

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 12, 2019 IMMEDIATELY FOLLOWING THE 7:00 P.M. PUBLIC HEARING IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.**

Present

Robert J. Oris, Jr. Chairman; Jeffrey Falk, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, Timothy Slocum, Peter Talbot; David Veleber.

Absent: Paul A. Bowman

Staff: Sean Kimball, Town Manager; Al Smith, Town Attorney; Arnett Talbot, Assistant Town Manager; James Jaskot, Finance Director; Gerald Sitko, Economic Development Coordinator; William Voelker, Town Planner; George Noewatne, PW Director; Louis Zullo, Personnel Director.

Guests: Planning and Zoning Commissioners – Earl J. Kurtz, S.Woody Dawson, Jeff Natale.

Chairman Oris called the meeting to order at 7:26 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. Land acquisition**

**No executive session**

**4. PUBLIC COMMUNICATIONS**

**A. Public Comments**

**None.**

**5. APPROVAL OF MINUTES – Regular Meeting, February 13, 2019  
And Public Hearing of February 13, 2019.**

MOTION by Ms. Flynn-Harris; seconded by Mr. Talbot.

MOVED to approve the minutes of the Regular Meeting of February 13, 2019 and Public Hearing of February 13, 2019 subject to corrections, additions, deletions.

Corrections page attached.

VOTE The motion passed unanimously by those present.

**6. CONSENT CALENDAR**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #031219-1

**RESOLUTION #031219-1**  
**CONSENT CALENDAR FOR MARCH 12, 2019**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for March 12, 2019 as follows:

- A. Acceptance and appropriation of a \$10 donation from Donna Harris to the Police Department Gift Account to be used for general purposes.
- B. Authorization to apply for 2020 Historic Documents Preservation Grant In the amount of \$7,500 for document imaging.
- C. Authorization to apply for a \$20,000 National Highway Traffic Safety Administration Distracted Driving-High Visibility Enforcement Grant.
- D. Acceptance and appropriation of a \$20 donation from Ed Dickus to the Human Services Gift Account for the Senior Center.

VOTE           The motion passed unanimously by those present.

**7. ITEMS REMOVED FROM CONSENT CALENDAR**  
**None.**

**8. OLD BUSINESS**  
**None.**

**9. NEW BUSINESS**

**A. Discussion and possible action re: proposed amendment to 2016 Plan of Conservation and Development for Highland Avenue Design District.**

Ms. Flynn-Harris asked about Commission flexibility with this overlay zone on some of the regulations controlling the I-1 and I-2 zones related to setbacks and parking.

It was clarified by Mr. Voelker that this amendment to the POCD does not propose any amendments to the zoning regulations, and nothing is changed with the Industrial Zone regulations. There is much flexibility as the Commission has complete discretion over any application, can approve, approve with conditions or deny. There could be a proposal to change the existing regulations and the Commission would have to agree.

There could be two applications and Ms. Flynn-Harris said they could have two different criteria for needs such as parking and curb cuts.

Parking for commercial developers is usually more than minimum standard and Mr. Voelker said the regulations would enable projects to be designed individually for each site. This is the same in the S.D.D.

Mr. Slocum asked about the Route 10 corridor which is well trafficked with bottlenecks, and State capacity to widen the road in the subject areas.

According to Mr. Voelker there is limited capacity and there is little room in the right-of-way for significant widening. There is some room for widening at intersections, and ability to do some modifications.

Mr. Slocum talked about assembled parcels for development, and being permitted to make easier highway egress and increase highway space...and if this is something the State would contemplate.

In reply, Mr. Voelker said there could be a request from the State. The review process includes weighing into the State on any final design changes, with the State often requiring additional things...more than on the town level. PZC could request additional improvements.

Mr. Slocum asked about the role of the Commission, having the capacity to meet with the developer to discuss plans, how the format works, and why it is limited to just this area of town.

