

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
NOVEMBER 10, 2015, IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC
HEARING IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT
06410**

Present

Tim Slocum, Chairman; David Schrumm, Vice Chairman; Patti Flynn Harris, Liz Linehan, Sylvia Nichols, Robert Oris, Jr., Thomas Ruocco, James Sima, Peter Talbot. Staff: Michael A. Milone, Town Manager; Michael Donnelly, Town Attorney; James Jaskot, Finance Director; George Noewatne, PW Director; Walter Gancarz, Town Engineer; Carolyn Soltis, Town Clerk; Joanne Pichnarcik, Director of Artsplace; Vincent Masciana, BOE Director of Management Services. Guests: Diane Calabro, Chair, Historical Society; Betsy Fox, Chair, Historical District Commission

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

On behalf of the Cheshire community and Town Council, Chairman Slocum expressed condolences to Councilor Nichols on the recent passing of her husband, Bruce Klein. Mr. Slocum honored Mr. Klein as an outstanding and impeccable human being, who served the Town of Cheshire for many years as a member and Chairman of the Housing Authority, and a good friend to many people.

A. Recognition of Town Clerk Carolyn Soltis

Chairman Slocum presented a Certificate of Recognition to Town Clerk Soltis on her retirement and for 29 years of service to Cheshire, 22 of them as Town Clerk. Ms. Soltis was personally congratulated by the Council members, and wished a healthy and happy retirement.

Ms. Soltis commented on enjoying her long run of service in the Town Clerk's office, and her 22 year career as Town Clerk serving the people of Cheshire. She thanked her staff for always being there for her and supporting her. Ms. Soltis noted the Town Clerk's office will be in the capable hands of Laura Brennan, the newly elected Town Clerk. As she leaves office, Ms. Soltis said she is looking forward to retirement.

B. Proclamation for Pancreatic Cancer Awareness Month.

Chairman Slocum read the proclamation for November 2015 as Pancreatic Cancer Awareness Month.

C. John Frederick Kensett Project Presentation.

Joanne Pilarczyk reviewed the plans and activities for the townwide celebration of the 200th birthday of John Frederick Kensett who was born in Cheshire in 1816. She informed the Council the group received a \$3,500 grant to fund the events. Highlights of the events include a free lecture series, hands on workshop, banner contest for the largest birthday card painting for the March birthday, sale of plates for \$25, Artsplace activities, Kensett Kocktail. Ms. Pilarczyk commented on Cheshire being proud to have an artist of Mr. Kensett's magnitude born in Town, and honored with his paintings hanging throughout the world.

Diane Calabro highlighted the Historical Society plans for the birthday celebration of Mr. Kensett and his accomplishments. Plans include a holiday party on December 20th, 1 to 5 p.m. at the Historical Society building, exterior and interior decorations of the house by the Cheshire Garden Club and Suburban Garden Club, and a Garden Club event at the Aqua Turf.

Betsy Fox displayed the Kensett Doll which is visiting all around the Town, State and even Montreal. There is a Kensett Facebook page.

Ms. Pilarczyk informed the Council there will be an insert on the Kensett birthday plans and activities in The Cheshire Citizen, and an actor dressed as John Frederick Kensett walking throughout the Town and local stores.

D. Public Comments.

Chairman Slocum stated that Councilors Schrumm and Sima are sitting at their last Council meeting as their terms come to a close. He explained that Mr. Sima joined the Council in 2007 and has served for 8 year, following 8 years of service on the Board of Education. Mr. Schrumm has a long run of service on the Council along with other civic activities and organizations, and has worked hard for the citizens of Cheshire.

Councilor Sima expressed his appreciation to his Council colleagues over 8 years, with special thanks to Dennis Clark for his support and guidance. Mr. Sima thanked Ruth Podgwaite, former BOE member, Dr. Lau, Andy Falvey, Alan Sobel, Councilor Ann Giddings, BOE members and staff, retired Dodd Middle School Principal Donald Wailonis, Guidance Counselor Lisa Raska, retired Director of Special Education Paul Calaluce, and Town staff, especially Finance Director Jim Jaskot.

Councilor Schrumm moved to Cheshire in 1954, and met his future wife, Sally, from down the street. He recommends public service to everyone. He thanked Ruth Podgwaite, his Senior H.S. English Teacher...Town Manager Milone, Jim Jaskot, Town staff, and commented on the outstanding professionalism in Town Hall. Mr. Schrumm expressed appreciation to Sally Schrumm for the many sacrifices she made in order for him to do Town business. He commented on being elected to serve, and people must serve honestly and properly, which he has always tried to do. In closing, Mr. Schrumm cited words of Winston Churchill...that public service/politics is not a game - it is earnest business, and he has taken it seriously over the years. Stating that Cheshire is a great

town, Mr. Schrumm encouraged citizens to do something to advance the town and make it better...and said it is better to serve than be served.

Tim White, 1682 Orchard Hill Road, thanked Mr. Schrumm and Mr. Sima for their many years of service to the community. He applauds the Council and Town for re-voting on support of the clean energy community. The EPA and DEEP acknowledged five (5) towns with a gold star for their work in energy and environment, and Cheshire is one of the towns. The energy management plan and solar farm will save many kilowatt hours by more than 50%.

Derf Kleist, 251 Lancaster Way, distributed a list of police officers and overtime pay for 2015, totaling \$451,000, which affects pension costs. He read a statement from Cindy Kleist into the record.

Sandy Chase, 275 North Brooksvale Road, thanked Council members who reached out to senior citizens, and addressed the petition submitted to the Council. She said Senior Center membership and programs continue to increase, but the budget has not kept up with these costs. The Center awaits renovation with more space for classes and activities and instructions are available for more classes. Ms. Chase requested an increase in the budget to keep up with quality programs and growing senior population.

In response, Chairman Slocum stated the Council is aware of the growing senior population, has addressed concerns from the Director in the FY 2015-16 operating budget. The petition from senior citizens was received and the Council was surprised as it has increases staffing positions and funding. He recommended communication with a staff liaison who would communicate with the Council. Mr. Slocum stated anyone can talk to any Councilor or center staff member. The Council did not have to get a petition which was received with surprise, because Council members address concerns, will look into concerns, and may have suggestions for improvements. It was suggested the Senior Center have a liaison with staff. Mr. Slocum pointed out the Council has ways to receive information without a petition.

Ms. Chase understands more hours for staff was in place, and said she is talking about individual classes to accommodate people to do everything available at the center.

Regarding the additional classes, Ms. Linehan asked if instructors have indicated how much more funding is needed for more classes. She stated the Council is wondering about the increase, and that things must go through the proper channels.

According to Ms. Chase the seniors have no idea of the estimated increase in costs. They pay a nominal fee, people are waiting to get into classes, and some programs have a lottery system.

Stating she has heard what is being said, Ms. Linehan will continue to listen, and have creative ideas.

The Council was informed by Mr. Milone that he has discussed this situation with Ms. Piccerillo and Ms. Ferrell, and the new software will provide how to analyze the class utilization. Classes with lower participation could be phased out and free up money for other classes and programs. He is sensitive to the concerns and will continue to work with staff and report back to the Council. It was pointed out by Mr. Milone that the Director will not over spend any line item, but will look at ways to rearrange funding of programs. Once the center is expanded there will be more room and pressure off the current facility. The Council increased the hours of center employees, and Mr. Milone noted they were the only Town employees to receive increase in work hours.

Ruth Podgwaite stated she is a lifelong Cheshire resident, 88 years old, has paid taxes since 1959, lives alone, and went to the Senior Center for the first time 3 years ago. It is an interesting place; she has lunch there every weekday; enjoys the activities and exercise classes which were reduced to one day a week. Ms. Podgwaite talked about the discussion group on Fridays which is very good and interesting. Senior citizens are people 55+, and the center has been a valuable experience for her.

Henry Chase, 1145 Tucker Road, reviewed the history of the Cox Cable since 1995, Government Channel and Public Service Channel, and his recording of town government meetings, CHS Band concerts, parades, political programming. He noted a Cable TV committee was formed to oversee government programming on CH 15. There was a Medal of Honor Ceremony on Sept. 12th with local, state and national officials present which Mr. Chase recorded for Cox access channel, with a copy to the Town Manager for the government channel. He stated the program did not run on the government channel because it was not a town event...but the live debate hosted by the League of Women Voters did air on the government channel. Mr. Chase questioned why a military ceremony was not able to be shown on the government channel, and suggested a committee be formed to diffuse situations like this that arise.

It was clarified by Councilor Talbot that the question is not the program, but who is producing the program, not the sponsorship. The public access and government channels are different types of programming.

