

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:00 P.M. PUBLIC HEARINGS ON WEDNESDAY, FEBRUARY 13, 2019 IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Robert J. Oris, Jr. Chairman; Paul A. Bowman, Vice Chairman; Jeffrey Falk, Timothy Slocum, Peter Talbot, David Veleber.

Absent : Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco.

Staff: Sean M. Kimball, Town Manager; Al Smith, Town Attorney; Arnett Talbot, Assistant Town Manager; James Jaskot, Finance Director; Police Chief Neil Dryfe; Gerald Sitko, Economic Development Coordinator.

Dept. of Education – Vincent Masciana, COO and Mr. Clavet, Maintenance Supervisor.

Guests: State Legislators – Rep. Zupkus, Sen. Sampson, Sen. Abrahams and Rep. Linehan.

Chairman Oris called the meeting to order at 7:10 p.m.

**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. ITEMS FOR EXECUTIVE SESSION**

**A. Economic Incentives**

**B. Land acquisition**

Chairman Oris moved Executive Session to the end of the agenda.

**4. PUBLIC COMMUNICATIONS**

**A. Legislative Delegation**

Chairman Oris welcomed the State Legislators to the Council Meeting, congratulated them on their election to State office, and commended their work on behalf of Cheshire. Mr. Oris, the Council, and community look forward to the legislators advancing some of the legislative package items through the State Legislature.

Town Manager Kimball briefly reviewed Cheshire's Legislative Package recommendations.

Juvenile Justice Reform – recent changes to laws on juvenile crime penalties have resulted in an increase in car break-ins and thefts in the past year. The legislators are

encouraged to find a workable solution before there is escalation in the seriousness of these crimes.

Prevailing Wage – the State revised the threshold for construction projects to \$1M in 2017. Cheshire advocates for an increase in the prevailing wage for renovation projects to \$400,000, and new construction and renovation thresholds indexed annually to reflect the effect of inflation.

Binding Arbitration - Cheshire is requesting all binding arbitration cases pursuant to Section 7-473c, be concluded within a six (6) month time period from commencement of proceedings; there may be one mutual agreement of parties for a three (3) month time period extension.

Tax Exemption on Manufacturing Machinery, Equipment and Commercial Motor Vehicles – The Town of Cheshire is looking for the State to pay their fair share of these mandates to municipalities. The State has enhanced the program, while passing the total cost to Cheshire for a loss of \$1,968,101 in revenue.

Elderly/Disabled (Circuit Breaker) Tax Relief Program – In the FY 17-18 budget the State eliminated funding for this PILOT program, resulting in a loss of \$149,471 in the town's budget. This program funding is now totally borne by the town.

Small Town Economic Assistance Program (STEAP) Grant Program – This grant funding was awarded to Cheshire for the West Main Streetscape project and sidewalks along the Linear Trail. The Council encourages continuation of the STEAP funding, which has diminished over the past few years.

Business Development – There is continued Cheshire interest in the 45 acres of state-owned land in the I-C zone for development by the town or State. Cheshire is interested in acquisition of this property for development.

Compensation for Police Security During Strikes – The Town of Cheshire is requesting consideration of legislation that would reimburse municipalities for police security costs, i.e. police maintaining safety for union strike. The cost to Cheshire for CPD security at UTC facility during September 2018 strike was \$42,700, paid by the taxpayers.

Youth Vaping Prevention – The youth vaping has increased in many forms, including electronic nicotine, e-cigarettes and other forms. The legislators were requested to have the State take some action to reduce the youth use of these products, prevent sales of products to youth, and support vaping and nicotine use education and prevention programs.

Chairman Oris presented the most recent issue of "School Regionalization" to the legislators for consideration and comment.

Rep. Zupkus stated many bills have been submitted on the items in Cheshire's legislative package. She commented on some of the items in the package.

School Regionalization – This “regionalization” came about from the probate court system and layout of each region. Rep. Zupkus does not support this program, has heard opposition from constituents in all her towns, and said state governments should let the communities run their own school systems.

Juvenile Justice Reform – There are many bills moving forward on this issue, which is a massive concern for everyone.

Prevailing Wage – This is done through the State budget, and there is hope to work on this matter.

Binding Arbitration – Rep. Zupkus would be pleased with a one (1) year time period, and supports the six (6) month recommendation.

Rep. Linehan commented on some of the items in the legislative package.

School Regionalization – This is going to public hearing; it is not on a fast track; many constituents are opposed to it; some people are not interested in forced regionalization; the program is for districts with less than 40,000 residents and/or districts with less than 2,000 students; and there can be compromise on the issues involved. The bill is looking to entice very small districts to regionalize. Ms. Linehan advocates for Cheshire residents to submit testimony to the legislative committee on the regionalization proposal.

Chairman Oris stated a letter to the legislature will be coming from the Town Council and he is willing to testify on this matter at the State.

Youth Vaping – Rep. Linehan and Sen. Abrahams co-chair the Children's Committee and there is bipartisan legislation to stop vaping, using prior tobacco legislation for vaping legislation, raising the legal age to 21, looking at on-line purchases to insure person on the credit card is same as the person purchasing the products. Sometimes municipalities work harder and faster than the State, and Ms. Linehan encouraged Cheshire to move forward with local legislation on vaping issues.

Stating the fact that kids do not understand the risk of vaping, Chairman Oris does not want the State to drag on this matter, and there are concerns about Cheshire kids.

Sen. Abrahams stated this is a bipartisan issue. She will chair the public hearing with many bills to consider raising the legal age to 21. The Senate bills target the flavoring of vaping and making it illegal. The CDC reports a 78% increase in high school

students vaping. There is commitment to this problem; it takes time; municipalities can do things locally and more quickly; it is a statewide issue; and our kids must be protected. Ms. Abrahams has spoken to the public defender about the break-in issue and car thefts and the effect on communities.

Sen. Sampson commented on some of the items in the legislative package. He thanked the Council for submission of the package prior to the meeting. Sen. Sampson said he would not support any State budget plan which further aggravates problems for smaller municipalities with reduction in state aid. He has two commitments for the state budget...no new taxes and no cuts to municipal aide (which is actually a tax hike).

School Regionalization – Sen. Sampson said this is a great fear...that it will be incorporated into the governor's budget.

Juvenile Justice Reform – The car break-ins and thefts are statewide. As a result of prior policies in effect with loosening of criminal justice system penalties, many people are not accountable for crimes committed. Many legislators want to raise the age to 25 for juvenile crimes, which are on the increase.

Binding Arbitration and Prevailing Wage – Sen. Sampson supports the proposals in the legislative package on these items.

PILOT programs – elimination of these programs is a major mistake by the state government, and it is abusive to take away these payments from the towns.

STEAP grant program – this funding will not come back until there is a major change in the state economy.

Sen. Sampson informed the Council that the legislative process for proposed new bills starts about 10 days after the election. He recommended Cheshire's submission of the legislative package to the legislative representatives earlier in the process.

School Regionalization – According to Sen. Sampson, everyone supports voluntary regionalization for services, i.e. trash collection. With mandatory regionalization, the funding is taken away from towns and moved towards larger cities.

Juvenile justice laws changed in 2016, effective 2017, and the changes relate to how a judge can issue an order to detain a juvenile. Rep. Linehan read excerpts from her written report into the record. She said information comes from the public defender, DCF, Judicial Department, with many people working to handle problems across the state.

With judges referring cases to the Juvenile Review Boards, Mr. Slocum said the crime should fit where the matter should be referred.

Sen. Abrahams explained that the arresting officer determines where the juvenile will go after the arrest. These crimes must be looked at seriously with decisions on how to fix the problems.

Chairman Oris commented on the system being broken, not working in Cheshire and other communities, and escalating to the point where something bad will happen.

CPD Chief Dryfe stated that much of the information is based on real Cheshire cases. Police departments in other towns are talking about juveniles repeating crimes. In Cheshire we are seeing kids getting into garage doors and entering houses, with concerns about a possible tragedy. Detention programs have two criteria...it must be in the best interests of the child and not a public safety risk. He noted that kids stealing cars are not considered a public safety risk by judges. The information provided is good information, but advocacy programs which are proven to work are not funded in Connecticut. Chief Dryfe highlighted some facts about the juvenile justice system. The training school is closed; there are 24 juvenile beds in Connecticut for all offenses; there is a growing sense of frustration statewide on the part of law enforcement. The Police Chiefs Association will be providing testimony on the issues.

The information is helpful and makes the Council better informed, and Mr. Oris said the system is broken and needs to be fixed. This is a statewide epidemic with great concerns on the local level.

Sen. Sampson has served on the Judicial Committee since 2011, and reported that changes in the law come from the Malloy administration's "Second Choice Society" proposal. The legislature must reverse the current policy and have people in place who can make the criminal justice system one that works in the State.

Mr. Oris said the Cheshire elected officials work together in a bipartisan way, advancing things for the betterment of the community. The State Legislature should take a chapter out of the Cheshire book and use it at the State level to advance everything for the betterment of the State.

Regarding the juvenile justice issues, Mr. Talbot said he is sensitive to the issues. As an elected official in a voluntary position he tends to rely on the experts, and to him the person is the Chief of Police. When the Chief says there is a problem, the system is broken to the point of crimes escalating, there must be something going on, maybe taking something away from the judicial side. A good percentage of these kids are having other issues underlying why this is happening...and this must also be fixed. There needs to be some deterrent as the situation escalates and the fear that something very bad will happen. Mr. Talbot expressed appreciation to the legislators for their work on this growing problem.

Sen. Abrahams stated that without strong rules and holding kids accountable, we are doing them a huge disservice. She noted that car thefts and break-ins affect the quality of life in a community, and people in Cheshire care about their kids, holding them responsible for their actions. Ms. Abrahams thanked the Council for the Legislative Package which outlines what is important to Cheshire.

Item #8 – Compensation for Police Security During Strikes - The State of Massachusetts statute regarding reimbursement to Police Departments for safety protection during a labor dispute/strike was briefly discussed by the Council and Legislators. Mr. Oris said with this situation in Cheshire there is huge police officer overtime with their oversight, and there is no vehicle for passing on this cost...other than to taxpayers. This is a big concern. Town Manager Kimball stated the statute is being looked into and researched by the Town Attorney.

Bonding – Mr. Slocum questioned the Governor is stating there will be a reduction in bonding by 39% or \$500M.

Sen. Sampson watches the amount of bonding growing dramatically each year. In 2011 it was \$1.5B a year, and it is now +\$3B a year. There is a soft cap...\$2.4B. He has some confidence Gov. Lamont will be a different governor...and live within the reality of where we are now, with a major budget deficit.

Sen. Abrahams stated that some of the municipal funds given from the State have been transferred over to bonding...and an eye must be kept on managing costs and protecting municipalities. Regarding the PILOT Programs, many communities are suffering from under-funding these programs.

According to Rep. Linehan the bonding reduction will include school construction. Regarding "Business Development" and the 45 acres of State land, she said work was ongoing last year to transfer this land to Cheshire with approval of the governor's office. The State will not transfer the land for free if it is to be used for economic development...it can be used for open space. There was agreement to convey the land to Cheshire; the town would have to sell the land, giving half the money back to the State; and if not sold in three years the land reverts back to the State.

The Council will discuss this matter and Mr. Oris said information will be shared with the Legislators.

Sen. Sampson advised the committee will meet to talk about conveyance bills, with decisions to be made soon.

Mr. Bowman talked about the unfunded mandates which are killing municipalities, with the State having mandates which are not done themselves. The fiscal issues and having unfunded mandates hurts the taxpayers and the community. Mr. Bowman

talked about vaping definition and products involved, stating his support of raising the age to 21 years old and local ordinances governing the issues. He requested Legislators to get this going forward at the State. The people in Hartford are smart, listen to good ideas, and Mr. Bowman said it is critical to move the State forward in order to move the towns forward. The towns are counting on the State Legislators to represent them and get things accomplished.

Chairman Oris commented on the issue of forced school regionalization being against the State Constitution, Article 8 (State responsibilities relative to schools). This article says the State provides free education and funds it. He does not believe the State can mandate regionalization of school districts. He requested Legislators to look into the constitutionality of this issue. This is a massive, sweeping bill by Mr. Looney; it is pulling money away from municipalities and putting it into the bigger systems that have more union control; it is bigger government posing a bigger problem. Mr. Oris stated his strong feelings about this issue, the quality of the school system as a huge economic driver, people moving to communities for the school system, and their choice to spend whatever is needed to support the local school system. This should not be taken away from communities; the end result will not be good for everyone; and we should figure out how to help communities struggling for a better education for the children. Mr. Oris reiterated his opposition to the proposed regionalization plan.

In closing the discussion, Mr. Oris thanked the State Legislators for attending the meeting, and presenting helpful information to the community. The people in Cheshire want their town to be important to the Legislators with a strong voice in Hartford.

#### **B. Proclamation for Scouting Recognition Day**

Chairman Oris read the Proclamation for Scouting Recognition Day, February 15, 2019.

#### **C. Public Comments**

Derf Kleist, 251 Lancaster Way, posed questions on agenda items 9-D and 9-I, and where the funding will come from to fund them. He said 9-I is for expansion of sidewalks and this is appreciated in light of this dangerous intersection. The sidewalks will be an asset to the town.

### **5. APPROVAL OF MINUTES**

MOTION by Mr. Talbot; seconded by Mr. Slocum.

MOVED to approve the minutes of Regular Meeting of January 15, 2109, Special Meetings of January 15, February 6 and January 24, 2019, subject to corrections, additions, deletions.

VOTE           The motion passed unanimously by those present.

**6. CONSENT CALENDAR**

MOTION by Mr. Slocum; seconded by Mr. Veleber.

BE IT RESOLVED, that the Town Council approves Resolution #021319-1

**RESOLUTION #021319-1**  
**CONSENT CALENDAR FOR FEBRUARY 13, 2019**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for February 13, 2019 as follows:

- A. Acceptance and appropriation of a \$3,471.69 from the Cheshire Rotary Club to the Cheshire Fuel Bank.
- B. Acceptance and appropriation of a \$250 donation from YourCause.com to The Parks and Recreation Gift Account to be used for general purposes at the Dog Park.
- C. Acceptance and appropriation of a \$40 donation from Mr. and Mrs. Raymond Verner to the Human Services Gift Account to be used for the Senior Center.
- D. Acceptance and appropriation of a \$30 donation from Nicoletta Fasulo to the Jitney Bus Fund.
- E. Acceptance and appropriation of a \$121 donation from Tours of Distinction to the Human Services Gift Account to be used for the Senior Center.
- F. Acceptance and appropriation of \$100 donation from the Cheshire Garden Club to the Human Services Gift Account to be used for the Senior Center.
- G. Acceptance and appropriation of a \$1,097.16 donation from Cheshire United Methodist Church to the Cheshire Fuel Bank.
- H. Acceptance and appropriation of a \$5,342 grant from the Department of Mental Health and Addiction Services for the Local Prevention Council Grant to be used to fund substance abuse prevention activities.
- I. Acceptance and appropriation of an Emergency Management Performance Grant sub-grant award of \$29,262 with a \$14,631 Town match for the local emergency management program.
- J. Acceptance and appropriation of an aggregate of \$70 in anonymous donations To the Human Services Gift Account for general purposes.

VOTE           The motion passed unanimously by those present.

**7.     ITEMS REMOVED FROM CONSENT CALENDAR**

**None.**

**8.     OLD BUSINESS**

**None.**

**9.     NEW BUSINESS**

**A.     Discussion re: Workforce Investment Board Intergovernmental Agreement.**

Kathy Haywood represented the Northwest Regional Workforce Investment Board. She said the original agreement was in 2003, and the current agreement was redrafted last year and circulated to 41 towns, 40 have signed, and it awaits Cheshire's signature. The Board receives federal funds, provides employment opportunities, business service opportunities, and has worked with Mr. Sitko on many projects. The Board works with local businesses; 520 Cheshire residents have used the services; the services are also provided to veterans; there are programs for disabled community members; and there is increased economic development with the workforce in the community. There is a full service job center located in Waterbury CT; there is a good relationship with the Chamber of Commerce; and the organization uses social media. The agreement has been adopted; there is a Certificate of Insurance to Cheshire; and Council and staff were invited to visit and tour the job center.

Attorney Smith noted Article #6 talks about recouping some money from municipalities if a lawsuit arises in connection with the grant funds. He asked if this understanding is the town would be asked to pay more money than it receives in grants.

Ms. Hayward said that clause was a cause for concern. The Board is working with municipalities for understanding, and has numerous insurance policies for claims. A claim is usually between \$4,000 and \$8,000, with the money returned to the coffers. There is \$280,000 in unrestricted assets; these funds would be used first, and then insurance policies; there is a formula for charges to each community for any outstanding debt. Based on its use of the system with 520 residents getting services, Cheshire's liability is 3.3% of claim dollars.

There is a possibility the town could be charged with more money than it received, and Attorney Smith asked about deductibles.

There is a deductible, and Ms. Hayward will provide Attorney Smith with copies of the insurance policies.

MOTION by Mr. Bowman; seconded by Mr. Slocum.

BE IT RESOLVED, that the Town Council approves Resolution #021319-20

RESOLUTION #021319-20

BE IT RESOLVED, that the Town Council approves the Workforce Investment Board Intergovernmental Agreement as presented and attached, and authorizes execution of said agreement.

Discussion

Mr. Talbot asked if Attorney Smith was okay with proceeding on this matter based on the information provided.

In response, Attorney Smith said under State Statute authorizing inter-local agreements, there needs to be opportunity for public comment (not a public hearing) before the Council can take action.

In 2003 it was stated the first agreement was authorized, and Mr. Slocum commented on the 2018 letter which indicates this was an innovative approach by our past president in 2014. He asked about what level of federal intervention has enhanced this program, making it more worthwhile, and if it is encumbered in any way.

Ms. Hayward said the job programs in the 1960's and 1970's had different names, were always federally funded, and were inter-local agreements. 2014 saw many changes. The old act never stated "business" and the program must be business driven, with greater opportunity to service business hiring job seekers. A better job is now done with promotion of the work of the organization.

Chairman Oris asked for any public comments on the subject.

Mr. Oris was unaware of the number of people in the community getting services. He agrees the workforce development is important to support economic development, and people seeking jobs in the area. He will support the resolution, and noted 40 other towns have signed off on the agreement.

VOTE           The motion passed unanimously by those present.

**B.     Call for public hearing for the FY 2019-2020 General Fund Operating Budget, Water Pollution Control Department Fund Operating Budget, and Community Pool Fund Operating Budget.**

MOTION by Mr. Slocum; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-2

**RESOLUTION #021319-2**

BE IT RESOLVED, That the Town Council shall hold a public hearing at 7:00 p.m. on Tuesday, March 19, 2019 in Council Chambers, Town Hall, 84 South Main Street, Cheshire Connecticut to consider the proposed General Fund Operating Budget for fiscal year 2019-2020, the proposed Water Pollution Control Department Fund Operating Budget for fiscal year 2019-2020, and the Community Pool Fund Operating Budget for fiscal year 2019-2020.

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law.

VOTE           The motion passed unanimously by those present.

**C.     Discussion and possible approval of Legislative Recommendations.**

MOTION by Mr. Veleber; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-3

**RESOLUTION #021319-3**

BE IT RESOLVED, that the Town Council approves the 2019 Legislative Recommendations as presented and attached, as modified to include opposition to "School Regionalization."

Discussion

The Legislative Package included the following items:

Juvenile Justice Reform;

Prevailing Wage; Binding Arbitration;

Tax Exemption on Manufacturing Machinery, Equipment and Commercial Motor Vehicles;

Elderly/Disabled (Circuit Breaker) Tax Relief Program;

Small Town Economic Assistance Program (STEAP) Grant Program;

Business Development;

Compensation for Police Security During Strikes;

Youth Vaping Prevention

Mr. Talbot requested Town Manager Kimball to move the Legislative Package to December in the long legislative session (odd years) and to January in the non-budget year. This gets the package out in front and bills written based on the recommendations.

VOTE           The motion passed unanimously by those present.

**D.     Discussion and possible approval of bid waiver for Police Department Taser Devices and accessories and authorization to purchase.**

MOTION by Mr. Slocum; seconded by Mr. Veleber.

BE IT RESOLVED, that the Town Council approves Resolution #021319-4

**RESOLUTION #021319-4**

WHEREAS, the Police Department is purchasing the third and final round of replacement Electronic Control Weapons (ECWs) and

WHEREAS, the Taser company has provided sole source documentation, the Taser ECWs have worked well, staff is familiar with and trained on them, and are the only brand of ECWs used by police departments in Connecticut, and

WHEREAS, the Council finds it is in the best interests of the Town that Police Officers have dependable equipment upon which they are already trained,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8(c)(11) of the Town Charter, approves a waiver of bid for the purchase of said Taser ECWs.

Discussion

This program has been in place for three (3) years and Mr. Slocum said this is the final round and will fill the complement of tasers for police officers.

Chief Dryfe informed the Council that the funding for the tasers will come out of the CPD gift account, and this is year three (3) of the taser purchases. The tasers are an electronic device with a five (5) year warranty. It is time to replace them, and there has been 1/3 replacement every year. Four (4) spare tasers will be purchased for the department inventory. There are extra training cartridges being purchased, and each officer recertification requires firing two (2) practice cartridges.

VOTE           The motion passed unanimously by those present.

**E.     Discussion and possible action re: bulky waste collection**

MOTION by Mr. Veleber; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #021319-5

**RESOLUTION #021319-5**

BE IT RESOLVED, that the Town Council approves a special appropriation of \$290,000 for a curbside bulky waste collection, and further authorizes the Town Manager to exercise the option for said collection program in the solid waste collection contract.

**Discussion**

The last bulky waste collection in Cheshire was in Spring 2014, and Mr. Veleber said it is time to do another collection due to requests from many people in town for this service. With the extension of the contract with A.J. Waste Systems, there is a contract option for A.J. Waste to provide the bulky waste collection.

Mr. Slocum reported that the Budget Committee meeting agenda included the bulky waste collection. The \$150,000 rate is the same cost as 2014 charged by A.J. Waste. The other substantial cost is the \$99 per ton; 1125 tons were picked up in 2014; extra funding was put into the 2019 collection for increased tonnage. The source of the funding will come out of this year's operating surplus. If there was a budget crisis the bulky waste collection funds would be used for such a situation.

There is a 10% contingency based on the last tonnage costs, and Chairman Oris noted 2014 was \$260,000, and 2019 is \$290,000.

Mr. Bowman talked about his concerns with the bulky waste collection, supporting the program with a blackout period of 60 days between April and May. He does not want bulky waste on the streets during the spring when flowers are out and trees blossoming.

In that regard, Mr. Oris sees no reservations from Council members. The motion can be approved subject to a mutual decision on the best time to conduct the program, and what is in the best interests of the town.

The collection could be in April, or Mr. Slocum suggested in the Fall, excluding May...but not the summer.

Town Manager Kimball spoke about the 2014 collection program, which ran four (4) weeks in April. This year it could start in March into April, but there could be weather concerns. The new trash carts are delivered around April 1<sup>st</sup>, with a flyer outlining the various items for weekly collection, and the bulky waste information could be included in the information. This must be delivered to the company by February 14<sup>th</sup>.

The issue of encumbering the expense and holding off collection to the Fall was raised by Mr. Talbot. He is sensitive to Mr. Bowman's request and points he raised. The money could be encumbered by June 30<sup>th</sup>, and Mr. Talbot asked if A.J. would hold the price until September.

Mr. Kimball stated the contract reference is 2019, and there is a 2022 price.

Mr. Talbot supports encumbering the expense and doing the program in the Fall.

It was stated by Mr. Veleber that he agrees with Mr. Bowman's position, and Fall would be appropriate time for the collection.

Mr. Falk agreed with holding the bulky waste collection in the Fall.

Mr. Bowman supports a Fall collection so the town land is not distracted in the spring time with bulky waste.

Chairman Oris noted the resolution authorizes the bulky waste collection. The Council and Town Manager will work together on the best time frame for the community. Mr. Oris thanked A.J. Waste management for working with the town to do the program in a fiscally prudent manner, and putting the collection program into the contract. The Council is comfortable that the program will be undertaken and go well.

VOTE            The motion passed unanimously by those present.

**F. Discussion and possible approval of amendments to the Elderly Tax Relief Ordinance Section 17-6.**

MOTION by Mr. Veleber; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #021319-6

**RESOLUTION #021319-6**

BE IT RESOLVED, that the Town Council approves the proposed amendment to extend the Local Elderly Tax Credit Program Ordinance Section 17-6 as follows:

**Sec. 17-6. Property Tax Relief; owner's abatement program for certain elderly and/or disabled homeowners.**

*(a) (11) This section (17-6) shall be in effect for the Grant List of October 1, 2018 for FY 2019-2020 and for each year after until amended or repealed.*

This amendment becomes effective 21 days after publication.

Discussion

Mr. Veleber explained the program is extended and in effect until it is amended or repealed.

Chairman Oris noted the program is also for disabled homeowners.

VOTE           The motion passed unanimously by those present.

**G.     Discussion and possible approval of amendments to the Elderly Tax Freeze Ordinance Section 17-15.**

MOTION by Mr. Veleber; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-7

**RESOLUTION #021319-7**

BE IT RESOLVED, that the Town Council approves a proposed amendment extending the Elderly Tax Freeze Ordinance Section 17-15 as follows:

**Sec. 17-15. Elderly Tax Freeze**

- (a)     *Pursuant to the provisions of Connecticut General Statute 12-170v, eligible elderly homeowners may apply and if qualified, pursuant to said such statute, receive property tax relief as set forth in said Statute for taxes due on the Grand List of October 1, 2018 for Fiscal Year 2019-2020 and for each year thereafter until amended or repealed.*

This amendment becomes effective 21 days after publication.

Discussion

Mr. Veleber explained the program is extended and in effect until it is amended or repealed.

Chairman Oris noted the program is also for disabled homeowners.

VOTE           The motion passed unanimously by those present.

**H.     Discussion and possible approval of economic incentive for J&A Enterprises.**

MOTION by Mr. Slocum; seconded by Mr. Veleber.

BE IT RESOLVED, that the Town Council approves Resolution #021319-8

**RESOLUTION #021319-8**

BE IT RESOLVED, that the Town Council approves the Tax Assessment Agreement by and between the Town of Cheshire and J&A Enterprises, LLC under the terms presented, and authorizes the Town Manager to execute said Agreement.

Discussion

Mr. Sitko explained that J&A Enterprises has applied for a four (4) incentive assistance agreement. The incentive is valued at \$7,538, for a 7,350 S.F. motor vehicle repair facility, 1322 Waterbury Road, employing four (4) people, and it is similar to the existing facility. Personal Property value is estimated at \$30,000. The project was approved by the Planning and Zoning Commission on July 9, 2018. The EDC discussed and supports this application.

VOTE The motion passed unanimously by those present.

**I. Acceptance and appropriation of a \$386,100 Community Connectivity Grant Program (CCGP) for sidewalks along Jarvis Street from Lancaster Way to Linear Trail.**

MOTION by Mr. Bowman; seconded by Mr. Slocum.

BE IT RESOLVED, that the Town Council approves Resolution #021319-9

**RESOLUTION #021319-9**

BE IT RESOLVED, that the Town Council accepts and appropriates a \$386,100 Community Connectivity Grant for the construction of sidewalks along Jarvis Street from Lancaster Way to the Linear Park and authorizes Town Manager Sean M. Kimball to execute any and all documents for this grant acceptance.

Discussion

Mr. Bowman stated the Bond Commission approved this grant for the sidewalks in this hazardous area of Town, connecting the neighborhood to the Trail. It enables the town to negotiate with property owners, get to the design phase, and when completed the town will be proud of this project.

This grant funding was received by the town in 2019, and Mr. Slocum explained the grant application was submitted in 2016.

VOTE The motion passed unanimously by those present.

**J. Discussion and possible approval of award of contract for the design consultant for the development of the former Chapman Property.**

MOTION by Mr. Bowman; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-10

**RESOLUTION #021319-10**

BE IT RESOLVED, that the Town Council, per the recommendation of the Parks and Recreation Committee, approves the award of contract to “To Design, LLC” for \$31,000 for the preparation of a Master Plan for the former Chapman Property, including planning, design and public facilitation services, and further authorizes the Town Manager to execute said contract.

Mr. Bowman said this matter could be tabled and reviewed at a future date.

MOTION by Mr. Bowman; seconded by Mr. Slocum.

MOVED that the Town Council table this agenda item.

Discussion

Mr. Talbot supports tabling this matter. He noted the Parks and Rec Director is leaving his position on February 15<sup>th</sup>. It is important that the firm work with the new Director, and the matter should be delayed until the town has a new Director.

Mr. Slocum’s concern is the fact the money was allocated in the capital budget process for this search, and the Council was not involved in any element of the process. He believes there needs to be Council input prior to voting on this award of contract.

A comment was made by Mr. Talbot that it really goes against past procedure, in that the department and commission were involved in the process. As Park and Rec liaison he would accept being involved in the process, but the process should stay within the department and the commission.

It is Mr. Slocum’s understanding that if public property is involved for a capital project, the Council is involved. He believes a Council member should have been a party to the discussions...and Council liaison may not have been party to these discussions in terms of debate, planning process, who is the planner, etc. The liaison status is simply informing the Council about meetings with the commission. For the subject project there is a departure from the norm.

Stating his agreement with both Mr. Talbot and Mr. Slocum to some extent, Chairman Oris stated the Council is being asked to make a decision on something very important to the community...a strategic piece of property. He applauded the work of the committee, but needs to review RFP responses, more information etc. Mr. Oris supports deferring the matter.

VOTE           The motion passed unanimously by those present.

**K. Fire Headquarters Roof Project closeout report**

Mr. Bowman reported to the Council that this project was completed on December 19, 2018. It is hoped to get this type of report from PBC on all projects, as it is an analysis on whether the process could be improved.

Chairman Oris commended Mr. Bowman on being the genesis of this type of report, which is an evaluation of what is being done with spending of taxpayer dollars.

**L. Discussion and possible approval of bid waiver for design, bidding and construction administration for the Doolittle School Underground Storage Tank Replacement, and authorization to hire Silver/Petrucelli for \$8,640 for said work.**

MOTION by Mr. Bowman; seconded by Mr. Slocum.

BE IT RESOLVED, that the Town Council approves Resolution #021319-11

**RESOLUTION #021319-11**

BE IT RESOLVED, that the Town Council approves a waiver of bid per the recommendation of the Public Building Commission for the finalization of bid, bidding, construction administration, and grant application assistance for the Doolittle School Underground Storage Tank Replacement Project, and authorizes hiring Silver/Petrucelli and Associates for \$8,640 for said work since they are familiar with the project design, the scope of the project, and the State grant process.

Discussion

Mr. Bowman noted that Silver/Petrucelli has done lots of design work and engineering for Cheshire projects. He supports this resolution for the Doolittle School project. Any technical questions can be answered by the PBC and Director of Grounds and Maintenance and Mr. Masciana.

VOTE The motion passed unanimously by those present.

**M. Discussion and possible approval of bid waiver for design, bidding and construction administration for the Darcey School Underground Storage Tank Replacement, and authorization to hire Silver/Petrucelli for \$8,150 for said work.**

MOTION by Mr. Bowman; seconded by Mr. Slocum.

BE IT RESOLVED, that the Town Council approves Resolution #021319-12

**RESOLUTION #021319-12**

BE IT RESOLVED, that the Town Council approves a waiver of bid per the recommendation of the Public Building Commission for the finalization of bid, bidding, construction administration, and grant application assistance for the Doolittle School Underground Storage Tank Replacement Project, and authorizes hiring Silver/Petrucelli and Associates for \$8,640 for said work since they are familiar with the project design, the scope of the project, and the State grant process.

Discussion

Mr. Bowman supports this resolution. He has spoken with Mr. Clavet and confirmed that Silver/Petrucelli is in good standing with the Dept. of Education. The numbers are negotiated by Mr. Clavet and are down to the lowest prices, and Mr. Bowman is comfortable with negotiations going taking place on a regular basis.

A question was asked by Mr. Talbot about the difference in the Darcey and Doolittle prices, in contract documents...and why they are less.

Mr. Clavet informed the Council that it is due to difference in scope of work. The Doolittle tank is more complex project, and Darcey is a more simple project.

These are time sensitive projects, and Mr. Bowman noted they must be completed before start of school in Fall 2019.

VOTE           The motion passed unanimously by those present.

**N.     Approval to bid the underground storage tank removals at Humiston, Chapman and Dodd Schools.**

MOTION by Mr. Bowman; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-13

**RESOLUTION #021319-13**

BE IT RESOLVED, that the Town Council approves the specifications and authorizes the Public Building Commission to proceed to bid for the removal of underground storage tanks at Humiston School, Chapman Elementary School, and Dodd Middle School, per the request of the Public Building Commission.

Discussion

Mr. Bowman said these are just tank removals, not replacements, and must go out to bid. These are also time sensitive projects, and Mr. Bowman noted they must be completed before start of school in Fall 2019.

Mr. Masciana reported that this past summer the BOE went out to bid on tank removal from Highland and Dodd Schools. By doing Darcey and Doolittle we are getting to where the BOE needs to be with tanks expiring. With regard to bids, he advised there were 12 bids last summer, and more bids this year could keep the number under that of last year.

VOTE           The motion passed unanimously by those present.

**O.     Discussion and possible approval of bid waiver and award of contract for Design for the Cheshire High School Window Replacement Project.**

MOTION by Mr. Bowman; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-14

**RESOLUTION #021319-14**

BE IT RESOLVED, that the Town Council approves a waiver of bid per the recommendation of the Public Building Commission for the design, bidding and construction administration of the Window Replacement Project at Cheshire High School, and authorizes hiring Silver/Petrucci and Associates for \$17,900 for said work since they are familiar with the project and have agreed to hold their 2017 price.

**Discussion**

This is part of an ongoing project with Cheshire High School, with energy efficient windows provided by one vendor. There are some variables to be dealt with during replacement, and this is a time sensitive project to be completed by Fall 2019.

VOTE           The motion passed unanimously by those present.

**P.     Discussion and possible approve of proposed Ordinance Section 12-17(3) Re: Inland Wetlands Permit After-the Fact Fee.**

MOTION by Mr. Veleber; seconded by Mr. Slocum.

BE IT RESOLVED, that the Town Council approves Resolution #021319-15

**RESOLUTION #021319-15**

BE IT RESOLVED, that the Town Council approves the proposed amendment regarding Inland Wetlands Permit After-the-Fact Fee Section 12-17(3) as referred by the Ordinance Review Committee and as follows:

Section 12-17(3)

***AFTER-THE-FACT PERMIT.*** Application For permit filed after the regulated activities Have been commenced, to offset the additional costs to the Town in inspecting and monitoring the regulated services.

*Three (3) times the amount of fees that would have been due if the application was timely filed. This surcharge is in addition to Any other fines or penalties that may be assessed.*

This ordinance shall take effect April 1, 2019.

Discussion

This agenda item came out of Ordinance Review Committee after IWW noted people were applying for permits after-the-fact, which was less expensive. The regulated activity included an inspection fee; there was a cost difference; and this amendment would get permits prior to work being done.

VOTE           The motion passed unanimously by those present.

**Q.     Discussion and possible approval of proposed Ordinance Section 3-3 (e) re: Building Permit Late Fee Charge.**

MOTION by Mr. Veleber; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-16

**RESOLUTION #021319-16**

BE IT RESOLVED, that the Town Council approves the building permit late fee ordinance amendment, Section 3-3 (e), as referred by the Ordinance Review Committee, and as follows:

*Section 3.3 (e). As of April 1, 2019, and thereafter, a late fee for any work requiring a building or mechanical permit that is commenced prior to obtaining said permit shall be assessed as follows:*

1.     \$150 for each permit not obtained prior to commencing work plus
2.     200% of the permit fee, based upon the values of the improvements, not paid due to the failure to obtain the required permits.

This ordinance shall take effect April 1, 2019.

Discussion

This agenda item is before the Council for the second time, and Mr. Veleber has concerns about the resolution, as proposed. There is additional work on the part of the

building official; the town is looking for a late fee if work is done without pulling permits; and wants compensation for the department work.

The Council discussed the many issues related to this matter. People flipping houses do the work without permits, get caught, and there is no method to capture the costs. There should be something in place to get fees before the house is sold. An example was cited for "siding a house" project cost of \$10,000; fee is \$133 per permit (2 permits = \$266) plus \$150 fee per permit not obtained prior to start of work, +\$200% of the fee. There have been issues with people selling a house which had work done without a permit (before they purchased the house), and fees being charged to this seller. Banks now require title searches to be run on the land records and municipal records.

Mr. Kimball noted there is loss of tax revenue when improvements are not assessed on the property owner.

Councilors had concerns about this resolution and discussed tabling the matter.

MOTION by Mr. Veleber; seconded by Mr. Talbot.

MOVED to table Resolution #021319-16.

#### Discussion

Mr. Bowman has some concerns and said important points have been made on this issue, with further investigation needed on how to get the costs paid. He talked about the 200% of the permit fee, cited some examples of permit fee situations, and asked about there being exceptions to some of the permit fee issues.

Mr. Talbot questioned someone caught at closing on past permit fees for work done before they purchased the house, and why they are held responsible.

According to Mr. Veleber, the land records (in Town Clerk's office) are separate from the municipal records (in Building, Zoning Departments) and both are now required and searched by banks for closing on a house. Building permit fees for work done on the house, which are found to be outstanding, must be paid by the seller in order to close on the property.

VOTE           The motion passed unanimously by those present.

Chairman Oris recessed the Council meeting at 9:50 p.m.

Chairman Oris reconvened the Council meeting at 9:54 p.m.

**R.     Discussion and call for public hearing on proposed amendment to 2016 Plan of Conservation and Development for Highland Avenue Design District.**

**Councilor Bowman recused himself from this agenda item due to conflict of interest.**

MOTION by Mr. Veleber; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #021319-17

**RESOLUTION #021319-17**

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider the proposed amendment to the 2016 Plan of Conservation and Development regarding a Highland Avenue Design District that would be established as an overlay zone for commercial development, and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

**Discussion**

The Planning and Zoning Commission public hearing on this matter will be held on Monday, March 25, 2019.

VOTE           The motion passed 5-0-1 (Mr. Bowman recused).

**S.     Discussion and possible allocation of \$160,000 for the purchase of 55 Railroad Avenue.**

**Chairman Oris moved this agenda item to executive session.**

**T.     Appointment of Town Historian**

MOTION by Mr. Oris; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #021319-19

**RESOLUTION #021319-19**

BE IT RESOLVED, that, pursuant to Town Council Resolution #021412-6, as attached, and the Connecticut State Statutes Section 7-148 (5)(D), the Town Council reappoints Jeanne R. Stewart Chesanow of 214 Cornwall Avenue as the Cheshire Town Historian for the term February 1, 2018 through January 31, 2020.

VOTE           The motion passed unanimously by those present  
(Mr. Bowman was not in the room)

**10. TOWN MANAGER'S REPORT AND COMMUNICATIONS**

- A. Monthly Status Report - in Council packets**
- B. Department Status Reports: Police, Fire, Fire Marshal.  
In Council packets**
- C. Other Reports**

**Town Manager Kimball reported on the following:**

Automated Trash Rollout – this is on track for April 1<sup>st</sup>; Mattress recycling event is April 6<sup>th</sup> in Cheshire; Electronics Recycling is April 13<sup>th</sup> in Cheshire; Hazardous Waste Collection is April 27<sup>th</sup> in Woodbury.

FY 18-19 Budget – the budget is progressing well; estimated surplus is \$1.2M.

Bond Rating Presentation – the formal ratings presentations to S&P and Fitch were done last week; S&P rating of AAA is affirmed; Fitch rating should be affirmed in a few days.

FY 17-18 Audit – financial statements were “clean” opinions; reports indicate the town was in compliance with applicable laws, regulations, contracts, federal and state programs; the reports were filed on January 31, 2019.

Ice Storms – this year the storms have been heavy snow and ice; much of the material on hand has been used; the overtime budget is on track; and Mr. Kimball recognized the hard work of the PW crews with long and difficult hours.

Job Descriptions Review and Updates – the work of the Labor-Management Committee is completed with final recommendations, which will go to the Council Personnel Committee.

Mr. Veleber asked that collection sites be put out to the public so they are aware of the collection dates and towns.

Mr. Oris talked about the mailbox issues, community concerns on speed of plow trucks, and advised there are GPS devices on the town vehicles. If residents are concerned they can reach out to the PW Department. He commented on the professionalism and hard work of the Public Works crews who do their best for the community.

Town Manager Kimball commented on one issue related to the trucks, and advised there is a new vendor for the GPS System.

A copy of the Town Manager's Report is attached to these minutes.

## **11. REPORTS OF COMMITTEES OF THE COUNCIL.**

### **A. Chairman's Report**

Budget Committee – Mr. Slocum reported the budget workshop meeting schedule is coming out to Council.

### **B. Miscellaneous**

## **12. MISCELLANEOUS AND APPOINTMENTS**

### **A. Liaison Reports**

Mr. Veleber reported that the Planning and Zoning Commission will hold a public hearing on March 25, 2019 on the Highland Avenue District.

Mr. Veleber reported there is ongoing discussion regarding the merger of Youth Services and Human Services Committees.

### **B. Appointments to Boards and Commissions**

MOTION by Mr. Talbot; seconded by Mr. Veleber.

MOVED that the Town Council approve the following appointments and reappointments:

#### The Beautification Committee

Reappointment of Pat Archibald (D) term of office 2/13/19 to 1/31/21.

Reappointment of Maria Colacrai (D) term of office 2/13/19 to 1/31/21.

Reappointment of Susan Dillman (D) term of office 2/13/19 to 1/31/21.

#### Historic District Commission

Reappointment of Joseph Dattilo (D) term of office 2/13/19 to 1/31/24.

#### Public Building Commission

Reappointment of David Arai (D) term of office 2/13/19 to 1/31/23.

Reappointment of Steven Durkee (D) term of office 2/13/19 to 1/31/23.

Appointment of Richard Gusenberg (D) to fill the vacancy of Richard Levy, term of office 2/13/19 to 1/31/23.

Youth Services Committee

Reappointment of Tom Bergvik (D) term of office 2/13/19 to 1/31/21.

VOTE           The motion passed unanimously by those present.

**13. TOWN ATTORNEY REPORT AND COMMUNICATIONS**

**14. COUNCIL COMMUNICATIONS**

**A. Letters to Council.**

Chairman Oris read a letter into the record from Dr. Steven Schneider, President of St. Mary's Hospital.

**B. Miscellaneous**

**3. ITEMS FOR EXECUTIVE SESSION**

**A. Economic Incentives**

**B. Land acquisition**

MOTION by Mr. Veleber; seconded by Mr. Slocum.

MOVED that the Town Council enter Executive Session at 10:16 p.m. to include Town Manager Kimball, Asst. Town Manager Ms. Talbot, Economic Development Coordinator Mr. Sitko to discuss economic incentives and land acquisition.

VOTE           The motion passed unanimously by those present.

MOTION by Mr. Veleber; seconded by Mr. Slocum.

MOVED that the Town Council exit Executive Session at 10:29 p.m.

VOTE           The motion passed unanimously by those present.

**S. Discussion and possible allocation of \$160,000 for the purchase of 55 Railroad Avenue.**

MOTION by Mr. Slocum; seconded by Mr. Veleber.

BE IT RESOLVED, that the Town Council approves Resolution #021319-18

**RESOLUTION #021319-18**

BE IT RESOLVED, that the Town Council approves an allocation of \$160,000 from the Land Acquisition Account for the purchase of 55 Railroad Avenue and authorizes the Town Manager to execute any and all documents necessary to complete said transaction subject to the satisfaction of the terms and conditions of the Purchase and Sales Agreement.

VOTE           The motion passed unanimously by those present.

**15.   ADJOURNMENT**

MOTION by Mr. Bowman; seconded by Mr. Talbot.

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

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk