

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON WEDNESDAY, NOVEMBER 12, 2014 IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING IN COUNCIL CHAMBERS, TOWN HALL, 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; Town Attorney Al Smith; Police Chief Neil Dryfe; PW Director George Noewatne; Economic Development Coordinator Gerald Sitko; Deputy Police Chief Robert Vignola; Human Services Director Michelle Piccerillo; Environmental Coordinator Suzanne Simone; Tax Assessor Mario Panagrosso;

Guests: Chesprocott Health Director Maura Esposito; Tom Sheil, Milone and MacBroom; David Murphy, Milone and MacBroom.

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. Proclamation for Pancreatic Cancer Awareness Month.

Chairman Slocum read a proclamation into the record recognizing November 2014 as Pancreatic Cancer Awareness Month in Cheshire.

B. Introduction of Building Official Keith Darin.

Keith Darin, Building Official, was introduced to the Council. Mr. Darin expressed appreciation for his appointment as Building Official, and commented on the Town staff being helpful, warm, caring, supportive and welcoming. Mr. Darin has been in the industry since 2000, and highlighted his professional experience. He looks forward to working on Town projects, being fair and understanding to the customers of the Building Department, and looks forward to a long tenure in Cheshire.

Chairman Slocum welcomed Mr. Darin to Town staff and wished him success and good luck in his new career endeavor.

C. Introduction of Chesprocott Health Director Maura Esposito.

Maura Esposito, Health Director, Chesprocott, thanked the Council for the invitation to address them on the health district and her new assignment as director. The Councilors received a copy of her report at their desks.

Ms. Esposito started as Health Director in March 2014, and stated Cheshire is up and running with the Ebola situation. She reviewed the roles of the health district as being Environmental Health, Community Health, and Emergency Preparedness. In her presentation she showed a photo of the staff and identified each staff member and their role in the health district. Ms. Esposito reviewed each of the roles within the district, the responsibilities involved, working with the school system, town departments & staff, handling of disasters, public education, provision of guidance, updating information, new initiatives within the next 6 months. Of particular interest is the message on the dangers of lead paint, and getting it out to schools, parents, pediatricians, and testing of children.

Ms. Esposito reported that the Board of Directors is going a good job; meetings are concise and efficient; the first 15 minutes of each meeting is interaction with staff; and management of resources is going well. In the coming year, the director will be looking at changing insurance providers, going through the State of Connecticut Plan, for better benefits and premium savings. The district has switched accounting systems, upgraded computer system, is searching for grants. Ms. Esposito advised that funding for emergency preparedness is going away, and this could result in losing another staff member.

Council Chairman Slocum thanked Ms. Esposito for her report and presentation to the Council, and wished her great success as the new Chesprocott Health District Director.

The Council and public were informed by Chairman Slocum that the Human Services Department has received a \$10,000 donation from Don and Jen Walsh and the Lights of Hope project.

D. Public Comments.

Frank Scarpo, 54 Pinebrook Court, addressed the Council, stating the Town did not fly the American Flag on Routes 10/68/70 on November 11th, Veterans Day. Mr. Scarpo sees other Connecticut towns flying the Flag on telephone poles for miles, and disagrees Cheshire does not have the money to fly the Flag. He suggested a fund raiser to purchase American Flags to fly in Town. Mr. Scarpo also commented on a dead deer laying, for 3 days, on private property on Half Moon Road. He called Animal Patrol, Public Works, and Cheshire Police Department but no one was available, on a holiday weekend, to remove the deer. After 3 days there was not much left of the deer, and he said this is a health problem, and the Town should have someone to remove dead animals.

With regard to flying the American Flag on telephone poles on main roads, Town Manager Milone explained to Mr. Scarpo, the Council, and the public, that Cheshire does not own these poles, and would be trespassing on SNET & CL&P property and could be sued. The two utility companies will not work out an agreement with the Town, and he is uncertain how other towns get away with flying flags on these poles. It is not a financial issue, but the fact that the poles are not the Town's property. Mr. Milone stated flying the Flag is an important display in the community, and he will continue to work through the issues with the utilities. Regarding the deer, he will check

with Public Works on the Town's responsibility for a dead animal on private property. Mr. Milone noted there are people who will respond quickly and salvage the deer meat. Chairman Slocum commented on the Town paying respect to its veterans with programs in all the schools, especially the high school Veteran's Day program. He said public awareness of the Flag is important to the Town and its veterans.

A suggestion was made to Health Director Esposito by Mr. Schrumm for a longer bow hunting season which would reduce the deer population/diseases, and public health hazards.

4. CONSENT CALENDAR

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

MOVED that the Town Council approve Resolution #111214-1

RESOLUTION #111214-1
CONSENT CALENDAR FOR NOVEMBER 12, 2014.

BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 12, 2014 as follows:

- A. Approval of indemnification for use of the Regional Fire Burn Trailer For firefighting training.
- B. Acceptance and appropriation of an anonymous donation of \$50 to the Human Services Gift Account for general purposes.
- C. Appropriation of \$1,500 from the Jitney Bus Fund to the Greater Waterbury Transit District for FY 14-15 Non-ADA Service dues.
- D. Approval of application for a grant from the Young Adults Library Services Association for the purchase of a 3D printer for Library STEM programming.
- E. Acceptance and appropriation of a \$50 donation in memory of Helen DeHond From the I Could Have Read all Night Book Group to the Library Gift Account.
- F. Acceptance and appropriation of a \$2,080 donation from the Cheshire Soccer Club to the Parks Gift Account for general purposes.
- G. Acceptance and appropriation of a \$2,500 donation from PB Property Management to the Parks Gift Account for summer concerts.
- H. Acceptance and appropriation of a donation of \$1,650 to the Parks Gift Account For a memorial bench in memory of Benjamin Feinn.

- I. Acceptance and appropriation of aggregate donations totaling \$1,228 to the Parks Gift Account for a memorial bench in memory of Linda Hammerman.
- VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

A. Establishment of Juvenile Review Board

MOTION by Ms. Nichols; seconded by Ms. Linehan

BE IT RESOLVED, that the Town Council approves Resolution #111214-2

RESOLUTION #111214-2

BE IT RESOLVED, that the Town Council, pursuant to the recommendation of the Ordinance Review Committee, supports the formation of the Juvenile Review Board, and

BE IT FURTHER RESOLVED, that the development of this Juvenile Review Board will be in accordance with the attached guidelines established by the State of Connecticut Division of Criminal Justice in collaboration with the Connecticut Youth Services Association, and

BE IT FURTHER RESOLVED, that the administration of the Juvenile Review Board will be conducted in accordance with the attached draft compilation of forms and documents, and the attached Rules and Regulations governing the operation of the Juvenile Review Board, and that any editing to these documents or rules and regulations will be transmitted to the Council, and

BE IT FURTHER RESOLVED that the Town Council shall approve the Juvenile Review Board membership as appointed by staff. Such members shall serve two year terms.

BE IT FURTHER RESOLVED, that the Juvenile Review Board incident activity will be included in the monthly Police Report, and

BE IT FURTHER RESOLVED, that this Juvenile Review Board shall be in effect until December 1, 2016, at which time it will be automatically repealed.

Discussion

Ms. Linehan, member of the Ordinance Review Committee, stated these additions and changes are not part of what came out of committee, i.e. Section V, #2. She does not want to stop the JRB from moving forward as it is important to the community and our children. Ms. Linehan is opposed to the changes, but will support the motion.

With regard to JRB membership, Chairman Slocum stated Councilors are elected officials, pass approval on all board/commission appointments with a unanimous vote, and no other board/commission is in place without this approval. For the JRB appointments there is no political involvement; the members will be chosen by professional staff under the auspices of the Police Chief; without any politics involved.

It was stated by Ms. Linehan that the issue is Town Council overreaching and micro-managing. This is being done without the Council's background and expertise to know whether people are beneficial to the JRB role.

Mr. Oris supports the resolution as it is written and does not believe it is Council taking oversight or selection away from staff. He said Council will ratify appointments; the buck stops with the Council; Council will not micro-manage the management process; and Council has confidence in staff and their expertise.

The JRB has been set up with specific guidelines/rules and regulations and Ms. Nichols noted there will be regular staff reports and 6 month evaluation of the JRB. In most management situations there are goals set for management of a project, and Council is setting specific goals in the documentation. This is managing the process with reports monthly and quarterly, with potential for corrective action, and Ms. Nichols does not see the need for an extra level of approval. She will support the JRB because of its importance, but is not comfortable with this particular section of the motion.

Mr. Talbot supports the resolution despite the language, and said this is not a usual board or commission as approved by the Council. It is distinct, serves a very distinct purpose, and should have been called a Juvenile Review Panel, and it should not be treated as all other boards and commissions. This is not the case. Mr. Talbot is opposed to the 11th hour caveat placed on the resolution to make it palatable to some Council members. There have been additions of hoops to jump through, hurdles have been put up, and it is a clear attempt to micro-manage the process.

Ms. Flynn-Harris stated the resolution came to the Council without enough time to review it. She supports the JRB; it must go forward, even though other Councilors do not believe it should go forward; roadblocks are there because of these feelings. Ms. Flynn-Harris pointed out that Deputy Chief Vignola has greater knowledge of the 70 JRBs in Connecticut, with only one town, Southington, having the Council approval of JRB appointments. The JRB is an administrative function which is the same for the past JRBs in Cheshire; nothing has changed from the past; now there are hoops and reporting sequence in place, which is foolish. Ms. Flynn-Harris will vote in favor of the JRB because it is needed.

Chairman Slocum thanked everyone involved in the process for the JRB, stating his utmost respect for staff who moved this forward. He said the Council is confident the JRB will be useful to the community, and this JRB is different from the former boards due to the increase in age of offenders.

It was stated by Mr. Schrumm that the JRB will have Town staff and volunteers, and if something goes awry, people will come to the Council, so the Council should have approval of who will serve on this board. Mr. Schrumm will not support the JRB; it is an expansion of government services; it is not essential; involvement of neighbors and volunteers will not make it free from cost to the Town; and there is no clamoring for a JRB. This has been done twice before and did not work. It is now being brought by the State to the towns to relieve the pressure on the juvenile courts. At the present time the State owes Cheshire \$3 to \$4 million. Mr. Schrumm questions needing the board as Cheshire provides counseling services for youth and families.

Town Manager Milone stated he respects the process and prerogative of the Council, understands and supports its decisions. He commented on the way this issue has been characterized and played out which shows a lack of support and confidence for Town staff. With 70 JRBs in the State, only 2 will have the appointment arrangement which will make the staff feel different and not in an attractive professionally respected way.

In response, Chairman Slocum said Council works with staff and staff must respect and appreciate the Council.

VOTE The motion passed 7-2; Ruocco and Schrumm opposed.

7. NEW BUSINESS

A. Street Excavation Permit ordinance amendment.

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

BE IT RESOLVED, that the Town Council approves Resolution #111214-3

RESOLUTION #111214-3

BE IT RESOLVED, that the Town Council approves as an amendment to Section 14-1 (f)(2) of the Cheshire Code of Ordinances as follows:

Section 14-1(f)(2) – A performance of cash bond in the minimum amount of \$3,000.00 and in greater amounts if required by the director of public works, said performance bond to be in an amount in relation to the estimated cost of the work as determined by the director of public works, all conditioned that the applicant shall backfill all excavations and restore the street or highway to a condition as approved by the director of public works as specified.

This amendment shall become effective December 12, 2014.

Discussion

This item was subject of a public hearing.

Mr. Milone summarized the resolution and the language that had to be changed to incorporate cash or check deposit in the body of the resolution. This message is carried through all sections of the ordinance. For checks used for permits, the Finance Department has established a deposit and refund process.

VOTE The motion passed unanimously by those present.

AGENDA ITEM **7E** WAS MOVED TO CURRENT STATUS ON THE AGENDA.

E. SmartBus Student Guardian contract extension.

Vincent Masciana, Chief Dryfe, Dana Meinke (SmartBus representative) and Lou Miller, Transportation Coordinator were present for this agenda item.

Discussion

Mr. Masciana stated this is a safety initiative designed to prevent and offer deterrents for people illegally passing stopped school buses, with a \$465 fine. The initiative began in 2012; in April 2014 a contract was signed with Student Guardian for a 90 day trial period, August 25th to November 25th; and there is a request to extend the trial period.

A short power point presentation and video were displayed for the Council.

During the trial period, Student Guardian mounted equipment on one Cheshire school bus, and Mr. Masciana pointed out the bus route (Highland and Doolittle Schools). Numbers were reviewed from the company showing 44 violations with live monitoring of stopped buses, and this is .88 violations per day. Of the 44 violations, 34 were identified as passes which stand up to a violation and recommendation for review by the Cheshire Police Department for issuance of tickets. Student Guardian wants to see .75 violations per day for the program, and in October and November the violations were up and down throughout the month.

Mr. Masciana pointed out that vehicles are passing our school buses and the BOE wants this safety program to move forward. He showed live video (from the camera on the school bus) of 3 different violations reported to the CPB for review. The Council was informed that the CPD staff has been trained; software is installed; the program is ready to go and CPD is ready to issue tickets.

The trial period ends November 25th. Without Council action the program automatically rolls into phase #2, a 5 year contract. Mr. Masciana explained the contract is a no cost contract; the Centralized Infraction Bureau has authorized Guardian to issue tickets; but the Cheshire Police Department (CPD) has the choice about issuing tickets. The contract is for 5 years; after 12 months Guardian can exit the contract; Cheshire can exit the contract after 3 years with 60 day notice; and after 15 months, if CPD is not issuing enough tickets, Guardian can exit the contract.

Chief Dryfe addressed the Council on the Smart Bus safety program. He commented on the 3 violations shown which were the most egregious; license plates can be identified; Traffic Division officers are trained; the CPD staff time for the program is

about 2 hours a week. With this program, the Chief advised there was identification of a CHS unsafe school bus stop. Chief Dryfe stated the process for the program is all worked out, ready to roll, no tickets have been issued yet, and everyone is waiting for the official approval for extension of the trial period. The information on the program will be published in the local newspapers, giving fair warning to residents about the Student Guardian program. Chief Dryfe believes the program is a deterrent and could change driver behavior as it relates to school buses.

The Council was further informed by Chief Dryfe that the Phoenix Monitoring Center's oversight process has 3 people looking at the violations from the videos, submits an affidavit of the violation(s) to CPD. There was an issue with the time tag of a recent violation which used Arizona time versus Connecticut time; this is a rear exception; and issues of this nature have been resolved. With regard to CPD not issuing tickets but sending out notification of observed violations, the Chief said this has not been done. He noted that staff review of the violations is seamless and about 2 hours a week, and there will be issuance of \$465 tickets to drivers in violation. Once a ticket is issued there is an appeals process in place.

Mr. Milone reviewed the 4 months of negotiations with Student Guardian, the realization the company was not approved by the Centralized Infraction Bureau at that time without disclosure to the Town. The matter has been discussed, addressed and resolved, and the Town is comfortable with the program.

Many questions were raised by Councilors regarding not sending tickets, issuing warnings to people, number of violations that would have received tickets, time frame for CPD issuance of tickets.

In response Chief Dryfe stated that he is not opposed to warnings, but most violations are clear cut, not uncommon, and egregious. Of the 44 violations on the video, 25 were clear cut and would have received tickets. The CPD has 10 days from the time it receives the electronic violation to issue a ticket, and has no plans

Mr. Sima asked about Student Guardian's ability to pull out of the contract if Cheshire falls to .2 violations a day, and how long it would take for the company to pull out.

Dana Meinke explained that all contracts have this clause to protect the business. The company works with the district; some towns are falling below the contract level but still have an active contract; and there is canvassing for increased safety on school buses. She will work with the BOE and CPD to insure the cameras are doing their job.

Mr. Masciana noted the cameras are only on one school bus with a two tiered route at this time.

The issue of a public education program was raised by Mr. Ruocco, so people know a school bus could have a camera installed.

Each bus is monitored according to State law and Mr. Masciana said there will be signage use around Town to increase deterrent factors. Under state statute the bus must be marked to state that surveillance equipment is installed.

Mr. Ruocco commented on public feedback and the impression every bus has a camera on it, parents support of the program for child safety, and the mis-perception created about every bus not having a camera.

Regarding the signage Mr. Oris noted only one bus with the signage, and putting signage on all buses saying "video camera may be in process". With this done, no one will know which bus has the camera installed. He asked if this is a legal issue and another deterrent.

Ms. Meinke said the company can provide as many signs as the town wants, and they can be on all four sides of all buses.

Chief Dryfe is not aware of any legal issues and understands the concept.

Mr. Oris would advocate signage on all school buses, as this is all about deterrents, and he advocates this being done. This is to warn people of big problems for a violation, and saving one child more than pays for the costs involved. He asked about the process for the school bus stopping, i.e. lights go on, cars still moving, doors open and children are out and crossing. Mr. Oris stated his support of the program due to kids being involved and their safety.

Mr. Miller, Transportation Coordinator, explained that 100 feet before the bus stops the yellow lights go on for the initial warning; the bus stops a few feet in front of where kids will cross; stop sign is out with blinkers going on; and doors open with safety gate for children to exit. Mr. Miller said every route has a school bus being passed; there is the ability to move cameras from bus to bus; and 3 routes have been discussed as high violation areas.

The Council was told by Chief Dryfe that the process is working and he is comfortable with the program without reservation, and he has not seen any obstacles. The resolution on the cameras is fine; vehicles can be identified; license plates are visible and can be run through the system; there will be checks and balances on the system; it is affordable, productive, with photographs linked to the video clearly visible.

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

BE IT RESOLVED, that the Town Council approves Resolution #111214-6

RESOLUTION #111214-6

BE IT RESOLVED, that the Town Council approves the Student Guardian contract extension under the terms as presented.

VOTE The motion passed 8-0-1 (Schrumm absent for the vote)

AGENDA ITEM **7H** WAS MOVED TO CURRENT STATUS ON THE AGENDA.

**H. Appointment of construction supervisor and supplemental appropriation
For Linear Trail extension project.**

MOTION by Mr. Sima; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #111214-9

RESOLUTION #111214-9
A copy of the Resolution is attached to the minutes

Discussion

PW Director Noewatne reported that favorable bids were received today for the extension of the Linear Trail. The firm of Milone and MacBroom has been selected for construction supervisor and inspection services, which is a required portion of the work required by the State. The negotiated fee is \$237,125, has been accepted by the State with 90% State reimbursement; the work is hourly in nature, will start in December with a completion date of November 2015.

Mr. Milone advised that the 90% reimbursement is 80% federal and 10% state, and the bond resolution must be written for the gross amount.

VOTE The motion passed unanimously by those present.

7-H 2. MOTION by Mr. Sima; seconded by Ms. Nichols.

BE IT RESOLVED, that the Town Council approves Resolution #111214-10

RESOLUTION #111214-10

BE IT RESOLVED, that the Town Council approves the appointment of Milone and MacBroom for construction administration and inspection services as required by the State of Connecticut for the Linear Trail Extension project from West Main Street to Jarvis Street, under the terms and conditions as presented and attached. The estimated total expense is \$237,124.91 of which 90% is reimbursable.

BE IT FURTHER RESOLVED, that pursuant to Resolution #091200-10 Town Manager Michael A. Milone is directed to execute said contract with Milone and MacBroom for said services.

Discussion

Mr. Sima explained that in the detail received from Milone and MacBroom it says they will be on site for inspections, not every day, but as the major work progresses.

Mr. Noewatne noted there is some discretion with Milone and MacBroom on site mainly for large scale moving and associated activities. For the 210 days of the project most days will have rigorous work taking place. The construction trailer will be in the new parking lot set as far away from West Main Street as possible. The original construction period was 270 days; is reduced to 210 days now; and staff and Milone and MacBroom know the importance of getting the trail done by next year so the State can do its section. A big issue is black out days for the vernal pools, which is March to June, about 10 weeks, with this work being done early in the project.

The Council was informed by Mr. Milone that 13 bids were received. \$2.571 million was the low bid; \$3.691 million was the highest bid; the appropriation is \$3.4 million; 7 bids were under the appropriation number of \$3.4 million; 6 were above this number.

\$237,125 is the high cost for the 210 days of work, and Mr. Noewatne said the numbers have been reviewed; discussions were held with the State and Milone and MacBroom; a matrix was developed on the assumption of hours; it is expected there will be some overtime work by the contractor; it is unknown what the contractor will propose; it could be lower than stated; the BFO state number is 0116% and this makes the overall number bigger.

Tom Sheil, P.E. Milone and MacBroom, stated there is hope for no re-design work. He explained the inspection contract is for foot inspections, clerk of the works, construction coordinator, lots of paper work to the State for documentation, issues in the field will be conducted by Milone and MacBroom, and there will be coordination issues. Many design changes are not anticipated, and if there are any, Milone and MacBroom will handle them.

VOTE The motion passed unanimously by those present.

AGENDA ITEM **7D** WAS MOVED TO CURRENT STATUS ON THE AGENDA.

D. Approval of Town of Cheshire Hazard Mitigation Plan Update.

Discussion

David Murphy, Milone and MacBroom and Suzanne Simone, Environmental Coordinator, were present for this agenda item.

Mr. Murphy stated this is an update without too many changes, and FEMA has the resolution which must receive Council approval. The few changes are about disasters, new flood maps, hazard initiatives, sink hole chapters, bridge replacement, i.e. Blacks Road Bridge. He stated that Ms. Simone has the role of coordination and insuring actions are undertaken. Some of the plans are eligible for grants through the State and funding resources are noted in the tables.

MOTION by Mr. Sima; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #111214-5

RESOLUTION #111214-5

A RESOLUTION ADOPTING THE TOWN OF CHESHIRE HAZARD MITIGATION PLAN UPDATE, 2014.

THE RESOLUTION IS ATTACHED TO THE MINUTES

VOTE The motion passed unanimously by those present.

B. Legislative Recommendations (moved to end of agenda action items)

C. Referral of capital projects to the Public Building Commission.

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #111214-4

RESOLUTION #111214-4

BE IT RESOLVED, that the Town Council hereby refers the following FY 14-15 capital projects to the Public Building Commission:

21. District Wide Roof Repairs and Replacements, \$125,000, Bonds - \$125,000
22. District Wide Flooring Replacement, \$225,000, CNR – 0 Bonds
23. District Wide Sidewalk & Masonry Repairs, \$150,000, Bonds - \$150,000.
24. District Wide Lavatory Improvements, \$125,000, Bonds - \$125,000.

AND,

BE IT FURTHER RESOLVED, that the Town Council reaffirms the referral of the Cheshire High School Locker Room Construction Project to the Public Building Commission with the inclusion of the recently approved \$250,000 capital funds, and directs the Public Building Commission to bid said project by January 31, 2015.

VOTE The motion passed unanimously by those present.

F. Small Town Economic Assistance Program grant application for West Main Street Sidewalk Extensions.

MOTION by Mr. Schrumm; seconded by Ms. Linehan

BE IT RESOLVED, that the Town Council approves Resolution #111214-7

RESOLUTION #111214-7

BE IT RESOLVED, that the Town Council hereby authorizes application for a \$500,000 Small Town Economic Assistance Program grant for West Main Street sidewalk extensions.

Discussion

Economic Development Coordinator Sitko informed the Council that the Town received a \$500,000 STEAP grant and the Council approved a \$350,000 for sidewalk improvements on the north side of West Main Street. The Town is able to apply for another STEAP grant for sidewalk extension, and Mr. Sitko requested approval from the Council for submission of this grant to the State next week. He expects the Town will hear about receipt of the grant in early 2015.

VOTE The motion passed unanimously by those present.

**G. Emergency Generator Project supplemental appropriation.
This matter is referred to the Planning Committee.**

**I. Approval of indemnification clause and authorization to execute the
Department of Energy and Environmental Protection Linear Park
Dredging cooperative agreement.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111214-11

RESOLUTION #111214-11

BE IT RESOLVED, that the Town Council approves the indemnification clause in the Department of Energy and Environmental Protection Linear Park dredging cooperative agreement, and

BE IT FURTHER RESOLVED, that it is in the best interests of the Town of Cheshire to enter into contracts with the Department of Energy and Environmental Protection.

In furtherance of this resolution, Michael A. Milone the Town Manager is authorized to enter into and sign said contracts on behalf of the Town of Cheshire. Michael A. Milone currently holds the Town Manager position and has held that office since Jun3 13, 2000. The Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the local, state or federal government in connection with said contracts and to execute any amendments, rescissions, and revisions thereto.

Discussion

PW Director Noewatne explained that this is an agreement for canal dredging to be done by the Town 1300 feet north of West Main Street. All permits are in place; everything is ready to go; the Town must contract with DEEP for reimbursement of expenses. The cost to the Town will be no more than \$23,500 which is funded in the PW budget. The indemnification clause permits the State to do work on their section of the land, and work starts within 2 weeks. Most of the material will be trucked out and the area will be stabilized.

VOTE The motion passed unanimously by those present.

J. Mailbox replacement policy.
This item was referred to the Planning Committee.

B. Legislative Recommendations

Mr. Milone gave a brief review of the recommendations to the Council, and noted that Storm Water Management Permit Process-Proposed Revisions is added this year. He explained that this is an unfunded State mandate to the municipalities with more expectations and costs. CCM will hold a public hearing in December, and is looking for information from towns on the cost impact. The effective date of the changes is January 2016. CCM wants to force this matter back into the legislature, and the issue must be carefully watched and monitored. The Legislative Recommendations will be sent to Cheshire's legislative delegates.

A comment was made by Mr. Schrumm about the serious effects of deer in Connecticut, diseases from the deers, damages to farms and property, car accidents...all of which are public health concerns and issues.

Ms. Linehan stated that before the Council goes forward on the deer issues, it must be sure there is scientific facts about the deer population growing out of control.

K. Settlement of tax assessment appeal; possible executive session.

Mario Panagrosso, Tax Assessor, reviewed the appeals issue with the Council. From the October 1, 2013 revaluation there were 7 appeals to Superior Court – 6 commercial and 1 residential. The subject appeal is a proposed settlement with Stop & Shop for 5 parcels of land with one ownership. Following pre-trial a compromise of a property value of \$10.250 million was reached; \$7.17 million assessment; with a revenue loss of \$15,374 to be credited against Stop & Shop's January 15, 2015 payment. Mr. Panagrosso advised that Stop & Shop comes in to appeal the assessment after every revaluation.

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

BE IT RESOLVED, that the Town Council approves Resolution #111214-13

RESOLUTION #111214-13

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a Stipulation Tax Assessment Agreement between the Town of Cheshire and Montewese Industrial Park Inc. and the Town of Cheshire and The Stop and Shop Supermarket Company, LLC, as presented and

BE IT FURTHER RESOLVED, that the Town Attorney or his designee is authorized and directed to execute on behalf of the Town said Stipulations in the form and upon the terms and conditions as presented at this meeting.

VOTE The motion passed 8-1; Schrumm opposed.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

Community Pool – PW Director Noewatne reported that Arizon submitted the design for the structure and foundations on October 19th; on October 22nd there was submission of the proposal for the design-build for the rest of the project to Arcadis; and Arcadis is reviewing the proposal with Arizon. There were some gaps in the scope of the design-build portion; changes and amendments to the original proposal are being made; and costs are being finalized. The Pool Committee wants to move this project forward, and will meet within 2 weeks to review the completed proposal.

Ms. Flynn-Harris asked if there was an estimate from Arcadis about how much longer the review will take, i.e. another 2 weeks.

In reply, Mr. Noewatne said they are still going back and forth, an update is needed, and the issues are more involved than just checking out numbers.

A comment was made by Mr. Oris about Arizon as the general contractor, the uncertainty this will happen, and he asked about the process of the build-out design plans and timing issues. He requested there be a report back to the Council about pursuit of other options.

With the design-build, Mr. Noewatne said this is part of the deal -- not having to pay for a design and with the pending action, we cannot support a design on our own.

All of this was a late change in the game, with pursuit of a general contractor, and Mr. Oris said there are many question marks about this project. The committee was given approval to pursue the option of a general contractor, but there is no deal yet. According to Mr. Oris if the g.c. contract does not work out with Arizon there will be

much making up to do, and no one seems to know what is going on. He is not satisfied with the progress of this project; had requested an update from staff; and expected someone would have spent time to ask more detailed questions with better answers.

Chairman Slocum pointed out that Arcadis is the owner's representative, but the Council has not been kept fully apprised of what is going on, and he understands the numbers are still being worked on.

It was noted by Mr. Noewatne that he is not deeply involved with this project, does not know everything that is going on; but something is happening every day; and everything in the scope was not covered. He said this is the first design-build for Arizon.

Mr. Schrumm believes the pool committee should be coming to the Town Council with information on this project and what is going on.

With regard to the pool project, Mr. Milone agreed with Council comments, and explained the Mr. Noewatne was in court all day, and was not in town to get all the information the Council wanted. Also, he advised that Mr. Noewatne is not part of the ongoing discussions on the pool project. He agreed the Pool Committee should meet with the Council as they have all the answers...and Mr. Noewatne only knows what he is being told by the pool committee members. With PBC running the project, Town staff does not have the opportunity to intrude, nor does staff have direct involvement and oversight as to what is going on. The Council's frustrations and concerns are shared by Town management and staff.

Financial Reports – budget surplus \$940,000; more state grants and more encumbrances settled; there will be a \$9.4 million fund balance, 9.37% of the operating budget; the surplus exceed the \$800,000 limit by \$140,000. The quarterly report summarizes where things are.

General Fund revenue is ahead of anticipation; there is \$500,000+ in tax collections; State grants and Pequot Mohegan grant = +400,000; CRRRA payment to the 5 municipalities will be \$80,000 from the escrow account to Cheshire.

There was \$410,000 budgeted for partial building permits for W.S. Development; this is being watched carefully for timely receipt of permit fees or there is a big revenue loss; there are off-sitting expenses which can be put on hold (another Fire Marshal position, Building Office consultant); there is \$231,000+ in debt service savings as a result of refunding.

WPCA – I&I dropped off at the prison due to dry periods when there is no excess water coming into the plant, but \$70,000 more will be generated; WPCA has a health fund balance.

Pool – It is uncertain where this budget will end up; the pool will not open in January as originally planned; expenses will be minimal; \$100,000 is budgeted in revenue from the insurance savings, and it hoped this will be an adequate cushion.

Referendum Results – The official results from the Town Clerk were in the Council packets. Mr. Milone commented on the willingness of residents to pay for capital projects and other referendum items.

Public Works Projects Status Report – five projects were reviewed. Performance contracting projects are under way; Mixville Park dam came out very well with aesthetic attraction; a 50 foot bridge will be built as a walkway; there were dredging problems due to breakdown of equipment/; road repaving is completed with detailed report next month; Blacks Road Bridge is done, with balance of \$160,000 left for this project;

Quinnipiac University Student Housing issue – Town Planner Voelker has been working with Town Attorney Smith on this issue; a letter will go out to homeowners with students; regulations will be enforced starting at the end of this school year; and there will be notification to real estate agencies.

WWTP-DOC claim - \$5 million claim for the treatment plant and \$2 million in back billing; a letter was received from Claims Commissioner Vance who sent a letter to the Attorney General on the claim issue; OPM has asked the Town about negotiating something, and Mr. Milone sent a letter stating \$7 million as the number.

DOC Prison Inmate Capacity – the required document, somewhat misleading, was sent to Chairman Slocum regarding the “fixed beds” in the facility...not the body count. Cheshire does not know how many people are in the facility.

Parks Drone Video Documentation – Mr. Milone noted that a resident has offered to video the Town parks and open space; he flew a drone over Bartlem Park last week; the videos will be provided to the Town for the web site.

Towns Social Media/Twitter Soft Opening – to enhance communication efforts the Town has started to use Twitter.

CCM Prescription Discount Card – results through September 2014 show 269 claimants with \$15,400 in savings.

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

MOVED that the Town Council extend the curfew past 11:00 p.m. to the conclusion of business.

VOTE The motion passed unanimously by those present.

Siting Council Hearing – held on October 28th; final materials must be back to the Council be next week; decision to be made in mid-December.

ATT Facility Higgins Road – there will be a modification to the antenna at this site.

Leaf Collection Program – started Monday November 3, 2014.

Town Hall Closed – Thanksgiving Holiday, November 27 and 28.

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

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman’s Report.

Planning – Mr. Sima will schedule a meeting and inform Council.

Chairman Slocum referred the following items to committee:

Surplus Property Policy to the Budget Committee.

Library Positions to the Personnel Committee.

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 October 14, 2014 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Fine Arts Committee – Ms. Flynn-Harris reported that ArtsPlace will host the “Nutcracker” ballet/workshop on November 16th 2-3 p.m. \$2 donation, bring art supplies for the Social Services giving tree.

Ms. Linehan reported on attending the Coleman Group Symposium on Women in Politics held at Cheshire Academy.

B. Appointments to Boards and Commissions (none)

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Mr. Oris.

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

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:40 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 11:40 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk