

**MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON THURSDAY, APRIL 26, 2012, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 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; Dwight Johnson, Town Attorney, James Jaskot, Finance Director.

Department of Education: Dr. Greg Florio, Superintendent of Schools; Vincent Masciana, Director of Management Services; Gerry Brittingham, BOE Chairman

Guests: John Purtill, PBC Chairman; Dennis Rioux, Architect, BL Companies; David Borowy, Cheshire Representative to the Regional Water Authority Board.

**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. SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY CHARGES AND SEWER USE FEES.**

David Borowy, RWA Representative for the Town of Cheshire, gave a report to the Town Council. Mr. Borowy cited items of interest to the Town of Cheshire. These items included the adjusted rate increase which is 11% over the last two years; stabilization of RWA expenses with a lower capital budget of \$25 to \$27 million range; implementation of best management practices; reduction of staff from 297 to 261 which includes six temporary call staff; new vice president of I.T. and customer service; incorporation and model of new billing system.

Mr. Borowy read a response letter from the RWA president to the Town of Cheshire into the record of the meeting.

According to Mr. Borowy the issue of water consumption levels for local sewer use charges is a matter which must be discussed between the Town and RWA staff.

With regard to fire protection charges, Mr. Borowy stated that the RWA charges are comprised of two fees – hydrant fees (Cheshire owns the hydrants) and the charge for the water mains which provide water for the fire flow. He said that in the next two years there will be parity in the rates between RWA regions.

Mr. Sima questioned the 20% increase in the last two years from RWA to the Town of Cheshire in the inch/foot charge, and in the same time period the

personal property or value of the pipes in the ground has remained flat or even. According to RWA there has not been an increase in the pipe in the ground or the flow to the Town, yet there has been an increase in the fees by 20%. Mr. Sima is concerned that RWA is trying to make up some of the money for the land acquisition in the valley, or is not truly giving the Town what is actually in the ground. During the budget process, Mr. Sima said he asked for a map of the Town showing the exact size of the pipe in the ground, where it is located, so if RWA is billing the Town for this pipe they should be able to have a detailed list on the pipes. Mr. Sima commented on the 20% jump in fees, yet the PILOT money from the State now has a large discrepancy in the cost with a push going one way more towards the RWA. Cheshire has no choice but to pay this fee.

In response to Mr. Sima's comments and concern, Mr. Borowy said he would check on the fees. He said the 11% increase over the last two years is due to the rate increase and he will check the time period for the 20% increase.

Mr. Sima stated the 2010 payment to RWA was \$420,000 and for 2012 it is +\$511,000. He noted that RWA has done water main repairs and replacement and increase in size but this did not show up in the personal property side of the report. He asked about the new SAP program for water usage bills, and if a quarterly consumption number can be given to the Town for each address, and if this could be done by meter for multiple dwelling units.

This could be done by meter and Mr. Borowy said he will confirm the water consumption and quarterly reporting to the Town.

Mr. Sima said that with water meters, the Dept. of Corrections (DOC) has multiple meters, and if this information can be also be supplied to the Town.

With regard to the new SAP program, Mr. Schrumm said that the WPCA is looking at metered billing for the sewer charge. This data from the RWA had a very high cost, and he asked if the new program would reduce this cost.

The Council was informed by Mr. Borowy that under the old legacy system it was not practical to get this information. Under the SAP system the RWA should be able to get this information. The new program for customer service will start in May and the service for the management services system starts in June. By the Fall, RWA should be able to get the answers for the Town Council. At this time RWA is not doing billing for any other towns.

Over the years, RWA has been good to the Town of Cheshire and Mr. Schrumm asked Mr. Borowy put in a good word for land acquisition in the RWA water shed.

Mr. Sima recommended that RWA look at other water companies using the SAP system.

Town Manager Milone commented on the fact that Cheshire charges for sewer usage fee for residential and commercial properties. The residential fee is a flat one, and the commercial fee is based on volume. The Council is trying to get an equitable billing system based on water consumption, and this information is needed from the RWA. The RWA cited a high cost for this information. There is a continuous discussion on how to get this data in order to get a more equitable way to charge residential homeowners for sewer usage.

Mr. Milone advised that some back checking was done with the RWA accounting staff in the last few weeks, and the new accounting system is farther along than was realized in terms of RWA providing Cheshire with an Excel spreadsheet. This spreadsheet data would be used to convert the data for a base for a charge for the residential property owners. This was done in December with the commercial usage for conversion of 450 accounts taking 20+ hours, versus 4,500 residential bills which would take a much longer time. Mr. Milone said we are, probably, closer than was realized in getting this information, and the Town, with the help of RWA may be able to do this work in house, rather than using an outside service. There are many things to be considered other than just this data, as there is a change in the whole basis of the charge, and the Town would have to go to a utility based charge. This means having a fixed rate, a consumption based figure, spikes because of seasonal water usage, but it looks like the biggest hurdle has been overcome. The Town will need an accounting firm which does rate billing to assist with the work.

The Council was informed by Mr. Milone that pages 3, 4 and 5 of the handout on the RWA speak to the issues being discussed at this meeting.

Mr. Borowy said that when you go to consumption service billing there are many variables, i.e. many people having sewers but not water service. So, an average such as the size of the house would have to be considered. Some towns take the spring and fall water consumption and multiply it by 4 to get the average charge. Mr. Borowy assured the Council that the RWA will be assisting the Town with this matter.

Chairman Slocum thanked Mr. Borowy for his report and the information on the new billing system for RWA.

#### **4. CHESHIRE HIGH SCHOOL LOCKER ROOM PROJECT**

Chairman Slocum apologized for his lapse of judgment, comments and poor choice of words in an e-mail sent to Mr. Daly, and read a statement into the record. He stated that he also sent a letter of apology to the coaches and student athletes of Cheshire High School, and offered an opportunity to meet with them if it was feasible and they so chose.

The purpose of the meeting tonight is to bring forward more discussion on the locker room issues, and Mr. Slocum outlined the format for the meeting. He said the Council would address the ADA requirements with the BOE, the school administration, and the Public Building Commission (PBC).

Town Attorney Johnson advised that he has issued a memorandum addressing the five questions posed with respect to the planned renovation of the Cheshire High School sports locker facilities. Attorney Johnson summarized the memorandum on the questions raised and conclusions provided by the Town Attorney's office.

Attorney Johnson stated that the Council and BOE both have responsibilities and roles to play with respect to the Town's educational goals and obligations. Principally, with respect to education issues, the responsibility lies with the BOE. The Town Council has a statutory based significant role with respect to the capital projects for BOE facilities, i.e. buildings, structures. As part of the budgeting process, the Town Council, based on input from the BOE, determines what the BOE operating budget will have for a fiscal year. Once that budget is determined, the BOE determines how the funds will be spent, with limited or no role on the part of the Council. With respect to buildings and facilities in the Town, including those utilized by the school system, these are owned by the Town. Connecticut law and court decisions make it clear that Councils have a significant role in this regard.

