

**TOWN OF WALLINGFORD, CONNECTICUT
SPECIAL TOWN COUNCIL MEETING**

Town Council Chambers

~~TUESDAY~~

~~JANUARY 27, 2015~~

RESCHEDULED TO THURSDAY

JANUARY 29, 2015

RECORD OF VOTES AND MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:36 P.M. There was a Moment of Silence, and the Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni and Councilors Craig Fishbein, Tom Laffin, John Letourneau, Christine Mansfield, Larry Russo, John Sullivan and Vincent F. Testa, Jr. Councilor Robert F. Parisi was not present for the meeting with an excused absence. Mayor William W. Dickinson, Jr. and Town Attorney G. E Farrell, Sr. were also at the meeting. Comptroller James Bowes arrived at 6:55 P.M.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds totaling \$3,908.19 (#545-571)
Acct. #1001001-41020 – Tax Collector
- 3b.** Acceptance of Donation for *Youth & Social Services Special Fund-Coalition for a Better Wallingford* and Appropriation in the Amount in the Amount of \$200 to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
- 3c.** Acceptance of Donation for *Youth & Social Services STEM Academy Fund* and Appropriation in the Amount of \$200 to Donations Acct # 2264002-47152 and to Expenditures Acct # 22640150-58830 – Youth and Social Services
- 3d.** Acceptance of Award and Appropriation in the Amount of \$3,500 from the 2015 Capacity Building Award from the National Association of County and City Health Officials (NACCHO) for the Wallingford Medical Reserve Corp (MRC). – Health Director
- 3e.** Consider and Approve five-year leases for Farmland Properties located at Field 5A.-Cooke Road and Field 7A-Northford Road to Ccarelli Farms, LLC –Conservation Commission
- 3f.** Consider and Approve approval of State of Connecticut , Department of Transportation, request for two (2) easements:
 - 1. 1222 Old Colony Road
 - 2. #51 Quinnipiac Streetand Authorize Mayor to execute required easement agreements and to accept compensation of \$4,300 – Town Engineer
- 3g.** Consider and Approve the Appointment of Joe Rusczyk to the Zoning Board of Appeals for a five-year term that expires January 6, 2020 - Chairman Vincent Cervoni
- 3h.** Consider and Approve the Appointment of Frank Apuzzo as an Alternate to the Zoning Board of Appeals to the for a three-year term that expires January 2, 2018 - Chairman Vincent Cervoni
- 3i.** Approve Minutes of Regular Town Council Meeting of January 13, 2015

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

MADE BY: LAFFIN
SECONDED BY: FISHBEIN

VOTE: 8-AYE; 1-ABSENT (PARISI)
MOTION PASSED.

THE TOWN CLERK SWORE IN MR. RUSCZEK AND MR. APUZZO TO THEIR RESPECTIVE POSITIONS ON THE ZONING BOARD OF APPEALS.

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

5. **PUBLIC QUESTION AND ANSWER PERIOD**

Geno Zandri, 9 Balsam Ridge Circle, reported to the Town Council how many street lamps were out along North Main Street and said that he didn't think much of the program to replace burned out street lamps.

Gina Morgenstein, Main Street, spoke about her experience in attending a Planning & Zoning meeting and commented on the method of information exchange on paper was inefficient. Mayor Dickinson said that every department that needs it has the internet access.

Pete Selmecki, 130 East Main Street, representing Viking Youth Football League, inquired about field advertising on school fields as a way to raise league funds. Chairman Cervoni referred him to the Board of Education.

Resident, Carr Street, reported a situation at his child's pre-school with regard to parking and parking tickets being given out. He gave an account of one mother who had been ticketed for overstaying the parking limitation, when according to the resident, she had dropped off her child and then returned to pick up the child without overstaying the limitation.

Robin Minn, 60 Douglas Street, Southington, Director of the Good Shepard Pre-School, 20 North Whittlesey, stated that her staff has been ticketed. The problem with parking was acknowledged and that as a good neighbor, they desire to work it out. Mayor Dickinson said new signs have gone up because of complaints and that he would talk with the Chief about how the rules are being applied.

Robert Gross, 114 Long Hill Road, through the Chairman, asked the mayor about pay structures with regard to steps and merit increases.

James Hine, 342 South Elm Street, inquired about the business of the truck currently on the field. Mr. Gawlak responded that a new backstop was being installed.

- 6A. Discussion and Possible Action regarding design of public parking improvements to serve Pat Wall Field on South Elm Street property – Mayor

In attendance: Rob Baltramitis, Assistant Town Engineer
John Gawlak, Parks & Recreation Director

With the aid of two maps representing Option A. and Option B. for parking for Pat Wall Field property on South Elm Street, Mr. Baltramitis reviewed for the Town Council both of the options.

He spoke as well from a summary sheet outlining the highlights of Option A. & Option B. He said both plans yield about the same 85 parking spaces, meaning that based upon Public Works construction, costs of \$65,000 would run about the same for Options A. & B. He praised the work of Public Works. The delta between the projects is the cost of the land. He reported some of the pros & cons to each project. They spoke about the foul ball problems and needed permits. He noted a wetland on the south side of the Pat Wall Field that drains water from South Elm Street.

Councilor Fishbein commented on the haphazard style of parking in the lot. Mr. Baltramitis explained that the re-worked plan eliminates this kind of parking and that a guard rail and grass would run along South Elm Street in the new plan. Councilor Fishbein asked if a netting system could address foul balls Mr. Gawlak noted that the current netting cost approximately \$3,000.

To answer Councilor Testa, Mr. Baltramitis indicated that a ground survey may find that a retaining wall on the south end is needed. Councilor Sullivan asked if there would be a vote on this. Chairman Cervoni stated that as a public need has been identified, they are currently evaluating the two options and that the plan needs approval from the three land boards, identified as Planning and Zoning, Inland Wetland and Watercourses and the Zoning Board of Appeals. Councilor Mansfield asked if an action was needed since everything is contingent.

Mayor Dickinson offered that right now since the terms have expired, there is no contract. He said the Council can do nothing or it can do a contract with a contingency. There was some discussion about where this issue is going. For the record it was noted that the property located at 346 South Elm Street is for sale at \$135,000, which is not what is listed on the Fact Sheet. The Fact Sheet lists \$125,000. The Council discussed project timing in relation to time for project design and in attaining the needed permits.

Councilor Testa expressed his concern that in the end there would be no options. He would like to see all plans be expedited without delays. He said that delays would not be acceptable. He does not want to see this to move slowly with delays. He thinks the Council's action, to put it on the record, is to express to the Administration that it is our wish, our choice, for Option 2 (*on the Fact Sheet*) and that the Administration is to make it clear to the three boards to expedite the plan within two months.

Councilor Sullivan asked if this plan has had preview by Planning and Zoning, etc. Mr. Baltramitis said that it has, and he thinks it meets regulations with the exception of a variance to allow parking in the front yard, which is ZBA. He also said that it is a very approvable plan by all three agencies. He stated that the hardship is with respect to the parking. Councilor Sullivan likes the netting idea and thinks that this is about commitment. He will not vote for purchasing the adjoining property. If we are committed, he said, then Option 2 will get done.

**MOTION WAS MADE TO MOVE FORWARD WITH 6A. WITH OUR DEPARTMENTS FOR THE DESIGN FOR THE PUBLIC PARKING IMPROVEMENTS TO SERVE PAT WALL FIELD ON THE SOUTH ELM STREET PROPERTY BUT ALSO TO MOVE FORWARD WITH THE REVISED AGREEMENT ON 346 SOUTH ELM STREET.
MADE BY: LAFFIN
SECOND: NONE
MOTION FAILED.**

MOTION WAS MADE THAT WE GO WITH OPTION 2 AND DIRECT THE ADMINISTRATION, SINCE WE ARE THE APPLICANT, TO DO EVERYTHING IT CAN TO EXPEDITE THE APPLICATION PROCESS.

MADE BY: FISHBEIN'
SECOND: LETOURNEAU

There was no discussion from the Council.

Geno Zandri, 9 Balsam Ridge Circle, suggested that the town include in a contract the right of first refusal.

Daniel Champagne, 345 South Elm Street, stated that he is pleased with how the town has addressed this issue. He hopes that people come to the meetings with the three boards.

Jim Hine, 342 South Elm Street, declared that he supports Option 2.

Councilor Fishbein said it isn't in the tea leaves that this property next to the field will sell to someone else.

ROLL CALL VOTE:

Fishbein:	Yes	Russo:	Yes
Laffin:	Yes	Sullivan:	Yes
Letourneau:	Yes	Testa:	Yes
Mansfield:	Yes	Chairman Cervoni:	Yes
Parisi:	Absent		

8 AYE ; 1 ABSENT (Parisi)

MOTION PASSED

- 6B.** Discussion and Possible Action regarding proposed, revised agreement for the purchase of 346 South Elm Street – Law Department

*In attendance: Rob Baltramitis, Assistant Town Engineer
John Gawlak, Parks & Recreation Director*

With regard to the previous discussion, Chairman Cervoni stated that he thinks some consideration should be given to keeping this property on the table and that that would require our direction to the Law Department to try to negotiate an extension of the contract.

MOTION TO DIRECT THE LAW DEPARTMENT TO EXTEND THE CONTRACT WITH THE RIGHT OF FIRST REFUSAL IF THE PARTY RECEIVES ANOTHER OFFER.

MADE BY: LETOURNEAU
SECOND: LAFFIN

Councilor Russo stated that he thinks that it's true that if we do not possess the land, it helps us to get this pushed through, he will not support this motion and will vote no.

Councilor Fishbein stated that for clarification- a right of first refusal...to what? Town Attorney Farrell Sr. said if they get another offer that they are prepared to accept that they will come back to

us and we can waive the contingencies and actually purchase if that is the choice of this Council. Extra costs were discussed for implementing this.

Councilor Sullivan said he sees no concern for this property being sold.

Gina Morgenstein said first refusal to what? She said let it sit there and it isn't going anywhere.

James Hine, 342 South Elm Street, said there is no interest in the lot and that it has been on the market for two and one-half years. Nobody wants this property. Who will look at it in the wintertime? Buying this property would give the Council an option and therefore it would be harder to prove hardship. He added that the right of first refusal doesn't make any sense and presented a scenario that supported his opinion. He respectfully asked the Council to deny this motion.

Daniel Champagne, 345 South Elm Street, stated that the Council doesn't need this fallback.

Larry Morgenstein, stated that the Council is wise to put pressure on and to move forward.

Mika Mahoney, 342 South Elm Street, stated that this Council has demonstrated that they can move quickly. She enumerated the probable costs involved in the purchasing this land in a time when money must be handled carefully and we must use it sparingly.

ROLL CALL VOTE:

Fishbein:	No	Russo:	No
Laffin:	Yes	Sullivan:	No
Letourneau:	Yes	Testa:	No
Mansfield:	Yes	Chairman Cervoni:	Yes
Parisi:	Absent		

4 AYE ; 4 No; 1 ABSENT (Parisi)

MOTION FAILED.

7. Consider and Approve a Transfer in the Amount \$30,000 to Maintenance of Treatment Equipment Acct # 46100651 from three various accounts -

- 1). Chemicals \$1,700 Acct # 46100641;
- 2). Maintenance of Structures & Improvements \$15,050 Acct # 46100651
- 3). Regulatory Commission Expense \$13,250 Acct # 46100928

MOTION WAS MADE TO APPROVE A TRANSFER IN THE AMOUNT OF \$30,000 TO MAINTENANCE OF TREATMENT EQUIPMENT

Acct # 46100651 from three various accounts -

- 1). Chemicals \$1,700 Acct # 46100641;
- 2). Maintenance of Structures & Improvements \$15,050 Acct # 46100651
- 3). Regulatory Commission Expense \$13,250 Acct # 46100928

MADE BY: LAFFIN
SECOND: LETOURNEAU

*In attendance: George Adair, Director Public Utilities
David Gessert, Public Utilities Commissioner*

Item 7. Con't

Mr. Adair explained that these are needed repairs at the waste water treatment plant and that they have the funds.

There were no comments from the Council or from the public.

ROLL CALL VOTE:

Fishbein:	Yes	Russo:	Yes
Laffin:	Yes	Sullivan:	Yes
Letourneau:	Out of the Room	Testa:	Yes
	at time of the vote		
Mansfield:	Yes	Chairman Cervoni:	Yes
Parisi:	Absent		

7 AYE ; 2 ABSENT (LeTourneau & Parisi)
MOTION PASSED.

- 8. Consider and Approve a Transfer in the Amount of \$91,135 to Maintenance of Collection System Acct # 46100673 from Emergency Maintenance Reserve - Sewer Division

MOTION WAS MADE TO APPROVE A TRANSFER IN THE AMOUNT OF \$91,135 to Maintenance of Collection System Acct # 46100673 from Emergency Maintenance Reserve
MADE BY: LAFFIN
SECOND BY: FISHBEIN

*In attendance: George Adair, Director Public Utilities
David Gessert, Public Utilities Commissioner*

Councilor Letourneau returned to the Chambers.

Mr. Adair said that these are substantial repairs.

There were no comments from the Council or from the public.

ROLL CALL VOTE:

Fishbein:	Yes	Russo:	Yes
Laffin:	Yes	Sullivan:	Yes
Letourneau:	Yes	Testa:	Yes
Mansfield:	Yes	Chairman Cervoni:	Yes
Parisi:	Absent		

8 AYE ; 1 ABSENT (Parisi)
MOTION PASSED.

- 9. Discussion and Possible Action of the Third and Fourth Amendments to the Lease between the Town and Wallingford Energy LLC for property at 179 East Street – Public Utilities

Mayor Dickinson stated that the documents concern LS Power who have five (5) generating units on Town/Electric Division property and a lease with the Electric Division for use of that property for those generating units. LS Power was interested in a longer lease term. We have two lease documents and two tax documents, dealing with fixing the taxes on the five existing units and a tax

agreement on two additional units should they be built, and it fixes those tax terms. He introduced an Errata sheet, which was distributed to the Council. It lists some corrections that the Town Attorney is satisfied with but the lease documents should be amended in compliance and in harmony with the Errata document so that any motion would have to include these Errata. Mr. Adair presented a summary on the two lease agreements.

MOTION WAS MADE TO ACCEPT the Third and Fourth Amendments to the Lease between the Town and Wallingford Energy LLC for property at 179 East Street.

MADE BY: LAFFIN

SECOND: NONE

Mr. Farrell said that the Errata refers only to the Third Amendment to the Lease and there is only one part of that that has any substance whatsoever and it deals with our releasing Wallingford Energy if in fact it assigns it to another entity. It was previously negotiated but had not made it into the final document.

Mr. Adair presented a summary on the lease agreements stating the length of the lease term to 2040 and the escalating revenue that the town will reap. Many more details were presented over the long discussion including the Council's hesitation to move, complaints about very late disbursement of a large amount of information and the distribution of the Errata tonight. The council asked about another meeting, even Saturday morning. Public Utilities was attempting to meet a market deadline with this important acceptance of these agreements.

MOTION

Councilor Sullivan moved to table with discussion with Councilor Fishbein seconding.

There was more discussion until Councilor Sullivan withdrew his motion and Councilor Fishbein followed by withdrawing his second.

Councilor Cervoni called for a recess at 8:42P.M. The Council reconvened at 8:54 P.M.

MOTION TO APPROVE THE THIRD AND FOURTH EMENDMENTS ALONG WITH THE ERRATA TO THE LEASE between the Town and Wallingford Energy LLC for property at 179 East Street.

MADE BY: FISHBEIN

SECOND: LAFFIN

Mr. Adair had reached Attorney O'Neil on the telephone during the break and it was stated that as long as this decision is made before the market auction, then it will still work. More discussion ensued.

ROLL CALL VOTE:

Fishbein: Yes

Russo: Yes

Laffin: Yes

Sullivan: Recuse

Letourneau: Yes

Testa: Yes

Mansfield: Yes

Chairman Cervoni: Yes

Parisi: Absent

7AYE ; 1 RECUSED (Sullivan); 1 ABSENT (Parisi)

MOTION PASSED.

10. Discussion and Possible Action on property Tax Agreements with Wallingford Energy LLC as follows:
- a. Original Units Property Tax Agreement; and
 - b. New Units Property Tax Agreement

MOTION WAS MADE TO ACCEPT THE property Tax Agreements with Wallingford Energy LLC as follows:

- a. **Original Units Property Tax Agreement; and**
- b. **New Units Property Tax Agreement**

MADE BY: LAFFIN
SECOND: FISHBEIN

*In attendance: James Bowes, Comptroller
Shelby Jackson, Assessor*

ROLL CALL VOTE:

Fishbein:	Yes	Russo:	Yes
Laffin:	Yes	Sullivan:	Yes
Letourneau:	Yes	Testa:	Yes
Mansfield:	Yes	Chairman Cervoni:	Yes
Parisi:	Absent		

8 AYE; 1 ABSENT (Parisi)
MOTION PASSED.

11. *Executive Session pursuant to §1-200(6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor*

Withdrawn

Motion to adjourn was made by Councilor Laffin. Seconded by Councilor Fishbein.
VOTE: 8 Aye; 1 Absent (Parisi)
Motion passed.

The Council adjourned the meeting at 9:32 P.M.

Respectfully submitted,

Sandra Weekes
Secretary to the Town Council
Meeting digitally recorded.

Chairman Vincent Cervoni Date

Town Clerk, Barbara Thompson Date