

TOWN OF WALLINGFORD, CONNECTICUT

*REGULAR TOWN COUNCIL MEETING*

Town Council Chambers

**DECEMBER 13, 2011**

**RECORD OF VOTES AND MINUTES**

**ATTENDANCE:**

Councilors Vincent Cervoni, Nick Economopoulos, Jerry Farrell, Jr., Craig C. Fishbein, John LeTourneau, Chairman Robert F. Parisi, Rosemary Rascati, John J. Sullivan and Vincent F. Testa, Jr. Mayor William W. Dickinson Jr., Town Attorney Janis Small and Comptroller James Bowes were also at the meeting. Councilors-Elect Thomas Laffin and Jason Zandri were present for the meeting as well.

The meeting called to order at 6:30 P.M.

An Opening Prayer was offered by Deacon Eugene Riotte, Most Holy Trinity Church of Wallingford. The Pledge of Allegiance was said and the roll call was taken.

**2.** Correspondence

*None*

**3.** Consent Agenda

**3a.** Consider and Approve Tax Refunds totaling \$1,974.21 (#366 - #383)  
Acct. # 001-1000-010-1170 - Tax Collector

**3b.** Consider and Approve two Merit Reviews – Personnel

**3c.** Acceptance of Donation and Appropriation in the Amount of \$600  
Youth & Social Services Special Fund Operation Fuel to Donations  
Acct #2134002-47010 and to Expenditures Acct # 21340100-58830  
– Youth & Social Services

**3d.** Consider and Approve a Transfer in the Amount of \$2,153 to Workstation  
Countertops Acct # 10040050-57000-00051 from Maintenance \$1,000 Acct  
#10040050-54325 and from Office Expenses \$1,153 Acct #10040050-56100  
- Health Department

**3e.** *Resolution Authorizing the Mayor to sign Program Application for the Hall Avenue  
Streetscape & Senior Center Trail Project through the Connecticut DOT 2011  
Enhancement Program – Town Engineer*

*Removed*

**3f.** Resolution endorsing a proposal submitted by the South Central Regional Council  
of Governments for a Regional Performance incentive Grant pursuant to Section 5  
of Public Act 11-61. The proposal is for an inter-municipal Shared Services  
Feasibility Study - Mayor

- 3g. Resolution endorsing a proposal submitted by the South Central Regional Council of Governments for a Regional Performance incentive Grant pursuant to Section 5 of Public Act 11-61. This proposal is for a Regional Web-based GIS Program.  
- Mayor
- 3h. Consider and Approve minutes of Regular Town Council Meeting of November 29, 2011
- 3i. Consider and Approve an Appropriation in the Amount of \$540,200 to Revenue-CRRA Distribution Fund #200 and to Transfer Out to Wallingford Solid Waste Program (WSWP) Fund #200 – Comptroller

**MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a. – 3d. and 3f. – 3i.**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**  
**VOTE: UNANIMOUS; 9-AYE**  
**MOTION PASSED**

4. Items Removed from the Consent Agenda

- 3e. Resolution Authorizing the Mayor to sign Program Application for the Hall Avenue Streetscape & Senior Center Trail Project through the Connecticut DOT 2011 Enhancement Program – Town Engineer

**MOTION WAS MADE TO ADOPT A RESOLUTION Authorizing the Mayor to sign Program Application for the Hall Avenue Streetscape & Senior Center Trail Project through the Connecticut DOT 2011 Enhancement Program.**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**

*In Attendance: John Thompson, Town Engineer*

The Council, the Mayor and Mr. Thompson discussed the project, the grant and the grant process, the history of the project as it has unfolded since 2004 and the philosophy of this phase of the project, which combines the Hall Avenue Streetscape and the Senior Center connection to the Linear Trail. They examined funding timelines, the costs of the project with respect to grant funding and Capital and Non-Recurring funds, the town's portion, and that the two funding sources dovetail each other and should not be separated, according to the plan and its design. Other elements of the streetscape plan include street trees and brick sidewalks on Hall Avenue between Cherry Street and Route 5 to replicate the Quinnipiac Street enhancements. It was explained that in the last round of applications to the State of Connecticut, this same project ranked for the award funds, increasing the success of obtaining funding in this new application period. The agenda question addresses only the application for funding of this project. Other stages of funding come at a later time.

Councilors Fishbein and LeTourneau expressed their concern over lack of maintenance to existing street enhancements, such as the bricks in the sidewalk details and tree trimming.

Areas of concern were pointed out, and it was said that the town should not be entertaining a new project when it can't keep up with the maintenance of what the town now has.

Councilors Economopoulos and Sullivan echoed this concern along with views with regard to the economy and budgeting concerns, such as lack of paramedic funding. A section of the Capital and Non-Recurring fund allowances and restrictions was read by the Comptroller to augment the definition for a better understanding of the use of these funds and to explain that the town's portion of funds set aside for this project could not be used for maintenance.

Mayor Dickinson stated that people seem to like to come to the downtown area and that pedestrian traffic has increased as a result of the enhancement projects. He said that there will always be maintenance that needs to be done in town but that should not deter us from embarking on new things.

*Councilor Farrell left the meeting for a short while about 7:15 P.M., so that he could attend an event of his daughter. He expressed his desire to participate in the vote and asked if the vote on this item could be delayed until his return to the meeting.*

**MOTION WAS MADE TO TABLE THE ITEM UNTIL SUCH TIME WHEN COUNCILOR JERRY FARRELL COULD RETURN TO THE MEETING TO PARTICIPATE IN THE VOTE ON THIS ITEM.**

**MADE BY: TESTA  
SECONDED BY: LETOURNEAU  
VOTE: 8-AYE; 1-ABSENT, Councilor Farrell  
MOTION PASSED TO TABLE**

**5. PUBLIC QUESTION & ANSWER PERIOD**

Robert Gross, 114 Long Hill Road, inquired whether DEEP has responded to the Mayor with regard to the use of the Covanta penalty funds; he inquired about reverse 911 and direct deposit

Wes Lube, Montowese Trail, also inquired about direct deposit and then focused on a past meeting comment with respect to the word "shall".

Councilor Testa questioned the rationale of Item 6 and what would happen.

Town Attorney Janis Small responded that when the Council has had discussions regarding strategy in negotiations with respect to collective bargaining, it has always appeared on the agenda as an Executive Session with a reference to the statutory definition of 'meeting,' which exempts conversations regarding such matters. She said that in her research the FOI Commission, in fact, states that is technically not correct because it's not an "Executive Session," but rather a "non-meeting." She continued saying that if the Council is going to do it as part of the agenda, there are two options – one is to do it as it appears here where you basically take a recess from the meeting and have the collective bargaining strategy discussions, and then come back into the meeting. She said a second way would be to perhaps put it on the agenda to happen before the actual meeting starts stating the Council would be holding their collective bargaining discussions prior to the commencement of the meeting. Technically, to call it an Executive Session is not in compliance with FOI because it's really a non-meeting. Councilor Testa said he thinks that anytime there are five or more

Councilors gathered to discuss the business of the town that it becomes a meeting. Attorney Small said that according to FOI, the definition of ‘meeting’ excludes ‘strategy and negotiations with respect to collective bargaining.’ Under FOI with all nine Councilors gathered, it is not a meeting. She said, it is the section that has always cited as part of the Executive Session, which is the explanation for having the private meeting, when, in fact, it’s technically not considered a ‘meeting.’ She discovered this when she saw an FOI decision that said that it should not be called an ‘Executive Session.’ She added that the Council gives the public more information that is needed by virtue of listing it on the agenda. Under the definition section of ‘Executive Session,’ ‘strategy and negotiations with respect to collective bargaining’ is not listed. Discussion must concern ‘strategy and negotiations with respect to collective bargaining,’ and the criteria here fits since the Council would be discussing within the collective bargaining process as to whether or not, this proposed contract will go into arbitration. She also added that the Council does not have to have a discussion.

Mr. Testa did not see the necessity of needing a ‘non-meeting’ and that the questions the Council has should occur here. He added that anything else talked about in a non-meeting be restricted to a discussion regarding the options open to the Council if the Council says ‘no’ to this contract, but everything else should be discussed in public.

Mayor Dickinson stated that this is slippery slope in that thought process is revealed in the questioning. Councilor LeTourneau asked that the two Councilors-elect attend a non-meeting session. Councilor Economopoulos stated that these are uncharted waters and that he does not like it. Councilor Sullivan stated that in his two years on the Council where many contracts were discussed that he does not recall ever talking about strategy. He said that he will not participate in a meeting in the back room and that all questions should be asked right here.

6. Temporarily adjourn Town Council Meeting for Collective Bargaining matter.

**MOTION WAS MADE TO Temporarily Recess the Town Council Meeting for Collective Bargaining matter.**

**MADE BY: RASCATI**  
**SECONDED BY: PARISI**

**ROLL CALL VOTE:**

<b>CERVONI - Abstain</b>	<b>RASCATI - Yes</b>
<b>ECONOMOPOULOS - No</b>	<b>SULLIVAN - No</b>
<b>FARRELL - Absent</b>	<b>TESTA - No</b>
<b>FISHBEIN - No</b>	<b>CHAIRMAN PARISI - Yes</b>
<b>LETOURNEAU - No</b>	

**5 – Nay; 2 Aye; 1 Abstain (Cervoni); 1 Absent (Farrell)**

**MOTION FAILED**

The Council did not recess and took up Item #8.

7. Reconvene Town Council Meeting

8. Discussion and Possible Action with regard to the Educational Administrators' Association of Wallingford (EAAW) contract for the period of July 1, 2012 through June 30, 2015  
- Board of Education

*In attendance: Dr. Salvatore Menzo, Superintendent of Schools  
Ms. Jan Guarino, Assistant Superintendent for Personnel  
Thomas Hennessey, Chairman, Board of Education*

*Two other Board of Education Members, Joseph Marrone and Chester Miller, were in the audience.*

Mr. Hennessey made a statement that the panel would not respond to any questions with regard to strategy.

Discussion and questions with regard to the contract were directed towards concern with Longevity, Waiver of Insurance, Medical Services, Long-Term Disability. They talked about wages, steps, mileage reimbursement, and additional 'stipend', Annuity, step ranking of principals, Early Retirement Incentive Program, Co-pays and the reduction in the contract over the past contract, this contract has only three (3) steps, and the Discipline and Grievance processes.

The panel was congratulated on the work that has been done in bringing this contract to the Council and that the reductions have been noted that will result in considerable savings.

*Councilor Farrell returned to the meeting at 8:07 P.M.*

They discussed the timing of the contract to which the Town Attorney stated that the design of a template is underway.

**MOTION WAS MADE TO Temporarily Recess the Town Council Meeting for Collective Bargaining matter.**

**MADE BY: LETOURNEAU  
SECONDED BY: FARRELL**

**COUNCIL INDIVIDUALLY CALLED OUT THEIR OWN VOTE:**

<b>CERVONI - Abstain</b>	<b>RASCATI - Yes</b>
<b>ECONOMOPOULOS - No</b>	<b>SULLIVAN - No</b>
<b>FARRELL - Yes</b>	<b>TESTA - Yes</b>
<b>FISHBEIN - Yes</b>	<b>CHAIRMAN PARISI - Yes</b>
<b>LETOURNEAU - Yes</b>	

**6-Aye; -Nay; 1-Abstain (Cervoni)**

**MOTION PASSED.**

The Council recessed at 8:55 P.M. and reconvened at 9:19 P.M.

**MOTION WAS MADE TO APPROVE THE EDUCATIONAL ADMINISTRATORS' ASSOCIATION OF WALLINGFORD (EAAW) contract for the period of July 1, 2012 through June 30, 2015**

**MADE BY: TESTA**  
**SECONDED BY: LETOURNEAU**

The panel was thanked for coming back before the Council. Councilor Sullivan stated that he was not happy with the Longevity pay and with the cash benefit to those who do not use the health insurance but said that he understood why they were there. Chairman Parisi stated that philosophically, he would have preferred to go forward without the motion and that the contract would go into effect without the vote.

**ROLL CALL VOTE:**

<b>CERVONI - Abstain</b>	<b>RASCATI - No</b>
<b>ECONOMOPOULOS - Yes</b>	<b>SULLIVAN - Yes</b>
<b>FARRELL - Yes</b>	<b>TESTA - Yes</b>
<b>FISHBEIN - No</b>	<b>CHAIRMAN PARISI - Yes</b>
<b>LETOURNEAU - Yes</b>	

**6 Aye; 2 Nay; 1 Abstain (Cervoni)**

**MOTION PASSED.**

For the Council, Chairman Parisi thanked Mr. Hennessey for all of the years of his service to the Board of Education and to the town and that he is to be commended.

- 4 - 3e.** Resolution Authorizing the Mayor to sign Program Application for the Hall Avenue Streetscape & Senior Center Trail Project through the Connecticut DOT 2011 Enhancement Program – Town Engineer

**MOTION WAS MADE TO TO REMOVE 4-3e. FROM THE TABLE**

**MADE BY: TESTA**  
**SECONDED BY: FARRELL**  
**VOTE: UNANIMOUS; 9-AYE**  
**MOTION PASSED**

**MOTION WAS MADE TO APPROVE A RESOLUTION Authorizing the Mayor to sign Program Application for the Hall Avenue Streetscape & Senior Center Trail Project through the Connecticut DOT 2011 Enhancement Program.**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**

Councilor Fishbein inquired about this grant and the \$1.6 million of the town as it relates to the budget process.

**ROLL CALL VOTE:**

**CERVONI - Yes**  
**ECONOMOPOULOS - No**  
**FARRELL - Yes**  
**FISHBEIN - No**  
**LETOURNEAU - No**

**RASCATI - Yes**  
**SULLIVAN - No**  
**TESTA - Yes**  
**CHAIRMAN PARISI - Yes**

**5 Aye; 4 Nay**

**MOTION PASSED.**

9. Conduct a Public Hearing for 8:00 P.M., December 13, 2011 with regard to the Repeal of Ordinance #345, "Article V, Insurance Commission.

*The Town Council repeals Ordinance No. 345, "Article V. Insurance Commission", adopted on August 7, 1986, as stated in §8-10 through §8-13 of Chapter 8, Boards, Commissions and Committees, of the Code of the Town of Wallingford*

*Withdrawn*

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*

Chairman Parisi highly praised and acknowledged Councilors Jerry Farrell, Vice-Chairman, and Vincent F. Testa, Jr., Minority Leader, both of whom are leaving the Town Council, for their years of intelligent and quality service to the Town Council and to the Town.

Each Councilor in turn expressed their thanks to Councilors Farrell and Testa. And then both Councilors Farrell and Testa stated their thanks to their colleagues.

*Mr. Testa left the meeting for the evening at 9:45 P.M.*

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 Hodge, Trustee v. Town of Wallingford – Town Attorney

**MOTION WAS MADE TO GO INTO EXECUTIVE SESSION pursuant §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 Hodge, Trustee v. Town of Wallingford**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**  
**VOTE: 8 AYE; 1 ABSENT (Testa)**  
**MOTION PASSED**

**MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**  
**VOTE: 8 AYE; 1 ABSENT (Testa)**  
**MOTION PASSED**

**EXECUTIVE SESSION ATTENDANCE:**

**Cervoni, Economopoulos, Farrell, Fishbein, LeTourneau, Chairman Parisi, Rascati and Sullivan, Mayor Dickinson and Town Attorney Janis Small.**

**TIME OF EXECUTIVE SESSION: 9:45 P. M. to 9:55 P.M.**

12. Motion to consider and approve the settlement of the Hodge, Trustee v. Town of Wallingford tax appeal matter as discussed in Executive Session – Town Attorney

**MOTION WAS MADE TO APPROVE settlement of the Hodge, Trustee v. Town of Wallingford tax appeal matter as discussed in Executive Session.**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**  
**VOTE: 8 AYE; 1 ABSENT (Testa)**  
**MOTION PASSED**

**MOTION WAS MADE TO ADJOURN THE MEETING.**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**  
**VOTE: 8 AYE; 1 ABSENT (Testa)**  
**MOTION PASSED**

**THE MEETING ADJOURNED AT 9:56 P.M.**

Respectfully submitted,

Sandra Weekes  
Town Council Secretary  
Meeting digitally recorded

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Robert F. Parisi, Chairman

Date

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Barbara Thompson, Town Clerk

Date