

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

December 10, 2013

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:30 P.M. The Opening Prayer was offered by Deacon Eugene Riotte on the Most Holy Trinity Church of Wallingford. The Pledge of Allegiance was said. Councilors in attendance were as follows: Vincent Cervoni, Nick Economopoulos, Craig Fishbein, Thomas Laffin, John Letourneau, Chairman Robert F. Parisi, Rosemary Rascati, John Sullivan and Jason Zandri. Councilor Mayor William W. Dickinson, Jr., Town Attorney G.E. Farrell, Sr. and Comptroller James Bowes were present at the meeting.

Chairman Parisi welcomed Cub Scouts who assisted in leading the Pledge of Allegiance. Vice-Chairman Cervoni introduced the Cub Scouts from the Wolf Den 1, Pack 6, all second graders at E. C. Stevens Elementary School. The Scouts who attended are: Trenton Ayers, Cody Bythewood, Kyle Connolly, Jack Laffin, Aidan Lawler, Joseph Mazzaferro, Henry Murphy, Jason Parente, Jonathan Pulisz, Aaron Regan, Ryan Sevigny and James Walker.

2. Correspondence -*None*
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds totaling \$8,408.43 (#427-440) Acct. #1001001-41020 – Tax Collector
 - 3b. Acceptance of funds from private donors for *Youth & Social Services Special Holiday for Giving Fund* and Appropriation in the Amount of \$2,587 to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
 - 3c. Acceptance of funds from private donors for *Youth and Social Services Special Fund* and Appropriation in the Amount of \$225 to Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
 - 3d. Acceptance of Donation from the Wallingford Rotary for *Youth & Social Services Special Fund* and Appropriation in the Amount of \$1,000 to Donations Acct # 2264002-47152 and to Expenditures Acct # 22640150-58830 – Youth and Social Services
 - 3e. Acceptance of funds from private donors for *Youth & Social Services Special Holiday for Giving Fund* and Appropriation in the Amount of \$1,425 to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
 - 3f. Approve Minutes of Regular Town Council meeting of November 26, 2013

MOTION WAS MADE TO APPROVE THE CONSENT AGENDA 3a. to 3f.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)
MOTION PASSED.

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

5. PUBLIC QUESTION AND ANSWER PERIOD

Robert Gross, 114 Long Hill Road, announced the Covanta/DEEP public meeting in Town Hall Auditorium at 6:30 P.M. on Wednesday, December 11, 2013. It was determined that it will not be televised. He next asked about the CRRA property, its contamination and its future ownership. The Mayor stated that the town has not ever owned this piece of property.

6. Consider and Approve renewal of Personal Property Tax Incentive Program for Manufacturers effective for an additional three (3) years – Economic Development Commission

MOTION WAS MADE TO APPROVE the renewal of Personal Property Tax Incentive Program for Manufacturers effective for an additional three (3) years.

MADE BY: CERVONI
SECONDED BY: RASCATI

*In attendance: Joe Mirra, Chairman, Economic Development Commission
Richard Nunn, Vice Chairman, Economic Development Commission
Rosemary Preneta, Commissioner
Gary Fappiano, Commissioner
Don Roe, EDC Coordinator*

Mr. Mirra stated that these are the incentive programs that have been in use, and they are looking to renew them with some improvements. The discussion centered around EDC in general with a review of accomplishments and the way the EDC accounts for the use of the town's incentive programs when businesses are in the process of deciding to move to Wallingford. In a ten-year period Commissioner Preneta stated that 1,000 jobs have come to Wallingford and that those employers have been part of the incentive programs thus linking the job gains to the incentives that Wallingford offers.

They discussed the I-5 Zone, the interchange area, remarking that this area needs improvement and that adding further tax incentives and allowing for hotels could give it the attention that it needs.

ROLL CALL VOTE:

CERVONI: YES	ECONOMOPOULOS: NO	FISHBEIN: YES
LAFFIN: YES	LETOURNEAU: YES	RASCATI: YES
SULLIVAN: YES	ZANDRI: YES	
CHAIRMAN PARISI: YES		

8-AYE; 1-NAY (Economopoulos)
THE MOTION PASSED.

7. Consider and Approve renewal of Real Property Tax Incentive Program for Manufacturing effective for an additional three (3) years. – Economic Development Commission

Wallingford Town Hall, 45 South Main Street

MOTION WAS MADE TO APPROVE THE renewal of Real Property Tax Incentive Program for Manufacturing effective for an additional three (3) years.

MADE BY: CERVONI
SECONDED BY: RASCATI

MOTION WAS MADE TO AMEND THE MOTION TO INSERT THE FOLLOWING: TO INCREASE THE REDUCTION UP TO 25%.

MADE BY: CERVONI
SECONDED BY: RASCATI

The number of years helps to even out the playing field in years among the programs. The EDC wanted the programs on the same cycle. It was explained the incentives are part of their marketing discussions with a prospective business. They discussed Wallingford's ineligibility to create an 'Enterprise Zone'.

ROLL CALL VOTE ON THE AMENDMENT:

CERVONI: YES	ECONOMOPOULOS: NO	FISHBEIN: YES
LAFFIN: YES	LETOURNEAU: YES	RASCATI: YES
SULLIVAN: YES	ZANDRI: YES	
CHAIRMAN PARISI: YES		

8-AYE; 1-NAY (Economopoulos)
THE MOTION PASSED.

ROLL CALL VOTE ON THE AMENDED MOTION:

CERVONI: YES	ECONOMOPOULOS: NO	FISHBEIN: YES
LAFFIN: YES	LETOURNEAU: YES	RASCATI: YES
SULLIVAN: YES	ZANDRI: YES	
CHAIRMAN PARISI: YES		

8-AYE; 1-NAY (Economopoulos)
THE MOTION PASSED.

8. Consider and approve renewal of Real Property Tax Incentive Program in the I-5 Zone increasing the percentage of abatement from 20% to 25% and including hotel development as an eligible use effective for three (3) years – Economic Development Commission

MOTION WAS MADE TO APPROVE THE renewal of Real Property Tax Incentive Program in the I-5 Zone increasing the percentage of abatement from 20% to 25%, and including hotel development as an eligible use effective for three (3) years.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)
MOTION PASSED.

MOTION TO TABLE ITEM 8 UNTIL THE JANUARY 14, 2014 TOWN COUNCIL MEETING.

MADE BY: LETOURNEAU
SECONDED BY: FISHBEIN

A company is talking with Wallingford with regard to a particular location in the I-5 Zone and in relation to that this company made a PowerPoint presentation to the EDC the night before. Councilor LeTourneau said that the Council should have this presentation and then have time to digest this information, which is why he would like the delay in this question.

Mr. Mirra does not want to go back to this developer and tell them that there are no changes in this incentive program, that it would not include hotel development. Surrounding towns and their incentives are causing a very competitive economic development arena for Wallingford, especially without an Enterprise Zone.

There was continued discussion with regard to how not modifying this program and/or delaying this program would hinder negotiations; that the Council wants to see the PowerPoint presentation; the various stages of the plans and the Council's opportunity to be informed along the way and to have a say in it. This program is a tool for the EDC to attract and to recruit business to Wallingford.

MOTION WAS MADE TO CALL THE QUESTION TO TABLE:

MADE BY: SULLIVAN
SECONDED BY: ZANDRI
VOTE: 7-AYE; 1-NAY (Fishbein); 1-ABSTAIN (Economopoulos)

ROLL CALL VOTE ON THE AMENDMENT TO TABLE ITEM 8:

CERVONI: NO ECONOMOPOULOS: ABSTAIN FISHBEIN: YES
LAFFIN: NO LETOURNEAU: YES RASCATI: NO
SULLIVAN: NO ZANDRI: NO
CHAIRMAN PARISI: NO

6-NAY; 2-AYE; (Letourneau, Fishbein); 1-ABSTAIN (Economopoulos)
THE MOTION PASSED.

ROLL CALL VOTE ON THE ORIGINAL MOTION.

CERVONI: YES ECONOMOPOULOS: NO FISHBEIN: NO
LAFFIN: YES LETOURNEAU: NO RASCATI: YES
SULLIVAN: YES ZANDRI: YES
CHAIRMAN PARISI: YES

6-AYE; 3-NAY (Economopoulos, Fishbein & Letourneau)
THE MOTION PASSED.

9. Conduct Public Hearing at 7:00 P.M. on an Ordinance regarding General Standards and Permit Requirements of Salon Establishment- Ordinance Committee Co-Chairmen Cervoni and Fishbein.

Chairman Parisi opened the Public Hearing at 7:34 P.M.

In attendance: Health Director Eloise Hazelwood

Director Hazelwood stated that she is seeking to codify the regulations and the inspection process and to have the ability to enforce it. A gentleman from Tatro International was present but did not come to the microphone.

There were no comments from the Council or from the public.

MOTION TO CLOSE THE PUBLIC HEARING.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)
MOTION PASSED.

The Public hearing was closed at 8:34 P.M.

10. Discussion and Possible Action on an Ordinance regarding the General Standards and Permit Requirements of Salon Establishment - Ordinance Committee Co-Chairmen Cervoni and Fishbein.

MOTION WAS MADE TO APPROVE an Ordinance regarding the General Standards and Permit Requirements of Salon Establishment.

MADE BY: CERVONI
SECONDED BY: RASCATI

In attendance: Health Director Eloise Hazelwood

Director Hazelwood stated that this is a good ordinance and that inspections will be handled by an outside company.

VOTE: ALL AYE (9)
MOTION PASSED.

MOTION WAS MADE TO MOVE UP ITEM 13.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)
MOTION PASSED.

13. Discussion and Possible Action on clarifying the conditions on the Approval of the Sale of the American Legion property – Law Department

Two Councilors, Cervoni and Zandri, abstained from the discussion and the vote as they were absent from the prior discussion at the last meeting concerning this subject.

Town Attorney Farrell asked the Council what they wanted him to do. He offered that if the deed referenced the contract and said the conveyance is subject to contractual provisions as set forth between the Benhams and the town and can found at the Town Attorney's Office, it would still be binding. What does the Town Council want him to do in drafting the deed, and what is the Town Council is approving? He wanted guidance after reviewing the minutes from that last meeting, since it seemed to convey two things. He added that the majority wanted it in the contract and that Councilor Fishbein seemed to want it also in the deed. Councilor Fishbein repeated that he would

like the rendering in both documents. Attorney Farrell said that if it is in the deed, it will be binding to subsequent purchasers. He said if the Council wants it simply the Benhams, the contract is good enough. It would say that it is enforceable by the town that there is a contract between the Benhams and the town. He continued stating that if they are satisfied that all that is needed is for the rendering to be in the contract, and it doesn't have to be referenced in the deed at all. Councilor LeTourneau would like to see it in the contract, not in the deed as it creates concerns.

The Benhams stated that they are fine with the rendering be in the contract.

MOTION WAS MADE THAT THE COUNCIL'S CLARIFICATION BE THAT THE RENDERING BE INCLUDED IN THE CONTRACT.

MADE BY: LAFFIN
SECONDED BY: LETORUNEAU

Ray Ross, Silver Pond Apartments, made a statement about the government telling the people what to do.

There were no other comments.

ROLL CALL VOTE:

CERVONI: ABSTAIN	ECONOMOPOULOS: NO	FISHBEIN: NO
LAFFIN: YES	LETOURNEAU: YES	RASCATI: YES
SULLIVAN: YES	ZANDRI: ABSTAIN	
CHAIRMAN PARISI: YES		

5-AYE; 2-NAY; 2-ABSTAIN
THE MOTION PASSED.

Attorney Farrell stated that the contract will say that the initial re-construction of the east-facing façade of the exterior will be similar as reasonably possible to the rendering attached to the contract and that will be enforceable upon the Benhams, their successors and assigns. But that it will not be in the deed so that if town sees that there has been a re-conveyance that the town can take action at that point. It is not going to be into the future; it is only the initial re-construction.

*The Public Utilities Commission with convene a Special Meeting at 7:15 P.M.
This meeting was convened at 9:04 P.M.*

11. Executive Session pursuant to Connecticut General Statutes 1-225(f) and 200(6)(b) and (9)(C) regarding strategy and negotiations with respect to the pending litigation relating to the Public Utilities Commission's consideration of action to enforce or implement legal relief or legal rights relating to its CMEEC Agreements and §1-200 (6)(D) and 1-210 (b)(4) and (10) to discuss records related thereto.
– Public Utilities Commission

MOTION WAS MADE TO go into Executive Session pursuant to Connecticut General Statutes 1-225(f) and 200(6)(b) and (9)(C) regarding strategy and negotiations with respect to the pending litigation relating to the Public Utilities Commission's consideration of action to enforce or implement legal relief or legal rights relating to its CMEEC Agreements and §1-200 (6)(D) and 1-210 (b)(4) and (10) to discuss records related thereto.

Wallingford Town Hall, 45 South Main Street

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)
MOTION PASSED.

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.
MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: ALL AYE (9)
MOTION PASSED.
TIME OF EXECUTIVE SESSION: 9:04 P.M. to 10:20 P.M.

ATTENDANCE AT EXECUTIVE SESSION: NINE (9) COUNCILORS, MAYOR DICKINSON, TOWN ATTORNEY G.E. FARRELL, SR., Attorney Robert O'Neil, Public Utilities Director George Adair, Electric Division General Manager, Rick Hendershot, Public Utilities Commissioners David Gessert, Robert Beaumont and Richard Nunn.

12. Consider and Approve a Budget Amendment in the Amount of \$255,000 to Outside Services Acct # 923 from Retained Earnings. – Electric Division

MOTION WAS MADE TO APPROVE a Budget Amendment in the amount of \$255,000 to Outside Services Acct # 923 from Retained Earnings.
MADE BY: CERVONI
SECONDED BY: RASCATI

Discussion was lengthy. It included some of the history and the explanation of the need to increased, expert legal services regarding this issue. Wes Lubee and Mike Brodinsky asked a number of questions of the PUC.

ROLL CALL VOTE:
CERVONI: YES ECONOMOPOULOS: YES FISHBEIN: YES
LAFFIN: YES LETOURNEAU: YES RASCATI: YES
SULLIVAN: YES ZANDRI: ABSTAIN
CHAIRMAN PARISI: YES

9-AYE THE MOTION PASSED.

14. 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

MOTION TO ADJOURN
MADE BY: SULLIVAN
SECONDED BY: LAFFIN
VOTE: AYE-7; 2-ABSENT
MOTION PASSED.

The meeting adjourned at 11:13 P.M.

Respectfully submitted,

Sandra Weekes
Secretary to the Town Council
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date