

REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN
TUESDAY, MAY 17, 2016
TOWN OFFICE BUILDING - 5:30 P.M.

Call to Order: First Selectman Leo Paul, Jr. called the meeting to order at 5:30 p.m. with all Selectmen present: Jonathan Tarrant, Diane Knox, Paul Parsons and Jeffrey Zullo.

Approval of Minutes: Mr. Paul requested an amendment to the April 19, 2016 minutes under New Business c), adding the following sentence at the end: "Upon voting all voted aye and the motion carried." **Motion:** J. Zullo moved to approve the regular April 19, 2016 minutes as amended, and D. Knox seconded. All voted aye except J. Tarrant, who abstained because of absence, and the motion carried.

Public Requests/Comments: John Bongiorno, 205 Old South Road, complimented the Green Team on its analysis and resulting school lighting retrofit plan. He was surprised the plan was not approved by the Board of Selectmen. He pointed out that we should not postpone it, as we could realize immediate savings with zero cost in the end and the students would have better light.

Selectmen's Requests: Mr. Paul reminded the Board of the Memorial Day parades. The Board of Finance did not approve the \$35,000 transfer, as they had no one to explain it, so they are now trying to set a special meeting to address it. J. Zullo asked Mr. Paul to explain the Frontier fiberoptic discussion at the NHCOC meeting. Mr. Paul said they were looking for funding to provide them with a website, and the group was not in a position to fund it. It would be a 3-mill increase, \$20/mo. per household, just in Litchfield to build the infrastructure. P. Parsons asked about the Donohue Road property, and Mr. Paul said they have corrected drainage, and they need an easement to move the access point to both properties. J. Zullo asked if there has been any word on the State's audit of the school project, and Mr. Paul said he has heard nothing.

Resignations

a) Marion Pettinicchi from Prevention Council, regular member: received and noted

Declining Reappointment:

- b) Mitchell S. Fishman, Economic Development Commission
- c) Carol Williams, Inland Wetlands Commission
- d) Mary Loyer, Board of Ethics
- e) Elisa C. Bauer, Prevention Council

Interviews, Appointments & Reappointments

a) Interview Jennifer Abbott for Prevention Council, regular member, term 6/2017: Jennifer Abbott said she grew up in Litchfield and wants to be part of the support for the students as a member. **Motion:** J. Tarrant moved and D. Knox seconded a motion to appoint Jennifer Abbott as a regular member to the Prevention Council for term ending 6/2017. All voted aye and the motion carried.

b) Interview Jacqueline Tiul for Prevention Council, alternate, term 6/2019: Ms Tiul said she has been in Litchfield for 13 years and has five children. She has been waiting to be on the Council since it has been revived. She would like the best for her children and help them make good choices. **Motion:** J. Zullo moved to appoint Jacqueline Tiul to the Prevention Council as an alternate member with term expiration of 6/2019. D. Knox seconded, all voted aye and the motion carried.

c) Interview Jill Johnson for Prevention Council, alternate, term 6/2017: Ms Johnson said she has lived in Northfield the majority of her life. She is an educator, currently a principal at a high school and

has two children. She would like to help parents support their children and likes the direction the Council is going. **Motion:** D. Knox moved to appoint Jill Johnson as an alternate member to the Prevention Council for term ending 5/2017. J. Torrant seconded, all voted aye and the motion carried.

d) **Appoint Marion Pettinicchi to Prevention Council, alternate member, term 6/2019:** **Motion:** J. Zullo moved to appoint Marion Pettinicchi to the Prevention Council as an alternate member for term ending 6/2019. J. Torrant seconded, all voted aye and the motion carried.

e) **Reappoint David A. Luzi to the Board of Ethics, term 6/2019**

f) **Reappoint Dr. Avery Jenkins to the Board of Ethics, term 6/2019**

Motion: J. Torrant moved to reappoint both David A. Luzi and Dr. Avery Jenkins to the Board of Ethics, with terms ending 6/2019. D. Knox seconded, all voted aye and the motion carried.

g) **Reappoint Elisa C. Bauer to Park and Recreation Commission, term 6/2020**

h) **Reappoint Raymond Schmid to Park and Recreation Commission, term 6/2020**

Motion: P. Parsons moved to reappoint both Elisa C. Bauer and Raymond Schmid to the Park and Recreation Commission, with terms ending 6/2020. J. Torrant seconded, all voted aye and the motion carried.

i) **Reappoint Anthony G. Paradise, Jr. to Inland Wetlands Commission, term 6/2019:** **Motion:** J. Zullo moved to reappoint Anthony G. Paradise, Jr. to the Inland Wetlands Commission, with term ending 6/2019. J. Torrant seconded, all voted aye and the motion carried.

j) **Reappoint L. Cleveland Fuessenich to Economic Development Commission, term 6/2019:** **Motion:** D. Knox moved to reappoint L. Cleveland Fuessenich to the Economic Development Commission, with term ending 6/2019. J. Torrant seconded, all voted aye and the motion carried.

Liaison Reports/Commission-Committee Minutes: 5/11/16, 4/27/16, 4/29/16, 5/9/16 Board of Finance minutes; 4/14/16 WPCA minutes; 4/14/16, 4/21/16 Sandy Beach Commission minutes; 4/6/16, 5/4/16 Board of Education minutes; 3/30/16 Economic Development Commission minutes; 4/4/16 Planning and Zoning minutes; 3/1/16 ZBA minutes

Town Facilities Committee Update: J. Zullo reported on the joint meeting 5/4/16 with the Board of Ed. The architect selected to do the educational and space needs study, DRA, was present to explain its plan and will have a draft report ready by the end of May. There will be another joint meeting on June 15th to review their findings. The budget transfer needs to be approved by the Board of Finance so there will be funding.

Vacancies: The list of current appointed vacancies with term expirations is as follows:

Bantam Lake Authority: 1 member 12/2016

Beautification Commission: 2 alternates 2/2019

Board of Ethics: 2 alternate members 6/2017, 6/2019

Cable TV Advisory Council: 1 member 6/2017

Capital Improvements Committee: 1 PW Dir, 2 citizens at large

Conservation Commission: 1 regular members 12/2016; 2 alternate members 12/2018

Economic Development Commission: 1 regular member 6/2019; 2 alt. members 6/2019, 6/2018

Inland Wetlands: 1 regular member 6/2019

Interlocal Advisory Board (Jambs): PW Dir/Eng./Construction, and 1 BLA member

Litchfield Prevention Council: 1 regular member 6/2019
Milton Historic District Commission: 3 alternate members 1/2018, 1/2018, 1/2019
Northwest CT Convention & Visitors Bureau: 1 member 9/2018
Park & Recreation: 1 regular member; 2 alternate members: 6/2017, 6/2018
Pension Commission: 1 alternate member 3/2019
Recycling Committee: 5 members: two 2/2016, one 2/2017, two 2/2018
Torrington Area Health District: 1 member 12/2018 (resident)
Veteran's Advisory Committee: 2 regular members 8/2016, 8/2018; 2 alternate members 8/2018
Water Pollution Control Authority: 1 alternate member 1/2016
Zoning Board of Appeals: 1 regular member 3/2021; 2 alternate members 3/2020

Tax Refunds: Motion: P. Parsons moved to approve the six tax refunds, for a total of \$365.76 as recommended by the Tax Collector. J. Torrant seconded, all voted aye and the motion carried.

Transfers: None

Old Business

a) Revisit Green Team Presentation Re Lighting Retrofit: Mr. Paul said the Board of Education has signed a contract with Greenleaf and there is a letter of agreement with Eversource, even though they do not have the authority to do so. We made it clear at the last meeting that the approvals must be had by the Boards of Selectmen, Finance and then Town Meeting. After Town Meeting approval they would move forward with signing contracts. He said he will vote no because the Board of Education must follow the process that is in place by State Statute. They do not have the authority to commit the community to a long-term, tax-exempt lease agreement, and he is troubled by this. At the Selectmen's last meeting he said it was talked about to possibly move forward with just the High School. Now School Business Manager David Fiorillo has signed an agreement with Greenleaf, and lights are being delivered. Mr. Paul said we would not accept delivery of these lights to the schools.

J. Zullo said this project is not a lease, but is a long-term agreement with a non-appropriations clause, which does not obligate the Board of Education in future years if they do not have the money for the fees for the program. Both Eversource and Earthlight accepted that clause. The Board of Ed, under State Statute 10-220, has the responsibility and authority to manage and control their facilities where education is taking place, even though the Town manages the maintenance. He did not like that they went ahead and did this, but he felt it is fully appropriate.

Mr. Paul said the Board of Ed has committed the community to a 3.8 year debt. This is the fourth time they have taken this initiative. This will be the third town meeting we have to ask for post permission for a long-term agreement. J. Zullo said Litchfield had done the same thing four years ago with the same agreement in the same program for the school parking lot lighting.

Town Counsel Mike Rybak asked to see the non-appropriations clause, as the documents he was provided do not have it. He then asked by what authority David Fiorillo signed the contract, and Mr. Zullo said it was by authorization from the Board of Ed. Mr. Rybak said they have no authority over the capital aspects of the facilities. Mr. Zullo said they put capital in their operating budget to improve the buildings. The money comes from their electric budget; there is no fronted money. Mr. Rybak said the process is the point of this discussion.

Paul Parsons said the Board of Ed said the non-appropriations clause made it possible for them to move forward on their own. He asked if this makes it legal, and Mr. Rybak said no. If this clause was on all contracts, there would be no end to the contracts they could sign. It would over commit the budget; it would be a meaningless budget. He said this non-appropriations clause is a safety valve to protect public

officials for contracting beyond one year. However, this does not excuse the way we got into the project. The process should be respected and followed; otherwise you lose control of your budget and buildings.

Diane Knox agreed the process needs to be followed. She was in support of this project, but is disappointed and wants it to go through the proper channels.

Jon Torrant felt putting the project on the back burner at the first presentation was the right call. He is in favor of the project, but said it was wrong for the Board of Ed to go ahead with the contract on its own. He felt that if they get away with this, they will continue to do it more often than not. How are we going to prove the savings? Perhaps we need to set up a separate entity for paying these bills to realize the savings as a Town. He was not happy, saying this is a bad precedent.

Motion: J. Zullo moved to approve and authorize the lighting project the Board of Ed has entered into, with requirement that it go to Town Meeting for ultimate approval, and to ratify and confirm the agreements they have signed.

J. Torrant and D. Knox would not second the motion and wanted the process followed. Mr. Paul said members of the Board of Ed and David Fiorillo knew this was not the proper process and skirted it by following their attorney's advice to add the non-appropriations clause. However, they do not have the authority to get the tax credits; only the Town can do that. D. Knox said she was annoyed that there is never any repercussions for their actions. J. Zullo asked what we did with the computers, and the van the school bought without approval. Paul Parsons asked to let this lie and let them follow their attorney's lead. The Selectmen should not vote to approve this. There was no second to the motion. Jeff Zullo said this project is the right thing to do, although the wrong approach. The Board of Finance should bring this up every year to ask how they are applying the savings in their budget. He then repeated his motion.

Motion: J. Zullo moved to approve and authorize the lighting project through Greenleaf and Eversource the Board of Ed has entered into, with requirement that it go to Town Meeting for ultimate approval, and to ratify and confirm the agreements they have signed previously. D. Knox seconded. She is adamant about the lack of trust and concern that results from something like this happening. P. Parsons credited the Green Team for its work, but the process has broken down and he cannot support it. Upon voting J. Zullo and D. Knox voted aye and J. Torrant, P. Parsons and L. Paul voted nay; motion failed. Mr. Paul stressed that this does not mean they are opposed to the project. He said this sends a strong message that they cannot skirt the process.

New Business

a) **Award Bid for Stormwater and Groundwater Testing:** Raz Alexe said other bidders claimed one bidder did not follow processes, so he checked with DEEP and found they were followed. **Motion:** J. Zullo moved to award the bid to low bidder Hydro Technologies for \$11,200 and J. Torrant seconded. All voted aye and the motion carried.

b) **Award Bid for Litchfield Center and High School Window Replacements:** Len Fasano reported they had two bidders for a total of 95 windows. **Motion:** P. Parsons moved to award the bid to low bidder Rich Donegan for \$86,800. D. Knox seconded. The windows at the Center School are replacing new windows installed six years ago and failed because they were not a commercial grade. Upon voting, all voted aye and the motion carried.

c) **Award Bid for LCS Asbestos Removal:** Len Fasano explained that in order to replace the rugs with vinyl, they must first remove the 9-inch tiles underneath. This is for four classrooms. **Motion:** P. Parsons moved to award the bid to low bidder Abatement Industries Group for \$17,695.00. D. Knox seconded, all voted aye and the motion carried.

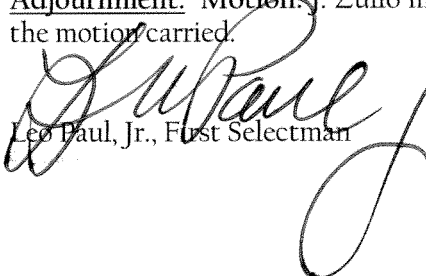
d) **Award Bid for LCS Vinyl Floor Replacement:** Len Fasano said that although they had two firms come to the bid walk, only one bid. **Motion:** P. Parsons moved to award the bid to sole bidder Union flooring Installation, LLC in the amount of \$54,761.88. D. Knox seconded, all voted aye and the motion carried.

Motion: J. Zullo moved to waive the building fees on projects b), c) and d) above. J. Torrant seconded, all voted aye and the motion carried.

e) **Approve Lease for Toshiba e-Studio 5560c Copy Machine:** Mr. Paul explained this machine would replace the large copier at the Town Hall. It would be \$182/month for 60 months and is one of three leases we would take to Town Meeting. One is for Public Works and the other is for the Town Clerk's office, and both have been approved by the Board of Finance. **Motion:** D. Knox moved to approve the Toshiba e-Studio 5560c copy machine lease in the amount of \$182/month for 60 months and move it to Town Meeting for approval. P. Parsons seconded, all voted aye and the motion carried.

f) **Gov. Malloy Proclamation for Public Works:** This official statement was issued by Gov. Dannel P. Malloy and praises the work of the public works employees across the state, proclaiming May 15 – 21, 2016 as Public Works Week in Connecticut. **Motion:** J. Torrant moved to forego the reading of the entire official statement, and D. Knox seconded. All voted aye and the motion carried. **Motion:** J. Zullo moved to approve the proclamation of Public Works Week, and J. Torrant seconded. All voted aye and the motion carried. Raz said he is planning a little celebration.

Adjournment: **Motion:** J. Zullo moved to adjourn at 6:48 p.m. and D. Knox seconded. All voted aye and the motion carried.


Leo Paul, Jr., First Selectman