

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

June 12, 2012

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:30 P.M. The Opening Prayer was offered by the Reverend Dean Warburton, First Congregational Church of Wallingford, and the Pledge of Allegiance was said. Councilors in attendance as follows: Vincent Cervoni, Nick Economopoulos, Craig C. Fishbein, Thomas Laffin, John LeTourneau, Chairman Robert F. Parisi and John J. Sullivan. Councilors Rosemary Rascati and Jason Zandri were absent from the meeting. Mayor William W. Dickinson, Jr., Town Attorney Gerald E. Farrell, Sr. and Comptroller James Bowes were also at the meeting.

2. Correspondence

For the record, Councilor Cervoni read three pieces of correspondence. The first letter was from Kate Wall to congratulate Barbara Thompson for becoming a Certified Town Clerk. The next two letters were from the Mayor to the Town Council, one with regard to the new operator of the Recycling Center, and the second reporting the results of the energy audit on town buildings. (All letters are part of the record of the meeting.)

It was announced that 3p., 3q. or and 3 s. have been removed from the Consent Agenda to be discussed under Item 4.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#595 - #610) totaling \$9,068.91
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Acceptance of Donation and Appropriation in the Amount of \$278 *Youth & Social Services Special Fund -Relay for Life* to Expenditures Acct # 21340100-58830 and to Donations Acct # 2134002-47152 – Youth & Social Services
- 3c.** Acceptance of Donation and Appropriation in the Amount of \$807 *Youth & Social Services Special Fund -Relay for Life* to Expenditures Acct # 26640150-58830 and to Donations Acct # 2134002-47152 – Youth & Social Services
- 3d.** Consider and Approve an Appropriation of Funds (3M Foundation Grant) in the Amount of \$1,000 to Operating Expenses Acct # 10020150-58735 from Miscellaneous Revenue Acct # 1009052-47040 – Fire Chief
- 3e.** Consider and Approve a Transfer of Funds in the Amount of \$2,850 to Regular Salaries & Wages Acct #10020150-51000 from Contingency Acct # 10019000-58820- Fire Chief
- 3f.** Consider and Approve a Transfer of Funds in the Amount of \$1,100 to Wage Differentials Acct #10020150-51450 from Contingency Acct # 10019000-58820- Fire Chief
- 3g.** Consider and Approve a Transfer of Funds in the Amount of \$7,800 to Hypertension - Fire Acct #12100-52956 from Hypertension - Police Acct # 12100-52957- Personnel

- 3h.** Consider and Approve a Transfer of Funds in the Amount of \$3,000 to Unemployment Compensation Acct #100121-52970 from Contingency – General Purpose Acct # 10019000-58820- Personnel
- 3i.** Consider and Approve a Transfer of Funds in the Amount of \$28,000 to Retirement Sick Leave Acct #10012150-51750 from Contingency Acct # 10019000-58820- Personnel
- 3j.** Consider and Approve a Transfer of Funds in the Amount of \$2,100 to Customer Records & Collection Expense Acct # 43100903 from Outside Expenses Acct # 43100923- Water Division
- 3k.** Consider and Approve a Transfer of Funds in the Amount of \$2,100 to Customer Records & Collection Expense Acct # 46100903 from Outside Expenses Acct # 46100923- Sewer Division
- 3l.** Consider and Approve a Transfer of Funds in the Amount of \$16,300 to Town Hall, 45 S. Main St-20 Ton Rooftop HVAC Unit Acct # 10030000-57000 from Materials & Supplies Acct # 10030000-56140 - Public Works
- 3m.** Consider and Approve an Appropriation of Funds in the Amount of \$25,000 to Generator – Civil Preparedness Fund # 200 (20080350-57000-10017) and to Revenue-CRRA Distribution Fund # 200 – Mayor
- 3n.** Consider and Approve a Transfer of Funds in the Amount of \$4,000 to Purchased Services - Accounting Acct # 10010405-56724 from Comptrollers – Regular Wages Acct # 10010405-51000 - Comptroller
- 3o.** Consider and Approve Agreement between Wallingford Community Day Care Center Inc. and the Town of Wallingford, which authorizes the Wallingford Community Day Care Center Inc. to carry out funding programs as provided in the contract between the Town of Wallingford and the State Department of Education for July 1, 2012 – June 30, 2013 - Mayor
- 3p.** *Consider and Approve a Resolution permitting the Wallingford Community Day Care Center, Inc. to borrow from the Town of Wallingford amounts necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut – Mayor*
Removed
- 3q.** *Consider and Approve 2012-2013 Bid Waiver Request – Mayor*
Removed
- 3r.** Consider and Approve the Appointment of James Dobson as an Alternate to the Inland Wetland and Watercourses Commission for a Term Expiring March 1, 2015 – Chairman Robert F. Parisi
- 3s.** *Approve minutes of Regular Town Council Meeting of May 22, 2012*
Removed
- 3t.** Consider and Approve rescheduling to August 14, 2012 from August 21, 2012 in the 2012 Calendar of Regular Town Council Meetings – Chairman Robert F. Parisi

MOTION MADE TO APPROVE THE CONSENT AGENDA

ITEMS 3a. – 3o., 3r. & 3t.

MADE BY: CERVONI

SECONDED BY: LAFFIN

VOTE: 7 -AYE-; 2 ABSENT

MOTION PASSED.

4. Items Removed from the Consent Agenda

- 3p.** Consider and Approve a Resolution permitting the Wallingford Community Day Care Center, Inc. to borrow from the Town of Wallingford amounts necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut - Mayor

Councilor Fishbein was interested in where the items were in the budget; what are the “in-kind-contributions”; about the ownership of the facility; and the lease of the building. Mayor Dickinson reviewed the history of the Wallingford Community Day Care Center. There were questions about what is already owed the town. Comptroller gave a history of this funding for state day care facilities and agreed to look back at the status and make-up of the loan and the payment schedule over the last 5-10 years. He stated that the loan will be greatly reduced this year due to an expected payment of \$30,000 against the approximate amount of \$70,000 owed the town.

MOTION WAS MADE TO TABLE THE ITEM.

MADE BY: FISHBEIN

SECONDED BY: NO SECOND

As a Point of Information, Councilor Sullivan expressed concern that if the Resolution is not signed now that it could jeopardize the award of funding from the State of Connecticut, and if so, he would not support tabling the item. Mayor Dickinson stated that it would have an effect on what needs to occur as of July 1, 2012. Mr. Bowes added that it will because the state will not have the required paperwork.

MOTION MADE TO APPROVE a Resolution permitting the Wallingford Community Day Care Center, Inc. to borrow from the Town of Wallingford amounts necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut.

MADE BY: LAFFIN

SECONDED BY: LETOURNEAU

**CALLED OUT VOTE: LETOURNEAU-YES; LAFFIN-YES; FISHBEIN-NO
CERVONI-YES; SULLIVAN-YES;
ECONOMOPOULOS-NO; CHAIRMAN PARISI-YES**

5-AYE-; 2-NAY; 2-ABSENT (RASCATI & ZANDRI)

MOTION PASSED.

3q. Consider and Approve 2012-2013 Bid Waiver Request – Mayor

#1

MOTION WAS MADE TO APPROVE 2012-2013 BID WAIVER REQUEST AS PRESENTED IN THE AGENDA PACKET.

MADE BY: CERVONI
SECONDED BY: LAFFIN

Councilor Fishbein stated that he had questions for four (4) departments of those in the bid waiver list.

PUBIC WORKS: *In attendance – Henry McCully*

Councilor Fishbein asked about PTO, Specialty Brakes, HazWaste and ACORD, Inc. and why these items do not go out to bid. Councilor Economopoulos asked how do we know about the true cost if these never go out to bid?

FINANCE: *In attendance – Comptroller James Bowes*

Councilor Fishbein asked questions about Quality Data and Munis Tyler. Comments included those of relationships with vendors of professional services in particular, specialty, proprietary services; and giving the opportunity to other vendors, especially those from Wallingford.

ANIMAL CONTROL: *In attendance – Comptroller Dean Rizzo*
Veterinary services in Wallingford were discussed.

STUDENT INTRODUCTION:

Student, Zack Page, was introduced by Chairman Parisi who said that Zach was attending the meeting with regard to his Civics class at Sheehan High School.

SWEARING IN:

The Town Clerk swore in James Dobson as an Alternate to the Inland Wetland and Watercourses Commission.

ELECTRIC DIVISION: *In attendance: George Adair, David Gessert & Rick Hendershot.*

Miller, Balis & O’Neil & Ti-Sales were discussed with respect to the services that these companies provide to the Electric Division. Mayor Dickinson said that they would look into the last time these services were bid. Councilor Fishbein asked for more detail in the future on bidding dates for the list presented. Mayor Dickinson stated that where possible he would provide a report.

#2

MOTION TO AMEND THE MOTION ON THE FLOOR TO REMOVE FROM:

PUBLIC WORKS BID WAIVER REQUEST: FLEET PRIDE
ANIMAL CONTROL BID WAIVER REQUEST: NORTH COLONY ANIMAL HOSPITAL
ELECTRIC DIVISION BID WAIVER REQUEST: TI-SALES
MADE BY: COUNCILOR FISHBEIN.
NO SECOND

Councilor Sullivan stated that he is happy that this discussion took place and does not like to see this on the Consent Agenda. He declared that he is recusing himself since the Electric Division has a proposed bid waiver request for AT&T, who is Councilor Sullivan's employer. He stated that for him to vote on this as it is packaged would be a conflict of interest.

**ROLL CALL VOTE ON ORIGINAL MOTION:
CERVONI -YES; ECONOMOPOULOS - NO; FISHBEIN - NO; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - ABSTAIN;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**4-AYE-; 2-NAY; 1-ABSTAIN; 2-ABSENT
MOTION FAILED.**

Councilor LeTourneau asked if Councilor Sullivan be able to vote with the AT&T piece taken out. Mayor Dickinson said that if you make a motion for the entire list other than AT&T for the Electric, and then vote AT&T separately, it could be done that way.

#3

MOTION WAS MADE TO APPROVE THE 2012-2013 BID WAIVER REQUEST AS PRESENTED IN OUR PACKET WITH THE EXCEPTION OF THE LINE THAT REFERENCES AT&T SERVICES TO THE ELECTRIC DIVISION.

**MADE BY: CERVONI
SECONDED BY: LETOURNEAU**

**ROLL CALL VOTE:
CERVONI -YES; ECONOMOPOULOS - NO; FISHBEIN - NO; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**5-AYE-; 2-NAY; 2-ABSENT
MOTION PASSED.**

#4

MOTION WAS MADE TO APPROVE THE BID WAIVER REQUEST FOR 2012-2013 WITH RESPECT TO AT&T SERVICES TO THE ELECTRIC DIVISION.

**MADE BY: CERVONI
SECONDED BY: LAFFIN**

**ROLL CALL VOTE:
CERVONI -YES; ECONOMOPOULOS - NO; FISHBEIN - NO; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - ABSTAIN;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**4-AYE-; 2-NAY; 1-ABSTAIN; 2-ABSENT
MOTION FAILED**

Discussion with regard to AT&T occurred with regard to Electric Division poles and AT&T poles, and they go back & forth, and they are the only entity in the state, and this service cannot bid. It's a proprietary issue. Councilor Laffin asked that the last motion be rescinded in that AT&T was not

part of their consideration and is all by itself and that it's only \$10,000. Councilor Fishbein said he would reconsider.

#5

MOTION WAS MADE TO RECONSIDER THE ISSUE OF THE AT&T BID WAIVER FOR THIS PARTICULAR SERVICE.

**MADE BY: FISHBEIN
SECONDED BY: CERVONI**

ROLL CALL VOTE:

**CERVONI - YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - ABSTAIN;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**6-AYE-; 1-ABSTAIN; 2-ABSENT
MOTION PASSED.**

3s. Approve minutes of Regular Town Council Meeting of May 22, 2012

Vice-Chairman Cervoni deferred to Town Attorney Farrell stating that he understood the minutes are incomplete because material from the last meeting was not deposited with the Town Clerk's Office.

Attorney Farrell replied that the Law Department is concerned that the PowerPoint presentation made by Councilor Economopoulos, and that the slides that he projected were not deposited into the office of the Town Council and are therefore are not with the Town Clerk. The minutes themselves are no problem, and they do not need to be appended to the minutes. He stated that both he and Attorney Small spoke with Thomas Hennick, the Public Education person at FOI, who said that to not have those items deposited where they can be viewed and copied by the Public is in fact an FOI violation. He said that he thought it was reasonable to address it under this item. He said that he spoke with the Town Council secretary, Sandra Weekes, and she assured him that the materials have not been deposited with her office and at Attorney Farrell's request, she called Councilor Economopoulos, who said that he was not going to deposit the materials. Attorney Farrell is concerned about it as he doesn't want to see the town exposed to FOI.

MOTION WAS MADE TO TABLE THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING OF MAY 22, 2012 TO THE NEXT MEETING TO ALLOW FOR AN OPPORTUNITY FOR THE RECORD TO BECOME COMPLETE.

**MADE BY: CERVONI
SECONDED BY: LAFFIN**

There was some discussion. Councilor Economopoulos stated that he did not know what needed to be deposited or to turn in. He said that everyone saw the PowerPoint presentation. Attorney Farrell said that the video tape is not an official town document, and the papers that were used and the slides that were shown should be deposited with the Council Secretary. Councilor Economopoulos asked why this was not done with the insurance issue. He said Attorney Small said she advised you that she told you it had to be, and until Friday, she thought you had complied. Councilor Economopoulos said that he did turn in his notes and everything that he used for the insurance slide show but none of the pictures, or the

video, just his notes. He asked if those minutes were accepted by the Council?
Attorney Farrell stated that if the file was turned over then there is no issue. Councilor

Economopoulos stated that he has nothing else to turn over on this presentation other than what you saw at the table, and what has been videoed and copied and put on disk to anybody who wants one, so what more is there to supply? Attorney Farrell replied to Councilor Sullivan's question that the PowerPoint presentation, in disk form would be just fine

ROLL CALL VOTE:

**CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**7-AYE-; 2-ABSENT
MOTION PASSED**

Councilor Laffin stated on a Point of Order that Councilor Fishbein's motion simply rescinded that last motion, so that we need to actually vote to approve AT&T. The Town Clerk said that it was to reconsider.

**MOTION WAS MADE TO APPROVE THE BID WAIVER WITH RESPECT TO THE
AT&T MATTER IN THE ELECTRIC DIVISION'S REQUEST FOR 2012-2013.**

**MADE BY: CERVONI
SECONDED BY: LETOURNEAU**

ROLL CALL VOTE:

**CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - ABSTAIN;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**6-AYE-; 1-ABSTAIN; 2-ABSENT
MOTION PASSED.**

**MOTION WAS MADE TO CONSIDER ITEM 6 AT THIS POINT AND TAKE IT OUT
OF ORDER.**

**MADE BY: CERVONI
SECONDED BY: LETOURNEAU
VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.**

- 6.** Consider and Approve an Appropriation in the Amount of \$300,000 to Establish Capital Project Fund- Lyman Hall Track Project (new) -
to Revenue- Transfer In From General Fund – Board of Education Budget (new fund) Fund # 317
and to Expenditures Fund # 317 – Board of Education

**MOTION WAS MADE TO APPROVE AN APPROPRIATION IN THE AMOUNT
OF \$300,000 TO ESTABLISH A CAPITAL PROJECT FUND – LYMAN HALL
TRACK PROJECT (NEW) TO Revenue- Transfer In From General Fund –
Board of Education Budget (new fund) Fund # 317 and to Expenditures Fund # 317**

– Board of Education

MADE BY: CERVONI
SECONDED BY: LAFFIN

ROLL CALL VOTE:
CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES

VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.

MOTION WAS MADE TO CONSIDER ITEMS 9 & 10 TO TAKE THEM OUT OF ORDER.

MADE BY: CERVONI
SECONDED BY: LAFFIN

VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.

9. Consider and Approve Bid Waiver to retain Barnes and Thornburg LLP (“B&T”) for Legal and Technical Services Related to Phosphorus Regulation in the Amount of \$35,000 – Director, Public Utilities

MOTION WAS MADE TO APPROVE Bid Waiver to retain Barnes and Thornburg LLP (“B&T”) for Legal and Technical Services Related to Phosphorus Regulation in the Amount of \$35,000.

MADE BY: CERVONI
SECONDED BY: LAFFIN

In attendance: George Adair, David Gessert, Roger Dann

Discussion focused entirely on the pressing need to address the new regulation with regard to Phosphorus in the water systems and the need to request that lower levels be allowed with the guidance of the firm of Barnes and Thornburg LLP, working with Wallingford and three other towns, providing the Legal and Technical Services Related to Phosphorus Regulation.

MOTION TO AMEND THE MOTION WAS MADE TO REMOVE ‘IN THE AMOUNT OF \$35,000’ FROM THE MOTION.

ROLL CALL VOTE:
CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES

VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.

ROLL CALL VOTE ON THE AMENDED MOTION, WHICH WAS READ BACK BY THE TOWN CLERK.

**CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.**

- 10.** Consider and Approve a Budget Amendment in the amount of \$35,000 to Outside Services Acct # 46100923 from Appropriation to Cash – Sewer Division

MOTION WAS MADE TO APPROVE A Budget Amendment in the amount of \$35,000 to Outside Services Acct # 46100923 from Appropriation to Cash for the Sewer Division

**MADE BY: CERVONI
SECONDED BY: FISHBEIN**

In attendance: George Adair, David Gessert, Roger Dann

**Councilor Cervoni made a friendly amendment to add ‘FY 2012-2013’.
Councilor Fishbein seconded.**

ROLL CALL VOTE

**CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.**

- 5.** PUBLIC QUESTION & ANSWER

Geno Zandri, Bob Gross and Wes Lubees all spoke at the Public Question and Answer Period asking about police departments reporting street lamps that are out; cost of the bonding attorney; asthma and our air quality in town; review of the ‘Code of Ethics.’ Councilor Cervoni’s interest was peaked, so he said he would look into street lamp outage reporting.

- 7.** Conduct a Public Hearing for June 12, 2012 at 7:00 P.M. for Neighborhood Assistance Applications 2012- Mayor

In attendance: Don Roe, Grants Administrator

Chairman Parisi opened the Public Hearing at 9:16 P.M.

PUBLIC COMMENT: None

Chairman Parisi closed the Public Hearing at 9:16 P.M.

Wallingford Town Hall, 45 South Main Street

8. Consider and Approve Resolution approving list of Neighborhood Assistance Programs for 2012 and authorize and direct Mayor to submit Department of Revenue Services approved list of programs, execute such other documents as may be required by the Department to accept on behalf of the Town any funds available for those municipal programs, execute any amendments, rescissions and revisions thereto and to act as the authorized representative of the Town of Wallingford - Grants Administrator

MOTION WAS MADE TO APPROVE A Resolution approving list of Neighborhood Assistance Programs for 2012 and authorize and direct Mayor to submit Department of Revenue Services approved list of programs, execute such other documents as may be required by the Department to accept on behalf of the Town any funds available for those municipal programs, execute any amendments, rescissions and revisions thereto and to act as the authorized representative of the Town of Wallingford.

**MADE BY: CERVONI
SECONDED BY: LAFFIN**

Discussion ensued about how the Neighborhood Assistance Program works for people and business.

ROLL CALL VOTE

**CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - YES;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**VOTE: 7-AYE; 2-ABSENT
MOTION PASSED.**

11. Discussion and Possible Action to Adopt the endorsement of the Town's recommendation for a new rail station location – Engineering

In attendance: John Thompson, Town Engineer

Councilor Cervoni noted for the record a Petition that was submitted from residents on North Cherry Street with regard to the Parker Street site for the railroad station. There are 12 signatures on the petition.

Mr. Thompson reviewed the two proposed sites for the location of the new rail station with the help of two displayed maps. He stated that the town recommends the Parker Street-Cerrito site (northerly of the current station) over the Ward Street-Judd Square site. Councilor Letourneau also made many good points regarding the opposite point of view stating that the Ward Street-Judd Square Site (southerly of the current station) should be selected. It was agreed that there were good points and negative points with respect to both sites. Discussion included emergency routes; number of trains; hours of trains; parking lots; station access from the lots; walking distances; traffic in the center of town and noise in regard for residents at either of the sites; what gates go down at what crossings when there is a train at either of the station locations; crossings were

identified as Ward, Hall, Quinnipiac and Parker Streets. Some Councilors stated that it didn't matter how they voted.

The following people spoke to this issue: Geno Zandri, gates issue; Michael Glidden with regard to the environment including possible disturbance of an archaeological site, landscaping, lighting, especially to those in 2-3 family homes and storm water runoff; Ray Ross; Dennis Doolittle about fencing between tracks and houses; Bob Gross, Fire Department preferences, police posted in quadrants; Wes Lube, left out Council on review committee.

MOTION WAS MADE TO ADOPT THE ENDORSEMENT OF THE TOWN'S RECOMMENDATION FOR THE NEW RAIL STATION LOCATION AT THE PARKER STREET-CERRITO LOCATION.

MADE BY: CERVONI
SECONDED BY: FISHBEIN

ROLL CALL VOTE

CERVONI -YES; ECONOMOPOULOS - YES; FISHBEIN - YES; LAFFIN - YES; LETOURNEAU - NO; RASCATI - ABSENT; SULLIVAN - NO; ZANDRI - ABSENT; CHAIRMAN PARISI - YES

VOTE: 5-AYE; 2-NAY; 2-ABSENT
MOTION PASSED.

12. Discussion and Possible Action on identifying who or what will conduct the "independent investigation" relative to the motion passed on woodcutting at the May 22, 2012 Town Council meeting and discussion on possible action to further define and/or limit its scope - Chairman Robert F. Parisi

Attorney Farrell made comments to begin this discussion with regard to a request from the Council regarding subpoena powers of the Council to which he said that the Council does not have those subpoena powers. He said that when he and Attorney Small reviewed the motion that was passed that it did not identify what department was being investigated. He said the power of the Town Council is not to investigate employees. It is only to investigate a department or an agency and that it does not have any power to sanction, reprimand or otherwise discipline any town employees. He said that the motion also stated that it was to be an independent investigation. He asked that the Town Council be more specific of what it means by 'independent'. He said that the Police Chief did not indicate that anything criminal was involved so far as he could see and that there would be no criminal investigation. Also, the motion as passed was for a lengthy period of 3.5 years. The Law Department doesn't know where you want us to go – ideas of who might investigate, try to get prices, for example? He said that to do that the Council needs to limit what/where the investigation is and identify how independent it wants to be. It could also choose to conduct the investigation itself. He said that they spoke with other people including the town's labor lawyer who indicated that something like double jeopardy might apply. He said that these are the issues, and so it's back into the Town Council's camp of where it wants to go with it.

The discussion that followed was lengthy and often heated.

MOTION WAS MADE THAT THE TOWN COUNCIL REQUEST THE MAYOR TO AUTHORIZE THE PERSONNEL DIRECTOR, TERENCE SULLIVAN, TO RE-OPEN THE INVESTIGATION RELATED TO WOODCUTTING WITH QUESTIONS PROVIDED BY COUNCIL MEMBERS WITH A LIMIT OF SIX QUESTIONS EACH

TO BE SUBMITTED TO THE COUNCIL OFFICE NO LATER THAN TUESDAY, JUNE 19TH AND FORWARDED TO THE PERSONNEL DEPARTMENT NO LATER THAN THURSDAY, JUNE 21ST AND INVESTIGATION TO BE COMPLETED AND PRESENTED TO THE TOWN COUNCIL AT THE FIRST MEETING IN JULY.

**MADE BY: LETOURNEAU
SECONDED BY: LAFFIN**

MOTION TO AMEND THE MOTION ON THE FLOOR TO REQUIRE THAT TERENCE SULLIVAN, PERSONNEL DIRECTOR, PROVIDE THE ANSWERS IN WRITING TO THE QUESTIONS ASKED BY THE COUNCIL

**MADE BY: LETOURNEAU
SECONDED BY: FISHBEIN**

ROLL CALL VOTE

**CERVONI -YES; ECONOMOPOULOS - NO; FISHBEIN - YES; LAFFIN - YES;
LETOURNEAU - YES; RASCATI - ABSENT; SULLIVAN - NO;
ZANDRI - ABSENT; CHAIRMAN PARISI - YES**

**VOTE: 5-AYE; 2-NAY; 2-ABSENT
MOTION PASSED**

- 13.** 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

Withdrawn

- 14.** Executive Session pursuant to Connecticut General Statutes §225(f) and §1-200(6)(B) to discuss the following case:
Wallingford Associates v. Town of Wallingford - Law Department

**MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO:
Item 14. Executive Session pursuant to Connecticut General Statutes §225(f)
and §1-200(6)(B) to discuss the following case:
Wallingford Associates v. Town of Wallingford
- Law Department**

**MADE BY: CERVONI
SECONDED BY: LETOURNEAU
VOTE: 7-AYE-; 2-ABSENT
MOTION PASSED.**

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

**MADE BY: CERVONI
SECONDED BY: FISHBEIN
VOTE: 7-AYE-; 2-ABSENT
MOTION PASSED.**

EXECUTIVE SESSION ATTENDANCE:

Wallingford Town Hall, 45 South Main Street

SEVEN COUNCILORS; MAYOR DICKINSON AND TOWN ATTORNEY GERALD E. FARRELL, JR. RASCATI & ZANDRI WERE ABSENT FROM THE MEETING.

TIME OF EXECUTIVE SESSION: 12:03 P.M. TO 12:09 P. M.

15. Possible Action of Wallingford Associates v. Town of Wallingford – Law Department

MOTION WAS MADE TO AUTHORIZE THE TOWN ATTORNEY TO COMPROMISE AND RESOLVE THE MATTER OF *WALLINGFOR ASSOCIATES V. TOWN OF WALLINGFORD* AS DISCUSSED IN EXECUTIVE SESSION.

**MADE BY: CERVONI
SECONDED BY: FISHBEIN
VOTE: 7-AYE-; 2-ABSENT
MOTION PASSED.**

MOTION WAS MADE TO ADJOURN THE MEETING.

**MADE BY: CERVONI
SECONDED BY: FISHBEIN
VOTE: 7-AYE-; 2-ABSENT
MOTION PASSED.**

THE MEETING ADJOURNED AT 12:07 P.M.

Respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date