

**TOWN OF WALLINGFORD, CONNECTICUT**

**TOWN COUNCIL MEETING**

**ORDINANCE COMMITTEE**

**Thursday, September 3, 2020**

**6:30 P.M.**

**THE TOWN COUNCIL MEETING WILL BE HELD REMOTELY  
ONLY ON SEPTEMBER 3, 2020 AND WILL BE ACCESSED THROUGH:**

**<https://global.gotomeeting.com/join/378283925>**

**YOU CAN ALSO DIAL IN USING YOUR PHONE:**

**United States (Toll Free): 1-866-899-4679**

**United States: +1 (571) 317-3116**

**Access Code: 378-283-925**

**AGENDA**

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of June 16, 2020 Ordinance Committee Meeting.
4. Discussion and possible action on amending Chapter 46, Reserve Accounts (§46-4 – §46-8).
5. Discussion and possible action on amending Chapter 62, Seasonal Outdoor Dining Regulations, §62-14.
6. Discussion and possible action on amending Chapter 139, Littering (§139-1 - §139-11).

**Please wait for Chairman Shortell to instruct the attendees as to how the meeting will be conducted.**

*In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.*

3.

**TOWN OF WALLINGFORD, CONNECTICUT**

**SPECIAL TOWN COUNCIL MEETING**

**ORDINANCE COMMITTEE**

**Tuesday, June 16, 2020**

**6:30 P.M.**

**RECORD OF VOTES AND MINUTES**

The meeting was called to order at 6:30 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Vincent Cervoni, Thomas Laffin, Joseph Marrone, Christina Tatta, Jason Zandri, and Chairman Christopher Shortell. Councilors Gina Morgenstein, Craig Fishbein, Vincent F. Testa, Jr., and were absent. Others in attendance were: Corporation Counsel Janis Small and Comptroller, James Bowes.

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Approval of Minutes of March 3, 2020, Ordinance Committee meeting.

**MOTION WAS MADE TO APPROVE THE MARCH 3, 2020 MINUTES AS PRESENTED.**

**MADE BY: SHORTELL  
SECONDED BY: TATTA**

<b>ROLL CALL VOTE:</b>		<b>MORGANSTEIN:</b>	<b>ABSENT</b>
<b>CERVONI:</b>	<b>YES</b>	<b>SHORTELL:</b>	<b>YES</b>
<b>FISHBEIN:</b>	<b>ABSENT</b>	<b>TESTA:</b>	<b>ABSENT</b>
<b>LAFFIN:</b>	<b>YES</b>	<b>TATTA:</b>	<b>YES</b>
<b>MARRONE:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>

**6 - AYE  
3 - ABSENT  
MOTION: PASSED**

- 4. Discussion and possible action on raising the bid waiver threshold (§43-11).

Chairman Shortell welcomed James Bowes, Comptroller and Janis Small, Corporate Counsel. Chairman Shortell stated that Wallingford's bid waiver threshold is \$7,500, which is believed to be too low. At the March meeting, James Bowes, Comptroller and Sal Amadeo, Purchasing Agent, to gather information on

other communities. If we raise the bid threshold it makes town purchasing more efficient. Mr. Bowes reported that they collected numbers for quite a few Connecticut municipalities. They decided to throw out the highest and lowest outliers, leaving us with an average of \$15,552. He also provided a summary of the FY18/19 volume and stated that there were 197 bids. He suggested that if the Council chooses to do something around \$15,000 it would reduce the overall bids by approximately 30 and allow more quality time on the larger ticket items.

**MOTION TO INCREASE THE AMOUNT OF EXPENDITURE REQUIRING A BID FROM \$7,500 AS PRESENTLY IN PLACE IN ORDINANCE 43-11A UP TO \$16,000.**

**MADE BY: CERVONI  
SECONDED BY SHORTELL**

Councilor Marrone noted that this brings Wallingford in line with what other towns are doing and will allow departments to do what they need to do.

<b>ROLL CALL VOTE:</b>		<b>MORGANSTEIN:</b>	<b>ABSENT</b>
<b>CERVONI:</b>	<b>YES</b>	<b>SHORTELL:</b>	<b>YES</b>
<b>FISHBEIN:</b>	<b>ABSENT</b>	<b>TESTA:</b>	<b>ABSENT</b>
<b>LAFFIN:</b>	<b>YES</b>	<b>TATTA:</b>	<b>YES</b>
<b>MARRONE:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>

**6 - AYE  
3 - ABSENT  
MOTION: PASSED**

Mr. Bowes asked if the Council would consider addressing the next section of the purchasing ordinance as well. §43-12A is the quoting threshold that states we have to receive open market quotes for anything over \$300. He asked the Council to consider raising that to a higher amount.

Chairman Shortell suggested that this might need a separate discussion. Chairman Cervoni stated that since it is related it could be discussed tonight. Then notice could be given for a public hearing on the ordinance at the regular meeting. He stated that it makes sense to have the numbers be the same. Attorney Small agreed.

**MOTION TO ALSO AMEND §43-12A TO INCREASE THE ESTIMATED VALUE TO \$16,000.**

**MADE BY: CERVONI  
SECONDED BY SHORTELL**

<b>ROLL CALL VOTE:</b>		<b>MORGANSTEIN:</b>	<b>ABSENT</b>
<b>CERVONI:</b>	<b>YES</b>	<b>SHORTELL:</b>	<b>YES</b>
<b>FISHBEIN:</b>	<b>ABSENT</b>	<b>TESTA:</b>	<b>ABSENT</b>

<b>LAFFIN:</b>	<b>YES</b>	<b>TATTA:</b>	<b>YES</b>
<b>MARRONE:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>

6 - AYE  
 3 - ABSENT  
 MOTION: PASSED

Mr. Bowes requested Council also consider changing the next section §43 12B which is the minimum number of quotes for all open market purchases over \$300 shall be quoted. He suggested increasing this to \$750 since these purchases are more minor in scope, more of a consumable. He noted that this change will reduce a lot of paperwork.

Councilor Marrone asked if this means that if you want to purchase something under that amount, you can get one quote and buy it. If so, he agreed it was okay to raise it a little.

**MOTION TO RAISE THE AMOUNT IN §43-12B FROM \$300 TO \$750 PER MR. BOWES RECOMMENDATION.**

**MADE BY: SHORTELL  
 SECONDED BY CERVONI**

Councilor Zandri asked Mr. Bowes if he is comfortable with that amount. Mr. Bowes indicated that it is a good start and recommended waiting a year or two before making any additional changes.

Chairman Cervoni asked for examples of purchases made under this ordinance. Mr. Bowes said it would be for things like a conference room table that aren't put out to bid, not a lot of money and they would reach out to local vendors for the purchase.

<b>ROLL CALL VOTE:</b>		<b>MORGANSTEIN:</b>	<b>ABSENT</b>
<b>CERVONI:</b>	<b>YES</b>	<b>SHORTELL:</b>	<b>YES</b>
<b>FISHBEIN:</b>	<b>ABSENT</b>	<b>TESTA:</b>	<b>ABSENT</b>
<b>LAFFIN:</b>	<b>YES</b>	<b>TATTA:</b>	<b>YES</b>
<b>MARRONE:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>

6 - AYE  
 3 - ABSENT  
 MOTION: PASSED

#5 Discussion and possible action on amending Chapter 46, Reserve Accounts, (§46-4 through §46-8).

Chairman Shortell explained that during the budget process the Council was looking to see the total amount of unassigned funds in the Cap and Non accounts. They get the monthly reports that detail the active projects, encumbered, and unencumbered funds. He asked how they could see the amounts. He noted that the ordinance does reference reporting, but it's not specific.

Mr. Bowes replied that it will not appear on the monthly report because it is a summation of all projects authorized since that fund's existence, back to 1964. It is a rolling number. The computation was made to assist during this year's budget process. To get to that number it's more than running a few reports, it includes a discussion with Public Works to get estimates of what's left. If the call is to do something on an annual basis, that's doable.

Chairman Shortell stated that he is comfortable getting the number once a year going into the budget season. He asked if we need to modify the ordinance to bake it into the process. Atty. Small indicated that it can be required as part of the annual process since the Council is entitled to that information. She didn't believe it needs to be put into the ordinance, because ordinances don't manage the administration of an operation. She checked with other towns and most towns don't have ordinance because it's in their charter as well as covered by state statute. She stated that it is appropriate to ask for it as part of the budget process.

Chairman Cervoni agreed that the information should be provided at the beginning of the budget process. Included in that information should be an accounting of the fund. He is supportive of an amendment to the ordinance to state that.

Chairman Shortell asked how we can make it part of the process. He is leaning toward amending the ordinance. Mr. Bowes asked if there isn't something in the Charter to provide the reports as requested by the Council. Atty. Small replied no. It is in the Charter that as part of the Mayor's proposed budget he needs to include capital projects and the estimated cost of the projects is supposed to be provided by the departments annually. It doesn't explicitly state reporting on projects that are closed, but that could be addressed. Chairman Shortell asked Atty. Small to draft an amendment. Atty. Small agreed to work on language to require a report before the budget process, to specifically cover what has closed. Chairman Shortell clarified, the aggregate amount of funds from closed out projects that are unassigned in the account. Chairman Shortell indicated Council will look at that at the next meeting.

Chairman Shortell noted that the ordinance references the wrong chapter of the Charter. For section 46-8 Use of funds, it references Section 4 Chapter 15 when it should be chapter 19. Atty. Small agreed to fix that and bring it back to the August meeting.

#6 Discussion and possible action on banning the use of lead when fishing in town bodies of water.

Vice-Chair Laffin reported that a resident found a dying female bald eagle behind the senior center. A rescue group came out and determined it had symptoms of lead poisoning. This is a common cause of eagle deaths. It has not yet been determined where the eagle was from, but it might be part of the nesting pair from Wallingford or Meriden. He wondered how to bring awareness to this issue. He asked if we have jurisdiction to ban the use of lead when fishing or post signage discouraging the use. If it can be banned, he recommended Council support creating an ordinance to protect the raptors that eat fish. He noted that enforcement would be difficult. He talked to Neil Amwake at the Water Division and determined that only one of the town reservoirs is available for fishing (McKenzie), and they wouldn't have a problem with putting up signage. He noted that bald eagles and osprey have large territories, and

acknowledged that we could only control town-owned property. He questioned if we had jurisdiction over other waterways in Wallingford. He asked the Council to discuss this issue.

Chairman Cervoni agreed that protecting raptors is important, but this gesture may be noble but futile. Eagles fish other territories out of town and fish travel. He is supportive of the concept but to be effective the solution has to be bigger than our borders.

Councilor Tatta asked if signage was used, could it be natural-looking, so it blends with the natural surroundings. Councilor Laffin noted that he was envisioning small signs near key fishing spots or maybe a notice with fishing licenses. Councilor Tatta asked if the Town Clerk can give educational information when fishing licenses are purchased. She agreed that a ban will be nearly impossible to enforce. She is in favor of providing educational information when fishing licenses are purchased.

Councilor Marrone stated that the concept is great, but he had concerns with the Council banning anything. He asked if there is a direct line between fishing lures and lead poisoning in eagles or could it be something else. He also asked if other communities had taken this step. He would like to see more research. Councilor Laffin stated that there has been quite a bit of research connecting the lead poisoning with fishing. He also stated that awareness is key and that maybe if we do something others will follow. Councilor Marrone noted that fishing licenses can be purchased online.

Janis Small, Corporate Counsel noted that North Farms Reservoir is owned by the State and that our jurisdiction is only on town-owned property. She noted that we would need an ordinance to be able to fine people. She reported that New Hampshire, Massachusetts, Maine, and Vermont all have banned or limited lead in fishing tackle. She noted that New Hampshire didn't see a decrease in loon deaths despite the ban, possibly because people don't think about what's in their tackle boxes. On a national level, it seems that education is the main tool. The National Wildlife Federation has a booklet on best practices that could be given out with fishing licenses. She stated that she is in favor of education and signage as being the best way to address the issue. She stated that we can have an ordinance that says it's not permitted on Wallingford owned property, but it will be difficult to enforce.

Chairman Shortell asked if the ban in other states was just for fishing or was it ammunition too. Atty. Small replied that it's mostly fishing because hunting is very controversial. California just phased in a ban on lead in ammunition.

William Lussier, 18 Overlook Drive, Wallingford, stated that he has a degree in National Resource Conservation. He asked if we knew where that eagle came from. Councilor Laffin replied that we don't know yet. Mr. Lussier asked if anyone knew the lead content of any of the ponds and reservoirs. Does anyone know where the lead came from? Councilor Laffin replied that there is no concern over lead in the water itself, so it was determined that the eagle had eaten something with lead. They don't know where it came from. Mr. Lussier noted that fishing lures are now either made of plastic, brass, or copper. He stated that Federal Law prohibits lead shot for waterfowl hunting. The only place to get lead in fishing is from the split shot lead on the line. This is a tiny piece (16<sup>th</sup> of an ounce) that if it falls in the water sinks to the bottom. It is highly unlikely there would be enough lead in the water for fish to consume enough to poison an eagle. Mr. Lussier indicated a concern that the town is entering into something that

they haven't looked at enough. Councilor Laffin agreed that it is not the water. He indicated that the Raptor Rescue group that picked up the eagle was convinced it was ingested lead.

Councilor Laffin agreed to talk to the Water Department and Conservation Commission about signage. Atty. Small suggested also talking to the DEEP to get suggestions or maybe educational materials. Councilor Laffin asked if it was worth pursuing an ordinance. Atty. Small recommended no new ordinance at this point.

Chairman Shortell announced that the next meeting is Tuesday, August 4<sup>th</sup>, and declared the meeting adjourned at 7:40 pm.

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary

RECEIVED FOR RECORD 6-19-2020  
AT 10:30 AND RECEIVED BY  
Dobson Thompson TOWN CLERK





*Town of Wallingford, Connecticut*


TOWN ATTORNEY  
GERALD E. FARRELL, SR.  
ASSISTANT TOWN ATTORNEY  
GEOFFREY T. EINHORN  
CORPORATION COUNSEL  
JANIS M. SMALL  
DEPARTMENT OF LAW  
WALLINGFORD TOWN HALL  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2140  
FAX (203) 294-2112  
lawdept@wallingfordct.gov

**MEMORANDUM**

TO: Christopher K. Shortell, Chairman, Ordinance Committee  
Ordinance Committee Members  
FROM: Janis M. Small, Corporation Counsel  
CC: William W. Dickinson, Jr., Mayor  
James M. Bowes, Comptroller  
RE: Capital and Nonrecurring (New § 46-9)  
DATE: August 25, 2020

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Attached is a draft new § 46-9 addressing the reporting of closed projects and unspent funds for your review and consideration.

  
\_\_\_\_\_  
Janis M. Small  
Corporation Counsel

JMS/bjc

Enclosure



**§ 46-9. (New)**

On or prior to April 1<sup>st</sup> of each year, the Comptroller shall provide the Town Council with a report of all Capital and Nonrecurring Fund projects completed and/or closed out during the previous fiscal year ended June 30<sup>th</sup>, including the dollar amount unspent and closed-out for each project.

Item 5 Back-up:

#5

Fellow Councilors:

I'm putting this on the agenda because I am going to propose that we permanently extend outdoor sidewalk dining through November 30 of each year. The current regulation allows it from April 1 through October 31.

This is part of a larger discussion that I'd like to have on how we can reduce the regulatory burden on our local restaurants and businesses. Because of COVID, we've allowed things that would otherwise be prohibited, and they seem to be working. As a community, I'd like to have a discussion and review of potential changes we could make, long term, to make us more business friendly. I'm working to set up a joint discussion between the Town Council, Planning and Zoning Commission, and other key stakeholders on this topic in September (more to come). As a first step, I'd like to see us amend the outdoor dining ordinance to allow it through the end of November.

November can potentially have beautiful fall weather. Even if only a portion of the month is like this, I believe it is worth it to give our local restaurants the choice to offer outdoor dining. I believe this could be especially beneficial during the current pandemic. I also think it should be a permanent change.

According to [weather.com](http://weather.com), the average temperature in CT for April (when outdoor dining is already allowed) and November are comparable. In November, daily temps average between 54°F- 39° F, while in April the temperature ranges between 58.3° F to 40.3° F.

I understand that there may be concerns about snow. I would trust the restaurants to clear the sidewalks of tables and chairs in advance of any potential storm. Indeed, we've had two storms in October in the last decade, so this is already a risk (in 2011 and 2012). Similarly, early April is also a risky time for late season snow, and we've still allowed outdoor dining during that month.

Please reach out with any questions; thanks.

Chris Shortell

On 7/14/2020 2:37 PM, C.K. Shortell wrote:

Let's add to our next meeting agenda in August. Discuss existing Ordinance and potential modifications. Parks & Rec, PD and PW should be represented and part of the discussion as well.

Sent from my iPhone

On Jul 14, 2020, at 1:20 PM, Jason Zandri <[jason@zandri.net](mailto:jason@zandri.net)> wrote:

Hi Guys,

Not sure if we might manipulate a current ordinance for discussion or create a new one, but I want to address ALL illegal dumping.

I want to better define it so that it's not just illegal discarding on the roadside but to also include when people are willingly and knowingly placing household trash in town receptacles. I don't necessarily wish to split hairs over the plastic bag in the car that someone takes out and throws away, filled with food wrappers and such (like they might at a gas station getting fuel - that's passive to me) but when it's a tall kitchen bag full stuff from home, this is willful and premeditated to simply avoid paying for the service at home and placing the burden and cost on the town and the tax payers.

My thought process was

- first offense - warning and a "permanent record" of some sort (a recording that they were given a free pass and a warning)
- second offense - \$100 fine (suggestion)
- third and repeating offenses - \$500 each (again,

suggestion)

The problem in town is increasing - I've been regularly sending Chris photos when I come across random stuff in Wallingford Center on my walks - and I was engaged with Steve Palermo on the topic as well (below)

Please let me know your thoughts.

Thanks  
Jason Zandri

<image.png>

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<lawdept.vcf>

#6



*Town of Wallingford, Connecticut*

TOWN ATTORNEY  
GERALD E. FARRELL, SR.  
ASSISTANT TOWN ATTORNEY  
GEOFFREY T. EINHORN  
CORPORATION COUNSEL  
JANIS M. SMALL  
DEPARTMENT OF LAW  
WALLINGFORD TOWN HALL  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2140  
FAX (203) 294-2112  
lawdept@wallingfordct.gov

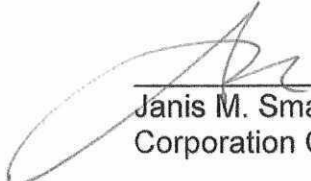
**MEMORANDUM**

TO: Christopher K. Shortell, Chairman, Ordinance Committee  
Ordinance Committee Members  
FROM: Janis M. Small, Corporation Counsel  
RE: Trash Deposited in Town Receptacles  
DATE: August 25, 2020

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Pursuant to Connecticut General Statutes §22a-220a(i)(1), a person who dumps more than one cubic foot in volume of solid waste, at one time, in a collection container without the owner's permission is guilty of an infraction. An owner of the collection container may post a sign on or near the container indicating the penalties for the unauthorized dumping. Police can issue the summons.

Pursuant to Connecticut General Statutes §22a-226d, an ordinance may provide for a fine of up to \$1,000.00 for a violation of §22a-220(a)(i)(1). It can be enforced by the Police Department or a person authorized by the Chief Elected Official. The citation procedure in §7-152c would apply.

  
\_\_\_\_\_  
Janis M. Small  
Corporation Counsel

JMS/bjc