

EAST HAVEN TOWN COUNCIL  
SPECIAL MEETING MINUTES-AMENDED  
TUESDAY, DECEMBER 19, 2017

*Stacy Gravano, CTC*  
TOWN CLERK

The East Haven Town Council held a special meeting Tuesday, December 19, 2017, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Ken McKay calls the meeting to order at 7:07PM.  
He asks all to stand for the pledge of allegiance.

**Item #1**

Roll Call-11 present- 4 absent (Parlato, Santino, Butler III, Anania)  
A quorum is present.

**Item #2**

Approval of minutes from the December 5, 2017 Special Meeting.

Councilman Pacelli makes a motion.  
Councilman Badamo seconds the motion.  
Voice vote: all in favor-none oppose-none abstain. Motion carries.

**Item #3**

Chairman McKay appoints members to the standing committees as follows:

Appointment of Standing Committee members and chairpersons by Town Council  
Chairperson.

- a. Subcommittee on Education, Library, and School Building;
  - a. Councilman Parente, Councilman Pacelli, Councilwoman Hennessey
- b. Subcommittee on Public Safety, Health, & Welfare;
  - a. Councilman Anania, Councilman Tracey, Councilman Santino
- c. Subcommittee on Finance;
  - a. Councilman Carfora, Councilman Parlato, Councilman Badamo
- d. Subcommittee on Public Services, Parks, & Recreation;
  - a. Councilman Carbo, Councilman Deko, Councilman Parente
- e. Subcommittee on Urban Renewal/Housing;
  - a. Councilman Butler, Councilman Deko, Councilman Anania
- g. Administrative Services Committee
  - a. Councilman Tracey, Councilman Palladino, Chairman McKay

**Item #4**

To consider and act upon an "Ordinance approving a transfer of \$733,289.00 for the Police Department, Employee Benefits, and Sanitation" as follows:

**Police Department, Employee Benefits, Sanitation****To:**

|              |                     |                     |
|--------------|---------------------|---------------------|
| 01-332-0110  | Wages               | \$623,272.00        |
| 01-167-0910  | Retirement Contrib. | \$104,542.00        |
| 01-226-0676  | Waste Collection    | \$5,475.00          |
| <b>TOTAL</b> |                     | <b>\$733,289.00</b> |

**From:**

|              |                    |                     |
|--------------|--------------------|---------------------|
| 01-885-0195  | Special Assignment | \$192,119.00        |
| 01-885-0689  | Contingency        | \$413,500.00        |
| 01-885-0255  | Traffic Lights     | \$79,410.00         |
| 01-881-0115  | P/T Wages          | \$4,700.00          |
| 01-881-0945  | Excess Insurance   | \$38,085.00         |
| 01-226-0644  | Rental Equipment   | \$4,000.00          |
| 01-226-0694  | Other Contractual  | \$1,475.00          |
| <b>TOTAL</b> |                    | <b>\$733,289.00</b> |

**Reason:** To close out FY 2016-2017 - to pay for police retro payments and corresponding retirement contributions; to cover additional waste collection costs.

Councilman Parente makes a motion.

Councilman Carbo seconds the motion.

\*(Amended)

No public comment.

No Council comment.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

**Item #5**

To consider and act upon a Resolution approving a lease for 240 Commerce Street, East Haven, Connecticut between the Town of East Haven and Greenskies Renewable Energy, LLC and authorizing Mayor Joseph Maturo, Jr. or his designee to execute the same.

**A Resolution approving a lease for 240 Commerce Street, East Haven, Connecticut between the Town of East Haven and Greenskies Renewable Energy, LLC and authorizing Mayor Joseph Maturo, Jr. or his designee to execute the same**

**BE IT RESOLVED** that the Town Council hereby approves a lease for 240 Commerce Street, East Haven, Connecticut between the Town of East Haven and Greenskies Renewable Energy, LLC;

**BE IT FURTHER RESOLVED** that Mayor Joseph Maturo, Jr., or his designee, is authorized to execute said lease in the form substantially as presented to this Council along with any other documents necessary to give effect to the same.

This resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Carbo makes a motion.

Councilman Tracey seconds the motion.

No public comment.

- Sal Brancati, Director of Administration/Management- Mr. Brancati addresses the Council and explains that before the Council tonight is a lease with Greenskies Renewable Energy LLC. They have been working for about a year now to find a re-use for the landfill to generate a revenue stream to the Town of East Haven. They have had discussions with several solar companies over the last year and this is the company they would like to do business with. They currently own 140 megawatts of power throughout the State of Connecticut. With this proposal they would enter into a land lease with the Town and will pay \$15,000 per megawatt of power they generate on that landfill. They will start with 1 megawatt and eventually try to escalate this to be up to 4 or 5 megawatts; it takes approximately 4-5 acres of land for one 1 megawatt of power to be produced; the landfill is approximately 24 acres so they can conceivably generate \$60,000 over the 25 year lease which would generate \$1.5 million dollars in new tax revenue to the Town of East Haven. The first phase is the 1-megawatt for \$15,000 and that demonstrates about a \$700,000 increase in our grand list for revenues. Greenskies has total responsibility over the development; they build it, own it, manage it, maintain and secure it. The Town would have zero liability and zero cost for anything to do with the solar farm. This went to Planning and Zoning for a referral on December 12<sup>th</sup> and they gave it a positive recommendation to the

Council. If the Council sees fit to go forward with this, they will continue their negotiations and enter into a lease with Greenskies to construct the solar farm.

Council comment:

- Councilman Pacelli says that he mentioned it would be 1 megawatt over 1 year, is that \$15,000 guaranteed?
- Mr. Brancati says yes.
- Councilman Parente wants to clarify because when people hear that this is a reuse of the landfill, it is not the Town's transfer station being talked about. This is the property that used to be the landfill and has since been covered up.
- Mr. Brancati says in their package there was a site plan and the area where the actual landfill is, is defined and the piece in front which is addressed as 240 Commerce Street is the space they started clearing for the East Haven Veterinary Hospital which ended up going into the Home Depot Plaza. Our transfer station will still remain for recycling and nothing in that area will be touched at all. He adds that Greenskies has done similar projects they asked them to verify past projects and some of them in Connecticut include Middletown, East Lyme, Southington, Fairfield, Trumbull, Manchester, Rocky Hill. They recently did one in North Haven where they used it to power their waste treatment plant; they chose to take the power from the solar farm and power their waste treatment plant which saved them a great deal of money.
- Councilman Carfora says he mentioned the North Haven sewer plant, he asks if he looked into the possibility of using these megawatts to supply some of our Town buildings.
- Mr. Brancati says yes, Greenskies needs an off taker, which is a user of the power. Their intent is to approach companies in our Industrial Park first and they can sign a power purchase agreement with the company and that's where the power would go. In addition, the Town may be a possible entity to enter into a purchase power agreement if it makes sense for the Town if it is a cost savings.
- Councilman Carbo asks if the Town will get an annual report from them as to what they are generating and is there a chance if they are producing more than the 1-megawatt that the Town can take advantage of that extra?
- Mr. Brancati says 1 megawatt of power is a lot of power and the way he understands it is that they can get someone to absorb that 1-megawatt of power and the Town will know what they are generating. The plan is to not go over 1-megawatt in phase 1. They are trying to get legislation passed in the State that virtual net metering comes back and then they can service 10 individual buildings from the solar farm but that would need to get instituted back by the State.

- Councilman Deko asks about the area where the brush and leaves get brought down to the landfill. He asks if that area will be affected because a lot of people use that service.
- Mr. Brancati says that area with the brush and stumps is actually behind the area in discussion so it should not come into play.
- Chairman McKay asks if they have partnership with UI/is it controlled by UI?
- Mr. Brancati says it is not controlled by UI. But in order for this to happen in the first place there were credits used to build these solar farms. The credits just became available in October; we applied for the credits from the UI and were awarded the credits to do it. Greenskies will work with the UI, they had to pay a fee for the credits and they have done so and the UI is an indirect partner with them through the credits.
- Councilman Pacelli asks if they have to reapply for the credits if they increase the megawatts down the line.
- Mr. Brancati says if they want to get financing for them, yes.

#### **Item #6**

To consider and act upon a Resolution approving a site control lease for 200 Tyler Street, East Haven, Connecticut between the Town of East Haven and 200 Tyler, LLC, or its designee, and authorizing Mayor Joseph Maturo, Jr. or his designee to execute the same.

**A Resolution approving a lease for 200 Tyler Street, East Haven, Connecticut between the Town of East Haven and 200 Tyler, LLC and authorizing Mayor Joseph Maturo, Jr. or his designee to execute the same**

**BE IT RESOLVED** that the Town Council hereby approves a lease for 200 Tyler Street, East Haven, Connecticut between the Town of East Haven and 200 Tyler, LLC;

**BE IT FURTHER RESOLVED** that Mayor Joseph Maturo, Jr., or his designee, is authorized to execute said lease in the form substantially as presented to this Council along with any other documents necessary to give effect to the same.

This resolution shall be effective in accordance with the provisions of the East Haven Town Charter.

Councilman Parente makes a motion.

Councilman Tracey seconds the motion.

- Town Attorney Joseph Zullo explains that on November 1<sup>st</sup> Winn Development submitted an application to the State of Connecticut for their CREC credits; they were very close to getting their credits last round in April. They have reapplied with tweaks in the plan and they are very optimistic they are going to be successful. Part of the financing for their project comes from those credits from the State of Connecticut. Another part of the financing comes from the State and Federal Historic Commission; they are using State and Federal historic credits. One of the downfalls to the amendment of the tax plan in the country is that it eliminates those credits going forward such that if Winn does not get a certain degree of site control before December 31<sup>st</sup> they will not be considered grandfathered in and be able to obtain those credits. What they are doing is giving them the next step in site control; the first step was the development agreement where they had certain rights to go in and the second step is giving them the ability to go in but not including any of the areas that are being used by various groups in the building. Anyone who is currently using the pool will be allowed to use the pool as well as the gymnasium. The agreement mentions the entire square footage but the final version of the lease, pending approval, will specify only the square footage of the wings that Winn is going to be responsible for redeveloping. They will not have a lease for the gym or pool and that will be explicitly clear. Essentially, this is just an administrative step; if it is not approved Winn will have a substantial hold in their financial plan and the project will probably not move forward. They are looking for some help in getting the site control they need to move forward.
- Mr. Brancati says it is all about the tax credits and getting them grandfathered in by December 31<sup>st</sup>. The only way to preserve the credits is to give them a lease on the property, which precludes the use of the property that we are using for our residents. It gives them a right to the sections they were going to get anyway to build the units.

No public comment.

Council comment:

- Councilman Palladino asks who 200 Tyler LLC is?
- Attorney Zullo says that is the Winn Connecticut entity under the development agreement Winn had the right to form a Winn Connecticut entity the same way they form an LLC for every other real estate development/property they have. They couldn't put them all under one name they would face severe lawsuits. This is backed by the full faith and financials of Winn Development.
- Councilman Palladino says when Winn was here and made the beautiful presentation he specifically asked if they had a plan B and their specific answer was no. Now it seems like they do have a plan, this plan that they are proposing.

Why was that not brought to the Council before they can reapply if this is a plan B?

- Mr. Brancati says they had three bites of the apple. They anticipated with the competition submitted to CHFA that we may not be awarded on the first round. When they came to the Council for approval they asked for three bites of the apple based on competition. We fell short on the first round by a couple of points due to other cities competing with us around the State. Now we made the right tweaks we believe to get to the right amount of points needed. Nothing is changing; this is just taking another bite at the apple. The reason for the lease is to protect the historic tax credits, nothing else changes in the development agreement. This round submitted on November 1<sup>st</sup> was a second bite at the CHFA apple.
- Councilman Palladino says so their proposal is the same thing as they approved; the 55+ etc. and nothing else has changed?
- Mr. Brancati says yes, nothing else has changed.
- Councilman Palladino says as long as it is the same proposal they originally beat to death and agreed upon, he has no problem with it.
- Attorney Zullo adds that when the Council approved it, they approved the development agreement but conditioned it on Winn coming back, assuming a successful submission, for a disposition Ordinance. If something changes, the Council still retains jurisdiction over final approvals. If they come back with something different, the Council can say no, that wasn't the condition, and then not give the disposition. They built a fail safe in it so the Council had that authority.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

#### Item #7

To consider and act upon a Resolution setting a public hearing date and time to discuss "An Ordinance Reallocating \$45,000.00 of Capital Funds between Capital Accounts #98-2 (Police) and #98-7 (Police)" as follows:

#### Accts. #98-7 and #98-2

|              |                |                    |
|--------------|----------------|--------------------|
| <b>To:</b>   | <b>For:</b>    |                    |
| 98-7-01      | Vehicles - New | \$45,000.00        |
| <b>TOTAL</b> |                | <b>\$45,000.00</b> |

|              |                                 |
|--------------|---------------------------------|
| <b>From:</b> |                                 |
| 98-2-03      | Gym/Kitchen Repair. \$20,000.00 |

|              |               |                    |
|--------------|---------------|--------------------|
| 98-2-04      | Keyless Entry | \$25,000.00        |
| <b>TOTAL</b> |               | <b>\$45,000.00</b> |

**Reason:** Transfer needed for new police vehicle, safety concerns due to age of vehicles; transfer recommended by Police Chief, Mayor, and Finance Director.

Councilman Parente makes a motion.

Councilman Palladino seconds the motion.

\*(Amended)

No public comment.

No Council comment.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

#### **Item #8**

To consider and act upon a Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Procurement of Labor and Materials to Repair the Heating System at the Town Pool.

#### **A Resolution Waiving the Town Charter's Competitive Bidding Requirements in Connection with the Procurement of Labor and Materials to Repair the Heating System at the Town Pool**

**WHEREAS**, the heating system at the Town Pool, located at 200 Tyler Street, has suffering ongoing operation malfunctions for some time;

**AND WHEREAS**, despite the best efforts of the Town to-date to keep the heating system running, the system recently failed such that it is no longer operational, rendering the pool unable to be used by residents;

**AND WHEREAS**, the Town Pool is utilized by a number of residents on a regular basis such that the Town desires to repair the heating system as quickly as possible;

**AND WHEREAS**, the Town has determined that only two vendors in the area are capable of getting the part and performing the work in an expedited fashion;

**AND WHEREAS**, the proposals by both vendors are within \$2,100.00 dollars of each other, such that engaging in the competitive bidding process would be financially wasteful and would unnecessarily delay the repair of an essential Town facility;

**AND WHEREAS**, Chapter 6, Section 4(C) of the East Haven Town Charter provides that all sales of real property by the Town shall be by competitive bidding;

**AND WHEREAS**, the Finance Director is making this request and recommends that the Council waive the competitive bidding requirement to allow the Town to obtain the necessary repair services;

**AND WHEREAS**, the Town Charter's bidding requirements may be waived by two-thirds of the members present and voting;

**NOW THEREFORE**, be it **RESOLVED** by the Town Council of the Town of East Haven that any competitive bidding requirements associated with the procurement of labor and materials to repair the heating system at the Town Pool

**BE IT FURTHER RESOLVED** that this bid waiver shall expire on June 30, 2018.

Councilman Parente makes a motion.

Councilman Palladino seconds the motion.

- Mr. Brancati says the resolution says it all. About two weeks ago they were notified that the pool temperature was dropping. Mr. Parente went out and looked at it and there is a furnace that heats the hot water and the circulator pumps it back into the pool. The residents want the temperature to be 85 degrees. The system was checked, they spent a week looking at it because they had patched it several times over the last few years. Upon inspection of the furnace it was determined that the coils for the heating system were completely rotted; keep in mind chemicals constantly went through the system to keep the PH levels right. There is no more repair that can be done to this furnace so they immediately made calls to find out who in the area can fix it the quickest. They have been receiving calls from residents who didn't want to utilize the facility like this and haven't been able to. They are asking for the bid waiver because otherwise he will have to advertise for 10-12 days, do a bid opening and do the selection process and some places may not even have the product in stock. Two proposals were received and one company has the furnace in stock and the other company through an emergency order can get it in approx. 5-7 days. Time is of the essence to get the pool operational, the residents' back swimming in the pool. There was only a \$2,000 difference between the two proposals received so they would likely find the same thing if they went out to bid; they have done their due diligence and talked to the companies and they think this is the most expeditious way to move forward and get the pool back operational and the seniors swimming in the morning and kids swimming in the afternoon.

No public comment.

Council comment:

- Councilman Pacelli says he mentioned the heating system has been giving them a problem, wasn't it replaced back in 2005 or 2006?
- Mr. Brancati says they have done some repairs to it but never replaced it. The original equipment is 1972.
- Councilman Palladino says he thinks they replaced a motor in it back then.

- Mr. Brancati says there have been many repairs to get it back to operational and changing circulators and other parts has been done. Since 1972 they definitely got their money worth with minimal amount of money spent over the years.
- Councilman Tracey asks how long it will take to open the pool back up?
- Mr. Brancati says the contractors said the earliest is the first week in January and the latest is the second week in January to have the pool water back to 85 degrees.
- Chairman McKay asks if the pool is shut down right now.
- Mr. Brancati says it is not shut down right now, he posted a notice on the door because he didn't want people to think they closed the pool but he did caution them that the water temperature was not what they would like it to be but he doesn't think anyone has been using the pool. There are other minor repairs that need to be done such as showerheads in the ladies locker rooms; the heating has been fixed in the men's locker room as well as the ladies' locker room. They have been getting thanked for getting heat in the locker rooms. The water was 67 degrees as of today.
- Councilman Carfora says between both contractors there's a \$2,100 difference so what do they get from each contractor and what kind of warranty and insurance do they have.
- Mr. Brancati says they are both licensed and out of North Haven, one is Freedom and one is CT Custom Aquatics. They will look at all of their warranties and guarantees when choosing. The reason for the \$2,000 difference is for the proposal for \$24,000 we would have to do the electrical ourselves to hook it up and the \$26,000 proposal is complete where they hook up the electrical themselves with their workers they just have to get the old one out then they will come in and do everything else.
- Councilman Carfora says they will probably be better off going with Freedom then in case something happens they can't blame us for doing something wrong with the electrical.
- Mr. Brancati says he thinks by the time they get the electrical or gas guy in there, we will probably spend the \$2,000 difference and we don't have to touch anything.
- Councilman Deko asks which one has the furnace in stock, is it Freedom?
- Mr. Brancati says Custom has it in stock, Freedom would special order it and get it in 5-7 days and he is saying completion is more likely the second week in January and Custom says first week of January but we have to do all the electrical and gas work.
- Chairman McKay asks if our Public Services Department is capable of doing the electrical?
- Councilman Parente says it is a little more than just doing electrical; it is a different style unit they would have to do electrical, re-piping and duct work. He agrees with Mr. Brancati to go for the extra \$2,000 and we stay away from all of the work and there would be no warranty concerns.
- Chairman McKay says the holidays are obviously setting us back a few days.
- Mr. Brancati says Freedom was honest about that, it's the holidays and they don't know if the warehouse is closed so the sooner they know the better.

- Councilman Parente adds that Public Works would be, based on the approval of the Town Council tonight, extracting the entire old unit out to save time and have the space open and ready.
- Councilman Pacelli says the pool will be closed then right?
- Chairman McKay says there is still heat in the building.
- Councilman Tracey says why keep it open, they are going to pay to keep everything going in there for two weeks?
- Councilman Parente says they have to keep the chemicals in balance.
- Mr. Brancati says they still treat the pool with chemicals because if they shut it down it will be a lot harder to get it back into balance.
- Councilman Tracey says he doesn't mean the pool, do they have to keep the building open and pay people to be there for those weeks.
- Councilman Parente when they start to do maintenance he has to shut down the facility for a minimum of 1 day because they have to turn the water off in the 36 wing which controls the water for the showers. The pool will be shut down so that all the showers can be repaired.
- Mr. Brancati says the building is so old there is only one water main so if they want to fix the ladies showers they need to turn the water off in the entire building to take the shower heads off and repair the piping.
- Chairman McKay says it is up to the Recreation Dept. if they want to close it or not, not the Town Council.

Roll call vote: all in favor-none oppose-none abstain. Motion carries.

#### Item #9

Adjournment of Special Meeting.

Councilman Badamo makes a motion.

Councilman Carbo seconds the motion.

\*(Amended)

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:50PM.

Respectfully Submitted,



Danelle Feeley, Clerk, East Haven Legislative Town Council