

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING HELD ON TUESDAY, AUGUST 11, 2015, 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 Oris, Thomas Ruocco, James Sima, Peter Talbot.

Staff: Michael A. Milone, Town Manager; James Jaskot, Finance Director; Ramona Burkey, Library Director; Police Chief Neil Dryfe.

**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.**

Joseph Bandurski, Lancaster Way, read the newspaper article about 29 non-union employees not receiving raises when everyone else gets a raise, and questioned this issue.

Chairman Slocum explained that the Council addressed the salary bands at the upper level of non-union job classifications, and raises were calculated for all employees in the Town budget at 2.5% for this year. He said action of the Council could have maxed out the hourly rate raises for someone at the upper band, which would leave Town Manager Milone with discretion of making up the difference with a lump sum payment. Non-union raises were voted on during the budget process this year.

Town Manager Milone stated that 70 people are in the non-union group; 35 of them are full time non-union employees. There is a pay range for union and non-union job classifications, and Mr. Milone asked for an increase in the non-union maximum pay range because it was not keeping up with the union rate of increase. Some people were entitled to a 2.5% raise which would put them above the maximum, and they would receive a lump sum payment for the difference which is not built into their base. The employees affected get the full increase in two parts -- biweekly salary increase and lump sum difference payment.

Mr. Bandurski commented on the north end mall not going forward, and asked about a future chance to hold money from a developer when they pull a project.

In response Mr. Slocum noted the risk was taken by the developer and land owner and it did not work out. He does not know what the Town could do to recoup any losses. In

this year's budget the Council recognized anticipated building permit revenue, with expenditures against this revenue for Fire Marshal and Building Department staff.

Mr. Oris stated the importance of people understanding the Council did not vote against approving potential raises for non-union staff, but voted to not move the higher end of the band for job classifications. The Council budgeted 2.5% raises for staff, based on merit, and someone at the maximum receives and increase with the difference paid in a lump sum check. He further stated Town employees are important to the Council, which wants to ensure they earn a fair living while being prudent and responsible to the taxpayers.

Steve Levitt, 892 Cornwall Avenue, suggested a solution for the \$400,000 shortfall as a result of the loss of the W.S. mall development. He said the reason cited for the \$1 million fire truck was a 146 unit apartment building and not having a truck available for a high rise building in connection with the mall. The fire truck is no longer needed. After a referendum approval and something is no longer needed he questioned why the Town would purchase the fire truck. There was print material for the referendum on the truck which stated it was needed for a large building. Mr. Levitt would not want the Town to sign off on a fire truck at this time as the referendum reasons said it was for the mall and high rise apartments.

The referendum cannot be undone, and Chairman Slocum stated the Cheshire Fire Department cited other reasons for the fire truck than the mall development. In future budgets there will be requests for replacement of fire trucks which Councils will look at with full clarity.

Ms. Flynn-Harris, former Chair of the Planning and Zoning Commission, explained that when the PZC passed this application, at no time was there a high rise apartment building talked about. They were town houses to be built, and PZC did not approve apartments, and the development was not the major reason for a new fire truck. She noted many homes in Cheshire are set back from the street and the CFD needs access to them for public safety.

Town Manager Milone stated the fire trucks are critical to Cheshire in terms of their horizontal extension, quick response time to a fire, and having only one aerial truck responding from the center of Town...which is not in the best interests of the Town.

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

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-1

RESOLUTION #081115-1  
CONSENT CALENDAR FOR AUGUST 11, 2015

BE IT RESOLVED, that the Town Council approves the Consent Calendar for August 11, 2015 as follows:

- A. Acceptance and appropriation of a \$400 donation from Cheshire High School to the Youth Services Gift Account for general purposes.
- B. Acceptance and appropriation of a \$50 anonymous donation to the Human Services Gift Account for general purposes.
- C. Acceptance and appropriation of a \$180 donation from Operation Fuel to the Cheshire Fuel Bank.
- D. Acceptance and appropriation of a \$50 donation from Larry Erwich for the Cheshire Dog Park.

VOTE           The motion passed unanimously by those present.

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

**6.     OLD BUSINESS**

**7.     NEW BUSINESS**

**A.     Approval of proposed amendment to Building Permit Fees Ordinance Section 3-3.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-2

RESOLUTION #081115-2

BE IT RESOLVED, that the Town Council approves a proposed amendment to the Building Permit Fees Ordinance Section 3-3 (c) as follows:

**Sec. 3-3 - Same - Implementation, Sections 118 through 118.5 regarding fees.**

*(c) Fees for all types of construction, renovation, expansion or other building fees shall not be charged for municipal projects, with the exception of the Office of the State Building Inspector Educational Training Fee.*

Said amendment shall take effect 21 days after publication.

Discussion

Ms. Nichols commented on the fact that there is no charge to towns for building fees for municipal projects. However, the State does charge building inspector educational training fees and payment of this fee must be transparent from the Building Department budget. The resolution clarifies how these fees are set up and paid in the department budget.

VOTE           The motion passed unanimously by those present.

**B.     Approval of distribution of a \$5 discount toward Artsplace classes  
To the approximately 80 participants of the children's FULL STEAM  
AHEAD summer reading program finale at Artsplace.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-3

RESOLUTION #081115-3

BE IT RESOLVED, that the Cheshire Town Council authorizes the offering of \$5 discount coupons to children participating in the FULL STEAM AHEAD summer reading program finale on August 24, 2015 at Artsplace; said coupons will be good for \$5.00 discount off any one Artsplace class for which the recipient registers by Spring 2016.

Discussion

Library Director, Ms. Burkey, explained that this is a cross promotion of Town programs, and this year the finale will be held at Artsplace to showcase the facility and its activities.

VOTE           The motion passed unanimously by those present.

**C.     Authorization to apply for a \$250,000 State Library Construction Grant.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-4

RESOLUTION #081115-4

BE IT RESOLVED, that the Cheshire Town Council authorizes and approves the application for a State Public Library Construction Category 2 Grant for \$250,000 to be used for Phase 2 of the Library reconfiguration project.

Discussion

Ms. Burkey informed the Council that this grant application is due on September 1st to the State Library. A capital budget request has been submitted for \$250,000, for a total reconfiguration project of \$500,000. In 2012 grant funds were used for the Library

rehabilitation and reconfiguration work in the main level of the facility. The lower and upper levels are in need of upgrade; lower level restroom is needed; and natural light improvement and quiet study areas would be in the lower level. This grant application must be approved by the governing body before submission to the State Library.

Regarding the anticipated time line for receipt of the grant, Ms. Burkey noted the prior grant took 24 months to go through the entire process. She expects the new project would begin in Spring 2017.

In response to a question about category 1 and 2 grants, Ms. Burkey explained the category 1 standards are more vigorous; the process is longer; and next year the Library could look at a category 1 grant which is for newer construction, renovation and expansions.

Summer programs and attendance have been better than prior summers, and Ms. Burkey stated the reading program had over 700 participants. She said the kids need enrichment programs and reading activities over the summer to be ready for school.

An architect was hired for preliminary design and drawings for this grant application only, and Ms. Burkey has started work on the building which would need an architect for this work. The project would not be a PBC project.

VOTE           The motion passed unanimously by those present.

**D.     Authorization to execute the Police Assistance Agreement with the Borough of Naugatuck.**

MOTION by Mr. Sima; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #081115-5

RESOLUTION #081115-5

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

Discussion

Chief Dryfe informed the Council that this agreement is similar to the one approved a year ago with the Southington Police Department, with some minor language changes.

In the last year the Cheshire Police Department (CPD) officers have worked 35 - four hour extra duty assignments in Southington, and this is less than anticipated. There have been no complaints about officers on either side nor any concerns about the agreement. Naugatuck has an agreement in place with other towns for extra duty

assignments, with some assignments unfilled. The assignments are on a volunteer basis, with Cheshire extra duty getting filled first. Chief Dryfe supports police officers doing this work for which they are trained than taking a second job in another business. The union brought the request to the Chief who is bringing it forward to the Council. It is anticipated there will be more assignments in Naugatuck because of staff shortage and it being a larger town.

CPD will collect an administrative fee for the extra duty work which offsets any costs to Cheshire.

Mr. Milone stated there are no administrative challenges or burden which was an original concern.

The program is in the MUNIS software and Mr. Jaskot said once the information is in there are no issues.

VOTE           The motion passed unanimously by those present.

**E.     Acceptance and appropriation of Connecticut Department of Transportation 80% matching grant for wheelchair accessible vehicle, and authorization to execute agreements for same.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-6

RESOLUTION #081115-6

BE IT RESOLVED, that the Town Council accepts a Section 5310-A 80% matching grant from the Connecticut Department of Transportation (CTDOT) grant for the purpose of a wheelchair accessible vehicle, authorizes Town Manager Michael A. Milone to execute the acceptance certificate and any and all agreements for said grant, and certifies that the Town of Cheshire has sufficient resources available to provide the additional 20% funding needed for purchase and operation of the vehicle.

Discussion

Mr. Ruocco stated this resolution is for purchase of a new senior mini-bus which will expand the fleet. Cheshire has gotten senior mini-buses from prior grants, and two new mini-buses arrive in September. This bus will take over a year to arrive, and the current older bus will be sold. With the sale of the bus and the revenue from the jitney bus fund the 20% cost to the Town will be covered.

VOTE           The motion passed unanimously by those present.

**F.     FY 14-15 General Operating Budget Transfers**

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-7

RESOLUTION #081115-7

BE IT RESOLVED, that the Town Council approves the transfers for the FY 14-15 General Operating Budget as presented and attached.

Discussion

Mr. Schrumm commented on there being only \$93,900 in transfers out of a \$100 million operating budget, and this being the smallest transfer ever. He commended Mr. Milone, Mr. Jaskot, Finance Department and Town department heads for a great job in keeping track of the funds.

There are four budgetary transfers for the year ended June 30, 2015 -- Town Manager \$4,500; Town Attorney \$86,100; Public Health \$2,900; Fine Arts \$400; total of \$93,900.

Town Manager's Office - \$4,500. The Town Manager's salary increase \$3,561 was never budgeted; the office had a resignation with payment for accumulated sick and vacation time; and there were expenses for temporary secretarial services.

Town Attorney Legal Services - \$86,100. There were extra legal expenses for the cell tower work, lawsuit against the DOC with meetings and filings, and the pool construction project.

Public Health \$2,900 - legal fees from personnel issues for the prior director shared between Cheshire, Wolcott and Prospect; Town Council approved payment of these fees which were more than budgeted.

Fine Arts \$400 - payment for art instructors which went over budget; revenue from programs helped offset the overage.

Mr. Jaskot will have the quarterly report to the Council along with an update on the fiscal year surplus. He said the original surplus was expected to be \$423,000; \$1.015 million is now the projected numbers; \$700,000 of the surplus goes into the FY 15-16 budget

The Council was informed by Mr. Jaskot about additional revenues which have come into the Town, including FEMA grant of \$100,000, ESC Funding of \$25,000, Miscellaneous Revenue of \$25,000, CIRMA distribution of \$24,000, along with Town and BOE encumbrances. Favorable revenue is also due to the high tax collection which generated +500,000.

Expenditures were \$385,000 more favorable; department revenues were ahead of projections; employee benefits are tracking favorably; CPD controlling overtime; CFD under-expended by \$150,000; PW had \$42,000 less expenditures than projected.

Fund Balance - \$9.7 million or 9.4% of the operating budget; this is \$600,000 more than projected; some of this money will be used to pay for the WWTP debt service; WPCD has a \$70,000 deficit due to loss of revenue from the DOC; Community Pool has a \$40,000 fund balance.

VOTE           The motion passed unanimously by those present.

**G.     Approval of lease of a portion of Boulder Knoll Farm for Sunflower Project.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081115-8

RESOLUTION #081115-8

BE IT RESOLVED, that the Town Council approves a lease for a portion of the Boulder Knoll Farm property to Kerry Deegan for a charity sunflower project under the terms and conditions as presented.

Discussion

Mr. Sima said this lease goes back many years and the profits from the flower sale go to charity.

Kerry Deegan informed the Council he is partnering with Yale New Haven Hospital with profits going to the facility. He is very involved with the healing gardens at the hospital, and is hoping for a good season with profits benefiting the hospital. Mr. Deegan expressed appreciation for Council support of his project, and noted many visitors come to the site to see the colorful flowers.

VOTE           The motion passed unanimously by those present.

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

**A.     Monthly Status Report. In Council packets**

**B.     Department Status Reports. In Council packets**

**C.     Other**

**Monthly Financial Reports** - the reports are for the end of last year and first month of this fiscal year.

**W.S. Development Project Impact** - Mr. Milone referred to his memo of August 11th, and explained the budget impact. Revenue estimate was \$424,021; Savings estimate

and additional ECS grant revenue = \$244,268; balance (\$179,753). The Town has a \$125,000 contingency; tax collection will be +\$400,000; last year's surplus is \$1 million; and Mr. Milone is comfortable with where we are and closing out the fiscal year with a surplus.

Mr. Milone referred to the memo from Town Planner Voelker who outlined and clarified the zoning approvals for the W.S. Development. He read an excerpt from paragraph #2 into the record.

The retail phase of the project expires 2/23/19; mixed use phase expires 7/22/18; residential use comes under Section 45B.1.1 of the regulations. Due to the need for utility connections any project would require high volume residential component to make the project worthwhile. Mr. Milone read an excerpt from paragraph #3 into the record.

Ms. Flynn-Harris said the zoning change only applies to this parcel of land. She commented on W.S. wanting to enhance the area with plans for the culvert and natural resources.

This is a unique area in the north end of Town and Mr. Schrumm said there is an historical culvert there which will have renewed interest. The Town may have to start working with the private owner to preserve some of the uniqueness of this parcel.

Chairman Slocum commented on the historical features of this area, and asked if the Town proposes any costs for the culvert work, and making concerns known to the private property owner.

Mr. Milone will check with the Town Attorney on these issues.

It was stated by Mr. Sima that there are no utilities on the site, two roads to the parcel, and Southington has brought in major utilities to the town line on the property. He wants to insure there will not be development on one part of the site and does not want a split project in there on the Cheshire property.

**Quinnipiac University Student Housing/Zoning Issue** - letters have been sent to the owners of houses rented to college students. The letter outlines the zoning regulations, need for compliance, and actions take for non-compliance. Mr. Voelker will check with the vice president of the university on house rentals to students.

**Public Works Projects Status Update** - the report is in the packets; Town Hall parking lot being repaved; night time parking is available at the Grange and in the small plaza.

**State Claims Commission Complaint Status Update** - Mr. Milone read the letter for Attorney Donnelly into the record. He pointed out this is another indicator that problems are not coincidental with the Attorney General disregarding an obligation to respond to the Town. Attorney Donnelly is writing a letter to the Attorney General; Mr.

Milone will be writing a letter to Cheshire's State Delegation about the creation of obstacles; and it is possible the January hearing could be delayed without the Attorney General receiving documents.

Mr. Slocum suggested the Town Manager write a letter to the Governor about this issue, or copy him on the delegation letter.

**Pool Interior Work** - this work will not interfere with the construction; everything has been done (painting, new benches, new lockers, resurfacing locker room and lobby floors); costs will be paid out of the operating budget, about \$22,000; and with Council approval some funds from the insurance proceeds could be used.

**Hazard Waste Collection** - August 29th. Volunteers are needed 9 a.m. to Noon.

**Upcoming Meetings** - Capital Budget Schedule: August 12, 2015, 7 p.m.; August 13, 2015 7 p.m.; August 18, 2015 Public Hearing, 7:30 p.m.; August 20, 2015, 7 p.m.; August 24, 2015 7 p.m.; August 25, 2015, Adoption of Capital Budget.

#### Council Comments and Questions

Mr. Sima looked at the galvanized steel delivered for the pool, noted problems with rust spots, and requested this be checked out. He asked that the old bridges, with caps down, at the Linear Trail (Jarvis and West Main) be repaired by the contractor.

The State is widening their portion of the trail in September, and Mr. Milone said completion will be 12 to 14 months. November 2016 is the time line for the West Main Street to Southington line completion.

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

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

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

#### **B. Miscellaneous**

Pool Oversight Committee meets twice a month.

Mr. Sima stated the contractor trailers are on the pool site, and to visit the site during construction, one must go through the proper channels.

Town Fair September 12th - the pool area is cordoned off; Bartlem Park will be okay for fireworks this year; Route 10 will be designated "Medal of Honor Highway" with recognition of Barney Barnum, and ceremony about 2:15 p.m.

Hawk System at West Main Street - Mr. Schrumm asked if this system would be completed by November 1st. Mr. Milone will check on this and advise.

**11. APPROVAL OF MINUTES - Regular Meeting of July 14, 2015 and Special Meeting of August 6, 2015.**

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

MOVED that the Town Council approves the minutes of the Regular Meeting of July 14, 2015 and Special Meeting of August 6, 2015, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

**12. MISCELLANEOUS AND APPOINTMENTS**

**A. Liaison Reports**

Public Building Commission - Mr. Sima reported that the BOE and PBC are confident the locker room space will be ready for use in September; lockers will not be on site, but delivered later due to need for reorder.

Sidewalks - Masonry sidewalk and brick walk at CHS have been completed. Flooring work in all the schools, along with air quality, is completed.

CPFA - John F. Kensett 200th birthday celebration plans are underway; Councilors and Town Manager may be able to dress in period costumes; exact dates for the celebration are forthcoming.

**B. Appointments to Boards and Commissions**

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

MOVED to appoint Nick Cifarelli (R) to the Public Safety Commission to fill the vacancy of Joseph Falvey, term of office August 11, 2015 to January 31, 2016.

VOTE The motion passed unanimously by those present.

**13. COUNCIL COMMUNICATIONS**

**A. Letters to Council.**

**B. Miscellaneous**

**14. EXECUTIVE SESSION**

**15. ADJOURNMENT**

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

MOVED to adjourn the Town Council meeting at 9:35 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk