

The Legislative Council held their regular meeting on Wednesday, August 15, 2012 in the Council Chambers at the Municipal Center, 3 Primrose Street, Newtown, CT. Mary Ann Jacob called the meeting to order at 7:30pm.

**Present:** George Ferguson, Robert Merola, Joseph Girgasky, Kathy Fetchick, Mary Ann Jacob, Daniel Amaral, Daniel Honan, Paul Lundquist, Philip Carroll, Dan Wiedemann

**Absent:** Jeff Capeci, Mitch Bolinski

**Also Present:** Director of Public Works Fred Hurley, John Voket of the Newtown Bee

*Voter Comment: None*

*Minutes from the Regular Meeting of August 1, 2012: Ms. Fetchick moved to accept the August 1, 2012 minutes as presented. Mr. Lundquist seconded. Motion carried with Mr. Lundquist and Mr. Carroll abstaining.*

*Communications:* There will be a special meeting on August 29, 2012. There will be two public hearing preceding the meeting for the Code Adoption Ordinance and the Charter Revision.

Mr. Wiedemann reported that the Charter Revision Commission met last night. They are not in complete unison but are leaning toward bifurcation. They felt it was a request from this council to included advisory questions. They are split whether it should be binding or not binding, but seem to be leaning toward binding. There is a public hearing tomorrow night to put forth two different types of ballots that they are considering.

*Committee Reports:* Ms. Jacob reported that at the public hearing for the Firearm Ordinance the feeling was that passing the ordinance was imminent and that it originated from one person and one e-mail. They talked through a lot and believe there is a better understanding of the process.

*First Selectman's Report:* None

## OLD BUSINESS

*Newtown Anti Blight Ordinance* – This Ordinance is with legal. When that is complete it will go to a public hearing. After the public hearing, it can be determined if there is a need for this ordinance in Newtown.

Newtown Code Adoption Ordinance – Mrs. Fetchick made motioned to move the Newtown Code Adoption Ordinance to public hearing on Wednesday, August 29, 2012. Mr. Carroll seconded. Motion unanimously carried.

Purchase Power Agreement between Town of Newtown and Altus Power Management – Ms. Fetchick moved to reconsider the motion of August 1, 2012 in regard to the purchase power agreement between the Town of Newtown and Altus Power Management as presented today, Mr. Carroll seconded. Fred Hurley went through the changes in the contract. A copy of the changes is attached. Motion unanimously carried.

Ms. Fetchick moved that the Legislative Council recommend the modified lease of the Middle School Roof to Altus Power Management as detailed in the August 14, 2012 agreement to be sent to a Town Meeting for approval per charger section 7-90E. Mr. Carroll seconded. Motion carried: 9 YES – 1 NO (Ferguson)

Voter Comment: None

Announcements: none

Having no further business the meeting was adjourned at 8:07pm.

Respectfully Submitted,  
Arlene Miles, Clerk Pro-Tem

Attachment: Altus Power Purchase Agreement Comparison

*These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All Corrections will be determined in minutes of the meeting at which they were corrected.*

# Altus Power Purchase Agreement Comparison

## August 15, 2012

### Section 1 Definitions:

Page 1 - "Applicable Solar Program" – reference to rebates/credits that will appear again under 8c in new revenue sharing.

Page 2 - "Fair Market Value" – clarification with "fair value" in Section 9.

### Section 2 Term

Page 4 - 20 years versus 15 years as base contract.

### Section 5 Operation of the Facility

Page 10 - (e) Entirely new item with vendor accepting snow removal responsibility if structural damage issue.

### Section 7 – Price, Payment, and Billing

Page 11 – (a) floor of \$.065 inserted.

### Section 8 – Supplemental Power etc.

Page 13 – (c) New revenue sharing of potential capacity credits.

### Section 9 – Purchase Options etc.

Page 15 – (d) Roof restoration language contained in approved MOU.

### Section 15 – Press Releases and Confidentiality

Page 20 – (b) Preservation of FOI requirements of the Town under State Law.