

**TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING**

**HELD REMOTELY
At GoToMeeting.com**

**TUESDAY
JANUARY 12, 2021
6:30 P.M.**

RECORD OF VOTES AND MINUTES

The Town Council Meeting on Tuesday, January 12, 2021, was called to order at 6:30 p.m. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were, Craig Fishbein, Thomas Laffin, Gina Morgenstein, Joseph A. Marrone, III, Christopher K. Shortell, Christina Tatta, Vincent F. Testa, Jason Zandri, and Chairman Vincent Cervoni. Mayor William W Dickinson, Jr., Town Attorney Gerald E. Farrell, Sr., Corporation Counsel Janis Small and Comptroller, James Bowes were also present.

(BY TELECONFERENCE)

1. Pledge of Allegiance
2. Roll Call
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds totaling \$13,551.37 (#336-398) Acct. #1001001-41020 – Tax Collector
 - 3b. Acceptance of reimbursement from State of Connecticut for Dispatcher 911 training and consider and approve Appropriation of funds in the amount of \$458 to Revenue, Acct. #1009052-47040 and to Continuing Education & Training, Acct. #10020050-55700 – Police Dept.
 - 3c. Acceptance of Federal/State Highway Safety grant, 2020 Click It or Ticket Enforcement Campaign and consider and approve Appropriation of funds in the amount of \$3,617 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime, Acct. #10020050-5140 – Police Dept.
 - 3d. Acceptance of funds from U.S. Secret Service for Overtime expenses and consider and approve Appropriation of funds in the amount of \$506 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3e. Acceptance of Federal/State Highway Safety grant 2020 Distracted Driving High Visibility Enforcement Program and consider and approve Appropriation of funds in the amount of \$8,942 to Revenue Highway Safety, Acct. #1002001-45208 and to Police Overtime Acct. #10020050-51400 – Police Dept.
 - 3f. Acceptance of Donation of \$4,900 from Wal-Mart and consider and approve Appropriation of funds: \$2,400 to Police Department; \$2,500 to Fire Dept.

\$4,900	To: Revenue-Donation	Fund # 250
\$2,500	To: Exps – Fire	Fund #250
\$2,400	To: Exps – Police	Fund #250

- 3g. Consider and Approve a Transfer in the amount of \$4,281 from Contingency-General Purposed, Acct. #10019000-58820 and to Registrar of Voters, File Cabinet (Fire Resis.), Acct. #10010600 – TBD – Registrars
- 3i. Acceptance of Reimbursement payment for Field Training Instructor Services and consider and approve Appropriation of funds in the amount of \$1,115 to Miscellaneous Revenue, Acct. #1009052-47040 and to Replacement Pay, Acct. #10020150-51500 – Fire Dept.
- 3j. Acceptance of Donation from Home Depot for Holiday Giving and consider and approve Appropriation of funds in the amount of \$1,000 to Donations, Fund #213 and to Holiday for Giving Exps, Fund #213 – Mayor.
- 3k. Acceptance of Donation of Memorial sign in memory of Joseph Carmen from the Yalesville Little League to be placed on Scoreboard at Keller Field #1 valued at \$713 – Recreation.
- 3l. Budget Appropriation in the amount of \$42,900 – Water Division
- | | | |
|----------|-------------------------------|-----------------|
| \$42,900 | To: Outside Services Employed | Acct. #43100923 |
| \$42,900 | To: Appropriations from Cash | |
- 3m. Budget Amendment in the amount of \$146,000 – Electric Division
- | | | |
|-----------|------------------------------------|------------|
| \$146,000 | From: Retained Earnings | |
| \$146,000 | To: Transmission Station Equipment | Acct. #353 |
- 3n. Budget Amendment in the amount of \$320,000 – Electric Division
- | | | |
|-----------|------------------------------------|------------|
| \$320,000 | From: Retained Earnings | |
| \$320,000 | To: Distribution Line Transformers | Acct. #368 |

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a – 3g and 3i through 3n.

MADE BY: LAFFIN
SECONDED BY: SHORTELL
VOTE: ALL AYE
MOTION: PASSED

4. Items Removed from the Consent Agenda:

- 3h. Consider and approve a Transfer in the amount of \$30,000 from Contingency-General, Acct. #10019000-58820 to Public Works – Maintenance of Bldgs. and grounds, Acct. #10030000-54315 – Public Works

In attendance: Rob Baltramaitis, Director of Public Works

MOTION WAS MADE TO Approve a Transfer in the amount of \$30,000 on the General Account to Public Works – Maintenance Buildings and Grounds account.

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

Rob Baltramaitis explained that storm debris after tropical storm Isaias was stored at the Garden Road site. They bid the services of a vendor to grind and properly dispose of about 5,000 yards of tree parts. The bid came in at \$29,800. This is an unanticipated expense. He asked for approval so they can get rid of the debris.

Councilor Marrone asked if it would make sense to add a line item to the budget for expenses of this nature. Mr. Baltramaitis replied that it doesn't happen every year, so he thought it was a proper use of the contingency fund. Jim Bowes, the Comptroller, added that there are some funds in the maintenance line item for these events, however, it has to be designated by the Council. Councilor Marrone asked why not spend the money directly out of contingency and asked for clarification that this will count as an expenditure. Mr. Bowes stated that it will count as expenditure this year. Mr. Bowes added that contingency is there for things such as this.

Councilor Fishbein noted that this would deplete the contingency account. He stated that since Public Works has not used as much salt and sand as originally anticipated, why not just transfer within your department. Mr. Baltramaitis replied that he is not comfortable doing that. Councilor Fishbein suggested waiting to use the contingency fund later in the season if they need money for salt. Mr. Baltramaitis noted that opens up the risk of not having contingency money available when needed.

Councilor Shortell referenced the November Financials and noted that Pubic Works is running over budget by 4 or 5%. Mr. Baltramaitis explained that they purchased salt and had a lot of overtime.

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGANSTEIN: YES	CERVONI: YES

**8 – AYE
MOTION: PASSED**

3.p Consider and Approve a Transfer in the amount of \$8,125 from Maint. of Bld., Acct. #10030000-54315 to Capital Account – RTU – Park/Rec. Bldg., Acct. #TBD – Public Works.
MOTION WAS MADE TO approve consent agenda item 3p which is the transfer of \$8,125 from Maintenance of Buildings to the Capital Account Parks and Recreation.

**MADE BY: LAFFIN
SECONDED BY: SHORTELL
VOTE: ALL AYE
MOTION: PASSED**

3o. Approval of Town Council Minutes of December 8, 2020.

5. PUBLIC QUESTION AND ANSWER PERIOD

Bob Gross, Long Hill Road, asked the Town Attorney if there's a referendum and it passes can the town decide to do what the referendum was against, can the town go against the will of the people. Janis Small replied that the Town can start the process of referendum again, there is no time limitation.

Bill Comerford, 5 Broadview Drive, asked the representatives of the Cemetery Association if they would be in favor of the State of CT Archeologists coming down to perform the ground penetrating radar for free. Bob Gross asked Mr. Comerford to contact the Cemetery Association in writing. Mr. Comerford asked the Town Attorney what effect COVID health rules would have on a referendum, and what would need to be changed to ensure six feet between people and sterilization. Atty. Gerald Farrell replied that his impression was that Mr. Gross was going to go to court to seek an injunction. Mr. Comerford asked if the injunction didn't happen and he wanted to bring it back to referendum, what would the law department's position be. Atty. Gerald Farrell replied that they have no position at this point.

Jack Beecher, 65 Cider Hill Road, asked if there was anything that would restrict the council from making a statement endorsing rule of law or speaking up against the kind of activities that occurred last Monday in the capital. Chairman Cervoni replied that this Council has favored the rule of law and the orderly proceedings of government. Mr. Beecher stated that he thought that during historic times a statement would be helpful.

6. Consider and Approve a Transfer in the amount of \$90,000 from Plow Truck, Acct. #10030000-57000-00942 to Overtime Account, Acct. #10030000-51400 – Public Works

MOTION WAS MADE TO approve a Transfer in the amount of \$90,000 from the Plow Truck account to the Overtime Account for Public Works.

MADE BY: LAFFIN

SECONDED BY: SHORTELL

Rob Baltramaitis, Public Works Director, explained the transfer from a capital account to the overtime account. He gave examples of overtime costs.

Councilor Shortell stated that this is a predictable consequence of the budget decisions that were made. He shared the process of how this situation happened. He noted that they did not lack confidence in the overtime budget. He stated that they were confident that the shortfall could be made up by year's end elsewhere in the Public Works budget. Mr. Baltramaitis explained why he will ask for two new plow trucks next year. Councilor Shortell showed suggestions on how to fund this purchase. Councilor Shortell asked for an update on year-to-date Public Works financials through April 30, 2021, by the May 6, 2021 Motions Meeting. Mr. Baltramaitis agreed and noted that this \$90,000 transfer will not be enough, he expects to come back. Councilor Shortell asked how funds for paving are budgeted and if that includes everything associated with the paving. Mr. Baltramaitis stated that the pilot program puts money into the Cap and Non-account. Most years about \$1million of the \$1.8million is applied to roadway repaving. Mr. Baltramaitis confirmed that it is everything for materials and vendors, pavement markings. He noted that overtime would be funded out of the overtime line item.

Councilor Marrone asked when the plow truck purchase was planned. Mr. Baltramaitis replied that it takes 3 - 4 months to build the truck so it probably would have arrived around now. He stated that if they awarded the bid in the spring, they could get the truck in the fall. Councilor Marrone asked for a prediction of where last year's budget will end up in the CAFR. Mr. Baltramaitis didn't know.

Councilor Tatta asked where FEMA reimbursement for overtime for storms goes. Mr. Baltramaitis replied to the general fund. Jim Bowes concurred and noted that it won't happen for at least a year and we don't know how much it will be. Councilor Tatta asked how many town projects Public Works is involved in that are not budgeted for. Mr. Baltramaitis replied those projects come out of the normal budget and regular labor. Councilor Tatta asked if the contingency account could be used for the overtime as was done for the Fire Department. Mayor Bill Dickinson commented that the Fire Department was not able to identify capital budget items that would not affect the safety of employees. Councilor Tatta noted that the salary and wages budget line is tracking low. Mr. Baltramaitis explained that there are open positions that are being filled. Councilor Tatta stated that she feels they should get the plow truck and find other money for the overtime.

Councilor Zandri commented that they knew during the budget process that Mr. Baltramaitis would come back for more money. He reiterated that it was important to make all the budgets work while keeping the mill rate the same.

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGANSTEIN: YES	CERVONI: YES

8 – AYE
MOTION: PASSED

7. Public Hearing to Consider and Act upon Amendment to Chapter 46, Reserve Accounts, Article II, of the Code of the Town of Wallingford.

Chairman Cervoni explained that this is regarding edits to the new Section 46-9 Reporting Requirements requiring the Comptroller to deliver to the council reports on the Capital and Non-recurring Reserve Account.

MOTION WAS MADE TO amend Chapter 46 Reserve Accounts, Article II of the Code of Town of Wallingford to add Section 46-9 as well as amend 46-5, 46-7, and 46-8, as represented in the Council back up.

MADE BY: SHORTELL
SECONDED BY: FISHBEIN

Councilor Shortell explained the change proposed by the Ordinance Committee to get clarity on the funds in the Non-recurring Account.

Council Fishbein thanked Council Members for working together to make this amendment better.

ROLL CALL VOTE:	SHORTELL: YES
FISHBEIN: YES	TATTA: YES
LAFFIN: YES	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGANSTEIN: YES	CERVONI: YES

8 – AYE
MOTION: PASSED

8. COVID Update from Stephen Civitelli, Health Director

Mr. Civitelli gave a presentation on COVID-19 (attached).

Councilor Shortell asked where Town police, fire, and public works folks fall in the vaccine schedule. Mr. Civitelli replied that they have vaccinated the EMS paramedics, school nurses as well as police officers that carry NARCAN. He stated that the 1B group is not clearly defined, but he expects that the next grouping will be the schools. He added that the 1C group will include Utilities and Town Hall, employees. Councilor Shortell asked what the procedure will be to get a vaccine. Mr. Civitelli replied that the Town will do the registration for residents, so they just have to show their license. He noted that by summer pharmacies and other entities will also be giving the vaccine. Councilor Shortell asked if those waiting for the second shot will be prioritized over those waiting for the first shot. Mr. Civitelli replied that this is a very complex, logistically thought out process and described the current clinic plan.

Councilor Testa asked for Mr. Civitelli's thoughts on the middle school and high schools returning to in-person learning. Mr. Civitelli replied that the State Dept of Education and Governor's Office have encouraged in-person learning. He stated that all the mitigation strategies are still in place. He noted that they will reevaluate as new information comes out. Everything is subject to change.

Councilor Tatta asked what he knew about plans to reopen the library. Mr. Civitelli replied that the Library board made that decision because of mask compliance issues. The library is open for pickup and delivery. He will continue to work with the Library on strategies to reopen.

Councilor Zandri asked for clarification on the closing of the library. Mr. Civitelli replied that that is what he was told. Councilor Zandri asked if any business with an issue like this would escalate to the Health Department office. Mr. Civitelli replied yes. Councilor Zandri encouraged town departments and private businesses to try escalation before cutting off services. He asked if the Health Department was getting business or individuals reporting problems with compliance. Mr. Civitelli replied yes, both from residents and employees, and explained how they handle them.

Jack Beecher, 65 Cider Hill Road, asked about recent changes in the vaccination groupings and supplies of vaccine. Mr. Civitelli replied that the Federal government and the Governor's Allocation Committee gives recommendations for the vaccination groupings. He noted that the 1B grouping is now quite large. He stated they are preparing for two clinics a week and will scale them depending on the number of doses available. Mr. Beecher asked where the public can register for the shots. Mr. Civitelli agreed that that is an issue. The State is setting up a phone line for people to register. He stated that the Town will start inoculating those 75 and older as doses are available.

Ken Sigovitch, 131 Prince Street, asked if there is any planning for nurses in good standing or employers at the state level to aid in vaccination efforts. Mr. Civitelli replied that the Town has a Medical Reserve Corps and MasoniCare has offered their paid staff. Anyone interested in volunteering should contact the Health Department Office.

9. Discussion and Action regarding Appropriation of \$375,000 to Capital & Non-Recurring Fund for reconstruction and/or surfacing of three parking areas including Simpson Court rear parking, Wallace Avenue parking (east), and Wallace Avenue parking (west) – Engineering.

In attendance, Alison Kapushinski, Town Engineer

MOTION WAS MADE TO make an appropriation of \$375,000 to the Capital & Non-Recurring fund for reconstruction and/or surfacing of three public parking areas including

Simpson Court rear area parking, Wallace Avenue parking (east), and Wallace Avenue parking (west).

MADE BY: LAFFIN
SECONDED BY: SHORTELL

Alison Kapushinski explained the request. She noted that the Simpson Court reconstruction includes reconnecting Center Street to Main Street. She stated that they are ready to advance the project.

Councilor Tatta noted that the motion represents two or three separate projects, one of which involves town-owned property. She noted that one project will be done by public works and the other out to bid. She also noted that one project was the subject of a town referendum 10 years ago and should be argued on its merits alone. She asked for costs for each project.

MOTION TO: divide the question
MADE BY: TATTA
SECONDED BY: ZANDRI

Chairman Cervoni asked for clarification on how to divide the motion. Councilor Tatta proposed to divide it based on properties, one motion with the corresponding dollar amount for the Simpson lot and one with the corresponding dollar amount for the Wallace Avenue lots.

Chairman Cervoni noted that this item is a motion to move money. He noted that the Simpson Court project won't go forward unless item 10 is passed. Councilor Tatta stated that she didn't see the need to move the money if we don't intend to spend it and was hesitant to do so when the expected cost isn't known.

Chairman Cervoni clarified that the motion is to vote on Simpson Court separately from the Wallace Avenue project. Then the question becomes how we allocate money if the motion passes.

Mayor Dickinson emphasized that this is one project that is meant to provide safe parking for both sides of Main Street. All these lots support businesses in that area. At this point administratively either we are going to do this correctly and do all projects or doing none. He noted that this has been argued many times before. Once the owners of Simpson Court enter the lease it is public property for 25 years. He stated that it needs to be dealt with holistically.

Councilor Testa believes this is a good project for the Town. He is not comfortable with the agenda item. He recalled the lease agreement discussions.

Councilor Fishbein made a point of order that comments should be directed to the motion to separate that is being debated, not the overall project.

Councilor Testa agreed with the motion to separate the question.

Councilor Zandri agrees with splitting the motion because it wasn't clear that it is tied to the lease with Simpson Court. If the lease doesn't go through, why should the Wallace Avenue project stop? Chairman Cervoni noted that if the Council doesn't approve the leases, the work on Simpson Court isn't going to go forward. Then it would be up to the administration whether or not the Wallace Avenue project proceeds. Councilor Zandri stated that that is more reason to unbundle the projects. He noted that there is a contiguous area to the Wallace Avenue lots that the police use that should be included.

Councilor Fishbein stated that Councilor Tatta was looking for numbers for the projects.

Mayor Dickinson replied that it is one project and can't be split.

Councilor Fishbein stated that he'd like a well-developed downtown but if we don't have the dollar amounts tonight, he will make a motion to table the item and will do a Freedom of Information request to get the information.

Chairman Cervoni suggested as an alternative that we discuss item 10 first and if the leases don't pass item 9 changes. Councilor Fishbein suggested that they acknowledge there has not been a lot of maintenance to this area. So we could perhaps look at the spirit of item 9 and expend money to bring the lot to a condition that it should be if it had been maintained. Then deal with the leases separately. He disagrees that the leases are intertwined with the paving item.

Mayor Dickinson stated that all the owners have indicated they will sign the lease. It's up to the Town now to sign. This would allow us to create the drainage necessary for the parking lot to work properly. If we don't approve the new leases it would end the project. Thus they are intertwined because without the leases there is no project at Simpson Court. Then administratively they won't move forward with any of the projects.

Councilor Fishbein noted that the property owners would be able to sue the town for the property upkeep that didn't happen. He supported resolving that by having the lot improved at some level.

Councilor Morganstein supports dividing the two projects.

Councilor Shortell asked for clarification if the cost of the project in 2011 for just Simpson Court was about half a million, now we are doing a bigger project for \$375,000. Alison Kapushinski replied that that is correct. She added that some of the savings come from a reduction of proposed lighting and less drainage work. Mayor Dickinson added that there is also \$55,000 from previously allocated money. Councilor Shortell noted that there was a presentation last year, it has been discussed in Executive Session, and Planning and Zoning discussed it late last year. So it has been weaving its way through the process. He stated that he is not inclined to divide the motion.

Councilor Tatta stated that it is important to separate the projects because though the leases have no dollar amount, there is a significant investment from the Town to redo the parking lots. One way to look at it would be the dollar amount divided over 25 years. But if we don't know that amount we don't know if it's too expensive. We can't make an informed decision on spending money if we don't know the costs.

Chairman Cervoni noted that we don't know what we are dividing the question into. Councilor Tatta stated that it would be to divide the question into two separate projects, the Simpson project and the Wallace project. Chairman Cervoni noted that this is a money motion, to move money into the Capital and Non-Recurring fund. So the question is what are we dividing the money into. Councilor Tatta replied that we don't know how much each project will cost. Chairman Cervoni asked how we can divide the question without that information. Councilor Tatta replied that the administration would have to provide the dollar amounts for each project.

Mayor Dickinson stated that \$400,000 divided by 25 is \$16,000. So for \$16,000 a year we are going to have an incredible uplift to that entire area. Even if Simpson Court was the lion's share of the money, this is a good investment.

Councilor Zandri suggested moving the discussion to the leases. He noted that service and maintenance of the lots by public works also have to be added to the calculation. He disagreed with tying the two projects together.

Mayor Dickinson stated that Public Works does plow behind Simpson Court because it's still under lease. So this would not be a new cost.

Councilor Marrone agreed with knowing the cost of each part of the project before voting. He stated that he doesn't understand why the two projects are linked and would like an explanation of where the motion is coming from.

Chairman Cervoni stated that his position is based on what is presented. He agreed that there would be some cost savings in combining nearby paving projects. He stated that dividing the question would be difficult without the information.

Councilor Fishbein clarified Councilor Tatta's motion to separate it into a question of whether or not to improve the Simpson Court lot and a question of whether or not to improve the two Wallace Avenue lots. Should that motion to divide pass, the next step would be to table the matter until we have the information. He supports the motion to divide.

**MOTION TO CALL THE QUESTION ON THE MOTION TO DIVIDE THE QUESTION
MADE BY: FISHBEIN
SECONDED: MORGANSTEIN**

MOTION TO DIVIDE

ROLL CALL VOTE:	SHORTELL: NO
FISHBEIN: YES	TATTA: YES
LAFFIN: NO	TESTA: YES
MARRONE: YES	ZANDRI: YES
MORGANSTEIN: YES	CERVONI: NO

6 – AYE

3 - NAY

MOTION: PASSED

Chairman Cervoni stated that we need to determine how to divide the question. He asked if we consider the leases tonight or wait until we are ready to act on the budget motion to move funds to the Cap and Non-Recurring account.

Councilor Tatta suggested if Engineering has figures on each project tonight we could continue.

Mayor Dickinson recommended taking up the next item to discuss the leases.

Chairman Cervoni stated that no action is taken on this item.

MOTION TO WITHDRAW THE MOTION TO make an appropriation of \$375,000 to the Capital & Non-Recurring fund for reconstruction and/or surfacing of three public parking areas including Simpson Court rear area parking, Wallace Avenue parking (east), and Wallace Avenue parking (west).

MADE BY: LAFFIN

SECONDED BY: SHORTELL

10. Consider and Approve Simpson Court Rear Parking Lot Leases for a 25-year term with: Barnes Homestead, LLC, 36-40 North Main Street; F&M Bank Wallingford, LLC, 2 North Main Street; Masonic Temple Corporation of Wallingford, 50 North Main Street; 60 North Main Street, LLC, 60 North Main Street – Mayor

MOTION WAS MADE TO approve Simpson Court rear parking lot leases for a 25-year term with Barnes Homestead, LLC; 36-40 North Main Street; F&M Bank Wallingford, LLC, 2 North Main Street; Masonic Temple Corporation of Wallingford, 50 North Main Street; 60 North Main Street, LLC, 60 North Main Street.

MADE BY: LAFFIN

SECONDED BY: SHORTELL

Janis Small presented the proposed lease with 25 years being the estimate of the life of the parking lot improvements. The lease proposes the Town be obligated to improve the lot with the steps outlined in the agreement. She stated that all the property owners have agreed to the plan and the lease. She noted that the 60 Main Street lease is just for entering and exiting the lot, not for parking. The lease included maintenance of the property.

Councilor Fishbein asked if the Wells Fargo property is included. Atty. Small stated that we already have a rite of passage over that property. She indicated she will check, but doesn't think they were part of the lease arrangements. In reply to Councilor Fishbein's question, she explained that there was a concern that if one of the access ways was terminated the property owners wanted the lease to terminate. Councilor Fishbein asked if the alleys are considered access ways. Atty. Small replied no. Councilor Fishbein asked if the Town has a rite of passage to Church Street through the Wells Fargo property, why is that not referenced in the lease. Atty. Small replied that it's not a contingency, it's a fact, so doesn't need to be included. Councilor Fishbein asked if the four leases are required to be in effect for this to continue. Atty. Small stated that if one of the properties backs out the project will not go forward. Councilor Fishbein asked if a future owner of the property can get out of this lease. Atty. Small pointed out the language in the lease that the mortgage holder will honor the lease. Councilor Fishbein asked if there is a difference between the term New Lot and Demised Premises. Atty. Small explained the difference. Councilor Fishbein noted that the lease for 60 Main Street doesn't mention the public. Atty. Small said she would look at that. Councilor Fishbein asked and asked for clarification on whether the Town can make rules for the lot. Atty. Small said yes as it's a public parking lot. Councilor Fishbein asked for clarification on the definition of the term resurface and how that differs from the maintenance of the lot. Atty. Small noted that resurfacing is explained in paragraph 4. Alison Kapushinski explained reconstruction of the lot, re-grading, and resurfacing. Councilor Fishbein asked for clarification of why we used 25 years for resurfacing again. Atty. Small explained the reasoning. Mayor Dickinson noted that if the lot needs to be repaved before that 25 years is up, a new 25 years would need to be agreed to. Atty. Small stated that that is not in the lease. The lease says the Town is only obliged to do this once in the first 25 years.

Councilor Zandri noted that there are a lot of ambiguous costs baked into the lease. He asked for the expected costs on a year to year basis for regular maintenance items and the five-year intervals. Ms. Kapushinski stated that costs would depend on vendors at the time. Public Works could provide numbers for the work they would be doing.

Councilor Testa noted that he wasn't aware of the lease negotiations. He asked what contribution, if any, the property owners would be making to the maintenance of the lot. Atty. Small replied that the lease does not provide for any contribution by the lessors. Mayor Dickinson stated that the property owners have made improvements. Jack McGuire confirmed and gave examples. Councilor Testa

asked for the comparison of the cost of this project to the project that resulted in the referendum. Mayor Dickinson replied that the original project was over \$500,000 and this project is \$420,000 or so. Councilor Testa asked for clarification on the scope of the Wallace Avenue lot work. Ms. Kapushinski described the planned work. She stated that they don't have the costs broken out because it was approached as a single project. Rob Baltramaitis added that the Town has already invested in the Wallace Avenue lots. Councilor Testa noted that he'd like to see the Police Department lot included in the project. Mayor Dickinson responded that there was no request from the Police Department so it is not included. Councilor Testa asked if there would be further action needed by the Council if the leases were approved. Atty. Small replied that the funds would have to be appropriated as the leases obligate us to do the work.

Councilor Tatta asked for clarification of what the property owners were supposed to do and what the Town was supposed to do under the prior lease. Mayor Dickinson explained that a year-to-year lease currently exists for some of the properties dating back to 1961 that includes maintaining the lots. Councilor Tatta noted that she doesn't know what the cost of the leases will be.

Jack McGuire, the owner of 6 North Main Street, the TD Bank Building, gave some historical background of parking in the area. He stated that the leases say the Town is supposed to maintain the properties, but it has not. Because of that, he took his property out of the lease agreement. He stated that he is willing to do a 15 or 25-year lease with the Town. He noted the exposure to lawsuits for lack of required maintenance and a drainage issue undermining a wall. The leases will eliminate those potential lawsuits.

Bob Gross, Long Hill Road, asked why the Town needs a lease for this lot and why not do all the lots. Mayor Dickinson replied that the lease allows the right of way between Church and Center Street and provides for public parking. This also allows a better flow of traffic and delivery access as well as more parking. Mr. Gross asked what would happen if there were cost overruns. Mayor Dickinson confirmed that it would come back to Council for additional appropriations. Mr. Gross stated that we are spending money on private property during difficult economic times. He stated that the original lease is for the right of way, not the whole lot.

Bob Comerford, 5 Broadview Drive, asked the Mayor how he allowed these parking lots to get into the condition they are today. Mayor Dickinson replied that there have been consistent efforts to make improvements. He added that the administration is reluctant to invest taxpayer money in an area we only have a year's lease on. Mr. Comerford stated that the original lease from 1961 was a long term lease. Mayor Dickinson stated that it has been a one year lease for the length of his term. He asked if the Risk Manager was ever consulted on additional liability associated with these parking lots. The Mayor replied that the Risk Manager looks at risks for all parking lots. Mr. Comerford asked who negotiated the leases. Mayor Dickinson replied that the Law Department met with the legal representation of the property owners. Mr. Comerford asked if the number of lawsuits from slips and falls was considered. Atty. Small replied no, there is an insurance provision in the lease agreement. In response to a question about the wall, Ms. Kapushinski replied that it does not fall within the properties being discussed.

Debbie Gross, 114 Long Hill Road, clarified that the original lease was a single lease for one year with the option to renew or opt-out every year. It was strictly for a right of way between Church and Center Streets. Her understanding was that the right of way was for emergency vehicles. She noted that it was the will of the people many years ago that we do not spend public money on private lots.

Councilor Laffin reported that the Council received notice from the Police Union that the parking lot conditions are poor. There is talk of building a new police station, so that may be a factor. He

commented that feedback in the past when these parking lots came up was that it needs to be part of a bigger plan. Now there is a plan and there is criticism. The opposition argument is that these lots should be maintained by the property owners. If we lease it, it becomes our property for the term of the lease. He shared his frustration and stated that at some point we need to move forward. This is about building up our downtown and making it a welcoming area.

Councilor Zandri stated that the Town has plenty of parking downtown and uptown, so we don't need these lots. He stated that this is an awesome deal for the businesses. If there was maintenance that should have been done under the prior agreement, then that is on the Town, but that is separate from getting into a new 25-year lease. It's not the responsibility of the town to make sure churches and other entities have parking.

Councilor Fishbein stated his support in 2009 for redoing the lot with contributions from the property owners. He is still in favor of redoing the lot to avoid a lawsuit due to the Town not meeting its obligations under the lease. He stated that he has problems with the lease. He commented that the original lease apparently didn't cover the entire lot. Regarding the lease for 60 North Main, he asked about a clause referencing trade fixtures and furniture that Atty. Small replied is a standard clause carried forward from the other leases. The property owners wanted the new lease to track the language of the old lease as much as possible. Councilor Fishbein asked about the wording "for the exclusive benefit of the parties hereto" and before that exempts the general public. Atty. Small replied that that section refers to being gifted or dedicated. There is no permanent interest on the part of the public in the lot. Councilor Fishbein asked why the review is every five years instead of every year. Atty. Small replied that that would create an added burden for the town and the engineers indicated that that is an appropriate period.

Councilor Laffin clarified that the last plan had owner contributions. He stated that there are concerns about not knowing what the cost is for these leases.

MOTION TO POSTPONE THE vote on the motion on the leases until the next council meeting when the administration can come back with engineering and public works to give us estimated maintenance costs.

MOTION BY: LAFFIN

SECONDED BY: SHORTELL

Mayor Dickinson stated that he understood the Council is looking for the cost of maintenance of the parking lot for the term of the lease and offered to put that together.

Councilor Fishbein mentioned that it would be helpful to also get the numbers for the reconstruction and surfacing project (item 9) as well.

Mayor Dickinson noted that the information requested is the maintenance cost.

Councilor Fishbein stated that if the Council is not going to get those numbers, just move forward with the vote on the leases. He asked for clarification that the current vote is the motion to table the vote for on the leases contingent upon getting the maintenance costs.

ROLL CALL VOTE:

FISHBEIN: YES

LAFFIN: YES

MARRONE: YES

SHORTELL: YES

TATTA: YES

TESTA: YES

ZANDRI: YES

MORGANSTEIN: YES
8 – AYE

CERVONI: YES

MOTION: PASSED

Councilor Fishbein asked when they can expect the numbers. Chairman Cervoni stated that he expects them for the next meeting packet.

11. Informational Discussion on the possibilities of the Town's public utility operations providing Broadband/Internet/Wifi services as a business offering across its whole service area – Councilor Testa

In attendance: Tony Buccheri, General Manager, Electric Division; Rick Hendershot, Director of Public Utilities; Robert Beaumont, Chair, Public Utilities Commission

Councilor Testa asked if our Utility Department could also be an internet provider, what might it entail and what are the benefits. He is not proposing to strike a deal with an internet provider. A benefit might be reduced cost for residents as well as making it available throughout town.

Tony Buccheri stated that they have spoken to municipal utilities throughout the northeast that have done some of this. The project he was involved in was just to provide service to the utility and they partnered with communications companies.

Rick Hendershot reported they found common themes. Most utilities got into it for operational communication needs, so they installed fiber. Most did it in the late 1990s and early 2000s. He heard cautionary tales about getting into this business and competing with more experienced and larger entities. It involved increasing IT and technical resources. No one mentioned Wi-Fi. Capital outlays would be in the millions. A neutral, trustworthy third-party consultant would be necessary to get an honest feasibility study and assessment including potential benefits.

Robert Beaumont stated that we have a monopoly within our service territory for electric as well as water and sewer. He didn't recommend getting into competition with the private sector.

Councilor Testa asked if there are different types of services that can be provided with different infrastructures. Mr. Buccheri replied that he doesn't have experience with the internet. He noted that his understanding of the new 5G technology is that it will replace the line coming into your home.

Councilor Testa asked does our status as a public utility offer us a competitive advantage for any of these internet services. Mr. Hendershot replied that there is no structural advantage to us as an electric division to branch off into providing communications services. Internet and cellular technology is not a commodity like electricity.

Councilor Zandri agreed that our opportunity to do this was 30 years ago. He explained that when 5G is prevalent, utilities might be able to install gateway devices/repeaters on telephone poles that residents could connect to. This is something to look at in the future.

12. Discussion on possible assistance programs to small business in Wallingford to assist in maintaining their operations during the ongoing pandemic – Councilor Testa

Councilor Testa heard of a program in Cambridge, MA, Mayor's Relief Fund, which acted more as a conduit, not distributing local tax dollars. They function as a sponsor for a fund that collects donations and assists businesses and individuals with access to government programs. They partnered with local

banks as well. The town would award or grant money based on applications. He's still researching it. He asked if the Council is interested in discussing this. It would involve the Economic Development Commission. Councilor Testa said he would continue to research this.

Mayor Dickinson recommended checking to see if state law would allow it and how the city can accept tax-deductible donations.

The meeting was adjourned at 11:55 p.m.

Respectfully submitted,

Cheryl-Ann Tubby
Recording Secretary
Meeting digitally recorded

Vincent Cervoni, Chairman

date

Barbara Thompson, Town Clerk

date