

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING**

**TUESDAY
JUNE 8, 2021
6:30 P.M.**

RECORD OF VOTES & MINUTES

The Town Council Meeting on Tuesday, June 8, 2021 was called to order at 6:30 p.m. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were Craig Fishbein, Thomas Laffin, Gina Morgenstein, Joseph A. Marrone, III, Christopher K. Shortell, Christina Tatta, Vincent F. Testa, Jason Zandri and Chairman Vincent Cervoni. Mayor William W. Dickinson, Jr., Town Attorney Gerald E. Farrell, Sr. and Corporation Counsel Janis Small were also present.

- 3a. Consider and approve Tax Refunds totaling \$1,434.28 (#920-929)
Acct. #1001001- 41020 - Tax Collector

- 3b. Consider and approve a Transfer of Various Real Estate and Personal Property to Suspense List – Tax Dept.

- 3c. Consider and approve a Transfer in the amount of \$1,000 – P&Z
 - \$700 From: Dues & Fees Acct. #10010700-58810
 - \$300 From: Purchased Services Acct. #10010700-56702

 - \$1,000 To: Office Expenses & Supplies Acct. #10010700-56100

- 3d. Consider and approve a Transfer in the amount of \$90 from Dues-Fees, Acct. #10010750-58810 to Salaries & Wages, Acct. #10010750-51000 - ZBA

- 3e. Consider and approve a Transfer in the amount of \$1,500 from Contingency, Acct. #10019000-58820 to Office Expenses & Supplies, Acct. #10010750-56100 - ZBA

- 3f. Consider and approve a Transfer in the amount of \$15,500 from Regular Wages, Acct. #10020050-55100 to Cruiser Camera Systems, Acct. #TBD – Police Dept.

- 3g. Acceptance of Federal/State Highway 2020-2021 Distracted Driving High Visibility Enforcement Program and consider and approve Appropriation of funds in the amount of \$16,987.70 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-51400 – Police Dept.

- 3h. Consider and approve a Transfer in the amount of \$19,558 from Pick-up Truck 4x4, Acct. #10030000-57000-00946 to Overtime, Acct. #10030000-51400 – Public Works

- 3i. Consider and approve a Transfer in the amount of \$2,540 from Materials & Supplies, Acct. #10030000-56140 to Capital Act – Public Works

- 3j. Consider and approve a Transfer in the amount of \$320 from Maintenance of Building, Acct. #10020150-54315 to Purchased Services-Custodial Services, Acct. #10020150-56736 – Fire Dept.

- 3k. Consider and approve a Transfer in the amount of \$37,000 – Fire Dept.
 - \$20,000 From: General Wages Acct. #10020150-51000
 - 5,000 From: Overtime Acct. #10020150-51400
 - 7,000 From: Wage Differential Acct. #10020150-51450
 - 5,000 From: Other Pay Acct. #10020150-51900

 - \$37,000 To: Replacement Pay Acct. #10020150-51500

- 3l. Consider and approve a Transfer in the amount of \$1,800 from Regular Salaries & Wages, Acct. #10012000-51000 to Overtime, Acct. #10012000-51400 – Human Resources

- 3m. Consider and approve a Transfer in the amount of \$5,000 from Regular Wages, Acct. #10010401-51000 to Overtime, Acct. #10010401-51400 - Finance

- 3n. Consider and approve a Transfer in the amount of \$1,000 from Vital Statistics, Acct. #10010650-58850 to PS Index, Acct. #10010650-56758 – Town Clerk

- 3o. Consider and approve a Transfer in the amount of \$500 from Regular Salaries & Wages, Acct. #100106505-1000 to Overtime, Acct. #10010650-51400 – Town Clerk

- 3p. Acceptance of Grants and consider and approve Appropriations - BOE
 - \$2,706,998 To: State Grant Revenues Fund #235
 - \$2,706,998 To: Program Expenditures Fund #235

 - \$12,000 To: State Grant Revenues Fund #235
 - \$12,000 To: Program Expenditures Fund #235

 - \$55,811 To: State Grant Revenues Fund #235
 - \$55,811 To: Program Expenditures Fund #235

 - \$2,027,836 To: State Grant Revenues Fund #235
 - \$2,027,836 To: Program Expenditures Fund #235

 - \$41,618 To: State Grant Revenues Fund #235
 - \$41,618 To: Program Expenditures Fund #235

 - \$2,974 To: State Grant Revenues Fund #235
 - \$2,974 To: Program Expenditures Fund #235

\$3,476	To: State Grant Revenues	Fund #235
\$3,476	To: Program Expenditures	Fund #235
\$39,537	To: State Grant Revenues	Fund #235
\$39,537	To: Program Expenditures	Fund #235
\$1,254	To: State Grant Revenues	Fund #235
\$1,254	To: Program Expenditures	Fund #235
\$2,636	To: State Grant Revenues	Fund #235
\$2,636	To: Program Expenditures	Fund #235
\$3,102	To: State Grant Revenues	Fund #235
\$3,102	To: Program Expenditures	Fund #235
\$6,800	To: State Grant Revenues	Fund #235
\$6,800	To: Program Expenditures	Fund #235

- 3q. Consider and approve a Transfer in the amount of \$70,000 from General Plant-Structures & Improvements, Acct. #390 to Distribution Plant-Street Lighting & Signal, Acct. #373 – Electric Div.
- 3r. Consider and approve Resolution authorizing the Mayor to apply for a 2021 Small Cities Community Development Block Grant in the amount of \$1,500,000 to undertake various improvements at the Wallingford Housing Authority’s 132 unit Ulbrich Heights Complex and to Authorize the Mayor to execute an Assistance Agreement with the State of Connecticut for state financial assistance if such Agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Town of Wallingford – Mayor
- 3s. (a) Consider and approve request to award the private out-of-district transportation bid to three lowest qualified bidders through a public bid reflecting aggregate bid pricing for 33 identified routes – BOE
- (b) Consider and approve request for a bid waiver for the three selected bidders to provide quotes through the Town Purchasing Department for awarding of additional transportation routes as a result of new and/or changed student placements as described above – BOE
- 3t. Consider and approve an Agreement with the Town and Choate Rosemary Hall regarding pedestrian safety at mid-block crosswalks – Mayor
- 3u. Approval of Town Council Minutes of May 6, 2021, May 11, 2021 and May 18, 2021.

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

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

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

5. **PUBLIC QUESTION & ANSWER PERIOD**

Whitney Mooney, 28 South Elm Street, extended an invite to the upcoming Juneteen Celebration.

Bob Gross, Long Hill Road, asked if the town has received any money from the Americas Cares Act. The Mayor answered no and said we will receive that money from the State Government through OPM.

Mr. Gross mentioned that Meriden is going to help kids go to summer camp. He asked if some of the money can be used to help the people in Wallingford in light of community pool not being open. The Mayor stated he is not aware if funds for municipalities can be used in that manner. He went on to state the Board of Education will be receiving a significant amount of money and they can do that.

Dr. Menzo indicated BOE is offering a wide range of activities at no cost throughout 2023. They are also working with the YMCA and the Boys and Girls Club.

Mr. Gross inquired about charging stations behind Simpson Court. The Mayor explained the plan is that there would be a conduit capable of being wired and constructed at other locations but not in any private lots.

6. 6:30 p.m. Hold a Public Hearing to Consider and Act on the 2021 Neighborhood Assistance Program – Mayor

Councilor Tatta stated she will be recusing herself from this Agenda item as well as Item #7.

The Mayor stated the town will approve these organizations as being worthy of being part of the program. He mentioned the Church of Resurrection has been added to the list as a potential recipient of the program and indicated this is state tax support not local government.

Chairman Cervoni reviewed the Summary list of Neighborhood Assistance Programs. He explained those with corporate tax obligations to the state can make contributions towards those projects and receive credit toward their tax obligations.

Public Comment

Adelheid Koepfer, 35 Whiffle Tree Road, commented that half of those projects are energy efficiency upgrades and she asked the Mayor and Town Council to consider such measures for

town buildings as well for the benefit of the tax payers and the environment.

Chairman Cervoni closed the Public Hearing.

- 7. Consider and approve Resolution authorizing the Mayor to submit Neighborhood Assistance Applications to the State Department of Revenue Services and Summary List of programs for 2021 Neighborhood Assistance Program and to exercise any amendments, rescissions and revisions thereto and to act as the authorized representative of the Town of Wallingford – Mayor

MOTION WAS MADE TO APPROVE A Resolution authorizing the Mayor to submit Neighborhood Assistance Applications to the State Department of Revenue Services and Summary List of programs for 2021 Neighborhood Assistance Program and to exercise any amendments, rescissions and revisions thereto and to act as the authorized representative of the Town of Wallingford.

**MADE BY: LAFFIN
SECONDED BY: SHORTELL**

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: ABSTAIN
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: ABSENT	CERVONI: YES
7-AYE	
1-ABSENT	
1-ABSTAIN	
MOTION: PASSED	

- 8. 6:30 p.m. Hold a Public Hearing to Consider and Act on amendment to Chapter 138, Littering and Dumping Ordinance.

Councilor Shortell introduced the ordinance and stated that Councilor Zandri sponsored this in the fall. He explained people were dumping their trash in very public places in town and language and increased fines were added to this ordinance. He mentioned that Attorney Small put a lot of work into this.

Councilor Zandri feels this is a burden on all taxpayers. He indicated there are people that are not maintaining their own personal responsibility for getting rid of their own trash. This becomes an expense to the town and there are salaries involved with the town having to continually go through these barrels. He went on to say when it goes to the transfer station we pay for that.

Councilor Fishbein thanked Councilor Zandri for pushing to get something done. He feels this is good for our town.

There were no public comments.

**MOTION WAS MADE TO AMEND CHAPTER 138, LITTERING AND DUMPING
ORDINANCE AS PROPOSED IN THE AGENDA PACKET.**

**MADE BY: ZANDRI
SECONDED BY: SHORTELL**

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: ABSENT	CERVONI: YES

**8-AYE
1-ABSENT
MOTION: PASSED**

9. Discussion and possible action regarding AFSCME Co. 4, Local 1570 Police Officers Contract Tentative Agreement for three years from July 1, 2021 through June 30, 2024 – Human Resources

*In Attendance: William Wright, Police Chief
John Ventura, Deputy Chief
James Hutt, Human Resources Director*

Mr. Hutt stated they are seeking Town Council approval for a three year contract to run July 1, 2021 through June 30, 2024. He reviewed some details of the proposed contract including: Wage increase of 1% for year one, 1% for year two and 1.5% for year three; Increase of 10 cents per hour for shift differential; Increase in vacation days from 10 to 12 days for employees with one to two years of service; Increase in vacation days from 12 to 15 days for employees with three to five years of service; Increase in vacation days from 15 to 17 days for employees with six to ten years of service; A small increase in clothing; Increase in term and accidental death life insurance from \$30,000 to \$32,500 and Health Insurance – HSA Core Plan - Premium cost shares to increase over the life of the contract from 15% to 17%.

Chairman Cervoni thanked Chief Wright and stated the Town has been very lucky to have him in service and Wallingford has become a better place.

Chairman Cervoni stated there being no Motions this contract will go into effect.

10. Discussion and possible action regarding BOE Custodian/Maintenance Union Local 1303 -60 AFL-CIO, Council 4 for three years from July 1, 2021 through June 30, 2024 – BOE

*In Attendance: Danielle Belizzi, Assistant Superintendent, Personnel
Salvatore Menzo, Superintendent, BOE*

Ms. Belizzi presented the proposed Custodian/Maintenance Contract. She indicated this is a three year contract running from July 1, 2021 through June 30, 2024. She reviewed some details of the proposed contract including wages, step movement, medical plan/coverage and the insurance waiver.

Chairman Cervoni stated this is the third contract he remembers being presented on behalf of this bargaining unit in his tenure. He remarked he is repeatedly told that this is a hard working unit and a pleasure to deal with.

Chairman Cervoni stated no action by the Council means this will go into effect.

18. Discussion and Possible action regarding BOE Food Service Contract UE Local 222/92 (United Electrical, Radio and Machine Workers of America) Collective Bargaining Agreement, July 1, 2020 to June 30, 2022 – BOE

*In Attendance: Danielle Belizzi, Assistant Superintendent, Personnel
Salvatore Menzo, Superintendent, BOE*

Ms. Belizzi stated the food service employees are represented by a new union. She presented the proposed BOE Food Service Contract and indicated this is a two year contract running from Jul 1, 2020 through June 30, 2022, the first year being a retroactive year. She reviewed details of the proposed contract including wages, added language/language clean-up, transfer of positions, insurance and the waiver. She mentioned part-time employees making below minimum wage will be increased to \$13.00 per hour.

Chairman Cervoni thanked Dr. Menzo and stated the town has benefited from his hard work and consistent effort to improve our education system.

Councilor Shortell acknowledged Dr. Menzo and stated he has learned a lot from him and appreciates him.

Dr. Menzo thanked the Council and the Mayor for their support.

Councilor Marrone stated he was impressed with Dr. Menzo and learned a lot from him. He wished him the best of luck.

Attorney Fasano acknowledged Dr. Menzo. He stated he is proud of him and noted he is a stand out in education. He wished him the best of luck.

Councilor Testa thanked Dr. Menzo for what he did with our school system and with our kids. He congratulated him and stated he is happy to have had the opportunity to work with him.

Councilor Fishbein thanked Dr. Menzo and wished him luck.

Chairman Cervoni stated no action by the Council means this will go into effect.

11. Discussion and Possible action regarding Facility and Fee Waiver Application – Parks & Recreation Dept.

In Attendance: Ken Michaels, Director, Parks & Recreation

Mr. Michaels presented fees for facility and park usage. He also presented the facility fee waiver for usage of town facilities by non-profit organizations operating on town properties.

Councilor Marrone stated he appreciates the work done to get this going. He confirmed with Mr. Michaels that if a non-profit group has an indoor event the only thing they would be responsible for is the fees associated with the event. Mr. Michaels stated that is correct as long as they meet the criteria.

Councilor Testa thanked Mr. Michaels and stated he appreciates all of his work on this. He asked Mr. Michaels if an organization applies for a waiver what criteria is used to determine whether that is granted or not. Mr. Michaels replied as long as they meet the eligibility qualifications and eligibility requirements then the fee would be waived. Councilor Testa feels most of the criteria is procedural.

Chairman Cervoni referred to the documentation eligible regulations.

Councilor Testa stated the elephant in the room seems to be travel leagues. He asked if we are zeroing in on an organization's needs to demonstrate if they are truly non-profit. Mr. Michaels stated the focus is not only on travel leagues it's on non-profit businesses as a whole.

Councilor Testa asked if we are approving this tonight and then administering it. Chairman Cervoni explained the ordinance required Council review and our job is to approve this or to send it back. Councilor Testa wants to know if everybody is of the understanding that organizations will not have the ability to appeal to us.

The Mayor explained given the Council approves this anyone complaining that it's not being implemented in a proper manner can come to Administration, Council or the Law Department.

Councilor Testa doesn't want the public to think the Council is making decisions on these waivers.

Councilor Tatta asked if we can add to the waiver application who the appeal can be made to. Mr. Michaels referred to Ordinance 151-12.

Attorney Small clarified the appeals section is for the permit not for the waiver of fees. She went on to state you can't just add that to the appeals form.

Councilor Tatta asked if we should mention prorating the parks the per day fees. Mr. Michaels stated the pay structure has been in place as long as he has been there. He went on to state we work with them during the permit process.

Chairman Cervoni stated if what we are trying to do is create an override of an appeal for someone who is denied a fee waiver then he suggests we pass what is in front of us tonight then we could revisit the ordinance to add an appeal provision.

Shawn Doherty, 2 Windswept Hill Road, referred to eligibility qualifications and asked if event and program are interchangeable. Mr. Michaels answered yes.

MOTION WAS MADE TO APPROVE THE FACILITY AND FEE WAIVER APPLICATION AS PROPOSED BY THE PARKS AND RECREATION DEPARTMENT ALONG WITH THE FEE STRUCTURE.

**MADE BY: LAFFIN
SECONDED BY: SHORTELL**

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: ABSENT	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: ABSENT	CERVONI: YES

**7-AYE
2-ABSENT
MOTION: PASSED**

Chairman Cervoni stated he will bring up with Councilor Shortell, as Ordinance Committee Chair, addressing the appeal process.

12. Discussion and possible action on an agreement with Gotspace LLC for the development of Data Centers – EDC

*In Attendance: Attorney Len Fasano
Mr. Quinn, Representative of Gotspace LLC
Jim Rossman, Engineer*

Attorney Small indicated she provided a draft of the Agreement and noted some clean up needs to be done. She went on to review details of the Agreement. The host fee being offered is outlined in her memo. She explained this Agreement is based on the state law that requires a minimum investment of \$200 million in order to get a 20 year deal or \$400 million investment by the developer provides for a 30 year term. She went on to state there is still an agreement to be reached with the electric division in terms that are acceptable to both parties and that is in progress. Attorney Small then reviewed the issue of noise.

Attorney Fasano stated this process began in March and he came on board in April and where we are today has been months of accumulation of work. He mentioned the Mayor and Attorney Small did a great job in looking at all the issues.

Attorney Fasano spoke of North Farms Road, Tankwood and Williams Street which are of concern. He presented a design map (Data Center Campus Layout). Mr. Rossman spoke as well. Attorney Fasano said they wanted to add the ability of a construction purpose entrance of these roads and indicated this is still a concept that we can't get to the fine tuning until there has been a walk-through. He stated trying to entice manufacturers to go in here is a tough obligation for the town to achieve and he feels they bring a different result that is going to be less impact on neighbors visually, less impact on neighbors through the sound, more money for the town in tax dollars earned and construction income. Direct income from this is significant and the impact is

minimal. He indicated they are concerned over timing and he asked respectfully for an approval tonight as he believes this would be a great opportunity for the town.

Mr. Quinn thanked everyone and stated he appreciates their time. He feels access is important and noted they will need a little bit of consideration on the emergency access. He would like the financial part of this deal put together so they can move on to real plans.

Councilor Zandri stated he appreciates the amount of detail given. He feels this is a large sum of money and there is a level of sensitivity the Councilors should be looking at. His focus is on the noise issue.

Mr. Quinn said you are going to hear construction and excavation noise. Those buildings that are the closest to Tankwood are probably the most intrusive for sound for construction. He stated it will be very quiet once they are finally built.

Attorney Fasano and Councilor Zandri discussed sound level measurement along with Attorney Small.

Councilor Zandri appreciates the time and effort that has been put into this. He supports this and hopes the approval of this will meet the acceptance of everyone.

Councilor Testa questioned the urgency that this be agreed to this evening and wants to know what we are agreeing to. He is happy about potential revenue to the town and inquired about noise level measurement.

Attorney Small explained you get the baseline data and from that the experts determine what would be an acceptable level to add to that for purposes of these centers then they would design the features of these data centers to make sure they are in compliance with that limit.

Councilor Testa asked for an example of 10 decibels. Mr. Rossman compared 30 decibels to a recording studio, very quiet and 60 decibels to normal human conversation. Councilor Testa asked if the noise will be a buzz, a hum, etc.

Mr. Quinn explained generators are in containers and air conditioners have gotten quieter over the years. The sound engineer for the town will get together with the sound engineer for them to figure out what the sound is going to be. He said right now the town has the most aggressive noise ordinance. He went on to state the necessary documents are the Hosting Agreement and the Utility Agreement.

Councilor Testa wants to make sure we are taking into account the effect on the neighbors. He said he read everything and finds it attractive.

Chairman Cervoni stated this Host Agreement gives us the opportunity to address noise.

Councilor Marrone said he is fascinated by the concept but he has concerns that we have someone not invested in town or from the area. He then compared it to the Bristol Myers situation. He asked if the Mayor thinks this is a good idea.

The Mayor stated there is value and this is unique. He feels it is well worth considering and on the Administrative side this could be something that is beneficial to the town. One thing to consider is that it's unlikely that all buildings would be built at one time.

Mr. Quinn said they are going to need some flexibility on these sites based on the business plan.

Attorney Fasano mentioned the two reasons why Bristol Myers left was tax policy change and employment policy change. In this case it's all municipal run electric companies and that's what is enticing this deal to work.

Mr. Quinn spoke about electricity.

Councilor Marrone has concerns about being the first person to dip in the pool in this project in New England.

Councilor Marrone asked Attorney Small if we accept this Host Agreement tonight what would be our next opportunity to run with, come before us again if at all. Attorney Small stated it would need to come back to Council and the next step would be an enactment of the zoning regulations to permit the use.

The Mayor indicated there would have to be a power agreement.

Tim Ryan, thanked Mr. Quinn for bringing the opportunity to the Town of Wallingford. He stated the EDC voted last night and acknowledged the fact that data centers can be beneficial to the town but voted not to support them in their entirety because scale is a concern. He feels data centers could benefit us economically.

Mr. Quinn spoke about size and indicated there needs to be flexibility to leave this open acreage and they will divide it up. He said this will be a multi-layer process.

Councilor Laffin is not sure if all votes are there. For him, sound is most important. He wishes they could take a fieldtrip. He asked Mr. Quinn if they rent, lease or sell. Mr. Quinn said they do not sell it is a joint venture in selective people. Mr. Quinn went on to say they intend to stay with this project to the end and the job is bonded from soup to nuts.

Attorney Fasano and Mr. Quinn spoke about needing access to the site.

Attorney Small said this is the first time she is hearing the idea the town picks how you access the property. She stated she also thought they wanted access for construction on residential streets.

The Mayor asked if we are talking about access for construction or use of property after construction. Attorney Fasano replied daily access.

Attorney Small asked what the Council's position is on the access issue. She asked what the level of acceptance is of some use of residential streets.

Councilor Laffin stated it depends on how many real employees are going to be there. He indicated he wants this to happen but if it gets pushed tonight, votes are not there. He stated he does not want to lose the whole thing and sometimes this takes a long time.

Councilor Laffin referred to Page 14/15 of the Lease #10 - Assignment, and inquired about the meaning of that language. He asked what responsibility or limitation that puts on us. Attorney Small stated it's a safeguard, a due diligence to give a comfort level to the town.

Councilor Shortell stated he is not necessarily in favor of this. He does not want to make a decision out of fear.

Councilor Tatta likes the concept of this and feels it's a great solution for an industrial zone. She stated she will have a hard time voting for this tonight because she doesn't think what we have is a finished product and this is something the town is committed to for 30 years. She feels we need a little more time.

Councilor Tatta asked what the tax revenue would be if there was not the tax incentive. She's trying to find out what we are potentially giving up by entering into this for 30 years. Chairman Cervoni said the way our taxes are structured in Connecticut, typical property taxes are prohibitive to these projects coming to us and that's why the state legislature developed this pilot program.

There was discussion with Attorney Fasano and Mr. Quinn.

Attorney Fasano stated the figure is high because it more than compensates the town for that revenue that would be lost if it was a regular commercial industrial property.

Mr. Quinn feels it's important to look at the total economic benefit.

Councilor Tatta stated, philosophically, she is against tax abatement. She asked if the electric division will make a profit from this and how much. Mr. Quinn explained it's going to help them massively but he will not discuss it in this meeting because he has not met with them yet.

Councilor Tatta asked if the Council is agreeing to all of those properties. Attorney Fasano stated you are agreeing to the list of properties given to you by Attorney Small.

Attorney Small indicated the key outstanding issue is the access.

There was discussion between Councilor Tatta and Attorney Small.

Mr. Ryan feels this is a good opportunity for us given the right scale.

Adelheid Koepfer, 34 Whiffletree Road, likes the idea in principle. She is concerned about more time to deliberate selection of the sites and scale. She asked Mr. Quinn to explain hyperscaler and asked if a 32 megawatt building is considered a hyperscaler. Mr. Quinn explained there is no firm number but industry standards indicate approximately 32 and above are hyperscale buildings.

There was further discussion about the scale of electricity between Mr. Quinn and Ms. Koepfer.

Mr. Ellis, Board of Directors, Wallingford Land Trust, is concerned about noise in the open space area and planting/landscaping. Mr. Quinn addressed the landscaping plan and sound issue.

Mr. Gross is concerned if Wallingford takes their time with this they will be put at the bottom of the list. He feels this is a win for Wallingford.

Danielle Conway, 78 Tankwood Road, stated her home is directly across from one of the buildings and she feels this will severely impact her professional and personal life.

Evgenia Mays, Tankwood Road, expressed her concerns and asked that Building #3 be excluded from the scope of this Agreement.

Mr. Jeffrey Kohan, P&Z Commission, referred to the host fee and remarked \$1 million sounds like a great number but has anyone verified that number and what it really represents as far as a fee to the town. He wants to make sure the town is getting the best deal they can get.

Jessica Polaksi, 1039 North Farms Road, shared her concerns and asked for consideration that this is a residential area .

Bob DeMaio, 14 Lori Lane, feels this could be a win for Wallingford but noted the project is too big not to be sure on the noise. He suggested a site visit.

13. 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*
14. Executive Session pursuant to the CGS Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the pending tax appeal matter of *Bear Industries, LLC v. Town of Wallingford* – Law Dept.
15. Executive Session pursuant to CGS Section 1-200(6)(B) and Section 1-225(f) for discussion regarding pending claims and litigation involving Covanta and the Disposal Agreements – Law Dept.

MOTION WAS MADE TO MOVE INTO EXECUTIVE AT 11:24 P.M. (#14 & #15)

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

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION the CGS Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the pending tax appeal matter of *Bear Industries, LLC v. Town of Wallingford*.

Time of Executive Session 11:24 p.m. to 11:27 p.m.

Attendance at Executive Session:

LAFFIN	MAYOR WILLIAM W. DICKINSON, JR.
MARRONE	TOWN ATTORNEY GERALD E. FARRELL, SR.
TATTA	CORPORATION COUNSEL JANIS SMALL
TESTA	
ZANDRI	
CERVONI	

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION pursuant to CGS Section 1-200(6)(B) and Section 1-225(f) for discussion regarding pending claims and litigation involving Covanta and the Disposal Agreements – Law Dept.

Time of Executive Session 11:27 p.m. to 11:37 p.m.

Attendance at Executive Session:

LAFFIN	MAYOR WILLIAM W. DICKINSON, JR.
MARRONE	TOWN ATTORNEY GERALD E. FARRELL, SR.
TATTA	CORPORATION COUNSEL JANIS SMALL
TESTA	
ZANDRI	
CERVONI	

MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 11:37 P.M.

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

16. Possible action on the tax appeal, *Bear Industries, LLC. V. Town of Wallingford* as discussed in Executive Session.

MOTION WAS MADE TO MOVE TO APPROVE THE TAX APPEAL SETTLEMENT BETWEEN BEAR INDUSTRIES AND THE TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION.

MADE BY: LAFFIN
SECONDED BY: TATTA

ROLL CALL VOTE:	SHORTELL: ABSENT
FISHBEIN: ABSENT	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGENSTEIN: ABSENT	CERVONI: YES

6-AYE

**3-ABSENT
MOTION: PASSED**

17. Consider authorization of action with respect to Covanta mediation as discussed in Executive Session – Law Dept.

The meeting was adjourned at 11:37 p.m.

Respectfully submitted,

Lisa Moss
Council Staff
Meeting digitally recorded



Vincent Cervoni, Chairman

17 Aug. 2021

Date



Deborah McKiernan, Town Clerk

8/31/2021

Date

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