

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING
Town Council Chambers
February 14, 2017**

RECORD OF VOTES & MINUTES

The Meeting of the Wallingford Town Council on Tuesday, February 14, 2017 was called to order at 6:33 P.M. The opening Prayer was given by Rabbi Bruce Alpert, Beth Israel Synagogue and the Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, Thomas Laffin, John LeTourneau (left meeting at approximately 8:15), Joseph A. Marrone, Christopher K. Shortell, John J. Sullivan, Vincent F. Testa, Jr., and Jason Zandri. Councilor Craig Fishbein was absent. Mayor William W. Dickinson, Jr., James Bowes and Town Attorney Gerald Farrell, Sr. were also present at the meeting.

1. Pledge of Allegiance
2. Roll Call
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds totaling \$4,075.64 (#600-630)
Acct. #1001001-41020 – Tax Collector
 - 3b. Consider and Approve a Transfer in the amount of \$8,517 from Chipper-Cap. Acct, Acct. #10030000-57000 -00555 to Dump Bodies, Acct. #TBD – Public Works
 - 3c. Consider and Approve a Transfer in the amount of \$2,400 from Maintenance of Equipment, Acct. #10020050-54325 to Digital Cameras, Acct. #TBD– Police Dept.
 - 3d. Acceptance of funds and Consider and Approve Appropriation of funds in the amount of \$698 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3e. Consider and Approve a Transfer in the amount of \$32,400 from Regular Salaries & Wages, Acct. #10020050-51000 to Maintenance of Equip., Acct. #10020050-54325 – Police Chief
 - 3f. Acceptance of 2015-2016 Distracted Driving High Visibility Enforcement Program Grant and Consider and Approve Appropriation of funds in the amount of \$5,853 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3g. Acceptance of 2015-2016 Comprehensive DUI Enforcement Program Grant and Consider and Approve Appropriation of funds in the amount of \$2,350 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3h. (a) Consider and Approve Appropriation of funds in the amount of \$4,000 to State Narcotic Asset Forfeiture Rev., Acct. #21222002-45100 and to Pistols and Accessories Replacement, Acct. #TBD – Police Dept.

- (b) Consider and Approve a Transfer in the amount of \$18,272 from Purchased Services: Crossing Guards, Acct. #10020050-56738 and to Pistols and Accessories Replacement, Acct. No. TBD – Police Dept.
- 3i. Acceptance of 2016-2017 Comprehensive DUI Enforcement Program Grant and Consider and Approve Appropriation of funds in the amount of \$7,099 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
- 3j. Acceptance of Donations and Consider and Approve Appropriation of funds in the amount of \$205 to Donations, Acct. No. 2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS
- 3k. Consider and Approve Appropriation of funds in the amount of \$575 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS
- 3l. Acceptance of Donation and Consider and Approve Appropriation of funds in the amount of \$100 to Donations, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS
- 3m. Consider and Approve Appropriation of funds in the amount of \$300 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS
- 3n. Consider and Approve Appropriation on funds in the amount of \$1,015 to Revenue, Acct. #2264002-47152 and to Expenses, Acct. #22640150-58830 – Y&SS
- 3o. Consider and Approve Appropriation of funds in the amount of \$15,000 from Retained Earnings, Acct. # NA and to Outside Services, Acct. #923 – Electric
- 3p. Consider and Approve a Transfer in the amount of \$19,400 from Distribution Maintenance Overhead Lines, Acct. #593 to Distribution Maintenance Underground Lines, Acct. #594 – Electric
- 3q. Consider and Approve an Appropriation of funds in the amount of \$47,165 from Retained Earnings, Acct. #NA to Various Accounts (See Attached) - Electric
- 3r. Consider and Approve a Bid Waiver for legal services by the firm Duncan & Allen for listing LS Power-Constructed Transmission Assets for WED Receipt of PTF Revenues – Electric
- 3s. Set a Public Hearing for February 28, 2017 at 6:30 p.m. to consider and act on the amendment of Chapter 144, Noise, of the Code of the Town of Wallingford – Law Dept.
- 3t. Acceptance of Donation of three park benches donated by town residents Toby Rhodes valued at \$800 and Rob Casella valued at \$918 and Jen Brencher from Amphenol valued at \$1,000 - Recreation

- 3u. Consider and Approve a Bid Waiver to hire consultants and attorneys for the LendLease project, to be paid by LendLease – Law Dept.
- 3v. Approve Town Council Minutes of January 24, 2017.
- 3w. Consider and Approve a Transfer in the amount of \$12,000 from Regular Salaries & Wages, Acct. #10020050-51000 to APN Software, Acct. #TBD – Police Dept.

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a.-3w.

MADE BY: LAFFIN
SECONDED BY: LETOURNEAU
VOTE: 8-AYE
MOTION: PASSED

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

5. **PUBLIC QUESTION & ANSWER PERIOD**

Councilors read valentine cards they received from students at Most Holy Trinity education program.

Opened Public Question & Answer Period at 6:41 p.m.

Bob Gross, Long Hill Road, referred to Consent Agenda Item #3r and questioned the purpose of the outside firm.

Mayor Dickinson responded they will be assisting our Town Attorney's office.

Closed Public Question & Answer Period at 6:46 pm.

8. Consider and Approve naming Keller Park playing field #2 "Bill Donegan Field".

**MOTION WAS MADE TO APPROVE NAMING KELLER PARK PLAYING FIELD #2
"BILL DONEGAN FIELD"**

In Attendance: John Gawlak, Director, Parks & Recreation

Councilor Laffin read a letter from Joe Carmen into the record.

Councilor Testa stated that he is very pleased to see this request come through and that he supports this.

John Gawlak stated that Parks & Recreation voted unanimously back in November.

MADE BY: LAFFIN
SECONDED BY: LETOURNEAU
VOTE: 8-AYE
MOTION: PASSED

9. Discussion and Possible Action regarding IAFF, Local 1325 Fire Contract Tentative Agreement effective July 1, 2016 to June 30, 2019.

**MOTION WAS MADE TO APPROVE IAFF, LOCAL 1325 FIRE CONTRACT
TENTATIVE AGREEMENT EFFECTIVE JULY 1, 2016 TO JUNE 30, 2019**

MADE BY: LETOURNEAU
SECONDED BY: SULLIVAN

*In Attendance: James Hutt, Director, Personnel
Richard Hiedgerd, Fire Chief*

Mayor Dickinson commented on State budget and indicated that these agreements should go into effect.

Mr. Hutt summarized the negotiated items and stated that the parties came to an agreement on an HSA for health insurance.

Chairman Cervoni inquired about clarification of HSA. He noted that ratifying sooner would be advantageous.

Councilor Sullivan asked for clarification that it is retroactive and then asked Mr. Bowes if we are all set on the books.

Mr. Bowes answered yes.

Councilor Shortell believes this is a good contract.

Councilor Testa asked for clarification of HSA and noted that he is fully in support of this agreement.

Mr. Hutt explained that it is different than other contracts and that it is more cost effective for the Town.

ROLL CALL VOTE:
FISHBEIN: ABSENT
LAFFIN: YES
LETOURNEAU: YES
MARRONE: YES
8-AYE:
MOTION: PASSED

SHORTELL: YES
SULLIVAN: YES
TESTA: YES
ZANDRI: YES
CERVONI: YES

10. Discussion and Possible Action regarding AFSCME Co. 4, Local 1183 Contract Tentative Agreement effective July 1, 2016 to June 30, 2018.

MOTION WAS MADE TO APPROVE AFSCME CO. 4, LOCAL 1183 CONTRACT TENTATIVE AGREEMENT EFFECTIVE JULY 1, 2016 TO JUNE 30, 2018.

**MADE BY: LETOURNEAU
SECONDED BY: SULLIVAN**

In Attendance: James Hutt, Director, Personnel

Mr. Hutt described negotiated items in Town's favor.

Councilor Sullivan asked Mayor Dickinson what the administration's position is on direct deposit.

Mayor Dickinson responded that we need to have everyone on board with it.

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: ABSENT	SULLIVAN: YES
LAFFIN: YES	TESTA: YES
LETOURNEAU: YES	ZANDRI: YES
MARRONE: YES	CERVONI: YES
8-AYE:	
MOTION: PASSED	

6. Conduct a Public Hearing to discuss the 2017 Community Development Block Grant Program.

Opened Public Hearing at 7:07 P.M.

Chairman Cervoni read Mayor Dickinson's memorandum into the record.

Geraldine Bronner, McKenna Court, Tenant Commissioner, sums up when McGuire Court was built and hazards to the elderly of unrepaired sidewalks, etc. She explained that bathrooms need to be brought up to ADA. She then stated that the first half of the grant only took care of sidewalks.

Kelly McDermott, Executive Director, Wallingford Housing Authority, stated that she supports phase II and went on to describe the apartments at McGuire Court. She stated they were built in 1972 and had no safety features. She then went on to discuss Phase II and ADA features in bathrooms and kitchens and also replacement of outside surface. She then stated that Wallingford Housing Authority is seeking funding.

Aili McKeen, 13 Burke Heights Drive, describes McGuire Court as rundown and stated it needs the work.

Closed Public Hearing at 7:20 p.m.

Councilor Laffin stated that the NEA is interested in using Mr. Stone's program as a national example.

Craig Turner introduced Tea Canna of Creative Design Solutions.

Tea Canna briefly outlined her design for the building.

Chairman Cervoni commented on her impressive ideas and notes that he appreciates her generosity in supplying the design at no cost.

13. Discussion regarding Wallingford parks being closed for weather and trash dumping.

*In Attendance: Henry McCully, Director, Public Works
Steve Palermo, Foreman, Public Works
John Gawlak, Director, Parks & Recreation*

Councilor Zandri requested examples of what is being seen.

John Gawlak described household debris at parks and trash pails overflowing.

Both John Gawlak and Steve Palermo indicated that the concrete barriers have been successful.

Steve Palermo stated that prior to concrete barriers there was daily picking up of all kinds of household items and construction materials.

Councilor Zandri asked if we get charged for using the landfill and Mayor Dickinson responded yes.

There was discussion regarding a new style of garbage cans downtown.

Gina Morgenstein, South Main Street, suggested a recycle bin for recyclables if we are replacing downtown garbage bins. She also inquired about a study to consider public garbage pickup.

Bob Gross, Long Hill Road, stated that pricing would be more competitive and it would have to go out to bid. He then asked Mayor Dickinson and Chairman Cervoni if they would look at doing a study.

Councilor Zandri stated that he did not intend a town wide garbage discussion but then indicated that people are dumping because they don't want to pay. He then went on to say that he is concerned about the integrity of the parks and safety of citizens.

14. Discussion and Possible Action on appointment of auditor and waive the bid for this process.

MOTION WAS MADE TO WAIVE THE BID FOR THE APPOINTMENT OF AUDITOR.

**MADE BY: LAFFIN
SECONDED BY: ZANDRI**

Chairman Cervoni indicated that he does not want to bind Council by five years.

Councilor Zandri asked Chairman Cervoni what his concern is about five years.

Chairman Cervoni responded that the quote is good and there may be new council in place and they should not be bound for that long.

Mr. Bowes indicated that maybe only two or three firms would bid but in the past years he would expect six or seven firms.

Councilor Sullivan stated that the last bid came down to only two firms and Blum & Shapiro was the best. He suggested we lock in for five years.

Bob Gross asked how many years Blum & Shapiro have been doing Wallingford's audits.

Mr. Bowes answered since 2003 or 2004.

Mr. Gross suggested it is time for a new set of people to do the audit.

James Hine, South Elm Street, asked what the downside is to going out to bid.

Bruce Conroy, Burke Heights Drive, agrees to go out to bid.

ROLL CALL VOTE:	SHORTELL: NO
FISHBEIN: ABSENT	SULLIVAN: YES
LAFFIN: YES	TESTA: YES
LETOURNEAU: ABSENT	ZANDRI: YES
MARRONE: NO	CERVONI: YES
5-AYE:	
MOTION: PASSED	

12. Approve CONVEX Information Sharing Agreement

MOTION WAS MADE TO APPROVE CONVEX INFORMATION SHARING AGREEMENT

**MADE BY: LAFFIN
SECONDED BY: SULLIVAN**

In Attendance: George Adair, Director, Public Utilities

George Adair described the Agreement.

Bob Gross, Long Hill Road, asked if this is a new Agreement.

George Adair answered yes.

Bob Gross references CMEEC and questioned the cost of the Agreement.

Mr. Adair responded that there is some legal expense for the review of the Agreement.

ROLL CALL VOTE:	SHORTELL: ABSENT
FISHBEIN: ABSENT	SULLIVAN: YES
LAFFIN: YES	TESTA: YES
LETOURNEAU: ABSENT	ZANDRI: YES
MARRONE: YES	CERVONI: YES
6-AYE:	
MOTION: PASSED	

15. Executive Session pursuant to Section 1-200(6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property -*Withdrawn*
16. Executive Session pursuant to Section 1-225(f) and Section 1-200(6)(B) and (9)(C) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation relating to the enforcement or implementation of legal relief or legal rights relating to CMEEC and 1-200(6)(E), and 1-210(b)(4) and (10) to discuss records related thereto.
18. Executive Session pursuant to Section 1-225(f) and Section 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of *Nucor Steel Connecticut, Inc. v. Town of Wallingford*
20. Executive Session pursuant to Connecticut General Statutes Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the pending foreclosure matter of *Town of Wallingford v. Michael Robinson, et al*

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION (#16) PURSUANT TO Section 1-225(f) and Section 1-200(6)(B) and (9)(C) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation relating to the enforcement or implementation of legal relief or legal rights relating to CMEEC and 1-200(6)(E), and 1-210(b)(4) and (10) to discuss records related thereto and (#18) PURSUANT TO Section 1-225(f) and Section 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of *Nucor Steel Connecticut, Inc. v. Town of Wallingford*. And (#20) PURSUANT TO Connecticut General Statutes Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the pending foreclosure matter of *Town of Wallingford v. Michael Robinson, et al*.

MADE BY: LAFFIN
SECONDED BY: SULLIVAN
VOTE: ALL AYE
MOTION PASSED

MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 10:13 P.M.

MADE BY: LAFFIN
SECONDED BY: SULLIVAN
VOTE: ALL AYE
MOTION PASSED

Time of Executive Session (#'s 16, 18 & 20) 9:20 p.m. - 10:13 p.m.

Attendance at Executive Session (#16)

LAFFIN	MAYOR WILLIAM W. DICKINSON, JR.
MARRONE	TOWN ATTORNEY, GERALD E. FARRELL, SR.
SHORTELL	GEORGE ADAIR, DIRECTOR, PUC
SULLIVAN	BOB BEAUMONT, PUC CHAIR
TESTA	
ZANDRI	
CERVONI	

Attendance at Executive Session #18 and #20

LAFFIN	MAYOR WILLIAM W. DICKINSON, JR.
MARRONE	TOWN ATTORNEY, GERALD E. FARRELL, SR.
SHORTELL	
SULLIVAN	
TESTA	
ZANDRI	
CERVONI	

17. Motion to Consider and Approve Appropriation of funds in the amount of \$520,000 from Retained Earnings, Acct. #NA to Outside Services, Acct. #923

MOTION WAS MADE TO APPROVE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$520,000 FROM RETAINED EARNINGS, ACCT. #NA TO OUTSIDE SERVICES, Acct. #923.

MADE BY: LAFFIN
SECONDED BY: SULLIVAN

Chairman Cervoni requested status of the negotiations from George Adair.

Mr. Adair responded that we are seeking about \$18 million overall reimbursement. \$6.5 million overcharge through 2017 plus \$1 million per year. He indicated that arbitration is worth pursuing.

Chairman Cervoni asked if there have been any gains in our favor.

Attorney Farrell stated that he believes that talks are going well.

Councilor Sullivan and Councilor Laffin expressed that they want this to go forward and get the Town's money back.

Chairman Cervoni simplified the explanation of the funds request and verified through Mr. Adair that there is urgency to the request.

James Hine, South Elm Street, requested clarification of arbitrator's awards so far.

Attorney Farrell and Mayor Dickinson decline to comment on the awards since the case is still pending.

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: ABSENT	SULLIVAN: YES
LAFFIN: YES	TESTA: YES
LETOURNEAU: ABSENT	ZANDRI: YES
MARRONE: YES	CERVONI: YES
7-AYE:	
MOTION: PASSED	

19. Motion to consider and authorize a settlement in the pending tax appeal matter of *Nucor Steel Connecticut, Inc. v. Town of Wallingford* as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO MOVE TO AUTHORIZE A SETTLEMENT IN THE PENDING TAX APPEAL MATTER OF NUCOR STEEL CONNECTICUT, INC. V. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION.

MADE BY: LAFFIN
SECONDED BY: MARRONE
VOTE: ALL AYE
MOTION PASSED

21. Motion to consider and authorize taking action in the pending foreclosure matter of *Town of Wallingford v. Michael Robinson, et al* as discussed in Executive Session.

MOTION WAS MADE TO MOVE TO AUTHORIZE TAKING ACTION IN THE PENDING FORECLOSURE MATTER OF TOWN OF WALLINGFORD V. MICHAEL ROBINSON, ET AL AS DISCUSSED IN EXECUTIVE SESSION.

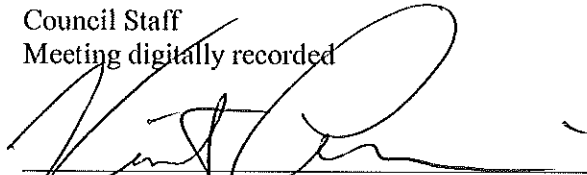
**MADE BY: LAFFIN
SECONDED BY: SULLIVAN
VOTE: ALL AYE
MOTION PASSED**

**MOTION TO ADJOURN
MADE BY: SULLIVAN
SECONDED BY: MARRONE
VOTE: ALL-AYE
MOTION PASSED**

The Council adjourned the meeting at 10:37 P.M.

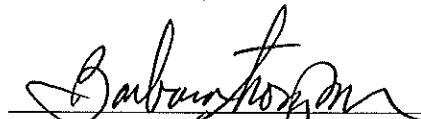
Respectfully submitted,

Lisa Moss
Council Staff
Meeting digitally recorded



Vincent Cervoni, Chairman

28 Feb. 2017
Date



Barbara Thompson, Town Clerk

2-28-17
Date

RECEIVED FOR RECORD 2-16-17
AT 4:00 AND RECEIVED BY
Barbara Thompson TOWN CLERK