

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

**TUESDAY
MAY 23, 2023
6:30 P.M.**

RECORD OF VOTES AND MINUTES

The Town Council Regular Meeting on Wednesday, May 23, 2023, was called to order at 6:30 p.m. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were: Autumn Allinson, Samuel Carmody, Thomas Laffin, Joseph A. Marrone, III, Christina Tatta, Vincent F. Testa, Jason Zandri, and Chairman Vincent Cervoni. Mayor William W Dickinson, Jr., Gerald Farrell, Sr., Town Attorney, and Controller Timothy Sena were also present.

1. Moment of Silence
2. Pledge of Allegiance and Roll Call
3. Consent Agenda
 - 3a. Consider and approve Tax Refunds totaling \$28,465.27 (#754-828)
Acct. #1001001-41020 – Tax Collector
 - 3b. Consider and approve Suspense List – Tax Dept.
 - 3c. Consider and approve 2023-2024 Bid Waiver request for Animal Control – Mayor
 - 3d. Consider and approve 2023-2024 Bid Waiver request for BOD – Mayor
 - 3e. Consider and approve 2023-2024 Bid Waiver request for EDC – Mayor
 - 3f. Consider and approve 2023-2024 Bid Waiver request for Engineering – Mayor
 - 3g. Consider and approve 2023-2024 Bid Waiver request for Finance – Mayor
 - 3h. Consider and approve 2023-2024 Bid Waiver request for Fire Department – Mayor
 - 3i. Consider and approve 2023-2024 Bid Waiver request for Human Resources – Mayor
 - 3j. Consider and approve 2023-2024 Bid Waiver request for Police Department – Mayor
 - 3k. Consider and approve 2023-2024 Bid Waiver request for Public Works – Mayor
 - 3l. Consider and approve 2023-2024 Bid Waiver request for Town Attorney – Mayor
 - 3m. Consider and approve 2023-2024 Bid Waiver request for Town Clerk – Mayor
 - 3n. Consider and approve 2023-2024 Bid Waiver request for Utilities – PUC – Mayor
 - 3o. Consider and approve 2023-2024 Bid Waiver request for Utilities – Electric – Mayor

- 3p. Consider and approve 2023-2024 Bid Waiver request for Utilities – Water/Sewer – Mayor
- 3q. Consider and approve 2023-2024 Bid Waiver request for Hardware Items, Executive Chevrolet/Dealer only OEM parts and service, Eversource, Frontier Telecommunications Services – Mayor
- 3r. Consider and approve a Transfer in the amount of \$15,000 from Debt Service – New Debt Financing, Acct. #10070050-58920 to Debt Service – Administration, Acct. #10070050-58590 – Comptroller
- 3s. Consider and approve a Transfer in the amount of \$30,000 from Purchased Services – Software Support, Acct. #10020050-56718 to Capital – PC & Accessories, Acct. #10020050-57000-01109 – Police Dept.
- 3t. Consider and approve a Transfer in the amount of \$15,500 from Overtime, Acct. #10020050-51400 to Capital-Push Bars, Acct. #10020050-57000 – TBD – Police Dept.
- 3u. Consider and approve a Transfer in the amount of \$4,000 from Regular Salaries & Wages, Acct. #10010401-51000 to PS – Accounting Services, Acct. #10010401-56724 – Purchasing
- 3v. Consider and approve the Appropriation of ARPA funds to Non-Profits in the amount of \$745,494 to Revenue-Federal Grant, Acct. #2391002-45200 to ARPA-Nonprofits, Acct. #23940300-58830-TBD – Corporation Counsel
- 3w. Consider and approve a Transfer in the amount of \$1,090 from Operating Expenses, Acct. #10040050-58735 to Capital Expenses, Acct. #10040050-57000-TBD – Health Dept.
- 3x. Consider and approve the Acceptance of Fireworks donations and consider and approve the Appropriation of funds in the amount of \$22,239 from Revenue – Donations, Acct. #1009052-47040 to Holidays & Celebrations, Acct. #10040150-58234 – FY 2023-2024 – Mayor
- 3y. Consider and approve a Transfer in the amount of \$20,000 FY 2023-2024 – Mayor
 - \$20,000 From: Contingency Acct #10019000-58820
 - \$ 1,381 To: Recreation – Port O Lets Acct. #10050050-56782
 - \$ 3,721 To: Fire-Overtime Acct. #10020150-51400
 - \$10,650 To: Police-Overtime Acct. #10020050-51400
 - \$ 900 To: PW-Overtime Acct. #10030000-51400
 - \$ 1,087 To: Town Clerk-Office Supplies Acct. #10010050-56100
 - \$ 2,261 To: Holidays & Celebrations Acct. #10040150-58234
- 3z. Consider and approve a Transfer in the amount of \$9,300 from Contingency, Acct. #10019000-58820 to Purchased Services-Consulting, Acct. #10010250-56774 – Government TV
- 3aa. Consider and approve a Transfer in the amount of \$20,700 – Public Works
 - \$20,700 From: Overtime Wages Acct. #10030000-51400

\$10,700 To: Rooftop Unit, 45 S. Main Street Acct.# 10030000-57000-01179
\$10,000 To: Materials and Supplies Acct. #10030000-56140

- 3bb. Consider and approve the Appropriation of funds in the amount of \$160,000 from CAP & NON, Fund #301 to Doolittle Basketball Court Rep, Acct. #30102023-57000-20240 – Recreation
- 3cc. Consider and approve a Transfer in the amount of \$5,000 from Professional Services-Labor/Grievances, Acct. #10012000-56812 to Office Expenses and Supplies, Acct. #10012000-56100 – Human Resources
- 3dd. Consider and approve a Transfer in the amount of \$60,000 from Transmission Plant-Station Equipment, Acct. #353 to General Plant-Transportation Equipment, Acct. #392 – Electric Division.
- 3ee. Consider and approve a Transfer in the amount of \$10,000 from Attendant and Laboratory Expenses, Acct. #46100642 to Workers Compensation, Acct. #46100925 – Sewer Division.
- Eff. Consider and approve the Appropriation of funds in the amount of \$80,000 to Communication Equipment, Acct. #433-00325 from Cash – Water Div.
- 3gg. Set a Public Hearing for June 13, 2023, at 6:30 p.m. to Consider and Approve a List of Municipal Projects and Corresponding Resolutions to be submitted to the State of Connecticut under the Neighborhood Assistance Program – Mayor
- 3hh. Consider and approve Bid Waivers for Out-of-District Transportation for the following companies: Ambassador Wheelchair Services, Inc.; Connecticut Transportation Solutions, LLC; M&J Bus, Inc.; Specialty Transportation – BOE
- 3jj. Approve Special Town Council Budget Meeting Minutes of May 2, 2023, and Town Council Meeting Minutes of May 9, 2023.

MOTION WAS MADE TO APPROVE AND ACCEPT CONSENT AGENDA ITEMS 3b THROUGH 3q.

MADE BY: LAFFIN

SECONDED BY: ALLINSON

ABSTAIN: CARMODY FOR 3m, 3o and 3q

VOTE: 6 AYE

1 NO - ZANDRI

MOTION: PASSED

MOTION WAS MADE TO APPROVE AND ACCEPT CONSENT AGENDA ITEMS AND 3a, 3r through 3u, 3w – 3hh, and 3ii AS CORRECTED.

MADE BY: LAFFIN

SECONDED BY: ALLINSON

VOTE: ALL AYE

MOTION: PASSED

MOTION WAS MADE TO APPROVE AND ACCEPT CONSENT AGENDA ITEM 3v.

**MADE BY: ALLINSON
SECONDED BY: MARRONE**

**ABSTAIN: LAFFIN, CARMODY AND TATTA
VOTE: 5 AYE
MOTION: PASSED**

4. Items Removed from the Consent Agenda
None

5. PUBLIC QUESTION AND ANSWER PERIOD

Bob Gross, Long Hill Road noted the mediation for Covanta and asked where the money went. Mr. Sena replied that the settlement total was \$218,587.47 and it was deposited as revenue to the General Fund under Town Recovery Legal. Mr. Gross asked if Council approved putting it there. Mr. Sena replied that Council doesn't have to approve where the revenue goes. Mayor Dickinson noted that Council had to approve the arbitration award. He added that there has been no appropriation of that money that would require the approval of the Council. Regarding the recent discussion on outdoor dining downtown, Mr. Gross asked why one of the other downtown lots is not cleared to help local businesses and treat everyone fairly. Mayor Dickinson replied that lots have been cleared but many are private lots. The town makes an effort to remove cars that are left in the town-owned lots to ensure the spaces are available for parking. Regarding the consent agenda item on ARPA funding, Mr. Gross asked if all the applications listed will be reviewed by the Legal Dept. Chairman Cervoni replied that the Legal Department is already drafting agreements but that they can refuse to fund if the application violates the rules. Regarding the funding for this year's fireworks, Mr. Gross stated that he hopes the new Mayor will put this in the budget. The town should be funding this.

6. 6:30 p.m. to conduct a Public Hearing and consider and act on the following Ordinance entitled:

AN ORDINANCE APPROPRIATING \$1,757,851 FOR THE PLANNING, ACQUISITION, AND CONSTRUCTION OF VARIOUS MUNICIPAL CAPITAL IMPROVEMENTS 2023-2024 AND AUTHORIZING THE ISSUE OF \$1,757,851 IN BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Chairman Cervoni convened the public hearing for the \$1,757,851 appropriation and bond authorization for the 2023-2024 Capital Improvement program. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting or from the Town Clerk.

MOTION WAS MADE TO read the title of the proposed ordinance and to waive the reading of the remainder of the ordinance, incorporating its full text into the minutes of this meeting.

**MADE BY: LAFFIN
SECONDED BY: ALLINSON**

VOTE: ALL AYE

MOTION: PASSED

Chairman Cervoni read the title:

AN ORDINANCE APPROPRIATING \$1,757,851 FOR THE PLANNING, ACQUISITION, AND CONSTRUCTION OF VARIOUS MUNICIPAL CAPITAL IMPROVEMENTS 2023-2024 AND AUTHORIZING THE ISSUE OF \$1,757,851 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

PUBLIC COMMENT

none

Chairman Cervoni closed the public hearing.

MOTION WAS MADE TO adopt the proposed Ordinance appropriating \$1,757,851 for the 2023-2024 Capital Improvements Program and bond authorization.

MADE BY: LAFFIN

SECONDED BY: ALLINSON

ROLL CALL VOTE:

ALLINSON: YES

CARMODY; YES

FISHBEIN: ABSENT

LAFFIN: YES

MARRONE: YES

TATTA: YES

TESTA: YES

ZANDRI: YES

CERVONI: YES

8 – AYE

0 – NAY

0 – ABSTAIN

1 - ABSENT

MOTION: PASSES

7. Discussion and Possible Action regarding Food Services Contract (July 1, 2022-June 30, 2025) BOE
In attendance were Danielle Bellizzi, Superintendent, Dominic Barone, Business Manager, and Fran Thompson, Assistant Superintendent for Personnel

Mr. Thompson presented a summary of the contract for the 28 members of the food service union for July 1, 2022, through June 30, 2025. He explained the changes including wage increases and a slight increase in insurance and deductibles. The language in the contract is relatively unchanged with some clerical corrections.

Chairman Cervoni noted that this is an enterprise fund that is supported by student food purchases. He asked if there were any expected increases in prices based on the new contract. Mr. Thompson confirmed and stated that there are no increases planned. Mr. Barone noted that the federal government provides a range of pricing that they have to stay within. Chairman Cervoni confirmed that no action is required by the Council.

- 8. Consider and possible action regarding an Agreement concerning the Decommissioning Fund and Escrow Agent for MPH AI Pierce, LLC – Public Utilities
In attendance: Rick Hendershot, Director of Public Utilities, and Gerald Farrell, Sr., Town Attorney

MOTION TO approve an Agreement concerning the Decommissioning Fund and Escrow for MPH AI Pierce, LLC.

**MADE BY: LAFFIN
SECONDED BY: ALLINSON**

Atty. Farrell explained that the original lease between Semec and the Town for the Pierce project required a decommissioning fund that was supposed to be agreed to and jointly administered. Semec set up their own fund without our knowledge. When Hall Street bought the lease, they did pay to acquire the fund. They found an agent that believes someone will pay to take away the old equipment. They are still establishing a fund held in Connecticut. Atty. Norman Fishbein has agreed to act as our escrow agent. The funds cannot be released unless both entities agree or a court orders it.

Chairman Cervoni asked why the \$430,000 amount was selected. Atty. Farrell replied that a decommissioning study stated that it would take \$20 million to decommission the plant. The Lessee knows of an entity that will pay for the equipment as it has value in 3rd world countries. Chairman Cervoni clarified that the tenant can resell the equipment so it is not left behind. Atty. Farrell confirmed and added that if someone else purchased the lease the fund will be transferred. He added that they have successfully sold off the old equipment before so he is confident that this arrangement will work.

Councilor Testa asked for clarification of what we are being asked to approve. Atty. Farrell stated that as the landlord, we have the right to require the tenant to turn the plant back to what it was before when the lease ends. That would be a bare-bones building. They would grant to this entity the right to take out whatever is in there and the entity would pay for it. Mr. Testa asked if we would be on the hook for anything. Atty. Farrell replied, no, they are still liable for the cost of decommissioning. Mr. Testa asked if we are just giving our blessing. Atty. Farrell responded this is following up n a contract item that was never enacted. We are gaining joint administration of the fund that has been in existence. Mr. Testa thanked him for this good work in the best interests of the Utility and the Town.

PUBLIC COMMENT

None

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	YES	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	ABSENT	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

**8 – AYE
0 – NAY
0 – ABSTAIN
1- ABSENT
MOTION: PASSES**

9. Consider and approve Bid Waiver regarding the sale of Renewable Energy Credits (RECs) – Electric Div.

In attendance: Rick Hendershot, Director of Public Utilities, and Gerald Farrell, Sr., Town Attorney

MOTION TO approve a Bid Waiver regarding the sale of Renewable Energy Credits from the share of the Connecticut portion of Preference Hydrologic Hydroelectric Power from New York Power Authority of St. Lawrence and Niagara Projects.

MADE BY: LAFFIN

SECONDED BY: ALLINSON

Atty. Farrell explained that this is part of the government's clean energy plan. We acquired renewable energy that came with energy credits that we can sell. By the time we were informed of the credits, there is a short period to do something. We have identified entities in Vermont that are interested in buying them. The value is about \$300,000.

Mr. Hendershot explained that this is an entire year's worth. They are in the Electric Division's Generation Information System account at ISO New England. The credits started coming with the energy. We didn't learn of this new attribute with this energy until late in the year and it took a while to work out the administrative details with Semec.

Councilor Zandri asked if the bid waiver is so they don't have to find the highest bidder. Mr. Hendershot explained that it is so we don't have to conduct an auction. Our wholesale power supply agent, Energy New England is active in this area. They work with clients that need these, so they can provide the bridge. This is not a very liquid market. The estimated price is \$5.50 a credit. He stated that in the future there may be a more liquid market.

Councilor Testa asked how this came about. Mr. Hendershot replied that as a public power entity, in a state that borders New York, CT Municipal Electric Utilities are entitled to a share of a portion of what is called Preference Hydropower. The share is based on the number of residential customers. Semec is the bargaining agent and arranged for the receipt of the power. Every month they handle an administrative and financial settlement of all of Connecticut's energy from these projects. We receive a check from Semec and use that to buy the power. This has been going on for years. In the past year, Hydroenergy started showing up with renewable energy credits. To some others, these credits have a monetary value. The credits we are talking about expire in June. Councilor Testa asked if there was any benefit to maintaining them. Mr. Hendershot replied no. Councilor Testa clarified that this company can help us broker them. Mr. Hendershot replied yes.

PUBLIC COMMENT

none

ROLL CALL VOTE:

ALLINSON: YES

CARMODY: YES

FISHBEIN: ABSENT

LAFFIN: YES

MARRONE: YES

TATTA: YES

TESTA: YES

ZANDRI: YES

CERVONI: YES

8 – AYE

1 – NAY

0 – ABSTAIN

0- ABSENT

MOTION: PASSES

10. Discussion and possible action regarding the Town of Wallingford waiving its first right of refusal in the event that the Pierce Plant lease is resold – Law Dept.

Atty. Farrell explained that the original lease with Semec gave us the right of first refusal if it was ever sold. We waived that right when Hall Street purchased it. If it is resold again, we have that right. Hall Street wanted us to waive it. The argument was that it is difficult to negotiate when there is a First Right of Refusal. There was thought that the Town might want to get back into generation. We have been out of it for quite a while. They have been a good tenant and have the right under the original document to pull the plug and get out in 30 days. They pay over \$350,000 a year to the town, which is a good deal. When we negotiated the amendment to the lease, Council gave the PUC the right to negotiate the terms. The PUC voted to waive the Right of First Refusal. The Law Department wanted it to come back to Council.

Chairman Cervoni stated that we are not interested in getting back into the business of generating electricity. There is a benefit to the tenant because it makes it more marketable to move on. Atty. Farrell added we want to keep it marketable. The worst possible outcome would be if they can't find a buyer and give us notice. If we waive, it gives them an edge.

Councilor Laffin asked if we give it up now, do we lose it next time? Atty. Farrell replied that it would be out of the lease, but we still own the property. They would be selling the leasehold interest to operate the peaking plant in the Pierce project. They have to pay us rent. We are not waiving the right to negotiate a second amendment. Atty. Farrell stated that he feels this is for the good of the Town. The entity is smart and knows what they are doing. He doesn't expect them to bail with 30 days' notice. Councilor Laffin stated that he would be concerned about the guy they might sell to. Atty. Farrell stated that we still have the right to look into the purchaser's creditworthiness. We still have the right to reject who they are selling to. We are just giving up the right to buy. Mr. Hendershot stated that rejecting would mean we don't like who they sold it to. Councilor Laffin asked if we are saying we don't ever want it.

Chairman Cervoni clarified that we are giving up a competitive edge. They want to find someone to take over the lease at a price they negotiated with a buyer. We are giving up the right to match the low bid. This doesn't stop us from competing.

Councilor Tatta asked how long it has been since we generated our own power. Mr. Hendershot stated that it was a few years before he started in 2004. There have been two tenants over that time. Mr. Hendershot clarified that the town still owns the building and the land, but not the stuff inside. Atty. Farrell added that we didn't put any of that stuff in there. We leased an empty building. Semec put in \$50 million of equipment but sold the leasehold for \$10 million. Councilor Tatta stated that she supports maintaining the option as someday we might want to get back into generation. She doesn't see a big benefit in giving that right away.

Councilor Zandri stated that 20 or 30 years from now we can get back into generation because we still own the building. Mr. Hendershot noted that he has no idea what the technology will be in 20 or 30 years. Councilor Zandri stated that we would still have the option. We are being asked to remove the option of a first right of refusal as a step in the process. He understands the effect it has on negotiations. If they want to get out of it, they can give a 30-day notice and we no longer collect the rent. Then the town needs to find someone to lease it. He stated that he likes the idea and that if they wanted to sell the remainder of the lease we would help them. We are not giving up anything. We haven't done generation in two decades. Future technology probably won't use that building. We are happy with the tenant and the rent. We should support it.

Chairman Cervoni clarified that PUC approved it. Mr. Hendershot confirmed. Chairman Cervoni asked if we decide we need a peak generation facility in town, we can build it if we desired, even though it would be costly. Mr. Hendershot replied yes.

MOTION TO waive the right of first refusal in the event that the Pierce Plant lease is resold.

**MADE BY: CERVONI
SECONDED BY: MARRONE**

ROLL CALL VOTE:		MARRONE: YES
ALLINSON: YES		TATTA: NO
CARMODY; YES		TESTA: YES
FISHBEIN: ABSENT		ZANDRI: YES
LAFFIN: YES		CERVONI: YES

7 – AYE
1 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES

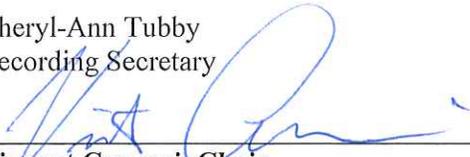
ADJOURNMENT

MOTION TO ADJOURN AT 7:35 PM.

**MADE BY: MARRONE
SECONDED BY: ALLINSON
VOTE: ALL AYE
MOTION: PASSED**

Respectfully submitted,

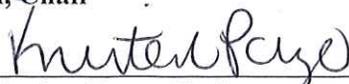
Cheryl-Ann Tubby
Recording Secretary



Vincent Cervoni, Chair

27 JUNE 2023

Date



Joan M. Stave, Acting Town Clerk

8/10/23

Date

RECEIVED FOR RECORD 5-27-23
AT 2:50 P.M. AND RECEIVED BY
Joan M. Stave ACTING TOWN CLERK