

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARINGS ON TUESDAY, MARCH 13, 2012 IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

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

Absent: Andy Falvey.

Staff: Michael A. Milone, Town Manager; Town Attorney Dwight Johnson; Finance Director James Jaskot; Deputy Finance Director Gina DeFilio; George Noewatne, Deputy PW Director; Gerald Sitko, Economic Development Coordinator; Vincent Masciana, Director of Management Services, Dept. of Education; Don Youngquist, Deputy Fire Chief; Jeff Boland, Fire Marshal.

Guests: John Purtill, Chairman PBC; Dennis Rioux, BL Companies.

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

Chairman Slocum read a Certificate of Recognition honoring the 100th Anniversary of the Girl Scouts of America.

A. Recognition of local fire prevention poster contest winners.

Fire Marshal Boland introduced the winners of the 2012 poster contest – Ying Peng Tao, Kaitlyn Loura and Kathleen Moran, and presented them with their awards. The posters are being judged in New Haven and for the State contest, and will be returned to Cheshire after the judging. The children were all from Norton School.

Chairman Slocum presented Certificates of Recognition to the students for their achievement. He stated that when the posters are returned to Cheshire they will be on display in the Town Hall lobby.

B. Neighbor to Neighbor Energy Challenge Presentation.

Shannon McEvoy represented the Neighbor to Neighbor Energy Challenge, and informed the Council on the program to save money and conserve energy in homes in Cheshire. This is the 3rd year of the program through outreach and education, and the goal is to reduce 20% of energy consumption in 10% of the population. The group has partnered with 10 community organizations and faith based groups in Town. There is a free lighting program which provides light bulbs that can save a homeowner \$100 annually. Ms. McEvoy reported on the HES program which has technicians visit a home, provide an energy audit, and

receive an energy report and recommendations to reduce energy and costs. People can contact the group at CTenergychallenge.com. This is a community program, and residents are encouraged to participate and reach their goals and receive the rewards.

Chairman Slocum thanked Ms. McEvoy for her presentation of information on this program to the Council and the public.

C. Public Comments

4. CONSENT CALENDAR.

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-1

RESOLUTION #031312-1
CONSENT CALENDAR FOR MARCH 13, 2012

BE IT RESOLVED, That the Town Council approves the Consent Calendar for March 13, 2012 as follows:

- A. Acceptance and appropriation of \$251 from the Judicial Branch Special Services to the Park Gift Account for park repairs and general services.
- B. Acceptance and appropriation of a \$4,245 Local Prevention Council Grant from the Connecticut Department of Mental Health and Addiction Services for substance abuse programs.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

Chairman Slocum moved agenda items #7-I and #7-J to current status.

- I. Approval of schematic design and authorization to go to bid for the Cheshire High School Sports Locker Project.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-9

RESOLUTION #031312-89

BE IT RESOLVED, That the Town Council hereby authorizes the execution of a of Ordinances, approves the schematic and final design for the Cheshire High School Sports Locker Project as approved by the Public Building Commission, and approves going to bid on said project.

Discussion

Mr. Sima stated that part of this project started in the 2008-09 capital budget with an allocation of \$500,000 to do locker improvements at the high school. The Board of Education (BOE) came to a Town Council Planning Committee meeting and advised that some work had been done on a schematic design for the high school locker rooms (boys sports lockers which are below the east gym). The project was sent to the PBC, and at their last meeting they were given schematic and final design to go out to bid on the project. Mr. Sima advised that once there is any renovation to a space it must be brought up to all current codes requirements (ADA). Doing this there is a need for someone with a disability to enter and exit the facility, which requires an elevator and extension to the existing building of Cheshire High School for construction of the elevator. Now, the project to renovate the locker room space comes to about \$800,000 or more and there is only \$500,00 allocated for the entire project.

According to Mr. Sima there has been little time to review the current project from what it was originally – locker replacements. Now, the entire locker room space (i.e. showers, office areas, etc.) must be completely gutted and reconstructed. With the locker room improvements and elevator there would have to be some gutting of an upstairs office and bathroom which will have an impact on the regular activities. This is a comprehensive plan to be done with a lot of work and Mr. Sima stated it needs more review.

John Purtill, 353 Wiese Road, PBC Chairman, informed the Council that by the time this project got to the PBC it was well along, with 29 pages of detailed construction drawings. It could be called construction ready. There is about \$300,000 more cost than what is now funded, and the plan requires the entire space be gutted and replaced with new industrial strength fixtures to stand up better to the heavy use by student athletes.

Mr. Purtill commented on the requirement for the elevator not being exclusive. If you overhaul a space like this there must be provision of ADA access to the building. Choices of access include a ramp at a cost of \$20,000 or elevator at a cost of \$300,000. There are conditions of use of one versus the other. There is one uncertainty about the real cost of this project. PBC has some construction estimates. Another uncertainty is what the Council wants to spend on this project. The sense of the PBC is that the best solution is to approve this as a conceptual design, and for PBC to approve it as a complete design. Then go out to bid to find out how much the project will cost in the market place. We are at a time when construction costs are at a lull; there are many people out looking for

work; and we may find there is interest in this project even with the available funds. If bids are received, the project comes back to the Council for review. If more money is needed the Council would have to appropriate the funds. At this point, the PBC is not ready to start construction, and would like to know what the market has in store to build this new facility. Right now there are only "back of the envelope" type estimates from the designer.

Mr. Slocum commented on the fact that the back of the envelope estimates are detailed in 29 pages. He believes we will be well beyond \$500,000 for this project, and the Council cannot exercise the judgment that this is a worthy project and produce the bonding dollars. This would require public support and referendum. With that in mind, Mr. Slocum asked for the wisdom in the approach being suggested. He agreed that this project must be done, but questioned the procedural approach, and whether this project should go through the capital budget process with more time to devote to its development.

It was stated by Mr. Masciana that the lockers need some renovation. \$500,000 was appropriated for three reasons, and one was the locker rooms and moving them, and money is needed to do this. This is a new project to the PBC and Council. When it was appropriated in 2009 it was assigned to the Cheshire School Building Committee, and it has been vetted through the school side and went to PBC. It is known that some additional dollars will be needed. The suggestion and recommendation, after spending time with the BOE Planning Committee and Mr. Rioux from BL Companies, is to make significant and permanent improvements to the locker room space with the \$500,000. The recommendation is go to bid with a base bid just to renovate the lockers. In the course of this renovation there will be improvements made to meet ADA requirements for this space (faucets, showers, door weights, etc.).

The project has two alternate bids. One bid is the ramp and the other is for the elevator. The thought was to bid the entire project at once, and depending on where the bids come in we can opt to do either the ramp or elevator, or opt to make this a second phase to the project. It is believed this would work and satisfy the Office of Civil Rights requirements and compliance.

Mr. Ecke asked about the plans, and stated the elevator is the preferred method to get to the downstairs. Given the fact that we can build the ramp at \$20,000, he asked if this satisfies the ADA requirements.

Dennis Rioux, BL Companies, replied that the important point with this project is that this is not a project which addresses just one portion of accessibility to the locker rooms and ignores the accessibility from outside the locker rooms. Any renovation that is done must be accessible. The base bid encompasses a total gut and renovation of the lockers to be functional for the teams, and it will be accessible. The project must address accessibility from the rest of the school to the locker rooms themselves on the lower level of the high school. Accessibility

can be achieved through the most desirable option of an elevator from the upper level down to the grade and the boys locker room level. We do not have the money for this option. With the stretch of the imagination, Mr. Rioux said that option #2 is that, rather than having this space in the lower level of the high school site, there was a field house in the middle of the campus. Everyone would have to leave the high school proper, walk up to the field house and enter the locker rooms, and this same thing can be achieved with the ramp on the exterior of the building. People with disabilities would enter the high school locker rooms through an exterior ramp. This meets the intent of the ADA Act, is legal, and this can be done within the \$500,000 allocation.

Stating he does not like this project to start with, Mr. Ecke said that if this is done we could come in close to the \$500,000 allocation. On the sheet there is an estimate of \$485,000 plus \$20,000 for the ramp. In a good market we could get this cost and there is a contingency built in.

Mr. Rioux stated that this is the intent of getting the Council's approval.

If approved by the Council, Mr. Ecke noted it would be 60 days for the bid, then award the job to a contractor, and he asked when the project could start and be completed, i.e. by Labor Day.

In response, Mr. Rioux said that is the intent and the way the general conditions for the contractor are written right now. The demolition would start on June 20th; completion of the project by August 15th; and there will be materials to be ordered before the start date. But, the project is basically ready to hit the street, and it could be out to bid next week. The time frame stated is a realistic time period for this project.

Stating it is realistic, Mr. Rioux said the plan is to start on June 20th and complete the work by August 15th. The idea is to test the viability of the project within the budget.

Mr. Ecke said that it is possible a contractor would state the time frame would not work, or agree that it would work and be willing to take on this project. He said that going out to bid will give a better cost estimate of the project. There will be many opportunities for this project not to go forward, and this will give a better cost estimate for the elevator, what the project will cost in total, and what must go into the capital budget in July.

Mr. Rioux stated that is the idea.

With regard to this ramp, Mr. Sima said this ramp is going off a hypothetical that we have a field house that is detached from the high school. We have a room that is physically attached to the high school; we have stairwells going down to that room right now; and if the room is done now with the ramp, those stairwells

would no longer be allowed to be used. Everyone entering and exiting that room would have to exit the building and enter the ramp. Someone with a disability that says there are children going up and down entering the room from the stairwell now, then we would be in violation of ADA compliance or CHRO. The reason for the elevator is to satisfy all the criteria without changing the flow of traffic in and out of the building within the existing structure. According to the Town Charter the project must get an estimate, have the dollars in hand, and satisfy the cost of the project. Right now we know we are on the edge of being able to satisfy the construction costs. Typically, there would be more contingency built in and more leeway, and we are really tight, and not following the Town Charter. Mr. Sima commented on this project starting three years ago with allocation of the funds, but it is hitting us now, and is suddenly a crisis mode to move forward now and get it done. If there is a ramp, Mr. Sima noted that no one can enter or exit the building without going outside, the same way someone with a disability would have to enter and exit the building.

Mr. Ecke feels safe in saying the locker room conditions are deplorable, and said it is a miracle that there has not been an outbreak of the mersa virus. He believes the users would be willing to have the doors permanently closed. Mr. Ecke commented on the deplorable conditions of the locker room reflecting this Council's disregard for the maintenance of the school buildings, and the deterioration of our school buildings and how this has moved forward.

It was stated by Mr. Schrumm that there was money in the capital budget three years ago for the locker room project with the Council hearing about drains backing up etc. Then, the crisis went away because of building the new football field, which totally absorbed the school administration. The PBC got the project one week ago, and Mr. Schrumm understands their wanting to move this project along. According to Mr. Schrumm this project has not been done according to Town Charter. As for paragraph #5 in the bond document, he said this is regular bond language. If this was assigned to the BOE three years ago, Mr. Schrumm asked what they have been doing for three years. The fundamental argument is that there is not enough money to complete the locker room project. Starting down the road with a \$1 million project or \$600,000 project, the request of the Council is to go out for a project without enough money, and this results in problems. Mr. Schrumm said this is not the way to do a project; it will be done right or not at all; and it will get into the capital budget cycle this summer, with more funding coming out of a referendum of the voters.

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

MOVED to table the Cheshire High School Sports Locker Project until the Capital Budget Process.

VOTE The motion passed 5-3; Opposed – Ecke, Flynn-Harris, Talbot.

J. Approval of vendor and allocation for design of dehumidification System for the pool.

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-10

RESOLUTION #031312-10

BE IT RESOLVED, That the Town Council approves extending the BL Companies contract to include design services for the dehumidification at the Community Pool and allocates up to \$5,000 for said design services.

Discussion

Mr. Sima stated that this resolution is to extend the BL Companies contract to include work for a new dehumidification system per the new building codes. The PBC has started working on the project and the different processes to do the dehumidification. There is a temporary c/o for the bubble, and for it to go up next year we must handle the humidity under the structure.

VOTE The motion passed 7-1; Ruocco opposed.

A. Public Information Presentation for FY 2012-2013 Proposed General Operating Budget.

Town Manager Milone gave the Council a brief overview of the proposed FY 2012-2013 budget. The proposed budget submitted to the Town Council would increase the total operating budget to \$99.7 million, a \$2 million increase, or 2.09% increase. The Department of Education budget increase is \$1.8 million, or 3.02%; General Government budget increases by \$797,000, or 3.04%.

The debt service is declining by over \$600,000, or the increase would be much greater. Mr. Milone said this is the largest decrease in debt service in any one year since 2000, and the lowest percentage that debt services is of the operating budget. CNR \$1.1 million will stay constant; Contingency Account will stay at \$125,000. Revenue support for the budget comes from two sources – a portion will come from the proposed tax increase, and another portion comes from the growth in the Grand List. There is a reduction in non-tax revenue of about \$750,000. There is no relief in revenue support for this budget other than through the two tax sources. The Grand List has grown more than anticipated and will generate about \$620,000.

The balance of the revenue support comes from the proposed mill rate increase of .75 mills, which increases the mill rate to 27.6 mills, and generate \$2.1 million. The impact of the proposed mill rate will be about 2.79% on the average homeowner; this is \$184 annually or \$15 per month increase in the tax obligation.

One half of the General Government increase is from the increase in pension contributions. This was discussed last year and the issue was addressed by the Council due to the significant losses in the pension funds in 2008. The increase to the pension fund grew significantly, and the Council agreed to do a five year phase in of this increase, at \$380,000 annually. We are in year #2 of the phase in plan. When the actuarial valuation is received this summer, Mr. Milone said we will see significant asset growth, and this will mitigate the increase having to be as steep over the next three years.

Mr. Milone stated that the proposed budget is a maintenance budget with some areas of slight enhancement of services. There are 10 projects funded outside the operating budget either in the CNR or capital budget or gift funds, and they are integral to the operation of the Town and BOE. These projects are consuming a lot of the human resources of the Town, with staff developing time to projects financed outside of the operating budget. While this is a \$99 million budget it is leveraging on the order of \$4 to \$6 million cutting across about 10 projects. It will leverage two other major projects, depending on what happens with the capital budget. One is the Linear Trail and the other is the Waste Water Treatment Plan.

The Solid Waste Committee has looked into enhancement of the recycling program, with a potential savings of \$50,000 to \$80,000 annually. There would be an initial investment of \$450,000 for the toters. Those savings are not reflected in the proposed budget.

The Council will hold a public hearing on March 27th. The proposed budget is on the Town web site, and copies are available at the Town Library and Town Clerk's office.

With regard to the \$2.1 million increase, and .75 mill rate increase, Mr. Sima said that without the reduction in debt service the mill rate increase would be one mill.

Mr. Milone reminded the Council that the CRRA funds are set aside and there is \$4.4 million in the debt reserve for the anticipation of the debt service going back up due to the impact of the treatment plant upgrade.

B. Set public hearing for the FY 2012-2013 General Fund Operating Budget, Water Pollution Control Department Fund Operating Budget, And Community Pool Fund Operating Budget.

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-2

RESOLUTION #031312-2

BE IT RESOLVED, That the Town Council shall hold a public hearing on Tuesday March 27, 2012 at 7:30 p.m. in Council Chambers, Town Hall, 84 South Main Street, Cheshire, Connecticut, to consider the proposed General Fund Operating Budget for Fiscal Year 2012-2013, the proposed Water Pollution Control Department Fund Operating Budget for Fiscal Year 2012-2013, and the Community Pool Fund Operating Budget for Fiscal Year 2012-2013.

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

VOTE The motion passed unanimously by those present.

**C. Approval of amendment to the Town Beautification Committee.
Ordinance Section 2-86.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-3

RESOLUTION #031312-3

BE IT RESOLVED, that the Town Council approves the amendment to the Town Beautification Committee Ordinance Section 2-86 as attached to these minutes.

Discussion

Ms. Nichols advised that the Town Council, Planning and EDC liaisons are being removed as voting members of this committee.

VOTE The motion passed unanimously by those present.

**D. Approval of amendment to the Human Services Committee
Ordinance Section 2-85.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-4

RESOLUTION #031312-4

BE IT RESOLVED, that the Town Council approves the amendment to the Town Human Services Committee Ordinance Section 2-85 as attached to these minutes.

Discussion

Ms. Nichols advised that the liaison members are being eliminated as voting members of this committee.

VOTE The motion passed unanimously by those present.

E. Acceptance of FY 10-11 Comprehensive Annual Financial Report.

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-5

RESOLUTION #031312-5

BE IT RESOLVED, That the Town Council accepts the FY 10-11 Comprehensive Annual Financial Report (CAFR).

Discussion

Mr. Ecke informed the Council that the Audit Committee approved the CAFR, and that there were no major problems, with the Town receiving a clean opinion.

Finance Director Jaskot reported that the CAFR is the financial status of the Town as of June 30, 2011. The Town did receive a clean report with no material weaknesses, and all grants in compliance. He is pleased with the results, and thanked the Town departments and staff, and Ms. DeFilio for their assistance in the audit.

Mr. Jaskot reviewed some highlights of the CAFR, which shows a fund balance of 9.2% of the budgetary expenditures with a projection of 9.4% in FY 2012. The auditors looked at all state and federal grants without any findings or questions. The report includes trend information and Cheshire economic demographic information.

Mr. Schrumm noted that Cheshire's fund balance is where it should be for a town its size. Cheshire is one of 14 towns receiving an award for financial excellence.

VOTE The motion passed unanimously by those present.

F. Approval of lease amendment for the installation of fencing at the Former Casertano property.

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-6

RESOLUTION #031312-6

BE IT RESOLVED, that the Town Council approves an amendment to the least agreement between the Town of Cheshire and Alex Arisco for a portion of the Town owned former Casertano property to allow for installation of fencing as

presented and attached, and authorizes the Town Manager to execute said amendment.

Discussion

This resolution permits the lessee to erect a deer fence around the property to deter further deer damage to crops. The lease agreement states that the lessee pays for the fence and it must be removed at termination of the lease.

VOTE The motion passed unanimously by those present.

G. Approval of lease renewal for sunflower project at Boulder Knoll Farm.

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

BE IT RESOLVED, that the Town Council approves Resolution #031312-7

RESOLUTION #031312-7

BE IT RESOLVED, that the Town Council approves an extension to the Kerry Deegan lease for a portion of Boulder Knoll Property for the purpose of growing sunflowers as presented and as attached.

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Lease Extension for the term of January 1, 2012 through December 31, 2012, upon the same terms and conditions as the previous lease, and to execute and deliver such other certificates or instruments as may be necessary or appropriate to consummate said Lease.

BE IT FURTHER RESOLVED, that a copy of the Lease, as executed, is hereby incorporated by reference as part of the minutes of this meeting.

Discussion

Mr. Sima stated that this is renewal of the lease for growing of the sunflowers by Mr. Deegan. He noted that profits from the sale of the flowers goes to the Cancer Society.

VOTE The motion passed unanimously by those present.

H. Approval of JAD Partners LLC tax assessment agreement.

MOTION by Mr. Sima; seconded by Mr. Schrumm

BE IT RESOLVED, that the Town Council approves Resolution #031312-8

RESOLUTION #031312-8

BE IT RESOLVED, That the Town Council hereby authorizes the execution of a Tax Assessment Agreement by and between the Town of Cheshire and JAD Partners LLC, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement upon the terms and conditions as presented at this meeting pursuant to approval by the Town Attorney as to form and legal sufficiency.

Discussion

Mr. Sitko explained to the Council that JAD Partners LLC has applied for the incentive program for the first building on the property at 1142 Highland Avenue. The PZC approved this project, and the new owners will be cleaning up a property that has been an eyesore since the former owner left the site. The EDC is in favor of granting this tax assessment agreement. The value is \$59,000 for three years; the Town gets \$73,000 in new tax revenue; personal property is valued at \$1.5 million; and the business have between 31 to 35 employees at the new location.

If JAD Partners wants an incentive for the second building, they would have to submit another application.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

- Monthly Financial Report – Mr. Milone stated there is expected to be a \$1 million surplus in the operating budget. The unknown is the FEMA money from the October 2011 storm. WPCA budget will have a surplus due to the prison having a meter limitation and under-reporting the flow from the correction facilities to the treatment plant facility. Based on an analysis done by Supt. Dievert and PW Director Michaelangelo, the under-reporting estimate is about 160,000 gallons. 550,000 gallons were being reported each day when the actual flow as 710,000 gallons. The Town billed CCI for their effluent at the 710,000 gallons per day, and this represents about \$178,000 more in revenue than anticipated for the WPCA budget. It is expected that the State will challenge these numbers. The Community Pool budget will have revenues below expectations due to the five month closure, and the shortfall could be as much as \$100,000.

The plan to address this will be discussed with the Council during the budget process.

- Public Works – Road Construction. There is a preliminary road construction schedule in the Council packets. The Planning Committee will review this schedule. There are in excess of \$1.5 million in road projects which the Town would like to do this summer. There is identification of significant capital appropriations where projects are completed or in progress and coming in under budget. These projects will be closed out, freeing up money that the Council can consider appropriating and adding to the \$1.5 million already appropriated. This would not add any additional debt to the debt obligation because the Town would be canceling more than the amount of debt being added. As long as the projects are site specific there is no issue with the referendum. This matter will be discussed further during the budget deliberations when the Public Works Department presents its budget.
- Expanded Recycling Initiative Pilot Program Schedule – This program with the Councilors involves a toter for a two month period, with some Councilors having the 64 gallon toter and others the 96 gallon toter. The plan is to have two pickups, and then flip the size so Councilors have each size toter for a full month. The recycling schedule for toters is bi-weekly, and there is information on what can go into these toters on the back of the schedule.
- WPCA Phosphorous Treatment, Clean Water Fund Grant/Loan Program; Legislation. Mr. Milone reported that the phosphorous treatment has been a matter of major discussion for the WPCA. A meeting was held at DEEP on 2/28/12. Four towns – Cheshire, Southington, Wallingford, Meriden are impacted by the DEEP decision to impose phosphorous to .2 mg per liter. The towns felt the limit should be .7mg per liter as a reasonable starting point to treat phosphorous with the towns doing it chemically and more cost effective way to start before jumping to .2 mg. The difference for Cheshire between .7 and .2 is the difference between spending \$1 million for chemical treatment or \$7.5 million for a retrofit of the plant. With the four towns the impact was \$58 million capital appropriation. DEEP was requested to start with .7, and see how effective the chemical treatment would be, take other measures to take phosphorous out of the supply chain. There is legislation pending to take phosphorous out of fertilizers. It is hoped that chemical treatment and other actions would mitigate having to go to a lower level.

Mr. Milone stated it was clear to him and the chief executives of the other towns and members of the towns' WPCA groups, that DEEP is not going to back off the .2 mg per liter. Cheshire received good news that the town is now #4 on the list for the Clean Water Fund grant/loan program. There

would be 80% loan at 2% interest and 20% grant, and possible a 30% grant with pending legislation. Mr. Milone informed the Council that we cannot fight for the lower phosphorous levels.

Other towns are not pressed to reduce levels immediately and buy time to fight DEEP over the next few years. The coalition of towns wanted money for legal fees for the legal argument and consulting and lobbying fees. WPCA felt it was not in our best interests to continue the fight and possibly jeopardize the grant/loan program, and delay the project. DEEP would likely take the money set aside for Cheshire and allocate it to another town lower on the priority list.

The Council had recommended legislation to get the prison to pay for part of the plant upgrade. This was introduced by Rep. Fritz with a modification from what the Council proposed, as asking for an outright grant was not likely to get through the legislature. The legislation requires or gives authority to towns to go back and renegotiate with OPM and DOC for amendments to the existing agreement. Heretofore, it was not possible to amend the agreement, and this legislation opens up this opportunity. Attorney Johnson will discuss this issue further during executive session.

- FY 12-13 Budget Workshop Schedule was in the packets.

Questions and comments

Mr. Schrumm asked if there was a commitment letter from DEEP on the loan/grant program.

In reply, Mr. Milone said the town is waiting for a response from DEEP, but there is no definitive answer on the possible 30% grant.

Mr. Schrumm noted that Southington has agreed to join the lobbying effort. If Cheshire gets the loan/grant funding, the town can just run away from this effort. He asked about pushing DEEP further on the lowering of the levels. Cheshire should keep its options open about joining the other towns.

This has been discussed with WPCA and Mr. Milone said Commissioner Esty has been informed that Cheshire will join the lawsuit. DEEP is firm in its commitment and resolve. The problem with waiting is that WPCA must go forward with the upgrade, and the argument is about the .2 phosphorous portion, a \$7.5 million add on to the upgrade. The .2 level will not change; the only thing that can be effectuated is a delay 1, 2, or 3 years out, and there will be legal and lobbying fees involved. Cheshire must do the \$24 million plant upgrade. WPCA does not want to do two projects consecutively over 4 years, when one project can be done in 1.5 to 2 years, plus losing economies of scale with two projects. There was a look at the finances, and it was realized that 2% on \$7 million and

30% grant, when factored in, is still less than being successful in getting back to the .7mg level. Other towns do not have the urgency to do an upgrade and they can wait and delay. Cheshire must move on its project. We do not want to lose the economies of scale, and possibly lose the battle anyway, and WPCA felt that the two projects should be merged. If DEEP moves Cheshire further down the list, the Town can still join the coalition. But for now, WPCA did not want to follow this course of action, and the coalition wanted money last week.

Chairman Slocum asked about the pool budget and if insurance claims revenue is factored into the budget.

They have been factored in and Mr. Milone hopes they are under stated. In FY 2011 there was a shortfall in this budget because the pool was closed. Most of the insurance proceeds will go to cover this shortfall, and it is hoped they will be in excess of what is needed, and will offset the shortfall.

**9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
Executive Session.**

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Audit – Mr. Ecke reported that the committee met earlier in the evening and approved the CAFR. The committee will meet in May to appoint the auditors and change the verbiage on the fund balance policy.

B. Miscellaneous

**11. APPROVAL OF MINUTES – Regular Meeting, February 14, 2012 and
Special Meeting of March 6, 2012.**

MOTION by Mr. Talbot; seconded by Mr. Sima.

MOVED to approve the minutes of February 14, 2012 and March 6, 2012 subject to corrections, deletions, additions.

Discussion

Mr. Talbot cited the following corrections to the February 14, 2012 minutes:

Page 8 – the date should read “January 2011”.

Page 21 – correct spelling of appointee “Blomstrom.”

VOTE The motion to approve the amended minutes passed unanimously
By those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Ms. Nichols – the Beautification Committee is working on Arbor Day; Historical District Committee will be bringing a matter to the Ordinance Review Committee regarding Certificate of Appropriateness.

Mr. Sima – PBC is working on the elevator project for the Senior Center, and there are concerns about not having enough money to do this work. It is still hoped the project can go out to bid.

Ms. Flynn-Harris – CPFA held Arts Festival on March 11th which was successful. Human Services will meet later in the week under new membership guidelines.

Chairman Slocum commented on the approval by the PZC of the new gas station on West Main Street, and appreciation to the business, Stop & Shop, for being willing to put pavers on the street to match the work being done by the Town.

B. Appointments to Boards and Commissions

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

MOVED the following corrections to appointments:

Human Services Committee – Canale, three year term should read 1/31/12 to 1/31/14.

Historic District Commission – Torello (alternate) term should read 1/31/12 to 1/31/15.

VOTE The motion to approve these corrections passed unanimously.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Slocum read a letter from Kelly Grimshaw into the record. The letter asked the Town Council to display the “Donate Life Connecticut Flag” in recognition of organ donor transplantation in Connecticut.

B. Miscellaneous

14. EXECUTIVE SESSION

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

MOVED that the Town Council enter Executive Session at 9:35 p.m. to include Town Manager Milone and Town Attorney Johnson to discuss land acquisition and possible claim by the town.

VOTE The motion passed unanimously by those present.

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

MOVED to exit Executive Session at 10:10 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

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

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk