

SUBJECT TO APPROVAL

MEETING DATE: MONDAY, MAY 23, 2016
7:00 P.M.

MEETING PLACE: JAMES MADISON ROOM (ROOM A) - TOWN CAMPUS

BOARD OF SELECTMEN MEETING MINUTES

7:00 p.m. Regular Session

First Selectman Banisch called the Regular Session of Monday, May 23, 2016 to order at 7:01 p.m. Present were First Selectman Banisch, Selectman Goldberg, Selectman Hale, Selectwoman Walker and Selectman Wilson.

1. Pledge of Allegiance

First Selectman Banisch led the Pledge of Allegiance.

2. Approval of minutes

MOVED by Selectman Hale and seconded by Selectman Wilson to **APPROVE** the minutes of the Board of Selectmen Meetings held on May 9, 2016 as amended.

Selectman Hale asked for revisions regarding the voting at the prior meeting to indicate that First Selectman Banisch joined the meeting at approximately a.m.

Selectwoman Walker requested comments in item number 9 page 5, paragraph 4: “Selectwoman Walker stated that the lease should be sent at least ~~two days~~ **one week** prior to the next meeting, to both the Board and the SAA so that all parties have a chance to read it through prior to the public meeting.” This change was not made as the video replay supported the text of the minutes.

Selectman Goldberg reviewed the intent of the lease agreement discussions from the May 9th meeting. The Board was not in agreement on the plans for this evening’s meeting and the minutes were not amended in this way.

VOTE: This motion was approved unanimously.

3. First Selectman’s Comments:

The First Selectman reserved his comments for the end of the meeting.

4. Citizen Comments:

None.

NEW BUSINESS

5. Discuss and take action on a Proclamation honoring the DHHS VIBE team.

DISCUSSION: Selectwoman Walker read aloud the Proclamation for the VIBE Team naming May 25, 2016 as VIBE Day in the Town of Madison. Selectwoman Walker also recognized the student leaders in Director Soja's absence.

MOVED by Selectwoman Walker and seconded by Selectman Hale to **APPROVE** a Proclamation honoring the DHHS VIBE team.

VOTE: This motion was approved unanimously.

6. Discuss and take action to award the contract for the upgrade and maintenance of the street-lighting system to LED to Siemens Industry, Inc.

DISCUSSION: Energy & Efficiency Committee Chair, Woodie Weiss stated that four responses to the RFP were received and the committee carefully read and reviewed all proposals. Two proposals were eliminated for their high cost and because they could not be considered for the Eversource 0% interest 4-year loans. The remaining two companies were interviewed, Siemens and Tanko Lighting. Siemens was the best fit for Madison because they were roughly \$60,000 less expensive and they allowed for the Town to conduct maintenance on an as-needed basis versus on a maintenance schedule. Mr. Weiss stated that this could result in a savings of roughly \$30,000 in maintenance costs. He also stated that Siemens conducts its own work and does not contract this out to a third party.

Selectman Goldberg confirmed that the contract had two steps, the first to upgrade from the current lighting source and the second to maintain the LED lighting. Mr. Weiss stated that Siemens did not charge for maintenance for the first year after the project is completed. This is only awarding the upgrading of the system. Selectwoman Walker clarified that the committee was not looking for funding or a Special Appropriation and Mr. Weiss responded that the cost would be billed in the same way as Eversource currently bills the Town. There was no additional cost.

Mr. Weiss also commented on the photo voltaic systems being installed at various Town buildings. He stated that these systems are paid for by the ZREC program which comes about based on legislative action taken years ago. The ZREC programs covers about 30-40% of the costs and the remaining costs will be sought from other funding sources. The cost to the Town will be a constant, fixed rate bill which is less than what is currently being paid.

Selectman Goldberg thanked the Committee for all of their work and for what they bring to the Board for approval in the way of energy efficiency updates.

MOVED by Selectwoman Hale and seconded by Selectman Hale to **APPROVE** awarding the contract for the upgrade and maintenance of the street-lighting system to LED to Siemens Industry, Inc.

VOTE: This motion was approved unanimously.

7. The following line transfers are designated as routine and appropriate for approval as a single action by the Board of Selectmen, if so desired. A board member may request removal of any line transfer item from the consent agenda for review and discussion.

Motion: To approve Line Transfers totaling \$37,279.56.

MOVED by Selectwoman Walker and seconded by Selectman Wilson to **APPROVE** Line Item Transfers totaling **\$37,279.56**.

VOTE: This motion was approved unanimously.

8. Discuss the next steps regarding an agreement with the Shoreline Arts Alliance.

DISCUSSION: First Selectman Banisch stated that he sent a copy of the lease to the Board which was received from the Town Attorney. Selectwoman Walker stated that she was concerned about the lease because it was a very basic lease and assumes that the building is in good condition and can be leased to anyone. She stated that better language should be reviewed with the Town Attorney and members of the Shoreline Arts Alliance.

Selectman Wilson stated that the lease was missing some fine details but that the point of the lease was to start the conversation. Selectman Hale stated that between this lease and the list of points from the Shoreline Arts Alliance, the Board had a good starting ground for what should be included.

Selectman Wilson stated that the Board should determine what they want to bring to the public for a referendum vote. He stated that whatever was decided on by the Board should be the best version to be brought to the public for a vote. Selectman Goldberg stated that the Board was in agreement that they wanted to move forward the process to bring something to the public for a vote. He stated that he suggested there be a Special Board of Selectmen Meeting with the Shoreline Arts Alliance to produce a concrete draft of the lease. Selectwoman Walker agreed and stated that the Town Attorney should be present as well.

Selectman Wilson stated that the lease had pertinent information regarding the use of the building (1.01h); but that the lease did not need to include language regarding a security deposit. Selectwoman Walker stated that she had concerns regarding the base rent information and the ownership language.

Selectman Wilson added that item 3.05 was the natural place to include language for the concept of the leveraging of funds as noted in the May 9th meeting.

Selectwoman Walker also questioned the language that the building be rented "as-is" and Selectman Wilson stated that the building would always be rented on an as-is basis, with the state of the building being subject to change as work is being done. Selectwoman Walker stated that some language should be added to indicate what the current state of the building is, and what the Town will undertake. Selectman Hale stated that there was a

form for this deliverable as an addendum to the lease. Selectwoman Walker stated that a further conversation should be had with the attorney to indicate what the best approach would be to clarify this in the lease document.

Selectman Wilson stated that the agreement speaks to the Town removing snow at a fee and later on indicates the tenant is responsible for this service. He stated that the Town could be responsible for removing snow from the sidewalks for a nominal fee. Selectwoman Walker stated that since the SAA will be bringing the building up to code the Town should be careful with what they are billing to the SAA. She also stated that the Town needs to insure the building because they are the owner and the SAA will have their own insurance and pay their own premiums.

Regarding Article V – Utilities at the Leased Premises, Selectman Wilson stated his concern that the state of the septic system was unknown. Selectwoman Walker stated that there was some talk previously that the septic system needed to be replaced. She stated that the true cost for the building to be up and running was unknown. Selectman Wilson stated that this could be a big expense and that it is currently unknown to the Town what this system upgrade would cost. Mr. Ott stated that if there was a change of use for the building then under the public health code, this could drive investigation into the waste water system. He stated that the new Director of Health would have to look into the water use in the building.

Selectman Wilson stated that he raised this concern only to bring it to everyone's attention. Selectman Goldberg stated that the first study into the infrastructure may bring up several big items that will be costly to replace. Mr. Ott added that there may also be mechanical system issues.

Regarding Article VI, the permitted use by the tenant, Selectman Wilson stated that the language was a little restrictive. He also noted that the language in 6.07 regarding the noise emanating from the building was also restrictive for use as an Arts Center.

Regarding 6.02 Selectwoman Walker questioned the approval process for alterations by the tenant. Selectman Wilson stated that perhaps this item should be revised for applying to subsequent work outside of the scope of the initial work to the building as defined in item 3.05.

Selectman Wilson stated that there were other items that needed to be reviewed by the Board and a special meeting would be appropriate and inviting the SAA and the Town Attorney was a good idea.

Selectwoman Walker stated that the SAA should be sent a copy of the draft lease and then both the Board and the SAA can come to the special meeting with a list of items to review. Without knowing the cost to bring the building to code, the Town would probably be putting more of the burden on the SAA to bring the building up to code. She stated her doubt that the building could be brought up to code for roughly \$3.5 million. Therefore, the Board should make sure to work with the SAA to make sure that the project goes forward because the Town is getting a good deal in this process.

Selectwoman Walker stated that the Board should also discuss goals and whether there should be a phased-in approach to opening (i.e. finishing and using the first floor for programs to fund the work on the second floor).

Selectman Goldberg asked what the relationship was between this lease and the Letter of Intent. Since the Letter of Intent expires on June 30th, if the lease is not negotiated, then what should the Board do to make sure the process doesn't fail. Selectman Wilson stated that the Board should live up to the intent of the Letter of Intent in the lease discussions and the Letter of Intent didn't necessarily need to be extended. Selectwoman Walker cautioned that if the two groups were not able to reach a consensus by June 30th, then the Letter of Intent should be extended to make sure that the two groups continue the process to either approve a lease to send to referendum, or not. Selectman Wilson asked if instead, the Board could hold a vote stating that they would not move forward with any other use of the building until a final conclusion was reached with the SAA.

Selectman Hale stated that the special meeting should be held and then this concept of extending the Letter of Intent could be addressed. The Board agreed to set up a special meeting with the SAA.

9. Tax Abatement/Refunds

MOVED by Selectwoman Walker and seconded by Selectman Hale to **APPROVE** Tax Abatements / Refunds in the amount of **\$397.84**.

VOTE: This motion was approved unanimously.

10. Citizens Comments

Walter Lippmann of Sycamore Lane stated that he had brought before the Board at a prior meeting the situation at the Moxie restaurant regarding the "Madison" sign which was riddled with bullet holes. The Chamber of Commerce has taken no action on the basis that this is private property and that the owners are entitled to freedom of speech. Mr. Lippmann stated that he understood this rationale but he urged the Board to form a resolution condemning the use of décor that promotes violence. He asked the board to have the courage to condemn this practice and he added that he will not patronize this restaurant.

Mr. Lippmann stated that he has been very pleased with the cooperation from the First Selectman and from various branches of the Town staff. He stated that from his phone calls to the Town, Wall Street Bradley Road had been swept since the first time since the winter season ended and there was a sign on New Road which has been replaced. First Selectman Banisch thanked the Director of Public Works, Mike Ott, and stated that the departments are working better together.

Mr. Lippmann also noted a project being conducted downtown should make sure that there are no open holes for the Memorial Day events.

11. Liaison Reports/Selectmen Comments

Bob Hale	EDC, BOE
Joan Walker	Library Board, MADE
Al Goldberg	Pension Boards,
Tom Banisch	BOF, Budget Referendum
Bruce Wilson	Senior Services Committee, P&Z,

12. Adjournment

There being no objections, First Selectman Banisch adjourned the meeting at 8:19 p.m.

Respectfully submitted,

Lauren Rhines
Executive Assistant