

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

*Town Council Chambers*

April 12, 2011

**RECORD OF VOTES AND MINUTES**

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**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 in attendance.

The meeting was called to order at 6:35 P.M.

1. The Opening Prayer was offered by the Reverend Dean Warburton of the Wallingford First Congregational Church.
2. Correspondence  
*None*  
Chairman Parisi announced that it was requested that items 3d. & 3e. be removed from the Consent Agenda and that Items 6A., 6B., 6C., and 6D. have been withdrawn from the agenda.
3. Consent Agenda
  - 3a. Consider and Approve Tax Refunds (#618 - #658) totaling \$15,146.03  
Acct. # 001-1000-010-1170 - Tax Collector
  - 3b. Reappointment of Loren Lettick to Personnel & Pension Appeals Board for a five-year term effective immediately and expiring 12/31/15 - Mayor
  - 3c. Acceptance of the following resignations:  
Debra Buckman, Wallingford Housing Authority  
Rosemary Rascati, Historic Properties Commission  
Linka Lewis, Historic Properties Commission  
-Robert F. Parisi, Chairman
  - 3d. 2011 Appointment of members to the Flood and Erosion Control Board according to Chapter 8, Article VI, Section 8-15 of the Code of the Town Wallingford as follows:  
Councilor Robert F. Parisi, Chairman  
Councilor Jerry Farrell, Jr., Vice-Chairman  
Councilor Vincent Cervoni  
Councilor Rosemary Rascati  
Councilor Craig Fishbein  
Councilor Vincent F. Testa, Jr.  
Councilor John Sullivan  
Councilor John LeTourneau, Alternate  
Councilor Nick Economopoulos, Alternate
  - 3e. Consider and Approve an Appropriation of Historic Preservation Trust  
– Johnson Mansion in the Amount of \$50,000 to Revenue-State Grant  
Acct # 220-1040-050-5000 and to Expenditures – Project Expenditures  
Acct # 220-1403-605-6000 – Don Roe, Grants Administrator

- 3f. Consider and Approve an Appropriation in the Amount of \$10,000 to Purchase Professional Services-Tree Contract Acct # 001-5015-901-9023 from Contingency General Purpose Acct # 001-7060-800-3190 – Public Works
- 3g. Consider and Approve a Transfer in the Amount of \$1,264 to Vital Records-Microfilm Acct # 001-6030-401-4000 from Election Supplies Acct # 001-6030-401-4005 – Town Clerk
- 3h. Consider and Approve an Appropriation in the Amount of \$2,000 to Fuel Crisis-Contribution Acct # 001-3070-600-6810 from General fund Contingency Acct # 001-7060-800-3190 - Mayor
- 3i. Consider and Approve a Transfer in the Amount of \$1,000 to Other Pay Acct # 001-2035-101-1700 from Wages Salaries Acct # 001-2035-101-1000 - Fire Marshal
- 3j. Consider and Approve revised job description for Meter Reader - Personnel
- 3k. Consider and Approve authorization for the Mayor to sign documents for the transfer of land easements to the Town from the State of Connecticut Department of Transportation, needed during the Wall Street Bridge Reconstruction Project - Engineering
- 3l. Approve minutes of Special Town Council meeting of March 22, 2011
- 3m. Approve minutes of Regular Town Council meeting of March 22, 2011

**MOTION TO APPROVE CONSENT AGENDA ITEMS 3a. TO 3c AND ITEMS 3f. TO 3m.**

**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**  
**VOTE: ALL AYE/9**  
**MOTION PASSED**

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

- 3d. 2011 Appointment of members to the Flood and Erosion Control Board according to Chapter 8, Article VI, Section 8-15 of the Code of the Town Wallingford as follows:  
Councilor Robert F. Parisi, Chairman  
Councilor Jerry Farrell, Jr., Vice-Chairman  
Councilor Vincent Cervoni  
Councilor Rosemary Rascati  
Councilor Craig Fishbein  
Councilor Vincent F. Testa, Jr.  
Councilor John Sullivan  
Councilor John LeTourneau, Alternate  
Councilor Nick Economopoulos, Alternate

**MOTION WAS MADE TO APPROVE Item 3d. 2011 Appointment of members to the Flood and Erosion Control Board according to Chapter 8, Article VI, Section 8-15 of the Code of the Town Wallingford as follows:**

**Councilor Robert F. Parisi, Chairman**  
**Councilor Jerry Farrell, Jr., Vice-Chairman**  
**Councilor Vincent Cervoni**  
**Councilor Rosemary Rascati**

**Councilor Craig Fishbein**  
**Councilor Vincent F. Testa, Jr.**  
**Councilor John Sullivan**  
**Councilor John LeTourneau, Alternate**  
**Councilor Nick Economopoulos, Alternate**  
**MADE BY: FARRELL**  
**SECONDED BY: RASCATI**

Councilor Economopoulos asked to have this item removed but that since he reviewed the Ct State statute, he has no problem with the item. Chairman Parisi said that this item came up when Bill Cumerford questioned the establishment of the committee. The records reveal that Mr. Brodinsky had appointed this commission in his term as Chairman. Mr. Cumerford talked about an erosion control problem on Wallingford Housing Authority property and about grants and grant funding.

**VOTE: ALL AYE/9**  
**MOTION PASSED**

- 3e. Consider and Approve an Appropriation of Historic Preservation Trust – Johnson Mansion in the Amount of \$50,000 to Revenue-State Grant Acct # 220-1040-050-5000 and to Expenditures – Project Expenditures Acct # 220-1403-605-6000 – Don Roe, Grants Administrator

The following people abstained from this item: Jerry Farrell, Jr.; John LeTourneau; and Rosemary Rascati

**MOTION WAS MADE TO APPROVE an Appropriation of Historic Preservation Trust – Johnson Mansion in the Amount of \$50,000 to Revenue-State Grant Acct # 220-1040-050-5000 and to Expenditures – Project Expenditures Acct # 220-1403-605-6000 – Don Roe, Grants Administrator**

**MADE BY: FISHBEIN**  
**SECONDED BY: CERVONI**

*In attendance: Don Roe, Program Planning, Grants Administrator*

Mr. Roe explained that the town is a pass through for the funds from the State of Connecticut and that these funds will be used for fence restoration.

**VOTE: Cervoni-yes Economopoulos-yes Farrell-abstain**  
**Fishbein-yes LeTourneau-abstain Rascati-abstain**  
**Sullivan-yes Testa-yes Chairman Parisi-yes**  
**Six(6) Aye; (3) Abstentions-Farrell, LeTourneau and Rascati**

**MOTION PASSED**

5. PUBLIC QUESTION & ANSWER  
Robert Gross, 114 Long Hill Road; and Peter Brail, 125 Fair Street
6. *Historic Properties Commission Appointments*
- A. *Consider and Approve an Appointment of an alternate to the Wallingford Historic Properties Commission for a term to Expire March 23, 2016 in succession to Rosemary Rascati – Councilor Craig C. Fishbein*

**Withdrawn**

- B.** Consider and Approve an Appointment of an alternate to the Wallingford Historic Properties Commission for a term to Expire March 23, 2016 in succession to Linka Lewis – Councilor Craig C. Fishbein

**Withdrawn**

- C.** Consider and Approve an Appointment of an alternate to the Wallingford Historic Properties Commission for a term to Expire March 23, 2016 in succession to Tara Knapp – Councilor Craig C. Fishbein

**Withdrawn**

- D.** Consider and Approve an Appointment of a member to the Wallingford Historic Properties Commission for a term to Expire March 23, 2016 in succession to Candace Brashears – Councilor Craig C. Fishbein

**Withdrawn**

- 7.** Consider and Approve an Appropriation CRRA Distribution in the Amount of \$265,370 to Restoration Aerial Truck Expenditure Acct # 200-2030-999-9904 and to CRRA Distribution Revenue Acct # 200-1050-050-5001 – Fire Department

**MOTION WAS MADE TO APPROVE an Appropriation CRRA Distribution in the Amount of \$265,370 to Restoration Aerial Truck Expenditure Acct # 200-2030-999-9904 and to CRRA Distribution Revenue Acct # 200-1050-050-5001 – Fire Department**

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

*In attendance: Fire Chief Peter Struble and Deputy Fire Chief Richard Heidgerd*

Chief Struble and Deputy Chief Heidgerd explained that the refurbishment of an existing aerial fire truck, giving it ten to fifteen more years of service, saves the town money when considering the cost of a new aerial truck at \$1.2 million dollars. This truck will serve as back-up to the new one that the town now has.

**VOTE:**

**Cervoni-yes Economopoulos-out of room Farrell-yes**  
**Fishbein-yes LeTourneau-yes Rascati-yes**  
**Sullivan-yes Testa-yes Chairman Parisi-yes**

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED**

- 8.** Consider and Approve an Appropriation CRRA Distribution in the Amount of \$114,630 to Ambulance Expenditure Acct # 200-2030-999-9905 and to CRRA Distribution Revenue Acct # 200-1050-050-5001 – Fire Department

**MOTION WAS MADE TO APPROVE an Appropriation CRRA Distribution in the Amount of \$114,630 to Ambulance Expenditure Acct # 200-2030-999-9905 and to CRRA Distribution Revenue Acct # 200-1050-050-5001 – Fire Department**

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

*In attendance: Fire Chief Peter Struble and Deputy Fire Chief Richard Heidgerd*

Chief Struble presented an overview of the bid waiver letter with added detail purchase of a three-year old ambulance that will save the town money now and in the future.

**VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-yes</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-yes</b>	<b>Testa-yes</b>	<b>Chairman Parisi-out of the room</b>

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED**

9. Bid waiver request to Purchase ambulance in the Amount of \$114,630 – Fire Department

**MOTION WAS MADE TO APPROVE Bid waiver request to Purchase ambulance in the Amount of \$114,630 – Fire Department**

**MADE BY: RASCATI**  
**SECONDED BY: FISHBEIN**

No comments from the Council or from the public.

**VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-yes</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-yes</b>	<b>Testa-yes</b>	<b>Chairman Parisi-out of the room</b>

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED**

10. Discussion and Possible Action of setting a procedure through which the tenants make a recommendation to the Town Council as to the replacement of Debra Buckman as the Tenant Commissioner of the Wallingford Housing Authority – Councilor Craig C. Fishbein & Chairman Robert F. Parisi

**MOTION WAS MADE TO APPROVE setting a procedure through which the tenants make a recommendation to the Town Council as to the replacement of Debra Buckman as the Tenant Commissioner of the Wallingford Housing Authority – Councilor Craig C. Fishbein & Chairman Robert F. Parisi**

**MADE BY: RASCATI**  
**SECONDED BY: FISHBEIN**

Councilor Fishbein presented an idea of a procedure that would have the League of Women Voters organize an election in the seven housing areas. Following the election those candidates would be presented to the Council. Councilor Testa raised a point of order with regard to the agenda on behalf of Councilor Sullivan who, he stated, submitted this item in writing. He said that he is in agreement to follow the statute to allow tenants to recommend a Tenant Commissioner. Councilor LeTourneau suggested system of notification to the tenants for this open position. He commented that the Town

Clerk's Office hold ballots for this position. He likes the idea of the tenants picking their own commissioner. Councilor Economopoulos stated that the tenants should have the authority to select their own representative. Councilor Cervoni reminded everyone that the statute makes the Council responsible unless an ordinance is passed or the rules of the council are amended. Councilor Sullivan acknowledged that all nine Councilors want the tenants to elect their own representation for the Housing Authority Board. He said he has suggested that the Chairman appoint a bipartisan committee to look into the legalities, into the process that will be open and fair, and into the cost of the process. He thinks that the Council need to move forward carefully. He said he is proposing a bipartisan committee of Councilors. There was discussion about using old voting machines. Councilor Fishbein stated that the statute calls for the Council to make a selection. He wants to see this seat filled soon, wants to get this done. He added that he is concerned with procedure cost.

Councilor Economopoulos said that he has requested to be liaison between the Housing Authority and the Town Council. He would like to serve. He added that he has spent a lot of time righting what he thinks is wrong.

**MOTION WAS MADE TO ALLOW PATRICIA HOGAN SERVE ON THE HOUSING AUTHORITY BOARD UNTIL THE TOWN COUNCIL IS COMPLETE ON THE PROCESS ON HOW A TENANT COMMISSIONER IS SELECTED AND A NEW COMMISSIONER CAN BE ELECTED.**

**MADE BY: ECONOMOPOULOS**

**SECONDED BY: NOT SECONDED**

Councilor Testa stated as a point of order that he would like to second but that it is not an item on the agenda. He said that it would be out of order. Town Attorney Small suggested a Waive Rule V.

Chairman Parisi agreed with Councilor Sullivan that a sub-committee could answer all of the questions that were brought up. He also would like to see it done quickly. Councilor LeTourneau agreed that a committee would work and that it can be done quickly. Councilor Rascati pointed out the cost of using the voting machines.

The original motion was repeated:

**MOTION WAS MADE TO APPROVE setting a procedure through which the tenants make a recommendation to the Town Council as to the replacement of Debra Buckman as the Tenant Commissioner of the Wallingford Housing Authority**

**VOTE: ALL AYE (9).  
THE VOTE WAS UNANIMOUS.**

**MOTION PASSED.**

**MOTION WAS MADE TO HAVE THE TOWN COUNCIL AUTHORIZE THE CHAIRMAN TO APPOINT A BIPARTISAN COMMITTEE TO CREATE A PROCESS TO APPOINT A NEW WALLINGFORD HOUSING AUTHORITY TENANT COMMISSIONER.**

**MADE BY: SULLIVAN**

**SECONDED BY: FISHBEIN**

No further comments were offered.

**ROLL CALL VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-yes</b>	<b>Farrell-yes</b>	<b>Fishbein-yes</b>
<b>LeTourneau-yes</b>	<b>Rascati-yes</b>	<b>Sullivan-yes</b>	<b>Testa-yes</b>
<b>Chairman Parisi-yes</b>			

**VOTE: ALL AYE (9).  
THE VOTE WAS UNANIMOUS.**

**MOTION PASSED.**

HAPPY BIRTHDAY, Councilor Sullivan.

11. Discussion and Possible Action with regard to the procedure for selling 41 South Main Street  
– Councilor John LeTourneau

**MOTION WAS MADE TO APPROVE TO USE THE RFP USED IN THE PAST  
AND TO CHANGE THE DATES TO CURRENT DATES AS THE COUNCIL SO  
CHOOSES.**

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

After much discussion with regard to the property, the past attempt to sell the property, property damage that has occurred over the past several years, the zoning variances that will be needed, parking, property value, usage of building, public viewing of the building, low threshold bid, the development of strong language for the RFP, restrictions to façade of building, property interest due to the construction season, and an appraisal. The Town Attorney stated that she could get feedback as to property value. Peter Brail, Dennis Dimont and Barbara Sibley offered thoughts and suggestions. Councilor Economopoulos left the meeting at 8:45 P.M.

**ROLL CALL VOTE:**

<b>Cervoni-no</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>	<b>Fishbein-no</b>
<b>LeTourneau-yes</b>	<b>Rascati-no</b>	<b>Sullivan-yes</b>	<b>Testa-yes</b>
<b>Chairman Parisi-no</b>			

**Four (4) Aye  
Four (4) Nay  
One (1) Absent**

**MOTION FAILED.**

**NEW MOTION-**

**MOTION WAS MADE TO ADOPT THE USE OF THE OLD RFP CHANGING  
THE DATES AND TIMES FOR VIEWING 41 SOUTH MAIN STREET AND TO  
RECEIVE ADVICE AS TO THE VALUE OF THE PROPERTY.**

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

**ROLL CALL VOTE:**

<b>Cervoni-no</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>	<b>Fishbein-no</b>
<b>LeTourneau-yes</b>	<b>Rascati-no</b>	<b>Sullivan-yes</b>	<b>Testa-yes</b>
<b>Chairman Parisi-yes</b>			



**Five (5) Aye**  
**Three (3) Nay**  
**One (1) Absent**

**MOTION PASSED.**

12. 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

**MOTION WAS MADE TO GO INTO 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**

**MADE BY: FARRELL**

**SECONDED BY: RASCATI**

**VOTE:**

<b>Cervoni-absent</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-absent</b>	<b>Testa-absent</b>	<b>Chairman Parisi-yes</b>

**Five (5) Aye**

**Four (4) Absent** – (Three not at table for vote; one had left the meeting.)

**MOTION PASSED.**

**ATTENDANCE AT EXECUTIVE SESSION: 9:25 P.M. to 9:26 P.M.**

**Eight Councilors; Councilor Economopoulos had left the meeting; and Mayor Dickinson and Town Attorney Janis Small.**

13. Executive Session pursuant to §1-200 (6) (B) and Section 1-225 of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Neuco Corp. v. Town of Wallingford – Town Attorney

**MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-200 (6) (B) and Section 1-225 of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Neuco Corp. v. Town of Wallingford – Town Attorney**

**MADE BY: FARRELL**

**SECONDED BY: RASCATI**

**VOTE:**

<b>Cervoni-absent</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-absent</b>	<b>Testa-absent</b>	<b>Chairman Parisi-yes</b>

**Five (5) Aye**

**Four (4) Absent** – (Three not at table for vote; one had left the meeting.)

**MOTION PASSED.**

**ATTENDANCE AT EXECUTIVE SESSION: 9:20 P.M. to 9:23 P.M.**

**Eight Councilors; Councilor Economopoulos had left the meeting; and Mayor Dickinson and Town Attorney Janis Small.**



14. Executive Session pursuant to §1-200 (6) (B) and Section 1-225 of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Kohl's Department Stores Inc. v. Town of Wallingford – Town Attorney

**MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-200 (6) (B) and Section 1-225 of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Kohl's Department Stores Inc. v. Town of Wallingford – Town Attorney**

**MADE BY: FARRELL**

**SECONDED BY: RASCATI**

**VOTE:**

<b>Cervoni-absent</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-absent</b>	<b>Testa-absent</b>	<b>Chairman Parisi-yes</b>

**Five (5) Aye**

**Four (4) Absent** – (Three not at table for vote; one had left the meeting.)

**MOTION PASSED.**

**ATTENDANCE AT EXECUTIVE SESSION: 9:23 P.M. to 9:25 P.M.**

**Eight Councilors; Councilor Economopoulos had left the meeting; and Mayor Dickinson and Town Attorney Janis Small.**

**MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSIONS FOR ITEMS 12, 13, AND 14.**

**MADE BY: FARRELL**

**SECONDED BY: RASCATI**

**VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-yes</b>	<b>Testa-yes</b>	<b>Chairman Parisi-yes</b>

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED.**

The Council reconvened at 9:27 P.M.

15. Motion to consider and approve the Settlement of the pending litigation matter of Neuco Corp. v. Town of Wallingford as discussed in the Executive Session – Town Attorney

**MOTION WAS MADE TO APPROVE the Settlement of the pending litigation matter of Neuco Corp. v. Town of Wallingford as discussed in the Executive Session.**

**MADE BY: FARRELL**

**SECONDED BY: RASCATI**

**VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-yes</b>	<b>Testa-yes</b>	<b>Chairman Parisi-yes</b>

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED.**

16. Motion to consider and approve the settlement of the pending litigation matter of Kohl's Department Stores Inc. v. Town of Wallingford as discussed in Executive Session  
– Town Attorney

**MOTION WAS MADE TO APPROVE the Settlement of the pending litigation matter of Kohl's Department Stores Inc. v. Town of Wallingford as discussed in the Executive Session.**

**MADE BY: FARRELL**

**SECONDED BY: RASCATI**

**VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-yes</b>	<b>Testa-yes</b>	<b>Chairman Parisi-yes</b>

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED.**

**MOTION TO ADJOURN AT 10:07 P.M.**

**MADE BY: FARRELL**

**SECONDED BY: CERVONI**

**VOTE:**

<b>Cervoni-yes</b>	<b>Economopoulos-absent</b>	<b>Farrell-yes</b>
<b>Fishbein-yes</b>	<b>LeTourneau-yes</b>	<b>Rascati-yes</b>
<b>Sullivan-yes</b>	<b>Testa-yes</b>	<b>Chairman Parisi-yes</b>

**Eight (8) Aye; One (1) Absent**

**MOTION PASSED.**

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