

Board of Selectmen
Grange Hall
May 18, 2016
Special Meeting Minutes

Selectmen Present: M. Walter; S. Link; E. Malavasi

Also Present: F. Hunt; E. Blaschik; R. Casner; S. Jezek; J. Leonardo; J. Russ; S. Wheeler; L. Zemienieski

1. First Selectman Walter called the Board of Selectmen's meeting to order at 7:30 p.m. and the attendees said the Pledge of Allegiance.
2. Approval of Agenda: Mr. Walter stated he would like to move agenda item 7.B. up to follow the approval of the minutes

Motion made by Mr. Walter seconded by Ms. Link, to approve the agenda as amended.
Unanimous aye.

3. Approval of Minutes: Regular Meeting of April 6, 2016, Special Meeting of April 19, 2016, and Regular Meeting of May 4, 2016.

Motion made by Mr. Walter, seconded by Mr. Malavasi, to approve the minutes of the Regular Meeting of April 6, 2016. Unanimous aye.

Motion made by Mr. Walter, seconded by Ms. Link, to table the minutes of the Special Meeting of April 19, 2016. Unanimous aye.

Motion made by Ms. Link, seconded by Mr. Malavasi, to approve the minutes of the Regular Meeting of May 4, 2016. Mr. Walter abstained from the vote and the motion passed with a majority of ayes.

7. Unfinished Business

- B. Building Official Letter Regarding Shagbark Solar Farm Permit Fees: In response to a question from Ms. Link, Mr. Walter stated that the contract between the Town and Shagbark had not been finalized. He confirmed that the attorneys are reviewing recent changes to the contract, particularly, a change made by Shagbark to the language related to the building permit fees. Ms. Link concluded that the Town is not responsible for holding up the process.

Mr. Walter reviewed the Building Official's written proposal, of March 31, 2016, regarding permit fees for the Shagbark Solar Farm project. In response to a question raised by Ms. Link, Building Official Russ reviewed the process for determining the Town's building permit fees, the structure on which its fee schedule is based, and noted that the Town's fee schedule was established in 2001.

Ms. Link stated that she wants to ensure that the Town covers all its expense related to the review of plans and inspections of the project. Mr. Russ advised that he had spoken with a representative of the State Building Department and also reviewed how other towns are establishing permit fees for solar projects. He noted that the State is working on revisions to its Building Code related to solar projects and, as far as other municipalities are concerned, there is little consistency in their approaches. Mr. Russ noted that the State's utility oversight bureau requires a 3rd party inspector be used on projects of this nature and that he had figured that expense into his estimate. He provided an overview of the aspects of work involved for his office concerning the Shagbark Solar Farm project.

It was noted that, while the Selectmen had voted at a previous meeting to assess a fee of 75% of the total permit fee calculated using the Town's standard fee schedule, Shagbark had modified the contract to state that the permit fee would be "at cost". Mr. Malavasi noted that a reduction in or waiving of the permit fee had never come up in any of the earlier discussions regarding a partnership with the Town for Shagbark's solar project. Ms. Leonardo indicated the value of the virtual net metering benefit the Town would receive from the Solar Farm would more than offset the reduction in the building permit fees. Ms. Link pointed out that Town had provided a tax credit in recognition of the virtual net metering benefit it expects to receive from the project and noted that, after the 15-year loan was repaid, the project would result in a profit for Shagbark.

Ms. Link emphasized she felt that the Town's actions to date have shown that it is invested in the Solar Farm project. She stated that, although she doesn't feel the Town should make a profit from assessing building fees, she also believes it must act responsibly and determine a formula that ensures its expenses are covered for this project and can also be used as reference for similar future projects.

There was a general discussion regarding whether the language in the contract pertaining to building permit fees should state "at cost" or reflect the language of the motion passed at the Selectmen's April 6th meeting authorizing a 25% reduction in the standard fee, contingent upon Shagbark's agreement to pay any additional Building Department expense from the project that exceeds 75% of the standard permit fee. Mr. Malavasi stated that he feels the Selectmen thoroughly discussed the modification of the fee for this project at its April 6th meeting and he did not feel any change to the accommodation they agreed to in their motion should be made at this late date. He further noted that the request to reduce the building fee had not been presented to the Selectmen when the project was first proposed, nor was it presented for discussion at the Town Meeting regarding the project.

Motion made by Mr. Walter, seconded by Ms. Link, to withdraw his motion which was passed at the April 6, 2016 meeting to "*authorize a 25% reduction in the Building Department permit fee for the Shagbark Solar Farm, contingent upon Shagbark's agreement to pay any additional Building Department expense from the project that exceeds 75% of the standard permit fee*" and, due to the uniqueness of the project, to set

the building permit fee for the Shagbark Solar Farm at cost. Mr. Walter and Ms. Link voted Aye; Mr. Malavasi voted Nay. The motion passed with a majority of ayes.

Mr. Jezek advised that he is scheduled to meet with the Town's attorney the next day to go over the changes to the contract and Mr. Walter agreed to give the Town's attorney instructions regarding the language related to the building permit fee(s).

4. Correspondence: There was no correspondence discussed at the meeting.
5. First Selectmen's Report: Mr. Walter reported that Bryant College has offered to work with the River COG to create a Leadership seminar/conference and representatives from member towns could attend free of charge.
 - A. Shared Services Report – March & April: Mr. Walter called the Selectmen's attention to the March and April 2016 Shared Services Reports in their meeting packets. He noted the reports contained numerous facility upgrades and preventative maintenance projects.

In response to a question raised by Ms. Link, the Selectmen discussed the feasibility of locking the gate to the Town Beach parking lot at night. No decision was made at the meeting.

- B. Swing Bridge – Department of Transportation/Coast Guard Meeting Follow-Up: Mr. Walter reported that he had attended a meeting regarding the schedule for regular openings of the Swing Bridge. He noted that representatives from the Coast Guard, CT DOT, the Goodspeed Opera House, as well as Rep. Courtney and Rep. Ziobron attended the meeting. He reported that it was agreed to reduce the bridge openings from every half hour to on-the-hour. He stated that the on-demand openings for commercial boat traffic would remain in effect. Mr. Walter advised that it will take at least 6 months to implement the change due to notices which must be posted and signage changes.
6. Citizen's Concerns: There were no citizen's concerns discussed at the meeting.
7. Unfinished Business
 - A. Blight Ordinance Discussion: In response to a question raised by Ms. Link, the Selectmen discussed language in the proposed Blight Ordinance related to the decision-makers for designating a structure blighted. Mr. Walter noted that the Health Department official had informed him that blight is not a health issue and, therefore, Health Department employees should not be included in the list of decision-makers in the proposed ordinance.

There was a general discussion regarding the recommendations for changes made at the Public Hearing and the Selectmen agreed to make several revisions to the proposed ordinance.

Motion made by Mr. Walter, seconded by Mr. Malavasi, to send the revised ordinance draft to the Town's attorney for review and schedule another Public Hearing. Unanimous aye.

It was noted that the updated ordinance book was also discussed at the Public Hearing where the proposed blight ordinance was discussed. The Selectmen agreed this issue should be added to their agenda for discussion.

- B. Building Official Letter Regarding Shagbark Solar Farm Permit Fees: This agenda item was discussed earlier in the meeting and the discussion is recorded above in these minutes.

8. New Business:

- A. Board/Commission/Committee Changes: There were no Board/Commission/Committee changes discussed at the meeting.

- B. Tax Refunds: Mr. Walter called the Selectmen's attention to three tax refunds.

Motion made by Mr. Walter, seconded by Ms. Link, to award tax refunds in the amounts presented:

- \$238.33 to Randy Gillis Holmgren,
- \$528.58 to William M. Lesick, and
- \$296.37 to Jeffrey Savitsky.

Unanimous aye.

9. Public Comment: There was no public comment at the meeting.

10. Selectmen's Discussion:

- A. Memorial Day Parade (May 30, 2016): Mr. Walter reminded the Selectmen that they would be walking in the Memorial Day parade and they discussed the day's itinerary.

Mr. Malavasi reported that he had attended a Cable Advisory Board meeting and he advised that grants of up to \$1,000.00 are available for equipment.

In response to a question raised by Mr. Malavasi, Mr. Walter stated that he would be available to attend the scholarship presentation.

11. Adjournment: There being no additional business to discuss, a motion was made by Ms. Link, seconded by Mr. Malavasi to adjourn the meeting at 8:55 p.m. Unanimous aye

Recorded

Respectfully submitted,

Susan Link, Secretary