

SPECIAL MEETING

BOARD OF FINANCE

APRIL 12, 2010

MINUTES

Present: Kenneth Martin; Mark Smith; William Crooks; Andrew Palo; Tom Tesoro; Steve Lupien and alternate members Alexandra Remson; Dana Misner; Perry Molinoff

Also: First Selectman Timothy Herbst and Director of Finance Maria Pires

The Special Meeting of the Board of Finance was called to order at 7:00 p.m. by Chairman Kenneth Martin. All those present joined in the Pledge of Allegiance.

Tesoro moved to remove from the table Item No. 04/10/11 Appropriation from Available General Fund Balance to Account 01012800-522202 Service & Fees the sum of \$30,000.

First Selectman Timothy Herbst was present for a discussion about a potential fuel cell project proposed by a private entity for the corner of Primrose Road and Huntington Turnpike.

We (the Town) became aware in January that DFC intended to construct a fuel cell power plant on the corner of Primerose Road and Hutington Turnpike. This would be the first of this kind of facility to be constructed in the United States. It is truly an untested technology.

There is a concern that the level of untested technology presents an element of the unknown. The proposal is to construct this facility on property that is currently owned by the Southern Connecticut Gas Company. A Tennessee pipe line runs through this property and DFC is hoping to utilize this property by constructing a fuel cell facility and using the gas. This area is largely residential and there are three schools nearby.

When the Town found out about this, immediate action was taken. Once this application is filed by DFC, we have to move very fast. We need to be absolutely sure we are ready. Mr. Herbst hired Atty. Thomas Beecher to represent the Town before the Connecticut Siting Council.. Atty. Beecher has appeared before the CT Siting Council many times on behalf of private entities and municipalities. Given the fact that we are dealing with untested technology with this type of facility, it will require capable legal council to represent us. There will be quite a bit of preparation that will be required in representing the Town's interest before the Siting Council. It will require the preparation of witnesses, review of other fuel cell applications, research and in addition it may be necessary for the Town to hire a professional engineer and/or fuel cell technology consultant.

Anticipated fees for this project may range from \$45,000 - \$55,000. If the Siting Council streamlines the process, the fees could be lower.

Mr. Herbst has completed his letter to the Attorney General asking for a legal opinion concerning the due process issues associated with the Siting Council process. We have received the support of local, state and federal elected officials with regard to this issue.

Mr. Smith stated that he is in support of defending this and to make sure this power plant does not get up and running. Mr. Beecher, in his letter, stated a number which would be his top number for representing us and that there would be additional expenses down the road for expert witnesses or other people to come on board. Have we done any homework as to who those people would be and what the cost would be for those people to come on board? My objective is to get an idea of what the total package would be and what the time frame would be and what the cost would be to the taxpayers to be defended well in this.

Mr. Lupien asked what type of time frames are generally involved-how quickly does the process tend to go? Mr. Herbst said that with this type of technology under the statute, the Siting Council has the sanction to waive the public hearing requirement. It could happen tomorrow or next month.

Mr. Palo is surprised we need to hire expert witnesses. He is very impressed with the people of Nichols and their knowledge.

Mr. Tesoro asked that in the event the Siting Council gives an adverse ruling to the Town, what is Trumbull's remedy? The Town would have the right to appeal. How did the Town come up with the \$30,000 request? Mr. Herbst answered they felt that by starting low it would give us enough seed money which would enable us to come back for more.

Mr. Crooks also supports the local residents in this effort. Before we establish a separate account, we need to do some research to be sure we can establish a new account.

Mr. Crooks is proposing the following amendment to the motion before us as follows: Substitute Available General Fund Balance with Transfer from 01012800-501101 FT Salary the sum of \$30,000 to either 01012800-522202 Services/Fees or 01012800-522204 Prof. Services-Special (new account as proposed by the administration) pending a legal opinion from the Town Attorneys if this can be done during the fiscal year; seconded by Smith.

Discussion followed on what accounts the money could come from.

Crooks and Smith withdrew their motions.

Mr. Lupien moved to amend motion as follows: Transfer from 01012800-501101 Salaries-FT the sum of \$19,000 to 01012800-522202 (Serv/Fees)/522204 (Prof. Services)

pending opinion from Town Counsel and appropriate from Available General Fund Balance the sum of \$11,000 to account 202/204 that way giving the \$30,000 needed into the 202/204 account and not leaving the 101 account short which would require a second supplemental; seconded by Mr. Smith. Amendment carried unanimously 6 – 0

Motion as amended carries unanimously 6 – 0.

Mr. Smith requested the Board, at each meeting, be provided with a listing of invoices and the total of what we are spending on this project.

Motion to adjourn made by Mr. Smith; seconded by Mr. Tesoro.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Gail Bokine, Clerk