

TOWN OF WALLINGFORD, CONNECTICUT

REGULAR TOWN COUNCIL MEETING

Town Council Chambers

July 17, 2012

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 the Reverend Dee Ann Dodd, St. Paul's Episcopal Church of Wallingford, and the Pledge of Allegiance was said. Councilors in attendance as follows: Vincent Cervoni, Nick Economopoulos, Craig C. Fishbein, Thomas Laffin, John LeTourneau, Chairman Robert F. Parisi, Rosemary Rascati and John J. Sullivan. Councilor Jason Zandri was absent from the meeting. Mayor William W. Dickinson, Jr. and Town Attorney Gerald E. Farrell, Sr. were in attendance at the meeting.

2. Correspondence – There was no correspondence.

Councilor Cervoni noted a correction to 3l. to the minutes of June 26, 2012 in Item 9. of a clarification of the Chairman's relationship with Holy Trinity. Councilor Cervoni said he would abstain from voting on Item 3l. as he was not at the meeting.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#1-5) totaling \$3,890.39
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve a Transfer in the Amount of \$2,945 FY 2011-2012 to Public Utilities-Wages Acct # 10010403-51000 from Comptrollers-Wages Acct # 10010403-51000 - Comptroller
REMOVED
- 3c. Consider and Approve a Transfer in the Amount of \$6,300 FY 2011-2012 to 1998 Yale Forklift Acct # 10030000-57000-new from Material & Supplies Acct # 10030000-56140 – Public Works Director
REMOVED
- 3d. Consider and Approve a Transfer in the Amount of \$2,750 FY 2011-2012 to Unemployment Compensation Acct # 100-12100-52970 from Contingency-General Purpose Acct # 100-19000-58820 – Personnel Director
REMOVED
- 3e. Consider and Approve an Appropriation in the Amount of \$108,407 to Fire Department & Fire Marshal-Variou Accounts from Contingency-Accrued Expenses Acct # 10019000-58821 – Personnel Director
- 3f. Consider and Approve an Appropriation in the Amount of \$6,577 FY 2012-2013 to Masonry Repairs Acct # 10020050-57000-00116 from Contingency-General Acct # 10019000-58820 - Police Department Chief
REMOVED

- 3g.** Consider and Approve a Budget Amendment in the Amount of \$23,488 FY 2012-2013 to Maintenance of Pumping Equipment Acct # 46100633 from Appropriation of Cash - Sewer Division
- 3h.** Consider and Approve an Appropriation STEAP Grant in the Amount of \$214,200 to North Main Street Extension Project Fund 301 and to Revenue-State Grant (STEAP) Fund 301 – Program Planning
- 3i.** Consider and Approve Resolution Authorizing the Mayor to contract with the State of Connecticut, Connecticut State Library for an Historic Preservation Grant in the Amount of \$6,500 – Program Planning
- 3j.** Set a Public Hearing for 7:00 P.M., Tuesday, August 14, 2012, regarding leasing of Town property located at 1222 Old Colony Road (Tracy) – Town Attorney
- 3k.** Consider and Approve use of the Parade Grounds, the Town Hall parking lots and 80 South Main Street parking area for *Celebrate Wallingford* on October 6 and October 7, 2012 - Chairman Robert F. Parisi
- 3l.** Approve minutes of Regular Town Council meeting of June 26, 2012

CONSENT AGENDA ADDENDUM (A)

- 3m.** Consider and Approve the appointment of Carl D. Bonamico to the Board of Assessment Appeals to fill the replacement of Chris Diorio, for a term of 3 years, effective immediately and expiring January 2013 - Chairman Robert F. Parisi
REMOVED

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a., 3e., 3g.- 3l.

MADE BY: CERVONI
SECONDED BY: RASCATI

Councilor Fishbein announced that he will abstain from 3a. due to a conflict.

VOTE: 7 AYE; 1 ABSTENTION CERVONI 3l.; 1 ABSENT
7 AYE; 1 ABSTENTION FISHBEIN 3a.; 1 ABSENT
8 AYE 3e., 3g. – 3k.; 1 ABSENT
MOTION PASSED.

4. Items Removed from the Consent Agenda

- 3b.** Consider and Approve a Transfer in the Amount of \$2,945 FY 2011-2012 to Public Utilities-Wages Acct # 10010403-51000 from Comptrollers-Wages Acct # 10010403-51000 – Comptroller

Councilor Cervoni read the item. Councilor Fishbein referred to Mr. Bowes' correspondence. Councilor Cervoni read this correspondence, which was to the Mayor, with regard to 3b., stating that the amount should have been included with an April transfer, already Council approved, but was not due to a miscalculation of the number of weeks in the PUC budget for this line item.

**MOTION WAS MADE TO APPROVE a Transfer in the Amount of \$2,945
FY 2011-2012 to Public Utilities-Wages Acct # 10010403-51000 from
Comptrollers-Wages Acct # 10010403-51000 as requested by the Comptroller.**

**MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8 AYE; 1 ABSENT**

Councilor Fishbein asked for a Point of Order saying that he thought that he had removed another item from the Consent Agenda, Item 3k., and then determined that he had not done so after reviewing his email.

- 3c.** Consider and Approve a Transfer in the Amount of \$6,300 FY 2011-2012 to 1998 Yale Forklift Acct # 10030000-57000-new from Material & Supplies Acct # 10030000-56140 – Public Works Director

**MOTION WAS MADE TO APPROVE a Transfer in the Amount of \$6,300
FY 2011-2012 to 1998 Yale Forklift Acct # 10030000-57000-new from Material &
Supplies Acct # 10030000-56140 as requested by the Public Works Director**

**MADE BY: CERVONI
SECONDED BY: RASCATI**

Henry McCully, Public Works Director, was in attendance. Councilor Fishbein noted a Capital Expenditure for FY 2012-13 calendar year but using money from last year, and he asked how we do that. Mr. McCully noted that it was done through the finance department. The Electric Division's bid for the new fork lift opened June 26, according to Mr. McCully, and that he discovered the opportunity to upgrade their old fork lift with the old one at the Electric Division that is in better condition than the one now being used by the Public Works Department. Public Works is paying the Electric Division what they would have gotten in a trade-in. There was discussion with regard to the past and current fiscal years; that the books are still open for FY 2011-2012 and why funds are being used in the old fiscal year. Mayor Dickinson stated that it is an accounting question best addressed by Mr. Bowes when speaking of activities that cross the fiscal year. It was determined that there was no rush. Councilor Fishbein asked if it could be deferred to the next meeting. Mayor Dickinson said that anything incorrect can be corrected subsequently and suggested approving this transaction tonight. He said that it is an accounting issue.

Councilor Cervoni referred to the memo he read under Item 3b., Mr. Bowes states that Mr. Bowes indicates that our books for the old year are still open as we are still paying invoices and making closing entries for the old year and that this should be completed by late August or early September. He said it seems to him that the transfer in this item is consistent with the transfer in the last item that the Council unanimously approved. Councilor Economopoulos stated that this is not a generally accepted accounting procedure that this could occur on last year since the transaction hasn't taken place. He also thinks that the Council should wait to speak with Mr. Bowes.

MOTION WAS MADE TO TABLE THE ITEM TO THE AUGUST 14 MEETING.

**MADE BY: FISHBEIN
SECONDED BY: ECONOMOPOULOS**

COUNCILOR CERVONI SAID HE WAS NOT INCLINED TO WITHDRAW HIS MOTION.

TOWN ATTORNEY CONFIRMED THAT A TABLING MOTION TAKES PRECEDENCE OVER THE OTHER MOTION.

ROLL CALL VOTE ON THE MOTION TO TABLE.

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

3-AYE; 5 NAY; 1 ABSENT

THE MOTION TO TABLE FAILED.

Councilor Economopoulos asked why dowe feel it's necessary to push this through when McCully said that there is no rush and the person who can answer our questions is not here tonight. Some agreed with Mr. Bowes' letter. The Mayor re-stated that this is squarely an accounting issue and that if necessary it can be corrected provided it is wrong. He gave some examples. Some comments on Mr. Bowes' letter continued. Councilor Economopoulos remarked that we should allow Mr. Bowes to explain so that the Council can feel comfortable with what he is doing. Mayor Dickinson said it is not worth all this and to bring it back to another meeting.

Councilors Cervoni and Rascati withdrew their motion and second, respectively.

- 3d.** Consider and Approve a Transfer in the Amount of \$2,750 FY 2011-2012 to Unemployment Compensation Acct # 100-12100-52970 from Contingency -General Purpose Acct # 100-19000-58820 – Personnel Director

MOTION WAS MADE TO APPROVE a Transfer in the Amount of \$2,750 FY 2011-2012 to Unemployment Compensation Acct # 100-12100-52970 from Contingency-General Purpose Acct # 100-19000-58820 as requested by the Personnel Director.

MADE BY: CERVONI
SECONDED BY: RASCATI

Terence Sullivan, Personnel Director, was in attendance.

Councilor Fishbein asked about FY 2011-2012 increased claims. Mr. Sullivan explained finishing up the old fiscal year for May and June billing which came in the month of July.

ROLL CALL VOTE:

CERVONI: YES	ECONOMOPOULOS: YES	FISHBEIN: YES
LAFFIN: YES	LETOURNEAU: YES	RASCATI: YES
SULLIVAN: YES	ZANDRI: ABSENT	CHRMN PARISI: YES

8-AYE; 1 ABSENT

THE MOTION PASSED.

- 3f.** Consider and Approve an Appropriation in the Amount of \$6,577 FY 2012-2013 to Masonry Repairs Acct # 10020050-57000-00116 from Contingency-General Acct # 10019000-58820 - Police Department Chief

MOTION WAS MADE TO APPROVE AN APPROPRIATION in the Amount of \$6,577 FY 2012-2013 to Masonry Repairs Acct # 10020050-57000-00116 from Contingency-General Acct # 10019000-58820.

MADE BY: CERVONI

SECONDED BY: RASCATI

Chief of Police Dortenzio was in attendance. The discussion was with regard the low bid, in a wide-range of bids, with respect to the contingency. Chief Dortenzio pointed out in responding to Councilor Fishbein that the bid amount is not the budget amount. They discussed the numbers. The chief stated that the reason for the transfer is that the budget amount is below the low bidder.

VOTE: 8-AYE; 1-ABSENT

MOTION PASSED

CONSENT AGENDA ADDENDUM (A)

- 3m.** Consider and Approve the appointment of Carl D. Bonamico to the Board of Assessment Appeals to fill the replacement of Chris Diorio, for a term of 3 years, effective immediately and expiring January 2013 - Chairman Robert F. Parisi

MOTION WAS MADE TO APPROVE THE appointment of Carl D. Bonamico to the Board of Assessment Appeals to fill the replacement of Chris Diorio, for a term of 3 years, effective immediately and expiring January 2013.

MADE BY: CERVONI

SECONDED BY: RASCATI

The Council discussed notification to the Council when there is a resignation on a commission before there is an agenda item to appoint some one new to a board or commission. It was felt that sometimes others could be suggested for appointment and that there might be a Councilor who would suggest an interview as stated in the *Rules of Procedure*. It was made very clear that this discussion is not about Mr. Bonamico but rather about procedure. Mr. Gross asked about appointments along party lines in conjunction with the majority.

ROLL CALL VOTE:

**CERVONI: YES ECONOMOPOULOS: YES FISHBEIN: YES
LAFFIN: YES LETOURNEAU: YES RASCATI: YES
SULLIVAN: YES ZANDRI: ABSENT CHRMN PARISI: YES
VOTE: 8-AYE; 1 ABSENT**

THE MOTION PASSED.

The Town Clerk swore in Mr. Bonamico.

In reference to Item 11, Terence Sullivan, Personnel Director, stated that he recognizes that this is the night he is supposed to give a report on the wood investigation and requested from the Council another two days to complete his report. He apologized for the delay. The Chairman moved to Public Question & Answer Period.

5. PUBLIC QUESTION & ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, commented about signs all over town and enforcing; Robert Gross, 114 Long Hill Road, asked about the town's emergency center and where it is located. Councilor Economopoulos asked about the section of town that receives decorations, from American flags to Christmas decorations, and why another section that might get them does not get them. He said he has asked before about this concern. Bill Comerford, 5 Broadview, asked about broken benches in the area of the Twilight Tunes programs.

6. Discussion with Wallingford Day Care Center regarding budget – Mayor

Withdrawn

MOTION TO MOVE UP ITEM #11.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8-AYE; 1 ABSENT

THE MOTION PASSED.

AGENDA ADDENDUM

- 11.** To accept the report on the Investigation of the woodcutting from Personnel Director Terry Sullivan, with no action to be taken and to set a special meeting date within one week to discuss and decide what actions to take - Chairman Robert F. Parisi

The Council released Mr. Sullivan from the meeting in light of the fact that there is no report this evening. There was, however, some discussion with a request from Councilor Economopoulos that when the report is released can it be acted upon in the August meeting. Chairman Parisi asked that it be done before August in that he didn't want to wait that long. However, the Chairman deferred to the Council vote. Both Councilors Sullivan and Fishbein stated vacations. They discussed the August meeting. The Mayor added that this is not a direction to Mr. Sullivan to delay getting out his report.

MOTION WAS MADE TO POSTPONE THE DISCUSSION OF THE REPORT UNTIL THE AUGUST MEETING.

MADE BY: LETOURNEAU
SECONDED BY: FISHBEIN

CERVONI: YES ECONOMOPOULOS: YES FISHBEIN: YES
LAFFIN: YES LETOURNEAU: YES RASCATI: YES
SULLIVAN: YES ZANDRI: ABSENT CHRMN PARISI: YES
VOTE: 8-AYE; 1 ABSENT

THE MOTION PASSED.

7. Consider and Approve request to utilize the qualifications-based selection procedure to select the provider for an Outage Management System (OMS) for the Wallingford Electric Division (WED) – Public Utilities Director

Since the PUC is in their own meeting at this time, it was decided to delay this item until after the Executive Sessions to give PUC representatives time to get to the Town council meeting.

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
WITHDRAWN
9. Executive Session pursuant to Connecticut General Statutes §225(f) and §1-200(6)(B) to discuss *Metpath v. Town of Wallingford* - Law Department
12. Executive Session pursuant to Connecticut General Statutes § 1-225(f) and § 1-200(6)(B) to discuss *Town of Wallingford v. Estate of McNamee* - Law Department

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO Connecticut General Statutes §225(f) and §1-200(6)(B) to discuss the following cases:

Metpath v. Town of Wallingford and

ADDITIONAL AGENDA ADDENDUM

Town of Wallingford v. Estate of McNamee

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8-AYE-; 1-ABSENT
MOTION PASSED.

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8-AYE-; 1-ABSENT
MOTION PASSED.

EXECUTIVE SESSION ATTENDANCE:
EIGHT (8) COUNCILORS; MAYOR DICKINSON AND TOWN ATTORNEY GERALD E. FARRELL, JR. COUNCILOR ZANDRI WAS ABSENT FROM THE MEETING.

TIME OF EXECUTIVE SESSION:
ITEM 9: 7:40 P.M. TO 7:42 P. M.
ITEM 12: 7:43 P.M. TO 7:44 P. M.

The Council reconvened from Executive Session at 7:45 P.M.

10. Possible Action on *Metpath v. Town of Wallingford* – Law Department
MOTION WAS MADE TO AUTHORIZE THE TOWN ATTORNEY TO COMPROMISE THE MATTER OF *Metpath v. Town of Wallingford* AS DISCUSSED IN EXECUTIVE SESSION.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8-AYE; 1-ABSENT
MOTION PASSED.

ADDITIONAL AGENDA ADDENDUM

13. Possible action on *Town of Wallingford v. Estate of McNamee* - Law Department

MOTION WAS MADE TO AUTHORIZE THE TOWN ATTORNEY TO PROCEED WITH A STRICT FORECLOSURE IN THE CASE OF *Town of Wallingford v. Estate of McNamee* AS DISCUSSED IN EXECUTIVE SESSION.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8-AYE; 1-ABSENT
MOTION PASSED.

7. Consider and Approve request to utilize the qualifications-based selection procedure to select the provider for an Outage Management System (OMS) for the Wallingford Electric Division (WED) – Public Utilities Director

MOTION WAS MADE TO Approve request to utilize the qualifications-based selection procedure to select the provider for an Outage Management System (OMS) for the Wallingford Electric Division.

MADE BY: CERVONI
SECONDED BY: RASCATI
VOTE: 8-AYE; 1-ABSENT
MOTION PASSED.

Councilor Cervoni read the memo from the Purchasing Agent, Sal Amadeo, to the General Manager of the Electric Division, Rick Hendershot. He read the memo and stated that this is of a sufficiently, specialized nature that the bid process is not an adequate service to retain the appropriate party.

VOTE: 8-AYE; 1-ABSENT
MOTION PASSED.

MOTION WAS MADE TO ADJOURN THE MEETING.

MADE BY: FISHBEIN
SECONDED BY: LAFFIN
VOTE: 8-AYE; 1-ABSENT
MOTION PASSED.

THE MEETING ADJOURNED AT 7:50 P.M.

Most respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date