

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARINGS ON TUESDAY, FEBRUARY 14, 2012 IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Chairman Tim Slocum; Vice Chairman David Schrumm; Michael Ecke, Andrew Falvey, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, James Sima, Peter Talbot. Staff: Michael A. Milone, Town Manager; Town Attorney Dwight Johnson; Town Attorney Al Smith; Finance Director James Jaskot; Tax Assessor Mario Panagrosso; Vincent Masciana, Director of Management Services, Dept. of Education; Gerald Sitko, Economic Development Coordinator.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Revaluation presentation

Tax Assessor Panagrosso gave a short power point presentation on the upcoming revaluation of properties in Cheshire. The Town has chosen eQuality Valuation Services to conduct the revaluation of properties in Cheshire. The last physical inspection of properties in Cheshire took place in 1999. A copy of the presentation is attached to these minutes.

Revaluation is the reappraisal of all real estate property in Town to create uniformity in property valuations. It values all properties by the same standard at the same time, and develops an accurate and uniform assessment based on current fair market value.

There is a State mandate to update values every five (5) years and perform physical inspections every ten (10) years. State law assesses property value based on 70% of market value.

Revaluation equalizes market changes, increase or decrease in demand for various property, reflects improvements and changes to property, physical depreciation and other changes.

The current revaluation is through July 2013 with physical inspection, data collection of residential, commercial and industrial property. Each residential inspection should take about 10 to 20 minutes; inspections of commercial and industrial properties may take longer; and interior inspections provide relevant market value information on the property, and the information and data is for public use.

Security measures are in place through the Police Department, Assessor's Office, and eQuality Valuation Services; criminal records have been performed for all field personnel; all personnel will carry company and Cheshire picture id cards; and registration of all vehicles has been given to the Police Department.

Property owners will receive an introductory letter to precede visits by the data collectors; data collectors will check in with the Assessor's office each day before beginning inspections; and the Police will be notified daily on the location of the data collectors. Signs will be displayed on all vehicles identifying them as "Revaluation company for the Town of Cheshire." Property owners with questions or concerns can contact the Assessor's Office.

Timeline – this runs from March and April 2012 when the process begins through January 2014 when the 2013 Grand List is officially signed and implemented. Information on the revaluation and the time line is available on the Town's web site. There is a process and time line in place, February 1, 2014 through March 31, 2014, for filing with the Board of Assessment Appeals, hearings on filed applications, and result notices. In July 2014 tax bills will be mailed to property owners with the assessments resulting from the revaluation.

Mr. Panagrosso informed the Council and the public that inspection appointments can be made through the Assessor's Office for evening or weekend inspections. After a property is visited the 2nd time without an inspection, a letter is sent to the property owner regarding an appointment. If a property owner refuses entrance into the home, the valuation will be compiled with the best estimate to conform with the rest of the neighborhood. The extent of such an inspection will have the data collector looking around the property and buildings (i.e. shed, garage) but, not looking into windows or doors.

To date the valuation program has focused on condominiums in Cheshire, and Mr. Panagrosso said that about 50% of the condos in Town have been inspected. There is no final data available on these inspections at this time.

If a property owner denies an interior inspection, and goes to the Appeals Board after receiving the new property valuation, Mr. Schrumm said this could go against the property owner.

Mr. Panagrosso noted that with such a situation, the final numbers for property valuation are done in the quarter before October 1, 2013. The market is examined for one year before the valuation starts, sales are examined and tracked right to the assessment date.

PUBLIC QUESTIONS AND COMMENTS

Ray Squier, Cook Hill Road, asked what the inspectors look at, i.e. the structure itself, size, grounds, view, etc.

In response, Mr. Panagrosso said it is the structure, but they look at the lot, buildings on the property...all the real property. Information on the revaluation will be on the web site, and a question and answer pamphlet will be mailed to all property owners. The Town will have a video image of each property in Town, and Council of Governments

(COG) and eQuality have web sites with views of the properties, with COG having overlays, and wetlands.

Mr. Squier commented on the visit last month of the five legislators to the Council meeting with many questions and comments presented. He asked if there has been any feedback or input from the legislators since that time.

It was noted by Chairman Slocum that the Legislative Session opened last Wednesday, and the Town will not have a response from the legislators for a while.

Mr. Squire made a recommendation that the tax bills include a form for taxpayers to write questions about the revaluation, and return it with tax payments.

Town Manager Milone reported that on the Town's web site there is "survey monkey" which allows the public to pose questions and comments about services and programs in Cheshire. The mailers do not get a good response, and the web site is a more effective way to reach people.

B. Public Comments.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-1
RESOLUTION #021412-1
CONSENT CALENDAR FOR FEBRUARY 14, 2012

BE IT RESOLVED, that the Town Council approves the Consent Calendar for February 14, 2012 as follows:

- A. Acceptance and appropriation of a \$200 donation from Kathy Nankin to the Cheshire Fuel Bank.
- B. Acceptance and appropriation of a \$140 donation from the St. Mary's Hospital Transcription Department to the Cheshire Fuel Bank.
- C. Acceptance and appropriation of a \$147 donation from the First Congregational Church of Cheshire to the Cheshire Fuel Bank.
- D. Acceptance and appropriation of a \$2,500 donation from Alexion Pharmaceuticals, Inc. to the Police Department Account for general purposes.
- E. Acceptance and appropriation of a \$5,000 grant from the Naugatuck Savings Bank Foundation for Library renovations.

- F. Acceptance and appropriation of a \$500 donation from Cathleen Devlin in Memory of Joan Devlin to the Library Gift Account for library materials, Furniture and computers.
- G. Acceptance and appropriation of a \$50 donation from Gerald and Adoria Corcoran in memory of Stuart Solomon to the Library Gift Account for Library materials, furniture and computers.
- H. Acceptance and appropriation of a \$35 donation from Robert O'Hara in honor Of Jean O'Hara to the Library Gift Account for library materials, furniture and Computers.
- I. Acceptance and appropriation of a \$550.14 donation from the Cheshire United Methodist Church to the Cheshire Fuel Bank.
- J. Acceptance and appropriation of a \$1,291 donation from the Connecticut State Library State Aid Account to the Library Gift Account for the purchase Of library materials.
- K. Acceptance and appropriation of a \$520 grant from the Youth Service Bureau Enhancement Grant for positive youth development programming.
- L. Acceptance and appropriation of a \$500 donation from Cathleen Devlin to The mini-bus fund.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Approval of amendment to the Elderly Tax Credit and Qualifying Income Ordinance.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-2

RESOLUTION #021412-2

BE IT RESOLVED, That the Town Council approves the amendment to the Local Elderly Property Tax Credit Program ordinance Section 17-16(a) (11), as follows:

Sec. 17-16 (a). Property tax relief; owner's abatement program for certain elderly and/or disabled homeowners.

(11) This section (17-16) shall be in effect until FY 2012-2013, at which time it shall automatically be repealed.

This amendment shall become effective March 16, 2012.

Discussion

This agenda item was the subject of an earlier public hearing, and Ms. Nichols said the Council is extending the program for one year. Applicants can apply for the tax credit program from February 1 to May 15, 2012 in the Tax Assessor's Office.

Mr. Panagrosso informed those present that applicants must bring in their tax return and Social Security 1099 statement. If someone does not have a tax return, they must bring in proof of income. All this information is exempt from FOI, and is kept under lock and key in Town Hall.

VOTE The motion passed unanimously by those present.

B. Approval of amendment to the Elderly Tax Freeze Program.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-3

RESOLUTION #021412-3

BE IT RESOLVED, That the Town Council approves the amendment to the Elderly Tax Freeze Program ordinance Section 17-15 as follows:

Sec. 17-16 (a). Elderly Tax Freeze

(a) This section (17-15) shall be in effect until September 30, 2013, at which time it shall be automatically repealed.

Discussion

Assessor Panagrosso stated that this program is similar to the tax credit program, and this is an extension. People apply for the program in the same way as for the credit program.

VOTE The motion passed unanimously by those present.

C. Call for public hearing for amendment to the Town Beautification Committee Ordinance Section 2-86.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-4

RESOLUTION #021412-4

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider an amendment to the Town Beautification Committee Ordinance Section 2-86, 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 or 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.

D. Call for public hearing for amendment to the Human Services Committee Ordinance Section 2-85.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-5

RESOLUTION #021412-5

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider an amendment to the Human Services Committee Ordinance Section 2-85, 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 or 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. Appointment of Town Historian

MOTION by Mr. Ruocco; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #021412-6

RESOLUTION #021412-6

BE IT RESOLVED, That the Town Council adopts the following guidelines to clarify the term, duties and responsibilities of the volunteer Town Historian:

1. The appointment of the Town Historian is a two-year term. The appointment is to be made after the election of the Town Council and is effective February 1st through January 31st;
2. All historical artifacts given to the Town Historian are the property of the Town Of Cheshire and shall be turned over to the Town, Board of Education, or Historical Society at the discretion of the Town Manager;
3. The Town Historian will provide the Town Council with an annual list of key Priorities;

BE IT FURTHER RESOLVED, that, pursuant to Connecticut General Statutes, Section 7-148 (5) (D), the Town Council appoints Jeanne Chesanow of Cheshire, CT, as the Cheshire Town Historian for the term from present to January 31, 2014.

Discussion

Mr. Ruocco explained the process for selection of the Town Historian. Three candidates were interviewed by the Personnel Committee (Cindy Kleist, Jeanne Chesanow, Ron Gagliardi) with Ms. Chesanow and Mr. Gagliardi called back for 2nd interviews. Mr. Ruocco stated that both candidates were equally matched in terms of qualifications and experience relevant to the position of Town Historian. He based his decision on the relationship between the incumbent and the Historical Society. This position has no budget or support and the person needs to secure resources and have relationships for future use. He felt that he could not look past the strained relationship between Mr. Gagliardi and the Society. Mr. Ruocco stated his hope that Mr. Gagliardi will continue with his historical interests for the Town and doing the many things he has pursued in the past. He said that the position of Town Historian required a good relationship with the Historical Society.

Ms. Flynn-Harris asked where we are going for the next step since this resolution does not formalize a procedure but was created off the cuff. Going forward we do not want mis-steps, and she noted that this position was advertised without notification to the Council or the person currently holding the position. The Personnel Committee has gone forward for this appointment with no job description, no budget, and involvement of Town staff. She said the procedure must be formalized as a precedent has been set.

In response, Chairman Slocum said that this is an appointment by the Council, without a name forwarded from either town committee. He deemed it appropriate that the Personnel Committee be the body to conduct the interviews for candidates for Town Historian. Also, town committees have the option and flexibility and the right to interview prospective members of boards and commissions and committees before names are presented to the Council. It seemed logical for the Personnel Committee to handle this matter. This is a unique situation and Mr. Slocum believes things were

done in the right way and in the light of day, with anyone interested in applying. Now, a procedure has been instituted.

Mr. Ecke said that if this is the procedure to be followed, it should be formalized.

Chairman Slocum said that the Personnel Committee clarified the term of and appointment and the next Council will appoint a Town Historian as soon as they are seated, and conduct interviews.

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

MOVED to amend the resolution and add the nomination of Ron Gagliardi for reappointment as Town Historian.

VOTE (on the amendment to the motion) In Favor 3; Ecke, Flynn-Harris, Talbot. Opposed 6 – Slocum, Schrumm, Falvey, Nichols, Ruocco, Sima. The amendment to the motion failed to pass.

Mr. Talbot stated he would not vote in favor of the resolution on the floor, but this in no way is a reflection on the qualifications of Ms. Chesanow. He commented on the long and hard deliberations of the Personnel Committee members, and it was a difficult choice because both candidates were excellent and qualified to fill the role. Mr. Talbot elected to go with the person in the position for 9 years, and with the related experience. He did some research and in January 2012 the Council Chairman commended Mr. Gagliardi in his work as Town Historian.

Ms. Nichols said it was very difficult to choose between the two final candidates. The negative personal relationship of Mr. Gagliardi with the Historical Society moved her to vote in favor of Ms. Chesanow. Ms. Nichols commented on the great work performed by Mr. Gagliardi in the schools and throughout Cheshire, and expressed hope he would continue to do this work. She noted that the Town Historian is an appointed and volunteer position, and the person must work with the Historical Society.

Although he did not attend the committee meetings, Mr. Ecke said he heard about the rift between Mr. Gagliardi and the Historical Society. He asked if anyone from the Society attended the meetings and placed evidence before the committee during its deliberations.

Mr. Slocum said that stories about the rift were well represented to the public, and the committee was not interviewing the Society. The information was helpful in the decision making.

It was confirmed by Mr. Ruocco, Personnel Committee Chairman, that no one was present at committee meetings from the Historical Society.

PUBLIC

Ray Squier asked about setting a precedent moving from this internal evaluation and out of left field this comes to the Council for approval. He is concerned about setting a precedent for future appointments, i.e. to the WPCA, and asked how they are appointed.

Chairman Slocum explained that appointments of board and commission members comes from the town committees, with the exception of the Town Historian. He said that Mr. Gagliardi was appointed 9 years ago, without a term, and last year the Council voted for a two year term limit for Town Historian. The appointment is revisited when a new Council is seated. This is not setting a precedent.

John White, 60 Pound Ridge Road, asked what happens if the new Historian is incapable of performing the duties, and who would succeed her, and the process to be followed. To him, Mr. Gagliardi would be the logical person in the interim, and the Council would appoint a new Historian.

It was explained by Chairman Slocum that vacancies are filled as they arise, and this is a two year appointment, which the Council would manage to fill.

Mr. White said he assisted Mr. Gagliardi in vacating his office in the Historical Society building, filling up his van, and asked where things would be stored for the Historian, and which property now belongs to the Town of Cheshire.

Town Councilors do not have an office, storage in Town Hall, or other amenities, and Chairman Slocum said the Historian can use Town Hall for meetings, without office space or filing space.

VOTE The motion passed with 6 in favor: Slocum, Schrumm, Falvey, Nichols, Ruocco, Sima; Opposed 3: Ecke, Flynn-Harris, Talbot.

F. Approval of waiver of bid for the Highland Roof HVAC Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-7

RESOLUTION #021412-7

WHEREAS, the Public Building Commission has recommended that the Town save money on the Highland School HVAC project by purchasing a Trane HVAC unit directly from Trane, and contracting directly with an installer and electrician rather than purchasing from a state bid,

THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8 of the Town Charter and the recommendation of the Public Building Commission, approves a waiver of bid for the Highland School HVAC project, and authorizes the purchase of the

Trane HVAC unit from Trane, and contracts with White Bowman for the installation and Clark Electrical Services for the electrical work, with a total cost of the project not to exceed \$85,000.

Discussion

Mr. Sima stated that this matter was tabled last month pending clarification of where the unit would be purchased and how the project would go forward. This resolution clarifies everything. There is a waiver of bid because the BOE received prices from two heating companies and a DAS vendor. Going with Trane has a significant savings at a cost of \$82,100, with a \$3,000 leeway for anything unforeseeable. This is the last unit to be replaced, out of the three roof top units at Highland School, and handles the Library, media center, storage area, all with varied heating and cooling level requirements.

It was stated by Ms. Flynn-Harris that the existing unit is original to the school building, and is 40 years old, with the maintenance staff holding it together with duct tape. This bid waiver expedites getting the new unit installed for the cooling season. Without the waiver it would take a long time to get the unit delivered and installed. Now, it will be in place by mid-May for the summer cooling season.

With regard to the time frame for ordering and delivery of the unit from Trane, Mr. Masciana said the unit can be ordered on February 15th, with delivery in 12 weeks, and installation immediately after delivery. There are warranties on the unit, with Trane having a five year warranty on the unit; one year warranty for parts and labor from Trane; and the two installers will warranty their work.

VOTE The motion passed 7-1-1; Mr. Falvey abstained; and Mr. Sima was opposed.

G. Acceptance and appropriation of Wallingford Solid Waste project funds.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-8

RESOLUTION #021412-8

BE IT RESOLVED, That the Town Council appropriates \$268,200 from the Connecticut Resource Recovery Authority Special Revenue Fund to the Wallingford Project Solid Waste Participating Towns' Reserve Fund pursuant to the Municipal Agreement for said Participating Towns' Reserve Fund.

Discussion

Mr. Falvey said this is appropriation of the funds agreed to under the inter-municipal agreement for the Covanta Plant for solid waste disposal. A reserve fund of \$2 million

will be established; Cheshire pays \$268,200, the equivalent of 13.41% of the tonnage to the plant.

VOTE The motion passed unanimously by those present.

H. Approval of a FiberTech multi-year contract for fiber installation and use For the Cheshire Library.

MOTION by Mr. Falvey; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #021412-9

RESOLUTION #021412-9

BE IT RESOLVED, that the Town Council approves a five year lease agreement with FiberTech for installation and use of fiber cable between the Cheshire Public Library and Cheshire Town Hall.

Discussion

Mr. Falvey said this is an opportunity for the Town to tie into the fiber optic network at the Library, as the Library has more and more electronic services which cannot work with the existing infrastructure. The cost is \$9,600 annually and \$1,000 implementation fee.

This is a similar agreement to the Fire and Police Departments, and Mr. Sima asked about the path of the fiber optic cable since the cost is the same as for these departments.

Mr. Milone said that there are other procedures, and this company has already worked for the Town with quality service. He does not know why the cost is the same as the Police and Fire, but will check on this and advise the Council.

Ms. Flynn-Harris said this could be two strands.

With this in place Mr. Milone said there is protection and provision of redundancy. Apex Technology put a big server at the Police Department for backup, and the Fire Department and Library are going with fiber cable because it will greatly enhance technology, improve the speed and clarity of transmissions. There will be elimination of some AT&T lines with some savings.

VOTE The motion passed unanimously by those present.

I. Approval of request by Friends of Boulder Knoll to install high tunnels At Boulder Knoll Farm.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-10

RESOLUTION #021412-10

BE IT RESOLVED, that the Town Council authorizes the installation of “high tunnels” by the Friends of Boulder Knoll at Boulder Knoll Farm.

Discussion

Mr. Sima said that these high tunnels are plastic greenhouses supported by metal poles in the ground. The Planning Committee spoke with Dr. Giddings at the last meeting, and approved these tunnels for Boulder Knoll Farm, referring the matter to the full Council. These tunnels protect the crops during a wet season. They are set off the road. Now that there is water on the farm site, the Friends group can also use the tunnels for growing.

VOTE The motion passed unanimously by those present.

J. Appointment of Town Attorney

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-11

RESOLUTION #021412-11

I hereby move that the compensation agreement between the Town and the law firm of Murtha Cullina LLP, 185 Asylum Street, Hartford, Connecticut, through Dwight Johnson as Town Attorney, be revised as follows:

1. The firm’s monthly retainer, which has not been changed since July 2008, will be increased by 8.0% over a 16 month period. Effective as of March 1, 2012, the retainer will increase to \$18,690, and effective as of July 1, 2013, it will further increase to \$19,300. The retainer will continue to cover normal day-to-day handling of Town legal matters, including but not limited to:

(A) Attendance at regular Town Council meetings.

(B) Attendance at monthly meeting with the Town Manager and his staff.

(C) Preparation and review of Town ordinances; preparation of written legal opinions; routine written and oral advice with respect to Town matters; preparation and/or review of RFPs, contracts and other Town documents; and routine monitoring of litigation that is handled by attorneys other than those of Murtha Cullina LLP.

The retainer will cover the services of Dwight Johnson as Town Attorney, Al Smith, another partner in the firm, and such other members of the Town Attorney's firm as he determines appropriate. The Town Attorney shall be responsible for the coordination and execution of all work performed by his firm.

2. For legal services not covered by the retainer, hourly billing rates will increase by a total of 9.8% over 16 months. Effective as of March 1, 2012, the hourly rate for attorneys will increase from \$225 to \$236, and effective as of July 1, 2013, it will further increase to \$247. The hourly rates for paralegals will increase from \$145 to \$155 on February 1, 2012, and to \$160 on July 1, 2013. The services that are not subject to hourly rates will continue to include, without limitation: (a) litigation (other than litigation before Town administrative bodies), court appeals, and enforcement actions on behalf of the Town; (b) the incremental time on any single project that requires more than 25 hours of attorney work, including such items as a large building project or a complete review of the Town's benefits plan. Non-retainer work will also include legal work (c) performed with respect to projects that will be capitalized by the Town, and (d) as to which the Town will be reimbursed by the federal or state governments or by third parties such as developers and beneficiaries of tax abatements.

3. No charges shall be made for routine photocopying, long distance telephone calls, secretarial services and faxes. The Town will be billed for outside photocopying services (i.e. for large jobs), deliveries, mileage charges for firm travel, and out-of-pocket disbursements (including charges for computer-based research).

4. For matters not covered by the retainer, lawyers will charge one-half of the hourly rate for travel time between the Town and the firm's Hartford or New Haven offices.

Discussion

Mr. Schrumm stated that the Town has an excellent working relationship with Murtha Cullina, representative of Dwight Johnson. The proposed cost savings keep legal fees in check, and the Town Attorney has made great suggestions in order for the Town to get good legal services at good rates. This resolution represents a 2% increase since 2005. Mr. Schrumm said the recommendation is for the Town to continue with this law firm.

Mr. Milone explained that anything and everything that comes across the desks in Town Hall with legal implications involves the Town Attorney. The firm of Murtha Cullina has been instrumental in providing guidance, advice, legal opinions and leadership. Their services include the Department of Education and the Town, but does not cover labor relationship services. The Town Attorney provides guidance before getting into a situation with legal consequences. Mr. Milone meets monthly with Attorney Johnson to review everything that needs legal attention. This has been very useful and allows the Town to develop policy around emerging issues, to be more efficient, and avoid unnecessary legal consequences. There are many issues to be moved along despite legal obstacles, and the Town Attorney assists in resolution of issues within the law, and the range of legal services is extensive.

Mr. Sima asked about the change in the past regarding the hours of the Town Attorney at Council meetings.

In response, Mr. Milone said that Attorney Johnson was concerned about legal expenses, and made recommendations so the Town Attorney does not have to attend Council meetings on a regular basis, but only when required. This is the same procedure for boards and commissions. The Town Attorney advises the Town of the costs of a major project before going forward with legal work, and sometimes does not pursue the initiative, holding down legal costs for the Town.

Chairman Slocum reported that he met with Attorney Johnson to review and discuss the increase which the firm would be requesting. At first the rates were higher than what is proposed in the resolution, as the firm agreed to lower rates. He also met with two partners of Murtha Cullina for the purpose of a self-evaluation of the law firm, and it was a good experience in which to partake.

It was agreed by Mr. Sima that Murtha Cullina has done a good job over the last few years for Cheshire, particularly with the CRRRA project. He commented on many contracts coming before the Council, and the legal retainer increase of 8%, and 10% increase for all other work above and beyond the retainer. For him to support this increase and not support others with the limited amount of money available is not right. He believes the 10% increase is extravagant, and he cannot support the resolution.

VOTE The motion passed 7-2; Ruocco and Sima opposed.

K. Appointment of Subregistrars.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412-12

RESOLUTION #021412-12

BE IT RESOLVED, that the Town Council hereby appoints Daniel J. Ford and John W. Ford as Subregistrars of Vital Statistics for the term January 2, 2012 through January 6, 2014.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

MOVED to add an item to the agenda, Resolution #021412-13 - Cheshire High School Locker Room Project referral to the Public Building Commission.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution #021412013,

RESOLUTION #021412-13

BE IT RESOLVED, that the Town Council refers the Cheshire High School Sports Locker Room Project to the Public Building Commission.

Discussion

Mr. Masciana (DOE) gave a short summary of the locker room project at a cost of \$500,000, from funds approved in 2009-10. This project was assigned to the BOE School Building Committee. One of the desired improvements is extending the size of the locker room, and there has been past discussion about building a field house and moving the lockers to another location in the building. All these options cost over \$1 million.

Over the past year the BOE has been trying to figure out how to take the \$500,000 and accomplish what needs to be done in the existing space. With the \$500,000 the existing locker room would be gutted, rebuilt with new showers and bathrooms and janitorial area. The specs are being prepared by BL Companies and should be ready in a few weeks. Included in the specs are two alternatives to meet the ADA, handicapped access requirements for access to the lockers. This must be done as part of the Civil Rights Compliance review with either an elevator or ramp system to the locker space. The intention and plan is to bid for the best renovation of the locker room space and get bids for these two alternates. The BOE Planning Committee believes it can make a determination once the bids are in. This project could be phased in, and additional money must be appropriated to do either alternate 1 or 2. One question with the committee was re-appropriation of funds for the alternate items. A suggestion was made about the \$120,000 in the west wing project, and the process to re-appropriate this money, or close out this project, and appropriate new funds.

Mr. Masciana said this project will be assigned to the PBC, and to move quickly to get the bid completed. There can be a recommendation made to the PBC and Council and get the base renovation done during the summer of 2012.

It was stated by Mr. Schrumm that the purpose of going to the PBC is to follow Charter and ordinances, go through the specific steps so the project does not get off track. He has a problem with a phase in of this project, as funding becomes more murky and the public is confused.

According to Mr. Schrumm we need to know what the project is going to be. There was \$500,000 appropriated to include renovations to the high school for home economics room and not just the locker room. It appears that handicapped accessibility will be huge. Doing the project now, and then spending another \$500,000 on the same project

does not make sense. The project goes through the PBC; is done as one project; and we see where we are. This may delay the schedule, but the project must go through the process and done in its entirety.

Chairman Slocum said the PBC will look at the total project with alternates and have the total costs.

As far as the appropriation goes, Mr. Masciana advised that the home economic room improvements have been completed. The sports locker room project is necessary because of the poor condition of the lockers and the space, and the improvements will make it better. He agrees with moving the project to the PBC; get it processed quickly; and it will be added to the PBC agenda. The schematics have been reviewed with the athletic director and team coaches.

It is assumed the PBC agrees with the schematic drawing, and gets the base renovation project out to bid, puts it on a schedule knowing the exact cost, and looks at alternates 1 and 2...all by April 2012. Then the project comes back to the Town Council.

Mr. Sima commented on the need to get the sports locker room done, noting that once the work is started everything must be brought up to code, with accessibility for handicapped people. Using a ramp system will have everyone going outside the building to get into the locker room space. At some point in time the handicapped accessibility must be part of the project. He would not want to spend \$500,000 and then have a building official say the area cannot be used because of lack of handicapped accessibility. This is one issue with phasing in this project. If an elevator is the option, there must be modification to the entire building. Mr. Sima understands the desire to get this project done quickly, but said we must look at all of the ramifications and ensure there is ADA compliance once the building is renovated. Before starting the project, we must follow the Town Charter, and have a design before construction starts, along with knowing the costs involved.

With regard to handicapped accessibility, Mr. Masciana said this is in the capital plan with funds earmarked in the next four years to get this done. Regarding the improvements being made, the lockers are still accessible. Under the law this area must be equally accessible to all. People would go out the front of the building, go south along the sidewalk, and west to enter the locker room space, and this would be in compliance.

VOTE The motion passed 8-1; Ecke opposed.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

- Monthly and Quarterly Financial Reports – The January report shows a projected surplus of \$800,000 to \$1 million in the General Fund. The real uncertainty is with the Storm Alfred reimbursement. The FEMA application is not completed yet, and when it goes in it will be comprehensive. About \$100,000 to \$200,000 of Town money will go to the storm expenses.
- WPCA – budget is on track and there will be a small surplus. The meters at the prison are not measuring the accurate flow to the facility, and staff has researched this with actual flow estimates. This is being compiled into the bill to the State.
- Pool – there has been a loss of four months of operation; there will be no surplus; and staff is trying to determine the extent of the shortfall of the operation of the facility. There are ongoing negotiations with the insurance company on the business interruption loss with a claim of \$146,000.
- CIRMA – the Town received the 2012 CIRMA Risk Management Achievement Award in the category of outstanding commitment and results from safety committees. Mr. Milone advised that the Town has two safety committees – Townwide Safety Committee (staff members) and Executive Safety Committee (department heads). These committees meet with the insurance company risk managers, work to refine risk management strategies to reduce loss, and the Town has high worker compensation savings.
- GFOA – The Town of Cheshire Budget Book received the highest form of recognition in government budgeting from the Government Finance Officers Association. The budget is submitted for the review process; it receives analysis from GFOA; and this is the 14th year the Town has received this award.
- Linear Trail Project Status Report – this project was reviewed by the Planning Committee at its last meeting and Mr. Michaelangelo has provided a summary report to the Council. PW staff completed clearing the path for the State survey; the old railroad bridges over I-691 are in excellent condition; the West Main Street Culvert has lower standing water levels in the West Main and Jarvis Street section; this section has felled trees which will be trimmed in late February or early March; the consultant for this project will be selected soon by the committee with a contract in place as soon as possible; there is optimism from DOT for Cheshire to receive the 80% federal share for the West Main to Jarvis Street section.
- Storm Alfred Debris Removal – the two piles of material at Quinnipiac Park and Bartlem Park will be moved to the transfer station area. The Town rented two 30 foot roll offs and a truck to get this work done, and it should be completed by next week.

- Community Pool Status Report – all is going well and the pool is open to the public; a swim meet was held at the pool over the past weekend; the air quality is good; there are 10 items still on the punch list to be done. One issue is the pool cover (\$10,000 cost) which developed rips and holes and the condition of the fabric when the cover arrived was such that the Town did not create this problem. A dehumidification unit has been added to the punch list. The pool has a larger expansive interior than before, nicer appearance, and internal atmosphere.
- Economic Development Commission and Chamber of Commerce Information Session – to be held at Elim Park on February 28th, 8 a.m. and Councilors are invited to attend along with town businesses.
- Regional Water Authority sewer use fee and water main charges – The Council has granted a 10% freeze to eligible residents on the sewer fees. The question is about consumption numbers to be used to change the user fees. David Borowy, RWA representative from Cheshire, will attend an upcoming meeting to review these issues with the Council. The water main charge is \$520,000 out of the PW Dept. budget for all the water mains in Town and this has doubled in the last 10 years for the same number of water mains. The RWA has been requested to provide more detail on why this increase is so substantial.
- Town Hall closing on Monday, February 20, 2012, Presidents' Day.

Council questions and comments

Mr. Sima asked about the dehumidifier at the pool, and the question of rebuilding the existing structure to code with a dehumidifier in there, and if the insurance company is covering this cost.

In reply, Mr. Milone advised that a letter has been sent to the insurance company putting them on notice that the Town is making a supplemental claim for the dehumidifier unit. Dennis Rioux put together a three page summary of information and it was sent to the insurance company three weeks ago. The company is well aware of the claim and the substantial information from the architect. The Town is going ahead to get the funding; PBC and Engineering will pursue the best dehumidifier unit to be acquired. This is an agenda item for the next PBC meeting.

Chairman Slocum informed the Town Manager of heavy loads on wires in the Highland Avenue and Creamery Road area, which has been reported to the PW Department.

Mr. Milone will follow up on this and report to the Council.

Mr. Schrumm asked about the extra money spent on Storm Alfred in the budget line items, and when money is received if it will offset the line items, and assignment of FEMA money in the budget.

In the department summary, 220 Civil Preparedness, the budget was \$17,000; revised to \$509,000; expenses of \$267,000 have been identified; and all expenses and revenue related to Storm Alfred are in the Civil Preparedness budget. Other departments will be net of all storm expenses, but overtime has not been rolled to this budget.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS

Attorney Johnson thanked the Council for approving his firm's continued work with the Town of Cheshire. He stated that his professional staff has a very good relationship with Cheshire staff, and associates request to work with the Town.

Other legal matters will be discussed in executive session.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Planning –Mr. Sima reported that the committee is looking into drainage at MacNamara Field, HVAC unit at Highland School has a 40% reimbursement from CL&P.

Budget – Mr. Schrumm noted that budget workshops are coming in March, and the budget will be given to Council on March 9th.

Solid Waste – Mr. Falvey reported that his committee discussed the composting program which is now transferred to a farm in Wolcott CT, and it is being considered to have this program in town and managed by PW Department. There would be composting material for property owners to take for their personal use.

Single Stream Recycling – Mr. Falvey pointed out the three containers (toters) in Council Chambers – 96 gallon, 64 gallon and 32 gallon which are used for single stream recycling. The program would be an every other week pickup on a set schedule; the Town would purchase the toters at a cost of about \$450,000; and the benefit to the program is taking more material out of the waste stream and into recycling, reduction of tonnage, and lower costs to the Town. Council members will participate in a pilot program using the toters for about 6 weeks to determine if the program is worthy of going forward. A.J. Waste has agreed to single stream recycling pickup at the homes of Councilors.

Cheshire's annual tonnage is about 7,400 tons of waste going to the Wallingford facility, and Mr. Milone said the single stream program will reduce this by 10% or 740 tons, at \$68 per ton tipping fee. Also, with covered containers there is less water into the recycling material and less weight and less cost for the tip fee.

Mr. Falvey noted that the current hauler, A.J. Waste, is already into the single stream recycling program.

Audit – Mr. Ecke reported the audit is completed and a meeting will be held in the next few weeks.

B. Miscellaneous

11. APPROVAL OF MINUTES – Regular meeting of January 10, 2012 and Special Meeting of January 24, 2012.

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

MOVED to approve the minutes of January 10, 2012 and January 24, 2012, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

PBC – Mr. Sima noted that the commission has many projects at this time.

WPCA – Mr. Schrumm stated that Cheshire has moved up on the list for Clean Water Fund money for the treatment plant, and may get the 20% funding at a low interest rate.

Energy – Mr. Ecke reported on the commission working hard, and very involved with all PBC projects as they relate to energy.

B. Appointments to Boards and Commissions

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

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

Beautification Committee – William Meyerjack (R), reappointment, term of office present to January 31, 2014; Jane Presnick-Lyon (R), reappointment, term of office present to January 31, 2014; William Bonaminio (R), reappointment, term of office present to January 31 2014; Jeremy Linder (R), reappointment, term of office present to January 31, 2014.

Building Code Board of Appeals – George Bowman (R), reappointment, term of office present to January 31, 2016.

Economic Development Commission – David Pelletier (R), reappointment, term of office present to January 31, 2016; Brian Miller (D), reappointment, term of office January 31, 2012 to January 31, 2016.

Energy Commission – Carol Wilson (D) reappointment, term of office January 31, 2012 to January 31, 2016.

Environment Commission – Robert DeVylder (R), reappointment, term of office present to January 31, 2016.

Historic District Commission – John Torello (U-R), reappointment, term of office present to January 31, 2017.

Human Services Committee – Victoria Canale (D), to fill the vacancy of Canale open since 1/3/11, term of office January 31, 2012 to January 31, 2015; Courtney Cullinan (D), reappointment, term of office January 31, 2012 to January 31, 2015.

Inland Wetlands Watercourses Commission – Robert DeJongn (R), reappointment, term of office present to January 31, 2016.

Library Board – Joy Hostage (D), reappointment, term of office January 31, 2012 to January 31, 2016; Craig Wilson (R), reappointment, term of office present to January 31, 2016.

Performing and Fine Arts Committee – Doug Levens (D) reappointment, term of office January 31, 2012 to January 31, 2015; Nancy Burt (D), reappointment, term of office January 31, 2012 to January 31, 2015.

Prison Advisory Board – Phil Brewer (D), reappointment, term of office January 31, 2012 to January 31, 2014.

Public Safety Committee – Lori Rusnack (R), reappointment, term of office present to January 31, 2016; Nancy Blkomstrom (D), reappointment, term of office January 31, 2012 to January 31, 2016.

Water Pollution Control Authority – Matthew Bowman (D) to fill the vacancy of Mark Korman, term of office January 31, 2012 to January 31, 2015; Thomas Scannell (D), reappointment, term of office January 31, 2012 to January 31, 2015.

Youth Services Committee – Jean Garner (D) reappointment, term of office January 31, 2012 to January 31, 2014; Jason Pinkus (R), reappointment, term of office present to January 31, 2014.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

Ms. Flynn-Harris left the meeting at 10:15 p.m.

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

MOVED that the Town Council enter Executive Session at 10:15 p.m. to include Town Manager Milone, Town Attorney Johnson, Attorney Smith, and Mr. Sitko for economic incentives and land acquisition matters; and Town Manager Milone, Attorney Johnson and Attorney Smith for pending claims and litigation.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 10:45 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 10:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk