

444

Summary/Town Council MinutesJuly 10, 1984

	<u>Page</u>
Accepted Town Council Meeting minutes of June 26, 1984	1
TABLED disposition of Taber House until August 7, 1984 meeting	2-3
REFERRED BACK TO ORDINANCE COMMITTEE an Ordinance Concerning the Regulation of Fire, Burglar, Hold-Up, and Automatic Telephone Dialer Alarms within the Town of Wallingford.	3-7
ADOPTED AN ORDINANCE AMENDING ORDINANCE #294 ESTABLISHING A "CODE OF ETHICS" FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF WALLINGFORD	7-8
ADOPTED AN ORDINANCE PROVIDING FOR THE DEMOLITION OF HAZARDOUS BUILDINGS	8-9
Established A/C 701-604 & 701-900; amended General Fund Revenue Budget A/C 215 from \$6,000 to \$9,000 and amended General Fund Expenditure Budget A/C 701-604 from -0- to \$2,700 and A/C 701-900 from -0- to \$300; approved a transfer of \$137 from 701-130 to 701-410; established A/C 701-890 and transferred \$50 from 701-418 to 701-890, Planning and Zoning Department.	9-10
Withdrew acceptance of Fawn Drive, Templeton Road and Gina Lane	10
TABLED acceptance of Wisk-key Wind Road, Valley View Drive and Cliffside Drive of HIGH Hill Acres, Sections 1, 2 and 3	10
Accepted North Lane - Partridge Hill Subdivision	10
Withdrew acceptance of negative easement/Masonic Charity Foundation	10
Transferred \$2,584 from A/C 504-140 to various Public Works accounts to cover 4.5% increase for J & J Custodial Service contract	10-11
Approved transfer of \$75 from 501-140 to 501-651, Engineering Dept.	11
Refused acceptance of sludge waste at Town Landfill	11
Waived bid on C-Med contract for Fire Department	12
Approved continuation of Viet Nam War Veterans Committee, appointing Councilman Diana to fill Mr. Killen's vacancy	12
Appointed Thomas D. Solinsky to Robert Earley Disposition Committee	12
Approved appropriation of \$7,982 to A/C 603-161 Retirement Sick Leave, former Town Clerk	12-14
Rejected proposal to amend Council Rules of Procedure by adding Appendix I relating to Ordinances and the Ordinance Committee	14-15
Waived Rule V to establish new A/C 202-135 and transfer \$324 from 202-200 to 202-135, Dog Warden	15
Noted for record financial statements of Town dated July 1, 1984	15
Resolution appointing Charter Revision Commission NULL AND VOID	15
Meeting adjourned	15

Town Council MeetingJuly 10, 19847:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:30 p.m. by Chairman Robert Parisi. Answering present to the roll called by Town Clerk Rosemary Rascati were Council members Bergamini, Diana, Gessert, Killen, Krupp, Papale, Parisi and Polanski. It was noted for the record that Councilman Rys was on vacation. Also present were Mayor Dickinson, Assistant Town Attorney Adam Mantzaris and Comptroller Thomas Myers. The pledge of allegiance was given to the flag.

Invocation by The Reverend Charles Kellmer, First Congregational Church:

Dear Heavenly Father, we thank you for this opportunity to come together, that in this moment of fellowship we can look at the liberties and freedom that we have as a people and that we are able to enact upon them. We ask, dear Lord, to be with this Council meeting, those who are on the board and those who have come to give their voice that from thy grace, all may find wisdom, knowledge, courage and strength that what we do is not that of man's will but of your will and that we can do it not only for the glory of our town and our country but for you, God our Father. We pray this in the name of God, world without end. Amen. 445

Mr. Parisi thanked Reverend Kellmer for this evening's prayer.

Mr. Gessert asked how the Sartori property was progressing and Mayor Dickinson indicated the plans are ready and work should commence this week.

Mr. Killen pointed out that the letter dated July 3, 1984 from Mayor Dickinson contained a transfer of \$200 to A/C 509-521 on page 2 and another transfer of \$200 to A/C 509-521 on page 3--precluded by the Charter. Mr. Myers stated this was a mistake and he will submit a correction at the next Council meeting after researching this matter.

Mr. Krupp moved acceptance of the Town Council minutes of 6/26/84, seconded by Mr. Gessert.

Mr. Parisi noted for the record that he left the meeting because of illness and was not absent.

Mr. Krupp moved acceptance of Town Council minutes of 6/26/84, as amended, seconded by Mr. Gessert.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp removed the subject of the Taber House from the table, seconded by Mr. Gessert. Unanimous ayes; motion duly carried.

Mayor Dickinson felt that once again, it would be in the interest of Council and Town Government to delay the disposition of this matter. The Mayor was contacted by Ron McKeown who is instrumental in putting together finance groups to provide money for rehabilitation of structures such as the Taber House. There is still the idea pending that the structure could be moved and become a useful part of the community. There are two different plans, one a private approach and one requiring town participation in terms of co-ordination. Today, the Mayor received a call from people interested in the house for residential purposes. More time would enable all avenues to be exhausted.

Mr. Krupp is opposed to any rush to judgment on this until it becomes absolutely mandatory and suggested that this item be placed back on the table. Mr. Gessert concurred with those comments and is willing to consider viable alternatives to keep the Taber House in the community.

Mayor Dickinson stated he received a letter requesting permission to make some minor exterior repairs and Mrs. Bergamini feels that decision should be made by the Library Board. Mr. Diana supports preservation of the Taber House but questions the town's liability should an injury occur while repairs are made and Mr. Killen noted that the lease spells this responsibility out. Mr. Killen also questioned why this decision should be turned over to the Library Board since the town owns the building and have leased it to the library who is responsible for its upkeep. Mrs. Bergamini felt that since they are responsible for its upkeep, they should have some input. Mr. Polanski asked if the decision to paint the house by the JayCees was a mutual decision between the two groups and Mr. Parisi felt this could be approved without any liability.

Mr. Robert L. Carmody stated that the Library Board would like to be informed of what is going to be done to the property and felt that persons performing the work should be covered by workmen's liability insurance before such work is commenced. He also asked that the Library Board and Council members included in the Joint Committee on the Taber House be included in any discussions and negotiations taking place. Mr. Parisi indicated such a meeting will be held to discuss any substantive negotiations.

4-5 Mr. Peter Hale stated that he was assured by Mr. Gaffey's office that the building was covered by insurance and if any necessary work was to be performed, it should be done.

Mrs. Jeanne Holmes asked if the Council would consider proposals for on-site preservation of the home since inquiries of this nature have been made. Mr. Parisi felt that the vote taken was a situation of having the house moved from its present location. Mr. Gessert would not oppose a solution to retain the house at its present site.

Mr. Krupp pointed out that he voted against the proposal and not to tear down the Taber House. The objection was against the proposal. Mr. Killen felt that an attempt should be made to re-work the lease since this is within the purview of the Council.

Mrs. Sally Coleman urged the Council to keep in mind that the land on which the Taber House stands would be needed for future expansion and any proposals submitted must address this.

Mr. Peter Hale distributed photos of the Taber House interior and exterior to the Council to help clarify their thinking in these final moments. He also presented a parchment citing Mr. Charles Tibbets for all his contributions to the Borough and the town at that time, found in the attic of the Taber House.

Mr. Diana moved to table the subject of the Taber House until August 7, 1984, seconded by Mr. Krupp.

Vote: Unanimous ayes with the exception of Mrs. Bergamini who passed; motion duly carried.

PUBLIC HEARING ON AN ORDINANCE CONCERNING THE REGULATION OF FIRE, BURGLAR, HOLD-UP, AND AUTOMATIC TELEPHONE DEALER ALARMS WITHIN THE TOWN OF WALLINGFORD.

Mr. Gessert began reading the above ordinance but due to its considerable length, copies were distributed to the audience.

Mr. Krupp indicated that the attempt is to reduce the number of false alarms through two means. One is through prevention, a very key part and sanctions for non-compliance which are extremely liberal. Mr. Krupp reviewed various portions of the ordinance and explained that this proposal attempts to solve the problem through prevention, provides reasonable sanctions and provides for extenuating circumstances. This has been in process for three years and the Ordinance Committee has reviewed this for three to four months and it is brought before the Council and public for any commentaries and observations appropriate. The intent behind this is not purely a punitive measure, nor is it purely an ordinance written to develop sanctions. It is written with the intent of protecting the public through prevention and also protecting the rights of the community by creating sanctions where those sanctions are appropriate. Mr. Krupp strongly urges adoption of this ordinance.

Mr. Gessert felt the committee did a fine job and pointed out that he suggested this in September of 1981. False alarms are costly and are a waste of manpower, time and effort. There was a specific situation a couple of years ago where \$16,000 worth of damage was done to a fire truck on Ward Street which was responding to a false alarm. This ordinance will not prevent false box alarms but is designed to decrease them. Reducing false alarms will provide better safety for the community and will reduce costs.

A member of the audience asked how the determination of a false alarm is made and Mr. Calabrese stated an officer determines if a structure is safe and intact with no signs of forced entry and an attempt is made to contact the owner to check the interior.

If it were determined that there were no break-in or vandalism, it would be considered a false alarm, subject to further investigation in the event that something else turned up later. A problem caused by human error factor could possibly be worked out, as indicated in Section E.

447

Mr. Thomas A. Chicowski, 925 North Farms Road agrees that the ordinance is necessary but noted there are provisions with the State Department of Consumer Protection requiring registration and bonding of alarm companies and locksmiths. He suggested a shorter ordinance, keeping the intent but more concise in specific areas. A system such as this might entail hiring another secretary to take care of all these records and an electrical inspector to inspect each and every alarm system. He also asked if a homeowner could install a system in his own home and Mr. Calabrese indicated he could, by State codes. Mr. Chicowski felt that this should be specified within the ordinance. He also indicated that paragraph 4 on page 2 could be eliminated if a separate form were designed which could be distributed through the Police Department. Reference was made to paragraph 6, Automatic Telephone Dialer Alarms and Mr. Calabrese stated that the original proposal was not to have any tape dialers of any type coming into Police Headquarters emergency or non-emergency number. There are only two lines coming in and this creates a problem with telephone dialers. If technology is changes, at the discretion of the Chief of Police, he could allow tape dialers come into police headquarters. At present, with the provision of this ordinance, this would not be allowed. Mr. Chicowski reviewed 12 different town ordinances and found that the majority did not outlaw tape dialers to which Mr. Calabrese disagreed.

Mr. Calabrese indicated that registration is necessary for the protection of the consumer and these guidelines are for that purpose to insure proper licensing of firms installing systems. The ordinance is lengthy because it shows what is being asked for and eliminates discretion and problems later on, possibly ending up in civil court. The three keys to any alarm ordinance are the interest and cooperation of the law enforcement agency, alarm industry and alarm user, another reason for the length of the ordinance and Section 4. If this ordinance had been in effect last year, two private residences would have had to pay a fine and only one fine; the rest would have been commercial which is where the major problem is.

Tape dialers are prone to a higher number of false alarms which congest the lines coming in to the police department, causing a problem for a real emergency. Tape dialers are sometimes not clear and all the correct information is not obtained from them.

Irene Sunday, 60 Grandview Avenue requested clarification of Permit Fees and Mr. Krupp indicated this applies to new and existing systems with a 60 day grace period and a one-time charge. She also asked if a homeowner's alarm sounded due to his negligence and he notified the police department not to respond if this would be considered a violation and Mr. Calabrese indicated it would not if there has not been a dispatch to the alarm. Ms. Sunday asked about alarms going off due to electrical storms, etc. when the homeowner was not at home and Mr. Calabrese referred to the section excluding Acts of God, storms, power losses, etc.

