

**TOWN OF WALLINGFORD, CONNECTICUT**

**REGULAR TOWN COUNCIL MEETING**

**Town Council Chambers**

**September 8, 2015**

**6:30 p.m.**

**RECORD OF VOTES & MINUTES**

The Regular Meeting of the Wallingford Town Council was called to order at 6:57P.M. The Opening Prayer was given by Rev. Dean Warburton, the First Congregational Church of Wallingford. The Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni; Councilors Craig Fishbein; Vice-Chairman Tom Laffin; John LeTourneau; Christine Mansfield; Robert F. Parisi; Larry Russo; John Sullivan and Vincent F. Testa. Mayor William W. Dickinson, Jr., Town Attorney G.E. Farrell, Sr. and Comptroller James Bowes were also at the meeting.

Chairman Cervoni announced his early departure from the Meeting and announced and thanked Vice-Chairman Laffin who will preside as Acting-Chairman.

**3. Consent Agenda**

- 3a.** Consider and Approve Tax Refunds totaling \$25,073.07 (#76-180)  
Acct. # 1001001-41020/Tax Collector
  
- 3b.** Consider and Approve Acceptance of Donation of funds from Meriden YMCA Grant and Consider and Approve Appropriation of Funds in the amount of \$4,000 to Donations Acct. #2264002-47152 and to Expenditures Acct. # 22640150-58830 FY 14-15/Youth And Social Services
  
- 3c.** Consider and Approve Re-Appropriation of Project Graduation Donations in the amount of \$3,145 into the 2015-16 Revenue Acct. #2324002-49000 and to Expenditure Acct. # #23240150-58232/Youth and Social Services
  
- 3d.** Consider and Approve Acceptance of Donation from Operation Fuel in the amount of \$760 and Consider and Approve Appropriation to Revenue Acct. #2134002-47152 and to Expenditure Acct. #2134002-47152 and to Expenditure Acct. #21340100-58830/Youth and Social Services
  
- 3e.** Consider and Approve Acceptance of Donation from Liberty Bank in the Amount of \$5,000 for Summer Youth Employment program and Consider and Approve Appropriation of \$5,000 to Revenue Acct. #2134002-47152 and to Expenditure Acct. #21340100-58830/Youth & Social Services

- 3f. Consider and Approve Acceptance of Donation of funds from the Wallingford Rotary Club and Consider and Approve Appropriation of \$2,500 to Revenue Acct. #2264002-47152 and to Expenditure Acct. #22640150-58830/Youth & Social Services
- 3g. Consider and Approve Transfer of \$10,800 to Maintenance of Equipment Acct. # 10020050-54325 from Regular Salaries & Wages, Acct. #10020050-51000/Police Department
- 3h. Consider and Approve Acceptance of Donation from "Wallingford Charitree 12 Months of Giving" in the amount of \$860 and Consider and Approve Appropriation to Revenue Acct. #1009052-47040 and to Expenditure Acct. #10020100-56742 FY 14-15/Animal Control
- 3i. Consider and Approve a Resolution with CT Department of Public Health authorizing the Mayor to enter into a contract and accept funding for a 3 year Public Health Preventive Health Block Grant in the amount of \$33,282 and authorize Eloise Hazelwood, Director of Health as the administrator for the implementation of a Fall Prevention Older Adults Education and Prevention Program/Health Department
- 3j. Consider and Approve Appropriation of \$33,282 to Special Grant Fall Prevention Revenue Acct. #224-TBD and to Fall Prevention Grant Expenditure Acct. # 224-TBD/Health Department
- 3k. Consider and Approve a Transfer of \$22,706 to Law-PS Lawyers Acct. # 10010300-56710 from Contingency Acct. #10019000-58820 FY 14-15/Law Department
- 3l. Consider and Approve a Transfer in the Amount of \$5,559 from Rental of Equipment, Acct. # 10030000-54405 to  
Contractual Clothing. Acct. #10030000-56190, \$1,442  
Purc. Serv.-Chem. House Acct. #10030000-56766. \$2, 484  
Maint. Of Bldg & Grounds Acct. #10030000-54315, \$518  
Purc. Ser. Acord Group Acct. #10030000-56748, \$1,115  
FY 14015/Public Works
- 3m. Discussion and Possible Action to utilize the Qualifications-Based Selection Procedure for Consulting Engineering Support for Transmission Level Protective Relaying/Electric Division
- 3n. Consider and Approve Acceptance of anonymous Donation in the amount of \$5,000 and Consider and Approve Appropriation of \$5,000 to Revenue Account Misc. Fund Acct. #2502002-47152 and to Expenditure Account Fire Dept. Fund 250, Acct. # TBD/Fire Department
- 3o. Consider and Approve Resolution to contract with the CT Department of Public

Health, Childhood Lead Poisoning Prevention and Control to receive funds in the Amount of \$5,794 to conduct Educational outreach and awareness to prevent lead Poisoning/Health Department

- 3p. Consider and Approve Appropriation of \$5,794 to Revenue Acct. Lead Poisoning Prevention Acct. #224-TBD and to Expenditure Acct. Lead Poisoning Prevention Acct. #224-TBD/Health Department
- 3q. Consider and Approve Bid Waiver Request for Connecticut Materials Testing Lab, Inc., For a total spending of \$20,000 to provide testing and inspection services for the duration of the North Farms Fire Station Project/Fire Chief
- 3r. Consider and Approve Transfer of \$900 to Capital Acct. TBD from Materials and Supplies Acct. #10030000-56140/Public Works
- 3s. Consider and Approve a Transfer of \$750 to Regular Salaries & Wages Acct. #1001005051000 from Contingency Acct. #1001900058820/Town Council Chairman
- 3t. Consider and Approve a Transfer of \$5,000 to Regular Salaries & Wages Acct. #10010650561000 from Contingency Acct. #100190005880/Town Clerk
- 3u. Consider and Approve a Resolution authorizing the Mayor to enter into a Contract with the Dept. of Energy & Environmental Protection in the amount of \$600,000 for repair of the West Dayton Pond Dam/Engineering Department
- 3v. Consider and Approve a Budget Amendment of \$39,500 to Outside Services Employed Acct. #43100923 from Appropriation to Cash/Water Division
- 3w. Consider and Approve a Budget Amendment of \$39,500 to Outside Services and Employed Acct. #46100923 and to Appropriation from Cash/Sewer Division
- 3x. Consider and Approve Revision to FY 2015-16 Personnel Pages to Replace (1) 1<sup>st</sup> Class Lineman Position with (1) Chief Lineman Position/Electric Division
- 3y. Approve Minutes of the Regular Town Council Meeting of July 14, 2015
- 3z. Approve Minutes of Special Town Council Meeting of August 6, 2015
- 3aa. Consider and Approve a Bid Waiver in the amount of \$12,000 and approve Engaging the Services of CBRE-NE to perform an appraisal of property located at 5 Research Parkway, Wallingford, /Finance Department

**MOTION WAS MADE BY APPROVE THE CONSENT AGENDA ITEMS 3a to 3aa WITH THE EXCEPTION OF 3i, 3j, 3k, 3u, 3v & 3w.**

**MADE BY: LAFFIN**

**SECONDED BY: PARISI**

**VOTE: 9-AYE**

**MOTION: PASSED**

Councilor Parisi noted that Consent Calendar item 3u should also be removed.

Councilor Laffin amended the motion to include removing Consent Calendar item 3u.

**MADE BY: LAFFIN**  
**SECONDED BY FISHBEIN**  
**VOTE: 9-AYE**  
**MOTION: PASSED**

#### 4. Items Removed from the Consent Agenda

- 3i. **MOTION TO APPROVE A RESOLUTION WITH THE CT DEPT. OF PUBLIC HEALTH AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AND ACCEPT FUNDING FOR A 3-YEAR PUBLIC HEALTH PREVENTIVE HEALTH BLOCK GRANT IN THE AMOUNT OF \$33,282 AND AUTHORIZE ELOISE HAZELWOOD, DIRECTOR OF HEALTH, AS THE ADMINISTRATOR FOR THE IMPLEMENTATION OF A FALL PREVENTION IN OLDER ADULTS EDUCATION AND PREVENTION PROGRAM FOR THE HEALTH DEPARTMENT**

**MADE BY: LAFFIN**  
**SECONDED BY: PARISI**

*Appearing: Eloise Hazelwood, Director, Health Department*

Councilor Fishbein said he tried to reference a document entitled "A Guide for Implementing Effective Community-Based Fall Prevention Program" but was unable to find it. Ms. Hazelwood said this guide is supplied by the CDC (Center for Disease Control) and the link on the DPH website is not active. She said the guide describes various evidence-based programs which the Grant guidelines state must be implemented. She said one of the programs to be implemented will be the home assessments for falls and reduction of falls. She said this was chosen based on the number of EMS calls in Town over the last year. Ms. Hazelwood said this is also part of the State Health Improvement Plan which will be implemented in the Town's program.

Councilor Fishbein said he believed that \$33,000 was a large amount of money and asked for program details and how people will be selected. Ms. Hazelwood said the selection will be based on a two-fold system which will target people through the EMS system. She noted that last year, there were 670 fall related calls and noted the program would cost \$11,094 a year with the first six months dedicated to doing a review of best practices and training for an EMS staff member and a nurse in order to be able to do an environmental and safety reviews in the home. She said the second year will be a review and hopes to be able to address 10 households a month which would be 120 homes out of the 670.

Ms. Hazelwood said the second year there would be assessments and said the grant will allow purchase of handrails and stair treads. She said the State reviewed this budget in advance and is the first time the Town is engaging in this program.

No further Council questions.

**Public Comment – None.**

**VOTE: 9 - AYE  
MOTION PASSED**

- 3J. MOTION TO APPROVE AN APPROPRIATION OF \$33,282 TO SPECIAL GRANT FALL PREVENTION REVENUE ACCT. #224-TBD AND TO FALL PREVENTION GRANT EXPENDITURE ACCT. #224-TBD/HEALTH DEPARTMENT**

**MADE BY: LAFFIN  
SECONDED BY: PARISI  
VOTE: 9 AYES  
MOTION PASSED**

- 3K MOTION TO APPROVE A TRANSFER OF \$22,706 TO LAW-PS LAWYERS ACCT. # 10010300-55710 FROM CONTINGENCY ACCT. #10019000-58820 FY 14-15 /LAW DEPARTMENT**

**MADE BY: LAFFIN  
SECONDED BY: PARISI**

Councilor Fishbein asked Attorney Farrell why the general government would be responsible for a portion of this bill. Attorney Farrell said considerable tax revenue was negotiated to enhance the general coffers of the Town. Councilor Fishbein asked if the tax revenue from the property owned by the Town which is maintained by the Electric Division of which rental income is being received, goes towards to general government or does it show up on the Electric Division budget. Mayor Dickinson said this is the cost of negotiations with regard to LS Power and the new contracts. He said there was a component which dealt with the lease and the tax agreement. He said the attorney's bills were apportioned and noted the Electric Division shouldn't be paying on revenues received by the Town in the way of the tax agreement.

The Mayor noted the lease payments will go to the Electric Division. Councilor Fishbein asked what the difference between the two payments in dollar amounts. The Mayor said the \$22,000 is apportioned for the general government.

George Adair, Director, Electric Division, said this represented about 25% of the bills from work on the tax agreement and the lease. He said Atty. Farrell determined that approximately 25% of these bills applied to the tax agreement. He said all the bills were paid by the Electric Division excluding the bills for lease amendment work would have no charges flowing to the General government. Councilor Fishbein asked if the Law Dept. did negotiations on the tax Agreement and the Electric Division employed another person with respect to the lease agreement. Comptroller Jim Bowes said the bills were paid and the Town will square up with the Electric Division in the old fiscal year. He said to leave everything to be charged to the Electric Division isn't proper. He said funds will be transferred from contingency and noted at the end of FY 14-15, the Town ended up with approximately \$47,000 to \$48,000 left in contingency.

No further Council questions or questions from the public.

**VOTE: 9 AYES  
MOTION PASSES**

- 3u. **MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE DEPT. OF ENERGY & ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$600,000 FOR REPAIR OF THE WEST DAYTON POND DAM/TOWN CLERK**

**MADE BY: LAFFIN**  
**SECONDED BY: PARISI**

*Appearing: Rob Baltramaitis, Town Engineer.*

Councilor LeTourneau said he had a few concerns with this item namely having a \$600,000 Item put on the consent agenda and said this should be on the regular agenda. He asked for an explanation. Mr. Baltramaitis said in 1998, the DEEP issued consent orders to repair the dam. He said it was originally determined there were three surrounding property owners, one of them being the Town. He said the Town lost a challenge to the ownership and since then, the Town has acquired property on the two sides from the abutters and now own the dam and have public access to this body of water. Mr. Baltramaitis said interim repairs for Public Works and tree removal, erosion repair and rip-rap installation have been performed. He said a consulting engineer has been retained to design the permanent repair of the dam which involves reconstruction of the spillway and constructing a secondary, higher spillway for flow containment. Mr. Baltramaitis said current construction estimate is \$650,000. He said the Town was able to get a commitment from DEEP to get 50% of the construction cost, or up to \$600,000, and noted the Town is eligible for a \$325,000 grant reimbursement. He said the project is not Town funded as of yet, but is forecast for this fiscal year as a capital non-recurring project. He said this request is not for funding but to authorize the Mayor to enter into an agreement with State to solidify their commitment to grant funding.

Councilor Fishbein pointed out that there was was a typo, noting this was the West Dayton Hill Pond Dam, not the Dayton Pond Dam. Mr. Baltramaitis said he has seen this referred to as both. Councilor Fishbein said he didn't want the paperwork not matching up but suggested the language be similar. Mr. Baltramaitis said the State agreement says "Dayton Hill Dam" and this is what the motion should state.

Councilor LeTourneau asked what prompted the dam repairs. Mr. Baltramaitis said the State found deficiencies in the dam during a routing inspection. He said a consent order was issued and is not a suggestion. Mayor Dickinson said if the dam was to remain, it had to be fixed. He noted the Town had the option of breaching the dam and noted the Town was successful in obtaining public access to the body of water for passive recreational purposes adding to property the Town owned downstream of the dam. Mr. Baltramaitis said this is not a low-cost solution and must be done in a controlled fashion. Councilor LeTourneau asked if the dam area would be open to public usage once repairs are completed noting the State used to stock trout but this action ceased when a neighbor complained.

Mr. Baltramaitis said the area will be open to foot traffic.

No Public Comment

Councilor Fishbein asked about a timeline. Mr. Baltramaitis said funding must be requested from the Town Council which won't happen before July 2016. He said within the next few months, the agreement will be firmed up with the State. He said the contract is valid through the end of December 2016 and can be extended if progress is shown.

No further Council questions.

**ROLL CALL VOTE**

**FISHBEIN-YES; LAFFIN --YES; LETOURNEAU-NO; MANSFIELD-YES; PARISI-YES; RUSSO-YES  
SULLIVAN-YES;TESTA-YES; CHAIRMAN CERVONI-YES**

**MOTION PASSES**

- 3v. MOTION TO APPROVE A BUDGET AMENDMENT OF \$39,500 TO OUTSIDE SERVICES  
EMPLOYED ACCT. #43100923 FROM APPROPRIATION TO CASH/WATER DIVISION**

**MADE BY: LAFFIN**

**SECONDED BY: PARISI**

*Appearing: George Adair, Director, Wallingford Electric Division*

Councilor Fishbein asked for an explanation. Mr. Adair said that Water & Sewer Divisions General Manager Roger Dann has been unable to return to work because of injuries and at the beginning in April of this year, the Division retained CDM Smith, notably Brian Hickey, as the Interim General Manager to assist the Director in oversight of the Divisions. He said at this time the Division is still without the services of Mr. Dann and believe it to be prudent to continue to retain Mr. Hickey who has been of a significant assistance to the staff. He said the funds sought this year would extend Mr. Hickey's services to the end of February, with current funds available through mid-October. Councilor Fishbein said he believed Mr. Dann's wages were not being paid even though there was a line item in the budget. Mr. Adair said Mr. Dann's wages were paid until a recent point this year and then he was on sick leave and vacation so the need for additional funds in the budget is to be over and above that salary. He said the money isn't being taken from the salary line item, it is in addition to it.

Councilor Fishbein said \$100,000 was appropriated into the budget line last year for Mr. Dann's salary and every week a deduction from that line occurs to pay his salary. He said this has been occurring up until recently, but noted at the same time, the Division hired Mr. Hickey and pay him from the outside services account, a certain amount to be the Interim Water & Sewer manager. Councilor Fishbein asked if there was money left in Mr. Dann's budget line. Mayor Dickinson noted that Mr. Dann is being paid under the employee rules and Mr. Hickey is paid under "Professional Services". He said someone is needed with his qualifications functioning in this office. He said the two are completely separate. Councilor Fishbein noted that two people are being paid to be the General Manager so there is an overlap at some level. He said he doesn't agree someone has to be there, but asked if Mr. Hickey was brought on at the same salary as Mr. Dann. Mr. Adair said Mr. Hickey was brought in at the contracted rate. He said financially, the two appropriations are separate. He said the hourly rate is higher for Mr. Hickey, but the number of hours is less.

Councilor Fishbein said Mr. Hickey's employ with the Water Division never came before the Council. Mr. Adair disagreed stating it did in the previous fiscal year. He said it has become necessary to extend Mr. Hickey's contract. Councilor Fishbein asked if the hiring of Mr. Hickey went out to bid. Mr. Adair explained CDM Smith was chosen by a qualifications based process which was approved by the Council. Councilor Fishbein said he didn't recall Mr. Hickey was going to work three days a week. Mr. Adair said he didn't recall discussing this with the Council but added, this decision was at the determination of the Director based on staff feedback of what would be required and has worked well.

No further questions from the Council or public.

**VOTE: 8-AYES – 1 NAY – (FISHBEIN)**

**MOTION PASSED**

- 3w. **MOTION TO APPROVE A BUDGET AMENDMENT OF \$39,500 TO OUTSIDE SERVICES EMPLOYED ACCT. #46100923 AND TO APPROPRIATION FROM CASH/SEWER DIVISION**

**MADE BY: LAFFIN  
SECONDED BY: PARISI**

No questions from Council or Public.

**VOTE: 8 AYES – 1 NAY (FISHBEIN)**

5. Conduct a Public Hearing on September 8, 2015 at 6:30 p.m. to Consider and Act upon Amendment to Chapter 156. Property Maintenance Ordinance, Article 156-5, Notice of Violation.

Councilor Fishbein summarized the proposed changes. He said he gave credit of the proposed revisions to Councilor Sullivan who suggested something similar. He said this proposed Ordinance has to do with blight and the intent is to prevent offending properties from Reoccurring and to keep properties in compliance with the blight ordinance.

Chairman Cervoni opened the floor to the Public

Geno Zandri, 9 Balsamwood Circle, asked if this was for blight on property and is this something that the town department will be looking out for or just acted on upon complaint. Chairman Cervoni noted there is an active Zoning Enforcement Officer who patrols, but noted this will Not be the only appropriate means of enforcing the blight ordinance. Mr. Zandri said that Neighbors are often do not like to turn in other neighbors over these issues but the problems Still could exist. He said if something is obvious, the Town Dept. responsible should take the Lead and not require a complaint.

Chairman Cervoni said the Building and Zoning Departments have been willing to take action on anonymous complaints.

Public Comment Closed at 7:44 p.m. and brought back to the Council.



No further Council comments.

Chairman Cervoni entertained a motion on the ordinance.

**MOTION THAT THE COUNCIL PASS AN AMENDMENT TO CHAPTER 156, PROPERTY MAINTENANCE ORDINANCE, ARTICLE 156-5, NOTICE OF VIOLATION, AS PRESENTED**

**MADE BY: FISHBEIN  
SECONDED BY: PARISI**

**ROLL CALL VOTE**

**FISHBEIN-YES; LAFFIN-YES; LETOURNEAU-YES; MANSFIELD-YES; PARISI-YES; RUSSO-YES  
SULLIVAN-YES; TESTA-YES; CHAIRMAN CERVONI-YES**

**MOTION AND ORDINANCE AMENDMENT PASSES**

6. Conduct a Public Hearing on September 8, 2015 at 6:40 p.m. to Consider and Act upon Amendment to Chapter 177, Article 1, Ordinance Concerning Sources of Inflow and Infiltration Into the Sanitary Sewer System

*Appearing: George Adair, Director, Wallingford Public Utilities; Brian Hickey, Interim Manager, Water & Sewer Divisions and Richard Nunn, Vice-Chairman, Public Utilities Commission.*

Councilor Fishbein explained the proposed change adds the language to the existing ordinance which states the PUC is authorized to adopt a re-imbusement program for providing for Financial assistance for funding the removal of the illegal connections outlined in the policy outlined "re-imbursment of Infiltration and inflow removal costs endorsed by the Commission On February 3, 2015 which may be revised by the Commission as needed"

Councilor Fishbein provided background. He said this item first came before the Council on August 8, 2015 and at that time the Council rejected the language, referring it to the Ordinance Commission for the possible working of the language resulting in the language unaltered as previously rejected coming before the Council again.

Mr. Adair said the matter has been discussed in depth at previous meetings and urge the Council's consideration and adoption. He said staff believes this is an important program to Mitigate problems in the collection system and at the treatment plant and believe this is an Appropriate response to the problem, setting us on a path of correction similar to the public Sewers for almost two decades.

Chairman Cervoni entertained Public Comment

Geno Zandri, 9 Balsamwood Circle, said this should be rejected and noted that dollars from the utility should not be used to pay to offset the costs of illegal hookup. He said if someone has an illegal hookup and the Town is aware of this, the person should be given a timeframe with which to get this rectified. He said this affects all of the people and the rates and is not fair to the people who are abiding by the law.

Bradford May, 103 Ridgeland Drive, said if there has been no change to the wording, the Council should reject this proposed ordinance.

Mr. Kennedy asked if the costs were quantify because there were a lot of loose estimates. He asked if the numbers were re-worked and if they were available. Mr. Adair explained that the program provided today and built into the current rates would cost \$350,000 per year and there is a balance in the account of one million fifty thousand dollars so at this time. He said the \$350,000 would buy a full-time inspector with a vehicle, and the materials needed to operate to advise how many removals this amount of monies would pay for. Mr. Adair noted there is a cap on each removal category and will determine over time, how far the money stretches. He pointed out the public sewer I&I mitigation program is costing approximately \$650,000 a year. He said unlike many other projects the Division undertakes which are finite in scope, this is a long-term removal commitment and believe this funding level is adequate to produce some reasonable number of removals per year.

Mr. Kennedy asked when the State would clamp down on the Water Treatment plant and would the Town make enough progress at \$350,000 a year to stop this. He said he understood the levels are being exceeded when there is a large rainstorm and at what point will the State be satisfied. Mr. Adair said the flow rate at the plant is far in excess of the design of the plant during a large rainstorm. He said this isn't of itself isn't a permit violation, but have been and can be exceedances with solids and other parameters because of the plant's effectiveness being reduced. He said there have been sanitary sewer overflows occasionally which are limited in scope but are reportable events. Mr. Adair said there is a requirement in the permit on a 12-month rolling average, that if the flow rate is exceeded by 90% of its permitted flow rate, the Division is required to look into a study of a possible plant upgrade. He said this could lead to I&I mitigation. He said the 90% level has not yet been reached but came close a few years ago and is a concern.

Mr. Adair said there is no action pending by the DEEP on any of these issues. He said the Division desires to attempt to get ahead of this issue and get ahead of it. He said 80% of I&I is coming from the private side.

Larry Morganstein, S. Main Street, asked what would constitute success for this program and what type of numbers are calculated and for what period of time would this program be done. Mr. Hickey said the program's effectiveness can vary based on participation. He noted the Division is attempting to develop support for the re-imbusement program and try to take more of a carrot approach. He said in other communities they pay 100% as is done by the MDC and noted at the end of the project, they are reaching 60% to 70% removal rates because it is built into their sewer separation projects. Mr. Hickey said one approach would be to look at the most problematic area and implement a pilot program to measure its effectiveness and look into possible changes. Mr. Adair pointed out the I-91 pump station drainage basin as being a problematic area. He said with additional flow monitoring being employed in this years budget, it would be easier to determine success and measure a baseline.

Mr. Hickey said with the flow monitoring program, the Division will be able to measure the Current flows in the system and at a later point, after the inflow removals, the flow can be monitored. He said it is tricky because the amount of rain flow varies, year to year.

Mr. Kennedy asked why the Council didn't give a report for better understanding. Chairman Cervoni said he asked the representatives to speak to this issue. Mr. Kennedy asked about the \$350,000. Chairman Cervoni noted this was an ordinance, not a budget change. Mr. Kennedy said he would have liked to have seen more information and based on the last meeting, he hasn't seen any answers.

Mr. May noted at the last meeting there was a lot of discussion on how to handle the the downtown, where so many things are buried and asked if there was further discussion on how to handle this. Mr. Hickey said with these areas, evaluation must take place. He said each location will have to be looked at on a site-by-site basis. Mr. May asked if something could be written into the ordinance on this issue, and said there has to be a cap because of the possible cost. Mayor Dickinson said this is a PUC matter and if a property owner was faced with a signify can't problem, the staff would be aware of this and that person would have the ability to appeal any suggested or mandated actions to the PUC and involve a public discussion which would become known to the other departments and would have to be dealt with as a community. He said this is our need to show this I & I is being taken seriously. He said a cookie cutter approach cannot be done.

Chairman Cervoni closed the Public Hearing at 8:09 p.m.

Vice-Chair Laffin said he has supported this program from the beginning. He made four points: Illegal hookups, noting the offenders were legislated into non-compliance. He said this program Allows the PUC to move forward with the program to explore it and the Council will have the opportunity to put in checks and balances. He noted the ratepayers will benefit by having unwanted water taken out of the system and lower the rates.

**MOTION MADE TO ADOPT THE AMENDMENT TO CHAPTER 177 ARTICLE ONE, ORDINANCE CONCERNING SOURCES OF INFLOW AND INFILTRATION INTO THE SANITARY SEWER SYSTEM**

**MADE BY: LAFFIN  
SECONDED BY: PARISI**

Mayor Dickinson said this ordinance change is to the benefit of everyone because it allows the reimbursement, the sharing of costs. He said the current ordinance allows the program but doesn't have a cost sharing capability. He said the current ordinance is being amended.

Councilor Fishbein said we are proposing adding cost sharing and it is a benefit . He noted this money comes from the ratepayers and currently individuals who engage in this I&I knowingly or unknowingly, are breaking the existing laws. She said there are ordinances and then have bodies of law which the PUC creates and in order to receive them, one has to call and this will then be mailed to the person. Councilor Fishbein said when the issue came before us in August he pushed for the Council and the PUC working together to draft language so the public would have one place to go. He said once we get to the point when this is not allowed, he has a strenuous objection. He said he is looking for cooperation and is not getting this. He said the same language has been thrown back at us and this is not cooperation. He said he sees this as control and said he doesn't do business this way. He said it is virtually impossible to quantify the benefits of this program and is not supporting this.

Councilor Mansfield said there are two issues, a behavior issue with rules being broken. He said At this point, every taxpayer is living with the risk. She said there is statistical evidence that this shared incentive has resulted in a quantifiable decrease. She said there are unknowns but are not validating the behavior. She said no one can afford to have the rainfall exceed and push the Town near the State threshold is a risk no one can afford because we will be in a position of a multi-million dollar study and do significant upgrades on an immediate basis. She noted the past cannot be changed and hates the fact that she follows the rules and others don't and have to fund those who don't but we must move past this. Councilor Mansfield noted she has confidence in the PUC which has done considerable research. She said she will vote for this as a short-term attempt to mitigate a riskier result and noted that 80% of the risk comes from the private sector. She suggested the PUC continue to share the information they gather and waiting for them to do something in 100 years hasn't work. She said the best idea has been brought forward. She said she isn't validating bad behavior, but can't stand here and do nothing. She said we have to go forward with solutions which mitigate risk and until someone has a better idea, she can't go against the expertise at the table.

Councilor LeTourneau said he hoped the Council and utility could come together with a better document. He noted this was rejected last time and get the same thing again. He said we have identified a problem and how it is addressed is the issue. He said we shouldn't put together half an approach because something has to be done. Councilor LeTourneau said he didn't see an emergency situation arising where this has to be done immediately. He said the Council, the Ordinance Committee and the PUC should come together with a good ordinance which has some teeth in it, not vagueness. He said this is a big problem because we are talking about Home owners tying in illegally and should not award them. He spoke about the downtown Buildings noting it would cost \$50,000 to unhook from the sanitary sewers. He brought up the appeal process and noted this is just another burden the property owner has to deal with and suggested language be put in the ordinance to deal with this. He said there is time to come together with a good program and suggested this item be tabled and brought in front of the PUC, the Ordinance Committee and the Council.

Mayor Dickinson said this issue has been discussed eight to nine years and stressed that something has to be done. He said there is a huge cost to renovate the treatment plant. He said the program will do good and reassure the State regulators that Wallingford is serious about dealing with this problem and is time we moved ahead.

Councilor Parisi said he went to New Jersey in 1990 to witness the remediation process for illegal hookups by backfeeding smokebombs. He said he voted against this for Wallingford. He said Councilor Mansfield was spot on because it is 2015 and nothing still has not been done. He said it isn't a case of major expenditures for a homeowner, it is a good deal. He said he was against this in 1990, but Councilor Mansfield convinced him it is time for action.

Councilor Testa said the Council has an oversight road and the PUC needs our permission to do something and noted the Council doesn't have direct oversight over them. He said the Council is like a Board of Directors to direct them and we either give them permission or we don't. Councilor Testa said the Council's job is not to micromanage every little thing going on.

Councilor LeTourneau said not to micromanage but to cobble together a document which works

with the Council, the PUC, the Water Division and the PUC. He said a problem has been identified, but it is how it will be addressed, through an ordinance of whose language needs to be cleaned up by working together. He said it is important to fix this but work together to do this so it only needs to be addressed once.

Councilor Fishbein said the fact this has been going on eight or nine years astounds him. He said power was given to the PUC in 2012 and it hasn't been used. Councilor Sullivan eight or nine years is not a long time and maybe it is time we did something. He said he doesn't want this to go past tonight. He said the current ordinance can still be enforced, but we will not get the reimbursement. He said he felt terrible for people who have an illegal hookup and don't know about it. He said he would not vote to table this and will make a decision.

**MOTION TO CALL THE QUESTION  
MADE BY: SULLIVAN  
SECONDED BY: CHAIRMAN CERVONI**

**ROLL CALL VOTE**

**FISHBEIN-NO; LAFFIN-YES; LETOURNEAU-NO; MANSFIELD-YES; PARISI-YES; RUSSO-YES;  
SULLIVAN-YES; TESTA-YES;CHAIRMAN CERVONI-YES**

**MOTION PASSES –ALL DEBATE STOPS**

**ROLL CALL VOTE ON MOTION TO ADOPT THE ORDINANCE**

**FISHBEIN-NO; LAFFIN-YES; LETOURNEAU-NO;MANSFIELD-YES; PARISI-YES;RUSSO-  
YES;SULLIVAN-YES; TESTA-YES; CHAIRMAN CERVONI-YES**

**MOTION AND ORDINANCE AMENDMENT PASSES.**

Vice-Chairman Laffin took over as Acting-Chair at 8:38 when Chairman Cervoni left the meeting.

## **7. PUBLIC QUESTION AND ANSWER PERIOD**

Geno Zandri, 9 Balsamwood Circle, spoke about the Town being responsible for the sale and Purchase of property. He noted the Town owns the parking lot on Hall Avenue and Quinnipiac Street and asked if the Town was aware that two parcels of land were sold over the past two months. Councilor Parisi said he was aware of the sale. Mr. Zandri said there has been a lack of planning on the part of people of the Town on not looking forward to see what can be done with the downtown. He suggested the Town get the right of first refusal on property and noted the downtown was falling apart. He also suggested the Council look at neighboring communities and purchase property. He also noted that calling a question on the I&I ordinance amendment without allowing public input was the wrong thing to do and that Council people should not be leaving the room during the public question & answer period.

Mayor Dickinson said this was discussed several years ago and the prices were not in the acceptable range.

Larry Morganstein, S. Main Street, spoke about the property next to Pat Wall Field which the Town was considering purchasing as an additional parking lot. He asked if there was an update since this was last spoken about last October. He said the Town had to go through ZBA and now notices there is a single-family home on the property. Mayor Dickinson noted that if this was a single-family lot, the only thing required was a building permit and would not have had to seek additional approvals as was the case with the Town.

Acting-Chair Cervoni closed the Public Question & Answer Period at 8:47 p.m.

8. Discussion and Possible Action regarding a Tentative Agreement with the Wallingford Connecticut Health Service Professional Association for a two-year Contract effective July 1, 2015 through June 30, 2017/Board of Education

*Appearing: Cindy Lavalette, Assist. Supt. Board of Education.*

Ms. Lavalette explained this is a two-year agreement with the Nurses Union of the Board of Education with a 2.2% wage increase the first year and a 1.99% wage increase for the second year. She said the cost for the first year is 22.5 and the second year is 22.2. She said to help balance the cost of the general wage increase, the current plan was changed from a PPO to a high deductible health plan. She said other insurance savings will involve a reduction of the waiver from 30% to 25% in the second year of the contract which will help with the Cadillac tax. Ms. Lavalette mentioned the early retirement incentive plan which offers nurses insurance only after 10 years of service minimally in the District. She added there will be an increase in the life insurance from \$40,000 to \$50,000. She said the cost to the Board will be \$250 a year. Acting-Chair Laffin said no action was necessary only an action to reject

Councilor Fishbein noted the second page of the report was marked "confidential" and asked if this should be deferred to the Law Dept. to be returned to the Board of Education and not be distributed to the public. Ms. Lavalette said this document is the redline document and there is nothing here which goes into strategy and if approved will become a public document. In answer to Councilor Fishbein's question, Ms. Lavalette said the Cadillac tax is an excise tax.

**MOTION MADE TO ACCEPT THE PLAN AS PRESENTED**

**MADE BY: LETOURNEAU  
SECONDED BY: RUSSO**

No further Council or public comments

**ROLL CALL VOTE**

**FISHBEIN: NO; LAFFIN-YES; LETOURNEAU-YES; MANSFIELD-YES; PARISI-YES;RUSSO-YES  
SULLIVAN-YES;TESTA-YES**

**MOTION PASSES**

9. Discussion and Possible Action regarding a Tentative Agreement with IBEW Local 457 Clerical Unit for a two-year Contract from July 1, 2015 to June 30, 2017/Personnel

Councilor LeTourneau recused himself from the discussion and vote stating this was his wife's Bargaining unit.

*Appearing: Jim Hutt, Director of Personnel*

Mr. Hutt explained this is a tentative agreement with the Clerical Unit IBEW Local 457 of the Electric Division. He gave an overview of the tentative agreement noting the probationary period will be increased from six to 12 months for all new hires and newly promoted employees and to eliminate sick-leave payouts for employees hired after July 1, 2015 who retire under a terminated vesting provision of the Town. He said there are planned design changes for the health insurance and an \$2,500 increase per employee in the Life Insurance plan and a 2% wages for July 1, 2015 and July 1, 2016.

No Council questions.

NO MOTION REQUIRED

Councilor Testa left at 9:55 p.m.

Acting-Chair Laffin took the agenda in the following order.

14. Consider and Approve Updated Job Description for the position of Skilled Tradesman (HVAC Automation Control Systems Technician)/Board of Education

*Appearing: Mark Deptula, Buildings & Grounds Supervisor and Cindy Lavalette, Assist. Supt. Of Schools.*

Mr. Deptula supplied an updated detailed description to the Council. Councilor Fishbein said he believed this was a new position for the board of education and there was money in the previously approved budget to pay for this position. Ms. Lavalette said there is money available and noted the position was planned for with the hopes of being able to put this forward as something Mr. Deptula expressed a need for. Council Fishbein said during last year's budget negotiations, there was no indication of this new hire. Ms. Lavalette said she would have to look into this. Councilor Fishbein said there was also representation that this new position would save money. Mr. Deptula said there are two building automation operating systems. He said the hourly rate to have these systems programmed and installed goes from \$149 to \$186 an hour and are anticipating a savings there with the new hire and energy savings. He said this position was recommended to us by Nextgen who saw a staff deficiency. Mr. Deptula said these systems require daily attention and noted there is no intention to do 100% of the work in-house, but he said he requires a person to be able to diagnose issue including updating programs.

Councilor Fishbein asked about salary. Mr. Deptula noted the budgeted amount will be \$70,000 a year including a benefit package. Councilor Fishbein asked the cost of outside

Services for last year. Mr. Deptula said he was not able to calculate this amount and noted it is not what is being paid but to be able to maintain the system and planning ahead. He said Nextgen suggested this position be created three years ago and noted if this could be bid out, it would be done.

Councilor Sullivan said \$784,000 will be put into this year's budget from last year and thanked Board of Education staff. He asked about the benefit package for this position and whether it was included, noting the Mayor said it would be included. Mr. Bowes said the benefit package for this position would include pension, Medicare match and health insurance which would depend upon the plan. Councilor Sullivan wanted to know if the \$70,000 salary included the benefits or would there be added costs. He said he feels the same items are being rehashed over and over, but will vote for the position.

Councilor LeTourneau said he was disappointed that this is being discussed again. He said there should be something in the job description stating the person has the certification and training, noting this is a supervisory position and the descriptive language is weak and needs to be made stronger. He said he can't vote for this with this type of language. Mr. Deptula said in order to have the State License, one must have four years in the classroom and in the field and noted this is beyond high school. Councilor Mansfield asked how many properties are being maintained with this equipment. Mr. Deptula said this would involve over a million sq. ft. in 15 different locations. She asked how many people are currently attending to these duties without outsourcing. Mr. Deptula responded that all automation work is outsourced. Councilor Mansfield noted the Council's job was to approve the job description and said it was up to the Board of Education to determine how the money is spent. She noted the salary now includes benefits when last time it was noted salary sans benefits. Mr. Deptula said the point is not to eliminate outsourcing, but to have a better understanding of what to outsource and there will be savings in areas that can't be currently calculated. He said he anticipates this person being able to do hands-on repairs and some programming.

**MOTION TO CALL THE QUESTION**

**MADE BY: RUSSO**

**SECONDED BY: PARISI**

**ROLL CALL VOTE:**

**FISHBEIN-NO; LAFFIN-YES; LETOURNEAU-NO; MANSFIELD-YES; PARISI-YES; RUSSO-YES  
SULLIVAN-YES. COUNCILOR TESTA AND CHAIRMAN CERVONI ABSENT.**

**CALL THE QUESTION PASSES**

**ACTING-CHAIR LAFFIN NOTED THERE WAS NO QUESTION TO CALL AND ASKED FOR A  
MOTION ON THE ITEM.**

**MOTION TO ACCEPT THE JOB DESCRIPTION AS PRESENTED**

**MADE BY: PARISI**

**SECONDED BY: SULLIVAN**



**ACTING-CHAIR LAFFIN ASKED FOR ANOTHER MOTION  
THERE WAS NO ADDITIONAL MOTION MADE**

Councilor Fishbein asked if there was a service contract on the boilers. Mr. Deptula said there is a contract but noted it isn't just the boilers but the DDC control system. He said when the building renovations were done, thousands of automated components were added. Councilor Fishbein noted the rooftop units at Sheehan High School were under a maintenance contract. Mr. Deptula said mechanical and automation are two separate trades. Mr. Fishbein thought this would replace the outside vendors.

No further questions from the Council or the public

**ROLL CALL VOTE ON THE MOTION TO ACCEPT THE JOB DESCRIPTION**

**FISHBEIN-NO; LAFFIN-YES; LETOURNEAU-NO; MANSFIELD-YES; PARISI-YES;RUSSO-YES;  
SULLIVAN-YES. TESTA AND CERVONI ABSENT**

**MOTION PASSES**

15. Consider and Approve a request that unencumbered BOE funds from 7/1/14 to 6/30/15 Fiscal Year in the amount of \$784,962 be carried forward into the 2015/2016 Fiscal Year "one percent account"/Board of Education

**MOTION MADE BY: PARISI  
SECONDED BY: RUSSO**

Councilor Fishbein asked why this amount of monies needed to be carried over into this years budget. Ms. Lavalette said the special education budget decreased because outplaced student numbers have decreased. She noted each outplaced student costs between \$70,000 and \$80,000. She said because of this, transportation costs have also been reduced and the facilities had a larger than anticipated balance because of additional cleaning services not being required. She noted some staff that performed HVAC and carpentry services became ill and some of the work wasn't done and will be moved into the upcoming year. Councilor Fishbein asked about the \$185,000 reduction in heat which he noted may be due to the reduction in oil prices. Mr. Bowes pointed out this item was overspent by \$185,000. Councilor Fishbein asked about instructional equipment being \$178,000 overbudgeted. Ms. Lavalette said this is a small percentage of the overall budget, but didn't want to minimize that \$185,000 wasn't a lot of money. Councilor Fishbein asked about the 1% account. Mayor Dickinson said this allows that money to be spent subsequent to the calendar year in which it was realized.

Acting-Chair Laffin said he would support this item. Mayor Dickinson said the budget increased by \$500,000 but noted at this point, the Town can't direct how this money can be spent. Councilor Sullivan spoke about the savings on pupil transportation. Councilor Fishbein said if this 1% money isn't spent it the Bd. of Ed could be directed to spend the money on infrastructure improvements and replacements. Mayor Dickinson said he didn't believe this was the case because once it is in the 1% account, we could only suggest and noted it is the discretion of the Bd. of Education.

**ROLL CALL VOTE:**

**FISHBEIN-NO; LAFFIN-YES; LETOURNEAU-YES; MANSFIELD-YES; PARISI-YES; RUSSO-YES; SULLIVAN-YES; CHAIRMAN CERVONI AND COUNCILOR TESTA ABSENT**

**MOTION PASSES**

13. Review and acceptance of design of Cemetery garage and office building by Center Street Cemetery Association/Peter Gouveia, President, Cemetery Association/Henry McCully, Public Works Director.

*Appearing: Peter Gouveia, President, Cemetery Association; Henry McCully, Director of Public Works and Steve Lazarus, Lazarus and Sargeant Architects.*

Mr. McCully told the Council the design and engineering is completed and a copy has been sent to the State which has to approve this. He said prior to State approval, the bid documents will be sent to Purchasing. Mr. Lazarus said Planning & Zoning has approved this project along with other the other departments. Councilor Fishbein said the last time he saw something in regard to this, was conceptual drawings done by Mr. Lazarus and a bid waiver was discussed. He said there are no drawings in the Council packets. Mr. Gouveia said there was a misunderstanding and noted a conceptual design was approved by the Council. Mr. Lazarus said the completed construction documents look exactly like the conceptual drawings except for two minor changes involving a placement of a door and the building. He went over the site and floor plans. He said there will be a conference room, a bathroom, and a large work space. He noted the front elevation faces Prince Street and a gate will be installed to provide security and the entire work yard will be surrounded by a chain link fence and there will be three parking spaces in the yard for staff. He noted the police will be marking one space as handicapped. He said P & Z approved this plan.

No further questions from the Council or Public.

Councilor Sullivan asked about the timeline. Mr. Gouveia said this is ready to go to bid but the State has to approve the project. Mr. McCully said this project can be put out to bid before State approval and can be amended if necessary. He said the timeline is undetermined.

Councilor Fishbein said he has driven to the cemetery and sees improvements. He said he has faith in the drawings and likes what he sees.

**MOTION TO APPROVE THE DRAWINGS BEFORE THE COUNCIL**

**MADE BY: FISHBEIN**

**SECONDED BY: PARISI**

**VOTE: 7 AYES; TESTA AND CERVONI ABSENT.**

**MOTION PASSES**

10. Executive Session pursuant to Section 1-200(6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of Property/Mayor

No action required at this time.

11. **MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO SECTION 1-225 AND 200(6)(B) AND (9) (C) REGARDING STRATEGY AND NEGOTIATIONS WITH RESPECT TO THE PENDING LITIGATION RELATING TO THE PUBLIC UTILITIES COMMISSIONS ACTION TO ENFORCE OR IMPLEMENT LEGAL RELIEF OR LEGAL RIGHTS RELATING TO ITS CMEEC AGREEMENTS AND SECTION 1-200(6) (E) AND 1-210 (B) (4) AND (10) TO DISCUSS RECORDS RELATED THERETO/PUBLIC UTILITIES**

16. **MOTION TO GO INTO EXECUTIVE SESSION PURSUANT TO SECTION 1-225(F) AND SECTION 1-200 (6)(B) REARDING STRATEGY AND NEGOTIATIONS WITH RESPECT TO THE PENDING LITIGATION MATTER OF THE TOWN OF WALLINGFORD V. BROWN, ET AL/LAW DEPARTMENT**

**MADE BY: FISHBEIN  
SECONDED BY: PARISI**

**COUNCIL MOVED INTO EXECUTIVE SESSION AT 9:50 P.M.**

**VOTE: 7 AYES; CERVONI AND TESTA ABSENT**

**PRESENT AT EXECUTIVE SESSION #11 – FISHBEIN, LAFFIN, LETOURNEAU; MANSFIELD, PARISI, SULLIVAN, RUSSO, ADAIR, FARRELL, DICKINSON. EXECUTIVE SESSION STARTED AT 9:50 P.M. AND ENDED AT 10:11 P.M.**

**PRESENT AT EXECUTIVE SESSION #16 – FISHBEIN, LAFFIN, LETOURNEAU, MANSFIELD, PARISI, RUSSO, SULLIVAN, FARRELL, DICKENSON. EXECUTIVE SESSION STARTED AT 10:12 P.M. AND ENDED AT 10:20 P.M.**

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MADE BY: FISHBEIN  
SECONDED BY: PARISI**

**VOTE: 7 AYES; CERVONI AND TESTA ABSENT**

11. CMEEC: Appropriation of an additional \$568,215 for the arbitration proceedings.

*Appearing: George Adair, Director of Utilities*

Councilor Fishbein said he was looking at estimated costs which were submitted by Mr. Adair and noted the arbitrator is being paid at a \$725 an hour rate with an estimate of 200 hours to be used. He said he believed the Town was bearing the entire cost. Atty. Farrell said the Town will only pay half. He said there may be an additional charge for the organization. Councilor Fishbein asked if the arbitration will take 400 hours and we are paying for 200 hours. Atty. Farrell said we are only paying half of the arbitrator's

fees. Councilor Fishbein asked about GDS Associates. Mr. Adair explained this was the consulting firm expert in rate making and design and are being solicited as an expert witness from a bid waiver which came before the Council for approval. Councilor Fishbein asked about "other expenses" i.e, arbitration pre-hearing discovery and motion. He asked what the \$25,000 under other expenses was for. Atty. Farrell said this was for travel, purchasing transcripts. Mr. Adair said this also was for document preparation and the scanning of documents. He noted these costs were all estimates and all bills require itemization. Councilor Fishbein asked about the time period for the estimate. Mr. Adair said this would be for July 1, 2015 through June 2016, the Fiscal Year. Councilor Fishbein asked when the arbitration would be over. Atty. Farrell said this could run well into 2016. Councilor Fishbein asked about trial days and other expenses for \$14,000. He asked about confirmation if contested thinking this was binding arbitration. Atty. Farrell explained that when someone moves to have an award confirmed, it doesn't mean the other side can't show up and contest this. Councilor Fishbein said he was very concerned over the amount of money being spent on this and the document and the vetting the PUC has or has not done regarding this item. He said he would feel more comfortable expending \$200,000 and then reevaluating the Town's position at that point. He said he couldn't support this item.

Mayor Dickinson said the Town is being up front about costs and noted the Town is trying to give the total cost, but stressed they are all estimates. He said we are dealing with a serious amount of money at issue, \$20 million and at the highest amount spending \$1.4 million to pay for this argument which he said was worth it. He said the Town would be subject to heated criticism if we did nothing and noted the Town shouldn't be billed at the rate CMEEC is billing us now. He said this arbitration is not nearly as expensive as what the Town is being billed by CMEEC. He said the expenditure is justified and the PUC is looking to protect the ratepayers and the Town.

Mr. Adair spoke about services being bid on a lump-sum basis. He said exploring each and every charge is appropriate. He said his intent was to appropriate adequate funding so as not to have to repeatedly return to the Council. He said this is intended to cover the worst-case scenario. Councilor Sullivan said he is for approving this money and the Town should not be locked into services that we shouldn't be locked into over 20 years possibly totaling \$20 million, \$1.4 million is a small price to pay and owe the people of this Town the opportunity to spend their money wisely. He said CMEEC has done its best to take advantage of this Town.

Councilor Mansfield said the fleecing of Wallingford has to stop and commended Mr. Adair for standing up to this behemoth. She said she couldn't image not continuing with this. She said this is not an easy task. Councilor Fishbein said any comments tht CMEEC is fleecing the Town or is bad business publically made, have not been made by him and noted he doesn't know enough about this issue to adopt these statements.

Acting Chair Laffin called for a motion for Item # 12 to Consider and Approve Appropriation for pending litigation of \$568,215 from Retained Earnings to Outside Services Acct. # 923/Public Utilities.

**MOTION TO APPROVE APPROPRIATION FOR PENDING LITIGATION OF \$568,215 FROM  
RETAINED EARNINGS TO OUTSIDE SERVICES ACCT. #923/PUBLIC UTILITIES**

**MADE BY: SULLIVAN  
SECONDED BY: PARISI**

**ROLL CALL VOTE:**

**FISHBEIN-NO; LAFFIN-YES; LETOURNEAU-YES; MANSFIELD-YES; PARISI-YES; RUSSO-  
YES; SULLIVAN-YES. TESTA AND CERVONI ABSENT.**

**MOTION PASSES**

- 17. MOTION TO APPROVE A SETTLEMENT REGARDING THE PENDING LITIGATION MATTER  
OF THE TOWN OF WALLINGFORD V. BROWN ET AL AS DISCUSSED IN EXECUTIVE  
SESSION**

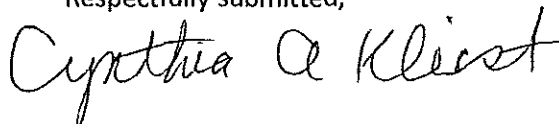
**MADE BY: FISHBEIN  
SECONDED BY: PARISI**

**VOTE: 7 AYES – CERVONI AND TESTA ABSENT**

**MOTION PASSED**

The Council adjourned the meeting at 10:40 p.m.

Respectfully submitted,



Cynthia A. Kleist  
Acting-Town Council Recording Secretary  
Meeting digitally recorded

RECEIVED FOR RECORD 9/10/15  
AT 12:34 PM, AND RECORDED BY  
Barbara J. [Signature] TOWN CLERK

**WALLINGFORD TOWN COUNCIL**

MEETING NO. OF HOURS - THREE HOURS AND 40 MINUTES

TRANSCRIPTION: FOUR

TOTAL NO. OF HOURS: SEVEN HOURS

RATE PER HOUR: \$14.11

INVOICE TOTAL: 98.77

SIGNATURE: \_\_\_\_\_

*Cynthia A. Clark*