

TOWN COUNCIL MEETING

JANUARY 8, 2002

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Acknowledgement and Acceptance of a Gift of a Water Rescue Training Mannequin and Plastic Children's Helmets from the Junior Women's League to the Wallingford Fire Department Training Division
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#592 - 633) Totaling \$10,041.39 - Tax Collector
 - b. Note for the Record Mayoral Transfers Approved to Date
 - c. Consider and Approve Changing the Name of Line Item Account #9965 in the Public Works Department Budget from "Bollards" to "Gates" - Mayor
 - d. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - e. Consider and Approve an Appropriation of Funds in the Amount of \$1,250 to State Grant Revenues and to Program Expenditures in the Sister Schools Interdistrict Grant Fund - Bd. of Ed. Business Mgr.
 - f. Consider and Approve an Appropriation of Funds in the Amount of \$4,800 to State Grant Revenues and to Program Expenditures in the Accelerated Academic Learning Interdistrict Grant - Bd. of Ed. Business Mgr.
 - g. Approve and Accept the Minutes of the November 27, 2001 Town Council Meeting
 - h. Approve and Accept the Minutes of the December 5, 2001 Special Town Council Meeting

- i. Consider and Approve a Transfer of Funds in the Amount of \$4,000 from Chemical Expense Acct. #431-8640-641 to Maint. of Hydrants Acct. #431-8660-677 in the Water Division
- j. Consider and Approve the Appointment of a Flood & Erosion Control Board In Accordance with Ordinance #355 of the Town of Wallingford
- k. Consider and Approve Re-Naming the Following Advisory/Study Committees:
 - Community Lake Restoration Committee
 - Municipal Golf Course Study Committee
 - Historical Properties Study Committee
 - Quinnipiac Linear Trail Advisory Committee
4. Items Removed from the Consent Agenda
5. Correspondence
6. PUBLIC QUESTION AND ANSWER PERIOD
7. Consider and Approve the Naming of a Field at Bennet Park, Michelle & Kristine Pire Field as Requested by Chairman Robert Parisi
- 8a. Consider and Approve Waiving the Bidding Procedures for the Purpose of Continuing a Contract for Services with a Professional Engineer to Provide Technical Assistance for the Inland Wetlands Watercourse Commission - Mayor
- b. Consider and Approve a Transfer of Funds in the Amount of \$24,000 from Salary Acct. #001-7011-101-1000 to Professional Services Environmental Acct. #001-7011-901-9001
9. Consider and Approve a Transfer of Funds in the Amount of \$16,000 from Contingency Acct. #7060-800-3190 to Purchase Professional Services Acct. #3010-901-9002 – Director of Health
10. Consider and Approve Accepting Dogwood Lane as a Town Road – Town Planner
11. PUBLIC HEARING to Consider and Act Upon an Ordinance Amending an Ordinance Appropriating \$2,200,000 for the Planning and Design of Town-Wide School System Renovations and Authorizing the Issuance of \$2,200,000 Bonds Of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

The Title of the Ordinance is Amended to Read:

An Ordinance Appropriating \$3,610,000 for the Planning and Design of Town-Wide School System Renovations and Authorizing the Issuance of \$3,610,000 Bonds of The Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.

12. Consider and Approve Leasing Various Town-Owned Open Space Properties for a Term of Five (5) Years for Agricultural Use – Mayor
13. Consider and Approve a Waiver of Bid to Enter Into Discussions with CT. Municipal Energy Cooperative (CMEEC) to Secure Future Power Supply Resources – Director of Public Utilities
14. Discussion and Possible Action Regarding the Adoption of New Voting Districts for The Town of Wallingford as Requested by the Registrar of Voters
15. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations in the Matter of John Janeway, et al v. Robert Green, Town of Wallingford, et al – Town Attorney
16. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Matter of Slomkowski Family Realty LLC v. Town of Wallingford – Town Attorney
17. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes With Respect to the Purchase, Sale and/or Leasing of Property - Mayor
18. Consider and Approve the Settlement of Pending Litigation in the Matter of John Janeway, et al v. Robert Green, Town of Wallingford, et al as Discussed in Executive Session – Town Attorney
19. Consider and Approve the Settlement of Pending Litigation in the Matter of Slomkowski Family Realty LLC v. Town of Wallingford as Discussed in Executive Session – Town Attorney

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JANUARY 8, 2002

6:30 P.M.

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TOWN COUNCIL MEETING

JANUARY 8, 2002

6:30 P.M.

The first meeting of the Wallingford Town Council was held on Tuesday, January 8, 2002 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:33 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Doherty, Farrell, Knight, Papale, Parisi, Rys, Toman and Vumbaco. Mayor William W. Dickinson, Jr. was absent due to an illness. Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

The Pledge of Allegiance was given to the Flag.

Chairman Parisi took a moment to acknowledge Steve Hacku who recently resigned from the Zoning Board of Appeals. He stated, Mr. Hacku has served the Town faithfully, both in the Fire Department as a Deputy Chief, and then he had an excellent run on the Zoning Board of Appeals. Let the record show that we commend and thank him for his outstanding service.

ITEM #2 Acknowledgement and Acceptance of a Gift of a Water Rescue Training Mannequin and Plastic Children's Helmets from the Junior Women's Club to the Wallingford Fire Department Training Division

Motion was made by Mr. Farrell, seconded by Mr. Knight.

Assistant Fire Chief David Berardesca was in attendance to accept the donation on behalf of the Fire Department. He introduced Ann Whitman, President of the Wallingford Jr. Women's Club, and Sharon Thomas, its Treasurer.

Last year the Jr. Women's Club raised \$1,300 and placed a call to Asst. Chief Berardesca, asking him to give a presentation to their organization. The stated that they wanted to purchase equipment for the Fire Department and met with Chief Berardesca to identify specifically what the department needed for their training. Due to the Fire Department having sixty career fire fighters and eighty-five volunteer responders, all of them need CPR refreshers, they all take EMT refreshers; Chief Berardesca thought it would be best for the League to purchase CPR mannequins. The department was able to purchase four infant mannequins and one water rescue mannequin. The remaining funds were used to purchase 500 plastic junior fire marshal helmets that are utilized for station tours and fire prevention month. The department is very grateful to the Women's Club and is hopeful the Council will accept the gifts this evening. The club has enhanced the department's training capabilities which, in turn, helps the community.

Chairman Parisi thanked the Club, on behalf of the Town, for their donation and for all they do for the community. He stated, the Junior Women's Club has a long history in Wallingford and a very glorious one. Having been associated with the Club in my younger days and my spouse was a member as well, it is near and dear to my heart. Keep up the good work.

VOTE: All ayes; motion duly carried.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#592 - 633) Totaling \$10,041.39 - Tax Collector

ITEM #3b Note for the Record Mayoral Transfers Approved to Date

ITEM #3c Consider and Approve Changing the Name of Line Item Account #9965 in the Public Works Department Budget from "Bollards" to "Gates" – Mayor

ITEM #3d Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #3e Consider and Approve an Appropriation of Funds in the Amount of \$1,250 to State Grant Revenues and to Program Expenditures in the Sister Schools Interdistrict Grant Fund – Bd. of Ed. Business Mgr.

ITEM #3f Consider and Approve an Appropriation of Funds in the Amount of \$4,800 to State Grant Revenues and to Program Expenditures in the Accelerated Academic Learning Interdistrict Grant – Bd. of Ed. Business Mgr.

ITEM #3g Approve and Accept the Minutes of the November 27, 2001 Town Council Meeting

ITEM #3h Approve and Accept the Minutes of the December 5, 2001 Special Town Council Meeting

ITEM #3i Consider and Approve a Transfer of Funds in the Amount of \$4,000 from Chemical Expense Acct. #431-8640-641 to Maint. of Hydrants Acct. #431-8660-677 in the Water Division

ITEM #3j Consider and Approve the Appointment of a Flood & Erosion Control Board In Accordance with Ordinance #355 of the Town of Wallingford

ITEM #3k Consider and Approve Re-Naming the Following Advisory/Study Committees:

Community Lake Restoration Committee
Municipal Golf Course Study Committee
Historical Properties Study Committee
Quinnipiac River Linear Trail Advisory Committee

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #4 Withdrawn

ITEM #5 Correspondence - no items were presented.

PUBLIC QUESTION AND ANSWER PERIOD

Jack Agosta, 505 Church Street, Yalesville welcomed the new Councilors and asked how the Mayor was doing.

Chairman Parisi replied that the Mayor was released from the hospital last evening and was advised to get a few days' bed rest. He believed the illness was the result of a virus.

Mr. Agosta was pleased to hear the Mayor is doing well.

Robert Sheehan, 11 Cooper Avenue stated, while traveling over to Durham this past weekend on Route 68, he witnessed approximately 100 people enjoying themselves outside ice skating. He read an article on how Branford placed some hay bales around their town green, erected a plastic liner-type material and the fire department flooded the area which froze within the next few days, thereby providing the residents of town with an opportunity to ice skate in a safe location. It was one of the most successful recreational events the Town has held in many a year. He stated, here I am in Wallingford where we treat everyone so good and we got everything and for years and years the public used to ice skate in Doolittle Park. All of a sudden it is no longer a wise idea to do so. Some people say it hasn't been cold enough and I could understand that. It has been warm enough to play tennis down there because the court lights are on almost every night. Of course, no one is there but it is immaculate. If we can burn lights for empty tennis courts, maybe we can burn a little light for the youth and older generation of this Town to give them a little more fun that they deserve. I mentioned this at the last meeting and since then, everywhere I go, I hear, "Good idea, we should bring the skating back; keep on it" and it is not solely the young generation I am hearing it from; the majority are

seniors that are expressing that opinion. It is a shame that we don't allow our residents the opportunity that we took away. I have yet to hear a valid reason why the ice skating has been taken away.

Chairman Parisi stated, I will pass your comments along. I don't know the answer. I remember you bringing that up at the last meeting. I will make sure that gets forwarded tomorrow.

Pasquale Melillo, 15 Haller Place, Yalesville asked if there were any new developments with regards to the ball fields for the Little League?

Chairman Parisi was not sure if there was any new information. The Mayor is working on it but he was not sure if there were any new developments.

Mr. Melillo asked for a status update on the Cooke Property.

Chairman Parisi explained that the property was being flagged for wetlands.

Mr. Agosta asked the Council to see if there was a way to brighten up Mayor Carini's picture that is on display in the Council chambers.

Philip Wright, Sr., 160 Cedar Street welcomed the new members of the Town Council. He hopes that the new Council will be active and that there will be interaction between the public and Council members from time to time. He stated that it was interesting to note in the papers recently that the word "surplus" was used by the Mayor. He was sorry that the Mayor was not in attendance tonight for the reason that he won't hear what Mr. Wright has to say and also because he is not well. He stated, it was just a short couple of years ago when the Mayor and Tom Myers sat over there and neither of them knew what the word "surplus" meant. Maybe we have made a little progress, I hope so.

Mr. Melillo asked for a status report on the former Simpson School property.

Chairman Parisi replied that the Housing Authority is pursuing funding for a study of the property.

Mr. Melillo asked, what ever happened to the proposed program to give volunteer fire fighters benefits for serving the Town?

Chairman Parisi replied, that was done a long time ago.

ITEM #8a Consider and Approve Waiving the Bidding Procedures for the Purpose of Continuing a Contract for Services with a Professional Engineer to Provide Technical Assistance for the Inland Wetlands Watercourse Commission – Mayor

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Correspondence from the Mayor recommends continuing with the professional engineer, Mr. Cotter, who was hired approximately one month ago to provide technical assistance for the Inland Wetlands Commission. There are four applications currently pending; one of them is a fairly large and complicated project. It would be in the best interest of the Town to waive the bidding process so as to continue the Town's relationship with Mr. Cotter for the purpose of addressing pending applications as well as providing insight into the needs of the Inland Wetlands Commission.

Philip Wright, Sr., 160 Cedar Street asked if Mr. Cotter is in business for himself or is he employed by an engineering firm?

Chairman Parisi replied that Mr. Cotter is a self-employed Wallingford resident who has an extensive background in engineering.

Mr. Wright stated, there is something wrong with our management in this town when we have to hire detectives to go out and find out that someone isn't doing their job. We have had two or three cases within the last two or three years... a number of cases where people have been let go after we found out that they had been delinquent in their duties and we have spent money in several cases to prove that. Somewhere there is something wrong here if we cannot determine when an employee is doing his job and either correct the man or be rid of him without getting detectives to prove that he hasn't been on the job. Someone is not watching the store. Maybe it is time we took a good look at the reporting mechanism and get something straightened out so that we know if someone is not doing their job and somebody is responsible for determining that they are not doing their job. The situation with the Inland Wetlands; it was a long-standing situation and should not; it doesn't show good management and I think it is the responsibility of the Council to dig into it far enough to find out what you can do to prevent it.

Chairman Parisi stated, evidently someone did know the job was not being done because that is what started the process. Maybe that process is required to get the end result. I would suspect that might be accurate.

Mr. Wright stated, it was a long period of time that this condition existed. There is something wrong when we can't determine and it gets to the point where you have to hire a detective to prove the guy is goofing off.

Mr. Melillo asked why the bidding process had to be waived?

James Vitale, Chairman of the Wallingford Inland Wetlands answered, the problem is that he is operating under a professional category now. If you go back out to bid for the services, time is needed to develop the bid, exercise the bid and then get the person back up and running, whomever you select. By waiving this bid for five or six months...two things will take place; we will end up with an excellent job description because the way this consultant is working right now, he is working by category; so much Administration, so much reviewing plans, so much inter-department working; it is getting us a better handle on how big the job is and what it encompasses. Even if we went out to bid tomorrow for a job, we would be out of our professional funding that we had in the budget as it stood and we would be lost in the interim period.

Chairman Parisi asked, aren't there projects pending?

Mr. Vitale answered, not only private applicants; residents and developers, but we are working on three major projects with the Town, itself. We are working on the golf course, the ball fields at the Veterans Park and we are working in conjunction with the application on the South Turnpike Road for the culvert crossing the water. Those items are going to take up a considerable amount of anyone's time working for the Town.

Mr. Melillo stated that the bid should not be waived for it did not constitute an emergency situation.

Mr. Vumbaco stated that he normally opposes waiving a bid but if there is any reason to waive the bid, this situation provides us with the necessary ingredients to waive the bid. He will support the bid waiver request this evening.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve the Naming of a Field at Bennet Park, Michelle & Kristine Pire Field as Requested by Chairman Robert Parisi

Correspondence from Tom Dooley, Director of Parks & Recreation requests the Council approve naming the field at Bennet Park, Michelle & Kristine Pire Field and also approve the following field enhancements; skim the infield and put in new bean clay; move bleachers and put in 8' protective fencing; new permanent or portable outfield fencing and a new scoreboard indicating the field dedication. The Pire family will pay for some of the improvements.

A letter from Mr. Charles Dugan states that if the Council approves re-naming the field, he would personally purchase an electronic scoreboard and plaque for the field. He would also help with other improvements, if needed. He has been at the field with Tom Dooley and Henry McCully to discuss what can be done to the fields and both Mr. Dooley and Mr. McCully are

very supportive to the idea. He hoped the Council is as supportive. He thanked everyone for their support in the past for the Pire Memorial Foundation.

Motion was made by Mr. Knight to Name the Field the "Michelle & Kristine Pire Memorial Field", seconded by Mr. Farrell.

Mr. Dugan stated, the Town has been very supportive of everything that we have done so far and this would be a big thing for us. I only hope you agree to approve this.

Ms. Papale thanked the Council, in advance, for their support of this matter. She stated that she has known the Dugan family for a very long time and has worked as close as possible with Mr. Dugan on this. It was very difficult for the entire family; they all worked so hard and held a wonderful fund raiser and this will certainly help the field a better place for the kids to play. He wished the Dugan family all the best.

VOTE: All ayes; motion duly carried.

ITEM #8b Consider and Approve a Transfer of Funds in the Amount of \$24,000 from Salary Acct. #001-7011-101-1000 to Professional Services Environmental Acct. #001-7011-901-9001 - Inland Wetlands Commission

Motion was made by Mr. Knight, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #9 Consider and Approve a Transfer of Funds in the Amount of \$16,000 from Contingency Acct. #7060-800-3190 to Purchase Professional Services Acct. #3010-901-9002 - Director of Health

Town Sanitarian, George Yasensky introduced himself to the new Council members and also introduced the Town's new Health Director, Eloise Hudd to the entire Council.

Motion was made by Mr. Knight, seconded by Mr. Rys.

Mr. Yasensky stated that the project went out to competitive bid and three submittals have been reviewed. The lowest bidder was awarded the project.

Mr. Brodinsky asked whether Roger Dann, General Manager of the Water and Sewer Division drafted the bid specifications or the Health Department did?

Mr. Yasensky answered the Health Department played an active role in the drafting, with assistance from Roger Dann. The Health Department is fledgling, at best, on bids of this nature. We went to people with experience in this area.

Mr. Brodinsky asked Mr. Yasensky to fill the new Councilors in, as well as refresh the public's memory on this topic.

Mr. Yasensky explained, there have been well water problems in the area of South Curtis Street, Yale Avenue and Whispering Pine (St.). We have put out a bid, that investigation can be done to establish or try to establish possible sources of contaminations of these wells.

Mr. Brodinsky asked, are we going to be able to establish the source of contamination once this study is completed?

Mr. Yasensky answered, I don't know if we can hit that with a direct dart. There is going to be recommendations made of what possible sources there are of contamination.

Mr. Brodinsky stated, let's assume that you are not able to pinpoint the source; there are recommendations to go on. What thought is there to go on with further studies?

Mr. Yasensky answered, that is going to be up to the Council and Town government. We are doing a Phase I study and this could go on for years, depending on what is applied to the study.

Mr. Brodinsky stated, if we are going to stop at the end of this study and not pursue it any further, and if the study is in any way inconclusive, I am questioning whether or not we are throwing away the money that we are spending on these services. This problem started at least a couple of years ago. There are some wells in the neighborhood of South Curtis, Yale Avenue and Whispering Pines that turned up to be contaminated; twenty-two of them had coliform; seven of them had e-coli and e-coli can only come from animal waste, human or non-human; I think it has to be fresh animal waste; what I read in the Health Department records; three weeks or thereabouts; fresh fecal matter from animals. This contamination started showing up shortly after some work was done in the area on the roads so the neighbors became suspicious that perhaps the source was the sewer line that ran through the neighborhood. The source of the well contamination; the source of the fecal matter was the sewer line that ran through the neighborhood and I think this gave birth to the study that we are doing now. There was a large meeting with members of the neighborhood, the idea of the study was suggested and the study is the result of those discussions. The neighborhood group got together and asked to see some videotapes that the Sewer Department had and, to its credit, the Sewer Department does inspections of their sewer lines with television cameras to see how the shape of the sewer line is. The inspection team found cracks in the sanitary sewer in close proximity to these polluted wells. They investigated further and escalated this at the Town level and it eventually went to the State Department of Health and an internal memo at the State Department of Health

indicated that the neighborhood committee made a strong case that their wells had been adversely impacted by the sewer mains and it is this study that is intended to pursue this issue further, investigate it further. At least that was my thinking until I reviewed the specs and now I'm wondering whether or not the study is really intended to investigate the connection between the sewer lines and wells. If the investigation is not intended to do that but intends to be much broader in scope and in the end come to no conclusions and we stop there, we have studied something for the sake of saying that we have investigated it, but approximately seven individuals are still likely to have e-coli in their wells without any real progress made. As all of you know, along with Roger Dann and the Mayor, I very strongly favored dye testing of a way of attempting to prove or disprove whether or not fecal matter, e-coli from the sanitary sewer was getting into the wells. My research, as a layperson admittedly, indicated that dye testing was a very narrow sort of a test. It could conclusively determine whether or not fecal matter from the wells. You place the dye into the sanitary sewers, you wait a certain period of time, you monitor with professional help and if there is dye going into the wells, you have proven your case. That is what the neighborhood is looking for; as a Town official, that is what I am looking for because my view is, government should not be harming its residents and if it is our sanitary sewers that are causing this and government is harming the residents, then we should do everything reasonable to find out if government is harming those individuals and dye testing is one way to get there. I have heard the Mayor and Roger Dann say that there is no chemical evidence of the sanitary sewer getting into the wells and so therefore why pursue the link. Nevertheless we are doing the study as if we are interested in investigating the link and again, my research indicates that even though the chemical evidence may not be there, the lack of chemical evidence does not rule out the fact or the possibility that fecal matter from the sewers is getting into the wells. If these job specs or this work scope does not include dye testing, the question is, should we approve this or should we not? Should we send it back to include dye testing so at least we can get to the bottom of this?

Mr. Yasensky stated, these job specs were shown to the neighborhood group before the bid went out. They were happy with the job specs. There is no specific source of contamination named in the job specs so as not to prejudice the project. The project says, "looking for all possible sources of contamination for these wells."

Chairman Parisi stated, I think you've made your position very clear.

Mr. Brodinsky stated, I talked to the neighborhood representatives tonight and ongoing and I think they are very much interested in dye testing. I am not aware that they are aware of this...

Mr. Yasensky replied, I don't argue that fact. But to point a smoking gun at one source of contamination will prejudice the survey and that is not the intent of the investigation.

Mr. Brodinsky asked Mr. Yasensky to explain how it would prejudice the survey.

Mr. Yasensky answered, in my own opinion and I am not speaking for anyone else, if we put in the specs that that is the only suspected source of contamination, that will be the only source that will be investigated entirely. I don't think we can do that because then it is a prejudicial investigation. That is my estimation and the estimation of the department.

Mr. Brodinsky stated, if it is Town money, the vision of the majority of the Council should be reflected in the work that is being done and what I would like to see being done is exactly the kind of study that the Health Department doesn't want. I want to know so that I can have a clean conscious as a public official, whether municipal sewers have anything to do with that contamination. It is exactly what you don't want that I do want and I want that dye testing study done so I can relieve my conscious and say that at least I know, as a result of the dye testing, that it is not the sewers. My conscious will be eased and that's the kind of study I want and that is not what we apparently are getting. I am going to have to vote against this and hope in another motion at another time we will raise an appropriation so that we will do a study that includes dye testing.

Mr. Vumbaco asked, what are we going to get out of this test if, in fact, we can't eliminate the sewer?

Mr. Yasensky answered, possible sources of contamination to the well field. That is probably something that should have been brought up by the bidders of the project if they wanted to get that specific. My feeling is, at the most, this is going to be a very superficial survey. I don't think it is going to pinpoint any actual source; it is going to give possible sources of contamination. I am sure, whoever got the bid is going to say that if we carry on with Phase II, III, IV, etc., they could drag this out for ten years if they want.

Mr. Vumbaco stated, my concern is that we are doing a superficial test and then washing our hands of it and telling all of those people who have contaminated wells up there, "that's the way it goes."

Mr. Yasensky stated, if the people want the contract, they would have specified, those that want it, the more specific they would be on their investigation. There is a time frame on this investigation of eight weeks. I don't know what can be done in eight weeks. I don't know how long it would take to pinpoint any one specific source of contamination. As I said before, we did not just want to go with any one source with a smoking gun to prejudice the whole survey.

Mr. Vumbaco stated, I understand that but my point is, since this is basically going to be a superficial test, we are not really solving anything except we are maybe getting a list of potential contaminants.

Mr. Yasensky stated, it is not a test, but an investigation but we may come up with a lot of information that we didn't have that an independent person would come in and ask for historical

data on the wells from the homeowners themselves; past histories of the land, the area; that people may be reluctant to give government officials. The bid specs went out, three responses were received, one was identified as the low bidder; most of this is moot discussion right now, that is my opinion, you can chastise me for it.

Mr. Vumbaco answered, my opinion is, I am not going to vote for it either because I don't think it is going to give us anything to help. I am going on record right now in front of the public and Council that if this test does not come back with any potential conclusions, I am going to fight and I think Mike (Brodinsky) will do the same, to take this to the next phase to try and eliminate the sewers because if that is a source of contamination, then those people have every right to have clean wells and if we are causing the problems, we should fix it. It has been going on for well over two years and it has gone through your department for well over two years and nothing seems to have been done about it and I think we need, at some point, to draw some sort of conclusion here one way or another so that these people can put this to rest. I don't want them to have to go through the same anguish and sources of expense that other areas of this community have experienced if it is not their responsibility to do so. That is my statement and I don't think it is a moot point, George. I disagree with you on that. We are here to vote money for a bid contract so it is not a moot point whether we want to vote on it or not.

Mr. Parisi stated, with all due respect I would like to make one observation; I believe they have been attempting to work within the parameters that they have had.

Mr. Vumbaco replied, I never said they weren't. I said it has been going on for two years and never made the statement that they were not working within parameters, Mr. Chairman.

Ms. Papale stated, when Mr. Brodinsky was making his comments, I still was not sure how I was going to vote on this item. I have always felt...there were things that came up that I really felt that the Town should have helped out its citizens but I was already to go with this one until you, George, made the comment that it is a superficial survey. I just don't understand. Some people on this Council were asking for the dye testing to be done, why couldn't it be done? I would like to see this problem resolved but I really wish that we could have gone a little farther and did the dye testing. I have not heard that the dye testing will come in another phase. It seems that for some reason the Town does not want to do the dye testing and I don't understand why.

Mr. Yasensky replied, there is nobody here who wouldn't like to see this problem come to fruition.

Ms. Papale asked, then why does the Town refuse to do the dye testing for some reason?

Mr. Yasensky answered, it is not that the Town is refusing to do a dye test, the Town refused to use one specific source of contamination as a smoking gun so as not to prejudice the investigation.

Ms. Papale answered, I also will not be voting for this, Mr. Chairman.

Mr. Rys stated, I listened to what you said, Mr. Yasensky, but I also picked up on the fact that this is not the final report; it is basically a report which can give us the opportunity to go out and do additional (studying), if they come up with some evidence of contamination from whatever it may be, correct?

Mr. Yasensky answered, all I can say is that it depends on how much the Town wants to spend and how far the Town wants to go. If they come through and say that we have evidences of such and such and such and such and a Phase II investigation would reveal more and more and we can bring in more expertise, then it is up to the Town to decide whether they want to put another bid out; if they want to continue; whatever the procedures are. Right now, they are just trying to look for possible sources of contamination.

Mr. Rys answered, I am happy to see that going forward but what I am saying is, I know what the Councilors to my left are saying. If they do come back; hopefully they do come back with some type of information that will be beneficial, not only to ourselves but to the residents and we need to go a little bit further and we need to spend a little money, I have no problem doing it and I don't think any of the other Councilors would either.

Mr. Yasensky replied, as naive as I am with the bidding process, I would like to present a question if I can. The initial bid was accepted at \$12,500. We have requested \$16,000. If a situation like this would come up that would stay within the scope of that \$16,000., I don't know that we would have to come before you to expend that extra money or we can give...

Chairman Parisi replied, you would be able to spend it.

Mr. Yasensky continued, we don't know what is going to come out of this. Maybe they are going to be able to pinpoint the source of the contamination, I don't know.

Mr. Rys replied, when we go out to purchase properties, we go through Phase I, Phase II, you can even go to Phase III in order to purchase property. I see this as a beginning; something that hopefully will give the residents some satisfaction that something is starting to happen. I do want to let them know that, with the starting of this, this is not the end.

Mr. Yasensky replied, every journey starts with one step.

Mr. Knight asked, isn't it possible that there is more than one potential source?

Mr. Yasensky answered, it is quite possible. That is what the investigation is supposed to show us; possible sources.

Mr. Knight commented, my question was a leading one and my response is that seems to me to make sense to carry out the study to see what those multiple potential sources are. I will vote for it.

Mr. Toman stated, I thought I picked up from your expression and your words that you didn't think that this was an adequate study to begin with.

Mr. Yasensky replied, I never said "inadequate". I think it is a step in a long journey. If they do pinpoint a source, God bless us all. If they don't, it may require further study.

Mr. Toman asked, do you feel that there should have been more money attached to this and the contingency should have been for greater amount?

Mr. Yasensky answered, we did not attach a dollar amount. Bids went out and dollar amounts came to us.

Mr. Toman asked, do you feel it is a waste of money?

Mr. Yasensky replied, in my estimation, no.

Emil Lawrence, 1149 S. Curtis Street stated, we have been at this since 1998. There has been so many tests proposed to the Water & Sewer Division; pressure testing; core sampling testing; dye testing; none have ever been done. I called the E.P.A. in Boston and the first thing the man asked was, "did they pressure test the lines?" "Roger Dann, are we going to pressure test the lines?" "No." This testing is not going to prove a thing. We are just going to throw money into a big hole. Let's go out there and do the testing that we have had suggested to us; pressure testing; core sample testing. Go down by the sewer line and take a core sample and see if there is sewage in that dirt. If there is, then the sewer is leaking. That is all we want. If it is our fault, I'll pay for the water coming to me. If it is the Town's fault, let's get it done and done right. Don't wait until we have to sue you like the people from Rights in Deed did; where they got \$3+ million from the Town and all they wanted was a fair shake and the Town wouldn't give it to them. That is all I have to say.

Pasquale Melillo, 15 Haller Place, Yalesville stated that the motion should be amended to make the dye test mandatory and that it also be mandatory that the lines be pressure tested.

VOTE: Brodinsky, Vumbaco & Papale, no; Doherty, Farrell, Knight, Parisi, Rys & Toman, aye.

ITEM #10 Consider and Approve Accepting Dogwood Lane as a Town Road – Town Planner

Motion was made by Mr. Knight, seconded by Mr. Rys.

Mr. Farrell asked, when was this approved as a subdivision?

Town Planner, Linda Bush answered, I don't remember but the Town Council approved the name "Dogwood" on October 27, 1998.

Mr. Farrell replied, I was probably absent that night.

VOTE: Vumbaco was absent; all ayes; motion duly carried.

ITEM #12 Consider and Approve Leasing Various Town-Owned Open Space Properties for a Term of Five (5) Years for Agricultural Use – Mayor

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Correspondence from the Mayor (Appendix I) explains that there are approximately 300 acres presently included in the lease program and how, for twenty years, the Town has leased to local farmers various open space properties for agricultural use. Leases on the properties expire December 31, 2001. It is requested that the Council consider approval of an additional five year lease program for agricultural use of the properties. P.U.C., Recreation and Law Departments have all reviewed the plans and no significant changes are proposed. Bids would be solicited for the properties and leases executed with special land use provisions which specify best management practices for the properties with particular restrictions applied to those parcels within watershed and aquifer areas.

VOTE: Vumbaco was absent; all others, aye; motion duly carried.

An eight minute recess was called by Chairman Parisi at 7:37 P.M.

ITEM #11 PUBLIC HEARING to Consider and Act Upon an Ordinance Amending an Ordinance Appropriating \$2,200,000 for the Planning and Design of Town-Wide School System Renovations and Authorizing the Issuance of \$2,200,000 Bonds Of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

The Title of the Ordinance is Amended to Read:

An Ordinance Appropriating \$3,610,000 for the Planning and Design of Town-Wide School System Renovations and Authorizing the Issuance of \$3,610,000 Bonds of The Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.

Motion was made by Mr. Farrell to Read the Title and Section 1 of the Proposed Ordinance into the Record in their Entirety and to Waive the Reading of the Remainder of the Ordinance, Incorporating its Full Text Into the Minutes of the Meeting, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$2,200,000 FOR THE PLANNING AND DESIGN OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

An ordinance entitled "An Ordinance Appropriating \$2,200,000 For The Planning And Design Of Town-Wide School System Renovations And Authorizing The Issuance Of \$2,200,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" adopted by the Town Council on December 14, 1999 and as amended at a Town Council meeting held August 21, 2001, which ordinance is hereby ratified, confirmed and adopted, is amended to increase the appropriation and bond authorization therein by \$1,410,000, from \$2,200,000 to \$3,610,000, as follows:

Section 1. The title of the ordinance is amended to read as follows:

"AN ORDINANCE APPROPRIATING \$3,610,000 FOR THE PLANNING AND DESIGN OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUANCE OF \$3,610,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

Section 2. The first sentence of Section 1 of the Ordinance is amended by substituting the amount of \$3,610,000 for \$2,200,000, thereby making the first sentence of Section 1 read as follows:

Section 1. The sum of \$3,610,000 is appropriated for the planning and design of Town-wide school system renovations, approximately in accordance with the project summary approved by the Board of Education at a special meeting held May 24, 1999, to various school buildings including Lyman Hall and Sheehan High Schools, DAG Hammaraskjold and Moran Middle Schools, Moses Y. Beach, Cook Hill, Highland, Parker Farms, Pond Hill, Rock Hill and Stevens Elementary Schools, and for appurtenances and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid.

Section 3. The first sentence of Section 2 of the Ordinance is amended by substituting the amount of \$3,610,000 for \$2,200,000, thereby making the first sentence of Section 2 read as follows:

"To meet said appropriation \$3,610,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date."

Pasquale Melillo, 15 Haller Place, Yalesville asked for an explanation as to why the ordinance was being amended. He stated that there was nothing specific about the request.

Comptroller Thomas Myers explained, the additional money will be used to continue the development of plans and specifications in detail to be presented to the State of CT. for the renovations of eleven or twelve schools. It is basically architectural and engineering fees.

Mr. Melillo was of the opinion that the fees were excessive, therefore the amendment should be rejected.

Robert Sheehan, 11 Cooper Avenue asked, is this just for the first phase?

Chairman Parisi replied, it is for the whole package.

Mr. Sheehan asked, in other words, the total cost for the whole project is not going to exceed \$3.6 million (for architectural and engineering fees)?

Chairman Parisi answered, no.

Mr. Sheehan asked again, is it just for Phase I?

Mr. Myers answered, it is for continuing design of all the schools.

Don Harwood, Chairman of the School Building Renovation Committee explained, the project was broken into three phases. The way we have brought the project forward from a fiscal standpoint is, as we progress, we request more funding for the total bonding ordinance. The budget that was submitted back in September, would have included a total figure for professional services. Under Professional Services you would have our owner's representative, our architect and other associated consultants. If you recall the phase chart, there is some overlap in the timeline. Phase A started and about four months into Phase A we started design and development on Phase B. We get about four months into that and then you are into Phase C and there is an overlap. You're cash flow projection actually during Phase A represents a portion of the cost. Then you start overlapping because you have more design and development process going on and we added additional funding. We asked for that bond ordinance to be amended and increased to accommodate that to Phase C. What you don't want to do is get the approval for the entire package on the front end. As you need it, you request it, that way if the Town needs to go ahead and bond it, they bond it at that point instead of carrying that whole nugget. If they bonded the whole thing on the front end, you would have to carry the load that entire time. The \$3.6 million won't increase a great deal because at \$3.6 million we are actually projecting at least professional services through the architect through December of 2002. Our big investment in architectural services has really been over the past four or five months into the second quarter of 2002 because that is when their biggest effort is going on. Then you will start to see the ramp down on that cash flow line. You will see a fairly consistent expenditure from an owner's rep standpoint although it does blip up with the demand associated with architectural reviews. It is eleven separate and distinct projects. Lyman Hall, for instance on Monday, went for the Plan Completion Test (PCT) with the State of CT. Each time the State Facilities Unit of the Dept. of Education does their initial review on that design development drawing which occurred on Monday and went very well. There will be PCTs for each phase as we go along and there is a line between schedule, spend and the state. In a very near time frame we will have the PCT for Moses Y. Beach (school) and then we will be going out to bid.

The Public Hearing was declared closed by Chairman Parisi at this time.

Motion was made by Mr. Knight that an Ordinance Amending an Ordinance Appropriating \$2,200,000 for the Planning and Design of Town-Wide School System Renovations and Authorizing the Issuance of \$2,200,000 Bonds Of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose Be Adopted, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve a Waiver of Bid to Enter Into Discussions with CT. Municipal Energy Cooperative (CMEEC) to Secure Future Power Supply Resources – Director of Public Utilities

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Correspondence from Director of Public Utilities, Raymond F. Smith, was read into the record by Mr. Knight. (Appendix II & III).

Mr. Smith introduced Executive Director of CMEEC, Morris Scully and the Director of Power Supply Planning, Brian Forshaw and explained, we are talking about power supply for the year 2005 and beyond.

Mr. Farrell thanked Mr. Smith for being responsive to all the questions he has asked at the December meeting. The second letter read by Mr. Knight was in response to his (Mr. Farrell's) direct request for a track record, on paper, that establishes your case even better than the presentation did in December.

Mr. Vumbaco stated, I said I fully supported this after your last presentation but I have a question...the only way I can support waiving this bid is to know what CMEEC can do that is uniquely different from any other power broker that is in the market right now. I am extremely concerned with putting all of our eggs in one basket without even going out and testing the waters with others. There are plenty of other brokers out there. Mr. Smith's letter states that CMEEC's sole purpose is to secure low cost power supply for the municipal systems of the State of CT.; the only entity established, but I am sure there are other entities out there that do the same thing your organization does. As far as the track record is concerned, while it is impressive, I think we have learned a lot with the stock market in the past year and one-half. We have been told consistently by all of our investors that what has occurred in the past does not necessarily predict the future. To sit here and say that you did a great job from 1994's report that I am going to go forward and say that you are going to do a good job through 2010; I discount that, myself, 100% because we just don't know what is going to happen. Who predicted in 1994 that we were going to have deregulation in the State of CT. I know it is a nice plus and if I were doing a marketing job, I would say the same thing. What are you going to do that is unique that another power broker will not be able to do for the Town of Wallingford?

Mr. Scully answered, CMEEC is not a power broker or marketer. We are a joint action agency. We were formed by all of the municipal utilities for the sole purpose to supply power in the market from the most favorable sources for the sole benefit of the municipal utilities, to get the lowest rate. We are a not-for-profit. CMEEC does not make a profit, all of the benefits that we derive from securing low cost power and optimizing that power on a daily basis, go back to the consumers of the municipal utilities, including consumers in Wallingford. We would go out

and secure power for a number of different brokers and power marketers. We don't go out to any single source because we build what is called a portfolio of resources; very diverse. We have a set of resources in a portfolio that is designed to optimize the needs of the municipal utilities with the lowest cost power. We will go out to fifteen different marketers to see what types of power we can buy. We end up buying pieces of power that will be at fixed cost with no escalators in them. Or we will buy other pieces of power that might be indexed to a gas or oil, depending upon the conditions of the market at that time. We are in the market on a daily basis, always optimizing and improving that resource mix in order to get the lowest cost of power. That is very different than a single broker or marketers that you go out and just buy a piece of power. That is not what they do, they would sell a piece of power to you and that would be it.

Mr. Vumbaco stated that perhaps he used the term "broker" incorrectly. He defines broker as someone who goes out and buys power for the Town of Wallingford and sells it to us. In basic terms that is what CMEEC does; find power and sell it to the Town of Wallingford.

Mr. Scully answered, that is true.

Mr. Vumbaco asked, are you telling me that there is no one else in the United States that does what you do; go out and look at the market on a day to day basis; bid to get the best prices available, etc., etc., notify Mr. Smith or the group here that this is the rate that we are offering? You are the only one that does that?

Mr. Scully answered, there are probably ten or so joint action agencies across the country similar to CMEEC that do this same thing on behalf of the municipal utilities in their state.

Mr. Vumbaco asked, is there no other group, person or organization that may not be formed for municipal utilities that does what you do? You still haven't told me that you are unique. To waive the bid, to me, you would have to be a unique and only source.

Mr. Scully answered, we are unique in that, when we would go out and secure the power for all of the municipal utilities, including Wallingford, in this particular case, we will manage that power on a daily basis to continually improve the cost of that particular power. All that benefit continues to be passed on to Wallingford or any other municipal utility that we serve. In the event that Wallingford decided not to participate in CMEEC, after the term of this contract and the contract was a favorable contract, they would have it to take with them, if they wanted to. That is, yes, absolutely unique because any other marketer or broker that you would go to, you would make a fixed commitment and they would sell you power at a fixed price for a certain piece of power and that would be it. What CMEEC does is, we supply what ever Wallingford's needs are. If it grows by 50% we will supply a 50% increase. That is not what a typical marketer will do. They will sell you a piece that says, we'll sell you 50 megawatts or 100 megawatts; a very discreet piece, then you are responsible for the rest of it. In that case,

CMEEC is very unique. It is also very unique in that, if you wanted to terminate the relationship, you could take that; you would never get that from any other entity; that kind of flexibility. The purpose of CMEEC was to supply the lower cost power and it was formed solely for the benefit of the municipal utilities in the State of CT. That is its prime directive and that is what we do and that is what we focus on all the time.

Mr. Vumbaco replied, what if Wallingford's need for electricity grew 50%. We are not getting it at the low rate, we are getting it at market, just like any other person who would go out and buy it at market, wouldn't we? We are buying up pieces of needed power starting tomorrow, for the sake of an example. But if three years from now our power requirements double for what ever reason and we have a contract....you are not going to come back and give us the rates that we are brokering now. We are going to end up buying it at market which is what someone else would be buying that we could buy from market. Am I correct?

Mr. Scully answered, that is correct. We actually do the forecasting for Wallingford in terms of their load expectations. We do that every year and file it with the State of CT. We anticipate what your future needs are and we are in constant communication with the utilities department. We would secure the power at the time that Wallingford desires to secure it. What we would do is, we would go out and say, "this is a desirable time and this is a desirable price to get that power at." We are always in the market to get the cheapest cost of power. We have these certain target prices that we have established for each one of the municipal utilities that, effectively, if we secure the power at these target prices, it wouldn't enable the municipal utilities, including Wallingford, to have rates that, at worst, would be level or equal to what they are right now; no rate increases. Our expectation is that for all municipal utilities, they would be able to reduce their rates in the future.

Mr. Vumbaco stated, I still think that other people in the business can do the same thing. What is this "walk-away" and why is that a unique feature in this agreement?

Mr. Smith explained, we would go out and buy a piece of base resource or peaking resource and they would actually be a Wallingford commitment. If we wanted to choose in 2007 to say, "we are severing our relationship with CMEEC", we take those entitlements and walk with those; they remain our through the duration of whatever term we have decided on, say 2009. Any other resources we need, we would have to supplement that; go out and seek our own additional resources because then we would have a gap. Whatever source we had, plus whatever CMEEC was supplementing that with, we would have to go out and get additional power supply at that time.

Mr. Vumbaco asked, if the Council were to decide to go out on a bid, couldn't they write that walk-away in to the specifications and see if anyone would be willing to take that same risk?

It is nice that they are offering it but if we are going to shop it and see if we can get the best for Wallingford, why not load up the bid spec and chase it and see? You might find out that nobody will do it; that solves our problem.

Mr. Smith answered, it solves a problem but would probably take about six months to get to that stage.

Mr. Vumbaco replied, we are talking about taking a contract and going another five years on a non-bid basis. We are talking about millions and millions and millions of dollars here. I don't see where six months is going to be...why do we have to do it right now?

Mr. Smith answered, the market conditions are in our favor right now and we would like to move forward on it. We are not going to make all of our commitments at this time, either. If the price is right we will buy a piece here and a piece there, we are not going to commit ourselves to anyone, i.e., Enron, so that we have one supplier which makes for a very dangerous situation. We need to diversify.

Mr. Vumbaco agreed but stated, I think we can diversify with other potential marketers as well. During your last presentation the word, "non-profit" kept coming up and we all know that you are considered a non-profit purely because you do not distribute your profits to your shareholders. Non-profits still have to be profitable, you won't stay in business otherwise. You have to generate funds to pay your salary; everyone who works at CMEEC receives a salary; Mr. Smith has informed us that there is some bonded indebtedness that needs to be paid down, all that has to be factored in. It is not just that you are doing us a favor as a non-profit, going out and shopping. What is your mark-up on the power you are buying?

Mr. Scully answered, to cover our expenses. CMEEC has been in business since 1980; supplying all of the power for the municipal utilities in the state. What we do is take all of our administrative costs and that goes into our rates and what is reflected in the letter that Mr. Smith had sent the Council were the rates for Wallingford. That reflects all of CMEEC's administrative cost is for Wallingford, built into that rate.

Mr. Vumbaco asked, is there an estimated or general percentage; an average percentage?

Mr. Scully answered, about 1.5%.

Mr. Vumbaco asked, does that include your indebtedness?

Mr. Scully answered, no.

Mr. Vumbaco asked, how are you generating funds to pay that down?

Mr. Scully answered, the rates we charge includes debt service to pay off our debt as well. That is all included in the rates.

Mr. Vumbaco asked, if we were to work with another organization that wasn't CMEEC who didn't have that debt, obviously, there is a chance that the rates would be less because they don't have the debt? Every organization has debt; in a vacuum there is a potential that those rates...you are going out into the market and getting a rate and then you are adding in a piece to cover your indebtedness and then on top of that you are adding in your administrative costs.

Mr. Scully answered, that's right, our administrative costs but, again, if you look at that, it is a pretty small amount if you compared it to what the normal return of a power broker or marketer is; they would probably expect to get a 20% return. Our administrative and general piece is about 1.5% which is a fairly significant difference.

Mr. Vumbaco asked, what percentage of the rate would be to cover your indebtedness, on average?

Mr. Scully stated, the total debt is about 6%; debt that is not associated with Wallingford. That debt is only charged to the other municipal utilities. The other municipal utilities are responsible for that debt.

Mr. Vumbaco next asked someone to explain to him why holding a seat on CMEEC's Board of Directors is not a conflict of interest? Being a Board Member you also need to have your organization at your heart, too.

Mr. Smith answered, no, I think it is a wise position to be on the Board so that we can be a part of the decision-making process and monitor the activities of CMEEC. I thought that to be an advantage. We used to be a wholly-captive customer of CL&P who, for years made decisions that we never got an opportunity to be a part of. They made some decisions that cost Wallingford money over the years. Such as the middle '80s when Millstone III went to rate base and we had a 48% rate increase. Did we have a choice in that?, no; someone else made that choice for us. Being on the Board of Directors allows us to be part of that decision-making process and I always felt that that was an advantage. If you go with someone else, they are making decisions and you have no say and I always felt that was a disadvantage. If you want to appoint two other people to the Board of Directors, if that makes a difference that's fine with me. I just think that we ought to be represented because it is in our best interest.

Mr. Vumbaco stated, I am raising this up because it was raised to me as a Councilor; I had some people ask me. I know for a fact that if you have put your hat on and are sitting there as a Board member, your charge as a Board member is to also take your organization...

Mr. Smith answered, my first role is as a Wallingford representative. I ask questions such as, "How does this affect Wallingford?", "What is the influence on Wallingford?" and that is where my concerns are. They know I raise those questions at times. I have abstained on votes where it was not in our best interest, or I have voted no. It raises eyebrows at times but, I just don't agree with the Board. When it affects Wallingford, I want to know what it is and how it is. I am involved with a couple of committees, the Risk Management Committee and I have helped set up the Risk Management policies; how far a reach the staff can go without coming back to the Board and saying, "you have this authorization, but that is your limit." Beyond that there is trouble. That is the type of policies that you need to establish.

Mr. Toman stated, like Mr. Vumbaco, I was fascinated by your ability to provide lower cost power versus the estimate, especially in exhibits 2 and 3. I am trying to zero in on what your edge is because if you were a money manager I would hire you in a minute because of this long outstanding record of supplying lower and lower costs and it looks like we are lucky to be part of what you have to offer. Is your ability to do this because of the legislatively-created non-profit status that you have versus these other people who are stock or for-profit companies?

Mr. Scully answered, we do have some advantage because we are tax-exempt but that only comes to the extent that we really issue debt and other things. The primary benefit that we derive from this is, our core business and our single focus is to get the lowest cost power for the municipal utilities. We are not there to make a profit. We don't have stockholders. The ratepayers, the customers of the municipal utilities are the owners so we are there to work on their behalf to get the lowest cost of power. What we do, and we have been very successful at it since 1980, we go in and specifically project what the needs are of the municipals, alone and then we tailor the types of power that we buy that is geared towards those needs. We are highly sophisticated in terms of computer analysis and optimization programs that we use. Every single day we will wind up looking at the needs of the municipal utilities and optimizing that; buying power. If we see any power that is available, we will buy it for a period of an hour; four hours; eight hours a week if it really lowers our cost. That is the driver; the difference between us. We are not looking to hit a homerun.

Mr. Toman added, you don't have to report to shareholders on a quarterly basis.

Mr. Scully replied, we have to report to the Board of Directors and their goal is that they don't want their constituents to have to have any rate increases. They want the lowest cost of power for the economic benefit in their community. Every single municipality has the same driver as Wallingford. Our charge is to get the lowest cost power to them. Power costs represent 60-70% of the total residential retail electric bill.

Mr. Toman added, we are now in a soft market period where demand is lower because of the recessionary elements that are going on in the economy.

Mr. Scully added, the demand is a lot lower than anticipated and there were a lot of excess generating units that were started to be brought on for two reasons; it was anticipated that there would be a lot more opportunities in the market as what happened in California last summer where some of these generating units could get significant profits and that hasn't come to pass. Secondly, gas prices have declined. Today, natural gas for February was selling at \$2.20 per mbtu. Last year at this time it was selling for \$8.00+ for mbtu. Now is the opportunity to go out and secure it because natural gas prices are a big driver in terms of electric prices since that is the primary fuel that is used in most of the generating units. As the gas prices go down, electric prices tend to go down. That is why we have recommended to every to go out and purchase a piece of power now.

Mr. Toman stated, you "dart" in and out of the market, taking away pieces of power because you don't have to worry about the cost that the big power names have to worry about.

Mr. Scully answered, that's right and also because we have a guaranteed load that all of the municipalities are supplying, we know we have to have electricity to supply the residents of Wallingford, Groton, etc. All of those others are called merchant plants and they don't know if they are going to sell power from one day to the next. We know we have a definite commitment. We are in there to buy power. That is very different from someone who is just in there speculating and that is what a lot of the marketers are, speculators.

Mr. Toman replied, I think some economics, Ph.D. candidate should do a study on what you are doing, it would be fascinating.

Mr. Brodinsky asked Mr. Smith, do you get paid for serving on (CMEEC's) Board of Directors?

Mr. Smith answered, no.

Mr. Brodinsky asked, we are talking about millions and millions of dollars changing hands in the period of time you are talking about, is that correct, or tens of millions of dollars?

Mr. Smith answered, yes, oh yes. Our current budget is somewhere in the order of \$32 or \$33 million per year.

Mr. Brodinsky pointed out, and we are talking about a potential five-year relationship. He wanted to get a hard number on CMEEC's fees referred to earlier in the form of a percentage. He asked, last year what were your overhead charges, not on a percentage basis, that were built into the rates that we paid?

Mr. Forshaw answered, about 30% or \$500,000.

Mr. Brodinsky stated, the old model for bidding doesn't fit. The old model might be that we know that we are going to need a minimum amount of power...if we picked a quantity of power that certainly knew we were going to need for particular years and Wallingford didn't use your services, we just went to a power company directly...and let them know that we were willing to spend \$30 million a year, why couldn't we do some one-stop shopping and get a rate that maybe you couldn't get?

Mr. Scully answered, for a couple of reasons; one, is that when you aggregate all of the municipals together, they are a lot larger than Wallingford so you can get a more favorable rate. You could do one-stop shopping with a company; a lot of people did one-stop shopping with Enron. That is not the way we do business. We build a very diverse portfolio; we have stringent credit management requirements; letters of credit. Wallingford could do that but they would have to establish counter-party agreements, letters of credit, everything else with all these entities that you would want to do business with. You mentioned that Wallingford could buy minimum amounts of power. That amount of power varies each and every single hour for Wallingford. Unless you want to buy for every single hour a different amount of power, then you have the wrong amount of power and you are either going to have to buy power in the marketplace or if you have too much, you are going to sell it. If CMEEC has excess power at any time, we automatically sell it back into the marketplace. If Wallingford had excess power, they have to go out and have someone sell it and if they couldn't do that, they are stuck with it, they eat it. That, in itself, is a huge risk that you could wind up paying a substantially higher price in the end. You are not only paying for the power that you used, but twice, because if you don't sell the power that you didn't use, you have to sell it instantaneously, that is the big difference.

Mr. Brodinsky asked, in the electric market is there such a thing as a demands contract or needs contract that we can go directly to a power generator and said that we were a big player and want to buy from them all the power that we need and it may vary; could Wallingford not entice someone into the sort of a contract?

Mr. Scully answered, you probably could and I think that the letter that Mr. Smith had sent out that had a bar graph on the back of it, you can see that there are a couple of entities in there, utilities, that actually supply all of the requirements. Their rates that they were charging are 40-50% higher than what we were charging. You can do that but there will be a substantial premium for that because of the uncertainty.

Mr. Brodinsky asked, does electricity have a market price that can be checked or researched every hour, like the stock market? Does power work like that? If not, what are the differences?

Mr. Scully answered, the price of electricity changes every five minutes.

Mr. Brodinsky asked, how do you monitor what it is? How does that work?

Mr. Scully answered, we are on the computers monitoring it every hour. The price of electricity is set by what is called ISO New England; a clearing house for all of the electricity in New England. That price changes every five minutes. We are watching that during all the working hours and if we see that prices go up to \$1,000., we will call some of the municipalities and ask them to reduce their load; turn on their generation, what ever they can do. Wallingford utilities has the ability to see those prices too, through CMEEC. They can actually look at the hourly prices. We usually send those out to the municipal utilities.

Mr. Brodinsky recited the following example: We don't buy all of our power all at once as you suggest, we buy a slice of it and one of your staff is at a computer monitoring the price change every five minutes and over the course of a day there is a drop in price of power. I then envision you getting on the phone and calling Mr. Smith to ask if he would like to drop a couple of million to buy power at this price? Am I far off from how this is going to work? That is how I am picturing it.

Mr. Scully answered, what CMEEC does is, we go out and secure the basic power needs. We buy them long term, short term, a day ahead...

Mr. Brodinsky stated, I am picturing that we have a gap in our needs; a gap in 2007; a gap in 2008 and we need to fill that gap at the right price.

Mr. Scully replied, if we needed to buy some additional power at the right price, we have set recommended target prices for all of the different types of power that we need. We have given those to the municipal utilities. Effectively, we would say to them, if we could secure the power at these prices, then when you pull it all together, that should guarantee that you can keep your rates equal to or lower than they are right now.

Mr. Brodinsky stated, where my example went wrong was, Mr. Smith would give you authority, in advance, to buy power whenever it drops to a certain price and then you would automatically, without that phone call, fill the need?

Mr. Scully answered, that is what we do on an ongoing basis in order to supply the full needs of the municipal utilities.

Mr. Brodinsky asked, if we waive the bid, is that what would be happening?

Mr. Smith stated, I think what he was responding to was the daily...what they would do is go out and say that they want to go out and get a block of 50 megawatts which will cover a portion of the base load needs of all the systems; Wallingford is 15; Groton is 15; Norwich is 10; however it evolves. At that point they would come back to the system and report that they were

able to get a block of power from "ABC Company" which means that they have cleared our financial tests, are creditworthy, and ask if we are willing to lock this in?

Mr. Scully stated, if we have certain amounts that we have recommended that each one of the municipalities buy for the long term piece of each type of power, base or peaking, and what we would do is go out and solicit the market for those different pieces and then fill in those amounts that we have recommended; generators, marketers, brokers.

Mr. Brodinsky asked, the price for power to be delivered three years out; that does not have a posted price? You can't monitor the computer and find that?

Mr. Scully answered, yes, you can. You can go out and find prices in a forward market and that is for delivery in the year 2004 or 2005. You can get a price today for that. Sometimes that market is fairly thin so you have to go out and actually solicit bids to get a very robust response. That is what we do. We are in touch with marketers and brokers constantly because we are constantly out in market. We have contracts in place and therefore can implement them quickly with them. They know our credit and have a history of buying and selling with them so they tend to be comfortable with us.

Mr. Vumbaco asked, how long with the contracts be that we are addressing tonight? There is a lot more power companies that are going to be coming on line over the next few years. In Connecticut alone we have the Meriden and Milford facilities and all these new merchant plants that are coming on board. I think there potentially might be a glut of power. If we are going to lock ourselves in long term, we could end up buying at a higher rate. I am curious as to what the average length of time that we are going to lock ourselves in for is going to be. I understand that you are going to pay the dollar figure that you are going to be comfortable with, rate-wise and we are going to work towards meeting that goal or beating it so it really doesn't matter, but it does if we are buying power.

Mr. Smith answered, what we are looking at as far as base load resources on a long term basis would be about 41 megawatts. Beyond that, we may still buy some but we may buy it short term. In doing the analysis to date, you are right, you don't want to over-commit because you lock yourself in even though the prices look great today, if the market really bottoms out two years from now, you want to be able to take advantage of that, yes. That is part of the long term plans, to do that, so you buy only a portion of it with some long term contracts.

Mr. Vumbaco asked, what is the length of term on the 41 megawatt contracts?

Mr. Smith answered, no more than 5 years. The can be 4 or 5 years.

Mr. Scully added, the long term base piece that was contemplated is about 15 megawatts and that would serve roughly 23-24% of your total energy needs.

Philip Wright, Sr., 160 Cedar Street asked, how many employees does CMEEEC have and where is CMEEEC located?

Mr. Scully answered, eighteen full time employees and three part time employees and the firm is located in Norwich, CT.

Mr. Wright asked, why does the agenda item read that we are waiving the bid to enter into a discussion with CMEEEC? Usually we waive the bid to enter into a contract. Why is it written this way?

Mr. Smith replied, because we have not finalized any of the contracts. CMEEEC is going to go out and solicit bids on behalf of a number of the entities and we will be back in discussions if we enter into the contract. There will be contracts with different parties, if you will, it may not be CMEEEC. I have been chastised a number of times for coming to this Council and this body and saying, "I already have the prices and bids, will you now accept a bid waiver process?" I have heard the question asked in the past, "why didn't you come to us first? We were not aware of the road that you were going down; come back to us and let us know what is going on." Correct me if I am wrong.

Chairman Parisi replied, that is absolutely correct.

Mr. Smith continued, this is an informational process or procedure that we started back in October; laying out the information, first by the PUC and then here. We are back here to make sure this is a procedure that is accepted by the Council and PUC. I don't want to go out and sign a contract and be told that I had no authority to do that.

Mr. Wright asked, what are we talking about in terms of dollars?

Mr. Smith answered, millions of dollars. If we sign a contract for 15 megawatts, that contract could be four million dollars over a five year period. That is only a component or piece of it. We are building a portfolio. We buy about \$32-33 million worth of electricity each year.

Geno Zandri, 1072 S. Colony Road asked, does Select Energy in CT., do the same type of work that CMEEEC does?

Mr. Scully answered, they are an unregulated subsidiary of Northeast Utilities. They will sell power through a marketer or broker but they don't manage the power supplies on behalf of anyone else the way CMEEEC does.

Mr. Zandri asked, if the Town of Wallingford were to contact them and ask them to handle our electrical needs, they wouldn't be able to do that?

Mr. Scully answered, Select is one of the parties that we will put in a bid with. We have contracts with Select and they would be one of the counter-parties that we would be looking to buy power from.

Mr. Zandri asked, they will sell power to you but they wouldn't do the same to the Town?

Mr. Scully answered, I am sure they would sell it to you but they would not manage the power supply of Wallingford in the same way that we would. Select would sell and if you wanted to buy all of your power from Select and have all of your eggs in one basket, similar to ENRON, select would be more than willing to do that but we don't believe that would be the prudent way to approach in Wallingford or anyone else's best interest to put all their eggs in one basket with any entity.

Mr. Zandri asked, does Select generate its own power?

Mr. Scully answered, they have some resources but they cannot generate 100% of their needs.

Mr. Zandri answered, I don't believe they generate any of their needs, rather buys and sells electricity.

Mr. Scully stated, within Select Energy there are several different unregulated subsidiaries and one of them is Northeast Generation Company which actually owns generation and that is a subsidiary of Northeast Utilities and part of Select. In fact, they do generate their own electricity.

Mr. Zandri stated, it was my understanding with deregulation you were supposed to be able to go out to generators of electricity to see what prices are out there for servicing customers; not only the Town of Wallingford but individual customers as well. It was also my understanding that Select Energy was one of those companies that you could go to and they would, in turn, purchase power from other entities and, in turn, sell it to a customer similar to Wallingford.

Mr. Forshaw replied, Northeast Generation is one of the subsidiaries that bought the hydroelectric units of the old CL&P. They own and operate generating facilities.

Mr. Zandri asked, do they also buy power from other generators if they do have their own, which I don't believe they do. They could potentially go to Niagara Mohawk and, in turn, re-sell it.

Mr. Scully answered, yes.

Mr. Zandri stated, one of the big savings, obviously, to the Town is the peaking portion of our needs because we have a base load and that is the load that you are going to go out and solicit prices for and that is going to be the long term contract that you are going to be tying in because that is almost a guarantee need on a daily basis for the Town of Wallingford. The savings comes in under peaking power because that is the variable and that power is the one that fluctuates on the market on a daily basis. That is the portion of the contract that we have that is the most vulnerable, as far as our pricing is concerned, is that a fact? You tend to think of peaking power as what you need in the hottest times during the summer but also you need that for very short periods of time. It does tend to be the most expensive of the power but it is used in the less frequently in the least amount. The base needs that we are talking about would be; if you secure all of the base needs, not just the small amount we are talking about here; it is probably about 62-65% of Wallingford's total needs is usually only about 1%.

Mr. Zandri asked, but you have the other gap in there as well that you must be doing on short term contracts.

Mr. Scully answered, we would do those on shorter term and intermediate term contracts, put together a portfolio.

Mr. Zandri stated, that is where the fluctuation is on our total cost for electricity. That is where the savings comes in basically as far as utilizing a firm like yourself to supply us with our needs.

Mr. Scully answered, yes.

Mr. Zandri stated, you referred to your track record over the past few years and how there were projections made a few years back on what our costs were going to be and that you had some favorable years over the past couple of years. You had those favorable years because you made a projection, which was an estimate, and because the market has been trending downward is the reason why we had those savings over the last few years, correct?

Mr. Scully answered, I don't think the market was in a downward trend. When deregulation started, prices actually went up rather than down. If you recall, prices went up significantly last year but CMEEC had bought power at the right time at favorable prices and that is why we were able to sell back into the marketplace some excess power at higher prices.

Mr. Zandri countered, if your base contracts are long term, the main variable in the power is really your peaking power and the gap between what your base power is and the fluctuation on a daily basis is where the savings comes in.

Mr. Scully answered, that is right. Our savings comes in by optimizing on an ongoing basis the needs of all the municipal utilities with all the cheapest sources of power that we have. It is a constant optimization on a daily basis. That is where the savings comes in.

Mr. Zandri asked, you don't feel that it pays for the Town to go out and bid, even on a portion of our needs on our own, for example, for our base power?

Mr. Smith answered, we are indirectly using the bid process, using CMEEEC as the bid agent for us. They recover their cost through the charges that are in the rates today.

Mr. Zandri asked, would there be any savings to us to do that portion of it on our own?

Mr. Smith answered, no.

Mr. Zandri stated, the whole purpose of deregulation was to allow customers to go out and solicit bids for their electricity and I know there are other companies out there that does the same thing that CMEEEC does. I am opposed to waiving the bid on this item.

Pasquale Melillo, 15 Haller Place, Yalesville asked if CMEEEC competes with the "big guys" by bidding on the spot market for one, two, three days' supply of electricity; one, two three weeks' supply, etc.?

Mr. Scully answered, ENRON is bankrupt and we are not.

Mr. Melillo disagreed.

VOTE: All ayes; motion duly carried.

ITEM #14 Discussion and Possible Action Regarding the Adoption of New Voting Districts for the Town of Wallingford as Requested by the Registrar of Voters

Mr. Knight stated that he had a letter before him signed by Barbara Thompson and Diana Hotchkiss written to the Mayor and Town Council Chairman Robert Parisi.

Mr. Knight read the letter into the record (Appendix IV).

Contained in the Thompson/Hotchkiss letter, the Secretary of State's Office is quoted from correspondence that was addressed to the Registrar of Voters Offices as saying, "if the Registrars wished to change the boundaries of the voting districts without crossing any assembly, senatorial or congressional districts lines, the municipal's legislative body must

approve the new lines and the new voting district lines are effective upon adoption by the municipal legislative body.”

Ms. Thompson writes, for the past number of years, having fourteen voting districts has been very unwieldy. Not only do we have to wait all evenings for returns from fourteen districts but it has become increasingly more difficult to get poll workers who are willing to work a fifteen hour day. Also we have been encountering a number of difficulties when using private properties as polling places. Since the State is becoming more strict regarding handicapped accessibility and the Town cannot be making improvements to private property. We would like to use only our schools and Town-owned buildings as polling places and also cut down the number of polling places so we are asking you to approve the plan that we have prepared.

Diana Hotchkiss, Democratic Registrar of Voters stated, in regards to this letter, I never wrote it and I never signed it. There are several things in that letter that I do not agree with. I want to bring that before the Council; I never saw the letter to begin with. William Fritz, on behalf of the Registrars, will present the Council with a plan of what the Registrars would like it to look like. We are not asking you to move on anything; vote on anything. We just want you to know where we stand at this point in time with what we are bringing forth to you.

Chairman Parisi stated, as I understand it, this is more for public information for the public.

Wm. Fritz, 43 Grove Street, Yalesville placed on display a proposed plan (on file in the Town Clerk's, Town Council's and Registrar of Voters Offices). He stated, it was learned that if new lines were not drawn for districts, we would end up with nineteen (19) voting districts in this community. Knowing that down-sizing was a goal of the registrars as well as many Town officials, I took it upon myself with Bill Fischer (Chrmn., Democratic Town Committee) and a few other people to draw up a map to make things workable.

After carefully explaining the changes made to the assembly/voting districts, Mr. Fritz next reviewed the many Town-owned locations at which polling places can be established in the proposed new voting districts.

He explained, if the Council votes on the proposed map, it means that the Town Committee selections tomorrow night will have to; State law supersedes the Town's Charter and we would have to enact it tomorrow night for selection of town committees which he did not think either committee was prepared to do.

Chairman Parisi stated that the Council will take the proposed plan under advisement, as presented, and let it go forward in the normal course of the item. He thanked the Chairmen of both Town Committees for their input on the plan as well as the Registrar of Voters.

No Action Taken

ITEM #15 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations in the Matter of John Janeway, et al v. Robert Green, Town of Wallingford, et al – Town Attorney

ITEM #16 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Matter of Slomkowski Family Realty LLC v. Town of Wallingford – Town Attorney

ITEM #17 Withdrawn

Motion was made by Mr. Knight to Enter Into Executive Session Pursuant To Section 1-200(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations in the Matter of John Janeway, et al v. Robert Green, Town Of Wallingford, et al and the Matter of Slomkowski Family Realty LLC v. Town of Wallingford, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council entered into executive session at 9:24 P.M.

Present in executive session were all Councilors and Atty. Mantzaris.

Motion was made by Mr. Knight to Exit the Executive Sessions, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council exited executive session at 9:32 P.M.

ITEM #18 Consider and Approve the Settlement of Pending Litigation in the Matter of John Janeway, et al v. Robert Green, Town of Wallingford, et al as Discussed in Executive Session – Town Attorney

Motion was made by Mr. Knight; seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #19 Consider and Approve the Settlement of Pending Litigation in the Matter of Slomkowski Family Realty LLC v. Town of Wallingford as Discussed in Executive Session – Town Attorney

Motion was made by Mr. Knight, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Mr. Rys.

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 9:33 P.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri
Kathryn F. Zandri
Town Council Secretary

Approved by: *Robert F. Parisi (CR)*
Robert F. Parisi, Chairman

2-13-02

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

2-13-02

Date

RECEIVED FOR RECORD 2-11-02
TOWN CLERK

Appendix I



OFFICE OF THE MAYOR
TOWN OF WALLINGFORD
CONNECTICUT

WILLIAM W. DICKINSON, JR.
MAYOR

November 28, 2001

Wallingford Town Council
Wallingford, CT 06492

Attn: Robert Parisi, Chairman

Dear Council Members:

For twenty years the Town has leased to local farmers various open space properties for agricultural use. Leases on these properties expire December 31, 2001. Attached is a tabulation of the parcels. Approximately 300 acres are included in the lease program. It is requested that the Council consider approval of another five-year lease program for agricultural use of these properties. Plans for renewal of the program have been reviewed with various Town departments including the Recreation Department, PUC and Department of Law. No significant changes are proposed.

Attached is a copy of the lease document that has been in use. Bids would be solicited for the properties and leases executed with special land use provisions that specify best management practices for the properties with particular restrictions applied to those parcels within watershed and aquifer areas.

Action on program renewal is requested at the next meeting so that the bidding process can be initiated. If prior to the meeting there should be any questions or comments, contact Tom Dooley.

Sincerely,

William W. Dickinson, Jr.
Mayor

Attachments – Lease
Property Listing

Cc: Tom Dooley, Recreation Department

**PROPERTIES AVAILABLE IN
FARMLAND LEASE PROGRAM
(1/1/02 - 12/31/06)**

| <u>Parcel #</u> | <u>Location</u> | <u>Map</u> | <u>Acreage</u> | <u>Comments*</u> |
|-----------------|--------------------------------------|------------|----------------|------------------|
| 1. | No. Branford Road | S-142 | 9.5 | B |
| 2. | No. Branford Road | S-142 | 8.1 | B |
| 4. | No. Branford Road | S-142 | 16.6 | B |
| 5. | No. Branford Road | S-142 | 3.5 | B |
| 6. | No. Branford Road | S-142 | 2.5 | B |
| 7. | No. Branford Road | S-142 | 2.8 | B |
| 8. | No. Branford Road | S-142 | 1.1 | B |
| 9. | No. Branford Road | S-142 | 5.1 | B |
| 10. | No. Branford Road | S-142 | 4.6 | B |
| 11. | No. Branford Road | S-142 | 2.6 | B |
| 12. | No. Branford Road | S-142 | 7.6 | B |
| 14. | No. Branford Road | S-142 | 4.1 | B |
| 15. | No. Branford Road | S-142 | 1.0 | B |
| 15. | East Center Street | S-140 | 3.7 | |
| 19. | East Center Street | S-140 | 5.0 | |
| 20. | East Center Street | S-140 | 10.0 | |
| 22. | Northford Road | BB-609 | 6.5 | B |
| 24. | Tamarac Swamp Road | S-141 | 4.1 | |
| 26. | Tamarac Swamp Road | S-141 | 2.2 | D |
| 27. | Tamarac Swamp Road | S-141 | 6.3 | D |
| 31. | Tamarac Swamp Road | CC-74 | 10.1 | |
| 32. | Tamarac Swamp Road | S-141 | 14.0 | |
| 37. | Northford Road | CC-77 | 19.3 | |
| 38. | Anderson Road | CC-76 | 2.6 | |
| 39. | Anderson Road | CC-76 | 4.2 | |
| 44. | Maltby Road | BB-611 | 2.6 | |
| 46. | Maltby Road | BB-611 | 1.6 | |
| 49. | East Center Street | CC-75 | 4.9 | B |
| 50. | East Center Street | CC-75 | 1.1 | B |
| 51. | East Center Street | CC-75 | 4.6 | B |
| 52. | East Center Street | CC-75 | 1.6 | B |
| 53. | East Center Street | CC-75 | 4.1 | B |
| 54. | East Center Street | CC-75 | 2.8 | B |
| 55. | East Center Street | CC-75 | 3.1 | B |
| 60. | Woodhouse Avenue | AA-450 | 2.0 | |
| 61A. | Tyler Mill Rd./East Center Street | 0-933A | 10.1 | B |
| 61B. | Tyler Mill Rd./East Center Street | 0-933A | 3.5 | B |

| <u>Parcel #</u> | <u>Location</u> | <u>Map</u> | <u>Acreage</u> | <u>Comments*</u> |
|-----------------|---------------------------|------------|----------------|------------------|
| 62. | 205 Main Street | 0-934-L | 4.0 | A |
| 63. | 143 Hope Hill Road | S-31-L | 10.5 | A/C |
| 64. | 70 Tamarac Swamp Road | CC-127 | 25.2 | |
| 65. | Cheshire/Schoolhouse Road | | <u>25.0</u> | |
| | | Total | 263.8 | |

Parcels to be added:

Cooke Road

Whirlwind Hill Road

E
E

- * A = Aquifer (Restrict to Hay)
- B = Watershed Area (Restrict to Hay)
- C = Site of Public Celebrations' Fireworks
- D = Access to be Provided to Abutting Property
- E = Not available for Lease Until 1/1/04



Town of Wallingford, Connecticut

RECEIVED
MAYOR'S OFFICE

DEC 20 4:38 PM '01

RAYMOND F. SMITH, P.E.
DIRECTOR

DEPARTMENT OF PUBLIC UTILITIES
100 JOHN STREET
WALLINGFORD, CONNECTICUT 06492
TELEPHONE 203-294-2263
FAX 203-294-2267

December 20, 2001

Mayor William Dickinson
Town of Wallingford
45 S. Main Street
Wallingford, CT 06492

SUBJECT: BID WAIVER REQUEST - CMEEC

Dear Mayor:

The Public Utilities Commission voted on Tuesday, December 18th to request a Waiver of Bids for the purpose of initiating discussions with Connecticut Municipal Electric Energy Cooperative (CMEEC) for future power supply arrangements. This matter was discussed at the December 11th Town Council meeting and will involve our supply commitments that will commence in year 2005 and run for a period of more than four years.

The goal of the Electric Division will be to sustain our existing, highly competitive retail electric rates and request that CMEEC commence the process that would secure resources that would allow those targets to be achieved. CMEEC, in essence, would be our agent; soliciting proposals for that long-term power supply contracts. The contracts would then be blended with CMEEC's resources in an affiliated relationship with the joint action agency. Those contracts would be the responsibility of the Wallingford Electric Division in the event that we would no longer utilize CMEEC at some future date.

CMEEC remains the only entity established with the sole purpose of securing low cost power supply for the municipal systems of the State of Connecticut. Materials for this topic were transmitted to your office prior to the last Town Council meeting. It is my opinion and now supported by the Public Utilities Commission that this process is in the best interest for the ratepayers of the Wallingford Electric Division. The waiving of the bids will enable us to initiate the procedures immediately and hopefully take advantage of some soft market conditions that presently exist. We do not anticipate committing our full requirements at this time, but will build a portfolio with small power supply contracts as opportunities avail themselves.

Yours very truly,

Raymond F. Smith
Director - Public Utilities

RFS/kaw

C: PUC

Appendix III



Town of Wallingford, Connecticut

RAYMOND F. SMITH, P.E.
DIRECTOR

DEPARTMENT OF PUBLIC UTILITIES
100 JOHN STREET
WALLINGFORD, CONNECTICUT 06492
TELEPHONE 203-294-2263
FAX 203-294-2267

January 3, 2002

Mr. Robert Parisi
Town Council Chairman
23 E. Main Street
Wallingford, CT 06492

Dear Chairman Parisi:

At the Town Council meeting of December 11, 2001, we discussed the matter of future power arrangements for the Electric Division. During the question and answer segment, Councilor Farrell requested information on the track record of CMEEC relative to the present agreement.

Attached herewith is a brief report containing the original cost projections developed in 1994 by our consultant, C.H. Guernsey and Company, and actual annual pricing through 2001, along with revised estimates for power through 2004. The Guernsey report was part of the material used to evaluate the CMEEC option versus the alternative supplier considered at that time.

CMEEC, to date, (except for 1997) was able to beat the annual estimated cost for power and projects to do better than the original forecast for the remaining three years of the present contract. 1997 prices were elevated due to the Millstone nuclear plant problems. For example, for 2002, the original cost projection for energy was at \$60.67/MWH or 6.067 cents per kilowatt-hour. CMEEC now estimates the 2002 charges to annualize at \$54.24/MWH. While 6.43 mills per kilowatt-hour may sound relatively small, the result is an annual budget reduction of more than \$3.8 million dollars from the 1994 cost projection.

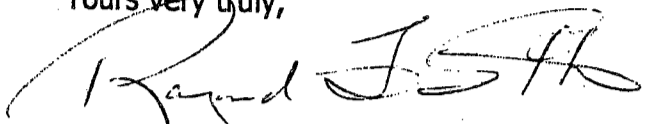
This history of lower power costs has been the major factor in Wallingford's ability to have stable rates in the past several years; even reducing the local charges significantly in early 2000. Presently, Wallingford Electric's residential rates are 30 - 50 percent lower than those customers served by Connecticut Light and Power or United Illuminating. Although we have experienced increases in power costs since 1995, these have been lower than expected. We do not foresee the need to increase our retail rates through 2004 and somewhat beyond.

In addition to the two (2) exhibits depicting the original power cost estimates and the actual annual power costs, the third attachment is a graph comparing the total rates for power filed by regional utilities. The comparison identifies charges of CMEEC, CL&P, UI, Western Mass. Electric (W.MA Electric) MA Electric (serving eastern Massachusetts) and NStar (formerly Boston

Edison). This exhibit only includes the power cost component of the various electric suppliers. Distribution and other charges are added to achieve a customer's total bill.

Hopefully, you will find this material suitable to demonstrate CMEEC's track record for keeping our power supply charges competitive and under original forecasts.

Yours very truly,



Raymond F. Smith
Director - Public Utilities

RFS/kaw

Attachment

C: Mayor Dickinson
PUC
Town Council Members

CONFIDENTIAL

November 25, 1994 Price Revision with Pierce Not in Service

Original Load and Energy Forecast

EEC Fuel = 1.0 x Base Case Fuel

serve Rqmt = 20.0%

Town of Wallingford

Comparison of Power Supply Options

| | | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|--|---------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| D Load Net of Pierce and CST Interruptible: | | | | | | | | | | | | | | |
| Peak Demand | (MW) | 89 | 103 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 |
| Annual Energy Requirement | (MWH) | 91,398 | 553,079 | 560,153 | 564,204 | 569,850 | 575,552 | 582,905 | 587,129 | 593,004 | 598,938 | 606,590 | 610,985 | 617,099 |
| % Change | (%) | | | 1.28% | 0.72% | 1.00% | 1.00% | 1.28% | 0.72% | 1.00% | 1.00% | 1.28% | 0.72% | 1.00% |
| Annual Load Factor | (%) | | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% | 61.03% |
| EEC Offer | | | | | | | | | | | | | | |
| Average Annual Billing Dema | (MW) | 86 | 90 | 91 | 92 | 93 | 94 | 95 | 95 | 96 | 97 | 99 | 99 | 100 |
| Maximum Billing Demand | (MW) | 89 | 103 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 |
| Charges | (\$000) | 0 | 21,520 | 22,775 | 24,509 | 26,625 | 28,667 | 31,350 | 33,381 | 35,976 | 37,774 | 35,745 | 36,104 | 36,661 |
| Charges | (M/kWh) | 0.00 | 38.91 | 40.66 | 43.44 | 46.72 | 49.81 | 53.78 | 56.85 | 60.67 | 63.07 | 58.93 | 59.09 | 59.41 |

Exhibit 1

C.H. Guernsey Report 12/10/94 (Condensed Schedule E-3.0)

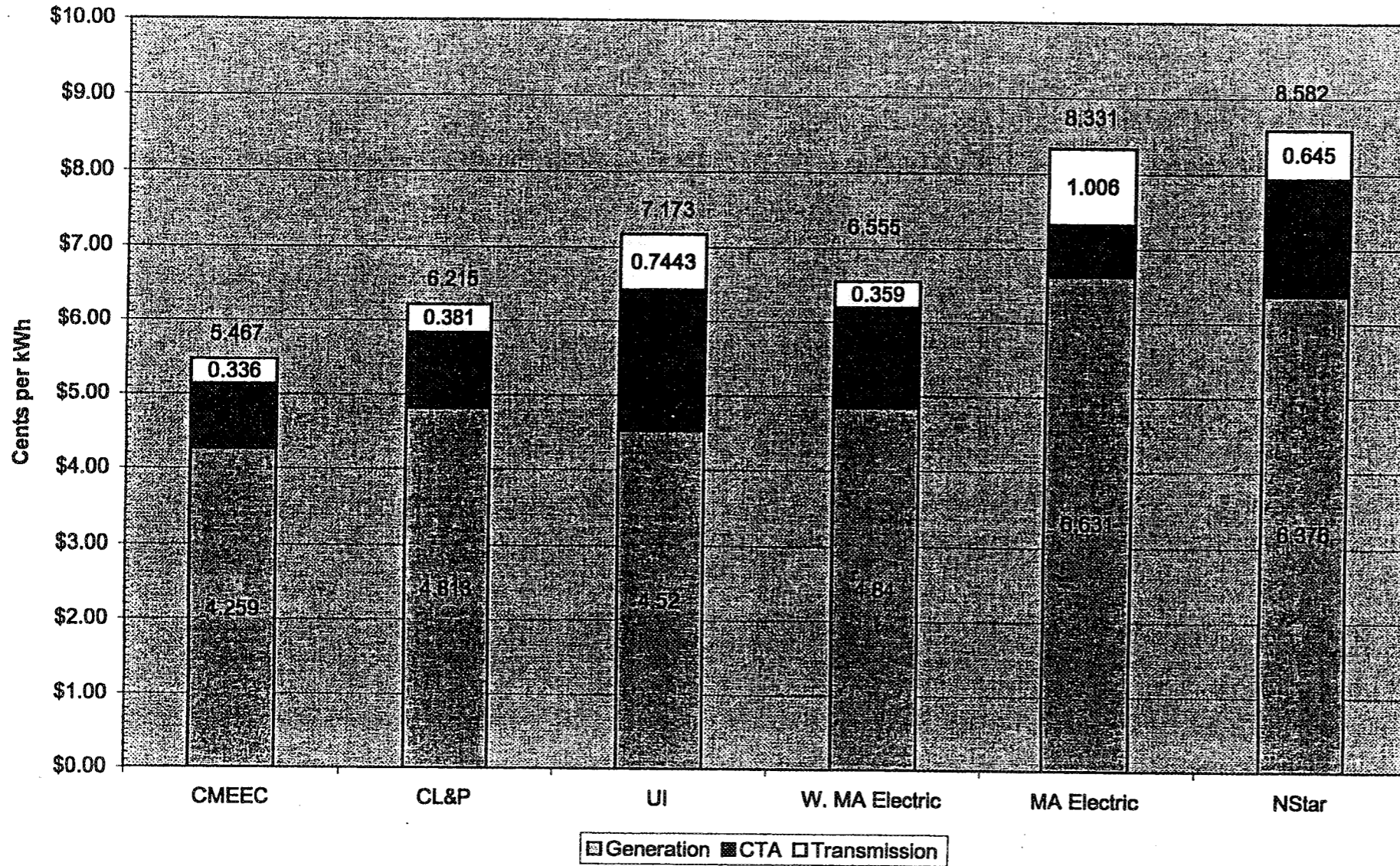
**WALLINGFORD ACTUAL ⁽¹⁾
POWER COSTS FROM CMEEC
COMPARED TO 1993 ESTIMATES AT TIME OF CONTRACT NEGOTIATION**

| | ACTUAL | | | | | | | FORECAST | | | | | |
|------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <u>1994</u> | <u>1995</u> | <u>1996</u> | <u>1997</u> | <u>1998</u> | <u>1999</u> | <u>2000</u> | <u>2001</u> | <u>2002</u> | <u>2003</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> |
| Forecasted Net Power Costs (M/kWh) | 0.00 | 38.91 | 40.66 | 43.44 | 46.72 | 49.81 | 53.78 | 56.85 | 60.67 | 63.07 | 58.93 | 59.09 | 58.41 |
| Actual Net Power Costs | | 38.54 | 40.23 | 45.54 | 46.68 | 46.02 | 49.84 | 54.85 | 54.24 | 54.89 | 55.66 | | |

(1) Net of any rate stabilization, economic development amount and including Pierce generation credit.

Exhibit 2

Comparison of CMEEC Actual 2001 Costs with Various Standard Offer Rates



CMEEC Data reflects actual costs from January - October 2001. Standard Offer rates reflect most recently approved or filed rates for each company.



Town of Wallingford, Connecticut

Appendix IV

REGISTRARS OF VOTERS

Diana Hotchkiss
Barbara Thompson

TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2125

Hon. Mayor William W. Dickinson, Jr.
Town Council Chairman, Robert F. Parisi

This is a request to have an Item put on the Town Council Agenda for its meeting of Jan. 8, 2002.

As you know, the Reapportionment Commission has approved and submitted to the Secretary of State a Plan of Redistricting for the Ct. State Senate & Ct. House of Reps.

In a letter addressed to the Registrars of Voters, and dated Dec. 7, 2001, (copy attached), the Sec. of State's Office has stated that if the Registrars wish to change the boundaries of the voting districts (without crossing any Assembly, Senatorial or Congressional district lines), the municipal legislative body must approve the new lines, and the new voting district lines are effective upon adoption by the municipal legislative body. (CGS s9-169b). For the

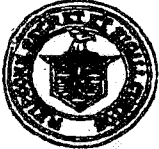
For the past number of years, having 14 voting districts has been very unwieldy. Not only do we have to wait all evening for returns from 14 districts, but it has become increasingly more difficult to get poll workers who are willing to work a 15 hour day. Also we have been encountering a number of difficulties when using private properties as polling places. since the State is becoming more strict regarding handicapped accessability and the Town cannot be making improvements to private property.

We would like to use only our schools and Town owned buildings as polling places and also cut down the number of polling places. so we are asking you to approve the plan we have prepared.

Thank you for your consideration.

Yours truly,

Registrars: Diana Hotchkiss
Barbara Thompson



Office of Secretary of the State
 State of Connecticut
 30 Trinity Street, P.O. Box 150470, Hartford, CT 06115-0470

RECEIVED
 MAYOR'S OFFICE

01 DEC 28 PM 12:00

Susan Byniewicz
 Secretary of the State
 Deputy Secretary of the State

December 7, 2001

TO: REGISTRARS OF VOTERS OF TOWNS DIVIDED BETWEEN TWO OR MORE ASSEMBLY OR SENATORIAL DISTRICTS, c/o Town Clerks

RE: 2001 PLAN OF DISTRICTING

The Reapportionment Commission has approved and submitted to this office the Plan of Redistricting for the Connecticut State Senate and the Connecticut House of Representatives. The Secretary of the State must publish this Plan forthwith and, upon publication, such Plan of Districting has the full force of law (Article XXVI of the Amendments to the Constitution of the State of Connecticut). The Connecticut Supreme Court has until February 15, 2002 to have Congressional Districts in Connecticut redistricted. Whenever a Congressional, Senatorial or Assembly district splits a voting district, by operation of law, each portion of the whole voting district becomes a new voting district. (Conn. Gen. Stat. §9-169a) Please see the enclosed List of Towns Divided by the 2001 Plan of Districting (not including the Congressional Plan) to see if this letter applies to your town now.

If your town is not one of the 72 towns on the attached list, you do not have to read this letter; however, retain it for use if the coming Congressional redistricting splits your town into two Congressional districts.

Registrars of voters are required to print registry lists and enrollment lists according to these new smaller voting districts and, generally, must provide a separate polling place in each of the new smaller voting districts. In many towns, the separate lists must be prepared before the January 8-15, 2002 endorsement of town committee members, and in the remaining towns separate lists must be prepared before the March 26-April 2, 2002 endorsement of delegates.

If the registrars wish to change the boundaries of the voting districts (without crossing any Assembly, Senatorial or Congressional district lines), the municipal legislative body must approve the new lines, and the new voting district lines are effective upon adoption by the municipal legislative body. (Conn. Gen. Stat. §9-169b)

Although the Plan of Districting itself does not contain maps, we anticipate that maps of towns divided between two or more Assembly or Senatorial districts will be generated by the Office of Legislative Research. As soon as we are able, we will send you all such maps that apply to your town to assist you in determining the boundaries of voting districts within your town. In many cases, we will be sending the 3-foot tube containing maps to the registrars of voters, c/o town clerk, so be sure to be in contact with your town clerk. You must use the following principles in interpreting these maps:

1. Whenever a district line falls on a street, the voters are divided by the center of that street. That is, voters on one side vote in one district, voters on the other side vote in the other district. (We are enclosing a summary of the 1991 explanation of maps, which may be of assistance to you.)
2. There may be some errors in these preliminary maps. You must study the text of the Plan of Districting.

Commercial Recording Division (860) 509-6001 fax 509-6068
 Election Services Division (860) 509-6100 fax 509-6127
 Management & Support Service (860) 509-6190 fax 509-6175
 Records & Legislative Service (860) 509-6134 fax 509-6230

State Capitol Office (860) 509-6200 fax 509-6209
 Citizen/Education (860) 509-6261 fax 509-6131
 Board of Accountancy (860) 509-6179 fax 509-6247

TO REGISTRARS OF VOTERS

December 7, 2001

Page Two

3. Members of the General Assembly in the past have checked that the Plan and the maps have been properly implemented by the registrars of voters, so if you have any question regarding interpreting the Plan, please contact the Office of Legislative Research at 240-8400.

The official text of the Plan of Districting is available from this office in whole or in part. We will be sending the text of the Plan of Districting (listing towns, census tracts, census block groups and census blocks) to each town clerk as soon as possible.

A. TOWNS WHICH ELECT ALL TOWN OFFICERS AT-LARGE

Towns which elect all town officials at-large and which choose town committees from political subdivisions must, before the January 8-15, 2002 endorsement of town committee members, prepare enrollment lists according to the new smaller voting districts. (Conn. Gen. Stat. §9-169a) Remember, if the registrars wish to change the boundaries of the voting districts (without crossing any Congressional, Senatorial or Assembly district lines), the municipal legislative body must approve the new lines. (Conn. Gen. Stat. §9-169b)

B. TOWNS WHICH ELECT SOME TOWN OFFICERS FROM POLITICAL SUBDIVISIONS

Towns which elect some town officers from political subdivisions and which elect town committees from political subdivisions are not required to redistrict their voting districts until the March 26-April 2, 2002 endorsement of delegates, unless their town committee members are chosen on the basis of Assembly districts. (Conn. Gen. Stat. §9-169a)

C. SUMMARY LIST OF CONNECTICUT GENERAL STATUTES RELATING TO REDISTRICTING

Please study the following provisions of the General Statutes with regard to redistricting: Secs. 9-1(v), 9-168a, 9-169, 9-169a, 9-169b, 9-372(10), 9-390(e) and 9-431(b).

1. The party rules may specify that town committees may be selected from political subdivisions. (Conn. Gen. Stat. §9-431(b)) The State Central Committee interprets party rules.
2. A political subdivision is a voting district or a group of voting districts. (Conn. Gen. Stat. §9-372(10))
3. A voting district is an area with one polling place. (Conn. Gen. Stat. §9-1(v))
4. Generally, a voting district which is divided in two by an Assembly, Senatorial or Congressional district line becomes two voting districts (Conn. Gen. Stat. §9-169a), until the municipal legislative body re-draws the voting district lines. (Conn. Gen. Stat. §9-169b)
5. With certain exceptions, each voting district must have a single polling place located within its boundaries.
6. Towns which elect some town officers from political subdivisions, and which elect town committees from political subdivisions, may continue to elect town committee members on the basis of old voting districts unless the party rules specify that they are elected from Assembly districts. (Conn. Gen. Stat. §9-169b)

TO REGISTRARS OF VOTERS

December 7, 2001

Page Three

7. If town committee members are elected from political subdivisions and are elected from old voting districts, Conn. Gen. Stat. §9-390(e) provides that, in endorsing delegates to conventions, only those town committee members who live within the Assembly, Senatorial or Congressional districts may participate in endorsing delegates to such conventions, and if no town committee member lives in an Assembly, Senatorial or Congressional district, such town committee as a whole shall endorse such delegates to such convention.

We will soon be sending you further information on these matters. If you have any questions in connection with the above, please call us at 566-3106.

Sincerely,

Susan Bysiewicz
Secretary of the State

By: Mary S. Young
Mary S. Young
Staff Attorney

MSY/ct

cc: Town Clerks of Towns Divided by Districts
Office of Legislative Research
Republican and Democratic State Central Committees

Enclosures:

List of Towns Divided by 2001 Plan of Districting
Summary of 1991 explanation of maps

(g:\massmail\2001\12-01\redist01.doc\pp. 1-3)

ALPHABETICAL LISTING OF ALL TOWNS
DIVIDED BY 2001 SENATORIAL AND ASSEMBLY PLAN OF DISTRICTING
(Does Not Include 2001 Congressional Plan of Districting)

| | | | |
|---------------|---------------------------|---------------|----------------------|
| Ansonia | AD 104,105 | Naugatuck | SD 15,17; AD 70,131 |
| Avon | AD 17,19 | New Britain | AD 22,24-26 |
| Barkhamsted | AD 62,63 | New Canaan | SD 26,36; AD 125,147 |
| Berlin | AD 30,83 | New Fairfield | AD 108,138 |
| Bethel | SD 24,26; AD 2,107 | New Haven | SD 10,11; AD 92-97 |
| Bloomfield | SD 2,5; AD 1,15 | Newington | AD 24,27,29 |
| Branford | AD 98, 102 | New London | AD 39,40 |
| Bridgeport | SD 22,23; AD 124,126-130 | New Milford | AD 67,108 |
| Bristol | AD 22,77-79 | Newtown | AD 106,112 |
| Cheshire | SD 13,16; AD 89, 90,103 | Norwalk | AD 137,140-143 |
| Danbury | AD 2,109,110,138 | Norwich | AD 46,47 |
| Darien | SD 25,27 | Old Saybrook | SD 20,33 |
| Derby | AD 104,114 | Orange | AD 114,117 |
| East Granby | AD 61,62 | Plainfield | AD 44,45 |
| East Hartford | AD 9-11 | Redding | AD 2,135 |
| East Haven | AD 86,99 | Seymour | SD 21,32 |
| Ellington | SD 3,35 | Shelton | AD 113,122 |
| Enfield | AD 58,59 | Southbury | AD 69,131 |
| Fairfield | AD 132-134 | Southington | AD 30,80,81 |
| Farmington | SD 5,6; AD 19,21 | South Windsor | AD 11,14 |
| Glastonbury | AD 9,31 | Stamford | SD 27,36; AD 144-149 |
| Granby | SD 7,8 | Stratford | SD 21,23; AD 120-122 |
| Greenwich | AD 149-151 | Torrington | SD 8,30; AD 64,65 |
| Groton | AD 40,41 | Trumbull | AD 123,134 |
| Guilford | AD 98-101 | Vernon | AD 8,56 |
| Hamden | SD 11,17; AD 88,91,96,103 | Wallingford | AD 85,86,90,103 |
| Hartford | SD 1,2; AD 1,3-7 | Waterbury | SD 15,16; AD 71-75 |
| Harwinton | SD 8,31 | Westbrook | AD 23,35 |
| Killingly | AD 44,51 | West Hartford | AD 18-20 |
| Litchfield | AD 66,76 | West Haven | SD 10,14; AD 115-117 |
| Manchester | AD 9,12,13 | Weston | SD 26, 28 |
| Meriden | AD 82-84 | Westport | AD 133,136 |
| Middletown | SD 9,13; AD 32-34,100 | Wethersfield | SD 1,9; AD 28,29 |
| Milford | AD 117-119 | Wilton | AD 125,143 |
| Monroe | SD 21,22 | Windsor | SD 2,7; AD 15,60,61 |
| Montville | SD 19,20; AD 38,42,139 | Woodbury | AD 66,68 |

NEW
1ST Pond Hill School (2nd Dist.)

NEW
2nd Rock Hill 1st & 3rd

NEW
3rd Moses Y
or
Rock Hill (3rd & 4th)

NEW
4th Stevens Sch. (5th & 3rd)

NEW
5th DAG (6th & 7th)

NEW
6th RR or
Cook Hill Sch. (8th & 9th)

NEW
7th Parker Farms (10th & 11th)

NEW
8th Yatesville Sch. (12th & 13th)

NEW
9th Senior Center (14th & 3rd)

1st - 3rd
2300
Rec Center
or Rock Hill School
(C)

3rd & 4th
(3025)
Moosey Beach
Rock Hill
E

6th & 7th
(3592)
DAG
G

10th - 11th
(3484)
Parker Farms
D

14th + 3rd
2049
Senior Center
(A)

2nd
(1200)
Pond Hill School
I

5th & 2nd
(3124)
Stevens School
H

8th - 9th
(3289)
Railroad Station
or
Cook Hill School
F

12th - 13th
(3541)
Yatesville
School
(A)

(c) The registrars or such legislative body may select a site not meeting such standards if no available site within the voting district or town can reasonably be made accessible if an application for waiver is filed with the Secretary of the State and approved by the Office of Protection and Advocacy for Persons with Disabilities. An application for waiver shall be filed at least sixty days prior to the date on which the primary or election will be held. The Secretary of the State shall, within seven days after receipt of any such application, refer the application to said office of protection and advocacy. Said office shall, within thirty days, review the application and inform the Secretary of the State of its approval or disapproval. The Secretary of the State shall notify the applicant for waiver of such approval or disapproval within seven days after the secretary is so informed.

(P.A. 78-117, S. 1; P.A. 83-587, S. 10, 96; P.A. 84-319, S. 26, 49; P.A. 88-356, S. 1; 88-364, S. 12, 123; P.A. 89-144, S. 2.)

Sec. 9-168e. Parking spaces at polling places for handicapped and infirm elderly persons. If space is available at a polling place, the registrars of voters or legislative body of the town in which the polling place is located shall designate two or more parking spaces for motor vehicles (1) which display the special parking identification card or bear the special set of number plates provided for in section 14-253a or (2) which are operated by infirm persons who are sixty-five years of age or older and who do not qualify for such a card.

(P.A. 87-286.)

Sec. 9-169. Voting districts. The legislative body of any town, consolidated town and city or consolidated town and borough may divide and, from time to time, redivide such municipality into voting districts. The registrars of voters of any municipality taking such action shall provide a suitable polling place in each district but, if the registrars fail to agree as to the location of any polling place or places, the legislative body shall determine the location thereof. Polling places to be used in an election shall be determined at least thirty-one days before such election, and such polling places shall not be changed within said period of thirty-one days except that, if the municipal clerk and registrars of voters of a municipality unanimously find that any such polling place within such municipality has been rendered unusable within such period, they shall forthwith designate another polling place to be used in place of the one so rendered unusable and shall give adequate notice that such polling place has been so changed. The registrars of voters shall keep separate lists of the electors residing in each district and shall appoint for each district a moderator in accordance with the provisions of section 9-229 and such other election officials as are required by law, and shall designate one of the moderators so appointed or any other elector of such town to be the head moderator for the purpose of declaring the results of elections in the whole municipality. The registrars may also designate a deputy head moderator to assist the head moderator in the performance of his duties provided the deputy head moderator and the head moderator shall not be enrolled in the same major party, as defined in subdivision (5) of section 9-372. The selectmen, town clerk, registrars of voters and all other officers of the municipality shall perform the duties required of them by law with respect to elections in each voting district established in accordance with this section. Voting district lines shall not be drawn by a municipality so as to conflict with the lines of congressional districts, senate districts or assembly districts as established by law, except (1) as provided in section 9-169d and (2) that as to municipal elections, any part of a split voting district containing less than two hundred electors may be combined with another voting district adjacent thereto from which all and the same officers are elected at such municipal election. Any change in the boundaries of voting districts made within ninety days prior to any election or primary shall not apply with respect to such election or primary. The provisions of this section shall prevail over any contrary provision of any charter or special act.

(1953, S. 651d; 1961, P.A. 398, S. 2; 1963, P.A. 323, S. 2; 1967, P.A. 557, S. 1; 831, S. 4; 1971, P.A. 836, S. 1; P.A. 73-657, S. 1, 13; P.A. 74-197, S. 2; P.A. 85-592, S. 10; P.A. 86-2.)

COPY

Sec. 9-169a. Split voting districts. For the purposes of this section and section 9-169, "split voting district" means a voting district which was divided by statute or otherwise divided by law pursuant to article 26 of the amendments to the Constitution of Connecticut or an order of a court of competent jurisdiction between two or more congressional, senatorial or assembly districts within a town so that a part of such split voting district was allocated to one congressional, senatorial or assembly district and the other part or parts thereof were allocated to another or other congressional, senatorial or assembly districts. Such part of a split voting district so allocated to a congressional, senatorial or assembly district shall be a separate voting district and shall have its own separate enrollment list, registry list, list of unaffiliated electors if required under section 9-55, and polling place, and shall for all other administrative purposes be treated as a separate voting district. In a municipality which elects no town, city or borough officers from political subdivisions at a municipal election, this section shall apply to all elections unless and until the voting districts are changed under the provisions of section 9-169. In a municipality which elects one or more town, city or borough officers from political subdivisions at a municipal election, such municipality, for municipal elections and for town committee primaries in which the town committee members are selected from political subdivisions other than assembly or senatorial districts, may continue to use the voting districts as they existed prior to such redistricting or as they are established under section 9-169d, unless and until such voting districts are changed in accordance with the provisions of section 9-169 and, in such a municipality, except as provided in section 9-169e, this section shall apply only with respect to (1) any primary or election for representative in Congress, state senator or state representative in a congressional, senatorial or assembly district which contains a part of a split voting district, (2) any primary for town committee members in which such town committee members are elected at large or in which such a senatorial or assembly district is the political subdivision from which such town committee members are elected and (3) any primary or election for a town, city or borough office in which such a senatorial or assembly district is the political subdivision from which such municipal office is elected. This section shall not preclude any town from changing the boundaries of voting districts as provided in section 9-169 and shall not apply to any town which has changed or changes the boundaries of its voting districts pursuant to said section so as to eliminate any split voting districts.

(1967, P.A. 557, S. 22; P.A. 73-657, S. 2, 13; P.A. 74-197, S. 3; Nov. Sp. Sess. P.A. 81-3, S. 1, 5; P.A. 87-509, S. 8, 24; P.A. 92-1, S. 4, 8.)

Sec. 9-169b. Effective date of changes in voting districts. Notwithstanding the provisions of sections 9-168b and 9-169, any change or changes in voting districts made in any municipality in accordance with the provisions of section 9-169, to conform, or facilitate conforming, to any plan of districting for the General Assembly or for the congressional districts, adopted by the General Assembly or determined by any reapportionment commission, appointed in accordance with the provisions of article 26 of the amendments to the Constitution of Connecticut, or ordered by a court of competent jurisdiction, or to conform, or facilitate conforming, to any order entered by a court of competent jurisdiction relating to a plan of districting for the General Assembly or for the congressional districts, adopted by the legislative body of the municipality shall be deemed effective as of the date of adoption, except as provided in section 9-169e.

(1972, P.A. 220, S. 3; Nov. Sp. Sess. P.A. 81-3, S. 2, 5; P.A. 92-1, S. 5, 8.)

Sec. 9-169c. At-large election of members of legislative bodies of certain towns. Notwithstanding the provisions of any charter or special act to the contrary, in any town in which members of its legislative body are elected on the basis of assembly districts and where as a result of redistricting one or more of such assembly districts are shared with another town, such