

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

November 28, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at a regular meeting held on Tuesday, November 28, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Lois Doherty, Stephen W. Knight, Iris F. Papale, Robert F. Parisi and Rosemary Rascati. Mayor William W. Dickinson, Jr. and Assistant Town Attorney Gerald E. Farrell, Sr. were also present. Councilor Gerald E. Farrell, Jr., was absent due to illness. Councilor Vincent F. Testa, Jr. was absent and recovering from surgery. Comptroller James Bowes were absent due to illness.

There was a Moment of Silence. The Pledge of Allegiance was said and the Roll was taken.

2. Correspondence

None

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#389 - #407) totaling \$3,838.83
Acct. #001-1000-010-1170 - Tax Collector

3b. Set a Public Hearing for December 12, 2006 at 7:00 P.M. to amend Ordinance #438 "*An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures.*" of the Code of the Town of Wallingford – Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Withdrawn

- 3c. Set a Public Hearing for December 12, 2006 at 7:15 P.M to amend the *Parks and Playgrounds Ordinance*, Chapter 151, of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- 3d. Set a Public Hearing for December 12, 2006 at 7:20 P.M to amend the *Purchasing Ordinance*, Chapter 43, of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- 3e. Set a Public Hearing for December 12, 2006 at 7:25 P.M to amend the Chapter 190, *Solid Waste* of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- 3f. Discussion and action regarding amending the *Recycling Regulations* of the Town of Wallingford on December 12, 2006 at 7:30 P.M - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- Withdrawn*
- 3g. Approve Town Council Minutes for November 14, 2006
- Withdrawn*
- 3h. Consider and Approve an Appropriation in the Amount of \$4,376 to Equipment Maintenance Acct # 001-6030-570-5200 from Revenue - Misc. Acct # 001-1075-070-7040 - Town Clerk

Mr. Knight made a motion to adopt the Consent Agenda 3a., 3c., 3d., 3e., and 3h. Ms. Doherty seconded. All Councilors (7) present voted aye. Mr. Farrell and Mr. Testa were absent from the meeting.

The motion passed.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Bob Regan, Grieb Road, asked if it was the Town Council's intention to elicit input from the people of the Town of Wallingford regarding the eventual disposition of the Wooding property. Chairman Parisi responded, "Yes." Mr. Regan asked if there was a plan as to how the Council will get that information from the public. Chairman Parisi said that there are plans in process right now being developed and not ready to be brought forward.

John Lynch, 11 Taylor Lane, commended Councilor Brodinsky for having drafted a road map on how the Wooding Caplan property should be developed and that the decision making process should involve the public at every stage of the development of the plan, and he emphasized *every stage* and that the process should be transparent and be seen as squeaky clean. He added that the call for development should be open to all interested parties equally. He asked if it was the intention of the Council to develop a road map of how the process will be unfolded and is the Council prepared to publish that road map so citizens can review it and give comment on it's completeness. Chairman Parisi said, "Of course," and continued that he doesn't know how long it will take to develop it, so he can't offer when it will be ready but that it is being worked on. Mr. Lynch expressed that the public has significant concerns and asked if the Council is developing a plan by which those concerns could be answered to reestablish a sense of trust between the Council and the citizens of Wallingford. Chairman Parisi said that he doesn't think that trust was ever in doubt and that the process that was used was transparent and that it was by the Charter and followed the form of most of the referendums that have been conducted. He said that he has no problem with transparency. He said that the process was open and that when the referendum was conducted and the people spoke that it was fine. He said that we have to move forward and that is what he intends to have this Council do.

Robert Sheehan, 11 Cooper Avenue, spoke about the building disrepair of Simpson School, 390 Center Street and the American Legion, two of which are on the National Register of Historic Places, and all of which are owned by the town and are on the main entries to town and next to Town Hall. He suggested selling bricks for \$5 from 390 Center Street. He thinks the rainy day fund should be tapped to repair the building, especially in light of the money being spent on the library and the schools.

Phil Wright, Sr., 160 Cedar Street, said, "Amen."

Chairman Parisi wished Mr. Wright a happy 87th birthday. Mr. Wright thanked the Council for the wishes and told a story about his birthday dinner and his visit to the hospital.

Chairman Parisi said that Bill Fischer had a triple bypass and is doing very well.

6. Consider and Approve the *Meeting Procedures* of the Town Council
- Chairman Robert F. Parisi

Mr. Knight made a motion to approve the *Meeting Procedures*. Seconded by Ms. Doherty.

Chairman Parisi said that he put this on the agenda because the Council should have dealt with this at the start of the year and in reviewing it was discovered that it had not been done in several years. He said that the 2002 copy would be

updated. And that next year it will be reviewed again.

Ms. Doherty offered in III., 9th line, to change "thirty" minutes to "twenty" minutes to be consistent with line 5 in the same paragraph.

In number IX, she asked if it should say "Public Utilities Commission" instead of "Board of Public Utilities" as the procedures now state. To comply with the wording in the Charter, which was referenced, the word "Commissioners" will be added. It will be listed as "Board of Public Utilities Commissioners."

Ms. Papale suggested that the *Meeting Procedures* be made available in the Town Clerk's Office and the Town Council Office

Mr. Brodinsky pointed to the statutory reference in VIII. of the *Meeting Procedures*, which the Corporation Counsel should address.

Gerald E. Farrell, Sr., Assistant Town Attorney, read a list of changes submitted by Janis Small, Town Attorney, that the Law Department recommends.

1. In VIII, that the statutory reference be stated "in accordance with law."
2. In the preamble paragraph, the reference should be changed to "1-200."
3. In paragraph II., Robert's Rules of Order "(as amended)"
4. In paragraph IV., remove the last sentence.

"The Chairman has the authority to limit total discussion time for each agenda item, except in the case of a Public Hearing."

There is no requirement that a Public Hearing have an unlimited amount of time, so the last sentence is unnecessary and not recommended.

Lucille Trzcinski, 25 Turnberry Road, asked if in # III, the current thirty minutes is being changed to twenty minutes for the public session. Chairman Parisi said that it was made twenty minutes several years ago and the "thirty" didn't make the update. She said that she understands the limits of time when there is a public discussion but that it behooves the Council to allow the public within reason as much time as necessary to make their voices heard and that she thinks that it is critical to the democratic procedure. Chairman Parisi said that he thinks that the Chair has been very understanding, and it's only when it gets to a point of redundancy that it should be cut off. Ms. Trzcinski said that she thinks that the Chair has been very accommodating in that manner, and she hopes that it continues.

Debbie Gross, 114 Long Hill Road, would like to see the *Meeting Procedures* available at meetings.

Wes Lube, Montowese Trail, pointed out the last line on Pg. 2, VI., and he read, "...at the discretion of the Chairman as to whether the item is considered as an agenda item or as an item of general correspondence to the Council." In reference to any resident requesting an item on the agenda. He said that by omission it ignores our Charter, which has the power of initiative built into our Charter. He said that any elector can bring forth in the form of an Ordinance and the Council has 30 days in which to accept or reject, and if they do not accept, then it goes to referendum. He said that the thing that he is talking about is the fact that a person can request an item for discussion or they can request an item in the form of an ordinance and that's what the Council has ignored by making no mention of the fact. He said that it says here, and he read from the *Meeting Procedures*, "Any resident elector may also request in writing that an item be placed on the agenda;" and he said, "... and you have the discretion as to whether or not you want to share it with the Council or put it on the agenda." Chairman Parisi said that he thinks it was designed for times when there are four or five items for the agenda and that if the agenda is large, then the Chairman has the authority to attempt to not include everything on the that agenda due to the time constraints.

Mayor Dickinson said that as he recalls anything that the Charter requires is not in any way compromised by the rules. The Charter prevails over the rules of procedure. He said that this item was placed in the *Meeting Procedures* to make clear that to get an item as an agenda item requires a decision by the Council or the Chairman of the Council. Otherwise meetings would be unending. To be an agenda item, it must come through one of the Council members or a department request. He said that if a Councilor wants an agenda item then it can become an agenda item. Chairman Parisi said that he has always advised that people submit a request through a Councilor.

Mr. Lube said that the power of initiative pertains only to ordinances, and the rules pertain to non-ordinance items, and the Charter says if it's an ordinance, then it has to be on the agenda, and it should say "except for ordinances" and explain the reason for the exception. He pointed to item VII. – in order to waive a rule of the Council, you require a majority of five (5). He said that procedural rules are basically intended to assist in the protection of the minority, and in this case, the majority, having five or six seats, is always able to abandon the rules at their whim. He thinks that five should be two-thirds (2/3) and if the majority does not have two-thirds (2/3), they will have to seek another vote in order the change the rules. Chairman Parisi said that in 30 years he has never seen that occur and that a courtesy is extended to any Councilor that has a question or an alteration with the agenda if he follows Rule V. He said it's not a problem. Mr. Lube said that it's a rule for the future and that if it has not been a problem, then the Council should not have a problem changing it to two-thirds. Mr. Lube said that he gathers that the changes will not be made tonight, that the Council is just

gathering input, and it will come up for a vote at a subsequent meeting. Chairman Parisi said that the changes recommended by the Council will be dealt with tonight. Mr. Lubeo asked about the other changes. Chairman Parisi said that these rules can be amended at any time. Mr. Lubeo also pointed out that there is another section pertaining to the amending of the rules (XIV) and that too is based on a vote of five and that it should be the same two-thirds (2/3). You shouldn't be able to impose amendments on the minority, if you don't have a two-thirds (2/3) vote. Mr. Lubeo wanted to know if the non-council items would be brought up at the next Council meeting. Chairman Parisi said that the Counselor has to have an opportunity to review the new suggestions.

Mayor Dickinson said that he understands what the intent is but that to protect the minority you would have to have a seven vote, and that a 6-3 vote would not protect the minority, which is a two-thirds (2/3) vote. Mr. Lubeo said that is if the majority has six seats and that they don't.

Jason Zandri, 35 Lincoln Drive, suggested that the *Meeting Procedures* be put on the town's website.

Mr. Brodinsky asked for a point of order and asked what the motion is in light of the number of suggestions that have been made and asked for a clean copy to be made with all of the changes and then vote on it next time, perhaps even on the Consent Agenda. He said that that way everyone would know what the language is.

Chairman Parisi said fine and that would be the process. Mr. Knight withdrew his motion. Ms. Doherty withdrew her second.


7. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

Withdrawn

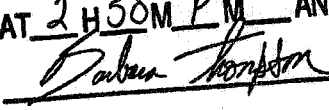
Mr. Knight made a motion to adjourn. Ms. Doherty seconded.
All Councilors (7) present voted aye. Mr. Farrell and Mr. Testa were absent from the meeting.

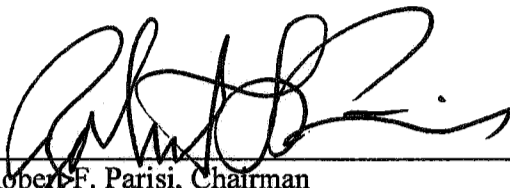
The motion passed. The meeting adjourned at 7:30P.M.

Respectfully submitted


Sandra R. Weekes
Town Council Secretary

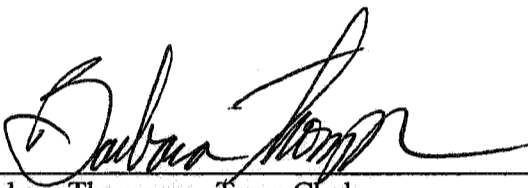
Meeting recorded by Sandra Weekes

RECEIVED FOR RECORD 11/30/06
AT 2 H 50M P M AND RECORDED BY
 TOWN CLERK



Robert F. Parisi, Chairman

12-12-06
Date



Barbara Thompson, Town Clerk

12-12-06
Date

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL**

MEETING PROCEDURES

In accordance with the provisions of Chapter III, Section 4 ("PROCEDURE") of the Charter of the Town of Wallingford, and in conjunction with the provisions of ~~Chapter 3, Section §1-200 et seq.~~ of the Connecticut General Statutes (hereafter abbreviated as "CGS", ~~§1-200 et seq.~~), the following rules of procedure are adopted by the Town Council:

- I. The Town Council will schedule regular meetings on the second and fourth Tuesday of every month in the Town Council Chambers of the Town Hall. In addition, the Chairman of the Council or, in his/her absence or inability to serve, the Vice-Chairman may at his/her discretion call a special meeting at any time.
- II. Except as otherwise specified in this procedure, the order of all Council meetings will be conducted at the discretion of the Chairman, or in his/her absence or inability to serve, the Vice-Chairman, with Robert's Rules of Order (~~Revised 1915~~) (as amended) as a guide.
- III. The Council will convene at 6:30 P.M. on the dates of its regularly scheduled meetings; the Pledge of Allegiance to the Flag will be given at the start of each meeting. The Consent Agenda will be presented as described in Rule XV. The Public Question and Answer Period will be limited to policy and operation of town government. The Public Question and Answer Period will be for a maximum of twenty (20) minutes. Each individual speaking during the Public Question and Answer Period will be allowed to ask one (1) question at a time. If, after doing so, time remains available during the Public Question and Answer Period, individuals will be allowed to return to the microphone to ask additional questions until the ~~thirty~~ twenty minutes have expired. Each individual wishing to speak will address their questions or comments to the Council Chairman and limit his/her speaking time to a maximum of three (3) minutes.
- IV. Public input on individual agenda items will be received during the discussion of the specific item, after members of the Council have had an opportunity to review and discuss the item. Individuals wishing to speak to individual agenda items will be required to address their questions or comments to the Council Chairman and limit his/her speaking time to a total of three (3) minutes. ~~The Chairman has the authority to limit total discussion time for each agenda item, except in the case of a Public Hearing~~
- V.
 - A. Business acted upon at regular Council meetings will be limited to the agenda prepared by the Chairman, or his/her designate, for each meeting on the Tuesday prior to that meeting. The Chairman will instruct the Council secretary to ensure that copies of the agenda are sent to each Councilor, Mayor, Town Clerk, Town Attorney,

Comptroller and all Department heads prior to such a meeting. The Town Council secretary will have the finished agenda material available for delivery by the evening of the Wednesday prior to the next meeting.

- B. However, subsequent business not included on the agenda may be discussed and acted upon, upon the affirmative vote of a two-thirds majority, but not less than five (5) of those Councilors present and voting.
- VI. Any Councilor, the Mayor, the Town Attorney or the Comptroller must request in writing that an item be placed on the agenda of a regular meeting, provided that the request is submitted to the Chairman of the Council no later than noon of the Tuesday, one week prior to the meeting. No more than two items submitted by any individual Councilor will be placed on any one Council agenda with each Councilor being given equal opportunity by the Chairman to so place items. The Council Chairman can grant exceptions to this rule, depending on the length of a given Town Council agenda. No item of new business will be considered unless prior notice is given in the manner described above; however, the Council may suspend this rule in accordance with the provisions set forth in Section VB. above. Any resident elector may also request in writing that an item be placed on the agenda; however, it will be at the discretion of the Chairman as to whether the item is considered as an agenda item or as an item of general correspondence to the Council.
- VII. Except as provided in Sections V. and VI., no rule of the Council will be waived or suspended at any time unless the Councilor requesting such action so states his/her reason and not less than five (5) of the members present concur.
- VIII. The proceedings of the Council, except those portions conducted in Executive Session, will be recorded and reported in accordance with law provisions of ~~CGS 3-121~~. The Chairman and the other Town Council members, the Mayor, the Comptroller and the Town Attorneys will receive an accurate copy of the minutes of all Town Council meetings. The Chairman of the Town Council and the Town Clerk will sign two (2) copies of the approved minutes for public inspection. The Public Library will receive a signed copy of the minutes of all Council Meetings.
- IX. Meetings of the Board of Public Utilities **Commissioners**; the Council will request that the Public Utilities Chairman arrange for a completed copy of the minutes of those meetings to be mailed to all Councilors immediately upon completion. It will be the responsibility of each individual councilor to determine whether and Council action is necessary and/or appropriate.
- X. The Comptroller will provide the members of the Council with a monthly financial report of all department budgets.
- XI. The investigatory powers of the Council will be exercised only by decision of the Council at a regular or special meeting subject to the provisions of Chapter III, Section 10 of the Charter of the Town of Wallingford.
- XII. Requirements regarding appointments:

A. Mayor's appointments requiring Council confirmation:

- (1) A letter from the Mayor naming his/her appointment must be presented.
- (2) A letter from the person(s) receiving the appointment(s) indicating his/her/their availability and acceptance should accompany the Mayor's letter but shall not be considered mandatory.

Any name submitted to and approved by the Council for confirmation:

B. Council Appointments:

A letter to the Council from all prospective nominees indicating a desire for appointment or reappointment will be submitted at least seven (7) days prior to the date set for making such appointments (This requirement may be waived at the discretion of the Council.) Any individual recommended to the Council for appointment or confirmation may be interviewed at the discretion and request of any Council member.

- XIII. No correspondence shall be read at a meeting of the Council unless it is addressed to, or intended for, the Council and contains the written signature and address of the person who wrote it.
- XIV. These rules may be amended by a vote of not less than five (5) of those members of the Council present at a regular meeting of the Council.
- XV. Consent Agenda:

Definition:

A The Consent Agenda is a separate listing from the regular agenda of a variety of items to be approved by one vote of the Town Council, rather than by specific votes on each item. There is no discussion or debate either by members of the Council or by the general public on Consent items. The opening motion on the Consent Agenda shall be to move passage of the Consent Agenda. Upon being seconded, the final vote will be taken on the Consent Agenda, passage of which will be by a single vote for approval for all items.

Procedure

The Consent Agenda shall contain a motion relative to all matters listed on the Agenda. Review by individual Councilors shall be as follows:

- A. Agendas will be delivered the Wednesday evening prior to the meeting.
- B. Each Councilor should review the entire Consent Agenda at his/her earliest convenience. Any problems or questions that arise regarding an item on the Consent Agenda should first be taken up with the Department Head submitting the request or the Mayor if a satisfactory answer is not obtained.
- C. If, after following Step B above, a Councilor still requires more information,

he/she shall request that the item be removed from the Consent Agenda by notifying the Town Council secretary by Friday, at 4:30 P.M. Should the Town Council secretary be unavailable, the Town Clerk should be notified. The Town Council Chairman will also be available to all Councilors to discuss any item on the Consent Agenda in order for it to remain as intact as possible.

XVI. Public Hearing Procedure -- Bonding Ordinances

A. Call the Public Hearing to Order

Call to Order the Public Hearing to introduce an ordinance entitled "enter title of proposed ordinance" and inform the public that copies of the proposed ordinance are on file and open to the public at the office of the Town Clerk and at this meeting.

B. Motion to Dispense with Reading the Full Ordinance

A motion to dispense with the reading of the ordinance in full; that Section 1 of the proposed ordinance be read and that a copy of the complete ordinance be attached to the minutes of this meeting. (Motion, second, Roll Call Vote, read Section 1)

C. Motion to Adopt Proposed Ordinance

A motion that the ordinance entitled "enter title of proposed ordinance" be adopted. (Motion, second, Roll Call Vote)

XVII. Decorum and Order

The meeting Chairman shall preserve decorum and decide all questions of order subject to appeal to the Council.

A. During Council meetings, Council members shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the meeting Chairman or the rules of the Council. Every Councilor desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself/herself to the agenda item under discussion and shall avoid all personalities and improper language. A Councilor, once recognized, shall not be interrupted while speaking unless called to order by the Chair or unless another member raises a point of order. All members of the Council shall accord the utmost courtesy to each other, to anyone appearing before the Council and to the members of the general public present at the meetings. They shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statement as to motives and personalities.

B. Members of the general public and those appearing before the Council to discuss an agenda item shall observe the same rules of propriety, decorum and good conduct as are applicable to members of the Council. Anyone desiring to address the Council shall be recognized by the Chair, shall speak into one of the microphones provided and shall begin by stating their name and address for the record. All remarks and questions shall be addressed to the Council as a whole and not to any individual

member thereof unless authorized by the Chair. All remarks and questions addressed to other Town officials or individuals appearing before the Council shall be done through the Chair. No person other than members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without permission of the Chair.

Adopted: January 14, 1964

Amended: January 12, 1965

February 15, 1966

January 16, 1968

January 5, 1970

January 3, 1972

January 7, 1974

January 5, 1976

January 10, 1978

January 7, 1980

January 4, 1982

January 10, 1984

April 24, 1990

January 11, 1994

January 23, 1996

March 26, 1996

February 24, 1998

October 13, 1998

January 11, 2000

March 14, 2000

March 26, 2002

December 12, 2006 proposed