

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
JANUARY 14, 2014 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN
STREET, CHESHIRE CT 06410**

Present

Tim Slocum, Chairman; David Schrumm, Vice Chairman; Council Members Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert Oris, Thomas Ruocco, James Sima and Peter Talbot.

Staff: Town Manager Michael A. Milone; Finance Director James Jaskot; Police Chief Neil Dryfe; Parks and Rec Director Robert Ceccolini; PW Director George Noewatne; Personnel Director Louis Zullo. Town Attorney Alfred Smith

Guests: Police Officer Joshua McClelland; Becky Sielman, Pension Actuary.

Legislators: Rep. Mary Fritz, Rep. Alfred Adinolfi, Rep. Lezlye Supkus, Sen. Joseph Markley.

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. PUBLIC COMMUNICATIONS

A. Introduction of new Police Officer Joshua McClelland

Police Chief Neil Dryfe introduced Officer Joshua McClelland to the Town Council, and highlighted his experience and training to become a Cheshire Police Officer. Chief Dryfe informed the Council and the public that Officer McClelland attained the "Excellence in Training" for the highest level of performance in each of the training programs for the training class at the Police Academy. Officer McClelland was awarded the Tuskowski Award as the Best of the Best.

Councilors congratulated Officer McClelland, and wished him success in his career.

B. Recognition for Cheshire High School Girls' Volleyball Team.

Chairman Slocum presented a Certificate of Recognition to the Cheshire High School Girls' Volleyball Team and Coach Sue Bavone for their outstanding season, undefeated record of 27-0, and winning the CIAC Class LL State Championship and Southern Connecticut Conference Tournament. Chairman Slocum also congratulated Coach Bavone on being named the New Haven Register Coach of the Year.

Council Members congratulated the team members and Coach Bavone for their outstanding accomplishments.

Recognition of Supt. Dennis Dievert

State Rep. Mary Fritz presented WWTP Supt. Dennis Dievert with a proclamation from the Connecticut State House of Representatives in recognition of his receiving the New

England Water and Environment Association for his outstanding achievements and great service on behalf of the Town of Cheshire.

Supt. Dievert thanked Rep. Fritz for the State recognition, and expressed appreciation to the Town Council, Town Manager Milone, the Treatment Plant and Public Works Department staff, Town department heads and staff, who continually support him and his work.

C. Quarterly Consent Calendar Recognitions.

Chairman Slocum read the names of donors and expressed gratitude and appreciation for their generosity to the Town of Cheshire.

Cheshire Fuel Bank – Adoria and Gerald Corcoran, Archdiocese of Hartford, Ladies of Copper Hill, Cheshire Newcomers Club, Yellow House Middle School Event.

Human Services Gift Account – Anonymous donations, Town Hall Employees, Cheshire Fire Department fund raiser, Cheshire Lights of Hope, Nutmeg Management Services LLC, Cheshire Rotary Club.

Library Gift Account - Frederick McNulty, CHET Summer Library Program, Cheshire Democratic Women's Club, "I Could Read All Night" book club, Cheshire Fire Department Ladies Auxiliary, Naty Carter, Liz Augustine, Joan Pilarczyk, Audrey Grice, Cheshire Public Library Staff, Stephen and Kathlyn Kraffmiller, Jerry and Dori Corcoran, Joan and Bill Blois.

Parks Gift Account – Beth Esposito, John Oddie, Maria Evans, Noreen Carrano, Cheshire Lions Foundation, Inc.

Police Gift Account – Dalia and Lawrence Medin

Youth Services Gift Account – Back to School Bash.

D. Public Comments.

Cindy Kleist, 251 Lancaster Way, read a statement regarding the public use of voice recorders at Town Council meetings, as it relates to the public knowing about her and her family's issues and concerns.

4. CONSENT CALENDAR

MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #011414-1.

RESOLUTION #011414-1

CONSENT CALENDAR FOR JANUARY 14, 2014

BE IT RESOLVED, that the Town Council approves the Consent Calendar for January 14, 2014 as follows:

- A. Acceptance and appropriation of a \$2,000 donation from Cheshire Lights of Hope To the Human Services Gift Account for residents in need.
- B. Acceptance and appropriation of a \$5 donation from a Yellow House program to

The Cheshire Fuel Bank.

- C. Acceptance and appropriation of a \$100 donation from Marie and Bob Hirschfeld In honor of the R. Beudoin Family, Bob and Pat Lucash, the K. Mitta Family, and the John DePalma Family to the Human Services Gift Account for residents in need.
- D. Acceptance and appropriation of a \$300 donation from the Town of Cheshire's Assessor's and Tax Collector's Office employees to the Human Services Gift Account for residents in need.
- E. Acceptance and appropriation of a \$500 donation from Michael and Marilyn D'Angelo to the Cheshire Fuel Bank.
- F. Acceptance and appropriation of a \$7,500 donation from Meredith, Erica and John W. Dickson in memory of Helen M. and John E. Dickson to the Library Gift Account for new furniture.
- G. Acceptance and appropriation of a \$4,245 grant from the Department of Mental Health and Addiction Services Local Prevention Council for substance abuse prevention activities.
- H. Acceptance and appropriation of a \$60 anonymous donation to the Human Services Gift Account for residents in need.
- I. Acceptance and appropriation of a \$120 aggregate donation from the Brilliant Women's Book Club to the Human Services Gift Account for residents in need.
- J. Acceptance and appropriation of a \$44,284.93 bequest from the Estate of Lois M. Bernier to the Library Gift Account for library materials, furniture and computers.
- K. Acceptance and appropriation of a \$900 donation from the First Congregational Church, \$500 to the Human Services Gift Account and \$400 to the Cheshire Fuel Bank.
- L. Acceptance and appropriation of a \$200 donation from Cathleen Devlin to the Cheshire Fuel Bank.
- M. Acceptance and appropriation of a \$100 donation from Cathleen Devlin in honor Of Joan Devlin to the Mini-Bus Fund.
- N. Acceptance and appropriation of a \$25 donation from the Yellow House Middle School event on January 4, 2014 to the Cheshire Fuel Bank.
- O. Acceptance and appropriation of a \$111 donation from the Town Employees

Dress Down Day to the Human Services Gift Account for residents in need.

- P. Acceptance and appropriation of an **\$11,100** FEMA reimbursement grant for damages to the Community Pool.

Discussion

Mr. Schrumm made note of the change to "P" on the Consent Calendar, with the amount corrected to \$11,100.

Chairman Slocum commented on the generous bequest from the Estate of Lois M. Bernier to the Library Gift Account. He stated that Ms. Bernier was a long time English teacher at Cheshire High School, and impressed many students throughout her teaching career. Mr. Slocum also expressed appreciation for the \$7,500 donation in memory of Helen M. and John E. Dickson to the Library Gift Account.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Presentation and discussion of Legislative Package with Legislative Delegation.

The Council welcomed State Legislators Rep. Fritz, Rep. Adinolfi, Rep. Zupkus and Sen. Markley to the meeting, and thanked them for attending. Rep. Fritz stated that Rep. Bartolomeo regretted she was unable to attend due to another meeting at the Old State House regarding the bill on children's mental health.

Chairman Slocum brought the continuing issue of the State Dept. of Corrections (DOC) and the Town's efforts to amend the agreement with them, particularly the collection of back billings of \$1,453,607, to the attention of the Legislators. This is a critical discussion point for this meeting. He said the DOC is breaching its understood contract with the Town by not even acknowledging communications from Town Manager Milone. He stated the Council's total and complete discontent with being ignored, and requested the Legislators to continue to assist and move this matter on behalf of the Town of Cheshire.

