

**MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON  
TUESDAY, DECEMBER 15, 2020 AT 6:00 P.M.  
VIRTUAL MEETING**

*This meeting can be viewed live at [youtube.com/c/Cheshire Channel 14](https://www.youtube.com/c/CheshireChannel14) or on  
[Channel 14](https://www.youtube.com/c/CheshireChannel14)*

*Public comments can be made virtually via email at [Comments@cheshirect.org](mailto:Comments@cheshirect.org)  
and by voice mail message prior to the meeting at 203 271-6638.*

Present

Robert J. Oris, Jr. Chairman; Timothy Slocum, Vice Chairman; David Borowy, James Jinks, Sylvia Nichols, Sandy Pavano, Peter Talbot, David Veleber, Donald Walsh.  
Staff: Sean M. Kimball, Town Manager; Arnett Talbot, Asst. Town Manager; PW Director George Noewatne  
Guests: State Legislators – Sen. Rob Sampson, Sen. Mary Abrams, Rep. Craig Fishbein, Rep. Lezlye Zupkus, Rep. Liz Linehan

Chairman Oris called the meeting to order at 6:30 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. Discussion with Cheshire's State Legislative Delegation regarding  
Town Council Legislative Recommendations.**

Chairman Oris welcomed the State Legislators and thanked them for attending the meeting with the Town Council. With this format, the Council can talk directly with the Legislators on issues of importance to Cheshire. The list of legislative recommendations was sent to the Legislators, and it included items important to the Cheshire community.

Chairman Oris reviewed the legislative recommendations.

General Legislative Requests

**1. Concerns with the 2020 Police Accountability Bill**

The Council has concerns, understands the need for some reforming, and Police Chief Dryfe has concerns as Cheshire's Police Chief.

**2. Juvenile Justice Reform**

The vehicle break-ins in the state are aggressive and continue to increase; the law is too relaxed for those committing these crimes; and they need to be held accountable.

**3. Prevailing Wage**

The State increased new construction to \$1M but never increased the renovation number above \$100,000. With inflation and this economy it would be appropriate to raise this to \$400,000, which would save Cheshire money on significant projects.

**4. Binding Arbitration**

Cheshire is asking for time frames to be placed into this process. The Cheshire Police Department contract did not settle for 23 months.

**5. Enabling Legislation for Community Choice Aggregation for Energy**

This item is important to the Energy Commission.

Cheshire Specific Requests

**6. Transfer of School Bus Depot property from State to Town of Cheshire**

The Town of Cheshire leases this property for \$1.00 per year. This contract could go away by the State. It limits the town's ability to invest in this property. The town wants to put some permanent buildings on this site, but is hesitant to invest taxpayer dollars on property the town does not own. The Council requests the legislators advocate for this for Cheshire.

**7. Upgrading Route 68/70**

This was a bike route in the DOT Active Transportation Plan finalized in 2019. The West Main corridor is a critical and potential economic driver for the town in the future. The more the area can be made safe, pedestrian friendly, bike friendly...this goes in hand with what is happening in this area. The legislators were asked to advocate for Cheshire in this area and the needs for safety in this area.

Ms. Pavano commented on the juvenile justice penalties not being strong enough for youth; crimes are being committed over and over again; and this is an important bill for legislators to look at seriously.

Sen. Sampson thanked the Council for the invitation to meet with them. He will have 100 bills in the coming legislative cycle, set an agenda on what the Republican party has to offer.

#1 – Sen.Sampson has concerns with this bill, and hopes the legislature will pick it up, make some changes; all Republicans voted against this bill, and will work to undo the troublesome aspects of the bill.

#2 – The juvenile justice reform is the result of bills in recent years...second chance society, excessive use of force...all aimed at reducing the impact of law enforcement on juvenile crimes. Sen. Sampson will be introducing legislation to crack down on the car theft legislation.

#5 – There are concerns about the high energy rates in Connecticut, and Sen. Sampson will work to reduce electric costs in Cheshire.

#6 – Sen. Sampson will fight to ensure the transfer of the bus depot property to Cheshire becomes a reality. He noted transfers have to be fair amongst towns.

#7 – Route 68/70 – Sen. Sampson made a commitment to work on this matter for Cheshire.

Chairman Oris reiterated the importance of these items to Cheshire, and the Council supports the bipartisan list in a collaborative way. The Council looks for politics to be put aside, figure out a way to collaborate together, and find commonality.

Rep. Zupkus stated the items have been sent before to the legislators, and all the Cheshire delegation will come together for the betterment of the town.

#1 – The Police Accountability Bill has work to be done, and Rep. Zupkus will take the letter from Chief Dryfe and insure it is part of the negotiations.

#2 – Juvenile reform has concerns that something tragic will happen with car thefts...going into a house and someone not make it out. The kids are getting a slap on the wrist; they must be held accountable when doing the same thing over and over.

#3 and #4 – Rep. Zupkus agrees with these two items. With binding arbitration it goes on too long.

#6 and #7 – Rep. Zupkus called DOT about #7, and was told it was not a problem. Once work is done on the road this becomes automatic.

According to Mr. Jinks the road will be resurfaced and re-marked, and with enough curb room will allow for a bike lane. West Main is too narrow for the amount of space, and more creativity will be required. Mountain Road has a bike lane in the middle of the road.

Sen. Abrams stated the legislators work together for the betterment of Cheshire, and she appreciates this meeting with the Council.

Transfer of bus depot property – Sen. Abrams asked about development on this property, i.e. town buildings or storage for the town.

Chairman Oris explained there are temporary buildings on the site now. The town wants to do upgrades and have better facilities for the bus drivers...but is hesitant to do this if the town does not own the property as an investment.

Sen. Abrams said she would support this transfer of property to Cheshire.

In 2017 she and Rep. Linehan put in something in 2015 about #5, aggregating energy but it did not move through. It will be started in 2020-2021, and is timely.

Sen. Abrams is looking into the binding arbitration which was an ordeal for the Cheshire Police Department contract.

Prevailing Wage – Sen. Abrams is not on the same page as the Council on this issue. In 2021 there will be many bills looked at, and an increase in renovations will not go anywhere. She is open to talking about the issue further with Cheshire.

Mr. Oris said these items are easy ways to find savings for Cheshire.

Sen. Abrams is aware of the financial difficulties of the State and municipalities, along with the pandemic and related costs. Cheshire is looking to upgrade its schools, and she will try to keep an open mind and listen.

Juvenile Justice Reform – Sen. Abrams has heard about the crime spree all over the State, and will be looking into effects of changing juvenile justice laws, holding young people more accountable. There is a diversion program for kids in the State.

Police Bill – Sen. Abrams voted in favor of this bill; has read Chief Dryfe's information; wants more discussion with the Chief on this issue which she would share with other legislators.

Chairman Oris stated the support of the Cheshire community for the Police Chief and the CPD. Open dialogue is what the Council wants on this issue, and there can be respectful disagreement and move forward. He is tired of the divisive things going on nationally, which is not good for the Cheshire residents. There can be collaboration and cooperation without disrespect for each other.

Stating her agreement, Sen. Abrams said it is important for her to know the opinion of others, even without agreement, and helps her do a better job. Her phone line is open to everyone.

Rep. Fishbein expressed appreciation for the opportunity to meet with the Cheshire Town Council. He reviewed the items in the legislative package and his thoughts and concerns.

Police Accountability Bill – Rep. Fishbein commented on there being few occupations where a husband and wife leave in the morning, unsure if they will return at night. For this bill there was language put out; there was no public hearing; legislators were not allowed to hear from the police officers...men and women...who put their life on the line

each day. The bill is out there; it is being field tested; there are many discussions; problems were known from the beginning. He has met with democratic leadership on the Judiciary Committee, stating there will be strong overtures to change portions of this bill. He appreciates and supports the memo from Chief Dryfe.

Rep. Fishbein has difficulty with the consent search aspect of the bill, police request for search of a vehicle due to fear. This area needs discussion, reopening of the consent search as before will be a problem. There are areas of this bill which must change. Section 41 of the bill is a violation of the equal protection clause of the Constitution.

Juvenile Justice Reform – The last two sessions had a bill; cases from juvenile court to adult court has benefit to the accused; his bill would be benefit to society. The penalties should be harsher, and the problem is judges are more apt not to sentence someone. Rep. Fishbein supports the diversionary program. A juvenile for certain crimes is not afforded the ability to do accelerated rehabilitation. An adult committing the same crimes has the ability to do AR, and resulting in a dismissal.

Binding Arbitration – Rep. Fishbein said the question is “or what”; he got results for a July hearing on December 14<sup>th</sup>; the statute says decision rendered in 90 days. He questioned what happens if the decision does not come back in 90 days.

This is a point for resolution by the legislators and Mr.Oris said it is needed sooner than what the town is getting...23 months on a police contract was not beneficial to the town or CPD. Cheshire is looking for any professional advice that would be helpful, a shorter process and move forward...not 23 months to decide on a contract.

Mr. Veleber said Mr. Fishbein makes a good point. This is something to be worked out, brought to a discussion, and “or what” is a starting point. From the town’s perspective the resolution would be the town’s best offer becomes the resolution.

Energy Choice – Rep. Fishbein noted houses bordering Wallingford and Cheshire are serviced by Wallingford Electric. He asked if there is a preclusion that Wallingford Electric wanted to expand into Cheshire, the town residents could not opt into it.

Mr. Oris commented on the many problems with Eversource in Cheshire. The more competition offered to residents the better we will be. Having just one utility option is not good, and he would like Wallingford Electric coming into Cheshire.

Town Manager Kimball said the energy choice has more to do with suppliers and Connecticut has not allowed this up to this time. This particular legislation is for suppliers, not delivery.

Mr. Slocum said there is no statutory statement on when binding arbitration must be resolved, and 90 days could be inserted into the bill. Cheshire wants a limited time limit on binding arbitration.

Stating he understands the policy and Mr. Slocum's position, Rep. Fishbein said the result may be the arbitrator who does not comply within the time period has this noted on their work record.

Regarding energy, Mr. Borowy said many years ago Cheshire tried to disenfranchise. He would like the freedom to having a system like Wallingford with a big economic engine and driver. People could aggregate electricity and get it cheaper.

The Council was informed by Rep. Fishbein that Wallingford Electric benefits a portion of the rates paid to the town as a PILOT, with funds solely used for capital expenditures. It is about \$2M a year.

Rep. Linehan noted there is nothing in the legislative recommendations about the school modernization plan, and if Cheshire is ready for the "ask" from the State. She said the SMC should utilize the legislators, keep them in the loop, and Sen. Abrams is Vice-Chair of the Education Committee.

Chairman Oris reported the SMC is actively doing a lot of work, has deadlines for recommendations to the Council, will pursue grant funding, and file paperwork by the June 30<sup>th</sup> deadline. The legislative recommendations do not include SMC plans.

In that regard, Ms. Nichols said SMC is actively working and will keep the legislators in the loop. SMC has a meeting in January with State agency officials.

With regard to the tragic accident on Wiese Road with the ice cream truck Rep. Linehan asked about a local ordinance which the legislators should be aware of before this is on the State agenda.

This is a matter before the Ordinance Review Committee, and Mr. Oris said the ORC is looking to bolster safety and would appreciate anything on the State level for safety. The Council is interested in talking about safety issues particularly related to children.

Rep. Linehan asked for anything out of ORC to be sent to her as she works on the Committee on Children. She is working with the Office of Legislative Research, putting together data on safety issues, and working with Sen. Abrams on fun safety for kids.

Mr. Oris said the ORC would collaborate and work with the State delegation on all issues.

ORC Chairman Veleber has Rep. Linehan's email and will forward information about the ordinance, and compliance with State law.

The issue of juvenile car theft was raised by Rep. Linehan. She said the issue is not making it worse, as kids get into the system, are let go, and the question is about sending them to jail. Rep. Linehan knows kids need consequences at every level. There is research on what works in other states, their diversion programs with pros and cons, rehab, helping kids find a job, keeping in touch with kids many times a week, helping kids account for their actions, working together. The legislature is working on these problems. Any ideas are welcome but they must be data driven.

We have issues and problems on the state and national level and Mr. Oris said everyone is concerned. There could be something catastrophic coming for a homeowner of perpetrator. A solution must be found along with a better way to manage this situation

It was stated by Mr. Slocum that the problem is driving the data; there are not enough judges to hear cases; kids need to have consequences; there is no desire to find common ground, the data is clear and we have a problem and a resolution must be found for Connecticut.

Rep. Linehan said something needs to be done in the short term.

According to Rep. Fishbein part of the problem is few judges and court staff, and the pandemic altering the situation in the State.

Chief Dryfe commented on juvenile justice and opportunities for the legislators to speak with various groups, especially the Police Chief's Association, on concerns about the Police Accountability Bill. The Chief is more than willing to discuss the bill and concerns with the legislators, and he is a board member of the Association. Chief Dryfe stated his concerns with the police bill on both the local and state level, and noted use of force is acknowledgement of concerns.

Chief Dryfe commented on the Juvenile Justice Reform, and Connecticut towns experiencing a dramatic increase in car break-ins and thefts over the last few years. He pointed out the changes to laws related to juvenile crime penalties have led to juveniles being nearly immune from punishment, if caught. He cited recent crime cases, repeated offenders/some with weapons, and the many pending court cases. Chief Dryfe supports the Town Council expressing to our State Legislators that juvenile laws must be revisited...and a way must be found to stop the problems.

Chief Dryfe talked about the accountability bill and the new standard for police officers that creates a "second guessing" aspect to an officer's actions. He cited the new statutory language on the "evaluation of an officer's use of deadly force, the conduct of

the officer that led to an increased risk of an occurrence of the situation that precipitated the use of such force”; language that an officer “has exhausted the reasonable alternatives to the use of deadly physical force”.

There is a new requirement that an officer “reasonably believes that the force employed creates no substantial risk of injury to a third party”. Chief Dryfe said many believe this standard will cause officers to hesitate on rare occasions where they must confront an active shooter. The consent searches section is concerning as it places limitations on law enforcement’s ability to utilize “consent” as a justification for a search; this diminished the police ability to engage in proactive police work

The Council and legislators discussed and commented on the pendulum swinging in the wrong direction, stories about kids with multiple car thefts and no retention, the end result being a tragic incident, courts having no leverage as kids do not appear in court and no place to send kids because juvenile facilities have been closed.

Mr. Veleber read a letter from Pam Salamone into the record, in which she thanked Chief Dryfe for his comments at this meeting and a prior Town Council meeting.

Rep. Linehan stated she does not disagree with Chief Dryfe. She is talking about the middle of road, kids not getting free passes; there should be consequences; providing kids with chances for rehabilitation, being tougher on them, having safe and secure facilities.

With regard to the SMC, Mr. Walsh explained the group has much work ahead to get to the grant application step. Legislators will be kept apprised of the process and SMC is counting on them to get the grant funds needed for the school modernization plans.

Mr. Walsh questioned Rep. Linehan on her defense of the Police Accountability Bill, changes forthcoming for the Act and what ones are necessary.

This bill is not perfect and Rep. Linehan said changes in the Act are coming with the Judiciary Committee seeing this through with a vote by the legislators. She believes a majority of the people in Cheshire support this bill.

Mr. Slocum, Sen. Abrams, Rep. Linehan and Rep. Zupkus left the meeting.

Rep. Fishbein noted this is a 72 page bill and most people have not read the bill...he suggested the Councilors read the bill. In response he cited information about criminals having done their time, 5-years post felony time/3-years past misdemeanor time and their record is erased, inability to hold someone’s crime history against them for housing purposes.

Chairman Oris thanked the legislators and Chief Dryfe for attending and participating in the meeting. He stated the Town Council and Cheshire community respect and support the Police Chief, Police Officers and CPD staff.

Chief Dryfe expressed appreciation for the opportunity to be at this meeting, and his statement will be forwarded to the legislators.

**4. Discussion and possible acceptance of Strollo Court as a Town Road.**

MOTION by Mr. Walsh; seconded by Mr. Borowy

BE IT RESOLVED, that the Town Council approves Resolution #121520-1

**RESOLUTION #121520-1**

BE IT RESOLVED, that the Town Council accepts Strollo Court as a town road, conditional upon the filing of a maintenance bond and recording of the warranty deed for the roadway and the storm drainage and sightline easements, free and clear of all encumbrances.

Discussion

PW Director Noewatne informed the Council that this subdivision was built to high standards, and he welcomes taking over this road. The majority of the paperwork for this acceptance is done, and PW Dept. has no questions or issues.

VOTE The motion passed unanimously by those present.

**5. Discussion and possible acceptance of Beechwood Court as a Town Road.**

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

BE IT RESOLVED, that the Town Council approves Resolution #121520-2

**RESOLUTION #121520-2**

BE IT RESOLVED, that the Town Council accepts Beechwood Court as a town road, conditional upon the filing of a maintenance bond and recording of the warranty deed for the roadway and the storm drainage and sightline easements, free and clear of all encumbrances, pursuant to Planning and Zoning Commission's approval.

Discussion

Mr. Noewatne said this subdivision road was built to town standards, is of high quality, everything is completed, paperwork is in place. He recommends accepting the road on behalf of the town.

Ms. Talbot reported the PZC approved this road at the December 14, 2020 meeting.

Beechwood Court is located off Mountain Road, has 12 houses, and is a cul de sac.

VOTE           The motion passed unanimously by those present.

**6.     ADJOURNMENT**

MOTION by Mr. Talbot; seconded by Mr. Jinks

MOVED to adjourn the special meeting at 7:55 p.m.

VOTE           The motion passed unanimously by those present,.

Attest:

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Marilyn W. Milton, Clerk