

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

November 27, 2012

RECORD OF VOTES & MINUTES

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The Regular Meeting of the Wallingford Town Council was called to order at 6:31P.M. The Opening Prayer was offered by Reverend Dean O. Warburton of the First Congregational Church of Wallingford. The Pledge of Allegiance was said. Councilors in attendance as follows: Vincent Cervoni, Nick Economopoulos, Craig Fishbein, Thomas Laffin, John Letourneau, Chairman Robert F. Parisi, Rosemary Rascati, John J. Sullivan and Jason Zandri. Mayor William W. Dickinson, Jr., Town Attorney Gerald E. Farrell, Sr. and Comptroller James Bowes were also in attendance at the meeting.

2. Correspondence – *No correspondence*

3. Consent Agenda

3a. Consider and Approve Tax Refunds totaling \$15,534.73 (#368 - #425)  
Acct. # 001-1000-010-1170 - Tax Collector

3b. Acceptance of Donation and Appropriation in the Amount of \$5.00 (five dollars) for  
*Youth and Social Services Special Fund* to Donations Acct # 2134002-47152  
and to Expenditures Acct # 21340100-58830 – Youth and Social Services

3c. Acceptance of Donation and Appropriation in the Amount of \$2,500  
for *Youth and Social Services Special Fund* to Donations Acct # 2134002-47152  
and to Expenditures Acct # 21340100-58830 – Youth and Social Services

3d. Acceptance of *Town Council Calendar of Meetings for 2013*

3e. Approve minutes of Regular Town Council meeting of November 13, 2012

3f. Consider and Approve submission of a grant application for the Department of Justice Grant and appropriate \$40,320 to DOJ Grants Acct # 100-002-2002-45214 and to the following:

Video Equipment \$14,875 Acct to be Established  
PSDN Router/Switch \$5,015 Acct to be Established  
Firearms \$20,430 Acct to be Established

-Police Department

**MADE BY: CERVONI**

**SECONDED BY: RASCATI**

**VOTE: UNANIMOUS; ALL AYE (9)**

**THE MOTION PASSED.**

4. Items Removed from the Consent Agenda - *Withdrawn*

*Wallingford Town Hall, 45 South Main Street*

Chairman Parisi acknowledged and thanked Bill Celata and his team of the Public Works Department for the fine job that was done on replacing the wooden parts of the town's park benches and for the research that was done to find the right wood. He said that it is a perfect example of going above and beyond.

## 5. PUBLIC QUESTION & ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, asked for cooperation from the Wallingford Police Department in reporting street lamps that are out. He also noted that after spending \$100K on brand new decorative lighting that "all the ones on Prince Street" are currently not working, so there are four out and one right around the corner on Center Street out." He asked that someone look into this.

Ray Ross, Silverpond Apartments, distributed two photographs to each Councilor and stated that the street signs say something different about what day of the week and what hours of the day to park in that there isn't consistency. He asked that these street signs be better coordinated to remove existing confusion. *(The photos are part of the record.)*

Bill Comerford, 5 Broadview Drive, asked about the town's sidewalk replacement program. Mayor Dickinson stated that the town is divided into quadrants, which are taken up annually in consecutive order. He said that the Engineering Department is responsible for sidewalks and will inspect sidewalk sites that problematic when a complaint is made.

**Mayor Dickinson and Chairman Parisi presented certificates to the WALLINGFORD NITRO U-12 BOYS SOCCER TEAM for the Fall of 2012, who are the SOUTH CENTRAL DISTRICT COMP "A" LEAGUE CHAMPIONS and CONNECTICUT CUP STATE CHAMPIONS. Mayor Dickinson reported that this team is undefeated 14-0 and that they scored seventy-six (76) goals against only twelve (12) goals. He called all of the players and their coaches forward to receive their certificate, as follows –**

**Mark Amodio, Joaquin Antunez-Tierney, Quinn Crowther, Sam Curtis, Sean Dennehy, Ryan Doyle, Tagan Farrell, Corey Flynn, Jack Gaynor, Julen Lujambio, Jacob Lynn, Jameson O'Connell, Cristian Pina, Andrew Saball, Julio Serna, Tyler Stowik, Christian Wade and John Yoder.**

**Also, their coaches – Mark Amodio, Paul Wade and Head Coach, Sean Stowik**

**The players and their coaches all stood on stage to receive a huge round of applause from everyone including many, many parents who attended.**

Since it was not yet 7:00P.M. for the Public Hearing, the Council moved on to Item 7.

## 7. Report out on the New Haven Hartford Springfield (NHHS) Commuter Rail Project – Town Engineer

*In attendance: John Thompson, Town Engineer*

Mr. Thompson displayed, and handed out, a schematic drawing *(part of the record of the meeting)* of the Ward Street railroad crossing, which is an at grade railroad crossing. This

drawing was used as an example of the seven (7) crossings existing in Wallingford that will be

affected by the upcoming changes to the rail service into Wallingford. Mr. Thompson has spoken at various meetings both locally and on the state level where the concerns of the Town of Wallingford have been expressed, and hopefully addressed by DOT. Mr. Thompson thought that DOT was sensitive to the town's concerns to the point that Mr. Thompson believes will elicit new strategies and drawings. He talked about Public Hearings for each of the crossings. It was reported that business owners are "upset." Some time was spent on Parker Street and how that street has an impact on the traffic flow on Rt. 5 and Washington Avenue at the time a train stops, and especially at traditional commuter times of the day. Project timetables were talked about with respect to Public Hearing times. Some Councilors stated that they would have liked to have been included into the local meetings. It was explained that these are primarily administrative decisions with regard to the NHHS Rail Project and that it would not be possible to have the entire Council present for the meetings. Mayor Dickinson said he would take a look at the possibility of a Town Council liaison under advisement.

The Council talked with Mr. Thompson spoke about the Environmental Study which did not include the widening of Parker Street or the "taking of property." Quiet Zones were discussed including how a quiet zone is determined; where a train stops; sound barriers and types of barriers; and left turns and right turns. Toelles Road and other crossings may have new gate configurations and be classified as a 'quad gate' crossing. Toelles Road is of concern when considering the number of trucks that use this road daily, including Federal Express trucks.

Mr. Thompson stated that he does not have answers to all of the questions, that meetings are still occurring and that he will report back to the Council again.

**6. Conduct a Public Hearing on the possible sale of 41 South Main Street**

The Public Hearing was opened by Chairman Parisi at 7:40 P.M.

*In attendance: Joseph Gouveia, 152 North Main Street LLC  
Attorney Jerry Farrell, Jr., representing Mr. Gouveia*

Thomas Mezzi, 18 East Dayton Hill Road, stated that this property cannot be sold unless it is *appraised*. He made statements with regard to the Purchasing Department. An appraisal might be in the Law Department. Town Attorney Farrell said the closing isn't for two (2) months.

Bill Comerford, 5 Broadview Drive, asked when Mr. Gouveia would be able to replace the roof. It was stated that the roof doesn't leak according to Public Works.

Bob Gross, 114 Long Hill Road, hopes that the building will be sold and that according to his photos the roof is leaking.

**MOTION WAS MADE TO CLOSE THE PUBLIC HEARING.**

**MADE BY: CERVONI**

**SECONDED BY: RASCATI**

**VOTE: ALL AYE**

**MOTION PASSED**

Councilor Fishbein stated that the Public Hearing does not notice the public about selling any portion of the parade ground, which is what he believes Mr. Gouveia is looking for.

*Wallingford Town Hall, 45 South Main Street*

Attorney Jerry Farrell, Jr. said that is not the case. Mr. Gouveia is not looking to purchase anything other than that which the town itself owns, 41 South Main Street. He stated that he has from the Law Department a contract, a proposed license agreement for the porch and a proposed warranty deed. The Law Department has been ready for a closing for a while. He said that in the licensing agreement is the ability to add the porch onto land that the towns owns. It does not convey fee simple. He said that probably at some point in time, the licensing agreement could be revoked. In terms of the parking spots, it is a licensing agreement, not conveying fee simple to anything. Councilor Fishbein still expressed that this setting of a public hearing was not noticed or part of a Council agenda, which would put it into a position to be discussed. Attorney Farrell reminded everyone that there is not yet a signed contract.

Mayor Dickinson said that this satisfies the Public Hearing requirement for this transaction and that a subsequent meeting would be discussion and action with regard to a contract for the purchase and sale and the licensing. He said that if we need a Public Hearing for the licensing, then we can take a look at this along with the issue of an appraisal. Mayor Dickinson stated that the public hearing portion of the sale of town property is a new law and may not have affected other projects on the parade grounds.

Mr. Gouveia briefly described some redesign changes to the plan and that no work will probably occur on this building until next summer.

8. Discussion and possible action regarding a formal purchasing procedure and policy to be created, formed from the Code of Wallingford and the Town Charter of Wallingford  
– Councilor Jason Zandri

**MOTION MADE for the Wallingford Town Council to request that the Mayor work with the Comptroller and the Purchasing Manager to create a formal procedure and policy based on the Code of Wallingford and the Town Charter of Wallingford, for the direct use of all town departments and to be followed formally for all matters with respect to purchase, reporting, transfer, sale, methods of sale and disposal of supplies as formally approved by the Mayor.**

**MADE BY:                   ZANDRI**  
**SECONDED BY:       ECONOMOPOULOS**

*In attendance: George Adair, Director, Public Utilities*  
*Robert Beaumont, Chair, PUC*

Councilor Zandri gave a PowerPoint presentation interspersed with video clips with regard to the town's old and new ornamental street lighting that included a visit to Penn Global, a street light manufacturing entity in the Town of North Branford with testimony from officials of that company. Lengthy discussion ensued with Mr. Adair and Mr. Beaumont and members of the Town Council with subjects that included possible refurbishment of the street lamps that were scrapped; and the reiteration by the Director of Public Utilities, Mr. Adair of the condition of those lamps. He said that this department is concerned with primarily only two things – safety and efficiency. He and his professional staff deemed the lamps unsafe and not efficient. It was suggested that the lamps could have been resold to the company in North Branford, which would have yielded more funds for the town than the price paid for scrap metal. Much of the same testimony given at the November 13, 2012 meeting was repeated. Mr. Adair was glad to know about a rather local company and said he would look into that company. It was noted

that even if the Council voted for this motion that, ultimately, the Mayor could choose to act upon it or not.

**MR. CERVONI CALLED THE QUESTION AFTER THE LENGTHY DISCUSSION.**  
**SECONDED BY: RASCATI**

Councilor Zandri asked if the public could speak. It was determined that calling the question takes precedent over anything else. It cannot be overruled.

**ROLL CALL VOTE:**

<b>CERVONI:</b>	<b>YES</b>	<b>ECONOMOPOULOS:</b>	<b>NO</b>	<b>FISHBEIN:</b>	<b>YES</b>
<b>LAFFIN:</b>	<b>ABSENT</b>	<b>LETOURNEAU:</b>	<b>YES</b>	<b>RASCATI:</b>	<b>YES</b>
<b>SULLIVAN:</b>	<b>ABSTAIN</b>	<b>ZANDRI:</b>	<b>NO</b>	<b>CHAIRMAN PARISI:</b>	<b>YES</b>

**6-AYE; 2-NAY; 1- ABSTAIN**  
**THE MOTION PASSED TO CALL THE QUESTION.**

**ROLL CALL VOTE ON COUNCILOR ZANDRI'S ORIGINAL MOTION FOR ITEM 8:**

<b>CERVONI:</b>	<b>NO</b>	<b>ECONOMOPOULOS:</b>	<b>YES</b>	<b>FISHBEIN:</b>	<b>NO</b>
<b>LAFFIN:</b>	<b>NO</b>	<b>LETOURNEAU:</b>	<b>NO</b>	<b>RASCATI:</b>	<b>NO</b>
<b>SULLIVAN:</b>	<b>ABSTAIN</b>	<b>ZANDRI:</b>	<b>YES</b>	<b>CHAIRMAN PARISI:</b>	<b>NO</b>

**6-NAY; 2-AYE; 1- ABSTAIN**  
**THE MOTION FAILED.**

**MOTION TO REFER THIS ISSUE TO THE ORDINANCE COMMITTEE**

**MADE BY: LAFFIN**  
**SECONDED BY: FISHBEIN**

**ROLL CALL VOTE:**

<b>CERVONI:</b>	<b>YES</b>	<b>ECONOMOPOULOS:</b>	<b>YES</b>	<b>FISHBEIN:</b>	<b>YES</b>
<b>LAFFIN:</b>	<b>YES</b>	<b>LETOURNEAU:</b>	<b>YES</b>	<b>RASCATI:</b>	<b>YES</b>
<b>SULLIVAN:</b>	<b>YES</b>	<b>ZANDRI:</b>	<b>YES</b>	<b>CHAIRMAN PARISI:</b>	<b>YES</b>
<b>VOTE:</b>	<b>9-AYE</b>				

**THE MOTION PASSED.**

9. Discussion and possible action regarding a formal procedure and project plan to be created regarding the current and future repair and/or replacement of ornamental street lighting in Wallingford Center – Councilor Jason Zandri

**MOTION MADE FOR THE TOWN COUNCIL TO REQUEST THE MAYOR WORK WITH THE ELECTRIC DIVISION REGARDING A FORMAL PROCEDURE AND PROJECT PLAN TO BE CREATED REGARDING THE CURRENT AND FUTURE REPAIR AND/OR REPLACEMENT OF ORNAMENTAL STREET LIGHTING IN WALLINGFORD CENTER. AS PART OF SAID PLAN WILL BE TH OUTLINE OF WHAT THE FUTURE PROCESS WILL BE REGARDING THE PURCHASE OF ANY NEW LIGHTING AND THE TRANSFER, SALE, METHODS OF SALE AND**

**DISPOSAL OF SUPPLIES OF OR PERTAINING TO ORNAMENTAL STREET LIGHTING.**

**MADE BY: ZANDRI**  
**SECONDED BY: ECONOMOPOULOS**

*In attendance: George Adair, Director, Public Utilities  
Robert Beaumont, Chair, PUC*

Mr. Zandri stated that he is bringing this up to discuss procedure for recovering our assets.

After lengthy sometimes heated discussion, Councilor Zandri withdrew his motion, and Councilor Economopoulos withdrew his second.

10. 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*

11. Executive Session pursuant to §1-225(f) and §1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of *CHREF v. Town of Wallingford*- Law Department

**MOTION MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-225(f) AND §1-200(6)(B) OF THE CONNECTICUT GENERAL STATUTES REGARDING THE STRATEGY AND NEGOTIATIONS WITH RESPECT TO THE PENDING TAX APPEAL MATTER OF CHREF V. TOWN OF WALLINGFORD.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; ALL AYE (9)**  
**THE MOTION PASSED.**

**MOTION TO COME OUT OF EXECUTIVE SESSION.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; ALL AYE (9)**  
**THE MOTION PASSED.**

**EXECUTIVE SESSION ATTENDANCE: NINE (9) COUNCILORS; MAYOR DICKINSON, TOWN ATTORNEY GERALD E. FARRELL, SR. AND COMPTROLLER JAMES BOWES.**

**TIME OF EXECUTIVE SESSION:  
9:50 P.M. TO 9:58 P. M.**

12. Motion to consider and approve the settlement of *CHREF v. Town of Wallingford* tax appeal matter as discussed in Executive Session – Law Department

**MOTION WAS MADE TO AUTHORIZE THE TOWN ATTORNEY TO COMPROMISE THE CLAIM OF CHREF v. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION.**

**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; ALL AYE (9)**  
**MOTION PASSED.**

**MOTION TO ADJOURN.**  
**MADE BY: CERVONI**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; ALL AYE (9)**  
**THE MOTION PASSED.**

The meeting adjourned at 10:03 P.M. with no further business to conduct.

Respectfully submitted,

Sandra Weekes  
Town Council Secretary

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Town Council Chairman Robert F. Parisi Date

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Town Clerk Barbara Thompson Date