going to become public one way or another anyway.

Mr. Knight responded, I think it would be terribly naive for me to say to you that everything that takes place between Town Councilors that there are no politics involved; that there aren't times when certain requests for information, while they may be meaningless, while they may go nowhere, could remain the province of that particular Councilperson. I don't think that is too much to ask and as far as the public is concerned, I think the public is served quite well by an open forum of the Town Council and I don't think there is a Councilor here that would say that everything they do on behalf of the Town has to be instantly scrutinized by the public at the time when the request is made or the information is obtained. Peter's got an agenda item tonight that he has withdrawn because perhaps he does not feel that he has enough information to go ahead with it. He is not necessarily going to be subject to being asked what information he has as of this time, as of this very moment. He is trying to gather more information. I will grant you, this is a goldfish bowl and to a great extent it is proper that it is a goldfish bowl. Within that context I think it is important that every Councilor have an opportunity to present his item thoroughly and completely when he or she decides that is the time to present such an item or make such a discussion. Part of that is the gathering of information.

Mr. Melillo commented, the point is, the main thing is, it is not that important to be such a big factor that she be related possibly by anyone on the Town Council or anyone in government; to possibly be used against the Town Council secretary in the future relative to her possibly losing her job because of that small area of confidentiality that does not figure to be important enough to make that big an issue relative to challenging the status of the secretary because of her husband being elected. Believe it or not a lot of people have called me up to speak on this issue because they like the Town Council secretary very much; they know that she has been very dedicated all these years and a lot of them are infuriated and they have asked me to express their feelings about it very deeply. I feel that I have done that.

Mr. Rys stated, I hope I am speaking for the rest of the Council and if I am not they will let me know believe me. Is her job in jeopardy? That is one of your questions and you expounded on that a few times. No, her job is not in jeopardy.

Mr. Melillo responded, it is very refreshing to get a real blunt answer like that. It is very unusual nowadays to get a real blunt answer when it comes to politics on the federal, state and local

level.

Mr. Rys added, her job is not in jeopardy and if any other Councilor wants to speak their opinion they can. It appears as though the rest of the Council is in unison.

Mr. Gouveia stated, I, too, was a little bit mystified by the comments only because I don't think of any Councilor wanting to utilize the services of the Council secretary to gather information that is confidential in nature. All of us, when we gather information, we want the Council secretary because she is a full time town employee and all of us are part-timers and some of us work far away and when we ask information that deals with facts, data, and the only reason why we do that is to enable the individual to compel the other individuals to vote along with them by having the correct information, the correct data and all of that stuff. That is all going to be public information; that's all public. I was a little bit mystified by the comments also because I don't see at any point where you would utilize her services to gather any kind of information that would not be public. If I ask her to call other municipalities to gather information and see how they do it, that type of thing.

Mr. Rys stated, I think the rest of the Councilors agree with me that her job is not in jeopardy.

Mr. Melillo then asked if the Comptroller obtained the figures he requested at the last meeting on the pension fund, specifically an average of how the pension fund investments worked out for the last several years or so?

Mr. Myers responded that the figures were in his office and he left the meeting to retrieve them for Mr. Melillo.

Mr. Melillo next commented on the magnet school issue. In his opinion the vast majority of the taxpayers feel that those students that will attend a magnet school can get the same education right here in Wallingford. They feel there is no need to join the magnet school in Hamden. He asked, does the Board of Education have the sole right to vote Wallingford into the Magnet school project? Can't they be overruled by the Town Council?

Mr. Rys answered, that was a deal the Board of Education made with Hamden, New Haven and the other communities. If there is funding or anything that is involved as far as the Town of Wallingford, yes, it would most likely come back to this Town Council and it will be discussed. At this point there has not been anything asked of the Council or of the Town. That is the process.

Mr. Melillo stated that the Board of Education should have invited the Council to a meeting before voting on the issue.

He went on to say that it was just a matter of time before the taxpayers of Wallingford are going to be hit real hard by taxes.

Mr. Rys reiterated, it will come before the Council if any funding is required. We cannot discuss the philosophy of the Board of Education. It is up to the Town Council liaison to the Board of Education that committee that we have appointed. They bring back the information.

Mr. Myers stated that he has looked at the pension fund for the past four fiscal years, 1994-1997 inclusive. The four year average is 14.98%. It went from a low when the market was down in 1994 the return was 4.13%; in 1995 it was 18.5%; in 1996 it was 16%; in 1997 it was 21.3%; F.Y. 1998 is another good year. The total return for 1998 should be somewhere in the range of 20%.

Mr. Melillo asked, are the costs of the professional managers that the Town has hired, are their wages factored into that 14.98%? After you take out the costs of these money managers that the Town has hired, how much does that leave? How does that effect the 14.98%?

Mr. Myers answered, in my opinion it would be an insignificant effect. Paying our managers is no different than paying the commissions on the buys and sells and trades on the stocks, or the brokerage fees or the SEC fees.

Mr. Melillo asked, approximately how much are we paying these managers per year?

Mr. Myers answered, probably in the neighborhood of \$300,000.

Mr. Melillo responded, that is a lot of money.

Reginald Knight, 21 Audette Drive stated that he would first like to thank the Mayor and Mr. Cominos for the nice new lights on his street. He now feels a lot safer. He then asked Mr. Knight, how did this article get into the paper? Did you call them or did they call you and ask you?

Mr. Knight thanked Reginald Knight for giving him the opportunity to respond. He responded, they asked me, they specifically called me up and asked me a question and I gave them an answer. It is that simple. I would never initiate....I don't think that a matter such as this I would have initiated something like that but I do feel that if somebody asked me a question I give them an answer as carefully as I can.

Reginald Knight responded, I know that it is difficult sometimes to get what you really mean into the newspaper. What I am worried about is the timing because you see, this lady (Town Council

secretary) was married to this gentleman before he got elected. Now there is no secret that Mr. Zandri is of the democratic persuasion so why should it make any difference whether he is on the Board or on the Council or not? Millions of doctors, lawyers, etc. go home and they do not discuss other people's private business with their spouses. There is supposed to be an integrity I think that Mrs. Zandri has that integrity and I would not doubt it for one minute. (applause) I have great respect for this lady. The other thing that I would like to mention is, what are the alternatives? Do we make the secretary the strongest party person; they have to belong to that party? Well that would not be fair to the minority party either because the same thing would apply. Also if you have someone who is not affiliated to any party then they could run off at the mouth to anybody at any time. So if you hire someone on the basis of their intelligence and workability and their integrity it should not matter what the title is on you gentlemen. As somebody else mentioned, anything that you discussed or asked her to look at is for the good of the town so it should not matter who hears it or sees it. I know there are things that go on but.....I would just like to go on one sobering point on the numbers game on the elections if you don't mind another minute or so. Everybody got in with their pluralities, etc., but just reading from left to right on the majority party, if you go by percentages of people who didn't vote for you either by apathy or from another party or maybe they were out of town. Going from left to right, 78%; 76%; 70 something percent; 77%; 75.5%; 81.5%. These people did not vote for you. It is a sobering thought and I think you should look at that when you sit up there because you are supposed to represent all the people of Wallingford even the apethic ones. There are people who do not come up, I know I keep repeating myself on this because the Chairman keeps saying "I wish more people would come" and people stop me in the street and say that I don't want to come because they really don't listen. At least the Mayor listened and the man from the Electric Light Company.

Vincent Avallone, 1 Ashford Court congratulated the Mayor and Council stating, I hope you do a good job in the upcoming years. I, too, come to speak before you as a result of the newspaper article concerning Kathy Zandri; as you may or may not know, I am personal friends with Geno and Kathy and while I am sure that her integrity needs no defending, after reading this article I felt compelled to come and make a few statements. There is a little bit of a history here that led up to me being so disturbed by this particular article and if you recall in March there was an accusation made against Kathy, that she did not perform some function of her job the way that she was supposed to and then that accusation was not followed up on and that was just dropped. To was that a move to reduce the number of hours that she was working from 32 to 19. And then one reads this article and I quote there is an allegation that, "her loyalty to her husband will impede her objectivity." Steve, you can answer this, if that doesn't infer

a conflict of interest I don't know what does. This does not say, it may, it said, "will impede her objectivity". To me that infers that one is not going to do the duties that her job calls for.

Mr. Knight responded, I think you are inferring too much from that and you are a student of language and that is your profession and I would expect that you would....that is an inference that you're making and that was not my intent and I know the relationship I have with my wife, o.k.? And she would impede my objectivity. I have a very strong relationship with her, she is my....

Mr. Avallone asked, in your job Steve, she would?

Mr. Knight answered, there are times when I share information with her that has to do with either my job here or my business, certainly and her opinions carry great weight. All I suggested in my remarks Vinny, Kathy is put in a very difficult position because as some of the work we do up here is of a confidential nature. Maybe you would say this and that.....a relationship a man or woman has with their spouse is as close as two human beings can get and there are political considerations that might make that...and maybe I said "will" and maybe that statement is too strong and I am starting to eat some of these words this evening. Having said that though I do want it made clear that what was said and what is being inferred is two very different things and I can appreciate that your friendship, your loyalty to your friend has prompted you to be here. Carry that to the point where it is a man and wife relationship and I hope you can begin to understand how the possibility would exist that she would be put under pressure to share information that I might or might not want her to share with her husband. That is as clear as I can possibly say that.

Mr. Avallone asked, don't you see that as questioning her character though, Steve?

Mr. Knight answered, I don't necessarily think so because I think, I think Kathy, I don't know, I cannot examine her relationship with her husband but on the surface of it it looks like its a wonderful thing to behold because it is strong, she is very loyal to her husband and she should be, she should be.

Mr. Avallone responded, there is a difference between loyalty in a marriage and then doing what you are supposed to do, the requirements, fulfilling the requirements of your job and I apologize, I am not here to argue with you at all. I am just telling you that what was put in the paper can be construed in a negative way. I think you have gone some way to say that maybe you used language that was a little stronger than you intended. But I am telling you, not just as a lawyer, but I am sure that the Mayor and Adam (Atty. Mantzaris) know, when something is reduced to writing for people to read it is a much more serious situation

than just conversations. One can always say that someone misinterpreted what I said but when you put something in paper and you read it and believe me when you say that this will impede her objectivity, to me, that is taken as questioning her character. That is what really upset me about that article. I then followed through and I interpreted that as you inferring that there is a conflict of interest and there is a decision by the Town Attorney, Janis Small, that there is no conflict of interest. So that should be put to rest right there. And then there was a further statement in that article by Mr. Parisi that, "I am sure we're going to have some conversations that will be very interesting about this issue." What conversations? What is there to discuss? You are Council people deal with the business of the town, this has no place. And as far as somebody calling you up from the newspaper, I would only suggest that you could have said, "no comment". The last thing I want to say is, I am a taxpayer of this town and if something is said by a Councilor that may lead to some kind of a lawsuit, and I was very happy to hear that you started out by saying that her job was not in jeopardy because I thought it was, I thought it was, and that is the other thing that really got me to come here, o.k., so I was very happy to hear that because let me tell you, in my opinion, if her job was in jeopardy over her husband being on the Council this town would be subject to a very liable lawsuit. I am a taxpayer and I don't want to have to pay for anything like that. (applause)

Wes Lubee, 15 Montowese Trail stated, I am sorry, I am not a friend of the secretary and I am not a Democrat. I was very disturbed by that article. When you are quoted in the paper as saying, "that puts her in an almost untenable position", that does imply that there is about to be a break made. And when Mr. Rys says, "I agree that there are some things we would like her to do and not have the Democrats know" I thought I would come down here to try and help others cut the limb off but I think, Steve, you have managed to cut off your own limb. Since this article was in the paper has the Republican Party agreed to employ your Council secretary and compensate her?

Mr. Knight responded, I am not sure I understand the question.

Mr. Lubee stated, your comments earlier this evening imply that the Republican Councilmen would have occasion to ask the secretary to perform what could be construed to be a partisan activity; partisan research. I am asking you if she is going to be employed by the Republican Party?

Ms. Papale stated, we all ask her on both sides to do that.

Mr. Lubee then asked, if not, she is an employee of the entire Council and the Council secretary is not a secretary to either party nor is the Council secretary the Council Chairman's secretary. The Council secretary is a classified position, is it

not?

Mr. Rys responded, yes.

Mr. Lube continued, and as such is subject to the established Personnel Rules applicable to the position of Council Secretary. If a Councilperson wishes to undertake partisan research, partisan activity of any kind the last person they should approach is the Council secretary contrary to your stated intentions, Mr. Knight. If Councilmembers have been misusing the Council secretary it is no wonder she may be distraught. What a horrible position to find oneself in, to be working with bosses who don't appreciate the fact that you don't want to be partisan. The Council secretary is paid by the taxpayers of this town and it is not an elected position and she is not serving at the pleasure of the Council majority. If you, as a Council member on either side of the aisle choose to become involved in research or an activity which you expect will yield political gain then do it yourself or have someone other than the Council secretary do it. She should be free to discuss every single bit of Council business with her husband without any fear of revealing confidences. If it should be confidential she should not be involved. That is not her job and I am sure it is not in her job description. Thank you. (applause)

Edward Bradley, 2 Hampton Trail congratulated those individuals who were elected and re-elected. He stated, I wish you well in the next couple of years. You know, it was the day after the election that I made mention to my wife, "you watch, you watch what the next issue is going to be. Because Geno got elected there is going to be an issue with Kathy Zandri, just watch." There it was, November 8th in the Record Journal. I first met Kathy when I served on the Council in 1990. At that time we were filling the vacancy for secretary. There was a three member committee of which I served on it, your Chairman, Bob Parisi and I believe Bert Killen. Kathy, out of all the candidates, stood above the rest and she was recommended to the Council and that Council at that time did approve her appointment. Kathy has always demonstrated the highest of integrity and professionalism as well as being an outstanding and wonderful lady. Mr. (Reginald) Knight hit the nail on the head when he mentioned the word, timing; timing of the article. Many other speakers mentioned the words and you are quoted all over, Steve, "I'm concerned about this", Republican Councilor Steve Knight said, "I think it has to be discussed." Bob Parisi is also quoted. Mr. Rys (is quoted) "It is a touchy, touchy situation." What is so touchy about it?

Mr. Rys responded, the employer that I am with does not allow, if my wife was to come to work, does not allow that. Lots of employers throughout the entire United States are the same way; a wife cannot work in the same department with their spouse or be under the direction of their spouse. That was my only concern. But you heard my answer.

Mr. Bradley asked, so, is there such a policy in the Town of Wallingford?

Mr. Rys answered, no there isn't and I did ask and I found out that is not.

Mr. Bradley asked, wouldn't it have been so wise, even your Town Attorney came out and said there is no conflict on the issue and it would have been so nice if you had talked with her first before we read about it on the front page of the local news. The other thing I would like to know, what is so secret in this office? Is there some sort of covert action here? Is this the office of the C.I.A.?, the F.B.I.? Didn't the residents of Wallingford elect all of you to function as a team? What is so secret in that office? And please remember the three letter acronym F.O.I. Other people have brought up the past, I was going to come down here in March but I decided to let it pass, I could not let this pass. Talk about sinister minds, this is sleazy politics, sleazy politics at its best in this is what turns people off when it comes to politics. Think about what you are doing before you react. It is nice to talk to the people at the newspaper and sometimes our tongues do slip, it has happened to me. But please, think about that.

ITEM #6 Consider and Approve One Appointment to the Position of Commissioner on the Housing Authority for a Term of Five (5) Years to Expire 10/31/2002

Mr. Knight referred to correspondence he had from Andy Bravo, Chairman of the Republican Town Committee when he was interrupted by Ms. Papale stating that the Democratic Councilors did not have a copy of the letter to which he was referring and about to read into the record.

Mr. Knight responded, it was not part of our agenda packet but it is part of the mail we received in our packet. Can I just read it and if someone objects to the appointment at this time we can certainly can withdraw it.

Ms. Papale stated, I just wanted you to realize that we had no idea.

Mr. Knight answered, I saw this in the stuff that Kathy put in our packets, it was not in the agenda part though, it was part of all the mail we get, the correspondence. Am I right, Kathy?

Kathryn Milano-Zandri, Town Council Secretary stated, it did not come down with the agenda packet from the Mayor's Office, it is something that could be possibly be.....are all Councilor's copied on the bottom of that letter?

Mr. Knight answered, yes...ah, no, as a matter of fact you are



correct on that. The cc's that I see are the Republican Councilors and you are cc'd of course. Are you aware of that? Since we are inferring things this evening, perhaps there was an inference that everybody get a copy of this.

Mrs. Zandri responded, that is not necessarily the procedure of the office.

Mr. Knight stated, I understand. If I may, let me just read this, if people have objections to not being notified in time perhaps we can discuss that as part of the item. He then proceeded to read the letter from Andrew Bravo, Chairman of the Republican Town Committee to Mr. Robert Parisi into the record.

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

Mr. Rys asked if everyone if they felt comfortable voting on Mr. Prentice's appointment?

Mr. Gouveia responded, it demonstrates a certain amount of arrogance. We all realize that you don't need more than the Republican's (Councilor's) votes to appoint this individual but it would have been nice if all the Councilors got a copy of the letter. He has no choice but to abstain from this vote, but then it doesn't matter.

Motion to Table This Item in view of the objection of Peter Gouveia and possibly the questions from some other Councilors, seconded by Ms. Papale.

VOTE TO TABLE: Parisi was absent; Farrell, no; all others, aye; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in an Amount Totalling \$16,028 from Various Accounts within the Fire Dept. Budget to Building Expansion and Repairs - Central Fire Headquarters Acct. #001-2030-999-9934 - Dept. of Fire Services

Motion was made by Mr. Knight, seconded by Ms. Papale.

The funds are being transferred from the following accounts:

\$ 529 from Portable Radios	Acct. #2030-999-9909
204 from On-Spot Automatic Chains	2030-999-9912
9,235 from Htg/Cooling System Co. #5	2030-999-9937
854 from Breathing Aparatus Upgrade	2030-999-9940
899 from Radio Pagers	2030-999-9944
100 from Lawn Tractor - Co. #8	2030-999-9950
207 from 5" Supply Hose	2030-999-9958
60 from Day Room Furniture Co. #8	2030-999-9965
540 from Carpeting Co. #5	2030-999-9966

\$ 304 from Roofing Co. #5	2030-999-9967
56 from Personal Computer Co. #4	2030-999-9970
462 from Battery Conditioner/Analyzer	2030-999-9973
1,274 from Smooth Bore Nozzles	2030-999-9981
1,304 from Two-Way Radio/Intercom	2030-999-9983
<hr/>	
\$16,028 to Bldg. Exp. and Repairs - CFH	2030-999-9934

Mr. Centner noted that there were many accounts within the Fire Department's budget that had excess funds in them that were being closed out. He asked if there were any other miscellaneous funds kicking around?

Chief Wayne Lefebvre stated that they were all cleared out.

Mr. Centner noted that the Contingency for General Purpose account has approximately \$273,000 in it. He asked if the Chief was expecting any other contingent needs for the remainder of the year?

Chief Lefebvre state that he hoped not.

Mr. Gouveia noted that the original appropriation for the Htg/Cooling System account was \$15,000. Only \$5,760 of the appropriated amount has been spent and with this transaction all but \$5 of the remaining funds will be transferred.

Chief Lefebvre explained, this project was spread over two fiscal years so there was money from another fiscal year in addition to that. The estimates originally recieved for the project were far greater but he bid it out in two different manners. The engineering part of it was bid out separate from the actual installation bid and a savings was realized as a result. It is being installed right now. That is what the \$3,960 is encumbered for.

Mr. Gouveia, referred to the Two-Way Radio Account noting that \$4500 was appropriated and only \$3,195 was expended of that amount. He asked if all of the necessary equipment was purchased? Why was there such a discrepancy?

Chief Lefebvre responded, yes all the equipment was purchased. It is difficult to guess from year to year how the bids will come in on equipment such as this. Some years there are more companies bidding the work creating competition resulting in some good buys. He explained how catalog prices are used when estimating the budget. There is no other way to price the items. When it goes out to competitive bid they quite often come back with a nice surprise for the department. Such was the case of the Smooth Bore Nozzles.

Mr. Gouveia referred to the Office Systems Furniture account with an appropriation of \$20,000 and asked, did the item go out to bid?

Chief Lefebvre responded, it is out to bid presently and will be opened up on the nineteenth. The prices come from price quoting.

Mr. Gouveia asked, aren't we tipping our hand if we are telling that we are appropriating \$20,000. for the product?

Chief Lefebvre responded, could be.

Mr. Gouveia next questioned the finished basement account. With regards to this year's appropriation of \$100,000. he asked the Chief if he was planning to spend the entire \$100,000 this year?

Chief Lefebvre responded, yes.

Mr. Gouveia asked why the project was not placed on the Capital and Non-Recurring budget instead of the regular annual budget?

We have a Capital and Non-Recurring budget that was created specifically for items of this purpose.

Chief Lefebvre responded, this is a project that spans two fiscal years.

Mr. Gouveia reiterated, that is the purpose of the Capital and Non-Recurring budget so that you can spread the project over two or three years because of the size of the job and it takes a long time to accomplish. We are co-mingling annual capital items with Capital and Non-Recurring items.

Chief Lefebvre responded, it is not his choice to decide in which budget to place the item.

Mayor Dickinson stated, it is not the fire chief's decision where a project is funded in a budget.

Mr. Gouveia directed the question to the Mr. Myers, Comptroller. He read language from the Charter which states, "Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse." We are carrying it on. We have a mechanism to do that if we want to and that is to put the money in the Capital and Non-Recurring budget where you would have three or more years to spend it.

Mayor Dickinson explained, we have been following practices that have been followed consistently by the Town since 1961 when the Charter was adopted. Many communities do not have Capital and Non-Recurring Funds and capital items would appear in a budget similar to the way this appeared in our budget. Certainly, the Capital and

Non-Recurring portion of the budget or that ability to use funds does not limit us from budgeting for capital items it is just one other mechanism allowing for the funding of capital items. This has been a consistent practice since the first Charter.

Mr. Gouveia responded, slavery was a consistent pattern for many years and it was changed. Just because it continues for many years does not mean it is right. Other communities may not have the Capital and Non-Recurring budget but that may be because they choose not to have it, they are empowered by State statutes to have that same fund as we do. Our ordinance for the capital and non-recurring expenditures is the mechanism that makes things a lot clearer for the lay people on the Council to follow the budget. If the attempt is to clarify things for everyone that is one thing but if the attempt is to confuse everyone else then it is a different story. We have a mechanism that makes it very clear, it is too bad we do not use it.

Mr. Knight asked Chief Lefebvre if the fuel tank was removed from the ground?

Chief Lefebvre responded, yes, last year.

Mr. Knight next asked, when did it become evident that you were not going to have enough money to buy the office furniture that you needed for this project?

Chief Lefebvre answered, we knew that when we opened the bid but it was not an appropriate thing to put in at that time. We wanted to feel our way along and come before the Council one time rather than keep coming back; it was a timing issue.

Albert Killen, 150 Cedar Street asked, how will the transfer appear in the minutes? The money is being transferred from various accounts within the Fire Department's budget which are not listed individually. The Council will be voting on all of the transfers at once therefore the minutes should list the specific accounts.

Mr. Rys responded, this is what we have been doing right along. Whenever you have more than ten items included, generally this is our record.

Mr. Killen stated, if not appended to your record then there is no record in the minutes of your action.

Motion was amended by Mr. Knight to Append the Item and a List of Accounts to the Minutes of the Meeting, seconded by Mr. Centner. (Appendix I)

VOTE ON AMENDMENT: Parisi was absent; all others, aye; motion duly carried.

VOTE ON ORIGINAL MOTION: Parisi was absent; all others, aye; motion duly carried.

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$26,028 from Contingency - General Purposes Acct. #8050-800-3190 to Building Expansion & Repairs - Central Fire Headquarters Acct. #2030-999-9934 - Dept. of Fire Services

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

No discussion.

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

ITEM #9 Consider and Approve Amending the Table of Organization of the Police Department in the Budget to Show an Increase of Hourly Bargaining Staffing from 89 to 91 Positions - Dept. of Police Services

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

At this past Spring's budget session the Police Department requested and was granted funding to add two new civilian dispatchers to the department. The funds have been held in the contingency account to date. The examination and interview phases of the process are completed and the department is ready to hire and commence training for the prospective employees. The Council must first take action to increase the hourly bargaining staff from 89 to 91 positions.

Mr. Centner asked if the request will shift any work from any other department to the Police Department or is it solely in-house?

Chief Douglas Dortenzio responded, it is solely within the Police Department.

Ms. Papale asked, why was the money placed in the contingency account at the last minute?

Chief Dortenzio answered, I suppose there are probably nine different viewpoints by both yourself and your peers.

Ms. Papale asked, we (the Council) asked you to do that?

Chief Dortenzio answered, yes, you did.

Mayor Dickinson explained, the reason the Council asked that the funds be placed in the contingency account was because the issue was tied into the 911 discussion.

Mr. Gouveia asked if the employees have been hired yet?

Chief Dortenzio responded, no. They need only to have physicals and we will start their employment, contingent upon the Council's action this evening. This has nothing to do with 911. We have thirty-five different dispatching positions per week and we have insufficient numbers of people to do that.

Mr. Rys asked, will this place officers on the road?

Chief Dortenzio responded, yes. The dispatching positions are staffed entirely with police officers on the midnight shift. Those officers would otherwise be operating radio cars and patrolling the town.

Pasquale Melillo, 15 Haller Place, Yalesville urged the Council to approve the request.

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

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$35,124 from Accrued Expenses Acct. #8050-800-3230 to General Wages Acct. #001-2205-101-1000 - Dept. of Police Services

Motion was made by Mr. Knight, seconded by Ms. Papale.

Mr. Gouveia asked Mr. Myers, why are the funds being transferred from the Accrued Expense Acct. instead of Contingency Reserve?

