

MINUTES OF THE CHESHIRE TOWN COUNCIL REGULAR MEETING HELD ON TUESDAY, APRIL 14, 2009, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Matthew Hall, Chairman; Matthew Altieri, Laura DeCaprio, Sheldon Dill, Thomas Ruocco, Timothy Slocum, Timothy White. Absent: Michael Ecke and James Sima.

Staff: Michael A. Milone, Town Manager; Town Attorney Dwight Johnson; Joseph Michaelangelo, PW Director; Robert Ceccolini, Parks and Recreation Director; Paul Calaluce, Assistant Superintendent of Schools.

Chairman Hall read the fire safety announcement.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Proclamation for Alcohol Awareness Week.

Chairman Hall read the proclamation for Alcohol Awareness Week, April 20th in Cheshire.

B. Consent Calendar Donations Recognition.

Chairman Hall read the list of donations from January through March 2009. (Copy attached to the minutes)

C. Road Assessment Presentation.

PW Director Michaelangelo introduced Gordon Daring from Vanasse Hangen Brustlin, Inc. This firm performed the inspection and compiled the study of Cheshire roads in the Fall of 2008. Mr. Michaelangelo noted that the report will be a "living document" to be updated annually, to manage and plan for Town road improvements.

Gordan Daring informed the Council that the project started last Fall with his firm's representatives conducting an inspection of the streets and roads in Cheshire. A good part of the winter has been spent meeting with Public Works and Engineering staff, building a data base, and development of this tool which staff will use going forward. The purpose of the project is to deliver a data base, a set of tools, and guidance with regard to a process to gain the biggest benefit possible from the available budget of the Town for roadway improvements and maintenance.

Mr. Daring did a power point presentation which highlighted the contents of the report. It included pavement management concepts, pavement management in Cheshire, and the firm's recommendations to the Town for its roads.

A copy of the report is attached to the minutes.

In his presentation, Mr. Daring reviewed the process of pavement inventory, distress identification and quantifications, PCI index calculation 0-100, defined repair strategies and costs, testing various budget scenarios, list of road candidate projects, and application of engineering and local judgment to define an annual road program.

Mr. Daring explained the life cycle of a road and its pavement deterioration curve, going from excellent to failed. He said that Cheshire's pavement condition index is 76 out of a PCI of 100 which is at the preventative maintenance level. On a pie chart, Cheshire's roads were broken out into routine maintenance, preventative maintenance, structural improvement and base rehabilitation. Funding scenarios for pavement only were Historic funding, \$1 million per year for 10 years, Maintain PCI, \$1.3 million per year for 10 years, Improve PCI \$1.8 million per year for 10 years. Future pavement condition comparisons 2008-2018 indicate the roads will require improved PCI, along with PCI maintenance.

Development of Annual Road Programs requires determination of effective funding levels, allocation of annual budget to high benefit roads and analyzes effect on overall townwide conditions, and engineering judgments to adjust the program to reflect coordination with other projects.

Recommendations include budgeting adequate funds to achieve pavement condition goals, using the right tools at the right time in the right place, timely maintenance repairs, addressing major rehabilitation needs, perform project level testing prior to major rehabilitation projects ensuring proper life of new pavement, provision for construction inspection to ensure quality material is proved and quality work is performed.

Mr. Daring's report also recommended that the data base be updated to reflect projects that have been done, tracking of specific and overall road conditions periodically, evaluation of available funding, development of multi-year programs, update of pavement condition ratings on a regular basis.

Town Council question and comments

Mr. Altieri commented on citizens thinking their road is worse than the ratings show and if there is a way to take citizen input and if this was factored into the report.

In response, Mr. Daring said if these comments are received, the staff will have the data base tools to address them, do the evaluation and adjust numbers if necessary.

With a PCI 51-72, Mr. Altieri said they might drop into the need of repair, getting more expensive, and asked how long can roads be resealed, chip sealed, thin overlay before major repairs are needed.

This depends on the traffic on the road and Mr. Daring explained some heavily traveled roads will deteriorate more quickly, and maintenance treatments last for a shorter period of time. With good maintenance, well designed pavement, a heavily traveled road could go 20 years before needing resurfacing.

Mr. Altieri asked how many hours were spent doing the inspection, study and report and training of staff.

Mr. Daring advised that there were 2 staff people in the field; 5 miles per person per day were covered; this was spread over 1 ½ months in the field; so it was about 30 person days. All the firm's staff are trained, experienced people, who go through annual training and recertification. There is a quality assurance check, minimum 10%, and more than this was done in Cheshire by a second inspector/rater. One of the people doing the Cheshire ratings had 40+ years of experience with pavements.

Mr. Slocum asked if the consultants were the ones who found the problems with the bridge over Honey Pot Pone, and whether they looked at pavements for other projects.

Mr. Daring said it was not his firm, and they did not report on any pavement issues with other projects.

Mr. White asked about the list of streets and road sections needing the most repairs and maintenance.

According to Mr. Daring this is all in the full report, which is being reviewed by staff now, and will be distributed to the Council.

Mr. White commented on the \$1 million referendum passed for road projects, and asked if there are any roads in this referendum that are not included in the \$4 million most needed pavement upgrade list.

The Council was informed by Mr. Michaelangelo that the fall referendum did not have roads attached to it. All the roads cannot be done for \$1 million, and this funding will be spread out, similar to the pie chart in the report. The roads for next year have been set, and the theory is not to do the worst roads first, but distribute the funds throughout all the roads.

Mr. White disagreed saying we should go after the worst roads first. He asked about the sealant used before the roads deteriorated greatly as an initial fix, and if this had been previously discussed.

Mr. Michaelangelo said it depends on the kind of sealant being used. Crack sealing is one which a thin layer of oil and stone is ground in, and has its place. If this were done in Cheshire it would be done on a road without front lawns up to the pavement. Chip seal has its purpose and has been used, but there are roads on which he would not use it. Another sealant is crack sealant, which seals small cracks in the road, and 1% of the pavement budget on crack seal could go a long way.

Ms. DeCaprio asked for clarification that some of the roads are not in the higher end of need, but putting money toward them now would save money in the future.

In reply, Mr. Daring said he understands it is difficult to explain to residents on a street in bad shape why their road would not be improved, and instead maintenance is being done on a road in better condition. Part of the explanation is that by doing this the Town is using their tax dollars most effectively.

Chairman Hall thanked Mr. Daring and his firm for their work and his presentation to the Council.

D. Public Comments

4. CONSENT CALENDAR.

MOTION by Mr. Dill; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #041409-1.

BE IT RESOLVED, that the Town Council approves the Consent Calendar for April 14, 2009 as follows:

- A. Acceptance of a \$225 reimbursement from the State of Connecticut Fire Commission and appropriation of said amount to the Fire Department Gift Account.
- B. Acceptance of \$300 in administrative funds payment from Operation Fuel and appropriation of said amount to the Cheshire Fuel Bank.
- C. Acceptance of a \$116.34 donation from Lucy Wojcik and Appropriation of said amount to the Human Services Gift Account for Food gift cards.

- D Authorizes the Finance Director to execute Acknowledgment and Consent forms and pension documents.
- E. Acceptance of a \$50 donation from Mr. and Mrs. David Rochford And appropriation of said amount to the Police Department Gift Account.
- F. Authorization to apply for the FY 2010 Historic Documents Preservation Grant Program.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Authorization for utilization of funds from the Board of Education Building Maintenance Capital Non-Recurring Account.

MOTION by Mr. Dill; seconded by Mr. Altieri.

BE IT RESOLVED, that the Town Council approves Resolution #041409-2

RESOLUTION #041409-2

BE IT RESOLVED, that, per the request of the Board of Education, the Town Council approves the utilization of \$78,180 from the Capital Non-Recurring Building Maintenance Fund for unforeseen repairs for the boilers at Cheshire High School.

Discussion

Mr. Dill advised that this matter was addressed at the Budget Committee meeting, with the BOE needing the full \$78,180 for the boiler project.

Mr. Ruocco asked about how the numbers worked out with the allocation of \$78,000, and a \$48,000 cost overrun, and how this happened.

Frank Biancore, Maintenance Director Cheshire High School, explained that the first boiler bid included the last 4 sections that were rotted from the outside and could be seen. When the boiler was torn down to the first section, the manufacturer came back to check, and found 8 more sections damaged, and had to be replaced. These sections could have been left in place with a different gasket, but there would be no 10 year guarantee, and they would last about 2

years. There is now a written 10 year warranty on the boiler. The second boiler had spots, it was ripped down, and had 14 bad sections to be replaced; the manufacturer recommended they be replaced; and now it has a 10 year warranty. There is no problem with boiler #1 yet, but the manufacturer has recommended it be ripped down due to the way the boilers were installed.

When the boiler replacement went out to bid, Mr. Slocum asked the age of the boiler at that time.

The boiler was 9 years old, and Mr. Biancore said there was no guarantee because it was not put together the right way. Now, they have been inspected by the manufacturer and there is a warranty. Each section weighs about 600 pounds, and if they are not put together correctly, they move, and problems are caused. H.B. Smith gave the Town a discount on the parts, and now there is a written warranty for everything. The Norton boilers were inspected by the manufacturer, and now all boilers are inspected and cleaned annually. Two buildings have H. B. Smith boilers with gaskets without problems...Highland and the high school. At this time none of the boilers have problems, and they have annual cleaning and inspections.

VOTE The motion passed unanimously by those present.

B. Award of bid and clarification of authorization for the Humiston Sprinkler Project.

MOTION by Mr. Dill; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #041409-3

RESOLUTION #041409-3

BE IT RESOLVED, that the Public Building Commission is hereby authorized to accept the low bid of L.A. Rosa of Wolcott, Connecticut, in the Base A amount of \$285,000, and a Base B amount of \$113,000, and award the Humiston School/Central Offices Fire Protection and Life Safety Project to said vendor, as recommended by the Public Building Commission, and authorizes the Public Building Commission to proceed to schematic design phase. The Town Manager is authorized to execute the contract pursuant to this award and the Town's Bid Documents, upon the approval by the Town Attorney as to form and legal sufficiency, and

BE IT FURTHER RESOLVED, that the Town Council has assigned these two projects for Fire Protection and Life Safety for Humiston Central Offices (State project #025-0095CV) and Humiston School (State project #025-0096CV) to the Public Building Commission, pursuant to the capital project adopted resolution.

Discussion

Mr. Michaelangelo said this is a code improvement project approved 2 ½ years ago. The PBC decided to go through Salamone Associates. This is a fire sprinkler system and door way work, on both the classroom and BOE sections of the building. The project is going through the State for some reimbursement costs. Construction starts during the summer and through the fall.

VOTE The motion passed unanimously by those present.

C. Clarification of authorization for the Cheshire High School Elevator Project.

MOTION by Mr. Dill; seconded by Ms. DeCaprio

BE IT RESOLVED, that the Town Council approves Resolution #041409-4

RESOLUTION #041409-4.

BE IT RESOLVED, that the Town Council, by its approval of the bid award and pursuant to the Code of Ordinances Section 2-28, and the capital project resolution which assigned this project to the Public Building Commission, designates said Public Building Commission as the School Building Committee for this project, and

BE IT FURTHER RESOLVED, that the Town Council had authorized and so authorizes the Public Building Commission to prepare a schematic design for the Cheshire High School Elevator Replacement project. The Town Council has also approved, by resolution, and so approves, the schematic designs (also identified as “final design”).

Discussion

Mr. Michaelangelo said the Town is dealing with the State on the reimbursement for this project, and there was an issue with the language in the resolution for “final design”. The State wants the language to read “schematic design” in the Council approval.

Supt. Calaluce noted that the Town ordinance refers to schematic design, but the State would not take an ordinance, and wants the exact wording to go forward.

VOTE The motion passed unanimously by those present.

D. Authorization for easement agreement with Brodach Builders for Richmond Glen.

MOTION by Mr. Dill; seconded by Mr. Altieri.

BE IT RESOLVED, that the Town Council approves Resolution #041409-5

RESOLUTION #041409-5.

BE IT RESOLVED, that the Town Council hereby authorizes the execution of an Easement Agreement by and between the Town of Cheshire and Richmond Glen, all of Cheshire Connecticut, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement in the form and upon the terms and conditions as presented at this meeting.

Discussion

Attorney Anthony Fazzone represented the developer, Brodach Builders. He said that the Town of Cheshire owns a 50 strip of land at the end of Buckland Drive. Mr. Fazzone displayed a board of the area being discussed, with highlighted area of the 50 foot parcel of land. This land was deeded to the Town at the time Town Farm Estates was approved in 1992 (Buckland Drive is part of this development). With a cul de sac of this nature, Towns and Planning Commissions have required that applicants/developers provide for extension of the road, ending in a cul de sac or short of the abutting property, to the abutting properties. This was done in this case. Mr. Brodach is seeking an easement through that parcel of land which was intended to be a right of way for future road uses. In 2005, Brodach Builders received PZC and IWW approvals for a 41 unit age restricted housing, with 39 free standing units and one building with two houses. In the Fall of 2008 Brodach Builders received WPCA approval to provide sanitary sewers and hook up into the system in Buckland Drive. Feasibility approval was received in 2004 and final design and award of capacity was given in 2008.

According to Attorney Fazzone, Brodach needs this easement to connect to the sewer system. Planning and Zoning Commission approval, and Fire and Police Departments looked for an alternate access into the property for safety purposes. A 20 foot wide gated access way was approved, close to the end of Buckland Drive's cul de sac. Sidewalks would be in the easement for walking and for emergency purposes only, but the gated access way was for emergency purposes only. The easement would be used to connect to the public water supply system which the developer would build within the development and connect to Buckland Drive to create a looped system benefiting the properties on Buckland Drive and Richmond Glen. This would supply water to both areas from the opposite direction, if there were an emergency.

All the infra structure, road, sewer, private access way, will be private, built by the developer, maintained by the homeowner's association, without any cost to the Town, and Richmond Glen roads will remain private roads. Attorney Fazzone said he has worked with Attorney Mulvaney on the terms and form of the easement, with suggestions from Ms. Mulvaney incorporated. If the easement is

granted, as written, and the Town decides to improve the road into Richmond Glen, and the road becomes public, then the easement is no longer necessary.

On the map displayed, Mr. Fazzone pointed out the areas of interest, Buckland Drive, Richmond Glen, the strip of land, for the Council.

Chairman Hall asked about the strip of land deeded to the Town, and if PZC stated a purpose for it. He also requested that Attorney Fazzone provide copies of the deed, maps, and subdivision approvals to the Town Attorney's office.

Mr. Fazzone said the map states it is a 50 foot right of way for a possible, future, road extension, and the deed is an absolute deed.

Mr. Slocum, a former PZC member, stated that he does not recall this type of subdivision with an easement, and asked how many things are hidden in developments which require the Town to grant easements.

In response, Mr. Fazzone said this has been a policy for developers to put in a cul de sac 10 feet from an abutting property (called spite strips), and get money for the property from the abutting neighbor. These strips of land are around and have been used. When this development was approved the applicant had to show comparison with a conventional subdivision. Historically, you show the road extending, PZC would approve it, and the Town would accept the improvements in the road, and the right of way was already there.

Mr. Slocum said that, theoretically, a cul de sac in Strathmore could connect because of an easement the Town owns. He noted that the Town could have to make decisions like this in the future.

Mr. Fazzone said that was correct.

Mr. Slocum asked about the amount of money set for the road repairs in 2006, at a cost of about \$70,000. In the agreement put together, this number has not changed, but maybe the Town's advantage has been disadvantaged. He asked if this was the actual cost and if they would cover all the road improvement work.

The road improvement work has been done and Mr. Fazzone said he is not sure if this cost covered all of it.

Mr. Michaelangelo explained that the number was agreed upon based on the frontage the property had and to remove the sight line. The agreement between PZC and the developer was that in lieu of the developer doing the work, he would turn it over to the Town to do the work. Wiese Road was on the capital road project schedule several years ago, and Mr. Brodach was approached because the project was ongoing. With the tenuous nature of the WPCA approval, Brodach did not want to commit to paying the money up front. Mr.

Michaelangelo is not sure if this money has been delivered to the Town yet. The improvements to Wiese Road were taken care of with Town funds, but they did incorporate the design for this project. At this time, he is not sure of the status of the money. The plan of profile was along the property and the key item was the sight line. The plan prepared by Milone and MacBroom was followed for the road project.

It was Mr. Fazzone's understanding that the amount of money was not to cover all the expenses of the road improvements but certain aspects to improve the sight line.

Mr. White asked for any benefit to the Town of granting this easement, and he heard one benefit which would be dual water supply, and offsetting that he heard mentioned road improvements by the Town and it becomes a public access road, and its impossible..

Attorney Fazzone explained that he said the easement provides, if the Town decides to extend the road in the future, and build a Town road...the easement would go away, and no longer be valid, and it would be a Town road. He does not know why the Town would do this.

Chairman Hall said the purpose of Mr. Fazzone's comment might be to say the easement would not impede the Town from extending the road all the way through as it saw fit.

Mr. Fazzone said that Brodach believes the taxes generated from an age 55 development would be beneficial to the Town. In comparing this development to Stonegate, the average assessment is \$350,000, or \$9,000 to \$10,000 taxes per unit. Some arguments are made that people move out of larger homes into smaller age restricted units, and families with children move into the larger homes.

Mr. White asked if Mr. Fazzone knew how many age restricted developments there are in Town.

In his estimate, Mr. Fazzone said there are about 100 units in Cheshire.

Mr. White does not see a tax benefit in the first year for this development.

During the PZC presentation, Mr. Fazzone said an analysis was done, and the development was positive for the Town.

Public Comments

David Schrumm, Sir Walter Drive, commented on the easement agreement, page 5, item 5, and concerns about the access gate and the road being more public. He believes the rights will have to be passed onto the homeowner's

association for the road maintenance. He also commented on what happened with the Strathmore subdivision dam and an association that was never formed to take care of it and made a comparison with this development. Mr. Schrumm noted there is no such statement in the agreement about the HOA taking care of this property.

With the Wood Pond subdivision, Mr. Fazzone said each owner got title to the lots without formation of a homeowner's association. With Richmond Glen, this is a condo development, and before the first c/o can be issued there must be a homeowner's association in place. Brodach Builders has no objection to the rights to the road being assigned to the homeowner's association. Conveyance of the units cannot occur without the declaration being done.

In the PZC approval, there is \$70,000 for improvement of Wiese Road, and Mr. Schrumm asked if the \$70,000 mentioned in the document suggests this is another \$70,000 to get the easement...or are they using the same \$70,000 twice.

Mr. Fazzone explained that the \$70,000 is the developer's agreement with respect to the improvements to Wiese Road, and there is not another \$70,000.

It was stated by Mr. Schrumm that this matter was turned down by the Council a few years ago, and now is back again, and he asked what is the benefit to the Town. The Council is the landlord and owner of Cheshire property. He sees no benefit to the Town for this easement to be granted. The timing is backwards; this connection should have been gotten before going for other approvals; and there is a significant strain on the water treatment plant. This approval would set a precedent for future easements to be carved out like little corridors, and they are usually between two private property owners with costs involved. Mr. Schrumm does not see Cheshire getting any benefit from this easement, and had never heard this being done before. This is a 41 unit ARD, which will have a demand on Town services, impact on the school system with the sale of houses to families with children. He noted that the land around Town Farm was for open space. Now, we are taking some of this green space and permitting a higher density development. This is a bad precedent in a good section of Town...putting high density development in an area which is supposed to be conservation land or open space, rural farm land. This is one of the last areas in Cheshire with open meadows and areas of open space. Mr. Schrumm said this developer could put single family homes, lower density with on site septic systems on this land, rather than something as big as planned, with connection to the sewer system.

Mr. Schrumm stated that in February 2008, Brodach made application for this development to the State to change the State Conservation Map for Cheshire. This project should not be built, would not have been built, under the State guidelines...or at least not had sewers...and the motion before the Council tonight would have been moot and unnecessary except that the State changed

the map for this parcel of land, allowing sewers. The Council let this go through, did not understand what was going on, and on a late night in February 2008 in executive session, decided not to make any comments to OPM about this map change.

Mr. Schrumm stated the OPM came back and asked if Cheshire was sure it did not want to comment on the map change...and nothing was said. PZC, IWW, WPCA was not adequately notified, and in Hartford the map got changed. In the OPM minutes, it says "The Town of Cheshire had no comment." The Town chose not to say anything about a project, a change in the Conservation Map, which would impact the sewer system, school system, and other things in Town. This was a horrible mistake by the Town Council, but the Council can "right or wrong" this decision at this meeting on this motion. At the meeting in Hartford, Attorney Fazzone and Milone and MacBroom were present...and the minutes of OPM state that no one from Cheshire showed up. Even the Regional Planning Authority tried to get Cheshire to comment, and the response from Town Hall was that this was a little bit too sensitive and nothing would be said.

Attorney Fazzone responded, stating that the Council did not turn down this matter before, and it came to the Council after receiving WPCA feasibility approval. The chronology was, that before there was an awareness of the Plan of Conservation and Development Map of the State of Connecticut, WPCA granted feasibility approval. The developer then got PZC, IWW approval and went back to the WPCA for final approval, and this is when everyone became aware of the Map. They went to the legislature, and every aspect of the Town should be aware of opportunities that exist to make changes in the Map. Mr. Fazzone said not much attention was given to the Map when the Towns were asked to comment on them, and opportunities were lost. There are commercial and industrial properties in Cheshire that are labeled as conservation land. At the OPM meeting, the voting was unanimous; all local approvals were there for the applicant; and the concept of the OPM minutes is that the legislature intended for the Map to be a bottoms up approach, not a top down approach. This means it is not the State telling you what can and cannot be done. By the end of next year the Map must be re-drawn and the Town has every opportunity to comment on what should be in the Map.

After all the approvals, Mr. Fazzone represented Brodach, and came to the Council for the easements. It was referred to a committee, and that is when the issue of the WPCA was known, and it sat there, with no vote of the Town Council. Mr. Fazzone has had discussions with the Town Manager and WPCA and thinks it is an exaggeration to state that the sewer plant is strained. He thinks someone needs to analyze, accurately, what the actual flows in the plant are, how they are determined, and what the capacity really is. This ARD project cannot be built with an on-site septic system. There was a subdivision approved which showed extending Buckland Drive into this property as a public road. Mr. Fazzone said his client is asking for less of an intrusion to the neighbors on

Buckland Drive. This strip of land is not part of the Town Farm open space property.

Tara Perry, 466 Academy Road, commented on the open space around this property, and questioned the benefit to the Town of this development. Supply and demand does not make sense for an age restricted use. There are more than 100 ARD units in Town, and demand and supply does not make sense for this housing. There is an apple orchard in the area which brings tourism to the Town, and with this easement, the sight line is changed. The actual units will be seen closer to what is seen now, and will change the sight line. People come from all over New England and the country to Cheshire CT for Fall tourism and apple orchards. Destroying the sight line will stop some of the tourism. When people come to Town they visit the stores, restaurants, and other small businesses, and this will be a huge loss. A few years ago a cell tower was proposed for this land, and people were against it because of ruining the beauty of the area. Ms. Perry said we want to keep agri-tourism in Cheshire. The sewer plant was at or near the end of its maximum, and on election day there is always a question on the sewer plant for more money. She has voted no, because she does not want taxes going up, especially in this year. Ms. Perry commented on the proposal for the easement not being a public access way...it is closed, gated, with a sidewalk for people to walk on. She said Buckland is quiet neighborhood, and with this public access way there will be strangers living in the ARD units walking through the neighborhood area. She does not want this development to happen, even with a homeowner's association that promises to take care of things.

Tim Perry, 466 Academy Road, said this is opening pandora's box to change maps to make developments work and this is not the way to do business. With 41 units in this development there should have been more than one plan with a smaller development not requiring an access road through Town property, with less impact on the surrounding area. Mr. Perry said granting this easement means the next person must get an easement, and this is setting a precedent for other developments.

Chairman Hall requested that Town Manager Milone provide the Council with copies of all PZC minutes on the Brodach application approvals, supply and demand issues, how many ARD units in Town. He requested the Town Attorney provide information on the Council's parameters with respect to the approval and latitude of the Council under the Town Charter and Code of Ordinances with respect to this decision, and what precedents would be set.

Chairman Hall said this matter may be referred to the Planning Committee, and will be up for a vote on the May 12th Council Agenda.

The motion on the floor was withdrawn by Mr. Dill and Mr. Altieri.

E. Waiver of bid for pool bubble removal.

MOTION by Mr. Dill; seconded by Mr. Altieri

BE IT RESOLVED, That the Town Council approves Resolution #041409-7.

RESOLUTION #041409-7

WHEREAS, the Community Pool Bubble must be removed in late Spring, and

WHEREAS, the Director of Parks and Recreation has represented and the Town Council finds that it is in the best interests of the Town to utilize the same vendor that has installed and removed the bubble since the opening of the pool. Since their experience is knowledgeable and they have an excellent working relationship with the Town, and

WHEREAS, since this vendor installed the bubble in September 2008 at a cost of \$19,500, and the additional work to remove the bubble in the Spring of 2009 at a cost of \$19,500 will incur total fiscal year costs to said vendor to exceed the Town's \$24,000 bid limit for construction services, requiring a waiver of bid to utilize this vendor for the Spring removal,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-c-11 of the Town Charter approves a waiver of bid for the removal of the pool bubble, and

BE IT FURTHER RESOLVED, that the Town Manager or his designee are authorized to contract with said vendor, Hemispheric Air, for said bubble removal project.

Discussion

Parks and Rec Director Ceccolini informed the Council that this is the same company for Spring and Fall work for the bubble to go up and come down. Hemispheric Air does an excellent job; they know how to get the job done, get the webbing down, fold it a certain way for storage; and the company has held the price for two years.

Mr. Ruocco asked whether the price will be held or if it will be negotiated.

In response, Mr. Ceccolini said the price for the Spring has been negotiated, and it is held firm, but there may be a change for 2010.

VOTE The motion passed with 6 in favor and 1 opposed (White).

Director Ceccolini advised the Council and the public that the pool will close on May 9th for the bubble to come down, and for the vinyl siding to be done at a

price \$15,000 lower than estimated. The closure will be until June 20th. There will be repair work on the lobby roof. If more money is spent on the pool projects than allotted, there is remaining money in the energy project to offset extra costs. People who have annual memberships will receive an additional month on their membership due to the weeks lost.

F. Amendment to the Energy Purchasing Participation Agreement with CCM Services.

MOTION by Mr. Dill; seconded by Mr. Altieri

BE IT RESOLVED, That the Town Council approves Resolution #041409-8.

RESOLUTION #041409-8

WHEREAS, the Town of Cheshire (the "Town") and TransCanada Power Marketing Ltd. ("TransCanada") entered into that certain Power Purchase Agreement dated February 6, 2007 (the "Agreement"), pursuant to which TransCanada agreed to sell and the Town agreed to purchase electricity supplies for the Town facilities listed in Appendix B of the Agreement for the period beginning with the billing cycle that commences after February 15, 2007, and ending coincident with the billing cycle that concludes in February 2012; and

WHEREAS, the Town wishes to participate in a re-pricing program coordinated by Bay State Consultants, LLC, pursuant to which the Town may review price proposals provided by TransCanada from time to time and extend the term of the Agreement by one (1), two (2), or three (3) years beyond February 2012, (the "Extended Term") and average the price offered for the Extended Term with the current price listed in the Agreement, to receive a blended price effective as of July 1, 2009, and continuing through the end of the Extended Term (the "Blended Price");

NOW, THEREFORE, BE IT RESOLVED, that the Town Manager and other proper officers are hereby authorized, directed and empowered to extend the term of the Agreement for a period of up to three (3) years beyond February 2012, and to agree to a Blended Price if the Town Manager believes that such extension and re-pricing are in the best interests of the Town; to agree from time to time in the future to re-pricing during the term of the Agreement if he concludes it is in the best interests of the Town; and to execute on behalf of the Town such amendments to the Agreement as may be necessary to consummate any such extension and re-pricing authorized by the Town Manager.

Discussion

Mr. Dill stated that this matter was discussed at the Budget Committee meeting relative to extending the contract and energy savings.

Mr. Jaskot explained that the Town has a contract with TransCanada through 2012, and will try to extend this contract up to 34 months. Based on today's activity the Town is paying \$9.72 per kwh and can lock in for \$9.45 per kwh.

Mr. Jaskot advised the \$9.45 per kwh starts July 1st, and this authorization would cover the Town through December 2014. The suppliers would also be willing to renegotiate the rate if there is an extension of the contract. Mr. Jaskot advised that the Town is trying to do the same thing with the gasoline contract. Natural gas is locked for the next year and a half.

Town Manager Milone informed the Council that this is a request for authority to renegotiate the contract. The rate is unsure, but approval is needed to look into the lower rate, and he will inform the Council of the revised rates.

With regard to the estimated savings, Mr. Jaskot said as of July 1st it would be about 3% locked in for 5 years based on today's pricing. And, savings could be up to 5%. The consultant advised the Town to lock in at the 3%.

VOTE The motion passed unanimously by those present.

G. Authorization to apply for an Environmental Protection Agency State and Tribal Assistance Grant for the Town's Sanitary Sewer Inflow & Infiltration improvements project.

MOTION by Mr. Dill; seconded by Mr. Slocum.

BE IT RESOLVED, That the Town Council approves Resolution #041409-9.

RESOLUTION #041409-9

BE IT RESOLVED, that the Town Council authorizes application for an Environment Protection Agency State and Tribal Assistance Grant (STAG) for approximately \$300,000 for the Sanitary Sewer Inflow and Infiltration Project.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report.

B. Departmental Reports.

C. Other reports.

- Financial Statement – will be e-mailed to the Council within a few days.

- CRRA – The CRRA Policy Board met today and the Board approved the resolution to disburse \$26 million from the operating account to the five towns. Cheshire receives 13.01% of the \$26 million. Mr. Milone reported that Cheshire will receive about \$3.4 million from the CRRA disbursement within the next few months. It is expected to be received before the end of the fiscal year. Budget Committee Chairman Ecke spoke about this money during the budget process, and there will be a meeting scheduled to discuss the utilization of this money. Mr. Milone explained there is \$18 million still in the tip fee fund, and this will be distributed after the project ends in June 2010.
- Stimulus Package Funding – Not much has been learned about what is likely to happen, but Mr. Milone said it appears that three of the Town's projects will get funded: Marion Road Curve for \$200,000; West Main St. Streetscape \$200,000; Wiese Road culverts \$40,000. Cheshire will see about \$440,000 from this package for these priority projects. The balance of the projects is not known at this time. There are \$900,000 in Town projects in Tier 2, but there are no other decisions about the stimulus money. There is \$34 million in the energy related grants, but decision made on the disbursement process.
- Country Club Road Bridge – the estimate for this repair is \$550,000; there will be a design phase for this project, hoping to refine this number; and this project will be part of the Capital Budget. The bridge will be out of service for some time. If there is referendum approval for this project, it will not begin until next Spring, and it is uncertain what the construction period will be.

9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS

Attorney Johnson reported that the Town received several lawsuits from the revaluation, and more can be expected. He has had discussions with the Tax Collector on how these will be handled. There has also been a lawsuit filed against the Town in connection with the Highland Health Care Center as a result of the denial from PZC for its expansion request. The Town Attorney's office is evaluating this matter.

10. REPORTS OF COMMITTEES OF THE COUNCIL.

- A. Chairman's Report.
- B. Committee Reports.

Personnel – Mr. Altieri reported the committee will be meeting to review the Retirement Plan.

Planning – Ms Decaprio plans on meeting shortly regarding the building assessment, the request for growing sunflowers at Boulder Knoll and other items. She will also be meeting with the residents of the Mixville area on issues of concern.

Ordinance Review – Mr. Dill plans on having a meeting before the next Council meeting.

Mr. White asked about the status of renegotiations with the unions.

Mr. Milone will have a status report on each of the bargaining unions for the Personnel Committee meeting.

Audit – Mr. White commented on bogus auditors out there posing as CPAs with virtual offices, particularly with hedge funds, but said Cheshire's auditors are reputable, and he is working with staff on this matter.

C. Miscellaneous

11. APPROVAL OF MINUTES
Regular Meeting of March 10, 2009; Special Meetings of March 12, March 16, March 18, March 24, March 25, March 26, March 20, April 6, April 17, 2009; Public Hearings of March 18 and April 2, 2009.

MOTION by Mr. Dill; seconded by Mr. Slocum.

MOVED to accept the minutes of Regular Meeting of March 10, 2009; Special Meetings of March 12, March 16, March 18, March 24, March 25, March 26, March 20, April 6, April 17, 2009; Public Hearings of March 18 and April 2, 2009, subject to corrections, additions, deletions.

Chairman Hall clarified for the Council that communications/letters are part of the record, but not part of the minutes.

Ms. Milton, Council Clerk, informed the Council that all communications are part of the meeting record on file in the Town Manager's Office.

VOTE The motion passed 6-0-1; DeCaprio recused.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Mr. Altieri reported on the Pool Subcommittee which will have a meeting scheduled for information and general numbers on the pool being "seasonal" only. Town Manager Milone will provide this information to the committee.

Mr. Altieri reported on the WPCA issue regarding the type of impact fee which developers would pay in order to hook up to the sewer system. The question is whether this is good for the Town in generation of income; would it slow down development; would it hurt development in Town; but a policy has not been decided at this time. This will be an issue for the Council to consider in the future.

Mr. Dill reported that the Library Board is working on its Strategic Plan.

Mr. Dill reported that the EDC will meet later this month.

Mr. White reported that the Energy Commission sponsors Earth Day on April 18th at the Library, 10 A.M.

The Pension Board is considering an RFP for a new consultant and Mr. White said they are revising its Investment Policy Statement.

Mr. White reported that Human Services is sponsoring Alcohol Awareness Week, April 20th.

B. Appointments to Boards and Commissions.

MOTION by Mr. Slocum; seconded by Mr. Altieri.

MOVED that John Torello (U) be renominated as an Alternate to the Historic District Commission, term of office 2/1/09 to 1/31/12; Robert Deasy (U) renominated to the Environment Commission, term of office 4/14/09 to 1/31/13; Robert DeVyllder (R) renominated to the Environment Commission, term of office 4/14/09 to 1/31/12; Karen Bertoni (R) appointment to the Parks and Rec Commission, replacing Tim Garner, term of office 4/14/09 to 1/31/10.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Hall noted a letter to the Police Chief from a Peck Lane resident regarding traffic issues.

Mr. Milone advised there was a response to this letter which he will e-mail to the Councilors.

Chairman Hall reported on a letter from the Siting Council for modification of an existing telecommunications facility. The Council received a Certification of Notice Form, application to the EPA, from Supt. Dennis Dievert, on the permit application for the Waste Water Treatment Plant.

Mr. Slocum advised he received a letter from Kim Turrett about school back packs. Chairman Hall noted that Ms. Turrett made a presentation on this topic at the budget public hearing, and this letter was sent to all Councilors.

B. Miscellaneous

The Councilors wished Town Manager Milone a "Happy Birthday."

14. EXECUTIVE SESSION

A. Pending Claims and Litigation

B. Land Acquisition and Negotiation

C. Personnel Issues

15. ADJOURNMENT

MOTION by Mr. Dill; seconded by Mr. White.

MOVED to adjourn the meeting at 10:30 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk