

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

AUGUST 12, 2014

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:36 P.M. A Moment of Silence was observed, and the Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, Craig Fishbein, John Letourneau, Christine Mansfield, Robert F. Parisi, Larry Russo and John Sullivan. Councilor Vincent F. Testa, Jr. arrived at 6:45 P.M. following notification to the Chairman. Councilor Thomas Laffin was absent from the meeting with an excused absence. Town Attorney G.E Farrell, Sr. and Comptroller James M. Bowes were also present at the meeting.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds totaling \$4,954.90 (#11 - #16)
Acct. #1001001-41020 – Tax Collector

- 3b.** Acceptance of Donation to *EMS Transport Division* from Masonicare Ashlar Village to purchase a LUCAS® Chest Compression System and Appropriation in the amount of \$10,000 to EMS Transport Division Non-Operating Revenues (Ambulance Transport Enterprise Fund) and to EMS Transport Division Capital-Mechanical CPR Devices (Ambulance Transport Enterprise Fund) – Fire Chief

- 3c.** Consider and Approve a Transfer of Funds in the Amount of \$1,400 FY 2013-2014 to Continuing Education & Training Acct# 10020150-55700 from Office Expenses & Supplies Acct # 10020150-56100 – Fire Chief

- 3d.** Consider and Approve an Appropriation in the Amount of \$1,884 for *Council on Substance Abuse Fund* to Revenue Acct # 2324002-49000 and to Expenditures Acct # 23240150-58252
– Youth & Social Services

- 3e.** Acceptance of Donation from Operation Fuel for *Youth & Social Services Special Fund* and Appropriation in the Amount of \$840 to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services

- 3f.** Acceptance of Donation from Liberty Bank for *Youth & Social Services Special Fund* and Appropriation in the Amount of \$5,000 to Donations Fund 227 and to Expenditures Fund 227
– Youth and Social Services

- 3g.** Acceptance of 3M Health Information Systems Partnership Grant and Appropriation in the Amount of \$3,000 to Donations Acct# 2264002-47152 and to Expenditures Acct.# 22640150-58830 – Youth and Social Services

- 3h.** Consider and Approve an Appropriation in the amount of \$40 for the STEM Academy fund to Donations Acct. # 2264002-47152 and to Expenditures Acct. # 22640150-58830
– Youth and Social Services

- 3i.** Consider and Approve a Transfer of Funds in the amount of \$420 FY 2013-2014 to Office Expenses and Supplies Acct. #10040100-56100 from Salaries and Wages Acct. # 10040100-51000
– Youth and Social Services

- 3j.** Consider and Approve a Transfer of Funds in the Amount of \$400 to Overtime Acct. #1004-0050-51400 from Transportation Acct. # 1004-0050-55110 – Health Department

- 3k.** Consider and Approve a Transfer in the amount of \$710 to Office Expenses and Supplies, Acct #10010300-56100 from Professional Services-Lawyers Acct. #10010300-56710 – Law Department
- 3l.** Consider and Approve a Transfer in the amount of \$2,000 to Flag Football Acct. #10050050-58216 from \$1,000 Wlfd. Symphony Acct. #10050050-58210 and \$1,000 from Wlfd. Cardinals, Acct. #10050050-58242 – Recreation Department
- 3m.** Consider and Approve Resolution authorizing the Mayor to enter into a contract with the CT Department of Public Health, for a Preventive Health Block grant in the amount of \$8,189 to conduct a Hypertension Education and Preventive Program and to Designate Eloise Hazelwood, Director of Health as administrator to implement said program – Health Department
- 3n.** Consider and Approve an Appropriation in the amount of \$8,189 to conduct a Hypertension Education and Prevention Program and establish Revenue Acct. TBD-Fund #224 and Expense Acct. TBD Fund #224 – Health Department
- 3o.** Consider and Approve Acceptance of State of CT DUI Enforcement Grant 2014-2015 in the Amount of \$6,077 and Appropriation of funds in the amount of \$6,077 to Revenue Highway Safety, Acct.# 1002001-45208 and to Police Overtime, Acct.# 10020050-51400 – Police Department
- 3p.** Consider and Approve a Transfer of Funds in the amount of \$6,500 to Property Insurance, Acct. # 43100924 from Employee Pension Benefits, Acct. # 43100926 – Water Division
- 3q.** Consider and Approve a Transfer of Funds in the amount of \$7,500 to Property Insurance, Acct. # 46100924 from Employee Pension & Benefits, Acct. # 46100926 - Sewer Division
- 3r.** Consider and Approve a Transfer of funds in the amount of \$2,991 to Property Insurance, Acct. # 924 from Injuries and Damages, Acct. # 925 – Electric Division
- 3s.** Consider and Approve a Bid Waiver for Applied Proactive Technologies (APT) in the anticipated amount of \$10,500 to provide specialty services required in connection with Wallingford Electric Division’s discounted CFL program with area retailers – Electric Division
- 3t.** Approve Minutes of Regular Town Council Meeting of July 15, 2014
- 3u.** Approve Minutes of Special Town Council Meeting of July 22, 2014
- 3v.** Approve Minutes of Special Town Council Meeting of July 30, 2014

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a. – 3v.

MADE BY: PARISI
SECONDED BY: LETOURNEAU
VOTE: 7–AYE; 2–ABSENT
MOTION PASSED.

4. Items Removed from the Consent Agenda - None

5. PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, asked who is responsible for the new pear trees which have tall weeds growing around them. He also wanted to know who is responsible for the benches on the Town’s green that are in poor condition.

Robert Gross, 114 Long Hill Road, asked why no questions were allowed at the time Doreen Zaback made her presentation at the last meeting with regard to solid waste. He also asked about a drop-box for Wallingford.

Larry Morgenstein, 177 South Main Street, asked what is going on with the prescription drug drop-box.

6. Discussion and possible action regarding Wallingford Professional Firefighters, Local 1326, IAFF, AFL-CIO, Interest Arbitration Award effective July 1, 2013 to June 30, 2016 – Personnel

*In attendance: James Hutt, Personnel Director
Dennis Cicarrello, Town Labor Attorney*

Councilor Testa arrived at the meeting.

Mr. Hutt reviewed the highlights of his memo, which is part of the record of the meeting. He said that this agreement is a result of interest arbitration. Mr. Hutt, responding to a question, stated the details of the wage increases as follows: Year 1, July 1, 2013 retroactive: 1.95 %
Year 2, July 1, 2014 retroactive to July 1: 2.25%
Year 3, July 1, 2015: 2.25%

Councilors inquired about and made comment with regard to the following: the zero increase year; the cost to the town; the rise in taxes over the length of the contract; funds for bargaining units made during budget process; explanation of a second panel if this agreement is not accepted; how arbitration panels evaluate a town's ability to pay; acknowledgement of firefighters; and that the town recommends this award rather than appealing it.

The Mayor's letter was read into the record by Chairman Cervoni.

Wes Lube, Montowese Trail, spoke.

Gene LeTourneau, Union Treasurer, and the Union President stated that not all items in the agreement will cost the town; that they negotiated in good faith. Some "give-backs" were noted.

Robert Gross spoke.

NO ACTION WAS TAKEN.

7. Discussion and Possible Action regarding 1.5% Cost of Living Adjustment for Town of Wallingford Pensioners - Personnel

MOTION TO APPROVE 1.5% COST OF LIVING ADJUSTMENT FOR THE TOWN OF WALLINGFORD PENSIONERS.

**MADE BY: PARISI
SECONDED BY: SULLIVAN**

In attendance: James Hutt, Personnel Director

Mr. Hutt stated that this 1.5% Cost of Living Adjustment (COLA) goes to those who qualify and is in alignment with Social Security. The last COLA was in 2011.

ROLL CALL VOTE:

FISHBEIN: YES	MANSFIELD: YES	SULLIVAN: YES
LAFFIN: ABSENT	PARISI: YES	TESTA: YES
LETOURNEAU: YES	RUSSO: YES	CHAIRMAN CERVONI: YES

8- AYE; 1- ABSENT

MOTION PASSED.

ADDENDUM

- 18. Consider and Approve a Bid Waiver for the James A. Kiley Company in the amount of \$16,200 for the purpose of repair to a boom truck – Electric Division**

MOTION WAS MADE TO APPROVE A BID WAIVER FOR THE JAMES A. KILEY COMPANY IN THE AMOUNT OF \$16,200 FOR THE PURPOSE OF REPAIR TO A BOOM TRUCK.

**MADE BY: PARISI
SECONDED BY: SULLIVAN**

In attendance: Rick Hendershot, General Manager, Electric Division

Mr. Hendershot explained that the James A. Kiley Company originally fabricated the part that needs repair, which is why he is seeking the bid waiver.

**ROLL CALL VOTE:
FISHBEIN: YES MANSFIELD: YES SULLIVAN: YES
LAFFIN: ABSENT PARISI: YES TESTA: YES
LETOURNEAU: YES RUSSO: YES CHAIRMAN CERVONI: YES
8-AYE; 1- ABSENT
MOTION PASSED.**

- 8. Consider and Approve a Resolution of the Town Council to endorse and support the Wallingford Public Library’s application to the Connecticut State Library for a matching grant to remodel a portion of the Library to create a new public learning and gathering space – Councilor Fishbein**

MOTION WAS TO APPROVE A RESOLUTION OF THE TOWN COUNCIL TO ENDORSE AND SUPPORT THE WALLINGFORD PUBLIC LIBRARY’S APPLICATION TO THE CONNECTICUT STATE LIBRARY FOR A MATCHING GRANT TO REMODEL A PORTION OF THE LIBRARY TO CREATE A NEW PUBLIC LEARNING AND GATHERING SPACE.

**MADE BY: PARISI
SECONDED BY: TESTA**

Councilor Parisi read aloud the Resolution.

Councilor Fishbein stated that reading is the most important thing we can do in this country. He acknowledged that he has observed a the growth in communication between the library and the Town Council over the last few years. He reported that the Library Managers and the Town Council met recently where the Council had the opportunity to learn of the new library plan to repurpose their existing space with a matching grant from the Connecticut State Library, should the grant be awarded.

**ROLL CALL VOTE:
FISHBEIN: YES MANSFIELD: YES SULLIVAN: YES
LAFFIN: ABSENT PARISI: YES TESTA: YES
LETOURNEAU: YES RUSSO: YES CHAIRMAN CERVONI: YES
8-AYE; 1- ABSENT
MOTION PASSED.**

- 9. Discussion and Action regarding approval of the new cemetery Administrative Building design - Mayor**

MOTION WAS MADE TO APPROVE THE NEW CEMETERY ADMINISTRATIVE BUILDING DESIGN.

MADE BY: PARISI

SECONDED BY: RUSSO

Chairman Parisi read aloud the letter that is part of the record from the Mayor to the Town Council with respect to this item.

*In attendance: Peter Gouveia, President, Center Street Cemetery Association
Leigh Barnes, Chairman Building Study Committee
Steven Lazarus, Architect*

Mr. Lazarus spent some time explaining what he described as “gentle changes” to the plan from the earlier design that the Council saw. He said that they moved the building closer to Prince Street and flipped the building so that the maintenance section is now in the rear of the building. With the maintenance garage at the rear of the building, it will be necessary to cut a ten foot wide opening in the cemetery wall to allow the equipment used in the cemetery access to the cemetery. He discussed with Town Councilors parking spaces, landscaping placement and security.

Mr. Gouveia pointed out that the Council needs to approve the design. He added that the General Assembly has approved \$225,000 but the money had not been appropriated.

Chairman Cervoni noted that the design concept will be part of the bid specifications.

Members of the public who spoke were Gina Morgenstein, South Main Street; Bill Comerford, 5 Broadview Drive; Laurence Morgenstein, South Main Street; Wes Lube, Montowese Trail; and Ray Ross.

MOTION WAS MADE TO CALL THE QUESTION.

MADE BY: SULLIVAN

SECONDED BY: RUSSO

VOTE: 7-AYE; 1-NAY (FISHBEIN); 1-ABSENT

MOTION PASSED.

ROLL CALL VOTE:

FISHBEIN: YES

MANSFIELD: YES

SULLIVAN: YES

LAFFIN: ABSENT

PARISI: YES

TESTA: YES

LETOURNEAU: YES

RUSSO: YES

CHAIRMAN CERVONI: YES

AYE; NAY; RECUSE; ABSENT

MOTION PASSED.

10. Discussion and Action regarding Waiving the Bid for Lazarus & Sargeant for architectural services for the Center Street Cemetery for the amount specified – Mayor

MOTION WAS MADE TO APPROVE WAIVING THE BID FOR LAZARUS & SARGEANT FOR ARCHITECTURAL SERVICES FOR THE CENTER STREET CEMETERY FOR THE SPECIFIED.

MADE BY: PARISI

SECONDED BY: RUSSO

*In attendance: Peter Gouveia, President, Center Street Cemetery Association
Leigh Barnes, Chairman Building Study Committee
Peter Niederman, 1st Vice-President, Chairman of the Finance Committee*

Mr. Lazarus left the panel table.

Councilor Letourneau recused himself stating that he and Mr. Lazarus are involved in a few projects together.

Mr. Gouveia stated that Mr. Lazarus has made many contributions to the Center Street Cemetery Association and that waiving the bid will save the town money.

Councilors spoke on a number of issues and implications that were being made during a lengthy discussion regarding the bidding process.

ROLL CALL VOTE:

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

4-AYE; 3-NAY; 1-RECUSE; 1-ABSENT

MOTION FAILED.

- 11.** Consider and approve scheduling a Public Hearing for September 9, 2014 at 6:45 P.M. in connection with an Ordinance entitled:

AN ORDINANCE APPROPRIATING \$35,000 FOR ARCHITECTURAL COSTS FOR THE CENTER STREET CEMETERY ADMINISTRATIVE BUILDING AND AUTHORIZING THE ISSUE OF \$35,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF 555 TEMPORARY BORROWINGS FOR SUCH PURPOSE

Withdrawn

- 12.** Discussion and action regarding expressing interest in having the Town sell the property adjacent to 59 and 65 North Plains Highway (28,445± sq. ft.) to Wallingford Group, LLC for \$24,500 – Law Department

MOTION WAS MADE TO APPROVE EXPRESSING INTEREST IN HAVING THE TOWN SELL THE PROPERTY ADJACENT TO 59 AND 65 NORTH PLAINS HIGHWAY (28,445 ± SQ. FT. TO WALLINGFORD GROUP, LLC FOR \$24,500.

MADE BY: PARISI
SECONDED BY: SULLIVAN

*In attendance: John Thompson, Town Engineer
Gerald E. Farrell, Sr., Town Attorney*

Mr. Farrell stated that the United Concrete, owned by John Gavin, would like this land to expand some business projects. He said that Town Assessor, Shelby Jackson, has appraised the land at \$24,500. He noted that the Town Engineering Department has no objection to this, and it is not thought to have any value to the town.

Mr. Thompson said that this is excess land established outside of a right-of-way that was established some 40 years ago. He said we're establishing a new street line for industrial road 60 feet off the center of the road and the excess land is the subject of the matter for property sale.

Chairman Cervoni asked in in the 40 years since this land was identified or the road project was identified, this land has never been utilized or otherwise considered. Mr. Thompson stated that is correct.

There were no questions from the Council

Robert Gross asked about an independent appraisal. Chairman Cervoni reminded Mr. Gross that we have Mr. Jackson's appraisal. Mr. Bowes added that Mr. Jackson is a certified appraiser and appraises according to state statute. He pointed out that an appraisal cost is in the range of \$2,500 to \$3,000. He remarked that the North Farms Road Fire House parcel was large enough to have other folks look at it.

ROLL CALL VOTE:

FISHBEIN:	YES	MANSFIELD:	YES	SULLIVAN:	YES
LAFFIN:	ABSENT	PARISI:	YES	TESTA:	YES
LETOURNEAU:	YES	RUSSO:	YES	CHAIRMAN CERVONI:	YES

**8-AYE; 1-ABSENT
MOTION PASSED.**

- 13. Consider and Approve scheduling a Public Hearing for September 9, 2014 at 7:00 P.M. on the possible sale of the land abutting 59 and 65 North Plains Highway (28,445± sq. ft.) – Law Department**

MOTION WAS MADE TO SET A PUBLIC HEARING FOR SEPTEMBER 9, 2014 AT 7:00 P.M. IN CONNECTION WITH THE SALE OF LAND ABUTTING 59 AND 65 NORTH PLAINS HIGHWAY (28,445 ± SQ. FT.)

**MADE BY: PARISI
SECONDED BY: SULLIVAN**

*In attendance: John Thompson, Town Engineer
Gerald E. Farrell, Sr., Town Attorney*

ROLL CALL VOTE:

FISHBEIN:	YES	MANSFIELD:	YES	SULLIVAN:	YES
LAFFIN:	ABSENT	PARISI:	YES	TESTA:	YES
LETOURNEAU:	YES	RUSSO:	YES	CHAIRMAN CERVONI:	YES

**8-AYE; 1-ABSENT
MOTION PASSED.**

- 14. Consider and Approve Town obtaining temporary and permanent easements for the reconstruction of the Northfield Road Bridge in accordance with the terms and conditions set forth in the Law Department's letter of August 4, 2015 – Law Department**

MOTION TO APPROVE Town obtaining temporary and permanent easements for the reconstruction of the Northfield Road Bridge in accordance with the terms and conditions set forth in the Law Department's letter of August 4, 2015

**MADE BY: PARISI
SECONDED BY: RUSSO**

In attendance: John Thompson, Town Engineer

Mr. Thompson handed out a chronology of the events leading up to the request for Council action to authorize the legal department to proceed with legal acquisition of property as part of the Northfield Bridge Project, which began about ten years ago. He said they have gone through various assessments; part of a state-local bridge program that would have provided 32 % reimbursement of the construction costs. He said about ten months ago they made application to the state under the local transportation capital improvement program which would provide us with 100% funding for the bridge construction project. He said they have received authorization to proceed with the project with the stipulation that we resolve all of the right-of-way acquisition issues. The Corporation Counsel, Janis Small, has the four parcels appraised by two appraisers. He said they resolved the acquisition, the temporary construction easements and the permanent easements with three of the four property owners. Property owner, Charles Voss, 12 16 Northfield Road, was in attendance and offered his information.

After some discussion, Mr. Voss stated that he would come into the Law Department to do what is necessary for him to do in order for the town to begin the bridge replacement project.

Attorney Farrell stated that if Mr. Voss comes to the Law Department and does the necessary paperwork, then the Town won't move on taking his property. Mr. Farrell said he would stay the action for seven calendar days for Mr. Voss to come in and suggested tomorrow or the next day.

Mr. Thompson added that timing is important in his application to the state for the necessary permits

ROLL CALL VOTE:

FISHBEIN: YES	MANSFIELD: YES	SULLIVAN: YES
LAFFIN: ABSENT	PARISI: YES	TESTA: YES
LETOURNEAU: YES	RUSSO: YES	CHAIRMAN CERVONI: YES

**8-AYE; 1-ABSENT
MOTION PASSED.**

- 15. Motion to authorize the Law Department to proceed with the taking of a temporary construction easement and a permanent easement on 16 Northfield Road, owned by 12-16 Northfield Road, LLC for the sum of \$1,925.00 for the reconstruction of Northfield Road Bridge. Such taking shall be filed with the Superior Court within six months of this vote – Law Department**

MOTION WAS MADE TO authorize the Law Department to proceed with the taking of a temporary construction easement and a permanent easement on 16 Northfield Road, owned by 12-16 Northfield Road, LLC for the sum of ~~\$925.00~~ \$1,925.00 for the reconstruction of Northfield Road Bridge. Such taking shall be filed with the Superior Court within six months of this vote.

**MADE BY: PARISI
SECONDED BY: RUSSO**

In attendance: John Thompson, Town Engineer

Councilors said that the taking of property is not what they want to do but is used when all else is exhausted.

Attorney Farrell stated that if Mr. Voss comes to the Law Department and does the necessary paperwork, then the Town won't move on taking his property. Mr. Farrell said he would stay the action for seven calendar days for Mr. Voss to come in and suggested tomorrow or the next day.

ROLL CALL VOTE:

FISHBEIN: YES	MANSFIELD: YES	SULLIVAN: YES
LAFFIN: ABSENT	PARISI: YES	TESTA: YES
LETOURNEAU: YES	RUSSO: YES	CHAIRMAN CERVONI: YES

**8-AYE; 1-ABSENT
MOTION PASSED.**

- 16. Executive Session pursuant to §1-200(6) (B) of the Connecticut General Statutes to discuss pending litigation in the matter of the Town of Wallingford v. Darley, et al - Law Department**

MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-200(6) (B) OF THE CONNECTICUT GENERAL STATUTES TO DISCUSS PENDING LITIGATION IN THE MATTER OF THE TOWN OF WALLINGFORD V. DARLET, ET AL.

**MADE BY: PARISI
SECONDED BY: RUSSO
VOTE: 8 -AYE; 1 -ABSENT
MOTION PASSED.**

MOTION TO COME OUT OF EXECUTIVE SESSION.

MADE BY: PARISI
SECONDED BY: RUSSO
VOTE: 8 -AYE; 1 -ABSENT
MOTION PASSED.

TIME OF EXECUTIVE SESSION: 10:17 p.m. to 10:26 P.M.

**ATTENDANCE AT EXECUTIVE SESSION: 8 COUNCILORS, TOWN ATTORNEY
G.E. FARRELL, Sr. and COMPTROLLER JAMES BOWES.**

17. Motion to authorize action involving pending litigation in the matter of the Town of Wallingford v. Darley, et al as discussed in Executive Session - Law Department

MOTION WAS MADE TO authorize action involving pending litigation in the matter of the Town of Wallingford v. Darley, et al as discussed in Executive Session.

MADE BY: PARISI
SECONDED BY: RUSSO
VOTE: 8 AYE; 1 -ABSENT
MOTION PASSED.

MOTION TO ADJOURN

MADE BY: SULLIVAN
SECONDED BY: PARISI
VOTE: 8-AYE; 1 -ABSENT
MOTION PASSED.

The meeting adjourned at 10:29 P.M.

Respectfully submitted,

Sandra Weekes
Secretary to the Town Council
Meeting digitally recorded

Vincent Cervoni, Chairman

Date

Barbara Thompson, Town Clerk

Date