Mr. Romeo Dorsey, 122 South Orchard Street feels that the ordinance is too lengthy and feels it is not necessary if only two homeowners would have been penalized. Mr. Calabrese pointed out that only two would have exceeded the allowed six but from 1980 to 1983, some homes had fifteen to twenty false alarms and some even higher. The enforcement program has reduced it to the present level. Mr. Dorsey questioned the legality of charging a \$5 fee to persons who already have alarm systems installed, prior to the adoption of this ordinance. He also indicated that adoption of this ordinance may require the addition of a clerk to maintain records and Mr. Calabrese stated that enactment of this ordinance would require less work than is currently being performed. Mr. Dorsey requested seeing a report detailing the 3,000 false alarms referred to. Ms. Sunday requested that the Assistant Town Attorney research the matter of charging a \$5 fee to existing alarm systems prior to adoption of this ordinance.

Mr. William H. Brooks, 40 Brownstone Road, owner of Rite-Way Alarm Systems in Milford, CT indicated that this ordinance proposal is the fairest one he has seen in New Haven, Woodbridge, Orange, Milford, East Haven, etc. There are numerous false alarms. This ordinance outlines everything and there is no question for either the user or alarm company and is a very fair ordinance.

448

Mr. Scott Crawley, Monitor Controls does not feel licensing should be provided for in the ordinance since this is provided for with state requirements and state changes would require a major change in the ordinance. He felt that the length of the ordinance may discourage people from installing alarm systems from a sales point of view. Fire alarm efforts should not be discouraged because more lives are taken by fires than burglaries.

Mr. Krupp pointed out that the length of the ordinance is due in large part to those areas that could become discretionary and that is specifically what they are trying to avoid. The requirements of the alarm user are simple enough and essentially, all he needs to know is that he must obtain a user's permit, the unit should be kept in good repair and after 7 false alarms, there will be a fine. The vast majority of what is built into the ordinance is regulatory in terms of alarm dealers, in terms of what information will be required in the areas of permits to eliminate the discretionary capabilities and definition of dealing with sanctions and violations which he does not see any viability of reducing in length because these needs must be specifically spelled out to insure that discretion and arbitrary decisions do not come into play. The alarm seller could simply advise the user that it is necessary to obtain a permit at Town Hall and too many false alarms may incur a fine but there are interim measures that the licensing authority tries to work with you on.

Mr. Crawley suggested drafting the ordinance so that the public would only have to get involved in the part concerning a user and would not have to be concerned about the alarm company. Mr. Krupp could not see the reason to create multiple ordinances to fulfill one purpose. Mr. Calabrese pointed out that enforcement of companies unlicensed using unlicensed people is beyond the capabilities of the Department of Consumer Protection and this creates a problem for the entire alarm industry and law enforcement agency, since the systems are installed at a cost less than a licensed company. It is for this reason that the ordinance contains provisions of that nature. Mr. Crawley felt that the electrical inspector has the discretion to enforce that law. Mr. Calabrese stated that there was a situation in Wallingford where an unlicensed company installed 23 or 24 systems with many problems resulting and this could have been stopped immediately had this ordinance been in effect. Mr. James Sweeney, JBS Security Systems, 552 North Colony Road feels the ordinance is very good and Wallingford has had the advantage of looking at ordinances of other towns. The only question is the yearly renewal for the alarm user; other than that, the ordinance is perfect the way it is.

Mr. Parisi's only concern is the determination of whether or not it is the alarm company's equipment malfunction and how do you know who is not doing what they should be doing. Mr. Krupp stated that Section 8 is built in for this purpose.

Mr. Adam Mantzaris recommended that this ordinance not be adopted or be tabled since the Town Attorney's Office has problems with the present document. In their view, the definition of false alarm would make it impossible for the Town of Wallingford to ever collect a dime in fines. The provision that somebody turning in a false alarm. . ."shall be subject to any property damage associated with that false alarm" is unenforceable and probably unconstitutional (page 5). The penalty section is a little unworthy of an ordinance, he believes. The appeals section on page 7--there are no standards where an application can be denied. It doesn't give the right of appeal, for example, for someone to say, "I didn't have a false alarm." An appeal should not be brought before the court system for an ordinance which invokes a rather minimal fine.

Mr. Krupp noted that the appeal process applies only in the case where someone has been denied a permit or has had their permit revoked. Mr. Mantzaris stated there are no standards for denying a permit in the ordinance as he reads it. He got the impression this ordinance was to obtain public input at this time and not a vote. Mr. Krupp indicated that specifics were asked for at Ordinance Committee meetings because it was intended to vote upon it.

Mr. Steve Hacku felt that yearly renewal by mail would be a good system and Mr. Calabrese said this decision would be made by the director of public safety.

Mrs. Papale felt, after listening to all the comments, that this ordinance should be referred back to the Ordinance Committee. Mr. Killen agreed all this input was necessary and must be put together.

Mr. Polanski questioned the appeals process and Mr. Calabrese understood the appeals officer would be appointed by the director of public safety, by Town Charter, directed by the Mayor. A number of days would be built in before an individual had to pay the fine. - 7

Mrs. Papale moved to refer AN ORDINANCE CONCERNING THE REGULATION OF FIRE, BURGLAR, HOLD-UP, AND AUTOMATIC TELEPHONE DIALER ALARMS WITHIN THE TOWN OF WALLINGFORD back to the Ordinance Committee, seconded by Mr. Polanski.

Mr. Krupp asked for a list of specific objections from Adam Mantzaris for the August 1, 1984 Ordinance Committee meeting which will be provided.

Vote: Council members Bergamini, Killen, Papale, Parisi and Polanski voted aye; Diana, Gessert and Krupp voted no; motion duly carried.

Mr. Parisi read AN ORDINANCE AMENDING ORDINANCE #294 ESTABLISHING A "CODE OF ETHICS" FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF WALLINGFORD.

Mr. Krupp indicated that a similar proposal came before this Council in March or April, 1984. Section III was brought up by a member of the prior Council and it was felt that this area needed an explanation of what was involved in terms of relations. A conflict of interest charge came before the Board of Ethics a number of years ago which involved an alleged conflict of interest because of a next door neighborship and the fact that some 20 years before, the individual had been the Godfather of one of the other individual's involved children. Section VIII was withdrawn since it dealt with former officials and employees over which there is no enforcement authority and unless some type of punitive sanction were built in, there just is no way to effectively control the activities of persons who have since become private citizens. Section XI changes would be extremely helpful to the Board of Ethics. The current time periods are unduly stringent, both for the Board and for the subject of the complaint and did not allow enough time for an individual to retain Counsel. The new time periods provide more time for the Board to consider the charges that may be alleged and also provides the respondent to the complaint with more time to prepare for an appearance before the Board.

Questions were invited from the public and there were none.

Mr. Krupp moved acceptance of AN ORDINANCE AMENDING ORDINANCE #294 ESTABLISHING A "CODE OF ETHICS" FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF WALLINGFORD, seconded by Mr. Polanski. This ordinance is attached to and made a part of these minutes, Exhibit I, Page 1 of 2 through Page 2 of 2.

Mr. Killen pointed out that Section XI . . .the appointing authority shall designate an Acting Chairperson who shall serve until the election of a new Chairperson who shall serve until the next meeting of the Board of Ethics. . .and felt that the minute the next meeting was called, this Acting Chairperson goes out of existence and could not call for the election of a new Chairperson. Mr. Killen felt the Acting Chairperson should serve until the election of a new Chairperson. Mayor Dickinson pointed out that this could be interpreted to mean that someone completely different must be elected at the next meeting. Mr. Krupp stated he was opposed to the tabling of this ordinance at the last meeting and there were no objections voiced to this proposal at the last Ordinance Committee meeting. Section XI was changed to read. . ."the appointing authority shall designate an Acting Chairperson who shall serve until the election of a new Chairperson."

Vote: Council members Bergamini, Diana, Gessert, Killen, Krupp, Papale, Parisi and Polanski voted aye; motion duly carried.

Mr. Krupp read and moved adoption of AN ORDINANCE PROVIDING FOR THE DEMOLITION OF HAZARDOUS BUILDINGS, seconded by Mr. Diana. This ordinance is attached to and made a part of these minutes, Exhibit II, Page 1 of 3 through Page 3 of 3.

5  
Attorney Mantzaris indicated that the City of Milford has never used their ordinance which was enacted but they have taken down 7 or 8 buildings. They have obtained immediate injunctions using the Health Code, State Building Code and their City Attorney's Office. Fire Marshal Victor J. Scionti presented a letter he received from the City of Milford concurring with Mr. Mantzaris. Mr. Krupp pointed out that the letter is dated July 13, 1983. Mrs. Bergamini felt that something is needed to provide clout to have a hazardous building removed. Attorney Mantzaris indicated power is provided under the Public Health Code and Building Code. Mr. Krupp pointed out that Milford's ordinance provided for an appeal process through the Superior Court and this ordinance provides for an appeal process through the Zoning Board of Appeals. He also stated that it was the Town Attorney's Office who suggested such an ordinance and after the Ordinance Committee met and drafted the ordinance and presented it for a public hearing, it is determined that the Town Attorney's Office could pursue such a matter on its own.

Mrs. Bergamini cited an instance with a building with broken windows, in a state of complete disrepair attached to another building. Another instance involves a situation where a property owner cannot get an increase in his fire insurance because a structure very close is boarded up and continuously vandalized. Attorney Mantzaris suggested the clout lies in the State Building Code, Unsafe Structures. Mrs. Bergamini asked who would enforce that code. Mr. Krupp asked why the state passed Public Act 82-269 authorizing municipalities to proceed with this type of action? Mayor Dickinson stated that without the ordinance, it would take a finding by an appropriate official, either Fire Marshal or Building Inspector, to find a building hazardous. At that point, the Town Attorney's Office would be given the case and they would get an injunction in court to seek either a correction of the problem and/or demolition of the building.

Mr. Krupp felt that this ordinance is closer to the ideal of due process and would personally prefer to see this type of an avenue pursued. Mr. Killen got the impression that as soon as this ordinance is adopted, buildings will disappear, and he finds that hard to believe due to the volume of ordinances on the books. If the State Building Code covers this, what are we trying to do? Mrs. Bergamini was told by the former Town Attorney that an ordinance was necessary.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Parisi read the 7/2/84 letter from Linda Bush, item 8(a).

Mr. Krupp moved the creation of a new line item A/C 701-604 Planning and Zoning Secretarial Services for the fiscal year 1984-85, seconded by Mrs. Bergamini; unanimously approved; motion duly carried.

Mr. Krupp moved the establishment of A/C 701-900 Planning and Zoning Custodial Services for the fiscal year 1984-85, seconded by Mr. Gessert; unanimously approved; motion duly carried.

Mr. Myers pointed out that he does not make a common practice of amending revenue budgets but in this case there is a wide variance and he felt it would be prudent in this instance to keep from hitting the 805-319 contingency account.

Mr. Krupp resolved to amend the General Fund Revenue Budget A/C 215, Planning and Zoning Permits from \$6,000 to \$9,000 and resolved to amend the General Fund Expenditure Budget A/C 701-604 Planning and Zoning Secretarial Services from -0- to \$2,700 and A/C 701-900 Planning and Zoning Custodial Services from -0- to \$300, seconded by Mr. Diana; unanimously approved; motion duly carried.

Mr. Gessert pointed out that the town must rebate dump fees for the Board of Education's refuse collector and yet the town must pay to use a school building for a public hearing at Mark Sheehan.

Mr. Krupp moved a transfer of \$137 from 701-130 to 701-410 for fiscal year 1983-84, seconded by Mrs. Bergamini.

Miss Bush explained that the billing policy for legal fees and agendas was changed because it was incorrect. The request made before the end of the fiscal year was short \$136+. Mr. Krupp asked if it was correct to make this transfer and Mr. Myers indicated it was just a closing adjustment. Mr. Killen asked when the books would be closed for fiscal year 1983-84 and Mr. Myers explained that it was a very lengthy process and would not be complete until August. 45!

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved the establishment of a new line item A/C 701-890 for Planning and Zoning, seconded by Mr. Gessert.

Mr. Killen felt that money should be appropriated to a new account rather than transferred to it and Mr. Myers referred to a discussion a few months ago and said the feeling was that it would be better to transfer rather than appropriate within a department. Under Generally Accepted Accounting Principles, you will find that an appropriation is an introduction of new money and we are not using new money for the Planning and Zoning Department, other than what was appropriated.

Vote: Unanimous ayes; motion duly carried.

Mrs. Bergamini moved the transfer of \$50 from 701-418 to 701-890, Planning and Zoning, seconded by Mr. Polanski.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Parisi read Miss Bush's 7/2/84 letter, agenda item 8(d).

Miss Bush withdrew acceptance of Fawn Drive, Templeton Road and Gina Lane because of a question which had come up. Mrs. Bergamini had a question about Wisk-key Wind, Valley View and Cliffside and Miss Bush referred to maps and stated that her questions concerned Section 5 which is not on the agenda for acceptance tonight, only Sections 1, 2 and 3. Mrs. Bergamini indicated there is broken curbing in front of 20 Wisk-key Wind and after #30, the road is a mess. People have requested repair of the curbing which has not been done.

Mr. Killen moved to table acceptance of Wisk-key Wind Road, Valley View Drive and Cliffside Drive of High Hill Acres, Sections 1, 2 and 3, seconded by Mr. Krupp.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert moved acceptance of North Lane - Partridge Hill Sub-division, seconded by Mr. Krupp; unanimously approved; motion duly carried.

Miss Bush withdrew acceptance of a negative easement from Masonic Charity Foundation.

Mr. Parisi read Mr. Deak's 6/27/84 memo, agenda item 9(a) to (h).

Mr. Diana moved a transfer of \$2,584 from 504-140 as follows: \$108 to 502-629, \$108 to 503-629, \$54 to 505-629, \$1,182 to 509-629, \$351 to 510-629, \$54 to 511-629, \$108 to 512-629 and \$619 to 514-629. Mrs. Papale seconded the motion.

Mr. Killen pointed out that \$1,900 was transferred from the snow removal account recently and he is not in favor of starting the year withdrawing more money from this account. Mr. Myers explained that it is very early in the year to draw on 805-319 and more alternatives may be available in January or February.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no and Mr. Krupp who was not present for the vote; motion duly carried.

Mr. Parisi read the 7/2/84 letter from Mr. Costello, item (10).

Mr. Killen moved the establishment of a new line item A/C 501-651 Registration Fee-Dams, seconded by Mr. Krupp; unanimously approved; motion duly carried.

Mr. Killen felt that the transfer of \$75 to A/C 501-651 should have been presented with the 1983-84 budget. Mr. Gessert pointed out that Community Pool Dam is non-existent and there was some discussion about the registration fee on this particular dam.

452  
Mr. Gessert moved a transfer of \$50 from A/C 501-140 to A/C 501-651, Engineering Department. Mr. Parisi requested that a letter be sent to the Commissioner of Environmental Protection stating that Community Pool Dam no longer exists. Mr. Parisi seconded the motion.

Mr. Krupp felt that a \$75 transfer could be handled by the Mayor but Mr. Parisi felt the Council should vote on the transfer.

Vote: Council members Bergamini, Killen, Krupp, Papale and Polanski voted no; Council members Diana, Gessert and Parisi voted aye; motion did not carry.

Mrs. Bergamini moved a transfer of \$75 from 501-140 to 501-651, Engineering Department, seconded by Mrs. Papale.

Vote: Council members Bergamini, Killen, Krupp, Papale and Polanski voted aye; Diana, Gessert and Parisi voted no; motion duly carried.

Mr. Parisi read Mayor Dickinson's 7/3/84 letter, agenda item (11).

Mr. Diana moved to refuse to accept 320 tons of sludge waste in the Wallingford Landfill and anticipate probably legal action from the State, seconded by Mr. Krupp.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert asked Mr. Cassella of a breakdown of the final costs of the methane project at the landfill. The project is not fully complete and must be hydroseeded, more fencing installed and paving to be done. Mr. Gessert indicated that the job was completed in a very timely fashion and it may very well be brought in under budget and everyone responsible for that project should be commended. Mr. Parisi noted that the abilities of the men who performed the work were demonstrated, contrary to the opinion that the work could not be done in-house. Mr. Musso said there was an article in a union paper stating that tremendous savings resulted by using town employees on this job.

Mr. Parisi read Fire Chief McElfish's 6/15/84 letter, agenda item (12).

Mr. Krupp moved the waiver of bid on C-Med services, seconded by Mr. Diana; unanimous ayes; motion duly carried.

Mr. Parisi read Councilman Gessert's 6/26/84 letter requesting continuation of the Viet Nam War Veterans Committee. Mr. Polanski asked if the Memorial Committee could include this committee since the suggestion was made to have memorials to all veterans located at Dutton Park. Mr. Killen pointed out that this land was donated to the town by the DAR and it should not be overloaded with memorials. He also asked that he be supplanted on this committee. Mr. Krupp feels that the intent to continuation of this committee is that the Council members will participate in an oversight situation, basically at their recommendation. Mr. Diana requested that his name be added to the Viet Nam War Veterans Committee.

Mr. Gessert moved continuation of the Viet Nam War Veterans Committee, as reconstituted. This motion was seconded by Mrs. Papale; unanimous ayes; motion duly carried.

Mr. Krupp moved the appointment of Thomas D. Solinsky to the Robert Earley Disposition Committee, seconded by Mrs. Bergamini.

Vote: Unanimous ayes; motion duly carried.

Mr. Diana moved to amend the resolution appointing the Robert Earley Disposition Committee, to change the number of appointments from 11 to 10, seconded by Mr. Krupp. There was some discussion about either a 9 or 11 member committee since an even number is not recommended and Mr. Killen will try to obtain a name for the August 7, 1984 meeting. Mr. Diana withdrew his motion and Mr. Krupp his second.

Mr. Polanski removed from the table an appropriation of \$7,982 to A/C 603-161 Retirement Sick Leave, former Town Clerk, seconded by Mrs. Bergamini; unanimous ayes; motion duly carried.

Mr. Polanski moved an appropriation of \$7,982 from the Unappropriated General Fund Balance to A/C 603-161 Retirement Sick Leave, former Town Clerk, seconded by Mr. Diana.

Mrs. Bergamini asked if Mrs. Massoni were entitled to retirement sick leave only for the period she worked for classified service, and not for the period of time she served as Town Clerk and Attorney Mantzaris indicated she definitely was entitled to it before serving as Town Clerk and there may be a question that she was entitled to it beyond that point. Reference was made to a letter written by Attorney McManus and Mayor Dickinson pointed out that three different phrases are used--and it goes on to the fact that she was led to believe she was entitled to it. 45

Mrs. Bergamini asked how sick leave records were kept and Mr. Seadale stated that department heads send Personnel a slip noting weekly absences of all employees, including Town Clerk.

Mrs. Bergamini did not feel there was justification for \$7,982 and did not think the Town Attorney's opinion was that clear.

Mr. Krupp asked if Mrs. Massoni was paid during the period from 3/29/83 through 5/31/83 when she was fully disabled and Mrs. Collins stated she received a compensation check for the time she was out; the remainder of her salary came on a regular payroll check, standard procedure in the town. For all intents and purposes, Mr. Krupp indicated that she was receiving sick pay, in addition to compensation since she was fully disabled. Mrs. Collins explained that when you are out on worker's comp in the Town of Wallingford, you receive 100% of your earnings--one check from worker's comp account from which no deductions are taken and the rest from the regular payroll account, not considered sick pay and the absence is marked on the time card as worker's comp and not sick pay. These are union rules and are in every contract. Mr. Krupp pointed out that she was not a member of the union but was an appointed official of the town. It is Mrs. Collins' understanding that anyone in management is entitled to all the benefits afforded to the union.

Mr. Krupp asked on what basis 100% of earnings was paid since worker's comp was being paid. Attorney Mantzaris stated that members of the classified service have it in their bargaining agreements and by experience, management has received the same benefits. Mr. Krupp pointed out that all department heads are appointed officials, appointed by the Mayor, according to Charter. Mr. Scionti and Mrs. Rascati are appointed by the Town Council. Mr. Seadale said they have been treated as classified employees historically.

Mr. Parisi feels this should be passed but that the Town Council should embark upon a policy very quickly that will shut this thing down by working with the Town Attorney's Office. Mr. Seadale indicated he would be happy to work with the Council setting up a policy.

Mr. Killen takes exception to the phrase, "it has been my understanding" and there are designated duties that spell out functions. He felt that Mrs. Massoni came under the Personnel Director's heading. Mr. Krupp felt there is a dichotomy here because on the one hand, she was not a member of the classified service but was treated as if she were a member of the classified service. Mr. Seadale indicated that the Charter is the governing document and Mrs. Massoni did not abuse sick leave and worked for those years understanding it was going to be there. The Charter says that the Council shall fix the compensation of the Town Clerk and that is everything--benefits and all and Mr. Seadale has nothing to say about it. Compensation in any court of law is the total package. Mr. Seadale stated again he would be very happy to work with the Council on establishing guidelines in this area. Mr. Polanski asked Mr. Seadale to help write a job description with benefits for the Town Clerk to be submitted to the Council for their adoption. Mayor Dickinson feels this should be done for any position that falls outside of classified service.

454  
Vote: Council members Diana, Gessert, Killen, Papale, Parisi and Polanski voted aye; Bergamini and Krupp voted no; motion duly carried. (Mrs. Bergamini indicated that she was voting against the amount.)

Mr. Gessert asked if the Town Clerk were entitled to any vacation and it was decided to put this item on a future agenda to establish guidelines.

Mr. Krupp stated that he had submitted a proposal previously to amend Council Rules of Procedure by adding Appendix I relating to Ordinances and the Ordinance Committee but this proposal was withdrawn on the basis that input should be received from all members of the Ordinance Committee. Pursuant to that time, a proposal was drafted and given to Mrs. Bergamini and Mr. Killen; feedback was provided and the proposal was amended and this is the finalized proposal. It will provide a future guideline for ordinances and the Ordinance Committee in light of the fact that I could not determine what I was supposed to do when I assumed Chairmanship of the Ordinance Committee. Part of our responsibility as a Council is to future Councils; that is to provide that guidance by leaving this kind of documentation as a heritage to them.

Mr. Gessert moved the adoption of the proposal to amend Council Rules of Procedure adopted on 1/10/84 by adding Appendix I relating to Ordinances and the Ordinance Committee, seconded by Mrs. Bergamini.

Mr. Killen is not in favor of this and doesn't believe it belongs under Rules of Procedure but merely grants an authority to the Council that is not granted under the Charter. He felt that the phrase ". . .no such Ordinance proposal shall be forwarded to the Council unless it has been reviewed and approved for legal propriety. . ." more or less circumvents the power of initiative in the Charter. Mr. Krupp pointed out that nothing can supersede the Charter except State Statute and this Appendix is basically intended to provide guidelines. We are not talking about items that come under power of initiative. Mr. Killen does not believe this is under the procedure of the Town Council--the right to appoint committees and subcommittees and would have to come under a Charter proposal. Rules of Procedure are guidelines for conducting Council meetings and Mr. Killen questions if these are Rules of Procedure. Mr. Krupp thinks it is necessary and would like to offer it on behalf of future Ordinance Committees, as a baseline, and for an understanding of these committees and their scope. Mr. Parisi agrees with this reasoning since there were no guidelines available. Mr. Killen felt the present system of handling ordinances such as was exhibited during tonight's meeting is fine.

Mrs. Bergamini felt this Appendix is acceptable with Mr. Krupp as Chairman of the Ordinance Committee but indicated it could lead to problems in the future with another person in that position.

Mr. Gessert felt that the phrase ". . ."no such Ordinance proposal shall be forwarded to the Council unless it has been reviewed and approved for legal propriety by the Town Attorney's Office. . ." could lead to some ordinances never reaching the Council.

Mrs. Bergamini stated she could not draft ordinances in the manner drafted by Mr. Krupp and Mr. Krupp stated that the Appendix provides for the Town Attorney's Office to do so. Mr. Krupp views part of his responsibility to develop a legacy. Mr. Parisi felt that enough debate was presented and this should be voted upon.

Vote: Council members Diana, Krupp and Parisi voted aye; Bergamini, Gessert, Killen, Papale and Polanski voted no; the motion did not pass.

Mrs. Papale moved to waive Rule V to establish a new A/C 202-135 and associated transfer for the Dog Warden. Mr. Killen seconded the motion; unanimous ayes; motion duly carried.

Mr. Gessert moved the establishment of A/C 202-135 Part Time Assistant Dog Warden, seconded by Mr. Diana; unanimous ayes; motion duly carried.

Mr. Gessert moved a transfer of \$324 from A/C 202-200 to A/C 202-135 for the Dog Warden, seconded by Mrs. Bergamini.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Gessert noted for the record the financial statements of the Town of Wallingford dated July 1, 1984, seconded by Mr. Diana; unanimous ayes; motion duly carried. 455.

Mr. Myers explained that this printout shows original budget and many Council members felt that this was an excellent idea.

Mr. Parisi moved to item (18), consideration of resolution appointing Charter Revision Commission and asked if any more names were submitted and Mr. Killen submitted the name of Winifred Norton. Mrs. Bergamini notified the Chairman that she was withdrawing her appointee's name, followed by Mr. Gessert. Mr. Parisi withdrew the name of his appointee and Mr. Krupp stated that Mr. Rys asked that his appointee's name be withdrawn.

Mr. Krupp stated that by virtue of the fact that four Council members have withdrawn their nominees, the statutory minimum of five members for Charter Revision Commission cannot be met and, therefore, the Council cannot act on the resolution.

Further, by failing to name the membership of such commission within 30 days of the resolution to establish the commission required by State Statute, the resolution adopted on June 12, 1984 is null and void.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:15 p.m.

Delores B. Fetta  
Council Secretary

Approved

Robert F. Parisi, Council Chairman

David A. Gessert, Acting Chairman

August 7, 1984

Rosemary A. Rascati, Town Clerk

August 7, 1984

AN ORDINANCE AMENDING ORDINANCE #294 ESTABLISHING A "CODE OF ETHICS"  
FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF WALLINGFORD

BE IT ENACTED by the Town Council in Session that File #294, "AN ORDINANCE TO REPEAL ORDINANCE #63 AS AMENDED BY ORDINANCE #153 AND TO SUBSTITUTE THEREFOR A NEW ORDINANCE ESTABLISHING A 'CODE OF ETHICS' FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF WALLINGFORD", is amended as follows:

SECTION III. DEFINITIONS - the following subsection is herein added:

d. RELATIONS shall be defined as follows:

1. BLOOD RELATIONS shall include grandparent, parent, brother/sister, child, grandchild, aunt/uncle, nephew/niece, and first cousin, whether such relations occur through blood lineage or adoption.
2. RELATIONS BY MARRIAGE shall include the current spouse and all blood relations of said spouse as defined above.
3. IMMEDIATE FAMILY shall include grandparent, parent, brother/sister, child, and grandchild, whether such relations occur through blood lineage or adoption, as well as the current spouse and his/her immediate family as defined above.

SECTION VIII. OUTSIDE AND FUTURE EMPLOYMENT

1. Subsections C, D, and E are hereby rescinded.
2. Subsection F now becomes Subsection C.

SECTION XI. BOARD OF ETHICS

1. Subsection B is amended as follows:

- B. The Board of Ethics shall elect biennially a Chairperson from its own membership, who shall serve a two-year term beginning on January 1 of each even-numbered year; in the event that the Chairmanship is vacated for any reason, the appointing authority shall designate an Acting Chairperson who shall serve until the election of a new Chairperson.

The

Board shall establish its own rules of procedure except as relates to the conduct of investigatory hearings as set forth in Chapter XVII, Section 1.B.2.b of the Charter. It shall keep records of its meetings as required by the Connecticut General Statutes and shall hold meetings at the call of the Chairperson or Acting Chairperson and at other such times as the Board may require. Five (5) members shall constitute a quorum.

2. Subsection C, Paragraph 1, fourth (4th) sentence only is amended as follows:

If the Board determines that the complaint alleges sufficient facts to constitute a violation, then within sixty (60) days after the receipt of said complaint, the Board shall fix a date for the hearing on the allegation contained therein, which hearing date shall not be more than ninety (90) days after the receipt of the complaint, and the Board shall give notice of the date fixed for the hearing at least thirty (30) days before the date of the hearing, and shall so notify the complainant and respondent by registered mail.

AN ORDINANCE AMENDING ORDINANCE #294 ESTABLISHING A "CODE OF ETHICS"  
FOR OFFICIALS AND EMPLOYEES OF THE TOWN OF WALLINGFORD

457

(EDITORIAL NOTE: Additions and/or changes to wording in Ordinance #294 have been underlined for ease of reference.)

EFFECTIVITY: This Ordinance shall become effective in accordance with the provisions of Chapter III, Section 7 of the Town Charter. Copies shall be distributed to all elected and appointed officials and department heads as of that date, and further shall be provided as an addendum to Ordinance #294 at any such time as copies of the original Ordinance are issued.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of \_\_\_\_\_, 1984, in accordance with the provisions of the Charter of the Town of Wallingford,

\_\_\_\_\_  
Rosemary A. Rascati  
Town Clerk

Approved: \_\_\_\_\_  
William W. Dickinson, Jr., Mayor

Date: \_\_\_\_\_

458 AN ORDINANCE PROVIDING FOR THE DEMOLITION OF HAZARDOUS BUILDINGS

BE IT ENACTED by the Town Council in Session that the following Ordinance, to be known henceforth as "AN ORDINANCE PROVIDING FOR THE DEMOLITION OF HAZARDOUS BUILDINGS", is adopted, pursuant to the provisions of Public Act 82-269.

I. SCOPE AND PURPOSE - The intent of this Ordinance is to protect the public health, safety and welfare by eliminating physical conditions in or on buildings and structures which constitute nuisances and are thereby potentially dangerous or hazardous to the life, health or safety of persons on or near the premises where such conditions exist, as well as to prevent the creation, continuation, extension or aggravation of blight which affects the image and economic welfare of the community. This Ordinance provides for the designation of buildings or structures as hazardous and for procedures for the demolition of such buildings and structures.

II. DEFINITIONS

1. HAZARDOUS BUILDING - Any building or structure which meets any or all of the following criteria:
  - a. Unsanitary constituting a hazard to health or safety because of inadequate maintenance, dilapidation, neglect or abandonment, or because of a lack of proper sanitation, or structurally unsafe or unsound, or otherwise dangerous to persons or property; and/or
  - b. Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity, and/or which constitute a nuisance.
2. NUISANCE -
  - a. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of Connecticut, its governmental agencies or the Ordinances of the Town of Wallingford.
  - b. Any physical condition in or on any building or structure which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where such condition exists.

III. GENERAL PROVISIONS

1. Compliance with this Ordinance shall not constitute a defense against any violation of any other Ordinance of the Town of Wallingford applicable to any building or structure, nor shall any one act of compliance constitute a defense against any subsequent or other violation of this Ordinance.
2. Owners and operators of buildings and structures shall have all the duties, obligations and responsibilities prescribed in this Ordinance, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor be entitled to assert as a defense against any charge made against him/her/them for violation of this Ordinance the fact that another owner or operator or any other third person or entity is also responsible therefor and in violation thereof.

IV. ADMINISTRATION

1. The Building Inspector of the Town of Wallingford, or his/her designated representative, is hereby designated as the officer charged with the enforcement of this Ordinance and is hereinafter referred to as the "enforcement officer".
2. The enforcement officer shall:
  - a. Determine if a certain building or structure appears to be a "hazardous building" as defined in Section II above;
  - b. Upon determining that a building or structure may be hazardous, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said premises, as shown by the land records of the Town of Wallingford, to appear before him/her on the date specified in the notice to show cause why the building or structure alleged to be hazardous should not be repaired or demolished;
  - c. Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as above provided, shall offer relative to the building or structure in question, as well as testimony of adjoining property owners and of the general public;
  - d. At such hearing, solicit the testimony, either written or oral, of appropriate Town departments as to the condition of the building, which departments may include, but need not be limited to, the Department of Health, Fire Department, Police Department, and/or Building Department;
  - e. Make written findings of fact from the testimony offered pursuant to subsections (c) and (d) above as to whether or not the building or structure in question is hazardous as defined in Section II of this Ordinance;
  - f. Issue an Order based upon the findings of fact made pursuant to subsection (e) above, commanding the owner, occupant, mortgagee, lessee, agent and/or other persons having an interest in the building to repair or demolish the building or structure found to be hazardous within thirty (30) days, unless a lesser time period is warranted by emergency conditions.

V. APPEAL OF ORDER - Within ten (10) days after the Order as referenced in Section IV.2.f is served, the owner, operator, occupant or other party(ies) with an interest in such building or structure may appeal the Order in writing to the Building Board of Appeals for its review of the Order. The Building Board of Appeals shall conduct a hearing on such appeal within ten (10) days of its filing, and may either deny the appeal or modify, extend or otherwise alter the Order.

VI. DEMOLITION AND RECOVERY OF COSTS - If the owner, operator, occupant or other party(ies) fail to comply with the Order provided for in Section IV.2.f, including such alterations as may result from the appeal process provided in Section V, the enforcement officer shall cause such building or structure to be repaired or demolished as the Order may warrant, and shall notify the Town Attorney's office of the costs of such repairs or demolition, which office shall cause the costs to be charged against the building or structure or the land on which the building or structure existed as a municipal lien.

400 AN ORDINANCE PROVIDING FOR THE DEMOLITION OF HAZARDOUS BUILDINGS

VI. DEMOLITION AND RECOVERY OF COSTS (continued)

or as a benefit assessment, or to be recovered in a suit against the owner, said costs to include a processing fee of fifty dollars (\$50.00) payable to the Town of Wallingford.

VII. PROVISIONS OF OTHER ORDINANCES, REGULATIONS, CODES OR STATUTES

The provisions of this Ordinance shall be supplemental to existing municipal Ordinances dealing with housing and/or public health, and shall not limit the provisions of other local, state or federal codes, regulations or statutes as they may apply. If any clause or provision of this Ordinance shall conflict with any clause or provision of any other Ordinance or other local, state or federal code, regulation or statute, the more stringent provision shall apply.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of \_\_\_\_\_, 1984, in accordance with the provisions of the Charter of the Town of Wallingford.

\_\_\_\_\_  
Rosemary A. Rascati  
Town Clerk

Approved: \_\_\_\_\_  
William W. Dickinson, Jr., Mayor

Date: \_\_\_\_\_  
Special Town Council Meeting  
July 31, 1984  
6:00 p.m.

A special meeting of the Wallingford Town Council was held on this date to waive the bidding procedure for replacement of air conditioning equipment in the Data Processing Center of the Electric Division and transfer funds to pay for same.

Vice Chairman Gessert called the meeting to order at 6:00 p.m. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Gessert, Killen, Krupp, Papale and Rys. Chairman Parisi was on vacation and Councilman Polanski was also away. Mayor Dickinson and Comptroller Myers were also present.

Mr. Krupp moved to waive the bidding procedure to replace the air conditioning equipment in the Data Processing Center of the Electric Division provided that the Purchasing Department will seek 3 to 4 sealed bids on an emergency basis and then select from those bids. All proposals will be a combination of price and delivery. Mr. Rys seconded the motion.

Mr. Walters explained that the air conditioning equipment is 7 to 8 years old and has required repairs earlier this year and serves only the computer area but it does run many, many hours.