
TOWN COUNCIL MEETING

APRIL 22, 2003

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
 2. Correspondence
 3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#556-571) Totaling \$15,247.87 – Asst. Tax Collector
 - b. Consider and Approve a Tax Refund (#571A) Totaling \$1,025.94 – Asst. Tax Collector
 - c. Note for the Record Mayoral Transfers Approved to Date
 - d. Note for the Record Anniversary Increases Approved by the Mayor
 - e. Approve and Accept the Minutes of the March 25, 2003 Special Town Council Meeting
 - f. Approve and Accept the Minutes of the March 25, 2003 Town Council Meeting
 - g. Approve and Accept the Minutes of the April 8, 2003 Town Council Meeting
 - h. Consider and Approve a Transfer of Funds in the Amount of \$300 from Work Station Acct. #001-2050-999-9903 to Telephone Acct. #001-2050-201-2000 – Building Official
 - i. Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Maintenance of Vehicles Acct. #001-2020-550-5000 to Operating Expenses Acct. #001-2020-401-4100 – Animal Control Officer
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- j. Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Maintenance of Vehicles Acct. #001-2020-550-5000 to Office Expenses & Supplies Acct. #001-2020-401-4000 – Animal Control Officer
 - k. Consider and Approve a Transfer of Funds in the Amount of \$7,500 from Contingency – General Purpose Acct. #001-7060-800-3190 to Purchase Services – Negotiations Acct. #001-1300-901-9002 – Mayor
 - l. Consider and Approve a Resolution Authorizing the Mayor to Enter Into a Contract between the State of CT. Human Services Dept. and the Town of Wallingford to Support a Hispanic Human Development Program Provided by Spanish Community of Wallingford (S.C.O.W.) – Program Planner
4. Items Removed from the Consent Agenda
 5. PUBLIC QUESTION AND ANSWER PERIOD
 6. Consider and Approve a Waiver of Bid for the Purpose of Contracting with Vision Appraisal Services to Assist the Assessor's Office During a Prolonged Absence of the Property Appraiser Activated to Full-Time Military Duty
 7. Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Salaries Acct. #001-1401-101-1000 to Purchased Services Property Appraisals Acct. #001-1401-901-9010 – Assessor
 8. SET A PUBLIC HEARING for May 13, 2003 at 7:45 P.M. to Consider and Act Upon an Ordinance Appropriating \$1,865,000 for the Planning, Acquisition and Construction of Various Municipal Capital Improvements 2003-2004 and Authorizing the Issue of \$1,865,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose
 9. Consider and Approve Authorizing Execution of a Subordination Agreement of the Town of Wallingford's Tax Liens to the State of CT.'s Easement Over Property Known as 42 Wall Street, Wallingford, CT. – Corporation Counselor
 10. Consider and Approve the Awarding of Bid No. 02-000F for the Sale of Town-Owned Property Known as 15 Oak Street, Yalesville – Town Attorney

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11. Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Self-Insurance Claims Acct. #001-1603-800-8280 and \$5,000 from Professional Services – Specialists Acct. #001-1320-901-9003 for a Total of \$10,000 to Professional Services – Lawyers Acct. #001-1320-901-9002 – Town Attorney
 12. Discussion and Possible Action on Televising the F.Y. 2003-04 Budget Workshops of the Town Council on April 29th, 30th & May 1st as Requested by Councilors Mike Brodinsky and Jim Vumbaco
 13. Consider and Approve Adopting Legislation Requiring that Copies of the PROposed Budget be Made Available to the Public Each Year no Less Than Four (4) Working Days Prior to the Public Hearing on the Same Budget as Requested by Councilors Mike Brodinsky and Jim Vumbaco
 14. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes with Respect to the Purchase, Sale and/or Leasing of Property – Mayor
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TOWN COUNCIL MEETING

APRIL 22, 2003

6:30 P.M.

AGENDA

A regular meeting of the Wallingford Town Council was held on Tuesday, April 22, 2003 in the Robert Earley Auditorium of the Wallingford Town Hall and called to order by Chairman Robert F. Parisi at 6:34 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Doherty, Farrell, Knight, Papale, Parisi, Rys, Toman and Vumbaco. Mayor William W. Dickinson, Jr. arrived at 7:07 P.M.; Town Attorney Janis M. Small arrived at 6:47 P.M.; Deputy Comptroller Eva Lamothe was also in attendance.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence – No items were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#556-571) Totaling \$15,247.87 – Asst. Tax Collector

ITEM #3b Consider and Approve a Tax Refund (#571A) Totaling \$1,025.94 – Asst. Tax Collector

ITEM #3c Note for the Record Mayoral Transfers Approved to Date

ITEM #3d Note for the Record Anniversary Increases Approved by the Mayor

ITEM #3e Approve and Accept the Minutes of the March 25, 2003 Special Town Council Meeting

ITEM #3f Approve and Accept the Minutes of the March 25, 2003 Town Council Meeting

ITEM #3g Approve and Accept the Minutes of the April 8, 2003 Town Council Meeting

ITEM #3h Consider and Approve a Transfer of Funds in the Amount of \$300 from Work Station Acct. #001-2050-999-9903 to Telephone Acct. #001-2050-201-2000 –Building Official

ITEM #3i Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Maintenance of Vehicles Acct. #001-2020-550-5000 to Operating Expenses Acct. #001-2020-401-4100 – Animal Control Officer

ITEM #3j Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Maintenance of Vehicles Acct. #001-2020-550-5000 to Office Expenses & Supplies Acct. #001-2020-401-4000 – Animal Control Officer

ITEM #3k Consider and Approve a Transfer of Funds in the Amount of \$7,500 from Contingency – General Purpose Acct. #001-7060-800-3190 to Purchase Services – Negotiations Acct. #001-1300-901-9002 – Mayor

ITEM #3l Consider and Approve a Resolution Authorizing the Mayor to Enter Into a Contract between the State of CT. Human Services Dept. and the Town of Wallingford to Support a Hispanic Human Development Program Provided by Spanish Community of Wallingford (S.C.O.W.) – Program Planner

Motion was made by Mr. Knight to Approve and Accept the Consent Agenda as presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #4 Items Removed from the Consent Agenda -Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Ted Curran, 116 Knollwood Drive asked questions of the Mayor's proposed budget since he was unable to attend the public hearing on April 15th. He remarked that there is a \$1.362 million increase in health insurance costs and that all of the money for the golf course study has been removed from the account. Is the golf course issue a dead one?

Chairman Parisi could not provide a response to the increase in health insurance costs, however, with regards to the golf course, he stated that it is on its last gasp; not dead yet.

Mr. Curran asked Eva Lamothe, Deputy Comptroller, what the average percentage of increase the employees received in the budget?

Ms. Lamothe explained that there are many different unions and each have a different percentage of increase. She bases her calculations on each individual employee.

Pasquale Melillo, 15 Haller Place, Yalesville read from a newspaper article that the State of CT. would receive approximately \$1.10 million from a pollution lawsuit.

Robert Sheehan, 11 Cooper Avenue stated that Constitution Street is in terrible shape and wondered if and when it will be paved.

Mr. Curran inquired whether or not the school building project, as presented, will still go forward with renovation to eleven of the schools now that part of the funding is in jeopardy?

Chairman Parisi stated that the bill introduced by Rep. Mary Fritz requesting that the Town be reimbursed the appropriate percentage of the entire project cost has come out of committee but has not yet been passed.

Mr. Melillo asked if Community Pool is scheduled to be painted once again this year?

Ms. Lamothe responded that the service was just placed out to bid.

Mr. Melillo inquired as to whether or not there was any new news on the ball field issue?

Chairman Parisi replied, there is no new news.

The Public Question and Answer Period was declared closed at 6:50 P.M. by Chairman Parisi.

ITEM #6 Consider and Approve a Waiver of Bid for the Purpose of Contracting with Vision Appraisal Services to Assist the Assessor's Office During a Prolonged Absence of the Property Appraiser Activated to Full-Time Military Duty

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Mr. Knight read correspondence from Shelby Jackson, III, Town Assessor, into the record. (Appendix I)

VOTE: All ayes; motion duly carried.

Mr. Vumbaco inquired whether or not the employee was being paid while on military leave?

Mr. Jackson replied that the Town pays the employee the difference between military pay and what he would make as his normal salary.

The question was asked, why is there extra dollars in the salary account?

Ms. Lamothe explained that there are currently vacancies in the Tax Office as well as the Comptroller's position, thereby making salary dollars available for the transfer.

Mr. Vumbaco asked how Vision Appraisal would charge the Town for the permitting process?

Mr. Jackson replied that Vision will charge \$28 per permit which includes the field inspection, gathering all pertinent data, measuring and to entering the information into the computer system software.

Mr. Melillo was opposed to waiving the bidding process.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$15,000 from Salaries Acct. #001-1401-101-1000 to Purchased Services Property Appraisals Acct. #001-1401-901-9010 – Assessor

Motion was made by Mr. Knight, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #8 SET A PUBLIC HEARING for May 13, 2003 at 7:45 P.M. to Consider and Act Upon an Ordinance Appropriating \$1,865,000 for the Planning, Acquisition and Construction of Various Municipal Capital Improvements 2003-2004 and Authorizing the Issue of \$1,865,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

Motion was made by Mr. Knight, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve Authorizing Execution of a Subordination Agreement of the Town of Wallingford's Tax Liens to the State of CT.'s Easement Over Property Known as 42 Wall Street, Wallingford, CT. – Corporation Counselor

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Corporation Counselor Adam Mantzaris' letter was read into the record. (Appendix II).

If the Council signs the agreement, the \$26,500 will be paid to the Town. The property owner is in the process of looking to make a proposal for a payment plan. She is being encouraged to institute a payment plan that she can stick to.

Wes Lube, 15 Montowese Trail asked how this property tax arrearage could be allowed to continue for so long. It is modest raised-ranch-type home on a postage stamp-sized lot. It had to take somewhere around 15 years to run behind \$33,000.

Atty. Small stated that her office should have received something from the Tax Office to pursue this earlier than now. It is an unusual situation. We will be talking to someone in the Tax Office if Atty. Mantzaris has not already done so because it is very unusual for a bill to get this high without being referred to the Law Department.

Mr. Lubeer asked, how many years do we normally allow before we begin to pursue collection or take title?

Atty. Small stated that she did not believe there is a policy in terms of years. It may be a judgment in terms of dollar amounts.

Mr. Lubeer stated, that is not fair.

Atty. Small explained that small dollar amounts are forwarded to the Law Department, too. She was thinking more along the lines of foreclosure rather than collection. The Town does try to collect the small dollars, too.

Mr. Lubeer asked, would it be unreasonable for the Council to ask the Tax Collector's Office for information on any other arrears of this nature?

Atty. Small reiterated that she felt it was really out of the ordinary.

Ms. Papale stated that had the State not come down to the Town for the easement, we would never have known this problem existed. How many others are there out there?

Atty. Small stated that she did not believe it was a common occurrence, particularly on a residential property, and Atty. Mantzaris had mentioned specifically to her that he could not understand why it hadn't found its way to the Law Department, but it is not normal. She vowed to make an inquiry to see if more information could be obtained from the Tax Office.

Mr. Brodinsky stated, it is my understanding that the Town's computers cannot do an aging schedule so you can't ask for a computer run and ask for the most overdue accounts.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve the Awarding of Bid No. 02-000F for the Sale of Town-Owned Property Known as 15 Oak Street, Yalesville – Town Attorney

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Atty. Small explained, this is the excess land on Oak Street that we put out to bid and per your instructions, there was a minimum bid requirement of \$7,000. There was one lone bidder who bid the \$7,000 with an exception.

She read the letter into the record that accompanied the bid as an exception and stated, the bidder stated that his family has lived at 11 Oak Street for ten years. During that time they have taken care of 15 Oak Street as well as their own yard. He has placed topsoil, seed and fertilized the land; cut the grass each week when he cuts his own lawn; rake leaves and keep it clean. Last year, sometime during February or March, a tree branch fell down onto his garage. It did damage to the roof and shingles. The tree was on Wallingford property and when he called the maintenance department of the Town to see if the tree could be cut down as it was dangerous to his children and garage, he was told that it was o.k. for him to get the tree cut down. It cost over \$1,200 to have Wallingford Tree Service cut down the tree. He feels that the cost to cut the tree down and the repair costs to his garage should be considered as part of an exception. It was signed by a Mr. & Mrs. Papale. He enclosed the bill from Wallingford Tree Service. She did inquire of Public Works with regards to the matter and Public Works indicated that Mr. Papale did call the department and indicated that the tree branches were hitting his garage and believed it was a Town tree. Public Work's response was that he could cut any branches that cross over onto his property. Mr. McCully (Director of Public Works) was pretty adamant that no one told him to go cut a tree down on Town property. That is where we are at.

Mayor Dickinson stated, as a matter of valuing property, it would not reduce the value of the property whether he cut a tree down or did any number of things on the property. The value of the property is the value of the property. It was appraised at \$7,000.

Chairman Parisi asked, does the Town assume any responsibility if a tree falls on someone else's property and causes damage?

Mayor Dickinson replied, it depends upon more of a factual circumstance. We can be liable. In this case, though, we are not talking about the liability of tree doing damage, rather what the value of the property is.

Chairman Parisi stated, I wasn't aware that there was any damage to his property for we have nothing that tells us that. I wonder about the fairness issue. I would think that if I had something destroyed by the Town I would be able to seek restitution.

Mayor Dickinson replied, there is not an indication of the cost of repair, if there was damage that caused repair. The cost advanced is the cost of cutting down a tree, not of repairing a garage, if there had to be a repair to the garage.

Chairman Parisi stated, perhaps we can consider selling the property for \$1,000 less if the individual can produce documentation that, in fact, it cost him \$1,000. If he can provide proof that it cost him \$1,000 to fix his garage, then I think he should be...

Mayor Dickinson suggested, why don't we wait on it to see if he can submit documentation for any damage.

Mr. Brodinsky stated, it sounds like we are negotiating the sale of real estate here. It wandered into discussing terms, etc.

Atty. Small offered to ask the gentleman for more documentation of his claim to damage.

Chairman Parisi stated, there is a measure of fairness whether we are wandering or not. I wasn't aware...I don't know why we would roll over someone because we are not interpreting it as a matter of law, specifically.

Motion was made by Mr. Farrell to Table the Matter until the Next Meeting, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Self-Insurance Claims Acct. #001-1603-800-8280 and \$5,000 from Professional Services – Specialists Acct. #001-1320-901-9003 for a Total of \$10,000 to Professional Services – Lawyers Acct. #001-1320-901-9002 – Town Attorney

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Unexpectedly the Workers Compensation Commission has scheduled five formal hearings in the month of May. There is inadequate funds to handle the claims. The fees to cover the preparation, depositions and the actual hearings in the five matters, as well as ongoing activity in at least three other cases will exceed the funds currently in the account.

VOTE: All ayes; motion duly carried.

ITEM #12 Discussion and Possible Action on Televising the F.Y. 2003-04 Budget Workshops of the Town Council on April 29th, 30th & May 1st as Requested by Councilors Mike Brodinsky and Jim Vumbaco

Mr. Vumbaco stated, I believe that as an elected official of the Town of Wallingford, it is our duty, as a Council, and we have an obligation to those who elected us to see how we, as council people handle our responsibilities as it pertains to the budget review process. I feel this year, and I have requested this in the past, but I feel this year it is even more important because of the proposed tax increase that is greater than 10% coupled with last year's tax increase of 17% that by broadcasting the workshop meetings and the fact that we do have this increase, it might generate some interest from the citizens on how we, as Councilors, handle the questioning of the department heads in attempting to possibly reduce the budget requests made. I strongly believe the public should have the opportunity to view our process, if they so choose, by having it broadcast. I am a strong believer that this should be a public session. I do not buy the arguments that were stated in the paper

that it is too costly. We are talking about four individuals with an hourly rate which totals about \$52/hr. Even if the broadcast was to go for 20 hours, it is less than \$1,000 cost. I also do not buy the argument that, since it hasn't been done in the past, that we can't do it in the present. I also don't buy the Mayor's argument that the staff and program schedules do not encourage adding this to the broadcast list. I believe that if it is something so important to us, we should be able to find a way to broadcast these meetings.

Motion was made by Mr. Vumbaco that the Budget Workshops of April 29th, Possibly the 30th and May 1st be Broadcast and that the Appropriate Funds be Transferred at the Time the Council Deems what the Costs will be, seconded by Mr. Brodinsky.

Mr. Brodinsky stated, we televise all kinds of meetings; Planning & Zoning; Board of Ed; our own Council meetings, but then there just seems that there is a pattern when the two or three perhaps most significant meetings of the year come by and suddenly they are not televised. It is a matter of priorities, really. Is it important that the public see and understand what is going on? If the answer is yes, then you televise them. If the answer is no, it is not important, then you don't. I think it is as clear as that. Last year and this year there have been some reasons put forth or some excuses or maybe some obstacles put forth as to why we are not televising them. I think, from what I have heard, but I still have more to hear tonight, those have been somewhat lame. I haven't heard of a good reason not to televise it. We can work it out and if there are problems, we should work it out.

Ted Curran, 116 Knollwood Drive stated that there is apathy by the people of Wallingford regarding what their budget is all about. It is very appropriate to televise the workshops. A lot of people do watch the cable station in Wallingford and don't have time to come out and look. It is very appropriate, for the minimal cost, to televise to let the people see what the process is, come here, ask questions, etc. I support it.

Robin Hettrick, 4 Blossom Lane stated, I would be very supportive of it, being broadcast. I think, in this day and age especially with all of the suspicion and criticism on companies and on politicians, in general, sometimes things that are done behind closed doors are looked at as being secretive. I know, being an accountant, that is one of the things that kind of raises my hair a little bit if something is done without everybody noticing and without everybody having a chance to understand what went into the process, it can sometimes be looked at as being done behind the scenes and back door'd and not necessarily up front. I think it would be in the Town's best interest for it to be televised.

Mayor Dickinson stated, the meetings are public meetings. Workshops are available for attendance by the public; they are posted meetings; they always have been. We have not televised them. We don't televise Planning & Zoning workshops and, arguably, Planning & Zoning workshops have longer term effect on the Town than a single budget workshop does for a single operating year. The public is welcome to come to the meetings and it is a public meeting.

Mr. Melillo supporting the televising of the workshops. He stated that the taxpayers are faced with the largest tax increase in the history of Wallingford. Public enemy #1 is public apathy. The Council should do all it could to eliminate that enemy.

Sharon Sanders, 46 S. Cherry Street, #143 stated, it is a public hearing, anyone can come. As for public apathy, I don't buy that. I really think that the only people that are upset are the ones that aren't getting their way. The public has a chance, at election time, to vote who they want in or out and they say it very clearly. If they were really upset there would be a lot of articles; there would be people here complaining that they would want it on T.V. I think that if they are really interested, they will show up because it is publicized in the paper.

Mr. Vumbaco replied, the Council's meetings are broadcast twice a month, normally, except for the summer months. We do all sorts of work, a lot of it is controversial at times and none of us are afraid to sit in front of the cameras and do our duties as elected officials representing the citizens. I don't see any reason why we should not be able to roll up our sleeves or do the business of this budget and not feel intimidated by being in front of the camera. We are here twice a month; we've covered some major issues and I don't think that that is a reason, which has been brought up in the past. As far as the public is concerned, yes, I agree that there was not a whole bunch of people here, but maybe they feel that it is not going to do them any good because of the past, mostly the budget just goes through as presented and it can be claimed that it was such a good budget but I just think that people are somewhat leery of the fact that if they do show up they are not going to be heard anyway.

Ms. Papale stated, regarding the comment that the meetings are behind closed doors; they are not behind closed doors. Anybody is allowed to be here and listen. We speak during the public hearing and then it is time for us to go to work and do our job, but it is not behind closed doors. I just wanted to clear that up. In the very beginning when we first decided to put Council meetings on T.V., it was quite a few years ago. There were many of us who hemmed and hawed and I pushed, really pushed for the Council meetings and others, to be broadcasted. I, for some reason, wasn't intimidated. I thought it was important and we took a lot of flack until people got used to it and now I really believe the town, and I know the town does watch our channel. I have always been in support of public T.V. for council meetings and I will always feel that it is important. Maybe a compromise has to be made as far as our workshop meetings are concerned. If anyone feels that I am talking through Mr. Hanley's group of men that work so hard; they have Planning & Zoning workshop, Inland Wetlands, ZBA and a very busy schedule. Maybe three nights would be too much for them to come out again. Maybe it could be worked through our Council secretary and the agenda that maybe on the first night that we are scheduled which is next Tuesday, that maybe the night that the Board of Ed is scheduled. I have no idea how Bob (Parisi) and Kathy (Zandri) are going to put this together, but together they are going to work it out. Maybe it would work if it were televised just one night. What ever happens, I think we are going to do our best to work with this budget and

really try to look at it. Maybe not line by line, page by page, but I think there will be important items to be brought up. This is a decision to be voted on tonight. I am going to vote for the workshops to be televised but if they would just televise maybe one night, that would be fine with me. I just think that maybe there has to be a compromise as I think there always should be a compromise. If the people are available and if the money is there, why not do it? I don't understand why we should not be doing this.

Robert Sheehan, 11 Cooper Avenue stated that he supports televising the meetings. I have been coming for ten years now and have sat in this room at your workshops until sometimes two or three o'clock in the morning but usually that doesn't happen now. People from the public do attend, but they are mostly town employees. There are a lot of firemen who come during the workshop; policemen; public works, water & sewer; electric division because it immediately affects them, what is decided here. If a big contingent of everyday citizens showed up, I doubt this room would be able to accommodate them because it is usually filled those nights. It always reminds me, in the public forum, which is what this is, why it isn't public. Just to say, "you are welcome to come" baffles me because I always figured that the secrets of the free world must be kept in this building and if they ever get out, we are all doomed. Everybody doesn't want the daylight shined upon them for some reason and I don't know what that is. That is a bad perception for anybody to have.

Mayor Dickinson reiterated that the definition of a public meeting is not that it be broadcast. A public meeting is a meeting that is posted and is open to the public to attend and participate. Whether or not a meeting is broadcast is a totally discretionary decision on the part of several authorities. A public meeting is not defined by whether it is broadcast or not.

Mr. Sheehan responded, in this day and age with all of the great means of communication that we have, you can reach a lot more people over a T.V. set, radio or what ever you want than you will ever get in this room. Why not use the technology that we have? This is the 21st century; we are not dealing in smoke signals here, anymore.

Ms. Hettrick stated, Mayor, I understand the point that you raised about it being a public meeting and that the public is welcome to attend. Ms. Papale I also understand your point about it not so much being secret and I apologize if that was the impression that I gave earlier. My concern is more that I am not a regular attendee to these meetings and the reason that I cannot do that is because I have a family at home. I work during the day, I have two small children and I cannot attend meetings on a regular basis. The only way that I am able to stay in touch with what is going on is by watching it on T.V. I am not the only one in this town that is in that position. There are quite a lot of working families, especially working parents, that want to spend the evenings with their families. By broadcasting this, you not only give people the ability to be able to see it when it is convenient for them, but they can also feel like they understand what's going on in Town government.

Mr. Lube stated, I am sorry I have to sit here and hear on one side legal definitions of a public meeting. I don't think that is the point at all. If we were to look at Congress, it has awakened many years back to the fact that communications with the constituencies is very important and they have all of their meetings televised on two different channels. As a result of that, if you were to examine them, unlike our Council meetings, they will pan the seating gallery of the various congressmen or senators and it is seldom that you will find, except for a quorum call, any kind of significant attendance because they and their staffs, are all back in their offices watching the speeches on television. Why bother going down there when it is such an inconvenience. It is the same way here, you are absolutely right that the people in our town have elected you and they feel that you have things under control and for the past two decades they have felt that their impressions were well-founded. Now you suddenly find yourself with a very sizeable increase in consecutive years. This takes a lot of explanation and I think that if they saw the efforts that you people go through in these workshops, just as they watch the workshops of Congress on T.V., they will feel better and not pleasurable, but will at least realize that the increases may not have been avoided despite your best efforts, unless you televise your efforts. These people don't read the local news; they don't read about the Council; they don't read about the budget. They don't read the budget (legal notice) that was in the Meriden Record, all they care about is the tax bill and when that tax bill arrives, that is when they suddenly say, "what the heck is going on?" I don't think you want that day to come without having put your best foot forward and to do that, you have to televise.

VOTE: Brodinsky, Papale & Vumbaco, aye; all other, nay; motion failed.

ITEM #13 Consider and Approve Adopting Legislation Requiring that Copies of the Proposed Budget be Made Available to the Public Each Year no Less Than Four (4) Working Days Prior to the Public Hearing on the Same Budget as Requested by Councilors Mike Brodinsky and Jim Vumbaco

Mr. Brodinsky stated, the public hearing on the budget was the 15th of April; the budget books were available on the afternoon of the 14th (of April) and I believe that is a Charter violation. I think the Charter says that it has to be five days and I would just, through you Mr. Chairman, ask Attorney Small, what are the consequences, if any; what, if anything needs to be done in view of that?

Atty. Small asked, no one could see the budget before the 14th?

Mr. Brodinsky replied, the budget was released on the afternoon of the 14th.

Atty. Small asked, when was the public hearing published in the newspaper?

Mr. Brodinsky replied, I am not sure. The Town Clerk would know that. The Charter talks about; it reads, "The Council shall cause sufficient copies of said estimates to be

made available for general distribution in the Office of the Town Clerk and at least five days prior to the aforementioned public hearing.”

Atty. Small answered, according to the Comptroller's Office it was at the Town Clerk's Office on April 2nd, is that correct?

Eva Lamothe, Deputy Comptroller replied, the budget was released and it was available for the public to see in the Town Clerk's Office on April 2nd.

Mr. Brodinsky stated, I'm sorry, I wasn't clear. I meant to read, "and for general distribution." Maybe you didn't hear that. It was supposed to be available for general distribution and, in addition, it is supposed to be available in the office of the Town Clerk, it is both; available in the office of the Town Clerk, and available for general distribution.

Atty. Small asked, o.k., then why couldn't someone get it at the Town Clerk's office? Could you?

Mr. Brodinsky replied, that is not the same as general distribution. People need to take it home, study it, mull it over the weekend. With one copy available, there could be a line up and if that is going to be our policy, there is no such thing as general distribution.

Atty. Small stated, I am asking for the factual, what happened, when. I don't know the story. I am looking to get the story.

Ms. Lamothe explained, in previous years we have always gone out to bid for the printing of the budget and the printer is given a schedule. If they received the budget on March 31st, it depends on the calendar that year; if they receive the budget from me for printing on March 31st, it is supposed to be back in my office by April 7th. If they receive it on April 1st, it is supposed to be back in my office by April 8th; April 3rd, comes back April 10th. They have seven days to print that budget. In previous years we always had the same printer. We had a three year bid with the same printer; he has always fulfilled the requirements of getting it back within seven days. I may be wrong but I think the public hearing may have been a little early this year but the printer also had problems this year with the budget; not with our budget, but with his staff. He had people out sick; he was short-staffed and had no control over that situation. This year we did not go out to bid for the printing because the printer held the price with the same price as last year, so we didn't go out to bid again. We got the same price as last year which was \$2,450. He did hold that price for us but he did run into problems and that was the cause in the delay of the printing. Otherwise, he has been consistent every year that we have received that budget back within seven days of the date on which he receives it. It just so happens this year that he was late; the public hearing was April 15th; and we didn't receive it until the day before. This was really a fluke. It is not normal standard procedure for this budget.

Atty. Small asked, on April 2nd, was there something in the Town Clerk's Office?

Town Clerk, Rosemary Rascati replied, yes. I had a loose leaf budget book and anyone that called or asked, it was made available to them and they were told that if they needed a copy of any page, any particular page, that we would be happy to make it for them.

Atty. Small stated, the Charter talks about, "The Council shall cause sufficient of said estimates to be made available for general distribution in the Office of the Town Clerk and at least five days prior to the aforementioned public hearing the Council shall cause to...." I think those are two separate things. I think you are attaching the five days to the general distribution.

Mr. Brodinsky replied, my reading of it seems to be, I am bringing in sort of the legislative intent and the plain reading. It seems to be the whole purpose of it is to make sure that the general public has the budget available to it to study and hence the word, "distribution" five days before the public hearing. I know that I was very carefully looking for that budget to be released and I made several calls to several offices, including the Town Clerk and asked if the budget was in and, no, I had to wait until actually the Mayor's press conference in the afternoon of that day. But it wasn't available. I couldn't get it; I had to wait.

Atty. Small answered, apparently you could get it if you went to the Town Clerk's Office.

Mr. Brodinsky stated, it was there but I'm saying that I couldn't get it but that is really not the point. The issue really isn't, does distribution mean you can go to the Town Clerk and ask for a copy? I think the word "distribution" means that those books are available to the public so they can take it home and study it so they can come to the public hearing studied and prepared to ask questions.

Atty. Small stated, it says that it should be made available for general distribution in the Office of the Town Clerk so it was there on April 2nd. It wasn't there in mass quantities that someone could just conveniently come and pick it up. I understand your point. It would be nice if the books were there and people could just come and pick up a book but it was there and I am assuming the Town Clerk's Office would make copies of it for anyone who wanted it. Yes, I think you are right that it would be nice if the books were there sometime earlier but I don't think the five days goes with the general distribution. Then it is published in the newspaper, the summary.

Ms. Lamothe reminded Mr. Brodinsky that he had, in his possession, his budget book on April 2nd, it was delivered by police officers on April 2nd when all the other Councilors got their books.

Mr. Brodinsky answered, but the little book could not be obtained and those were not available for general distribution. General distribution does not mean my book only for

my personal use. I had constituents call me and ask where they could get the book and they could not be obtained. I went to the Finance Office to try and get it; it was not there.

Atty. Small stated, we are not obligated, under the Charter, to even print the book. We don't have to do that. It could just be a pile of paper. If there is a timing issue with the publication of the book, I don't disagree that it would be nice to coordinate that with the scheduling of the public hearing so that it would be within sufficient time. This may have been a one year fluke in this case. I understand your point.

Mr. Brodinsky stated, reasonable minds can differ but I think the spirit of the Charter is that the public should have those books. If the present administration doesn't want to interpret the Charter that way, then the books will not be available, but the next issue is...

Atty. Small replied, I did not say that. We are not obligated to have a printed book for anything. What I am saying is; I agreed with you that it would be nice to see that the actual book could be ahead of time, so it is far more convenient to just stop by and pick up a book. But what the Town Clerk is saying is that, in fact, it was there on April 2nd. It is the greatest or easiest copy to be distributed? No, it is not the easiest. Can it be distributed? It can, because the Town Clerk can make a copy of it. She could of, I suppose, made 100 copies of it on April 2nd and how many people would have showed up? Maybe, five? I don't know but, the point is that it was there in case someone did want it. I am not disagreeing with you that it would be nice if the books were there, coordinated at least five days in advance, although I think that the five days goes with the public hearing notice. That's fine, I don't disagree with that and it looks like it may have been just a fluke this year.

Ms. Lamothe stated, according to the Charter, the public hearings on the budget are to be held within sixty days of the end of the year. That would bring it to around the end of April some time. This year it was the middle of April. Had those public hearings been held more towards the end of April, those books would have been available in plenty of time.

Mr. Brodinsky replied, that is kind of my point, but I never had a chance to circle around to it. The issue was not with the making of the books available, I think they were available at the soonest possible time. There is nothing you could have done. The question remains, does distribution mean distribution or getting a copy? If there is no Charter infirmity then I guess we have to address how we are going to make sure this doesn't repeat itself. If there is a Charter infirmity, then what do we do?

Chairman Parisi stated, the effort was made this year to have the public hearing earlier so that the councilors would have more time with their budget book. Perhaps maybe the public hearing shouldn't infringe upon the councilors' time. Kathy (Zandri) and I went over this considerably and that's what we came up with. We were trying to free up more

time for the Council. The date could probably go forward for the public hearing and that might make this situation better, from what I am gathering from this discussion.

Mr. Brodinsky stated, if the public hearing were set back in time the public would have had five days to take home those books, study it. If we are on the same page, yes, that's fine and we should just make sure that we do that going forward. The other issue is, is there any Charter infirmity and what would bond counsel say? If there isn't, fine.

Atty. Small stated, I don't think it is a violation of the Charter to have it available on April 2nd. I think, in order to ensure that the actual published book, as opposed to what was available on April 2nd, I am not sure who coordinates all the dates, but you can pay attention to that in terms of scheduling for the next budget year. In consultation with the Finance Department in terms of when the actual printed copies will be available and make sure all the timing is right. That can be done.

Chairman Parisi replied, dates were selected with Mr. Myers. The problem is that the printer has had some problems as Eva stated. If he didn't have any problems, it probably would have worked out.

Atty. Small asked how things went last year on this matter.

Chairman Parisi stated that there were no problems because the budget books were ready.

Ms. Lamothe stated, the books should have been received on the following Thursday after I gave it to the printer. That was the plan to have it back Thursday, no later than Friday. The hearing was on Tuesday. The books would have been received four days, not working days, but four days prior to public hearing. I think it was the setting of the public hearing earlier than usual that caused some problems.

Chairman Parisi replied, and it was by the calendar because it is the 15th & 16th (of April) almost every year.

Mr. Knight stated, I have spent time reading the Charter for the past ten years and that phrase regarding the five days is modifying the requirement that the budget be published in a newspaper with a wide circulation within the town. I don't believe that it is requiring that the budget books be available five days before. Having said that, I think the Town makes every effort to see that the public does receive these books in time and as Eva very carefully reconstructed, the difficulties with the printer made that impossible. I don't think any legislative remedy is necessary because I think that the Town makes every effort to make the books available so that everybody in the town that's interested can read through them. I don't know what we're arguing about.

Ms. Doherty asked, when a purchase order is issued for something that is timely, something printed like this, do we have a clause in there at all that if they are unable to fulfill the requirements?

Ms. Lamothe replied, the purchase order has written right on it that the budget will be ready for printing on April 2nd and the books were to be delivered within seven days of printing.

Ms. Doherty asked, and if it is not?

Ms. Lamothe answered, I have not spoken to the Purchasing Agent on this at all. It is something that I can bring up to him. It was an unforeseen problem at the printers. We called every day from Thursday on to try and get those books. He did the best he could considering the circumstances.

Mr. Vumbaco stated, I don't think the intent of this item was to make an issue of it not being done on a timely basis or actually trying to force some sort of legislative ability. What we discussed was the fact that that night there were some people that came in front of the council and said that the way we go through our public hearing is, are there any questions on this department; next department and methodically go through the process as we have done in the past and there were people still looking at one department and we were four or five departments down the line already because they did not have the ability to have the book early enough. Past practice, I guess, has always been that the book has been available. Most likely it is usually beyond the five days. All we are really asking for and mentioning is the fact, for the record, every effort be made going forward that the public has the opportunity to review the budget prior to the public hearing. That is the only true blue intent. I don't think anyone up here can argue the fact that we don't want that. I think it is necessary. We talked earlier about public apathy. If we can't get them the darn books to look at, that kind of takes it to the extreme. Unfortunately, I don't buy the idea that it's the printer's fault. If the printer screwed up, the printer should be penalized. I don't like making excuses for vendors that we are paying a substantial amount of money to have a product done. They committed to it; they should do it, even if there was a partial shipment made. In the future when we do go out for purchase orders on timely items like Lois mentioned, we should have penalties written into those contracts. Going forward, in looking at it, maybe we should say that if they don't make the deadline dates there will be a penalty of "X" percent to protect it. It kind of forces them into doing it.

Chairman Parisi stated, I agree. I think we are all concerned that books be available and it is very obvious that we all want them available. Maybe in the future we can approach this as stated in a firmer way and that might help. Never had the problem before but there is always a first time.

Ms. Lamothe stated that she now knows to go out to bid next year instead of letting the vendor have the opportunity to do the work simply because they hold the price. The bid specifications will also have the date or number of days in which the books must be returned. Hopefully, between that and the public hearing being scheduled a little later, all the requirements can be met.

Ted Curran, 116 Knollwood Drive stated that, in his opinion, the lack of delivery was not the problem, rather that the outside auditor who failed to submit their information to the Town on a timely basis. He asked that Mr. Toman address that the next time the Auditor Search Committee meets. The auditor did not present his information to the Town until ten months after the fiscal year ended, therefore the printer cannot be blamed. The blame has to be with the external auditor. They may not have been continuity between the auditor and the Finance Department as to the time the information should be given to the Town so that the printing could be done on time. He did not think it is rightful to say that the printer is the problem. He felt it was lack of information from the outside auditing firm.

Chairman Parisi stated, the Assistant (Deputy) Comptroller stated what the problem was.

Mayor Dickinson explained that the audit was delayed, not the release of the budget information. Mr. Curran is mistakenly thinking of the Comprehensive Annual Financial Report a.k.a. CAFR.

Mr. Curran stated that he was talking about the June 30, 2002 financial statements, not the audit book. He was of the opinion that the one had an affect on the other.

Mayor Dickinson explained, the June 30, 2002 financial statements is the audit.

No Action Taken

WAIVER OF RULE V

Motion was made by Mr. Knight to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Approving a Council Resolution, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Mr. Knight read correspondence from Chief Timothy Wall of the North Farms Volunteer Fire Department written to Senator Toni Nathaniel Harp, Co-Chair of the Appropriations Committee and to Representative William R. Dyson, Co-Chair of the Appropriations Committee. (Appendix III)

Motion was made by Mr. Knight to Approve a Council Resolution Urging the Governor and the General Assembly to Restore Funding Reimbursing Volunteer Fire Companies Responding to Emergency Calls on Limited Access Highways and, by doing so, Recognizes the Very Important Emergency Service Rendered by the Volunteer Fire Companies to Citizens in Need of Help, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #14 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes with Respect to the Purchase, Sale and/or Leasing of Property – Mayor

Motion was made by Mr. Knight to Enter Into Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The council entered executive session at 8:10 P.M.

Present in executive session were the Council, Mayor Dickinson and Atty. Small.

Motion was made by Mr. Knight to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The council exited executive session at 8:18 P.M.

Motion was made by Mr. Farrell to Adjourn the meeting, seconded by Mr. Rys.

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 8:20 P.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri
Kathryn F. Zandri
Town Council Secretary

RECEIVED FOR RECORD 4.24.03
AT 11 H 30 M A M AND RECORDED BY
Dominy A. Basetti TOWN CLERK

Approved by: Robert F. Parisi (by RR)
Robert F. Parisi, Chairman

5-13-03
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

5-13-03
Date