

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
JUNE 17, 2014, AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET,
CHESHIRE CT 06410**

Present

Timothy Slocum, Chairman; David Schrumm, Vice Chairman; Council members Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert J. Oris, Thomas Ruocco, James Sima, Peter Talbot entered meeting at 9:25 p.m.

Staff: Michael A. Milone, Town Manager; Town Attorney Alfred Smith; James Jaskot, Finance Director; Gerald Sitko, Economic Development Coordinator; Police Chief Neil Dryfe; Fire Chief Jack Casner; Personnel Director Louis Zullo; Human Services Director Michelle Piccerillo; William Donlin, Tax Collector.

Guests: David Pelletier, Chairman EDC; Steve Carroll, Chairman, Technology Study Group.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Proclamation for Flag Day.

Chairman Slocum read the Proclamation for Flag Day, June 14th, 2014 in Cheshire CT into the record.

B. Presentation of 40 Development Assets Youth Development Program.

Councilor Linehan, liaison to the Youth Services Committee, stated that Cheshire is looking to begin implementation of the 40 Developmental Assets for Adolescents, ages 12-18, through Search Institute.

Lauren Vendatto, Youth Services Committee, wants the 40 Developmental Assets program introduced to the Cheshire Community. She read bio comments from CHS graduates into the record.

Max Firtel, private school member of the Youth Services Committee, commented on the impact of the Dodd Middle School Guidance Counselor on his life, and read his story into the record.

Human Services Director Piccerillo gave a short presentation on the 40 Developmental Assets program, citing prior efforts in the community, and the current need to focus on positive things to support Cheshire's youth. Ms. Piccerillo commented on the external issues and internal issues of the developmental assets program which help a young person become a healthy adult. She wants Cheshire to undertake this program which is similar to the STEPS program, and said the support of the school system and community is required. The Town of Southington undertook this program a few years ago, and it has been totally embraced by the community, school system, and businesses, and is a huge success

To begin the program in Cheshire there will be data collection in the Fall, identifying all the positive support in place, areas of support to be improved, and develop programming to support the asset approach in the community. Ms. Piccerillo wants the Town Council to become aware of the asset approach, be able to speak about it in the community, and in meeting young people take the approach into account having a positive impact on their lives.

Chairman Slocum stated this is a wonderful program, is curious about the survey, has read up on the asset program, and it has his support.

Ms. Flynn-Harris said she supports the 40 Developmental Assets program, and attended the meeting where the program was introduced by Search Institute to the Human Services Committee. It is a very positive and interesting program, and she supports it going forward. Ms. Flynn-Harris offered her assistance with moving the program forward.

It was noted by Ms. Linehan that this is a multi-layered program to be embraced by the schools, business community, families, homes, and the plan is to continue to use the Southington model.

According to Ms. Piccerillo, the Town of Southington used the assist approach a few years ago after some tragic events. In four years there is huge support in the community and a decrease in youth participation in risky behavior. She will provide the Council with specific data on the Southington program and its success.

C. Public Comments.

Matt Bowman, 422 Maple Avenue, stated that issues with the community pool should be brought to the attention of the public, and he commented on the misinformation and mis-guidance on this project. Mr. Bowman cited a press release which stated the pool committee is switching contractors because the first contractor could not get bonded. The Town paid this contractor \$80,000, and may not get this money back without a legal process. Mr. Bowman commented on a conversation he had with Chairman Slocum about the pool project, the \$80,000 payment, and how the Town gets this money back.

Stating he appreciates Mr. Bowman's concerns, Chairman Slocum said everyone has the right to expect the pool project to be done correctly. Mr. Slocum explained that during the process for the pool project it was learned (within the 30 day period) that Signature was unwilling to provide a bond, which is a requirement by State law and the Town Charter. He said bidders for the pool project had to be aware of this requirement, and this caused the Town to sever its relationship with Signature. During the budget process the Council authorized the \$80,000 for design money. This was done simultaneous to the fact that the town attorney was ironing out contract details. As soon as the Council was made aware of the problems by the town attorney in executive session at the last meeting, there was discussion with Signature and they were relieved of their responsibilities. In the meantime the \$80,000 check was signed and

committed. The Council must make decisions about this payment, and further discussions will take place in executive session. Mr. Slocum stated there is a way to go forward, and at this time there is no new contract signed. The public was assured by Mr. Slocum that the Council is watching the taxpayer's money.

Stating he is a strong supporter of the community pool, Mr. Bowman said the facility is a large Town asset, and it is unfortunate such a situation arises. He understands the construction business, and these things do happen. Having bid projects for the Town and other municipalities Mr. Bowman said there is always a bid bond required, and he asked if one was required in this situation and if it was posted at the time the bid was received.

There was a bid bond required but it was not posted, and Mr. Slocum said this was an RFP, and was subject to the requirements of the RFP.

Mr. Bowman commented on Chairman Slocum saying this was a little problem, but he considers it to be a major problem and a possible lawsuit.

In response, Mr. Slocum noted he could not say too much more about the situation in his conversation with Mr. Bowman.

Councilor Oris stated all Council members are proponents of the pool and want it done as fast and appropriately as it can be done within the specs and budget of \$3.2 million. There were some issues between the Council and PBC, and Mr. Oris stated he will be attending more PBC meetings and encouraged Mr. Bowman to also attend them. He agrees with Chairman Slocum's comments, and the situation was caught early, with everyone wanting to get this project done the right way. Mr. Oris' commitment for this project is to get it done correctly and he will be staying on top of this -- as will other Council members.

Chairman Slocum stated he has taken a personal role in the pool project and intends to have the Council members at PBC meetings. It is hoped there will be a report at the next Council meeting.

Councilor Linehan introduced Brownie Troop 60125, Highland School, to the Council. She read a letter from the Brownie Troop into the record. In the letter the Brownies had questions about the cleanup of the Linear Trail and focusing their efforts on this work. Following receipt of the letter, Ms. Linehan researched the concerns, and reported there will be trash cans at each end of the Trail; the Brownie Troop will make posters; and the troop will participate in the cleanup of the Trail.

Town Manager Milone requested the Brownie Troop posters be on display in the Town Hall Lobby upon completion of cleanup project.

The Council congratulated and applauded the concerns and efforts of the Brownie Troop and their dedication to cleanup of the Linear Trail.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-1

RESOLUTION #061714-1
CONSENT CALENDAR FOR JUNE 10, 2014

BE IT RESOLVED, that the Town Council approves the Consent Calendar for June 10, 2014, as follows:

- A. Acceptance and appropriation of a \$700 Connecticut Community Foundation Sponsorship Grant to fund the Survivors Program at the Senior Center.
- B. Acceptance and appropriation of a \$1,500 grant from the Connecticut Community Foundation for Therapeutic Recreation Camps.
- C. Acceptance and appropriation of a \$1,500 donation from the Jean McSweet To the Park Gift Account for a memorial bench or Donald Gode.
- D. Acceptance and appropriation of a \$1,550 donation from the Cheshire Animal Shelter Volunteers Inc. to the Parks Gift Account for a bench for at The Cheshire Dog Park.
- E. Acceptance and appropriation of \$868.49 in asset forfeitures from the State Of Connecticut to the Police Seizure Account.
- F. Acceptance and appropriation of \$1,660.96 in asset forfeitures from the State Of Connecticut to the Police Seizure Account.
- G. Acceptance and appropriation of \$2,572 State of Connecticut Youth Services Grant for positive youth development programming.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

- A. Acceptance and appropriation of a \$150,000 donation from Elim Park To the Police Gift Account.**

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-2

RESOLUTION #061714-2

BE IT RESOLVED, that the Town Council accepts and appropriates a \$150,000 donation from Elim Park to the Police Gift Account for equipment, supplies and services as outlined in the attached budget memo.

Discussion

This is an annual donation from Elim Park to the Police Department and Fire Department, and Mr. Schrumm noted the money is used to supplement the operating budget and items which cannot be covered. The Town is grateful to Elim Park for this ongoing contribution to the Town.

Ms. Linehan expressed appreciation to Elim Park for its generous donation, and said some of the money is being used for the Police Department's RAD Program. This self protection program is offered to female high school graduates at no charge, and is well received.

Ms. Flynn-Harris reiterated the fact that much of the Elim Park donations go to property maintenance/building maintenance, and additional supplies/equipment for the Fire and Police Departments. Without this donation there would be a larger cost to taxpayers, and people should know and understand how much Elim Park's generosity is appreciated.

VOTE The motion passed unanimously by those present.

B. Acceptance and appropriation of a \$150,000 donation from Elim Park to The Fire Department Gift Account.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-2

RESOLUTION #061714-2

BE IT RESOLVED, that the Town Council accepts and appropriates a \$150,000 donation from Elim Park to the Fire Department Gift Account for equipment, supplies and services as outlined in the attached budget memo.

Discussion

This is the same donation to the Fire Department and Mr. Schrumm explained it supports building maintenance, equipment and supplies for firefighters. He thanked Elim Park for its generosity to the Town.

Mr. Schrumm commented on the fire hydrant maintenance issue which will be revisited with the Regional Water Authority.

It was stated by Mr. Ruocco that these donations offset the operating budget, and pays for items over and above the department budgets. Mr. Ruocco suggested that some of the money be put into accounts for potential capital projects or improvements for the Fire and Police Departments.

Mr. Sima talked about the \$500,000 spent each year for use of the water mains and maintenance of the fire hydrants for RWA. He said other public water companies are required to maintain their fire hydrants, and RWA wants another \$11,000 for the Town's maintenance of mains. Mr. Sima expressed gratitude to Elim Park for its generous donations as well as the donation made to help with repairs for the pump station. He agrees that some of the money donated should be put into a reserve account for future capital projects for the departments.

Regarding the RWA issues, Chairman Slocum will contact David Borowy, Cheshire's representative to the RWA and staff at RWA on the issue of Town maintenance of fire hydrants.

VOTE The motion passed unanimously by those present.

C. Award of Tax and Sewer Lien Sale.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-4

RESOLUTION #061714-4

BE IT RESOLVED, that the Town Council, pursuant to Sections 12-195h, 7-254 and 7-258 of the Connecticut General Statutes, authorizes the Tax Collector to assign for consideration such tax and sewer liens as deemed appropriate for assignment by the Tax Collection; and,

BE IT FURTHER RESOLVED, the consideration for such assignments be negotiated between the Town, acting through its Tax Collection and the assignee(s), and

BE IT FURTHER RESOLVED, that the Town Council awards the assignments as presented to Caz Creek Tax Fund LLC on behalf of Caz Creek CT LLC (Purchaser) at 113.1738% on the dollars.

Discussion

Mr. Schrumm pointed out that the tax lien sale is an annual matter handled by the Tax Collector's office.

Mr. Jaskot commented on Cheshire's high tax collection rate of 99.71% and the fact that the collection rate is tracking for another successful year. This high rate is #2 in the State.

Mr. Donlin, Tax Collector, informed the Council on the three measures for tax collection in Connecticut – foreclosure, 12 week notice of the tax assessment, tax lien sale/auction of property. The current lien assessment bundles taxes 2 to 3 years delinquent, with mailings sent to the taxpayers on March 14, 2014 about the lien process. For 2014, there were 66 accounts, \$524,000 of taxes due, some people paid the taxes, so the sale is now at 30 properties for \$230,000 of delinquent taxes. Since Cheshire started the tax lien sale procedure there have been 550 properties, \$2.7 million in revenue, only one property has been foreclosed, and taxpayers are given every possible opportunity to pay the taxes and/or make payment arrangements. The company, Caz Creek Tax Fund LLC will pay 113.1738% on the dollar for the liens.

The Council was told by Mr. Milone that the tax lien sale money is part of the surplus as a result of the work of the tax office along with the high collection rate of 99.6% to 99.7%. The property taxes in Cheshire represent 77% of the operating budget. Mr. Milone commended Mr. Donlin and his staff for doing an outstanding job in the Tax Collection Department.

VOTE The motion passed unanimously by those present.

D. Transfer of uncollectible taxes to the Suspense Tax List.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-5

RESOLUTION #061714-5

BE IT RESOLVED, that the Town Council approves the transfer of uncollectible taxes, as presented and attached, to the Suspense Tax Book.

Discussion

Mr. Donlin explained that the Tax Collector must identify uncollected accounts and put them in the suspense book, with removal of the accounts from the Town's asset list. A new collection agency has been identified and this agency will work on generating money from the overdue taxes. Many of the outstanding taxes are for motor vehicle taxes. Mr. Donlin stated that under State statute the tax collector must inform the DMV with names of people with past due motor vehicle taxes, and this tax delinquency affects registration of vehicles.

VOTE The motion passed unanimously by those present.

Chairman Slocum moved agenda items J and M to current status.

M. Approval of Economic Incentive Policy

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-14

RESOLUTION #061714-14

BE IT RESOLVED, that the Town Council approves the Economic Incentive Policy as recommended by the Economic Development Commission and as presented and attached.

Discussion

David Pelletier, EDC Chairman, reported that at its May 20, 2014 meeting, the Commission voted to recommend the Council continue the incentive policy for existing business expansion and new businesses moving into Cheshire. Mr. Pelletier explained that Cheshire is surrounded by towns with enterprise zones, and Cheshire only has a defense enterprise zone. These surrounding communities offer additional taxes to businesses in their enterprise zones. Cheshire's policy began in 1994; \$17 million has been gained in real and personal property taxes; and the cost of the incentive policy has been \$4.4 million. The exemption is 45% of the assessed value of new construction for five years, and improvements over \$3 million get a 45% exemption of the assessed value. The business must stay in Cheshire for 10 years and the policy has built-in protection for the Town. If a business does not comply with the requirements of the policy they must make repayment of taxes which have been rebated.

The removal of the manufacturing property taxes was questioned by Mr. Oris.

Mr. Pelletier advised that five years ago the State exempted all manufacturing properties from taxes, and the local incentive policy would have been redundant.

Mr. Milone reminded the Council that the State also took away the PILOT Payments for manufacturing to the municipalities, and this was a significant amount of money.

VOTE The motion passed unanimously by those present.

J. Approval of successor Chief Technology Officer contract.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-11

RESOLUTION #061714-11

BE IT RESOLVED, that the Town Council approves a two year successor contract for the Personal Chief Technology Officer with Apex Technologies under the terms as

presented and attached, pursuant to the approval of the Town Attorney as to legal for an function.

Discussion

Steve Carroll, Chairman of the Technology Study Group, informed the Council that the agreement with Apex Technology is identical to the last agreement, and the only change is a two year contract rather than one year. The renewed contract is for two (2) years per the recommendation of the Technology Study Group, at the same rate of \$20,000 per month, with the Town paying \$96,350 and BOE paying \$104,436. The contract can be terminated with 30 days notice.

Mr. Carroll stated that the technology upgrade was a result of many technology problems three years ago, and Apex has been very involved in the upgrade. There are about 18 to 24 more months of capital improvement work to be done and the Town needs the expertise of Apex and its technology engineers as it relates to software, desktop integration, new phone system, etc.

Town Manager Milone thanked Mr. Carroll and the study group members for their guidance, work, and input related to the technology initiative plan and upgrade. The Council was told by Mr. Milone that the study group met with Anthony Verrill, CEO of Apex Technology, reviewing all that has taken place in the last year, planning on what to do next year with the capital funds. The out-sourcing of the technology has resulted in \$148,000 of savings for the Town and BOE, while receiving a higher quality of support and assistance, and improved efficiency of the operation. Apex has been involved in every technology area of the Town and BOE, including the RFP for town wide copiers, and will take over the RFP for the new phone system.

During the review of the contract renewal, Mr. Carroll advised that the study group noted many of the capital projects will be done in two years, and the current level of needs from Apex will diminish. The recommendation was a two year contract renewal.

Mr. Milone commented on the great benefits in technology through Apex, and said there is increased efficiency and understanding of the use of technology.

Ms. Flynn-Harris commented on the high level of expertise and professionalism brought to the Town from Apex Technology staff to accomplish these projects. She said Apex will have more technology experts/engineers available to the Town. At some point the Town and BOE will be over the final projects, and Apex recognizes their day to day assistance will be with the help desk and remote access for Town staff.

A question was raised by Mr. Oris on whether the \$20,000 per month is still implementation of capital projects.

Stating that is correct, Mr. Carroll noted that the work of Apex is on highly skilled technical improvement projects. They are doing help desk functions, but their primary focus is bringing expert help and resources to help each project along.

When the improvements are completed, Mr. Oris asked if the \$20,000 a month will be decreased.

Mr. Carroll said the costs will be reduced, but the Town can use Apex on an "as needed" basis for additional major technology projects.

Town Manager Milone will provide the Council with a full Apex Technology packet. He commented on the large investment of the Town in technology, and noted some of the spin-offs such as the CAD System and RMS. Without Apex this project would have gone nowhere -- even though it does not appear on their checklist -- as it was not part of the multi-million dollar technology initiative. With building the infrastructure, the Town bought needed software.

VOTE The motion passed unanimously by those present.

Chairman Slocum moved agenda item L to current status.

L. Acceptance of maintenance for bathrooms, water fountain, and pedestrian Crossing signal lights for the Linear Trail.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-13

RESOLUTION #061714-13

WHEREAS, the Connecticut Department of Transportation, in conjunction with the federal government will construct the extension of the Linear Trail in Cheshire from Cornwall Avenue to West Main Street, and from Jarvis Street to the Southington Town Line, and

WHEREAS, the Town of Cheshire will construct the Linear Trail extension from West Main Street to approximately 100 yards north of Jarvis Street, with the federal government contributing 80%, the State of Connecticut contributing 10% and the Town of Cheshire contribution 10% of the cost, such that the Town's share does not exceed \$350,000,

NOW, THEREFORE, BE IT RESOLVED, that in return for federal and state funding support and to provide additional amenities and enhanced safety features along the Trail, the Town of Cheshire agrees to the following:

1. Payment for regular maintenance of two restroom facilities, at the Southwest corner of the West Main Street crossing and adjacent to the Parking lot on Jarvis Street;

2. Payment for water usage and maintenance for a water fountain at Schoolhouse Road;
3. Payment of 10% or approximately \$10,000 toward the estimated \$100,000 Cost of construction of a traffic control pedestrian signal at West Main Street, As long as this \$10,000 plus other Town Linear Trail expenses do not exceed \$350,000, and payment of maintenance expenses for this signal equipment.

Discussion

Mr. Sima stated that some of the issues have come before the Council, and the most important is the pedestrian signal on busy West Main Street, two restroom facilities at West Main and Jarvis Streets.

Scott Bushee, DOT Project Manager, explained that two restrooms are recommended, one on Jarvis Street and at West Main Street (area of Ball & Socket and body shop) near the 10 space parking lot in the abandoned rail right-of-way with trail amenities (table, landscaping, bike lockers, kiosk sign) and rest room. The Linear Park is from North Hampton MA to New Haven, CT, and the Cheshire pieces are in the design process. Once done it will be a 23 mile continuous section Southington to New Haven with large usage of the trail. There will be a 77 space parking lot on Jarvis Street with people needing access to a bathroom. West Main Street is a logical choice for one restroom with water, sewer, power available, precast concrete facility can be installed next to the parking lot with sink/water, vinyl sided building, asphalt shingled roof. The DOT will construct the building, and maintenance costs will be the responsibility of the Town of Cheshire.

With regard to these amenities, Ms. Flynn-Harris asked if the DOT is involved in other areas for the Trail. She has done the North Hampton trail, and noted no other town has these amenities.

Mr. Bushee said most trail designs are done by municipalities with minor DOT involvement. No other areas have had restrooms recommended. DOT considers this "for the Town" and is offering it for the project if the Town wants it. If not, that is okay. In designing the trail other areas were looked at for usage, volumes of people on the trail, and amenities. This helped design the Cheshire trail, and Mr. Bushee said many people ask about restrooms.

Chairman Slocum stated that the Council is aware of the traffic light issue concerns, knows about trail usage, but the concept of bathrooms requires future costs and security issues. Mr. Slocum suggested that this agenda item would be better vetted in the Planning Committee, and should be postponed for another month.

With regard to the restrooms, Mr. Bushee said they would be a pre-cast building, vinyl siding, water and sewer. The maintenance would involve cleaning, stocking supplies, keeping the facility open during the summer months, and locked for the winter months. The Jarvis Street facility would be a small unit, with a composting type toiler, ventilation

system, with more intensive maintenance (i.e compost cleaning once a month) because there is no water or sewer on Jarvis Street. Maintenance cost would be about \$100 per week. The Town will have a parking lot and this unit is suggested to be installed when the lot is built. For the Jarvis Street unit to be built, the design must be completed by mid-July.

Ms. Linehan commented on the West Main Street bathrooms helping the businesses in this area of Town, and said having these facilities will be a benefit to the local businesses.

According to Mr. Milone the estimate for maintenance costs is about \$8,000 for weekday and weekends for 8 months, and the numbers must be looked at closely. The Town's gross amount for the trail project must be under \$350,000 or the project must go to referendum.

Mr. Bushee commented on the 10 parking spaces on West Main Street, the lot on Cornwall Avenue, and a 10 to 15 minute walk to West Main Street to use restrooms.

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

MOVED that the Town Council table this agenda item until the meeting of July 8, 2014.

VOTE The motion passed unanimously by those present.

Town Manager Milone thanked Mr. Bushee for his work with the Town on the trial project. He invited Mr. Bushee to attend the Planning Committee meeting. Mr. Milone also informed everyone that the DOT is having a presentation on the trail project on June 18th in the Cheshire Council Chambers.

E. Approval of appropriation from Peck-Jones Fund.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-6

RESOLUTION #061714-6

BE IT RESOLVED, that the Town Council appropriates \$29,000 from the 2014-2015 Peck-Jones Fund for phase two of the world language project at Cheshire High School, pursuant to Resolution #081412-10.

Discussion

This money was set aside many years ago and Mr. Sima said it can only be used for school related issues, and the money has been used for this purpose.

Mr. Milone discussed the actual balance in the fund as of May 31, 2013 which is \$733,986.74. Taking 4% of this value would be an appropriation of \$29,359.49. The Budget Committee recommendation is \$29,000, as requested by the BOE, unless 4% of the total value is less than \$29,000. The Council is permitting withdrawal of the funds based on parameters already established. On July 1, 2014 there will be a determination of the value of the fund. If 4% is less than \$29,000 that is what the BOE will get; and if it is in excess of \$29,000 the BOE cannot receive more than \$29,000.

The Council was informed by Mr. Jaskot that the BOE already received the FY 2014 appropriation and on July 1st the FY 2015 fund valuation will be determined. At that time the funds will be available to the BOE. Most of these funds are in long term certificates of deposit, so Mr. Jaskot does not expect the value will be greatly reduced.

VOTE The motion passed unanimously by those present

F. Approval of non-union Personnel Rules and Regulations.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-7

RESOLUTION #061714-7

BE IT RESOLVED, that the Town Council approves the non-union Personnel Rules and Regulations as advanced by the Personnel Committee, as presented and attached.

Discussion

Mr. Ruocco explained there are changes to the medical insurance co-payments and contribution for some of the medical plans.

VOTE The motion passed 8-1; Sima opposed.

G-1. Approval of reclassification for the Deputy Police Chief and Building Official positions.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-8-1

RESOLUTION #061714-8-1

BE IT RESOLVED, that the Town Council approves the following non-union position reclassifications:

Deputy Police Chief position from E3 to E4

Discussion

Mr. Ruocco stated these reclassifications are a result of the Police Department reorganization with the Deputy Police Chief elevated to a new classification.

Mr. Zullo explained that under the department reorganization the two Captain positions were eliminated; the department went from 5 to 3 Lieutenants; the Deputy Chief has more responsibilities; and there are no changes in compensation.

The question about this being the final part of the reorganization was raised by Mr. Sima.

Chief Dryfe told the Council that this is the final anticipated change in the Police Department.

VOTE The motion passed unanimously by those present.

G-2. MOTION by Mr. Ruocco; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #061714-8-2

RESOLUTION #061714-8-2

BE IT RESOLVED, that the Town Council approves the following non-union position reclassifications:

Building Official position from E2 to E3.

Discussion

Mr. Zullo stated the only change is from E2 to E3. The salary study from a few years ago recommended an increase in the salary ranges for some positions, and one position was the Building Official upgrade to E3. There is no additional compensation with this classification change.

The issue of current salaries for this position compared to other towns was raised by Mr. Oris.

Mr. Milone reported that the salary study for this position range showed Cheshire minimum at \$52,505 to maximum of \$84,911. The average salary in the survey was a minimum of \$71,773 to a maximum of \$90,408. The Pay Plan shows a listing of classifications and minimum/maximum salary ranges. The Building Official is \$61,512 for E2, and \$91,483 for E4. In the Plan there is a listing of non-union exempt positions, and the Building Official (E2) is in the same pay classification as Collector of Revenue, Deputy Library Director and Fire Marshal. Moving the Building Official to E3 is in line with the Assessor, Economic Development Coordinator and Deputy Director of Finance. The Building Official will have additional responsibilities as W.S. Development comes forward. There is an equity issue with the salary increase of 2.3% to 3%, and the current salary for this position is about \$90,000.

Chairman Slocum commented on someone being at the top of their classification pay scale, the special case involved, and the Building Official being in this situation.

Mr. Zullo pointed out the person in the position is in a classification with deputy directors and division heads, and is the lowest graded department head, but has more in common with the E3 group with certifications, etc.

In the current fiscal year Mr. Sima said the person in the position is near the top of the pay grade of \$90,000, and moving the classification up to E3 the most the salary grade can change is 4%.

Mr. Zullo said the person goes into another range and the cost will be whatever Mr. Milone deems the value of his evaluation.

There will be a bell curve with the vast majority of raises between 2.1% and 3% and Mr. Milone said the person's range will be based on his evaluation.

The Council briefly discussed concerns/issues about losing good employees without changing the classifications. With retirement of the person in a position now, the Town can go into the market within the salary range for replacement. It was clarified by Mr. Zullo that if a person is at the top of the salary cap they would not get a higher weekly salary but a differential one sum check and then their regular salary. Mr. Zullo cited an example of hiring a new person for the Building Official position, and said the salary would be above the minimum range in the E3 classification.

According to Mr. Milone one worry is the perception of a double standard. 85% of the employees are in the union; each year their minimum and maximum increases; and diminishing earning capacity of non-union employees undermines morale and other things. It is a double standard because these employees are not represented by a bargaining unit.

VOTE The motion passed 5-4; opposed-Slocum, Schrumm, Sima, Ruocco.

H. Approval of non-union Pay Plan.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-9

RESOLUTION #061714-9

BE IT RESOLVED, that the Town Council approves the FY 14-15 non-union Pay Plans, with a 4% increase in the minimum and maximum for all ranges for the non-exempt job classifications and a 2.3% increase in the minimum mid and maximum for all ranges for the exempt and Library job classifications, as advanced by the Personnel Committee.

Discussion

Mr. Milone provided information on the background of increase percentages and pay scale FY 10-14 as rationale for the subject request. He noted the Council has increased the minimum and maximum of the non-union pay plan by the same percentages received by the unions – 2.5% FY 2013, and 2.3% in FY 2014. The request before the Council is a two part increase in the minimum and maximum and the average increase of 2.3%. The “N” category is non-exempt people who qualify for overtime, at the lower portion of non-union employees. The average five year increase for bargaining unit employees has been 11.83%. The non-union exempt people increases have been 4.55% to 7.55%, with union people getting 4.3% to 4.73% more than the non-union employees. This has resulted in union employees with salaries approaching that of the non-union group. The difference is close, and this is why there is a request for a differential in the increase. This does not affect “E” classification employees. In the five year analysis in the first two years there was no change except for the “N-4”. Under the FY 2012 salary study the Council felt it was too generous and the ranges were moderated. Mr. Milone stated that if the Council supports the minimum and maximum at 4% it does not entitle anyone to a 4% increase.

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

MOVED to table this resolution and bring the matter back to the Personnel Committee for further review and vetting.

VOTE The motion passed 6-3; opposed – Linehan, Flynn-Harris, Talbot.

I. Approval of amended non-union job descriptions.

MOTION by Mr. Ruocco; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #061714-10

RESOLUTION #061714-10

BE IT RESOLVED, that the Town Council approves the following amended non-union job descriptions as presented and attached for:

Youth Activities Coordinator
Youth Program Supervisor
Program Assistant
Teen Helper
Deputy Police Chief

Discussion

Mr. Zullo stated there are four job descriptions, all in Youth Services Division, and the changes reflect the consolidation of the department. There is no change in

compensation; the only change is in the reporting relationship; the Teen Helper is a new part time job description at the Yellow House under the Program Assistant.

Mr. Sima noted elimination of some duties of the Youth Activities Coordinator, and questioned the extra cost for the Teen Helper, number of hours to be worked, etc.

In response, Mr. Zullo said there is no extra cost because the Teen Helper works weekends with the Yellow House staffed with lower paid people. He will provide the Council with the exact number of weeks and costs for the Teen Helper position which replaces another Program Assistant and starts July 1st. With regard to future requests for increased hours and costs Mr. Zullo informed the Council that Director Piccerillo eliminated something in the department, reworked the job descriptions, and the next cost is zero. He reported that the Program Assistant positions have a large turnover due to the college students and their schedules.

VOTE The motion passed 8-1; Sima opposed.

K. Authorization for natural gas procurement

MOTION by Mr. Sima; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #061714-12

RESOLUTION #061714-12

WHEREAS, the Town of Cheshire (the "Town") and Direct Energy Services LLC entered into a certain Natural Gas Agreement dated September 30, 2013 (the "Agreement"), pursuant to which Direct Energy Services, LLC has agreed to sell and the Town agreed to purchase natural gas for Town facilities for the period beginning November 1, 2013 and concluding July 31, 2014, and

WHEREAS, the Town, in consultation with Utility Analysts, LLC will be exploring various options for competitive pricing for natural gas, one of which could be to competitively bid natural gas pricing and lock in a supply agreement for up to a 24 month period ending July 31, 2016,

NOW, THEREFORE, BE IT RESOLVED, that the Town Manager and other proper officers are hereby authorized, directed and empowered to lock in a supply agreement for a period of up to two (2) years beyond July 2014 if the pricing is in the best interest of the Town, and to agree to a new rate for such years.

Discussion

Mr. Jaskot explained that the natural gas contract expires July 1st, and a decision must be made on a contract. This agreement provides flexibility to look into prices. Gas prices have increased, and Yankee Gas requires a one year commitment with changing prices. The Council is being asked to approve the Town Manager signing a new supply

contract for up to two years with an independent supplier. He said it is possible the Town may forego contracting with an independent supplier if prices continue to be higher in the next few months. The problem for independent suppliers is getting the capacity into New England, and the Town may have to go back to Yankee Gas which has more reasonable prices than the independent suppliers. The independent contractors in New England are over-extended, and will have a hard time competing with Yankee Gas. However, the Town would have to lock in for one year with month to month pricing, but not lock in the price. Mr. Jaskot said the Town may want to go with Yankee Gas, even though there are some risks, or go with an independent month to month waiting for prices to drop.

Mr. Sima commented on performance contracting, the 3% to 3.5% escalation in energy costs, and questioned changing being a violation of this contract. He wants to make sure the Town is covered.

The Council was told by Mr. Jaskot that efficiencies on the energy program are based on how much supply will be used, and he said the Town will use less energy with the approved projects. He will get clarification on how this works. Gas prices are higher in New England and Mr. Jaskot hopes to get good prices for natural gas. He will check on the energy contract and effect on the gas issue.

VOTE The motion passed unanimously by those present.

N. Approval of Memorandum of Understanding with the Connecticut Department of Energy and Environmental Protection and the Participating Wallingford Project municipalities.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-15

RESOLUTION #061714-15

BE IT RESOLVED, that the Town Council approves a Memorandum of Understanding with the Connecticut Department of Energy and Environmental Protection and the participating towns in the Wallingford Regional Solid Waste Project as presented and attached.

Discussion

Mr. Milone stated that CRRA was downsized and responsibilities transferred to DEEP, and the Wallingford Plant was closed. DEEP now handles post closing of the landfills. There is continued liability, exposure and expense for many years, and the towns paid into a reserve fund for post closure expenses, There is \$6.9 million in the fund. The total for all CRRA post closure funds is about \$35 million. The State Legislature has stated DEEP will take over the responsibilities and passed legislation to pass over all the monies to DEEP. CRRA had a contract with the Wallingford project, and cannot

transfer the funds without approval of all the towns with a Memorandum of Understanding. The State is taking this \$35 million and putting it into the General Fund.

Town Attorney Smith advised that the Town's liability is limited to what is in the fund. Above \$6.9 million the State assumes the cost. If there is any money left over it is returned to the project towns on a pro rata basis.

The provision regarding returning funds to the towns was read into the record by Mr. Milone.

VOTE The motion passed unanimously by those present.

O. Approval of Town Manager's FY 14-15 Goals and Objectives.

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

BE IT RESOLVED, that the Town Council approves Resolution #061714-16

RESOLUTION #061714-16

BE IT RESOLVED, that the Town Council approves the Town Manager's FY 14-15 Goals and Objectives as presented and attached, per the recommendation of the Personnel Committee.

MOTION by Mr. Ruocco; seconded by Mr. Sima.

 MOVED to table this motion to a future meeting of the Town Council.

VOTE The motion passed unanimously by those present.

P. Police Arbitration Award; possible executive session

MOTION by ; seconded by

BE IT RESOLVED, that the Town Council approves Resolution #061714-17

RESOLUTION #061714-17

BE IT RESOLVED that the Town Council rejects/accepts the police union arbitration award.

Mr. Schrumm gave a brief history on the police union negotiations without agreement on enhancement of the pension plan by four percentage points. It was agreed to discontinue the plan for new hires and leave existing union members in the plan at 68% of salary, with new hires going into the defined contribution plan. The union said it

would go for the plan with an enhancement of 4% to 72% of final salary, and the Town Council did not approve the enhancement. The matter went to arbitration and the Town lost, with the union awarded the 72% of final salary.

With this arbitration award of 72% Mr. Schrumm said he cannot go to the people of Cheshire and approve this, when many of them are struggling with their own pension plans. It is not right; the union had a good deal; and just wanted more and to make it better. Mr. Schrumm commented on it being outrageous to have to raise taxes to pay for this pension enhancement benefit over the next 50+ years.

Stating he differed with Mr. Schrumm on the cost of going to arbitration, Mr. Talbot said the Town knew it would lose the award at a cost of \$32,000 to taxpayers. In looking at job descriptions and pay positions with a \$1000 swing here and there, Mr. Talbot noted there was no problem with sticking taxpayers with the \$32,000 price tag and ending up where it was known it would end up -- in what was a futile effort

Mr. Oris was not a Council member when decisions were made for going to arbitration or not, and taking the pensions to 72% is high. He agrees people are fighting to put money into their retirement. He went on record stating he does not support the 68% to 72%.

Stating the Town did spend the money, Mr. Schrumm said there was hope for sense on the arbitrator panels, but there was not. This might be a victory for the unions, but maintaining the high percentage will be difficult over the next 40 years. The police union got 72% but Cheshire will not be able to sustain this payment in future years.

Ms. Flynn-Harris hopes this negotiation will be taken as a learning tool for the Council now and into the future. She said the arbitrators look at the Town's ability to pay, but this award notes there was an agreement that the Town went back on. The timing, people with whom we negotiate, the way we negotiate, etc. is important.

Chairman Slocum said the learning tool for him going forward was the timing of the news and deal being done. He stated he spent the taxpayers \$32,000 to fight for millions, and it is unfortunate there is no control over what arbitrators do. The Town is close to a mill rate funding its pensions right now, and Mr. Slocum noted no other unions are getting 72% benefits, and the State cannot afford the teachers' pensions.

Stating he was surprised by this award on every point, Mr. Ruocco believes this is unfair and he does not understand it. He thinks Cheshire is intimidated by the arbitration process and is afraid of the unions. He wishes for a better arbitration and negotiation system, and noted this will be an enormous burden on the budget, Pension Board and hiring new staff, with the Town now spending a full mill to support the pensions. He said it will be difficult to hire new police officers and other staff and expand the operating budget with these types of personnel costs.

Mr. Sima is not pleased with the award or transmittals which stated the Town's pension plan is funded at 90% which is incorrect. He commented on the need to change the way negotiations are done with the bargaining units. The Council never voted on the matter and three lawyers decided Cheshire will pay millions of dollars over the next years.

MOTION by Mr. Ruocco; seconded by Ms. Nichols

MOVED to approve continuing the meeting beyond the 11:00 p.m. curfew until the close of business.

VOTE The motion passed unanimously by those present.

Ms. Linehan was not part of the process of the police union negotiations, but said no Councilor wanted a 4% increase. This year it was more about taking a gamble with taxpayer dollars and looking at how arbitrations went in the past. She questioned Council members having buyer's remorse the next day about going to arbitration.

Stating buyer's remorse is a fair assessment, Mr. Slocum advised he called the Town Manager's office the next morning about the 4% increase being a problem and looking at a trade-off. He felt it was not too much to change what was talked about, that the Council could meet again, but that did not happen. It became a situation accepted, and it had to be taken to arbitration. Town administration did what was needed to bring arbitration forward, and it was thought there would be a split vote in the arbitration process. Mr. Slocum did not think the Town would lose it all and face millions of dollars in costs.

Mr. Schrumm said it is not unusual to go through a long process, sometimes over a year, and noted the Town has been working on changing the pensions after 2008.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

Due to the late hour of the meeting, Town Manager Milone will e-mail his report to the Council members.

Mr. Milone advised that the electronic recycling collection will be held on Saturday, June 21, 2014.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS

Executive Session.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

- i. **Referral of affiliation with a reorganized Council of Governments to the Planning Committee.**

Mr. Sima will schedule a Planning Committee meeting for the week of June 23rd.

Mr. Ruocco will schedule a Personnel Committee meeting for the week of June 23rd.

Mr. Schrumm reported that the Capital Budget meeting schedule has been set, and it was sent to Council members and staff.

B. Miscellaneous

11. APPROVAL OF MINUTES

Regular Meeting of May 13, 2014; Special Meetings of May 20 and June 5, 2014.

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

MOVED that the Town Council approves the minutes of the Regular Meeting of May 13, 2014, and Special Meetings of May 20, 2014 and June 5, 2014 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

WPCA – Mr. Schrumm reported that the new buildings are up; the project continues to move forward; but, the Town was short changed by the State on the 30% phosphorous reimbursement vs. a 50% reimbursement.

Parks and Rec Commission – Mr. Talbot reported the Dog Park had a grand opening on June 1st.

Energy Commission – the meeting of June 30th will be televised.

B. Appointments to Boards and Commissions

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

MOVED to appoint Carol Dempsey (D) to the Greater Waterbury Transit District, term of office effective 6/17/14 to 6/30/18, to fill the vacancy of Thomas Hackett.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

There is a memorandum from Town Manager Milone re: PBC correspondence on the CHS Concession Stand/Bathroom projects.

B. Miscellaneous

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Mr. Talbot.

MOVED that the Town Council enter Executive Session at 11:12 P.M. to include Town Manager Milone, Town Attorney Smith and Attorney Markowicz to discuss pending claims and litigation; and to include Town Planner Voelker to discuss land acquisition.

VOTE The motion passed unanimously by those present.

Ms. Linehan left executive session at 12 A.M.

Mr. Voelker left executive session at 12:05 A.M.

Attorney Smith and Attorney Markowicz left executive session at 12:05 A.M.

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

MOVED that the Town Council exit Executive Session at 12:35 A.M.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 12:35 P.M.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk