

Town Council Meeting

December 10, 1985

7:30 p.m.

Rosemary A. Rascati  
Town Clerk  
(10)

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Consider resolution consolidating various purpose Bond Anticipation Notes in the amount of \$5,400,000 as General Public Improvement Bonds Issue of 1986.
- (4) Consider resolution authorizing the General Fund of the Town of Wallingford to advance cash in an amount not to exceed \$2,500 to SCOW, Spanish Community of Wallingford, to be returned to the General Fund immediately upon receipt of State Funds.
- (5) PUBLIC HEARING 8:00 p.m. on AN ORDINANCE REQUIRING EXTERMINATION OF RODENTS PRIOR TO THE DEMOLITION OR RENOVATION OF A STRUCTURE.
- (6) Consider & approve the following Budget Amendment requested by Joseph J. Bevan, Chief of Police:
  - (a) Establish new line item account #811-801.
  - (b) Appropriation of \$27,365 to Unappropriated Fund Balance  
Appropriation of \$27,365 to A/C 811-801, Police Station  
Capital Project Fund Office Furniture.
- (7) EXECUTIVE SESSION--discussion of renewal elements in the Double A Transportation contract.
- (8) Consider & approve the following transfer requested by Carmen T. Spiteri, Building Department:  
\$420 from A/C 805-319 to A/C 205-890 Building Refunds/Permits.
- (9) Consider the following reappointments to the Transit Authority for a 4 year term commencing 9/16/85 and ending 9/16/89:  
Eugene H. Dauplaise, Treasurer  
Daniel A. Lucas, Secretary  
Ann R. Pikor  
Harry H. Wolf
- (10) Consider & approve Lease Agreement for the Gymnasium at the McKenna Court Project, requested by Mayor Dickinson.
- (11) Consider & approve the following requests made by Raymond A. Denison, Office Manager, Water & Sewer Division:  
Budget amendment to amend fiscal year 1985/86 budget:
  - (a) \$11,785 from Net Income TO: \$8,565 to A/C 642-000 &  
\$ 3,220 to A/C 926-000.  
\$11,785 from Prior Retained Earnings to Net Cash Available.
- (11) (b) Budget amendment to amend fiscal year 1985/86 budget:  
Appropriation of \$10,000 from Net Income to A/C 633-000  
Appropriation of \$10,000 from Prior Retained Earnings to  
Net Cash Available.
  - (c) Budget amendment to amend fiscal year 1985/86 budget:  
\$17,000 from Prior Retained Earnings to Bond Payments  
\$ 7,000 from Net Income to A/C 427-000 Interest on  
Long Term Debt.  
\$ 7,000 from Prior Retained Earnings to Net Cash Available.
  - (d) A transfer of \$450 from A/C 344-086, \$2,250 from A/C 345-086,  
\$450 from A/C 348-086 (all fiscal year 1986), \$900 from A/C  
612-000, \$450 from A/C 663-000, \$1,800 from A/C 673-000,  
\$1,800 from A/C 675-000 & \$900 from A/C 677-000, a total of  
\$9,000 to A/C 925-001, WORKMEN'S COMPENSATION.
  - (e) A transfer of \$850 from A/C601-000, \$850 from A/C 642-000,  
\$1,700 from A/C 664-000, \$2,100 from A/C665-000 & \$6,200  
from A/C 920-000, a total of \$11,700 to A/C 925-001,

- (12) Consider & approve the following items requested by Charles F. Walters, Electric Division: 7/2
- (a) Consider waiving the bidding procedure for purchase of computer items.
  - (b) Consider & approve a transfer of \$138,400 from Council Contingency to A/C 391.
- (13) Consider & approve a transfer of \$1,850 from A/C 805-319 to A/C 701-675, requested by Mayor William W. Dickinson, Jr.
- (14) NOTE FOR THE RECORD the final report of the Ordinance Committee for the 1984-85 session, requested by Councilman Krupp.
- (15) Consider resolution concerning POW's and MIA's, requested by Charles R. Park, Executive Director and Chairman of the Board, Wallingford Vietnam Veterans Memorial Fund Committee. (Please note that resolution will be presented on December 10, 1985 and is not included herein.)
- (16) Consider acceptance of Town Council Meeting Minutes of November 26, 1985.

Summary of Town Council Minutes

December 10, 1985

Roll call and pledge of allegiance.	1
Invocation by Father Moyer.	1
Public Question and Answer Period.	1-2
Approved resolution consolidating various Bond Anticipation Notes in the amount of \$5,400,000 as General Public Improvement Bonds Issue of 1986.	2-6
Approved resolution authorizing the General Fund of the Town of Wallingford to advance cash in an amount not to exceed \$2,500 to SCOW, Spanish Community of Wallingford, to be returned to the General Fund immediately upon receipt of State Funds.	6-7
Approved an Ordinance requiring extermination of rodents prior to demolition of a structure.	7-10
Corrected copy of above Ordinance.	10
Moved up Items 8,9 & 10 on the agenda.	11
Approved an appropriation of \$420 from Unappropriated General Fund Balance to Building-Refunds-Permit, A/C 205-890.	11
Reappointed the following members to the Transit authority: Eugene H. Dauplaise Daniel Lucas Ann Pikor	(Terms commence 9/16/85 and end on 9/16/89) 11
Waived the waiting period for above appointments.	11
Town Council Support of the Resolution for the POW's and MIA's and letters to be sent to Congressmen for their support of this resolution.	11-17
5 Minute Recess	17
Established A/C 811-801.	18
Approved an appropriation of \$24,548 to Unappropriated Fund Balance and an appropriation of \$24,548 to A/C 811-801.	18-22
EXECUTIVE SESSION.	22
Approved the lease agreement for the Gymnasium at the McKenna Court Project.	22
Approved the following requests from Raymond Denison Budget Amendment to amend fiscal year 1985/86 budget.	
(a) \$11,785 from Net Income to: \$8,565 to A/C 642-000 & \$3,220 to A/C 926-000. \$11,785 from Prior Retained Earnings to Net Cash Available.	
(b) Appropriation of \$10,000 from Net Income to A/C 633-000 Appropriation of \$10,000 from Prior Retained Earning to Net Cash Available.	

- (c) \$17,000 from Prior Retained Earnings to Bond Payments  
 \$7,000 from Net Income to A/C 427-000 Interest on Long Term Debt 713  
 \$7,000 from Prior Retained Earnings to Net Cash Available.
  - (d) Transfer of \$450 from A/C 344-086, \$2,250 from A/C 345-086,  
 \$450 from A/C 348-086 (all fiscal year 1986), \$900 from A/C  
 612-000, \$450 from A/C 663-000, \$1,800 from A/C 673-000,  
 \$1,800 from A/C 675-000 & \$900 from A/C 677-000, a total of  
 \$9,000 to A/C 925-001, WORKMEN'S COMPENSATION.
  - (e) Transfer of \$850 from A/C 601-000, \$850 from A/C 642-000,  
 \$1,700 from A/C 664-000, \$2,100 from A/C 665-000 & \$6,200  
 from A/C 920-000, a total of \$11,700 to A/C 925-001. 23-24
- Waived Rule V. 24
- Approved the transfer of \$331 from A/C 343-086, \$1,653 from A/C 345-086,  
 \$389 from A/C 346-086, \$331 from A/C 348-086, \$661 from A/C 612-000  
 \$913 from A/C 663-000, \$1322 from A/C 673-000, \$1322 from A/C 675-000,  
 \$428 from A/C 676-000, \$661 from A/C 677-000, \$776 from A/C 902-000  
 and \$285 from A/C 932-000, a total of \$9,072 to A/C 642-000. 24-25
- Approved a transfer of \$217 from 920-000 to 920-000 (Sewer) and  
 a transfer of \$251 from 920-000 to 920-000 (Water). 25
- Item 12 Withdrawn. 26
- Approved a transfer of \$1,850 from A/C 805-319 to A/C 701-675. 26
- NOTED for the Record the Final report of the Ordinance Committee  
 Meeting for the 1984-85 session. 26
- Accepted Town Council Meeting Minutes of November 26, 1985. 26
- Approved Double A Transportation Contract along with the fact that  
 the Board of Ed. be permitted to sell two 1985 Ford Vans to the  
 Double A Transportation Co. 26-27
- Meeting Adjourned. 27

Town Council Meeting

December 10, 1985

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:36 p.m. by Chairman Gessert. Answering present to the roll called by Town Clerk Rascati were Council Members Bergamini, Gessert, Killen, Krupp, Papale, Polanski and Rys. It was then noted by Chairman Gessert that Councilman Diana would not be attending this meeting. Councilman Holmes did arrive after the roll was called. Also present for the meeting were Mayor William W. Dickinson, Jr., Town Attorney Vincent T. McManus, Jr., and Comptroller Thomas A. Myers. The pledge of allegiance was then given to the flag.

Father Moyer then gave the following invocation:

"Oh God the creator and sustainer of all, we bless you for caring for us and for working within history to rescue us from our land. Bless all those who in this season celebrate the Hanukkah festival and those who celebrate the birth of Jesus. Draw us closer to you and to each other in love and understanding. Bless the Mayor and Township Council members in their family celebration and strengthen them as they work for us within our community. All this I ask in the name of Jesus. Amen."

Father Moyer then remains standing and the Town Clerk swears him in to the Board of Ethics. He is then congratulated by the Council.

PUBLIC QUESTION AND ANSWER PERIOD

Mayor Dickinson then says he thinks they are all aware of the tremendous effort of the two high school football teams. Both are State Champions and he feels it is appropriate that the Town recognize their achievements and what he would like to do is have the Public Celebrations Committee and any other interested parties to organize an event to recognize them. He would at some appropriate time during the meeting request some input from the Council as to

their willingness for funding. The Committee would have to come back with what they wanted to do and what the potential cost might be. It might be good to give some indication if they are supportive. At this time all Council members said "aye" that they would be supportive to this action. 714

Mrs. Bergamini then said it would be nice if this were kept a secret so that the boys didn't read about it in the newspaper. The specifics should be kept quiet. Mayor Dickinson then says it is good for everyone to know they are doing something but the specifics will be kept quiet. Mrs. Bergamini says she has a few ideas.

Chairman Gessert then says that there are quite a few things that can be done to provide the recognition they deserve. They set State history this past weekend and he doesn't know any of them who will be around for this to happen again. This doesn't happen very often. If we do provide recognition it would be very gratifying for both sides of Town to be recognized. It would be very difficult if it were just one side.

Mr. Killen then says that everyone is happy about the football teams but as you know we had a great week. Those of you who attended will recall we had the National Honor Society at both High Schools and let us not forget we have many great scholars in Town. Chairman Gessert then notes that many of the faces are the same and many of them are multitalented.

Mr. George Soltesz, 7 Russell Street then asks the Town Council or the Mayor's secretary to write a letter to the State Treasurer and ask the State of Connecticut to reimburse the Town of Wallingford the \$230,000 it paid for the Armory on the grounds that it was discriminatory on the State of Connecticut's view point to take our money and take \$1 from other Towns. The taxpayers really got a walloping on this deal. It wouldn't hurt to ask the State Treasurer to reimburse the Town for this money.

Chairman Gessert says either he or the Mayor will draft that letter. He has no problem with asking for the money back.

Mrs. Bergamini then asks what Town did pay \$1 for their armory. Mr. Soltesz then replies West Haven is one of the Towns.

Chairman Gessert then says he would like to express his displeasure in Council Members that grab headlines that go from one end of the paper to the other that is seven columns long and then can't make it to the meeting. He saw Mr. Diana's article in the paper about how we ought to have \$40 million dollars worth of insurance coverage on our vehicles in the Schools. Mr. Diana is the first one to vote against any appropriation for education and he wonders what he would do with a bill for an extra \$3 million to pay for the insurance coverage. He feels Mr. Diana would be the first one to speak against this. However, he is the first one getting a massive headline complaining that there is not enough coverage on the school buses. Then he doesn't show up for a meeting.

Mrs. Papale then says first of all Mr. Diana may show up. She really feels this should be done when he is here. When you put an article in the paper, you never know how the press will put it in. We all know that. She feels we should hear his reasons first.

Mrs. Bergamini then says he put the headlines in before we had a chance to discuss it and that is morally poor.

Item 3 is then up for discussion.

Chairman Gessert then notes that this item is to consider a resolution consolidating various purpose Bond Anticipation Notes in the amount of \$5,400,000 as General Public Improvement Bonds Issue of 1986.

Mr. Rys then reads the following resolution:

RESOLUTION FOR TOWN COUNCIL  
TOWN OF WALLINGFORD

Be it hereby Resolved by the Town Council in Session that:

(i) \$95,000 of \$100,000 principal amount of MacKenzie Dam Bonds, Series A, authorized by Ordinance No. 306 enacted by the Town Council on the 23rd day of November, 1982,

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(ii) \$230,000 of \$1,693,000 principal amount of MacKenzie Dam Bonds, Series B, authorized by Ordinance No. 306, enacted by the Town Council on the 23rd day of November, 1982, amended by Ordinance No. 321 enacted by the Town Council on the 12th day of June, 1984,

(iii) \$2,275,000 of \$2,400,000 principal amount of Police Station Bonds authorized by Ordinance No. 307 enacted by the Town Council on the 26th day of April, 1983,

(iv) \$1,400,000 of \$1,450,000 principal amount of Road (Med-Way) Bonds authorized by Ordinance No. 311 enacted by the Town Council on the 28th day of June, 1983,

(v) \$700,000 of \$728,000 principal amount of Capital Improvement Bonds, Series E, authorized by Ordinance No. 308, enacted by the Town Council on the 24th day of May, 1983, amended by Ordinance No. 312 enacted by the Town Council on the 19th day of July, 1983,

(vi) \$700,000 of \$710,000 principal amount of 1984-1985 Capital Improvement Bonds authorized by Ordinance No. 320 enacted by the Town Council on the 8th day of May, 1984,

be consolidated and sold as one issue in the amount of \$5,400,000, such bonds to be known as General Public Improvement Bonds, Issue of 1986.

FURTHER RESOLVED, That the Mayor, Treasurer and Comptroller, or any two of them, are hereby authorized to solicit public bids and otherwise arrange for the sale of such bonds of the Town of Wallingford in the aggregate principal amount of \$5,400,000.

FURTHER RESOLVED, That the Connecticut Bank and Trust Company, N.A., be designated as certifying, paying and transfer agent for the foregoing bond issue and Adinolfi, O'Brien & Hayes, P.C., of Hartford, Connecticut, be designated as the attorneys-at-law to render an opinion approving the legality thereof.

This resolution was moved by Mr. Rys and seconded by Mrs. Papale.

Mr. Krupp then says in Item (iii) it indicates \$2,275,000 of \$2,400,000. It was his understanding that the 2.4 million was comprised of 2.1 in principle and an allowance of \$300,000 in buying costs. Is that correct?

Mr. Myers then says and short term interest costs. Mr. Krupp then says we are bonding \$2,275,000 which is more than the \$2,100,000. Mr. Myers says the original offer on its principle was \$2.1 million just for the purpose of constructing the Armory. \$300,000 was to be used for financing and bonding. The part they are financing is the short term interest during the period of construction. Those notes were originally borrowed. Mr. Krupp then asks, they are bonding to cover interest? Mr. Myers then replies they always do. Short term interest on projects during the term of construction. Those notes were originally borrowed on August 29, 1983. To August of 1986, they would be out 3 years. Part of the cost of a capital construction project is interest for the term of construction. Mr. Krupp then says it is strange to issue bonds on which you are going to pay interest so you can use a portion of those bonds to pay off interest on short term notes as opposed to bonding just the principle of the project. Mr. Myers then says they are repaying the bond by \$125,000 of the \$2,400,000. They had incurred interest costs during the construction.

Chairman Gessert then says if you look at the bonding rate back in August of 1983 vs. now there is a significant savings by waiting until now to bond.

Mr. Myers then says financially they can make any move they like as long as they budget the funds. They have some method of paying interest once they start borrowing money on notes. They don't have to bond interest but that has always been the scenario of Wallingford. They could pay the interest out of the tax rate as they incur it on any note but that has not been the plan. There is nothing wrong with what they are doing. It is a good plan and they did have money and they were able to pay it down so they are bonding less than they had anticipated. 716

Mr. Polanski then says instead of coming out of the tax rates, all the costs of the project come out of one pocket and they don't have to look further. Mr. Myers states that is exactly correct. They use the same format for bonding roads, schools, utility plant, etc. What is more notable here is that they are paying down issues and they are bonding less money that they had authorized in every case. This is very important. You will also notice that we are going to sell these bonds very short. They are 13 $\frac{1}{4}$  year bonds. The first payment will occur in June of 1986, 3 months after they issue them and final payment will occur 13 years out, 1998. These are some pretty short term bonds. They are not 20 year money.

Mr. Killen then questions Mr. Myers on the second item of \$230,000.

Mr. Myers explains that back in May when they were doing the budget, he wrote them a letter on May 3rd and amended his whole bond proposal. What happened here in going back over it with Joe Fazzi and George Post, they neglected to take into account that the original \$100,000, the architect and engineering fees on the MacKenzie Dam Project, were borrowed in January of 1983. That means that by January of 1987, those notes would have to be completely paid off with cash from the Town. They would either have to completely retire those notes or bond them. Two years after the notes were issued, the 3rd year, they have to make a principle payment of \$5,000. The fourth year you can make another principle payment but you also have to make an appropriation to pay that note off completely. What happened is that when they revised the bond plan to move up our schedule and get into the market right after the first of the year, they then went back to look at what other items they had out there to bond and said that \$100,000 item would be stuck all by itself next January 1987. You just can't go down to New York and sell \$100,000 bonds. It is unmarketable. He then met with Water & Sewer staff and said lets try and find out what the water fund can logically withstand on a very small portion of this MacKenzie money and fold it into the issue being supported by the General Fund and the Capital and Nonrecurring Fund and that is what they did. They determined it would be in the best interest of the Water Co. to sell \$325,000 of this MacKenzie money and fold it in with General Fund & Capital and Nonrecurring. If they had not done that, they would have been forced to come up with the \$100,000 next year to pay it off.

Mr. Killen then says they couldn't come up with \$100,000 rather than bond it again this time? Mr. Myers says no. They can withstand bonding because they did have some money put in their budget to reduce the payment and it was \$13,000. So they are looking at another \$17,000 back on bonding. The transfers will be coming before the Council tonight. If they did have available money he would look to reduce the balance. They are still going to have \$1,363,000 of the MacKenzie money to bond at a future date. When they have a better financial position, they could pay cash for some of that.

Mayor Dickinson then asks Mr. Myers if he mentioned the efforts they were going to make to inform people of the Town as to these issues.

Mr. Myers then says the other item as the Mayor just mentioned, is that they are going to attempt to inform the public in advance of when these bonds are going to be marketed and have a contact at the bank for people to call and if they would like to purchase any long term bonds, they are going to try and make the arrangements through Connecticut Bank & Trust Co. or some other financial institution. There will be an add in the newspaper very much like what appears in various financial papers in New York, such as the Bond Buyer. It will be a good size add and will tell the citizens about the issue. Bonds will be available to local purchasers in \$5,000 denominations. There have been occasions where people want to know when Wallingford Securities go on the market so they are going to do that this time.

Mr. Polanski then questions Mr. Myers on the Choral room at Lyman Hall. He knows it was paid but have they gotten money back. He is told they have not gotten the money back yet.

VOTE: Unanimous ayes with the exception of Mr. Krupp who voted no and Mr. Diana was not present; motion duly carried.

Item 4 is then up for discussion.

Mrs. Bergamini then moved the following resolution:

WHEREAS, The State of Connecticut Department of Human Resources has delayed the grant award:

In order to provide for program continuity prior to receipt of grant funds,

IT IS HEREBY RESOLVED: The General Fund of the Town of Wallingford advance cash in an amount not to exceed \$2,500.00 to meet payroll and other expenses of the following State funded program:

SCOW Spanish Community of Wallingford

The funds advanced are not to exceed the approved State Grant Fund budget and are to be returned to the General Fund immediately upon receipt of State Funds.

This motion was seconded by Mrs. Papale.

Chairman Gessert then says basically this is to provide operating capital until the State Grant comes in.

Mrs. Papale then asks what is taking it so long. They always got it right away.

Mayor Dickinson then says they just got the completed application back from the State without the check. Don Roe has been on it. There seems to be a problem between two State departments. It is nothing to do with the Town and the State. The State is saying you don't have it yet. There is some kind of paperwork and personality problem.

Mr. Krupp then says for reasons which he has stated in the past and therefore won't repeat because of his objection to the role of SCOW vs its name and the fact that there has been no action on the issue in a year and  $\frac{1}{2}$ , he will be voting against this item.

Mr. Killen then asks if this is a vehicle sufficient to transfer the funds. It isn't the normal form. Is a transfer required?

Mr. Myers says that we don't need a transfer because what he is making use of is available General Fund cash. He set it up as an account receivable. It is money due the General Fund from the SCOW Grant. They will just advance cash. It is not budgetary.

It is like the Day Care Center. When they get the money---they pay them back. Should the Grant not come through from the State, they will have to come back and ask for a transfer.

VOTE: Council Members Bergamini, Gessert, Holmes, Papale, Polanski and Rys voted yes; Council Members Killen and Krupp voted no and Mr. Diana was not present; motion duly carried.

Item 5 is then up for discussion. Chairman Gessert notes that this is a Public Hearing.

Mr. Krupp then moved and read the following Ordinance:

AN ORDINANCE REQUIRING EXTERMINATION OF RODENTS PRIOR TO  
THE DEMOLITION OR RENOVATION OF A STRUCTURE

BE IT ENACTED by the Town Council in Session that the following Ordinance is adopted.

I.

No permit shall be issued for the demolition of, or for a major renovation of a structure or building unless it has been shown to the satisfaction of the Director of Health or his agent, that said building or structure has undergone a proper extermination process so as to prevent the infestation of rodents or the propagation of any rodent population which may exist. The extermination process must be ongoing for at least a period of fourteen (14) days prior to the issuance of the permits. 718

II.

The extermination process shall also apply to any building or structure to be vacated for a period of thirty (30) days or more and shall be ongoing until the building or structure is occupied or demolished.

III.

Proof of process shall be either by an on-site inspection or presentation of a receipt showing that such work has been accomplished by an exterminator, registered or certified by the State of Connecticut.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of \_\_\_\_\_, 1985, in accordance with the provisions of the Charter of the Town of Wallingford.

Rosemary A. Rascati

Mrs. Bergamini seconded the motion for the ordinance.

There were no comments from the public on this ordinance.

Mr. Polanski then asked what is a major renovation.

Mayor Dickinson says what it becomes is a matter of judgement as to if you are redoing one room it is not going to disrupt the inhabitation itself. If you are rebuilding a significant portion or that involves areas such as basement that is likely to have a rodent population, then it would require a permit. They ought to have an exterminator at the Taber House before anything is moved. It is just a precautionary measure. If there is disruption of their area they will move elsewhere. It is a judgemental thing.

Chairman Gessert then says will Tom Clarke be as avid about this ordinance as he is about chasing signs? Mrs. Bergamini then says she feels permits would be issued by Carmen Spiteri.

Mayor Dickinson says there will have to be coordination between the Health and Building Departments.

Mr. Polanski then questions the second paragraph where it says the extermination process shall also apply to any building or structure to be vacated for a period of 30 days. If he leaves 30 days, he has to get his house exterminated?

Mrs. Papale says she feels this means if someone moves out and does not intend to return.

Mayor Dickinson then says he doesn't feel it will hurt the ordinance if they omit the 2nd paragraph.

Mr. Polanski then says the 2nd paragraph is too broad.

Mr. Krupp then says he would like Attorney McManus here since he wrote this. He would like to know what his legal definition of vacated is.

Mayor Dickinson says practically speaking what triggers this process is the permit for demolition or the building permit for renovation. A person going on vacation would not really trigger this.

Mrs. Bergamini then calls Carmen Spiteri up and asks him what is the procedure if someone wants to tear down a building. Mr. Spiteri then says they have to get a demolition permit from him. Mr. Spiteri then says the intent here is not when you go on vacation but when a building is vacated which means no one is using it. Mrs. Bergamini then says the neighbors would start complaining. Mr. Spiteri then says he felt this ordinance would be about a building that was abandoned and then demolished or then be demolished. However, there are a lot of buildings that are vacant that are not going to be demolished. They can be vacant for a year or five years and someone could buy it and renovate it. 719

Mrs. Bergamini then says if that is the case paragraph 2 would have to stay in.

Mr. Krupp then says Attorney McManus was trying to define vacate as meaning leaving the premises with no intent to return. Attorney McManus says again, no current intent to return is what was meant by that. You can't use vacant because a building could be vacant for 30 days if someone goes away.

Mrs. Papale says she knows what he is trying to say but it is so broad.

Attorney McManus then says unless they wanted to lay it out to say with no current intention to inhabit the building.

Mrs. Bergamini then asks if there is a phrase they could put in there such as he suggested that there was no current intent to return.

Mr. Krupp then says since Attorney McManus has legally defined vacated, why would they want to change it. The definition he has given is exactly what they are after.

Attorney McManus then says the only other thing they talked about was taking that 30 days and making it 90 or 100 days and just say vacant for any reason. Then what would start the process would be complaints from neighbors. They have tried to make it as flexible as possible. What is going to trigger any of this is complaints or an application for a permit. You want to make it workable. Otherwise if they get into abandoned, this is a state of mind, but vacate for a period of 30 days or more puts it back on the other guy that he has an intent to return.

Mr. Krupp then brought up the fact about the house where the man died and the house that is on South Cherry Street, the big boarded up building has got to be attracting rats.

Mr. Killen says the problem with these ordinances is when they want to get you, the little guy. These little things can be catchalls. If you want to get Dave Gessert, you may not be able to get him any other way but go through the ordinances and you will catch him. This is what scares him. He owns property and he knows for a fact that the building would be vacant for 30 days because someone is moving out and the other isn't moving in for 30 days. He is then suppose to for 14 days before that have this place exterminated. That is the language of this law. It can be interpreted that way easily.

Attorney McManus says what it does is give the people, and he would venture an opinion that the Town had a right under Public Health & Safety, that if there were complaints about infestation problems that were spreading, to go do something about it anyway.

Mr. Killen says it doesn't say anything in here about infestation or if the Health Department says you are OK or anything. The other day the judge at a swearing in ceremony said some words of wisdom. He said this young lawyer was pontificating. He brought this out because he said you should always have respect for your fellow man even though the lawyer was an advisory. This young man was pontificating before the court and the judge leaned down and said young man you may assume that the court knows the law, and the young man said with all due respect your Honor I made that mistake the last time. We may think we know what this says but when someone else interprets it you find out it is pointed at you.

Mr. Spiteri says he agrees with Bert. He thought it should be more than 30 days.

Chairman Gessert says that what is more realistic. Is 90 days more realistic? 720

Attorney McManus says you always have the option if you have an infestation problem under Public Health & Safety to make an application to Superior Court to go in there and treat it. On a case by case basis, you don't need an ordinance to do this. The people enforcing these things felt they needed an ordinance.

Mr. Krupp then says he will accept as a friendly amendment that the second paragraph in the ordinance say 90 days instead of 30 days.

VOTE: Unanimous ayes with the exception of Mr. Diana who was not present; motion duly carried.

The corrected Ordinance reads as follows.

AN ORDINANCE REQUIRING EXTERMINATION OF RODENTS PRIOR TO  
THE DEMOLITION OR RENOVATION OF A STRUCTURE

BE IT ENACTED by the Town Council in Session that the following Ordinance is adopted.

I.

No permit shall be issued for the demolition of, or for a major renovation of a structure or building unless it has been shown to the satisfaction of the Director of Health or his agent, that said building or structure has undergone a proper extermination process so as to prevent the infestation of rodents or the propagation of any rodent population which may exist. The extermination process must be ongoing for at least a period of fourteen (14) days prior to the issuance of the permits.

II.

The extermination process shall also apply to any building or structure to be vacated for a period of ninety (90) days or more and shall be ongoing until the building or structure is occupied or demolished.

III.

Proof of process shall be either by an on-site inspection or presentation of a receipt showing that such work has been accomplished by an exterminator, registered or certified by the State of Connecticut.

Mr. Homes then made a motion to move up Items 8, 9 & 15; seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Item 8 is then up for discussion.

Mrs. Papale then moved a transfer of \$420 from A/C 805-319 to A/C 205-890; seconded by Mrs. Bergamini.

Mr. Killen then suggested that the money come from the General Fund as this is where it went to in the first place.

Mr. Myers says there is no problem with that. He considered it a minor amount of money and that is why he put it under 805-319. If you want to take it from the Unappropriated Fund Balance that is fine. This will have to be amended, the form, where it says from---Unappropriated General Fund Balance. There is no account number. This is now an appropriation rather than a transfer.

Mrs. Papale then moved an appropriation of \$420 from Unappropriated General Fund balance to Building-Refunds-Permit, A/C 205-890; seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Item 9 is then up for discussion.

Chairman Gessert then says the following people would like considered for reappointment to the Transit Authority: Eugene H. Dauplaise, Daniel A. Lucas, Ann R. Pikor and Harry Wo.

Mr. Killen then says that Harry Wolf will not be able to serve. He will be going into Masonic Home and cannot serve. 721

Mr. Holmes then moves the reappointment of Eugene H. Dauplaise, Daniel A. Lucas and Ann R. Pikor; seconded by Mr. Krupp.

VOTE: Unanimous ayes with the exceptions of Mrs. Papale who was not present for the vote and Mr. Diana was not present for the meeting; motion duly carried.

Mr. Killen then moved to waive the waiting period since these terms have expired and he would like these people back in office; seconded by Mr. Krupp. (Terms commence 9/16/85 and end on 9/16/89).

VOTE: Unanimous ayes with the exceptions of Mrs. Papale who was not present for the vote and Mr. Diana was not present for the meeting; motion duly carried.

These three members were then sworn in by Town Clerk Rascati. The Council then congratulated them.

Item 15 is then up for discussion. This is to consider a resolution concerning POW's and MIA's, requested by Charles Park.

Mr. Sys then reads the first paragraph of the following resolution:

99TH CONGRESS  
1ST SESSION

## H. CON. RES. 129

To establish a congressional commission to be known as the Perot Commission on Americans Missing in Southeast Asia to determine whether or not United States prisoners of war are being held in Southeast Asia and to report to Congress appropriate action to effect the release of any prisoners of war found to be alive.

### IN THE HOUSE OF REPRESENTATIVES

April 24, 1985

Mr. HENSON submitted the following concurrent resolution, which was referred to the Committee on Foreign Affairs.

## CONCURRENT RESOLUTION

To establish a congressional commission to be known as the Perot Commission on Americans Missing in Southeast Asia to determine whether or not United States prisoners of war are being held in Southeast Asia and to report to Congress appropriate action to effect the release of any prisoners of war found to be alive.

Whereas over twenty-four hundred American servicemen remain unaccounted for from the Vietnam war;

Whereas 73 per centum of the American people believe the North Vietnamese are still holding American prisoners of war;

Whereas even though the Montgomery and Woodcock Commissions found in the mid-1970's that no Americans remained

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prisoner, hundreds of eyewitness accounts of alleged American prisoners of war have been reported to the Defense Intelligence Agency since that time;

Whereas Lieutenant General Eugene Tighe United States Air Force (retired), former Director of the Defense Intelligence Agency, stated in 1982 that during his tenure in the Defense Intelligence Agency, the prisoners of war-missing in action issue was a key issue for him and of high priority, he ordered a daily update every morning on his desk, he saw more information daily than any man in the world, and the evidence is clear to him that there are Americans being held against their will in Southeast Asia;

Whereas Lieutenant General Tighe has further stated publicly that some people involved in the United States' effort have been disclaiming good reports about remaining American captives for so long that it has become habit-forming, and has called for the formation of a special Commission to investigate the work of the very agency he headed, citing the Defense Intelligence Agency's work as showing a mind-set to debunk intelligence received on our prisoners of war; and

Whereas H. Ross Perot, who has served as a member of the President's Foreign Intelligence Advisory Board, is world-renowned for his exemplary public service, humanitarian efforts, and especially for his work during the Vietnam war on behalf of United States prisoners of war: Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring),*

3       There is established in the legislative branch of the Gov-  
4 ernment a congressional commission to be known as the  
5 Perot Commission on Americans Missing In Southeast Asia  
6 (hereinafter in this resolution referred to as the "Commis-  
7 sion").

8       SEC. 2. FUNCTIONS.

9       The Commission shall conduct a full and complete in-  
10 vestigation of all information made available to the United  
11 States Government and its agencies since the findings of the  
12 Montgomery and Woodcock Commissions, and report their  
13 findings on—

14             (1) whether or not prisoners of war are still alive  
15             and being held against their will in Southeast Asia;  
16             and

17             (2) the appropriate congressional action to effect  
18             the release of any prisoners of war found to be alive.

19       SEC. 3. APPOINTMENT AND MEMBERSHIP.

20             (a) MEMBERS.—The Commission shall be composed of  
21 fifteen members. Such members shall be selected, within  
22 thirty days of the date of the adoption of this resolution, by  
23 the Speaker of the House of Representatives and the Presi-  
24 dent pro tempore of the Senate from a bipartisan list of not  
25 less than twenty nominees submitted by H. Ross Perot, of

1 Dallas, Texas, who is hereby appointed to the Commission  
2 and shall serve as its Chairman.

3 (h) VACANCY.—Any vacancy occurring in the member-  
4 ship of the Commission shall be filled in the same manner in  
5 which the original appointment was made.

6 SEC. 4. AUTHORITY AND PROCEDURES.

7 (a) AUTHORITY.—For purposes of carrying out this res-  
8 olution, the Commission, or any subcommittee thereof au-  
9 thorized to hold hearings, is authorized—

10 (1) to sit and act during the present Congress at  
11 such times and places within the United States, includ-  
12 ing any Commonwealth or possession thereof, or else-  
13 where, whether the Congress is in session, has re-  
14 cessed, or has adjourned, and to hold such hearings as  
15 it deems necessary; and

16 (2) to require, by subpoena or otherwise, the at-  
17 tendence and testimony of such witnesses and the pro-  
18 duction of such books, records, correspondence, memo-  
19 randa, papers, and documents as it deems necessary.

20 (b) ENFORCEMENT.—Compliance with any subpoena  
21 issued by the Commission under subsection (a) may be en-  
22 forced only as authorized or directed by the House of Repre-  
23 sentatives or the Senate.

5

1 SEC. 5. ADMINISTRATIVE PROVISIONS.

2 (a) EXPENSES.—Subject to the adoption of expense res-  
3 olutions as required by clause 5 of rule XI of the Rules of the  
4 House of Representatives, the Commission may incur ex-  
5 penses in connection with its duties under this resolution.

6 (b) STAFF AND TRAVEL.—In carrying out its functions  
7 under this resolution, the Commission is authorized—

8 (1) to appoint, either on a permanent basis or as  
9 experts or consultants, such staff as the Commission  
10 considers necessary;

11 (2) to prescribe the duties and responsibilities of  
12 such staff;

13 (3) to fix the compensation of such staff at a  
14 single per annum gross rate which does not exceed the  
15 highest rate of basic pay, as in effect from time to  
16 time, of level V of the Executive Schedule in section  
17 5316 of title 5, United States Code;

18 (4) to terminate the employment of any such staff  
19 as the Commission considers appropriate; and

20 (5) to reimburse members of the Commission and

21 of his staff for travel, subsistence, and other necessary  
22 expenses incurred by them in the performance of their  
23 duties and responsibilities for the Commission, other  
24 than expenses in connection with any meeting of the  
25 Commission, or a subcommittee thereof, held in the  
26 District of Columbia.

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1 (c) EXPIRATION.—The Commission and all authority  
2 granted in this resolution shall expire thirty days after the  
3 filing of the report of the Commission with the Congress or  
4 just prior to noon on January 3, 1987, whichever occurs  
5 first.

6 SEC. 4. REPORT AND RECORDS.

7 (a) REPORT.—The Commission shall report to the Con-  
8 gress as soon as practicable during the present Congress, but  
9 not later than six months after the date of the adoption of this  
10 resolution, the results of its investigation and study, together  
11 with such recommendations as it deems advisable.

12 (b) FILING OF REPORT.—Any such report which is  
13 made when the House is not in session shall be filed with the  
14 Clerk of the House and any such report which is made when  
15 the Senate is not in session shall be filed with the Clerk of  
16 the Senate.

17 (c) REFERRAL OF REPORT.—Any such report shall be  
18 referred to the committee or committees which have jurisdic-  
19 tion over the subject matter thereof.

Mr. Rys then says basically what they are looking for is the support of the Town Council to call around to our Senators and Congressmen and show our support and ask them to support our action here tonight. Mr. Killen then seconds this motion.

Chairman Gessert then says his intention would be to send a letter not only to the two Senators from Connecticut and Congressman Morrison but he would direct that letter to all six Congressmen from the State of Connecticut on behalf of the Town of Wallingford. He would like to send out eight letters with a copy of the resolution.

Tony Baia then comments that since 1973 when the POW's were reportedly repatriated, reports were coming in of live sightings in Indo-China. There were 2 green beret, a Major Smith and a Sgt. MacIntyre who were assigned to special forces detached from Korea. This was 1981-1984. Their job was to see if there were any live POW's in Southeast Asia. Major Smith was a former POW himself, Sgt. MacIntyre was a metal of honor winner from the Vietnam War. Major Smith said when he first got involved in the operation said he did not believe there were any live POW's. One of the first things he was going to prove was there weren't. The more involved they got, the more reports they got, they began to gather information of live POW's in Southeast Asia. It was time to give the information to their Commander and at that time Major Smith was told that that report was too hot to handle and that if he wanted to continue his career in the military, he was to put that report through a shredder. Presently, there is litigation, Major Smith and Sgt. MacIntyre have started a class action suit against the government for its non-involvement in the live POW issue. One thing the Perot Commission would do would be find out the same information these two men already have and once they establish this, they will find a way to repatriate these men who are still held captive. It is a delicate situation. One thing they have to remember is that in 1973 the only POW's that were repatriated were only from North Vietnam. None from Laos or Cambodia. Many were known to have been shot down and held captive in those countries. Former PFC Robert Garwood who returned to the U.S. from North Vietnam and Vietnam in 1979 did an article and this is the item he passed out to them. It was in the Wall

Street Journal and said that in 1973-1979 he personally saw live Americans in North Vietnam, as well as being told there were live prisoners in North Vietnam. What they repatriated then was well known POW's. However, they did not release all. He then says this is why he would like the resolution to go out along with the letters to the legislators and get it on the band wagon. Wallingford is a leader in Connecticut. 725

Chairman Gessert then says this is a worthwhile effort. It is hard enough to go there and come back but it is hard to imagine the despair of someone left there who thinks he is going to be forgotten. This campaign is to see that those people are not forgotten about. Wallingford is the home of one of the longest held POW's only it was called a political person then and this was John Downey who spent 20 years in a Chinese prison camp. He was working for the government too. Again, he would like to see this adopted so that some movement can be made.

Ron Varney then says it is quite obvious from reading all the reports from many different people that what we are dealing with seems to be some type of cover up from people who are very high up. For a general to tell a major or sergeant or colonel to burn the reports because it was too hot to handle, somewhere up above the general got the word. It is a very big problem as to how to get the men out of there if they are there. How do we get them out short of declaring war on a small country in Southeast Asia that has to be communist as well. He dreads the thought that our national men are trying to cover this up. If this is what is happening, it is well beyond time that it is brought out and a congressional inquiry can bring this out.

Chairman Gessert says public pressure sometimes has a way of making government move. If they can start it and set examples for other Towns around, we will have taken a positive step.

Ron Varney says they are just a little cog but last year some good things happened from that.

Tony Baia then says one of the things the various organizations, such as the Forget-Me-Not organization, is trying to get public awareness. They were just on Phil Donahue, Major Smith and Sargeant MacIntyre, and as far as a coverup, it is very delicate. The U.S. Seems to want to ignore these people who went over and fought for their country and who are still in enemy hands. Again they are posed with how to go about doing this. They would like the situation resolved through political means as opposed to a Rambo type operation. The reports of the prisoners being held in Laos, the distance from any of the neighboring countries like Thailand is great and the success of a mission like that is not very good. Rather than risk the lives of the POW's they would like this resolved through political negotiations.

Mr. Rys then says he is convinced very much that the amount of MIA's they have in Southeast Asia, that there are people over there. What convinces him is that the government of Vietnam says you have all your people back, yet about a week or a week and  $\frac{1}{2}$  ago they sent the remains of 6 more people back from there. Every so often they send some back. It is about time they sent out this resolution and let Washington work on it.

Chairman Gessert then says Ron said a small cog came before this group to talk about building a monument, and this was one small effort yet everything starts out small. He then says what we are doing is adopting a motion to urge support of Congress for this resolution. We are not adopting the resolution.

VOTE: Unanimous ayes; motion duly carried. (Diana not present)

Chairman Gessert then says he will draft a letter and let all the Council Members sign this letter for the Congressmen.

Mr. Polanski then asks why the monument is covered and Tony Baia replies that they are fixing a seam on the monument.

Item 6 is then up for discussion.

Mr. Rys then moved to establish A/C =811-801; seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Mr. Krupp then moved to appropriate \$27,365 (budget amendment) to ... Fund Balance to A/C 811-801; seconded by Mr. Holmes.

Chairman Gessert then asks where is Chief Bevan and Mayor Dickinson then says he got word earlier that the Chief was sick.

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Mr. Polanski then asks why they need 40 desks in the patrol room classroom. How many people are on the force? Detective Hanley then says they have 60. Mr. Polanski then asks if they will have 40 people in the classroom at one time. Detective Hanley replies those would be off duty. In addition they have the 22 auxillary police. Mr. Polanski then comments that they have 120 more chairs and that there will be 160 places for people to sit all over the department. Mr. Polanski is then told those are the visitors chairs or the interview chairs. Mr. Polanski then asks if there has been any attempt to have the old chairs that the Town has available be transferred over there now. Mr. Polanski then says he sorted this by item and there are three different stacking chairs in all different places. Also, they have all different prices. They have on Item 5, stacking chairs, \$33 each and they want 38. Yet right below they have stacking chairs with armrests for \$23.50 each. On the next page they have stacking chairs without arm rests for \$21 each. What is the difference between all these? He has looked through this list and he feels they have prices going one way or another. He is irritated that the Police Chief's Office even with the discount is costing \$2,500 and the special conference room with Oak Swivel chairs is going to cost \$3,000 and the Deputy Chief's office is \$2,000. We are not building a showcase.

Detective Hanley then says you have to keep in mind that the Chief does not deal with street people. He deals with Executives and he wants to give them a little dignity when they show up. Lt. Mikulsky also said to keep in mind that they will be using his furniture somewhere else.

Mr. Polanski then comments that they say they need an end table to keep the aesthetic quality of the office? Come On! Mr. Polanski then says he is not trying to pick on them but he would be saying the same thing to the Chief.

Detective Hanley again says in dealing with the Chief and the Deputy Chief, they are dealing with an Executive position.

Mrs. Papale then asks who picked out the furntiure. Who came up with the figures.

Detective Hanley then replies Lt. Mikulsky.

Mayor Dickison then says that Lt. Mikulsky put together this list for him. He did it once and then the Mayor requested a list of what they were making use of the present furniture. He again did it a third time. There was a tremendous amount of work done. There are questions about whether they need one chair or two or whatever but one thing is true and that is that the offices over there are large. It is a big building. If you put in two big rooms, it will look skimpy. Quite a bit of work was put in this list.

Detective Hanley then says they tried to do this on a room to room basis.

Mr. Polanski then comments about the Deputy Chief's office, 2 chairs visitors, \$436. They want 10 chairs to go around a conference room at \$268 each, Oak Swivel Chairs. Mrs. Papale says they want them to last.

Chairman Gessert then says that those chairs will be there when her great grandchildren graduate from college. He doesn't feel the Chief uses that conference room 3 times a year. He looks at the chairs at this table that are used at this table and they were less than \$200 each and they are used 4 nights a week. He can't believe they are going to get more wear and tear than this conference room. We have at least a dozen of the plain wooden chairs that if someone wants to sit down for an hour at a conference are fine. We sat on them, the public sits on them, the press etc. They survive. If you look at the Mayor's conference room he has \$98 chairs that came out of Barker's. His conference room gets used more than the Chief's conference room is going to be used. He would like to have some of this money to buy cruisers. Not chairs. The same things Mr. Polanski looked at he looked at. Execxutive Judge's chair for the Chief's office \$264 but that is not good enough for the Deputy Chief, he has to have a \$401 chair. If we gave them an orange crate to sit on maybe they would get out of their offices and do some police work.

Mr. Polanski then says they have 3 different types of stacking chairs. Why can't they have the same type of chair in all different locations. If they bought 52 chairs of the same type maybe they would get a better break in price. Mr. Polanski also asks where the \$8,000 worth of refurbished furniture would be going. Do those people have to wait until the furniture is refurbished before they get it? Mr. Polanski says it might seem picky to save \$3,000 or \$4,000 but that is the Town who is saving. Why do they need the different chairs?

Lt. Mikulsky then says they got a better quality chair because this is where the men sit and do their reports. Since they are sitting there for a long period of time, they felt it better to get something of a little more comfort. They placed the chairs where they saw best fit. For the interview chairs they have a more comfortable relaxed environment, they went for that reason also.

Mr. Holmes then says they have kicked this item around on a number of occasions and have gotten nowhere. When we met last time we approved the ordinance and he feels they should vote and see what the outcome is.

Chairman Gessert then comments that they have regular steel tables and then they have steel tables with a drawer that cost twice as much.

Lt. Mikulsky says the ones with the drawers will be used in the report room. This is where the patrolman work. They needed drawers to keep paper supplies in. The other tables are functional tables to just write something on, Press, etc. Detective Hanley then says Item 22 is in lieu of a desk.

Chairman Gessert again says he will not support a chair for the Deputy Chief for \$401. If the Chief can survive with a chair for \$264 then so can the Deputy.

Mr. Killen then says the Chief has a desk for \$600 and a chair for \$264 and the Deputy Chief has a chair for \$401 and a desk for \$368. The dimensions on the Chief's desk is very large. That is a huge surface. What will he do with it. Mrs. Bergamini then replies that this is a standard desk.

Mayor Dickinson then suggest they go through the list one at a time and if approved go through it otherwise they will be here all night.

Mr. Killen again coments that the Chief doesn't sit around and do paperwork all day. We sit here with all this paperwork in front of us and we don't have 38 or 40" of space. No way. We get by.

Mrs. Bergamini then says a 30 x 60 desk is not big.

Mr. Krupp then says since this is his last Council meeting, he has an observation. The discussion regarding the Chief and the Assistant Chief's office, he is not going to get involved. There is not much in the list that he sees as unreasonable as far as the functional officers go. We try and treat them as professionals and ask that they act like professionals. He doesn't feel it is unreasonable to give them some decent equipment for a change.

Mr. Polanski goes along with that. The working people need space etc. However, he doesn't agree about the chairs. He feels they have some good chairs in the town that could be used. He hates to see good furniture just sit. If they have something they could use, they should use it. Did someone check with the Town? Couldn't they use some of these chairs instead of the new ones?

Mayor Dickinson then says he is not aware of any other place, where there are chairs not being used. He is not aware they are holding any. Maybe some of the Council Chairs.

Chairman Gessert says that about a dozen of the stacked chairs that were in the back of the Council Chambers were removed about a year ago so they are available. He then says he would like to see this Council knock out the \$268 a piece for the chairs in the conference room. The second thing is that he would suggest that Item 39, the same amount be incorporated that we have for Item 40, and on the following page, appropriate the same amount on Item 44 that we have on Item 47. If someone would like to make that an amendment to the motion that way the Chief and the Deputy Chief would both have \$264 to find an adequate chair and they would both have \$368 to find a suitable desk.

Mrs. Papale then asks Lt. Mikulsky if they could obtain suitable furniture for these prices that fit the decor.

Lt. Mikulsky then says the Chief and the Deputy Chief will then have the same type of equipment in both offices. Lt. Mikulsky says they feel they have compromised already. They feel the Chief's office should be better than the squad office. 728

Edward Musso, 56 Dibble Edge Road, says they should table this item until the Chief is present and stop grilling these two men. Also, if they went to Phil Sweeder the auctioneer, they could get good furniture for a lot less that they have spent.

Mr. Polanski then says he just went to a Philip Sweeder auction and some of the desks he saw and some of the prices he saw were about the same as a new one.

Detective Hanley then says they contacted government surplus about a month ago and he was sent to a warehouse to look at desks. The desks they were getting rid of had already been reconditioned, the paint was peeling and some were in need of repair.

Mr. Rys then asks the desk that is 72 x 36 is that wood. He is told yes. He is then told this is laminated also.

Mr. Krupp then says he agrees with omitting the Oak Swivel Chairs. He does not agree with striking the Chief's desk down although he does agree with the swivel chair. He then makes a friendly amendment to the original motion to delete Item 38 and to reduce Item 44 from \$401 to \$264 for a net reduction in the transfer of \$2,817. Mr. Krupp made the original motion and then accepts the friendly amendment. Again he states what this would be doing is striking Item 38 for \$2,680 and reducing item 44 from \$401 to \$264 for reduction of \$137 for a total reduction of \$2,817.

Mrs. Bergamini then seconded this amendment.

Chairman Gessert then notes that Steve Deak will supply the 10 chairs for the conference room.

Mr. Myers then asks Mr. Krupp if he is making Item 44 the same as Item 47. Mr. Krupp replies yes. He then says the catalog number of Item 44 would be the same as that for Item 47.

Mrs. Papale then says they are taking away the Deputy Chief's desk, could he not use the one he has now. Lt. Mikulsky states his desk is going to the Detective in charge of the bureau. Lt. Butka's desk will in turn be used in the detective bureau.

Chairman Gessert then says the vote will be on the motion with the friendly amendment. He then informs Mr. Myers that they only changed two things. Item 38 and Item 44.

Mr. Killen again complains about the Chief's desk but says he should not get hung up on one item like that. He says all or nothing at all. He will not hold this up however. For practical purposes, he would like to see the money put out where it is going to be used.

Chairman Gessert then explains they are voting on the motion for the \$27,365 less the amendment made by Mr. Krupp. Seeing it was a friendly amendment it then becomes part of the main motion.

The motion now stands at \$24,548.

Edward Musso, 56 Dibble Edge Road, then asks if they are staying within the budget and is told yes.

Chairman Gessert then says the blinds came in \$1,000 less.

VOTE: Unanimous ayes with the exceptions of Mr. Rys who voted no and Mr. Diana was not present; motion duly carried.

Mrs. Bergamini then moved to go into EXECUTIVE SESSION to discuss the renewal elements of the Double A Transportation Contract; seconded by Mrs. Papale.

VOTE: Unanimous ayes with the exceptions of Mr. Krupp who voted no and Mr. Diana was not present; motion duly carried.

The meeting then went into EXECUTIVE SESSION at 9:40 p.m.

Mrs. Bergamini then moved to come out of EXECUTIVE SESSION; seconded by Mr. Krupp. 729

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

The meeting then came out of EXECUTIVE SESSION at 10:15 p.m.

It was then decided that the Board of Education and Attorney McManus would go review the contract and bring this item back up for a vote later on in the meeting.

Item 10 is then up for discussion.

Mr. Krupp then moved to approve the Lease Agreement for the Gymnasium at the McKenna Court Project for discussion; seconded by Mr. Holmes.

Mr. Krupp then says in the lease in the second sentence of Item 3 it says it is intended that said use shall be for structured supervised Town Activities only. If he remembers correctly, isn't this facility used primarily by the Wallingford Boys & Girls Club.

Mayor Dickinson then says we give them permission. They have a lease arrangement with us for use of the Gym. They come under our auspices. We have jurisdiction and we lease from that. In all purposes, the lease is to formalize something that has been informal for many years. He supposes you can continue the way they had but then how do they appropriate Town Funds to pay for utilities on State owned property where you have no lease. Again, they lease this to the Boys & Girls Club for certain purposes and they provide a certificate of insurance.

Chairman Gessert then asks if this was leftover business from the past and Mayor Dickinson replies this is business to be done.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Item 11 is then up for discussion.

Chairman Gessert then explains that they have Item 11 and then have a request to Waive Rule V.

Mr. Denison then explains that Item No. 6-1 is an analysis made up of the impact these transactions will have on the water enterprise fund. Mr. Myers then again explains Item No. 6-1 and what this sheet does. It is merely a sheet to follow the flow. The last column is the overall effect.

Mrs. Bergamini then asks why these are unsigned. She is then told they got these previous to the PUC meeting. The signed copies are now here and the Town Clerk has the signed copies.

Mrs. Bergamini then suggest they move these items all as one.

Mr. Killen then asks Mr. Denison on the first cover letter it says that the second part of this amendment is to increase contributions from Prior Retained Earnings etc. What is the purpose of that.

Mr. Denison says if he looks at page 6-1, we are asking you to increase the operating budget by \$8,565 and increase the General expenses by \$3,220. The effect of that then is the additional expenses of \$11,785. This therefore reduces net income by that same amount. In order to fund the items below that, we have to pick up \$11,785 from Prior Retained earnings. Earnings not being generated this fiscal year. This is so they can continue down and fund the debt reduction of bond payments and the capital budgets.

Mr. Killen then says it seems we're saying we needed \$11,785 so we took it out of prior retained earnings which was at "0" before and now all of a sudden the figures appear.

Mr. Denison says it was originally budgeted at "0". This does not mean they don't have any retained earnings, it means they did not appropriate any. They have to do this to cover the extraordinary costs in the water filter operation.

Mr. Killen then says it seems like Voodoo bookkeeping.

Mr. Krupp then moved to combine Items 11 a-e as one consent calendar and to be adopted as one motion; seconded by Mr. Holmes. The items are as follows:

- 730
- Budget Amendment to amend fiscal year 1985/86 budget:
- (a) \$11,785 from Net Income To: \$8565 to A/C 642-000 & \$3,220 to A/C 926-000. \$11,785 from Prior Retained Earnings to Net Cash Available.
  - (b) Appropriation of \$10,000 from Net Income to A/C 633-000. Appropriation of \$10,000 from Prior Retained Earnings to Net Cash Available.
  - (c) \$17,000 from Prior Retained Earnings to Bond Payments \$7,000 from Net Income to A/C 427-000 Interest on Long Term Debt. \$7,000 from Prior Retained Earnings to Net Cash Available.
- Transfers:
- (d) A transfer of \$450 from A/C 344-086, \$2,250 from A/C 345-086, \$450 from A/C 348-086 (all fiscal year 1986), \$900 from A/C 612-000, \$450 from A/C 663-000, \$1,800 from A/C 673-000, \$1,800 from A/C 675-000 & \$900 from A/C 677-000, a total of \$11,700 to A/C 925-001, WORKMEN'S COMPENSATION.
  - (e) A transfer of \$850 from A/C 601-000, \$850 from A/C 642-000, \$1,700 from A/C 664-000, \$2,100 from A/C 665-000 & \$6,200 from A/C 920-000, a total of \$11,700 to A/C 925-001, WORKMEN'S COMPENSATION.

Mr. Killen then says on Item No. 7-3 (PUC) the cover letter says a transfer from several operating labor expense accounts and they are really from capital account. Mr. Denison then says he is correct. Is there no way you can take them out of Capital Accounts? Mr. Denison then says if he will notice the second paragraph does say from where they normally would be charged.

Mr. Killen then says on 7-6 (PUC) some of them are cutting close. However, anything could change.

VOTE: (ITEMS A-E) Unanimous ayes; motion duly carried. (Diana not present).

Mr. Holmes then moved to Waive Rule V for another transfer from the Water Division; seconded by Mr. Krupp.

VOTE: Unanimous ayes; motion duly carried (Diana not present).

Mr. Krupp then moved the following transfer:  
\$331 from A/C 343-086, \$1,653 from A/C 345-086, \$339 from A/C 346-086, \$331 from A/C 348-086, \$661 from A/C 612-000, \$913 from A/C 663-000, \$1,322 from A/C 673-000, \$1,322 from A/C 675-000, \$428 from A/C 676-000, \$661 from A/C 677-000, \$776 from A/C 932-000 and \$285 from A/C 932-000 a total of \$9,072 to A/C 642-000.

This was seconded by Mr. Holmes

Mr. Holmes asks if they are expecting a decrease in dog population. \$331 from New Hydrants. Mr. Denison explains that they collected the costs for this operation and filter plant in a single account.

Mrs. Bergamini then asks when the connections are made on North Airline Road and you put in Fire Hydrants, once the sewer people go out, can we assume the hydrants are connected. Once the hydrants are in place the insurance is lower. One woman couldn't seem to make herself understood at the Water Department. Mrs. Bergamini then says she will call John Byrne on this.

Mr. Krupp then asks when somebody digs a trench along a main drive and fills it in and two weeks later they have the snake river canyon jump, who is responsible. He has already lost a tire and dented a rim on that. Whose responsibility is it.

Mrs. Bergamini then says they had a problem similar to that and she called John and he said it is his responsibility to the degree that he goes after the people who opened it up in the first place.

Mr. Byrne says it would still be the ultimate responsibility of the inspection department. That should not happen with proper compaction. That is a common misconception. The base should be compacted in 4" increments as they go up.

Chairman Gessert then says he has a pet peave called building of the Pyramids on North Elm Street. Pyramids were built for less time than that road. He is told one of the things out there holding up the

project is the water & sewer lines. Mr. Byrne says yes. The sewer lines have been taken care of. The water line is scheduled for construction in March and should be constructed and finished by sometime in April. They are looking at using their own people for this. It is 1,000 feet of 12" diameter pipe. They presently have two lines in the road. One is an 8" and one is a 4". Both are unlined. They will be putting the 12" line in the trench where the 4" was and leave the people on the 8" line and then go in and hook them up to the 12" and abandon the 8". He believes they will save a good deal of money by keeping it in house and it will be a good learning experience. 731

Mr. Krupp then says he heard something they very rarely hear at this Council and that is saving money.

Mr. Killen then says to Mr. Denison that no money was transferred at the time of budget for the filter plant operation but they were given the go ahead to work without the transfer and now they are going with the anticipation of it and he would recommend in the future before any of that is done, a provision be made.

Mr. Denison then says that when they discussed the \$50,000 in chemicals, they did make the Council aware of this at that time. Not only would there be a transfer for the chemicals but also for the labor involved. They are really still in the same situation. The electricity is budgeted for the year but they are using it at a greater rate than anticipated. However, everything is taken care of up to 11/16. If there are any further costs, they will then have to take care of those.

Mr. Killen then says he would be better off having them come every month and doing a budget for every month if necessary. If they had shot this down tonight, where would we be?

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Mr. Krupp then moved a transfer of \$217 from 920-000 to 920-000 and \$251 from 920-000 to 920-000; seconded by Mr. Holmes.

Mr. Krupp did note that this was due to extraordinary circumstances. Also, they are transferring money within the same account.

Mr. Denison explains this was money available since they did not have a general manager for 2½ months during this fiscal year. The money is being moved from Adm. Salary General Manager to Adm. Salary Superintendent. \$217 for Sewer and \$251 for Water.

Mayor Dickinson then notes that this could have been done by resolution.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Chairman Gessert then notes that Item 12 has been withdrawn.

Mr. Krupp then requests that the Item distributed by him for this item be retained for future use when this item again comes up.

Chairman Gessert then notes that Mr. Krupp did spend a considerable amount of time to look at this situation and give us a report and so has Bob Applegate. These two reports will be retained for future use. It is not on the agenda but these reports would be kept together again for future use.

Item 13 is then up for discussion.

Mr. Holmes then moved a transfer of \$1,850 from Reserve for Emergency A/C 805-319 to A/C 701-675; seconded by Mr. Rys.

VOTE: Council members Bergamini, Gessert, Holmes, Papale, Polanski and Rys voted yes; Council Members Killen and Krupp voted no and Mr. Diana was not present; motion duly carried.

Mr. Killen then NOTED FOR THE RECORD the Final report of the Ordinance Committee for the 1984-85 session; seconded by Mr. Rys.

Mr. Krupp then requested that the next Ordinance Committee receive a copy of this because some of the items have not been completed as of this date and will therefore be passed on to the new Committee.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Mr. Holmes then moved to accept the Town Council Meeting Minutes of November 26, 1985; seconded by Mr. Rys.

VOTE: Unanimous ayes with the exceptions of Mrs. Papale and Mr. Killen who passed and Mr. Diana was not present; motion duly carried. 732

Item 7 is then brought back up on the Double A Transportation Contract

Attorney McManus then says the only thing he would draw their attention to as far as the proposal goes is that the bus company's proposal to buy two Ford vans from the Town for dealer blue book price, either by direct payment or a reduction in monthly payments which would be as firm as this contract. He believes the Council would have to approve this and how do they want to do this. Frank Soldan then says the normal procedure for that would be the Board of Education would turn it over to the Town and the Town would put it up for auction.

Mr. Killen then moved that the Board of Education be permitted to sell two 1985 Ford Vans to the Double A Transportation Corp. either under the terms of either option open to them; seconded by Mrs. Bergamini. Mr. Killen then withholds his amendment until the original motion is made.

Mr. Krupp then moved to adopt the Contract as presented and to incorporate the amendment proposed by Mr. Killen; seconded by Mr. Killen.

VOTE: Unanimous ayes; motion duly carried. (Diana not present).

Chairman Gessert then says before everyone leaves he has three items to take care of. Number 1 he would like to wish all a Merry Christmas and a Happy Hanukkah. He would also like to express the Council's appreciation to Mr. Krupp for his efforts on the Council over the last 24 months. He has put in a tremendous effort and a lot of old business got finished. Despite the letter he wrote toward the end, he still has spent a lot of time on this Council and he commends him for his efforts. Mr. Killen also says he enjoyed working with Mr. Krupp and the town has really gained from the past 2 years. Mrs. Bergamini then says this has been the most active Ordinance Committee she has ever sat on and it was the only one that they got things accomplished on. Chairman Gessert also says if anyone has names for either the Handicapped Committee or the Parker Farms Committee would they please give them to the Council Secretary. Chairman Gessert also thanks Mrs. Papale for all the lovely poinsettia's she gave to the Council members and all the others.

A motion to adjourn was then duly made, seconded and carried and the meeting adjourned at 10:55 p.m.

Lisa M. Bousquet  
Council Secretary

Approved: David A. Gessert  
David A. Gessert, Council Chairman

1 - 14 - 86  
Date

Rosemary A. Rascati  
Rosemary A. Rascati, Town Clerk

1 - 15 - 86  
Date

733

EMERGENCY MEETING  
WALLINGFORD TOWN COUNCIL

December 19, 1985

5:30 p.m.

An emergency meeting of the Wallingford Town Council was held in Council Chambers on this date. The meeting was called to order at 5:37 p.m. by Chairman Gessert. Answering present to the roll called were Council Members Bergamini, Gessert, Holmes, Killen, Papale, Polanski, and Rys. Mr. Diana and Mr. Krupp were not present for the meeting. Also present for the meeting was Mayor William W. Dickinson, Jr.

The purpose of the meeting was to waive the bid for the recorder system relative to the communications system for the new Police Headquarters. Chairman Gessert then says the bottom line is that they did accept bids before. Dictaphone was the low bidder. At that time, the bid was rejected and everything associated with it was rejected. This particular piece of equipment is not part of the console but is associated with it and can be bid separately. The vendor is maintaining the same bid price that he bid last October and this is good until the first of the year and this is why we wanted to act on it. Technically we have to waive the bid because the bid ran out time wise. We are taking the low bidder.

Mr. Killen then says there are only two bidders on this. Is there a chance that more would bid if it went back out to bid?

Chairman Gessert then says he doesn't know how many people make this equipment. He noticed that IBM did not even bid.

Mr. Dunleavy then explains that 11 of the manufacturers of this equipment were invited to bid and these were the only two respondees. Less and less people are involving themselves with the merchants of communications. We consider this a good clean bid.

Mr. Polanski then says he notices it says in the letter from Dictaphone that they will supply (6) Non Beeping Telephone Couplers. Does the recording equipment come with the console? Chief Bevan then explains they are getting the recording equipment and the couplers if they are needed. If they are not, Mr. Polanski then asks what will happen. Will there be a reduction in the bid?

Mr. Dunleavy then explains that the price on that letter shows the reduction in price. On the bid they had specified a particular type of coupler. At the bid opening, we got into a technical discussion and decided that was not the coupler they needed. Dictaphone on their own sent this letter reducing the price by almost \$1,000 putting in the necessary coupler.

It was then noted that the only two bidders were Dictaphone and Magnasync/Moviola.

Mr. Holmes then moved to waive the bid for the recorder system to the communications system for the new Police Headquarters and award the bid to the low bidder, in this case Dictaphone, with a price of \$12,949.50; seconded by Mr. Rys.

Mr. Holmes then says this equipment will remove the fact that you will not have to wait until the next day to pull something back. The previous recorder system caused hours of unnecessary delay. Chief Bevan then notes they have instant replay with this new recorder. Mr. Holmes again feels this will be of great help to the Police Department.

Mrs. Bergamini questions the funds for this, and is told by Chairman Gessert that the funds are included in the \$176,000 they amended in the ordinance a few weeks ago.

VOTE: Unanimous ayes; motion duly carried.

A motion to adjourn was then duly made, seconded and carried and the meeting adjourned at 5:45 p.m.

Lisa M. Bousquet  
Council Secretary

Approved: \_\_\_\_\_

David A. Gessert, Chairman

Date

Rosemary A. Rascati, Town Clerk