

TOWN OF WALLINGFORD, CONNECTICUT
REGULAR TOWN COUNCIL MEETING
Town Council Chambers

September 11, 2012

RECORD OF VOTES AND MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:40 P.M. by Vice-Chairman Cervoni. The Opening Prayer was offered by the Reverend Dean Warburton, First Congregational Church of Wallingford; this was followed by the recitation of the Pledge of Allegiance. Councilors in attendance as follows: Vincent Cervoni, Nick Economopoulos, Craig C. Fishbein, Thomas Laffin, John LeTourneau, Rosemary Rascati and Jason Zandri. Chairman Robert Parisi and Councilor John Sullivan were not present for the meeting, having excused absences. Mayor William W. Dickinson, Jr., Corporation Counsel Janis Small and Comptroller James Bowes were in attendance at the meeting.

1. Correspondence: Vice-Chairman Cervoni read a letter of congratulations from Mayor Dickinson to Comptroller James Bowes and the Finance Department staff in receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for the Fiscal Year that ended June 30, 2011.
2. **Discussion and Possible Action regarding tentative agreement between the Town of Wallingford Board of Education and the Health Service Professional Association effective July 1, 2012 through June 30, 2015 – Board of Education**

*In attendance: Sal Menzo, Superintendent of Schools
Joe Marrone, Vice-Chairman, Board of Education*

Dr. Menzo reviewed some of the pertinent points of the contract including the term of the contract and wage agreements for each year. The Board of Education makes strides in their negotiations to lower the medical insurance benefits, including the waiver and the planned design. They think that this is a positive contract in terms of the organization. Dr. Menzo urged the Council's support and approval.

**MOTION WITH REGARD TO THE TENTATIVE AGREEMENT BETWEEN
THE TOWN OF WALLINGFORD BOARD OF EDUCATION.**

**MOTION MADE BY: RASCATI
SECONDED BY: LETOURNEAU**

**THERE WERE SIX (6) AFFIRMATIVE VOTES IN FAVOR OF THE AGREEMENT
AND ONE (1) NEGATIVE VOTE (FISHBEIN). CHAIRMAN PARISI AND
COUNCILOR SULLIVAN HAD EXCUSED ABSENCES FROM THE MEETING.
THE MOTION PASSED.**

- 3. Consent Agenda**
- 3a.** Consider and Approve Tax Refunds (#56 - #163) totaling \$30,209.27
Acct. # 001-1000-010-1170 - Tax Collector
 - 3b.** Consider and Approve a Resolution designating September 19, 2012 as
“Don’t Text and Drive Day” - Mayor
 - 3c.** Consider and Approve a Resolution authorizing the Mayor to file application with the
Department of Social Services for Hispanic Human Resources Development Program in
the amount of \$85,226 – State and Federal Program Administrator
 - 3d.** Consider and Approve Agreement between the Town of Wallingford and the Spanish
Community of Wallingford requiring SCOW to fulfill all terms and conditions of the
Department of Social Services Grant - State and Federal Program Administrator
 - 3e.** Consider and Approve an intention to issue a Request for Proposal to find a good home
for two (2) mini horses – Board of Education
 - 3f.** Consider and Approve a Transfer in the Amount of \$600 to Purchased Services- Secretarial
Acct # 10011000-NEW from Purchased Services-Environmental
Acct # 10011000-56706 – Environmental Planner
 - 3g.** Acceptance and Appropriation in the Amount of \$40 to *Youth and Social
Services Special Fund* Donations Acct # 2134002-47152 and to Expenditures
Acct # 21340100-58830 – Youth and Social Services
 - 3h.** Consider and Approve a Transfer in the Amount of \$3,000 to Purchased
Services – Accounting Acct # 10010405-56724 from Comptroller-Regular
Wages 10010405-51000 - Comptroller
 - 3i.** Consider and Approve a Transfer in the Amount of \$5,900 *FY 2011-2012*
to Maintenance-Overhead Line Expense Acct # 593 from Operations-Overhead
Line Expense Acct # 583 - Electric Division
 - 3j.** Approve minutes of Regular Town Council meeting of August 14, 2012

Councilor Rascati announced a correction to the August 14, 2012 minutes, pg 7, Item #10, to record Mr. Fishbein’s vote as a ‘yes’.

**MOTION WAS MADE TO APPROVE CONSENT AGENDA AS CORRECTED
ITEMS 3a. – 3j.**

MADE BY: RASCATI
SECONDED BY: LETOURNEAU

**VOTE: 7 AYE; 2 ABSENT CHAIRMAN PARISI AND COUNCILOR
SULLIVAN HAD EXCUSED ABSENCES FROM THE MEETING.
THE MOTION PASSED.**

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION & ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, spoke about lights at Pat Wall Field on South Elm Street and asked about their timer since they seem to be on more than necessary;

Robert Gross, 114 Long Hill Road, spoke about the Holy Trinity Wall as related to the Code of Ethics and disclosure in writing of any conflict of interest and recusal thereof, including not just voting but of debate as well and even if there is a perceived conflict of interest. Corporation Counsel stated that Mr. Gross stated reliably what the Charter states.

Wes Lubeé, Montowese Trail, spoke about the flagpoles in Wallace Park.

Ray Ross, Silver Pond Apartments, commented on the Ethics Code with regard to the education budget.

Robert Gross, Long Hill Road, asked about televising the Covanta-DEEP-resident meeting on October 4th. Mayor Dickinson said they were no plans to televise the meeting. He said that the meeting held by DEEP is to receive questions and that it is important for people to be present. The meeting notice will be on the town's website and on Government TV. Mr. Gross also stated that there will be a tour on the S. Cherry Street plant.

6. Consider and Approve Job Description Revision for Distribution Technician for Electric Division - Personnel

MOTION WAS MADE TO APPROVE THE JOB DESCRIPTION REVISION FOR DISTRIBUTION TECHNICIAN FOR THE ELECTRIC DIVISION.

MADE BY: RASCATI

SECONDED BY: ZANDRI

In attendance: Terence Sullivan, Personnel Director
Richard Hendershot, General Manager, Electric Division

Mr. Sullivan stated that there is currently no one in this position so that because of changing technology and functionality, it is a good time to revise the 1980s description for a Distribution Technician. He said that this describes the actual duties, and most significantly is the change in the qualifications statement. They need a fully qualified lineman.

Mr. Hendershot acknowledged the description changes of the job. There is no change in the pay level, in that it exactly matches that of a first class lineman.

Councilor Letourneau asked about who is now performing these duties. Mr. Hendershot spoke about rotated temporary assignments to the linemen as well as a draftsman, who does not perform the hazardous aspects of the job. They want to fill this position to maintain the same level that existed prior to the retirement of the former employee.

ROLL CALL VOTE:

CERVONI: Yes

ECONOMOPOULOS: Yes

FISHBEIN: Yes

LAFFIN: Yes

LETOURNEAU: Yes

RASCATI: Yes

SULLIVAN: Absent

ZANDRI: Yes

CHAIRMAN PARISI: Absent

VOTE: 7 AYE; 2 ABSENT (Chairman Parisi and Councilor Sullivan)

MOTION PASSED

- 6A.** Consider and Approve a Transfer in the Amount of \$84,500 FY 2011-2012 to Uncollectible Accounts Expense Acct # 904 from Customer Records and Collections \$76,500 Acct # 903 and from Customer Records Meter Reading \$8,000 Acct # 902- Electric Division

**MOTION TO APPROVE A TRANSFER IN THE AMOUNT OF \$84,500
FY 2011-2012 to Uncollectible Accounts Expense Acct # 904 from Customer
Records and Collections \$76,500 Acct # 903 and from Customer Records Meter
Reading \$8,000 Acct # 902.**

**MADE BY: RASCATI
SECONDED BY: ZANDRI**

*In attendance: George Adair, Director, Pubic Utilities
Richard Hendershot, General Manager, Electric Division
Sharon Emmons, Customer Relations Supervisor
David Gessert, Vice-Chairman, Public Utilities Commission*

Mr. Adair explained that this transfer of funds is so that the amount in an allowance is maintained and kept at a proper level. This allowance for written-off accounts within a fiscal year is required by accounting standards, that the balance is maintained. He said that the balance is calculated based on experience of the average write-offs in the prior six years. For 2011-2012, the transfers are necessary so that after the 2011-2012 write-offs, the balance in the allowance will meet the level that is stipulated. It is an accounting function necessary to close the 2011-2012 fiscal year. The write-offs for 2011-2012 total \$316,857, which represents a little over 4/10 of 1% (four tenths of one percent) the total sales for the fiscal year 2011-2012.

ROLL CALL VOTE:

**CERVONI: Yes ECONOMOPOULOS: Yes FISHBEIN: Yes
LAFFIN: Yes LETOURNEAU: Yes RASCATI: Yes
SULLIVAN: Absent ZANDRI: Yes CHAIRMAN PARISI: Absent
VOTE: 7 AYE; 2 ABSENT (Chairman Parisi and Councilor Sullivan)
MOTION PASSED**

- 7.** Progress report regarding the North Farms Fire Station – Fire Chief

*In attendance: Fire Chief Peter Struble
Deputy Fire Chief Richard Heidert*

Chief Struble presented the Strategic Overview of the North Farms Fire Station Project. He discussed the property history along with the points in his plan including:

Fire/EMS Deployment Planning – Current economic problems, the aging population and the decline in volunteer staff;

The Project's background - Decision to renovate the existing North Farms Station or to replace it with a new fire station; two goals drove the search for a new fire station location –

1. Space for a vibrant volunteer system, and
2. To build a station that will meet the community's needs for the next 30 years, consideration for a volunteer base as well as for career personnel, and response times; it was determined that 864 North Farms Road was the optimum location for a new fire station; and

The Project's Progress and Timeline – Property purchase Dec. 2011 and cleanup at a cost to date of \$920,885 and the award of a STEAP grant of \$500,000 (awarded in 2001) leaving town funds used of \$420,885; Phase 1 Environmental Study and survey; Extermination; Permits for demolition followed by bids for demolition; the demolition; Bids for architect selection; Architect selection; Design Phases and finally Construction Phases. Chief Struble identified Deputy Fire Chief Richard Heidgert as the Administrative Deputy Chief responsible for overseeing the services of the architect and for managing vendor contacts and purchasing. Councilors had questions about environmental remediation, design and design team. Neighbor John Bee requested earlier notice about what is happening than in the past. Geno Zandri asked about the disposition of the old station- the land and the station revert to the donor family; Christine Bee, Saddlebrook Road, inquired about the barn's foundation and the 30 year plan. Bill Comerford posed questions with regard to the old fire station property.

8. Discussion regarding:

1. Report from the Town Attorney on the Simpson Parking Lot Wall
2. Possible options for the Town to pursue

1. Report from the Town Attorney on the Simpson Parking Lot Wall

*In attendance: Corporation Counsel, Janis Small
John Thompson, Town Engineer*

Corporation Counsel, Janis Small, opened her statements by saying that any property owner who believes that the town has done something, or has failed to do something, which results in harm to its property, has a potential negligence claim to its property. That is simple negligence law. It would have to be supported by facts, and ultimately by an expert's report establishing the negligence. She said the Engineering Department has the project book of when the town constructed the parking lot in 1961. She said that the Town Engineer, and she as a lay person, concluded the Holy Trinity wall was already in existence when this project was done in 1961. However, if in fact the town built this wall in 1961, or at some other time, legally the fact that we may have built it does not establish liability for the wall's condition some 50 plus years later. That in and of itself would be supported by any type of legal claim. She reported that she has spent an excessive amount of time trying to nail down when and by whom the wall was built and has not established that to any degree of certainty after spending all the time. She said that since at least 1952, this parking lot was a topic of conversation among other parking issues in uptown and downtown. She stated that the first proposal that she found since 1952, not earlier, was that in 1953 there was reference to the proposal running from the Wilkinson property to Church Street. She reviewed what happened – 1954 the school built the playground, leveled and widened the playground, added the basketball court, paved and fenced the playground; 1955 Wilkinson bought the Bailey Funeral Home on Center Street, tore it down and created an additional parking lot; Dickerman, also on Simpson Court, raised various buildings behind his property for additional parking; 1956 merchants became active in creating plans to improve parking; 1958-59 Holy Trinity built the convent; 1959 the merchants proposed the lot they had been talking about all of these years; and through 1959 to 1961, it has always been described as an addition to the existing parking facilities, always been described as being added on to the Wilkinson piece. She said that she can't conclusively state who built the wall, but at this point absent an expert saying that the town did something to the wall to cause the damage that she does not see the liability on the town's part.

John Thompson, Town Engineer, stated that he and the Corporation Counsel looked at the documents that provided for the construction of the expansion of the rear Simpson Court parking lot. He passed out a copy of the map (*part of the record of the meeting*) to the Council and posted the same plot map on the easel. The map helps to place the properties and their owners over time. The construction documents are called PA #4, Parking Authority Contract #4, and the Council has that. He said it has both the construction documents and also relates to how the project was conceived, how it was bid, when it was bid, the cost estimate for it, the contractor who won the bid. The parking lot project began at the Dickerman property, north of the Wilkinson property, and proceeded north from that point. It has always been identified as an extension of the existing parking lot. The existing parking lot existed on the Wilkinson property, the Parking Authority in 1961 advertised and bid a project that extended the parking lot from that point across the Dickerman property, across the Masonic Lodge property, across the library property, across the rear of the former Union Trust and finally out to Church Street. He spoke about the two portions of the existing retaining wall that were present in 1961. He said that they are absolutely certain by examination of the records and the construction drawings that those walls existed at that point. There is approximately 195 feet of 8 inch wall and 58 feet of 14 inch thick wall. They are indicated in green on the map that was handed out. The Parking Authority constructed a metal bin wall, a different type of construction technique, in blue for 80 feet to the north. They also installed storm drainage from the extension area northerly and discharged onto Church Street. 80 feet of fence was also installed on top of the metal bin wall and 58 feet of fence on top the existing concrete retaining wall, suggesting that there was either an existing fence, or it was installed by someone else under private ownership as there are no records or responsibility for that. In project summary, it was an extension of a lot; it encompassed the five properties that became the basis for the lease; there weren't any references in the construction documents PA#4 that address the construction of a wall; the plans show it as an existing concrete wall that were there in 1961.

The Council discussed the 1961 Pimentel property line; the Center Street slope of land and why the 8 foot wall was not to grade; questions with regard to S-10-4; a letter from Ros Page, Land Surveyor; and a letter with regard to a parking lot plan for the town from EDC/WCI; and the Special Conditions under #5.

From the public, Mary Beth Applegate asked about fencing that was installed.

There were no other public comments.

2. Possible options for the Town to pursue

Mayor Dickinson spoke about the opportunity to apply for a grant for the refurbishment of the parking lot with contributions from the property owners. The grant is due September 28 and needs Council approval in order to apply. The next Council meeting is September 25. The Council discussed with the Mayor and John Thompson if Holy Trinity contributes \$10,000, will it be reimbursed-no, given grant restrictions; what is cost in the old plan to repair the wall-approximately \$30,000-\$35,000; number of public parking spaces; effect of leases on property when considering a grant; effects of massive loss of parking spaces. Great dislike of the plan by some Councilors because of parking lot development on private property which was defeated in a recent referendum, and this isn't any different; some Councilors thought the timing too short to pursue. Several Councilors voiced concern that more projects aren't made ready in order to take advantage of grants that are made known with a short application period. This led to why isn't there at least a long-term plan for the town with respect to parking lots and other things such as fixing park benches.

From the public the following people made statements or asked questions - Geno Zandri, Balsam Ridge Circle; Wes Lube, Montowese Trail; Dick Caplan, Long Hill Road; Ron Hanson, Jr. President of the Masonic Temple; Vincent Avallone; Steve Lazarus, President of WCO+I; Bill Comerford, 5 Broadview.

Some Councilors would like to see the grant application. Some Councilors are in favor of making application while others did not agree with applying.

9. 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
10. Executive Session pursuant to Connecticut General Statutes §225(f) and §1-200(6)(B) regarding strategy and negotiations with respect to the pending matter of the *Town of Wallingford v. Worldwide Properties, LLC et al* – Law Department

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO

9. **§1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property and**
10. **Connecticut General Statutes §225(f) and §1-200(6)(B) regarding strategy and negotiations with respect to the pending matter of the *Town of Wallingford v. Worldwide Properties, LLC et al***

MADE BY: RASCATI
SECONDED BY: LAFFIN
VOTE: 7 AYE; 2 ABSENT (Chairman Parisi and Councilor Sullivan)
MOTION PASSED

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

MADE BY: RASCATI
SECONDED BY: FISHBEIN
VOTE: 7 AYE; 2 ABSENT (Chairman Parisi and Councilor Sullivan)
MOTION PASSED

**EXECUTIVE SESSION ATTENDANCE AT BOTH SESSIONS:
SEVEN (7) COUNCILORS; MAYOR DICKINSON AND CORPORATION
COUNSEL JANIS M. SMALL. COUNCILORS PARISI AND SULLIVAN WERE
ABSENT FROM THE MEETING.**

**TIME OF EXECUTIVE SESSION:
ITEM 9: 10:44 P.M. TO 11:06 P. M.
ITEM 10: 10:37 P.M. TO 10:44 P. M.**

The Council reconvened from Executive Session at 11:07 P.M.

11. Discussion and Possible Action regarding the matter of the *Town of Wallingford v. Worldwide Properties, LLC et al* as discussed in Executive Session
– Law Department

MOTION WAS MADE TO AUTHORIZE THE LAW DEPARTMENT TO RESOLVE THE MATTER OF THE TOWN OF WALLINGFORD v. WORLDWIDE PROPERTIES, LLC et al AS DISCUSSED IN EXECUTIVE SESSION

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

**VOTE: 7 AYE; 2 ABSENT COUNCILORS PARISI AND SULLIVAN WERE ABSENT FROM THE MEETING.
MOTION PASSED**

MOTION WAS MADE TO ADJOURN THE MEETING.

**MADE BY: RASCATI
SECONDED BY: FISHBEIN
VOTE: 7 AYE; 2 ABSENT COUNCILORS PARISI AND SULLIVAN WERE ABSENT FROM THE MEETING.
MOTION PASSED.**

THE MEETING ADJOURNED AT 11:08 P.M.

Most respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Vincent Cervoni, Vice-Chairman

Date

Barbara Thompson, Town Clerk

Date