MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON TUESDAY, JUNE 8, 2010 IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present
Chairman Tim Slocum; Vice Chairman David Schrumm; Justin Adinolfi, Michael Ecke, Anne Giddings, Thomas Ruocco, James Sima, Timothy White.
Absent: Andrew Falvey
Staff: Michael A. Milone, Town Manager; Dwight Johnson, Town Attorney; Patti Lynn Ryan, Finance Director; William Donlan, Tax Collector; Louis Zullo, Personnel Director; Jack Casner, Fire Chief.

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

2. PLEDGE OF ALLEGIANCE
The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Recognition of Eagle Scout Nathan Mackey.
Chairman Slocum introduced Scout Mackey to the Council.

Mr. Mackey described his Eagle Scout project which was the improvement of the trail and bridge at Bartlem Park, widening the trail, laying down a chip walkway, installing drainage and refurbishing the bridge.

Chairman Slocum presented a Certificate of Recognition to Scout Mackey on his achieving the status of Eagle Scout in the Boy Scouts of America. On behalf of the Council and the Cheshire community, Mr. Slocum congratulated Mr. Mackey and wished his continued success in his endeavors.

B. Recognition of the 100th Anniversary of the Daughters of the American Revolution.
Chairman Slocum read the Certificate of Recognition honoring the 100th Anniversary of the Lady Fenwick Chapter of Daughters of the American Revolution. The D.A.R. is a volunteer service organization which promotes historic preservation, education and patriotism. The organization has donated 270,000 volunteer hours to veterans, provided telephone cards to veterans at a base in Germany so they can call home, and awards $1 million in scholarships annually. The Cheshire D.A.R. has 68 members and has served Cheshire for 100 years.
Mr. Slocum presented the Certificate to Council Member Anne Giddings and D.A.R. member Holly Crowley.

Ms. Giddings commented on the service of Lady Fenwick Chapter, and Ms. Crowley who organizes the cleaning of the cemetery markers for the veterans each year. Ms. Giddings is Chair of the Scholarship Committee, and noted that the organization is very active in its fund raising activities, and provide education programs for themselves and other groups.

C. Proclamation for Flag Day.
Chairman Slocum read the Proclamation for National Flag Day, June 14th.

D. Public Comments
Derek Hayden, 35 Kelly Court, addressed the Council on the Superintendent’s announcement of teacher layoffs, which is a direct reflection of the Council not funding the education budget. Mr. Hayden commented on his children being directly impacted by this action with larger class sizes and his concern that this trend of non-funding education budgets will continue. He requested the Council reconsider funding the education budget in any way possible, and asked if there is any option in the next 22 days to restore funding and get some of the teaching positions back into the system.

Chairman Slocum stated that the Council would not be inclined to act on Mr. Hayden’s request and advised there are opportunities during the budget process, but they have been foreclosed at this point in time. Mr. Slocum appreciated Mr. Hayden’s concerns but the Council adopted a budget which made cuts, and this is part of the reality of what is being faced and addressed financially.

Mr. Hayden thanked Mr. Slocum for the standard answer. He asked about the Council choosing to put out a referendum for the pool enclosure, noting that the pool and education are separate issues. Given the referendum is now out there, he asked about the possibility of adding to the referendum a vote on the operating budget since this is the only other recourse for a voter.

In response, Mr. Slocum advised that the opportunity to conduct a referendum on the budget has passed the stated period of time after the Council passes the budget. There must be a petition by a certain number of citizens, and this is a Town Charter issue. A petition was never received by the Council. Mr. Slocum noted that all the information on this was given to the public.

Mr. Hayden stated that voters missed the date to petition, and he was unaware there was an actual date involved. He asked about the rainy day fund and restoring some of this money, and if the Council can or won’t tap into this fund.
According to Mr. Slocum the Council looked into opportunities for this during the budget process, and is aware of what the resources are, and has chosen not to use them.

Mr. Hayden asked the Council how many of them have children in the school system who are directly affected by these cuts. He noted that two Council members were directly affected.

Mr. Slocum stated that the budget process, as a whole, has some regrets since everything is not perfect.

Stating he respects what the Chairman is saying, Mr. Hayden disagreed that opportunities were addressed, and hopes next year’s cycle does not get to this point. He encouraged Council and BOE members to have transparency on what is going on in the process since parents were completely misled this year.

Chairman Slocum believes there will be discussions with the teachers’ union leadership during the summer and the Council will avail itself of these opportunities. There are moving pieces to the budget, and the role of the public in the process is the role they choose to play. All meetings are held, open to the public, and they begin in January. Mr. Slocum encouraged Mr. Hayden to attend the meetings and be part of the process.

Mr. Hayden agreed that parents should get involved early on in the budget process.

Bob Behrer, 435 Squire Hill Road, represented the Turf Subcommittee and presented an update on the project. To date the committee has raised $185,800. There is a BOE Planning Committee meeting put the Turf Committee on its agenda for 7:30 a.m. on Friday. He understands the upcoming Council’s Planning Committee meeting will include discussions on the turf project. Mr. Behrer informed the Council that the committee received estimated numbers on the field installation, and with another $30,000 to $40,000 the field could be installed. There is a $525,000 grant from the State, and to that the budget goal is to add another $300,000 to $350,000 of public funds. Information on the turf project can be seen on the web site (www.cheshirealumnifiled.com).

(Mr. Ecke entered the meeting at 8:00 p.m.)

Chairman Slocum stated appreciation of the committee’s efforts, and said the Council looks forward to a meeting with the Turf Committee at the Planning Committee meeting of June 16th.

Ray Squier thanked the 100+ Cheshire High School students for their kindness in hosting the Korean War Veterans breakfast and memorial on May 20th, and Superintendent Florio, CHS Principal Ryan, and CHS Teacher Zingarella. Along
with other Korean War veterans treasure the individual letters from the students which were addressed to them, repeating their experiences as they became more involved with remembering the forgotten war. Mr. Squier thanked them for remembering, honoring those who served, as those who served and returned, honor and remember those who did not return. For them, Korea will never be known as the forgotten war.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #060810-1

RESOLUTION 060810-1
CONSENT CALENDAR FOR JUNE 8, 2010

BE IT RESOLVED, that the Town Council approves the Consent Calendar for June 8, 2010 as follows:
A. Acceptance and appropriation of a $1,500 donation from Bodh and Santosh Gulati to the Parks Gift Account for a memorial bench.
B. Acceptance and appropriation of a $50 donation from Mary M. Surowiecki to the Police Gift Account for general purposes.
C. Acceptance and appropriation of a $300 donation from the Cheshire Women’s Club Inc. to the Library Gift Account for general purposes.
D. Acceptance and appropriation of a $25 donation from Suzanne Duffy in memory of Cynthia Dubea to the Library Gift Account.
E. Acceptance and appropriation of a $100 donation from the Cheshire Lions Club Inc. to the Library Gift Account for general purposes.
F. Acceptance and appropriation of a $714.60 donation from the Judicial Branch – Special Services to the Parks Gift Account for park repairs And general purposes.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS.

7. NEW BUSINESS
A. Approval of transfer of excess right-of-way on Oak Avenue
MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #060810-2

RESOLUTION 060810-2

BE IT RESOLVED, that the Town Council authorizes the transfer of excess Town right-of-way property on Oak Avenue, as described in and under the terms of the attached Quit Claim Deeds to John and Kristen Markarian and to Sheldon F and Kathleen B. Dill, respectively.

Discussion
This matter was the subject of a public hearing and Mr. Schrumm reported that when the Town did road reconstruction there were small areas of land which were not officially transferred to the property owners.

Mr. White said he would not support the motion because the Town should get fair market value for this land.

Town Manager Milone advised there was a determination of value made in the letter from Attorney Mulvaney. The reason no such request was made was due to no demand made at the time of the original transfers, and the property owner on the west side was not subjected to this. Therefore, in the interest of being consistent and fair, nothing was requested of the property owners on the east side.

Ms. Giddings did not see a map showing the location of this property, but presumes these are small strips of land adjacent to the street which the Town owns and should be maintaining, but the property owners are doing this for the Town.

Mr. Milone advised that the property owners are doing the maintenance for the Town.

VOTE The motion passed 7-1; White opposed.

B. Authorization to apply for an emergency generator grant.

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

BE IT RESOLVED, that the Town Council approves Resolution #060810-3

RESOLUTION 060810-3
BE IT RESOLVED, That the Town Council authorizes the application for a Department of Emergency Homeland Security reimbursement grant of approximately $90,000 for the purchase of an backup emergency generator.

Discussion
Mr. Schrumm explained this is a request for permission to apply for a grant, which has a deadline of June 30th. If the grant is approved it will be for $90,000 to be used for an auxiliary generator to be run during emergency situations. This new generator would be a backup to the existing 21 year old generator. The second part will be discussed during the capital budget process.

Chief Casner informed the Council that this is a reimbursement grant whereby the Town puts up the funds and is then reimbursed. The grant is for $90,000, which equates to $3 per capita for purchase of a generator, and the application will be for a back-up generator for the emergency shelter in the event the existing generator were to fail. The current generator is 21 years old, has had recent repairs costing up to $5,000 and the manufacturer has stated it will not last too much longer, so the Town should consider replacing it.

Chief Casner said he wanted to take advantage of the opportunity to secure another generator. A licensed electrician must be hired to analyze the wiring needs of the Town buildings being considered. This is a two phase project with the application and securing of the grant, and then doing the wiring in the Town buildings with outside plugs for the generator in case of an emergency situation. The buildings considered are Town Hall, Senior Center, Police and Fire Department, which are the most critical buildings for a generator.

Mr. Ruocco asked if the Chief would be requesting a new generator during the capital budget process.

In response, Chief Casner said “no” that another generator would not be requested until the 21 year old generator was out of action. At that time he would discuss this with the Council.

Mr. Sima asked about the size of the existing generator and buildings wired for this generator, what the $90,000 would buy, and funds left over for extra work.

The Council was informed by the Chief that the high school/shelter is wired for this generator. Other Town buildings would require new wiring. The $90,000 is for the generator, fuel tank and enclosure. The existing generator is 250KW. As for funds left over, the Chief said the price he got was mid-$80,000 for the generator to duplicate what the Town now has.

There will be different voltages and scenarios, and Mr. Sima said the electrician mentioned earlier will insure that everything will be in the specs for each building.
Chief Casner said he would rely on the expertise of the electrical engineer/contractor regarding the specs.

Mr. Sima asked if the Chief foresees a larger expense down the road because of a generator to service more buildings and how the structure would be considered to be a civil preparedness building.

Rather than civil preparedness, Chief Casner looks at it as a governmental, critical, infrastructure building such as the Town Hall, Police Department, Senior Center, Fire Department. The communication hubs are the Police and Fire Departments and they take top billing, followed by the other Town buildings. The Senior Center is a primary shelter. The estimated costs for hook-up are not available yet, but the Chief expects they will be high. Formal numbers will be firmed up before coming back to the Council.

VOTE The motion passed 7-1; Sima opposed.

C. Approval of tax lien sale.

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

BE IT RESOLVED, that the Town Council approves Resolution #060810-4

RESOLUTION 060810-4

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

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

BE IT FURTHER RESOLVED, that the Town Council awards the assignments as presented to Virgo Management CT, LLC at 103.17% on the dollar.

Discussion
Tax Collector Donlan explained to the Council how the tax lien sale program works. There were four bids, and the recommendation was to use Virgo Management CT, LLC for the lien sale.

From a revenue standpoint, Mr. Schrumm noted there are properties that are way behind on their taxes, and instead of the Town chasing people down, the taxes due are assigned to a third party. The Town is paid for the right to collect
the money, and this is one reason why there is such a high, 99.6%, tax collection rate in Cheshire.

According to Mr. Donlan there are three options – tax sale and people lose their property, foreclosure which is the judicial process taking 3-9 months, of assignment of the liens, which is a more compassionate way to deal with the property owners. Since 2003, over 235 properties have been assigned to lien holders, and not one property has ever gone to foreclosure. This is a compassionate way of working with the taxpayers, giving them time to pay back taxes. The investor is in this for the interest, paying the Town $103.17 on the dollar. They will earn their money on the interest they are allowed to charge. In working with a taxpayer subject to this, Mr. Donlan informs them they are in no worse position with the lien assignment than they would be with the Town. The lien holder can only charge the same interest as the tax collector. The benefit is the Town gets the money up front, having the money in the bank by June 30th.

It was explained by Mr. Donlan that some firms want the money right away and force people into foreclosure while the Town tries to get people 12 months to pay the back taxes. The recommended company, Virgo, will not foreclose for 12 months and has agreed to put this in writing, and this is better for the taxpayers.

Stating this works well, Mr. Schrumm noted that the Town gets 103% of the taxes owed.

At this time the list is down to $149,000, and Mr. Donlan noted that the Town will be paid $154,000, which is $4,700 over the amount going to the General Fund. There was $300,000 owed in March from 50 accounts, and since that time, 29 accounts were paid in full, with $164,000 in revenue generated. With assignment of the liens the Town will get the $314,000 outstanding from March.

When the Town gets this money, Ms. Giddings said it gets reimbursed for the amount taxes without any interest added – the face amount of the taxes due plus the premium.

Mr. Donlan said that was correct. The Town gets the total taxes, current year and prior year, all interest due on the accounts, plus statutory fees and expenses.

Town Manager Milone commented on it being unusual to get more than 100% of the principle amount, and Cheshire is fortunate to get it. This tax lien sale is done annually and is an effective tool because people realize the Town is serious about selling liens.

**VOTE**  The motion passed unanimously by those present.

**D.** Transfer of uncollectible taxes to the Suspense Tax List.
MOTION by Mr. Schrumm; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #060810-5

RESOLUTION 060810-5

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

Discussion
The Council was informed by Mr. Donlan that this action is required under the accounting standards and State statute, bringing the list of taxes which do not appear to be collectible, so there is realistic receivables, to the Council. In Mr. Donlan’s letter, these are reclassified, turned over to a collection agency and sometimes money is received. The accounts are off the books as a collectible item.

Mr. Donlan noted that this has been done since 2005, turning over the list to a collection agency, and then money comes in. On an annual basis, this file is cleaned out. Many of these business and personal property taxes are in the hands of a State Marshal. An advertisement was placed in the newspaper in April about the collection agency notification, along with a letter to the property owners. Without taxpayer payment to the agency, including the 15% interest charge, they have the authority to stain the credit of the taxpayers.

Mr. Sima said that most of the items on the list are motor vehicle taxes and asked if there is any way cars cannot be registered until the taxes are paid.

Under Section 14-33, Mr. Donlan advised that the tax collector must notify the Motor Vehicle Department about delinquent taxes, and all that taxpayers vehicles cannot be registered until all taxes are paid. Tax warrants are issued during the year for large tax accounts. According to Mr. Donlan, motor vehicle taxes are a nuisance to collect, most difficult and time consuming, but must be done.

Regarding the tax collection agency being used and charging the 15%, Mr. Sima asked if the Town gets 100% or percentage of the amount collected.

Mr. Donlan stated that the agency pays a percentage, 85% of the outstanding taxes, but there are no costs to the Town.

Mr. Sima asked if there is anyone who would be interested in buying these liens.

There are companies who would service the accounts, but Mr. Donlan said it would be under the same guidelines as the collection bureau, and the Town has a contract in place with a satisfied vendor.
With real estate, Mr. Milone commented on there being an asset on which there can be ultimate foreclosure and take ownership. With personal property there is not this opportunity and it is not a desirable lien to sell.

Ms. Giddings commented on the resolution, being in compliance with statutes, but it does not indicate this will go to collection, and asked if this is done as a normal course and does not require Council action.

Stating that was correct, Mr. Donlan said the Town hired this collection agency in 2003, and this is consistent with a resolution at that time.

Chairman Slocum asked about this year’s list being larger than previous years or if it was typical.

In response, Mr. Donlan said last year there were 369 accounts, totaling $60,606, and this year there are fewer accounts and money. The range has been in the high $40,000 to $60,000 range. This year we are at $59,000.

VOTE The motion passed unanimously by those present.

E. Acceptance of FY 08-09 Comprehensive Annual Financial Report

MOTION by Mr. Ecke; seconded by Mr. White.

BE IT RESOLVED, that the Town Council approves Resolution #060810-6

RESOLUTION 060810-6

BE IT RESOLVED, that the Town accepts the FY 08-09 Comprehensive Annual Financial Report per the recommendation of the Audit Committee.

Discussion
Mr. Ecke reported another successful audit year, which took longer due to the computer conversion.

