

NOTICE OF SPECIAL MEETING

There will be a Special Meeting of the Wallingford
Town Council on Thursday, August 24, 1989 at 7:30 P.M.
in the Council Chambers:

1. ACCEPT THE FINAL DRAFT OF THE CHARTER
REVISION COMMISSION

2. CONSIDER APPOINTMENT OF TEMPORARY
FIRE MARSHAL.

TOWN COUNCIL MEETING SUMMARY

AUGUST 24, 1989

	<u>Page</u>
Approved final draft of the Charter Revision Commission as amended	1-6
Approved putting the proposed Charter Revisions on the ballot at the regular November 7, 1989 election	6
Approved voting on the proposed Charter Revisions as one package	6
Approved an effective date of January 1, 1990 for the proposed Charter Revisions	6
Appointed Steve Hacku as Fire Marshal for a period not to exceed 60 days	7
Meeting Adjourned	

TOWN COUNCIL MEETING

AUGUST 24, 1989

7:30 p.m.

A special meeting of the Wallingford Town Council was held in Council Chambers and called to order at 7:35 p.m. by Chairman Albert Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Bradley, Holmes, Papale, Parisi, Solinsky, Zandri and Killen. Also present was Adam Mantzaris, Town Attorney.

The Pledge of Allegiance was given to the flag.

(Mr. Doherty arrived at 7:37 p.m.)

ITEM 1 Consider and Approve the Final Draft of the Charter Revision Commission.

Motion was made by Mr. Holmes to accept the recommendations of the Charter Revision Commission. Seconded by Mr. Parisi.

Mr. Zandri asked are we voting for the entire package or item by item?

Mr. Killen replied it would seem to me that we'd be voting item by item because we have the right to accept it in total or accept/reject any of their recommendations.

Mr. Zandri stated unless someone has something in particular they want to eliminate there would be no reason to vote item by item.

(Mr. Adams arrived at 7:40 p.m.)

Mr. Bradley stated I just want to comment on the Planning & Zoning issue. There was a lot of debate on this issue. When the Charter revisions were finalized and presented to the Council, the recommendation by the Council was to go back and reconsider the election of Planning & Zoning. The Commission did reconsider this issue and again it failed. During this whole process there were alternatives presented and I think there has to be some sort of compromise on this issue. If you listen to the people on the street and at Planning & Zoning meetings, they feel that Planning & Zoning is a very important board and there should be accountability to the people of Wallingford through the elective process. There are other issues here that I favor and one is the Board of Education. I feel the Board of Education and Planning & Zoning are the two priority issues. There are many technical changes which can be made at any given time. So just looking at the Board of Education and Planning & Zoning on a priority basis, I still feel Planning & Zoning is the number one priority. Establishing accountability through the elective process is important to me.

Mrs. Papale stated I understand the frustration of the Council regarding the Planning & Zoning issue. When I voted for Charter Revision the change in the Town Attorney's office was also important. The Council appointed the people on the Charter Revision and they worked very hard. I feel even if we can't agree on everything, there are still some important issues here and to vote the whole thing down would be a mistake.

Mr. Adams stated I've looked at the Planning & Zoning issue from both sides and I really don't feel I have a clear cut decision one way or another. Maybe we need a feasibility study on this issue like the one we did on the Town Attorney's office. A lot of work went into this and I don't think it's fair to torpedo everything on one issue.

Mr. Zandri stated I agree with Ed Bradley on this issue. If this passes tonight, one of the things the voters will not have a chance to vote on is that particular issue. As far as the Town Attorney is concerned, we've lived with the situation for many years and if it goes another year it won't make any difference. If this passes, it will be several years before we have another Charter Revision. The ground work has been done and the majority of their work can be picked up and implemented a year from now and we could get the wishes of the Council at that time.

Mr. Doherty stated I've worked on a Charter Revision Commission in the past and know the effort that goes into that. I commend all the people that did this task in a short amount of time. Many times in politics you don't get the whole loaf. Sometimes you have to settle for half a loaf and possibly come back and get the other half later on. I'm certainly satisfied with the election of the Board of Education and the Town Attorney's office is a good change for the future. I would have liked to have an elected Planning & Zoning Commission, but it doesn't seem to be in the works right now. I didn't see people knocking the doors down at the Charter Revision Commission when they were discussing that issue on various nights either, but I do feel the community would like to see this Commission elected. As for myself, I'll settle for half the loaf tonight.

George Cook, Northford Road, stated I served on Planning & Zoning for eight years and have been involved with some of the development in the community. The process of having five members on Planning & Zoning and then rolling a new member in every year has worked quite well in the past. If you look at Wallingford and its growth, I think the Town has grown constructively and in a good direction. There's a learning curve in there that you don't pick up very readily. It takes a year to get your feet wet. To change this for political reasons, to some degree, is a mistake for the community. Before we change something that has functioned well, we should think hard about it.

Mr. Holmes stated the Council decides who gets on the Planning & Zoning Commission. I think it would be a mistake to put this out to election. I don't hear very many complaints about the individual commissioners, I hear more complaints about other people associated with that function.

Tim Cronin, 47 South Ridgelane Road, stated I agree with both sides, however I don't think we should torpedo this whole effort. I hope you pass this because I sincerely believe the Board of Education has to be two year terms.

Mr. Solinsky stated I'd like to comment on the thirty day period for a referendum. If this passes, it would take thirty days for an ordinance or resolution to be in effect. If the Town Attorney came before us to file an appeal or something, he'd have to wait 30 days before that could take effect. Sometimes these things need to be done immediately.

Mr. Killen replied I don't think the Town Attorney would have a problem with appeals, but there could be instances where ordinances are held up.

Mr. Solinsky stated I don't have a problem with ordinances, just the resolutions.

Mr. Killen replied a resolution covers a multitude of things. A person can word anything put before us as a resolution and all those things would then become subject to a referendum. I don't agree with that at all.

Ted Lendler, Chairman-Charter Revision, stated I didn't agree with everything that we did. Nobody agreed with every single thing we did and there was a lot of compromise. I think you're getting 95-97% of everything the Council has asked for. I wish the Council had come to our first meeting and said if you're not going to vote for whatever I'm going to vote to throw the whole thing out. That didn't come up until we were all done working. If you had done it at the first meeting, I would have adjourned the meeting permanently. I simply ask that even if you disagree, don't throw the baby out with the bath water.

Pat Piscitelli, Hope Hill Road, stated I would not like to see everything thrown out because of one issue. The problem seems to stem from the fact of whether we have accountability. We have accountability to all the regulations and state statutes and every single taxpayer and resident in the Town of Wallingford and the public officials. More important, we have accountability to the courts of this State. When we give a no answer we have to give a reason. The Commission doesn't look at applicants in terms of Democrats or Republicans. It makes no difference to us. If he is not in conformity with the regulations, then he doesn't get the vote. We do what is legal and right, not what is popular. You should not make this a political board. If you do, you're making a big mistake.

Mr. Zandri asked who adopts the policies and regulations that the Planning & Zoning Board follows?

Pat Piscitelli replied whenever we have any change in the regulations they are drafted and presented to the Commission at a workshop. This workshop is advertised and the public is invited. Then we have a public hearing.

Mr. Zandri stated regardless of what the public says you can still pass or reject this. My point is the Zoning Board, even though they have to follow regulations, sets the regulations and they influence exactly what happens in this Town. That is why I feel they should answer directly to the voters and not be shielded by the Council.

Mr. Doherty stated there's very little in this Town that is not involved in politics. There's an awful lot of politics that goes on when it's time to nominate someone to one of the various boards. I've watched various groups with interests in the development, legal and real estate fields push forward their candidates. An election would put this out to 20,000 people.

Mr. Parisi stated either an elective or appointive process would depend heavily on the party. The elective process would put the candidates out to the public, but those candidates have to survive the party structure. And the party will select the candidate which they feel will represent them and it may not necessarily be the best candidate.

Mr. Zandri stated you also have the option to primary or run independent and these options are not available with the appointive process today.

Mr. Killen stated I think we made it clear to the Charter Revision Commission that we wanted an elected Planning & Zoning Commission. We wanted that option available to the people. We already have an appointed commission in place so what was so costly in allowing the people to decide whether we would change it or leave it. There's always going to be politics involved. One of the rules we have is that a candidate who is appointed to a board has to lay over for two weeks. That was brought about by politics being played on the Planning and Zoning Board many years ago. The Planning & Zoning Board cannot say they are not legislative. Some of the main issues over the past few years that the Council has voted on have also been voted upon by Planning & Zoning, namely, the Taber House, trash plant, sale of the Town Hall, renovating this building into a Town Hall, purchasing the lot across the street for parking, the purchase of the Police Department, etc. All those were voted on by members of the Planning & Zoning Commission before they came to us. If they voted wrongly, they are shielded. If we made the wrong decision, we're reminded of it when election time comes around. If you're going to be responsible for your actions, then you have to be responsible somewhere near the time of your actions. A lot of things go by in five years. Also, when it comes time to fill a particular vacancy we are not inundated with people seeking it because it's not advertised. It's not like an election. This is not going to make me vote against the entire package, but I am very unhappy with that one particular decision.

Ron Gregory stated I favor the election of Planning & Zoning but it's too late in the process to add it. Some of the problems I have with these changes are as follows. I do not feel we need a mandatory Environmental Planner. I do not know what the legal ramifications are and from reading the minutes I'm not exactly satisfied that the Council knows what the ramifications are. I also have a problem with the Council serving on any appointed board. You have a full time job up there and I feel this is a step backwards. As far as the Department of Law, I have a problem with a part-time political appointee of the Mayor being in charge of a full-time civil service person. Regarding the contingency account language, I asked what this language meant and not one person on the Charter Revision Commission or the Assistant Town Attorney could tell me yet they all voted in favor of it. On the Board of Ethics they took out the definition of conflict of interest. There should be a definition in the Charter not in an ordinance. The ordinance extends conflict of interest right down to second cousins. Personally I think the whole ethics thing needs a study committee by itself. As far as resolutions being voted on by the people, for some reason this was omitted last time and should have been included in the whole package. The trash plant could have been voted on if that particular word was in our present Charter. One of the most disappointing things about this whole package is that neither the Council nor the Charter Revision Commission majority thought it was important enough to allow the people to vote on controversial issues through a referendum. Besides Planning & Zoning, I feel that was one of the major failings of this package because it doesn't give any more voice to the people. I just hope you look at the whole package. Just because a commission has worked hard for 6 months doesn't mean the product is excellent.

Mr. Killen stated the package is before you as a whole, if anyone has objections to any particular item now is the time to make it known.

Mr. Solinsky stated I have a problem with the change regarding resolution.

Motion was withdrawn by Mr. Holmes.

Page 14, Lines 174, 183 & 185

Motion was made by Mr. Solinsky to delete the proposed changes on Page 14, Lines 174, 183 and 185. Seconded by Mr. Parisi.

Mr. Solinsky stated I think the word resolution would hinder the action of the Council on many things. I also don't think 30 days is necessary.

Mr. Zandri stated I think the logic behind that was the trash plant was a resolution. The way the government prevents the public from taking this to a referendum is by making it a resolution.

Mr. Killen stated I'm worried about the opposite side that everyone will put everything into the form of a resolution. If the people want a say in everything they should go back to the town meeting form of government, otherwise they're going to have to trust us to make the right decisions.

Mr. Zandri stated I don't think people want to vote on each and every item, but when something comes along that affects the whole community, they should have the opportunity to take it to a vote.

Motion amended by Mr. Solinsky to delete the proposed change on Line 174 and leave the change on Lines 183 and 185. Seconded by Mr. Parisi.

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

Page 19, Lines 74 & 79

Motion was made by Mr. Parisi to delete the proposed change on Page 19, Lines 74 & 79, seconded by Mr. Holmes.

Mr. Parisi stated I don't think we need to add "requests for proposals". I think the procedure is the purchasing department or department head would come before the Council and ask for permission to get requests for proposals. I think that power should stay with the Council.

Mr. Killen stated this is a gray area because the Charter doesn't allow them to come and request it. This is not going to prevent it from happening but the legality of it can be challenged.

VOTE: Adams, Doherty and Zandri voted no; all other ayes; motion duly carried.

Page 33, Line 37

Motion was made by Mr. Bradley to delete the proposed change on Page 33, Line 37, seconded by Mr. Doherty.

Mr. Killen stated I realize something was being inserted to try to accommodate me as far as contingency accounts, but I'm not particularly happy with the way it was worded. I realize the Charter Revision Commission did not have a lot of

days to work with certain items, but this was not thought all the way through. There's no provision for making transfers from a contingency account.

Mr. Zandri stated I don't see a problem with having this in here. We're doing all this now; putting it in the Charter just makes it legal.

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

Page 14, Lines 183 & 185

Motion was made by Mr. Solinsky to delete the proposed change on Page 14, Lines 183 & 185, seconded by Mrs. Papale.

Mr. Solinsky stated I'd like to keep this at 20 days.

Ray Rys stated I think the Commission voted for this particular item based on what this Council has been talking about - the people. This would give the people ten more days to obtain the required number of signatures on items that may not be feasible to a large body of people. I can't see any significance in bringing this back to 20 days.

Mr. Killen stated whether it's 20 days or 30 days, if the interest is there they will get the signatures. If you give them more days, it means a one man show can get the required signatures. If there's a lot of feeling for it there will be enough people out getting signatures and 10 days will suffice.

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

Motion was made by Mrs. Papale to approve the final draft of the Charter Revision Commission as amended, seconded by Mr. Adams.

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

Mr. Killen thanked Chairman Lendler and the Commission for the work they put into the Charter Revision Commission.

Motion was made by Mrs. Papale to put the proposed Charter Revisions on the ballot at the regular November 7, 1989 election, seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to have the proposed Charter Revisions voted upon in it's entirety, seconded by Mr. Doherty.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to have the proposed Charter Revisions become effective January 1, 1990, seconded by Mr. Adams.

VOTE: Unanimous ayes; motion duly carried.

ITEM 2 Consider Appointment of a Temporary Fire Marshal.

Motion was made by Mrs. Papale to appoint Steve Hacku as Fire Marshal for a period not to exceed 60 days, seconded by Mr. Holmes.

Adam Mantzaris stated Steve Hacku is a certified Fire Marshal by the State of Connecticut. He understands and agrees to step down as soon as you appoint a Fire Marshal.

Mr. Killen stated while Vic Scionti was still in office he appointed the Deputy Fire Marshal to carry out his duties. Under State statutes when Vic went out of office that appointment was no longer valid.

Steve Hacku stated you are going to appoint me to Fire Marshal and I'm going to authorize the Deputy Fire Marshal to sign legal papers, etc. Also, if he gets into a bind, becomes ill or is away, I'll be there to help out. This way everything will run smooth.

VOTE: Unanimous ayes; motion duly carried.

Meeting adjourned at 9:30 p.m.

Meeting recorded and transcribed by:
Katrina M. Manley, Council Secretary

Approved:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date



RECEIVED
Town of Wallingford, Connecticut

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PURCHASING DEPARTMENT

JOHN J. COSTELLO, P.E.
TOWN ENGINEER

DEPARTMENT OF ENGINEERING
29 TOWN FARM ROAD
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2035

August 24, 1989

Mr. Donald T. Dunleavy, C.P.M.
Purchasing Agent
Wallingford Town Hall
45 South Main Street
Wallingford, CT 06492

Re: Reconstruction of North Airline Road - Phase II
Public Bid No. 89-73

Dear Don:

On Friday afternoon August 18, 1989, the bids for the subject project were opened in Room 315. The low bid of \$151,777. was submitted by the Richards Corporation of Terryville, CT. The second low bid of \$152,000. was submitted by Papale Construction of Wallingford, CT. After carefully reviewing all bids, it is my recommendation that the contract for this project be awarded to the second low bidder, Papale Construction.

The Richards Corporation bid contained three unrealistically low unit prices for three (3) separate items of work. For bid item 7, Gravel Fill, Richards bid \$1.00 per cubic yard and Papale bid \$14.75. The bids for this item varied from a low of \$1.00 to a high of \$25.00 with an average unit price bid of \$15.12 per cubic yard. On item 23, Calcium Chloride for Dust Control, Richards bid \$0.01 per ton and Papale bid \$100. The bids for this item varied from a low of \$0.01 to a high of \$1,000. with an average unit price bid of \$303. per ton. For item 29, Barricade Warning Lights, Richards bid \$0.01 per light per day and Papale bid \$3.00. The bids for this item varied from a low of \$0.01 to a high of \$25.00 with an average unit price bid of \$4.83 per light per day.

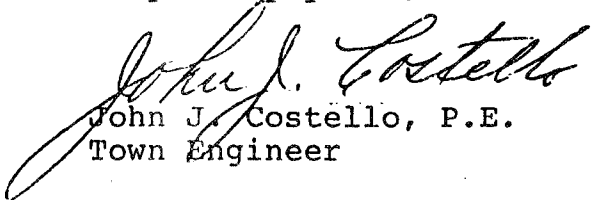
If we were to award the contract to Richards it would make it very difficult for us to manage this contract. Each of these three (3) items is required to be used as and when directed to do so by our Construction Inspector. A contractor who has an unrealistically low price for an item is not going to willingly use that item or at the least will attempt to minimize his use of that item. In this case, the potential exists for less than

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satisfactory trench backfill, more dust for the residents along North Airline Road, and less safety for the traveling public during the construction phase.

The Invitation to Bid clearly states that the Town has the right to reject any bid if it is deemed to be in the best interest of the Town of Wallingford. It is my opinion, as Town Engineer, that the low bidder's unrealistically low unit prices for the three (3) items discussed above is not in the best interest of the Town of Wallingford and it is therefore my recommendation that this contract be awarded to the second low bidder, Papale Construction.

Very truly yours,


John J. Costello, P.E.
Town Engineer

JJC/vm

cc: File-Proj. No. 340-89
Mayor William W. Dickinson, Jr.
Town Attorney Adam Mantzaris