

**MINUTES OF THE SPECIAL CHESHIRE TOWN COUNCIL AND BUDGET  
COMMITTEE MEETING HELD ON TUESDAY, AUGUST 29, 2017, AT 7:00 P.M. IN  
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT  
06410**

Present

Council Chairman Robert J. Oris Jr.; Michael Ecke, Jeffrey Falk, Patty Flynn-Harris, Sylvia Nichols, Timothy Slocum, Peter Talbot.

Absent: Paul A. Bowman and Thomas Ruocco.

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

**1. ROLL CALL**

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

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. PERSONNEL MATTERS (executive session)**

MOTION by Ms. Nichols; seconded by Mr.Slocum

MOVED that the Town Council enter Executive Session at 7:11 p.m. to include Town Manager Milone, Town Attorney Smith to discuss personnel matters.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 7:24 p.m.

VOTE The motion passed unanimously by those present.

**4. ADOPTION OF FISCAL YEAR 2017-2018 ANNUAL CAPITAL  
EXPENDITURE BUDGET**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #082917-1

**RESOLUTION #082917-1**

BE IT RESOLVED, that the Town Council approves the attached referendum projects, and appropriations, and borrowing authorizations for items 1 through 6 of the FY 17-18 Annual Capital Expenditure Budget; the remaining FY 17-18 Annual Capital Expenditure

projects and appropriations, and the FY 17-18 Five Year Capital Expenditure Plan which will be approved at a later date prior to the November 20, 2017 deadline.

**Resolution FY 2017-2018 CEB#1 – COOK HILL PUMP STATION REHABILITATION**

**Be It Resolved** That the resolution entitled “RESOLUTION APPROPRIATING \$400,000 FOR COOK HILL PUMP STATION REHABILITATION AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, is hereby approved.

**Resolution FY 2017-2018 CEB#2 – LAVATORY IMPROVEMENTS AT NORTON AND DOOLITTLE SCHOOLS**

**Be It Resolved** That the resolution entitled “RESOLUTION APPROPRIATING \$250,000 FOR LAVATORY IMPROVEMENTS AT NORTON AND DOOLITTLE SCHOOLS AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, is hereby approved.

**Resolution FY 2017-2018 CEB#3 – INFRASTRUCTURE IMPROVEMENTS FOR THE INTERCHANGE ZONE**

**Be It Resolved** That the resolution entitled “RESOLUTION APPROPRIATING \$1,350,000 FOR INFRASTRUCTURE IMPROVEMENTS FOR THE INTERCHANGE ZONE AND AUTHORIZING THE ISSUANCE OF \$1,350,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, is hereby approved.

**Resolution FY 2017-2018 CEB#4 – THE UPGRADE AND EXPANSION OF TOWN AND EDUCATION PUBLIC SAFETY RADIO SYSTEM**

**Be It Resolved** That the resolution entitled “RESOLUTION APPROPRIATING \$1,313,000 FOR THE UPGRADE AND EXPANSION OF TOWN AND EDUCATION PUBLIC SAFETY RADIO SYSTEM AND AUTHORIZING THE ISSUANCE OF \$1,313,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, is hereby approved.

### **Resolution FY 2017-2018 CEB#5 – ROAD REPAVEMENT PROGRAM**

**Be It Resolved** That the resolution entitled “RESOLUTION APPROPRIATING \$1,700,000 FOR ROAD REPAVEMENT PROGRAM AND AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, is hereby approved.

### **Resolution FY 2017-2018 CEB#6 – WINDOW REPLACEMENTS AT CHESHIRE HIGH SCHOOL**

**Be It Resolved** That the resolution entitled “RESOLUTION APPROPRIATING \$250,000 FOR WINDOW REPLACEMENTS AT CHESHIRE HIGH SCHOOL AND AUTHORIZING THE ISSUANCE OF \$250,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, is hereby approved.

(Bond resolutions for these CEB items are attached to these minutes)

#### Discussion

Mr. Ecke stated that these items going out to referendum were the result of a long process where the Council went through proposed items, pared them down to what the Council believed to be essential...things necessary to be done. One item is the Infrastructure Improvements in the Interchange Zone, which will bring water to this zone, spur more economic development, more tax growth, and reduce the burden on taxpayers. The Council made the decision to push the rest of the capital budget expenditures to the end of the year as the Town awaits information on the State budget and its financial impact on revenue.

Mr. Slocum commented on the Council discussing the CEB items, using caution in moving items forward. He noted the Council has the ability to stall or sustain any of the projects depending on the budget and tax burden on the Town. There is flexibility to revisit these projects.

Ms. Flynn-Harris wants the taxpayers to know the Council has flexibility with the referendum projects. She cited the road repavement project, which comes under the road rating system, with money allocated for the road work. There is flexibility on this project. Ms. Flynn-Harris expressed hope that the voters will take into consideration the importance of #3 Infrastructure Improvements for the Interchange Zone, which will help the Town’s economic base. These improvements will help develop the I-C zone, bring economic relief for development, and increase the interest of developers for projects in the zone.

Because of the timeline and deadline to have the six (6) items included for referendum, Mr. Talbot noted they are “must have” items, that could be held back, if necessary. He supports the referendum items.

Mr. Falk said his #1 item on the list is the infrastructure improvements to the Interchange zone, which is looking to the future and the betterment of Cheshire, even with loss of State revenue. Mr. Falk supports the continued school improvement projects, and all the referendum items.

Ms. Nichols stated she would support the referendum items. The question on spending money for infrastructure improvements in the Interchange Zone is the most important. If the projects are approved, there is flexibility to put any of the projects on hold pending availability of funds. Ms. Nichols encouraged taxpayers to support the referendum items, and said the Council will be selective in how the money is spent.

Chairman Oris stated his agreement with all the comments from Councilors, and his support of the referendum items.

VOTE           The motion passed unanimously by those present.

**5.       APPROVAL OF SUBMISSION OF REFERENDUM QUESTIONS AND AUTHORIZATION FOR EXPLANATORY TEXT.**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED that the Town Council approves Resolution #082917-2

RESOLUTION #082917-2  
Resolution Providing for Submission of FY 2017-2018  
Capital Expenditure Budget Resolutions to the Voters

(copy of Resolution #082917-2, explanatory text is attached to these minutes).

Discussion

Mr. Slocum stated the explanatory text covers all the items for voters to approve the referendum items.

VOTE           The motion passed unanimously by those present.

**6.       CALL FOR REFERENDUM RE: CHARTER REVISION**

Chairman Oris commented on the extensive process to review and change the Town Charter which was undertaken by the Charter Revision Commission. He said the

Council felt it was time to review the Charter document to insure it guides the Town long into the future.

Mr. Oris stated that the Charter Revision Commission was an excellent, bi-partisan, diverse group of people, who donated a great deal of time, effort and hard work into the revision process. Following completion of their work on Charter revisions, the Commission sent a draft report of suggested changes to the Council. They included the following sections:

1. Section 2-2 (A)(2) Minority Representation on Town Council change to 6-3.
2. Sections 2-2(B) and 6.14 – Appointed Town Clerk.
3. Section 1-7(A) Residency Requirement for the Superintendent of Schools; does not affect Superintendent in office on January 1, 2018.
4. Section 4-2(C) Duties of Town Manager relative to wording that duties include “assist” in the development of all Council and Council committee agendas.
5. Section 2.9 Public Records – Clarification of the language relative to the statement “The policy concerning electronic recording of public meetings shall be established by the Council”. It was suggested replacing the first word in the sentence “The” with “A”.

The Council reviewed the proposed Charter revisions and submitted their changes to the Commission for consideration and determination.

The Commission came back to the Council after review of these five sections.

1. Section 2-2 (A)(2) Minority Representation on Town Council change to 6-3.  
There was agreement by the Council and Commission to maintain the current 7-2 minority representation.
2. Sections 2-2(B) and 6.14 – Appointed Town Clerk.  
An agreement was not reached on changing the Town Clerk from elected to appointed position; this section will be pulled out as a separate vote on the Charter revision.
3. Section 1-7(A) Residency Requirement for the Superintendent of Schools.  
The Commission looked to requiring the Superintendent to reside in Cheshire after a period of time. The Council requested the Commission to leave this section as stated in the current Charter, and the sitting Superintendent be excluded from this requirement.

Chairman Oris noted that the current Superintendent was hired without this residency requirement, and it was felt it would be unfair for him to be operating under this potential relocation/residency requirement.

4. Section 4-2(C) Duties of Town Manager relative to wording that duties include “assist” in the development of all Council and Council committee agendas. This was a wording issue; the thought behind this was to insure the Town Manager’s position was not getting larger in its scope of work.
5. Section 2.9 Public Records – Clarification of the language relative to the statement “The policy concerning electronic recording of public meetings shall be established by the Council”. The Council suggested replacing the first word in the sentence “The” with “A”, and the Commission agreed.

Chairman Oris explained that the Council must decide to accept the Charter changes or reject these changes...and if accepted, the Council can determine how to put the revised Charter out to referendum. The Council can break out the items, separate them out as questions for the voters; send all the changes out in one referendum; but it cannot modify any of the proposed Charter revisions.

Town Manager Milone clarified that Section 4-2(C) wording was not changed by the Commission.

With regard to the resolutions for referendum on the Town Charter, Mr. Oris said the Council can accept all the changes put forward by the Commission, and send it out in two potential questions.

- 1) Separating out the Town Clerk question, leaving it alone, staying as an elected position, or becomes an appointed position.
- 2) All the other Charter changes would be one vote.

MOTION by Mr. Ecke; seconded by Mr. Slocum.

BE IT RESOLVED that the Town Council approves Resolution #082917-3

### **RESOLUTION #082917-3**

BE IT RESOLVED, that the Town Council accepts and approves all Charter revision Sections as recommended by the Charter Revision Commission in their final report dated August 18, 2017, with the referendum questions to be posed as follows,

BE IT FURTHER RESOLVED, that the Town Council submits said revised Charter as recommended by the Charter Revision Commission in their final report dated August 18, 2017, which shall be published in a local newspaper and posted on the Town website in its entirety to the Town Electors for approval or disapproval at a referendum on November 7, 2017. The warning of said referendum and the ballot shall state the two questions to be voted on as follows:

1. *Shall the proposed revised Town Charter be approved, exclusive of Town Clerk Sections 2-2(b) and 6-14?*

YES                      NO

2. *Shall Sections 2-2(b) and 6-14 changing the Town Clerk from an elected to an appointed position be approved?*

YES                      NO

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

Discussion

Mr. Ecke stated that this resolution is the culmination of hard work on the part of many people, with great thought and time spent in producing the revised Town Charter. He hopes the Council and public will support the revised Charter and the needed upgrade required at this time.

Ms. Flynn-Harris has publicly supported opening the Charter with the realization there was work to be done on the document. Should the Charter pass with the amount of changes to bring it into the 21<sup>st</sup> Century, then the Ordinance Review Committee will have lots of work to get done. Ms. Flynn-Harris commended Commission Chair Ms. McWhirter, Councilors Bowman and Ecke and the other Commissioners for the great work with the revisions process. She would have preferred approval of the totality of the Charter changes, without pulling out any sections. She does support pulling out the important question regarding the Town Clerk as an appointed position, and noted the current Town Clerk supports an appointed position. The Town Charter is a vital document, the revision work was well done, and Ms. Flynn-Harris hopes the public will support the revised Charter.

In this time of political stalemates, Ms. Nichols commented on being pleased with being part of a bi-partisan group able to work collectively and collaboratively through the Charter revision process. The Commission produced a document which will take the Town further into the next 20 years. Ms. Nichols talked about the Council working through its disagreements on Charter changes, and the coming forth with an excellent document which she supports. She asked for voters to give serious consideration to the Town Clerk issue, noting it is their job to make voices heard and make choices. Ms. Nichols supports the resolution on the floor.

Mr. Slocum thanked the Charter Revision Commission for their hard work on the Town Charter in a tight time schedule. He said the limited number of changes cites the strength of the current Charter. He agrees with and supports separation of the Town

Clerk section at referendum. Mr. Slocum said there has always been a vote for the Town Clerk. We do not want to take away an elected office, and replace it in a more bureaucratic form, even though the office function may not change. He said the public is giving up something they had and this should be given considerable thought, and this is why it should be a separate question. Mr. Slocum noted the public will be voting for the Town Clerk on November 7<sup>th</sup>. If the decision is to change the Charter for an appointed Town Clerk, the 2017 elected Town Clerk will be in office until November 2019.

Mr. Talbot would have preferred a resolution not broken out for the Town Clerk position. He commended the Charter Revision Commission for doing an excellent job, and expressed gratitude to the Commissioners for a fantastic job in a tight time frame. He understands the lightning rod is the Town Clerk position as appointed rather than elected. He supports an appointed position, and noted the current Town Clerk is in favor of an appointed position, despite the fact she is running unopposed in the upcoming election. With an appointed position, the Town Clerk would not be on the ballot for the 2019 election, and the current Town Clerk would fill this position until that time.

Mr. Falk stated his support of the Town Charter being opened, and looking for ways to improve how the Town is run. The Commission Chair, Ms. McWhirter, led a great group of Commissioners through many meetings and much time to come up with good changes to the Charter. Mr. Falk supports an appointed Town Clerk position, and pulling this section out of the Charter for the public to have a say in this issue.

Chairman Oris stated his strong support of a Charter revision, as the Town Charter is the guiding document, the foundation on everything the town government does. There must be re-evaluation of the business of the Town, insuring everything is done better, and the Charter document guides us into the future.

Mr. Oris commented on the Commission as a great, bi-partisan, diverse group of people, dedicated to the process, and they well represented the community. Mr. Oris supports the resolution breaking out the Town Clerk position. He believes the public needs to make this decision. This position was a lightning rod issue, and he would not want to see the hard work of the Commission go down in flames because of one hot bed issue. For this reason only, Mr. Oris said it is best to break out the Town Clerk position for public decision.

Personally, Mr. Oris said he believes the Town Clerk should stay an elected position. He does not like taking votes away from the public, and decisions should be kept in the hands of the public as much as possible. Mr. Oris said he does not like growing government...he likes to reduce government.

VOTE            The motion passed unanimously by those present.

**7. ADJOURNMENT**

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

MOVED that the Town Council Special Meeting be adjourned at 8:06 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk