

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:00 P.M. PUBLIC HEARING ON TUESDAY, MAY 9, 2017 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Chairman Robert J. Oris, Jr.; Paul A. Bowman, Vice Chairman; Michael Ecke, Patti Flynn Harris, Sylvia Nichols, Thomas Ruocco, Timothy Slocum, Peter Talbot.  
Staff: Michael A. Milone, Town Manager; James Jaskot, Finance Director; Police Chief Neil Dryfe, Parks & Rec Director Robert Ceccolini.

**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. Personnel Matters (moved to end of the meeting)**

**4. PUBLIC COMMUNICATIONS**

**A. Proclamation for Older Americans Month**

Chairman Oris read the proclamation designating May 2017 as Older Americans Month.

**b. Public Comments**

Cathleen Devlin, 61 Lanyon Drive, stated that Councilor Falk is not included in her remarks to the Council. Ms. Devlin retroactively opposes and requested rescission of the adopted fiscal year 2016-2017 Capital Expenditure Budget, specifically Resolution #13 appropriating \$100,000 bonded funds for construction of sidewalks on Lanyon Drive to Route 10. On April 17, 2017 she was here to oppose this project having learned of it as the result of survey flags lining her street. It has come to her over the past month that a conflict of interest underlies this new sidewalk construction project. This is the only rational answer to the question of why Lanyon Drive was chosen. Why not Horton Avenue, Cherry Street, Willow Street, Academy Road, Wallingford Road, South Brooksvale, Mountain Road or Mount Sanford which all lead to Main Street or Route 10. She said she began with Mr. Bowman's election to Town Council in November 2015 for a two year term which expires this Fall. In March 2016 a few months into Mr. Bowman's term the Public Works Department allegedly received a verbal communication from Steve Casner who resides with his family at 334 Westland Avenue. Mr. Casner is said to have communicated that Westland Avenue residents support construction of a new sidewalk from Westland Avenue along Lanyon Drive, which new sidewalk would then connect Westland Avenue to the existing sidewalks on Route 10. Mr. Bowman's youngest daughter, Melissa, purchased 345 Westland Avenue with her husband in 2012. Melissa lives there with her family including Vice Chairman

Bowman's very young grandchildren. Melissa Bowman's house is located three houses down the street from the intersection with Lanyon Drive, diagonally across the street from Steve Casner's house. According to Michael Ecke's e-mail to her and others dated May 25, 2017, all residents of Westland Avenue are in favor of this new sidewalk installation on Lanyon Drive. Ms. Devlin said she happens to know this statement is not true, but will accept it as true for the purpose of this discussion. Accordingly, we can assume that Melissa Bowman not only was aware of, but also supported this new sidewalk project on Lanyon Drive. We can also assume that Vice Chairman Bowman knows where his youngest daughter lives with his grandchildren at 345 Westland Avenue. According to the Town Manager's office this Lanyon Drive new sidewalk project was discussed at the Town Council capital budget meeting held on July 25, August 17, and August 22, 2016. All three meetings were held in the back hall room 207. The minutes of those meetings provide no detail relevant to this discussion, except to confirm Mr. Bowman's attendance. The July 25 meeting was not recorded; the other two meetings were recorded on cassette tapes. She has listened to these tapes. At the meeting held on August 17, 2016 in Room 207, Mr. Bowman is heard agreeing with the plan to bond \$100,000 for new sidewalks on Lanyon Drive, separate from the \$200,000 sidewalk program. On August 31, 2016 Mr. Bowman voted in favor of the 2016-2017 Capital Expenditure Budget without any comment or recusal in voting on item 13 being the Lanyon Drive new sidewalk project. Ms. Devlin said she submits that as a member of the Town Council, Mr. Bowman was in a position of public trust. The interests of this town and its citizens must come before his own. In fact, in appearance his actions and interests must be above reproach. She respectfully submits that Mr. Bowman was involved in transacting and approving funding for a bonded project that directly benefits his youngest daughter, Melissa, and her family at the expense of the taxpayers and certainly not in their trust. Stated more simply, Ms. Devlin said the Town Council has permitted Mr. Bowman to buy the sidewalk for his daughter using the town's credit card. She respectfully submitted that this conflict of interest mandates a rescission of the fiscal year 2016 to 2017 Capital Expenditure Budget, specifically as to resolution #13 appropriating \$100,000 bonded funds for construction of new sidewalks on Lanyon Drive to Route 10. Ms. Devlin said that is all she has at this time and thanked Council for their attention.

Chairman Oris addressed the comments from Ms. Devlin. He said she threw out a lot of accusations that he is not sure are founded on any reality at this point. He said Ms. Devlin reached across to a point that suggests that a single Council member had the authority to mastermind a project without any other Councilors being part of the situation. Mr. Oris stated he takes offense to this, and said Ms. Devlin's comments are inappropriate. He is not sure she has any evidence to suggest it, and is shocked by her comments at this point. He assured Ms. Devlin that her comments are troubling and making a suggestion that somehow, something was done underhanded by this Council or a single member of this Council for personal benefit. That is a very significant charge and Mr. Oris said he hopes she thought very carefully before making that statement.

He is very concerns by the comments; is not sure he agrees at all with it; and would not address it any further.

Mr. Slocum stated that during his chairmanship which preceded Mr. Oris, the goal and objective of the Town Council is to make capital improvements across the town with every project weighted. The sidewalk issue has always been done in an incremental program. Some years there is more money devoted to the project. A sidewalk was recently done on Higgins Road with an eye towards better connection to the Linear Park, and this involved a number of property owners and conversation. This has been done a number of times. Mr. Slocum said Councilors have no clue where people live other than people do walk on sidewalks, and public safety is where Council measures its decisions. Mr. Slocum agreed with Chairman Oris that Ms. Devlin's comments are unfounded and ludicrous. He would prefer to hear it's too expensive...we don't need it.

Mr. Ecke stated that at no point during deliberations that summer when the capital budget was passed did Mr. Bowman ever talk to him about the sidewalks, or push for the sidewalks. At no point was there conversation that led him to believe that those sidewalks were anything other than a routine improvement for the community. Mr. Ecke said Mr. Bowman never mentioned or brought it up or ever suggested it or talked about it any way, shape or form during the whole process.

Ms. Flynn-Harris advised she was on Planning and Zoning Commission, and was former Chair for many years. From a PZC aspect, it has always been the goal to have and extend sidewalks where possible...in neighborhoods where there is connectivity to schools. They were always treated and criticized for having a sidewalk going nowhere when attached to small developments. The town always wants to have sidewalks that can be extended, when necessary, and when it could be done and afforded. Ms. Flynn-Harris knows this is the way sidewalks would be looked at as part of the neighborhood, in close proximity to a school, where students walk to school, and have public safety reasons with availability of sidewalks so students did not walk on the street.

Mr. Ruocco asked if the Board of Education plans to make this area a walking district.

Mr. Oris said the subject location is 1.5 miles from the high school, and there are students walking in this area.

It was explained by Town Manager Milone that in order for any capital items to get before the Council, it has to come through the Town Manager's office and staff. He can say there was absolutely no discussion or involvement of any kind from any Town Council member relative to the proposals he put forth before the Council.

Mr. Bowman said he takes exception to the comments made by Ms. Devlin. He hopes she has proof of his conflict of interest in the wrong doing he and his family is accused of. He is offended by the comments. Mr. Bowman said Ms. Devlin is entitled to her opinion. He said the fact of the matter is that he had not spoken to his daughter or son-in-law about these sidewalks until this past Sunday evening, never a word about it from them, to them, whatsoever. When we get to a point of a deposition or something else, Mr. Bowman will be proving this. As far as how this project came about, he does not know how it came about.

In his experience with people and public safety, Mr. Bowman talked on a high school classmate who was killed in front of the high school, walking without sidewalks. On Cornwall Avenue a girl was hit and killed by a mirror on a truck. Mr. Bowman said that Ms. Devlin might do some due diligence...maybe someone who proposed the sidewalks or advocated for this, lost a sister in October 1978 on West Main Street walking from school. He stated Ms. Devlin should not point the finger at him that he led the initiative on this. He supports sidewalks on Lanyon Drive, and there is nothing anyone can do to change his mind. It is a through street, and he supports sidewalks. Mr. Bowman commented on there being more to be said, but he takes high offense to what Ms. Devlin said.

Ms. Devlin said there should be a procedure outlined for the public to review when Council discusses where sidewalks will be. She tried to do due diligence as Mr. Bowman suggested and there was nothing, no writing. A verbal statement was made to somebody and that was it. She has been told you can get a new sidewalk in this town just by making a phone call.

Stating that's good, Mr. Bowman said we will find out who is saying what, at some point, in a different venue...who the who is.

Ms. Devlin needs to find out how this decision was made, it has not been easy, and Mr. Milone knows she has tried to find out why Lanyon Drive was chosen and not any other streets. She has gotten nowhere.

Chairman Oris stated that Lanyon Drive neighbors have been treated no differently than any other neighborhood with sidewalks. He said Ms. Devlin could debate the merits of whether she wants sidewalks in her neighborhood and how the process could be better, he will have that conversation. Mr. Oris said, as Chairman of the Council, he will not tolerate someone coming up and making unfounded accusations against Council members...who are volunteers and work hard every day. He was part of that budget process, and never once heard Mr. Bowman bring up these sidewalks.

Amy Sampson, 167 Lanyon Drive, expressed concern about how the process went about. She works from home and sees 4 or 6 high school kids coming home in the afternoon. Other streets, Willow, Cherry should be looked at for students coming and

going. There could be a speed table in front of her house, as high school kids speed constantly. If you want to attach a street to commerce, there is the new renovation, and looking at Cherry and Willow. Unless someone is going to DunkinDonuts, Lanyon is really no longer connecting to anything, and has little foot traffic. The concerns are how the actual process is weighted, what are the variables considered when Lanyon was considered, when visibility on Willow and Cherry are worse. Cherry has St. Bridget foot traffic with kids congregating all the time. Ms.Sampson said the town is wasting \$100,000 for sidewalks to nowhere when Cherry Street needs sidewalks because of foot traffic.

Chairman Oris informed everyone present that there was a meeting last week with Mr. Ecke and Lanyon residents. He asked Mr. Milone to explain the ranking system and how this came about, as this was a question asked at that meeting. He said the sidewalks are generally vetted in terms of a ranking system prior to the Council getting knowledge of them. The projects are presented by Town Manager Milone to the Council, and this is the first time they are seen. At that point, Council makes sure everything is in keeping with the Plan of Conservation and Plan of Development (POCD). The expansion of sidewalks goes back to the POCD, a public document on which Council agrees, and which has had public input. The POCD drives where and how the town needs to expand sidewalks, and it is suggested in areas of schools, commercial areas and the like, to enhance exercise and such. In keeping with the POCD, the capital budget is a public document, and the public has every opportunity to weigh in during the process.

Mr. Oris agrees the process may need to change, and one suggestion is knowing what the flags represent. It is appropriate to have a discussion about making the process better. He asked residents to put their concerns in writing to Council so there is understanding of sidewalk concerns. Nothing has been heard or seen from anyone, other than that they do not want the sidewalks, and disagreement with the process for approval of sidewalks. There can be talk about the process, but he wants to hear why sidewalks are not a benefit to the neighborhood, and not in keeping with the town's overall POCD.

The process for sidewalk projects was addressed by Mr. Milone. He explained there is a process of identification that involves a myriad of people and departments. Public Work staff does an evaluation and observation, as they are in the field a lot, and provide feedback on sidewalks needing repair or replacement. Since 1985 the town has spent over \$4 million on sidewalks, with most money spent on repairs and replacement, and not as much on sidewalk extension. There is also a look at economic or residential development, a subdivision being built to connect to, an economic development issue such as a new store coming into town, where connectivity is important.

Recommendations are received from town departments (i.e. Police, Fire, Education and Human Services). Periodically, people have sidewalk concerns and they come to the Public Safety Commission, which meets quarterly, and has sidewalks conditions on

their agenda regularly. Public concern and public requests are received on the need for sidewalks. All of this plays into the process of sidewalk construction.

Mr. Milone stated there are various evaluation criteria. There is a list that is revisited and re-evaluated each year, with Public Works Department submitting a request to the Town Council. The evaluation criteria must be compatible with the Town POCD. The capital budget is sent to the Planning and Zoning Commission for review of the projects for compliance with the POCD. Of importance is public safety review and recommendation by the Police and Fire Departments and Public Safety Commission. The town is always looking to eliminate gaps within the sidewalk system where it is reasonable and practical.

Mr. Milone further explained that The Naugatuck Council of Governments (NCOG) has developed a sidewalk/pedestrian demand index. The NCOG looks at the 13 towns in the district; has begun evaluation of towns in terms of need for extension based on factors such as policy factors, proximity factors, environmental factors, etc. This is a useful document to convey whether or not there is existing benefit of extending a sidewalk. It is important to review this document because there future potential for grants through NCOG for sidewalk extension and repairs, provided it meets the index criteria. There is also emphasis on areas around the Town Center and corridor, schools, parks, commercial development. The goal is to provide for safe pedestrian travel and expand pedestrian utilization of sidewalks.

What has brought more attention to this neighborhood and others along Route 10 is the Council directing town administration (about 12 years ago) to extend and connect sidewalks all along Route 10. Mr. Milone noted there had been breaks in the sidewalks from Cook Hill Road up to the Police Station. The idea was to create one contiguous sidewalk so people had the convenience of walking through the center of town from the south end up to the Police Department. With that backbone, has come some splinter sidewalks that has now generated the idea, need and opportunity for spurs to be built off of Route 10. In 2005-2006 the Public Works Director put together a list of sidewalks to be connected to Route 10, and Lanyon Drive has been on the list for 12 years.

Mr. Milone said this is the process followed; everything can be improved; and how this was handled was consistently and uniformly as has been done with other sidewalks of this type.

The subject sidewalk request was brought to the attention of the Public Works Department by Steve Casner, and it had been on the town's list for 10 to 12 years. Mr. Milone said the project met all the criteria identified, and it seemed feasible and affordable. With that, the Public Works Director recommended to Mr. Milone that the project be advanced to the Town Council. Town Manager Milone said he felt it was appropriate and he supported it. The sidewalk project came about as a request of an individual and nothing more than that. It was made clear by Mr. Milone that simply because there is a request, does not mean the sidewalk is constructed. There is a

thorough vetting process undertaken to insure the project meets the criteria identified and there are financial resources available.

Marian Hourigan, 101 Lanyon Drive, stated she is not in favor of the sidewalk on her street, and was astounded to hear they would be constructed without notification to homeowners. She asked for Council to look at the situation in different ways, and commented on the poor financial situation of the State and coming up with a budget. This will impact Cheshire, and the town is not sure of State funding next year or additional expenses. The \$100,000 is a small amount and we should be careful how it is spent. Ms. Hourigan asked about freezing expenditures to the end of the year for unnecessary purchases or expenses, with the money going into the general fund which might offset future deficits. She hears about teachers being non-renewed. Cheshire is known for an excellent educational system; small class sizes are important and should be kept; the \$100,000 could be a teacher and para-professional working with a student. The money could be used to restore services; reduce the tax levy; or be used for what is needed and wanted and for the public good.

Mr. Hourigan further informed the Council that Lanyon Drive has an incline; it is not designed for strolling; and with a sidewalk people will not walk the street unless they want a workout. There is a sharp/dangerous curve at the bottom; people drive very fast around the curve; and speeding is an issue as it effects everyone driving a car, or in their yard. A police officer could occasionally be stationed on Preston watching cars to check speed or there could be a speed bump. Lanyon is not going to be used for people to walk. She sees about two high school students walking to school as kids walk or are driven to school. The sidewalks will not see many walkers, or people using them for recreational use, or students using them to get to school. Ms. Hourigan said Lanyon Drive is a special street with many mature trees and plantings. She has a big tree on her property which will weaken with sidewalks installed, and said Cherry and Willow Streets need sidewalks. Patton Drive has more people living there and needs sidewalks for school students; Willow Street needs sidewalks for the Linear Trail; St. Bridget Church will have more parishioners; and they park on Cherry Street. Ms. Hourigan requested consideration of the decision to install sidewalks on Lanyon Drive as other streets will benefit more than Lanyon Drive.

Councilor Nichols commended Mr. Hourigan for her well stated and thought out statements, and said she did exactly what people should do to express their concerns about a situation. Ms. Hourigan presented ideas and solutions for consideration. Ms. Nichols stated it was sad to see the process start with accusatory comments, and that level of accusations has never been before the Council. She said positive dialogue fosters communication between the Council and residents, and people are welcomed to Council meetings, which are posted and noticed in newspapers and on the town web site. The Council only hears complaints when something happens and people are not happy about it. Ms. Nichols said that, maybe, the process should be changed with notification to residents before the flats went up on Lanyon Drive. She

stated her appreciation for the thoughts Ms. Hourigan put into her comments, her respect of the Town Council who listened to her opinions, and they will be taken into consideration. Ms. Nichols said the situation may not change but it was pleasant to hear comments with a positive tone.

Monica Corcoran, 238 Lanyon Drive, thanked Mr. Oris and Mr. Ecke for meeting with neighbors last week, and thanked the Council for taking everyone's thoughts into consideration. She said Lanyon Drive is a street with character and charm and she is against sidewalks. There are older people residing on the street and they cannot take care of sidewalks, and no one walks to school on Lanyon Drive. Ms. Corcoran invited Councilors to drive and walk down Lanyon Drive, look at the trees to be taken down, the ruin of root structure, and neighborhood charm and character ruined. Ten feet is town owned and go three feet out, and you will see the trees effected which will affect neighborhood charm.

Matthew Corcoran, 238 Lanyon Drive, thanked Councilor Bowman for all he does and has done for the Town of Cheshire, and it is respected, and he congratulated Mr. Bowman for all he has done. He has lived on the street 52 years, never had an issue with the street, raced his mini-bike, go carts, cars, and said it is a charming street. If sidewalks are for safety, then people can go up Cornwall or Cherry. He thanked the Council for hearing the voices of the residents.

Phil Karakoosh, 295 Preston Terrace, said the money for sidewalks could be better spent elsewhere. He said Cornwall Avenue runs 1.4 miles straight from Mountain Road to South Main Street; it is 1/10 of a mile from Cornwall to Lanyon; and from the end of the sidewalk on Westland it is 4/10ths of a mile to the light at the end of Lanyon Drive. There is a 90 degree turn that affects safety no matter what is put there; cars fly around the corner; and in 41 years he has never heard sidewalks suggested. Many people had children grow up on the street. He has almost 300 feet to his neighbors house, has a heart condition, is a lung cancer survivor, and he will be put in harm's way both financially and physically having to maintain sidewalks. Mr. Karakoosh thanked Councilors for the opportunity to speak, and appreciates them.

Tim White, 1682 Orchard Hill Road, said he has reached out to Chairman Oris about comments made in a public budget workshop discussion on utilities. He mentioned saving money through solar, and said this will be revisited when he does a presentation for the Energy Commission which will be passed along to Town Council. Mr. White said it is an opportunity for commercial/industrial businesses with saving money. It is time sensitive and opportunity for money may disappear in a few months, but may re-occur one more time next year, so the town should take advantage of solar in town buildings. Mr. White thanked the Council for all that they do.



Chairman Oris stated that the solar program would be best vetted through the Energy Commission, and we are always looking at ways to save money and reduce the tax burden.

Paul Doherty, 200 Lanyon Drive, said he lives inside the curve on the street, has 311.5 feet of frontage on Lanyon Drive, with less than half acre of land. His front, side and other side is on the curve, and starts with a slope equal or even to the street at the culvert which also drops 3.5 to 4 feet, and 10 feet from the culvert there is no land. A sidewalk would require the culvert having a bridge or something to suspend it. He has trees, lilacs, which will be gone; there will be a need for retaining walls on his side of the street, one on the inside and one on the street side of his property. The bulk of his property is 3 feet higher than the street. Mr. Doherty said kids play on retaining walls and there is liability. Sidewalks would be 4 feet wide, which is 1246 s.f. of sidewalk he must clear within 24 hours, keep sanded, salted and free, and he does not know of anyone else in town with this burden. With loss of his plants and trees he would lose a natural barrier of the noise and lights, porch privacy, and allows for deer and other animals to run through the area, into his yard, up to the culvert, to Resivor Road. Mr. Doherty said Lanyon Drive would become open space, and everyone would be able to have solar panels on their house, with less cooling from the trees in summer time. There is erosion coming down the hill, a 7 to 8% slope; in heavy rain it comes down the hill into his yard and he has a little pool which takes a while to drain. The burden on him and his family to clear 311.5 feet of sidewalk is a financial and physical burden.

Chairman Oris explained we are in the feasibility stage of this project, and it is possible construction concerns and issues have been raised, and will come up in the feasibility study. It is possible that the feasibility may suggest the project not be done. Mr. Oris advised that the matter will be on the agenda of the June 13<sup>th</sup> Town Council meeting, and people are welcomed to come back and speak again.

## **5. APPROVAL OF MINUTES**

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

MOVED to approve the minutes of April 17, 2017 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

## **6. CONSENT CALENDAR**

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

BE IT RESOLVED, that the Town Council approves Resolution #050917-1

**RESOLUTION #050917-1**  
**CONSENT CALENDAR FOR MAY 9, 2017**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for May 9, 2017 as follows:

- A. Acceptance and appropriation of a \$20 cash donation from Brian Evans To the Cheshire Police Gift Account.
- B. Acceptance and appropriation of a \$200 donation from Kyum & Gail Pyun To the Library Gift Account for the purchase of Library materials, furniture And computers.
- C. Acceptance and appropriation of \$18,682 from the 2016 Connecticut State Library Connecticard Reimbursement to the Library Gift Account for the Purchase of Library materials, services and equipment.
- D. Acceptance and appropriation of a \$624 donation from the Cheshire United Methodist Church to the Cheshire Fuel Bank.
- E. Authorization to apply for a State of Connecticut "Click It or Ticket" seatbelt Enforcement initiative grant.

F. Annual adoption of Fair Housing Resolutions as follows:

WHEREAS, All American citizens are afforded the right to full and equal housing opportunities in the neighborhood of their choice; and

WHEREAS, State and Federal Fair Housing Laws require that all individuals, regardless of race, color, religion, sex, national origin, ancestry, marital status, age, mental or physical disability, lawful source of income, sexual orientation, familial status, be given equal access to rental and home ownership opportunities, and be allowed to make free choices regarding housing locations; and

WHEREAS, the Town of Cheshire is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cheshire hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase and obtain financing for adequate housing of their choice on a non-discriminatory basis; and

BE IT FURTHER RESOLVED, that the Town Manager of the Town of Cheshire or his/her designated representative is responsible for responding to an assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Cheshire.

- G. Appropriation of \$1,000 from the Jitney Bus Fund for the Greater Waterbury Transit District Dues for Non-ADA services for FY 16-17.

- H. Acceptance and appropriation of \$3,063.30 from Collette Tours to the Human Services Gift Account for the Cheshire Senior Center.
- I. Acceptance and appropriation of a \$100 donation from the ENP Lunch Group to The Jitney Bus Fund in memory of Edward Fleming.
- J. Acceptance and appropriation of a \$75 donation from the Widow and Widowers Club to the Jitney Bus Fund in memory of Edward Fleming.
- K. Acceptance and appropriation of a \$12,500 donation from the Cheshire Lights Of Hope to the Human Services Gift Account.
- L. Acceptance and appropriation of ARTSDAY donations in the amount of \$558.60 To the CPFA Gift Account for the Annual Scholarship Fund.

VOTE        The motion passed unanimously by those present.

**7. ITEMS REMOVED FROM CONSENT CALENDAR**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**A. Set public hearing for 2017 Neighborhood Assistance Act Program Applications.**

MOTION by Mr. Oris; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #050917-2

RESOLUTION #050917-2

BE IT RESOLVED, That the Town Council shall hold a public hearing on TO consider submissions to the 2017 Neighborhood Assistance Act Program applications.

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

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

VOTE        The motion passed unanimously by those present.

**B. Police Request for waiver of RFP for consultant for Public Safety Radio Communications System**

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

BE IT RESOLVED, that the Town Council approves Resolution #050917-3

RESOLUTION #050917-3

WHEREAS, the Town is purchasing an upgraded public safety radio system and needs a consultant for the second stage of this purchasing process, and,

WHEREAS, the Police Chief represents that Intertech Associates was awarded the bid for consulting for the first stage of said purchasing project and did an excellent job; they are familiar with all aspects of this project; and contracting with said Intertech Associates will minimize the time frame of the needed purchase, and

WHEREAS, the Council finds it is in the best interests of the Town to hire a consultant who is knowledgeable about said project and has provided quality service,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8(c)(11) of the Town Charter, approves a waiver of bid for a consultant for the preparation of bid specifications and assistance with the administration of a Request for Proposals and purchase decision on the public safety radio system upgrade, and authorizes the hiring of Intertech Associates for said consulting work.

Discussion

Chief Dryfe informed the Council that this company has done excellent work for the Police Department, and they presented to the Council at the end of the initial study. In addition to time limitation they will move the process along much quicker because of their familiarity with the project. A new vendor would have to get reacquainted with the existing infrastructure, concerns, make recommendations for an RFP. The town's I.T.Consultant, Apex Technology, has stated the rate is a low one for the project. Intertech is accessible to the CPD, provided outstanding service, a good end product, and presented in a professional and forthcoming manner with the Council during the capital budget process last year.

Ms. Flynn-Harris asked how much Intertech work was reviewed by Apex.

Chief Dryfe said Apex participated in many meetings with Intertech staff as they went through the study last year. This Intertech proposal was shared with Apex for review of pricing and services.

Ms. Flynn-Harris asked if Apex would review the RFP.

There will be several on-site meetings as the RFP process moves forward, and Chief Dryfe said Apex will party to this, and welcome to review the RFP before it goes out.

Ms. Flynn-Harris would have a concern with making sure the vendor that has been involved for so long does not slant the RFP to give them the benefit in the bidding process. Having Apex there is reassuring for her in allowing things to go forward.

The Council was told by Chief Dryfe that one of the requirements of the initial RFP process was that the consultants, Intertech, be completely independent of any of the radio companies. This language was in the RFP when Intertech was hired.

With regard to being on track, Chief Dryfe said "yes", and this is the next step. The voters approved the matter at referendum, and now CPD must come up with a responsible and competitive bid for the \$3 million phase of the project. He noted there is no one in town with the technical expertise to put together this level of RFP and details needed.

Mr. Slocum asked about Council having a better feel for this project as the capital budget comes forward.

The time line is no more than 6 months for the second phase, and Chief Dryfe said this takes us beyond the capital budget process time.

Chairman Oris asked about bid specs being broad enough to allow for multiple and competitive bids for this \$3 million project. This is a fear for him.

In reply, Chief Dryfe said Intertech works for CPD, and is independent of any radio manufacturer. He said this is not a big market for this level of work, with only 3 or 4 companies, and one is Motorola (current CPD dealer) which has a large share of the market.

Chairman Oris wants to insure there is competitive bidding.

Motorola is not the only vendor, but Chief Dryfe said there is not a huge market, and CPD currently has Motorola equipment. Intertech work has resulted in multiple bids, and as part of the contract they will help CPD go through the bids when they are received.

This is a \$3 million project, and Mr. Milone said the second phase will be in the capital budget for \$1.3 million. It is important to bring back to the Council the results of the bidding process, and recommendation of the consultant, so Council has a comfort level. Mr. Milone said Councilors may hear things from others who are critical of the decision,

and he would rather they hear from staff and the consultant. Things could affect phase two of the project. Mr. Milone expressed consideration of the waiver by the Council. Based on Apex statement, the town is getting a rate of \$900 per day; and the industry standard is \$1,200 to \$1,800 per day.

In the resolution, Mr. Milone said paragraph #2, line #1 should read "RFP( not bid) and paragraph #4, line #2 should read "waiver of RFP" (not waiver of bid).

VOTE The motion passed 7-1-1; Falk abstained; Ruocco opposed.

**C. Approval of naming of sports field in honor of retired employee Kevin Simmons.**

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

BE IT RESOLVED, that the Town Council approves Resolution #050917-4

RESOLUTION #050917-4

BE IT RESOLVED, that the Town Council hereby names the Bartlem 4 ball field at Bartlem Park "Simmons Field" in honor of retired Park and Recreation Foreman Kevin Simmons, and approves the installation of a plaque commemorating this designation

Discussion

Mr. Talbot noted this item was the subject of an earlier public hearing, and Director Ceccolini espoused Kevin Simmons' 37 years of service to the Parks and Recreation Department and the Town of Cheshire. The cost of the plaque is being paid out of donations.

VOTE The motion passed 8-1 (Ms. Flynn-Harris out of the room).

**D. Appropriation of \$15,096 from the Jitney Bus Fund for the balance of the Senior and disabled minibus purchased with 80% matching grant.**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #050917-5

RESOLUTION #050917-5

BE IT RESOLVED, that the Town appropriates \$15,096 from the Jitney Bus Fund for the Town's contribution to the purchase of a new Senior and Disabled Minibus. The

remaining \$49,600 of the \$64,696 purchase is funded by a Connecticut Department of Transportation Grant.

Discussion

Mr. Ruocco stated his opposition to having a four bus fleet at the Senior Center, when they could manage with three buses. With four buses, there has been expansion of dispatch hours.

Mr. Milone clarified that four buses are not in service; three buses are run; the fourth bus is a standby in the event of a bus breaking down. There has been an incredible demand for senior transportation services, and this is why additional hours have been added to Senior Center staff. Over the last 10 years, senior population has increased 21%, and service demands have shifted based on demographics, affecting transportation and other services. There have been 161 new members this year.

Chairman Oris stated that \$15,000 is a small amount to insure senior citizens get their deserved services.

VOTE            The motion passed 8-1; Ruocco opposed.

**E.     Approval of Town Hall Collective Bargaining Agreement.**

MOTION by Mr. Ruocco; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #050917-6

RESOLUTION #050917-6

BE IT RESOLVED, that the Town approves the collective bargaining agreement by and between the Town of Cheshire and Local 1303-374 of Council 4, AFSCME, AFL-CIO for the term July 1, 2016 to June 30, 2020, under the terms and conditions as presented.

Discussion

Mr. Ruocco said this contract is close to the wage increase of other unions, 2%, 2.25% and 2.4% with an average increase of 2% over the term of the contract. There is elimination of PPO, changes in co-pays, HSA deductibles and contribution levels, and elimination of waivers, some retirement incentives for salary and medical benefit continuing.

There is a retirement incentive built into the Library contract, and Mr. Milone advised that the union rep for the library and Town Hall is the same person, and asked that this be considered. He explained how it works. If someone is eligible, they are paid \$150 a year for every year of service; 20 years of service is \$3,000 paid for four years; and medical benefits are paid up to age 65. At this time, everyone qualified for the

incentive is 65 or above; two people could take advantage this fiscal year and next fiscal year; and three the following year. Mr. Milone does not believe the cost would be significant. The retirements give latitude in the sense of consolidation and reorganization, and will benefit going forward. It allows for continuation of downsizing the organization without having to lay off staff. It is a way to create some savings. Because this contract dragged on for so long, the opportunity was lost to implement medical benefits program savings, and this is why the percentage of increase was reduced. The average was 2.4% for other unions; this was reduced to a flat 2%; those at the top step get 2.4% increase.

For the medical benefits to age 65, Mr. Ruocco asked if people pay the full premium or current contribution.

Mr. Milone said the contribution would be consistent with what their bargaining unit requires at this time, with deductibles, etc.

Mr. Slocum asked about 7 retirements in three years, and in which areas of town departments they would occur.

There is no concentration in one department, and Mr. Milone said people will bump into other departments for stabilization. Positions are moved around to maintain balance.

VOTE           The motion passed unanimously by those present.

## **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**

CCM Meeting May 9, 2017 – Mr. Milone stated the State budget is now \$400 million larger because income tax revenue that did not come in. The deficit is now about \$2.2 billion; we cannot rule out more State cuts to municipalities; most programs are protected through formula grants; but the State will find a way to penetrate them. There are three budget proposals – Governor, Republicans and Appropriations Committee; everyone is opposed to the teachers retirement contribution, and the only person in favor is the Governor. There seems to be no attempt at this time to cut any municipal aid, although this could happen, but it appears they are trying to preserve and protect what we have. If it happens the big change will be in the education grants, and they are trying to go back to the existing ECS formula, restoring money to special education and excess costs.



Monthly Report – this report is in the packets.

Quarterly Report – Mr. Jaskot submitted this report. \$846,000 projected surplus this year; this includes the expectation that the BOE will continue to meet their agreed upon \$420,000 savings.

WPCD fund has projected surplus of \$168,000; this is important as the town uses some of the fund balance for debt service payment for the treatment plant.

Pool Budget – a slight deficit was projected that would be covered by the fund balance; at this point revenues are not trending as quickly and positively as hoped; the deficit could be higher; June usually has a windfall of revenue; the deficit could be higher than \$45,000.

Public Works Projects – the status of projects is listed; the next meeting will include an updated road repavement schedule.

Two documents were attached; one from Walter Gancarz regarding the solar landfill status, which is very technical. This has been delayed because it was determined by Eversource there was a piece of equipment needed to be installed at \$370,000. This is \$180,000 higher than what was projected when the pro forma was done. It changes the attractiveness of the deal. Another recommendation is to go back and try to get ZEREC credits reinstated as the project time line is running out. That is being done. But there are negotiations between Eversource and Solar City to come up with some resolution to this for the project to be more attractive to Cheshire. If not, Mr. Milone will come back to the Council and, hopefully, pursue another vendor. Because of this dispute it cuts into the revenue potential for the town.

Lavatory improvements school projects – The PBC status report had three schools, Norton, Chapman and Darcey for these improvements. Public Works ran into some problems; the project came in over budget; PBC recommends the project be put on hold for one year, and rebid at a time of the year when there is a more attractive market than in the spring. After the November referendum projects will be assigned, and projects for this summer have a small window for going out to bid and turn the project around. As a result they are going into the market at the same time as other towns. The project will be delayed one year; go out to bid in the fall; and there could be a more competitive market, as the spring bidding climate is not good for such projects.

Parks and Recreation and Public Works Reorganization – While the Council is supportive of transferring the Parks Division into Public Works, there were concerns about the quality of the continued field maintenance, and staff has the same concerns. There was a meeting last week with Mr. Milone, Mr. Noewatne and Mr. Ceccolini with the crew, and it was a fruitful meeting. It is realized that the weather has limited the ability to get the fields into appropriate shape, so Mr. Noewatne has transferred some Maintainers to assist the Parks crew. And, Kevin Simmons is returning on a contractual

basis through spring and summer to insure nothing falls through the cracks. Mr. Simmons will be a good resource person for the PW crews who will work with him, and he will insure everything is taken care of...and more PW staff can be deployed, if necessary.

Chapman Property Remediation – Mr. Noewatne has been in contact with Attorney Hall; has explained to him it is imperative to start remediation; and Mr. Hall is sensitive to this and will move things along.

AEDs Installation at Parks – More AEDs were installed at park locations; there are 2 at Bartlem; 2 at Cheshire Park; 1 at MacLegion and Mixville; and 1 to be installed at Quinnipiac when signage is installed due to recent vandalism at this park. Employees know the location of the AED devices.

Memorial Day Parade – Sunday, May 28<sup>th</sup>, at 1:30 p.m. Flags will be flown along Route 10 through Labor Day and people appreciate and notice the flags.

May 29, 2017 – Memorial Day Holiday.

BOE Facilities Plan Meeting – Mr. Milone advised the BOE is getting close to a final number; BOE has requested a May 23<sup>rd</sup> meeting with Council, but Chairman Oris will be out of town on that date; Council can request moving the meeting to another date.

Retirement of Bob Ceccolini – Director Ceccolini retires on May 31<sup>st</sup>; there will be a reception on May 24<sup>th</sup>, 4-7 p.m. at the Youth Center; and Council will have a proclamation and honor Mr. Ceccolini at the June meeting.

## **11. REPORTS OF COMMITTEES OF THE COUNCIL.**

### **A. Chairman's Report**

Personnel Committee – Mr. Ruocco reported the Committee will meet to discuss the Town Manager's Goals and Objectives and Annual Review. No date or time set.

Ordinance Review Committee – Ms. Flynn-Harris advised there will be a meeting shortly; staff is working on a re-do of the blight amendment; a meeting should take place by the end of the month.

Town Manager Selection Committee – Chairman Oris reported this committee (Mr. Oris, Mr. Ruocco, Mr. Talbot) met for the first time; the process has started; public meetings will be held along with a public hearing; and there will be meetings with department heads.

### **B. Miscellaneous**

## **12. MISCELLANEOUS AND APPOINTMENTS**

### **A. Liaison Reports**

Environment Commission – Mr. Slocum cited a reminder from this commission regarding a letter sent in February, and the Planning Committee will revisit a request from this commission.

Economic Development Commission – Mr. Ecke stated that EDC has started the process of implementing things in the report received; will be enacting policies to attract businesses to town; the process is taking longer than expected, but is heading in the right direction.

### **B. Appointments to Boards and Commissions**

MOTION by Ms. Nichols; seconded by Mr. Talbot

MOVED that Christopher Daddi (U) be reappointed to the Housing Authority term of office May 9, 2017 to January 31, 2022.

VOTE The motion passed unanimously by those present.

## **13. TOWN ATTORNEY REPORT AND COMMUNICATIONS**

## **14. COUNCIL COMMUNICATIONS**

### **A. Letters to Council.**

Chairman Oris read a letter from Marilyn DiTota, dated April 27, 2017 in which she cites support of sidewalk installation on Westland Avenue up to Route 10.

### **B. Miscellaneous**

## **15. ADJOURNMENT**

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

MOVED to adjourn the meeting at 9:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk

