

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
OCTOBER 11, 2016 AT 7:00 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN
STREET, CHESHIRE CT 06410**

Present

Robert J. Oris Jr. Chairman; Paul A. Bowman, Vice Chairman; Michael Ecke, Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Thomas Ruocco, Timothy Slocum and Peter Talbot.

Staff: Michael A. Milone, Town Manager; Alfred Smith, Town Attorney; James Jaskot, Finance Director; George Noewatne, PW Director; Police Chief Neil Dryfe; Town Engineer Walter Gancarz; Human Services Director Michelle Piccerillo; Library Director Ramona Burkey; Vincent Masciana, CFO, Dept. of Education.

Guests: Simon Roby, Public Works Department; Det. Kerry Nastri; Det. Jason Bodell; Police Officer Kevin Costa, Cheshire Police Department.

Jennifer DeWitt, Exec. Director Connecticut Naugatuck Valley Action Counsel on Substance Abuse; Joe Cemola and Mike Egan, Cardinal Engineering.

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. ITEMS FOR EXECUTIVE SESSION

A. Land acquisition

B. Personnel Matters

C. Pending Litigation

Postponed to the end of the meeting.

4. PUBLIC COMMUNICATIONS

A. Police and Public Works Employee Recognitions.

PW Director Noewatne introduced Simon Roby, a 22 year employee in the department, and commented on his outstanding job performance as a dedicated crew leader and hard working mechanic. On September 12th while working on Byam Road, Mr. Roby came upon a wandering kindergarten child who was dropped off by the Waterbury school bus at the incorrect location two miles from home. He saw the child's distress; kept the child calm; he focused on talking about the large working equipment; worked with Cheshire Police officers and Waterbury Police Department to get the child home safely. This is a great outcome which speaks well for Mr. Roby, the Cheshire Police Department and the Town of Cheshire. Mr. Noewatne recognized Mr. Roby for his handling of the situation and his great public service.

On behalf of the Town Council and the Cheshire Community, Chairman Oris thanked Mr. Roby for his service to the Town, taking care of a child in distress, and safe return of the child to the parents. The Public Works is a phenomenal department, well

managed by Mr. Noewatne, and staffed by very good people. Everything is done well, and Mr. Roby is a credit to the department.

Mr. Roby expressed appreciation for the recognition he has received. He commented on being pleased with the camaraderie of the Public Works, Cheshire Police Department and Waterbury Police Department to make a good result happen. It was noted by Mr. Roby that the Public Works and CPD are working together more now, making for a better community, and he likes it.

Councilors personally congratulated Mr. Roby on the recognition given to him and for his dedicated service as a Town employee.

Police Chief Dryfe stated the CPD was recognizing three members of the department - Detective Kerry Nastri, Detective Jason Bodell and Police Officer Kevin Costa.

Chief Dryfe presented the "Meritorious Service Award" to Detective Nastri in recognition of his work in successfully solving fraud cases involving a Cheshire business with \$200,000 stolen by an employee, and a mortgage fraud investigation - a \$33 million scheme ongoing in six (6) cities. The work of Detective Nastri reflects him as a credit to law enforcement and the Cheshire Police Department.

Chief Dryfe presented the "Life Saving Award" to Officer Costa and Detective Bodell for their life saving efforts at a motor vehicle accident on June 26, 2014. Their actions saved the life of the vehicle driver and these officers are a credit to law enforcement and the Cheshire Police Department.

Council members personally expressed appreciation to Detective Nastri, Detective Bodell and Office Costa and commended them for their professionalism and dedication as police officers.

Town Manager Milone reported that Cheshire has been ranked the 20th safest community in Connecticut by "Safest Cities Organization."

B. Proclamation for National Friends of Libraries Week.

In recognition of National Friends of Libraries Week, October 16th to 22nd, Ms. Flynn-Harris read the proclamation and presented it to Susan Duffy, President of The Friends of the Library.

C. Presentation on 40 Developmental Assets Youth Program.

Information on the program were placed at the Councilor's desks.

Human Services Director Piccerillo informed the Council on upcoming events for Cheshire's youth,...Our Town A Community Conversation on Addiction. The sessions will be held October 5th through November 16, 7:00p.m. at Cheshire High School. The goal is to educate the community on youth addiction, and Ms. Piccerillo invited the Councilors and the public to attend at least one of the program sessions.

Ms. Piccerillo briefly commented on the history of the programs in place in Cheshire for the young people population. She asked for support of the data, noting that the more assets in a young person the less likely they are to have risky behaviors. The data was acquired last year from youths in grades 7 to 12, and it was very successful.

Ms. Piccerillo introduced Jennifer DeWitt, Executive Director, Connecticut Naugatuck Valley Action Council on Substance Abuse.

Ms. DeWitt gave a power point presentation on the developmental assets. In her comments she said the purpose of the program is to get a local level pulse check on what is happening with a community's youth, their strengths and resiliency. This data is a starting point to be compared with future data and improvements in the community.

40 Developmental Assets Youth Program - the Search Institute identified 40 developmental assets as building blocks of healthy development for young people to grow up healthy, caring and responsible. The information sheet on the assets identified the category, asset name and definition.

External assets include "Support, Empowerment, Boundaries & Expectations, Constructive Use of Time".

Internal assets include "Commitment to Learning, Positive Values, Social Competencies, Positive Identity".

Highlights of the data were cited by Ms. DeWitt.

