

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

August 14, 2012

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:30 P.M. A Moment of Silence was observed, 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. Town Attorney Gerald E. Farrell, Sr. was in attendance at the meeting. Comptroller James Bowes arrives at 6:43P.M. Mayor Dickinson was absent.

2. Correspondence: Vice Chairman Cervoni read a letter from the Health Director, Eloise Hazelwood, from the *Wallingford Medical Reserve Corps Team* to thank everyone who in the past gave of their time for various volunteer endeavors. The letter announced a new training to recruit new folks to volunteer to the community in times of need. Contact the Health Department to learn more.

The second piece of correspondence was a set of letters from Fire Chief Struble acknowledging Police Chief Dortenzio, two of Wallingford's Volunteer Fire Stations, Hunters Ambulance and area town Emergency Management and Fire Departments who responded during the Silverpond Apartments. He said that he was proud to be chief during a situation that could have resulted in the largest fire death event in the town's history but that it didn't due to the aforementioned first responders. *(The letters are a part of the permanent file.)*

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#6-55) totaling \$8,606.11
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Note for the Record: Mayoral Transfers FY 2011-2012
Merit Increases for FY 2011-2012
-Mayor
- 3c. Consider and Approve Use of the Parade Grounds in front of the First Congregational Church on Sunday, September 9, 2012 for the annual "Catch the Spirit" celebration
- Chairman Robert F. Parisi
- 3d. Consider and Approve use of the Parade Grounds on Saturday, September 22, 2012 (Rain Date is Sunday, September 23, 2012) by Wallingford Lions Club for an Historical Walk registration site from 8:00am to noon- Mayor
- 3e. Acceptance of Donation and Appropriation in the Amount of \$2,500 Super Stop & Shop to Miscellaneous Revenue Acct # 1009052-47040 and to Professional Services- Entertainment Acct # 10050050-56746 – Parks & Recreation
- 3f. Consider and Approve an Appropriation in the Amount of \$4,232 Open Space Fund to Revenues- Open Space Resource Management Acct # 2151001-44060 and to Expenditures- Open Space Resource Management Acct # 21511100-58830-10009 – Inland Wetlands
- 3g. Consider and Approve an Appropriation in the Amount of \$2,451.33 to Revenue Highway Safety Acct # 1002001-45208 and to Police Overtime Acct # 10020050-51400 – Police Chief

- 3h.** Acceptance of Operation Fuel Funds and Appropriation in the Amount of \$1,060 to Youth and Social Services Special Fund Donations Acct # 213-4002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
- 3i.** Acceptance of National Space Grant Foundation Grant and Appropriation in the Amount of \$2,017 Wallingford Young Astronauts Club to Donations Acct # 2264002-47010 and to Expenditures Acct # 26640150-58830 – Youth and Social Services
- 3j.** Acceptance of Wallingford Rotary Foundation Grant and Appropriation in the Amount of \$2,645 Wallingford Young Astronauts Club to Donations Acct # 2264002- 47010 and to Expenditures Acct # 26640150-58830 – Youth and Social Services
- 3k.** Acceptance of FM Global Grant and Appropriation in the Amount of \$2,600 Wallingford Young Astronauts Club to Miscellaneous Revenue Acct # 1009052-47040 and Operating Expenses Acct # 10020150-58735 – Fire Chief
- 3l.** Consider and Approve an appropriation in the Amount of \$500 from Contingency-General Purpose Acct # 10019000-58820 to Civil Preparedness-Maint. of Equipment Acct # 10010800-54325 – Civil Preparedness
- 3m.** Consider and Approve a Transfer of Funds in the amount of \$19,300 for **FY 2011-2012** to Employee Pension /Benefits Acct #43100926 from Power Purchased for Pumping Acct # 43100623-Water Division
- 3n.** Consider and Approve a Transfer of Funds in the Amount of \$23,500 for **FY 2011-2012** to Employee Pension /Benefits Acct #46100926 from Miscellaneous Expense Acct # 46100643-Sewer Division
- 3o.** Consider and Approve Budget Amendment in the Amount of \$650 to Property Insurance Acct #924 from Injuries and Damages Acct # 925 –Electric Division
- 3p.** Consider and Approve a Transfer of Funds in the Amount of \$17,500 for **FY 2011-2012** to Maint.-Overhead Line Expense Acct # 593 from Operations-Overhead Line Expense Acct # 583 - Electric Division
- 3q.** Consider and Approve Transfer in the amount of \$200 to Transmission Load Dispatch Acct # 561 from Distribution Load Dispatch Acct # 581 – Electric Division
- 3r.** Consider and Approve Bid Waiver Request for Lexington Group from 7/1/12 to 6/30/13 for Employee Assistance Program – Board of Education
- 3s.** Discussion and possible Action regarding Historic Preservation Trust request to remove loose stone from former Blakeslee House site, 211 Barnes road and move to Nehemiah Royce House, 538 North Main Street - Mayor
- 3t.** Approve minutes of Regular Town Council meeting of July 17, 2012

MOTION WAS MADE APPROVE THE CONSENT AGENDA ITEMS 3a. to 3t.

MADE BY: CERVONI
SECONDED BY; RASCATI

Councilor Fishbein declared that he is a member of the Rotary Club and voted of the question. He said that he would be abstaining from the vote for Item 3j.

VOTE: All Aye with one abstention for item 3j. by Councilor Fishbein.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION & ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, reported not one light was turned in by the Police Department for the last three months.

Bob Gross announced a meeting on October 4 in the Town Council Chambers, Department of Environmental and Energy Protection along with Convata will be here in a meeting open to the public at 7:00 P.. And that there will be a Trash to Energy Tour on October 4. He spoke about the Pension fund with James Bowes, Comptroller. He wanted to know about the trees on the railroad green and if the Wooding Caplan site would be ready by the time of Celebrate Wallingford.

Doreen Zaback, Wallingford's Resource Recovery Coordinator, said that there are no formal announcements at this time.

Bill Celata explained about town holiday decorations and flags.

As it was not yet 7:00 P.M., the Council moved on to Item 8.

8. Consider and Approve a Transfer in the Amount of \$6,300 to 1998 Yale Forklift Acct # 10030000-57000-NEW from Materials & Supplies Acct # 10030000-56140 - Public Works
(NOTE: FY 2011-2012. This item was tabled from July 17, 2012 Town Council meeting.)

MOTION WAS MADE TO APPROVE A TRANSFER IN THE AMOUNT OF \$6,300 TO 1998 YALE FORKLIFT ACCT #10030000-57000 FROM MATERIALS & SUPPLIES Acct #10030000-56140-PUBLIC WORKS

MADE BY: CERVONI
SECONDED BY: LAFFIN

Henry McCully, Director of Public Works, was present.

Mr. McCully said that he has the funds and just needs the authority of the Council to approve the purchase in the old year. To address Councilor Fishbein's concerns about this transaction occurring in the 2011-2012 fiscal year and now in the present year or 2012-2013, especially since Public Works does not actually have the forklift, Mr. Bowes said that he was sorry that he could not attend the July 17th meeting when this item was first presented. He addressed the treatment of this item in the 2011-2012 fiscal year remarking that this is a bookkeeping issue and not at all remarkable. Further he explained that late last fiscal year, the Electric Division purchased a fork lift to replace an older one. Public Works offered to purchase the older forklift for the trade-in value, and the finalization on the transaction is dependent upon the Town Council. He added that it would be inappropriate for the Electric Division's transaction to happen in the last fiscal year, and the Public Work transaction to occur in the current fiscal year. The books for the old year are still open.

VOTES WERE INDIVIDUALLY CALLED OUT – 9 AYES; UNANIMOUS MOTION PASSED.

Since it was still too early to hold the Public Hearing, the Council moved on to Item # 9.

9. Discussion and Possible Action on report submitted by Terry Sullivan
- Chairman Robert F. Parisi

MOTION TO ACCEPT THE INTERNAL INVESTIGATION AND REPORT OF PERSONNEL DIRECTOR SULLIVAN DATED JULY 27, 2012 INTO THE CUTTING DOWN OF TREES AND DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012, AND THAT THE WALLINGFORD TOWN COUNCIL TEMINATE THE INDEPENDENT INVESTIGATION INTO THE CUTTING DOWN OF TREESAND DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012 WHICH INVESTIGATION WAS COMMENCED FOLLOWING THE MAY 22, 2012 PRESENTATION BY COUNCILOR ECONOMOPOULOS.

**MADE BY CERVONI
SECONDED BY: RASCATI**

Councilor Sullivan asked to hear the motion again, to be read back. Councilor Cervoni read it again. Councilor Sullivan asked Councilor Cervoni if he would separate his motion to accepting the investigatory report and ending the prospect of an independent investigation rather than tying them both together. Councilor Cervoni said that he would do that; therefore he withdrew his first motion. Councilor Rascati withdrew her second.

MOTION TO ACCEPT THE INTERNAL INVESTIGATION AND REPORT OF PERSONNEL DIRECTOR SULLIVAN DATED JULY 27, 2012 INTO 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 CERVONI
SECONDED BY: RASCATI**

In attendance: Personnel Director Terence Sullivan
Public Works Director Henry McCully

Councilor Laffin read a prepared statement regarding his two main points-cutting down healthy trees and using that it for personal sale and doesn't believe there is sufficient evidence to support these two things happening within Public Works Department. He stated that he believes that of the 26 interviewed that 25 stories 'jibed'. The discussion that continued addressed such subject matter as-how many workers in particular functions; who cut down trees; what authority approved which trees were cut down; park locations; clearing debris; loading trucks; who loaded the trucks; equipment loading into trucks; amount of wood; types of vehicles used; who operated equipment; who was operating vehicles; crew leaders; drivers of vehicles; disposal sites; unloading of wood - who and how much time; insurance; bid standing; contract; misread contract dates; 1171 S. Broad Street, 1179 S. Broad Street, and 1173 S. Broad Street, all considerations in the investigation, that revealed the Public Works bid applicant used the incorrect disposal address on his bid proposal; invoices; loading slips; definition of terms involved; honest mistakes and who made them; delivery/pick-up of debris and by whom; investigation of disposal sites; addresses of disposal sites; owners of addresses; dates of transports and amount of wood involved, among other things. There also was no evidence that anyone sold wood.

Mr. Sullivan's report revealed that the State's Attorney Office had also made an investigation, and without evidence, closed the case, pending that evidence. FEMA's Debris Specialist visited the town since the town was applying for Federal funds to help with the burden of storm clean-up. That Specialist measured the town's debris. Other Councilor's weighed in on the report.

While Mr. Sullivan acknowledged discrepancies with Councilor Economopoulos, he said that he did not find proof or evidence. Councilor Economopoulos continued to stand with what he believed to be the truth.

The motion was repeated.

MOTION TO ACCEPT THE INTERNAL INVESTIGATION AND REPORT OF PERSONNEL DIRECTOR SULLIVAN DATED JULY 27, 2012 INTO THE CUTTING DOWN OF TREES AND DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012.

Councilor Cervoni called the question.

Councilor Fishbein called for a point of order with a procedural question in that we've received the report; we've reviewed the report; we've asked the reporter about the report; haven't we already accepted the report? It was determined by the Chairman that following past procedure the acceptance of the report is done with the vote on the motion to do so. There was some discussion of the other investigation and whether it was concluded or not.

Councilor Zandri asked if the public would speak before the vote.

Dana Camp, Bill Comerford, Dick Caplan, Ray Ross, Bob Gross, Mark DeAngelo and Ed Bradley all offered comments.

The motion was read once again.

MOTION TO ACCEPT THE INTERNAL INVESTIGATION AND REPORT OF PERSONNEL DIRECTOR SULLIVAN DATED JULY 27, 2012 INTO THE CUTTING DOWN OF TREES AND DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012.

ROLL CALL VOTE:

CERVONI: Yes	ECONOMOPOULOS: No	FISHBEIN: No
LAFFIN: Yes	LETOURNEAU: Yes	RASCATI: Yes
SULLIVAN: No	ZANDRI: No	CHAIRMAN PARISI: Yes

5-AYE; 4 NAY

THE MOTION PASSED.

MOTION THAT THE COUNCIL TERMINATE THE INVESTIGATION INTO THE CUTTING DOWN OF TREES AND THE DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012 WHICH INVESTIGATION WAS COMMENCED FOLLOWING THE MAY 22, 2012 PRESENTATION BY COUNCILOR ECONOMOPOULOS.

MADE BY: CERVONI
SECONDED BY: RASCATI

The motion was repeated after some discussion with regard to the State's Attorney investigation and certain documents that have been made public.

MOTION THAT THE COUNCIL TERMINATE THE INVESTIGATION INTO THE CUTTING DOWN OF TREES AND THE DISPOSAL OF WOOD FROM OUR TOWN PARKS DURING THE PERIOD OF SEPTEMBER 25, 2008 TO JANUARY 31, 2012 WHICH INVESTIGATION WAS COMMENCED FOLLOWING THE MAY 22, 2012 PRESENTATION BY COUNCILOR ECONOMOPOULOS.

ROLL CALL VOTE:

CERVONI: Yes ECONOMOPOULOS: No FISHBEIN: Yes
LAFFIN: Yes LETOURNEAU: Yes RASCATI: Yes
SULLIVAN: Yes ZANDRI: Yes CHAIRMAN PARISI: Yes
8-AYE; 1 NAY

THE MOTION PASSED.

6. Conduct a Public Hearing for 7:00 P.M., Tuesday, August 14, 2012, to consider leasing of Town property located at 1222 Old Colony Road (Tracy) – Law Department

The Public Hearing was opened to consider leasing of Town property located at 1222 Old Colony Road (Tracy) at 8:55 P.M.

Rick Provisic, representative of the owner was in attendance, who said that the terms for the owner are acceptable.

No comments from the public.

The Public Hearing closed at 8:56 P.M.

7. Discussion & Possible Action regarding Leasing of Town property located at 1222 Old Colony Road (Tracy) – Law Department

MOTION WAS MADE FOR THE TOWN TO ENTER INTO A LEASE OF TOWN PROPERTY LOCATED AT 1222 OLD COLONY ROAD PUSUANT TO THE TERMS DESCRIBED IN THE JULY 10, 2012 LETTER, A LEASE WITH A TEN-YEAR TERM WITH TWO-YEAR EXTENSIONS, YEARLY RENT OF \$400 AND THEN TENANT IS PERMITTED TO PUT GRAVEL ON THE SURFACE FOR PARKING AND THE TENANT IS TO PROVIDE INSURANCE AND WILL NOT INTERFERE WITH THE TOWN'S USE OF THE PROPERTY.

MADE BY: CERVONI
SECONDED BY: RASCATI

Councilor Fishbein had concerns with regard to other departments in the conveyance of properties.

MOTION WAS MADE TO TABLE THE MOTION TO CLARIFY QUESTIONS.

MADE BY: FISHBEIN
VOTE: LETOURNEAU

Town Attorney Farrell stated that Water-Sewer Manager Roger Dann signed a memo today stating that this lease is acceptable and has no problem. It was cleared up that the lessor would be responsible for any environmental problems. This property is used for parking and that it is more advantageous to lease the property

ROLL CALL VOTE TO TABLE THE MOTION.

CERVONI: No ECONOMOPOULOS: No FISHBEIN: Yes
LAFFIN: No LETOURNEAU: Yes RASCATI: No
SULLIVAN: No ZANDRI: No CHAIRMAN PARISI: No
7 NAY; 2-AYE;

THE MOTION FAILED.

ROLL CALL VOTE ON THE ORIGINAL MOTION.

CERVONI: Yes ECONOMOPOULOS: Yes FISHBEIN: No
LAFFIN: Yes LETOURNEAU: Yes RASCATI: Yes
SULLIVAN: Yes ZANDRI: Yes CHAIRMAN PARISI: Yes
8-AYE ;1 NAY

THE MOTION PASSED.

- 10.** Discussion and Possible Action regarding the Legion Building's future disposition as determined by The Town Council – Chairman Robert F. Parisi

Councilor Fishbein suggested that the appropriate thing here would be to put this out with an RFP with an addition to the RFP that there be a non-refundable deposit.

There was agreement to a non-refundable deposit among the Councilors as well as the possibility of leasing the building.

MOTION WAS MADE TO RE-ISSUE THE RFP WITH REGARD TO THE AMERICAN LEGION BUILDING AS PREVIOUSLY ISSUED TO INCLUDE THE POSSIBILITY OF LEASING, OPTIONS TO PURCHASE, AS WELL AS TO PURCHASE AND REQUIRING A TEN% (10%) NON-REFUNDABLE DEPOSIT AT THE TIME OF THE TOWN COUNCIL'S ACCEPTANCE OF A PARTICULAR PLAN.

MADE BY: FISHBEIN
SECONDED BY: RASCATI

Mr. Lubee and Mr. Tom Meizzi made comments.

VOTE INDIVIDUALLY CALLED OUT.

CERVONI: Yes ECONOMOPOULOS: Yes FISHBEIN: ~~No~~ Yes
LAFFIN: Yes LETOURNEAU: Yes RASCATI: Yes
SULLIVAN: No ZANDRI: Yes CHAIRMAN PARISI: Yes
8-AYE ;1 NAY (Sullivan)

THE MOTION PASSED.

- 11.** Executive Session pursuant to Connecticut General Statutes §225(f) and §1-200(6)(B) to discuss *Staszewski v. Town of Wallingford* - Law Department

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO:

Connecticut General Statutes §225(f) and §1-200(6)(B) to discuss *Staszewski v. Town of Wallingford*

MADE BY: CERVONI
SECONDED BY: LETOURNEAU
VOTE: 7-AYE-; 2-ABSENT
MOTION PASSED.

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

MADE BY: CERVONI
SECONDED BY: FISHBEIN
VOTE: 7-AYE-; 2-ABSENT
MOTION PASSED.

EXECUTIVE SESSION ATTENDANCE:
EIGHT COUNCILORS, COUNCILOR FISHBEIN REMOVED HIMSELF; TOWN
ATTORNEY GERALD E. FARRELL, JR. & PERSONNEL DIRECTOR TERENCE
SULLIVAN.

TIME OF EXECUTIVE SESSION: 9:30 P.M. TO 9:47 P. M.

12. Possible Action on *Staszewski v. Town of Wallingford* – Law Department

WITHDRAWN

MOTION WAS MADE TO ADJOURN THE MEETING.
MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 9-AYE;
MOTION PASSED.

THE MEETING ADJOURNED AT 9:50 P.M.

Respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date

Wallingford Town Hall, 45 South Main Street