

**MINUTES OF THE CHESHIRE TOWN COUNCIL HELD ON TUESDAY,
NOVEMBER 15, 2011 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84
SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Tim Slocum, Chairman; David Schrumm, Vice Chairman; Steve Carroll, Michael Ecke, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, James Sima.

Absent: Andrew Falvey

Staff: Michael A. Milone, Town Manager; Town Attorney Dwight Johnson; Finance Director James Jaskot; Police Chief Neil Dryfe, Fire Chief Jack Casner; Michelle Piccerillo, Director of Human Services; Dennis Dievert, Plant Superintendent; Arnett Talbot, Exec. Assistant to the Town Manager; Dr. Greg Florio, Supt. Of Schools; Vincent Masciana, BOE, Director of Business Management.

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Recognition of staff for Storm Alfred response.

On behalf of the Town Council and the Cheshire community, Chairman Slocum expressed appreciation and thanks to the Town of Cheshire staff for their outstanding and excellent response to the needs of the community during Storm Alfred.

Town Manager Milone acknowledged the Town departments and Town staff (Public Works, Emergency Management, Parks and Recreation, Police, Fire, Human Services, Senior Services, Department of Education, Waste Water Treatment Plant, Town Manger's office) by function and response, and commended them and thanked them for their commitment and hard work to get Cheshire through the unprecedented snow storm. Mr. Milone read a summary from the FEMA submission which stated all that was done by staff and volunteers beginning October 30th through November 10th. A thank you letter to The Cheshire Herald from Town Manager Milone and Superintendent of Schools Florio was read into the record. Mr. Milone commented on Town staff going above and beyond any job description, and doing what had to be done for the people in the community.

93% of the Town was without power, and full restoration of power was done by November 7th. This was the largest and most wide spread power outage in over 22 years with heavy demand and a myriad of problems placed on the Town and public schools each day. An emergency shelter was opened at the Senior Center and Cheshire High School on October 30th, powered by generators, and they were merged into one large shelter at the high school. The shelters were staffed 24/7 until November 5th by Town and BOE staff and volunteers. The high school shelter had showers,

kitchen facilities, and quality meals provided by the CHS kitchen staff to the people staying in the shelter. The BOE had grounds and maintenance crews on site, along with kitchen and custodial staff. Town staff at the CHS shelter included police officers, nurses to handle medical needs, Human Services personnel, and Town and BOE administration. Transportation services were provided with vans running 12 hours a day picking up people, running them back home for medications and personal needs, to medical appointments, and other needs. Police officers and volunteers also provided transportation. The shelter was utilized by over 200 residents per day with about 80 people staying overnight.

The WWTP staff worked 24 hours a day at the plant and monitored the 9 pump stations. Public Work crews were on duty for 12 hour days, plowing snow, keeping streets clean, working with CL&P crews to remove fallen live wires and assisting residents. PW crew members could not touch live wires, and some roads had to stay closed until a CL&P crew arrived, and then PW crews could do their job and clear the roads.

An important part of the situation was the communications portion, and Mr. Milone said Town staff was the communication link between residents and CL&P. CodeRed emergency call notifications and updates were launched daily to over 5,000 phone numbers. The web site was used to post updates and information, once the web server was restored to service. Notification was also provided to local news media. The Town Manager's staff and Fire Chief Casner played a critical role in the information piece. For a period of time, the Town was unable to use e-mail or its web site due to lack of power. CodeRed became a critical part of getting information out to everyone. A lesson learned from this experience is that not enough people in Town are registered for CodeRed. The system automatically registers your land line if you are registered with AT&T, but does not know cell phone numbers. Mr. Milone encouraged everyone to register their cell phones with CodeRed, and this can be done on the web site.

In their letter to the Cheshire Herald, Mr. Milone and Dr. Florio publicly acknowledged and commended Town and BOE staff as they professionally and unselfishly provided whatever level of support was needed during the storm.

Supt. Florio stated that somewhere in the non-job description is something about leadership and decisiveness in the most difficult of situations. Dr. Florio said that Town Manager Milone deserves credit for the leadership he extended to the community in getting Cheshire through this crisis.

