

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON  
TUESDAY, MARCH 11, 2014 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84  
SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Chairman Timothy Slocum; Vice Chairman David Schrumm; Council members Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert J. Oris, Thomas Ruocco, James Sima, Peter Talbot.

Staff: Michael A. Milone, Town Manager; James Jaskot, Finance Director; PW Director George Noewatne; Vincent Masciana, Dept. of Education.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. PUBLIC COMMUNICATIONS**

**A. Recognition of 2013 Fire Prevention Poster contest winners.  
Postponed to April meeting.**

**B. Proclamation for MADD Power Talk 21 Day.**

Chairman Slocum proclaimed Monday, April 21, 2014 as MADD Power Talk 21 Day in Cheshire CT.

**C. Public Comments.**

Dick Mangino, 357 South Brooksvale Road, addressed the Council on the CL&P tree trimming project. He stated a CL&P employee came to his house, and informed him that they would be cutting down the Sugar Maple and Ash trees at the end of his driveway. These were sick trees. Mr. Mangino said the employee was not a licensed arborist. He has spoken with PW Director/Tree Warden Noewatne, who has knowledge on the tree trimming subject, and who was most helpful and informative. A meeting was held on January 28<sup>th</sup> with Mr. Mangino, Mr. Noewatne, Mr. Nolte, and CL&P representatives, and the attitude of the company was different. They said they would only do some tree trimming. An agreement was signed by Mr. Mangino and CL&P which required his consent for any work. Without this consent, CL&P could appeal to the Tree Warden. Last week a crew was at his driveway; they were strategizing and left; and the crew knew nothing about the agreement between Mangino and CL&P. Mr. Mangino stated that the crews should have a copy of the agreement and its stipulations with the homeowner. He commented on the large pieces of wood being left in the South Brooksvale area; it is a real mess; and something must be done about it as one chain saw can do lots of damage in a short period of time.

PW Director Noewatne said that Mr. Mangino's statement is correct. Concerns were brought to him and he communicated them to CL&P's arborist and their contractor, Trees Inc. There is a process to be followed with the trimming, but he has not heard many complaints, so Mr. Mangino did a favor to other residents.

Regarding the wood along the street, Mr. Noewatne reported that CL&P wants homeowners to take as much as they can, and for what is left, the company will have log trucks and crane the wood.

Ms. Flynn-Harris has spoken with Mr. Mangino, visited the South Brooksvale area, and is astounded by the size of the trees taken down. She questions how some could have jeopardized wires, and said it would have been more prudent to do some trimming. Ms. Flynn-Harris questions how other people were making out with CL&P without negotiations, and the company picking up the trees.

The Council was told by Mr. Noewatne that he met with CL&P's Communications Committee on Monday, discussed how the process will work for the trees and pickup of the wood.

Mr. Milone stated that Mr. Noewatne and Mr. Nolte have been on top of this situation and have done a very good job. CL&P's arborist is a concerned person about the issues, and with 6 or 7 crews out doing the work it is hard to know if they are doing what should be done. Mr. Milone said there needs to be tree trimming done, and the field work needs to be managed correctly.

Mr. Noewatne reviewed the protocol and how the process works, and advised that the CL&P survey shows where the cutting will be done. CL&P does standard maintenance, enhanced/aggressive trimming, and main line trimming for distribution lines on major roads. An assessment is done of the area; trees to be maintained are flagged; and Mr. Nolte goes into the field with the contractor and CL&P to review the process. Any tree in the right-of-way is posted; people have 10 days to file an objection notice to Town Hall; and the issue is between CL&P and the property owner. After the 10 day posting CL&P is free to do the work with the permission of the property owner and abutters.

According to Mr. Noewatne there is resident concern about the trimming, how much is being done, and the Town staff meets regularly with CL&P's arborist and the contractor to discuss concerns and reach a compromise. If a homeowner objects to the work, and CL&P wants to push it, there can be a petition to the Tree Warden for a formal hearing. The Warden makes a determination within 10 days, and the decision can be appealed to the State Court System with an injunction until there is a court decision. There have been no hearings to date, and Mr. Noewatne said this is due to the willingness of residents to work with CL&P and Trees Inc.

The timeline for completion of the tree trimming work is through mid-summer. There is a map and listing of tree trimming street work on the Town's web site for the three CL&P programs. The company is working on 100 miles of Town roads.

A copy of the map on the web site was displayed by Mr. Milone, and the map is marked with the nature of the tree trimming for the streets. A brochure from CL&P explains the trimming process; there is a link for more information; and the press release on the tree trimming work will be released every few weeks to keep the public informed.

Ms. Linehan asked about information on the appeal process, and that it be put on the web site.

There is a fact sheet on the web site, and Mr. Noewatne said the Council has a copy of this sheet.

It was suggested by Ms. Flynn-Harris that the CL&P link on the web site be made more prominent.

Mr. Sima commented on the CL&P crews not knowing what is going on, as in Mr. Mangino's case. He cited the fact that the Department of Consumer Protection requires licenses for people working on the trucks, and Mr. Sima questions whether the CL&P people are licensed.

Mr. Noewatne stated he would look into this issue, and noted Trees Inc. is a CL&P contractor. He will request information on their licensure.

There were a lot of trees down in the south end of Town a few years ago and Mr. Sima has concerns about the Town not approving cutting down of some trees. And, if these trees fall down in a storm in the next year or two, he questions the liability of the town for stopping the removal of some trees.

If the Town stops the process, Mr. Noewatne said there is some liability to be assumed. As Tree Warden, he looks at the trees, and assesses the risk if the process is stopped. Mr. Noewatne stated that the Beautification Committee members also questioned the refusal of trimming and wires coming down a year from now, causing an outage. The committee asked if the homeowner was responsible, and if CL&P would come back and collect for damages. Mr. Noewatne said CL&P would not penalize anyone for not having trees trimmed, and there is no language in the law regarding this issue.

Mr. Talbot asked if Mr. Mangino's situation is resolved to his satisfaction. He commented on a letter from a family on Wolf Hill Road, and what happened with their situation. This family copied the Council with the non-consent form.

In response, Mr. Noewatne said he does not know the exact result of this, but he will find out and inform the Council.

Tim White, 1682 Wolf Hill Road, gave a brief update on the Solarize Cheshire program. This program ends April 8<sup>th</sup>. On March 25<sup>th</sup> there will be a 7 p.m.

meeting at the Youth Center with a final workshop with installers. On March 29<sup>th</sup>, 10 a.m. to noon, there is an open house at 1070 Waterbury Road. If interested homeowners want to save money they can contact [solarizect.com/Cheshire](http://solarizect.com/Cheshire).

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

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

BE IT RESOLVED, That the Town Council approves Resolution #031114-1

#### RESOLUTION #031114-1 CONSENT CALENDAR FOR MARCH 11, 2014

BE IT RESOLVED, that the Town Council approves the Consent Calendar for March 11, 2014 as follows:

- A. Acceptance and appropriation of a \$5,000 donation from Alexion Pharmaceuticals to the Police Gift Account for training, equipment And technology.
- B. Acceptance and appropriation of a \$35 donation from the Yellow House Programs to the Cheshire Fuel Bank.
- C. Acceptance and appropriation of a \$1,500 donation from Richard Walesky To the Parks Gift Account for a memorial bench in memory of Robert Walesky.
- D. Acceptance and appropriation of a \$10,000 Bright Idea Grant.
- E. BE IT RESOLVED, that the Town Council authorizes the application for a Connecticut Department of Transportation Mini-Bus grant, and further authorizes Town Manager Michael A. Milone to execute all documents necessary for said grant application.

VOTE        The motion passed unanimously by those present.

#### **6. OLD BUSINESS**

#### **7. NEW BUSINESS**

##### **A. Summary of Proposed FY 14-15 General Operating Budget.**

Mr. Milone stated he would be providing a summary of the budget at the Special Council meeting of March 12<sup>th</sup>.

##### **B. Approval of Performance Contracting Energy Services Agreement.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031114-2.

RESOLUTION #031114-2

BE IT RESOLVED, that the Town Council approves the Ameresco Energy Audit/Performance Contracting Agreement under the terms and conditions as presented and attached; and authorizes the Town Manager to execute said contract and related documents, per the recommendation of the Energy Audit/Performance Contracting Committee.

Discussion

Mr. Sima stated that this item was moved forward by the Council, and reviewed by the Town Attorney, permitting Ameresco to get started on this project. There will be a 16 month timeline, and the agreement outlines the payment schedules, time line and other important issues. The funding for the project does not come out of Town funds, but will be paid by the performance of the new equipment. If there is under-performance, Ameresco absorbs the costs.

Ms. Flynn-Harris was a member of the sub-committee for this project, and noted that performance contracting was an original concept from former Councilor Altieri many years ago. The project will be a great benefit and cost savings to the Town, and there are good vendors involved with the project. Ms. Flynn-Harris expressed appreciation to the Dept. of Education staff for their work on the project.

The Council was informed by Mr. Milone that the Town must now go through the financing process. Mr. Jaskot, Attorney Smith and Mr. Milone are putting together an agreement for financing which will be given to the Council.

Mr. Oris said this is a great project and he appreciates the hard work of the people involved. There are some issues in the contract that he will discuss with the Town Attorney. Mr. Oris believes there is some risk to the Town regarding the asbestos and lead paint, and asked if anything has been done to limit the risk.

Vincent Masciana, Dept. of Education, stated that a copy of the school system's asbestos management plan has been given to Ameresco and ECG (the owner's representative). This plan shows where asbestos is known in the school buildings, and is incorporated by reference in the contract documents. \$100,000 has been added as contingency for asbestos abatement, if needed, and if not needed the contingency money would be returned to the Town. Mr. Masciana said this issue is covered, and he believes the risk is small. This part of the contract was discussed before the document came to the Council. The \$100,000 will be carved out of the financing for contingency.

Mr. Oris said the \$10.2 million did not include contingency for these items, and asked if this was correct. He has a concern about a big issue which was not evaluated ahead of time.

According to Mr. Masciana there is some room with the CL&P rebates, some give and take with the \$10.2 million. He does not believe there is that much asbestos exposure.

The payback is based on the \$10.2 million and bond interest rate on the money, and Mr. Sima said this is going out +15 years. The contingency would go on the pay back years. The financing piece is based on the bond rating of the Town.

Attorney Smith stated that the presence of asbestos is not a great unknown or unmanageable risk. All schools are required to develop and maintain an asbestos management plan, and buildings are surveyed and inspected twice a year. There is an inventory of known asbestos. The risk being dealt with is encountering unidentified asbestos, which will be little, if any.

A question was posed by Mr. Oris about "they paying for any of the overage" and he asked who "they" were.

In response, Mr. Sima said that part of the financing money comes from the state and federal government rebates. In the \$10.2 million there is about \$2 million in rebate money, energy efficiency performance, and the rest is based on the bank group being used.

Mr. Oris said this is increasing the loan which is additional cost to the Town. He read an excerpt from the contract regarding asbestos..."customers shall be responsible for all costs incurred by Ameresco that relate to the presence of asbestos". He asked if this increases the amount of the project costs for the 16 years, and said this still adds additional cost.

Mr. Milone explained that it extends the return on investment period.

The big issue is that someone must give thought to the asbestos issue and Mr. Oris hopes the Town has taken pro-active steps, not reactive steps, to insure there is no cost to the taxpayers.

Mr. Masciana said this is why the contingency was discussed and incorporated. To the point raised by Mr. Oris, he said that with a \$300,000 cost, with a \$100,000 contingency, that means there is a \$200,000 shortfall to be made up. This is the way the contract reads.

Attachment E is missing from the contract, and Mr. Oris said this talks about the calculation of the annual savings.

Mr. Milone explained that this is the document the Council looked at and approved during its last meeting, and Councilors should have a copy. If not, he will get one to all Council members. It is the Investment Grade Audit document.

The Town's insurance requirement of \$1 million per occurrence and \$2 million aggregate was raised by Mr. Oris. He considers this to be a low number, and asked when this has been evaluated relative to protection of the Town. In private business he requires higher insurance requirements, \$2 million per occurrence and \$5 million aggregate. The requirements should be revisited, as there is some risk relative to insurance requirements for contractors. Another issue in reading the document is the indemnification, liability to Ameresco which is limited to the extent of their insurance. If anything negligent were to happen, Mr. Oris said to pursue Ameresco as a result of their negligence, they could only be sued to the extent of the insurance they have, \$1 million per occurrence. To Mr. Oris this seems low, and he said the Town could not sue them for negligence beyond the cost of the insurance...or in some cases the cost of the payments due them. Mr. Oris asked why the Town would limit its liability to pursue Ameresco to either the insurance they give us or the payments the Town owes them.

In response, Attorney Smith said these are not unilateral decisions the Town makes, and they are subject to negotiation. For actions beyond negligence, which are willful, reckless, or intentional or grossly negligent.

This is not seen in the contract and Mr. Oris has concerns about limiting the Town's ability to sue someone for something they do, to the limits of the insurance. This is a red flag to him and he said it is not typical.

Attorney Smith said a death could be caused by negligence, gross negligence, willful actions, or something in the non-negligence category. These are claims the Town brings against Ameresco, but they do not limit the ability of other people to bring claims against Ameresco, should they be injured by their actions.

Mr. Milone stated he would check with the insurance consultant about recommended insurance limits.

VOTE           The motion passed unanimously by those present.

**C.     Approval of bulky waste collection bid waiver and contract, and call  
For public hearing for appropriation of said contract.**

MOTION by Mr. Oris; seconded by Ms. Linehan.

BE IT RESOLVED, that the Town Council approves Resolution #031114-3.

RESOLUTION #031114-3

BE IT RESOLVED, that the Town Council, per the recommendation of the Solid Waste Committee, finds it is in the best interest of the Town to waive the bid for a Bulky Waste Collection, and to approve the proposed negotiated contract with A.J. Waste for said collection; and

BE IT FURTHER RESOLVED, that the Town Council calls for a Public Hearing on Thursday, March 20, 2014, at 6:30 p.m. in Council Chambers to consider an appropriation of \$94,000 from the CRRRA Reserve Fund and an appropriation of \$200,000 from Fund Balance for a total appropriation of \$294,000 for said Bulky Waste Collection, and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and that any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

#### Discussion

It was stated by Mr. Oris that bulky waste collection was a common issue during the 2013 campaign and it was heard by all Council members. The community has been heard, and the Solid Waste Committee and Town staff have been working hard to bring the collection program back as soon as possible, in a fiscally responsible way.

Last year there was a bid for the bulky waste collection program and one bid was received for \$450,000. The Solid Waste Committee, Town Manager Milone and Town staff have reviewed alternatives with lower costs to bring the collection program back to the community. Mr. Oris thanked committee members Ms. Nichols and Ms. Linehan, Mr. Milone and Town staff for their work in moving the program forward. The collection will be done in April in a fiscally responsible way.

Mr. Oris reviewed the numbers and the negotiations with A.J. Waste. The end result is a unit cost collection of bulky waste at \$160,000. Additional costs will include sifting of the waste at the A.J. Waste facility, tipping fees for disposal of the material, and cost for tonnage collected. The tipping fee for the tonnage is \$84 to \$89 per ton. The last three bulky waste collection tonnage was an average of 900 tons. For the upcoming collection there is some concern about the amount of tonnage due to the fact that it has been five years since the last collection. Up to 900 tons the fee is \$89; next 100 tons is \$86.50; and the next 600 tons is \$84. For a 1000 ton collection, the total cost would be \$248,875; 1400 tons would cost \$282,250; 1500 tons would cost \$290,750. These costs are lower compared to the last bid of \$450,000.

The Council was told by Mr. Oris that the last bulky waste collection was not done properly. The committee looked at all the risks, and covered the bases with the worse case scenario of 1500 tons and this is within budget. To fund the



program, Mr. Oris advised that there is \$94,000 in the CRRA reserve fund to be appropriated, and \$200,000 from the Fund Balance. There will be no tax cost to the community, and this year's program will be the base line for future bulky waste collection.

Ms. Nichols stated that the contract includes the pressing issue of waste being out on the street for a long period of time. The bulky waste will be picked up by the Tuesday of the week following normal trash collection. If this time line is not adhered to, there is a penalty to the contractor.

Ms. Linehan stated that the committee reviewed this program seriously, got the best collection program to use money wisely, and this is the best contract for the Town. She said the Town is safer using A.J. Waste, and with the collection going along with the day of trash pickup it will alleviate the trash look around Town.

Stating this is one of his pet projects, Mr. Talbot thanked the Solid Waste Committee, Mr. Milone and Town staff for their work in bringing the bulky waste collection to the community. He looks forward to getting this collection going for the citizens.

Ms. Flynn-Harris stated there were concerns about the last collection with the mess throughout the Town. She read an excerpt from the contract related to leaving bulky waste materials beyond the Tuesday of the following week. Ms. Flynn-Harris asked about some material not being bulky waste or recyclable, whether A.J. will leave notification to the homeowner that the hauler is leaving this stuff behind because it is on the ban list. It is really the responsibility of the homeowner to take care of disposing of this material. A.J. will not pick up certain items and there must be a message to the homeowner as to why things are left behind.

The Council was told by Mr. Milone that he will check with A.J. on this issue and the method of follow-up. The company has a follow-up process in place now for the normal trash pickup.

On page 2 of the contract, Ms. Flynn-Harris cited the seniors and others receiving non-curbside pickup, and the fact that they will not get special non-curbside bulky waste pickup. Materials must be brought to the curb.

This was discussed by the committee and Ms. Nichols said there is opportunity for young people to help seniors, Boy Scout troops to undertake this as a service project and bring bulky waste to the curbside.

There will be information on the bulky waste collection on the web site, and Mr. Schrumm said that some things will not be picked up. He encouraged residents

to put regular trash for the weekly pickup, at a cost of \$71 a ton, versus putting these materials into the bulky waste collection at a cost of \$89 a ton.

Mr. Sima favors the bulky waste collection, but is not in favor of bid waivers. With the last collection he had one issue – mattresses and box springs are exempt from this collection. He looks to get a separate cost estimate for the mattresses and box springs to be picked up.

In response, Mr. Oris noted that when people purchase a new mattress/box spring, the company usually takes away the old ones. The committee thought there would be few mattresses and box springs put out for the upcoming collection.

Mr. Milone commented on the purchase of a mattress and the surcharge for disposal of old ones. A.J. has informed the Town there is no place to dump mattresses/box springs in the State. He would have to break them up and then find a way to dispose of the materials. A.J. cannot handle mattresses or box springs, and if the company is expected to handle them, the contract would have to be re-negotiated. And, A.J. does not want the responsibility of keeping track of the number of mattresses or box springs picked up during the collection. If there is a site later on, he will inform the Town on how pickup and disposal would be done.

The bulky waste collection was put out to bid last year, and Mr. Ruocco asked if A.J. bid on the program at that time. Now, the Council is here with an exclusive proposal for the collection program, and he asked if any other vendors were invited to submit their proposal. Regarding restrictions on some items Mr. Ruocco said the public must be informed that regular trash items cannot be brought to the curb for the bulky waste collection.

This was discussed by the committee and Ms. Linehan said there will be marketing going out on the bulky waste collection program, with this issue at the top of the list.

Mr. Ruocco stated there was a surplus last year of about \$200,000, and in the General Fund there is money for this collection. He has concerns about not seeing specifications about the due process.

Chairman Slocum reported that the cost for the program is less than \$18 per household.

When the Town staff met with the Solid Waste Committee, Mr. Milone explained that there were 6 or 7 options reviewed. The only viable way to get the cost number down was to negotiate with a vendor, and it was clear that to go back on the street the number would be close to the amount received in the last estimate.

Mr. Milone went over the following facts on bulky waste collection with the Council. Cheshire is an unknown; it is almost 6 years since the last collection; most of the vendors other than A.J. would be hauling the collected material 10 to 20 miles farther than A.J. at a significant cost; most of the day would be spent in transportation and not pickup; an outside hauler is not familiar with the Town; running an efficient program would be a nightmare; outside haulers get lost; there are arguments about material out on the street after the pickup day. For a variety of reasons, the staff asked the committee to negotiate with a vendor, because it made sense to do so.

With regard to no bid in the first place, bidders did not like taking all the liability for the cost of the tip fee as it is a big unknown. There was also a problem with the way the specifications were written. In the past the Town used four quadrants, and Mr. Noewatne and Mr. Gancarz recommended meeting with A.J. Waste and they came up with a program compatible with the way the trash is collected.

Mr. Milone said the Town would not have been successful going back out to bid. It was better to negotiate with a company which is familiar with the Town, closeness of the disposal site, efficiencies of the disposal site which A.J. Waste has versus an outside hauler. For the tipping fees and proper charging to the Town, A.J. will allow the Town's GPS system to be put on their trucks to monitor routes, know where they are and how long it is taking to do the routes, and whether excess waste is getting into the trucks. A.J. is taking on the full responsibility for the bulky waste collection at the condo complexes in Town, which was the biggest problem during the recycling program implementation. A.J. Waste will put dumpsters at the condo complexes, and Mr. Milone noted this would not be a service provided by an outside hauler. He also stated that negotiations with another hauler could not bring the economies and efficiencies which A.J. Waste will bring to the program.

Regarding "marketing" of the program, Mr. Milone informed the Council that the Town will use the CodeRED to communicate to people that the program will be upcoming. There will be a 3 week notice; the program starts April 7<sup>th</sup>; information will be on face book, the web site, along with a 5 minute explanatory video.

Mr. Milone is comfortable with A.J. Waste handling this program because the last three haulers were a nightmare for the Town. A.J. will start the collection process on a Monday, collect that week's route, and use extra trucks if necessary. With A.J. Waste Mr. Milone hopes for a smooth and successful program.

Chairman Slocum commented on the tree trimming program ongoing in Town, and said that problems must be resolved. He noted that stumps cannot be picked up by the hauler.

VOTE The motion passed 8-1; Sima opposed.

**D. Authorization for debt refunding.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031114-4.

RESOLUTION #031114-4

**RESOLUTION WITH RESPECT OF THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$10,000,000 TOWN OF CHESHIRE, CONNECTICUT GENERAL OBLIGATION REFUNDING BONDS.**

A copy of Resolution #031114-4 is attached to these minutes.

Discussion

Mr. Schrumm stated that this refunding is like refinancing a house taking advantage of lower interest rates. This is about a \$10 million refunding of Town debt at a lower rate with greater savings.

It was explained by Mr. Milone that you cannot just refund bonds; there must be a call provision in the bonds; and there can be refunding when the call provision is up, which is now. There is a 90 day time for the Town to act, and he said we want to act quickly. The finance administrator has stated the time is right to maximize savings, and get about \$800,000.

Mr. Milone commented on this being one of the best savings the Town has ever done. These bonds were refunded in 2004, so this is a refunding of a refunding. There was a bond refunding scheduled 2 ½ years ago; rates soared; and the sale was delayed. Six months later the Town captured a better interest rate environment. If the savings are not there when these bonds come up to be refunded, the financial administrator could recommend delaying the sale.

The sale will take place on April 17<sup>th</sup>. Mr. Jaskot explained that there is \$9.56 million to be refunded. It is a 2004 issue with an average interest rate of 4.44%, which will be lowered to 1.42% for eight (8) years left on the original 2004 bonds.

There will be a savings of \$800,000 and Mr. Milone stated that \$450,000 will be used to reduce debt service in the next fiscal year; and the balance will go into the debt service reserve account. Or, the funds can be used as the Council decides.

Mr. Jaskot explained that the Council can structure the savings any way it wants. He commended the Town staff for their work on this refunding.

VOTE The motion passed unanimously by those present.,

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

**A. Monthly Status Report.**

**B. Department Status Reports.**

**C. Other**

Monthly Financial Report – will be discussed at the March 12<sup>th</sup> budget workshop.

Legislative Update – this is an effort to try and recover the \$1.5 million owed by the State Dept. of Corrections to the WWTP under a one year window period. Bill 5484 opens up the back years to Cheshire to claim all of the 8 years on the money owed. Town staff will testify on this legislation. Town Engineer Gancarz testified on the two WWTP bills. One was on the design flow having to do with an analysis on whether the plant must be expanded; and the other was on the reimbursement to Cheshire for 50% of the cost of the phosphorous. The problem was the legislature was not recognizing communities that already had started with construction. Cheshire introduced an amendment so the Town and Manchester would not be penalized in doing what is right.

March 26<sup>th</sup> is CCM Day at the Hill. - There is a special program regarding municipal aid; visits to the delegation; and Mr. Milone reported that Cheshire is getting a lot of traction on its dilemma with the State DOC. WPCA Chairman, Tim Pelton, wrote a letter to the Hartford Courant; and a reporter has developed a strong interest in this issue and will be doing a multi-part piece on it.

Cell Tower Construction/Treatment Plant Site – the company, Homeline Towers, had the ability to build up to 180 feet, and wants to reduce the height to 100 feet. The Town Attorney followed up on this issue. The lower height will diminish the point to point contact for the Fire and Police Departments. The Town will be working with the consultants on the matter. With the lower height of the tower there could be serious communication consequences.

CL&P Tree Trimming Program – this was covered earlier in the agenda.

Proposed Street Paving Schedule – PW Department staff provided a summary of the work to be done over the summer along with the schedule for crack and chip sealing. This will be an added agenda item for the Planning Committee meeting.

CIRMA Risk Management Achievement Award – Cheshire has received recognition for claims being 65% lower than its peer group average. Mr. Milone reported the Town has a Safety Committee with department heads as members, and the Town Wide Safety Committee with employees as members.

CCM Prescription Discount Card Status Report – this program is getting off the ground; there has been some local activity; and the report reflects the history and amount of savings.

Bike Trails Supreme Court Ruling – Attorney Smith reported on the 1875 Public Lands Act which gives railroad rights of way over lands in the west, and who has rights to those lands once the railroad abandons the rights. Rails in Connecticut have never been abandoned so the issue is not relevant.

Boards/Commissions/Committees Videos – there is a schedule to video these meetings at the convenience of the board, commission, or committee, in Council Chambers. The videos start March 18<sup>th</sup> with IWW meeting, and it is planned to do 2 or 3 meetings a month. Before start of the video, there will be a 15 minute preparation/rehearsal period.

#### Upcoming Meetings

a. Budget Committee/Town Council: March 12, 2014 at 6:30 p.m. Room 207; March 13, 2014 at 7:00 p.m. Council Chambers; March 18, 2014 at 6:30 p.m. Room 207; March 20, 2014 – Public Hearing in Council Chambers at 6:30 p.m. followed by Budget meeting at 7:30 p.m. in Room 207; March 24, 2014 at 6:30 p.m. Room 207; March 25, 2014 at 6:30 p.m. Room 207; April 1, 2014 at 7:30 p.m. Public Hearing, Council Chambers; April 2, 2014 at 6:30 p.m. Room 207.

b. Planning Committee – March 17, 2014, at 7:30 p.m. Room 207.

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

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

#### **A. Chairman's Report.**

Planning Committee – Mr. Sima stated the committee meets on March 17<sup>th</sup>.

Budget Committee – Mr. Schrumm stated the workshops for FY 2014-15 budget begin on March 12<sup>th</sup>; and the budget must be approved by the Council by April 8<sup>th</sup>.

(Mr. Ruocco left the meeting at 9:10 p.m.)

#### **B. Miscellaneous**

### **11. APPROVAL OF MINUTES – Regular Meeting February 11, 2014 and Special Meeting of February 25, 2014.**

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

MOVED that the Town Council approves the minutes of February 11, 2014 and February 25, 2014, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

**A. Amendment to minutes of November 12, 2013, Resolution #111213-1.**

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

MOVED that Resolution #111213-1, Consent Calendar, be amended as follows:

- A. Acceptance and appropriation of \$627 in proceeds from concessions in Seussical Musical to *the CPFA Gift Account for scholarships*.
- B. Acceptance and appropriation of a \$118 donation from Town Hall Employees to the Human Services Gift Account for general purposes.
- C. Acceptance and appropriation of a \$25 anonymous donation to the Human Services Gift Account for general purposes.

VOTE The motion passed unanimously by those present.

**12. MISCELLANEOUS AND APPOINTMENTS**

**A. Liaison Reports**

WPCA – Mr. Schrumm reported that the treatment plant construction continues; the only concern at this time is the pcb issue around the old parts of the building; and the Authority is working to find out the standards for pcbs.

Library Board – Mr. Oris reported they met on February 24<sup>th</sup>. In January 2014 there was circulation of 33,814 items, which is a slight reduction from January 2013; the new Assistant Library Director position posting ended February 28<sup>th</sup>; a number of candidate resumes have been received; it is hoped the position will be filled in April. Five staff members will be attending the Biennial Conference March 12 – 15, through funding from Friends of the Library. Marge Moser, a longtime employee, will retire at the end of April, and Mr. Oris expressed appreciation to Ms. Moser for her years of dedicated service to the Library.

Parks and Rec Commission – Mr. Talbot reported that department crews will be out working on the crews as soon as the snow and ice disappears; he expressed thanks to the crews who supplemented the PW crews efforts to keep streets and roadways clear this past winter. They did a great job.

Arts Place – Ms. Flynn-Harris reported that the 26<sup>th</sup> Arts Day will be held on March 16<sup>th</sup>, 1 to 4 p.m. at Cheshire Academy Dining Hall. The program is free;

there have been many donations for children to work on all aspects of art and be creative; and she encouraged people to attend this event.

Mr. Milone stated that Joanne Pilarczyk and Arts Place is, finally, on line for the registration system with credit cards.

**B. Appointments to Boards and Commissions**

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

MOVED that the Town Council correct the appointment information for Lori Rusnack (R) to the Economic Development Commission to fill the term of Robert Formica, term of office February 11, 2014 to January 31, 2017.

VOTE The motion passed unanimously by those present.

**13. COUNCIL COMMUNICATIONS**

**A. Letters to Council.**

Chairman Slocum reported on a letter from Mr. and Mrs. Pagliaro regarding the tree trimming program and cutting down of trees.

**B. Miscellaneous**

**14. EXECUTIVE SESSION**

MOTION by Mr. Schrumm; seconded by Ms. Nichols

MOVED that the Town Council enter Executive Session at 9:25 p.m. to include Town Manager Milone and Town Attorney Smith to discuss pending claims and litigation.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Schrumm; seconded by Mr. Sima

MOVED that the Town Council exit Executive Session at 9:55 p.m.

VOTE The motion passed unanimously by those present.

**15. ADJOURNMENT**

MOTION by Mr. Schrumm; seconded by Mr. Sima

MOVED to adjourn the Town Council meeting at 9:55 p.m.



VOTE        The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk