

Summary/Town Council MeetingSeptember 25, 1984

	<u>Page</u>
ADOPTED TOWN OF WALLINGFORD ALARM ORDINANCE. (Exhibit I)	1-8
ADOPTED ORDINANCE AMENDING SECTION 16(e) OF THE PURCHASING ORDINANCE, NO. 272, ENTITLED "COMPETITIVE BIDDING." (Exhibit II)	8-10
ADOPTED AN ORDINANCE AMENDING ORDINANCE NO. 149 TO INCREASE THE APPROPRIATION AND PRINCIPAL AMOUNT OF BONDS AND NOTES FROM \$507,500 TO \$529,115 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION. (Exhibit III)	10-13
NOTED FOR RECORD Town financial statements for month ended 8/31/84.	13
APPOINTED Manuel R. Silvia, Tenant Commissioner, Housing Authority.	13
DISCUSSION of WALLINGFORD EMERGENCY SHELTER, rules, regulations, etc.	13-19
REMOVED ITEM (8)/appointment of R. R. LeClaire to Regional Planning.	19
REJECTED construction of parking lot in southern portion of Doolittle Park and authorized band stand to be sold to highest public bidder.	19-20
APPROVED transfer of \$352 from 201P-195 to 201P-481/Police Dept.	20-21
APPROVED appropriation of \$1,750 from 805-319 to 130-602/Mayor.	21
TABLED Visiting Nurse Association lease renewal at Simpson School.	22-23
WAIVED BID for SCADA System for the Electric Division.	23
APPROVED budget amendment to personnel detail from \$12,241 to \$18,181, requested by Electric Division.	23-24
NOTED FOR RECORD utilities financial statements dated 8/31/84.	24
APPROVED appropriation of \$1,200 from 805-319 to 798-205 requested by Carmen T. Spiteri, Building Department.	25
APPROVED job specifications for position of Accountant, as amended.	25-26
ACCEPTED Town Council Meeting minutes of 9/11/84, as amended.	26
WAIVED RULE V and appointed Raymond J. Rys, Sr. to ORFA Committee, to fill vacancy created by resignation of Robert F. Parisi.	26
APPROVED extension of 60 days for Robert Earley Disposition Committee to report findings to Town Council. Report to be made available to Town Council on November 25, 1984.	27
NOTED CORRESPONDENCE.	27
MEETING ADJOURNED.	27

Town Council MeetingSeptember 25, 19847:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order by Chairman Gessert at 7:40 p.m. Answering present to the roll called by Rosemary A. Rascati, Town Clerk, were Council members Bergamini, Diana, Holmes, Killen, Krupp, Polanski, Rys and Gessert. Mr. Gessert noted for the record that Mrs. Papale was absent due to illness. Also present were Mayor Dickinson, Assistant Town Attorney Mantzaris and Comptroller, Thomas A. Myers. The pledge of allegiance was given to the flag.

Invocation by Reverend Dale L. Moyer, St. Paul's Episcopal Church:

Heavenly Father, you are worthy of glory and praise, high above all things and you care for us, for our needs and concerns. I pray especially this evening that you will kindly direct the deliberations of this Council to help those of us who are members of this community to be responsible, not only with our elected officials, but with each other. Give us the wisdom to see what will best serve the common good. Be with the Councilmen, our Mayor, and all of us that we may accomplish your will in this community. I ask all these things in the name of Jesus.

Amen.

Public Question and Answer Period

509

Edward Musso, 56 Dibble Edge Road was disappointed to hear the police station costs were projected at \$500,000 over budget and with modifications, the end result will be a station equal to the present station, with yearly additions. He also suggested holding Town Council meetings in Robert Earley auditorium.

Andrew M. Bravo, 473 North Main Street stated that the Wallingford Jaycees will support whatever the Town Council approves for an Emergency Shelter and the Jaycees will provide all the manpower and labor required to bring the shelter up to standards.

Mr. Holmes moved AN ORDINANCE ENTITLED TOWN OF WALLINGFORD ALARM ORDINANCE, seconded by Mrs. Bergamini.

Mr. Krupp indicated that this ordinance is significantly shorter than the first, with a significant amount of material deleted. This ordinance was prepared by the Town Attorney's Office and at the last Ordinance Committee meeting, it was decided to forward this to members of the Council, with certain changes requested to the preliminary proposal.

Mr. Krupp felt strongly that there should be some type of discretionary waiver built into Section 5. A. because there are circumstances in which an alarm user, working with the enforcing authority may in fact be making a viable effort to solve the problem which may or may not be under his or her control or whose cause cannot be determined at that point in time.

Mr. Krupp moved the following amendment to Section 5. A. of the TOWN OF WALLINGFORD ALARM ORDINANCE

"Such fine may be waived or suspended at the discretion of the enforcing authority if the cause of the false alarms is beyond the control of the alarm user and/or if said user demonstrates a cooperative effort to resolve a recurring problem of indeterminate cause; provided, however, that such waiver or suspension of fine shall not preclude suspension as provided in Section 4.F if such recurring false alarms continue to present a public nuisance."

Mr. Polanski seconded the motion.

Mr. Krupp read TOWN OF WALLINGFORD ALARM ORDINANCE into the record.

PUBLIC HEARING ON TOWN OF WALLINGFORD ALARM ORDINANCE

Mr. Vincent J. Celeste, 682 Williams Road asked for clarification of 2. D. "responds" and asked if that meant if an officer were dispatched or if the alarm user notifies the police station immediately of a false alarm and a response has not been consummated, does that qualify as a response?

Attorney Mantzaris indicated that if police or fire personnel have not arrived at the house, it would not be considered a response.

David Calabrese stated that the dispatcher would probably send an officer out if the alarm came in from in from an alarm company and an individual called to say it was a false alarm and there will be contributing factors of play in such a situation.

Mr. Spurr, 66 Hanover Street, Yalesville agrees that an alarm system is best for the community and police department. He also felt that wording should be put into the ordinance regarding individuals who have set off their own alarms and call the police immediately so this will stand the test of time. He also felt that the wording concerning Acts of God should be better defined.

A resident of 1466 Tuttle Avenue asked who would have access to the REGISTRATION list (Section 3) and wanted a provision to indicate that this list be available only to the police department and alarm company handling the installation.

50 Irene Sunday of 60 Grandview Avenue also felt the list should be restricted to the police department and alarm company.

Mr. Krupp reviewed Section 119 of the Connecticut General Statutes and stated there does not appear to be any clause which would exclude this list from being available as a public document. Attorney Mantzaris felt it could come under the PROTECTION OF CRIME clause and he would not allow a review of this list by any individual. It is possible that Freedom of Information would rule otherwise and that cannot be precluded by this ordinance.

Irene Sunday asked about what would be considered a false alarm and Attorney Mantzaris indicated that an alarm not caused by criminal or fire activity would be a false alarm but if there is no response by police or fire personnel, under this definition, it is not a false alarm.

David Calabrese emphasized that electronic signals are received and in good faith, there is a responsibility to respond, assuming that is real, unless otherwise proven due to the liability involved. If an alarm company calls with a false alarm, there will be no response since the police are free from the liability in that situation. Mayor Dickinson indicated there is no sure deterrent for having police respond.

Mr. Celeste suggested a code number which could be given to the police in the event a homeowner accidentally sets off his own alarm and calls the police department within 30 seconds.

A resident of 1466 Tuttle Avenue asked why the Board of Education and Town Agencies are excluded from the provisions of the Alarm Ordinance, and Mayor Dickinson indicated that the town could control their own agencies and seek changes if necessary but where dealing with private businesses or parties, there is no way unless you have an ordinance. This resident also asked where the monies collected in fines would go and Mayor Dickinson stated it would be paid to the Comptroller from the Police Department and would be put into the General Fund.

Mr. Celeste again suggested a code number for every alarm user and Mr. Calabrese indicated this is a very good point but such a system would be very difficult to institute and would be a heavy burden for the police department.

Mr. John W. Yusza, Monitor Controls, 56 Woodhouse Avenue felt that this ordinance was not given good newspaper coverage and Mr. Gessert indicated that the town is required by law to publish notice of this public hearing and this was in fact done.

Mr. Yusza felt that this version of the Alarm Ordinance should contain registration of who is doing business and Mr. Krupp asked for this to be incorporated but was advised that it was unconstitutional to incorporate this, despite the fact that surrounding communities have it.

Mr. Yusza indicated that street vendors are required to be registered with the police department and Attorney Mantzaris indicated that this ordinance pertains to an item which travels in interstate commerce and it is his opinion that a local government cannot regulate objects and products which move in interstate commerce. Items such as fish, flowers, etc. sold by street vendors can be controlled.

Mr. Yusza stated there are a number of systems in town connected on direct phone lines and if the system is activated a number of times through a telephone line problem, it is conceivable there could be 5 or 6 false alarms generated on a single phone line and on the 7th false alarm, there could be a fine even though the homeowner has not contributed to the previous 6. In this case, discretion could be used.

Mr. Yusza also asked how the \$35 fine was established since some towns have a \$5 to \$75 fine and Mr. Gessert indicated that a \$5 fine may not be enough incentive to discourage false alarms.

511

Mr. Kenneth F. Donadio, 936 North Farms Road questioned 4. A. and asked if the police department is planning to put a special phone number in and what should people do with telephone dialers? Mr. Calabrese indicated there are no plans to have any additional lines with the present police station facility and whether or not there will be additional lines with the new facility remains to be seen. There many outdated telephone dialers in Wallingford that create many problems for the police. Dialers are not being outlawed--they cannot ring in Central Fire Headquarters or the Wallingford Police Department. The dialer can be programmed to an alarm company or a neighbor's house. A call from an alarm company can be controlled.

Mr. Ed Makepeace, 50 George Washington Trail did not feel he should have to pay \$180 per year to an alarm company just to have the right to contact the police. He felt the police should identify the people who create the problems and disconnect their dialers or fine them.

Mr. Polanski asked why the police could not just have one special number for automatic dialers and Mr. Calabrese stated that one of the least expensive alarm systems has a telephone dialer and very often, incomplete messages are given. Elimination of telephone dialers to the police eliminates a great deal of work and allows the police better control.

Mr. William H. Brooks, Rite Way Alarm System, 40 Brownstone Road felt that the original ALARM ORDINANCE proposal answered many of the questions asked tonight and felt that the 10 day waiting period was unfair to persons who wanted an alarm system installed immediately.

Mr. Krupp stated that a public hearing was held on the original version of the ALARM ORDINANCE and the vast majority of the public input was that the ordinance was not liked because of its length and it was the majority decision of the Council to overturn that and force it back to the Ordinance Committee. The reason you are looking at a 3 page ordinance now is because it was the will of the majority.

Mr. Brooks asked again about the 10 day registration before installation and felt there should be a preventive service to help the citizen of Wallingford so he doesn't get fined. Attorney Mantzaris explained that the penalty is for not registering an alarm system and there is no penalty for registration at 9 days, etc. Mr. Calabrese explained there is notification after each alarm, until the 7th false alarm.

Mr. Celeste felt it is the duty of the police department to respond to any request for help and felt this ordinance abdicates that duty and puts it in the hands of a commercial alarm system who may charge \$180 per year with no regulation of fees within this ordinance. Prudent users should not be penalized for the few reckless since persons with alarm systems are helping the police department. Mr. Calabrese agreed that Mr. Celeste made some good points and agrees that electronic security is an asset to law enforcement. About 3 years ago, the police department discovered they were doing about 3,000 false alarms a year, a great deal of patrol time which could be spent in other areas. The major causes of false alarms is human error and some type of control is necessary. The prudent alarm user will not under normal conditions suffer with this type of ordinance but it will be those who will not take action to correct the problem.

Mr. Calabrese stated that police departments cannot be in the business of monitoring electronic security with the number of systems and types of systems in existence--they cannot afford the man hours and personnel.

512
Mr. Krupp responded to the police department protecting the public and stated that the aspersion being cast is unfair. What we are talking about is not alarm systems--it's false alarms and that is where the problem is. When the constant recurrence of those alarms through faulty equipment, negligence and human error creates problems in the dispatching of emergency manpower that can affect the lives of other residents of Wallingford who in fact require those services while they are committed to a false alarm, that is where the protection of the public interest breaks down. We are talking about the dialer alarm that malfunctions and keeps dialing. What kind of a situation are you going to be in if someone has tied their dialer to the 911 number and it keeps dialing, tying up that number, and you are in your bedroom with a burglar downstairs trying to get through to the police department? You cannot purge the system of that abuser because you may not even know who he is. This is a constant problem.

Mr. Krupp indicated that you must recognize that which must be partially offset is to reduce the exposure of the emergency personnel of the Town of Wallingford to injury in answering false alarms and this in itself represents a major exposure. The purpose of this ordinance is not to impair the effectiveness of emergency service in Wallingford--it is to assist it. There is no objective on the part of this Council to adversely affect the public welfare. It is our interest to help the public welfare by optimizing the use of those emergency personnel.

Mr. Diana commented that this ordinance has been cut down to 3 pages and is designed for flexibility and we shouldn't look to legislate everything mentioned tonight. This is a very general ordinance and should be accepted just the way it is and as things progress, if changes are necessary, they can be made.

Mr. Richard E. Parks, 72 Colonial Hill asked if there has been a reduction in the number of false alarms during the past 3 years and Mr. Calabrese indicated there has been from 1980 to 1983-- a 30% reduction, with a 10% increase per year in systems. Mr. Gessert indicated that 3 years ago, it cost an average of \$10 for the police department to answer a false alarm. Mr. Parks felt he did not want to share the cost as a taxpayer for an officer to answer false alarms to people who are riding this for free and causing the police department problems. There is a potential for it to cost all taxpayers of the Town of Wallingford more than \$180 if this goes the other way, just in an increase in the mill rate.

Mr. Nicholas Raissis, 70 William Street commented that every time he caused a false alarm at his home, the police responded within minutes, very quietly and this made him feel very secure. The burden should be placed with the violators.

Mr. Rys asked what provisions will be made for collection of fines within 10 days after receipt of a bill (5. C.) Mr. Calabrese said there would be viable effort to allow an individual to pay that fine and if this failed, the police would follow through with the guidelines of enforcement through the Town Attorney's Office and a summons would be issued under violation of Town Ordinance.

Mr. Holmes commented that a great deal of hard work has been put into this ordinance by the Town Attorney's Office, Mr. Krupp and Mr. Calabrese and at this point in time, he feels it is in the best interest of the town that the Council accept this ordinance. It is general as Mr. Diana stated and not tightly restrictive. It would allow effective use of police man hours.

Mr. Killen referred to 4. C. and suggested that special procedures set forth by the Chief of Police should be in writing. Mr. Calabrese stated that guidelines are set forth and these are conveyed verbally because a written handout could get into hands the police department may not wish this to get in. Mr. Killen felt that a written document would provide proof and Mr. Calabrese indicated that if a problem existed in this area, a document could be signed and retained by the police department.

Mr. Killen referred to 4. E. and asked if persons are notified if they have one false alarm and Mr. Calabrese indicated an officer issues a false alarm report and if nobody is home to accept it, it is mailed and periodically through the year, letters are sent, depending on the severity of the problem.

513

Mr. Gessert indicated that this ordinance is to solve the problem of false alarms and not to penalize conscientious homeowners with alarm systems and he hopes this does not cause a hardship on those people. Within 6 months, the Council would like a report from Mr. Calabrese on the effect of this ordinance and if it is causing an unfair burden on people, the Council does have the power to amend it.

Mrs. Bergamini questioned waiving of the fine at the discretion of the enforcing officer and wondered if the persons causing the problems would be exempt from the fines and Mr. Krupp felt that reasonable laws are enforced by reasonable people. Any law on the books can be abused and if every ordinance were written to cover every contingency and safeguard against every possibility, each ordinance would be 200 to 300 pages long. There are instances where there is a true and viable effort on the part of an individual to solve the problem and it is only reasonable in those circumstances to provide an escape clause.

Mr. Polanski asked if registered alarm users could call a special number at the police department and unregistered users' calls would not be accepted. Mr. Calabrese indicated this would be a problem in the present facility but in the new facility, this would be a question the Chief of Police would have to answer. Mr. Polanski cannot see forcing the taxpayer to a commercial concern.

Mr. Calabrese indicated that he would like to respond to Mr. Krupp's amendment and stated that many of the commercial establishments have mistakes made by employees and when the manager of the facility is notified he indicates to Mr. Calabrese that he is making an effort and telling his employees and the police are still getting 10, 20, 30 alarms. With the way the amendment is written, the individual of the offending facility will actually be exempt from a fine because he or she is making a viable effort. Mr. Gessert felt that after 10 or 20, if the individual were fined, he may start fining his employees. Mr. Krupp stated that what is being overlooked is the phrase "at the discretion of the enforcing authority." Mr. Calabrese misunderstood and retracted his comments. Attorney Mantzaris indicated that the problem is verifying that the problem is beyond the control of the alarm user and if it is objectively verifiable, he supports Mr. Krupp's idea. A number of excuses to the enforcing authority may lead to little or no fining and the false alarm problem continues. One of the main purposes of this ordinance is to reduce the number of false alarms and to encourage responsible use of alarm systems by our citizens.

Mr. Krupp indicated there is a fine line between enforcing standards and coercion. To simply impose a fine regardless of circumstances, etc. is coercion. To provide some form of saving clause as we have done here and to put at the discretion of the enforcing authority does provide reasonable enforcement.

Mr. Killen felt that the amendment itself carries a great deal of weight and as he reads this, it has to be of "indeterminate cause" and asked if that were the only reason the enforcing authority would be allowed to waive the fine. Mr. Calabrese indicated that this interpretation was "beyond the control of the alarm user."

Vote: (Amendment to Town of Wallingford Alarm Ordinance)
Council members Bergamini, Killen and Rys voted no;
Council members Diana, Holmes, Krupp, Polanski and
Gessert voted aye; motion duly carried.

Vote: (Town of Wallingford Alarm Ordinance)
Unanimous ayes with the exception of Mr. Rys who voted
no; motion duly carried. (EXHIBIT I attached)

Mr. Diana read and Mr. Krupp moved AN ORDINANCE AMENDING SECTION 16(e) OF THE PURCHASING ORDINANCE, NO. 272, ENTITLED "COMPETITIVE BIDDING."

Mr. Holmes seconded the motion.

Mr. Diana indicated this is to sell a great deal of equipment at Parker Farms School which has essentially a value of \$10 per piece and under the current ordinance, those pieces would have to go to sealed bid. These items would be pre-priced and opened up to sale to residents of Wallingford vs. bulk buying by dealers. The safeguards are that any sale of this kind would have to be authorized by the Purchasing Department and the Mayor. The purpose of that is if one of our department heads wanted to sell a set of tools to a good friend, it would have to be advertised and approved by the Mayor's Office and Purchasing Department for items over \$200 in value.

Mr. Killen asked who would set the \$200 or less price tag since he felt that this authority does not lie with the Purchasing Agent under the current ordinance. Attorney Mantzaris felt it would be the best estimate of the department head promoting the sale, with the approval of the Purchasing Agent and the Mayor. Mr. Killen stated that it has always been a part of the Charter that to dispose of any real or personal property, it had to be approved by the Town Council and this has not been touched upon. Such a sale with items of little value could be permitted with a sale such as this with the authority of the Mayor and Purchasing Agent, according to Attorney Mantzaris. Mr. Killen referred to page 12 of the Town Charter.

Mr. Gessert asked if Mr. Killen would like this referred back to the Ordinance Committee to address his questions and Mr. Killen was surprised that the Purchasing Agent was not at this meeting tonight.

Attorney Mantzaris indicated that the Charter gives the Council the power to sell personal property of the Town of Wallingford. The Council has enacted a purchasing ordinance providing that sales could take place through the Purchasing Agent and asked if Mr. Killen was suggesting that the Council sell the desks and pencil sharpeners, etc. Mr. Killen stated that the approval of something to be sold would have to come before the Council.

Mr. Krupp agreed with Mr. Killen that this is in the Charter but referred to Chapter VII, Section 4, lines 41 and 42, page 19--powers and duties of the Purchasing Agent delegated to him by ordinance. By Charter, the Council can delegate certain responsibilities to the Purchasing Agent and there is a need at this point in time and Mr. Krupp does not think it's unreasonable.

Mr. Killen brought this up in the past that a person on this Council could not bid on anything and the reason given to him was the fact that there was a section in the Charter that took precedence over an ordinance and we are now getting into that same situation again. The Charter says that that power resides in the Town Council and you can't say an ordinance will be passed which will take precedence over the Town Charter since the Town Charter takes precedence over the ordinance. Mr. Krupp indicated that the Charter also provides the power to the Council to delegate to the Purchasing Agent such powers as it feels are appropriate.

Mr. Gessert would like to see this item addressed and feels that the Council should have some say about disposal of town property and who is pricing it and on what basis it is being priced.

Mayor Dickinson referred to the Charter designating power to the Council over every purchase and asked if every purchase which goes through the Purchasing Department must come before the Council for approval and Mr. Gessert indicated it does at budget time. Mayor Dickinson felt it could be interpreted as on a daily basis and that becomes ludicrous and you have to be careful just looking at words and not looking at the mechanics involved.

Mrs. Bergamini felt this issue could be belabored and the purpose of this is just to dispose of the items at Parker Farms and asked how this could be done. Mayor Dickinson felt this could be handled by passing the ordinance the way it is and in the final matter, you have to depend at some point on the judgment of the people who are exercising the powers in the administrative offices.

5/5
Mrs. Bergamini asked if this specific part of the ordinance can be written for this specific sale and put this back on the agenda in 60 days and cancel it out. Alice Smith of 32 William Road suggested listing items with prices which could be brought before the Council for approval and then sold. Mrs. Bergamini felt if a \$50 price was put on a desk and someone offered \$35, it would preclude the sale since permission would be needed from the Town Council to lower the price.

Mayor Dickinson indicated the Council has the power to sell town property within the Charter and he assumes that power would be exercised through a resolution. The issue is personal property contained within the Parker Farms School building and the Mayor's suggestion is to propose a resolution that authorizes the sale by auction or tag sale of the personal property of Parker Farms School and vote that resolution.

Mr. Krupp referred to the word "legacy" and there is no guarantee that situation which is before the Council will not happen again. By providing this as an on-going provision, the Council to some degree foresees the possibility that this can arise again and not put future Councils into the same position of doing the same groping that this Council is going through right now.

Mr. Killen stated that you can't very well override an ordinance with a resolution. Mayor Dickinson stated that the ordinance places certain powers in the Office of the Purchasing Agent. Passing a resolution regarding a sale would also be exercised by the Purchasing Office and would not seem to be a conflict with that ordinance. Mr. Killen felt that if an ordinance is going to be by-passed by a resolution, there is no sense in writing the ordinance. He recommended that the Council take the entire Purchasing Ordinance and rework it because it isn't worth the paper it is written on.

Mrs. Bergamini moved to accept this amendment of the Purchasing Ordinance and directed that this amendment be put back on the agenda in 60 days to cancel this amendment out. Mr. Rys seconded the motion.

Vote: (Amendment)
Unanimous ayes with the exception of Messrs. Krupp and Killen who voted no; motion duly carried.

Vote: (Motion on page 8--An Ordinance Amending Section 16(e) of the Purchasing Ordinance, No. 272, Entitled "COMPETITIVE BIDDING.")
Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried. (EXHIBIT II attached)

Mr. Gessert requested that the Council receive a copy of the list detailing items to be sold and anticipated price. Mr. Diana said that the Parker Farms School Committee would inventory the items and he would prepare a list for the Council.

Mr. Gessert moved to Item (5) PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE NO. 149 TO INCREASE THE APPROPRIATION AND PRINCIPAL AMOUNT OF BONDS AND NOTES FROM \$507,500 TO \$529,115 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAID SAID APPROPRIATION and explained that \$21,615 is owed to the State of Connecticut for a municipal project which began in 1972, completed several years ago, and a bill was rendered by the State of Connecticut in excess of what was anticipated.

Mrs. Bergamini asked the Town Attorney if the town must pay the State this money since the State has never paid the town the money owed on the Lyman Hall High School Choral Room and Mr. Myers explained that construction grants which subsidize capital projects, when bonding occurs, the town is not eligible for reimbursement until several things transpire:

- (1) The project must be completed and accepted by the town.
- (2) Permanent financing must be secured at which time the state grant is amortized over the life of the bond, or paid back over the life of the bond issue.
- (3) If the town decides to pay cash for a project and the amount of the state grant is less than \$25,000, at the time the town pays off the project in cash and pays off the temporary notes, the state would pay the town the grant in full. If it is over \$25,000, the state will pay the town the grant over a 5 year period.

At this time, Mr. Myers does not plan to bond the Choral Room project at LHHS and once the Board of Education votes the project as completed and accepted, that will start the clock ticking in which case, when the town pays off the note, the town will be eligible to receive our portion of the grant.

Mr. Krupp moved AN ORDINANCE AMENDING ORDINANCE NO. 149 TO INCREASE THE APPROPRIATION AND PRINCIPAL AMOUNT OF BONDS AND NOTES FROM \$507,500 TO \$529,115 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

Mrs. Bergamini seconded the motion.

Mr. Krupp asked (1) how did this happen and (2) what safeguards are in place to prevent it from happening again?

Mr. Myers indicated he would answer first and then John Costello, Town Engineer, may have some light to shed on this. In Mr. Myers' opinion, he believes that every safeguard is taken in a project that size. With the way the State reacts on the auditing, it could happen on any project and he could not say it would not happen again on another project. There are preliminary engineering estimates and as costs escalate and projects develop, problems are encountered while a project is under construction. Mr. Myers does not think there is any human being who could give an absolute estimate.

Mr. Costello stated that in the 1971-72 budget, there was \$250,000 appropriated to improve South Elm Street, South Colony to Wharton Brook Drive. The first contract from South Colony Road to Pond Hill Road was \$145,000, entirely paid for by town funds. The second contract was installation of a new traffic signal at the intersection of South Colony Road and South Elm Street, part of a topics program. The town's share of the traffic signal was a little over \$16,000. The third contract was the rest of South Elm Street, Pond Hill Road to Wharton Brook Drive. The town took advantage of an urban systems project at the time and the town's share of this phase was 12-1/2% of the total; the town's final share of this contract was a little over \$110,000. The value of the three contracts is \$271,600, or approximately \$21,000 over the original \$250,000 allocation. The most recent contract was completed in 1981 or 1982. The possibility of an overexpenditure was written into the contract that the town signed with the State. On the Toelles Road bridge project, it came out the other way and we had a surplus there of \$23,000.

Mr. Krupp stated that an ordinance was passed which appropriated a specific sum of money; in essence, that was a public document on which a public hearing was held to authorize that expenditure. He is concerned in looking at this if we can go ahead and overexpend the project without any authorization, then any time we pass such an ordinance appropriating funds, what guarantee does the public have that in fact that is the ceiling cost? Would it not be more appropriate to find out that we are going to overexpend these through safeguards before we do it rather than after we do it and have to go back and back fund an overexpended project that occurred 2 to 3 years ago on an outstanding ordinance that is 12 years old.

Mr. Costello indicated that these provisions are written into any any of these contracts in which the town participates with the state and federal government.

Mayor Dickinson stated that regardless of the ordinance, the town is liable; we have a signed contract. Overexpending has to be controlled in this instance by the Engineering Department. The Mayor has spoken with John Costello about making sure when vouchers and plans are approved as they come in, to as much a degree as possible, stay current with the appropriations. If the appropriation isn't enough, then the appropriation should be amended and then have the money to spend later on. Mr. Costello indicated that the only vouchers he sees are the actual construction vouchers and the state also supervises the construction of this project.

Mr. Killen asked about contract one for \$145,000 and asked if the \$21,000 overrun was part of that. Mr. Costello said there was no contract with the State for contract one. The third contract had the \$21,000 overrun.

Mr. Holmes stated that since this is a legal liability of the town, to find fault with what happened years ago is belaboring the issue at hand and the present Engineering Department and administration would not like to see this happen again.

517

Mr. Gessert asked if this situation is likely to happen in the future and Mr. Costello indicated there is a \$23,000 surplus on the Toelles Road bridge project. The other projects which the town has with the state are the railroad crossing projects.

Mr. Krupp asked again what changes in practices have been instituted at this point to prevent it from happening again?

Mr. Costello stated that the time to write in safeguards is when a contract is negotiated with the State. There are elements in a project which Engineering does not see on a monthly basis.

Mr. Jack Winkleman stated he works for the State and there are money things which go into these contracts to protect the State's interest and these problems occur in many towns.

Mr. Killen asked why it was necessary to bond this particular amount and Mr. Myers indicated he did not intend to issue bonds on this particular issue and at the next Town Council meeting, he will have a proposal on funding it. The first step in the chain of events is to amend the ordinance.

Vote: (Ordinance amending Ordinance No. 149)
Unanimous ayes with the exception of Mr. Krupp who voted no; motion duly carried. (Exhibit III attached)

Mrs. Bergamini moved to note for the record financial statements of the Town of Wallingford dated August 31, 1984. Mr. Krupp seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp asked when the financial statements of 6/30/84 would be available and Mr. Myers indicated they are being prepared.

Mr. Krupp moved the appointment of Manuel R. Silvia, Tenant Commissioner, Housing Authority, to fill vacancy created by resignation of Alfred J. Bastien on 4/2/84. Term: 11/1/80 to 10/31/85. Mrs. Bergamini seconded the motion.

Mr. Gessert stated Mr. Silvia was interviewed this evening; he is interested, willing and capable as far as the Council can determine.

Vote: Unanimous ayes; motion duly carried.

Mr. Wayne LeClaire of 14 Martin Avenue requested that Item (18) Discussion of WALLINGFORD EMERGENCY SHELTER be moved to Item (8). The representative from the Governor's Task Force is here and cannot stay too much longer.

Mrs. Bergamini moved to place Item (18) in this position on the agenda, seconded by Mr. Diana and unanimously approved.

Mr. Gessert suggested that discussion be limited due to many items left on the agenda and called a recess which began at 9:40 p.m. and ended at 9:45 p.m.

Mr. Thomas Marano, 11 Calhoun Road, spokesman for Wallingford Emergency Shelter indicated that the Council has received an outline for this plan and that the Governor has a Task Force in effect. Mr. Marano introduced Brad Davis, Co-Chairperson of the Governor's Task Force.

Mr. Brad Davis thanked the Council for the opportunity to speak and stated that he was invited by this group. He has been to many towns to tell folks what is happening with the homeless. A meeting was held with the Governor 8 months ago and it was suggested that a Task Force be formed and it is a myth that the homeless person is a "wino in the street drunk." There are many towns who will not admit that they have a homeless problem. Middletown started with a 16 bed shelter, St. Vincent DePaul, working with the Red Cross, Joan Youngs. A building has been given at Connecticut Valley Hospital which will provide 40 beds through the month of May to St. Vincent DePaul to operate and bring the total to 56 beds. In Hartford, a church was purchased and since 7/17/84, the facility has been full and the majority of homeless are women and children. A home for battered women in Hartford has 20 beds and last year they had 2,500 requests. Waterbury had an underground shelter and on 9/28/84, Waterbury is opening up a 55 bed shelter, St. Vincent DePaul, sponsored by St. Anthony's Church, men's dorm, women's dorm and 5 apartments for families. Also, they are being helped out by the Red Cross and the Salvation Army in that area. Mr. Davis is sure that if a shelter is provided in Wallingford, your eyes will be opened.

Mr. Davis indicated there is a \$350,000 flat grant that Department of Income Maintenance is providing to shelters who have contracts with towns. Up to \$100 per bed would be provided for a shelter; \$14 per day reimbursable 90% by the state, 10% by the town. This is not a conservative or liberal issue but a human issue. There are people who will help and the problem will not go away by ignoring it.

Mr. Marano introduced State Representative Mary Mushinsky who distributed copies of the existing Shelter Law. Mary is aware of the need for a shelter and stated that a man of about 50 years slept on the rug in the foyer of her apartment building last winter. There was someone sleeping on the bench at the railroad station during the cold and she was told that he lost his toes from frostbite. Mary most often receives calls from single mothers with children, a situation which is hardest to find shelter for. Public Act 83-532 authorizes the Department of Human Resources to make grants to develop and maintain programs for shelters. Payments will be made to the town in a quarterly lump sum. Public Act 84-471 says that until 6/30/85, Department of Income Maintenance will hand out up to \$350,000 for shelter programs. The contract must be approved by DIM before payments are made. Public Act 84-159 changed the limit from 14 days to 56 nights per calendar year.

Mr. Marano said the rules were followed which Manchester, CT uses since they have been in operation 2 full years with very good luck. Walter Johnson, Chairperson of the Manchester Conference of Churches Advisory Committee for the Homeless Shelter indicated Manchester is starting their 3rd in operation on 10/1/84. The first two years of operation were in a town owned building with about 150 volunteers and has been very successful.

Mr. Walter Johnson stated that homeless are located in all cities and towns, 1.5 million to 3.0 million nationwide, 4,000 in Connecticut. Manchester operated for 176 days last year and serviced 145 different people, about 12 per night. Over 74% of the client nights were Manchester residents and more than half of all clients were from Manchester, ages ranging from 14 through 70. Keeping children under 16 is against the law and they are living on the streets, all alone. There were 83% males, 17% females, average number of nights per client just under 14; only 20 persons stayed more than 30 nights. Manchester used a town school building, used for recreation in the evening and the only problem experienced was one-half hour overlap with the Rec Department and there was a conflict on the use of the locker room facility. There would have been no problems other than shared usage of the locker room facility. The shelter operated from 10:00 p.m. to 7:00 a.m. and the school was in use during the day. Principal users were residents and neighborhood problems almost negligible; most of the homeless have problems and don't have places to stay.

Mr. Marano introduced Janet Smith who grew up in Wallingford and her parents moved to Florida and through a series of bad luck situations, she wound up in Wallingford, homeless. Ms. Smith arrived in Wallingford a month ago with her son and the churches could not help and the Soup Kitchen advised her to try Welfare who could not help until she became a resident. She had a part-time job and after calling Red Cross twice, they couldn't help either and she got very little moral support. One of the churches found a place for her for two weeks and then she got off on her own. She feels a shelter like this is needed here.

Mr. Marano would like two Council members to serve on the Board for direct input on the running of the shelter and they will be directly responsible to the Council, in the sphere of control of the Council. They have been advised to incorporate as a group so if any legal problems arose, the corporation would be sued, not the Council. Another advantage is that they would get their own liability insurance and the town would not have to fund that. 519

Mr. Marano indicated that they are not looking to use Robert Earley School because of the Before and After School Program there but are looking for a place downtown not in a residential area which is underutilized right now.

Mr. Krupp stated that this item will have to come back before the Council again once a site is proposed since the Robert Earley cannot be used. He has no problem with the idea of a shelter but does have two concerns. The first is a question of legal liability from an insurance standpoint and Mr. Krupp quoted from an opinion rendered by Assistant Town Attorney Mantzaris who is here this evening. "From a review of the summary of a meeting of the Wallingford Emergency Shelter task force and of the proposed rules and regulations which will govern the operation of the shelter, I take it that the shelter will not be an agency of the Town (i.e., it will be staffed by volunteers and will be incorporated.) In such context, the liability of the Town would be that of any landlord who rents premises for use by others, to wit: the Town would be liable for any injuries sustained by persons using or running the shelter caused by some defect in the structure of the building which only the landlord could be expected to repair (i.e. a hole in the floor, a broken step) and for injuries caused by a violation of any building, fire or health code pertaining to premises where persons are expected to be housed."

Mr. Krupp indicated that this must be taken into careful consideration, what state of repair exists with a facility, and also the degree of liability the town is willing to accept. The question of transients may have been addressed but the fact that comes into play is that Manchester is immediately adjacent to Hartford which has its own shelters. Wallingford is immediately adjacent to Meriden and it is not known if Meriden has a shelter. Mr. Krupp is told that notice of shelters go up in every truck stop in the state as soon as they are generated.

Mr. Krupp would like to see some clarification of a facility proposal at this point and perhaps an examination of what the exposures are from a liability standpoint.

Mr. Gessert pointed out that a young person fell through a skylight at Robert Earley and the Town of Wallingford was sued for \$1,000,000 because they were negligent in not putting a fence around the skylight and he is concerned about liability.

Mr. Ed Makepeace, 50 George Washington Trail is concerned about cost, liability and the type of people this facility will draw. There are motels in town and they are not too costly. Since the churches are strongly urging a shelter, church basements should be volunteered, rotating on a monthly basis. If a subsequent need is proven, then perhaps the town could consider it.

Mary Lou Krawczyk, LPN, Wallingford has seen people living out of trash cans in town and has taken homeless to her house where she has clothed and fed them, taken them to the Police Station where they have been put up in the Town House Motel for 3 days, and then back to the streets. The town has a moral and social obligation to help poor people in trouble. Mr. Gessert pointed out that the State of Connecticut is not living up to its responsibility when people from institutions are simply dumped in the street without being trained to live in society.

Alice Smith, Executive Director of the American Red Cross is sorry Janet Smith said some of the things she did because they were not quite true. There is free clothing for anyone who needs it, food for anyone who has to go into a garbage can. Red Cross has 24 hour coverage. Salvation Army also helps. The last fiscal year, 39 people were put up and one man had been helped 3 or 4 times and was not welcome in any motel because he had abused the privilege. 10% were Wallingford people, 11 out of those 39 and 28 were transients. It cost \$1,600, Salvation Army and Red Cross money. The churches contributed \$352. Janet Smith was not on the street for 1 night. Sister Pat in Middletown said the cost of the shelter in Middletown for 1 year was \$100,000 and it is just not economically feasible to spend that kind of money for a problem that cost \$1,600.

500 Mr. Brad Davis said that the shelter church in Hartford cost \$500,000 but this money was raised and it did not cost the city or state a penny. In Waterbury \$190,000 was raised for the shelter.

Mr. Marano only wants to establish a pilot program to test the need. Red Cross puts people up for 3 days and this does not provide a homeless person much time to get their act going again and the shelter wants to pick up where the Red Cross leaves off. They also want to act as a referral service to help people get their lives back together again. This is a town problem, not a church problem, and the churches are willing to run it and staff it and raise money. Also a contract would be entered into with the Town to allow application for state money. The group would like space, a contract and a liaison between the Council and the committee to work together to determine if there is a need.

Mrs. Bergamini felt if we had a Sister Pat, she would feel more comfortable with this. Once the Council enters into such a contract, the responsibility will be with the Council. Where does it stop? The visiting nurses are subsidized, day care centers are helped, senior citizens, etc. The taxpayers out there are not all in this predicament and they are trying to raise children and educate them and the money comes from them. The responsibility with a situation such as this is horrendous. Mrs. Bergamini will never forget the \$1,000,000 Robert Earley lawsuit. The Council is being asked to take on a tremendous financial responsibility. The Red Cross has done a great deal in town and this is one more thing that the town cannot handle.

Mr. Diana referred to the 3 days someone was put up at a motel and suggested that after 3 days, 3 weeks or 3 months, unless there are support systems to give guidance, they will be back on the streets. What exactly is being planned in this direction?

Mr. Marano indicated they want to work with the social service agencies in town such as welfare and Red Cross and whatever counseling services are available. A daily log will be kept and the director will refer these people to the proper agency since some don't know which agency to go to. By no means is it implied that the Red Cross or Welfare is not willing to help but this will make their job easier.

Mr. Diana asked Mr. Marano what he would have done in the case of Janet Smith and Mr. Marano indicated she would have been referred to an agency other than Welfare since she was not a town resident. Alice Smith of the Red Cross spoke with Frank Francesconi who indicated that Ms. Smith was making too much money to be allowed town welfare and she was also making more than State Welfare allowed; she was making more than \$383 a month. Mr. Diana felt that \$383 per month was an inadequate sum to live on.

Mr. Krupp stated that he hoped the Council was not being asked to take action on this item this evening because there are items in the guidelines which require some revision and there is the question of a contract and it would be appropriate for the Council to review this contract, its terms and conditions, and it should be reviewed by the Town Attorney's Office in terms of propriety and in terms of the exposure the town might have. Mr. Krupp is not against the concept since the Council is here to serve the people if they can reasonably do so but by the same token, the Council is here to serve the people in terms of protecting their interests as well. Without the legal documentation in front of the Council for evaluation, it would be inappropriate to make any firm decision at this point in time.

Mr. Holmes reiterated what Mr. Krupp said and indicated that the Council did not wish to turn people to living in the streets. It has been stated there is a need and this program will be a pilot program. Has the possibility been explored of running this pilot program privately for the first year to determine the exact need?

Mr. Marano indicated that there would still need to be a contract with the Town Council to receive state money and in order to run this privately, a shelter must be purchased or rented and that would involve raising a lot of money, especially if the place needed renovation. It is felt it would take a year to raise that kind of money just to determine need. A town building could be run this winter to establish whether or not there is a need. The group would like to work directly with the Council to draw up a contract and would like a Council liaison.

Attorney Mantzaris asked how the problem of zoning has been addressed in other communities since there are certain zones which would not permit a shelter and asked if this was addressed through religious agencies. Mr. Walter Johnson of Manchester indicated they are in a town building with a town variance and there are no regulations addressing shelters, per se. If a town owns a building, municipal use is allowable in certain zones in a town and you can also qualify as a hotel in some of those same zones, according to Mr. Walter Johnson. Manchester runs its shelter as a private, non-profit organization. 521

Reverend Craig Spooner stated that Miss Bush of Planning & Zoning told them they would have to submit a notice to Planning & Zoning with an application of what is planned which could be handled routinely, depending on the zone.

Mr. Brian McGowan, 8 Lost Brook Lane sees a great need for such a facility in town and suggested a 5 month pilot program, from October to March. He suggested the unoccupied Armory and a review of the liability involved by the Town Attorney's Office.

Mr. Edward Musso did not feel it is the town's responsibility to institute such a shelter since there are no homeless in Wallingford and once started, people will come from all over.

Mr. Gessert asked Mr. Thomas Marano to forward any legal documentation to the Town Attorney's Office for review and an opinion. Mr. Steven Holmes agreed to act as Council liaison to the Wallingford Emergency Shelter Committee. There was no vote taken on this item this evening since it was for discussion purposes only.

Mr. Gessert stated that Item (8) has been removed. Mr. LeClaire was willing to serve on the Regional Planning Agency but the agency is about to disband and he will wait until they regroup.

Mr. Gessert moved to Item (9) and asked Mr. Shepardson where the parking lot would be expanded and Mr. Shepardson indicated it is a right of way, between 134 and 130 South Elm, a 50 foot right of way, to allow parking for 30 to 40 cars. Neighbors have been notified and were assured that the area they currently are using will not be affected.

Mr. Gessert stated that he would rather see the band stand sold and not demolished and asked that this item be voted separately. Mayor Dickinson asked Steve Deak if the band stand could be moved and Mr. Deak felt it could not be transported.

Mr. Krupp moved to remove from the table the item authorizing demolition of band stand at Doolittle Park and construction of parking lot in southern portion of Doolittle Park. This motion was seconded by Mrs. Bergamini.

Vote: Unanimous ayes with the exception of Messrs. Diana and Holmes who were not present for the vote; motion duly carried.

Mr. Krupp moved approval of construction of a parking lot in the southern portion of Doolittle Park, seconded by Mr. Polanski.

Mr. Killen asked if Public Works had money in their budget for this project and Mr. Shepardson stated it would simply be processed stone. Mr. Killen indicated that man hours would be taken away from other projects and wondered how all the town work would be done. Mr. Rys asked if the stretch of property near the brick building (ice house) were considered for parking and Mr. Shepardson indicated this is the area being discussed.

Vote: Council members Bergamini and Killen voted no; Krupp, Polanski, Rys and Gessert voted aye; Messrs. Diana and Holmes were not present for the vote; the motion did not carry.

Mrs. Bergamini indicated that she did not wish to take any more of the Public Works men for other projects since they had enough town work to complete.

Mayor Dickinson stated that the work can be done at a later date and there has been a serious parking problem on Henry Street and Wall Street which has been a constant controversy with complaints by the neighbors. Mr. Killen pointed out that Mr. Shepardson's letter of 8/9/84 indicated that this project would be started as soon as possible, if approved.

620 Mr. Shepardson suggested that the Council authorize this work to be done in the spring with their vote. Mayor Dickinson told the Council that Mr. Deak does not have a problem with this project and supports it. Mr. Gessert felt that the Public Works workload is too heavy and does not want to see other projects dropped to complete this. Mayor Dickinson wanted the Council aware of a serious neighborhood problem on Wall and Henry Streets. Mr. Killen felt that the problem would not be solved with additional parking for 30 or 40 cars with the use Doolittle Park gets. Mayor Dickinson suggested that this may go out to contract rather than have Public Works perform the work.

Mr. Rys indicated that the brick building at Doolittle Park is in a state of deterioration and he would like to see it maintained. Mr. Killen is appalled at the vandalism and stated the town is paying more to repair acts of vandalism than the potential use of the structure. Mr. Shepardson suggested making one large room for a playground program and then it can be secured. Obstructing shrubbery was removed and once the band stand is removed, a clear view of the brick building will exist and hopefully, vandalism will decrease.

Mr. Polanski moved to put the band stand up for sale to the highest public bidder and if no bidder comes forward, the building will be demolished. The bidder will be required to remove the band stand from the premises within 30 days.

Mr. Holmes seconded the motion.

Mr. Holmes stated that it behooves the Council to prevent accessibility to this structure since the town would be responsible for injuries.

Mrs. Bergamini suggested approaching the Jaycees for help to put the building in order and Mr. Shepardson feels the brick building can be saved.

Vote: Council members Bergamini, Holmes, Killen, Polanski and Gessert voted aye; Diana and Rys voted no; Mr. Krupp was not present for the vote; motion duly carried.

Mr. Edward Musso indicated he was interested in the band stand and Mrs. Bergamini suggested he research the cost to move it.

Mr. Rys moved a transfer of \$352 from 201P-195 to 201P-481, Police Department, seconded by Mrs. Bergamini.

Mr. Rys asked about the Degree Allowance and Chief Bevan indicated that one person entitled to this left the employ of the department prior to the receiving date and therefore he was not entitled to it. Mr. Killen pointed out that this transfer pertains to last year's budget.

Mr. Polanski asked how many vacancies currently existed in the Police Department and Chief Bevan indicated that a man must take a physical for Mr. Massaro's position and they will be up to staff but on 9/30/84, another person will retire.

Mr. Killen doesn't understand how there is an account number for this transfer since it was not budgeted for at the beginning of the year and Mr. Myers explained that there is a -0- appropriation for 201P-481 but it was in the budget book for the funding of that rally. Mr. Killen stated that unless you have new monies coming in from someplace else, you cannot make an additional appropriation. Mr. Myers explained that he understands Mr. Killen's position and also understands the position of the department head. These budgets are in some way restrictive because the number of accounts allowed over the years has grown more and more and become very limited as to what the expenditures can be used for. If there were a broader account structure, this could be paid for out of an account other than KKK Rally but due to such a definitive account structure, there is no choice other than to keep recreating these specific line item accounts.

Mr. Killen stated that Invoice #6127 was dated 4/18/84 and should have been taken care of during the 1983-84 fiscal year and Mr. Myers stated that Chief Bevan did not receive the bill until 8/23/84 since it was not rendered by the serving agency until then. Mr. Killen felt some money should have put aside and Chief Bevan indicated that the bill was sent to the Town Attorney's Office first and then sent to him for payment.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Krupp moved an appropriation of \$1,750 from 805-319 to 130-602, requested by Mayor Dickinson for Miscellaneous Fact Finding. Mrs. Bergamini seconded the motion.

Mr. Killen asked why this particular amount and Mayor Dickinson stated that the total amount is based upon an estimate and the letter dated 9/18/84 from the Mayor indicates what the possibilities are and there are 7 other items that may occur during this fiscal year. It is impossible to tell on either fact finding, mediation or arbitration how often meetings will be held and for all of those, by statute, there is an obligation to pay for all or a portion of services. The Mayor estimates that approximately \$700 will be left after payment of the current bill and after payment of the bill expected to be received from the police arbitration. That \$700 isn't a lot of money considering the number of items that may come up; they may not go to fact finding and the money will not be necessary, but they may go to fact finding. Mr. Killen asked about Mr. Powers' bill and Mayor Dickinson indicated that is what he is talking about. (Mr. Diana left the meeting due to a business commitment in the morning.)

Vote: Unanimous ayes with the exception of Mr. Diana who left the meeting; motion duly carried.

Mr. Holmes moved approval of lease renewal at Simpson School for the Visiting Nurse Association of Wallingford, Inc. Mr. Krupp seconded the motion. (MOTION WITHDRAWN ON PAGE 23)

Mr. Killen found it hard to believe that nobody was present from the VNA for this item.

Mr. Krupp noted that 30 days notice was provided since the letter dated by VNA was dated 4/9/84 and received on 4/11/84. Mr. Krupp quoted Item 11 in the contract, "This Agreement may be extended for a further five (5) year period upon notice to the Town by the VNA that the VNA wishes to extend said Agreement, which notice shall be received not later than thirty (30) days prior to the termination of this Agreement."

If in fact they have provided the necessary notice and indicated their desire to renew the contract, the renewal date of this contract has already passed at this point in time. Is not this lease now in effect for another five year period? Attorney Mantzaris pointed out that the agreement began 15 March 1979 and notification should have been given 30 days prior to 15 March 1984. Mr. Krupp asked what they have been operating on and Mayor Dickinson indicated it has been a month to month tenancy. Mr. Krupp pointed out that the lease copy the Council received has no date on it and Attorney Mantzaris indicated the copy in the Town Attorney's Office is dated 15 March 1979.

Mr. Krupp asked if it would be possible to amend the lease before considering it for renewal to provide an escape clause in the event that the Simpson building is sold or otherwise disposed of by providing a reasonable period of notice to terminate the lease. Attorney Mantzaris indicated there is no lease now and you would enter into a brand new lease.

Mr. Krupp stated he would like to strike clause 11 and substitute an escape clause in its place regarding termination of the lease by the town. Mayor Dickinson suggested allowing the option of a five year lease and include a provision that upon 6 months notice, the lease can be cancelled by the town. Mr. Krupp is opposed to allowing something to happen by default which will impact another Council 5 years down the road and he would prefer to have the lease renewal occur as the result of positive action than as the result of neglect. He is not opposed to the five year lease but is opposed to it becoming an automatic situation since this letter was received in April and the Council is seeing it in September. Had the necessary 30 days notice been received, the lease would have already been negotiated and Mr. Krupp does not like the default clause in there. He would prefer to see something substituted to the effect that the town may dispose of the building at its discretion provided 6 months notice be given to VNA, thereby terminating the terms of the lease upon such notice or whatever legal language is appropriate.

524 Mr. Gessert agreed that no flexibility is provided in the current lease and this should be considered.

Mr. Killen suggested getting a document stating the condition of the roof and furnace at this time before this item is voted upon. Mrs. Bergamini asked if the two stairways in clause 6 were provided. Attorney Mantzaris suggested that this item be tabled for the time being.

Mr. Holmes withdrew his motion on page 22 and Mrs. Bergamini withdrew her second.

Mr. Krupp moved to table lease renewal at Simpson School which was requested by the Visiting Nurse Association of Wallingford, Inc. Mrs. Bergamini seconded the motion.

Vote: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

Mr. Gessert asked Mayor Dickinson to have Mr. Deak verify the condition of the roof, boiler, and other structures at Simpson School.

Mr. Krupp moved to waive the bidding process for Supervisory Control and Data Acquisition System (SCADA) requested by the Electric Division for the North Wallingford Substation Project. Mrs. Bergamini seconded the motion.

Mr. Killen asked if this money was coming from the capital budget and Mr. Walters responded that it was.

Vote: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

Mr. Gessert moved to Item (14) and read a portion of Mr. Walters' letter dated 9/11/84 and noted that the Electric Division would like to hire this engineer in the near future.

Mrs. Bergamini moved a budget amendment to personnel detail from \$12,241 to \$18,181, Electric Division, seconded by Mr. Polanski.

Mr. Krupp felt there should be a line item account involved since there is a salary line item within the Electric Division and asked where the \$6,060 is coming from and Mr. Killen asked for it to come from specific lines. Mr. Walters commented that he could not tell you today what a lineman will be working on a month from now and it is the same sort of thing with this engineer. Mr. Walters could not tell exactly what accounts the engineer will be working in and this amendment is just to allow some flexibility; it may be November 1 or 15 before he is hired. Mr. Walters indicated that to say he will be assigned to a particular project in A/C 364 or 365 is not possible now. Mr. Killen stated that the Electric Division has it both ways since the \$500,000 in the 360 group is intact. Mr. Walters indicated that those accounts cover both labor and material and it just means less spent on material and more on labor. Mr. Gessert asked Mr. Walters if he would like to select some accounts and Mr. Walters indicated it would just be a guess at this point.

Mr. Krupp indicated that this \$6,060 must be going somewhere in the line item labor account and Mr. Walters explained that it goes to a variety of accounts; it could all go to one or it could go to 6 different accounts. The money is there and it is just a question of whether it will go for material or labor.

Vote: Council members Bergamini, Holmes, Polanski and Rys voted aye; Messrs. Killen and Gessert voted no; ** Mr. Krupp passed and Mr. Diana was not present; the motion did not carry.

Mr. Gessert indicated that account numbers should be provided and Mr. Killen is absolutely right. Mr. Walters stated this is not a transfer. Mayor Dickinson indicated that this is nothing new in the way these accounts are set up and this has always been the procedure with enterprise accounting. Mr. Myers indicated that historically, this mixture has been allowed and Mr. Gessert would like to see this procedure changed. Mr. Myers stated that this would be looked at in light of the whole utility question. Mr. Krupp wasn't sure what the Council was being asked to vote upon and Mr. Walters explained that it was to allow hiring at an earlier date because he only budgeted for 6 months when he prepared the budget and he attempted to explain that in his letter dated 9/11/84. 525

Mr. Killen pointed out that in the 9/11/84 letter, it is indicated that funds are available in accounts in the 360 group for this amendment and Mr. Killen asked where in these accounts the money will specifically come from. Mr. Walters explained again that this money covers wire, transformers, poles, conductors, etc. and also includes the labor of putting it in place and the labor of engineering it which this individual would do and this is just a reallocation of that same money. Mayor Dickinson explained that the employee accounts are not funded in the way the other town departments are and the salaries come out of any one of those accounts in any amount, depending upon the work being done and this has been performed in this manner since establishment of the utility.

**Mr. Gessert changed his vote to yes and the motion carried.

Mr. Krupp moved to note for the record the financial statements of the Electric, Water and Sewer Divisions for the month ended 8/31/84. This motion was seconded by Mr. Rys.

Vote: Unanimous ayes with the exception of Mr. Diana who was not present for the vote; motion duly carried.

Mr. Krupp moved an appropriation of \$1,200 from 805-319 to 798-205 Transportation Allowance - Electrical Inspector. Mrs. Bergamini seconded the motion.

Mr. Rys pointed out that A/C 205-110 under the Building Department contains \$1,500 for Electrical and Housing Code Salary and asked what this sum is for since no money has been removed from this account. Mr. Myers explained that this \$1,500 is paid quarterly to the Building Inspector who serves as the Housing Code Enforcement Administrator who is in effect the department head for the Housing Code Enforcement Program and as such, he receives \$1,500 per year for these additional duties, besides his normal salary. Mrs. Bergamini pointed out that there is no Housing Code Enforcement Officer to supervise. Mr. Rys asked if this money was going to be utilized and Mr. Myers explained that it is paid to Carmen Spiteri every three months and there is an authorized payroll voucher from the Personnel Department. Mr. Rys asked if this job was being performed and Mr. Spiteri indicated he certainly was and if the Council wishes, they could remove this function from his department. Mrs. Bergamini asked if this money must come from Contingency and Mr. Myers commented that Mr. Spiteri has a very small budget and there is nothing available there. Mr. Killen asked why this money was not put in the budget and Mr. Spiteri explained that money was appropriated for a full time Electrical Inspector and Mr. Spiteri assumed a full time person would receive a car and not a mileage allowance. Mr. Killen pointed out that there are funds available in the salary account since a part time person was hired rather than a full time person and Mr. Myers stated that based on the old legal opinion on use of contingency funds, he did not think this money could be released for a transportation allowance since it is not part of his salary. Mr. Killen suggested that everything be put in its proper order with these matters and Mr. Myers said he would do whatever the Town Council would like.

Vote: Unanimous ayes with the exception of Mr. Rys who voted no and Mr. Diana who was not present; motion duly carried.

Mr. Gessert read Mayor Dickinson's letter of 9/18/84 pertaining to job specifications for the position of Accountant.

Mrs. Bergamini moved acceptance of the job specifications for the position of Accountant, seconded by Mr. Holmes.

Mr. Myers explained that this job description was written with Mr. Seadale and it was written to be used in more applications than just the Comptroller's Office. Mr. Killen referred to the word "routing" working papers on line 4 of the job description and Mr. Myers noted that the word should be "routine" and this is a typographical error.

Mr. Krupp is not happy that a degree in accounting is not being made mandatory since even the National Association of Accountants has established that as a minimum standard for joining that organization. Is Mr. Myers satisfied with this description of experience and training?

Mr. Myers stated he was satisfied with this description and will be looking for someone with a degree in accounting and it is his understanding that under the Equal Opportunities for Employment that this language should be present and Mr. Seadale feels strongly about it protecting the Town. There is no substitute for a degree in accounting since this is a very specific area.

Mrs. Bergamini felt that the phrase "OR any equivalent combination of the above experience and training substituting one year of college training for one year of the required experience" should be stricken from the job description.

Mr. Myers explained that the funds are in contingency and he would not request the funds until he is ready to fill the position.

Mrs. Bergamini moved to amend the job description for Accountant by deleting the phrase "OR any equivalent combination of the above experience and training substituting one year of college training for one year of the required experience." Mr. Killen seconded the motion.

Vote: (Amendment) Unanimous ayes with the exception of Messrs. Holmes and Krupp who voted no; Mr. Diana who was not present; motion duly carried.

Vote: (Job specifications for position of Accountant, as amended) Unanimous ayes with the exception of Mr. Krupp who voted no and Mr. Diana who was not present; motion duly carried.

Mr. Killen moved to amend the Town Council meeting minutes dated 9/11/84 by deleting "to appoint Edward T. Lynch, Jr." and corrected the motion to read "Mr. Krupp moved to waive the bidding procedures to appoint Labor Relations Negotiator, seconded by Mr. Rys."

Mr. Krupp moved to accept the Town Council meeting minutes dated 9/11/84, as amended. Mrs. Bergamini seconded the motion.

Vote: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

Mr. Krupp moved to waive Rule V for the purpose of appointing someone to the ORFA Committee to fill the vacancy created by the resignation of Robert F. Parisi and to extend 60 days to the Robert Earley Disposition Committee to complete its report. Mrs. Bergamini seconded the motion.

Vote: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

Mr. Gessert would like to have Ray Rys fill the vacancy on the ORFA Committee and made this motion which was seconded by Mrs. Bergamini.

Vote: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

Mrs. Bergamini moved to extend the deadline for 60 days for the Robert Earley Disposition Committee to submit its report to the Town Council. Mr. Krupp seconded the motion. 527

Vote: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

Mr. Gessert noted for the record the correspondence from First United Methodist Church, Mr. Robert W. Cameron, and attached resolution and suggested that if a Council member wished to place this resolution on a future agenda, it would be considered at that time.

Mr. Gessert indicated he would like the full Council present for a meeting with the Board of Education on October 4, 1984 to discuss the results of the survey taken by the Drug and Alcohol Abuse Task Force.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:50 p.m.

Delores B. Fetta
Council Secretary

Approved


David A. Gessert, Council Chairman

October 9, 1984

Date

October 9, 1984

Date

TOWN OF WALLINGFORD ALARM ORDINANCE

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

1. PURPOSE

To provide minimum standards and regulations applicable to users of burglar, fire, hold-up and automatic telephone dialer alarms; and to promote the responsible use of alarm systems in Wallingford.

2. DEFINITIONS

- A. Alarm System means an assembly of equipment and devices, or a single device, arranged to signal the presence of a hazard requiring urgent attention and to which police or fire department personnel are expected to respond. Excluded from this definition are smoke detectors which do not signal outside the alarmed premises and alarm systems on motor vehicles.
- B. Alarm User means any person, firm or corporation on whose premises any alarm system is maintained.
- C. Automatic Telephone Dialing Alarm means an alarm system which automatically sends over regular telephone lines a prerecorded voice message or coded signal indicating the existence of the emergency situation the alarm system is designed to detect.
- D. False Alarm means the activation of an alarm system to which the police or fire department responds and which is not caused by a criminal act, fire or other emergency, but does not mean the activation of an alarm caused by circumstances normally attributed to Acts of God.

588
3. REGISTRATION

Any person, firm or corporation wishing to install an alarm system on his, their or its premises shall register with the Wallingford Police Department at least ten (10) days prior to anticipated installation. All existing alarm systems shall be registered with the Wallingford Police Department within sixty (60) days of the effective date of this ordinance.

4. GENERAL PROVISIONS

- A. No person, firm or corporation shall install an automatic telephone dialing alarm terminating at the Wallingford Police or Fire Departments and automatic dialing alarm systems in existence on the effective date of this ordinance, which terminate at the Wallingford Police or Fire Departments, shall be disconnected within sixty (60) days of the effective date of this ordinance, except as hereafter provided. The Wallingford Police Department may provide a special telephone number to which such alarm systems shall be programmed and the cost of providing such special telephone number shall be paid for by the users thereof.
- B. No alarm system which produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of thirty (30) minutes.
- C. Any person, firm or corporation using the type of alarm system commonly known as a "hold-up alarm" shall comply with any special procedures set forth by the Chief of Police.
- D. No fine or other charge shall be imposed on any alarm user for the first six (6) false alarms within any one calendar year, but for each false alarm thereafter, a fine shall be imposed in accordance with this ordinance. Each separate premises of an alarm user, distinguished by a different street address and by a different deed of title, shall be entitled to said (6) false alarm exemption.
- E. An alarm user shall be notified after the third false alarm recorded during any one calendar year so that corrective steps may be taken to eliminate the false alarm signals.
- F. The registration of an alarm user's alarm system may be suspended by the Chief of Police if, during any one calendar year, said system has generated twelve (12) or more false alarms and no verifiable effort has been made by the alarm user to eliminate the false alarm signals.

5. VIOLATION AND PENALTIES

- A. Any alarm user shall be fined \$35.00 for the seventh and subsequent false alarms transmitted within any one calendar year.

AMENDMENT - Add to Section 5.A:

Such fine may be waived or suspended at the discretion of the enforcing authority if the cause of the false alarms is beyond the control of the alarm user and/or if said user demonstrates a cooperative effort to resolve a recurring problem of indeterminate cause; provided, however, that such waiver or suspension of fine shall not preclude suspension as provided in Section 4.F if such recurring false alarms continue to present a public nuisance.

- B. Any alarm user shall be fined \$100.00 for any of the following:

- (1) failure to register an alarm system;
- (2) use of an automatic telephone dialing alarm system in violation of Section 4A of this ordinance;
- (3) use of an exterior audible alarm system in violation of Section 4B of this ordinance;
- (4) failure to disconnect an alarm system upon suspension of the system's registration.

- C. Fines shall be payable within ten (10) days after receipt of a bill from the Wallingford Police Department.

6. EXCEPTIONS

This ordinance shall not apply to alarm systems owned or controlled by the Town of Wallingford, including the Board of Education, the State of Connecticut or the United States of America.

529

I HEREBY CERTIFY that the Town of Wallingford Alarm 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. RASCATI, Town Clerk

APPROVED: William W. Dickinson, Jr., Mayor

Date _____

AN ORDINANCE AMENDING SECTION 16(e) OF THE PURCHASING ORDINANCE, NO. 272, ENTITLED "COMPETITIVE BIDDING"

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

Section 16(e) of the Purchasing Ordinance, No. 272, entitled "Competitive Bidding" is repealed and the following Section 16(e) is hereby substituted in lieu thereof:

Section 16. Transfer or Sell Supplies

(e) Methods of Sales: Sales under this Section shall be made by one or more of the following methods: (1) to the highest responsible bidder in conformance with Section 12 hereof; (2) by predetermined price tags, but only for items with a fair market value of less than \$200.00; (3) by public auction. Sales by predetermined pricing or by public auction shall be advertised in a newspaper having a circulation in the Town at least ten (10) days prior to the sale.

AN ORDINANCE AMENDING ORDINANCE NO. 149 TO INCREASE THE APPROPRIATION AND PRINCIPAL AMOUNT OF BONDS AND NOTES FROM \$507,500 TO \$529,115 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

Be it Enacted by the Town Council in Session:

I.

The additional sum of \$21,615 is necessary to complete the municipal capital improvement of the reconstruction of South Elm Street as contained in Ordinance No. 149.

II.

The Town of Wallingford increase the amount of bonds and notes authorized to be issued in accordance with Ordinance No. 149 from \$507,500 to \$529,115 to defray the additional \$21,615 appropriated in Paragraph I, that Section "II" of Ordinance No. 149 be repealed and Sections III, IV and V of the present ordinance be incorporated therein as Sections II, III and IV of Ordinance No. 149.

III.

To meet said appropriation, not more than Five Hundred Twenty-nine Thousand One Hundred Fifteen (\$529,115) Dollars 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.

527

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. 149 TO INCREASE THE APPROPRIATION AND PRINCIPAL AMOUNT OF BONDS AND NOTES FROM \$507,500 TO \$529,115 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 Five Hundred Twenty-nine Thousand One Hundred Fifteen (\$529,115) Dollars, 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, and any other legislation regarding the extension of temporary periods whether presently in effect or enacted subsequent to the passage of this ordinance, 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.