

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

**TUESDAY
MAY 9, 2023
6:30 P.M.**

RECORD OF VOTES AND MINUTES

The Town Council Regular Meeting on Wednesday, May 9, 2023, 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: Autumn Allinson, Samuel Carmody, Craig Fishbein, Thomas Laffin, Joseph A. Marrone, III, Christina Tatta, Vincent F. Testa, Jason Zandri, and Chairman Vincent Cervoni. Mayor William W Dickinson, Jr., and Controller Timothy Sena were also present.

1. Moment of Silence
2. Pledge of Allegiance and Roll Call
3. Consent Agenda
 - 3a. Consider and approve Tax Refunds totaling \$2,832.30 (#737-753) Acct. #1001001-41020 – Tax Collector
 - 3b. Consider and approve a Transfer in the amount of \$49,000 – Fire Dept.

\$49,000	From:	Regular Wages & Salaries	Acct. #100020150-51000
\$20,000	To:	Gas & Diesel	Acct. #10020150-53100
\$15,000	To:	Utilities	Acct. #10020150-53010
\$ 3,500	To:	Office Expenses	Acct. #10020150-56100
\$ 8,500	To:	Maint. of Bldg. & Grounds	Acct. #10020150-54315
\$ 2,000	To:	Purch. Svcs.-Ambulance Building	Acct. #10020150-56778
 - 3c. Consider and approve a Transfer in the amount of \$26,000 from Overtime Wages, Acct. #10030000-51400 to Rooftop Unit, 45 S. Main Street, Acct. #TBD – Public Works
 - 3d. Consider and approve a Transfer in the amount of \$15,000 from Overtime Wages, Acct. #10030000-51400 to Maintenance of Bldgs. & Grounds, Acct. #10030000-54315 – Public Works
 - 3e. Acceptance of donation from M/M Chieppo and consider and approve Appropriation of funds in the amount of \$500 to Revenue Donations-Police, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-10135 – Police Dept.
 - 3f. Acceptance of Federal/State Highway Safety Grant 2022/2023 and consider and approve Appropriation of funds in the amount of \$15,092 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3g. Acceptance of Overtime Reimbursement Federal Taskforce funds and consider and approve Appropriation of funds in the amount of \$4,197 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-5140 – Police Dept.
 - 3h. Acceptance of Overtime Reimbursement Federal Taskforce funds and consider and approve Appropriation of funds in the amount of \$8,840 – Police Dept.

\$1,806.40	To Misc. – Revenue	Acct. #1009052-47040
\$1,608.35	To Misc. – Revenue	Acct. #1009052-47040

\$ 187.40	To Misc. – Revenue	Acct. #1009052-47040
\$2,277.41	To Misc, - Revenue	Acct. #1009052-47040
\$3,060.54	To Misc. – Revenue	Acct. #1009052-47040
\$8,840.00	To Police Overtime	Acct. #10020050-51400

- 3i. Acceptance of Overtime Reimbursement Federal Taskforce funds and consider and approve Appropriation of funds in the amount of \$2,311 – Police Dept.

\$1,623.96	To Misc. – Revenue	Acct. #1009052-47040
\$ 687.06	To Misc. – Revenue	Acct. #1009052-47040
\$2,311.00	To Police Overtime	Acct. #10020050-51400

- 3j. Consider and approve a Transfer in the amount of \$2,500 from Distribution-Underground Line Expenses Acct. #584 to Distribution-Street Lighting & Signal Systems, Acct. #596 – Electric Div.

- 3k. Consider and approve a Transfer in the amount of \$4,500 from Distribution-Underground Line Expenses, Acct. #584 to Distribution-Maintenance Line Transformers, Acct. #595 – Electric Div.

- 3l. Consider and approve a Transfer in the amount of \$27,500 from Distribution-Maint. Supervision & Engineering, Acct. #590 to Distribution-Operation Supervision & Engineering Acct. #580 – Electric Div.

- 3m. Consider and approve a Transfer in the amount of \$5,500 from Regular Salaries & Wages, Acct. #10010401-51000 to PS-Microfilming, Acct. #10010401-56600 – Comptroller

- 3n. Consider and approve Bid Waiver for Dynegy Marketing and Trade, LLC dba Vistra Energy Corporation to allow the Electric Division to Utilize Dynegy/Vistra as part of future energy hedging solicitations for the remainder of the 2022-2023 fiscal year – Electric Div.

- 3o. Approve Special Town Council Budget Meeting Minutes of April 18, 2023, April 19, 2023, Town Council Meeting Minutes of April 25, 2023, Special Town Council Budget Meeting Minutes of April 25, 2023, and Special Town Council Budget Meeting Minutes of April 27, 2023.

MOTION WAS MADE TO APPROVE AND ACCEPT CONSENT AGENDA ITEMS 3a THROUGH 3n AND 3o AS AMENDED.

MADE BY: LAFFIN

SECONDED BY: ALLINSON

VOTE: ALL AYE

MOTION: PASSED

4. Items Removed from the Consent Agenda
none

5. PUBLIC QUESTION AND ANSWER PERIOD
None

6. Approval of Outdoor Dining in the public parking area of Simpson Court, Downtown Wallingford. This use of public property is subject to all statutory, regulatory, and public health and safety requirements – Mayor

MOTION TO APPROVE OUTDOOR DINING IN THE PUBLIC PARKING AREA OF SIMPSON COURT, DOWNTOWN WALLINGFORD. SUBJECT TO ALL STATUTORY, REGULATORY, AND PUBLIC HEALTH AND SAFETY REQUIREMENTS.

MADE BY: LAFFIN

SECONDED BY: TESTA

Mayor Dickinson explained that this deals with new statutory requirements regarding the use of public property. State law now requires four feet of sidewalk to be available for public use. Previously it was 32 inches. This tonight is about the use of the parking in Simpson Court. We can allow it by Town Council action. It will need to be cordoned off to be allowed as a dining area. We will place it in conformity with the property owner's desires. Mayor Dickinson added that Mr. D's does not object to the use of their parking spaces but they will not put tables out.

Chairman Cervoni reported that he received a call from Maria Pano from the Half Moon, who could not be here tonight. She requested to use the parking spaces as described. They continue to see the benefits of this use.

Councilor Laffin stated that he supports this idea. He loves the energy downtown. He noted that now that COVID is waning, these businesses have an advantage over other businesses. Maybe there should be some sort of trade-off. Restaurants across the street can't use their parking for dining.

Councilor Testa stated that other businesses have raised the issue that Simpson Court gives those businesses an advantage. He encouraged those businesses to let Town Council know if a concession is needed. He stated that he is in favor of this motion. This will continue to generate excitement in that part of town. He asked what the community would like.

Councilor Zandri stated that this bodes well for the uptown portion. If there is something we can do to help other businesses, we should be willing to engage and be creatively flexible. A lot of residents enjoy the outdoor dining. It's a magnet. He supports continuing this.

Councilor Laffin clarified that this is just for Simpson Court parking area and affects two businesses. He asked at what point we stop. They get an unfair advantage. Are we setting a precedent?

Councilor Zandri stated that he originally pushed back on the town getting involved in a lease for the parking behind those buildings. The argument was that it is an asset and benefit to the center of town. There is an advantage to having that space available for dining. We can be creative with what else people can do to use sidewalks. He supports continuing but doesn't know how long it should continue. He would like to entertain ideas for something else we can do to help other businesses.

Councilor Marrone stated that this is a good starting point. We need to look at other regulations to help other businesses.

Councilor Carmody stated that one good thing that came out of the pandemic is the increase in outdoor dining. There is a lot of energy and activity in Wallingford's downtown. He supports this motion.

Councilor Testa stated that a lot of restaurants have private parking lots. Their landlord would need to be okay and zoning would need to be checked. It won't lead to a wholesale regulation violation.

Councilor Laffin stated that these parking spaces downtown will be removed in favor of specific businesses. He supports fixing all the parking lots. This is designed to affect a couple of businesses in Simpson Court. He stated that he is all for it but it is an extra 1000 sq. ft. offered for free. He noted that in other cities, restaurants were set up in the streets during the pandemic. Think about taking away free parking in favor of a few businesses. He supports the principle, it's about the scale.

Councilor Tatta stated that she is supportive. She said that she loves driving by and seeing people out and having a good time. She suggested looking at giving more businesses the same type of advantage.

Mayor Dickinson asked about the length of time the area is to be set aside for dining. He mentioned Celebrate Wallingford and the need for Public Works to remove the barriers before we get snow.

Councilor Fishbein stated that he can see where Councilor Laffin is coming from. He heard a complaint that a handicapped parking space was obstructed last summer. Mayor Dickinson replied that he knows that another spot was created. He wasn't aware that one was obstructed. Councilor Fishbein continued that he also heard a concern about the handicapped spot being further away. He noted that we need to be cognizant of ADA regulations. He stated that he likes the quaintness of dining in Simpson Court. He is concerned that not every business has the same benefit. Since this is an extension of Town property, how do we extend the benefit to other businesses?

Councilor Tatta asked if it is a problem to allow outdoor dining here through Celebrate Wallingford. Chairman Cervoni noted that Simpson Court is closed to traffic for Celebrate Wallingford. He suggested amending the motion to include 'from May 15 to October 15.

AMENDMENT TO SPECIFY FROM MAY 15 THROUGH OCTOBER 15.

MADE BY: ZANDRI

SECONDED BY: FISHBEIN

PUBLIC COMMENT

Ray Ross, 656 Center Street, stated that there is nothing nicer than to see the outdoor dining at Simpson Court. We are only losing 10 or 12 parking spaces. This should be made permanent.

John Ross stated that he created Uptown Rhythm in July 2020. He started providing music on the parade grounds. This created energy uptown including the Library Bistro and north and across the street. There is music for everyone. Kids learn about music. Ashlar Village sends vans. He gave his insurance certificates for the space and vehicles to Atty. Small.

Liz Davis, 31 Audette Drive, stated that last year they did have barriers up for Celebrate Wallingford which caused an issue as they could not put up tents. She would like to have the barriers removed by October 7th for Celebrate Wallingford so they can do events there. She noted that last year outdoor dining was allowed until November 1st, which is a little too long. As for ADA, the Engineering Department did measurements of the sidewalks for all the businesses that wanted outdoor dining. She reported that a handicapped spot was added and moved to the other side of Simpson Court because of encroachment on a walkway.

John Sullivan, 62 Dutton Street, stated that he has never seen the community come together as he has seen the last two years at Simpson Court. He agrees that Council may need to extend the same benefit to other

businesses. He suggested making this permanent but also consider those that have objections. This is a real positive for the Town.

Steve Belly, noted that his wife owns Body & Soul Day Spa. The service business took a hit during COVID. He understands outdoor dining. He loves the fact that we have this bucolic town feel. Before COVID outdoor dining was limited to sidewalks. His wife's business has an older clientele that can't walk from the back parking lot, so she has lost some business. This benefits only a few businesses. It needs to benefit everyone equally. Maybe there is a better way. Maybe make it only in the evenings.

Joe Mirra, Economic Development Commission clarified that the EDC worked with Planning and Zoning on this so other businesses can use parking lots. They updated the food truck rules. We can't make changes on state roads. He noted that helping small businesses affects the economy downtown. 67% of the money earned by these small businesses circulates back into the community. The EDC works to try to create more foot traffic downtown. This is a great asset.

Jason Michael, Meadow Street, stated that there is merit to both sides. He asked if the cement barriers are owned by the Town. Mayor Dickinson replied yes. Mr. Michael noted that they are installed by Public Works. There should be no burden on taxpayers to do this when private entities profit. We need to factor in that cost. He stated that there are other options for temporary barriers. He asked how to ensure the Town is not responsible if someone slips and falls in the parking space dining area.

Liz Davis, 31 Audette Drive, stated that WCI has approached the Police Department and talked about the barriers. She reported that due to safety concerns, the cement barriers are required.

Edward McCarver, 30 Ridge Crest Road supports this because it is fun.

Debbie from Gaetano's Tavern on Main stated that they only take the parking spaces right in front of their business and it is only for 3 months of the year. The cement blocks are for safety. She noted that they lose parking spaces too. She suggested closing the whole street one night a week. She added that this is great for the town.

Heather Williams, Laurel Ridge, owner of Mr. D's stated that she is willing to sacrifice her 2 or 3 spots for handicapped parking to allow for outdoor dining. She doesn't have outdoor dining, but it does help her business.

Councilor Zandri stated that based on the comments, he will adjust the amendment to the motion.

AMENDMENT TO SPECIFY FROM MAY 15 THROUGH OCTOBER 6.

MADE BY: ZANDRI

SECONDED BY: FISHBEIN

Councilor Testa stated that this is a wonderful idea. He noted that good points were made about businesses being impacted negatively. He suggested looking into having the barriers only in the evenings and on weekends. He suggested that WCI help find a middle ground. He would like a discussion on finding a way to accommodate other businesses.

Mayor Dickinson noted that moving the blocks in and out is not feasible. He suggested looking into something movable for next year.

Councilor Allinson suggested a concession that would dedicate two parking spaces for Body and Soul during the day. She also suggested a temporary moratorium on traffic fines for that area.

**AMENDMENT TO DEDICATE TWO PARKING SPOTS FOR THE EXCLUSIVE USE OF
BODY & SOUL DURING THEIR BUSINESS HOURS.**

**MADE BY: ALLINSON
ACCEPTED BY: LAFFIN
SECONDED BY: FISHBEIN**

Councilor Fishbein noted that we are making this complicated.

Councilor Laffin noted that the original purpose of the discussion was just to add a time frame. He asked about the other businesses. Are we going to give them dedicated spots? He suggested that if we are not ready to vote that we table the motion. He thanked the community for their input. He added that we need to look at this on a longer-term basis.

Chairman Cervoni called for a vote on the amendment for dedicating two parking slots and the addition of the dates to the motion.

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	YES	TATTA:	NO
CARMODY;	YES	TESTA:	YES
FISHBEIN:	YES	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

**8 – AYE
1 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES**

Chairman Cervoni called for a vote on the Amended Motion.

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	YES	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	YES	ZANDRI:	YES
LAFFIN:	NO	CERVONI:	YES

**8 – AYE
1 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES**

7. Adoption of FY 2023-2024 Annual Budget

**TOWN OF WALLINGFORD
Annual Budget Adoption – Council Motions (based on motions approve 5/2/2023)**

For the Fiscal Year Beginning JULY 1, 2023

MOTION WAS MADE TO ADOPT THE TOTAL GENERAL FUND REVENUE BUDGET OF \$186,825,680, PER THE CHANGES MADE TO THE MAYOR'S PROPOSED BUDGET ON THE ATTACHED RECONCILIATION DETAIL SHEET, FOR THE FISCAL YEAR BEGINNING JULY 1, 2023.

**MADE BY: LAFFIN
SECONDED BY: ZANDRI**

Councilor Tatta noted that her budget amendment package had additional funding for the Board of Education, public works, Police and Fire, and no tax increase. The package was amended so it now has a tax increase. It is still a lower increase than the Mayor's proposed budget, but the zero increase was possible. She is struggling with justifying a tax increase when it's not necessary of going with the lower tax increase.

PUBLIC COMMENT

Paul Ciardullo, 2 Bayberry Drive, stated that last year the budget came in about \$7 million under expenses. This year, the forecast is that the budget will come in at \$180 million. We spent \$170 million last year. Now we will spend \$10 million more. Looking at performance through March, we are running about \$15 million under budget with three months left. There is no question that we won't spend the whole \$180 million. He believes we will come close to \$7 million under budget. If we carry that forward to this year, we need to adjust the budget as it is inflated. He proposed a motion to cancel the tax increase and reduce expenses by the same amount to have a balance. This will be a more realistic budget and no risk. If he needs more money, the Mayor can come and ask for it. He noted that we are about to enter a recession.

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	NO	TATTA:	NO
CARMODY;	YES	TESTA:	YES
FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

6 – AYE

3 – NAY

0 – ABSTAIN

0- ABSENT

MOTION: PASSES

MOTION WAS MADE TO ADOPT THE TOTAL GENERAL FUND EXPENDITURE BUDGET OF \$186,825,680, PER THE CHANGES MADE TO THE MAYOR'S PROPOSED BUDGET ON THE ATTACHED RECONCILIATION DETAIL SHEET, FOR THE FISCAL YEAR BEGINNING JULY 1, 2023.

**MADE BY: LAFFIN
SECONDED BY: TESTA**

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	NO	TATTA:	NO
CARMODY;	YES	TESTA:	YES

FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

6 – AYE
3 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES

MOTION WAS MADE TO ESTABLISH THE PROPERTY TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AT 29.34 MILLS.

REAL ESTATE AND PERSONAL PROPERTY TAXES IN EXCESS OF \$100 SHALL BE MADE IN TWO INSTALLMENTS. THE FIRST OF WHICH IS DUE JULY 1, 2023, PAYABLE ON OR BEFORE AUGUST 1, 2023. THE SECOND INSTALLMENT SHALL BE DUE JANUARY 1, 2024, PAYABLE ON OR BEFORE FEBRUARY 1, 2024. REAL ESTATE AND PERSONAL PROPERTY TAXES OF \$100 OR LESS SHALL BE PAID IN ONE INSTALLMENT DUE JULY 1, 2023, AND PAYABLE ON OR BEFORE AUGUST 1, 2023 AS PROVIDED BY CONNECTICUT STATUTE, CHAPTER 204, SECTION 12-144.

MOTOR VEHICLE TAXES SHALL BE MADE IN ONE INSTALLMENT DUE JULY 1, 2023, AND PAYABLE ON OR BEFORE AUGUST 1, 2023 AS PROVIDED BY CONNECTICUT GENERAL STATUTE, CHAPTER 204, SECTION 12-144A. DELINQUENT MOTOR VEHICLE TAXES SHALL BE PAID ONLY IN CASH OR BY CERTIFIED CHECK OR MONEY ORDER AS PROVIDED BY CONNECTICUT GENERAL STATUTE, CHAPTER 204, SECTION 12-146.

PROPERTY TAXES IN AN AMOUNT OF LESS THAN FIVE DOLLARS SHALL BE WAIVED. CHECKS IN PAYMENT OF PROPERTY TAXES WHICH HAVE BEEN RETURNED BY THE BANK SHALL BE SUBJECT TO A THIRTY-FIVE DOLLAR (\$35.00) FEE.

**MADE BY: LAFFIN
SECONDED BY: TESTA**

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	NO	TATTA:	NO
CARMODY;	YES	TESTA:	YES
FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

6 – AYE
3 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES

MOTION TO ADOPT THE BUDGETS OF THE DIVISIONS OF THE DEPARTMENT OF PUBLIC UTILITIES FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AS HEREIN STATED:

Electric Enterprise Fund

Operating Revenues	\$88,772,749
Operating Expenses	\$84,781,192
Operating Income (Loss)	\$ 991,557
Non-Operating Revenue	\$ 3,273,049
Non-Operating Expenses	\$ 276,537
Net Income Before Operating Transfers In (Out)	\$ 3,888,069
Operating Transfers (Out)	\$ (1,757,851)
Net Income (Loss)	\$ 2,130,218
Working Capital: Sources of Funds	\$ 6,836,784
Re-appropriation of Prior Year's Capital Items	\$ 500,958

Water Enterprise Fund

Operating Revenue	\$ 6,707,609
Operating Expenses	\$ 9,255,138
Operating Income (Loss)	\$ (2,547,529)
Non-Operating Revenue	\$ 573,300
Non-Operating Expenses	\$ 56,500
Net Income (Loss)	\$ (2,030,729)
Working Capital: Sources of Funds	\$ 2,082,167
Working Capital: Use of Funds	\$ 2,082,167
Re-appropriation of Prior Year's Capital Items	\$ 191,000

Sewer Enterprise Fund

Operating Revenues	\$ 9,241,369
Operating Expenses	\$ 11,818,599
Operating Income (Loss)	\$ (2,577,230)
Non-Operating Revenue	\$ 1,149,835
Non-Operating Expenses	\$ 835,362
Net Income (Loss)	\$ (2,262,757)
Working Capital: Sources of Funds	\$ 2,752,561
Working Capital: Use of Funds	\$ 2,752,561
Re-appropriation of Prior Year's Capital Items	\$ 305,000

MADE BY: LAFFIN

SECONDED BY: ZANDRI

ROLL CALL VOTE:

ALLINSON: YES
CARMODY; YES
FISHBEIN: YES
LAFFIN: YES

MARRONE: YES
TATTA: YES
TESTA: YES
ZANDRI: YES
CERVONI: YES

9 – AYE

0 – NAY

0 – ABSTAIN

0- ABSENT

MOTION: PASSES

MOTION TO ADOPT THE BUDGET OF THE CAPITAL AND NON-RECURRING EXPENDITURES FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 IN THE AMOUNT OF \$1,757,851 IN REVENUES, PER THE MAYOR'S PROPOSED BUDGET AND \$1,757,851 IN EXPENDITURES.

**MADE BY: LAFFIN
SECONDED BY: ZANDRI**

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	YES	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

**8 – AYE
1 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES**

MOTION TO APPROVE SPECIAL FUNDS OF THE BOARD OF EDUCATION OF THE TOWN OF WALLINGFORD FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AS ATTACHED HERETO AND MADE A PART HEREOF (pages A. through C.)

**MADE BY: LAFFIN
SECONDED BY: ZANDRI**

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	NO	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

**7 – AYE
2 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES**

MOTION TO APPROVE SPECIAL FUNDS OF THE TOWN OF WALLINGFORD GENERAL GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AS ATTACHED HERETO AND MADE A PART HEREOF (pages D. and E.)

MADE BY: LAFFIN
SECONDED BY: ZANDRI

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	NO	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

7 – AYE
2 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES

MOTION TO APPROVE CAPITAL APPROPRIATIONS (IN-FORCE) RESERVE FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 IN THE AMOUNT OF \$595,626 IN REVENUES AND \$595,626 IN EXPENDITURES. THIS REPRESENTS THE AMOUNT AS OF MARCH 31, 2023, WHICH MAY DECREASE AS EXPENDITURES OCCUR THROUGH JUNE 30, 2023.

MADE BY: LAFFIN
SECONDED BY: ZANDRI

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	YES	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	NO	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	YES

8 – AYE
1 – NAY
0 – ABSTAIN
0- ABSENT
MOTION: PASSES

MOTION TO AUTHORIZE THE CHAIRMAN TO SIGN THREE COPIES OF THE FINALIZED BUDGET. TWO TO BE FILED WITH THE TOWN CLERK AND ONE TO BE PLACED ON FILE IN THE WALLINGFORD PUBLIC LIBRARY.

MADE BY: LAFFIN
SECONDED BY: FISHBEIN

ROLL CALL VOTE:		MARRONE:	YES
ALLINSON:	YES	TATTA:	YES
CARMODY;	YES	TESTA:	YES
FISHBEIN:	YES	ZANDRI:	YES
LAFFIN:	YES	CERVONI:	ABSTAIN

8 – AYE
0 – NAY
1 – ABSTAIN
0- ABSENT
MOTION: PASSES

8. Discussion with ARPA Consultant for overview and clarification regarding where we stand with all ARPA applications. Councilor Testa.

In attendance: Claire Collins, Senior Consulting Manager for UHY

Councilor Testa asked where we stand with applications for ARPA money. He asked how many applications were received, eligible, approved, and in limbo. Atty. Small replied that she provided a report with a lot of that information. She noted that the review committee was meeting this evening. She reported that some businesses and non-profits have already received their money. Councilor Testa asked if the report reflects all the applications that have made it through the system. Atty. Small replied yes. Ms. Collins replied that the portal has all the applications that were submitted in categories of incomplete, ineligible, or completed. Councilor Testa noted that he sees 83 business applications and 40 non-profit applications. The portal shows 31 business applications approved by the Town Council, 66 incomplete, and 18 ineligible. He asked if the 66 and 18 are not part of the total. Ms. Collins stated that a significant number of the 83 are in the review process. Councilor Testa asked if the 66 incomplete business applications were not passed on to the committee. Ms. Collins stated that is correct. Councilor Testa asked if the 83 is the total complete applications and 33 of those were approved. Ms. Collins stated that is correct. Councilor Testa asked about the non-profit applications. He verified that 40 complete applications have passed the screening and 24 were approved with the balance to be considered. Ms. Collins stated that is correct. Councilor Testa asked what makes applications ineligible. Ms. Collins stated the criteria in the Treasury Fund Rule and the Federal Uniform Grant guidance that must be met. The classification is based on the federal criteria. Councilor Testa stated that there were claims made that some applications submitted to the committee were ineligible due to ARPA guidelines and yet they were approved by the Town Council. Ms. Collins stated that they did not meet the federal criteria so they did not go to the committee. Councilor Testa asked if she is trying to get the incomplete applications completed. Ms. Collins stated that they tried and the deadlines have passed. Councilor Testa verified that the 66 incomplete business applications and 11 incomplete non-profit applications will no longer be considered. Ms. Collins replied that is correct. Councilor Testa verified that they were all given the opportunity to provide missing information or documentation. Ms. Collins replied that only 57 of the original submissions had all the information. Councilor Testa noted that in Councilor Allinson's report, there were 25 applications scored as fails, and 13 of those passed when the standard deviation was applied. The argument that Council approved applications that were not eligible is not true. The adoption of the formula did not automatically approve everything the Committee denied.

Councilor Fishbein noted that he disagreed that application AB003, Banana's Ice Cream was eligible because the dba MMK Incorporated was not created until December 9, 2021. The criteria said that the business entity can't be created post-pandemic and be eligible. Atty. Small noted that this is a family business and one family member bought out the other. The consultant determined it was in business the whole time. The committee decided that it was a consistent business and awarded the funds. Atty. Small noted that there were some applications that she has not allowed to go forward because they are ineligible. Ms. Collins noted that the name of that business existed in 2019 and the request was to expand the business. It is not about who owned it in 2019, but that it was a legal business.

Councilor Zandri stated that Wallingford had the right to take \$10 million as a revenue loss. We can use it for anything. Ms. Collins replied that it needs to be ARPA related but it can be used for governmental-related purposes. It could be designated to businesses and non-profits without an application process. Councilor Zandri asked if a business or non-profit didn't meet the criteria, can they still get money from the

Town? Ms. Collins replied that it is up to the Town. They would only have to prove that they experienced a negative economic impact from 2019 through 2021. She added that the Treasury only allows funding to be used for 501(c)3 or (c) 19 non-profits. Councilor Zandri asked if the Town can use its own money to fund other applications. Ms. Collins replied that the Town can offset governmental services with ARPA funds. Councilor Zandri clarified that the Town can use ARPA funds for the town, hypothetically leaving a surplus that could be used for this.

Bob Gross, Long Hill Road, noted that there was a specific date in the criteria that an entity had to be in business. Ms. Collins replied that the final rule stated January 1, 2019. But if the town is using the Revenue Loss it is not a requirement. Mr. Gross stated that there were applications with incorrect Tax-ID numbers, but he understands that the consultant would not have noticed that. He stated that the committee was all for doing things the right way, using the criteria that were provided by the Council. That's what they did. He stated that the fault lies with the Council.

Riley O'Connell, Edgerton Road, referred to the \$10 million Revenue Loss deduction. He suggested looking at the businesses that were negatively impacted by COVID that didn't qualify under the rules.

Councilor Testa asked who is currently on the review committee. Chairman Cervoni replied Christopher Regan, Mike Glidden, and Jackie McNamee. Councilor Fishbein stated that he will rejoin the committee.

Chairman Cervoni noted that no action is needed.

9. Executive Session pursuant to CGS Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the following pending tax appeal matters – Law Dept.
 - a) *FAH Silverpond Limited Partnership v. Town of Wallingford* and
 - b) *Wal-Mart Real Estate Business Trust v. Town of Wallingford*

12. Executive Session pursuant to CGS Section 1-200(6)(D) with respect to the purchase sale and/or leasing of property – Law Dept.

MOTION WAS MADE TO MOVE TO EXECUTIVE SESSION PURSUANT TO CONNECTICUT GENERAL STATUTE SECTION 1-225(F) AND SECTION 1-200(6)(B) REGARDING STRATEGY AND NEGOTIATIONS WITH RESPECT TO THE FOLLOWING PENDING TAX APPEAL MATTERS:

**A) FAH SILVERPOND LIMITED PARTNERSHIP V. TOWN OF WALLINGFORD AND
B) WAL-MART REAL ESTATE BUSINESS TRUST V. TOWN OF WALLINGFORD
ALSO PURSUANT TO CONNECTICUT GENERAL STATUTE 1-206D WITH RESPECT TO THE PURCHASE, SALE, AND/OR LEASING OF PROPERTY.**

MADE BY: LAFFIN

SECONDED BY: ALLINSON

VOTE: ALL AYE

MOTION: PASSED

Chairman Cervoni declared the Council in Executive Session at 8:35 pm.

Councilors in attendance were: Autumn Allinson, Samuel Carmody, Craig Fishbein, Joseph A. Marrone, III, Christina Tatta, Vincent F. Testa, Jason Zandri, and Chairman Vincent Cervoni. Mayor William W Dickinson, Jr., and Corporation Counsel Janis Small were also present.

MOTION WAS MADE TO CONCLUDE EXECUTIVE SESSION AND RETURN TO THE PUBLIC SESSION.

MADE BY: LAFFIN
SECONDED BY: ALLINSON
VOTE: UNANIMOUS
MOTION: PASSED

Chairman Cervoni declared the Council in Public Session at 9:10 pm.

- 10. Motion to consider and authorize settlement in the pending tax appeal matter of *FAH Silverpond Limited Partnerships v. Town of Wallingford* as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO AUTHORIZE THE SETTLEMENT IN THE PENDING TAX APPEAL MATTER OF FAH SILVERPOND LIMITED PARTNERSHIPS v. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION

MADE BY: LAFFIN
VOTE: UNANIMOUS
MOTION: PASSED

- 11. Motion to consider and authorize settlement in the pending tax appeal matter of *Wal-Mart Real Estate Business Trust v. Town of Wallingford* as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO AUTHORIZE SETTLEMENT IN THE PENDING TAX APPEAL MATTER OF WAL-MART REAL ESTATE BUSINESS TRUST v. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION

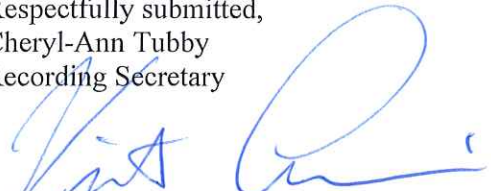
MADE BY: LAFFIN
SECONDED BY: ALLINSON
VOTE: UNANIMOUS
MOTION: PASSED

ADJOURNMENT

MOTION WAS MADE TO adjourn at 9:15 pm.

MADE BY: ALLINSON
SECONDED BY: ZANDRI
VOTE: UNANIMOUS
MOTION: PASSED


Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary



Vincent Cervoni, Chair

6/13/2023

Date



Joan M. Stave, Acting Town Clerk
Kristen Panzo

6/15/23

Date

RECEIVED FOR RECORD 5-14-23
AT 3:20 P.M. AND RECEIVED BY
Deborah McKernan TOWN CLERK
Joan M. Stave, Acting Town Clerk