Mr. Milone thanked the many volunteers who showed up and dedicated their time to the effort of getting through the storm. Mr. Milone acknowledged the many businesses in Town who donated food, supplies and equipment to feed and assist those staying in the shelter.

On behalf of the Town Council, Mr. Slocum thanked Town Manager Milone for his leadership and work during the storm.

B. Public Comments.

4. CONSENT CALENDAR

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #111511-2.

RESOLUTION #111511-1
CONSENT CALENDAR FOR NOVEMBER 15, 2011

BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 15, 2011 as follows:

- A. Acceptance and appropriation of a \$380 donation from the Judicial Branch Special Services to the Park Gift Account for park repairs and general services.
- B. Acceptance and appropriation of an aggregate memorial donation of \$125 from John Post and John E. Post to the Park Gift Account for improvements at McNamara Legion Field.
- C. Acceptance and appropriation of \$750 from proceeds from the Willy Wonka Concession to the Performing and Fine Arts Scholarship Fund.
- D. Authorization to apply for a \$4,500 grant from the Connecticut Community Foundation's Herbst Fund for the purchase of a replacement microfilm reader/ printer and monitor at the Library.
- E. Authorization to apply for a \$20,000 grant from the Naugatuck Savings Bank Foundation for the purchase of a computer and furniture for the Teen Room at The Library.
- F. Acceptance and appropriation of \$2,000 from the Cheshire Newcomer's Club to The Human Services Gift Account.
- G. Acceptance and appropriation of a \$200 donation from the Cheshire Public\ Library Dress Down Day collection to the Human Services Gift Account.
- H. Acceptance and appropriation of \$100 from the Cheshire Newcomers Club To the Youth Services Gift Account.
- I. Acceptance and appropriation of a \$200 donation from Walter E. Cheetham for The Police Gift Account for general purposes.
- J. Acceptance and appropriation of the \$33,225 Federal Highway Safety Program FY 2012 Comprehensive DUI Enforcement Program for Municipal Police

Departments Grant, and authorization for Town Manager Michael A. Milone to Execute any and all necessary agreements and documents for said grant.

- K. Authorization for execution of all necessary State of Connecticut Department Of Emergency Management and Homeland Security documents: RESOLVED That the Town of Cheshire Town Council may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; And, IT IS FURTHER RESOLVED, that Michael A. Milone Town Manager of the Town of Cheshire is authorized and directed to execute and deliver any and all documents on behalf of the Town of Cheshire and the Town Council, and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

- A. Authorization for an emergency appropriation from the Capital Non Recurring Account to the Civil Preparedness budget for Storm Alfred expenses.**

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #111511-3.

RESOLUTION #111511-3

BE IT RESOLVED, that the Town Council hereby waives the public hearing and notice of hearing for an emergency appropriation pursuant to Section 7-5 of the Town Charter, and

BE IT FURTHER RESOLVED, That the Town Council approves an emergency appropriation of \$492,000 for Storm Alfred emergency response and clean up from the Capital Non Recurring Account through the Civil Preparedness budget.

Discussion

Mr. Schrumm explained that this authorization is for the storm expenses, with expected reimbursement of up to 75% from FEMA, with certain bookkeeping transactions to get there. One of these transactions is to get cash from the CNR which will be replenished

when the FEMA money is received by the Town. Mr. Milone and staff will have to track this money in order to handle storm expenses.

Mr. Milone stated that he, Attorney Johnson and Mr. Jaskot worked to make sure that we are using the right authority in the Town Charter to appropriate this money. A transfer could not be done, so this is an emergency appropriation, with the Council waiving a public hearing with a 2/3rds vote to allow this to be done.

There are three parts to the request for the appropriation. \$205,000 is to cover the costs of the Town and Department of Education expending funds for overtime, food costs, equipment, fuel, etc. There is a \$125,000 estimated cost to run 12 to 14 generators for 6 straight days, using the hourly rate per FEMA. Post storm debris removal, a 7 week process, is estimated to cost \$162,000. Because this is the first time anything of this magnitude has been taken on by the Town, the exact cost is unknown. However, it is expected that the cost will be firmed up. The debris removal process is underway, and 10 miles of Town roads have been completed. The total emergency request is \$492,000, but this is subject to change pending final costs.

The Town is divided into four quadrants for the cleanup, with Routes 68 and 70 being the east/west bisection, and Route 10 is the north/south bisection. The program started on November 14th. Notification will be given to the public on enough lead time for the pickup at the quadrants. It is hoped the program will be completed by December 23rd. The debris will be picked up on public roads. There will not be pickup on private roads, condominium complexes, or commercial lots.

The State of Connecticut has started debris pickup on State roads. Ms. Flynn-Harris asked about advance notification from the State on where they are going with pickup on State roads. She noted that other towns are turning over their pickup program to private crews, which is very costly.

Mr. Milone advised that the State did not notify the Town on their pickup plan. The State is doing all the State roads, and this helps Cheshire, as they will do about 10 miles of roads. The Town cannot control how rapidly the State will get to their roads. Public Works is doing much of the work in Cheshire utilizing Town crews as much as possible.

With regard to private roads, Mr. Carroll asked why the Town is not doing these roads, and whether or not the private roads can be accommodated with trucks going in and out without any property damage.

This is the call of the Council, and Mr. Milone said he has identified the 24 private roads in Town along with an estimate of the number of homes on these roads, and the cost of such a pickup. The number of condominiums in Town and associated costs for pickup was also detailed. This information has been given to the Council. If the larger trucks cannot get into the private roads, the Town will use smaller trucks for pickup. Going onto private roads will be more time consuming because of the inefficiencies associated

with the pickup. The Town is saving some money by not having to pickup debris on the State roads. It is estimated the private road pickup will increase the costs by about \$3,000.

Chairman Slocum stated that this is dealing with private roads with homes on them, and not condo complexes.

Mr. Carroll commented on making an accommodation where a reasonable person and argument can be made on doing private roads, i.e. Mountain Brook Road. In a small condo unit there can be problems with a large truck and grapple arm, with possible damage to light posts, etc. He believes people are willing to accept a reasonable argument on what the Town can and cannot do.

Mr. Ruocco asked if the Town Manager is saying that this pickup would not include condo developments, and noted some are single family units.

In response, Mr. Milone said the pickup does not include condo developments. Mr. Milone noted that there is a question about whether FEMA will reimburse for private roads, and the agency may have to rewrite their rules in some areas for the eligible expenses. The Town crews cannot do the condominium complexes because it would add 20% to the cost and time of the pickup program. Also, it is not certain that crews and trucks could get in and out of all the units to collect the debris. Most condo developments have an association with treasury for these types of things and a contractor for removal.

Mr. Sima stated that if the condo association has property bordering a Town road the debris could be brought to the road and be picked up.

According to Mr. Noewatne, the crews could handle something like this and provide the pickup. He said that homeowner associations have their own landscaping services and would handle material inside their own perimeter.

With regard to the satellite sites, Mr. Noewatne said there is chipping done at the sites. He advised that the sites remain open for the public to drop off their debris material. The Town crews use the sites as staging areas. As trucks go through neighborhoods there is chipping of small debris, and the larger debris will be chipped at the satellite sites.

Once the material is chipped, Mr. Milone said the public is invited to come to the sites and take some material for their own use.

Mr. Noewatne commented on some of the rear lot access ways which serve 1 to 3 houses, and advised that these roads will not be serviced.

If people get debris material to the roadway, Mr. Milone said it would be picked up.

PUBLIC COMMENTS AND QUESTIONS

Marty Roach, 45 Mountain Brook Drive, said that based on the comments he has heard, he wanted to request that private road pickup be addressed. His road is very large, can handle a truck and chipper. He expressed appreciation to the Council for revisiting the issue of pickup on private roads. Mr. Roach noted that Mountain Brook residents own their land, and condo residents own their structure but not the land.

Don Markatello, 15 Mountain Brook Drive, thanked the Town Council for inclusion of Mountain Brook Drive and other private roads in the debris removal program.

Ron Reikhart, 2 Tumble Brook, stated that his condo development, Country Village, has 80 units with much damage to trees. He sees no reason why trucks cannot come in through his development as the roads are wide enough. If the homeowners association has to do this pickup the condo owners will have a special assessment for the cost of the work.

Elizabeth Lavonia, Mountain Brook Drive, thanked the Town Council for reconsideration of pickup on private roads.

Beverly Crespy, 155 Mountain Brook Drive, president of the homeowners association, said that unusual circumstances require unusual responses. She is proud to be a member of the Cheshire community, and said during the storm everyone felt safe and calm. She expressed appreciation for consideration of debris removal from private roads.

Ray Squier, 291 Cook Hill Road, stated that if the debris is chipped at the site of a driveway it could be dumped onto the property, and an empty truck could go ahead to the next site for pickup and chipping.

Mr. Noewatne explained that some chipping, on a small scale, can be done at the properties, but the bulk of the chipping work will be at the staging area.

Chairman Slocum suggested being mindful of the condo unit situations and the number of miles of condo developments which the Town could drive through. There may be a better job with the money appropriated, but there would be an added cost of \$25,000 to \$28,000 for this work.

The Council was informed by Mr. Noewatne that 20% of the Town's population is in condo communities.

Chairman Slocum asked that the Town Manager and Town Attorney review the condo situation, and give the Council a fuller understanding of the miles in the condo complexes.

Mr. Ruocco stated that Country Village condo development in his district. He stated his support of the resolution and said if additional appropriations are needed to support debris removal from condo developments he would also support it.

VOTE The motion passed unanimously by those present.

B. Waiver of bid for grinding service for storm debris removal program.

There was no action taken on this agenda item. Mr. Milone informed the Council that the vendor would be New England Masonry, and the work would be done under the State bid.

C. Approval of CodeRED multi-year agreement.

MOTION by Mr. Ruocco; seconded by Mr. Sima.

BE IT RESOLVED, that the Town Council approves Resolution #111511-5.

RESOLUTION #111511-5

BE IT RESOLVED, that the Town Council approves and authorizes the execution of a five year contract with Emergency Communications Network LLC for CodeRed services.

Discussion

Fire Chief Casner explained that Cheshire used all of its allocated minutes for the CodeRed System for FY 11-12. The annual cost of the system is \$13,500, and it is split between the Town and Department of Education at \$6,750 each. This amount gives the Town 50,000 minutes to be used in a 12 month period. The Town has used 22,961 more minutes than was allocated, and received an invoice of \$7,500 for these extra minutes. Chief Casner negotiated and discussed this issue with CodeRed staff, and they have agreed to waive the \$7,500 invoice if the Town switches to the unlimited plan costing \$15,340 annually. This pricing is contingent upon the Town entering a five year contract with the CodeRed system. The Town would receive a credit to its account for all minutes used for emergencies in the past six months. The new plan leaves the Town with a balance of \$1,840 to be paid.

Ms. Nichols asked what determines a CodeRed call.

The Council was informed by Chief Casner that the Town has a policy of using the system only for emergency situations. The Dept. of Education does not use the system to cancel school, and used it once for an emergency early dismissal notice. Chief Casner recommended that all residents register with the CodeRed system with land line and cell phones. If a residence has 5 phone numbers, all 5 numbers will receive a call. People can go to the web site to add or delete a phone number. He noted that people are very satisfied to know what is going on in Town.

VOTE The motion passed unanimously by those present.

D. Call for public hearing for pension ordinance amendments.

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

BE IT RESOLVED, that the Town Council approves Resolution #111511-6.

RESOLUTION #111511-6

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider amendments to the retirement ordinance Sections 2-132 and 2-133 and 2-180 through 2-196, 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 of any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE The motion passed unanimously by those present.

E. Approval of appointment of directed Trustee and all related pension Trust fund transition agreements.

MOTION by Mr. Carroll; seconded by Mr. Sima.

BE IT RESOLVED, that the Town Council approves Resolution #111511-7.

RESOLUTION #111511-7

BE IT RESOLVED, that the Town Council approves the appointment of Marshall and Ilsley Institutional Trust Services (M&I) as Directed Trustee for the Town Pension and Retirement Plans, and also approves and authorizes the execution of all necessary documents for said appointment and transition of pension and other post employment benefit trust fund assets, including:

Benefit Plan Services Agreement with M&I
Master Trust Agreement
Police VEBA Trust Agreement
Other Post Retirement Benefits (OPEB) Trust Agreement
Volunteer Firefighter Pension Trust (Rabbi Trust) Agreement.

Discussion

Mr. Jaskot explained that the Retirement Board approved a change in trustee for Town pensions, and following an RFP and interviews, selected Marshall & ilsley as the new

trustee. This selection requires Council approval of the agreement which starts on January 1, 2012. The trust funds have been updated to reflect this transition, and ordinances have been changed as part of the update. M&I is the organization that will disburse the pension checks to retirees. There will be notification to retirees this week on the change in trustee.

Town Attorney Johnson clarified that the various trust agreements have been modified to reflect moving to a new trustee, and documents have been updated to reflect changes in the law and errors in the documents. All changes were reviewed by Mr. Jaskot and the Retirement Board.

VOTE The motion passed unanimously by those present.

F. Call of public hearing for Historic District Ordinance correction.

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

BE IT RESOLVED, that the Town Council approves Resolution #111511-8.

RESOLUTION #111511-8

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider a correction to the Historic District Ordinance, Section 2-83, 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 of any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE The motion passed 7-1; Sima opposed.

**G. Call of public hearing for ordinance establishing a sewer use freeze
For those eligible for the local tax freeze program.**

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #111511-9.

RESOLUTION #111511-9

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider a new ordinance establishing a freeze of sewer use fees for those residents eligible for the local tax freeze program, 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 of any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE The motion passed unanimously by those present.

H. Authorization to execute amendment to the Covanta Municipal Solid Waste Disposal Agreement.

MOTION by Mr. Schrumm; seconded by Mr. Carroll.

BE IT RESOLVED, that the Town Council approves Resolution #111511-10.

RESOLUTION #111511-10

BE IT RESOLVED, That the Town Council approves and authorizes the execution of a first amendment to the Covanta Municipal Solid Waste Disposal Agreement as presented and attached.

Discussion

This matter was discussed at the recent Solid Waste Committee meeting, and Mr. Milone stated that Covanta was hired by the five towns to operate the plant. At that time there was discussion about a provision to allow adding onto the tip fee, with this add-on redirected back to the towns for a way to replenish or increase the reserve fund. Under the old agreement with CRRA the towns could build into tip fee and the surplus at the end of the year went into the reserves. Under the Covanta agreement any surplus goes to Covanta. This amendment allows the five towns to take the adopted tip fee, i.e. \$62, and add 50 cents, \$1.00 or \$1.50 to the tip fee. Covanta will take this add on amount and deposit it into the reserve agreement which Wallingford maintains for the five towns. This provides a revenue stream in case of the need to increase the reserve fund.

The second agreement before the Council is an inter-municipal agreement which talks about establishment of the reserve fund and management of this fund. There was a requirement to "maintain" this reserve fund, and the Town Council was not in favor of "maintaining" a \$2 million reserve fund. The Council supported a reserve fund, but did not want to have the imposition of being required to maintain it at a fixed amount.

Mr. Milone said that with the help of Attorney Johnson and Attorney Smith, there was renegotiation of the agreement with the policy board to reflect the changes (pages 2 and 3). The changes were: "maintain" is deleted; reserve fund is established at \$2 million; funds are replenished with an add on tip fee; and if the fund goes below \$2 million there is a plan to restore the fund over a period of two years.

Mr. Schrumm noted that the towns had a reserve fund under CRRA, which grew and the towns received a rebate, which could happen again. The tip fee is just a circular motion of the money. The plant has the ability to take spot trash with more money being made via the tip fee.

Cheshire pays its own tip fee and Mr. Milone said the add on money will be segregated for the reserve fund. There is a significant amount of small waste brought to the facility and there are two more revenue streams with the spot market and commercial waste.

Chairman Slocum stated that Cheshire's portion of the \$2 million is 13.41% which comes out of the CRRA revenue received by the Town.

The Town received \$420,000 last year in a rebate, and Mr. Milone said Cheshire's contribution is \$270,000, which is already set aside in an account. With the add-on to the tip fee, the towns want to have a provision in case the reserve fund is depleted, and to have a mechanism in place to get money into the fund without direct contributions from the five towns.

Mr. Sima asked about private haulers coming into the Covanta plant and spot hauling to maintain the plant operating at full capacity. He assumes these haulers pay the increase in the tip fee or Covanta charges a different tip fee, without these haulers paying the add-on to the fee.

According to Mr. Milone his understanding is that these haulers pay the rate so Covanta has one consistent rate at the facility. Otherwise there will be equity issues with a two tier rate structure.

It was noted by Mr. Sima that this is not in the agreement.

Mr. Milone understands that this is what was expected. He will re-read the agreement with the Town Attorney, and go back to Covanta to make sure about this fact. He understands the add-on is for all tip fees, spot waste and commercial and residential waste.

A question was posed by Mr. Sima about the hauler not paying these reserve charges, and Covanta not being responsible for these charges, and a bond or security is not required to be posted. He does not see anyone locked into gaining money other than to make this a circle of money. He asked about the need of this reserve account, and requested clarification on why this \$2 million in reserve is needed. In the past the money was set for mothballing a plant that was run by CRRA. Now the plant is owned by a company; it is theirs; is not owned by the Town of Cheshire; and if something goes wrong with the plant it is Covanta's problem if emission standards are not maintained. Mr. Sima asked why Cheshire's hands are tied to replenish this reserve fund within two years. There was prior talk about maintaining this account, and again, we are

maintaining this account in an expedited manner, drawn out over two years. In many budget cycles there is talk about not having enough money in Town, and people state we are bound by contract. This time we are entering into a contract in which the Town is bound to put money into, and Mr. Sima asked why this is being done.

Mr. Milone addressed this question, stating that when Cheshire was a member of CRRA there were many programs such as electronic recycling every six months, awareness programs, and other programs to expand the involvement and utilization of the recycling effort, all done outside the norm of the plant. The current fund would be used by the towns to collectively do a recycling event outside of the normal collection effort. At this time, the Town is not paying for electronic recycling, and just did a program through a private vendor. The market could shift, and a recycling program could be planned, with the funds available to pay for it. Another reason for the fund is a provision in the Covanta contract that talks about a change in law with resulting capital improvements to be made at the plant. These capital improvement costs could be passed along to the towns, without the costs falling under the restrictions of the tip fee increase. There are guidelines under the tip fee increase relative to CPI, minimum and maximum. If Covanta has to make some modifications to the plant, under changes in the law, the charge can be passed onto the five towns over and above parameters of the tip fee. The towns wanted to have something to prevent spikes in the tip fee, so the range in the increase would be 1.75% to 3.5%. If it exceeds this range, the towns would tap into the reserve to make up the difference. There could also be years, because of budget constraints, the five towns decide to pay the additional increase in the tip fee directly from the reserve fund. This was done by CRRA in the past. The reserve fund is there for changes in the law, possible spikes in the tip fee, and for potential recycling programs. In the past there were many public relations programs, awareness programs through CRRA, and to do them collectively the fund would pay for them.

It was explained by Mr. Milone that in the agreement it does not say the fund must be maintained, but does say over a two year period. The agreement says a "plan" must be in place to restore the fund, but does not say the fund must be restored. In dealing with four other towns, and one in particular, there must be give and take to get something that is wanted. This resulted in getting the word "maintain" out of the agreement.

Ms. Flynn-Harris commented on the committee discussions about the agreement having certain percentages for each town to raise the reserve fund. Cheshire has a percentage that could be less than stated as another town could have a greater percentage. The \$2 million is split among the five towns.

Regarding the statement about coming up with a plan, Mr. Sima reads that the fund will be restored to \$2 million over a period not to exceed 24 months. To him, this means the account must be back to \$2 million in 24 months.

Attorney Johnson said this could be argued on both sides, and Mr. Sima's argument is a better one. The way Mr. Sima reads it is the way he would be inclined to read it. If

there was ever a dispute, Mr. Johnson said the minutes of the meetings would be reviewed.

Chairman Slocum asked about this agreement failing in North Haven CT, and where this would leave the other four towns.

In response, Mr. Milone said the matter would go back to the Policy Board meeting for discussion and working out the differences in the language. It would be hoped that some agreement could be reached to bring back to the legislative bodies of the five towns. Cheshire rejected this agreement 9 months ago, and Mr. Milone went back to the Policy Board, asking for revision of the language. The same thing would happen if North Haven decided the agreement was not suitable.

The Council was informed by Mr. Milone that the Covanta contract term is five years with at least three renewals at five year intervals.

VOTE The motion passed 5-3; Ruocco, Sima, Slocum opposed.

I. Authorization to execute the Wallingford Project Solid Waste Participating Towns' Reserve Fund Agreement.

MOTION by Mr. Falvey; seconded by

BE IT RESOLVED, that the Town Council approves Resolution #111511-11.

RESOLUTION #111511-11

BE IT RESOLVED, That the Town Council approves and authorizes the execution of the Wallingford Project Solid Waste Participating Towns' Reserve Fund Agreement as presented and attached.

VOTE The motion passed 5-3; Ruocco, Sima, Slocum opposed.

J. Award of contract for District Wide Roofing project.

MOTION by Mr. Sima; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #111511-12

RESOLUTION #111511-12

BE IT RESOLVED, that the Public Building Commission is hereby authorized to hire New England Masonry and Roofing from the State of Connecticut Department of Administrative Services bid list for the District Wide Schools Maintenance project for an amount not to exceed \$125,000. The Town Manager is further authorized to execute the contract pursuant to this award, upon the approval by the Town Attorney as to form and legal sufficiency.

Discussion

Mr. Masciana stated that this is a \$125,000 appropriation out of the capital budget. The PBC action is to award a contract to New England Masonry and Roofing. The priorities right now to be completed before the winter sets in are at Dodd Middle School, at \$90,000, to strip in new seams over the south wing classrooms, gym, cafeteria, lecture hall and computer lab roofs. New roof and deck would be installed on the court yard and alcove roof. This is a preventative action, adding new seams to extend the life of the roofs, which are outside of warranty. The contractor reviewed all the roofs and recommended that this work is a priority, extending the roof life by 5 to 7 years. The company, New England Masonry and Roofing is a vendor used by the school district in the past. It is a quality firm, has DAS award from the State to do this type of work.

The balance of the \$35,000 will be for the Norton School roof over the Library connector where the portables are located, with a cost of \$11,000. Highland School portables also need new roof membrane. This work would not be done until Spring 2012.

Mr. Sima said these are not roofs that are leaking or about to leak, but we are being proactive with money set aside to insure they do not leak in the coming winter and spring thaw.

VOTE The motion passed unanimously by those present.

**K. Waiver of bid for schools HVAC project.
 No action was taken by the Council on this agenda item.**

Mr. Masciana stated that this is a Highland School unit, with an estimate to purchase a 25 ton Trane unit, installed cost of about \$85,000. With DAS award pricing the cost could be lower. The work itself, other than lifting the unit onto the building, could be done with people in the building, with only the gym impacted by lack of heat.

8. TOWN MANAGER’S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

- Monthly Financial Report – there are adequate resources in the operating budget to handle storm expenses, with \$200,000 in unanticipated revenue, money in the CNR account, \$225,000 in savings on the expenditure side.

- Connecticut Magazine Article – Cheshire ranked #5 in the top 10 towns in Connecticut.

- Referendum Results – The Town Clerk has certified the results; the \$1.5 million road appropriation passed; the \$30 million appropriation for the treatment plant upgrade did not pass.

Mr. Milone informed the Council that the treatment plant project will be an ongoing project for voter approval in the next election. The defeat at referendum does not change the purpose and intent of what the Town is trying to achieve with the plant.

- Prison Inmate Capacity – the report from the DOC commission reflects a count of CCI at 1456, and Manson at 719; there are no inmates housed at Webster at this time. There is information out there that the State will be using the Webster facility as a dispatch center for the State Police. No formal notification has been received from the State on this fact. Attorney Johnson is reviewing the contract with the State to determine whether or not they have to come back in with application to the WWTP since this is a change in use. It raises the question on whether or not they can automatically discharge to the treatment plant, or must go before the WPCA and seek approval.
- Upcoming meetings – Planning Committee, November 17th, 7:30 p.m. with a presentation by Amerisco on the energy audit.
- Police Fund Raiser – the Cheshire Police Department has a November fund raiser called “Movember” for prostate and testicular cancer. Police officers are growing mustaches and goatees, only in November, for this fund raiser.
- West Main Street Culvert – the State will be doing the culvert work on the weekend of November 18th to 21st; West Main Street will be closed from 7 p.m. Friday to 6 a.m. Monday. Businesses in the area are disturbed about the disruption due to the closing. Staff has worked to minimize the business disruption. The contractor has been generous in allowing extra duty police officers covering the number of points approaching the detour routes. There will be lots of signage and handouts to motorists on how to approach the businesses. The major part of the culvert work will be completed on November 21st.
- Town Hall closing – November 24th and 25th for Thanksgiving holiday.

Regarding the Covanta agreement, Mr. Milone said that it was the understanding that spot waste would be included in the tip fee, and this will be clarified by the Town Attorney.

Ms. Flynn-Harris stated that the culvert work is a State project and decision. The Police Department will be working to make everything as smooth as possible during the weekend work.

Staff will be making periodic visits over the weekend to the West Main Street area to insure things are going okay, and people are able to handle the inconvenience. He

emphasized that this is not a Town project, but a State project, and it is out of the control of the Town.

With regard to the grant for the Linear Trail, Mr. Milone said this will be agenda item for the Planning Committee meeting. There are two grants pending for the trail. There is a \$816,000 grant from the federal government for the Dalton piece; \$150,000 from DEP; with an estimated cost of \$2.4 million for this project. There is a STEAP grant application, and Mr. Milone expects Cheshire to receive some money from this grant with a response due in November. The Town applied for a federal grant for 80% of the cost, but was turned down. Information has been received from the DOT that the State will pay for 80% of the remaining cost of the trail from West Main Street to Jarvis Street. The Town will proceed with an RFP for the design consulting work, and the Council will make a decision on this. This project would be managed by the Town, and could be done for a cost of about \$350,000 to the Town.

Mr. Sima commented on using Town crews to clear brush on the trail going north so the State can do a survey to figure out the site lines.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Personnel – Mr. Ruocco will call a committee meeting to discuss strategy for labor negotiations..

B. Miscellaneous

11. APPROVAL OF MINUTES

Regular Meeting of October 11, 2011; Special Meeting of November 9, 2011.

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

MOVED that the Town Council approves the minutes of the Regular Meeting of October 11,2011, and the Special Meeting of November 9, 2011, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

B. Appointments to Boards and Commissions

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

Chairman Slocum reported on receipt of the annual report from the Regional Water Authority.

Chairman Slocum commended Councilor Carroll for his service on the Town Council, and stated it was a pleasure to work with him during his tenure.

Chairman Slocum reported that the new Town Council will be sworn in on Sunday, December 4th. A special Town Council meeting will be held on Monday, December 5th.

14. EXECUTIVE SESSION

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

MOVED that the Town Council enter Executive Session at 9:50 p.m. to include Town Manager Milone, PBC Chairman John Purtill and Deputy PW Director George Noewatne for contract negotiations; and Town Assessor Mario Panagrosso for land acquisition.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Schrumm; seconded by Mr. Carroll.

MOVED that the Town Council exit Executive Session at 10:35 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Mr. Schrumm; seconded by Mr. Carroll.

MOVED to adjourn the Town Council meeting at 10:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

