

SPECIAL TOWN COUNCIL MEETING

JANUARY 20, 1993

5:30 P.M.

A Special Meeting of the Wallingford Town Council was held on Wednesday, January 20, 1993 in the Robert Earley Auditorium of the Town Hall and called to Order at 5:32 P.M. by Chairperson Iris F. Papale. Answering present to the Roll called by Town Clerk Kathryn J. Wall were Councilors Doherty, Duryea, Holmes, Papale, Parisi, Solinsky and Zandri. Councilors McDermott and Killen were out of town. Mayor William W. Dickinson, Jr., Comptroller Thomas A. Myers and Town Attorney Janis M. Small were absent from the meeting.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Contingency Reserve For Emergency Acct. #001-8050-800-3190 to Sand Acct. #001-5040-400-4580 - Department of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Henry McCully, Director of Public Works stated that he has approximately 1,200 yards of sand in reserves. His department has responded to nine or ten smaller storms. The sand he has in reserves will be sufficient for two or three good size storms. He does not wish to drain the supply or cut it too close. With this transfer his will be able to purchase approximately 600 yards of sand.

Ms. Papale reminded everyone that the account has become "under funded" so to speak due to the mild winters that have occurred over the past two years resulting in budgetary cutbacks.

VOTE: Killen and McDermott were absent; all others, aye; motion duly carried.

ITEM #3 Consider and Approve a Transfer of Funds in the Amount of \$20,000 from Wages Acct. #001-5020-100-1200 to Overtime Acct. #001-5040-100-1400 Department of Public Works

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: Killen and McDermott were absent; all others, aye; motion duly carried.

Motion was made by Mr. Doherty to Adjourn the Meeting, seconded by Mr. Parisi.

VOTE: Killen and McDermott were absent; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 5:37 P.M.

January 20, 1993

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Iris F. Papale

Iris F. Papale, Chairperson

February 23, 1993

Date

Kathryn J. Wall

Kathryn J. Wall, Town Clerk

February 23, 1993

Date

CORRECTION TO TOWN COUNCIL MEETING MINUTES OF

JANUARY 26, 1993

Page #10, Line #36 - Minutes to read. "...one other town or state
in the nation that requires more than 2/3 vote to....."

- remarks attributed to Mr. McDermott

The above-listed correction was made at the February 23, 1993
Town Council Meeting.

Kathryn F. Milano
Kathryn F. Milano
Town Council Secretary

RECEIVED FOR RECORD *March 11, 1993*

AT *11:50 A* M. AND RECORDED BY

Kathy Gardell TOWN CLERK

TOWN COUNCIL MEETING

JANUARY 26, 1993

7:00 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Consent Agenda
 - a. Confirm the Appointment of Rosemary Rascati to the Position of Alternate on the Planning and Zoning Commission for a Term of Three (3) Years to Expire 1/8/96
 - b. Confirm the Appointment of George Lane to the Position of Alternate on the Zoning Board of Appeals to Fill an Unexpired Vacant Term to Expire 1/8/94
 - c. Consider and Approve Two (2) Appointments to the Wallingford Public Celebrations Committee to Expire February 1, 1994
 - d. Consider and Approve the Appointment of Fred Valenti to the Pension Commission for a Term of Six (6) Years to Expire December 31, 1998 - Mayor's Office
 - e. Consider and Approve Tax Refunds (#107-115) in the Amount of \$7,200.01 - Tax Collector
 - f. Consider and Approve Four (4) Merit Increases Approved by the Mayor
 - g. Consider and Approve a Transfer of Funds in the Amount of \$20,000 from Underground Conduit Acct. #366 and \$68,000 from Underground Conductors Acct. #367 for a total of \$88,000 to Transportation Equipment Acct. #392 - Electric Division
3. Items Removed from Consent Agenda
4. Approve and Accept the Minutes of the January 12, 1993 Town Council Meeting
5. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
6. PUBLIC HEARING on an Ordinance Appropriating \$1,025,000 for Electric Improvements to the West Wallingford Substation and Authorizing the Issue of \$1,025,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.
7. Report Out by the 88 S. Main Street Building Committee and Engineering on the Status of the 88 S. Main Street Project as Requested by Vice Chairman David J. Doherty

(OVER)

8. Discussion and Possible Action on Changing the Tyler Mill Road Bridge from Steel to Wood Construction as Requested by Vice Chairman David J. Doherty
- 9a. Discussion and Possible Vote on the Town Council Initiating Action to Provide for the Amendment of the Charter of the Town of Wallingford
 - b. Consider and Approve a Transfer of Funds in the Amount of \$499.00 from Secretarial Expenses Acct. #1110-600-6040 and \$499.00 from Maintenance of Equipment Acct. #1110-500-5200 for a total of \$998 to Charter Revision Secretarial Expenses Acct. #1110-600-6050
 - c. Consider and Approve Forming a Charter Revision Committee Consisting of Nine (9) Members to be Appointed by the Town Council, Names of Which Must be Submitted by the February 9, 1993 Town Council Meeting
10. Discussion on the Procedure of Purchasing Real Estate by the Town of Wallingford as Requested by Councilor Geno J. Zandri, Jr.
11. Executive Session Pursuant to Section 1-18a (e)(2) of the CT. General Statutes with Regards to Pending Litigation as Requested by Councilor Susan Duryea

TOWN COUNCIL MEETING

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SUMMARY

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4. Approve and Accept the Minutes of the January 12, 1993 Town Council Meeting	3
5. PUBLIC QUESTION AND ANSWER PERIOD - Garden Road Residents; Budget Surplus; Police Uniforms	3-4
6. PUBLIC HEARING on an Ordinance Appropriating \$1,025,000 for Electric Improvements to the West Wallingford Sub-Station - Approved	4-5
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8. Temporarily Halt the State Process for Application for a Concrete Bridge and for the Town Engineer to Study the Options of a Wooden Bridge, Covered Bridge or No Bridge	6-7
9a. Approve a Resolution of the Town Council to Initiate Action to Provide for the Amendment of the Charter of the Town of Wallingford	7-11
9b. Withdraw transfer and re-submit at the February 9, 1993 Town Council Meeting	11-13
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TOWN COUNCIL MEETING

JANUARY 26, 1993

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, January 26, 1993 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:08 P.M. by Chairperson Iris F. Papale. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall. Mayor William W. Dickinson, Jr. and Comptroller Thomas A. Myers were also present. Town Attorney Janis M. Small arrived at 7:13 P.M.

The Pledge of Allegiance was given to the Flag.

A moment of Silence was observed for Councilor Killen's Sister-in-law; Comptroller Myers' father; Edward Dubiel who served on the Sewer Authority for the Town of Wallingford and Howard Rose, past member of the Planning and Zoning Commission.

ITEM #2 Motion was made by Mr. Doherty to Place the Following Items on the Consent Agenda to be Voted Upon by One Unanimous Vote of the Council:

ITEM #2a Confirm the Appointment of Rosemary Rascati to the Position of Alternate on the Planning and Zoning Commission for a Term of Three (3) Years to Expire on 1/8/96

ITEM #2b Confirm the Appointment of George Lane to the Position of Alternate on the Zoning Board of Appeals to Fill an Unexpired Vacant Term to Expire 1/8/94

ITEM #2c Consider and Approve Two (2) Appointments to the Wallingford Public Celebrations Committee to Expire February 1, 1994

- Katie Pizzuti
- Beverly Poletti

ITEM #2d Consider and Approve the Appointment of Fred Valenti to the Pension Commission for a Term of Six (6) Years to Expire December 31, 1998 - Mayor's Office

ITEM #2e Consider and Approve Tax Refunds (#107-115) in the Amount of \$7,200.01 - Tax Collector

ITEM #2f Consider and Approve Four (4) Merit Increases Approved by the Mayor

Seconded by Mr. Parisi.

At this time Mr. Holmes lauded Rosemary Rascati for her dedication to serving the Town for many years in many capacities, most notably as Town Clerk.

VOTE: All ayes; motion duly carried.

At this time Town Clerk Kathryn J. Wall performed the swearing-in ceremony for Rosemary Rascati and George Lane.

ITEM #3 Items Removed from the Consent Agenda

ITEM #2g Consider and Approve a Transfer of Funds in the Amount of \$20,000 from Underground Conduit Acct. #366 and \$68,000 from Underground Conductors Acct. #367 for a Total of \$88,000 to Transportation Equipment Acct. #392 - Electric Division

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

On June 13, 1992 the Electric Division suffered a fire loss which severely damaged a material handling bucket truck. On November 10, 1992 bid proposals were received for the replacement of two material handling bucket trucks, one of which was scheduled for replacement and budgeted for in this fiscal year, the other is the replacement for the damaged truck.

Mr. William Cominos, General Manager of the Electric Division explained that the appropriation set aside for the Transportation Equipment budget for F.Y. '92-93 was \$166,000. The capital requests brought forth to the Mayor for equipment only totaled \$141,300. Originally the requests were to include an additional vehicle with an estimated cost of \$22,000. The request was removed, however, the \$22,000 appropriation was inadvertently left in the budget, therefore the total of \$166,000.

Mr. Killen asked why the funds to redesign the substation cannot be taken out of Retained Earnings?

Mr. Cominos explained that it is his understanding that they cannot come out of Retained Earnings, it must come out of capital accounts.

Mr. Killen questioned why the insurance money covering this accident did not go to the capital account to offset the cost of the new truck but instead went to Retained Earnings?

Mr. Cominos responded that the \$34,000 received from the insurance company went to Retained Earnings for depreciation of that vehicle.

Mr. Killen pointed out that on page six of the November financial report for the Electric Division shows that there was an unencumbered balance of capital accounts of \$2,162,000. He asked why does the division have to scrimp and save out of this year's budget with over \$2 million available? It begins with the 1988-89 budget and shows that there is nothing in the works that it is to be used for. It is not good bookkeeping nor good business. It is too much money to have lying around unencumbered for no particular reason.

Mr. Al Kovacs, P.U.C. Commissioner stated that they were following the advice of the Comptroller with regards to these transactions.

Mr. Myers stated that it was his understanding that the prior year's capital items, although unencumbered, the funds are committed. Also, the capital funds cannot simply be transferred, they would have to close a previous capital account such as '88-89, flow the money through the Retained

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Earnings and then re-appropriated back out.

Mr. Zandri felt that the insurance dollars should proceed through the budget process and then come back to the Council. It would be much less confusing.

Mr. Cominos agreed.

Mr. Myers stated that the \$34,000 insurance payment was deposited in the Misc. Electric Revenue Account.

Mr. McDermott asked Mr. Myers for a list of the various capital projects that \$2 million is committed for in the Electric Division.

Mr. Myers agreed to forward a list to Mr. McDermott.

VOTE: Killen, no; all others, aye; motion duly carried.

ITEM #4 Approve and Accept the Minutes of the January 12, 1993 Town Council Meeting

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

VOTE: Holmes and Killen passed; all others, aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Debra Brown, 34 Garden Road asked the Mayor, how soon after receiving the soil test results will he meet with the residents of Garden Road?

Mayor Dickinson responded that a meeting has been scheduled for Monday, February 22, 1993 and that a letter will be sent informing the residents of such meeting.

She then asked how much input will the residents have regarding the situation?

Mayor Dickinson answered that they have the right to their input the same as all department heads involved, however the responsibility remains with the elected officials to make the final decision.

Ms. Brown asked, what type of assistance can the residents expect in the interim if the area should flood again?

Mayor Dickinson stated that the Police Department, Fire Department and Civil Preparedness will work closely and alert everyone if it appears as though a problem will occur.

Mr. Edward Musso, 56 Dibble Edge Road recanted his theory on utilizing the balcony of the Council Chambers for the television station. He thought this would result in a cost savings to the Town.

On the matter of wage negotiations with the Wallingford Educator's Assoc.

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(W.E.A.), Mr. Musso feels that programs should be cut as well as some of the administrative positions.

With regards to the Recreation Department he was of the opinion that programs should be scattered throughout the town.

Mr. Musso felt that the police uniforms are too flashy. He also stated that he was against the bicycle patrol and felt that the police should start contributing towards their insurance benefits.

Frank Wasilewski, 57 N. Orchard Street asked the Mayor and Town Council what their game plan was for the \$2.8 million budget surplus?

Mayor Dickinson responded that his letter accompanying the news of the fund balance indicated that most of those funds should be used to reduce the impact of revaluation and a small portion would be used to maintain the Town's five percent (5%) reserve. At least \$2.2 million or \$2.3 million would most probably be used against the tax rate to again effect the revaluation impact.

Mr. Wasilewski asked if it will reduce taxes?

Mayor Dickinson made it clear that it will reduce any increase in taxes. It will be used to "phase in" the effect of revaluation.

Mr. Wasilewski felt that it was time that the Wallingford residents had a final say in their budget through referendum. Wallingford ranks 34th highest out of 169 towns in the State in our ratio of taxes according to a report in the Hartford Courant. This is unbelievable when you consider the fact that we have AAa bond rating plus surplus funds. He stated that Hartford has a Aa rating without a private utility nor surplus funds. They have crime.

Mayor Dickinson stated that the town was upgraded recently in what it takes to maintain the credit rating.

Mr. Wasilewski reiterated that it is time that the taxpayers of Wallingford had the final say on the budget via referendum (applause).

ITEM #6 PUBLIC HEARING on an Ordinance Appropriating \$1,025,000 for Electric Improvements to the West Wallingford Substation and Authorizing the Issue of \$1,025,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Motion was amended by Mr. Doherty to Read Section I into the Record and Append a Copy of the Entire Ordinance to the Minutes, seconded by Mr. Parisi (appendix I).

Mr. Raymond Smith, Director of Public Utilities stated that these funds are the balance of monies required to complete the substation. The bids have been received for the construction, building and remaining site work for the substation located at the intersection of route #71 and

North Colony Road, just north of Wallingford Buick.

Frank Wasilewski, 57 N. Orchard Street was not opposed to the project, just the way it is being financed. He felt that it was good business sense to pay for the project with the town's reserve fund rather than bond. He asked Mr. Myers' opinion on the matter.

Mr. Myers responded that the options available are; self-finance the project using some of the financial resources of the town (no bonding) or bond. The decision would be made at a later date. The ordinance is simply to appropriate the money. Just because the ordinance is on the books and has passed and becomes effective and an appropriation takes place, that does not mean that we will bond those costs. If, after the substation is completed, our financial picture remains as strong and we have in-town resources, money on hand, that can be devoted to pay cash for those costs that would be his recommendation to self-finance the project and avoid bonding thereby saving the interest expense. That decision will be made at a future date.

If the decision is made to bond those costs will be carried solely by the ratepayer and will not effect the mill rate.

VOTE: All ayes; motion duly carried.

ITEM #7 Report Out by the 88 S. Main Street Building Committee and Engineering on the Status of the 88 S. Main Street Project as Requested by Vice Chairman David J. Doherty

Motion was made by Mr. Doherty to Hear the Report, seconded by Mr. Parisi.

Mr. Doherty read correspondence into the record from Mr. Costello, Town Engineer stating that his department has not had any further involvement with the project once the parking lot was finished with the exception of keeping records of all payments made (appendix II).

Mr. Robert Avery, Chairman of the 88 S. Main Street Building Committee, explained that the committee is currently speaking with contractors regarding the interior of the structure. The siding, painting and roofing is being done by d.b.a. American Construction Co. New siding is being blended with existing siding and the committee has been assured that no discrepancy between the two will be noticeable. The siding is being primed prior to its installation on the building. The weather is a major factor in the progress of the project at this point in time. Once painted the exterior will be finished. The existing roof is part slate and part asphalt shingles and will be repaired. A new roof is not necessary. The parking lot is finished and the lights are in. The committee is still negotiating prices for the interior. The committee is hoping to finish the project sometime in June. The project is within budget to complete the exterior of the structure, however, it will run over budget with interior work, how much remains to be seen since no prices have been secured for interior work.

He asked the Council whether or not Holiday for Giving storage was or was not to utilize the basement area?

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Mayor Dickinson felt that it would be useful for the organization to utilize the space.

Mr. Avery interpreted that to be a "go-ahead" in having additional shelving, electrical wiring and heat installed in the basement.

Mr. Doherty stated that the consensus of the Council is that the project be completed by June 1, 1993.

Mr. Doherty made a motion to Waive Rule V of the Town Council Meeting Procedures to Hear Discussion on the Heating and Cooling Problems at the Town Hall, seconded by Mr. Parisi.

VOTE: Holmes, no; all others, aye. Motion duly carried.

Motion was made by Mr. Doherty to Hear Various Heating and Cooling Problems in Various Areas of the Town Hall, seconded by Mrs. Duryea.

Mr. Francis Barta, Assessor, stated that his office reaches a temperature of approximately 85 degrees all year long, regardless of the season.

Mr. Henry McCully, Director of Public Works explained that, in looking at the blueprints of the Town Hall it was discovered that the ductwork was under-sized for the proper operation of the system.

Some of the Councilors were of the opinion that the reason that a study was performed of the system was for the purpose of identifying all the problems with it so that funding could be allocated for the specific purpose of repairing it. To date a total of \$65,000 has been expended on the system and problems continue to exist.

Mr. McCully was not totally convinced that expending the funds to repair the problems with the Assessor's Office will resolve everything. R. C. Marra Co. and Mechanical Maintenance Co. are two other contractors who have been solicited to inspect the system so that we will have a true picture of what actually needs to be done. There seems to be a difference of opinion with some of the entities that are reviewing the system. That difference has to be resolved prior to any work performed on the system.

Mr. McCully agreed to report back to the Council in two weeks with an update on the progress of the situation.

ITEM #8 Discussion and Possible Action on Changing the Tyler Mill Road Bridge from Steel to Wood Construction as Requested by Vice Chairman David J. Doherty

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

At the October 13, 1992 Town Council Meeting the Council Approved Design #1 of the "Tyler Mill Road Bridge Over Muddy River" Report which details a Prestressed Concrete Superstructure with a span length of 42 feet and a bituminous concrete wearing surface. The structure will exhibit granite stone curbing and metal bridge railings. The estimated construction costs, including a ten percent contingency, total \$737,555.

Many town residents were opposed to the concrete structure and have, instead, approached the Council with an alternate solution. Those residents are in support of a wooden bridge and appeared at the meeting with the hopes of convincing the Council to suspend the action of October 13, 1992 until the option of a wooden bridge could be investigated.

Those residents who spoke in favor of the wooden bridge were: Phyliss Corneal, 339 E. Main Street; Peter Hale, Scard Road; Lester Slie, Green Street; Gale Austin, 30 Northford Road; Paula Taylor, 490 Williams Road; Jeff Miner, Grieb Road; Noma Beaumont, 16 Orchard Lane; Dave Mandle, 57 Maltby Lane and Lisa Tomin, Lyman Hall Lane.

They urged the Council to consider the wooden bridge option due to the fact that Tyler Mill Road is designated a scenic road and it is not heavily traveled enough to warrant a steel superstructure. It is a known fact that wooden bridges cost as much as 25% less than steel and concrete bridges and last much longer because they are resistant to road salt.

After much discussion on the subject Mr. McDermott amended the motion to read that No Bridge Replace the Tyler Mill Road Bridge, seconded by Mrs. Duryea.

The amendment and second were withdrawn.

The original motion was amended by Mr. McDermott to Temporarily Halt the State Process for Application for a Concrete Bridge and for the Town Engineer to Study the Options of a Wooden Bridge, Covered Bridge or No Bridge, seconded by Mr. Doherty.

VOTE: All ayes; motion duly carried.

ITEM #9a Discussion and Possible Vote on the Town Council Initiating Action to Provide for the Amendment of the Charter of the Town of Wallingford Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Doherty to Approve a Resolution which Authorizes the Town Council to Initiate Action for the Amendment of the Charter of the Town of Wallingford, seconded by Mrs. Duryea.

Mr. Doherty read the Resolution into the record.

Mr. Zandri stated that he recommended Charter Revision to the Council because he feels that the following changes should be considered in the existing Charter:

1. Chapter III, Section 7, page 8 - This section deals with approval of ordinances and appropriations by the Mayor, and publication of ordinances.

Page 8, line 116 - The existing Charter requires seven (7) votes to override the Mayor's veto of ordinances including a budget ordinance. To his knowledge no other level of government requires more than a 2/3 majority vote to override a veto. He did not believe

the original drafters of the Charter ever intended for the minority to be able to override the majority vote of our elected officials. He felt that the number of votes needed to override a veto should be six (6) not seven (7) or 2/3. This is the recommendation that Mr. Zandri is making.

2. Chapter II, Section 9, pages 4-5 - This section deals with removal of elected and appointed officials, suspension.

Page 5, line 98 - The existing Charter requires seven (7) votes of the Council to remove or suspend someone. Mr. Zandri's recommendation is that seven (7) votes should be changed to six (6) votes. His reasons for this change are as stated in Item #1.

3. Chapter XIV, Section 13, page 29 - This section deals with oversight of the Board (PUC) by the Council.

Page 29, line 154 - The existing Charter requires seven (7) votes of the Council to override an action of the P.U.C. It also requires that the Council take action within fifteen (15) days of the P.U.C.'s actions. Mr. Zandri's recommendation on this item is that the seven (7) vote requirement be changed to six (6) votes or 2/3 of the Council. His reason for this change is the same as explained in Item #1. He is also recommending that the fifteen (15) day limit be extended to twenty-one (21) days to allow the Council ample time to receive and review P.U.C. minutes and have enough time to act on them.

4. Chapter XV, Section 10, pages 33-34 - This section deals with borrowing.

Page 34, line 194 - The existing Charter requires seven (7) votes of the Council to approve a special appropriation recommended by the Mayor. Mr. Zandri's recommendation is that seven (7) votes should be changed to six (6) votes for the reasons stated in Items #1 & 2.

5. Chapter VII, Section 4, pages 15-16 - This section deals with the Purchasing Agent

Page 16, line 59 - The existing Charter requires the Purchasing Agent to go out to bid for any item exceeding \$2,000 or more in cost. Many department heads have indicated that this amount should be increased. There is an existing committee studying this issue and it is Mr. Zandri's understanding that a final report on this issue would be available for this Charter Revision Committee. He felt this is an appropriate time to review and deal with this item.

6. Chapter XV, Section 7, pages 32-33 - This section deals with expenditures and accounting.

Mr. Zandri recommended that the following be added to this section:

When a prior year's surplus has been identified by the auditors, a recommendation should come from the Mayor within a specified amount of time to this Council for their approval on how this surplus should be allocated.

Mr. Holmes was of the opinion that the entire drive behind the Charter Revision is to eliminate the override provision which requires seven votes of the Council. He felt that the people in favor of Charter Revision are trying to tip the balance of power from the Mayor's Office to the Council. There is not a big public outcry for Charter Revision, it seems to be more the work of a political process rather than a function of good government. He did not plan to support it.

Mr. Zandri responded by saying that currently there is a provision in the Charter to override the Mayor's veto. It requires seven (7) votes which is an impossibility, it will never happen precisely because of the political process that Mr. Holmes is referring to. In all four Chapters of the Charter that grant the provision for an override nothing changes except to give the Council the power to override the veto of the Mayor of the Budget Ordinance. It does not take any power away from the Mayor. It does not change his power one bit. Not one. It was not the intention of the original drafters of the Charter to have the minority rule the majority with regards to overriding a veto. The Charter allows the Mayor to have line item veto in the budget process. In the past three budgets that were vetoed, the Mayor chose not to take that course of action that he could have. If he had it could have potentially lessened the effect of the action that he took. He decided, instead, to veto the entire budget.

Mayor Dickinson responded that it is not the minority. It ends up being the Mayor's budget, that is not the minority it is the executive branch of the government. Our form of government indicates where it is that close a question that the branch that has the responsibility for the day to day operation of the government should have the final say. In this case it takes seven votes to overturn that. It is appropriate to have seven votes because we have minority representation. There was an intent on the part of the drafters of the Charter and that was to not be just a political process. Just because the Mayor's veto must be overturned by seven votes does not make it the minority with the responsibility, it is the Mayor with the responsibility. With regards to the line by line veto provision, it is almost meaningless in budget terms. It may have meaning in an ordinary bonding ordinance but in a budget you have to balance. If you try to enact a line by line veto you end up with a document that does not balance. From his point of view it (Charter Revision) is not advisable. He only views this as an indirect attack on the fiscal policy which has been used to manage this community. If the public understands it for what it is then let the public decide. It is an indirect attack on the fiscal policy which has given the town its Aa credit rating and has brought sound, fiscal health to the community.

Mr. Solinsky requested a copy of Mr. Zandri's recommendations as Mr. Parisi requested earlier.

Mr. Killen stated that in checking records in the Town Clerk's Office anyone will find that the original Charter did not carry the provision of seven votes to override the Mayor's veto. There was no discussion on the issue because there was no intent to put the seven votes in. That came about because of the clause "budget ordinance" and the Mayor had the power to veto an ordinance. These are facts. For anyone to state

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that this is a political issue on the part of the democrats in ridiculous. The current make-up and party affiliations of the Council and Mayor could change at any time in the future and come back to bite the democrats. He urged everyone to stop thinking and think of the community as a whole and not as republican or democrats. This is for the good of the town otherwise Mr. Zandri would not have proposed it and he (Mr. Killen) would not have backed it.

Mr. Doherty was of the opinion that the idea of periodically reviewing the Charter is a good idea. The Charter has been revised four times since its inception. Why is it such a bad idea to look at it this time? Many things over time need changing. We once had a constitution with a way of electing a president that ended up sometimes with a vice president of a different party. We instituted the twelfth amendment and changed that; changed the method of electing a president. Time changes many different things. He would like to see the commission look at the subject of an elected Planning & Zoning Commission. There are many people in this particular community that would like to have the opportunity to elect that particular board. It is one of the most powerful bodies in this town. In many communities it is elected. The changes put before the voters by the commission are now the decision of the voters. Let them have the ultimate say. If they don't like it, they'll decide. Put it in their hands.

Mr. Parisi did not agree with Mr. Killen's position on the matter but that does not mean that he is not considering the good of the town. It is just a difference of opinion.

Mr. McDermott stated that over the next couple of months there will be a lot of confusion in the town over this issue and there will be talk about this issue being a political one. It doesn't make a difference if the democrats or republicans are in control, there are nine individuals on the Council who are dedicated to the town and a lot of hard work and energy have been expended by those people in serving their community. We want to be able to serve the community in the best way possible. The Council and Mayor are separate branches of government and we are all here tonight because we have been elected to serve the people. We have a representative form of government. In researching he could not find one other town, state or nation that requires more than a 2/3 vote to override a decision. To him that is not a check and balance of the system. The people of the Town of Wallingford have placed enough faith in all their elected officials and we need the checks and balances of the system or we can no longer exist. He strongly believed in the request that Mr. Zandri has brought forward and that the Council should be able to initiate the action.

Mr. Edward Musso, 56 Dibble Edge Road had a suggestion for the commission once it is formed. He would like an expenditure over \$1 million to be put to referendum.

Ms. Ellen Deutsch also suggested that if the Mayor vetos the budget then put it to referendum for the people to decide.

Mr. Zandri commented that, in reading the rules of initiating a Charter Revision, ironically it takes a 2/3 vote of the Council to initiate the

action.

VOTE: Holmes, Parisi and Solinsky, no; all others, aye; motion duly carried.

ITEM #9b Consider and Approve a Transfer of Funds in the Amount of \$499. from Secretarial Expenses Acct. #1110-600-6040 and \$499. from Maintenance of Equipment of Equipment Acct. #1110-500-5020 for a total of \$998. to Charter Revision Secretarial Expenses Acct. #1110-600-6050

Motion was made by Mr. Doherty, seconded by Mr. Zandri.

Ms. Papale stated that the Comptroller's signature is missing from the transfer.

Mr. Zandri explained that the transfer was forwarded to the Comptroller's Office for authorization of funds and at that point in the process it was supposed to be certified to the funds being available and then forwarded to the Mayor's Office for approval. The Mayor is not approving the transfer, however the Deputy Comptroller's initials next to the line item verifies that the funds are in the accounts within the Town Council budget.

Mayor Dickinson stated that the accounts have been initialed, the funds are there but it is an improper transfer because the money you are taking within the Council budget will have to be replaced and the funds are not going into a separate departmental budgeting account for Charter Revision. In the past it has been accounted for under a separate department.

Mr. Zandri commented that the reason that this transfer if structured the way that it is is because the Mayor has made the statement that he will not support the funding for this. This was the only way to transfer funds without his signature. He asked the Mayor, at this point in time, whether or not he plans to support the action that has been taken and let the process follow the normal course it is supposed to?

Mayor Dickinson responded, "I will not obstruct the process but I will point out that if any department did this in such a haphazard manner without full funding, you (the Council) would disapprove of it. This is not adequately funded, the lines you are taking it from probably will have to be refunded at a later date but you want to rush through a Charter Revision for the purposes already discussed. I will not obstruct it, I recognize legislature prerogative, if you want to go ahead and do it, go ahead but it is not a level playing field, quite obviously."

Mr. Doherty vehemently responded, "We are not a department of this government, we are a branch of this government and you (Mayor) are frustrating the operation of an entire different branch than your own by doing this under whatever guise you are calling it."

Mayor Dickinson: "Dave, I have indicated that I am not going to obstruct it but I am saying that the rules that you use for departments for

administrative purposes are not followed for your own purposes. You and I know that at a minimum we will need \$15,000 for Charter Revision. Maybe not by June by the \$1,000 that has been appropriated tonight is entirely inadequate for a Charter Revision Commission. It is very rare that we start into a project without an indication of the full amount of funding necessary. I understand the purposes behind this, I don't agree with them but I will not obstruct them. You are a separate branch. I think that it should be clear that it is not the same rules that are used for other projects that go on in the town."

Mr. Doherty: We would like to follow those same rules but you, Mayor, will not let us.

Mr. Holmes asked if the transfer was sent up for a signature?

Mr. Doherty responded that it was.

Mr. Zandri explained that the transfer was sent up to the Comptroller's Office for certification of funds and then forwarded to the Mayor's Office for his signature.

Mr. Doherty stated that it was at the agenda meeting in the Mayor's Office that the Mayor stated he refused to sign the transfer.

Mr. Killen did not like the fact that the Mayor was trying to portray the action of the Council as being less than honest and above board. The Council has certain obligations and rights of which the Mayor has never recognized. The Mayor, in reality, was fighting tooth and nail to take away the rights of the Council in this issue to even participate. If it were not for those three votes of the minority there would be no reason, Mayor, not to vote for this. Why should a person of the Mayor's position say he does not want the Charter revised? If the Mayor could come up with a reason other than the three votes, Mr. Killen was willing to listen.

Mayor Dickinson believes that the seven vote provision stands as an attempt to preserve the minority representation role. Obviously that role is seriously jeopardized by making that provision a 2/3 vote. This Charter Revision action is being proposed for the purpose of changing the basic structure of government which is connected to the basic fiscal policy that has been used to manage that government. The public should decide. He will not obstruct it, let the public decide which way they want to go. The choice is clear, it always has been.

Mr. Killen agreed that the public should decide, it should go out to them for their say. The process should not be stopped from taking its intended course.

Mr. Zandri did not have a problem with funding it out of contingency with the proper amount as the Mayor Suggested. The transfer of \$2,000 will be brought forth on the next Town Council agenda.

Mr. Killen wanted to explain his reasoning for voting in the negative for the transfer and that is because of his disagreement with the Town Attorney on the issue of public hearings on any change to the budget.

Mr. Zandri stated if the Mayor is sincere in his statement of not obstructing the process, then the transfer before the Council this evening will be withdrawn and placed on the agenda of the next meeting.

Mr. Doherty withdrew his motion on the transfer, Mr. Zandri withdrew his second.

ITEM #9c Consider and Approve Forming a Charter Revision Commission Consisting of Nine (9) Members to be Appointed by the Town Council, the Names of Which Must be Submitted by the February 9, 1993 Town Council Meeting

Motion was made by Mr. Doherty, seconded by Mrs. Duryea.

Mr. Holmes stated that, normally on most appointment of this nature, the Mayor appoints at least one or two members. He asked why this is not the case in this instance?

Mr. Zandri responded that it goes back to the original anticipated problem with the entire issue of Charter Revision. He did not have a problem with allowing the Mayor to appoint two members to the Commission and offered to amend the motion if so desired.

Mr. Zandri amended the motion to Have the Committee Consist of Eleven (11) Members, Two (2) to be appointed by the Mayor, seconded by Mr. Holmes.

VOTE: Parisi, no; all others, aye; motion duly carried.

ITEM #10 Discussion on the Procedure of Purchasing Real Estate by the Town of Wallingford as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

Mr. Zandri questioned the Mayor whether or not there is a specific procedure followed by the Mayor if his office is approached by anyone in town who is looking to sell their property to the town?

Mayor Dickinson responded that it does not happen that often and he is not sure if there is an automatic procedure followed. It depends upon the nature of the request. If the offer is made in writing usually the Council is made aware of it.

Mr. Zandri explained that he received a letter from a realtor in town referencing property in close proximity to the Town Hall. That realtor contacted the Mayor's Office to see if there was any interest on the part of the town to purchase the land. A letter was sent from the Mayor's Office to the realtor stating that the town was not interested and Mr. Zandri did not recall this particular piece of property coming before the Council for consideration.

Mayor Dickinson asked what property Mr. Zandri was referring to?

Mr. Zandri responded that it was the former VNA building located at 51 S. Whittlesey Avenue.

Mayor Dickinson was at a loss as to why it would not have been brought to the Council's attention. He asked when the alleged incident occurred?

Mr. Zandri responded that the letter was dated May of 1992.

Mayor Dickinson believes that the issue may have been discussed when a number of parcels were considered that exited the Town Hall to South Whittlesey that was settled with the purchase of 88 S. Main Street.

Mr. Zandri asked that a procedure followed in the future to assure that the Council is made aware of all proposals made to the Mayor's Office with regards to the sale/purchase and/or leasing of property.

Mayor Dickinson assured the Council that they will be notified of all such matter in the future.

No action was taken.

ITEM #11 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Regards to Pending Litigation as Requested by Councilor Susan S. Duryea

Motion was made by Mr. Doherty to Move Into Executive Session, seconded by Mr. Solinsky.

VOTE: All ayes; motion duly carried.

Mr. Parisi left during the executive session.

Motion was made by Mr. Holmes to Exit the Executive Session, seconded by Mr. Doherty.

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

Motion was made by Mr. Doherty to Adjourn the Meeting, seconded by Mr. Holmes.

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

There being no further business, the meeting adjourned at 12:01 a.m.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano, Town Council Secretary

Approved by:

Iris F. Papale
Iris F. Papale, Chairperson

2/23/93

Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

2/23/93

Date

AN ORDINANCE APPROPRIATING \$1,025,000 FOR ELECTRIC IMPROVEMENTS TO THE WEST WALLINGFORD SUBSTATION AND AUTHORIZING THE ISSUE OF \$1,025,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$1,025,000 is appropriated for the planning, acquisition and construction of electric improvements to the West Wallingford Substation, including engineering, permitting, equipment, site improvements, and for administrative, printing, legal and financing costs related thereto:

West Wallingford Substation Project	\$1,005,000
Debt Administration	<u>20,000</u>
Total	<u>\$1,025,000</u>

The amount authorized to be expended for each purpose shall not exceed the amount set forth opposite each purpose, provided that, the Town Council may by resolution transfer unexpended funds among purposes, so long as the aggregate amount of the appropriation and bond authorization shall not be increased.

The above appropriation is in addition to appropriations therefor aggregating \$2,370,000 in the 1988-89, 1989-90, and 1990-91 Electric Enterprise Fund budgets.

Section 2. To meet said appropriation \$1,025,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The

bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust

company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town of Wallingford (the "Issuer") hereby expresses its official intent pursuant to §1.103-18(f) of the Federal Income Tax Regulations, Title 26, to reimburse expenditures paid after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than one year after the later of the date of the expenditure, or the substantial completion of the project. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.



Town of Wallingford, Connecticut

JOHN J. COSTELLO, P.E.
TOWN ENGINEER
DEPARTMENT OF ENGINEERING
29 TOWN FARM ROAD
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2035

January 26, 1993

Council Vice Chairman David J. Doherty
Town Council Office
45 South Main Street
Wallingford, CT 06492

Re: 88 South Main Street

Dear Councilman Doherty:

With work now concentrating on the house, please be advised that this office has not been actively involved in the subject project since the parking lot was paved in July, 1992 other than to keep track of payments todate. Our records indicate the following:

Total payments todate	\$101,067.36
Amount still encumbered	40,566.00
Balance unencumbered	8,366.64
Total	\$150,000.00

Very truly yours,

John J. Costello
John J. Costello, P.E.
Town Engineer

JJC/vm

cc: Mayor William W. Dickinson, Jr.
File-Proj. No. 258-90

R E S O L U T I O N

BE IT HEREBY RESOLVED by the Town Council, in session, that, in accordance with the provisions of Section 7-188 of the General Statutes of the State of Connecticut, as amended, this Council does hereby initiate action to provide for the amendment of the Charter of the Town of Wallingford adopted June 6, 1961 and the amendments thereto adopted November 4, 1969, November 6, 1973, November 3, 1981 and November 7, 1989.

C E R T I F I C A T I O N

Certified a true copy of a Resolution duly adopted by the Town of Wallingford at the meeting of the Town Council held on January 12, 1992, and which said Resolution has not been rescinded or modified in any way whatsoever.

Dated at Wallingford, Connecticut this _____ day of January, 1992.

Kathryn J. Wall
Town Clerk
Town of Wallingford