

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

January 26, 2010

The following minutes are a record of the Regular Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, January 26, 2010. The Meeting was Called to Order at 6:38P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Vincent Cervoni, Nick Economopoulos, Jerry Farrell, Jr., Craig C. Fishbein, John LeTourneau, 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 present.

The meeting began with an Opening Prayer, led by Reverend Margaret Jay, First Congregational Church; the Pledge of Allegiance; and the Roll Call.

**3.** Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#463 - #545) totaling \$17,383.55  
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Acceptance of Donation and Appropriation of \$50 to the Youth and Social Services Special Fund Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 - Youth and Social Services
- 3c.** Confirmation of Re-appointment of Mr. Fred Ulbrich, Jr. to the Personnel and Pension Appeals Board for a five-year term ending December 31, 2014 - Mayor
- 3d.** Confirmation of Re-appointment of Wallingford Energy Conservation Commission as follows:  
Chris Smith, Ben Martin, Bill Pursell, Bob Avery, Mary Mushinsky,  
Mike Spiteri, Sharon Monney, John Lynch, Bruce Blakey, John Bradley,  
Ros Page, Mike Brodinsky
- 3e.** Approve Minutes of Regular Town Council Meeting of January 12, 2010

Mr. Farrell made a motion to approve the Consent Agenda, Items 3a. to 3e. Ms. Rascati seconded. All Councilors present (9) voted Aye. The motion passed.

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

*None*

**5.** PUBLIC QUESTION & ANSWER

Ben Martin, Ward Street, expressed concern regarding the religious blessing. that was offered, calling it a 'Christian message', and said that he feels it violates freedom of religion for people, which is something that this country holds dear. He said that unless we also include a Muslim message, or a Jewish message,

26, 2010

Regular Town Council Meeting

Minutes

or even a message for non-believers, that we are condoning one religion over the other. He said that he does not think that it has a place in the municipal space. He said that he is concerned that we are opening ourselves up to lawsuits under the federal and state statutes. He asked for a reinstatement of the *Moment of Silence* where it can be used for whatever prayer you choose to make, or even no prayer at all. Chairman Parisi said that we went through this several years ago, and it was found to be perfectly legal. It is at the discretion of each Council and what they choose to do, so it is by our choice that we are doing it. Mr. Martin asked if the Council intends to include other religions. Chairman Parisi said that as in the past those who come forward will be included.

Geno Zandri, 9 Balsam Ridge Circle, reported that for the last month two sofas have sitting on the side of River Road, which runs parallel to the Merit Parkway. He asked about the town policy for removing items like this and which department. Henry McCully, Director, Public Works, discussed the exact location since part of this area is state property. If the sofas are on state property, the state of Connecticut, Department of Transportation should be called; however, if the sofas are on the 'left-hand' side, he isn't sure and would need to check on it because it may be where the fish-ladder is going to be. Mr. Zandri said that they are on the east side right by the river area. Mr. Zandri in his concern for Wallingford said that he thinks that the policy should be that the town picks it up. Chairman Parisi said that we can help departments perform their duties if we inform them of things like this.

Mr. McCully said that his department will not go onto private property unless it is per order of the Health Department or the Law Department to clean up a location on private property. He suggested calling the property owner. Mr. McCully said that he would be the one to do the work of finding who the property owner is. He said that in the end Public Works would take care of it or the property owner would remove it. Mr. Zandri said that this is in no man's land, not in someone's front yard, and that is where the problem is. He also mentioned that Public works trucks go up this road at least a dozen times a day, and why does it take a resident to point out the obvious.

Robert Gross, 114 Long Hill Road, quoted a newspaper article, dated January 20, 2010, that quoted Jerry Farrell, Jr. regarding the licenses online and that Mr. Farrell proposed taking over other state records, starting with the Executive Branch to save money by going paperless as possible. Mr. Farrell said that we are not here to advance his political career. Chairman Parisi said he would allow a little more but doesn't like the direction right now. Mr. Gross said that he thinks that Mr. Farrell sees the benefits, conveniences and cost-savings on having many government forms and information online. He asked if as the Vice-Chair of the Wallingford Town Council, does Mr. Farrell has any plans on bringing these types of initiatives to Wallingford, and if not, would he consider bringing them forward since there are so many benefits and cost-savings that can be realized by both the town and its citizens. Mr. Farrell responded that it was a highly complicated question and that he does believe, and the Chairman can correct him, that there is going to be a technology committee going forward, so he thinks that some sense of those issues will be discussed there. Chairman Parisi said that this will be a Town Council sub-committee.

Ray Ross, 88 Franklin Street, discussed problems with safely crossing Center Street and requested official crosswalks at Williams and Meadows Streets. Mayor Dickinson reminded everyone that Center Street is a state highway and whether we are able to put in a crosswalk across a state highway is an open question.

Ted Krol, Yalesville, asked why Public Works could not have moved (the) agriculture (department) at Lyman Hall from one building to the other. Mr. McCully said that it was never requested of Public Works and that moving furniture is something that they have never participated in with the Board of Education. Mr. Krol asked why departments are not asked before an item goes out to bid. Mayor Dickinson said where there is a project or program that a department is interested in pursuing, they

perform the work if they have the capability. When you are talking about moving furniture for the school system, the town does not have to move furniture for evictions.

Mr. McCully said it is the responsibility of the property owner to hire has to hire a contractor or a moving company to bring belongings out to the curb when there is an eviction. From that location on the curb, Public Works places it into storage. The town has not yet gone to a private company for this kind of work.

Mayor Dickinson said if the town's employees are doing this kind of work, then work that should be done by Public Works isn't being done – work like grass that isn't being cut, leaves that aren't being picked up, roads aren't being fixed, etc. This is not something that town employees typically do. It is a matter of priorities with Public Works and moving furniture is not one of them. He said that every department if it isn't fully occupied every day, then we have way too many employees, and we should look at that as a problem. Mr. Krol, referred to the devalued housing market and the reassessment that is under way, and asked what the taxpayers can expect. Mayor Dickinson said that it is very difficult to make a prediction but said that as a lay person that there would not be an enormous change but there is no way to evaluate that. He explained a part of the evaluation process. Mr. Bowes added that the process will not be complete until January 2011 and he offered to talk with Mr. Krol regarding the revaluation process.

Bob Hogan, Grieb Road, read an article from the January 18, 2010, issue of the New Haven Register, regarding use of the internet to make the work of towns more efficient. He talked about a software system that automates many procedures, such as building permits, verification of contractor licenses, looks to see if back taxes are owed and permits for installing a replacement water heater can be obtained online. He said that the participating towns are purchasing the software for the online program at a discount, and thanks to the state subsidies of \$15,000 to \$20,000 are available for this software.

Mayor Dickinson said that he attended an Office of Policy and Management seminar concerning this regional cost-cutting service. He and Mr. Bowes attended a session that had to do with 'regionalization' of – and the service Mr. Hogan mentioned was talked about that this session. He said that the spokesperson presented it without mentioning the cost, and afterwards he asked about the cost. He said that he was told that the program cost was \$350,000. Mayor Dickinson said that he asked when a town would realize a savings. The spokesperson said that you aren't going to save money, and if you are going to go into this, it could be cost effective to do it regionally where each town would be spending somewhat less. As a function by itself, it costs more money. He said that he was disappointed because it did not present a view that it was a savings to each municipality but that it was an additional cost to whatever cost they currently had. He said that you have to be careful about how things are presented and that the accuracy as to whether it saves money or not is often lost in the presentation.

Ken Daley, 594 North Elm Street, said that as the budget season approached, he would like to implore all of you to take a second look at the assumptions used by the last Council and the Mayor last year in approaching negotiations and in approaching departmental costs. He said that one mantra stands out regarding contracts. He said it was said that no contract that contained a wage increase would be favorably considered by the town. Very absolute. He said that it put you in a box where you couldn't back away to benefit from a greater savings on healthcare because you focused too narrowly, rather than on saying that the net costs, short and/or long-term, of any contract must be offset by some other savings. He said that it's really, really important because equity is government's first job, especially in local government. If you are not being equitable, then you are doing a bad job. By zeroing in on a single variant analysis and saying, your labor costs and nothing else is going to matter in my mind if flying in the face of jurisprudence and flying in the face of the history of arbitration and of labor negotiations. He said that he has spent six months trying to get rid of a very bad taste in his mouth because of what you did

last year. The bargaining unit offered to you very appreciable health savings. He said my point is that as long as you believe that equity is your first role in this town, equal treatment of unequals is inherently

inequitable. There is no excuse for what was done to that bargaining unit to hide behind the treat of opportunity. He said that no one told him that if we sought to be equitable because of the differences contained in one contract versus another that we would be upheld. He said it is just a matter of fair play.

6. Report and with regard to OSHA inspection and the fines to be paid with Approval of a transfer in the amount of \$308 to Regulatory Commission Expenses Acct # 431-8920-928 from Outside Services Acct # 431-8920-923 – Water Division

Mr. Farrell read the correspondence from the agenda packet from the Mayor, which stated that the Wallingford government offices were the subject of an OSHA inspection in July 2009 and that on Tuesday, December 22, 2009, the inspection reports were received by the Town, and on Tuesday, February 02, 2010 January 10, 2010, an informal conference with Connecticut-OSHA officials was convened at the request of the Town. The attached summary describes the findings and the fine amounts. The penalty amounts were reduced from a total of \$2,590.00 to \$1,036. The Water Department is the only office which requires a transfer. He said that in the correspondence from the General Manager of the Water Division, Roger Dann, states that in order to make the agreed to payment, the division must request a budget transfer increasing the Regulatory Commission Expenses account by the amount of \$308. He read that funds for this purpose will be made available through a corresponding decrease to Outside Services where funds remain due to favorable bid prices for water main survey work.

Mr. Farrell made a motion to transfer \$308 to the Regulatory Commission Expenses Account #431-8920-928 from Outside Services Acct # 431-8920-923 as requested by the Water Division. Ms. Rascati seconded.

*In attendance:*

*George Adair, Director, Public Utilities*

*Roger Dann, General Manager, Water and Sewer divisions*

*Terry Sullivan, Personnel Director*

Mr. Dann, addressing specifically the Water Division's request for transfer with respect to the OSHA inspection results, said that a number of town facilities were subject to inspections. He said that the Water Treatment Plant, the Business Office and the Water Operations Garage at 377 South Cherry Street as well as a visit to a working site in the field were visited, and that two of those sites resulted in no citations. He continued that the Water Treatment Plant several citations were issued and that pursuant to an informal conference, the amount of the proposed penalty was reduced by 60% but still leaves them with \$308 penalty to pay and that there are no funds in the necessary account to pay that \$308, hence the transfer request.

Councilor Sullivan asked if the violations have been corrected, and if because of past violations, will OSHA be returning to Wallingford.

Mr. Dann said that there is always the chance that they will come back in the future. He said OSHA did not view these as indicative of a major problem. He said that the Water Division does not treat anything as less that serious but that in the large scope of things that these were not viewed as anything that were particularly troubling to the agency. He said that they have limited resources to administer their programs throughout the state, and he doesn't think that they would invest the time to re-visit these facilities in lieu of locations that have not visited previously. He said that it is possible, and he thinks, is part of the

26, 2010

Regular Town Council Meeting

Minutes

settlement, it was agreed that the town might use them on a voluntary basis to come in and look at other facilities. Therefore, he expects that some of the facilities that were not originally inspected would be inspected and that they would have the opportunity to correct what might be identified, and that by

correcting it, they would not be subject to any citations.

Mr. Economopoulos asked about the frequency of the OSHA visits. Mr. Dann said that OSHA indicated this as a random inspection process, and in the over 20 years that he has been at the Water-Sewer Divisions, he can't recall any other inspections. This is the first.

Chairman Parisi said that the Council does have a list of the citations, and said with all due respect, he knows that they are violations but having dealt with OSHA, he thinks that the Water-Sewer Divisions are in pretty good shape. Mr. Dann added that all of these were corrected before the inspector left town and the one that remained was a policy that had to be developed and that has been put together. He said that what is left is the training which will be complete by the compliance date.

Mr. Adair said that both divisions acted very promptly to correct. He said that the Electric Division had three minor ones that were corrected during the time that the inspector was in town. He said that he is pleased with the promptness of the divisions in addressing these matters.

Ben Martin, Ward Street, asked if the public could know about the violations. Chairman Parisi gave Mr. Martin his copy of the information. Mayor Dickinson said that they are glad to make sure that our facilities are in a condition and are maintained in a way that is safe for employees. He said that they are not upset by the inspection and we do plan to take advantage of the consulting service and try to make sure the town has a safe workplace.

All Councilors (9) present voted Aye. The motion passed.

7. Report from Public Works on the progress of the Reskin Drive project with an estimated date of completion

– Chairman Robert F. Parisi

*In Attendance:*

*Henry McCully, Director, Public Works*

Mr. Farrell read the item and a memorandum from the Assistant Town Engineer, Robert Baltramaitis, which included a list of projects that have been completed on the project as well as those projects that are to be completed. He stated that the project overall and the opening of Reskin Drive to vehicular traffic should be complete by mid-April, barring unforeseen circumstances, including weather related events. His memorandum stated that landscaping, and the end to the project, to be completed by early May 2010.

Chairman Parisi said that he put this on the agenda because it seems to reach the residents better when we do this at a meeting and because he has had several requests. He asked what the status of the project is, and if Mr. McCully feels that he can make the timeline and what the end of this looks like. He also asked Mr. McCully to share some of the problems that have been faced in the Reskin Drive project.

Mr. McCully began by welcoming new Councilors Sullivan, Fishbein and Cervoni. He said that this has been a extensive job that is a totally different animal from the Christian Street Bridge project, which was replaced by the Public Works Department. He said that four homes abut the work area; there are: a gas main, a water main; a sanitary sewer main for which provisions have needed to be made. He said that

even though they sustained a lot of water damage from the recent storm, they made out OK and were able to start to installing retaining blocked today. He said that they should finish the third wall, the east side, tomorrow. He discussed what was to happen for the rest of the current week and for next week and that

from there they can state lining up the reinstallation of the sewer. He said that at present they have a diversion pump in there to accommodate the homes. They are organizing when the Water Department can come in to replace the water main. They will slowly progress toward paving so it can be opened up and that Mr. Baltramaitis' estimate is conservative because it could happen sooner. Mr. McCully said that the reason that this culvert failed is because it was installed improperly. He said that the actual culvert did not go down to the bedrock and the one now being constructed does go down to the bedrock which will eliminate the undermining, which is what caused the old one to collapse. He said that it is a very constricted work area and that there are a lot of water problems, which is unlike Christian Street where there were no homes in the work area. He said that this is a solid job that will hold up for 150 years.

Mr. LeTourneau said that he visited the site during the deluge that was going on yesterday and that the bridge was fine and holding. He called it really nice work. He recommended that for future bridge projects to create a joint newsletter or email to the surrounding residents that would include a timeline and access to information regarding town projects near their homes.

Chairman Parisi compared the easier project on Christian Street to the more difficult Reskin Drive project and asked Mr. McCully what he would recommend for future projects that are like the Reskin Drive project, and if his department should handle the construction.

Mr. McCully said that the size and complexity of the project would have to be reviewed by Public Works and Engineering to make the determination to commit men and resources to a project. He said that in this case the culvert failed, and we had to close a road because of the dangerous undermining of the road. He said that there are planned projects like the Northfield Road bridge, and these are things that they do look at seriously. He said that the crew is becoming very skilled and experience and that he can only see it getting better. He said that the department does have other obligations like road and park maintenance. He said that he has worked closely with Mr. Baltramaitis, who is an excellent engineer, and that he is not discouraged. He said that the silty soil is the single most difficult thing to deal with on this project difficult because it silty washes away and scours easily. It's like working in mud. He added that they learn with each project.

8. 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
9. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of the Town of Wallingford v. Workstage Connecticut, LLC – Town Attorney

Mr. Farrell made a motion to go into Executive Session pursuant to:

- 1) §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or lease of property as requested by the Mayor, and
- 2) §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of the Town of Wallingford v. Workstage Connecticut, LLC as requested by the Town Attorney.

Ms. Rascati seconded. All Councilors present (9) voted Aye. The motion passed, and the Council entered into Executive Session at 7:28 P.M.

Mr. Farrell made a motion, seconded by Ms. Rascati, to come out of Executive Session. All Council members present (9) voted Aye. The motion passed, and the Council exited Executive Session at 8:00 P.M.

Executive Session Attendance for Item #9, which was taken up first:  
Eight (8) Town Councilors, Mayor Dickinson and Town Attorney Janis Small.  
Mr. Le Tourneau was absent.

Executive Session Attendance for Item #8 included:  
Nine (9) Town Councilors, Mayor Dickinson and Town Attorney Janis Small.

Mr. Farrell made a motion to adjourn the meeting. Ms. Rascati seconded. All Councilors present (9) voted Aye. The Council adjourned at 8:01 P.M.

Respectfully submitted,

Sandra R. Weekes  
Town Council Secretary

Meeting digitally recorded

---

Robert F. Parisi, Chairman

Date

---

Barbara Thompson, Town Clerk

Date