Mr. Myers responded, during the budget process we place certain items in this account that is referenced here. The items are specifically labeled. The General Purpose Contingency Account is really available for any unforeseen circumstances.

Mr. Gouveia stated that correspondence accompanying this item states that the money was placed into contingency reserve so why isn't it being transferred out of that account?

Mayor Dickinson explained the account is a contingency account, it is a contingency for other purposes.

Mr. Centner asked, how is the overtime running this year compared against the wage account?

Chief Dortenzio responded, much faster than usual. We have been running with quite a number of vacancies in the early part of this fiscal year with both dispatching positions and the sworn compliment. At one point the department was missing approximately 12% of the sworn force. There are a number of people who are in the police academy and there are some that are waiting to go to a class. Meanwhile, the work continues to pour in and as it does we have to address the shortages using overtime funds. If the

department's expenditures continue to run too fast the latter part of this fiscal year I may have to draw from those wage accounts which would normally have been expended had the personnel been in position.

Geno Zandri, Jr., 37 Hallmark Drive asked, is the dollar amount that is being transferred the dollar amount that is left for the remainder of the budget year.

Chief Dortenzio responded, yes.

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

ITEM #11 Consider and Approve a Revised Job Description for the Position of Secretary in the Risk Management Office - Personnel

Motion was made by Mr. Knight to Approve the Job Description and Append a Copy of it to the Minutes of this Meeting, seconded by Mr. Centner.

Terence Sullivan, Personnel Director had left the meeting temporarily and was no available to this issue.

Ms. Papale requested that the Chair declare a five minute recess.

Mr. Knight withdrew his motion, Mr. Centner withdrew his second.

Motion was made by Ms. Papale to Take a Five Minute Recess, seconded by Mr. Gouveia.

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

The Council recessed at 8:43 P.M.

The Council re-convened its meeting at 8:51 P.M.

ITEM #11 Consider and Approve a Revised Job Description for the Position of Secretary in the Risk Management Office - Personnel

Motion was made by Mr. Knight to Approve the Job Description and Append a Copy of it to the Minutes of this Meeting, seconded by Mr. Centner. (Appendix II)

Correspondence from Terence Sullivan, Personnel Director explains how the proposed job description is new and replaces the current classification of senior clerk. The draft description more accurately reflects the actual duties of the position. Union representatives are in agreement with the draft document and the pay scale remains unchanged. The plan is to recruit and fill the vacancy as soon as possible contingent upon the Council approving the description.

Terence Sullivan, Personnel Director stated that the senior clerk position is a fairly generic job description and is meant to be fairly vague; it is an across-the-board, fits all kinds of situations except that in this situation the Risk Manager and I feel strongly that the clerical staff that perform this function need to have certain skills, backgrounds and the proposed job description more accurately reflects what actually happens.

Mr. Knight noted that the description lists a great deal of duties performed in the area of workmens compensation. He asked if those duties were performed in the position of senior clerk?

Mr. Sullivan responded, yes, probably 90% of all the work performed in the position is workers compensation.

Mr. Knight noted that there is a great deal of confidential work processed through the position. Is this one of the reasons for moving it to a more specific position and describing it in more detail?

Mr. Sullivan answered, not necessarily, it is not uncommon for generic job descriptions to cover work that is confidential although it may not specifically state it. This is the time to make the job description reflect what actually happens.

Mr. Gouveia commended Mr. Sullivan to take the opportunity at this time to upgrade the job description.

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

Mr. Rys announced at this time that Item #15 will be included in the executive session discussion for Item #19.

ITEM #12 Consider and Approve the Closure of Oliver Creek Road and Attached Resolution as Requested by the Director of Public Works

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

Henry McCully, Director of Public Works recommends the closure of Oliver Creek Road due to the repeated vandalism and illegal dumping that is occurring there. The installation of a guardrail and locking gate at the east end of Oliver Creek Road would limit vehicular access to the road except to those who have legitimate business there. The principal use is to provide utility companies access to gas and electric transmission lines. The Town surveyed utility companies, Town departments and the owners of adjacent properties about restricting access to the road. No negative responses were received. Anyone who requires use of the road and has legitimate business there will be provided with access.



Mr. Centner asked, even though it is an unimproved road, after we have gated it off do we expect to save any money? Were we doing any maintenance over there?

Mr. McCully answered, other than going in there periodically to clean up illegally dumped trash. The road is a dirt road running east to west at the southern end of what is generally known as the landfill. It goes into the wetlands and runs up to the Wilbur Cross Parkway. We would save money by not having to go in there and clean it up all the time. There are no homes on the road. The gate will be constructed in-house. It will be locked with a combination lock which will be given to the different businesses that require access to it.

Mr. Zappala asked, why not place large blocks there similar to those blocking the tracks on Hosford Street?

Mr. McCully responded that it would not be wise since there are businesses that do need to access the road on occasion.

Mr. Zappala stated that, in his opinion, the blocks on Hosford Street look terrible and something should be done about it.

Mr. McCully offered to speak to Amtrak about the possibility of putting plantings in to hide the barriers.

Mr. Gouveia asked if it would make sense to abandon the road?

Mr. McCully responded, no, not at this time.

Mr. Renda warned Mr. McCully that people may dump their trash in front of the gate.

Mr. McCully answered, if so it will be a lot easier for us to get to it. There are parts of Oliver Creek Road that is difficult to reach with machinery when cleaning up trash. It would be naive to think that we are going to stop the dumping, it will cut down on it.

Mr. Renda asked if the dumping is still taking place at Tyler Mill Road?

Mr. McCully answered, yes, but it is not as bad as it used to be. We have a caretaker patrolling the area. We have received a report today from the caretaker.

Mr. Rys asked that the Council receive a copy of said report.

Mr. McCully agreed to copy the Council.

Mr. Rys asked, will the guard rail gate be similar to the one

located at the north end of Community Lake?

Mr. McCully answered, yes.

Mr. Centner asked if it is possible to look into have school children paint murals on the large cement blocks on Hosford Street rather than have plantings brought in?

Mr. McCully answered, the barriers are on Amtrak property. I am not sure they would want us changing or tampering it. I would have to check with Amtrak.

Reginald Knight, 21 Audette Drive asked, if the road is going to be closed off what if there is a brush fire in the area and they need access to it?

Mr. McCully responded, the appropriate departments and businesses will be given a heavy duty combination lock.

Albert Killen, 150 Cedar Street asked if the road is a public highway and if there is an obligation on the part of the Town to hold a public hearing on the matter?

Atty. Mantzaris was not aware of any obligation on the part of the Town to hold any kind of hearing on the action. The road is not being abandoned. He was not entirely sure if a hearing was necessary. Adjacent property owners have been contacted and no negative responses were received. He does not see a liability in voting one way or another on this issue tonight. He will review the issue tomorrow. If the Council votes in the affirmative he will direct Mr. McCully to do nothing until Atty. Mantzaris renders an opinion on whether or not a hearing must be conducted.

Mr. Killen suggested that the matter be looked into before the Town faces a lawsuit.

Mr. Rys asked if the matter could wait until the next Council meeting.

Mr. McCully answered, it could wait.

Geno Zandri, Jr. suggested that the Council vote contingent upon Atty. Mantzaris' investigation. That way it could be passed this evening.

Pat Melillo stated that all legal avenues should be researched first before taking action.

Mr. Knight amended the motion stating, The Approval be Contingent Upon the Positive Response from the Legal Department of the Town that we Have the Right to take this action without a formal public

hearing, seconded by Ms. Papale.

VOTE ON AMENDMENT: Parisi was absent; all others, aye; motion duly carried.

VOTE ON ORIGINAL MOTION: Parisi was absent; all others, aye; motion duly carried.

ITEM #13 Consider and Approve a Budget Amendment in the Amount of \$60,000 to Establish and Fund Acct. #427-042 - Interest in Durham Road Pump Station/Williams Road Pump Station from Estimated Interest - Durham Road Pump Station Acct. - Sewer Division

Motion was made by Mr. Knight, seconded by Ms. Papale.

No discussion.

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

ITEM #14 Report Out by the Planning & Zoning Commission on Open Space as Requested by Councilor Gerald Farrell, Jr.

Mr. Farrell explained how there is a liaison committee between the Council and Planning & Zoning Commission. The committee is composed of Mr. Farrell, Mr. Gouveia and Mr. Renda. Other Councilors have attended the meetings, including Mr. Knight. At a liaison meeting in October, a topic of discussion was open space and part of what was said by a number of the P&Z commissioners was that it would be worthwhile for the entire Council to hear the views of the commission regarding some of the linkage that exists between open space and the powers and issues that come before the P&Z commission. This is the reason Mr. Farrell requested the placement of the item on the agenda this evening.

Bill Austin, Chairman of the Planning & Zoning Commission congratulated the Mayor and members of the Council in the recent election. He stated, it is nice to have all of you back and we could get more attendance here probably if we had a good subdivision or something to bring the people in. Having spent two or three nights a month sitting at the Council bench listening to a lot of concerned folks. Our liaison committee meeting discussed two items; one was a clarification of a procedure for street naming and the other, the development of Wallingford. Sitting and listening to applicants as they make proposals for land development and citizens, neighbors many times saying, "but that is my back yard and we would rather have it remain as open space." And somebody always says, "there will be overcrowded schools because of this" and someone else says, "traffic will be a problem", and somebody else always brings up the point that the cost of community services is going to increase beyond the revenues of this

development. All of those subjects are of concern to every one of us. My observation is, as land is developed the open space disappears and we don't have a problem of selecting open space because it is gone. From 1968 to 1997 we have a number of open space subdivisions. During the period of time more than 602 acres of land have been preserved and protected as open space. We did not have to pay or use public funds to buy that land for it was part of the land use regulation that the land be set aside as open space. As new development is proposed, and we have several proposals before us that will likely be completed before the end of the year, public comment is that open space is a valuable asset and we should have more of it. Linda Bush, Town Planner has pointed out with the facts and figures that compare to the 1980s that we are not really developing a lot of new lands right now. We have a total of 174 single family lots that have been approved during the year 1997 or will likely be approved by the end of the year. Simple mathematics on that situation; how many children per house translates into how many in school; how many children per classroom and we don't have enough classrooms or teachers or schools to put the classrooms or the teachers in. We have pointed out to the folks who make those comments to the Planning & Zoning Commission that our Town Attorney has rendered a decision that we cannot stop the development of a subdivision because schools may be overcrowded. It is important that we all work together. Out of the 602 acres of land that was preserved as open space due to the land use regulation about 66 acres were too steep or too wet to use as usable open space. In an open space subdivision all that is left as open space is the wetlands. We have a lot of wetland that is left and it does not make the impact on the community that the parade ground in the center of town makes as a public open space. Based on those observations we, at the liaison meeting, decided that we needed to tighten up land use controls. We asked our Town Planner to write a request for a proposal (R.F.P.) for a consultant to do that. Ms. Bush was very effective at looking at it and working with our Town Engineer. She came up with, if we are going to write some land use controls to be more effective then we really need to look at a vision of what it is we want to control. If we have a better vision of where we want to go with land development in Wallingford then we can write some land use controls restrictions that will help us achieve that. The draft R.F.P. was reviewed by the commission recently and it was decided that it needed more work at a workshop meeting that will be held sometime within the next two months; sometime in January. He invited the liaison committee to be part of that. The vision is important to that we can refine land use controls and be headed in the right direction.

He went on to say, after the land is developed and it is a flood plain then it is too late to buy the properties or maybe it would be the best thing. As you look along the stream course like Wharton Brook, in the last seven or eight years we have had maybe

three one-hundred year floods or events as they are sometimes referred to as being. In the area where the Wharton Brook crosses Center Street near the Grange Hall, last April we had a rainfall event and there was nearly knee-deep water around the Grange Hall and the gas station. Since that time a subdivision of land has occurred in head waters of that drainage so more water now runs off and runs down the stream than did in the previous 100 years. If we select the stream course as a focal point for land acquisition we might even prevent the loss of property and that is a valid use for open space. The P&Z Commission's course is to continue refining the R.F.P. and come out with a list of consultants that will give us some direction with public involvement to improve our land use planning.

Mr. Farrell asked, in terms of the R.F.P., it might be a good idea to get copies of that to each of the Councilors so that as it moves forward people have a copy of that to digest and maybe comment upon so that before it comes back before the Council for a funding stage; even though we are a ways from it; it is a way to get everyone's input in the process. Copies should also be available through the Planning Office. There are many citizens who visit the counter to rummage through the papers located there.

Mr. Austin responded, after reviewing this R.F.P. earlier this week we decided that it needed so much work we did not want to share it with anyone yet. One part of it, the issues, reads as follows; "What does Wallingford want to be; secondly, is our plan of development where we want to be and, do we have the controls in place to achieve what we want to be." The vision is very important so we can get a solution to those issues.

Mr. Farrell thought that it was a good direction in which to proceed; open space that we define a consensus here because there are going to be a variety of opinions of why we should purchase open space and how we should use it. Before getting too far down the road it makes sense to have that kind of dialogue going on.

Mayor Dickinson stated, with regards to the subdivision that was recently approved he asked, were there retention basins as part of that approval upstream along Wharton Brook?

Mr. Austin was not entirely sure.

Mayor Dickinson was concerned that the Town is representing that it is approving a subdivision upstream or are looking at it and then telling people, there is flooding downstream so we will end controlling how much water would leave the site of the newly developed area.

Mr. Austin answered, my intent was pointing out that the headwaters

of this stream have been changed remarkably over the past twenty years so that now there is a lot more water running off than there was. Any new subdivisions do have retention basins and storm water controls.

Mayor Dickinson commented, I did not want anyone thinking that we know it is going to happen but we just approve it and don't look to control the water knowing that there is a potential for flooding.

Mr. Austin assured the Mayor that the P&Z Commission looks at means of controlling that as approvals are requested. We have looked at proposals for developments where the engineer's calculations assure us that retention basins will control more than 100 year storms.

Mr. Gouveia stated, I will try to restrain his excitement and exuberance as he applauds, praises and commends Mr. Austin for coming before the Council with the request that he is making. I did not expect to see this day where the Planning & Zoning Commission of this town would come before the Council and pinpoint the problems that we are having and have had with planning for the past at least ten years. I can speak to those for I carry the political scars from making those arguments in the past. I have always maintained that every property owner has the constitutional right to a reasonable use of their land. I have always also maintained that the Planning & Zoning Commission has a discretionary power to set regulations as strict as they can be and fit the needs of the town without violating that property owner's right to a reasonable use of their land. With proper planning there should never be a moratorium. A moratorium is an affirmation that there was no planning. I have made arguments all along that we should strive for incremental development; you only allow for the development that your infrastructure can handle. I remember when, in this town, people bought their houses or built them and when they went to get a certificate of occupancy to the house they could not move in because there was not enough water pressure. Those things have happened; nobody listened. I could say that you are too late Mr. Chairman, but it is never too late. I concur with you, we have purchased a little bit of open space but nowhere near enough as we could have purchased. We have even given some tax breaks to orchards and dairy farms to try and keep those people maintaining their land, work their land instead of seeing them turn into developments. There was much more we could have done and I hope you entertain these ideas when you pursue further with the consultant. I have always maintained that there are too many people building too many houses in this town; houses much, much larger than necessary and those people were the ones that were placing the greatest burden on the environment and therefore it would be appropriate to set aside a certificate of occupancy fee and use that money to purchase open space. I am excited that you are looking to minimize the impact of growth in this town and I

wish the fortitude and vision that you speak of was there ten years ago. Unfortunately, it wasn't. Arguments, stone walls were there; obstacles were there and I think a person with a can-do attitude that you have might be the person who will finally get something accomplished. I sincerely thank you for it.

Mr. Austin commented, a newspaper article that sparked a bit of interest was one from the Town of Bethany that said that, "current zoning may risk town's rural character." Although the article was written a couple of years ago it was interesting to think that land use control may have an impact on whether we have a rural character that we have known over the past ten or twenty years or longer. As the farms are converted to subdivisions and the streets change to be more suitable for more traffic which seems to be a paradox. We widen the streets to make the way for more automobiles in our community and we cut trees down and provide more parking spaces but have you ever tried to get across the intersection near the post office on Main Street? If you're lucky, if you are in the sprint position when the light changes you might get two-thirds of the way across before the light changes for traffic to start moving. The traffic moves fine but the pedestrian has been given the second best chance. We have been focusing on trees quite a bit and my standard answer even to Henry (McCully) is that we will plant a double row of trees of at least three species and make them at least five inch diameter. We are getting that message out. Along Route 5 we have achieved some controls that never existed before. It is not perfect but the applications we receive from the Route 5 area now are of better quality than what we had. We will work on it incrementally.

Mr. Centner stated that he, too, was enthusiastic about the proposal. I am still one of those guy without water pressure where I live. As a matter of fact the area in which I live, Strathmore Farms, we have the largest or one of the largest tracts of open space; about forty acres. Most of that is tough spots, rough grade, heavily wooded or on steep slopes and with better planning we could have done with a few less houses and re-planned or re-laid out, the open space would be more usable for those in the neighborhood. I strongly agree with the proposal and have been in support of it since I heard it announced by Mr. Farrell a while back. He asked if the entire Council could be notified when the commission is ready to do the revising of the current proposal?

Mr. Austin responded, yes, I certainly will.

Mr. Zappala stated, you mentioned 600+ acres left that are undeveloped, are those the cluster home building that is going on?

Mr. Austin replied, the open space subdivision which we find sometimes is not well understood by every member of the public and after reviewing a number of those applications we begin to

understand them in great detail. Yes, the open space subdivisions set aside land for management ownership by the homeowner association or the land trust and that is the land that I was referring to. Linda Bush and Tom Talbot have prepared what is similar to a directory map which shows the location of open space planned residential districts in Wallingford along with a breakdown of the acreage in each one and the number of lots. It tells us where the open space is. The use to which open space is put varies a good deal. For those folks who live next to it, sometimes it is a place to dump leaves or to take the trimmings from the landscape. The use of open space for raising cotton tail rabbits and deer and other wildlife, that is one use but there are some other things that are competing.

Mr. Zappala concurs, something must be done to make sure that we don't get as developed as we have in the past. I don't know if it is legal or not but we could certainly change our regulations to require more acreage for houses. I assume it is legal and I don't know why we haven't done this before. Can you clear me up on that matter?

Mr. Austin explained, on one extreme the area of our water supply watershed east of 91 there are larger lots there to protect the water quality. I believe that was the thinking at the time.

Mr. Zappala replied, they have very bad drainage. The soil does not allow for the installation of sewers but they could put leaching fields in some places and that was the reason they had three acres or better. Wallingford has become a very desirable town in which to live and we are experiencing building all over the place. Can't we do anything about re-zoning so that there will not be so many houses built in the cluster developments?

Mr. Austin responded, that is the direction we are headed if we have the proper vision. If we decide which direction we want to go in we can then change our rules. Keep in mind that we have 10,000 laws to enforce, the ten commandments and we still don't have it right yet.

Mr. Zappala stated, I wish we could buy all the open space in Wallingford, but we can't possibly do that. We should, however, do the best we can to make sure that Wallingford stays as Wallingford has been in the past years.

Wes Lube, 15 Montowese Trail....(Mr. Lube's initial comments were not recorded due to a malfunction of the microphone at which he was standing.) At the time the open space was created by the developer the Town Planner had the developer, at the instruction of the Planner, utilize a lot of the open space in forming a peripheral strip around the subdivision which was really a waste of the open space. The homes that are clustered have only maybe ten acres of



open space that it collected in a big hunk as a result of that. A lot of that open space was not properly planned. There are two brooks in Oakdale Woods and those two brooks join and flow down by the Oakdale Theatre where many of you may have noticed that they have had to use rip rap to control what have become huge rivers when we have a storm. Those two brooks that go through Oakdale Woods; one has its headwaters on the old Centner family land and the other on the Ashlar Village land. As the Centner land was developed into condominiums and as Masonic has been developed we now have a tremendous runoff downstream that has resulted from that. No one in my neighborhood has any right to say, "upstream you can't do that because you are going to impact our brooks." We always have to remember that every man has the right to enjoy his own property. There has been a lot of comments and a beating around the bush but I think that it is important for us to really think about what is open space. Open space are slopes, wetlands, forest land, it is natural un-touched land. It is not parks, it is not golf courses, it is not manicured by man. Once man touches it it is no longer open space. Open space is to be preserved in its natural state and that is why most of us love New England. We love the rough terrain, we love the slopes, the hills, the valleys, the natural beauty that we have here and that is why open space is intended to preserve. When we go out and say, "that view is something worth preserving as a community and we want to stop that from being developed", the only way to stop it is to buy it. And we have to buy it not by condemnation, we have to buy it on the open market and pay true market value for the property and now you are talking some serious, serious money if you are going to do it to any extent. The alternative to this is something that is never mentioned in this town, heck, this goes back thirty years. Someone devised T.D.R.s (Transferrable, Developable, Rights). It has been customary in this town that if a person came in and made a pretty good presentation we would take land that was zoned for one-half acre or one acre and bestow upon that land the opportunity or rights to build a condominium. We might change the density from two per acre to one per acre to as many as five or ten per acre as a condo. And in so doing throw a tremendous amount of money either to the developer or the land owner which is really not a very intelligent way of managing open space. Rather instead, if you were to take a temporary developable right this is how they work; you have a piece of land over here that is zoned for two acre land, someone wants to build a condo; you say, "no problem" providing you transfer a developable right from another tract. Now that tract over there has 100 acres and is zoned for one per acre so it has 100 units of developable rights on that piece. The developer buys that land, gives it to the Town as open space but is able to transfer those 100 units onto this parcel that is already zoned two per acre and so you transfer those developable rights and the town picks up a tremendous amount of open space at a very nominal cost to the town, if any. This is something that the Planning & Zoning should explore, it is something that the Council should explore and Phil Hamel of the Program Planner's Office should be involved in

this kind of a discussion. He has in this office maps prepared by the State of Connecticut which divides the 169 towns into three categories; explosive, plotting and shrinking or little growth. Where do you think Wallingford lies? On the long term plans of the State of Connecticut we are in the shrinking or no growth category. When we look at what has happened in the past twelve to eighteen months that is just a drop in the bucket in terms of long term planning and should not be cause to push an alarm button. Our long term and expansion potential is not considered to be very great for a lot of reasons which Mr. Hamel can explain to you. It is the subdivision regulations that is steering this town in the direction it is going. It requires a developer to build a thirty foot-wide street on a fifty foot right-of-way. That thirty foot-wide street that we are building in everyone of these neighborhoods are creating a tremendous runoff. You are collecting all the water from all these highway width streets. Go down to Woodbridge and Fairfield county where they build million dollars homes and you don't see thirty foot-wide streets with curbs to guarantee that every nth of water will be collected and not allowed to runoff. We pour all of that calcium chloride water from our winter storms into our brooks and contaminate our wildlife and so forth. Those same subdivision regulations would apply to one acre lots or one and one-half acre lots as we are doing over on the east side of town; make those lots so prohibitively expensive that the only way a developer can recover that lot cost for a finished lot is by building these three, four and five hundred thousand dollar homes.

That is why it is happening. The builders cannot afford moderate-priced housing as long as the finished lots are so expensive. It is the subdivision regulations that are driving us in that direction.

Timothy Dineen, Alternate Member of the Planning & Zoning Commission stated, I have been a member since February, a relatively short amount of time, however I have been amazed at the number of acres that we have lost. We have to start taking control and trying to preserve what Wallingford is. Many people come before the Commission stating, "It's my backyard." It is our backyard, it is all of our backyards. We need to move ahead and I look forward to working with the Council on the issue of taking positive steps in purchasing open space.

William Choti, 44 Lincoln Avenue asked, how much land is still available for development in the Town of Wallingford?

Mr. Austin did not have that specific information.

Mr. Choti asked, how much coverage do we have by percentage, 30%; 50%?

Mr. Austin could not provide that information. He stated, we do have available capacity to build on. The direction of the vision

would be whether we want it all built upon or whether we would like to reserve some as an open space forever. The floodway is one way to do that, the ridgetop is another. Wetlands are a big factor in determining it. The wetlands regulations have been strengthened a great deal over the past five years and some of our land use controls were put in place long before that so that our efforts of reviewing applications happens only after the wetlands review takes place. If we were to revise our land use regulations to reflect the wetlands regulations we might have a whole different complexion for development.

Mr. Choti asked, how will you control the single lot land owner? Is this regulation going to be cornered or margined with below five acres, over thirty, is there going to be some type of stipulation as to who will actually be impacted directly by this? Is this just going to be a large tract owner?

Mr. Austin replied, that is one of the issues that needs to be the focus of effort for land use control. We don't want to put somebody out of business. We understand that the right of the land owner to use property is very important. A very good analogy would be the way the wetlands have become regulated over the past ten years. It was about 1970 that the Corps. of Engineers in the Boston area discovered through...analysis that wetlands were valuable and that they have been very important for flood control. From that point on we began to develop regulations that reflected that. If you have 1,000 people fill in 1/4 acre that is 250 acres. So we have to look at those impacts as well as the rights of the individuals.

Mr. Choti stated, that is where my concern lies. I am looking at the property owner as becoming land poor. If a regulation is decided that a certain percentage of his land will now go to open space as a "land banking" or he is forced into cluster housing, the value of his land has diminished greatly. I am just trying to make sure that the people out there that own the property, especially farmers, these people have lived this land; this is their retirement, this is their future. They made decide to sell the property and move down to where it is warm....I want to make sure that these people have some kind of protection. From sitting out in the audience I am hearing zero growth. We talked about water, sewer, police, fire, schools, roads, it almost sounds like we are touching on that zero growth word and I would like to know if that is where we are going.

Mr. Austin replied, at this point I must remind you that what we have proposed and have been discussing is, first of all identifying a vision that we could agree upon for Wallingford. Once we have a vision or several different versions of it we can implement land use controls that would help us to get in that direction. We don't have the controls at the present time.

Mr. Choti commended Mr. Austin and the Commission for what they are trying to do and stated, you have a very difficult task.

Mr. Austin welcomed input from every member of the community stating, that is the only way it is going to work.

Pasquale Melillo, 15 Haller Place, Yalesville stated, we need a lot more dedicated people like you. That is one of our biggest problems. He stated, there seems to be a lot of open land where Yankee Energy is with the wells. It could be important as far as open space is concerned. He asked, how much land is owned by Yankee Energy and the Town in the gas well areas that are being inspected?

Mr. Farrell felt that Mr. Melillo was getting off the topic stating, we are probably talking two acres in that area. It is not a big, big parcel. We are talking about much larger pieces of open space. I don't think that area will be built on just because of all the environmental problems.

Mr. Melillo thought it involved more than two acres. He next referred to the Linear Park Proposal, is that considered open space? That is a lot of land involved in that proposal.

Mr. Farrell responded, that is true. I think that is what Mr. Austin is saying is going to be addressed as part of the process. They would get a lot of input on what are the kinds of areas of open space that people want to see preserved; river areas may be one of them.

Mr. Melillo stated, we should accumulate as many wetlands as possible and that is also down at Community Lake. He asked if the D.E.P. is offering any encouragement as far as buying more open space, preserving open space?

Mr. Farrell stated that Mr. Melillo should come to the Linear Park Trail Meeting. He would learn a lot of information on the topic.

Mr. Melillo suggested that the Town give attention to the Quinnipiac River. It is an area that the Town can build on its open space and cleaning up the river area.

Mr. Farrell informed Mr. Melillo that a meeting will be held on Wednesday, November 19th, 7:30 P.M. in the Town Hall with the E.P.A. Discussion will be held on initiatives related to the Quinnipiac River.

Mr. Melillo voiced his objection to the hiring of a consultant to work on this issue.

Mr. Austin replied, on the subject of the vision for Wallingford;

it is so important for every member of our community to be involved in that. We are not going to relax that kind of vision to a consultant that comes from someplace that is not Wallingford. We might ask a consultant to achieve what the vision is that we have of our own community. If a person from outside could be of some help to us in doing that, that is what we would be interested in. Before we go to that extent we have to be very careful about how we identify the vision.

Vincenzo DiNatale, Planning & Zoning Commission member stated that he is recently appointed to P&Z and has also served on the Inland Wetlands Commission as an alternate. He reiterated the importance of open space in the town; it is a very important asset. Regarding the issue of increased...area with subdivisions and development, that is an important part on issues. We have been successful in addressing that issue and we have learned from past mistakes. We have yet to resolve accomplishing how we can gain additional open space. He is willing and anxious to work with the Commission members, Council and members of the public in achieving that.

Reginald Knight, 21 Audette Drive thanked Mr. Farrell for bringing up this subject. He stated, having lived in Wallingford for over forty years I love this little town. In looking around us we don't always agree with everything but that is like squabbles in any family. I think everyone here loves this town. The important is the character of it. We are a small New England town. I have seen in the old country where towns spread out and abut one another and there is no greenery anymore. That had to pass laws where there would be a green circle around each town so that you could have a natural division between towns. We have to balance the rights of the land owner with the needs of the people. I would like to see the town buy land along the town line to separate us from other towns; to make a green circle around. Everything would have to be balanced with regards to the needs of the town; the farmers to leave natural wildlife situations. I would like to see natural areas around the town. From New Jersey all the way up the coastline you can walk across the street and be in the next town. The balance between the rights of the land owners or developers in the town is clearly illustrated in the Spring Lake area. Some twelve or fifteen years ago a developer built numerous homes between Spring Lake and I-91 and every Spring and Fall the homeowners had three feet of water in their cellars. There could have been some control there. I would like to see the character of Wallingford stay as a small New England town. Keep open space as natural open space.

Frank Wasilewski, 57 N. Orchard Street stated, all this discussion is very interesting but we are forgetting one area that we should be really concerned with; our watershed area. What is P&Z doing about controlling growth in our watershed? Once we contaminate our water supply we are in big trouble. Are the lots bigger in the

watershed area? Are the land owners restricted on what kind of fertilizer they use? Define how large our watershed area is in Wallingford. I don't see any signs stating that you are entering a watershed, you are exiting a watershed. We don't see that in Wallingford which I think we should have posted.

Mr. Austin replied, in our zoning map we do have a delineation that shows the watershed protection area for public water supply. We also have been doing some work with the Water & Sewer Division for the aquifer protection for the water supply wells. I don't know how large the watershed area is, I would have to defer you to the Water & Sewer Divisions. If you were to look at tributary watershed that feeds McKenzie Reservoir on the Muddy River, that would be upstream of Northford Road; it goes pretty much to Route 68.

Mr. Wasilewski stated, the town is guilty of polluting the watershed areas with the heavy rock salt in the winter. All of that drains into the reservoir. There should be some restrictions on what the town uses in the watershed area. In most of the towns that you travel in outside of Connecticut have signs posted that say, "less salt watershed area, drive carefully".

Mr. Rys stated, Henry (McCully) indicated to us at one time that they do take some precautions around the watershed area as to what they use for chemicals.

Mr. Wasilewski replied, that is great if we do. We have to protect the watershed area in building and the lots should be larger and the homeowners should be instructed on what kind of fertilizer they use on their shrubs and lawns. Eventually all of this will seep into our reservoir.

Mr. Farrell thanked Mr. Austin, Mr. Dineen, Mr. DiNatale and Mr. Whitney for coming tonight. It is a nice show of support from the Planning & Zoning Commission. Both the Council and Commission look forward to working together on this issue.

Mr. Gouveia stated, I don't believe that there will ever be zero growth due to the owner's constitutional right to reasonable use of his land. If I gave the impression that I was against big houses, quite the contrary for I think, the bigger the house, the bigger the lot it will be built on and the lower the density. I was proposing to incorporate a certificate of occupancy fee at the rate of \$.03 per square foot to be set aside in an account to be used to purchase open space. The larger the house, the larger the fee and if you can afford a larger house you should be able to afford the fee. I did not want to convey the message that I was against large houses, quite the contrary.

This item was closed at this time.

ITEMS #17 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes With Respect to Pending Litigation

ITEM #19 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale, Purchase and/or Lease of Property

Motion was made by Mr. Knight to Enter Into Executive Session for Both Items, Seconded by Mr. Farrell.

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

The Council entered executive session at 10:26 P.M.

The Council exited executive session at 11:04 P.M.

Motion was made by Mr. Centner to Exit the Executive Session, seconded by Ms. Papale.

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

Motion was made by Mr. Knight to Settle a Claim Between W & W Properties and the Town of Wallingford as Discussed in Executive Session, seconded by Mr. Farrell.

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

WAIVER OF RULE V Motion was made by Mr. Knight to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Authorizing the Town Attorney's Office to Take an Appeal in the Matter of Dunkin Donuts on Hartford Turnpike, seconded by Mr. Farrell.

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

Motion was made by Mr. Farrell to Authorize the Town Attorney's Office to Take an Appeal of the Granting of the Drive Up Window Variance on Dunkin Donuts Property on the Hartford Turnpike, seconded by Ms. Papale.

Atty. Mantzaris explained, there was a notice problem. The people owning the adjoining parcel were not notified when the gentleman seeking approval from P&Z was asked to go back to ZBA to get ZBA's approval. ZBA sent him to P&Z saying that he did not need ZBA approval. When Town Attorney Janis Small saw that she had him go back to ZBA because he does need their approval. Adjoining property owners did not get notice when he went back the second time and were not present at the meeting that ZBA approved the drive in window. The applicant has agreed to waive the granting of the approval and go back to ZBA to have it re-heard but to guarantee the Town's interest we thought it best to take an appeal. If he goes back to ZBA the appeal will go away.

Mr. Gouveia stated, it is somewhat disturbing that a businessman in town is being bounced back and forth from board to board because the Board does not know what the heck they are doing, in this case ZBA. Because of one thing he is bounced to P&Z and P&Z....there is money involved here. Anybody that ventures to take an undertake of that sort, obviously there are monies involved. I think we should be very careful...these boards should be very careful and this particular case....there are not too many people that are happy with what is going on with ZBA, not P&Z; they are doing a good job. ZBA needs a couple of workshops.

Atty. Mantzaris responded, they are going to get one.

Mr. Gouveia replied, I hope so. It is incredible that that Chairperson is actually Chairing that committee.

Mr. Farrell stated, sometimes I think that those kind of personal attacks are inappropriate. I am the youngest person in this room and I look to my elders for some type of example. Sometimes those kind of remarks don't exactly set a great example.

Mr. Gouveia responded, perhaps they don't set a great example but the truth must be told and if some people are afraid of the truth then so be it.

Mr. Knight interjected, the truth is an interpretation on your part. That is what it is and personal attacks are getting a little out of hand and are becoming quite self-serving.

Mr. Farrell added, the slavery remark was totally out of hand.

Mr. Gouveia replied, the proof is in the pudding, look at what the Town's attorney is asking you to do.

Mr. Knight commented, therefore the entire board must be condemned and the Chairperson, personally...very good, that is some logic...that is some logic.

Mr. Gouveia replied, look at the actions.

Atty. Mantzaris explained that there was a confusion in the meaning of "drive in restaurant". That is the way the regulation reads, she interpreted it to mean the kind of restaurants that you saw in the old movies which is what is really sounds like. The kind when you drive in and a woman comes out, the waitress comes out and puts a tray on your door sill and serves you your food. It really should have read, "drive up window" and I really can't fault her for interpreting it as a drive in, it doesn't apply because it is not a drive in. I don't know why the regulation does not say drive up. It was amended in 1994 and we don't use the term drive in any more. I can't fault anyone for what happened, it was an



interpretation which, to her, seemed reasonable and when you read the language.....it really does not say, drive up. She has asked for a workshop and Janis will be attending a meeting with the members as well as other boards, not just the ZBA.

Mr. Rys called for a vote.

Mr. Centner asked that the motion be repeated.

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

Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Ms. Papale.

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

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

Meeting recorded and transcribed by:

*Kathryn F. Zandri*  
 Kathryn F. Zandri  
 Town Council Secretary

*Raymond J. Rys, Sr.*  
 Raymond J. Rys, Sr. Vice Chairman

Approved by:

12-9-97  
Date

*Rosemary A. Rascati*  
 Rosemary A. Rascati, Town Clerk

12-9-97  
Date

## TOWN OF WALLINGFORD, CONNECTICUT

Honorable William W. Dickinson, Jr.  
Mayor, Town of Wallingford

Date: November 3, 1997

I. Request for:  transfer of funds  
 appropriation of funds

Fund: 001 General Fund  
 Other Title

Amount: \$	FROM: Title	Acct. No.
529	Portable Radios	2030-999/9909
204	On-Spot Automatic Chains	2030-999/9912
9235	Htg/Cooling System Co.#5	2030-999/9937
854	Breathing Apparatus Upgrade	2030-999/9940
899	Radio Pagers	2030-999/9944
100	LawnTractor - Co.#8	2030-999/9950
207	5" Supply Hose	2030-999/9958
60	Day Room Furniture Co.#8	2030-999/9965

Explanation: PER ATTACHED LETTER AS REQUIRED

Submitted by: Wayne H. Lefler  
Department/Division Head Fire Chief

Certified as to the availability of funds:

William W. Dickinson  
Comptroller

APPROVED -- subject to vote of the Town Council:

W. Dickinson  
Mayor

II. CERTIFICATION OF FINANCIAL TRANSACTION:

The transfer/appropriation of \$ \_\_\_\_\_ as detailed and authorized above and as approved by a vote of the Town Council in session is hereby certified.

I hereby certify that this is the motion approved by the Town Council at its meeting of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Town Clerk

Honorable William W. Dickinson, Jr.  
Mayor, Town of Wallingford

Date: November 3, 1997

I. Request for:  X  Transfer of funds  
      appropriation of funds

Fund:  001  General Fund  
      Other Title

Amount: \$	<u> 540 </u>	FROM: Title	<u> Carpeting Co. #5 </u>	Acct. NO.	<u> 2030-999/9966 </u>
	<u> 304 </u>		<u> Roofing Co. #5 </u>		<u> 2030-999/9967 </u>
	<u> 56 </u>		<u> Personal Computer Co.#4 </u>		<u> 2030-999/9970 </u>
	<u> 462 </u>		<u> Battery Conditioner/Analyzer </u>		<u> 2030-999/9973 </u>
	<u> 1274 </u>		<u> Smooth Bore Nozzles </u>		<u> 2030-999/9981 </u>
	<u> 1304 </u>		<u> Two-Way Radio/Intercom </u>		<u> 2030-999/9983 </u>

Amount: \$  16,028  TO: Title  Building Expansion and Repairs-CFH  Acct.NO.  2030-999/9934

Explanation: PER ATTACHED LETTER AS REQUIRED

Submitted by:  *W. J. DeLeon*   
Department/Division  Head Fire Chief

Certified as to the availability of funds:  
 *Thomas J. Ryan*   
Comptroller

APPROVED -- subject to vote of the Town Council:  
 *W. Dickinson*   
Mayor

II. CERTIFICATION OF FINANCIAL TRANSACTION:

The ~~transfer/appropriation~~ <sup>transfer</sup> of \$  16,028.<sup>00</sup>  as detailed and authorized above and as approved by a vote of the Town Council in session is hereby certified.

I hereby certify that this is the motion approved by the Town Council at its meeting of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Town Clerk

**POSITION TITLE: RISK MANAGEMENT SECRETARY**

**DEPARTMENT:** Personnel

**GENERAL DUTIES:** Responsibilities include secretarial, technical and administrative work of a complex, confidential and responsible nature. Performs responsible office duties as it relates to work activity related to the office to include, but not limited to, workers' compensation claims processing, property and other insurance claims processing and problem solving. Interacts with the public, governmental agencies, vendors and employees and provides information on various matters regarding the Town's insurance, safety and workers' compensation programs. Provides primary office support function in the administration of workers' compensation, safety and loss control programs. Maintains journals for the risk management and personnel offices and performs other related bookkeeping duties. Completes reports as assigned. Establishes and maintains contact with claimants or other interested parties as necessary to obtain all required information. Receives and processes invoices for claims; reviews invoices for accuracy and consistency with existing claim information such as physician and other medical charges, out-of-pocket expenses and prescriptions. Utilizes knowledge of applicable statutes, regulations, policies and guidelines to determine whether bills are eligible for payment or reimbursement. Establishes and maintains a diary for each inquiry from claimants, physicians or other appropriate parties.

**ADDITIONAL DUTIES:** Receives oral and written instructions from the Risk Manager or other supervisor as assigned. Plans and organizes work according to established or standard office procedures. Takes and transcribes letters, reports and meeting minutes from rough draft, transcription equipment, dictation or other means. Provides secretarial support services to the Safety Committee and other Boards and Commissions as assigned. Develops and maintains files, including confidential records. Receives and processes insurance information through automated and manual means. Gathers materials, data and other information for review by the supervisor and prepares statistical and narrative reports of a simple or complex nature. Provides materials for publication, processes requisitions and maintains risk management budget files. Documents and processes disbursements. May assist in the investigation of questionable or excessive charges and refer unresolved issues to the workers' compensation administrator. Refers inquiries to workers' compensation claims administrator or supervisor as directed and verifies that expedient and responsive answers are received. Creates, maintains and updates complete case files. Retrieves, reviews and assembles appropriate workers' compensation filing documentation as directed by the supervisor. Keeps abreast of changes in the application of workers' compensation statutes, regulations policies and directives. Opens, sorts, processes and sends mail and interoffice correspondence. Types, files, schedules appointments as directed by the supervisor. Performs related duties as assigned.

**SUPERVISION RECEIVED:** Works under the direction of the Risk Manager or other designated supervisor.

**SUPERVISION EXERCISED:** May supervise clerical workers as assigned by the supervisor.

**KNOWLEDGE, SKILLS AND ABILITIES:** Requires working knowledge insurance regulations and workers' compensation laws. Requires good knowledge of general office procedures, medical, legal and insurance terminology, and the use of modern business office machines and equipment. Proficient computer skills and good knowledge in modern software applications as they relate to a business office. Ability to take minutes of meetings. Good ability to take and transcribe dictation. Good ability to type with speed and accuracy. Ability to communicate with people and coordinate activities of the office. Ability to effectively schedule and coordinate meetings and events. Ability to establish and maintain effective working relationships with co-workers, vendors and the public. Familiarity with on-line computer services desirable.

**QUALIFICATIONS:** Requires Associates Degree in secretarial science or degree from an accredited business school or college plus three (3) years of increasingly responsible office administrative or secretarial work including experience in a property and casualty insurance related environment, preferably in claims OR, in lieu thereof, an equivalent combination of the above experience and training.

**SPECIAL REQUIREMENTS:** Valid State of Connecticut Motor Vehicle Operator's License.

**RESOLUTION LIMITING ACCESS TO OLIVER CREEK ROAD**

**RESOLVED:** that, because of repeated vandalism and illegal dumping along Oliver Creek Road, the Town Council of the Town of Wallingford does hereby authorize the Public Works Department to install guardrail and a locking gate at the east end of Oliver Creek Road to limit vehicular access to said road except to those who have legitimate business there.