With respect to the role of the PBC, Attorney Johnson stated this is an entity provided for under the Town's Charter and Ordinances. The PBC is a commission which the Council may, but is not obligated to ask to work on particular building projects. Some of these projects are for Town buildings and some are for school buildings. At the start of a project or even later through a project, the Council has the ability to assign a particular project to the oversight of the PBC.

The Council has the authority, midway through a project, to assign the project to the PBC, even if it had previously chosen not to do so. The Council must determine that a project needs additional input and State Law gives the Council the authority to utilize the PBC.

Another important issue was how to fund what appears to be additional financial requirements to complete the locker room project. Attorney Johnson noted that in 2009 the Town did approve a referendum to spend \$500,000 to renovate the locker rooms. Subsequently it was discovered that in order to be compliant with requirements under the Americans with Disabilities Act (ADA), additional work would have to be done on the locker rooms, which would cost between \$50,000 to \$300,000. The question was asked whether or not the Town would have to go back to referendum because the total amount of the project is now expected to go over the \$500,000. Attorney Johnson stated that the legal opinion is that this

would not be necessary as long as there were funds that had been previously appropriated that could be transferred to this particular project. And, this would speed up the project.

Another question was asked about an Invitation To Bid (ITB) or Request for Proposal (RFP). Attorney Johnson explained that this is the normal way the Town or BOE start the process to build something – an RFP is sent out for contractors to bid on the cost of a project. The question is whether an RFP could be sent out before funding is approved for a project. Attorney Johnson said the answer is “yes it could” but there may be policy reasons why this is a good or bad idea. But, it is something which the Town and BOE have done in the past, and there is no reason this cannot be done in the future. The only caveat added to the legal advice was, if an RFP or ITB is sent out, it should be made clear to bidders that the project will go ahead only if it is funded. There is no promise that if a contractor submits the low bid it will get the project, as there is always a contingency for funding.

The last question asked of the Town Attorney was whether the locker room project could proceed without, initially, meeting ADA compliance requirements. Attorney Johnson cited an example under ADA for a requirement to provide a ramp or elevator to provide students and coaches with disabilities to access the locker room, which is below ground level. There was nothing found directly on point on this, but Attorney Johnson said it is speculated that the State would, if it chose to do so, prevent use of the locker room until ADA compliance requirements were also met. It is unsure if this is likely, especially if the ADA compliance was done promptly after the initial renovation was done, and there is a good chance the State would not object to this approach. But, the State would have the authority to prevent the use of the locker room if it was built without meeting ADA requirements.

Councilor Talbot commented on page 7, VI of the Town Attorney’s memorandum, and asked for clarification. Even with PBC involvement, he asked if the BOE could go forward and solicit a bid for the project with full understanding that the stipulation regarding the ITB or RFP would be complied with.

Attorney Johnson said “yes” – it is the conclusion that this could be done.

Chairman Slocum said the fact that the Council has already assigned this to the PBC would make this moot.

According to Attorney Johnson, once the PBC is assigned a project, it normally follows outlined procedures in the ordinance as to going out to bid. He would expect that these procedures will be followed. Depending on how quickly the PBC moved the bidding would be delayed for some period of time.

Mr. Slocum stated that the BOE, as the user, could make the RFP very clear and complete and full so any information coming back is understood and shared, and this could be done quickly.

Attorney Johnson that under the process, as written, the Council would have to approve the RFP before they went out.

As a follow-up to Mr. Slocum's comments, Ms. Flynn-Harris said that PBC Chairman Purtill, on March 13<sup>th</sup>, said that the PBC should approve the plans as presented by the BOE and the project should go out to RFP.

The project is now in the hands of the PBC and Chairman Slocum said the Council must decide that this is no longer necessary, and he does not see this happening.

Mr. Schrumm cited page 6, para. 3 of the memorandum, and read an excerpt into the record as follows: *"In creating the Education Building Maintenance Fund, the Town Council provided that such funds were to be used only for certain types of expenses. One type of eligible expense was for "projects not funded or approved as part of the Five Year Capital Plan when it becomes necessary to address all or part of the project for various reasons."* He asked why this project would fall outside the bounds of that statement. When the maintenance fund was set up it was clear that it was set up to provide the BOE with some flexibility for unforeseen things such as furnace failure, roof leaks, etc. The subject project is funded by the five year capital plan.

In response, Attorney Johnson said that this resolution was read as also being intended to apply to a part of a project which was not anticipated. In this case in the five year plan the locker room renovation was covered, but he also has the impression that the ADA compliance requirements were not initially appreciated and are not in the five year plan.

Mr. Schrumm said this was not quite right, and that ADA was part of the issue all along, but not fully addressed.

On page 7, footnote #1, Mr. Schrumm read the footnote into the record. So far, no appropriation has been made to avoid a referendum. He noted that this language was specifically put into the Charter in the 1994 revision for precisely this reason...so that money could not be drawn in from other pockets to fund a project that had already gone out to referendum and approved, or was scheduled for referendum. In the past things were done in steps to avoid referendum.

Attorney Johnson stated the legal understanding is the facts of this project were that it was initially expected it could be completed for \$500,000. Subsequently, it was discovered that it was likely it would need additional funds. What is being said is that if you went out to referendum for \$500,000 and subsequently

discovered it would cost more money, the Town Attorney reads the language as not requiring going out for another referendum. On the other hand, if the project was cut in half approving \$300,000 in one year with the intent of approving another \$300,000 the following year, thereby avoiding a referendum in either case, that would be in violation of the statute. The ordinance was not written, in the town attorney's judgment, to preclude the Council from adding to a project as long as the purpose was not to avoid referendum.

Mr. Schrumm clarified that the \$500,000 came about after the \$9.3 million high school addition. The Superintendent of Schools stated to the Council that there was a requirement of an annual appropriation of \$500,000 to keep up with the repair of the high school building. The Council agreed. The \$500,000 referendum was for three (3) high school projects – the Home Economics area improvements, regular lockers in the upstairs hallway, and boy's locker room. Along the way money was found for the Home Ec improvements and other lockers, and it became \$500,000 for the boy's locker room project.

Stating that Mr. Schrumm was correct, Ms. Flynn-Harris said that the ADA discussion was there from the beginning. In June 1999 the BOE intention was to build a sport facility. She read an excerpt from the *New Haven Register* June 2, 1999, into the record. At that time the estimate for the renovation would cost more than \$500,000, and this is why this money was to go for a new outside building, not described the way it is now. From the beginning, ADA was involved because having a separate building would have helped with ADA compliance requirements.

Chairman Slocum made a distinction and clarified that this is based upon the fact that there is some CNR money in the BOE budget which is available, \$279,000. The BOE must determine that they would like this money added to the \$500,000 previously authorized at referendum. If the BOE wants to do so, they must make the determination, and then come forward to the Council for a vote on this request. This is the process, and where the source of money not requiring a referendum must come from. Mr. Slocum stated this because in previous meetings on this project he said this would have to go to referendum using borrowed, bonded funds. The Council had no authority to add to a project cost without the public's authority. This is the distinction which the Town Attorney has made for the Town.

Mr. Sima clarified the issue of the PBC moving this forward, and noted they have moved forward going out to bid to see if the project was able to be done within the \$500,000. The PBC is hoping that the environment is good for projects, and contractors would be anxious to do construction work and the project would come in at a low number. The Council is concerned about putting the project out to bid without having the money available to complete the project. BL Companies gave a number showing the project costing over \$500,000.

### PUBLIC COMMENTS AND QUESTIONS

Robert Daly, 227 Carlton Drive, thanked Chairman Slocum for his apology regarding the e-mail sent to him. Mr. Daly asked about un-appropriated monies or money saved from other projects, and if they can be reallocated to the locker room project.

Attorney Johnson explained that it depends on the language of the appropriation and if there was bond issue involved.

The Town Charter, Section 7-3 and 7-5 were cited by Mr. Daly if the subject project is deemed an emergency situation.

With regard to an emergency situation, Attorney Johnson said he was not specifically asked about this. He stated that based on the conflicting information he has heard and as noted in the memorandum, it is not entirely clear whether this situation would be an emergency of the sort contemplated under the Charter.

Mr. Daly asked if a State, federal, or municipal agency or expert stated this was an emergency, could this project come under this section of the Charter. He said that in 2009 the appropriation was for a new building and the discussions that followed with the Board included getting more money to do a building. It is his understanding that the Board was told it could not have more than \$500,000. Mr. Daly questioned the reallocation of other project money to projects, i.e. road paving.

Town Manager Milone explained that the November 2010 referendum for road improvement projects totaled \$1.5 million. In Spring 2011, Town administration came back to the Council asking for an appropriation of between \$250,000 to \$300,000 additional funds. The reason there was no referendum for this funding is because the bond counsel advised that these projects were sight specific they did not meet the Charter test to be bundled with the \$1.5 million referendum approval for general purposes, without road identification. There was not the issue of going back to referendum for the supplemental appropriation. Because there was a clear identification of 6 or 7 roads, bond counsel ruled it was a separate and distinct project and could be done as long as it was under the \$350,000 referendum limit. If it had been general purposes like the original \$1.5 million, it would have been bundled and required a referendum.

Attorney Johnson made one point regarding the reasons the Town has to be careful about determining whether additional funds are available for a different project, is because when the Town sells bonds it is selling bonds that are tax exempt. This tax exemption status is determined by bond counsel. These bonds are more attractive in the market place. If the Town was to take funds which were approved by referendum and sold in the bond market and use them for purposes other than those announced as part of the bond resolution, it would jeopardize the tax exempt status of those bonds. Over the last week, Attorney

Johnson said he has had several conversations with bond counsel to discuss these particular issues. It is a tricky subject and not easily explained in a few minutes in a public meeting.

In this regard, Mr. Daly said that because the supplement was sight specific to certain roads, the money was able to be reappropriated.

Mr. Milone said “no”...it was actually a new bond issue. There were projects being de-authorized without adding to the debt service by adding another \$300,000. There was a closing out of at least \$300,000 in projects in other places. He could not increase the debt burden, and could only do this by finding \$300,000 worth of projects to be cancelled in order to free up this amount and not add to the debt burden.

It was stated by Chairman Slocum that closing out of a project simply means that project did not cost as much as was allocated.

Mr. Daly questioned whether there are funds available from closed out projects, or if some reserve fund balances could be used with a reimbursement bond or grant coming back in. He asked whether our State legislators have been asked about school renovation funding being available from the State Dept. of Education which could be appropriated to the renovation of the sports locker room space or a new facility. Mr. Daly advised he has contacted our State reps but has not had a response from them.

Chairman Slocum said he could not imagine exchanging cash reserves for borrowed money, as this would not be a desirable thing to do.

If the project is estimated at \$800,000 total, Mr. Daly said this would buy the Town 10 years. A new facility would give 20 to 25 years, costing about \$500,000 more than this, and in it would be short sighted to rush and do something now and renovate this space. The possibility of a new facility should be looked into as there have been quotes on a brick and mortar building which was not in the pre-bid of 2009.

Chairman Slocum stated the importance of the ADA requirements, noting that Mr. Masciana from the BOE is aware of these compliance requirements. This was the stumbling block for many Council members, and Mr. Slocum asked about the level of comfort in phasing in this project.

Mr. Masciana explained that this project had three alternatives – renovate the lockers in the place where they are today at \$500,000; because the lockers are too small, adding 1,800 s.f. more of space for a total of 5,000 s.f. is another \$1 million project; building a separate structure, with the size dictating the cost of the structure, estimated to be about \$1.5 million.

In each of these alternatives, Mr. Masciana said there are options to increase or decrease the cost in each one. It is more expensive to build a new structure than to renovate the existing structure. With the renovation of the space at \$500,000, without additional funding, the renovations can be completed, adding a ramp for about \$25,000. The question is whether, according to ADA, if the ramp will make the space handicapped accessible and acceptable to the State. Based on his discussions with BL Companies with plans submitted to the State, he believes this ramp would satisfy ADA compliance. Access to the ramp would require everyone to exit outside the front door of the high school building, go down the sidewalk, walk across the back of the parking lot, and use the ramp or the stairs. It becomes an inconvenience but solves the ADA requirements.

The second alternative for ADA compliance is to build an elevator inside the building for students, coaches and staff to have access to the locker room space. This cost is estimated at \$297,000.

Mr. Masciana explained that the BOE Planning Committee and the PBC recommendation was to go out to bid on the plan with two alternatives (elevator and ramp). He believes the State would be fine with a phased-in project, as base renovation/improvements would be made within the space, meeting ADA compliance for doors and doorways, water and shower fixtures, etc. Phase #2 would be an acceptable option.

The base renovations cost is \$485,000; alternate #1 ramp cost is \$27,000; and this is a total project cost of \$512,000.

The base renovations cost is \$485,000; alternate #2 elevator cost is \$294,000; and the total cost of the project would be \$779,000.

