

TOWN OF WALLINGFORD, CONNECTICUT

301

TOWN COUNCIL MEETING  
Town Council Chambers

TUESDAY  
MAY 22, 2018  
6:30 P.M

RECORD OF VOTES & MINUTES

The Town Council Meeting on Tuesday, May 22, 2018 was called to order at 6:35 P.M. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, Craig Fishbein, Thomas Laffin, John LeTourneau, Joseph A. Marrone, III, Gina Morgenstein, Christopher K. Shortell and Vincent F. Testa, Jr. (arrived at 6:46 p.m.). Councilor Zandri was absent. Mayor William W. Dickinson, Jr., Town Attorney Gerald E. Farrell, Sr., Corporation Counsel Janis Small and Comptroller James Bowes were also present at the meeting.

- 3a. Consider and Approve Tax Refunds totaling \$2,950.16 (#834-847)  
Acct. #1001001-41020 – Tax Collector
- 3b. Acceptance of donation and consider and approve Appropriation of funds in the amount of \$50 to Special Revenue – Misc. Donations – Police, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-10135– Police Dept.
- 3c. Consider and approve Appropriation of funds in the amount of \$100,000 to Outside Contractors, Acct. #10020050-51600 and to Charges for Current Services – Police Private Duty, Acct. #1002001-46020 – Police Dept.
- 3d. Consider and approve a Transfer in the amount of \$2,000 from Regular Salaries & Wages, Acct. #10020050-51000 to Hydraulic Ram, Acct. #TBD – Police Dept.
- 3e. Acceptance of State of Connecticut funds for Dispatcher 911 training and consider and approve Appropriation of funds in the amount of \$730 to Revenue-Misc., Acct. #1009052-47040 and to Continuing Education & Training, Acct. #10020050-55700 – Police Dept.
- 3f. Consider and approve a Transfer in the amount of \$10,800 from Regular Salaries & Wages, Acct. #10020050-51000 to Maintenance of Equip, Acct. #10020050-54325 – Police Dept.
- 3g. Consider and approve a Transfer in the amount of \$8,500 from Unemployment, Acct. #10012100-52970 to Purchase Service-Negotiations, Acct. #10010150-56712 – Mayor Dickinson

- 3h. Consider and approve a Transfer in the amount of \$700 from Contingency – Gen. Purpose, Acct. #10019000-58820 to Regular Salaries & Wages, Acct. #10040200-51000 – Veterans
- 3i. Acceptance of Donation from Evonik and consider and approve Appropriation of funds in the amount of \$1,500 from MRC 2018, Acct. #2502002-47152 to MRC 2018, Acct. #TBD – Health Dept.
- 3j. Acceptance of Donation from Evonik and consider and approve Appropriation of funds in the amount of \$1,000 to Donations-Revenue, Acct. #2502002-47152 to Program Expenditures – Fire, Acct. #25020150-58830 – TBD – Fire Dept.
- 3k. Acceptance of Donation from Evonik and consider and approve Appropriation of funds in the amount of \$1,000 to Special Revenue –Misc. Donations-, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-TBD – Police Dept.
- 3l. Acceptance of Donations for Fireworks and consider and approve Appropriation of funds in the amount of \$30,750 – Mayor

|          |                      |                      |
|----------|----------------------|----------------------|
| \$30,750 | To: Rev. – Donations | Acct. #1009052-47040 |
|----------|----------------------|----------------------|

|          |                                    |                       |
|----------|------------------------------------|-----------------------|
| \$ 881   | To: Rec. Port-o-lets               | Acct. #10050050-56782 |
| \$20,045 | To: Public Celeb. Soc. Serv. Cont. | Acct. #10040150-58234 |
| \$ 6,524 | Police – OT                        | Acct. #10020050-51400 |
| \$ 2,000 | Fire – OT                          | Acct. #10020150-51400 |
| \$ 1,300 | Public Works – OT                  | Acct. #10030000-51400 |

- 3m. Consider and approve Appropriation of funds in the amount of \$10 to Revenue, Acct. #2264002-47152 and to Expenditures, Acct. #22640150-58830 – Y&SS
- 3n. Acceptance of Donation for Relay for Life and consider and approve Appropriation of funds in the amount of \$600 to Revenue, Acct. #2134002-47152 and to Expenditures, Acct. #21340100-58830 – Y&SS
- 3o. Consider and approve a Transfer in the amount of \$8,000 from Retirement Sick Leave, Acct. #10012100-51750 to PUC - Regular Salaries & Wages, Acct. #10011150-51000 - PUC
- 3p. Acceptance of grants and consider and approve Appropriation of funds - BOE

|         |                          |           |
|---------|--------------------------|-----------|
| \$8,000 | To: State Grant Revenues | Fund #235 |
| \$8,000 | To: Program Expenditures | Fund #235 |

|          |                          |           |
|----------|--------------------------|-----------|
| \$15,000 | To: State Grant Revenues | Fund #235 |
| \$15,000 | To: Program Expenditures | Fund #235 |

|          |                          |           |
|----------|--------------------------|-----------|
| \$4,854  | To: State Grant Revenues | Fund #235 |
| \$4,854  | To: Program Expenditures | Fund #235 |
| \$5,991  | To: State Grant Revenues | Fund #235 |
| \$5,991  | To: Program Expenditures | Fund #235 |
| \$60,627 | To: State Grant Revenues | Fund #235 |
| \$60,627 | To: Program Expenditures | Fund #235 |
| \$18,113 | To: State Grant Revenues | Fund #235 |
| \$18,113 | To: Program Expenditures | Fund #235 |
| \$17,949 | To: State Grant Revenues | Fund #235 |
| \$17,949 | To: Program Expenditures | Fund #235 |
| \$10,000 | To: State Grant Revenues | Fund #235 |
| \$10,000 | To: Program Expenditures | Fund #235 |

- 3q. Consider and Approve bid waiver exemption from the Purchasing Ordinance to allow the Wallingford 350<sup>th</sup> Jubilee Parade Committee to contact various groups to participate in the 350<sup>th</sup> Jubilee Parade Committee – Mayor Dickinson
- 3r. Set a Public Hearing date for June 12, 2018 at 6:30 p.m. for 2018 Neighborhood Assistance Program – Mayor Dickinson
- 3s. (a) Approval of Minutes of Special Town Council Meeting of April 26, 2018  
(b) Approval of Minutes of Special Town Council Meeting of May 1, 2018  
(c) Approval of Minutes of Special Town Council Meeting of May 3, 2018  
(d) Approval of Minutes of Town Council Meeting of May 8, 2018.

**MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a.-3p and 3r.-3s.**

|                     |                 |
|---------------------|-----------------|
| <b>MADE BY:</b>     | <b>LAFFIN</b>   |
| <b>SECONDED BY:</b> | <b>SHORTELL</b> |
| <b>VOTE:</b>        | <b>ALL AYE</b>  |
| <b>MOTION:</b>      | <b>PASSED</b>   |

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

- 3q. Consider and Approve bid waiver exemption from the Purchasing Ordinance to allow the Wallingford 350<sup>th</sup> Jubilee Parade Committee to contact various groups to participate in the 350<sup>th</sup> Jubilee Parade Committee.

*In Attendance: John Sullivan  
Jonathan Chappel*

**MOTION WAS MADE TO MOVE to approve bid waiver exemption from the Purchasing Ordinance to allow the Wallingford 350<sup>th</sup> Jubilee Parade Committee to contact various groups to participate in the 350<sup>th</sup> Jubilee Parade Committee**

**MADE BY: LAFFIN**

**SECONDED BY: LETOURNEAU**

Mr. Chappel explained they would have several costs for the parade that will be more than the purchasing ordinance allows and stated, for instance, hiring a band. He indicated they would want to book them right away.

Councilor Morgenstein wanted to be reminded of how much the purchasing allowance is for and Mr. Chappel responded \$7,500.

Councilor Morgenstein asked what the town plans on spending overall? Mayor Dickinson stated we have budgeted \$45,000 this year and he doesn't know about next year. Councilor Morgenstein then asked if the Police and Fire are part of this money. Mayor Dickinson stated no money has been budgeted for that.

Councilor Morgenstein asked if we are looking for a blanket bid waiver. Mr. Chappel explained they have a sponsorship package available to anyone so if anyone wants to sponsor the entire parade, the town would not need to spend anything.

Councilor Fishbein commented, when looking at the Bid Ordinance, maybe you should wait until you are at a point that you need the waiver.

Mr. Sullivan stated as an example if we wanted to use the West Point Band and they become available, we would want to book them if we can, not wait for the Council or a bid waiver or we would lose the band.

Councilor Marrone just wanted to say thank you and stated this is a huge project.

Councilor Testa stated we have Purchasing Ordinances for a reason and for proprietary reasons. He doesn't see any form of impropriety and he indicated if we do not grant this, we impede the process of this parade.

**COUNCILOR SHORTELL CALLS THE QUESTION**

**SECONDED BY LETOURNEAU**

**ALL AYE**

**ROLL CALL VOTE:**

**FISHBEIN: NO**

**LAFFIN: YES**

**LETOURNEAU: YES**

**MARRONE: YES**

**7-AYE**

**MORGENSTEIN: YES**

**SHORTELL: YES**

**TESTA: YES**

**ZANDRI: ABSENT**

**CERVONI: YES**

**1-ABSENT**  
**1-NAY**  
**MOTION: PASSED**

5. Discussion and Possible Action regarding Acceptance of Declaration and Grant of a Permanent Conservation Easement of open space property located at 190 New Cheshire Road – Mayor Dickinson

**MOTION WAS MADE TO ACCEPT THE DECLARATION AND GRANT OF A PERMANENT CONSERVATION EASEMENT OF OPEN SPACE PROPERTY LOCATED AT 190 NEW CHESHIRE ROAD**

**MADE BY: LAFFIN**  
**SECONDED BY: FISHBEIN**

Mayor Dickinson stated over 60 acres of a wildlife habitat from Mr. and Mrs. Robert J. and Joan T. Rancourt of 190 New Cheshire Road is being granted to the town with a Declaration of a Permanent Conservation Easement of open space.

Chairman Cervoni read the attached letter into the record.

Councilor Fishbein thanks the Rancourt's for their generous contribution.

|                            |                         |
|----------------------------|-------------------------|
| <b>ROLL CALL VOTE:</b>     | <b>MORGENSTEIN: YES</b> |
| <b>FISHBEIN: YES</b>       | <b>SHORTELL: YES</b>    |
| <b>LAFFIN: YES</b>         | <b>TESTA: YES</b>       |
| <b>LETOURNEAU: OBSTAIN</b> | <b>ZANDRI: ABSENT</b>   |
| <b>MARRONE: YES</b>        | <b>CERVONI: YES</b>     |

**7-AYE**  
**1-ABSENT**  
**1-OBSTAIN- (Related to Rancourt's)**  
**MOTION: PASSED**

6. **PUBLIC QUESTION & ANSWER PERIOD**

Opened Public Question and Answer Period at 7:25 p.m.

Ray Ross, Silver Pond Apartments, asked how the bridge on Center Street is progressing. Chairman Cervoni will check with the Engineering Department.

Paul Ciardullo, 2 Bayberry Drive, asked if the budget process is still available for this year.

Closed Public Hearing at 7:35 p.m.

7. Consider and approve a Transfer in the amount of \$3,400,000 from Appropriation from Cash (RE) to Treatment Plant Structures, Acct. #46300331 – Sewer Division

*In Attendance: Richard Hendershot, Director, Public Utilities  
William Phelan, Office Manager, Water-Sewer Division*

**MOTION WAS MADE TO APPROVE A TRANSFER IN THE AMOUNT OF 3,400,000 FROM APPROPRIATION FROM CASH (RE) TO TREATMENT PLANT STRUCTURES, ACCT. #46300331**

**MADE BY: LAFFIN  
SECONDED BY: LETOURNEAU**

Councilor Morgenstein asked if the State grant money is available. Mr. Hendershot stated that they are not eligible for that until they have a contract in place.

Councilor Fishbein stated to Mr. Hendershot we just adopted your new budget and asked are you modifying that budget or this year's budget. Mr. Hendershot replied this year's budget.

|                        |                         |
|------------------------|-------------------------|
| <b>ROLL CALL VOTE:</b> | <b>MORGENSTEIN: YES</b> |
| <b>FISHBEIN: YES</b>   | <b>SHORTELL: YES</b>    |
| <b>LAFFIN: YES</b>     | <b>TESTA: YES</b>       |
| <b>LETOURNEAU: YES</b> | <b>ZANDRI: ABSENT</b>   |
| <b>MARRONE: YES</b>    | <b>CERVONI: YES</b>     |
| <b>8-AYE</b>           |                         |
| <b>1-ABSENT</b>        |                         |
| <b>MOTION: PASSED</b>  |                         |

8. Discussion and action regarding amending the 2018-2019 budget by appropriating an increase in the ECS Grant funding from the State of Connecticut and reducing the amount of revenue to be received from local taxation – Mayor Dickinson

**MOTION WAS MADE TO REDUCE CURRENT TAX REVENUE BY \$2,453,417 AND INCREASE STATE GRANT – ECS BY \$2,453,417.**

**MADE BY: LAFFIN  
SECONDED BY: SHORTELL**

Councilor Fishbein stated that when they originally got this backup, the letter said procedural advice from the Law Department and tonight they get another letter from the Mayor with the Law Department stating this is correct so he asked what is the truth.

Mayor Dickinson stated the Human Resources Department said they did not need the \$58,000.

Councilor Fishbein asked how this item became the Mayor's Agenda item when we as Councilors wanted this on the Agenda.

## **PUBLIC COMMENT**

Paul Ciardullo, 2 Bayberry Drive, supports this and stated it proves that the Council can amend the budget.

Chairman Cervoni stated that the Council cannot amend the budget only if the administration initiates it.

Christina Tatta, North Farms Road, commented that she finds it ironic that we are arguing over who gets credit for this Motion when five out of four of you voted against the budget that could have saved taxpayers money.

Councilor LeTourneau asked why can't we get the \$58,000 back. Attorney Farrell stated we advised the Mayor this afternoon that he cannot do that based upon the Charter. Once the Legislature made these adjustments, it allowed towns to reduce their budgets.

Councilor Morgenstein stated by default it reverts back to the Mayor's budget and asked if we can give a credit to the taxpayers.

Attorney Farrell stated they have researched this and he does not know of a process where we can do that. Councilor Morgenstein then asked if we can plan to take this back for the next budget. Mayor Dickinson stated we are looking to do that. Councilor Morgenstein stated she is planning to do the same.

Councilor Fishbein stated he did look at the legislative discussions and he doesn't see anywhere where we cannot adjust our budget. He refers to the Supreme Court of Connecticut *Tromontino v. New Haven* regarding their budget. He then stated he thinks we can amend our budget and commented who is going to sue us for a 0% tax increase.

Mayor Dickinson stated according to the Law Department, there is no authority to do this.

### **AMENDMENT TO THE MOTION AS FOLLOWS:**

**ECS GRANT REVENUE - \$2,453,417; ADDITIONAL CUTS: HEALTH INSURANCE - \$58,657 AND BOARD OF EDUCATION - \$411,000; WCI FACADE PROGRAM - \$5,000; PUBLIC WORKS BUDGET CAP AND NON-RECURRING - \$110,000. TOTAL \$3,028,074.**

**MADE BY: FISHBEIN  
SECONDED BY MORGENSTEIN**

Corporation Counsel, Janis Small stated to Attorney Fishbein that he could have made all these changes on May 8<sup>th</sup>, the day he voted on the budget, none of these things have changed. The only change is the ECS grant money coming from the State. She went on to explain that because the State introduces additional funds and we say okay we can take that into effect and readjust to accept that money, it is not a re-do of the budget.

Councilor Testa stated right now we are discussing the amendment and he is curious that maybe if this is allowable, it's good.

Councilor LeTourneau would like to see us move this along. He thinks maybe now this is our responsibility to move on this.

Attorney Farrell stated he has not heard that the Board of Education is willing to give up that money.

Councilor Fishbein stated he spoke with Dr. Menzo and he is willing to give up monies.

Councilor Laffin asked why right now and not any other time. Councilor Fishbein stated now is the time with having the adjusted ECS money.

Councilor Laffin thinks it seems like a "gotcha" moment from Councilor Fishbein and he also thinks Councilor Fishbein could have given this information ahead of time for the Law Department to investigate.

Attorney Small stated she spoke with Councilor Fishbein this afternoon and he never mentioned this case to her.

Councilor Morgenstein stated she is in favor of this and thinks we should be reducing the taxpayer's burden.

Councilor Marrone thinks this seems a little heavy handed and he doesn't like the way it has been presented but he cannot vote against this.

#### **PUBLIC COMMENT**

Christina Tatta, North Farms Road, asked if Dr. Menzo has the authority to give back the money.

*Roxane McKay, Chairman, Board of Education*, stated they did vote to bring the money back to the town at the end of the year.

Larry Morgenstein, South Main Street, stated you have an opportunity to make a difference don't do the finger pointing.

Mr. Ciardullo would love to see a unanimous vote on this.

Attorney Farrell stated the Board of Education money will not come back until the end of this fiscal year.

Councilor Shortell asked if this Motion passes and it is illegal, do we lose the State money. Attorney Farrell stated we have not researched that so we have no opinion.

Mayor Dickinson stated he doesn't feel comfortable with this being voted on without the Law Department having time to research.



Councilor Testa wants to vote on it contingent upon the Law Department's approval.

Councilor Laffin is opposed to using the CRAA funds. He stated he doesn't want to lose anything and he wants to do this right.

**COUNCILOR LAFFIN MOVES WE TABLE AGENDA ITEM #8 FOR TWO WEEKS.  
NO SECOND – MOTION FAILS**

**COUNCILOR MARRONE CALLS THE QUESTIONS  
SECONDED BY FISHBEIN**

**ALL AYE**

**COUNCILOR LAFFIN OPPOSED**

**VOTE ON AMENDMENT**

**ROLL CALL VOTE:  
FISHBEIN: YES  
LAFFIN: NO  
LETOURNEAU: YES  
MARRONE: YES**

**MORGENSTEIN: YES  
SHORTELL: YES  
TESTA: YES  
ZANDRI: ABSENT  
CERVONI: NO**

**6-AYE**

**2-NAY**

**1-ABSENT**

**MOTION: PASSED**

**ROLL CALL VOTE ON AMENDED MOTION**

**ROLL CALL VOTE:  
FISHBEIN: YES  
LAFFIN: NO  
LETOURNEAU: YES  
MARRONE: YES**

**MORGENSTEIN: YES  
SHORTELL: YES  
TESTA: YES  
ZANDRI: ABSENT  
CERVONI: YES**

**7-AYE**

**1-NAY**

**1-ABSENT**

**MOTION: PASSED**

**15 MINUTE RECESS**

**MOTION WAS MADE TO SET THE MILL RATE OF 28.61 MILLS.**

**MADE BY: LAFFIN  
SECONDED BY SHORTELL**

**ROLL CALL VOTE:**  
**FISHBEIN: NO**  
**LAFFIN: YES**  
**LETOURNEAU: YES**  
**MARRONE: YES**  
**7-AYE**  
**1-NAY**  
**1-ABSENT**  
**MOTION: PASSED**

**MORGENSTEIN: YES**  
**SHORTELL: YES**  
**TESTA: YES**  
**ZANDRI: ABSENT**  
**CERVONI: YES**

9. Executive Session pursuant to Section 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: FISHBEIN**  
**SECONDED BY: MARRONE**  
**MOTION: PASSED**

The Council adjourned the meeting at 9:20 P.M.

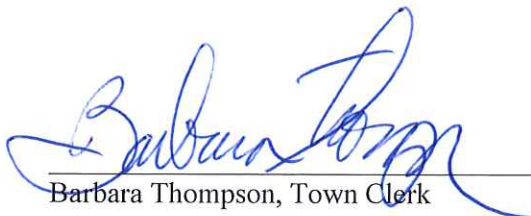
Respectfully submitted,

Lisa Moss  
Council Staff  
Meeting digitally recorded

RECEIVED FOR RECORD 5-25-18  
AT 4:00 AND RECEIVED BY  
Barbara Thompson TOWN CLERK

  
\_\_\_\_\_  
Vincent Cervoni, Chairman

12 JUNE 2018  
Date

  
\_\_\_\_\_  
Barbara Thompson, Town Clerk

June 13-18  
Date

**OFFICE OF THE MAYOR****TOWN OF WALLINGFORD  
CONNECTICUT**WILLIAM W. DICKINSON, JR.  
MAYORREVISED May 17, 2018  
May 15, 201845 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE 203 294-2070  
FAX 203 294-2073Wallingford Town Council  
Wallingford, CT 06492

ATTN: Vincent Cervoni, Chairman

Dear Council Members:

It is with great pleasure that I submit to the Town Council, for acceptance, a Declaration and Grant of Permanent Conservation Easement in favor of the Town of Wallingford with respect to property, owned by Mr. and Mrs. Robert J. and Joan T. Rancourt, at 190 New Cheshire Road. Mr. and Mrs. Rancourt approached the Town with their desire to permanently protect a portion of their property keeping it in its natural state, limit a portion for agricultural uses and restrict a portion for a single family use, in perpetuity.

Working with Mr. and Mrs. Rancourt and their children, the Town Engineer developed the map which breaks the property into three areas. Area "A", approximately 2.17 acres, will remain a residential use. Area "B", approximately 12.39 acres, (plus a pond and land within Connecticut Light and Power right of way) will permit agricultural/landscaping activities. Area "C", approximately 47.41 acres, a generally forested area, will be preserved in its natural state.

By accepting this Conservation Restriction, the Town of Wallingford would legally be entitled to seek enforcement of the Restrictions set forth in the Declaration. To be clear, the property will not be available for public use. Its purpose is to permanently preserve the forested area and protect it in its natural state and restrict the uses of the remaining land. The open space acreage is a diverse habitat, with upland area, mature trees, and a beautiful pond. There is ample evidence of wildlife including deer, turkeys, foxes, coyotes, white squirrels and many bird species. A Connecticut Light and Power Company right of way crosses the property. The presence of this right of way is a very viable corridor through Wallingford for wild life. This conservation easement supports our efforts to encourage wildlife habitat and the rural beauty of Wallingford. The Rancourts have been dedicated stewards of open space and seek our assistance to make their property a continuing refuge for natural beauty.

This Declaration outlines the Rancourts' self-imposed restrictions with respect to their property. Any future owner of the property will be bound by these restrictions.

The only decision for the Town Council is to decide if the Town should accept the Restrictions in the Town's favor. The Town would have the limited right to access the property, with the Owners' consent, in order to determine compliance with the restrictions. In the event of noncompliance, the Town would have the right to enforce the restrictions in court.

The Rancourts are expected to attend the Town Council meeting. This office strongly recommends the acceptance of this Declaration. The Rancourts deserve our thanks for their commitment to permanently preserve this beautiful land.

Sincerely,

William W. Dickinson, Jr.  
Mayor

WWD/bjc

Attachments

cc: Mr. and Mrs. Robert J. Rancourt  
Conservation Commission