

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
OCTOBER 10, 2017, AT 7:00 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN
STREET, CHESHIRE CT 06410**

Present

Chairman Robert J. Oris; Vice Chairman Paul A. Bowman; Council members: Michael Ecke, Jeffrey Falk, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, Timothy Slocum and Peter Talbot.

Staff: Michael A. Milone, Town Manager; James Jaskot, Finance Director; Economic Development Coordinator Gerald Sitko; Town Engineer Walter Gancarz.

Guests: David Pelletier, Chairman, Economic Development 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. ITEMS FOR EXECUTIVE SESSION

- A. Land Acquisition**
- B. Personnel Matters**
- C. Pending Litigation**
- D. Economic Incentives**

Chairman Oris moved Executive Session to later in the meeting.

4. PUBLIC COMMUNICATIONS

A. Proclamation for National Friends of Libraries Week.

Chairman Oris presented the Proclamation to the Friends of the Library representative Tom Morck, and read the proclamation into the record. Mr. Oris commented on the support and fundraising by the Friends group for the Library, and noted the Library does so much for the community, making Cheshire a better place to live.

B. Economic Development Commission Presentation.

David Pelletier, EDC Chairman, presented the first annual Commission report to the Council. A copy of the report is attached to these minutes.

In his comments, Mr. Pelletier talked about the development of the 2016 Market Assessment and Marketing Plan with the consulting firm of Arnett Muldrow. This plan was submitted to the Council in February 2017. The goals of the report were cited by Mr. Pelletier, and they include providing information about the value of Cheshire

businesses, summarizing economic development projects, informing residents about the EDC's plan and efforts to bring new business development to Cheshire, retaining local businesses, making residents aware of the work of the EDC, the importance of economic development related investments of the town.

Key points in the report cite Cheshire as having a healthy mix of businesses, its recognition as the "Bedding Capital of Connecticut", and ranking of #4 in the 19 town Naugatuck Valley Council of Governments. Cheshire companies employ 16,128 people. Bozzuto's is the largest employer and taxpayer, accounting for 2.56% of the grand list; commercial and industrial real estate and personal property comprises 19.8% of the grand list. Projects completed or approved in the past year include Nosal Builders, Educational Playcare, RALO Properties, Marbridge Home, VR Osteria. Some companies have left Cheshire, including Alexion and Webster Bank, and UTC Aerospace was relocating, but instead signed a five-year lease extension.

Mr. Pelletier pointed out that the Council approved changes to the incentive policy which provides increases incentive assistance for companies for a four or seven year period for new construction. This makes Cheshire competitive with other towns. The EDC has asked the Council to consider partial exemptions for building permit fees for commercial and industrial development.

There is a lack of infrastructure in the I-C Zone, and EDC has proposed a water main extension of 1,800 linear feet from East/West Johnson Avenue to north of I-691. Estimated cost of this project is \$1.35M, and will be decided at referendum on November 7th.

Town personnel are developing a new website to be active later this year. The EDC is investigating the use of Tax Increment Financing (TIF) for new development projects. With TIF municipal improvements are paid from additional taxes generated by new projects. EDC is looking into creation of a development agency or authority. This agency would be able to purchase property, select qualified industrial or commercial redevelopers...if it was in the town's best interest. EDC supports the Ball & Socket project, and requested more funding for the town to acquire properties along West Main Street.

The Council was told by Mr. Pelletier that the EDC works with Economic Development Coordinator Sitko. He commended Mr. Sitko for his work and efforts with economic development, meeting with people, and getting something done for Cheshire.

Mr. Pelletier stated the EDC looks forward to working with the Town Council and the Planning and Zoning Commission on economic development for Cheshire.

Chairman Oris thanked Mr. Pelletier and EDC members for their work on behalf of the economic development of the town, and said the Council supports these endeavors.

With everyone working together, he said something can be done, moving forward in the best interests of the town.

Mr. Slocum asked about the acreage in the I-C Zone that is available for development.

According to Mr. Sitko there is about 700 to 800 acres in the north end of town.

A question was asked by Mr. Slocum about the vacancy rates in the commercial and industrial facilities.

Mr. Sitko said office vacancies are 16% to 17%; industrial space is filling up; people are buying or leasing sites.

Mr. Talbot thanked the EDC, Mr. Pelletier and Mr. Sitko for the work being done with the plan, and the update to the Council. He asked about the change from a commission to an authority, the research done, and what it takes to make this change.

It was clarified by Mr. Pelletier that the EDC does not change in any way. The development authority is a separate entity to be approved by the Council. EDC will have more information to present to the Council, and the authority would only be formed if the Council sees a need. EDC is looking into the ground work on what has to be done for the Council to establish an authority.

Ms. Flynn-Harris asked how the authority is funded, and if other towns have such a body in existence.

Mr. Pelletier said many municipalities have development authorities, including the City of Waterbury. EDC is looking at communities similar to Cheshire, with more research to be done.

Regarding space for lease in Cheshire, Ms. Flynn-Harris asked Mr. Sitko how much there is, and how this falls into his work promoting space for the town.

Mr. Sitko said everything is looked at, and he has information on 2000 sq.ft. or 70,000 sq.ft., and he answers calls and provides information all the time.

Ms. Nichols applauded the EDC for the work being done, and hopes the new website will be more user friendly. She has heard about the onerous process for development in Cheshire by people who want to build and get their process done quickly. Ms. Nichols asked if EDC has recommended a way for people to go through this process, when active marketing starts to attract new businesses.

A marketing plan has not been developed yet, and Mr. Pelletier said it is on the EDC list of things to be addressed. This report will be a tool in marketing the town, let people know about the town's economic activity, come to a town with a growing business base.

Mr. Ecke talked about the \$1.35M infrastructure project, bringing water to the north end of town, which is necessary for development. It sends a signal that Cheshire is open for business, and wants to attract new business to town. This will also help with the challenges facing the town with the loss of State revenue. The grand list will grow, and the \$1.35M is an investment in the town's future. Mr. Ecke expressed hope the voters will support this important referendum item in November.

C. Public Comments

Tracey Jewett, 920 Cornwall Avenue, asked the Council to hold a public hearing on the illegal Bens dump site. She said citizens and neighbors do not want this subdivision built, and it should not be decided without a Town Council public hearing. Capping this dump site will require monitoring regardless of who owns the property, and it could become the town's responsibility in the future.

Derf Kleist, 251 Lancaster Way, asked about a police car being serviced (alignment) in a private garage (other than town garage), if there is a contract with this garage, and if the town is getting a high volume discount. He asked about three police officers together on coffee break at a local coffee shop, how long are these breaks, and it being unsafe if the three patrol officers and cars on duty are off the road at the same time.

Chairman Oris stated the Council requires the Town Manager and his staff to gain efficiencies whenever possible. There must be a bid/estimate to insure tax dollars are being used as efficiently as possible.

Town Manager Milone replied that he will get an answer from the Chief on the alignment issue and three police officers on break. The public was informed by Mr. Milone that there are more than three police officers on the streets in the morning. The Traffic and Patrol Divisions are out, along with a Lieutenant on the road. The entire staff of patrol cars would never be taken off the road, going for coffee at one time, leaving the town completely unattended. Mr. Milone assured everyone that while Mr. Kleist saw three officers together there were cars out patrolling the streets. He will check on time frames for breaks and the question on the alignment issue.

Tom Grimshaw, 470 Riverside Drive, commented on the Clearview subdivision application, the citizens discovering the toxic waste dump site within the application before it was revised, the town not being engaged in doing an in-depth review, Chesprocott eventually finding papers about the dump site, his problem with taxpayers funding the dump site capping, and the dump site embedded within an application and not brought up by the applicant or the town. He said the POCD describes the area of

this development, it being legal for the town to take eminent domain over a property to bring in more taxes, but cannot suggest to a property owner on adding the property to open space. This property is prime for open space, has endangered species, and there was a review of testing one species during the day when it was nocturnal. Mr. Grimshaw noted the application went through the limited IWW process, and said Planning and Zoning Commission has more capability of interceding with an application. There is a berm in the construction map for flood control which will be removed when the application is completed. There is a ridge line and buffer zone for people on Mountain Brook Road, and it is inconclusive whether this property has proper flood protection, and the catch basin will be the responsibility of the people living there. Mr. Grimshaw said there are many things which raised questions who attended the PZC meetings. The PZC will vote as quickly as Wednesday, and he said the application should be reviewed by the Town Council before the vote is taken.

Chairman Oris informed the public that what is being asked of the Council does not fall within the Council's purview. This is a pending application before PZC. DEEP is involved with this dump facility and it is under their purview. Nothing can be done from a Council perspective to put the application in jeopardy.

Peter Wilcox, 415 Mountain Road, asked what organization will manage the entire dump capping plan and possible development. He asked if this is a Council or State item.

Chairman Oris stated he could not answer nor does he know if it is appropriate for the Council to answer this question.

Town Manager Milone said he could not answer the question without more information.

Mr. Wilson said his concern and that of neighbors is that the State DEEP has come through with a capping plan which is based just on the toxic dump site. The application for the development has been deemed a separate entity; the dump site and development are adjacent; and Mountain Road residents must adjust to both of them. He said no one has looked at how the two will affect each other and the neighborhood. Mr. Wilson said the town has widened and straightened Mountain Road for easier and smoother traffic, yet cars travel 40 to 60 mph, and it is dangerous for residents. The town must slow traffic down, and it will be appreciated by the residents. He asked for the town to consider raised cross walks to slow traffic, or put curb cuts back in the road, and do everything possible to keep traffic at a reasonable pace.

Kathleen Devlin, 61 Lanyon Drive, talked about referendum item #3 with taxpayers paying for a water line/infrastructure, has never heard this happen in a town, and showed a picture of the north end property. Ms. Devlin made a correction to a newspaper article published September 5, 2017, which did not exactly quote Mr. Milone, but did cite what he said. She read the article into the record. In the EDC report, she

said Mr. Pelletier said it would be premature to talk about sewer lines, just putting in water lines in the I-C zone. The I-C zone is described in the regulations and states any project in that area must supply public water and public sewer. Ms. Devlin noted that KoKoKe was taken down next to Costco, and made into a different facility than a hotel, and does not understand why Alexion could not be developed the same way.

Chairman Oris responded on the extension of the water which came through EDC and the Town Manager. Taxpayers will make this decision whether this is a quality use of their money and an investment in the future of the town. The Council does not make this decision. He is only aware of water being extended pending the referendum decision, and it impacts about 15 properties. If approved at referendum, the water project will move forward. As to Mr. Milone's comment, he said it was either mis-spoken, or mis-quoted in the newspaper. Mr. Oris hopes something happens with Alexion, which would be good for the community.

Town Manager Milone addressed the comments he made. He said that at various points in discussion of the I-C Zone, it has been mentioned there are two key utilities missing...sewer extension and water mains. This has been discussed, but at no time in the recent past has the idea of extending sewer lines up there been an issue of consideration. This is for many reasons – expenses, complications in terms of geography of the area, and issues with the WPCA. The sewers might have been mentioned as a desirable utility, anything recently discussed has only been the water main extension. If he said otherwise, he mis-spoke, and if not said, he was mis-quoted.

Regarding the language for the water line referendum \$1.3M, Mr. Ruocco said it included water, and asked if sewers are excluded.

Mr. Milone said it is a water project, not a sewer line extension, and they are two different and complex issues.

James McKenney, 272 Beacon Hill Road, commented on a recent meeting with Mr. Milone a question was raised about getting the water from Southington. It was stated that Southington is not interested. He asked if money was offered to Southington which it turned down or is there some number less than \$1.3M which would be receptive to Southington to bring the water into the Cheshire zone.

It was stated by Mr. Oris that water coming from Southington was discussed. It is not that Southington is not interested, but that water extensions come through water authorities in a particular town. Mr. Oris' understanding is that the provider for Southington is a different company and that is the situation that precludes getting water from Southington.

Town Manager Milone stated that Mr. Oris is correct in his statement.

Mr. McKenney asked about approaching the neighboring water company at some monetary amount for water extension, and determine if this is reasonable.

Stating he has not been involved in any conversation with Cheshire or Southington's water companies. It is his understanding that Cheshire cannot do anything without approval and authority of its water company. He assumes those conversations have happened but the matter is not as simple as is being stated.

Mr. Milone explained that town staff met with the Regional Water Authority (RWA) representatives to explore their interest in partnering with the town if the referendum item goes through. RWA has significant interest. RWA is committed to using water to drive economic development, and feels it is an under-utilized resource as a catalyst for economic development. RWA has expressed interest in a partnership, but has not committed to anything until after the referendum outcome. The matter is still alive, and if the referendum is approved, it is hoped costs will be shared as it benefits everyone.

Mr. Sitko informed the Council and public that Cheshire has used public investment for economic development, and this has been done over the years. He cited Industrial Avenue to Bozzuto, Diana Court, Whole Foods, McCausland Court.

With regard to concerns about the Mountain Road application, Ms. Flynn-Harris noted she is a former PZC Chairperson. She explained that the Town Council is a totally separate legislative body; it has no purview over PZC applications and their actions. The PZC is a State and town regulated body; commissioners are elected; if there are concerns, the Council has no right to hold a public hearing on their applications. These are ex officio conversations on an application, which cannot take place; discussions can only take place within the PZC; if there are some legal issues which apply to the Town Council, that is when it can be involved.

**5. APPROVAL OF MINUTES – Regular Meeting of September 12, 2017;
Special Meeting of October 3, 2017.**

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

MOVED to approve the minutes of September 12, 2017 and October 3, 2017 subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1; Ms. Flynn-Harris abstained

6. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #101017-1

RESOLUTION #101017-1
CONSENT CALENDAR FOR OCTOBER 10, 2017

BE IT RESOLVED, that the Town Council approves the Consent Calendar for October 10, 2017 as follows:

- A. Acceptance and appropriation of an anonymous \$50 donation to the Human Services Gift Account for general purposes.
- B. Acceptance and appropriation of \$140.50 collected from the lobby donation Container to the Library Gift Account for the purchase of materials, furniture And computers.
- C. Acceptance and appropriation of a \$100 donation from Frank and Janice Minor in memory of Marilyn Gaudet to the Library Gift Account for the purchase of materials, furniture and computers.
- D. Acceptance and appropriation of a \$25 donation from Patricia and Thomas Riley Jr. in memory of Dan Dixon to the Library Gift Account for the purchase Of materials, furniture and computers.
- E. Acceptance and appropriation of a \$25 donation from Richard and Ruth Gleeton in memory of Judy Dreher to the Library Gift Account for the purchase Of materials, furniture and computers.
- F. Acceptance and appropriation of a \$333 donation from Yellow House events To the Cheshire Fuel Bank.
- G. Acceptance and appropriation of two grant disbursements of \$3,125 each totaling \$6,250 from the State Department of Education Youth Service Bureau Enhancement Grant to be used to fund positive youth development programs.
- H. Acceptance and appropriation of a \$100 donation from Jean McSweet to The Parks Gift Account for a memorial bench in honor of Judge Oberst.
- I. Acceptance and appropriation of a \$50 donation from Attorney Michael Laden to the Parks Gift Account for a memorial bench in honor of Judge Oberst.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR

8. OLD BUSINESS

9. NEW BUSINESS

A. Design approval and bidding authorization for districtwide generator connections at Cheshire Public Schools.

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #101017-2

RESOLUTION #101017-2

BE IT RESOLVED, that the Town Council approves the final design for the Districtwide Generator Plug Boxes at Cheshire Public Schools project per the recommendation of the Public Building Commission, and authorizes the Public Building Commission to bid for construction work for said project.

Discussion

Mr. Slocum stated this is an ongoing project, it is on budget, and more information will be provided by Mr. Durkee.

Steve Durkee, PBC representative, informed the Council this project is moving forward. It provides protection with manual hook-up for backup of boilers, refrigerated food storage, and maintaining schools with manual connections. The budget is \$160,500; most of the schools can be done within this funding; the project will be bid; and each school has a number attached to it.

Once the project is bid and responses received, Mr. Slocum asked about the time frame for this project.

In reply, Mr. Durkee said PBC is trying to do the project at a faster pace, and get bids out faster. There is a contractor for the high school, and is hoped they will bid for the next project. Bids will be out before the holidays, and PBC will get back to the Council. It is expected the project will be summer construction and be completed.

Ms. Flynn-Harris commented on the project being done in order of school priority, and asked if there is a specific order.

There have been meetings with school officials and Mr. Durkee said there is a PBC priority order, and the BOE can make changes later. A second meeting is planned to review long term planning for the schools. The high school has two turbines; the front is done; and the back will be services. There will be two generators moving around, and Darcey School may be at the bottom of the list with is possible pending closure.

VOTE The motion passed unanimously by those present.

B. Bid Waiver for sludge hauler repairs.

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

BE IT RESOLVED, that the Town Council approves Resolution #101017-3

RESOLUTION #101017-3

BE IT RESOLVED, that the Town Council deems it is less costly and in the best interests of the Town to repair the Town's existing sludge hauling dump truck rather than purchase a new truck at a cost of approximately \$190,000.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves a bid waiver to repair said truck at a cost of \$23,933.37.

Discussion

Mr. Bowman stated this truck issue was discussed during the capital budget process, and the Council was going to pull back on some expenditures, while keeping the waste moving.

Town Engineer Gancarz submitted an updated analysis on sludge disposal options, and it is attached to the minutes.

Mr. Gancarz stated there was a request in the capital budget for a new sludge hauler truck to haul bio-solids from the treatment plant to Waterbury for final disposition. The current truck is 17 years old; during annual inspection a 3 inch crack was found in the frame; and it was immediately taken off the road. This truck is used 4 or 5 times a week to haul waste out of the plant to avoid odors and effects on water quality. Plant Supt. Dievert contacted three companies who take sludge off site in the interim, and looked at using other town trucks, but a water tight seal is required to haul the sludge. Using another trucker will cost about \$1,200 per week, and there is no line item in the PW budget for an outside hauler.

Due to current budget constraints, Mr. Gancarz said it is unlikely the town will spend \$195,000 for a new hauler truck. The options are summarized on the analysis...a new truck, renting a truck and repairing the current truck. Annual rental costs would be \$48,000 to \$84,000, and repairing the current truck is less costly. Fleet Manager Kaczer and his crew are in the midst of repairing a dump truck and cannot undertake repairs of the hauler. Therefore, repairs will be done by an outside company, Central Connecticut Repair, with expenses incurred of about \$24, 000. The truck will be back on the road within six (6) weeks. It was learned that the cost of \$24,000 exceeds the

bid amount of \$14,000 for repairs (\$28,000 for construction). A waiver is needed from the Town Council for the repairs to the sludge hauler truck. Mr. Gancarz said everyone was conscious of Cheshire taxpayers during this situation, and it will cost \$15,000 to \$16,000 to haul sludge off site during the time the truck is repaired.

Town Manager Milone informed the Council that this matter came across his desk, and he signed off on the purchase requisition knowing the importance of the truck being repaired. Later, it was learned that the cost of \$24,000 is above the bid limit/amount of \$14,000 for repairs (\$28,000 for construction). A waiver is needed from the Town Council for the repairs to the sludge hauler truck. Mr. Milone apologized to the Council for not having the matter receiving prior Council approval.

Chairman Oris thanked Mr. Milone for the explanation on the situation. He will support the repairs to the hauler truck because it is the most cost effective way to go. The Council is focused on saving money wherever possible.

In response to a question from Mr. Oris on the longevity of this truck when repaired, Mr. Gancarz said it is about five(5) years.

Mr. Falk thanked Mr. Gancarz and Mr. Kaczer for all their work on the truck issue and repairs. He supports \$24,000 rather than \$195,000 for the truck, and asked about future needs for this truck five years out.

That is something for next year's capital budget five-year plan, and Mr. Gancarz said there will be assessment of alternatives. The truck purchase would be in the out years of the CEP...4 or 5 years into the plan.

VOTE The motion passed unanimously by those present.

C. Approval of reallocation of \$60,494 from the Connecticut Department of Emergency Services and Public Protection Security Competitive Grant To the Technology Reserve Fund for necessary infrastructure upgrades.

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #101017-4

RESOLUTION #101017-4

BE IT RESOLVED, that the Town Council accepts a School Security Competitive Grant of \$60,494 and appropriates said funds to the Technology Reserve Fund (Capital Non Recurring Project 01123) as reimbursement for upgrades necessary to support the schools security project for which the grant was obtained.

Discussion

This agenda item was discussed at the Budget Committee meeting and Mr. Slocum explained this grant was received after the project started and was completed. The funds will be used for future school security projects.

VOTE The motion passed unanimously by those present.

D. Creation of a Middle School Study Group

Chairman Oris advised this agenda item will not be discussed at this meeting, nor will the issue be advanced. He commented on the BOE request for a new middle school being denied for referendum. The committee will be a broad based committee for discussion, but not ready to be set up at this time. Mr. Oris wants the sitting Council to address this matter, and understands Councilors want this committee formed to continue the discuss on the middle school project.

E. Status re: Strathmore Dam

This issue goes back 10 years and Mr. Milone explained that in 2007 the Town Council adopted a resolution whereby the town accepted the open space/common land at the Strathmore Woods. There were three parcels, and the town agreed to take the parcel where the dam is located. There were conditions on the agreement. Ravenswood, property owner, would meet all the regulations, standards and directives of the Inland Water Resources Division of the State DEEP, and it has taken 10 years to get to this point. There was also verification of the Cheshire Town Engineer required per DEEP. There have been many difficulties resolving these issues over 10 years, and complications with the absence of the Ravenswood president. Town Engineer Gancarz started moving the matter forward. DEEP approved all the remediations and enhancements, but Ravenswood did not meet the conditions established in the original agreement. Mr. Gancarz forced DEEP to further review the agreement, and now all requirements have been satisfied.

Mr. Gancarz noted the Council approved this matter on October 9, 2007. For many reasons work on the dam was delayed until 2015. DEEP had a final inspection, and on November 18, 2016 wrote to Dean Fiske and approved the work done on the dam. Mr. Gancarz looked at the dam and was disappointed in what he saw, and did not feel this dam was up to standards. He met with DEEP, reviewed a number of items to be brought to their standards to be rectified before the town took the dam. DEEP agreed; wrote a letter to Ravenswood in 2016, and reiterated what was requested by the town. There was removal of large trees, cleared them away from the tow of the dam, cleaned heavy brush etc. Work was completed in Summer 2017, and Mr. Gancarz visited the dam, and stated the work meets the requirements in the original agreement. There is an emergency operations plan in effect.

According to Mr. Gancarz this is a moderate hazard, and it must be inspected every seven (7) years. Going forward, there will be ongoing maintenance, mowing areas, keep trees from growing. DEEP removed the requirement for a chain link fence, but in the future a wood fence could be installed to protect people from falling along the edge. The DEEP order has been met, and the Council can now take action.

Mr. Slocum commented on this dam issue getting great activity at PZC, and one issue was the process for abandoning a dam. Now that the town owns the dam, taxpayers might say to abandon the dam, and he asked if this is an issue.

This is still an issue and process to go through, but Mr. Gancarz said there must be an internal plan to look at the hydraulic facts before and after. The State sometimes encourages dam removal, and this would require an engineering and environmental plan.

As time progresses, Mr. Slocum said this dam will have sediment, and fall into a nuisance for the town.

Regarding the rest of the comments, what needs to be filed in HOA documents with the State, Ms. Flynn-Harris asked about the time frame and assurance this will be done.

Jim Miele, 396 South Main Street, Attorney for Ravenswood, informed the Council that the documents are done and approved. The last step is the transfer document to the Town Attorney for approval. When they are ready everything is done at once.

Mr. Milone reiterated some information from 2006-2007, there was discussion on dismantling this dam. The PZC made it clear that this was exorbitant and it was quickly dismissed.

Stating this pre-dates his time on the Council, Mr. Oris asked if there is any opportunity for the town to revisit this scenario at this point.

Mr. Gancarz said "no."

Mr. Oris stated he does not like the town taking on this expense and responsibility on behalf of the taxpayers. The reality is that the town is now straddled with something to be maintained with taxpayer dollars. There are potential liability issues, i.e. a fence being required. He has concerns about spending taxpayer money to maintain a potential liability, from which the town is not absolved. Mr. Oris wants an explanation to the public on this dam, how concerns can be alleviated, particularly liability (child falling or someone maimed or killed), and protection of people at the dam.

It was explained by Mr. Milone that when the development was constructed the dam was one of the conditions of subdivision approval. This is not an add-on; it was written into the approval and regulations.

Mr. Oris does not like taking on this responsibility at this time, but the town must do it. He cautioned everyone about protection and limited liability.

Mr. Milone will have the town's insurance carrier risk manager visit the dam site, and determine there is enough safety for the site. He wants the insurance company to be satisfied the town has done everything possible for its protection.

It was mentioned by Ms. Flynn-Harris that the questions and concerns expressed by Mr. Oris were also those expressed by the PZC and Council at that time. There was a failure to follow the regulations put into the application when approved by PZC. It wound up at the desk of later Commissions, and went to the Council for approval of acceptance. This was the only way to deal with this, and the homeowners would not accept the dam.

Mr. Slocum said the town took the worst part of the open space, but did assume full responsibility for the open space.

F. Update on State Budget

Mr. Milone reported that the legislative leaders were ready to meet with the Governor, even though there was a \$100M difference cited. He believes there will be no adoption of a budget before next week, and has heard the legislators are offering to support ECS funding. On Tuesday, October 17th, the Council will hold a special meeting on the status of the State budget. There is nothing imminent for payment to Cheshire. Mr. Milone noted there is interest on the part of legislators to deal with the shortfall, and protection of the ECS grant. Last week Cheshire lost \$2.3M, and he does not know if there will be restoration of what has already been cut. ECS is of high priority, along with restoration of funds.