Town Manager Milone reported that the Town met in November, with Rep. Fritz present, along with DOC officials, Mr. Noewatne and Mr. Gancarz. Town staff is working hard to get the I&I problem under control and significantly reduce the amount of effluent going to the treatment plant. But, this does nothing to address the issues relative to what the DOC owes the Town. Mr. Milone spoke with the DOC Commissioner and the Assistant Attorney General who were present at the meeting. The Assistant Attorney General

suggested that the Town pursue this claim through the Claims Committee of the Legislature rather than having it sit with DOC where it may not move rapidly. It was clear the Commissioner did not know what to do with it, as he was trying to wrap it into the lawsuit. The Assistant Attorney General made it clear, 6 months ago, that the back billing has nothing to do with the lawsuit filed by the Town, and they are mutually exclusive. The DOC hides behind the lawsuit as a reason why they can't do anything. This suggestion was brought to Town Attorney Smith and Attorney Johnson. As a result they drafted the legislation which addresses the fact that there are limitations on the way the process works and, hopefully, this would expand it to satisfy the Town's need to claim the \$1.453 million.

Attorney Smith explained that the lawsuit was filed; there are a number of strategic options available to the Town. Among the options is to bring a claim to the Claims Commissioner, who decided which lawsuits against the State can proceed or not. As a general rule, the claims before the Commissioner are limited to a year's worth of damages, and Cheshire's damages go well beyond one year. There is provision in the statutes to waive the limitation through a special act of the Legislature. What is being proposed is a draft special act that would waive the one year damages limitation for claims to the Commission. If enacted, it would allow the Claims Commissioner to consider claims for damages which extend beyond a single year.

Rep. Fritz informed the Council she tried to get hold of the Assistant Attorney General on Monday, and was told office protocol does not permit talking directly to the Assistant Attorney General. She took the position and stated what she needed to know from him – why he suggested that Cheshire file a claims action. A phone call came to Rep. Fritz to the effect that unless you file a claim you cannot sue. She has copies of the Special Act, and suggested to the Council that this is the best way to go. Also, she was told Cheshire could not sue unless a claim is filed, and Rep. Fritz asked if the Town was aware of this fact.

Attorney Smith is aware of certain kinds of claims against the State which are brought to the Claims Commissioner, and other claims do not need to go to the Commission. Cheshire has a claim based on a constitutional taking of the Town's property, and this is prohibited without due compensation. Mr. Smith said there are a number of options, and some would need to go to the Commission, but not all of them.

The Council was told by Rep. Fritz that she spoke with an OPM representative, and stated she was not happy with the situation, and noted this is the second time Cheshire has gone through this. The last time was about 7 or 8 years ago when the DOC Commissioner never made it to a sit down meeting, and we are back in the same conundrum again. Her question to OPM is whether this is getting personal, are they picking on the Town of Cheshire for some reason. When she hears OPM state they do not amend contracts, and looks at the Suffield contract, it has been amended six (6) times, and someone is not minding the store.

The recommendation of Rep. Fritz is for Cheshire to go for the Special Act, as the proper way to go. Rep. Fritz said she will have a visit with the Governor to let him know that this is going on, as he may not know about all the in-fighting going on. Rep. Fritz will make it known that the tax payers of Cheshire are paying for the prison effluent and this is not acceptable.

Rep. Adinolfi stated he would support whatever is done to get the money into the Town. He also asked what would if there was a shut off at the prison and the effect it would have.

In that regard, Mr. Milone said there cannot be a shut off, as there would be unintended consequences. It could not be localized at the prison, and would result in residential backups.

Rep. Adinolfi concurred with the recommendation of Rep. Fritz to hold a meeting with the powers that be as the best way to go on this issue. It would bring people face to face and could have good results.

According to Mr. Schrumm part of this is DEEP which does the permitting on how many gallons can go into the system. Cheshire is not only aggrieved because it has to treat the gallons, but the question is where DEEP is in all of this, to go to the DOC stating there are DEEP laws which are being violated. If this was a private entity or a town violating DEEP's regulations, they would impose fines etc. Evidently, a branch of the State, the DOC, can violate DEEP regulations with impunity. Mr. Schrumm stated that DEEP should talk to DOC and tell them there are in violation of the law for many years.

There are many things involved, and Rep. Fritz said it is not about the meter being wrong, and she has not seen DEEP in any of this. She commented on the 180 day rolling average, and said her recommendation is to go with 365 days. She has already written to Ed Myer to raise a bill in the Environment Committee to go to 365 days, which is what it used to be, because 180 days is insufficient and not enough time to study and determine what the conditions are. At the end of the day, the cost to the Town is prohibitive; a study has to be done if the level goes to 90%; this is not acceptable; and it may be time to bring DEEP on board.

In that regard, Mr. Milone commented on the piece of legislation which Rep. Fritz is talking about. Many years ago Cheshire reached the 90% capacity, and had to pay \$395,000 to \$500,000 for an engineering study of the plant which confirmed the capacity was 500,000 gallons higher than what it was rated for. This satisfied the DEEP and the permit was restored. The reason the Town had to go through this was because DOC exceeded their capacity and brought the Cheshire plant over the 90% level. It cost the Town up to \$500,000 for a study resulting from their excess flow, and this is the other part of the issue. DOC comes back and back, costing the Town money.

Sen. Markley commented on the Cheshire issues with DOC, and the Wolcott CT Board of Education issues. He said this is a bipartisan effort for Cheshire and he will be helpful in any way possible to assist the Town.

Ms. Linehan thanked the Legislators for their attention to this matter. She has had many good discussions with Rep. Fritz who knows more about the issues than anyone else. In these talks about the PILOT program she has witnessed Rep. Fritz's great passion in fighting for the people of Cheshire. Ms. Linehan thanked Rep. Fritz for working on behalf of Cheshire and her tireless work on this particular issue of concern.

Mr. Ruocco does not believe there is a personal issue with Cheshire, but believes high ranking State government employees are embarrassed by this situation. They may feel they are not accountable and do not have to buckle to demands of public citizens. These are highly paid officials, who may not have it in their budgets to justly compensate the Town, and if this is their reaction, they should not have their job. Mr. Ruocco said people should not be in public service if they cannot respond to a letter from the Town Manager. These people should be contacting Cheshire's Town Manager to try and work out a settlement.

Mr. Oris thanked the Legislators for attending this meeting and listening to the issues being stated on behalf of the Town of Cheshire. Based on his preliminary review, Mr. Oris said this is a matter of right and wrong, and the State owes this money to the Town. He stated Cheshire's tax payers deserve this money; the Town could use this money; and he hopes the representatives will bring light to the situation, to the right people. Mr. Oris believes this matter is being buried and stonewalled.

With regard to a tax question, Ms. Flynn-Harris about the status of the motor vehicle tax and if it would be pulled away again.

Rep. Fritz said this issue is going nowhere.

Ms. Flynn-Harris asked about the PILOT programs, State aid being transmitted to the towns in a timely fashion when town budgets are being prepared, and how these issues will be addressed.

In response, Rep. Fritz reported she has discussed these issues with OPM and Rep. Bartolomeo, and the effects on towns. OPM has stated it is the fault of senators and representatives in not getting the budget done on time. She said the budget was done on time per the State Constitution, with the fiscal year starting July 1st. It is known what some of the money will be before legislators leave Hartford. Last year Cheshire was shorted \$89,000, but she has not seen answers or responses. Rep. Fritz serves on Planning and Development, and said this might be a good bill for that committee.

Town Manager Milone stated that for OPM to blame the legislators is disingenuous. It is written into the regulation that was adopted. The way formulas are structured is such that the State tax load is helped by the fact that they back load payments to the

municipalities. It is not the Legislature's fault; it is done deliberately; and then it is determined the State has a shortfall and cuts the final payment. The Town finds out in August - when the fiscal year ended in June - that it will not get the \$89,000, but is lucky to get anything. Mr. Milone questioned why the State could not tell the Town three months in advance that the final payment will be shorted by \$89,000. It is assumed the Town would get what it expects, and it does not get it. Mr. Milone commented on the Council asking staff for year end projections, and \$400,000+ of this money is tied up in 3 or 4 of the last payments expected, with hope the Town is not shorted. This is new with the current State administration, because generally most payments are made by June 30th. And, these payments are calculated after June 30th, so there is a natural lag built in for the final payment. This could be a continuing problem, and for Cheshire it was \$89,000, but for larger cities it could be \$1 million.

The Council was told by Rep. Fritz that there is a proposed amount of money the Governor will present. The Appropriations Committee takes over and comes up with another set of monies they come up with. She fears the PILOT programs will be cut again. Rep. Fritz suggested the effluent issue be on the Bond Commission agenda, as there is no reason we cannot attack this issue from all different points of view. This needs to be done for Cheshire with more eyes looking at the issues.

Rep. Adinolfi stated that with the money coming after June 30th, this allows for showing a surplus for the prior year. He said the effluent money is peanuts compared to the \$150 million given by the State to a large corporation to move from Westport to Stamford, and it was a multi-million dollar company.

Town Manager Milone gave the history of the issue. It started in 2006 with Mr. Milone and Town Attorney Johnson negotiating an amendment to the agreement with DOC because the plant upgrade would be happening in the near future. It was found there was no provision in the Town's and DOC agreement (as there are in other prison town agreements) for the State to pay for a portion of the upgrade. The Town got the run around for three years and got nowhere, and there was a new governor. Rep. Fritz arranged for a meeting with OPM and DOC staff, and this was three months after the election of Governor Malloy. Concerns were outlined, with explanation of amending the agreement on one item, to give Cheshire parity with Enfield and Somers, for a provision as they had, with the State paying for a portion of the plant upgrade. Three months of negotiations with OPM followed, and the Town was told by the Under Secretary that they needed a document to which they could react. Murtha & Cullina drafted a 9 page amendment to the agreement which was presented to the OPM Secretary. OPM rejected the case because the State does not amend agreements with municipalities over correction facilities. This is after 5 months of good faith negotiations on the part of the Town, wasting a significant amount of time and money.

After going back and forth with nasty letters, Mr. Milone reported that the Town was advised to go to the Legislature and seek legislative relief. This was done, but was unsuccessful, and Mr. Milone believes someone in the executive branch had a hand in insuring this legislation never saw the light of day. The bill was re-introduced last year

with the help of the Town legislators and their staff. The legislation was now passed, which now gave OPM the authority to amend an agreement, which they have done in the past with other municipalities, and there is a provision in the agreement. Mr. Milone read the provision from the agreement into the record.

In April 2013 after the legislation was passed, Mr. Milone met with staff of OPM and DOC and Assistant Attorney General, and received assurance that negotiations will move forward for a settlement. The Attorney General advised OPM and DOC that the way to reconcile lawsuits is to reconcile differences and talk them through, and gave blessing to OPM and DOC staff to negotiate with Cheshire. Letters from Mr. Milone were sent in April, August, September, October and December to DOC Commissioner reminding him that we are supposed to be negotiating an agreement.

On December 16th Mr. Milone received a letter from the DOC Commission about the Town Manager's letter of October 21st, with no mention of the previous letters sent to him. Mr. Milone read the DOC Commissioner's letter into the record. What was stated in the letter is contrary to what the Assistant Attorney General had stated at the meeting, who assured everyone it was an appropriate discussion to solve a lawsuit. The back billing to DOC has not been addressed, and has nothing to do with the lawsuit, as they are two separate and distinct things. DOC is trying to include this billing in the lawsuit. The Assistant Attorney General made it clear to DOC and OPM that the billing and lawsuit are mutually exclusive items.

At this time, Mr. Milone feels there is repeatedly bad faith on the part of the State of Connecticut with a clear effort to stonewall Cheshire, along with an unwillingness to deal with something in a responsible way.

Mr. Milone stated to the Legislators that the situation with Cheshire is different; the Town has been dealt with in bad faith; and the State has deliberately tried to prevent things from happening. The State cannot provide a reasonable, honest answer to anything which the Town asks for, and is not acting in a professional or ethical manner.

Mr. Schrumm commented on the back billing coming out of bonding, as this crime has been taking place for many years, and the matter should get onto the Bonding Commission agenda. This could solve the effluent part of the situation.

Rep. Fritz agreed with this idea as it could solve the back billing issues and move it forward from there.

By not having the payment from the DOC on the back billing, Mr. Milone said the longer it gets delayed, the Cheshire tax payers are paying the DOC bill.

Rep. Zupkus stated that the Legislators can go in as a force together and show that they are serious about getting this back billing paid to Cheshire. Then, the lawsuit could move forward.

Rep. Adinolfi commented on adding a word in the bill..."may"...and Rep. Fritz said it was done. OPM kept sending Rep. Fritz variations of the same bill.

According to Rep. Fritz it is not just the prison, 180 days average, and what is in the Legislative Package. She is sure we are going to have a movement again in the Judiciary Committee to change the counting of prisoners and send the count back to their own communities. If that happens Cheshire would have no poverty level, ECS grants would be reduced, and everything goes downhill.

Rep. Fritz is ready to draft a bill that all of the students in colleges in Connecticut must be counted in their local towns.

A question was posed by Ms. Linehan about the flow level over 90% at a cost of about \$500,000, and if there were efforts to recoup this money for the Town.

Mr. Milone advised there were no efforts to recoup this money.

Regarding the prison PILOT money, Mr. Sima noted that the budget cycle starts soon. Any reduction coming forward would be helpful for the Town to know, in April, what could happen. He stated that Cheshire people cannot continue to bear the cost of what the State is doing. With regard to the diversion permit which the State is exceeding, and concerns about where water goes from one place to another and this is why diversion permits were put in. The State makes the rules but does not live by them, and if this continues to go this way, every diversion permit in the State is up for debate.

Rep. Fritz believes this would be a terrible thing for that to happen, and said if there are any concrete numbers she promises to get them to Town Manager Milone. Rep. Fritz will also speak with staff at DEEP as to why they have not been minding the store with regard to effluent.

It is bigger than that and Mr. Sima said the State DOC is dumping more and more sewage into the sewers and Quinnipiac River. They are not reducing the amount of effluent coming out of the prison even though they have a diversion permit for a smaller amount. Their only concern is the accuracy of the meters.

Mr. Milone said DOC is spending money, trying to control the inflow and infiltration and to bring down the flow. It is unclear how successful this will be.,

In executive session, Attorney Smith will provide an update on the status of the lawsuit.

Mr. Milone stated that the Special Act will be drafted by Attorney Smith and will be included in the Legislative Package.

Chairman Slocum thanked the State Legislators for attending the meeting and for the information discussions with the Council.

B. Presentation by Pension Actuary.

Ms. Becky Sielman, Pension Actuary, made a presentation to the Town Council, staff and public on the interim pension actuarial valuation and July 1, 2013 results.

Finance Director Jaskot informed the Council that there have been meetings with Ms. Sielman for an overview and history of the pension plans. In July Ms. Sielman reviewed the July 2012 valuation with the Council. At the present time the plan is using an 8.25% rate of assumption, with a recommendation to move down to 7.5%, and a decision was deferred pending results of the July 2013 valuation.

Ms. Sielman distributed copies of information from the July 1, 2013 interim valuation results, and reviewed the history and time table of the pension plan funding. She advised that a valuation is only done in even numbered years, which produced the contribution for two fiscal years. In 2009 there were huge market losses and it would have been good to have a valuation for that year. Cheshire had over-funded its pension plan prior to the market meltdown, and this is a difficult position to be in when there is a huge asset loss.

In 2010 the Town was faced with an enormous increase in the pension plan contribution, looked at calculations, made modifications on the calculations which brought down the amount of contributions. The amount would have been \$6 million, and with the changes it dropped to \$2 million over a longer period of time. The Council and Town decided to go with a gradual approach, increasing contributions each year and get to an annual contribution level. The number selected was \$484,000 (for FY 2011-12) to catch up to payment of the required annual contribution. The 2011 updated calculation reflected actual asset performance. 2012 had a full valuation, and investment performance through June 30, 2012 was disappointing.

The Council was told by Ms. Sielman that the interest rate assumption needs to be addressed. It is at 8.25%; it could be 6.75%; but her recommendation is to go down to 7.5%. This rate can be re-evaluated in a few years and there could be a further reduction in the percentage. It was expected, in May, that the 2012-13 year would be a good one for investment performance, with the 2013 valuation showing some market gains. If so, the Town could increase the phase-in amounts, stay on the 5 to 7 year track to get contributions to the required levels.

Ms. Sielman said the presumption is that Cheshire would adopt the 7.5% interest rate assumption, but this formal action has not yet been taken. The 2012 valuation report is ready, along with the 2013 interim valuation report. Long range projections have been done, and graphs and boxes reflect the recommended changes for 2012 full valuation and 2013 interim valuation. The information shows results for the three pension plans at 7.5%; phase-in numbers are shown on the orange line (graph); contributions increase every time there is a salary increase. The Town is on track to get the plans fully funded. Ms. Sielman stated that the funding of the pension plans is a significant factor in the bond ratings of the Town. With long running contributions there is savings;

investment income is the base for about 60% of the total benefits; and it is important to have the right generation of taxpayers footing the bill.

Stating that Cheshire was faced with an ugly number, over \$2 million one time payment into the plan, Mr. Schrumm commented on the decision for a plan set to fund \$484,000 over 5 years to get back to the proper funding. This is at the 8.25% assumption rate. The Town has paid 2 years of \$484,000, and could continue this trend out to years 6, 7 and 8.

The market return is 12.3% for 2012, and Ms. Sielman said 2013 should be better.

If the assumption rate goes to 7.5%, Mr. Schrumm asked if the numbers would be changed in this budget cycle, or if the Town stays with the \$484,000 contribution. With accrued liabilities, he said the Town would not catch up.

The liabilities are growing over time, but Ms. Sielman said the assets are projected to grow faster, and if everything works out over 21 years, everything will meet in 2034.

The numbers on the graph presume there is continuation of the \$484,000 contribution, but it does take longer to complete the basic process.

Mr. Schrumm said the plan for the \$484,000 is offset in the operating budget by money in the reserve fund to reduce the impact on the taxpayer.

In 2009 there was a contribution to the plan of just under \$1 million, and Mr. Sima said the number has increased in each of the next 4 years. The July 1, 2013 contribution is \$2 million more than in 2009 with the phase-in. He said there is little growth in the economy, and it will be difficult to catch up.

Ms. Sielman said the number will be \$2.8 million for FY 14-15, and 6.75% is the rate for the long term future.

Mr. Sima commented on the goal for Cheshire to be at \$4.5 million annual contribution to the pension plan in 10 years, and the Town having other demands, limited funds, limited assets to go after. The Town will have to control the pay out side of the pension plan, and Mr. Sima asked about new hires not being part of this group, with contributions going down.

At the 21 year point and the plan at 100% funded, Ms. Sielman said the contributions go down; there is no catch up time; and the Town is paying for cost of benefits as they accrue each year. The Town is in the steepest part of the paying curve right now, and the increase will be modest after the phase-in period, and should be constant as a percentage of the overall budget.

The numbers are based on the current plan provisions. Any changes such as increase in employee contributions will decrease the Town's contribution. This is something

which can be negotiated during contract discussion. Ms. Sielman advised that Cheshire is the same as many other municipalities with a fund ratio of 75% to 80%. Only 3 Connecticut municipalities are 100% funded, and one of them is Bristol, CT. Cheshire is comparable to its peer communities, which are also facing reduction in the interest rate assumption and contributions increasing.

For the numbers being stated and projected contributions, Mr. Ruocco asked if this includes the employee contributions.

Ms. Sielman stated that the numbers stated are the Town contributions.

With Cheshire at \$2.8 million, Mr. Ruocco said this equates to one mill for the pension fund contributions. Regarding the \$484,000 current annual contribution during the phase-in, he asked if years can be added to the cycle.

Ms. Sielman said that the 7.5% rate will result in a longer time period in order to meet the contribution level.

Mr. Ruocco is indifferent about the assumption rate, and said it does not imply the annual contribution needs to be increased. He believes the taxpayers are tapped out, and unless rules and assumptions change on the pay out, he does not see how the number can be increased. The best way could be to extend the time period out a few years. He is okay with the 7.5% but it will be a challenge to meet this obligation each year.

Chairman Slocum thanked Ms. Sielman for her presentation on the pension plan to the Council.

C. Call for public hearing for amendments to the Elderly Tax Relief Ordinance Section 17-6.

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

BE IT RESOLVED, that the Town Council approves Resolution #011414-2

RESOLUTION #011414-2

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider an ordinance amendment to extend the Elderly Tax Relief Local Program ordinance, Section 17-6, and

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.

D. Call for public hearing for amendments to the Elderly Tax Freeze Ordinance Section 17-5.

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

BE IT RESOLVED, that the Town Council approves Resolution #011414-3

RESOLUTION #011414-3

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider an ordinance amendment to extend the Local Elderly Tax Freeze Program ordinance, Section 17-5, and

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.

E. Approval of continuation of lease for farming for a portion of the former Casertano property.

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

BE IT RESOLVED, that the Town Council approves Resolution #011414-4.

RESOLUTION #011414-4

BE IT RESOLVED, that the Town Council approves the successor Lease Agreement for January 2, 2014 through December 31, 2014 with Alex Arisco for a portion of the former Casertano property for agricultural purposes, under the terms as presented and attached.

Discussion

Ms. Flynn-Harris noted that the last rent increase was in 2005, and asked about an unofficial program for leases, and consideration of a rent increase for this property. She said farmland property rentals are increasing.

Mr. Milone advised that this lease was last signed in 2010. He said Mr. Arisco is a good tenant who has made an investment in the property, and done some upgrades to the

property. An RFP was done in 2010, with one responder, Mr. Arisco. He suggested putting the lease out for bid next year, with a minimum increase in the rent.

VOTE The motion passed unanimously by those present.

F. Bidding Requirements

MOTION by Mr. Schrumm; seconded by Mr. Sima.

BE IT RESOLVED, that the Town Council approves Resolution #011414-5.

