

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD FOLLOWING THE 7:00 P.M. PUBLIC HEARINGS ON TUESDAY, JULY 12, 2016, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Vice Chairman Paul A. Bowman; Michael Ecke, Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Thomas Ruocco, Timothy Slocum and Peter Talbot.

Absent: Robert J. Oris Jr.

Staff: Michael A. Milone, Town Manager; Alfred Smith, Town Attorney; William Voelker, Town Planner; James Jaskot, Finance Director; Police Chief Neil Dryfe; Fire Chief Jack Casner; Dept. of Education COO Vincent Masciana.

Guest: Carol Wilson and Rich Ogurik, Energy Commission.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. ITEMS FOR EXECUTIVE SESSION

None.

The Town Council held a moment of silence in memory and in honor of Rep. Mary Fritz, Cheshire's State Representative for 32 years, who passed away on July 9, 2016.

Councilor Flynn-Harris reviewed the many years of service of Rep. Fritz to the Cheshire community and her legislative district. She commented on Ms. Fritz caring for everyone, helping people in any way she could, her support of Cheshire projects such as the CHS Track, WWTP, Linear Trail and parking, Bartlem Park funding, support of local businesses/farmers/growers, phosphorous reduction and reimbursement, Cheshire Police and Fire Departments, Cheshire's Medal of Honor Winners, and the many people who benefited from Rep. Fritz's service in Hartford. Rep. Fritz was a strong supporter of veterans; she fought for Cheshire in many ways; was a great legislator; and she will be greatly missed.

Councilor Linehan commented on Rep. Fritz being her mentor as she entered the political arena, and becoming her friend. She visited with Rep. Fritz in Hartford at the State Capitol. Ms. Linehan said Rep. Fritz had a great heart, no political platform, worked hard and just wanted to help people. One of Rep. Fritz major issues was domestic violence, and she welcomed victims into her home, got thousands of cell phones for battered women, and worked on behalf of domestic violence victims. Over her 32 years of service Rep. Fritz received many awards from many state organizations...and she loved and worked for people. Ms. Linehan said she was happy to have known Rep. Fritz.

4. PUBLIC COMMUNICATIONS

A. Energy Commission recognition of Carol Wilson.

Energy Commission Chairman Ogurik presented a Certificate of Recognition to Carol Wilson. In his comments honoring Ms. Wilson, he cited her educational background, community service/service on the Energy Commission since 1979, formation of her educational energy company, and her devotion to serving Cheshire.

B. Public Comments.

Tracey Jewett, 920 Cornwall Avenue, asked for clarification on the illegal dump site on the Bens property, the Town's contact with DEEP, and said families adjacent to the site do not consider the plan to be appropriate. She said removal of all the waste is the only outcome and this matter has been mishandled by the State and the Town. Ms. Jewett wants the Council to work with residents for a solution that is environmentally and morally right.

Peter Wilcox, 415 Mountain Road, asked about the Town purchasing the Bens property before cleanup of the dump site, which must be cleaned up properly.

Councilor Ruocco questioned what the Town is doing to help these residents.

Town Attorney Smith informed the Council and the public that the law is clear with the ultimate responsibility for making remediation decisions resting with the DEEP. There is some confusion as to what "remediation" means as opposed to "capping". Remediation includes possibility of containment; site remediation includes capping over the waste with an impervious surface. All mechanisms will be decided by DEEP, and testing for protection of human health and environment under the law. No remediation plan has been submitted with respect to the Bens property.

The role of the Town is working with officials to monitor the situation, have regular communication with DEEP, and inform the Council and the public on the circumstances of the situation. Attorney Smith noted the State is awaiting receipt of the remediation action plan. When submitted it will be reviewed by the State with opportunity for public input.

Tim White commented on the Town saving money this year with purchase of the street lights, and the costs associated with all the new developments in Town.

Ray Squier commented on news on the Bens property that there are oil tanks there, and a few years ago we were talking about abandoned barite mines. He does not see capping the dumpsite, but removal of all that is there. Mr. Squier noted the old gas station in the center of Town cannot be remediated due to contamination.

5. APPROVAL OF MINUTES

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

MOVED to approve the minutes of the Regular Meeting of June 14, 2016; Public Hearings of June 14, 2016 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Slocum; seconded by Mr. Ruocco.

MOVED to approve the minutes of the Special Meeting of June 22, 2016 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

6. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-1

RESOLUTION #071216-1
CONSENT CALENDAR FOR JULY 12, 2016

BE IT RESOLVED, that the Town Council approves the Consent Calendar for July 12, 2016 as follows:

- A. Acceptance and appropriation of a \$500 donation from the Cheshire Women's Club to the Cheshire Senior Center for general purposes.
- B. Acceptance and appropriation of a \$25 donation from Consuelo Hill to the Cheshire Senior Center for general purposes.
- C. Acceptance and appropriation of a \$50 anonymous donation to the Human Services Gift Account for general purposes.
- D. Approval of a re-designation for an original appropriation of \$2,698 for Instructor's fees at the Senior Center to the purchase of program supplies and Equipment.
- E. Acceptance and appropriation of a \$5,000 Historic Documents Preservation Grant from the Connecticut State Library for records conversion.
- F. Acceptance and appropriation of two Youth Service Bureau Enhancement Grants totaling \$969 for positive youth development programming.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR

8. OLD BUSINESS

9. NEW BUSINESS

A. Approval of DOT traffic easement transfer

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-2

RESOLUTION #071216-2

BE IT RESOLVED, that the Town Council approves the transfer of approximately 3,737 square feet of Town of Cheshire traffic easement at 518, 525 and 559 South Main Street to the Connecticut Department of Transportation (DOT) for the State's traffic easement improvement project at the Drive of Cheshire High School and accepts the \$1,700 payment from DOT; and

BE IT FURTHER RESOLVED, that the Council authorizes Town Manager Michael A. Milone to execute any and all documents necessary for said transfer.

VOTE The motion passed unanimously by those present.

B. Call for public hearing on the proposed Fiscal Year 2016-2017 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-3

RESOLUTION #071216-3

BE IT RESOLVED, That the Town Council shall hold a public hearing jointly with the Water Pollution Control Authority at 7:00 P.M. on Tuesday, August 16, 2016, to consider the proposed Fiscal Year 2016-2017 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget; and

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

VOTE The motion passed unanimously by those present.

C. Approval of ambulance service successor contract.

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-4

RESOLUTION #071216-4

BE IT RESOLVED, that the Town Council hereby approves the one year EMS Services Extension Agreement by and between the Town of Cheshire and Campion Ambulance, under the terms and conditions of the most recent agreement but with a 2% increase in compensation to Campion Ambulance based on the previous contract of \$212,940, for a total of \$217,200 from July 1, 2016 to June 30, 2017.

Discussion

Mr. Slocum reported the Budget Committee forwarded this matter to the Council for discussion and action on a one (1) year contract extension.

Fire Chief Casner explained the process he undertook for contract negotiations with Campion Ambulance. The ambulance company wanted a one year extension so it could go through their contract; they wanted a higher increase of 3.5%; and he negotiated the 2% contract increase. This is a rigorous contract with high performance measures, repercussions and penalties, and people in charge at Campion wanted more time to look at this contract. Chief Casner advised that the senior staff at Campion has changed over 5 years, and he will start next month to meet and negotiate with the new senior staff.

In the contract, Ms. Linehan noted the 2% increase in Campion fees, and the company being regulated by the State DOH and EMS, with a cap of no more than 3.1% increase annually.

Chief Casner explained that Campion reports monthly to the Fire Chief on every call. They provide high quality service, have a commitment to the Town, and their new facility is very good.

VOTE The motion passed unanimously by those present.

D. Approval of waiver of bid for the purchase of tasers.

MOTION by Ms. Nichols; seconded by Ms. Linehan.

BE IT RESOLVED, that the Town Council approves Resolution #071216-5

RESOLUTION #071216-5

WHEREAS, the Police Department is purchasing replacement Electronic Control Weapons (ECWs) and,

WHEREAS, The Police Chief has represented that the Taser Company has provided sole source documentation, and that Taser ECWs have worked well, staff is familiar

with and trained on them, and are the only brand of ECWs used by police departments in Connecticut; and

WHEREAS, the Council finds it is in the best interests of the Town that Police Officers have dependable equipment upon which they are already trained;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8(c)(11) of the Town Charter, approves a waiver of bid for the purchase of said Taser ECWs.

Discussion

Police Chief Dryfe said the purchase of the Tasers will come out the gift account. The current Tasers are 8 to 10 years old, are no longer under warranty, and cannot be repaired. A Taser is a piece of technology, operates on a rechargeable battery, is tested on every shift, they wear out, sometimes fail, and the current Tasers are no longer manufactured. The new model Taser is out, and is purchased with a battery pack, training cartridge, holster, at a cost of \$1000 per Taser. Chief Dryfe plans to purchase 16 Tasers a year over three years. He advised there is a new company, Faser, with a new model Taser, but no police department in Connecticut is using this Taser, which would also require additional officer training.

After speaking with Cheshire police officers and hearing people tell officers how much they are appreciated, Ms. Flynn-Harris commended the Cheshire Police Department, the Chief and Officers and staff, for their outstanding service to the community.

Chief Dryfe informed the Council and the public that the outpouring of support to the CPD has been tremendous and greatly appreciated by the Chief and Officers.

VOTE The motion passed unanimously by those present.

Chief Dryfe reviewed the investigation of car thefts in Cheshire with the Council and the public. Incidents took place June 28th through July 3rd; 9 cars were stolen; 4 were recovered in and around Hartford; 2 arrests were made in Hartford; 2 autos were found abandoned, and another was found after being stripped. Chief Dryfe stated the importance of people locking cars, garages, removing any important items from vehicles. He said there is interest in a State Task Force due to the many car thefts throughout the State.

Ms. Linehan has created a neighborhood watch, and said everyone feels safer, people lock their cars, keep on outside lights, and police officers met and spoke with residents. If anyone is interested in forming a neighborhood watch, Ms. Linehan invited them to contact her. She commented on people banning together, being smarter, looking out for each other, and removing the opportunity for these crimes.

Town Manager Milone commented on Chief Dryfe taking on many preventative measures, and said the Town has responded to the situation. With increased awareness, taking precautions, and CPD response, there will be an end to this situation.

In response to a incident in her neighborhood involving teenagers last weekend, Ms. Nichols commented on the quick, excellent and professional response of the Cheshire Police Officers.

With regard to this type of youth activity, Mr. Bowman asked if there is any change in State statutes when youth act this way.

Chief Dryfe cited the rash of break-ins last Fall by juveniles, and said they do not always face the consequences of their actions, and some crimes do not result in prison time. He noted the police officers do not chase in pursuit of stolen cars due to the dangers involved.

When a garage is broken into, Mr. Bowman asked if this is considered a home invasion.

Chief Dryfe said he would check this out with the State Attorney's office. With an attached garage he believes the charge would be burglary, and looked at on a case by case basis.

E. Chamber of Commerce funding request for Fall Festival Laser Show.

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-6

RESOLUTION #071216-6

BE IT RESOLVED, that the Town Council appropriates \$5,500 from the Parks and Recreation General Operating Budget to the Cheshire Chamber of Commerce for a laser light show at the September 2016 Fall Festival.

Discussion

Ms. Nichols said the Chamber of Commerce can no longer have the fireworks display due to the new pool and safety concerns. This year the Chamber wants to do a laser light show, has been receiving donations, but cannot fund the full amount. The request is for the Town to appropriate \$5,500 from the Parks and Rec budget towards the cost of the laser light show.

With this show, Ms. Linehan asked if it has been run through the FAA for lights and air traffic.

This is unknown, and Mr. Milone said he would check on it.

The Chamber has not funded fireworks for a while, and Mr. Ruocco said he would not support the appropriation. He stated this cost should be a line item in next year's budget.

Mr. Slocum said the request is fair and reasonable, with the appropriation coming out of the Parks and Rec budget, with funding as a line item next year.

This is an allocation to a department and Mr. Milone said if there is a problem with the budget there can be a transfer at the end of the fiscal year. He cited the \$26,000 for the Memorial, charged to the Public Works budget, and the recommendation is for the same process with the Parks and Rec budget appropriation.

The Chamber's proposal is for the Town to make up the cost difference, and Ms. Flynn-Harris said it could be less than cited. There are fund raising boxes in stores throughout Town to supplement the cost of the laser show.

According to Ms. Nichols the Chamber is making every effort to raise the money for the costs of the laser show. She noted this is one event which the entire Town attends and generation of community support is important.

Mr. Talbot advised the date of the Fall Festival as Saturday, September 10th.

VOTE The motion passed 7-1; Ruocco opposed.

F. Allocation of Community Pool Insurance Funds.

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-7

RESOLUTION #071216-7

BE IT RESOLVED, that to maintain a positive balance in the Community Pool operating fund the Town Council approves the reclassification of FY 2016 pool construction expenditures totaling \$84,254.79 as follows:

\$61,300.00 to the Insurance Reserve Fund

\$22,954.79 to the Capital Non Recurring Fund, Community Pool Heating/Inflation System Project

Discussion

The details on this item were in a memo to the Town Council.

Mr. Jaskot said it is a housekeeping matter discussed during the budget process with \$150,000 of other improvements for the pool construction this year. The money is in

the insurance reserve fund; some money is in the C.N.R. fund for paid off projects to be reclassified to the insurance reserve and C.N.R. This is all retroactive to June 30, 2016.

VOTE The motion passed unanimously by those present.

G. Approval of Technology Consultant Successor

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

BE IT RESOLVED, that the Town Council approves Resolution #071216-8

RESOLUTION #071216-8

BE IT RESOLVED, that the Town Council approves a two-year successor contract with Apex Technology Group for Chief Technology Officer and technology engineering and support services for the Town of Cheshire and Cheshire Public Schools, upon the same terms and conditions as the most recent agreement, holding the pricing constant at \$240,000 for the term July 1, 2016 through June 30, 2017, with the pricing for the second year to be negotiated.

Discussion

Mr. Carroll, Chairman of the Technology Study Group, gave a brief overview of the technology initiative and the successful 5 year relationship between the Town and Apex Technology. Five years ago there were many issues and concerns with technology - viruses, computers not working, Munis system crashed, insufficient backups, and more. A decision was made to outsource technology. Apex had the ability to get the Town through many crisis situations, and now Cheshire has a top notch infrastructure, backups and storage, and technology accomplishments. It was noted by Mr. Carroll that in May 2016 a key server crashed, there was a flip over to the backup system, and nothing was noticed by the Town or Dept. of Education. Mr. Carroll commented on the great relationship between the Town and Apex which is a model for success. He also explained that the \$240,000 annual fee is not a net addition, as a few staff positions with benefits were eliminated when Apex was hired.

For the cost of \$240,000 annual fee, split between Town and BOE, Apex has provided 2,700 man hours in the past year, which is a cost of less than \$95 per hour. Apex has spent 1,600 hours on important projects.

Apex Technology has held its annual fee at \$240,000 for the last two years, and has agreed to hold to this fee for the first year of the two year contract extension. The following year there will be negotiation for a fee increase. Mr. Carroll advised the study group supported this contract extension and fee stipulations, and forwarded it to the full Town Council for action.

Ms. Flynn-Harris advised she and Mr. Talbot are members of the study group. She stated Apex has provided excellent resources for consultation of outside contracts, preparing the technology budget, cost of licenses, helped negotiate contracts for all machines and equipment for the Town.

The issue of extra payment over the \$240,000 annual fee for special projects was raised by Mr. Ecke.

Mr. Carroll advised the \$240,000 covers routine services, and something like a weather satellite would be an additional cost and out of the scope of work. He is not aware of anything that would be out of the scope under the contract.

Mr. Milone said the contract covers out-sourcing and project management of technology initiatives.

Mr. Masciana, COO, Dept. of Education, explained that Apex handling purchase of services with a bidder would be out of the scope of work. Apex has handled project work, updating of the telephone system, video upgrade for the Town and BOE, and built out the redundant site at the CPD.

VOTE The motion passed unanimously by those present.

H. Appropriation of up to \$10,000 in Bright Idea Grant Funds for dryer duct cleaning vouchers.

Mr. Slocum informed the Council that the Budget Committee discussed this agenda item. The consensus was to refer it back to the Energy Commission with the suggestion for LED light bulbs as was done last year at the Fall Festival.

I. Approval of expenditures and reimbursements by the Cheshire Senior Center Membership Association.

MOTION by Ms. Linehan; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #071216-10

RESOLUTION #071216-10

BE IT RESOLVED, that the Town Council accepts and appropriates \$4,092.46 from the Cheshire Senior Center Membership Association to the Human Services Gift Account, to be designated for expenses for the Senior Center.

Discussion

This is for general upkeep of the Senior Center and events.

VOTE The motion passed 7-0-1; Slocum recused.

10. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report - in Council packets

**B. Department Status Reports: Police, Fire, Fire Marshal.
In Council packets**

C. Other Reports

Monthly Financial Report - General Fund Surplus of \$880,000; there are concerns about State revenues; Fund Balance is at 9.5%; WPCD surplus of +\$100,000; \$770,000 in WPCD fund balance to support debt obligation for the Treatment Plant; Pool budget surplus of \$50,000; \$120,000 revenue surge in June at the community pool, which is 1/3 of the revenue for the entire time the pool is operating.

State Aid Shortfall - there is recommendation for a budget revisions plan which is being referred to the Budget Committee.

Capital Expenditure Plan - will be distributed to Council on July 15th; the meeting schedule has been posted.

Notification of Grant Awards - Mr. Milone will be coming to the Council over the next few months with grant notifications; Housing Rehabilitation Grant of \$400,000 was awarded to Cheshire; Ball and Socket Arts Group received \$750,000 grant.

Unclaimed Decedents Procedures - this program has been modified through the OCME, and the Town must get deceased to the medical facility.

Public Works Projects - information listing the projects is in the packet. West Main Street sidewalk extension has started; there will be crossing improvements on South Main by the shopping Center entrance; Linear Trail is completed with a ribbon cutting on Saturday.

Civil War Monument - last Saturday on the Town Green there was a Civil War enactment.

New Cell Tower - the tower is operational for public safety, and in one week there is improvement in coverage for police and fire departments; there are no private co-locaters on the tower until January 2017.

CT Municipal Solar Scoreboard 2016 - Cheshire is #1 out of 19 towns for energy initiatives from the Yale monitoring system.

Meeting Schedule - Budget Committee/Town Council, Capital Review; all meetings start at 7:00 p.m. Tuesday July 19, Wednesday July 20, Monday July 25, Thursday July 28. Monday August 15, Tuesday August 16, Wednesday August 17, Tuesday August 23.

Special Town Council Meeting Tuesday, July 26th 7:00 p.m.

Mr. Slocum commented on the numerous Ash Trees dying throughout Town, and asked about the Town's responsibility for these trees. He requested Town Manager Milone to provide a statement to the Council.

Town Manager Milone reported there is money in the operating budget and CEP for the tree concerns. PW Director Noewatne will provide an update to the Council on the costs, spending, tree companies helping the Town, etc.

Ms. Flynn-Harris commented on the legislative outlook for the next session; OCEG wants to turn this matter back to the legislature.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

There are two referrals:

- i. Referral of request for Town Historian Emeritus title to the Ordinance Review Committee.
- ii. Referral of options to offset state aid reductions to the Budget Committee.

B. Miscellaneous

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Human Services Committee - Ms. Linehan said there would be an Opiod Awareness Meeting on August 4th in Town Hall.

Special Needs Awareness Day June 18th - Ms. Linehan reported on the success of this day at both the Cheshire Fire and Police Departments; and parents can register their special needs children at both departments.

Economic Development Commission - Mr. Ecke reported the ECD is in the process of hiring a consultant to help "market Cheshire" to businesses outside the Town and assist existing businesses.

Mr. Milone advised the ECD consulting contract has been signed; the contract is in place; and ECD will report back to the Council on the progress.

Business Appreciation Day - Mr. Ecke reported the event was held at Elim Park; the guest speaker was Sunil Gualiti, former Cheshire resident; and the event highlighted Cheshire being open for business.

Arts Place Summer Programs - Ms. Flynn-Harris advised the programs are underway through July and August.

Ball and Socket Arts Group - will hold a contest until July 20th for submission of art work to cover the windows of the red building during renovation. There will be a September celebration.

Hawk System - the system is in place and operational on West Main Street.

Cheshire Remembers - Mr. Talbot acknowledge receipt of the book written by Town Historian Jeanne Chesanow; the book includes historical information and photographs.

B. Appointments to Boards and Commissions

13. TOWN ATTORNEY REPORT AND COMMUNICATIONS

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

15. ADJOURNMENT

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

MOVED to adjourn the meeting at 9:07 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk