

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 9, 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, Robert J. Oris, Thomas Ruocco, James Sima, Peter Talbot.

Absent: Sylvia Nichols

Staff: Michael A. Milone, Town Manager; Michael Markowicz Town Attorney; James Jaskot, Finance Director; George Noewatne, PW Director; Walter Gancarz, Town Engineer, Gerald Sitko, Economic Development Coordinator; Police Chief Neil Dryfe, Lt. Brian Pichnarcik

Dept. of Education – Vincent Masciana, Director of Management Services

Guest: David Borowy, Cheshire Representative to RWA Board; John Purtill and Mark Nash, Public Building Commission.

**1. ROLL CALL**

The clerk called the roll and a quorum was determined to be present

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. PUBLIC COMMUNICATIONS**

**A. Regional Water Authority status presentation**

David Borowy, Cheshire's RWA representative, reviewed the history of the Regional Water Authority (RWA) which was enabled by legislation in 1978. He stated there was adjustment to the legislation which allows RWA to do work outside of its district such as water testing, promotion of testing, hydrant maintenance of mains owned by RWA and municipalities. These adjustments enable RWA to keep costs down. RWA has an insurance program, Pipe Safe and Sewer Protection at \$60 a year, and has revenue of \$5 million from non-water revenue sources.

Mr. Borowy reported RWA now has a \$100 million budget, \$10 million in its general fund, \$10 million in the rate stabilization fund, and \$30 million in the bank for bonding. Over the last 5 years RWA has been building reserves for mandatory balance in the general fund, equal to 10% of outstanding debt. RWA has negotiated with DEEP over the stream flow regulations, taking the lead on what surface water would be. RWA will have an inter-connection with Wallingford, in a joint effort design phase, and will have lower rates by joining with other towns (i.e. Meriden and Southington). The Hamden CT facility has 82 million gallons daily, with the highest use of 53 million gallons, and RWA has excess water to sell.

Mr. Borowy commented on RWA's consideration of an advance metering system, with 117,000 meters to be replaced with Neptune meters to electronically transmit

information on water usage. RWA will then be able to convert to monthly billing. Cheshire and RWA completed a cleaning and lining program for mains.

Regarding the relining of pipes, Mr. Slocum asked about ongoing activity by RWA.

Mr. Borowy said Cheshire will not be done for at least the next 5 years. With the advances metering system RWA will capture more water usage. Cleaning and lining pipes lasts about 50 years.

With regard to fire hydrants, Mr. Schrumm said RWA owns some and the Town owns some. He commented on the municipal owned hydrants and RWA's charge to municipalities to repair and maintain fire hydrants, and it being less costly for towns than what is charged by RWA. He also asked about anything in the capital plan, RWA selling water, getting more people to hook up to the system, and if there is anymore extension of pipe on Cheshire streets.

There is nothing in the plans for expansion right now, and Mr. Borowy said it would depend on development.

Mr. Schrumm asked about RWA informing Cheshire as to what is in the ground, and the different costs between 8 inch and 12 inch pipe.

According to Mr. Borowy, RWA has given the master plan with this information to the Fire Department on location of pipes, size and capacity. This information can be shared with the town administration.

Town Manager Milone questioned what the town knows, and if Cheshire has an entire pipe mapping system from RWA, whether it is on GIS. He does not believe Cheshire has everything which Mr. Borowy thinks it does.

Mr. Borowy will check into this and advise Mr. Milone.

For inter-connection with municipalities and service water with diversion permits, Mr. Sima asked if the permits are needed to transport water from one side of the State to another.

Stating he would check into this, Mr. Borowy does not believe a permit is needed to move water around in the RWA system.

Mr. Sima asked about transfer of ownership of fire hydrants by the Town to RWA.

Mr. Borowy does not know the answer, and will have the RWA Director of Operations talk to Mr. Milone about this issue.

Mr. Sima said it is reasonable for RWA to own the fire hydrants and maintain them as they have the knowledge base of how they work versus Public Works or the Fire Department. He wants to know if the hydrant ownership can be transferred to RWA.

The issue of the inch/foot billing was raised by Mr. Sima, who noted there has been a major increase in costs from RWA, and the numbers are significant. He said Cheshire is not happy with these elevated expenses, paying high costs for pipes as RWA sells water. Mr. Sima also understands the need for RWA to be a financially sound organization.

Mr. Borowy advised there is an increase next year when there is new bonding for new programs, with the rate increase effective January 2015 at 7%. Next year Cheshire's billing will be about \$15,000 more; \$8.5 million for inch/foot of pipe charge is \$600,000 to Cheshire.

The recording of advanced meters was questioned by Mr. Sima.

Mr. Borowy said there will be transmittal recording all the time, with replacement of current meters, and a meter's life is 12 to 15 years.

Mr. Sima asked about federal and state referring to unaccounted for water and how many leaks are in the water system. He thought RWA was getting money from the federal system for relining of pipes and main replacement.

RWA has only 7% unaccounted for water and Mr. Borowy said this means RWA is not in line to get money due to not having a major systemic problem. RWA is qualified for an \$8.5 million loan at 2% interest for the advanced metering system, and part of the cost of the new system will be paid by a grant.

Mr. Sima thanked Mr. Borowy for his time and effort as Cheshire's RWA representative.

With the advanced metering system, Ms. Linehan asked about it emitting frequency, similar to smart meters, that can interrupt pace makers. This has occurred in California which is considering making them illegal because of health issues related to cancer.

Stating this is not true, Mr. Borowy said there were experts from RWA who reported there would be no interference.

Mr. Linehan asked that RWA let customers know there are no health risks. She also questioned how the homes will be chosen for the change over to new meters.

This will be done when there is an appointment to change out meters and Mr. Borowy said the project will be 3 years start to finish starting next year. For the meter change over there is no vendor chosen yet, and he expects the choice will be done geographically.

Mr. Linehan cited her concern for elderly residents with health problems, their being approached first for the change over, and insurance there is no risk. She said new studies state something different than RWA's statement. She asked if residents have the opportunity to opt out of receiving the advanced meter.

People can opt out, but Mr. Borowy said it will be more costly because RWA must hire people to manually read the meters. At this time there is no stated cost for opting out. Town Manager Milone noted Spring Street had a new water main installed with larger pipe, and he asked about Cheshire having any recourse when RWA increases the size of the pipe as billing continues to increase.

Stating he does not know the recourse, Mr. Borowy said he will check into this and inform Mr. Milone.

A request was made by Mr. Milone that Cheshire have forewarning about larger pipe installation before RWA is on site.

Mr. Borowy explained that RWA does not bottle its own water for sale to consumers, but sometimes has bottled water for RWA events only.

**B. Proclamation for Leukemia, Lymphoma and Myeloma Awareness Month.**

Chairman Slocum read the proclamation for September 2014 Leukemia, Lymphoma and Myeloma Awareness Month.

**C. Public Comments**

Linda Sivey-McDonald, Rustic Lane, submitted a statement on her concerns for toxin, odor, poison or radiation being emitted in Cheshire, and requested the Council investigate the concern to insure safety and welfare of the community. A copy of the statement is attached to the minutes.

Carol Setter, 57 Rosemary Lane, addressed the Council on the issue of student housing in Cheshire, and the need for the Town to have regulations to allow student housing. She informed the Council that Hamden CT has regulations in place which should be introduced and enforced in Cheshire. Ms. Setter showed photographs of trash cans on the sidewalk in her area of town, advising they were from students living in houses in Cheshire. A copy of the Hamden CT regulations on student housing was submitted to the Council.

Chairman Slocum said he would forward the matter to the Town Manager and Town Attorney.

William Kelley, 20 Harvest Court, commented on the Ten Year Facilities Study proposed by the Board of Education, at a cost of \$145,000, and why this did not go out to bid. He also questioned the bid waiver for the pool dome and why it is being done.

Chairman Slocum stated the BOE \$145,000 request for the facilities study was in the capital expenditure budget request. The BOE was asked to have an RFP for the study, and the Council is entertaining a BOE request to get costs for the study. The Council had questions and concerns about the request and did not approve this expenditure. Mr. Slocum advised there is money in the capital planning account for potential funding but the money has not been spent.

The \$50,000 expenditure in the capital plan was questioned by Mr. Kelley who noted there was \$86,000 balance in this account. He was glad there was funding for technology in the CEP, and asked about land acquisition and if there is a designated site for spending the money.

Chairman Slocum explained the land acquisition funding in the CEP is to replenish the account after the Town spent money to acquire open space. At this time there is no specific property in mind for land acquisition.

Mr. Kelley referred to the August 19<sup>th</sup> Special Meeting minutes of the Town Council. He read an excerpt from the minutes regarding the ladder truck going to referendum and some Councilors who do not believe the people of Cheshire are capable of making an informed decision on this item. He expressed his dismay with this comment.

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

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #090914-1

#### RESOLUTION #090914-1 CONSENT CALENDAR FOR SEPTEMBER 9, 2014

BE IT RESOLVED, that the Town Council approves the Consent Calendar for September 9, 2014 as follows:

- A. Acceptance and appropriation of \$3,600 from the CT Department of Education Youth Service Bureau Enhancement Grant Program for Positive youth development programs for Cheshire Youth.
- B. Acceptance and appropriation of \$1,543 from the CT Department of Education Youth Service Bureau Enhancement Grant Program for Positive youth development programs for Cheshire Youth.
- C. Acceptance and appropriation of \$15,238.83 for a Connecticut DUI Enforcement Grant.
- D. Authorization to apply for the FY 2015 annual Comprehensive DUI Enforcement Program for Municipal Police Department Grant.

VOTE           The motion passed unanimously by those present.

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

**6.    OLD BUSINESS**

**7.    NEW BUSINESS**

**A.    Bid Waiver for design build construction for pool tension membrane dome.**

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

BE IT RESOLVED, that the Town Council approves Resolution #090914-2

RESOLUTION #090914-2

WHEREAS, the Town Council approved a design-build contract between the Town of Cheshire and Arizon for the construction design, engineering, fabricating and construction of a Community Pool prefabricated membrane structure, and

WHEREAS, the Pool construction project also requires additional design and construction work such as, but not limited to, foundation installation, electrical, HVAC, and fire sprinklers, and

WHEREAS, the Public Building Commission (PBC) recommends that Arizon be considered for general contractor for all additional construction since they have a unique knowledge, understanding and ability in regards to this project,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council finds it in the best interest of the Town to approve a waiver of bid for the PBC to negotiate with Arizon for said additional design and general contractor responsibilities, with the understanding that the Town Council must approve any negotiated agreement.

Discussion

John Purtill explained that PBC is not requesting carte blanche to cut a deal with Arizon, but is looking at the possibility of extending the contract to include the entire project and not just the dome. With a contract for the entire facility the Town's risk is reduced and a good price is nailed down rather than piece meal with various vendors, insuring the project comes in under budget. In order to talk with Arizon there must be a bid waiver approved. PBC and the pool committee have not discussed with Arizon whether they would entertain this, but initial discussions indicate the firm may want to do it.

Ms. Linehan stated her main concern is not knowing the costs. She supports the recommendation from the PBC to get numbers in advance, know the project, and asked the Council to support the request.

Stating this is one option to firm costs, Mr. Oris asked if Arizon is properly licensed and capable to be the general contractor, and if they have done this before.

This question has not been asked of Arizon, and Mr. Nash said if they are awarded the G.C. they could get a commercial contractor license. He advised Arizon did the dome in Foxboro.

Mr. Oris cited a concern about adding G.C. costs which would increase the project, and asked if there are additional fees and costs involved.

In response, Mr. Purtill said "yes".

Mr. Oris questioned how transparent the numbers would be, the process of negotiations with Arizon, what is needed in the building, design and bid, excess money in the project for dehumidification. He also asked about the level of transparency between the Town and the G.C.

The negotiation process is being worked on now and Mr. Purtill said the committee is not ready to tell people about it at this time.

Mr. Oris said we don't have an idea of savings with bidding parts of the project, and the level of transparency would be helpful after deliberations with Arizon.

As G.C., Arizon must produce bids from three contractors for parts of the project. Mr. Purtill said the budget is all about trade-offs; we will need to know about different elements, where additions and subtractions are, and dehumidification has a number of sub-elements.

The issue of who will oversee the G.C. to protect the Town's interests was raised by Mr. Oris.

The Council was informed that Arcadis (Mr. Beebe) is in place to deal with the first part of the contract with Arizon. Mr. Nash is not certain the budget with Arcadis is exhausted, and said there are additional costs to oversee the G.C.

Under Plan B, Mr. Nash said there will be bidding of the packages individually. Mr. Purtill advised there would be individual RFPs in place to bid them out, but we are not ready to commit to this right now because the proposed approach has appeal. The committee could nail down costs now or have RFPs with many sub-contractors lined up, get the costs, and go through the process of making trade-offs.

With one contractor the package is tied together, with more control and accountability, and Mr. Nash said a G.C. streamlines the process, money is saved, and there is a better result.

Mr. Schrumm commented on the process being the same as building a house, hiring a contractor to put up the shell, and sub-contracting out the rest of the project. He said it is better for the contractor putting up the shell to complete the entire project. The Town Charter prohibits PBC talking to a vendor without a waiver to bid. PBC returns to the Council after talking to Arizon, who may decide not to be the G.C., and in that case PBC must find another G.C. or PBC oversees the project. If it is Arizon they will hire the sub-contractors.

The Council was told by Mr. Nash that under the negotiations the PBC has the right to review any contracts before they are signed between Arizon and the sub-contractors.

Mr. Schrumm said going with Arizon makes sense because they have a big stake in making this project work.

The issue of the time frame, decisions on other parts of the project was raised by Mr. Sima. He also asked about design time of 60 days, starting construction of the project in winter, and going to spring construction period with lower costs.

According to Mr. Purtill the time frame cannot be stated at this point, and all we know about design is what Arizon has committed to for the design of the dome itself. Nothing happens until P&Z approves the plan. Mr. Nash said there have been no such discussions with Arizon.

With a G.C. on the project, Mr. Sima asked about another bonding issuance to protect sub-contractors entering the site, and discussions with Arizon.

Town Attorney Smith advised that this would be part of the discussion.

With regard to Arizon bringing in sub-contractors who pays bills and over see the project Mr. Sima said this adds extra cost, and he questioned Arizon having the ability to do more work than installing the shell, i.e. electrical work, handling the money to complete the project and having the licenses required.

Since day one, Mr. Nash has said things will not move forward without concrete numbers to complete the project.

If negotiations do not work out with Arizon, Mr. Sima asked about going back to Plan A, and if there is a design engineering done for all the pieces of the project.

Nothing has been done at all, and Mr. Nash said there is no design to work with.

Without Arcadis overseeing the project, Mr. Sima asked who the person would be to oversee the project, i.e. the building inspector, clerk of the works, owner's rep.

Mr. Purtill stated this is why Arcadis was hired, and for them to do more work in the future their contract would have to be extended.

Mr. Sima commented on wanting to insure we are not hiring someone with a home improvement license, but a company with a contractor's license. This all relates to public safety.

The Council was assured by Mr. Purtill that a firm will have to produce a valid major contractor's license.

VOTE           The motion passed 6-2; Sima and Ruocco opposed.

Chairman Slocum moved agenda item 7D to current status on the agenda.

**D.     Approval of participation in the Clean Energy C-PACE program.**

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

BE IT RESOLVED, that the Town Council approves Resolution #090914-5

RESOLUTION #090914-5

BE IT RESOLVED, that the Town Council approves the Town of Cheshire's participation in the State of Connecticut's Commercial & Industrial Property Assessed Clean Energy (C-PACE) program administered by the Clean Energy Finance and Investment Authority (CEFIA) and authorizes the execution of a participation agreement with CEFIA.

Discussion

Economic Development Coordinator Sitko informed the Council that the Economic Development Commission (EDC) supports the C-PACE program which finances loans for commercial/industrial businesses for energy improvements. These loans are \$150,000 or more with an assessment placed on the property; they are paid over 20 years; the tax collector bills the property owner twice a year (same as real estate taxes), and forwards the loan payment to CEFIA.

Mr. Sitko said this is a good program, and EDC recommends the Council approve Cheshire's participation in the program. The Council Planning Committee and the Energy Commission reviewed and approved the program, which applies to commercial/industrial buildings 4,000 to 5,000 sq. ft. in size.

Genevieve Sherman, Assistant Director, CEFIA, gave a short recap of the program and CEFIA which is a quasi-public agency established in 2012. CEFIA is mandated to use State reserves through a public benefit charge on electric and gas bills, and uses the funds for energy improvements. The program is not available to residential units or municipalities. Under the C-Pace program, a commercial/industrial property owner can finance a 20 year loan for qualified energy efficiency and clean energy improvements (more than \$150,000) through an additional assessment on their properties. The

property is used as collateral for the loan. The energy savings help repay the debt. The municipality must participate through approval of its legislative body. Municipality responsibilities include levying the benefit assessment, placing, recording and releasing the lien and billing and collecting the funds for the additional assessment and making payments to the Clean Energy Finance and Investment Authority (CEFIA). There is a lien placed on the property on a loan up to 20 years. For property with a mortgage, this lien is senior to the mortgage, and a municipality must opt into the program and play a role in its administration. The property owner gets 100% energy cost benefits, with a secured lien on the property which runs with the property. The program is an economic development tool, and reduces energy costs. The energy program must be fixed to the land, i.e. solar panels, HVAC improvements.

C-PACE started in January 2013; 95 Connecticut municipalities participate in the program; and there is interest in Cheshire but the program cannot begin without town participation. Ms. Sherman explained that the assessment on the property for the C-PACE program is a separate billing method issued at the same time as the tax bill, through the tax collector's office. For a property with an existing mortgage the bank/lender must consent to the assessment on the property. The benefits assessment must be paid off on the schedule placed on the building, and CEFIA wants the assessment to match the life of the equipment. With a default the lien is only on what is past due, and a new property owner takes over the loan. \$150,000 is the floor for C-PACE projects, and many are in the upper range of \$2 million to \$3 million.

Mr. Oris asked about the town's role as administrator and collector of payments, the cost to the town without reimbursement for manpower and management, and a management fee to cover these costs.

In reply, Ms. Sherman stated towns are reimbursed for the costs of the Town Clerk and Tax Collector, upgrade to software, and annual maintenance fee - \$500 a year. She noted Cheshire will have fewer projects, and the Tax Collector will enter a 5<sup>th</sup> line into the computer system for the loan billing. With a default the town has no responsibility for delinquency, as this is CEFIA's responsibility. The interest rate is now 6% for 20 year loan; 5.5% for a 15 year loan; and there are no balloon payments.

Mr. Sima asked about CEFIA having funding to become self-sustaining so funding no longer comes through the state at some time.

It was clarified by Ms. Sherman that CEFIA is not a taxpayer organization; it is funded from money paid on electric and gas bills; and it has a budget to administer the C-PACE program. The goal is to deploy more clean energy and efficiency at a lower cost, and CEFIA has statutory mandates to administer the program.

A comment was made by Mr. Sima about a property owner with a high mortgage not being able to go to a bank and get a 6% loan for energy improvements. They go to CEFIA and can exceed the value of the property with these energy improvements, but with enough equity in the property they could secure a loan from their bank.

Ms. Sherman said there are no commercial loans to match the C-PACE loans, and the financing is 100% and tailored to energy improvements.

Regarding the contract stipulation to inform CEFIA of delinquent payment within 60 days, Mr. Sima questioned recourse to the town without notification.

Ms. Sherman said the recourse is CEFIA having the right to audit the tax records/bills of the town sent out by the tax collection office.

Mr. Schrumm stated this is a government program replacing something already out there, and a well operated business could borrow money. He noted \$3.54 is charged on every electrical and gas bill to fund the CEFIA program to help someone purchase solar panels to improve their property. This is money coming out of taxpayer pockets, and the State could have other programs to help businesses other than this parallel program to private lending. With regard to administrative costs, Mr. Schrumm pointed out that \$500 payment will be used with town attorney charges for legal time reading the agreements, along with work by town departments. This program is getting municipalities involved in private transactions.

Regarding the program, Mr. Oris asked if individuals who own the property personally guarantee the loan or is it just on the real estate.

Ms. Sherman said it is on the real estate, with no personal guaranties.

These are 20 year loans and Mr. Slocum noted CEFIA is in operation for about one year, and is talking about how the loan works out fine in the end. He questioned how CEFIA knows this and how do we know the person having energy improvements on their building can sell it because it has this lien on it. He asked if a buyer is convinced this a positive cash flow thing...and what came before C-PACE in Connecticut, i.e. in California.

Connecticut is the 28<sup>th</sup> state with an active program, and the program started in California. Ms. Sherman said the program is a private transaction between the property owner and the bank, and some buildings are re-apprised for improvements. Connecticut has not seen a property with a PACE lien sold or one go into foreclosure. Ms. Sherman said loans can be prepaid without penalty.

The Council was informed by Mr. Sitko that the EDC believes the program should be offered to property owners to keep their business in Cheshire, increase the tax base in town with new companies. The EDC and the Town will promote the program through the Chamber of Commerce and Energy Commission. There is a benefit to the Town and the Town can opt out of the program in the future.

Town Engineer Gancarz reported that the Energy Commission passed a motion for the Town to enter into a contract with CEFIA. There is \$2,900 balance from a \$5,000 grant which could be used for outreach programs to local businesses.

VOTE The motion passed 6-2; Schrumm and Sima opposed.

**B. Approval of maintenance of restrooms and water fountain for the Linear Trail.**

MOTION by Mr. Sima; seconded by Ms. Linehan

BE IT RESOLVED, that the Town Council approves Resolution #090914-3

RESOLUTION #090914-3

BE IT RESOLVED, that, pursuant to the recommendation of the Planning Committee, the Town Council agrees to assume responsibility for the maintenance of a typical sewer rest room unit at West Main Street and two (2) Clivus units at Jarvis Street, as well as a drinking fountain at West Main Street, and agrees to pay 10% of the construction costs if required for the Jarvis Street facilities (such that the Town's total cost for our portion of the Linear Trail construction project not exceed \$350,000) with the State of Connecticut assuming the remaining 90%.

Discussion

This matter came from the Planning Committee for two units at West Main Street and two units at Jarvis Street. Mr. Sima said people are in favor of a standard restroom at West Main Street with standard toilet and wash room. This will alleviate disturbances to businesses in the area and West Main Street has water and sewer lines. The Clivus units will be at Jarvis Street, and a water fountain will be at West Main Street. Mr. Sima commented on the high use of this area of the completed trail and the convenience to people walking the trail with these amenities.

Ms. Linehan stated her support of the restrooms and water fountain, noting it would be good for the West Main Street businesses, and there will be a public convenience at Jarvis Street.

Ms. Flynn-Harris reported on meeting the Ball & Socket Arts Center people and their closing on the property this week. They believe the restrooms will be an enhancement for the entire trail. She noted the standard restrooms must be managed and cleaned, while the Clivus units can remain open all year and have lower maintenance requirements.

PW Director Noewatne spoke with Mr. Bushee from the DOT who confirmed two Clivus units at Jarvis Street. The State needed a decision on these units as soon as possible, and the West Main Street decisions can wait until 2015.

VOTE The motion passed unanimously by those present.

**C. Bid Waiver for a portion of Freightliner Truck.**

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

MOVED to table agenda item 7C.

VOTE The motion passed unanimously by those present.

**E. Authorization for participation in the Connecticut Conference of Municipalities Energy LED Streetlight Retrofit Program.**

MOTION by Mr. Sima; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #090914-6

RESOLUTION #090914-6

BE IT RESOLVED, that the Town Council, pursuant to the request of the Energy Commission and the recommendation of the Planning Committee, authorizes the execution of a Participation Agreement with CCM as presented and attached for an evaluation of the LED Streetlight Retrofit Program.

Discussion

Mr. Sima said this project is undertaken through CCM to look at all the street lights in Cheshire, check for energy savings, and have reduced costs with changing light bulbs.

Mr. Gancarz reported that the Energy Commission supports the Town's participation in an agreement with CCM for evaluation of privatizing/upgrading street lights in Cheshire, at no cost to the Town. Cheshire has 1,744 street lights, at a cost of \$285,000 annually. There will be a contractor who will assess the current street lights, quantify costs if the street lights are purchased by the Town, LED, capital costs and energy savings. The Town pays 16 cents per kwh, and the LED rate is 2.3 cents per kwh, and this is where the cost savings comes into play. There would be a study; a report will be received; the Town decides whether to convert to LED; and the market difference in charges is about 1/7<sup>th</sup> of the current rates. Cheshire would be working with a known partner in CCM, will get responses to question. If the report indicates it does not make economic sense it will be filed. If it does say it is financially worthwhile, the only condition going forward would be a one year commitment period to use the firm doing the study for services performed. After that time the Town takes over ownership of the street lights. As part of the design, the firm will look at areas where street lights could be reduced, but would not look to expand areas. Mr. Gancarz considers this program a good opportunity to find answers to questions at no cost to the Town.

VOTE The motion passed unanimously by those present.

**F. Authorization to execute the Local Bridge Program Supplemental Application with Connecticut Department of Transportation for the Creamery Road Bridge Project.**

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

BE IT RESOLVED, that the Town Council approves Resolution #090914-7

RESOLUTION #090914-7

BE IT RESOLVED, that Michael A. Milone, Town Manager of the Town of Cheshire, is authorized to sign the LOCAL BRIDGE PROGRAM SUPPLEMENTAL APPLICATION, and any associated agreements between the State of Connecticut and the Town of Cheshire under the Local Bridge Program for Creamery Road over Honeypot Book, Bridge No. 025015.

Discussion

Mr. Schrumm advised this is application for a grant for repair to the Creamery Road Bridge, at 31% of the total cost.

VOTE           The motion passed unanimously by those present.

**G.     Authorization to apply for a matching Connecticut Trust for Historic Preservation Grant for maintenance and repair work on Town Hall.**

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

BE IT RESOLVED, that the Town Council approves Resolution #090914-8

RESOLUTION #090914-8

BE IT RESOLVED, that the Town Council authorizes application for a \$15,000, 50% matching Connecticut Trust for Historic Preservation Grant, for maintenance and repair work on Town Hall.

Discussion

This is a maintenance and repair grant for the Town Hall front steps and brick work on the building. Mr. Sitko advised the application deadline is October 1<sup>st</sup>.

PW Director Noewatne explained that the “old” Town Hall has mortar issues over many areas. The cost of the work for the building and stairs is \$30,000.

The Council was told by Mr. Sima that the Historic District Commission met on this issue and approved the plan.

Mr. Noewatne stated the project would be bid out for the best prices.

VOTE           The motion passed unanimously by those present.

**H. Approval of School Facilities Master Plan RFP**

MOTION by Mr. Oris; seconded by Ms. Linehan

BE IT RESOLVED, that the Town Council approves Resolution #090914-9

RESOLUTION #090914-9

WHEREAS, the Town Council requested that the Board of Education submit their Request for Proposals (RFP) for the School Facilities Master Plan to the Town Council for approval, and

WHEREAS, said RFP is submitted and attached,

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves said RFP.

Discussion

Mr. Masciana represented the Board of Education (BOE) for this agenda item, and stated that the BOE has requested funding for a facilities master plan in the last two capital expenditure plans. This year the BOE requested \$145,000 for a ten year plan, and the number is based on the proposal received from Milone and MacBroom. During CEP workshops the Council requested the BOE prepare an RFP for the study. On September 4<sup>th</sup> the BOE reviewed the RFP and has forwarded it to the Council for consideration.

The Council was informed by Mr. Masciana that the BOE believes the 10 year master plan is important, and should go forward. The study would include all buildings and grounds of the Cheshire Public Schools. There are options stated in the RFP and the BOE requests the Council go with option #1. The RFP clearly states the plan will have a community committee – Town Council members, BOE members, PBC members, teachers, parents, Town Manager's office representation, and emergency services.

Page 16, Option #2 was pointed out by Mr. Sima who asked about changes, decrease or increase in the capacity of each building.

Mr. Masciana said option #2 is the review of the buildings, with no further study on demographics or enrollment. Over 10 years the BOE wants to understand the capacity of any improved building.

The issue of changes in delivery of curriculum was raised by Mr. Sima, who asked if this means significant changes to buildings. He asked if there is something on the horizon requiring additions to buildings, or asking a consultant what might happen.

According to Mr. Masciana the question is whether changes affect the capacity, i.e. flipping classrooms, changes in desk configuration. The study will look at trends, what is happening, and many theories out there will affect education. Things are looked at

from a broad point of view, demographics, housing, enrollment, but there is no pre-conceived information on what the outcome will be.

During the CEP process, Ms. Flynn-Harris noted that there was discussion on whether a demographic study is needed, and said the current real estate market, schools are changing quickly. She said this study needs to be done.

In that regard, Mr. Masciana pointed out that in the last two years there is less than one-half of the projected student enrollment decrease. Mr. Masciana reported that full day kindergarten enrollment was less than expected; 230 students enrolled; and high school and elementary school enrollment was higher than projected.

The membership of the community committee will, probably, be decided by the Council and BOE.

Mr. Oris commented on the different opinions on what the study report should include. He believes there should be some demographic information in the report to be developed internally rather than by outside parties. Mr. Oris wants to implement a road map to begin modernization of the school buildings without a burden on taxpayers. He also wants Town Council input on who sits on the committee.

Stating he is skeptic about this study, Mr. Schrumm noted that the NESDEC numbers are good, the pattern since 1973 can be watched, and new information will not be more accurate. He commented on the need to change and upgrade buildings, without spending \$100 million over the next 10 years, and CEP numbers will be based on what the taxpayers can afford along with grand list growth. He commented on it being time for students to attend trade schools.

In response, Mr. Masciana said this would all be part of the study, and education considerations must be included in the report. He said NESDEC offers more in-depth enrollment projections and may bid on option #3.

VOTE           The motion passed 5-3; Schrumm, Sima, Ruocco opposed.

**I.       Authorization to apply for technology funding for e-Tickets**

MOTION by Mr. Schrumm; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #090914-10

**RESOLUTION #090914-10**

BE IT RESOLVED, that the Town Council approves the application for up to \$50,000 in matching grant funding from the Connecticut Department of Transportation for the e-citation implementation project. The Town of Cheshire's 20% match will be met with the salary expenses of police personnel who work on this project, and will require no additional funds from the Town.

Discussion

Chief Dryfe and Lt. Pichnarcik were present for this agenda item. Chief Dryfe commented on the manual writing of traffic tickets by a police officer, and this changing with technology upgrades. The State is spear-heading 3-ticketing, and solicited the Cheshire Police Department to apply for the DOT grant. The grant funding is up to \$50,000, with a 20% match from CFD. The match can be a "soft match" inclusive of the salaried hours of personnel used towards the realization of the program. No additional capital would be required. The CFD is already working with New World and the E-Citation program, so documenting time spent for the grant match would be in the normal course of business.

Lt. Pichnarcik explained that the soft match for the grant would include staff training, staff doing data conversion, IT staff and normal duties in the CPD.

The "thermal printout" was questioned by Mr. Sima, along with on-line payment of the ticket and additional staff time involved with this process.

Lt. Pichnarcik stated that the State has a form for on-line payment, and the Judiciary is getting away from paper products. The thermal paper has been addressed; everything will be electronic; and with electronic issuance there will be more efficiency. Information is held for 24 hours and down loaded to the State.

Chief Dryfe advised the program goes into effect January 1, 2015. There is an e-warning, written warning into the system. The e-citation program will reduce officer's time writing tickets. He noted that the State is very particular about data security and liability for safety of the data, and each individual car is connected to the State, and data is secure.

VOTE            The motion passed unanimously by those present.

**J.     Linear Trail repair and maintenance capital project.**

MOTION by Mr. Schrumm; seconded by Mr. Sima

BE IT RESOLVED, that the Town Council approves Resolution #090914-11

RESOLUTION #090914-11

BE IT RESOLVED, that the Town Council approves the modification to the project scope in Resolution #082911-1, #16, to include crack sealing and other necessary maintenance and repairs for the Linear Trail.

Discussion

Mr. Schrumm advised this is to change the original resolution passed on August 29, 2011 for \$190,000 to repave part of the Linear Trail. Further examination of the trail

indicates that a total repair is not required, and it can be done with crack sealing and necessary maintenance.

VOTE           The motion passed unanimously by those present.

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

**A. Monthly Status Report.**  
(in Council packets)

**B. Department Status Reports.**  
(in Council packets)

**C. Other – Town Manager Milone presented the following information:**

Monthly Financial Report - The Town is 2 months into the new fiscal year; \$325,000 in General Fund Revenue; WPCA budget is on target; Community Pool budget – Mr. Milone is requesting Council to approve keeping some staff at the pool for 4-6 weeks due to the great amount of work to be done inside the facility. An estimate of this cost will be given to the Council.

Cell Tower – Siting Council – the Council will hold a hearing on October 19<sup>th</sup>, 6:30 p.m. in Council Chambers. There will be a site visit on October 29<sup>th</sup> at 2 p.m. followed by an evidentiary session at 3 p.m. and a public comment session at 7 p.m. The final Siting Council opinion will be forwarded between December and February. Abutting property owners will be notified about the hearing, and there is information on the web site.

Public Works Projects Status – this report is in the packets, and any questions or comments can be forwarded to Mr. Milone, Mr. Gancarz or Mr. Noewatne.

Energy Performance Contract Project Status – Most of the work in phase #1 at Cheshire High School is completed. At the October meeting the Council will have a report from Mr. Gancarz.

Swim Lessons Off Site – Ms. Adams, Pool Coordinator, is negotiating with Elim Park to use their pool for swim lessons during the winter season when the community pool will be closed. Attorney Smith and Ms. Adams are working to develop a contract with Elim Park.

Library Alternate Parking – For the last 20 years the Library has had the benefit of using the Church parking lot, 45 spaces. Due to changes in Church programming these spaces are no longer available, and the current contract expires October 31<sup>st</sup>. A new agreement is not in place to accommodate the Library's needs, and the Town is talking to property owners in the area for additional space to be leased.

Upcoming Meetings – Ordinance Review Committee, September 16<sup>th</sup>, 7:30 p.m.

Columbus Day Holiday – October 13, 2014, Town Hall Closed.

Questions and Comments on the Town Manager's Report

Mr. Sima asked about an update on the Linear Trail, and going out to bid.

This information will be provided, in writing, to the Council, and Mr. Milone advised the deed is before the Attorney General but should turn around quickly.

The "Fall Festival" fee to enter Bartlem Park was raised by Mr. Sima who stated his opposition to the fee charge, and said it was inappropriate for the Chamber of Commerce to impose this charge. He commented on other groups being charged to use Town property for fund raisers, i.e. the CHS Band paying \$3,500.

Mr. Talbot clarified "charge" is not accurate...it was a volunteer donation if people wanted to give. The Chamber was trying to offset the huge costs of the fireworks. This event is billed as a joint venture between the Chamber and the Town.

According to Mr. Sima there was \$5,000 to \$7,000 in expenses absorbed by the Town for the Fall Festival. And, many people and groups donate directly to the cost of the fireworks.

It was pointed out by Ms. Flynn-Harris that the table was off to the side, was not a barrier, donations were voluntary, and the table was not obtrusive in any way. To defray costs, she suggested the Chamber have people walking around.

Chairman Slocum reported he has also heard from people about the fee, and it was introduced without thought to the public's dissatisfaction. He noted the festival map was shown on the fee table, and the event is publicized as the Chamber of Commerce Fall Festival. Mr. Slocum understands the Chamber's needs and sees both sides of the issue, and told Mr. Dill he would have appreciated information on the issue prior to the event.

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

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

**A. Chairman's Report.**

Planning Committee – Mr. Sima reported on the meeting which included a presentation and request from Tim White for solar panels on the dump area, town buildings, and town sponsorship of an electric car charging station using some energy grant funds and town funds.

Solid Waste Committee – Mr. Oris will schedule a meeting very soon to review the Covanta contract revisions, and Solid Waste Ordinance revisions.

**B. Miscellaneous**

**11. APPROVAL OF MINUTES**

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

MOVED that the Town Council approves the minutes of the Regular Meeting of August 12, 2014; Public Hearings of August 12, 2014; Special Meetings of August 13, 2014 and August 19, 2014, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

**12. MISCELLANEOUS AND APPOINTMENTS**

**A. Liaison Reports**

Historic District Commission – Mr. Sima reported they approved signs and work to be done at Town Hall.

WPCA – Mr. Schrumm reported construction is going well and progress is good for the treatment plant project. He recommended the Council take a tour of the site. WPCA approved feasibility for the W. S. Development.

Board of Education – Mr. Oris reported that the implementation of full day kindergarten went well; only 2 families opted not to participate in this program.

Arts Place – Ms. Flynn-Harris reported on a free puppet show on September 14<sup>th</sup>.

PZC – Mr. Sima reported the Plan of Conservation and Development committee is meeting on the plan update; a survey on the POCD is being released and will be on the web site, Town Hall and Library; and public input is important for the POCD update.

Human Services – Ms. Linehan reported there will be a literacy project undertaken through Youth Services Committee for children K or 1<sup>st</sup> grade to promote reading working one on one with a high school mentor.

Mr. Sima reported on the CHS tunnel project. A sump pump had algae and mold was found because a light was left on for many months. The light was repaired and the pump and tunnel are okay.

MOTION by Mr. Ruocco; seconded by Mr. Talbot.

MOVED that the Town Council approve going beyond the 11 p.m. curfew to the conclusion of business.

VOTE The motion passed unanimously by those present.

**B. Appointments to Boards and Commissions**

MOTION by Mr. Ruocco; seconded by Mr. Talbot.

MOVED that the Town Council approve the following appointments:

Chesprocott Health District - Ray Sima, (R) 1427 Cheshire Street, reappointment, term of office 9/9/14 to 9/17/17.

Housing Authority – Bruce Klein (R) 100 Barytes Drive, reappointment, term of office 9/9/14 to 5/31/19.

Cable TV Franchise Advisory Council – Henry Chase (R), 1145 Tucker Road, reappointment, term of office 9/9/17 to 6/30/16; Adam Grippo (R), 1068 Avon Boulevard, term of office 9/9/14 to 6/30/16.

VOTE The motion passed unanimously by those present.

**13. COUNCIL COMMUNICATIONS**

**A. Letters to Council.**

Chairman Slocum commented on a letter received from Edward Konowitz and Andrea Rosenfield in opposition to the location of the proposed cell tower.

Town Manager Milone has forwarded this letter to Attorney Cohen who handles cell tower issues for the Town.

Attorney Smith informed the Council that the Siting Council pre-hearing conference is for parties and interveners, and sets the procedural ground rules, discusses timing of post hearing briefs, testimony, and is a procedural/housekeeping exercise. It is not within the Town's status to include people in the pre-hearing, and people may request seating at the pre-hearing by the Siting Council.

**B. Miscellaneous**

**14. EXECUTIVE SESSION**

**A. Land Acquisition**

**B. Pending Claims and Litigation**

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

MOVED that the Town Council enter Executive Session at 11:08 p.m. to include Town Manager Milone, Town Attorney Smith, Town Planner Voelker to discuss pending claims and litigation and personnel matters.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Oris.

MOVED that the Town Council exit Executive Session at 11:45 p.m.

VOTE The motion passed unanimously by those present.

**15. ADJOURNMENT**

MOTION by Mr. Talbot; seconded by Mr. Oris.

MOVED to adjourn the Town Council meeting at 11:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk