

TOWN COUNCIL MEETING

DECEMBER 19, 2000

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
  - a. Consider and Approve Tax Refunds (#135 – 156) Totaling \$2,785.71 – Tax Collector
  - b. Approve and Accept the Minutes of the October 30, 2000 Special Town Council Meeting
  - c. Approve and Accept the Minutes of the November 28, 2000 Town Council Meeting
  - d. Approve and Accept the Town Council Meeting Schedule for Calendar Year 2001
  - e. Note for the Record Quarterly Reports for the Senior Center, Visiting Nurse Association and Wallingford Library Association Ending September 30, 2000
  - f. Consider and Approve a Transfer of Funds in the Amount of \$500 from Maintenance of Equipment Acct. #001-6030-570-5200 to Regular Salaries Acct. #001-6030-101-1000 – Town Clerk
  - g. Consider and Approve a Transfer of Funds in the Amount of \$3,102 from Contingency – Gen. Purpose Acct. #001-8050-800-3190 to Water Assessment 155 Grieb Road (Open Space) Acct. #001-5015-999-9182 (Public Works) – Mayor

(OVER)

RECORDED FOR RECORD 12/29/2000  
H. J. R. TOWN CLERK  
*Wendy A. Hunt* TOWN CLERK

- h. Consider and Approve a Request by the Wallingford Public Library to Coordinate the Sale of the Remaining Contents of the MacKenzie Home and that all Proceeds Derived from the Sale be Deposited into Said Library's Development Fund – Mayor
  - i. Consider and Approve a Lease Boundary Modification Between the Town and PPL Wallingford Energy, LLC Concerning the Alfred Pierce Station – Public Utilities Commission
  - j. Consider and Approve Authorizing the Mayor to Execute a Rental Agreement Between the Wallingford Community Day Care Center, Inc. and the Women and Families Center for the Wallingford Head Start Program – Mayor
  - k. Consider and Approve Authorizing the Mayor to Accept a Grant Award in the Amount of \$8,000 for Tactical Team Equipment for the Dept. of Police Services – Mayor
4. Items Removed from the Consent Agenda
  5. Consider and Approve a Proposed Job Description Entitled, "Building Construction Inspector" – Personnel Director
  6. PUBLIC QUESTION AND ANSWER PERIOD
  7. Consider and Approve Abandonment of a Portion of Old Lane – Town Attorney
  8. Consider and Approve an Agreement Regarding Old Lane Property – Town Attorney
  9. Report Out by the Fire Marshal on the Operations, Achievements, Goals and Challenges of the Department with Respect to the Years 2000 and 2001 as Requested by Councilor Mike Brodinsky
  10. Consider and Approve a Transfer of Funds Totaling \$12,905 to Gradall Excavator Acct. #001-5015-999-9161 of which \$2,155. is Transferred from Chain Link Fence – Harrison Park Acct.; \$2,303 is Transferred from Fencing – Community Lake Acct.; \$1,009 is Transferred from Gas Infra-Red Heaters Acct.; \$1,397 is Transferred from Pallet Rack Storage Acct. and \$6,081 is Transferred from Carpeting – Fairfield Blvd. Acct. – Public Works

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11. Consider and Approve One (1) Appointment/Re-Appointment to the Planning & Zoning Commission for a Five Year Term to Expire 1/8/2006
12. Consider and Approve One (1) Appointment/Re-Appointment to the Zoning Board of Appeals for a Five Year Term to Expire 1/8/2006
13. Consider and Approve One (1) Appointment/Re-Appointment to the Housing Authority for a Five Year Term to Expire 10/31/2005
14. Discussion and Possible Action on the Town-Owned American Legion Building as Requested by Councilor Robert F. Parisi
15. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations with Respect to Pending Litigation in the Matters of:
  - Ronald Gagliardi v. Town of Wallingford
  - Joseph Warzecha, et al v. Town of Wallingfordand to Discuss Strategy and Negotiations with Respect to a Pending Claim by Paul Pizzo against the Town of Wallingford – Town Attorney
16. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes with Respect to the Purchase, Sales and/or Leasing of Real Estate - Mayor
17. Consider and Approve the Settlement of the Workers' Compensation Matter of Ronald Gagliardi v. Town of Wallingford as Discussed in Executive Session
18. Consider and Approve a Settlement of Pending Litigation in the Matter of Joseph Warzecha, et al v. Town of Wallingford as Discussed in Executive Session – Town Attorney
19. Consider and Approve the Settlement of a Pending Claim by Paul Pizzo Against the Town of Wallingford as Discussed in Executive Session – Town Attorney
20. Discussion and Possible Action Pertaining to Property Discussed in Executive Session

TOWN COUNCIL MEETING

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6:30 P.M.

ADDENDUM TO AGENDA

21. Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Underground Conduit Acct. #402-366-000 to Leased Property Acct. #402-372-000 – Director of Public Utilities

TOWN COUNCIL MEETING

DECEMBER 19, 2000

6:30 P.M.

SUMMARY

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2. Correspondence – No items presented	
3. Consent Agenda – Items #3h & #3j-k	1-2
4. Items Removed from the Consent Agenda – Item #3i	26-30
5. <b>Approve</b> a Proposed Job Description Entitled, “Building Construction Inspector”	3-7
6. PUBLIC QUESTION AND ANSWER PERIOD – MLK Day Ceremony to be held in January; Former Simpson School status; School Renovation Project comments; State monies for landfill clean-up; West Dayton Hill Road Bridge question; Harrison Road status inquiry; Pond Hill Road Bridge and Town hall Parking Lot project updates; Suggestion to name a street after Philip Wright, Sr.	7-11
7. <b>Approve</b> the Abandonment of a Portion of Old Lane	11-12
8. <b>Approve</b> an Agreement Regarding Old Lane Property	12
9. <b>Report Out by the Fire Marshal</b> on the Operations, Achievements, Goals and Challenges of the Dept. for Years 2000 & 2001	12-20
10. <b>Approve</b> a Transfer Totaling \$12,905 to Gradall Excavator Acct.	20-22
11. <b>Approve</b> the Re-Appointment of James Seichter to the Planning & Zoning Commission for a Five Year Term to Expire 1/8/2006 & <b>Fail to Table Appointment</b>	22-23
12. <b>Approve</b> the Re-Appointment of Ellen Mandes to the Zoning Board of Appeals For a Five Year Term to Expire 1/8/2006 & <b>Fail to Table Appointment</b>	23
13. <b>Approve</b> the Re-Appointment of Chester Wojcik to the Housing Authority for a Term of Five Years to Expire 10/31/2005 & <b>Fail to Table Appointment</b>	23-25
14. Withdrawn	
15. Executive Session – 1-200(6)(B) – Ronald Gagliardi v. Town of Wlfd.; Joseph Warzecha, et al v. Town of Wlfd. and Paul Pizzo vs. Town of Wlfd.	25

<u>Agenda Item</u>	<u>Page No.</u>
16. Withdrawn	
17. <b>Approve</b> Settling the Workers Compensation Matter of Ronald Gagliardi v. Town of Wlfd. as Discussed in Executive Session	26
18. <b>Approve</b> Settling the Matter of Joseph Warzecha et al, v. Town of Wlfd. as Discussed in Executive Session	26
19. <b>Approve</b> Settling the Matter of Paul Pizzo v. Town of Wlfd. as Discussed in Executive Session	26
20. Withdrawn	

Addendum

21. <b>Approve</b> a \$6,000 Transfer to Lease Property Acct. – P.U.C.	30-31
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TOWN COUNCIL MEETING

DECEMBER 19, 2000

6:30 P.M.

A re-scheduled meeting\* of the Wallingford Town Council was held on Tuesday, December 19, 2000 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:32 P.M. Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, Rys & Vumbaco answered present to the Roll called by Town Clerk Rosemary A. Rascati. Councilor Zappala was unable to attend due to personal matters. Mayor William W. Dickinson, Jr. arrived at 6:37 P.M. Town Attorney Janis M. Small arrived at 7:48 P.M. Comptroller Thomas A. Myers was also in attendance.

\*This meeting was scheduled to replace the Council's December 12<sup>th</sup> and December 26<sup>th</sup> regularly scheduled meetings.

A blessing was bestowed upon the Council by Eugene Riotte, Deacon, Most Holy Trinity Church.

The Pledge of Allegiance was given to the Flag.

Chairman Parisi, on behalf of the entire Council, wished all standing committees of the Council happy holidays.

ITEM #2 - Correspondence

No items of correspondence were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#135-156) Totaling \$2,785.71 – Tax Collector

ITEM #3b Approve and Accept the Minutes of the October 30, 2000 Special Town Council Meeting

ITEM #3c Approve and Accept the Minutes of the November 28, 2000 Town Council Meeting

ITEM #3d Approve and Accept the Town Council Meeting Schedule for Calendar Year 2001

ITEM #3e Note for the Record Quarterly Reports for the Senior Center, Visiting Nurse Association and the Wallingford Public Library Association Ending September 30, 2000

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$500 from Maintenance of Equipment Acct. #001-6030-570-5200 to Regular Salaries Acct. #001-6030-101-1000 – Town Clerk

ITEM #3g Consider and Approve a Transfer of Funds in the Amount of \$3,102 from Contingency – Gen. Purpose Acct. #001-8050-800-3190 to Water Assessment 155 Grieb Road (Open Space) Acct. #001-5015-999-9182 (Public Works) – Mayor

ITEM #3h Consider and Approve a Request by the Wallingford Public Library to Coordinate the Sale of the Remaining Contents of the MacKenzie Home and that all Proceeds Derived from the Sale be Deposited into Said Library's Development Fund – Mayor

ITEM #3i Consider and Approve a Lease Boundary Modification Between the Town and PPL Wallingford Energy, LLC Concerning the Alfred Pierce Station – Public Utilities Commission

ITEM #3j Consider and Approve Authorizing the Mayor to Execute a Rental Agreement Between the Wallingford Community Day Care Center, Inc. and the Women and Families Center for the Wallingford Head Start Program – Mayor

ITEM #3k Consider and Approve Authorizing the Mayor to Accept a Grant Award in the Amount of \$8,000 for Tactical Equipment for the Dept. of Police Services – Mayor

Motion was Made by Mr. Rys to Approve Consent Agenda Items #3a-h, and 3j & 3k, seconded by Mr. Farrell.

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

ITEM #4 Items Removed from the Consent Agenda

ITEM #3i Consider and Approve a Lease Boundary Modification Between the Town and PPL Wallingford Energy, LLC Concerning the Alfred Pierce Station – Public Utilities Commission

Motion was made by Mr. Rys to Approve the Item, seconded by Mr. Centner.

Motion was made by Mr. Vumbaco to Table the item until the Director of Public Utilities arrives at the meeting, seconded by Mr. Rys.

(The PUC was conducting a meeting simultaneously at their John St. offices)

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

ITEM #5 Consider and Approve a Job Description Entitled, "Building Construction Inspector" – Personnel Director (Appendix I)

Motion was made by Mr. Rys, seconded by Mr. Centner.

Appearing before the Council on this matter were Building Official, Richard Boyne and Personnel Director, Terence Sullivan.

Mr. Sullivan explained, the job description before the Council this evening is a result of an effort on the part of Mr. Boyne to identify the true needs of the department. What he has found in the short time that he has been here is that there is less housing code enforcement work than there is a need for building construction inspection activity. With the current vacancy we would like to change the housing code enforcement job by virtually merging building construction inspection activities which is a job description that was approved by this body back in 1987 but we want to basically make it a full time job and allow the Building Official to use the individual in that capacity. The job rates out at a little bit higher pay grade because of the certification requirements required by the state. There is more experience required and there is basically more authority that goes with the position, including some supervisory authority which would help Mr. Boyne run his department.

Mr. Centner asked, does this type of combined position exist in any other towns or is this unique to Wallingford?

Mr. Boyne answered, it does exist in other towns. It exists in the town that I am from and some of the other municipalities that I have been employed at.

Mr. Centner asked, do you have confidence that you can place a candidate within that pay scale?

Mr. Boyne answered, yes.

Mayor Dickinson and Comptroller Thomas Myers left the meeting at 6:40 P.M.

Comptroller Thomas Myers returned to the meeting at 6:48 P.M.

Mayor Dickinson returned to the meeting at 6:49 P.M.

Mr. Vumbaco asked Mr. Boyne, is this person going to be reporting to two different individuals or departments?

Mr. Boyne answered, the Building Department is set up where we enforce the building code, the Housing Ordinance and some zoning enforcement. This position, Housing Code Enforcement Officer/Construction Inspector would not change and would still report to the Building Official. It is not a separate office.

Mr. Parisi explained, Mr. Boyne is in charge of the Building Department now. He introduced Mr. Boyne to those Councilors who have not yet met him since being hire in April.

Mayor Dickinson left the meeting at 6:51 P.M. and returned at 6:55 P.M.

Mr. Vumbaco suggested that when a new department head is hired there should be a notice sent to the Council announcing the new hire and arrangements made for an introduction.

Mr. Parisi stated, perhaps the Personnel Department should consider holding a coffee hour, inviting everyone in to meet the new hire.

Mr. Brodinsky asked, will this individual handle the electrical and plumbing inspections too?

Mr. Boyne answered, presently, the Housing Code Enforcement Officer does do first echelon electrical inspections for the housing code, not for the national electric code which is part of the building department inspections. We have an Electrical Inspector. This person we would hire would be licensed by the State and would be certified to do inspections although he is not able to do electrical inspections, per say, for the building code. There are several different codes that need to be enforced in my office. Presently, the Housing Code Officer does not need to be licensed by the State. I would like to have that so the person can do multiple tasks in the office. When people come in, he is able to assist them.

Mr. Brodinsky asked, if someone is building a house, would this newly described employee handle every sort of inspection that would be required in order to get the necessary permits?

Mr. Boyne answered, no. He cannot do plumbing and heating inspections, nor electrical inspections because he wouldn't be licensed in that category. His expertise would be footings and structure.

Mr. Brodinsky asked, if renovation work is being done, that would require an inspection by perhaps this individual?

Mr. Boyne answered, he would be able to do framing inspections; raw structure inspections. He would not be doing the licensed mechanical trades. He would need to be certified by the State for each of those categories.

Ms. Papale asked, can you bring us up to date of the positions that are open in your department right now? And you can also tell us who is seated in the other positions?

Mr. Boyne answered, the Housing Code Enforcement Officer left employment with the Town at the end of October. That full-time position is vacant. There is a part-time Construction Inspector who has been out ill for the past two months. I am a little short-handed there. I have a full-time Electrical Inspector and an Assistant Building Official. Both the Assistant Building Official and myself are licensed to do all of the inspections in the field. The department also has one clerk.

Ms. Papale asked, you are not really fully-staffed?

Mr. Boyne answered, no we are not.

Ms. Papale stated, I think this will have to be done immediately since you are so short-staffed. I don't see how you and the Electrical Inspector can really take care of it all.

Mr. Boyne answered, there is a major stress on manpower. One of the other problems that I have and cannot address is that my office staff has, collectively, over 100 days of vacation time accumulated. I am missing a staff person every week, in addition to the vacancies I have. We are working through coffee breaks and lunches to take care of people. Sometimes they may need to wait an extra day; we try to honor inspections within the following day. Sometimes there are scheduling problems between the client or ourselves and there may be a two day maximum wait but we are honoring our end. This position does not add to my staff, it just gives me a person who can do more for me.

Ms. Papale asked, will the person who is presently out ill be working there in the near future?

Mr. Boyne answered, I don't know if he will be able to come back. Hopefully he will be fine.

Ms. Papale asked, if this job description is passed this evening, will there be someone in place by the first of January? The fifteenth of January?

Mr. Sullivan replied, my hope would be to advertise in the state papers on Sunday; close it out two weeks later; test the following week and, hopefully, by mid-January have someone on board.

Ms. Papale stated, why am I under the impression that people have gone up and filled out applications already for this position? Was it just for the Housing Code Enforcement Officer and now you are changing it?

Mr. Sullivan explained, we posted a vacancy and during that process we realized it was a good opportunity to take a look at the manpower needs and the work needs. That is when we decided, in discussions with the union and the Mayor, to come forward with this proposal. There have been a lot of people who have been interested in that job. This job is a little bit different but we are hopeful that we will have ample qualified people to choose from.

Ms. Papale asked, if anyone has already filled out an application for the Housing Code Enforcement Officer has to go up to Personnel and fill out another application, if they are interested?

Mr. Sullivan answered, if they are interested in this position as written, I will take a statement from them, just a quick letter that they...because they are two different jobs. I would not make them fill out another application. We will word the ad so that if they have already applied for the other job, we will take their applications and they should let us know what their intentions are.

Mr. Farrell stated that he was confused as to whether or not this results in a position being eliminated. Will you have less people in the office?

Mr. Boyne answered, no, it does not eliminate anyone. It gives more duties to the Housing Code Enforcement Officer. There is a lot more responsibility in this position.

Mr. Parisi asked, did you find, by comparison, that you needed more out of this position, production-wise? Comparing this job to what existed before, you upgraded the pay scale which means that you must be demanding more from the position, itself. Did you determine that you weren't getting the coverage that you needed before?

Mr. Boyne answered, that is correct. Part of the problem with being just the Housing Code Enforcement Officer, he was unable to assist us in the Building Department when people

came to the counter. He was not qualified to take applications, answer any related code questions, other than housing code enforcement.

Mr. Parisi stated, in other words he could just sit there and look at the crowd at the counter and not have to worry about that? I saw that several times, myself.

Mr. Boyne stated, this was my experience and I need everyone to play ball here.

Robert Sheehan, 11 Cooper Avenue asked if the job will be advertised or is there a hope that you will be able to promote from within the department?

Mr. Sullivan answered, first, pursuant to the union contracts, we post in-house to see if there are any employees who are interested. It is a classified service position so anyone who is in the classified service can apply but we also intend to advertise.

VOTE: Zappala was absent; all ayes; motion duly carried.

#### PUBLIC QUESTION AND ANSWER PERIOD

Philip Wright, Sr., 160 Cedar Street gave the Council a passing grade for their work performed in serving the Town over the past year. He wished everyone a very Merry Christmas and a happy New Year.

Mr. Parisi thanked Mr. Wright for his wishes and comments and extended the same back to him.

Pasquale Melillo, 15 Haller Place, Yalesville wished to speak about the leasing of the American Legion Building and the executive session pertaining to Mr. Paul Pizzo, who was a potential lessee.

Mr. Parisi stated that the executive session involving Mr. Pizzo had nothing to do with the American Legion Building. Mr. Pizzo and the American Legion Building have parted ways. It is not an issue with Mr. Pizzo. He stated that the item dealing with the American Legion Building (Item #14) has been removed from the agenda.

Jack Agosta, 505 Church Street, Yalesville asked if the Town is going to have the same type of ceremony here, at Town Hall, as the church did for Martin Luther King, Jr.'s Birthday, January 15<sup>th</sup>?

Mayor Dickinson asked, what do you mean by the same thing?

Mr. Agosta answered, the choir was there and food was offered after the ceremony. Is that what is going to take place here?

Mayor Dickinson replied, there will be a service here; it is not going to be identical to prior services, probably. It will be similar in many ways.

Mr. Parisi announced, the Town Hall will be closed, basically, there will be no one here.

Mayor Dickinson explained, we will be here in Council Chambers.

Mr. Parisi added, there will be no employees.

Mr. Agosta stated, we had food downstairs at the Episcopalian Church. We paid for that last year and for the past couple of years. Will you do the same this year?

Mayor Dickinson answered, the Food Service Department of the Board of Education provided food. We are talking about that at the current time.

Mr. Agosta asked if the balcony of the Council Chambers will be available for use if we need it?

Mayor Dickinson responded that he did not see why we couldn't use the area if we had to.

Mr. Agosta stated that the Chambers does not have as many seats as the church does and there was never enough seats in the church. He wanted to make sure the balcony area was clean and ready for use, in the event it is needed.

Robert Sheehan, 11 Cooper Avenue stated that Council Chambers looks very good, like it has just been painted.

Mr. Parisi announced that it has been.

Mr. Sheehan asked, has there been any resolution regarding Simpson School yet with the Housing Authority?

Mayor Dickinson answered, they have sent me a letter indicating their timetable which I will be sharing with the Council. But it looks as though there is nothing in the near term that they would be able to do with the property. We will have to be making a decision. My recommendation will be that we make a decision in the next several weeks or months. The prospect of waiting for something that may not have any real substance to it is, at this point, in our best interest.

Mr. Sheehan asked, do you (Mayor) have a specific recommendation that you want to share with us now or do you want to wait?

Mayor Dickinson replied, I am going to have to wait but, I will have one.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he would like to see the entire school renovation project tabled for the time being. He explained, there is a lot of federal money that will be coming for all types of school projects such as this one. It would be a shame to ignore that and let it go by so let's get the federal situation organized first, he stated, and then we can move on with the project, accordingly.

Jack Agosta, 505 Church Street, Yalesville wished the Council a Merry Christmas and Happy New Year. He commented that he recently visited the Animal Shelter and noted what poor condition the building is in. He asked if there was any money in this year's budget to improve the building?

Mayor Dickinson explained, Public Works has been assisting the Animal Control Officer with developing some information regarding an expansion of the building. It has not yet gone out to bid yet. We are going to have to obtain some expertise in drawings as far as an expansion of the building and, hopefully, have cost figures for the budget.

Mr. Agosta asked if the Town is going to get the reported \$1 million from the state to clean up and cover the landfill and will it be enough?

Mayor Dickinson answered, the money that has been reported as coming from the state will go to C.R.R.A. (Ct. Resource Recovery Authority) for landfill closure. I don't think that is the complete cost to close the landfill. Those dollars were developed outside of a process that I am aware of and I think the state, after assisting several towns in closing of landfills, wanted to be consistent and provided funds for all landfills so the Wallingford landfill became eligible. That money would go to C.R.R.A. since it is their responsibility to close it.

Mr. Agosta asked if the Town still owns the landfill?

Mayor Dickinson replied, it does but it is leased to C.R.R.A. and they have the responsibility to meet all environmental regulations in the closing of the landfill.

Robert Sheehan, 11 Cooper Avenue asked, who owns the dam on West Dayton Hill Road?

Mayor Dickinson answered, it is our position that the Town of Wallingford doesn't own it. It hasn't been resolved as of yet.

Mr. Sheehan asked, the last time I asked this was back in July and there was supposed to be a meeting on the topic with the state within the next month. Still no meeting yet?

Mayor Dickinson answered, I don't believe the hearing with the state has proceeded as of yet but the Town Attorney can confirm that when she arrives at the meeting. I don't believe the hearing has gone forward.

Mr. Sheehan asked, don't we have plans to put in a new bridge and straighten out that road somewhat?

Mayor Dickinson answered, there is a project to replace the existing single-lane bridge on West Dayton Hill Road, yes.

Mr. Sheehan asked, when is that scheduled to be started?

Mayor Dickinson answered, it is being designed by a consultant for the Engineering Dept. I have not seen any final documents on that.

Mr. Sheehan wished everyone a Merry Christmas and a Happy New Year.

Mr. Parisi wished the same back to Mr. Sheehan.

Philip Wright, Sr., 160 Cedar Street stated that there are several projects that the Council should hear a report out on at a Council Meeting; the Pond Hill Road Bridge; the parking lot behind Town Hall; are either or both of those projects completed? Is everything as designed? Also, the Harrison Road project; I gather there are some problems involved there. Perhaps we can have the Town Engineer come and report to us sometime in the coming year.

Mr. Parisi answered, Harrison Road is moving forward and the Town Attorney is directly involved in that. That is being dealt with.

Mr. Wright stated, I see what is being done out there but I understood that there were some problems related to the construction and the like and I just thought that maybe after the first of the year we can get the Town Engineer to report on all of the projects that are sort of hanging.

Mr. Parisi asked the Mayor, is the parking lot finished out here?

Mayor Dickinson answered, for the most part. I don't know if it is completely finished. I believe there is a potential for the re-lining to be done and the addition of some lights on the back of the Town Hall.

Mr. Melillo asked, what has developed in the situation involving the computer system and company who, one way or another, either inadvertently or for what ever reason, exposed the personal files of our police personnel.

Mr. Parisi interrupted to say that the matter is in litigation and should not be discussed right now.

Mr. Melillo congratulated the Quinnipiac River Linear Trail Committee for pursuing the federal and state grants and monies for the project.

On a separate note, Mr. Melillo stated that it is about time the Council named a street after Phil Wright to honor him for his many years of service to the public.

Public Question and Answer Period was closed at 7:10 P.M.

ITEM #7 Consider and Approve the Abandonment of a Portion of Old Lane – Town Attorney

Correspondence from Atty. Small states how William Koennicke owns property at the end of Old Lane as shown on an attached map (Appendix II). The Town owns a “future road” which dissects part of his property. The topography of the land is such that it is highly unlikely the future road will ever be developed. Further, the future road location is the only viable location for a house. Mr. Koennicke requests that the Town abandon that portion of Old Lane shown as “Future Road”. Mr. Koennicke agrees to grant a utility easement over his property and that easement has been approved by the utilities. Further, Mr. Koennicke agrees to merge his property into one building lot.

Motion was made by Mr. Rys, seconded by Mr. Farrell.

Atty. Norman Fishbein, was in attendance representing Mr. John Bartlett and Dawn McCombs, the ultimate purchasers of the property. He explained how, due to the topography of the property, the land is rendered useless for any other purpose.

Mr. Farrell asked if the agreement was recorded on the land records? Is it going to become part of the chain of Title?

Atty. Fishbein answered, the agreement has been prepared according to the direction of the Town Attorney and we have no objection to recording on the land records. The agreement, for the purposes of this evening, obligates the property to become one building lot. There was also a requirement that the Town had that a sprinkler system be installed in any of the buildings that are constructed on the property, whether it be the principal dwelling house or a garage or what ever it may be so there would be no concern about fire

control there. That has been prepared and will be signed and if the Town requires that it be recorded on the land records, we would have no objection to that.

Mr. Farrell stated, I think it is a good idea. Then it becomes binding on future purchasers.

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

ITEM #8 Consider and Approve an Agreement Regarding Old Lane Property – Town Attorney

Motion was made by Mr. Rys, seconded by Mr. Knight.

Mr. Rys read the agreement into the record (Appendix III).

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

ITEM #9 Report Out on the Operations, Achievements, Goals and Challenges of the Department with Respect to the Years 2000 and 2001 as Requested by Councilor Michael Brodinsky

Mr. Brodinsky stated, the reason I asked for the report out is because the Town Council has legislative oversight responsibility for your department and to fulfill that obligation I wanted to make sure the Council checked in with you, periodically. I know we heard from you last June but it is always a pleasure to see you and I wanted to get a current update on what is going on in your department.

Joseph Micalizzi, Fire Marshal, stated that he presented a interim report, approximately 1 ½ pages, that everyone should have received a copy of (Appendix IV).

Mr. Micalizzi paraphrased some of the items from the report for the sake of brevity.

In the calendar year 2000 to the present date, the Fire Prevention Bureau has performed a total of 950 inspections and code-related activities which include building inspections, inspections of fire protection systems of various kinds, inspections for approval of building certificates of occupancy, plan reviews for new construction, liquor permit renewals, and hazardous materials including gasoline filling stations, natural gas and propane filling operations, and hazardous material transport vehicles. During the calendar year 1999 a total of 573 inspection activities were performed. To date, the department has increased that number by 377 inspections. Under the department's Target Hazard Inspection Program over 440 multiple unit housing structures, virtually all of the Town's apartment buildings containing three units of housing or more. The next phase of the Target Hazard Inspection Program will be targeting mixed-use residential properties as identified from

the tax assessor's list. It is estimated that approximately 247 structures of this type are in town, usually comprising of stores and offices with dwelling units contained within or attached. Fire investigations are down over last year's numbers; 12 investigations, 7 less than last year. It is possible that the department's code enforcement efforts combined with an extremely professional investigative approach may be partly responsible for the decline in fires in the town. Public fire education is ongoing and the office is in the midst of running the state-wide fire prevention poster contest for all fourth and fifth grade students in all schools in the Town. The fourth grade winner is Billy Abildgaard of E.C. Stevens School and the fifth grade winner is Julia Czaplinski from Rock Hill School. Both winners will be awarded a \$50 savings bond as provided by Firefighters Local 1326. A presentation ceremony will be held in January at Fire Headquarters.

With regards to information management and record keeping, we have now entered a complete list of properties into our database. This will give the department access to information on property addresses, owners names and mailing addresses. This has freed up inspector's time in the fire prevention office. Another change that has occurred in the office is the establishment of a street file indexing system where as all property records are filed by street name and number, allowing the department to store a complete building history regardless of the changes in occupancy that may occur.

The next challenge that the office is facing is the updating of its inspection software package. The department is integrated onto the fire department's computer network and share their server. With their update to Firehouse 5.0 tentatively scheduled for early 2001, the Fire Marshal's department must insure that their hardware is compatible with and capable of handling the new software update. A small upgrade of hardware in one machine is anticipated.

Recently the department lost its part-time clerk. A replacement has been advertised for and the interviewing process should begin in January.

Mr. Micalizzi stated that, as in the past, he will coordinate the hiring process with the Town Personnel department and Councilor Parisi.

Mr. Brodinsky thanked Mr. Micalizzi for an excellent report. He asked, in your report, you mentioned that you had completed the inspection of over 440 multiple unit housing structures; virtually all of the Town's apartment buildings containing three units of housing or more and the department found violations in the process of addressing them. Are you able to give us some perspective as to how many violations you found? How prevalent violations were?

Mr. Micalizzi answered, I would estimate that about 50% of the structures that we inspected had some sort of violations in them. Probably, in total, the number of violations

would be in the thousands. Not to be alarming, but when I say thousands of violations, if you find one violation in the building, for example, if a door is not the proper door, most likely all of the doors are not proper doors either and each one would constitute a violation. Types of violations we have found are; rating of stair enclosures; installation of fire doors; faulty or missing smoke detectors; protection of hazardous areas such as boiler rooms and storage areas that needed to be protected; installation of emergency and egress lighting; proper guards and handrails on exit stairs; these are just an example of the type of violations that are a few of the many type of requirements for the fire code.

Mr. Brodinsky asked, how does your office go about obtaining compliance with the fire safety code?

Mr. Micalizzi answered, as outlined by directive #3 from the office of the State Fire Marshal, we use the abatement procedure; we do the inspection, write a formal letter to the building owner listing the violations and what they are, what the corrections are that need to be done; along with that would be a first notice of violation. Anywhere from 15-30 days later we would re-inspect and if the violations were not corrected or addressed we would send a second notice of violation. A final notice would be sent if there was no movement or cooperation whatsoever, along with an arrest warrant.

Mr. Brodinsky asked, what is your rough estimate of the percentage of cases that have to go to the full limit of enforcement?

Mr. Micalizzi replied, very few. Out of all of these numbers, I think we have written 5-7 arrest warrants, to date. There are mechanisms within the procedures if they ask for an extension of time; if extensive repairs have to be made, we give an extension of time. They can present to us a schedule of correction where we would approve it and give them a period of time in which to perform the corrections. When the process stops, that is when we have to go into the abatement procedure and take legal means to force them to meet the violations. Most people are very cooperative.

Mr. Brodinsky asked, in the last report you gave us in the summer of this year, you said in that report that you were playing, "catch up", there were a lot more inspections than you had the time and staff to do. Is that still the case? Have we lost or gained ground?

Mr. Micalizzi answered, judging from the numbers we did this year, I would say that we are gaining ground. We did 377 more inspections than last year, however, state statute mandates that every building within every jurisdiction that is covered by the fire code, within every jurisdiction will be inspected annually. That is a task that not only we cannot accomplish, but there are very few towns that can, except for very small towns with limited large housing or commercial areas that do get a chance to do that. That is one of the reasons why I have initiated the Target Hazard Inspection Program. When we identify

our hazards, our greatest hazards and show that we are at least going forward in inspecting those properties, I hope to somewhat limit the liability of the Town as well as ourselves to show that we do have a plan in place to cover these properties. It may not be in one year; it may be a five year plan, but at least we are making an effort to get these properties inspected properly.

Mr. Brodinsky stated, one of the aspects of legislative oversight, in my view, is to find areas where we can help you if we reasonably can. I won't ask you tonight what suggestions you have for us as to how we might reasonably make your office more effective but I would request that perhaps you put that in a letter after you have given it some thought and send it to every member of the Council so that we can stay in touch with the problems, as you see it and, at the appropriate time try to address them. I am not saying that we have any problems but I would take advantage of that opportunity and, in that way, we may be able to nip a problem in the bud. If you ask for help, we may be able to address it.

Mr. Micalizzi responded, I appreciate the offer and I will research that area and get back to the Town Council with my suggestions.

Mr. Parisi stated, I would like to clarify something for Mr. Brodinsky and perhaps many people in the Town of Wallingford who don't realize that the Fire Marshal serves under the jurisdiction of the Town Council. The Council Chairman is and has been for the past how many years designated as the department head representing the Council and the Fire Marshal, Micalizzi and I, are in rather close touch, I believe. Would you acknowledge that?

Mr. Micalizzi answered, yes.

Mr. Parisi went on to say, we talk frequently on the phone and I do stop by to try and monitor your situation and what is happening and if there was any problems, I would certainly report back to the Council if I deemed it necessary. To date, the few things that have come up have been handled rather expediently right within the department and in some cases, in consultation with the minority leader so that we try to be responsive to the Fire Marshal if we can be. Should we not be able to be and we require a full blown meeting, we would call a special meeting with the Council.

Mr. Brodinsky complimented Mr. Parisi on the work and the time that he has put in, which he recently became aware of. He stated, as you know, Mr. Chairman, and as Mr. Micalizzi knows, you and I have a respectful disagreement as to your role and your status and I think we agree to disagree and try to resolve it amicably. As you know, my position was that the entire Council has oversight responsibility, there is no basis for saying that there is a department head because none has been appointed. But we don't have to decide that now

and get Mr. Micalizzi caught in the middle of that but I did not realize that (issue) was going to be raised but that is to be resolved at another time. I did want to thank you for efforts that you put in. I am sure that your comment was in no way intended to discourage Mr. Micalizzi from writing a letter that I suggested.

Mr. Parisi answered, not at all. To enforce the policy that, in fact, is in effect right now, that the door is always open to him through the Council Chairman as it always has been...

Mr. Brodinsky interrupted to say, or to any of us without going through the Council Chairman.

Mr. Parisi replied, with all due respect, it is a little bit confusing for him to try and serve eight masters all at once when he can deal with one and have his problems brought forth, should he have them. Thank God that he hasn't had any. He has done a rather nice job, if I say so myself. He has brought a sense of management to that department which, unfortunately, has been lacking and it is demonstrated in the increase in production that he has brought forward. I saw one of his two public announcements and they were well done.

Mr. Farrell stated, I have had a number of residents and a number of professionals who deal with your office say very nice things about you; about the level of professionalism; particularly the level of promptness they receive from your office. Within ten minutes after placing a call to the Fire Marshal's Office a representative is out at the property, I have been told. They were very pleased and said it was a nice compliment to the Council as well, that it made us look good. For that, we thank you.

Mr. Micalizzi thanked Mr. Farrell for the kind remarks, accepting them on behalf of the people that work with him. He stated that it is due to the efforts of the entire staff that the office runs so efficiently.

Mr. Vumbaco stated that the report was very thorough and was appreciative of it. He was not going to make a comment, but since the subject matter was brought up and in re-reading the report the language which reads, "as in the past, you (Fire Marshal) will coordinate the hiring process with the Town's Personnel Department and Councilor Parisi" he shared the same feelings as Mr. Brodinsky on this matter; that is more of a Council decision than the Council Chairman's decision. I don't want to get into this as the year ends, but I think it is something that I would like to see addressed in the very near future. The statement was just made that, when an issue arises and a determination is made to bring something to the Council, it will be. My question is, who makes that determination? Who determines whether the problem should come in front of this Council or not? That is where my feeling uncomfortable comes into play. I think the Charter is pretty specific in saying that the Fire Marshal's office reports to the Council and not one individual. I don't see anything in the Charter or in the past minutes where anyone has made a statement or

taken a vote that elected a department head. That is why I believe that issues should be presented to the Council as a whole. I would hope that there is not anything that is being not brought to this Council because one or two individuals is making a determination that it is not necessary to come to this Council. It is just a statement. In the future there will be some discussion on this.

On a separate matter, Mr. Vumbaco asked the Fire Marshal, you had told us that state statute requires you to inspect all multiple residential buildings once a year; is there any liability that is created for the Town by not having those buildings inspected and say something happens in year two of a building that should have been inspected that would have been picked up in an inspection but since we didn't inspect it something happens? Does that present a liability to the Town?

Mr. Micalizzi responded, not to be glib, but that is up to the courts and attorneys to decide. Naturally, as in any case, if you veer in any way from state statute, there would be some liability involved. There is not a great deal of litigation that goes on because of the fact that a building is not inspected, unless it hasn't been inspected and was required to be for other reasons. It does arise, though. There has been litigation to that effect. It is probably a very small percentage that tends to get litigated, however, I do know of cases where accidents have happened in buildings and people have requested inspection reports and sometimes, because a building wasn't inspected or was inspected and a violation was missed, which is most likely the impotence for a lawsuit, that if a violation was missed and it resulted in an injury or something to that effect, that is when the liability really gets a little more sticky.