There is a national data comparison with local data. Cheshire youth experienced 21.7 of the 40 assets; 1,961 youth were surveyed; grade 7 youth experienced 24.3 of the assets; grade 12 youth experienced 10.6 of the assets; 8 out of 10 Cheshire youths do not use alcohol; and the benchmark is for youth to identify with 31 out of the 40 cited assets.

Ms. DeWitt reviewed the information on the tables within the document. She said Cheshire youth are awesome; they are healthy and strong; and their driving indicators are on par with other national indicators, with success in school at 42%, which is above the national average. For high risk behaviors Cheshire's youth is well below the national average. Risk taking behaviors are related to substance abuse. For 8th graders, there is 0% use of marijuana; for 9th graders the use is at 10%.

The assets and where Cheshire youth stand will be addressed with the Challenge Day activities. Ms. DeWitt commented on more work to be done in the community, with the support of the Town Council. She stated the youth retreat is done; school and faculty presentations are done; Council presentation is now done; BOE presentation will be held next week; and the data was shared with a Cheshire youth focus group.

In looking at the data, Mr. Talbot said 11th graders seem to have dropped off and picked up again...and 12th graders have the typical trend.

Ms. DeWitt said this is not typical but does happen in some school districts. She noted there was a youth summary event to review all the data. Cheshire's youth should have 31 of the 40 developmental assets, and all youth have at least 6 out of the 8 thriving indicators. Ms. DeWitt stated there could be a town hall meeting or smaller focus group meetings to share and review the data. The overall report is 106 pages, which will be sent to the Councilors and available in the Human Services Department.

Going forward, Ms. Piccerillo informed the Council she plans to contact youth athletic groups, school groups, and have asset building groups throughout the community. Every youth contact with an adult will be an asset building experience. There are grants to help with local funding, and Ms. Piccerillo requested Council support of the Developmental Assets throughout the Cheshire Community.

D. Regional Water Authority Report by David Borowy.

David Borowy, Cheshire RWA Board Representative, informed the Council and the public on RWA programs and events. He thanked Chairman Oris, Town Manager Milone for meeting with him, the President of the RWA and RWA Chairman a few weeks ago on several issues. A topic of the meeting was how to partner together to increase economic development and how to get more water users to RWA. There was a presentation by Mr. Borowy to Cheshire's Economic Development Commission in June, and there is an economic forum upcoming which Mr. Sitko will be invited to attend.

Drought Conditions - Mr. Borowy stated that RWA area is not in a drought situation. The State is in a drought condition. RWA has water, it is 10% less than usual, reservoirs are at 50%, and people are being asked to use water wisely.

AMI Program - Mr. Borowy talked about Advances Metering Infrastructure which will be coming to the RWA. It is a data collection system; every meter will be changed out or retrofitted in 118,000 properties with RWA meters. This will allow updates to water consumers (on computers), insure there is no leakage when residents are not home, and AMI is helpful to the water company as well.

Billing - RWA proposes monthly billing rather than quarterly billing as a result of the AMI program. Annual budget is \$108 million, with \$23 million in arrears.

RWA Website - there is improved digital media information at Rwater.com; there is now electronic billing payment.

Mr. Borowy reported on the following issues:

RWA has authorized sale of two of its properties in Seymour CT. RWA did a review of its 27,000 acres and determined hundreds of acres are not class 1 or 2, and no longer

needed. The money was used to purchase other land. There are no properties in Cheshire involved.

RWA will be requesting the State Legislature to amend its enabling legislation to allow RWA to expand some of its core services (hydrant maintenance, engineering, consulting, tank repairs etc.), become backup for other water companies, and this would increase non-core revenue.

RWA refunded \$152 million in bonds, saving \$21 million in interest over the life of the bonds.

RWA set up an ad hoc committee to review and study municipal water rates, and how to work to keep rates down. One outcome is a cost of services study being conducted over a 3e to 4 year period of time, starting in 2017.

Ms. Flynn-Harris commented on RWA selling water to other companies, as needed, and asked if there are opportunities in selling wholesale to for profit companies.

In the past there was a meeting with a water bottler, starting with half a million gallons a day and up to a million gallons a day...but Mr. Borowy reported the project fell through.

Ms. Flynn-Harris asked about climate changing and effecting resources for regular consumers in the region. She said the State is in a drought situation. Ms. Flynn-Harris asked about a commercial agreement having a negative effect on region water users.

It was restated by Mr. Borowy that RWA region is not in a drought situation, and RWA has more water than other companies, and there is no concern. The mandate is to have 15% extra water, and RWA has 25%.

Mr. Slocum asked about initiation of the monthly billing program.

The Council was told by Mr. Borowy that there must be retrofitting of residential meters starting next year, and it will be early 2019 for start of monthly billing. RWA has long term issues and some short term issues.

Chairman Oris thanked Mr. Borowy for his report and services on the RWA Board.

E. Public Comments.

Cindy Kleist, 251 Lancaster Way, asked about the Councilor packets having CPD complaints included, names of people getting tickets and police officer names. She made a complaint in September regarding a police car cutting off her car. With this incident she sent CPD a ticket and court date. Ms. Kleist asked about the \$3 million new communications system when CPD will be part of the regional system with Wallingford Police Department. She also questioned the purchase of 4 or 5 new CPD cars rather than repairing them, and using this money for a bulky waste pickup and getting the attention of taxpayers.

