

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING
TUESDAY
OCTOBER 11, 2022
6:30 P.M.
RECORD OF VOTES & MINUTES**

The Town Council Meeting on Tuesday, October 11, 2022 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 Autumn Allinson, Samuel Carmody, Craig Fishbein, Thomas Laffin, Joseph A. Marrone, III, Christina Tatta, Vincent Testa, Jason Zandri, and Chairman Vincent Cervoni. Mayor William W. Dickinson, Jr. and Attorney Janis Small were also present.

Presentation regarding Red Ribbon Week from Ken Welch, Coalition for a Better Wallingford.

Mr. Welch, Coalition for a Better Wallingford, mentioned he was in a bad accident. He stated he's been doing this for 10 years and it's time to move on. He is looking for new leadership. Mr. Welch provided packages to Town Council and discussed different programs. He said he found it difficult to get to people during COVID and had trouble holding onto volunteers. There was an average of 17 deaths per year then they turned it around to virtually no deaths and now up to seven deaths this year. He remarked losing young people has a high impact on people. He is shocked by these numbers and stated we have a responsibility to do something about it. He would love to see a town wide agency.

Chairman Cervoni stated he took it to heart losing people and is grateful for Mr. Welch's efforts.

Councilor Laffin spoke about a friend he lost.

Councilor Carmody stated to Mr. Welch that he commends him for doing God's work and thanked him.

Councilor Testa remarked that he is never surprised by what Mr. Welch does and all that he put into it. He stated we all owe you debt of gratitude.

- 3. Consent Agenda
 - 3a. Consider and approve Tax Refunds totaling \$35,117.41 (#152- #213)
Acct. #1001001- 41020 - Tax Collector
 - 3b. Consider and approve Appropriation of funds in the amount of \$4,000 from Contingency - General, Acct. #10019000-58820 to Demolition & Relocation, Acct. #10010550-56770 – Building Dept.

- 3c. Consider and approve Appropriation of funds in the amount of \$1,200 from Revenue, Acct. #2391002-45200 to Expenditure-Admin, Acct. #239-TBD - Law Dept.
- 3d. Consider and approve Appropriation of funds in the amount of \$1,900 from Revenue, Acct. #2391002-45200 to Expenditure, Acct. #239-TBD – Law Dept.
- 3e. Budget amendment in the amount of \$7,263 FY 21-22 – Sewer Div.
- 3f. Budget amendment in the amount of \$32,830 FY 21-22 – Sewer Div.
- 3g. Budget amendment in the amount of \$2,697 FY 21-22 – Water Div.
- 3h. Budget amendment in the amount of \$1,648 FY 21-22 – Water Div.
- 3i. Budget amendment in the amount of \$3,848 FY 21-22 – Sewer Div.
- 3j. Budget amendment in the amount of \$72 FY 21-22 – Sewer Div.
- 3k. Budget amendment in the amount of \$45 FY 21-22 – Sewer Div.
- 3l. Consider and approve a Transfer in the amount of \$4,500 from Transmission -Maintenance of Station Equip., Acct. #570 to Distribution- Maintenance Line Transformers, Acct. #595 – Electric Div.
- 3m. Consider and approve appointment of Jessica DiPasquale to the Public Celebrations effective immediately and expiring February 1, 2024 – Chairman Cervoni
- 3n. Approve Town Council Minutes of September 27, 2022.

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

MADE BY: LAFFIN

SECONDED BY: FISHBEIN

VOTE: ALL AYE

MOTION: PASSED

4. Items Removed from the Consent Agenda – None

5. PUBLIC QUESTION & ANSWER PERIOD

Bob Gross, Long Hill Road, asked who is responsible for grants and Chairman Cervoni replied Program Planning. Mr. Gross inquired about the train station and mentioned grants have been available since 2005. He asked why we haven't made improvements provided by grant money. The Mayor stated Public Works is responsible for maintenance of the train station and went on to state in general, departments are active watching for grants.

There was further discussion with Mr. Gross and the Mayor.

Herb Jackson, Church Street, stated historical grants are only available to buildings that are historical. Mr. Gross stated the building is a historical building and it would have qualified for these grants.

Natalie Camp, 31 Grieb Trail, stated she is involved with the Coalition and the Trail of Terror and asked if any Town Councilors are involved in community organization.

6. Discussion and action regarding Town Council Opt-out of Public Act 21-29 pertaining to residential parking requirements and pertaining to accessory dwelling units or accessory apartments – P&Z

In Attendance: Kevin Pagini, Town Planner

MOTION WAS MADE FOR Town Council Opt-out of Public Act 21-29 pertaining to residential parking requirements and pertaining to accessory dwelling units or accessory apartments.

MADE BY: LAFFIN

SECONDED BY: FISHBEIN

Mr. Pagini spoke about Public Act 21-29-2021 regarding accessory apartment dwelling units. He stated P&Z Commission opted out at the September 12th meeting.

Chairman Cervoni inquired as to why we would want to allow detached dwellings.

Councilor Zandri talked about two and three family dwellings and parking on the street. He is concerned that people don't move their cars for road clearing and snow removal.

Mr. Pagini discussed parking requirements and stated making the process easier could benefit aging population.

Councilor Zandri stated he doesn't believe there are any restrictions for people renting out houses and feels we need to be careful with this and might want to identify and include restriction.

Mr. Pagini noted state requirements will be much looser than ours.

Chairman Cervoni stated the vote tonight doesn't foreclose us and remarked allow P&Z to do it on their own timeline.

Councilor Testa said he tries not to get too involved with responsibilities of other Boards. He mentioned senior pods as an option for parents to live with their children, but have their own space. He stated P&Z will be open to altering regulations down the road to provide for that. Mr. Pagini agreed and stated the senior pod trend is a positive aspect for the aging community.

Councilor Carmody said he read through the P&Z minutes and is looking for clarification and noted this is not a done deal. He asked why we are voting on this. Mr. Pagini replied it's a state requirement and legislative body must vote by 2/3 vote to opt out. He remarked it's either all or nothing.

Attorney Small explained if we haven't opted out by January you can't modify at that point, but if we do opt out, we can make our own changes.

ROLL CALL VOTE:

ALLINSON:	YES	TATTA:	YES
CARMODY:	YES	TESTA:	YES
FISHBEIN:	YES	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES
MARRONE:	YES		

9-AYE
MOTION: PASSED

7. Consider and authorize Police Station Steering Committee to obtain quotes for Electrical Switchgear Bid Waiver Request in the estimated amount of \$80,000-\$100,000 – Mayor

*In Attendance: Alison Kapushinski, Town Engineer
Jeff Anderson, Construction Manager*

MOTION WAS MADE TO authorize Police Station Steering Committee to obtain quotes for Electrical Switchgear Bid Waiver Request in the estimated amount of \$80,000-\$100,000.

Councilor Fishbein remarked about point of order and wants to know why we are reconsidering what we dealt with last meeting.

Chairman Cervoni disagreed and stated the rule applies to same meeting. The Mayor agreed with Chairman Cervoni. Attorney Small said Motion can be brought up at subsequent meetings.

Councilor Fishbein referred to Section 38 and once again stated we have rules and remarked he likes to follow rules.

The Mayor stated the whole purpose of Robert's Rules is the conduct of a meeting – a single meeting,

Councilor Fishbein stated this is the same backup as last time – same document. He felt Council was entitled to new information.

The Mayor stated there is nothing that says there must be new information. Councilor Fishbein said he heard the same thing at both meetings. Chairman Cervoni replied not necessarily. Chairman Cervoni stated no rule precludes this item from getting on the agenda. The Mayor said the language of Robert's Rules refers to conduct at a single meeting and does not refer to subsequent meeting or what can be on the agenda.

Councilor Testa had questions about this and wondered if this is addressed in our by-laws. He said he voted in favor of this. He questioned the overrule veto on community pool and questioned if that could have been brought back up again. He hopes it doesn't lead to gains down the road. He also mentioned that we didn't have full Council at the last meeting.

Councilor Zandri inquired what happens if we vote yes and then it's brought up at next meeting and now we have a full Council – We're getting into an area, the vote was taken the answer is no. Councilor Zandri is asking if this something we should be doing.

Councilor Laffin questioned if Motion to Reconsider is for one meeting or continuation of meeting. Chairman Cervoni replied the Motion is not out of order.

Ms. Kapushinski and Mr. Anderson provided information on the bid waiver process and how 50 weeks turned into 65 weeks. Mr. Anderson stated the sole goal is to save the town money and noted they approached the Steering Committee with this.

Chairman Cervoni stated you're stuck with the bid process and asked why that puts us at a disadvantage. Mr. Anderson explained the process. Chairman Cervoni said you could possibly be waiting weeks for the switchgear. Mr. Anderson stated the best way is to pre-purchase it.

Councilor Tatta stated there is no new information and feels they wasted two weeks. She also stated that two Councilors were not present at the meeting and this is not fair. She went on to say we voted and now there are potentially two more positive votes. Councilor Tatta remarked Chairman has discretion to vote against this out of principal.

Councilor Marrone stated this is rebidding to save tax payers money. He went on to state we're building the police department at the worst possible time when the economy is on the decline. He said he appreciates the will of the Council and wishes we were in a better position.

Councilor Zandri has concerns and doesn't want to start games here.

Councilor Carmody stated he is not a fan of bid waivers and he is a strong believer of open bidding and transparency. He asked why this didn't go out to bid earlier.

Ms. Kapushinski stated lead times are ever growing and this cuts out the middleman. She went on to say the drawings were completed a month ago.

Councilor Carmody asked about a preferred vendor. Mr. Anderson said we get quotes from different manufacturers.

ROLL CALL VOTE:

ALLINSON: YES	TATTA: NO
CARMODY: YES	TESTA: YES
FISHBEIN: YES	ZANDRI: YES
LAFFIN: YES	CERVONI: YES
MARRONE: YES	
8-AYE	
1-NAY	
MOTION: PASSED	

- 8. Approval of revisions to the ARPA Evaluation Forms – Law Dept.

MOTION WAS MADE TO APPROVE REVISION TO THE ARPA EVALUATION FORMS.

**MADE BY: LAFFIN
SECONDED BY: ALLINSON**

Attorney Small stated she had a conference with the consultant and Chairman of the Review Committee and Chairman posed questions so she reworked the forms to be better stated. She explained there is no scale of points and by taking that out it's a better evaluation form. Attorney Small stated Council removed the non-profits and she had them included with businesses.

Mr. Jackson questioned cover sheet where it states assist funds may not be used for unpaid debt. Attorney Small stated we are not looking to make current payments on mortgage. The connection has to be to loss.

Bob Gross stated organizations had to be "from" Wallingford, now says "serves" Wallingford. Chairman Cervoni replied it was discussed and voted on.

Mr. Gross asked if you receive PPP can you receive these funds. Attorney Small answered yes, but not duplication of funds.

The Mayor stated if there are questions, they can be dealt with at webinar.

Councilors and Attorney Small discussed scoring.

Councilor Carmody feels ARPA funds need to be spent in town.

ROLL CALL VOTE:

ALLINSON: YES	TATTA: NO
CARMODY: YES	TESTA: YES
FISHBEIN: NO	ZANDRI: YES
LAFFIN: YES	CERVONI: YES
MARRONE: NO	
6-AYE	
3-NAY	
MOTION: PASSED	

- 9. Review and Consideration of the evaluation of the Fire Department done by Shoreline Associates completed in or around 2011 – Councilor Marrone

*In Attendance: Joseph Czentnar, Fire Chief
Samuel Wilson, Deputy Fire Chief*

There was discussion about issues between career and volunteer firefighters and obstacles integrating EMS into fire department.

There was also discussion between Mayor and Councilor Marrone regarding collective bargaining unit and there was also discussion regarding emails and FOI requests and disclaimers on emails.

10. Discussion and possible action regarding potential conflict between the Charter of the Town of Wallingford Chapter XL, Section 3(b) the Fire Marshal; Powers and Duties and CGS Chapter 541 Sec. 29-297: Appointment of local fire marshals, deputies, provisional fire marshals, fire inspectors, fire code inspectors and fire investigators – Councilor Tatta

Councilor Tatta spoke about the memo Council received from Attorney Small regarding the Fire Marshall position.

Councilor Tatta stated the Fire Marshall resigned and the position was not listed. Chief responded we have an active Fire Marshall which is an interim position and he can stay until a new Fire Marshall is hired. He went on to say in 2014, the then Council gave supervision of Fire Marshall to the Fire Chief. Chairman Cervoni said the Charter is clear.

Councilor Tatta stated the Charter does not address this that is my question. Chairman Cervoni explained if someone has power to appoint and remove that is supervision. Attorney Small agreed with Chairman Cervoni. Councilor Tatta stated the Charter doesn't say that and she feels we can infer that.

Chairman Cervoni commented that Chief said the process to hire Fire Marshall has been initiated.

Councilor Fishbein expressed his concern and inquired about where we are with inspections. Chief explained they are challenged with being down to two people in that division. They are focusing on multi-family and said he doesn't have that number. Chairman Cervoni asked how much is challenged by non-cooperative landlords and tenants.

Councilor Marrone asked if Fire Marshall is considered a separate department in budget and Chairman Cervoni answered yes.

Councilor Marrone then asked if mission is separate from Fire Department and Chief answered no

Councilor Zandri confirmed State Statute and Charter are satisfied and there is no conflict. Attorney Small stated that is correct.

Councilor Testa asked Councilor Tatta why she is concerned about this. Councilor Tatta replied someone sent her State Statute and asked her why Charter changed.

Councilor Carmody said State Statute trumps Town Charter and remarked if he remembers correctly, it should be professionals who make these decisions.

Chairman Cervoni asked Chief if he is a certified Fire Marshall and Chief answered yes.

Councilor Fishbein stated he agrees with Attorney Small's opinion.

Councilor Marrone asked if it is required to be a certified Fire Marshall. Chief answered no.

11. Review and Discussion of group resignation of Parks and Recreation Commission –
Councilor Marrone

Councilor Marrone stated it's alarming when a group of volunteers leave at once. He wants to give Commissioners opportunities to explain.

*In Attendance: Michael Savenelli, Sr., Former Member, Parks & Recreation Commission
Jason Michael, Former Member, Parks & Recreation Commission
Kenny Michaels, Director, Parks & Recreation Commission*

Mr. Savenelli and Mr. Michael spoke on behalf of the Commission. They indicated the bulk of the reasons were in the letter. They said they were handed community pool as a group and they did their job. In recent years they found themselves unable to get a bush trimmed. All they want is to see improvements and the gazebo was the final straw. They challenge everyone to drive by the parks and see there is no maintenance, and noted nothing gets done. There have been pages of highly recommended repairs for a decade.

Council Zandri thanked the members. He stated safety needs to be looked into and asked for ideas. He remarked to members that he can't commend their group enough. He went on to say if you want to see more in parks, talk to the Director.

Councilor Tatta stated it's sad to see you all go and noted she realizes how much they did. She feels we are losing top notch individuals and thanked them.

Councilor Fishbein thanked the members for coming here tonight and stated this is not how it should be. He mentioned how Middlefield has beautifully maintained parks. He is in favor of an audit.

Councilor Carmody thanked members for their service. He mentioned 2011 study and asked if there were recommended improvements that were completely ignored. He then asked members how many parks they oversee, and a member answered 27. Councilor Carmody then asked if we are required to do regular inspections of parks and Mr. Kenny Michaels said they go out annually in the fall. Councilor Carmody stated infrastructure is crumbling and asked why this is happening. He feels this falls on the Mayor. The Mayor disagrees with Councilor Carmody and stated there was a lot of work done on a regular basis including complete renovation of football fields.

Mr. Kenny Michaels mentioned three roof repairs on tennis courts and pickle ball courts on the west side and a \$13,000 fence repair.

Councilor Marrone stated maintenance of parks falls to town. He said he does not see a lot of maintenance around town. He has seen the same thing with Police Department and Animal Control and does not want to spend any more money on open space. He stated maintaining parks is a basic government function. He wants a copy of the Playground Survey Report sent to Council.

Councilor Zandri agrees with Councilor Tatta that it is our responsibility and without knowing what people are looking for, we can't just spend money. He mentioned Tyler Mill – Open Space and asked how are people going to get access?

Councilor Fishbein thanked Mr. Kenny Michaels for coming tonight and asked how long it would take him to come up with a list. Mr. Michaels answered two weeks could work. He said they are at the mercy of Public Work's schedule.

Councilor Testa thanked Mr. Kenny Michaels for everything and stated he is disappointed for what's happened. He feels there may have been tension. He stated this is a failure of executive oversight and failure of establishing priorities at the top.

Lucille Casagrande thanked the members for having the courage to resign and she feels this is a pattern in this town.

Mr. Gross stated some schools should have been replaced, nothing gets done with the pool, Public Works is understaffed and roads are a mess. He went on to say to take power away from the Mayor, you need Charter Revision.

Riley O'Connell, Edgertown Road, said it speaks volumes that everyone thanked these gentlemen except the Mayor. He said in the last ten years Wallingford has seen a decline of families by 15 percent.

Councilor Zandri stated there is only so much we can do. He feels we need to come together and see what we need. He mentioned we still have ARPA money.

12. Executive Session pursuant to GCS Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the pending tax appeal matters of *35 Thorpe Avenue Associates, LLC v. Town of Wallingford* – Law Dept.

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION AT 11:40 P.M.

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

MOTION WAS MADE TO MOVE INTO EXECUTIVE SESSION pursuant to GCS Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the pending tax appeal matters of *35 Thorpe Avenue Associates, LLC v. Town of Wallingford.*

MOTION WAS MADE TO MOVE OUT OF EXECUTIVE SESSION AT 11:51 P.M.

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

Time of Executive Session: 11:40 p.m. to 11:51 p.m.

Attendance at Executive Session:

**ALLINSON
CARMODY
FISHBEIN
LAFFIN
MARRONE
TATTA
ZANDRI
CERVONI**

**MAYOR WILLIAM W. DICKINSON, JR.
CORPORATION COUNSEL JANIS SMALL**

- 13. Motion to consider and authorize settlement in the pending tax appeal matters of 35 Thorpe Avenue Associates, LLC v. Town of Wallingford as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO authorize settlement in the pending tax appeal matters of 35 Thorpe Avenue Associates, LLC v. Town of Wallingford as discussed in Executive Session.

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

The meeting was adjourned at 11:57 P.M.

Respectfully submitted,

Lisa Moss
Council Staff

Meeting digitally recorded



Vincent Cervoni, Chairman

25 OCT 2022

Date

RECEIVED FOR RECORD 10-17-22
AT 4:30 p.m. AND RECEIVED BY
Deborah McKiernan TOWN CLERK



Deborah McKiernan, Town Clerk

10/26/2022

Date