

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
JULY 14, 2015 AT 7:30 P.M. IN TOWN HALL, COUNCIL CHAMBERS, 84 SOUTH
MAIN STREET, CHESHIRE CT 06410**

Present

Tim Slocum, Chairman; David Schrumm, Vice-Chairman; Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert Oris, Thomas Ruocco, Peter Talbot.

Staff: Michael A. Milone, Town Manager; Paul Michaud, Murtha Cullina Town Attorney; James Jaskot, Finance Director; Walter Gancarz, Town Engineer; Louis Zullo, Personnel Director

Guests: Mark Nash, PBC Chairman; Miles Hovis, Solar City Representative

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Consent Calendar Donations Recognition

Chairman Slocum expressed appreciation for the donations and recognized the following donors: Cheshire Community Chorus, Maria Brandiff, Angela and Joseph Orsene, Cheshire Lions Club, Cheshire Rotary Club, John Bate, Arts Day, Mary Salvatore, Alexion Pharmaceuticals, Dr. Robert Giddings.

Chairman Slocum thanked Hilzinger Farms for the donation of flowering plants for the Council meeting.

B. Public Comments.

Tim White, 1682 Orchard Hill Road, commented on problems with the audio system transmission for meetings. He also commented on the Strawberry Festival event, the display of electric and hybrid cars, energy programs sponsored by the Energy Commission and New Haven Clean Cities Group. Mr. White thanked everyone who attended the event.

4. CONSENT CALENDAR

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #071415-1.

RESOLUTION #071415-1
CONSENT CALENDAR FOR JULY 14, 2015

BE IT RESOLVED, that the Town Council approves the Consent Calendar for July 14, 2015 as follows:

A. Acceptance and appropriation of a donation of \$465 from the Outreach Team

- At St. Peter's Episcopal Church to the Cheshire Fuel Bank.
- B. Acceptance and appropriation of \$40 donation from Andrea and Randy Foligno For a memorial bench in memory of Linda Hammerman.
 - C. Acceptance and appropriation of \$50 anonymous donation to the Human Services Gift Account for general purposes.
 - D. Acceptance and appropriation of an aggregate of \$1,888.11 in Police Seizure Grant reimbursements from the State of Connecticut to the Police Seizure Account.
 - E. Acceptance and appropriation of a \$1,020 donation from the Cheshire Rotary Club to the Library Gift Account for the purchase of computers.
 - F. Acceptance and appropriation of a \$1,000 Stanford Warshasky Grant for Library program materials.
 - G. Acceptance and appropriation of a \$250 grant from the Connecticut Community Foundation for children's summer program materials.
 - H. Acceptance and appropriation of \$48 in lobby box donations to the Library Gift Account for Library materials, furniture and computers.
 - I. Acceptance and appropriation of a \$550 conation from the Cheshire Rotary Club Birthday Book Plan to the Library Gift Account for general purposes.
 - J. Acceptance and appropriation of a \$150 donation from the Rockoff family in Honor of Kristin Chuk, Christine Cole, Carol Warner, Deborah Manke, Stephanie Staszewski and Kara LaDore to the Library Gift Account for the Purchase of books.
 - K. Authorization to apply for Local Certified Government Historic Preservation Enhancement Grant for \$3,035 for the purchase of historic district signs.
 - L. Acceptance and appropriation of a \$1,650 donation from Patrick Griffin to The Parks Gift Account for a memorial bench in memory of Ruth Allen Griffin.
 - M. Acceptance and appropriation of a \$12,000 JAG Violent Crime Prevention' Grant for Crisis Intervention Team training for police officers handling mentally ill offenders.
 - N. Acceptance and appropriation of the Connecticut Department of Transportation FY 2015 High Risk Rural Roads - Speed Enforcement Program Grant for \$9,619 for speed enforcement efforts.

- O. Acceptance and appropriation of a \$500 donation from Signian McGeary to the CPFA Gift Account for scholarships.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

A. Approval of non-union Pay Plan and Library non-union Pay Plan.

MOTION by Mr. Ruocco; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #071415-2.

RESOLUTION #071415-2

BE IT RESOLVED, that the Town Council approves the extension of the FY 14-15 non-union Pay Plans for FY 15-16.

Discussion

Personnel Committee Chairman Ruocco noted that this item came before the Council two weeks ago, had a 4-4 vote, and did not pass. Based on the memo from Town Manager Milone the dates for the pay plan must be updated. If nothing changes there is an extension of the existing pay plan to next year.

Councilor Talbot proposed an amendment to the resolution on the floor.

MOTION by Mr. Talbot; seconded by Ms. Flynn Harris.

BE IT RESOLVED, That the Town Council approves the FY15-16 non-union Pay Plans with a 3% increase in the maximum for all ranges for the non-exempt, exempt, and the Library job classifications, as advanced by the Personnel Committee.

Discussion on the amended motion

Mr. Ruocco questioned bringing the amended resolution forward in absence of a Council member, and stated the pay plans could forego an increase.

Stating he supports the resolution which requires action by the Council, Mr. Talbot stated the resolution that failed did not advance anything and things need to be advanced. He is amending the resolution on the table because a 3% increase is important to the maximum range, and three Personnel Committee members agreed to this increase at the committee meeting.

Mr. Ruocco said he agreed to advance the matter to the Council for a vote, not a 3% increase. He wants no increase and does not believe the pay plan should be increased annually.

There was a brief discussion on the original percentage increase which the committee voted on - 3% or 2.5%, and it was determined that the Town Manager's recommendation was 3% to the maximum ranges, leaving lower ranges as they were.

Ms. Nichols voted in favor of the pay plan increase at the last meeting, and asked if voting again sets a precedent of a vote the Council is not happy with, and bringing it back on the table.

It was stated by Mr. Schrumm that the original resolution does what Mr. Talbot wants done. The new plan failed at the last meeting; an official pay plan must be endorsed by the Council; the original resolution on the floor takes the existing plan and leaves it alone for another year.

Ms. Flynn-Harris said the only difference is trying to bring forward to be consistent with what the Personnel Committee agreed upon, and Mr. Talbot's amendment brings it back to what was voted on the first time. And, the committee brought this forward endorsing a 3% increase in the maximum range.

Just because something is blessed by a subcommittee, Mr. Schrumm said it does not mean the full Council has to vote for it. Right now we are trying to correct a technicality which is to leave the pay plan as it is.

At the last meeting Mr. Oris voted in favor of the increase in the top brackets which does not change anything regarding compensation, and he said the matter can be revisited next year. He thinks it comes down to a poorly written resolution which did not take into account the alternative if it failed. His vote on the motion on the floor is a principle vote to him, and it does not change anything relative to compensation. The initial resolution should have been crafted better, and Mr. Oris believes it does, potentially, set a precedent for another motion to come out another way. He will go forward with the Council's wishes from the last time...and vote in favor to fix the technicality.

VOTE on the amended Resolution #071415-2.

In favor - 3; Flynn-Harris, Linehan, Talbot.

Opposed - 5; Slocum, Schrumm, Nichols, Oris, Ruocco.

Town Manager Milone addressed the Council on the matter of the pay plan, stating it is back before the Council because there was disappointment and an approved pay plan was needed for this fiscal year. After a unanimous vote from the Personnel Committee the original resolution was drafted two weeks ago. He expressed his disappointment on the Council decision on the pay plan amended resolution. Mr. Milone explained the Town and BOE have 844 employees; 35 of the Town employees are non-union who are affected by the Council's action; this is about 4% of the total work force not represented by a collective bargaining agreement. Each year they rely on him to get the maximums increased. There is a double standard, inequity, and a bad message is sent to the people working directly under the Town Manager. Mr. Milone noted one of his goals is expansion and maintenance of good morale. These employees are the key people

who accomplish significant things for the Town. Regardless of the Council's decision on the pay plan, there is \$103,000 in reserve for him to work with, and Mr. Milone cannot exceed this amount, regardless of the maximums set for the plan. He does not understand how the decision saves money; some people will receive raises; 7 people now exceed the maximum with more expected next year.

The Council was told by Mr. Milone that over the last 6 years the non-union pay plan has increased 6% to 7% less than the union plans. The people in the non-union pay plan are called on for emergencies and needs; they provide the 99.8% tax collection rate, provide the AAA credit rating, reorganization of the Police Department for more police presence on the streets, negotiate savings under the medical insurance program, create transparency, do all the energy conservation work with savings for the Town, oversee all projects not before the PBC that come in under budget and on time.

Mr. Milone stated the Council's action does not provide support to these staff people. These are the only people whose salary adjustments are based on their performance evaluation, and they become the sacrificial lambs. Union employee evaluations only relate to the longevity they will get. A bad message is being sent to these people. Mr. Milone said it makes his job more difficult when asking someone to go above and beyond. He respects the Council's decision and will carry it out.

Chairman Slocum commented on \$103,000 being available, divided amongst these valued employees, with the Town Manager distributing the percentage levels, just under \$2500 a head. He does not see anyone left in the cold, unrewarded; there will be more discretion for bonuses; and there is no lack of consideration for Town employees by the Council. In the budget process there was approval of 2.5% raises, \$103,000 appropriated, and Mr. Slocum knows that Mr. Milone will be diligent in awarding raises.

