

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Minutes

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October 19, 2015

**TOWN COUNCIL – REGULAR MEETING
COUNCIL CHAMBERS – SOUTH WINDSOR TOWN HALL**

1. Call Meeting to Order

Mayor Anwar called the Regular Meeting to order at 7:00 p.m.

4. Roll Call

Members Present: Mayor M. Saud Anwar
Deputy Mayor Edward Havens
Councilor Thomas Delnicki
Councilor Carolyn Mirek
Councilor Andrew Paterna
Councilor Liz Pendleton
Councilor Matthew Riley
Councilor Janice Snyder
Councilor Stephen Wagner

Also Present: Keith Yagaloff, Town Attorney

5. Public Input

Ms. Anna Mae Davis, 9 Ridge Road came before the Town Council to express her concern regarding the lack of any progress for remediation of the storm drains on Ridge Road. This has been an issue for over 25 years and it needs to be addressed. Funds need to be put towards this issue.

Mr. Art Jennings, 35 Shag Bark Road came forward and complimented Council members who voted for the technology park. The Council members who voted for this project showed economics stewardship which will help ease the tax burden for citizens of South Windsor.

Ms. Sarah Wilhelm, 70 Scantic Meadow Road came before the Council on behalf of South Windsor Operation Graduation. Every year there is a safe graduation night for all students who are graduating from South Windsor High School. There is a raffle held every year as one of the fund raisers in order to hold this event. An email had been sent to each Council member regarding this fund raiser and Ms. Wilhelm asked the Council to consider supporting this event and also to share this information with others.

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ITEM:

6. Environmental Health & Safety Message

None

7. Adoption of Minutes of Previous Meetings

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Regular Meeting Minutes of September 8, 2015.

Was made by Councilor Pendleton
Seconded by Deputy Mayor Havens

Councilor Wagner suggested corrections to the September 21, 2015 Regular Meeting minutes and October 5, 2015 Regular Meeting minutes as follows:

September 21, 2015 Minutes

Page 14, Item H, 2nd paragraph – “punishment” to be changed to “protection”, insert draft in front of bill, and change 2003 to 2013.

Page 15, on the bottom – insert different language for an explanation of Virtual Net Metering.

October 5, 2015

Page 6, Mr. Robert O'Connor should be recognized as the Vice Chairperson on the Park & Recreation Commission.

Page 12, Insert “part of” before IT Department to read, “Councilor Delnicki then questioned Mr. Scott Roberts who is the Director of IT, why he would like **part of** the IT Department housed at the EOC versus the Town Hall.

Mayor Anwar called for a vote on the amended minutes; they were approved, unanimously.

8. Public Petitions

None

ITEM:

9. Communications from Officers and Boards Directly Responsible to Council

Councilor Wagner reported that the Park & Recreation Commission is going out to bid on the Barton project. Another item announced at the Park & Recreation Commission meeting is that the rotating of the softball field is 90% complete.

10. Reports from Standing Committees

Councilor Wagner stated that the Energy Committee has been engaged in the Municipal Bench Mark which was approved by the Town Council. One of the features of this program is that the Connecticut Green Bank has funded a level one audit of one facility and that audit was conducted on the Wapping Elementary School. The audit consisted of a tour of the entire building from top to bottom looking at all of the different energy uses. A report should come out in November.

Councilor Paterna explained that the Priest Farm Project Committee has received eight bids for a feasibility study. A Subcommittee has been established who will evaluate the bids and report back within three to four weeks on the selection of a company.

11. Reports of Temporary Committees

None

12. Consent Agenda

Councilor Mirek and Councilor Pendleton made a motion to approve Agenda Items 13. A.* through 13. C.* as the Consent Agenda. Councilor Delnicki seconded the motion; and it was approved, unanimously.

13. Unfinished Business

A. Resolution Appointing Paul Burnham (R) a Full Member to the Economic Development Commission

BE IT RESOLVED that the South Windsor Town Council hereby appoints Paul Burnham (R) a full member to the Economic Development Commission for a term ending November 30, 2017 to fill the vacancy from the unexpired term of Mark Lillis.

(Approved by Consent Agenda)

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ITEM:

14. New Business (Continued)

B. Resolution Appointing Bernard Thomas (D) to the Public Building Commission

BE IT RESOLVED that the South Windsor Town Council hereby appoints Bernard Thomas (D) to the Public Building Commission for a term ending November 30, 2015 to fill the vacancy from the unexpired term of Ken Jeski.

(Approved by Consent Agenda)

C. Resolution Appointing Linda Jeski (D) an Alternate to the Board of Assessment Appeals

BE IT RESOLVED that the South Windsor Town Council hereby appoints Linda Jeski (D) an Alternate to the Board of Assessment Appeals for a term ending November 30, 2017 to fill the vacancy from the unexpired term of Debbie Duarte.

(Approved by Consent Agenda)

14. New Business

B. Discussion Item: RFP for a Virtual Net Metering Solar Project (Brad Mondschein, Esq. from Pullman & Comley LLC to be present) (requested by Councilor Wagner)

Councilor Wagner explained that this is a discussion that the Council had discussed previously and it led to this item on the agenda regarding the issuance of an RFP for a Virtual Net Meter Solar project. Attorney Brad Mondschein from Pullman & Comley has been invited to the meeting tonight to answer any questions the Council may have about Virtual Net Metering and also discuss any other ideas on the solar or energy.

Attorney Mondschein, from Pullman & Comley came forward and explained that he practices in the area of energy and technology law. He has worked on a number of solar energy projects and other energy projects around the State as well in Massachusetts. Attorney Mondschein stated he is present to answer questions that the Council might have about how these projects work and how the Town can get the most out of doing energy projects.

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ITEM:

14. B. (Continued)

Councilor Wagner asked Attorney Mondschein to explain how this VNM concept actually works.

Attorney Mondschein first explained that how net metering works is when solar projects are put into place, (such as solar on a building), the energy from that solar goes back into the electric grid. The amount paid for the utility cost is the difference between what is put back into the grid and what is actually utilized. Another option is virtual net metering where a building has solar on it and the building has more energy produced than that building uses. In this case the owner of the building can sell the extra power to someone else on the grid. Presently there are two programs in Connecticut that the Town could take advantage of for virtual net metering. One is called municipal virtual net metering where solar can be placed on municipal property and net meter municipal meters. There is certain amount that is allowed by statutes and the cue for that is full. The other program is called agricultural virtual net metering where solar panels can be placed on a working farm and the energy produced can be virtually net metered to another location on the same grid.

Answering questions from the Council, Attorney Mondschein explained that there are developers that are developing agricultural virtual net meter facilities and are willing to sell that power from those programs. South Windsor could buy into a site or sites that are not in South Windsor but are in the Eversource territory. A Power Purchase Agreement would be necessary because South Windsor would buy credits from that virtual net metering which in turn would offset the power that the Town buys from Eversource for municipal buildings. Attorney Mondschein explained further that the developers are developing these facilities with investors. The investors invest in those projects because they get a great tax credit which is in affect until the end of December 2016, there is a 30% investment tax credit on projects from the federal government with a 5 year accelerated depreciation on the solar panels, and receive renewable energy credits where they make money on the sale of those credits. Attorney Mondschein informed the Council that there is no cost to the Town.

Councilor Wagner stated that one of the reasons the Council is holding this discussion now is because of the expiration of the 30% tax credit and then questioned if a project could be completed by the end of December 2016?

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ITEM:

14. B. (Continued)

Attorney Mondschein felt that it could be done if something began now but would be very hard. There are projects that are already in development. The Town may be able to purchase credits from those projects.

Answering a question from Councilor Mirek, Attorney Mondschein explained that TransCanada will get paid everything that the Town owes them.

Attorney Mondschein then explained to Councilor Pendleton that there is a cap on the amount of virtual net metering that is allowed in the State of Connecticut by statute and municipal solar projects for virtual net metering municipal buildings, that cue is full. The reason that cue filled so quickly is because there were a lot of Towns that had landfills that are not used any more. These landfills were shovel ready and waiting for solar projects.

Councilor Delnicki requested from the Town Manager which CCM Towns and Cities are participating in these programs and what is the net effect to the cost of a kilowatt hour of electricity based on the TransCanada CCM negotiated prices, as well as the Towns that have looked at the program and have not decided not to participate. Councilor Delnicki would also like to know the legal fee on the deal.

Attorney Mondschein stated that he does not know how much of the information is public. In almost all cases there is a significant savings to the Town. Councilor Delnicki requested that Mr. Galligan get the information available through CCM.

Councilor Paterna felt that since the cue is full, that is a good indication that the program is in high demand.

Answering questions from Councilor Riley, Attorney Mondschein explained that the statutes provide a cap on the net metering and virtual net metering because it costs the electric utility to run these programs. The costs in one way or another get passed to the consumer.

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ITEM:

14. B. (Continued)

Attorney Mondschein stated to Councilor Pendleton that these projects are done on a first come, first serve basis so it is not known when the programs will be full. There is room at the time in the Agricultural Virtual Net Metering program, but it is not known how much room there is. After there is an application submitted for the program, Eversource will inform the applicant how much virtual net metering can be built.

Councilor Wagner said it is his hope that there is someone already on the cue and are looking for someone to take the credits. Councilor Wagner stated he would like to get a sense if the Council would like to move forward with allowing Attorney Mondschein to write an RFP. The new Council would then be charged with the decision of moving forward with a program.

Mayor Anwar informed the Council that although the cue is full for the Municipal Virtual Net Metering program, South Windsor could still put solar on a building and supply that building with power. Mayor Anwar then stated he likes the idea of the Agricultural Virtual Net Metering because South Windsor could benefit without using farmland in South Windsor. The Town should be prepared for an opportunity.

Answering a question from Mayor Anwar, Attorney Mondschein explained that there is really no risk for the Town to participate in the Virtual Net Metering program. If in the future the project stops producing power, the Town would go back to where it is today. Having a project that is virtually net metered is less of a risk than net metering because panels would not be placed on a Town building.

Councilor Mirek stated she would like to hear from others who are doing this and those who have chosen not to participate. Councilor Mirek questioned the overall costs to the Town to participate in a program as well as the legal fees.

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ITEM:

14. B. (Continued)

Attorney Mondschein explained that legal fees are relatively small compared to the project. Attorney Mondschein stated that he would be surprised if the legal fees exceeded \$5,000. With virtual net metering, the only thing that is being negotiated is the purchase of credits, which is done with an agreement. If the Town decided to do a net metering project where the project is being built on a Town facility, then the cost probably doubles. There is less legal work required for the virtual net metering.

Councilor Mirek stated she would like to see the total amount that the taxpayers would have to pay. Attorney Mondschein said he could provide an estimate.

Answering questions from Deputy Mayor Havens, Attorney Mondschein explained that part of the RFP is to make sure the project is cost effective so the Town would not enter into a Power Purchase Agreement unless it was felt to be cost effective.

Council members discussed the amount that would be saved by participation in a virtual net metering project. If the generation rate averages 12 cents or 13 cents a kilowatt hour, the Town will save at least 20%, maybe even more.

Councilor Wagner explained that the only thing the Town is paying for is the electricity credit which is actually reduced from the electric bill. The Town will have to pay the cost to issue an RFP.

Attorney Mondschein stated that the projects are going to save the Town money because of the way they are structured. The government is giving tax credits, the depreciation and the renewable energy credits. That is where the real money is made on these projects for investors.

Councilor Wagner informed Council members that South Windsor uses 10 million kilowatt hours per year for all of its facilities which does not include street lights. The typical project will produce 3 million kilowatt hours. Attorney Mondschein stated that more than one meter can be virtually net metered off of a certain project so the Town can buy a portion of a project as well.

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ITEM:

14. B. (Continued)

Councilor Delnicki questioned the anticipated cost for legal fees in the development of an RFP? Attorney Mondschein explained that he is not prepared for this question. Councilor Delnicki stated that he is not comfortable giving a consensus to move forward with an RFP when the legal fees are unknown. Again, Councilor Delnicki requested the Town Manager to find out through CCM if there are communities who decided not to go forward with virtual net metering and why.

Deputy Mayor Havens said he is willing to spend funds for the RFP in order to make a decision if the Town should move forward on a program.

Councilor Pendleton stated that she recalls receiving information from the Town Manager regarding costs for legal fees.

Councilor Wagner explained that the Town would be spending very little compared to the payback the Town could potentially receive, which could be millions over 20 years.

Councilor Pendleton said she would be willing to invest a small amount of money from this Town to receive a larger savings in the Town's electric bill.

Mayor Anwar felt that the discussion today is for the Council and community to learn more about net metering and virtual net metering.

Councilor Riley asked various questions regarding Virtual Net Metering and the average kilowatts South Windsor projects would generate. Councilor Riley figured that South Windsor would receive approximately \$60,000 per year with a net present value being a much larger figure. Attorney Mondschein explained that when a developer comes to talk to the Town about different projects, they will not use the Town's current electric rate to talk about savings, they will use their rates with an assumption.

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ITEM:

14. B. (Continued)

Councilor Riley questioned what type of items would be included in the RFP? Attorney Mondschein explained that the type of questions that should be asked in the RFP are what their price will be; how many kilowatt hours per year can be delivered to the Town; what size project is being developed; who is the manufacturer of the solar panels; and who is the owner of the project. The Town would not have to worry about construction because the Town is not using its own building.

Answering further questions from Councilor Riley, Attorney Mondschein explained that if an RFP is complete, when the Town becomes aware of an Agricultural Net Metering project, the Town can reach out to the developer and try to get some of the megawatts that they are creating. There are already projects out there.

Attorney Mondschein informed Councilor Paterna that the Town can have the same meter on two different projects. The Town would need to figure out how many kilowatt hours are being used from which meter inside the Town and would designate those meters which could get the Town above the two kilowatt hours per year.

Attorney Mondschein told the Council that the investors of a project are the ones who are taking a risk. If the project doesn't run, they don't get their tax credits and if they took their tax credit, it gets taken away and they can't take the depreciation. The investors own the project and have to also do the operation and maintenance on the project.

Attorney Mondschein explained to Councilor Delnicki that the tax credit on the federal side is a 30% tax credit under Section 48 of the Internal Revenue Code and the credits are dispersed as soon as the project becomes operational. The credits are then used within five years. If the law changes in December 2016, then the tax credits go away; but once the credit has been earned it does not go away. The State has a program where the only real benefits right now to these projects are the renewable energy credits. That is a guarantee 15 year contract at a certain price that is bid into through the program and the contract can't be changed for 15 years.

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ITEM:

14. B. (Continued)

Councilor Delnicki requested that the Town Manager supply the history with the CCM contract with TransCanada. Within that history, Councilor Delnicki said he would like the price structure over the past 10 years. Councilor Delnicki also requested that Attorney Mondschein send a proposal for legal fees for the creation of an RFP to the Town.

Mayor Anwar informed the Council members that the reason for this discussion tonight is for the Council to decide if the concept of Virtual Net Metering is something the Town should participate in. The next step would be to direct the Town Manager to identify the right partners who could do the legal work for the RFP.

Councilor Riley stated that he understands that the developers get a 30% federal tax credit that they can use over five years, but questioned if the developer is allowed to sell those tax credits? Attorney Mondschein explained that they are not.

Councilor Riley asked if it is also correct that the developer gets to depreciate the asset over five years. Attorney Mondschein said that is correct, it is an accelerated depreciation.

Councilor Riley noted that the developer will realize the vast majority of their value in the first five years. Attorney Mondschein informed the Council that the developer will receive approximately 60% of their value back in the first five years. Attorney Mondschein also explained that he is aware of three projects that are in the process of establishing an Agricultural Virtual Net Metering project.

Councilor Wagner requested Attorney Mondschein to discuss other solar opportunities that the Town could take advantage of.

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ITEM:

14. B. (Continued)

Attorney Mondschein stated that the Town could decide to do solar on a roof, which could be rolled into the investment tax credit so the Town actually starts getting tax credits back, as well as the developer. The Town also could decide to put two projects together such as redoing a roof and constructing solar on that roof which could be a way to have a much shorter return on an investment. Solar panel carports are another item that the Town could look into. The carport provides shelter for vehicles and can also provides power.

Councilor Delnicki requested that the Town Manager check through CCM if there have been communities who have had issues and had to remove snow from their solar panels.

C. Resolution Approving a Refund of Taxes to Twenty-One (21) South Windsor Taxpayers

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to Twenty-One (21) South Windsor Taxpayers, the total of said refund being \$5,292.06 and as more fully described on attached **Exhibit A.**

Was made by Councilor Riley
Seconded by Councilor Snyder
The motion was approved, unanimously

15. Passage of Ordinance

None

16. Communications and Reports from Town Manager

None

17. Public Input

Mr. Robert Dickinson, 19 Birch Road came forward and stated that he has just begun to appreciate the amount of time that each and every Councilor has had to take out of their personal lives to give to the Town and he hopes everyone in Town is appreciative of that.

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ITEM:

17. Public Input (Continued)

Mr. Toby Lewis, 32 Linda Lane questioned if the RFP will include an assessment of Town property of what would be the target usage of the electricity. Mr. Lewis said he would interested in having the mill rate lowered with the money that would be saved from the Virtual Net Metering program instead of doing another project with those savings.

18. Communications and Petitions from Council

Councilor Wagner informed the Council and the public that South Windsor was presented a plaque from The Clean Energy Communities Program and has achieved the Silver Level in recognition of leadership, environmental stewardship and commitment to clean and efficient energy in Connecticut. The Town saved 16,556,000 kilowatt hours (340,000 cubic feet) of natural gas which is equivalent to 10,000 tons of carbon monoxide. This was achieved by increasing the participation in the home energy solutions program. There were 1,500 households that participated. There have been 273 business and municipal energy saving projects that have taken place in South Windsor.

It was the unanimous consensus of the Town Council to not hold a meeting on November 2, 2015.

Councilor Mirek reported that the list of sidewalks in Town that need to be replaced or repaired has grown this year. Through the residents complaints the Town has over 120,000 in estimated sidewalks repairs and the Town keeps finding more sidewalks in need of repairs. The sidewalk fund was spent on sidewalk repairs in the fall of 2013 and additional Capital funds are needed so the Town can continue to repair them. When the Town receives complaints about sidewalks, the Town has been marking the trip hazards with bright pink paint to alert pedestrians of these hazards until there is more funding to repair these sidewalks. This is a matter of funding in the next budget. Another issue is regarding the Ridge Road Drainage improvements. Preliminary plans for drainage improvements to Ridge Road have been prepared by the Town's consultant and they have been determined that the old drainage pipes and catch basins on Deming Street need to be replaced between Ridge Road and Grandview Terrace to handle the stormwater from Ridge Road. Currently stormwater from Ridge Road drains

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ITEM:

18. Communications and Petitions from Council (Continued)

overland through residential yards down the hill. These improvements were not all budgeted as part of the original estimate and additional funds will be needed to construct these improvements. Councilor Mirek felt that a lot of these issues began or became worse when the Deming Street neighborhood of Cardinal Way and that whole area was developed. There is too much water coming down and there is another big home being construction further up the hill. Where will the water from that development go?

Councilor Paterna informed the Council and public that the Summer Farmers Market just ended on October 17th. There were 50 vendors with an average of 1,000 to 1,200 shoppers every Saturday morning between 10:00 a.m. and 1:00 p.m. The amount spent at the Farmers Market was \$263,000. The Market will open on October 31, 2015 at St. Margaret Mary's Church Hall for eight weeks ending on December 19th.

Councilor Delnicki also voiced concern about the Ridge Road drainage issue which has been a problem for years. There was approximately \$100,000 allocated for this project and the Council will need to know how much more is needed to address this issue. Another issue that needs to be addressed by the Town is a catch basin pipe that has broke which goes underneath the driveway to the industrial park. The catch basin is the Towns and is causing a very serious condition. Councilor Delnicki then stated that he has enjoyed the past two years on the Council and thanked the other Council members for their service to South Windsor.

Mayor Anwar stated that there was about \$120,000 allocated over two years ago for a study of the Ridge Road drainage issue. When the Town received the report back, it showed that it would take approximately \$250,000 to take care of the Ridge Road issue. The Town Council directed the Town Manager to allocate funds towards this project so eventually it would get fixed. As far as the issue regarding the repair of sidewalks, this is something the new Council will need to address.

Councilor Mirek requested that the Town Manager inform the Council how much has been allocated towards the budget to remediate the drainage issue on Ridge Road.

Deputy Mayor Havens felt that an apology to Mrs. Davis is in order. She has come to the Council a number of times with this issue. Deputy Mayor Havens stated that he has enjoyed working with this Council and feels that in the last two years, Mayor

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ITEM:

18. Communications and Petitions from Council (Continued)

Anwar has done a lot of work and has accomplished many items to move this community forward.

Mayor Anwar stated that it has been a privilege and an honor to work with all members of the Council. All of the Council members are very dedicated to South Windsor.

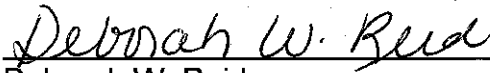
19. Executive Session

None

20. Adjournment

At 8:43 p.m. Councilor Delnicki made a motion to adjourn the meeting. Councilor Mirek seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

TAX REFUNDS

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Exhibit A

Barber, Clifton J 65 Candlewood Dr South Windsor, CT (Total loss 2/2014) 2013-501320	78.12	Masciovecchio, Marie V 164 Windsorville Rd South Windsor, CT (Sold 2/2015) 14-514910	99.03
Butler, Jordan Anthony 596 Governors Hwy South Windsor, CT 06074 (Vehicle sold 3/2014) 13-503164	8.88	Morgenthau, Justin J Jnt Morgenthau, Larissa M 100 Mohegan Trail South Windsor, CT (Sold 5/2015) 14-516035	121.68
Morse, Carrie L or Paul F 100 Robert Drive South Windsor, CT (Junked 5/2015) 14-516107	52.98	Mozzicato, Paul 40 Quarry Brook Drive South Windsor, CT (Active Duty) 14-516204	643.83
O'Brien, Edward J or Marie R 115 Farm Brook Ln South Windsor, CT (Trade-in w/new plates 8/2015) 14-517068	10.59	Pandit, Ashvin S 71 Highview Road South Windsor, CT (Total loss 7/15) 14-517539	13.52
Papadogiannis, Steve P 1747 John Fitch Blvd South Windsor, CT (Gift to son 9/2013) 13-517805	77.77	Pearson, Janet L 48 Greenfield Dr South Windsor, CT (Junked 8/2015) 14-517853	8.04
Pelletier, Marc A 18 5 Arthur Dr South Windsor, CT (OOS FL Reg 8/2015) 14-517971	20.83	Pelletier, Marc A 18 5 Arthur Dr South Windsor, CT (OOS FL Reg 8/2015) 14-517972	20.09
Pryputniewicz, Christopher P.O. Box 3046 Vernon, CT 06066 (Paid at closing, and old owner's mtg. co. also paid on 7-29-15) 14-8055	2764.25	Staley, Deborah D 48 Judge Ln South Windsor, CT (Trade-in 6/2015) 14-522030	96.47
Toyota Lease Trust P.O. Box 105386 Atlanta, GA 30348 (Pricing correction) MV14-523221	93.54	Toyota Lease Trust P.O. Box 105386 Atlanta, GA 30348 (Turned in lease) MV14-523231	65.04
Toyota Lease Trust P.O. Box 105386 Atlanta, GA 30348 (Sold 6/15) MV14-523282	187.81	Toyota Lease Trust P.O. Box 105386 Atlanta, GA 30348 (Turned in lease 8/15) MV14-523302	38.37
Toyota Lease Trust P.O. Box 105386 Atlanta, GA 30348 (Out of state registration 10/14) MV14-523337	805.71	Vaidyanathan, Janakiraman Narayanan Uma 9 Austin Cir South Windsor, CT (Gave to daughter 8/2015) 14-523737	42.75

TAX REFUNDS

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Exhibit A

Zagaja, Robert S or Zagaja, Veronica A 127 Frazer Fir Rd South Windsor, CT (Gave to son 2/2025) 2014-525333	42.76		
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Mrs. Bonnie F. Rabin, Collector of Revenue Total Refunds: \$5,292.06 Date: 10/19/2015