Mr. Sima asked for clarification on the BOE saying it can go into a building in Town, gut the room, remodel the room, and not bring the entire room up to ADA specs without finishing the project.

According to Mr. Masciana, we are doing a base project with a commitment to doing the second phase. In 2009 the State did the compliance review, and at that time the lockers were not accessible and are still not accessible, but they are still being used. The State has not taken a hard position saying everything must be done this year. The BOE has submitted a plan to the State which says all the necessary improvements will be made over 5 years in line with this plan. If there is a commitment to do the locker room project there must be a commitment to doing phase #2, with the State willing to accept doing the locker room space this year and doing accessibility option next year. Mr. Masciana said that if the renovation can be done with the ramp at \$512,000 this may be the way to go, and noted that the true cost is unknown until the project goes out to bid.

Mr. Sima commented on the locker room renovation, the room being gutted without the ramp or elevator, and asked if the Town building inspector will permit occupancy of the locker room space. He also asked if the State will allow occupancy of this space.

Dennis Rioux, Architect, BL Companies, said the misnomer here is the word "phase". The intent is not to phase the project or accessibility of the project, but to gut out the locker room and do the renovations inside and do either alternate #1 (ramp) or alternate #2 (elevator). The project is not accessible without either alternative. Without the ramp the project does not meet State compliance or ADA compliance, and 1 or 2 must be done to satisfy the Town building code, State and ADA compliance.

With regard to a corrective action plan for this space in the school, Mr. Sima said the BOE action plan was to create a new field house to be constructed as part of a capital project. He asked if the locker room space is renovated whether there are any other issues with the State DOE and the civil rights compliance issues, or did everything apply to just the locker space. Mr. Sima clarified his question asking if there are any more deficiencies in the school system which must be corrected, noting that the BOE response was to create an outside field house to satisfy their action level.

Chairman Slocum said he saw reference to the east and west gym and a comprehensive use of a separate facility to address these issues.

In response, Mr. Masciana said that the deficiencies which were cited have multiple ways to be addressed. When the plan was submitted to the State the discussion was to build an outside facility where all the corrections would be made. If this is not done, renovations will be made, i.e. replacement of fixtures to meet ADA compliance. Some of the items on the plan show that with building a separate structure there would be remedy of things such as making all the fields accessible by way of concrete sidewalks. Without a separate structure there must be improvements made in the east and west gym and other areas of the school. The largest item is the sports locker room, and more accessibility for spectators going onto the fields.

Ms. Nichols expressed her concern about the number of students using the locker room space. She asked how many students can be accommodated with the renovated space, and said the space is now being used by more than this number of students. She asked if the renovation will address this issue of students using the space.

In reply, Mr. Masciana said the renovation will not increase the square footage. It will increase the number of lockers on the football and lacrosse side to 90; but the space will still be tight.

Ms. Nichols asked if there are any State rules about how many students can be accommodated in this square footage, and if this has been looked into by the BOE. She noted that in public places there is notice posted on how many people can be accommodated in a space. Ms. Nichols asked if this is a requirement for the locker room space.

Mr. Rioux, BL Companies, advised that the only State requirement pertains to classrooms, and one could argue that the locker room is a classroom and must meet that requirement. There is no physical requirement specifically for locker rooms.

With regard to the other gyms and work to be done, Mr. Sima said this work goes to curricular activities, while the locker room space goes to extra-curricular activities. One piece falls upon the every day student learning/teaching, and the locker room is for what goes above and beyond this.

In looking at all the findings in the State's review, Mr. Masciana said there were items such as classrooms needing to have desks that are of a specific ADA compliance height. There are classroom and curriculum related findings; there are ADA findings; and there are Title IX equality between the sexes; and all are addressed as part of the compliance review submitted to the State.

Mr. Ruocco commented on the 2009 referendum question of \$500,000 allocated for a variety of projects, with the locker room being one of them. He asked about the submission of the project to the Council through the capital budget process, with consideration of the cost in making the locker room ADA compliant.

Mr. Masciana said it was before his time, but does not believe there was ADA compliance consideration. When the capital budget was submitted was also the time that the State review was done with the findings coming afterwards.

In that regard, Mr. Ruocco said he cannot imagine that no one knew that room was not ADA compliant, and this is a change in specifications, and not something unforeseen. He noted that something unforeseen would be tearing out walls and finding asbestos, but to not know this facility was non-ADA compliant is not an unforeseen event.

Mr. Rioux clarified some items for consideration. Anytime you touch a space for a renovation or new construction, this space must be compliant with the State of Connecticut building code, which embraces 90% of ADA requirements. Any project that the Town takes on has to be compliant with the bulk of ADA regulations. The ADA also encompasses other parts of construction which are not specifically addressed in the building code, but there are some exceptions, and education is not one of them. Since 1991, any renovation project undertaken by the Town has ADA already addressed, or a good portion of the accessibility regulations must be complied with.

In that regard, Mr. Ruocco asked if this was part of the plan three years ago.

Mr. Rioux said if it was not specifically written as part of the plan the intention was there because there is no choice but to be compliant.

If that is the case, Mr. Ruocco asked why there is a potential cost over run of \$200,000, noting it seems the introduction of the elevator is a new element to this plan, and questioned if this was considered three years ago.

This is not a new element and Mr. Rioux said it would replace the ramp because the ramp was felt to be an inconvenient way to access the locker room space. This was discussed through the process of the design. If the elevator had never shown up on the drawing and the ramp had shown up as the only alternate, the project would still be slightly over the \$500,000 appropriation. Mr. Rioux said the \$500,000 allocation was not based on a pre-design or pre-planned exercise, and was just a number assigned to this project.

According to Mr. Ecke there was confusion in 2009, and there was a new building to be constructed, not renovation of the existing space, and this is why some of the ADA issues had not been thought about or brought up. When the BOE was told a new building could not be built, the existing space was to be renovated.

Mr. Masciana talked about the voluntary compliance plan distributed to Council and staff, with the \$2.8 million in the capital budget over five years to make these ADA and other civil rights compliance improvements. There is an additional \$312,000 in year #5 earmarked for the field house or sports lockers. He said this project did not start out as a sports locker room renovation project, and came to be a renovation project due to the situation of having to do something with the lockers and this seemed to be the only alternative.

Tony Perugini, BOE Member, stated that in 2010 the Planning Committee and Finance Committee of the BOE saw the detailed action plan on the renovation or a new building. The Planning Committee opted for renovation of the existing space, made this decision, and this is where we are now.

Mr. Ecke said that when this item went out to referendum the intention was to build a new building, and this was discussed during the 2009 capital budget process.

Mr. Perugini stated for the BOE Planning Committee that all discussions on the matter were after 2009 were about renovation of the existing space. He said the BOE was not told it could not build a building. But we are where we are and the renovation is what the BOE put forth to the Council. He said everyone should work together to get this project done.

Lori Sansone, Oregon Road, commented on the number of athletes using the locker room space. In 2011 there were 60 football team members, in 2010, there were 64, and in 2009 there were 70, and the freshman team had 35 members.

Chairman Slocum said he looked at the referendum question on which the public voted in 2009, and it never indicated that there was a field house to be built for \$350,000 to \$500,000. His recollection is that in 2010 the practicality of a field house was discussed, and his statement at the time was the public did not opt for this type of building.

Gerry Brittingham, BOE Chairman, commented on everyone focusing on the solution to the problem with the locker room facility. There are several options out there within the \$500,000 ceiling plus \$300,000 for the elevator, with the high cost of the elevator being a shocking number. Mr. Brittingham does not think renovation of the existing space is the best use of taxpayer dollars, as it would be a band aid approach, with 10 years or less as short term.

Mr. Brittingham proposed a solution. He hears the words "field house" and this is not what he is proposing. By definition and by location, a below grade shower with lots of users always has problems in keeping the area dry, clean, and sanitary. Mr. Brittingham advocates for a separate structure – a Butler building which is a pre-fab structure. He suggests this as an option because in the long term it eliminates ADA concerns because it is on grade, is all new, all done, and these buildings are inexpensive to construct, with the expense being outfitting the building. These buildings are fairly inexpensive to construct. Many problems could be solved with a separate structure. On the way to the fields would be public accommodations and rest rooms, and the moisture, small cramped quarters would be resolved. The Butler Buildings come in various sizes, 5,000 sq. ft. and more. Mr. Brittingham said he wants to solve the many problems for the Town. Renovation of the existing structure – adding to it, spending money on a ramp or elevator is not the best use of taxpayer funds. He wants the problems solved once and for all for the Town, and it would cost more up front. He questioned whether it is wise to invest \$829,000 in a structure that will not solve the problems. Mr. Brittingham stated that the best option is a separate structure, but not a grandiose building. He asked the Council and the public to keep an open mind, and strongly advocates for a separate structure.

Regarding the civil rights compliance, Mr. Daly said that in doing a Butler Building the structure is on grade, and solves the ADA compliance issues. He commented on the concession stand bathrooms as being in very poor condition, noting that he, personally, has cleaned these facilities before a public event. He agrees with Mr. Brittingham that we should be long sighted rather than short sighted on the problems and their resolution.

Mr. Sima said that in his earlier comments he was talking about other parts of the high school proper, not just the athletic complex, and there are six pages of civil rights compliance actions to be undertaken by the BOE. His concern is spending, and being pushed quickly by the Dept. of Education, to get this project done fast. He wants to hold on and go through everything.

Mr. Daly said the frustration on his part and that of other people, is that they thought this project was moving forward, but there was a stumbling block at the March Council meeting when the issue was tabled to go out to bid. There was some misconception with the information coming from this, and the frustration is that he has been dealing with this as a parent and taxpayer since 2007, and it is stalled with the kids having to come back to this space again in the Fall. Something needs to be done in the short time frame to accommodate the kids in a safe and healthy environment. He agrees it is not fiscally responsible to put \$500,000 to \$800,000 into this space which must be redone in 10 years. Mr. Daly stated his support of a separate structure with a 25 year life span. He commented on their being a Butler Building near his office at Yale University, which is 20,000 sq. ft. and said such a building kit can be purchased for about \$65,000, plus actual construction costs which go into the building itself.

Ms. Flynn-Harris stated that this is exactly what she understood from the June 2009 BOE meeting...the building was to be a free standing Butler Building. The referendum question was more general, and not specific to the free standing structure. She read an excerpt from this BOE meeting into the record...*"The conceptual plan for the free standing locker room building will now be forwarded to the Town Council for consideration during its five year capital budget deliberations to take place in July and August."* Ms. Flynn-Harris noted that in September 2009 the referendum question was phrased as submitted for the public vote, more generally, taking into consideration the Home Ec, hallway lockers, and was not specific to the locker room project. Somewhere along the way there were conversations to take a building off the table, and to go another way. Where these conversations took place, who, where, why, what...she does not know.

Mr. Brittingham said he took exception with Mr. Sima's comment about someone from the Dept. of Education pushing and rushing this project and requested an apology.

In response, Mr. Sima said he would lay out the time frame. There was a Planning Committee meeting in February, and Mr. Masciana came to the committee with information and letters on the civil rights compliance from the State DOE. The committee moved this matter forward to the Council. This is when the March meeting had discussion on the project for \$500,000+ with the BOE asking that the project go forward as a BOE project for construction during the summer months. The discussion started with the elevator, and the Council

knew it morphed into more than \$500,000. This is why the comment was made about pushing this project forward.

Mr. Masciana clarified some points, stating he was asked to attend the meeting to give the Council an update on all the capital budget projects, and this is what he did. There was discussion about the floor replacement projects, roof re-seaming project, softball improvement project, and with specific update on the sports locker project. For the locker room project he advised it was ready to go to bid in March; the plans were ready; the project was to be done in two phases; and at that point it was discussed that this was a school building project not assigned by the Council to the PBC at that time. Mr. Schrumm questioned why this was not a PBC project, and Mr. Masciana explained it was a school building committee project. It was after that when the project was moved from the school building committee to the PBC by the Council. With this move to the PBC this forced the project, with renovations to be done in this summer, to get out to bid right away. This is what created the sense of urgency to the Town Council – the act of moving the project to the PBC.

There was clarification by Mr. Schrumm regarding Mr. Rioux's comment about ADA having to be part of the plan to renovate, and it must be done at the same time and not in phases. He noted that phasing can be six months or a year. He asked if the renovation can be done with a ramp, without doing a \$25,000 ramp later or the elevator.

In response, Mr. Rioux said that was correct.

Mr. Schrumm said there would be no phase-in and the project would be done right. It was also stated that if the Town goes the ramp route, people would have to come out the front exit of the high school, walk down the sidewalk, around to the lower level parking lot and go down the ramp or stairs to the locker room. He asked about closing off the existing stairwell so everyone must use the ramp.

According to Mr. Rioux the access is all about equal access, so you cannot have a person in need of a ramp to go out of their way to access a space that is normally accessed by others conveniently by other means. In order to make the space equally accessible everyone must use the means accessible for the space.

For convenience, Mr. Schrumm said we may be back to an elevator, but he hates to think about installing another elevator if it does not have to be done. Regarding ADA there is a long list of things to be done at the high school, much of which transcends the locker room. One item on the list is an elevator to the press box at the bleachers for \$400,000. Mr. Schrumm questioned how the DOE is acting on all these things. There is a document in which the BOE goes back to the State DOE stating that all the items will be taken care of with a field

house. Even after renovation of the locker room, Mr. Schrumm asked if the BOE is telling the State there is field house in the future for the high school. This is what is stated, telling the State all things on the list will be taken care of. If there is a field house anyway, this is another ball game.

According to Mr. Rioux the document is being taken out of context. The State DOE comes to the high school and comes up with a list of potential grievances to be addressed, and they require the school system to come up with a list of potential options with a calendar of when the items will be addressed. Mr. Rioux said there is not a school in the State that can peg when the items will be addressed. At best this is a wish list of what items will be potentially resolve the problems and when the time line for resolution. A field house would be a good way to resolve the issues of the press box lack of an elevator, but it is not the only way to do this. But, this is the way the BOE chose to respond to this question. There is a limit of time and the question can be resolved in a different way and still be compliant with the grievance resolution.

Ms. Flynn-Harris commented on their being regular discussion with the State regarding ADA. Her understanding is that if the BOE complies with certain failures, all the BOE does is file an updated plan, to say which measures have been complied with, keeping the State up to date.

Mr. Rioux said this is a living document.

In the 2009 referendum question, Mr. Schrumm said it states relocation of the locker room. But, there were two other items in this referendum. Putting \$500,000 in for a separate building is a low number. And, he would not want to put showers in a Butler Building.

The Council was informed by Mr. Rioux that the City of Meriden has a 5,000 sq.ft. field house at Falcon Field, costing \$800,000 in 2008. His recommendation to the BOE Planning Committee was to have more than \$500,000 in the budget.

With regard to the Meriden field house, Mr. Sima said he has been in this facility. There are locker rooms, with external bathrooms and showers, and some of the space is unheated, not insulated, and is a simple structure.

#### PUBLIC

Kathy Cundiff, 160 Mountain Brook Drive, said it is clear to her there will not be a resolution tonight on this issue. She came to this meeting on behalf of her two sons in the school system. Ms. Cundiff stated that Chairman Slocum knows how she feels about his comments about sissy boys. She said Mr. Slocum is a public official, and she does not expect her Town to be represented as such, and she copied other members of the Town Council. Three Council members were kind and courteous enough to respond to her, and she thanked them. To the

others she said shame on them. Ms. Cundiff does not expect language like this to be used ever again, and stated that Mr. Slocum should step down.

Chairman Slocum said if he chooses to seek re-election he would leave this opportunity to that time. He expressed appreciation for Ms. Cundiff's comments.

John Purtill, Chairman PBC, stated that whatever the Council decides will come to the PBC. Mr. Purtill addressed and clarified some things regarding the locker room project. He reported that the PBC was given this project earlier in the year, and was asked to fast track it so the job could go out to bid for possible summer work. The project was given to a subcommittee of the PBC comprised of professional and competent people who are contractors, construction managers and construction attorneys. It was found that the BOE knew what it was doing, and its architect did a competent job, with no fault found with the work that had been done. The PBC was not aware of due diligence done by the BOE in which they explored three different alternatives. At the time the alternative chosen was for the PBC to look at whether the renovation was suitable to go to bid, and PBC found that it was suitable. When the PBC first came to the Council, it said the project was ready to go to bid. Going to bid at that time, with the numbers coming in right, there might have been construction during the summer time. It was known that not having all the money in place was a hazard as a Town and building commission, as it puts credibility on the line. If the PBC goes out and asks, on the fly, how much something will cost, and this is done a number of times, then its following of contractors will decrease with skepticism about putting effort in even attending the walk throughs.

Mr. Purtill said the recommendation was not done lightly, and now it is two months later. After a discussion with Mr. Rioux, it was stated by Mr. Purtill that if the project were out to bid tonight, the construction documents are in place. The project could be advertised for bid by May 1<sup>st</sup>; contractors need two weeks advance notice, and this is May 15<sup>th</sup>; and after a walk through the contractors need time to do an analysis of the plans. This takes another two weeks, so bids would go out on May 30<sup>th</sup>. At the PBC meeting, a contractor is recommended to the Council, and the Town Attorney puts together the contract by the end of June. The football season starts in August, and the Town could be in the position of being without locker rooms space in time for the start of the new athletic season.

According to Mr. Purtill, the contractor takes 6 weeks to gut the locker room space, rebuilds the room, and putting in an elevator would require special footings and longer than 6 weeks time. Being realistic, Mr. Purtill said we are not talking about anything being done on this project this summer.

When the job was given to the PBC, it was understood there was one alternative – to renovate the existing locker room. Since then more things have been learned, including Meriden putting a field house for well under \$1 million. It is

spare and it is understood that anything can be phased, and something like this building could be phased, building what could be afforded, with improvements over time.

As Chairman of the PBC, Mr. Purtill would like an opportunity to take a zero base approach to this project. Knowing what was done in Meriden and other things he has heard, it makes sense to come up with a plan for something that gives a serviceable locker room for the next Fall period. Also, the PBC can explore whether it makes sense to have a separate facility for locker, showers, etc.

Mr. Purtill commented on his leadership of the CHS Booster Club and operation of the concession stand, which had terrible bathroom facilities, and they have gotten worse. This is not a satisfactory facility for Cheshire to have when entertaining guests from other towns or asking people to come as spectators, as there is no place for good bathroom facilities. If we are to build a facility down near the fields of the same scale and scope as the great looking turf field, it would make sense to come up with the money. There is some concern about what the people will vote for, and this is a consideration.

The comment about the building official was addressed by Mr. Purtill, who said the official does not like to see places occupied unless they meet appropriate codes. For the pool, the PBC worked hard, along with Town Manager Milone, to get temporary occupancy of the facility from the building official. When there is a space that is not fully compliant, the Town is taking its chances with the building official.

Chairman Slocum stated that Mr. Purtill's comments were very useful to the Council and the public, and points everyone in the direction of the capital budget process. Personally, Mr. Slocum said he has a better understanding of why a separate facility makes sense, and there should be more discussion by the PBC on this level. But, we have an immediate problem with the locker rooms. If the BOE decides to go down the road of a separate facility, Mr. Slocum asked how we address the immediate locker room space, making it a better space to house the students, and the costs involved. If we are to revisit this issue in a more holistic approach to address the long term needs, Mr. Slocum's interpretation is that we will not start on a renovation of the locker rooms.

Dr. Florio stated that the BOE will continue to do what is done every year to maintain a safe and healthy locker room as is possible. Repairs have been done, and the BOE tries to keep the site clean on a daily and weekly basis, and will continue to throw good money after bad, investing in repairs and upkeep of an inadequate facility. Dr. Florio stated that he accepts the blame for why we are here talking about a \$500,000 project. At the time of the \$9.3 million addition to the high school 10 years ago, Dr. Florio reported that the committee reviewing the building stated that more than an addition was needed for the high school. It needed substantial renovation. The first request was over \$20 million

to not only add onto the high school but to renovate it. The BOE was given \$9 million to build an addition, and Supt. Cressy stated there was a need to invest a sum of money annually for the existing infrastructure. It was in \$500,000 increments, and this is why this number ended up in the budget. From the time the \$500,000 was approved to this point, he came under the strong impression that \$500,000 was to be the limit for renovation of the locker room. It was at that time, after going through the second capital budget process, it was stated that there was a need to focus on what could be done for the \$500,000. The BOE and DOE staff was told to move in that direction because Dr. Florio was confident that this was the limit of funding to be received. Rather than pointing fingers or arguing, Dr. Florio said that somewhere in the process, he takes responsibility for directing his staff, and ultimately recommending to the Board, that this was the direction to be taken. Dr. Florio does think there are other alternatives, and said maybe they should be explored.

Chairman Slocum asked Dr. Florio about ceiling tiles which do not absorb moisture, and if this has been investigated for investment in this area.

Dr. Florio said he and his staff have looked at options to maintain the facility. He reported that it is not just maintenance staff but also captains of the sports teams and coaches who have painted and worked on the locker room. Whatever can be done to make the locker room safe and healthy for the students will be done.

Mr. Slocum asked if the school administration and BOE are comfortable with using CNR money for the renovation project, noting this matter must work its way through the BOE and this request comes to the Council. The next Council meeting is May 8<sup>th</sup>. If the BOE wants to make this request there is time for this to be done.

Dr. Florio said he would discuss this with the BOE Chairman. He said the last time this was done was for the Dodd Kitchen using CNR money to complete this project based on the pricing received after going out to bid. Dr. Florio said it would have been nice to move the locker room project forward so the BOE could state a specific amount of money from the CNR to complete the project. The problem for the BOE is what number it needs to request from the CNR, or is there a ceiling.

Chairman Slocum said he would think of a ceiling amount.

Mr. Schrumm commented on other ADA issues on the list, stretching these out down the road, and what is done if the locker room space is abandoned if a field house is built, solving many problems on the list. He asked if the space would have to be renovated and be ADA compatible, or could the space be used for storage.

In response, Dr. Florio said with an educational area the space would have to be renovated, and for a storage area it would not have to be renovated.

Mr. Falvey posed two questions which he wants answered from Dr. Florio, Mr. Milone, BOE Chairman Brittingham, and Council Chairman Slocum. First, with regard to the health issue within the locker room he asked if Chesprocott signed off on the room, giving a report on what is going on from a health perspective. Second, with regard to the size of the room and usage, has the Fire Marshal given written information as to the occupancy of the room and the number of people allowed to be using it. Mr. Falvey stated he wants this information before moving forward with this project.

Mark Shumella, Autumn Court, asked why Mr. Falvey's question was not discussed and answered at the last meeting. It seems like plans were drawn up, and questions need to be answered.

In response, Chairman Slocum advised that the PBC answers these questions. He has followed up on some of these questions, and did ask if Chesprocott was going to certify the locker room space to be okay. He had an e-mail exchange with Dr. Florio on these issues, visited the locker room facility the next day, and was assured that this certification is not needed and the room is safe.

Mr. Shumella asked about Mr. Slocum's tour of the building the day after the Council meeting and in his e-mail response to Mr. Daly indicated the matter is not an emergency. Yet, a week later it was said by Mr. Slocum that this is a serious issue, and asked what changed in those 7 days.

This is a serious issue of concern to the Council to the BOE and the Council since 2009, and Mr. Slocum said what was characterized as an emergency was the health hazard. So, it was the health hazard he was addressing in his e-mail, and his opinion has not changed. But, Mr. Slocum noted that he is not a health professional.

Jim Lindsey, 45 Trout Brook Road, made two points on the issue. Point #1 is Mr. Brittingham's recommendation of a Butler Building, and this is the smartest thing he has heard all night. He questioned why money is being discussed to be spent on a renovation, and he cited the pool and the turf projects. Second, with regard to Mr. Slocum's comments about student athletes, he said Mr. Slocum should be ashamed of himself. Working for a large media company, if he ever put in an e-mail such comments, he would have been suspended or fired, and Mr. Lindsey said Mr. Slocum should step down.

Robert Daly submitted information on the many e-mails on the locker room issues. The Council and BOE must figure out a way to do this project, and Mr. Daly said a temporary solution must be found for now, or a long term solution. He believes the PBC Chairman said it is unlikely to be able to do anything by the

time Fall sports seasons begins. Mr. Daly commented on one of Mr. Slocum's e-mails in which he said he wanted a health official to certify that the locker room space was safe and healthy, and he asked if this certification was received from a health inspector.

Mr. Slocum replied that he did not receive the certification, but received an answer from Dr. Florio, and in his tour of the locker room was given a description of what goes on daily and weekly with cleaning and full sanitation of the facility. He said the place looks like a dump, and school administration agrees with this. To the fact that the locker room area is unsanitary, the school administration takes exception to this, and has done so in everything he has heard or read.

Stating he understands this, Mr. Daly said that Mr. Slocum, in an e-mail to Dr. Florio, wanted certification that the locker room was healthy.

Mr. Slocum said he did state that, and referred to the place as a hell hole.

Mr. Daly wants to get to Mr. Slocum's concern at 11:55 p.m. on the night of the Council meeting, to get someone to certify that the locker room space was sanitary and healthy. As a facilities superintendent at Yale University, Mr. Daly said he cannot certify that a space is healthy, but can tell you what is used for chemicals, frequency of his staff cleaning, but cannot state whether germs are there. He again asked if the area was certified to be healthy.

Stating this certification was not received, Mr. Slocum said his concern was based on testimony he heard that night, and he spoke for himself, not all Council members. He received personal assurances.

Mr. Daly said he was assured in 2009, 2010 and 2008, and told Mr. Schrumm that an extra bottle of Lysol does not solve the problems.

S. Woody Dawson, 500 South Main Street, addressed the Council and the public stating he has spent most of his life in Cheshire, which is a great town with a great Town Manager, with well educated people serving on many boards and commissions working hard for the Town. Mr. Dawson stated that he has known Mr. Slocum for many years, and he is a good person who misspoke under pressure without malice. According to Mr. Dawson, he has also misspoken over the years, and noted that everyone in the room is guilty of the same thing. It was noted by Mr. Dawson that he serves on the Planning and Zoning Commission, and Town Manager Milone hired Town Planner Voelker who is an excellent planner, providing direction and guidance to the PZC. Mr. Dawson stated that Mr. Slocum should be forgiven; the issues should go back to the drawing board using the expertise available and move forward; and everyone should work together for the same goal.

Robert Oris, 71 Autumn Court, expressed appreciation to Chairman Slocum for his apology and asked that, as a public official who is held to a high standard, he think carefully in the future about using his words when talking about citizens and their children. It was stated by Mr. Oris that if an administrator or teacher had used this language relative to a child, there would be significant consequences involved, and more so than just an apology. He believes Mr. Slocum is a good person who had a lapse in judgment. Mr. Oris said he came to the last meeting, without coercion as insinuated by Mr. Schrumm, because he has followed this locker room project for many years, and issues are getting worse and the project has additional delays, escalating to a higher level with MRSA and ringworm diseases. He read an e-mail from Mr. Schrumm into the record to Dr. Florio, in which he said a few raging hypocrites blasted the Council. Mr. Oris said only 5 or 6 people addressed the Council at the meeting, and he was one of them, and asked Mr. Schrumm if he was one of the raging hypocrites.

In response, Mr. Schrumm said he would review the tape, and has great difficulty in taking selected comments out of e-mails which are intended to be private. Mr. Schrumm stated he would not go through self flagration and writes what he believes to be true. The piece about public officials being held to a higher standard is heard a lot, and Mr. Schrumm guesses it is true, stating the public should be held to a higher standard too. He commented on the e-mails attacking Mr. Slocum who has worked for the Town since high school, putting in thousands of hours. Those people who say he should resign over one word should apologize to Mr. Slocum. It was stated by Mr. Schrumm that this meeting has been productive; progress is being made; and he has learned many things he did not know before. He commented on a gentleman not reading another gentleman's mail unless there is fraud or deceit to go around.

Mr. Oris stated that the e-mail was not personal, and he did not seek this document out, as it was a public document which came to him. He found the comment very insulting, and he has never insulted Mr. Schrumm personally. He said he came to a public meeting, spoke at a public time in that meeting, did not berate anyone or send e-mails. He came to a meeting where it was his right as a taxpayer and spoke during the public time at a public meeting, giving his opinion. There may be differing opinions which Mr. Oris said he respects, but he noted he has not been hypocritical about anything relative to things in Town. Mr. Oris said he has been pro education, pro education funding and believes the education system drives property values in Cheshire. As a public official, he does not believe Mr. Schrumm should have made the comments in an e-mail available to the public. With regard to the locker rooms, there are safety issues which continue to crop up, and Mr. Oris is convinced that once you get the use of this locker room as it is now, these issues will continue to come up. The high school building is a fundamental problem and cannot withstand the use it receives. Mr. Oris welcomes the idea of a longer term project because it is fiscally responsible, However, in the short run we cannot put student athletes back in this facility the way it is now. Regarding school administration comments that they think the

place is clean enough is not good enough for him. At this time, Mr. Oris has no children involved in the high school, but he is here advocating for all the other students and wishes Mr. Schrumm would do the same.

Lori Sansone expressed her appreciation for Mr. Slocum's e-mail sent to her, and commented on words being misspoken by many people. Ms. Sansone stated that the reason the e-mail thing has become an issue is because there is the insinuation behind it, the feeling of parents that we have a problem to be addressed. She feels there are certain Council members who turn a deaf ear, have a preconceived notion that certain parents, kids, and Athletic Department don't matter. If the facilities in other public buildings in Town looked anything like the locker room, i.e. the Senior Center, Library, it would never have gotten to this point. Ms. Sansone feels like this meeting and the time spent was a waste of time, as people sat through three hours of non-production as there is still no answer as to what will happen. The Fall season will come, and she will not allow her son to shower in that locker room. Ms. Sansone is angry at this point because some Council members have set in their minds what will and will not happen, and she asked Council members to look at the locker rooms. She is walking out of this meeting with no answers, and questioned the Council on what happens next.

Chairman Slocum has asked Dr. Florio what happens next, and when September comes the athletes are in the same locker facility. Current maintenance dollars out of the school budget must be spent to get the facility up to reasonable repair and maintenance. For the capital budget process, which begins in June, Mr. Slocum said this is the time to develop a plan. The BOE can request additional money, and he would probably vote to put the matter to referendum in November, letting voters have their say on the matter. The BOE can use CNR money to fix the problem which is there.

It was noted by Ms. Sansone that we are past the point where the locker rooms can be renovated over the summer. She asked that politics be put aside and that Town officials do what is right for the kids in Town.

Ray Squier, 291 Cook Hill Road, a Cheshire resident of 52 years, stated that this meeting was a good exchange of ideas. When Mr. Slocum asked Dr. Florio about the health issue and certification at the high school, he took the Superintendent's word that this was not an issue. A certification should come from the Dept. of Education. This project will get done but it may take longer than people want. Mr. Squier stated that no one in the room has any concept of how much work Town Council members do, their responsibilities, and the problems they handle on a regular basis. He asked that people accept Mr. Slocum's apology, and challenged anyone who has not made an error.

Matt Bowman, 315 Oregon Road, has served on many boards and commissions, and stated that all communications are public and officials must be careful on

what is stated. He accepted Mr. Slocum's apology. Mr. Bowman commented on the anti-bullying policy in the school system, and a child who bullies someone is held accountable, is suspended or expelled, and is being held to a higher standard than Council members. He said that Council members went too far, and people have the right to expect more from them than what was received tonight. Mr. Bowman outlined some facts about the high school noting the locker room was built in the 1950's when there were 3 sport teams and 700 students in the school. The facility has not been updated in 25 years, has never been expanded, and now there are 30 varsity sports and the facility has not grown one square foot. Mr. Bowman said the locker room never has too many kids at the same time, so the fire marshal would never have a problem with over-occupancy.

Chairman Slocum thanked the public for attending this meeting, and expressed appreciation for their time and energy to this process.

**5. TOWN MANAGER'S REPORT.**

Mr. Milone informed the Council that, due to the late hour and this long meeting, he would e-mail his full report to them. He did address one issue of importance related to the April 29<sup>th</sup> road race which will have a significant impact on the southwest quadrant of Town. The Police Chief will be sending out a CodeRed message on all the facts related to this race so the residents are aware of what will take place on Sunday, April 29<sup>th</sup>. People can refer to the map on the Town's web site so they can map out their travel on Sunday.

**6. LABOR NEGOTIATIONS, Executive Session.**

Mr. Milone reported that this issue will be discussed at a future meeting.

**7. ADJOURNMENT**

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

MOVED to adjourn the special meeting at 10:32 p.m.

VOTE The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk