

Summary of Town Council Minutes

January 24, 1984

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Special Town Council Meeting

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January 24, 1984

A special meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:30 p.m. by Chairman Robert Parisi.

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

The Pledge of Allegiance was given to the Flag. Rabbi Michael Manson opened the meeting with the following prayer:

Master of the Universe -

We invoke Thy blessing upon our country, on the government of this Republic, the President of these United States and all who exercise just and rightful authority. May they administer all affairs of State in justice and equity. That peace, security, happiness and prosperity, right and freedom may forever abide among us.

Bestow Thy blessing upon all attending this meeting and upon those near and dear to their hearts.

Cause the members of this Council to bring forth the best in them, as they discuss and decide the issues before them tonight. May they be guided by their wisdom and sensitivity and work together in harmony to make our beloved Town a better place in which to live.

Amen.

ITEM (2) PUBLIC QUESTION AND ANSWER PERIOD

Mr. George Mazzaferro, 304 Long Hill Road: I asked Mr. McManus for the letter requesting a second opinion on the Board of Education Recall. There appears to me to be some question as to why a second opinion was issued and I'd like to find out why the Town Council has not acted upon the opinion of the previous Town Attorney.

Mr. Parisi: I asked Town Attorney McManus to review the opinion because of different opinions and readings. When the certification of the petition came to this Council, we were under a time limit and we began to search for the best and right procedure to follow within the 30 day time constraint. This was a verbal request by me.

Mayor Dickinson: I think one thing should be clear in everyone's mind on this. Regardless of which Town Attorney's opinion is followed, Mr. McManus or Mr. Farrell, once the petition's signatures were validated, all discretion was gone as whether to hold a recall or not. The machinery was set into motion once those signatures were validated. It doesn't matter whether Mr. McManus or Mr. Farrell were correct on whether the Board of Ed Members are bound by the recall or not; ultimately, a Court would have to decide that. The Council is not in a position to use discretion under the Charter. Once the petitions are validated, a date is set for the recall.

Mr. Edward Musso, 56 Dibble Edge Road: I blame the Council for all this to-do.

Mrs. Pocobello, 913 Clintonville Road: I sent a letter to the new Mayor which was sent to the previous administration and Mr. Hayden. I'll give you a copy, Mr. Parisi. We have problems on Clintonville Road which I would like to have this Council come to a solution about.

Mr. James Sibley, 3 Eaton Trail: According to the Town Charter, no recall petition may be filed against any officer until he has held office for 6 months. I'd like Mr. McManus to tell me why my wife is on the recall ballot. She was duly elected, in office for 3 weeks.

Attorney McManus: How long has Barbara Sibley served as a Member of the Board of Education--3 years and some weeks is your answer. The particular term is not designated in the Charter.

Mr. James Sibley: I would like to know exactly how this recall ballot is going to read.

Mr. Krupp: It specifically states in the Charter.

Mrs. Bergamini: Page 9, line 124, the question, "Shall Barbara Sibley be recalled?" It appears to be "yes" or "no."

Mayor Dickinson: Whether or not the recall is favored, everyone should vote, yes or no.

Mr. Parisi: The press should make people aware of this fact. There will be three questions, one for each member of the Board of Education.

Mr. Gessert: Is this considered a referendum or a recall by the State?

Mayor Dickinson: Two Town Attorneys have spent considerable time on this and we have a ruling.

ITEM (3) PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE NO. 266 TO PROVIDE FOR THE COST OF REDESIGN OF THE SEWER TREATMENT PLANT AND TO INCREASE APPROPRIATION FROM \$1,165,000 TO \$1,342,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION:

Mrs. Bergamini moved for discussion Item (3), seconded by Mr. Krupp.

Vote: All Council members voted aye and the motion was passed.

Mr. Parisi read the following Ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 266 TO PROVIDE FOR THE COST OF REDESIGN OF THE SEWER TREATMENT PLANT AND TO INCREASE APPROPRIATION FROM \$1,165,000 TO \$1,342,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

Be it Enacted by the Town Council in Session:

AN ORDINANCE AMENDING ORDINANCE NO. 266 TO PROVIDE FOR THE COST OF REDESIGN OF THE SEWER TREATMENT PLANT AND TO INCREASE APPROPRIATION FROM \$1,165,000 TO \$1,342,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

I.

An additional sum of of One Hundred Seventy-seven Thousand Dollars (\$177,000) is hereby appropriated to provide additional funds necessary for the redesign of the sewer treatment plant in the Town of Wallingford, all as hereinafter set forth, including interest charges, cost of marketing temporary notes pending the sale of bonds, legal expenses, and all other expenses incidental to said projects. The design and redesign expenditures are part of Step II of the three-step process to expand and upgrade the Town of Wallingford's sewer facilities in accordance with Department of Environmental Protection Order No. 1261.

II.

That the Town of Wallingford increase the amount of bonds and notes authorized to be issued under Ordinance No. 266 from One Million One Hundred Sixty-five Thousand Dollars (\$1,165,000) to One Million Three Hundred Forty-two Thousand Dollars (\$1,342,000) to defray the additional One Hundred Seventy-seven Thousand Dollars (\$177,000) appropriated in Paragraph I.

III.

To meet said appropriation, not more than One Million Three Hundred Forty-two Thousand Dollars (\$1,342,000) of bonds of the Town of Wallingford shall be issued pursuant to Chapter XV of the Town Charter, as amended, and Section 7-369 of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

IV.

The Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to sell the bonds, either all at one time, or from time to time, in series, at public sale, either as a separate issue or combined with other authorized but unissued bonds of the Town of Wallingford, at not less than par and accrued interest, an advertisement of which shall be published at least seven days before the date of sale in The Bond Buyer. They shall determine the rate of interest of such bonds, and shall determine the amount of each issue of such bonds, their form, their date, the dates of principal and interest payments, the manner of issuing such bonds, and by whom and how such bonds shall be signed or countersigned, and all other particulars thereof. The Town Treasurer shall deliver the bonds and receive the proceeds thereof. The Connecticut Bank and Trust Company, N.A., of Hartford, Connecticut, shall be the certifying and paying agent. Adinolfi, O'Brien & Hayes, P.C., Attorneys-at-Law, of Hartford, Connecticut, shall render an opinion approving the legality of such particular issue.

AN ORDINANCE AMENDING ORDINANCE NO. 266 TO PROVIDE FOR THE COST OF REDESIGN OF THE SEWER TREATMENT PLANT AND TO INCREASE APPROPRIATION FROM \$1,165,000 TO \$1,342,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

V.

The Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to sell temporary notes of the Town, from time to time, in an amount not to exceed One Million Three Hundred Forty-two Thousand Dollars (\$1,342,000), under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of bonds hereby authorized, and are authorized to comply with the provisions of Section 7-378a as amended, if the maturity of such notes shall extend beyond the time permitted by Section 7-378; the Mayor, the Comptroller, and the Treasurer, or any two of them, with the approval of the Town Council, are hereby authorized to determine the rate of interest of such notes, determine the amount of each issue of notes, their form, their date, the dates of principal and interest payments, the manner of issuing such notes, and by whom and how such notes shall be signed or countersigned, and all other particulars thereof.

Mr. Krupp asked why this Ordinance is necessary.

Mr. Raymond F. Smith, Director of Utilities: The amendment of this Ordinance has been brought to our attention as a followup action that the prior Council took on November 9, 1982. At that time a discussion was held on the whys and wherefores of changing this particular contract.

Specifically, the State had reviewed the Sewer Treatment Plant project and recommended certain design changes that would in the long run save approximately \$3,000,000 in construction. To accomplish that, a redesign fee was determined to be \$176,000. The State and Federal Government supported that for 90%; the Town was obligated for \$17,690. At the time, it was felt that all that was necessary was to have the Town Council amend the contract. Subsequently, it was determined that is not the case and an amendment to the original Ordinance is required. CBT, Adinolfi, O'Brien & Hayes were included in the original Ordinance. The contract was approved by an 8 to 1 vote by the previous Council.

Mrs. Bergamini: If the Town is only paying 10%, why are we bonding for the full amount?

Mr. Thomas A. Myers: In this particular case, it's my opinion that the Ordinance sets the level of appropriation. You must have an authorized appropriation in order to proceed and expend monies from whatever source derived. This Ordinance is to be increased from \$1,165,000 to \$1,342,000. The source of the funds would be State, Federal and local. It is not my understanding that the Town will have to issue \$1,342,000 in bonds. Currently, there are \$225,000 in temporary notes issued against this Sewer Treatment Plant Ordinance.

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Mr. Thomas A. Myers: Funding in the Town of Wallingford occurs from two sources--budget and budget by Charter which is an ordinance, or a funding ordinance to set an appropriation whereby bonds and notes of the Town will be issued. That sets the budget for the project. We are passing an ordinance to appropriate the money; the bonding will be issued for \$225,000 and it has already been issued.

In this particular case, the grant funds are paid on an installment basis. The cash flow from grant funds do not require us to borrow the money in anticipation of the grant. We're receiving the funds before the cash is let out the door.

Mr. Gessert: This must be approved in total but we will not borrow \$1,342,000 because payments will be received, offsetting some of the expenses incurred. \$17,690 will be bonded.

Mayor Dickinson: If an appropriation is not shown for the full amount of the project, the State and Federal funds will not be reimbursed beyond what we show as the total project amount.

Mr. Killen: Were the State's suggestions for the redesign of the Sewer Treatment Plant of a technical nature, or a cash flow change?

Mr. Raymond F. Smith: Strictly technical. Remove chlorine chambers walkways; 1 transverse walkway will remain. Elimination of tunnels--this item was not shown to be cost effective and the tunnels will remain. Mr. Hogan from the DEP was here. These items were originally approved and when State funds got tight, another analysis was done of many projects. Items were eliminated which did not affect the plant's operational capacity.

Mr. Gessert agreed that this was in fact to save construction costs.

Mr. Killen: Why was it designed that way if we can live without it?

Mr. Raymond F. Smith: The best analogy I can give is with a car--you can get many options which do not make the car perform any better. After analyzing the cost, with rising interest rates, you decide you can do without some options. We were offered 90% and we wanted to get the best plant we could get for our 10%. Our architect was looking for the best plant.

Mr. Krupp: My reservation is that if all of this was superfluous, was it over-engineered in the first place? I'm skeptical as to why the Town and Federal Government is bearing the brunt of the cost of redesign to eliminate those options which were not required to begin with.

Mr. Bruno: Its not a question of requirement; its a question of flexibility. We originally had 2 digesters and 1 was eliminated. We can still operate at the same degree of efficiency but we've lost a backup system. There's a functional difference but no capacity is lost. As a result, we are being allowed to buy inventory items so that repair will be done quickly should that become necessary.

Mr. Edward Musso, 56 Dibble Edge Road expressed concern that the old plant would be destroyed and felt it should be updated and brought on line with the new plant to increase capacity further.

Mr. Raymond F. Smith: That plant is 35 years old and doesn't treat to today's standards and that is why we were mandated to build a new plant. Anything which can be used from the old plant will be used.

Mr. Bruno: It can't be used as a backup because we're utilizing all the land that the existing equipment is on for the new plant. We must stay out of the flood plain of the Quinnipiac River.

Mr. Lloyd G. Cooper, 150 George Washington Trail: The minutes of 12/27/83 contained a recommendation from the auditors that expenditures of departments be charged to that department instead of the general tax fund. Will that be done in this case?

Mayor Dickinson: We are presently looking into exactly what source the funding will come from. It is under discussion and we are not ready to indicate the answer this evening.

Mr. Parisi: Mr. Myers informed me that all of the auditors recommendations were being actively pursued and every measure of correction which can be implemented will be.

Mr. Killen requested a meeting with the auditors for the benefit of the new Council and Mr. Parisi noted we will have one. Mrs. Bergamini moved adoption of the following Ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 266 TO PROVIDE FOR THE COST OF REDESIGN OF THE SEWER TREATMENT PLANT AND TO INCREASE APPROPRIATION FROM \$1,165,000 TO \$1,342,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

Mrs. Papale seconded the motion.

Vote: Council members Bergamini, Diana, Gessert, Killen, Krupp, Papale, Parisi, Polanski and Rys voted aye and the motion was passed.

A motion was duly made, seconded and carried and Item (18) of the Agenda moved to this position.

Mr. Gessert moved to note for the record the Utilities Director's Report for November, 1983.

Mrs. Papale seconded the motion.

Mrs. Bergamini asked what URD was and was told by Mr. Smith Underground Residential Development.

Mr. Killen stated that he was not prepared to comment but agreed to note the Utilities Director's Report for November, 1983 for the record but if any questions arose, they would be asked later. He wonder if anyone from the PUC was at the Council meeting--none were present.

Mr. Gessert stated he was happy to see Mr. Nadeau was back at work.

Mr. Parisi: Mr. Mayor, there are 3 PUC Commissioners. It would be nice if I would attend Council meetings. Perhaps an invitation could be issued.

Mr. Killen: I noted in the minutes that the PUC has started their meetings in Executive Session. This must be done by a vote after the regular meeting has started and they should be so notified.

Vote: (Note for record Utilities Director's Report, November, 1983)

All Council members voted aye and the motion was passed.

Mr. William R. Fischer, Chairman and Mr. Howard R. Marshall, Jr., Vice Chairman of the Building Committee for Conversion of Armory to Police Station came forward for Item (4).

Mr. Krupp: Do you have an estimate of what the cost differential is going to be between using Kaestle Boos Associates, Inc. as opposed to what we could expect to pay going out to bid?

Mr. Gessert: Architect selection began with about 20, reduced to 9, then reduced to 3 with their qualifications and work closely reviewed. Their charge is about \$125,000 for architectural fees which cover engineering and that type of thing. Technically, they did not bid because they are not allowed to but their price was lower than the others which were \$135,000 and \$149,000.

Mr. Marshall: They assured us a police station could be built with everything we need with the money we have, including their fee.

Mr. Fischer: I have turned the contract over to the Town Attorney who will tell us whether or not we can sign it.

Mr. Gessert: For the public's benefit, Kaestle Boos Associates had more experience with police stations than anyone else we talked with and had done more conversions than anyone else. A preliminary design was prepared.

Mr. Fischer: The police should be in their new station in July or August, 1985.

Mr. Marshall: All architects were told that we absolutely could not come back to the Council for more money for this project.

Mrs. Papale: This architect was selected with a great deal of care. Considerable time was devoted to this selection.

Mr. Marshall: 4 cells will be built with plumbing in place for 6 more so they can be added at a minimum cost later.

56 Mr. Gessert: Some room will be left in the building, undeveloped, for future use.

Mr. Fischer: According to the feasibility reports, 20,000 square feet was needed and this building has 27,000 square feet. All architects visited the Armory and were very impressed with it. There will be no outside changes to the building.

Mr. Killen: What is the nature of the covenants in the contract being looked over by the Town Attorney?

Attorney McManus explained the basic contract to Mr. Killen and stated that Clause 17 covers items for additional services and I've discussed this with Kaestle Boos and eliminated all but 2 items. One is for his protection which is essentially if half-way through, minds are changed and a redesign is necessary, it will cost money and if the work is half completed and the building is destroyed (by fire), work must be started over and that will cost. I don't think anyone could argue about those two items.

Mr. Killen wanted assurance that the costs would be limited to \$1,800,000 for the conversion and \$125,000 for the architect.

Mr. Krupp moved amending the motion to waive the bid for architect selection for conversion of the Armory to a Police Station to state that the Mayor is authorized to execute the architect's contract after approval of the contract by the Town Attorney.

Mrs. Bergamini seconded the motion.

Vote: All Council members voted aye and the motion was passed.

Mr. Musso agreed to leave space for expansion purposes but stated that he will object if any more than \$2,100,000 is spent.

Rabbi Manson stated that opening projects for bid would attract more architects who would perhaps have a more unique contribution. Also, what happens if building materials rise in cost?

Mr. Parisi: It has been clearly stated that the contract figure is firm and there will be no overage.

Mr. Marshall: We selected an architect who has had experience with police stations.

Mrs. Bergamini moved waiver of bid for architect selection for conversion of the Armory to a Police Station, seconded by Mrs. Papale.

Vote: All Council members voted aye and the motion was passed.

Mr. Parisi read the following resolution, moved by Mr. Gessert:

RESOLUTION CONCERNING AN ADVISORY COMMITTEE TO STUDY THE NEEDS OF AND COORDINATE PROGRAMS FOR THE AGING.

WHEREAS, a significant segment of Wallingford's population is above the age of 60 years; and

WHEREAS, elderly families occupy more than nineteen percent (19%) of Wallingford's housing, and elderly persons comprise 16.1% (one in every six persons) of Wallingford's total population; and

WHEREAS, the specific problems of the elderly are varied and necessitate ongoing monitoring; and

WHEREAS, a large number of elderly have fixed incomes and find it impossible to provide more than essential goods and services for themselves; and 5/

WHEREAS, it is desirable and in the public interest that the Town of Wallingford study these problems and provide services wherever possible;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

1. That, in accordance with Section 7-127(a) of the General Statutes of the State of Connecticut, Revision of 1958, as amended, and in accordance with the provisions of Chapter III, Section 5 of the Charter, there shall be a committee, advisory to the Council, to study the needs of and coordinate programs for the aging for the Town of Wallingford, consisting of the Mayor, the Commissioners of the Public Welfare and Public Health, all ex-officio, and twelve other members to be appointed by the Town Council, at least two of whom shall represent the private voluntary agencies in the Town; at least one of whom shall be a member of the clergy in the Town; at least two of whom shall be a representative of the age group concerned, and shall be an elector of the Town; and at least one of whom shall be a representative of the United Fund. There shall also be appointed not more than two alternate members. The members so appointed shall be persons interested in the consideration and solution of the problems of the aging.
2. That the committee shall study continuously the conditions and needs of elderly persons in the community in relation to housing, economic conditions, employment, health, recreation, and other matters. It shall analyze the services for the aged provided by the community, both by public and private agencies, and shall make recommendations to the Mayor and Council regarding the development and integration of public and private agencies in cooperation with State and other services to the extent possible and shall be responsible for coordinating programs for the aging between public and private agencies within and without the Town of Wallingford to further the servicing of the needs of the aging in the Town of Wallingford and may further make application for funds to be used in serving the needs of the elderly when such projects are approved by the Town Council.
3. That the members of the committee so appointed shall serve without compensation until December 31, 1985.
4. That the committee may organize itself in whatever manner it may determine in order to carry out to the fullest extent possible the duties set forth in Section 2 above.
5. That the committee shall be known as the WALLINGFORD COMMITTEE ON AGING.

WALLINGFORD COMMITTEE ON AGING - Appointments to serve until December 31, 1985. (These names are approved with resolution.)

The Reverend George D. Stevens, Representative of the Clergy

Rose Pascale and Stephen Walford, Representatives of age group concerned

Helen Gaines, Volunteer with the Red Cross

May Warzocha, Representative of the United Way of Meriden-Wallingford

Muriel Lemay, Director, Wallingford Visiting Nurse Association

Members at Large:

Walter Carmody, Madeline Erskine, Albert Gould, Louis Hodos, Erna Lovasz and George Mushinsky

Alternates: Andrew DelGrego and Janet Young

Ex-Officio: Mayor William W. Dickinson, Jr., Francis Francesconi and Dr. Delbert Smith

Mr. Krupp seconded the motion.

Mr. Krupp: There are two counts on which these people are to be commended. One is the job which they've done to this point and, two, there isn't another agency in Wallingford that I know of that goes to the trouble that they do to keep members of the Council up to date on their activities and sharing communication with the Council.



Mr. Killen: How much input is requested of this committee when the Housing Authority decides to go forward with their housing?

Mrs. Madeline Erskine: A member of the Wallingford Committee on Aging is serving as an ex-officio member of the planning committee for the new housing, George Mushinsky, who keeps us informed.

I might ask that the dates of our terms be changed, say to January 31. There might be a time when we are acting without any authority and need to sign something.

Mr. Killen: Advisory committees can only exist as long as an existing Council sits for the term for which the Council has appointed. Dates can be changed in due time.

Attorney McManus: In an opinion issued by Attorney Brian Farrell dated April 13, 1982, "In all of these cases other than the Committee on Aging, the direction to the Council to appoint is a mandatory one and the terms are, therefore, those set out in the applicable law-- be it statute or ordinance."

Mr. Krupp: Chapter III, Section 5. . ."creating or abolishing advisory boards or advisory commissions, to advise with them on any public question provided no such boards or commissions shall exist beyond the term of the council which appointed them. . ."

Vote: All Council members voted aye and the motion was passed.

Mr. Krupp moved waiving two-week waiting period and confirmation of appointments to Wallingford Committee on Aging, for a term of two years commencing January 2, 1984 and ending December 31, 1985.

Mrs. Bergamini seconded the motion.

Vote: All Council members voted aye and the motion was passed.

Mr. Killen moved immediate certification of the resolution concerning an Advisory Committee to study the needs of and coordinate programs for the aging as it appears on pages 8, 9 and 10 of these minutes. (A copy of this resolution was signed by Mr. Parisi for the Town Clerk.)

Mr. Diana seconded the motion.

Vote: All Council members voted aye and the motion was passed.  
Mr. Gessert read a letter dated 1/13/84 from Mayor Dickinson regarding appointments/reappointments to the Public Celebrations Committee.

Mrs. Bergamini moved the following names for appointment/reappointment to the Public Celebrations Committee:

Anthony Avitable, Raymond J. Bartel, Richard Castello, Raymond A. Chappell, Philip D'Agostino, Johanna Fishbein, Lucille Groves, James Haverly, David M. Hetzel, Jean Holloway, Marilyn Massores, Margaret Meehan, Elizabeth Molinari, Mary Ann O'Neill, Patricia Saul.

Mrs. Papale seconded the motion.

Mrs. Bergamini noted that the Mayor's office polled the persons whose names appear on the 1/13/84 letter from David M. Hetzel to confirm their interest in serving on this Committee.

Vote: All Council members voted aye except Mr. Krupp who was not present for the vote and the motion was passed.

Mr. Killen moved immediate confirmation of appointment/reappointment to the Public Celebrations Committee, for a term commencing February 1, 1984 to December 31, 1985. Mr. Gessert seconded the motion.

Vote: All Council members voted aye except Mr. Krupp who was not present for the vote and the motion was passed.

Mr. Killen requested having a get well card sent to Mr. Raymond J. Bartel from the Town Council and this was sent on 1/25/84.

Mrs. Bergamini requested having a get well card sent to Mr. John J. Costello and this was sent on 1/25/84, c/o Yale New Haven Hospital, Room 5236, New Haven, CT 06520.

Mr. Gessert moved confirmation of the following appointments:

Terrence J. Shortelle, Planning & Zoning Commission, for a term of 5 years commencing January 8, 1984 and ending January 8, 1989.

Richard R. LeClaire, Planning & Zoning Commission Alternate, for a term of 3 years commencing January 8, 1984 and ending January 8, 1987. 53

Mary Beth Applegate, Zoning Board of Appeals, for a term of 5 years, commencing January 8, 1984 and ending January 8, 1989.

Mrs. Bergamini seconded the motion.

Vote: All Council members voted aye and the motion was passed.

Mr. Gessert read the 1/6/84 letter from Police Chief Joseph J. Bevan, explanation of transfer of \$249 to fund budget line 201P-146.

Mrs. Papale moved approval of a transfer of \$249 from A/C 201P-130 to A/C 201P-146, requested by Police Chief Joseph J. Bevan.

Mrs. Bergamini seconded the motion.

Mr. Killen: Why was so much expended in December in that particular account?

Police Chief Bevan explained the details and Mr. Myers explained that evidently there was a misinterpretation of the contract and 20¢ per hour per shift was being paid and it should have been 5% of the individual's hourly rate. When the error was discovered, a transfer into that account was made to cover the retroactive payment which covered a year or a year and one-half. The account reflects more than one year's expenditures.

Mr. Myers explained the transfers to A/C 201P-146 to Mr. Krupp.

Vote: All Council members voted aye and the motion was passed.

Mr. Rys read Item (9) and Mr. Krupp read the letter dated 1/10/84 from the Planning & Zoning Commission regarding Mr. McGowan.

Mr. Krupp moved Item (9) for discussion purposes, seconded by Mr. Rys. All Council members voted aye and the motion was passed.

Mr. Krupp: A/C 701-902, I see a total appropriation of \$15,000 of which only \$250 has been expended year-to-date. Why are we transferring money into this account?

Mr. Myers: That \$15,000 was placed in the budget for the final payment on the Town Plan of Development. I can't answer why its not encumbered or why the Commission has chosen not to issue the contract. The originating point to requisition funds is at the department level.

Mr. Krupp: Apparently, we have already obligated ourselves to Mr. McGowan since 1/1/84. What would happen if we don't agree to this transfer?

Mr. Myers: The gentleman would not be paid.

Mr. Krupp: This was not brought to our attention on 1/16/84.

Linda A. Bush, Town Planner: Mr. McGowan was originally paid from A/C 701-120. My salary comes from 701-120 and Mr. Myers told the Commission two salaries could not be paid from 701-120.

Mr. Myers stated that labor is budgeted by position control and Mr. Krupp stated there is \$44,000 left in 701-120 with 1 employee. The other part of that is for the 2 former employees and questions were raised should the Town receive an unfavorable decision pending litigation, it was felt that the money should be left there to settle any claims that may result. Mr. Krupp expressed concern that an obligation was incurred from 1/1/84 without any guarantee of funds.

Miss Bush stated that the Commission assumed they could continue paying Mr. McGowan from the 120 account since there were sufficient funds.

Mr. Myers explained in detail the accounting procedures involved.

Mr. Gessert: I'd like to request that Miss Bush pass the word to the Commission that further assumptions of this sort may result in bills for them. There's a pending printing bill which was not submitted to Purchasing first. There is enough expertise between Mr. McManus and Mr. Myers to obtain facts. The Charter states that you cannot expend funds which have not had Council approval first.

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Mrs. Bergamini: The money spent on Mr. McGowan is very well spent. If he needs to be hired for Miss Bush's transition period, I will be the first to make that motion.

Mr. Krupp: As a matter of clarification, I am not questioning Mr. McGowan's contribution. I think he's done an excellent job. I only question incurring obligations without Council approval. Mr. Killen agreed that Council approval is necessary.

Mayor Dickinson: A letter was sent from my office within the last week to all departments indicating that we did not want to see funds committed or expended without appearing before the Council.

Mr. Killen asked why it was going under Professional Services account and Mr. Myers recommended that a separate account, 701-903 be established.

Mrs. Papale moved to establish A/C 701-903, Professional Services, Planning Consultant, seconded by Mr. Krupp.

Mr. Killen objected to this since it becomes an appropriation and funds must come from a source outside the regular budget and Mr. Myers stated that we are establishing a new line item not approved during the public budget process.

Vote: All Council members voted aye with the exception of Mr. Killen who voted no. The motion was passed.

Mrs. Papale moved approval of a transfer of \$1,160 from A/C 701-135 and \$78 from A/C 701-130, a total of \$1,238 to A/C 701-903, requested by Planning & Zoning. This motion was seconded by Mrs. Bergamini.

Vote: All Council members voted aye with the exception of Mr. Killen and Mr. Krupp who voted no. The motion was passed.

Mr. Polanski read the letter dated 1/4/84 from Fire Chief Jack McElfish regarding Agenda Item (10).

Mark O'Connell stated the details of the bid and anticipated period of construction and Mr. Killen asked why a letter was not sent to the Council earlier requesting funds for temporary rental.

Chief Wilkinson, North Farms, noted that the contractor stated he would have the job completed in 50 days but the contract stated 180 days. Mark O'Connell stated there were some masonry problems which have now been completed but there are two brothers doing the work themselves. A request for a 40-day extension has been submitted and this has been emphatically denied.

Mr. Gessert: With this contract of approximately \$90,000 to \$100,000, the contractor should get outside help and hire subcontractors.

Mark O'Connell: If the job is not complete within 180 days, we have the right to terminate the contract, hire another contractor and take those funds out of his bond. The contract has been sent back to him at this point for clarification of three items.

Mr. Krupp: I understand the need for the transfer for which I will vote. I am going to express extreme displeasure with the fact that his delay in completing the job winds up costing this Town an additional \$800 for this rental fee.

Mark O'Connell: We have 100% performance labor and material bond. Incorporated into this contract is asphalt paving and the plants do not open until April. 180 days will expire on April 24.

Mayor Dickinson: I just want to point out that a request was made for a 40-day extension which has been denied. There is an effort being made by Mark O'Connell and the Chief to have this completed within 180 days.

Chief McElfish stated it is more advisable to rent a temporary station than to move equipment in and out of North Farms, risking damage to equipment, etc.

Mr. Krupp expressed his support for the transfer only on the basis that the only alternative is for the money to come from North Farms private funds and for the job that the volunteer firemen do in this Town, it would be unfair to place that burden on them. Mr. Killen is unhappy with appropriation and would rather transfer.

Mrs. Papale moved to establish a new budgetary line A/C 203NF-580, seconded by Mrs. Bergamini. 55

Vote: All Council members voted aye and this motion was passed.

Mrs. Bergamini moved approval of an appropriation of \$800 from A/C 203NF-201 to A/C 203NF-580, seconded by Mr. Krupp.

Vote: All Council members voted aye with the exception of Mr. Killen who voted no and the motion was passed.

Mr. Parisi read the 1/17/84 letter pertaining to Item (11) from Mayor Dickinson.

Mrs. Bergamini moved adoption of a resolution authorizing the Mayor to act as the agent to receive funds under the Federal Emergency Management Agency (FEMA). This motion was seconded by Mr. Polanski.

Vote: All Council members voted aye with the exception of Mr. Krupp who was not present for the vote.

Mr. Parisi read the 1/24/84 letter from Mayor Dickinson pertaining to the methane problem at the Dog Pound.

Mrs. Bergamini moved for discussion Item (12), seconded by Mrs. Papale.

Vote: All Council members voted aye and the motion was passed.

Mrs. Bergamini: It was my understanding that Mr. VanBuiten would accommodate us for only 30 days.

Mr. Hamel: It appears that we must make alternate arrangements during the February vacation period because he will need the space.

Mrs. Bergamini: Mr. Mayor, is there no possibility of moving the Dog Pound elsewhere? We were fortunate that we had no disaster.

Mayor Dickinson: The location may not be the best but the one figure I received on the cost of moving the Dog Pound, without a site which would also be a question, runs into a sizable sum. If possible, I think its cost effective to maintain the present location. It would also be a quicker solution to this problem.

There was some discussion about moving the structure since it is built on a slab. Mrs. Gianotti recommended locating it near Public Works.

Mr. Diana: Do we in fact know what the potential hazard is and is there an emergency situation, not from a health standpoint but from an explosive standpoint?

Mayor Dickinson: It was enough of an emergency situation to be closed and we are seeking a means of determining that it is safe.

Mr. Hamel: The last reading was 30% of explosive level, fairly low, and its not explosive at this time.

Mayor Dickinson: The problem is that when the ground freezes, the gas migrates under the surface and finds a place to come up, such as under a building.

Mr. Diana: I'm not in favor of hiring a consultant and wonder why we cannot go to the State and ask for help with this matter.

Mr. Hamel: The State advised us to get a consultant to design the work.

Mayor Dickinson: The State does not send their employees to correct the problem but advised us to have design work done which they would look over and if it is okay, the State would approve it.

Mr. Diana sincerely believes the State should be of more assistance in this matter. All avenues should be exhausted before funds are expended to hire a consultant. Are we in a position where we should shut the landfill down?

Mayor Dickinson: The State feels that their duty, by Statute, is to determine hazardous situations and once determined hazardous, to inform whoever owns or operates them to shut them down. At the point where it isn't hazardous, it may be reopened. They aren't in the business of helping us resolve the problem.

Mr. Gessert: Wehran has a plan to tap the entire area to retrieve the methane gas and when that is done, I would think the problem will be alleviated.

Mrs. Gianotti: That will not solve the problem because the gas will regenerate.

Mr. Krupp: Having the building blow up is a very extreme possibility. I'm concerned about the health hazard and I realize methane is supposedly non-toxic. When whatever is done is completed, are any type of detectors to be installed to indicate unhealthy levels of methane?

Mr. Hamel: The intent is to install a methane monitoring system to automatically turn on a vent fan should the methane reach very low level. An audible alarm will also be sounded. With a proper vent system, the experts tell us there will be no methane in that building. The alarm system will be an added precaution.

Mr. Krupp: We are concerned about protecting the people and animals there so flushing the methane will be very important.

Mr. Polanski: What will it cost to implement the design system?

Mr. Hamel: The \$5,000 design fee is for subsurface investigation to determine the direction of infiltration of the methane. It must be decided how far from the building, how deep, how many sides of the building, whether or not methane is being generated from underneath and then design specifications are drawn for the Engineering and Public Works Departments.

Wehran will purchase the gas and this will reduce the pressure but there is no way to make any building safe except to put vents around that building. We have a contract with Wehran for a gross cut from the top of their profits.

Mr. Killen: What will the cost be on one hand as opposed to moving the building?

Mr. Diana: In the future with resource recovery, there is a potential for more employees there and now we're building on top of a dangerous situation.

Mr. Hamel: The buildings currently there are designed for an area with methane. There is no methane inside and once methane gets into the air, it's not dangerous because it gets dispersed. It gets dangerous in an enclosed area where it can mix with oxygen.

Mr. Hamel: If you can protect buildings from that kind of mixture, then it never happens. It becomes explosive when it gets into an enclosure with oxygen, almost always on a building on a site not properly designed. The resource recovery system will be designed for that kind of problem.

Right now, the resource recovery system is planned for the corner of Oliver Creek Road and Pent Road, just to the south of that new Public Works garage. To the north of that is where Wehran Energy will put its pumping station.

Mrs. Gianotti: This is right near the spot where the Tremaglio boy blew up in the manhole; that's how bad it is down there.

Mr. Gessert: From how many other firms did you solicit a price?

Mr. Hamel: We asked 3 and got a price of \$11,000 and \$33,000. I suspect the \$33,000 bidder did not want the job.

Mrs. Bergamini moved adoption of the following resolution:

RESOLVED, that the requirement for formal competitive bidding is hereby waived and that the Purchasing Agent is authorized to issue a purchase order to DeCarlo and Doll of Hamden, CT, for design work to protect the Dog Pound building from methane gas.

Mrs. Papale seconded the motion.

Vote: All Council members voted aye with the exception of Mr. Diana and Mr. Killen who voted no. The motion was passed.

Mrs. Bergamini moved to establish A/C 202-902, seconded by Mr. Krupp.

Mr. Gessert: I would suggest adding a phrase to the first sentence in the second paragraph of Mayor Dickinson's letter of 1/24/84 to read, "In order to properly design a system that would protect the building, and make a safe environment for its occupants. . ."

Mr. Hamel noted this and will add the phrase to the communication addressed to DeCarlo and Doll of Hamden.

Vote: All Council members voted aye with the exception of Mr. Diana and Mr. Killen who voted no and the motion was passed.

Mr. Krupp moved approval of an appropriation of \$5,000 from A/C 805-319 to A/C 202-902, requested by Shirley Gianotti, Dog Pound.

Mr. Rys seconded the motion.

Vote: All Council members voted aye with the exception of Mr. Diana and Mr. Killen who voted no and the motion was passed.

Mayor Dickinson: I just want to make you aware of the fact that there is a heating problem in the facility made available by Mr. Van Buiten. Shirley has purchased oil from her own funds and a transfer will be submitted on the next agenda.

Mr. Parisi read a letter dated 1/17/84 from Edward G. Polanski regarding telecasting live sessions of the Town Council Meetings.

Mr. Polanski: This would be at the convenience of the Library, once every 2, 3 or 4 months. I'd like to know from the Council if they would like to do this and come up with a firm plan.

Mr. Gessert moved to have the Council Chairman appoint Mr. Polanski to coordinate this program and come back to the Council with a report after meeting with the Library, seconded by Mr. Krupp.

Mrs. Bergamini: I have no objection to 1 or 2 meetings but I know the Community Room at the Library is booked. I'd like to recommend taping a budget session.

David Bersch, 628 Sixth Ridge Road: I have a video business and you must deal with 1,800 watts of light per person.

Mr. Krupp: It's worth pursuing to evaluate the results. Will it be strictly live or videotaped for subsequent broadcasts? WPL does broadcast programs at later points in time.

Mr. Edward Musso, 56 Dibble Edge Road suggested Sheehan High School.

Vote: All Council members voted aye and the motion was passed.

Mr. Krupp moved to table Item (15) because a public hearing date needs to be set and this document is too extensive and critical to review without more time. Mr. Rys seconded the motion.

Vote: All Council members voted aye and the motion was passed.

Mayor Dickinson: I just want to let you know that, at this point, the codification and compilation of the Ordinances is getting an unfavorable report from my office and the Town Attorney.

Mr. Krupp: May we have that in writing when this item is removed from the table, Mr. Mayor?

Mayor Dickinson: \$4,500 has been spent for this previously and unfortunately does not include all resolutions.

Mr. Parisi read a letter dated 1/13/84 from Attorney McManus regarding Item (16).

Mr. Krupp moved approval of an appropriation of \$1,500 from A/C 805-319 to A/C 804-828, requested by the Town Attorney.

Mr. Polanski seconded the motion.

Mrs. Bergamini asked Mr. Myers if there were any other source to obtain the money and was told no. If we use money from certified surplus, we are really raising the budget that we originally adopted. The original appropriation for 804-828 was for \$20,000.

Vote: All Council members voted aye with the exception of Mr. Gessert who voted no and the motion was passed.

Mr. Krupp moved noting for the record only financial reports for the quarter ending 9/30/83 for Library, VNA and Senior Citizens Center since they are nearly four months old.

Mr. Gessert seconded the motion.

Mr. Myers stated that these reports will be more timely in the future.

Mr. Killen noted that VNA's report was not financial but recapped the amount of work done.

Vote: All Council members voted except for Mr. Diana and Mr. Rys who were not present for the vote.

Mr. Krupp moved noting for the record the financial statements of the Town of Wallingford for the month ending 12/31/83, reserving the right to offer commentaries on them at any point in the future.

Mrs. Bergamini seconded the motion.

Mr. Killen asked about summarization of the B side of the budget which was explained to him by Mr. Myers.

Vote: All Council members voted aye with the exception of Mr. Diana and Mr. Rys who were not present for the vote.

Mr. Gessert read a letter dated 1/12/84 from Mr. George W. Cooke, President of Cookes' Equipment Co., Inc. stating business affiliates with whom he has done business for more than ten years.

Mr. Krupp: To begin with, I don't believe this notification fulfills Town requirements because a copy must also be sent to the Board of Ethics. This letter is basically a repetition of a letter written in 1980 and I recommend that the Council not acknowledge this letter. The question of conflict has come up so many times in the past and prior opinions do exist on this as to the unacceptability of this course of action and it would be inappropriate of us, by accepting the letter, to condone the action.

Mr. Gessert: Perhaps it would appropriate to pass this letter on to the Board of Ethics for an opinion from them.

Mrs. Bergamini: The Charter clearly states that such person shall not debate the matter but shall disqualify himself or herself from voting or acting on such matters. These builders attend many P & Z meetings and it would seem to me that we're going to end up with a Chairman whose going to disqualify himself at every turn. I would like to hear from the Town Attorney.

Attorney McManus: A specific question asked in writing I will answer. Sometimes these things take days.

Mr. Krupp: Advisory opinions on the applications of Chapter 17 would come from the Board of Ethics which would in turn request its opinion from the Town Attorney.

Mr. Krupp moved to refer the letter dated 1/12/84 from George W. Cooke to the Board of Ethics, seconded by Mr. Gessert.

Mayor Dickinson: May I suggest if there is a question regarding this document, why not ask for an opinion of this document from the Town Attorney? It could address the question as to whether disclosure of these individuals and its only an assumption here-- that he would not have to disqualify himself if one of the names which appear on the letter appeared before the Commission.

There was further discussion and Mrs. Bergamini requested that Mr. Krupp withdraw his motion and Mr. Krupp withdrew his motion pending an opinion from the Town Attorney.

Mr. Parisi read the 1/16/84 letter from Allen Bulmer regarding the open position on the Tax Review Board.

Mrs. Papale moved approval of the Town Council Meeting Minutes of 1/10/84 and 1/16/84. This motion was seconded by Mrs. Bergamini.

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Vote: All Council members voted aye with the exception of Mr. Gessert who was not present for the vote and the motion was passed.

A motion was duly made, seconded and carried and Item (23) Discussion of Recall Election, moved to this position.

Mayor Dickinson: There was a question asked at the last meeting as to what procedure would be used, recall, or referendum for the election.

Attorney McManus: The question was whether Chapter II, Section 9 would apply or Chapter III, Section 9 of the Charter would apply or some other provision of the Connecticut General Statutes would apply. After many, many hours considering all possible alternatives, we have decided and given the opinion to the Mayor that the recall vote pertained to Chapter II, Section 9 of the Wallingford Town Charter, a unique home-rule provision by Charter giving to our citizens, our electors, a right not universally shared in the State of Connecticut and that provision refers the right and defines the procedure for the exercise of that right in Section 9 itself. That's all there is and nothing else applies. You won't find its corollary in the Connecticut State Statutes that justifies calling Chapter II, Section 9 anything more than a recall vote. This has been a part of our Charter since the first Charter was written in this Town.

There were similar drafts available to that Charter Committee which would have adopted minimal vote requirement, a longer lead time as far as running for a vote, minimum percentages of participation, etc. and they were not adopted.

Mr. Krupp: Election on Friday, 1/27/84, no minimum, simple majority.

Mr. Killen: I wrote a letter to the Town Attorney asking him whether or not the municipalities had the power to order a recall. Time after time, it's been held that a municipality is a creature of the State.

Attorney McManus: I then researched the negatives. Was there anything in the State Statutes that provided that a town could not adopt? Essentially what the home-rule did was delegate to the towns the power to legislate for themselves anything the State itself could do that the State had not told them they couldn't do.

Mr. Killen: You can only have those powers that the State grants you by Statute.

Attorney McManus explained to Mr. Killen the research he underwent and noted that it's been specifically held that there's no deprivation of due process. It is not a constitutional problem. As a matter of fact, this is a grant of right to the Town's electorate by the Town's constitution.

Mr. Killen discussed the term "filing" and "certification" which definition was explained in the minutes of January 16, 1984.

Mrs. Bergamini stated that the former Town Clerk began certifying signatures and was told to stop by the former Town Attorney because of the question and was told to continue later on.

Attorney McManus: I reviewed the provision that there is no time constraint upon the Town Clerk to perform the function to be a reasonable test of the rule.

Mr. Killen still maintains this was a political football.

Mayor Dickinson: Bert points out that there are ambiguities here; he also points out legal technicalities and it comes down to legal technicalities. It is unfortunate. I spent one and one-half hours today questioning Adam and Vinnie on this and I'm satisfied that the decision at this point is what it should be. There is no precedent. No one looks forward to this type of thing; it comes down to some real fine points. Which way is the balance--to protect the rights of the citizens to vote or do you take away that right depending upon a technicality. I feel that we should protect the right to vote and if we err on the side of that, so be it.

Mr. Killen wanted to know if we could accept the opinion of the present Town Attorney or the former Town Attorney.



Mayor Dickinson: As was indicated before, the opinion that Brian issued as to whether the Board of Ed Members are bound by this and Vinnie's opinion which indicated they were is irrelevant. Once those signatures were validated, it started a chain of motion that can only be stopped by setting a date for an election. If a Court is going to rule that it is not right, that someone is not bound by it or whatever, so be it. We don't have a Court here; we have you people talking, Town Attorneys giving opinions and we're dealing with the basic governing document of this community, the Charter. For myself, I don't feel confident taking away rights granted in that Charter, based upon interpretations. I'd like to have a Court indicate whether we are correct or incorrect.

Mr. Killen: Who requested the present Town Attorney's opinion?

Mr. Krupp: I requested it at the last meeting and so did Mr. Polanski. Mr. Parisi also stated that he did. When the issue came up for discussion on the transfer, Mr. Krupp requested Mr. McManus to determine whether or not this fell under the provisions of being a referendum or whether it fell under the provisions of being a recall.

Mr. Parisi: Once the petitions were certified, this goes into motion and an opinion from the Town Attorney is immaterial.

Mrs. Bergamini: I have no problem with the right to recall but I do have a problem with the fact that we cannot treat this as a referendum and request that we have a minimum number of voters. With the phrase, "If any elective officer whose recall is sought resigns before the recall vote is taken, a referendum shall not be held." It would seem to me that we as Council people have a right to treat this as a referendum which would be a fairer thing.

Mayor Dickinson: To make this a referendum under State law, we would have the same provisions as majority vote. The State referendum law does not require a certain minimum to turn out. In order to bring this under the provisions of referendum under our Charter, it does require a minimum number of people to come out. It just does not fit. The referendum provision only deals with ordinances and some other matters. You can't in any way force this recall into that provision. If you could torture it into the State referendum provisions, you still end up with majority vote.

Mr. Killen still maintains that within 30 days of being placed in the Town Clerk's Office, the referendum should have taken place. It could be done within that time constraint and there's no problem there.

Mr. Diana: You made a comment earlier that you feel in your opinion that this is going to stand the test of any Appeal Court. We're faced with the situation of possibly recalling 3 Board Members; the Council will be called upon to replace those 3 Members. In the meantime, we have 3 people ousted, 3 seated. Should an appeal be won, they would want their seats back. Do you feel that we will in fact stand the test of an Appeals Court? Attorney McManus answers yes.

Mr. Polanski: What would happen if the Council voted against a recall?

Attorney McManus: You people have done the only thing you can do--appropriate the funds.

Mr. Mazzaferro: Has this Council considered that the Board of Ed Members were performing their duties as required by the State Board of Education, State Statutes as opposed to local Charter?

Mr. Gessert: Whether we agree or disagree, the Town Attorney has stated his opinion that he felt the Board Members were acting in their capacity as local officials when they took that particular action.

Mr. Krupp: This Council did not decide whether or not there would be a recall vote--it was not within our purview to do so. The only function this Council served was to transfer the funds to cover the expense of that election. End of discussion. We were very specifically told there was no option on our part.

Mayor Dickinson: George, your question about whether you were acting in a State or local capacity is a good question. I don't think its in the realm of this body here to determine that. It would take a Court to determine what capacity--these are all good points and no one is deciding that at this point. 61

Mr. Killen: The reason I've been so vehement about this--I believe the 6 Republican members voted in favor of the appropriation. With the way the recall is set up now, 6 months from today the Democrats, having put their act together and outnumbering the Republicans, could ask for your removal for the simple reason that you voted for that appropriation and you'd be out of office. If its that simple to get rid of people, there's something drastically wrong here.

Kathleen Clark, New Place Street, Yalesville stated that she could obtain a petition if she did not like Mr. Killen's receding hair line, do everything in her power to collect signatures and deposit them with the Town Clerk just in time for a new Town Attorney to give an opinion.

Mr. Parisi: I want it known that I put a lot of time in this and my colleagues have put a lot of time in this, along with the Mayor and the two Town Attorneys. This is a very serious matter and was not taken lightly.

Mrs. Bergamini: Let's not forget the reason for this; it wasn't that they disagreed; it was the way the thing was done. For the record, we were at a Council Meeting one Tuesday when a policeman came and told Mayor Vumbaco that Parker Farms School was closed and the Council was shocked. There was no warning and no discussion.

Christine Guildersleeve, Bailey Avenue, Yalesville: There was a great deal of discussion on this issue. I attended almost every single one of those Board Meetings. The fact remains we have a recall provision in our Charter and I could get up a petition and recall anybody sitting on the Council who voted on an issue. It should be specified in our Charter that a certain number of voters must turn out to protect all of you.

William Clark, New Place Street, Yalesville: I do have some questions concerning reasonable amount of time for certifying signatures. The certification of petitions to prevent acquisition of the Armory for a police station--if a certain amount of signatures could be certified within a week, I think that established reasonable time. Were they certified one at a time, during one, two or three weeks?

Mr. Parisi: They were submitted as certified. If 200 of us wanted to recall someone or whatever to start a petition effort, it would be far more easy to amass the necessary signatures than it would be for 10 people. I think reasonable time is a flexible term depending on the amount of effort that can be put forth to achieve the same goal.

A motion was duly made, seconded and carried to go into Executive Session and the meeting adjourned at 11:25 p.m. The purpose of Executive Session was to discuss pending litigation with the Town Attorney.

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A motion was duly made, seconded and carried and the meeting moved out of Executive Session. The following votes were recorded.

Mr. Gessert moved authorizing the Town Attorney to settle a claim in favor of the Estate of Edward H. Leonard in the amount of \$1,500.

Mr. Krupp seconded the motion.

Vote: All Council members voted aye and the motion was passed.

Mr. Krupp moved authorizing the Town Attorney to accept a settlement of \$2,500 in the case of Royce Schoonmaker.

Mrs. Bergamini seconded the motion.

Vote: All Council members voted aye and the motion was passed.

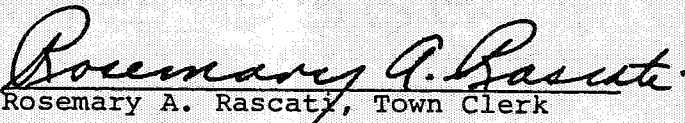
Delores B. Fetta  
Council Secretary

Approved

  
Robert F. Parisi, Council Chairman

2 - 2 - 84

Date

  
Rosemary A. Rascati, Town Clerk

2 - 2 - 84

Date

Special Town Council Meeting

January 27, 1984

5:00 p.m.

A special meeting of the Wallingford Town Council was held in Council Chambers for the express purpose of considering authorization to waive the bidding procedure to permit repairs to Engine 1 - 1977 American LaFrance Pumper - Fire Department. Chairman Robert Parisi 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, Parisi, Polanski and Rys. Mayor Dickinson was also present.

Chairman Parisi noted that Councilwoman Papale was attending a wedding and Councilman Krupp has difficulty leaving work early.

Mrs. Bergamini moved authorization to waive the bidding procedure to permit repairs to Engine 1 - 1977 American LaFrance Pumper for the Fire Department. Mr. Polanski seconded the motion.

Fire Chief Jack McElfish and Assistant Chief Steve Hacku were present along with Mr. William Barr, power consultant of Bell Detroit Deisel of Middletown, CT.

Mr. Diana: Are we in an emergency situation right now?

Chief McElfish: The replacement for that vehicle is a 1962 Ford; if that vehicle goes out of service, it reverts to a 1955 American LaFrance. Its been 2 years and 5 months since the original problem in September of 1981.

Mr. Diana: It seems that the problem we're having now is the same kind of problem we had previously, less than 25,000 miles ago. For the money expended, it seems we are not getting the mileage out of it that we should be. Do we have any kind of special requirements for the drivers?