

TOWN OF WALLINGFORD

TOWN COUNCIL

Robert F. Parisi Council Chambers

Tuesday, August 8, 2017

6:40 p.m.

MINUTES

PRESENT: Vice-Chair Tom Laffin, Acting as Chair; Councilors Craig Fishbein; John LeTourneau; Robert Shortell; Jason Zandri; Joseph Marrone.

ALSO PRESENT: Mayor William Dickinson; Town Attorney Gerald Farrell Sr.

NOT PRESENT: Chairman Vincent Cervoni; Councilors Vincent Testa and Sullivan.

Acting-Chair Laffin called the Meeting to order at 6:40 p.m. with a Moment of Silence observed and the Pledge of Allegiance recited.

3. Consent Agenda

3a. Consider and Approve Tax Refunds totaling \$22,817.77 (#14-86) Acct. #1001001-41020 – Tax Collector

3b. Acceptance of Donation from Super Stop & Shop ad Consider and Approve Appropriation of funds in the amount of \$2,500 to Misc. Revenue Acct. #1009052-47040 and to Prof. Services – Entertainment, Acct. #10050050-56746 – Recreation

3c. Acceptance of Donation from Ms. Cathy Granucci and Consider and Approve Appropriation of funds in the amount of \$25 to Revenue Donations – Police, Acct. #2502002-47152 and to Expense Donations – Police Acct. @25020050-58830-10127 –Police Dept.

3d. Acceptance of funds to MRC from ESHD, Region 2 fiduciary for Health and Human Services funding and Consider and Approve Appropriation of funds in the amount of \$20,500 to MRC-ESHG 17-18 Acct. #2504002-47152 and to MRC-ESHG 17-18, Acct. #TBD- Fund 250 – Health Director

3e. Consider and Approve Appropriation of funds in the amount of \$3,782 to Revenue, Acct. #2324002-49000 and to Expenditures, Acct. #23240150-58252 – Y&SS.

3f. Acceptance of funds from Meriden YMCA and Consider and Approve Appropriation of funds in the amount of \$2,000 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS

3g. Consider and Approve Appropriation of funds in the amount of \$225 to Revenue, Acct. #2264002-47152 and to Expenditure, Acct. #2264002-58830 - Y&SS

3h. Acceptance of \$75,000 Grant from National Education Foundation and Consider and Approve Appropriation of funds in the amount of \$60,000 (1st installment) to Revenue Acct. #2264002-47152 and Expenditures, Acct. #2264010150 – 58830 – Y&SS

3i. Acceptance of Grant to SCOW for summer youth employment and Consider and Approve Appropriation of funds in the amount of \$9,561 to Revenue, Acct. #2274002-47010 and to Expenditures, Acct. #222702018-51000 – Y&SS

3j. Acceptance of Grant from Napier Foundation and Consider and Approve Appropriation of funds in the amount of \$5,000 to Revenue, Acct. #2274002-47010 and to Expenditures, Acct. #22702018-51000 – Y&SS

3k. Acceptance of \$600 from Hamden Public Schools and Consider and approve Appropriation of funds in the amount of \$600 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS.

3l. Consider and Approve a Transfer in the amount of \$7,100 from Hypertension-Police, Acct. #10012100-52957 to Insurance Deductible, Acct. #10012150-55915 – Personnel

3m. Acceptance of Donation from CT. Chapter of PRIMA and Consider and Approve Appropriation of funds in the amount of \$100 to Revenue, Donations, Acct. #2095002-47152 and to Facility Improvements, Acct. #20950050-57120 – Recreation

3n. Consider and Approve Appropriation of funds in the amount of \$15,400 – Water Division:

\$15,400 From: Retained Earnings (Cash)

\$15,400 To: Outside Services Acct. #431-00923

3o. Consider and Approve a Transfer in the amount of \$5,500 - Electric Division:

\$1,500 From: Distribution Operations-Customer Installation Acct. #587

\$4,000 From: Distribution Maintenance of Meters Acct. #597

\$5,500 To: Distribution Operations –Meter Expense Acct. #586

3p. Consider and Approve a Transfer in the amount of \$7,900 from Distribution Maintenance Overhead Lines, Acct. #593 to Distribution Plant -Poles, Towers, Fixtures, Acct. #364 – Electric Division

3q. Consider and Approve a Transfer in the amount of \$28,500 from Distribution Maintenance Overhead Lines, Acct. #593 to Distribution Plan – Overhead Conductors, Acct. #365 – Electric Division

3r. Consider and Approve a Transfer in the amount of \$522 from Maint. Bld. & Grounds, Acct. #100330000-54315 to Telephone Acct. #10030000-5300 –Public Works

3s. Consider and Approve Appropriation of funds in the amount of \$14,096 to Revenue-Town Recovery Insurance Acct. #1009052-46240 and to Police Cruiser Capital, Acct. #10020050-57000-00610 – Police Dept.

3t. Consider and Approve a Transfer in the amount of \$2,700 from Utilities – Fire, Acct. #10020150 – 53010 to Maintenance of Vehicle – Fire Acct. #10020150 – 56320 – Fire Dept.

3u. Consider and Approve a Bid Waiver Request for New Britain Emergency Medical Services Academy for \$15,000 - Fire Dept.

3v. Consider and Approve Qualifications Based Selection Process in the Farmland Lease Properties Program - Conservation Commission

3w. Consider and Approve Appropriation of funds in the amount of \$2,904 FY 2015-2016,, \$6,451 FY 2016-2017 – Conservation Commission

\$2,904 To: OSRMF (FY 15-16) Acct. #2151001-44060

\$6,451 (FY 16-17)

\$6,451 To: OSRMF (FY 16-17) Acct: #21511100-5883-10009

\$2,904 (FY 15-16)

3x. Approve Town Council Minutes of July 11, 2017

Motion to approve Consent Agenda Items 3a through 3x.

Motion made by: Shortell

Seconded by: Fishbein

Vote: Fishbein-yes; LeTourneau-yes; Laffin-yes; Marrone-yes; Shortell-yes; Marrone-yes

Motion passed.

4. Items Removed from the Consent Agenda – None.

5. PUBLIC QUESTION & ANSWER PERIOD – 6:40 p.m.

Carmela Barry, 9 Jonathan Road, said she has been attempting to get the Town to remove an overgrown tree that is supposedly on Town property. She said she offered to pay to have the tree removed and have received no response. Ms. Barry said the Tree Warden visited the site once but did not agree to the tree removal. Ms. Barry noted her spouse submitted several letters to the Town but nothing was done.

Henry McCully, Public Works Director, said he would touch bases with Ms. Barry and conduct a site visit on Wednesday.

Daryll Stancuna, 18 Olde Village Circle, asked if anything was being done about the residents who received a letter stating their rent was increasing 60%. Acting-Chair Laffin said this was a Housing Authority or State issue. Mayor Dickinson said this is a Housing Authority issue and noted the Housing Authority operates under State rules and regulations. Mr. Stancuna said some residents also informed him they also received a letter regarding the rent increase from the Town. He said the letter was submitted and sent to the Town Clerk the next day but received no response. Acting-Chair Laffin said the Council will follow up to what happen.

Mr. Stancuna also spoke about the serious opiate problem and noted he came to the Council in June and July trying to address this issue. Mr. Stancuna wanted to know what was being done about this issue and said he believed not enough was being done. Mr. Stancuna said a lot of young people cannot get summer jobs in Town and get turned away. He said the Coalition is trying and does a good job with their resources. Mr. Stancuna said the Town has surplus money and needs to fulfill its duty to the children, parents and residents of the Town. He said this should be looked into for next summer and be put on the Council agenda. Mr. Stancuna suggested working closely with Choate Rosemary Hall.

Mr. Stancuna suggested that notice should be given in advance when roads are closed down for construction. He also spoke about the concerts in Town and the need to have a big name band.

Jason McGovern, Troop One, First Class, 53 Ward Street, spoke about the Yalesville School being named after former State Rep. Mary Fritz. He wondered if more schools in Town could be renamed for notable Wallingford residents. Acting-Chair Laffin said the Yalesville School renaming will take place in a few weeks before the start of the school year, but at this time the Council has no plans to rename any other schools.

Garrett Stancuna, 18 Olde Village Circle, asked the Council to consider repainting the crosswalk at the intersection of Simpson Avenue and Ward St. Extension which he said was covered over

when the street was repaved. Acting-Chair Laffin said the Public Works Director and the Mayor have made a note of this.

Bruce Conroy, 13 Brook Heights, mentioned the opiate problem, and supported Mr. Stancuna, noting that 44 people a day die. He said more has to be done because this is a real problem. Mr. Conroy also spoke about the Farmland Lease Program, hayfield leases. He said he wanted to ensure that the Town wasn't losing money by picking someone who couldn't pay as much. He said 10% was an acceptable loss to allow an in-Town person to get the property. He suggested limiting 50% of the fields to one person. He said he didn't agree with the Conservation Commission's assertion that the field leases be awarded to people they believe are qualified and didn't believe this was the correct way to do this.

Mayor Dickinson said there are fields that are vulnerable and fields that the Conservation Commission wants the lessee to be on hand to watch what is happening on the field in order to take care of it. He said each field has its own uniqueness, and the Conservation Commission is trying to tailor what they are doing to not only be conscience of a fair rental, but to emphasize the need to take care of the health of the field and have it be productive over a long period of time. Mr. Conroy asked if there was a plan, or was it arbitrary. Mayor Dickinson said the leases are discussed at the Conservation Commission meetings where the decisions are made. Mr. Conroy said his issue was that the Mayor allowed the Conservation Commission to do what they wanted without guidelines.

Mayor Dickinson said there are guidelines which are in place to protect and maintain the fields in a proper manner. He said he has confidence the Commission is making judgments that are in the interest of each of the fields and productivity. Mr. Conroy said one of the issues was that the farmers in town couldn't outbid the people from North Branford. He said when certain people can't afford to lease these fields, the conservation of the fields isn't the sole issue.

Mayor Dickinson said it isn't a matter of affordability, but that a larger agricultural concern can bid a higher price. He said there is worry a few large firms can end up with all of the fields, some of those fields being more vulnerable and needing different treatment. He said the Commission wants to encourage in part, local agriculture and encourage them as well, it is a blend of things. Mayor Dickinson pointed out that just making the amount of rental per field the determinant of who should have custody of the field, the Conservation Commission believes this is jeopardizing the long-term best public interest. He said he and the Town Council supports this as well.

End of Public Question & Answer Period - 6:55 p.m.

6. Consider and Approve 1.0 percent increase for retirees for the next three years – Personnel

Motion: To approve a 1% increase for retirees for the next three years.

Made by: Shortell

Seconded by: LeTourneau

Appearing in front of the Council was James Hutt, Personnel Director.

Mr. Fishbein noted the memorandum indicates this increase would cost an additional \$87,967.19 and asked if these funds were in the budget. Mr. Hutt indicated these funds would come out of the pension fund. Mr. Fishbein pointed out the pension fund is underfunded 73%. He asked if this increase was anticipated in what was appropriated last year and would this more negatively impact the pension fund. Mr. Hutt said the Personnel Dept. comes before the Council to seek their recommendation on what the increase should be which is based solely upon Council vote. He noted this increase is not uniform and not for all retirees, and pointed out not all retirees would be part of this increase. Mr. Hutt said to be eligible, the individuals must be retired for at least one year, by Sept. 15, 2017 and not be subject to any automatic Cost of Living Adjustment, (COLA), which is the case of Police, Fire and some members of the Electric Hazard Plan, and not be receiving and worker's compensation or heart and hypertension benefits.

Mayor Dickinson explained that every three years, this is looked at and stressed it is a 1% increase over the next three years, not 1% every year. He said there is not an annual increase and the Town is conscience of pension obligations to the Town, but are also conscience of the fact that many of these people don't receive Social Security. Mr. Fishbein said there were previous discussions regarding the underfunding of the pension and said the percentage funded was 73%. He asked if the Council approves this, would the 74% stay or would it go down. Mr. Hutt said he didn't know how this would work but noted the fund earned a return of 13 ½% for the last fiscal year. Mr. Fishbein asked if the Council were choosing the selected classes that are getting this percentage, or is there a Statute which overrides this. Mr. Hutt said some of the contracts specify who gets this. He said people who get the COLA or who retire within a year are not eligible.

Mr. Shortell said the pension being underfunded is a misnomer, it is not underfunded. He said the calculation is an estimate based on every single employee, even those who are decades away from retirement. He said there is approximately \$192 million in the pension fund, and noted that most Councilors voted last month to not put more money into the pension fund for this reason. Mayor Dickinson said the concept of fully funded is an illusory concept, noting that fully funded is based upon the value of assets one has. Mr. Zandri asked what growth is normally assumed. Mr. Hutt said it used to be an 8% assumption on the rate of return, but now is approximately 7.6% or 7.5%.

Public Comment

Daryll Stancuna, 18 Olde Village Circle, asked how about the number of retired employees. Mr. Hutt said there are 363 retired employees and said they include support staff for the Board of Education, not teachers, General Government and Utilities. He said some Police are covered and some have a 2 1/2 % COLA. Mr. Hutt said the increase in September 2014 was 1 1/2 % with 6.89% being the average return.

Mr. Stancuna said 1% is not a lot to live on and requested the Council make a vote to increase this pension to at least 2% over the next three years. Mayor Dickinson said pensions affect the annual budget as all expenses do. He said there will be negative effects for many people in regards to what is going on with the State.

End of Public Comment.

In answer to Mr. Fishbein's question regarding Social Security, Mr. Hutt noted that most of the retirees are having their Social Security benefits reduced because of the government pension they receive. He said the cost of living has been very low and in 2015, the Social Security increase was 0% and in 2016 the recipients are receiving a third of a tenth of a percent. He said 1% would be in line with Social Security increases.

Mayor Dickinson said the Town's pension is truly a pension, and noted Social Security was not intended to be a pension and said he believed the maximum one could receive from Social Security was \$30,000 a year. Mr. LeTourneau said no one should go into the assumption that if enough quarters are amassed, a person can collect 100% Social Security when they retire. Mr. Hutt said a person can lose up to 2/3rds. Mr. LeTourneau said a person can collect Social Security while they work for the Town, but once they start with a Town pension, the Social Security gets reduced. Mr. Hutt said the reduction in Social Security is offset by the Government pension.

Mr. Zandri said Mr. LeTourneau made a good point in that anyone who has not worked in the private sector won't get the Medicaid and won't get that insurance, they have to count on the pension. Mr. Marrone said every worker has to plan for their own future. He said if the administration believes that 1% is a fair sum, it is a fair number. He said we are just belaboring this issue by talking about a bunch of scenarios.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Zandri-yes.

Motion passes.

7. Discussion regarding a tree at 22 Pomeroy Avenue – Councilor Zandri

Appearing in front of the Council was Public Works Director Henry McCully.

Mr. Zandri asked about the resident, Michael Sletcher, who brought up the issue of the tree on Town property, located on 22 Pomeroy Avenue. Mr. Sletcher said in his Sept. 28, 2017 email that the tree had damaged private property and continues to be a public safety hazard. Mr. Zandri said the Public Works has been contacted in the past about the tree and noted Public Works has taken care of the sidewalk issue. He asked Mr. McCully about the current situation.

Mr. McCully explained there were two complaints: the tripping hazard from the sidewalk heaving which he said the Engineering Dept. addressed by laying down asphalt in order to smooth over the area. Mr. McCully said he drove from Prince Street to where the sidewalk ends on S. Main Street and noted there were over 20 areas temporarily patched until the concrete can be replaced. He said Mr. Sletcher's situation is not uncommon in Town and has been addressed.

Mr. McCully spoke about the sanitary sewer on Pomeroy Avenue which was installed in 1923 along with the water. He said this was a clay pipe which disintegrates with age and noted the pipe which runs from Mr. Sletcher's house to the main in the middle of the street, is the responsibility of the homeowner. He said when Mr. Sletcher purchased the home last year, the previous owner told him he had to have the sanitary sewer snaked every two years. Mr. McCully said he advised that the old clay pipe should be replaced. He said he will work with Mr. Sletcher to remove the clay pipe and if the tree compromised this work, up to removing the tree is an option and the tree would be removed at the Town's expense, but emphasized the Town is not at that point. He said the tree is healthy.

Mr. Zandri said he has seen some limbs down, but didn't personally believe this was any worse than an average garden tree during the winter. He said he was concerned about the sidewalk heaving and deterioration and the liability to the Town. He said the uneven slope is pushing the brick up. He asked if the tar applied is enough to minimize the Town's exposure. Mr. McCully said he can't speak for Engineering, but from Prince St. to at least the sidewalk ends, there are 20 areas where the sidewalks are displaced because of mature trees. Mr. Zandri said he is satisfied at this point and said there is definitely a problem over there. He said it is the service line from the main to the house and that is the homeowner's responsibility. Mr. Zandri asked what happens if the homeowner decides on their own to take down a tree on Town property. Mr. McCully said that would be a crime.

Mr. Zandri asked what would happen in a parallel situation where the homeowner wants to get the tree out and would they have to file a request with Public Works. Mr. McCully said there is no process for this and noted he has been Tree Warden for 25 years. He said people want trees down for a lot of the wrong reasons. He said this is an 18-20 inch diameter tree and is a healthy tree that the Town wants to keep. Mr. McCully said a request can be made to him and he will make a determination.

Mr. LeTourneau said he went to the site and said a healthy tree is a tree in full-bloom and nicely shaped. He said the tree in question has a "V" shape and stated if this was in his yard, he would cut it down because it is not attractive. Mr. McCully explained that when a tree is tagged, it can't be removed for 10 days in order to give the public time to respond. He said he has to tell the public in a public hearing, either at Town Hall or at the site, the reason for the tree removal. Mr. McCully said the tree is fully leafed-out and is a healthy living tree. He said he couldn't defend himself taking that tree down because it doesn't look good. Mr. LeTourneau said the tree doesn't look good, and is heaving the sidewalk. He pointed out healthy trees have been taken down in the past. Mr. McCully asked for an example. Mr. LeTourneau said healthy trees were removed downtown. Mr. McCully said those were boulevard trees and stated the Council knows why those trees were removed. He said they were replaced with smaller trees. Mr. LeTourneau said there were other trees downtown which weren't boulevard trees and they were taken down.

Mr. LeTourneau said he was troubled by the sidewalk heaving. He said there are children in that area, children with bicycles that couldn't navigate those sidewalks because of the tar. Mr. McCully said he did a dry run down S. Main and noted at least 20 areas had the temporary patch on them waiting to get into the repair cycle. He said the Town shouldn't get into the position that because someone complains to the Council or someone else, the Town should just pay attention to that particular area when there are other sidewalks in need. He said this sidewalk probably won't be repaired for years and noted there are children in other areas.

Mayor Dickinson noted the Town spends over \$200,000 a year to repair sidewalks and that is why a grid is utilized. Mr. LeTourneau told the Mayor there needs to be a middle ground with the districts. Mr. McCully said there are 13 zone, with the Town currently working in zone 11. He said the tree in question on Pomeroy Avenue is in zone 8. Mr. LeTourneau said someone shouldn't have to wait 10 or 12 years to get a sidewalk repaired. Mayor Dickinson said the only way to cut down the repair time is to spend several times as much money each year and that would cut down the wait. Mr. LeTourneau said if the Town took the same approach in road repair, the Town would be in the same situation as the sidewalks. He said there are certain areas in Town where the sidewalks are heavily used and maybe those areas with lighter usage could be pushed off.

Mr. LeTournau said he isn't looking at this issue for aesthetics, he is looking at it as a safety issue and noted the patches don't work. He said a woman came into his store with a swollen face and a black eye because she tripped on one of the sidewalk patches. Mr. LeTourneau said at budget time, if the Town needs to spend extra dollars on the sidewalks, then it needs to be done and said waiting numerous years to get a sidewalk repaired isn't fair to the public.

Public Comment

Gina Morgenstein, S. Main Street, said the issue with the sidewalk is a bonding issue. She explained a homeowner takes a mortgage on their house so they can fix the sanitary house from the house or other things. She said the Town has roads that are 49 years old that have never been repaired. She said people are fixing their driveways and noticing the street drains are at the improper level. Ms. Morgenstein said the roads and sidewalks can't be done on a piecemeal basis and there needs to be an investment. She said the Town has a \$29 million surplus and this is a safety issue. She asked what the liability is when certain things happen. She said the Town should be investing because it will end up costing us more in the long run.

Jack Winkleman, 141 S. Airline Road, said he spoke to Mr. McCully about a parking lot that was paved on North Orchard Street three weeks ago. He said there is still the restricted yellow tape which doesn't allow members of the synagogue to park in the lot. He said the parking lines have still not been installed. Mr. Winkleman said Mr. McCully told him the lot should be ready by Thursday. He also said a tree fell in front of his house and a foot and a half of the tree landed in the street. Mr. Winkleman said his wife contacted Public Works and was told they would have to move the tree that fell into the street to be taken away. He said that part of the tree is eight feet and is heavy.

Mr. Winkleman said he understood the first five or six feet from the curb belongs to the Town. He said the tree is eight feet long and approximately 5 ft. is on Town property with another foot over the gutter. He said Public Works came by the house and removed other items in the street, but didn't remove the tree. He said he didn't believe this was appropriate noting that people jog on the street and could be injured by the fallen tree. Mr. McCully said the parking lot should be ready for use by Friday. Mr. McCully said he would look at the fallen tree.

Mayor Dickinson said one can't assume that five, six or ten feet is Town owned vs. private owned. He said every street has its own either prescriptive easement because of public use or it is a road that was deeded to the Town. He said this could vary from 50 ft. widths where only 20 ft. or 22 ft. is paved with a significant distance on either side between the edge of the curb and where the private property begins. Mayor Dickinson said this could vary to a road to where it is only the paved portion the Town owns and everyone owns right up to the edge of the road. He said it has to be looked at on an individual property basis and there is no way to generalize this.

Daryll Stancuna, 18 Olde Village Circle asked how long the tree on Pomeroy Avenue has been causing problems with the Town. Mr. McCully said he received the first complaint last year. Mr. Stancuna asked when the letter was first submitted from the previous owner. Mr. McCully said the previous owner didn't send him any letters, the only correspondence he has is from Mr. Sletcher. Mr. Stancuna asked about the previous owner. Mr. McCully said it wasn't a letter, he did research on work done from the Sewer Division. Mr. Stancuna asked how many times the Town went out to the site to take care of the tree. Mr. McCully said a work order was given once to the Electric Division to prune the tree last year.

Mr. Stancuna asked how big the tree roots were that are buckling the sidewalk. Mr. McCully said the roots are six to eight inches, they are underneath the sidewalk. Mr. McCully said the heaving is six to eight inches high but is gradual, not sharp. He acknowledged a woman did trip there and so the area was tarred. Mr. Stancuna asked about the cost. Mr. McCully said this is a spot repair with a contractor. Mr. Stancuna asked when the request was put in about the problem with the tree. Mr. McCully said the request was put in last year. He said his replay to Mr. Sletcher was in June of 2016 which was within a week of receiving the complaint. Mr. McCully said the tripping hazard was addressed by the Engineering Dept. in Sept. 2014 regarding the previous property owner. Mr. Stancuna said this tree is causing multiple problems and it sounds like the Town will have to go out again and treat this sidewalk which has been patched. He said he believes there is a serious liability regarding the woman who fell on the sidewalk and was injured. He noted the homeowner doesn't like the tree and is causing havoc. He asked why the tree isn't just taken down. Mr. McCully said the word havoc needs to be defined. He said the homeowner was aware of the sewer problem when the house was purchased and that the new owner had to clean the sewer line every two years. Mr. McCully said the tripping hazard has been repaired and the sewer line is cleaned every two years so he doesn't see where the havoc is coming from.

Mr. McCully said his decision is discretionary and his decision is that he is not removing the tree. He said he advised the homeowner to clean the clay line which is 94 years old, noting that clay deteriorates over time. Mr. McCully said if a PVC pipe is installed, there will never be a problem and added if the pipe goes through the tree, he will have it removed. Mr. Stancuna asked if the homeowner wants to pay for the tree to be taken down. Mr. McCully said the person cannot remove the tree. Mr. McCully said any trees on Town property can only be authorized to be removed by himself. He said he would not let the homeowner pay to have the tree removed.

Mr. McCully said the Engineering Dept. takes care of the sidewalks. Mr. Stancuna asked about the \$200,000 being spent on sidewalks and asked if this was for paving or repair. Mr. McCully said this money is used for replacing sections of deteriorated sidewalks, temporary repairs and for sidewalks that have frost heaves. Mayor Dickinson said he believed the \$200,000 was allocated for the new concrete program. He said this is regarded as repairs, noting the panels that are deteriorated are removed and replaced. Mr. Stancuna asked how many letters Mr. McCully receives regarding tree problems in one year. Mr. McCully said he receives less than five a year. Mr. McCully said he received one letter from Mr. Sletcher but has also contacted Council members.

Mr. McCully explained the downtown tree replacement is totally different than what is being discussed tonight. Mr. Stancuna said the Council should consider this person and work with this person to take down the tree, citing only five letters were received in one year regarding tree issues. He said if this tree is causing serious medical liabilities and future buckling of the sidewalks and affecting the sewer pipe, one is talking spending more money to send crews over

to the area versus spending \$150 to take the tree down. Mr. McCully said Public Works is not doing any work there or any repairs in that area.

Mr. LeTourneau clarified that the woman who fell and hurt her face and arm took place in the downtown area.

DISCUSSION ONLY-NO ACTION TAKEN.

Mr. Zandri thanked Mr. McCully for appearing in front of the Council this evening. Mr. Fishbein asked if the resident was informed this issue would be discussed at tonight's Council meeting. Mr. Zandri said he contacted the resident personally to inform him this item was on the agenda but could not attend. Mr. Fishbein said he didn't have a lot of comments because both sides weren't present.

8. 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

9. 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 Cynthia Francis-Waters, et al* - Law Dept.

11. Executive Session pursuant to Section 1-22(f) and Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy ad negotiations with respect to the pending matter of *Taylor v Town of Wallingford* - Law Dept.

Motion to consider and authorize taking action in the pending foreclosure matter of *Town of Wallingford v Cynthia Francis-Waters et. al.* as discussed in Executive Session

Made by: Shortell

Seconded by: Fishbein

Vote: Unanimous

Executive Session-called to order at 8:18 p.m. In attendance were Council members Laffin; LeTourneau; Fishbein; Marrone; Shortell; Zandri; Mayor William Dickinson; Town Attorney Gerald Farrell Sr.

Council back in Session at 8:40

Motion to come out of Executive Session made by: Marrone

Seconded by: Zandri

Vote: Unanimous

Motion passes

Motion to authorize the Law Dept. to take action on the pending foreclosure matter of Town of Wallingford v. Cynthia Francis-Waters, et. al., as discussed in Executive Session.

Made by: Shortell

Seconded by: Fishbein

Vote: Unanimous

Motion passes

ADJOURNMENT

Mr. Shortell made a motion to adjourn the Meeting at 8:43 p.m. Mr. Fishbein seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

RECEIVED FOR RECORD 8-14-17
AT 9:00 AND RECEIVED BY
Robert J. Fishbein TOWN CLERK