

TOWN COUNCIL MEETING

FEBRUARY 24, 1998

6:30 P.M.

AGENDA

Blessing - Rev. Charles Smith, Good Shepherd Church

1. Roll Call and Pledge of Allegiance
2. Correspondence
3. Consent Agenda
  - a. Consider and Approve Tax Refunds (#239 - # 243) Totalling \$1,951.94 - Tax Collector
  - b. Note for the Record the Town Council Chairman's Appointments to the Town Council Standing Committees for the Term 1998-2000
  - c. Consider and Approve a Transfer of Funds in the Amount of \$8,000 from Contingency - General Purpose Acct. #8050-3190 to Purchase Services - Secretarial Acct. #001-4001-901-9000 - Parks & Recreation Department
  - d. Consider and Approve an Appropriation of Funds in the Amount of \$20,000 to Science Kits Grants Acct. in the Special Revenue fund - Science Kits Grants
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve a Transfer of Funds in the Amount of \$17,773 from Property Casualty General Gov. Acct. #001-8030-800-8250 to Heart/Hypertension Fire Acct. #001-8035-800-8410 - Risk Manager
7. Consider and Approve a Transfer of Funds in the Amount of \$19,700 from Property Casualty General Gov. Acct. #001-8030-800-8250 to Heart/Hypertension Police Acct. #001-8035-800-8400 - Risk Manager
8. Report Out by the Director of Public Works Regarding the Removal of the Trees in Johanna Manfreda Fishbein Park as Requested by Councilor Stephen W. Knight
9. Consider and Approve a Recommendation to the Mayor to Refrain from Planting New Trees at the Johanna Manfreda Fishbein Park in the Area Between the Sidewalk and Street Curb and that New Plantings be Placed Adjacent to the Sidewalks on the Grass Area of the Park as Requested by Councilor Geno J. Zandri, Jr.

10. Consider and Approve a Recommendation to the Mayor that the Town Hire a Professional Arborist on a Yearly Basis to Perform a Systematic Schedule of Care for the Ornamental Trees Planted in Association with the Downtown Revitalization and Streetscape Projects as Requested by Councilor Geno J. Zandri, Jr.
11. Consider and Approve Adding the Name of Breck to the List of Proposed Historical Street Names as Requested by Councilor Gerald Farrell, Jr.
12. Consider and Approve Proposed Revisions to the Town Council Meeting Procedures

TOWN COUNCIL MEETING

FEBRUARY 24, 1998

6:30 P.M.

SUMMARY

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6. <b>Approve</b> a Transfer of \$17,773 to Heart/Hypertension Fire Acct.	10-11
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9. <b>Fail to Approve</b> a Recommendation to Refrain from Planting New Trees at Johanna Manfreda Park in the Area Between the Sidewalk and Street Curb and that New Plantings be Placed Adjacent to the Sidewalks on the Grass Area of the Park as Requested by Councilor Geno J. Zandri, Jr.	32-35
10. <b>Approve</b> a Recommendation to the Mayor that the Town Hire a Professional Arborist on a Yearly Basis to Perform a Systematic Schedule of Care for the Ornamental Trees Planted in Association with the Downtown Revitalization and Streetscape Projects as Requested by Councilor Geno J. Zandri, Jr.	35-39
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TOWN COUNCIL MEETING

FEBRUARY 24, 1998

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, February 24, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:33 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr. And Corporation Counselor Adam Mantzaris were also present. Deputy Comptroller Eva Lamothe arrived at 6:37 P.M.

A blessing was bestowed upon the Council by Reverend Charles Smith of the Good Shepard Church.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence - No items of correspondence were read into the record.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#239-243) Totaling \$1,951.94 - Tax Collector

ITEM #3b Note for the Record the Town Council Chairman's Appointments to the Town Council Standing Committees for the Term 1998-2000

ITEM #3c Consider and Approve a Transfer of Funds in the Amount of \$8,000 from Contingency - General Purpose Acct. #8050-3190 to Purchase Services - Secretarial Acct. #001-4001-901-9000 - Parks & Recreation Department

ITEM #3d Consider and Approve an Appropriation of Funds in the Amount of \$20,000 to Science Kits Grants Account in the Special Revenue Fund - Science Kits Grant

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

VOTE: All ayes; motion duly carried.

ITEM #4 Items Removed from the Consent Agenda - Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive stated, the last time I was here I attempted to speak on articles written in the newspaper so that I could comment on the articles. I was forbidden to speak yet the gentleman before me and the three gentlemen after me all referred to articles in the paper and were allowed to comment on them. I would like to, again, attempt to address them based on this reason. Ordinance #294 (Code of Ethics), Section 5, "Fair and Equal Treatment", subsection, "Obligations to Citizens" reads, "No official or employee shall grant any special consideration or treatment or advantage to any person beyond that which is available to every other person similarly situated." I am not a scholar but I think that allows me to refer to newspaper articles the same as the people who went before and after me and to make comment and to defend myself. First I would like to note that only the local paper carried this, none of the other papers carried anything to do with it. I would like to speak first about Mr. Zappala, he mistakenly

assumed that I meant him when I said that I had great difficulty understanding his words. I never mentioned his name, I said "a councilor" and, as a matter of fact, there is a gentleman over there that I respect very greatly.....

Mr. Parisi stated, this is a question and answer period.

Reginald Knight stated, this is a question and comment period and I have a comment.

Mr. Parisi stated, you are getting into personalities.

Reginald Knight stated, you people said these things and I would like a chance to rebut them.

Mr. Parisi responded, rebut them through the newspaper, not at a Council meeting.

Reginald Knight stated, I think the Town Council lawyer and Mr. Grabarz (C.C.L.U.) have said that you should not interfere with the content of a person's speech.

Mr. Parisi stated, but we also don't want to get into dealing with personalities.

Reginald Knight continued, either I am allowed equal and fair treatment, "no official or employee shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person similarly situated." These people were allowed to comment on articles in the paper, that is what I am trying to do.

Mr. Parisi stated, all I am saying is, stay away from the personalities and make your statements.

Reginald Knight responded, I would like to sir, but these people said things were Councilors and used their office of Councilors to make these remarks and I am trying to clear the air a little.

Mr. Parisi remarked, you should clear the air through the newspaper, not here.

Reginald Knight stated, no one here was trying to slur Mr. Zappala. The gentleman that I was speaking about was soft-spoken, that is the problem I have with him. I have also had a problem with Mr. Lubee's speech, also a soft-spoken gentleman. I did not fully comprehend the beauty of his remarks at that meeting until I got home and understood them properly on the tape. Somebody also remarked, "Reggie Knight thinks he is intelligent." I have quite often at these meetings told you that I lack education, I do lack education; I don't have a high education like you people. I don't have the verbal skills or the formal education. It was also stated that I spoke for twenty minutes. It just so happens that my forte was time and motion study. I taped what was said and it came to 11,912 t.m.u.'s which is translated to 7 minutes, 8.8 seconds which included interruptions, which is a very far cry from twenty minutes. That was the longest I have ever spoken at any meeting. Mr. Zappala also made the statement, "I would do anything, anything to alleviate this form of insubordination." I find the word, "insubordination" very strange. Since when have Wallingford citizens been insubordinate to any Councilor? That is the phrase that I heard at the last term, "I have a mandate to run this place anyway I want", plus I read in the paper the other day regarding the two houses near Community Lake, "We can either do this the nice way or the other way." This should raise the antenna of any concerned citizen. I wish to thank Mr. Steve Knight for stressing in the news articles that we are not related, I have often stated this myself and I am grateful to him. He also

dubbed me a "poster boy" for the need to change the rules. I would like to thank him for that honor as there certainly is a need for change that would allow people to speak and to really be listened to without constant interruptions, put downs and condescensions; that they be treated with courtesy and respect. Mr. Knight says that I have a tendency towards, "the theatrical" which is good theater but bad government.

Mr. Parisi stated, I want you to stay away from personalities. That is not what this time period is for. It is for question and answer and I don't want to get into personalities of the different Councilors because they don't feel they are being represented properly.

Reginald Knight responded, question and comments, sir.; comments, sir. Also, when people are referring to me in the newspapers, I would be very glad that they did not refer to me as Reggie Knight. Reggie is a name I would prefer to have my friends and close people address me by. Mr. Knight will do quite well. I will make a deal with you, if you don't call me Reggie I won't call you, Stevie, Bobby or Tommy. Mr. Parisi has said, "This is a prime example of minority manipulating the majority." I recall the Council chambers crowded with people overwhelmingly supporting skaters, but they were overruled by the few who banned children from skating in their own neighborhoods. Again, the Recreation Department moving to Fairfield Blvd., the referendum was voted 2-1 against it but by cleverly wording the referendum the few manipulated their wishes over the majority. There was also a packed hall of hunters, hikers, bikers, horseback riders, etc., who collectively said there was no problem but were overruled by a few. Mr. Zappala used a reference to t.v. night and people who wish to be on t.v.

Mr. Parisi stated, I want you to stay away from the personalities.

Reginald Knight continued, I have, on many occasions, suggested that the cameras be focused instead on the Council to show their attention, or lack of it, to the speaker, whoever it may be. The word, "pathetic" came up to describe me. That is deserving of pity. Please save your pity for anybody else who needs it, I don't need it. I would not trade my life for anyone in this room. I am richer in my own way than anyone in this chamber and do not have to kow tow to anyone. On the day I received my citizenship in New Haven, my very first stop was the old town hall to register to vote, a very precious right and obligation that I exercise on every possible occasion. Those who do not exercise that right to speak will surely see the quality of their life eroded slowly but inexorably by a very active minority. Apathy is the biggest danger of any form of democratic government. To limit speech and input of citizens is counterproductive. I don't have the verbal skills of Mr. Lubee or the political knowledge of Mr. Killen; just a basic view of right and wrong and the wish to speak up when I feel that wrong is being done. I think my biggest crime is quoting verbatim some of the Councilor's own statements back to them. Middletown experimented briefly with a five minute restriction on public comment but practice was dropped as the limitation sparked federal lawsuits, arrests and the limit led to complaints that the Council was more interested in the length of the speech than in the content. I had more to say but I think that sums it up pretty well. I think people should be allowed to speak and not cut off. I was cut off and not treated equally according to the Code of Ethics, either that or it was the content. Thank you.

Mr. Renda responded, anything you read in the newspaper; if you have any problems concerning you, the town or the town councilpeople, call us up. You know yourself, as well as I know, the news media call us up, you give them a statement and they have a way of changing the words. Anytime you called me up or Mr. Melillo or Mr. Wright, any information they wanted to know, I gave to them, I did it to the best of my knowledge, there were no problems. That is why we are here. If you have a problem; you see something

you don't like that is written in the paper; call us up. Get our side of it or the Mayor's side. We are here to serve you, not ourselves.

Reginald Knight responded, I understand that and I recall conversations with you face to face and over the phone. Then I hear you deny those conversations or the content of the conversations.

Andrew Kapi, 6 Deme Road stated, two weeks ago I asked if the procedures were going to be drafted and available?

Mr. Parisi responded, that's right and I said they would be available.

Mr. Kapi continued, and now I am going to look at it....

Mr. Parisi stated, that's right.

Mr. Kapi continued, is there any indication....

Mr. Parisi stated, there is a very good reason. I did not get the responses from some people on time, at least on my schedule so it got in late into the week and there was a big rush to get them done and ready for tonight. So, that is the answer, I am not going to get into anything further than that but things were not ready on time and it pushed the timeline forward. I am well aware of what I said and I had every intention of keeping that but I can only keep it with the timeline that I had established. We were not able to meet it so that is the problem.

Mr. Kapi responded, with that said, I guess I'll get my copy.

Philip Wright, Sr., 160 Cedar Street stated, two weeks ago I left the Council a copy of an article explaining what Cheshire did concerning their open space evaluation. Also, there was an article in there describing what had happened in North Branford where they spent \$4.7 million for 600+ acres of ground. When I read that I said, that's the way to go. Let's get out here and do something instead of talking about it so much. I subsequently went to the Town Clerk's Office to get the minutes of the Conservation Commission meetings for the last year. I noticed specifically that there was only one Councilor who attended any of those meetings. It was very interesting and I went to a meeting one or more weeks ago and was pleased to see that they had pretty much completed their job. We had a very worthwhile conversation and I would urge all of you to avail yourselves of the information that they have put forth. There have been a couple of good articles in the paper recently. I think we are getting ready to go; somebody here, either in the administration or someone on the Council or maybe it is going to take someone from the public to get things pumped up. I believe the time is now to do something constructive. I believe very firmly that if were to say that we are going to \$4 million or \$3 million and went out and tried to sell it to the people in this town we would get a lot of takers. The Governor of Vermont says, cows don't go to school and apple trees don't go to school so we should be making every effort to retain the farming community that exists here. I am hopeful that as a result of the work that the Conservation commission has just about completed that we would get something into this coming budget to do something about the efforts that they have finished. Thank you.

Fred Valenti, 73 Liney Hall Lane stated, in December a new actuarial was received from the Segal Company and this was dated back to July 1st, the end of our last fiscal year. This report showed that the

market value of the assets (stocks and bonds owned by the Town of Wallingford) as of June 30, 1997 totaled \$111,746,000. The accrued liability (the total monies required by the Town to pay our Town employees their promised pensions as they retire) as of June 30, 1998 will be \$86,248,000. We have an overfunded position of some \$25 million. That means that there is \$25 million more than is needed in the fund. Now the actuary finally concluded that there would be no required contribution to the fund for F.Y. 1998-99. As of last Thursday the assets had grown to \$126 million; right now we are overfunded by some \$40 million. Now the good news is that the actuary has concluded that no contribution is necessary for F.Y. 1998-99 but in an earlier review he had recommended a contribution for 1998 and based on that you people put over \$1,805,000.00 in the consolidated pension plan plus any amount that is hidden away in the P.U.C. and the cafeteria budget.

Mr. Parisi stated, there has been a very healthy market, too, and this is a very large sum of money so it is making a very nice profit.

Mr. Valenti asked, is the \$1 million + in this year's budget going to be put into the pension plan? Can it be used for something other than what you told the people you collected if from what it would be used for?

Mayor Dickinson responded, no, the contribution would not be made.

Mr. Valenti asked, next year, come budget time you will have \$1 million+ plus another \$1 million because you don't need a contribution next year. It is a wonderful problem; you will have \$2million + that you can move out of next year's budget right away.

Mayor Dickinson stated, the money that is not contributed goes back to the respective funds that contributed it; the general fund, Water/Sewer fund, Electric Fund, Cafeteria Fund and the Board of Education so each of the various units that contributed the money; the money goes back to that unit. I think that general government is about \$800,000.

Mr. Valenti asked, can some of this \$40 million be better utilized for the taxpayers of the town? Why have it stashed away, it does nobody any good to have it stashed away in Fleet Bank and Trinity?

Mayor Dickinson stated, it is a major policy question that occurs at the federal as well as the state level. The use of pension funds in the past; I believe the State of Connecticut has used pension funds for contribution, they purchased ownership in Colt Manufacturing and things of that kind. I would not want to see the Town of Wallingford created fiscal problems with the pension situation by using the funds for other purposes. It does have funds adequate without any contributions. If we start removing money from the pension funds for other purposes we will fall back into a potential underfunding and that is not in the interest of anyone. With the projection of the actuary not requiring us to be contributing over the next several years I think that we have accomplished a great deal, most of that is a result of the return on investments over the past couple of years. Anytime you have investments that about 1/5 of what your principal is, it is going to appreciate very rapidly. We have been very fortunate but I would not want to see us waste it or jeopardize the good position we are in.

Mr. Valenti responded, I was only talking about the excess, the \$40 million and not dip into the 100%; not invade that, but the \$40 million....

Mayor Dickinson stated, the reason the actuary says that we don't have to contribute because there are funds adequate to cover over those years, that includes what ever that extra amount is. If we sent them a port asking, if we took \$20 million out of the fund, what would our situation be? I suspect it would be far different.



Mr. Valenti responded, the actuary only used the \$100 million when he did his actuary study. He did not take \$111 million, he took 90% of it and concluded from the \$100 million we had plenty enough to not have to contribute anymore.

Mayor Dickinson responded, we can ask that question of the actuary.

Mr. Valenti urged the Council to consider getting a new actuarial firm to get a fresh look at the pension fund. This actuary has been doing this study since the 1970s and I think we need a fresh look. Last year we had a 22% return on our investments and the actuary only figured it to be 18% in the actuary report. There are other differences as well in the report that warrants us getting a fresh perspective on the fund. When the contract for this actuarial firm is up we should put it out to bid.

Mr. Parisi asked Mr. Valenti what committee he serves on that deals with the pension.

Mr. Valenti responded, the Pension Commission, however, he is speaking as a private citizen tonight.

Pasquale Melillo, 15 Haller Place, Yalesville stated that it would be a good idea to check on all of our municipal bonds to make sure they are all tax-exempt as they were intended to be. Some bonding officials were shocked to learn that bonds which were supposed to be tax-exempt, in fact, were not. He asked about the deed restrictions pertaining to Community Lake and its dam, specifically, has anything been researched since his past requests?

Mr. Farrell responded, Atty. Farrell, Sr., is working on it and the next time he is seated in the Town Attorney's chair at a Town Council meeting, Mr. Melillo should ask Atty. Farrell, Sr., himself.

Mr. Melillo asked, what happened to naming the rec center after David Doherty?

Mr. Farrell stated, he has written to the Recreation Department asking the same question and a response was given that a plaque was being ordered. A ceremony will be held to officially dedicate the building.

Atty. Mantzaris stated, the name is on the building.

Mr. Melillo stated that he has received a letter from a taxpayer's association stating that they would like the public question and answer period to stay the way it is.

Mr. Parisi reminded Mr. Melillo that there is an item on the agenda dealing with that issue and that will be the time to make his comments.

Mr. Melillo asked, factoring in the time the Council puts in, on an average, isn't it true that each Town Councilor makes approximately \$100/hr.? How much does the Council make?

Mr. Centner stated that he has studied the number of hours the Council has put in over the past two years, excluding social engagements, to find that the Council is compensated at a rate of \$33.40 per hour. That figure is arrived at by taking the total number of hours the Council has met in regular session and dividing it by the number of meetings held.

Mr. Knight stated, that is the most ridiculous statistic I have heard yet.

Mr. Parisi asked, did you count everyone's committee meetings or did you do your own?

Mr. Centner responded, I clarified it by saying, if you take the annual salary of \$4,800 per Councilor, we spent last year....I did the math....just to bring it into light here, the total amount of hours that we met in regular meetings right here; it came to \$33.04 per hour.

Mr. Parisi pointed out, that does not include any committee meetings a Councilor may attend or a visit to a constituent's house to see/hear their complaints. It is far less than \$33/hr.

Mr. Melillo stated, it is not bad wages for servants of the people. You should repeat to yourself many times, "we are servants of the people; we are servants of the people; we are servants of the people." There is a lot of gold in repetition if it is used right.

With regards to Item #3d on the consent agenda, Mr. Melillo asked, isn't \$20,000 too much money to pass on the consent agenda without any discussion?

Mr. Parisi explained, it is for science kits for the schoolchildren. I don't think there is any problem.

Mr. Melillo stated, good, I am glad to see it is for the kids.

Dianne Hotchkiss, 38 Clifton Street asked, is it true that the Ordinance Committee is working on the cat problem in Wallingford? If so, may I be kept informed of their meetings on this topic so that they have full input on all the problems in the town relating to this subject?

Mr. Knight stated, the Ordinance Committee has had a meeting at which this was discussed and at the present time it is in the Town Attorney's Office and they are going to draft a proposed ordinance. At the time it is completed the Ordinance Committee will meet again. The Town Council secretary will make sure that you are notified of the meetings.

Ms. Hotchkiss asked, are the meetings open to the public and is the notice posted on the board outside?

Mr. Knight responded, the meetings are posted and the ordinance, itself, will have to go to the public for a hearing before it is adopted.

Ms. Hotchkiss stated, I have noticed that the leash ordinance which went into effect a couple of years ago is not being followed in the Town. We are having a big problem. Dogs are roaming free up until 8:00. Dog owners also are just opening their doors and letting their dogs run free. I think that should be looked into by the Council again because that problem was never solved.

Mr. Parisi asked, have you called the Dog Warden?

Ms. Hotchkiss responded, I am tired of getting an answering machine. You can't really catch up to them (Dog Warden and staff).

Mr. Parisi asked, don't they call you back?

Ms. Hotchkiss answered, I don't bother to leave a message anymore because it is usually after 8:00 by time you hear from them. Is the ordinance still in effect? What can you do? I have a neighbor who opens his door and lets the dog run and says that he has until 8:00 to let his dog roam free unleashed. I think the ordinance is taken out of context.

Mr. Renda stated, when Mr. Knight has his next Ordinance Committee meeting I plan on attending because I have been receiving a lot of complaints about roaming dogs, pit bulls, etc. I contacted State Representatives to try and get certain legislation passed to try and get..... these pit bulls and attack dogs are getting out of hand. If we try to change those laws.....I am in the process of going into it and I am working with some State leaders. I want to work with Steve Knight to see what we could do. Sometimes you get into certain situations where you get so far down the line and find your hands are tied. What are we supposed to do? Are we supposed to wait until someone is attacked by a dog and then they will make a move? That is why we are getting involved. We are doing the best we could but we get to a certain point and our hands are tied. Changes have to be made and we are going to see if we can get those changes made.

Ms. Hotchkiss stated, regarding the cat issue; there was legislature brought before Hartford a couple of years back and it has taken Wallingford this long to move on something like that. I remember Mary Mushinsky a few years back, went to Hartford and put the legislation through for the cat problem. We have people in this town who are constantly being harassed by their neighbors and are being taxed on property that they can't even use anymore.

Philip Wright, 160 Cedar Street stated, I was perusing the budget a few days ago, looking up salaries. Is it correct that each of the Councilors receive \$3,000 per year?

Mr. Parisi responded, \$4,800. The Council receives a stipend for expenses.

Mr. Wright asked, does the P.U.C. get \$9,000 each?

Mr. Parisi responded, no, it is the same amount; they do not get more than we do.

Mr. Wright remarked, I feel good about that.

Bill Comerford, 5 Broadview Drive asked, who is responsible for the planning of the Town; five year plan; twenty year plan? Is it Public Works; Town Planner?

Mr. Parisi asked, planning in what respect?

Mr. Comerford responded, I was told a little bit of research on some of the parks that the Town owns.....

Mr. Parisi interrupted Mr. Comerford stating, the Council is going to deal with that item on the agenda; you are talking about the tree situation in the park.

Mr. Comerford answered, no, not the tree situation. There are some parks in the Town that I am sure that a lot of residents don't even know we own; Bertini Park being one of them. I dug up a

plan from the Engineering Department from 1982 when the Civil Engineer did a study as to how the Town could obtain hiking trails, open up the pond, etc. Seeing we have had a surplus over the past couple of years with the budget, I would think that it would be in the Town's best interest seeing that it was advised in 1982 that things be done; we have surpluses and instead of wasting money toward things we are going twice over we should be looking at things that should have been followed along with on a long term plan. I am sure at some point that was part of the plan and I would like to know what, exactly, is our plan and how are we going to attain that plan and who is responsible for those plans?

Mayor Dickinson answered, the responsibility for the parks would be the Park & Recreation Department working in conjunction with Public Works but the primary responsibility is the Park & Rec Department for use as a recreational facility.

Mr. Comerford asked, so far as the planning of the parks go then, if it is not in their budget or if there is a master plan, there must be a master plan for the Wooding property, the properties we have out in Durham, the properties we have owned all through the town; in the back of someone's mind, there must be a plan for all these properties we own. Who is responsible for the properties that we do own?

Mayor Dickinson replied, the use of the parks, that is the Park & Recreation Department. Not all parks are as actively used as others, the Tyler Mill area is a good example, it is more passively used. There are areas that are leased to farmers in order to encourage agriculture and are areas that we do not need immediately. There are significant improvements made in some of the parks due to requested uses; Pragemann Park is an example. The overall responsibility to respond to needs and address various uses in the parks is the Parks & Recreation Department. In Bertini Park the caretaker's property was just recently renovated and is now occupied. The caretaker has responsibilities regarding Bertini Park as well as the Tyler Mill area. It is an ongoing issue.

Mr. Comerford asked, if we have a surplus shouldn't we be allocating more money to our parks? I am always reading statements in the newspaper like "the funds are not in the budget to trim the branches", "the funds are not in the budget to do that", seeing we have the capabilities of doing things for example to Bertini Park, why don't we put money towards these things?

Mayor Dickinson responded, money has been. The caretaker's home was renovated at a cost of \$10,000. If there are specifics such as where things have been trimmed, we can get that information for you. The funds for that type of work would be in the Public Works' budget.

Mr. Comerford asked, is there a separate fund for each park or does it fall into a general fund?

Mayor Dickinson responded, no.

Mr. Comerford asked, the parks that are used the least are the ones that get the least amount of funding?

Mayor Dickinson replied, it depends on what the use of the park is and what the planned use of the park is. Some parks have received less use; there haven't been requests to use them and without ongoing programs there, money has been spent where there is more active use. If you have an idea or concern regarding a given park, call Mr. Dooley (Director of Parks & Recreation)

and express what your thoughts are; send me a letter regarding it and we can see what can be done.

Mr. Comerford stated, my concern is, back in 1982 when they did the initial engineering of what needed to be done, nothing was ever followed through from that point up until today and because of that, when you have a surplus I would, in any business, feel that if you have a long term or short term goal, that you are trying to achieve that goal instead working off the cuff. We should have a goal, even with the Veteran's Park; I have small children coming up and I would think that, as a Director of Public Works, you would try to centrally locate the parks and areas in conjunction with other fields so that parents don't have to drive their kids halfway across the town. In looking at the big picture it seems as though nothing is taken into consideration long term. Who is responsible for the long term goal; the Mayor, the Director of Public Works? Do we have a ten year plan; a thirty year plan as to what is going to take place overall with the Town?

Mayor Dickinson answered, the longest capital improvement plan is the six year plan. Most businesses will tell you, if you can plan for five years then you are as far out as you can go in terms of very good planning. We attempt to provide some kind of framework on a six year basis. There are a number of ongoing projects. They involve Community Pool, the Senior Center; they are all in process at this point and all will absorb money. The primary place to identify a specific project would be the department that has the responsibility for the park which is the Parks & Recreation Department.

The Chair declared the Public Question and Answer Period closed at this time.

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$17,773.00 from Property Casualty Gen. Government Acct. #001-8030-800-8250 to Heart/Hypertension Fire Acct. #001-8035-800-8410 - Risk Manager

Correspondence from Risk Manager, Mark Anthony Wilson explained, the need for this transfer is to provide necessary funds for the remainder of this fiscal year's medical expenditures for the Fire Department's heart and hypertension claimants and retirees. During budget workshop sessions last year we requested funds to pay the Heart and Hypertension Indemnity and medical expenditures for a total of \$1,016.49 per week; three claimants for a total of \$52,857.00. The actual weekly indemnity and medical expenditure is \$1,358.27 per week; \$70,630.00 per annum. This transfer requests accounts for the difference of \$17,773.00.

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Mr. Zandri asked, when did the change take place?

Mr. Wilson responded, at budget time we take the average weekly medical costs for the claimants to figure the amount needed. We have approximately thirteen open Heart and Hypertension claims. You cannot anticipate what the medical costs will be for those ten claims. One claimant may visit his/her doctor once a year. Another claimant's doctor may schedule subsequent visits or tests. We cannot anticipate what the medical costs are of the other thirteen cases that are open. We can anticipate what the indemnity is, but the medical portion is more difficult to anticipate. If someone has a heart attack or a problem that warrants their going into the hospital; that can easily account for a \$5,000 cost that was unanticipated.

VOTE: All ayes; motion duly carried.

Mr. Parisi noted, Item #3d on the consent agenda was a check from Bristol Myers Squibb to the Wallingford Public Schools for \$20,000.00. It was a donation for science kits for the school children. It should be noted that the Town is grateful for their generosity.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$19,700 from Property Casualty General Gov. Acct. #001-8030-800-8250 to Heart/Hypertension Police Acct. #001-8035-800-8400 - Risk Manager

Motion was made by Mr. Rys, seconded by Mr. Farrell.

This transfer is to provide necessary funds for the remainder of the fiscal year's medical expenditures for the Police Department's heart & hypertension claimants.

VOTE: All ayes; motion duly carried.

ITEM #8 Report Out by the Director of Public Works Regarding the Removal of Trees in Johanna Manfreda Fishbein Park as Requested by Councilor Stephen W. Knight.

Mr. Parisi stated, before we get started, I do not want to get too redundant on our comments. When everyone starts saying the same thing we are going to try and get off on another tangent. I want all of us to stay calm and deal with this item only. Say what you have to say and give people a chance to respond.

Mr. Knight stated, the action taken in the park was a surprise to a lot of people and I thought this would be a good forum for Henry McCully, Director of Public Works to give us the background on how the decision was made.

Mr. McCully stated, when I became the Director of Public Works in 1992, along with it you assume the duties of Tree Warden. I was not an expert on trees then and I don't claim to be one now. I did, however, study a lot to learn about trees and I belong to the CT. Tree Wardens Association. I studied and took the State Arborist exam however, I only passed the biology portion. The disease portion is akin to pre-med and I have not gotten to that stage yet. I continue to study and learn about trees; I attend seminars on tree identification and hazardous tree identification and to learn new items/techniques in the field as part of my duties. When needed I have used the services of Paul Bowery of Cheshire Tree Service. Paul also instructed several members of my staff; employees that we use to cut trees from time to time; on proper pruning procedures whenever they are sent out to do emergency jobs. In the Fall of 1994 I started a tree planting program in the Town. Prior to that time we had what was called a "give away tree program". We gave away small diameter trees that were planted by a landscaper and left where anyone in town could write a letter to the Director of Public Works to receive a tree. I stopped the procedure because we did not seem to have any uniform planting system in the town. In 1994 we started with North Main Street and it continues today. It is \$25,000 a year and we plant around 65-70 trees a year. The trees are selected for their hardiness and height of growth. I take notes when a tree will be planted under electrical wires and make sure it is of a smaller variety. In areas where there are no overhead wires we plant larger shade trees. At this time we have 156 trees that have been planted in conjunction with Wallingford's beautification project, phases I, II

& III. That includes the railroad station. The trees in the uptown area were fertilized in 1995, we had a hot summer, they were stressed and three trees in the Simpson Court area were under undue stress and they were trunk injected with a chemical. The Wallingford Volunteer Fire Department was a tremendous help during that year in getting the new trees established by watering them at night for us to supplement our daytime watering program. All of the trees have survived. To date, the only trees we have lost so far have been two as a result of automobile accidents or mishaps. Once the trees are established they do very well on their own and require very little maintenance. With regards to Johanna Fishbein Park; in the Fall of 1995 the trees were pruned by Cheshire Tree Service under the direction of Paul Bowery at a cost of \$1,450. The reason for the trimmings was that trucks were hitting the limbs and some of the trees were showing signs of heaving the sidewalks. Decorating them at the holidays had been difficult due to their increasing size. The Cheshire arborist would not top the trees, it is not recommended to do so. The trees were thinned out and it did improve the situation somewhat but by doing that you do not decrease the size of the trunk or the roots and the trees continue to grow. This past Christmas the trees were not decorated. Only one, just south of the gazebo near route 5, was decorated and it was struck by a truck and some of the lights were dragged out of it. It was decided not to proceed with the decorating. I was at a meeting in January with representatives from Wallingford Center, Inc. to plan next year's activities and what work Public Works would be involved in doing as far as decorating and the subject of the trees came up again. It was at this meeting that I strongly suggested replacing the trees because we were now getting surface roots and it was very visible that the red walks were being heaved (he distributed photographs of the surface roots to the Council). These roots are in the grass area and you can see where Public Works removed the trees, they are almost like snakes in the grass protruding which is a tripping hazard to the public and makes it difficult when mowing the grass. At that meeting I suggested that we plant a smaller tree than the honey locust (he distributed statistics on the honey locust and also on the capital gallery pear tree); the capital gallery pear. The pear tree has a more vertical growth pattern to the branches rather than horizontal. The thornless honey locust tree was the type planted on the Town green. In reviewing material on that species you will see that the potential height of the tree is 40-80 feet. The branch spread of the tree is 40-70 feet. In comparison to the honey locust, the capital gallery pear grows to a maximum height at age thirty to 35-45 feet; the width would be 12-16 feet and 14 feet at age thirty. It is more of a narrow growing tree and will not spread out so much. It is a flowering pear tree with a very small fruit that the birds eat; it is not a messy tree at all. A few capital gallery pear trees are planted in front of the Coffee Court in Simpson Court if you want to get an idea of what the tree looks like. Those trees are almost six inches in diameter and show very little sign of heaving the sidewalks. They are not very large and seem to be easy to control. Those were planted in 1991 and are doing very well. Since the pear trees can only be planted in the Spring, the existing trees needed to be removed and the site prepared for the new trees. The trees were posted per State Statute and I neglected to bring a copy of what I post. What it says is, "Notice of Tree Removal" on an 11" X 8" card; has the Public Works telephone number and has to also include the reason the tree is being removed, the date I am posting it and five days from that date the trees can be removed. The trees were posted; I signed the notices and during the five days I did get calls to my office. I responded to the calls and explained that the reason was on the notice. The card explained that the reason the trees were being removed was to allow for replacement in the Spring. I returned a call to a woman at Stone Travel, across the street, who asked why the trees were being removed. She was satisfied with my explanation. Twenty-one trees were posted with notices that were quite visible. In summary, Johanna Fishbein Park is a focal point in the

town, in summer and in winter. The smaller, flowering trees will enhance the area in the Spring and, when decorated at Christmas, will enhance and not dominate the Christmas tree that we erect there every year. I regard my actions and my Department's actions as purely maintenance. To go through public hearings on maintenance issues such as this I feel would be cumbersome and put unnecessary constraints on my department and our desire is to continue to improve the areas of the Town of Wallingford in keeping with current policies.

Mr. Knight stated, there have been questions raised about the possibility of removing a tree and having another tree ready to plant in its place at the same time. Had that option been given consideration and if so, why was it eliminated?

Mr. McCully answered, due to the cold weather my department was limited to working in the parks. It did present a good time of the year to remove the trees in advance of the new plantings.

Mr. Knight stated, what you are saying is, if we had pruned those trees every year we still could not have prevented the root problem?

Mr. McCully responded, no. You only effect the growth of the crown of the tree and arborists will not top trees because you run the risk of killing the tree.

Mr. Knight stated, the question came up that there is a particular borer that the capital gallery pear tree is susceptible to get. Is that something that you are familiar with?

Mr. McCully responded, we have lots of these pear trees in town and don't have any problems with them; they are a hardy tree. To the best of my knowledge, the landscaper we are dealing with has no problem with these trees.

Mr. Knight stated, I have been asked why all the trees were removed if the real culprits were the ones that were right by the sidewalks.

Mr. McCully replied, all the trees in the grassy area...there were ten trees boarding the streets and ten trees inside the park. The ones that were inside had surface roots to them, too. Although not in a direct walking area they had surface roots.

Mr. Knight asked, will the problem of surface roots be eliminated with the pear trees being planted since they grow slower?

Mr. McCully answered, experience shows that the pear trees we are using in the Town are not presenting us with that problem. We have had them for seven years and we don't have that problem.

Mr. Knight stated, we have only had them seven years but eventually they will be as old as the ones that you just cut down.

Mr. McCully replied, there are no trees out there that are ideally suited for the aesthetics of a park; ornamental in nature. When you plant street trees of this nature they are a maintenance item, they are not permanent. I think that is where the public is misled. They are not permanent



in nature. We are not going to see twenty-four inch maple trees growing between the sidewalks and the road in Wallingford. The reasons are obvious why we still have some very mature trees and beautiful trees; they were planted when there was very little constraints on them. It was part of a field or similar area. We don't have ideal growing conditions. It is the consensus of the CT. Tree Warden's Association that you are lucky if you get between ten and fifteen years out of your street trees before you start having problems. Either there are problems or they die because they are not in the proper environment; they are dealing with salt, heat, lack of water, stuck in pavements; it is just not ideal growing conditions for trees, in general.

Mr. Rys asked, the trees were planted around 1987; you indicated in 1995 that you had the trees pruned; did they receive any attention prior to that time?

Mr. McCully answered, no.

Mr. Rys asked, was it necessary?

Mr. McCully responded, no, most of these trees, once established, require very little if no maintenance. We have not lost any trees in the uptown area except one due to a vehicle mishap.

Mr. Rys stated, I think that the entire issue is the shock of seeing the stub sticking up.

Mr. McCully explained, the stubs were left because we needed enough of the tree to hold onto with our equipment in order to excavate the roots.

Mr. Rys asked, what about the roots that are left there?

Mr. McCully answered, we will grind those once we get a frost and we can get our machines on the grass without damaging the lawn.

Mr. Rys stated, the root eruption could not have been avoided...I noticed that they were lifting the bricks around the gazebo. I have also walked through the park and noticed the roots sticking up which could cause someone to trip. I did a little bit of research and in Chicago they plant and remove 5,000 trees per year. They also have several different species that they plant. It may be worthwhile to look into them; they do include the honey locust along with hackenberry; linden; mountain ash; ginko; elm; sycamore and the flowering pear ash.

Mr. McCully stated, I have a software program and several books I have purchased from the seminars. There are a lot of hybrids that are coming out; the hybrid elm is one but it is more like an experiment.

Mr. Rys explained, I think it was the shock of seeing the trees down without anything in their place. I think once we get something in their place the shock will be gone. We have to be sure that what ever we do plant, it will not create that rooting problem again.

Mr. McCully replied, these trees will give us less problems.

Mr. Centner stated, my concern is the timing of the incident. Exactly when, on Friday did you post the notice?

Mr. McCully answered, I believe it was before lunch; around 10:00; something like that.

Mr. Centner stated, I happened to notice the posting on my way to the last Council meeting on Tuesday evening and my concern was the interior trees. I went back Wednesday morning to take a look and everything was gone; just the stumps were there. It just seemed like it was done in minimum time. Living here all my life, I have noticed that when we post other trees it is weeks before trees disappear. I did not think I had to hurry that much.

Mr. McCully explained, in the past we have had to post the trees and then put out a tree contract for the larger trees within the Town. We would then have to put a bid out on those trees. Right now we have a three year bid which is structured on the size of the tree. That takes place now on a tree to tree basis. If I go out and tag a tree on Sylvan Avenue; it is an ash tree where the base is all rotted out and it is a hazard, we can have that removed immediately. I tag it and I call the contractor and get it taken down in minimum time. If it was a hazard or emergency then I would initiate a purchase order to take care of it right away. In this case Public Works was doing the work and we did not have to go out for a contractor for they were smaller trees.

Mr. Centner stated, it did not seem like five days and I would have liked to investigate the interior trees and seen what I could have done to save them.

Mr. McCully replied, if you were to visit the site now you could still see the surface roots; they have not been removed. We need to get a surface grinder down there to grind them flush. The ground is too soft and I don't want to damage the grass.

Mr. Centner stated, it is my understanding that the sidewalk system is designed of brick on sand to give a little to root damage and to also allow for bricks to be removed and roots to be trimmed. This new tree you are selecting; if it has a smaller tree top, the root system generally follows where the branches are. Will you have minimized this problem with the pear tree?

Mr. McCully replied, we hope to. We are starting afresh; it will be several years. I don't see any evidence of problem with the trees in Simpson Court and they are a pretty good size tree now. I am hoping for the same results in Johanna Fishbein Park.

Mr. Centner asked, with regards to the capital gallery pear, it does have fruit and fruit generally brings bees; is this anything like a bee-attracted fruit?

Mr. McCully answered, no, they are very small; birds feed on the fruit of them. We have these trees uptown without any problem.

Mr. Centner asked, does the fruit on the ground stain clothing?

Mr. McCully answered, no. It is not like a cherry or crabapple tree. If you have witnessed the flowers in the Spring they are beautiful; they are a gorgeous tree.

Mr. Centner commented, my one regret was your efficiency to hit it on five days. It did not give me a chance to even look around and get any input to it.

Mr. Zappala stated, I hope you won't be asking for any money for chainsaws this budget! You say Wallingford Center, Inc. was notified of what was going on with regards to the trees?

Mr. McCully answered, yes.

Mr. Zappala asked, how in the world did we plant twenty trees in such a small area, knowing how big they could potentially get?

Mr. McCully responded, I was not involved in the original design of the area. It was John Costello (former Town Engineer) and a landscape architect was hired to select the tree, shrubbery and flower scheme.

Mr. Zappala asked, was a committee formed for the job?

Mr. McCully replied, I don't believe so. I believe that Wallingford Center, Inc. had a lot of input to that project.

Mr. Zappala stated, my information is that there was a committee to decorate and revamp downtown who also raised money to purchase those trees. If that was the case, shame on us.

Mr. McCully explained, at the time the trees were planted it cost \$7,000 to purchase those trees. It was listed as a job item for C.J. Fucci who was responsible for installing the brickwork. The cost per tree at that time was \$350.00. If this money had been raised by any other source outside of the Town, I don't know how it got in there; whether it was separate or not.

Mr. Zappala stated, if my information is correct then it is too bad. It was an effort on the part of volunteers to beautify the Town of Wallingford. You cannot bring the trees back, they are gone. Did you make the sole decision to cut the trees down?

Mr. McCully answered, present at the meeting were Don Roe (Program Planner), Caryl Ryan (President of the Committee on Aging), Barbara Dsupin (Exec. Director of Wallingford Center, Inc.), Mayor Dickinson and myself.

Mr. Zappala stated, it is amazing how quick the administration worked in this particular instance.

Mr. McCully stated, I am the one out of the group that was the most versed in the care of the trees in town; it is part of my job. I felt that now was the time to do it. I work closely with Wallingford Center, Inc. during the holidays. One of the problems/questions raised was the decorating of the trees at the railroad station. It was noted that they were overgrown, heaving the sidewalk and projecting their roots in the lawn area. I suggested that we remove them and replace them with a more suitable tree for the area.

Mr. Zappala stated, I am sure that the new trees will be better for the area and will hopefully be there forever. I am disappointed that a lot of people were unaware of what was happening. I am kind of surprised as to how quickly it was done. If we knew what was happening prior to it happening, people would have accepted it a little bit better. I think people are disappointed over how quickly we got rid of the trees without giving them an explanation.

Mr. McCully stated, when I posted those trees and we planned to cut them down, obviously hindsight is better than foresight, I had no idea that...not in my wildest dreams did I think this would be on television or anything else. Right from the start, I regarded it as a liability issue for the Town; we had tripping hazards there. It was posted the way it was supposed to be; the way I do any other tree in the Town; it was maintenance. The carnage was a little too much for people to take and the media. The basis was always to improve a situation and I think in the Spring you will see that.

Mr. Zappala stated, I have no doubt that you are doing the best job you can.

Mr. Parisi asked, did you say that Wallingford Center, Inc. wanted these trees taken down?

Mr. McCully replied, no. During the meeting they expressed a desire to decorate each of the trees at the railroad station as we have done in the past. With the increasing size of the trees I told them we couldn't do it. I strongly suggested that we remove the trees.

Mr. Parisi stated, I have no problem stating that I asked you to trim the trees.

Ms. Papale stated, I think it was the shock of seeing what happened. I go by that street at least twice a day and I don't look to see if anything is written on a tree. I never saw the notice, myself as many times as I go by. I found out about it at a Council meeting two weeks ago when Mr. Sabo was here. Then I looked and realized what had happened. I think that is what got to everyone. I had questions that I asked and I thought that you could remove the trees on the sidewalk and leave the trees inside the park; thought you could remove the trees and replace them one at a time; they could have been re-planted somewhere else, etc. I had so many things to ask that have been answered here. I am aware of the meeting that Wallingford Center had with everyone; the five people that you mentioned, but when you commented tonight it sounded as though they knew the trees were coming down on Tuesday. That is all history. I think we all feel very bad about it and it was a shock to all of us but it is history and now we have to go on. My concern is, I am hoping that it won't happen again. There is nothing we can do about it. You had said that it was maintenance to take them down.

Mr. McCully stated, there is no ideal tree to plant in these very tight areas; between sidewalks and bricks. Eventually the trees will give you problems. Either they are going to die because of the environment in which they were planted or else they are going to start to create physical problems such as heaving sidewalks, brick walks or curbs.

Ms. Papale asked, are you saying that maybe, in the future, the same problem could happen with the pear trees also?

Mr. McCully answered, eventually when they get mature, it is possible but I think this is a better selection (of tree) at this time in this area. Anytime you plant anything in a restricted area that doesn't have the benefits of the proper soil, moisture, etc., trees become very sensitive.

Mayor Dickinson stated, we have recently finished phase III which involved the planting of trees along Center Street. The point that is being made by Mr. McCully is a good one to keep in mind; those are oak trees. The potential for them having to be dealt with at some point in the future, I

believe to be very real. We had professional advice to put oak trees along there. They are a certain variety of oak that is meant as a street tree and they are planted in New Haven but given the area, the proximity of sidewalk and type of tree with canopy; the potential is very real that one or more of those or a significant number at some point in the future will have to be dealt with in terms of what Mr. McCully terms maintenance. They will get too large for that setting. For that setting; an urban setting with sidewalks all around; the trunks continue to grow and I don't think there is a tree you can control the size of the trunk. We are receiving professional advice, the trees are planted and for the period of time they can be there that is wonderful but we can't look at that tree as if it can be a one hundred year old tree. All kinds of factors come into play unlike in a usual setting.

Ms. Papale asked, even if we had a public hearing and people came to speak and gave their reasons why they didn't want to see those trees cut down, the bottom line is they would have had to be cut down anyway?

Mr. McCully replied, if we had a public hearing it would be up to the Town Council to vote.

Mr. Parisi stated, the point was made earlier that it would not necessarily be an item for a public hearing. This was a maintenance item within a department.

Ms. Papale stated, my point is, even if we had a public hearing and there was an outcry, we still could not save those trees; it was a maintenance situation.

Mr. Parisi stated, the object of the posting was to give notice. He did get calls and he dealt with them. It was still within his purview to take the trees down.

Ms. Papale stated, it was disappointing but it was done and we have to get on with it.

Mr. McCully stated, if anyone objects to the cutting of the trees after I have posted it, they can request a public hearing with the Tree Warden. I cannot take the trees down, that is why I post the trees. If there is any objection to that the tree cannot come down.

Ms. Papale asked, if the public had a right to speak and it was your decision.....

Mr. Parisi stated, we would have to vote on it.

Ms. Papale stated, it was said over and over again, it was a maintenance problem and for those trees to remain there we would have had problems with the bricks.

Mr. Parisi stated, we would have had to make that final decision.

Mayor Dickinson stated, the public hearing is held by the Tree Warden. The Tree Warden gives a chance; under State Statute objections are brought to the Tree Warden but the Tree Warden makes the decision. It is an appeal process.

Mr. McCully stated, the Tree Warden gets his powers from State Statute. I have never had a problem, residents have called me, I have gone to see them; called them; responded to them; I have never had a problem with a posting of any trees.

Mr. Parisi stated, if a resident complained or several complained to the Council and the Council spoke to the Mayor and the Council decided we wanted to have a public hearing I would think that we could do that.

Mr. McCully responded, in order for the public to question me at length on it, yes. That option is always open under any situation.

Mr. Zandri stated, personally, I am very disappointed in what took place down at the green. The thing that disappointed me the most in this issue is that the public, in general, was left out of the process. The reason I mention that, and you may say you have not had problems in other areas of the town, but we are talking about the center of Wallingford here. We are talking about an area of town that a lot of residents put a lot of time in for the beautification project and this thing was really starting to take shape down there before all these trees were cut down. I think it would be a matter of consideration for the public, in general, that this process should not have taken five days to lapse. Before people could even get their wits about them these trees were cut down and that is the disappointing part to me. You said you had a meeting with several people and a decision was made. Was there a vote taken at this meeting?

Mr. McCully answered, no. They followed my recommendation.

Mr. Zandri stated, it is my understanding that Tom Dooley is in charge of the parks, was he notified at all about these trees?

Mr. McCully responded, no he wasn't.

Mr. Zandri stated, he wasn't yet he is responsible for the parks.

Mr. McCully stated, Tom and I did have a discussion on this and my feeling is that Tom is in charge of programs and I am in charge of maintenance. I know there has been a lot of outcry, I did not anticipate it. It was regarded purely as a maintenance item. It was posted and it said that the trees were going to be replaced.

Mr. Zandri stated, I understand that you tried to follow the letter of the law but I have never seen anything happen so fast in this town in the last fifteen years. Believe me, this is the fastest thing that I have seen happen. You also mentioned that the roots were exposed in the grass area. If you have roots coming up in the grass area, those roots can be chopped out and brought down to grass level, I have worked with trees like that. Those obstacles can be eliminated.

Mr. McCully stated, any trees that I have seen in the town where we put new sidewalks in and they cut the roots, they are dead.

Mr. Zandri stated, they're dead anyway so you could have tried that process first. I can almost understand the trees being removed in the sidewalk area because of the problems with the bricks but all the ones around the grass area, I saw no need to remove all of those trees. Even if the trees grew a little bit larger and they had to be removed they could have been removed systematically and other ones could have been planted in their place and we could have had a continuous process where we would have had some trees there all the time instead of starting

from scratch again. That is one of the things that concerns me. There was no thought process whatsoever on how we could attack this problem that we supposedly have that would be done in such a way as to the best interest of everybody in the community and we would not have such a catastrophe as we have down there right now. There was no thought process taken into consideration for the overall appearance down there whatsoever. You also mentioned that the trees were only pruned once in the ten years that they were up there. You have to agree with me that if you are in a high maintenance area down there you want to control the growth of the tree. If they were to be trimmed every other year, instead of getting only ten years out of them, we probably would have gotten twenty years out of them so a maintenance program is very important in a sensitive area such as you have down there. Obviously, you do not want these trees to grow wild like they would in someone's backyard. It is an area that has to be maintained differently than any other area of town. Right from the beginning there was no process or plan put together for the maintenance of those trees down there and again, I want to emphasize the fact that I am very disappointed that the townspeople, as a whole, were not brought into this process. I hope for the rest of the trees remaining on Center Street that we get some sort of a plan. Hopefully, the two items I have on the agenda will be passed this evening and I hope that in the future that in sensitive areas of the town the public, in general, would be get a little more consideration when something of this magnitude is done.

Mr. Renda stated, I am not pointing any fingers or blaming anyone but, if what is being discussed tonight was discussed at that particular time, what particular tree we are going to get and if we will have a problem with the roots; I don't think you plant a tree where there are bricks because they have a tendency to lift the bricks. Even without trees bricks have a tendency to lift. I may sound like Bert Killen but I admire him. We would not be here tonight discussing this if the questions being asked and answered tonight were done at that time. We would not be in this situation. I don't like to see things like this happen where we put in a project...we did that whole downtown area; we are getting into Celebrate Wallingford; that project, we started rushing it to meet the deadline before Celebrate Wallingford...I see a lot of those bricks in the downtown area being raised without any trees in that area. I am not going to have people in this town pay for trees and then ten years, twelve years later we have to cut them down? How about these dwarf trees? We need to get someone in here, show them what we have and have them show us what the best, low maintenance tree would be and then maybe we will solve the root problem. This is what led us up to where we are today.

Mr. McCully replied, in both cases; the railroad station and the plantings uptown, the town has hired professional landscape architects. These people maybe went to college on this subject. You cannot really hire a better person. If you want an architect to put up a building you don't go to a civil engineer. That is what these people do for a living and that is who was hired (landscape architects) and these were the recommendations they brought in. I am not saying that the honey locust was a bad selection, it just outlived its usefulness. The plantings near the edge of the road is strictly for effect, it is not for the long term benefit of the tree, it is for the aesthetic value of the area in which it is planted. They try to create a balance with the type of trees they recommend. They must know in the long term that the trees will not last forever and we have to accept that, too. If we do not plant trees on the side of the road you don't get that boulevard effect.

Mr. Renda responded, sometimes what has to be done, has to be done. You take the area; you see what trees you have already put there and you either put the same trees or other trees. If they are going to create the same problem later on then we are right back to where we started.

Mr. McCully stated, you have to plant them away from that area and not get the effect that you are looking for. It is a compromise.

Mr. Renda stated, either that or you plant something that will not give you as much of a problem. Otherwise we will be back in three, four years in the same situation. Taxpayer's dollars or whomever's contributions to the town to buy the trees....you don't throw money away, especially today.

Mr. McCully replied, we learn from everyday life experiences. If I am faced with this situation again....

Mr. Renda stated, I am sure we already learned our lesson but what I am saying is, I don't want to see this happen again. If we are going to do it, let's do it right.

Mr. Parisi stated, I think we are all in agreement on this.

Mr. Farrell stated, I feel bad like everyone else does over the trees. Unfortunately, one of the powers that the Town Charter gives the Town Council is unfortunately, not to resurrect trees. My concern would be that we not make the same mistake again. The State D.E.P. has a grant program that would fund a town-wide tree management program and I think that maybe that would be appropriate. It would specify a lot of the varieties that are appropriate, the kind of maintenance plan that should be implemented and if that gets down in writing and it is sort of a guide to refer back to and then not have to be on the hot seat like this again.

Mr. McCully stated, up until this point we have not had a problem with the trees in the Town of Wallingford. This has created a lot of attention. We do not have any problems with the trees uptown; we are changing the trees in Johanna Fishbein Park and that is it. It does not really go beyond that, in my estimation.

Mr. Farrell added, I can't see how it could hurt us to look into this program; how other communities have applied for the grant and what they have gotten as a result. Perhaps this is something that the Ordinance Committee could look into, if it is a procedural-type of thing that we could address by ordinance. Again, that may help get you off of the hot seat. Unfortunately, you are the poor guy that we hand the saw to and when you use it, we are wringing our hands later on. I don't want to have to see you in this situation again. We should make an effort to correct some of the procedures in the future.

Mr. Parisi thanked Mr. McCully for his report and turned the discussion over to the public at this time.

Lucille Trzciensky, 262 N. Elm Street stated, I would like to take this time to clarify some of the misconceptions and to ask some questions, most of which I am not going to ask because they have been answered, perhaps not to my satisfaction but I don't see any chance that I will get a different answer. I have been involved in Wallingford Center, Inc., and the revitalization program since it was first conceived and thought of in 1983; fifteen years ago. I am intimately knowledgeable about what went on down there and why. The honey locust trees which were planted in Johanna Manfreda Fishbein Park eleven years ago were ten years old at the time of their installation. They were selected based on the recommendation of the landscape architectural firm of Johnson and Richter. They were chosen specifically, as they have been in urban settings all over the country for their wonderful shade canopy, their resilience and their low, not no, maintenance, they are low maintenance. Their selection was unanimously approved and accepted by the office of the Mayor, the office of Program Planning (Don Roe), the office of Town Engineer, and I



understand that Don Roe was very much opposed to this cutting; the Department of Public Works and Wallingford Center, Inc. The selection was deliberate and based upon expert advice. Bricks installed around the trees were purposely set in sand so that if the trees grew; and yes, we knew that they would grow, we had hoped that they would grow; so that if the trees grew those bricks could be easily lifted and the root problem addressed, which several arborists this week, and I have spoken to them from the State level on down, said could be handled relatively easy, if dealt with in a timely manner. The bricks could have then been flatly and safely removed and Mr. Zandri is absolutely right when he says that the trees in the center of the green, those roots could have been cut back. This project was thoroughly and thoughtfully researched and completed with expert advice and the knowledge of all involved over a period of two years. We took two years to make the decision; we took less than what State Statute allows which I will get to, to cut those trees down. The trees planted in 1987 were five inch caliper trees which means, in diameter they were about five inches. At the time they were planted they were ten years old and cost \$350.00 a piece without installation which raised them to a cost of about \$500.00 each. Three outstanding commercial landscaping firms, VanWilgen's in Branford; Millane's in Cromwell and East Haven Landscaping in East Haven, have told me unequivocally this week that the same size tree today, the five caliper tree; not what we cut down but what we put in eleven years ago, would cost \$1,500 per tree today and the installation charge would be between \$880 - \$1,000. That amounts to a cost of \$2,500 a tree for trees that then cost us \$500 taxpayer's dollars, private donations, my own personal dollars. In March of 1997 I called a tree expert who, in the winter, does tree lighting. His name is Michael Haggerty, from Danbury. I asked him if he would give us a price for lighting the trees on the green and uptown. He met me on the green in March of 1997 and he said, "I am very reluctant to put lights on these trees." He said, "the trees on the green had not been taken care of, they had not been maintained, they were overgrown and truly in danger of damaging themselves because they had no windspace to go through them." We went uptown and we took a look at the pear trees which were planted in 1992 and he was appalled at the condition of the trees. Now this was in 1997. He told me at that time that a pear tree, because of its density, is a tree that needs maintenance. It needs to be pruned and he said, "those trees should have been pruned three or four times already because the density was so great that in the ice storms that we have here with snow, those branches tend to crack and split." He was shocked that they had never been pruned. He could not understand why the trees were let go for so long. I, personally, and also through the auspices of Wallingford Center, which unfortunately I was not involved with any longer at the point of this meeting, had requested that the tree be pruned more times than I can count. Many, many people know that for a fact. I was told, they were going to be done; I was told there was no money in the budget but there would be money; but nothing was ever done. Those trees uptown have never been touched. We planted oak trees on Center Street. The man from VanWilgen's told me, "that is a tree you plant for your grandchildren." Two questions, are we just going to let them grow and cut them down? Are we going to maintain them? And if we are not going to, why did we choose oak trees? I want what the center of town should be; what I have always dreamed it should be for my children and my grandchildren. I don't expect to put town dollars and time and effort into a project to know that every ten years, every fifteen years, that project is going to be destroyed; the town is going to spend more money and for the great reason that it is not maintained. If you came to me and said, "we did everything we could, Lucille, we can't keep those trees", then I would have to bow to the will of nature and the Tree Warden but that didn't happen. You planted them, you let them stay there, when you couldn't handle them, you cut them down. That is how we do things here. (Applause) My last question is, why were the trees cut down in such haste and with so little concern for public feeling? The trees were tagged at dusk, I have several witnesses to that. On Friday, February 6th, the removal began on Wednesday, February 11th at 8:30 in the morning. Why did the Tree Warden fail to accord us our rights to notice of the removal of the trees as required by Connecticut General Statute section 23-59 which requires at least five days notice which, in the words of the Supreme Court rules, "when so many days, at least five, are given to

do an act both terminal days are excluded." This simply means that when five days notice is required the first and the last days are not counted and there must be five full days between. Failure of the Tree Warden denied us of our procedural due process rights and violates 42 United States Code, 1983. Why the haste? Those trees were there for eleven years and virtually ignored all that time. Why the hurry to destroy something so precious and so important. Let me interject here that it is absolutely unconscionable to take down a tree because you can't put lights on it. I never thought I would hear myself say that but when I think that someone would say that Wallingford Center, would be more concerned about lighting a tree than keeping it, I am appalled. I cannot believe that. People might think it is strange that someone would get out of a sick bed to come here tonight. After all, as Iris said; as many of you said; they're gone now so what can we do? That is like saying, he is already dead so why find the murderer.

Mr. Parisi stated, all right, let's move it along.

Ms. Trzciensky continued, It is wrong. These were more than just trees; they were a part of the heart and soul of this community and I, for one, could not feel more violated if someone destroyed something in my very own home. In fact, in many ways, I do feel that way. On the green we, as a town; a group of people united by a common bond; a feeling that says, this is who we are, because this is what we share; this place speaks in some way of our collective past and our present and our future; on that green we held our celebrations, we have watched our children play, honored our various faiths and beliefs, have had people pray over the troops in the Gulf (war) and most recently bowed our heads in a poignant moment of town-wide grief when Johanna passed away. So much more than trees were destroyed on that green; hearts were broken that day. Why? There was no emergency that required such devastating action. To those of you responsible in your capacity as caretakers of what belonged to all the people of Wallingford, you acted wrongly and with the utmost arrogance. (Applause)

Mr. McCully stated, I can purchase three and one-half inch honey locust trees under the Town's bid at this present time for under \$300.00. The \$1,500 price that is being thrown out is a little extraneous.

Wes Lube, 14 Montowese Trail stated, to hear the Councilman's comments and Lucille's comments, it is absolutely fantastic that the people of this town are that concerned about the trees; we surely do need them. It is obvious to everyone this evening that we have a Tree Warden who has been learning on the job. That is the direct result of that. To have an engineer's approach and an engineer's solution is bringing these results. This is not a decision to be made by an engineer. In talking to the Holiday Lighting Committee at Wallingford Center, this wasn't any kind of official meeting. Nobody at this meeting had any responsibility; he was just telling some citizens what he was intending to do.

Mr. Parisi stated, I think there was just a comment and some discussion at that meeting that was spontaneous.

Mr. McCully explained, we do get together; as you know Wallingford Center's recent president resigned and the two ladies were simply filling in. We were discussing ongoing work that had to be done for this upcoming holiday season and what responsibilities my department would be taking and so forth. I was merely working with those two ladies and the issue came up.

Mr. Lube asked, who first brought up the complaint about the trees? Where did this all start?

Mr. McCully answered, the condition of the trees; the size of the trees...they have what is called a horizontal branch that grows outward. Those that were planted by the curb were getting hit by trucks and so forth. At that time, it was prior to 1995, I got a request from Mr. Parisi to trim the trees and around that time we were having problems with the growth of the trees and getting the lighting effect we had experienced when the trees were first planted which was wrapping each branch with Christmas lights.

Mr. Lube asked, were the trees on Hall Avenue a problem for the trucks?

Mr. Parisi stated, this is not an inquisition.

Mr. Lube stated, I want to know what is going on in my town, here. Come on Bob.

Mr. Parisi stated, ask your question.

Mr. Lube responded, I did.

Mr. Parisi stated, I didn't hear it very clearly.

Mr. Lube asked, who carried the complaint to the ultimate decision maker?

Mr. McCully responded, it wasn't a complaint. It was an observation on my part.

Mr. Lube replied, those three or four branches on Quinnipiac Avenue that needed to be cut down?

Mr. McCully answered, and then you go down there and you look around and I observed the heaving of the sidewalks, the surface roots in the grass starting to become a problem. Those are hazardous to the public.

Mr. Lube stated, if you have surface roots, as I do in my yard, you plant pacysandra around them; you plant ground cover and you don't worry about somebody tripping over them, you just take them out of pedestrian way. You don't take down a tree because you have surface roots.

Mr. Parisi stated, you are entitled to your opinion and he is entitled to the judgement.

Mr. Lube responded, that is why I am here to tell him.

Mr. Parisi reminded Mr. Lube that he must direct his comments through the chair.

Mr. Lube asked, what alternative solutions were proposed?

Mr. McCully answered, removal was the alternative solution.

Mayor Dickinson stated, there was also an issue of re-planting. Pruning was an issue and re-planting was another.

Mr. McCully stated, to transplant those trees would have cost a fortune.

Mr. Lube asked, was there any possibility of moving the sidewalk?

Mr. McCully responded, no it was not possible.

Mr. Lube asked, why?

Mr. McCully replied, because it is not possible, take my word for it.

Mr. Lube asked, if Tom Dooley is the manager of our Parks Department, why was Tom Dooley not in the loop? I don't understand. You keep saying this is a maintenance item but the monies that are going to be required to plant replacement trees, it would seem to me that would be under Tom Dooley's jurisdiction. That is not a maintenance item.

Mr. McCully responded, the Public Works Department is responsible for the maintenance and upkeep of the parks. The money would come out of my budget under the maintenance of the parks. Tom is responsible only for program scheduling.

Mr. Lube asked, if the Mayor approves a water sprinkling system for Wallace Park, it would be in your budget?

Mr. McCully replied, yes.

Mr. Lube stated, one of the lovely things about those trees is, they tended to take the focus of our attention, our visual perception of that area of the town, away from the surrounding buildings which, for the most part, leave a lot to be desired, aesthetically. It was the one attractive thing we had down there. The railroad station, as nice and antique as it is, since it has been restored on the exterior, is not a very beautiful thing. Yet, this park was; it no longer is. One of the things that we have to be conscious of is that most ornamental trees have shallow root systems; they don't go deep into the ground and any of the ornamentals that we may choose are going to have that problem and we have to be very specific and not just go on what our experience, on a limited basis, has been uptown but, rather, talk to horticulturist about what trees have deep root systems and what trees have shallow root systems by their nature. Someone did mention the fact that your root systems tend to follow the limb and leaf growth and that is correct. If, later on, you are going to be following Mr. Zandri's motion of planting the trees adjacent to the inside of the sidewalks, you are going to have the same problem; half of the root systems are going to be, again, under the sidewalk. The only way to avoid this is to plant trees considerably away from the curb and the sidewalk. If you do that you are not going to achieve the aesthetics that you had. The only way you can retain it is to re-plant the trees where they were and move the darn sidewalk and I think that is not an engineering feat that can't be accomplished; that is my opinion. Iris' way; what is done is done. One of the things that is happening here is, someone made a mistake and someone is going to say, I made a mistake and I should not have done it and obviously the fire storm that has swept the town, newspaper and t.v. about this chainsaw massacre is a reflection of the fact that this town really cares and I think it is great. Thank you.

Jason Zandri, 12 Circle Drive asked, does the State Statutes say that there needs to be a five day posting period for tree removal as such?

Mr. McCully responded, yes.

Jason Zandri asked, would a local Statute supersede that if we were to implement one that said fifteen days; twenty days?

Mr. McCully responded, the powers of the Tree Warden come from the State.

Jason Zandri asked, even if we had a local statute it would still come from the State level as to what would be allowed?

Mr. Parisi responded, yes.

Jason Zandri asked, was the ultimate decision to remove the trees your own?

Mr. McCully answered, that is correct.

Reginald Knight, 21 Audette Drive stated, with the propensity that the town has to see what other towns are doing whenever they have a problem, my wife and I have, over the past few days, been in Meriden, North Haven and New Haven and there is no problem at all with the trees in the sidewalk. It is such a simple solution and I am surprised that someone did not come up with it; there is a wrought iron grating that goes around maybe four or five feet in diameter and there is a hole for the tree to grow up in. There is a hole there, lower than the level of the sidewalk. This allows any eruption of the roots close to the trunk without any disturbance whatsoever on the sidewalks. These three adjacent towns all have this and it is no problem at all and it solves the whole thing. Secondly, when you start talking about trees in the middle of the green having roots sticking up, well, that is what trees do. It is surprising to plant the tree and not expect roots to stick up. If we were to go around we would have to ban people from using Tyler Mill because roots stick up; there are trees all around town erupting sidewalks but we cherish the tree and we walk a little more carefully. I don't mind stepping up two or three inches to let that tree grow. They are a thing of beauty; nature's wonders. If a tree is tree is growing in the middle of the green, so it has roots, that is what they do. If you buy a dog you just don't pet him, you know you have to feed him. Why not let a tree be a tree? Think about the wrought iron when you are doing the new ones. It is just a grill that stays flush with the sidewalk; there is a pit underneath that allows for the expansion of the roots.

Dianne Hotchkiss, 38 Clifton Street asked, if the State says we have five days for posting the notice and the five days was not met, was that just a minimum that we have to do or can we, in the future, have it put in the newspaper or something more so that people are aware of it? People have stated that they have seen the signs going up late at night; not there at all; the newspaper should have picked up on the posting and put a picture in the paper; they catch everything else around here. My question is, can the Council do something in regards to that?

Mr. Parisi explained, Mr. McCully did it as a maintenance situation and never did he expect there to be the concern that was generated. I would suspect in the future that it would be handled differently. There is nothing we can do at this point, we can whip him all night but the trees are not going to come back. He has admitted that he would probably view this in a different light should it happen again but I think also that he reserves the right to operate his department and to perform his job. I think that we would approach this a little differently.

Mr. McCully stated, to further clarify and for anyone who wishes to debate the law regarding the days notice, I posted the trees before noon on Friday, the sixth day of February. They were removed the following Wednesday. That is all I can say about it.

Mr. Parisi stated, now that we know there is so much sentimentality over these situations, I know I would certainly be very, very quick to recommend that we extend the time period a little bit or what ever. I am sure you would view it in a different light.

Mrs. Hotchkiss asked, what is fireblight? The information handed out by Mr. McCully on the capital gallery pear tree says that it is susceptible to fireblight. Is this a disease that we are looking for in this area on these new trees going in?

Mr. McCully explained, on any of the sheets that you read, it is simply what the tree can be susceptible to. You have to be a licensed arborist to determine if it has gotten that disease.

Mrs. Hotchkiss responded, therefore we need this arborist that will come up in the meeting in the future?

Mr. McCully stated, that is like saying, every elm tree in Wallingford is susceptible to elm tree disease.

Mrs. Hotchkiss stated, the information also states that pruning should begin when they are very young therefore we do have the need for an arborist. It also says that planting two or more cultivars together may increase fruit set which the birds do not eat until the fruit is very soft and by then it will be on the ground; it will be a mess in the center of town. I just wanted to bring these points forward because now the Council is being notified that this is being done, just like Wallingford Center, Inc. was casually notified the same way.

Lucille Trzciensky stated, I want to address the issue of the five days (notice). I went to some time and expense to have an attorney research those statutes for me. I quote again, "by Connecticut General Statute section 23-59, five days notice is required which, in the words of the Supreme Court, means when so many days at least are given to do an act, both terminal days are excluded." In my discussion with him he said specifically to me, there are then seven total days and there should be five days between. Am I understanding that correctly? Is that my correct assumption?

Mr. Parisi replied, as you are reading it, it sounds correct.

Mrs. Trzciensky stated, I am reading it directly as it is quoted in the Statutes. Why, then, were they taken down in five days?

Mayor Dickinson stated, the Town Attorney would have to look at exactly what case you are reading and what...it is possible that it is true but I think what it highlights is if it takes a Law Department or a legal interpretation to determine what is meant by five days and it really means seven, given that we were not aware of this as being a problem, it is hard for me to fault Henry McCully for not knowing that ahead of time. If five days means seven and it takes a regular interpretation, I don't have a problem with that.

Mr. Parisi stated, why don't we research that and answer that at the next meeting?

Mrs. Trzciensky stated, I would like us to research it but I would also like to say that it is another indication of the cavalier and casual manner in which this whole thing was handled. You cut twenty-one trees down and you don't research thoroughly the Connecticut State Statutes and the Supreme Court rulings as to notification to your constituents? I don't understand it.

Mr. Parisi stated, it may have been a misinterpretation of it, I don't know and I am not going to comment on it until we get a legal opinion.

Bill Comerford, 5 Broadview Drive stated, this stems back to my original comment about planning. Very little seems to take place and this is the perfect example of that. I realize that Mr. McCully stepped into a problem that already exists because he came here in 1992 when the existing problem already took place. What should have taken place was back when it was put in, honey locust trees have a shallow root system to begin with. You have a sprinkler system that is in the town green enabling the green to stay green. At the same time by watering the lawn you are also creating the shallow root system for that tree and no matter what tree you put in there you will still have the same problem. That problem should be addressed now and not down the road. Back in 1986 or 1987 when the installation of the trees was undertaken, there was also a tree root barrier that could have been placed in. It is still in operation today, they use it in Washington, D.C., they use it all over the country. I have brought some articles and landscape architect magazine for you to look at, I think it should have been done back then; it has not been brought up as far as I know with Mr. McCully at this point. Mr. McCully said it best when he said that he tried to take the arborist license test; he didn't pass. I don't think that he is qualified in his position to make decisions that are not of his ability.

Mr. Parisi stated, I think also that he said that they had expert counsel in the selection of the trees also. I think that was said by several people.

Mr. Comerford stated, it is a matter of a system of checks and balances where, like the woman who just noticed about the trees that Mr. McCully.....she is the one that picked up about the berries, etc. Also, what was the cost for transplanting the trees at one of our parks? You said it was expensive; there is a local company that has a tree spade that could have offered it seeing it is off season. Was that given consideration?

Mr. Parisi answered, no.

Mr. Comerford asked, why not?

Mr. McCully answered, the cost to replace the trees is going to be \$4,700 and I have been working for Public Works for fifteen years and if you work in the landscaping business, you tell me how much it will cost to transplant twenty-one trees anywhere in the Town of Wallingford with a spade?

Mr. Comerford replied, first off, I am not the Director of Public Works. So the answer is, it was not even looked into?

Mr. Parisi stated, that was the answer to the question.

Mayor Dickinson stated, I think that some of the issue was, in order to get enough of the root ball the whole green, literally, would have to have been torn up. Eventually the sidewalks and most of the area; there is the sprinkler system there but in order to get the root ball, it is a fairly big piece of machinery according to what Mr. McCully indicated and it would be extremely intrusive and you would have to virtually re-build the whole park. I think that was a factor in that determination.

Mr. Comerford asked, how does Mr. McCully propose to plant the new trees?

Mr. McCully answered, the new trees will be planted with the ball system the same as we used uptown. I have been to seminars where the root barrier has been demonstrated and there were a lot of tree wardens there who had experimented with them with mixed results. They are a solution to the problem that we are faced with. There are different reactions; the manufacturers of these items do promote them but they are not the solution that everyone is looking for. If they were the ideal solution everyone would be using them.

Mr. Comerford asked, so the existing root system that was left from the honey locust tree is not going to be removed?

Mr. McCully answered, we excavated the roots; we pulled the stumps and cut the roots. The remaining roots will decay in the ground.

Mr. Comerford asked, you were able to remove all of the root system that was underneath the existing sidewalk?

Mr. McCully replied, not all of them. We removed a lot of bricks that had to be put back and we disturbed a lot of roots. We got as much of it as we could.

Mr. Comerford asked, what will happen ten years down the road when you have planted these trees and they are encroaching on the old dead wood that you were unable to remove? Was that a consideration?

Mr. McCully answered, I don't think it will effect these new trees.

Mr. Comerford stated, but that is your opinion.

Mr. McCully stated, from experience; I plant trees all over the Town of Wallingford. We plant trees next to large trees that were excavated; twenty-four inch maples, the stumps are ground and we plant trees six, seven feet away from these trees and they do very well.

Mr. Comerford asked, is that your intention, to plant the new trees six to seven feet away from where the old trees were?

Mr. McCully answered, no. Our intention is to put them back from where they were excavated from.



Mr. Comerford stated, prior practice, I would assume, would be to cultivate the soil and not just take a small backhoe....

Mr. McCully stated, a professional landscaper will plant them, not Public Works.

Mr. Comerford asked, if you looked at this back in 1995, why weren't they removed in 1995 rather than wait another two years to take this long if you decided back in 1995 when you looked at them for the pruning purposes and the lighting?

Mr. McCully replied, I did not look at them to remove them back in 1995, I had no intentions of removing the trees. We were trying to reduce the size to a manageable size and keep an eye on the condition of them. It is easy to say that I can step over a root but it is a different situation when someone sues the Town of Wallingford. I go to court many times and I answer letters on a daily basis on people tripping in the town and suing the Town of Wallingford. Perhaps for yourself or members of the public you think of it as a little bump but when someone trips on it and gets injured it does not take them long to run to the Town Clerk's office and file a claim; we get many of them every year.

Mr. Comerford asked, aren't some of the bricks down there on edge to act as a decorative kind-of edging?

Mr. McCully answered, that is correct, it is called a soldier course. When we put the new trim around the trees we are going to use the configuration we are using on Center Street. It is a plastic barrier that goes around and holds the bricks in place to make a smooth transition.

Mr. Comerford asked, so they won't be elevated?

Mr. McCully answered, that is correct.

Mr. Comerford asked, then why won't those....seeing the trees were a hazard, why weren't those pavers removed at the same time?

Mr. McCully answered, they were heaved and that was the original design and, as Lucille testified to earlier, I am very reluctant to make any changes to that green; it was designed that way and we attempted to keep it in its original condition.

Mr. Comerford asked, did you ever consider using a growth regulator on any of the trees? Have you ever used a growth regulator? Would you consider using one?

Mr. McCully replied, I have no idea what you are talking about.

Mr. Comerford explained, a growth regulator stunts the growth of any size tree by applying pesticides to it. We had an individual who worked for the town that had a supervisory license pesticide whether it be arborist or pesticide. They would have well been briefed on alternatives that should have and could have been taken into consideration before this even took place.

Mr. McCully stated, I consulted, at length, with Paul Bowery of Cheshire Tree Service. Cheshire Tree Service maintains what a couple of what I consider historic trees in the Town. We have the

elm tree, the large elm tree in front of the Historical Society which is maintained on a yearly basis by Mr. Bowery's crew. During my discussions with him he was adamant about not topping the trees. He would thin them out but would not top them. He stated that the life of the tree would be threatened if it were topped and he is a licensed arborist. I explained the problems we were having and there was no mention of hormones or pesticides or anything else.

Mr. Comerford stated, the thing was already twenty-five feet tall at that point.

Pasquale Melillo, 15 Haller Place, Yalesville stated, one of the most important thing you can do when planting a tree is to plant it at a forty-five degree angle. A lot of people make a mistake and do not do that. We have to emphasize that in the future we have to stay away from the sidewalks as much as possible for if we do so we will be on the safe side; you won't have any problems. Roots will seek out water and since the sidewalks hold water that is why you have the problem. That is one of the biggest reasons you have problems like that. We must also consider planting drought-resistant trees. Let's profit by our experience with this.

Albert E. Killen, 150 Cedar Street asked Mr. McCully if he was aware of the reasons for which you can order a tree be removed?

Mr. McCully responded, a reason must be specified on the posted notice. I don't think you need a reason, I think you just have to post it; it could be a healthy tree. A healthy tree could be removed for a number of reasons. It could be a hazard to traffic or due to construction. You post the reason on the card and if any person reading that card contacts my office and requests a hearing with me I have to grant them that. Until they have had the hearing, I cannot remove the tree. In an emergency situation I don't have to post the tree.

Mr. Killen stated, the Statutes says that you can order it removed for public safety reasons. It lists two reasons; that is one and the other one has to do with some sort of vermin that grows at the roots in which case you can remove it automatically. Nothing else is listed in there except for public safety. That takes away a lot of the powers you thought you had before and if you have not learned from that we are going to face the same thing again in the future. You said you discussed it with the Town Attorney, didn't that come up at all?

Mr. McCully replied, no, we only discussed the five days. I am not an attorney and we have just learned that five days is now seven days. As we grow old we learn.

Mr. Killen stated, what bothers me is that it is one thing to expect people to find out that you are going to put down one tree; it is another thing to remove eight, ten, twelve of them and if they should all have the same problem at the same time; if pests had done a job on them it would be understandable but could you use that as a reason Henry, to say that each one of those posed a public safety hazard?

Mr. McCully responded, no. They were posted and the reason they were posted was to be replaced. It did not say that it was due to a hazard or anything else.

Mr. Killen stated, ignorance is not bliss because you pay the price sooner or later. You don't have carte blanche as far as the parks are concerned; under State Statute if the park commission

does not give you permission in writing to touch them, they are under their jurisdiction. You should check that out also.

Philip Wright, Sr., 160 Cedar Street stated, I feel as bad about these trees as everyone else in town does. I am observing the fact that the Mayor is doing a good job as Henry's boss; he is defending him. I guess that means that he agrees with what Henry did and if Henry leaves Council Chambers tonight feeling good about what he did, I will be terribly surprised. I also feel that if I were sitting in the Mayor's position, I might give Henry an A for doing things as expeditiously but I sure as the devil would give him an F for the way he handled it. That is as much of a man's job, how he handles it for the public, as the way they cut it off. I think it is unconscionable.

Mr. Parisi thanked Mr. McCully at this time.

ITEM #9 Consider and Approve a Recommendation to the Mayor to Refrain from Planting New Trees at Johanna Manfreda Fishbein Park in the Area Between the Sidewalk and Street Curb and that New Plantings be Placed Adjacent to the Sidewalks on the Grass Area of the Park as Requested by Geno J. Zandri, Jr.

Motion was made by Mr. Zandri to Have the Council Make a Recommendation to the Mayor to Refrain from Planting New Trees at the Johanna Manfreda Fishbein Park in the Area Between the Sidewalk and the Street Curb and that the New Plantings be Placed Adjacent to the Sidewalks on the Grass Area of the Park, seconded by Ms. Papale.

Mr. Zandri stated, the reason for the motion is, I really feel that in that park there it is one area of the center of town where we have the opportunity not to plant the trees in the sidewalk area. We can plant them in the grass area, close enough to the sidewalk so that the spread of the tree will overhang the sidewalk and we could really accomplish what we want to down there and in the future we will not have the same problem with the bricks being lifted up, at least not as quickly as if we had planted them smack in the middle of the sidewalk.

Mr. Knight stated, I respect the intent of the motion; the idea is to not have the problem that created the need to take down the trees. Your next motion, however, is also to consider and approve a recommendation to the Mayor that the Town hire a professional arborist which seems to me that we have heard some very interesting ideas on how the same thing might be accomplished without having to upset the aesthetics that were in mind in the original design. Before we tie the hands of some of the people who are going to be looking into many matters having to do with the trees and the plantings on the green, in particular, I prefer to bring in some expertise in some form to see if some of this can be prevented. Reginald Knight referred to the fact that North Haven and New Haven and Meriden have used these iron grates and there is a pit beneath the grates; that is one thing that he has observed; a Mr. Comerford had two or three things that I have never heard of because I don't know a whole lot about trees. The growth inhibitors, the root barrier systems and what not; I think that there are some ideas that came out tonight that are worthy of pursuing and for that reason I don't think that I could support this recommendation at this time.

Mr. Zappala stated, we did hire experts years ago and look where it got us. I think this is not a solution not to beautify downtown, I think it is something that we are going to be faced with

later, to cut down the trees which we will come to love having down there. I think, if they were not able to suggest to us the proper thing to do down there, what makes you think the next person we are going to get, we will be faced with the same problem? I think, the idea of any of us who would be able to suggest what to do down there should be just as much appreciated then anyone else who considers himself an expert. I do support the motion.

Mr. Centner stated, I think this motion has merit however, I would like to see if I could have the motion amended to read after the words, "area of park" and before the word, "as" the language, "in such a manner as to minimize root damage to the sidewalk area" as requested, etc. What this does is, depending on the type of tree they select, they would have to move the trees further or closer away by the expected root growth and it would more closely specify protecting of the sidewalks which you are targeting.

There was no second to the amendment.

Mr. Zandri commented, Steve (Knight) had mentioned that there were suggestions tonight with different ideas about planting trees in the sidewalk area such as root barriers and what have you; the reason those things have developed is because, obviously, going up Center Street and up at Simpson Court there is no other alternative. If you want trees there, they have to go in the sidewalk system. Fortunately, for us, in the green area we have an alternative. We can plant trees that will still, in my opinion, be decorative down there and enhance the park and still keep them out of the sidewalk area. That is the reason for the motion. Obviously, we can't mandate that the Mayor do this, we can only recommend. This is our recommendation to him and I think it is a worthy one.

Mr. Parisi stated, I would hope that from the discussion that took place tonight and the input from the public and comments from the Councilors, themselves, that it would be obvious what the desires of the public and of the Council are. I, personally, don't prefer to dictate to the Mayor's Office, I would like to think that we can work together and through public input and suggestions from the Council that these things would be followed. I respect your motion and understand your position; my view is, perhaps, a little different.

Mr. Zandri pointed out, in Henry's presentation it seems to me that the plan is already in place and the new trees are going in the exact same spots as the old ones. It is obvious that the decision seems to have already been made here.

Mr. Parisi stated, I would hope that there would be some reconsideration and I think we should go on to some of the other items eventually because I think that further information is going to be presented.

Mayor Dickinson stated, Henry's initial desire was to keep the design the same but if there is concern, and there obviously is, about having the trees in the sidewalk area, we would be reviewing that and, in addition, seeking other advice to give us an idea as to what is good, bad or indifferent. The whole issue of the downtown started many years ago; trees were down there; there was objection to removing the very large trees at that time; the trees were removed; the green was improved as part of a first phase and those phases have continued. There is absolutely no withdrawal or rejection of the overall issue of having a nice downtown and a focal point for

community pride and for the ceremonies that take place on the green, etc. With all of that said, our objective is the same as it has always been. We can sort out the disagreements over whether a tree is removed or what maintenance means and how often but the positive thing is that the Public Works Director is committed to the downtown area being an attractive place. We will be coming to you in a very short time regarding more money for Quinpiac Street to be putting lights and trees along there. We want to do it right; you want to do it right...

Mr. Parisi stated, when I hear that there is the opportunity to reconsider this, I am satisfied.

Albert E. Killen, 150 Cedar Street stated, I was very disturbed by your remark, Mr. Chairman, saying that a recommendation is telling the Mayor what to do. There is something radically wrong when a person up there cannot make a suggestion for the good of the town and have it feel they you are telling someone that they must do it this way; they must do it that way. I don't believe that is in the motion at all and I don't know why you took that position.

Mr. Parisi responded, because that is my position.

Mr. Killen stated, God help us if that is the way you reason, God help us.

Jason Zandri, 12 Circle Drive asked, is the intent of the recommendation to permanently refrain from planting any trees there or at this time?

Mr. Zandri responded, to me it would be permanently, I would not trees planted in the sidewalk area at all on the green.

Jason Zandri asked, even if some suggestion in the future were to be made that it may be possible to do so without damaging the sidewalk, it wouldn't be a possibility for a vote at that time?

Mr. Zandri responded, this is strictly a recommendation at this point in time. Obviously, it would not hold beyond this new planting if a new feature came up in the future that allowed planting in the sidewalk area and it was deemed feasible to do at that time, I am sure it would be considered.

Jason Zandri asked, so then the possibility of currently supporting this for further study may be advisable because at some future point it could be recommended that, with the new information that plantings take place?

Mr. Zandri replied, again, this is strictly a recommendation for the present planting of the green, not to put them back in the sidewalk area.

Jason Zandri asked, it is not to make any plantings at this time until further information could be gathered on what kind of a tree could be put there?

Mr. Zandri reiterated, I want the trees planted at the green, at this time, but just not in the sidewalk area.

Jason Zandri stated, if, in the future, a tree whether it be a dwarf tree or some other mechanism could be introduced that could keep the tree from expanding then perhaps, at that time, it could

be considered. I don't want this to be passed and then they could never put something there. That is not the intent?

Mr. Parisi answered, no, that is not the intent.

Reginald Knight, 21 Audette Drive asked, why does it all have to be done at once? Why can't we plant the trees on the green far enough away from the sidewalk to cause no problem and then, later on after study...look at putting some in the sidewalk? Maybe you will decide to put some in the sidewalk and maybe you won't. For right now, why not put some trees in the grass? Let's save the green.

Dianne Hotchkiss, 38 Clifton Street stated, I think that Mr. Zandri's recommendation was good because the capital pear tree has a height of thirty-five to forty-five feet and a width of twelve to sixteen feet wide. This means that if they are planted at the curbside where there other trees were planted, they are going to be out in the middle of the road again and will have to come down again in a few years. I think it is a good recommendation.

Lucille Trzciensky, 262 North Elm Street stated, I am concerned that the choice of trees that we are discussing does not deal with the item of shade. In speaking to someone in town who is a tree expert and on one of our own commissions and speaking for myself, many of the times that I have seen people on the green, they have been sitting on those benches or on the grass enjoying the shade because there is nothing that comes from that side that will offer any shade. There is no point in having a green if it is not shady. It seems to me that one of the trees that you might consider would be a tree that would grow a little bit wide, even if you have to plant it just on the green area. Geno's point is well taken. It should offer shade for the people who go there and shade for the people who enjoy those benches because, without it, there is no point in having the green; you simply have something pretty to look at but not functional and our intent many years ago was to have a place where people could gather and enjoy not just the surroundings, but each other. That is what creates a sense of community. We do not want things that look good but are not used. Please keep that clearly in mind when you make this decision.

VOTE: Center, Papale, Zandri and Zappala, aye; all others, no; motion failed.

ITEM #10 Consider and Approve a Recommendation to the Mayor that the Town Hire a Professional Arborist on a Yearly Basis to Perform a Systematic Schedule of Care for Ornamental Trees Planted in Association with the Downtown Revitalization and Streetscape Projects as Requested by Councilor Geno J. Zandri, Jr.

Mr. Zandri moved that the Council Make a Recommendation to the Mayor that the Town Hire a Professional Arborist on a Yearly Basis to Perform a Systematic Schedule of Care for the Ornamental Trees Planted in Association with the Downtown Revitalization and Streetscape Projects, seconded by Ms. Papale.

Mr. Zandri explained, I am making this motion because it was stated several times this evening that the trees along Center Street and Simpson Court are already out of control and I think that the Town has invested a lot of money in the downtown; it is a very beautiful area in town and it has to be maintained. It is worth the dollars to hire a professional to get the job done.

Mr. Zappala stated, I thought that was great of you to do so, and added as a joke, that is why you get \$100/hr.

Mayor Dickinson suggested that the Council give Mr. McCully a chance to look into what may be available; check with the State and if that is not on an ongoing basis, check with what may be available and we can get back to you rather than spending a lot of time debating this.

Mr. McCully stated that he knows Mr. Borman and he will give him a call.

Mayor Dickinson replied, that does not mean that it is limited to Mr. Borman; the State may not be available on an ongoing basis. We can look into what is available otherwise.

Mr. Parisi stated, I did speak with him and he said he would be more than happy to work with us. I am not saying that Henry never looked for him or anything like that.

Lucille Trzciensky stated, in the face of what has just happened and the fact that we have had trees for ten years downtown, since 1992 uptown and trees that we just put in, and those trees have not been maintained how can you possibly consider anything but the hiring of an expert. I cannot understand that its delay is even a matter for discussion. We have just lost twenty or twenty-one irreplaceable trees, irreplaceable trees. You can put new ones in but you cannot get those trees back so how can you even sit up there and contemplate the idea that you will wait again, in the face of this, you are willing to wait again, until somebody decides that this might happen or that might happen and then you will make another decision. Your obligation is to see that this never happens again and the first step is to hire an expert. How much could he cost, in face of what we have just lost in money? Anything you have to pay, pales in comparison.

Mr. Parisi stated, the point has been made that we have to deal with the problem and we should. We should find a solution and set up a program and we should have an expert help us do that. Then, what ever is recommended by the expert, if you will, and if it, in fact, is that professional services should be acquired, I think that is basically what you are saying. We are saying the same thing in a different way.

Mrs. Trzciensky replied, as a taxpayer, and having been in the situation before, I would like one thing to be determined tonight; a timeframe. I want to know when the interview will take place, when the research is going to be done, and when this is going to come to a decision. I also want to know who will be accountable for those decisions being made; the Council, the Mayor's Office or Henry's Office. Those answers can be given to me, especially the last one, tonight because you should know, as the town legislative body, who is responsible for determining the answer to that question and in how long a time.

Mayor Dickinson replied, the answer to the question is, administratively the Mayor's Office is responsible and town departments. As to hiring someone...

Mrs. Trzciensky stated, what is the timeframe to determine if someone will be hired or if we will get some pre-consultation?

Mayor Dickinson replied, I don't think there is any question that we are going to get advice. If it is paid for advice it will take longer than getting advice from the State because we will have to

go through a process of selection which may involve the bidding process, depending upon the amount of money. It is difficult to put an exact timeframe on that. Depending upon what the relationship of the party is to the town, could change the amount of time involved.

Mrs. Trzciensky stated, I would like to know tonight when that first step is going to take place. When you are going to sit and determine if it is going to be a bidding process or not? If it is going to be a bidding process, when is it going to commence?

Mayor Dickinson responded, my guess is that Henry would be in touch with the State tomorrow or as soon as he can reach Mr. Borman and get an idea as to what services they can offer, how frequently, etc. If he is satisfied with that, he will come to me with a report. If he is not satisfied with it, that is going to be a process of, I assume, finding out what a potential yearly cost would be and my guess would be that either his office or Purchasing would have to obtain several quotes. If it is an item that is to be bid, then it would have to go through Purchasing to obtain an amount. If it is less than the public bid amount (\$2,000) it could be dealt with quicker.

Mrs. Trzciensky stated, my question is very simple; you said that Henry will call Mr. Borman tomorrow and Mr. Borman will get back to Henry, I would assume, at some reasonable date. So by the end of next week or by the end of the next two weeks, I should be able to call your office and say, "Mayor Dickinson, what has been the determination as to the availability of people from the State to come and confer with us?"

Mayor Dickinson stated, we should definitely know that within that timeframe.

Mrs. Trzciensky continued, after that answer is determined, you will at that point say to me, "Lucille, we are going to sit with this man and proceed from there or Henry has determined that this is not a viable route and we are going to have to go into the bidding process." Is that correct?

Mayor Dickinson answered, that is correct.

Mrs. Trzciensky replied, I will keep you to that timeframe.

Pasquale Melillo, 15 Haller Place, Yalesville asked, when you say "care", does that include maintenance?

Mr. Zandri replied, I want to hire a professional so that they could perform regular maintenance. Maintenance on existing trees like that would be pruning once a year, or what ever it takes. A professional will give you advice as to how those trees should be maintained. He would do the work as well.

Mr. Melillo asked, why are you designating only ornamental trees?

Mr. Zandri explained, he is referring to the trees associated with the revitalization of the downtown area; just the ones in the downtown area, not the whole town. Those are the ones that we are concerned about because they are in a difficult growing area being in the sidewalk area



and we want to maintain their growth so that they don't become overgrown which is what happened on the green, so we don't have to worry about cutting them down prematurely.

Mr. Melillo asked, why not include the whole town? We are experiencing problems with trees growing in and around electrical wires.

Mr. Parisi responded, the Electric Division takes care of that; the telephone company does some of that, it is another ball game entirely.

Mr. Melillo stated, this is a good idea Geno, but I would like you to consider withdrawing this temporarily, see what the Mayor and Town Council comes up with regarding the State of Connecticut and then react from that point.

Mr. Zandri stated, I am as stubborn as you are, this is not going to pass anyway, but I am leaving it on the table.

Mayor Dickinson stated, Mr. Zandri stated earlier, the same party would give the advice and do the work. I don't know that to be the case. I suspect we would seek advice but we would probably reserve our right to hire someone else to do the work, given that the two might be too close a connection.

Jason Zandri, 12 Circle Drive stated, I think that if the possibility exists to hire someone to do this work, it should be considered; even if there is a possibility, in conjunction with that, getting volunteers and work together. We have a fire department and a volunteer fire department; they work in conjunction together to control fires for the town. I think that if, in the situation of especially the decorative trees downtown, a professional arborist is being considered, there is probably no harm in hiring one and then seeing what other help we can get to be included along with that.

Dianne Hotchkiss, 38 Clifton Street stated, I feel this is a very good recommendation. Five years ago I had a tree in front of my house that dug up the sidewalk. Public Works came in, they tore out the sidewalk and replaced it. Three years later I called them back and said that the tree has dug up the sidewalk again and asked if they could please come and take the tree out. Meanwhile Asplundh, the firm that clears the trees from the electrical wires, was in the area and I mentioned it to the gentleman and he said, "you could put on this paper if you want the tree down if it is causing a problem in the sidewalk and Public Works will recommend one way or the other whether or not the tree comes down." The next day Asplundh came back and cut the tree down at 7:00 A.M. I got a call at 9:30 A.M. from Mr. McCully to tell me that there was nothing wrong with my tree, he had just left my house. The Public Works came to my house because there were bees and the kids could not even walk on the sidewalks to go to the school bus, the bees were so bad. He refused to have the tree taken down. As someone qualified to tell me there was nothing wrong with my tree, he told me the tree was staying because there was nothing wrong with it. I had to tell him that I was sorry and that his opinion did not matter, the tree was cut down two and one-half hours ago and you were not at my house ten minutes ago. I don't think he really is qualified as an arborist to decide as to whether a tree is, in fact, diseased because the tree was not even in front of my house anymore. I think we should consider hiring a professional.

Reginald Knight, 21 Audette Drive stated, with regards to Mr. Borman, he probably has the whole state to worry about whereas if you hire a man, he has Wallingford to worry about. Secondly, if you were going to court and you had a tough case, who would you want looking after you, the public defender or some expert you can hire to look after your business?

Mr. Parisi stated, the first thing I would do is, look at the man's record and see what his rate of success was. If he was a good one (public defender) I would want him.

Reginald Knight responded, that is why he is the public defender.

Mr. Parisi stated, I don't want to put everyone in the same barrel.

VOTE: Knight, Rys, Renda and Parisi, no; all others, aye; motion passed. (applause)

ITEM #11 Consider and Approve Adding the Name of Breck to the List of Proposed Historical Street Names as Requested by Councilor Gerald Farrell, Jr.

Mr. Farrell stated, when we composed the list of street names that we had invited the public to add additional names, there was a piece of correspondence received from a resident asking that Dr. Charles Breck who was a long time Wallingford physician, be added to that list. I would make that motion; seconded by Mr. Centner.

Mr. Parisi asked, is that the letter that I passed on to you?

Mr. Farrell responded, that is correct.

Mr. Centner stated jokingly, I seconded it because I can pronounce it.

VOTE: All ayes; motion duly carried.

The Chair declared a ten minute recess at this time.

ITEM #12 Consider and Approve Proposed Revisions to the Town Council Meeting Procedures  
(Appendix I & II)

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

Chairman Parisi opened the discussion to the public at this time.

Jason Zandri, 12 Circle Drive asked, in Section IV it states, "Individuals wishing to speak on individual agenda items will be required to address their questions or comments to the Council Chairman and limit his or her speaking time to a total of three minutes and that the Chair has the authority to limit the total discussion time for each agenda item." Will that be a pre-set time like at a meeting? Will you say, twenty minutes; thirty minutes?

Mr. Parisi stated, there have been times in the past when we did specify an allotment of time for an item.

Jason Zandri asked, are the rules, as they are set up, going to be in black and white or are we going to have shades of gray in them that you have the latitude to lean into them on some occasions and not on others?

Mr. Parisi responded, my personal preference is that there be some flexibility although there have been time when I have been criticized for exercising flexibility on rules so it is kind of a betwixt and between situation.

Jason Zandri stated, a good example would be the last meeting where Mr. Sabo brought up the discussion on the trees. For example, he brought that up during the question and answer period because there was no time to get it onto the agenda. For example, if the man had been eating lunch downtown and got the interest of twenty or thirty people and they all came down to have a say at the question and answer period, you may rack up an hour right there. Perhaps that would be a situation where the Council would exercise its right to possibly put the item on the agenda last minute; pull it away from the question and answer period...there is a provision that allows you to make a vote and put an item on the agenda. Am I correct?

Mr. Parisi answered, yes, there is. It is known as Rule V.

Jason Zandri stated, it could be put on the agenda impromptu and people who have quick questions can get them answered and then the item could be addressed later. Since you have the ability to do that it should be something you consider to use more often. During the question and answer period, as it is currently set up, there is time allotted for commenting. Is that going to be removed?

Mayor Dickinson referred Jason Zandri to Section III of the proposed revised procedures. It reads, "The Public Question and Answer Period will be for a maximum length. Each individual speaking will address their questions or comments to the Council Chairman."

Jason Zandri stated, so the comments are going to be intact.

Parisi responded, yes.

Jason Zandri referred to Section VI, at the top of page 2 it reads, "No more than two items submitted for discussion or reporting out will be placed on any one Council agenda with each Councilor being given an equal opportunity by the Chairman to so place these items." Does that mean that there will be no more than.....

Mr. Parisi stated, read the next section.

Jason Zandri stated, I understand that it says that there Chairman can grant exceptions.

Mr. Parisi read the following language, "The Council Chairman can grant exceptions to this rule, depending on the length of a given Town Council agenda." If we had an agenda of say, thirty items for an example, and we had four requests for report outs, that might be a pretty heavy task to try and attempt in one night's work and that is the reason for that. If the agenda was very light, that could be an exception.

Jason Zandri asked, in the situation of a normal sized agenda, for the sake of the argument, will each Councilor have the opportunity to put two items on or is it two items entirely for the whole Council?

Mr. Parisi responded, two items for the whole Council.

Jason Zandri stated, so if Mr. Knight and Mr. Centner each put an item on, that might be it for the evening. If it is a lighter side da you might permit more?

Mr. Parisi responded, it is possible, yes.

Jason Zandri stated, tonight there were four items added to the agenda, two by Mr. Zandri, one by Mr. Knight and one by Mr. Farrell. Technically, unless you deemed it....

Parisi stated, a report out is a report on the progress of something or an answer to basically a rather specific question. Many times it does not require a vote. The items tonight were items that were put on the agenda that were voted on. That is actually what creates the agenda.

Jason Zandri stated, the only way a towns person is going to get anything on the agenda for discussion, will be to go to a Councilmember and if they are limited, we are limited. They may have their own things they need to get on the agenda.

Mr. Parisi replied, I am not going to disagree with what you are saying but by the same token you have to determine what a fair amount of items are.

Jason Zandri stated, I am looking at the new rules from the floor and to me it seems awfully restrictive. If the Councilors have something that they would like to get accomplished and then they have constituents asking them as well, perhaps the flexibility needs to be exercised to get a couple of more items on the agenda.

Mr. Parisi stated, the flexibility is in there.

Jason Zandri asked, will additional time be allocated if a subject is discussed during the question and answer period and it ends up being an extensive discussion? You have a twenty minute limit on the question and answer period according to the way this is set up so if a situation were to come into play such as the trees last meeting and it took up fifteen minutes but there are four or five other people out here with different subject-type questions, would the time be expanded at that point?

Mr. Parisi stated, I wouldn't think that would be the case, I would hope that it would not have to be.

Jason Zandri asked, if one subject matter is generating two more questions and it takes up fifteen minutes, there might be three other subject matters that are last minute that could not get on the agenda and may not be able to wait until a future agenda and now you are limiting that to five minutes?

Mr. Parisi replied, we can draw all of the analogies and examples that we want that are not easily answered but if there are eight people who want to talk and they are all raising their hands, I would hope that every one would attempt to be aware of the time limits and try to be right to the point.

Jason Zandri stated, I would like to believe that most people would. I have stated before that there have been times when I have been sitting in attendance and had a question and it got answered by someone else so I have waved off, I am done. Again, it is all good and fine to contact the Councilors with opinions and suggestions or questions but if it is something that is critical and beyond the agenda cut-off time, then it is something that should be allocated more time for during the question and answer period.

Mr. Parisi stated, I don't think that is the way it is going to work.

Jason Zandri stated, this is very important to me and I am only one person; I am an hour late for work to make sure that it is understood that this is very important to me and it is important to everyone. We need to be able to know that we are heard. I have not experienced a problem with anyone on the Council yet that I have ever spoken to. So I would like to think that it would go the same for everyone; I believe it does. I would also like to say that if someone has a concern and they bring it up here, that you listen to it as intently as you might want to be listened to so that we both know that we are both trying to get the same things accomplished and that is, what's best for the town.

Mr. Kapi, 6 Deme Road stated, up until Jason just spoke I thought I understood Section VI and now I am a bit more confused. In my previous reading, when I look at the new language which says, "however no more than two items submitted for discussion or

reporting out will be placed on any one Council agenda." I took that to mean discussion and reporting out items only and this was intended in any way as a restriction on the number of action items.

Mr. Parisi stated, it isn't. You are right.

Mr. Kapi stated, it is my interpretation then, if someone wanted to put something on the agenda that requires action or is something of a more urgent nature, there is absolutely no restriction on the items that are brought forth?

Mr. Parisi replied, that is what it easier.

Mr. Kapi stated, therefore the restriction on the number of discussion or reporting out items is simply a time consideration on your part for making...

Mr. Parisi responded, it is a time consideration...it is based on the size of the agenda. If you had thirty items on the agenda you would not want any more than two report outs, in fact, you probably would not even want two because thirty items is a rather large agenda. By the same token, if you had a fifteen item agenda, two report outs might not be too difficult to handle.

Mr. Kapi stated, it is also the interest level and the intensity level of people looking at things. Obviously, against the back drop of everything else that is contained in this document, when you consider limitations on speaking privileges and when the recommendation is, go to your Councilperson and get your concern put on as an item, you have to be careful you are not squeezing from both sides. You have the sentence in there about flexibility to grant exceptions; we are talking about things that need to be spelled out in rules and sometimes don't need to be spelled out in rules and for a reporting out or a discussion item only, to some extent that could have been handled informally without writing this language in. You could go to one of the Councilpeople who had three discussion items and say...

Parisi interjected, it did not always work..

Mr. Kapi continued, obviously, the less regulation is best in items concerning getting the people's business in front of you, that is my philosophy. The consent agenda; you added language under procedure a four step process by which a Councilor should proceed to request taking a consent agenda item off. First of all, in Section XV, subsection (3), the implication of the action is unclear. When you say, "If after following step two above, a Councilor still requires more information he or she shall request that the item be removed from the consent agenda by notifying the town council secretary." He asked, what happens with the item after it is removed from the consent agenda? Is it then put off? Placed into limbo or placed onto the agenda as an agenda action item? What are you saying there?

Mr. Parisi responded, no, it is placed on the agenda. It is taken up under Item #4 on a Town Council agenda known as, "Items Removed from the Consent Agenda."

Mr. Kapi suggested that the language in subsection (3) of Section XV be finished to make the thought clear. The question is, everyone here was elected and are all big people and if they make a judgment that they want to have something taken off the consent agenda and placed on the agenda proper as a discussion item, do they need to follow your steps? Is it not in the elected purview of the judgment of an individual councilmember to say, in my judgment put on the floor and ...

Mr. Parisi stated, it is taken off.

Mr. Kapi continued, taken off because he does not want it enacted in a non-discussion manner; placed on the real agenda use....step 2 is extraneous language; a) it is not enforceable....

Mr. Parisi stated, I doubt that there is any confusion with the Councilors. It is basically what we have followed.

Mr. Kapi stated, you don't like to make recommendations to the Mayor, don't make recommendations to Councilors. If they want to go talk to a department head because it is the prudent thing to do.....

Parisi stated, first of all, these aren't my rules. I don't own them, they are a composite of anybody.

Mr. Kapi stated, this is not in the old ones.

Mayor Dickinson stated, I think the question is, if someone wants an item off, will the Chairman then say, did you check with the department head?, if the Councilman in question says no, I didn't, then Mr. Kapi's question is, does the item still come off the agenda or would you use step 2 to say that it can't come off.?

Mr. Parisi stated, no, I would never.....what I would say is, why don't you, may I suggest that you talk to the department head to see if you can get the proper answer. If a Council says, no, I've made up my mind, I want the item off, then the item would come off.

Mr. Kapi stated, subsection #2 is extraneous; it is not enforceable, these are big people and they will decide when they think an item is so important they want it put on the agenda for discussion.....

Mr. Parisi stated, no one is disagreeing with that.

Mr. Kapi asked, if no one is disagreeing, then why write it in? To me it is extraneous. That is my observation.

Mr. Parisi stated, the comments before were that they weren't explicit enough.

Mr. Kapi next referred to the very end of Section XI. This section deals with the investigatory powers of the Council but it really, some way sort of disconnects.....slides into the area of appropriations and transfers. The language at the very end; the very last sentence section reads, "No item will be acted upon unless a department head and his or her authorized representative is present at the Council meeting. This rule may be waived by the Chairman." The language that you have replaced from the current procedures, "This rule may be waived by the Chairman in the case of items taken up on the consent agenda." You have taken the last half of the phrase off (in the case of items taken up on the consent agenda). I would like to know what you mean by that? In the case of the consent agenda, I can understand where we don't have to have a department head here but if someone has taken the trouble to put an item on the agenda and want to discuss it.....

Mr. Parisi interrupted Mr. Kapi to explain, if it was an emergency situation and it was very, very obvious to this Council that whatever the proposal was would have to pass and the department head was not available for what ever reason, then that is to cover that very situation where critical or important business would not be held up.

Mr. Kapi stated, you could have put in language to the effect, "in an emergency scenario", otherwise it is open to interpretation as to what is considered an emergency situation.

Mr. Parisi stated, when you ask a question, you get an answer.

Mr. Kapi referred to Section IV reading, "The Chairman has the authority to limit total discussion time for each agenda item." He stated, this is new as far as I can see; this is a new right for the Chairman. I noticed in the old procedures under Section XV, on the consent agenda there is a sentence there that says, "The Chairman has the authority to limit discussion time for agenda items." Since that comes under consent agenda then I think that means, under consent agenda items.

Mr. Parisi answered, right.

Mr. Kapi stated, I understand the Chairman having a right to limit discussion on consent agenda items and since apparently, in contradictory fashion, there is none, there is no discussion of consent agenda items, but as far as I can see, in Section IV of your procedures, that is a totally new right for the Chairman.

Mr. Parisi stated, in the old section it says that the Chairman has the authority to limit discussion time for agenda items.

Mr. Kapi pointed out, under consent agenda. In your new rules under Section IV, the Chairman has the authority to limit discussion time for each agenda item. Now we are talking about the real stuff. This is a new right for the Chairman as far as I can tell. You are now saying that you can limit the discussion on an agenda item.

Mr. Parisi replied, what that is referring to, and we have done it on occasion and I have told Jason Zandri, not very often but there are or perhaps will be times when we will say that an item will be discussed for an hour, a half an hour, thirty minutes or twenty minutes.

Mr. Kapi stated, the draft language I saw two weeks ago had an additional phrase, "The Chairman had the authority to limit total discussion time for public and Councilmembers for each agenda item." In your new version what, specifically, are you intending to say in terms of limiting public comment and limiting Councilmembers comment?

Mr. Parisi stated, I don't think that the Council is being limited.

Mr. Kapi responded, I would like that assurance.

Mr. Parisi stated, the Chairman does not have the authority to limit the Councilors.

Kapi stated, it makes a tremendous difference when you say, "an individual wishing to speak on an agenda item is limited to three minutes." You can enforce that as you indicated earlier tonight in some flexible fashion, at least that is what you have signaled as your intention. If you mean by that language that you are going to do something similar to what you want to do for the question and answer question, which is, limit the number of speakers, in essence, when you put a time limit on public comment and you are limiting people to three minutes, you are now limiting the number of people who can speak on an issue and obviously, with the tree issue tonight, that probably would not have worked.

Mr. Parisi pointed out, the tree issue was an item on the agenda so it did not have to be handled on the question and answer period.

Mr. Kapi repeated, no, but when you are saying that the Chairman has the authority to limit total discussion time, I was looking for a signal from you, some further clarification on how strict a definition of the enforcement of that you mean to do? That is new language that was not in this section before.

Mr. Parisi stated, total discussion time was always fifteen minutes but it was never in print.

Mr. Kapi reminded Mr. Parisi, I am talking about agenda items, not public question and answer period.

Mr. Parisi stated, this is right from the old rules.

Mr. Kapi stated, I have a copy of the old rules here.

Mr. Parisi read the language from the old rules, "Individuals wishing to speak either during the public question and answer period or individual agenda items will be required to address their questions or comments to the Council Chairperson and limit his/her speaking time to three minutes."

Mr. Kapi explained, now you have added more language which says that now you can cut down on the number of people that can do that three minutes.

Mr. Zandri agreed with Mr. Kapi.

Kapi explained again, the language says, "The Chairman has the authority to limit total discussion time..." That means now, you decide to limit that, only maybe six people can talk for three minutes instead of an unlimited number of people for three minutes. I am pointing out the changes and asking for your signal and clarity as to how you intend to conduct these.

Mr. Zandri pointed out, it is the last sentence.

Mr. Parisi stated, what I am saying is, in the past, we have set on occasion, not very often, a time limit for items, yes, we did do that. It has been done, it has not been done very often. It was done last term. There were times we said that we were going to put twenty minutes or thirty minutes on an item. We never had any problem.

Mr. Kapi asked, do you have a guideline as to what circumstances...?

Mr. Parisi stated, obviously, an issue like the trees, like the discussion on these Council rules, the discussion tonight on the rules would not be limited that is very obvious.

Mr. Kapi pointed out, as you are adding more language, in theory, to make things more precise, you are...

Mr. Parisi replied, because the criticism at one point is that the rules were too general so we tried to be more specific.

Mr. Kapi responded, you didn't get that criticism from me.

Mr. Parisi stated, I didn't say that it was. I said there was criticism because they were a little too loose.

Kapi continued, Item 1B; "A third meeting specifically for the purposes of hearing input on policy and operation of town government from the public may be scheduled for the third Tuesday of every month, beginning at 6:30 P.M." That is interesting language; "may". What is also, in my opinion, not thought through, "members of the public wishing to speak at this meeting will be requested to sign up in advance of the meeting at the Town Council Office." He asked, in advance of the meeting that may be scheduled?

Mr. Parisi stated, if the meeting was scheduled there would be notice posted and if the meeting was scheduled then you would be requested to sign up for it. At the sign up time we would ask that you put down the amount of time that you wish to speak. If you wanted to speak for forty-five minutes and someone else wanted to speak for five, it is obvious that we would put the five minute person first.

Mr. Kapi stated, I don't have a problem with the following language which addresses the sequence of speaking. That is the kind of thing we were talking about for the question and answer period. But, if someone goes to a question and answer session at the second or fourth Tuesday meeting and speaks and gets an opportunity to address a point that they were in the Town Council Office three days earlier to sign up for a yet to be scheduled meeting, you can see the lack of clarity of that.

Mr. Parisi stated, if you got your answer before, you could call up and say that you are not going to have to speak at the meeting. Your name can then be taken off the list. The State does it every time. Every time they have a hearing you have to sign up. It is not that we are re-inventing the wheel. The law requires that meetings be posted but if you want me to tell you right now, yeah, we will have a meeting every third Tuesday, how is that? That will take care of the "may".

Mr. Kapi stated, I know that everyone is going to chime in on this so I know that there is going to be disagreement among the ranks of the speech enthusiasts. I don't expect people to agree with me but my position has been consistent from the beginning that I did think that a third meeting was necessary because I think that speech can be accommodated during the question and answer period at regular meetings. I notice the change from fifteen to twenty minutes here under Section III; I would feel more comfortable



... compromise if that was thirty minutes. I could probably live with that, especially if it went thirty-five minutes or thirty-two minutes as they typically have done lately, except in extraordinary circumstances.

Mr. Parisi stated, they are running closer to an hour, I have been timing them.

Mr. Kapi continued, regarding the third meeting; when I spoke to the common Council clerk in Middletown, I asked, what do you get for attendance at these additional meetings? She responded that everybody shows. Mr. Kapi asked, why is that? She responded, who wants to be the one who shows the public that he doesn't want to be there to hear what they have to say? That is an interesting enforcement mechanism and if we were to go to a system like this, I would hope that it would have that effect on everyone here. I would like to have everyone show up. I am still concerned that logistically and procedurally that this placing a hurdle in front of people that want to raise issues. You may consider it a small hurdle; I would look at it philosophically that I would like to see my right to speak to be a regular, routine set of privileges. This indicates an extraordinary set of privileges; a special meeting is set up if enough people sign up....

Mr. Parisi stated, no, it is a scheduled meeting. Not, if enough people sign up; there will be a meeting. Not if. There will be one.

Mr. Kapi stated, that would be the minimum of my recommendation but again, I know that other folks will come in with a different viewpoint on this. I look at the totality of this and the tendency seems to be toward restriction. In each case, point by point, it can be explained that the dire interpretation of this limiting language is not what we necessarily have to expect. In some cases as I pointed out, I don't know why the language is there if we were willing to play it loose and flexible in the first place. I don't know what is so threatening about the length of these meetings. If you have something like this tree incident, you are going to get a meeting like this and that is unavoidable. I don't know how you can play it any other way. But for the meetings that we have had in the last couple of months, the extra fifteen, twenty minutes during the question and answer session, that would make a third thing not necessary. I don't know why we need to go that route if that is the route we end up going with. Obviously, I can live it but I don't think it is efficient; probably not efficient use of your time and I think that some folks up there would rather spend a few additional minutes during a typical question and answer session. Obviously, I am at a loss to understand the contradiction here. During a regular meeting there seems to be a problem with letting question and answer period run its course and, yet, you go to the extraordinary measure.....

Mr. Parisi stated, it is not extraordinary at all. I think that you are making it more difficult than it is. We are willing to put in another night so that people can come and ask questions or raise issues or what ever. That is all it is. What is so difficult with that? I would think that you would be happy that public officials would want to do that? Why would it be a negative?

Mr. Kapi stated, I am happy to see some accommodation, so to speak.. I just don't know why we had to re-structure the whole thing.

Mr. Parisi responded, we do it every two years and this year there have been comments in the past that this was wrong and this was wrong so we tried to rectify it. In two years they will be voted on again and, who knows. Save copies because they may go right back to the old ones. I would never dare to predict what will happen in the future. It will be the prerogative of the sitting Council at that time.

Mr. Kapi stated, just to re-cap, a Councilor wants to take an item off of the consent agenda and he/she does it. If a Councilor wants an item taken off of the consent agenda and placed on the regular agenda, that is his/her prerogative and no item under Section XV, subsection 2, is going to intervene with that?

Parisi responded, no, it never has.

... Kapi stated, again, then I don't know why the language is there. Again, the language that says, the Chairman has the authority to limit total discussion time for each agenda item; that is going to be used once in a blue moon?

Mr. Parisi responded, I am not going to make you a promise tonight when anything will be used. It is there and hopefully will be used with discretion.

Mr. Kapi stated, a few minutes ago you made a commitment to me on the third meeting (of the month).

Mr. Parisi stated, I did not make a commitment, I was trying to explain to you how it was handled in the past. I think that the Councilors who were here last term will acknowledge that it was not used very often but it has been used.

Mr. Kapi asked, any Councilmember can bring an unlimited number of items to the agenda if they require action?

Mr. Parisi stated, is that written in there, an unlimited number?

Mr. Kapi replied, no, but because you used the limiting language regarding discussion items.....

Mr. Parisi stated, I would not tell you that we would not build an agenda of fifty items. I will tell you that right now. If that is what you are asking me. How far do you want to go, sixty; seventy items?

Mr. Kapi responded, the common sense point is, no one is going to bring fifty items to the table so you don't need to write that limiting language.

Mr. Parisi stated, there have been times when we have thirty items and there are times when we have twelve.

Mr. Kapi stated, do yourself a favor. If you are going to have the third meeting, you ought to write some language in there, "in an emergency spill over contingency you can put some agenda items off."

Mr. Parisi responded, we have emergency meeting procedures and we can call a meeting any time we have to under an emergency situation. This is strictly for the public and no one is going to change it. There is not going to be any business conducted other than the questions and answers for the public. That is all there is going to be.

Mr. Kapi stated, since I just asked the cameraman and he is not qualified to give the answer; will the town commit to televising this meeting?

Mr. Parisi responded, I don't believe they will, no. I don't think we have that....

Mr. Knight asked, is that the most important part?

Mr. Kapi responded, is that the most important part? I want items discussed in an open forum and in this day and age that includes a television audience.

Mr. Parisi stated, hopefully the press will be here.

Mr. Kapi stated, this almost sounded good for a minute.

Kathryn Milano Zandri, 37 Hallmark Drive stated, I have been advised by Council not to speak but I'm going to speak. I am off the clock and I am speaking as a taxpayer. With regards to the Council and the way meetings have been held to date and the way the agendas have been set to date; I have watched, over eight years, everyone who sits on that Council serve the Town and I really believe that the reason everyone has done it is because they truly love their town. I would think that there is no other motive besides wanting to serve their town and that is why they are sitting up there and you take the time and the effort. I have found that it has worked well in the past that everybody submits their item and if the agenda has been too long that the Chairman has placed a courtesy call to the individual and said, can you please hold off the item because we have got a long agenda. I have never heard

anyone say, no, I won't. You also have the option of continuing your meeting and I did see that happen once when you did have so many items on the agenda and the meeting was running very long, that a motion was made to continue the items until another date and time at which time they did so. That was passed because everyone agreed; it was in the best interest of everyone sitting up there and the townspeople that the Council had a fresh mind and wits about them to decide on the items before them. Mr. Reginald Knight referred to Ordinance #294 earlier and that is the Code of Ethics. Section V, "Fair and Equal Treatment" is what he read from before, "obligations to citizens". It reads, "No official or employee shall grant any special consideration, treatment or advantage to another person beyond that which is available to every other person similarly situated." My concern as a taxpayer would be that since there are majority/minority representation, that it would seem that if we have four people in the majority that are submitting two items and two people in the minority that are submitting two items, conceivably what could happen is, someone could wait three to four months before their item gets on if there is only two meetings per month. Is everyone being represented fairly?; fair representation for taxation would be my concern. With regards to the third meeting per month, its says that people should sign up in advance. How far in advance? Maybe that should be clarified as to what the time limit should be, whether it is three days....

Mr. Parisi stated, there is no time limit.

Mrs. Milano-Zandri asked, so you are definitely going to set a meeting irregardless to how many people sign up for it?

Mr. Parisi answered, that's right.

Mrs. Milano-Zandri stated, I want everyone to realize, in doing this that if you are going to have someone sitting here taking minutes, it is going to create a burden on the position in the office because we need those seven days from tonight to have my minutes done according to State Statute. That usually falls on the Thursday of the following week.. I already lose a Tuesday putting together an agenda by coming in late and working on the agenda packet to get it out. Now we are going to have another meeting that is going to create another set of minutes which will be due. That is going to be tough; very, very difficult in the office and I don't think that I am going to be able to keep up with that workload. I think you should check out the ramifications as to whether or not you need minutes and I would think that so long as there is a quorum here you are going to need minutes. That will be added work and I would be concerned about the timeframe on that. There is a wise old saying that says, "If you hold on too tight you lose control" and I think that you have to be careful not to hold on too tight because you will lose control. I think that things have worked fine and I think what happened is that the public question and answer period might have gotten a little out of control. But if you talk to the people and say, let's all work at this together, we really want it to work; we are here for the same reason, let's try and wrap it up, can you cut it a little short, can you do us a favor? I think that people are willing to work with that, I really do. I think that maybe the more you try to control them the more headsteam they build and the more trouble we are going to have. In finishing up, a wise friend said to me, a Chairman should be elected to preside, not to decide. You all have equal power right now and this is not personal. I am an unaffiliated voter and not tied to any party, regardless of what people may have their own opinions on that. I have always been an unaffiliated voter.

Mr. Parisi asked, are you saying that the Chairman decides everything?

Mrs. Milano-Zandri responded, I think that the Chairman will have more power to make decisions here than anyone else and again, I think that a chairman is elected to keep order over a meeting and not to have more power than another. Everyone is elected equally and everyone should be represented equally. Thank you for allowing me to make these comments.

Reginald Knight, 21 Audette Drive stated, I, again would like to get back to what Mrs. Zandri just read about granting special consideration, treatment, etc. If at all of these meetings you have a total time of fifteen minutes and eight people want to speak and they are allowed three minutes each, that obviously goes above the fifteen minute limit and therefore puts us in a quandary because speaker #6 has as much right to speak as speaker #1. What are you going to do about speaker #6?

Mr. Parisi answered, speaker #6 is going to have to speak faster because the public question and answer period is over in twenty minutes.

Reginald Knight asked, what if ten people wish to speak?

Mr. Parisi responded, then they will not all be able to speak that night.

Reginald Knight asked, then you are saying that speaker #10 does not have the rights of speaker #1?

Mr. Parisi responded, it is not a question of rights. It is a Council meeting.

Reginald Knight responded, I understand that, sir.

Mr. Parisi replied, no, I don't think so. I don't think it reads that way; it is not a right.

Reginald Knight asked, Mayor, do you have any comment on that?

Mayor Dickinson answered, to my knowledge there is not a requirement that everyone who possibly wants to say something on any given item has the right to do so. I think rules have to be fair and accord as many people as feasible but I think the question and answer period, in general, is not the focus of a meeting. The real purpose of the meeting is to conduct other business that involves motions and actions to be taken. The question and answer period really is a courtesy; it is a courtesy to say, if you have general comments we will hear them. If that item is allowed to become the dominating issue at a meeting which means that other business might not be transacted or have less time...that would be inappropriate. The real purpose of a meeting is not to hear general comments, it is to take actions as indicated on other agenda items.

Reginald Knight stated, what my point is, the Chairman selects people out of the audience at his discretion so therefore he controls who is going to say what. That is an awful lot of discretion to throw on one person. The person on the floor here has no choice as to whether he is number one, number two or number three. He is told what he is. I don't think that you are giving equality and fairness. Everybody has the right to put their word in, no matter what the total time is. Why make a rule for fifteen or twenty minutes when time after time, year in and year out it has been mostly ignored. Why make a rule that isn't carried out. At the Chairman's discretion, quite often, it is overrun. That is understandable because one question leads to another. If it is not set in cement then why set it at all.

Wes Lube, 15 Montowese Trail stated, I wanted to congratulate you; you are batting 1,000 and so far I'm batting zero but it is your Council and it is your rules, not mine. You are going to do what you want. In the old rules, Section III, there was a passage that read, "Public input on individual agenda items will also be received during the discussion of the specific item after the members of the Council have had an opportunity to review and discuss the item." That passage did two things; first, it restricted the comments in the question and answer period to any subsequent agenda item. If it was going to be on the agenda, that is where you talked about it. Secondly, it allowed for the Council to speak first and then the public. Where have you moved that to? You have deleted it from Section III. He who speaks first loses.

Mr. Parisi read the language, "Each individual wishing to speak will address their questions or comments to the Council Chairman and limit his or her speaking time to a maximum of three minutes." It is in the rule new.

Mr. Lube responded, I know you are reading that from the new rules but what I read is not in the new rules. What you have just read does not tell me that I cannot speak first and the Council second. Under your old rules it said that the public spoke "after the members of the Council have had an opportunity to review and discuss the item." Where is that passage in your new rules?

Mr. Parisi stated, you are saying that it goes to the Council Chairman and not to the Council, is that what your question is?

Mr. Lube responded, no. I am saying, traditionally, the Council has always discussed things first and the public sat on their hands and then when you were all done the public's turn came up; that was spelled out in these rules but in the new rules it is not. In the new rules I can jump to my feet and speak right in the middle of your Council discussion.

Mr. Parisi stated, o.k., I see.

Mr. Lube continued, in the first part of that it says, "any public input on individual agenda items will also be received during the discussion of the specific item." That is also not in your new rules. We should now discuss in your public question and answer period every item on your agenda if we want to.

Mr. Parisi stated, that is a good point.

Mr. Lube asked, was that what you intended?

Mr. Parisi stated, that is a good point. I think it should be put back the old way. I thank you for that.

Mr. Lube went on, the question and answer period by name implies that when one asks a question one gets an answer. All too often that is not true. That is why I have suggested to you that it should be more appropriately titled, "Commentary and Inquiry". I would like to think that every time someone asks a question, if you don't have the answer, you get it for them but in talking to them I do know that is not the case. I think the question and answer name is really not descriptive of what goes on here. You have deferred to the Mayor's recommendation that twenty minutes would be better and I am pleased to see that. Twenty is better than fifteen; sixteen is better than fifteen; the more the better. The point that Mr. Kapi was talking about, the limitation on agenda items; that is a major, major, insertion which I think is going to come back to haunt you. You are too good with that gavel. You are too generous; too willing to overlook. I have never seen you gavel people down. Maybe you have but it is pretty darn rare and all you are doing here is giving yourself aggrita. It ain't gonna happen. You don't have somebody big enough as a sergeant at arms to back it up.

Mr. Parisi replied, don't bet on it.

Mr. Lubees stated, there is nothing in here (meeting procedures) about a sergeant at arms.

Mr. Parisi responded, no, there is no sergeant at arms; no, there won't be, no.

Mr. Lubees asked, does the Chair, there is provision which you and Andy (Mr. Kapi) discussed about the Chair having the right to terminate discussion on an agenda item. Is a public hearing an agenda item?

Mr. Parisi responded, yes, it is. It is on the agenda as a public hearing.

Mr. Lubees asked, and you, as Chairman, have the right to terminate discussion in a public hearing? I bet you don't have that one.

Mr. Parisi responded, I don't think so.

Mr. Lubees suggested, you had better change your rules.

Mr. Parisi stated, we do have the right, I believe by parliamentary procedure, we have the right to call the question.

Mr. Lubees stated, a public hearing is not a Council hearing. A public hearing is a public hearing; you are hearing the public. You have the right to move the question on the public?

Mr. Parisi responded, I think you would, at the point that it doesn't serve the purpose of the meeting, I would think that you could, yes. What I am trying to say is, I don't believe that a public hearing should last from 7:45 P.M. to 11:30 P.M. if all of the verbiage in that is not appropriate to the public hearing. At some point we are going to end it if it is non-productive.

Mr. Lubees stated, I can understand why it would be stressful but I will bet you that there are laws preventing terminating public input.

Mr. Parisi stated, I believe that this was checked through by the Corporation Counsel. We can have it checked through again.

Mr. Lubees continued, in all fairness I am not saying that caucuses are good or caucuses are bad and I am sure that both parties are guilty maybe in varying degrees of having caucuses but one of the things that you most object to, I think, is an outgrowth of caucuses. It is very frustrating to the public, not so much to those who come regularly, but to those who come occasionally or seldom, to see an issue come up and very little discussion or debate occurs and there is a party vote. It is that lack of testing of that idea in the public marketplace that causes them to sometimes become irate and try to somehow pry open that closed clam and that is one of the reasons why the tones of the meeting have deteriorated some because I do think that there has been an overuse of the caucus system.

Mr. Parisi responded, with all due respect, I think that the caucus, the so-called caucus system is getting more credit than it deserves. I don't think there is all the caucuses that everyone thinks there is and speaking for myself there are items that I just don't have any comment on.

The items are presented, I discuss them with the Mayor or the department head, I am satisfied with the answer and that is it. I support it or if I am against it I will obviously work against it.

Mr. Lubee stated, I am not going to speak for it or against it. I am just saying that caucuses generate the climate that we have had here.

Mr. Parisi stated, I just think that caucuses are getting more credit than they deserve; there aren't that many.

Mr. Lubee stated, the limitation of three minutes; the twenty minutes I understand, the three minutes I don't because superficial comments, brief expressions of opinion and unsubstantiated criticism takes three minutes. That is what you get in three minutes. If you have someone who is sincere and wants to make an in-depth, step by step expression of logic, supporting an opinion, that cannot be done in three minutes. That is what you are forcing out of the public question and answer period.

Mr. Parisi stated, we do have the third meeting for those; that is why we are proposing a third meeting.

Mr. Lubee asked, and what did that presidential candidate say about the details? The third meeting only applies as a supplement to the question and answer period. It is not a supplement to agenda items.

Mr. Parisi replied, it is for anything.

Mr. Lubee pointed out, once you have voted Bob, it is over.

Mr. Parisi stated, you can say that with the public question and answer period, too.

Mr. Lubee asked, what good is it to go to a third meeting after you have already voted?

Mr. Parisi stated, we are accused at the question and answer period of not listening and voting anyway.

Mr. Lubee replied, the question and answer period is going to be supplemented by this. Someone spoke of the public initiating the third meeting and you said, no, the Council is going to. Suppose you decide there is going to be a third meeting next month and you announce it and there are invitations out and you get one request for a ten minute speech. Are you going to bring everyone down here for a ten minute speech?

Mr. Parisi stated, we will invite everyone, whether they will come or not; that is up to them.

Mr. Lubee replied, that is not going to work, it is not going to function.

Mr. Parisi responded, then it won't work. If we have two meetings and no one comes, it is going to be obvious that it is not needed.

Mr. Lubee asked, suppose someone says to you, please schedule a meeting, I have a ten minute item I want to bring up. And you say, sure, as soon as I get some more requests.

Mr. Parisi stated, no, I am not going to say that.

Mr. Lubee asked, you will say sure, I will do it for ten minutes?

Mr. Parisi responded, yes I will; yes I will.

Mr. Lubee stated, this third meeting idea is crazy.

Mr. Parisi explained, it is going to be there; it is the same thing when you do listening hours and everyone does them; local, state and on a federal level. Sometimes a ton of people come and sometimes one or two come. The one or two are treated the same way as the hundred, two hundred or three hundred.

Mr. Lubee asked, will this third meeting be advertised with legal notices and the agenda on television?

Mr. Parisi replied, it is going to be set as the third meeting of every month. We can put it on the public access and have it on there; hopefully the press would put it in the newspaper, yes.

Mr. Lubee stated, you might attend to some pretty big crowds.

Mr. Parisi stated, we will see what happens. If you don't try, you don't know.

Mr. Lubee asked, are the minutes of the P.U.C. and Town Council meetings typed verbatim or are they edited?

Mr. Parisi responded, no, they are not verbatim.

Mr. Lubee replied, someone deletes, that is editing.

Mr. Parisi stated, our minutes are not verbatim, no.

Mr. Lubee asked, and are theirs (P.U.C.)?

Mr. Parisi responded, I honestly don't know.

Mr. Lubee pointed out, so you don't know what you are getting.

Mayor Dickinson stated, minutes, in general, are not transcripts. Transcripts take down every word taken. Minutes are meant to be a synopsis of what occurs at a meeting, especially the action taken.

Mr. Parisi stated, there is not a stenographer there, no.



Mr. Lube asked, they don't tape their meetings?

Mr. Parisi responded, yes they do. I'll tell you, you should listen to a tape of a meeting sometime, they are not always as clear as you would like them to be because if two people talk at once they are difficult to transcribe.

Mr. Lube asked, where in either the old or new rules is there any person responsible for the editing of your own minutes.

Mr. Parisi responded, each Councilor reads the minutes and.....

Mr. Lube pointed out, they read the typed minutes. That is not my question. By the time they are typed they are edited. What I am asking you, where in your rules is anyone empowered to edit?

Mr. Parisi responded, no.

Mr. Lube asked, there is no one that has that power?

Mr. Parisi stated, right.

Mr. Lube stated, then you should be getting verbatim minutes.

Mr. Parisi responded, Mr. Lube I wish I could tell you where we could get them. I don't know if we can or not.

Mr. Lube asked, who actually does the editing?

Mr. Parisi responded, the secretary does.

Mr. Lube asked, the secretary does the editing? She decides what is important and what isn't?

Mr. Parisi answered, I guess you could say that but I have to say that I think that she has a pretty reasonable grasp of what the discussion is.

Mr. Lube stated, I will admit she has done it for a few months. But she has that power now?

Mr. Parisi responded, I guess if you want to say it the way you are saying it. I can't disagree with you. If you want to make it a power position, I suppose you could. I would like to feel that she types the minutes, we all read them and we offer corrections.

Mr. Lube stated, Rosemary (Rascati, Town Clerk) knows that I have been down in her vault by the hour and when you look at things historically and you are trying to find out what Steve Knight felt about a particular issue three years ago or four years ago, if his comments were deleted, there is no way of finding out. When one is doing research on a particular issue and one is looking at the minutes of your Council three years ago and I want to find out what Steve Knight's comments were and they were deleted because someone did not want them in the

minutes because they did not agree with Steve. I think that is unfair to Steve and unfair to me or to anyone else who is trying to do historical work on your minutes. They do not tell the story and to think that to give that power to your secretary is a very strange way of operating.

Mr. Parisi stated, it is power but with oversight. Each person (Councilor) reads the minutes and offer any sort of correction they choose to offer.

Mr. Lube stated, when I first found this out a couple of months ago I called up Bert (Killen) to ask, how long has this been going on? Bert had been on that Council since he was a little kid. Bert said that he never read the minutes. He never knew that they were edited and then I talked to some of the other guys.....

Mr. Parisi asked, he never knew they were edited? I don't believe that.

Mr. Lube continued, In talking to some of the other Councilors they said, they looked up to see if their own comments were there but they don't read everybody else's. So the minutes don't....

Mr. Parisi stated, no, it is not a stenographer, no.

Pasquale Melillo, 15 Haller Place, Yalesville asked, when you sign up, does that mean that if the typical question and answer period would have to go to the Town Clerk's Office to sign up ahead of time? Is that one of your proposals here?

Mr. Parisi explained, that is only on the third meeting of the month. We are proposing a third meeting.

Mr. Melillo asked, what about speaking on individual items such as what we are doing now, do we have to sign up ahead of time for that?

Mr. Parisi answered, no.

Mr. Melillo stated, someone made a comment about a Council meeting. He asked Mr. Parisi to describe what a Council meeting involves?

Mr. Parisi replied, it involves the agenda that we have and the business that we, as a Council, are going to conduct.

Mr. Melillo asked Mr. Parisi to describe what the word, "business" means.

Mr. Parisi explained, the items that are on the agenda.

Mr. Melillo asked, doesn't that involve public matters?

Mr. Parisi answered, yes it does but they are business matters of the Town.

Mr. Melillo stated, it is not really a Council meeting, it is a meeting for the public.

Mr. Parisi replied, no, it is a Council meeting.

Mr. Melillo responded, I can't buy that.

Mr. Parisi explained, when we went to the Mayor/Council form of government we left the Town Meeting system. There was a time when Mr. Lubeo was a member of the R.T.M., Representative Town Meeting. We left that system.

Mr. Melillo stated, any way you slice it; any kind of business you people conduct involves public matters. Isn't it true that most of you on the Town Council who are behind these revisions and proposals are taking the mental attitude that you, the Town Council predominantly, regardless of the others who disagree who are opposite of the majority of the Town Council in their views, isn't it true that those behind these revisions and proposals on the Town Council are taking the mental attitude that the Town Council should be related to as the masses of the public?

Mr. Parisi responded, I don't think so. Do you have a specific question on the rules? Because other people want to talk.

Mr. Melillo asked, isn't that a violation of our rights with the first amendment of the Constitution?

Mr. Parisi replied, no. That question was brought up earlier and it was explained.

Mr. Melillo asked, why isn't it a violation? Isn't it blatant that most of you on the Town Council are taking the mental attitude that you want power, you are geared to power over the people instead of being their servants as you are required to under the Constitution of the United States? No matter what you do here, if you violate the First Amendment of the Constitution you could make up any amendments, ordinances, resolutions and if you violate the First Amendment, you have no merit, no legal merit behind it.

Mr. Parisi asked, do you have a question?

Mr. Melillo continued, let me remind you of the park and recreation dispute we had. There was a big dispute between the public and the Town Council on that park and recreation situation. I am predicting that what happened then is going to be peanuts compared to what is going to evolve if these revisions and proposals are passed.

Mr. Parisi asked again, do you have a question?

Mr. Melillo responded, I have questions and I have comments. Again, it is my right under the First Amendment of the Constitution.....

Mr. Parisi answered, no it isn't your right, no, no it isn't. No, you are wrong. I am sorry but you are wrong. Talk to the Town Attorney.

Mr. Melillo replied, you are wrong. Most of you there who are.....

Mr. Parisi stated, you are out of order. Let's let the lady speak. If you don't have any questions let's not keep her up all night long.

Mr. Melillo argued, I have the right to comment; you cannot restrict me under the First Amendment from asking questions. You have no legal right under the First Amendment to restrict me or anyone else in the public to just questions. We have the right to comment.

Mr. Parisi stated, it will not go you any good. You are out of order; you are out of order. I am asking you to stop and sit down. We are not listening to you.

Mr. Melillo continued to speak, you should relate to the public and respect the public the way that you are supposed to. I am speaking and nobody is going to shut me up when it counts the most. Nobody is going to shut me up and Mayor I have to disagree with you when you referred to the fact that it is really a courtesy that the Town Council grants the public a public question and answer period. That is no courtesy, that is our right to speak; free speech under the First Amendment of the Constitution.

Mr. Parisi stated, Mr. Melillo, we have been going along very nicely, people are asking questions and we are trying to give people answers; that is what everyone wants. All of a sudden now you have to go on to a commentary, why don't you just ask the question that you have?

Mr. Melillo stated, what the public wants is to be addressed and respect their problem and not to be related this way here.

Dianne Hotchkiss, 38 Clifton Street asked, why would the third meeting of the month not be televised?

Mr. Parisi answered, it is not in the budget; there are time constraints on the people that are doing the televising, for two reasons that come right to my mind.

Mrs. Hotchkiss stated, I feel that you are saying that you want the people to come out to this meeting of the month and I think that if the public knew what was going on and that they did have that opportunity maybe we could get more people out to the meetings. I am not sure how many people live in the Town of Wallingford or how many people may be interested in coming out to ask questions but I know a lot of times I speak with people who say, it doesn't make a difference, why bother to go to a meeting?, but from what I am coming up with at this point, you are saying, you are limiting for the entire year one hundred and forty-four people to speak at the meetings and that is it?

Mr. Parisi answered, I don't think so. I think that is your interpretation of what that says. What that says is that people will still continue to speak on every item on the agenda.

Mrs. Hotchkiss replied, but if they chose to come to the public question and answer period, if they do not sign up ahead of time, they will not be allowed to speak?

Mr. Parisi stated, they do not have to sign up ahead of time, only on the third meeting of the month; that is the only one. The reason for that is, if you sign up and you want to speak twenty

minutes and Mrs. Trzciensky wants to speak for five minutes, why should she have to stay for the twenty minutes when she may be the shortest speaker that night? She would be first and then Mr. Kapi might want to sign up for ten minutes, he would be second. And Mr. Knight might want fifteen minutes; he would be third. You, as twenty minutes, would be the fourth person.

Mrs. Hotchkiss asked, at that meeting everyone would get their time to speak is what you are saying?

Mr. Parisi replied, sure, that is the object of it.

Mrs. Hotchkiss asked, in other words you are saying, the second and fourth monthly meeting is more important than that third meeting, to be televised?

Mr. Parisi stated, I am not saying that any meeting is more important at all. I am just telling you, that is the procedure. Why am I saying that one meeting is more important than the other? To allow public participation is going to be weighed, I don't understand that.

Mrs. Hotchkiss stated, I think that (holding the third meeting of the month) changes your \$33.00/hr. job if you re-calculate that.

Mr. Parisi stated, I'm going to correct that because that is not as it is. I think that what Mr. Centner said is, that was for the scheduled meetings but there are many of us who put in Saturdays and Sundays and nights and days and evenings and what have you and if we ever did log all the time, I am sure it would be far in excess of what was stated tonight. I think that what he said was misinterpreted.

Mr. Centner stated, actually, Mr. Chairman, if you look at just the hours of the scheduled meetings for the entire term, with the total of \$9,600, we held forty-two meetings. We were paid \$9,600 each, we scheduled and held forty-two regular meetings. If you look at that number it comes to \$65.00/hr. I cut it in half for all the other ancillary meetings and committees; you could even cut it further and still be \$20.00/hr. and for \$20.00/hr. I appreciate what you (the public) have to say.

Robert Sheehan, 11 Cooper Avenue stated, my questions are on my favorite topic, the consent agenda. Are you still having the same vote, majority or unanimous? To pass the agenda, is it going to be the majority (vote) or unanimous?

Mr. Parisi replied, majority vote on the consent agenda.

Mr. Sheehan stated, earlier this evening I was going to criticize you. You broke your own rules about the consent agenda, those items are not supposed to be discussed; no discussion and you eluded to the fact, in fact you made a point of order that number "D" on the consent agenda was a \$20,000., but right that is discussing it.

Mr. Parisi responded, no, it was an observation.

Mr. Sheehan replied, if it was an observation; you already voted it down....

Mr. Parisi stated, no, we passed it.

Mr. Sheehan continued, ....Mr.Zandri's recommendation that you read the items on the consent agenda at the meeting. It could have very well been taken care of if you had read that item, that it was for science kits, a \$20,000 donation from Bristol Myers, it would have been taken care of. You just do it now by saying, agenda items, I move items a-d, go on. Now, that is fine for us here because we know what they are, we read them (on the agenda). The people at home don't know. And if they have a question at this third meeting you are going to have, you will say, that was on the consent agenda, we passed that three months ago.

Mr. Parisi responded, I don't think that will happen. If the question is asked, we will get an answer. If we didn't have an answer, we would make every effort to get it to the person; that is the intent of that meeting.

Mr. Sheehan stated, I am going to break the rules now and make a personal observation; with all of this on limiting time of the public.....I am going on my fifth year of attending these meetings. For the better part of two years I sat in the corner up there and never said a word. Half of that was a learning process on my part but the biggest part of that was, there was lively discussion on the Council. They answered a lot of the questions for me and I am sure they answered a lot of questions for the public. I find that is not happening as of late and I miss that because I would much rather prefer to sit in my seat. The easiest thing for anyone to do is to get up and criticize. I may not agree with what somebody up here has to say and I may agree with what somebody has to say. Somebody may raise a point up here that I didn't think of on a given item. I think you owe it, this is just my opinion; my observation; that you are closing yourself off and I don't know why and there should be more discussion between you because I think you would have less problem with the people and the question and answer period and I doubt very much if you would have had the need for a third meeting a month.

Andrew Kapi, 6 Deme Road stated, when I was concluding my remarks earlier, a remark was passed having to do with television coverage. It was to paraphrase, "oh, is that the most important thing?" I've not been to these meetings prior to this issue coming up and with no aspersions on my friends in the audience who do come here, I have no problem with that and I laud them for their efforts but I am not coming here to be on t.v. Since I suspect that we may hear about it in the paper tomorrow, what I am saying to you; the offer of a third meeting that is not televised is hollow and meaningless.

Mr. Parisi stated, that is your opinion, sir.

Mr. Kapi continued, that is my opinion (applause) and I am going to finish with the rest of my minute to say, the reason that it is hollow and meaningless is because this is not just some, "let's have a party for the yo-yo's to talk among themselves." What is important here is this stuff; what is going on right here and if the attitude on the other side of that table is, these people just want to be on t.v., that tells me a lot more about how these procedures came to this point. What is important is that people ask questions to you in a public forum that is viewed by everyone and that your feet are held to the fire and that you respond, in public, and in today's world that means in t.v. with the same treatment as the rest of the actions that this body takes.

Mr. Parisi replied, I think that is fine. That is your opinion and I respect it but I think that I take exception to your comment that this is hallow (hollow), shallow and what ever cute little phrase you used. I think that is not being accurate at all. I am not judging what you say and I would ask that you not judge what we do. What we are trying to do is bring an open Council to the people and I think that comments have been made that said that we don't listen. We are going to dedicate a night to people where we do listen to them and I am very much in favor of that. I have no problem with that and I am sorry that you don't agree with that.

Mr. Kapi stated, if it is not televised and if restrictions are put in place with these procedures to limit question and answer period discussion that is televised, I have to conclude that the real intent of all of this is to limit public criticism. (applause)

Mr. Parisi replied, you can conclude that if you choose to. That is your right.

Philip Wright, Sr., 160 Cedar Street stated, I think the third meeting is a useless thing. I don't see it as providing any good to the town or to the Town Council. I feel that if you are going to have the other two meetings and have a public question and answer period and we are going to be restricted to some extent on the amount of time that we can talk, what is going to happen on this third meeting? I agree with Mr. Kapi that.....

Mr. Parisi commented, I think that the point has been made on the third meeting, at least I get the idea of what the feeling is.

Mr. Wright replied, thank you.

Gina Naczniak, 61 Twin Oak Farm Road stated, this is the second meeting that I have attended in the thirty years that I have lived in Wallingford. The only other meeting I attended was the vote on the school expansion program which was very important to me seeing that I am raising two small children. This issue also seemed important to me. While I have not attended the meetings I do watch the meetings on t.v. and I must confess, sometimes I watch them more than once just to hear the comments repeated. My second confession is, I yearn for the days when Mr. Killen, Mr. Zandri and Susan Duryea, not because I am a democrat, I am not registered as a democrat or a republican, only because there was conversation back then. You heard two sides to a story. I was educated; I was able to learn something by what was going on. One person presented their side of it and then you heard another and then you could decipher all of that yourself and come to some reasonable conclusion yourself. I feel like that is not happening any more. It seems like things are one-sided. When I watch the meetings it is like decisions are already made before you get here and it gets so frustrating to just watch it. I would say that, I would hope that you would not limit people's discussions because I look forward to hearing Mr. Wasilewski, Mr. Wright, Mr. (Reginald) Knight and even Mr. Melillo because nine times out of ten they are saying things that are important to me that I don't come up here and say myself, but I like what they....I think that they offer some good points. I think that they have some constructive comments that they make. In reference to the third meeting a month, I also do not think that is a great idea and I don't think that not televising it is a good idea. I am the one who sits at home; I don't come to the meeting; I don't speak out but I like to hear what other citizens are saying. Thank you for your time. (applause)

Mr. Melillo stated, as I have often stated in the past, one of the great things that are lacking is candor and honesty which is to utterly lacking in today's society, as a whole. The old days it what, "is it right or is it wrong?", nowadays it is, "is it legal?" and a perfect example of that is being displayed by most of you Town Councilors. I would appreciate most of you there being honest, real honest and admit that behind these proposed rules and revisions are two dominant reasons that most of you, not all of you, most of you up there want power over the people and you want to go home as soon as possible. I would like to hear you admit it. (applause)

Mr. Parisi responded that he did not think that was the case. He called for additional public comments; no additional comments were forthcoming from the public.

The discussion was opened to the Council.

Mr. Zandri asked, is the motion on the floor to accept these amended procedures as presented? Is that the way we are starting this?

Mr. Parisi responded, right. Mr. Lubee had a couple of points that were good....yes, there will be amendments accepted to the....

Mr. Zandri asked, is the first motion to accept this; the one that we are working on, then we will amend it accordingly and vote on the amendments to this and then at the end we will vote on the procedures as amended?

Mr. Parisi answered, right. Do you have changes to make?

Mr. Zandri responded, yes.

Mr. Centner stated, I have a statement, I will listen to changes; I would rather hear changes first.

Mr. Zandri stated, in Section I, I would like to make an amendment by eliminating subsection "b" completely. Seconded by Mr. Zappala.

VOTE: Centner, Papale, Zandri and Zappala, aye; all others, no; motion failed.

Mr. Zandri moved to amend Section III by eliminating the entire section as presented and to go back to the old rule on the original procedures and add a section which states, "Each person wishing to speak during Public Question and Answer Period will be required to put their name on a sign-up sheet prior to the Public Question and Answer Period. Also, in an effort to minimize the possibility of someone monopolizing the Public Question and Answer Period, each person will be allowed to comment or ask questions dealing with only one topic at a time as long as there are other people waiting to speak. However, a person can return to ask questions or make comments as many times as they want until all their questions and comments have been heard." Seconded by Mr. Zappala.

VOTE: Center, Papale, Zandri and Zappala, aye; all others, no; motion failed.



Motion was made by Mr. Zandri to eliminate the last sentence in Section IV of the proposed revised meeting procedures which reads, "The Chairman has the authority to limit total discussion time for each agenda item." Seconded by Mr. Zappala.

VOTE: Centner, Papale, Zandri and Zappala, aye; all others, no; motion failed.

Ms. Papale commented, I am sitting here and I am trying to vote the way I would like to vote as everyone here on the Council is voting and I think it is really, really unnecessary that people are laughing after each vote. Certain people have certain opinions and it has gotten to the point that we are sitting here at twelve midnight because of what has happened from the public and I don't think that people should be laughing at the way people are voting because you keep telling us it is a democracy. We have a right to vote the way we please.

Motion was made by Mr. Knight to Amend Section IV of the Proposed Revised Meeting Procedures by beginning the section with the sentence, "Public input on individual agenda items will be received during the discussion of the specific item after the members of the Council have had an opportunity to review and discuss the item." And to add a comma to the end of the last sentence and continue with the verbiage, "except in the case of a public hearing." Seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Zandri to Amend Section VI of the Proposed Revised Meeting Procedures by eliminating the language, "However, no more than two items submitted for Discussion or reporting out will be placed on any one Council agenda, with each Councilor being given an equal opportunity by the Chairman to so place these items. The Council Chairman can grant exception to this rule, depending on the length of a given Town Council agenda." Seconded by Mr. Zappala.

Mr. Zappala stated, I think it will put some of the Councilors in a bad position if you are the sole authority of deciding what items go on the agenda. It is going to be, in some cases, a very inadequate position if some of us have items to place on the agenda and you only pick two out of the four or five of us, I don't think it is fair. To eliminate that would be a good thing to do. You could ask some of us to postpone our item until the next meeting but to give you the authority, I don't think it is fair.

Mr. Parisi stated, that section was loose in the sense that, again, I am going to say that if there was a thirty item agenda and if there were five requests, if someone chose not to honor a request by the Chairman then the Chairman was obligated to put it on. That would make an agenda that was too heavy to deal with. That is the only reason for that. We had nothing to cover that before.

Mr. Zappala stated, I don't think it is necessary. If all of us submit an item for the agenda, I think it should be put on regardless of what time we will be here until. You are going to be here until 1:00A.M. tonight and we get paid \$100/hr to be here (jokingly) which is good but I think that we should have the right to put items on the agenda as we so wish.

Mr. Parisi clarified, it states, no more than two items submitted for discussion, not for items on the agenda per se. This is more directed toward report outs than it is to agenda items.

Ms. Papale stated, maybe it is not necessary to put that as part of the meeting procedures. In other times; I can remember when I was Chairperson, there were other Chairpersons involved; if we had a large agenda, automatically we would just call whoever it is and say, I am sorry, we have a large agenda and we just can't put it on this time, will you wait for two weeks?, without putting it into the procedures. That is the way it has usually been done and it still gives the Chairman the discretion of, if you see that it is too long.

Mr. Parisi explained, it is still only for report outs. It says on the front page, all items so requested that will require that a specific action be taken, must be included on the agenda. It is only limiting report out items

Mrs. Papale asked, why do you think it is even necessary to have it as part of our procedures?

Mr. Parisi answered, because of what I said; if you have a large agenda and there is....

Mrs. Papale replied, but all you have to do is call.

Mr. Parisi stated, If there are nine people, I may not have enough time to call...that is the hedge. I, in the past, have had to drive down and talk to people personally because it was easier to discuss it in person. The situation could be where you may not be able to get around the two at all. There was a time we had about ten items at one time, it took us three months to get rid of them. That is what it is directed at. I am not trying to change anyone's mind, I am trying to answer your question.

Mrs. Papale stated, I remember that when you had ten items to put on the agenda you spoke to the Councilperson and he had no problem; he put on two at a time. I think we accomplish more if we are not discussing six or seven at a time but I thought there was another way to do it. As a matter of fact, when Geno became a member of the Council I know that he had a lot of items to discuss I suggested that he put two items on at a time, I think you will gain more than having....because let's face it, maybe people don't realize that we do stay and we give a lot of time but it is five after midnight and I think that everyone is looking at the clock now and it is normal. It is up to you to set the agenda but I am hoping that you will be flexible with all of this.

Mr. Centner stated, I concur with both Tom (Zappala) and Iris (Papale) and the reason I disagree with this item is, many Councilors are on other committees and if time is of the essence, they may require separate report outs from each of the committees and I, for one, can't tell you if I would ever have a need for more than two, but I would like to have the luxury to know that I can do that because I don't want to have to mess around with time schedules on various committees. I would rather have that verbiage removed from our rules.

VOTE: Centner, Papale, Zandri and Zappala, aye; all others, no; motion failed.

Mr. Zandri moved that a section be added to the Proposed Revised Meeting Procedures which states, "Meetings of Council committees should not be held before 6:00 P.M." If we have any committee meetings of the Council, they not be held before 6:00 P.M. The reason for this being that the public will have an opportunity to go to these meetings. Seconded by Mr. Zappala.

Ms. Papale stated that there will have to be an exception to the rule due to the Merit Review Committee's meetings. That committee works with Personnel for merit increases.

Mr. Zandri accepted the exception as a friendly amendment, seconded by Mr. Zappala.

Mr. Parisi stated, that, normally, has been at the discretion of the Chairman of the committee.

Mr. Zandri explained, my concern is, if you give people the flexibility to have them at 3:00 P.M. in the afternoon.....I know that there was a big problem when the P.U.C. decided to have their meetings at 5:30. A lot of people complained. I think out of courtesy for the public, these are public meetings, they are open to the public, they should have an opportunity to attend the meetings.

Mr. Knight stated, I want to make sure that I have the substance of the amendment; all Town Council subcommittee meetings, which is really what we are talking about, with the exception of Merit Review, must take place at or after 6:00 P.M.

Mr. Zandri stated, that is correct.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Change the word, "may" to "will" in the second line of Section I.B., seconded by Mr. Knight.

Mr. Zandri stated, I am opposed to this so I will vote no.

Council Secretary Kathryn Milano-Zandri wanted to remind the Council before voting that the night the Council will be meeting in here is the night that I will be putting together the agenda for the fourth meeting in the office so I can't be in two places at once. Also, remember that if you are attending a meeting in here on the third Tuesday, you cannot attend the meeting at the P.U.C. since that is their meeting night. It is something to keep in mind.

VOTE: Farrell, Papale, Zandri and Zappala, no; all others, aye; motion duly carried.

Motion was made by Mr. Farrell to Adopt the Proposed Revised Meeting Procedures as Amended, seconded by Mr. Knight.

Mr. Zandri asked for a point of clarification. I know that we go by Robert's Rules and I just want something clarified; on page 96 of Robert's Rules says, "An Amendment of a previously adopted constitution, bylaws, rules of order or order of business, requires a two-thirds vote." I want to know whether or not we are going to be following that rule?

Atty. Mantzaris responded, no, because the Charter says that you adopt any matter by not less than five votes. The Charter would control. Robert's Rules comes into order when there is no other rule.

Mr. Zandri stated, it (the Charter) says, you will not have less than five but this is saying that it requires two-thirds. I agree that you have to have not less than five.

Mr. Parisi stated, you have to have two-thirds to start the meeting.

Mr. Zandri quoted Robert's Rules again stating, "An Amendment of a previously adopted constitution, bylaws, rules of order or order of business, requires a two-thirds vote."

Atty. Mantzaris replied, the Charter reads, I did not read it exactly, "Six members constitute a quorum but no ordinance, resolution or vote on any matter except a vote to adjourn or to fix the place of the next meeting shall be adopted by less than five affirmative votes."

Mr. Zandri stated, that is giving you a minimum requirement. It does not give you a maximum requirement.

Atty. Mantzaris stated, the five votes under the Charter will adopt the matter and that controls.

Mr. Zandri stated, rules of order are adopted by five; the initial rules of order are adopted by five but when you amend those, according to Robert's Rules of Order, requires two-thirds vote.

Atty. Mantzaris responded, "a vote on any matter", the Charter reads; any matter.

Mr. Zandri stated, again, I think that is a minimum requirement.

Atty. Mantzaris repeated, five votes adopts any matter except one to adjourn and the exceptions listed in the Charter.

Mr. Centner asked, then why is a Mayoral veto override vote seven votes?

Atty. Mantzaris responded, because the Charter says so.

Mr. Zandri asked, is that what we are going to go by, five votes?

Atty. Mantzaris responded, five votes.

Mr. Zandri stated for the record, I will say that if this does pass I will seek a challenge on it. I will challenge this, even if I have to get legal advice on it. (applause)

Mr. Centner stated his position on not changing the current rules at all. He stated, I am at a loss as to why this Council feels that the current rules are insufficient. I don't feel that any of the changes are necessary. Number 1, concerning the consent agenda; I can only recall one or two times in the two year term that anybody pulled anything off the consent agenda. Concerning the new rule number fifteen (XV) for it, I don't feel that I, as a Councilor, should have to go through

a four step measure just to pull something off of the consent (agenda). Concerning the excessive agenda items; I recall one time in the two year term I was here, one Councilor asked to place ten items of a reporting out nature on the agenda and over a period of four meetings we digested that request and that was acceptable to me. I don't care to have a limit on what items I can place on the agenda. If I require more than two or three report outs due to the committees that I am on, I don't care to have a limit to those, especially if they are timely; necessary of an element of time. There is also continual talk on this Council that we need to move business along and that public input is impeding our ability to do so. This is a case I just can't agree with. We were also provided a list of what eight other towns does with their public input and this item #b suggestion mimics that of Middletown. Eight out of one hundred and sixty-nine towns is five percent; I don't really care what the five percent of the other towns are doing, I really only care what is happening here in Wallingford. Basically, whether or not, right or wrong, our precedent has been set by allowing the public to speak for years and years and years at our Council meetings and I believe this public input has brought interaction to the way we decide our votes and I do feel we should continue it. I have repeated our rule IV to the Council and to the public many times. I am going to repeat it again, "Individuals wishing to speak either during the Public Question and Answer Period or on individual agenda items will be required to address their questions or comments to the Council Chairperson and limit his or her speaking time to three minutes." The three minutes is a courtesy rule. In the two years that I was here, we did not enforce it; we never invoked our rule IV, the gavel was not banged and the speaker who went over the three minute limit was not reminded that our rule IV limits us to three minutes for the public discussion. This speaker could have been told to finish up their point and be seated. I don't think that anyone would have challenged it. Also, in the new rules, by accepting the item I.B., I think that is going to remove that interaction; the interaction between the public speaking and the way we vote on our items on the agenda. Also, we have talked over and over again about the meeting length and meeting time. This is beginning to boggle me and this is why I brought with me tonight some analytical facts. I asked our secretary to provide me a list of every adjournment (time) to every regularly scheduled meeting we had in the two year term plus up to date now. In those times, by adjournment, our longest meeting was on April 8, 1997; seven and three-quarter ( $7 \frac{3}{4}$ ) hours. Our shortest meeting was on June 25, 1996; one hour, forty minutes. Now, through the entire two years we held forty-two meetings. In those forty-two meetings we logged in one hundred and fifty-five point six (155.6) hours. The total average of three and one-half ( $3 \frac{1}{2}$ ) hours per meeting. If you do take what we earn in the two year period which is \$9,600 per term; forty-two meetings, that is \$228.00 per meeting if you judge only the meetings on regularly scheduled Council activities against that earnings. If you take the three and one-half ( $3 \frac{1}{2}$ ) hour that we have sat at these meetings, it is \$65.00 per hour. If you then factor in side committees, public events, ceremonies and the like, you can cut that way, way down. I am figuring a resolution dollar amount of around \$15.00 - \$20.00 per hour. That \$15.00 - \$20.00 an hour; I am being paid by the citizens of Wallingford to sit up here. I appreciate your input; I am being paid to hear it and I value it. In closing, I would like to state, I stand firm that we retain the current rules that they are. I feel that they have been rather successful; our average meeting time in better than two years has not exceeded three and one-half ( $3 \frac{1}{2}$ ) hours; I don't see what the hurry is. I would rather sit up here and continue and take the input and direction from my colleagues as well as the public at the time that it happens. (applause)

Mr. Knight stated, just one comment regarding this ridiculous statistical analysis....

Mr. Centner stated, please don't offend with your language.

Mr. Knight stated, I will not, Mr. Centner but I will question your statistical analysis. I have served on this Council now, this is my fifth year. I serve not to sit here just in these meetings. If the only thing I do is sit in these meetings then I should not be sitting here. I take hours to prepare, discuss constituent matters with constituents, I am the Chairman of two subcommittees now and serve on a third, I attend every Board of Education even that I can possibly get to and that is almost every public event as the Chairman of the Board of Education Town Council Liaison, I have watched my fellow of Town Councilors, hours and hours and hours and hours and hours and to attempt to tell me exactly how much time I have spent on this job or any one of us...this is not an engineering feat. I happen to spend a great deal of time and I can tell you that if you ask my family, I spend a whole lot too much time. I can't believe this question is coming up because I happily serve every single minute of every meeting and public event and what not because that is what we ran for, we ran for that. But the fact that we want to try and conduct business as public officials and move business along, does not mean that we are shirking our duty and are trying to rip the public off and that is the impression that I am getting from that kind of statistical analysis and I resent it.

Mr. Centner asked for a chance to rebut Mr. Knight's statements.

Mr. Parisi responded, no, we are not going to have a debate.

Motion was made by Mr. Farrell to Approve the Rules a Amended and as Presented, seconded by Mr. Knight.

VOTE ON THE RULES AS AMENDED AND AS PRESENTED: Centner, Papale, Zandri and Zappala, no; all others, aye; motion duly carried.

Motion was made by Mr. Farrell to Adjourn, seconded by Mr. Rys.

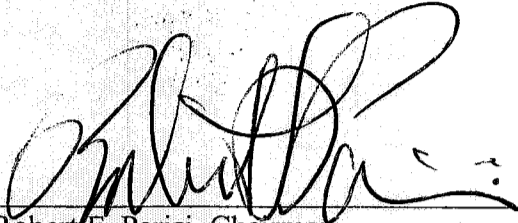
VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 12:24 A.M.

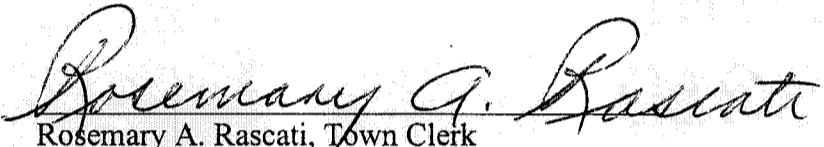
Meeting recorded and transcribed by:

  
Kathryn F. Zandri  
Town Council Secretary

Approved by:

  
Robert F. Parisi, Chairman

3-24-98  
Date

  
Rosemary A. Rascati, Town Clerk

3-24-98  
Date

**TOWN COUNCIL**  
**TOWN OF WALLINGFORD, CONNECTICUT**  
**MEETING PROCEDURES**

In accordance with the provisions of Chapter III, Section 4 ("PROCEDURE") of the Charter of the Town of Wallingford, and in conjunction with the provisions of Chapter 3, Section 1-21 of the Connecticut General Statutes (hereafter abbreviated as "CGS 3, 1-21"), the following rules of procedure are adopted by the Town Council:

- I.
  - A. The Town Council will schedule regular meetings on the second and fourth Tuesday of every month in the Town Council chambers of the Town Hall. In addition, the Chairman of the Council or, in his/her absence or inability to serve, the Vice-Chairman may, at his/her discretion, call a special meeting at any time.
  - B. A third meeting, specifically for the purpose of hearing input on policy and operation of town government from the public, may be scheduled for the third Tuesday of every month, beginning at 6:30 P.M. Members of the public wishing to speak at this meeting will be requested to sign up in advance of the meeting at the Town Council office. The order in which members will speak will be determined by the length of time requested at the time of sign up, with the person requesting the least amount of time being allowed to go first. Speakers will be limited to the time that they have requested.
- II. Except as otherwise specified in this procedure, the order of all Council meetings will be conducted at the discretion of the Chairman or, in his/her absence or inability to serve, the Vice-Chairman, with Robert's Rules of Order (Revised 1915) as a guide.
- III. The Council will convene at 6:30 P.M. on the dates of its regular scheduled meetings; the Pledge of Allegiance to the Flag will be given at the start of each meeting. The Consent Agenda will be presented as described in Rule XV. The Public Question and Answer Period will occur after acceptance of the Consent Agenda and will be limited to policy and operation of town government. The Public Question and Answer Period will be for a maximum length of twenty (20) minutes. Each individual wishing to speak will address their questions or comments to the Council Chairman and limit his/her speaking time to a maximum of three (3) minutes.
- IV. Individuals wishing to speak on individual agenda items will be required to address their questions or comments to the Council Chairman and limit his/her speaking time to a total of three (3) minutes. The Chairman has the authority to limit total discussion time for each agenda item.
- V.
  - A. Business acted upon at regular Council meetings will be limited to the agenda prepared by the Chairman or his/her designate for each meeting on the Tuesday prior to that meeting. The Chairman will instruct the Council secretary to ensure that copies of the agenda are sent to each Councilor, the Mayor, Town Clerk, Town Attorney, Comptroller and all Department Heads prior to such a meeting. The Town Council secretary will have the finished agenda material available for delivery by the evening of the Tuesday prior to the next meeting.
  - B. However, subsequent business not included on the agenda may be discussed and acted upon, upon the affirmative vote of a two-thirds majority, but not less than five (5) of those Councilors present and voting.
- VI. Any Councilor, the Mayor, Town Attorney or Comptroller, must request in writing that an item be placed on the agenda of a regular meeting, provided that the request is submitted to the Chairman of the Council by no later than noon of the Tuesday, one week prior to the meeting. All items so requested that will require that a specific action be taken must be included on the agenda.



However, no more than two items submitted for Discussion or Reporting Out will be placed on any one Council agenda, with each councilor being given an equal opportunity by the Chairman to so place these items. The Council Chairman can grant exceptions to this rule, depending on the length of a given Town Council agenda. No item of new business will be considered unless prior notice is given in the manner described above; however, the Council may suspend this rule in accordance with the provisions set forth in Section V (B) above. Any resident elector may also request in writing that an item be placed on the agenda; however, it will be at the discretion of the Chairman as to whether the item is considered as an agenda item or as an item of general correspondence to the Council.

- VII. Except as provided in Sections V and VI, no rule of the Council will be waived or suspended at any time, unless the Councilor requesting such action so states his/her reason and not less than five (5) of the members present concur.
- VIII. The proceedings of the Council, except those portions conducted in Executive Session, will be recorded and reported in accordance with the provisions of CGS 3, 1-21. The Chairman and the other Town Council members, the Mayor, the Comptroller, and Town Attorneys will receive an accurate copy of the minutes of all Town Council meetings. The Chairman of the Town Council and the Town Clerk will sign two (2) copies of the approved minutes for public inspection. The Public Library will receive a signed copy of the minutes of all Council meetings.
- IX. Meetings of the Board of Public Utilities: the Council will request that the Public Utilities Chairman arrange for a completed copy of the minutes of those meetings be mailed to all Councilors immediately upon completion. It will be the responsibility of each individual Councilor to determine whether any Council action is necessary and/or appropriate.
- X. The Comptroller will provide the members of the Council with a monthly financial report of all department budgets.
- XI. The investigatory powers of the Council will be exercised only by decision of the Council at a regular or special meeting, subject to the provisions of Chapter III, Section 10 of the Charter.

Requests for appropriations or transfers, subject to the provisions of Chapter XV, Section 7 of the Charter, must meet the following requirements:

- (1) Written approval of the Department Head, Mayor and Comptroller.
- (2) Written authorization from the Comptroller stating source from which money is coming and to which account number funds should be appropriated or transferred.

No item will be acted upon unless the Department head, or his/her authorized representative, is present at the Council meeting. This rule may be waived by the Chairman.

- XII. Requirements regarding appointments:
  - A. Mayor's Appointments Requiring Council Confirmation:
    - (1) A letter from the mayor naming his/her appointment must be presented.
    - (2) A letter from the person(s) receiving the appointment(s) indicating his/her/their availability and acceptance should accompany the Mayor's letter, but shall not be considered mandatory.
    - (3) Any name submitted to and approved by the Council for confirmation will be held over for one week, or until the next regularly convened Council meeting, before receiving final confirmation by the Council.
  - B. Council Appointments: A letter to the Council from all prospective nominees indicating a desire for appointment or reappointment accompanied by an application form provided by the Council will be submitted at least seven (7) days prior to the date set for making such appointments. (This requirement may be waived at the discretion of the Council). Any

individual recommended to the Council for appointment or confirmation may be interviewed at the discretion and request of any Council member.

XIII. No correspondence shall be read at a meeting of the Council unless it is addressed to, or intended for, the Council and contains the written signature and address of the person who wrote it.

XIV. These rules may be amended by a vote of not less than five (5) of those members of the Council present at a regular meeting of the Council.

XV. Consent Agenda:

Definition: A Consent Agenda is a separate listing from the regular agenda of a variety of items to be approved by one vote of the Town Council rather than specific votes on each item. There is no discussion or debate either by members of the Council or by the general public on Consent items. The opening motion on the Consent Agenda shall be to move the passage of the Consent Agenda. Upon being seconded, the final vote will be taken on the Consent Agenda, passage of which will be by a single vote for approval for all items.

Procedure: The Town Council Chairman shall delegate to one or more Councilors the preparation of the Consent Agenda. The Consent Agenda shall contain a motion relative to all matters listed on the Agenda. Review by individual Councilors shall be as follows:

- (1) Agendas will be delivered the Tuesday evening prior to the meeting.
- (2) Each Councilor should review the entire Consent Agenda at his/her earliest convenience. Any problems or questions that arise regarding an item on the Consent Agenda should first be taken up with the Department Head submitting the request or the Mayor if a satisfactory answer is not obtained.
- (3) If, after following step (2) above, a Councilor still requires more information, he/she shall request that the item be removed from the Consent Agenda by notifying the Town Council secretary by Friday at 4:30 P.M. Should the Town Council secretary be unavailable, the Town Clerk should be notified.
- (4) The Town Council Chairman will also be available to all Councilors to discuss any item on the Consent Agenda in order for it to remain as intact as possible.

XVI. Public Hearing Procedure – Bonding Ordinances

1. Call the Public Hearing to Order
  - a) Call to order a Public Hearing to introduce an ordinance entitled, “[enter title of proposed ordinance]” and inform the public that copies of the proposed ordinance are on file and open to the public at the office of the town Clerk and at this meeting.
2. Motion to Dispense with Reading the Full Ordinance
  - a) A motion to dispense with the reading of the ordinance in full; that Section I of the proposed ordinance be read and that a copy of the complete ordinance be attached to the minutes of this meeting. (Make motion, second, roll call vote, read Section I).
3. Motion to Adopt Proposed Ordinance
  - a) A motion that the ordinance entitled “[enter title of proposed ordinance]” be adopted. (Make motion, second, roll call vote).

XVII. Decorum and Order: The meeting Chairman shall preserve decorum and decide all questions of order subject to appeal to the Council.

1. During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the meeting Chairman or the rules of the Council. Every Councilor desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself to the agenda item under discussion and shall avoid all personalities and improper language. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless another member raises a point of order. All members of the Council shall accord the utmost courtesy to each other, to anyone appearing before the Council and to the

members of the general public present at the meeting. They shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

2. Members of the general public and those appearing before the Council to discuss an agenda item shall observe the same rules of propriety, decorum and good conduct as are applicable to members of the Council. Anyone desiring to address the Council shall be recognized by the Chair, shall speak into one of the microphones provided and shall begin by stating his/her name and address for the record. All remarks and questions shall be addressed to the Council as a whole and not to any individual member thereof unless authorized by the Chair. All remarks and questions addressed to other Town officials or individuals appearing before the Council shall be done through the Chair. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the Chair.

TOWN COUNCIL

TOWN OF WALLINGFORD, CONNECTICUT

MEETING PROCEDURES.

In accordance with the provisions of Chapter III, Section 4 ("PROCEDURE") of the Charter of the Town of Wallingford, and in conjunction with the provisions of Chapter 3, Section 1-21 of the Connecticut General Statutes (hereafter abbreviated as "CGS 3,1-21"), the following rules of procedure are adopted by the Town Council:

- I. The Town Council will schedule regular meetings on the second and fourth Tuesday of every month in the Town Council chambers of the Municipal Building. In addition, the Chairman of the Council, or in his/her absence or inability to serve, the Vice-Chairman may, at his/her discretion, call a special or emergency meeting at any time.
- II. Except as otherwise specified in this procedure, the order of all Council meetings will be conducted at the discretion of the Chairman, or in his/her absence or inability to serve, the Vice-Chairman, with Robert's Rules of Order (Revised 1915) as a guide.
- III. The Council will convene at 6:30 P.M. on the dates of its regular scheduled meetings; the Pledge of Allegiance to the Flag will be given at the start of each meeting. The Consent Agenda will be presented and voted upon with a single vote. The Public Question and Answer Period will occur after acceptance of the Consent Agenda and will be limited to policy and operation of town government. Public input on individual agenda items will also be received during the discussion of the specific item, after the members of the Council have had an opportunity to review and discuss the item.
- IV. Individuals wishing to speak either during the Public Question and Answer Period or on individual agenda items will be required to address their questions or comments to the Council Chairperson and limit his/her speaking time to three (3) minutes.
- V. A. Business acted upon at regular Council meetings will be limited to the agenda prepared by the Chairman for each meeting, who will instruct the Council Secretary to ensure that copies are sent to each Councilman, the Mayor, Town Clerk, Town Attorney, Comptroller and all Department Heads prior to such a meeting.  
B. However, subsequent business not included on the agenda may be discussed and acted upon, upon the affirmative vote of a two-thirds (2/3) majority, but not less than five (5) of those present and voting.

- VI. Any Councilman, the Mayor, Town Attorney or Comptroller, must request in writing that an item be placed on the agenda of a regular meeting, provided that the request is submitted to the Chairman of the Council by no later than noon of the Tuesday, one week prior to the meeting; all items so requested must be included on the agenda. No item of new business will be considered unless prior notice is given in the manner described above; however, the Council may suspend this rule in accordance with the provisions set forth in Section V (b) above. Any resident elector may also request in writing that an item be placed on the agenda; however, it will be at the discretion of the Chairman as to whether the item is considered as an agenda item or as an item of general correspondence to the Council.
- VII. Except as provided in Section V and VI, no rule of the Council will be waived or suspended at any time unless the Councilman requesting such action so states his/her reason and not less than five (5) of the members present concur.
- VIII. The proceedings of the Council, except those portions conducted in Executive Session, will be recorded and reported in accordance with the provisions of CGS 1-21. The Chairman and the Town Council members, the Mayor, the Comptroller, and Town Attorneys, will receive an accurate copy of the minutes of all Council meetings. The Chairman of the Town Council and the Town Clerk will sign two (2) copies of the approved minutes for public inspection. The Public Library will receive a signed copy of the minutes of all Council meetings.
- IX. Upon receipt of the minutes of the meeting of the Board of Public Utilities, the Town Clerk will immediately submit copies of the minutes to all Councilmen, whose individual responsibility it will be to determine whether any Council action is necessary and/or appropriate.
- X. The Comptroller will provide the members of the Council with a monthly financial report of all department budgets.
- XI. The investigatory powers of the Council will be exercised only by decision of the Council at a regular or special meeting, subject to the provisions of Chapter III, Section 10 of the Charter.

Requests for appropriations or transfers, subject to the provisions of Chapter XV, Section 7 of the Charter, must meet the following requirements:

- (1) Written approval of the Department Head, Mayor and Comptroller.
- (2) Written authorization from the Comptroller stating source from which money is coming and to which account number funds should be appropriated or transferred.

No item will be acted upon unless the Department Head, or his/her authorized representative, is present at the Council meeting. This rule may be waived by the Chairman in the case of items taken up on the consent agenda.

XII. Requirements regarding appointments:

A. Mayor's Appointments Requiring Council Confirmation:

- (1) A letter from the Mayor naming his/her appointment must be presented.
- (2) A letter from the person(s) receiving the appointment(s) indicating his/her/their availability and acceptance should accompany the Mayor's letter, but shall not be considered mandatory.
- (3) Any name submitted to and approved by the Council for confirmation will be held over for one week, or until the next regularly convened Council Meeting, before receiving final confirmation by the Council.

B. Council Appointments:

- (1) A letter to the Council from all prospective nominees indicating a desire for appointment or reappointment accompanied by an application form provided by the Council will be submitted at least seven (7) days prior to the date set for making such appointments. (This requirement may be waived, at the discretion of the Council, in special circumstances.)

C. Any individual recommended to the Council for appointment or confirmation may be interviewed at the discretion and request of any Council member.

XIII. No correspondence shall be read at a meeting of the Council unless it is addressed, to, or intended for, the Council and contains the written signature and address of the person who wrote it.

XIV. These rules may be amended by a vote of not less than five (5) of those members of the Council present at a regular meeting of the Council.

XV. Consent Agenda

Definition - A consent agenda is a separate listing from the regular agenda of a variety of items to be approved by one vote of the Town Council rather than specific votes on each item. There is no discussion or debate either by members of the Council or by the general public on consent items, only a single roll call vote for approval of all items.

Procedure - That the Town Council Chairman delegate to one or more Councilors, the preparation of the Consent Agenda and that the Consent Agenda shall contain a motion relative to all matters listed on the Agenda. The Chairman has the authority to limit discussion time for agenda items.

The opening motion on the Consent Agenda shall be to move the passage of the Consent Agenda. Upon being seconded,

XV. Consent Agenda (cont.)

the final vote would be taken on the Consent Agenda. The passage of the Consent Agenda is to be by roll call vote.

XVI. Public Hearing Procedure - Bonding Ordinances

1. Call the Public Hearing to Order

- a. Call to order a Public Hearing to introduce an ordinance entitled, "(enter title of proposed ordinance)" and inform the public copies of the proposed ordinance are on file open to the public at the office of the Town Clerk and at this meeting.

2. Motion to dispense with reading the full ordinance

- a. A motion to dispense with the reading of the ordinance in full, that Section I of the proposed ordinance be read and that a copy of the complete ordinance be attached to the minutes of this meeting. (Make motion, second, roll call vote, read Section 1.)

3. Motion to adopt proposed ordinance

- a. Moved that the ordinance entitled, "(enter title of proposed ordinance)" be adopted. (Motion, second, roll call vote)

Adopted: January 14, 1964  
Amended: January 12, 1965  
February 15, 1966  
January 16, 1968  
January 5, 1970  
January 3, 1972  
January 7, 1974  
January 5, 1976  
January 10, 1978  
January 7, 1980  
January 4, 1982  
January 10, 1984  
April 24, 1990  
January 11, 1994  
January 23, 1996  
March 26, 1996

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