The Council was informed by Mr. Milone that there are 35 permanent full time employees, and about 70 non-union people who participate in the pool of \$103,000. There are seasonal employees, part time employees working 20 or 25 hours a week, so the \$103,000 is not divided by 34 employees. He pointed out that this is the one and only group (5 years ago) that took a zero salary increase during the recession, except for the police which took it for 6 months. Mr. Milone cited the professionalism, concern and commitment displayed by these employees to their jobs and the organization.

Mr. Oris asked about the Council's action which does not preclude anyone from getting a bonus, or lump sum merit increase, but it is not added to their salary for future retirement compensation.

It was clarified by Mr. Milone that it is not added to their base; nothing precludes someone from getting it in a lump sum; it is added to their wage base for pension calculation and other wage related things per the IRS requirements.

VOTE on Resolution #071415-2.

In favor - 5; Slocum, Schrumm, Nichols, Oris, Ruocco.

Opposed - 3; Flynn-Harris, Linehan, Talbot.

7. NEW BUSINESS

A. Acceptance and appropriation of \$106,824 from the State of Connecticut Department of Emergency Services and Public Protection School Security Grant Program to the District-Wide Critical Telephone and PA Replacements Capital Project.

MOTION by Mr. Oris; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #071415-3.

RESOLUTION #071415-3

BE IT RESOLVED, That the Town Council accepts and appropriates \$106,824 from the State of Connecticut Department of Emergency Services and Public Protection School Security Grant Program to the District-Wide Critical Telephone and PA Replacements Capital Project.

Discussion

Mr. Oris explained this is a result of the tragic events at Sandy Hook CT, and the grant funds were used to improve security at Cheshire schools.

There was \$150,000 appropriated to the BOE for this project, which is completed, and there are now State grant funds received. The work was completed; the \$106,000 was the cost of upgrading the paging systems in the schools, replacement of interior and exterior door locks, security cameras, upgrade of telephone system with E-9 phones in all classrooms.

It was stated by Ms. Flynn-Harris that with the implementation of the IP telephone network for all schools, the paging systems were upgraded or added to the implementation.

The total expenditure was \$240,000, and the \$106,824 reimbursement covers the full cost of the paging systems, including addition of outdoor paging capability to schools, which has already been installed.

VOTE The motion passed unanimously by those present.

B. Call for public hearing on the proposed Fiscal year 2015-2016 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.

MOTION by Mr. Schrumm; seconded by Ms. Nichols.

BE IT RESOLVED, that the Town Council approves Resolution #071415-4.

RESOLUTION #071415-4

BE IT FURTHER RESOLVED, that the Town Council shall hold a public hearing at 7:30 p.m. on 2015 to consider the proposed Fiscal Year 2015-2016 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget, and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law.

VOTE The motion passed unanimously by those present.

C. Public Building Commission Community Pool Project Status Report.

Mark Nash, PBC Chairman, informed the Council that the Town is still waiting the final sign-off by the peer review engineer on the plans; no permit applications have been submitted to date; and he has spoken with Mr. Goldberg (out of the country) who has contact with the peer review engineer. There are a number of technical issues regarding the foundation design which the peer engineer and our engineer have been working to resolve. Therefore, everything is still in the wait mode. A joint meeting of the PBC, Town Council and Pool Subcommittee is scheduled for July 16th, and an Arizon representative is expected to be present.

Ms. Linehan commented on several e-mails she sent requesting information and a response, with no response received. She said things seem to be done on the fly; the oversight committee needs information on what must be done; and Councilors are brushed off. She asked for better suggestions to get information for a better handle on this project before the next meeting.

The Council was told by Mr. Nash that all e-mails are received and sent out on the project with wide distribution. Right now we are dealing with Arizon's engineer and the peer review engineer. Things are very technical, and the engineers have opinions on things submitted.

Regarding the time line, Ms. Linehan pointed out the Council voted to not open the pool this summer, thinking it would only be a two week opening. With better and more communication and connection the pool could have been opened for residents. Lack of communication stops the Council from doing its job.

Mr. Milone stated that Keith Goldberg, as owner's representative, has the job of being the advocate for the Town. With dispute there is usually a mediator, and Mr. Goldberg's job is to solve this problem, and bring the 2 engineers together. This is what he should be doing but it is not happening.

Mr. Nash advised that Mr. Goldberg and Mr. Beebe have tried to move the project along, and get the peer review engineer to complete the review.

As this project is delayed, Arizon is losing money, and Mr. Schrumm said it is time to get together, figure out what the engineers are arguing about, and get them to sign off on the process.

Mr. Talbot talked about the back and forth with the engineers, and asked if the ball is in the court of the peer review engineer or Arizon.

At this time, Mr. Nash said it seems to be in the hands of the peer review engineer.

Mr. Oris finds discrepancies over many months, and as a member of the committee he does not know where to go with this project. Month after month it has been said the foundation issue is done; we are dealing only with the energy code problem; and the engineer issue is resolved. Now, the foundation issue is not complete, has surfaced again, and there is an issue between the two engineers on the pool project. Mr. Oris does not understand why the engineers cannot figure this out, and he is embarrassed for the Council having to deal with this project. He will do anything to make this project happen for taxpayers, and said it is time to hold certain people accountable for the way this project has gone forward.

D. Authorization to execute a Power Purchase Agreement and Virtual Net Metering application for the photovoltaic installation project at the Former Town landfill.

MOTION by Mr. Schrumm; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #071415-5

RESOLUTION #071415-5

BE IT RESOLVED, that the Town Council approves the Solar Power Purchase agreement by and between the Town of Cheshire and SolarCity Corporation for the photovoltaic installation project at the former Town Landfill upon the terms and conditions as presented and attached, and authorizes Town Manager Michael A. Milone to execute said Agreement.

Discussion

Town Engineer Walter Gancarz, Town Attorney Paul Michaud, and Miles Hovis from SolarCity were present for this agenda item.

Mr. Gancarz explained that SolarCity was chosen after an RFP process, and received Council authorization to issue a non-binding letter of intent for the reduced emission credits. The June auction was held and on July 1st it was announced Cheshire was a winner of the auction. Within 10 business days SolarCity must put up \$15,000 to move ahead. The matter before the Council is a request for the Town Manager to execute a Power Purchase Agreement and Power Guarantee Agreement. SolarCity designs, obtains permits, builds, operates and maintains the facility with no funding from the

Town, which provides use of the landfill. The agreement is to buy power at 8 cents per kwh for 20 years, with a 5 year extension, followed by another 5 year extension, and significant savings for the Town. The savings estimate is \$71,000 the first year to \$128,000 by year 20, for a total savings of about \$1.7 million. The three actions critical to the financial success of this project are ZREC credits, approval of Virtual Net Metering (VNM) and the Power Purchase Agreement. For Cheshire purchasing power for 20 years SolarCity has use of the 5 acre landfill without cost. In year one the VNM credit is 80%, then 60% and then 40%. There are remedies in the contract for both sides; if SolarCity does not perform and create power it would pay Cheshire extra money; if Cheshire backs out, does not purchase power, there are significant penalties involved. The cost of power will be 2.5 cents less than in the open market. Mr. Gancarz cited the reduction in power usage with the performance contract projects, WWTP reduction in usage, and the street lights project...knocking out 5 million kwh a year out of the 12 million kwh the Town uses. He recommended the Council authorize Mr. Milone to sign the agreement.

Mr. Oris stated his support of the project with a focus on the pitfalls in the contract. He posed many questions on this project (cited in italics)

What is the time frame within which the Town must act...tonight or a time frame for responses to questions.

Mr. Gancarz noted the expiration date of July 22nd; with no action before that date, no commitment, then SolarCity must decide on their investment of the \$15,000 without an agreement.

The Town provided significant financial information to SolarCity...in the RFP process, did the Town get a financial and credit review of the company.

Mr. Gancarz said the review committee was satisfied, but he is not sure the committee checked their credit.

Exhibit 2 has some exclusions which are not part of SolarCity's requirements, and if involved the Town would bear the burden of the cost. Are there any concerns in the exclusion paragraph bringing concerns relative to costs to the Town.

Mr. Gancarz said knowing what the site looks like he does not expect any of them to come up; if they did come up and SolarCity would want to increase the costs, the Town could agree or be out of the deal. It is not expected but there is a remedy.

The site is the old landfill, and are there any environmental issues and requirements to the Town relative to the site, and the Town being able to comply with the contract requirements.

Mr. Gancarz stated SolarCity gets a permit to install on top of the landfill; they use ground mount fixtures, a concrete block sitting on top of the ground, without any

penetration, and easier to remove in the future. At the end of 20 years the deal is over or extended for 5 years or the Town purchases the system.

Exhibit #4, 7c was cited re: insurance requirements for subcontractors, and the low insurance number, \$1 million each occurrence, \$2 million aggregate.. There is nothing in the contract requiring insurance for subcontractors.

Town Manager Milone stated the insurance consultant indicated this number from which to start; it will be reviewed and evaluated and determined whether levels could be changed.

Miles Hovis, SolarCity representative, said there is no requirement for insurance for the subcontractors. It is required as part of the building permit process. Given the time constraints he asked this be dealt with as part of the permitting process.

Mr. Oris stated the Town should be properly insured for anyone coming onto the site, and this is fine by him.

7h - Warranties. There is limitation to seller's liability, SolarCity, relative to system failure, replacement, and it talks about their limitation to the amount of 12 months of previous payments by the Town. Assuming there is a failure of \$200,000 cost; \$100,000 made in payments; what happens in that instance and how does it work.

Mr. Gancarz said this is a supplemental warranty. If the system is off line for one year SolarCity would owe Cheshire a check for \$130,000. This is a business deal for SolarCity and they have a need to get the system back on line. It is unlikely problems would go more than one week.

A provision in the document limits SolarCity's total liability to the amount of payments to the Town. If something they do at the landfill causes an environmental problem much greater than that, we must understand risks to the Town, if any. The provision says a limited dollar amount to the Town regardless of what happens, and this is okay relative to the equipment and benefits expected. What about another issue...someone is hurt or killed on the site, or there is negligence, or the rubber membrane is pierced and we have a toxic problem...more in excess...and what do we do.

As far as the landfill is concerned, Mr. Gancarz said it has a low permeability soil liner on it; there is no physical membrane or plastic to puncture; it has 2 feet of silky sand on top; nothing is being put into the ground to hold the surface mounts. He does not see damage to the liner as a significant problem.

Mr. Oris wants to focus on the fact there is a limit to what SolarCity will come to the table with, if there is a problem, and what they can be pursued against.

Attorney Paul Michaud stated the limits apply to damages in the contract. If someone were killed the Town could sue SolarCity outside of the contract.

Regarding the measurement of electricity with the solar guard monitoring system, what is the auditing process, is it calibrated frequently, how do we know the measurement system is accurate.

Mr. Hovis stated the solar guard monitoring platform is installed in all systems, and SolarCity has over 25,000 contracts. There is information in the system is available to the Town at the same time, and it is frequently inspected and checked, with 24/7 monitoring.

There is no pool use for the power, and why.

No electricity will be used to heat the swimming pool and Mr. Gancarz noted the pool is heated by gas and also uses electricity for lighting etc.

Attorney Michaud said there is an indemnification provision in the agreement. SolarCity would indemnify the Town and it is not limited to the maximum amounts in the contract.

Mr. Oris thanked the SolarCity representative, Mr. Gancarz and Attorney Michaud for their responses to his questions. He commented on the Council taking these things seriously and does look at contracts. He will support the resolution.

Ms. Linehan asked about the minimum usage requirements.

Mr. Gancarz stated the Town must use all of the power SolarCity generates.

The time line with Council approval was raised by Ms. Flynn-Harris, who also asked about the need for a schematic placement of the SolarCity system. She considers the landfill the excellent location for this project, but noted there will be no visibility of the array from the dog park. She also asked about fencing and automatic lights after hours or motion cameras on the site.

Some of the array can be seen from the dog park, and Mr. Gancarz reported there will be fencing, with the only road access through the Public Works Garage site.

Mr. Milone informed the Council that staff is working on security cameras all around Town, and he will check with Mr. Gancarz and Apex about cameras at the landfill site.

Ms. Flynn-Harris asked about monitoring capabilities and the interface access to the Town.

It will be virtual and Mr. Gancarz said it will have a password and in view at anytime.

Mr. Ruocco asked about the expired tax credit and whether this is all that funds or subsidizes the program.

There are two things, and Mr. Gancarz said one is the ZREC credits and VNM with reduction in costs of transmission. Without getting VNM the Town could walk away from the contract, but it will take a few months to get them.

Mr. Ruocco asked about an option of renegotiation of the contract, or walking away after the facility is constructed if the credits are not received.

The federal tax credits are for the investors and Mr. Gancarz explained the Town is talking about ZREC and VNM credits.

Attorney Michaud advised that under the investment tax credit rule there is a 30% tax credit taken off the cost of the system. Once its done, its done. If it expires in a few years and is not renewed, this project would qualify for the 30% tax credit.

Mr. Ruocco stated his concern about any fiscal liability for the Town going forward and possible costs to the Town after construction and operation of the system. He asked about ongoing maintenance of the facility etc. and has concerns about subsidies.

SolarCity maintains the facility without cost to the Town, and Mr. Gancarz explained that in 2 years ZREC credits will not be offered. It is unknown what federal tax credits may do, and VNM money can expire. There is a benefit to acting on this now.

With a change in SolarCity costs and rate adjustments, Mr. Oris stated his understanding of the contract, with the Town agreeing or terminating the contract, without future liability to the Town. SolarCity removes the equipment.

The Council was informed by Mr. Schrumm that this project must go through Planning and Zoning Commission and Inland & Wetlands Commission. He is aware of concerns from residents living near the landfill. The assumption is the detention pond will be okay and there will be no landfill runoff or garbage uncovered. He asked about the 2.5 cents less than market, and if this includes transmission and generation.

Mr. Gancarz said it includes transmission and generation.

It was explained by Mr. Hovis that the performance guarantee is SolarCity producing a certain amount of power. If this falls short the company pays Cheshire 2.5 cents per kwh to replace it.

The value of this project is between \$2 and \$3 million, and it is exempt from property taxes based on the regulations involved.

Regarding the tax question, Attorney Michaud said under current law, Class 1 is exempt. If it were taxed it is a give and take, as the kwh rates would increase.

It was pointed out by Mr. Gancarz that the Council must take action on the Power Purchase Agreement and the Performance Guarantee Agreement.

PUBLIC COMMENTS AND QUESTIONS

Tucker Deming, 230 Oregon Road, addressed the Council stating he believes a scam is being presented to the Town. He has done research, subsidies are important to the liability, especially investors. He cited the State of Georgia as a better solar energy environment than Connecticut, which has difficult weather conditions. He said the numbers being generated by SolarCity are unrealistic, using laboratory conditions, i.e. using the performance rating of a unit in Arizona and places it on every installation they do. In Georgia many people who engaged in large arrays of solar collectors have nothing but problems and failures in every case, and many more can be found. He commented on companies convincing people this is good stuff. Information on this industry can be found on Google, with government, science, and industry convincing people that solar works. Mr. Deming believes Mr. Schrumm's comment about runoff is a good one; water shed off the units will fall on the fragile landfill surface; soil will be rinsed away and eat into the landfill, will permeate and cause problems. He said the cement block arrays will be a weight on the fragile cover; there will be problems and environmental issues becoming a nightmare; and the Town is being fooled.

With regard to SolarCity references during the RFP process, Mr. Gancarz cited RWA, Hamden CT, Town of Glastonbury CT, Town of North Haven, CT. He said SolarCity is guaranteeing an amount of power to Cheshire. The landfill has 2 feet of fine particle material, it is impermeable and meets compaction standards.

Tim White, 1683 Orchard Hill Road, is confident and supports statements made by Mr. Gancarz, noting DEEP supports the idea of using landfills for solar power generation. He supports the idea, and would want an RFP out to farmers to rent out their land for solar power.

Mr. Deming commented on people thinking solar energy is free, with the idea to eliminate gas, oil, petroleum products from our way of life, while solar panels are produced with petroleum products. Only 2% of energy is being produced by renewed energy and it has not reached maturity. He asked the Council to take time to make its decision and not lock the Town into another problem like the community pool.

If there is an issue with the landfill, Mr. Slocum asked about the remedy.

Mr. Gancarz replied, stating that SolarCity is required to maintain the site, and if the soil or liner is damaged, they must repair it.

For the landfill site, Mr. Schrumm pointed out the array will be in the area east of the dog park, which is on 18 inches of soil.

Mr. Ruocco asked about references from non-government clients of SolarCity, and the life span of the panels and recycling them.

There are non-government references and Mr. Hovis said they are still finding out about the panels and the life span is 25 years or more.

Chairman Slocum asked for a restatement of the 20 years or close of the project.

At the end of 20 years Mr. Gancarz said there are three options. With the agreement over SolarCity has 90 days to remove the equipment and restore the site to where it was. Or, the Town has two 5 year options at a zero escalator, or offer a buy out price determined at that time.

VOTE The motion passed unanimously by those present.

Mr. Gancarz informed the Council on the need for their action on the Performance Guarantee Agreement which is an additional benefit to the Town.

Attorney Michaud stated this agreement was negotiated under a separate agreement with SolarCity and requires a separate signature.

MOTION by Mr. Slocum; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #071415-5A

RESOLUTION #071415-5A

BE IT RESOLVED, that the Town Council approves the Performance Guarantee Agreement by and between the Town of Cheshire and SolarCity Corporation for the photovoltaic installation project at the former Town Landfill upon the terms and conditions as presented and attached, and authorizes Town Manager Michael A. Milone to execute said Agreement.

VOTE The motion passed unanimously by those present.

E. Acceptance and appropriation of additional LOTCIP funding for the Mountain Road Repavement Project.

MOTION by ; seconded by

BE IT RESOLVED, that the Town Council approves Resolution #071415-6

RESOLUTION #071415-6

BE IT RESOLVED, that the Town Council increases the capital appropriation for the Mountain Road Repavement Rehabilitation Project from \$335,000 to \$696,807.07, and further accepts and appropriates additional LOTCIP funding for said project in the amount of \$361,807.07 which increases the total LOTCIP funding for this project to \$696,807.07.

Discussion

Mr. Schrumm clarified the changes for this agenda item as stated in the resolution. The road improvements will go from Waterbury Road to Cornwall Avenue section of Mountain Road, with better quality road repaving materials.

This is a 100% funded project and Mr. Gancarz said it would be full replacement of the road. DOT has reviewed the project and supports complete replacement, increased the grant, for a better and longer lasting project.

The issue of speeding on Mountain Road with these road improvements was raised by Mr. Slocum. He noted this is a big concern of area residents.

According to Mr. Gancarz the proposal is to replace the road with the same dimensions and no changes, just new material.

Mr. Milone commented on there being much collaboration amongst Police Chief Dryfe, PW Director Noewatne and Mr. Gancarz regarding the speeding on Mountain Road. It will also be addressed during the capital budget process.

VOTE The motion passed unanimously by those present.

F. Call for public hearing for amendment to Building Permit Fees Ordinance Section 3-3.

MOTION by ; seconded by

BE IT RESOLVED, that the Town Council approves Resolution #071415-7

RESOLUTION #071415-7

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider \$an amendment to the Building Permit Fees Ordinance Section 3-3 and,

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

This was an agenda item of the Ordinance Review Committee and Ms. Nichols gave a brief summary of committee action.

The "educational fees" were implemented at the State level in 2008, with the funds used for training of building officials, fire marshals, and other staff. The current fee is 26 cents per \$1,000 of declared construction value when a building permit is taken out. Although the building permit fees are waived locally for municipally issued permits, it is

mandatory that the educational training fees be remitted to the State. With the amendment to the ordinance the Building Department will continue to pay the fees out of its revenue side of the budget, and there will be accountability and tracking for this revenue. It is possible to assess the contractor doing the work for these fees of 26 cents per \$1,000 of declared construction value.

VOTE The motion passed unanimously by those present.

G. Approval of amendment to Street Excavation Permit Fee for driveway Excavations pursuant to Ordinance Section 14-1 (d).

MOTION by Ms. Nichols; seconded by Ms. Linehan

BE IT RESOLVED, that the Town Council approves Resolution #071415-8

RESOLUTION #071415-8

BE IT RESOLVED, that the Town Council, pursuant to Section 14-1(d) of the Code of Ordinances and the recommendation of the Ordinance Review Committee, approves a Street Excavation Permit Fee amendment that exempts driveway excavation work from the additional fee for excavation square footage over 100 feet, which sets the fee for all driveway excavation work at \$75. This amended fee will become effective 21 days after publication of said amendment.

Discussion

The Council was informed by Ms. Nichols that the fee relates to the amount of review time by Public Work Engineers before the project is permitted. Since the time of the amendment to the ordinance the issue of "driveways" has come up, with most of them falling outside the 100 square foot minimum. Staff recommends an exemption be made for driveway excavation work to require only a \$75 fee, which would be adequate compensation for PW review of the work. The fee would be the same for commercial and residential properties. Driveway paving is a minimal project, with PW staff checking to insure landscaping is restored and there is no damage to Town road or sidewalks. Under the amended ordinance the repair/repaving of a driveway has a \$75 fee, and a new driveway would fall under the current ordinance requirements.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

Monthly Financial Reports - the reports are in the Council packets; \$850,000 expected surplus; all departments held the line on spending.

Pool - \$18,000 surplus.

WPCA - \$50,000 on the negative side; there is another 6 weeks of revenue on the user fee and some cancelled encumbrances; reduction in CCI flows resulted in a \$80,000 revenue shortfall.

Capital Expenditure Plan Budget Meeting Schedule - the meeting schedule outlines the schedule for CEP meetings and is in the packets. The CEP book will be out to Councilors on Wednesday; it will include charts and graphs, department summary in each section, compilation of issues as part of the department budgets; there is \$6.1 million in debt service reserve account, and the Council will look at its use with the upcoming spike in debt.

Well Being Survey - copy of the script was included for Council review for the community well being survey; DataHaven and Siena College will conduct the survey; the goal is improvement of community health, provide information to non-profit programs to insure needs are addressed; assist health care providers to meet community challenges and opportunities for improvement.

Wallingford Dispatch Center Regionalization Study - The three towns (Cheshire, Wallingford, North Haven) met and discussed a regional dispatch center; the legislative changes this year are no longer mandatory but will be implemented in the future; the center could generate savings to the three towns. The Town of Wallingford has a building behind its Fire and Police stations which would be adequate for a dispatch center. Mayor Dickinson is requesting funds from the Town Councils to determine whether this building would serve the needs of the three towns. Mr. Milone is bringing this matter to the Cheshire Town Council.

Algonquin Gas Transmission Project - the letter from Algonquin Gas company is in the packets; letters were also sent to Town residents; staff held a meeting with the gas company and the project will be supported in Cheshire to increase the pipeline and get more gas to New England States. The company must get permission from the property owner to access their property. The area is around RT 84/Waterbury Road to Southington, parallel to Peck Lane to Southington.

Public Works Milling/Paving Schedule and Project Status - the schedule is in the packets; Linear Trail project moving along rapidly; there was a meeting with property owners regarding screening and buffering; Jarvis Street parking lot is very scenic; Creamery Road project is moving along; the interior sidewalk project is almost complete.

Claims Commission Hearing Date - this has been set for January 28, 2016 for the \$7.2 million lawsuit against the State.

Commercial Trash Collection Tip Fee Increases - The Budget Committee met with A.J. Wallinger regarding amending the contract with the Town. There will be a meeting of the 5 towns on July 15th and Mr. Milone will report on whether the tip fee is permanent or temporary. Covanta is expected to hold the rate at \$100 a ton.

CFD Fire Truck - the consultant is working on the RFP and is in the latter stages of completion. Deputy Chief Youngquist has talked to six manufacturers of fire trucks; equipment has been brought to Cheshire with demonstrations for staff and the consultant; it is known that Cheshire is in the market for the best and least expensive fire truck.

Boulder Knoll Farm - the barn on the farm site is being used by the Friends of Boulder Knoll with a provision in their contract with the Town; the barn will be checked for stability by the town engineer. Mr. Milone stated that CHA has expressed interest in the rental house on Boulder Knoll, has talked with staff about taking it over, and CHA is researching funding, time frame, etc. and has interest in another house on the site.

Regarding the dispatch center time line, Mr. Milone said there must be an understanding of what each town is doing. There will not be duplication of equipment. Cheshire must purchase hand held radios, and there must be coordination and planning for equipment in the center.

Ms. Flynn-Harris commented on the Friends group adding shelves in the barn for product storage.

Mr. Schrumm asked that a map from Algonquin Gas be given to the Council, and if the proposal is for new rights of way.

Stating he is unclear on that issue, Mr. Milone will provide maps to Councilors.

CPD Report - Mr. Milone noted the report has information on the most recent meetings of the Juvenile Review Board and disposal of cases.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS

No report.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Chairman Slocum referred the request for a tax abatement ordinance amendment for renewable energy sources to the Ordinance Review Committee.

Personnel Committee - Mr. Ruocco will schedule a meeting for the Town Manager's Performance Review.

Budget Committee - Mr. Schrumm noted the CEP meeting schedule is in the packets.

Chairman Slocum appointed three Councilors to the Board of Education Facilities Master Plan Committee -- Patti Flynn-Harris, Sylvia Nichols, Robert Oris. The committee will hold its first meeting in August with a preliminary draft of the report from the consultants.

B. Miscellaneous

11. APPROVAL OF MINUTES

MOTION by Ms. Nichols; seconded by Mr. Ruocco.

MOVED that the Town Council approves the minutes of the Regular Meeting of June 9, 2015; Public Hearing of June 9, 2015; Special Meetings of June 16 and 17, 2015, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

WPCA - Mr. Schrumm reported the project will be completed within a few months; a +\$200,000 energy credit has been received for the project.

Parks and Recreation - Mr. Talbot reported the three new playgrounds are fully constructed and in use at Quinnipiac Park, MacNamara Park and Cheshire Park. The concert series will be held at Bartlem Park during the summer months.

CPFA - Ms. Flynn-Harris informed the Council on the townwide CPFA project for Fall 2015 to celebrate the 200th birthday of John Frederick Kinsett; many organizations and individuals are participating in the activities; and people will don period costumes.

B. Appointments to Boards and Commissions

MOTION by Mr. Talbot; seconded by Ms. Nichols.

MOVED that the Town Council approves the following appointment:

Travis Daughenbaugh (D) to the Prison Advisory Committee to fill the vacancy of Melissa Flynn, term of office 7/14/15 to 1/31/16.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

MOVED that the Town Council enter Executive Session at 10:25 p.m. to include Town Manager Milone and Personnel Director Louis Zullo to discuss pending claims and litigation and land acquisition.

VOTE The motion passed unanimously by those present.

MOTION by Ms. Nichols; seconded by Mr. Ruocco

MOVED that the Town Council exit Executive Session at 10:45 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Ms. Nichols; seconded by Mr. Ruocco

MOVED to adjourn the Town Council meeting at 10:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk