

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

June 9, 2009

The following minutes are a record of the Regular Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, June 9, 2009. The Meeting was Called to Order at 6:38 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Councilors Vincenzo M. DiNatale arrived at the meeting at 6:40 P.M. following the Roll Call Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were also present.

The meeting began with a Moment of Silence, the Pledge of Allegiance and the Roll Call.

2. Chairman's Report

Chairman Brodinsky read part of a news article from Revere, Massachusetts, regarding the danger that their City Councilors face each day. He announced that design work, progress report and timeline issued by the Engineering Department to fast-track the Reskin Drive culvert repair.

Mr. Testa announced that 3g., parts of 3j. and 3k. have been 'removed' from the Consent Agenda.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#656 - #666) totaling \$4,208.81
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve Use of the Parade Grounds, Simpson Court, South Main Street, Hall Avenue, Gazebo and Fishbein Park at the Railroad Station for the 23rd year of Celebrate Wallingford from October 3 and 4, 2009
– Chairman Mike Brodinsky
- 3c. Consider and Approve a Transfer in the Amount of \$9,000 to Fire Operating Expenses Acct # 001-2030-401-4100 from Regular Salaries and Wages Acct # 001-2030-101/1000– Fire Chief
- 3d. Consider and Approve a Transfer in the Amount of \$3,300 to Utilities Acct # 001-2030-201/2010 from Regular Salaries & Wages Acct # 2030-101/1000
– Fire Chief
- 3e. Consider and Approve a Transfer in the Amount of \$600 to Overtime Acct # 2035-101-1400 from Continuing Education Acct # 2035-501-5700
– Fire Marshal
- 3f. Consider and Approve a Transfer in the Amount of \$7,500 to Professional Services – Microfilming Acct # 001-1600-901-9033 from Purchased Services – Insurance Consultant Acct # 001-1600-901-9034 \$3,000 and from Employee Training Acct # 001-1602-600-8360 \$4,500- Insurance – Personnel

- 3g. *Consider and Approve an Appropriation in the Amount of \$6,700 CRRA (Service Contract Grant) to Expenditures Fund # 202 and to Revenue Fund # 202*
– Grants Administrator
Removed
- 3h. Consider and Approve authorizing the Mayor to enter into an Agreement between the Town of Wallingford and FSW, Inc. CT, the new provider for the elderly nutrition programs, in order to continue to use the grant dollars for delivery of meals
– Grants Administrator
- 3i. Appointment of John Smith, Commander of the American Legion, Siedlicki Post 187, to the Board of Ethics for a three-year term effective immediately through March 1, 2012 - Mayor
- 3j. *Consider and Approve Bid Waiver List for FY 2009-2010 – Mayor*
Removed
- 3k. *Consider and approve Bid Waiver to purchase Tax Collection software from Quality Data Services, Inc. in the Amount of \$76,000 – Comptroller*
Removed
- 3l. Consideration and Acceptance of a Certificate of Devise conveying 22 Tamarac Swamp Road from the Estate of Kathleen L. Colonese to the Town of Wallingford – Town Attorney
- 3m. Approve Minutes of Regular Town Council Meeting May 12, 2009 (*Budget Adoption*)
- 3n. Approve Minutes of Special Town Council Meeting May 21, 2009
- 3o. Approve Minutes of Regular Town Council Meeting May 26, 2009
- 3p. Consider and Approve a Resolution authorizing the Mayor to submit, on behalf of the Town, a Grant Application to the U.S. Department of Energy for financial assistance from the EECBG (Energy Efficient and Conservation Block Grant) in the amount of \$197,500 to provide such additional information and to execute such other documents, as may be required, and to act as the authorized representative of the Town of Wallingford – Grants Administrator

MOTION

Mr. Testa made a motion to approve Consent Agenda Items 3a. to 3f., 3h. to 3i. and 3l. to 3p. Mr. Farrell seconded. By voice all Councilors present (9) voted Aye.

The motion passed.

4. **Items Removed from the Consent Agenda**

- 3j. *Consider and Approve Bid Waiver List for FY 2009-2010 – Mayor*

MOTION

Mr. Testa made a motion to approve Consent Agenda Items 3j. *Bid Waiver List for FY 2009-2010 with the EXCEPTION of Choate Ice Rink, Murtha Cullina, Standard & Poor and Moody's.* Chairman Brodinsky seconded.

By voice all Councilors present (9) voted Aye. The motion passed.

- 3g. Consider and Approve an Appropriation in the Amount of \$6,700 CRRA (Service Contract Grant) to Expenditures Fund # 202 and to Revenue Fund # 202 – Grants Administrator**

MOTION

Mr. Testa made a motion to approve an Appropriation in the Amount of \$6,700 CRRA (Service Contract Grant) to Expenditures Fund # 202 and to Revenue Fund # 202 as requested by the Grants Administrator. Chairman Brodinsky seconded.

Robert Gross, 114 Long Hill Road, asked the Mayor questions regarding whether Ms. Zaback was a salary or an hourly employee, why this money just didn't go to the town to offset Ms. Zaback's wages, were staff in other towns paid by CRRA, and comments regarding CRRA's budget.

By voice all Councilors present (9) voted Aye. The motion passed.

- 3k. Consider and approve Bid Waiver to purchase Tax Collection software from Quality Data Services, Inc. in the Amount of \$76,000 – Comptroller**

MOTION

Mr. Testa made a motion to approve a Bid Waiver to purchase Tax Collection software from Quality Data Services, Inc. in the Amount of \$76,000 as requested by the Comptroller. Chairman Brodinsky seconded.

Mr. Bowes reminded the Council that about one year ago he received approval for a bid waiver to replace the Gemini software for tax collection, utility billing collection and the general accounting financial software. He said that the bid waiver opened up the opportunity to use an alternative method to evaluate what was needed and what was in the marketplace. They put out an RFP for the accounting software and have recently contracted someone and same was done with the utility billing software and they have also contracted with somebody. He said that the tax collection software was a little bit different. They did not publicly advertise it the same way they did the others because the evaluation process showed that Quality Data Services is the preferred provider, has the best fit for them and is the cheapest overall price for the town for the tax collection software.

Robert Gross, 114 Long Hill Road, asked Mr. Bowes about the Gemini software. Mr. Bowes said that Gemini is gone and is now called Munis/Tyler. They continued to talk about various companies that offer tax and accounting software and compatibility and efficiency for the functions that the town needs. Mr. Bowes said that approximately 85 towns in Connecticut use the Quality Data Services package for assessments and collections. He said that the last upgrade was in 2005 and installed in 1998. Mr. Bowes gave the QDS advantages – provides in real-time and "in balance" between the assessor and tax collection, something that doesn't exist now since it is now done manually. This improves accuracy and personnel time. QDS generates the taxable grand list.

Ben Martin, Ward Street, asked about online payment capability. Mr. Bowes said that the software has the capability and that right now we accept on line payments through a third party provider, Official Payments Inc., for taxes and utilities as well as federal and state taxes. (officialpayments.com)

Jason Zandri, Lincoln Drive, wanted to know about the software system maintenance. Mr. Bowes said There would be none for the first year and approximately \$25,000 to \$30,000 the 2nd year and going forward from there of about five years. Mr. Zandri asked about resident bill bundling. Mr. Bowes said that would look to implement that.

Debbie Gross, 114 Long Hill Road, asked how does one receive the information for online payment and how does it get updated in the tax collecting system. Mr. Bowes said that they receive a detailed, daily report with the account number, principle, interest and any other type of fee for taxes and utilities and is enters manually by the tax office. Ms/ Gross asked if the new system would interface with this electronic data and automatically post it to the town's system. Mr. Bowes said that he has security reservations, and it has been in the discussions.

By voice all Councilors present (9) voted Aye. The motion passed.

3j. Consider and Approve Bid Waiver List for FY 2009-2010 – Ice Skating Time at Choate Rosemary Hall - Mayor

MOTION

Mr. Testa made a motion to approve Consent Agenda 3j. Bid Waiver List for FY 2009-2010 for Ice Skating Time at Choate Rosemary Hall as requested by the Mayor. Mr. Farrell seconded.

Robert Gross, 114 Long Hill Road, talked about his request to the Mayor to approach Choate in regard to tax relief for the Town of Wallingford. He wants to know why we are paying for ice time at Choate. Chairman Brodinsky gave some background stating that there are eight weeks of skating on Sunday that the town has. He said that 600 skaters purchase \$7 tags which is a wash for the Town of Wallingford. He said Parks and Recreation Director, John Gawlak, said that Choate's rink is used because it is so convenient for residents.

By voice all Councilors present (9) voted Aye. The motion passed.

3j. Consider and Approve Bid Waiver List for FY 2009-2010 – Mayor Murtha Cullina

MOTION

Mr. Testa made a motion to approve Consent Agenda 3j. Bid Waiver List for FY 2009-2010 for Murtha Cullina LLP as bond Counsel for the Town of Wallingford as requested by the Mayor. Mr. Farrell seconded.

Mr. Bowes said we have requested a bid waiver for many, many years and by doing that we procure the services of Attorney Joseph Fasi, whose experience with the town is long. He is an asset in his knowledge of his overall financial picture of the town. It is at an hourly rate based upon what he does...ordinances, selling and re-funding bond. Regarding the relationship between Mr. Fasi, being the bond counsel, and the member of the pension commission, who is in the same law firm, Chairman Brodinsky asked if there was a problem. Mr. Bowes said that the town does not see a problem and that they have questioned both Mr. Fasi and this individual on the pension board with regard to the question. Mr. Fasi does municipal debt and

issues and that is all that he does for Murtha Cullina. He is the only attorney there who does that kind of work. The individual on the pension board works in non-municipal matters and non-governmental matters altogether.

Robert Gross, 114 Long Hill Road, discussed Bank of America, bonds and the pension board. He also wanted to know why the town must have Attorney Fasi present, and being paid, during a bonding item when the town knows that the town will be paying cash as in the recent purchase of the Whirlwind Hill Road property. Mr. Bowes said that Mr. Fasi is present to oversee the procedure of the sale of bonds and that he advises the town in order to meet statutory requirements. He said that Mr. Fasi is not active in the marketplace.

By voice all Councilors present (9) voted Aye. The motion passed.

**3j. Standard & Poor and Moody's - Consider and Approve Bid Waiver List for FY 2009-2010
– Mayor**

MOTION

Mr. Testa made a motion to approve Consent Agenda 3j. Bid Waiver List for FY 2009-2010 for Moody's and Standard & Poor as requested by the Mayor. Mr. Brodinsky seconded.

Mr. Bowes said that on occasion we use both Moody's and Standard and Poors and they are on the list because if we use them, the fee would be over \$4,000.

Mr. Farrell announced that he will not participate in this and will abstain from this question as his office, the Office of Consumer Protection, has authorized a lawsuit against both of these entities that goes directly to the issuance of municipal bonds that effects all 169 municipalities, including Wallingford.

Robert Gross, 114 Long Hill Road, said that there are three bond agencies, including Fitch, so why not have a competitive bid. Mr. Bowes said that Fitch is not competitive. He said that Moody's and Standard & Poor provides a credit analysis and a credit rating for the town when the town is going out to a competitive bond sale. So we pay them to rate our bonds.

By voice all Councilors present (8) voted Aye except for Mr. Farrell who abstained.
The motion passed.

The motion passed.

5. PUBLIC QUESTION & ANSWER

None

6. Discussion and Possible Action concerning Charter Revision, including, but not limited to, questions to be placed on the ballot and the form thereof. [NOTE: The agenda item is contingent upon the Charter Revision Commission's actions, if any, prior to this meeting]
– Chairman Mike Brodinsky

Chairman Brodinsky explained procedure with regard to the last meeting and that the Charter Revision Commission will review the motions that the Council passed. He said that the commission will be meeting on Thursday (*June 11, 2009*), and following that meeting, the Commission owes the Council a report based on the Council's recommendations. Following that report, the Council will need to revisit the issues that the Council decides tonight. This is an effort to get our work done by the second meeting in June.

One of the issues that needs to be decided is if there are any recommendations that the Charter Revision Commission made that the majority of the Council does not want to appear on the ballot, and if there are issues or changes that the Commission has recommended, that the Council has to discuss whether they go to the voters or not. He said that the second issue is that once the Council finds what goes to the voters, that the Council will need guidance as to format, how many questions will be going to the voters. He said that the Charter Revision Commission has recommended five questions. He said that is not binding on the Town Council.

He said Issue One:

Is there any issue that a Councilor does not want to go to the public that was recommended by the Charter Revision Commission?

Mr. Farrell spoke to the Town Attorney in reference to the last meeting about the charter which concerned a positive vote about the Board of Ethics and the ability of the town to delegate the Board of Ethics matters to the Board of Ethics of different municipalities. He doesn't think that this was discussed or investigated in her presence at any Commission meeting. He asked in doing so, the town would be delegating some of its powers to another municipality and is there a need for an underlying statute that authorizes the town. Attorney Small said that there is a statute that talks about municipalities entering into agreements for the performance of government functions. She thinks it is broad enough but that it is uncharted territory. She said that she will give the citation to Mr. Farrell.

He said that is there are no other comments, we will consider that issue closed.

Issue Two:

How many questions should there be and what should they be?

Chairman Brodinsky said the Charter Revision Commission noted in their letter dated May 7 that all of their recommendations be broken down into five questions:

1. Mayoral Veto
2. Selection Process for the Town Clerk
3. Provisions to the Ethics Section
4. Change in the Term to the Board of Education from Two to Three years
5. All Other Revisions

Mr. Farrell recalls a single question on the ballot in the past and asked if this was considered by the Charter Revision Commission when it sent this recommendation. Attorney Small said yes that they thought it important that it be broken up, to recommend a series of questions. He asked what would be the rationale to deviate from past practice this time around. Attorney Small said that they view that those issues that they separated could be considered controversial. They had healthy debates on those issues and she doesn't recall discussing how it was done in the past. She feels they think that each issue has some importance and that they would be varying opinion as to the outcome. Mr. Farrell asked, if the Commission, in looking at the whole new proposed charter, and in parsing the issues into separate ballot questions, what happens if there is some difference in how the questions get decided. Has it been looked at from the point of view of will the old charter, revised here and there, still hang together as one piece with no conflicts of failure to adopt one of them.

Attorney Small said she thinks that is a good question and when individual questions are created, that those are the types of things that need to be looked at. She said the importance is if one thing is defeated and one thing is approved, they can be disconnected from each other so that certainly in the framing of the question will need to be checked before the final decision. She doesn't think that the isolated questions that they want will be a problem.

Chairman Brodinsky said he thinks any inconsistencies should come up tonight. He said that what the Charter Revision Commission has submitted seems to be sufficiently compartmentalized. Are there any additional questions to add?

Mr. Parisi said that we had made a motion to remove the language concerning the override of the PUC and restore it to the original language, and as it stands now, the proposal for the Mayoral veto, does that requirement, he believes it to be six votes, cover all of the overrides. Chairman Brodinsky said, "No, if you wanted to have the public, when they go to the poles, focus on just the PUC override, that would have to be a separate question." Mr. Parisi said that he would like to see that happen. Chairman Brodinsky said has made a note and asked if there were other separate questions.

Mr. Testa said that he would like to see the change regarding the number of electors required to make a referendum binding changed from 20% to 15 % a separate question.

Chairman Brodinsky asked for other separate questions. There were no other requests for separate questions. He asked for combining any of the questions as presented by the Charter Revision Commission into Question 5, in other words, deleting any of the questions. It would be rolled into the 'omnibus question' or 'all others.'

MOTION

Ms. Rascati made a motion that to have only one question on the ballot reading, "Do the voters approve all the proposed changes that have been recommended?" And then signify yes or no. Chairman Brodinsky said that her thought is that there just be one question to incorporate every single change. Mr. Parisi seconded.

Mr. Spiteri said that the Charter Commission recommended to breakup what they thought was important and what the public thought was important. He said he could understand that if there was a controversial item that they would not want all of their work to be thrown out of the window so he will not support the motion.

Mr. Farrell said that you can think of it in a multiplicity of ways. He referred to the quickly amended United States Constitution in the Bill of Rights. He said he thinks that there were ten amendments. Based on his recall, he said the states voted on the Bill of Rights as one document, one vote, even though items in the Bill of Rights today remain controversial. He said that you can argue it both ways and he wonders whether from the perspective of trying to keep it on some level accessible to the voter whether Mrs. Rascati is right that it does give the voter who feels all of the changes are incorrect, the opportunity to just very directly say that.

Ms. Rascati said that four times in the past it has always been one question for many changes.

Chairman Brodinsky said that he thinks it is what is fairest to the voters and not because this is the way it has always been done. It doesn't put the voter into a box but instead it gives a choice to the voter.

Ms. Rascati said that the rationale to make it one question was that you are not confusing some of the voters by voting yes or no with just one question. She said that not that it is better but that it is less confusing.

Mr. Farrell said in keeping it in one piece is that you can make an argument about what happens if certain items get passed and others don't. The Charter Revision Commission has put this up as one full document. There is at least an argument that the document hangs together or it does not in same way that the

proponents of the Bill of Rights, ten separate constitutional amendments, voted on as one piece. He said that is the legal and philosophical argument.

Mr. Economopoulos said that the original Bill of Rights numbered twelve amendments and they removed two because the slavery issue wasn't going to fly so they took the ten good ones. He said that he could see that happening here if we have one bad issue. And why we would want to do that with all of the hard work of the commission.

Jason Zandri, 35 Lincoln Drive, spoke of the links of certain items to others in the charter and believes that things should be singled out. He said that good changes are being put forth. He said that sometimes confusion can arise in the way a question is phrased.

Ben Martin, Ward Street, said that everyone should have the right to vote.

Diana Hotchkiss, 38 Clifton Street, said that voters should be given the right to say yes or no.

Robert Sheehan, 11 Cooper Avenue, said do not deny people the right to vote. He wanted clarification on the "all other" question. He doesn't understand the one size fits all question on the ballot. He said two questions are enough, the Mayoral veto and the town clerk and that if you put on five that none of them are going to pass.

Lucille Trzcinski, 25 Turnberry Drive, said that if you have only one question that it is to guarantee its defeat.

Robert Hogan, Greib Road, said that he is in favor of five questions and to give people a choice.

Chairman Brodinsky said that the motion has been made and seconded to have all changes in one question,

ROLL CALL VOTE

Brodinsky - No; DiNatale - No; Economopoulos - No; Farrell - Yes;
LeTourneau - Yes; Parisi - Yes; Rascati - Yes; Spiteri - No; Testa - No
5- No
4 - Yes

The motion failed.

Chairman Brodinsky said that we are now in the process of deciding of how many questions there should be.

There are so far the five questions suggested by the Charter Revision Commission plus the concept mentioned by Mr. Parisi about the PUC questions and the concept mentioned by Mr. Testa about the change in the referendum percentage.

MOTION

Chairman Brodinsky made a motion that the Mayoral veto be a stand alone question. Mr. Testa seconded. There were no questions or comments from the Council or the public.

ROLL CALL VOTE

Brodinsky - Yes; DiNatale - Yes; Economopoulos - Yes; Farrell - No;
LeTourneau - No; Parisi - No; Rascati - No; Spiteri – Yes; Testa - Yes
5- Yes
4 – No

The motion passed.

MOTION

Chairman Brodinsky made a motion that the selection process for the Town Clerk be a stand alone question. Mr. Spiteri seconded. There were no questions or comments from the Council or the public.

ROLL CALL VOTE

Brodinsky - Yes; DiNatale - Yes; Economopoulos - Yes; Farrell - No;
LeTourneau - No; Parisi - No; Rascati - No; Spiteri – Yes; Testa - Yes
5- Yes
4 – No

The motion passed.

MOTION

Chairman Brodinsky made a motion that the Revisions to the Ethics Section of the Charter be made a stand alone question. Mr. Testa seconded.

Mr. LeTourneau asked how can the Council vote on something that was sent back. Chairman Brodinsky said procedurally this is how it would work, if the Charter Revision Commission decided They did not like the provision for reciprocal agreements regarding ethics complaints, there is nothing the Council could do about that because if they don't recommend it, the Council can't force it on the ballot anyway. If they do like it and it's incorporated into their recommendation, then that was a 6-3 vote on this Council, so that would be included in question 3. He said that we have to revisit this anyway at our next meeting because we have to receive the report and bless it and proceed from there.

Mr. Farrell said that in good conscience that he cannot vote on something when another body does something it's black or if they so the alternative it's white. He said that he will abstain. He said that he can't buy in to that argument in any way.

There were no other comments from the Council or the public.

ROLL CALL VOTE

Brodinsky - Yes; DiNatale - Yes; Economopoulos - Yes; Farrell - ABSTAIN;
LeTourneau - ABSTAIN; Parisi - ABSTAIN; Rascati - ABSTAIN; Spiteri – Yes; Testa - Yes
5- Yes
4 – ABSTENTIONS

The motion passed.

MOTION

Chairman Brodinsky made a motion that the three-year Term for the Board of Education be made a stand alone question. Mr. Testa seconded.

There were no comments from the Council or the public.

ROLL CALL VOTE

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

5- Yes

4 – No

The motion passed.

MOTION

Mr. Parisi made a motion that the language concerning the override of the PUC by the Town Council be a separate question. Chairman Brodinsky said that there were some significant recommendations made with respect to the PUC. One had to do with membership to the PUC, from three (3) to five (5) members, and one had to do with the override of the PUC actions of the Town Council. He said that the change recommended was to go from seven (7) Councilors to six Councilors (6). Mr. Parisi said that he only wants to retain the seven (7) vote to override the action. Mr. Spiteri seconded.

Chairman Brodinsky said that the Charter Revision Commission made a recommendation that it would take six (6) Town Councilors instead of seven (7) Town Councilors to veto an action of the PUC and that Mr. Parisi wants that as a separate question to restore the original language.

Other than a clarification of the motion from Mr. Farrell, there were no other questions from the Council.

Jason Zandri, Lincoln Drive, said that since a Councilor feels is sensitive enough to separate this item that he encourages everyone to vote yes to separate the item. It gives everyone an opportunity to have a say.

Mr. Economopoulos said that he will support the Charter Revision Commission and five questions only.

No other comments were forthcoming.

ROLL CALL VOTE

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

6- Yes

3 – No

The motion passed.

Mr. Testa said that he tried to look at this as substantive changes versus procedural type changes and that he thinks this is as important a question as anything has been proposed by the Charter Revision Commission. It has to do with the ability to referendum to changes ordinances, to promote ordinances and he has no idea why they chose to change this but 20% is one fifth, and he doesn't see the point in going below that but he certainly isn't going to propose removing it because he thinks in principle it wasn't our

place to reject recommendations by the Commission. He said he thinks it should be a separate question because he thinks that it is that important.

MOTION

Mr. Testa made a motion that the change regarding the number of electors required to make an initiative and a referendum binding be placed as a separate question on the ballot. Mr. Spiteri seconded the motion.

There were no comments forthcoming from the Council.

Jason Zandri, 35 Lincoln Drive, said that he supports having this as a separate question to change the number from 20% to 15 % of voter signatures. He said it makes it easier to petition votes.

Robert Gross, 114 Long Hill Road, said that 20% is an excessive number . He quoted state statute requires 15% for Charter Revision of registered voters.

Mr. Testa said the Charter Revision Commission did not make any change in the requirements to bring a question to referendum. It is just a number of people that have to vote to make it in to make it binding.

ROLL CALL VOTE

Brodinsky - Yes; DiNatale - Yes; Economopoulos - No; Farrell - No;
LeTourneau - No; Parisi - Yes; Rascati - Yes; Spiteri – Yes; Testa - Yes
6- Yes
3 – No

The motion passed.

Mr. Parisi asked to have the motion repeated. Chairman Brodinsky said the motion was to have as a stand alone question the percentage of voters needed to show up at a referendum or an initiative – voter turnout.

Mr. LeTourneau reminded about the fifth question “all other.”

MOTION

Chairman Brodinsky made a motion to have everything else wrapped up into one last question of recommendations and proposed changes made by the Charter Revision Commission be in a stand alone question referring to ‘all other’ recommendations of the Charter Revision Commission. Mr. Testa seconded.

Mr. Parisi asked if we will have an opportunity to vote on those stand alones or not or comment as we have done here tonight? Chairman Brodinsky said that we will have to touch case again at our second meeting in June but it will be referring back to what we did here tonight. Mr. Parisi said that it will not include anything that will be new. Chairman Brodinsky said no there won’t be anything new. Mr. Parisi said it will be the ground that we have covered.

Mr. LeTourneau, for clarification, asking if someone, in considering all the other questions that were voted on tonight were on the ballot as separate questions and they voted ‘no’ on all of the questions, except on number five where they would vote ‘yes’, then that would then render ‘all other’ revisions approved. Chairman Brodinsky said yes.

Mr. Testa said that he wanted to clarify that we will have the opportunity to talk about the wording. Chairman Brodinsky said absolutely, we have to approve the language.

Mr. Spiteri asked if he would be incorrect in assuming that the omnibus questions are mostly clerical to get it up to 2009 standards. Chairman Brodinsky said a lot of it is but some of it is not. To give a flavor of this question, he gave some examples....references to posting things on the website, vacancies and time limits for appointments.

No comments were forthcoming from the public.

ROLL CALL VOTE

Brodinsky - Yes; DiNatale - Yes; Economopoulos - Yes; Farrell - No;
LeTourneau - No; Parisi - No; Rascati - Yes; Spiteri – Yes; Testa - Yes
6- Yes
3 – No

The motion passed.

7. Discussion and Possible Action on revisions to the Purchasing Ordinance - Chairman Mike Brodinsky

Chairman Brodinsky called a ten-minute recess, which commenced at 8:30 P.M. He reconvened the meeting at 8:41 P.M.

Chairman Brodinsky said that Town Attorney, Janis Small, has been working with the town's Purchasing Agent, Salvatore Amadeo to revise and update the Purchasing Ordinance to make it more workable and more in line with Purchasing practices. He said that the Purchasing Ordinance as revised is quite lengthy. He referred to page 14 to 16 and that there are fundamental changes that are major.

Attorney Small introduced the item stating that she previously outlined different types of competitive purchasing processes that could be used, and it was reviewed at a previous meeting. Essentially, she said, we have taken those methods and inserted them into the Purchasing Ordinance, and we also updated the language to modernize the document.

Attorney Small spoke about the competitive selection processes procedures –

- The straight bid, which is a selection process where price controls the award. This is a typical straight forward bid.

- Services by the RFP (Request for Proposal) process, which deals for special or professional services

- Two-part bid system, a process for professional services, where qualifications are given 50% and the price is given 50%, to be used when the Purchasing Agent believes that qualifications and price should be given equal weight.

- The qualification-based selection process, a pre-qualification of qualified bidders essentially creating a short list, and then there are two procedures 1) take the short list, and do an RFP. At the last meeting, we discussed a qualification-based process where you did not do the second part, the RFP, so essentially you would award, based upon qualifications, and then you pick, and you negotiate price with the one selected. She said that the last time she discussed this with the Council, this was not a process that the Purchasing Agent was looking for and that comments from the Council were you didn't want to preclude it so it was put into the draft as requiring Town Council approval in order to use that one because, essentially, you are not considering price at all,

when you make your selection. She said that you make the selection and then you negotiate with just that one person. She said that would be an option only if the Town Council approved it. She said that the other qualification-based selection process is specifically by state statute with regard to the school construction projects. She said that we did clean up some of the language.

Most of the discussion between the Town Attorney, the Mayor and the Town Council focused upon this new area in the Purchasing Ordinance document, specifically:

§43.11 Fairness in Bidding (Page 6, which covers the assurances of the Purchasing Agent during the bidding process of parties making bids with the Town)

§43.12 Competitive Selection Requirements (beginning on Page 6 and continuing to Page 9, covering)

- I. *Purchases of Goods and Services by Competitive Bid*
 - A. *Competitive Solicitation of Prices*
 - B. *Subjects of Competitive Bid*
 1. *Goods*
 2. *Contractual Services*
 3. *Commodity*
 4. *Insurance*
 5. *Leases of Real Property*
- II. *Purchase of Services by Request for Proposal*
 - A. *Competitive Solicitation for Proposed Services, etc.*
 - B. *Special or Professional Services, etc.*
 - C. *Special Services, etc.*
- III. *Purchase of Services by Professional Two-Part Bid*
 - A. *Professional Two-part Bid 50%-50%, qualification & price weighting*
 - B. *Two-Part Bid, Part A & Part B Separate Envelopes, Part A Qualifications, etc. & Part B Price*
- IV. *Purchase of Services by Qualifications-Based Selection as Pre-Qualification*
 - A. *Request for Qualifications-Based Selection as Pre-Qualification, etc.*
 - B. *Department Request for this process*
 - C. *Town Council approval*
- V. *Qualifications-Based Selection Process with a Request for Proposal for School Construction Projects – Architects and Construction Managers*

The Council engaged in discussion with respect to Property Insurance, Casualty Insurance- straight forward bid process; Third-Party Administrator for the Health Insurance plan – under the RFP section timing would be at a time determined by the personnel director in relation to labor relations not later than every five years; Mayor commented that it must comply with statutory and contract language, for instance, the way things stand now, if we went out with an RFP process and the contract says it has to be Anthem Blue Cross and Anthem Blue Cross did not participate in the RFP and someone else did, we would have no authority to award it to anyone or change anything because Anthem Blue Cross is required by the contract. This does not in any way change contract language. He said we could get an idea what someone else might charge but you would lack the authority of requiring that the town enter into a contract with the successful participant in the selection process because a contract would limit you to continue with Anthem Blue Cross.

Attorney Small said you can use the process every five years but still have to deal with the fact that you are bound by collective bargaining agreement, and this does not trump what you are contractually obligated to do. This draft leaves some discretion for the Personnel Director. The Town Attorney gave an example of using a straight RFP as compared to the two-part envelope system. She said that she uses two-part to hire attorneys. Mayor Dickinson said that with the two-part bid, you are bound by the results of that process. You have two envelopes and you end up with a score and that score determines who is hired. Period.

With an RFP, basically, it's a bid waiver, and you are using a process that is not limited to price so it is a combination of other elements are involved, price as well as qualifications. Attorney Small said the two-part system is a 50/50, and the RFP – there are circumstances where you are going to weigh more heavily in the qualifications area where it might be more like 60/40. She asked “Do you need the two-part system?” and said that she does believe that the RFP system is needed. Mayor Dickinson said that the RFP process is used when you waive the public bidding. Attorney Small said that the present ordinance doesn't talk about the RFP process. Mayor Dickinson said just so everyone has a reference point, right now in the current purchasing ordinance, the RFP becomes an unspoken procedure; however, the RFP process is waived when we waive public bidding, so in this case, there would still be a waiver of public bidding, it just is spelling the method out exactly what the procedures and processes are for an RFP. It would not meet public bidding requirements. Attorney Small opined that an RFP is a competitive, selection process, and most people, when they talk about bidding actually, include the RFP as being a type of bid. Mayor Dickinson said that he is trying to put it into context in that you are moving into an area where an RFP becomes an accepted means of purchase without waiving public bidding.

MOTION

Following lengthy dialogue on the revisions to the Purchasing Ordinance and the Council's involvement in oversight in certain procedures, Chairman Brodinsky made a motion, seconded by Mr. Parisi, to see some language whereby the ordinance gives to the Town Council some authority over non-straight, competitive bid processes.

ROLL CALL VOTE

Brodinsky - Yes; DiNatale - Yes; Economopoulos - Yes; Farrell - Yes;
LeTourneau - Yes; Parisi - Yes; Rascati - Yes; Spiteri – Yes; Testa - Yes
9- Yes
0 – No

8. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

Mr. Testa made a motion to go into Executive Session. Mr. Farrell seconded. All Councilors present (9) by voice voted Aye. The motion passed. Executive Session commenced at 9:49 P.M.

Mr. Testa made a motion to come out of Executive Session. Mr. Farrell seconded. All Councilors present (9) by voice voted Aye. The motion passed. Executive Session ended at 10:03 P.M.

Attendance at Executive Session included all nine Councilors, Mayor Dickinson and Town Attorney Janis Small.

MOTION

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

The meeting adjourned at 10:04 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra Weekes

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date