

TOWN OF WALLINGFORD, CONNECTICUT  
TOWN COUNCIL MEETING  
Town Council Chambers  
September 26, 2017

The Meeting of the Wallingford Town Council on Tuesday, September 26, 2017 was called to order at 6:33 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, Joseph A. Marrone, III, Christopher K. Shortell, John J. Sullivan and Jason Zandri. Councilors John LeTourneau and Vincent F. Testa, Jr. were absent. Mayor William W. Dickinson, Jr., Corporation Counsel Janis Small and Comptroller James Bowes were also present at the meeting.

Moment of Silence

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Consent Agenda
  - 3a. Consider and Approve Tax Refunds totaling \$13,619.08 (#229-322)  
Acct. #1001001-41020 – Tax Collector
  - 3b. Consider and Approve a Transfer in the amount of \$20,000 from Contingency, Acct. #10019000-58820 to Capital-Material Handler, Acct. #NEW – TBD – Public Works
  - 3c. Consider and Approve a Transfer in the amount of \$1,590 from Office expenses, Acct. #10010150-56100 to Professional Services, Acct. #10010150-56712 FY 2016-2017– Mayor
  - 3d. Consider and Approve Appropriation of funds in the amount of \$510 to Revenue, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS
  - 3e. Approve Town Council Minutes of September 12, 2017.

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

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

- 4. **Items Removed from Consent Agenda: *None***
- 5. **PUBLIC QUESTION & ANSWER PERIOD**

Opened Public Question & Answer Period at 6:35 p.m.

Bob Gross, Long Hill Road, had questions about changes in the Charter, specifically the Code of Ethics and asked if we would be following State law. Attorney Small answered yes and noted that we would always be following State law.

Christina Tatta, asked if the Charter Revision Explanatory Text would be posted anywhere. Janis Small thought it would be in the Town Clerk's office and indicated that she will check to see if it will be posted on our website.

Mr. Gross asked for an update on the Pension Commission Meeting. Chairman Cervoni responded that he will follow up with Mr. Bowes.

Closed Public Question and Answer Period at 6:50 p.m.

6. Consider and Approve Job Description for Public Works Building Maintenance Technician - Personnel

*In Attendance: James Hutt, Personnel Director  
Henry McCully, Director, Public Works*

Mr. Hutt discussed the new job classification that he says has been a long time coming. He stated that this classification is necessary to free up the Director and Assistant Director of Public Works. He stated that the new job description will be part of Bargaining Unit Local 1183 and it will be filled on a competitive basis.

Councilor Fishbein asked if the Law Department reviewed the job description and Attorney Small answered no. Councilor Fishbein then stated that there were errors in the first paragraph of the job description.

Mayor Dickinson stated that the job will be posted and if no current employee qualifies for the position, a decision would be made to go to the outside.

Councilor Sullivan asked if this is primarily a supervisory position and Mr. McCully answered no it is not and went on to say that this person would supervise people of a lesser grade. Councilor Sullivan asked if this person would be overseeing any certified contractors and if so, would they need any special certification. Mr. Hutt answered no. Councilor Sullivan also wants the errors in paragraph one of the job description corrected.

Councilor Fishbein asked if this person would be overseeing contractors and holding them to a set of standards then wouldn't such person need knowledge of those standards. Mr. McCully stated this would be a well-rounded person with experience in these areas.

Mayor Dickson compared this position to Clerk of the Works. He explained that this person is not licensed in all matters but informed enough as to what should happen and making sure things are done properly.

Councilor Laffin stated that the first paragraph of the job description was missing words and needed to be tweaked. He asked if we should make the changes now.

Mayor Dickinson stated that the grammar and verb tenses needed to be corrected.

**MOTION WAS MADE TO APPROVE JOB DESCRIPTION WITH AMENDMENT FOR PUBLIC WORKS BUILDING MAINTENANCE TECHNICIAN.**

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

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: ABSENT</b>
<b>LETOURNEAU: ABSENT</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>

**7-AYE  
2-ABSENT  
MOTION: PASSED**

**MOTION WAS MADE TO APPROVE JOB DESCRIPTION FOR PUBLIC WORKS BUILDING MAINTENANCE TECHNICIAN.**

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

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: ABSENT</b>
<b>LETOURNEAU: ABSENT</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>

**7-AYE  
2-ABSENT  
MOTION: PASSED**

7. Consider and Approve Bid Waiver request for ATC Group Services, LLC in the amount of \$13,330 – Public Works

*In Attendance: Henry McCully, Director, Public Works*

**MOTION WAS MADE TO APPROVE BID WAIVER REQUEST FOR ATC GROUP SERVICES, LLC IN THE AMOUNT OF \$13,330.**

Henry McCully explained that the permit covers the entire town. He stated that it makes sense to have ATC Group finish the contract. He then went on to say that the \$13,330 will

cover us to July 1, 2018. He also stated that 1,006 catch basins need to be cleaned and documented.

Mayor Dickinson indicated that the State of Connecticut requires testing and reporting and maintaining records. He then stated that we need the assistance of ATC for record keeping.

Attorney Small indicated that it makes sense to keep this firm for one more year. She explained that this firm created the plan for the permit and helped us set up the first year. She went on to say that we need consistency with this company and then go out to bid next year.

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

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: ABSENT</b>
<b>LETOURNEAU: ABSENT</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>
<b>8-AYE</b>	
<b>2-ABSENT</b>	
<b>MOTION: PASSED</b>	

8. Consider and Approve carry forward of the unspent balance of \$752,763.25 of the Board of Education operating funds into the 2017-2018 1% account - BOE

*In Attendance: Savlatore F. Menzo, Ed.D., Superintendent, BOE*  
*Roxanne McKay, Chairman, BOE*  
*Dominic Barone, Business Manager, BOE*

**MOTION WAS MADE TO APPROVE CARRY FORWARD OF THE UNSPENT BALANCE OF \$752,763.25 OF THE BOARD OF EDUCATION OPERATING FUNDS INTO THE 2017-2018 1% ACCOUNT.**

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

Mr. Menzo stated that the Board of Education would probably utilize \$700,000 of the total of \$752,763.25 towards special education costs, as the state has reduced its grant funding for this and special education costs for the current fiscal year are already about \$100,000 over budget.

Mr. Menzo and Roxanne McKay stated this is a departure from what the Board of Education has used the 1% fund for in the past. The preferred use is for capital needs or non-recurring costs, but due to the state budget stalemate, some of these funds will be needed for operations.

Councilor Fishbein discussed possibly tabling this item. Mr. Bowes indicated that he has no problem with this, but it would delay the audit report if deferred beyond December.

Mr. Bowes stated for the record before Executive Session that he spoke with Mr. Gross in the hallway regarding the update on the Pension Commission meeting.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: ABSENT</b>
<b>LETOURNEAU: ABSENT</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>

7-AYE  
2-ABSENT  
**MOTION: PASSED**

- 9. 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*
- 10. 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 following pending litigation:

- (a) *Walmart RE Business Trust v. Town of Wallingford;*
- (b) *Bristol-Myers Squibb Co. v. Town of Wallingford*

Law Dept.

**MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION AT 8:08 P.M.**

<b>MADE BY:</b>	<b>LAFFIN</b>
<b>SECONDED BY:</b>	<b>SULLIVAN</b>
<b>VOTE:</b>	<b>ALL AYE</b>
<b>MOTION:</b>	<b>PASSED</b>

**MOTION WAS MADE TO MOVE TO 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 following pending litigation:**

- (a) *Walmart RE Business Trust v. Town of Wallingford;*
- (b) *Bristol-Myers Squibb Co. v. Town of Wallingford*

**MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 8:38 P.M.**

<b>MADE BY:</b>	<b>LAFFIN</b>
<b>SECONDED BY:</b>	<b>ZANDRI</b>
<b>VOTE:</b>	<b>ALL AYE</b>
<b>MOTION:</b>	<b>PASSED</b>

**Time of Executive Session 8:08 p.m. to 8:38 p.m.**

**Attendance at Executive Session:**

<b>FISHBEIN</b>	<b>MAYOR WILLIAM W. DICKINSON, JR.</b>
<b>LAFFIN</b>	<b>CORPORATON COUNSEL JANIS SMALL</b>
<b>MARRONE</b>	<b>COMPTRROLLER JAMES BOWES</b>
<b>SHORTELL</b>	
<b>SULLIVAN</b>	
<b>ZANDRI</b>	
<b>CERVONI</b>	

11. Motion to consider and authorize settlement in the pending tax appeal matter of *Walmart RE Business Trust v. Town of Wallingford* as discussed in Executive Session – Law Dept.

**MOTION WAS MADE TO AUTHORIZE settlement in the pending tax appeal matter of *Walmart RE Business Trust v. Town of Wallingford* as discussed in Executive Session**

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

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: ABSENT</b>
<b>LETOURNEAU: ABSENT</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>

**7-AYE**  
**2-ABSENT**  
**MOTION: PASSED**

**MOTION TO ADJOURN**  
**MADE BY: FISHBEIN**  
**SECONDED BY: MARRONE**  
**MOTION: PASSED**

The Council adjourned the meeting at 8:40 P.M.

Respectfully submitted,

Lisa Moss  
Council Staff  
Meeting digitally recorded

Vincent Cervoni (LM) 10-10-17  
Vincent Cervoni, Chairman Date

Barbara Thompson (LM) 10-10-17  
Barbara Thompson, Town Clerk Date

RECEIVED FOR RECORD 9-28-17  
AT 1:45 AND RECEIVED BY  
Barbara Thompson TOWN CLERK