

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,  
JULY 9, 2013 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH  
MAIN STREET, CHESHIRE CT 06410**

Present

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

Absent: Thomas Ruocco

Staff: Michael A. Milone, Town Manager; Town Planner William Voelker; Library Director Ramona Burkey. Mike Koslowski, Fire Marshal

Guests: State Representatives Leslie Zupkus and Al Adinolfi; Michelle Connolly, State Dept. of Health Heartsafe Coordinator.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. PUBLIC COMMUNICATIONS**

**A. Proclamation for HEARTSafe Community Designation**

Michelle Connelly presented the Town of Cheshire with the HEARTSafe Community Designation based on the many programs and training undertaken by the community, including the school children. She highlighted the many components of the program which includes CPR training, AEDs access; and noted the signs of cardiac arrest which people should be aware of. Ms. Connelly read a letter from the Commissioner of Health to the Cheshire community. There were 10 signs presented to celebrate Cheshire, and they can be posted throughout the Town.

Fire Marshal Koslowski informed the Council and the public that the school community became involved in the HEARTSafe program, through Ms. Sullivan at Cheshire High School. He advised that the CHS Junior Class is trained in CPR. All Town buildings and the schools are equipped with AEDs. For the HEARTSafe program, Mr. Koslowski explained that the Fire Department wrote and submitted the application for the Town.

Rep. Adinolfi and Rep. Zupkus presented Council Chairman Slocum with a proclamation for energy conservation through the Neighbor to Neighbor program. Cheshire residents participated in energy conservation audits, and the award was presented earlier in the day in a ceremony in Hartford. The Cheshire Library received \$9,000 in grants for LED lights in the parking lot.

Councilor Talbot presented Chairman Slocum with the award from DEEP for Cheshire's outstanding participation in the Neighbor to Neighbor program.

**B. Public Comments.**

Cindy Kleist, 251 Lancaster Way, spoke to the Council about the overtime in the Police Department, which totaled over \$320,000 last year for officers and administrators. She submitted the information for the record. Ms. Kleist commented on this amount in

overtime payments covering the cost of a new field house at the high school or going towards a cover for the pool.

Chairman Slocum stated that the latest police contract addresses some of the overtime costs.

Tim White, 1682 Orchard Hill Road, commented on his organization of energy issues informational sessions when he was on the Council, including energy for transportation with electric vehicles. Now, we have electric vehicles and DEEP is funding \$200,000 for electric vehicle charging stations.

#### **4. CONSENT CALENDAR**

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

BE IT RESOLVED, That the Town Council approves Resolution #070913-1

#### RESOLUTION #070913-1 CONSENT CALENDAR FOR JULY 9, 2013

BE IT RESOLVED, that the Town Council approves the Consent Calendar for July 9, 2013, as follows:

- A. Acceptance and appropriation of a \$200 donation from David and Armin McCrea-Dastur to the Park Gift Account for a memorial tree.
- B. Acceptance and appropriation of a \$1,450 donation from David Hartman To the Park Gift Account for a memorial bench.
- C. Acceptance and appropriation of a \$25 donation from Maureen M. Ulizio in Memory of Blanch McKeagney to the Beautification Committee.
- D. Acceptance and appropriation of a \$10 donation from a Yellow House program To the Cheshire Fuel Bank.
- E. Acceptance and appropriation of a \$25 donation from Sharon Churma to the Library Gift Account for library materials, furniture and computers.
- F. Acceptance and appropriation of a \$650 donation from Cheshire Rotary Club Charitable to the Library Gift Account for library materials, furniture, computers.
- G. Acceptance and appropriation of a \$50 donation from Kim Taylor and family to the Library Gift Account for library materials, furniture, computers.

VOTE           The motion passed unanimously by those present.

**5. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**6. OLD BUSINESS**

**7. NEW BUSINESS**

**A. Call for public hearing on the proposed Fiscal Year 2013-2014 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.**

MOTION by Mr. Schrumm; seconded by Ms. Nichols

BE IT RESOLVED, That the Town Council approves Resolution #070913-2

RESOLUTION #070913-2

BE IT RESOLVED, that the Town Council shall hold a public hearing at 7:30 p.m. on August 20, 2013, to consider the proposed Fiscal Year 2013-2014 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget, and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law.

Discussion

Mr. Schrumm advised that the public hearing will be held on Tuesday, August 20<sup>th</sup>, and that the capital budget process starts in a few weeks. The final schedule of budget workshops/meetings will be posted.

VOTE The motion passed unanimously by those present.

**B. Approval of submission of an application to participate in Phase 3 of the Solarize CT campaign.**

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

BE IT RESOLVED, That the Town Council approves Resolution #070913-3

RESOLUTION #070913-3

BE IT RESOLVED, that the Town Council approves the submission of a Request for Proposal to the Clean Energy Finance and Investment Authority for the Town of Cheshire to participate in Phase 3 of the Solarize Connecticut campaign, as recommended by the Energy Commission.

Discussion

Chairman Slocum informed the Council and the public that Tim White would serve as the municipal representative, and work with Town Engineer Walter Gancarz on the Solarize campaign.

Tim White advised that the program is organized and run by CEFIA, and phase #3 starts in September and ends in January 2014. Phase #1 is completed and phase #2 is ongoing. The goal is to increase the use of solar electricity in the State, and he said Connecticut has the 2<sup>nd</sup> highest electric costs in the country, with Hawaii #1. He explained that a typical solar installation is about \$30,000 for a 2,000 sq. ft. house. The State will pay back \$10,000 from the surcharge to rate payers, with the goal of driving down costs of solar panel installation. By doing 10 houses in Cheshire at one time the installation costs are reduced, and the more people that sign up, the bigger the discount. Phase #1 is completed; phase #2 is ongoing; and phase #3 is from September to January, a four month program. According to Mr. White the \$30,000 installation costs have a savings of \$7,000 per household in phase #1, and anyone can get the \$10,000 State grant. A typical home would have solar panels on one side of the roof; and they can purchase or lease the panels, over 20 years, with a locked in interest rate.

With the Town participating in this program and endorsing an entity for people to install panels and take advantage of the program.

According to Mr. White the Town has no obligation, cost or cash spent, and will be the administrator using Town staff, and the program is intended to run same as the Neighbor to Neighbor program. CEFIA would have meetings with three people from the Town, and they would be Keith Goldberg, Walter Gayeski and Carol Wilson to determine a preferred installer.

Mr. Sima asked about selection of an installer, with one chosen, and the Town's liability in this selection.

It is correct the Town would select an installer but Mr. White said there is no liability as the contract is between CEFIA and the installer with no risk to the Town.

As more and more solar panels are installed in the State, Mr. Sima asked about the utilities purchasing back the power generated within a certain threshold, and if the State is coming up to this number. He has heard the number is coming closer and the utility company does not have to buy that power back. At that point, all this is mute and not worthwhile to be putting up these panels without a payback.

Mr. White does not know the answer or the number, but said 300 homes in Cheshire participating in the campaign would be considered successful. He also said you cannot sell electricity to CL&P, and installers want to know how much electricity was used in the last two years.

Ms. Flynn-Harris commented on the Planning Committee having a presentation on this program. She said there is no document to be signed by the Town, and there is no agreement between CEFIA and the Town.

It was stated by Mr. White "that there is" and the information has been given to the Town Manager and Town Attorney for review. He read a short excerpt from the contract into the record.

This is a good program, similar to N2N, and Ms. Flynn-Harris said the Town had no responsibility to promote the new program. It is between CEFIA and the homeowner.

The RFP went out June 12<sup>th</sup> and Mr. White said the deadline is July 12<sup>th</sup>. He advised that the Town CEO has the sole authority to act on this matter and Council consent is not required. However, Chairman Slocum wanted everyone to receive the information and provide feedback. The sole discretion on the program is given to the Town Manager.

We are responding to an RFP, and Mr. Ecke said we will find out if Cheshire is chosen, and then the Town Attorney can review the documents to determine if the Town should enter into the agreement. Without Town Attorney approval the documents would not be signed.

Town Manager Milone said he wants Town Attorney approval before signing any document to be sent to the State. The Town needs legal approval by Friday morning from the Town Attorney, who is familiar with the program.

Mr. Schrumm stated that with, or without, Town Attorney approval, the Council should pass on this program due to the short time line, not having the final agreement and wording, and the deadline of July 12<sup>th</sup>, this coming Friday. The bottom line is that this is a wealth transfer from one group of citizens to another, with an increase in the electric rates which everyone will pay. We are taking money from people – apartment dwellers, condo owners, people on lower income scales – and tacking fees onto electric bills to put solar panels on the houses of people who are probably on the other end of the income scale...who can come up with \$30,000 to install these panels.

Regarding the Town of Cheshire choosing a preferred installer with no liability or warranty, etc. Mr. Schrumm does not believe the Town should pick a preferred installer for a program such as this. From what has been said, three people from Town will choose a vendor who will be the installer, and the Town should not be in the business of picking and choosing. Mr. Schrumm noted that solar energy has been around a long time, and if it's a good program, economically, for an individual homeowner, then they should do it. If it's not good enough economically or aesthetically, then the State should not be subsidizing the program. CEF money comes from the ratepayers, and if we want to reduce electric rates, the utilities should do away with the surcharges, let people keep the money, and make their own decisions, and let free market rule. If this is a good program, there will be phase #4 and then Cheshire can think about it and make a decision.

Chairman Slocum reported he was solicited at this home by a person regarding energy issues and scheduling an appointment. He asked if this is the same program as being discussed by the Council.

Mr. White said he thinks this is the Next Step Living program.

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

MOVED to amend the motion on the floor to read... ***with the approval of the Town Attorney.***

Mr. Sima hopes this legal opinion comes before the deadline of Friday, July 12<sup>th</sup>. He further stated he does not disagree with Mr. Schrumm's comments, picking winners and losers. The question is whether we harm or hold back Cheshire residents because of philosophical differences on how the money is spent, and now allow someone to participate in the program.

Mr. Falvey agrees with the comments that have been made and need for a more detailed review by the Town Attorney, and he would support the motion with the approval of the Town Attorney. Regarding CEF and electric rate surcharges, the time for this debate is during election of our state legislators and passage of tax laws. As long as the money is better used for this program versus the general fund of the state government he would support the motion.

Mr. Slocum has more concerns about the approved vendor and advertising on the Town's website. He asked why a preferred vendor is needed for the program.

According to Mr. White the installer costs are huge, and involve information on product offered, kilowatt hours, home site visits, customer acquisition costs are high, and it is \$30,000 for installation of solar panels. This is done with the Town's promise of a preferred vendor. It is a four month program to increase awareness, and the installer is chosen for the four month phase.

Mr. Schrumm stated his preference to wait until phase #4 of the program for Cheshire to consider participation.

A comment was made by Mr. Ecke about finding candidates to run for Council, and people do not want to serve because of the lengthy meetings, i.e. this 45 minute discussion on solar panels.

VOTE            The amendment to the motion passed 7-1; Schrumm opposed.

VOTE            The amended motion passed 7-1; Schrumm opposed.

**C. Approval of Milone and MacBro9om for the final phase of the survey for the Puchlaski property.**

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

BE IT RESOLVED, That the Town Council approves Resolution #070913-4

RESOLUTION #070913-4

BE IT RESOLVED, that the Town Council approves the hiring of Milone and MacBroom to complete the mandatory Class A-2 Survey of property at 575 Mountain Road, for total fee of \$25,750, to which a credit of \$3,000 for the initial part of the survey will be applied.

AND, BE IT FURTHER RESOLVED, that the Town Council allocates the net amount of \$22,750 from the Land Acquisition Capital Account for this survey, and further directs Town Manager Milone, pursuant to Resolution #091200-10, to execute contract for said survey.

Discussion

Town Planner Voelker reviewed this matter with the Council. \$3,000 was the initial cost for the pre-survey, which has been credited to the overall \$25,750, bringing the net fee to \$22,750. He noted that this property is on a mountain and hard to survey. There are few markers on the site to do a survey.

Mr. Schrumm questioned how many other bids or cost estimates were received from other firms. He commented on \$25,000 as a lot of money, and asked how we know this is a good price.

In reply, Mr. Voelker said there were no other firms. Milone and MacBroom was chosen because of their experience on the property; they are familiar with the property; and in keeping with good practices it was felt a firm should be used that would do a good job for the Town.

Mr. Schrumm stated that this firm is familiar with a lot of property in Town, and seems to becoming defacto, as the only firm the Town uses. He asked that it be mixed up more in the future as competition is a good thing.

According to Mr. Voelker this is a reasonable estimate, and it was discussed with the Town Council.

VOTE           The motion passed 6-2; opposed Talbot and Schrumm

**D. Town Manager's performance review – executive session**

**8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.**

**A. Monthly Status Report.**

**B. Department Status Reports.**

**C. Other**

Monthly Financial Report – Projected surplus remains at \$860,000; fund balance of \$9.2 million; 9.4% of the operating budget. Mr. Milone reported tax collection rate of 99.71%, which exceeds the budget appropriation by \$530,000. WPCA Budget surplus of \$100,000, a fund balance of \$600,000, which is 18% of the operating expenses. Pool Budget will break even; subsidy increased last year by \$60,000 from the Park and Rec Budget.

Fiscal Year 2013-2014 Operating Budget - \$180,000 more in revenue received than budgeted. W. S. Development has given the Town staff a fiscal impact report which will be reviewed by Town Manager Milone and given a response.. There will be a few hundred thousand dollars in revenue from fees if this project goes forward.

Capital Expenditure Plan – FY 2013-14 – the Councilors will receive the CEP budget next week; a schedule of meetings will be determined and posted; the public hearing on the CEP will be August 20<sup>th</sup>.

Route 41/King Road Construction Project – DOT has not started this work yet, but plans to start on July 22<sup>nd</sup>; materials will be delivered next week; information on the project will be posted on the web site. The project should be completed in November.

Road Repaving/Chip Sealing Status – The schedule has been posted by Mr. Noewatne; phase #2 starts July 22<sup>nd</sup>; paving on July 29<sup>th</sup>; and the 3<sup>rd</sup> phase will be done in August. All streets and timelines will be on the web site.

Proposed Rehabilitation Facility – There is a proposal before the State DOH for a rehab facility to open in Cheshire for substance abuse and mental health clinic. It is going through the review process at DOH. Residents have called regarding this facility, and the Town administration is on top of this matter. Michelle Piccerillo, Human Services Director, reviewed the application, and has no concerns. There will be meetings with the two principals of the facility, Ms. Piccerillo, Chief Dryfe and Mr. Milone, to get as much information as possible. The Town wants to have a comfort level; the facility is new and different; and we want to know what it's about, how it will be managed, types of clients, services etc. The site for the facility is 290 Highland Avenue, 2<sup>nd</sup> floor.

Paint Can Satellite Drop Off Sites – RWA permits hazardous waste at its North Haven facility; there will be 7 Saturdays around the State beginning July 13<sup>th</sup> in Hamden to get rid of leftover paint, stains, sealers and other items. The information will be posted on the web site.

Dept. of Corrections Amended Prison Agreement – The governor signed this legislation about 10 days ago. Mr. Milone’s intention is to put together a reasonable proposal, meet with the Council because this is a contract, and the Council will receive an outline of the agreement in September. Mr. Milone will inform the State the Town will plan on meeting with them in late summer.

Overtime Analysis Report – this report is being prepared, and will be an in-depth analysis of the information, and ready in 2 to 3 weeks. The report is in response to issues raised during the budget process when concerns were cited about the overtime and ways to reduce it.

Yankee Gas Vault Repair – The vault was installed at the parklet on Highland and Main Streets. The vault was unsightly as it was elevated about 2.5 feet. It is now leaking water, and the gas company must dig it up, repair it, and will be able to reset the vault at ground level. It will not be seen from street level. There must be some digging, go across the pavement put down a year and a half ago. In the next few weeks people will see activity at the site. Yankee Gas representatives met with staff today, and the company has stated it would do everything to restore the site to its current condition, and install a pathway to landscaping is not damaged and for easier access to get work done and snow plow the area.

Mr. Sima commented on the mall coming into town, revenue from permits, and the report that the Planning Department is very busy. He questioned the impact of this mall on staffing as the project goes forward.

The Council was told by Mr. Milone that the Planning Department is not impacted by this project, and the Building Department and Fire Marshal’s office will be impacted. There may be some additional costs for additional Building Official and Fire Marshal time who will spend time at the site as construction goes forward. Timelines and costs are being looked at now.

Mr. Schrumm said the last time the mall representatives were here there was discussion about the potential impact on the Fire and Police Departments. He asked where this is in the process; is it updated; will it be presented into the PZC record. Mr. Schrumm noted there is little press coverage on this project, and when the Town has input on it.

The developer, W.S. Development has contracted with Milone and McBroom to do a fiscal impact analysis along with other analyses, so there is a document submitted to the PZC which highlights those elements being raised by the Council now. The analysis estimates tax revenue from the various components of the project, permit fees, tax revenue, and estimate of the cost impact on the Town, with provision of net revenue numbers. This document was given to Mr. Milone a few days ago. He will review and comment on the report, and has distributed it among the Town departments which are involved in the project – Assessors Office, Building Department, Fire Department, Police Department. These departments will review the numbers and come back with

suggestions, recommendations, and identification of expenses, revenue potential not yet recognized. In the document there is no mention of the real estate conveyance tax, which will be thousands of dollars. There is no recognition of an additional burden on the Building Department, and this will be included once a number is determined. Mr. Milone thinks there is an under estimate of the Fire Marshal's time. Regarding police presence, W.S. Development used a modeling to come up with the impact from a cost analysis. It is preliminary. Chief Dryfe does not feel, at this time, that he has to commit additional staff, and would rather see what happens with this project, and then make a decision. The Chief's initial reaction is that the department can maintain status quo. There are little things to be modified. Mr. Milone will provide feedback to the PZC by July 22<sup>nd</sup>, and will share the fiscal impact analysis done for the project, and the Town's response when the analysis is completed.

Mr. Milone will provide the Council with a copy of the fiscal impact analysis for review. In two weeks they will have the Town's response to the report.

Mr. Schrumm wants to see what the initial report. He noted that Milone and MacBroom is also the site contractor for this project. He commented on this project not receiving news coverage, and it will have a major impact on the Town.

Ms. Flynn-Harris asked about the engineering peer review company already hired.

There are two parts to this, and Mr. Milone said he is not sure the company is hired, but they did an interview yesterday, made a decision, but a contract has not been signed. He informed the Council there will be a peer review of the engineering elements of what was proposed, and the Town is the peer review for the financial part.

Ms. Flynn-Harris said these are public documents in the Planning Department where they can be looked at.

**9. TOWN ATTORNEY REPORT AND COMMUNICATIONS**  
**No report.**

**10. REPORTS OF COMMITTEES OF THE COUNCIL**

**A. Chairman's Report.**

Planning Committee – Mr. Sima plans on scheduling a meeting in August.

Budget Committee – Mr. Schrumm advised that the first capital budget meeting is July 17<sup>th</sup>; other meetings will be scheduled and posted; the public hearing is Tuesday, August 20<sup>th</sup>; Town Council vote on the CEP is August 27<sup>th</sup>.

**B. Miscellaneous**

**11. APPROVAL OF MINUTES**

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

MOVED that the Town Council approves the minutes of the Regular Meeting of June 11, 2013, Public Hearing of June 11, 2013, Special Meetings of June 13, 2013 and June 27, 2013, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

## **12. MISCELLANEOUS AND APPOINTMENTS**

### **A. Liaison Reports**

Environment Commission – Ms. Nichols reported they meet on July 10<sup>th</sup>

Beautification Committee – Ms. Nichols reported they meet on July 10<sup>th</sup> in the morning.

WPCA – Mr. Schrumm reported the return date for the bids for the treatment plan has been extended to early August due to the New Haven date extension. The contractors not getting the New Haven project will be in contention for the Cheshire project with better prices.

### **B. Appointments to Boards and Commissions**

## **13. COUNCIL COMMUNICATIONS**

### **A. Letters to Council.**

### **B. Miscellaneous**

## **14. EXECUTIVE SESSION**

### **A. Land Acquisition**

### **B. Personnel Matters**

MOTION by Mr. Schrumm; seconded by Mr. Talbot.

MOVED that the Town Council enter Executive Session at 9:15 p.m. to include Town Manager Milone, to discuss land acquisition and personnel matters/Town Manager Performance Review.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Falvey; seconded by Mr. Slocum.

MOVED that the Town Council exit Executive Session at 10:05 p.m.

VOTE           The motion passed unanimously by those present.

**15.   ADJOURNMENT**

MOTION by Mr. Falvey; seconded by Mr. Slocum.

MOVED to adjourn the Town Council meeting at 10:06 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk