

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

Present

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

Staff: Town Manager Michael A. Milone; Finance Director James Jaskot; Town Attorney Al Smith; PW Director George Noewatne; Town Engineer Walter Gancarz; Fleet Manager Richard Kaczer; Suzanne Simone, Environmental Coordinator; Sheila Adams, Pool Coordinator; Michelle Piccerillo, Director of Human Services; Deputy Police Chief Robert Vignola.

Guests: Charles Dimmick and Robert DeJongh

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

On behalf of the Cheshire Community and Town Council, Chairman Slocum offered condolences to Councilor Linehan on the passing of her Mother, Mary Ellen Johnston.

A. Certificate of Appreciation for Charles Dimmick

Chairman Slocum presented Charles Dimmick with a Certificate of Appreciation for his 40 years of community service to the Town of Cheshire as a member of the Inland Wetlands and Watercourses Commission. Mr. Slocum highlighted Mr. Dimmick's educational and professional history and community service.

Mr. Dimmick thanked the Town Council for the honor and recognition, and said his 40 years on IWW have been rewarding, and he hopes to serve at least 10 more years. Mr. Dimmick commented on the importance of service to the community and being able to do some good.

Robert DeJongh, Chairman of the IWW, thanked the Council and Mr. Milone for recognition of Mr. Dimmick, Vice Chairman of IWW. He stated that Mr. Dimmick is an integral member of the Commission and a dedicated steward of our natural resources. Over the years Mr. Dimmick has been hired by other communities for his expertise, and Mr. DeJongh noted that Mr. Dimmick donated his time and talents to Cheshire over the last 40 years.

B. Consent Calendar Recognitions

Chairman Slocum read the recognitions into the record for July 2014 to September 2014 – Operation Fuel Inc., Bill Maturo, Cheshire Lions Club, Wendy Knapp, Cheshire Rotary Club, Ann Goodpasture, Friends of the Library, Kimberly Perrotta, Linda Maggs, Mr. and Mrs. Thomas Monroe. On behalf of the Cheshire Community and Town

Council, Mr. Slocum expressed appreciation to the donors. The total donations were \$5,400.

B. Public Comments.

Tim White, 1682 Orchard Hill Road, expressed appreciation to the Council Planning Committee for consideration of solar energy in Cheshire at the land fill and high school as possible sites. He said this saves energy, the environment, and taxpayer dollars.

Ray Squier asked about the status of the north end development, what is going on, and hearing about the \$7 million income to the Town with this development. Mr. Squier said he would sell all the land north of the highway because it will be a future headache for Cheshire.

Heather Chometa, Bethany Mountain Road, informed the Council she owns two homes with student housing in Cheshire for over 7 years and has had only one complaint in that time. She commented on the trash issue at the curb and showed photos. Ms. Chometa advised the Council that the Quinnipiac University students are medical assistant students; abutting neighbors have no problems with these tenants; and students assist neighbors when needed. With regard to the Hamden CT permit, she said this is for student safety only, and the town has a moratorium due to the University's over enrollment of students without available housing. Ms. Chometa noted the only people required to register with the Town of Cheshire are sex offenders. With her student tenants, she investigates and matches them to the community, and the students are good tenants.

The Council and public was informed by Chairman Slocum that Quinnipiac University has provided information to the Town, and there are 47 students living in Cheshire without parents. He commented on the fact that Cheshire has zoning regulations and laws which, in this case, may not be fully enforced. However, it is not the purview of the Council to change zoning regulations; existing policy does not dictate change, but dictates enforcement.

Mrs. Quinn, 4 Broadview Road, stated Ms. Chometa has fixed up her property, but all residents must abide by zoning regulations of no more than 3 unrelated persons in one dwelling. Mrs. Quinn believes there should be permits in place for student housing, and she has issues with 20+ cars parked across the street for an event in the house. When students move in and out there is trash and furniture on the curb; the police have been called for noise issues; and the houses should not be rented out for profit. According to Mrs. Quinn there are more than 3 students in a dwelling, and this is renting for profitability. This area of town has school children and school buses, and she wants fewer cars and compliance with zoning regulations. She received copies of Craig's List showing Cheshire houses for rent, wants zoning regulations enforced, and property for investment purposes regulated for the neighborhood and safety of the area residents. Ms. Quinn talked about sewer use charges being based on water usage. She said the students living in the houses now are nice and cooperative, but we must

keep Cheshire as a community, with regulations for homeowner and student compliance.

It was restated by Chairman Slocum that the Council does not set or enforce zoning regulations and policy, and the matter will be discussed with the Town Planner and staff.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-1.

RESOLUTION #101414-1 CONSENT CALENDAR FOR OCTOBER 14, 2014

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

- A. Acceptance and appropriation of an anonymous \$50 donation to the Human Services Gift Account for general purposes.
- B. Acceptance and appropriation of aggregate donations totaling \$400 to the Parks Gift Account for a players' bench at McNamara Field.
- C. Acceptance and appropriation of aggregate donations totaling \$403 to the Parks Gift account for the Oberst bench.
- D. Acceptance and appropriation of a \$68 donation from the Yellow House Family Game Night program to the Cheshire Fuel Bank.
- E. Acceptance and appropriation of a \$72 donation from Bovanofest to the Performing and Fine Arts Gift Account for scholarships.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Establishment of Juvenile Review Board.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-2

RESOLUTION #101414-2

BE IT RESOLVED, that the Town Council, pursuant to the recommendation of the Ordinance Review Committee, supports the formation of a Juvenile Review Board.

Discussion

Ms. Nichols stated that there is an opportunity to develop a board to intervene before juvenile offenders of minor offenses are referred to the court system.

Ms. Piccerillo informed the Council that the Juvenile Review Board (JRB) survey from the Connecticut Youth Services Organization was in their packets. She presented an overview of the proposed JRB, the purpose and goals of the Board, and her memo was submitted for the record. The Council was told that 10 years ago Cheshire had a JRB as a cooperative effort between the high school and Police Department, but it was disbanded due to low case load. But, this is not the case today, as it is estimated Cheshire's JRB would have 6 to 10 cases per month, and would meet once a month to handle cases. The JRB would be comprised of 7 volunteers from the community who have experience in mental health, legal system, schools/education, correctional facility, juvenile court, and all would be Cheshire residents.

Deputy Chief Vignola cited a case of 6 kids(13-16 years old) in possession of electronic cigarettes, who must be referred to juvenile court, when this is a perfect case for JRB. The JRB or the justice system can be chosen by a family of a juvenile offender. If JRB is chosen, everyone involved must agree to the appropriate consequences and provide support to insure the juvenile fulfills the consequences cited by the JRB. The goal of JRB is to stop the influx of juveniles through the court system. Chief Vignola explained that a case is referred to the Youth Officer who looks at the case; it is reviewed by a CPD supervisor; there is application to the JRB; parents sign a form; the case is discussed before the JRB with the offender; if the offense meets the requirements of the JRB, the plan of action is laid out; the contract is signed with consequences cited; and if the offender complies with the punishment, the Board is satisfied and there is no further action. Should the offender not comply with the punishment, i.e. 4 hours of community service, then the case would be referred to Waterbury Juvenile Court.

Staff to the JRB would be Ms. Piccerillo and a CPD Officer; by-laws have been developed and reviewed by the Town Attorney and Chief State Attorney's office; and will be submitted to the Council.

Ms. Piccerillo explained that staff time is minimal because a volunteer Board handles the cases, and Human Service Department non-paid interns will handle case management. She does not see a financial impact on the department, and the State will have funding through DCF for distribution to communities with a Juvenile Review Board. There is about \$300,000 for the 7 communities in the Waterbury region, and

Cheshire would be eligible for this funding in July 2015 with demonstration of a case load.

With regard to the number of cases to the court system and CPD discretion about parent contact for youthful offenders, Chief Vignola said there is still discretion. For an offense taking place on school grounds, the discretion changes to another level. He estimates a case load of 10-15 during summer months, and supports the JRB as the right solution for Cheshire, with law enforcement becoming more forward.

In the way the JRB is written Mr. Schrumm said it is and is not a town function, and he cited a case where 20 kids are involved in an offense and all being treated the same. He asked about the meetings, minutes to be filed, and who pays for these costs.

This is a voluntary program and Ms. Piccerillo said students and parents can choose to come before the JRB or go to court. A case with a group of students would have consequences for the group, with case management by a department intern for the group under the same level of supervision as there is now. This is how things are done with alcohol abuse offenses.

Chief Vignola explained that everything (including minutes) taking place stays within the walls of the CPD; everything is filed with the Youth Officer who will have flexible work hours to attend the JRB meetings without a cost to the Town.

Ms. Flynn-Harris commented on the prior JRB which was handled by the schools and the Police, and the differences with the proposed structure. She sees a difference with the number of professionals from different fields and affiliations. She noted that the prior Board minutes were held within the CPD, and now there will be some State funding which was not in place before.

The issue of selection and procedure for JRB membership was raised by Mr. Oris.

Ms. Piccerillo advised that she, Chief Dryfe and Chief Vignola would select members of the JRB, and it was not expected that the current process would be taking place. For many months there has been ongoing work to put the JRB together, and discussions have taken place with potential Board members. In Connecticut there are 70 JRBs established without Council approval, and this is why the process went ahead.

Stating he is in favor of the JRB, Mr. Oris has concerns about having more information and related costs, students appropriate for the program or the court system, the outcome with the JRB for a youthful offender and possibly going back to the court system.

Ms. Piccerillo explained that when an offender makes the choice for the JRB, the matter does not go back to the court system unless the student does not comply with the punishment. An offender cannot make a second choice to go into the court system

after choosing the JRB. He expressed hope that there is reliance on people rendering the right decisions...but that is unknown at this time.

Chief Vignola stated that staff is reaching out to the right people for JRB membership, with over a year of time working on this, and the first person they reached out to was a mental health professional.

The issue of Town liability for the program was raised by Mr. Oris who cited an example of a youth cleaning up the Linear Trail, falling and getting hurt. He has concerns and needs to have the JRB issue vetted some more.

Attorney Smith clarified this would be a young person injured during a consequence, and his initial reaction is the rules limiting liability of municipalities would come into play, unless there was negligence on the part of the Town or its employee. He will look into this issue further and inform the Council.

With regard to why this is now being presented to the Council, Mr. Milone noted there was a JRB in place 8 to 10 years ago. At that time the town attorney did not indicate this was a body requiring Council approval. The current people went ahead in good faith; there is no ordinance change to affect the JRB; and it was thought the JRB could be created again. There were some legal documents to be reviewed by the Town Attorney who took exception to what had pre-dated creation of this body, and felt it needed Council approval. While it did not need creation of an ordinance, the Town Attorney said it needed a simple resolution of the Council. In defense of Ms. Piccerillo and Chief Vignola, it was stated by Mr. Milone that they were proceeding based on what happened in the past, nothing had been changed, and in the 11th hour the brakes were put on. This why things proceeded they way they did.

Mr. Sima said he was not satisfied with the resolution before the Council, as it does not describe what JRB will do, who will be on the Board, and now there are 7 people when originally there were to be 5 members. He wants more specificity in the resolution with creation of the Board. For a juvenile infraction before JRB, Mr. Sima asked if the juvenile is not arrested, or is just referred to the Board, is not in the court system at any time. He clarified that the only time a juvenile can be summoned to court is non-compliance with the JRB agreement, and this decision is up to the Youth Officer.

There are referrals from many avenues and Chief Vignola said this includes the school system, Police Department, Youth Services, and the Youth Officer refers the matter to the JRB. There are several people over-seeing what is being done. With a school offense, the school system can refer the matter to the Youth Officer and then to Waterbury Court. The school system can also make a determination of in-school suspension or expulsion.

Regarding use of the interns working for Human Services, Mr. Sima said they would be used 10-12 hours a month with JRB, and he questions what work will be done in the department.

In response, Ms. Piccerillo explained the interns have clinical requirements, up to 750 hours in a year, and this is difficult to accomplish. The JRB hours would be additional hours added to their resume to complete their programs. These interns have a broad responsibility and Ms. Piccerillo said there are no concerns about having enough interns to manage the case load.

For community service hours through JRB, Mr. Sima asked who oversees this work, i.e. cleaning up the Linear Trail.

Some service hours can be done without supervision, and Ms. Piccerillo said each case would be looked at individually, and there is minor supervision.

Mr. Sima raised the issue of the JRB not passing at this meeting, getting a more specific motion on who will serve on the Board, what the JRB will do, what it entails, how to insure everyone is represented. He commented on the State pushing more of the human service issues onto the towns.

This program is an initiative, and Mr. Ruocco asked about its discontinuance in the future if it becomes too burdensome. He asked about opportunities for State reimbursement for use of Town personnel.

There will be eligibility for Cheshire to receive reimbursement as of July 2015. Ms. Piccerillo said the program can be disbanded, as was done before. The survey shows case management as the most important use of funds.

Ms. Nichols stated costs involved have been satisfied, but we are talking about Cheshire kids, referring them to the State system with long punishment, without a meaningful response to the issues. If an issue goes for a long time there is no benefit, and it is best to address things quickly and deal with them. Ms. Nichols said if we are proactive and go back to the community based concern, we may not have to be reactive with larger problems to be dealt with, costing even more money. She supports that issue, but has concerns about this being an effective program, having a review of the program in one year's time as a caveat of the resolution. Ms. Nichols commented on it being simple with a small monetary investment, but large investment in the youth of our community, and this is important at this point.

This is a voluntary program, is not mandatory, and Mr. Milone said costs are unknown until the program is in place. With court referrals, Mr. Milone pointed out that when youth offenders are referred to the court system, there are costs to the Town with police officers accompanying the youth to court for long periods of time. He explained that with the resolution, staff passed on a resolution approved by the Ordinance Review Committee, and cannot expand or modify a resolution. With the idea of a pilot or sunset program, Cheshire has some of these programs (tax abatement program for the elderly) and this is a practice forcing everyone to go back and evaluate the success of a program. Mr. Milone stated there are wonderful resources available for the JRB, along with resources within the school system. The goal is to get kids back into the

environment where they can be handles more productively, constructively, and professionally, rather than exposing them to the court system.

Chairman Slocum commented on the resolution and the issues unresolved, and recommendation that the Council revisit this agenda item.

Mr. Oris stated the JRB has merit, more questions need to be answered, and more time is needed to be comfortable with implementation in the community.

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

MOVED to table this agenda item.

VOTE The motion passed unanimously by those present.

Chairman Slocum officially referred the matter to the Ordinance Review Committee.

B. Energy Performance Contracting status report.

Mr. Masciana reported that the committee meets every two weeks (Town staff, Ameresco and ECG Engineers) to look at the work to be done in the buildings, issues and obstacles. The project is 61% completed as of October; 30 Town buildings have work being done; 151 different energy measures are being monitored (lighting, lighting control, weatherization of buildings, energy management systems, improvements on boilers, chillers). The financing of the project is \$10.176 million; 80% is school buildings; 20% is non-school buildings. As Ameresco completes work detailed invoices are submitted to ECG, reviewed, and paid by Bank of America.. 36.7% of the work is invoiced to date. CL&P incentives have been calculated and total \$1.25 million towards the project, and this will be reviewed win detail with the team and CL&P representatives. Specific projects include the CHs electrical heat replacement, science lab wing new boiler, electric heat unit replacement in the west gym and old main office. Highland School will have electric heat replacement done in two phases; the first phase is 46% completed and will be done at the end of October; the northern part of the school work continues on 2nd shift, into the winter, and scheduled for completion next year. The project includes a computer controlled LED replacement throughout the schools; Norton School and CHS are done; Doolittle is being done now; and contractors have done a good job and are very responsive. Chapman, Darcey and Highland Schools get this work done in January.

Walter Gancarz, Town Engineer, reported that 80% of the project is done in the DOE buildings; 20% done in Town buildings; there are upgraded to lighting, building management systems, weatherization; water conservation measures, piping and insulation. Town building work is scheduled to continue through the winter season as most of the schools had work done this summer. Town Hall will have boilers and chillers replaced; Police Department will have one chiller replaced; Youth Center water heater replacement and one boiler is converted to gas. At the pool a smaller boiler must be connected to the larger boiler, along with a number of transformers and pumps

associated with the filter system being re placed for more efficiency. The CL&P incentive is larger than requested and covers most of the work to be done. Mr. Gancarz stated we are about \$800,000 better than the program was designed for; interest rate is lower than the estimated 3.75%; CL&P incentive came in above estimate; and the committee will be looking at other projects that could be done and will inform the Council.

Ms. Flynn-Harris commented about savings with management of the HVAC, maintaining certain rates, and as they are fazed in whether the controls are in place, people trained, and where this is at this time.

This comes in at a later date and Mr. Gancarz said two areas that do not have this are Town Hall and Police Station.

Mr. Sima questioned the energy management system running off existing wireless in place to make it easier to watch what is going on in each room.

According to Mr. Masciana some of the building management systems are far along, hard wired, and staff is looking at graphics for each building. Some controls are new; the status can be seen in specific units within a building; there is no new software yet to provide better insight. Regarding LED lighting, the savings are in the 80% range already; this is Cheshire's savings; and nothing is paid until the project is completed.

Mr. Schrumm commented on the project going well with \$110.5 million worth of improvements to the infrastructure without cost to taxpayers. When there is 100% completion the Town will see new energy costs versus old costs.

The Council was told by Mr. Masciana that Ameresco will insure Cheshire holds to the quarterly reports to the Council.

The conversion of the LED lighting and benefits was raised by Mr. Oris who asked if the turf lights have been converted to LED, as this should be one of the first places for LED lighting.

In response, Mr. Masciana said he was uncertain if this was looked at in the scope of the project for school sites. He said this could be looked at with the \$800,000 CL&P incentive funds. The committee will look at projects not already included, and anything new would not be subject to the 15 year pay back period. Mr. Masciana noted the gym lights were not looked at within the scope of the project, and the project list was derived with the committee and Ameresco. The lighting making sense was classroom and hallway light.

Regarding the football field lights, Mr. Sima stated they are not on enough to warrant being part of this project as they do not meet the payback criteria.

Due to the high costs of LED lights, Mr. Masciana said the field lights and gym lights were not looked at within the scope of the project.

C. Street Excavation Permit process.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-3

RESOLUTION #101414-3

BE IT RESOLVED, that pursuant to Section 14-1(d) of the Cheshire Code of Ordinances and the recommendation of the Ordinance Review Committee, the Town Council approves a Street Excavation Permit fee of \$75.00 for the first 100 square feet of the excavation, and an additional \$75.00 per 400 square feet or a portion thereof, effective 21 days after publication of notice of said amendment.

Discussion

PW Director Noewatne stated this is an ordinance change for street excavation permits to \$75.000 for the first 100 square feet of the excavation, and an additional \$75.00 per 400 square feet or a portion thereof. A survey and calculations were done and the entire street excavation program was revamped to be more effective. There would be a base fee of \$75.00 which accounts for 98% of all street excavation permits. Mr. Noewatne noted the Town cannot charge a fee fore more than the cost of inspection or it becomes a tax. He said the numbers stated are fair for one hour of inspection time and the permit fee of \$75 for first 400 sq. ft. includes 2 hours of inspector's work.

Mr. Sima pushed for the \$75 fee, and noted there are compaction issues so the Town must insure it is getting a good road. The resolution does not say "additional 400 square feet", and he questioned going from 400 sq. ft. to 800 sq. ft., with the next piece being \$75, and imposing a cap on the fee.

In response, Mr. Noewatne said there should be another \$75 fee for each additional 400 sq. ft. and he does not recommend a fee cap.

Mr. Oris cited concerns about the cap and sewer projects, contractor running costs, and overcharging for something that benefits the community. He asked about PW staff normal salaries and man hours included for these inspections, making the fee too high, and believes there should be a cap.

The Council was informed by Mr. Noewatne that the distances would require a certain number of man hours per day, and sewer extensions are undertaken by the Town. He believes the fee works for any contractor doing this work, it is fair.

Mr. Oris restated there should be a cap, and believes PW salaries include oversight of the street excavation work with inclusion of this in the department budget. This fee is

not a money maker for the Town and he does not believe it is doing much as a money maker.

Mr. Noewatne explained there is a engineering inspector budgeted 35 hours a week, but this person has other duties beyond road inspection. There are contractors who want to work Saturdays and evening hours.

PUBLIC

Tim White commented on pot holes being the biggest nuisance, and expressed appreciation for looking into the process. He also thanked the Council for the performance contracting and energy improvements for the Town.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-4

RESOLUTION #101414-4

BE IT RESOLVED, that pursuant to the recommendation of the Ordinance Review Committee, the Town Council calls for a public hearing to consider an amendment to Section 14-1(f)(2) of the Cheshire Code of Ordinances as follows:

SECTION 14-(f)(2) – *A performance or cash bond in the minimum amount of \$3,000.00 and in greater amounts if required by the Director of Public Works, said performance bond to be in an amount in relation to the estimated cost of the work as determined by the Director of Public Work, all conditioned that the applicant shall backfill all excavations and restore the street or highway to a condition as approved by the Director of Public Works as specified.*

VOTE The motion passed unanimously by those present.

D. Bid Waiver for a portion of Public Works Dump Truck.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-5

RESOLUTION #101414-5

WHEREAS, the Town Council finds it is in the best interest of the Town to waive the bidding for the cab and chassis for one four wheel dump truck to ensure reliability of the vehicles and to make the trucks available for summer, as was done with the two six-wheel dump trucks in November 2013,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council waives the bid for said cab and chassis, and approves the purchase of a Freightliner 108SD cab and chassis.

Discussion

PW Director Noewatne and Fleet Supervisor Kaczer were present for this agenda item. Mr. Noewatne clarified the truck specified in the motion is 115SD, and the request is similar to last year's replacement truck. International is the low bid on the State list for the 6 wheel dump truck, and in this case it is a 4 wheel drive truck, and Mr. Noewatne explained there has been less than stellar service from International. Their trucks have problems, many repairs, and last winter Mr. Kaczer found transmission problems. The Council is being requested to approve purchase of a Freightliner in order to bypass problems with the International Trucks.

A question was raised by Mr. Sima on why the Town is not going out for bid for another manufacturer since the truck would not go into service until next summer. With 90 days we are still in January for the truck to be ready next summer.

It was explained by Mr. Noewatne that the problem is getting into the queue for the body and package and chassis. He said we could purchase a truck in the next week; it will not be received until July or August; and going on our own for a body package on a non-State bid would involve a 6 to 8 month or longer wait time. Also, the Town may not have the truck for next winter's plowing.

Mr. Kaczer reported that the vendor has assured the Town that even with going out to bid, we will get the same price; the State bid price will not change; there would be a few months delay; ordering the truck today, the cab and chassis come in by January or February, as the delay is in the body shop. The State gets 60 trucks a year, and Cheshire gets put on rotation and get fit in. Going with International, the low bidder, Cheshire would have a truck with problems. The International Trucks owned by the Town have ignition problems; costs have been \$3000 + and many hours of labor, and International does not consider these problems warranty issues because we are plowing snow with the trucks.

VOTE The motion passed 7-1; Sima opposed.

E. Award of contract for construction of the permanent building roof at the Pool.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-6

RESOLUTION #101414-6

BE IT RESOLVED, that the Town Council authorizes the Public Building Commission to accept the low bid of C&M Roofing Company of South Windsor CT in the base amount

of \$49,000 and an alternate amount of an additional \$41,000, and award the Community Pool partial re-roofing project to said vendor, as recommended by the Public Building Commission, and further authorizes the Town Manager to execute the contract pursuant to this award and the Town's Bid Documents upon the approval by the Town Attorney as to form and legal sufficiency.

Discussion

Mr. Sima stated that this is the last of the curved roof over the permanent building; it is the small barrel roof over the mechanical area of the facility at the eastern end of the building. \$110,000 is appropriated; total roof replacement estimate cost is \$90,000; \$49,000 to repair the roof and an extra \$41,000 to replace the roof.

Mr. Noewatne reported the existing roof sheeting has some mold; there is interior sheet rock in the space; consultant did testing; the sheet rock is not compromised and is in good shape; and the consultant does not believe the extra funding, \$41,000 is needed for the entire roof. This project is ready to go before winter sets in.

Mr. Sima is opposed to this motion because the roof has been done in little pieces rather than going to the voters to re-do the entire roof.

Mr. Noewatne said the overall roof project is in the \$350,000 range.

VOTE The motion passed 7-1; Sima opposed.

F. Cheshire High School Roof Replacement Project Grant Resolution

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-7

RESOLUTION #101414-7

BE IT RESOLVED, that the Town of Cheshire authorizes the Cheshire Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the Cheshire High School Roof Replacement Project, TMP-025-PMXR (RR), and

BE IT FURTHER RESOLVED, that the Town Council designates the Public Building Commission as the School Building Committee for the Cheshire High School Roof Replacement Project TMP-025-PMXR (RR), and

BE IT FURTHER RESOLVED, that the Town of Cheshire hereby authorizes at least the preparation of schematic drawings and outline specifications for the Cheshire High School Roof Replacement Project TMP-025-PMXR (RR).

VOTE The motion passed unanimously by those present.

G. Referral of capital projects to the Public Building Commission.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-8

RESOLUTION #101414-8

BE IT RESOLVED, that the Town Council hereby refers the following FY 14-15 capital projects to the Public Building Commission:

<u>Project</u>	<u>Adopted Appropriation</u>	<u>Funding Source</u>	<u>Amount to be Bonded</u>
17. Renovation of Senior Center Basement	\$300,000	Bonds	\$300,000

VOTE The motion passed unanimously by those present.

H. Approval of contract for temporary use of Elim Park Pool for swim lessons.

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-9

RESOLUTION #101414-9

BE IT RESOLVED, that the Town Council approves the agreement by and between the Town of Cheshire and Elim Park for use of the Elim Park Aquatic Facility by the Town of Cheshire for Town swim lessons, as presented and attached, and authorizes Town Manager Michael A. Milone to execute said agreement.

Discussion

Mr. Adams informed the Council that Elim Park reached out and is willing to permit swim lessons at their pool facility on Monday, Wednesday, Friday evenings and Saturday mornings. She wants to keep lessons going for continuity, revenue and safety purposes. Ms. Adams assured the Council there will be revenue generated from the lessons; programs will not run unless the classes are full; and the contract with Elim Park is only for hours used.

Attorney Smith confirmed the contract is for use of time and space only.

If approved, Ms. Adams reported swim lessons start next Monday, and she already has 65 children signed up for lessons.

VOTE The motion passed unanimously by those present.

I. Pool Staffing Extension

MOTION by Mr. Ruocco; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #101414-10

RESOLUTION #101414-10

BE IT RESOLVED, that the Town Council approves the extension of employment for the Pool Coordinator and Head Lifeguard for six weeks to perform extensive maintenance and non-construction renovations on the pool for an estimated cost of \$10,188.

Discussion

A list of projects/jobs to be completed during the time the pool is closed was submitted by Ms. Adams, who stated that since the pool opened in 2003 there has been little work done to the interior of the facility. She cited some of the issues to be addressed – clear pool and deck of all equipment, prepare pool to be covered, moisture in the locker rooms, sanding, prime and paint locker rooms/shower walls with sealer, paint floors, build benches in changing rooms. This work will bring the building interior into great condition. For the work Ms. Adams will use two pool staff members which is less costly than an outside contractor.

Town Manager Milone commented on the fact that this may be the last opportunity to bring the vacant building to a better condition, and he supports Ms. Adams' recommendation. In December there can be re-deployment of Public Works and Parks and Rec crews to do the interior work, repairs, carpentry etc. and pick up where the pool staff work ends. For the pool staff it would be a maximum of 6 weeks.

With regard to the cost estimate for PW crews to get the project done, Ms. Adams has discussed the work with Park Maintainers, and was told some of the jobs require concrete work so paint will adhere better. She would have a priority list of jobs to be done for the pool, PW and Park and Rec workers.

Mr. Schrumm stated it would be better to have the PW crews do the jobs more efficiently, especially painting, concrete work, floors, walls, etc. when the facility is closed. With an estimate of \$10,000 for the work, the pool would be back in first class shape, with Town crews doing the work over the next 6 months rather than maintaining 2 pool staff to do the work.

It was stated by Mr. Milone that he wanted to get the interior pool work started, and was unsure of work load for the PW crews during the initial 6 week period.

Without additional cost and within the time frame required, Mr. Oris supports PW crews doing the work, and he questioned the Town paying pool staff. He supports getting all the work done, and the question is whether it can be done with current staff without

adding 2 extra people. If the answer is “no” he would be in favor of Ms. Adams’ proposal.

Mr. Milone cannot say “yes or no” because of unpredicted factors, the extent of existing PW Department work/back log, and we are at the mercy of the winter weather for re-deployment of PW crews.

Chairman Slocum commented on Ms. Adams making an excellent case for all the work to be done, the importance of timing, and the fact that Mr. Noewatne could reassign work priorities for his crew. Mr. Slocum asked that PW crews get the work done within the time frame without additional cost.

Ms. Flynn-Harris believes the PW crew can get the work done more efficiently and quickly.

Based on the list, Mr. Talbot asked if PW crews can get the job done within the time frame. He posed this question to PW Director Noewatne.

The Council was told by Mr. Noewatne that everything depends on the winter, and last winter crews were called out 28 times, and if that happened this year the project list for the pool could not be completed. He said Parks and Rec maintainers and grounds keepers are familiar with the pool facility and the pool project could be a priority for Director Ceccolini.

Mr. Milone informed the Council that the custodian position at the pool was terminated during the budget process. There is a maintainer position budgeted for January to March when the pool opens.

The question was raised by Mr. Sima about labor union issues and grievances with pool staff doing the work.

This could be an issue if a lifeguard was pre-exempting someone from working, but Mr. Milone said the maintainers would be working extensively and not denied work.

VOTE The motion was unanimously denied 8-0.

J. CT Rides Program Partner

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

BE IT RESOLVED, that the Town Council approves Resolution #101414-11

RESOLUTION #101414-11

BE IT RESOLVED, that the Town Council approves the Town of Cheshire's participation as a Community Partner in the Connecticut Department of Transportation's CTRides program.

Discussion

Mr. Ruocco explained this program enables Cheshire employees to commute to work using pre-tax dollars. This is an employee benefit with a requirement of a certain level of participation for the program to work.

Mr. Milone advised there are no Town match funds required for this program.

VOTE The motion passed unanimously by those present.

**K. Settlement of tax assessment appeal (possible executive session)
Removed from the agenda.**

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

Monthly Financial Report – the quarterly report will be submitted in a few weeks; the operating budget is in good shape; there is \$325,000 more in State aid; tax collection is at 99.7% which equates to \$450,000 to \$500,000 more in revenue; staff will continue to monitor the budget, especially snow and ice account and CPD overtime.

WWTP – budget tracking okay; overtime is high due to pressures from the plant upgrade; overtime will not be as high as last year; the project is on budget.

Pool – the facility closed on October 12th; there will be staffing expenses for winterization of the facility; \$105,000 is in reserve funds.

Building Official Appointment – Keith Darin has been appointed as the new Building Official; salary of \$81,000, no take home vehicle; and begins work in two weeks. Mr. Darin has extensive experience in municipal government and the construction industry, and has been Building Inspector in Haddam since 2007.

Quinnipiac University Student Housing Information – research has been done on the housing issue; 9 rentals have been identified with 39 students living in these dwellings; CPD calls have been reviewed for service at these houses with no reports or burden on CPD services. There was one call on September 14, 2014 when a student from 202 No. Brooksvale Road had a vehicle stolen, which was later recovered in Hamden. The registration process is used in Hamden for 246 students living off campus under the town's new zoning laws.

Mr. Milone spoke with the University Vice President who sent the student handbook, and was informed the University has strict student conduct rules and vigorous enforcement. If there are any issues or problems, Mr. Milone was asked to contact the University V.P.

A memo from Town Planner Voelker was included in the Council packets with information on the zoning issues and the point that no more than 3 people, not family related, may live in a dwelling. It is possible there are some zoning violations in this regard and the matter will be looked at closely.

Chairman Slocum will assign Council members and a PZC member to a study group on the issue of student housing, review of the zoning regulations, but an ordinance will not be created. He noted someone can petition the PZC for a zone text change.

Ms. Flynn-Harris stated it does not have to go that far as the Town has zoning regulations which must be enforced; properties have been identified; and the ZEO can implement a program can identify and inform property owners of violations of zoning laws. The ZEO can check Craigs List, make property owners aware of regulations which must have compliance, and take corrective action.

Stating his agreement with Ms. Flynn-Harris' statements, Mr. Slocum said he has concerns with students currently housed in Cheshire, and how to accommodate their interests this year. He wants to be certain tenants and landlords in a lease agreement understand their obligations.

Attorney Smith stated enforcement of the zoning regulations would be encouraged by citizens.

For any notification to homeowners, Ms. Flynn-Harris said it should include the fact that there is no bulky waste collection based on a phone call, particularly when people move in and out.

Chairman Slocum will be in contact with Town Planner Voelker as to enforcement of the zoning regulations, and a fair and reasonable remedy for current students housed in Cheshire.

Mr. Oris agrees with regulation enforcement but said we should be aware of student housing out there, and consider whether people should notify the Town if they are renting to students.

This is getting back to a discussion amongst policy makers, and Mr. Milone said the Town can get rental information from the University Housing Office as students must register where they are living.

Attorney Smith stated there should be consideration on whether only Quinnipiac students can be singled out, and maybe there should be a canvas of all area universities for housing information.

Even with this information, Ms. Flynn-Harris said there should be informative letters to the property owners rather than Council getting involved entirely. Her understanding is that Hamden housing for students are investor owned homes marketed to the University, or the University has purchased homes for student housing. For the Town to have a registration process for student housing would be a burden.

Website Calendar of Meetings – the intention was to have an interactive calendar with agenda and minutes, and Mr. Milone noted is proprietary software that runs the web site, and there are some technical as well as licensing problems. There will be an interactive calendar completed by the end of 2014. In the interim there will be a calendar of the day of the week and times of meetings scheduled. There was a Council request to darken the type face for better reading, and Mr. Milone said this will be done.

PZC Survey – this survey is on the web site and at the Library; it is part of the POCD process; and it is hoped people will complete the survey.

Public Work Project Status Report – the report is attached and part of the packet.

Linear Trail Construction Project – the project was bid out, and due back November 12th; the specified completion date is November 1, 2015; the State requires hiring a construction inspector; there will be dredging on West Main Street, 1200 feet north which should drop the water level by one foot; work starts in a few days.

Pool Tension Membrane Construction Project – PW Director Noewatne advised there are two components to the tension membrane – design for the structure and foundations and design-build proposal for the rest of the work. The design for the structure and foundation will arrive on October 17th, and will be vetted by the committee and PBC. Proposal for design-build (HVAC, electric etc.) is expected the week of October 20th, and will be vetted by PBC and the committee. It is hoped the foundations will be in before winter/cold weather, and if not Mr. Noewatne would recommend work not starting until milder weather. Arcadis contract (oversight) is budgeted to December; they are keeping track of hours; and may request an extension of time and costs, but nothing has been received yet.

Regarding the Linear Trail, Mr. Schrumm asked about the West Main Street excavation of 1500 feet of the canal, an expense reduction in the project, and why this was not done before, and who made the call.

This is outside the project and Mr. Noewatne said it is being undertaken by the Town, on its own, with DEEP approval. He informed the Council that Don Nolte, Assistant Town Engineer, spear headed this project.

Bedding Capital of Connecticut Designation – Cheshire received this designation in the 1980's, but it has not been adequately promoted. Mr. Milone reported that all stationary and written documents will have this designation indicated. He is also working with Mr. Sitko and the Beautification Committee to further advance this idea through better publication and working with growers and the Chamber of Commerce.

Vehicular Speeding – Traffic Calming Techniques - Chief Dryfe, CPD, has concerns about controlling speeders. A meeting was held with a U-Conn Engineer on traffic calming techniques – i.e. speed bumps/humps, trees, hash lines, circles; these will affect road engineering and draining; and it will take time to effectuate.

Library Overflow Parking – the lease agreement with the Church expires this month, and there is no resolution at this time to continue the agreement. The Town is trying to find parking around the Library if the church parking is called off.

Holiday – Tuesday, November 11, 2014 in honor of Veterans Day. Town Council regular scheduled meeting will be held on Wednesday, November 12, 2014.

Mr. Milone informed the Council that the PW Department, Fleet Division, was awarded the 2014 CT Creative Solution Award for submission of the design for the Brake Drum Remover and Installation Tool. The award will be presented by the CT Technology Transfer Center on October 23rd to Rich Kaczer, Fleet Manager.

In the CPD September 2014 report, Mr. Slocum noted some of the items are down from last year, and if anything is complicating this, i.e. number of officers in the Academy. Mr. Milone will check with Chief Dryfe and report back to the Council.

Regarding the surplus, Mr. Milone said it will be in excess of \$800,000.

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

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Ordinance Review Committee – Ms. Nichols will schedule a meeting very soon.

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

MOVED to go beyond the 11:00 p.m. curfew to the conclusion of business.

VOTE The motion passed unanimously by those present.

Budget – Mr. Schrumm said the committee will schedule a meeting to discuss medical benefits policy.

B. Miscellaneous

11. APPROVAL OF MINUTES

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

MOVED that the Town Council approves the minutes of subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Public Safety Committee – Mr. Sima reported this committee is discussing their role, and are receiving guidance and help from the Police Department.

WPCA – Mr. Schrumm reported on the recent tour of the plant, its operation during the upgrade work, and expressed congratulations to Mr. Dievert, WPCA and the construction workers at the site. The project is going well.

Parks and Rec Commission – Mr. Talbot reported that James Nankin, Chairman for 21 years, will receive the Public Service Award 2014 from the Connecticut Recreation and Parks Association. Mr. Talbot congratulated Mr. Nankin on behalf of the Council and the Cheshire community.

Energy Commission – Mr. Talbot reported the commission discussed performance contracting, LED street lights, and October National Awareness Month.

CPFA – Ms. Flynn-Harris reported on the author night dinner which is a fund raiser for Art View.

PZC – Ms. Flynn-Harris reported the survey is out, and the commission is working and moving forward on the POCD.

Human Services – Ms. Flynn-Harris reported on the inhalant program which is underway with activities, and the committee putting together a program on hoarding.

Chairman Slocum reported the Historic District Commission met, and discussed a project for the Historical Society Building.

Chairman Slocum asked about arranging an event in December, a gathering of all board, commission, committee members for refreshment and socializing. Mr. Milone will coordinate this event.

B. Appointments to Boards and Commissions

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

MOVED that the Town Council reappoint Rosalie Fountain (D) to the Cable TV Advisory Council, term of office 10/14/14 to 6/30/16.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Slocum reported on a letter from Judd Moore regarding the Quinnipiac University student housing issue and Council action on this matter. Mr.Slocum has received calls and e mails regarding the student housing issue.

B. Miscellaneous

14. EXECUTIVE SESSION

MOTION by Mr. Schrumm; seconded by Ms. Nichols

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

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:55 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

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