RESOLUTION #011414-5

BE IT RESOLVED, that pursuant to Section 7-8 (C) (1) of the Town Charter, the Town Council approves the requirements for sealed bids for February 1, 2014 through January 31, 2015, as for the previous period with no changes in the \$12,000 bid limit for non-construction related services and the \$24,000 bid limit for construction related services, and

BE IT FURTHER RESOLVED, that, in accordance with Section 7-8 (C) (9) and Section 7-8 (C) (10) of the Town Charter, the Town Council authorizes the Town Manager, his designee and the Cheshire Public Schools to purchase goods or services for the Town without bids (1) through the State of Connecticut Department of Administrative Services and (2) in conjunction with other municipalities and regional and federal government purchasing entities, including but not limited to:

- U.S. Government General Services Administration
- Capital Region Council of Governments and any successor organization
- Connecticut Library Consortium
- Library Connection Inc.
- National Joint Powers Alliance
- Council of Governments of the Central Naugatuck Valley and any successor Organization
- Capital Region Education Council
- Western State Contracting Alliance (WSCA) – National Association of State Procurement Officials (NASPO) Cooperative Purchasing Organization

Discussion

Mr. Schrumm stated that the bid limits are kept, and staff saw no reason to increase them. Purchases through consortiums provide competitive prices, and proposals are received before a purchase is made.

Mr. Sima questioned the Library Connection Inc. and asked if it is a private company.

In response, Ms. Flynn-Harris informed the Council that it is a consortium, and has been on the list for many years.

VOTE The motion passed unanimously by those present.

G. Approval of Library Parking Lot Agreement

MOTION by Mr. Oris; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #011414-6.

RESOLUTION #011414-6

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a Parking License Agreement by and between the Town of Cheshire and the Christ Community Church, 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. Oris reported this is an extension and slight modification of the agreement. He explained the changes in the agreement which states a maximum of \$3,000 in any given year with a small escalation clause for charges to the Town for snow plowing of the parking lot. The agreement affords the Library use of 60+ parking spaces, and the agreement extends out 10 years with the option to extend 10 more years.

The Council was informed by Mr. Milone that the Town invested money into this church parking lot about 20 years ago. The church does not use the lot every day, but requested help from the Town with payment for snow plowing of the lot. Mr. Milone does not want Town trucks plowing private property, so the payment plan was reasonable.

VOTE The motion passed unanimously by those present.

H. Approval of revision to the Cheshire Housing Authority Agreement.

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

BE IT RESOLVED, that the Town Council approves Resolution #011414-7.

RESOLUTION #011414-7

BE IT RESOLVED, that the Town Council authorizes the execution of an Amendment to Cooperation Agreement between Cheshire Housing Authority and Town of Cheshire to include 14 new units at Rumberg Road, and

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

Discussion

Bruce Klein, CHA President, gave a brief history of this quasi-government agency which is responsible to operate Section 8 elderly and disabled housing and manage affordable housing in Cheshire. He explained that residents of affordable housing are working people who do not have enough money to live in a market rate housing situation, but do contribute to their economic future. Many of them are single parents. The CHA recently completed the complex of 20 affordable housing units to the west of Rumberg Road, contiguous with the existing Section 8 housing units, which are HUD subsidized. The CHA needs help from the Town of Cheshire, and has enjoyed tax exempt status. CHA has done a responsible job, lives up to its obligation to provide necessary housing, and the last project took 7 years to come together.

Ms. Flynn-Harris commented on how beautiful the new housing development turned out, and it being a great project and addition to the Town.

There will be a ribbon-cutting ceremony for the new housing units along with a tour, and Ms. Nichols reported that State officials will attend, and Council members are invited to the ceremony.

It was suggested by Mr. Klein that CHA meet with the Council to discuss and learn about the responsibilities and obligations of the CHA.

Mr. Oris thanked Mr. Klein and CHA members for the very attractive facility, and expressed appreciation to Mr. Klein for his work and efforts on behalf of Cheshire citizens.

VOTE The motion passed unanimously by those present.

I. Purchase of extended cab truck for Parks and Recreation

MOTION by Mr. Sima; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #011414-8.

RESOLUTION #011414-8

BE IT RESOLVED, that the Town Council authorizes the purchase of an extended cab pickup truck for the Parks and Recreation Department under the FY 13-14 Capital Budget appropriation for the Vehicle/Equipment Replacement Fund.

Discussion

Mr. Sima said the department needs this cab truck and supports the motion.

Director Ceccolini informed the Council that the current truck is +12 years old, with +90,000 miles, and is used by the Maintainer and 4 summer employees, going from park to park, carrying crew members, equipment and supplies. He asked the Council to consider approval of this extended cab truck.

VOTE The motion passed unanimously by those present.

J. Approval of pool dehumidification claim settlement.

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

BE IT RESOLVED, that the Town Council approves Resolution #011414-9.

RESOLUTION #011414-9

BE IT RESOLVED, that the Town Council approves the Release and Settlement of Claim in the civil action of Town of Cheshire vs. Great American Insurance Company of New York, under the terms and conditions presented, and authorizes the Town Manager to execute said Release and Settlement of Claim document.

Discussion

Attorney Smith explained that the offer was presented at a prior meeting; the amount was satisfactory; and the open issue was the nature of the release. The Town insisted and obtained a specific release for claims related to the incident, and this was a good outcome for the Town.

Ms. Linehan asked about injuries, if there were any, and what the agreement was.

There were no reported injuries, and Attorney Smith said if someone were involved they could bring a claim. If there was an injury, with no claim brought forward for the injury, before the Town executes this agreement, the Town would be liable and would have to satisfy any judgment without insurance.

This is a piece of equipment in the Parks and Rec garage, and Mr. Milone said there was no exposure for anyone to be hurt.

VOTE The motion passed unanimously by those present.

K. Appointment of Town Attorney

Tabled to January 28, 2014 meeting.

L. Planning and Zoning modification for Community Pool construction.

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

BE IT RESOLVED, that the Town Council approves Resolution #011414-11.

RESOLUTION #011414-11

BE IT RESOLVED, that the Town Council authorizes Town Manager Michael A. Milone to submit a request for a zoning variance to the Planning and Zoning Commission regarding the Community Pool height requirement.

Discussion

Mr. Schrumm stated that because this is a permanent structure there must be an adjustment to the zoning regulations, and this is a simple way to solve the problem without changing the zone text.

A strong objection to the motion was cited by Ms. Flynn-Harris who stated the Town is not following its own stated regulations. This could possibly be open to future applications where people, who might be denied a variance, and state the Town got its own variance. There is a certain regulation regarding a permanent building meeting a height structure, and looking for a zoning regulation amendment is a simple procedure. Looking to have a variance would leave the Town wide open, and the Town Attorney should look into whether or not this is something viable to do versus following our own regulations.

Chairman Slocum did seek information from the Town Planner. He said one of the reasons behind this was the Council voting for a zone text change which would only impact municipal properties, and no other properties in the zone could benefit from this zone text change. Mr. Slocum noted there is a problem with the construction of the pool structure which was approved by the voters, and the Town wants to put it up and meet the regulations. To achieve this we can affect the one property through a variance process, limit exposure to other municipal properties, and limit damage to a property. This is in the interests of residential properties which surround municipal properties and it is a cleaner, more satisfying result for the public at large.

By opening the variance and not going through an actual change, Ms. Flynn-Harris said this would not limit the request by any other applicant for their property, when you are violating the Town regulation as to a height requirement. As pointed out in the memo, Ms. Flynn-Harris said when the bubble was first done the height was ignored, and should have been addressed. She has a concern about opening the Town up to something.

Town Manager Milone explained that Town Planner Voelker provided a written explanation (in the packets), and his concerns are consistent with those cited by Ms. Flynn-Harris. According to Mr. Voelker, by going the variance route the Town is treating itself differently; there is no particular hardship; and the Town should follow the regulatory structure and process. Mr. Milone read an excerpt from the Voelker memo into the record.

Regarding a hardship, Mr. Schrumm stated that a municipality is different from other entities in Town, and the hardship is having to move the pool. To change the text to allow taller buildings on government owned land, it will affect future issues and possible State mandates. He prefers going the variance route, protecting the public, and it is clean and simple.

Ms. Flynn-Harris emphasized that a variance is not clean and simple, and is based on a stated hardship...and there is no hardship because the Town can meet the regulation by the fact that the pool property already has enough property to be able to allow the increased setbacks. Regarding the State demanding a building have more floors, it is still a special permit, require a public hearing, and there is still the right to refuse to do it.

Of larger concern to Mr. Slocum is the limitation of the change to municipal properties.

Mr. Oris is looking for the most efficient way to resolve this issue and move the pool forward. He has concerns with the zone text change requested, specifically because it can provide for much larger buildings on municipal land in residential areas. The current regulations only provide for this option in industrial and/or special design districts. There is a regulation in place which allows this to be done, but his concern is taking a zone text change and apply it to a residential situation over which the Town has no control in the future. Taxpayers and their homes can be affected detrimentally as a result of that, and the Council owes it to taxpayer to protect their homes and residential areas. These are his concerns relative to the text change issue. Mr. Oris has no issue with it relative to the pool site, but does have an issue with other areas. He would like to find a solution to specifically resolve the issue at only the Bartlem Park facility. If the variance is not the legal way to go due, another option should be looked, if possible. From what he has heard at this meeting, it suggests the variance does not seem to be a major issue. Mr. Oris would be in favor of limiting this change to something that affects solely the current pool site.

It was stated by Ms. Flynn-Harris that the resolution did not have anything as to how the zone text change would have been written, or could be written. She commented on the fact that a variance is based on a hardship. It is asking for a variance of an existing regulation and a hardship must be proven. She cannot see how this can be proven when the Town has the property. Ms. Flynn-Harris said this issue should have been dealt with when the pool was built. When talking about dealing with the public you are talking about residential neighbors with property lines abutting with a pool or fence which would encroach on the lines. This is when you deal with a variance, not when you have as much setback as the pool property. Ms. Flynn-Harris said a variance is logical or could even be awarded to the Town. And, she said it would not take that much time to do the right wording to get this through and make it correct so it does not affect any other property.

When variances are granted, Chairman Slocum presumes that the Board looks at the existing zoning regulations in that particular property. What is being suggested by not having a hardship is the fact that current zoning permits an out, a solution to the

problem, because it allows for setback requirements to increase height only up to 40 feet. Mr. Slocum said there is a hardship now given the fact that the height stops at 40 feet. He said we cannot assume that the Board will agree with his statement, and he would state to the Board that there is a hardship because the property meets the setbacks.

Chairman Slocum said the application would go before the Zoning Board of Appeals, and the Town would put through an application. ZBA has a mandatory action date and it would fall within the window of action requirements. Mr. Slocum said the application could be rejected by ZBA or PZC. He is comfortable going with a variance request.

For clarification, the motion would read as follows:

RESOLUTION #011414-10

BE IT RESOLVED, that the Town Council authorizes Town Manager Michael A. Milone to submit a request for a zoning variance to the Zoning Board of Appeals regarding the Community Pool height requirement.

Discussion

Chairman Slocum stated that all concerns are understood on all sides of this issue.

VOTE The motion passed 6-3. In favor – Slocum, Schrumm, Sima, Nichols, Oris, Ruocco. Opposed – Flynn-Harris, Linehan, Talbot.

M. Public Building Commission request for bid waivers for the Chimney and Sidewalk project and the high school roof repair project.

MOTION by Mr. Sima; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #011414-12.

RESOLUTION #011414-12

WHEREAS, the Public Building Commission (PBC) finds it is in the best interest of the Town to hire the same vendor for the 2014 sidewalk portion of the District Sidewalk and Chimney Repair project that performed the 2013 work,

WHEREAS, said vendor has agreed to hold their 2013 price for 2014 work, and the PBC has been completely satisfied with their work,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8 (C) (11) of the Town Charter, hereby approves a bid waiver for the 2014 sidewalk portion of the District Sidewalk and Chimney Repair Project and approves a unit price contract aware to Detour Construction.

Discussion

Regarding Detour Construction, Ms. Linehan asked if last year was the first year the company was used. She questioned the variance between the two prices, which is almost double, and noted Detour agreed to keep last year's prices for this project. In looking at the memo it says for comparison the second low bidder from last year (Prindle Hill) updated their unit price and gave their price structure. Ms. Linehan commented on sidewalks taking many years to see if we got a quality project. She asked if it is a question of quality, with the large variance in prices, if there was an opportunity during the bid process to see other municipalities the company did work for, to know it is a quality product and workmanship.

Stating the number is big, \$100,000, Mr. Sima stated the company did a very good job and in a timely manner at the high school, and the project came out well. Regarding the issue of concrete breaking up and chipping, it is part of the person doing the work. Mr. Sima said he would not be supporting the bid waiver, as there are many people out there who would want to bid. In defense of the Public Building Commission the company did a good job, with all sidewalks done before school opened, and there is some history with this company.

Given the history with PBC, Mr. Oris said they vet people very well, and he trusts them. Based on that, he would support the motion on the floor.

Ms. Flynn-Harris said that Detour agreed to maintain pricing of last year. Prindle Hill was asked to update their unit price, and she asked if Prindle was a bidder last year, and if they could maintain their pricing.

According to Mr. Sima, PBC went to Prindle and asked them how much they would charge for the work next year. Detour kept their same pricing. Mr. Sima said there is no time sensitive with this bid waiver.

VOTE The motion passed 5-4. In favor – Nichols, Oris, Ruocco, Schrumm, Talbot.
 Opposed – Flynn-Harris, Linehan, Sima, Slocum.

Town Manager Milone commented on the absence of a staff presentation, and informed the Council he has made it clear to staff that he does not want them at Council meetings representing PBC requests. In the past, Public Works staff has attended meetings, questions were asked that they could not answer, putting them in an awkward position. These are PBC projects, and it is the responsibility of the PBC to be present to defend them, not Mr. Noewatne or Mr. Gancarz.

(Mr. Slocum was recused from Resolution #13)

MOTION by Mr. Sima; seconded by Mr. Oris.

BE IT RESOLVED, that the Town Council approves Resolution #011414-13

RESOLUTION #011414-13

WHEREAS, the Public Building Commission (PBC) finds it is in the best interest of the Town to hire the same vendor for the 2014 chimney design portion of the District Chimney Repair project that performed the 2013 work,

WHEREAS, the PBC has been completely satisfied with their work,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 2-26 (C) (5) (c) (1) of the Town Charter, regarding the PBC process for design consultants, hereby approves a bid waiver for the 2014 chimney design portion of the District Sidewalk and Chimney Repair Project and approves a contract with Jacques Consulting for approximately \$4,375.

Discussion

Mr. Sima supports this waiver, and noted that PBC found more deterioration of the chimney, requiring major redesign and work and the project lasted longer than expected. This consultant is familiar with the schools, has done a lot work in the schools, and during the heavy snow loads they were inside all the buildings, making sure roofs were able to handle the increased loads. Their familiarity with the buildings will be very helpful.

VOTE The motion passed 8-1; Slocum recused.

MOTION by Mr. Sima; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #011414-14

RESOLUTION #011414-14

WHEREAS, the Public Building Commission (PBC) finds it is in the best interest of the Town to hire the same vendor who designed and managed the last two major roof replacement projects at the high school for the Partial Roof Replacement at Cheshire High School Project, and

WHEREAS, the PBC has been completely satisfied with this vendor's work and knowledge,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, in accordance with ordinance Section 2-26 (C)(5)(c)(1) regarding the PBC process for design consultants, hereby approves a bid waiver for the design, bid and construction administration for the Partial Roof Replacement at Cheshire High School Project and approves a contract award to BL Companies at an estimated cost of \$8.600.

Discussion

Mr. Sima explained that this is a piece of roof between the CHS auditorium and gym in the back of the school. There are leaks and this is the last of the build-up of roofs left at the high school. BL Company has all of the data and this is why the design is a lower number compared to 6 years ago when the north side was done.

VOTE The motion passed unanimously by those present.

N. Approval of Dispatchers' Union Contract (possible executive session)
(Executive Session item).

O. Conflict of Interest Disclosures

Town Manager Milone reviewed the conflict of interest disclosure memo to the Council, dated January 6, 2014. Mr. Milone reported that John M. Milone, a principal of Milone & MacBroom Engineering Firm, is his first cousin. The firm's relationship with Cheshire precludes his employment with the Town by 10 to 15 years. For the record he made it clear that he never had, nor does he currently have any financial interest, professional relationship or involvement with the firm. A resolution #091200-10 was developed by former Town Attorney Knott, which adopts a process that has to be followed when Milone & MacBroom is hired. Any contracts above \$5,000 must come to the Town Council, and anything accumulative over \$5,000 in the fiscal year must come to the Council. This is a good way of keeping Town Manager Milone out of the decision making process when this firm works for the Town.

The second disclosure involved the firm of H.D. Segur, the Town's insurance consultant for the past 14 years. Mr. Milone explained that H.D. Segur acquired Connecticut Associates which handled his home and auto liability insurance. Consequently, his insurance placement is handled through H.D. Segur, and Mr. Milone has no financial or personal interest or involvement in H.D. Segur.

The last disclosure had to do with Attorney Al Smith, since his role is changing and Attorney Smith is taking on the responsibility as Town Attorney. Mr. Milone informed the Council that the Milone and Smith families periodically socialize. He made it clear that this relationship carries no financial interest or involvement in the operations of Murtha Cullina, nor will it affect his professionalism or ethical choices.

Mr. Milone further advised that the Conflict of Interest Disclosure will be noticed to all boards, commissions and committees and employees.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

Monthly Financial Report – 40% of the ice and snow budget has been utilized; everything else is tracking as expected. Revenue is a little ahead with \$180,000 additional money from the State. Tax collection is above 99%. WPCA user fee was increased which generates another \$45,000, and a surplus of \$100,000 to \$150,000. Community Pool is the only known at this time. Mr. Milone will meet with the Council to determine utilization of the funds that have accumulated. There is \$257,000 of insurance proceeds; \$11,100 of FEMA money; settlement of \$28,900; there is a total of about \$297,000 and Mr. Milone's recommendation is to put some of this money into the pool fund balance to start operations on a solid financial basis going forward.

CCM Drug Discount Program – The Council endorsed this drug discount program for Cheshire citizens, with savings for the under-insured and non-insured residents. Cards will be mailed out next week, and the Town will issue press releases and information will be on the web site.

Solarize Cheshire Program – This is a program the Council endorsed, but the Town does not directly manage, but helps out with. Mr. Milone reported that 268 requests were received; there were 107 site visits; and the cutoff date is April 8th. Another session is scheduled for January 15th at 7 p.m. at the Cheshire Library.

Affordable Care Act – Mr. Milone explained that volunteer firefighters and other emergency responders will not be counted as full time Town employees under the Act. The initial implication is that it would be very limiting. The Town was told firefighters had to average 30 hours a week for a 52 week period to be eligible. And, when they were eligible they had to pay for medical benefits single coverage up to whatever 15% of the lowest paid employee was for the cap. Anything in excess of that the Town would have to pay. The Town did not have any exposure at all because there were no firefighters working those kind of hours. Since then there was a ruling issued which Mr. Milone read into the record. The Council was informed on the costs of the Act to the Town for this year. The Town must pay \$5.25 per contract per month. With 170 employees under medical coverage, the cost will be about \$10,700. For next year, in addition to this cost, there is a \$2 charge per member charge, in July. This cost will be about \$800, so the total exposure to the Town will be \$11,500.

Certified Local Government (CLG) Program – The Town of Cheshire received this status. It puts the Town in a better position for grants for historical preservation, technical support, restoration of public buildings. It is a special recognition and helps with securing grant funding.

Boards/Commissions/Committees various matters – With the new audio and visual equipment, Mr. Milone said the plan is to provide more visibility for boards, commissions and committees. Staff is working with Mike Solomine and Henry Chase to develop a schedule and start production of meetings held in Chambers for better production quality. The board, commission, committee will select the meeting to be televised, and it is hoped to begin in May. With many Council appointments being made in February, Mr. Milone advised that Murtha & Cullina and FOI public information officer will conduct

an FOI session for members of all boards, commissions and committees. The session will be televised and recorded. At this time, staff is working to get all the bugs out of the new audio/visual system, and they should be resolved shortly to improve the quality of what is being transmitted.

CL&P Tree Trimming Initiative – The company has a \$1 million tree trimming program for Cheshire which started in January. A color coded map was developed, and based on the color, the homeowner gets a letter or brochure at their front door with information about the tree trimming in their area. The map will be on the web site and press releases will be going out. CL&P has 3 or 4 crews working 7 months straight on this program.

Bulky Waste Collection – Mr. Milone told the Council there will be a Solid Waste Committee meeting scheduled regarding the bulky waste program.

Upcoming Meetings – Energy Audit/Performance Contracting Review Committee, Wednesday, January 15, 2014, 7:00 p.m.

Personnel Committee – Thursday, January 16, 2014, 7:00 p.m.

Audit Committee – Tuesday, January 28, 2014, 6:45 p.m.

Special Town Council meeting, Tuesday, January 28, 2014, 7:30 p.m.

Town Hall Closing – Monday, January 20, 2014, Martin Luther King's Birthday.

With regard to the Affordable Care Act, Mr. Ruocco commented on the \$11,500 cost for the Town side, and asked about the Board of Education which has about 500 contracts for which it must pay fees. He asked about the reassurance assessment of \$63 per year, per member in the plans which starts in 2014. He commented on this being a classic example of how a federal mandate does affect local taxpayers. Mr. Ruocco also commented on the Health Insurance Industry fee which is paid by the insurance companies and said it will be passed along to members in their premiums. With these fees, people will be paying for the Act not only through their property taxes but also through payroll tax when paying for insurance premiums. Mr. Ruocco does not like unfunded mandates, and it is another line item the Town must deal with.

Mr. Milone stated that the total cost to the Town and BOE will be about \$50,000 for all the fees.

Chairman Slocum asked about televising some of the budget meetings, and asked the timeline for completion of the audio/visual work – if it would be a month's time..

In response, Mr. Milone said he hoped it will not be a month, and noted that checks are being held up to the vendor who did not meet the deadline, and presented unrealistic expectations. He reported the work has been good but the response has not been good.

Regarding the conflict of interest disclosure and H. D. Segur as the Town's insurance consultant, Mr. Sima said it may be time to go out to bid on this work.

Mr. Milone informed the Council that there was discussion at the Budget Committee meeting on this issue, and it is time to do RFPs for the medical consultant bid and the regular property and casualty consultants. The Town recently did an RFP for the workers compensation provider.

Mr. Sima asked about the GIS system on the web site and information being easily available, removal of information on the web site, and whether this is a violation of FOI. With the current GIS system, someone can get personal information.

In response, Attorney Smith said FOI comes into play if someone were to request that information. He does not think FOI requires posting of the GIS information for everyone and anyone to see. If someone makes a request for that information, FOI would, probably, require it to be disclosed. There are some categories of personal and private information that are exempt from FOI.

Mr. Flynn-Harris noted that Ms. Talbot, FOI Officer, said this is public information and as long as it is available in the Town office, it is not an FOI violation. People have requested, under COG, that posting of personal information not be available to the public. Ms. Flynn-Harris said it is public information and available in this public manner, and that is Town Hall. Therefore, it was not a violation.

It was clarified by Ms. Linehan that her concern was with the ease of use and accessibility of information. She understands it is public information, is available, but has concerns of the ease of use in getting it. The information would be available to the public, but they would have to go through the proper channels and steps.

Mr. Sima asked why this information is put up on the GIS, and believes more than 70% of the information would not want it available. He questioned the requirements being in a specific form and sustainable.

Attorney Smith replied that as long as it's not in a specific form, it is available.

**9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
Executive Session.**

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Ordinance Review Committee – Ms. Nichols reported the committee will be meeting in a few weeks.

Performance Contracting Committee – Mr. Sima reported there is \$10 million of energy savings work for the Town, and the committee meets January 15th.

Personnel Committee – Mr. Ruocco reported the committee meets on January 16th to discuss the Library and Police Department reorganization. The committee meeting in February will review the overtime report from the Town Manager.

Budget Committee – Mr. Schrumm reported the committee will be meeting to review and discuss the pension plan information, and get the accurate and final numbers.

Solid Waste Committee – Mr. Oris reported on the committee meeting of December 19th which focused on the bulky waste collection program, which is a priority in the community. The committee authorized Town Manager Milone to meet with A.J. Waste to discuss and work on a plan to economically bring back the program. The question is whether this will be a one time bulky waste collection or an every other year collection. The next meeting will focus on a review of the results of Mr. Milone's meeting with A.J. Waste representatives.

Audit Committee – Ms. Flynn-Harris reported the committee will meet on January 28th.

B. Miscellaneous

Chairman Slocum referred the Assistant Library Director's position and Police Department positions to the Personnel Committee for review and recommendation.

11. APPROVAL OF MINUTES – Regular Meeting December 10, 2013 and Special Meeting January 7, 2014.

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

MOVED that the Town Council approves the minutes of December 10, 2013, and Special Meeting of January 7, 2014, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council approve extension of the meeting beyond the 11:00 p.m. curfew in order to conclude business.

VOTE The motion passed unanimously by those present.

Mr. Sima asked Town Manager Milone about the bus contract being taken care of in a timely manner.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Environment Commission – Ms. Nichols reported the commission meets on January 16th.

Parks and Recreation Commission – Mr. Talbot reported that the Commission chose the “Cheshire Dog Park Group” as the recreation person(s) of the year.

Cheshire Performing and Fine Arts Committee – Ms. Flynn-Harris reported that Arts Day will be using Insta Gram for this year’s program. CPFA has submitted the scholarship requirements to the high school, \$750 awarded to a student, and updated the requirements to include film studies and graphic design and fashion design. CPFA is still negotiating with the Dog Park Group regarding the official opening of the park.

Human Services Committee – Ms. Flynn-Harris informed the Council that 130 people were assisted over the holiday season with food and gifts. There have been many requests for assistance with prescription drugs, medical coverage and utilities. There was an Affordable Care Act presentation at the Senior Center earlier today.

Inland Wetlands & Watercourses Commission – Ms. Linehan reported a meeting is scheduled for January 21st.

Youth Services Committee – Ms. Linehan reported the committee meets on January 27th.

Housing Authority – Ms. Linehan reported the group meets on January 22nd.

B. Appointments to Boards and Commissions

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

MOVED that the Town Council approve the following reappointments and appointments:

Beatification Committee – Reappointments: William Meyerjack (R) term of office 1/14/14 to 1/31/16. Pauline Cacace (R) term of office 1/14/14 to 1/31/16; Jane Presnick-Lyon, term of office 1/14/14 to 1/31/16; William Bonaminio (R) term of office 1/14/14 to 1/31/16.

Building Code of Appeals – Reappointments: Richard Mouris (R) term of office 1/14/14 to 1/31/18; Daniel Mahieu (R) term of office 1/14/14 to 1/31/18.

Chesprocott Health District – Barbara Eden (D) to fill the vacancy of Diane Visconti; term of office 1/14/14 to 9/1/15.

Environment Commission – Reappointments: William Sherman (R) term of office 1/14/14 to 1/31/18; Jodee Heritage (R) term of office 1/14/14 to 1/31/18; David Mercugliano (R) term of office 1/14/14 to 1/31/18.

Energy Commission – Reappointments: Joseph Nesdale (R) term of office 1/14/14 to 1/31/18; Walter Gayeski (R) term of office 1/14/14 to 1/31/18.

Economic Development Commission – Reappointments: William Stanley (R) term of office 1/14/14 to 1/31/18; Raymond Voelker (R) term of office 1/14/14 to 1/31/18.

Library Board – Reappointments: Kathy Nankin (R) term of office 1/14/14 to 1/31/18; Judy Knott (R) term of office 1/14/14 to 1/31/18; Dalena Desena (R) term of office 1/14/14 to 1/31/18.

Prison Advisory Committee – Reappointments: Trip Sanders (R) term of office 1/14/14 to 1/31/16; Margaret Rogers (R) term of office 1/14/14 to 1/31/16.

Public Building Commission – Reappointments: Edward Hill (R) term of office 1/14/14 to 1/31/18; Art Crooker (R) term of office 1/14/14 to 1/31/18.

Public Safety Committee – Appointment of Joseph A. Falvey (R) to fill the vacancy of Lori Rusnack, term of office 1/14/14 to 1/31/16.

Retirement Board – Reappointments: Mark Izzo (R) term of office 1/14/14 to 1/31/18.

Water Pollution Control Authority Board – Reappointments: John Perrotti III (R) term of office 1/14/14 to 1/31/17; Mark Kasinskis (U) term of office 1/14/14 to 1/31/17.

Youth Services Committee – Reappointments: Lauren Vendetto (R) term of office 1/14/14 to 1/31/16; William Kalinowski (R) term of office 1/14/14 to 1/31/16; Rose Sollo (U) term of office 1/14/14 to 1/31/16.

Zoning Board of Appeals – Paul Bellagamba (D) to fill the vacancy of Vincent Lentini; term of office 1/14/14 to 12/7/15.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Slocum reported on a letter from the District Operations Manager of Macy's informing the Town about layoffs at the Cheshire Macy's facility.

B. Miscellaneous

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Mr. Oris.

MOVED that the Town Council enter Executive Session at 11:17 p.m. to include Town Manager Milone, Town Attorney Smith, Police Chief Dryfe, Finance Director Jaskot, Personnel Director Zullo, to discuss pending claims and litigation and personnel matters.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:50 p.m.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Ruocco; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #011414-15

RESOLUTION #011414-15

BE IT RESOLVED, that the Town Council hereby approves the three year collective bargaining agreement between the Town of Cheshire and the Dispatchers' Connecticut Independent Labor Union, Local 40, UE Local 222, upon the terms as presented, and authorizes the Town Manager to execute said Agreement.

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

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 11:55 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk