

Summary of Special Town Council Meeting Minutes
August 15, 1985

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Roll Call	1
Brought up Items 2, 3 and 4 on the agenda	1
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Noted for the record the minutes of the Ordinance Committee Meeting of August 7, 1985.	1
Waived the bidding procedure for codification which allows the Town of Wallingford to compile and publish its "ordinances and special acts" as a single document.	1-3
Authorized the Town Attorney to pursue and appeal to the decision by Judge Susco regarding the recall of the Board of Education.	3-11
Mr. Krupp's statement regarding the recall issue.	4
Discussion to override disapproval of Sale of Taber House by the Planning and Zoning Commission.	12-20
Meeting Adjourned	21
August 7, 1985 minutes for the Ordinance Committee	Exhibit I Page 1&2



TOWN COUNCIL

Town of Wallingford, Connecticut

MUNICIPAL BUILDING WALLINGFORD, CONNECTICUT 06492

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

August 10, 1985

SPECIAL TOWN COUNCIL MEETING

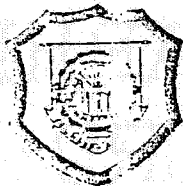
There will be a special Town Council Meeting on Thursday, August 15, 1985 at 7:30 p.m. in the Council Chambers, for the purpose of:

- (1) Approve taking an appeal on the Board of Education Recall Case.
- (2) Set a public Hearing Date for the ordinance proposal titled "AN ORDINANCE PROHIBITING THE DISTRIBUTION AND DISPLAY OF PORNOGRAPHIC MATTER TO MINORS WITHIN THE TOWN OF WALLINGFORD." requested by Councilman James A.G. Krupp.
- (3) Note for the record the attached minutes of the Ordinance Committee meeting of August 7, 1985, as requested by Councilman James A.G. Krupp.
- (4) Waive bidding procedure for codification which allows the Town of Wallingford to compile and publish its "ordinances and special acts" as a single document, as requested by Councilman James A.G. Krupp.

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ADDENDUM

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SPECIAL TOWN COUNCIL MEETING

AUGUST 15, 1985

- (5) Override Disapproval of Sale of Taber House by the Planning and Zoning Commission

Special Town Council Meeting

August 15, 1985

7:30 p.m.

A special meeting of the Wallingford Town Council was held in Council Chambers on this date. Chairman David A. Gessert called the meeting to order at 7:35 p.m. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Gessert, Holmes, Killen, Krupp, Papale, Polanski, and Rys. Also present were Town Attorney Vincent T. McManus, Jr., and Thomas A. Myers, Comptroller. Mayor William W. Dickinson, Jr. was on vacation.

Chairman Gessert then thanked everyone for attending this special meeting and noted that since the Town Attorney was not present yet they would move on to item 2, 3 and 4 on the agenda and then go back to Item 1.

Mrs. Bergamini then moved to bring up items 2,3, and 4 on the agenda; Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Mr. Krupp then asked Town Clerk Rascati if they could get public notice of this hearing in by Saturday. Town Clerk Rascati responded that it could not be in by Saturday. They have to have 3 days notice for the paper and then they have to have 5 days public notice.

Mr. Krupp then moved to set the public hearing date for 7:45 p.m. on August 27, 1985 for the ordinance proposal titled "AN ORDINANCE PROHIBITING THE DISTRIBUTION AND DISPLAY OF PORNOGRAPHIC MATTER TO MINORS WITHIN THE TOWN OF WALLINGFORD."; seconded by Mrs. Bergamini.

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These Ordinance Committee Meeting minutes of August 7, 1985 are made a part of these minutes and designated as Exhibit I, Pages 1 and 2.

Mr. Krupp then moved to waive the bidding procedure for codification which allows the Town of Wallingford to compile and publish its "ordinances and special acts" as a single document; seconded by Mrs. Bergamini.

Mr. Krupp then states that Attorney McManus brought to their attention the fact that based on a public act that goes back to the early 1970's, that under Section 7-148A of Connecticut General Statutes, they are required to compile all ordinances and special acts of the Town Under 1 cover and to place them in just about every place in the state, but basically in the Town Clerk's office. However, the law goes beyond that. It states that they shall be available to the public for sale at the office of the Clerk and a copy of the complement and supplement shall be deposited with the clerk of the municipality and the Office of the Secretary of State in the

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State Library and each bar library in the judicial district and the Courthouse Library in the Courthouse nearest the municipality. There 47 exists today indexes and catalogs as separate copies in 4 separate notebooks with individual ordinances. They are looking to seek a waiver of the bidding procedure on the basis of pursuing some unconventional approaches in accomplishing this purpose and at the same time, minimize the cost to the Town. The alternative is to let it ride until somebody raises a complaint about it at which point the Secretary of State will provide a code for us at our expense. He states they feel there are alternatives and they would like to pursue what they discussed at the Ordinance Committee meetings. In order to pursue these alternatives and minimize this cost, they do have to use solicit proposals which involves waiving the bidding procedure. He would ask this Council to authorize an ordinance committee to proceed on that basis of soliciting proposals based on the alternatives.

Chairman Gessert then questions Mr. Krupp as to what might be the cost of the codification.

Mr. Krupp states that the last time it was looked at when they got the document that was (a) massively incomplete, (b) improperly organized and (c) contained none of the appropriation ordinances, he believes it was about \$6,000.

Mrs. Bergamini states it was very steep. She then states that it was a red book that was completely useless. They were upset because it was the same company that did the Planning and Zoning regulations that had to be dumped. They were stuck with them and it was a complete waste of money.

Mr. Krupp then comments that this was for a code that was useless. He then states that they would keep a closer control on this and try to get a complete code which right now is comprised of 4 notebooks.

Mr. Gessert states that the Town Clerk has a copy of all of the ordinances in binders and if anyone wants a copy they can get it. He then asks Town Clerk Rascati if anyone has ever come to her and asked for a complete copy of all the ordinances. The Town Clerk then replies that she does have extra copies of all the ordinances. She has no idea of what she would have to charge for all the ordinances. They usually look through the book and pick out the ones they want and then she charges them .25¢ a page to duplicate it.

Mr. Krupp states that they should keep in mind that what is wanted now is a unit package. Also, it has to be filed with quite a few individuals. He then states that one idea they looked at was whether the Board of Education would be interested in submitting a proposal for something like a combination civics and industrial arts project. The civics class could take and put it up on a word processor, we would have control and they would learn something about the governmental process in Wallingford and the Industrial Arts class making up the loose leaf covers for the Code. The Board would then approach the Council with costs for the proposal and they would transfer funds to the Board in compensation. He feels this would enable a direct control and as provisions or amendments occurred, they could be immediately updated. This way both the Town and the Board would benefit if they are interested. Again, the letter just went out today.

Other ideas were to have an internal department. Approach them and have them put it up on floppy discettes on a word processing unit. Then have them give an estimate on doing it on overtime, how much it would cost, the department interested etc. These are the types of alternatives they are pursuing. One problem they find with copying is that the documents are so old, the copies are illegible. The books themselves really should be updated. One of the things they would do with this code is to omit the text of any ordinance that has been rescinded. There are other provisions to the code. A catalog, cross reference index etc. Again, they want to solicit proposals, but they want to do it in a way that gives them some investigative ability. If they just go out to bid and find the same people coming in, he is afraid the same types of errors and omissions will occur again.

Chairman Gessert then states that he is not totally convinced with the need for this but they really have no choice. He would like to see what the price comes back and take it from there.

Mrs. Bergamini then states that they have to have at all times, one copy that they can sell. Attorney McManus responds "absolutely". Chairman Gessert then states that they have a copy in the Town Clerk's office. 470

Mr. Krupp questions the Town Clerk as to how long it would take her to duplicate the whole file. She states that at this point she wouldn't have to because she has 2-3 extra sets. She would just have to check and make sure all the copies are there. She has never counted all the pages to see what she would have to charge.

Mr. Krupp then states that by omitting the rescinded ordinances and by omitting the bottom of each page where they are certified, this would cut it down quite a bit. They might also consider having a copy of this in the Town Attorney's office, a couple copies in the Council Secretary's office available for reference.

VOTE: Unanimous ayes; motion duly carried.

Chairman Gessert then states they will move back to item 1 which is to approve taking an appeal on the Board of Education Recall Case. He then states that before they move on to this, he will ask everyone to keep their remarks germane to the subject, keep the political statements limited as much as possible. He doesn't want to rule anyone out of order and he hopes everyone will keep their comments directly to the issue and keep personalities out of the debate.

Mr. Krupp then moved to authorize the Town Attorney to pursue and appeal to the decision by Judge Susco regarding the recall; seconded by Mrs. Bergamini.

Mr. Krupp then states that he has prepared a statement that he would like to read in regards to the decision of Judge Susco. He then continues and reads the following statement:

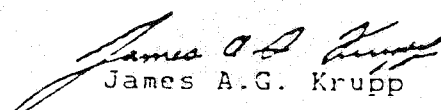
STATEMENT

Given the controversy surrounding the question as to whether the Town Council should authorize Town Attorney Vincent McManus to proceed with an appeal of Judge Susco's decision regarding the recall of two Board of Education members, I feel it is appropriate to make my views known as to why I will support an appeal.

Those who contend that the issue of Parker Farms should be allowed to drop miss the implications of the much deeper issues at hand involved in this appeal. The question goes beyond the limits of the specific item involved, and (to some degree) even the question of recall itself. The true issue now at hand is whether the basis of power rests with the people or with government; we are, in essence, in the realm of Constitutional questions involving whether we are a government "of the people, by the people, and for the people", or whether in fact all power rests exclusively with the oligarchy we elect and that we, the people, have no more basic rights and powers than this oligarchy deems to bestow upon us. With this in mind, it is my hope that this appeal will find the Home Rule Act itself (which vests all power with the State and only accords limited rights to the people) unconstitutional, and I would support appeals all the way to the Supreme Court of the United States if necessary to seek this finding.

The significance of the question of recall itself is a classic case of what powers rest with the people. Because we live in a republic (and not in a democracy, as some people mistakenly believe), we elect representatives to present our views at each level of government. Such elections occur in good faith that our representatives will function in a manner which best serves our interests. When such representatives fail to fulfill this obligation through malfeasance or nonfeasance, we have the right to hold them accountable, and to remove them from office and replace them with new persons who will honor this obligation; the only mechanism available to the people to accomplish this end is recall. When the people are denied the right of recall, therefore, they are denied a basic right which must be inherent in a representative form of government. To take the stand that only government can monitor its own (through removal), and that the people have only the powers that a self-serving representative process bestows upon them, overlooks the fact that the basis of all power comes from the will of the people.

In summation, I will support the appeal of Judge Susco's decision, because to do anything else would involve a forfeiture of the rights of the people.


James A.G. Krupp

Tom Grasser, 295 South Elm Street, then questioned what was the public role, when they can speak, if they can speak and what the procedure is. 477

Chairman Gessert then states that they try to keep the debate at the Council table first, the discussion goes around the table and they then go to the public. Please leave out personalities and if someone in front of you make the same speech as you wanted to say, if you want to agree with that person fine, please don't repeat everything that person has said.

Mr. Polanski then states that either the hierarchy tells them what to do or they can do what they feel is right. This is the major thing they have to contend with. Is someone going to tell them what to do or do we have the right to do for themselves what they feel is right.

Mr. Diana states that he too is tired of federal and state mandates. They have said it many times. It is time the government returned back to the people where it belongs. This is a government of the people. This is not a political issue. The gentleman running this year doesn't even enter into it. This could have been last year or 5 years from now. This was something where the people elected somebody, they took him out of office and the people have the ultimate vote. For anybody to think that recall is not a necessary part of government is sadly mistaken. Anybody should be recalled if enough people could muster up enough votes because they feel that person did not do the right things for the best interest of the Town. Whether it be the Council, the Mayor or any elected official. This would be a terrible shame if we don't try to set precedent in our own way and defend it as much as we can in our small way this recall.

Mr. Holmes states that one important issue here is that the Town itself did not recall the officials. As has been stated, the citizens of Wallingford recalled them and the role the Town played was only to provide calling places and get the results of the election. As Mr. Krupp stated, the power in the republic lies within the people and the judge's decision says this isn't so. Her decision challenges our basic rights and he feels it is incumbent upon the Council to appeal her decision to protect the integrity of our citizens and the Town Charter.

Mrs. Bergamini asks Attorney McManus if he has any feelings that they should not appeal. Attorney McManus says he is convinced they should.

Mrs. Papale states that when they voted on the recall in the first place, she was one person who voted against the recall. She will not vote to take on an appeal. She feels when someone is elected to an office, if the voters do not feel this person is right, there is always the election time when the people can be voted out of office. She didn't believe in the recall then and she doesn't now. It is very easy when you don't like a judge's decision because you don't think it went the way you thought it should. She is there to do her job and Mrs. Papale feels she did her job correctly.

After she voted not to go for the recall and the recall took place, she was even more disturbed. At the time, 3 people's names were on for the recall. Two people were recalled and one was not. They were all recalled for the same reason and it doesn't seem fair that 2 people were asked to step off the Board of Education and one person was allowed to stay on. She doesn't think this was the right way to go about it in the first place and she doesn't even know if a recall is absolutely legal. She does not agree with this. Election time is the time to vote and put in the people you want. To her, this was just a matter of popularity and personal reasons and she will not go along with the appeal.

Mr. Gessert states that he finds it rather ludicrous that there is a procedure to remove a Congressman, there is a procedure to remove a Senator and there is a procedure to remove a President. Somehow, a Connecticut Judge ruled that you can't do that in the case of the Board of Education members. The only procedure that he is aware of to remove somebody during office when you are extremely dissatisfied with their performance is a recall provision.

Mr. Killen states that they seem to be getting mixed up with "do" they have the right or "should" they have the right. These are two separate questions. If they do have the right and apparently the proceedings were followed, they went to court and found out according

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to the courts they don't have the right. If you want to take it a step further and say should we have the right, you address your legislature and say somewhere along the line there are rights to recall other people, and there should be rights to recall municipal officers and Board of Education members. There are many steps to this particular situation. They are lucky they didn't get hit the first time. One of the things a person has is a right to is a speedy trial. It was 2 months at least since the petition was filed until the action of recall was set in motion. That in itself is a violation of the Charter. There isn't much sense in saying we ought to have certain rights and then saying after we have these rights that we will ignore all the written word of how things were done simply because it suits our purpose. You have it where you decide you want to wait and use it over a person's head who is in office, if he doesn't get in line next time, he will then take the petition you have and put it into operation. It can be used as a tool that way. This is not his idea of a perfect democracy. He will exceed to Mr. Krupp that we are in a republic and not a democracy. Be it as it may, he has studied some cases and you can find cases on both sides of the coin. The biggest problem is whether or not Boards of Education are subject to recall under certain statutes. Other possibilities and whether recall itself is legal. The latest case cited was in Watertown and it was held that since legislature did not explicitly confer on Watertown the power to adopt the recall provision, Section 208 of the Watertown Charter, it was invalid. This is just about the same situation they find themselves in now. Do we have the right or should we have the right. He states that they have 2 gentlemen who are willing to serve the public because they made a decision. They are now being allowed to hang in the wind one way or another. There should be a vehicle to find out whether or not they should have this right. These men should not have to wait and then probably go out in disgrace when their term comes up because people will soon forget what happened after that. This is not the way to do business. There has to be a better vehicle than this.

Mr. Polanski then comments that Mr. Killen commented that one judge told us we do not have this right. The way the system is set up, this is why they have an appeal. If they don't believe what one judge says they take it a step further and may go up to people in Washington to come up with a final decision. One person is not going to tell a Town of 38,000 people what is right or wrong. They have every right to go all the way up the judicial ladder to find out what is right.

Mr. Killen states that he knows what Mr. Polanski is saying but he has to realize that a judge reaching a particular decision, does not necessarily reach a decision off the top of their head or seat of their pant whichever end you choose to start from. They usually try to find out if there is a precedent in such a case and the judge has found that they can't find anything to butress this argument and this is why she reached her decision. She makes note of the argument but she finds nothing to back it up in any of the cases. It wasn't strickly her decision, based on what research she did, she could find nothing. He is the first one to yell about the judiciary but in the final analysis they have to go somewhere. In this case they went somewhere and now they have to decide if they want to go higher. Again he believes they have certain rights and he would like to see the right of recall but if you read the Charter, that is a defective law all the way through. If you are going to push for something, at least push for something that meets the State Statute. They are all elected in a uniform matter. If you take for granted that everyone is subject to recall and put it in any way they want, yet if they win this particular argument they will be allowed to put it in any way they want.

Mr. Rys states that he is all for the appeal. He feels the people have the right to recall any one of us if they feel we are not doing our job the way they feel we should be doing it.

Mrs. Papale states that she has to disagree. They are up there to vote how they feel. There are two people on the Board of Education who voted how they felt in their minds was the best thing to do. Is this a reason to recall? This was their own personal judgement. There were three and two got recalled. She is up there as a Council person. In her mind she may think something is right and she will push for it. She never felt that Parker Farms school should have been closed, however, is this a reason to recall the people who felt that Parker Farms should be closed. The whole thing should have been taken up at election time and this is when the Town of Wallingford could have made up their mind. The whole thing was done in bad taste.

Mr. Rys says they each have their own opinion and the people have their own opinion. Mrs. Papale then states why were two recalled and one not and Mr. Rys states that that was their decision. This person had more votes than the other two states Chairman Gessert. 479

Chairman Gessert then states that they will now go to the public for comments. When they speak, would they please rise and give their name and address for the Council Secretary.

Dorothy Perry, 2 Pequot Road, states she has heard a lot said about the recall and she just wants to say one thing. She was directly involved in the recall and had a great deal to do with it. It was not done quickly. It was thoroughly researched, they knew what they were doing, they knew why, and they felt they were right. It had nothing to do with personalities. It was not an easy thing to do and it was not the type of thing where people knew what they were doing. They had to educate many people as to what happened because they didn't have a clue. It was a difficult process. She thoroughly agrees with Mr. Krupp that this is a right that they have got to have. She would like to urge the Council to agree with the appeal.

Mr. Tom Grasser, 295 South Elm Street, states he feels very deeply about this recall. He feels this is one of the rare times he agrees with Mr. Krupp. He says it is a republic and not a democracy. He would like to say it is a representative democracy. The people have an inherent right to understand themselves and create laws in their States and in their nation to limit the harm they can do to themselves. The constitution of the State of Connecticut was passed by an overwhelming vote of the citizens of the State. It is a governing document of the State. The Charter of the Town of Wallingford was passed by the voters of the Town of Wallingford. They are a member of the State of Connecticut and governed by the State Constitution. It isn't unlikely that you can find a conflict between the two and this is what boards are for. He thinks this is not a partisan issue between the Republicans and the Democrats. It is a matter of vital concern to the people as to whether or not their government is going to be, can be and should be acting in a manner in which they approve. He heard everyone on the Council talk about the power of the people and what he would suggest is that the people recognize that it is very difficult to get a mass of 70-80% turnout to come out for a special election and he thinks that smarter people than those who say let the will of the majority prevail, may have prevailed when they passed the State Constitution. They are saying they are going to recall, and he disagrees with Mr. Gessert when he talks about recall with Senators and Representatives, they are impeachable and removeable upon conviction by the body of a bipartisan misdemeanor, but the point is they are removable under of method of high crimes and misdemeanors. They are not removable under the method of 1-3% of the electorate of the previous election going out and getting these petitions and putting it on a ballot where they were originally elected with 60-80% of the electorate going out to vote and getting recalled with 14%, no set figure, Nobody has payed attention to the fact that this 60-80% can elect and 5% or whatever can recall. He thinks that maybe the people out there have more sense than possibly the Council is exhibiting, by pushing a recall appeal. He thinks they knew what they were doing. They did not want a tyranny of minority where somebody could, on a whim, set up a recall and find out that the 70-80% that elected this person has their votes abolished. There is a reason for not having an easy recall. The Council is elected and they have difficult decisions to make. Some of them are not popular. They get reams of documents and tons of information, interaction with department heads and experts that the average citizen does not get. They are being asked to make informed judgements for the people who do not have the time or knowledge. They don't want to be nitpicking. If they did they would put all the agenda items on the television and tell them to push a button. Yes or no. The Council digs into things.

They see things that the average person does not have the opportunity to do. They get into the Board of Education case particularly and wonder whether or not it ought to be covered under State Constitution which has no provision for recall or under local Charter which has the provision for recall. It would be very difficult for him to say that if the local Board of Education, with the support of 38,000 people of Wallingford, decided to run the school system 170 days, that they could get away with it. It won't fly, wouldn't fly, can't fly. On the current recall, the issue was Parker Farms School. Three people were put on the ballot. One survived, two didn't.

Maybe the framers of the Connecticut Constitution wouldn't be a popularity contest. These people on the Board of Ed. serve for no pay, they serve out of civic responsibility and they have been abused in his opinion. In getting into this election, he says there is nothing more sacred than the power of the ballot. He believes this with his heart and soul. He turned 21, 10/14/68, and it was passed the last normal registration period and he drove from Pottsdale, New York to Wallingford, CT, 6½ hours, special registered on the date of the election and voted, and drove back to New York. He believes in the power of the people and the power to vote. He went to the Town Clerk's office for the recall election and asked for an absentee ballot because he was going to be out of Town and to this day, it was the only election he was never allowed to vote in because there wasn't any absentee ballots in that election. He did not get a written statement, he got a verbal statement that there would be no absentee ballot. He doesn't think the method was fair. Feeling as he does about the constitutional issues involved, there are political issues involved too. He does not feel it is right for the Town Attorney to be issuing press releases about the efficiency of this operation and he knows that the previous Town Attorney ruled that the recall election would not be legal. This was reversed when the new Town Attorney came to office. He doesn't think the comments in the paper about the elected officials involved in the recall were fair. He doesn't feel the Town Attorney should be issuing statements that he is going to appeal all the way to the Supreme Court if necessary, without the approval of the body involved.

Chairman Gessert then interrupts and tells Mr. Grasser that if he wants to stick to the issue he may speak. If it is a personal attack, he will not tolerate it. He will be ruled out of order. Also, there are a couple of other people that may want to speak on this issue.

Mr. Grasser then states he is sorry if he is taking too much time but he feels deeply about this issue. He also feels that an old axiom is true, slow justice is no justice, and to appeal to the point of the term being expired, is not, in his opinion, the right way to do it. He feels the recall election was a mixed up, muddled mess and they would behoove the voters of the Town of Wallingford if they stopped it here.

Andrew Mezzi, 41 Oakdale Circle, states that he is sure they have all read the decision of Judge Susco. On Page 3 of that decision, it very clearly states while this case was pending, it is referring to the previous case, the Supreme Court decided that the Home Rule Act does not empower the municipalities the right to recall the elected officials. It goes on to say, thus, very simply, Wallingford lacked the authority to enact the recall provision.

We derive our power from the State Government. This is a fact. Our elections are governed by State Law and so must our recall be governed by State Law. It is simple. Not by capricious wish or by the fact that Republicans or Democrats control that municipality at that certain time. Mr. Grasser mentioned the fact of absentee ballots. They weren't available. He was involved in a referendum which is similar to a recall. He had 20 days to get those signatures done by the time that notice was published. What notice was published in this case? How many days did these people go out & get signatures? How many days did those signatures lay on a desk in the Town Clerk's office before action was taken. What about swift justice. It has been decided without a doubt that Home Rule Charter can not provide recall under existing law. It is as simple as that. Any funds the Council spends in pursuit of this frivolous matter will be a waste of money. It would seem that the legislature could enact a state law that permits towns with Home Rule to provide for recall. They might want to address this in Charter Revision. If they spend the money for Attorney McManus to go before the legislature and plead our cause, he would support this. Or if he wants to hire a lobbyist. These are the matters at hand. This is what the judge says. You talk about elections. 14% of these people took them off the Board. How many put them on? When he had the referendum, he had 20% of the voters of the last election. That meant a minimum of approximately 4,000 and since only 2,700 people showed up to vote and the whole matter was dropped. This type of minimum guarantee should be for any elected official. He feels Mrs. Papale had an excellent point. He feels anybody who has a controversial point, what he is afraid of is that government by intimidation, will walk up to him and say you either vote the way we want or they will get a group of people to take him right off the Council or whatever group it may be. This is his fear. If the Council votes tonight, this is the kind of fear they will have to live with.

Edward Musso, 56 Dibble Edge Road, states these people gave a good reason why they closed Parker Farms School. He also states that he is not in favor of the appeal. He feels Mr. Grasser was cut off short and should have been allowed more time to speak. 481

Chairman Gessert states that Mr. Grasser had 15-20 minutes to speak and he feels this was ample time and he does not think he cut Mr. Grasser short in any way.

Robert Vine, 22 Jodi Drive, states that he was also involved directly with the recall. He wants to make a couple of things clear. First of all, it would be presumptuous of us to think the decision to close Parker Farms is a reason for recall. From his observation and the observation of those who petitioned, there was a discontent on the part of the citizens in Town about moral support of education. Mr. Grasser commented about decision. They asked Mr. Mazzaferro on June 15th to give the reasons why he voted to close Parker Farms School. Mr. Mazzaferro refused. They petitioned under State Law prior to the petition to recall for a public hearing on the issue. At that time, the public received an attorney to chair the public hearing with the statement that they would not answer any questions regarding school closings. He states they were not allowed to question their reasons, they couldn't consider the data they presented and they couldn't ask why they violated their own school closing procedures in the method they did with Parker Farms.

Regarding the prior Town Attorney's decision, he feels this is not a main issue to discuss this evening. That decision dealt with whether Board of Education members were recalled under Town Charter. Not whether we had the right or not to recall. Those are two separate issues and should not be tied together. Regarding recall on the State level, the Attorney General ruled after they had the recall that they did have the right to recall Board of Education members. He attended a meeting in February or March of 1983, where the joint Committee on Education was considering a bill to provide recall protection for Board of Education members. At that time, the Joint Committee on Education refused to send the bill to the floor. Mary Fritz who was on that committee and was subject to recall prior to her resignation, herself did not even vote on the issue. The State currently did have an opportunity to deal with recall after the recall but chose not to act on it. Also as far as easy recall goes, he doesn't think there is anybody that has been through this feels there is any such thing as easy recall in the Town of Wallingford. Don't ever underestimate the intelligence of the Wallingford voter. They found they had to educate them, they discussed the issues, and in many cases they found that the issue to close Parker Farms itself, was seen in the certain political activities that were going on in Town and certain predisposed positions of members of the Board in relation to administration. One issue they didn't seem to be able to find in all their attempts, was that the Parker Farms decision was based on the Educational needs of the community. For that reason, they brought up the fact that should these people resume in office, what were their motives. Parker Farms was a catalyst. The performance of those people on the Board was the reason for recall.

George Grasser, 29 North Whittlesey Avenue, states that some time ago, the people wished to have some Charter Revision because they saw some weaknesses in the Charter. It isn't just the issue of recall, it could be that you can run more people than you can elect. It could even be the fact that they have a Library Board of Managers that has a \$900,000 budget that isn't under the authority of the Town Council which is the spending body. They saw a need for Charter Revision. However, it was the current administration that saw no need for it, made no inclination; he isn't going to say it was political but maybe it was, they just didn't see the need for it in the Town. There is a major need for rehauling some of the areas of Charter Revisions or some of the things you are looking at right now are going to reoccur. Maybe, other areas we are not paying attention to now will pop up again. It could be Utilities, any one of 50 different things which are in dire need of Charter Revision. The Administration just hasn't done a thing about it and he is not sure they made any inclination for improving it.

Chairman Gessert then states that since no one else wants to speak, they will vote now. A "yes" vote means they are for the appeal.

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

Chairman Gessert then called a 5 minuted recess.

Chairman Gessert then noted that the next item was to override the Dissapproval of Sale of the Taber House by the Planning and Zoning Commission.

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Mrs. Bergamini then moved this item for discussion; seconded by Mr. Rys.

Mrs. Papale then questions Attorney McManus if according to State Statute he feels the vote taken by the Planning and Zoning Commission was a proper vote. She states the reason she is asking is because if the Taber House was considered a house pertaining to the future needs of the Town then their vote would have been proper because the reasons were for historical reasons.

Attorney McManus states that Connecticut General Statutes 3-24 requires that plans for municipal improvements, laying out of highways etc., for report, the purpose of the Statute is not to set a Planning Commission in the position where it is second guessing or performing the function of the legislative body of the municipality. It is merely an advisory function. Then the framework of the purpose of that Planning Commission. The report of approval or disapproval of a Planning Commission must be, in his view, tied to the purposes in the jurisdiction of that Planning Commission. Not as another agency that has some suggestive views about the artistic merit or worth of a particular structure. This differs from the legislative body. The report is strictly from a Planning function. Does the municipality itself have a use for that property. It does. The proposal, the disposition, in accordance with the vote of the Town Council won part of the zoning plan or zoning scheme for the municipality. In this particular case where a structure is being moved out of Town, it is legally impossible for it to have any impact on the Zoning Planners Scheme of the Town. In his view, what the Planning Commission did in this particular incident, is confuse their jurisdiction and exceed their jurisdiction. They attempted to substitute their view on whether or not the Taber House should be preserved in its current location or some other location for the view of this Town Council that has dealt with this for several years. In such, he feels they exceeded their jurisdiction in this case and their disapproval was legally unsupportable.

Mrs. Papale then states in his point of view the vote was not proper?

Attorney McManus states that for the reasons stated, he doesn't believe it was within the jurisdictional realm of the Planning Commission to have approval or disapproval. The reasons stated were not within the Planning function or within the planning jurisdiction of the Planning Commission for which these matters are submitted to the Planning Commission.

Mrs. Papale states that item 5 is to override the disapproval of the Taber House by the Planning & Zoning Commission. Do we have to go through the procedure of voting or can we just stop it here. Just say how we voted last week was enough.

Attorney Donald Lunt then asks if the Council has received a report from the Planning & Zoning Commission and is told "no". He then states that he feels the Statute required the Commission to submit a report to the Council. Only if it submits a report to the Council disapproving the action, then the Council would have to vote to override.

Attorney McManus states he agrees with Attorney Lunt to a point. The reports of the Planning Commission, the form of that report is not specified in the Statute. The 35 days it refers to in the Statute is, if an administrative body that may have jurisdiction in an area has notice of a particular proposed action, but fails to act within a particular period of time, that failure to act is construed in the law to be in a sense. This is where the 35 days comes in. He doesn't believe it is necessary if you have the result of their deliberation, that you wait 35 days for them to perhaps deliver it again.

Attorney Lunt states that this ties in with the fact that they are supposed to make an analysis with proposals giving the Council reasons as to why they feel from a Planning standpoint, it is not an appropriate action to take. If the Council doesn't have those reasons in a report, it has nothing in which to decide whether to override their decision, based on their action taken and how it relates to their function as a Planning & Zoning Commission.

Attorney McManus states that apparently they did submit a report that simply states they voted to deny the sale of the Taber House North Main Street. No other explanation. First of all, if someone else wants to buy it, he would offer them \$50,000 if it can be done, but it is impossible. What was proposed before the Planning Commission is legally impossible. It may be politically possible but it is legally impossible. There is no doubt in his mind that what the Planning Commission did in this issue was to substitute their judgement for the Council's judgement. That is outside their jurisdiction. Therefore, the vote they took was outside their jurisdiction. 483

Capale then asks can they close this meeting and go home. What if they vote and don't get the 6 votes to override, will it come back. What is your opinion?

McManus then states that he thinks if the Planning Commission were to disapprove the sale of this municipal property, in the first place nobody asked him to refer it to the Planning Commission, because he was asked he would have said it simply doesn't go because they are selling any real estate. You are not selling any real estate. They are selling personal property. It is done all the time. If it doesn't go to the Planning Commission. Property in the case of real property. He doesn't feel it should have gone in the first place. He doesn't think the Statute is intended to affect personal property and once the building is severed from the real estate. It should have gone in the first place but nobody asked him. Now if it has gone, they exceeded their jurisdictional limits on their authority. The transfer of that personal property can be addressed to them but they didn't address it. Therefore, in his view, their vote was null and void but Mr. Lunt's point is very well taken. They might have had a report in the 35 days that might be on point.

Comments that a while ago when they had the problem with the personal sign, they were told the Council could not override the Planning & Zoning Commission vote. Is he saying tonight that they can override action taken by the P & Z?

McManus states there is no question about that. That is what is called for in the Statute. There is no question.

Mr. Diana then explains that they passed a regulation and he wanted to veto or turn around this and he had a letter from one of his attorney's that stated he could not do this. He then states that he will be leaving soon and he is going to be voting exactly the same as he voted before. He doesn't see that this house should leave the Town and feels it should be used for Wallingford residents.

Mrs. Bergamini then questions Attorney McManus and Attorney Lunt and says one of them said the decision had to be made from a planning viewpoint. Where do they get this from. Attorney McManus then replies that this is the jurisdiction of the Planning Commission. You have to go back to other sections of Title 8, CT Gen. Statutes where it talks about Planning Commissions, Zoning Board of Appeals, etc. They are administrative agencies with limited jurisdiction. They do not have the jurisdiction of this legislative body. Their function is limited in definition. It is not up to them to decide.

Mrs. Bergamini states that she was at the meeting. The motion did not say anything about planning. She brought up the fact that the house would need so many variances that it would need to go before several commissions before it could be approved for anything at all in the condition it is in. The statement and motion that was made was for historical reasons. Her point is then that they did not address what they were suppose to address and therefore the actual vote was null and void.

Attorney McManus states that in his opinion, their vote lacked a jurisdictional basis. He cannot declare anything null and void. He can only say that in his opinion, their vote lacked a jurisdictional basis. They exceeded their jurisdiction in considering the matter.

Mrs. Bergamini then states that Attorney McManus said he would never have referred it to Planning and Zoning in the first place. Now they are back to square one where with a 6-3 vote they accepted Mr. Northrop's proposal and then if they didn't have to go to Planning and Zoning in the first place, it would seem there is no further discussion necessary, the 6-3 vote will stand. Do you agree? Two attorney's are here and someone should have an opinion.

Attorney McManus states that the Charter specifically says you can't do this to him. (laughter). It would be an educated guess that this item should not have gone in the first place.

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Mr. Rys then asks do they have to vote on it or not?

Attorney McManus states that as a practical matter let him suggest a scenario. They decide tonight that the referral in the first place was a mistake or they decide tonight that as a practical matter the Planning and Zoning Commission exceeded it's administrative jurisdiction. The reasons that have come up to disapprove the Town Council's proposal. You then say well, everyone is out the door. He thinks as a practical matter they are going to have the issue of Taber house for the next few years because someone is going to bring a law suit against them. Whether or not he is right he doesn't know. They voted this thing once 6-3 and if they still vote 6-3 they don't have a problem under any scenario in this case. He would advise that his best guess is they would probably be right but they would be right 2½ years from now and they would have the Taber House sitting for the next 2½ years.

Looking over the minutes of the meeting, what swayed this commission it appears, was perhaps just in one respect, but legally was very unrealistic and he feels they have a difficult decision here. If they accept that it shouldn't have been referred in the first place or that it exceeded their jurisdiction and don't vote, they will be stuck with this for the next several years because someone will bring suit.

Mr. Rys then states that the Council took a vote to accept Mr. Northrop's proposal and this is his feeling. The Council should stick with it and otherwise they will be jeopardizing the integrity of the entire Town with this individual. They tell him he can have the house and now all of a sudden he can't. He feels the Taber House has gone on too long.

Mr. Krupp states he will stand by his original decision by the fact that he has only been on the Council for a year and one half but he knows how frustrating it is for the members who have been on for 2-3 years. His number one objective in looking at the alternatives was to preserve the house in such a manner that provides the room for growth that was the intent of the Library Board with the Town acquiring that property in the first place. He thinks everyone knows that he was in favor of anyone's suggestion who wanted to maintain it here in Wallingford. He thinks they are reaching a point now where the key to preserving the house has to be an essential factor. He keeps hearing about mythical individuals, interested party, has come up about 6-7 times since he has been a member of this Council, and he can't find him listed in the phone book and cannot find him anywhere to see if he is really interested. Nothing ever materializes. The situation with Mr. Northrop is that no matter what he will gain personally from it or anything else, that house will be preserved. If they sit around and are still talking about this 2-3 years from now, and nothing has yet occurred, that home will deteriorate to a point where it will not be salvagable. He will not be a member of the Council at that time but he will not be happy to see another item in Capital Budget for \$12,000 to demolish the house because it is not salvagable. They have already seen in the Capital once where money was appropriated to demolish the house. The main concern is to preserve the house and the only alternative presented to them at this time is to preserve it in Rocky Hill and if that be the will that is the way to go because at least the house will be preserved.

Mr. Killen states that it is true money money was put aside to demolish it. The problem with saving it is noone is willing to come forward with the same amount of money to save it. It is simple. The taxpayer is paying for it one way or another. The taxpayer is the one who is going to have to decide whether or not they want to keep this house. One thing that impressed him was to see that "Speakeasy" column in the newspaper. He has never yet seen anybody unanimously agree in that column. They all agreed on the Taber House. This is unusual for many reasons. Many are not aware whether it will cost the taxpayer a dollar or not. Every one of those people said it was worth preserving. This gives an idea of what people think of the house and this is why some of them are willing to fight for it. A phrase was said we are going to be losing our integrity if we don't give it to Mr. Northrop. It could be well we would lose our integrity. He can find many cases where the Town reneged. One of the things going on now is scoping

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out of Community Lake for which they have certain criteria they are suppose to meet when the lake was turned over to them. It doesn't seem to bother them that they ignore them. One of the last lines in the Contract of Sale is that it should be used for library purposes only. They had 3 other particular proposals but every time they were shot down was because they weren't for library purposes. What are library purposes? Again he says there are a lot of pros and cons to this. He would like to find out whether or not the public is behind this particular thing. He has deep feelings on this. He still feels that he speaks for the public and if he is wrong so be it. If so, they should dump him at election time.

Attorney McManus states that he hasn't the faintest idea who came up with that the language of the contract of Sale from Mrs. Taber that says it is hoped that this property would be used for library purposes ever elevated itself to the level of a covenant that ran with the land is beyond him. That was merely practical language and anybody's idea of contract along the State of CT or anybody's jurisdiction in this State was non binding on either part. To state that was the intent is foolish. They could have used that property for the Police station. That was not binding in the statement it was hoped, that is not binding language. Mr. Killen then states it says "it was understood" and again Attorney McManus states that is not binding language.

Mr. Killen states that again if they are going to be having legal opinion, one should carry as much weight as the other.

Chairman Gessert states that while they check on this there are others who want to speak.

Irene Sunday, Granview Avenue, then asks Attorney to refresh her memory on what he said a minute ago. Did he say that the Planning and Zoning Commission did not have jurisdiction to vote on municipal property? What did he say.

Attorney McManus says he did not say that. He said that in considering the issues that they did, they exceeded the jurisdiction of referral. She then asks if he was referring to municipally owned property and he states yes. Personal property. She then asks why is it then when a Town Road is to be abandoned, why does that come before the Planning and Zoning first and then they have to vote on why the road should be abandoned and then they advise the Council and the Council takes over. Attorney McManus states that is because it is real property. She then states it is municipally owned. Attorney McManus states that so is a truck but trucks don't come to their Commission. When Steve Deak sells a truck or when the Board of Education sells a chair, that doesn't come in front of the Commission.

Chairman Gessert states he thinks it is the question of whether it is land or personal property.

Attorney McManus states that once it is severed from the land it becomes personal property no matter what.

Irene Sunday then says her second question is that a comment was made that the motion at the meeting was on a strictly historical aspect. It came before the P & Z Commission some time ago whether a historic district should be created or not. They voted it should. That is planning for the Town of Wallingford. She might remind the Council that the Planning and Zoning Commission is not only the Zoning Commission but is also the Planning Commission and if the historic district is to be created, the removal of the house from Wallingford to another Town, from a historic planning view point is not feasible. Her third comment is that a comment was also made that the Taber House should not be sitting there deteriorating. She might remind the Council that the Robert Earley Scoool has been sitting there for 8 years deteriorating and nothing has been done about it. A decision should have been made about this a long time ago.

Andrew Mezzi, 41 Oakdale Circle, asks if that house is taxed as personal property? On the last tax list how was it taxed? Chairman Gessert states that he assumes it was taxed as real estate. Mr. Mezzi then comments that that is real property and he doesn't know where Attorney McManus comes up with personal property.

Attorney McManus then states it was severed from the real estate. Once severed, Mr. Mezzi then interrupts and says it is not severed yet. Attorney McManus states that it wasn't the real estate that

was to be transferred. Mr. Mezzi states are we dealing right now 486 with real property. It is not severed. It is sitting on that foundation that is real property. Attorney McManus states that Mr. Mezzi is not going to cross examine him. He made his statement. What the Town Council voted to do was sever it from the real estate and sell it as personal property to Mr. Northrop who was to disassemble it and put it back together somewhere else. At that point it was his decision that they were proposing to sell Personal Property of the Town of Wallingford states Attorney McManus.

At that point, Mr. Mezzi would like to address the Council that that is real property and not personal property. Secondly, Mr. Mezzi states that Mr. McManus is correct in saying there will be a law suit. When he served on the Council, they were always told that these types of decisions had to go before the Planning and Zoning Commission. He saw some eyes popping up front and he thinks Attorney McManus is blazing some new legal ground and he thinks it is interesting. He thinks they are also dealing with fine points. He felt a vote would be in order tonight, he doesn't think the matter should rest with the previous vote. He doesn't think that would be fair to the people of the Town. Mr. Killen addressed the fact that there are a lot of people out there who want to save that house. Forget all the different arguments. He then says vote on the issue tonight, don't hold the matter up.

Susan Smayda, 22 Simpson Avenue, states that she works for the Wallingford Public Library. What she has to add is that working at the Library she has taken several people through the Taber House. The most recent group was from the Housing Commission in Wallingford. They brought an architect with them. After a careful looking through the house, they asked the architect, how much would it cost to make this a viable building and he said $\frac{1}{2}$ million dollars. Granted he was talking about multi-family housing. But if you trim that even by $\frac{1}{4}$ to make it a useful public building, you are talking about $\frac{1}{4}$ million dollars. The house is in incredible ill repair. The ceilings are falling down.

If it becomes a public building it would have to be brought up to standards. She feels \$100,000 would be very optimistic in charges to bring it up to standards. This doesn't even deal with parking problems. It comes down to money. The mythical creature had appeared several times in the paper, has this person been through the house and do they have a viable means of attaining \$100,000. Mr. Northrop is interested in it. He has the means. The house will be preserved. She sees this as the only solution and she would urge the Council to vote as they did before to accept Mr. Northrop's proposal.

Jim Kennedy, 250 North Elm Street, states he is a little astonished at the $\frac{1}{2}$ million dollar figure. If this is what it would cost to repair it on site, what will it cost to take it apart and move it to another town and put it back together again. He then states he is intrigued by Attorney McManus's statement that the word library purposes is not binding on the Taber House. This is exactly the terms he used to oppose some of the ideas they came up with. It couldn't be done because it had to be for library purposes. Thirdly, the work for the Northrop proposal was said to be so work could begin by the end of the year before the tax law changed. He has consulted with experts that said President Reagan's plan states that all work must be done by December of this year and under the Northrop plan, work would not begin until December of this year. Secondly, the credits that do exist would not apply to a house that is moved to another site. That doesn't mean they should dilly dally with the Northrop proposal because he understands that Mr. Northrop has planning and such to do. He then urges them not to overturn the Planning Commission's vote.

Ed Bradley, 2 Hampton Trail, states that if Attorney McManus reviewed Section 8 of the Connecticut Statute he would find in there that the Planning and Zoning does have to state the reason it is denied, whether it be site planned or whatever. That also goes for they cannot arbitrarily add on conditions. Although he does support the historic district creation and he does support the preservation of the Taber House, he believes this issue has gone on too long. It has been through the second session of the Council. It is a waste of the taxpayer's money, it is a waste of the Council's resources and time. All he can envision is having this go through the legal aspects of it on the part of Planning and Zoning. What they don't need to see is Planning and Zoning to turn it around and sue the Town Council. They have just gone on about the recall, he feels they should vote on it and put this thing to bed and get on with business.

Larry Northrop, Hartford, Connecticut, states that a couple of things to set the record straight. He really would wish people would stop trying to put him in a corner considering tax issues. Taxes are a consideration but so are financing, interest rates and a million things that go together to put a project like this into action. To single out one factor and make it an issue really doesn't do any good. He has a third site in Rocky Hill and he needs to be working on it by the end of the year. They need some planning time on it before they start working. The decision about which house goes there is also considered. Wallingford, East Hartford, Harwington, or Manchester have been offered. There are a limited number of people who are crazy enough to take on a project of this nature. There are easily a dozen companies that specialize in disassembling houses in Connecticut. Most of them ship them out of state or to another county etc. None of them have made a proposal on this because it is difficult. If they wait for the proposal from someone else, there is a good chance that the deal he thought they made between them, will go down the tubes. He has never been to a Town where the Planning and Zoning Commission is the highest authority, but if this is how they run their Town....

Susan Smayda then comments that the ½ million dollar proposal was to make a multi-family dwelling. This was on site and strictly off the top of his head.

Mary Lou Williams, Grantham Road, President of the Wallingford Public Library Association. It has been said over and over. It was determine that the intent of the contract and the lease they hold with the town was to be used for library purposes. The Council member who stated this was our expansion room is what they have been saying for months and years. They don't want to get in a bind as they have before where the only way to go is out. We have been pursuing avenues looking for ways to save the house. It could have been done in Wallingford, there is still room in Wallingford, but nothing has happened except people who thought if they pushed hard enough they would be able to buy the house on the site, doing goodness knows what about parking etc. It seems the offer to have it a single family dwelling, and they have no guarantee it will be a single family dwelling, if they take off the rear end of the house, frankly that gets rid of the one significant architectural feature which is the grand long porch. They have stopped pushing for the demolition of the house, they are pushing now for the salvation of the house. To have it set up in a beautiful location to be lived in by a family and not hung about with fire escapes and ramps and made to look dead the way most of the private dwelling made in to offices look. As far as Mr. Grasser's gratuitous rise in their budget, don't they wish it were so. With \$900,000 they could fix the house up and have a yearly budget capable of supporting it. They have spent association money on architectural studies, the restoration to make it a public building, and the estimate then was \$245,000. She doesn't feel anybody would deny that costs go up all the time. The physical cost to the library would have been \$25,000. Alterations to building \$6,000, for a total of \$276,000. This is a 1984 figure by Mr. Gustafson who was the library architect. Also, the yearly operating cost they can not estimate. The insurance would be \$1,200, maintenance would be \$3,000, they would have to have a part time janitor and a staff member to run it including benefits and social security would be at least \$22,000 for a total of \$26,200 and this does not include heat air or lighting. She doesn't believe that it is a secret that the Council members object to spending money on the house. She felt this is their last best chance with Mr. Northrop and if they do not vote to override or whatever is the proper procedure, his time limit will be up and they will have lost their last best chance.

Mr. Holmes states that the decision here tonight is not whether to overturn the decision or not it seems to boil down to a basic legal question and a question of legal procedure. Was the vote by the Planning & Zoning Commission a legal vote. If they take no action tonight, will the vote from the previous meeting stand.

What is the proper course of action. He would like to see an opinion of the Town Attorney. They are touching on precarious legal ground here.

Mrs. Bergamini then states that she made the original motion and she would like to withdraw her original motion to open this up for discussion and she is withdrawing this in light of Attorney McManus's opinion. She doesn't feel it necessary to put this thing to vote and that their previous vote should stand at 6-3 if Mr. Rys will indicate that he will withdraw his 2nd. Mr. Rys then withdraws his second of Mrs. Bergamini's motion. 488

Mr. Krupp then asks that the Town Attorney's opinion be reduced to writing and included in the records of the Council. Attorney McManus then states it is in the record as transcribed and he will sign the record. Mr. Krupp states that he wants it in the words of Attorney McManus.

Mr. Killen then comments that Attorney McManus had commented on the wording and he says he has the wording in front of him and it says it is understood hereto that the Town of Wallingford intends to use this property for library purposes and he says this is not binding.

Attorney McManus states that that language does not meet the requirement what would be required under Connecticut Real Property law to be a covenant that went with the land. In any event, this building is still severable as personal.

Mr. Killen states that he does not see how it is severable. It became part of the demise premises according to the term earlier the house itself became part of the demise premises. The entire demise premises was to be used for library purposes. This particular Council did not send this to the Planning and Zoning Commission. It was sent by another attorney, namely the Mayor. We have all kinds of legal opinions. The last time he read into the record that the legal opinion was asked of Adam before Vinny came on board but again it was addressed to the Committee for the Disposition of the Taber House and it says "it is understood" when employed as a word of contract in a written agreement has the same general force as the words "it is agreed" Blackslaw Dictionary, 5th addition. It then goes on to say, without more the agreement by the Town to use the property for Public Library purposes would not have survived the closing of title and this was one of the main things they had to agree on. That they were going to use it for library purposes. This was the intent.

Attorney McManus states what is the point of talking about her intent when she wrote a letter to this Council saying that she agreed with the Northrop proposal.

Mr. Killen states that it says in the letter "we would all wish it would stay in Wallingford but since it can't", if this was her intent to move it, he is reading something wrong. This was her wording exactly. This is in her letter.

A motion to adjourn was then duly made, seconded and carried and the meeting adjourned at 9:35 p.m.

Exhibit I
Page 1
August 15, 1985

MINUTES
TOWN COUNCIL ORDINANCE COMMITTEE
Regular Meeting of August 7, 1985

A regular meeting of the Town Council Ordinance Committee was held on August 7, 1985 in the Town Council Chambers, Municipal Building, 350 Center Street, Wallingford, CT 06492. In attendance were Committee members Maria B. Bergamini and James A.G. Krupp (Chairman); Committee member Albert E. Killen had other commitments.

The meeting was convened at 7:15 PM. The following items of correspondence were presented for the record:

- Letter of 6/4/85 from Town Attorney Vincent McManus to Chairman Krupp regarding the Pornography Ordinance.
- Letter of 6/10/85 from Town Attorney McManus to Chairman Krupp regarding the Pornography Ordinance.
- Letter of 6/17/85 from Chairman Krupp to Town Attorney McManus regarding the Pornography Ordinance.
- Letter of 6/17/85 from Chairman Krupp to Town Planner Linda Bush regarding a revision to the Zoning Regulations with respect to Adult Uses.
- Letter of 6/18/85 from Town Attorney McManus to Chairman Krupp regarding the Outdoor Fire Ordinance.

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- Letter of 6/24/85 from Chairman Krupp to Town Attorney McManus regarding the Outdoor Fire Ordinance.
 - Letter of 6/24/85 from Town Attorney Vincent McManus to Chairman Krupp regarding the Pornography Ordinance.
 - Letter of 6/27/85 from Chairman Krupp to Town Attorney McManus regarding the Pornography Ordinance.
 - Letter of 6/28/85 from Town Attorney McManus to Chairman Krupp regarding the Outdoor Fire Ordinance.
 - Letter of 7/8/85 from Town Attorney Vincent McManus to Chairman Krupp regarding the Pornography Ordinance.
 - Letter of 7/12/85 from Chairman Krupp to Town Attorney McManus regarding the Pornography Ordinance.
 - Letter of 7/17/85 from Town Attorney Vincent McManus to Chairman Krupp regarding the Pornography Ordinance.
 - Letter of 7/29/85 from Chairman Krupp to Town Attorney McManus regarding the Pornography Ordinance.
 - Letter of 7/29/85 from Town Attorney Vincent McManus to Chairman Krupp regarding the compilation of Ordinances and special acts of the Town of Wallingford.
 - Letter of 7/30/85 from Town Attorney Vincent McManus to Chairman Krupp regarding the Pornography Ordinance.
- The following items of old business were discussed:
- ORIGINAL PORNOGRAPHY ORDINANCE (origination date 5/8/84): still on hold.
 - HAWKERS AND PEDDLERS (origination date 11/1/84): awaiting proposal from the Town Attorney's office.
 - RESCINDING OF ORDINANCE #251 (origination date 12/15/84): This will be integrated with the adoption of the new Zoning Regulations.
 - OUTDOOR FIRES ORDINANCE: Accepted by the Town Council.
 - NEW PORNOGRAPHY ORDINANCE (origination date 1/17/85): The Town Attorney has approved a revised version which limits distribution and display of pornography to minors. Chairman Krupp indicated he wished to forward this proposal to the Council for a public hearing. Mrs. Bergamini stated that, while she still was not in full favor of the proposal due to the lack of a pressing need for such restrictions, she agreed that the issue should be resolved at a public hearing.
 - REVISION OF ORDINANCE #204 (origination date 4/3/85): Mr. Killen was not present to relay his report.

Under new business, the Committee discussed a recommendation by the Town Attorney relating to compilation of the Ordinances and special acts of the Town of Wallingford. Chairman Krupp indicated he was requesting authorization from the Council to waive the bidding procedure for a Code, in order to solicit proposals. One option discussed was offering the project to the Board of Education (with compensation) as a Civic project; another potential option was to have the Code loaded on the word processor in the Purchasing Department (using overtime hours). Chairman Krupp will continue to develop and pursue alternatives.

There being no further business, the meeting was adjourned at 7:38 P.M.

Respectfully Submitted,

James A.G. Krupp
 James A.G. Krupp
 Chairman

Lisa M. Bousquet
 Council Secretary

Approved *David A. Gessert*
 David A. Gessert, Council Chairman

8-27-85
 Date

Rosemary A. Rascati
 Rosemary A. Rascati, Town Clerk

8-28-85
 Date