Chairman Oris stated that the purchase of the \$3 million communications system is a necessity. There is a potential regionalization of the dispatch system and CPD's new system is portable and can be moved with regionalization. The current communications system is inadequate and the Council is being fiscally responsible and insuring public safety as a priority. Regarding CPD cars, this issue was deliberated and taken seriously by the Council. The number of cars was reduced to three (3). The Council is balancing public safety with fiscal prudence and fewer cars will jeopardize public safety. Mr. Oris pointed out that the PW Department crews maintain all the cars and advise when a new car is needed due to wear and tear and inability to repair. When it comes to public safety, Mr. Oris said the Council would err on being conservative.

Ray Squier, 291 Cook Hill Road, commented on the very large American Flag displayed at the Big Y Supermarket...and said this should be brought to the attention of Stop & Shop. He said the Chamber of Commerce Community Guide is excellent and asset to the Town. On August 5th, Mr. Milone reported information about 99% of Town departments coming in under budget...44 out of 45 departments. Regarding the Cheshire Community Food Pantry, Mr. Squier suggested putting "urns" at each polling site in Town on November 8th, asking voters to make at least a \$1.00 contribution to the food pantry. It was noted by Mr. Squier that he has lived in town for over 50 years, enjoyed the experience, and Cheshire is a great town in which to live. For the last three years there has been a \$2 million per year in tax assessments. He would like a line in the concrete that the town would not exceed next year's budget than was spent with the current year's budget.

5. APPROVAL OF MINUTES - Regular Meeting of September 13, 2016; Public Hearing of September 13, 2016; Special Meetings of September 8, 2016; Correction to August 9, 2016 minutes.

MOTION by Mr. Slocum; seconded by Mr. Talbot.

MOVED that the Town Council approve the minutes of the following meetings...subject to corrections, additions, deletions: Regular Meeting of September 13, 2016; Public Hearing of September 13, 2016; Special Meetings of September 8, 2016; Correction to August 9, 2016 minutes.

Discussion

The changes submitted by Councilor Ruocco were forwarded to Councilors via e-mail, and are also attached to these minutes.

Ms. Flynn-Harris commented on the Council Clerk advising that the tape of the September 13th meeting was noisy and she was unable to clarify some of the changes submitted by Mr. Ruocco. Ms. Flynn-Harris expressed concerns about the changes, particularly page #7 -- *"Mr. Ruocco suggested Councilor Bowman should be a "default" committee member given his initiative to promote the process with remaining councilors choosing a candidate. This would insure a good mix of members."*

Knowing the tape was unclear, Ms. Flynn-Harris said she did not hear this statement. After Mr. Ruocco's statement was made, Ms. Flynn-Harris immediately agreed with it...and she never heard anything about "default". What concerns her is that in his e-mail Mr. Ruocco said...*some changes to the minutes better summarizes his comments and voting positions...and really wanted more explanations about my vote in the record.*

Ms. Flynn-Harris stated what is in the record cannot be clarified...you cannot clarify what is in the minutes. You can clarify is something not in the minutes because of inability to be picked up...but you cannot clarify a statement or your position by having an amendment after the fact.

It was stated by Mr. Ruocco that this is not an amendment or clarification...it is a summary of what he said based on the video tape. He noted the matter could be tabled. If something is stated incorrectly he has the right to state it correctly, and the video tape can be reviewed. Mr. Ruocco just wants his statements captured.

Mr. Slocum and Mr. Talbot agreed to withdraw the approval of the minutes of September 13, 2016 from the motion on the floor.

VOTE The amended motion passed unanimously by those present.

6. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #101106-1

RESOLUTION #101116-1 CONSENT CALENDAR FOR OCTOBER 11, 2016

BE IT RESOLVED, that the Town Council approves the Consent Calendar for October 11, 2016 as follows:

- A. Acceptance and appropriation of the following proceeds to the Human Services Gift Account for use by the Cheshire Senior Center Membership Association For senior programs: \$100 from the Busy Bees Craft Group; \$100 from the Crafty Ladies; and \$166.60 from coffee money proceeds.
- B. Acceptance and appropriation of a \$46.55 refund from Gateway Tours, Inc. To the Human Services Gift Account for senior programs.
- C. Acceptance and appropriation of a \$20 donation from Linda Wallinger to The Human Services Gift Account for senior programs.
- D. Approval of the disbursement of an aggregate of \$4,085 from the Cheshire Senior Center Membership Association for coffee purchases, the Holiday

Bazaar and Craft Fair start up, expenses and advertising, the Membership Association annual insurance premium, and movie license renewal.

- E. Acceptance and appropriation of an anonymous \$50 donation to the Human Services Gift Account for general purposes.
- F. Acceptance and appropriation of a \$1.00 donation from Hope Hryb to the Library Gift Account for the purchase of materials, furniture and computers.
- G. Acceptance and appropriation of a \$50.00 donation from the "Ladies of The Printed Page" to the Library Gift Account for the purchase of materials, furniture and computers.
- H. Acceptance and appropriation of a \$10.00 donation from Norton School 2016 second grade class in honor of Teri LaChance to the Library Gift Account for the purchase of materials, furniture and computers.
- I. Appropriation of \$3,292 from the Julia Tompkins Fund for Library materials.
- J. Acceptance and appropriation of \$1,650 to the Parks Gift Account for a Memorial Bench in memory of Skylar Rose Ardito.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR

8. OLD BUSINESS

9. NEW BUSINESS

A. Establishment and appointment of Charter Revision Commission.

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

RESOLUTION #101116-2

BE IT RESOLVED, that the Town Council hereby establishes a Charter Revision Commission pursuant to Section 7-190 of the Connecticut General Statutes;

That the Charter Revision Commission shall operate as a Special Committee/Study Group pursuant to Section X.D of the Rules of Procedure of the Cheshire Town Council;

That the Charter Revision Commission shall consist of nine (9) members;

That the eleven (11) members of the Charter Revision Commission shall be appointed by resolution of the Council;

That the Commission shall conduct its business consistent with Connecticut General Statutes Section 7-190 et.seq. and 1-200 et seq. (The Freedom of Information Act), the Rules of Procedure of the Cheshire Town Council and Roberts Rules of Order; and

That the Charter Revision Commission shall file its final report with the Town Clerk no later than June 1, 2017.

Discussion

Mr. Bowman pointed out that the Town Charter was last revised in the mid-1990's and approved by voters on November 7, 1995. He served on that Charter Revision Commission along with eight (8) other people. The process took 23 regular meetings and 44 hours of discussion and testimony. For the upcoming process it is hoped there will be participation from the Board of Education, Town boards and commissions, department heads, employees and Town residents. The date for completion of the process is June 1, 2017, with a vote of the electorate on November 7, 2017...provided all the steps are followed moving forward through the public hearing. Mr. Bowman hopes the eleven (11) commission members are excited to serve, select a chairman and vice-chairman with assistance from the Town Attorney on the process and adoption of a schedule. It was noted by Mr. Bowman that 24 people expressed interest in serving on the commission. There will be a dedicated website for the Charter Revision with proposed agendas and meeting schedules, e-mail addresses for each Commission member, and minutes.

In light of the upcoming Charter Revision, Mr. Slocum displayed historical information from Ruth Podgwaite...a June 1, 1961 notice of the first proposed Town Charter printed in *The Cheshire Herald* and adopted by the voters in 1961.

Chairman Oris expressed appreciation to the 24 people interested in serving on the Charter Revision Commission, and noted that not everyone can serve. The membership was increased to eleven (11) members through a selection process. Everyone in the community can participate in the public hearings; everyone is invited to attend the meetings; and this is the people's Charter with the Commission representing a broad group of people who will work well together.

VOTE The motion passed 8 in favor; 1 opposed (Ruocco)

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

9A-2 BE IT RESOLVED, that the Town Council approves Resolution #101116-3

RESOLUTION #101116-3

BE IT RESOLVED, that the Town Council hereby appoints the following electors to the Charter Revision Commission established by Resolution #101116-2:

Paul Bowman (R)
Kim Cangiano (D)
Michel Ecke (D)
Edward Hill (R)
Michael Laden (D)
Matt Levine (D)
Barbara McWhirter (U)
Sandy Mouris (R)
Mark Shumilla (R)
Susan Stanley (D)
Kevin Wetmore (U)

Discussion

Mr. Ecke said he is excited about the task at hand and working with this group. Both sides sought out a sample of the community rather than people involved in politics over a long period of time. He said we want to review this Charter with people interested in the Town, and is excited to work with Mr. Bowman and the group. He believes the results on June 1st will be reflective of hard work of the Commission.

Stating her support of the charter revision process, Ms. Flynn-Harris is pleased with the size of this group of people, who are willing to work and understand the job at hand. There has been guidance from Town Attorney Smith in getting the process off the ground, and he will be instrumental in providing information needed to move the process forward.

Ms. Nichols stated the group of selected people will work well together. This is a short term task for completion in June 2017 and a vote of the people in November 2017.. They are educated, talented and organized individuals, will get to the task at hand, set a timeline and goals to get the work done in the short time period. They have not been part of the political process as the Council. She noted the Council will not be part of the meetings, but will sit and listen without input until the charter revision comes to the Council for a vote. Ms. Nichols hopes the Commission members will select a chairman who will stay focused on the task to work within the time line.

Mr. Slocum expressed congratulations to the new Commission members. He noted the members must be sworn in by the Town Clerk.

It was suggested by Mr. Ecke that Town Clerk Brennan come to the organizational meeting and swear in all the Commission members.

VOTE The motion passed unanimously by those present.

B. Approval of multi-year credit card contract with World Pay.

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

BE IT RESOLVED, that the Town Council approves Resolution #101116-4.

RESOLUTION #101116-4

BE IT RESOLVED, that the Town Council hereby establishes a Charter Revision Town Council approves extending the credit card processing agreement for the Town merchant account and the credit card processing agreement for the e-commerce account with World Pay, each for a three (3) year term from October 1, 2016 through October 1, 2019.

Discussion

The Council was informed by Mr. Jaskot that this is renewal of a three (3) year contract, which has gone very well, with average costs of 2.5% to the Town. The agreements with World Pay must be approved by October 14th. There are two agreements...one is for on site credit card payment and the second is payment by e-commerce on-line, which has a lower fee. It is expected to have credit card in the Town Clerk's office in the near future with the user paying the fee. Between the Community Pool, Parks and Rec programs and Fine Arts programs credit card payments, Mr. Jaskot said it comes to about one-half of all payments received. The Town does not get revenue from these fees but does receive immediate payment. About 75% of the retail type program fees are paid through credit card charges, and over \$400,000 total payments have been received. Last year the Town paid about \$12,000 in fees for Parks and Recreation, Fine Arts, and Community Pool credit card payments. Less than 2% of taxes are paid with credit cards, and the user pays the fees.

Mr. Jaskot said the Town wants to stay with World Pay as the firm works well with the Town software system. Next month there will be implementation of credit card payments in the Town Clerk's office, in a way similar to tax office payments, with users paying the fees.

VOTE The motion passed unanimously by those present.

C. Allocation of \$150,000 from the Public Works operating budget for Additional cost for pilings for East Johnson Bridge Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #101116-5.

RESOLUTION #101116-5

BE IT RESOLVED, that the sum of \$150,000 is allocated for East Johnson Avenue Bridge over the Quinnipiac River from funds previously appropriated to the Public Works Department General Operating Budget Construction line item, of which \$120,000 will be reimbursed from the grant for said project; said allocation is in addition to prior allocations and appropriations in the aggregate amount of \$3,845,000 approved by the

Town Council and/or electors on various dates, thereby making the total project cost equal to \$3,995,000. The Town Council may determine the scope and particulars of the project.

Discussion

Mr. Slocum stated this extra appropriation came about due to an engineering error in the field, with more funding needed because the pilings must be dug deeper into the bedrock.

Town Engineer Gancarz passed around a photo of the bridge project as of this week, and noted it is 60% completed. This project is on schedule and the bridge should be open before Christmas. There are 12 deck beams as part of the bridge; 4 were installed today; 4 will be installed on Wednesday and 4 on Thursday. This bridge is supported on 18 piles, 9 on each side of the bridge, driven down into about 5 feet of bedrock, the steel pile is placed in and cemented in place...they are the feet of the whole bridge. This contract is a unit priced contract which means that for every item, including piles, they are actually measured in the field. In the bid there was a total of 460 vertical feet of piles which were anticipated, at an average depth of 26 feet. When installed it was 638 feet, +178 feet more, with a net impact of the entire contingency being used up. The contingency was originally reduced to 5% from 10% because of increased costs of relocating the water main.

Mr. Gancarz explained the two reasons why the pilings were set up deeper. Initially, the pilings are poured 4 or 5 feet into the rock, and this was not included in the budget estimate. The second reason, the larger part of the cost, is the surface below the earth averaging to 70 feet, and others 50 feet.

The \$150,000 is requested because the project is moving fast with full completion by December. Mr. Gancarz said the project could entertain a lesser amount, \$100,000, due to the project being completely out of the ground and impact on flooding etc. with more predictability. There are other potential savings before the project is over; some consulting engineers and inspection fees may be less than encumbered to date; and forced accounts with the Town giving DOT its 20% up front for right-of-way acquisition and relocation of the RWA water line. This is an 80% grant project; the \$100,000 net impact to the Town is \$20,000; and this would be restored to the operating budget of Public Works.

Town Manager Milone commended Mr. Gancarz for discovering this problem early in the process. He pushed for the \$150,000, and had concerns about having to come back to Council later for more money. He noted Mr. Gancarz is comfortable with \$100,000 based on his judgment of what is needed. Mr. Milone pointed out this money is not appropriated; it is allocated; and the hope it is not needed; and he does not want to appropriate money not needed because the bottom line of the budget would have to be increased. If there is anything to be expended it would be from the PW budget. The State reimbursement would be taken in as revenue, and at that time increase the

bottom line of the budget, if necessary. Mr. Milone said he might have to come back to the Council to appropriate the funds, the 80%, to balance the budget.

Mr. Talbot commented on the allocation. He asked Mr. Milone about the chance the funds are not needed...and if they are needed, without State reimbursement before June 30, 2017 close of the budget...how is this handled in the PW budget.

In response, Mr. Milone said as long as there is acknowledgement of a receivable, Mr. Jaskot can book the fact that money will be received, and use that acknowledgement to come before the Council to increase revenue and expense side of the budget. It could be done after the fiscal year, and Mr. Jaskot would assure acknowledgement of the State, book the money as a receivable, and increase the bottom line.

According to Mr. Gancarz an item like this is a change order, reviewed by the State within 30 days, and a commitment 30 days after issuance of the change order.

Ms. Flynn-Harris asked if PW Director Noewatne would know the line items in the PW Budget impacted with this allocation.

This would be a construction line item in the PW budget and Mr. Milone said this is not money needed until spring or summer 2017. With Council authority to allocate the money, Mr. Milone said we can go over this line item without exceeding the PW budget.

Mr. Noewatne expressed his agreement with Mr. Milone's statement, and hopes the money is not needed.

With regard to this project, Mr. Bowman posed questions to the contractor, asking if there was any indication or pre-testing or pre-drilling to determine why we have this anomaly.

Joe Cemola, Cardinal Engineering, said there was typical GEO testing done, and what happened is representative of irregular surface, with 8 borings required to understand how irregular the surface was. This is unusual to happen, and there was additional length than what was estimated. There was a wish for more contingency, and now we are faced with a change order during construction.

Mr. Bowman questioned why the footage was left out, if pilings are completed and why we do not have the exact price of the additional cost.

This is just a mistake, and Mr. Cemola said the design plan changes did not include the estimate change. One-third of the increase is due to the under-estimation. The pilings are completed; the super structure is being installed this week; and we have the exact price of the additional piles. Mr. Cemola said we do not know if there is any other unforeseen conditions, and this is a cost flow unit price job, and additional cost of the pilings is about \$144,000.

It was asked by Mr. Bowman if there is any recourse to the other company for 1/3 of the amount of footage to be absorbed by Cheshire and the State.

According to Mr. Cemola if the costs were estimated it would cost the Town the same amount of money...with the costs known earlier than not. There was no change in the actual cost of the construction; the bottom line stays the same; but there would have been a better and earlier idea of the true costs.

Mr. Bowman said the company would not care and paid based on what was actually installed.

With regard to the contingency amount, Mr. Slocum recalled borrowing from contingency to pay for placement of water company pipes, and if this was the RWA or engineering estimate.

Mr. Gancarz stated the additional funds were below the RWA price. An item was carried throughout the time, about \$100,000. When RWA completed what they designed out there, a 12 inch main on the upstream side of the bridge, the RWA cost would have been about \$600,000. There was collaborative work to reduce it to \$260,000 with our contractor doing the work. DOT looks for 10% contingency, and this project was at 5%.

The actual costs of the additional pilings was questioned by Chairman Oris...the work is \$144,000...and Mr. Gancarz is okay with \$100,000 with the assumption that the difference is coming out of contingency.

Stating that was correct, Mr. Gancarz said we are trying to be as prudent as possible, and \$100,000 can get the job done. The goal is to get the project at the least cost, and there was a major surplus with the other two bridge projects.

With this project, Mr. Oris asked about design flaws or acceptable field condition issues not ascertained on the design side.

As far as RWA is involved, Mr. Gancarz said their prices comes late in the process, and it was high. With the piles, from a design standpoint, they should have hit another 4 feet for boring, and he believes the sub-contractor was originally looking at piles resting on the top of bedrock. The final design required that it be poured 4 or 5 feet into the bedrock, and this impacted the costs. Mr. Gancarz commented on variability of the borings...67 foot boring just 3 feet away from a 50 foot boring which was 3 feet away from a 35 foot boring.

Stating his concern about two things, Mr. Oris recalled that the water line issue as a miss in the design, and estimating a number much lower than RWA's number which came forward. The Town assumed that something did not need to be done, when it actually needed to be done...as opposed to knowing what to do but under-estimating the cost.

According to Mr. Gancarz there was always the relocation of the main included in the design. The place holder was estimated at \$100,000, and when the bids came out it was \$600,000 item, eventually reduced to \$270,000.

Chairman Oris stated the last issue we have is Mr. Cemola's comment about missing the 4 feet...and in reality it did not matter because the costs would have been there anyway. Mr. Oris said it is easier to deal with these things with advance notice rather than dealing from behind. Maybe there should have been quality design and accountability, which is expected. Now, the Town must "steal money" from places, dip into the PW budget because there was no quality design. This is a difference to the Town. Mr. Oris is not happy with this project due to two sizeable issues...he will support the allocation because the project must be done at the reasonable cost stated. This project did not go well, and Mr. Oris said he will be making sure to evaluate all the people involved in this project to insure the best work possible.

Following the discussion phase, the Council made the decision to allocate \$100,000.

Mr. Slocum and Ms. Nichols agreed to amend the motion to read "\$100,000".

VOTE The amended motion passed 8 in favor; 1 opposed (Bowman)

D. Award of contract for Cheshire High School concession stand and bathrooms capital project.

MOTION by Ms. Linehan; seconded by Ms. Flynn-Harris

BE IT RESOLVED, that the Town Council approves Resolution #101112-6

RESOLUTION #101116-6

BE IT RESOLVED, that the Town Council approves Resolution #101116-6

BE IT RESOLVED, that pursuant to the recommendation of the CHS Concession Stand Construction Group, the Town Council awards the construction of the Cheshire High School Concession Stand capital project to Olympus Construction of Milford, CT, for a base bid amount of \$488,000 and with alternatives 1, 2, 3, 4, 7 and 8 for a total contract amount of \$548,000m, and

BE IT FURTHER RESOLVED, that the Town Council allocates \$290,000 from the Capital Non-Recurring Account to supplement the previous \$350,000 capital appropriation for said project.

Discussion

Ms. Linehan reported the committee met to review the bids. The lowest bid came from DPM Contracting, followed by Olympus Construction and John L. Simpson Co. The

low bidder, DPM, had no experience for a project of this size and scope, and the firm was not a qualified choice. The committee selected Olympus Construction. Two alternates are taken out of the project -- unit heaters and condiment shelf. Some money is coming out of the account for grading, which will be funded through the ADA account, about 10%, or \$48,000. Money was added into the project for kitchen equipment, \$50,000, and a contingency, bringing the total project cost to \$548,000.

This was a good committee, and Mr. Oris said he was part of the committee working on the task, and the project needs to move forward due to the less than acceptance current facility. The price of the project is \$548,000 for a basic building, with some ADA funds for compliance work.

Mr. Masciana, BOE, briefly reviewed the history of this concession stand project since September 2015, the first committee meeting in October 2015, and one year to get the bids before the Council with the committee's recommendation. There were three (3) different architects...BL Company, Stein Truess, and Silver/Petrucci, which did design work and reviewed the bids. With the award of the contract, Silver/Petrucci will be hired to do the construction management phase. The subject project received PZC approval, on the current site.

The recommendation of the committee at its October 10, 2015 meeting reflect the summary of the work and selection of the contractor, Olympus Construction, at a price of \$548,000. Mr. Masciana reiterated the fact that the low bidder, DPM, had no commercial or municipal experience. It was in the best interests of the Town and the School System to use a firm with greater experience in the municipal/commercial sector. There is a letter from Silver/Petrucci to the Dept. of Education/Mr. Masciana recommending Olympus Construction of Milford CT as the firm to be awarded the bid.

Page 2 of the October 10th committee meeting minutes cites the sources of funding for the project, with additional funds to be appropriated to complete the project, and the bid does not include kitchen equipment needed for the concession stand. This equipment has a cost of \$52,000 and is bid separately to get a better price with identification and specifications for this equipment.

The contingency is \$50,000; total project cost is \$650,000 less ADA appropriation of \$50,000 or \$600,000; \$310,000 funds remaining in the original \$350,000 appropriation; additional amount needed is \$290,000. This funding will be appropriated from C.N.R. There is \$13,000 from the Energy Commission towards this project, but this funding is not included in the numbers presented to the Council. Energy related items are LED lighting, kitchen equipment, additional fiberglass insulation.

Construction drawings were submitted to the Council. Page #2 shows the grade-out area; the existing structure will be demolished; the new stand will be pushed back a bit from the current site for some "moving around room" and a patio area. The lavatory will include 6 ladies and 6 men's bathrooms; the stand will have a fire and grill for more food items and generation of more revenue; everything constructed will be ADA compliant.

During the process, Mr. Masciana pointed out that 15 contractors walked the site; 11 bids were received; the qualified contractor was Olympus Construction; preliminary work will start on November 1st, and after November 11th construction will begin with the slab and building shell in place in order to work on the inside. Completion date for this project is March 2017.

Chairman Oris commented on this being a simple, effective building, with bids lower than expected, with add alternates giving the building more appeal. It is a 1,200 sq.ft. building, with the committee working hard for a cost effective project. The contractor stated 120 days for completion of the project. The community needs this new facility. Mr. Oris talked about how this new stand will fit into the new overall plan for the school building/projects, and the committee was confident this building will not need to be moved or replaced in the future. This is a good project which Mr. Oris strongly supports.

Mr. Bowman asked about the sub-surface and unknowns. He commented on the Milone and MacBroom document statements, and wants to insure everything sub-surface (drainage, sanitary and storm) works well without surprises going forward.

In response, Mr. Masciana said when you go below grade it is unknown what you will get. The water main coming into the current concession stand was recently replaced; electrical specs include an upgrade from a few years ago; there is a \$50,000 contingency primarily due to going below grade. There will be a look at the waste lines, and the construction group will continue to work with the project budget.

Mr. Bowman asked about winter conditions, and if the contract says anything about additional costs for this possibility.

Nothing has been added to the specs/bid about winter conditions, and Mr. Masciana said the contractor is anxious to get started to get the slab and shell done before the winter weather sets in.

Ms. Flynn-Harris sat in on some of the meetings, and she is pleased this project is getting done, and is confident the project is in the right direction. It has been vetted the right way, including involvement of Madeline Divert, District Food Service Manager, and Chesprocott to insure everything is done correctly for the interior to facilitate the usage, hand washing stations, etc. for this building. Ms. Flynn-Harris expressed appreciation to the committee which worked so hard and diligently on this project for the past year.

It was noted by Mr. Ecke that the CHS Football Team may have a possible November 29th play off game at home. He also commented on the current facility name of "The Ray West Memorial", and asked if this name would be carried forward.

This is an open question and Mr. Masciana said it was discussed at the group meetings, with no decision made. It should be taken up with the correct governing body. And, there is funding for signage at the new stand.

The Council was informed by Mr. Ecke that Ray West was an active member of the CHS Booster Club, who had an untimely death, while his children were CHS students. Mr. Ecke would like to see the name continued for the new facility.

Chairman Oris said he was uncertain who has oversight for the naming...it could come under the BOE or the Town.

VOTE The motion passed unanimously by those present.

Ray Squier asked who gets the profit from the sales in the concession stand...who has liability if there is a lawsuit...who owns this building...and believes there should be a defined accountability.

Attorney Smith stated everybody gets sued. With regard to liability, there will be contracts executed with the parties charged with running the stand. There will be an indemnification clause to protect the Town from lawsuits.

There are many groups that have used the concession stand facility, and Mr. Oris reported that Chesprocott oversees what is done in the stand. The facility is used by the Gridiron Club, Booster Club, and other groups. The groups pay for their food products and get profits from the sales. With the new facility there are more sanitation capabilities.

10. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report - in Council packets

B. Department Status Reports: Police, Fire, Fire Marshal. In Council packets

C. Other Reports

Monthly Financial Report - there is a \$424,000 reduction in State municipal aid. This will be discussed at the October 18th Budget Committee meeting. It is hoped the BOE will contribute \$142,000 towards this shortfall.

Tax Collections - 57.9% of taxes have been collected to date; this is \$170,000 more than last year at this time.

Community Pool Revenue - the user fees are highest since the pool opened, \$153,000 for July, August, September; May and June were the two highest months in terms of revenue generation for the pool, without a drop-off in July and August. For five months there has been a record of high revenue. In looking at the RWA there is little revenue generated; RWA adopts their fee next month.

STEAP Grant - Cheshire applied for the \$500,000 grant to be used for West Main Street parking lot adjacent to the Linear Trail; Cheshire was not awarded this grant; there will be another round of grants and the Town will pursue them.

Public Works Projects Status Report - road repairs completed; 5 miles repaired; 1 mile micro sealed; 5 miles chip sealed. Bridge will be done in December; West Main Street sidewalk project to be completed November 18th; South Main Street pedestrian crossing starts next week; the State portion of the Linear Trail has a completion date of October 23rd with possible ribbon cutting ceremony; Parks and Rec Department got a new Gator to be used for better maintenance and monitoring of the trail.

Safest Cities Recognition - Cheshire recognized as the 20th safest municipality in Connecticut.

Free Electronics Recycling - October 15th, 9 a.m. to 1 p.m. at Darcey School.

Free Mattress Recycling - October 22nd, 9 a.m. to 1 p.m. at Darcey School.

Upcoming Meetings - Planning Committee, October 13th, 7:00 p.m.

Budget Committee Meeting, October 18th, 7:00 p.m.

Town Council Special Meeting, October 20th, 7:00 p.m.

Personnel Committee Meeting, October 25th, 7:00 p.m.

Resignation of Mario Panagrosso, Tax Assessor - Mr. Panagrosso leaves Cheshire on October 31st; this is a big loss to the Town; in the interim, Diane Waller is appointed Acting Assessor; Mr. Panagrosso will work on a consulting basis for the Town one day a week.

Low Income Home Rehabilitation Loan Program - the Town received this \$300,000 grant; 27 applications have been submitted for consideration; \$30,000 is the maximum loan amount; next year the Cheshire Housing Authority will apply for this grant.

HEARTsafe Community - Cheshire has received this significant recognition again; there must be demonstration of a certain number of ADD's in public places; there are adult and child CPR trained people in Town; CHS junior year students are all CRP trained; and there must be a certain number of CPR events and saves. There is a strong commitment on the part of many people who are CPR trained. The Council has asked about putting additional ADD's in all the parks in Cheshire. Chief Casner is seeking to get them and will report to the Council.

Mobilite Public Utilities/PURA - The company came to Cheshire to augment area deficiencies in cell phone communications by erecting a piece of equipment on poles. They have done this in other parts of the country exercising their authority by using the town's right-of-way without getting formal clearance from the regulatory body. This matter is now before PURA; CCM retained Murtha Cullina to protect municipalities on a class action basis. The question is whether this matter must go to the Siting Council or

not...and it has forced the company to reconsider their approach to implementing these cell tower conditions. Siting Council will have opportunity to review what is being done and decide whether or not Council clearance is required.

Coffee with a COP - this event was held at Bagelicious on October 7th; it was very successful; about 40 residents attended.

CCM Prescription Program - there is no cost to the Town for this program; 564 claims have been filed by 424 individuals; \$25,672 has been saved on prescriptions. Cards are available at the Senior Center and on the web site. This program is for everyone, not just senior citizens. Mr. Milone will confer with the Assessor's Office to have cards available during the February to May application period for tax credit programs.

CCJEF v. Rell - this is a case which might impact educational funding.

Cheshire Public Library - received the \$250,000 matching grant for the expansion of the Library and RFID.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

- i. Referral of Sponsorship Policy to the Ordinance Review Committee**
- ii. Referral of Personnel Rules and Regulations and Non-Union Pay Plan to the Personnel Committee.**

B. Miscellaneous

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

WPCA - Mr. Slocum informed the Council that WPCA is deliberating on the sewer user fee; he informed the Authority that the Council discussed this fee.

Mr. Milone reported that Mr. Gancarz has updated the fee analysis for clarification.

CPFA - Ms. Flynn-Harris reported that Arts Place has had the highest number of enrollees and classes this year.

Our Town Series - Ms. Linehan reminded everyone about the substance abuse program; the next session is October 19th, 7:00 p.m. at Cheshire High School.

Economic Development Commission - Mr. Ecke advised that EDC is putting together a plan to market Cheshire. A marketing company/group was in Town, interviewing

people and businesses, and a report will be forthcoming in a few months, hopefully with good results.

B. Appointments to Boards and Commissions

**13. TOWN ATTORNEY REPORT AND COMMUNICATIONS
Executive Session.**

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

Mr. Bowman reported on receipt of an anonymous letter with a donation to the Cheshire Community Food Pantry.

Mr. Slocum commended Chairman Oris for the special awards to Town employees.

Cheshire Lutheran Church held a luncheon for Cheshire Police Officers; 21 officers were able to attend; and the attendees cited their respect and support of our police officers.

Ms. Linehan reported that Consolidated Industries has spent \$10 million investment in new hammers at their site on Marion Road. The company partners industry with education, will hire 30 new employees over the next few years at an average salary of \$60,000 to \$70,000.

B. Miscellaneous

EXECUTIVE SESSION

MOTION by Mr. Talbot; seconded by Mr. Slocum.

MOVED that the Town Council enter Executive Session at 10:25 p.m. to include Town Manager Milone, Town Attorney Smith, PW Director Noewatne, Town Engineer Gancarz and Joseph McLoughlin to discuss Land Acquisition, Personnel Matters or Pending Litigation.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Slocum

MOVED that the Town Council exit Executive Session at 10:59 p.m.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Slocum.

MOVED that the Town Council re-enter Executive Session at 11:00 p.m.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Slocum

MOVED that the Town Council exit Executive Session at 11:15 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Mr. Talbot; seconded by Mr. Slocum.

MOVED to adjourn the meeting at 11:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk