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

**TUESDAY
June 6, 2017
6:30 P.M.
WORKSHOP**

RECORD OF VOTES & MINUTES

The Meeting of the Wallingford Town Council on Tuesday, June 6, 2017 was called to order at 6:35 P.M. The Pledge of Allegiance was said. Councilors in attendance were: Chairman Vincent Cervoni, John LeTourneau, Joseph A. Marrone, III, John J. Sullivan, Vincent F. Testa and Jason Zandri. Councilors Craig C. Fishbein, Thomas Laffin and Christopher K. Shortell were absent. Mayor William W. Dickinson, Jr. and Corporation Counsel, Janis Small were also present at the meeting.

1. Pledge of Allegiance and Roll Call
2. Discussion between the Council and the Charter Revision Commission regarding Council recommendations for changes to the draft Charter submitted by the Charter Revision Commission – Chairman Vincent Cervoni

Addendum to Consent Agenda

3. Discussion and Possible Action by the Council – Should the Charter Revision Committee look to reduce the number of constables from 7 in Section 3 (Page 9). – Chairman Cervoni

Chairman Cervoni called the Council Meeting to order.

Councilor Sullivan stated he will withdraw his Motion from last week's meeting and Councilor Marrone stated he will withdraw his 2nd.

Attorney Small indicated that she does not think withdrawing a motion that has already been voted on is proper therefore no action is needed since the motion failed unless someone wants to revisit it.

Chairman Cervoni read the following email correspondence that is attached from Councilor Shortell, Pat Kohl and Councilor Laffin.

Chairman Cervoni read to the Commission the motions that were posted from the June 1, 2017 Special Town Council Meeting. He explained that the Charter Commission may respond but they do have their own meeting scheduled for June 19th.

TO EXPAND THE PUBLIC UTILITIES COMMISSION FROM THREE TO FIVE MEMBERS.

TO EXPLORE ADDING TWO PUC APPOINTEES BY THE TOWN COUNCIL WHO WOULD REPORT TO THE TOWN COUNCIL.

Councilor Marrone stated that both parties had a majority vote to move these two items forward. He then went on to say that the Council does not receive enough information from the PUC.

Councilor Sullivan indicated that he does not go to PUC meetings that often but asked if the number of commissioners is going to increase then we need to make sure they are qualified people. He stated that he is not opposed to five commissioners but he is opposed to alternates and he is also opposed to the Council making appointments. He stated that he would rather have the Mayor interview through a resume and one on one interview process.

Councilor LeTourneau thanked the Commission for their hard work. He stated that he has attended PUC meetings and it has gotten more complicated. He is in favor of five commissioners and thinks having more eyes on this will be beneficial. The issues going forward are only going to get more complicated.

Councilor Testa asked the Charter Commission what their total vote was for raising the number on the PUC Commission.

Stephen Knight answered that the first vote was unanimous that they took against adding any PUC commissioners. He then noted that at their last meeting they put to a straw vote

should they have a full discussion on PUC again and out of 10 members present it was a 6-4 vote to not discuss it.

Chairman Cervoni read the next two motions voted on below.

TO RECONSIDER THAT THE 15 DAY TIMEFRAME FOR THE COUNCIL TO VETO A PUC ACTION START WHEN THE COUNCIL IS NOTICED BY THE ACTION, NOT WHEN THE ACTION OCCURS.

TO LOOK AT HOW QUICKLY THE PUBLIC GETS THE BUDGET BEFORE THE PUBLIC HEARING.

Christine Tatta asked where in the Charter he was referring to.

Attorney Small stated under Finance, Section 4, Page 30.

Chairman Cervoni stated that the Charter Revision Commission has worked very hard and he thanked them.

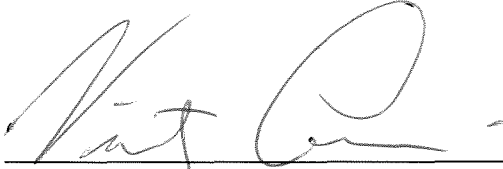
MOTION TO ADJOURN

MADE BY: SULLIVAN
SECONDED BY: LETOURNEAU
VOTE: ALL AYE
MOTION: PASSED

The Council adjourned the meeting at 7:18 P.M.

Respectfully submitted,

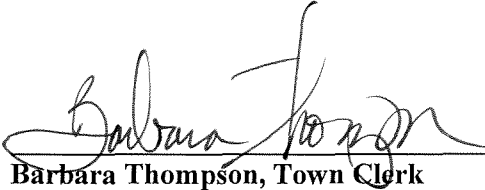
Lisa Moss
Council Staff
Meeting digitally recorded



Vincent Cervoni, Chairman

6/27/17

Date



Barbara Thompson, Town Clerk

6-28-17

Date

RECEIVED FOR RECORD 6-9-17
AT 11:30 AND RECEIVED BY
Barbara Thompson TOWN CLERK

Charter Revision- PUC Expansion

Christopher K. Shortell <ckshortell@gmail.com>

Fri 6/2/2017 7:05 PM

To: Town Clerk <townclerk@wallingfordct.gov>; Christina Tatta <christina.tatta@yahoo.com>;

Cc: Vinny Cervoni <vcbluzman@hotmail.com>; Tom Laffin <tomlaffin@me.com>; joemar3@sbcglobal.net <joemar3@sbcglobal.net>; John LeTourneau <shadeone@sbcglobal.net>; John Sullivan <councilorsullivan@snet.net>; Jason Zandri <jason@zandri.net>; Vinnie Testa <vtesta@comcast.net>; Craig C Fishbein <ccf@fishbeinlaw.com>;

Hi, Barbara and Christina,

Is there any chance you can pass this to the rest of the Charter Revision Commission? (I am not sure I have everyone's email.) Unfortunately, I can't attend Tuesday night's meeting due to multiple conflicts. I wanted to share my rationale behind the PUC expansion motion.

Thank you!

Chris

Charter Revision Commissioners,

Thank you for all of your time and dedication on this process. I wanted to provide context for my motion and vote on sending the PUC expansion question back to the Commission by addressing several of the arguments that I've read or heard for keeping the PUC at its current level of three commissioners:

Difficulty in finding qualified, experienced commissioners: I appreciate that the PUC deals with some very esoteric issues and an individual with experience would have less of a learning curve at the outset of their appointment. However, I believe that any fair-minded, intelligent individual could serve on this commission and be successful. I would not want or expect all members of the Board of Education, for example, to be educators. Diversity makes these types of boards and commissions stronger and less prone to group-think.

The Town Council already has oversight: In fact, the Council is usually discouraged from ever actually exercising this oversight, on the grounds that we should "let the experts" do their jobs. For example, when Councilor Fishbein was quoted as saying he simply wanted "regular" PUC updates on the CMEEC litigation, Vice Chair Laffin responded that "you can't have nine people in the room on top of everyone else. That's too much and not our role. It'd be overreaching to think otherwise. I trust our team." (*Record-Journal*, 4/16/2017, "PUC meeting often in closed session to discuss arbitration case.") In late 2016, an effort to veto the three-year electric rate plan by Councilor Zandri was labeled "political" by Councilor Sullivan (*Record-Journal*, 12/15/2016, "Councilor: Motion to veto rate plan was political.") My intention is not to argue the merits of either example, but simply to show that the so-called "oversight" that the Town Council has over the PUC is, in practice, debated and controversial.

A small, three-person commission ensures accountable, well-prepared commissioners: I am curious if the Charter Revision Commission feels that this is a problem elsewhere? Has the Commission explored reducing the size of any of Wallingford's commissions or boards on these grounds? If not, then is this really a valid argument to accept regarding the PUC? In my brief tenure on both the Board of Education and Town Council, I have never felt that I could "hide," especially with the number of 5-4 votes in which one vote made the difference. As such, I do not believe increasing the PUC to five members would lead to unprepared commissioners or a dilution of their responsibility.

Comparison to the size of the state's Public Utility Regulatory Authority (PURA): It was noted that the Public Utility Regulatory Authority (PURA) has only three commissioners. This example is historic in that it is likely the first time a practice of the state has

been lauded and used to defend a practice in Wallingford! I continue to maintain that, on the local level, a larger commission would be more beneficial, regardless of what occurs at the state level. It should also be noted that most local PUCs have 5 members (e.g. Norwich, Bethel, New Canaan, Meriden).

The expense of adding two additional Commissioners: The cost of adding the additional PUC Commissioners would be approximately \$13,000, which represents 0.0002% of the general government operating budget of \$61,623,032 for 2017-18.

If it's not broken, don't fix it: Expanding the PUC is not a means to "fix" it; rather, it's a way to improve it. This is in keeping with the spirit of the entire Charter revision process. For example, we have an excellent Town Clerk, yet the Commission is recommending changing the process by which the Clerk is appointed. Nobody is suggesting this is "broken" either, but simply an improvement.

Finally, I think it's worth noting that this issue has broad, bipartisan support on the Town Council (six or seven in favor, if I'm not mistaken). However, I will leave it to other Councilors to articulate their own reasons for supporting (or not supporting) PUC expansion.

Thank you again for all of your work, and for your consideration of this issue (yet again!).

Chris Shortell

Wallingford Town Council

Re: Charter Revision- PUC Expansion

Pat Kohl

Mon 6/5/2017 10:14 AM

To: Christina Tatta <christina.tatta@yahoo.com>; Stephen Knight <steveknight2248@gmail.com>; Jonathan Chappell <jchappellwallingfordcharter@gmail.com>; Bob Swick <bobswick@snet.net>; Mark Gingras <markg@ggbeverage.com>; James Pyskaty <james.pyskaty@snet.net>; Jim Seichter <vjseichter@sbcglobal.net>; Gina Morgenstein <demwow06492@gmail.com>; Sam Carmody <samuelparmody@gmail.com>; Tom Corrigan <tomcorrigan@snet.net>;

Cc: Barbara Thompson <townclerk@wallingfordct.gov>; Wallingford Law Dept <lawdept@wallingfordct.gov>; Christopher Shortell <ckshortell@gmail.com>; Vinny Cervoni <vcbluzman@hotmail.com>; Tom Laffin <tomlaffin@me.com>; joemar3@sbcglobal.net <joemar3@sbcglobal.net>; John LeTourneau <shadeone@sbcglobal.net>; John Sullivan <councilorsullivan@snet.net>; Jason Zandri <jason@zandri.net>; Vinnie Testa <vtesta@comcast.net>; Craig C Fishbein <ccf@fishbeinlaw.com>;

Hi, all,

I have read Chris Shortell's email regarding the reasons why he is in favor of expanding the PUC from three members to five. I appreciate his articulating his thought process on this issue that resulted in his motion, and I thank him for forwarding his rationale for our consideration. I wish to respond to a number of points he made, but since Chris won't be able to attend Tuesday's meeting, I am responding by email so that he will be aware of the information I am submitting for your consideration. I may not address all of them because, frankly, not all of the reasons given entered into my rationale for keeping our PUC as it is.

Difficulty in finding qualified, experienced commissioners: What you look for in a PUC commissioner depends, I believe, on what it is they are expected to do. I think we all know what our PUC commissioners are responsible for, so I won't go into that. But not all PUC's are created equal. Using the examples Chris gave, for instance: At least two of the municipalities (New Canaan and Meriden) appear to be not much more than complaint boards. Meriden's PUC does not set water/sewer rates -- the City Council and its Finance Committee do that. And New Canaan's PUC was "created for the purpose of monitoring the activities and operations of public and private utilities servicing the residents and businesses of New Canaan" and was "formed for the purpose of receiving and evaluating complaints and presenting its position and concerns to appropriate local and state agencies". New Canaan doesn't even have its own water system -- it is run by a company called Aquarion (which is being purchased by Eversource). Norwich is the only one of the four examples which owns its own electric company (more on Norwich's PUC later).

The Town Council already has oversight: I do not agree that the Council is discouraged from performing its oversight function. There is a big difference between oversight and micromanaging, and wanting to know basically everything that's going on all the time is more than oversight. Making a motion to veto proposed rate changes -- based on no new information, no data, no analysis, no evidence that the PUC made an incorrect or inappropriate decision, nothing other than not wanting customers to have a rate increase -- is not oversight. The PUC does, in fact, meet with the Council both in public and executive session, and needs

the Council's approval on various issues, including the budget, bid waivers, and projects such as the peaking plants. That's oversight.

A small, three-person commission ensures accountable, well-prepared commissioners:

My only comment on this is to answer Chris' question as to "Has the Commission explored reducing the size of any of Wallingford's commissions or boards on these grounds?": From my perspective (and I am speaking only for myself), we found no problems with any boards or commissions (including PUC) as currently constituted and that's why we didn't make any changes. I have not heard a good, solid answer as to why five is necessarily better than three. And comparisons to the five-member P&Z and ZBA (made by some others, not Chris) are apples to oranges. Those bodies can only make decisions based on zoning regulations, and there is no local oversight or veto ability of their decisions. Anyone aggrieved by a decision of one of those bodies must pursue a complaint in Superior Court.

Comparison to the size of the state's Public Utility Regulatory Authority (PURA): That was interesting to note, but not a prime reason for my decision to vote in favor of keeping the PUC as is. Chris cited four municipalities that have five-person PUC's: Bethel, Meriden, New Canaan and Norwich. As mentioned above, New Canaan's commission "monitors the activities and operations of public and private utilities" and "receives and evaluates complaints". Bethel actually has only two PUC commissioners; the other three commission members are the First Selectman and two other Selectmen. So that's not a good comparison. Also as noted above, Meriden's PUC does not even set water/sewer rates (the City Council and its Finance Committee do that), so it's not really clear what they do. Again, Norwich is really the only comparable municipality, in that it owns its own electric company; its board also oversees (unclear to me how) gas utility service in the town. However, currently Norwich does not have a five-member PUC. Its chairman and vice chairman resigned on May 1st in the fallout from the CMEEC/Kentucky Derby debacle which resulted in ethics complaints against Norwich's mayor, PUC commissioners, and others. (Just as an aside: None of Wallingford's commissioners or other officials went on any of those CMEEC-sponsored junkets, each of which cost in the hundreds of thousands of dollars and were billed as "team-building retreats" although no actual work was ever done. So we should be very proud of the quality of our PUC commissioners and utility officials.)

The expense of adding two additional Commissioners: I'll take Chris' word for the dollar amount, but adding any additional expense -- even if it's \$13,000 on a multi-million-dollar budget -- without a clear, concrete reason for doing so is, in my view, not the right thing to do. If there were repeated failures or problems of some kind -- not timely notifying the Town Council of actions, or not getting business done, or making poor decisions -- there might be justification for increasing the bureaucracy and the expense. But I have heard of only one or two examples in the decades since the PUC was created. For me, that's just not good enough. We would be making a change for change's sake, and that's something I'm not interested in doing.

If it's not broken, don't fix it: Chris' comparison to the appointment of the Town Clerk is off the mark. The Town Clerk is a vital town position, and a department head, requiring extensive training and certification. To leave the appointment to a Council majority which could change every two years (and which has happened in the not-too-distant past), caused needless turnover and expense. (Rosemary Rascati 1996-2004; Kathy Zandri 2004-2006; Barbara Thompson 2006-2008; Barbara Kapi 2008-2010; Barbara Thompson 2010-present). That

process **was** indeed broken, and we fixed it. There is no demonstrable evidence that a three-member PUC is broken, and I see no need to fix it.

Thank you for your consideration of my comments. I look forward to our meeting tomorrow.

Pat Kohl

From: Christina Tatta <christina.tatta@yahoo.com>
To: Stephen Knight <steveknight2248@gmail.com>; Jonathan Chappell <jchappellwallingfordcharter@gmail.com>; Pat Kohl <myphoenix@sbcglobal.net>; Bob Swick <bobswick@snet.net>; Mark Gingras <markg@ggbeverage.com>; James Pyskaty <james.pyskaty@snet.net>; Jim Seichter <vjseichter@sbcglobal.net>; Gina Morgenstein <demwow06492@gmail.com>; Sam Carmody <samuelpcarmony@gmail.com>; Tom Corrigan <tomcorrigan@snet.net>
Cc: Barbara Thompson <townclerk@wallingfordct.gov>; Wallingford Law Dept <lawdept@wallingfordct.gov>; Christina Tatta <christina.tatta@yahoo.com>; Christopher Shortell <ckshortell@gmail.com>
Sent: Saturday, June 3, 2017 3:52 PM
Subject: Fw: Charter Revision- PUC Expansion

Charter Revision Commissioners,
Please see the email below from Councilor Shortell.
Thank you!
-Christina Tatta

----- Forwarded Message -----

From: Christopher K. Shortell <ckshortell@gmail.com>
To: Town Clerk <townclerk@wallingfordct.gov>; Christina Tatta <christina.tatta@yahoo.com>
Cc: Vinny Cervoni <vcbluzman@hotmail.com>; Tom Laffin <tomlaffin@me.com>; "joemar3@sbcglobal.net" <joemar3@sbcglobal.net>; John LeTourneau <shadeone@sbcglobal.net>; John Sullivan <councilorsullivan@snet.net>; Jason Zandri <jason@zandri.net>; Vinnie Testa <vtesta@comcast.net>; Craig C Fishbein <ccf@fishbeinlaw.com>
Sent: Friday, June 2, 2017 7:05 PM
Subject: Charter Revision- PUC Expansion

Hi, Barbara and Christina,

Is there any chance you can pass this to the rest of the Charter Revision Commission? (I am not sure I have everyone's email.) Unfortunately, I can't attend Tuesday night's meeting due to multiple conflicts. I wanted to share my rationale behind the PUC expansion motion.

Thank you!

Re: Charter Revision- PUC Expansion

Tom Laffin <councilor@tomlaffin.com>

Mon 6/5/2017 10:57 PM

To: Vinny Cervoni <vcbluzman@hotmail.com>;

Cc: Tatta <christina.tatta@yahoo.com>; Steve Knight <steveknight2248@gmail.com>; Jonathan Chappell <jchappellwallingfordcharter@gmail.com>; Bob Swick <bobswick@snet.net>; Mark Gingras <markg@ggbeverage.com>; James Pyskaty <james.pyskaty@snet.net>; Jim Seichter <vjseichter@sbcglobal.net>; Gina Morgenstein <demwow06492@gmail.com>; Sam Carmody <samueltcarmody@gmail.com>; Tom Corrigan <tomcorrigan@snet.net>; Pat Kohl <myphoenix@sbcglobal.net>; Barbara Thompson <townclerk@wallingfordct.gov>; Wallingford Law Dept <lawdept@wallingfordct.gov>; Christopher Shortell <ckshortell@gmail.com>; Joe Marrone <joemar3@sbcglobal.net>; John LeTourneau <shadeone@sbcglobal.net>; John Sullivan <councilorsullivan@snet.net>; Jason Zandri <jason@zandri.net>; Vinnie Testa <vtesta@comcast.net>; Craig C. Fishbein <ccf@fishbeinlaw.com>;

I also will not be attending this meeting due to long scheduled conflicts and while I will respect the Chairman's strong discouragement on further deliberation of this topic, as tempting as it is, I do, feel it is important to respond to a partial quote of mine taken from the Record-Journal as cited by Councilor Shortell in his email.

The full quote begins with the words, but was not cited:

"I don't have a problem with it as of yet,"

and then continues as cited in the email, "You can't have nine people in the room on top of everybody else. That's too much and not our role. It'd be overreaching to think otherwise. I trust our team"

however the quote as cited in the email inserts a period after "team" signifying the end of the thought, but the quote actually continues:

"and we're included when it's necessary to be."

<http://www.myrecordjournal.com/news/state/10207551-154/wallingford-puc-meeting-more-frequently-in-closed-session-to-discuss.html>

First, my comment was a direct response to a specific issue, not a comment of chastisement of the process or an opinion opposing the process.

Secondly, the comment, with the original opening, expresses a disagreement at that particular stage in the discussion of that one specific issue, not in-general or across the board. The very nature of this issue revolved around frequent meetings regarding incremental briefings and strategic discussions over pending litigation. A step-by-step progress report of information which was constantly evolving was not necessary for me to continue to consider options for both our budgetary approval and our over-seeing role - which is exercised through veto power over a taken action. The accumulated information and summaries we would later receive, in addition to the answers to questions, more than sufficed and saved a tremendous amount of time reporting information that was in a state of flux prior and actually at some level continued to be. Briefed with incomplete information about pending or possible outcomes at our level, over several briefings would not be time well spent.

Thirdly, my concluding and originally not cited, words indicated that we are and had been satisfactorily included in the process and there was no reason to believe we would left out, of this specific issue and there was no need for concern.

Further, the addition of two additional members to the PUC does not affect this preferred distribution of succinct information, compared with the option of an over abundance of unnecessary step-by-step details that were not developed enough to be what I would consider final nor important for our oversight or requested budgetary approvals.

If it's best to share, read and report on these emails for the sake of transparency, I fully support that rather than raise any possible concerns.

Also note, this email originally was sent to my personal address, and I have responded from my council email address where I prefer to keep all business for the very purposes of maintaining transparency and possible FOI requests. If everyone could update their address books as such it would be a big help to me, thank you.

Have a great meeting everybody!!!!!!

TL

On Jun 5, 2017, at 2:13 PM, Vinny Cervoni <vcbluzman@hotmail.com> wrote:

No worries. Everyone does it at least once.

vc

Vinny Cervoni
Wallingford Town Council

From: Pat Kohl <myphoenix@sbcglobal.net>
Sent: Monday, June 5, 2017 2:02 PM
To: Vinny Cervoni; Christina Tatta; Stephen Knight; Jonathan Chappell; Bob Swick; Mark Gingras; James Pyskaty; Jim Seichter; Gina Morgenstein; Sam Carmody; Tom Corrigan
Cc: Barbara Thompson; Wallingford Law Dept; Christopher Shortell; Tom Laffin; joemar3@sbcglobal.net; John LeTourneau; John Sullivan; Jason Zandri; Vinnie Testa; Craig C Fishbein
Subject: Re: Charter Revision- PUC Expansion

Sorry. Didn't think of that. My apologies.

Pat

From: Vinny Cervoni <vcbluzman@hotmail.com>
To: Christina Tatta <christina.tatta@yahoo.com>; Stephen Knight <steveknight2248@gmail.com>; Jonathan Chappell <jchappellwallingfordcharter@gmail.com>; Bob Swick <bobswick@snet.net>; Mark Gingras <markg@ggbeverage.com>; James Pyskaty <james.pyskaty@snet.net>; Jim Seichter <vjseichter@sbcglobal.net>; Gina Morgenstein <demwow06492@gmail.com>; Sam Carmody <samuelcarmody@gmail.com>; Tom Corrigan <tomcorrigan@snet.net>; Pat Kohl <myphoenix@sbcglobal.net>
Cc: Barbara Thompson <townclerk@wallingfordct.gov>; Wallingford Law Dept