

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

Town Council Chambers

January 26, 2016

6:30 p.m.

RECORD OF VOTES & MINUTES

The Regular Meeting of the Wallingford Town Council was called to order at 6: 35 p.m. The Opening Prayer was given by Rev. Dee Ann Dodd, St. Paul's Episcopal Church, Wallingford. The Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni; Vice-Chair Tom Laffin; Councilors John LeTourneau; Jason Zandri; Joseph Marrone; Christopher Shortell; Craig Fishbein; Vincent Testa. Councilor Sullivan was not in attendance. Mayor William Dickinson Jr. Town Attorney Gerald Farrell Sr. and Comptroller Jim Bowes were also at the meeting.

Chairman Cervoni called for a moment of silence in remembrance of Wes Lubee.

3. Consent Agenda

3a. Consider and Approve Tax Refunds totaling \$17,058.87 (#455-480) Acct. #1001001-41020-Tax Collector

3b. Consider and Approve Transfer of \$15,255 to Network Switch Replacement Acct. #TBD from Purchased Services-Crossing Guards, Acct. #2264002-56738 – Police Department – **WITHDRAWN**

3c. Consider and Approve Appropriation in the amount of \$520 to Revenue Acct. # 2264002-47152 and to Expenditure Acct. #22640150-Y&SS

3d. Consider and Approve Appropriation in the amount of \$480 to Revenue Acct. #2264002-47152 and to Expenditure Acct. #22640150-58830 – Y&SS

3e. Consider and Approve Budget Amendment in the amount of \$7,500 from Appropriation to Cash to Wells & Springs, Acct. #43300314 – Water Division

3f. Consider and Approve the Appointment of Chester Miller, Robert Jacques, Sr., Armand Menard and John LeTourneau as Constables for two year terms expiring January 7, 2018 – Chairman Vincent Cervoni

3g. Consider and Approve the Appointment of James Seichter to serve as a Regular Member of the Planning and Zoning Commission for a five-year term expiring January 8, 2021 –Chairman Vincent Cervoni

3h. Consider and Approve the Appointment of Larry Zabrowski to serve as an Alternate Member of the Planning and Zoning Commission for a three-year term expiring January 8, 2019 – Chairman Vincent Cervoni

3i. Consider and Approve the Appointment of William Birney to serve as a Regular Member of the Zoning Board of Appeals for a five-year term expiring January 8, 2021- Chairman Vincent Cervoni

3j. Consider and Approve the Appointment of Ray Rys as a Regular Member of the Zoning Board of Appeals to fill an existing vacancy which will expire January 8, 2017 – Chairman Vincent Cervoni

3k. Approve Minutes of the Swearing In Ceremony of January 4, 2016

3l. Approve Minutes of Regular Town Council Meeting of January 12, 2016

3m. Consider and Approve Budget Amendment in the amount of \$195,000 from Retained Earnings, Acct. #NA to Transmission Operations – Station Expenses, Acct. #562 – Electric Division

3n. Consider and Approve Resolution Authorizing submission of the "A Project to Enhance Pedestrian Access and Connectivity to the New NHHS Platforms" in accordance with the Responsible Growth Transit-Oriented Development (TOD) Grant Request and Authorize the Mayor to sign the grant application and to sign any other documents associated with administering the grant, including any amendments thereto-Program Planning

4. Items Removed from Consent Agenda-(Item B WITHDRAWN)

Chairman Cervoni asked all appointments to come forward and be sworn. Town Clerk Barbara Thompson swore in Cheshire Miller, Robert Jacques, Sr., and John LeTourneau as Constables. The Town Clerk also swore in Ray Rys for ZBA and Jim Seichter for Planning & Zoning.

Motion to approve the Consent Agenda items 3a through 3n with the exception of Item B which was withdrawn

Made by: Laffin

Seconded by: Fishbein
Vote: 8 ayes

5. Public Question & Answer Period

Paul Ciardullo, 2 Bayberry Drive, commended Public Works for the great job they did over the weekend clearing the storm. He reminded the Council he came before them at the last meeting stating he felt the Town was overtaxing its residents despite job losses and shrinking wages. He said this is not an appropriate situation and needs to change. He pointed out he wasn't the only person in Town who felt this way and cited Mayoral Candidate Kennedy who garnered 2,300 votes on the no tax increase platform. Mr. Ciardullo said there was a strong growing minority in Town who have this position.

Mr. Ciardullo spoke about the 2015 audit, specifically citing the Mayors Press Release which stated there was a \$5.4 million revenue surplus which he noted was more money budgeted than what was needed and embedded in the \$5.4 million, was a 2% tax increase. He said in May of last year, the current budget was approved with a 2.2% tax increase and believed the Town will end up with more revenue this year. He asked why the \$5.4 million wasn't applied to the FY 16 budget rather than raise taxes. Chairman Cervoni said he didn't have the benefit of this information in May. Mr. Bowes said this was the result of the fiscal year ended June 30 and the audited figures draft report are not available until early to mid-December.

Mr. Ciardullo asked the Town to provide to post a quarterly report within 45 days of the end of the quarter and provide the Council and public of what the performance to budget is. He said the 2016 budget has a revenue budget of \$155 million. He said if one looks at how 2015 ended, according to the audit, the Town had \$155 million. Chairman Cervoni noted that he didn't believe this was an accurate statement because the audit is not until the end of the calendar year 2015, it is to the close of the fiscal year.

Mr. Ciardullo said to him, this is totally unacceptable as a taxpayer and the Council has to be more aggressive regarding understanding the timing of these numbers and insisting on good data to create a budget. He asked if the Council will work towards this. Chairman Cervoni said Mr. Ciardullo's request was duly noted. Mr. Ciardullo said he hopes this is the year of a zero increase and encouraged the Council to look at the State Audit Report. Mr. Bowes noted the Council is in a good position and doesn't need six or eight month numbers. He said the Council has an entire year's numbers because in the revenue, it is utilized as a revenue to balance the budget and this is \$4.3 million of use of the fund balance. He said this has already been audited and in the books and is an enviable position because most communities don't do this. He said once the figures are audited, the audited number put into the budget to balance it every year, is already in the bank and has been audited. He said he respected Mr. Ciardullo's position on taxes. He noted that anything not spent in prior years, rolls up and benefits the next fiscal year.

Geno Zandri, 9 Balsam Ridge Circle, spoke about street lighting and how the Mayor implemented a plan in November, December and January which had Electric Division personnel checking for non-working street lights. He told the Council he didn't believe the plan was working well because he noticed 12 non-working streetlights just on Quinnipiac Street alone. He requested the Council take up this topic stating he will return next January to follow up on the streetlights.

Bob Gross, Long Hill Road, asked about Covanta and how the fees collected based on tonnage are accrued. Mr. Bowes said there is a reconciliation of the amounts used that were dumped there but are now utilized at the transfer station after being weighed. He said the amounts are reconciled usually quarterly between the operators at the plant and the Town and at the end of the year there is one last reconciliation for the year and then invoiced. Mr. Gross asked if Covanta works off the Town's fiscal year or the calendar year. Mr. Bowes said they work on a fiscal year basis. Mr. Gross asked if the revenues were up or down. Mr. Bowes said he believed the tonnage was down. Mr. Gross said the Mayor is probably aware that tonnage is down approximately 40% and asked how much of a shortfall is this for the Town's budget and is this shortfall being planned for in the future.

Mr. Bowes said the formula under the PILOT agreement is that the Town reduces the amount of the PILOT by any taxes paid and if there is less tonnage, the number Covanta would have to pay would not be as adversely affected as if nothing was being dumped there. Mayor Dickinson said if the Town receives less revenue, this will be one area of the budget that less revenue is received. He said he hoped there would be other areas of revenue that would exceed what is expected. Mr. Gross said the Mayor knows there is virtually no commercial tonnage going into the plant currently. Mayor Dickinson noted the Town anticipated receiving less revenue from the State and put a hold on expenditures. He said this is the way to avoid deficits. Mr. Gross asked if the Mayor was staying current on this, not on a trailing basis. Mayor Dickinson said this is the case.

Public Question & Answer Period closed at 7:04 p.m.

6. Consider and Approve Town Council Rules of Procedure for 2016/17

Motion to approve the Town Council Rules of Procedure for 2016/17

Made by: Laffin

Seconded by: LeTourneau

Councilor Fishbein said the meeting last week to review the rules was productive and the produced document is before the Council. He said he realized it was for the public who attended this meeting not being able to ask questions and make comments. He said it would be appropriate in the sense of public participation, that when there is a workshop, to allow the public some amount of time to discuss items the Council will be discussing. He suggested

language to the effect that if the Council conducts a workshop to discuss anything other than the budget, the public should be allowed 10 minutes to address the subjects at the workshop. He noted the budget should be exempt because by the budget process, traditionally there is a meeting set aside after the budget comes out, to allow the public to comment. He said he wouldn't want someone to call something a "workshop" in order to inhibit public participation.

Councilor Fishbein said he would like his suggested amendment to be inserted in the Rules of Procedure between Roman Numerals 8 & 9. Councilor Zandri noted that whenever there is a workshop, there is a setup discussion and an after discussion and wondered if that would be the appropriate time for public comment. Councilor Fishbein gave an example of an interview workshop, where the public could come to the microphone. Vice-Chair Laffin said that sometimes the Council needs to sit in a room to hash things out, with the public being able to attend. He said it is important to have this type of format and talk in a light parliamentary rule setting, not to inhibit public participation, but to keep the operations going. He said because of this, he was not in favor of the amendment. He said a meaningful letter or correspondence before a workshop or a comment while the workshop is being set up would be more impactful. Councilor Marrone said public participation is extremely important and noted the workshop the other day could have included public participation during the meeting. He said he was concerned about putting this into the rules and was also concerned about public comments being allowed when an individual is being interviewed because of certain biases. He said he would rather see where the Chairman has discretion as to what meetings the public can comment on and be posted on the agenda ahead of time. He said he was against this particular amendment.

Councilor LeTourneau noted in the past at the Chairman's discretion, have allowed the public to speak at different workshops. Councilor Zandri said if there is the latitude to do this, maybe the language should be included in the Rules. He said the document should support the statement so we don't run into the situation that because the language isn't in the Rules, there is uncertainty. He wondered what would happen tonight if something was missed and someone came forward and pointed this out. Councilor Fishbein said there is now a five-page document with approximately 30 to 40 changes which were voted on without public comment and is not appropriate. He said he had an issue with Chairman's discretion, because a member of the public reads the agenda, noting it is a workshop without public comment and doesn't come to the meeting, later finding out the Chairman used their discretion and allowed it. He said this is public participation with a blindfold and should be clear. He noted that letters to the Council read at meetings was taken out of the proposal. He said he supported that and the changes.

Motion that between Roman Numeral 8 & 9 the language be added as follows: If the Town Council holds a workshop for any purpose other than the budget, the public shall be allowed at least 10 minutes to address the subjects being addressed at said workshop

**Made by: Fishbein
Seconded by: Zandri**

Councilor Testa spoke about being strategic, and noted this issue was brought up in such a way that anyone who opposed it would appear to be against public comment and participation. He asked why didn't this come up last week when the Rules were discussed or sent over to the rest of the Councilors ahead of time. He asked if the Rules actually state that the public can't comment at a workshop. Chairman Cervoni noted it is only contained in the two provisions with respect to appointments: the Mayoral appointment provision and the Council appointment provision.

Councilor Shortell said the workshop was productive and many changes were made with public input noting there were speakers at the first Council meeting in January who spoke about this issue and a letter. He said he agreed with Councilors Laffin and Testa that this was a workshop and there are other ways to get other input. He said he is supporting the document with no amendments. Councilor Laffin said he didn't believe the process is not being sullied; the public can speak before and speak now about this subject. Councilor Marrone said the Council should be able to conduct a workshop without public comment in certain situations. He expressed concern about having a candidate come up for an interview in front of the Council and have a member of the public say something disparaging.

Public Comments

Larry Morgenstein, S. Main Street, said he was thrilled to hear the reports of what happened at the workshop. He addressed the non-agenda voting items noting that many times when he attends the meetings, what galvanizes his comments are what he hears from the Council at the particular meeting. Mr. Morgenstein said the reason the Council unanimously voted for non-agenda voting item rights for the public is for this reason. He said at other Board and Commission workshops, i.e., Planning & Zoning, Board of Education, the public can speak at the workshops. He said the irony was the Council was talking about public participation and there wasn't any at this workshop.

Geno Zandri, 9 Balsam Ridge Circle, said he knew about the workshop but noted the article in the paper said there would be no public comment. He said public comment should always be solicited. He said he didn't believe there is any time this Council meets that there should not be public comment and should be part of the rules. He said changes were made to the Rules, but he had no clue what they were. He said the Council should have gone over the changes.

Bob Gross, Long Hill Road, gave an example citing the end of last year with the Covanta issue on how the taxes were paid and fees deducted at a regular Council meeting. He said if this were discussed at a workshop, the public wouldn't have spoken on this and there could have been value added to the discussion.

Chairman Cervoni closed the Public Comment at 7:35 p.m. and entertained a roll call vote on Councilor Fishbein's amendment.

Roll Call Vote:

Fishbein-yes; Laffin-no; LeTourneau-no; Marrone-no; Shortell-no; Testa-yes; Zandri-yes; Chairman Cervoni-no

Amendment fails.

Chairman Cervoni called for a roll call vote on the Rules as submitted:

Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes.

Motion on Rules approved as submitted passes

7. Consider and Approve Authorizing the Mayor to execute the Fourth Lease Amendment between the Town and Wallingford Energy LLC (the Fourth Amendment) – Electric Division

Motion to authorize the Mayor to execute the Fourth Lease Amendment between the Town of Wallingford and Wallingford Energy, LLC

Made by: Laffin

Seconded by: Fishbein

Appearing in front of the Council was George Adair, Director of Public Utilities and Richard Hendershot, General Manager, Electric Division.

Mr. Adair the three items on the agenda relate to the power plant on John Street and the five generating units operated by Wallingford Energy. He said Wallingford Energy is planning an expansion of this site to include two new generating units. He said the first item is part of or attached to Amendment 3 to the Lease which Wallingford Energy, LLC has with the Town through the Electric Division for the use of the site. Mr. Adair said the Third Amendment had the Fourth Amendment attached to it anticipated. He said this document provides Wallingford Energy with the right to locate these units – site access. He said it also establishes what rent payments will be made to the Electric Division, and a relates to a second tax agreement which provides additional revenue to the Town.

Mr. Adair said this is an option available for Wallingford Energy, LLC., to execute and having done so, it is incumbent upon the Town to complete the execution of the document. Councilor Testa noted the Council isn't seeing any new numbers. Mr. Adair said the third item establishes the manner in how things will be constructed. Councilor Testa asked about the rent and the property taxes. Mr. Bowes said Wallingford LLC will be taken off the tax rolls and replaced with a PILOT (Payment in Lieu of Taxes). He said the existing units pay over \$1 million in taxes which relates to \$300,000 in revenue, but noted next year, the taxes will be slightly less than \$1 million because they depreciate by law. Mr. Bowes noted that next year those assets, approximately \$40 million, will come off the Grand List. He said there will be less tax, but there will be a new line item for the PILOT.

Mr. Bowes said there are escalators which will increase approximately 3% for the first five years and then 2 ½% for the next five years and then 2% and then it stays at approximately \$1.7 million for the rest of the agreement for the existing units. He said the new units, once running, will pay a PILOT of \$600,000 times two units, if both units are built. He said this would result in a PILOT of \$1.2 million and noted there is escalation on this. Mr. Bowes said we solidify the evaluation and get rid of depreciation and have escalation on values which are strong and in Town's favor. He pointed out these plants after a few years, end up becoming arguments over the assessment of the property because of the possibility of changes in the electric market but stressed this goes away with the above. It was noted the Town will be getting approximately \$600,000 each for the two new units. Mr. Bowes said the differential will be \$300,000.

Councilor Zandri asked about the PILOT and whether it was restricted, i.e, going to Capital Improvements. Mr. Bowes said this will have no restrictions and will be in the general fund revenue. Councilor Zandri asked how many times these additional generators will run, citing people in the neighborhood and whether they would be run for peaking load and if any base load was being done. Mr. Adair said he understood the generators would be run in the same fashion as the existing units; he said they are identical and will run less than 20% less than the hours. He said it is in a peaking load. Councilor Zandri asked about rate stabilization. Mr. Adair said there is rental revenue paid to the WED and replaces revenue not having to be captured through rates. He said WED will not be receiving capacity payments as is the case with Pierce Power Plant. He noted the rent is set forth and does have an escalation throughout the term of the lease but is not tied to market costs. Councilor Fishbein asked if WED purchased power from LS Power. Mr. Adair said there is no contract to do so, all of the load is from ISO-NE and enter into contracts with counterparties to hedge some of the load. Councilor Fishbein asked why the property couldn't be sold to LS Power, and asked if there was a benefit to continue to lease. Mr. Adair said the lease is fairly desirable to the Town at the rates being paid. Councilor Fishbein said if LS Power owned this property, the Town would be receiving property taxes and personal property taxes to the Town. He said now all the Town is getting is a deal on personal property taxes because the rent goes to the Electric Division (WED). Mr. Bowes said the PILOT is for everything. He said there would be an assessment on the land and equipment. Councilor Fishbein asked if there was an analysis done on what the real estate taxes would be on this property if we didn't own it, plus the personal property. He asked if the PILOT is a plus. Mr. Bowes said he didn't believe an analysis was ever done on what the taxes would be if the property were sold.

Mr. Adair noted the total rent payments with all five units will be \$1,231,000 per year. Mr. Bowes noted with 8 ½ acres, this would equate to an approximate \$50 million which would be a lot more than what 8 acres would be assessed. Councilor Fisbein noted that operation expenses would have to be deducted from this figure. Councilor Fishbein said because of the PILOT it is \$1.3 million and asked what business would agree to pay \$400,000 more. Mayor Dickinson pointed out they are making a lot of or expect to make a lot of money on capacity and other payments and cautioned the Town should never sell anything which sits near its interconnection with the grid, and noted the property is valuable because of its location and because of what it has built on it which is electric facilities. Councilor Fishbein said he is trying to figure out the benefit in paying them more that what they would be taxed. Mayor Dickinson said they will make that much more so they weren't interested in trying to force us to a lower

figure; they are making plenty of money in a location they can either turn over to someone else or operate it themselves.

Mr. Bowes said they wanted a solid base and knowledge of a certain expenditure level they would have instead of having the whims of an assessment process at a local level. Mr. Bowes said the assessment will go up each year until year 16 or 17. Mayor Dickinson said they wanted permission to install two more units, which we didn't allow until the contract was renegotiated.

Public Comment

Bob Gross, Long Hill Road, asked why all of the rent monies go to the Electric Division. Mayor Dickinson said this is property under the custody and control of the WED. He said the use of the property is related to the goals, mission and plans of the WED and the Town has an interest in having the WED receive this revenue as it does support our rate structure and allows for revenue to be generated that doesn't directly come from Wallingford ratepayers. He said the Town will receive a tax payment which was negotiated in order to offset some of the unknowns with revaluation and make this an attractive deal for the Town and Wallingford Energy. He said the Town had been receiving tax payments and will continue to receive them. He noted the Town is just moving from the Grand List to a tax agreement. Mr. Gross asked if the WED didn't receive \$800,000 a year from the lease, how the average homeowner who uses 1,000 kilowatt hours a year would be affected. Mr. Gross estimated it would be approximately \$1 a month. Mr. Adair said WED purchases 600,000 megawatt hours and noted Mr. Gross was probably referring to kilowatt hours.

Mr. Hendershot said approximately 450 customers out of 25,000 customers of the WED produce about 60% of the revenue. Mr. Gross said WED is talking \$825,000 spread out over 25,000 users, with 450 of them big users along with medium users. He asked if \$850,000 was lost in revenue to the WED and a large user which spends approximately \$50,000, what would that generate in additional fees for them. Mr. Gross said it was a minimal number because it is being spread out. He said the point was that the Town could use this revenue; it is 1/10 of one kilowatt hour which would generate \$600,000 to \$700,000 per year. He asked why isn't the money split. Mayor Dickinson said he didn't agree with Mr. Gross' analysis and the use of the property is for electric purposes and is most appropriate they receive the support of revenue. He said government has got to spend less money. Mr. Gross pointed out this is Town property and noted that Mr. Zandri brought it up years ago this land should be used for something.

George Rasmussen, 28 Jonathan Road asked about the generators and asked if the Town would be capable of shutting itself off of the grid. Mr. Adair said the Town could do this, but not by means of the two new units, but by a portion of the five existing units. He said part of the covenants the parties entered into in 2000, is called the black start emergency power agreement. He said since then, the process has evolved and noted through a series of training sessions, that Wallingford's load is a central to Wallingford Energy in being able to carry out its obligations in the ISO-NE grid. James Hine 342 S. Elm Street, said he was confused stating he thought he heard the explanation of the basis of this agreement would be guaranteed payments locking in certain rates and knowing what the payments would be each year. He said on the other hand, when Councilor Fishbein asked why the company is doing this, he thought

he heard Mayor Dickinson state the company would be making a lot of money over the years and this is the reason for doing this. He asked if the Town has any sense of what the energy rates will be over the years. He said he didn't see any need to lock in certain rates and the need for this agreement.

Mr. Adair spoke about capacity payments which are amounts calculated based on prevailing costs. He said the existing plant runs as little as 20% a year, so they are being paid to be on standby. He said the amount being paid for this today is \$3 and will go to \$7.25 in June 2017 and up to \$9 in 2018. He said these entities will be making substantially more in capacity payments and is one reason LS Power was willing to agree to escalating rent payments. He said there was talk of indexing this to the capacity market, but didn't survive the negotiations and in lieu of this we were able to secure these escalating charges. Geno Zandri, 9 Balsam Wood Circle said he didn't agree with the Mayor's philosophy and noted the residents own this property and should receive some portion of the rent payment.

Public Comment closed at 8:17 p.m.

Councilor Zandri asked if there is a maximum limit the generators can be run. Mr. Adair said these are dispatched by ISO-NE and have air permits to run and can be used as emergency generation and is not aware of any upper limits. He said they are not base load plants. Councilor Fishbein said the discussion about LS Power making more money is not relevant to what is being discussed tonight.

Chairman Cervoni called for a Roll Call vote.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

8. Consider and Approve Authorizing Mayor to Execute the LGIA for the Wallingford Energy Project-Electric Division

Made by: Laffin

Seconded by: Fishbein

Mr. Adair said this is a three party agreement between ISO-NE, the Town of Wallingford and Wallingford Energy. He said the great bulk of the document is boiler plate and was authorized and approved by FERC and used by ISO-NE through the six state region. He said the LGIA provides important protection for the Town in its ability to recover any costs it occurs in order to accommodate this connection to the grid that is made through us. He said the LGIA is written around the idea that the operator of the transmission, the Town, would make all the improvements necessary, not on the power plant site, but everything necessary for it to be able to connect to the grid. He said the next agenda item makes it clear that we are contracting for that obligation to Wallingford Energy, LLC.

Councilor Zandri asked about the rent payments to the Town noting it goes to the Electric Division and was asking for clarification on page 4: "rent payments to the Town under the existing lease" and "rent payments to the Town under the amendment" and rent payments to the Town under amendment 4". He said if the rent payments are coming to the Town, this is correct, but noted if the payments are going to the WED, the language should change. Mayor Dickinson noted the payments are going to the Town whether it is the WED or the Town, it is all Town of Wallingford to them. Mr. Adair said this is the earlier memo dating from January 2015 which discusses the prior item on the agenda, the third and fourth amendment to the Lease and said this is background information. He said nothing about the LGIA is going to amend the Fourth Amendment to the Lease.

No Public Comments

Chairman Cervoni asked for a Roll Call Vote.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

9. Consider and Approve Authorizing the Mayor to Execute the Agreement Regarding Construction of Interconnection Facilities and Transmission Upgrades (the Agreement) – Electric Division

Motion to authorize the Mayor to execute the Agreement regarding the construction of Interconnection Facilities and Transmission Upgrades

Made by: Laffin

Seconded by: Fishbein

Mr. Adair said this is the means whereby the project goes about the business of building these interconnection improvements in the very same manner as was done in 2000 in connection with the original five units. He said in this case, Wallingford Energy II will design, construct, commission and document and ultimately award the Town, acting through WED, all of these improvements. He noted that Mr. Hendershot through a qualification RFP process, has secured the services of an engineering firm to monitor Wallingford Energy throughout this process. He said all of the costs connected with this, will be able to be recovered from Wallingford Energy.

No public comments.

Chairman Cervoni asked for a Roll Call Vote.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell- yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

10. Consider and Approve a Bid Waiver for Duncan Allen Attorneys to represent the WED regarding FERC Docket Transmission No. EL 16-19-000 WED share of attorney's fees to be approximately \$20,000 out of estimated \$65,000 to \$80,000 cost-Electric Division

Motion to approve a bid waiver for Duncan Allen Attorneys to represent the WED regarding the FERC Docket Transmission No. EL 16-19-000

Made by: Laffin

Seconded by: Marrone

Mr. Adair explained Wallingford as a load serving entity currently pays approximately \$10.7 million mostly to ISO-NE, and in some cases to United Illuminating, Eversource and to a small degree to CMEEC for them to recover their costs and make a return on their investment for transmission. He said these projects are done for reliability and have anywhere between a 10% and 12% for a 47 year appreciation level. Mayor Dickinson pointed out that FERC is a regulatory agency at the Federal level and noted there is a claim being pursued that ISO-NE is improperly charging. He said we are potential parties to this and could be owed money. Mr. Adair said we are receiving revenues at the same time because WED owns some assets that are considered pool transmission facilities serving the grid. He said if this investigation results in owners of transmissions being able to file an annual claim for reimbursement through ISO or through other customers, if this were curtailed, WED's customers would come out on the good side of this. He said WED wants to make sure that small municipal systems are fairly treated. He said WED is not here to fight this, but want to be properly represented. He said this is a highly specified issue.

Councilor Fishbein asked about the intervention. He said there is language which talks about the deadline for the parties to intervene is Feb. 3. Mr. Adair said WED's name would be listed as an intervenor represented by Duncan Allen.

No public comments

Chairman Cervoni called for a Roll Call Vote.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

11. Discussion and Possible Action regarding the initiation of a Charter Revision Commission-Councilor Craig Fishbein

Chairman Cervoni said the Council received an updated version of Atty. Small's memo regarding the Charter Revision Commission. Councilor Fishbein said he wouldn't reiterate the comments as to the need and desire to have a Charter Revision Commission. He said the need is apparent and appreciated the Law Depts revision of the memorandum which was done in 2008. He said now that the Council has the guidelines, there is a good framework in which to work.

Motion to set a date of the Feb. 23, 2016 meeting to appoint a Charter Revision Commission and require the process go back to the traditional way with each sitting Town Councilor having one appointment and the Mayor having two appointments

Made by: Fishbein
Seconded by: Shortell

Atty. Farrell noted that once the Council votes to establish the Commission, the time limits come into effect. He said if the Council chooses to have the Commission the deadline must be set and suggested doing this at the next meeting. Chairman Cervoni noted the Commission must complete its work in 16 months. Atty. Farrell suggested giving the Charter Revision Commission the full 16 months. Councilor Fishbein suggested once the Commission is appointed at a subsequent meeting, the deadline and charge be set. He said he is not prepared to put together a charge tonight. Councilor Zandri asked about procedure and affiliated appointments. Chairman Cervoni said the rule only speaks to the majority.

No public comments

Chairman Cervoni entertained a Roll Call Vote

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

12. Executive Session pursuant to Connecticut General Statutes Section 1-200(6)(D) with respect to the purchase, sale and/or leasing of property-Mayor

Motion to go into Executive Session at 8:45 p.m.

Made by: Laffin
Seconded by: Shortell

Vote: 8 ayes

Executive Session began at 8:45 p.m. In attendance were Councilors Fishbein, Laffin, LeTourneau, Marrone, Shortell, Testa, Cervoni, Mayor Dickinson, Town Attorney Gerald E. Farrell Sr.

Motion to come out of Executive Session at 9:15 p.m.

Made by: Laffin
Seconded by: Shortell

Vote: 8 ayes.

Adjournment

Councilor Fishbein made a motion to adjourn the Meeting at 9: 16 p.m. The motion was seconded by Councilor Fishbein and passed unanimously.

Respectfully submitted,

Cynthia A. Kleist
Acting-Recording Secretary