

Town Clerk 32.

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

June 10, 2008

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, June 10, 2008, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Mike Brodinsky Called the Meeting to Order at 6:34 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Michael Brodinsky, Nick Economopoulos, Gerald E. Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Councilor Vincenzo M. DiNatale arrived at the meeting at 6:40 P.M. Mayor William W. Dickinson, Jr., and Town Attorney Janis Small were also present.

A Moment of Silence began the meeting. The Pledge of Allegiance was said and the Roll Call was taken.

2. Chairman's Report

There was no report.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#533 - #544) totaling \$15,893.83
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Note for the Record Mayoral Transfers -- Mayor
- 3c. Consider and Approve the Appointment of Cheryl Christie Collett, 7 Sunrise Circle, Wallingford, to the Historic Properties Commission for a five-year term, expiring March 27, 2013 - Chairman Mike Brodinsky
- 3d. Consider and Approve Linka Lewis, 155 Summerhill Road, to fill a vacancy as an Alternate on the Historic Properties Commission for a term expiring March 27, 2011 - Chairman Mike Brodinsky
- 3e. Schedule a Public Hearing for June 24, 2008 at 7:00 P.M. for Neighborhood Assistance Program -- Program Planning
- 3f. Schedule a Public Hearing for July 15, 2008 at 7:15 P.M. to adopt an Ordinance that partially exempts high mileage vehicles from property taxes, by reducing the assessment on such vehicles by \$5,000.00
- Chairman Mike Brodinsky

- 3g. *Schedule a Public Hearing for July 15, 2008 at 7:30 P.M. to adopt an Ordinance granting additional tax exemptions for senior citizens and disabled persons - Chairman Mike Brodinsky*

Withdrawn

- 3h. Schedule a Public Hearing for July 15, 2008 at 7:45 P.M. to adopt an amendment to the Blight Ordinance, Chapter 156 of the Code of the Town of Wallingford, specifically, Ordinance Sec. 156-2 so as to include unfinished residential buildings as blighted buildings - Chairman Mike Brodinsky

- 3i. *Schedule a Public Hearing for July 15, 2008, at 8:00 P.M. to amend the Littering Ordinances, Chapter 139 of the Code of the Town of Wallingford - Chairman Mike Brodinsky*

Withdrawn

- 3j. Consider and Approve Waiving the Bid for the selection of a realtor to market the American Legion Building, in accordance with the Town Council vote on May 27, 2008 to approve an RFP process to select a realtor - Chairman Mike Brodinsky

- 3k. Consider and Approve a Resolution which endorses the advancement of the State of Connecticut and South Central Council of Governments, CT Route 15 (Wilbur Cross Parkway) and River Road interchange improvements
- Mayor

- 3l. Consider and Approve a transfer of Funds in the Amount of \$1,000 to Fee-State Land Transfer Acct # 001-1320-901-9004 from Contingency-General Acct # 001-7060-800-3190 - Law Department

- 3m. Consider and Approve an Appropriation of Funds in the Amount of \$213 to Expenditures Acct # 213-3070-600-6000 and to Donations Acct # 213-1042-070-7010 - Youth and Social Services

- 3n. Consider and Approve a Transfer of Funds in the Amount of \$5,000 to Wallingford Center for the Arts Acct # 001-4001-901-9001 from Regular Salaries and Wages Acct # 001-4001-101-1000 - Parks and Recreation

- 3o. Consider and Approve a Transfer of Funds in the Amount of \$3,960 to Maintenance of Structures and Improvements Plant Acct # 461-8640-651 from Miscellaneous Plant Expense Acct # 461-8640-643 - Sewer Division

- 3p. Consider and Approve a Transfer of Funds in the Amount of \$20,000 to Sludge Disposal Acct # 461-8640-645 from Miscellaneous Plant Expense Acct # 461-8640-643 - Sewer Division

- 3q. Consider and Approve the Appointment of Tara A. Knapp, 211 Highland Avenue, to fill a vacancy as an Alternate on the Historic Properties Commission for a term expiring March 27, 2011 - Chairman Mike Brodinsky
- 3r. Consider and Approve Minutes of Special Town Council meeting of April 24, 2008
- 3s. *Consider and Approve Town Council minutes of May 27, 2008*

Withdrawn

Mr. Testa made a motion, seconded by Mr. Parisi, to accept Consent Agenda items 3a. to 3f., 3h. and 3j. to 3r. Items 3g., 3i., and 3s were withdrawn.

All (9) Councilors present voted Aye.

The motion passed

- 4. Items Removed from Consent Agenda

None

- 5. *Report out from Public Works on Williams Road project, including road safety and driving conditions, and progress of construction and paving - Councilor Mike Spiteri*

Withdrawn

- 6. PUBLIC QUESTION AND ANSWER PERIOD

Candace Brashers, 90 North Airline Road, recalled that at one time it was suggested using the American Legion Building as a Welcome Center for the town. She asked if it is no longer on the table. Chairman Brodinsky said that is correct. Her second question arose from that she saw on the Connecticut Legislative bonding website that reports that there is \$400,000 at the Finance Committee now for a Welcome Center in Wallingford that describes the restoration of a building. She asked what building are they talking about. Chairman Brodinsky called upon Mr. Farrell and said that item has been there a while. Mr. Farrell said that he has nothing to do with that.

Peter Wasilewski, 164 High Hill Road, spoke about maps that he has requested for the North Main Street expansion project. He talked about things he has heard. He said that his request has gone unanswered. Mayor Dickinson said that we are currently involved in a number of issues involving the Engineering Department and that we take all complaints seriously. He said that management of the department as well as the management of the people in it are of concern, and all matters are addressed in an appropriate manner.

Bob Gross, 114 Long Hill Drive, asked about the \$400,000 that was mentioned by Ms. Brashears. Mayor Dickinson said that the Town of Wallingford did not request any funds and that he does not know what was envisioned for the expenditure or its location. He asked if CRRA would be visiting Wallingford. Mayor Dickinson said that CRRA has no new information but that CRRA will be visiting Wallingford and will tell us what is going on since their last visit to Wallingford. The Mayor explained the CRRA process at this time, and there are no final terms to determine whether or not there is an agreement. He said that the Council would be informed. Mayor Dickinson said that one of the options is public ownership, and they are doing due diligence in putting together information in support of a variety of approaches. He said that he hopes that by September we would be in a position to be making a decision.

Bill Comerford, 5 Broadview Drive, asked if there is a statute of limitation to accept minutes of any board's meeting as it pertains the Board of Ethics. Attorney Small said that the minutes have to be on file within 7 days of the meeting, and she explained that most boards file within 7 days, and then the review and accept minutes. Mr. Comerford noted minutes from 2001 that were not accepted until 2008. He expressed his opinion regarding appointments to the Ethics Board.

There are no items for 7. or 8. due to mis-numbering.

9. Consider and Approve:

Appointment of Iris Papale, 46 South Cherry Street,
as an Alternate to the Board of Ethics for a term expiring
March 1, 2010

Re-Appointment of Reverend Karen Cook, 40 Lincoln Avenue,
as an Alternate to the Board of Ethics for a term expiring
March 1, 2009

– Mayor

Mr. Testa made a motion to Appoint Iris Papale as an Alternate to the Board of Ethics for a term expiring March 1, 2010, and to Appoint Appointment of Reverend Karen Cook, 40 Lincoln Avenue, as an Alternate to the Board of Ethics for a term expiring March 1, 2009. Mr. Farrell seconded.

Mayor Dickinson said that the Appointments in both 9 and 10 are placed before the Council by the Mayor's Office. He said that some question has been raised about his having knowledge or knowing the people that he appoints. He said that that is absolutely true. He said that the people who serve on the Ethics Board must have intelligence, the capability of making decisions, the ability to look at information put before them, to understand the basics and compare that to the Ethics Code and determine whether there are violations or not. He said that he

appoints people that he feels have values and are able to perform those duties with care and in service to this community and that they have done so consistently through his term in office.

He said that the question is also raised about some of them being involved in political activities, an interesting premise, and it is interesting to note that under our democratic form of government that the Mayor, members of the Council and the Board of Education, all of whom have authority to spend millions of dollars, all of whom have authority to set policies that affect thousands of people, all achieve their positions through political processes but if anyone of us wanted to sit on a Board of Ethics, then we would not be allowed to do so in Wallingford, according to some because people involved in politics have no ethics. He said that he finds that highly questionable as a premise.

He said that some of the people being appointed have political involvement, and some do not. He said that there are 3 Republicans, 3 Democrats and 2 unaffiliated members of the Board, and they represent a variety of occupations, interests and involvements in the community, as they should. They are willing to serve the community without pay. He said that fortunately they do not meet often but when they do meet, they perform their duties with professionalism and real interest in our community. He said that it is interesting to note that when judges in the Connecticut State Superior Court are appointed, most of whom have political activities before they are appointed as judges, are assigned a case where they know someone, what do they do? They recuse themselves from the case. Any one of the appointees could know anyone of the 1200 people that we employ, not including elected and appointed officials. He said that he does not know who their friends are but that he expects that anyone of them, if confronted with a case where they could not be unbiased, would recuse himself or herself from the case and allow others to handle the case.

He said that these are people who are diligent and caring people, and that is why they are before you as appointments, so should there be a case that is inappropriate before them, they fully know that they can absent themselves from the case, and others on the Ethics Board would continue in their stead. There are a lot of stories that go around, and inaccuracies can abound, but the appointments are people willing to serve, and he recommends them to the Council.

Geno Zandri, 9 Balsam Ridge Circle, commented that all towns would be better served on a panel like this if the members were from people who do not live in that town. He said it would eliminate problems.

Robert Gross, 114 Long Hill Road, asked how the process works when two positions are open in order to find the two appointments. Mayor Dickinson said that he talked with people, they were interested in serving, and they can do a more than adequate job, and so the names are before the Council. He said that he had a letter from Mr. Gross and Lucille Trzcinski. Mr. Gross asked why he wasn't

interviewed. Mayor Dickinson said that he already had people in mind and that he is not obligated to interview.

ROLL CALL VOTE

DiNatale – Abstain
Economopoulos – yes
Farrell – yes
LeTourneau – yes
Parisi – yes
Rascati – yes
Spiteri – yes
Testa – yes
Brodinsky – yes

TALLY

8– Aye;
0– No;
1- Abstention

The motion carried

10. Consider and Approve the following for Re-Appointments to the Board of Ethics:

As Regular Members:

Arnold Wilhite, Jr., 19 Fritz Place
for a term expiring March 1, 2010

Laurie Manke, 6 South Side Court
for a term expiring March 1, 2011

Craig Leary, 48 High Hill Road,
for a term expiring March 1, 2011

As an Alternate:

Jack Winkleman, 141 South Airline Road,
for a term expiring March 1, 2011.

- Mayor

Mr. Testa read the item Consider and Approve the following for Re-Appointments to the Board of Ethics:

As Regular Members:

Arnold Wilhite, Jr., 19 Fritz Place
for a term expiring March 1, 2010

Laurie Manke, 6 South Side Court
for a term expiring March 1, 2011

Craig Leary, 48 High Hill Road,
for a term expiring March 1, 2011

As an Alternate:
Jack Winkleman, 141 South Airline Road,
for a term expiring March 1, 2011.

Mr. Farrell made the motion with Mr. Parisi seconding the motion.

Chairman Brodinsky said some background as to why we are here. He said that the Mayor covered a lot of it. Chairman Brodinsky said that the Charter indicated that there will be a Board of Ethics, and it is supposed to consist of five members and three alternates who shall be residents of Wallingford. The Mayor appoints and the Council confirms, or approves, of that appointment, so that is what this phase is, the Council's role is to approve the appointment by the Mayor. He said that the ethical standards are set forth in two written bodies, one is the Charter and one is the Code of Ordinances; it's a binder, and he would be calling it the Code. He said that in these two bodies of work are the ethical standards by which our public officials are supposed to live up to.

He said that in the Code there is a statement as to the purpose of the Code of Ethics, and it's in §20-2. He said that he is not going to read the whole thing but it is useful and everyone should really know this. It's called the purpose of the ethical code. Chairman Brodinsky read a portion of the section, "The proper operation of town government in Wallingford requires that public officials and employees be independent, impartial and responsible to the people whom they serve; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the public have confidence in the integrity of its government."

Chairman Brodinsky continued saying that the Code and the Charter say in pertinent part that no public official should have any close business association or engage in any transaction that will impair his independence of judgment or action and the Code also requires that if a public official has such a situation or a potential conflict of interest, then according to the Code, the Councilor is supposed to reveal that and disqualify himself from voting or acting on the matter, so the spirit in the Charter and the Code is that if there is potential conflict of interest that – in this case, a Town Councilor is what I am talking about – the Councilor is not supposed to be voting on a matter or acting as lobbyist for another person with whom he had a close business relationship. He said that to enforce the Code we have a Board of Ethics, and if a resident suspects some sort of a problem with a violation of the Charter and ordinance, he goes to the Board of Ethics, he files a complaint, a written complaint. Chairman Brodinsky said that that triggers a two-step process. The first step is a preliminary investigation, a preliminary hearing, and the second step is that if there is something to the complaint, it goes to a fuller investigation, and he said that he is calling the second-step. He said that it follows a concept of where there is smoke, there is fire.

He said that in the preliminary hearing the Board of Ethics is supposed to make an investigation, consider the allegations of the complaint that the resident has filed and consider the evidence on a preliminary matter, and it is intended to filter out frivolous claims. He said that if there is nothing to this claim, if there can be nothing, to the complaint that has been filed, it should be dismissed. The preliminary hearing is called a probable cause hearing; it's not supposed to be a full-blown investigation but it is supposed to be a filter, and if the complaint should be stopped at that level because there is nothing to it and can be nothing to it, then the complaint is dismissed. He said that if there is enough evidence there to warrant a further look, then the matter should not be dismissed, and it goes on to phase two. He said why am I going into this and continued saying what is in front of us is the re-appointment of three individuals who are on the Ethics Board in 2006 and the decisions and the record of those individuals are here to look at when the re-appointment comes up. He said that governmental officials and politicians run on their record, and so when it comes time for re-appointment or appointment, the track record is relevant.

He said so what happened in 2006. He said that there was complaint against Councilor Steve Knight and the allegation was that he had a close business association with a developer, who was bidding on the Wooding Caplan property, and that was Joe DiNatale. He said that the preliminary hearing was April 4, 2006, and that was supposed to be the initial investigation to determine whether there were sufficient circumstances to warrant a closer look at what was going on. He said that the preliminary investigation revealed or should have revealed that Joe (*DiNatale*) was a major customer, significant customer, of Steve Knight and they had been doing business for a long period of time and Steve was shipping Joe's wine. He said that Joe was in the wine distribution business; Mid-State Distributors was the name of the business, and Steve was and he thinks still is a freight forwarder. Chairman Brodinsky said that the investigation should have revealed, or did reveal, that the relationship that Steve had with Joe's business lasted until Joe sold the business to a company called Winebow.

He said that the sale wasn't closed until the end of March, the evidence says March 31, 2006, and that was known, or should have been known, and the Ethics Board could also have asked whether or not Joe's relationship with the successor company was going to last beyond the closing. He said that the hearing was April 4, 2006, and the bids for the Wooding Caplan property were opened on January 25, 2006, and everybody knew that Joe DiNatale was putting in a bid long before the bids were opened, and anyone close to the situation knew that was going to happen. He said that the Council discussed the Wooding Caplan matter on January 24, 2006, and again on February 21, 2006, March 10, 2006, March 20, 2006, March 22, 2006, March 23, 2006, and March 28, 2006. He continued that Councilor Knight never disclosed his business relationship at any of those meetings. He said that the Board of Ethics hearing again was held April 4, at which time Steve could say, and maybe he did say, that his business relationship ended when the business was sold.

Chairman Brodinsky stated the vote would come later but the question is, should it be presumed that the long-term business relationship had absolutely no effect or influence on the thinking of the Councilor, and apparently the Ethics Board thought so. He said that the three individuals seeking to be re-appointed tonight thought so and dismissed the complaint. He said how could that happen, how was the rationale. He said that an important business relationship was admitted and it existed when the Wooding Caplan matters were being discussed and it is irrefutable that the business relationship was never disclosed. He said that in 2006 he wrote a piece for the Record-Journal, which they published, and it gave his feelings of that decision as they were back in 2006. He said that it was published on April 14, 2006.

He read a portion of it,

"As a result of the dismissal of the ethics complaint, the Board effectively repealed the provision that potential conflicts must be disclosed." Additionally, Steve was allowed to vote on his former customer's proposal. The Board's apparent rationale was that the long history of important business dealings could not have influenced Steve in any way and the matter was not even worth looking into. Because there was no Public Hearing the details of the business relationship, that is the amount of money, if any, Joe paid remained a convenient mystery. The scandal, therefore, is not the business relationship that Steve and Joe had before the vote on Wooding Caplan. The scandal is that they could have had a very close and cozy relationship up to March 31, 2006 when Steve's opinions on Joe's proposal could have been formed, and the Board of Ethics would look the other way. Such a history is, per se, nothing to worry about according to the Board of Ethics.....So from now on, let it be known that in Wallingford that a long history of important undisclosed business dealings with a councilor, which terminates shortly before a key vote, does not create even the possibility of a conflict of interest, and it is not even worthy of serious inquiry as long as this Board of Ethics sits."

Chairman Brodinsky said that because of those circumstances and the track record of the members seeking re-appointment that he cannot support their re-appointment.

There were no comments from the Council.

Public comments:

Laurie Manke, 6 South Side Court, said that she is aware that the Town Council members in the local press have received a letter regarding her re-appointment to the Board of Ethics. She said that she would like to correct some inaccurate information contained in that letter. She said that her term on the Board of Ethics did not expire on December 31, 2007; it expired March 1, 2008. She said that she did not call an emergency meeting of the Board of Ethics on May 21, 2008. The Board of Ethics does not have regular meetings; all of the meetings are special meetings so they are posted as such per Connecticut General Statute 1-225. She

said that before holding this purely organizational meeting, she consulted Town Attorney, Janis Small, to determine if the Board could meet due to the expiration of the terms of several members. She said that the Town Attorney advised her that the Town Charter has a provision stating that appointments made by the Mayor are in effect until re-appointments are made or they are replaced. That is in the Town Charter Chapter 2 Section 8; therefore there was a quorum of five members in attendance at that meeting. She said that the Board elected a Vice-Chairman at the suggestion of the Town Attorney to help get meetings organized and to progress properly. She said that this does not violate any provision in the Charter. She said finally that she takes exception that her political affiliation involvement or anyone else unable to serve in a professional manner on the Board of Ethics. She said that the members of the Board are volunteers to serve the Town of Wallingford and that they take their appointments seriously and recognize that they are not legal experts so they ask the Town Attorney or the Corporation Counsel to attend all of our meetings when dealing with a complaint to advise us on statutory requirements. Currently there is a complaint pending before the Board of Ethics and she has been unsuccessful in obtaining a quorum to hear this complaint; therefore, she asked that the Town Council confirm all the re-appointments before them tonight

Steve Knight, 289 Ivy Street, said that he came tonight after reading an article in the Record-Journal last Friday, a very unfortunate article, mostly loaded with insinuations that Laurie Manke, after having served on the Ethics Board for so many years, is suddenly deemed unacceptable to certain members of the public because of her political involvement. He said that he has been very actively involved in political activities for close to 20 years, and he said that he is looking at nine people that have had deep political activities and affiliations, which is why they are sitting there now. He asked the question of the Council by whose higher moral authority are we to ask other members of the public, why the Council is better suited to judge the ethics of others, what standard do they hold that we that are active in the political process don't have. He said what stain of dishonor do those of us who participate actively in the political process instead on sitting on the sidelines and complaining about what we do. What stain of dishonor do we hold. He said that he had known Ms. Manke for as many years as he has been involved in political activities and that never, ever once has it come up about her objectivity or her honor. He said that this 3-page letter is given so much weight that he can't believe it. He said that we have an Ethics Board and they are made up of lay people that have been appointed by the Mayor. Do you think for one second that he would appoint somebody, this mayor especially, without the highest sense of values? Would you expect anybody in your Town Committee to be appointed to this commission and not bring with them the highest ideals of your party? Of course not, and yet we give such weight to a three-page diatribe about Laurie Manke's inadequacies to serve on an Ethics Board. Unbelievable. The second reason that he is standing up here is one that he did not expect to address. Two years ago as Mr. Brodinsky discussed there was a charge against him, and he had a hearing. It was found to be baseless. There was a recommendation and I am glad for having had the opportunity to go to the Ethics

Board and be given this recommendation that if his dealings with Mario DiNatale, no mention of that, Mario DiNatale were to continue, in other words, he was to renew his lease and enter into negotiation with Mario DiNatale that there would be a question of conflict of interest. Conveniently, that part of it was lost (*speaking to Chairman Brodinsky*). That was half the question, the battle. What he did that the people who trumped this up did not expect. Mr. Lubee levied the charge. Fine, he is a public citizen and has every right to do that. Mr. Knight said that what Mr. Lubee brought for evidence, his only evidence, is a copy of the lease that Mr. Knight held, a private business document between him and Mario DiNatale. He said ask yourself how did he (*Mr. Lubee*) come upon this private business document.

Chairman Brodinsky interrupted Mr. Knight at this point to ask for the relevance.

Mr. Knight said that if he, Mr. Brodinsky, wanted to go over everything that was said about him in an Ethics Hearing, then he has every right to stand there and defend himself. Chairman Brodinsky said here's his question and then he will let Mr. Knight continue. Chairman Brodinsky asked Mr. Knight if he was speaking in favor of the three people. Mr. Knight said that Mr. Brodinsky waited until the end of his statements before he stated his concern for their fitness. Chairman Brodinsky said he just wanted to stay on track. Mr. Knight said that they were on track.

Mr. Knight said that he went to the Ethics Hearing and was exonerated. He said that 20 years ago that would have been it but today this is the new politics -The politics of smear, of innuendo, of continuing the fight despite the fact that you lost. He said they had impuned his integrity, business relations and so forth that he very clearly laid our for the Ethics Board, and they made their decision upon.. He said but we aren't satisfied with that; we don't like the decision, so we go after those who made the decision, and that is what you are doing right now. This is a serious matter. We've seen this before where people of good faith and of honor and integrity have sat in those chairs and been ripped to shreds because certain Councilors don't agree with the way they have conducted a particular matter. If it has to be a building committee and you aren't satisfied with the work that the building committee is doing, that is probably justified, but when an Ethics Board had rendered a decision, and you are not happy with the decision, you take the volunteers, and you drag them through the mud in an effort to smear them and him. He said that he does support these nominations, and he expects the Council to do the same in supporting them, every single Councilor up there, political activists, all. These are honorable people.

Wes Lubee, Montowese Trail, complimented the presenters for their comments and research. He referred to the Charter as to dates of appointments of members of the Board of Ethics. He questioned the expiration of the Chairperson's term, stating that it expired on 12/31/07 and that her appointment expired 3/01/08. He said that there were two expirations involved. He commented on people remaining in office on the Board until replacement by the Mayor. He questioned

this claim and its validity. He referred to a quotation referred to by the Board of Ethics Chairwoman, Ms. Manke, is applicable to all Mayoral appointments that do not involve Council confirmation. He spoke about two sections in the Charter, namely Chapter 2, Section 8, from which he read. He commented on the section that he had read regarding term duration, appointments and confirmations in regard to this Board and said that there was only one person at a meeting called by the Chairwoman on May 21, 2008 that was both appointed and confirmed and that was Attorney Secol.

Jack Irving Winklelman 141 South Airline Road, Justice of the Peace for Wallingford for 14 years and he has served on the Board of Ethics for last 14 years. He said that on the issue brought up by the Mayor that the decision was unanimous. He said that there are Democrats, Republicans, and Independents involved in the voting. He said that the Board advised Mr. Knight to break a lease with Mario DiNatale, which he did. He said that the full facts of the meetings have not been revealed. He said that they don't take anything lightly when they get complaints, and they do a full investigation and that it is mostly unanimous when they reach decisions. He said that he is a volunteer and willing to continue serving.

Sharon Sanders, South Cherry Street, said she was taken aback when Wooding Caplan and Steve Knight were mentioned tonight. In 2006 she has never been so embarrassed to live in this town because of the way things were being reported. She questioned this rehashing tonight regarding people's integrity. She said move on.

Laurie Manke, 6 South Side Court, regarding the decision made in 2006, to which Mr. Brodinsky referred, she said that it was an Executive Session and that he does not know all the evidence that Mr. Knight presented, which included the lease, financial documents, letters from Joe DiNatale and there was a full array of evidence. She said that it is unfair to judge when he had not seen all of the evidence.

Bill Comerford, 5 Broadview Drive, presented copies of two meeting notices, April 4, 2006 and May 21, 2008, to the Council and questioned how the meeting announcement was worded. He said that in the past the word "Notice" of the meeting was posted, which gives the illusion that a Special Meeting is in order. He commented on the fact that some people up for re-appointment have been on the Board for 20 years or longer, which proves that they know the ordinances. He said that they are not following the ordinances and gave some examples regarding appointments and the timing of them. He said that he doesn't understand how Ms. Manke could not get a quorum if terms go on indefinitely or until they are re-appointed.

Lucille Trzcinski, 25 Turnberry Road, referred some of Mr. Knight's comments regarding those of us who serve and those of us who complain. She said that this country was founded by those people who complained and saw things that they

didn't think were right and had the courage to ask questions about it. She said that she doesn't think that it is the right thing to do to accuse people who look at something ask questions and say this should be changed or this is wrong. She said that she doesn't think that those people should be called complainers. She said that is the very essence of this democracy and she is glad to count herself among the people who look at the issues and try to determine what is right and what is wrong, and therefore, try to make her government better and more answerable to those people the government in this country, not the elected officials, but the citizens of this country and she will defend her right to come up here and ask questions and to accuse any elected official or appointed official in this town.

Comments returned to the Council.

Mr. Farrell referred to the appointment or re-appointment of a Superior Court judge and said that when a judges do get re-appointed there are people who are less than pleased with them in one decision or another but generally rather than focus on one decision, it's been pointed out to us that we don't have all of the documents that the Board of Ethics had in front of them, but to look moiré broadly at what the record is of the individuals involved. In the legislative process, it's those Superior Court Judges, and here it is our Board of Ethics members. He referred to Mr. Winkleman's 14 years of service on the Board of Ethics and that of Ms. Manke at 20 years. He said that we have to look at what the total record is. He said that he does not know the specifics of what they dealt with in those 20 and 14 years because that is the nature of their business. He said that he knows and thinks very well of Ms. Manke, and he knows that she consults the Town Attorney to make sure that the process and the direction her commission takes is correct and legal. He said that he thinks the world of Jack Winkleman that he is an honorable and decent person, down-to-earth person that you would want on a Board of Ethics. He said that he is very sorry that such broad brush is being painted tonight that obscures those 34 years that Ms. Manke and Mr. Winkleman have put in. He said that he does not know the other individuals, Mr. Leary or Mr. Wilhite, are being declined to appoint. He said that one thing is being put under the microscope and it would be much better in his opinion to look more broadly.

Ms. Rascati thanked Laurie Manke and to all of the members of the Board of Ethics, past and present and to those approved tonight for your service. It is a shame that the few dissidents have seized an opportunity to inject politics into these appointments in hopes of embarrassing the Mayor and furthering their own personal agendas and in the process maligning a reputation. Ms. Manke has served without bias for over 20 years and now all of a sudden her integrity is called into question. Perhaps their accusers should search their own souls and as the Scripture says, "Let he who has no sin cast the first stone."

Mr. Testa clarified that the letter that was referred to and discussions that have come forward from some folks in the public are to him totally irrelevant. He said that the decision to remain in office on the advice of the Town Attorney is justifiable and he does not find fault having a meeting that was necessary. He said that he received the letter and found everything in it not applicable and to be irrelevant. He said that it is just a matter of whether it is a matter of getting some new blood into a body that potentially could use it. He said that his decision is not based on the letter that went around..

Mr. Economopoulos said that he wasn't at the meetings in January, February and March or the hearing of the Steve Knight complaint in April. He said that he listened to all the facts, to Ms. Manke and to Mr. Lube and they are in direct opposition to each other. He said that he listened to Mr. Knight and to Mr. Brodinsky and where are they, in direct opposites. He said that as an administrator you face this all the time – parent v. teacher, teacher v. administrator, student v. student. He asked if this was a battle between certain Council members as some people have implied. Is it politics being applied? He said that he doesn't know. He said that Mr. Winkleman is the only one that he knows and that he respects him and he think the world of him. He said that the type of controversy here tonight and the controversies that Mr. Wasiliewski is having with the town are the cancer to democracy. He said that there is no cure for cancer and that he has not cure for this.

Mr. Parisi said that he is lost for words and that tonight's proceedings are embarrassing. He said that he worked very closely with Steve Knight when he was Chairman of the Council and he could not have asked for a better person working along side him. He was principled, have very high morals, and he was dedicated to the position that he held. He said that he has had he privilege of working with Laurie Manke on several occasions and had absolutely no problem working with her and he never had any question about how she conducted her Board of Ethics because there was no reason. He said that it is very easy to stand up and give impassioned speeches on both sides of this issue. He said that Mr. Economopoulos raised good points, as did the other speakers. He said that people are not going to serve in this town if they are going to be subjected to this kind of embarrassment. He said that he wished he had the words for it, that it's just disgusting and it should not be brought down to the level that it has been brought down to tonight. If you want to find someone not qualified, then base it on their qualifications. He said that he does not know why we have to get into leases and information presented to the Board of Ethics when none of the Council was privy to anything that was presented to that Board; therefore, we're accusing the Board of Ethics of making a bias judgment. when in fact we don't even know what was presented to them. He said what is happening, where are we going. He said that he is very, very concerned because he has served many years but tonight he isn't very proud of it.

Mr. LeTourneau said that he also has concerns and that tonight he has heard that all of a sudden after 14 years and 20 years that the job isn't being done correctly. He said that these are volunteers that have given a lot of time. He said that he hears that we need new blood after 20 years and 14 years, all of a sudden we need new blood, why? He said that they are doing a find job. He knows Mr. Wilhite for a number of years and you could not find a more honorable person beyond reproach. He said that he has known Laurie Manke for 10 years, an outstanding person with character that is what you want in an individual. He said that he has known Jack Winkleman for about 10 years and character is beyond reproach. He said these are very, good people that have done good things and served the town. He said it is unfair for us to sit up here not knowing all the facts of an incident that was dealt with in Executive Session and to come to conclusions as to what was not done right, what supposedly not done right, what might not have been done right. He said that his vote will be to approve the re-appointments.

Mr. Parisi said that he didn't mention Mr. Winkleman who he has known for many years and speaks to his character and fairness to all of the good qualities that we look for. He raised a Point of Information. He asked if all of the Councilors know all the members of the people that are being presented tonight and he speaks specifically because he does not know them- Mr. Leary and Mr. Wilhite. He said that he finds it unfortunate that if we don't know them that we are going to vote with a very broad brush to eliminate them from this committee. He said they should have been interviewed, so that the councilors could have gotten to know them.

Chairman Brodinsky said that Mr. Parisi has probably voted for these people two or three or four times and to say now that you wanted to interview them, he understands but it is a little curious in this sudden interest. He said that what he is talking about is not personalities, character, reputation or anything else. He said what he is talking about was a decision, and that he knows that the decision that was made, that under the circumstances a complaint was dismissed, and the dismissal was in the face of admitted or irrefutable evidence, and he said that he has a quarrel with that decision. He said that it's a decision on the merits which has nothing to do with character or past service; it has to do with miffing in his opinion a decision and under those circumstances when someone seeks a re-appointment, it is relevant to look at their track record and the most important decision in recent years was that. He said that we have to make a decision as to whether it is in the best interests of the town to re-appoint people who dismissed a complaint under the circumstances presented. He said that is the basis of his vote. He said that whether he met Ms. Manke, Mr. Wilhite and Mr. Leary. He knows what their decision was and that is what he needs to know.

Mr. Parisi said on the Point of Information that he voted for Wilhite and Leary and he did. He said that he has the utmost confidence in the Mayor's ability to select people that he deems responsible and appropriate for positions that he is responsible for. He said that he has no problem accepting someone else's recommendation; however, when we go through this process of a kangaroo court,

he thinks then it becomes very appropriate that we talk to these people and have an official interview as per formal Council procedures.

ROLL CALL VOTE

DiNatale – Abstain
Economopoulos – No
Farrell – Yes
LeTourneau – Yes
Parisi – Yes
Rascati – Yes
Spiteri – No
Testa – No
Brodinsky – No

TALLY

4 – Aye
4 – No
1 – Abstention

Mr. Farrell said that there was no successful motion that either was approved or disapproved; there was a 4 to 4 vote and he asked what is the status of those persons right now since that question got raised innumerable times, he thinks that is a fair question to ask the Town Attorney.

Chairman Brodinsky said that he thinks she will say that there are 30 days to appoint, to find someone else.

Town Attorney Janis Small, said the Mayor has 30 days and then if he doesn't, the Council has the ability to fill the appointments

11. Report out from the Mayor and Town Attorney on the status of:
 - a. Third-Party Administrator for the Self-Insured Health Plan (*Appendix I*)
 - b. The RFP for a realtor for the American Legion Building
 - c. Demolition of 390 Center Street (*Appendix II*)
 - d. The Police Station Study
- Chairman Mike Brodinsky

- 11a. Third-Party Administrator for the Self-Insured Health Plan
Mr. Testa read 11a.- Report out from the Mayor and Town Attorney on the status of the Third-Party Administrator for the Self-Insured Health Plan as requested by Chairman Brodinsky.

Chairman Brodinsky asked where do we stand on third-party administrator, do we have a deal or what is going on with that.

Mayor Dickinson said that no contract has been signed and he is awaiting an opinion from the Town Attorney.

- 11b. The RFP for a realtor for the American Legion Building
Mr. Testa read 11 b. – a report on the RFP for a realtor for the American Legion Building.

Chairman Brodinsky said that the question there is whether Purchasing has it and whether the RFP is on the street.

Janis small said that Purchasing has it and it is going to be advertised in the Record-Journal and the New Haven Register this week. She said that notice of the RFP has gone out to approximately 90 realtors in the New Haven County area. She said that the Purchasing Department developed that and that it is an RFP for the service and if somebody is interested, they would contact them to get that. She said that July 2 when Part A, the qualifications portion, would be opened and then the financial portion for July 16, subject to move if the review of the actual proposals was not complete, then that would be continued. She said that, as part of the process, there will be a pre-bid meeting on June 25. Mr. Parisi asked if this would be put on the state's bid list that is available to municipalities to use. She said the website? Mr. Parisi asked her to look into it.

- 11c. Demolition of 390 Center Street Chairman Brodinsky asked about 390 Center Street

Mayor Dickinson said that the contractor has responded and will be proceeding with the project demolition. He referred to his handout to the Council of the project map that shows what the plans are, the widening of the road to 24 feet, and then putting in grass and shrubbery in the remaining area. He said that he does not have a start date. He did not have the name of the contractor with him but it is the contractor who got the bid.

- 11d. The Police Station Study
Mr. Testa read 11d. – Report on The Police Station Study, a status report on where we stand.

Town Attorney Janis Small said that the consultant if making the final changes to the agreement that they discussed. She expects if it didn't go out signed today then it will go out tomorrow. She said they are ready to start and the contract calls for it to be completed within 8 months but he indicated that it could be as short as 6 to have the project completed. Chairman Brodinsky said so they haven't yet signed the contract. Attorney Small said it may have gone out in today's mail. She said they did some final changes to it between the end of last week and now. Chairman Brodinsky said that funds were transferred in April so what were the changes to the contract between then and now; what were they trying to get at now. Attorney Small said that originally there was discussion of how much of a contract we needed and her preference was that there be one. She said that the consultant offered to put together a draft and when we received it, it went to Purchasing and to her and to the Mayor. She said then the three of them

met and discussed it and they spoke with the consultant. She said there wasn't anything too major about it but it took time to schedule things to get it done. The Chairman asked for a copy of the contract.

There were no comments from the Council but Chairman Brodinsky asked the Mayor about a letter that the Mayor Dickinson sent to Board of Education employees dated June 5 that effective July 1 that Anthem will be the Administrative services only provider and that a contract will be with Anthem so according to the Mayor's June 5 letter, we do have a deal with Anthem and they will be so they have been selected. He asked if the letter was wrong?

Mayor Dickinson said that at the time they felt that a letter needed to go out to the various bargaining units, and a letter went out to every bargaining unit, and if that is not the case then it can be changed. He said that they felt at the time that they needed to notify the unions of the direction that they were heading. He said to finalize it, we haven't signed a contract with Anthem as yet and he is waiting the opinion from the Town Attorney. Chairman Brodinsky quoted the second sentence of the June 5 letter, "Effective July 1, 2008, the Town of Wallingford and the Wallingford Board of Education will switch from a fully-insured contract to an Administrative Services Only contract with Anthem." Chairman Brodinsky said that is not 100% accurate at this point. Mayor Dickinson said that we will be self-insured. Chairman Brodinsky said and Anthem will be the third-party administrator. Mayor Dickinson said that is the expectation right now. He said that should there be a different result, it can be accommodated but we felt we needed to notify the bargaining units.

There were no comments from the Council and questions from the public were called.

Ben Martin, Ward Street, referring to the 390 Center Street approved demolition and asked if expansion of the road was approved as part of that project and do road expansions like that always have to go through the Council or is this a special case. Mayor Dickinson said that it not a separate approval issue but rather a safety issue and that currently entering and exiting of traffic on Wallace Avenue is far below what standards we would normally have at an intersection so this is meant to bring this into conformance with reasonable standards. Mr. Martin asked if there was no demolition would the road issue still come before the Council or is that an administrative decision and then implemented. Mayor Dickinson said that the reconstitution of a road is an administrative issue. He continued that the size of this project makes it a routine matter. He said it would be different if the road was one half mile and being widened, it would be a different matter. In this case it's about 100 feet, a short distance, and not a major project. Mr. Martin wanted to know where does the decision lie between major and not major. Mayor Dickinson said that in this case it was administratively what is involved in the project, how easily it can be accomplished and everyone is informed on this project and that it has been discussed for years.

Bill Comerford, 5 Broadview Drive, asked for clarification that the Town Attorney said that she is still working on the opinion of if we are going to be able to go out to bid for a third-party administrator and asked if that is what he heard. Mayor Dickinson said that he indicated that the Town Attorney is working on that, yes. Mr. Comerford said that he thought there was to be an answer from the meeting four weeks ago. Mr. Brodinsky said that it was a complicated opinion and that it is taking some time. Mr. Comerford said that he also heard from the June 5 letter that alludes that Blue Cross-Blue Shield, a third-party administrator, is going to be appointed. He asked about bidding and the resolution to go out to bid for that. He said that there are only about 20 days on the calendar to July 1 to go out to bid and get the results, all within two weeks for a third-party administrator or is this for next year. Chairman Brodinsky said no and that the opinion that they are expecting to get would be effective for this year and he agrees that the calendar seems to be working against an opinion that says it has to come back to the Council for a bid waiver or it should go out to bid. Mr. Comerford said that when Mr. Testa brought this subject up that there was plenty of time to review things and that for him for 20 years it's been one way, and now there is a rush.

Chairman Brodinsky moved onto the next item

Two attachments to the minutes – Mayor's handout and letter from Mayor regarding health insurance

12. Consider and Approve a Resolution that the contract for the Third-Party Administrator for the Self-Insured Health Plan should be bid, unless the Town Council waives the bid - Chairman Mike Brodinsky

Mr. Testa made a motion, seconded by Chairman Brodinsky, that the Council Approve a Resolution that the contract for the Third-Party Administrator for the Self-Insured Health Plan should be bid, unless the Town Council waives that bid.

Mr. Testa said that this is basically a Resolution of the Council, if it passes. He said he is not sure that it carries any authority to enforce it. Chairman Brodinsky said that's right that they are free to ignore it. Mr. Testa said that the Resolution is the sense of the Council. He said that he feels strongly that the service should be bid or at least follow the requirements for a bid, and if it is not bid, then it would be through the Council waiving that bid. He said that the Council is for a waiting decision on that. He said that this is something that we should do.

Chairman Brodinsky said that we have discussed this for 3 or 4 meetings and it seems to him that research would find that you could come out on either side of the issue with justification. He described how this might work. He said that it seems to him that in the best interests of the town in the long run that this should be regarded as a matter that needs to be bid or the council should waive the bid. He said that he doesn't think that the town should send a signal to Anthem that this contract cannot be bid. We don't want to tell them that publicly. He said that

he doesn't think that we want to tell the bargaining units that unless we have their blessing that this matter cannot be bid. We don't want to send them that signal either. He said that he was going to support the Resolution and for those Councilors that would jealously protect the few prerogatives that the Council has, and he thinks in the long run it is in the best interests of the town he thinks that this should be supported.

No comments from the Council, and Mr. Lubeo was called upon.

Wes Lubeo, Montowese Trail, commented on the Charter, which says the contract should go to the contractor. He commented on the time factor. He said this is to be a three-year contract because it would be unusual for an administrator to agree to a one-year contract.

ROLL CALL VOTE:

DiNatale – Yes;

Economopoulos – Yes;

Farrell – No;

LeTourneau – Abstain until we have a ruling from the Town Attorney,

Parisi – Abstain until we have an opinion from the Town Attorney; Mr. Parisi

added that he thinks it is important that they demonstrate that we follow the law;

Rascati – Abstain, until we have an opinion from the Town Attorney.

Spiteri – Yes;

Testa said that he would like to clarify that if the Town Attorney's decision indicates that a bid is required, the sense of this motion is a moot point. The point of the motion is to say regardless in effect of what the Town Attorney says as to whether it is totally required or not and that the Council thinks it's appropriate, although it does indicate that we feel that it's also required. It is a two-edged motion, and he can understand the abstentions but aside from the decision, it is still something that he wants to encourage, and he voted yes.

Chairman Brodinsky – yes.

5- Yes; 1 – No; 3 Abstentions

The motion passes.

13. *Discussion and Possible Action on the Vocational Agricultural Building Project, including but not limited to whether and when to set a Public Hearing for bonding authorization for the Vocational Agricultural Building Project*
– Chairman Mike Brodinsky

Withdrawn

14. 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

Mr. Testa made a motion to go into executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or

leasing of property as requested by the Mayor. Mr. Brodinsky seconded. All Councilors (9) voted Aye. The motion passed.

The Council entered Executive Session at 8:20 P.M.

Chairman Brodinsky made a motion to exit Executive Session, seconded by Mr. Parisi. All Councilors (9) voted Aye. The motion passed.

The Council exited Executive Session at 8:32 P.M.

Executive Session Attendance:

All Councilors (9), Mayor Dickinson and Town Attorney Janis Small.

Mr. Testa made a motion to adjourn the meeting. Mr. Parisi seconded. All Councilors (9) voted Aye. The motion passed.

The meeting adjourned at 8:35 P.M. with no further business to conduct.

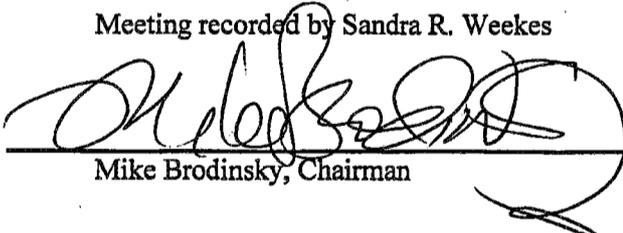
Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra R. Weekes

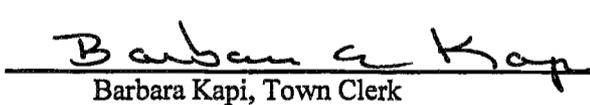
RECEIVED FOR RECORD June 18 2008
AT 4:45 P.M. AND RECORDED BY
Barbara Kapi, Town Clerk



Mike Brodinsky, Chairman

7/30/08

Date



Barbara Kapi, Town Clerk

7/30/08

Date