A pre-application process was put in place, and Mr. Voelker said it is authorized by the Connecticut General Statutes, and it was all worked out with the Town Attorney. It is a process whereby a developer can discuss a proposal which must be allowed under the regulations, and this applies to anywhere in the community. The input from the Commission is non-binding during these informal discussions, and the meeting time is limited to 20 minutes to half an hour.

Mr. Slocum asked about the aquifer zone impacted by these changes.

The aquifer regulations still stand, and Mr. Voelker said there is no override; all proposals go to RWA for comments which are incorporated into the Commission approval. He noted there is a large percentage of aquifer on the east side.

Mr. Ruocco asked about the commercial uses and footprint restrictions, residential use and if there will be mixed use.

The Council was told by Mr. Voelker that commercial means retail, commercial offices, and the town is trying to get retail which is hard to do with large retail stores because of

the nature of the property. These stores would not be precluded from the zone. Mixed use could be professional offices, hair salons. Mr. Voelker stated residential would be precluded from this corridor.

Mr. Veleber talked about the process not precluding continued use of these properties from their intended use, and each property having two sets of zoning available...current and the overlay regulations.

Stating that is correct, Mr. Voelker said on the easterly side it would be new development because of the nature of the land parcels. The west side would be more assembling of properties and redevelopment and new construction.

The issue of restriction on access and curb cuts on Route 10 to and from properties with assembling these properties, and traffic lights every 100 yards was raised by Mr. Veleber. He also asked what might come out of this district...i.e. restaurants.

Mr. Voelker said restaurants could come out of this district. He stated the idea is to enable with wisdom, and the State would never permit more traffic lights. Among the limits is few properties where there is good developmental areas with reasonable topography and few environmental constraints, with good access to the road. It was noted by Mr. Voelker that the Commission does not anticipate complete transformation on Highland Avenue. He said commercial needs larger entities to generate smaller entities for the initial investment.

Mr. Talbot expressed appreciation to Mr. Voelker for the good report to the Council. He also asked about residential aspect of the zone.

The Council was told by Mr. Voelker that residential use is excluded in the district. The Commission would rather deal with commercial entities to support the economic base. To enable residential uses in the corridor would introduce affordable housing projects under CGS Section 8-30G, which precludes residential use on industrial property. The Commission would not support affordable housing on the Highland Avenue corridor.

Chairman Oris commended Mr. Voelker for the report and the Commission for its hard work on this matter. He noted the information came out of the Muldrow report to enhance economic development in the community. Mr. Oris said there is no impact on the underlying zone; it does allow more flexibility for the property owner which could create more economic development; and he is pleased about providing services the community is looking for, along with grand list growth. He asked if there is more oversight with the new zone than with the existing industrial zone.

There is more oversight, and Mr. Voelker said it will function much like a special permit application. The Commission is not bound to approve a project, and has greater flexibility.

Mr. Oris said this is important for the public to understand, as it gives the Commission 100% decision making authority for the betterment of the community, holding people to a high design and aesthetic perspective. The town could use some better design, and more aesthetic pleasing properties and the design district does this.

Among the regulations is definition of "Context Sensitive Design", and Mr. Voelker said it is meant to enhance the context.

With regard to big box stores, Mr. Oris said the Commission has discretion. The proposed POCD changes provide the flexibility to allow economic development in the area. He does not believe these properties will see a lot of development, as industrial development is served better in other places, but is looking for some aesthetic pleasing buildings to be built in this corridor, and provide services supported by Cheshire. It is a good zone and Mr. Oris said it gives decision making and discretion to the Commission and staff. He encouraged the Commission to do this, and provide quality economic development. Mr. Oris said he would support the proposed POCD amendments.

Ms. Flynn-Harris stated her agreement that this is another tool for the Commission and developers interested in coming to Cheshire. There is flexibility and an excellent plan to go forward.

Councilor Slocum recused himself from acting on the resolution due to possible conflict of interest.

MOTION by Ms. Flynn-Harris; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #031219-2

**RESOLUTION #031219-2**

BE IT RESOLVED, that the Town Council approves the proposed amendment to the 2016 Plan of Conservation and Development for the creation of a Highland Avenue Design District.

VOTE The motion passed 6-1-1; Ruocco opposed; Slocum recused.

**B. Acceptance of the FY 17-18 Comprehensive Annual Financial Report (CAFR)**

MOTION by Ms. Nichols; seconded by Ms. Flynn-Harris

BE IT RESOLVED, that the Town Council approves Resolution #031219-3

**RESOLUTION #031219-3**

BE IT RESOLVED, that the Town Council accepts the FY 17-18 Comprehensive Financial Report (CAFR) per the recommendation of the Audit Committee.

Discussion

Ms. Nichols reported the Audit Committee met on March 11<sup>th</sup> to review and forward the CAFR to the full Town Council. She stated the Finance Department did a great job in providing information to the auditors. Cheshire had a clean audit.

Finance Director Jaskot stated he was pleased with the clean audit, and the Finance Department takes pride in the financial statements. The department has received recognition and awards for its work for 25 years. There were no concerns from the auditors.

The issue of new GASB requirements was raised by Mr. Slocum.

Mr. Jaskot stated there are always new GASB requirements, and a new one will impact the student activity funds. This year there was a significant liability reported for the first time – Post Employment Benefit, the post retirement medical. The Police Department has post retirement medical benefit to age 65; teachers can stay on health insurance, self-payment, until age 65. There is a liability generated from this of about \$20M on the balance sheet. With regard to impact on the credit rating, Mr. Jaskot stated that credit agencies focus more on the pension plans. These plans are well funded and Cheshire is in good shape compared to other towns.

Chairman Oris thanked Mr. Jaskot and the Finance Department staff for their hard work, professionalism, and the reaffirming of the AAA credit rating for Cheshire.

VOTE           The motion passed unanimously by those present.

**C.     Appointment of Auditor for FY 18-19**

MOTION by Ms. Nichols; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #031219-4

**RESOLUTION #031219-4**

BE IT RESOLVED, that the Town Council appoints RSM USLLP as auditor for the Town of Cheshire for fiscal year 2018-2019, per the recommendation of the Audit Committee.

Discussion

This is the 5<sup>th</sup> year of the five-year agreement with RSM, and Ms. Nichols said the Audit Committee's recommendation is to continue with RSM. The firm is familiar with the process, town staff, and has done a superb job as auditors.

In response to a question about changes in RSM auditors, Mr. Jaskot said there is a high degree of turnover of audit staff. Cheshire has had consistent supervisors on the job, and each year there is, usually, new auditors.

Ms. Nichols noted this is year five (5) of a five-year agreement, and the contract will go out to RFP next year.

VOTE           The motion passed unanimously by those present.

**D.     Discussion and possible approval of award of construction contract  
For the Districtwide Bathroom Renovations Capital Project.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031219-5

**RESOLUTION #031219-5**

BE IT RESOLVED, that the Town Council approves the award of construction contract for the Districtwide Bathroom Renovations Capital Project to Aresco Construction for a total contract amount of \$304,000 for Doolittle School, per the recommendation of the Public Building Commission.

**Discussion**

This project is part of the district wide lavatory project and Mr. Veleber said it modernizes all the school bathrooms. Aresco was not the low bidder. After reviewing the scope of work, qualifications, and experience of the three lowest bidders, the Town's design consultant recommended Aresco. The PBC agreed with this recommendation.

PW Director Noewatne informed the Council the project will upgrade staff bathrooms with single occupancy, upgrade student bathrooms, and provide full ADA compliance. He said Aresco has the best experience and qualifications and is the best fit for the project. The project cost is \$304,000, with \$461,000 available in the budget. The town has never used Aresco for prior projects, but the consultant has done work with this firm and recommended them.

VOTE           The motion passed unanimously by those present.

Chairman Oris recognized and welcomed Boy Scout Troop 198, Doolittle School, which was attending the Council meeting. The scouts are working on their Citizenship & Community Merit Badges.

**E.     Discussion and possible approval of proposed amendments to  
Job Descriptions.**

MOTION by Mr. Ruocco; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #031219-6

**RESOLUTION #031219-6**

BE IT RESOLVED, that the Town Council approves the proposed amendments to the following job descriptions, per the recommendation of the Personnel Committee.

(the document is attached to these minutes)

Discussion

Mr. Ruocco informed the Council that the Town Hall union contract provided for a Labor Management Committee to be formed (2 union and 2 management members with oversight of Mr. Zullo). The committee worked on updating the union employee job descriptions. Five (5) or six (6) positions were recommended for upgrades; the Deputy Town Clerk position will be reviewed during the Town Clerk's budget presentation; and there is no financial impact with the position upgrades.

Mr. Zullo explained that the process started in March 2018. Each employee read and reviewed their job description, made changes or amendments, discussed the job description changes with a supervisor and department head. When completed the job description went to Mr. Zullo and then to the committee.

In August 2018 all the job descriptions were put into a binder for the committee to start its work. The employee, supervisor and department head reviewed the amended job descriptions and recommendations for upgrades.

Five (5) jobs are included for upgrades in the Town Manager's proposed budget. Deputy Town Clerk position, TH-7, was not upgraded. The Town Clerk requested this position be a TH-8, and this issue will be discussed during the budget process.

Mr. Talbot thanked the committee members for their work on the long overdue job description. He pointed out that Mr. Zullo wrote all the job descriptions to insure a consistent look. The changes are in grammar, wording and language. Any budgetary impact will be reviewed during the budget process. He supports the resolution.

Chairman Oris commented on there being no budgetary changes, and no changes in job grades at this meeting. This will be dealt with as part of the Town Manager's budget recommendations. Mr. Oris asked about the Assistant Animal Control Officer, and if this was done.

Mr. Zullo said this position is in the report, at TH-6 grade.



For the Dog Park, Mr. Oris talked about a reference in the Animal Control Officer job description for oversight of this park. He asked if there is relevance to consider this in the job description; what role Animal Control would play in this regard; and approving the job description with possible future modifications.

The job description went to the Animal Control Officer, and Mr. Zullo said she reviewed it without any changes. The authority for the Dog Park issues would be with calls to the Police Department or Animal Control. He said the Town Manager can add anything about the Dog Park to the Animal Control Department positions. This did not come up during the committee process, but there could be further discussion with the Town Manager and Police Chief to modify the position.

The Council was advised by Mr. Zullo that the Assistant Collector of Revenue and Assistant Assessor are TH-9 positions.

In the resolution the positions underlined have text changes only; those in bold are new titles with text changes.

VOTE           The motion passed unanimously by those present.

**F.     Discussion and possible approval of Town Manager's Goals and Objectives.**

MOTION by Mr. Ruocco; seconded by Ms. Nichols.

BE IT RESOLVED, that the Town Council approves Resolution #031219-7

**RESOLUTION #031219-7**

BE IT RESOLVED, that the Town Council approves the Town Manager's FY 18-19 Goals and Objectives and priorities as presented and attached, per the recommendation of the Personnel Committee.

(the document is attached to these minutes)

Discussion

The Goals and Objectives with priority listing of the objectives was in the Council packets. Mr. Ruocco some of the objectives have already been accomplished.

Town Manager Kimball noted the objectives were presented a few months ago to the Council. At the Personnel Committee there was discussion about prioritizing them, and defining them as short or long term objectives...which was done. Some of the objectives are completed. With the priority indications, there could be additional feedback from the Council, which is welcomed by Mr. Kimball. The Council and Town

Manager will be going through this exercise, again, in May or June for the FY 19-20 Goals and Objectives.

Ms. Nichols commented on the discussion at the committee level as helpful to Mr. Kimball for direction on how to spend time when he is inundated with projects throughout the fiscal year. The goals and objectives enable the Town Manager to focus on the priorities.

In Goal #2, Mr. Slocum cited the Town Manager's objective of reaching out to businesses, meeting with owners, soliciting feedback, and thanked Mr. Kimball for this objective. It is important and good thing to do. He talked about the Town Manager's open door to Council members, and possible planning of one-on-one meetings. Mr. Slocum noted the Town Manager's annual review will be upcoming.

In response, Mr. Kimball stated his door is always open to Council members.

Going forward, Ms. Flynn-Harris suggested periodic review of goals and objectives, to be aware of the percentage completed within a year. She said the format is good and will work well.

VOTE           The motion passed unanimously by those present.

## **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**

- FY 19-20 Budget – Mr. Kimball's proposed operating budget was delivered to the Town Council on March 10<sup>th</sup>; the proposed increase is 3.93% over the current year; the first budget workshop will be held on March 14<sup>th</sup>, 7:00 p.m. in Room 207-209. Public hearing for the budget is scheduled for Tuesday, March 19<sup>th</sup>, 7:00 p.m. in Council Chambers. The calendar of additional budget workshops is on the website. Mr. Kimball encouraged public participation in the budget process.
- Automated Trash Rollout – Containers arrive next week; they will be distributed the week of March 19<sup>th</sup>; the date to start automated trash collection is April 1<sup>st</sup>; weekly collection remains the same. For the older containers, there will be a site drop determined and posted for the public.
- Special drop-off collection events – April 6, 2019, Mattress recycling, 9 a.m. to

1:30 p.m. at Cheshire Town Hall; April 13, 2019, Electronics recycling event, at Darcey School, 9 a.m. to 1 p.m.; April 27, 2019, Hazardous Waste Collection, website regarding these collection events.

- Status of FY 18-19 Budget – Mr. Kimball reported projected General Fund Revenue at \$1.36M; Expenditures at \$127,000 unfavorable; projected surplus of \$1.259M with recent appropriation of \$290,000 for future bulky waste collection. The unfavorable expenditure variance is largely due to police overtime for the UTC strike, delay in implementation of automated trash collection, and potential increase in the pool subsidy.
- Bond Sale and AAA Rating Affirmation – The Town closed on a \$14.5M bond sale on March 6<sup>th</sup>; interest rate of 2.71%; sale generated \$943,997 in bond premium which was deposited into the Debt Reserve Fund. The sale followed solid reviews and AAA rating from S&P Global and Fitch.
- Snow/Ice Budget Update – The winter storms have been on holidays and Sundays; the overtime budget is affected; the town is on budget as of the last storm, and may be a little over budget; the budget is being closely monitored.
- CHS Storage Building Project – The contractor has a completion date of April 1<sup>st</sup>; the project schedule confirms this fact; and the schedule information is in the attached report.
- Cheshire Ranked 16<sup>th</sup> Nationally-Safest Communities – Mr. Kimball reported that Safewise.com ranks Cheshire #16, (last year #83) for the second year in a row as the safest community in the country for communities over 15,000 in population.
- Ice Rink Closing – with the warmer weather predicted for the next two weeks, the rink will be closing for the season.
- Library Grand Opening – the Library will host the official grand opening of the new and improved upper and lower levels on Sunday, March 31<sup>st</sup>, 1:30 to 4:00 p.m. Festivities will include a concert from the Conn-Men, U-Conn's premier a cappella group, and there will be tours and refreshments.
- Upcoming Budget Workshops – March 14<sup>th</sup>; March 19<sup>th</sup>; March 20<sup>th</sup>; March 25<sup>th</sup>; March 26<sup>th</sup>; March 27<sup>th</sup>.

PW Director Noewatne confirmed the delivery of the new trash containers the week of March 18<sup>th</sup>, completed by March 23<sup>rd</sup>, and start of automated collection on April 1<sup>st</sup>. With regard to disposal of the older containers, staff is working with the contractor on

curbside pickup, or drop-off at the old transfer station or A.J. Waste site. He noted that people can re-purpose the old containers for other uses.

Mr. Veleber stated that condo owners who use dumpsters received letters that this same service will continue; they will not get new containers.

With a dumpster on the site, Mr. Noewatne explained all stays the same, and this includes residents with non-curb side collection.

Ms. Nichols commented on there being lots of information on social media about the new automated trash collection, and suggested one place on the town website with the correct information.

Mr. Noewatne said there will be a video with A.J. Waste talking about handling the new containers, what to do and not do.

The issue of the fading painted lines on South Brooksvale Road to RT 10 was raised by Mr. Slocum, who asked if this is due to salting the roads in the winter.

For some storms salt was used and Mr. Noewatne said it is abrasive and can affect the road lines. These lines will be repainted.

According to Mr. Veleber there is more public relations to be done relative to the automated trash collection program. He noted some people are unaware of the new program.

Chairman Oris talked about the CHS storage building, making sure the underground frost issues are dealt with when pouring the slab. He noted the CHS sports teams start this week, and this facility is needed for the teams. Mr. Oris said there has been down time on this project, and we do not want to get past April 1<sup>st</sup> for completion of the structure.

Regarding the CHS project, Mr. Noewatne informed the Council that the road to the stands will not be finished, but will be accessible.

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

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

Ordinance Review Committee – Ms. Flynn-Harris advised the committee will meet on Thursday, March 31<sup>st</sup>.

Human Services & Youth Services Committee – Mr. Veleber reported are being discussed for possible merger into one committee; and the issue is on the Ordinance Review Committee agenda.

**B. Miscellaneous**

**12. MISCELLANEOUS AND APPOINTMENTS**

MOTION by Ms. Nichols; seconded by Mr. Talbot.

MOVED that the following appointments and reappointments be approved by the Town Council:

Beautification Committee – reappointment of Jessica Fischer (R), term of office 3/12/2019 to 1/31/2021.

Energy Commission – appointment of Donald Nidoh (R) to fill the vacancy of Stephanie Hickok; term of office 3/12/2019 to 1/31/2022.

Inland Wetlands & Watercourses Commission (IWW) – reappointment of Earl Kurtz (R), term of office 3/12/2019 to 1/31/2023; and Will McPhee (R), term of office 3/12/2019 to 1/31/2023.

Performing and Fine Arts Committee – reappointment of Donna Myjak (R), term of office 3/12/2019 to 1/31/2022; and Aphelia Frazier (R) term of office 3/12/2019 to 1/31/2022.

Parks and Recreation Commission – reappointment of Patrick Duffy (R), term of office 3/12/2019 to 1/31/2023; reappointment of Michael O'Donnell (R), term of office 3/12/2019 to 1/31/2023; reappointment of Steve Trifone (U), term of office 3/12/2019 to 1/31/2023.

Retirement Board – reappointment of Paul Shay (R), term of office 3/12/2019 to 1/31/2023.

Water Pollution Control Authority (WPCA) – reappointment of Zack Wellburn (R), term of office 3/12/2019 to 1/31/2022.

Zoning Board of Appeals – appointment of Ginette Ocurick (U) to fill the vacancy of Thomas Selmont; term of office 3/12/2019 to 12/4/2023.

VOTE           The motion passed unanimously by those present.

**A. Liaison Reports**

**B. Appointments to Boards and Commissions**

**13. TOWN ATTORNEY REPORT AND COMMUNICATIONS**

**14. COUNCIL COMMUNICATIONS**

**A. Letters to Council.**

Chairman Oris read a letter from Yetta Auger, Director, Cheshire Chamber of Commerce, regarding the 325<sup>th</sup> Anniversary of Cheshire; request for \$5,000 Town donation for the Fall Festival Fireworks, and additional funds to cover any deficit.

Chairman Oris read a letter from Elizabeth Allen regarding recycling of textile products and a pickup system.

Mr.Slocum read a letter from Barbara McWhirter, President, Cheshire Horse Council, regarding the Boulder Knoll property and horse riding trails.

With regard to the letter from Ms. McWhiter, a request was made for the Town Manager to check into whether this request is feasible. Mr. Slocum stated that the Horse Council would do the work for these trails.

**B. Miscellaneous**

**15. ADJOURNMENT**

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

MOVED to adjourn the meeting at 8:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk