

REVISED 8/14/89

TOWN COUNCIL MEETING AGENDA

JULY 25, 1989

6:30 p.m.

1. Roll Call and Pledge of Allegiance.
2. Consider and Approve Transfer of \$4,111 to Traffic Line Painting - Police Department.
3. Consider and Approve Transfer of \$1,200 in Support of the Lyman Hall Girls State Champion Softball Team - Mayor's Office.
4. Consider and Approve Waiver of Bid for Traffic Radar - Police Dept.
5. Consider and Approve Resolution Authorizing Application to the Department of Human Resources for the Community Services Grant that Supports the SCOW organization - Program Planner.
6. Consider and Approve Resolution Authorizing Application for the Social Services Block Grant Program - Program Planner.
7. Report on Bid for Aid Conditioning and Heating System Design at Senior Citizens Center - Public Works.
8. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 p.m.
9. Consider an Ordinance Amending an Ordinance Appropriating \$1,450,000 for the Town's Share of Road Construction and Utility Installation in the MED-WAY Business Park and Installation of a Water Main in Barnes Road - Set Public Hearing.
10. Consider and Approve Abandonment of a Portion of Beaumont Road and a Portion of Old North Colony Road and Retention of Certain Easements - Town Attorney.
11. Consider and Approve Acceptance of Deed from John Milici - Town Attorney.
12. Town Council's Recommendation on Charter Revision.
13. Approve Town Council Minutes of June 27 and July 11, 1989.

TOWN COUNCIL MEETING SUMMARY

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TOWN COUNCIL MEETING

JULY 25, 1989

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers and called to order at 6:45 p.m. by Chairman Albert Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Bradley, Doherty, Holmes, Papale, Parisi, Solinsky, Zandri and Killen. Also present were Mayor William Dickinson, Adam Mantzaris, Town Attorney, and Tom Myers, Comptroller.

The Pledge of Allegiance was given to the flag.

Motion was made by Mr. Doherty to have Items 2 and 13 placed on the Consent Agenda to be voted upon by one unanimous vote.

ITEM 2 Consider and Approve Transfer of \$4,111 from Gasoline Acct. No. 001-2015-300-3000 to Traffic Line Painting Acct. No. 001-2017-600-6520 to Provide Additional Funds for Traffic Line Painting - Police Department.

ITEM 13 Consider and Approve the Council Minutes of June 27 and July 11, 1989.

Seconded by Mr. Solinsky.

VOTE: Unanimous ayes; motion duly carried.

ITEM 3 Consider and Approve Transfer of \$1,200 from Contingency-Reserve for Emergency Acct. No. 001-8050-800-3190 to Championship Awards Acct. No. 001-1300-600-6030 to Provide Funds in Support of the Lyman Hall Girls State Champion Softball Team. Motion was made by Mrs. Papale, seconded by Mr. Adams.

Mr. Killen stated because this is from the Contingency account I will vote against this.

VOTE: Killen voted no; all other ayes; motion duly carried.

ITEM 4 Consider and Approve Waiver of Bid for Traffic Radar - Police Department. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale stated this went out to bid and no one bid on it. The approximate cost is \$2,500.

Mr. Zandri asked have you gone out and priced this at all?

Darrell York replied there's only one manufacturer of Custom Radar which is the one we want. This radar is more sophisticated than the ones we have now.

Mr. Bradley asked how many bids went out?

Don Dunleavy replied I have no idea. I can go to my office and pull the bid.

Motion was made by Mr. Bradley to Table This Item Until Further Information was Available from the Purchasing Agent, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 5 Consider and Approve Resolution Authorizing Application to the Department of Human Resources for the Community Services Grant that Supports the SCOW Organization - Program Planner. Motion was made by Mrs. Papale, seconded by Mr. Adams.

Mrs. Papale read the attached Resolution into the record.

Mr. Bradley asked do we get any reports from this agency?

Don Roe replied we are required to submit quarterly reports to DHR on agency activities. In addition, the Council has a representative on the Board of Directors.

Mrs. Papale stated I am on the Board of Directors. If anyone would like a copy of the minutes, I'll see that it's done. We have a new person this year and the change is tremendous.

Mr. Roe stated the agency has made great strides forward.

VOTE: Unanimous ayes; motion duly carried.

ITEM 6 Consider and Approve Resolution Authorizing Application for the Social Services Block Grant Program - Program Planner. Motion was made by Mrs. Papale, seconded by Mr. Adams.

Mrs. Papale read the attached Resolution into the record.

VOTE: Unanimous ayes; motion duly carried.

ITEM 4 Consider and Approve Waiver of Bid for Traffic Radar - Police Dept.

Motion was made by Mr. Adams to Remove Item 4 from the Table, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried.

Mr. Dunleavy stated 10 bids went out and no one responded.

Mr. Bradley asked is the company we're looking to purchase from on the bid list?

Mr. Dunleavy replied no, nor was it given to us as a suggested vendor.

Mr. Bradley stated I suggest the company be added to the bid list if they are one of the Police Department's preferred vendors. When bids go out we usually receive a sheet as to who the bids went to and whether there was a response. I don't know if this is procedure or courtesy, but it would be helpful to have this sheet in the future.

Mr. Parisi asked who drew up the specifications?

Don McNeil replied I drew up a basic radar specification. The one thing I was looking for was a third display window which aids the officer greatly in determining which vehicle he has clocked.

Mr. Parisi stated I think this company should be put on the bid list and the item rebid.

Mr. Zandri stated I don't understand why that company wasn't one of the suggested vendors.

Mr. Killen asked what is your intention that we only pursue the Custom radar?

Lt. McNeil replied I believe when this went to Purchasing it said the Pro 1000 or equivalent. I think there's a good chance there is another unit on the market that has this extra display.

Mr. Killen stated we usually waive the bid before we go out to bid not after.

Lt. McNeil stated I'm really surprised there were no bids. Maybe because we're only buying one radar unit it's not worth someone's time and effort to bid on it.

VOTE (on original motion): Bradley, Parisi and Zandri voted no; all other ayes; motion duly carried.

ITEM 7 Discussion Regarding Bid for Design Work of Air Conditioning and Heating System at Senior Citizens Center - Public Works Department. Motion was made by Mrs. Papale, seconded by Mr. Adams.

Steven Deak stated we went out to bid on the air conditioning design and received only one bid from Lazarous and Sargeant.

Mr. Solinsky asked do you have any idea what the total cost for the design would be?

Mr. Deak replied no I can only guess.

Mr. Killen asked have we gone out on an hourly basis without asking for a "not to exceed figure"?

Mr. Dunleavy replied this is a normal situation, especially for consulting engineers to respond in this manner. One hundred and eleven people were invited to bid and 13 asked for the specifications. We had asked to do this as an RFP and both Mr. Deak and I left this table assuming we had been denied the RFP so we put it out to bid. After the bids came in, the Mayor pointed out to us the motion made by Mrs. Papale and he felt we should return to the Council as a courtesy to let you know what had transpired. We can see no reason not to move forward with this item because this particular bidder's figures are exposed. It would be a disservice to them if we did not award the bid at this time.

Mayor Dickinson stated usually there is a waiver of bid and then an authorization to use the RFP approach. Otherwise you have to use the public bid process. What happens if a department goes for an RFP, contacts all the prominent vendors and they provide prices. Then when it's time to select one the judgment is no we're going to use a public bid. Everyone has already provided their prices. We've jeopardized our own process. That's why in order to go with an RFP you have to first waive the bid.

Mr. Zandri stated the Council's intention was to seek RFP's and we felt it wasn't necessary to first waive the bid.

Mr. Solinsky stated the Air Testing Committee went out for RFP's and found one firm that was interested and then we waived the bid.

Mr. Holmes stated perhaps we've been doing RFP's wrong in the past. I don't have a problem with the procedure that was done here.

Mr. Dunleavy stated I'm hoping the Charter revisions will include RFP's in the future and then Geno and I can redo the purchasing ordinance addressing RFP's and how we go about it.

Motion was made by Mrs. Papale to Waive Rule V to Discuss Hiring an Attorney for the Board of Ethics. Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Richard Gee stated the Board of Ethics asks that an attorney be hired to present the Al Cei case to and on behalf of the Ethics Board. This matter was brought by the Ethics Board and it puts the Board in the position of being both prosecutor and judge. That is not a comfortable position for the Board to be in. It was felt an attorney should be hired to organize the case and present it on behalf of the Board so the Board can do the business of judge or jury. I'm sure that witnesses and key people in this matter will also be represented by attorneys and that's another reason why I felt we should do it. The Town Attorney is only required to review evidence and according to the Charter cannot represent the Board itself or present the case.

Motion was made by Mrs. Papale to Waive the Bid to Hire an Attorney to Present the Al Cei Case for and to the Board of Ethics. Seconded by Mr. Holmes.

VOTE: Doherty abstained; all other ayes; motion duly carried.

#### PUBLIC QUESTION AND ANSWER PERIOD

Tim Cronin, 47 South Ridgelane Road, stated if you disagree with the two-year term for the Board of Education, why don't you just let it pass and let the people decide. Sometimes the collective wisdom of the people is pretty good in these matters. I'd really like to see that get by you people.

Tom Hanchuruck, Fire Department Lieutenant, asked who is the appointing authority in the Fire Inspector position that is being offered. I was number one on the last list which is 9 month's old. I thought the Council made the appointment. Stanley Seadale seems to think he can arbitrarily throw the list out.

Mr. Killen replied I'll do some research and get back to you.

ITEM 9 Consider and Approve an Ordinance Amending an Ordinance Appropriating \$1,450,000 for the Town's Share of Road Construction and Utility Installation in the Med-Way Business Park and Installation of a Water Main in Barnes Road - Set Public Hearing.

Motion was made by Mrs. Papale to set a Public Hearing Date of August 8, 1989 at 7:45 p.m., seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 10 Consider and Approve Abandonment of a Portion of Beaumont Road and a Portion of Old North Colony Road and Retention of Certain Easements - Town Attorney.

Motion was made by Mrs. Papale to Discontinue Those Portions of Beaumont Road and Old North Colony Road Shown as Parcel "A" and Parcel "B" on a Map Entitled "Map Showing Portion of Old North Colony Road to be Discontinued," Dated January 7, 1988, Reserving, However, a 20 Foot Wide Easement to AT&T as Shown on Said Map and a 30 Foot Wide Sanitary Sewer Easement to the Town of Wallingford as Shown on Said Map; Also Reserving, However, an Easement Over the Entire Premises Shown as Parcel "A" and Parcel "B" to the Town of Wallingford for the Purpose of Overland Public Travel, Which Easement Will Automatically Expire on December 1, 1990 Unless Sooner Released by the Town of Wallingford. Seconded by Mr. Parisi.

Mr. Bradley asked who is the initiator of this request?

Adam Mantzaris replied the Town is.

Mr. Bradley stated the road will now come straight out to North Colony just north of Mr. Donut. Will this intersection require a traffic light?

John Costello replied I think initially a stop sign will be adequate. We'll have to see whether the change in alignment generates more traffic. I don't think we'll see a large increase in traffic due to the straightening.

Mr. Bradley asked has the Traffic Department looked at this to see if it creates any hazards versus the old road?

