

**TOWN OF WALLINGFORD, CONNECTICUT
REGULAR TOWN COUNCIL MEETING
Town Council Chambers**

November 12, 2013

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:33 P.M. The Opening Prayer was offered by Father Thomas Walsh, Most Holy Trinity Church of Wallingford. The Pledge of Allegiance was said. Councilors in attendance were as follows: Vincent Cervoni, Nick Economopoulos, Craig Fishbein, Thomas Laffin, John Letourneau, Chairman Robert F. Parisi, Rosemary Rascati, John Sullivan and Jason Zandri. Mayor William W. Dickinson, Jr., Town Attorney G.E Farrell, Sr. and Comptroller James Bowes were present at the meeting.

2. Correspondence -*NONE*
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds totaling \$30,410.53 (#336-403)
Acct. #1001001-41020 – Tax Collector
 - 3b. Approval of two (2) Merit Reviews - Personnel
 - 3c. Acceptance of Donation from SCOW and Appropriation in the Amount of \$200 to *Youth & Social Services Special Fund for the Young Astronaut Special Fund (STEM Academy)* Donations Acct # 2264002-47152 and to Expenditures Acct # 22640150-58830 – Youth and Social Services
 - 3d. Acceptance of Donation from Wallingford Peer Advocates and Appropriation in the Amount of \$686 to *Youth & Social Services Special Fund for the Soldier Program* Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
 - 3e. Appropriation in the Amount of \$11 to *Youth and Social Services Special Fund- Babysitting Course Registration Fees* to Revenue Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
 - 3f. Consider and approve a Transfer in the Amount of \$6,000 to Overtime Acct # 10020100-54100 from Regular Salaries & Wages Acct # 10020100-51000 – Animal control
 - 3g. Consider and Approve Parking Agreement with High Road Academy for the term January 1, 2014 to June 30, 2014
 - 3h. Consider and Approve authorization for the Mayor to enter into a Memorandum of Understanding (MOU) between the Town and the Connecticut Fund for the Environment, Inc. for the design and construction of pervious pavements at Vietnam Veteran's Memorial Park - Engineering
 - 3i. Consider and Approve authorization to accept and appropriate an Amount not to exceed \$50,000 for the design and construction of pervious pavements at Vietnam Veterans' Memorial Park – Engineering
 - 3i-a. Appropriate \$50,000 Capital & Non-Recurring to Revenue-C.F.E. Grant Fund #301 and to Expenses – Vietnam Veterans' Park Fund #301

- 3j. Consider and Approve Bid Waiver to approve state mandated QBS process to hire a consultant for construction inspection services for construction of Phase III of the Quinnipiac River Linear Trail - Engineering
- 3k. Consider and Approve a Transfer of Funds in the Amount of \$20,000 to Maintenance Structures & Improvements – Treatment Acct # 43100651 from Power Purchased for Pumping \$10,000 Acct # 43100623 and from Chemicals \$10,000 Acct # 43100641 – Water Division
- 3l. Consider and Approve Bid Waiver for *Shell Energy North America* as WED Power Supply Counter-Party – Electric Division
- 3m. Consider and Approve a Transfer of Funds in the Amount of \$179,110 to Loss on Disposition of Property Acct # 421-2 from Purchased Power Acct # 555 – Electric Division
- 3n. Approve Minutes of Regular Town Council meeting of October 22, 2013
- 3o. Approve Minutes of Special Town Council meeting of October 28, 2013

MOTION TO APPROVE CONSENT AGENDA ITEMS 3a. to 3o.

MADE BY: CERVONI

SECONDED BY: RASCATI

VOTE: AYE (8); NAY 1 (COUNCILOR ECONOMOPOULOS)

MOTION PASSED.

- 4. Items Removed from the Consent Agenda – *NONE*

Councilor Economopoulos noted that he had asked the Chair to have 3m. removed.

- 5. PUBLIC QUESTION AND ANSWER PERIOD

Sherwin Yoder, local attorney, invited the Council to a Special Service at the Maranatha Church that will recognize the service of local officials.

Bob Gross, 114 Long Hill Road, announced a meeting to be held at Town Hall in the Town Council Chambers on December 11th with DEEP and Covanta with regard to emissions. Covanta is seeking a Title V Permit. The meeting is public.

- 6. Presentation by Cemetery Association regarding use of property located at 58 and 60 Prince Street and demolition of both structures located on said property – Mayor

*In Attendance: Peter Gouveia, President Cemetery Association
Leigh Barnes, Chairman, Project Study Committee
Steven Lazarus, Vice Chairman, Architect*

Mr. Gouveia noted other Association members in attendance including Robert Bailey, Lorraine Devaney, Jerry Farrell, Jr., Sue Marchesi, Carolyn Massoni, Barbara Sibley and Tim Wall.

Mr. Gouveia reported that the Association has spent many hours studying the feasibility of converting the house into a garage/office space. The Study Committee met several times finally deciding that the house should be demolished.

Mr. Gouveia reviewed recent history since June 2013 with regard to the Association. He informed the Council that in the last five months much has been done to change and improve on the best practices of the Association. He listed the following – the adoption of a new set of regulations that replace the 100-year old regulations; the adoption of a new set of by-laws, the first since 1919; the adoption of a new expenditure authorization policy; a new policy on contracts; a new fee schedule; a new policy of monument restoration work; a new salary agreement for the sexton; they passed a much clearer and easier to understand budget; they updated their membership roster increasing the membership and gaining \$1,000; reorganized the financial and grounds committee with specific charges; they are meeting regularly; they are in the process of creating a new job description for the superintendent; they are in the process of creating a new website at no cost to the association; in the near future, and they will have a new security system with surveillance cameras in place that prevent vandalism. He said that the Association will report every three to four months on its activities, if the Council wishes.

Mr. Gouveia handed out the Cemetery Association budget, which will be distributed to the Town Council. The Council was interested in the demolition of the second building and why it does not meet the needs of the Association. They wanted to know about costs involved for this project. Mr. Gouveia discussed that this is a multi-phase project, and they would begin by having funds allocated to demolish the second building at the same time the first building is demolished, thus saving some money.

Councilor Laffin asked for a clear plan for the project. Vandalism was discussed and new vandalism was reported. Security cameras are being planned. The Police patrol the cemetery. Mr. Gouveia remarked that the Association would welcome an audit.

Mr. Gouveia added that in the past there was only one meeting per year and in the past five months, they have met twice, plus executive committee meetings and Study Committee meetings. He also said the membership is increasing and that the backhoe has more than paid for itself. Councilor Economopoulos was interested in how they use the backhoe and reported seeing a front-loader being used for taking leaves to a town truck. He added that he is not in favor of knocking down the two houses, when there are two families in town with bad wells, and the town is not buying their houses. Renting became the subject. The town does not want to be a landlord.

Councilor Fishbein expressed concern about the vandalism. He noted that our Center Street Cemetery is an historic place, like a museum. Mr. Gouveia stated that surveillance cameras would be the subject of discussion at the Association meeting this month. They discussed the gates that even when closed, anyone can still walk right in. The gates need to be open for the police patrol to occur.

Geno Zandri, 9 Balsam Ridge Circle, said he approved the demolition of the second building.

Mayor Dickinson stated that there are no funds available for the demolition of the second building. He said an appropriation of funds would come at a Town Council meeting in the future.

7. Discussion and Action regarding Memorandum of Agreement with South Central Connecticut Regional Water Authority – Water Division

*In attendance: George Adair, Director Public Utilities
Roger Dann, General Manager, Water-Sewer Divisions*

The long discussion explained why the Memorandum of Agreement was necessary for project planning purposes. Mr. Adair stated that items 7-10 all support the entire system.

Mr. Dann explained that this project has been in planning for years and that it will bring the capability to connect with another utility that would meet at a point with North Haven on Pond Hill Road. He reported that the South Central Regional Water Authority desires working with the town in this project. He described the facility; its location; its connection to the other utility. He reported that it is before Planning and Zoning on November 12, 2013 (tomorrow). He said the system is designed to share between both entities and that both parties will find benefit with the best benefit being if one of our plants is off-line. He said that this new connection could sustain our system while repairs are made and visa-versa. It is for emergencies to either system. It can backup one quarter of our systems. Wallingford's reservoir system and 'safe-yield' were also discussed.

MOTION TO APPROVE MEMORANDUM OF AGREEMENT WITH SOUTH CENTRAL REGIONAL WATER AUTHORITY.

MADE BY: CERVONI
SECONDED BY: RASCATI

Geno Zandri, 9 Balsam Ridge Circle, asked which of the two systems is larger.

Wes Lube, Montowese Trail was interested in if an appraisal had been done.

Mike Brodinsky, 45 Valley View Drive, asked how an emergency is defined and who declares an emergency.

ROLL CALL VOTE:

CERVONI:	YES	ECONOMOPOULOS:	YES	FISHBEIN:	YES
LAFFIN:	YES	LETOURNEAU:	YES	RASCATI:	YES
SULLIVAN:	YES	ZANDRI:	YES	CHAIRMAN PARISI:	YES

9-AYE
MOTION PASSED.

8. Executive Session pursuant to Section 1-200(6)(D) of the Connecticut General Statutes for the purpose of discussing potential land acquisition – Water Division

MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO SECTION 1-200 (6)(D) OF THE CONNECTICUT GENERAL STATUTES FOR THE PURPOSE OF DISCUSSING POTENTIAL LAND ACQUISITION.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)

MOTION PASSED.

MOTION TO COME OUT OF EXECUTIVE SESSION.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)

MOTION PASSED.

TIME OF EXECUTIVE SESSION: 8:40P.M. TO 8:45 P.M.

ATTENDANCE: Nine (9) Town Councilors; Mayor Dickinson; Town Attorney G.E. Farrell, Jr., George Adair, Public Utilities Director and Roger Dann, General Manager, Water – Sewer Divisions

9. Discussion and Action for approval to acquire property at Pond Hill Road for Interconnect Station – Water Division

MOTION TO APPROVE ACQUISITION OF PROPERTY AT POND HILL ROAD FOR INTERCONNECT STATION.

MADE BY: CERVONI
SECONDED BY: RASCATI

There was no discussion from the Council. Wes Lube, Montowese Trail, asked about pumping capacity as it relates to pipe size.

VOTE: AYE-9
MOTION PASSED.

10. Discussion and Action regarding Budget Amendment of \$40,000 Emergency Interconnection Station to Land and Land Rights-Transmission & Distribution Plant Acct # 43300340 and to Appropriation from Cash – Water Division

MOTION TO APPROVE BUDGET AMENDMENT OF \$40,000 EMERGENCY INTERCONNECTION STATION TO LAND AND LAND RIGHTS- TRANSMISSION AND DISTRIBUTION PLANT ACCNT # 43300340 AND TO APPROPRIATION FROM CASH.

MADE BY: CERVONI
SECONDED BY: RASCATI

There was no discussion from the Council or the public.

VOTE: AYE-9
MOTION PASSED.

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 following pending litigation:

11-a. *American Industries, Inc. v. Town of Wallingford*; and

11-b. *Town of Wallingford v. City of Meriden Zoning Board of Appeals*

- Law Department

MOTION TO GO INTO 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 FOLLOWING PENDING LITIGATION:

11-a. *American Industries, Inc. v. Town of Wallingford*; and

11-b. *Town of Wallingford v. City of Meriden Zoning Board of Appeals*

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

MOTION TO COME OUT OF EXECUTIVE SESSION.

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

TIME OF EXECUTIVE SESSIONS:

11-a. *American Industries, Inc. v. Town of Wallingford*
8:54 P.M.-8:59P.M.

11-b. *Town of Wallingford v. City of Meriden Zoning Board of Appeals*
8:59P.M.-9:01 P.M.

ATTENDANCE:

11-a. Nine (9) Town Councilors; Mayor Dickinson; and Town Attorney G.E. Farrell, Jr.

11-b. Nine (9) Town Councilors; Mayor Dickinson; and Town Attorney G.E. Farrell, Jr.

- 12.** Motion to consider and authorize the waiving of a bid to hire an expert witness in the *American Industries, Inc. v. Town of Wallingford* as discussed in Executive Session – Law Department

MOTION TO AUTHORIZE THE WAIVING OF A BID TO HIRE AN EXPERT WITNESS IN THE AMERICAN INDUSTRIES, INC. V. TOWN OF WALLINGFORD AS DISCUSSED IN EXECUTIVE SESSION.

MADE BY: CERVONI

SECONDED BY: RASCATI

There was no discussion from the Council or from the public.

VOTE: AYE-8

NAY-1 (COUNCILOR FISHBEIN)

MOTION PASSED.

- 13.** Motion to Consider and Authorize the filing of an appeal to the Connecticut Supreme Court in the *Town of Wallingford v. City of Meriden Zoning Board of Appeals* matter as discussed in Executive Session – Law Department

MOTION TO AUTHORIZE THE FILING OF AN APPEAL TO THE CONNECTICUT SUPREME COURT IN THE TOWN OF WALLINGFORD V. MERIDEN ZONING BOARD OF APPEALS MATTER AS DISCUSSED IN EXECUTIVE SESSION.

MADE BY: CERVONI

SECONDED BY: RASCATI

There was no discussion from the Council or from the public.

VOTE: AYE-9

MOTION PASSED.

MOTION TO ADJOURN

MADE BY: CERVONI

SECONDED BY: RASCATI

VOTE: AYE-9

MOTION PASSED.

The meeting adjourned at 9:05 P.M.

Respectfully submitted,

Sandra R. Weekes
Secretary to the Town Council
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date