

MINUTES OF THE CHESHIRE TOWN COUNCIL REGULAR MEETING HELD ON TUESDAY, OCTOBER 15, 2019 AT 7:00 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

PRESENT

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

Absent: Patti Flynn-Harris

Staff: Sean Kimball, Town Manager; James Jaskot, Finance Director; Police Chief Neil Dryfe; Economic Development Coordinator Jerry Sitko

Chairman Oris called the meeting to order at 7:01 p.m.

Chairman Oris read the public emergency evacuation notice.

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. Personnel Matters**
- B. Pending litigation and contract negotiations**
- C. Land Acquisition**
- D. Economic Incentives**

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

MOVED that the Town Council enter Executive Session at 7:03 p.m. to include Town Manager Kimball, Town Attorney Smith, Finance Director Jaskot, Economic Development Coordinator Sitko, to discuss personnel matters, pending litigation and contract negotiations, land acquisition, economic incentives.

VOTE The motion passed unanimously by those present.

The Town Council exited Executive Session at 7:45 p.m.

Chairman Oris reopened the meeting for continuation of business.

4. PUBLIC COMMUNICATIONS

A. Summary of first quarter FY 19-20 Consent Calendar Donations

Town Manager reported on the donations July 2019-September 2019, and a copy of the donation summary is attached to these minutes.

B. Public Comments

Jami Ferguson, 105 Copper Beach Drive, asked about the School Modernization Committee, its authority to present recommendations to the Board of Education and Town Council, and borrow funding and purchase land.

Chairman Oris replied that the committee does not have the authority to bind the Town in any way, shape or form. Approval of any recommendation is required from the BOE and Council, and then the matter would go to referendum.

Ms. Ferguson asked about the status of the Town's website.

Town Manager Kimball informed everyone that Ms. Talbot has been working on the website project for over a year, and it is in the final stages. The contents have been uploaded and will be refreshed monthly, and the website will be up and running in a month.

The issue of the School Modernization Committee membership was explained by Chairman Oris. Many responses were received from the people with interest in joining the committee. There was a collaborative decision to expand the public membership to seven (7) members, resulting in a total committee of 13 members.

5. APPROVAL OF MINUTES

MOTION by Mr. Talbot; seconded by Ms. Nichols

MOVED to accept and approve the minutes of Public Hearings and Regular Meeting of September 17, 2019 and Special Meeting of September 24, 2019, subject to corrections, additions, deletions.

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 #101519-1.

RESOLUTION #101519-1

CONSENT CALENDAR FOR OCTOBER 15, 2019

BE IT RESOLVED, that the Town Council approves the Consent Calendar for October 15, 2109, as follows:

- A. Acceptance and appropriation of a \$9.70 donation from CAF America to The Parks and Recreation Gift Account for the Dog Park.
- B. Acceptance and appropriation of a \$2,500 donation from the Mari Hall Family Foundation to the Parks and Recreation Gift Account to be used for the Therapeutic Recreation Summer Camp.
- C. Acceptance and appropriation of an anonymous \$50 donation to the Human Services Gift Account for general purposes.
- D. Acceptance and appropriation of a \$3,454 donation from Collette Travel to the Human Services Gift Account for the Senior Center.
- E. Acceptance and appropriation of a \$37.10 donation from Getaway Tours iNc. To the Human Services Gift Account for the Senior Center.
- F. Acceptance and appropriation of a \$20 donation from Mr. and Mrs. Henry Wallinger to the Human Services Gift Account for the Senior Center.
- G. Acceptance and appropriation of a \$23 donation from Phyllis Elengo to the Human Services Gift Account for the Senior Center.
- H. Acceptance and appropriation of a \$25 donation from the Cheshire Senior Center Widows and Widowers to the Human Services Gift Account for the Senior Center.
- I. Acceptance and appropriation of a \$286.70 donation from the Yellow House End of Summer Bash to the Youth Services Gift Account to be used for Youth Services programming.
- J. Acceptance and appropriation of a \$145 donation from the Cheshire Schools Teacher's Dress Down Day to the Human Services Gift Account to be used for general purposes.
- K. Acceptance and appropriation of a \$25 donation from an anonymous donor to The Human Services Gift Account to be used for general purposes.
- L. Acceptance and appropriation of a \$20 donation from the Yellow House Carnival Night event to the Youth Services Gift Account for Youth Services Programming.

- M. Authorization to apply for, accept, and appropriate a Western CT Coalition Mini-Grant for E-CIG and Vaping Data and Prevention Programs.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR

8. OLD BUSINESS

9. NEW BUSINESS

- A. Acceptance and appropriation of FEMA reimbursement for the May 15, 2018 federal disaster storm to the Debt Service Reserve Account.**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #101519-2.

RESOLUTION #101519-2

BE IT RESOLVED, that the Town Council accepts a total of \$58,541.49 in FEMA Public Assistance Grant Funds to reimburse the General Fund expenditures for the May 15, 2018 storm, and appropriates said amount to the Debt Service Reserve Fund.

Discussion

This reimbursement comes from FEMA, and Mr. Slocum explained it is paid in four distributions. The Town has received two payments, and expects the remaining two payments to come shortly. The funds will be deposited into the debt reserve fund. The reimbursement is for the clean-up of property affected by the storm.

Mr. Oris stated the debt service reserve fund is the best place for these funds, which can help with capital projects and/or a spike in debt service.

VOTE The motion passed unanimously by those present.

- B. Discussion and possible action re: award of bid for the Highland Government Freezer Replacement project to John L. Simpson for a Total of \$173,450 for base bid and Alternate 1.**

MOTION by Mr. Bowman; seconded by Mr. Veleber

BE IT RESOLVED, that the Town Council approves Resolution #101519-3.

RESOLUTION #101519-3

BE IT RESOLVED, that the Town Council, per the recommendation of the Public Building Commission, awards the bid for the Highland Government Freezer Replacement Project to John L. Simpson at a base bid of \$169,000 and Alternate 1 for a canopy at \$4,450 for a total of \$173,450.

Discussion

Mr. Bowman noted this matter has been discussed by the Council at past meetings, and it is time to move forward with this freezer replacement. He supports the resolution.

VOTE The motion passed unanimously by those present.

**C. Discussion and possible action re: amendment to enabling resolution
And appointment of members to the School Modernization Committee.**

MOTION by Mr. Oris; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #101519-4.

RESOLUTION #101519-4

WHEREAS, the Town Council has established a collaborative Town Council and Board of Education study group charged with developing a School Modernization Plan for the Cheshire Public School facilities per Resolution #091719-8, and

WHEREAS, the Town Council wishes to amend said resolution to increase the number of Public members from five (5) to seven (7),

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves increasing the number of Public members for the School Modernization Plan to seven (7), and

BE IT FURTHER RESOLVED, that the following individuals are appointed to said School Modernization Committee:

From Town Council (3) - Paul Bowman, Sylvia Nichols, Peter Talbot

From Board of Education (3) – Kathryn Hallen, Anne Harrigan, Anthony Perugini

From Public (7) – Jeff Bates, Matt Bowman, Cathleen Devlin, Rich Gusenberg, AnnMarie Kemp, Rene Martinez, Charles Neth.

These committee members will be supported by Town Manager Sean M. Kimball and Superintendent of Schools Jeff Solan and other staff, as appropriate.

Discussion

Since the Council approval for formation of the committee, Mr. Oris said there is a collaborative work and effort with the BOE and staff. Forty (40) applications were received from the public for committee membership, and all were from high quality candidates. Through a bipartisan and collaborative process the Council appoints seven (7) members of the public to the committee.

Chairman Oris clarified that any person running for elected Council or BOE seats were not accepted due to potential issues with the upcoming election. He thanked BOE Chair Ms. Hallen and the BOE for their work on the committee process.

Kathryn Hallen, 80 Autumn Court, BOE Chairperson, stated that the selection group received very impressive applications from people with varied skills and experience. The people selected bring different skill sets to the committee which will analyze the best way to move forward for Cheshire. Ms. Hallen said the selection group unanimously decided on the public members of the committee. The committee and its membership will be discussed and approved at the upcoming BOE meeting.

It was pointed out by Mr. Oris that the people who applied to serve on the committee will have opportunity to become involved on sub-committees. The process for the committee will be transparent and open, all meetings are open to the public, and there will be a public comments section at each meeting. All meetings will be video-taped.

Mr. Slocum talked about the committee reporting to the Council and BOE on a regular basis, as part of the process.

Chairman Oris said the committee will report to the Council and BOE with scheduled updates.

VOTE The motion passed 7-0-1; Mr. Ruocco opposed.

D. Discussion and possible action re: bid waiver for purchase of police vehicles

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

BE IT RESOLVED, that the Town Council approves Resolution #101519-5.

RESOLUTION #101519-5

WHEREAS, the Cheshire Police Department will be purchasing two (2) Chevrolet Tahoes, and

WHEREAS, a local business has agreed to meet the State contract price, and

WHEREAS, the maintenance of these vehicles will be simplified and take less time with a local dealer,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves a waiver of bid and authorizes the purchase of two (2) Chevrolet Tahoe vehicles from Richard Chevrolet of Cheshire at the State of Connecticut contract price.

Discussion

Mr. Slocum explained that the Richard Chevrolet proposal matches the State bid discussed during the capital budget process. He supports purchase of these CPD vehicles through a local business.

Mr. Bowman asked if these will be patrol vehicles, and how long before they are on the road.

In response, Chief Dryfe reported the vehicles will be marked patrol vehicles. The production timeline is early December, 2-3 weeks after that for delivery, and then the vehicles go to the off-market to be outfitted. The cars could be at CPD around Christmas time, but dates are flexible and subject to change.

Chairman Oris thanked Richard Chevrolet for matching the State contract price, and commented on the Town being fiscally responsible, and supporting a local business.

VOTE The motion passed unanimously by those present.

E. Discussion and possible action re: Town Manager's Contract.

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

BE IT RESOLVED, that the Town Council approves Resolution #101519-6.

RESOLUTION #101519-6

BE IT RESOLVED, that the Town Council approves the Employment Contract between the Town of Cheshire and Sean M. Kimball for the position of Town Manager for the term July 1, 2019 to June 30, 2022, pursuant to the terms as presented and attached.

Discussion

Mr. Ruocco cited the contract highlights –

- three (3) year contract effective July 1, 2019;
- 3% compensation increase;
- contribution to deferred plan increased to 10% of salary;
- severance clause stipulates that the contract, terminated not for cause, there is salary and benefits continued for one (1) year following termination;

- Long term disability premiums, \$17 per pay period;
- Time off credit for unused paid vacation equal to 1% per week up to two (2)weeks;

It was stated by Mr. Ruocco that he has been pushing back on labor agreements for union and non-union agreements, and will not support the proposed contract in order to be consistent with his past votes. Mr. Ruocco said this is no reflection on Town Manager Kimball or his performance.

Mr. Talbot has no reservations in supporting this resolution for the Town Manager's contract. He thanked Mr. Kimball for a job well done. The Personnel Committee looked carefully at surrounding communities and other Town Manager positions of similar sized communities...there is no question this move will put the Town Manager in line with other towns. Mr. Talbot wished Mr. Kimball continued success as Town Manager in Cheshire.

Chairman Oris thanked Mr. Kimball for doing a great job on a variety of issues, his professionalism, and representing Cheshire Town Hall for the community. In comparing the Cheshire Town Manager to others, even with this contract, the Town is below other communities. Mr. Oris commented on Mr. Kimball exceeding his expectations, and the contract reflects where the Town Manager should be, and he will support the contract. Mr. Oris thanked Mr. Kimball for his good work and representation of Cheshire into the future.

VOTE The motion passed 7-0-1; Mr. Ruocco opposed.

Town Manager Kimball thanked the Council for its support, kind words, and said he looks forward to many years as Cheshire's Town Manager.

F. Discussion re: proposals for Legislative Recommendations

Mr. Kimball reported on the annual process for the legislative package to Cheshire's delegation. This year the process starts earlier, as some topics recommended to the delegation will come earlier in the legislative process. He requested Councilors submit more areas to be explored, and noted prevailing wage moved to the top of the list.

Topics for recommendations

- Prevailing Wage
- Binding Arbitration
- Juvenile Justice Reform
- 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

- Bus Depot transfer from State to Town of Cheshire (new)
- Enabling legislation for Community Choice Aggregation (CCA)for Energy (new)

On the list, Mr. Talbot referred to the last item, CCA, which comes from the Energy Commission. He introduced Dan Knudson, Energy Commission member, for a brief presentation on CCA.

Dan Knudson, 48 Mt. Sanford Road, Energy Commission member, reviewed the flyer on CCA in the packets. The commission has discussed CCA for about four months, and New York, New Jersey, Massachusetts and Rhode Island participate in the program, along with California. CCA is a way for the community to buy bulk power for residents, businesses, and municipal accounts, while still receiving transmission and distribution service from the existing utility, and the community has power over the service. CCA is a simple path to local control, reduced energy rates, clean energy, and municipalities tailoring energy efficiency programs for the town and residents. The main goal is to reduce consumption and distribution.

It was pointed out by Mr. Slocum that Finance Director Jaskot purchases energy in bulk. He asked whether Mr. Jaskot would be the CCA person in Cheshire, the administrative costs involved, and if a CCA administrator would become a Town employee.

According to Mr. Knudson there are no administrative costs, and there is an added kw hour charge on the bills. There would be another quasi-agency in Town to oversee the CCA.

Chairman Oris asked if there is discussion on this issue at the State level.

The Council was told by Mr. Knudson that bills were introduced last year and in 2013, but they did not go very far. Surrounding states are doing the CCA but Connecticut is not aware of the program. Another bill will be introduced in the next legislative session for enabling legislation.

On behalf of the Council, Mr. Oris thanked the Energy Commission and Mr. Knudson for coming up with ways to help the community, and do something better for the environment. He noted that prevailing wage is very costly to the Town.

Town Manager Kimball noted that the new construction number was raised to \$1M, and renovation number remains at \$100,000.

G. Discussion and possible action re: Extension of Friends of Boulder Knoll Lease.

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

BE IT RESOLVED, that the Town Council approves Resolution #101519-7.

RESOLUTION #101519-7

BE IT RESOLVED, that the Town Council approves a three (3) year Successor Lease with Friends of Boulder Knoll Inc. for property at Boulder Knoll, pursuant to the terms as presented and attached.

Discussion

Mr. Slocum advised there is no change or difference in this lease. The Friends group will still use water from the Giddings property. The new contract does state the Town will not provide water to the site.

VOTE The motion passed unanimously by those present.

H. Discussion and possible action re: Tax Increment Financing Management Committee Appointments.

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

BE IT RESOLVED, that the Town Council approves Resolution #101519-8

RESOLUTION #101519-8

WHEREAS, the Town Council has approved the Tax Increment Financing Master Plan which includes the creation of a TIF Management Committee designated by the Town and charged with implementation and reporting as identified in the Master Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council appoints the following individuals to the TIF Management Committee per the committee composition stated in the Master Plan:

Town Council Member – Tim Slocum

Economic Development Commission Members – Don Dobbs and Derek Gromko

Business Member – Doug Johnson, Marion Manufacturing

Town Assessor - Teresa Geremski

Town Economic Development Coordinator – Jerry Sitko

Town Planner – Bill Voelker

These members shall serve until no longer in their representative positions, or until replaced with a new appointment by the Town Council.

Discussion

The TIF Master Plan was approved by the Council, and Mr. Veleber said it included formation of a committee, which is now being done.

Mr. Sitko said the TIF plan calls for a management committee charged with oversight and guidance on the TIF district, and annual reporting to the Council. The committee will review and present TIF requests for Council approval.

Mr. Ruocco was not present for the June 11th meeting when TIF was approved, and will not support the TIF plan or the committee.

Chairman Oris thanked Mr. Sitko for his work and effort on the TIF and committee which will move the process forward.

VOTE The motion passed 7-0-1; Mr. Ruocco opposed.

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

- New Signs – Bartlem Park, Cheshire Parks & Recreation and Cheshire Youth Services signs have been installed. Mr. Kimball thanked Frank Loehmann, President of the John G. Martin Foundation, for the generosity in making the signs possible.
- Bulky Waste Collection – This is week #4; two more weeks of collection remain, and one week of make-up routes. Tonnage is tracking higher at 1,180 tons, but there is a 10% contingency in the funding.
- Saturday, October 19th, electronics disposal, at Darcey School, 9 a.m. to 1 p.m.
- Farmington Canal Trail Patching – 245 cracks being patched on the trail; work is expected to be completed in the next few weeks; the trail remains open and signs are posted urging caution and bicyclists to dismount and walk the work areas.
- Rain-garden Construction at Byam Road Fire Station – the new drainage system is almost complete; it will be treating storm water runoff from the parking lot and

portion of Byam Road; this will improve water quality prior to release into downstream wetlands and water courses. The project is funded by a National Fish & Wildlife Foundation grant through UConn.

- Chapman Property Survey – 1,041 completed responses received in three weeks; W&S has analyzed the responses and summarized trends and themes; two community engagement sessions are scheduled for October 28th at Cheshire Library, 2 p.m. to 4 p.m. and 6:30 p.m. to 8:30 p.m.
- Council Meeting – Tuesday, November 19, 2019.

Councilor Slocum advised that he received positive comments from residents in the recently paved areas of Town, particularly Cook Hill Road. He has not received any negative comments from the other road paving programs used this year.

Bartlem Park Brick Pavers – complaints were received by Director Gawlak about grass growing at this location, and he informed people that this is the responsibility of the Public Works Department.

Chairman Oris thanked Mr. Loehmann, President of the John G. Martin Foundation, for his and the organization's continued support of the community.

Bikers crossing West Main Street – Mr. Slocum reported on bikers crossing West Main Street at a dangerous location without regard to oncoming traffic. He recommended CPD look at activity and enforcement for bikers and pedestrians who cross the road in an irresponsible way.

The Council was told by Mr. Kimball there have been issues and problems over the summer with bikers and pedestrians. He said Chief Dryfe and CPD are working to slow people down, and all issues are being looked at and addressed.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

i. Ordinance Review Committee – Chairman Oris referred the review of the Disabled Veterans and Tax Exemption enhancements to ORC.

Mr. Oris wants to make sure Cheshire is looking at the State programs with possible enhancement of these programs.

B. Miscellaneous

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports - None

B. Appointments to Boards and Commissions - None

13. TOWN ATTORNEY REPORT AND COMMUNICATIONS
No report.

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Oris read a letter from Chamber of Commerce President Yetta Augur into the record. The letter thanked the Town for its support and funding of the 2019 Fall Festival Fireworks Display.

Mr. Veleber read a letter from Alphonse Criscuolo into the record with regard to Cheshire having a blight ordinance, and his support of this ordinance.

B. Miscellaneous

On behalf of the Town Council and the Cheshire Community, Mr. Bowman congratulated Rob and Monica Oris on the celebration of their 25th Wedding Anniversary, October 15, 2019.

15. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Talbot

MOVED to adjourn the meeting at 9:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk