

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, AUGUST 13, 2013, AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

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

Staff: Town Manager Michael A. Milone; James Jaskot, Finance Director; Town Attorney Al Smith.

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. Public Comments.

Tucker Deming, 230 Oregon Road, addressed the Council on an "Old Business" agenda item related to the solar program and commended Mr. Schrumm for his opposition to this program. He said municipal government has nothing to do with private purchase of private goods, and this is indicative of what our culture is coming to. He would appreciate the Council staying fixed on the public use of municipal products and services.

Tim White, 1682 Orchard Hill Road, commented on the solar program and the fact that the Town will have three vendors, tiered pricing, and with more people involved the costs will be set. He commended Mr. Ruocco on his concerns about the overtime costs of Town staff, and suggested using the Munis system as time reporting system to get information on the first 40 hours of work time and overtime.

Chairman Slocum reported that Town Manager Milone and his staff are working on an overtime study to be presented to the Council for review and consideration.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-1.

RESOLUTION #081313-1

BE IT RESOLVED, that the Town Council approves the Consent Calendar for August 13, 2013, as follows:

- A. Acceptance and appropriation of a \$10 donation from Dalia and Lawrence Medin To the Police Gift Account for the car seat inspection program.
- B. Acceptance and appropriation of a \$500 donation from the Cheshire Lion's Foundation Inc. for the Therapeutic Recreation Camp.
- C. Authorization to apply for a Juvenile Justice Advisory Committee Right Response CT Network School-Police Community Collaboration Grant.
- D. Acceptance and appropriation of a \$6,500 Historic Documents Preservation Grant, and further RESOLVED that Michael A. Milone, Town Manager of the Town of Cheshire, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.
- E. Acceptance and appropriation of an anonymous \$50 donation to the Human Services Gift Account for general purposes.
- F. Acceptance and appropriation of a \$1,450 donation from John Oddie for a Memorial bench.
- G. Acceptance and appropriation of a \$3,050 grant from the Connecticut Community Foundation for the Therapeutic Recreation Summer Camps.
- H. Acceptance and appropriation of a \$500 donation from the Cheshire Lion's Foundation, Inc. for the Therapeutic Recreation programs.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

- A. Acceptance and appropriation of a \$27,021.85 Clean Water Fund Grant To the Debt Service Reserve Account.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-2.

RESOLUTION #081313-2

BE IT RESOLVED, that the Town Council accepts \$27,021.86 for the Clean Water Fund Grant for the upgrade to the Waste Water Treatment Plant Facility Project and transfers said amount to the Debt Service Reserve Fund.

Discussion

Mr. Schrumm reported that the Town received more money than expected on the initial stages of the design for the treatment plant. The debt service reserve fund has a balance of just over \$5.4 million which will help pay for the plant debt once the plant is constructed.

VOTE The motion passed unanimously by those present.

B. Acceptance and appropriation of \$89,026.98 insurance proceeds for the Cheshire High School West Gym Roof Project to the Board of Education Capital Non-Recurring Maintenance Fund.

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-3.

RESOLUTION #081313-3

BE IT RESOLVED, that the Town Council accepts and appropriates \$89,026.98 in insurance proceeds for the Cheshire High School West Gym Roof Project to the Insurance Proceeds Fund; and

BE IT FURTHER RESOLVED, that said amount is allocated to the Board of Education Capital Non-Recurring Maintenance Fund from the Insurance Proceeds Fund to replace the payments that were made from Board of Education Capital Non-Recurring Maintenance Fund for this project prior to receipt of the insurance proceeds.

Discussion

Mr. Schrumm stated that this is receipt of insurance money from the damage to the west gym roof from Storm Sandy. The BOE has used its emergency CNR funds as an advance to repair the roof. Now, the insurance money is a reimbursement to the BOE CNR account. The BOE CNR account has a balance of \$115,352 before this \$89,026.98 reimbursement.

During the storm, Mr. Sima said maintenance staff was on the roof and sections came loose. There is some money left from the initial capital budget for the high school roof, but not enough to do the west gym roof, so CNR money was used to complete this project.

Another check came in today from the insurance company. Mr. Jaskot informed the Council that the Town is also filing a FEMA claim on this roof project, and hopes to receive about \$60,000.

VOTE The motion passed unanimously by those present.

C. Approval of Police Assistance Agreement with the Town of Southington.

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-4.

RESOLUTION #081313-4

BE IT RESOLVED, that the Town Council approves the Police Assistance Agreement Between the Town of Cheshire and Town of Southington upon the terms as presented and attached, and authorizes the Town Manager to execute said Agreement.

Discussion

Mr. Ruocco said this is an agreement which allows Southington and Cheshire to share resources for extra duty jobs, and it is a good idea, with the support of Chief Dryfe.

The Council was informed by Mr. Milone that this will not impact police department pensions in any way, and any payment from Southington to a Cheshire officer will be segregated. There is no contribution to pension or towards their final average for pension calculations. This agreement can be cancelled with 30 days notice. He noted that this agreement is common in small municipalities. There will be an agreement, a memorandum of understanding, between the Town and Police Department on the critical issues.

Attorney Smith stated that this is a voluntary program, and the Town can decide, on a case by case basis, to help Southington or not. There is flexibility, obligations are limited, and this type of agreement is authorized by State statute, and the framework of the agreement is defined by statute.

In the agreement, Ms. Flynn-Harris did not see any advance notice of days for requested assistance.

This has not been discussed and Mr. Milone said there is no easy way to predict, without experience, and it is a wait and see, and managed as things evolve. He will request Chief Dryfe to provide a report on the program is working out and its impact.

Mr. Sima is in favor of this agreement, and asked about a similar agreement with the Fire Department and other towns.

Mr. Milone stated there is a mutual aid agreement in place, and Cheshire is a first responder for an emergency to an under-staffed police or fire department. These are State statute provisions and guidelines, with a document that exists for a clear understanding of the role of town departments when another town calls for an emergency response request.

Attorney Smith said there is the same basic framework for the fire and police departments. It is optional, without any obligation on the Cheshire departments.

If a Southington police officer is on a job in Cheshire, Mr. Slocum said that he is essentially a "Cheshire police officer" and is covering traffic and road duties, and would be a first responder, if needed.

VOTE The motion passed unanimously by those present.

D. Approval of multi-year FiberTech agreement for the Public Works Garage and Artsplace.

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-5.

RESOLUTION #081313-5

BE IT RESOLVED, that the Town Council approves a five year contract with FiberTech for installation and use of fiber cable to the Public Works Garage and Artsplace.

Discussion

Ms. Flynn-Harris said this is bringing two of the Town's outlying areas into the basic network – PW Garage and Artsplace. This gives both the ability to use and be part of the network, applications, servers being upgraded, data bank, customer service capabilities, etc. Artsplace has a demand for customer service and will use some of the applications for their services. There are about 8 of these agreements in place, and this is the last linkage of the fiber optics. At some point, Ms. Flynn-Harris said we will need to look at a whole telecommunications system, which could realize savings with upgrade of the telephone system and going more I.T.

VOTE The motion passed unanimously by those present.

E. Approval of State of Connecticut Department of Transportation Agreement For the Development of Contract Plans, Specifications and Estimates for The Farmington Canal Heritage Greenway.

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-6.

RESOLUTION #081313-6

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a State of Connecticut Department of Transportation Agreement for the Development of Contract

Plans, Specifications and Estimates for the Farmington Canal Heritage Greenway between the State of Connecticut and the Town of Cheshire, and

BE IT FURTHER RESOLVED, that Michael A. Milone, Town Manager, be and hereby is authorized to sign the agreement entitled "Agreement between the State of Connecticut and the Town of Cheshire for the Development of Contract Plans, Specifications, and Estimates for the Farmington Canal Heritage Greenway Utilizing Federal Funds under the Transportation Enhancement Component of the Surface Transportation Program, State Project No. 25-135, Federal-Aid Project No. PEDS (49).

Discussion

Mr. Sima stated that this is an agreement with the State of Connecticut and Cheshire to get state and federal funds to get the West Main Street to Jarvis Street project completed. The project cost is up to \$3.4 million, with Cheshire's share at \$340,000. The Town must enter into this agreement to capitalize on these funds.

The Council was informed by Attorney Smith that there is a provision which requires the Town to reimburse the State if the project is cancelled without good cause, and lack of funding by the Town is not considered good cause. There is a commitment by the Town at risk of repayment for seeing this project through and appropriation of the necessary money. The penalty is up to \$65,000.

Regarding cancellation without good cause, Mr. Falvey asked about guarantees of state and federal funds coming and paying for the project, and what happens if they do not pay. Does the Town have to pay \$65,000.

Attorney Smith advised that the penalty up to \$65,000 is only triggered if the Town cancels the project.

There is a good chance of this project not going to referendum, but Mr. Ecke asked what happens if it goes to referendum and is defeated...would this be good cause.

Attorney Smith said that State would not care why the Town did not get the money, i.e. failed referendum, vote of the Town Council, and all it says is lack of sufficient funding.

Some of the increase in this project was moving the parking spot to the north side of Jarvis Street, and Mr. Sima said the Town is designing and building part of the greenway and bridge. This would have been part of the State's design and cost, so they are fully committed to this project going forward. The State has put a lot into the project, and the extra money to insure the project is done.

Mr. Milone noted there is \$185,000 in LoCIP money and the legislature modified use of this money to make it clear that the expanded use could go towards trails. This is another source of funding to bring the project lower than \$340,000. It will be discussed and decided during the capital budget process.

VOTE The motion passed 8-1; Ecke opposed.

F. Approval of State of Connecticut Department of Transportation Master Municipal Agreement for Construction Projects.

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-7.

RESOLUTION #081313-7

BE IT RESOLVED, that the Town Council hereby authorizes Town Manager Michael A. Milone to sign and execute the agreement between the State of Connecticut Department of Transportation and the Town of Cheshire entitled "Master Municipal Agreement for Construction Projects."

Discussion

This is another agreement, and Mr. Sima noted there is no project underway at this time, but some bridges to be started in the north end to get this federal funding.

Attorney Smith stated that the State DOT is looking at a new way of doing things, and this is a change in format more than substance. The State will have a master document containing all the boiler plate terms and conditions. Going forward the State will enter into individual contracts through a brief letter agreement which will incorporate all of the terms and conditions in the master agreement. It is similar to the fiber tech agreement the Council looked at...the two page document talks about the specific project, where it will be located, the costs, contact people, timing, etc. DOT plans to go forward in the same way rather than negotiate new agreements every time there is a new project. They will negotiate a two page set of specifications. The boiler plate is heavy on process and procedures, obligations of the Town with respect to reimbursement procedures, plan review and submission. This does not represent a significant variance in the basic terms, and DOT will be handling contracts in a different way.

Mr. Milone commented on every grant having a resolution. In the past there was a boiler plate which applied to all funding at the State level. Then, they send the Town a boiler plate after the fact that has minor changes, requiring the Town to act again. From an operational standpoint, Mr. Milone said dealing with DOT can be tedious at times due to their being overwhelmed with the volume of work. As a result, things get bogged down, and projects get held up. Their intent is to streamline, and the master agreement may help in this regard.

VOTE The motion passed unanimously by those present.

G. Approval of Senior Dollar Days at the Community Pool.

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

BE IT RESOLVED, that the Town Council approves Resolution #081313-8.

RESOLUTION #081313-8

BE IT RESOLVED, that the Town Council approves a temporary reduction in the daily passes for visitors 65 years of age and older to \$1.00 for August 26, 2013 through August 30, 2013.

Discussion

Ms. Nichols stated this temporary fee reduction is a way to introduce senior citizens to the community pool, and it is in effect for a one week period. When the pool project goes forward, she expects there will be changes in the way the pool is offered to citizens of all ages. The \$1.00 pass is for seniors, people over 65 years of age, and she does not believe it is specific to Cheshire residents only.

VOTE The motion passed unanimously by those present.

H. Approval of assignment of tax liens.

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #081313-9.

RESOLUTION #081313-9

WHEREAS, The Town entered into a contract with American Tax Funding, Inc. entitled "Contract for the Purchase of Delinquent Tax Liens for the Town of Cheshire, Connecticut (the "Contract") dated May 29, 2013, and

WHEREAS, pursuant to the Contract, American Tax Funding Inc., purchased from the Town the tax liens set forth in a certain Schedule A spreadsheet dated July 16, 2013, and totaling \$282,015.56 (The "Tax Liens"),

WHEREAS, American Tax Funding Inc. has requested that the Town provide written authorization for it to assign the Tax Liens to Cheswold (TL), LLC;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves the assignment by American Tax Funding Inc. to Cheswold (TL) LLC of the Tax Liens; and that the Town Council authorizes the Town Manager to provide written authorization to American Tax Funding Inc. for such assignment, and to execute any and all appropriate documents necessary to effect such assignment.

Discussion

This is the annual assignment of uncollectible taxes to an outside firm, and Mr. Schrumm said American Tax Funding works to collect the taxes. This year the amount is \$282,000. American Tax Funding will be working with another company and the Town recognized this fact, and nothing changes.

Mr. Sima commented on the fact that the Town is not foreclosing on these properties, and the company will work with the property owners.

VOTE The motion passed unanimously by those present.

In response to a question from the Council regarding the costs of the fiber tech agreements, Mr. Milone advised that for the Police, Fire, Pool, Parks and Recreation, Library, the fee is \$800 per department per month for a total of \$9,600. For the PW Department and Garage and Artsplace the fee is \$1,000 a month per department.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

Reports are in Council packets.

B. Department Status Reports.

Reports are in Council packets.

C. Other

Money Magazine – Best Place to Live Ranking. Mr. Milone informed the Council and the public that Cheshire is ranked #39 out of the top 50 places to live for population 10,000 to 50,000 people. Key elements considered were economics, education, crime statistics, quality of life, recreation, cultural opportunities, financial health of the community and mill rates. More information will be forthcoming on this ranking which will be forwarded to the Council members.

Monthly Financial Report – the Town is one month into the new fiscal year; there was about \$182,000 in additional State revenue; we will not have to use the debt service reserve funds; and with a high tax collection rate the Town will have a good cushion.

FY 2013 Closeout – The reconciliation is about completed; transfers will be made at the August 27th meeting; the best estimate of the surplus is \$840,000, and it could be about \$900,000. Expenses were lower than projected; FEMA reimbursements were higher than expected.

G.F.O.A. Award for Excellence in Financial Reporting – A Certificate of Achievement was awarded to Finance Director Jaskot for the Comprehensive Annual Financial Report. Mr. Milone read an excerpt from the news release about the award.

Library Summer Saturday Hours – The Saturday opening is going well, and Ms. Burkey, Director, submitted a report to Mr. Milone. There is higher patronage than an average Saturday. The cost of the Saturday opening is \$4,000.

Wastewater Treatment Plant Upgrade Bid – August 14, 2013. The date for bid openings was pushed out two weeks due to the New Haven project bid opening date and interested bidders needing more time for document review. It is expected the number will be lower than \$32.1 million. We will have an estimate of savings based on the bid process.

Bulky Waste Bid August 22, 2013 – The information on the bids will be communicated to the Council. If the collection is approved it would have to take place in early to mid September.

Automated Recycling Update – A spreadsheet showed the tonnage variances 2012 to 2013, and Mr. Milone said there were two elements involved - \$70,000 savings from the contractor and the projected \$50,000 savings from less tonnage to the Wallingford facility. The projection was a 10% tonnage reduction, about 700 tons, and this has not been seen. There is less tonnage, down to about 167 tons for the year. The report shows the month by month tonnage variances.

A.J. Waste provided information on the increase of tonnage, +150 tons, from the same period last year. Factoring in part of November and December it adds another 30 to 40 tons.

The Policy Board meeting last month showed most other towns are seeing a marked increase in residential trash to the plant. Wallingford +8%, Cheshire +2%, Hamden +10%, North Haven +15%. This could be due to the wetter spring and weight added to the material transported. Our statistics on the rain and snow dates did not bear this out, but the big difference is in the snow with 8 inches last year and +40 inches this year.

Mr. Milone will ask the Solid Waste Committee to meet in September to consider continuing efforts to promote and heighten people's awareness on the importance of recycling. It might also be that without the bulky waste collection, many items are getting to the plant. Overall people are pleased with the recycling program, and there are no complaints. He will also check into the calibration of the scale, and when it is done.

Development Projects Status – A report on recent economic development activity was prepared by Mr. Sitko and it was in the Council packets.

Sidewalk Grant – Cheshire did not receive the sidewalk grant "Main Street Investment Fund" for sidewalk extension on West Main Street. It was hoped the Town would

receive \$100,000 for this work, since it would compliment the streetscape improvements.

Public Works Projects Status – The department is in the second phase of the paving which is almost completed; the third round starts in early October; and all the work will be done on time. Sidewalks bid award was received last week for around Town Hall, Town Center, parklet to Town Hall, and the start date is in about two weeks. This project may need a supplement to the appropriation; there is money left over from the Church Drive project (CNR). The pavers will be upgraded to a new product as they are more durable.

Upcoming Meetings – Special Town Council and Budget Committee (with BOE), August 14th, 7:00 p.m. Cheshire High School Library; Special Town Council and Budget Committee Meeting, August 15th, 7:00 p.m. Council Chambers; Public Hearing and Joint Special Town Council and Budget Committee Meeting, August 20th, 7:30 p.m. Room 207; Special Town Council Meeting, August 27th, 7:30 p.m. Council Chambers.

Town Hall closed on September 2, 2013, Labor Day.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
No report.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Community Pool Evaluation Committee (CCP) – Ms. Nichols reported that the committee has met all summer and is prepared to present its recommendation for a permanent structure for the pool to the Council. CCP minutes have been published and there is information on the CCP web site. CCP looked at 11 possibilities, narrowed it down to 3 options, and will present one to the Council on August 15th.

Mr. Sima asked for more specificity, i.e. has CCP gone out to an architect or certified designer for schematic designs. He asked if the Council would get prior information and overview on the pool structure before the CCP presentation.

There are no specific designs, but Ms. Nichols explained there are proposals from companies who have made proposals. All questions will be answered by the CCP representatives. There has been extensive research on costs and construction and all other related issues which will be given to the Council, and questions will be answered.

Chairman Slocum commented on receiving information from Mr. Purtill and Mr. Wetmore that the CCP choice is a tension membrane structure at \$3 million estimated cost. A selection of designer and builder would be made to the Council. While it appears that this is not a proprietary product, there are processes and design principles

involved to be discussed with the Council. Because this will be a referendum item, the public will need to know the costs and information on the proposed structure.

Since the pool project is not a typical construction project and is more a design/build, Mr. Sima said we must insure everything follows the Town Charter

B. Miscellaneous

11. APPROVAL OF MINUTES

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

MOVED that the Town Council approves the minutes the Regular Meeting of July 9, 2013; Special Meetings of July 17, July 30, and August 1, 2013, subject to corrections, additions, deletions.

Correction – July 30, 2013, street sweepers were rented for “**three**” months in this fiscal year.

VOTE The motion passed unanimously by those present.

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

MOVED to correct the minutes of June 11, 2013 as follows: Page 8, Resolution #061113-5, Discussion, line 7, change reducing to “increasing”; and Page 10, paragraph #2, line #2, 2010 should be “2012”.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Historic District Commission – Ms. Nichols informed the Council that the commission will be presenting a narrated “Trolley Tour” of historic districts in Cheshire on September 29th, at Noon, 2 p.m. and 4 p.m.; tickets are \$20 per person. Information is on the web site, and the Historical Society.

WPCA – Mr. Schrumm reported that the bids for the treatment plant upgrade will be opened on August 14th.

Ms. Flynn-Harris reported on a new West Main Street business “Renew Furniture” which is partnering with Artsplace for a fundraiser for I-Charity. The fundraiser will be an auction of 15 hand made and painted chairs, by local artists, on display at 15 locations in Town. These chairs will be auctioned off in October, a date to be determined.

B. Appointments to Boards and Commissions

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

MOVED that the Town Council approve the following appointments:

Jon Fischer (R) to the Planning and Zoning Commission, Alternate, to replace Edward Gaudio, term of office present to 12/7/13;

Rose Solla (U) to the Youth Services Committee, to replace Jason Pinkus, term office present to 1/31/14;

Joyce Karklel (U) to the Performing and Fine Arts Committee, to replace Shawn Kilmartin, term of office present to 1/31/15;

Pauline Cacace (R) to Beautification Committee, to replace Jeremy Linder, term of office present to 1/31/14.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Slocum informed the Council on an article in the *Waterbury Republican* highlighting Ralph Rowland, a 92 year old Cheshire resident. On behalf of the Town Council, Mr. Slocum saluted Mr. Rowland. A communication was also received from a taxpayer who owns a business in Town.

B. Miscellaneous

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

MOVED that the Town Council enter Executive Session at 8:55 p.m. to include Town Manager Milone, Town Attorney Smith, Lisa Davis and Ray Sima, members of the Board of Directors of Chesprocott, to discuss pending claims and litigation and personnel matters.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 9:40 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Mr. Schrumm; seconded by Ms. Nichols

MOVED to adjourn the Town Council meeting at 9:40 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk