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

**TUESDAY
MARCH 26, 2019
6:30 P.M**

RECORD OF VOTES & MINUTES

The Town Council Meeting on Tuesday, March 26, 2019 was called to order at 6:35 p.m. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, Craig Fishbein, Thomas Laffin, John LeTourneau, Joseph A. Marrone, III, Gina Morgenstein, Christopher K. Shortell and Vincent F. Testa (arrived at 6:50 p.m.). Councilor Jason Zandri was absent. Mayor William W. Dickinson, Jr., Corporation Counsel Janis Small and Comptroller James Bowes were also present at the meeting.

3a. Consider and approve Tax Refunds totaling \$7,413.21 (#650-#658)
Acct. #1001001- 41020 - Tax Collector

3b. Acceptance of Overtime Reimbursement funds from U.S. Secret Service and consider and approve Appropriation of funds in the amount of \$196 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-51400 – Police Dept.

3c. Consider and approve a Transfer in the amount of \$27,363 – Police Dept.

\$ 3,994 From: Police Operating Expense Acct. #10020050-58735

\$23,369 From: Wage Differentials Acct. #10020050-51450

\$27,363 To: Pistols & Holsters Acct. #TBD

3d. Acceptance of Donation and consider and approve Appropriation of funds in the amount of \$400 – Wallingford 350

\$400 To: Revenue - Donations Acct. #2524002-47152

Revenue-Event or Sale Proceeds Acct. #2524002-47040

\$400 To: Expenses Acct. #25240150-58830
Sound Spectrum

3e. Acceptance of Donation and consider and approve Appropriation of funds in the amount of \$1,110 to Revenue, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS

3f. Consider and approve a Transfer in the amount of \$3,000 from Election Materials, Acct. #1001065056105 to Office Expenses, Acct. #1001065056100 – Town Clerk

- 3g. Acceptance of State Preservation Grant money and consider and approve Appropriation of funds in the amount of \$6,500 – Town Clerk

\$6,500 To: State Grant Acct. #2281002-45114

\$6,500 To: Town Clerk Fees Acct. #2281002-42030

\$13,000 Program Expenses Acct. #22810650-58830

- 3h. Consider and approve a Transfer in the amount of \$12,000 from Utilities, Acct. #10020150-53010 to Purch. Serv.- Physicals Acct., Acct. #10020150-56734 – Fire Dept.

- 3i. Approve Town Council Minutes of March 12, 2019.

ADDENDUM TO CONSENT AGENDA:

- 3j. Consider and approve a Transfer in the amount of \$20,000 from Contingency, Acct. #10019000-58820 to Tree Contracts, Acct. #10030000-56756 – Public Works

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a.-3j.

MADE BY: LAFFIN
SECONDED BY: LETOURNEAU
VOTE: ALL AYE
MOTION: PASSED

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

5. **PUBLIC QUESTION & ANSWER PERIOD**

Opened Public Question and Answer Period at 6:37 p.m.

James Hine, 342 South Elm Street, stated that the agenda package has a lot of information in it and he feels we should scan the entire package online for administrative purposes and not have the clerk do all this individual email.

Larry Morgenstein, South Main Street, inquired about the article regarding Rescue 3 going offline for six weeks.

Mayor Dickinson stated it was four weeks, not six weeks and noted the Chief thought operationally it would not jeopardize public safety.

Closed Public Question and Answer Period at 6:44 p.m.

6. 6:30 p.m. Conduct a Public Hearing and Consider and Act on the following Ordinance:

AN ORDINANCE APPROPRIATING \$625,000 FOR COMMUNITY POOL PARK DESIGN SERVICES AND AUTHORIZING THE ISSUE OF \$625,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

*In Attendance: John Gawlak, Director, Parks & Recreation
Michael Savenelli, Member, Parks & Recreation Commission
Hal Chait, Resident*

EXCERPT FOR MINUTES OF THE PUBLIC HEARING
AND TOWN COUNCIL MEETING OF THE TOWN OF WALLINGFORD
HELD MARCH 26, 2019

Chairman Cervoni convened the public hearing and stated that the COMMUNITY POOL PARK bond ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

Councilor Laffin moved, and the motion was seconded by Councilor LeTourneau, to read the title of the ordinance and to waive the reading of the remainder of the ordinance, incorporating its full text into the minutes of this meeting.

Upon vote the ayes and nays were as follows:

AYES

NAYS

FISHBEIN
LAFFIN
LETOURNEAU
MARRONE
MORGENSTEIN
SHORTELL
CERVONI

*TESTA (ABSENT)
ZANDRI (ABSENT)*

7 AYE; 2 ABSENT

AN ORDINANCE APPROPRIATING \$625,000 FOR COMMUNITY POOL PARK DESIGN SERVICES AND AUTHORIZING THE ISSUE OF \$625,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

PUBLIC COMMENTS

Bob Gross asked if Attorney Fasi was present. Chairman Cervoni answered yes and Mr. Gross then stated he assumes that Attorney Fasi is getting paid to be here.

Mr. Hine stated he took a look at the plan and he likes it. He indicated this is more than just the pool, it's a destination. He then asked if there are any plans to make this more accessible such as day passes and/or a longer timeframe. Mr. Gawlak replied yes, we have had discussions.

Ali Halringer, 197 Cheshire Road, commented that it would be great to get kids away from screens and be out and active.

Daryl Stancuna, 18 Old Village Circle, inquired about the bond.

Mr. Gross asked what is the \$625,000 for?

Mr. Chait stated it covers the complete design, permitting process and oversight of construction.

Mr. Savenelli explained they will be working with the winning bidder with the design. He then stated we just have a concept at this time.

Mr. Gross asked why this group scored so much higher since they are the highest priced. Mr. Savenelli responded stating that they have built pools all over the state, they are a team that works together and they have been doing this for years together.

Mr. Morgenstein indicated he wants us to get the best community pool as possible but to see the council just get this information tonight he asked why was it not available.

Mayor Dickinson stated there's a breath of information that takes place and we don't know what every person is looking for specifically.

Mr. Hine believes even if you are not going to make information available to the public, the Council should have the information.

Fran Rasino, Jackson Avenue, asked if in the design they are going to do food trucks or concession trucks and wants to know what is being considered. Mr. Gawlak stated he cannot say.

Chairman Cervoni called the public hearing adjourned.

Councilor Laffin moved, and the motion was seconded by Councilor Shortell, that the ordinance entitled:

"AN ORDINANCE APPROPRIATING \$625,000 FOR COMMUNITY POOL PARK DESIGN SERVICES AND AUTHORIZING THE ISSUE OF \$625,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE," a copy of which is attached hereto, be adopted.

Councilor Fishbein wants to know if it is our intention to pay cash and reimburse ourselves with the bond. Mr. Bowes responded yes.

Mayor Dickinson stated our intent is to build a pool and to keep all the money in one funding pattern which is what we are starting tonight.

Attorney Fasi noted Section 7 says if the interest on these bonds is going to be taxable then they should be issued. He then stated these bonds will never be taxed.

Councilor Morgenstein thanked the Committee for all their hard work. She wants to confirm that the \$625,000 right now is part of the whole big project but we will currently pay cash now from 2018. Mr. Bowes stated that we will pay whenever expenditures have to be paid. He went on to state they set up a bookkeeping fund for the \$625,000.

Councilor Testa is in favor of the community pool and he thinks we should try to continue and have a pool. He feels money will be an issue so he is a little out of sorts on the process.

Mr. Gawlak remarked that in September we made a presentation to get off and get going on the "concept" that we are looking to do.

Councilor Testa indicated he was out of commission for a little while so he just wants to catch up. He asked if the bid will have different square foot concepts and on the final design will we have any say or will it be decided tonight.

Mr. Chait explained there are a lot of steps in the RFP and one is cost estimate design.

Councilor LeTourneau is disappointed that we received this documentation tonight and he questioned how they came up with the \$625,000 figure.

Mr. Gawlak stated we worked closely with the Town Engineer and Purchasing Agent to get where we are today. TLB Architecture has been selected by the Qualification Bid Process.

Councilor Shortell thanked the Committee for all their work. He indicated he agrees that the backup items should be online and he agrees the pool season should go later. He asked if we commit to this tonight, what is the next step?

Mr. Gawlak stated this summer or early September would be the design after the approvals and we would be back here for approval of that.

Councilor Shortell stated he would like to see this stay in the \$4 to 6 million dollar figure and not go over. He stated to Mr. Gawlak that information was helpful to know and commented that we need a ceiling to know where to go. He went on to state with the departure of Bristol Meyers and the bond rating decline we need to watch our dollars.

Councilor Fishbein stated his understanding is that all that is before us tonight is to bond or not. Chairman Cervoni stated that is correct.

Mr. Chait stated the feasibility study said the pool was too big for our town. It was 13,000 square feet but ours should be under 10,000 square feet.

Councilor Fishbein asked if we intend to bond this. Mr. Bowes answered yes. Councilor Fishbein then asked if we will bond the full amount of the design? Mr. Bowes answered yes.

Councilor Laffin indicated he is okay with the information supplied here tonight. He thanked the Committee for all their hard work and actively listening to the whole community.

Chairman Cervoni stated he was a little concerned that we were not addressing the parking issue so if we scale back hopefully that addresses that.

Councilor Fishbein asked without that "cap" number do you have enough information to give this company for them to come up with plans. Mr. Gawlak answered yes.

Upon roll call vote the ayes and nays were as follows:

ROLL CALL VOTE:	MORGENSTEIN: YES
FISHBEIN: YES	SHORTELL: YES
LAFFIN: YES	TESTA: YES
LETOURNEAU: NO	ZANDRI: ABSENT
MARRONE: YES	CERVONI: YES
7-AYE	
1-ABSENT	
1-NAY	
MOTION: PASSED	

Chairman Cervoni declared the ordinance adopted.

7. 6:30 p.m. Conduct a Public Hearing to Consider and Act on an Ordinance to Repeal and Replace Chapter 20, Code of Ethics, of the Code of the Town of Wallingford.

Opened Public Hearing at 8:18 p.m.

There were no questions from the public.

MOTION WAS MADE to Repeal and Replace Chapter 20, Code of Ethics, of the Code of the Town of Wallingford.

MADE BY: LAFFIN
SECONDED BY: FISHBEIN

Councilor Morgenstein stated there has been an appearance of impropriety and noted that is not a legal term she has been told.

Councilor Fishbein stated we spent a lot of time on this and thanked the Committee for working with him on all the language.

ROLL CALL VOTE:	MORGENSTEIN: NO
FISHBEIN: YES	SHORTELL: YES
LAFFIN: YES	TESTA: YES
LETOURNEAU: YES	ZANDRI: ABSENT
MARRONE: YES	CERVONI: YES
7-AYE	
1-ABSENT	
1-NAY	
MOTION: PASSED	

8. 6:45 p.m. Conduct a Public Hearing to Consider and Act on an Ordinance regarding the Minimum Age for Sale and Distribution of Tobacco Products, of the Code of the Town of Wallingford.

Opened Public Hearing at 8:22 p.m.

There were no questions from the public.

Councilor Marrone thinks this is an admirable thing to do but states an 18 year old is old enough to make this decision themselves. He thinks it is a burden on the Police Department and he is opposed.

MOTION WAS MADE to Act on an Ordinance regarding the Minimum Age for Sale and Distribution of Tobacco Products, of the Code of the Town of Wallingford.

MADE BY: LAFFIN
SECONDED BY: LETOURNEAU

Councilor Shortell stated we have been discussing this since October. He sees lots of laws that are hard to enforce but he thinks we need to impose laws to show we mean business. He noted that at the meetings, the police have said this is not a burden. He pointed out that an 18 year old is old enough to go to war, etc. This is targeting middle school and high school and the 18-21 year olds are buying it for them. He stated he will be supporting this.

Attorney Small stated she believes overall this covers what we have been discussing these past months.

Councilor Testa stated he had a problem with this up until a few months ago. He teaches high school and recently he had 16 and 17 year olds tell him they are flabbergasted at what 12 & 13 year olds are doing and not just vaping and these kids are upset. He has changed his mind and thinks possibly we can prohibit 18 year olds from buying it for 12-14 year olds. He explained with this law we basically are sending a message and others start to listen and a movement starts from here.

Chairman Cervoni commented on the number of youths getting tobacco products and stated we are in trouble as a society.

ROLL CALL VOTE:		MORGENSTEIN: YES
FISHBEIN: NO		SHORTELL: YES
LAFFIN: YES		TESTA: YES
LETOURNEAU: YES		ZANDRI: ABSENT
MARRONE: NO		CERVONI: YES
6-AYE		
1-ABSENT		
2-NAY		
MOTION: PASSED		

9. 7:00 p.m. Conduct a Public Hearing to Consider and Act on an Ordinance regarding the Board and Commission Training Requirements, of the Code of the Town of Wallingford.

Opened Public Hearing at 8:52 p.m.

There was no public comment.

MOTION WAS MADE to Act on an Ordinance regarding the Board and Commission Training Requirements, of the Code of the Town of Wallingford.

MADE BY: LAFFIN
SECONDED BY: SHORTELL

Councilor Testa asked if this was a one and done. Attorney Small responded no and indicated the requirement is every five years for appointed members of Boards and Commissions.

Councilor Laffin commented that this was discussed for a long time in Ordinance.

Councilor Shortell stated we have been discussing this for months - A resident proposed this and we took it up.

ROLL CALL VOTE: MORGENSTEIN: YES
FISHBEIN: YES SHORTELL: YES
LAFFIN: YES TESTA: YES
LETOURNEAU: YES ZANDRI: ABSENT
MARRONE: YES CERVONI: YES
8-AYE
1-ABSENT
MOTION: PASSED

10. Executive Session pursuant to Section 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 Section 1-200(6)(B) regarding strategy and negotiations with respect to a claim in the matter of Town of Wallingford v. SIG-SAUER, INC. – Law Dept.

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION AT 8:57 P.M.

MADE BY: FISHBEIN
SECONDED BY: LETOURNEAU
VOTE: ALL AYE
MOTION: PASSED

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION pursuant to Section 1-200(6)(B) regarding strategy and negotiations with respect to a claim in the matter of Town of Wallingford v. SIG-SAUER, INC.

MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 9:05 P.M.

MADE BY: LAFFIN
SECONDED BY: FISHBEIN
VOTE: ALL AYE
MOTION: PASSED

Time of Executive Session 8:57 p.m. to 9:05 p.m.

Attendance at Executive Session:

FISHBEIN MAYOR WILLIAM W. DICKINSON, JR.
LAFFIN CORPORATION COUNSEL JANIS SMALL
LETOURNEAU
MARRONE
MORGENSTEIN
SHORTELL
TESTA
CERVONI

12. Motion to Consider and approve a settlement of a claim in the matter of Town of Wallingford v. SIG-SAUER, INC. as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO APPROVE a settlement of a claim in the matter of Town of Wallingford v. SIG-SAUER, INC. as discussed in Executive Session.

**MADE BY: LAFFIN
SECONDED BY: FISHBEIN
VOTE: ALL AYE
MOTION: PASSED**

**MOTION TO ADJOURN
MADE BY: SHORTELL
SECONDED BY: LETOURNEAU
MOTION: PASSED**

The Council adjourned the meeting at 9:05 P.M.

Respectfully submitted,

Lisa Moss
Council Staff
Meeting digitally recorded


RECEIVED FOR RECORD 3-29-19
AT 4:00 AND RECEIVED BY
Barbara Thompson TOWN CLERK



Vincent Cervoni, Chairman

9 APR 2019

Date



Barbara Thompson, Town Clerk

4-10-19

Date