

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING
Town Council Chambers
February 28, 2017**

RECORD OF VOTES & MINUTES

The Meeting of the Wallingford Town Council on Tuesday, February 28, 2017 was called to order at 6:33 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, Christopher K. Shortell (arrived at 6:36 p.m.), John J. Sullivan, Vincent F. Testa, Jr., and Jason Zandri. Councilor Joseph A. Marrone was absent. Mayor William W. Dickinson, Jr., James Bowes and Corporation Counsel Janis Small were also present at the meeting.

1. Pledge of Allegiance
2. Roll Call
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds totaling \$50,782.96 (#631-671)
Acct. #1001001-41020 – Tax Collector
 - 3b. Adoption of Resolution for the Wallingford MRC (Health Department) to enter into an Agreement with the National Association of County and City Health Officials (NACCHO) to sustain training of the MRC unit members and increase membership of citizen volunteers – Health Director
 - 3c. Acceptance of funds and Consider and Approve Appropriation of funds in the amount of \$13,000 from MRC-NACCHO Grant Revenue, Acct. #TBD to MRC-NACCHO Expenditures, Acct. #TBD–Health Director
 - 3d. Consider and Approve Resolution designating April as Fair Housing Month in the Town of Wallingford - Mayor
 - 3e. Approve Town Council Minutes of February 14, 2017.

Addendum to Consent Agenda

- 3f. Consider and approve appointment of Carl Bonamico to the Board of Assessment Appeals for a three year term expiring January 1, 2019.
- 3g. Consider and approve appointment of Robert Parisi to the Inland Wetlands & Watercourse Commission as an alternate with his term expiring March 1, 2018.
- 3h. Consider and approve appointment of Rocco Matarazzo to the Planning & Zoning Commission for a five year term expiring January 8, 2022.

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

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

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

5. **PUBLIC QUESTION & ANSWER PERIOD**

Opened Public Question & Answer Period at 6:36 p.m.

Bob Gross, Long Hill Road, asked if there was any progress on the solar panel project.

Janis Small replied this is a DEEP project and went on to explain that Lendlease is participating in DEEP's RFP with the State and we are cooperating with Lendlease.

Closed Public Question & Answer Period at 6:43 p.m.

6. Discussion and possible action regarding a council recommendation to create a special revenue fund in consideration of a sound barrier/absorption wall between the Thurston Food's property and the adjoining associative neighborhoods – Councilor Zandri

Councilor Zandri stated if we as a council create the exemption, the business, Thurston Foods, is breaking the law. He then went on to say that we aren't doing anything to try to change the problem of the noise impacting the neighbors. He stated personal responsibility goes both ways in that businesses should comply and buyers of homes should do their due diligence before buying. He stated that his original thought was to just have the Town build the sound barrier wall using the surplus money but he has rethought what the council should do. He suggested a special revenue fund that the two homeowner associations and Thurston Foods could pay into.

MOTION WAS MADE FOR COUNCIL TO ASK THE MAYOR TO HOLD A MEETING WITH TOLL BROTHERS AND WILLOW'S HOME OWNERS ASSOCIATIONS AND THURSTON FOODS TO NEGOTIATE A DEAL AND MAKE A SPECIAL REVENUE FUND.

MADE BY: ZANDRI
SECONDED BY: SHORTELL

Councilor Fishbein asked Councilor Zandri what power the Mayor has in this situation.

Councilor Zandri replied the Mayor can get the three parties together to negotiate some sort of financial help.

Councilor Fishbein asked how much money are you talking about in total?

Councilor Zandri replied \$500,000.

Mayor Dickinson stated that we would need to know an accurate cost of the wall and an agreement between all owners for the wall to be built.

Councilor Sullivan asked Attorney Small if we can force the Mayor to do this.

Attorney Small replied no.

Councilor Sullivan stated that using Town funds is not a solution.

Councilor Testa stated we can make a request for the Mayor to do anything but he doesn't have to do it. He went on to say you can ask the Mayor to have the meeting but only the council can create a special revenue account and explained that the council can make a motion to set up a special fund.

Councilor Laffin is leery of going into this with the bad news coming from the State. He went on to say a lot of hands got us here over the last 15 to 20 years and we shouldn't play the blame game.

Councilor Laffin stated that the Motion doesn't really specify the solution and then asked Mayor Dickinson if he would be interested in talking to these people.

Mayor Dickinson responded that he's not sure you want him negotiating a revenue fund but that he should be negotiating the funding of a sound barrier. He then stated that the Motion needs adjusting.

Councilor LeTourneau feels this is premature and it is more complicated than a special fund. He then asked where does the wall go and who decides? He indicated that all these things need to be worked out.

Councilor Shortell stated that when he was on the Board of Education about two years ago they were debating full day kindergarten and they were told there was no data to back it up. He explained how we have data on this noise issue and it is a consistent noise level.

Councilor Zandri indicated that some of the details aren't worked out yet as to who's property the wall will go on and he hopes either of these two groups would agree to put it up.

Councilor Fishbein stated that he wishes we had the power to do something but we don't.

Councilor Sullivan asked if we pass this Motion, how do we even rule on the Public Hearing exemption?

PUBLIC COMMENTS

Rocco Matarazzo, 431 N. Main Street, asked why the Town is getting involved in private group businesses.

Nick Stango, Padens Court, disagrees with the last statement and stated Thurston is exceeding the ordinance.

Bruce Conroy, 13 Burke Heights Drive, asked if Thurston made the Town aware of its noise levels before the sub-division was built and stated since we let this happen we need to try to do something to make this better.

Councilor Fishbein indicated that our role here is very limited and we do not have enforcement over the ordinance.

AMENDED MOTION FOR COUNCIL TO MAKE A FORMAL REQUEST OF THE MAYOR'S OFFICE TO HAVE A MEETING WITH THE TWO HOMEOWNERS ASSOCIATIONS AND THURSTON FOODS TO WORK OUT A RESOLUTION TO THE NOISE ISSUE.

**MADE BY: LETOURNEAU
SECONDED BY: SHORTELL**

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

7. Conduct a Public Hearing at 6:30 p.m. and consider and act on the following Ordinance entitled:

AMENDMENT TO CHAPTER 144, Noise of the Code of the Town of
Wallingford – Law Department

Chairman Cervoni opened the Public Hearing at 8:07 p.m.

PUBLIC COMMENTS

Paul, Nod Brook Road, stated that the builders were never asked to address the noise issue. He indicated he is for this exemption passing. He went on to say that Thurston Foods is a good clean corporate business and he doesn't want them to leave.

Linda Mulford, 26 Padens Court, stated that regulations are a fact of life and Thurston should have to comply.

Jeff Hunter, Padens Court, stated if this passes we have no recourse and went on to say allow us some time to resolve this.

Bruce Conroy, 13 Burke Heights Drive, indicated he is against exemption.

Nick Stango, Padens Court, indicated he is also against exemption and explained it leaves Thurston with no reason to come to the table and negotiate with us.

Gina Morgenstein, South Main Street, stated that the noise ordinance should not pass.

Chairman Cervoni closed the Public Hearing at 8:18 p.m.

Attorney Small stated, the enforcement and infraction process, you could do.

**MOTION WAS MADE TO TABLE THE ORDINANCE UNTIL THE MAYOR
SPEAKS WITH THREE ENTITIES AND NO FINES SHOULD TAKE PLACE IN
THE INTERIM.**

**MADE BY: SULLIVAN
SECONDED BY: ZANDRI**

Chairman Cervoni advised Councilor Sullivan that you cannot table a Motion that has not been made yet.

Councilor Sullivan and Councilor Zandri withdraw the Motion to Table the Ordinance.

Chairman Cervoni asked Attorney Small what the consequence is of not voting on this ordinance tonight. He then asked if we will need to hold another Public Hearing in order to vote on the ordinance at a later date.

Attorney Small replied there is no need to act on a Public Hearing. You can vote at a later date without a Public Hearing. She then went on to state that it is up to the council to decide whether you want to have a Public Hearing again before voting.

MOTION TO ADOPT REVISED NOISE ORDINANCE WITH THE EXCEPTION OF THE MODIFICATION OF CHAPTER 144-4D.

**MADE BY: FISHBEIN
NO SECOND
MOTION FAILS**

- 8. 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 -*Withdrawn*

Chairman Cervoni entertains a Motion to adjourn the Meeting.

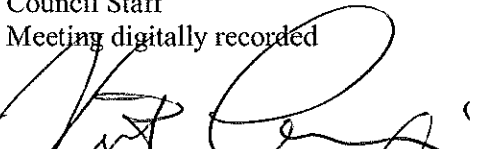
**MOTION TO ADJOURN
MADE BY: TESTA
SECONDED BY: LETOURNEAU
ALL AYES**

The Council adjourned the meeting at 8:30 P.M.

Respectfully submitted,

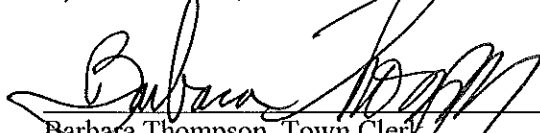
Lisa Moss
Council Staff
Meeting digitally recorded

RECEIVED FOR RECORD 3-2-17
AT 4:30 AND RECEIVED BY
Barbara Thompson TOWN CLERK



Vincent Cervoni, Chairman

28 MARCH 2017
Date



Barbara Thompson, Town Clerk

3-29-17
Date