Mr. Vumbaco stated, there is a potential that there could be some liability on the part of the Town if, in fact, something occurs.

Mr. Micalizzi answered, yes.

Mr. Vumbaco asked, have any of these violations that you have picked up, as stated in your report, been to the point where there could have been a problem? Is there a lot of major violations or is it all little minor stuff?

Mr. Micalizzi answered, my pat answer to that is, any violation is a major violation. Yes, there were some biggies and the thing that we are particularly careful for now is, we are not leaving the building uncorrected. Some of the inspections go back to 1999, and we are still working with the people to see that all of the violations are corrected, at least all the ones that we have discovered, to ensure that they do get corrected at one point. There were times that I went into the files that a lot of these violations were existing pre-1990's, early 1980s. They were inspected, the people were notified but due to a lack of manpower or other allocation of manpower, they never got completed. The violation letters were sent

out and never followed up on. If we can walk out of a building and say, as of this date all violations were corrected, I think it is a big feather in our cap that would help limit us as to where they can go in litigation.

Mr. Vumbaco echoed Mr. Parisi's comments; you're doing a great job and there is now a sense of strong professionalism in the department and we do appreciate that.

Mr. Parisi stated, it has always been made very clear to the Fire Marshal that he has the opportunity to approach, with my blessing, the entire Council, should he ever feel the need for it. Is that true or not?

Mr. Micalizzi answered, yes, sir. My door is an open door and anyone could call and come in and have a chat.

Ms. Papale stated, I want to clear up a few concerns. When you (Mr. Vumbaco) asked about the entire Council being involved, were you asking about the hiring process?

Mr. Vumbaco replied, basic oversight.

Ms. Papale stated, the oversight I can understand. I agree that the entire Council should be aware of things that happen. I think we are very fortunate right now that we don't have a problem in the Fire Marshal's Office. When I was Council Chairperson I lived in that Fire Marshal's Office. I will not bring up the history of the people involved but if anyone has any questions, I will be happy to answer them. There were so many problems in the Fire Marshal's Office that I remember going to the Town Attorney and asking, "why am I involved in this?" I felt it was not our position but the Fire Department's but that is not what the Charter says. I really felt it shouldn't be our place. I spent a lot of hours there because there were such problems there. When I thought it was necessary, the entire Council was made aware of what went on. I say thank you that we don't have that problem now. I have been very fortunate to sit in with you and Mr. Parisi because it has been an education for me, for the hiring process. I am there for the main reason because I am semi-retired and I have the time and my schedule is very open. I don't imagine doing it any other way. I can't imagine nine of us sitting there while this process is going on. I think Mr. Parisi and I gave you our judgments but we certainly left it up to you because you are the person who had to work with the individual.

Mr. Micalizzi replied, I appreciate that.

Ms. Papale stated, things have been quiet between the Council and your office because there has been no need. I just wanted the rest of the Council to understand that if there was ever a need, I was aware that we would all be involved. I hope you have continued

success in your office. If anyone has any questions about what we should be doing, maybe we could change things but I think it is working fine.

Philip Wright, Sr., 160 Cedar Street stated, I think it is very nice and quite appropriate that we do have reports publicly from various departments. I guess it only happening because the Fire Marshal reports to the Town Council. I wish we had this type of report coming forward from the Building Departments and other departments in town so that everyone would be well-aware of what was happening in the various departments; Engineering, etc. Maybe that's not possible but it is nice to see a good report come out. I thought at one time either we did or intended to have the Fire Marshal report to the Fire Chief. Am I correct or incorrect on that?

Mr. Parisi answered, that may have happened. I am not positive but it kind of rings a bell. It never went anywhere.

Mr. Wright asked, wasn't that part of a referendum or Charter Revision one time?

Mr. Parisi answered, I don't think it ever happened.

Mr. Wright stated, I will see if I can get that researched.

Pasquale Melillo, 15 Haller Place, Yalesville thanked Councilor Brodinsky for bringing this item forward. He stated that he was glad to hear that Mr. Parisi was not out to hog the show with respect to cooperating with the rest of the Town Council and the Fire Marshal, relative to any fire discussions. He asked, isn't it true that a business could hold the Town responsible for a fire that occurs at their business if the Town failed to inspect it?

Mr. Micalizzi answered, anything is possible. If they were negligent and we find this in our fire investigation and we can prove that they were negligent, it would most likely negate any litigation they brought against the town.

Mr. Melillo stated, according to state statute you are supposed to inspect all properties.

Mr. Micalizzi corrected Mr. Melillo. The statutes read, "all properties with the exception of one and two family dwellings annually."

Mr. Melillo asked, has your office applied for all the state or federal grants that you can?

Mr. Parisi stated, they don't deal in that. Joe, do you get any state or federal grants?

Mr. Micalizzi answered, I am glad you brought that up. There is a federal law being legislated now called, "The Fire Act". I believe it has been passed either in the house or

senate. It is a \$5 million aid package to be used for fire protection and prevention. It is the most significant legislation that has ever been passed, however, it is not funded. Even though there is a lot of lobbying behind it, it has not been funded yet and we are watching that very closely because part of the monies will be allocated for fire prevention. It is up to an 80% reimbursement that is available; a good piece of change. We are keeping track of it.

Mr. Melillo stated, we should also have more equipment for them; the infra-red helmet equipment. When they go inside of big businesses or industries, there are deep parts of the building....

Mr. Parisi thanked Mr. Melillo for bringing up the issue.

Mr. Vumbaco asked, the replacement clerk is being hired by the Fire Marshal without being presented to this Council, correct? You will hire through your discussions with Mr. Parisi and Ms. Papale?

Mr. Parisi answered, through interviews.

Mr. Vumbaco asked, you are not bringing it back to the Council as a presentation?

Mr. Micalizzi answered, no. I believe the only positions that are required for Council approval in my office is Fire Marshal and Deputy Fire Marshal, by Charter.

No Action Taken.

ITEM #10 Consider and Approve a Transfer of Funds Totaling \$12,905 to Gradall Excavator Acct. #001-5015-999-9161 of which \$2,155 is Transferred from Chain Link Fence – Harrison Park Acct.; \$2,303 is Transferred from Fencing – Community Lake Acct.; \$1,009 is Transferred from Gas Infra-Red Heaters Acct.; \$1,397 is Transferred from Pallet Rack Storage Acct. and \$6,081 is Transferred from Carpeting – Fairfield Blvd. Acct. – Public Works

Motion was made by Mr. Rys, seconded by Mr. Knight.

Henry McCully, Director of Public Works stated, the equipment is used on a daily basis, extensively for pipe installation and road reconstruction. This is the only company that makes this type of equipment.

Mr. Centner asked, do we have scheduled projects waiting on this particular machine?

Mr. McCully answered, it takes between 3-4 months for delivery so we would like to get this in the early to late spring. The piece of equipment we have now runs fine but it does get used on a daily basis and things are starting to go wrong with it. It is going on eight years old. We will use the machine for snow removal as well as drain installation during the winter months. We are starting to get some roads ready now for paving next year.

Mr. Centner thanked the Public Works and Engineering Departments for the correction to the drainage problem on Mountainview Road and the corner of Bailey Avenue. It looks good and the neighbors are appreciative of the work.

Mr. Brodinsky asked about the sources of funding for the transfer. Mr. McCully's December 5<sup>th</sup> letter seems to suggest that he has already purchased fencing for several parks and a surplus remains in some accounts. Have all of the items listed as source accounts for the transfer been purchased and paid for?

Mr. McCully answered, yes. We were able to tie in the carpeting for the Town Hall, Railroad Station and Fairfield Blvd. in one bid, resulting in a lower bid price, saving us money.

Mr. Brodinsky asked, are there any additional monies left over in these capital accounts or are they drained dry?

Mr. McCully answered, there may be some but it will only be a few dollars.

Mr. Brodinsky asked, if, at the end of the year, those dollars remain unspent, what happens to them?

Mr. McCully answered, I would not be able to use them. We will close out the accounts and any remaining funds go back into the general fund.

Mr. Parisi asked Mr. McCully to describe what a gradall excavator is to everyone.

Mr. McCully answered, it is similar to what you see on a track machine. It is able to rotate 360 degrees. The unique thing about it is, because of the way it is designed, the boom telescopes in and out and the excavating bucket can be rotated 180 degrees. It is a very versatile machine. You can drive it from one project to another.

Mr. Wright asked, how much money was in the Carpeting- Fairfield Blvd. Account originally?

Mr. McCully answered, \$15,000. The Town Hall contract was approximately \$58,000.

The vendor extended the low prices we were able to get for the Town Hall to the other jobs.

Mr. Wright asked, was there a contract for the carpeting for Fairfield Blvd.?

Mr. McCully answered, no. The same contractor who installed the carpet in the Town Hall and will be doing the Railroad Station, has already installed the carpet at Fairfield Blvd. It is one contract with several locations. Combined, the total for carpeting was approximately \$80,000.

Pasquale Melillo, 15 Haller Place, Yalesville thanked Mr. McCully for placing the work out to bid and stated that he has set a good example for other departments to follow.

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

ITEM #11 Consider and Approve One (1) Appointment/Re-Appointment to the Planning & Zoning Commission for a Five Year Term to Expire 1/8/2006

Motion was made by Mr. Rys to Re-Appoint Jim Seichter to the Planning & Zoning Commission for a Five Year Term to Expire 1/8/2006, seconded by Mr. Farrell.

Mr. Parisi announced that Mr. Seichter was not in attendance tonight and neither were the next two appointees. He stated that he would make every effort to have them appear at the Council's next meeting so that the public can meet them. He felt they were familiar figures to the public since they have served for many years. He will still make an attempt to have them in attendance at the next meeting. He was not sure why none of the appointees were in attendance.

Mr. Brodinsky made a motion to Table the Appointments until all appointees are in attendance, seconded by Mr. Vumbaco.

Mr. Brodinsky stated, it has been our stated policy to get appointees here. Especially with respect to the Housing Authority, there is sort of a trend developing that the Council has requested representatives from the Housing Authority here on two occasions and on two occasions they just didn't show.

Mr. Parisi stated, with all due respect we have no policy but, fine.

VOTE TO TABLE: Zappala was absent; Brodinsky, Papale and Vumbaco, aye; Centner, Farrell, Knight, Rys and Parisi, no; motion failed.

VOTE ON ORIGINAL MOTION: Zappala was absent; Brodinsky and Vumbaco abstained, Centner, Farrell, Knight, Rys and Parisi, aye; motion duly carried.

ITEM #12 Consider and Approve One (1) Appointment/Re-Appointment to the Zoning Board of Appeals for a Five Year Term to Expire 1/8/2006

Motion was made by Mr. Rys to Re-Appoint Ellen Mandes to the Zoning Board of Appeals for a Five Year Term to Expire 1/8/2006, seconded by Mr. Farrell.

Mr. Brodinsky asked if Ms. Mandes was present?

Mr. Parisi replied, no.

Mr. Brodinsky made a motion to Table the Appointments until all appointees are in attendance, seconded by Mr. Vumbaco.

Mr. Parisi stated that it is very irregular. As policy stands, it has always been a matter of privilege that any appointments offered by a political party have been honored by both sides of the table. I think you should know that.

VOTE TO TABLE: Zappala was absent; Brodinsky, Papale and Vumbaco, aye; Centner, Farrell, Knight, Rys and Parisi, no; motion failed.

VOTE ON ORIGINAL MOTION: Zappala was absent; Brodinsky and Vumbaco abstained, Centner, Farrell, Knight, Rys and Parisi, aye; motion duly carried.

ITEM #13 Consider and Approve One (1) Appointment/Re-Appointment to the Housing Authority for a Five Year Term to Expire 10/31/2005

Motion was made by Mr. Rys to Re-Appoint Chester Wojcik to the Housing Authority, for a Five Year Term to Expire 10/31/2005, seconded by Mr. Farrell.

Mr. Brodinsky made a motion to Table the Appointments until all appointees are in attendance, seconded by Mr. Vumbaco.

He stated, to respond to your earlier comment, Mr. Chairman, there have been many Council and Mayoral appointments in the past and the candidate or appointee has been in attendance. At least on one occasion I asked questions of an individual. I think it is appropriate for them to be here. If three are not here, it is also appropriate to table the item and wait for a mutually convenient time.

Mr. Parisi replied, that is fine.

VOTE TO TABLE: Zappala was absent; Brodinsky, Papale and Vumbaco, aye; Centner, Farrell, Knight, Rys and Parisi, no; motion failed.

VOTE ON ORIGINAL MOTION: Zappala was absent; Brodinsky and Vumbaco abstained, Centner, Farrell, Knight, Rys and Parisi, aye; motion duly carried.

Philip Wright, Sr., 160 Cedar Street asked, can we get some information about Mr. Wojcik?

Mr. Parisi stated, he has been on the Housing Authority; he has served one term already. We went through an interview the first time we appointed him. He must be doing a good job because he was recommended again.

Mr. Wright replied, I would like to believe that is correct but I also would like to know how long the gentleman has been residing in the housing development there?

Ms. Papale answered, when Mrs. Kennedy died, about 3-4 years. He has been a tenant ever since I can remember.

Mr. Wright stated, you know how I feel about people not being in attendance. Somebody is remiss, whether it is the Council; someone is remiss. I do wish there was some way it would be made hard and fast...it is a shame that the people on my right have to abstain when it was perfectly reasonable, in my opinion, to insist that the people be here before you go ahead with it.

Mr. Parisi answered, let me refresh your memory and everyone else's. We do have a procedure which is available to every Councilor and that is the interview process. If a name is put on the agenda and no one requests an interview, then the name is brought forward. If an interview is requested, the name would not be put on and every Councilor would have the right to sit in the Council Chambers and interview the candidate. I think we did that the first time Mr. Wojcik was appointed. We interviewed two candidates. That is the procedure. Now it could be that they were not informed about this tonight. I am going to tell you that I truly don't know. I can tell you that I will look into this tomorrow and try to determine why they weren't here. Maybe they weren't notified.

Mr. Wright asked if Mr. Parisi would let him know what he found out. We have gone down this road a few times before.

Mr. Parisi stated, these are not new people and if they were I would be more inclined to agree with you.

Mr. Wright stated, I understand that but I do believe that the people should be here, sworn-in and let the public meet them.

Mr. Parisi stated, we are not going to interview them the night that they come.

Pasquale Melillo, 15 Haller Place, Yalesville agreed with Mr. Wright. The public should be allowed to ask the appointees questions.

ITEM #14 - Withdrawn

ITEM #15 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations with Respect to Pending Litigation in the Matters of:

- Ronald Gagliardi v. Town of Wlfd.
- Joseph Warzecha, et al v. Town of Wlfd.

and to Discuss Strategy and Negotiations with Respect to Pending Claim by Paul Pizzo against the Town of Wallingford – Town Attorney

Motion was made by Mr. Rys to Enter Into Executive Session for Item #15, seconded by Mr. Farrell.

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

The Council entered executive session in the Town Council Office at 8:07 P.M.

Ronald Gagliardi v. Town of Wlfd.

8:15 P.M. – Present for this matter was Atty. David Weil, Personnel Director Terrence Sullivan, Town Atty. Janis Small, Risk Manager Kurt Treiber, Mayor Dickinson and all Councilors, with the exception of Mr. Zappala.

Paul Pizzo v. Town of Wlfd.

8:26 P.M. – Present for this matter were all Councilors, with the exception of Mr. Zappala, Mayor Dickinson and Atty. Janis Small.

Warzecha v. Town of Wlfd.

8:30 P.M. – Present for this matter were all Councilors, with the exception of Mr. Zappala, Mayor Dickinson, Atty. Janis Small, Parks & Recreation Director Thomas Dooley and Atty. Gerarde.

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

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

The Council exited executive session at 8:59 P.M.

ITEM #16 Withdrawn

ITEM 17 Consider and Approve the Settlement of the Workers' Compensation Matter of Ronald Gagliardi v. Town of Wallingford as Discussed In Executive Session

Motion was made by Mr. Rys to Settle the Matter as Discussed in Executive Session, seconded by Mr. Knight.

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

ITEM #18 Consider and Approve a Settlement of Pending Litigation in the Matter of Joseph Warzecha, et al v. Town of Wallingford as Discussed in Executive Session

Motion was made by Mr. Rys to Approve the Settlement of the Matter as Discussed in Executive Session, seconded by Mr. Knight.

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

ITEM #19 Consider and Approve the Settlement of a Pending Claim by Paul Pizzo Against the Town of Wallingford as Discussed in Executive Session

Motion was made by Mr. Rys to Approve Settlement of the Matter as Discussed in Executive Session, seconded by Mr. Farrell.

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

ITEM #3i Motion was made by Mr. Rys to Remove Agenda Item #3i from the Table, seconded by Mr. Farrell.

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

ITEM #3j Consider and Approve a Lease Boundary Modification Between The Town and PPL Wallingford Energy, LLC Concerning the Alfred Pierce Station – Public Utilities Commission

Mr. Vumbaco could not determine what the minor changes were to the southwest portion of the Pierce Plant property. What is considered minor? Is it a 3', 6' change?

Director of Public Utilities, Raymond F. Smith answered, it doesn't effect the north or west boundary. In the original layout, the detention basin/retention pond, was in conflict with where we were going to locate one of the transmission poles. It was in our mutual best interest to re-shift that a little bit. If you ask us me the exact dimensions, I am thinking along the order of twenty feet or something like that.

Mr. Vumbaco asked, is it near the switchyard?

Mr. Smith answered, it is to the west and south of the switchyard. We have re-configured the switchyard a little bit. Also, in the original layout, they did not allow for the road that is taking a new curve. It is taking off a piece of the Electric Division property. The original boundary was slightly off because it did not take that road into consideration. That was at the recommendation of the Town Engineer. That came about afterwards.

Mr. Vumbaco asked, is there any monetary issues involved with this?

Mr. Smith answered, no.

Mr. Vumbaco asked if this was a second lease with no additional cost?

Mr. Smith answered, it is a second amendment to the lease. This re-describes the boundary. It is somewhat confusing if you look at them isolated because it looks like the first one is out into the roadway. There are no material changes; no gain in the property. It really had to do with the location of one of those poles. Also, it would help us in the sewer line re-configuration.

Philip Wright, Sr., 160 Cedar Street asked, who from the Council is the liaison person to the P.U.C.?

Mr. Rys answered, I am.

Mr. Wright stated, I haven't seen you there (at the P.U.C. meetings) lately.

Mr. Rys stated, I don't go.

Mr. Wright asked, why?

Mr. Rys answered, due to availability. The meetings are too early.

Mr. Wright stated, it seems to me that someone, who has the time available, ought to be the liaison person to that commission.

Mr. Rys stated, there are two other individuals who are on the committee.

Mr. Wright asked, who are the other two?

Mr. Brodinsky and Mr. Knight serve as members of the Council's sub-committee.

Mr. Brodinsky stated, I am one who serves on the committee. I review the minutes but it is my view that the liaison system is dysfunctional. That is why I don't attend.

Mr. Rys stated, that is your opinion.

Mr. Brodinsky answered, I just said it is my opinion.

Mr. Wright stated, just because you believe it is dysfunctional you should not abandon your responsibility to the Town.

Mr. Parisi stated, that concept was introduced at a time when it was extremely appropriate for Council people to monitor the various commissions as they were assigned. Quite frankly, I sometimes question the structure as it exists now. I don't know what function, quite frankly, other than the Merit Review Board, which is probably the most specific assignment that the Council has because it sits and appraises the performance of employees. I have some reservations myself and I have mentioned it to my colleagues on occasion, just how effective the Council committee structure is. At the time it was introduced it was in a different era when, in fact, it seemed rather appropriate to monitor some of the boards and commissions. Now things are a lot more smoother than when this concept was introduced. I am not trying to justify attendance or non-attendance but it is my opinion that I question the necessity on all occasions.

Mr. Wright stated, tell Steve Knight that so he doesn't bother going to the Board of Education meetings.

Mr. Parisi stated, I think you have the wrong perception of the assignments. It never meant that you had to attend every meeting. It didn't mean that at all. It is a conduit for that Board or Commission to reach the Council should it have to. On occasion there is discussion with the Council Planning & Zoning Liaison Committee by the chairman of Planning & Zoning as to a joint workshop or something like that. That could exist with any of the other Council committees. The liaison committee was established at a time when the Council and Board of Ed couldn't be put in the same room because there was

fear that they would harm each other. By having that committee, there was an easier and more appropriate way of exchanging information.

Mr. Wright stated, you and I totally disagree on this. I agree that they don't have to go to every single meeting but if there is three people assigned to the P.U.C. Liaison committee, someone ought to be there once in a while.

Mr. Parisi stated, they will judge by the agendas as to what the importance of the meeting is and then they will stand to fall on what that judgment is.

Mr. Wright stated, I don't know what has happened in this town over the years that justifies your position concerning this. I don't know.

Mr. Parisi stated, I have lived through it and at a time I could understand that there was a necessity to attend. The items now are not quite of the dynamics that they were at that time, therefore I don't know that it is necessary and, as Mr. Brodinsky said and I would have to agree with him, that it demands his attention every meeting or the other councilor's. That is my opinion and yours is as good as mine is.

Mr. Wright answered, but you have the power, I don't.

Mr. Parisi answered, I have no power. I cannot demand....

Mr. Wright answered, you have the votes, I don't. He asked Mr. Smith, as I recall, when this item was discussed at the P.U.C. meeting, there was a question as to ash pit and getting into having to remove ash down there and send it out. Did I misunderstand?

Mr. Smith answered, you are correct. The developer encountered a large area of ash in his excavation where the sewer line was going to be. It was unanticipated and did not show up on any drawings. He removed about 9,200 cubic yards of it. What we are checking into now is what is going to be required with the balance of it. There is more ash. We are investigating what the issues or obligations are that may be associated with the remainder of the ash area. I don't have a report yet.

Mr. Wright asked, who is responsible for the removal and disposal of the 9,000 cubic yards of ash?

Mr. Smith answered, it was the contractor. They paid for all of that, including shipping it out of state. We did not incur any costs associated with that. But, obviously, there is ash that goes beyond the boundaries of the lease area that we are looking into and what the obligations are with that. Our consultant is looking into it.

Mr. Wright asked, who is the consultant?

Mr. Smith answered, at this point it is Payne Environmental who is on retainer. We obtained a waiver of bid earlier this year for environmental studies.

Mr. Wright asked, specific to that project?

Mr. Smith answered, no. That project was unknown at the time. We have a retainer. We bid for annual services for environmental-related needs. This is one such issue or need. We need to know what our obligations are under the D.E.P. rules and regulations.

Mr. Wright asked, in the worst case scenario, is it apt to cost the town some money?

Mr. Smith answered, possibly could, yes.

Mr. Wright asked, to develop coal ash?

Mr. Smith answered, to develop a closure plan. The removal of ash may be one of the solutions; put a semi-permeable layer over it; I don't know what the options are but these are early possibilities that have been described to me. As soon as I get all of the information we will have to come back and report out.

Mr. Wright asked, if we didn't have to move that utility pole, this would never have come up?

Mr. Smith answered, if they weren't excavating in that particular area, it is possible that it may never have come up and it may have come up ten or twenty years from now, I don't know. Ash is rather a benign substance, in my opinion, but, unfortunately, CT. it is a regulated special waste, not a hazardous waste. If you cross the border into Massachusetts, they use it for landfill cover. It was a surprise to me that this is how we must dispose of it.

Pasquale Melillo, 15 Haller Place, Yalesville asked, does the DPUC of the State have to give their o.k. in this matter, in any way?

Mr. Smith answered, no, not with regards to the lease amendment.

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

ADDENDUM ITEM #21 Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Underground Conduit Acct. #402-366-000 to Lease Property Act. #402-372-000 – Director of Public Utilities

This transfer is necessary to continue Division's operations which provides for new rental lighting equipment under the Electric Division's Private Lighting Rate No.6. The original budget allocation has been depleted due to an extraordinarily high demand for rental flood lighting. The Division has installed/replaced approximately 40 units to date, which is over twice their historic experience.

Motion was made by Mr. Rys, seconded by Mr. Centner.

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

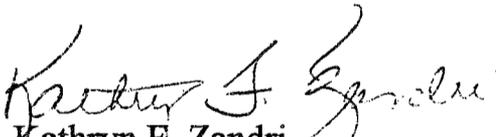
On behalf of the entire Council, Mr. Parisi wished all the residents of Wallingford a happy and healthy holiday season; happy Hanukkah, Feliz Navidad, Bona Natale and Merry Christmas.

Motion was made by Mr. Centner to Adjourn the Meeting, seconded by Mr. Farrell.

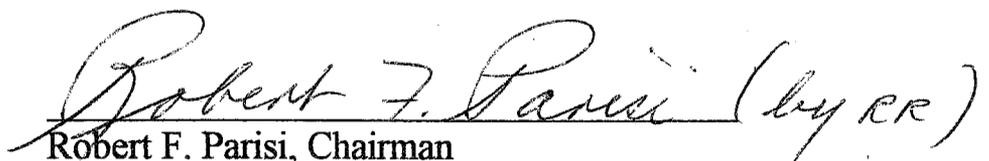
VOTE: Zappala was absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 9:17 P.M.

Meeting recorded and transcribed by:

  
Kathryn F. Zandri  
Town Council Secretary

Approved by:

  
Robert F. Parisi, Chairman

Date

1-17-01

*Rosemary A. Rascati*  
Rosemary A. Rascati, Town Clerk

Date

1-17-01

**BUILDING CONSTRUCTION INSPECTOR**  
Town of Wallingford

**POSITION TITLE: BUILDING CONSTRUCTION INSPECTOR**

**GENERAL DESCRIPTION:**

This is responsible building construction inspection work involving the inspection of construction to insure compliance with applicable local and State building construction codes. It is also responsible for inspection work involving the inspection of housing and buildings for compliance with Town ordinances and regulations related to rental housing.

Work involves responsibility for enforcing construction standards required for commercial, industrial and residential buildings, including multi-family dwelling units. Duties include inspecting, evaluating and reporting on construction work in progress, conducting investigations for compliance with structural safety requirements, preparation of reports relative to inspections and making efforts to obtain compliance with all relevant ordinances and regulations.

This work requires that the employee have good knowledge, skill and ability in the inspection responsibilities related to local and State building codes and housing codes and regulations.

**SUPERVISION RECEIVED:**

Receives general supervision from Building Official or others as designated.

**EXAMPLES OF DUTIES:**

Performs inspections of building construction, alteration or repair for compliance with local and State building codes, ordinances and regulations. Investigates for compliance with structural safety requirements. Conducts on-site inspections of rental housing and related structures. Collects data and compiles inspection results.

Identifies violations and hazards in conjunction with inspection activity. Cites property owner for housing code violations. Issues certificates of compliance to property owners.

Reviews existing buildings. Examines documents of building construction, alteration or repair. Reviews applications, specifications and sketches for permits to determine conformity to applicable codes.

Conducts research of applicable records and assists in the identification and reporting of violations of various codes, ordinances and regulations. May assist in the coordination of inspection activity among various municipal departments.

Advises superiors on enforcement and other areas of concern. Where warranted, recommends condemnations to the Building Official. Prepares affidavits and other court documentation for enforcement action. May testify on behalf of the Town.

**BUILDING CONSTRUCTION INSPECTOR**  
Town of Wallingford

Prepares reports of inspection activity. Completes forms and reports on work assignments as directed.

Responds to public inquiry regarding applicable building and housing codes.

May supervise other employees as assigned.

Performs related work as required.

**KNOWLEDGE, SKILLS AND ABILITIES:**

Thorough knowledge of applicable building and housing codes, ordinances, regulations and other referenced standards.

Good knowledge of the materials, methods and techniques used in building construction.

Good ability to read and interpret plans and specifications.

Good ability to recognize faulty construction or hazardous conditions.

Good ability to work in extreme weather conditions and to maneuver in and around rough terrain and unfinished work areas on a variety of construction sites.

Good ability to communicate orally and in writing.

Good ability to administer polices and procedures including scheduling, routine decision-making and the completion of forms and reports.

Good ability to establish and maintain effective working relationships with superiors, coworkers and the general public.

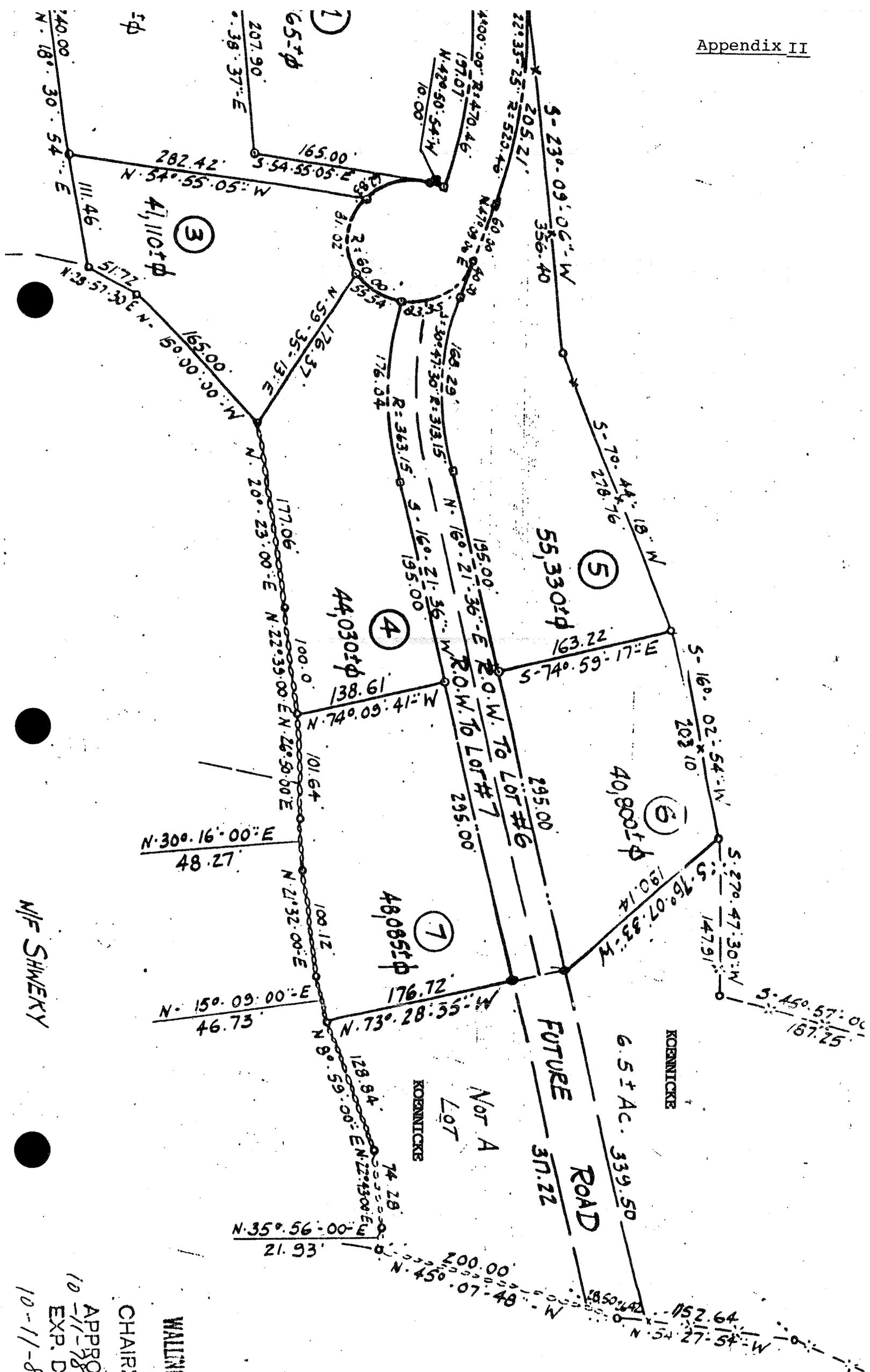
**QUALIFICATIONS:**

Graduation from high school or vocational/technical school and three (3) years experience in building construction, code enforcement or related work OR an equivalent combination of experience and training substituting on a year-for-year basis.

**SPECIAL REQUIREMENTS:**

Must possess and maintain a valid State of Connecticut Construction Inspector License or obtain the same within six (6) months of hire.

Must possess and maintain a valid State of Connecticut Motor Vehicle Operator's License.



N/P SHWEKY

WALLENBERG  
CHAIRMAN

APPROVAL  
10-11-88  
EXP. DATE  
10-11-83

AF

AGREEMENT

We, JOHN BARTLETT and DAWN MCCOMBS, hereby agree that, if the Town of Wallingford transfers to us the area shown as "Future Road" on a certain map entitled, "Re-Subdivision Map Property of Ruth E. Jepson, Old Lane, Wallingford, CT, Scale 1"=100.0', Date: 8/19/78", we will:

1. Install a sprinkler system in any structure that is constructed on the property shown on said map as Lot 6 and "Not a Lot";
2. Merge the property shown on said map as Lot 6 and "Not a Lot" into one building lot and only construct one dwelling (together with any accessory buildings attendant to the use and enjoyment of said dwelling) thereon.
3. We further agree that the Town may withhold a certificate of occupancy for any building thereon until proof of both of these conditions has been satisfactorily provided.

\_\_\_\_\_  
John Bartlett 12/18/00

\_\_\_\_\_  
Dawn McCombs 12/18/00

Bartagt (12/17/00)

## **REPORT TO TOWN COUNCIL**

**DECEMBER 19, 2000**

**Good evening**

**As requested by town councilor Brodinsky, I have prepared a brief report for the town council. With the council's permission, I will present that report now.**

**In calendar year 2000 to the present date, the Fire Prevention Bureau has performed a total of 950 inspection and code related activities. These include building inspections, inspections of fire protection systems of various kinds, inspections for approval of building certificates of occupancy, plan reviews for new construction, liquor permit renewals, and hazardous materials including gasoline filling stations, natural gas and propane filling operations, and hazardous material transport vehicles. As reported to the Town Council earlier this year, the Fire Prevention Bureau during calendar year 1999 performed a total of 573 inspection activities. This year to date we have increased our numbers by 377 inspections. This has been accomplished by identifying the properties in the most peril, and systematically scheduling those properties for inspection.**

**Our Target Hazard Inspection Program has completed the inspection of over 440 multiple unit housing structures, virtually all of the town's apartment buildings containing three units of housing or more. Almost all of those structures are now reasonably assured of being code compliant with a small number that are still in the process of being brought up to code. The next phase of the Target Hazard Inspection Program will be targeting mixed-use residential properties as identified from the tax assessor's list. We estimate that there are approximately 247 structures of this type in town, usually comprising of stores and offices with dwelling units contained within or attached.**

**Our fire investigations for the year 2000 are down from 1999. In 1999 this office performed 19 fire investigations. To date this year we have done 12 fire investigations, 7 less than last year. This office is hesitant to take direct credit for the decline in serious fires due to the fact that fires are unpredictable, but we like to feel that our code enforcement efforts combined with an extremely professional investigative approach may be partly responsible for the decline in fires in our town.**

**Our public fire education is ongoing. This office is in the midst of running the state wide fire prevention poster contest for all fourth and fifth grade students in all schools in the town of Wallingford. We have picked two local winners whose posters will be forwarded to the countywide judging and then hopefully, on to the statewide competition. The fourth grade winner is Billy Abildgaard of E.C. Stevens school and the fifth grade winner is Julia Czaplinski from Rock Hill school. Both winners will be awarded a \$50 savings bond donated by firefighters union local #1326 and will have a presentation ceremony at fire headquarters sometime in January. Also, this office supplied fire prevention materials to hundreds of town residents during fire prevention month and two smoke detector banners that hang in front of the two main firehouses. Recently, I also made two public service announcements regarding fire prevention that have aired on public television.**

In regards to information management and record keeping, we have now entered a complete list of properties into our database. This will give us access to information on property addresses, owners names and mailing addresses. This was accomplished by coordinating the fire department network administrators who control our computer network, and the tax assessors office who supplied us the information on disc. This cooperative effort is paying off by freeing up inspector's time in both the fire prevention bureau and the tax assessor's office. Another change that has been completed in this office is establishment of a street file indexing system where as all property records are filed by street name and number, allowing us to store a complete building history regardless of the changes in occupancy that may occur.

The next challenge that this office is facing is the updating of our inspection software package from Firehouse 3.0 to Firehouse 5.0. Since we are integrated onto the fire departments computer network and share their server, and with their update to Firehouse 5.0 tentatively scheduled for early 2001, we must insure that our hardware is compatible with and capable of handling the new software update. We are preparing to look at each computer configuration to insure a smooth transition and at present only anticipate a small upgrade of hardware in one machine.

Recently, we lost our part time clerk to a more lucrative job opportunity. I have advertised for a replacement and expect to interview prospective candidates in January. As in the past, I will coordinate the hiring process with the town personnel department and Councilor Parisi.

I hope this interim report meets the expectations of the town council and answers any questions as to the direction that the Fire Prevention Bureau has taken in the last several months as well as the past year. As always, we will endeavor to perform our duties in a thoroughly competent and professional manner to protect the lives and well being of our community.

Respectfully submitted,  
Joseph P. Micalizzi Jr.