

**BOARD OF SELECTMEN REGULAR MEETING**  
**Tuesday July 3, 2018 7:00 pm**

A meeting of the Board of Selectmen was held on Tuesday, July 3, 2018 in the selectmen's conference room.

Members present: First Selectman Michael Criss, Selectman Evan Brunetti, Selectman Rick Fowler.

Attendees: Atty. Mike Rybak – Town Attorney, Jeff Neumann – Building Official, Alan Innes - Resident

**Call to Order**

Mr. Criss called the meeting to order at 7:30 pm.

**Minutes of the Previous Meeting**

Mr. Brunetti made a motion to approve the previous minutes. Mr. Fowler seconded. All in favor. Motion carries.

**Appointments and Resignations**

There was a request from the Historic Preservation, Historic District and Historic Properties to reappoint Bree Gurin to serve another five (5) year term that will end in 2023. Mr. Fowler made a motion to approve the appointment. Mr. Brunetti seconded. All in favor. Motion carries.

**Public Participation** – Atty. Michael Rybak. Alan Innes, Jeff Neumann

**New Business**

**Request for Tax Refunds** – Mr. Brunetti made a motion to accept the Tax Refunds. Mr. Fowler seconded. All in favor. Motion carries. In accordance with CT State Statute sec. 12-129 five (5) tax payers have a balance totaling \$80.84 for the bills prior to the 2014 grand list. Under that statute the tax collector is zeroing those out. Mr. Brunetti made a motion to approve the Tax Refunds and the zero out. Mr. Fowler seconded. All in favor. Motion carries.

**Wilcox Property** – To consider and approve to finalize the sale of the Wilcox property go to a town meeting with the condition of a sealed bid to be the means to sell the property. Mr. Innes had attended the public meeting and asked the town to possibly reconsider the sale of the 3.18 acres and instead put a solar farm in that particular area. Mr. Criss reached out to Graham Stevens from DEEP. There were concerns discussed at the public meeting such as: we are already in the process, with two town meeting approvals already, to move forward with the understanding that the town was to purchase the Thierry property with the intention to offset those costs with the sale of this portion of the Wilcox property which the tax payers approved. There are about thirty-seven (37) acres of the Wilcox property; we have approval to sell 3.18 acres. Mr. Criss asked Mr. Stevens if we did not sell the Wilcox property if they would release the covenant, his response was that he had been in conversations with Mr. Innes but the property cannot be used for solar with the current restrictions in place. If the town fails in finalizing the



conversion as agreed upon previously, the 3.18 acres will continue to be under the encumbrances and restrictions. DEEP does not see at this time that they would lift those restrictions as solar does not fall within the restrictions of the covenants on that property. Given the very high cost of interconnection and the very small size of this parcel, there is not a likelihood that solar would be marketable on this site, however it does not mean that the town cannot explore the remaining acres or on other property that the town owns. Typically solar arrays are larger and very close to sub-stations. Mr. Criss reached out to a solar company to get some information, it could cost as much as \$1 million a mile if a solar company was to look at this, and this is one of the things to consider. This is a great opportunity for the town to at least research and put together an Ad-hoc committee to look at all of the property that the town owns and take a solar company to these pieces of property and identify a large area to ear mark for development for a solar farm to continue with the green energy movement if tax payers approve.

Atty. Rybak added to the discussion: "I took the opportunity to look into the question from a legal standpoint, not that anything isn't reversible in the eyes of the law, but one of the things that the law looks at is, have vested rights intervened in the meantime? While we don't have the property under contract, no private citizen has vested rights in the property to acquire it, we did have a second meeting wherein the tax payers voted to buy the Thierry property on the condition the sale of the Wilcox property will offset a large part, perhaps half the cost, of the Thierry property and that the covenant would be moved from the Wilcox property to the Thierry property. Under the rule that the majority rules, that is what the town voted and the town has to live by that result. There may be other places for solar, but I think undoing that would require two (2) votes but then I don't know how you give back the Thierry property at this point since it was required on the notion that the Wilcox would pay a large part for Thierry. The Board of Finance would have to reverse its position, Planning Commission would have to be consulted, so we would have to go back through all the turn styles again before it could come back to the town meeting for reconsideration and movement in another direction. You just need to know that. And I don't even know what the DEEP would require at this point because it's taken them six (6) months to agree just to swap the covenant from Wilcox to Thierry; that seemed to me like a layup that it took six (6) months. And you have to remember, with all due respect to my good friend Frank Chiaramonte, the town was never consulted about putting that covenant on the Wilcox property in the first place. No town meeting ever voted to restrict town property with that covenant. And I think it's unfortunate that the town's people didn't have a say because I think there would've been some discussion of possible uses of the Wilcox property other than the cemetery which was the only one under discussion at the time; that was probably the best use of the property if you think about it. That idea (the restrictive covenant) was never voted publicly."

Mr. Fowler said that we have to give the town's people what they agreed to and solar can't go there anyway. Mr. Criss said that there is a lot of property in town and it would be good to create an Ad-hoc committee to research solar energy along the lines of what Mr. Innes had proposed, and have Mr. Innes chair that committee. Then we can look at all the land available in the town and maybe there will be a spot that we can put this on. He mentioned that he believes that it can cut costs and help the town to run more efficiently. It will also give our commitment to the green energy. Jeff Neumann, the Building Official, suggested that the Ad-hoc start with researching the cost of the project and what is the monetary gain for the town and also how is the legislation vote concerning



the net metering. Mr. Innes shared information, (see solar farms below). Mr. Brunetti made a motion to create an Ad-hoc Committee to explore the uses of town property with Mr. Innes as the Chair. Mr. Fowler seconded. All in favor. Motion carries. Mr. Brunetti made a motion to move forward with the Wilcox project as originally proposed. Mr. Fowler seconded. All in favor. Motion carries. We still have to identify minimum bid price to go to sealed bid. Atty. Rybak has already given Mr. Criss the paperwork for the resolution and for the Special Town meeting. The house/land was appraised at \$70,000. We can put a demolition condition on the building and that cost can be factored in as well. Mr. Brunetti made a motion to move forward with the appraised minimum bid price with a demolition condition as well and to move forward with the resolution for the Special Town meeting. Mr. Fowler seconded. All in favor. Motion carries.

**Ordinance – Authorizing Alternate Members to the Board of Finance** – The ordinance that Atty. Rybak drafted looks good. Once this is approved the Town Clerk has to get this on the ballot and get it to the Secretary of State. In other commissions the alternates often attend the meetings. Mr. Brunetti made a motion to move forward with putting this Ordinance on the Special Town meeting. Mr. Fowler seconded. All in favor. Motion carries.

**Locip Request** – The request for Locip authorizations and reimbursements needs to be added to the Special Town meeting. All the projects have been listed with the remaining of the funds to be for the Veterans Memorial project. Mr. Fowler made a motion for this list to go to the Board of Finance for approval. Mr. Brunetti seconded. All in favor. Motion carries.

**Solar Farms** – At the last town meeting, Mr. Innes shared information on what the legislation had passed. The media coverage was from the prospective of the roof-top private owner and how the metering was being handled. If a person is over-producing with solar energy and not using it all, for all the kilowatts that have been put into the system, that person would receive retail (net metering) rates by the power companies for the energy that is pumped back. This way of metering is now being replaced with a tariff system now; instead of a retail rate it will actually be less than that. It makes sense going forward, even solar developers agree with this, even though they may not agree with the timing of this legislation, agree that in the long run all states are going to have to move away from the net metering in order for power companies to be profitable, they can't be buying back energy at retail rates when the costs for infrastructure, that they have to pay for, are not the same as private owners. Mr. Innes spoke with the legislative liaison at DEEP and he said that municipalities would still stand to make a profit off of installing a municipal solar system. Mr. Innes is looking to ask the people of Harwinton how they feel about it, maybe take a year to explore the idea of whether this is financially viable. Mr. Fowler offered to be the liaison between the Ad-hoc Committee and the BOS.

**First Selectman's Report** - Mr. Criss discussed his letter to the Board of Finance. Mr. Criss wanted to state for the record and for the record to reflect that the Republican American and the Harwinton Gazette got the facts wrong regarding the Board of Selectmen reading an employee's letter of resignation. The BOS has never and will never read an employee's resignation publicly without a formal request from the employee; that is why it has never been done. Also it violates state statute. It is not that we ignored it; we had already discussed it in Executive Session which is the right/legal way to do



that, as advised by town council and legal labor. Mr. Brunetti stated that we like to keep things of that nature for personnel. Mr. Criss sent the letter to Mr. Thierry to make sure that both boards were on the same page legally. Mr. Criss stated that after researching years of minutes the only resignations ever shared publicly by any commission are those of non-employees i.e.; elected officials, board members, volunteers, etc. Personnel/employees fall under state and FOIA guidelines and I just want to clarify that. The expenditure & revenue reports will be in the selectmen's bins as we wrap up the fiscal year.

There will be a Public Information meeting scheduled for Wednesday July 11<sup>th</sup> and 7pm in the Assembly Hall regarding all the break-ins that have been happening in town. The nighttime trooper is willing to come in to talk to the general public about how to secure their homes and belongings. The police asked us to promote it.

Annual road work letter went out regarding the upcoming work on particular road including chip seal and crack seal projects as well.

Capital Equipment made a decision on the town truck that needs to be purchased.

The Readers are Leaders library kicked off this past week.

Movie nights have started.

The auditors requested that Request for Transfer forms be filled out when we ask the BOF to supplement a line in the budget. This will keep everyone on the same page and explains what we are requesting, and to hold people accountable.

**Correspondence** – none at this time.

**Executive Session - Legal** – Mr. Brunetti made a motion to go into Executive Session at 8:35 pm. Mr. Fowler seconded. All in favor. Motion carries. Mr. Fowler made a motion to come out of Executive Session at 8:45 pm. Mr. Brunetti seconded. All in favor. Motion carries. No action was taken.

**Adjournment** – Mr. Brunetti made a motion to adjourn at 8:46 pm. Mr. Fowler seconded. All in favor. Motion carries.

Minutes submitted by \_\_\_\_\_  
Jen Minery

RECEIVED FOR RECORD AT HARWINTON CT  
ON 7-10-18 AT 2:22 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK