

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

MAY 22, 2012

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:40 P.M. The Opening Prayer was offered by the Reverend Margaret Jay of the First Congregational Church in Wallingford, and the Pledge of Allegiance was said. Councilors in attendance as follows: Vincent Cervoni, Nick Economopoulos, Craig C. Fishbein, Thomas Laffin, John LeTourneau, Chairman Robert F. Parisi, Rosemary Rascati, John J. Sullivan and Jason Zandri. Mayor William W. Dickinson, Jr. and Town Attorney Gerald E. Farrell, Sr. were also at the meeting. Comptroller James Bowes did not attend the meeting.

2. Correspondence

None

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#586 - #594) totaling \$2,763.67
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Consider and Approve a Transfer of Funds for Republican Presidential Preference Primary in the Amount of \$2,100 from Maintenance of Equipment Acct # 1060-54325 to Telephone Acct # 1060-53000
- Registrars of Voters
- 3c.** Consider and Approve a Transfer of Funds for Republican Presidential Preference Primary in the Amount of \$1,200 from Election Expense Acct # 1060-58705 to Rental of Polling Place Acct # 1060-54420 - Registrars of Voters
- 3d.** Consider and Approve a Transfer of Funds for Republican Presidential Preference Primary in the Amount of \$1,000 from PS-Program Memory Cards Acct # 1060-56713 to Regular Salaries & Wages Acct # 1060-51000
- Registrars of Voters
- 3e.** Consider and Approve a Transfer of Funds for Republican Presidential Preference Primary in the Amount of \$700 from Election Expense Acct # 1060-58075 to Regular Salaries & Wages Acct # 1060-51000 - Registrars of Voters
- 3f.** Consider and Approve a Transfer of Funds for Republican Presidential Preference Primary in the Amount of \$300 from Continuing Education & Training Acct # 1060-55700 to Regular Salaries & Wages Acct # 1060-51000 - Registrars of Voters
- 3g.** Consider and Approve a Transfer of Funds in the Amount of \$18,000 to Chemicals Acct # 43100641 from Power Purchased for Pumping Acct # 43100623 - Water Division
- 3h.** Consider and Approve a Transfer of Funds in the Amount of \$15,675 from Sludge Disposal Acct # 46100645 to Various Accounts (8) - Sewer Division
- 3i.** Acceptance of Donation and Appropriation in the Amount of \$769 *Youth & Social Services Special Fund-Relay for Life* to Expenditures Acct # 21340100-58830 and to Donations Acct # 2134002-47152 – Youth & Social Services
- 3j.** Acceptance of Donation and Appropriation in the Amount of \$660 *Youth & Social Services Special Fund* to Expenditures Acct # 26640150-58830 and to Donations Acct # 2134002-47152 – Youth & Social Services

- 3k.** Acceptance of Donation and Appropriation in the Amount of \$612 *Youth & Social Services Special Fund-Relay for Life* to Expenditures Acct # 21340100-58830 and to Donations Acct # 2134002-47152 – Youth & Social Services
- 3l.** Acceptance of Donation and Appropriation in the Amount \$50 from of *Youth & Social Services Special Fund* to Expenditures Acct # 21340100-58830 and to Donations Acct # 2134002-47152 – Youth & Social Services
- 3m.** Acceptance of Board of Education Grants and Appropriation of Special Funds to the Board of Education Budget:
- | | | | |
|----|-----------------------|----------|------------|
| 1. | ADULT BASIC EDUCATION | \$13,258 | Fund # 235 |
| 2. | PRESCHOOL | \$36 | Fund # 235 |
| 3. | ARRA | \$18,521 | Fund # 235 |
- 3n.** Consider and Approve a Resolution to accept Small Town Economic Assistance Program (STEAP) Grant for roadway improvements along North Main Street Extension and authorize the Mayor to Execute with Connecticut Office of Policy & Management (OPM) an agreement in the amount of \$214,200 and to provide such additional information, to execute any amendments, decisions and revisions thereto and to act as the authorized representative of the Town of Wallingford – Grants Administrator
- 3o.** Set a Public Hearing for June 12, 2012 at 7:00 P.M. for Neighborhood Assistance Applications 2012- Grants Administrator
- 3p.** Approve minutes of Regular Town Council Meeting of May 8, 2012
- 3q.** Approve minutes of Special Town Council Meeting Budget Workshop of May 1, 2012
- 3r.** Approve minutes of Special Town Council Meeting Budget Workshop of April 25, 2012
- 3s.** Approve minutes of Regular Town Council Meeting of April 24, 2012

Councilor Cervoni noted two changes to the minutes of May 8, 2012, Page 8- change test to text (‘...its full text’) and in the Public Summary correct \$8,000 to \$8,000,000.

MOTION WAS MADE TO APPROVE THE CONSENT AGENDA AS CORRECTED ITEMS 3a. – 3s.

MADE BY: CERVONI
SECONDED BY: RASCATI

VOTE: UNANIMOUS on Items 3b-3s-AYE-9;
HOWEVER, COUNCILOR FISHBEIN ABSTAINED FROM
ITEM 3a.
3a.-AYE-8; ABSTAIN-1

MOTION PASSED.

- 4.** Items Removed from the Consent Agenda
None

**WAIVE RULE V MOTION WAS MADE TO WAIVE RULE V. FOR THE PURPOSE OF
DISCUSSING THE LETTER FROM THE VETERANS MEMORIAL DAY
COMMITTEE TO USE THE SHOW MOBILE.**

**MADE BY: ZANDRI
SECONDED BY: ECONOMOPOULOS**

**VOTE: UNANIMOUS; AYE-9
MOTION PASSED.**

It was agreed that this discussion would take place later in the meeting.

MOVE UP ADDENDUM MOTION WAS MADE TO MOVE UP THE ADDENDUM ITEMS.

**MADE BY: CERVONI
SECONDED BY: RASCATI**

**VOTE: UNANIMOUS; AYE-9
MOTION PASSED.**

ADDENDUM A.

Consider and Approve a Transfer in the Amount of \$2,500 to Wage Differentials
Acct # 10020150-51450 from Volunteer Tax Abatement Acct # 10020150-52961
- Fire Department

**MOTION WAS MADE TO APPROVE A TRANSFER IN THE AMOUNT OF
\$2,500 TO WAGE DIFFRENTIALS ACCT # 10020150-51450 FROM VOLUNTEER
TAX ABATEMENT ACCT # 10020150-52961**

**MADE BY: CERVONI
SECONDED BY: RASCATI**

There was no discussion.

**VOTE: UNANIMOUS; AYE-9
MOTION PASSED.**

ADDENDUM B.

Consider and Approve a Transfer in the Amount of \$92,142 to Replacement Pay
Acct # 10020150-51500

from:

Regular Salaries & Wages	Acct # 10020150-51000	\$50,500
Other Pay	Acct # 10020150-51900	\$ 9,142
Overtime	Acct # 10020150-51400	\$ 7,500
Utilities	Acct # 10020150-53010	\$25,000

-Fire Department

**MOTION TO APPROVE A TRANSFER IN THE AMOUNT OF \$92,142 TO
REPLACEMENT PAY ACCT # 10020150-51500 AND FROM THE FOLLOWING**

Regular Salaries & Wages	Acct # 10020150-51000	\$50,500
Other Pay	Acct # 10020150-51900	\$ 9,142
Overtime	Acct # 10020150-51400	\$ 7,500

Utilities Acct # 10020150-53010 \$25,000
MADE BY: CERVONI
SECONDED BY: RASCATI

There was no discussion.

VOTE: UNANIMOUS; AYE-9
MOTION PASSED

5. PUBLIC QUESTION & ANSWER

Robert Gross, 114 Long Hill Road, asked about PILOT on state properties in Wallingford; and entered into a discussion with the Mayor on the cost of the bonding attorney when we generally do not use the bonding approved by the Council and said that this money should be saved. Mayor Dickinson stated that having the bonding in place gives the town more flexibility, and that, legally speaking, the bonding attorney should be present.

Bill Comerford, Broadview, inquired about the 99 parking places that were recommended for a Community Pool location in view of the number of people who use the pool.

6. Consider and Approve IAFF Local 1326 Firefighters and Deputy Marshal labor contract Effective July 1, 2012 to June 30, 2013 – Personnel

*In attendance: Fire Chief Peter Struble
Deputy Fire Chief Richard Heidgerd
Personnel Director Terence Sullivan*

MOTION WAS MADE TO APPROVE IAFF LOCAL 1326 FIREFIGHTERS AND DEPUTY MARSHAL LABOR CONTRACT EFFECTIVE JULY 1, 2012 TO JUNE 30, 2013.

MADE BY: CERVONI
SECONDED BY: RASCATI

Discussion included implementation of the new ambulance enterprise; one year contract extension at 1.75% increase; source of funds-established contingency; change in work day hours; hours of each ambulance service; bi-weekly pay checks and discussion with some unions to date not successful; and the Overtime budget.

Gene LeTourneau (not related to Councilor John LeTourneau), Bob Gross and Ben Martin spoke

ROLL CALL VOTE:
CERVONI - YES
ECONOMOPOULOS - NO
FISHBEIN - NO
LAFFIN - YES
LETOURNEAU - YES
RASCATI - YES
SULLIVAN - YES
ZANDRI - YES
CHAIRMAN PARISI - YES
AYE-7; NAY-2

MOTION PASSED.

7. Consider and Approve (new) Job Description for Energy Conservation Specialist
- Personnel

In attendance: *Electric Division General Manager Rick Hendershot*
 PUC Chairman Robert Beaumont
 Personnel Director Terence Sullivan

**MOTION WAS MADE TO APPROVE A (NEW) JOB DESCRIPTION FOR
ENERGY CONSERVATION SPECIALIST.**

MADE BY: CERVONI
SECONDED BY: RASCATI

Discussion with regard to the following: position already in the budget using state mandated funds that the Electric Division collects monthly for the *Energy Conservation Fund* that the Electric Division carries out in programs on energy conservation, such as the energy home audit program, for their customers; who can apply; how the position will be marketed; if funding ends then the position ends; salary range and how it is determined. Ed Bradley, Ben martin and Walt Mikowsky spoke.

VOTE: UNANIMOUS; AYE-9

MOTION PASSED

8. Acceptance of Donation from the Wallingford Fireworks for 2012 Celebration in the Amount of \$23,107 and Appropriation of Funds as follows

- A. Consider and Approve an Appropriation in the Amount of \$11,627 to Revenue Donations Acct # 100-7042 and to Expenditures – Holidays and Celebrations Acct # 1004015-58234

MOTION WAS MADE TO APPROVE an Appropriation in the Amount of \$11,627 to Revenue Donations Acct # 100-7042 and to Expenditures – Holidays and Celebrations Acct # 1004015-58234

MADE BY: CERVONI
SECONDED BY: RASCATI

Councilor Fishbein asked why the Public Celebrations Committee is receiving the funds and not Parks and Recreation Department. The Mayor stated that they are the ones who pay the bill.

Kudos and praise were given to Councilor Zandri and Councilor Fishbein who created and give their time to this annual Fund for Fireworks. Councilor Zandri acknowledged his father for all of his help and reminded people that a fundraising dinner will take place at the Stillwood Inn, Thursday, May 24 at 7PM.

VOTE: UNANIMOUS; AYE-9

MOTION PASSED

B. Consider and Approve an Appropriation in the Amount of \$11,480 to Revenue Donations Acct # 100-7042 and to the following:

\$8,000	Police Overtime	Acct # 1002005-51400
\$2,000	Fire Overtime	Acct # 1002015-51400
\$ 900	Fire Marshal Overtime	Acct # 1002020-51400
\$ 400	Holidays & Celebrations	Acct # 1004015-58234 (for BOE)
\$ 180	Parks & Recreation	Acct # 1005005-56782 (Port-O-Lets)

MOTION WAS MADE TO APPROVE an Appropriation in the Amount of \$11,480 to Revenue Donations Acct # 100-7042 and to the following:

\$8,000	Police Overtime	Acct # 1002005-51400
\$2,000	Fire Overtime	Acct # 1002015-51400
\$ 900	Fire Marshal Overtime	Acct # 1002020-51400
\$ 400	Holidays & Celebrations	Acct # 1004015-58234 (for BOE)
\$ 180	Parks & Recreation	Acct # 1005005-56782 (Port-O-Lets)

MADE BY: CERVONI
SECONDED BY: RASCATI

There was no discussion.

VOTE: UNANIMOUS; AYE-9
MOTION PASSED

Councilor Zandri presented the check to the Mayor.

9. Discussion and Possible Action to initiate an investigation by the Town Council into the illegal cutting down of trees in the parks of Wallingford and the removal of the wood to an illegal disposal site – Councilor Nick Economopoulos

Councilor Cervoni pointed out the characterization of the item. In reply, Councilor Economopoulos asked to remove the word ‘illegal’ from Item 9. Town Attorney Farrell stated that it was fine to just strike the word ‘illegal’, inferring that no motion was needed.

Item 9 following this request:

Discussion and Possible Action to initiate an investigation by the Town Council into the cutting down of trees in the parks of Wallingford and the removal of the wood to an disposal site – Councilor Nick Economopoulos

Assisting Councilor Economopoulos was Dana Camp, Business Integrated Technology Solutions, BITS

Councilor Economopoulos presented reasons for why he wants to initiate an investigation through the use of a PowerPoint report that included videos of various sites, photographs of locations about which he spoke and various documents that supported the information he was giving. At the conclusion of the presentation, Councilor Economopoulos stated the following motion.

- (1) **MOTION WAS MADE THAT THE WALLINGFORD TOWN COUNCIL CONDUCT AN INDEPENDENT INVESTIGATION OF THE WOOD DISPOSAL FROM OUR TOWN PARKS.**

MADE BY: ECONOMOPOULOS
SECONDED BY: ZANDRI

Councilor Economopoulos stated that if he needs to change the motion in any way to specifically judge the one that was done in January, then the dates of when it was done would need to be included. He said he has those specific dates.

Councilors expressed questions that arose during the presentation with regard to the bid document; why wood was being transported under this bid; why wood being removed at all; who determines what trees come down; was there tagging of trees; the appearance that Public Works trucks were used to transport from parks to Mangino; what is the procedure; and how do we do this?

Town Attorney Farrell read Chapter III, Section 10, Page 10 of the Charter of the Town of Wallingford, Connecticut

Section 10. Investigation

The council, by a vote of at least three (3) members, shall have power to investigate any and all departments, offices and agencies of the town.

Attorney Farrell stated that he did not think the Council would have subpoena powers.

Has this ever been done; how does the town council get information?

Mayor Dickinson suggested that the Council begin with the report of the Personnel Director, Terence Sullivan. with respect to his investigation.

If allegations made, shouldn't the police investigate? Or is it civil?

Councilor Economopoulos noted that Mr. Sullivan only interviewed three (3) people when many more were on the crew and that they too should be interviewed and questioned by independent investigators.. He said a lot more is involved including the supervision of Purchasing and the execution of the bid.

Mr. Mangino used town trucks on his lunch hour. This is taken directly from Mr. Sullivan's report. This makes the town liable. Corrective action could have been taken. Town employee used this to his benefit. Supervisor without knowledge of the bid specifications and of the bid requirements.

Attorney Farrell responded to the Council that they have the power to delegate to an independent investigation, and that with the findings, the Council can refer to the Police Department, if a criminal issue or refer to the Personnel Director, if a Personnel issue. Counselor Farrell warned the Council to be very careful and to not presume and in response to a question that in the end this will be a public document.

It was confirmed that Mr. Mangino's bid had been cancelled.

Councilor Fishbein said that the context of the original motion does not address the totality of the issue and needs to be broader.

Former Town Councilor, Vincent Testa, offered that it is a good idea to have an investigation and that the Council needs the cooperation of the Administration. He reiterated that the Council can make referrals to the Police Department or to the Personnel Department.

Dick Caplan, Long Hill Road, spoke about transparency and community trust. Ed Bradley recalled an earlier 1989-90 investigation when he served on the Council. Vincent Avallone said that the new ordinance has nothing to do with this issue. Dana Camp asked the Council to include an investigation regarding the August events.

Who will do the investigation? Someone not affiliated with the town. Very serious issue. People's lives and careers at stake here. Talk about selection method for an investigator – bid or RFP. Corrective action came up again.

Discussion with respect to a committee to list the basic steps to be taken.

Councilor Fishbein had earlier in the discussion offered a suggestion with different dates and then changed the dates in his amendment, which follows. He then asked Councilor Economopoulos if he accepted the amendment that he proposed. Councilor Economopoulos responded that he accepted the second amendment of Councilor Fishbein. They agreed, and Councilor Fishbein read the second amendment again.

Councilor Zandri called the vote.

- (2) **MOTION WAS MADE TO AMEND THE ORIGINAL MOTION THAT THE WALLINGFORD TOWN COUNCIL CONDUCT AN INDEPENDENT INVESTIGATION OF THE CUTTING DOWN OF TREES AND DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012.**

**MADE BY: FISHBEIN
SECONDED BY: ZANDRI**

**ROLL CALL VOTE:
CERVONI - NO
ECONOMOPOULOS - YES
FISHBEIN - YES
LAFFIN - YES
LETOURNEAU - YES
RASCATI - NO
SULLIVAN - YES
ZANDRI - YES
CHAIRMAN PARISI - YES**

AYE-7; NAY-2

AMENDMENT PASSED.

The amended, full motion was read aloud before the vote was taken.

- (3) **MOTION WAS MADE TO AMEND THE ORIGINAL MOTION THAT THE WALLINGFORD TOWN COUNCIL CONDUCT AN INDEPENDENT INVESTIGATION OF THE CUTTING DOWN OF TREES AND DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012.**

**MADE BY: FISHBEIN
SECONDED BY: ZANDRI**

ROLL CALL VOTE:

**CERVONI - NO
ECONOMOPOULOS - YES
FISHBEIN - YES
LAFFIN - YES
LETOURNEAU - YES
RASCATI - NO
SULLIVAN - YES
ZANDRI - YES
CHAIRMAN PARISI - YES**

AYE-7; NAY-2

ORIGINAL, AMENDED MOTION PASSED.

Councilor Fishbein suggested that the Council defer to the Town Attorney's Office for a report perhaps at our next meeting as to how to procedurally deal with this. He stated that way it can be investigated as to subpoena power and that kind of stuff.

- (4) **MOTION WAS MADE TO DEFER THE ISSUE OF AN INVESTIGATION AS DISCUSSED UNDER ITEM 9 TO THE TOWN ATTORNEY'S OFFICE FOR FOLLOWUP AND DIRECTION AT OUR NEXT MEETING.**

**MADE BY: FISHBEIN
SECONDED BY: LETOURNEAU**

ROLL CALL VOTE:

**CERVONI - YES
ECONOMOPOULOS - YES
FISHBEIN - YES
LAFFIN - YES
LETOURNEAU - YES
RASCATI - YES
SULLIVAN - YES
ZANDRI - YES
CHAIRMAN PARISI - YES
AYE-9**

MOTION PASSED

WAIVE RULE V

MOTION WAS MADE TO TAKE UP WAIVE RULE V. ISSUE WITH REGARD TO THE SHOW MOBILE.

**MADE BY: CERVONI
SECONDED BY: ZANDRI
VOTE: UNANIMOUS; AYE-9
MOTION PASSED.**

The Show Mobile was discussed and the Administration decided that this is not appropriate for the use requested by the Veterans. It was suggested that the Doolittle Park Pavilion be used in lieu of the Show Mobile.

Ray Ross, Jerome Kennedy and Gene LeTourneau all spoke about the comfort and safety of Wallingford's older veterans.

MOTION WAS MADE THAT THE SHOW MOBILE BE USED AS PART OF THE MEMORIAL DAY PARADE ACTIVITIES.

**MADE BY: FISHBEIN
SECONDED BY: LETOURNEAU**

CHAIRMAN PARISI IMMEDIATELY CALLED THE MOTION OUT OF ORDER AND MOVED FORWARD TO COUNCILOR CERVONI'S MOTION TO GO INTO EXECUTIVE SESSION .

- 10.** 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

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION.

**MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: UNANIMOUS; AYE-9
MOTION PASSED**

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

**MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: UNANIMOUS; AYE-9
MOTION PASSED**

EXECUTIVE SESSION ATTENDANCE:

Councilors (9); Mayor Dickinson; Town Attorney and Gerald E. Farrell, Sr.

TIME OF EXECUTIVE SESSION:

10:00 P.M. to 10:14 P.M.

MOTION WAS MADE TO ADJOURN THE MEETING.

**MADE BY: CERVONI
SECONDED BY: RASCATI**

VOTE: ALL NINE (9) COUNCILORS VOTED AYE

THE MEETING ADJOURNED AT 10:17 P.M.

Respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date