

Summary/Town Council Meeting

December 11, 1984

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Set PUBLIC HEARING on AN ORDINANCE ESTABLISHING STANDARDS OF CONDUCT RELATING TO THE PARTICIPATION IN REAL ESTATE TRANSACTIONS BY OFFICIALS AND EMPLOYEES OF THE PLANNING AND ZONING COMMISSION, ZONING BOARD OF APPEALS, AND BUILDING DEPARTMENT OF THE TOWN OF WALLINGFORD, January 22, 1985, 7:45 p.m., Councilman James A. G. Krupp-----1

Set PUBLIC HEARING on AN ORDINANCE CONCERNING THE PARTICIPATION OF THE TOWN OF WALLINGFORD IN THE SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS AND REPEALING ORDINANCES NO. 48, AN ORDINANCE FOR PARTICIPATION OF THE TOWN OF WALLINGFORD IN REGIONAL PLANNING AND NO. 134, AN ORDINANCE CONCERNING PARTICIPATION IN A REGIONAL COUNCIL OF ELECTED OFFICIALS, January 8, 1985, 7:45 p.m., Mayor William W. Dickinson-----2

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Meeting adjourned-----22

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TOWN COUNCIL MEETING

December 11, 1984

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:35 p.m. by Chairman Gessert. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Gessert, Holmes, Killen, Krupp, Papale, Polanski and Rys. Also present were Mayor William W. Dickinson, Town Attorney Vincent McManus, and Thomas A. Myers, Comptroller. The pledge of allegiance was given to the flag.

Invocation by Reverend Gerald D. Eddy, Church of the Nazarene:

Our Father, we thank You that You have promised that when we are tired there is strength. So are they that pray upon the Lord, they shall renew their strength. They shall mount up with wings as eagles; they shall run and not be burned. So, Heavenly Father, we bring our tiredness to You and we ask for Your strength. We bring our problems of this administration and the needs of our city. We ask that Your spirit give us guidance and insight in solving these issues and problems and in meeting the needs of the people. Bless each one here who serves, guiding their lives, and meeting their needs personally and individually. We thank You for your blessing.

PUBLIC QUESTION AND ANSWER PERIOD

No questions were brought forth by the audience.

Chairman Gessert read a letter from the National Transportation Safety Board, which had been recently received by Mayor William Dickinson, commending members of the Personnel, Police and Fire Departments of the Town of Wallingford for their excellent cooperation and service during a recent helicopter accident. Detective Hanley's efforts were particularly cited.

Chairman Gessert noted that although those that do wrong seem to get better press coverage, it is nice to know that some of the Town's people are doing a good job and that their work is not only recognized, but appreciated.

Mr. Gessert introduced a request to set a PUBLIC HEARING on AN ORDINANCE ESTABLISHING STANDARDS OF CONDUCT RELATING TO THE PARTICIPATION IN REAL ESTATE TRANSACTIONS BY OFFICIALS AND EMPLOYEES OF THE PLANNING AND ZONING COMMISSION, ZONING BOARD OF APPEALS, AND BUILDING DEPARTMENT OF THE TOWN OF WALLINGFORD, as requested by Councilman James A. G. Krupp.

Chairman Gessert commented that he had read the ordinance and felt it was a very positive step. Mr. Krupp pointed out that this ordinance was drafted by the Ordinance Committee.

Mr. Krupp moved that a PUBLIC HEARING be set for January 22 at 7:45 p.m. Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert presented a request from Mayor Dickinson to set a PUBLIC HEARING on an ORDINANCE CONCERNING THE PARTICIPATION OF THE TOWN OF WALLINGFORD IN THE SOUTH CENTRAL REGIONAL COUNCIL OF GOVERNMENTS AND REPEALING ORDINANCES NO. 48, AN ORDINANCE FOR PARTICIPATION OF THE TOWN OF WALLINGFORD IN REGIONAL PLANNING AND NO. 134, AN ORDINANCE CONCERNING PARTICIPATION IN A REGIONAL COUNCIL OF ELECTED OFFICIALS.

Mrs. Bergamini moved that a PUBLIC HEARING be set for January 8, 1985, at 7:45 p.m. Councilman Rys seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert introduced Mayor Dickinson's request to confirm his reappointment of Mr. Charles Biondino to the Personnel & Pensions Appeals Board; term: 1/1/85 to 1/1/90.

Mrs. Bergamini moved to confirm the appointment; Councilman Krupp seconded the motion. Mrs. Bergamini commented that Mr. Biondino has done an admirable job and that she was glad to see that Mr. Biondino was staying on.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert presented a request from Ms. Kathleen M. Queen, 601  
Executive Director of The Wallingford Community Day Care Center, Inc.,  
to approve their 1985-1986 budget.

Councilman Rys moved to approve the budget; Mrs. Papale seconded  
the motion.

Mr. Polanski questioned what would happen if the day care center  
did not get the \$117,000 State grant. Ms. Queen stated that this is  
the only secure budget they have and has been around for 15 years or  
so and is not entirely dependent on Federal funds. Ms. Queen added  
that they are fighting with the State over restoring some of the  
State money that has been removed because of increases in Federal  
funding over the years. She stated that she did not anticipate any-  
thing happening, short of disbanding, and that, in such a situation,  
they would have to go into a fee-for-service program.

Mr. Killen asked if the day care center anticipated having a cash  
flow problem this year as in the past. Ms. Queen said that they  
probably would have but that the problem is receipt of payments on  
time. Ms. Queen pointed out that two resolutions were in the hands  
of the Town Council just tonight. She stated that one of them states  
that they can come to the Town Council for money until the money is  
received.

Mr. Gessert noted that \$30,000 is collected from parents and asked  
if this meant that, with 30 children, that would be \$20 a week. Ms.  
Queen responded that they operate on a sliding fee scale and that  
some parents do not pay anything at all; and that the higher the  
parent income, the more the parent pays. Fees range from \$0 to \$75  
a week. The income level for approximately 80% of State median income  
is \$55-60,000; anyone above 80% of State median income is paying the  
cost of the service, anyone below is being subsidized, in effect.  
She added that there are perhaps 5 or 6 people paying nothing because  
they are either under income or on AFDC and in school full-time or  
in work-related programs, in which case they have about 4 months  
after they start work before they take their benefits.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp moved to waive Rule V to discuss and endorse the resolutions  
as presented by Ms. Queen. Mr. Holmes seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Vice-Chairwoman Bergamini read into the record the following resolution:

WHEREAS, the Wallingford Community Day Care Center, Inc., is a designa-  
ted agency of the Town of Wallingford funded by the State of Connecti-  
cut through the Town of Wallingford for service to pre-school children  
and their parents; and

WHEREAS, The Wallingford Community Day Care Center, Inc., has been  
commended for both the level of service and the fiscal responsibility  
with which it has performed during its years of operation; and

WHEREAS, The Wallingford Community Day Care Center, Inc., is supported  
by State funds, voluntary contributions of time, money and material,  
including in-kind contributions by the Town of Wallingford; and

WHEREAS, The Town of Wallingford has not found it necessary to provide  
direct financial support as is done in most other towns providing Day  
Care service; and

WHEREAS, The Wallingford Community Day Care Center, Inc., is continually  
in operating difficulty because of the delay in actually receiving funds  
approved by the State;

NOW THEREFORE, BE IT RESOLVED:

(1) That The Wallingford Community Day Care Center, Inc., be permitted  
to borrow from The Town of Wallingford amounts necessary to meet the  
essential operating expenses of the Center between the time that the  
Center's program is approved by the State of Connecticut through its  
Department of Human Resources and the actual funding is received, but  
in no case to draw more than the amount approved and budgeted by the  
State for the period of operation as set forth in the 1985-1986 budget.

(2) The Wallingford Community Day Care Center, Inc., will repay the  
amount so borrowed immediately upon receipt of the State grant for the  
period for which the funds were borrowed.

662 Mrs. Papale moved that the resolution, as shown, be endorsed by the Council; Mr. Polanski seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Bergamini then read the second resolution from the Day Care Center as follows:

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the TOWN OF WALLINGFORD make application to the State in order to undertake a Child Day Care Program and to execute a Grant Action Request therefor. It is understood that the Local Agency will provide a local grant-in-aid, where applicable, in accordance with the requirements of Chapter 133 and 300a of the Connecticut General Statutes, as appropriate.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 133 and 300a of the Connecticut General Statutes.

2. That it recognizes the responsibility for the provision of local grant-in-aid to the extent that they are necessary and required for said program.

3. That the filing of an application by the Local Agency in an amount not to exceed ONE HUNDRED SEVENTEEN THOUSAND SIX HUNDRED FIFTY-FIVE AND 00/100 (\$117,655.00) DOLLARS is hereby approved, and that the Chairman of the Town Council is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, recisions, and revisions thereto, and to act as the authorized representative of the Local Agency.

Mr. Killen moved that the above resolution be endorsed. Mr. Krupp seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp asked what special conditions might be imposed on the Town by Chapters 133 and 300a of the Connecticut General Statutes. Ms. Queen stated that these had to do with zoning, in particular the use of public space for day care programs and she could not find anywhere in those statutes anything that would affect the Town.

Chairman Gessert presented a request for approval of pension agreement between the Town of Wallingford and Local 457, I.B.E.W., AFL-CIO, as requested by Mayor William W. Dickinson.

Mr. Krupp moved to approve the pension agreement for discussion purposes. Mr. Holmes seconded. VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp noted that there were two pension agreements included. Mr. Stanley Seadale advised that the agreement entitled "Pension Agreement" covers the Linemen under the Hazard Plan, and that the agreement entitled "Consolidated Pension Plan" covers the remaining employees covered by the I.B.E.W. bargaining agreements.

Mr. Krupp questioned why the Town Council is voting on a plan that becomes effective on July 1, 1980. Mr. Seadale stated that prior to 1975, there were from 6-12 different pension plans and that a lot of work went into consolidating the plans into one, with two major differences - one being that there is a slight difference in covering regular employees vs. "Hazard" employees; the other being that "Hazard" employees can retire with 25 years of service whereas regular employees must have 30 years, which has always been in the plan. In 1975, a memorandum of understanding was negotiated with all the unions and the Town had been operating under that memorandum until 1980, at which time it expired. Mr. Seadale stated that negotiations were done as a group with the unions and a pension document drawn up and agreed to by them, they thought, all of the unions in the Spring of 1982. Mr. Seadale stated that it turned out that the Police, Fire and I.B.E.W. pulled out of that agreement. Mr. Seadale stated also that in 1983, the Town Council had approved an agreement that was identical to the one before the Council tonight.

There is one difference, on page 7, paragraph e (Consolidated Pension Plan). He added that increases were negotiated for retirees in 1975 and 1978 and that there is no automatic escalator in these plans. Anyone who retired after 1977, has exactly the same pension they retire with.

Mr. Krupp asked if they were talking about a plan that is retroactive to July 1980. Mr. Seadale responded that there is nothing retroactive and merely incorporates what was in the memorandum of understanding. He added that there is no retroactive cost, and that paragraph e goes into effect on October 1, 1984.

Mr. Krupp asked again why is the document dated 1980 and Mr. Seadale responded that it is because that is when the memorandum effectively expired. The memorandum of understanding had been in effect since 1975 and been used until a replacement was available and these plans before the Council tonight are the replacements, and expires five years from the date of execution. He hoped that the plan would be executed the following week.

Mr. Diana expressed his feeling that the Council would be approving something that has 1980 as an effective date, which he felt was incorrect. Mr. Seadale responded that the 1975 document must be succeeded. Mr. Diana said that, because it is not an identical document, an updated document must be had, and he felt that the 1980 effective date did not reflect this.

Mr. Seadale pointed out that the difference in the plan does not take effect until October 1984.

Mrs. Papale noted that the Police Department has already entered into the pension agreement and that the Town Council was now dealing with the Electric Division, but that the Fire Department was yet to agree. She asked, if the Fire Department enters into this agreement next year, would the agreement still say October 1, 1984. Mr. Seadale stated that they wanted to keep the documents the same, and it would have the 1980 date as well.

Mr. Killen asked if the Police, Electric and Hazard pension plans were the ones which have been held in abeyance. Mr. Seadale said that this was so, but that the Police plan was an entirely different story. Their agreement, which was done through binding arbitration, included a 3% increase. The Consolidated Pension Plan includes this 3% increase, since it was given to the Police through binding arbitration, in order to avoid going into binding arbitration with the I.B.E.W.

Mr. Killen asked why the Town was giving this group something that the other groups in Town are not getting. Mr. Seadale said they had negotiated with the union and the union had not accepted what was being offered and the 3% increase to retirees was an effort to settlement. Mr. Seadale stated that the alternative would have been for the unions to come in and say Social Security gives an annual cost of living increment and that is what they want.

Mr. Killen said that there is an onus to bargain in good faith, and that there are those who accepted the Town's offer at face value and took it at face value. Mr. Seadale stated that the Town had a closed agreement with them and that the Town will consider going back to them about this. Mr. Killen felt that, if he were in any other union in Town, he would not be the first to sign any agreement with the Town.

Mr. Seadale thought that the 3% was equitable and was a fair settlement and that he thought that this would be discussed with the other unions, but he did not want to discuss this matter in public. Mr. Killen felt that it was not a matter of 2%, 3%, etc., but rather the concept that if the union holds out, will they get something for it.

Mr. Seadale stated that he tries very much to represent the Town and protect its best interests. He added that there is an agreement that expires in 1988 with the other unions and that he will consider the possibility, and has discussed it with the Mayor, of reopening that agreement.

Mr. Polanski inquired about the difference between Section 2-8 and 3-2 in both documents. Mr. Seadale stated that the Consolidated Pension Plan agreement came out of a last best offer procedure, in which the union submits a pension agreement which they will accept. The Town then submits both paragraphs that it takes exception to and submits a substitute for them. The arbitrator then selects either the Town's or the union's paragraph.

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Mr. Polanski noted that one paragraph excludes outside earnings and the other includes outside earnings. Mr. Seadale pointed out that there are two units who have outside earnings - custodians have some, but very little; occasionally the Fire Department, and the main group with outside earnings are the Police and they did not want them included because they would have to pay a pension contribution on them, so this is not included in their pension calculation.

Mrs. Papale moved that the Consolidated Pension Plan be approved; Mr. Holmes seconded the motion.

VOTE: Unanimous ayes, with the exception of Mr. Killen who voted no and Chairman Gessert who passed due to his having a relative covered under this contract pension plan. Motion duly carried.

Mrs. Bergamini moved that the Pension Agreement be approved; Mr. Holmes seconded the motion. This plan covers the hazardous duty employees of I.B.E.W.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen moved that Item 8 of the agenda be moved up; Mr. Krupp seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert presented a request for approval of the transfer of \$24,000 from A/C 805-323, Contingency Reserve, to various accounts (see appendix), as requested by Mr. Stanley Seadale.

Mr. Polanski moved that the transfer be approved; Mrs. Bergamini seconded the motion.

Mr. Gessert read the letter attached to the transfer request, addressed to Mayor Dickinson from Mr. Seadale, which states that the purpose of the transfer is to fund the recently settled contract of the Management Union (Local 1282).

Mr. Krupp asked if this transfer is exclusively for the 7% increase and does not include any merit increases, etc. Mr. Seadale confirmed that this was so. Mr. Seadale said that, because of the way the budget was set up, if an employee had a merit increase that was to occur after January 1, 1985, that would have been funded at the old rate so there would be some small additional amount into that. He explained that if that merit increase was for 5%, it would be 7% of that 5%. Mr. Seadale further explained that if someone who makes \$10,000 is funded for a 5% increase, or \$500, and the new scale goes up to \$10,700, the merit increase will also have some increment.

Mr. Krupp asked if then someone that was scheduled to get a merit increase for next year, would also be getting 7% on top of that, or 12%. Mr. Seadale said that this was not what he was saying. Mr. Seadale stressed that it would be on top of the original 5%, or \$35 more on top of the \$500.

Mr. Seadale stated that this transfer represents the adjustment between the old and new rates, not the 5% or 7%. He explained that an employee starts at the minimum salary on the scale and can progress through merit increase in four steps, and that for these people who are on steps, they do get 12%. Comptroller Myers stressed that this only happens while an employee is progressing through the steps and will subside after four years.

Mayor Dickinson stated, so that the new Council members are aware, that each position starts at a minimum and ends up at a maximum salary, in four steps. If the employee receives a merit increase, which is through the Merit Review Board, the employee goes up one step. So for four years, an employee can receive those increases on merit. In addition, there is whatever increase there is on the yearly. When the employee reaches the top of the level, there is only the general increase, and no more steps unless you are moved to the next classification.

Mr. Seadale commented that there are approximately 40 people covered under the contract and, out of those, about 10 are on steps and the other 30 would be at maximum. Mr. Seadale stated that his charge is to have a wage range, a minimum and maximum salary, which would occur four years later if they progress satisfactorily. If they do not progress satisfactorily, it could take a lot longer than that. This range of pay is one that is advertised and if a general increase is given, the whole structure comes up and has nothing to do with the steps in the structure itself.

Mr. Krupp commented that, regardless of what the increase is called, 665 it is in essence a longevity increase, and virtually automatic. Mr. Seadale disagreed. Mr. Gessert explained that there is a longevity increase from \$100 to \$250, and is separate.

Mr. Killen pointed out that the employees are going just about automatically through the four steps with the Merit Review Board, and now there is a built-in 7%. Mr. Killen felt that these employees were taken care of by putting in the four steps and that as things go along, things get so out of hand that no one understands it. The bottom line is that these things are costing the Town money.

Mrs. Bergamini mentioned the Merit Review Board and felt that it should be abolished, since merit increases are so automatic. Mr. Seadale stated that this was in the agreement and difficult to achieve in the agreement and he felt that it was incumbent on the people who sit on that panel to do this as a serious event, to question the people at length as to who is coming up for review. Mr. Seadale felt that it was a valuable tool.

Mr. Polanski asked what would be the average percent raise for the year, 7 or 12%. Mr. Seadale responded that it would be 7% and 8-10 people on steps would get the two increments. Mr. Seadale gave as an example, if someone were at the second step - \$10,500, a 5% increase would go to \$11,025, or \$525 for one year. The anniversary increase, if it comes January 1, it would be half of that - or \$237.50. This is in the budget. But 7% would have to be put on that because it was pegged at the old rate and the whole structure is coming up 7%. So, \$11,025 will now be \$11,796, so the difference must be accounted for. Mr. Seadale stated that the transfer is for the general 7% increase and some of the steps that are merit increases, but these last are small amounts.

Mrs. Bergamini stated that, as she is on the Merit Review Board and takes this responsibility very seriously, what good would it do if the Council members who are on the Merit Review Board say they do not approve a raise for a certain individual because they do not like what this person is doing on the job, since these individuals have a union now.

Mr. Seadale stated that the contract reads that the anniversary merit policy is to continue, and if that is to continue - the Merit Review Board had the right to turn people down and they did turn several people down over the years - and this is challenged, he would fight to preserve it.

Mayor Dickinson pointed out to Mrs. Papale that she still had the authority, as a Merit Review Board member, to turn some merit increases down. He added that this is still a discretionary item to the Merit Review Board, regardless of the union.

Mr. Killen stated that if the Merit Review Board doesn't want to give employees too much money, then they would have to turn them down whether the employees are worth it or not. Mr. Seadale responded that the Town has a pay structure for these positions which were approved by the Town Council years ago, and upgraded over the years. The pay structure signifies what the position is worth, not the person. The person's worth should lie within those five numbers and that is what the whole Merit Review process is about.

Mr. Killen felt that, if he were sitting on the Merit Review Board now, he would agree that a person may be doing a great job, but with the union salaries, he is getting more than he is worth now and why should he get a raise. Mr. Killen felt that it then becomes negative.

Mr. Seadale said that he never felt that because you have a union, you give up your right to manage. He stated that he has fought this for ten years and will continue to fight it.

Mr. Killen again stated that if the person is doing a good job and is getting paid what he is worth, he would turn him down for a increase because he is getting paid what the job calls for and Mr. Killen would not take the taxpayer's dollar and give an increase.

Mr. Killen asked if the Town has anything open, since 90% of the funds are being used. Mr. Seadale responded that they had nothing open for the Town; the things that they have open now are the Board of Education custodians and the Board of Education secretaries, and that they will be in mediation 12/12/84 with the Water Division employees on a bargaining agreement.

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Mr. Edward Musso, 56 Dibble Edge Road, spoke from the audience regarding longevity increases. Mr. Gessert stated that there is a longevity increase, as stated, in the contract that varies from \$100 to \$250. Mr. Seadale clarified that this is not an increase, but rather a payment to those who have been employed for 5 years to 10 years, and is paid the first day in December. Mr. Seadale added that this does not add to the base pay and is not in steps.

Mr. Krupp questioned whether anything had been done about the issue of tightening time accountability, which was discussed at the last meeting. Mr. Gessert stated that nothing had been done.

Mayor Dickinson stated that these supervisors are under the direct, daily contact of the department heads. Mr. Gessert commented that some of the covered union members are department heads themselves. Mr. Seadale pointed out that some of these, who are department heads, come up for Council meetings and do not ask for compensatory time and do not have it in their contract. Mr. Seadale commented that he would hope that they continue to act like managers, but if the Town persists, they can turn them into non-managers and he hoped that would not happen. He felt that in order for them to continue to act like managers, the Town must treat them so and if they abuse the privilege, the Town should clamp down on them.

Mayor Dickinson asked that, if the Town Council was aware of someone in this group not putting in the day's work, they should let him know. Mayor Dickinson said that telling the supervisory union that now they have to be accountable, as if they have not been in the past, was not proper, and he knew some, at least, who put in far more time than 40 hours per week.

VOTE: Unanimous ayes, with the exception of Councilman Krupp who voted no. Motion duly carried.

Mr. Gessert presented the postponed item on the agenda, a request from Mr. Charles L. Fields, Tax Collector, to approve transfer of \$383,517.54 to Suspense Book. Mrs. Bergamini moved to approve; Mr. Ky's seconded.

Mr. Gessert summed up, after reading the letter from Mr. Fields dated December 4, 1984, that it is a list of personal property and relates to the bankruptcy of Yale Steel.

Mr. Fields stated that the real estate taxes were paid in full for those years and the Tax Collector received a check several weeks ago from the State. and the personal property referred to the bankruptcy court was to be written off, and had been left on the list by him hoping that he could collect it, but the bankruptcy court prevailed on this matter, even though the Town had liens on it.

Mr. Killen asked why two of the account numbers on the sheet were the same for different years. Mr. Fields stated that each year they can change or remain the same. He answered Mr. Killen's question that they are still for the same equipment, regardless of the account number.

Mr. Killen understood that, as he read in the statute, this is to be published in the Town's annual report. Mr. Fields confirmed that this was so or that it could be placed on file, which they do every year in the Town Clerk's office.

VOTE: Unanimous ayes, with the exception of Council members Krupp and Papale, who were not present for the vote. Motion duly carried.

Chairman Gessert presented a request by the Police Building Committee to reject low mechanical bid, as requested by Mr. William R. Fischer.

Mr. Gessert stated that someone had brought to the attention of the the Police Building Committee at one of their meetings that the low bidder had caused considerable problems for at least one project of \$100,000+ which has taken a year and a half and the problems still have not been resolved and they are now going to other contractors to try to get them fixed. He commented that it was the decision of the committee that these are not the kind of problems they want to entertain.



Mr. Fischer, Committee Chairman, stated that, at their last meeting when they were reviewing all of the bids on the mechanical, the difference between the low bid and the next was \$8,000. He said that a couple of the committee members expressed dissatisfaction with the work done by the low bidder and the Committee's architect also corroborated on this opinion. The committee felt that it was necessary to come before the Council to let the Council know about this and to perhaps waive the low bidder in the best interest of the Town. Mr. Fischer did not know either of the companies and deferred comments to Mr. Chester Miller, also a committee member, who was in the audience. 667

Mr. Miller stated that he had some prior experience with the contractor to the extent that they spent more than a year and half trying to correct the problems and they are repeatedly back on the scene. Things were not put in correctly and they have gone to the manufacturer trying to correct the problem and he refused to stand behind the work of the contractor. He said that it would cost approximately \$100,000 to go to another contractor to clear the problem and he could not see a similar situation reoccur with the Police building.

Mr. John Castle, the architect for the committee, stated that he was involved with both the first and second bidders, in Glastonbury. The second bidder, EMC, did the mechanical and electrical work on the police headquarters there and the conversion of a school to the town hall and they had a very good experience with EMC. However, when they did the expansion to the South Glastonbury firehouse, they had the low bidder, Kenland; a simple heat exchanger was installed backwards and they had to troubleshoot the system to find out; they had specified bleeder lines to be put at the end of the hot water system and these were not put in and a host of other small problems and a total inability to troubleshoot the system. The contractor was supposed to give them a balancing report and these have not been received. Mr. Castle said that he had personally hired Mechanical Maintenance out of East Hartford to give him a balancing report at his own expense because he could not get the contractor to correct the system or do the job properly.

Mrs. Bergamini stated that EMC was the low bidder for the electrical work and, when the committee heard about Mr. Miller's problems with Kenland on the mechanical, it made sense to go with EMC for the mechanical as well.

Mr. Gessert stated that this would allow for more coordination on the job.

Mrs. Bergamini asked how many bids were received and Mr. Fischer responded that six were received, from \$308,000 to \$520,000.

Mr. Diana addressed a question to Mayor Dickinson regarding what problems he would foresee, in Town Attorney McManus' absence, with regard to accepting other than the low bidder.

Mayor Dickinson responded that he did not foresee any problems as long as it is indicated in accordance with the ordinance (Purchasing), and that if the capability to perform the task is not there, that they have the right, under the ordinance and the charter, to go to the next highest bidder.

It was believed that the Purchasing Ordinance states that the Town has the right to reject the low bidder if it is in the best interest of the Town. Mr. Fischer pointed out that it was also stated in the invitation to bid.

Mr. Killen felt that since this has already gone out to bid, that it would be within the purview of the Purchasing Agent if the bid is to be rejected, and that the Purchasing Agent should have prepared something for the Town Council as was done with the Town Clerk's request on the agenda.

Mr. Holmes asked, if the low bid is rejected, can they go to the next bidder and try to renegotiate the price or are they locked into the second bid. Mr. Terry Williams advised that this would have to be checked with Purchasing because he felt that they would have to reject the first and accept the second, otherwise all the bidders would want to negotiate.

668 Mr. Rys commented that he was very happy with the way the committee is working very closely and that they have people on this committee with the expertise to come up with reasons why the Town should go with one individual and not with the other. He felt that this is going to benefit and would curb any problems in the future with the construction. He thought the committee was doing a fine job and wanted to see them keep up the good work.

Mr. Krupp quoted Chapter 7, Section 4, "The Purchasing Agent.....shall let the purchaser contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals." He felt that apparently this had been delegated to the Purchasing Agent. Mr. Krupp added that the point he was making was that the charter specifically reserves that to the Purchasing Agent, not to the Council.

Mrs. Papale commented that she felt that the committee just wanted the Council to be up-to-date with everything that was going on. It was the committee's understanding that the Purchasing Agent had said that the Council had to waive the low bid.

Mayor Dickinson stated that Purchasing Ordinance #272 requires that matters be brought to the Town Council, as per page 11. He quoted as follows: "The Council may, after hearing thereon, at the regular special meeting, direct the Purchasing Agent to award the contract to other than lowest bidder." Mayor Dickinson felt that there was no question that the power is with the Council, under the Ordinance.

Mr. Diana moved that the Council reject the low bid for mechanical work. Mr. Krupp seconded the motion.

Mr. Killen stated that he was not satisfied that the Council did not have a letter from the Purchasing Agent to that effect.

Mayor Dickinson stated that Mr. Killen was technically correct but that this was something that was honored more in the breach than in the practice. On most cases, when low bid has been rejected, he did not believe that the correct procedure had been followed. Mayor Dickinson stated that when the matter came in, he was not sure whether it would make the agenda for this meeting and there was no time to get a letter from the Purchasing Agent. He did not think it was a vital flaw.

Mr. Killen said that it was not vital, but it was detrimental to the Purchasing Agent since he is supposed to be aware of this.

Mr. Krupp asked if the Purchasing Agent can send a letter after the fact. The Council felt that this would not be a major problem.

Mr. Edward Musso, as previously mentioned, commented that if the contractor's work is unreliable there is no need to go to President Reagan to get rejected; you should go to someone else. He felt that the Purchasing Agent should say that it is in the best interest of the Town to reject the bid.

VOTE: Unanimous ayes; motion duly carried.

Mr. Diana moved to waive Rule V for the purpose of establishing a full charge CHARTER REVISION COMMISSION. Mr. Krupp seconded the motion.

Mrs. Bergamini asked why Mr. Diana had not put this on the agenda. Mr. Diana responded that he had wanted to give it more thought and had decided to go ahead with this request tonight.

VOTE: Council members Diana, Krupp, Polanski and Rys voted yes. Council members Gessert, Killen and Papale voted no. Vice-chairwoman Bergamini passed; Councilman Holmes was not present for the vote. Motion did not carry.

Mr. Gessert asked Mr. Diana if he would like to put this issue on the next meeting's agenda.

Chairman Gessert presented a request to note for the record the financial statement of the Town of Wallingford for the month ending November 30, 1984.

Mrs. Bergamini moved to note the financial statement for the record; Mr. Killen seconded the motion.

VOTE: Unanimous ayes, with the exception of Councilman Holmes who was not present for the vote; motion duly carried.

669.  
Mr. Krupp asked Mr. Thomas Myers about the financial statement for June 1984. Mr. Myers stated that this was almost complete and he expected the auditor to report to the Council on either the first or, at the latest, the second meeting of January. Mr. Myers asked if the Council wanted to set a special meeting to discuss the report when it becomes available. Mr. Gessert stated that a special meeting should be set and that Mr. Myers should let him know beforehand so that this can be done.

Mr. Gessert stated that he has seen, in the past, discussions on the financial statement taking an hour during a regular meeting, and that if it took three or four hours to discuss it, it would be worth it.

Chairman Gessert brought forth the next item on the agenda, a request to note for the record the financial reports of the Wallingford Public Library, Visiting Nurse Association and Senior Citizen Center, as requested by Mayor Dickinson and Comptroller Myers.

Mrs. Bergamini moved to note the above reports for the record; Mr. Holmes seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert noted that Item 11, a request to consider waiving the bidding procedure to award bid for aerial lift truck (Bid #84-89), as requested by Mr. Charles F. Walters, General Manager, had been withdrawn.

Chairman Gessert asked if they had already bought the truck without the Council's waiver. Mayor Dickinson stated that, after consideration of the matter and a trip to the Purchasing Agent's office, it was discovered that the supposedly low bid did not meet the specifications at all and that the second bid actually was the low bid. He stated that this was after the Mayor's office was asked to prepare a letter of recommendation on it.

Mr. Killen stated that these bids bear going over. He felt that at the last meeting there were a few bids on some of the items but that the way some of the specifications were drawn up, he wondered whether there were more than one person who could bid on them. He added that this was something they tried to guard against. He said that when you start to see people bid in used material, you begin to wonder why. He said the minutes are well worth perusing when they are received.

Mr. Gessert introduced a request to consider the following resolution:

RESOLVED, Amend the General Fund Revenue Budget by establishing Account 102-001 Arrears Property Taxes - Yale Steel, and appropriate \$150,000 to the account

RESOLVED, Amend the General Fund Expenditure Budget Account 804-830 \* Self-Insurance Pending Litigation by appropriating \$150,000 to the account (original appropriation \$100,000, additional appropriation \$150,000, amended appropriation \$250,000)

as requested by Mayor William Dickinson.

Mayor Dickinson stated that there should be a motion to approve the stipulation for judgment in the Molinari vs. Wallingford lawsuit. Mr. Krupp stated that it must first be funded and then waive Rule V for the stipulation.

Mr. Holmes moved to endorse the first resolution paragraph above. Mr. Kys seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert asked why the \$150,000 figure, since they had collected more than \$150,000 from the Yale Steel taxes. Mr. Thomas Myers said that on page 1 of the November 30 report, he had split apart the Yale Steel collection from the normal account structure and had created two new line items - A/C 102-001 Arrears/Yale Steel for \$177,637.51 against a zero budget, and A/C 103-001 Interest & Liens/Yale Steel, \$110,585.17 against a zero budget. Mr. Myers stated that the A/C 102-001 will have an excess of \$27,000 above budget, after the \$150,000 is appropriated.

670 Mr. Killen asked how is the first payment going to be covered. Mr. Myers stated that there is a claims account 804-828. He said that when they prepared the budget, they had budgeted \$100,000 in A/C 804-830. Mr. Killen asked if they would encumber \$30,000 at this point and Mr. Myers responded affirmatively. Mr. Myers stated that A/C 804-828 Self-Insurance Claims had a budget of \$115,500 and that there is currently an unappropriated balance of \$107,713.

Chairman Gessert presented the second paragraph resolution as stated above. Mr. Krupp moved to endorse the resolution; Mr. Rys seconded the motion.

Mrs. Bergamini expressed her concern as to why the Town did not have insurance for lawsuits of this type. Mr. Gessert felt that what Mrs. Bergamini was trying to say was that the Town should have had insurance then with deductible of up to \$100,000, and anything above that the Town would be covered.

\*See amendment, page 16 of minutes

Mrs. Bergamini commented that she and her husband have a small business and they are fully insured. She added that although everyone dislikes paying insurance premiums, when you need it, it's there.

Mrs. Bergamini stated that she had to vote for this, but that she wanted it stated on the record that she felt the previous administration really sold the taxpayers short, and that it was disgusting and they should have investigated it more thoroughly, that they should have gotten testimony and document in 1978 and not left the Town Council with a folder of perhaps two pages of investigation now. Mrs. Bergamini stated that "they sat on their rumps and shoved it under the rug."

Town Attorney McManus stated that it was true that the seriousness of the injury was known a long time ago and it may have been more prudent to have put some money aside. Mrs. Bergamini agreed, especially given the circumstances of the man's condition at the time he fell. She felt that, had they done a serious investigation, the Town would have had a case and something to fight with and that it was absolutely ludicrous that the taxpayers are going to be taxed for something like this. She added that it was sheer negligence on the part of the former administration, i.e., the Mayor and Town Attorney.

Attorney McManus stated that there was not a cast of thousands watching Mr. Molinari fall down. Mrs. Bergamini responded that regardless of this, the investigation would have given the Town more "meat" to present for this case. She added that she was not saying that the Town would not have had to make a settlement, but it would not have been in the radius it is now, if the previous administration had not dragged their feet. She added that if they had gone to court, the Town would have had to mortgage Town Hall to pay it.

VOTE: Unanimous ayes, with the exception of Mr. Diana who voted no. Motion duly carried.

Mr. Krupp moved to waive Rule V to consider stipulation for judgment in the Molinari vs. Town of Wallingford lawsuit. Mr. Holmes seconded the motion.

\*Comptroller Myers asked that a correction be made on the second paragraph resolution to change the account number from 804-830 to 804-828-1 (see page 15 of the minutes).

Mr. Gessert asked if anyone had objection to changing the account number and all Council members responded no.

Chairman Gessert read into the record the stipulation for judgment, as follows:

#### STIPULATION

The parties in the above-entitled matter hereby stipulate and agree that judgment may enter for the plaintiff as follows:

1. The defendant will pay to the plaintiff on or about December 20, 1984, the sum of TWO HUNDRED FIFTY THOUSAND AND 00/100 (\$250,000.00) DOLLARS.

2. Thereafter, on or before June 1st of each year for the period of ten (10) years, the defendant will pay to the plaintiff the sum of THIRTY THOUSAND AND 00/100 (\$30,000.00) DOLLARS commencing on June 1, 1985, and ending on June 1, 1994. 67/

3. Said judgment shall enter without costs to either party.

Chairman Gessert stated that this matter "absolutely sickens me," not because the Town Attorney did not do his job, but that he felt it was lack of protection for this type of exposure, the lack of follow-up previous to now and the fact that the present Town Attorney had this skeleton fall out of the closet, as well as that for less than this sum of money, the Town could buy a fire truck, refund the programs in the school system and provide a soccer field for 1300 children. And yet, the Town is doing all this for one individual's injury and it is a lot of money. He added that he was not saying the man did not get injured, but that he did have back problems before he slipped on the sidewalk and it seemed like contributory negligence.

Mr. Krupp commented that what they were looking at here was a case that had ridden through the years and had finally been resolved by the Town Attorney's office and he felt he should bring out the observation of the amount of work and the degree of professionalism that the Town Attorney's office has demonstrated this year and that he should be commended for attacking these problems and resolving them.

Mr. Diana asked if the Town has signed the agreement, to which Attorney McManus responded no. Mr. Diana felt then that anyone making comments on it was out of order. Town Attorney stated that if the Town Council does not approve the agreement, the trial will start the following morning, December 12. Attorney McManus stated that there was a conference with the Mayor, the Comptroller and Assistant Attorney Mantzaris in which they took all the primers of this offer as the last best offer that the Town would make in an effort to compromise the issues in the case. Town Attorney McManus stated that the trial court judge was advised that this offer was being made to the defendant and, on that basis, the trial court suspended the picking of the jury. He added that Mr. Molinari's attorney, Mr. Davis, indicated that they would be willing to accept that offer if, in fact, it was officially made. He stated that the Town Council is the only body that can make that official offer and that was why there was an informall straw poll at the last Council meeting. Attorney McManus stated that if the offer was not approved by the Council, it would result in a jury coming on the case eleven days before Christmas and if this was started tomorrow morning, the jury would come on five days before Christmas. Attorney McManus stated that he was under orders to report tomorrow morning to the trial court judge to advise him whether or not the stipulation had been accepted by the Town Council.

VOTE: Unanimous ayes; motion duly carried.

Mr. Edward Musso, as previously mentioned, made a comment regarding Chairman Gessert's remarks about using the settlement money for other things such as a fire truck, school programs and soccer field. He felt that the schools had enough programs and there was no need for the soccer field and that the taxes should be reduced instead. Mr. Gessert said that what he said was that there were other places he would rather spend the money on.

Mrs. Papale moved to waive Rule V to discuss again the CHARTER REVISION COMMISSION since she would probably not attend the next two meetings of the Town Council and felt that her vote would count. Mr. Diana seconded the motion.

Mr. Killen stated that, although Mrs. Papale may not be there when they vote, it would only be to vote whether they should put it on or not. Mrs. Papale remarked that if it comes up on the agenda to vote on it and her vote will make a difference, she would not want that to happen.

VOTE: Council members Diana, Krupp, Papale and Rys voted yes. Council members Bergamini, Gessert, Killen and Polanski voted no. Councilman Holmes passed. Motion did not carry.

Mr. Killen made an observation that with regard to item 11, on the aerial lift truck, if something had been amuck there, the Council would not have had any opportunity to take any action because the Council does not have the minutes of the Board for that particular evening. He added that the Council has fifteen days to take any action and that if the Board has taken any action that the Council would disagree with, the fifteen days would have elapsed.

672 Mrs. Bergamini stated that she did not have Tuesday's minutes yet and Mrs. Papale said that she always gets them the following Saturday.

Mr. Killen felt that a letter should be sent to them that the Council has to have the minutes before its next meeting because the Board can take any action they want in the interim and the Council would have lost its oversight.

Mr. Myers felt that they could not get an aerial truck that quickly and that they would be lucky if they got the order in within 6-8 months, but that it may have been out of the previous year's budget.

Mr. Killen moved to waive Rule V for the purpose of discussing the above. Mrs. Bergamini seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen moved that a letter be sent to the Chairman of the PUC, Mr. Richard Nunn, requesting that no action be taken on Item 11 until such time as the Council has had an opportunity to read the minutes. Mrs. Bergamini seconded the motion.

Chairman Gessert asked the Council Secretary to write this letter for his signature.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert presented a request for waiving the bidding procedure for microfilming of land records as requested by Rosemary Rascati, Town Clerk. Chairman Gessert read a letter from Mrs. Rascati regarding this item.

Mr. Polanski moved that the bidding procedure be waived; Mr. Holmes seconded the motion.

Mr. Killen asked Mrs. Rascati if, when the bidder said he realized it would entail more expense, it had to do with the State overseeing his work or that it was a bigger job than he had anticipated. Mrs. Rascati replied that it was the latter. Mrs. Rascati stated that the bids ranged from 77¢ to \$1.14, and that she was leery that the bidder would put the Town's job aside to do bigger jobs. She stated that she had asked the bidder if he had done any work for a municipality and he had said no.

Mr. Polanski asked how many land records must be microfilmed. Mrs. Rascati responded that the Town Clerk's office does a book a month and each book has 1,200 pages in it.

Mr. Krupp asked if the condition for approval by the Public Records Administrator in Hartford made the condition of bid. Mrs. Rascati said it was not. Mr. Krupp also asked if whether the bidder had done previous work for a municipality had been a condition of bid, and Mrs. Rascati responded no. Mr. Krupp then asked if there was any references in terms of the quality of work that the bidder may have done for private industry. Mrs. Rascati responded that she did not ask for any such references.

VOTE: Council members Bergamini, Gessert, Holmes, Polanski and Rys voted yes. Council members Diana, Killen, Krupp and Papale voted no. Motion duly carried.

Chairman Gessert proceeded to a request to consider approving a job description for Housing and Zoning Code Enforcement (Federally funded position), as requested by Mayor Dickinson.

Mrs. Bergamini read a letter from Mayor Dickinson, dated December 3, 1984, with regard to the above, which stated that no action by the Town Council was requested or necessary but that the Council be aware of the action.

Chairman Gessert read the job description.

Mayor Dickinson stated that no action was necessary because it was a non-classified position. Mr. Gessert said that even though they did not have to vote on it, he was delighted that the position exists and that it will hopefully be filled quickly.

Mr. Krupp asked who defines the term "reasonable knowledge" (as shown on the job description). Mr. Donald Roe stated that they met with Mr. Stanley Seadale on this and he raised the same concern and that he might also have used "some knowledge," but then you would still be in the area of what defines "some."

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Chairman Gessert asked how long it would take to fill the position. Mayor Dickinson stated that the advertisement states that they would accept applications through January 4, 1985.

Mrs. Bergamini stated that one thing she would like to see added to this job description is that the person attend the Planning & Zoning meetings. Ms. Linda Bush, Town Planner, asked Mrs. Bergamini for what specific purpose would she want the individual to attend these meetings. Mrs. Bergamini responded that it would be for the same reason that she wanted Mr. Al Bruno and Mr. John Costello there. She stated that, in the past, the P&Z meetings would discuss subdivisions and something would be lacking and the attorney facing the P&Z would say to call the developer and that they would say that they would get in touch with the Water and Sewer departments and that they would talk about it and do as the P&Z says, but that a lot of times it did not go beyond that statement and there was no follow-up. Mrs. Bergamini stated that, at one point, she asked the PUC to have Mr. Bruno attend those meetings. She added that they didn't always have a Town Engineer attend those meetings, either, but it was only when John Costello came that he decided he should attend the meetings.

Ms. Bush stated that the Zoning Enforcement Officer does not get involved in that process, other than when someone is on an agenda because they are in violation. But, other than that, zoning enforcement takes place after the approval process, or prior to it, and is not part of that process. Ms. Bush indicated that she did not feel it was necessary for this person to attend all the regular meetings.

Mrs. Bergamini commented how many times did they have subdivisions up for discussion, and they say to let the record show that Lot #7, for example, cannot be built on until the developer does this kind of test (and then is not followed up). Ms. Bush responded that this cannot happen because they have a process for it in that when she gives Mr. Carmen Spiteri a certificate saying that he can issue building permits in a subdivision, if there is a lot or lots that he cannot issue permits for, it is on the certificate; when the builder comes in to get those permits, Mr. Spiteri will send them in to her office to check the record on what must be done before a building permit can be issued. Ms. Bush felt that if the point in having a zoning enforcement officer sit at the meetings was to remember certain things, she didn't think this could be done.

Mrs. Bergamini stated that when it comes to matters like subdivisions, and someone has an objection about drainage, etc., he should be aware of them, and that these things stay in her head even though she does not attend every P&Z meeting.

Mrs. Bergamini stated that she recalled when the Town Council did not get all the information that they now get with Ms. Bush and their questions were not always answered.

Ms. Bush said that she was reluctant because some people do not like night meetings in addition to working a full day, as well as sitting there at the meeting without having a part in it.

Mrs. Papale stated that Ms. Bush or Mr. Spiteri would have whomever they hire attend meetings when there are issues that will pertain to them. Ms. Bush agreed.

Mr. Donald Roe stated that what they might do is add to the job description that there might be some night meeting responsibilities. This would identify to the applicants that they might have to attend night meetings, which would be triggered by Mr. Spiteri or Ms. Bush.

Mr. Polanski asked about the testing and where do they get the testing from and whether there are standard tests for this. Mr. Donald Roe responded that they utilize the Personnel Department to establish this. Mr. Roe also stated that they belong to the American Personnel Association and that, as part of their membership, they are entitled to draw on their pool of tests that are used nationally.

Mr. Polanski also asked if this was by the judgment of local people of whether the applicant passes the test or not, since he felt that there is standardized information that they would want the applicant to know. Mr. Roe responded that there are a lot of differences between one locality and another and one test that is used across the country might not have everything that is covered locally.

67 Mr. Roe stated that they would try to use, if possible, a written test if there is one that would work; if not, they would use their in-house administrative team to do the testing on an interview basis.

Mr. Killen understood that the major change in the job description was adding the duties for enforcing the Planning & Zoning codes, and Mr. Killen asked if there was not enough work for a man full-time to allow for adding that post. Mr. Spiteri answered that, in his opinion, the answer would be no, and that that is why the position has not been filled in a year and a half, which is for the Housing Code Enforcement Officer.

Mr. Killen asked if that meant that someone was bored with the job. Mr. Spiteri responded that the Housing Code Enforcement work is based on complaints or when a unit must be rented out and must be inspected. A full-time person would have nothing to do, but that part-time is good. He added that twelve years ago, the Housing Code Enforcement Officer started out as a part-time job and then became full-time for the following three officers.

Mr. Killen asked, then, if they could not get anyone in a year and a half, and were now adding more duties, how were they going to get anyone. Mr. Killen asked if, for that salary stated, they thought they would be able to find someone to fill the position. Mr. Spiteri did not think so.

Ms. Bush said that it would depend upon whether the applicant has building construction experience as opposed to building knowledge.

Mr. Spiteri stated that the housing code part of it is one thing, but when you start getting into the zoning, and to assist him as a zoning officer, there is no problem because it does not take much time to train for things like signs, etc. However, he added, that when it comes to subdivisions and the ability to read and comprehend site subdivision plans, etc., this is a different story.

Mr. Donald Roe stated that they are trying to work within the approved budget and that it does not seem to be fair, without taking a shot at it, to see what is out there in the marketplace. He added, however, that he is quite skeptical about it, but for other reasons. He said that, given the state of the economy, it is getting harder to find people to fill jobs because there are fewer and fewer people in the pool.

Chairman Gessert said that if they do not find someone, they should come back to the Council.

Chairman Gessert presented the next item on the agenda, to accept the Town Council meeting minutes of November 27 and December 4, 1984. Mr. Krupp asked that these be split into two separate motions.

Mrs. Papale moved that the minutes of November 27 be approved; Mr. Killen seconded the motion, but asked that the minutes be amended to show corrections as he stated on pages 2, 6 and 8.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Papale moved to accept the Town Council Meeting minutes of December 4, 1984. Mr. Rys seconded the motion.

VOTE: Unanimous ayes, with the exception of Councilmen Diana and Krupp who passed. Motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Carmen L. Gonzalez  
Council Secretary

APPROVED: David A. Gessert  
David A. Gessert, Council Chairman

Date 1 - 8 - 85  
Rosemary A. Pascati  
Rosemary A. Pascati, Town Clerk

Date 1 - 10 - 85





TOWN COUNCIL

*Town of Wallingford, Connecticut*

MUNICIPAL BUILDING WALLINGFORD, CONNECTICUT 06492

675

DAVID A. GESSERT	CHAIRMAN
MARIE B. BERGAMIN	VICE CHAIRMAN
EDWARD L. DIANA	
STEVEN B. HOLMES	
ALBERT E. KILLEN	
JAMES A. G. KRUPP	
IRIS F. PAPALE	
EDWARD G. POLANSKI	
RAYMOND J. RYS SR.	
TELEPHONE (203) 265-6021	

2 Jonathan Road  
Wallingford, CT 06492  
December 3, 1984

Mr. David A. Gessert, Chariman  
Town Council  
Municipal Building  
350 Center Street  
Wallingford, CT 06492

Dear Mr. Chairman:

Please place on the agenda of the next meeting of the Town Council the setting of a public hearing on the attached proposal, entitle "AN ORDINANCE ESTABLISHING STANDARDS OF CONDUCT RELATING TO THE PARTICIPATION IN REAL ESTATE TRANSACTIONS BY OFFICIALS AND EMPLOYEES OF THE PLANNING AND ZONING COMMISSION, ZONING BOARD OF APPEALS, AND BUILDING DEPARTMENT OF THE TOWN OF WALLINGFORD."  
Thank you for your consideration of this request.

Respectfully,

*James A.G. Krupp*  
James A.G. Krupp

enc.

EDUCATION LIAISON  
 EDWARD L. DIANA  
 JAMES A. G. KRUPP  
 EDWARD G. POLANSKI, CHAIRMAN  
 RAYMOND J. RYS SR.

PERSONNEL MERIT REVIEW  
 DAVID A. GESSERT, CHAIRMAN  
 IRIS F. PAPALE  
 RAYMOND J. RYS SR.

STANDING COMMITTEE

PUC LIAISON  
 MARIE B. BERGAMIN, CHAIRMAN  
 ALBERT E. KILLEN  
 IRIS F. PAPALE  
 EDWARD G. POLANSKI

ORDINANCE  
 DAVID A. GESSERT, CHAIRMAN  
 ALBERT E. KILLEN  
 JAMES A. G. KRUPP, CHAIRMAN

AN ORDINANCE ESTABLISHING STANDARDS OF CONDUCT RELATING TO THE PARTICIPATION IN REAL ESTATE TRANSACTIONS BY OFFICIALS AND EMPLOYEES OF THE PLANNING AND ZONING COMMISSION, ZONING BOARD OF APPEALS, AND BUILDING DEPARTMENT OF THE TOWN OF WALLINGFORD

Be it enacted by the Town Council in Session that the following Ordinance, to be known henceforth as "Standards of Conduct Relating to the Participation in Real Estate Transactions by Officials and Employees of the Planning and Zoning Commission, Zoning Board of Appeals, and Building Department of the Town of Wallingford", is adopted.

SECTION I. DECLARATION OF POLICY AND PURPOSE

The purpose of this Ordinance is to supplement the "Code of Ethics" by establishing and clarifying policy and guidelines of the Town of Wallingford with respect to the participation of officials and employees of the Planning and Zoning Commission (referred to as "PZC"), Zoning Board of Appeals (referred to as "ZBA"), and Building Department of the Town of Wallingford in real estate activities within the Town of Wallingford and/or with individuals and firms who engage in real estate activities within the Town of Wallingford; to establish an investigatory procedure for alleged violations of said policy and guidelines; and to establish sanctions for violations of this Ordinance.

SECTION II. SCOPE

Officials and employees of the PZC, ZBA, and Building Department of the Town of Wallingford are, both in fact and in the public eye, in a position to have strong influence on real estate speculation and development in the Town of Wallingford; such influence is proper, and is an integral part of their function. It is therefore incumbent on such officials and employees to ensure that they do not use this influence, overtly or covertly, explicitly or implicitly, to further their own financial and/or personal interests or those of others; further, it is imperative that their actions convey no impression of self-interest which would adversely affect public confidence in their impartiality in regard to matters or persons appearing before their agency.

In light of the above, this Ordinance supplements the "Code of Ethics" by establishing agency-specific policy and guidelines governing the participation in certain types of real estate transactions within the Town of Wallingford and/or with individuals and firms engaged in real estate transactions within the Town of Wallingford by officials and employees of the PZC, ZBA, and Building Department of the Town of Wallingford.

SECTION III. DEFINITIONS

Except as may otherwise be stipulated in this Ordinance or required by context, the following definitions shall apply:

1. OFFICIAL shall mean any individual appointed or elected to the PZC, ZBA, or Building Department of the Town of Wallingford, regardless of whether said individual is a Regular Member or Alternate.
2. EMPLOYEE shall mean any person employed by the Town of Wallingford, whether full-time or part-time, permanent or temporary, whether or not such person is a member of the Classified Service of the Town of Wallingford.
3. INTEREST shall be as defined in Section III.c of Ordinance #294 ("Code of Ethics").
4. REAL ESTATE shall mean any property in buildings and/or land.
5. INVESTMENT shall mean any financial outlay (including barter) or promissory note, whether singly, in joint venture or partnership, and/or through an intermediary agent or trustee, which is made with the expectation of financial profit and/or personal gain, whether or not such investment is of a speculative nature; INVEST shall mean the action of making an investment.
6. SPECULATION shall mean the buying or selling of real estate with an uncertain financial return, but in expectation of profiting financially from market fluctuations.

SECTION IV. INTEREST IN FIRMS ENGAGED IN REAL ESTATE TRANSACTIONS 677  
IN THE TOWN OF WALLINGFORD

1. No official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford shall be a principal or employee of any firm which is specifically engaged in the purchase, management, development (including contractors), and/or resale of real estate for the express purpose of realizing a financial gain from such transaction, if such firm is or has been engaged in real estate transactions within the Town of Wallingford and/or if said firm has its place of business within the Town of Wallingford.
2. No official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford shall have any interest in any firm which is engaged in real estate transactions as defined in IV.1 above.
3. Firms engaged exclusively in the purchase, development, or resale of real estate which has been or will be used as their principal location of business, and not for speculative purposes, are specifically excluded from this section.
4. Any official or employee who is in violation of this section as of the effective date of this Ordinance shall be exempt from its provisions during the current term of his/her office or employment, but shall disclose such violation in writing, under penalty of false statement, to the agency of which he/she is an official or employee and to the Town Council of the Town of Wallingford within thirty (30) days of the effective date of this Ordinance; such official or employee shall further disqualify himself/herself from acting on any matter in his/her official capacity involving the firm in which he/she has an interest.

SECTION V. INVESTMENT IN REAL ESTATE

1. Any person, while serving as an official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford, who engages in investment or speculation in any real estate or in the development of any land and/or buildings located within the Town of Wallingford, whether such investment or speculation is done singly, in joint venture, or through an intermediary agent or trustee, shall disclose such investment, speculation, or development in writing, under penalty of false statement, to the agency of which he/she is an official or employee and to the Town Council of the Town of Wallingford; such official or employee shall further disqualify himself/herself from acting on any matter in his/her official capacity relevant to such real estate or development.
2. Any person, while serving as an official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford, who engages in investment in or development of real estate in joint venture or partnership with any firm whose location of business is within the Town of Wallingford or which is engaged in real estate transactions and/or development within the Town of Wallingford shall disclose such interest in the manner prescribed in Section V.1 above; such official or employee shall further disqualify himself/herself from acting on any matter in his/her official capacity relevant to such firm.
3. Purchase or resale of real estate by an official or employee which has been or will be used for the sole purpose of his/her private residence and/or location of business, and any directly related contractual and/or developmental work, is specifically excluded from the provisions of this section.
4. Any official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford in violation of this section as of the effective date of this Ordinance shall be granted a thirty (30) day grace period in which to file the required letters of disclosure.

SECTION VI. REAL ESTATE LICENCES

1. No official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford shall make an initial application for a licence as a Real Estate Broker or Real Estate Salesman from the Real Estate Commission of the State of Connecticut during the term of his/her service or employment. Any official or employee holding such licence at the time of his/her appointment, election, or employment shall notify the Real Estate Commission of the State of Connecticut in writing to place said licence in escrow and shall provide a copy of such letter to the agency of which he/she is an official or employee and to the Town Council of the Town of Wallingford prior to the effective date of his/her service.

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SECTION VI. REAL ESTATE LICENCES (continued)

2. Any official or employee of the PZC, ZBA, or Building Department of the Town of Wallingford holding a license as a Real Estate Broker or Real Estate Salesman as of the effective date of this Ordinance shall be granted a thirty (30) day grace period in which to place his/her license in escrow and notify the appropriate agencies as prescribed in Section VI.1 above.
3. Officials and employees shall have the right to renew real estate licenses when the renewal date occurs during the term of his/her office or employment; however, immediately following such renewal, such license shall again be placed in escrow and notification provided in the manner prescribed in Section VI.1 above.

SECTION VII. INVESTIGATION

1. Complaints of alleged violations of this Ordinance, presented in writing and signed under penalty of false statement, shall be directed to the Board of Ethics of the Town of Wallingford.
2. The Board shall conduct its investigation of such allegations in the manner prescribed in Chapter XVII, Section 1.B.2 of the Town Charter and Section XI.C of Ordinance #294 ("Code of Ethics").
3. Findings of violations by the Board of Ethics shall be filed with the appropriate authority in the manner prescribed in Chapter XVII, Section 1.E of the Town Charter.

SECTION VIII. SANCTIONS

1. Violations of this Ordinance which predate its effective date shall be exempt from its provisions.
2. Violation(s) of the provisions of this Ordinance should raise conscientious questions in the mind of the official or employee involved as to whether his/her continued service to the Town of Wallingford is appropriate.
3. Any official of the PZC, ZBA, or Building Department of the Town of Wallingford found to be in willful violation of the provisions of this Ordinance, except as specifically excluded herein, shall be immediately suspended without hearing, and shall be subject to removal from office in accordance with the provisions of Chapter II, Section 11 of the Town Charter, said removal hearing to be convened within thirty (30) days of receipt of the findings of the Board of Ethics.
4. Any employee of the PZC, ZBA, or Building Department of the Town of Wallingford found to be in willful violation of the provisions of this Ordinance, except as specifically excluded herein, shall be subject to disciplinary action at the discretion of his/her supervisor as follows.
  - a. For the first single offense, a minimum sanction of suspension without pay for a period of thirty (30) days and a maximum sanction of termination of employment, said sanction to be based on the severity of the violation, the intent therein, and any extenuating circumstances which may be considered.
  - b. For the second offense, or for two or more concurrent offenses, automatic termination of employment.Any employee may, within thirty (30) days from the date any disciplinary action is voted or taken pursuant to the Board of Ethics' decision that a violation of this Ordinance has occurred, take an appeal to the Superior Court for the judicial district of New Haven at New Haven.
5. Any individual or firm found to have knowingly participated in a violation of the provisions of this Ordinance, whether as a principal or accessory, shall be barred from the presentation and/or consideration of applications before the PZC and ZBA of the Town of Wallingford for a period of five (5) years from the date of such finding by the Board of Ethics.

SECTION IX. SEVERABILITY AND EFFECTICITY

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1. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision, or portion of this Ordinance.
2. This Ordinance shall not be in conflict with, but rather in addition to, any general or specific law relating to ethical conduct and interest in transactions by Town officials and employees.
3. This Ordinance shall become effective in accordance with the provisions of Chapter III, Section 7 of the Town Charter. The Town Clerk shall distribute copies of this Ordinance to all officials and employees of the PZC, ZBA, and Building Department of the Town of Wallingford within five (5) working days of its effective date, and further shall provide copies to all new officials and employees of the above referenced bodies at the time of their application, but prior to the effective date of their service.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of \_\_\_\_\_, 1984, in accordance with the provisions of the Charter of the Town of Wallingford.

\_\_\_\_\_  
Rosemary A. Mascati  
Town Clerk

Approved: \_\_\_\_\_  
William W. Dickinson, Jr., Mayor

Date: \_\_\_\_\_

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*Town of Wallingford, Connecticut*

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*Stanley Seadale*

November 1, 1984

Honorable William Dickinson  
Mayor, TOWN OF WALLINGFORD  
350 Center Street  
Wallingford, Connecticut 06492

IN RE: REQUEST FOR TRANSFER OF FUNDS

Dear Mayor Dickinson:

Transmitted herewith is a request for transfer of funds from the Council Contingency account to various department wage accounts. The purpose of this request is to fund the contract of the Management Union (Local 1282) which has recently been settled. The requested monies were placed in contingency at the time the 1984-1985 Budget was being prepared since the contract had not been settled at that time.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

*Stanley Seadale*  
Stanley Seadale  
Director of Personnel

SS:bgc

Enclosures



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## FROM ACCOUNT 805-323 (1984-1985) CONTINGENCY RESERVE - GENERAL GOVERNMENT

<u>TO ACCOUNT NO.</u>	<u>NAME</u>	<u>AMOUNT</u>
140-120	COMPTROLLER	\$2,500
142-120	TAX COLLECTOR	1,700
143-120	ASSESSOR	1,100
144-120	TREASURER	1,100
145-120	PURCHASING	1,100
201-YS-120	POLICE	1,600
205-120	BUILDING INSPECTOR	1,900
301-120	HEALTH DEPARTMENT	1,400
306-120	WELFARE	900
309-120	VETERANS	900
400-120	RECREATION	2,000
501-120	ENGINEERING	3,000
502-120	PUBLIC WORKS ADMINISTRATION	1,300
503-120	PUBLIC WORKS GENERAL	1,700
505-120	PUBLIC WORKS GARAGE	900
603-120	PLANNING & ZONING	900
	TOTAL	524,000