

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
AUGUST 9, 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; Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Thomas Ruocco, Timothy Slocum and Peter Talbot.

Absent: Michael Ecke

Staff: Michael A. Milone, Town Manager; Alfred Smith, Town Attorney; James Jaskot, Finance Director; George Noewatne, PW Director

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

MOTION by Mr. Slocum; seconded by Mr. Ruocco.

MOVED that the Town Council enter Executive Session at 7:05 p.m. to include Town Manager Milone and Town Attorney Smith to discuss land acquisition.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Bowman; seconded by Mr. Talbot.

MOVED that the Town Council exit Executive Session at 7:40 p.m.

VOTE The motion passed unanimously by those present.

4. PUBLIC COMMUNICATIONS

A. Public Comments

Peter Wilcox, 415 Mountain Road, read a prepared statement into the record regarding the Bens Property, a request for the Town to purchase this property, along with the reasons for such purchase.

Chairman Oris questioned if this property was under contract. Attorney Smith said he believes it is under contract.

In that regard, Mr. Oris would not advocate the Town to enter into a contract on this property, and the Town is not in a position to act on the request.

If there is a contract in place, Attorney Smith said the Town could become liable if there is interference with that contract.

Mr. Slocum said the Town usually entertains land offers from the land owners, and the request of Mr. Wilcox would become too complicated.

Ms. Linehan thanked Mr. Wilcox for his involvement in the Bens property situation.

5. APPROVAL OF MINUTES

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

MOVED to approve the minutes of Regular Meeting of July 12, 2016; Public Hearings of July 12, 2016; Special Meetings of July 16, July 19, July 20, July 26 and July 28, 2016 subject to corrections, additions, deletions.

Correction to July 26, 2016 meeting, Resolution #072616-2 - Mr. Ruocco voted in favor of this resolution.

VOTE The motion passed 7-1; Linehan opposed.

6. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #080916-1

RESOLUTION #0800916-1 **CONSENT CALENDAR FOR AUGUST 9, 2016**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for August 9, 2016 as follows:

- A. Acceptance and appropriation of a \$10 donation from Mary Salvatore to the Police Department 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 \$150 donation from Micaela Hill to the Library Gift Account for the purchase of Library materials, furniture and Computers.
- D. Acceptance and appropriation of a \$50 donation from the Cheshire Democratic Town Committee in memory of Margaret Talbot to the Library Gift Account for

The purchase of Library materials, furniture and computers.

- E. Acceptance and appropriation of a \$50 donation from the I Could Have Read All Night Book Club to the Library Gift Account for the purchase of Library materials, furniture and computers.
- F. Acceptance and appropriation of a \$75 donation from Alisia Cedia in honor of Gina Morrisroe, Colleen Perry and Kathy Lochowski to the Library Gift Account For the purchase of Library materials, furniture and computers.
- G. Acceptance and appropriation of a \$20 anonymous donation to the Library Gift Account for the purchase of Library materials, furniture and computers.
- H. Acceptance and appropriation of a \$50 donation from Cheshire Highland School Staff in memory of Adoria Corcoran to the Library Gift Account for The purchase of Library materials, furniture and computers.
- I. Acceptance and appropriation of a \$96.50 donation from the lobby donation box to the Library Gift Account for the purchase of Library materials, furniture and computers.
- J. Acceptance and appropriation of a \$100 donation from Kyum and Gail Pyun to the Library Gift Account for the purchase of Library materials, furniture and computers.
- K. Approval of indemnification clause in Memorandum of Understanding with The Connecticut Department of Emergency Services and Public Protection For use of mapping products.
- L. Acceptance and appropriation of a \$20 donation from John and Joanne Casberg To the Human Services Gift Account towards purchase of a new television for the Senior Center.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR

8. OLD BUSINESS

9. NEW BUSINESS

- A. Call for referendum for appropriation for land acquisition for the Chapman property.**

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

BE IT RESOLVED that the Town Council approves Resolution #080916-2

RESOLUTION #080916-2

BE IT RESOLVED:

That the resolution entitled "Resolution Appropriating \$1,500,000 for the Acquisition of The Chapman Property And Authorizing The Issuance of \$1,500,000 Bonds Of The Town To Meet Said Appropriation and Pending the Issuance Thereof The Making of Temporary Borrowings For Such Purpose", adopted by the Town Council on July 26, 2016, be submitted to the Town electors for approval or disapproval at a referendum to be held on between the hours of 6:00 a.m. and 8:00 p.m. (E.D.T.) at a single polling location and that the warning of said referendum shall state the question to be voted upon as follows:

Shall the resolution entitled "Resolution Appropriating \$1,500,000 for the Acquisition of The Chapman Property And Authorizing The Issuance of \$1,500,000 Bonds Of The Town To Meet Said Appropriation and Pending the Issuance Thereof The Making of Temporary Borrowings For Such Purpose", adopted by the Town Council on July 26, 2016, be approved?

The ballot label for said question shall read as follows:

Shall the 41,500,000 appropriation and bond authorization for acquisition of the Chapman Property (with the remainder of the \$3,000,000 purchase price to be paid from previously approved appropriations and bond authorizations of the Town) be approved?

YES

NO

The warning shall also state that the full text of the aforesaid bond resolution is on file, open to public inspection, in the office of the Town Clerk, that the vote on the aforesaid bond resolution is taken under the authority of Sections 7-3 and 7-4 of the Charter of the Town of Cheshire, and Chapter 90 of the Connecticut General Statutes, as amended, and that absentee ballots will be available in accordance with law in the office of the Town Clerk.

BE FURTHER RESOLVED, that the Town Clerk is authorized to develop and produce in significant quantity the explanatory text for said referendum question.

Discussion

The date for this referendum is September 27, 2016.

With regard to the single voting location, the Council cited Cheshire High School Commons Area as the best location. School will be in session on September 27th, but they have been used in the past, without problems. Other sites could be the Youth

Center, Cheshire Grange, Artsplace, or Town churches. Mr. Milone said holding the referendum vote at one school could be overwhelming. He will collaborate with the Registrars of Voters and Council on site selection.

VOTE The motion passed unanimously by those present.

B. Approval of FY 15-16 General Operating Budget Transfers.

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED that the Town Council approves Resolution #080916-3

RESOLUTION #080916-3

BE IT RESOLVED, that the Town Council approves the transfers for the FY 15-16 General Operating Budget as presented and attached.

Discussion

The information on the transfers is self-explanatory, is a housekeeping matter, and Mr. Jaskot said it is a requirement of the Town Charter for transfers to be made to departments over budget.

The total transfer amount is \$158,200, which is 1/2 of the usual amount of \$300,000. There are various departments with available funds to be relocated to departments with shortfalls in their operating budget. Out of a \$100 million budget the transfers are .15% of the total. There is an appropriation in the budget/contingency account of \$125,000 for the transfers, and \$33,000 will be used from the Town Attorney's budget (under budget) for the transfers.

Mr. Milone noted the handout (9B-1) to the Council which is a summary of the transfers. This document shows all the Town departments and their operating budget balances.

Mr. Jaskot commented on the minimum amount of transfers given the Town's \$100 million budget. He briefly reviewed some of the areas that are over budget. Elections Department, Employee Benefits, Pension Fund.

Employee Benefits - contract negotiations are going on now, and actuarial and medical consultant costs are over budget. There is a \$40,000 expenditure for 12 employees going from a PPO to HSA plans with lower employee contributions, and Town contributions to the HSA. Mr. Jaskot noted the HSA is a less expensive plan all around, and savings will be generated going forward.

Pension Plan - Over by \$66,000. There was a plan update this year with a significant amount of legal review (\$10,000), and settlement for an over payment to a pensioner with an additional plan contribution per IRS regulations.

Regarding the medical trust fund, Mr. Milone said the funding is at the required level, and final numbers will be available based on the June claims information.

According to Mr. Jaskot the Town is still in the process of closing the books for FY 15-16, but he does not expect any additional expenditure adjustments.

Mr. Milone said the 2016, 4th quarter financial report is better than predicted, and department heads have been prudent with expenditures. The surplus will be about \$1.095 million; WPCA will have a surplus; Community Pool budget will have a surplus of about \$37,000 due to heavy June attendance, summer passes, and revenue from increase in fees. Pool expenditures were also less; fewer lifeguards were hired; and the pool subsidy will be the lowest ever.

VOTE The motion passed unanimously by those present.

C. Approval of bid waiver for small dump truck.

MOTION by Mr. Bowman; seconded by Mr. Slocum.

BE IT RESOLVED that the Town Council approves Resolution #080916-4

RESOLUTION #080916-4

WHEREAS, the Public Works Department will be purchasing a small four wheel drive dump truck if approved in the FY 2017 Capital Expenditure Plan (CEP), and

WHEREAS, there are only two to these trucks available for purchase in Connecticut, and this model will then not be available again until 2018, and

WHEREAS, this truck would replace a current standard dump truck, and would be a valuable, frequently used, multi-use tool, and

WHEREAS, the Council finds it is in the best interests of the Town to expedite the purchase of one of these two remaining vehicles,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8 (c)(11) of the Town Charter, approves a waiver of bid for the purchase of said truck, and authorizes the Public Works Department to negotiate said purchase pending the approval of the FY 17 CEP.

Discussion

The Council was informed by Mr. Noewatne that there are only two (2) of these trucks available in the State right now. International Truck Company is going through changes in the truck drive train. He wants to put a marker at Nutmeg International on the truck so it is not sold. This truck is a smaller truck, and will be used for snow

plowing, pothole patching, leaf cleaning, and be able to get into smaller areas than the larger trucks.

Chairman Oris noted this is a replacement vehicle, not an addition to the fleet, and is a less expensive truck purchase. The company will hold the truck until the end of the capital budget process where the truck would be funded.

Stating that is correct, Mr. Noewatne said Nutmeg will hold the truck for Cheshire. The Town will be selling the full size dump truck which is replaced by the new vehicle. The Public Works Garage recently sold an older truck for \$11,000.

VOTE The motion passed unanimously by those present.

Tree Removal - Mr. Noewatne provided a summary of the Ash Tree removal project from the memo in the Council packets. Over the last year 200 trees have been removed using the capital appropriation, and 120 Ash Trees damaged by the borer insect. Treatment for the Ash Trees is very expensive, and it is expected the infestation will continue for 7-8 more years, with trees dying off during this time period. The Ash Trees are being removed at locations of bus stops, sidewalks, and any areas where there could be potential public hazardous conditions. Trees will continue to be removed, and Mr. Noewatne expressed appreciation for the CEP funding to eliminate hazardous conditions.

Ms. Linehan asked about the Gypsy Moth infestation, trees damaged, and recommendations on handling this infestation.

The moths damage trees and Mr. Noewatne explained some trees have a higher mortality rate. The PW Department has not done anything with this infestation, and there is no spraying on private or open space areas. The Town can put out a flyer about the moth problems, and a harsh winter usually minimizes future infestation.

D. Appropriation of \$10,000 of Bright Idea Grant funds for the purchase of LED light bulbs for distribution at the Fall Festival.

MOTION by Ms. Nichols; seconded by Ms. Linehan.

BE IT RESOLVED that the Town Council approves Resolution #080916-5

RESOLUTION #080916-5

BE IT RESOLVED, that the Town Council accepts and appropriates a \$10,000 Bright Idea Grant for the purchase of 6,000 energy-efficient LED light bulbs to distribute to Cheshire residents at the Fall Festival on September 10, 2016, per the recommendation of the Energy Commission.

Discussion

With these grant funds, Ms. Nichols said the largest community benefit is distribution of 6,000 LED light bulbs to Cheshire residents at the Fall Festival. Four bulbs per household will be distributed on a first come first served basis.

VOTE The motion passed unanimously by those present.

E. Discussion re: Charter Revision

Chairman Oris commented on the fact that some Council members have expressed interest in a Charter Revision, and the decision should be made soon on whether to go forward with this revision.

Chairman Oris read the memo into the record from Town Attorney Smith which outlines the process for amending Cheshire's Town Charter.

The last Charter Revision was in 1995, and as in any business, Mr. Oris said you must look at the business operation. The town must be operating efficiently with its funds well spent. Steps and timelines apply to any proposed revision, and it is important for the public to understand the process should it move forward.

The cost estimates for the revision are \$27,680, which includes clerk and town attorney services.

Charter Revision Commission - appointment of not fewer than five (5) and not more than fifteen (15) electors; not more than one-third of the electors may hold public office (elected or appointed); and not more than a "bare majority" may be members of any one political party.

Attorney Smith advised this language is out of the State Statutes.

Stating her support of the concept of opening the charter after 20 years, Ms. Flynn-Harris said the Charter should be looked at on a regular basis. During the last revision process it took one full year and many meetings because it was a look at the full Town Charter. Ms. Flynn-Harris said there should be discussion about looking at specific areas of concern for the Charter review. The expected costs could also come in under budget.

Mr. Slocum said when the Charter is opened, it is open to everything. He sees the revision process as an opportunity to reach out into the community for people to participate in the process. Mr. Slocum noted every Council resolution is Charter based.

Ms. Flynn-Harris said there can be Council direction to look at specific areas of the Charter.

The regulations force a diverse base of the community to become involved in the revision process and Mr. Oris said people who are interested will be asked about

working on the revision. This revision should be moved forward, and Mr. Oris stated it will be on the Council agenda for the next meeting. Within 30 days of the Council vote the size of the committee must be set, members selected, and the process starts.

Town Manager Milone commented on there being opportunity for a Council committee to spend time and decide how to proceed. An initial study could be done with three (3) Councilors on this committee.

F. Discussion re: Pond Dredging Policy

The pond dredging issue has been discussed during the CEP process, and Chairman Oris said there is need for clarification on this issue. In the past the Town has dredged ponds, privately owned, if the Town was culpable of putting silt in the ponds due to the winter road mix. The Town now uses salt which reduces the amount of material entering catch basins and minimizes the need for dredging. Mr. Oris does support a pond dredging policy for people to be aware of the policy and insure a consistent/prudent approach. The Council must address this matter; there are some situations which must be looked into; and the matter must be advanced on a quick time frame and be addressed.

There are 157 ponds in Cheshire; 145 total acres; average area is .93; median is 2.2.

Mr. Slocum believes the pond dredging should be addressed on a case by case basis, and he asked the parameters looked at by the Public Works Department.

According to Mr. Noewatne the last pond dredging was in 2005-2006. The department receives requests, and looks at the pond situation. The Town has not "sanded" in 10+ years, so sand is discounted as a pond issue. He commented on the natural process of water getting into a pond with sediment, dams in ponds, etc. There are 4,000 dams in Connecticut.

Mr. Ruocco agrees there should not be a commitment to pond dredging in town, but a property owner must provide samples of silt and road sand in their pond. This is why they ask for dredging of a pond. He asked how someone can appeal to the Town for payment of dredging a private pond. The Town can state that documentation and proof is needed for private pond dredging, and require proof of a hardship caused by the Town.

An investigatory process can be developed on this matter, but Mr. Noewatne pointed out that the Town has discharged into every water course in Town. There are many intangibles out of the Town's control, and it is hard to pin down how much the Town contributes to the problem, and if the Town is the major cause of the situation.

Chairman Oris commented on the overall taxpayers not bearing the cost of another taxpayer's pond dredging. The documentation should require professional determination to the Council. Mr. Oris said the matter must be moved forward for a policy or no policy on the pond dredging.

**G. Set public hearing for consideration of ordinance amendment for waiver
Of building fees for non-profits.**

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

BE IT RESOLVED that the Town Council approves Resolution #080916-6

RESOLUTION #080916-6

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider an ordinance amendment to Section 3-3(d) and (e) as follows:

SECTION 3-3 BUILDING REGULATIONS-IMPLEMENTATION, SECTIONS 118 THROUGH 118.5 REGARDING FEES.

(d) The Town Council may waive the fees for new construction provided that each of the following criteria is met:

- (1) The property and building shall be owned entirely by a public charity Operating under Section 501(c)(3) of the Internal Revenue Code.*
- (2) The owner provides the delivery of key services for the greater good of The citizens of Cheshire.*
- (3) The new construction will result in a building size 5,000 square feet or more and with a total assessed value of \$750,000.*
- (4) The waiver of fees that meet the above criteria in (d) shall be effective as Of January 1, 2016,*

(e) As of March 1, 2010, and thereafter, a one hundred fifty dollar (\$150.00) flat rate late fee shall be charged for any work requiring a building or mechanical permit that is commenced prior to obtaining said permit.

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place of any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

Discussion

Councilor Ruocco asked about the Council being able to change the language in the amendment following the public hearing.

Ms. Flynn-Harris stated the language can be changed after a public hearing; there will be discussion on the matter; and another public hearing is not required.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Bowman; seconded by Mr. Ruocco.

MOVED that the Town Council take a 2 minute recess at 8:52 p.m.

VOTE The motion passed unanimously by those present.

Chairman Oris left the meeting at 8:52 p.m.

Vice Chairman Bowman reconvened the meeting at 8:54 p.m.

H. Appropriation of \$26,500 from the Historic Document Fund and \$12,700 From the Town Clerk Fund for equipment, furniture, supplies, meetings, training, and contractual services for the Town Clerk's Office.

Mr. Slocum reported that the Budget Committee discussed this item, and it is not ready to be advanced to the Town Council. It needs to be further vetted.

Chairman Bowman referred the matter back to the Budget Committee.

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 - in the first month of the new fiscal year there is 50% collection rate of taxes. Alexion Pharmaceuticals paid the \$330,000 tax refund to the Town, and this is an example of corporate responsibility.

Public Works Reports - Sidewalk construction on West Main Street; Tree Removal Initiative; CHS Locker Room Project completed. Detailed information is in the packets.

Linear Trail Final Phase - there was a meeting with DOT on the final phase of the extension of the trail. A map of the extension was reviewed. One-half of the trail area goes into the wetlands; the State will build a concrete boardwalk; additional parking is needed; there will be a bike repair station w/air for tires; bathrooms; and completion is Fall 2018.

Landfill Solar Farm Project - the DEEP letter states the Town can move forward with this project.

Regional Dispatch Consolidation - there was a meeting last week (Cheshire, Wallingford, North Haven). A location was considered...an abandoned firehouse near Cook Hill Road which is adequate to meet the needs of the consolidation. The next step is finding an architect for a study and design to retrofit the building. More details will be provided to the Council as they are received.

Ms. Flynn-Harris commented on the Town of Danbury subcontracting out its 911 dispatch to a private company, and asked if this is part of the Cheshire discussions.

In response, Mr. Milone said the dispatch could be subcontracted, and it is being considered by the three (3) towns.

Upcoming Meetings - August 16, 7:00 p.m. Town Council and CEP Public Hearing and Recap; August 17 and 18, 7:00 p.m. Budget Committee/Town Council CEP Recap; August 23, 7:00 p.m. Council adoption of CEP; August 24, 7:00 p.m. Personnel Committee.

Town Hall will be closed September 5, 2016 - Labor Day Holiday.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

B. Miscellaneous

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

B. Appointments to Boards and Commissions

13. TOWN ATTORNEY REPORT AND COMMUNICATIONS
No report.

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

15. ADJOURNMENT

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

MOVED to adjourn the meeting at 9:12 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk