

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

**TUESDAY
NOVEMBER 9, 2021
6:30 P.M.**

RECORD OF VOTES AND MINUTES

The Town Council Meeting on Tuesday, November 9, 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., and Comptroller, Timothy Sena, were also present.

1. Pledge of Allegiance
2. Roll Call
3. Consent Agenda
 - 3a. Consider and approve Tax Refunds totaling \$20,520.82 (#433-515)
Acct. #1001001- 41020 - Tax Collector
 - 3b. Acceptance of Donations from downtown business owners and consider and approve Appropriation of funds in the amount of \$1,000 to Revenue Donations – Police, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-10135 – Police Dept.
 - 3c. Acceptance of overtime reimbursement funds from the United States Secret Service and consider and approve Appropriation of funds in the amount of \$1,497 to Misc. Revenue, Acct. #1009052-47040 and to Police Overtime, Acct. #10020050-51400 – Police Dept.
 - 3d. Acceptance of Donation from Sliders Wallingford LLC and consider and approve Appropriation of funds in the amount of \$300 to Revenue Donations – Police, Acct. #2502002-47152 and to Expense Donations – Police, Acct. #25020050-58830-10135 – Police Dept.
 - 3e. Consider and approve a Transfer in the amount of \$1,492 from Materials & Supplies, Acct. #10030000-56140 to New Capital Account, Acct. #10030000-57000-TBD – Public Works
 - 3f. Budget Amendment in the amount of \$27,200 – Water/Sewer
 - 3g. Consider and approve a Transfer in the amount of \$137,803 from Insurance-Health, Acct. #10012100-55955 to Retirement Sick Leave, Acct. #10012100-51250 – Human Resources
 - 3h. Consider and Approve Resolution authorizing the Mayor to enter into any agreements associated with the State Local Bridge Grant Project 9148-0028, Bridge Number 148-

028 for South Turnpike Culvert Rehabilitation Grant application and acceptance of funds associated with State Local Bridge Project - Engineering.

- 3i. Consider and approve the appointment of Caroline Raynis as an Alternate to the I/W Commission for a three-year term effective immediately and expiring March 1, 2024 – Chairman Cervoni

MOTION WAS MADE TO APPROVE OR ACCEPT CONSENT AGENDA ITEMS 3a through 3i.

MADE BY: LAFFIN

SECONDED BY: FISHBEIN

VOTE: ALL AYE

MOTION: PASSED

4. Items Removed from the Consent Agenda – none

5. Public Question & Answer Period

Bob Gross, Long Hill Road asked about the number of applicants for the ARPA consultant position, salary, and timeline for the position. The Mayor replied that they have interviewed the applicant but the monetary side has not been opened. He agreed that it is possible it may come to Council next month. Mr. Gross quoted from CCM about investments in improved outdoor spaces and how they could be eligible uses. He read some of the list included in the interim final rule and asked if any of those items are being considered. Mayor Dickinson replied that the examples are governmental use of the money. He believes that the primary issue will be to provide assistance and aid to individuals, small businesses, and non-profits. Multiple layers have to be reviewed. Mr. Gross gave examples of how other towns are spending the money. He stated that there is over \$13M. This is an opportunity to do the parks over and do the Center Street parking lots. He stated that anything spent on the town benefits all the citizens. Trying to help individuals is a grey area. He asked why it is taking so long. The Mayor stated that they will make decisions as authorized under the act. The town is asking for professional help to make balanced, good, justifiable decisions and create a process and an audit trail. Mr. Sena noted that the accounting office is at half staff and they can't take on this project until they are fully staffed.

Mr. Gross followed up on a discussion from an earlier meeting where the Police Department was considering a Facebook or Twitter account. He asked if this has been done. The Mayor replied that the Police Department was going to update the website and there was concern with misinformation. Mr. Gross closed by encouraging the Police Department to have a social media presence.

Chairman Cervoni closed the question and answer period.

6. Appropriate 2020-2021 unallocated surplus of \$969,336 to the 2% fund – BOE

In attendance: Danielle Bellizzi, Superintendent of Wallingford Public Schools, and Dominic Barone, Business Manager

MOTION WAS MADE TO appropriate 2020-2021 unallocated surplus of \$969,336 to the 2% fund.

MADE BY: SHORTELL

SECONDED BY: MARRONE

Dominic Barone, Business Manager presented the request for a transfer into the 2% account for non-recurring projects. In the last fiscal year, there was a \$1,342,402 surplus. He provided the list of projects that the Board of Education would like to accomplish with this money. He explained how they arrived at the \$969,366 figure.

Councilor Fishbein asked for clarification of the balance in the account. Mr. Barone replied it is currently \$2.683M. Councilor Fishbein asked why they have not used that money for these projects. Mr. Barone explained that \$435,000 is in projects that are in process. There is also a set aside of \$647,000 for special education that was done 5 years ago. Last year, the initial projections were for a deficit so they set aside \$1.6M for COVID-related expenses. They hope to leave those set-asides. Some projects need additional funds such as an energy efficiency project in the budget this year for \$100,000 and they need \$200,000 to complete it. Councilor Fishbein asked if they can do these projects if this transfer is not approved. Mr. Barone replied that they would have to go back to the Board to see if they wanted to use some of the set aside money. Councilor Fishbein noted that without the set-asides they have over \$2M unencumbered and unassigned. He expressed concern about stockpiling as the funds could have gone back into the general fund.

Councilor Marrone asked about the \$1.6M set aside for COVID expenses. Mr. Barone replied that the plan is to keep it in case they need it. Councilor Marrone stated his concern with setting aside additional money. He stated that the Board does a great job with their money. He stated that the \$2.7M should come off next year's allocation. He asked about unfilled positions. Danielle Bellizzi, the Superintendent, replied that there are 4 or 5 certified positions and maybe 10 non-certified positions. She added that they anticipate filling them before the end of the school year.

Councilor Tatta stated that it would have been helpful to see the list of projects ahead of time. Mr. Barone stated that the set aside is already in a 2% fund. They are asking for \$969,000 from last year's surplus. He read the list of projects that are based on the Strategic Plan or need. Councilor Tatta asked if these items will be budgeted next year if they do not get the transfer. Mr. Barone replied that he would have to go back to the board. Councilor Tatta stated that it sounds like they have money already. The Council is looking at how to reduce taxes. She understands that no other departments in town can keep up to 2% of their surplus. If the projects can be funded without the extra money, they can give the money back to the taxpayers.

Councilor Zandri asked what is going on with transportation. Mr. Barone replied that this project list is for non-recurring items. He didn't think money can solve the transportation issue. Councilor Zandri asked if this is 2% in totality or every year. Mr. Barone replied it was 2% a year. Councilor Zandri noted that this fund can grow. He asked if the unfilled positions were budgeted. Ms. Bellizzi replied yes. Councilor Zandri noted that the budget not spent on salaries is a cushion to use for projects. He noted a concern that there are other issues in town that need this money. He noted that Council can never give the BOE less money than the year before. We are taxing citizens and businesses for services that are not getting done. This is a big piece of the budget.

Councilor Laffin stated that he has a problem increasing a surplus in a budget. He doesn't like to tell BOE what to do. He stated that we can give you more money during the year if it's needed for COVID expenses. He stated that he is not in support. He recommends using the \$1.6M that has been set aside for COVID.

Councilor Testa state that if you need something down the road we can talk about it. The BOE has the unique responsibility for managing their money. Council can't tell them how to spend their money. We trust that what we give them will be managed appropriately. Asking what money is spent on is not our job. A surplus means they have budgeted tight. It's easy for us to say give it back to the town. We find

ways to use the Town's surplus in ways to reduce future tax burdens. Everything they want to do is reasonable. Doing projects with surplus keeps it out of next year's budget. All the proposed expenditures are in the grand master plan. This will save money down the road. The 2% fund shows trust. If Council sees money not being used as anticipated, then we can address it.

Chairman Cervoni noted that CT Statute in around 2014 that was originally for a 1% fund that then became 2%. Council approves the BOE gross budget as part of the budget process. He stated that he doesn't think it's nitpicking to ask what they are spending the surplus money on.

Councilor Shortell asked a procedural question. If the BOE needed money mid-year would it go through the Mayor or to Council? The Mayor replied that it would go to the administration. Councilor Shortell stated that on one hand, the BOE budget is the closest actual to budget of any Town Department because it's a massive budget. This is the leanest budget in Town. On the other hand, you are rolling in money. The BOE gets CRRA money and bonding money for capital projects. Philosophically he agrees with the notion that you have surplus already. He noted that Public Works and Police have big surpluses too. He asked why are there are still PTO drives for teacher supplies.

Councilor Morgenstein stated that on one hand, the state mandates that we can't reduce their budget. On the other hand, the BOE is great at planning ahead and budgeting. This money will be spent. She asked Ms. Bellizzi for her philosophy on buildings and infrastructure and upcoming things. Ms. Bellizzi replied that the plans include renovations and things that need to be fixed. She stated that all the projects are for the safety of students and staff, to maintain what we have, continue to grow, and keep up. They do have a plan looking at all components. Councilor Morgenstein stated that it's your money. We trust you and the BOE on how to spend it. Our job is to make sure you keep that money.

Councilor Marrone noted a concern about stockpiling. Some town departments have exceptionally large surpluses. But if don't give 2%, it encourages you to spend irresponsibly next year. He stated that he is more in favor, but there has to be a ceiling for a potential rainy day fund.

Councilor Fishbein stated that we hold the purse strings. We trust and the verification is where is the money going to go. He noted that we are not giving money back to taxpayers it goes to the general fund. Ultimately it's not your money it's the taxpayers' money. He asked if the baseball fields at Sheehan are still flooding. Mr. Barone replied that he didn't know. The Council likes to know that stuff like that is addressed.

Mr. Bob Gross, Long Hill Road, asked if the BOE received ARPA money and how much. Mr. Barone replied \$4.5M total over three years. Councilor Tatta asked if that \$4.5M included in the general government or on top of the other ARPA money. Mr. Sena replied that it is separate from the Town money.

Alexander Hentz, 22 Winding Brook Road, asked if the BOE certifies where the money goes for Special Needs kids. Are ethnical and indigenous peoples who cannot meet literacy acceptance because of speech or tongue deficiency or if they are Arabic or Muslim, do they get a choice in said grant, or do they get labeled as special needs. Ms. Bellizzi replied that the grant funding goes to all those students. Mr. Hentz asked if they need a piece of paper saying that they are mentally challenged to receive part of that grant money or services through special needs. Ms. Bellizzi replied that the grant funding is one piece. Under the grant funding are multiple layers of what we assign, so all students benefit from it. Mr. Hentz asked if there needs to be a health concern documented by a physician. Ms. Bellizzi replied that there is a process if a student is struggling. Testing happens through the schools and supports are provided. Mr. Hentz asked if indigenous children can have multicultural communications, say, chaplains. Ms. Bellizzi replied not currently. Mr. Hentz stated that they can't communicate because don't allow

chaplains. Ms. Bellizzi replied that it's not that they aren't allowed, they don't have them in the school system. She will look into the availability. Mr. Hentz asked if the COVID fund is used for narcotics anonymous and alcoholics anonymous to get involved in the schools. Ms. Bellizzi replied no, not from the grant funding.

ROLL CALL VOTE:
FISHBEIN: NO
LAFFIN: NO
MARRONE: YES
MORGANSTEIN: YES
4 - AYE
5 - NAY
MOTION: FAILED

SHORTELL: YES
TATTA: NO
TESTA: YES
ZANDRI: NO
CERVONI: NO

7. Consider and approve the Agreement between Aileen Stevens and Scott M. Stevens and the Town of Wallingford for the purchase of a portion of 264 Williams Road (95.281 acres) for \$750,000 – Law Dept.

MOTION WAS MADE TO approve the agreement between Aileen Stevens and Scott M. Stevens and the Town of Wallingford for the purchase of a portion of 264 Williams Road (95.281 acres) for \$750,000.

MADE BY: LAFFIN
SECONDED BY: SHORTELL

In attendance: Neil Amwake, General Manager, Water & Sewer Divisions

Mayor Dickinson stated that this is an important purchase for the community. He appreciates the Stevens family's interest in having the land be open space. He thanked the Conservation Commission and Commission member Jim Pyskaty and Water Division and General Manager, Neil Amwake.

Neil Amwake presented a PowerPoint on the 95.281 acres to be acquired. He explained that it is important due to its location in the watershed protection district. The Muddy River runs through it and into the MacKenzie Reservoir. He explained the passive activities that would be allowed. The Water Division will manage the property in coordination with the Conservation Commission. The negotiated price is \$750,000 and the Department of Law expenses are \$25,000. Public Works has approved the budget amendment for \$775,000. He explained how that would be paid out of retained earnings. Planning and Zoning has reviewed it based on CGS 8-24. Tonight he asks the Town Council to approve the sale of the portion of the property and for action on the budget amendment. Next Friday staff will submit the Open Space and Watershed Land Grant Program application. He explained how this acquisition fits into the grant and the requirements. He noted that land already owned by the applicant is not eligible.

Councilor Fishbein stated that he is in support of this acquisition. He asked about the requirement for CL&P to assent to the gravel driveway. The Mayor replied that Atty. Small has spoken with Eversource and she does not expect a problem. Transmission lines already go across the Williams Farm property in the Town's Open Space. Councilor Fishbein asked who is responsible for maintenance. Mr. Amwake replied that the Watershed crew of the Water Division. Councilor Fishbein asked who decides where the trails go and what does the partnership look like. Mr. Amwake replied that the partnership between the Water Division and the Conservation Commission is a work in progress. The current plan is for the Conservation Commission to take the lead on maintaining the trail and the remainder of the property by the Water Division. Councilor Fishbein asked who would be responsible for signage. The Mayor replied

that it would be either the Conservation Commission or the Water Division and would be an operational budget item. Councilor Fishbein asked when the project would be complete. The Mayor replied that we can't close on the property prior to the grant award. There should be an announcement in the Spring on the grant. He noted that there would be an environmental inspection before the closing.

Councilor Tatta asked for the expected grant amount. Mr. Amwake replied that he doesn't expect the full purchase price, as it is a highly competitive grant process. Councilor Tatta asked for the appraisal value of the property. The Mayor replied \$675,000. Councilor Tatta asked why biking, horseback riding, and hunting will be prohibited and if Parks and Recreation would be involved. Mr. Amwake explained why they were prohibited and that the Water Division will work with the Conservation Commission and Public Works. The Mayor noted that this is not a park. It is a Class 1 and Class 2 watershed that can be used for specific purposes that protect the watershed.

Councilor Marrone asked if they anticipate acquiring any other parcels along the Muddy River. The Mayor replied that they are always looking for property in sensitive areas. Councilor Marrone stated that he likes the idea of acquiring this open space.

Councilor Zandri asked how the limited uses were determined. Mr. Amwake replied that they used the grant's definition of passive activity and the grant guidelines. He noted that the Department of Law and the Environmental Planner are involved in writing the grant application. Active recreational activities degrade the property. The Mayor noted that the Tyler Mill area is different because it is after the water reaches MacKenzie reservoir. Tyler Mill doesn't provide water to the reservoir, so it is not as restricted. Mr. Amwake noted that Tyler Mill is considered in the future watershed, but it is not considered for surface water, only groundwater supply. He noted that the Water Division is comfortable with the activities there.

Councilor Fishbein asked if the application prohibits certain activities. He noted that the DEEP considers hunting a passive activity. Mr. Amwake noted that in a perfect world the Water Division would prohibit public access, but they are allowing passive recreation because it is a requirement of the grant. He asked to see the grant application. Councilor Fishbein noted that we could purchase this property without the grant but the decision was made to use the grant. He stated that he is in support of the proposal, but concerned with the restrictions. Mr. Amwake noted that if the Town purchased the property without the grant there would be no public access.

Councilor Tatta purpose asked if the property has the potential for development if we don't purchase it. Mr. Amwake replied that he can't answer that. He noted that the Water Quality Team inspects all watershed property and would continue to do so if it were developed. He noted that there are houses and commercial properties in the watershed. This is the highest level of protection we can get for the property. The Mayor stated that in the discussions for purchase there were at some point plans for a potential subdivision. He couldn't say how many houses.

Mike Miller, Chair of the Wallingford Conservation Commission, stated that the Commission strongly supports the acquisition and distributed a report on the property. This property was identified in the 1999 Open Space Plan as a high-priority area for preservation. He thanked the Stevens family for reaching out to the commission. He described the property's features. Preserving this property helps ensure clean drinking water, helps counteract climate change, protects the river wetlands and habitat, and provides a wildlife corridor.

Councilor Fishbein asked if the seller's remaining 13 acres is developable. The Mayor replied that he is not aware of any plans to subdivide but believes there has been one parcel sold from the original 105 acres. That makes this sale another division.

Councilor Zandri noted that the portion they are retaining by the road may be developable. With the wetlands and two-acre zoning, they couldn't subdivide it much.

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

9 – AYE
MOTION: PASSED

8. Consider and approve Appropriation from Cash to Land and Land Rights in the amount of \$775,000 from Appropriation from Cash to Land & Land Rights, Acct. #43300310 - Water/Sewer

MOTION WAS MADE TO consider and approve appropriation from Cash to Land and Land Rights in the amount of \$775,000 from an appropriation from Cash to Land & Land Rights, acct. #43300310-Water/Sewer.

MADE BY: LAFFIN
SECONDED BY: SHORTELL

Chairman Cervoni noted that this was covered in Mr. Amwake's presentation and called for a vote.

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

9 – AYE
MOTION: PASSED

9. Discussion and possible action regarding Q1 FY 2021-2022 General Government Actual v. Budget Performance – Councilor Shortell

In attendance: James Hutt, Town Human Resources Director

Councilor Shortell asked how the open positions are impacting the budget year to date. He asked if all the open positions were budgeted. Mr. Hutt explained which positions are in active recruitment or testing. He replied that all the open positions on the memo are budgeted but there could be other positions that are not actively recruiting. Councilor Shortell asked why the Police salary line was down only 24.6% for the first quarter when there were so many open positions. Mr. Sena replied that the report includes retroactive wages from contracts. The expenses are there but not matched with the budget. Councilor Shortell recommended the Council looks at this throughout the year.

Councilor Zandri noted that even if all the Town open positions were filled for January 1st, there would be \$1M unspent in the budget. He gave examples and suggested the Council look at this better. This is important and why we are here. If allocated money is not spent then services are not delivered. The Mayor stated that he doesn't see any deliberate delays in hiring. Councilor Zandri stated that he thinks we could be moving faster to fill these positions.

Councilor Marrone asked if there is a better way to show the salary that we actually expect to spend vs. budgeting for every position. Mr. Sena replied that if a position is open we need to have the salary in place. The Mayor stated that the budget honestly reflects the number of expected staff. Councilor Marrone stated that if we know we can't fill the position it ends up as a surplus. He asked if there is a way to account for the delay in filling positions. The Mayor replied that the budget must true-up with what the cost of the service is. Mr. Sena noted that they intend to fill all open positions they are just having a hard time finding good candidates.

Councilor Shortell stated that the Police department has a lot of open positions. Maybe we can find a middle ground and fund the positions for less than a year. The Police line has had huge surpluses for the last few years. Councilor Shortell noted that the Fire line replacement pay is trending up. The Mayor agreed that it is a cause for concern and he will look into it.

Councilor Fishbein asked if there are any budgeted positions not on the provided list of open positions. Mr. Hutt replied that there is one that he is aware of that is not in active recruitment. Councilor Fishbein asked about the Deputy Fire Chief position. Mr. Hutt stated that there were no successful candidates and he would be bringing a new job description to the next Council meeting. Councilor Fishbein asked about the Maintainer 1 position as well. Mr. Hutt explained the situation. Councilor Fishbein asked what the Town Council's role is regarding job duties and classifications. Mr. Hutt replied that according to the charter, Council approves all classifications in the classified service including from the Board of Education. The Mayor noted that Council doesn't approve Board of Ed job descriptions for professional or certified staff. Mr. Hutt confirmed that Council only deals with the classified positions. The Mayor noted that Public Utilities is having difficulty getting people with the right certifications. He will take a look at how to reflect positions that are not budgeted for the full year. He emphasized that we need to be transparent.

Councilor Zandri agreed with this approach. He stated that there are other considerations than just salary. There is an added cost to repeat the cycle when someone doesn't continue after the probationary period. The question is how we can tighten this up just a little better. Can we budget less than months for a position?

Bob Gross, Long Hill Road, stated that there is one job in the budget that is not being filled. There should be a mechanism that allows a certain percentage to go back into the general fund at the end of the year. Councilor Shortell replied that if the budgeted position is not filled it does go into the general fund. He explained the process for a Charter revision. He stated that he is not in favor of a mechanism as each budget and Council is unique.

10. Discussion and possible action regarding Community Pool Park Fund – Councilor Shortell

Councilor Shortell asked where the money was for the Community Pool. He noted that when a project is initiated in the Cap and Non, the town has 3 years to spend any of the money. By Charter, if none of that is spent the project is gone and the money goes into unassigned. We spent money on the project but the appropriation was a separate thing. Chapter 19, section 4 of the Charter says "appropriations for construction or other permanent improvements ...shall not lapse until the purpose for which the appropriation was made shall be accomplished or abandoned... deemed to have been abandoned if no expenditure from or encumbrance of the appropriation has been made within three years of its approval." Mr. Sena replied that the pool appropriation was an authorization for the money to be moved into the Pool Park Fund. It is not appropriated, it's just sitting there. The \$1M can't be spent until the project is approved or it is transferred back to the general fund. He stated that this isn't in the Cap and Non fund,

it's a separate bookkeeping fund. So if the pool is approved, it will need bond authorization. Councilor Shortell clarified that this fund is not an appropriation, just a transfer. He asked if they decide to refurbish and reopen the old pool, could they use this money. Mr. Sena confirmed that if used for the pool and appropriated, yes.

Councilor Laffin asked if the \$1M will show as surplus at year-end. Mr. Sena replied it is not in the general fund. It will show as spent out of the general fund. Councilor Laffin clarified that if the money had not been moved to this account, at the end of the year it would be surplus. We spent it into this account. Mr. Sena agreed.

Councilor Fishbein asked if we could also re-appropriate the money in the next budget and use it elsewhere, or could we put it in Cap & Non and start the timeline. Mr. Sena said yes..

Councilor Zandri asked for clarification that it won't show in surplus, because it is logged as spent. If we had a budget deficit, could we move that money back to the budget? The Mayor replied that it is not spent but labeled something else. Mr. Sena confirmed that the money is not spent, but is transferred to the capital pool fund. Accounting-wise it is shown as spent but it didn't go anywhere. He agreed that it could be transferred back to the budget.

Councilor Shortell stated that this money came from the Pilot and got diverted to the Pool because there was extra money in Cap & Non. It's not going to show up in surplus.

Councilor Fishbein recalled the motion for the Community Pool was not to move it out of Cap & Non to another account but to treat it as a down payment toward future expenditures on the Community Pool. How was the decision made to take it out of Cap & Non? The Mayor stated that you can't take money out of the Cap & Non. The money was taken out of the Pilot before it reached Cap & Non.

Mr. Sena stated that the money can't be spent until it is authorized to be spent.

11. 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

MOTION WAS MADE TO move to Executive Session pursuant to Connecticut General Statute Section 1-225F and 1-206-B regarding strategy and negotiations with respect to the following pending litigations:

- (a) Baker Properties Ltd. v. Town of Wallingford;
- (b) Sapphire Group 151, LLC v. Town of Wallingford
- (c) Sapphire Group 153, LLC v. Town of Wallingford

**MADE BY: LAFFIN
SECONDED BY: FISHBEIN
VOTE: UNANIMOUS
MOTION: PASSED**

Chairman Cervoni declared the Council in Executive Session at 9:35 pm.

12. Executive Session pursuant to the CGS Section 1-225(f) and Section 1-200(6)(B) regarding strategy and negotiations with respect to the following pending litigation: - Law Dept.

- (d) Baker Properties Ltd. v. Town of Wallingford;
- (e) Sapphire Group 151, LLC v. Town of Wallingford
- (f) Sapphire Group 153, LLC v. Town of Wallingford

MOTION WAS MADE TO conclude Executive Session and return to the public session.

**MADE BY: LAFFIN
SECONDED BY: FISHBEIN
VOTE: UNANIMOUS
MOTION: PASSED**

Chairman Cervoni declared the Council in Public Session at 9:45 pm.

13. Consider and authorize settlement in the pending tax appeal matter of Baker Properties, Ltd. v. Town of Wallingford as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO consider and authorize settlement in the pending tax appeal matter of *Baker Properties, Ltd. V. Town of Wallingford* as discussed in Executive Session.

**MADE BY: LAFFIN
SECONDED BY: FISHBEIN
VOTE: UNANIMOUS
MOTION: PASSED**

14. Consider and authorize settlement in the pending tax appeal matter of *Sapphire Group 151, LLC v. Town of Wallingford* as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO consider and authorize settlement in the pending tax appeal matter of *Sapphire Group 151, LLC v. Town of Wallingford* as discussed in Executive Session.

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

**VOTE: UNANIMOUS
MOTION: PASSED**

15. Consider and authorize settlement in the pending tax appeal matter of *Sapphire Group 153, LLC v. Town of Wallingford* as discussed in Executive Session – Law Dept.

MOTION WAS MADE TO Consider and authorize settlement in the pending tax appeal matter of *Sapphire Group 153, LLC. V. Town of Wallingford* as discussed in Executive Session.

**MADE BY: LAFFIN
SECONDED BY: SHORTELL
VOTE: UNANIMOUS
MOTION: PASSED**

**MOTION TO ADJOURN WAS MADE AT 9:48 PM.
MADE BY: MORGANSTEIN
SECONDED BY: FISHBEIN
VOTE: UNANIMOUS
MOTION: PASSED**

Respectfully submitted,

Cheryl-Ann Tubby
Recording Secretary
Meeting digitally recorded