Mr. Milone informed the Councilors that he had a unique experience with a call from a bond investment company representative asking about the financial conditions of the Town of Cheshire related to the Governor's cuts in the State budget. Cheshire has a AAA rating, and this call demonstrates the seriousness of problems in Connecticut and interest of investment firms. In his many years in municipal government, he has never received such a call, and he reassured the caller that the town bonds are secure, with the town having a good fund balance. The caller's company holds lots of bonds in Connecticut municipalities, and advised he was calling other municipalities on how the shortfall is being handled. Sometimes, on the advice of the town's financial advisor, Standard & Poors and Moody's will be informed on what Cheshire is doing. With the possible default of some municipalities, the investment company would want to unload the bonds.

A cash flow analysis will be completed for the Council to review, and it will include more detailed information than earlier stated. Mr. Milone said Cheshire has a healthy cash flow, and the first installment of taxes has been received.

The Connecticut Education Association (CEA) is trying to get an injunction against Gov. Malloy on the ECS funding shortfall. With regard to Cheshire's participation in this action, Mr. Milone has contacted Supt. Solan, and if BOE has an interest in the lawsuit, it must be displayed by the Town Council, not BOE.

Town expenses are being carefully monitored, with controls on everything that is not essential. The Councilors were told by Mr. Milone that he met with department heads, asked for details on a 5% reduction of expenditures by Friday, October 13th. This information will be reviewed by Mr. Milone and Mr. Jaskot, along with options and challenges. The analysis will be ready for the October 17th meeting, and include cuts, impacts, CCM list of State mandates for towns, etc.

At the current time, Mr. Oris noted the town is down \$3.8M from expected State payments, and we have no idea if it will get worse or not. There was a special Council meeting last week with Councilors discussing how to deal with these issues. Town Manager Milone and town staff will have answers on many things on October 17th. There is currently a hiring freeze, looking at town dollars paid to the State on a variety of unfunded State mandates to municipalities, withholding these State payments, and reduction in expenditures. Mr. Oris commented on the State not being fair to taxpayers and having no concern for them.

Payments to the State of Connecticut were cited by Mr. Milone. They include real estate conveyance tax money with \$1.2M transferred to the State last year, and about \$400,000 in fees from various town departments paid to the State.

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 packets.
- CEA Injunction – discussed earlier in the meeting.

- CEP Adoption by November 20, 2017 – the Council will meet this deadline date.
- Explanatory Text – the referendum texts were included in the packet, and public notice of the text will be issued shortly.
- PW Projects Status Report – this includes the sidewalk replacements at the schools. Almost everything is done with the paving initiative. There will be a road project report for the next Council meeting.
- Peck Lane Residence Rehabilitation – this house was in disrepair; the homeowner was displaced from the house for safety reasons; the house has been completely rehabilitated, built-up and fit for the resident to return. Work was done by the town. Cost was \$39,000 and is placed as a lien against this property. Mr. Milone said it was the only way to proceed, get the work done, and insure the town is protected against the money spent for the work.
- Medical Benefits Insurance/Stop Loss Insurance – there was significant savings with the new stop loss insurance with CREC. However, due to significant losses on the BOE side the premiums have increased from \$150,000 to \$175,000, an increase of 5%. The town has \$4M in the insurance medical trust fund.
- Champion Ambulance Monthly Report – the contract extension has been discussed. Fire Chief Casner now includes ambulance activity, number of responses, time involved, etc. in his monthly report to the Council. The town is working with Champion to simplify the report in summary form to the Chief.
- Housing Rehabilitation Loan Program – last year a \$400,000 grant was received for people who qualified for the grant. Cheshire had 28 applicants; funds were approved for 12 applicants; and this will be back to the Council for subsequent grants for those who were not approved.
- Safest Cities in Connecticut Report – Cheshire is ranked the 13th safest city in Connecticut; the Police Department was recognized for this ranking, which is up from #20 last year.
- Upcoming Meetings – Tuesday, October 13th, 7:00 p.m. Council and BOE; presentation by Supt. Solan and COO Masciana.
- Town Closings – Friday, November 10, 2017, Veterans Day Celebration.

Mr. Bowman asked about the cell tower at Quinnipiac Park, if it is fully operational, as people are having major concerns.

In response, Mr. Milone said he will get an update from Homeland Towers which owns this facility. He checks with them every month or so, and there is frustration about lack of activity. In his last conversation with the firm there was a cell tower company seriously interested in this location, but nothing more has been heard about this firm. Mr. Milone is confused and surprised about this lack of activity because the driving force behind this cell tower was the fact there was lots of interest on telecommunication companies to locate there because of the many dead zones. He has heard from neighbors in the area who are also frustrated.

Mr. Bowman commented on Cheshire's hundreds of acres of open space, plans to manage the forest on a regular basis, and this requiring some timber harvesting. He asked if Cheshire has a resource for this work and a report to the Council.

According to Mr. Milone this would come under the Environment Commission and PW Department, as both are involved with these properties. He will check on the tree trimming company which also does harvesting work.

It was noted by Mr. Bowman that a company must be a certified forester, and this harvesting is good for the ecology and environment. The work should be done on a regular basis.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

Budget Committee – Mr. Slocum will work with Mr. Milone on a meeting date for approval of the CEP.

Town Manager Search Committee – Mr. Oris chairs this committee with members Mr. Talbot and Mr. Ruocco. The process is advancing; 57 applications were received; a meeting will be held with the consultant on October 11th to review resumes and determine the top tier of candidates to move forward. Mr. Oris hopes this sitting Council will select the new Town Manager.

B. Miscellaneous

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

B. Appointments to Boards and Commissions

Ms. Nichols pointed out two corrections to prior appointment approvals.

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

MOVED that the following appointments be corrected (end dates):

Chesprocott Health District – Lisa Davis (R) appointment from 2/23/16 to end date of **9/1/19**;

Cheshire Housing Authority – Christopher Daddi (U) appointment from 5/9/17 to end date of **5/31/22**.

VOTE The motion passed unanimously by those present.

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

MOVED that the following appointments and reappointments be approved by the Town Council:

Cheshire Housing Authority – Alan Cashmore, (R) 254 Crescent Circle, to fill the vacancy of Chris Daddi, term of office 10/10/17 to 5/31/22.

Chesprocott Health District – Ray Sima (R), 1427 Cheshire Street, term of office 10/10/17 to 9/1/20.

Historic District Commission – George Pawlush (R), 206 Taylor Avenue, to fill the vacancy of Betsy Fox, term of office 10/10/17 to 1/31/21.

Water Pollution Control Authority - James Urbano (R), 75 Copper Beach Drive, to fill the vacancy of Mark Kasinskis, term of office 10/10/17 to 1/31/20.

Human Services Committee – Elizabeth Ryducha (R), 56 Allison Avenue, to fill the vacancy of George Pawlush, term of office 10/10/17 to 1/31/19.

VOTE The motion passed unanimously by those present.

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

MOVED that the following appointments or reappointments be approved by the Town Council:

Public Building Commission – David Arai (D), 150 Harrison Road, to fill the vacancy of Matt Altieri, term of office 10/10/10 to 1/30/19.

Chesprocott Health District – Barbara Ecke (D) 70 Towpath Lane, term of office 9/1/15 to 9/1/18.

VOTE The motion passed unanimously by those present.

13. TOWN ATTORNEY REPORT AND COMMUNICATIONS

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Oris and Councilors received a letter from Ray Squier about the serious issue of concussions in youth participation in sports programs. Mr. Oris said this is an important issue to be addressed, and everyone should keep it in mind and focused.

B. Miscellaneous

Mr. Bowman brought up his idea of a bridge from the Linear Park to the back of the high school, and asked if anyone was looking into this possibility. He said the Council should also look into a bridge for kids from the west side of town to connect to the middle school. He suggested starting with the high school, and the bridge being an alternative to sidewalks on Lanyon Drive.

The Council was informed by Mr. Milone that he has discussed with matter with PW Director Noewatne. It is one of the items to be revisited and looked at in the capital plan. The Council's review of the capital plan will include the bridge recommendation.

3. ITEMS FOR EXECUTIVE SESSION

- A. Land Acquisition**
- B. Personnel Matters**
- C. Pending Litigation**
- D. Economic Incentives**

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

MOVED that the Town Council enter Executive Session at 9:10 p.m. to include Town Manager Milone for all items, and Gerald Sitko, Economic Development Coordinator for economic incentives.

VOTE The motion passed unanimously by those present.

Ms. Flynn-Harris left executive session at 10:30 p.m.

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

MOVED that the Town Council exit Executive Session at 10:45 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Ms. Nichols; seconded by Mr. Talbot

MOVED to adjourn the meeting at 10:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk