

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,  
JULY 8, 2014, AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET,  
CHESHIRE CT 06410**

Present

Timothy Slocum, Chairman; Council members Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert J. Oris, Thomas Ruocco, James Sima, Peter Talbot

Absent – David Schrumm.

Staff: Michael A. Milone, Town Manager; Town Attorney Alfred Smith; Walter Gancarz, Town Engineer

Guest: John Purtill, Chairman, Public Building Commission

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. PUBLIC COMMUNICATIONS**

Chairman Slocum acknowledged the passing of Cheshire resident and community volunteer Lou Cohen, expressing appreciation for Mr. Cohen's many years of dedicated service to the community.

**A. Public Comments**

Tim White, 1682 Orchard Hill Road, commented on the solar farm at the landfill, as recommended by the Energy Commission. There has been positive and negative feedback, particularly related to receipt of solar subsidies. Mr. White stated that the existing energy rate system also receives subsidies for maintenance of utility poles, bad debts and other issues. He wants people to be aware and understand subsidies, with the hope of moving into the future without subsidies.

**4. CONSENT CALENDAR**

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

BE IT RESOLVED, that the Town Council approves Resolution #070814-1

RESOLUTION #070814-1  
CONSENT CALENDAR FOR JULY 8, 2014

BE IT RESOLVED, that the Town Council approves the Consent Calendar for July 8, 2014 as follows:

- A. Acceptance and appropriation of a \$600 donation from the Cheshire Lion's Foundation, Inc. to the Parks Gift Account for Therapeutic Recreation Summer Camp Programs.
- B. Acceptance and appropriation of a \$1,600 donation from Kimberly Perrotta to the Parks Gift Account for a memorial bench in memory Of Joseph Fagan.

- C. Approval of indemnification for use of firing range for training.
- D. Approval of hold harmless clause in pending agreement re: Winslow Road Property abatement.

VOTE The motion passed unanimously by those present.

**5. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**6. OLD BUSINESS**

**A. Acceptance for maintenance for pedestrian crossing signal lights for Linear Trail.**

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

BE IT RESOLVED, that the Town Council approves Resolution #070814-2

RESOLUTION #070814-2

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 contribution of 10% and the Town of Cheshire contributing 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: 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 payment plus other Town Linear Trail expenses do not exceed \$350,000, and payment of maintenance expenses for this signal equipment.

Discussion

Mr. Sima reported that the traffic control pedestrian signal at West Main Street was included in the DOT presentation by Scott Bushee at the recent Planning Committee meeting. The proposed signal on West Main Street is a HAWK signal, a pedestrian hybrid beacon activated by pushing a button. Without action the signal is dark; when activated there is flashing yellow to alert drivers to slow down; and the pedestrian has

the time (about 120 seconds) to cross the road. The signal flashes red for a driver to know someone is in the cross walk. The crossing will be accessible for bike riders and pedestrians. DOT wants to install the light as Cheshire builds its section of the trail and people can become accustomed to the light.

With regard to the DOT presentation Ms. Linehan concurred the light should be installed early so people can get used to it. She noted that Mr. Bushee from DOT also discussed restrooms and a water fountain as part of the trail project. These are not off the table, and will require further discussion as they are important to the development of the trail and West Main Street.

The Council was informed by Mr. Sima that two types of restroom facilities were discussed – a Clivas composting unit (at Jarvis Street parking area) and a unit serviced by water and sewer (on West Main Street). The Planning Committee needs more information on costs, operation of the facilities, when they will be open/closed, etc. He said the light is an important safety feature, and the restrooms can be fit into a parking space on Jarvis Street or in the last section of the trail on West Main Street.

The issue of the Town having 100% maintenance responsibilities for these facilities was raised by Mr. Oris.

Mr. Sima stated that everything would be installed by the State as part of their trail project, but it will be the responsibility of the Town to maintain the facilities. The drinking fountain could be part of the West Main Street area. A bathroom on Schoolhouse Road would be about 75 feet off the road.

It was noted by Mr. Flynn-Harris that Mr. Bushee said anything on West Main Street, near the Ball & Socket site, has time for a decision to be made. The Council must review maintenance and operation issues with the Parks and Rec Department. She said the cost of the Clovis restroom unit is unknown at this time.

Chairman Slocum asked about the HAWK traffic signal – its size and appearance.

Mr. Sima explained the light will be about 15 feet up, leaning on both sides of the road, with lights further up West Main Street (flashing lights) so drivers know there is a pedestrian crossing up ahead at the HAWK signal.

Ms. Nichols raised the question about the possibility of a light on Willow Street to expedite traffic onto West Main Street. She said this would be an issue with the Ball & Socket project going forward with increased traffic exiting Willow Street.

In response, Ms. Flynn-Harris commented on the West Main Street streetscape project which started 4 years ago, and the State refusing to install a light at the Willow Street/West Main Street intersection due to the curve of the road and traffic speed. The pedestrian island is the place for the traffic light. She agrees with concerns being

raised with the Ball & Socket project, and they can be directed towards the decision on the Arts Center and parking issues.

Ms. Nichols said it is a known fact the State refused to install a light at the Housing Authority area of West Main Street, and people must be informed this is a State decision for the reasons cited.

It was reaffirmed by Mr. Sima that the State has no plans for a Willow Street light. With regard to Beachport housing area, there is a grant request for sidewalks up West Main Street.

VOTE           The motion passed unanimously by those present.

**7.     NEW BUSINESS**

**A.     Call for public hearing on the proposed Fiscal Year 2014-2015 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.**

MOTION by Mr. Ruocco; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #070814-3

RESOLUTION #070814-3

BE IT RESOLVED, That the Town Council shall hold a public hearing at 7:30 p.m. on July 29, 2014, to consider the proposed Fiscal Year 2014-2015 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget,

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

VOTE           The motion passed unanimously by those present.

**B.     Call for public hearing on the proposed Fiscal Year 2014-2015 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.**

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

BE IT RESOLVED, that the Town Council approves Resolution #070814-4

RESOLUTION #070814-4

BE IT RESOLVED, That the Town Council shall hold a public hearing at 7:30 p.m. on August 12, 2014, to consider a proposed ordinance for the Town of Cheshire's participation in the consolidated Central Naugatuck Valley Council of Governments, 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.

VOTE           The motion passed unanimously by those present.

**C.     Acceptance and appropriation of Connecticut Department of Transportation wheelchair accessible vehicles matching grant.**

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

BE IT RESOLVED, that the Town Council approves Resolution #070814-5

RESOLUTION #070814-5

BE IT RESOLVED, that the Town Council accepts the Federal Transit Administration Section 5310-A grant for funding for 80% of the purchase cost for two wheelchair accessible vehicles, and

BE IT FURTHER RESOLVED, that the Town of Cheshire has sufficient funding to meet the 20% matching funds for purchase of said vehicles, and

BE IT FURTHER RESOLVED, that the Town Council authorizes Town Manager Michael A. Milone to execute any and all documents necessary for said grant acceptance, including execution of an agreement with the State of Connecticut Department of Transportation for grant implementation.

Discussion

Mr. Sima asked about the four (4) buses at the Senior Center, with two buses being retired from the fleet, and if they would be auctioned.

Mr. Ruocco asked about the mileage on the two retired buses, and if there is a set schedule for retiring buses at a certain mileage level.

The Council was told by Mr. Milone that the replacement of two buses will be in the CEP, but he wanted to lock in the grant. These buses will go to auction. The balance of the cost for the new buses, after 80% grant funding, will come from the Jitney Bus Fund and, if needed, from the CNR.

With regard to the mileage on these two buses, Mr. Kazar, Fleet Manager, told the Town Manager that these two buses should be replaced. Mr. Milone advised one bus is overdue for replacement, and the other is part of the replacement program.

VOTE           The motion passed unanimously by those present.

**D.     Approval of proposed vendor for the design of the structure for the Community Pool project.**

Chairman Slocum informed the Council that the PBC decided on a vendor, but no Council action is required at this meeting.

John Purtill, PBC Chairman, 353 Wiese Road, reported that the chosen vendor is Arizan Co., the same company that built the two bubbles for the pool. Arizan is familiar with the pool site, and has a division which manufactures the dome type structure, and the company has a good work record. According to Mr. Purtill, Arizan was the #1 choice as vendor, but Signature made an offer but cannot go forward. He and the pool committee are pleased with Arizan; the company will orient the building with south facing gables; they have been cooperative with pricing and working with the project manager.

The PBC is requesting the Council award the contract to Arizan. In order to know the real cost of this project, more than estimates are needed. About \$2 million is committed; there is a 10% contingency (committed) which must be reduced; and 15% (uncommitted); this is a \$300,000 commitment plus \$100,000 overage. Without going too far into the contingency the pool users could get more of what they want in the structure. An approved contract with Arizan is needed in order to spend money on the design, and once design is done a designer can be added to the remainder (foundation and everything else on the site). This will provide greater accuracy on the cost of the project.

The Council was told by Chairman Slocum that a contract is being developed by staff and town attorney for Council action at the special meetings scheduled in the next few weeks.

With execution of the contract between the parties, Ms. Flynn-Harris asked about the schedule and impact on the pool closing and opening and possible delays.

In response, Mr. Purtill said he is uncertain of the effect on the overall schedule. As soon as there is a contract, there is a commitment, agreement and work order in process for Arizan to start the design...which would take about 3 weeks. When this is done the design will be handed to the overall designer, a certified engineer in Connecticut, able to stamp drawings.

With the gables changing to the south side, Mr. Sima asked about falling back to the issue of the building's height requirement, and starting the process with PZC.

Town Manager Milone advised there is an open application before PZC, and the Commission is awaiting final word from the pool committee on the building height to activate the application.

Regarding the height, Mr. Sima asked if PBC is confident on the height and if the process can be started sooner...or is the building height unknown. Mr. Sima said he does not want this project dragged out any further, and wants the PZC process moving forward.

The Council was informed by Mr. Purtill that the building height will be 54 feet 8.5 inches. This is the height of the previous bubble, but it must be approved by the PZC.

Because the PZC application is a Town application, Ms. Flynn-Harris explained the Town is not bound by the time frame (# of days) for processing and adjudication. The Town application has gone through the regional zoning agencies, all comments have been received, and it is active on the commission agenda each month. She noted that the way the application was written, it accommodates the additional height.

Mr. Oris asked about the timing of the contract signing with Arizan and process of the various design phases. Once the first design phase is received, there is a second phase needed, and he assumes this will be an RFP for a decision on the designer...and after that the Town gets actual bids to understand the actual cost of the project. Mr. Oris asked about this time frame compared to commitment of the Town's money to Arizan with a contract.

Mr. Purtill replied that the committee wants to start as soon as the contract is signed, but it is not prudent to do anything before having a signed contract. The first phase is the completed design of the dome will take three weeks, and this drives the rest of the project with determination of exact placement of electrical fixtures, wiring, plumbing, foundation etc. The job of the designer, selected by an RFP, is to give the overall design; this will give more accurate estimates than now, which are based on dollars per square foot. This is why there is a higher contingency.

For clarity, Mr. Oris asked about the second design phase, which ties everything together with a better sense of the total cost, and if the Town should rely on this designer's estimate or request actual bids.

Mr. Purtill said there will be actual bid numbers from contractors, or there is the possibility of selection of an overall contractor, which has been recently suggested.

Mr. Oris questioned when the contract will be signed with Arizan that commits more than the design dollars with the vendor, and get a sense of whether the Town can afford this project or not.

There will not be a second contract, and Mr. Purtill said there will be a release by the committee to do the work.

Another question was raised by Mr. Oris regarding the point at which additional dollars are put at risk behind the \$80,000 +/- actual design cost, and when the Town is at risk for additional money to Arizan...when we will know the final cost of the project...and how these two fall together.

Mr. Purtill said he cannot give a more accurate date as it depends on getting through the second design phase. This time frame is unknown because there is no designer selected.

Mr. Oris asked if it is fair to say that Town dollars will not be committed until the total project cost is known, beyond the design money.

In response, Mr. Purtill said that was correct.

Chairman Slocum stated his understanding that Arizan is the designer, but a State certified designer is required, who can work with Arizan.

Mr. Oris stated his concern that the Town sign a contract with Arizan that binds the Town with a lot of dollars without knowing the full project cost.

Stating Mr. Oris has made a good point, Mr. Purtill said the Town money should not be committed until it is known the project can be completed within the budget.

Attorney Smith told the Council that this contract is a high priority item for the town attorney's office, He cautioned Council that while it is expected Arizan will accept the first contract draft without comment or revisions, any negotiations will lengthen the process.

Chairman Slocum thanked Mr. Purtill for presenting the information on the community pool project.

**E. Redistribution of hours for the Assistant Town Engineer and the Engineering Technician.**

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

BE IT RESOLVED, that the Town Council approves Resolution #070814-7

RESOLUTION #070814-7

WHEREAS, there is a vacancy in the Assistant Town Engineer position due to a recent unanticipated retirement, which has provided the opportunity to more effectively distribute hours in the Engineering Division,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves the redistribution in hours in the Public Works Department, as follows:

Assistant Town Engineer – addition of five hours per week (changing from 30 to 35 hours per week)

Engineering Technician – reduction of five hours per week (changing from 40 to 35 hours per week)

Discussion

Walter Gancarz, Town Engineer, explained the request and advised the Assistant Town Engineer retired last week, and the position must be replaced in conjunction with the needs of the department.

There is now more in-house design and project management and more time assigned to the Engineering Technician. Mr. Gancarz stated that with the request before the Council, both positions return to 35 hours per week. This will help attract better talented people when the positions are being filled, along with savings this year and future years.

The Council was informed by Mr. Milone that 4 years ago there were cutbacks; the Engineering Technician position was reduced to 35 hours; and the Assistant Town Engineer position was reduced to 30 hours. Because more work is being done in-house, PW Department requested 5 more hours restored to the Engineering Tech position, and this was done. The request is to restore 5 hours removed a few years ago.

With regard to the work, Gancarz stated that the Assistant Town Engineer can handle some of the duties of the Engineering Technician. Both positions are at 35 hours per week, and no future changes in hours are expected in the department.

VOTE           The motion passed unanimously by those present.

**F.     Approval of Town Manager's Employment Contract (possible Executive Session)**

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

BE IT RESOLVED, that the Town Council approves Resolution #070814-8

RESOLUTION #070814-9

BE IT RESOLVED, that the Town Council hereby amends the contract with Town Manager Michael A. Milone with the adoption of the following changes:

1.     Base annual salary to be increased by 2.5% to \$145,985.91 annually.
2.     Increase the Town's share of the Town Manager's deferred Compensation plan to 15% of the base salary.
3.     Extend the contract to June 30, 2017.

Discussion

Mr. Ruocco explained that the current share of the deferred compensation plan is 14%, and there has been a gradual increase over the years. He stated this 15% is well deserved; the overall contract has been earned by Mr. Milone who has done a very good job; and this is a suitable award for a job well done.

Mr. Oris recognized Mr. Milone for his hard work and dedication to the Town, and thanked him for a job well done.

Ms. Flynn-Harris echoed the comments of other Councilors, noting that Mr. Milone is working at Town Hall over weekends, holidays, and late into the night. She commended Mr. Milone for his hard work and dedication to the community, and willingness to work long hours.

Mr. Talbot stated that the Personnel Committee was in support of the Town Manager's contract. He thanked Mr. Milone for doing an outstanding job, his incredible response to the Council and the public on any Town matter, and noted that Cheshire is in good hands with Michael Milone steering the ship.

Ms. Nichols complimented Mr. Milone on a job well done, his attention to the younger generation in the community, the all inclusive mentality of Town Hall staff, and for his many hours of work on behalf of Cheshire.

Chairman Slocum takes great pride in signing the Town Manager's contract, and stated it is an honor and privilege to serve with Mr. Milone, his fellow Council members and Town staff.

VOTE           The motion passed 7-1; Sima opposed.

**8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.**

**A. Monthly Status Report – in packets**

**B. Department Status Reports – in packets.**

**C. Other**

**Monthly Financial Report** – expected surplus of \$630,000; tax collection rate exceeding 99.6% or +\$30,000 to \$40,000; transfers will be presented to the Council next month.

Community Pool Budget – slight \$10,000 to \$15,000 surplus.

WPCD – slight surplus; the budget will exceed bottom line requiring a supplemental appropriation to the department with Council approval; there were many added operating costs with the construction of the plant; revenue will still exceed expenses.

**Student Guardian Smart Bus Contract** – it was learned that the company did not have approval from the State Infractions Bureau for Cheshire to issue tickets for infractions, but approval was later received from the State. A meeting is scheduled with Student Guardian, Mr. Milone, Mr. Masciana and Chief Dryfe on July 14<sup>th</sup> to discuss procedures for the 90 day trial period, which will go into effect on the first day of school.

Mr. Milone will be sending a letter to Student Guardian relaying his extreme disturbance with the company for not being forthright and transparent with the Town over the last four months in meetings, and withholding the fact that they were not yet licensed by the State. This is disturbing and undermines his confidence in the company. The company now has State clearance, and the safety program will not be prevented from going forward. Mr. Milone will inform the Council on the outcome of the meeting; the company will be on a 90 day probationary period under the contract terms; and he will return to the Council for concurrence before this contract is extended.

Ms. Flynn-Harris believes the program should go forward now that the company is licensed. This is the only company licensed in Connecticut, but is not licensed to do e-ticketing which was mentioned as a feature by the company. After speaking with Mr. Masciana today, Ms. Flynn-Harris understands the 90 day period does not start until the school year begins. She also noted that Police Department staff must be comfortable with their procedures.

The Council was told by Mr. Milone that it will be made clear that the 90 day period starts when school starts.

Mr. Sima asked about the Smart Bus and Student Guardian program, and if they ever had the authority to issue tickets...as they stated they did have this ability.

Mr. Milone advised he did not have the answer to this question.

Mr. Sima noted the question on issuance of tickets was raised many times, and the company said they had the ability to issue tickets. He questions whether they lost this ability, or never had it. If they lost it, something wrong was done, and he questions going forward with the program.

From looking at the documentation for State clearance, Ms. Flynn-Harris said it did not involve the ability to e-ticket, although the company said it had this ability in other states, and could do it in the future in Connecticut.

Mr. Milone read an excerpt from the State Infraction Bureau letter into the record. This letter suggests Student Guardian was doing e-ticketing, and the State stepped in, revisited the documentation, and issued a cease and desist order.

**Electronic Recycling Collection** - the volume of recycling was under-estimated, and Mr. Milone is attempting to get the company to return for another collection. The efforts have not been successful due to the company's schedules. PW Director Noewatne is looking into other area companies to come to Cheshire for the program. Mr. Milone noted there is a collection center at 22 Burton Drive, 8 a.m. to 1 p.m. on Saturdays for electronic deposits without charge. Due to the large volume of people visiting the Town sponsored collection, the site may have to be changed for future collections.

**Capital Budget Distribution and Schedule** – the CEP budget books will be out to Council members on Friday; Special Council meetings are scheduled for the CEP; July 15<sup>th</sup> and 16<sup>th</sup> will be special Council meetings.

**State Claims Commission Submittal** – Murtha & Cullina submitted claims to the Commission on behalf of the Town. One claim is for retroactive billing on the Waste Water Treatment Plant for a total of \$1,933,100. The second claim is for State payment of 20% of the cost of the treatment plant upgrade project, about \$5 million. A hearing is expected in one or two months, and the Town will be well prepared for this hearing.

**Road Repaving Status** – the schedule submitted by Mr. Noewatne was in the packets. Mr. Milone noted that milling round #2 stops at Barytes Drive, and has been completed with paving started; round #3 stops at Marion Road, and will be done after Labor Day and roads paved by October.

**Tree Trimming Program** – CL&P released its vendor from the contract; 50% of the enhanced tree trimming in Town has been done; the program will not begin again until August, and home owner approval is required under the guidelines.

Chairman Slocum raised the issue of the PZC public survey that is being prepared, and stated the Council should be aware of these questions given to the public. He suggested input from the Town Manager's office on this survey.

Mr. Milone reported that the survey is part of the Plan of Conservation and Development, and he will check on the status of the survey with Town Planner Voelker and inform the Council.

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

**10. REPORTS OF COMMITTEES OF THE COUNCIL**

**A. Chairman's Report.**

Planning Committee – Mr. Sima will be scheduling a meeting to include an agenda item on solar farming.

Ordinance Review Committee – Ms. Nichols will plan a meeting to coordinate with members' schedules.

**B. Miscellaneous**

**11. APPROVAL OF MINUTES – Rescheduled Regular Meeting of June 17, 2014;  
Special Meeting of June 25, 2014.**

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

MOVED that the Town Council approves the minutes of the Rescheduled Regular Meeting of June 17, 2014 and Special Meeting of June 25, 2014 subject to corrections, additions, deletions.

VOTE           The motion passed unanimously by those present.

**12. MISCELLANEOUS AND APPOINTMENTS**

**A. Liaison Reports (no reports)**

**B. Appointments to Boards and Commissions**

**i. Appointment to Greater Waterbury Transit District Board.**

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

MOVED that the Town Council approve the appointment of Stephanie Ferrall, Coordinator of Senior Services, as the Town of Cheshire representative on the GWTD Board, term of office current to July 10, 2015.

VOTE           The motion passed unanimously by those present.

**13. COUNCIL COMMUNICATIONS**

**A. Letters to Council.**

**B. Miscellaneous**

Ms. Linehan left the meeting at 8:58 p.m.

**14. EXECUTIVE SESSION**

MOTION by Mr. Ruocco; seconded by Mr. Talbot

MOVED that the Town Council enter Executive Session at to include Town Manager Milone and Town Attorney Smith to discuss pending claims and litigation.

VOTE           The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 9:10 p.m.

VOTE           The motion passed unanimously by those present.

**15. ADJOURNMENT**

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

MOVED to adjourn the Town Council meeting at 9:10 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk