

**TOWN OF WALLINGFORD, CONNECTICUT
REGULAR TOWN COUNCIL MEETING
Town Council Chambers
April 22, 2014
6:30 P. M.**

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:35P.M. A Moment of Silence was observed as Reverend Warburton could not be in attendance. The Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, Craig Fishbein, Thomas Laffin, John Letourneau, Christine Mansfield, Robert F. Parisi, Larry Russo, John Sullivan and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Town Attorney G.E Farrell, Sr. and James Bowes, Comptroller were also present at the meeting.

2. Discussion and Possible Action regarding tentative agreement with Local 424-16, UPSEU (Water Unit) wage re-opener for July 1, 2014 – Personnel

In Attendance: James Hutt, Assistant Personnel Director

Mr. Hutt reviewed the 1.95% wage reopener, the only issue subject to negotiations, effective July 1, 2014. The cost to the town for the unit's 25 employees will be \$27,442 which is currently not in the Water Division budget. Mr. Hutt responded in the affirmative to Chairman Cervoni's inquiry that if the Town Council does nothing, then the agreement goes into effect.

MOTION TO ACCEPT THE AGREEMENT WITH LOCAL 424-16, UPSEU (WATER UNIT) WAGE RE-OPENER FOR JULY 1, 2014.

MADE BY: LAFFIN

SECONDED: PARISI

ROLL CALL VOTE:

FISHBEIN: NO

MANSFIELD: YES

SULLIVAN: YES

LAFFIN: YES

PARISI: YES

TESTA: YES

LETOURNEAU: YES

RUSSO: YES

CHAIRMAN CERVONI: YES

8 - AYE; 1 – NAY (FISHBEIN)

THE MOTION PASSED.

Chairman Cervoni announced that 3i. was withdrawn from the Consent Agenda.

3. Consent Agenda
- 3a.** Consider and Approve Tax Refunds totaling \$1,357.49 (#590-#601)
Acct. #1001001-41020 – Tax Collector
- 3b.** Consider and Approve Merit Increase - Personnel
- 3c.** Acceptance of Donation from Meriden YMCA for *Youth & Social Services STEM Academy Fund* and Appropriation in the Amount of \$1,000 to Donations Acct # 2264002-47152 and to Expenditures Acct # 22640150-58830 – Youth and Social Services
- 3d.** Acceptance of Donation for Youth & Social Services Special Fund and Appropriation in the Amount of \$4,516 to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
- 3e.** Acceptance of Donation from Meriden YMCA for *Youth & Social Services STEM Academy Fund* and Appropriation in the Amount of \$300 to Donations Acct # 2264002-47152 and to Expenditures Acct # 22640150-58830 – Youth and Social Services

- 3f.** Consider and Approve a Transfer of Funds in the Amount of \$2,000 to Regular Wages Acct # 10010550-51000 from Contingency Acct # 10019000-58820 – Building Department
- 3g.** Consider and Approve a Transfer in the Amount of \$7,542 to Capital-Network Server from Regular Salaries & Wages Acct # 10050050-51000 – Parks & Recreation
- 3h.** Consider and Approve a Transfer of Funds in the Amount of \$7,000 to Copier Acct # TBD from Regular Salaries & Wages Acct # 100-12000-51000 - Personnel
- 3i.** Consider and Approve a Transfer of Funds in the Amount of \$16,000 to Retirement Sick Leave Acct # 100-12100-51750 from Unemployment Insurance Acct # 10012100-52970 – Personnel
- 3j.** Consider and Approve Resolution authorizing Mayor William W. Dickinson, Jr. to enter into or amend contractual instruments between the Town of Wallingford and the State of Connecticut Office of Early Childhood for a Child Day Care Program from July 1, 2014 to June 30, 2015 - Mayor
- 3k.** Consider and Approve an Agreement between Wallingford Community Day Care Center, Inc. and the Town of Wallingford, which authorizes the Wallingford Community Day Care Center, Inc. to carry out funding programs as provided in the contract between the Town of Wallingford and the State of Connecticut Office of Early Childhood for July 1, 2014 to June 30, 2015 - Mayor
- 3l.** Consider and Approve a Resolution permitting the Wallingford Community Day Care Center, Inc. to borrow from the Town of Wallingford amounts necessary to meet the Essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut - Mayor
- 3m.** Set a Public Hearing for May 13, 2014 at 6:30 P.M. to be held in connection with an ordinance entitled:
- AN ORDINANCE APPROPRIATING \$1,900,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF VARIOUS MUNICIPAL IMPROVEMENTS 2014-2015 AND AUTHORIZING THE ISSUE OF \$1,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.
- 3n.** Approve Minutes of Regular Town Council Meeting of April 8, 2014
- 3o.** Approve Minutes of Special Town Council Budget Workshop Meeting of April 9, 2014
- 3p.** Approve Minutes of Special Town Council Budget Workshop Meeting of April 14, 2014
- 3q.** Consider and Approve a Transfer in the Amount of \$43,000 to Retirement Sick Leave Acct # 100-12100-51750 from Unemployment Insurance \$16,000 Acct # 100-12100-52970 and from Contingency – General \$27,000 Acct # 100-19000-58820 - Personnel

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a. to 3h. and 3j. to 3q.

MADE BY: LAFFIN

SECOND:

VOTE: 8 - AYE; 1 – NAY (FISHBEIN)

THE MOTION PASSED.

4. Items Removed from the Consent Agenda

No items were removed from the Consent Agenda.

5. PUBLIC QUESTION AND ANSWER PERIOD

Robert Gross, 114 Long Hill Road, asked about part time workers and benefits.

Larry Morgenstein, South Main Street, talked about installing a drop box and not waiting a mandate from the state.

Debbie Gross, 114 Long Hill Road, questioned the cost of a drop box.

Robert Gross stated that state police barracks are re-opening.

Gina Morgenstein referred to a state grant that would pay for a drop box.

Crissy McGrath, Main Street, asked what is the downside to having a drop box.

In addressing questions and statements regarding prescription drug drop boxes, Mayor Dickinson expressed concerns about having unmarked items put into a drop box inside the police station. He said there is a risk to the town that in his trust in the Chief of Police, it is not in the best interest of the community to have a drop box. He offered his office and that of Youth and Social Services and the Police Department as resources on how to safely dispose of prescription drugs. It is the responsibility of citizens to safely dispose of unwanted prescription drugs.

Mary Ellen Crawford, South Elm Street, stated that in the first two years that there is no record of any event in towns that use drop boxes.

Robert Gross suggested exchanging the police department's time to deliver agenda packets for supervising and inventorying items from the drop box.

Larry Morgenstein asked Mayor if he has visited a town with a drop box.

6. Consider and Approve Bid Waiver request for Utility Services, Inc. for assistance in meeting Northeast Power Coordinating Council (NPCC) mandatory reliability standards – Electric Division

MOTION WAS MADE TO APPROVE A BID WAIVER REQUEST FOR UTILITY SERVICES, INC. FOR ASSISTANCE IN MEETING NORTHEAST POWER COORDINATING COUNCIL (NPCC) MANDATORY RELIABILITY STANDARDS.

MADE BY: LAFFIN
SECOND: LETOURNEAU

*In attendance: George Adair, Director, Public Utilities
Rick Hendershot, General Manager, Electric Division*

Mr. Adair summarized their need for this bid waiver with a company that knows their system and to meet standards so as not to suffer penalties. He said that after years of dealing with this company and building a relationship that now they deal directly with the company after a long period of using them through CMEEC.

Councilor Parisi was concerned that no dollar amount is defined and he would like to see a dollar limit included in the request. He suggested an amendment to the motion. The Council discussed this. Mr. Hendershot reported that they do expect to spend up to \$12,000 between now and June 30, 2014. Councilor Parisi seemed to be satisfied with this, saying OK.

Councilor Fishbein asked why, that this has not been done in the past for bid waivers. He asked if this was a new way because it is a departure. Councilor Laffin asked if it is capped what happens if they need more funding. The Mayor said that they come back for more. Councilor Testa offered that it is the PUC who controls the amount spent. He said he respects this. He commented that this is too much management of the PUC.

Mr. Adair said that they are bounded by their budget.

MOTION TO AMEND THE MOTION TO CAP THE BID WAIVER AT \$12,000.

MADE BY: PARISI
SECOND: SULLIVAN

ROLL CALL VOTE:

FISHBEIN: NO	MANSFIELD: NO	SULLIVAN: YES
LAFFIN: NO	PARISI: YES	TESTA: NO
LETOURNEAU: NO	RUSSO: NO	CHAIRMAN CERVONI: NO

7 – NAY; 2 – AYE; (PARISI, SULLIVAN)

THE MOTION FAILED.

VOTE ON THE ORIGINAL MOTION.

ROLL CALL VOTE:

FISHBEIN: YES	MANSFIELD: YES	SULLIVAN: YES
LAFFIN: YES	PARISI: NO	TESTA: YES
LETOURNEAU: YES	RUSSO: YES	CHAIRMAN CERVONI: YES

8 – AYE; 1 – NAY (PARISI)

THE MOTION PASSED.

7. Consider and Approve Bid Waiver request for Nutmeg International Trucks, Inc. to utilize their services for any repairs needed between now and June 30, 2014

*In attendance: George Adair, Director, Public Utilities
 Rick Hendershot, General Manager, Electric Division*

MOTION WAS MADE TO APPROVE BID WAIVER REQUEST FOR NUTMEG INTERNATIONAL TRUCKS, INC. TO UTILIZE THEIR SERVICES FOR ANY REPAIRS NEEDED BETWEEN NOW AND JUNE 30, 2014.

MADE BY: LAFFIN
SECOND: LETOURNEAU

Mr. Adair stated that the work needed is outside the scope of the sewer garage.

ROLL CALL VOTE:

FISHBEIN: YES	MANSFIELD: YES	SULLIVAN: YES
LAFFIN: YES	PARISI: NO	TESTA: YES
LETOURNEAU: YES	RUSSO: YES	CHAIRMAN CERVONI: YES

8 – AYE; 1 – NAY (PARISI)

THE MOTION PASSED.

8. Consider and Approve Resolution authorizing submission of funding application for Simpson Court Rear Public Parking Improvement Project under the Main Street Investment Fund Program and authorizing the Mayor to sign said application and administer the grant and the project – Mayor

*In attendance: William W. Dickinson, Jr., Mayor
John Thompson, Town Engineer
Don Roe, Grants Administrator*

MOTION WAS MADE TO APPROVE A RESOLUTION AUTHORIZING SUBMISSION OF A FUNDING APPLICATION FOR THE SIMPSON COURT REAR PUBLIC PARKING IMPROVEMENT PROJECT UNDER THE STATE OF CONNECTICUT'S MAIN STREET INVESTMENT FUND PROGRAM AND AUTHORIZING THE MAYOR TO SIGN SAID APPLICATION AND ADMINISTER THE GRANT AND THE PROJECT.

**MADE BY: LAFFIN
SECOND: LETOURNEAU**

Councilor Mansfield announced that she is recusing herself from the question due to her various affiliations with Holy Trinity School.

The Mayor introduced the project commenting that he is waiting to hear from Wells Fargo Bank as to whether they will participate or not in the project. He reported that the property owners will contribute a total of \$50,000 and that the specifics of the lease agreements and the method of payment have not been determined at this date. He said that a construction easement from Holy Trinity will be needed to reconstruct the wall of the parking lot adjacent to the playground of the Holy Trinity School. He said that the plans are substantially the same as those drawn up two years ago. He also announced plans for the coming summer that the parking lot near the railroad tracks and the historic railroad station will be re-done. The funds are in the current Capital and Non-Recurring budget. Mr. Thompson stated that the design for the rail road station area is being done now and that Public Works will carry out the project. It was established that other public parking lots associated with businesses going down Center Street are leased lots and that the same type of arrangement would be needed with the owners of those lots as with the owners of the lots behind Simpson Court.

The contribution amount or percentage from property owners toward refurbishment of parking lots was discussed with regard to Simpson Court Rear lots. The five property owners of Simpson Court who will each contribute \$10,000 toward the reconstruction project are McGuire, Pimentel, the Masons, J. Gouveia and Holy Trinity. The town will provide snow removal, maintenance, lighting, cost of lighting and repair of the Holy Trinity wall in the thirty year lease. Mr. Roe said that the grant has not been written. He clarified that this is a reconstruction project, not a rehabilitation project. He said that the last time this was submitted that the intention of the project may have been misunderstood as to be a rehab project. Mr. Thompson stated that the cost will be about \$500,000 and that the two-year old estimates need to be updated. There was discussion on how the grant works. Mr. Roe indicated that reimbursement would be sought.

Mayor Dickinson pointed out that the lease change is that certain parking was to the businesses. In the current lease that part is removed. He said if unrestricted becomes a problem, then the limit will become four hours. He stated that this parking lot is an integral part of the vitality of this part of town.

Mr. Thompson assed that since 1961 there have been leases and that is 53 years of not having use of their property.

PUBLIC COMMENT:

Jason Zandri, Lincoln Drive Ext., wants to see better parking signage. He said that when property owners of parking lots bear a larger part of the construction of a parking lot, there will be less discord from the public.

Lucille Casagrande, 25 Turnberry Road, asked what will the town do if the grant is not won.

Geno Zandri, 9 Balsam Ridge Circle, suggested that the Council vote no; that grant funds, if won, be used for the rail road station parking lot and that property owners share should be based on square footage.

Joe Mirra, resident and Chairman, Wallingford Economic Development Commission, said that this parking lot behind Simpson Court is a town resource, that it is an investment which will provide return to the town. He expressed concern that visitors leave town with a jersey barrier impression.

Gina Morgenstein, South Main Street, wants a plan and called for an amendment that would promise one. Crissy McGrath seconded the idea.

Debbie Gross would like to see more investment in the downtown; she referred to grant qualifications and talked about underground wiring and attractive dumpsters.

Mary Ellen Pimentel, 582 North Main Street and property owner of 36-40 North Main Street, talked about the current lease states rent at \$1 per year, and she has never collected anything from the town. She pointed out that property improvement will cause her taxes to go up.

The Mayor responded to Robert Gross that if the Public Bid is more than the grant, then the project scope will be re-visited.

The discussion which touched on many subjects lasted two hours.

ROLL CALL VOTE:

FISHBEIN: NO

MANSFIELD: RECUSED

SULLIVAN: YES

LAFFIN: YES

PARISI: YES

TESTA: YES

LETOURNEAU: YES

RUSSO: YES

CHAIRMAN CERVONI: YES

7- AYE; 1 – NAY (FISHBEIN); 1-RECUSE (MANSFIELD)

THE MOTION PASSED.

9. Consider and Approve Tax Assessment Agreement between CT Wallingford LLC and the Town of Wallingford with respect to hotel property located at 1181 Barnes Road (Winston Hospitality)
– Law Department

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a. to 3q.

MADE BY: LAFFIN

SECOND: PARISI

Town Attorney Farrell reported that this agreement was drawn up in accordance with the Town Council discussions. Councilor Fishbein had concerns with Point 6 which states,

“CT Wallingford, LLC agrees to construct the hotel in accordance with the existing plans approved by Hilton and agrees that the hotel will be a Hilton Garden Inn.”

The Council discussed this issue and whether we have seen the plans. Tabling the issue

was suggested. Councilor Testa commented that all we should care about is that it will be a Hilton Garden Inn. It was pointed out that Mr. Winston has already approved this agreement.

ROLL CALL VOTE:

FISHBEIN: NO

MANSFIELD: YES

SULLIVAN: YES

LAFFIN: YES

PARISI: YES

TESTA: YES

LETOURNEAU: YES

RUSSO: YES

CHAIRMAN CERVONI: YES

8- AYE; 1 – NAY (FISHBEIN)

THE 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

- 11.** Executive Session pursuant to Connecticut General Statutes §1-225(f), §1-200(6)(E) and §1-210(b)(5)(b) and (7) regarding prospective waste management agreement - Mayor

- 12.** Executive Session pursuant to Connecticut General Statutes §1-225(f), and §1-200(6)(B) regarding strategy and negotiations with respect to the pending tax appeal matter of *J. Gavin Properties, LLC v. Town of Wallingford* – Law Department

MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO

- 11.** Executive Session pursuant to Connecticut General Statutes §1-225(f), §1-200(6)(E) and §1-210(b)(5)(b) and (7) regarding prospective waste management agreement

- 12.** Executive Session pursuant to Connecticut General Statutes §1-225(f), and §1-200(6)(B) regarding strategy and negotiations with respect to the pending tax appeal matter of *J. Gavin Properties, LLC v. Town of Wallingford*

MADE BY: LAFFIN

SECOND: FISHBEIN

VOTE: ALL AYE (9)

MOTION PASSED.

MOTION TO COME OUT OF EXECUTIVE SESSION.

MADE BY: LAFFIN

SECOND: FISHBEIN

VOTE: ALL AYE (9)

MOTION PASSED.

TIME OF EXECUTIVE SESSIONS:

11. 9:30 P.M. to 9:50 P.M.

12. 9:50 P.M. to 9:55 P.M.

EXECUTIVE SESSION ATTENDANCE:

NINE (9) COUNCILORS, WILLIAM DICKINSON, MAYOR, G.E. FARRELL, TOWN ATTORNEY, JAMES BOWES, COMPTROLLER

13. Motion to Consider and Approve the settlement of the *J. Gavin Properties, LLC v. Town of Wallingford* as discussed in Executive Session – Law Department

**MOTION TO APPROVE SETTLEMENT OF THE J. GAVIN PROPERTIES, LLC
V. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION.**

**MADE BY: LAFFIN
SECONDED BY: LETOURNEAU
VOTE: ALL AYE (9)
MOTION PASSED.**

MOTION TO ADJOURN

**MADE BY: LAFFIN
SECONDED BY: FISHBEIN
VOTE: ALL AYE (9)
MOTION PASSED.**

The meeting adjourned at 10:00 P.M.

Respectfully submitted,

Sandra Weekes
Secretary to the Town Council
Meeting digitally recorded

Vincent Cervoni, Chairman

Date

Barbara Thompson, Town Clerk

Date