

**TOWN OF WALLINGFORD, CONNECTICUT**  
**TOWN COUNCIL MEETING**  
**Town Council Chambers**  
**June 13, 2017**  
**RECORD OF VOTES & MINUTES**

The Meeting of the Wallingford Town Council on Tuesday, June 13, 2017 was called to order at 6:30P.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, John LeTourneau (arrived at 6:45 p.m.), Joseph A. Marrone, III, Christopher K. Shortell, John J. Sullivan, Vincent F. Testa (arrived at 6:32 p.m.) and Jason Zandri. Mayor William W. Dickinson, Jr, Corporation Counsel Janis Small and James Bowes, Comptroller were also present at the meeting.

1. Pledge of Allegiance

2. Roll Call

3. Consent Agenda

3a. Consider and Approve Tax Refunds totaling \$7,910.90 (#840-859)  
Acct. #1001001-41020 – Tax Collector

3b. Acceptance of Donations from Evonik Industries and consider and approve appropriation of funds in the amount of \$3,500 - Mayor

**Health Department:**

\$1,500	To MRC 2017 Grant Revenue	Acct. # 2502002-47152
\$1,500	To MRC 2017 Exps.	Acct. #TBD

**Police:**

\$1,000	To Revenue Donations –Police	Acct. #2502002-47152
\$1,000	To Expense Donations-Police	Acct. #25020050-58830-TBD

**Fire:**

\$1,000	To Donations – Revenue	Acct. #2502002-47152
\$1,000	To Program Expenditures-Fire	Acct. #25020150-58830-TBD

3c. Consider and Approve a Transfer in the amount of \$1,600 –P&Z

\$1,000	From Capital Expenditure-Server	Acct. #10010700-57000-00564
300	From Capital Expenditure-Server	Acct. #10010700-57000-00564
300	From Capital Expenditure-Server	Acct. #10010700-57000-00564
\$1,000	To Dues & Fees	Acct. #10010700-58810
300	To P.S. Secretarial	Acct. #10010700-56702
300	To Maint. of Equipment	Acct. #10010700-54325

- 3d. Consider and Approve a Transfer in the amount of \$800 from Contingency-Accrued, Acct. #10019000-58821 to Dog-Regular Wages, Acct. #10020100-51000 – Animal Control Officer
- 3e. Consider and Approve a Transfer in the amount \$8,000 from Comptroller’s – Reg. Wages, Acct. #10010401-51000 to Comptroller’s- Oper. Exp., Acct. #10010407-58735 - Comptroller
- 3f. Acceptance of Federal/State Highway Safety grant and consider and approve appropriation of funds in the amount of \$13,975.00 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-51400– Police Department
- 3g. Consider and Approve a Transfer in the amount of \$4,821 from Gen. Purpose Contingency, Acct. #10019000-58820 to Professional Services, Acct. #TBD – Mayor
- 3h. Consider and Approve a Transfer in the amount of \$6,000 – Fire Dept.
  - \$6,000 From Replacement Pay Acct. #50020155-51500
  - \$4,000 To Overtime Acct. #50020155-51400
  - 2,000 To Wage Differential Acct. #50020155-51450
- 3i. Consider and Approve a Transfer in the amount of \$5,000 from General Purpose-Contingency, Acct. #10019000-58820 to Overtime, Acct. #10030000-51400 – Public Works
- 3j. Consider and Approve a Transfer in the amount of \$16,300 from Distribution Maintenance-Overhead Lines, Acct. #593 to Distribution Operations-Meter Expense, Acct. #586 – Electric Div.
- 3k. Consider and Approve a Transfer in the amount of \$38,600 from Employee Pension and Benefits, Acct. #926 to Injuries and Damages, Acct. #925– Electric Div.
- 3l. Consider and Approve a Transfer in the amount of \$25,000 from Misc. Expenses, Acct. #46100643 to Sludge Disposal, Acct. #46100645 – Sewer Div.
- 3m. Consider and Approve a Transfer in the amount of \$250,000 from Contingency-Accrued Expenses, Acct. #10019000-58821 to Pension – Employer Contributions, Acct. #10012050-52305 – Comptroller
- 3n. Consider and Approve a Transfer in the amount of \$8,500 from Professional Services-Specialists, Acct. #10010300-56714 to Professional Services – Lawyers, Acct. #10010300-56710 – Law Dept.
- 3o. Consider and Approve the reappointment of Sean Doherty to the Board of Ethics for a three year term effective immediately and expiring March 1, 2020 – Mayor

- 3p. Consider and Approve the reappointment of Mary Paquette to the Board of Ethics for a three year term effective immediately and expiring March 1, 2020 – Mayor
- 3q. Consider and Approve the reappointment of John Paul Venoit to the Board of Ethics for a three year term effective immediately and expiring March 1, 2020 – Mayor
- 3r. Consider and Approve the reappointment of Rev. Dean Warburton to the Board of Ethics for a three year term effective immediately and expiring March 1, 2020 – Mayor
- 3s. Approve Town Council Minutes of May 23, 2017

**Addendum to Consent Agenda:**

- 3t. Consider and Approve the appointment of Armand Menard to fill the alternate position to the Planning & Zoning Commission which will expire January 8, 2019 – Chairman Cervoni

**MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a– 3d, 3f-3l and 3n-3t.**

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

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

- 3e. Consider and Approve a Transfer in the amount \$8,000 from Comptroller's – Reg. Wages, Acct. #10010401-51000 to Comptroller's- Oper. Exp., Acct. #10010407-58735 - Comptroller

**MOTION WAS MADE TO MOVE TO APPROVE A TRANSFER IN THE AMOUNT OF \$8,000 FROM COMPTROLLER'S – REG. WAGES, ACCT. #10010401-51000 TO COMPTROLLER'S – OPER. EXP., ACCT. #10010407-58735.**

Councilor Fishbein asked what this is for and Mr. Bowes replied that the town had decided about 10 to 15 years ago to centralize the mail service and eliminated the personnel. He then explained that this money is for the cost of the three pieces of machinery in the central service area plus the increase in postage and certified mail. He then stated that this came up after the budget.

Councilor Fishbein remarked that in March this line item had expended \$72,000 and the line item was set at \$109,000 so you still need additional money? He then asked if that was an accurate number given in March. Mr. Bowes responded yes.

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

- 3m. Consider and Approve a Transfer in the amount of \$250,000 from Contingency-Accrued Expenses, Acct. #10019000-58821 to Pension – Employer Contributions, Acct. #10012050-52305 – Comptroller

**MOTION WAS MADE TO MOVE TO APPROVE A TRANSFER IN THE AMOUNT OF \$250,000 FROM CONTINGENCY-ACCRUED EXPENSES, ACCT. #10019000-58821 TO PENSION – EMPLOYER CONTRIBUTIONS, ACCT. #10012050-52305.**

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

Councilor Shortell stated that he has some questions on this item and asked where the pension fund is at.

Mr. Bowes stated there are two sides to the equation, retirees, and employees paying in.

Councilor Shortell asked what the balance is of the assets and Mr. Bowes responded \$192.6 million as of May 31, 2017. He then asked how we are doing and what the material effect is. Councilor Shortell also stated that he is struggling with why we are putting this into the pension and not doing something else with this money.

Mayor Dickson responded that there is a big caveat on this and explained that we are now at 22% of salary on pension payouts for us. He then went on to say that we need to bring down that percentage so putting money in helps us.

Chairman Cervoni addressed to the point that this is a lot of money to put on consent and he mentioned that we have put on other items like this before and he thought it was proper.

Councilor Testa stated there were contradictory statements made by both the Mayor and Mr. Bowes. He explained that it looks like \$200,000 is going into contingency and \$50,000 into the pension.

Mr. Bowes explained that the intent is to transfer \$250,000 to contingency pension and get a consensus of what you want him to do with it.

Councilor Zandri wanted confirmation that \$250,000 is in contingency and we are moving it into the pension fund.

Councilor Fishbein stated that it only makes sense to sweep the entire surplus into the pension and then noted that the surplus is made up of numerous accounts. He then asked if contingency is more than one line item and Mr. Bowes answered yes.

Councilor Fishben asked if we expect to expend all the money in that budget line and Mr. Bowes answered no. He then asked why not just spend it since it was authorized and deal

with the \$250,000 contingency differently. Mr. Bowes replied that he is uncomfortable with that and stated that it is not a clear trail.

Councilor Marrone wanted to confirm that we pay what the actuary requests we fund and Mr. Bowes responded yes. Councilor Marrone then confirmed that we were at 100% funded at one point and Mr. Bowes responded yes. Councilor Marrone then asked how we got to not being 100% funded and noted we are now only 72% funded. Mr. Bowes explained that people aren't working as long and a lot of people are coming in at max step so we haven't had the longevity of the employee. Mayor Dickinson remarked that because of the market decline in 2008 the investments just haven't kept up.

Councilor Marrone asked how we will catch up and noted it doesn't sound like we will.

Mayor Dickinson responded saying the more money invested, the more money we can make. Councilor Marrone then remarked that he's not sure it's the best place to use the money. Mayor Dickinson responded that he thinks it shows the public we are serious about funding pensions.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: NO</b>
<b>FISHBEIN: NO</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: NO</b>
<b>LETOURNEAU: NO</b>	<b>ZANDRI: YES</b>
<b>MARRONE: NO</b>	<b>CERVONI: YES</b>
<b>4-AYE:</b>	
<b>5 NAY: MOTION FAILED</b>	

## 5. PUBLIC QUESTION & ANSWER PERIOD

Opened Public Question and Answer Period at 8:10 p.m.

Gina Morgenstein, South Main Street, asked to please put this money into the pension fund and went on to say it's the employee's money and it deserves to go there.

Bob Gross, Long Hill Road, thanked the Councilors for taking this so seriously. He then asked if there are five positions not filled and Mr. Bowes answered yes. Mr. Gross questioned how many Board of Education members the pension covers and Mr. Bowes answered that he is not sure.

Larry Morgenstein, South Main Street, asked if there is a timeframe pending on this and Mr. Bowes answered that it should be done this month.

Councilor Laffin stated that he understands that the pension figure is a direct calculation of the number of employees times percentage into fund.

Bob Gross asked, based on what just happened, does that money go into surplus and Mr. Bowes answered yes.

Closed Public Question and Answer Period at 8:12 pm.

6. 6:30 p.m. Public Hearing regarding Neighborhood Assistance Program

Chairman Cervoni opened the Public hearing at 8:12 p.m.

Chairman Cervoni opened the Public Hearing for Neighborhood Assistance and read a list of the agencies:

Columbus House, Wallingford Emergency Shelter Services  
First Congregational Church of Wallingford, HVAC Green Retrofit  
Gaylord Hospital, Inc., Patient Programs and Services  
Habitat for Humanity of Greater New Haven, New Haven County Habitat Homebuilding  
Ulbrich Boys & Girls Club, Youth Development

There was no public comment and Chairman Cervoni closed the Public Hearing at 8:13 p.m.

7. Resolution authorizing the Mayor to submit to the Dept. of Revenue Services the approved list of Neighborhood Assistance programs eligible for investment by business firms and to provide such additional information; to execute such other documents as may be required by the Department to accept on behalf of the Town any funds available for those municipal programs on the list; to execute any amendments, rescissions, and revisions thereto; and to act as the authorized representative of the Town of Wallingford – Mayor

**MOTION WAS MADE TO MOVE RESOLUTION**

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

8. Consider and Approve Option Agreement for Solar Energy Facility Ground Lease with Form of Ground Lease – Law Dept.

*In Attendance: Joe Jordan, Project Development Director, Energy, LendLease  
Kris Pitney, Development Manager, LendLease*

**MOTION WAS MADE TO APPROVE THE FOLLOWING:**

1. The Town agrees to provide an exclusive option to Wallingford Energy Renewable, LLC (“WRE”) to continue negotiations for an option to lease agreement for a solar energy project on the Town’s landfill.
2. The Town shall grant WRE access rights to the landfill for purposes of conducting feasibility studies.
3. The term of the exclusive option and access agreement shall be sixty days.

4. The Law Department shall approve an agreement for the exclusive option and access upon terms and conditions it deems appropriate.
5. The Mayor is authorized to sign the agreement.

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

Chairman Cervoni stated that we will only discuss the lease tonight because we will hold a public hearing at the next meeting to vote on the lease.

Councilor Fishbein stated that he is okay with the exception of one part, ongoing negotiation, with the tax agreement.

Janis Small indicated that we are in negotiations concerning an agreement on taxes. She stated it is a taxable property and tonight's actions allow them to continue moving forward.

Councilor Testa asked if this is the agreement that will go forward and Janis Small answered yes and went on to say that they must do their due diligence and then the lease goes into effect. Councilor Testa then said that a citizen asked the question "If you went bankrupt, how would all this equipment get removed". Janis Small answered that there is a bond that must be posted on the 10<sup>th</sup> anniversary and if they were to go bankrupt it would become bank owned and the bank would become responsible.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CERVONI: YES</b>
<b>9-AYE:</b>	

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 – Mayor - *Withdrawn*

**Addendum to Regular Items:**

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: - Law Dept.

- (a) *69 North Plains Wallingford LLC v. Board of Assessment Appeals;*
- (b) *J. Gavin Properties LLC v. Board of Assessment Appeals;*
- (c) *2 Fairfield Blvd. Properties LLC v. Board of Assessment Appeals; and*
- (d) *Cariati Properties LLC v. Board of Assessment Appeals.*

**MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION AT 8:35 P.M.**

**MADE BY: LAFFIN**  
**SECONDED BY: LETOURNEAU**  
**VOTE: 9 AYE**  
**MOTION: PASSED**

**MOTION WAS MADE TO MOVE INTO 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: - Law Dept.**

- (a) 69 North Plains Wallingford LLC v. Board of Assessment Appeals;*
- (b) J. Gavin Properties LLC v. Board of Assessment Appeals;*
- (c) 2 Fairfield Blvd. Properties LLC v. Board of Assessment Appeals; and*
- (d) Cariati Properties LLC v. Board of Assessment Appeals.*

**MADE BY: LAFFIN**  
**SECONDED BY: LETOURNEAU**  
**VOTE: 9 AYE**  
**MOTION: PASSED**

**MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 8:48 P.M.**

**MADE BY: LAFFIN**  
**SECONDED: SULLIVAN**  
**VOTE: ALL-AYE**  
**MOTION PASSED**

**Time of Executive Session 9:35 p.m. to 8:48 p.m.**

**Attendance at Executive Session 10(a), (b) and (c):**

**FISHBEIN**                      **MAYOR WILLIAM W. DICKINSON, JR.**  
**LAFFIN**                         **CORPORATION COUNSEL JANIS SMALL**  
**LETOURNEAU**  
**MARRONE**  
**SHORTELL**  
**SULLIVAN**  
**TESTA**  
**ZANDRI**  
**CERVONI**

**Attendance at Executive Session 10(d):**

**FISHBEIN (RECUSING)      MAYOR WILLIAM W. DICKINSON, JR.  
LAFFIN                              CORPORATION COUNSEL JANIS SMALL  
LETOURNEAU  
MARRONE  
SHORTELL  
SULLIVAN  
TESTA  
ZANDRI  
CERVONI**

11. Motion to consider and authorize settlement in the pending tax appeal matter of *69 North Plains Wallingford LLC v. Board of Assessment Appeals* as discussed in Executive Session;

**MOTION WAS MADE TO MOVE SETTLEMENT in the pending tax appeal matter of *69 North Plains Wallingford LLC v. Board of Assessment Appeals* as discussed in Executive Session.**

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

12. Motion to consider and authorize settlement in the pending tax appeal matter of *J. Gavin Properties LLC v. Board of Assessment Appeals* as discussed in Executive Session;

**MOTION WAS MADE TO AUTHORIZE settlement in the pending tax appeal matter of *J. Gavin Properties LLC v. Board of Assessment Appeals* as discussed in Executive Session.**

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

13. Motion to consider and authorize settlement in the pending tax appeal matter of *2 Fairfield Blvd. Properties LLC v. Board of Assessment Appeals* as discussed in Executive Session.

**MOTION WAS MADE TO AUTHORIZE settlement in the pending tax appeal matter of *2 Fairfield Blvd. Properties LLC v. Board of Assessment Appeals* as discussed in Executive Session.**

**MADE BY:    LAFFIN  
SECONDED: FISHBEIN**

**VOTE: ALL-AYE**  
**MOTION PASSED**

- 14. Motion to consider and authorize settlement in the pending tax appeal matter of *Cariati Properties LLC v. Board of Assessment Appeals* as discussed in Executive Session.

**MOTION WAS MADE TO AUTHORIZE settlement in the pending tax appeal matter of *Cariati Properties LLC v. Board of Assessment Appeals* as discussed in Executive Session.**

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

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

**MOTION TO ADJOURN**

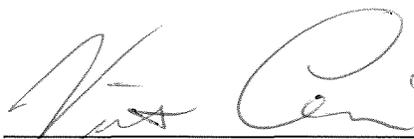
**MADE BY: FISHBEIN**  
**SECONDED BY: LETOURNEAU**  
**VOTE: ALL AYE**  
**MOTION: PASSED**

The Council adjourned the meeting at 8:55 P.M.

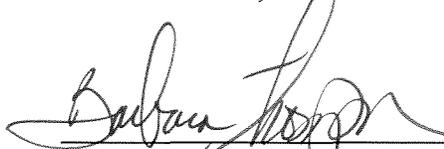
Respectfully submitted,

Lisa Moss  
Council Staff  
Meeting digitally recorded

RECEIVED FOR RECORD 6-16-17  
AT 3:30 AND RECEIVED BY  
Barbara Thompson TOWN CLERK

  
\_\_\_\_\_  
Vincent Cervoni, Chairman

6/27/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Barbara Thompson, Town Clerk

6-28-17  
\_\_\_\_\_  
Date