

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

TUESDAY

SEPTEMBER 13, 2011

ATTENDANCE: Councilors Vincent Cervoni, Nick Economopoulos, Jerry Farrell, Jr., Craig C. Fishbein, John LeTourneau, Chairman Robert F. Parisi, Rosemary Rascati, John J. Sullivan and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr. and Town Attorney Janis Small were also in attendance. The meeting was called to order at 6:30 P.M.

The Opening Prayer was offered by Reverend Dean Warburton, First Congregational Church of Wallingford, Connecticut. The Pledge of Allegiance was said.

2. Correspondence

Chairman Parisi acknowledged the many communications he has received with compliments from town residents to the town's workers for the professional and timely manner in which restoration of services and debris clean up from Hurricane Irene was handled.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#86 - #186) totaling \$23,764.94
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Acceptance of Grant and Appropriation in the Amount of \$2,897 to Police Overtime
Acct 10020050-51400 and to Revenue Highway Safety Acct # 1002001-45208
– Police Chief
- 3c.** Acceptance of Donation and Appropriation in the Amount of \$20 *Youth & Social Services Special Fund* to Donations Acct 213-1042-070-7010 and to Expenditures
Acct # 213-3070-600-6000 – Youth & Social Services
- 3d.** Acceptance of *Historic Documents Preservation Grant* and Appropriation in the
Amount of \$6,000 to State Grant 2012 – Revenue Acct # 2281002-45114 and to
Program Expenditures Acct # 22810650-58830 – Town Clerk
- 3e.** Consider and Approve a Appropriation in the Amount of \$6,000 to Revenue
Preservation – Town Revenue Acct # 2281002-42030 and to 2011-2012 Fund
Expenditures Acct # 22810650-58830 – Town Clerk
- 3f.** *Consider and Approve Removal of an Easement from Town's Land Records for the
Property at 8 Catlin Road (temporary cul-de-sac) – Engineering*
Removed
- 3g.** *Consider and Approve Transfer of Town-owned land (former cul-de-sac) to property
owners at 45 Old Lane – Engineering*
Removed
- 3h.** Consider and approve change in name of Poppy Road (previously approved on
6/21/11) to Poppy Lane – Chairman Robert F. Parisi
- 3i.** Approve minutes of Special Town Council Meeting of August 30, 2011

Councilor Farrell announced that items 3f. and 3g. were removed from the Consent Agenda to be taken up in Item 4.

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a. - 3e. and 3h. - 3i.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

4. Items Removed from the Consent Agenda

3f. Consider and Approve Removal of an Easement from Town's Land Records for the Property at 8 Catlin Road (temporary cul-de-sac) – Engineering

MOTION WAS MADE TO APPROVE THE Removal of an Easement from Town's Land Records for the Property at 8 Catlin Road (temporary cul-de-sac).

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Councilor Farrell read the correspondence.

In attendance: John Thompson, Town Engineer

Councilor Fishbein, Mayor Dickinson and Mr. Thompson discussed the issue that the land through an easement was actually assigned to the town for town purposes and that it allowed the land-owner or the developer, as is 3g., or to comply with Planning and Zoning Regulations. This administrative action clears up what should have been done 20 years ago to remove the easement from the property owners. This causes no changes. There were no public comments.

**VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

3g. Consider and Approve Transfer of Town-owned land (former cul-de-sac) to property owners at 45 Old Lane – Engineering

MOTION WAS MADE TO APPROVE Transfer of Town-owned land (former cul-de-sac) to property owners at 45 Old Lane.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

In attendance: John Thompson, Town Engineer

Councilor Farrell read the corresponding letter. This was a case for road purposes, and there is no road purpose because the road was extended. All of these actions are pursuant to Planning and Zoning Regulations. There were no comments from the Town Council or from the public.

**VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

MOTION WAS MADE TO MOVE UP ITEM 13.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

13. Consider and Approve the Appointment of a Tenant Commissioner to the Wallingford Housing Authority Board – Chairman Robert F. Parisi

MOTION WAS MADE TO NOMINATE PATRICIA HOGAN TO THE BOARD OF THE WALLINGFORD HOUSING AUTHORITY

MADE BY: FARRELL

SECONDED BY: FISHBEIN

Councilors Sullivan and Economopoulos complimented the process for development of the selection of the Tenant Commissioner and to the efforts of Kim McLaughlin, Organizing Director, Connecticut Housing Coalition.

VOTE: UNANIMOUS; 9-AYE
MOTION PASSED

The Town Clerk swore in Patricia Hogan as Tenant Commissioner.

5. Presentation by DOT with regard to the Railroad Project – Mayor

In attendance: Mr. John Bernick, CT DOT - Design

Mr. Bernick updated the Town Council on the progress of the New Haven-Hartford-Springfield Rail Project, speaking from the highlights listed in a handout that was supplied to the Town Council. His update included: a regional vision; the New Haven-Hartford-Springfield (NHHS) corridor; making connections to Grand Central Station, Penn Station and Boston and Bradley Airport and other locations; the ‘why’ to making the investment; current funding status; phase schedule with launch service in 2016. Mr. Bernick reviewed the two locations suggested for the terminal station in Wallingford and reported on town meetings. Chairman Parisi led the Town Council and members of the public in a question and response session.

6. *PUBLIC QUESTION & ANSWER*

Withdrawn

7. Conduct a Public Hearing for September 13, 2011 at 7:00 p.m. to consider Repeal of existing Ordinance and enactment of revised Ordinance regarding *Open Burning*, Chapter 93 of the Code of the Town of Wallingford - Co-Chairmen Cervoni and Farrell, Ordinance Committee

Chairman Parisi announced that this is a Public Hearing. Councilor Cervoni said that this issue was brought to the Ordinance Committee by the Fire Chief and the Fire Marshal.

*In attendance: Fire Chief Peter Struble
Fire Marshal Carmen Rao*

Chief Struble said that they hope that by giving definition to this ordinance that it will make it more clear as to just what the guidelines and rules are for open burning, Cost for violation of the ordinance and health concerns were discussed. Councilor Farrell closed the public part of the hearing at 7:30 P.M. Councilor Cervoni noted that the ordinance states what kinds of burning require a permit and what do not.

MOTION WAS MADE to amend the draft of Ordinance 93, Section 5 by removing “nor will any open fire be permitted,” in the opening statement of Section 5.

MADE BY: FISHBEIN

Wallingford Town Hall, 45 South Main Street

SECONDED BY: TESTA

Individually called out

**Economopoulos – Yes; Testa –Yes; John Sullivan-Yes; Rascati –Yes;
Farrell – Yes; Fishbein –Yes; Cervoni –Yes; Letourneau –Yes; Parisi –Yes**

VOTE: UNANIMOUS; 9-AYE

MOTION PASSED

MOTION WAS MADE to Repeal the existing Ordinance and to enact a revised Ordinance as amended regarding Open Burning, Chapter 93 of the Code of the Town of Wallingford.

MADE BY: FARRELL

SECONDED BY: RASCATI

ROLL CALL VOTE:

CERVONI	YES	RASCATI	YES
ECONOMOPOULOS	YES	SULLIVAN	YES
FARRELL	YES	TESTA	YES
FISHBEIN	YES	CHAIRMAN PARISI	YES
LETOURNEAU	YES		

9-AYE

MOTION PASSED

8. Conduct a Public Hearing for September 13, 2011 at 7:15 p.m. for Repeal of Ordinance #513, dated 2003, leaving in its place the new *Private Sewage Disposal Systems* Ordinance #566 adopted on September 28, 2010 – Town Attorney

MOTION WAS MADE TO Repeal Ordinance #513, dated 2003, leaving in its place the new Private Sewage Disposal Systems Ordinance #566, adopted on September 28, 2010

MADE BY: FARRELL

SECONDED BY: RASCATI

In attendance: Janis Small, Town Attorney

Attorney Small stated that this is a housekeeping matter.

ROLL CALL VOTE:

CERVONI	YES	RASCATI	YES
ECONOMOPOULOS	YES	SULLIVAN	YES
FARRELL	YES	TESTA	YES
FISHBEIN	YES	CHAIRMAN PARISI	YES
LETOURNEAU	YES		

9-AYE

MOTION PASSED

MOTION WAS MADE TO MOVE UP ITEMS 10 AND 11.

MADE BY: FARRELL

SECONDED BY: RASCATI

Wallingford Town Hall, 45 South Main Street

VOTE: UNANIMOUS; 9-AYE
MOTION PASSED

10. Discussion and Possible Action on the Repeal of the Town Council's resolution of August 9, 2011, approving Lease Agreements of the parking lots at 2-26 North Main Street, 36-40 North Main Street, 60 North Main Street and 48-50 North Main Street
- Councilor Nick Economopoulos

MOTION WAS MADE to repeal the Town Council Resolution voted upon on August 9, 2011 approving the lease agreements of the parking lots at 2-26 North Main Street, 36-40 North Main Street, 60 North Main Street and 48-50 North Main Street

MADE BY: ECONOMOPOULOS
SECONDED BY: FISHBEIN

Lively discussion included area lighting, electricity costs and party responsible for electric consumption, snow removal by town and by property owner; ID cards, their use and hours imposed; improvement of the Wooding-Caplan site as an alternative; equal payment contribution by property owners to the making of a new parking area; thirty-year ramifications; adherence to the referendum process to let the voters have their say in the matter. Some Councilors read from prepared statements with regard to their position on the matter. Geno Zandri, 9 Balsam Ridge Circle, Ben Martin, Ward Street, Wes Lube, Montowese Trail; Fred Ulbich, 59 Madison Avenue, and Robert and Deborah Gross, 114 Long Hill Road all offered their opinions on the matter.

ROLL CALL VOTE:

CERVONI	NO	RASCATI	NO
ECONOMOPOULOS	YES	SULLIVAN	NO
FARRELL	NO	TESTA	NO
FISHBEIN	YES	CHAIRMAN PARISI	NO
LETOURNEAU	NO		

7 Nay; 2-AYE

MOTION FAILED.

11. Discussion and Possible Action on setting a date for a referendum vote on the repeal of the Town Council's resolution of August 9, 2011, approving Lease Agreements of the parking lots at 2-26 North Main Street, 36-40 North Main Street, 60 North Main Street and 48-50 North Main Street – Councilor Nick Economopoulos

Councilor Farrell read the item and read the Town Clerk's letter which stated that a certified that a qualified number of signatures have signed a petition for the repeal of the Town Council's resolution of August 9, 2011. The number of signatures required is 2,491 and the petitioners obtained 2,634 signatures. The letter stated a proposed referendum date of November 14, 2011 and that it cannot be placed on the ballot for November 8, 2011 pursuant to state law. He read the referendum statement, "Should the Town council's resolution on August 9, 2011 approving Lease Agreements of the parking lots at 2-26 North Main Street, 36-40 North Main Street, 60 North Main Street and 48-50 North Main Street be repealed?"

MOTION WAS MADE to set November 8, 2011 for a referendum vote on the repeal of the resolution of August 9, 2011 lease agreements.

MADE BY: ECONOMOPOULOS
SECONDED BY: TESTA

ROLL CALL VOTE:

CERVONI	NO	RASCATI	NO
ECONOMOPOULOS	YES	SULLIVAN	NO
FARRELL	NO	TESTA	YES
FISHBEIN	NO	CHAIRMAN PARISI	NO
LETOURNEAU	NO		

7 Nay; 2-AYE

MOTION FAILED.

MOTION WAS MADE TO SET THE ELECTION FOR NOVEMBER 14, 2011 FROM NOON TO 8:00 P.M. AT TWO VOTING LOCATIONS, THE SENIOR CENTER AND THE VO-AG AT LYMAN HALL HIGH SCHOOL, FOR A QUESTION TO BE ENTITLED : “Should the Town Council’s resolution on August 9, 2011 approving Lease Agreements of the parking lots at 2-26 North Main Street, 36-40 North Main Street, 60 North Main Street and 48-50 North Main Street be repealed?”

MADE BY: FARRELL
SECONDED BY: RASCATI

More lively discussion ensued with regard to the structure suggested to be a disservice to the residents, scheduling of machines with regard to general election on November 8, 2011, poor timing for those who work, absentee ballots, cost of the referendum, backup machines; counting of ballots, paper ballots; cost of extending hours of polling places and number of locations.

ROLL CALL VOTE:

CERVONI	YES	RASCATI	YES
ECONOMOPOULOS	YES	SULLIVAN	YES
FARRELL	YES	TESTA	YES
FISHBEIN	YES	CHAIRMAN PARISI	YES
LETOURNEAU	YES		

9-AYE

MOTION PASSED.

MOTION MADE TO AMEND to allow for the extension of the polling place hours to be from 6:00 A.M. to 8:00 P.M.

MADE BY: FISHBEIN
SECONDED BY: TESTA

ROLL CALL VOTE:

CERVONI	YES	RASCATI	YES
ECONOMOPOULOS	YES	SULLIVAN	YES
FARRELL	YES	TESTA	YES
FISHBEIN	YES	CHAIRMAN PARISI	YES
LETOURNEAU	YES		

9-AYE

MOTION PASSED.

MOTION MADE TO AMEND to allow for three polling places with the third polling place to be determined by the Registrars.

MADE BY: SULLIVAN
SECONDED BY: FISHBEIN

CALLED OUT VOTE

CERVONI	YES	RASCATI	YES
ECONOMOPOULOS	YES	SULLIVAN	YES
FARRELL	YES	TESTA	YES
FISHBEIN	YES	CHAIRMAN PARISI	YES
LETOURNEAU	YES		

9-AYE

MOTION PASSED.

9. Consider and Approve a Bid Waiver for Public Bid 10-176 Single-Phase Kilowatt-Hours Meters to other low bid – Electric Division

MOTION WAS MADE TO Approve a Bid Waiver for Public Bid 10-176 Single-Phase Kilowatt-Hours Meters to other low bid.

MADE BY: FARRELL
SECONDED BY: RASCATI

CALLED OUT VOTE

CERVONI	YES	RASCATI	YES
ECONOMOPOULOS	YES	SULLIVAN	YES
FARRELL	YES	TESTA	YES
FISHBEIN	NO	CHAIRMAN PARISI	YES
LETOURNEAU	YES		

8-AYE; 1-NAY

MOTION PASSED.

14. Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200(6)(B) to discuss Town of Wallingford v. Sazinski – Town Attorney

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION pursuant to §1-225(f) and §1-200(6)(B) to discuss Town of Wallingford v. Sazinski

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED

EXECUTIVE SESSION ATTENDANCE:

Cervoni, Economopoulos, Farrell, Fishbein, LeTourneau, Rascati, Sullivan, Testa and Chairman Parisi, Mayor Dickinson and Town Attorney Janis Small.

TIME OF EXECUTIVE SESSION: 11:30 P.M. to 11:34 P.M.

12. **Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor**

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

EXECUTIVE SESSION ATTENDANCE:

Cervoni, Economopoulos, Farrell, Fishbein, LeTourneau, Rascati, Sullivan, Testa and Chairman Parisi, Mayor Dickinson and Town Attorney Janis Small.

TIME OF EXECUTIVE SESSION: 11:34 P.M. to 11:40 P.M.

15. **Possible Action on Town of Wallingford v. Sazinski – Town Attorney**

MOTION WAS MADE TO authorize the settlement of Town of Wallingford v. Sazinski.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

MOTION WAS MADE TO ADJOURN THE MEETING.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS; 9-AYE
MOTION PASSED**

THE MEETING ADJOURNED AT 11:39 A.M.

Respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date