

- IX. Upon receipt of the minutes of the meetings 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.
- XII. 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.
- XIII. 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. Any name submitted to and approved by the Council for nomination, with the exception of the Town Clerk, will be held over for one week, or until the next regularly convened Council meeting, before receiving final confirmation by the Council.
    - 2. A letter to the Council from all prospective nominees indicating a desire for appointment or reappointment will be submitted at least twenty-four (24) hours prior to the date set for making such tentative 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.
- XIV. 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.
- XV. 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.

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

Summary of Town Council Minutes

January 16, 1984

	<u>Page</u>
APPROVED APPROPRIATION of \$2,344 from A/C 805-319 for the Board of Education Recall Vote, January 27, 1984	1-5
APPROVED APPROPRIATION of \$360 from A/C 805-319 to A/C 202-580 to cover cost of Kennel Rent for Dog Pound	5-6
APPROVED APPROPRIATION of \$6,000 from A/C 805-319 to A/C 804-829 Self Insured Unemployment Account, Personnel	6-8
Meeting Adjourned	8

Special Town Council Meeting

January 16, 1984

A special meeting of the Wallingford Town Council was held in Council Chambers. Mr. Robert Parisi, Chairman, called the meeting to order at 5:00 p.m.

Answering present to the roll called by Rosemary A. Rascati, Town Clerk, were Council members Bergamini, Diana, Gessert, Killen, Krupp, Papale, Parisi, Polanski and Rys. Mayor Dickinson was also present.

Mr. Gessert moved approval of an appropriation of \$2,344 from A/C 805-319 to A/C 601C-135 \$1,560, A/C 601C-200 \$600, A/C 601C-660 \$84 and A/C 601C-900 \$100. Mr. Krupp seconded the motion.

Martha Moriarty, Registrar of Voters, recommended to the Town Clerk that Lyman Hall High School and Mark T. Sheehan High School be used as two polling places, rather than opening all fourteen. The Principals of both schools were contacted regarding the date of January 27, 1984 and both agreed the date would cause little disruption since exams were being held and no lunches would be served.

Mr. Krupp stated that it must be January 27, 30 calendar days from the date of determination of sufficiency which was made on December 28, 1983.

Vivienne Goodrich, Registrar of Voters, recommended the polling hours of 12:00 p.m. to 8:00 p.m.

Mr. Polanski: What percentage of the voters have to come out to make this legal? If 100 people come out, will they determine whether this is pass or fail?

Attorney McManus: Yes. Its stay or go.

Mrs. Bergamini: Mr. McManus, have you given an opinion on Barbara Sibley? She was re-elected by the voters.

Attorney McManus: I did opine that the date of certification is the effective date of the petition, not before, but that day and the fact that there was an intervening election is not relevant to the effectiveness of that petition.

Mr. Killen: The Charter states one date by which they must be certified and apparently you are going by State Statutes to determine certification. The Charter states 30 days after the petitions are filed, not after they are certified. I'm disturbed that these were filed before Mrs. Sibley ran again and she stood for election and she's being hit a second time. It would seem to me an automatic safeguard would be a person who stood for re-election in the interim and got re-elected. What happens should we decide not to appropriate the funds tonight?

Attorney McManus: I don't think you have any leeway about it.

Mr. Gessert: I thought we would vote to appropriate the money, set the date for the recall vote and determine whose names would appear on the recall.

Mayor Dickinson: I believe the Town Clerk sets the date and if you do not appropriate the funds, there would be no way to hold the recall. The names are indicated on the petition for recall.

Mr. Killen: According to our Charter, a recall vote shall be taken within 30 days but not sooner than 10 days after the filing of the petition. That should have been done a long time ago.

Attorney McManus: I think you must read that in connection with the Statutes, filing and certification being the same thing.

Mayor Dickinson: The language, "If the Town Clerk shall determine the petition and the affidavits to be sufficient in the manner prescribed in Chapter II, Section 4. . ." That has to be done first and once that is done, then the 30 day time period begins and that was completed December 28, 1983.

Mr. Killen: An election did take place and as long as the Town Clerk had reason not to certify those petitions, that could be dragged out as long as wanted. That was never the intent of the law. If the petitions were filed within a certain period of time they should have been certified within a certain period of time.

Mayor Dickinson: You'd have to look at Chapter II, Section 4.

Attorney McManus: It clearly doesn't mean filing, Bert. Filing means certification and any other reading to that would obligate the Town Clerk to have a recall the minute the petitions were received. Otherwise, how could 4,500 or 6,000 signatures be verified? Technically, until it is certified that enough registered voters have signed the petition, nothing exists.

Mr. Killen: For whatever reason, it says the date it was filed, not certified.

Mayor Dickinson: Generally, where language is subject to two interpretations, the interpretation that gives practical meaning to the language is chosen. In this instance, I don't think the Town Clerk could possibly in many circumstances validate the signatures within that time period and also call for a recall election. I believe the more practical interpretation is that filing means the validation.

Mr. Polanski: I'd like clarification on line 127, page 9, a referendum shall not be held if any elective officer resigns before such recall. I would not like to see 15 people decide this recall. A referendum gives guidelines and a recall doesn't.

Attorney McManus: Theoretically, only 15 people could have voted in the last election.

Mr. Diana: I don't think we should sit here and debate that. We have a Town Attorney to give us a legal opinion.

Attorney McManus: The recall of an individual is not subject to referendum, line 176.

Mr. Krupp: Vinnie, would it be unreasonable if prior to the election by January 27 to ask for a formal opinion as to whether the recall requirements fall under the provisions of Section 9 requiring a 20% voter show?

Attorney McManus: That does not apply to a recall.

Mr. Rys: Vinnie, can the Council establish a percentage, by a vote?

Attorney McManus: No.

Mr. Gessert moved to amend the motion to delete Barbara Sibley's name from the Board of Education Recall Vote. I think the people who wanted to remove her had an ample opportunity.

Mr. Rys seconded the motion.

Mr. Polanski: What happens to the recall if we don't approve the money for it?

Mr. Parisi: The Town Attorney stated we have no option--we will be in violation of the Charter.

Mr. Robert Devine, 22 Jodi Drive: Regarding Mr. Gessert and Mr. Killen's contention that Mrs. Sibley was re-elected, I think with our Town Charter we cannot in a classical sense make that interpretation. We had 6 candidates for 4 positions and were only allowed to vote for 3 candidates. Mrs. Sibley came in a distance, 4th place. I think perhaps had the option been given to the voters to select a 4th candidate, I question whether or not she would have been 4th choice. If you had 1 choice for 3 positions, we would have to say Mrs. Sibley lost, by quite an amount to Roger Rivers who had the third highest number of votes.

40  
Attorney David R. Thomas, 5 North Main Street: We are dealing with two separate things, an election and a recall. It has been brought up by motion that Mrs. Sibley was in fact clear of any recall charges in the election--that was not an election issue. The election issue was whether or not she should be re-elected to her seat. The recall is a totally separate issue which has been presented to the Council by these petitions which have been verified, subject to the election. Its a totally separate issue. Mrs. Sibley should be subject to the recall by the petition.

Mrs. Papale: Attorney McManus, you mentioned that if the money does not get passed, we as Council people are in violation of the Charter?

Attorney McManus: I believe that you have a nondiscretionary involvement. Once it has been determined that a recall election has to be held, you have to fund it.

Attorney McManus: I don't think you can defeat your constituents rights to a recall election by simply saying I don't agree with these voters and not pass the money.

Mrs. Papale: I still may feel that the wrong decision was made to close Parker Farms School but I also feel that the people on the Board of Ed are elected the same as Council people, trying to make decisions with our own judgment. I feel they did what they thought was right and I don't agree to a recall.

Attorney McManus: The recall provision applies to you, as well and that is part and parcel of the democracy set up in the Town of Wallingford. You don't have to agree with it.

Mr. Diana: We're here representing the Town and to comply with the Charter and we too are subject to recall. To think that the Board of Education is not subject to recall is ludicrous. Many of us on the Council, for both political and personal reasons, have some feelings about this recall. However, we're here to vote not as we personally feel but as the Town Charter reads and the Town Attorney has made it quite clear to us that we have no option but to in fact appropriate these monies or we will be in violation of the Town Charter. I don't think we should have the audacity to try to challenge that.

Mr. Killen: No one is trying to take the rights of the people away to vote. This appropriation is for \$2,344 for a reason which could have gone the other way. If Yalesville School were closed, we'd still be appropriating \$2,344. They voted their conscience and in so doing are subject to recall. The members of the Board of Education may hire their own attorneys and take the Town to court again in which case we'll be defending ourselves in that particular instance. This particular section of the Charter leaves a lot to be desired. There are time constraints and 30 days have long gone by. It seems to me this action should have been dead long before this. I'm not in favor of it at all.

Mr. Krupp: Regardless of my personal feelings on this issue, I have to agree with the viewpoint of Mr. Diana. Its not our role to interject our personal feelings about the propriety or correctness or fairness of this vote. The Charter mandates that certain actions will be taken and part of our Oath of Office is to uphold the Charter of the Town of Wallingford. As a result, I don't think we have a great deal of option, but to proceed on this basis and to allow the people the rights that were guaranteed to them within the Charter at the time it was drafted.

Mr. Killen: If the Charter says "filed" and it wasn't filed within that time, are we upholding the Charter?

Mayor Dickinson: It is a serious question but it takes on larger ramifications. If you could prevent a recall just by having the Town Clerk take longer to validate signatures than necessary, a serious right of the public granted under the Charter is jeopardized. Regardless of the merits of this, we're talking about basic constitutional rights granted by the Charter and if we could avoid them simply by time schedules controlled within an administration, I think we have more serious problems than the fact that we have to schedule a recall.

Mr. Parisi: My feeling is that a recall procedure in this case 41  
has been applied as a legal loophole, quite frankly bordering on  
a vindictive nature. I personally feel that if anyone were going  
to exercise any personal feelings for or against what transpired  
by the vote of the Board of Ed, it should have been exercised in  
a general election. It should have been executed during the  
elective process. We must operate as the Charter exists.

Mrs. Bergamini: If there was any vindictiveness, it was started  
on the way the school was closed. The people were not being  
vindictive; they cared about education. Maybe some people are  
being unjustly accused but the vindictiveness did not start with  
the Parker Farms parents.

Mr. Polanski: When people go out to vote, what will decide  
whether this recall passes or not? Will it be decided by 1 vote  
or a percentage?

Mayor Dickinson: At the present time, a majority vote decides.  
It will be researched to be sure that is the correct interpreta-  
tion.

VOTE: (Amendment to delete Barbara Sibley's name from the Board  
of Education Recall Vote)

Mr. Diana: We don't have the right to delete Barbara Sibley's name.

Council members Bergamini and Diana passed. Councilman  
Gessert voted aye. Council members Killen, Krupp, Papale,  
Parisi, Polanski and Rys voted no. The motion did not pass.

VOTE: (Approval of appropriation of \$2,344 for recall vote)

Council members Bergamini, Diana, Gessert, Krupp, Parisi,  
Polanski and Rys voted aye. Council members Killen and  
Papale voted no. The motion was passed.

Mrs. Bergamini moved approval of an appropriation of \$360 from  
A/C 805-319 to A/C 202-580 to cover costs of Kennel Rental,  
requested by Shirley Gianotti, Dog Warden.

Mr. Polanski seconded the motion.

Mrs. Gianotti stated that the \$360 would cover a month's cost.

Mr. Martin VanBuiten stated he was doing all he could to accom-  
modate the Town during this crisis. My concern is with liability  
coverage and if I must obtain a rider, I would pass this cost on  
to the Town.

Attorney McManus: Your existing coverage should cover this  
general liability.

Mr. Gessert: I'd like to express my appreciation to Marty for  
his help during this crisis.

Mrs. Bergamini: Mr. Mayor, is Wehran coming in to do anything  
about this situation?

Mayor Dickinson: A representative from Wehran and DEP are meeting  
with Mr. Deak and the Fire Marshal and some others tomorrow. I've  
been told there are ways we can alleviate the problem at the Dog  
Pound and relocate back there. Wehran is under agreement with  
the Town and is proceeding on schedule to start their drilling.

Mrs. Gianotti stated it is difficult to work at both places and  
is anxious to return to the Dog Pound.

Mr. Killen: What time period does this \$360 entail? When some-  
thing like this comes along, make the request immediately.

Mr. Parisi: In fairness, Shirley made the request and I told  
the Mayor we would have to have two special meetings so instead  
of two specials, I told the Mayor if the Council did not approve  
the appropriation, the Mayor and I would split the cost until  
this meeting.

Mr. Krupp: Wehran's meeting with Mr. Deak tomorrow sounds like  
a long-term solution. What is being done to make the Dog Pound  
safe again and when will operations be resumed there?

12  
Mayor Dickinson: Safety of the Dog Pound is the overall question. Engineers from Wehran and DEP will be discussing the problem generally with reference to the migration of the methane under the frozen surface of the ground. In a conversation with the Fire Marshal today, he feels it may be possible to use some type of fan in the Dog Pound to eliminate any problem there but he would like to meet with these engineers and view the overall problems that the methane causes. I don't want to propose that Shirley and her staff return there with any chance that there's going to be a threat to life, limb or overall health. We want all necessary information before relocating people there.

Mr. Krupp: Shirley has done a magnificent job at the Dog Pound and I'm not sure the same level of services can be obtained by operating between multiple facilities.

Mayor Dickinson: I'm not sure that Wehran can accelerate their schedule. I'm not sure that taking the gas out of the ground will prevent its migration to an area like the Dog Pound. It comes down to on-site types of ventures to prevent the buildup of gas to a structure such as the Dog Pound. If we can't do that, then ultimately we may have to relocate the Dog Pound.

VOTE: (Appropriation of \$360 from A/C 805-319 to A/C 202-580)

All Council members voted aye and the motion was passed.

Mr. Gessert moved approval of an appropriation of \$6,000 from A/C 805-319 to A/C 804-829 Self Insured Unemployment Account, requested by Mr. Seadale.

Mrs. Papale seconded the motion.

Mr. Seadale: We've gotten 10 months of billings in less than 7 months from the State. We have 2 employees who were terminated by the prior administration collecting and that's a drain of about \$1,200 to \$1,400 a month on that account.

Mr. Krupp: The two terminated employees can still collect compensation? Are our guidelines different from State guidelines?

Mr. Seadale: The two major things that can prevent a person are (1) repeated willful misconduct and (2) felonious conduct. This was put down as a termination for repeated willful misconduct. I went to the initial appeal which was won. It was appealed again and Attorney Mantzaris went and the State still rules in favor of these two claimants. The 26 week period is just about expiring. We're billed behind time; the last bill we got was for the month of November.

Mr. Polanski: How much is left in the reserve for emergency account?

Mr. Myers: The reserve for emergencies started out at about \$85,000 and there was \$27,000 left before this meeting so it is now down to about \$20,000. The other fund was set aside for specific purposes and that has been exhausted.

Mr. Gessert: 805-319 is reserved for emergencies. 805-325 is set up to provide for settlement of labor contracts, etc.

Mr. Myers: Several accounts called contingencies are restricted contingencies. The funds were put there for specific purposes. 805-319 is an unrestricted contingency.

Mr. Killen: 805-319 is an illegal account and is not allowed by our budgetary processes.

Mr. Diana: Once all the appeals have been exhausted with the two employees who were terminated, is that money recoverable to the Town?

Mr. Seadale: The only one who could recover it would be the State. If they recovered it, we might. I've never had that type of thing happen. The money is usually recovered from the employee. I appeal all cases if they are appealable. We've had cases where an employee has collected and the appeal process has continued while they were getting the unemployment and if I won an appeal for the Town, that person would have to pay back the State of Connecticut. We get a credit on the bill. I don't want to hazard a guess on this situation but it is possible.

Our average for the last 10 years has been about \$6,000 a year but that ranges from a year of \$468 to a year of \$21,000. When I put this number in the budget, its a wild guess. I have no idea of who will get terminated or who will quit and be found able to collect.

Mr. Killen: Stan, is there no place in funds under your control that you can find this \$6,000?

Mr. Seadale: Not at this point.

Mr. Seadale: We are direct billed; not a percentage like a private employer who pays 8% of payroll. If you took it as a percentage of payroll, we're paying 1.4% of payroll which is low and to our advantage.

VOTE: (Appropriation of \$6,000 from A/C 805-319 to A/C 804-829)

All Council members voted aye and the motion was passed.

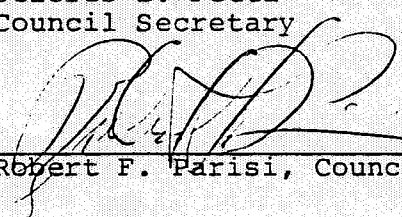
Mr. Gessert: Before we adjourn, I'd just like to ask the Mayor if Public Works has run out of money for salt, snow plows, gas, or trucks?

Mayor Dickinson: I haven't gotten any calls, but I'll check it.

A motion was duly made, seconded and carried and the meeting adjourned at 6:05 p.m.


Delores B. Fetta  
Council Secretary

Approved

  
Robert F. Parisi, Council Chairman

Date

JAN 24 1984

  
Rosemary A. Rascati, Town Clerk

Date

JAN 24 1984