

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN
TUESDAY, MAY 19, 2020 ~7:00 P.M.
REMOTE MEETING BY LIVE INTERNET VIDEO STREAM AND TELEPHONE**

Call to Order: First Selectman Denise Raap called the remote meeting to order at 7:01 p.m. Selectmen present were Jeffrey Zullo, Anne Dranginis, Jonathan Tarrant and Thomas Waterhouse. Town Counsel Mike Rybak was also present, as well as Officer Greg Kenney and Cpl. Peter Russo of the Town Police, John Morosani, Beth Murphy, Gary Zeller, Town Treasurer Fran Carpentier and presenters for the Silicon Ranch project. There were about 15 other members of the public in attendance.

Approval of Minutes: Motion: J. Zullo moved to adopt the regular 5/5/20 meeting minutes as presented, and J. Tarrant seconded. All voted aye and the motion passed.

Public Requests/Comments: Cpl. Peter Russo spoke about a request to change the Police work schedule. He requested that their work schedule not be changed, but if it is, he would like to be paid at time and a half or comp time at time and a half for weekend work. Officer Kenney said the day shift on Saturday does not warrant an officer according to historical Saturday calls. The call volume during the week is far more. He said he was hired for Monday - Friday on the evening shift, 3:00 -11:00 p.m. In moving a shift to a Saturday, he felt strongly that the police officers need a minimum of two consecutive days off for their health and wellbeing. He said they used to hire safety officers to cover the Town Beach and check parking stickers, but they no longer do this. **Motion:** J. Zullo moved to add to the agenda under New Business f) Discuss Police Schedule. A. Dranginis seconded. J. Tarrant thought it was not a good idea to discuss this now without more information and asked that it be on the next meeting agenda. J. Zullo withdrew his motion, and A. Dranginis her second.

Selectmen's Requests: J. Tarrant expressed interest in meeting in person in June, noting the difficulty with public comment on Zoom. D. Raap noted the current Executive Order prohibiting gatherings of groups over five.

A. Dranginis expressed concern about the WPCA as it may be facing up to \$10 million in the update of its facility. It appeared at the last WPCA meeting that Mr. Wilson threw up his hands after they had voted to pursue it in terms of financing, and there was no vote taken. They have worked on this for over a year and financing should be pursued. To do nothing after a vote is not appropriate. *[A. Dranginis' comments were interrupted here for Mr. Viola to speak under Public comment, as he was unable to be unmuted at that time.]*

Ron Viola, 68 Wilson Road, said his property will be abutted on two sides by the Silicon Ranch solar project. He said no plans have been submitted to the CT Siting Council and urged the Selectmen to temper its enthusiasm and to wait for the proper plans to be able to see the details and environmental impact. The following is his statement in its entirety, since part of the Zoom recording was not available.

“For the record, my name is Ronald Viola. I live at 68 Wilson Rd., Litchfield, CT 06759. I’m speaking tonight about the proposed solar panel project planned on approximately 200 acres located at Town Farm Road and Wilson Rd. I am an abutting homeowner living on an 11 acre property that would abut this development on the West and North sides of my property. I am aware that Silicon Ranch the developer and landowner for this proposed project is speaking later in tonight’s agenda. I am also aware that this is not a formal public hearing on the matter.

I have spoken to Silicon Ranch and their representatives several times prior and they have been cordial and transparent with me on what they can talk about before reaching a final design and publishing their plans.

I am reminding the Board of Selectman that no plans have been submitted by Silicon Ranch for this proposal for any public consumption or technical analysis that I am aware of. The application and plans for this development have not been submitted to the Connecticut Siting Council (CSC) who to my knowledge are the ultimate approving authority on how energy projects like this are impacting the local community, the local environment and whether it meets all the requirements of both State and local land use jurisdictions for such a massive development.

The Board is also well aware that an energy project of this magnitude and footprint would need to minimally have DEEP, and Town of Litchfield Planning and Zoning and Inland Wetlands Commissions' approvals and pass all the legal rigors and impact analysis that a project of this size would have to undergo. I also await these plans to determine my own personal and property impact.

I ask the Board of Selectmen to restrain any endorsements, ask for favorable views of other government authorities, make press releases, or form an opinion of any kind until formal plans are submitted and are publicly available to determine the impacts on the community at large, the impacts on the environment and wildlife habitats, and the impacts on nearby and especially abutting property and homeowners like myself. Thank you for this opportunity to speak.”

Selectmen’s Requests (cont. from above)

Anne Dranginis continued that she was afraid that if we wait for the WPCA to do something, we will not be doing our job to lead. She doesn't know what the next step is, and hopes that this conversation will continue with the ability to educate the town as they progress. J. Zullo suggested a small committee with BOS and BOF representation and with the WPCA taking the lead to develop a dialog to present to the community and study the Litchfield alone option and the Litchfield/Woodridge Lake option. T. Waterhouse was in favor of a committee as there are so many questions to be answered. A. Dranginis thought they should act proactively to do a peer review of the work done so we can get information as well as save money and the Town can make a reasonable decision. T. Waterhouse thought the exploratory committee should have an independent leader, someone not in the WPCA. J. Zullo asked for an ad hoc committee to study options and bring considerations to the WPCA and BOS/BOF, but the WPCA should be the driver. If the Chairman is not interested in doing that, perhaps his reappointment should be considered. A. Dranginis added that he walked away from the issue without a vote and without the authority to do so. D. Raap said Ted Donoghue will be presenting the 2019 plant update at the next meeting, and she will also discuss a peer review of DPC Engineering. Ted Donoghue and Raz Alexe are prepared to discuss this.

Motion: J. Zullo moved to add under Interviews n) the reappointment of Brooke Healy to Inland Wetlands Commission, term 6/2021. A. Dranginis seconded, all voted aye and the motion passed.

First Selectman’s Update Report: D. Raap announced that she has reached her six month anniversary as First Selectman. It’s not quite what she expected, but she is happy to be here. She has been working with Emergency Management Director Paul Gibb to assemble a long-term recovery committee that is recommended by the State of CT. CT DEEP is working with local agencies to develop a watershed plan for Bantam Lake. Once the plan is in place we are eligible for funding to help with related projects. Tomorrow some businesses are opening back up in the State. Permit fees for outdoor restaurant seating

have been refunded after Executive Order 7MM was enacted with a waiver, saving a fee of \$250. She will keep the Town Hall offices closed for now, but will be ordering shields for the Tax Collector, Assessor and Town Clerk offices. Many employees are working remotely and Town business is continuing. J. Zullo added that they are hoping Inland Wetlands and P&Z will be back to business soon. Credit cards are being accepted in the Town Clerk's office, with Land Use, the Building Department and Recycling Center following soon. Although there are no parades, the American Legions will be laying wreaths at the monuments. She will say a few words at a brief ceremony and post it on Facebook live for the public. Ms Raap then said she has been receiving many phone calls about gatherings at the Town Beach with no police presence on weekends. She felt there should be someone people can call and someone to patrol, with all shifts covered, with weekends 12:00 to 8:00. She also said she would reassess the Town's needs after the COVID-19 pandemic is over. The First Selectman is the Chief of Police and can set the schedule. There are no employment contracts in place for the police.

Resignations

- a) Michelle Murelli from EDC, alternate, effective 5/11/20:** Received and noted
- b) Beatrice Thompson from Board of Ethics, alternate, effective 5/14/20:** received and noted
- c) William Cox from Board of Ethics, alternate, effective 5/15/20:** received and noted
- d) Robert Nessler, from Deputy Registrar, effective 5/7/20:** received and noted

Motion: A. Dranginis moved to accept the above resignations with thanks. T. Waterhouse seconded, all voted aye and the motion passed.

Declined Reappointment: David Patchell, EDC: received and noted

No Reappointment: Thomas Roman, EDC: received and noted

Interviews, Appointments & Reappointments

a) Lindsey Turner for Economic Development Commission, alternate member, term 6/2023: Ms. Turner has a background in arts non-profits and music. She has worked in fundraising and marketing in New York City and here for the Litchfield Performing Arts and the Litchfield Jazz Festival camp. She has started her own photography business from her home. She would like to give back through working with the EDC. **Motion:** J. Zullo moved to appoint Ms Turner as above, and A. Dranginis seconded. All voted aye and the motion carried.

b) Michael Lyn Cappello for Park and Recreation Commission, alternate member, term 6/2022: Ms Cappello said she has coached and been involved with Park & Rec with her children. She currently does recreation with the older people at Brandywine. **Motion:** A. Dranginis moved to appoint Ms Cappello as above, and J. Zullo seconded. All voted aye and the motion carried.

c) Appoint Michelle Murelli to Economic Development Commission, regular member, term 6/2023: **Motion:** A. Dranginis moved to appoint Ms Murelli as above, and to reappoint Patty Dauten to the EDC as in f) below, and J. Zullo seconded. All voted aye and the motion carried.

d) Appoint Beatrice Thompson to Board of Ethics, regular member, term 6/2023

e) Appoint William Cox to Board of Ethics, regular member, term 6/2023: **Motion:** A. Dranginis moved to appoint Beatrice Thompson and William Cox as above, and to reappoint Nancy Latour to the Board of Ethics as in g) below. J. Zullo seconded, all voted aye and the motion carried.

f) Reappoint Patty Dauten to Economic Development Commission, term 6/2023: see c) above

g) Reappoint Nancy Latour to Board of Ethics, term 6/2023: see d) and e) above

h) Reappoint Robert Blazek to Inland Wetlands Commission, term 6/2023: J. Zullo asked if they might table this reappointment to a later meeting, as Mr. Blazek has not been responsive to requests for calling public hearings, and he would like to encourage dialogue. **Motion:** J. Zullo moved to table this reappointment until the next meeting, and T. Waterhouse seconded. In discussion, J. Tarrant said Mr. Blazek has been an excellent Chairman, and he does not want to lose him. J. Zullo agreed but said he has not been responsive to holding the meetings remotely, and we need the meetings to move forward on the solar project so we don't get out of cycle. Public notice would have to be out by next Wednesday if they were going to meet on June 10th. This delay in reappointment would give D. Raap a chance to speak with him. Ms Raap said she has spoken to him and he said he was not going to expose his commission to litigation by using a Zoom meeting, but she thought he would be willing to meet with us. M. Rybak recommended waiting until June 10th when the State may be opening up. After discussion, Mr. Zullo withdrew his motion and Mr. Waterhouse his second.

Motion: J. Tarrant moved to reappoint Robert Blazek and Abby Conroy in i) below as stated. T. Waterhouse seconded, all voted aye and the motion carried.

i) Reappoint Abby Conroy to Inland Wetlands Commission, term 6/2023: D. Raap questioned Ms Conroy's participation as a conflict, since she is also on the Planning & Zoning Commission. M. Rybak said there is nothing in the statutes that prohibits dual membership.

j) Reappoint Gary Waugh to Prevention Council, term 6/2023

k) Reappoint Jill Johnson to Prevention Council, term 6/2023: Motion: A. Dranginis moved to reappoint Gary Waugh and Jill Johnson as above, and T. Waterhouse seconded. All voted aye and the motion carried.

l) Reappoint Elisa Bauer to Park & Recreation Commission, term 6/2024

m) Reappoint Raymond Schmid to Park & Recreation Commission, term 6/2024: Motion: A. Dranginis moved to reappoint Elisa Bauer and Raymond Schmid as above, and J. Zullo seconded. All voted aye and the motion carried.

n) Reappoint Brooke Healy to Inland Wetlands Commission, term 6/2021: Motion: J. Tarrant moved to reappoint Ms Healy as above and A. Dranginis seconded. All voted aye and the motion passed.

Liaison Reports/Commission-Committee Minutes: 5/11/20 Board of Finance; 4/15/20 & 4/29/20 EDC; 4/9/20 WPCA; 4/9/20 BOE

Sustainable Litchfield Update: J. Zullo reported a meeting was held today with actions going well. They would like to do a survey with input through a Town email address. Tomorrow the staging at Center School will begin on the solar project. This project will be able to be energized before the other school projects are completed. He noted Jake Horne will be moving and leaving the committee.

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

Bantam Lake Authority: 1 member 12/2022

Beautification Commission: 2 alternate members 2/2022

Cable TV Advisory Council: 2 members 6/2021
Conservation Commission: 1 alternate member 12/2021
Economic Development Commission: 2 regular members 6/2023
Inland Wetlands: 1 alternate member 6/2021
Litchfield Prevention Council: 4 alternate members- 2-6/2023, 2-6/2022
Milton Historic District Commission: 2 alternate members, 1- 1/2021, 1-1/2022
Northwestern CT Transit District: 1 member 5/2022
Pension Commission: 1 alternate member: 3/2022
Recycling Committee: two alternates 2/2021, 2/2023
Veteran's Advisory Committee: 1 alternate member 8/2021
Western CT Coalition, CAC #22 (formerly NW Regional Mental Health Board): 1 member 5/2021
Western Regional Tourism District: 1 member 9/2021
Zoning Board of Appeals: 2 alternate members 3/2025

Tax Refunds: None

Old Business

a) CPACE/Green Bank Discussion: J. Zullo said Attorney Rybak has reviewed the resolution and the agreement. The resolution needs Town Meeting approval, and there are no Town Meetings right now. He said he does not believe their liens are superior to borough taxes. The second question is whether the Tax Collector will be able to administer this program, but D. Raap said there had been no response from her. T. Waterhouse said he is not in favor of this program in mingling municipal money with the private sector. J. Zullo said the Green Bank funds come from private sector rate payer money from Eversource. The Green Bank uses it to support energy efficiency projects for commercial entities. There is no government money in the Green Bank. A. Dranginis said this has been a benefit for the communities. **Motion:** J. Zullo moved to table this discussion until the June 16th meeting, and J. Torrant seconded. All voted aye and the motion passed.

b) Silicon Ranch Proposed Solar Project: John Marcorelli, VP of Business Development, Don Bucholz, Sr. Project Development Manager, Peter Candelaria, Chief Development Officer, and Luke Wilkinson, VP of Project Development, were present from Silicon Ranch. Mr. Marcorelli gave an overview of the company with approach to this project. He then discussed the specifics of the location and what they foresee moving forward. He described the timeline with stringent stormwater requirements. Luke Wilkinson agreed they will start work in late 2020 or early 2021, and they are required to bring this project online in June of 2022. A. Dranginis noted the beautiful view and asked how many trees would be cut, to which they did not know at this point. They have used 80 of 212 acres, 37 percent of the land they have acquired. She then asked who is financing the project and was told they provide the sponsor equity and have not yet identified the external partners. Peter Candelaria pointed out that they may take a smaller footprint when it comes to construction, as improvements in the equipment are always developing.

New Business

a) Consider Resolution Ratifying and Confirming Money Purchase and Deferred Compensation Plans and Trusts for Town Employees: Fran Carpentier explained that they are looking for a resolution from the Selectmen to change providers of the record keeping and the investment advisory services for the 401a and 457 plans. There is no cost to the Town to do this. The 457 was the deferred compensation plan of 1993 and the 401a was a substitute for the frozen defined benefit pension plan. It was brought to the Town's attention that the investment returns were poor compared to other retirement plans. He felt ICMA's (the 457 plan administrator) track record is spotty in service and investments are limited and not

the best. He and Administrative Assistant Liz Callahan interviewed three alternate providers, with the Finance Director and School Business Manager sitting in. They selected Webster Bank to be the investment counselor to employees, and they are going to work with Empower as the administrator. Per the resolution the First Selectman and Treasurer would be the Trustees and sign for the Town. Employees would have more choices and lower cost choices, so they could potentially earn more on their investments.

Anne Dranginis said she heard some negative comments about Empower. She said there was something about the company months ago in the Wall Street Journal, but she did not remember the specifics. J. Zullo said they were the original PPA provider for the school solar project that bailed out on us last October. One of the firms A. Dranginis has worked for has moved from Empower to John Hancock for the administration of the pension funds. D. Raap asked for confirmation that the funds allocated for the 401a can never be changed. F. Carpentier said that applies to the employees' additional election and not the 3% the Town is giving them. They do not have to contribute to the 401a if they do not wish to. They may be better off putting additional monies into the more flexible 457 plan. D Raap asked if the 457 has to go only to one company, or can the Town use two or three different companies. Mr. Carpentier said the Town could have multiple providers, but the Town is small and it would be more beneficial for investment returns to select only one company. J. Torrant asked if there were two issues: 1) adopting the resolution making the Treasurer and First Selectman the Trustees of the plans, and 2) giving them leeway to decide on Webster Bank and Empower or to decide on someone else. F. Carpentier said there are two issues. D. Raap said she agreed with A. Dranginis that she is not really sold on Empower. A. Dranginis noted that D. Raap, as Trustee with the Treasurer, could review and make those decisions.

Motion: J. Torrant moved to adopt the resolution entitled, "Resolution Ratifying and Confirming Money Purchase and Deferred Compensation Plans and Trusts for Town Employees". A. Dranginis seconded. J. Torrant clarified they have now empowered the First Selectman and the Treasurer to deal with Empower and Webster Bank to make the best decision on behalf of all the Town and Board of Ed employees. He added that he agreed with J. Zullo that he would not be enthused about going with Empower after what happened with the solar project. F. Carpentier said he thought the Empower Financial Services, who was the financing arm for the PPA for the solar project, was not the same company. Upon a quick Google search, he found that this Empower is Empower Retirement. He said it looks like they are owned by Great West Life Annuity Insurance Company. He did say that Webster partners with a number of companies other than Empower. Upon voting on the motion, all voted aye and the motion carried. The resolution appears here in its entirety:

**RESOLUTION RATIFYING AND CONFIRMING MONEY PURCHASE AND DEFERRED
COMPENSATION PLANS AND TRUSTS FOR TOWN EMPLOYEES.**

WHEREAS Connecticut General Statutes §7-148(c)(5)(A) and §7-450, as amended, and Section 401(a) of the Internal Revenue Code, 26 USC 401(a), allow municipal governments to create, oversee, and maintain a Money Purchase Plan and Trust to benefit municipal employees; and

WHEREAS Connecticut General Statutes §7-148(c)(5)(A) and §7-450, as amended, and Section 457(b) of the Internal Revenue Code, 26 USC 457(b), allow municipal governments to create, oversee, and maintain a Deferred Compensation Plan and Trust to benefit municipal employees; and

WHEREAS on May 18, 1993, the Board of Selectmen of the Town of Litchfield authorized a Governmental Deferred Compensation Plan and Trust to benefit Town employees by adopting a “Resolution for a Legislative Body Relating to a Deferred Compensation Plan”; and

WHEREAS on June 18th, 2013, the Board of Selectmen of the Town of Litchfield authorized a Money Purchase Plan and Trust to benefit Town employees by adopting a “Resolution for a Legislative Body Relating to a Money Purchase Plan”; and

WHEREAS employees of the Town of Litchfield continue to provide valuable public services; and

WHEREAS the Board of Selectmen of the Town of Litchfield seeks to improve the performance and services of said plans and trusts for Town employees;

NOW THEREFORE BE IT RESOLVED that the Board of Selectmen hereby ratifies and confirms the “Resolution for a Legislative Body Relating to a Money Purchase Plan” adopted by the Board of Selectmen of the Town of Litchfield on June 18, 2013.

BE IT FURTHER RESOLVED that the Board of Selectmen hereby ratifies and confirms the “Suggested Resolution for a Legislative Body Relating to a Deferred Compensation Plan” adopted by the Board of Selectmen of the Town of Litchfield on May 18, 1993.

BE IT FURTHER RESOLVED that the trustees of the Governmental Employee Money Purchase Plan and Trust and the Deferred Compensation Plan and Retirement Trust shall be the First Selectman and the Treasurer of the Town of Litchfield.

BE IT FURTHER RESOLVED that said Trustees are authorized to oversee and to establish or amend the terms of such plans and trusts governed by Section 401(a) and Section 457(b) of the Internal Revenue Code, and to exercise all other authority granted by the Connecticut General Statutes and Internal Revenue Code with respect to said Plan and Trust; provided, however, the rights or benefits granted to any individuals under said Plan and Trust shall not be diminished or eliminated with respect to benefits accrued or credited as of the date of any amendment thereto.

BE IT FURTHER RESOLVED that the Administrative Assistant to the First Selectman shall be the “Human Resources Administrator” for said plans and trusts, and therefore shall act as liaison between employees of the Town of Litchfield and said plans and trusts.

AND BE IT RESOLVED that this Resolution shall be effective immediately on adoption by the Board of Selectmen of the Town of Litchfield.

b) Discuss Arts and Culture Commission - John Morosani: Mr. Morosani explained that there are ten areas of interest to Sustainable Litchfield. One is “Support Arts and Creative Culture”. There twenty different items suggested as ways to contribute, five of which he felt could fit into an Arts Council or Committee that could be sponsored by the Town. J. Zullo suggested using the existing Economic Development Commission, and expanding its charge to include arts and culture, rather than creating a new committee. J. Morosani thought that could work for Sustainable Litchfield’s goals. D. Raap and Mr. Morosani will speak with the EDC about this possibility at its next meeting.

c) Discuss Antique Car Parade with Food Collection - Beth Murphy: Beth Murphy explained that this is a Litchfield Lions Club Car Show Parade, so it is not limited to antique cars. The entry money (\$10 per car) will go to the Lions Club. She described the parade route that begins at the High School and travels on roads through every section of Town. The date is June 20th, 11:00 a.m., with rain date June 21st. They will need supervision at some intersections, but they cannot afford to pay police. J. Tarrant thought it was a great idea but was concerned about the traffic issue. D. Raap agreed to check with Jim Holm to see if he is comfortable with volunteers manning the intersections or if he has other ideas. **Motion:** J. Tarrant moved to put Denise Raap in charge of handling this from a negotiations standpoint, primarily on the safety issue on behalf of the Board of Selectmen. J. Zullo seconded, all voted aye and the motion carried.

d) Adopt CMED Designation for F/Y 2020/21: Motion: J. Zullo moved to authorize D. Raap to sign the CMED designation for F/Y 2020/21, using Litchfield County Dispatch. A. Dranginis seconded, all voted aye and the motion passed.

e) Bantam Post Office Lease: D. Raap said they had not paid us in a few months, so she inquired and found out we had not renewed the lease, as they were paying month to month. This new lease for a five year term becomes effective 3/1/19 with annual rent of \$64,000. Bantam wants the Post Office to remain, so J. Zullo thought it was a good idea to lock it in for five years, with building sale subject to the lease, meaning the lease would transfer to the next owner. A. Dranginis said the landlord has to comply with OSHA and specific air handling requirements of the Post Office. T. Waterhouse said he is worried about the Facilities Review Committee's recommendations and how it will affect the lease. J. Tarrant said we've been trying to decide what to do with the Annex for so long that signing a lease for four more years should not make any difference. **Motion:** J. Tarrant moved and J. Zullo seconded a motion to sign the lease presented. All voted aye and the motion passed.

Correspondence: D. Raap referred to a letter from Donald Light dated 5/8/20 requesting speed humps for speed control on Goodhouse Road. Raz Alexe said speed humps are as dangerous as speed bumps and does not advise that action. She asked Raz to put the speed sign out on Goodhouse Road. They all agreed speed is a problem on all roads, and J. Tarrant said they need to get out more to run radar, as speed humps would set a dangerous precedent for all streets.

Adjournment: Motion: J. Tarrant moved to adjourn at 10:02 p.m. and T. Waterhouse seconded. All voted aye and the motion carried.

Denise Raap, First Selectman