

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
NOVEMBER 13, 2018 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; Jeffrey Falk, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, Timothy Slocum, David Veleber
Staff: Sean Kimball, Town Manager; Al Smith, Town Attorney; Arnett Talbot, Asst. Town Manager; James Jaskot, Finance Director.
Town Engineer Walter Gancarz; Economic Development Coordinator Gerald Sitko; Dept. of Education COO, Vincent Masciana.
PBC Chairman Mark Nash; Cheshire Housing Authority Manager Ann Belcher.

Chairman Oris called the meeting to order at 7:01 p.m.

Chairman Oris read the emergency/evacuation notice into the record.

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.

Chairman Oris moved Agenda Item #4 to current status on the agenda.

4. PUBLIC COMMUNICATIONS

A. Recognition of Energy Award Recipients

Town Engineer Gancarz presented energy awards to two (2) Cheshire businesses (one small and one large business) in recognition of their energy savings and sustainability. The awards were given to Ralo Properties/Ralph Pascaarella and Bozzuto's/Dave Falt.

Chairman Oris thanked the business owners for their investment in the community and their business facilities.

B. Public Comments

Cindy Kleist, 251 Lancaster Way, addressed the Council on the CL&P high power outages of the past, and things being better now. She also talked about the high level of chlorine in the town drinking water, and questioned why there is chlorine in the water supply. She visited a town well with an RWA representative and drank water from this well, without chlorine. This person told her chlorine was not necessary in the drinking water. She asked Council to contact the Regional Water Authority and Senators Murphy and Blumenthal to get the chlorine reduced or removed from the drinking water. In her comments, Ms. Kleist said breast cancer is higher in Connecticut than other states, and women with breast cancer have 50% to 60% more chlorine by-products in their body.

Councilor Slocum, Cheshire's representative to RWA, explained that RWA follows the most detailed standards for water. He is uncertain the person who met Ms. Kleist was an authority to state chlorine in drinking water is unnecessary. Mr. Slocum will do his part to determine the levels of chlorine necessary for the drinking water. He will inform town officials and Ms. Kleist when he has this information.

Ms. Kleist advised she wrote to Senators Murphy and Blumenthal about the situation, and will continue to follow through on this matter.

Kristen Hayes, 370 Hayledge Court, President of Cheshire Travel Basketball (CTB), stated the organization is a 501-c-3 non-profit group. CTB has 90 kids, 10 teams, playing basketball at all levels of ability. She raised the issue of high fees charged by the Town, Board of Education, and Parks and Rec Department for use of town and school facilities for practice time for CTB teams. Last year, CTB paid about \$14,000 for gym use rentals and games. The organization is struggling financially; it pays insurance, league fees, referees, and the money paid for gym use is unsustainable. In her comments, Ms. Hayes noted that the other towns in the CTB region league do not pay for practice space and weekend gym/game time fees are lower than those charged in Cheshire. CTB representatives have met with Town Manager Kimball, Supt. Solan, and Dr. Mederios, Parks & Rec Director. It was agreed there is an issue, but how to solve it was unknown. At this meeting, Ms. Hayes learned CTB is being charged 100% profit by Park & Rec. It is really a BOE issue since the gyms are owned by the BOE. The immediate need is to get fees lowered to the actual cost for a person to open and close a gym, without a profit generated to the Park & Rec Dept.

Chairman Oris noted that he has been approached by other Cheshire youth organizations with concerns on the fee structure in place. There are BOE, Town, Park & Rec fee structures, and it becomes confusing and burdensome for the Cheshire groups. These organizations are Cheshire based, with parents and kids from Cheshire. They are all volunteers; the parents pay taxes in the community; and the Council needs to address this issue. Mr. Oris commented on the required collaboration with the BOE and Town, and supporting Cheshire based programs with the most inexpensive way possible. There must be monitoring in the schools, for security reasons, but at a lower cost, and Mr. Oris will advocate for this. He stated kids learn much from these extra-curricular activities, and they are as important as going to school.

According to Ms. Hayes, CTB raised fees this year to \$425 per player, and it could be \$500 next year. Other towns, i.e. Hamden, has a fee of \$300 per player.

Councilor Talbot, liaison to the Parks & Rec Commission, said the issue was discussed at the last meeting. He asked about Hamden parents paying \$300 per player, and what this fee goes to for the program.

According to Ms. Hayes, Hamden CTB does not pay for practice space, but pays for insurance, referees, etc. Cheshire CTB is paying about \$150 per player for practice

space. Most elementary schools have janitors in the schools at night, while Cheshire has an outside cleaning service. For the Parks & Rec fee, which is \$28 per hour, the person on site is paid \$14 per hour, with a profit going to the town department. The CTB October bill was \$2,000, with Park & Rec getting \$1,000 of this payment.

Mr. Bowman asked if some kids are not participating in the programs because of the high per player cost.

The Council was told by Ms. Hayes that two (2) kids dropped out of CTB for financial reasons, and they are at 88 players. One coach is paying fees for one child to play.

Chairman Oris thanked Ms. Hayes for bringing the issue forward to the Council. It is a discussion item later in the agenda.

Dorf Kleist, 251 Lancaster Way, commented on the alleged jail break of October 31st (Halloween night), and the code red #866 (unknown caller). He said the code red call came two hours after the person escaped from the jail, and something is wrong at CCI if someone can jump over a fence standing on a picnic bench. Mr. Kleist said this issue must be addressed... there should be quicker notification via code red, and notification to surrounding towns.

This was Halloween night, and Mr. Oris said he shares some of the same concerns. He agreed the notification system could have been better, and advised that Town Manager Kimball is working on the matter.

J.R. Lovelace, 45 Carter Lane, Plantsville CT, President of the Cheshire Junior Football and Cheer Association, said he has the same problems with fees paid for practice space. The cheer group must practice indoors, at Dodd Middle School, and BOE charges \$50 per hour to the group. There are significant costs to small youth non-profit organizations, and there is interest in the Council discussions for a more economic situation for the smaller groups.

Bob Giza, 860 Wallingford Road, commented on the dumping on Wallingford Road, and asked what can be done about this issue. The contractor has trucks running up and down the road, uncovered, speeding, using jake breaks, and his house rattles. He is not sure what is being dumped, and a business is being operated on the road.

Chairman Oris and some Councilors did receive the e-mail from Mr. and Mrs. Giza, and the matter will be discussed at this meeting. He was unaware of the situation until the letter was received. If something illegal or inappropriate is being done, it will be looked into by town staff. Town Manager Kimball and the Zoning Enforcement Officer (ZEO) will look into this problem for a possible violation.

Stating he received a communication a while ago, Mr. Slocum understood the ZEO was out to the site, and talked with the property owner.

Mr. Giza said the property owner would not accept the ZEO letter.

According to Mr. Veleber, the ZEO has been out there, looked at the property, made some determinations, and subsequent information has been received from the ZEO.

Town Manager Kimball informed the Council he met with ZEO James Fasano today. Enforcement action was issued last week; the letter was returned undeliverable; and Mr. Fasano will continue to handle the situation. It is being addressed.

With regard to the trees, there has been some logging, trucks along the road, and Mr. Veleber has driven by the property. The ZEO is working on enforcement, and the matter will continue to be pursued to the next step, with possible further action as warranted under the regulations.

If there is a violation, Chairman Oris said the town will continue to look into the matter, and will act on them. One question is whether the property owner is reacting to the town's communication.

Councilor Bowman informed the Council and the community on the passing of a wonderful man, Sgt. Larry Wild, a Cheshire Police Department officer for 28 years. Sgt. Wild was well known; he was a man of great integrity and compassion; and was instrumental in the organization of Cheshire football in 1968. As a police officer, Sgt. Wild believed in second chances and community policing...and he did give people second chances. Sgt. Wild was in the front line all the time, and possessed the personality and charisma to effectuate communication with families during difficult times. Sgt. Wild will be missed in the Cheshire Community.

Chairman Oris expressed the sympathy, thoughts and prayer of the Cheshire community to the family of Sgt. Wild.

3. ITEMS FOR EXECUTIVE SESSION

- A. Land Acquisition**
- B. Economic Incentives**
- C. Contract Negotiations**
- D. Building Security**

MOTION by Mr. Talbot; seconded by Mr. Veleber.

MOVED that the Town Council enter Executive Session at 7:40 p.m. to include Town Manager Kimball, Asst. Town Manager Talbot, Town Attorney Smith, Economic

Development Coordinator Sitko, Town Engineer Gancarz to discuss land acquisition, economic incentives, contract negotiations, building security.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 8:18 p.m.

VOTE The motion passed unanimously by those present.

5. APPROVAL OF MINUTES

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

MOVED to approve the minutes of October 9, 2018; corrections to minutes of June 12, 2018 and August 14, 2018, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

6. CONSENT CALENDAR

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

BE IT RESOLVED that the Town Council approves Resolution #111318-1

RESOLUTION #111318-1 **CONSENT CALENDAR FOR NOVEMBER 13, 2018**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 13, 2018 as follows:

- A. Acceptance and appropriation of a \$20 donation from Mary C. Salvatore to the Police Gift Account for the purchase of R.A.D. equipment, tools and training.
- B. Acceptance and appropriation of a \$50 donation from an anonymous donor to The Human Services Gift Account for general purposes.
- C. Acceptance and appropriation of a \$3,184.20 donation from Collette Travel Service Inc. to the Human Services Gift Account for the Senior Center.
- D. Acceptance and appropriation of a \$50 donation from Mr. and Mrs. Ron McReavy to the Human Services Gift Account for the Senior Center.,
- E. Acceptance and appropriation of a \$30 donation from Severino and Nicolette Fasulo to the Cheshire Human Services Jitney Bus Fund.

- F. Acceptance and appropriation of a \$205 donation from the Yellow House Halloween Party to the Cheshire Fuel Bank.,
- G. Acceptance and appropriation of a \$160 donation from the lobby donation container to the Library Gift Account to be used for general purposes.
- H. Acceptance and appropriation of a \$100 donation from the September Town Employees Dress Down Fund to the Cheshire Fuel Bank.,
- I. Acceptance and appropriation of a \$80 donation from the Colored Pencil Class In Memory of Florence L. Wester to the Library Gift Account to be used for general purposes.
- J. Authorization to apply for the Connecticut Department of Mental Health and Addiction Services Local Prevention Council grant for \$5,342 for youth substance abuse prevention programs.
- K. Correction to Consent Calendar Resolution #100918-1 Items K and L to Appropriate funds from the Elizabeth R. Schakenbach and Julia Tompkins Trust accounts for general Library purposes, not to the Library Gift Account.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR - None

8. OLD BUSINESS

A. Discussion and possible action regarding waiver of bid and approval of A.J. Waste trash and recycling collection contract. Possible executive session.

MOTION by Mr. Veleber; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #111318-2

RESOLUTION #111318-2

WHEREAS, the contract for municipal and residential trash and recycling collection will expire next fiscal year, and

WHEREAS, there have been changes in costs and disposal methods of recycling materials, and

WHEREAS, a transition to automated curbside trash collection can save money for the Town, and

WHEREAS, the Town has negotiated a beneficial contract with the current vendor which extends the term of the agreement and incorporates automated curbside trash collection and changes in recycling costs, and

WHEREAS, the Town Council feels it is in the best interest of the Town to accept said negotiated contract in a timely manner to implement savings as soon as possible,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves a bid waiver for municipal and residential trash and recycling collection, and further authorizes and directs Town Manager Sean M. Kimball to execute said contract with A. J. Waste for municipal and residential trash and recycling collection under the terms presented.

Discussion

Mr. Veleber stated this resolution is to move trash collection to automatic pickup (on a weekly basis) similar to the recycling collection.

The Council was informed by Mr. Gancarz that the cost in this fiscal year for residential pickup is \$1.44M. Under the proposed contract to automated collection the cost would be \$949,000...\$100,000 less per year. Mr. Gancarz explained the significant changes in the recycling world, with payment for disposal of recyclable materials running about \$65 per ton.

Under the new contract, Mr. Gancarz explained the following:

- If the vendor is paid for recyclable materials, Cheshire gets 30% of the profits.
- If it is between \$0 and \$30 a ton, contractor pays all the costs.
- Town cost shares above that amount are \$25 a ton; when it reaches a maximum, it becomes the full responsibility of the vendor.
- The contract with the vendor is extended past June 30, 2018 out six (6) years.
- In several years the cost remains fixed.
- In other years there is a 3% escalation.
- Pickup is once a week for solid waste; every other week recyclable pickup.

Mr. Gancarz stated that in the Public Works office, the contractor/vendor is very good; very few complaints are received; those that are received are immediately rectified. There is an option in the contract for bulky waste pickup in 2019, at a base cost of \$150,000 plus disposal costs.

Containers – 96 gallon containers will be supplied by the Town; if a homeowner wants a second container there is a \$50 cost and payment of \$100 to the vendor for additional container collection.

Implementation of automated trash pickup – the expected date is April 1, 2019. An RFP for containers received five (5) quotes, with an allocation of about \$500,000 for containers. It will take three (3) months to get the containers; four (4) months to get trucks etc. for collection. Target date is April 1, 2019 to begin automated trash

collection. The \$100,000 difference between automated and manual collection is about \$8,000 a month savings in the fiscal year.

Ms. Flynn-Harris thanked Town Manager Kimball, Mr. Gancarz, and A.J.Waste for negotiating this contract for automated trash collection. She expressed appreciation to A.J. Wallinger and company staff for their good work for the town, and working with the town to get this contract in place.

Stating he is not sold on this contract, Mr. Ruocco suggested bidding the contract after 14 years with the current vendor. He talked about behind closed door negotiations, and in the interest of transparency, offering other vendors opportunity to bid. He will not support the resolution.

Mr. Bowman asked for the average cost for automated trash collection on an annual basis for one year.

The Council was told by Mr. Gancarz that the cost is \$105 per household per year, and \$100 annually for recycling collection.

Stating he supports the resolution, Mr. Bowman said there are variables out there, and many contracts of other municipalities are in parity with this contract. There are variables in labor and fuel costs, inflationary pressures, which could impact the cost to residents.

Mr. Talbot supports the resolution. He served on the Solid Waste Committee for his past two terms, and works has been ongoing with this contract for over a year. He is comfortable the town is getting a fair deal for taxpayers. With all things being equal, there has been outstanding customer service from A.J. Waste, and we are dealing with a Cheshire based taxpaying company.

Mr. Veleber, Solid Waste Committee Chairman, read a prepared statement into the record. In his comments, he commended the work of town staff, Town Manager Kimball, Mr. Gancarz, Mr. Noewatne, and Council members. He also commended A.J. Waste for years of good service, with few complaints received, and for their willingness to work with the town on the automated collection issues. Mr. Veleber has concerns about the transition, but noted the automated trash collection could have significant savings to the town and taxpayers. In his comments, Mr. Veleber cited the 96 gallon containers as a possible issue, homeowners purchasing a second container at \$50 and paying a \$100 fee to the hauler for the additional container pickup. He sees this as a tax on residents. The bulky waste pickup expenditure would be about \$280,000 in the first year. Another concern is the proposal not going to bid, and for such a dramatic change to the residents, they should know what the alternative would be. In light of his concerns, Mr. Veleber will not vote in favor of the proposal.

Mr. Slocum supports the contract. He said the contractor has done a very good job for the community. The public has become familiar with the automated recycling program. The town is getting good service at a fair price, with a vendor doing a great job for the town.

Chairman Oris said he has been on the fence throughout this process, which has nothing to do with A.J. Waste, the vendor. The company has provided great service to the community, with excellent and respectful employees. Mr. Oris commented on the downsides, with the town losing interaction with the vendor's employees. He is more focused on the ever increasing cost pressures in the community, i.e. lost State funding, and higher costs of everything. Mr. Oris will support the contract because the financial risk to the taxpayers is greater than the hope for big savings in the future. His hope was for significant savings to the taxpayer with automated trash pickup. With the current market, this is not possible due to the high cost of recycling. Also, A.J. Waste made the contract as amenable as possible to the community. Mr. Oris will vote in favor of the proposal because the risk to the taxpayers to go out to bid could be significantly greater than where we are today...and could be hundreds of thousands of dollars. This is too great a risk to take in the current environment and pressures from the State.

Mr. Oris stated A.J. Waste is an excellent Cheshire run business. There are no problems with the vendor. With regard to bulky waste, Mr. Oris would like this program to return, and the public wants this service. The vendor, A.J. Waste put a fiscally prudent number for the automated trash pickup. Mr. Oris will support bringing back the bulky waste pickup program.

This is a large decision for the community, and Mr. Oris said Council members had reasonable concerns about not going out to bid. Every now and then the market should be tested, and taxpayers deserve this. In the end, the risk outweighed the benefits of doing this.

VOTE The motion passed 7-2; Mr. Ruocco and Mr. Veleber opposed.

Mr. Gancarz clarified that the bulky waste collection is a separate option for the Council to approve in 2019.

9. NEW BUSINESS

A. Discussion re: Recreation fees for booking School/Town Facilities

This matter was discussed earlier in the meeting, and Chairman Oris stated the Council cannot take action at this time. There must be collaboration with the Board of Education (BOE). He will work to make the fees as reasonable as possible for the local youth organizations.

It was suggested by Ms. Flynn-Harris that the Council reach out to the BOE and create a joint subcommittee for discussion of the fee structures.

With time pressures for some of the groups, Mr. Oris said something must move forward that is timely and appropriate for the groups.

Stating he was taken aback by the fee structure, anomalies, and differences, Mr. Bowman said one way for the Council and BOE to act quickly is to stop all fees right now. This would provide relief to the groups. He commented on the importance of quality of life for youngsters to participate and keep active in these programs. There are concerns about the costs being an impediment for some families, which is unfair. Mr. Bowman supports moving forward as diligently as possible to come to a resolution so there is parity in the fee structure for community groups.

Mr. Slocum suggested the Budget Committees of the BOE and Council meet with the organizations for a better understanding of the number of users and impact on the services. There are some costs associated with making buildings available, without making things impossible for the groups. Mr. Slocum believes this can be done within 30 days.

It was stated by Mr. Bowman that it is troubling if our community is in a position of profit for these groups. This bothers him the most and it should not be the case. The town wants to recover as many costs as possible. These groups provide a service to the community and the youth that is critically important and part of their quality of life.

Mr. Veleber talked about the inconsistency between which organization books an event, with some groups paying more than others. We must have uniform costs regardless of who the groups go through. At times there are two organizations paying maintenance costs while using the building at the same time. Mr. Veleber wants to get to the point to make the sports feasible and uniform.

There has been discussion between the Town Manager's Office, BOE and Parks and Rec Department, and Mr. Talbot said we should be able to pull together quickly and resolve the fee structure issue. He agrees there are some things for which there must be a fee charged. Costs must be covered, but using the costs as a profit center should not happen. Mr. Talbot is more than willing to sit on a committee and be part of the discussions.

Chairman Oris said the Council is motivated to advance something to address this issue. Mr. Masciana is working with Town Manager Kimball. Mr. Oris has spoken with BOE member Ms. Fabiani who is anxious to work through this, and discussion should be advanced quickly in a chosen forum.

B. Award of 2019 Small Cities Community Development Program Professional and Technical Services to Lisa Low and Associates on behalf of the Cheshire Housing Authority.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-3

RESOLUTION #111318-3

BE IT RESOLVED, that the Town Council awards the Professional and Technical Services for the Cheshire Housing Authority's Small Cities Development Program application process to Lisa Low and Associates.

Discussion

Ann Belcher, CHA Manager, 50 Rumberg Road, explained that there was a grant submission two years ago, but the funding was not received. The CHA is reapplying in 2019; the amount of the grant funds will be known in February 2019. An RFQ was put out, with one response from Lisa Low and Associates, and CHA accepted this firm. Under Plan A, the grant funds would be used for roadways, sidewalks, more parking, ADA and fire alarm upgrades. The CHA must have a consultant to advise and for the debriefing with the State. For Plan B, the application would be for affordable housing, 866 Boulder Road property, which is in great need of repair.

Ms. Nichols clarified there is no cost to the town, only approval of CHA hiring the consultant. The consultant costs would be paid out of the grant funds.

A question was raised by Mr. Slocum about the funds not being available because of the project identification. He asked about getting from point A to B, and getting that done if funds are not available, with this not falling on the local budget...but strictly being a federal housing issue.

The Council was told by Ms. Belcher that Rumberg Road is a private road that falls under the town. She has spoken with Town Manager Kimball and the CHA attorney for review of these issues.

VOTE The motion passed unanimously by those present.

C. Acceptance and appropriation of a \$10,000 Connecticut Recovery Oriented Support System for Youth grant for a SMART Recovery Youth group program.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-4

RESOLUTION #111318-4

BE IT RESOLVED, that the Town Council accepts and appropriates a \$10,000 Connecticut Recovery Oriented Support System for Youth (CROSS) Mini-Grant from Wheeler Clinic for a Peer Recovery Support Group for youths.

VOTE The motion passed unanimously by those present.

D. Acceptance and appropriation of a \$5,000 Connecticut State Targeted Response to the Opioid Crisis-Community Mini-Grant.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-5

RESOLUTION #111318-5

BE IT RESOLVED, that the Town Council approves a \$5,000 Connecticut State Targeted Response to the Opioid Crisis-Community Mini-Grant for local opioid prevention programs.

Discussion

The opioid crisis is a problem in town and across the country, and Mr. Slocum said all funding helps. He supports this resolution.

VOTE The motion passed unanimously by those present.

E. Assignment of capital projects to the Public Building Commission.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-6

RESOLUTION #111318-6

BE IT RESOLVED, that the Town Council assigns the following projects to the Public Building Commission, and requests recommendations from the Public Building Commission as to how each project should be handled:

- Boiler Replacement at Fire HQ and Annex and Police Stations
- Roof Replacement at Library
- Restroom Upgrades at Quinnipiac, Mixville, Cheshire, Lock 12 and MacNamara Parks
- Pool Ground Improvements & Facility Enhancements

- Districtwide Roof Repairs and Replacements
- Cafeteria Renovations – Highland School
- Window Replacements –Cheshire High School (CHS)
- District Lavatory Improvements
- Insulate Tunnel Steam Piping – CHS
- Unit Ventilator Replacements – Norton School
- Underground Oil Storage Tank Removal/Replacement – Doolittle, Humiston, Chapman and Dodd Schools
- School Masonry Restoration – District Wide
- School Security Improvements – District Wide

Discussion

Mr. Bowman explained that in December after approval by referendum, all building projects are moved and assigned to the Public Building Commission (PBC). The PBC will evaluate each project as to scope and complexity and assign it to a user member in the PBC. Based on the dollar values and future capital building improvements, Mr. Bowman said the PBC should consider utilization of an owner's representative, clerk of the works, or construction manager. This would be a cost to the town but should be considered in the next budget process. The salaries would be recaptured based on efficient management, value engineering, etc. during the construction process.

VOTE The motion passed unanimously by those present.

**F. Discussion and action Re: bid waiver request and award of work for
The Waste Water Treatment Plan belt filter restoration.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-7

RESOLUTION #111318-7

WHEREAS, the belt filter for the Waste Water Treatment Plant needs to be refurbished,
and

WHEREAS, the manufacturer of the equipment is the only vendor the Town feels is
capable to adequately perform said refurbishment, and

WHEREAS, the Town Council feels it is in the best interest of the Town to ensure the
quality of the work on this piece of equipment by utilizing the original manufacturer,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves a bid waiver
for the refurbishment of the WWTP belt filter, and further authorizes a contract with
ANDRITZ Separation, Inc. for said work.

Discussion

Mr. Gancarz explained that the funding for the second belt filter press was in the capital budget as a 2018 project. This is specialized equipment to be refurbished by the manufacturer, ANDRITZ Separation Inc. The plant upgrade had two belt filter presses. Because of unanticipated costs of PCBs during the project, only one belt filter press could be restored. The original cost estimate was \$365,000. Because of prior work (drawings, control panel, etc.) the quote is \$273,000. The equipment has a 25 year life span. Once the waiver is approved, the manufacturer's crew will come to the plant, disassemble the equipment, take it back to Pennsylvania, install new parts/refurbish the equipment, return to the plant and reassemble the equipment at the plant.

Mr. Talbot has concerns that this was not taken care of during the original facility renovation...the project came in on budget. This is a necessary piece of equipment; it is a backup unit; and he will support the resolution.

It was explained by Mr. Gancarz that both belt filter press units get the same amount of use...they rotate back and forth, and redundancy is needed.

Chairman Oris wished this was done during modernization of the facility, but understands there were unforeseen costs. He has concerns about extra money for the taxpayers, but this equipment is needed.

VOTE The motion passed unanimously by those present.

G. Discussion and action Re: Approval of tax incentive agreement with Marbridge Assisted Living, LLC.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-8

RESOLUTION #111318-8

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a Tax Assistance Agreement by and between the Town of Cheshire and Marbridge Assisted Living LLC, all of Cheshire, Connecticut, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement in the form and upon the terms and conditions as presented at this meeting.

Discussion

Mr. Sitko informed the Council that Marbridge has applied for incentive assistance. They are constructing a 46,000 S.F. assisted living facility at 665 West Main Street. The incentive value over seven (7) period is \$750,000; the employment will be 38 full time and part time individuals; building permit fees will be valued at over \$120,000,

which does not include three (3) demolition permits; the current facility and two houses purchased will be demolished; Marbridge has represented it will have about \$500,000 in personal property. Mr. Sitko requested the Council support this project and incentive assistance.

With regard to the current facility residents, Mr. Sitko said they would be moved into the new facility in two phases.

VOTE The motion passed unanimously by those present.

H. Authorization to apply for a matching Connecticut Recreational Trails Grant Request for Linear Trail enhancements and acquisitions.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-9

RESOLUTION #111318-9

BE IT RESOLVED, that the Town Council authorizes application for a Connecticut Department of Environmental and Energy Protection Recreational Trails Program Grant for acquisition of a parking lot area and other enhancements to the Linear Trail.

Discussion

Chairman Oris expressed appreciation to Mr. Sitko for bringing this grant to the Council.

There is no guarantee for the town to receive this grant, but Mr. Slocum said it is a good opportunity and should not be missed.

Mr. Ruocco will not support this grant application, and stated the town has spent lots of money on the Linear Trail. This is a grant which the town can do without.

VOTE The motion passed 8-1; Mr. Ruocco opposed.

I. Discussion and action Re: bid waiver request and award of contract For the Cheshire Public School's Transportation Services.

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #111318-10

RESOLUTION #111318-10

WHEREAS, the Board of Education (BOE) has requested a waiver of bid for Transportation Services for the Cheshire Public Schools for the term July 1, 2019 through June 30, 2024, and

WHEREAS, the BOE has indicated that the proposal from Daatco, the current vendor, includes no increase in cost in year one, with a 2% increase in each of the four remaining years, and that Daatco has provided quality service, and

WHEREAS, the Town Council feels it is in the best interest of the Town to continue the current quality service at an average annual increase of 1.6% per year,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves a bid waiver for the Transportation Services for the Cheshire Public Schools, and further authorizes a contract with Daatco for said service.

Discussion

Mr. Masciana represented the Board of Education on this agenda item. The referenced documents are attached to these minutes.

This is a request from the BOE to waive the bidding requirements for a new agreement to be executed with Daatco, the current transportation provider. Mr. Masciana noted that Daatco has serviced the BOE for +20 years, and has done a good job.

Mr. Masciana referred to the memo of October 25, 2018 from Supt. Solan and Mr. Masciana to Town Manager Kimball on the request for bid waiver. He also referred to his memo of October 18, 2018 to Supt. Solan and the BOE on the Daatco proposal and analysis and recommendation for the bid waiver request.

The agreement for transportation services to the Cheshire Public Schools has a time period of July 1, 2019 to June 30, 2024. There is no escalation in costs in year #1, followed by 2% escalations per year in years #2 through #5. In addition, Daatco would replace the existing older trailer facility at the Bus Depot with a new and larger trailer facility at no cost to the BOE. The proposed five year increase is 1.6%.

On the chart on page 1 (10/18/18) 2009-2010 to 2013-2014, the contract was put out to bid; average cost increase per year was 5.6%; Daatco won this bid.

2014-2015 to 2018-2019, the contract was bid again; Daatco won this bid; and the total package increase was 1.8% per year.

Proposed 5 year contract extension 2019-2020 to 2023-2024 – the five (5) year average increase is 1.6%.

Mr. Masciana said the contract is attractive based on comparing the last two times it went out to bid.

Page 2 – shows other school district rates from the survey of Connecticut Association of School Business Officials; these are based on recently bid contracts; type #1 rate (large buses) and type #2 rate (smaller buses) are cited; Cheshire type #1 rate is \$329 per bus per day; type #2 rate is \$269 per bus per day; average rate of #1 and #2 is \$299 per bus per day; average rate of #1 and #2 is \$306.

Average renewal rate for other school districts (some out to bid, some negotiated) is 3.3%; FY 2020-2021 the rates have been 3%; the lowest being 2.3%.

Daatco's proposal of 0% followed by four (4) years of 2% is below where the market is currently.

Page 3 – Annual Costs for Base Bus Contract. This represents the Daatco proposal cost, over five (5) years, \$13,794,245.

Assumption/going out to bid – 3% increase in year #1, and 3% increases in years #2 through #5 – contract cost of \$14,495,005.

Daatco's proposal is better at \$700,760.

Cheshire has 31 large Type #1 buses; 9 type #2 buses; 9 vans (at \$234 per day). The analysis does not include field trips, which have an annual cost of about \$200,000. There are aides on the buses, as needed, on a daily rate basis, and these rates would follow the same pattern.

Going out to bid, Mr. Masciana said the BOE would not get the same proposed contract costs as Daatco. He commented on Daatco being a good transportation provider for the town, and the difficulties in the bus market over the last few years. The BOE and Daatco work together to get through difficult times, and when issues arise their management team is very responsive. The BOE runs some of its own special ed vehicles, and sometimes borrows vehicles from Daatco.

Daatco has offered to replace, at no cost to the BOE, the existing double wide trailer building located at the Bus Depot, at an estimated cost of \$100,000.

All bus routes are determined by the BOE Transportation Coordinator and staff for maximum efficiency; the contract allows the BOE to maintain and use its own 10 vehicles for special education transportation; BOE can outsource motor coach services for best pricing. Daatco provides many services as part of the contract – hiring drivers, insuring they pass all exams, does random drug testing, reviews and background checks every six months, fuel buses daily, snow removal, pays required insurance, has a full time mechanic for bus repairs. The school district pays for the fuel because no taxes are paid. H.D. Segur provides the insurance with a \$10M required insurance for Daatco. Two-way radios are required on the buses; there is a GPS on all bus vehicles with BOE access; one-half of the buses are now equipped with cameras, and the entire

fleet will be equipped with cameras; recordings are maintained by Daatco, and they are available upon request from the BOE.

Mr. Masciana advised the contract is being reviewed by the Town Attorney.

In prior contracts, Mr. Slocum said there were more students, with more equipment involved. He asked about lower student enrollment and equipment reductions.

This all has to do with routes, and Mr. Masciana explained routes have been reduced in the last two years. Bus routes are affected by student enrollment, and there has been consolidation of bus stops for greater efficiency. There is no minimum number of routes or dollar amount guarantee of the contract...whatever routes are needed are paid for...there has been an increase in special education routes.

On page 2, Mr. Talbot asked about the district breakdown of towns, and if fuel is included in other district numbers which are higher.

According to Mr. Masciana, most school districts buy their fuel without paying taxes. Some districts are paying over \$400 per bus day, but they are not in the cited groups due to older contracts.

Mr. Talbot asked if any of the other communities are serviced by Daatco, and if the company pays taxes to the town.

Some are, and Mr. Masciana said they are Cheshire and Manchester, with the rest serviced by other companies.

With regard to Daatco paying taxes on its buses, Mr. Kimball reported they do pay taxes. Mr. Masciana said Daatco pays a fairly substantial amount of taxes to the town.

Ms. Flynn-Harris requested clarification on the declining enrollment, the routes and number of vehicles changing, and this being reflected in each year of the contract.

There is only payment for the vehicles used, and Mr. Masciana said if Daatco has extra buses in the lot, the BOE does not pay for them. These extra buses can be used if another bus breaks down.

Ms. Flynn-Harris asked if the contract is based on what has been used in past years.

That is correct, and Mr. Masciana said the cost could change based on actual vehicle count. Daatco pays about \$50,000 in property taxes.

It is difficult to understand all the moving parts and variables, and Mr. Bowman assumes the BOE vetted the proposal, and asked the questions. In looking at the BOE website and meeting minutes, Mr. Bowman said it is difficult to see how things were vetted and

questions asked. He suggested the BOE work on this issue. Regarding the age of the buses, he asked if they are older or newer than others compared in the analysis.

There is no minimum or maximum age in the contract, and Mr. Masciana said Daatco must provide spare buses and have buses running. This year there were two new 83 passenger buses in the fleet. Daatco is responsible for having buses that are current, mechanically sound, without any issues with buses not running. There will be discussions with Daatco, prior to contract signing, to provide the annual list of the ages of the buses, if some buses should come out of service.

Mr. Bowman is pleased there will be video cameras on all buses, and asked if these videos are requested frequently for viewing.

This happens about two times a month, and Mr. Masciana said Daatco makes them accessible. The cameras are helpful; the GPS is also helpful; and records can be validated. In response to a question from Mr. Bowman about all buses kept in Cheshire, Mr. Masciana said buses do not go to other school districts. However, Daatco does use the buses for other events, i.e. Durham Fair and pays for the fuel.

For the cameras on buses which photo cars not stopping, Mr. Bowman asked if they are on each bus.

These cameras are on two buses, and Mr. Masciana noted they are provided by Student Guardian, and the cameras are moved to different routes. For the rates cited with other school districts, Mr. Masciana said there are variables (i.e. age of buses, # of hours each district contracts buses) which affect the price. This would be the starting point on whether or not BOE went out to bid.

Mr. Ruocco asked if the BOE went out to bid, would Daatco come back with the same proposal.

Historical reality was cited by Mr. Masciana on the 2009-2010 to 2013-2014 contract. The proposal from Daatco was 4% per year renewals and get a bid waiver, which was not approved. The contract went out to bid; the increase came in at 12%; Daatco still won the contract. There are costs to prepare the bid, and a risk associated with going out to bid. Mr. Masciana said the offer on the table is attractive.

Chairman Oris said knowing the ages of the bus fleet is important and should be known with contract renewals. He is satisfied that 100% of the buses will have interior cameras when the contract is signed. Mr. Oris asked about the trailer and if it is town property.

The trailer is not town property, and Mr. Masciana advised the way it is written in the proposal...it is Daatco's trailer, and the BOE has three employees working and using the trailer facility. There is a benefit for Daatco to have a better trailer facility which

enhances employee morale, decreases turnover etc. Daatco offered to replace this trailer.

With Daatco willing to invest \$100,000 in the trailer, Mr. Oris asked if they would take this money and invest in better buses or something else that benefits the town.

According to Mr. Masciana, this trailer has reached the end of its life. He can ask for more as the BOE gets into finalizing the contract. Replacement cost of the trailer would, eventually, be absorbed by the town.

VOTE The motion passed 8-0; Mr. Ruocco opposed.

J. Approval of grant resolution for CHS Code Compliance construction.

MOTION by Mr. Slocum; seconded by Mr. Veleber.

BE IT RESOLVED, that the Town Council approves Resolution #111318-11

RESOLUTION #111318-11

BE IT RESOLVED, that the Town of Cheshire authorizes the Cheshire Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the Cheshire High School Code Violation Project for Civil Rights Improvements, and

BE IT FURTHER RESOLVED, that the Town Council designates the Public Building Commission as the School Building Committee for the Cheshire High School Code Violation Project, and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Cheshire hereby authorizes a least preparation of schematic drawings and outline specifications for the Cheshire High School Code Violation Project.

Discussion

Mr. Masciana informed the Council that this is required by the State in order to apply for the school construction grant, and this is standard State language. There is a requirement for the Council to appoint a Building Committee; Council must authorize the project to schematic design; and there is 46% eligible reimbursement of the project cost. This has been done in the past for this type of school construction grant.

VOTE The motion passed unanimously by those present.

K. Approval of grant resolution for Doolittle School Underground Oil Storage Tank Replacement Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-12

RESOLUTION #111318-12

BE IT RESOLVED, that the Town of Cheshire authorizes the Cheshire Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the Doolittle School Code Violation for the Oil Tank Replacement Project, and

BE IT FURTHER RESOLVED, that the Town Council designates the Public Building Commission as the School Building Committee for the Doolittle School Code Violation for the Oil Tank Replacement Project, and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Cheshire hereby authorizes at least preparation of schematic drawings and outline specifications for the Doolittle School Code Violation for the Oil Tank Replacement Project.

VOTE The motion passed unanimously by those present.

L. Approval of grant resolution for Darcey School Underground Oil Storage Tank Replacement Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #111318-13

RESOLUTION #111318-13

BE IT RESOLVED, that the Town of Cheshire authorizes the Cheshire Board of Education to apply to the Commissioner of Administrative Services and to accept or reject a grant for the Darcey School Code Violation for the Oil Tank Replacement Project, and

BE IT FURTHER RESOLVED, that the Town Council designates the Public Building Commission as the School Building Committee for the Darcey School Code Violation for the Oil Tank Replacement Project, and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Cheshire hereby authorizes at least preparation of schematic drawings and outline specifications for the Darcey School Code Violation for the Oil Tank Replacement Project.

VOTE The motion passed unanimously by those present.

M. Discussion and action Re: approval of a Purchase and Sale Agreement, possible executive session.

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #111318-14

RESOLUTION #111318-14

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a Purchase Agreement by and between the Town of Cheshire and Dorothy Elizabeth Metzler, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement in the form and upon the terms and conditions presented.

Discussion

Mr. Slocum stated this property is next to the Furniture Barn site; the house will be demolished; and the property can be used for parking expansion.

Town Manager Kimball stated this resolution should be amended to state... **The agreement is subject to review by the Town Attorney.**

VOTE The amendment to the Resolution passed unanimously.

VOTE The amended Resolution passed 8-0; Mr. Ruocco opposed.

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

Public Safety Communication System Upgrade and Expansion Project – Mr. Kimball reported that the \$4,476,000 project is moving forward for the Town and BOE. After a thorough review, the firm of Motorola Solutions was selected as the vendor, and a contract was executed with assistance of the Town Attorney for \$3,835,076. The project is on schedule to begin next summer.

Code Red System – Residents are encouraged and reminded to sign up for the Code Red notification system, which is used to issue important emergency information by

phone and text message. Residents and businesses should register both landline and cell phone numbers. The Code Red phone numbers are: 866-419-5000 and 855-969-4636, and the numbers should be added them to phonebooks.

Referendum Results – All six (6) local referendum were approved by a substantial margin, and certification of results will be coming from the Town Clerk.

Revaluation Notices – a town-wide revaluation of property is required by state law very five (5) years; property owners received notices for appointments with eQuality Valuation Services if they disagree with the assessment; appointments begin on December 3rd; residents can call 1-800-509-9709 24/7 for an appointment.

Unsafe Premises Report – the Fire Marshal will provide a monthly report to Council; five (5) complaints were received in October, and one (1) was an unsafe structure.

CNR Project Closures – the project accounts are listed in the report; \$18,996.31 in balances is being transferred to the CNR Fund Balance.

Economic Development – Updates are cited in the report; TIF meeting with EDC and Camoin Associates will be held on November 27th; PZC is discussing the POCD and provision for an overlay district along RT 10 from Creamery Road to West Johnson Avenue; Climate Engineering has plans for a 30,720SF facility at 551 West Johnson Avenue, and PZC approved this project.

Recreation Offerings – Scuba Claus will be held on December 1st at the Community Pool with photos of children with Santa underwater, and holiday treats and fact painting. Annual Tree Lighting – Sunday, December 2nd, 5:45 on the Church Green.

Library Book Sale & Sunday Hours – the Fall book sale is scheduled for Thursday, November 15th through Sunday, November 18th. The Library is open on Sundays 1:00 p.m. to 5:00 p.m. November through March.

Dime Savings Bank Parking Area in Wolcott – a parcel of Cheshire owned property in Wolcott, abutting the Dime Savings Bank property, to be used as a parking area for access to town open space is pending approval by the Wolcott PZC, and finalization of State DOT and Wolcott permits.

Road Paving – there are still portions of Wood Hill Road and West Johnson Avenue that remain to be paved; work will continue if the weather permits.

Police Lip Sync Video – special recognition to the CPD and participants in the challenge video; and thanks to Officer Tracy Gonzalez who spearheaded this project, and Clem Kasinskas of Bozzuto's who donated video equipment and production time. The video has been viewed over 15,000 times on YouTube.

First Quarter Financial Report – Finance Director Jaskot submitted the reports.

Upcoming Council Meeting – Tuesday, December 11, 2018, Regular Meeting.

Councilor Slocum suggested reinstating a holiday gathering in 2018 for Council, Board, Commission, Committee members. Mr. Kimball said he and his staff will work on this event, with date and time notification to everyone.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

i. Referral of review of Fund Balance Policy to the Budget Committee.

Budget Committee – Mr. Slocum advised the committee will meet on Monday, December 3, 2018, at 7:00 p.m. to review fund balance policy.

Ordinance Review Committee – Ms. Flynn-Harris will schedule a meeting soon.

B. Miscellaneous

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Mr. Slocum suggested formation of a committee by the Chairman to review the youth group costs for use of town and BOE facilities.

The Council discussed the fee structure issue, Mr. Kimball taking the lead and willing to move forward quickly, and his setting up a committee to review and make recommendations.

Parks and Rec Commission – Mr. Talbot reported that Public Works is doing milling work at the Chapman property for the future walking trail. An RFP for a consultant for development of the property is moving along.

Arts Place – Ms. Flynn-Harris reported on the holiday fair on Saturday and Sunday, November 17th and 18th at Arts Place; there will be a giving tree for donation of art supplies, pajama program and children's books, which will be given to shelters, group homes and children in temporary housing.

B. Appointments to Boards and Commissions None

13. TOWN ATTORNEY REPORT AND COMMUNICATIONS

No report.

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Oris reported on a letter and e-mail communication from Andrea Hale-Moutinho regarding the flooding issues on Willow Street. Mr. Oris visited the area of the flooding. The homeowner believes there is culpability on the town's side, and the situation is getting worse. He asked Town Manager Kimball to look into this matter and inform the Council.

Mr. Kimball has met with the homeowners, who informed him of 10 years of significant flooding issues. He also met with Ms. Simone and Mr. Noewatne, and everyone is working together to find a solution.

Mr. Oris received a letter from Ms. Mesite, a Lanyon Drive resident, who expressed disappointment about cancellation of the sidewalks project.

A letter was received from "Al" about dead trees in town, and Mr. Oris noted the town is doing the best it can with funds set aside for this problem.

Mr. Slocum received a letter from Norman R. Benedict.

Mr. Oris noted that Mr. Benedict is asking for support of a senior citizen lock box program for public service easier access to senior homes when there is a problem.

B. Miscellaneous

Mr. Bowman reported he received several inquiries about the cell tower at Quinnipiac Park, which has not had a service provider installed. This section of town is lacking cell service, and he asked for an update on this matter.

Next year is the 250th Anniversary of the settlement of Cheshire, and Mr. Bowman asked about memorializing this event in some way. The last event was in 1994. He has talked to Town Manager Kimball about this anniversary, and some thought will be given to a memorial event.

15. ADJOURNMENT

MOTION by Mr. Slocum; seconded by Mr. Veleber.

MOVED to adjourn the meeting at 10:20 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk