

NEW MILFORD TOWN COUNCIL
REGULAR MEETING
REVISED MINUTES
September 11, 2017

Present: Mayor David Gronbach
Mary Jane Lundgren
Peter Bass
Katy Francis
Walter Bayer
Frank Wargo
Paul Szymanski
Jessica Richardson

Absent: Tom Esposito

Also Present: John Tower, Town Attorney
Mary Vannucci, Administrative Aide to the Mayor

** MINUTES REVISED ON PAGE 11 – DEMARKATION NOTED BY DOUBLE
ASTERISKS **

The meeting was called to order at 7:00 pm by Mayor Gronbach.

1. Pledge of Allegiance and Moment of Silence
2. Public Comment

Joe Quaranta, a New Milford resident and owner of Advanced Construction and Tree Removal said his company was making a donation to the Town of tree and brush removal at Hidden Treasures Park which would amount to \$60,000. He said they will also be removing trees around the old Boardman Bridge to improve the aesthetics and that donation would amount to \$30,000.

Shawn Emmons, a New Milford resident and the contractor up until now for tree removal services for New Milford said he is not going to bid on the upcoming work so he could speak out here. He read from his note to the Council that since he took over the contract they have removed 463 trees in 53 working days and worked 21 emergency calls in 32 hours. He said the per inch contract is too expensive for the Town and should be rebid as a per day contract allowing more than one competitive bidder to assure fairness of billing to the Town. (Mr. Emmons notes are attached as part of these minutes)

Michael Barnes, a New Milford resident, said the Mayor has used the Town Council meeting to attack his political opponents. He said the target of his conflict of interest suggestion is not even present this evening. He said the Mayor has a personal grudge against one of the bidders for the tree contract. He said it is unethical to use the power of the Mayor's office to attack political opponents.

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NEW MILFORD, CT

Carlos Caridad, Tree Warden for New Milford, said the tree contract has been put out to bid but the Mayor has not accepted the low bidder. He said there is continued discussion about over billing but it has been unsubstantiated. He said Mike Zarba, Director of Public Works, did an investigation which produced no verification of over billing. He said the bid expired about six months ago and was not rebid. He said the bid and contract are the worst documents he has ever seen. He said he has tagged trees that sit without action for four or five months and that is a liability to the Town. The Mayor has chosen not to accept Sam Gentile's bid which is the lowest. He said there were zero bidders on the new bid. He said to not have a contract in place is unconscionable. He said by not having a contract the costs, liability and risk to public safety are increased.

Cindy Davis, a New Milford resident, said she wanted to address the good the Mayor has done including saving \$111,000. She said if there is wrong doing by a Council member than that needs to be addressed as she is hearing anger about ethics in Town. She asked for civility saying that people don't need to be accusatory. She said to have special deals in place is not right and she thanked the Mayor for the good is has done.

John Kane, a New Milford resident, said the Town should adopt the State ethics code which says that people who serve on the Ethics Commission should be neutral and not serve on Town Committees or Commissions. He suggested the use of Clergy as good for the Ethics Commission. He noted the Charter demands a review of the ethics on an annual basis.

Jackie Marois, a New Milford resident, was concerned about the commitment people have about this community. She asked how anything could be accomplished if the people are so divisive. She said the attacks are vicious and hostile.

Adrienne Auricchio, a New Milford resident, said Mr. Barnes should recuse himself from any discussion on the Ethics Commission about the potential violation of the Town Council member as he is clearly biased. She said she doesn't know if the Council member violated anything but it does not sound good. She noted people do not have a favorable view of politicians. She said if he used his position to gain an advantage than that is a violation.

Lisa Hida, a New Milford resident, asked the Council to table the renovations for John Pettibone until the Town can be sure it can afford it and it is designed the way the Townspeople want. She said the Town still does not know what the funding from the State is going to be and she has heard the Town could lose up to \$10 million. Recently \$14 million went out for bonding, in the budget nonprofits were cut by 30%, she asked how much more was going to be spent on John Pettibone which she believed to date was \$394,500. She suggested an economic study of the Village Green should be undertaken as well as a facilities study. When she went door to door getting 240 signatures to get on the Democratic ballot for Town Council she said 45-50% of them are unhappy with the way things are running. She asked the Council to table this request until the costs are known.

Carl Dunham, a New Milford resident, said the Town Council has never taken action on whether they favor the Ameresco project or not. He said short of a town meeting the Council represents the people of the Town. He said with the changing situation the Council should state whether they are in favor or not. He suggested members read the Connecticut Siting Council filing 1312 which has new data presented. He said the Town is a party to the Siting Council but he can't figure out the Town's position. He said no consultants have been secured to look at the issues. The Connecticut Legislature policy does not favor locating these solar projects on core forestry or farm land noting

that the Department of Agriculture and DEEP are parties to this as well. He asked the Council to stand up as the Town's representatives.

Peter Mullen, a New Milford resident, said he had had a conversation prior with Town Attorney Randy DiBella who suggested an in-house attorney was the way to go for the Town. He said it would save money and be more efficient. As to the solar project, he said anyone who has done work such as surveying the property should recuse themselves. He felt elected officials should not serve on the Ethics Commission. He said even though a low bidder was not accepted it might not be that simple as there could be hundreds of details to the contract. He said in the eight years he served on the Council there was never a discussion about trees, nor were there any presentations. He said \$4 million was spent on the turf fields and asked why 1/10th of that could not be spent on a community center. He also noted he had never seen an agenda this long and applauded the leadership for taking on the issues.

Andy Grossman, a New Milford resident, said there was a recent thread on Facebook calling for civility which of course descended into name calling after some time. He felt this is the worst it has been in a long time and said there is a need for civility. He noted this was one of the first really contentious elections but asked everyone to base their criticisms on facts. He said politics can be messy but there is no reason not to base things on facts. He said if Mr. Esposito did something than that discussion should be based on facts. He noted letters stating the cost to redo Pettibone would be \$10-\$15 million were not based on facts. He felt this Town needed to invest in itself before it dies.

Julie Learson, a New Milford resident, said she loved seeing the barn quilts as they celebrate the roots of a farming community. She said her dog is also a fan of the Riverwalk. She said as election season approaches she reminded everyone that they are all neighbors that share the town. She said she had a concern about social media sites and asked everyone to be transparent on those sites.

Jeff Winter, a New Milford resident, said New Milford should adopt the model ethics standards for municipalities. He said the Town has not adopted it and it is time to look at it. He said there is no reason to make assumptions about Mr. Esposito's actions, public officials should not be accepting gifts and should not seek to line their pockets by getting a project. He said there should be transparency especially as it relates to a Town Council members' claim that he spent his own money on a mailer but has not made public as to whether he did spend his own money. He said Mr. Bass said he had receipts for the mailing but lost them. He said there are personal ethics which include taking responsibility as a citizen.

Shawn Emmons said Ms. Francis expressed concern about the tree ordinance and trees and he said the program needs to be fixed. He felt the contract should be bid as day by day and not inches and this could save the Town about \$76,000. He also felt at least two contractors should be put on the job to compete against each other.

3. Discussion and possible action to fill the vacancy caused by Councilman Chamberlain's (D) resignation with the appointment of John Kane (D) to fill the unexpired portion of the term.

Mrs. Lundgren moved to fill the vacancy caused by Councilman Chamberlain's (D) resignation with the appointment of John Kane (D) to fill the unexpired portion of the term, seconded by Mr. Wargo.

Mr. Szymanski asked if the appointment was for until the end of November or until the election citing the Town Charter which states, "Any vacancy, from whatever cause arising, in any elective Town office except in the case of the Mayor as provided for in Section 603 of this Charter, shall be filled within sixty (60) days of such vacancy by appointment, by the Town Council, for the unexpired portion of the term or until the next regular Town election."

Mayor Gronbach said that would be up to the Town Clerk's interpretation but felt it would be awkward if the person didn't serve for $\frac{3}{4}$ of the month.

Mr. Szymanski said he was reading from the Charter that said the position would be filled until said election.

Mayor Gronbach asked why there should be an empty seat until December 1st when the electors take office. Ms. Vannucci, Mayoral Aide, said the Town Clerk told her today the term would extend to November 30th.

Mr. Szymanski asked Mr. Tower, the Town Attorney, for his opinion and Mr. Tower said Mr. Szymanski was referring to section 205 which says the Town Council is within its rights to make an appointment for an unexpired portion of a term.

Mr. Szymanski asked if any of the 4,000 democrats in Town were asked to see if they were interested in serving and Mrs. Lundgren said that was not appropriate. Mr. Szymanski said a notice could be put in the newspaper. Mayor Gronbach asked Mr. Szymanski if he was trying to solicit who the Democrats could appoint and Mr. Szymanski said he was just trying to see if anyone else was considered.

Mayor Gronbach said this is who the Democratic Town Committee is recommending. Mr. Szymanski asked if there was a letter from the Town Committee and Mrs. Lundgren said they never got a letter in the past. Mayor Gronbach said the Democratic Town Committee is endorsing Mr. Kane for the seat.

Mr. Szymanski said Mr. Kane speaks of ethics and yet he personally attacked him online.

Mayor Gronbach asked Mr. Szymanski if he administers any anonymous Facebook pages and Mr. Szymanski said he did not. Ms. Francis said she posts the agenda for information on the Town Council Happenings page but people can see who posts on that page.

Ms. Richardson said any Democrat can join the Town Committee and could have nominated themselves for the seat but no one did. She said in two months the Town can vote but for now the Democratic Town Committee has voted.

Mr. Szymanski said Mr. Kane has personally attacked him. Mayor Gronbach said no one is innocent here and said the Democratic Town Committee endorsed Mr. Kane.

The motion passed unanimously.

Mayor Gronbach read the oath of office to Mr. Kane who responded in the affirmative and was then seated at the table.

Mr. Bayer noted the parliamentarian seat was now vacated.

Mr. Bass nominated Mr. Wargo to fill the parliamentarian seat, seconded by Ms. Francis. Mr. Wargo declined.

Mr. Bayer nominated Ms. Richardson to fill the parliamentarian seat, seconded by Ms. Francis and passed unanimously.

4. Approval of Prior Minutes –
Regular Town Council Meeting Minutes

8/14/2017

Mrs. Lundgren moved to amend the minutes of 8/14/2017 to reflect that she did not vote on any items as she was chairing the meeting, seconded by Mr. Bayer.

Ms. Francis asked if the previous minutes were amended to reflect the verbatim statement of the Mayor and Ms. Barksdale said it was not verbatim rather the motion was “per the video recording.”

The motion passed unanimously.

Mrs. Lundgren moved to amend the minutes of 8/14/2017 to add on page four, second to the last paragraph “Mr. Lawson said it impacts our planning,” in response to Mr. Szymanski and Mr. Chamberlain asked “What if any reductions in student services occurred during the 2015-2016 and 2016-2017 budget while you were accumulating capital reserve?,” seconded by Mr. Wargo and passed unanimously.

5. Mayor's Comments -

Mayor Gronbach said the Town Attorney approved of the wording of the fracking ban and the ordinance will take effect October 1st.

A meeting to discuss "Hate Has No Home Here" will be held September 14th at 7 pm in the E. Paul Martin Meeting Room.

The skate park will be reopen on September 17th at 10 am.

The grand opening of the Pettibone Community Center will be September 23rd from 1-4 pm.

The Mayor noted they are seeking names of veterans from World War II and the Korean War to add to the wall of honor at the entryway of Town Hall.

HVCASA has recognized New Milfords substance abuse council and Jason O'Connor has been recognized for his work. On September 28th there will be a Substance Abuse Prevention Forum at Sarah Noble.

The barn quilt trail is complete and there will be a chance to tour the trail on September 24th.

6. Finance Department – At the recommendation of our Bond Attorney and his concern that the prior issuance of the 2008 Ambulance Bond may expose the Town to IRS liability, the following is proposed to refinance the bond:

- a. To hold a public hearing on the proposed issuance of up to \$2.2 million principal amount Qualified 501(c)(3) bonds to refinance outstanding New Milford Ambulance Facility bonds issued in 2010.

Mrs. Lundgren moved to hold a public hearing on the proposed issuance of up to \$2.2 million principal amount Qualified 501(c)(3) bonds to refinance outstanding New Milford Ambulance Facility bonds issued in 2010, seconded by Mr. Bayer and passed unanimously.

Mr. Wargo moved to waive the reading of the notice of public hearing and incorporate its full text into the minutes of the meeting, seconded by Mr. Bayer and passed unanimously.

The Public Hearing was opened at 8:13 pm and closed at 8:13 pm.

- b. Consider and act upon a resolution entitled:
RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$2.8 MILLION TOWN OF NEW MILFORD GENERAL OBLIGATION REFUNDING BONDS, INCLUDING TO REFUND BONDS ISSUED IN 2010 TO FINANCE THE AMBULANCE FACILITY, AUTHORIZING COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUED BONDS OF THE TOWN, AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM

Mr. Wargo moved to waive the reading of the refunding bond resolution and incorporate its full text into the minutes of the meeting, seconded by Mr. Bayer and passed unanimously.

Mrs. Lundgren moved to adopt the resolution, seconded by Ms. Francis and passed unanimously.

- c. Discussion and possible action on the request to transfer \$1,000 from Unassigned Fund Balance to Continue in Force Economic Development #10490519-53401 for Barn Quilt Trail project. *These funds were a donation from Farmland Preservation Commission.*

Mrs. Lundgren moved to approve the request to transfer \$1,000 from Unassigned Fund Balance to Continue in Force Economic Development #10490519-53401 for Barn Quilt Trail project. These funds were a donation from Farmland Preservation Commission., seconded by Mr. Bayer and passed unanimously.

7. Town Attorney –

Discussion and possible action to appoint Attorney Rebecca Rigdon as Town Attorney working as a full-time employee of the Town in lieu of Town Attorneys DiBella and Tower of Cramer & Anderson, LLP, who have served the Town as independent contractors. The increase in the Town's legal work and financial costs warrant transition to a full-time, in-house position.

Mrs. Lundgren moved to appoint Attorney Rebecca Rigdon as Town Attorney working as a full-time employee of the Town in lieu of Town Attorneys DiBella and Tower of Cramer & Anderson, LLP, who have served the Town as independent contractors. The increase in the Town's legal work and financial costs warrant transition to a full-time, in-house position, seconded by Mr. Wargo.

Mayor Gronbach said he presented this concept in July to bring a staff Town Attorney on board as a better way to handle legal services. He said this is not a knock against Mr. Tower or Mr. DiBella. Mayor Gronbach felt 90% of the legal work was general practitioner work which could be handled in house. He noted currently anything outside the \$2,500 legal retainer the Town gets billed for and that is an inefficient way to deal with these issues. He said he posted for a full time Town Attorney and Rebecca Rigdon was one of the applicants. She is local, having grown up in New Milford. She has a good background in general practice and both Representative Bill Buckbee and Probate Judge Marty Landgrebe gave her letters of endorsement. He said with the current system in place, the Town spends about \$350 - \$400,000 on legal but they could pay Ms. Rigdon a salary and benefits of approximately \$125,000 and save money.

Ms. Francis asked if the Town would continue to work with Cramer & Anderson and wondered what the fees would be. Mayor Gronbach said the fees are always negotiable. Ms. Francis asked if there was more legal work then in the past and Mayor Gronbach said the business of managing government is complicated.

Ms. Francis asked if the office would be in Town Hall and would a staff be required and Mayor Gronbach said the office would be in Town Hall and there would be no staff. Mr. Wargo said the idea of a Town Attorney first came up when Liba Fuhrman was Mayor but the Town did not try it then.

Mrs. Lundgren noted New Milford would not be the first Town in Connecticut to do this and said she appreciated all the work that Cramer & Anderson has done for the Town.

Mr. Bass asked if there was a job description and Mayor Gronbach said the job would be based off the Town Charter where the duties are spelled out but they have one drafted.

Mr. Bass asked if there has been a discussion with Cramer & Anderson about what they will charge if they are no longer Town Attorney. Mayor Gronbach said they can work out a fee with them.

Mr. Bass asked if she served until the November election and Mayor Gronbach said she is an employee at will but he felt it would be a mistake to replace her. He said this position should not be made political.

Mr. Bass noted the Town Attorney's currently perform 2,000 man hours at approximately \$350,000 and asked how the Town could get 2,000 man hours out of a full-time Town Attorney. Mayor Gronbach said the position is 40 hours a week and would be devoted full time and not one hour a day or five hours a day as with the current situation.

Mr. Bass asked if a cost benefit analysis has been performed to show existing costs and proposed costs to show the projected savings. Mayor Gronbach said the proposed cost is about \$125,000 versus \$400,000.

Mr. Szymanski asked if Cramer & Anderson would continue the Century Brass work and Mayor Gronbach said Mr. Tower would continue on that litigation.

Mr. Szymanski said the cost to litigate to date was \$200,000 and another \$200,000 was needed to get to trial so he asked where the cost savings would be. Mayor Gronbach said Cramer & Anderson was engaged to get money back so if the Town is successful there will be no costs.

Mr. Szymanski asked if municipal tax appeals and land use would be handled in house and Mayor Gronbach said with land use, specifically, there is a lot of back and forth and it is important to have someone to get back to you.

Mr. Szymanski asked if labor negotiations would be part of the duties and Mayor Gronbach said those are handled by Personnel and Finance right now.

Mayor Gronbach invited Ms. Rigdon to come up and answer questions and introduce herself.

Ms. Rigdon said she was born and raised in New Milford, went to law school in Oklahoma, and returned to practice in Torrington, and Washington Depot before opening her own firm in New Milford.

Mr. Bayer felt this appointment was a win-win and wanted to call the question.

Mr. Szymanski asked Ms. Rigdon if she had worked on municipal tax appeals of greater than \$1,000,000 and she said in Washington Depot she had worked on residential multimillion dollar tax appeals.

Mr. Szymanski asked if she had represented any land use appeals and she said she did several in Washington.

Mr. Szymanski asked about the fees as it relates to Cramer & Anderson noting the current fee is \$185 per hour and he was uncomfortable voting on this until there was confirmation from them on their fees with this structure. Mayor Gronbach said he was confident the fees could be negotiated with Cramer & Anderson which would work out for the Town as well.

Mr. Szymanski asked why this could not wait for two weeks while the numbers were worked out to assure that they had budgeted enough and Mayor Gronbach said he wanted to get Ms.

Rigdon started and felt there was sufficient money as they had \$200,000 beyond the \$125,000.

Mr. Szymanski said he was not opposed to Ms. Rigdon just felt the numbers should be in writing.

Mr. Bayer called again for the vote.

The motion passed 6-2.

Aye: Richardson, Wargo, Bayer, Francis, Kane, Lundgren

No: Bass, Szymanski

8. Personnel Department –

Discussion and possible action on the recommendation of the Job Description Sub-Committee to accept the job description of the Facilities Maintenance Lead Technician. The Facilities Maintenance Lead Technician description will replace the Facilities Maintenance Supervisor description.

Mrs. Lundgren moved to approve the Job Description Sub-Committee to accept the job description of the Facilities Maintenance Lead Technician. The Facilities Maintenance Lead Technician description will replace the Facilities Maintenance Supervisor description, seconded by Mr. Wargo.

Mayor Gronbach said this has gone before the job description committee. Mrs. Lundgren said she and Ms. Francis reviewed it and approved and Ms. Francis said while she did not make the meeting she did review it and approved it.

Mr. Szymanski asked what was replaced in the description and Greg Bollaro, Personnel Director, said some duties were removed and added to other position duties.

Mr. Szymanski asked if two people were added and Mr. Bollaro said only one position was filled so only one person was added.

The motion passed unanimously.

9. Mayor's Office –

- a. Discussion and possible action on renewal of the Conn's Pond lease, for a 5-year term, with Canterbury School on the same terms and conditions as the lease that expired on June 30, 2017.

Mrs. Lundgren moved to approve the renewal of the Conn's Pond lease, for a 5-year term, with Canterbury School on the same terms and conditions as the lease that expired on June 30, 2017, seconded by Mr. Bass and passed unanimously.

- b. Discussion and possible action on the request to accept a donation of a new stove valued at \$175.00 for the Senior Center. This stove is a donation from Buzaid Appliances.

Mrs. Lundgren moved to accept a donation of a new stove valued at \$175.00 for the Senior Center. This stove is a donation from Buzaid Appliances, seconded by Mr. Wargo.

The motion passed unanimously.

- c. Discussion and possible action on the request for Young's Field Riverwalk Park to be dedicated to the Parks and Recreation Commission.

Mrs. Lundgren moved to approve the request for Young's Field Riverwalk Park to be dedicated to the Parks and Recreation Commission, seconded by Mr. Wargo.

Mr. Szymanski asked if Parks and Recreation would need to maintain the plantings as well as the trail. Dan Calhoun, Director of Parks & Recreation, said they will need information on how to maintain the trail because he has not had experience with a permeable surface.

The motion passed unanimously.

- d. Discussion and possible action on acceptance of an anonymous donation of \$5,000 as reward for the arrest and conviction of the person(s) responsible for the Hate Crime at Thompson's Restaurant on August 23, 2017. Money to be placed in a separate account to be determined by Finance Director.

Mrs. Lundgren moved to accept an anonymous donation of \$5,000 as reward for the arrest and conviction of the person(s) responsible for the Hate Crime at Thompson's Restaurant on August 23, 2017. Money to be placed in a separate account to be determined by Finance Director, seconded by Mr. Bayer and passed unanimously.

10. Conflict of Interest of Town Council Member-

Discussion and possible action regarding the apparent conflict of interest if Councilman Esposito were to bid and/or market the services or products sold by his employer, Green Star Energy, with regard to the Library Modernization and Expansion Project.

Mayor Gronbach noted that Mr. Esposito could not be here this evening and asked that the discussion be tabled.

11. Discussion and Update Regarding Tree Issues

Mayor Gronbach said the tree bid and contract is a disaster when a company can bid \$40,000 knowing they will get \$120,000. He said Shawn Emmons has done tremendous work including the record keeping he has done which puts him head and shoulders above what has been done before. He said he invited Mr. Caridad to help make the program work better but he refused. He

said the Town went to the State bids and other bids in other towns to make this work for the Town. He noted in one recent bid they had three apply in which one was disqualified. He said Mr. Emmons does not need controversy and vitriol about this contract. He noted he agreed the Town should go on a day rate bid since the Town could do better with more than one tree company with appropriate terms worked out. He said a public works employee was fired because of their efforts to steer work to a specific tree company.

Ms. Francis said she receives calls and e-mails of concern regarding trees and noted she came to the bid opening where there were three bidders and didn't realize none qualified. Mayor Gronbach said one was disqualified.

Ms. Francis asked the Mayor if he was open to going back to a two vendor system where potentially Emmons and Gentile had the contract. Mayor Gronbach said it would be a good idea to have multiple bidders.

Ms. Francis said the tree issue is a public health and safety issue and urged the Mayor to sit down with Gentile and Emmons.

Mayor Gronbach said the trees are being addressed as Mr. Emmons is still doing the tree work.

Mr. Emmons said as of the last list he received, he did the tree work as requested.

Ms. Francis said Mr. Caridad said there are still trees needing to come down.

Mr. Caridad was invited to the podium and said many of the things Mayor Gronbach was saying were false.

Mayor Gronbach said Mr. Caridad had destroyed the reputation of the Town. Mr. Caridad said the Mayor had a personal vendetta.

After the meeting broke down to an argument with the Mayor, Mr. Caridad and a member of the public Mrs. Lundgren called for a five minute recess.

** Mr. Gentile stated from the seating area "you're a scumbag" after which the meeting devolved in shouting and a recess was called. A letter of apology was sent to the Mayor's Office from Mr. Gentile. **

The meeting recessed at 8:49 pm and reconvened at 8:55 pm.

Mayor Gronbach brought the meeting back to order and asked Ms. Francis, since she had requested this item, what she wanted to discuss. Ms. Francis said she wanted to know if there are still trees standing that should come down because they are not safe. Mr. Caridad said there are some trees that should come down but the Town is not in the same situation it was in for four or five months. Ms. Francis asked approximately how many are standing and Mr. Caridad said there was a handful but it is approaching one month of being marked and not taken down.

Ms. Francis asked if the trees could be taken care of under the current system and Mayor Gronbach said they could. He said he does not pick which trees come down that is up to Public

Works. He said Public Works is instructed to take down the trees and add to the list that is given to Mr. Emmons, currently. Mayor Gronbach said he has not had any communication with Mr. Caridad since February.

Mr. Caridad said all of his communications were ignored and he resorted to e-mailing the Mayor to memorialize what was going on. He read his January e-mail and February e-mail. He said bids were opened in July when Sam Gentile was the lowest bidder and he was disqualified. He asked for a reason why Mr. Gentile could not work for the Town.

Mayor Gronbach said despite the name calling and reaction from him over the last bid he is not holding that against him. He said he is only motivated to get the best tree work for the Town's money.

Mr. Caridad asked why this was rebid in July and Mayor Gronbach said he wants more competition. Mayor Gronbach said he is not involved in tree business but could not let 70% of the budget for tree work be blown in one weekend and asked why the Tree Warden was not supervising the work. Mr. Caridad said he does not supervise that is left to Public Works.

Mayor Gronbach read the duties of the Tree Warden from the Town Charter. Mr. Caridad said the Mayor has not engaged with the Tree Warden and as a result the quality of the contract and bid documents are poor.

Mr. Caridad continued arguing with the Mayor and Parliamentarian Richardson asked him to leave the meeting.

Mr. Caridad said he was stepping down as Tree Warden after 20 years of service.

Mr. Szymanski asked if anything had been resolved about the tree bid or contract and Mrs. Lundgren said they are working on a new contract. Mr. Szymanski asked who wrote the contract and Mayor Gronbach said the Finance Department, Public Works, and they have looked at other towns contracts. Mayor Gronbach said he tried to work with Mr. Caridad on the new documents.

Mr. Szymanski said the current tree vendor said the document is horrible and the Town is wasting money. He asked how much longer the Town was going to pay double for tree work. Mayor Gronbach said the current bid has been extended to Mr. Emmons who has agreed to perform the work.

Mr. Szymanski asked Mr. Emmons how much longer he was willing to do this work and he said he would like this to be wrapped up within a month.

12. Appointments to Boards and Committees –

Inland Wetlands Commission

John Learson (U)

(Mr.Learson will fill the vacant alternate position)

9/11/2017 – 11/30/2020

Mrs. Lundgren moved to appoint John Learson (U) to the Inland Wetlands Commission to fill the vacant alternate position for a term 9/11/2017 – 11/30/2020, seconded by Mr. Wargo and passed unanimously.

Economic Development Commission

Lacee Yurtoglu (D)

9/11/2017 – 11/30/2021

(Ms. Yurtoglu will fill the expired position of Mr. Kilberg)

Mrs. Lundgren moved to appoint Lacee Yurtoglu (D) to the Economic Development Commission to fill the expired position of Mr. Kilberg for a term 9/11/2017 – 11/30/2021, seconded by Mr. Wargo and passed unanimously.

Pension Committee

Jeffrey Winter (D)

9/11/2017 – 11/30/2017

(Mr. Winter will fill the position vacated by Mr. Silway)

Mrs. Lundgren moved to appoint Jeffrey Winter (D) to the Pension Committee to fill the vacated position of Mr. Silway for a term 9/11/2017 – 11/30/2017, seconded by Mr. Bayer and passed unanimously.

Sewer Commission

Alexander J. Carpp (D)

9/11/2017 – 11/30/2019

(Mr. Carpp will fill the position vacated by Mr. Chamberlain's resignation)

Mrs. Lundgren moved to appoint Alexander J. Carpp (D) to the Sewer Commission to fill the vacated position of Mr. Chamberlain for a term 9/11/2017 – 11/30/2019, seconded by Mr. Bayer and passed unanimously.

Planning Commission and N.M. Aquifer Protection Agency

Julie Learson (D)

9/11/2017 – 11/30/2017

(Ms. Learson will fill the position vacated by Mr. Kane's resignation)

Mrs. Lundgren moved to appoint Julie Learson (D) to the Planning Commission and N.M. Aquifer Protection Agency to fill the vacated position of Mr. Kane for a term 9/11/2017 – 11/30/2017, seconded by Mr. Bayer and passed unanimously.

13. Road Closures –

- a. Discussion and possible action on the request for closure of Bank Street on Saturday, October 7, 2017 from 10:00am to 10:00pm for Octoberfest.

Mrs. Lundgren moved to approve the request for closure of Bank Street on Saturday, October 7, 2017 from 10:00am to 10:00pm for Octoberfest, seconded by Ms. Francis and passed unanimously.

- b. Discussion and possible action on the request by the Parks and Recreation Department to close the southbound travel lane of Main Street to thru traffic, from the top of the Green south to Bridge Street, including Bank Street and the two

crossovers on Tuesday, October 31, 2017 between the hours of 5:15pm and 7:30pm for the Halloween Trunk or Treat event.

Mrs. Lundgren moved to approve the request by the Parks and Recreation Department to close the southbound travel lane of Main Street to thru traffic, from the top of the Green south to Bridge Street, including Bank Street and the two crossovers on Tuesday, October 31, 2017 between the hours of 5:15pm and 7:30pm for the Halloween Trunk or Treat event, seconded by Mr. Bayer and passed unanimously.

- c. Discussion and possible action on the request by Harrybrooke Park to close Lanesville Road from the Firehouse to the entrance of Harrybrooke Park on Saturday, November 25, 2017 between the hours of 9:00am and 12:30pm for the Run Santa Run event.

Mrs. Lundgren moved to approve the request by Harrybrooke Park to close Lanesville Road from the Firehouse to the entrance of Harrybrooke Park on Saturday, November 25, 2017 between the hours of 9:00am and 12:30pm for the Run Santa Run event, seconded by Mr. Bass and passed unanimously.

14. Senior Center –

Discussion and possible action authorizing Mayor Gronbach to sign an Agreement with State for Mira LeVasseur and Leo Ghio to become certified “Access Health, CT Application Counselors”. The Town’s Senior Center will be a certified site for New Milford consumers offering assistance to clients who are not yet eligible for Medicare.

Mrs. Lundgren moved to authorize Mayor Gronbach to sign an Agreement with State for Mira LeVasseur and Leo Ghio to become certified “Access Health, CT Application Counselors”. The Town’s Senior Center will be a certified site for New Milford consumers offering assistance to clients who are not yet eligible for Medicare, seconded by Mr. Bayer.

Mr. Ghio said they have already been working with the Access Health insurance to help seniors get the premium tax credits they are entitled to but now they will have the training required.

The motion passed unanimously.

15. Youth Agency –

Discussion and possible action on the request to accept a donation of \$2,500 from the Farmer’s Table, a program of Partners for Sustainable Healthy Communities, Inc. This donation will be used for two internships, one high school student and one college student, so that they may participate in the Youth Agency’s Sullivan Farm project.

Mrs. Lundgren moved to approve the request to accept a donation of \$2,500 from the Farmer’s Table, a program of Partners for Sustainable Healthy Communities, Inc. This donation will be used for two internships, one high school student and one college

student, so that they may participate in the Youth Agency's Sullivan Farm project, seconded by Mr. Bayer and passed unanimously.

16. Tax Collector –

Discussion and possible action regarding September 2017 refunds in the amount of \$8,247.61 (This leaves a balance of \$47,017.91 in the refund account.)

Mrs. Lundgren moved to approve the September 2017 refunds in the amount of \$8,247.61 (This leaves a balance of \$47,017.91 in the refund account.), seconded by Ms. Francis and passed unanimously.

17. Schedule of Fees Ordinance revisions –

Acceptance and adoption of the revisions to New Milford Code of Ordinances §§ 6C-5, 22-23, 24-1 and 18-72 as presented at the Public Hearing held August 14, 2017.

Mrs. Lundgren moved to the adoption of the revisions to New Milford Code of Ordinances §§ 6C-5, 22-23, 24-1 and 18-72 as presented at the Public Hearing held August 14, 2017, seconded by Mr. Bayer and passed 7-1.

*Aye: Richardson, Wargo, Bayer, Francis, Szymanski, Kane, Lundgren
No: Bass*

Mrs. Lundgren moved to amend the motion for Tax Collector September 2017 refunds to reflect the balance in the refund account is \$38,770.30, seconded by Mr. Bayer and passed unanimously.

18. GreenCap Advisors, LLC -

GreenCap Advisors, LLC presentation regarding John Pettibone Community Center energy upgrades. Discussion and possible action on the disbursement of \$40,000 from Waste Management Fund per recommendations for Phase II design engineering. *Reminder: Fees for Phase I and Phase II are refundable upon completion of the project.*

Doug Esposito and John Gibson from GreenCap Advisors LLC were present to discuss their findings for John Pettibone. They hired Sparhawk Engineering to look at the mechanicals and to help create a plan to upgrade them. Mr. Esposito said one outcome of this study has been to determine that Pettibone is 68% higher than the average school which means it uses significantly more energy than a typical school.

Based on the scenarios studied to reduce costs they project savings of between \$900,000 and \$1.2 million over 10 years. In both scenarios, a new roof is needed and included in the proposal.

Mr. Gibson said the plan is to air seal and foam seal the whole building perimeter and make the building tight. They will eliminate the skylights and use better LED lighting which will cut costs by 50%. Solar production will also be used to eliminate some of the electric demand. An M-Trigen system will be installed as it will create an ultra energy efficient

heating and cooling system. There is a plan to make the front part of the building a resilient area with a battery back up.

Mr. Esposito said there is still more work to be done but they wanted to show the benefits of moving forward on this project. He noted UMass and Henry Abbott Tech are interested in collaborating on this project.

Mr. Gibson noted the Pettibone could be set up to be a secondary emergency shelter. He noted the HVAC system is designed to be a zoned system which is more efficient than what the loop system the building currently has.

Ms. Francis asked how much money the resilient area for emergency shelter would add on and Mr. Gibson said the battery back up is \$150,000 and the air sealing would be \$50,000.

Mr. Bass asked why Pettibone was 68% higher in average cost and Mr. Gibson said the system is antiquated and as a looping system, the energy runs through the whole system and comes back. He said in 1955 when the building was built there was little concern about insulation.

Mr. Bass asked if the boilers are antiquated and Mr. Gibson said the engineer looked at them and said the Town could spend money to replace the system or try to bandaid it.

Mr. Bass asked for the timeline to repay and Mr. Gibson said they thought five to seven years.

Mr. Szymanski asked if the savings calculation was based on the baseline of a three season building that costs \$115,000 versus being used two more months. He also said he looked at the Energystar website and found that the energy use of Pettibone is actually less than typical not the 68% higher as reported. He said the median in this report was 114 and Pettibone was reported at 87. Mr. Esposito said they would have to ask the engineers.

Mr. Szymanski asked about the roofing costs and Mr. Gibson said they would not know the full costs until they pulled up the panels to see how much is damaged. Mr. Szymanski asked if there was anyway the roof could cost more than \$1.2 million and Mr. Esposito said they were given \$930,000 for the cost.

Mr. Szymanski asked about replacing the existing boilers and piping and Mr. Gibson said they are anticipating rebates and incentives to get the best system. Mr. Szymanski asked about anticipating rebates and Mr. Gibson said rebates could be between 20-35% because of the multi use measures.

Mr. Szymanski asked about the cost of the LED lighting and Mr. Gibson said it would cost about \$166,000 before rebates. Mr. Szymanski asked for more detailed information on the rebates and Mr. Gibson said they would not have that until they had more detailed engineering specs.

Mr. Szymanski asked about the ZERAC contract and Mr. Gibson said there are two chances to apply to win the contract. He said other tax credits and rebates include the batteries, solar and Green Bank.

Ms. Richardson moved to extend the time of the meeting until 10:30 pm, seconded by Mrs. Lundgren and passed unanimously.

Mr. Szymanski asked about the Tri-Gen system maintenance and Mr. Esposito said that depends on who owns the system. He said if a third party owns it they would set up an LLC and lease it to the town and would be responsible for the upkeep.

Mr. Szymanski asked if Tri-Gen had been installed in any other places and Mr. Gibson said it is in a building in Houston which is 73,000 square feet.

Mr. Szymanski asked for the capital costs for solar and Mr. Gibson said roughly \$975,000. Mr. Szymanski asked about the heating and cooler systems capital costs and Mr. Gibson said \$600,000 for heat pumps, \$240,000 for air handlers - pre-rebate, and \$50,000 for sealing insulation.

Mr. Szymanski asked about new windows and Mr. Esposito said the payback for replacement costs for windows is so long.

Mr. Bass asked if the whole building was going to be insulated for \$50,000 and Mr. Gibson said the air seal and foam seal would be in all perimeters of the buildings and ceilings.

Mr. Bass asked if there was asbestos in the skylights and Mr. Gibson said that would be part of this roofing contract.

Mayor Gronbach said these are just the broad strokes of the project, the big vision, the next phase would be the design phase.

Ms. Francis noted in the contract for phase I said there would be preliminary funding and rebate information and Mr. Gibson said they cannot get there until the engineering plan is developed.

Ms. Francis asked why the CT Green Bank was holding out and Mr. Gibson said they are talking to others too. Ms. Francis said GreenCap put this in their phase I contract and Mr. Esposito said they have taken this as far as they can at this point.

Mr. Szymanski said the contract does say they will have idea of funding, rebates and incentives and he would like to see it on paper. Mr. Esposito said they could provide that.

Mrs. Lundgren moved to approve the disbursement of \$40,000 from Waste Management Fund per recommendations for Phase II design engineering. Reminder: Fees for Phase I and Phase II are refundable upon completion of the project, seconded by Mr. Wargo.

Mr. Szymanski said he would like to table this until they get the phase I information.

Mayor Gronbach said the phase I report has given the broad strokes including solar, Tri-Gen system, lighting and insulation. He said now they need to go to phase II.

Ms. Richardson asked if there were any more numbers available that they had not presented and Mr. Gibson said they had nothing else to provide.

Ms. Francis said if they have done their due diligence they can give plausible estimates and she asked for the items listed on the contract.

Mr. Bayer asked if it would hurt anything to put this off for two weeks and Mayor Gronbach said the ZERAC application was due in two weeks. He suggested the ZERAC application could be submitted anyway.

The motion was tabled.

19. Discussion regarding Ameresco Solar Project

Mr. Szymanski got up to leave the meeting noting that he had done work on this property. Mayor Gronbach asked him how much and he answered that he had looked at the bottom of the property with a concept sketch but had not done work where the solar project is planned. Mr. Szymanski said with all of the concern about ethics he was not going to discuss this project and left the meeting at 10:20 pm.

Mayor Gronbach noted this is now before the Siting Council.

Ms. Francis said the Town Council voted on the PILOT program on September 26th but had not discussed whether members were for or against this project.

Ms. Richardson said she would have to do more research on the effects on the trees and storm water runoff, for instance, before she could draw a final conclusion.

Ms. Francis said there is no other method for people to know how the Council members feel without this discussion.

Mayor Gronbach said he knows people are against this project which is why the Town filed to be a party with the Siting Council and will be filing interrogatories. He said Ameresco needed the PILOT agreement to move forward. He said the Siting Council is where issues get fleshed out.

Ms. Francis said some people believe the proposed location is not the right place but the Council was only voting on the PILOT program they were not speaking for or against the project. Ms. Francis said people are asking her how the Council feels.

Ms. Richardson said if this parcel is not used for solar it could be sold for something else and that project could cut all the trees down, at least with solar they could replant the trees when the project is gone. She said if people want to e-mail her to give her information they could do so at jrichardson@towncouncil.org.

Mr. Tower said the Town became a party to the Siting Council but up until that time they had not decided to hold a public hearing which the Town requested. He said the PILOT is not limited to the treatment of taxes because if the developer is successful in building this solar project they will seek to relinquish the NPRDD zone.

Ms. Francis said the PILOT will not be a financial boon to the Town. She said there are lots of other places this project could be done and it is purely about money as there is no benefit to the Town or the State. She is opposed to doing it on Candlewood Mountain and suggested it should be placed on a roof or a brownfield.

Mr. Bass said his sentiments to Ms. Richardson in that new information has come to light and the State of Connecticut no longer allows for deforestation for solar zones. He said each Council member needs to do their own due diligence.

Mayor Gronbach asked if the proposal was to renege on the PILOT and Ms. Francis said she did not think that was an option. She said people wanted to know if the Council was paying attention.

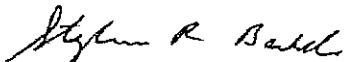
Mrs. Lundgren said she has a hard time with the property being clear cut but it could either be a solar project or a development. Either way trees will be lost. She said there are things that still are unknown such as the location of the transmission lines.

Mayor Gronbach said there is still more to discuss but he noted Ms. Francis' opposition.

Ms. Francis said there is a meeting planned for Tuesday, September 12th at 7 pm at St. John's to get information out on the project.

Mr. Bayer moved to adjourn the meeting at 10:39 pm, seconded by Mrs. Lundgren and passed unanimously.

Minutes recorded by:



Stephanie R. Barksdale
Recording Secretary