

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

APRIL 24, 2012

**RECORD OF VOTES & MINUTES**

The meeting was called to order at 6:35 P.M. A Moment of Silence was observed and the Pledge of Allegiance was said. Councilors in attendance were 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. Mayor William W. Dickinson, Jr. and Town Attorney Gerald E. Farrell, Sr. were also in attendance at the meeting. Comptroller James Bowes arrived at the meeting at 6:40 P.M.

2. Correspondence

*None*

**MOTION WAS MADE TO MOVE UP ITEM 6.**

**MADE BY: CERVONI**

**SECONDED BY: RASCATI**

**VOTE: UNANIMOUS; AYE-9**

**MOTION PASSED.**

6. Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200(6)(B) to discuss the following matter: Linda Mercier v. Town of Wallingford - Personnel Director

**MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-225(f) and §1-200(6)(B) OF the Connecticut General Statutes to discuss the following matter:**

*Linda Mercier v. Town of Wallingford*

**MADE BY: CERVONI**

**SECONDED BY: RASCATI**

**VOTE: UNANIMOUS; AYE-9**

**MOTION PASSED.**

**The Council entered into Executive Session at 6:37 P.M.**

**MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.**

**MADE BY: CERVONI**

**SECONDED BY: RASCATI**

**VOTE: UNANIMOUS; AYE-9**

**MOTION PASSED.**

**ATTENDANCE AT EXECUTIVE:  
NINE (9) COUNCILORS,  
MAYOR DICKINSON, TOWN ATTORNEY  
GERALD E. FARRELL, SR. ,  
Kurt Treiber, Risk Management;  
Terence Sullivan, Personnel Director;  
James Hutt, Assistant Personnel Director;  
Attorney Collette Griffin**

**TIME OF EXECUTIVE SESSION: 6:37 p.m. to 6:57 p.m.**

**MOTION WAS MADE TO MOVE UP ITEM 7.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

**It was announced that Item 19 was withdrawn from the agenda for a later date.**

**MOTION WAS MADE TO MOVE UP ITEM 7.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

7. Possible Action of Linda Mercier v. town of Wallingford as discussed in Executive Session.

**MOTION WAS MADE TO AUTHORIZE THE TOWN ATTORNEY TO SETTLE THE MATTER OF LINDA MERCIER V. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

**MOTION WAS MADE TO MOVE UP ITEM 18.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

18. Report out from the Wallingford Housing Authority with questions to Chairman Michael Misiti and Vice - Chairman Robert Wiedenmann, regarding:

- Report on the new management company
  - General operational items
- Councilor Nick Economopoulos

*In attendance: Michael Misiti, Chairman, Wallingford Housing Authority Board  
Maria DeMarco, DeMarco Management Company*

Both parties presented information and discussed questions from the Town Council. They talked about water problems; home for a disabled vet; vented bathrooms; washer/dryer coins handling; new plans for laundry machines; vacancies; turn-over rate; waiting list vetting; fire alarm inspection; fire alarm vendor. Lastly, the Town council complimented the Board and the new DeMarco Management Company for all of the work and positive changes in the recent accomplishments. No public comments were made.

**3. Consent Agenda**

- 3a.** Consider and Approve Tax Refunds (#563 - #580) totaling \$7,324.07  
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Acceptance of Donation and Appropriation in the Amount of \$10 *Youth & Social Services Special Fund* to Expenditures Acct # 21340100-58830 and to Donations Acct # 2134002-47010 – Youth & Social Services
- 3c.** Acceptance of Donation and Appropriation in the Amount of \$576 from *Youth & Social Services Special Fund -Peer Advocates Fund* to Expenditures Acct # 21340100-58830 and to Donations Acct # 2134002-47010 – Youth & Social Services
- 3d.** *Consider and Approve a Resolution Authorizing the Mayor to enter into and amend Contractual Instruments in the Name of and on Behalf of the Wallingford Community Day Care Center Inc. with the Department of Social Services of the State of Connecticut for a Child Day Care Program – Mayor*  
*Removed*
- 3e.** *Consider and Approve a Resolution permitting the Wallingford Community Day Care Center Inc to borrow from the Town of Wallingford amounts necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut – Mayor*  
*Removed*
- 3f.** Set a Public Hearing for May 8, 2012 at 7:00P.M. to be held in connection with an Ordinance entitled:  
  
AN ORDINANCE APPROPRIATION \$2,428,985 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF VARIOUS MUNICIPAL IMPROVEMENTS 2012-2013 AND AUTHORIZING THE ISSUE OF \$2,428,985 BONDS OF THE TOWN TO MEET SAQID APPROPRIATION AND PENDING THE ISSUEANCE THEREOF THE MAKING OF TEMORARY BORROWINGS FOR SUCH PURPOSE.
- 3g.** Set a Public Hearing for May 8, 2012 at 7:15 P.M. to consider and act on an Ordinance establishing an *Ambulance Enterprise Fund* pursuant to Connecticut General Statutes §7-148
- 3h.** Set a Public Hearing for May 8, 2012 at 7:30 P.M. to consider and act on an Ordinance for the establishment of a *Defined Contribution Retirement Plan* in accordance with Connecticut General Statutes §7-450 and pursuant to the Town Charter, Chapter XVII, Section 9 and Chapter XIII, Section 4
- 3i.** Acceptance of Donation and Appropriation in the Amount of \$3,000 from Ashlar Village/Masonicare TO Continuing Education and Training Acct # 10020150-55700 and to Miscellaneous Revenue Acct # 100-9052-47040 – Fire Department
- 3j.** Consider and Approve a Transfer in the Amount of \$10,000 to Overtime Acct # 10030000-51400 from Materials & Supplies Acct # 100330000-56140 - Public Works
- 3k.** Approve minutes of Regular Town Council Meeting of April 10, 2012
- 3l.** Approve minutes of Special Town Council Meeting Budget Workshop of

April 11, 2012

- 3m. Approve minutes of Special Town Council Meeting Budget Workshop of April 12, 2012
- 3n. Approve minutes of Special Town Council Meeting Budget Workshop of April 16, 2012

**MOTION WAS MADE TO APPROVE THE CONSENT AGENDA 3a. through 3c. and 3f. to 3n.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

**4. Items Removed from the Consent Agenda**

- 3d. Consider and Approve a Resolution Authorizing the Mayor to enter into and amend Contractual Instruments in the Name of and on Behalf of the Wallingford Community Day Care Center Inc. with the Department of Social Services of the State of Connecticut for a Child Day Care Program – Mayor
- 3e. Consider and Approve a Resolution permitting the Wallingford Community Day Care Center Inc to borrow from the Town of Wallingford amounts necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut – Mayor

Discussion of both 3d. and 3e. took place concurrently between Mayor Dickinson and Councilor Fishbein. Mr. Bowes added some financial information; and Eloise Hazelwood commented on the nutritional program.

- 3d. **MOTION WAS MADE TO APPROVE a Resolution Authorizing the Mayor to enter into and amend Contractual Instruments in the Name of and on Behalf of the Wallingford Community Day Care Center Inc. with the Department of Social Services of the State of Connecticut for a Child Day Care Program**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**

**It was noted that this is a resolution is with the State Department of Education. Mr. Cervoni amended his motion to make the correction as follows:**

**MOTION WAS RESTATED TO APPROVE a Resolution Authorizing the Mayor to enter into and amend Contractual Instruments in the Name of and on Behalf of the Wallingford Community Day Care Center Inc. with the Department of Education of the State of Connecticut for a Child Day Care Program**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

- 3e. **MOTION WAS MADE TO APPROVE a Resolution permitting the Wallingford Community Day Care Center Inc. to borrow from the Town of Wallingford amounts**

**necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut.**

**MADE BY: CERVONI  
SECONDED BY: RASCATI  
VOTE: UNANIMOUS; AYE-9  
MOTION PASSED.**

There was long discussion on the benefits to the town of having a respected Day Care Center supported by the town versus the town not supporting this entity.

**5. PUBLIC QUESTION & ANSWER**

Geno Zandri and Robert Gross spoke during Public Question and Answer.

**Councilor Cervoni announced that Items 8. and 10. were moved to the end of the agenda. He said that Item 8-1. and Item 9 were withdrawn.**

**9. Possible Action on Jacobowicz v. Scrubbin Bubbles, LLC, et al**

*Withdrawn*

**11. Conduct a Public Hearing for April 24, 2012 at 7:00 P.M. for a 2012 Small Cities Community Block Grant – Grants Administrator**

*In Attendance: Don Roe, Grants Administrator*

Chairman Parisi opened the Public Hearing at 8:11 P.M. There was lengthy discussion of grants and how this grant ties in with the work being accomplished by the Wallingford Housing Authority. Discussion was focused on the history of the Small Cities grant and the projects that it has supported. 2012 is to address Housing Authority water problems. Wes Lubee told the Council that grant processes move very slowly. Michael Misiti, Chairman, Housing Authority Board thanked Don Roe, the Town Engineer and the Mayor. The Public Hearing ended at 8:34 PM.

**12. Consider and Approve Resolution Authorizing the Mayor to execute and file with the State of Connecticut Department of Economic and Community Development an application for 2012 Small Cities Community Block Grant not to exceed \$500,000, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions and revisions thereto, to carry out approved activities and to act as the authorized representative of the Town of Wallingford – Grants Administrator**

**MOTION WAS MADE TO Approve Resolution Authorizing the Mayor to execute and file with the State of Connecticut Department of Economic and Community Development an application for 2012 Small Cities Community Block Grant not to exceed \$500,000, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions and revisions thereto, to carry out approved activities and to act as the authorized representative of the Town of Wallingford.**

**MADE BY: CERVONI**

**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

- 13.** Conduct a Public Hearing for April 24, 2012 at 7:15 P.M. to act on the repeal and replacement of Chapter 122, Food Service Establishments, of the Code of the Town of Wallingford - Ordinance Committee Co-Chairmen

*In Attendance: Eloise Hazelwood, Director of Health  
Steve Civitelli, Head Sanitarian*

Chairman Parisi opened the Public Hearing at 8:34 P.M. Mrs. Hazelwood stated that this new Ordinance is to ensure compliance with DEEP Regulations. The Public had no comment and the Hearing ended at 8:35 P.M.

**MOTION WAS MADE TO repeal and replace Chapter 122, Food Service Establishments, of the Code of the Town of Wallingford**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

- 14.** Conduct a Public Hearing for April 24, 2012 at 7:30 P.M. to act on the Repeal of Article I. "Drains" of Chapter 177, "Sewers" of the Code of the Town of Wallingford and to act on the adoption of an Ordinance concerning Sources of Inflow and Infiltration into the Sanitary Sewer System - Ordinance Committee Co-Chairmen

*In Attendance: George Adair, Director, Public Works  
Roger Dann, General Manager, Water-Sewer Divisions  
David Gessert, Public Utilities Commission, Vice-Chairman*

**MOTION WAS MADE TO OPEN THE PUBLIC HEARING WITH REGARD TO ITEM 14.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

**Chairman Parisi opened the Public Hearing at 8:35 P.M.**

The each panel member made an opening statement; focus is on rainwater; constant attention is required; this ordinance is the very foundation of what needs to be accomplished; extraneous flow gets into the sewer system; "inflow" is direct; "infiltration" is ground water that gets into the sewer system. With the use of a chart, which displayed a 12-month average, Mr. Dann explained what the system is designed to handle and what it is not designed to handle. Measured over the years it was concluded that the problem is imbedded throughout the system. Mayor Dickinson distinguished between Storm System and Sanitary System. This problem will get worse if nothing is done.

**MOTION WAS MADE TO CLOSE THE PUBLIC HEARING WITH REGARD TO ITEM 14.**

**MADE BY: CERVONI**

*Wallingford Town Hall, 45 South Main Street*

**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

**MOTION WAS MADE TO Repeal Article I. "Drains" of Chapter 177, "Sewers" of the Code of the Town of Wallingford and to act on the adoption of an Ordinance concerning Sources of Inflow and Infiltration into the Sanitary Sewer System.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**

**MOTION WAS MADE TO MODIFY THE MOTION TO REMOVE THE LANGUAGE FROM PAGE 2, ITEM #1. "...AND WHICH INCLUDE PLUMBING MODIFICATIONS/ IMPROVEMENTS/REPAIRS."**

**MADE BY: FISHBEIN**  
Some discussion took place. A second was called for.

**SECONDED BY: RASCATI**  
**VOTE:**

**CALLED OUT INDIVIDUALLY**

Cervoni-no	Economopoulos-no	Fishbein-yes	Laffin-Yes
Letourneau-Yes	Rascati-Yes	Sullivan-No	Zandri-Yes
Parisi-No			

5-Aye; 4-Nay  
**MOTION PASSED.**

**MOTION WAS MADE TO AMEND THE MOTION TO REMOVE FROM PAGE 2, ITEM #4, WHICH STATES "Upon specific information that the premises may be in violation to this Ordinance."**

**MADE BY: FISHBEIN**  
**SECONDED BY: RASCATI**  
**VOTE:**

**CALLED OUT INDIVIDUALLY**

Cervoni-No	Economopoulos-Yes	Fishbein-Yes	Laffin-No
Letourneau-No	Rascati-No	Sullivan-No	Zandri-No
Parisi-No			

7-Nay; 2-Aye  
**MOTION FAILED.**

The next vote was called back in order to have the amended motion read:

**MOTION WAS MADE TO REPEAL ARTICLE I. "DRAINS" OF CHAPTER 177, "SEWERS" OF THE CODE OF THE TOWN OF WALLINGFORD AND TO ACT ON THE ADOPTION OF AN ORDINANCE CONCERNING SOURCES OF INFLOW AND INFILTRATION INTO THE SANITARY SEWER SYSTEM WITH THE REMOVAL OF THE LANGUAGE FROM PAGE 2, ITEM #1. "...AND WHICH INCLUDE PLUMBING MODIFICATIONS/ IMPROVEMENTS/REPAIRS."**

**ROLL CALL VOTE:**

Cervoni-Yes	Economopoulos-No	Fishbein-No	Laffin-Yes
Letourneau-Yes	Rascati-Yes	Sullivan-Yes	Zandri-Yes
Parisi-Yes			

7-Aye; 2-Nay

**MOTION PASSED.**

15. Conduct a Public Hearing for April 24, 2012 at 7:45 P.M. to amend Chapter 43, Purchasing, of the Code of the Town of Wallingford by adding Section H(2)(j) to the Ordinance to address restrictions on employees contracting with the town to provide services  
- Ordinance Committee Co-Chairmen

**MOTION WAS MADE AT 9:40 P.M. TO OPEN THE PUBLIC HEARING WITH REGARD TO ITEM 15.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

Discussion with the Mayor. Dana Camp, Lee Ave. was recognized. He asked the Mayor a question with regard to an employee signing something.

**MOTION WAS MADE AT 9:50 P.M. TO CLOSE THE PUBLIC HEARING WITH REGARD TO ITEM 15.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

**MOTION WAS MADE TO amend Chapter 43, Purchasing, of the Code of the Town of Wallingford by adding Section H(2)(j) to the Ordinance to address restrictions on employees contracting with the town to provide services**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**ROLL CALL VOTE:**  
Cervoni-Yes Economopoulos-No Fishbein-Yes Laffin-Yes  
Letourneau-Yes Rascati-Yes Sullivan-Yes Zandri-Yes  
Parisi-Yes  
8-Aye; 1-Nay  
**MOTION PASSED.**

16. Consider and Approve a Transfer in the Amount of \$100,021 from Law Department Regular Wages \$50,000 Acct # 1030-51000 and from Comptroller Regular Wages \$50,021 Acct # 1040-51000 to Regular Wages Various Account – Comptroller

**MOTION WAS MADE to Approve a Transfer in the Amount of \$100,021 from Law Department Regular Wages \$50,000 Acct # 1030-51000 and from Comptroller Regular Wages \$50,021 Acct # 1040-51000 to Regular Wages Various Account**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; AYE-9**  
**MOTION PASSED.**

8. Executive Session pursuant to the Connecticut General Statutes §1-225(f) and §1-200 (6)(B) to discuss the following cases:

1. *Jacobowicz v. Scrubbin Bubbles, LLC, et al*  
*Wallingford Town Hall, 45 South Main Street*

*Withdrawn*

2. Town of Wallingford v. Morin

**MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO THE CONNECTICUT GENERAL STATUTES §1-225(f) and §1-200(6)(B) OF TO DISCUSS THE FOLLOWING CASES:**

**8-2. Town of Wallingford v. Morin**

**MADE BY: CERVONI  
SECONDED BY: RASCATI  
VOTE: UNANIMOUS; AYE-9  
MOTION PASSED.**

**The Council entered into Executive Session at 10:04 P.M.**

**MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.**

**MADE BY: CERVONI  
SECONDED BY: RASCATI  
VOTE: UNANIMOUS; AYE-9  
MOTION PASSED.**

**ATTENDANCE AT EXECUTIVE:  
NINE (9) COUNCILORS, MAYOR DICKINSON, TOWN ATTORNEY  
GERALD E. FARRELL, SR. AND COMPTROLLER JAMES BOWES**

**TIME OF EXECUTIVE SESSION: 10:04 P.M. to 10:08 P.M.**

10. Possible Action on Town of Wallingford v. Morin

**MOTION WAS MADE TO AUTHORIZE THE TOWN ATTORNEY TO SETTLE THE MATTER OF THE TOWN OF WALLINGFORD v. MORIN AS DISCUSSED IN EXECUTIVE SESSION.**

**MADE BY: CERVONI  
SECONDED BY: RASCATI  
VOTE: UNANIMOUS; AYE-9  
MOTION PASSED.**

17. *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*

19. *Discussion and Possible Action to initiate an investigation by the Town Council into the cutting down of trees in the parks of Wallingford and the removal of the wood for the purpose of selling it - Councilor Nick Economopoulos*

*Withdrawn*

**MOTION WAS MADE TO ADJOURN THE MEETING.**

**MADE BY: CERVONI  
SECONDED BY: RASCATI  
VOTE: ALL NINE (9) COUNCILORS VOTED AYE**

**THE MEETING ADJOURNED AT 10:14 P.M.**

Respectfully submitted,

Sandra Weekes  
Town Council Secretary

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Robert F. Parisi, Chairman

Date

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Barbara Thompson, Town Clerk

Date