

TOWN OF WALLINGFORD, CONNECTICUT  
TOWN COUNCIL MEETING  
Town Council Chambers  
June 27, 2017

The Meeting of the Wallingford Town Council on Tuesday, June 27, 2017 was called to order at 6:32 P.M. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, Craig Fishbein, Thomas Laffin, John LeTourneau, Joseph A. Marrone, III, Christopher K. Shortell, John J. Sullivan and Vincent F. Testa. Councilor Jason Zandri was absent. Mayor William W. Dickinson, Jr, Corporation Counsel Janis Small and James Bowes, Comptroller were also present at the meeting.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds totaling \$3,367.37 (#860-863)  
Acct. #1001001-41020 – Tax Collector
- 3b. Consider and Approve Merit Review Committee Approval of three Anniversary Step Increases - Personnel
- 3c. Consider and Approve a Transfer in the amount of \$365 from Misc. Rev., Acct. #1009052-47040 to Veterinary, Acct. #10020100-56742 – Animal Control Officer
- 3d. Consider and Approve a Transfer in the amount of \$7,187 from General Purpose Contingency, Acct. #10019000-58820 to Board of Education, Acct. #TBD - Mayor
- 3e. Consider and Approve a Transfer in the amount \$300 from Regular Salaries, Acct. #10010650-51000 to Overtime, Acct. #10010650-51400 – Town Clerk
- 3f. Acceptance of Donation from Drew Waldron, a student at Sheehan High School and consider and approve Appropriation of funds in the amount of \$245 to Misc. Grants & Donations: Revenue, Acct. #2505002-47152 and to Recreation Programs Scholarship: Expenditures, Acct. #25050050-TBD - Parks & Recreation
- 3g. Acceptance of Donation of Automated External Defibrillator from the Wallingford Kiwanis Club valued at approximately \$1,000 – Police Dept.
- 3h. Acceptance of Donation and Consider and Approve Appropriation of funds in the amount of \$386 to Revenue/Donations, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS
- 3i. Consider and Approve a Bid Waiver to Utilize Qualifications Based Selection process for Hall Avenue Streetscape/Senior Center Trail Project - Engineering
- 3j. Consider and Approve adding Town of Manchester to the Public Works' Bid Waiver list for FY 2017-2018 for disposal of street sweepings at an estimated cost of \$25,000 – Public Works

- 3k. Approve Town Council Special Meeting Minutes of June 6, 2017 and Town Council Meeting Minutes of June 13, 2017.
- 3l. Consider and Approve a Transfer in the amount of \$2,000 from General Purpose Contingency Acct. to Overtime, Acct #10030000-51400 – Public Works

**MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a–3l.**

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

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

- 5. **PUBLIC QUESTION & ANSWER PERIOD**

No Public Comment

- 8. Consider and Approve/reject proposed amendments to the Charter submitted by the Charter Revision Commission – Chairman Cervoni

**MOTION WAS MADE THAT WE MOVE TO APPROVE PROPOSED AMENDMENTS TO THE CHARTER SUBMITTED BY THE CHARTER REVISION COMMISSION.**

**MADE BY: LAFFIN**  
**SECONDED BY: MARRONE**

Councilor Testa asked where we go from here and Chairman Cervoni explained that the next two agenda items cover what happens.

Janis Small stated that she doesn't think we will have time to word the questions tonight.

Councilor Fishbein asked if all the proposed amendments will move forward and Chairman Cervoni replied he thinks we can reject some but not add. Chairman Cervoni then confirmed with Janis Small that he was correct and she replied yes.

Councilor Sullivan stated that he was okay with going to five for the Public Utilities Commission but, he does not want to throw the whole charter revision out just because it is not expanding.

Councilor Fishbein stated there should be more eyes on the PUC and then commented that he wished the Commission would have allowed the public to vote on this.

Councilor Shortell stated that he agrees with expanding the PUC but he thinks the Charter Committee did a great job. He then remarked that the Town voted on this 10 years ago and it did not pass.

Councilor LeTourneau remarked that he also wanted five but when the Town voted on it 10 years ago, they voted on the whole Charter.

Councilor Laffin wanted to thank the members of the Charter Commission on their work. He then stated that he doesn't feel like they are stuck with just three on the PUC.

Councilor Testa thanked the Charter Commission on the long hours and good work. He stated that he wondered if the Charter Commission were to expand the PUC if they thought it would be an insult to the current Commission. He went on to say that it should be five.

Chairman Cervoni thanked the Commission for their hard work and looks forward to moving it to the voters of the Town.

**PUBLIC COMMENT:**

Bob Gross, Long Hill Road, stated there were other questions on the ballot last time.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: NO</b>	<b>ZANDRI: ABSENT</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>
<b>7-AYE</b>	
<b>1-ABSENT, 1 NAY</b>	
<b>MOTION: PASSED</b>	

9. Consider and Approve placement of the proposed Charter amendments on the ballot at the regular election in November 2017 – Chairman Cervoni

**MOTION WAS MADE TO APPROVE PLACEMENT OF THE PROPOSED  
CHARTER AMENDMENTS ON THE BALLOT AT THE REGULAR ELECTION  
IN NOVEMBER 2017.**

**MADE BY: MARRONE  
SECONDED BY: LAFFIN**

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: NO</b>	<b>ZANDRI: ABSENT</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>
<b>7-AYE:</b>	
<b>1-ABSENT, 1 NAY</b>	
<b>MOTION: PASSED</b>	

10. Discussion and Possible Action on the ballot questions for vote on the proposed Charter – Chairman Cervoni

**MOTION WAS MADE TO MOVE TO PLACE THE CHARTER REVISION AMENDMENTS ON THE BALLOT AS ONE QUESTION.**

**MADE BY: LAFFIN  
SECONDED BY: SHORTELL**

Councilor Fishbein remarked that he was afraid if there is no education of the voter's then they won't vote on it.

Councilor Marrone agrees with Councilor Fishbein that he's afraid people won't be educated on what it all means.

Councilor Sullivan thinks the voters have to do their due diligence. He stated that we have to talk about it as we run for re-election and we have to have it posted everywhere.

Councilor Testa thinks the Town Clerk is the most important question. He doesn't want to see it fail because other people don't like or understand the charter questions.

Chairman Cervoni asked Attorney Small how simple one question would be.

Attorney Small gave the following example: Should the amendments to the Charter be accepted?

Councilor Fishbein asked if the following could be a question: Should the Environmental Planner be a civil servant with explanatory text on the back of the ballot?

Councilor Sullivan asked Attorney Small if there is any requirement of the Town to put out changes and Attorney Small answered yes and went on to explain that the Town Clerk will publish changes within 30 days and have it available.

Councilor Laffin asked what the timeline is and Attorney Small stated that it must be submitted by September 7<sup>th</sup> to the Secretary of State. Attorney Small remarked that she did want to say that the Charter Revision Commission did recommend one question only.

**MOTION WAS MADE TO MOVE TO TABLE THE ORIGINAL MOTION SUBJECT TO ALL COUNCILORS BEING READY AT THE JULY 11<sup>TH</sup> MEETING WITH QUESTIONS BROKEN DOWN BY SUBJECT FOR THE BALLOT.**

**MADE BY: LAFFIN  
SECONDED BY: FISHBEIN  
7 AYE  
1 NAY - 1 ABSENT  
MOTION: PASSED**

6. 7:00 p.m. Public Hearing on the Proposed Lease of the Landfill Property on Pent Road – Law Dept.

Chairman Cervoni opened the Public Hearing at 7:14 p.m.

*In Attendance: Joseph Jordan, Development Director, Lendlease Project*

Darryl Stancuna, 18 Old Village Circle, asked numerous questions about the size and scope of the solar project.

Bob Gross, Long Hill Road, asked if the 60 acres were only in Wallingford. Mr. Jordan responded yes and explained that the landfill is 82 acres and we are using 60 of the acres.

Bob Gross asked if we had consulted with outside counsel on this and Attorney Small responded yes, Environmental Attorneys, DEEP.

Bruce Conroy, 13 Burke Heights, asked Mr. Jordan if you go out of business, who cleans it up? Mr. Jordan replied that the project company cleans it up.

Closed Public Hearing at 7:32 p.m.

7. Consider and Approve Option Agreement for Solar Energy Facility Ground Lease with Form of Ground Lease for the Landfill Property – Law Dept.

**MOTION WAS MADE TO MOVE TO APPROVE OPTION AGREEMENT**

**MADE BY: LAFFIN**

**SECONDED BY: LETOURNEAU**

Councilor Fishbein inquired about the status of the tax agreement.

Attorney Small explained that the lease calls for them to pay the taxes but until the project is defined, we cannot have a tax agreement. She went on to say once we have one, we will come back to the Council. Attorney Small then stated that once the project is there, then they start to pay taxes and noted that we don't know the value yet.

Councilor LeTourneau asked if you are going to finance the project, aren't you going to need the tax number? Mr. Jordan responded yes.

Attorney Small stated that we have to know what the project is to come up with a value to give them a tax number.

Chairman Cervoni explained that the LS Power Agreement was a different agreement. He went on to say that they knew what they were using and in this situation, they don't know yet.

Councilor Fishbein wanted to confirm that without a signature on the lease you cannot move forward. Mr. Jordan responded saying that if he doesn't have a signature, he can't move forward. Mr. Jordan then went on to state in order for him to get the big money to complete the project he will need a tax agreement to show.

**AMENDMENT TO THE MOTION TO STRIKE THE BOLDED SENTENCE ON  
PAGE SIX OF THE LEASE AGREEMENT**

**MADE BY: FISBEIN  
SECONDED BY: LETOURNEAU**

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: NO</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: NO</b>
<b>LAFFIN: NO</b>	<b>TESTA: NO</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: ABSENT</b>
<b>MARRONE: NO</b>	<b>CERVONI: NO</b>
<b>2-AYE:</b>	
<b>1-ABSENT, 6 NAY</b>	
<b>MOTION: FAILED</b>	

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: NO</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: ABSENT</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>
<b>7-AYE:</b>	
<b>1-ABSENT, 1 NAY</b>	
<b>MOTION: PASSED</b>	

11. Discussion and Possible Action with regard to a projected surplus for the 2016-2017 fiscal year – Councilor Fishbein

Councilor Fishbein asked if we have any idea if there will be a surplus and Mr. Bowes replied yes. Councilor Fishbein then asked if it was over \$1 million and Mr. Bowes replied that he doesn't know.

Councilor Fishbein asked Mr. Bowes if we took in more revenue than anticipated. Mr. Bowes replied in certain areas, yes and others, no. He then stated that tax collections are good.

Councilor Fishbein then asked when we will know what the surplus is. Mayor Dickinson replied when the audit is done. Mr. Fishbein then asked when the audit is released and Mr. Bowes responded mid-December.

Councilor Fishbein asked what this body can do to stop sweeping money into surplus.

**MOTION WAS MADE TO REQUEST WHEN THE ADMINISTRATION FINDS OUT THE AMOUNT OF SURPLUS FOR 2016 -2017 FISCAL YEAR THEY NOTIFY THE COUNCIL WITHIN 48 HOURS OF THE SURPLUS AMOUNT AND THE COUNCIL MEETS TO DISCUSS.**

**MADE BY: FISBEIN  
SECONDED BY: LETOURNEAU**

Councilor Testa made a friendly amendment for an action item to change the word “when” to “request” in the above motion.

Councilor Fishbein accepted the friendly amendment.

Councilor Laffin asks if the intent of this is to get a heads up of the surplus? Councilor Fishbein said he thought we would know by now, but yes.

Councilor Laffin wants to know what is the goal of the motion and Councilor Fishbein said to get a better idea of where it goes and it always just goes to reserves.

Councilor Laffin asked are you trying to stop it from going to the general fund? Councilor Fishbein responded yes.

Mayor Dickinson stated this is government accounting rules, we follow the GAP rules.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: NO</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: NO</b>
<b>LAFFIN: NO</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: ABSENT</b>
<b>MARRONE: NO</b>	<b>CERVONI: NO</b>
<b>3-AYE:</b>	
<b>1-ABSENT, 5-NAY</b>	
<b>MOTION: FAILED</b>	

- 12. 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 – Mayor - *Withdrawn*
- 13. 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 *Connecticut Subacute, LLC v. Town of Wallingford* – Law Dept.

**MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION AT 9:15P.M.**

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

**MOTION WAS MADE TO MOVE TO EXECUTIVE SESSION (#13) 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 *Connecticut Subacute, LLC v. Town of Wallingford* AND and (#15) 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 *2 Fairfield Blvd. Properties LLC v. Town of Wallingford***

**MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 9:20 P.M.**

**MADE BY: LAFFIFN  
SECONDED: FISHBEIN  
VOTE: ALL-AYE  
MOTION PASSED**

**Time of Executive Session 9:15 p.m. to 9:20 p.m.**

**Attendance at Executive Session #13 and #15:**

<b>FISHBEIN</b>	<b>MAYOR WILLIAM W. DICKINSON, JR.</b>
<b>LAFFIN</b>	<b>CORPORATION COUNSEL JANIS SMALL</b>
<b>LETOURNEAU</b>	
<b>MARRONE</b>	
<b>SHORTELL</b>	
<b>SULLIVAN</b>	
<b>TESTA</b>	
<b>CERVONI</b>	

14. Motion to consider and authorize settlement in the pending tax appeal matter of *Connecticut Subacute, LLC v. Town of Wallingford* as discussed in Executive Session – Law Dept.

**MOTION WAS MADE TO MOVE TO authorize settlement in the pending tax appeal matter of *Connecticut Subacute, LLC v. Town of Wallingford* as discussed in Executive Session.**

**MADE BY: LAFFIN  
SECONDED BY: FISHBEIN  
ALL AYE  
MOTION: PASSED**

16. Motion to consider and authorize settlement in the pending tax appeal matter of *2 Fairfield Blvd. Properties LLC v. Town of Wallingford* as discussed in Executive Session – Law Dept.

**MOTION WAS MADE TO MOVE TO authorize settlement in the pending tax appeal matter of *2 Fairfield Blvd. Properties LLC v. Town of Wallingford* as discussed in Executive Session.**



**MADE BY: LAFFIN**  
**SECONDED BY: FISHBEIN**  
**ALL AYE**  
**MOTION: PASSED**

**MOTION TO ADJOURN**  
**MADE BY: SHORTELL**  
**SECONDED BY: FISHBEIN**  
**VOTE: ALL AYE**  
**MOTION: PASSED**

The Council adjourned the meeting at 9:25 P.M.

Respectfully submitted,

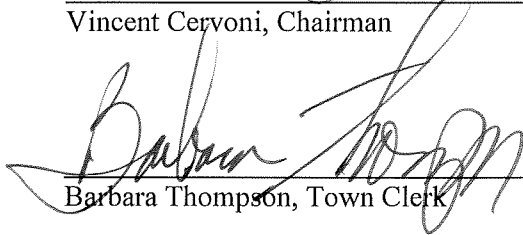
Lisa Moss  
Council Staff  
Meeting digitally recorded



Vincent Cervoni, Chairman

11 July 2017

Date



Barbara Thompson, Town Clerk

7-11-17

Date

RECEIVED FOR RECORD 7-3-17  
AT 4:00 AND RECEIVED BY  
Barbara Thompson TOWN CLERK