Mr. Costello replied I believe drawings were sent to the Police Department, but I don't believe we received any feedback. This is definitely an improvement to the road.

Mr. Bradley stated this land we're giving up will be very valuable because the owner will now have frontage on Route 5. Why aren't we getting anything in return for this instead of just swapping land?

Mayor Dickinson stated our effort was limited to the highway. We can always decide not to do it. This goes back about 20 years ago and I certainly didn't inquire into the relative values. We were just looking to straighten out the highway.

Mr. Killen stated the owners are well aware they have a valuable piece of property in the sense that we want it. We've been after them for about 20 years to get this straightened out. If we're going to dicker over this, they'll wait another 20 years. They finally agreed to cater to our terms.

Edward Musso, 56 Dibble Edge Road, asked isn't there two easements in that area, a drainage easement and a sanitary sewer easement?

Mr. Costello replied that's right we missed that. We need a drainage easement in addition to the sewer easement. Thank you Ed for bringing that to our attention.

Motion Amended by Mrs. Papale to Include "and a 20 Foot Wide Drainage Easement to the Town of Wallingford as Shown on Said Map." Seconded by Mr. Adams.

Mr. Bradley stated I foresee a traffic signal there at some point in time. I'm surprised the Traffic Department didn't respond to this intersection. The other thing I don't like is it does increase private property because of the frontage to Route 5 and that encourages development and that means other egresses. That is why I'll vote against this.

VOTE: Bradley voted no; all other ayes; motion duly carried.

ITEM 11 Consider and Approve Acceptance of Deed from John Milici - Town Attorney. Motion was made by Mrs. Papale, seconded by Mr. Adams.

VOTE: Bradley voted no; all other ayes; motion duly carried.

Motion was made by Mr. Bradley to Waive Rule V to Discuss July 19 Correspondence from Mayor Dickinson Regarding Anniversary Increases. Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Mr. Bradley stated on the July 19 correspondence regarding anniversary increases, all the effective dates were for July except for one which had an effective date of May 20. Is there a reason why that one is so far behind?

Mayor Dickinson replied I'll have to check on this. It's possible the paperwork didn't come through from the department. Of course, the increase would be retroactive.

ITEM 12 Motion was made by Mrs. Papale to Hear the Town Council's Recommendations on the Charter Revisions as Presented by the Charter Revision Committee. Seconded by Mr. Parisi.

Mr. Killen stated we'll go through this page by page and if anyone has any comments please speak up.

(The motions made are only recommendations to the Charter Revision Committee)

Page 6, Lines 19-22

Mr. Killen stated I am reluctant to name a Board of Education all in one given year. We need to have previous experience.

Mr. Solinsky stated I don't think you'd ever see the whole Board of Education turn over in one year, just like the Council.

Mrs. Papale stated why should the Board of Education be different from the Council or the Mayor. I would love to be on the Council for four years, not have to go through elections and be able to spend more time on the job. I feel all the elected positions should be two years.

Mr. Bradley stated I agree with Iris.

Mr. Doherty asked what do other Towns have?

Attorney Mantzaris replied there are two or three towns in Connecticut that have 2 year terms and the whole Board is elected at the same time.

Mr. Adams stated I think there will be more accountability not only to the voters but to oneself. I think a 2 year term will make them better and if they have that commitment they're going to perform and be reelected.

Mr. Holmes stated I'm also in favor of this change.

Mr. Killen stated you'll find there are appointments made by the Mayor and the Council and in every instance the terms are staggered to make sure there's someone on there with a little bit of knowledge. Now we're going to leave it to the wisdom of the people and we're liable to turn around and sell them short. That bothers me very much.

Mr. Parisi stated I think it's time to try a different system. If that doesn't work, the mechanism is there to make a correction.

Mr. Killen stated one of the problems the Board of Education faces is you have a Board and then you have the Administration. The more you replace the Board with new comers the more they'll rely on the Administration. If you think you're replacing the methods of the Board by simply replacing the Board, you're going to find out that the Administration has more strength because the new comers are not going to shoot from the hip until they get their feet wet a little more. Therefore the Administration is going to be calling the shots.

Page 7, Lines 32-35

Mr. Bradley stated I was on the Conservation Commission prior to being elected to the Town Council. This change would now allow concurrent service and I would have been able to hold both positions. The Town Council is a full time job and I would have zero time for concurrency on another position within the Town of Wallingford. I don't know the thrust behind this other than what's worded here, but on Page 27, Pension Commission, it states that none of the members can hold another office. There seems to be an inconsistency.

Theodore Lendler replied I think you're right. There may be other conflicts we may have missed. We'll bring this up at our next meeting.

Mr. Bradley stated also if I were on another commission, I would have to refrain from voting on any matters pertaining to that commission because of the potential for conflict.

Mayor Dickinson stated I don't think there's an inconsistency because Page 7 says elective office and the Pension Commission is appointed.

Mr. Lendler stated this was suggested by Jim Krupp and I really don't know what his intent was.

Thomas Flynn stated I believe Jim Krupp wanted to make available, particularly to the Council, the legal ability to sit on other appointed boards or committees. He wanted to make what you do now legal under the Charter.

Mr. Solinsky stated this change states the Council can't appoint one of it's members to a committee.

Mr. Killen stated you're correct. That may have been Mr. Krupp's intent but it hasn't come to fruition.

Mr. Flynn stated we'll have to clear up Mr. Krupp's language.

Mr. Bradley stated on Page 10 they deleted the section that states the Council cannot be appointed to other committees. I would like to get a clarification on exactly what the intent was.

Mr. Solinsky asked could an employee hold an elective office?

Attorney Mantzaris stated the Charter prohibits an employee from holding an elective office of the Council. A special Statute permits school teachers to hold Council office.

Mr. Zandri stated but now you're deleting that section.

Mr. Killen asked do we have to take a formal vote on any changes we recommend?

Attorney Mantzaris replied I don't think a vote is necessary but there's no harm in doing it.

Mr. Killen stated I assume everyone goes along with this particular section except that they want it broadened to allow the Council to serve on appointed boards and commissions.

Everyone agreed.

Page 10, Lines 3-5

Mayor Dickinson stated we're back to the same issue again. I would think there would be a constant conflict of interest by deleting this section and allowing paid employees to serve on the body that approves budgets.

Mr. Bradley stated I have the same concerns on both Pages 7 and 10. When the Charter Revision Committee comes back to us can we still eliminate or do we have to do it now.

Attorney Mantzaris replied if you have questions about them, don't let them go by as though they were approved by your body. When they come back with a final report your only vote at that point is to reject or approve all the revisions. You need to give the Charter Revision Commission some guidance in preparing their final report.

Motion was made by Mr. Bradley on Page 7, Lines 32-35 and Page 10, Lines 3-5 to Leave as Previously Stated in the Charter. Seconded by Mr. Parisi.

Mr. Solinsky stated on Page 10 I think you can just delete "any other appointive office". You would still allow Council members to be appointed to committees, but they could not be employed by the Town.

Mr. Killen stated that's where we seemed to be heading when we started on Page 7.

Mr. Lendler stated I think the underlying rationale is really dealing with the Council and Board of Education should be allowed to serve on appointive committees. It's really that simple.

VOTE: Doherty, Papale, Solinsky, Zandri and Killen voted no; Adams, Bradley, Holmes and Parisi voted yes; motion did not pass.

Motion was made by Mr. Solinsky on Page 10, Lines 3-5, to Leave as Previously Stated in the Charter, but Delete the Words "other appointive office or" on Line 4. Seconded by Mrs. Papale.

Mayor Dickinson asked is it the Commission's intent to open up the elective process that potential conflicts of interest should be allowed or were you dealing with a much more limited situation? Are you willing to take this up and try to assure we don't create conflicts of interest?

Mr. Lendler replied I think we should work this over.

VOTE: Doherty voted no; all other ayes; motion duly carried.

Page 11, Lines 40-42

Mr. Killen asked what is meant by this section. We have a Recording Secretary and a Town Clerk. Who is the Clerk of the Council?

Mr. Flynn replied the Town Clerk.

Mr. Killen asked is the Town Clerk expected to be the Recording Secretary also?

Mr. Lendler no. The Recording Secretary is the one who really does the work, takes notes, etc.

Mr. Killen asked what does "keep a public record of all proceedings" mean? Doesn't that mean to take them down?

Katy Wall replied the Public Administrator in Hartford says the Town Clerk position is the same for the Council as it is for any other appointive or

elective board. My office is keeper of the records as long as that board does not have a 9-5 office. I keep the records of the Investigation Committee because they do not have an office. Planning and Zoning keeps their own records because they do have an office.

Mr. Killen stated the Charter says you shall act as clerk of the Council. It doesn't say keep the records. It also says "and shall have such other powers and duties." Those duties are spelled out that you definitely will keep all the other records of other commissions, etc. Years ago the Town Clerks did act as the Recording Secretary. It came about that we had people who could no longer take minutes and they hired, without any official action being taken, a Recording Secretary. One of the reasons our Recording Secretary is in limbo is because it is not called for anywhere in the Charter. I won't ask for a vote, but I do ask that you look at this again.

Mr. Bradley asked did the Charter Revision Commission consider this item?

Mr. Flynn stated every line of this Charter was read, reviewed and put on an agenda for consideration.

Page 11, Lines 43-45

Mr. Killen stated the first meeting following the town election will still consist of the same Town Council. It should read the first meeting after the new Council sits.

Page 14, Line 174

Mr. Killen stated are we sticking with a strict legal interpretation of the word "resolution" because the voters are now going to have a crack at a lot of things they didn't have a crack at in the past. We adopted two resolutions this evening.

Rosemary Rascati stated we were looking over the minutes of the last Charter Revision Commission and their intent was to put resolution in there, but it was left out. That is why we felt we would insert it this time.

Mr. Killen stated most resolutions are not the type that should be brought up to a referendum. There also doesn't seem to be any place where the Mayor has anything to say about that as he does with an ordinance. If we sign an ordinance and the Mayor vetoes it, we can repass it. According to this the Mayor has no say on a resolution. I don't think that was the intent.

Mr. Flynn stated this was left out of the printed Charter Revision but was approved in the last draft of the Charter. We were only putting into writing what was already approved.

Mr. Killen stated maybe you should take a look at this again.

Page 15, New Section 11

Mr. Solinsky asked is new Section 11 necessary? I thought this was provided for elsewhere in the Charter.

Mr. Killen stated what I had intended was that we appoint certain building committees, etc., but we don't set them up for a specific time so they could go on forever. Their terms should end the same time as the terms of the Council that appointed them unless their work is not completed. Otherwise those committees could go on infinitum.

Mr. Parisi stated I thought in the past there would be a request for an extension?

Mr. Killen stated some do and some don't. If they go beyond the extension, can someone legally challenge whether or not they are still a commission.

Motion was made by Mr. Bradley on Page 15 to Delete the Newly Proposed Section 11. Seconded by Mrs. Papale.

Mr. Solinsky asked is there any provision for a building committee to terminate in the Charter?

Mr. Killen replied no. The Council can tell them when they should be done and to report back and request an extension. It's much easier to do it that way.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Page 15, Section 1

Mr. Killen asked again can we insert something like in January during the even numbered years? This should be spelled out.

Mr. Bradley stated I'd like to discuss the appointment of the Town Clerk. I believe out of 169 towns in the State 145 elect their Town Clerk.

Mr. Lendler stated the Charter Revision discussed this extensively. I feel the Council has succeeded in appointing a succession of pretty good Town Clerks. I saw no reason to rock the boat.

Mr. Bradley stated I agree as far as the quality of Town Clerks. My concern is the process we went through two years ago where you get parties involved in political appointments. The Town Clerk is a very important position to the Town and I'm leaning more towards an elective type process.

Mr. Flynn stated the problem isn't so much in the concept of appointive offices but how the appointing gets done. Both parties have different rules and ways of approaching certain positions and that has caused some of the problem.

Mrs. Rascati stated some of the Towns (7 or 8) that now elect their Town Clerk are going back to the appointive process.

Mr. Flynn stated you also have to keep in mind that some Town Clerks do not do the work that our Town Clerk does. The Town Clerk is elected but it's a meaningless position because that person does not have day to day control over the activities in the Town Clerk's office. The Town Clerk's office in Wallingford is a more professional position and should be appointed for that reason.

Motion was made by Mr. Bradley on Page 15, Section 1, to have the Position of Town Clerk Removed from the Appointive Process of the Town Council and be an Elective Position. Seconded by Mr. Zandri.

Mrs. Papale stated I have discussed this with some of the people on the Council and because of what I went through personally two years ago I thought it was time to elect a Town Clerk. I thought about this all day and I have changed my mind. I think the people on the Council have a better insight as to who would be good for the job as Town Clerk. I'm not saying we know more than the voters, but we know exactly what this job entails and how important it is to have the right person in this job. I think the word "professional" is the key word. I will vote against changing this.

Mr. Doherty stated I've also been swayed by the Commission members in front of us to change my opinion. What's been there for years seems to be working out without too much trouble. I think staying with the present arrangement will work out just fine.

VOTE: Adams, Doherty, Papale, Parisi, Solinsky and Killen voted no; Holmes was absent; Bradley and Zandri voted yes; motion did not pass.

#### Page 15, Section 2

Mr. Killen stated the only reason I voted for Charter revision was to vote for an elected Planning and Zoning Commission. This has nothing to do with the present or past boards, only from my personal experience. The Planning and Zoning Commission is the number one power in the Town of Wallingford and it's very important that they report to someone. Right now they are not responsible to the people.

Mr. Bradley stated I agree with Mr. Killen. We need to establish accountability through the elective process. This would allow the voter to elect those persons that determine the growth and development of the Town.

Mr. Parisi stated I don't see that as a solution. The people that are put up for office will still go through their respective parties, and it will still be very close to a popularity contest as it usually is. As far as accountability, if people have a dissatisfaction with any individual and the Council is responsive to the public, when the individual's term is up they will not be reappointed. We may be opening up more problems by electing the Commission. All of a sudden people are subject to various types of backing by those in the public sector. Some may be more financed than others because of their views being known to special interest groups. And with that financial backing, let's face it, many times election comes forth.

Mayor Dickinson stated I think it would be a mistake to make this elected. Planning and Zoning is a creature of statute. Their regulations determine what they can and can't do. It is usually not public opinion that's going to make them do or not do something. It is their regulations. They can change the regulations, but it is regulations that determine what Planning & Zoning does. To make it appear that public opinion is the vehicle by which they make their decisions is a mistake. This is a regulatory body. My second point is we'll end up with a very long ballot and we'll have difficulty in getting people

willing to run. It will make a mockery out of the process. I also share some of Mr. Parisi's concerns regarding the financing and how it affects the judgments later on. Of course, that could happen anyway. They do not have a lot of discretion, unless it's a zone change matter, etc. They've changed a lot of that and made special permit items.

Mr. Bradley stated there are state and federal laws that govern political contributions. We're dealing with five years that someone can serve and that's a long period of time. Regulations can be tightened up but only within the state regulations. I've also seen the Commission take an illegal operation and make it legal. I have a concern with that and I know the public does also.

Mr. Doherty stated I think if the Commission is elected there will be less of a chance to influence. I also think if they were elected and there was a public outcry, there would be a greater chance they wouldn't get renominated. If you asked the people in Wallingford what they want to vote on most, they would say development. It affects their pocketbooks and there's a lot of money involved. I don't think the ballot will be crowded if you toss off constables and selectman. Also, I think the public will spend the time to go through the ballot.

Mr. Zandri stated I agree. This is certainly a very powerful group and the terms are definitely too long. If we go to an elected body, they will definitely be accountable to the people.

Mr. Solinsky stated I agree with the Mayor. Planning & Zoning deals with regulations. A lot of people would like to vote for or against a person for Planning & Zoning because they think it's going to determine whether the lot next to them will be developed. That's not what's going to do it. People own land and they have a right to develop it.

Mr. Flynn stated this took a great deal of the Charter Revision's time. I feel very strongly that the Planning & Zoning Commission should not be elected. Planning & Zoning is a very powerful body, but it's very powerful largely because of what state statute allows it to do. It's very powerful largely because it does not have a great deal of discretion in the projects that cause the most public dissension. We have a great deal of power and yet we are very limited in how and when we can exercise it. Can you honestly say that subjecting the Planning and Zoning Commission to the whims of public opinion every two or four years is going to make people's expectations more secure or more insecure. The potential is there to make it more insecure because the one place where the Planning and Zoning Commission has a great deal of power is in setting the boundaries of the maps, creating the zones, and creating the regulations within each particular zone. I think change over a period of time is a much better solution to protecting people's expectations about their property rather than exposing the regulations to a series of perpetual changes because of the electoral process. I think Planning and Zoning is appropriately insulated from the electoral process. As a general rule, the electorate does not understand what we can and can't do. We can limit or change but we cannot prohibit. The electoral process may inject into the process the possibility that members of the Planning and Zoning Commission will vote with public opinion contrary to what the regulations call for and allow and put the Town of Wallingford in the position of a tremendous amount of litigation. This will happen if the Commissioners act solely on public opinion.

Mr. Doherty stated the electoral process would bring out discussion of different concepts such as clustering, open space development, etc. There is a lot of confusion on development because it's insulated too much. We need to have debates between candidates so the people will know what it's all about. We need to educate the public.

Mr. Zandri stated if you are in a position to be elected you're going to have to take a stand on the issues of clustering and special permits and either you're going to be elected or you're not going to be elected. This is the type of control that belongs to the residents in Town.

Mr. Killen stated it was said two or three times that they are governed by law. One gets the impression that when you go into the meeting the law is read to them and it will be a five to nothing vote. It doesn't work that way. It depends on the abilities and the interpretations of the people who are voting.

Motion was made by Mr. Bradley on Page 15, Section 2, to have the Planning & Zoning Commission Removed from the Appointive Process of the Town Council and be Elective Positions of Two Years. Seconded by Mr. Adams.

VOTE: Parisi and Solinsky voted no; Holmes was absent; all other ayes; motion duly carried.

Page 16, New Section 5

Mr. Bradley stated in the last paragraph of Section 5 it says the Commission shall appoint. Does "shall" imply there has to be an Environmental Planner? I'm comparing that to Page 20 where it says Planning and Zoning may appoint enforcement officers. Would the Inland/Wetlands Commission be disabled if the Environmental Planner should resign or quit?

Mr. Lendler replied the Inland/Wetlands needs a professional to give them advice. They are dealing with a highly technical subject. It's a necessity that they have a professional on their staff. But as far as disabling, no I don't think so. They could still function, but they ought to have an Environmental Planner.

Mr. Flynn stated State Statute might require them to have an Environmental Planner in some capacity, either on a regional basis or something like that.

Page 16, New Section 4

Mr. Solinsky stated I'd like to see Constables stay on the elective slate.

Motion was made by Mr. Solinsky on Page 16, to Delete the Newly Proposed Section 4 and have the Constables Remain as Elective Positions. Seconded by Mr. Parisi.

VOTE: Adams, Bradley, Doherty and Zandri voted no; Holmes was absent; Papale passed; Parisi, Solinsky and Killen voted yes; motion did not pass.

Page 16, Section 3

Mayor Dickinson stated on the Board of Tax Review it's not clear that the terms are staggered.

Mr. Zandri suggested leaving Lines 27-28 in.

Mr. Lendler stated we have to have priorities here. We're not going to be able to address all of the smaller problems that have been presented to us. We'll try to consider all of these things. I hope that if we disagree in certain areas that you don't take it personally. I also hope you don't throw out the baby with the bath water.

Page 17, Section 3, New Paragraph

Motion was made by Mr. Solinsky on Page 17, to Delete Newly Proposed Paragraph and have the Selectmen Remain as Elective Positions. Seconded by Mr. Parisi.

Mr. Bradley asked is there anything in the State Statutes that gives the Mayor the power to appoint versus maybe the Council?

Attorney Mantzaris stated State Statute says "unless otherwise provided by special act or charter Assessors, members of Board of Tax Review and Selectman shall be elected provided that any Town by ordinance may provide for the appointment by it's chief executive office authority".

VOTE: Adams, Bradley, Doherty, Papale, Zandri and Killen voted no; Holmes was absent; Parisi and Solinsky voted yes; motion did not pass.

Page 17, Chapter VI

Mr. Bradley stated I'm in favor of the Corporation Counsel but I have a few problems on the reporting structure. I specifically have a problem with new Section D. I think this is a usurp of Council power in that now we have the right to hire outside legal counsel.

Mr. Lendler stated we though you'd be able to control this entire process by your power over the budget. If outside counsel is hired and it comes to any substantial amount of money, they would have to come to you for another appropriation. That would give you control over outside counsel, some of which will have to be hired in a hurry.

Mr. Flynn asked would you be comfortable if some language were added that the Town Council reserves the right to employ outside counsel? What we didn't want was the ZBA and P&Z going out willy-nilly and hiring whoever they wanted simply because they didn't want to use the Corporation Counsel.

Mr. Bradley stated yes that is what concerns me.

Mr. Lendler stated that also includes the Board of Education which seems to be employing their own outside legal counsel.

Mr. Bradley stated the other comments I have is on the reporting structure. I think the new position, not the appointed Town Attorney, should report to the Chief Executive Officer with possibly dotted line responsibility to the Town Council.

Mr. Flynn stated it was intended that the full time Corporation Counsel be responsible to the Town Attorney. The Town Attorney runs the office and bears the responsibility for the actions of the office to the Mayor and the Town Council.

Mr. Bradley asked did you consider that the full time attorney is reporting to the part-time attorney and the part-time attorney could change every two years? Is that going to be a problem?

Mr. Lendler replied yes we considered that and you could almost flip a coin except that the Town Attorney reports to the Mayor and the idea was we didn't want any loose cannons running around. They have to report to somebody and you establish that through the chain of command as we have set it up.

Page 19, Line 71

Mr. Solinsky stated I think the amount of \$5,000 is too high and I don't think it will reduce the number of items to be bid.

Mr. Bradley stated I agree with Tom.

Motion was made by Mr. Solinsky on Page 19, Line 71, to Leave Dollar Amount of \$2,000 as Stated in Charter. Seconded by Mr. Parisi.

Mayor Dickinson stated we just approved a very lengthy list of bid waivers for daily items because of the low amount of \$2,000. You can't function and buy daily items and not go over \$2,000 in the course of a year. If we leave it the way it is, that list is going to get longer and longer as inflation increases prices.

Mr. Solinsky stated my concern is someone can purchase a large item without going out to bid.

Tom Myers stated I feel the \$2,000 is low because in centralizing a purchasing operation, almost anything the Town would buy would exceed the \$2,000. You're talking about daily items, but you're also talking about maintenance or service agreements on machinery. I don't think you want third party vendors maintaining sophisticated pieces of equipment such as those at the sewer plant. You can't buy very much for \$2,000.

Mr. Zandri asked would it help if we left it at \$2,000 and deleted "continuing order"? This way you'd be able to purchase your daily items, but it would take care of the individual items exceeding \$2,000.

Mr. Solinsky stated if we go to \$5,000 we're going to reduce the amount of bidding and I don't see the value in that. We should bid as much as we can on the larger items.

Mr. Bradley stated the other comments I have is on the reporting structure. I think the new position, not the appointed Town Attorney, should report to the Chief Executive Officer with possibly dotted line responsibility to the Town Council.

Mr. Flynn stated it was intended that the full time Corporation Counsel be responsible to the Town Attorney. The Town Attorney runs the office and bears the responsibility for the actions of the office to the Mayor and the Town Council.

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Mr. Lendler replied yes we considered that and you could almost flip a coin except that the Town Attorney reports to the Mayor and the idea was we didn't want any loose cannons running around. They have to report to somebody and you establish that through the chain of command as we have set it up.

Page 19, Line 71

Mr. Solinsky stated I think the amount of \$5,000 is too high. The reason given for this increase to \$5,000 is to reduce the number of items bid. I don't think we need to reduce the number of items that go out to bid. Even if it's \$2,000, that doesn't necessarily exclude them from bidding. The same would hold true with \$5,000.

Mr. Bradley stated I agree with Tom.

Motion was made by Mr. Solinsky on Page 19, Line 71, to Leave Dollar Amount of \$2,000 as Stated in Charter. Seconded by Mr. Parisi.

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Mr. Solinsky stated if we go to \$5,000 we're going to reduce the amount of bidding and I don't see the value in that. We should bid as much as we can on the larger items.

Mr. Zandri stated I think it should read \$2,000 on any single purchase.

Mr. Adams stated this \$2,000 was set a long time ago and things have certainly increased in cost. I think the Commission was just trying to update this to make things more workable or smoother. I don't think we need a backlog of agenda items dealing with things that shouldn't be there. I support their suggestion of \$5,000.

Mr. Parisi stated if a mind is set to circumvent this, it's always possible. Because of the year we've had, I think it's even more important that we keep a close rein on this. If this becomes such an overbearing administrative problem, perhaps there could be a subcommittee of the Council to review these things to aid the flow. At this time I don't think we should be considering raising the requirements on bidding.

Mr. Killen stated we all go on the assumption we have a system of checks and balances. It sounds great but it doesn't always work. The only way you can find out about a lot of these things is to keep it to the best as possible so you catch as many as possible. And right now \$2,000 is pretty darn close to the best.

Mr. Doherty stated I disagree with that. I would think the advice from the Purchasing Agent and Comptroller indicating this is a reasonable figure, especially with the technical issues that maintenance contracts involve, would suffice. Our agenda will become more and more clustered with these particular items if \$2,000 is kept as the figure. I think \$5,000 reflects modern times.

VOIE: Adams, Doherty, Papale voted no; Holmes was absent; all other ayes; motion duly carried.

Page 19, Line 79

Mr. Killen stated on Line 79 we should include RFP's so they are also opened publicly.

Mr. Parisi asked are we going to stop bidding and just use RFP's? It can be interpreted that way. We've had a lot of RFP's lately and pretty soon we'll end up with all RFP's and no bidding.

Mr. Flynn replied I believe the Purchasing Agent's intent was to use RFP's for professional service contracts.

Mayor Dickinson stated the purchasing ordinance could be amended to provide for when RFP's should be used. The Charter states this is subject to the rules set forth in the ordinance.

Mr. Bradley stated I believe Mr. Dunleavy stated he would be meeting with Mr. Zandri to reword this ordinance.

Page 33, Line 35 Insert

Mr. Killen stated I'm not sure this addition will take care of the contingency accounts. Under the duties of the Mayor and Council regarding the budget, we're supposed to itemize. A contingency account can't be itemized.

Mr. Bradley asked what if we put in a 2% cap of the total expenditures for the current fiscal year?

Mr. Zandri stated to me an itemized list is just having a designation of what a particular amount of money is for.

Mr. Killen stated if you had a contingency account and used it for 10 different reasons, then you certainly didn't itemize.

Mr. Zandri state if you could be that specific on predicting the future then you wouldn't need a contingency. The reason for a contingency is for unforeseen things that happen during the course of a year that you need funds for.

Mr. Doherty asked how can you anticipate and itemize contracts? This money has to be set aside. We can't designate it or the various unions will find out how much we have and shoot for it.

Mr. Killen stated if we're going to have a contingency then we have to change the wording at the beginning of this section on Line 28 where it says "(c) itemized estimates of expenditures."

Mr. Zandri asked what if you added "except for a contingency account reserved for emergency" or something to isolate this one item. You could even get specific and say "not to exceed" as suggested by Mr. Bradley.

Mayor Dickinson stated what if you added a separate sentence that stated, "Such budget estimates shall include contingency accounts both designed and undesignated as shall be deemed necessary according to State Statute."

Page 35, Section 7

Mr. Bradley asked on the emergency purchases, isn't there a conflict between the new insert which states "emergency circumstances as determined by the Mayor" and Page 36, Lines 134-137?

Mr. Lendler stated one shows the general applications and the other shows a specific exemption to it.

Mr. Killen stated the problem I have is with the new insert where the Mayor determines such an emergency. Under the purchasing ordinance, in the case of an actual emergency the head of any agency may purchase directly any supplies or contractual services. What happens if this occurs on a holiday or weekend when the Mayor is away? I'd rather see this in the ordinance than the charter.

Page 38, Lines 42-45

Mr. Parisi asked you're not going to restrict classified service people from running for office?

Mr. Flynn replied this is covered by State Statute.

Mrs. Rascati stated you can't stop a classified service person from running, but if he is elected, he would have to give up his job.

Page 39, Lines 39-41

Mr. Parisi asked would this exclude the Town Attorney from ruling on evidence?

Attorney Mantzaris stated the Town Attorney rules on evidence under present code. That would not be the case under the recommended changes. The Town Attorney would not have any ruling powers at hearings of the Board of Ethics. The Town Attorney would be the advisor to the Board on any legal issues.

Mr. Parisi stated you have a Board that is not legally trained and yet they're dealing with legalities.

Mr. Flynn stated you can make it a truly judicial process or keep it an informal one. I'm not sure which is the best for everybody.

Attorney Mantzaris stated I am not in support of this change to remove the Town Attorney from ruling on evidence. Using the Town Attorney as a judge will keep some sense of a legal proceeding about it.

Mr. Flynn stated but you can't advise the Board of Ethics and act as the arbitrator on what they can or can't hear.

Attorney Mantzaris replied sure you can up until the investigatory hearing. The Board is going to be the judge in the case.

Mr. Flynn stated I agree but I don't think it's a good idea. Why shouldn't the Board judge on the inadmissibility of evidence as well?

Attorney Mantzaris replied suppose there aren't any attorneys on the Board. You can't have people coming in there and saying whatever they want to say and let it all be admissible.

Mr. Flynn stated why not, it's not a court.

Attorney Mantzaris replied because reputations are at stake. In Meriden they require 5 people to sign a complaint.

Mr. Flynn stated part of the problem is there isn't a procedure.

Mr. Lendler stated the Council at some point should consider the problem of procedures.

Attorney Mantzaris stated we just had an instance where if this section on ruling on evidence wasn't in the Charter, the Board of Ethics could have found an individual guilty of violating the Code of Ethics because the Board of Ethics misapplied the Code of Ethics. If I'm just an advisor, they could say we don't agree with you.

Motion was made by Mr. Adams on Page 39, Lines 39-41, to Leave As Stated Previously in Charter. Seconded by Mr. Solinsky.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Page 40, Lines 61-65

Mr. Bradley asked why do we want to remove the definition of "interest" from the charter and put it in an ordinance?

Mr. Flynn stated you have to define what you mean by "interest" and it should be defined specifically in the ordinance.

Motion was made by Mr. Parisi on Page 40, Lines 61-65, to Leave as Stated Previously in Charter. Seconded by Mr. Bradley.

VOTE: Adams, Papale and Solinsky voted no; Holmes was absent; all other ayes; motion duly carried.

Mr. Killen thanked the members of the Charter Revision Commission for their time and effort.

Motion was made by Mrs. Papale to Waive Rule V to Discuss the Town Council Tape Recorder. Seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Ms. Wall stated the Company we're purchasing the recorder from is willing to give us an older recorder to be used as a transcriber. This will cost \$75, the same cost as the modification. This will also serve as a backup if the recorder should break down. If you don't like this idea, the only other thing to do is purchase an older reconditioned machine that can be modified to full speed.

Mr. Bradley asked is there a warranty on the reconditioned machine?

Ms. Wall replied yes we can get the same kind of warranty.

Mr. Bradley asked how much is the reconditioned machine?

Ms. Wall replied the reconditioned one is \$1,500 to \$1,800 and the new one is \$2,300.

Mr. Bradley asked can we get a reconditioned machine on a trial basis?

Ms. Wall replied I'm sure we can. I'll look into it.

Motion was made by Mr. Bradley to adjourn, seconded by Mr. Adams.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Meeting adjourned at 12:45 a.m.

Approved:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date

RECEIVED ON FILE 8/10/89

AT 10 45 M A M

ATTEST Kathryn J. Wall  
TOWN CLERK

HJM-126  
Rev. 3/87

CERTIFIED RESOLUTION OF LOCAL AGENCY

Certified a true copy of a resolution duly adopted by the Local Agency at a meeting of its Governing Body on \_\_\_\_\_, and which has  
(Date)

not been rescinded or modified in any way whatsoever.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Secretary)

(SEAL)

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the

TOWN OF WALLINGFORD

(Name of Local Agency)

make application to the State in such amounts as may be made available for undertaking a Community Service

Program and, to execute a Grant Action Request therefore.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD :  
(Governing Body of Local Agency)

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grant-in-aids to the extent that they are necessary and required for said program.
3. That the filing of an application by the Local Agency is hereby approved and that the MAYOR OF THE TOWN OF WALLINGFORD  
(Title of Authorized Official of Agency)

is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Local Agency.

CERTIFIED RESOLUTION OF LOCAL AGENCY

Certified a true copy of a resolution duly adopted by the Local Agency at a meeting of its Governing Body on \_\_\_\_\_, and which has  
(Date)

not been rescinded or modified in any way whatsoever.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Secretary)

(SEAL)

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WHEREAS, it is desirable and in the public interest that the

TOWN OF WALLINGFORD

(Name of Local Agency)

make application to the State in such amounts as may be made available for

undertaking Social Services Block Grant

Program and, to execute a Grant Action Request therefore.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD ;  
(Governing Body of Local Agency)

That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.

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