

TOWN COUNCIL MEETING

JULY 26, 1994

6:30 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Executive Session Pursuant to Sections 10-153d, 1-18a(e)(5) and 1-19(b)(9) of the CT. General Statutes Regarding Records, Reports and Statements of Strategy or Negotiations with Respect to Collective Bargaining as Requested by the Board of Education
  - Teachers Contract Negotiations
  - Board of Education Secretaries Contract & Local 1183
3. Consider and Approve a Tentative Agreement Regarding the Board of Education Secretaries Union Local 1303 and the Town of Wallingford - Personnel Dept.
4. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
5. Consider and Approve Acting Upon Binding Arbitration Award Regarding Local 1183 - Personnel Dept.
6. Consider and Approve a Transfer of Funds in the Amount of \$125,124 from Council Contingency Acct. #001-8050-800-3230 to Various Salary and Overtime Accounts in the F.Y. 1993-1994 Budget of the Town - Personnel Dept.
7. Consider and Approve a Transfer of Funds in the Amount of \$270,131 from Council Contingency Acct. #001-8050-800-3230 to Various Salary and Overtime Accounts in the F.Y. 1994-95 Budget of the Town - Personnel Dept.
8. Consider and Approve an Appropriation of Funds in the Amount of \$762 to Local Match Acct. #012-1040-060-6000 and to Clerks Wages Acct. #012-9000-100-1300 in the F.Y. 1993-94 Youth Service Bureau Budget
9. Consider and Approve an Appropriation of Funds in the Amount of \$1,497 to Local Match Acct. #012-1040-060-6000 and to Clerks Wages Acct. #012-9000-100-1300 in the F.Y. 1994-95 Youth Service Bureau Budget
10. Consider and Approve a Transfer of Funds in the Amount of \$113 from Printing Acct. #001-7010-400-4180 to Advertising Acct. #001-7010-400-4100 in the F.Y. 1993-94 Town Planner's Budget
11. Consider and Approve a Transfer of Funds in the Amount of \$13,343 from Overhead Lines Acct. #593 to Misc. Distribution Plant Acct. #598 in the F.Y. 1993-94 Electric Division Budget

(OVER)

12. Consider and Approve a Transfer of Funds in the Amount of \$780 from Supv. & Eng. Maintenance Acct. #510 to Supv. & Eng. Operations Acct. #500 in the F.Y. 1993-94 Electric Division Budget
13. Consider and Approve a Transfer of Funds in the Amount of \$585 from Various Accounts within the Dept. of Fire Services' Budget to Copier Rental & Supplies Acct. #2032-600-6120 - F.Y. 1993-94
14. Consider and Approve a Transfer of Funds in the Amount of \$9,100 from Personnel Dept. Management Salaries Acct. #001-1590-100-1200 to Outside Professional Services Account #001-1320-900-9010 in the Department of Law's F.Y. 1993-94 Budget
15. Consider and Approve a Transfer of Funds in the Amount of \$216 from Office Supplies Acct. #001-1300-400-4000 to Telephone Acct. #1300-200-2000 in the Mayor's F.Y. 1993-94 Budget
16. Consider and Approve a Transfer of Funds in the Amount of \$300 from Telephone Acct. #001-7010-200-2000 to Council of Governments Acct. #001-7010-600-6750 in the Town Planner's F.Y. 1994-95 Budget
17. Consider and Approve a Transfer of Funds in the Amount of \$387 from Loader Acct. #001-5030-999-9903 to One Ton Stake Body Truck Acct. #001-5030-999-9909 in the Public Works Dept. F.Y. 1994-95 Budget
18. Consider and Approve Accepting a \$1,000 Grant Donation from Allstate Foundation to the Dept. of Police Services to Help Offset the Purchase of Surveillance Equipment
19. Consider and Approve an Appropriation of Funds in the Amount of \$1,000 to Other Revenue Misc. Acct. #001-1075-070-7040 and to Surveillance Equipment Acct. #001-2003-999-9916 in the Dept. of Police Services' F.Y. 1994-95 Budget
20. Consider and Approve a Waiver of Bid to Authorize Negotiation with MDC & NETCO for Long Term Sludge Disposal - Sewer Division
21. Discussion Regarding Continuation of Multi-Public Uses on Town Owned Property - Mayor's Office
22. Consider and Approve Outdoor Seating on Public Sidewalks (#33-45 No. Main Street)
23. Discussion and Possible Action on the Lease Agreement Between the Town of Wallingford and the Wallingford Municipal Federal Credit Union for Office Space at the Town Hall to Become Effective July 1, 1992 as Requested by Councilor Geno J. Zandri, Jr.
24. Report Out from the Town Attorney on the Status of Her Review of the Town Council's Motion Regarding the Non-Union/Classified Employee's Salary Increases as Requested by Councilor Geno J. Zandri, Jr.

25. Consider and Approve a Resolution Authorizing Application for SCOW Grant - Program Planning
26. Consider and Approve Waiving the Lease Payment of \$750 by SCOW Unless Grant Money is Available - Program Planning
27. Consider and Approve a Resolution Authorizing Application to the Dept. of Social Services for Community Services Block Grant - Program Planning
28. Consider and Approve Authorizing the Town Attorney's Office to Pay Two People Under One Salary Account for the Town Attorney Secretarial Position
29. Note for the Record Mayoral Transfers Approved to Date
30. Note for the Record Anniversary Increases Approved by the Mayor to Date
31. Consider and Approve Tax Refunds (#1-11) in the Amount of \$843.05 - Tax Collector
32. Consider and Approve Adding the Name of Timothy Cummings to the Golf Course Study Committee as Requested by Councilor Iris F. Papale
33. SET A PUBLIC HEARING for August 23, 1994 at 7:45 P.M. on a Proposed Ordinance Entitled, "Tax Abatement for Dairy Farm and Fruit Orchard Property"
34. SET A PUBLIC HEARING for August 23, 1994 at 8:00 P.M. on a Proposed Litter Ordinance
35. SET A PUBLIC HEARING for September 13, 1994 at 7:45 P.M. on a Proposed Ordinance Entitled, "An Ordinance to Provide for Tax Exemption for a Disabled Veteran's Specially Equipped Vehicle"
36. SET A PUBLIC HEARING for September 13, 1994 at 8:00 P.M. on a Proposed Leash Ordinance
37. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Regards to Pending Litigation as Requested by the Town Attorney

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TOWN COUNCIL MEETING

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6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, July 26, 1994 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Thomas D. Solinsky at 6:35 P.M. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Councilor Zappala who was vacationing out of the country. Mayor William W. Dickinson, Jr. was also present. Town Attorney Janis M. Small arrived at 8:26 P.M. and Comptroller Thomas A. Myers arrived during executive session.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Executive Session Pursuant to Sections 10-153d, 18a(e)(5) and 1-19(b)(9) of the CT. General Statutes Regarding Records, Reports and Statements of Strategy or Negotiations with Respect to Collective Bargaining as Requested by the Board of Education

- Teachers Contract Negotiations
- Board of Education Secretaries Contract & Local 1183

Motion was made by Mrs. Duryea to Enter Into Executive Session, seconded by Mr. Rys.

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

Motion was made by Mrs. Duryea to Exit the Executive Session, seconded by Mr. Rys.

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

ITEM #3 Consider and Approve a Tentative Agreement Regarding the Board of Education Secretaries Union Local 1303 and the Town of Wallingford Personnel Dept.

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

Mr. Solinsky asked, where does it go from here?

Dennis Ciccarillo, Labor Negotiator responded, it goes into effect October 1, 1994.

Ms. Papale asked, if this contract is not approved tonight, where does it go from here?

Mr. Ciccarillo responded that it would continue in collective bargaining with further negotiations. If neither of the parties requested that this go into binding interest arbitration then the State Board, after thirty days, would issue a letter mandating arbitration.

Mr. Zandri asked that the changes be pointed out for the benefit of

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the public.

Mr. Ciccarillo explained that there are very few changes to the contract. The only change which actually involves dollars is the change in the wage lines for the three years of the contract, October 1994 through October 1996. Those changes are increases respectively of 3.25%, 3.0% and 3.0%. Apart from that there were very modest language changes, changes in a few of the titles of classifications, re-working of the language in the bereavement leave category and a change which would try to make the filling of vacancies a little more prompt than in the past.

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

PUBLIC QUESTION AND ANSWER PERIOD

Romeo Dorsey, Grieb Trail stated that he recently read three articles which appeared on the same page and date in the Hartford Courant dealing with the Town Attorney, Janis Small. One article stated that she will be taking a job with East Hartford as a Town Attorney at a salary of \$20,000 per year, the second article reported that Attorney Small earns \$40,000 per year as salary from Wallingford and the third article reported on a case she is handling through her private practice. He asked the Mayor if he thinks that Attorney Small can handle the workload of two municipalities and a private practice while commuting two hours a day to Hartford round trip?

Mayor Dickinson responded that Attorney Small would hold a part-time position with East Hartford as she now does with Wallingford. If she cannot devote enough time here to handle business as it should be then there would have to be a change made. He believed that she has plans to leave her own private practice and devote full time to the two positions. Ultimately, the work product for the Town of Wallingford will be the determinant factor as to whether or not it will work.

Mr. Dorsey then asked, how many of the following cases the Town has won:

- American Cyanamid
- Yale Steel
- Wasilewski
- Nelson Kari
- Rights in Deeds
- Musso Case

Mayor Dickinson answered, from one perspective it depends on how you define win and lose. He could not state whether the Town has won or lost. We (the Town) has been ably represented. The Town Attorney's Office did not represent us on all of the cases, some outside legal representation was involved. The courts ultimately decide which party they will agree most with.

Mr. Dorsey asked why the Town will not make public the amount of settlement associated with the Musso case?

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Mayor Dickinson answered, we don't have that figure, the insurance company will not release it.

Mr. Dorsey felt that the Town Attorney's Office is not producing favorable results. It cost the taxpayers \$300,000.00 to run the Department of Law. Other towns do not have three town attorneys, why, then, do we?

Mayor Dickinson commented, the volume of the work warrants it. Other towns do not have three municipally-owned utilities. Two of the attorneys are part time. Our town is a \$200 million operation.

Mr. Dorsey then referred to an issue between himself and the town that has been ongoing for the past eight years. Mr. Dorsey claims that a berm was created on his property by the town eight years ago when they placed fill there. He has repeatedly asked for it to be removed. The Town's stand on this issue is that they cannot remove the fill from the private road. Mr. Dorsey argues that the Town has been maintaining the area for quite some time evidenced by the fact that the Town has been plowing the snow from the road. He was told at one point that he should hire a bulldozer to move the soil. He did just that and mailed the bill to the Town. The Town Attorney met with Mr. Dorsey quite some time ago to hear his concerns at which time she stated she would get back to him. He has not been contacted by her since. Approximately three weeks ago he visited her office at which time Mr. Dorsey claims that Attorney Small informed him in a not so kindly manner that he was not going to receive his money without even reviewing the facts surrounding the issue. He requested a letter from her stating so.

Shortly thereafter Attorney Small responded with a letter which read, in part: "This office cannot recommend payment for removal of the barn on your property. It is my understanding that the barn was created approximately fifteen years ago without any objections from you. A claim some fifteen years late for removal is barred by the Statute of Limitations and without legal merit. This office will not recommend that the claim be paid."

Mr. Dorsey was bothered by the fact that Attorney Small did not review the facts to find that he discussed this issue with the Mayor and to research why the fill was placed there. He had hoped that Attorney Small would be present this evening for he did not feel comfortable with the fact that she was not present to defend herself.

Mayor Dickinson pointed out that Mr. Dorsey has actually inherited the soil placed there which has some value. No one has been able to confirm the fact that the Town placed fill there some fifteen or so years ago. He (Mayor) was not sure where there is any claim for payment of expenses Mr. Dorsey feels he inherited in order to bulldoze a path through the berm. Since there is no evidence that the Town placed the soil on Mr. Dorsey's property then he cannot justify the action on the part of the Town to take the soil off of private property.

Mr. Dorsey argued that the Town has been maintaining the road and

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therefore it is no longer a private road. The berm is at the end of the cul-de-sac and if the Town would simply remove the rocks he would be happy.

Mayor Dickinson pointed out again that the berm is on private property.

Mr. Dorsey felt that the Town Attorney should resign.

Mr. Solinsky stated that it was evident that Mr. Dorsey was not getting the answers he was looking for this evening and the Council does not have any facts on the matter. He should approach one of the Councilors and request that it be placed on the agenda to be discussed at a later date. In the meantime facts could be gathered on the issue.

Mr. Dorsey reminded the Council that he appeared two years ago before them on this issue.

Mr. Solinsky asked if he approached any individual Councilors for help?

Mr. Dorsey responded, yes.

Mr. Solinsky stated that nothing can be done tonight.

Frank Wasilewski, 57 N. Orchard Street asked, is there anything in the Charter that states that the Town Attorney's Office must file a list of all cases handled through its offices for the previous year and submitted to the Mayor and Council by a specific deadline?

Mayor Dickinson responded, yes, the Charter requires an annual report from the Law Department.

Mr. Wasilewski asked if the Mayor received the 1993 annual report from the Law Department yet?

Mayor Dickinson was not sure if he had.

Mr. Wasilewski has been looking for it since January. The present secretary is going to be vacating the position in August and she has informed him that the annual report has been on the top of her list as one of the next things to do.

Mayor Dickinson will check into that issue.

Mr. Wasilewski stated he, too, inquired about the amount of settlement in the Musso case and he received the same answer, it was not available. He recommended that the Mayor call the insurance company who will only be too glad to give the Mayor the results of the settlement.

Mayor Dickinson stated that his office did call and the insurance company would not divulge the information.

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Mr. Wasilewski recommended changing insurance companies.

On another matter, he asked if we are saving any money on our liability insurance in Wallingford? Have premiums gone down this past year?

Mayor Dickinson responded, he would have to check on it. We did not go out to bid on the insurance this year, next year we will. Our health insurance did decrease approximately five percent this year.

Mr. Wasilewski pointed out that other towns received refunds and he suggested that the Mayor contact the Hartford Insurance Company to inquire about a refund.

James Kahl, 195 S. Turnpike Road stated that he has a 1971 Chevelle SuperSport with 220,000 miles on the engine, transmission and body. Last year his vehicle was assessed by the Town at \$350. This year it was assessed at \$7,000. He visited the Assessor, Tax Collector and called Councilor Killen for help to no satisfaction. He asked, how do you assess a vehicle over twenty-three years old without looking at it? He asked the Assessor to take a few seconds to look at the vehicle and he refused.

Mr. Solinsky stated that the Board of Tax Review will be meeting in September to address complaints such as this.

Mr. Kahl stated, until such time, he will have to pay \$175 for his vehicle which is not even worth \$500. He also received a tax bill from the Town of Westport which assessed the vehicle at a value of \$200. vs. Wallingford's \$7,000.

Mayor Dickinson explained that the State sends a list of all vehicles garaged or registered out of Wallingford. That list is taken by the Assessor's Office which places a book value on the vehicles. The vehicle identification number (VIN) is used to determine the value which is supposed to more accurately describe the vehicle. When a discrepancy occurs the Board of Tax Review is the mechanism which adjusts the book value to reflect reality.

Mr. Killen asked, why can't the staff of the Assessor's Office take the time to look at the vehicles? The members of the Board of Tax Review are simply lay people without the training of the Assessor's Office staff. Does that make sense?

Mayor Dickinson will speak with the Assessor's Office to obtain information on normal procedure in a case such as this. Historically they do not assess individual vehicles.

Mr. Killen reminded everyone that the staff does represent the Town and part of the equation for arriving at a tax is his action in conjunction with the Council's.

Mayor Dickinson spoke in defense of the Assessor's Office stating that there are some 36,000 vehicles of which the office cannot possibly assess. For them to assess one vehicle they have to be in a position

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to assess all of them. The Assessor's Office does not deal with the appeals process, the Board of Tax Review does. He needed to discuss this issue further with the Comptroller and Assessor.

Mrs. Duryea stated that this is not the first complaint on this issue. We should have been more prepared to handle the transition from one procedure of assessing to another, similar to revaluation.

Mayor Dickinson informed the Council that notices were mailed out to anyone who had a change in their assessment back in April or May. In comparison to the number of vehicles in the town very few questions have risen regarding those changes. Undoubtedly there could be errors coming through the State computer system, this could be one of them.

Mrs. Duryea asked if this system is used statewide?

Mayor Dickinson answered, all but six towns are using the new computerized procedure with VINs. There is currently state legislation in effect which requires everyone to use the same system.

ITEM #5 Consider and Approve Acting Upon Binding Arbitration Award Regarding Local 1183 - Personnel Dept.

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

Dennis Ciccarillo and Tom Sharkey, Acting Personnel Director, were the negotiators in the matter of this collective bargaining unit, 1183, which is essentially the Public Works Department and clerical unit in town.

The culmination of the process was a binding interest arbitration which resulted in an award dated July 15, 1994. By virtue of CT. General Statute #7-473c(d)(5) the legislative body of the municipality may, upon a two-thirds vote, reject the award and send it on to a second panel which would over a period of time deliberate again, on the basis of record and not with any further evidence, render a decision on each of the fourteen issues which the original panel issued an award.

Mr. Solinsky asked Mr. Ciccarillo to clarify the two-thirds majority rule, whether that was two-thirds vote of those Councilor's present or of the entire Council?

Mr. Ciccarillo explained that it would be two-thirds vote of those members present, in this case six votes are needed to reject the award.

Mr. Gouveia explained that there were twenty-four issues at hand with this contract of which fourteen were arbitrated, five in favor of the union and nine in favor of the town. The remaining ten issues were resolved prior to arbitration. He asked, how significant an impact upon the Town did the ten issues have?

Tom Sharkey, Acting Personnel Director responded, those items were trade-offs.

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Mr. Ciccarillo stated, most of those resolved issues were withdrawn. He did not recall any of the issues involving economics.

Mr. Gouveia stated, the union gave something back that they have earned in past contracts and they also received additional benefits. He asked that these two issues be elaborated upon.

Mr. Sharkey responded that the estimated savings regarding the cost containment issue, according to Blue Cross/Blue Shield is somewhere around 2% of premium. In this group it represents approximately \$18,500. The co-pay is approximately 3.5% which translates to \$32,500. The total savings of the two issues is approximately \$51,000.

Mr. Ciccarillo added, there was a slight increase in meal allowance from \$6.00 to \$6.50 which was equal to what other unions have as a benefit.

Mr. Sharkey stated that the increase translates to approximately \$1,273 in additional dollars for meal allowance in the Public Works budget.

Mr. Ciccarillo stated, the tool allowance benefit increases the budget by \$150. Six workers are allotted this benefit at \$25 each per year.

Mr. Sharkey explained that the longevity benefit increases the budget by \$4,550. The total impact on the budget is approximately \$389,000 for the two years, minus the meal and tool allowance benefits.

Mr. Gouveia commented, there existed a tentative agreement before, how significantly does this new award financially impact the town compared to the tentative agreement? If both sides were to have accepted the tentative agreement, how much would it have effected the Town?

Mr. Ciccarillo responded, very little. On balance, the arbitrators selected and awarded last, best offers which were, not line for line but rather on balance, consistent with the tentative agreement.

Mr. Gouveia asked, what was the cost to the Town for the arbitration? Was the financial impact less than the cost of going to arbitration?

Mr. Ciccarillo answered, no, there was no sufficient difference between the tentative agreement and the arbitration award. In effect, both parties have absorbed a cost.

Mr. Gouveia asked, if there was any savings achieved from the tentative agreement to the awarded agreement, was that savings wiped out by the cost of going to binding arbitration?

Mr. Ciccarillo, no it was probably not worth it to either party to go to arbitration.

Mr. Zandri felt that it cannot be looked at as a one shot comparison on what was gained and what was lost. If you gain a percentage it is from this point ongoing. If you lose on the Town's side you are going

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to be paying every year from this point on. It is not a good judgement to make that just because we lost to arbitration it is not worthwhile to go through the process.

Mr. Zandri asked Mr. Ciccarillo to quote the salary awards for the benefit of the public.

Mr. Ciccarillo stated, the wage increase effective 7/1/93 was 3.75% and the increase effective retroactive to 7/1/94 is 3%. Co-pay is 3.5% per individual per week, same as the Board of Education nurses. Teachers and administrators at the Board of Education pay 5% as a co-pay benefit.

Mary \_\_\_\_\_, 804 Center Street, Secretary for AFSCME Local 1183, wanted the public to be aware that the members of the Water & Sewer, Engineering, Public Works, Police Department Dispatchers and Clerical forces of the Town make up Local 1183. She stated that there are fifty-seven women in the union earning an average pay of \$25,000 per year. There are sixty-eight men in the union earning an average of \$30,000 per year which does not include overtime.

Mr. Solinsky asked if anyone was prepared to make a motion?

Mr. Ciccarillo stated that the State Statute does not require any action at all. With the passage of twenty-five days if there is not vote to reject then the contract exists.

Mr. Zandri made a motion to reject the award, seconded by Mr. Killen.

VOTE: Zappala was absent; Killen and Zandri, yes; all others, no; motion failed.

ITEM #6 Consider and Approve a Transfer of funds in the Amount of \$125,124 from Council Contingency Acct. #001-8050-800-3230 to Various Salary and Overtime Accounts in the F.Y. 1994-95 Budget of the Town - Personnel Dept.

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

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

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$270,131 from Council Contingency Acct. #001-8050-800-3230 to Various Salary and Overtime Accounts in the F.Y. 1994-95 Budget of the Town - Personnel Dept.

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

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

ITEM #8 Consider and Approve an Appropriation of Funds in the Amount of \$762 to Local Match Acct. #012-1040-060-6000 and to Clerks Wages Acct. #012-9000-100-1300 in the F.Y. 1993-94 Youth Service Bureau

Budget

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

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

ITEM #9 Consider and Approve an Appropriation of Funds in the Amount of \$1,497 to Local Match Acct. #012-1040-060-6000 and to Clerks Wages Acct. #012-9000-100-1300 in the F.Y. 1994-95 Youth Service Bureau Budget

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

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

The Chair declared a seven minute recess at this point in time.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$113 from Printing Acct. #001-7010-400-4100 in the F.Y. 1993-94 Town Planner's Budget

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

VOTE: Gouveia & Zappala were absent; Killen and Zandri, no; all others, aye; motion duly carried.

Motion was made by Mrs. Duryea to Move Agenda Item #16 Up to the Next Order of Business, seconded by Mr. Rys.

VOTE: Gouveia and Zappala were absent; Zandri, no; all others, aye; motion duly carried.

ITEM #16 Consider and Approve a Transfer of Funds in the Amount of \$300 from Telephone Acct. #001-7010-200-2000 to Council of Governments Acct. #001-7010-600-6750 in the Town Planner's F.Y. 1994-95 Budget

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

Mayor Dickinson explained that the dues were reduced by \$300. We pay these dues as members of Council of Governments (C.O.G.). The reason it is in the Town Planner's budget is that the regional planning agency operates out of C.O.G. or under the umbrella. The regional planning agency has to approve any project if it has impact on more than one town. C.O.G. is the organization which makes available funding such as we have for the Quinnipiac Corridor, \$1.8 million. That money is received through C.O.G. and the State of Connecticut. As members of the organization we are eligible for funds such as that. If we don't belong as members we do not become eligible for the funds.

VOTE: Zappala was absent; Knight, Papale, Rys and Solinsky, aye; all others, no; motion failed.

Mayor Dickinson asked what the issue at hand was that made the

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majority of the Council want to vote in opposition of the membership?

Mrs. Duryea responded by stating that she will not be voting in favor of any transfers in the F.Y. 1994-95. She felt that we should live within the budget proposed by the Mayor. She was in favor of sitting down and discussing the issue but for now she felt that the Town should work with the budget at hand.

Mr. Gouveia asked Mayor Dickinson why he decreased the original budget request of \$9,000 for the dues to \$8,700?

Mayor Dickinson responded, initially the dues were not going to increase. When the budget was approved the dues were consequently increased.

Mr. Gouveia asked why Ms. Bush, Town Planner, had originally requested \$9,000 if the dues were not expected to increase?

Mayor Dickinson answered, there were discussions held within the Council of Governments and there was a belief that the dues would not increase at the time he (the Mayor) dealt with the budget. Subsequently C.O.G.'s budget was approved with an increase.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$13,343 from Overhead Lines Acct. #593 to Misc. Distribution Plant Acct. #598 in the F.Y. 1993-94 Electric Division Budget

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

Mr. Gouveia asked, who's error was the miscalculation of gallonage at the Yalesville station?

William Cominos, General Manager, Electric Division, responded, it was our error.

Mr. Gouveia pointed out that the contract the Town has with Aptus was to not only remove PCB but also twenty-four PCB-contaminated transformers and miscellaneous other debris, oil, etc. If we try to sneak in an additional five transformers it will inevitably cost more money.

Mr. Cominos clearly stated that the division did not try to sneak anything past anyone. The units were PCB laden and since they were on-site he asked the firm to take the five units at that time instead of leaving for Kansas City without them. Management thought there were enough funds within accounts to cover the extra units.

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

ITEM #12 Consider and Approve a Transfer of Funds in the Amount of \$780 from Supv. & Eng. Maintenance Acct. #510 to Supv. & Eng. Operations Acct. #500 in the F.Y. 1993-94 Electric Division Budget

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

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

ITEM #13 Consider and Approve a Transfer of Funds in the Amount of \$585 from Various Accounts Within the Dept. of Fire Services' Budget to Copier Rental and Supplies Acct. #2032-600-6120 - F.Y. 1993-94

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

Mr. Gouveia stated for the record that he received three phone calls from residents/taxpayers of the Town who supported Chief Lefebvre's charitable act of helping out with the watering of a local garden from which vegetables are donated to local soup kitchens.

Mr. Killen asked how transfers can be made from the 1993-94 fiscal year. If funds are unexpended and unencumbered at the end of the fiscal year they are supposed to expire.

Mayor Dickinson responded, these are adjusting measures to reflect what actually occurred in the accounts.

Mr. Killen argued the point that if expenses are anticipated then the funds should be encumbered.

Mayor Dickinson stated, with a total budget of \$76 million, the total number of adjustments are extremely low given the amount of money being spent. It is not perfect.

Mr. Killen felt it was wrong to ask the Council to approve these transfers simply because the proper procedures were not followed.

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

ITEM #14 Consider and Approve a Transfer of Funds in the Amount of \$9,100 from Personnel Dept. Management Salaries Acct. #001-1590-100-1200 to Outside Professional Services Acct. #001-1320-900-9010 in the Department of Law's F.Y. 1993-94 Budget

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

Frank Wasilewski, 57 N. Orchard Street asked, what is the outside professional services account for?

Attorney Small responded, it is primarily for our labor negotiators.

Mr. Wasilewski asked, how do we choose our negotiator?

Attorney Small answered, the negotiator is chosen by the Mayor but in terms of labor matters she was not sure when the Town first started using the firm Attorney Ciccarillo is with. There are firms who do predominantly labor matters for municipalities. The funds requested are for primarily arbitration costs and the attorney's services on a variety of matters.

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Mr. Wasilewski asked, what does it cost the Town to hire this negotiator?

Mayor Dickinson responded, as a negotiator it costs \$30,000. In this budget this year it is \$33,000.

Mr. Wasilewski asked, does Mr. Ciccarillo negotiate all of our contracts?

Mayor Dickinson answered, he negotiates all of our general government contracts, not our teachers, certified salaried contracts in the Board of Education. All other contracts concerning the fourteen unions, Mr. Ciccarillo negotiates.

Attorney Small stated that there have been quite a few labor matters in the past fiscal year. We do some of the work in-house, ourselves but the more complicated serious matters are referred to Mr. Ciccarillo. We have not referred any for quite some time.

Mr. Knight asked, do you request a running accounting from Mr. Ciccarillo's firm on a weekly basis?

Attorney Small answered, they are hired to handle particular cases and we do try to obtain an estimate of what it is going to cost overall. In the next budget her goal is to separate out labor costs as a line item to keep better track of how much we spend on labor matters.

Mr. Knight pointed out that the Town exceeded the budgeted amount for these services by \$9,100.

Attorney Small attributed the cost overrun to labor matters and also appraisal work for tax appeals. It was unusually high this year.

Mr. Killen asked, how did the Personnel Department end up with an excess of \$9,100 in their budget?

Mayor Dickinson answered, it is an open position, the director's salary.

Mr. Killen reminded the Mayor that this is the end of the fiscal year and what ever funds have been appropriated and unexpended are supposed to lapse according to the Charter.

Mayor Dickinson responded, until the books are closed all of the various accounts are still alive. He deferred the issue to the Comptroller.

Comptroller Myers stated that all appropriations closed on June 30th as they do every year. One of the basic principles of accounting, however, is any bill attributable to the fiscal year just ended must be recorded against that fiscal year. It is an incorrect procedure to take a bill for any given fiscal year and pay it or charge it to another year. We would be written up or commented by our independent auditors if we allowed that to happen. In the private sector it is generally accepted that a fiscal year closing will take approximately a 30-60 day adjustment period to make sure that all entries are

properly recorded.

Mr. Killen did not agree with the way the fiscal year is closed from a procedure aspect.

Mr. Zandri asked, when was this work done, in the month of June?

Atty. Small responded, some things occurred in June, things that are not necessarily concluded at this point....it is a mistake that she admitted being responsible for. She had hoped to have firmer figures by the thirtieth of June but it was ongoing work over the course of the month.

Mr. Zandri agreed with Mr. Killen. We have the ability to encumber and some departments utilize that option incorrectly and then we have the opposite scenario where we have hired someone and we are not encumbering the funds to pay them. We are on both ends of the spectrum.

Attorney Small pointed out that her department has not had this problem before and what ever she needs to do to correct it she will.

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

ITEM #15 Consider and Approve a Transfer of Funds in the Amount of \$216 from Office Supplies Acct. #001-1300-400-4000 to Telephone Acct. #1300-200-2000 in the Mayor's F.Y. 1993-94 Budget

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

Mayor Dickinson explained that the fax machine has significantly altered the experience with this account causing a shortage in the line item.

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

ITEM #17 Consider and Approve a Transfer of Funds in the Amount of \$387 from Loader Acct. #001-5030-999-9903 to One Ton Stake Body Truck Acct. #001-5030-999-9909 in the Public Works Dept. F.Y. 1994-95 Budget

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

Mrs. Duryea extended her apologies to Henry McCully, Director of Public Works for the fact that she will be voting in opposition to the transfer. She explained that it is by no means a reflection upon him or his department who have always been very accommodating and courteous to Mrs. Duryea in all her dealings with them.

She went on to say that she has worked on the previous five budgets for the Town only to have four of them vetoed. It is now time to work within the budget the Council is forced to deal with. If something can be worked out down the road she would welcome the chance to do so.

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Mr. McCully explained that he had requested \$25,000 in the budget for this truck that is sorely needed at Public Works. Both the Superintendent and garage staff did their homework on this to arrive at figures for the budget. To be off only \$387 represents less than one percent of the price. He asked, how close does one have to come in order to be approved to purchase the equipment? Public Works is the one being punished here. We really need the equipment.

Mrs. Duryea understood Mr. McCully's point, however, she stated that she has always been very cooperative in the past with regards to transfers and feels that she is now to the point where she has to take a stand. She pointed out how Mr. McCully originally requested two trucks and the Mayor rejected one from the budget. She went on to say that the majority of the Council reinstated funds in the budget for items requested by the department heads and denied by the Mayor during the budget process. One example is the funding for a parking lot requested by the Police Department. It is time to cooperate.

Mr. Knight asked Mr. McCully, did the Council restore the original request for two trucks in the budget?

Mr. McCully responded, no.

Mr. Knight pointed out, whether or not the Mayor's budget was adopted or the Town Council's adopted, we would still be in this fix right now, \$387 short of buying a truck. In running his personal business, through experience, he has learned that you cannot project twelve months' ahead every single nickel that will be spent. There are times when there are legitimate transfers, this being one of them. This does not seem the time to take a stand.

Mrs. Duryea responded that she cannot pick and choose the transfers to approve because it is not fair to do so. It was not an easy decision to make.

Mr. Rys asked, if you don't get the \$387, what happens?

Mr. McCully answered, there are two choices to make, one of which is to re-bid the truck which will require a lot more than \$387 worth of administrative work or the department could accept a lesser priced truck. If we take the second option we may only pay \$20,000 for a vehicle and a surplus of \$5,000 would exist in the account at the taxpayers' expense. He went on to say that for this amount of money he did not feel it was necessary to re-bid the truck. The department recently prepared a bid for a 4 X 4 pickup for the foreman and it came in a little over \$1,000 more than was budgeted for. The department did re-bid the truck. There was only one vendor who bid on it initially so it was decided that a few phone calls would be made to hopefully enlist firms to bid the project.

Mr. Rys asked if the truck they are currently using is costing money for repairs?

Mr. McCully answered, it requires maintenance but it is fourteen or fifteen years old since it is a converted ambulance which the Town

renovated.

Mr. Rys stated, re-bidding costs the Town money and he cannot see going through the same process for \$300 or \$400.

VOTE: Zappala was absent; Knight, Papale, Rys & Solinsky, aye; all others, no; motion failed.

ITEM #18 Consider and Approve Accepting a \$1,000 Grant Donation from Allstate Foundation to the Department of Police Services to Help Offset the Purchase of Surveillance Equipment

Motion was made by Mrs. Duryea, seconded by Mr. Killen.

Chief Douglas Dortenzio explained that our local Allstate Insurance team located on Center Street, comprised of agents Sue Messina, Gordon Liburd and Bill Michalowski, submitted an application on behalf of the Police Department for a \$1,000 Allstate Foundation Grant as a means of supporting policing efforts in our community consistent with the goals of the Foundation and its areas of focus. The funds will be used specifically to help offset the purchase price of video surveillance equipment.

Mr. Rys asked whether or not the department is still operating its D.W.I. program?

Chief Dortenzio responded, the program is run with a heavy emphasis around the holidays. Press releases are given to the press who seem to feel the information is "stale". The department invites representatives from M.A.D.D. to participate. Some Town residents have been extremely supportive of the officers facilitating the program on cold winter nights and for that support the department is grateful. The net effect is that the educational awareness of the local as well as the state residents has increased. The number of arrests in Wallingford has decreased dramatically in the last few years. It is a successful program.

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

ITEM #19 Consider and Approve an Appropriation of Funds in the Amount of \$1,000 to Other Revenue Misc. Acct. #001-1075-070-7040 and to Surveillance Equipment Acct. #001-2003-999-9916 in the Dept. of Police Services' F.Y. 1994-95 Budget

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

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

Mr. Rys asked Chief Dortenzio, if an establishment would like to serve liquor or beer in front of their place of business, do they have to follow the specifics that deal with the State Liquor Commission law?

Chief Dortenzio responded, yes they do. The State Liquor Commission regulates that function. You cannot take it upon yourself to do it.

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He is aware of cases where the Liquor Commission has granted permission for an existing permittee to use his/her own property and set up to what amounts to a "beer garden" on their own property for special functions or occasions.

Mr. Rys wanted this information from the Chief prior to discussing Item #22.

ITEM #20 Consider and Approve a Waiver of Bid to Authorize Negotiation with MDC & NETCO for Long Term Sludge Disposal - Sewer Division

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

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

Roger Dann, General Manager of the Water & Sewer Divisions explained that for the past four years the division have been utilizing the facilities of MDC for disposal of our wastewater plant sludge. We have been doing so on an interim basis until such time as MDC was prepared to negotiate a long term agreement. Recently MDC has exhibited a willingness to proceed with that negotiation. In the interim we have found a new company entering the market constructing a facility in Waterbury. That company has approached the Town with regards to utilizing their services for disposal. Based on initial discussions and pricing they seemed to be somewhat higher than MDC, however, far closer than the other regional vendors that we have seen in the past. Before we proceed to focus primarily on MDC we should take another look at the other vendors that are comparable in price and who may be able to offer better terms to us or because of the matter in which they handle price escalators may actually be more favorable in the long term even though they may seem more expensive in the immediate short term commitment.

Mr. Dann requested the opportunity to negotiate with both vendors to ultimately develop the best pricing and long term agreement for the Sewer Division.

Mr. Killen asked what the specific gain to the Town was to negotiate rather than go out to bid on this item?

Mr. Dann responded that most of the entities are municipal and will not participate in the bidding process as we currently administer it, particularly with regards to the need for a bid bond. Secondly, when you look at the differences between the companies, how they handle sludge, their standard agreements, the terms and conditions under which they will furnish the service....they do not lend themselves to a single, specific and consistent bid specification. If we tried to prepare one his guess is that we would see no bidders or we would likely lose the bidders most interested in pursuing on a cost basis. We would also lose the opportunity to negotiate, in fact, he believed that we would be left with terms and conditions that we would not be able to negotiate even though we would find them objectionable in some areas. The nature of this product or service lends itself to a negotiated process.

Mr. Killen asked, how long a term are we looking at?

Mr. Dann responded, a minimum of a five to ten year period, preferably with some sort of renewal clause. We would like to see ourselves in a position to have capacity available to us for at least the next twenty years. To sign on for a full twenty year term, however, at this point may not be in our best interest.

Mr. Killen asked, is this new vendor fully operational?

Mr. Dann responded, they have a very small pelletizing facility that they have been operating but they have signed a contract with Waterbury and they will be constructing an incinerator to handle Waterbury's sludge. What they have indicated is, at the present they have a slight amount of additional capacity at their pelletizing facility. They could take us on immediately. They do have other facilities in the Northeast which may furnish back up should that facility go down. They are looking at a one year construction period for the incineration.

Mr. Killen asked, have you looked into their financial background?

Mr. Dann answered, at this point it is preliminary, we haven't gotten that far. We just want to have the ability to go ahead and pursue this and make sure that we have investigated this option in addition to the one that we already know about.

Mr. Gouveia stated that he is always leery of negotiations, however, in this case there is no other alternative. He asked, who will pay for the transportation?

Mr. Dann responded, MDC currently only provides the tipping fee service. They accept the material and we separately bid the trucking services. NETCO would handle it either way. They would either include the trucking costs in their bid or, if we requested, they would separate it and allow us to bid it as a separate item.

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

ITEM #21 Discussion Regarding the Continuation of Multi-Public Uses on Town Owned Property - Mayor's Office

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

Mayor Dickinson explained that this item was one that was raised during the discussions dealing with the forest management program. An analysis of the subject has been performed by Don Roe, Program Planner and Stan Shepardson, Director of Parks & Recreation who are prepared to make a presentation this evening on the issue. The recommendation is to continue the current practice of allowing multiple use of the land. The only change would be that signs will be posted at different times of the year to alert people of the presence of hunters, hikers, horseback riders and whatever other uses. The recommendation is based on legal investigation as well as the what the State of Connecticut encourages.

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Mr. Solinsky asked, is there going to be times when certain activities will not be allowed?

Mr. Roe explained that the hunting season runs from the end of October to February. Hunting does not occur on Sunday either. The hunters will not be restricted during the hunting season except on Sundays.

Previously distributed material to the Council included a legal rendering of opinion from Corporation Counselor Adam Mantzaris, along with a letter from the Department of Environmental Protection supporting the use of the land for multiple purposes.

Mr. Roe stated that the Town is looking to disseminate information to the hunting population informing them that there are multiple users of the facility and they should expect to see horseback riders and hikers at the same time. It is a goal of two departments to sit down each year with the user groups and review what transpired in the previous year to evaluate where we stand with them.

Mayor Dickinson stated that the Town's position is based on the State of Connecticut's ongoing policy of encouraging multiple-uses of the land as well as a review of the State Statutes which indicates that the Town is protected, legally. If there should be an accident of some kind where someone were injured, the Town is not liable. State law clearly states that where the Town is making property available for multiple uses, recreational uses, hunting, there is no liability to the landowner unless it is a wanton and willful act on the part of the owner. We have determined that organizations representing people using the property favor the continuation of multiple uses.

Mr. Shepardson stated that the signs posted will read, "multiple use area. Used by hikers, horseback riders, cross-country skiing, hunters. Small game hunting period from third week in October to February 28th. No hunting on Sunday, no motorized vehicles, non-hunters should wear 200 sq. in. of orange during hunting season. Shotguns only. Violations - please call 1-800..", etc. The signs will be posted in various areas around the New Haven Water Co. property. Some of this information is contained in our brochure as well which will be mailed out to 16,000+ households. Publication will occur in the local newspaper prior to hunting season.

Mr. Rys asked if overnight camping will be allowed?

Mr. Shepardson responded, it is being looked at presently for the Bertini Park area. The hunting areas will not have overnight camping.

Mr. Rys suggested, if it is going to be allowed there should be some procedure for campers to follow with regards to checking in with some branch of authority to let them know they are camping out there.

Mr. Shepardson and Mr. McCully, Director of Public Works, visited the Bertini Park area this past week for the purpose of locating an area that can be cleared for camping. There is no plan to allow camping on the New Haven Water Co. property.

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Mr. Knight admitted not being familiar with the property asked, is it obvious that there are limited number of places where people would normally enter the site so that the signage will be thorough?

Mr. Shepardson responded, currently we are looking at four locations to post the 4' X 6' signs which will be brightly colored and easily seen. Two signs will be placed on Tyler Mill Road, one on Woodhouse Avenue and one on Old Stagecoach Road. There could possibly be other signs posted in the future.

Mrs. Duryea was not comfortable with hunters utilizing the property with hikers, horseback riders, etc.

Mr. Roe met with the user groups who are comfortable with hunters using the area as well.

Mr. Solinsky asked, is there a size limit on the power of the shotgun that will be allowed?

Steve Zopolski, Wallingford Rod & Gun Club responded, 12 gauge. You can shot different types of bullets or loads from the shotgun. What is used out in the Tyler Mill Road area restricted by the State is birdshot. It is a certain pellet size and has an effect range on a pheasant of approximately 20-25 yds. That translates to a distance of less than the side doors of the Council Chambers to the witness bench. It is pretty obvious that a hunter will be able to identify the difference between a pheasant or a horse at that close range.

Mr. Solinsky pointed out that the hunting takes place during a season when the leaves are off the trees and the visibility is greatly increased.

Ed Makepeace, George Washington Trail, was concerned that four and one-half months of hunting season is excessive. He resented the fact that he would have to purchase 200 sq. in. of orange clothing to hike in the area simply to be more safe. He referred to a pamphlet printed by D.E.P. which on page #9 advertises statewide that the Wallingford Town-Owned area of 840 acres is available for hunting. He resents the fact that he is inhibited from using it while people from anywhere in CT. shoot there. He was not advocating prohibition of hunting in the area, he felt that the timeframe in which it is allowed is excessive. He recommended that an amendment be made to this provision.

Bill Hillroy, Wlfd. Rod & Gun Club, stated that the hunting season is controlled by the State. The State does not limit any use on any permit required. Part of their control comes from restrictions and there are many restrictions on the property. The Rod & Gun Club gets a season permit and anyone can apply on a first come, first served basis. It is limited to twenty permits per day, dispelling the belief that it is open to an unlimited number of statewide hunters. While the club uses the land, ninety percent of the complaints registered to the State come from Rod & Gun Club members while using it. The members look after the piece of property. We would be the first ones reporting any misuse of the property.

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Mike Falcigno, Issuing Agent for Daily Hunting Permits, D.E.P., informed everyone that twenty permits, per day, are issued to non-members of the Wallingford Rod & Gun Club. Out of two hundred seasonal permits, thirty are given to senior citizens who reside in the Town of Wallingford. For opening day of hunting season, all the permits are filled. The following Monday only twelve hunters went out on a daily permit. The heaviest use is on Friday and Saturdays. After that the number of hunters drop down to thirteen, fourteen, eighteen. Only on weekends are the daily permits filled to twenty.

Mr. Solinsky asked, how many hours does the average hunter stay out?

Mr. Falcigno responded, the average hunter spends only two and one-half to three hours on a daily permit. The heaviest use is Saturday mornings.

Mr. Rys asked, aren't these areas patrolled by fish and game wardens?

Mr. Falcigno responded, yes.

Mr. Rys asked, don't they patrol them regularly?

Mr. Falcigno answered, daily. There are also two fish and game constables from Wallingford who uphold the regulations as well.

Joanne Minion, 35 Liney Hall Lane stated, as a member of the trail riders association, she felt that use of the property by the Rod & Gun Club members will most likely keep those hunters who are not permitted and are not following restrictions from using the land. She felt that we need to be sure we don't over limit ourselves. We have to leave our space open to everyone to use it. The program will be reviewed with the user groups and it will be determined whether or not the system is working.

Mr. Hillroy, who is also the Chairman for Tyler Mill Preserve, stated that the biggest activities his organization has is the semi-annual clean-ups. He wanted to commend the many volunteers for their hard work and dedication in the clean-up activities over the past four years that he has organized the clean-ups. Between twenty and thirty dump truck loads of garbage have been removed each time. It is very disheartening to find three or four more sights only a few hours after one of the extensive clean-ups. He asked that signage also be displayed prohibiting illegal dumping.

Ed Makepeace stated, despite the fact that wardens are present accidents still occur. During the period of 1982 to 1990 there were thirty-eight reported accidents to D.E.P. He felt this to be a significant number. He was not suggesting that the property be closed to hunters, he stated that four and one-half months is far too much time to allow hunting on the property.

Mr. Solinsky asked Mr. Shepardson to forward him a list of the rules which will be posted on the perimeter of the property.

No action was taken on this issue.

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ITEM #22 Consider and Approve Outdoor Seating on Public Sidewalks  
(#33-45 No. Main Street)

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

This request is made by Dick Caplan, President of Wallace Realty who was approached by Becky's Ice Cream Parlor and Main Street USA who have expressed an interest in serving customers at tables located out on the sidewalks in front of their respective establishments.

The two businesses have agreed to be responsible for the following:

1. Maintenance of the area
2. Limiting the location of their service to directly in front of their current addresses
3. Providing similar services to customers seated on the sidewalk as they do to their customers who occupy their interior space
4. Limiting the outdoor seating to those who wished to order food/drink from the proprietor
5. Assuring that the area in question would not interfere with the public walkway in any way; seating would remain close to the building
6. Limiting the outdoor seating in regards to weather (Spring, Summer, Fall) and/or rain (no structures would be built to accommodate inclement weather)

Mayor Dickinson explained how a number of departments have met on this issue including Planning & Zoning, the Risk Manager and the Town Attorney. Our main concern was that the area be supervised in so far as no one is sitting there unless they were actually being served. There is no impact on the Town's insurance liability. If any problems develop, if the area is not kept clean the permission can be revoked. One question left unanswered is whether or not this request will require additional approval by P&Z because it can increase the seating capacity of a restaurant which, in turn, effects parking issues.

Mr. Zandri felt that the area that is to be utilized should be specified so that they can be "mapped out" in front of the establishments. We should also have some sort of say in the types of tables to be used to insist upon some uniformity.

Mr. Gouveia liked the idea very much and felt that a certain charm will be added to the commercial district. He asked, what will the liability be to the Town should someone trip on a chair or table since the Town will have permitted the area for such use?

Mayor Dickinson responded, we could be named, we could be desirous of having a certificate of insurance indemnifying the Town for failure to keep things in proper order. We could be named and he could not say for sure that there is no liability. The Risk Manager did not feel

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that it was a significant increase so as to affect our costs overall.

Mr. Gouveia hoped that other business enterprises would take it upon themselves to ask for the same opportunity to provide these type of services. He was concerned, however, with where the Town draws the line.

Mayor Dickinson responded, given the different areas of town and different widths of sidewalk it was impossible to set a general rule. It would have to be considered on a case by case basis.

Mr. Gouveia was concerned that the tables of Main Street USA may block the business located beneath the sidewalk level. He asked if the owners of that business were aware of this request?

Mayor Dickinson was not certain. He suggested that the Town apply a condition to the approval, something to the effect which states that no glass window of any basement level business be obstructed.

Becky Blodgett, Becky's Place, expressed her concerns with this request, one being that the tables be of heavy construction for she fears one being knocked over into the plate glass windows in the front of her store. As it stands now, without tables present, children drive their bicycles up to the area and drop them against the glass. She agrees it is a nice idea but there has to be planning involved with regards to the tables and chairs for safety and insurance reasons. She felt that this should be discussed further so that it will be conducive to the purpose of the request.

Mayor Dickinson stated that a meeting will be arranged for further discussion on the matter.

Mr. Killen asked if this matter requires action from P&Z or ZBA?

Mayor Dickinson responded, the only area that may require action is if they are increasing the number of tables, that may effect their parking. Beyond that it is not a permanent improvement and we are not authorizing an improvement to public property.

Mr. Killen felt that one of the commissions should rule on this issue and not the Council, otherwise everyone who wanted to exercise their right to move their service outside of their establishment would appear before the Council.

Mayor Dickinson reminded Mr. Killen that any request for use of public property must come before the Council for approval.

Motion was made by Mr. Killen to Table This Item, seconded by Mrs. Duryea.

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

Motion was made by Mrs. Duryea to Move Agenda Items #25, 26 & 27 Up to the Next Order of Business, seconded by Ms. Papale.

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

ITEM #25 Consider and Approve a Resolution Authorizing Application for SCOW Grant - Program Planner

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

Mr. Killen was bothered by the fact that the organization cannot attract more volunteers.

Don Roe, Program Planner responded, the first step is the need to strengthen their board. That is the key ingredient for mobilizing other people in the community to volunteer. This past year has been more difficult due to the two changes made in the director's position. The priorities listed on the work plan of the newly appointed director include board development, volunteer solicitation and fund raising, along with others. The long term economic viability of the organization is also a perennial concern. Mr. Roe is trying to get them to own more and more of that responsibility.

Motion was amended by Mrs. Duryea to Append a Copy of the Resolution to the Minutes, seconded by Mr. Knight.

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

ITEM #26 Consider and Approve Waiving the Lease Payment of \$750 by SCOW Unless Grant Money is Available - Program Planner

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

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

ITEM #27 Consider and Approve a Resolution Authorizing Application to the Dept. of Social Services for Community Services Block Grant - Program Planning

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

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

ITEM #23 Discussion and Action on the Lease Agreement Between the Town of Wallingford and the Wallingford Municipal Federal Credit Union for Office Space at the Town Hall to Become Effective July 1, 1992 as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mrs. Duryea, seconded by Mr. Zandri.

Mr. Zandri asked if the Credit Union is presently paying rent?

Mayor Dickinson responded, as far as we know there is a lease arrangement. They pay approximately \$500 per month.

Mr. Zandri asked if the Mayor knew when the agreement became

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effective?

Mayor Dickinson responded, April of 1993 the first payment was received.

Mr. Zandri pointed out that in June of 1992 there was a motion made by himself for the Credit Union to begin paying rent commencing July 1, 1992 for office space at the Town Hall. Why did it take so long for them to begin paying their rent?

Mayor Dickinson responded, they began paying after they moved in (to 88 S. Main Street).

Mr. Zandri stated, the motion at the time was for rent for office space at the Town Hall, not 88 S. Main Street. The motion was for the Credit Union to pay the same square footage price as the electric division starting on July 1, 1992.

Mr. Dickinson asked, what did the lease read?

Mr. Killen thought that a lease had been drawn up through the Town Attorney's Office for the space at the Town Hall.

Mayor Dickinson thought that the discussion surrounding paying rent was for the new space.

Mr. Killen pointed out that the motion was specifically for them to pay rent for office space in the Town Hall.

Mr. Zandri stated, two years or more have lapsed when they should have been paying rent.

Mayor Dickinson will check into it.

Mr. Zandri read the motion made on this item back in June of 1992 as follows: "Motion was amended by Mr. Zandri to Charge the Credit Union for Space at the Town Hall at the Same Rate that is Being Charged to the Utilities to Become Effective July 1, 1992, seconded by Mr. Killen".

Mayor Dickinson will review it.

No Action Taken.

ITEM #24 Report Out from the Town Attorney on the Status of Her Review of the Town Council's Motion Regarding the Non-Union/Classified Employee's Salary Increases as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mrs. Duryea, seconded by Mr. Killen.

Attorney Small stated that she cannot render an opinion on this matter since it would result in a conflict of interest since all of the employees in her department are effected by this motion, including herself. Absent any objection she would like to refer the opinion to

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The firm of Tyler & Cooper for an opinion.

Mr. Zandri asked, how long will this take?

Attorney Small responded, the indication is that an opinion will be rendered by August 23, 1994. If there is a delay she will solicit another firm.

No Action Taken.

ITEM #28 Consider and Approve Authorizing the Town Attorney's Office to Pay Two People Under One Salary Account for the Town Attorney Secretarial Position

Motion was made by Mrs. Duryea, seconded by Mr. Knight.

Attorney Small stated that her present secretary is leaving and she would like the new secretary on board so that she could receive proper training. There is no change in the funding for the position.

Motion was amended by Mrs. Duryea to Include that the Town Attorney's Office will Pay Two People Under One Salary Account for a Period of Not More Than Twenty-One (21) Days, seconded by Mr. Knight.

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

ITEM #29 Note for the Record Mayoral Transfers Approved to Date

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

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

ITEM #30 Note for the Record Anniversary Increases Approved by the Mayor to Date

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

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

ITEM #31 Consider and Approve Tax Refunds (#1-11) in the Amount of \$843.05 - Tax Collector

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

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

ITEM #32 Consider and Approve Adding the Name of Timothy Cummings to the Golf Course Study Committee as Requested by Councilor Iris F. Papale.

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

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

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ITEM #33 SET A PUBLIC HEARING for August 23, 1994 at 7:45 P.M. on a Proposed Ordinance Entitled, "Tax Abatement for Dairy Farm and Fruit Orchard Property"

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

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

ITEM #34 SET A PUBLIC HEARING for August 23, 1994 at 8:00 P.M. on a Proposed Litter Ordinance

Motion was made by Mrs. Duryea, seconded by Mr. Killen.

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

ITEM #35 SET A PUBLIC HEARING for September 13, 1994 at 7:45 P.M. on a Proposed Ordinance Entitled, "An Ordinance to Provide for Tax Exemption for a Disabled Veteran's Specially Equipped Vehicle"

Motion was made by Mrs. Duryea, seconded by Mr. Rys.

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

ITEM #36 SET A PUBLIC HEARING for September 13, 1994 at 8:00 P.M. on a Proposed Leash Ordinance

Motion was made by Mrs. Duryea, seconded by Ms. Papale.

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

ITEM #37 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Regards to Pending Litigation as Requested by the Town Attorney

Motion was made by Mrs. Duryea to Enter Into Executive Session, seconded by Mr. Killen.

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

Motion was made by Mrs. Duryea to Exit the Executive Session, seconded by Mr. Killen.

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

Motion was made by Mrs. Duryea to Authorize the Town Attorney to Settle the Claim with Silver Pond Apartments, seconded by Ms. Papale.

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

Motion was made by Mrs. Duryea to Authorize the Town Attorney to Settle the Tax Claim with Judd Square Property, seconded by Ms. Papale.