Derf Kleist stated the Senior Center has space capacity for a certain number of people, and suggested using interns from local colleges to be instructors for classes without cost with students getting college credit.

Chairman Slocum noted the Human Services Department uses college interns on a regular basis, and he will ask staff to look into Mr. Kleist's suggestions.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-1

RESOLUTION #111015-1
CONSENT CALENDAR FOR NOVEMBER 10, 2015

BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 10, 2015 as follows:

- A. Acceptance and appropriation of a \$64,950 DUI Enforcement Program Grant.
- B. Approval of indemnification for use of the Regional Fire Burn Trailer For Firefighting Training.
- C. Acceptance and appropriation of \$200,000 DEEP Open Space Grant.
- D. Acceptance and appropriation of a \$50.00 donation from Coldwell Banker Residential Brokerage in memory of Genevieve McGuire to the Cheshire Public Library Gift Account.
- E. Acceptance and appropriation of a \$50,00 donation from Victoria and Brian Wirtz to the Cheshire Public Library Gift Account.
- F. Acceptance and appropriation of a \$208.50 anonymous donation to the Cheshire Public Library Gift Account.
- G. Acceptance and appropriation of a \$15.00 anonymous donation to the Cheshire Public Library Gift Account.
- H. Acceptance and appropriation of a \$20.00 donation from Robert Tucker To the Human Services Gift Account.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

- A. Approval of ordinance amendment for tax exemption for renewable energy generating systems.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-2

RESOLUTION #111015-2

BE IT RESOLVED, that the Town Council approves the amendment to the Code of Ordinances, Section 17-16 (new) as follows:

Sect. 17-16 Property tax exemption for renewable energy generating systems.

Be it ordained, pursuant to Section 12-81 (57) (C) of the General Statutes of the State of Connecticut that, for assessment years commencing on and after October 1, 2015, the Town of Cheshire hereby adopts and authorizes a property tax abatement of 45% for renewable energy systems as set forth in this Section 12-81(57)(C) of the Connecticut General Statutes.

The ordinance takes effect 21 days after publication.

VOTE The motion passed 8-1; Sima opposed.

B. Approval of \$350,000 increase of FY 16 operating budget for allocation Of Surplus Fund Balance to Debt Service Reserve.

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #111015-3

RESOLUTION #111015-3

BE IT RESOLVED, that the Town Council authorizes an additional Fiscal Year 15-16 revenue appropriation of \$350,000 to the General Fund Equity revenue account, increasing it from \$700,000 to \$1,050,000, and an additional FY 15-16 expenditure appropriation of \$350,000 to a Debt Service Reserve Transfer account, increasing it from \$0 to \$350,000. The revenue to support these increases is from surpluses that were generated in prior fiscal years.

BE IT FURTHER RESOLVED, that the Town Council amends the total appropriations for the FY 15-16 General Fund revenue and expenditure budgets from \$105,613,634 to \$105,963,634 accordingly.

VOTE The motion passed unanimously by those present.

C. Legislative Recommendations

Town Manager Milone submitted a draft of the Legislative recommendations to the Council and briefly reviewed the topics in the package.

Consolidated Dispatch Centers - Cheshire is working with Wallingford and North Haven to evaluate establishing a central regional dispatch center. The towns want the State to recognize this and create some incentives.

Prevailing Wage - there has no change since 1991, and Cheshire is requesting thresholds be indexed for inflation.

Storm Water Management Permit Process - the proposed requirements would be an incredibly expensive unfunded mandate on most municipalities; the town proposes to advocate for modifications to the regulations and pursue financial support for this mandate.

Unfunded Mandates - a) modify legal notice requirements, smaller sizes to include basic total and issue on the web site; b) operating costs of Probate Court should be funded out of court fees; Cheshire/Southington court operates out of Cheshire Town Hall with all costs borne by Cheshire; c) require amendment or statutory prohibition of passage of unfunded or under funded state mandates without a 2/3 vote of both chambers of the General Assembly.

Binding Arbitration - modify the law for awards issued no later than 60 days following the date post-hearing briefs are filed.

Municipal Spending Cap-Delay implementation - the Town wants to delay this until FY 2020; Motor vehicle taxes would be capped at 29.6 mills; capping the growth of the town budget at 2.5% from the prior year with exemption of certain categories of expense, i.e. debt service, special education. Municipalities would be penalized for having more revenue, while the State has deficit after deficit, its fund balance has dwindled, and it would impose restrictions on municipalities.

Regarding #3, Mr. Sima has concerns as the impact will be greater to the towns; private property owners will have to find ways to collect water; there will be creation of mosquito havens; and the process should be stopped now due to tremendous impacts on every town.

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

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #111015-4

RESOLUTION #111015-4

BE IT RESOLVED, that the Town Council refers the following FY 15-16 capital projects to the Public Building Commission:

Code Compliance Interior Improvements at Cheshire High School	\$1,383,000
Exterior Storage Building at Cheshire High School	\$ 260,000
Lavatory Improvements at Norton, Chapman and Darcey Schools	\$ 125,000

Discussion

These projects were passed at referendum, and are assigned to the PBC.

VOTE The motion passed unanimously by those present.

E. Authorization for Library Fine Amnesty Week.

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-5

RESOLUTION #111015-5

BE IT RESOLVED that, pursuant to Section 209 of the Code of Ordinances, the Town Council authorizes a Fine Amnesty Week for the Cheshire Library for December 6 to December 12, 2015.

Discussion

This will be a seven (7) amnesty period for late fees for checked out items. Mr. Milone informed the committee that in 2014 the Library collected \$40,707 in fines; in 2015 the estimated collection is \$41,500. The amnesty week is requested by Director Burkey; it has not been done since 2008; and it will enable return of Library products to the shelves.

Ms. Nichols stated her full support of this resolution. She explained that Ms. Burkey is asking people who are returning Library products to also bring a food contribution for the Cheshire Community Food Pantry. Regarding out of town returns, they can be brought back to the Cheshire Library.

VOTE The motion passed unanimously by those present.

F. Authorization to allocate \$10,000 for professional and consulting services for services needed to complete the initial phase for the CHS Concession Stand Construction Group.

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-6

RESOLUTION #111015-6

BE IT RESOLVED that the Town Council authorizes and allocation of \$10,000 for professional and consulting services for the Cheshire High School Concession Stand project from the capital funds for said Project.

Discussion

Mr. Oris stated this is a request from the project committee to hire BL Companies to review the project, insure ADA and code compliance, and make decisions accordingly.

There is \$350,000 allocated for the project, with the committee requesting \$10,000 for consulting services.

Ms. Linehan noted the estimated fee for BL Companies is \$4,800, and questioned why \$10,000 is requested by the committee.

According to Mr. Oris the \$4,800 estimated fee is based on "estimates", and the committee is unsure of what the services will entail. This committee meets weekly and requested up to \$10,000 because of other things which may require these types of services, enabling them to move forward.

Ms. Nichols asked for clarification on the narrow focus for architectural drawings and design phase of the project.

In response, Mr. Oris said the committee wants to move forward, have as much detail as possible, and the money will be used to insure there is total ADA and code compliance for the building. The committee members do not have the expertise for this, and need professionals to advise on the number of bathrooms, the ADA and other code compliance requirements.

VOTE The motion passed unanimously by those present.

G. Award of design work for the Districtwide Lavatory Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-7

RESOLUTION #111015-7

BE IT RESOLVED that the Town Council, pursuant to the recommendation of the Public Building Commission, awards a contract for design, bidding and construction administration for the Lavatory Improvements of Cheshire Public Schools to Silver/Petrucci and Associates at a negotiated fee of \$17,500 and further authorizes the Town Manager or his designee to execute said contract.

Discussion

Mr. Sima reported the PBC is out to bid for an architect to start the design process for improvements at the school buildings. The lowest bidder will be moved forward to the Council to award the contract to complete the design work.

The issue of the very low bid was raised by Ms. Flynn-Harris.

PW Director Noewatne explained the PBC met with Silver/Petrucci, negotiated the fee, and procured a favorable fee for the project. This firm was the only one that re-negotiated with the PBC on their bid amount.

VOTE The motion passed 8-1; Sima opposed.

H. Award of design work for the Senior Center Renovation Project.

Mr. Sima was recused from this agenda item due to possible conflict of interest.

There was no resolution for this item, and Mr. Milone recommended it be tabled and referred back to the PBC.

Last week the PBC met, received verbal information that Robinson Construction was withdrawing their bid. Mr. Noewatne requested a written withdrawal from Robinson. Formal notification came on Thursday, one day after the PBC action of award to J.A. Rosa, the 2nd lowest bidder. In the Robinson letter of withdrawal, the company conditioned it on their bid bond not being affected.

Mr. Milone's judgment is that this is still a PBC issue. The Council will not make a decision on the recommendation knowing there is now a condition attached, which PBC did not know. If the Council does this, it would be taking away the PBC authorization to resolve the issue.

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

MOVED that the Town Council table this agenda item, and move it back to the Public Building Commission.

Discussion

Mike Kelly, 1201 Wolf Hill Road, asked about the procedure being discussed...the item going back to PBC for re-bid.

It is not a re-bid. There is a need to reevaluate the situation and Mr. Milone stated when the low bidder waived his bid, the PBC did not know there was a condition attached. PBC made a decision without having all the facts. Bids can be withdrawn at anytime, but there could be penalties associated with it. This issue falls back to the jurisdiction of the PBC to decide one of two things -- to let the company waive the bid and award it to the next bidder; if this is done, is the bid bond for Robinson pulled; or should Robinson be allowed to go ahead and do the work, as he says he wants to, if the bid bond is pulled. PBC makes these routine decisions, and would have made it if qualifications were included in the waiver. It is not going back to bid; the PBC has to evaluate the circumstances, decide if it will work at the low price (which significantly understates the actual cost of the project), what happens to the quality of the project. There are issues which the PBC is responsible to deal with. The work does not have to go out to bid again as there are other bidders who can receive the award.

Mr. Noewatne talked about the completion date, stating it is 60 days after start of the construction.

It was noted by Ms. Nichols that the basic problem is there was nothing in writing; the original decision was made based on a verbal conversation; and this caused the problem.

There are 5 or 6 bidders and Mr. Milone restated the project does not have to go out to bid. It will come back to the Council, and any issues or concerns can be addressed by the Town Attorney. He suggested the Town Attorney attend the PBC meeting for this agenda item.

VOTE The motion passed unanimously by those present.

I. Streetlight purchasing financing.

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-8

RESOLUTION #111015-8

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION

A copy of the resolution is attached to these minutes.

Discussion

Town Engineer Gancarz informed the Council about interest rates, with Siemens coming back at 2.5% and Bank of America at 1.97% which could be further reduced by the buy down amount. The Town wants to make use of the lowest interest rate. Bond counsel reviewed this and recommended the language in the resolution before the Council for approval. He explained that once Eversource gives the Town the buyout quote, it is good for only 90 days. December 11th is the date to proceed; closing with Bank of America on December 9th; purchase of equipment on December 11th.

Ms. Flynn-Harris asked about the PURA buy down program to include costs for installation of the LEDs but not the portion for the actual buyout of equipment. She asked if this part would still be the 1.97% but the other part would have the impact of the additional buy downs.

In response, Mr. Gancarz stated it is 1.97%; the PURA buy down would reduce this further, about 60% of the project, for installation of new LEDs. \$465,000 is still the

purchase amount, and around \$700,000 for the retrofit. Estimated savings are \$12,000 per year, and \$50,000 over the life of the project.

VOTE The motion passed unanimously by those present.

J. Appointment of Liz Linehan to replace James Sima on the CHS Concession Stand Study Group.

Chairman Slocum appointed Councilor Liz Linehan to the CHS Concession Stand Study Group to replace James Sima (pursuant to Resolution #090815-4) to ensure a continuing Council presence in the Group.

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-9

RESOLUTION #111015-9

BE IT RESOLVED, that the Town Council approves the appointment of Councilor Liz Linehan to the CHS Concession Stand Study Group to replace Councilor James Sima.

VOTE The motion passed unanimously by those present.

**K. Approval of settlement for Lorenzo v. Bodell/Town of Cheshire
Possible executive session.**

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

FY 2015 Financial Results Update and FY 2016 Quarterly Financial Report and FY 2016 Monthly Financial Report. Town Manager Milone reviewed the reports which were in the Council packets.

General Fund Summary shows \$80,000 more in revenue - \$1.095 million; Fund Balance of \$9.4 million or 9.17% of the operating budget.

WPCD has a surplus of \$7,400; fund balance of \$672,000, or 19.8% of operating expenses. Pool Fund has \$52,199 fund balance.

Based on projections now, revenue could be under budget by \$23,000, expenditures under budget by \$90,000; there could be a freeze imposed, if necessary, or modify spending. Some CNR projects could be frozen, and the medical benefits trust fund balance is healthy.

Pool Construction-Arizon Change Order-Completion Date - Mr. Milone reviewed the change order #2 changes moving the completion date from July 15, 2015 to December 18, 2015. This is due to Arizon asking for this change of completion date due to the project started later than it was supposed to...the completion date is later. An action of this type is the normal course of business for the PBC and other projects have had change orders for completion dates. PBC regulations are silent on this. Mr. Milone conferred with Attorney Donnelly, and this matter is before the Council and goes back to the PBC. This change order has no dollar impact; PBC should have conveyed why this is "not within their purview".

Chairman Slocum believes this could be precedent setting for Council action on this matter.

Attorney Donnelly stated this is accepting that there is no fault on Arizon's part that the project is delayed.

If this is not approved by the Council, Ms. Flynn-Harris asked about triggering a penalty.

Mr. Noewatne reported there is a \$500 per day penalty liquidated damage clause. Attorney Donnelly stated this penalty does not start until after December 18, 2015.

This change order is addressing the change of completion date and Mr. Oris said it is stating the Town goes after the contractor after December 18, 2015.

Following this brief discussion, Attorney Donnelly advised the Council that any further discussion should be conducted in executive session.

Chairman Slocum tabled the matter for executive session.

Public Works Projects Update - Mr. Noewatne reported on the following projects.
Pool - foundation work completed; new concrete already tested; steel being assembled and insulated and is on the ground right now; some anchors in epoxy glue pulled out; new epoxy for resetting anchors; fabric membrane will be installed by Thanksgiving; this is followed by internal work (electrical, sprinklers, garage doors etc). Ms. Adams will need about 3 to 5 weeks for interior work -- filling the pool, replacing equipment, etc.

Mr. Oris commented on taxpayers being concerned about more delays with the pool project, and said the contractor should get the job done by December 18th.

The Council was told by Mr. Milone that Mr. Noewatne, Mr. Gancarz and Mr. Darin are at the pool site daily, checking on everything taking place. The Council is given information about the project so they are informed as to what is going on.

Mountain Road - the project is done; the road reopened on November 9th; Town Engineering Division did an excellent job on this road project; it was \$700,000 worth of

work at zero cost to the Town; there will be application for another LoCIP grant for the South Brooksvale Road project.

Milling and Paving - work completed November 9th on 7 to 8 miles of roads; the work will continue next summer.

Treatment Plant - this project was a great success, and Supt. Dievert and Town Engineer Gancarz did a great job.

Linear Trail - the trail is ready for paving except for one segment with drainage issues; the contractor had problems securing some precast structures, but product is expected the end of the month; parking lot culverts being recasted; top soil is being spread; plantings installed throughout the trail; work is ongoing for the plaza area; paving from West Main to about 40% of the way up will be done; once drainage sets will pave the rest of the trail.

Leaf Collection - the Town's program of leaf collection is underway.

Certification of Referendum Vote - Town Clerk Soltis submitted the certification on the referendum vote; staff included a summary of referendum questions, outcomes, and amounts dating back to 1991.

Subdivision Regulations-Acceptance of new Roads and Property - there have been inadequate homeowner associations (HOAs) with the town assuming unnecessary and unwanted responsibilities. The Planning Department is working on revisions to regulations with the Town Attorney to modify the regulations for more teeth in requirements to form an HOA, and the Town's ability to pursue action against homeowners or the HOA if requirements are not met.

Energize Connecticut Award - Cheshire has been recognized as a Gold Star Town, only 1 of 5 in Connecticut for the work done and successful energy initiatives.

East River Energy-Unleaded Gasoline Pricing - Gas prices were negotiated to extend and blend current rates; the decision was made to go to 2017 (not 2018); CPD gasoline price is \$1.98 per gallon (current price is \$2.8191); PW Dept. is \$1.99 per gallon (current price is \$2.8707); savings of about \$40,000 this year, and 1.5% times that next year.

Government Finance Officer's Association Budget Award - The GFOA once again recognized Cheshire for its budget document. Mr. Milone expressed congratulations to Finance Director Jaskot and his staff for this distinguished award.

Cheshire Housing Authority-Tenant Appointment Process - Mr. Milone explained that CHA Chairman Bruce Klein, in the last month of his life, had concerns about the CHA and statutory changes. Mr. Klein sent Mr. Milone an e-mail about this change in that the tenant member was always appointed by the Town Council, and now would be

appointed by the tenants. The other four Board members will be appointed through the process of the political parties, with Council approval.

Department of Corrections Number of Fixed Beds - this is a report from the DOC Commissioner received annually; it states the number of beds, not the number of inmates in the facility.

Cell Tower Updates - Three cell towers are in different stages of construction or modification. Higgins Road - tower height will not be increased or other changes; CPD Tower is going through minor improvements; there is start of construction of the cell tower at the treatment plant site.

South Main Street Walk Light Installation - There have been two recent deaths on South Main Street. Pressure was put on the DOT to pay for the cost of a walk light at the Rite Aid and Everybodys Plaza sites, and the State agreed to this payment. The Town would do curb cuts and sidewalk. The work is ready to start, and DOT sent a letter to the Town reneging on the cost of the crossing lights. Mr. Milone and staff will assemble the history of correspondence on this matter and pursue the matter. The State is asking the Town for something in return in another part of town, so there is some leverage.

Upcoming Meetings - December 6, 2015-Swearing In Ceremony; December 7, 2015 Town Council Organizational Meeting; December ? 2015 for Pre-Budget Planning Meeting. When confirmed dates and times are set, Council will be notified.

Upcoming Holidays - Veteran's Day, November 11th, Town Hall Closed; Thanksgiving, November 26th and 27th, Town Hall closed.

Mr. Noewatne informed the Council that the HAWK system is being prepared; DOT has not given final design approval.

Mr. Schrumm stated it must be made clear to the PZC that subdivision regulations must be enforced. He commented on the cell tower law change, with the burden on the company to report to the Tax Assessor.

Holiday Event - Mr. Slocum asked Mr. Milone and Staff to arrange a date and time for the annual holiday event, hosted by the Council for board and commission members.

The CFD assessment process is ongoing for 3 days this week; it is a rigorous process of 8 hours a day under various circumstances; a paper is written; e-mails are received every 15 minutes for response; some is on film; there is actual simulation to test the full skill set of people; this is done for promotions in the CPD, off site. It is very impressive and vigorous, and 3 panelists will provide the CFD with recommendations for the best candidate. There is a training center simulation from New Haven Fire Department, and Council was asked to approve the indemnification. It is used once a year for training CFD members and regional firefighters.

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

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Chairman Slocum referred the Cheshire Grange Parking Lot agreement to the Planning Committee for review and consideration.

B. Miscellaneous

11. APPROVAL OF MINUTES - Regular Meeting of October 13, 2015.

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

MOVED that the Town Council approves the minutes of the Regular Meeting of October 13, 2015, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Human Services Committee - Ms. Nichols reported on the need for people to become members of this committee, and people can contact a Town Council member to participate in town government.

Cheshire Housing Authority - this board has vacancies and welcomes people to join.

CHS Concession Stand Study Group - Mr. Oris reported the group meets weekly with CHS administrators; the process is advancing; consulting funds were approved by the Council; and the project will advance in a timely manner.

Youth Services Committee - Ms. Linehan reported that the Juvenile Review Board (JRB) has closed two cases; one case is pending; and the program is great and helping troubled youth in Cheshire.

B. Appointments to Boards and Commissions

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

MOVED to appoint Leslie Hutchinson (D) to the Performing and Fine Arts Committee, to replace Maricele Rieman, term of office 11/10/15 to 1/31/17.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Slocum referred to a letter from Dr. Giddings about Boulder Knoll Farm, and will forward a copy to the Council members.

B. Miscellaneous

14. EXECUTIVE SESSION

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

MOVED that the Town Council enter Executive Session at 10:20 p.m. to include Town Manager Milone, Town Attorney Donnelly to discuss pending claims and litigation; and PW Director Noewatne to discuss contractual issues.

VOTE The motion passed unanimously by those present.

PW Director Noewatne left executive session at 10:30 p.m.

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

MOVED that the Town Council exit Executive Session at 10:40 p.m.

VOTE The motion passed unanimously by those present.

K. Approval of settlement for Lorenzo v. Bodell/Town of Cheshire

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

BE IT RESOLVED, that the Town Council approves Resolution #111015-10

RESOLUTION #111015-10

BE IT RESOLVED, that the Town Council hereby approves and accepts the settlement as presented for Lorenzo v. Bodell/Town of Cheshire, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town any Settlement Agreements as may be necessary in the form and upon the terms and conditions as presented at this meeting, pursuant to the approval of the Town Attorney for form and legal sufficiency.

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

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 10:41 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk