

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

OCTOBER 28, 2014

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6:32 P.M. The Opening Prayer was offered by the Reverend Dean Warburton of the First Congregational Church of Wallingford. The Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni and Councilors Craig Fishbein, Tom Laffin, John Letourneau, Christine Mansfield, Robert F. Parisi, Larry Russo, John Sullivan and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr. and Corporation Counsel Janis M. Small were also at the meeting.

- 3.** Consent Agenda
- 3a.** Consider and Approve Tax Refunds totaling \$13,326.68 (#232 - #346)
Acct. #1001001-41020 – Tax Collector
- 3b.** Acceptance of Donation and Appropriation of in the Amount of \$75 in *Registration Fees for Youth & Social Services- STEM ACADEMY* to Revenue Acct # 2264002-47152 and to Expenditures Acct. # 22640150-58830 – Youth and Social Services
- 3c.** Acceptance of Donation for *Youth & Social Services Special Fund-Coalition for a Better Wallingford* and Appropriation in the Amount in the Amount of \$329 to Donations Acct # 2134002-47152 and to Expenditures Acct # 21340100-58830 – Youth and Social Services
- 3d.** Acceptance of Donation from *The Friends of Kendrick Park* and Appropriation in the Amount of \$645 to Kendrick Park Project-Expenditures Acct # 25050050-58830-10111 and to Misc. Grants & Donations-Revenue Acct # 2505002-47152 – Parks & Recreation
- 3e.** Consider and Approve Resolution to contract with U.S. Health & Human Services/Food Drug Administration in an amount of \$2,500 and designate Eloise Hazelwood, Director of Health, as the Administrator of said Program for the purpose of implementing and conducting an internal assessment of our *Retail Food Safety Program*, utilizing the FDA Program Standards – Health
- 3f.** Acceptance of Grant and Appropriation in the Amount in the Amount of \$2,500 to Special Revenue Fund/ Misc. Grants & Donations-Grant Revenue-FDA Food Safety Acct # TBD and to Expenditures-FDA Food Safety Acct # TBD – Health
- 3g.** Set a Public Hearing for Wednesday, November 12, 2014 at 6:45 P.M. to be held in connection with an ordinance entitled:
- AN ORDINANCE APPROPRIATING \$30,000 FOR ARCHITECTURAL COSTS FOR THE CENTER STREET CEMETERY MAINTENANCE AND ADMINISTRATION BUILDING AND AUTHORIZING THE ISSUE OF \$30,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.
- 3h.** Approve Minutes of Regular Town Council Meeting of October 14, 2014

MOTION WAS MADE TO APPROVE CONSENT AGENDA ITEMS 3a. to 3h.

MADE BY: LAFFIN
SECONDED BY: LETOURNEAU
VOTE: ALL AYE (9)
MOTION PASSED.

4. Items Removed from the Consent Agenda - None

5. PUBLIC QUESTION AND ANSWER PERIOD

Robert Gross, 114 Long Hill Road, asked if the public would have an opportunity to speak to Item 5A.

He also wanted to know why this subject is so secret. He asked the Mayor if he would be sharing the issues that are being negotiated. Mayor Dickinson remarked that each negotiation, Wallingford, Covanta and other towns, may be subject to FOIA. Mr. Gross expressed his concern regarding the lack of transparency.

Geno Zandri, 9 Balsam Ridge Circle, asked if the Mayor could get the open police department positions filled.

Larry Morgenstein, Main Street, thanked those Councilors who attended the Red Ribbon Week breakfast. He reminded everyone that in the last three years the *Coalition for a Better Wallingford* is aware of fifty three (53) young people in Wallingford who have died of drug overdoses.

Gina Morgenstein, Main Street, would like to see the town make a plan for moving forward. She said a ten-year plan. We need a ten-year plan. She said, "Make a plan." She also inquired about the status of the Johnson Mansion fence. Councilor LeTourneau said that the grant money ends December 31, 2014. He said that the fence will be in place within the next three (3) weeks.

Bill Comerford, 5 Broadview Drive, would like an update on the repair of the town's park benches.

5A. Presentation and Discussion regarding:

- a. The Amendment to the Municipal Solid Waste Disposal Agreement with Covanta Projects of Wallingford, L.P.

*In attendance: Doreen Zaback, Resource Recovery Project Coordinator
Don Roe, Program Planning*

A large packet of documents was distributed to the Town Council. The packet includes the following documents:

- *Summary of Contract Amendments*
- *2nd Amendment to Municipal Solid Waste Disposal Agreement-pending*
- *1st Amendment to Host Municipal Fee Agreement-pending*
- *Municipal Solid Waste Disposal Agreement between the Town of Wallingford and Covanta Project of Wallingford, 12/17/2008*
- *Host Municipality Agreement, 12/17/2008*
- *1st Amendment to Municipal Solid Waste Agreement, 2/1/2012*

(These documents are part of the record of the meeting.)

Ms. Zaback reviewed a recent meeting when she reported to the Town Council the status of Connecticut's declining solid waste along with future trends in this area. She said that Covanta needs a conversion in going from a waste-to-energy plant to a transfer station. In accomplishing this conversion, amendments are needed to the existing contract. Ms. Zaback read the *Summary of the Contract Amendment*, followed by the key points of the *2nd Amendment to Municipal Solid Waste Disposal Agreement*.

The Town Council was interested in asking questions at this point and much of what followed for the next approximately two hours was an exchange between the Council, the Mayor, Mr. Roe and Ms. Zaback. They discussed the loss of income from Covanta to the Town of Wallingford, the host town, and the five participating towns of Cheshire, Hamden, Meriden and North Haven. The amendments to the contract are thought to be the best for the town. Each town has their own contract to consider. There will be a loss of income to the town but Wallingford will gain cleaner air and water. Since trash will no longer be burned here, it lessens our liabilities. If the suggested amendments are refused, then Covanta could continue to operate however they wish since they own the property. Covanta is not going to remain as trash-to-energy. Covanta indicated that it doesn't pay to run a trash-to-energy plant. If Covanta leaves and no longer accepts trash, there is capacity in the state at locations such as Newtown, Preston, Bridgeport and Bristol. Wallingford's trash would go to Bristol, Connecticut.

The Mayor shared that during the many negotiations what was originally offered was much less than is in the amendments being discussed. He feels his agreement to be the best for the town, considering the coming change at the plant. There were payment questions and capacity of tonnage per year that the five towns must meet each year. It was stated that Wallingford currently has the best host community agreement in the State of Connecticut. Some Councilors would like to hold Covanta to the original contract and have stated that as the host community, Wallingford should be getting more than the other towns. With a transfer station, they pointed to the loss of revenue to the Water Division and to the loss of revenue to the town. The Mayor stated that you get into a whole other area when you go elsewhere with handling of flow control, having to put it out to contract and in managing the cost to the residents of town. It is multi-faceted. The Mayor said that he recommends that it is in our interest to stay in this project and to be assured of a place to take our trash.

Attorney Small said that if we do not accept this, then our position is that we presently have an enforceable agreement, and we would expect them (Covanta) to honor it. As to what they do then, she said, would remain to be seen. She said that she does not know what the other towns would do but our position remains that if we do not accept this alternative that we have an existing contract that may lead to a breach, and then we would have to examine what that means.

Chairman Cervoni announced that this item will be on the first November agenda when they will be voting and seeking public comment. Next, he moved Item 8 to be taken up.

8. Consider and Approve Request for Approval to utilize the Qualifications-Based Selection (QBS) procedure for a wholesale power procurement auditing consultant – Public Utilities

MOTION WAS MADE TO APPROVE THE REQUEST TO UTILIZE THE QUALIFICATIONS BASED PROCEDURE FOR A WHOLESALE POWER PRECUREMENT SUDITING CONSULTANT.

MADE BY: LAFFIN
SECONDED BY: PARISI

In attendance: George Adair, Director of Public Utilities

Mr. Adair introduced the item stating that Wallingford is now an ISO New England participant engaged in hedging activities with the help of its agent, Energy New England. We find ourselves involved in many more steps and operations than we were with our relationship with CMEEC. During the due diligence process looking at what would be entailed in this other way of doing business that we are now in, the PUC, the Mayor and in Executive Sessions there was concern that we continue that due diligence and employ an outside auditor to come in and review the manner in which the Electric Division Personnel, and anyone else in this process, to look at how those functions are carried out and to determine whether we are complying with our own policies. He said they have an energy risk management policy and a hedging policy. In addition, Energy New England have a certain number of elements that come out of the public utilities policies that they have signed off on. It is a formalized set of procedures and they have had recent occasion to practice with these policies. They aren't gathering dust. He said they are a majority of one in the state and to a certain extent in the region, and that it is unusual for a municipal utility to embark on this much self-scrutiny. Because of the importance of the tasks, the PUC and the Mayor felt this is appropriate. This is the reason for seeking this method of identifying and determining the qualifications of folks is that this is a highly specialized task. He said they will probably be contacting ACES Power Marketing because they subject themselves to this kind of audit and to get some ideas to whom we can send this solicitation. It will be publically advertised. Mr. Adair read aloud the attachment mentioned in Mr. Adair's letter. The process was discussed. Qualifications are the most important and because this is sort of ground-breaking, the cost has not come up.

ROLL CALL VOTE:

FISHBEIN: YES
LAFFIN: YES
LETOURNEAU: YES
MANSFIELD: YES
PARISI

RUSSO: YES
SULLIVAN: YES
TESTA: YES
CHAIRMAN CERVONI: YES

9-AYE
MOTION PASSED.

6. Conduct a Public Hearing for October 28, 2014 at 6:45 P.M. for possible adoption of revisions to Chapter 198 of the Code of the Town of Wallingford, Streets and Sidewalks, Articles II and III.

Councilor Fishbein addressed the changes in the Ordinance. Chairman Cervoni opened the Public Hearing at 9:06 P.M. There were no comments from the public. The Public Hearing was closed at 9:06 P.M.

**MOTION WAS MADE TO ADOPT THE REVISIONS TO CHAPTER 198
OF THE CODE OF THE TOWN OF WALLINGFORD, STREETS AND
SIDEWALKS, ARTICLES II AND III.**

MOTION TO ADJOURN.

MADE BY: FISHBEIN
SECONDED BY: RUSSO
VOTE: ALL AYE (9)
MOTION PASSED.

The meeting adjourned at 9:12 P.M.

Respectfully submitted,

Sandra Weekes
Secretary to the Town Council

Chairman Vincent Cervoni

Date

Town Clerk, Barbara Thompson

Date