

TOWN OF WALLINGFORD, CONNECTICUT  
TOWN COUNCIL MEETING  
Town Council Chambers

April 12, 2016

RECORD OF VOTES & MINUTES

The Meeting of the Wallingford Town Council on Tuesday, April 12, 2016 was called to order at 6:36 P.M. The opening Prayer was given by Deacon Eugene Riotte, Holy Trinity Church . Councilors in attendance were: Chairman Vincent Cervoni, Craig Fishbein, Thomas Laffin, John LeTourneau, Joseph Marrone, III, Christopher K. Shortell, John J. Sullivan ,Vincent F. Testa, Jr., and Jason Zandri arrived at 6:46 P.M. Mayor William W. Dickinson, Jr., Town Attorney, Gerald E. Farrell, Sr. and Comptroller, James Bowes, were also present at the meeting.

3. Consent Agenda

3a. Consider and Approve Tax Refunds totaling \$8,242.16 (#623 -# 644)  
Acct. #1001001-41020 – Tax Collector

3b. Acceptance of Donations from Evonik Cyro LLC in the amount of \$3,500 and Consider and Approve Appropriation to the following:

Consider and Approve Appropriation of funds in the amount of \$1,500 to Evonik – MRC 2016 - Revenue, Acct. #2504002-47152 and to Evonik –MRC 2016 - Expenditures, Acct. #25040050-Health Medical Reserve Corp.

Consider and Approve Appropriation of funds in the amount of \$1,000 to Donations – Revenue, Acct. No. 2502002-47152 and to Program Expenditures – Fire, Acct. #25020150-58830 – Fire Department

Consider and Approve Appropriation of funds in the amount of \$1,000 to Revenue Donations – Police, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-TBD-Police

3c. Consider and Approve a Transfer in the amount of \$3,300 from Regular Salaries and Wages, Acct. #10010401-51000 to Printer/Copier, Acct. # TBD and Currency Counter, Acct. #TBD-Comptroller

3d. Consider and Approve a Transfer in the amount of \$3,600 from Contingency General Purpose, Acct. #10019000-58820 to Social Service Contributions -Committee on Aging-Busses, Acct. #TBD– Mayor

3e. Consider and Approve a Transfer in the amount of \$863 from Operating Expenses, Acct. #10020100-58735 to Capital Expenses-Computer, Acct. #TBD – Animal Control

3f. Consider and Approve Appropriation of funds in the amount of \$190 to Donations, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS

- 3g. Acceptance of Grant from the Clorox Foundation in the amount of \$2,000 and a Donation from the Wallingford Public Library in the amount of \$300 and Consider and Approve Appropriation of funds to Revenue- Donations, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS
- 3h. Consider and Approve Appropriation of funds in the amount of \$750 to Revenue-Regular Fees, Acct #2264002-47152 and to Expenditures, Acct. #22640150-58830-Y&SS
- 3i. Acceptance of Donations and Consider and Approve Appropriation of funds in the amount of \$400 to Donations, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 –Y&SS
- 3j. Consider and Approve Appropriation of funds in the amount of \$20 to Donations, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 –Y&SS
- 3k. Consider and Approve a Transfer in the amount of \$4,261 from Contingency General Purpose, Acct. #10019000-58820 to Mayor-Copier, Acct. #TBD - Mayor
- 3l. Consider and Approve Appropriation of funds in the amount of \$15,900 to Program Revenue, Acct. #TBD and to Expenditures – Feasibility Study, Acct. #TBD -Comptroller
- 3m. Consider and Approve a Transfer in the amount of \$960 from Unemployment Insurance, Acct. #10012100-52970 to Personnel Computer, Acct. #TBD - Personnel
- 3n. Consider and Approve reappointment of Daryll Porto as an Alternate to the IWWC for a three year term effective immediately and expiring March 1, 2019 – Chairman Vincent Cervoni
- 3o. Consider and Approve reappointment of William Austin as an Alternate to the Historic Properties Commission effective immediately and expiring March 27, 2021 –Chairman Vincent Cervoni
- 3p. Approve Town Council Minutes of March 22, 2016
- 3q. Approve Special Town Council Workshop Minutes of March 30, 2016
- 3r. Consider and Approve Appointment of Kimberly Pisani to the Public Celebrations Committee for a two year term effective immediately and expiring February 1, 2018 – Councilor Craig Fishbein
- 3s. Consider and Approve Appointment of Lisa Chuba to Public Celebrations Committee for a two year term effective immediately and expiring February 1, 2018 – Councilor Craig Fishbein
- 3t. Consider and Approve Appointment of Holly Lafond to the Public Celebrations Committee to fill a two year term – Councilor Craig Fishbein

**MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a.-3t.**

<b>MADE BY:</b>	<b>LAFFIN</b>
<b>SECONDED BY:</b>	<b>FISHBEIN</b>
<b>VOTE:</b>	<b>9-AYE</b>
<b>MOTION:</b>	<b>PASSED</b>

4. Items Removed from the Consent Agenda: *None*

5. PUBLIC QUESTION AND ANSWER PERIOD

Don Kennedy, Bull Avenue, stated that he is in the process of getting financials from Jim Bowes. He commented that FOI clause states that if information is on the computer, then it should be available to the public electronically. He said that he does not want to pay \$0.50 per page.

Bob Gross, Long Hill Road, made a comment to the Mayor that if the information is on the computer, you must provide a disk according to FOI rules.

Bob Gross, Long Hill Road, spoke about the Town going over to self-insurance over the years. He commented that we have been with the same agent for many years and we also do a third party administrator and we do not go out to bid. He feels that a lot of money can be saved and that we should go out to bid.

Closed Public Question and Answer Period at 6:52 P.M.

6. Proposal by Lendlease Company regarding Installing Solar Panels at Landfill Site

*In attendance: Kris Pitney, Development Manager, Lendlease*

Kris Pitney, Development Manager, Lendlease Company, spoke about Lendlease being an Australian, multi-national company which focuses on energy development, energy construction and energy efficiency projects, mostly focusing on renewable projects. He provided a handout to the Councilors - Wallingford Site Proposal. Mr. Pitney then pointed out that the area they are looking at is an old landfill located at Pent Road that was capped in 1986. He then gave his presentation and pointed out some benefits to the Town.

Chairman Cervoni stated that we cannot act on this until it is put on the Agenda. Councilor Zandri referred to Page 8 of the Proposal and asked if that is where they would put the panels. He stated that is a 10-40 megawatt facility and asked if that is normal for such a widespread range and if this went through, where is the power going. Mr. Pitney replied that the reason for the range has to do with energy storage and then he went on to state that the major utilities are required to buy a certain percent of clean energy so Eversource and UI will buy the power that is required for them to purchase. He also stated that solar projects go up quickly. Mayor Dickinson stated that the power cannot run into our sub-station.

Councilor Fishbein inquired about Page 9 of the Proposal where it states Potential to Provide Wallingford Municipal Electric with Renewable Energy and he asked if that is a government regulatory requirement. Mr. Pitney responded that is far down the road if Connecticut Government changed its mind. Councilor Fishbein asked the Mayor if we have potential use for this property and Mayor Dickinson replied not that he is aware of because it's capped and can't be disturbed and is affected by ethanol. Councilor Fishbein asked about solar arms and reflections. Mr. Pitney stated we find the site attractive and it is not near any neighborhoods and said that we would select non reflective material. Councilor Fishbein asked if the State has some benefit to this company.

Mr. Pitney responded that the State has some initiatives with proposals and adds points to companies who use landfills in their bid process.

Councilor LeTourneau asked if the company was connected with North Haven and Mr. Pitney's response was no. He also asked if there were any tax restrictions from the Town or special rate. Mr. Pitney replied that he is not a tax expert and that the value of land & improvements will be taxed. Councilor Sullivan asked if they would be making any changes to the property and Mr. Pitney responded no, not on the landfill.

Councilor Zandri asked if it was more attractive to do the landfill and the MIRA property at the same time and Mr. Pitney replied yes.

Councilor Sullivan asked if this would have to be approved by P&Z and Mayor Dickinson responded yes but right now they need a letter of intent to apply and follow regular procedures for approval. Mr. Pitney stated that they install their own panels. Councilor Testa said that this was a great idea and he was optimistic. He also asked about payments made during the option period. Mr. Pitney responded that there is an option to lease. You would enter into the option agreement development phase and we would also agree on lease agreement. Option payments are small compared to lease payments with developed property. Councilor Marrone asked if any liability would fall on Lendlease and he also asked what the lifespan was. Mr. Pitney explained that liability was something that would need to be discussed and said that panels are good for 35 years. Councilor Fishbein asked when the terms of the option would go into place and Mr. Pitney stated that would be negotiated and it would be June or July of 2016 and noted that a one-time payment comes with the letter of intent.

Bob Gross, Long Hill Road, asked what the total investment would be. Mr. Pitney replied that the investment would be substantial but that was not something that would be discussed now.

Mayor Dickinson stated that this has to be a merchant plant.

Candice Brashears, 90 North Airline Road, asked if this is considered open space and Mayor Dickinson responded that he didn't think so.

Tom Corrigan, Mountain View Road, made a comment about maximum capacity and asked about how much time can we expect to have full discharge.

Mayor Dickinson stated this is an introductory presentation and there are a lot of unknowns. We need to see a letter of intent.

Chairman Vincent Cervoni thanked Mr. Pitney for his presentation. (Presentation Attached)

7. Discussion and Possible Action with Respect to Removal of the Affordable Housing Restriction Imposed by the Council on Simpson Village.

*In Attendance: Bob LaRosa, Atty. Jerry Martorelli and their Realtor*

**MOTION WAS MADE TO APPROVE REMOVAL OF THE AFFORDABLE HOUSING RESTRICTION IMPOSED BY THE COUNCIL ON SIMPSON VILLAGE.**

**MADE BY: LAFFIN**  
**SECONDED BY: LETORNEAU**

Attorney Jerry Martorelli presented an overview of the project. He spoke about restrictions put on the property when it was first purchased by the Town. He mentioned that density was reduced from 30 to 25 units. The price range is \$300,000.00 - \$380,000.00. He also stated that there are seven affordable units and only one has sold so far at \$250,000.00. The affordable income requirement has been a major impediment to sales. He commented that Council has been supportive over years and since 2007 the market has changed dramatically. Chairman Cervoni asked for some specific examples of failed sales because of affordability requirement. The Realtor, Karen, replied that no one qualified for the yearly income requirement and one example is that somebody was over qualified by \$25.00. Mr. LaRosa stated that it is hard to judge how many people have walked away from the units because of being over qualified. He stated that we have been marketing for over 18 months and this is the dilemma we've been having. Chairman Cervoni asked if the affordable requirement is lifted will that change how you price the unit and Mr. LaRosa responded no. The price of the property won't change but then income qualifications won't come into play. Councilor Fishbein asked when the property was acquired and Mr. LaRosa responded in 2007. Councilor Fishbein stated that you made the choice not to build affordable right away and Mr. LaRosa replied that there was a banking crisis that hit in 2008 and no one would finance. He said that \$250,000.00 is the baseline price and then there are options. Councilor Fishbein stated that as long as the base price doesn't rise, he would be in favor. Councilor Laffin stated that he is in favor and Councilor Sullivan stated that he is not in favor of this and goes on to state that 30% of these units are supposed to be affordable. Mr. LaRosa stated that we are \$46,000.00 below the affordable price formula and can't sell them. Councilor Testa stated that he was on the Council when we originally sold the property we used generally accepted State formula for what constitutes affordable housing. Association is self-governing for two years and has raised condo fees. Councilor Marrone stated that units are not in demand and we shouldn't saddle owners and associations with extra costs. Councilor Zandri said 18 units were sold at full price and we sold you the property for \$100,000.00. We should have put it out to bid. Councilor Fishbein said that he is willing to impose a different formula for affordability. We could get out of 80% range and go to 90% of income.

Gina Morgenstein, South Main Street, asked what the sample unit looks like and if it is a \$250,000.00 unit or if it had been upgraded.

Don Kennedy, Bull Avenue, stated that as a senior, Simpson Village was out of his price range and that he bought elsewhere. He indicated they should cut their price in order to sell.

Bob Gross, Long Hill Road, stated that we should not change the deal.

Mr. LaRosa addressed sales price. He states that for the first RFP there were zero responses and the second RFP there were two responses, one being ours. It was an unknown of removing the building, as to any contaminants.

James Hime, 5 Elm Street, has an issue with removing affordable housing stipulation. He believes they should reduce the asking price.

**Councilor Testa made the following Amendment:**

**AMENDMENT TO THE ORIGINAL MOTION WAS MADE TO REMOVE AFFORDABILITY REQUIREMENT FOR INCOME CALCULATION BUT KEEP AFFORDABILITY CALCULATION FOR SALES PRICE.**

**MADE BY: TESTA  
SECONDED BY: ZANDRI**

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: NO</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: NO</b>
<b>LAFFIN: NO</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: NO</b>
<b>MARRONE: NO</b>	<b>CHAIRMAN CERVONI: YES</b>

4-AYE  
MOTION FAILED

**VOTE ON MOTION AS IT STANDS WITHOUT AMENDMENT:**

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: NO</b>
<b>LAFFIN: YES</b>	<b>TESTA: NO</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: NO</b>
<b>MARRONE: YES</b>	<b>CHAIRMAN CERVONI: YES</b>

MOTION: PASSED

8. Discussion and Action to:
- a) Revote to revise Charter
  - b) Confirmation of appointments to Charter Commission;
  - c) Setting the charge of the Charter Revision Commission 2016;
  - d) Specifying deadline for the Commission to submit its draft report -- Chairman Vincent Cervoni

**MOTION TO REAFFIRM THE ESTABLISHMENT OF A CHARTER REVISION COMMISSION TO REVIEW AND PROPOSE POSSIBLE REVISIONS TO THE TOWN CHARTER THAT IS TO CONSIST OF:**

Robert Swick	Jim Seichter
Christina Tatta	Stephen knight
Tom Corrigan	Mark Gingras
Jonathan Chappell	Samuel Carmody
Gina Morgenstein	Patricia Kohl
James Pyskaty	

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

Move to charge Charter Revision Commissions in accordance with documents filed.

Gina Morgenstein, South Main Street, confirmed that we are not limiting ourselves to discuss these, but these are the Council's recommendations.

Christina Tatta, 7051 North Farms Road, asked if Charter can be put online.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: YES</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CHAIRMAN CERVONI: YES</b>
<b>ALL-AYE</b>	
<b>MOTION PASSED</b>	

**MOTION WAS MADE TO SET JUNE 30, 2017 AS THE DEADLINE FOR THE COMMISSION TO SUBMIT DRAFT REPORT.**

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

Jonathan Chappell, 90 East Dayton Hill Road, stated that the deadline for a draft report should be a little more aggressive than 16 months.

<b>ROLL CALL VOTE:</b>	<b>SHORTELL: NO</b>
<b>FISHBEIN: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>ZANDRI: YES</b>
<b>MARRONE: YES</b>	<b>CHAIRMAN CERVONI: YES</b>
<b>8-AYE</b>	
<b>MOTION PASSED</b>	

9. Discussion and Possible Action with regard to the 2015 Comprehensive Annual Financial Report.

Councilor Fishbein commented on the Summary of Audit, Paragraph 5. Mayor Dickinson stated that the figures as presented are accurate but are they are a summary of the audit.

Councilor Fishbein asked Mr. Bowes what the definition of surplus is. Mr. Bowes replied that surplus is revenue subtracted from expenditures. Mr. Bowes goes on to explain the total fund balance grew by approximately \$2,000,000.00. He stated that 1% of funds, the schools carry forward and that last year Board of Education was less than \$800,000.00. Committed funds went up 1,000,000.00. We cannot use appropriations in force, they are locked.

Councilor Fishbein asked if you spend less than what you budgeted for and what you expected as revenues went up, would that be a surplus? Mr. Bowes responded no. Councilor Fishbein stated that on Page 19 of the audit there is not mention of a surplus.

Mayor Dickinson stated that we have to be accurate. The major point is what money is available.

Councilor Shortell stated that Mr. Bowes met with Councilor Marrone and himself and helped them understand the budget process. Councilor Marrone and Councilor Shortell thanked Mr. Bowes for his time.

Councilor Testa stated that the argument is about budget process, not about final numbers in audit. He also talked about different ways to present the report in the future.

10. Discussion and Possible Action regarding Appointment to the Historic Properties Commission for a five year term effective immediately and expiring March 27, 2021.

*WITHDRAWN*

11. Executive Session pursuant to CGS Sec. 1-225(f) and Sec.1-200(6)(B) regarding strategy and negotiations with respect to the pending litigation matter of the *Town of Wallingford v. Hart - Law*

**MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO Section 1-225(f) and Section 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation matter of the *Town of Wallingford v. Hart***

**MADE BY: LAFFIN  
SECONDED: FISHBEIN  
VOTE: ALL-AYE  
MOTION PASSED**

**MOTION TO COME OUT OF EXECUTIVE SESSION AT 10:44 P.M.**

**MADE BY: LAFFIN  
SECONDED: SHORTELL  
VOTE: ALL-AYE  
MOTION PASSED**

**Time of Executive Session: 10:38 P.M. to 10:44 P.M.**

**Attendance at the Executive Session: 9 Councilors, Mayor Dickinson and Town Attorney Gerald E. Farrell, Sr.**

12. Motion to consider and approve a settlement regarding the pending litigation matter of the *Town of Wallingford v. Hart* as discussed in Executive Session – Law

**MOTION TO APPROVE THE SETTLEMENT AS DISCUSSED IN EXECUTIVE SESSION IN THE PENDING LITIGATION MATTER OF THE *TOWN OF WALLINGFORD V. HART.***



**MADE BY: LAFFIN**  
**SECONDED BY: FISHBEIN**  
**VOTE: ALL-AYE**  
**MOTION PASSED**

13. Executive Session pursuant to Section 1-200(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor

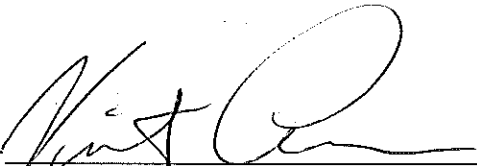
*WITHDRAWN*

**MOTION TO ADJOURN**  
**MADE BY: SHORTELL**  
**SECONDED BY: LETOURNEAU**  
**VOTE: ALL-AYE**  
**MOTION PASSED**

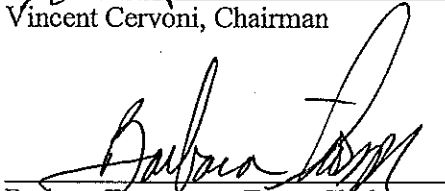
**The Council adjourned the meeting at 10:45 P.M.**

Respectfully submitted,

Lisa Moss  
Council Staff  
Meeting digitally recorded

  
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Vincent Cervoni, Chairman

26 APRIL 2016  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Barbara Thompson, Town Clerk

4/26/16  
\_\_\_\_\_  
Date

RECEIVED FOR RECORD 4-27-16  
AT 9:00 AND RECEIVED BY  
Barbara Thompson TOWN CLERK