

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

JULY 12, 2011

6:30 P.M

AGENDA

ATTENDANCE: Councilors Vincent Cervoni, Nick Economopoulos, Jerry Farrell, Jr., Craig C. Fishbein, John LeTourneau, Chairman Robert F. Parisi, Rosemary Rascati, and John J. Sullivan. Mayor William W. Dickinson, Jr. and Town Attorney Janis Small were also in attendance. Councilor Vincent F. Testa, Jr. arrived at the meeting at 6:40 P.M.

The meeting was called to order at 6:30 P.M.

The Opening Prayer was offered by Deacon Eugene Riotte, Most Holy Trinity Church. The Pledge of Allegiance was said.

2. Correspondence

Councilor Farrell read a letter from Mayor Dickinson to James Bowes, Comptroller, congratulating him and the Finance Department for being awarded the Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association of the United States and Canada for the Fiscal Year ending June 30, 2010.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#1 - #19) totaling \$3,401.34
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Consider and approve an Appropriation in the Amount of \$2,500 to Council-School Roof Secretary (new) Acct # 10010050-56702 from Contingency-General Purposes Acct # 10019000-58820 –School Roof Building Committee
- 3c.** Acceptance of Donation and Appropriation in the Amount of \$1,020 to the *Youth & Social Services Special Fund* to Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 – Youth and Social Services
- 3d.** Acceptance of Donation and Appropriation in the Amount of \$2,500 from Super Stop & Shop to Professional Services-Entertainment Acct # 001-4001-901-9017 and to Misc. Revenue Acct # 001-1075-070-7040 – Recreation
- 3e.** Consider and Approve Resolution Authorizing the Mayor to contract with the State of Connecticut for an Historic Preservation Grant in the amount of \$6,000 - Grants Administrator
- 3f.** *Consider and Approve revised Job Description for Corporation Counsel - Personnel*
Removed
- 3g.** Approve minutes of Regular Town Council meeting of June 21, 2011

Wallingford Town Hall, 45 South Main Street

MOTION WAS MADE TO APPROVE THE CONSENT AGENDA ITEMS 3a. to 3e. and 3g.

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED

AGENDA ADDENDUM # 2

15. Discussion and possible action with regard to Request for Proposal for Health Insurance Carrier and Third Party Administrator (TPA) Services – Robert F. Parisi, Chairman

MOTION WAS MADE TO ALLOW THE REQUEST FOR PROPOSAL PROCESS FOR HEALTH INSURANCE CARRIER AND THIRD PARTY ADMINISTRATOR SERVICES.

MADE BY: CERVONI
SECONDED BY: FARRELL

*In Attendance: Terence Sullivan, Personnel Director
James Hutt, Assistant Personnel Director
Teresa DeMattie, The Segal Company, Consultant*

Councilor Fishbein expressed that he would like to see the bidding process used. Mr. Sullivan stated that the bidding process does not allow for an interview process and that selection of a Health Insurance Company and Third Party Administrator is a complicated, many layered procedure. He added that using the RFP is an interactive method where many questions can be explored with a prospective company that cannot be assessed the same way when using the bidding process. A company's provider relationships, their electronic services and their disease management program were some of the things discussed that cannot be assessed on paper as in the bidding process. Mr. Sullivan remarked that he is leery of a process that goes to the low bidder where millions of dollars are involved in a complicated delivery of service. He said that they need to question to understand how they operate rather than an analysis on paper. He also noted bargaining unit language now allows for this process, and all but five unions now have that language.

ROLL CALL VOTE:

CERVONI - Yes	RASCATI - Yes
ECONOMOPOULOS - Yes	SULLIVAN - Yes
FARRELL - Yes	TESTA - Yes
FISHBEIN - No	CHAIRMAN PARISI - Yes
LETOURNEAU - Yes	

8- Aye; 1-No
MOTION PASSED

4. Items Removed from the Consent Agenda

**3f. Consider and Approve revised Job Description for Corporation Counsel
- Personnel**

*In Attendance: Terence Sullivan, Personnel Director
James Hutt, Assistant Personnel Director*

MOTION WAS MADE TO APPROVE the revised Job Description for Corporation Counsel.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Terence Sullivan explained that with the recent retirement of Corporation Counsel Adam Mantzaris that the job description of 1990 was reviewed to make it more current after 21 years and that making it a little more specific aids in the screening and hiring practice. The salary of Corporation Counsel ranges with three steps up to \$130,554 and is adjusted to the pay plan developed some years ago. Terence Sullivan explained that this job description is compliant with the Town Charter and not 'overlapping it'. Town Attorney Small, who supervises the office, stated that there is a need for this position.

**VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED**

5. PUBLIC QUESTION & ANSWER

Robert Gross, 114 Long Hill Road, inquired about the TPA cost for last year; the amount of cast the town has; if the Covanta is tied to the PILOT program; that the town needs to institute commissions of expertise for plans such as insurance; that the town should hire an overseer, or overseers, for certain or all construction projects

**6. Discussion regarding Town Attorney notice to Town Council that investigation of
ex-Wallingford Housing Authority Board member, William Fischer, is closed
- Vice-Chairman Jerry Farrell, Jr.**

Councilor Farrell read the memo from the Town Attorney. Councilor John Sullivan stated that he wants the investigation to be completed so that he and the Council will know if the allegations filed against Mr. Fischer are with merit or not, whether there was wrongdoing or not. He emphasized that this is very important since Mr. Fischer's reputation is at stake. Attorney Small stated that when she told Mr. Fischer that there was no need to proceed and that she was closing the investigation that he did not ask her to conclude it. She said that it is not her determination anyway but that of the Council after they receive her report. Councilor Cervoni added that even if found wrong, there is nothing that the Town Council can do about it since Mr. Fischer has moved out of Wallingford. Attorney Small said that she has taken the allegations and looked at what evidence there is with respect to the subject matter of that allegation. She said that she will report back to the Council on how she sees it, what she finds in terms of facts. It is up to the Council on how to proceed from there. Chairman Parisi said let the report come forward and then let us deal with it. Councilor Testa stated emphatically the "we" did not make allegations, and that he would like to see the report on both Commissioners.

7. **Acceptance of Donation from Graybar Electric Company of seven cases of road flares – Police Chief**

MOTION WAS MADE TO ACCEPT THE DONATION FROM GRAYBAR ELECTRIC COMPANY OF SEVEN CASES OF ROAD FLARES

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Graybar Electric Company was thanked as well as Stop and Shop.

**VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED**

8. **A. Conduct a Public Hearing at 7:00 p.m. regarding possible sale of Property at 41 South Main Street (legion building) – Chairman Robert Parisi**

*In attendance: Richard A. Tremini, Sr.
Richard Tremini, Jr.
Daniel Lyon, A.I.A.*

Mr. Lyon made a PowerPoint presentation depicting two versions of the plan and concept for the restoration of the building at 41 South Main Street. In the presentation, he discussed Option 1, which would restore a porch to the building running along the front of the building and down the south side as it did in a 1910 photograph of the building. He stated that it would infringe four (4) feet onto the Parade Grounds but not as much as the current front steps of the building. He presented Option 2 which located a porch only on the south side of the building. Handicap ramp location was discussed along with concerns with parking and building access considering the one-way, shared driveway. The additions in the back of the building not original to the structure will be removed allowing for five parking spaces. Mayor Dickinson, along with some Councilors, expressed views not supporting any encroachment on to the Parade Grounds as in Option 1.

Sal Greco, 190 Center Street, home of Wallingford Flower and Gift Shoppe, said that it is important to revive the downtown and that this proposal adds to the town's top rating. He urged the Council to get on board and go with this.

Lou Tagliatela, 2 Smoke Rise Lane, said that he loves people's porches and that he and his wife walk Main Street enjoying them. He thinks that the porch adds to the project and the property calling it a great proposal.

Chairman Parisi called the Public Hearing closed at 8:22 P.M. when no other speakers came forward.

B. Discussion and Possible Action regarding the sale of Property at 41 South Main Street - Chairman Robert F. Parisi

MOTION WAS MADE TO SELL THE PROPERTY AT 41 SOUTH MAIN STREET TO RICHARD A. TREMINI AFOR \$125,000 AS DESCRIBED IN THE RFP.

MADE BY: FARRELL

SECONDED BY: LETOURNEAU

ROLL CALL VOTE

CERVONI-NO RASCATI-NO
ECONOMOPOULOS-YES SULLIVAN, JOHN-YES
FARRELL, JR.-YES TESTA-YES
FISHBEIN-YES CHAIRMAN PARISI-YES
LeTOURNEAU-YES

7-AYE/2-NAY

MOTION PASSED

MOTION WAS MADE TO SELL THE PROPERTY USING OPTION A, THE DESIGN WITH THE FRONT AND SOUTH SIDE PORCH

MADE BY: LETOURNEAU
SECONDED BY: ECONOMOPOULOS

The discussion became more focused on the driveway, parking spaces, handicap access, the handicap ramp and the encroachment of the Parade Grounds. The Council expressed to Mr. Tremini to respect and to minimize the encroachment of the Parade Grounds.

ROLL CALL VOTE

CERVONI-NO RASCATI-NO
ECONOMOPOULOS-YES SULLIVAN, JOHN-YES
FARRELL, JR.-YES TESTA-YES
FISHBEIN-YES CHAIRMAN PARISI-NO
LeTOURNEAU-YES

6-AYE/3-NAY

MOTION PASSED

9. Discussion & Possible Action to Approve Addendum to Simpson Village LLC contract - Chairman Robert Parisi

*In attendance: Attorney Gennarro Martorelli
Mr. Robert LaRosa, Owner/Builder*

Attorney Martorelli discussed the two, requested amendments with the Council. Namely, in Section 4a. (a) Items (iv) and (vii) of the contract agreed to at the time of purchase, these two sections state:

Item (iv): *Buyer will set aside 30% of the units (rounded down to the nearest whole number) as "affordable" as set forth on Exhibit B, attached hereto and made a part hereof.*

Item (vii): *Buyer shall complete the building shell on affordable units by the time one half of all other units are sold.*

The lifting or the elimination of the two restrictions would allow the project to go forward instead of causing it to come to a halt. Many of the regular units are not only sold but inhabited, and it was said the new occupants need relief from living with a building site. Mr. Martorelli discussed the change in the market and the difficulty in getting mortgages with the deed restrictions. He stated that the original plan for the affordable units have been changed to make them more marketable, and thereby causing the number of units to fall from ten (10) to eight (8) and now down to seven (7). He said that the infrastructure for these units is in place but they need to appear before Planning and Zoning in the next two months to gain approval of their plan from ten (10) to seven (7) "affordable" units. He added that even with seven (7) units that it still will meet the 30% set aside for "affordable" units since the total number has changed from 28 to 25 total units. The talked about a 40-year clause and concluded that this was not a Council restriction but may have been placed there by Planning and Zoning. After lengthy discussion, Councilor Farrell noted a consensus on the Council.

**MOTION WAS MADE TO AMEND THE CONTRACT BY ELIMINATING
ITEM 4a. (a) (vii).**

**MADE BY: FARRELL
SECONDED BY: FISHBEIN**

VOTE:
CERVONI-YES RASCATI - NO
ECONOMOPOULOS -YES SULLIVAN- NO
FARRELL-YES TESTA- NO
FISHBEIN -YES CHAIRMAN PARISI-YES
LETOURNEAU-YES

6-AYE/3-NAY

MOTION PASSED

**MOTION WAS MADE TO FOR THE TOWN ATTORNEY AND THE PARTIES TO WORK
OUT ITEM 4a. (a) (iv.) THE 'AFFORDABLE' CLAUSE USING THE HUD GUIDELINES.**

**MADE BY: FISHBEIN
SECONDED BY: FARRELL**

VOTE: ALL AYE

MOTION PASSED

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

WITHDRAWN

AGENDA ADDENDUM

14. Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200(6)(B) to discuss *Feliz v. Town of Wallingford* – Town Attorney

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED**

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED**

EXECUTIVE SESSION ATTENDANCE: Cervoni, Economopoulos, Farrell, Fishbein, LeTourneau, Rascati, Sullivan, Testa, Chairman Parisi, Mayor Dickinson and Town Attorney Janis Small.

TIME OF EXECUTIVE SESSION: 11:00 P.M. – 11:05 P.M.

11. Executive Session pursuant to Connecticut General Statutes §1-225 (f) and §1-200 (6)(B) to discuss the following case:
Town of Wallingford v. Meriden Zoning Board of Appeals
-Town Attorney

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-225 (f) and §1-200 (6)(B) to discuss the following case:

Town of Wallingford v. Meriden Zoning Board of Appeals

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED**

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED**

EXECUTIVE SESSION ATTENDANCE: Cervoni, Economopoulos, Farrell, Fishbein, LeTourneau, Rascati, Sullivan, Testa, Chairman Parisi, Mayor Dickinson and Town Attorney Janis Small.

TIME OF EXECUTIVE SESSION: 11:05 P.M. – 11:07 P.M.

11. **Executive Session pursuant to Connecticut General Statutes §1-225 (f) and §1-200 (6)(B) to discuss the following case:**
Trustees Under Restated Agreement & Declaration of Trust v. Town of Wallingford
-Town Attorney

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-225 (f) and §1-200 (6)(B) to discuss the following case:

Trustees Under Restated Agreement & Declaration of Trust v. Town of Wallingford

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED

EXECUTIVE SESSION ATTENDANCE: Cervoni, Economopoulos, Farrell, Fishbein, LeTourneau, Rascati, Sullivan, Testa, Chairman Parisi, Mayor Dickinson and Town Attorney Janis Small.

TIME OF EXECUTIVE SESSION: 11:07 P.M. – 11:15 P.M.

12. **Possible Action on Town of Wallingford v. Meriden Zoning Board of Appeals**
-Town Attorney

MOTION WAS MADE TO APPEAL THE SUPERIOR COURT DECISION IN THAT MATTER.

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS - ALL AYE/9
MOTION PASSED

13. **Possible action on Trustees Under Restated Agreement & Declaration of Trust v. Town of Wallingford –Town Attorney**

MOTION WAS MADE TO APPEAL THE SUPERIOR COURT DECISION

MADE BY: FARRELL
SECONDED BY: RASCATI

VOTE:

CERVONI - YES

ECONOMOPOULOS - YES

FARRELL - NO

FISHBEIN - YES

LETOURNEAU - YES

8-AYE; 1 NAY

MOTION PASSED

RASCATI - YES

SULLIVAN - YES

TESTA - YES

CHAIRMAN PARISI - YES

MOTION WAS MADE TO ADJOURN

MADE BY: FARRELL

SECONDED BY: RASCATI

VOTE: UNANIMOUS - ALL AYE/9

MOTION PASSED

THE MEETING ADJOURNED AT 11:02 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date