

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Robert F. Parisi Council Chambers

**Tuesday, February 9, 2016**

**6:30 p.m.**

**MINUTES**

**RECORD OF VOTES & MINUTES**

The Regular Meeting of the Wallingford Town Council was called to order at 6: 40 P.M. The Opening Prayer was given by Father Thomas Walsh, Most Holy Trinity Church of Wallingford. The Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni; Vice-Chairman Tom Laffin; John LeTourneau; Christopher Shortell; Jason Zandri; Joseph Marrone; John Sullivan and Vincent F. Testa. Mayor William W. Dickinson, Jr., Town Attorney G.E. Farrell, Sr. and Comptroller James Bowes were also at the meeting.

Councilor Craig Fishbein was not in attendance.

**Presentation to Boy Scout Troop 5**

**3. Consent Agenda**

3a. Consider and Approve Tax Refund totaling \$14,085.38 (#481-\$555\_ Acct. # 1001001-41020 – Tax Collector

3b. Consider and Approve a Transfer in the amount of \$1,931 from Contingency #10019000-58820 to CNR # 10080350-TBD – Public Works

3c. Consider and Approve Appropriation of funds \$1,931 to General Fund Revenue #3189053-49015 to 75 Tyler Mill #3180350-57000-20142 – Public Works

3d. Acceptance of 20115/2016 Comprehensive DUI Enforcement Program Grant funds, and consider and approve the amount of \$7,715 to Revenue Highway Safety # 1002001-45208 and to Police Overtime #10020050-51400 – Police Department

3e. Consider and Approve a Transfer in the amount of \$8,500 from Regular Salaries & Wages #10020050-51999 to Police Operating Expenses #10020050-58735 – Police Department – **WITHDRAWN**

3f. Consider and Approve Appropriation in the amount of \$200 Revenue Account #2264002-47152 and to Expenditure Acct. # 22640150-58830 – Y&SS

3g. Consider and Approve Appropriation in the amount of \$50 to Revenue Account #2264002-47152 and to Expenditure Acct. #22640150-58830 – Y &SS

3h. Consider and Approve Appropriation in the amount of \$850 to Revenue Account #2264002-47152 and to Expenditure Acct # 22640150-58830 – Y&SS

3i. Consider and Approve Appropriation in the amount of \$40 to Revenue Account #2264002-47152 and to Expenditure Acct # 22640150-58830 – Y&SS

3j. Consider and Approve Appropriation in the amount of \$80 to Revenue Account #2264002-47152 and to Expenditure Acct. # 22640150-58830 – Y&SS

3k. Consider and Approve a Transfer in the amount of \$1,500 from Office Expenses and Supplies #10010850-56100 to Telephone #10010850-53000 – Probate Court

3l. Consider and Approve Appropriation in the amount of \$3,240 to Town Clerk fees #2281002-42030 to Program Expenses #228106505-8830 – Town Clerk

3m. Consider and Approve Bid Waiver Request for Stryker Power Stretcher and Power Loading System in the amount of \$38,000 – Fire Department

3n. Consider and Approve Bid Waiver to use the USDA Request for Proposal/Contract for Food Service Companies – BOE

3o. Consider and Approve the Appointment of Samuel Carmody, Joseph DaCunto and Timothy Wall as Constables for two-year terms expiring January 7, 2018 – Chairman Vincent Cervoni

3p. Consider and Approve Appointment of James Vitali to the Inland, Wetland and Water Courses Commission for a five-year term ending 3/1/2021 – Chairman Vincent Cervoni

3q. Consider and Approve Resolution of Endorsement for the South Central Regional Council of Governments Regional Performance Incentive Program – Planimetric Data Plan Development – Mayor

3r. Approve Special Town Council Meeting Minutes – 1-19-16

3s. Approve Town Council Minutes 1-26-16

**Motion to approve Consent Agenda Items 3a-3d and 3f-3s.**

**Made by: Laffin**

**Seconded by: LeTourneau**

**Vote: 8 ayes**

Chairman Cervoni noted Item 3e was **WITHDRAWN** earlier today.

## **Presentation to Boy Scouts Troop 5**

Mayor Dickinson read and presented a Proclamation to Boy Scout Troop 5 celebrating 100 years of continuous activity in 2016.

### **4. Items Removed from the Consent Agenda- None**

## **5. PUBLIC QUESTION & ANSWER PERIOD**

Paul Ciardullo, 2 Bayberry Drive, said this was the third meeting in which he was attempting to make a case that Wallingford has been overtaxing its residents for the past 10 years. He said if one looked at the 2015 audit, Wallingford had a \$5.4 million surplus on the revenue side. He said included with that figure was a 2.6% tax increase which he stated was unnecessary. Mr. Ciardullo said last May, the Town Council in approving the current budget, relied on the forecast the Administration provided which he said was inaccurate. He noted the Council also approved another tax increase of 2.1% which he said this represented 4.7% which is baked into the tax base. He said his taxes are \$200 to \$250 higher than needed.

Mr. Ciardullo said in 2014, which was when the Council approved the 14/15 budget, the Council was given a forecast which he said had a 3 ½ % error. He said this was repeated this past year. Mr. Ciardullo said he sees nothing which will prevent this occurring again. He asked Chairman Cervoni what he was doing about this situation and to investigate this to insure this doesn't occur again.

Chairman Cervoni said he didn't agree there was a \$4.8% tax increase ever. Mr. Ciardullo asked Chairman Cervoni what he didn't agree with. Chairman Cervoni said it is cumulative, and not an accurate statement. He agreed there was a 2.6% tax increase. Mr. Ciardullo said there was a \$5.4 million surplus that year, so the 2.6% tax increase wasn't necessary. He pointed out the Council approved that budget which he said came in light on revenue and expenses. Mr. Ciardullo said this year, the Council approved another 2.1%, which the Chairman said he was comfortable with. Mr. Ciardullo agreed these figures are cumulative and will continue ad infinitum until something is done.

Chairman Cervoni said he is in regular dialogue with the Comptroller regarding the Town's financial issues. He said the Council deals with every budget change which occurs throughout the year, and stressed that every Councilor is committed to keeping taxes low and as reasonable as possible and are mindful of the Town's budgetary concerns. Mr. Ciardullo said that answer was not acceptable to him because he pointed out there are erroneous tax increases and will have to live with this for the time being. He said as a taxpaying resident, he wanted that 200 plus dollars back. He said the Council could take a vote to reset the mill rate right now or by providing, this year, a zero percent tax increase, which he noted would be the first one in 10 years and use the over taxation to accommodate whatever growth might be needed in the expenditures.

Chairman Cervoni argued that under the Charter that can be done. Mr. Ciardullo said the Council is the Board of Directors, approve all the ordinances, and this could be done. He said

the way the Town does business will have to be changed. He pointed out the population of Wallingford in the 1970's grew 19%; in the 1980's it grew approximately 9% and in the 90's it grew 5%; from 2000 to 2010, it grew approximately 4.8%. He said if one looks at the period from 2005 to 2015, the population increased approximately 1%. He said if one looks at 2010 to 2015, that figure is minus .1%. He said the growth train is over. He said there is no other forum to address the Council and why he's requested a public hearing dedicated to this issue.

Bob Gross, Long Hill Road, asked about last year's surplus amount. Mr. Bowes said the undesignated fund balance increased by \$974,000 from the previous year. Mr. Gross asked about the \$5 million. Mr. Bowes said all that matters is what actually happened and noted that revenues exceeded expenditures on a budgetary basis to increase the unassigned fund balance, also known as the "rainy day fund". Mr. Gross asked if some of the money, which was in the budget, was moved for future expenses. Mr. Bowes said this grew from \$1.8 million at the end of 2014 to \$2.8 million at the end of 2015, primarily due to the 1% fund, the amount of the Board of Education by State law, is allowed to request to be carried forward into a new fiscal year. He said most of the million dollars not utilized by the Town last year for various projects; \$800,000 was carried forward into the new fiscal year, and is not free and available for expenditure.

Mr. Gross asked about the approximate \$1 million that revenues exceeded expenditures, and wanted to know how early the Town would know this is happening. Mr. Bowes said it depends. Mr. Gross said some of this would be non-filled position and said it would be known this is happening. He said as budget time comes closer, the Town has a handle on at least 80% or 90% of this, stating he didn't believe over the last month or two, a million dollars just appeared. Mr. Bowes explained that last year, during the budget workshops, someone from the Council asked where the Town would be this year, and at that time he stated it would be approximately \$600,000, which turned out to be approximately \$900,000.

Mr. Gross asked why some of this money used to offset the following years budget. Mr. Bowes replied the Town used some of the fund balance previously audited from the 2014 balance to balance the current year budget; the Town is a year ahead, and doesn't get involved in projecting what would happen for the last three months of the year and then utilize it. He said Wallingford has not done this for a long time, if ever. Mr. Gross asked how much of the fund balance was used last year. Mr. Bowes said \$4.3 million was used to balance the budget. Mr. Gross asked how much was spend in the 14/15 budget. Mr. Bowes said he believed the amount of \$4.3 million was utilized to balance that budget as well. Mr. Gross asked how much of the fund balance went back at the end of the year. Mr. Bowes said the unassigned fund balance grew \$974,000. He asked Mr. Gross if he would rather have a deficit of \$974,000.

Bob Kennedy, Bull Avenue, said he spent the entire morning looking at the audit and said when he looked at the surplus on the revenue, it was \$2.825 million, but when he looked at surplus on the expense side it was \$5.952 million which was not spent for a total of \$8.777 million in money that was budgeted for but really not required. He said this was a 6.259% error. He said when he was in business, he would have been fired on the spot for that poor budgeting. He said when he looks at the total revenue for the year, and adds up all the different departments, he comes up with 148.92 and looks at all the expenses, he comes up with 145, adding in all the appropriations brings it up to 146 which is a surplus of \$2.087 million. He asked where the 974

number is coming from. Mr. Bowes said one would have to look at the general fund balance sheet and look at the unassigned fund balance from one year to the other and notice it grew by \$974,000. Mr. Kennedy asked how this number was arrived at. Mr. Bowes said this is built by looking at the entire years' results and where those results end up being categorized.

Mr. Kennedy said there was a 6.295% error on the budget. Mr. Bowes said this wasn't an error. He emphasized that Wallingford has a history on conservative budgeting. Mr. Kennedy said taxes are raised every year. Mr. Bowes said a chief fiscal person tries to put together a solid way to finance the services the community wishes to provide. He said he respects all opinions, but the bottom line is that never in his life has he ever seen an audience come before a legislative body asking for their services to be cut. Mr. Kennedy said the service levels are not acceptable. Mr. Bowes asked Mr. Kennedy to stand up before 200 people and say he wants the services kept the same or reduced. Mr. Kennedy said where he previously lived, everything was automated, and the taxes were 30% of what he is paying in Wallingford and stated the people are overpaying significantly. He recommended a Town Hall meeting take place.

**End of Public Comment – 7:10 p.m.**

**6. To Conduct a Public Hearing and consider and act on the following ordinance entitled:**

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$30,000 FOR ARCHITECTURAL COSTS FOR THE CENTER STREET CEMETERY MAINTENANCE AND ADMINISTRATION BUILDING AND AUTHORIZING THE ISSUE OF #30,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(The purpose of the amendment is to increase the appropriation and bond Authorization by \$310,000 from \$30,000 to \$340,000, to provide for the Construction of the project and to ratify, confirm and adopt all prior Authorizations and ordinances in connection therewith).

Chairman Cervoni convened the public hearing on February 9, 2016 at 7:10 p.m. and stated that the \$310,000 increase to the \$30,000 Center Street Cemetery Maintenance and Administration Building bond ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

Councilor Laffin moved, and the motion was seconded by Councilor Shortell, to read the title of the ordinance as proposed in its entirety and to waive the reading of the remainder of the ordinance, incorporating its full text into the Minutes of the Meeting.

Upon roll call vote, the ayes and nays were as follows: Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes.

**Motion passes**

AN ORDINANCE APPROPRIATING \$340,000 FOR THE CENTER STREET CEMETERY MAINTENANCE AND ADMINISTRATION BUILDING AND AUTHOTRIZING THE ISSUE OF \$340,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Chairman Cervoni entertained Public Comments---There were no Public Comments. Chairman Cervoni closed the Public Hearing at 7:11 p.m.

Councilor Laffin moved, and the motion was seconded by Councilor LeTourneau, that the ordinance entitled:

"AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$30,000 FOR ARCHITECTURAL COSTS FOR THE CENTER STREET CEMETERY MAINTENANCE AND ADMINISTRATION BUILDING AND AUTHORIZING THE ISSUE OF \$30,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE", a copy of which is attached hereto, be adopted.

**No Council Discussion. Chairman Cervoni entertained a Roll Call Vote:**

**Roll Call Vote: Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes.**

**Chairman Cervoni declared the motion passed and the ordinance adopted.**

**7. Discussion and Possible Action regarding IBEW Local 457 Production Unit of the Electric Division Tentative Agreement from September 1, 2015 to August 31, 2017 – Personnel**

Appearing in front of the Council was Jim Hutt, Personnel Director and Rick Hendershot, Electric Division General Manager.

Mr. Hutt explained this is a two-year contract which increases the probationary period from six months to 12 months, which he said was a significant achievement to the Town considering many jobs are seasonal. He said there will be increased insurance cost share from 12% to 13% as well as a variety of plan design changes and a two percent increase in each of the two years of the contract effective 9/1/2015 – 2% and 9/1/2016 -2%.

Councilor Shortell asked about the health insurance co-pays increasing \$5 or \$10 and if a high deductible plan was considering noting this might be a better long term way to cut costs. Mr. Hutt said the HSA was proposed, the high deductible health plan. He said GW is trying to be kept down to 2% or lower and looking at the long-term plans, it was believed the 2% GWI in exchange for co-pay changes on the PPO would be the best option for the next two years. Councilor Shortell asked what the total cost to the Town for this contract versus the last contract. Mr. Hutt said the total net cost to the Town looking at the GWI as well as the other costs, minus the health insurance costs savings, is a net cost of \$139,743 which is an increase over the last contract.

Councilor Sullivan asked about the probationary period and asked if an employee is dismissed during that period, is it subject to arbitration. Mr. Hutt said it cannot be grieved or arbitrated. Councilor Sullivan asked about the clothing allowance, i.e. flame retardant clothing. He wanted to know if this constitutes an apparel program and if the employees would be wearing this clothing to work. Mr. Hendershot said the employees would be wearing the clothing, noting not all of it is flame resistant. He said the need had been calculated and said the reimbursement program is capped per individual per year and the individual is required to wear this clothing every day. Councilor Sullivan asked if a meter reader could opt in or out. Mr. Hendershot said meter readers wear a uniform because of the nature of their job, but is not an opt in or opt out. He said the details vary by position. Councilor Sullivan said a good job was done negotiating with the IBEW. Councilor Zandri asked if union members were paid by check or direct deposit. Mr. Hutt said they were paid by check and there was no direct deposit. Councilor Zandri asked if anytime during the negotiation process was this item brought up. Mr. Hutt said he was not sure this came up with this unit. Councilor Zandri said this is one of the things he is looking to do for streamlining as we go forward with the different negotiations with the different unions. He said one of the roadblocks is moving to bi-weekly pay, and the only way to accomplish this is to introduce this item in the discussions. Mr. Hutt noted there have been bargaining units which have proposed direct deposit. He said the Town's response has been when all units go to bi-weekly pay, then direct deposit can be implemented.

Councilor Testa asked if the members of this unit were paid through the same system as the rest of the payroll system. Mr. Hutt said they are paid through the same system. Councilor Marrone asked about the savings on the health insurance portion of the contract. Mr. Hutt said the estimated savings for health insurance for plan design as well as co-pay increase is \$22,725 and noted there are 31 members. Chairman Cervoni asked the Town Attorney if no action was taken on the recommended agreement would it become binding. Atty. Farrell said it would become binding.

### **Motion to accept this contract as presented**

**Made by: LeTourneau**  
**Second by: Zandri**

#### Public Comment

Bob Gross, Long Hill Road, asked Mr. Hutt if there was an insurance waiver component in this contract. Mr. Hutt said there was not.

Chairman Cervoni asked if there was a concern in the unit. Mr. Hutt said this wasn't a concern and was never proposed.

Gina Morgenstein, S. Main Street, asked about the insurance. She noted that \$22,725 in savings for 31 people amounts to under \$1,000 in savings per employee. She said she knows what she is paying for insurance and for the deductible, and knows she has to put aside HSA just to be able to pay for health care. She said on top of this change of co-pay rather than an HSA and a high-deductible plan, she asked if this would force the Town to incur a "Cadillac Tax".

Mr. Hutt noted the "Cadillac Tax" is something which has been delayed until 2020, so currently it is not known what the threshold will be at that time. Ms. Morgenstein said she didn't realize this was delayed, and was a good thing for the Town. She pointed out as the negotiations move forward, every time the Town doesn't go the wave of the future, we are talking about taxes and how much it costs to pay taxes in the Town. She said the employees do a great job and said she didn't want to single out this negotiation, but knows when it is asked for a full-time economic advisor, it's not just the salary, it is the benefits. She said she didn't know anyone who doesn't have the high deductible and working in the health plan, she see people having difficulty making the deductible and urged the Town when negotiating to think about this and the payroll. She urged direct deposit be made a priority this year.

Chairman Cervoni ended Public Comment at 7:26 p.m. and called for a Roll Call Vote.

**Roll Call Vote: Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes.**

**Motion passes.**

**8. Motion to Consider and Approve Appropriation in the Amount of \$500,000 from Retained Earnings #NA to Conservation Expense #909 – Electric Division**

**Motion to approve the appropriation in the amount of \$500,000 from Retained Earnings #NA to Conservation Expense #909**

**Made by: Laffin  
Second by: LeTourneau**

Mr. Hendershot referred to Tom Sullivan's January 26<sup>th</sup> memo which was given to the Council in their packet. He said annually the WED collects revenues as required by the State of CT for every unit of energy sold for the purpose of funding various energy conservation measures and efforts for the customers. He said when the budget is prepared, expenditures are budgeted in those activities to exactly match the revenues WED expects to collect based on projected unit energy sales.

He said in some years, WED doesn't spend all of the energy conservation monies so per municipal budgeting practices, the surplus funds go into retained earnings with the other surplus funds. He said they are kept track of separately, because they were collected only for the purpose of energy conservation efforts. He noted some years, activities with customers and energy conservation programs is greater than the amount budgeted, based solely on expected revenues, so WED has to come before the Council to get permission to move these funds out of Retained Earnings and into the budget so they can be applied to the expenditures WED expects to encounter for the remainder of the fiscal year.

Councilor LeTourneau asked when people are looking at their electric bill, is there a specific line item that these funds get collected. Mr. Hendershot said it is called "ECF" Energy Conservation Fund and is a ¼ of a cent per kWh. Councilor Sullivan asked about energy conservation programs. Mr. Hendershot said it is predominantly the Home Energy Savings program for

residential which is handled by a third-party contractor. He said the homes are inspected free of charge for all customers, regardless of their fuel type or electric usage. He said the home is made more energy efficient and compact florescent and LED lights are given and other energy savings measures are performed which includes a test of the home for air intrusion. He said at the end, the contractor sits down with the homeowner which includes inspection of attic insulation.

Mr. Hendershot said there are also light bulb giveaways or reducing the lightbulb prices in the big box stores. He noted WED is credited for all purchases made in Wallingford stores whether by a resident or non-resident. Mr. Hendershot several hundred Home Energy Inspections are done a year. Councilor Sullivan asked how the surcharge is determined. Mr. Hendershot said this is in State Statues. Councilor Sullivan said he would like to see more residents have the home energy inspections.

Councilor Zandri asked about the money collected from this line item and if they would always be earmarked for this. He noted he had an energy audit done years ago, and said he has saved a lot of energy and has kept the rates steady the past 10 years. He recommended anyone who questions where their power is going, to look into this program. Councilor LeTourneau said this is a great program WED is involved in. He pointed out a flyer in the electric bill a customer can fill out to receive free LED bulbs. He talked about the big box stores and the WED supplementing some of the bulbs in the program and recommended signage giving credit to the WED for this program. Mr. Hendershot said there is a vendor responsible for the in-store collateral and agreed it is not a splashy program. Councilor LeTourneau noted everyone should latch on to this program, because it brings the cost of the bulbs down from approximately \$9 a bulb to approximately \$3 a bulb.

There were no public comments. Chairman Cervoni entertained a Roll Call Vote.

**Roll Call Vote: Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes**

**Motion passes**

**9. Appointments to the following Committees:**

Ordinance Committee –The entire Town Council; Chairman will be Councilor Fishbein;  
Vice-Chair – Councilor Sullivan.

Merit Review Committee – Councilors Shortell, Marrone and Cervoni.

Technology Committee will be chaired by Laffin, with Marrone and Testa as members.

Chairman Cervoni said the Ordinance Committee will have regularly scheduled monthly meetings and will meet the first Thursday of every month.

**10. 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**

**Motion to move into Executive Session at 7:38 p.m.**

**Made by: Laffin**  
**Second by: LeTourneau**

**Vote: 8 ayes**

**The Executive Session began at 7:39 p.m. Attendees were Councilors Laffin, LeTourneau, Marrone, Shortell, Sullivan, Testa, Zandri, Chairman Cervoni, Mayor William Dickinson Jr. and Town Attorney Gerald E. Farrell Sr.**

**Motion to come out of Executive Session at 8 p.m.**

**Made by: Laffin**  
**Second by: LeTourneau**

**Vote: 8 ayes.**

**Adjournment**

Councilor LeTourneau made a motion to adjourn the Meeting at 8:00 p.m. Councilor Shortell seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist  
Acting Recording Secretary