

MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD
ON TUESDAY, NOVEMBER 15, 2011 AT 7:00 P.M. IN ROOM 207, 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; Special Counsel Atty. John K. Knott; Attorney Thomas Gerarde.

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. APPROVAL OF SETTLEMENT AND RELEASE FOR 745 HIGHLAND AVENUE LLC et al vs. CHESHIRE ZONING BOARD OF APPEALS et al, (possible executive session)

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

MOVED that the Town Council enter executive session at 7:02 p.m. to include Town Manager Milone, Attorney Knott and Attorney Gerarde to discuss litigation.

VOTE The motion passed unanimously by those present.

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

MOVED to exit executive session at 7:30 p.m.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution #111511-1

RESOLUTION #111511-1

BE IT RESOLVED, that the Town of Cheshire shall enter into a certain "Stipulation of Settlement and Release" (the "Stipulation") by and between 745 Highland Avenue LLC, 745 Highland Avenue Operating Company LLC, John Doe and Jane Doe (as Plaintiffs) and Cheshire Zoning Board of Appeals, Cheshire Planning and Zoning Commission and the Town of Cheshire (as

Defendants) with respect to a certain action pending in the United States District Court for the District of Connecticut, Docket No. 3:09cv00499 (AWT); and

BE IT FURTHER RESOLVED, that the Town Manager be, and hereby is, authorized, directed, and empowered to enter into, execute, deliver, seal and perform on behalf of the Cheshire Zoning Board of Appeals, the Cheshire Planning and Zoning Commission, and the Town of Cheshire in the general form and upon the general terms and conditions of the Stipulation presented at this meeting; and

BE IT FURTHER RESOLVED, that the Town Manager and other proper officers or agencies of the Town be, and each hereby is, authorized to execute, deliver, seal and perform all documents and certificates and to take all other actions as may be necessary or appropriate to effectuate this Resolution and/or perform the obligations of the Cheshire Zoning Board of Appeals, the Cheshire Planning and Zoning Commission, and the Town of Cheshire under the Stipulation.

This resolution shall take effect immediately.

VOTE The motion passed unanimously by those present.

4. ADJOURNMENT

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

MOVED to adjourn the special meeting at 7:25 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk