

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

August 13, 2013

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:32 P.M. The Opening Prayer was offered by Reverend Douglas Valentine, First Baptist Church of Wallingford and the Pledge of Allegiance was said. Councilors in attendance were as follows: Nick Economopoulos, Craig Fishbein, John Letourneau, Chairman Robert F. Parisi, Rosemary Rascati, John Sullivan and Jason Zandri. Councilors Vincent Cervoni and Thomas Laffin were excused from the meeting. Corporation Counsel Janis Small was also present at the meeting.

2. Correspondence - *None*
3. Consent Agenda
  - 3a. Consider and Approve Tax Refunds totaling \$15,002.41 (#4 - #61)  
Acct. # # 1001001-41020 - Tax Collector
  - 3b. Note for the Record: Anniversary increases approved for FY 2012-2013 - Mayor
  - 3c. Note for the Record: Mayoral transfers approved for FY 2012-2013 - Mayor
  - 3d. Consider and Approve Merit Review – Personnel
  - 3e. Consider and Approve use of the Town Parade Grounds by the First Congregational Church on Sunday September 8, 2013 from 9:00 A.M. to 1:30 P.M. for the annual “Catch the Spirit Sunday” festivities – Chairman Robert F. Parisi
  - 3f. Consider and Approve a Transfer FY 2012-2013 in the Amount of \$468 to Office Expenses & Supplies Acct # 10010750-56100 from Mtgs., Dues & Seminars for \$100 Acct # 10010750-58810 and from Salaries & Wages for \$368 Acct # 10010750-51000 – Town Planner
  - 3g. Acceptance of Donation from *Operation Fuel* and Appropriation in the Amount of \$280 for *Youth and Social Services Special Fund* to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
  - 3h. Acceptance of Grant from the *Wallingford Rotary Foundation* and Appropriation in the Amount of \$3,312 for the *Wallingford STEM Academy* to Donations Acct # 2264002-47152 and to Expenditures Acct # 22640150-58830 – Youth and Social Services
  - 3i. Acceptance of Donation from *Wallingford Peer Advocates* and Appropriation in the Amount of \$200 for *Relay for Life* to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
  - 3j. Consider and Approve an Appropriation in the Amount of \$4,985 for *Council on Substance Abuse Project Graduation 2014* to Revenue Acct # 2324002-49000 and to Expenditure Acct # 23240150-58252 – Youth and Social Services

- 3k.** Consider and Approve Transfer in the Amount of \$13,000 *Document Preservation-Town Share* to Revenue Preservation Town Acct #2281002-42030 and to Fund Expenditure Acct # 22810650-58830 – Town Clerk
- 3l.** Consider and Approve Transfer FY 2012-2013 in the Amount of \$650 to Maintenance of Building & Grounds Acct # 10020150-54315 from Operating Expenses Acct # 10020150-58735 – Fire Department
- 3m.** Consider and Approve Transfer FY 2012-2013 *EMS Transport Division* in the Amount of \$14,500 to Fringe Benefits Acct # 50020155-52050 from Depreciation Acct # 50020155-59110 – Fire Department
- 3n.** Acceptance of DUI Enforcement Grant and Appropriation of \$1,118 To Highway Safety Revenue Acct # 1002001-45208 and to Overtime Expenditures Acct # 10020050-51400 – Police Department
- 3o.** Consider and Approve acceptance of a donation from East Shore Health District, CT DEMHS, Regional 2, MRC Regional Coordinator for Wallingford Medical Reserve Corp (MRC) and Appropriation of \$5,000 To Donations Acct # 2504002-47152 and to Donations Acct # 250400250-58830-10105 - Health Department
- 3p.** Consider and Approve Resolution authorizing the Mayor to enter into contract with the CT DPH in the Amount of \$5,214, designate The Director of Health as the Administrator of the program to provide educational outreach and awareness to prevent Childhood lead poisoning – Health Department
- 3q.** Consider and Approve an Appropriation in the Amount of \$5, 214 *CT Department of Public Health Grant* to Lead Poisoning Preventive Acct # TBD by Finance and to Lead Poisoning Preventive Acct # TBD by Finance– Health Department
- 3r.** Consider and Approve Resolution authorizing the Mayor to execute an Agreement with the State of Connecticut for the purchase of alternative/ clean fuel vehicle(s) and to execute any amendments, rescissions and revisions Thereto – Program Planning
- 3s.** Consider and Approve the Appointment of Paula Miller as an Alternate to the *Inland and Wetland and Watercourses Commission* to fill an unexpired term effective immediately and expiring March 1, 2015 – Chairman Robert F. Parisi
- 3t.** Consider and Approve Job Description for *Human Resource & Specialty Security Specialist*  
- Board of Education
- 3u.** Consider and Approve Utilization of the Qualifications-based selection procedure for a lobbyist to represent the Town’s interest in Hartford related to electric utility matters – Public Utilities
- 3v.** Consider and Approve Job Description for *Wholesale Power Procurement Manager*  
- Personnel

- 3w. Consider and Approve a Transfer in the Amount of \$117,000 to Other Purchased Power Costs Acct #557 -\$82,000 and to Employee Pension & Benefits Acct # 926 - \$35,000 from Purchased Power Acct # 555 – Electric Division
- 3x. Consider and Approve a Transfer in the Amount of \$18,000 to Engineering-Regular Salaries Acct # 10030050-51000 from Engineering- Purchased Services-Construction Inspector Acct # 10030050-56820 - Engineering
- 3y. Consider and Approve Minutes of Regular Town Council meeting of July 16, 2013
- 3z. Consider and Approve Minutes of Special Town Council meeting of July 23, 2013
- 3aa. Consider and Approve a Transfer in the Amount of \$123,000 to Other Purchased Power Costs Acct # 557 from Purchased Power Acct # 555 – Electric Division

**CONSENT AGENDA ADDENDUM**

- 3bb. Consider and Approve amending 2014 budget to reflect two part-time positions in Engineering in order to hire the Construction Inspector - Engineering

Councilor Rascati read 3t., which had been corrected.

- 3t. Consider and Approve Job Description for *Human Resource & Security Specialist* - Board of Education

**MOTION WAS MADE TO APPROVE THE CONSENT AGENDA 3a. to 3aa. AND CONSENT AGENDA ITEM 3bb.**

**MADE BY: RASCATI**

**SECONDED BY: LETOURNEAU**

**VOTE: SEVEN (AYE) AYE; TWO (2) ABSENT**

**MOTION PASSED.**

- 4. Items Removed from the Consent Agenda - *None*

**5. PUBLIC QUESTION & ANSWER PERIOD**

Robert Gross, 114 Long Hill Road, asked about Rt. 150, Garden Road, aquifer areas in town and water-shed areas in town with respect to DEEP guidelines. Public Works Director McCully stated that street sweepings will be handled now on an annual basis and that he will ask DEEP to comment on snow disposal at the Garden Road location.

Dana Camp, 19 Lee Avenue, asked about jersey barriers at Simpson Court rear. It was stated that this is private property. He commented on job inspections within forty-eight hours.

Bill Comerford, 5 Broadview Drive, line striping in relation to an \$8,000 credit to the town.

- 6. Discussion and Possible Action regarding AFSME Co 15, Local 1570 Police Union /Arbitration Award – Personnel

*In attendance: Dennis Ciccarillo, Labor Attorney for the Town of Wallingford  
Terence Sullivan, Director, Personnel Department*

Councilor Rascati read the item.

Mr. T. Sullivan reviewed the highlights of the four-year contract for the Town Council that included details with regard to wages and medical coverage for the duration of the contract.

He noted that following the 0% increase in 2012 first-year that there is a wage re-opener in the fourth year of the contract, effective July 1, 2015. He recommended that the Town Council accept the contract.

The Town Council commented and asked questions with regard to negotiated terms versus arbitrated terms. Arbitration has cost attached to it. Councilors liked the contract but would like to see more discussion to negotiate wage terms rather than go to arbitration, which generally renders an expense of approximately \$18,000 to \$20,000. In the case of this contract medical terms were negotiated but not wages, which went to arbitration. Mr. Terence Sullivan stated that the wage increases were covered. He also added that in the case of medical insurance that the Town's Charter requires that this item go to bid every five years. He noted that it went to bid two years ago and Anthem gave a lower bid.

**MOTION WAS MADE TO ACCEPT THE AFSME Co 15, Local 1570 Police Union/  
Arbitration Award.**

**MADE BY: SULLIVAN**

**SECONDED BY: ZANDRI**

**ROLL CALL VOTE:**

<b>CERVONI:</b>	<b>ABSENT</b>	<b>ECONOMOPOULOS:</b>	<b>YES</b>	<b>FISHBEIN:</b>	<b>YES</b>
<b>LAFFIN:</b>	<b>ABSENT</b>	<b>LETOURNEAU:</b>	<b>YES</b>	<b>RASCATI:</b>	<b>YES</b>
<b>SULLIVAN:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>	<b>CHAIRMAN PARISI:</b>	<b>YES</b>

**7-AYE; 2 ABSENT (COUNCILORS CERVONI & LAFFIN)**

**THE MOTION PASSED.**

**7. Discussion regarding granting a sewer lateral easement in Town Right-of-Way Masonic Avenue and Clinton Place - Mayor**

*In attendance: Roger Dann, General Manager, Water-Sewer  
Jim Wolfe, Property Owner, 5 Masonic Avenue*

Councilor Fishbein stated that he will abstain from the discussion declaring a business conflict

Councilor Rascati read the letter the Mayor sent to the Town Council that outlined Mr. Wolfe's connection to the sanitary sewer system via an easement from the town.

Mr. Wolfe showed the path of the sewer line via use of a map. He reported that he will be responsible for the cost of installing the sewer line at approximately \$35,000 and the cost of the appraisal obtained by the Town at \$6,500. Mr. Wolfe worked with the Sewer Department and the Engineering Department, and it was determined that this is the only way to solve the problem to connect the sewer service to the building at 5 Masonic Avenue.

Mr. Dann explained that the other properties in the area already utilize the sanitary sewer and that this extension will serve only one property to solve the problem for this property.

No Comments from the Public.

Attorney Small said that no motion could be entertained since this item was on the agenda for discussion and that the documents will come at a follow-up meeting. She said that Mr. Wolfe needed an indication as to the position of the Council on this before he could take more steps in his process. She added that she thinks the Council has indicated that they are supportive of this.

8. Discussion and possible action on the progress, status timeline and reasonably anticipated punch list for completion of the parking lot improvements to the Wooding-Caplan site, and areas surrounding the site with reports from:

Town Engineer  
Director of Public Works

- Councilor Craig C. Fishbein

*In attendance:* Henry McCully, Director, Public Works  
John Thompson, Town Engineer

Councilor Fishbein briefly reviewed the timeline history of the Wooding-Caplan property in the completion of the parking areas, stating that he feels promises have been broken. In response to Councilor Fishbein's question, Mr. Thompson said that with regard to the plan for the space all is done in his department that should be done. He said that they survey every day and will continue to do so every day. Mr. McCully reviewed installation dates for various types of piping noting red rock problems. They discussed curbing and the various types of surfacing from millings to permanent surface. They discussed the underground conduit, pedestrian ramps, sidewalks, lighting, ornamental lighting, bicycle rack placements and parking signs to direct the public. Some of the work is contingent upon the weather and on whether Tilcon can perform certain work when it needs to be done or if Public Works must step in to do the work. Mr. McCully stated that of the three top areas that his department is working on, Wooding Caplan is first and at the top of the list. Both McCully and Mr. Thompson said the parking lot will be ready for *Celebrate Wallingford* minus some of the trimming details, which will come at a later time. Lucille Casagrande, Turnberry Lane, was concerned that there was no mention of green space or trees. Geno Zandri, Balsam Ridge Circle, asked about millings. Robert Gross, Long Hill Road, wanted to know if any grant, such as the STEAP grant, had been applied for. Bill Comerford, Broadview Lane, asked for the cost of the whole project, including Public Works labor. Larry Morgenstein, 177 North Main Street, commented on energy efficient lighting for the project.

9. Discussion and possible action on putting 41 South Main Street, the former American Legion Building, out to bid – Councilor John Letourneau

Councilor Rascati read the question. Councilor Letourneau, responsible for requesting this agenda item, stated that in the last one and one-half months, he has had three (3) different parties show an interest in purchasing the former American Legion Building and that two of them are interested in making the building a single family residence, and the third party would like to create apartments. He suggested that another RFP, using the same language as the last RFP, be used, so that these parties can put in their offers. It was determined that the language for the sewer line problem was in the last RFP. Councilors were reminded that no one showed interest in the building that last time. The sewer problem language would be in this RFP as it is already there. Ray Rhys, Gina Morgenstein and Lucille Casagrande all commented.

Some Councilors stated that they will support this RFP but that it will be their last time in supporting an RFP for this property.

**MOTION WAS MADE THAT 41 SOUTH MAIN STREET, THE FORMER AMERICAN LEGION BUILDING, GO OUT TO RFP, USING THE SAME LANGUAGE AS USED IN THE PAST.**

**MADE BY: LETOURNEAU**

**SECONDED BY: FISHBEIN**

Attorney Small stated that dates will be determined after she speaks with the Purchasing Agent.

**ROLL CALL VOTE:**

**CERVONI: ABSENT      ECONOMOPOULOS: YES      FISHBEIN: YES**  
**LAFFIN: ABSENT      LETOURNEAU: YES      RASCATI: NO**  
**SULLIVAN: YES      ZANDRI: YES      CHAIRMAN PARISI: YES**

**6-AYE; 1-NAY; 2 ABSENT (COUNCILORS CERVONI & LAFFIN)**

**THE MOTION PASSED.**

10. Executive Session pursuant to §1-225 (f) and § 1-200(6)(B) of the Connecticut General Statutes to discuss a pending foreclosure in the matter of the Town of Wallingford v. Roger S. Hawes, et al – Town Attorney
12. Executive Session pursuant to §1-225 (f) and § 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the following tax appeals:
  - (a) Naugatuck Wallingford, LLC v. Town of Wallingford; and
  - (b) Hurowitz v. Town of Wallingford- Town Attorney

**MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO:**

10. **§1-225 (f) and § 1-200(6)(B) of the Connecticut General Statutes to discuss a pending foreclosure in the matter of the Town of Wallingford v. Roger S. Hawes, et al – Town Attorney; and**
12. **§1-225 (f) and § 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the following tax appeals:**
  - (a) **Naugatuck Wallingford, LLC v. Town of Wallingford; and**
  - (b) **Hurowitz v. Town of Wallingford**- Town Attorney

**MADE BY: RASCATI**  
**SECONDED BY: FISHBEIN**  
**VOTE: AYE SEVEN (7) COUNCILORS;**  
**2 ABSENT (CERVONI & LAFFIN)**

**MOTION PASSED.**

**MOTION TO COME OUT OF EXECUTIVE SESSIONS.**

**MADE BY: RASCATI**  
**SECONDED BY: FISHBEIN**  
**VOTE: AYE SEVEN (7) COUNCILORS;**  
**2 ABSENT (CERVONI AND LAFFIN)**

**MOTION PASSED.**

**TIME OF EXECUTIVE SESSIONS: 8:45 P.M. TO 8:58 P.M.**

**EXECUTIVE SESSION ATTENDANCE**

10. **SEVEN (7) COUNCILORS AND CORPORATION COUNSEL, JANIS SMALL**

*Wallingford Town Hall, 45 South Main Street*

**TWO ( 2) COUNCILORS WERE ABSENT –COUNCILORS CERVONI & LAFFIN.**

**12(a). SEVEN (7) COUNCILORS AND CORPORATION COUNSEL, JANIS SMALL TWO ( 2) COUNCILORS WERE ABSENT –COUNCILORS CERVONI & LAFFIN.**

**12(b). SEVEN (7) COUNCILORS AND CORPORATION COUNSEL, JANIS SMALL TWO ( 2) COUNCILORS WERE ABSENT –COUNCILORS CERVONI & LAFFIN.**

- 11.** Motion to authorize action involving the pending foreclosure matter Town of Wallingford v. Roger S. Hawes, et al, as discussed in Executive Session – Town Attorney

**MOTION WAS MADE TO AUTHORIZE ACTION INVOLVING THE PENDING FORECLOSURE MATTER OF THE TOWN OF WALLINGFORD V. ROGER S. HAWES, ET AL, AS DISCUSSED IN EXECUTIVE SESSION.**

**MADE BY: RASCATI  
SECONDED BY: FISHBEIN  
VOTE: AYE SEVEN (7) COUNCILORS;  
2 ABSENT (CERVONI AND LAFFIN)**

**MOTION PASSED.**

- 13.** Motion to consider and authorize action in the Naugatuck Wallingford, LLC v. Town of Wallingford tax appeal matter as discussed in Executive Session – Town Attorney

*No action taken.*

- 14.** Motion to consider and authorize action in the Hurowitz v. Town of Wallingford tax appeal matter as discussed in Executive Session – Town Attorney

**MOTION TO AUTHORIZE ACTION IN THE HUROWICZ V. TOWN OF WALLINGFORD TAX APPEAL MATTER AS DISCUSSED IN EXECUTIVE SESSION.**

**MOTION TO ADJOURN  
MADE BY: FISHBEIN  
SECONDED BY: LETOURNEAU  
VOTE: AYE SEVEN (7) COUNCILORS;  
2 ABSENT (CERVONI AND LAFFIN)**

**MOTION PASSED.**

**The meeting adjourned at 9:00 P.M.**

Respectfully submitted,

Sandra R. Weekes  
Secretary to the Town Council

Meeting digitally recorded

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Robert F. Parisi, Chairman

Date

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Barbara Thompson, Town Clerk

Date