

**MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON TUESDAY, JUNE 26, 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, Timothy Slocum, David Veleber.

Absent: Thomas Ruocco and Peter Talbot.

Staff: Sean Kimball, Town Manager; Town Attorney Al Smith; Arnett Talbot, Asst. Town Manager; James Jaskot, Finance Director; PW Director George Noewatne; Fire Chief Jack Casner; Dept. of Education COO, Vincent Masciana.

Guest: Public Building Commission Member James McKenney; Cheshire High School Athletic Director Steve Trifone, and CHS Boys' Baseball Class LL State Championship Team and Coaches.

**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. Recognition of Cheshire High School Boys' Baseball Team State Class LL Championship.**

On behalf of the Town Council and the Cheshire Community, Chairman Oris extended condolences to CHS Baseball Coach Bill Mrowka and his family on the passing of their Father, Bill Mrowka.

Chairman Oris expressed the community's pride in the CHS Boy's Baseball Team and Coaches on winning the Class LL State Championship, season record of 21-5, and ranking as the #1 high school baseball team in the State of Connecticut. The Council congratulated the team and coaches on their accomplishments. Chairman Oris read the names of all the players into the record, and presented the team and coaches with a Proclamation in recognition of their outstanding achievements. In his remarks, Mr. Oris stated that extra-curricular activities are an important part of a student's education.

Before undertaking further business of the meeting, Chairman Oris explained that this is a special meeting of the Town Council, and under FOI there are no public comments as part of the meeting.

**4. Executive Session**

**a. Champion Contract**

**b. Public Safety Investigation**

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

MOVED that the Town Council enter Executive Session at 7:48 p.m. to include Town Manager Kimball, Town Attorney Smith, Finance Director Jaskot, Fire Chief Casner, Asst. Town Manager Talbot, and Robert Hollsworth, consultant, to discuss contract negotiations and agenda item #13 Land Acquisition.

VOTE           The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 8:12 p.m.

VOTE           The motion passed unanimously by those present.

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

BE IT RESOLVED, That the Town Council hereby approves and authorizes the execution of a one year Emergency Medical Services Agreement by and between the Town of Cheshire and Campion Ambulance, for the term July 1, 2018 through June 30, 2019, per the terms and conditions as presented.

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

Discussion

Mr. Slocum stated there are some important changes for the year. The Town is paying the same amount as the last number of years, \$217,200 annually, \$18,092 monthly, and the same level of services will be received.

Chairman Oris advised there is a consultant on board who will evaluate the services to the community to insure what is provided is appropriate for the time we are living in. He said public safety and ambulance services are of ultimate importance to everyone.

VOTE           The motion passed unanimously by those present.

**5.     Amendment to the Community Pool FY 17-18 budget.**

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

BE IT RESOLVED, That the Town Council approves Resolution 062618-2

RESOLUTION #062618-2

BE IT RESOLVED, that the Town Council amends t he total appropriation for the

FY 17-18 Community Pool Operating Budget from \$901,896 to \$923,896, an increase of \$22,000. The line item changes that support this amended budget are detailed below.

BE IT FURTHER RESOLVED, that the Town Council allocates an additional \$75,319 from the Recreation Department Swimming Pool account 10365-5710 to the line item to the FY 17-18 Community Pool Operating Budget General Fund Subsidy.,

**REVENUES:**

<u>Account</u>	<u>Adopted Appropriation</u>	<u>Amended Appropriation</u>
30-4375 Pool Fees	\$633,470	\$580,151
30-4900 General Fund Subsidy	<u>\$228,426</u>	<u>\$303,745</u>
<b>Total Budget Revenues</b>	<b>\$901,896</b>	<b>\$923,896</b>

**EXPENDITURES:**

<u>Account</u>	<u>Adopted Appropriation</u>	<u>Amended Appropriation</u>
30375-5202 Building Material	\$ 33,000	\$ 43,000
30375-5302 Electricity	<u>\$ 60,000</u>	<u>\$ 72,000</u>
<b>Total Budget Expenditures</b>	<b>\$901,896</b>	<b>\$923,986</b>

Discussion

Mr. Slocum noted some changes came after adoption of the budget in expenditures for building materials, supplies and electricity costs. The electricity costs are at a good rate but increase in transmission fees is beyond expectations.

According to Mr. Jaskot, weather conditions year to year change and it has been cooler than expected this spring, with higher electrical costs.

With a larger number of pool user fees, Mr. Slocum said it would help offset the budgetary issues. The bleachers and starting blocks will enable the pool to host more swim meets, and there are plans for enhancements for more friendly activities. Mr. Slocum noted the electricity account increased to \$72,000.

VOTE           The motion passed unanimously by those present.

**6.     Amendment to the Water Pollution Control Department  
FY 17-18 Budget.**

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

BE IT RESOLVED, That the Town Council approves Resolution 062618-3

RESOLUTION #062618-3

BE IT RESOLVED, that the Town Council amends the total appropriation for the FY 17-18 Water Pollution Control Department Operating Budget from \$4,021,971 to \$4,221,971, an increase of \$200,000. The line item changes that support this amended budget are detailed below.

**REVENUES:**

<u>Account</u>	<u>Adopted Appropriation</u>	<u>Amended Appropriation</u>
60-4901 WPCD General Fund Equity	\$ 93,397	\$ 293,397
<b>Total Budget Revenues</b>	<b>\$4,021,971</b>	<b>\$4,221,971</b>

**EXPENDITURES:**

<u>Account</u>	<u>Adopted Appropriation</u>	<u>Amended Appropriation</u>
60270-5302 Electricity	\$ 405,000	\$ 475,000
60270-5409 Other	\$ 187,127	\$ 236,790
60270-5709 Debt Services	\$1,205,482	\$1,285,819
<b>Total Budget Expenditures</b>	<b>\$4,021,971</b>	<b>\$4,221,971</b>

Discussion

This matter was discussed at the Budget Committee meeting. Mr. Slocum said there was an error regarding electrical credits. Mr. Jaskot increased the expenditure by \$80,000 on the planning portion of the upgrade. The credit agreement has been in effect since April; credits are accruing; but no credits have been received. There is no history on how much will be received each month.

Mr. Jaskot explained there was an oversight during the budget for debt service of \$80,000. This is a legitimate expense for the planning portion of the upgrade with the extra \$80,000 being paid over the next 20 years. The electricity average is projected but credits will be received from the landfill solar plan. The credits will not be seen until July or August.

The letter from Town Engineer Gancarz was cited by Ms. Flynn-Harris, regarding the flood dike at the treatment plant, raising it from 2.0 feet of freeboard to 3.5 feet, and getting FEMA accreditation of the dike.

Mr. Jaskot stated the insurance company emphasized there was not enough insurance at the plant because there is a flood zone. Mr. Gancarz looked into whether or not a berm around the facility could be accredited. This year some money was spent to look at what needs to be done to pursue this, and there is a potential for a berm to be accredited. The Town has paid \$7,500 per year for flood insurance, and with FEMA accreditation there will be savings on the insurance.

Town Manager Kimball advised the \$55,000 is included in this revenue. If the matter is referred tonight the matter will come back to the Council.

The Town spent \$32M on a plant upgrade, and Chairman Oris questioned why this was not looked into and done at that time. He requested Town Manager Kimball to get some answers about this when \$32M was being spent. He understands Mr. Gancarz's memo to get the property out of the flood zone for better insurance for the \$32M investment. Mr. Oris commended current staff working on the issue, but said it should have been done when the plant was upgraded.

VOTE           The motion passed unanimously by those present.

**7.     Acceptance and appropriation of vehicle and equipment auction proceeds to The Capital Assets Proceeds Account for fleet maintenance and purchases.**

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

BE IT RESOLVED, That the Town Council approves Resolution 062618-4

RESOLUTION #062618-4

BE IT RESOLVED, that the Town Council accepts and appropriates \$12,982.06 in auction proceeds for Public Works vehicles and equipment to the Capital Asset Proceeds account for maintenance or purchases for the Town fleet.

Discussion

This is a policy instituted a few years ago; it has worked out well; and the proceeds go into the account for fleet maintenance and purchases.

Mr. Slocum explained the funds are used for ongoing fleet maintenance, which extends the life of the equipment. It is a good investment and the money now go into a separate account for when it is needed by Public Works.

VOTE           The motion passed unanimously by those present.

**8.     Authorization to execute Department of Emergency Management and Homeland Security ongoing grant documents.**

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

BE IT RESOLVED, That the Town Council approves Resolution 062618-5

RESOLUTION #062618-5

BE IT RESOLVED, that the Town Council authorizes application for the State of Connecticut Department of Emergency Services & Public Protection, Division of Emergency Management & Homeland Security Emergency Management Performance Grant, and it is RESOLVED, that the Town of Cheshire Town Council may enter into with and deliver to the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management & Homeland Security, any and all documents which it deems to be necessary or appropriate; and it is FURTHER RESOLVED, that Sean M. Kimball, Town Manager of the Town of Cheshire is authorized and directed to execute and deliver any and all documents on behalf of the Town of Cheshire and the Town Council and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents.

Discussion

Chairman Oris stated this is a formality for Town Manager Sean Kimball to sign documents in place of former Town Manager Milone.

VOTE           The motion passed unanimously by those present.

**9.     Approval of Engineering job descriptions.**

This matter will be addressed by the Personnel Committee before coming to the Town Council.

**10.    Award of bid for Cheshire High School Storage Building design-build project.**

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

BE IT RESOLVED, That the Town Council approves Resolution 062618-7

RESOLUTION #062618-7

BE IT RESOLVED, that the Town Council, pursuant to the recommendation of the Public Building Commission, awards the bid for the Cheshire High School Storage Building project to J. A. Rosa Construction at a total bid of \$256,730, and

(The full resolution is attached to these minutes)

Discussion

PBC Member James McKenney, 272 Beacon Hill Drive, informed the Council that this project is a 30 foot wide x 100 foot long storage building. Unlike a normal bid project this was a "design-build". In the initial stage, Pelletier Construction was at the lowest design cost. PBC met with the two lowest bidding companies. PBC refined the proposals and additional costs such as bringing in electrical costs etc. Pelletier was no longer the low company, but J.A. Rosa Construction was the lower bid. Mr. McKenney

clarified that the PBC could do this because it was a design-build. This clarifies something which makes the contractor better understand the project. PBC has worked with J.A. Rosa in the past. Both contractors were qualified. PBC is optimistic the project can be done and done well. The contingency is \$40,000, and if all goes well this money will not be spent.

A question was asked by Mr. Slocum about going through all this to discuss a \$40,000 increase, and if it was to satisfy Bond Counsel.

Mr. Kimball stated this is bond language needed on the record to satisfy Bond Counsel.

Mr. Veleber asked the potential structure location, i.e. near the football practice field, along the tree line that separates the garage from the football field.

The Council was told by Mr. McKenney that some of the trees must go due to the drainage swell in the area. The back of the building will be close to the drainage area; trees will have to go so they do not hang over the building. The BOE adopted this location a year or two ago.

Mr. Slocum mentioned the many storage trailers on the site, asked about accommodating needs of the sports teams and the band.

A number of storage trailers will be eliminated, but Mr. McKenney said all (100%) will not go. There will be accommodation of the sports teams. Track and Field requested an additional structure, i.e. a tent, for their equipment so it would not have to be moved back and forth for each time it is used. If money is left over the Council could appropriate funding for this tent.

The process was outlined by Mr. Oris. Once PBC receives the original responses, two firms were interviewed, given an opportunity to see the original numbers (public information), some additional work was added to the project (site work and delivery of utilities). He asked if this was correct.

Mr. McKenney stated that was correct. Both contractors were given the opportunity to adjust their numbers. One chose to do the adjustment and one did not.

Mr. Oris clarified that both contractors were given the opportunity to add costs for the site work and utilities, and opportunity to re-price their bid, if they chose to do so. One firm chose not to do that.

Mr. McKenney stated that was correct.

The issue of the location of the structure was raised by Mr. Oris, for use by the users, i.e. a safe location for the Band. He asked if the location meets the need of the Band, if someone has talked to the Band that the structure, when built, will be used by the Band.

It was stated by Mr. McKenney that the PBC Subcommittee met with school representatives, including A.D. Trifone. One concern was the Band, and the proposed location is closest to where the Band is.

Mr. Masciana addressed the Council, stating the Band will use the structure. The existing green structure will go. The plan was for a storage building to be used for Band and equipment and shows. The ideal was to build a 4,000 S.F. building, but we are getting a 3,000 S.F. building; the green container will be removed from the parking lot; there will be a paved accessible path from the current roadway in front of the storage building and out to the seating on the practice field.

The motivation for Mr. Oris was to insure the Band gets some benefit from this structure. It is important that the location selected by the BOE would not, in the future, need to be moved. There was talk about moving the building to another location which people felt could be in the way of future school expansion.

It was clarified by Mr. Masciana that this location is a commitment from the BOE.

According to Mr. McKenney the Band will have a 28 foot x 30 foot area. In line with the Council's idea of a more durable building, there will be split based block which is more attractive and durable and within the numbers given.

The contingency is \$40,000, and Mr. Oris said the risk is in the ground. The building itself should have no change orders. Unless we run into significant ledge, and tests have been done, \$40,000 is a high number. The number is there, if needed, and Mr. Oris believes the project will come in within the original allocation.

PW Director Noewatne stated test pits were done; there is no ledge; there will be much filling without too much excavation. With design-build there should not be any change orders; the contractor is building to our specs; change orders are on the contractor; the owner gets what was spec'd out and requested.

With regard to fill requirements, Mr. Oris pointed out Pelletier had \$34 a ton for fill needed, and Rosa an "0" dollars per ton for the Town providing fill. He questioned Rosa's cost vs. \$34 a ton from Pelletier.

Mr. Noewatne reported the Town has thousands of yards of fill to provide for this project, and the Town does not anticipate paying for fill.

With Rosa anticipating the fill, Mr. Veleber asked why Pelletier did not include this factor.

Mr. Noewatne explained that Pelletier wanted a certain type of fill for the design-build.

With Pelletier aware of the Town fill opportunity, Mr. Veleber asked about this contractor choosing not to take advantage of it, and how much it would have affected their bid.

Mr. Oris said it would not affect anything and the numbers would not change.

It was stated by Mr. Veleber that the building does not take care of all the storage needs at CHS, and he asked who will go in there and who will be left out.

Mr. Noewatne said Track & Field will not have a space in this area. Sports teams will be Baseball, Football, lacrosse and Band. In the future, another building could be constructed near the football field for Track & field equipment and materials.

Mr. Bowman would have preferred to support the use and utilization of the existing building. He said this is prime real estate and using it for work equipment would have been enough storage for all sports and bathrooms.

Stating he was surprised at the number of storage facilities to be left, Mr. Oris thought all trailers/containers would be gone. There will be less square footage, but assumed more efficiency. Part of the reason for putting more money into this project was to make the area look better, and he wants a better understanding of what will be left there.

Mr. Masciana explained there are storage trailers not in the athletic complex; some are on the north side of the high school; it is anticipated all storage trailers will be taken out; and track and field needs something on the west side of the running track. The trailers under the visitors seating are in poor condition, and there will be inclusion of a BOE \$50,000 capital expenditure request for a structure for track and field on the west side of the complex. Mr. Masciana stated no trailers in the athletic complex will be left on the site.

VOTE           The motion passed 6-0-1; Mr. Bowman opposed.

- 11. Referral of a supplemental appropriation for flood dike enhancements At the Waste Water Treatment Plant to the Budget Committee.**
- 12. Referral of Non-Union Pay Plans and the Non-Union Rules and Regulations to the Personnel Committee.**

Chairman Oris referred these two matters to Town Council Committees.

- 13. Land Acquisition – possible executive session.**  
(Council executive session, agenda item #4)

**14. ADJOURNMENT**

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

MOVED to adjourn the special meeting at 8:55 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk