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TOWN COUNCIL MEETING

MAY 14, 1991

7:00 P.M.

AGENDA

Roll Call & Pledge of Allegiance

1. Consider and Act Upon a Motion to Adopt the 1991-92 Budgets of the Town of Wallingford and Set a Rate of Tax for 1991-92
2. Confirmation of Mayoral Appointment of David Gessert to the Public Utilities Commission - Mayor's Office
3. Consider and Approve Tax Refunds (13) #207 - #219 in the amount of \$,1793.40 - Tax Office
4. Consider and Approve Tax Refunds (11) #220 - #230 in the amount of \$2,050.12 - Tax Office
5. PUBLIC QUESTION & ANSWER PERIOD - 7:30 P.M.
6. PUBLIC HEARING on an Ordinance Appropriating \$510,000 for the settlement of Orchard Properties vs. Town of Wallingford, A Legal Action Instituted in Connection with the Eminent Domain Acquisition by the Town of Real Property on Alexander Drive, and Authorizing the Issuance of \$510,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.
7. PUBLIC HEARING on an Ordinance Establishing a Code for Rental Housing For the Town of Wallingford (#155) - 8:00 P.M.

Consider and Approve a Transfer of Funds in the Amount of \$500 from Telephone Lease to Expense Account - Police Dept.
9. Consider and Approve a Transfer of Funds in the Amount of \$10,797 to the Gas & Oil and Electrical Energy Overhead Signals Accounts - Police Department
10. Consider and Approve Waiving the Bid for the Red Carpet Car Wash for the Police Department
11. Discussion and Possible Action on an Appeal to the Amendment to the Regulations of the Traffic Authority of the Town of Wallingford filed by Property Owners of 170 South Turnpike Road.
12. Consider and Approve the Request for an Extension of a Lease Agreement with the Wallingford Day Care Center, Inc. and the Town of Wallingford for Property located behind Lyman Hall High School

13. Consider and Approve the Use of Town Land by the United Services Support Group for a Celebration to Honor Servicemen and Women of Operation Desert Shield/Desert Storm - Mayor's Office
14. Consider and Approve Transfers of Funds ((4) within the Public Works Department
 - a. \$30,000 to Replace Old Garage Building
 - b. \$1,000 to Utilities Acct. #2010
 - c. \$2,500 to Utilities Acct. #2001
 - d. \$3,000 to Maintenance of Equipment
15. Consider and Approve Transfers of Funds (2) and an Appropriation of Funds (1) within the Welfare Department
 - a. \$600 to Overtime (transfer)
 - b. \$4,500 to General Necessities (transfer)
 - c. \$40,500 to State Grant Welfare and to Welfare General Necessities (appropriation)
16. Consider and Approve a Transfer of Funds in the Amount of \$10,000 to Retirement/Sick Leave - Personnel Dept.
17. Consider and Approve Waiving the Bid to Continue the Employee Assistance Program with Veteran's Memorial Medical Center - Personnel
18. Consider and Approve Waiving the Bid to Extend the Plumbing Contract with the William Ulbrich & Sons Company and the Board of Education
19. Consider and Approve Waiving the Bid for Actuarial Costs Associated with the Volunteer Fire Fighters Length of Service Award Program Plan
20. Remove From the Table a Procedure for Hiring Outside Counsel and Consider and Approve Transfers within the Town Attorney's Office to fund the Establishment of Separate Accounts for Each Case Involving Outside Counsel
21. Consider and Approve Waiving the Bid to Retain Legal Services for the Board of Education/Nelson Kari Case - Town Attorney
22. Consider and Approve an Appropriation of Funds in the Amount of \$121,036 to the Education Department - Comptroller's Office
23. Consider and Approve a Transfer of Funds in the amount of \$6,200 to Postage - Comptroller's Office
24. Consider and Approve a Transfer of Funds in the Amount of \$274.00 to Office Supplies - Town Council Office

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7:00 P.M.

SUMMARY

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TOWN COUNCIL MEETING

MAY 14, 1991

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, May 14, 1991 at 7:00 P.M. in the Robert Early Auditorium of the Wallingford Town Hall and called to Order by Chairman Albert E. Killen at 7:30 P.M. Answering present to the Roll called by Town Clerk, Kathryn J. All were Councilors Bradley, Duryea, Gouveia, Holmes, Killen, Papale, Crisi and Zandri. Solinsky arrived at 8:05 P.M. due to an unexpected emergency. Mayor William W. Dickinson, JR. arrived at 7:35 P.M., Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the Flag.

Motion was made by Mr. Bradley to place Agenda Items #3, 4, 8, 14a, 14b, 14d, 15a, 15c, 16, 25 & 26 on the Consent Agenda to be voted upon by one unanimous vote of the Council, seconded by Ms. Papale.

VOTE: Solinsky was absent; all others, aye; motion duly carried.

ITEM #1 Consider and Act Upon a Motion to Adopt the 1991-92 Budgets of the Town of Wallingford and Set a Rate of Tax for 1991-92.

(see attached list of motions regarding budget)

Ms. Papale stated that, yes, she is going to vote the budget in its entirety, she felt the Council spent many hours on this budget and it should be passed. It is really a good budget for the Town of Wallingford but as people are aware of her philosophy as far as taking the money from the Electric Division, does not concur with many of the members on the Council. She thought that property tax is the source of revenue always taken and that is what should offset the mill rate.

ITEM #6 Public Hearing on An Ordinance Appropriating \$510,000 for the Settlement of Orchard Properties vs. Town of Wallingford, a Legal Action Instituted in Connection with the Eminent Domain Acquisition by the Town of Real Property on Alexander Drive, and Authorizing the Issuance of \$510,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.

Motion was made by Mr. Bradley to Waive the Reading of the Ordinance in its Entirety and Append it to the Town Council Minutes, seconded by Mr. Holmes.

VOTE: Solinsky was absent; all others, aye; motion duly carried.

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Edward Musso, 56 Dibble Edge Road asked if this is going to cost the Town anything?

Atty. Adam Mantzaris explained that the Town will try to obtain a voluntary payment from Thurston and its Partnerships to recover the \$510,000, however, the Town may have to bring suit to recover the money if not voluntarily paid.

VOTE: Solinsky was absent; Killen & Zandri, no; all others, aye; motion duly carried.

ITEM #7 Public Hearing on an Ordinance Establishing a Code for Rental Housing for the Town of Wallingford (#155) - 8:00 P.M.

Motion was made by Mr. Bradley to Approve the Ordinance, seconded by Mr. Parisi.

Mr. Zandri, Chairman of the Ordinance Committee, gave an overview of the work the committee performed when it was charged with reviewing/revising this ordinance in the summer of 1990. The major revision made was the elimination of the commercial aspect of the ordinance upon recommendation of the Building Dept. Recycling and Smoke Detector requirements were incorporated to a certain extent and the code was also updated to include the requirements for Ground Fault Circuit Interrupters. The committee remained in close contact with both the Building Department and the Department of Law to ensure that the ordinance conformed to all State Statutes and Codes.

Mr. Parisi and Mr. Holmes commended the committee for their fine work on the ordinance.

Mr. Killen questioned the change made to Section X with regards to the requirement of having the dwelling inspected after five years with the same tenant.

Mr. Zandri pointed out that it is to assure that the premise does not become dilapidated and hazardous to the tenants residing there. This change was recommended by the Housing Code Enforcement Officer. The committee agreed to incorporate it into the code.

Mr. Killen resented this requirement of the code.

Mr. Gouveia also commended the committee for an outstanding job, however, he did ask that the following revisions be made:

Motion was made by Mr. Gouveia to Include in Section 3.00 "A Certificate of Compliance, however, should be rendered invalid if issued more than two (2) months prior to occupancy by new tenants", seconded by Mr. Zandri.

VOTE: All ayes. Motion duly carried.

Mr. Gouveia added a friendly amendment to change the wording to read, "five (5) months", seconded by Mr. Zandri.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Gouveia to change the wording in Section 3.00.01 to state that, "any new electrical or plumbing work that may be required to obtain a Certificate of Compliance must be done by a licensed electrician or plumber". The word "plumbing" should be removed from the beginning of the second sentence, seconded by Mr. Solinsky.

VOTE: All ayes; motion duly carried.

Mayor Dickinson asked that it be noted for the record that the Building Department and Zoning Officer are in agreement with changes.

Motion was made by Mr. Bradley to approve the ordinance as amended, seconded by Mr. Holmes.

VOTE: Killen, no; all others, aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.

Edward Bradley, 2 Hampton Trail asked the Mayor what will become of the desks that are sitting outside at the Electric Division ?

Mayor Dickinson replied that there will be bids solicited for a location. If no bids are received, the public will have a chance to purchase them if interested. If no interest is generated, they will be disposed of.

Mr. Bradley asked if any policy has been put in place to address this issue and prevent this from happening again?

Mayor Dickinson responded that the normal policy followed is one which the department or agency checks with the Mayor's Office for approval of disposal of Town owned property. In this case, many factors delayed the action.

Mr. Bradley relayed a story to the Mayor from a taxpayer who witnessed a baby grand piano sitting unprotected from the weather on Town property. She contacted many different departments, including Purchasing in hopes of obtaining the piece. All to no avail. Mr. Dunleavy had the piano removed. Mr. Bradley asked where it was abruptly moved to?

Mr. Dale Wilson responded that it was stored at one of the schools and it was not salvageable. The reason it was moved was to get it out of the public eye which had generated the concern.

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ITEM #2 Confirmation of Mayoral Appointment of David Gessart to the Public Utilities Commission - Mayor's Office.

Mr. Bradley read the Mayor's recommendation into the record.

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Holmes stated that Mr. Gessart will be an welcomed addition to the P.U.C. and that the Mayor made an excellent choice. Mr. Gessart has always had the interest of the taxpayer's and the people of this Town at heart and has always voted his own conscious, never a "yes" man for anyone. He will take this job on with the same type of enthusiasm and integrity he displayed while active on the Town Council. Mr. Holmes looked forward to supporting and working with Mr. Gessart.

Mr. Parisi felt it was a privilege to speak in favor of the appointment of Mr. Gessart to the P.U.C. Mr. Gessart and Mr. Parisi have served together for many years. He believed that Mr. Gessart has the fortitude and strength to serve admirably in the position he is being appointed to. The Mayor could not have made a better choice.

Mr. Solinsky concurred with his colleagues on this matter.

VOTE: Duryea & Gouveia, no; all others, aye; motion duly carried.

Motion was made by Mr. Holmes to Waive the Two Week Waiting Period to Swear Mr. Gessart in this Evening, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

Mr. Gessart thanked the Council for their support and looked forward to the opportunity to serve. He felt there were some tremendous challenges at the P.U.C. and looked forward to the Council's input and comments as his term progresses. He will try to answer every request forthright and directly and keep the Council apprised of what is going on.

Motion was made by Mr. Bradley to Move Agenda Item #13 Up to The Next Order of Business, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve the Use of Town Land by the United Services Support Group for a Celebration to Honor Servicemen and Women of Operation Desert Shield/Desert Storm - Mayor's Office

Motion was made by Mr. Bradley, seconded by Mr. Holmes.

On Saturday, June 29, 1991, the Town of Wallingford, in conjunction with the Public Celebrations Committee will have an Operations Support Parade. A block party will be held immediately following

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the parade. They would like the use of the parking lot behind the railroad station. The party will be for Town residents from approximately 11:30 A.M. to 4:00 P.M. This committee will work closely with the Police Department on the function. It has been cleared through the Risk Manager's Office that the liability coverage would be enforced.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve a Transfer of Funds in the Amount of \$1,797 from Acct. #001-2015-600-6500, C.O.L.L.E.C.T.; \$256 from Acct. #001-2014-600-6140, Telephone Lease; \$644 from Acct. #001-2015-600-6140, Telephone Lease; \$1,200 from Degree Allowance Acct. #001-2015-100-1950, to Acct. #001-2015-300-3000, Gas & Oil, \$8,697 and to Acct. #001-2017-200-2100, Electrical Energy Overhead Signals - Police Department.

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Bradley asked if the account is or will be in deficit for the if the transfer is not made?

Chief Dortenzio responded that it will be. Both line items were cut in last year's budget preparation.

Mr. Bradley pointed out that the original transfer had been filled out with incorrect account numbers and amounts. He felt the responsibility is upon the Department Head to make sure that the correct account numbers and figures appear on all transfers to the Council.

Mr. Killen expressed his opinion that he believes the police cars should be patrolling with their lights on as a deterrent.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve Waiving the Bid for the Red Carpet Car Wash for the Police Department.

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Parisi asked if any other car wash can handle the light bars?

Chief Dortenzio explained that it is not so much the business but the design of the washers. You need one that is intended not to do damage to the sensitive equipment.

VOTE: All ayes; motion duly carried.

ITEM #11 Discussion and Possible Action on an Appeal to the Amendment to the Regulations of the Traffic Authority of the Town of Wallingford filed by Property Owners of 170 S. Turnpike Road.

Mr. Bradley read correspondence from Thomas J. Richardson, Attorney

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for Walter Dubar and Roberta Dubar into the record.

Chief Dortenzio explained the precarious situation the Town would be placed in if an accident occurs and the Chief is subpoenaed to court to testify. He would undoubtedly be testifying against the Town in that the area is known to be dangerous and that parking should not be allowed on either side of the street on a sloping, curving highway.

Mr. Dubar and his attorney offered up their defense of Mr. Dubar's right to run a business and how it will be effected upon the enforcement of the Traffic Authority's Rules and Regulations governing the area.

Several adjacent property owners explained the nuisance the parking and littering is causing to their private property.

Taking all of this information into careful consideration, the Council felt it could not support parking on either side of the street due to the hazardous condition it presented to the public.

Motion was made by Mr. Bradley to Sustain/Uphold Section 52P of the Traffic Rules and Regulations of the Town of Wallingford, seconded by Mr. Parisi.

VOTE: Solinsky was absent; all others, aye; motion duly carried.

Motion was made by Ms. Papale to Move Agenda Items #14c and 15b Up to the Next Order of Business, seconded by Mr. Parisi.

Mr. Solinsky left at 10:36 P.M.

VOTE: Holmes and Solinsky were absent; all others, aye; motion duly carried.

ITEM #14c Consider and Approve a Transfer of Funds in the Amount of \$2,500 from Street Lighting, Acct. #001-5080-600-6460 to Utilities, Acct. #001-5050-200-2001, seconded by Mr. Holmes.

Mr. Bradley noted for the record that the account number was incorrect on the Utilities account. It should read, #001-5050-200-2010.

VOTE: Solinsky was absent; all others, aye; motion duly carried.

ITEM #15b Consider and Approve a Transfer of Funds in the Amount of \$4,500 from Mayor Secretary Wages, Acct. #001-1300-100-1250 to General Necessities Acct. #001-3060-700-7010 - Welfare Dept.

Motion was made by Mr. Bradley, seconded Mr. Parisi.

VOTE: Solinsky was absent; Zandri, no; all others, aye; motion duly carried.

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ITEM #12 Consider and Approve the Request for an Extension of a Lease Agreement with the Wallingford Day Care Center, Inc. and the Town of Wallingford for Property Located behind Lyman Hall High School

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Holmes left for work at 11:00 P.M.

. Gouveia asked if the projected needs to the day care center is changed over the past three years?

Ms. Kathleen Quinn responded, no.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

ITEM #17 Consider and Approve the Waiving of the Bid to Continue the Employee Assistance Program with Veteran's Memorial Medical Center - Personnel

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Bradley asked Mr. Sharkey to look into whether or not Yale New Haven Hospital and/or the Hospital of St. Raphael has the same type of program

Mr. Parisi suggested thinking about putting it out to bid in the future within a reasonable distance from the Town.

Mr. Sharkey explained that the Utilities of the Town use the same E.A.P. program and that it is very close and convenient, hence the request to continue business with them.

. Parisi voted no because he did not feel that the Council should be waiving the bid.

VOTE: Holmes & Solinsky were absent; Parisi, no; all others, aye; motion duly carried.

ITEM #18 Consider and Approve the Waiving of the Bid to Extend the Plumbing Contract with the William Ulbrich & Sons Company and the Board of Education

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Parisi stated that it is nice to see that a bid request can be asked for within the framework of the rules and still legal.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

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Motion was made by Mr. Gouveia to Move Agenda Item #22 Up To The Next Order of Business, seconded by Mr. Parisi.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

ITEM #22 Consider and Approve an Appropriation of Funds in the Amount of \$121,036 to the Education Department - Comptroller's Office

Motion was made by Mr. Bradley, seconded by Mr. Gouveia.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

ITEM #19 Consider and Approve the Waiving the Bid for Actuarial Costs Associated with the Volunteer Fire Fighters Length of Service Award Program Plan.

Mayor Dickinson explained that the Committee will put together a plan, it will then bring it before the Council for approval, next, it will go out to bid, etc., that would be the general scenario.

Mr. Zandri felt that the cost should be narrowed down. The Council should know what they are waiving for the bid.

Motion was made by Mr. Bradley that the cost not exceed \$3,500 and that it will be charged to the North Farms Account, seconded by Ms. Papale.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

ITEM #20 Remove from the Table a Procedure for Hiring Outside Counsel.

Motion was made by Mr. Bradley, seconded by Ms. Papale.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Consider and Approve Transfers within the Town Attorney's Office to Fund the Establishment of Separate Accounts for Each Case Involving Outside Counsel, seconded by Mr. Parisi.

Amount: \$40,456.00 from:

\$ 5,156.00 from 001-1320-900-9010, Professional Services
\$ 6,200.00 from 001-1300-100-1200, Administrative Aid
\$17,000.00 from 001-1300-100-1250, Secretary Wages
\$11,000.00 from 001-2011-100-1200, Chief's Wages
\$ 1,100.00 from 001-6011-100-1350, Workers Wages

TO:

- \$ 800.00 to Western World v. Wlfd., 001-1320-900-9020
- \$17,000.00 to ZBA v. P & Z, 001-1320-900-9030
- \$ 3,500.00 to ZBA v. Wlfd., 001-1320-900-9040
- \$16,037.00 to Orchard Prop. v. Wlfd., 001-1320-900-9050
- \$ 3,119.00 to CRRA v. P & Z/CRRA v. ZBA, 001-1320-900-9060

Atty Adam Mantzaris updated the Council on the status of each case.

E: Holmes & Solinsky were absent; all others, aye; motion duly ried.

ITEMS #21 & 27 - Withdrawn

ITEM #23 Consider and Approve a Transfer of Funds in the Amount of \$6,200 from Acct. #001-1450-100-1200, Purchasing Agent Salary to Acct. #001-1460-400-4080, Postage - Comptroller's Office

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

VOTE: Holmes & Solinsky were absent; Zandri, no; all others, aye; motion duly carried.

ITEM #24 Consider and Approve a Transfer of Funds in the Amount of \$274.00 to Office Supplies - Town Council Office

Motion was made by Mr. Bradley, seconded by Mr. Parisi.

Mr. Bradley asked that the record note that the transfer amount should read, \$273.00. One dollars must remain in the account to sustain the line item.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly ried.

motion was made by Mr. Bradley to Waive Rule V to Discuss a Transfer of Funds within the Dog Pound, seconded by Mr. Parisi.

VOTE: Holmes & Solinsky were absent; Bradley, no; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Approve a Transfer of Funds in the Amount of \$500 from Acct. #001-2020-600-6050, Cremation to Acct. #001-2020-100-1400, Assistant Dog Warden Overtime, seconded by Mr. Parisi.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

ITEM #28 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes regarding the Purchase/Sale of Property

Motion was made by Mr. Bradley to Enter the Executive Session, seconded by Mr. Parisi.

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VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

Motion was made by Mr. Bradley to Exit the Executive Session, seconded by Mr. Parisi.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

Motion was made to Adjourn the Meeting, seconded by Ms. Papale.

VOTE: Holmes & Solinsky were absent; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 12:09 A.M.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Albert E. Killen, Town Council Chairman

Date

Kathryn J. Wall, Town Clerk

Date