Ms. Ryan advised it was another clean opinion for the annual financial report.

In the management letter Mr. Schrumm read that it was a successful implementation of the GASB request, and asked if more is coming.

According to Ms. Ryan the GASB analyses come out all the time, and this gives accounting standards which must be followed, with some difficult to implement. They are costly and it is important to educate staff on these new standards. Cheshire is keeping up with all the GASB standards, with four new ones implemented this year.
VOTE  The motion passed unanimously by those present.

F.  Appointment of Auditor for FY 09-10

MOTION by Mr. Ecke; seconded by Mr. White.

BE IT RESOLVED, that the Town Council approves Resolution #060810-7

RESOLUTION 060810-7

BE IT RESOLVED, that the Town Council appoints McGladrey & Pullen, LLP as the auditor for the Town of Cheshire for FY 2009-2010 per the recommendation of the Audit Committee.

Discussion
Mr. Ecke informed the Council that out of the four responders, two were considered, with McGladrey & Pullen chosen as the auditors for the next five years. McGladrey had competitive prices, held their fees flat for the next two years, and then a modest increase is imposed. McGladrey did pro bono work for the Town during the last year. The other firm was the Town’s previous auditor. The Finance Department staff is very satisfied with McGladrey, and upon completion of this 5 years, they will have been with Cheshire, as auditors, for 10 years. The prior firm was with the Town for 7 years. There is debate in the industry about towns should switch firms every 5 or 10 years. To minimize any fears the firms rotate the partners and managers.

Ms. Ryan said a town should keep an auditor for at least 5 years, and she and staff are very satisfied and comfortable with McGladrey & Pullen.

The Council was informed by Mr. Ecke that even though the fees for the two bids considered were very close, there is a cost with a new firm. This cost results from system documentation, interview staff, etc. and it takes more time to switch. This would result in overtime and additional costs.

VOTE  The motion passed unanimously by those present.

G. Approval of hauler refuse permit fees for Wallingford Regional Solid Waste Project.

MOTION by Mr. White; seconded by Ms. Giddings.

BE IT RESOLVED, that the Town Council approves Resolution #060810-8

RESOLUTION 060810-8
BE IT RESOLVED, That the Town Council, pursuant to Section 7-10(h) of the Code of Ordinances, sets the permit fee for Refuse Permits for solid waste haulers from Cheshire to access the Wallingford Resource Recovery Facility at $50 per truck.

Discussion
Mr. Milone explained that this is a new permit fee. Each of the five towns in the region have had different methods for permitting trucks. This has caused problems with trucks bringing refuse into the plant without a charge. CRRA wants uniformity in the permitting process, and at the present time some towns charge a different fee than other towns, and some do not charge at all. With this proposed fee required all five towns will have the same permit. Cheshire did not charge a fee before, and now must charge this fee, which will generate about $3,500 in revenue. This will bring about uniformity and accurate data on tonnage. Cheshire must meet its minimum tonnage requirement or make up the difference from what was delivered to what should have been delivered. There have been instances with waste getting into the facility which was not originating from the town where it was picked up. This resulted in tonnage numbers being distorted. Under the new project, the CRRA coordinator wanted consistency in the fee for all towns, and it was determined to be $50.

Mr. Sima commented on Cheshire collecting $50 from 70 trucks registered or $3,500, and asked how this will control where waste comes from.

There are people hired by Covanta to randomly go through trash and monitor where it is coming from. Mr. Milone said that CRRA sometimes followed trucks if there were suspicions, and the fines are significant. Each month there are haulers who are found to take waste from one town and state it came from another town. At the other end there is monitoring on the tip fee floor, and the disincentive is the high fines.

Stating he was not 100% clear on this, Mr. Sima said that with assignment of this $50 fee he does not understand what will happen if Cheshire does not meets its quota and checking on each hauler. He asked about ways to have a better check and balance on this issue.

There is no perfect way, but Mr. Milone said we must rely on the people who work for Covanta to insure trash is originating from the stated town. There are monthly tonnage and recycling figures. If the trends look odd, tonnage to the facility going down, with recyclables not going up correspondingly…this is a signal there is a problem somewhere. There are benchmarks to help monitor this. With a red flag to the town and coordinator about the disproportionate drop in Cheshire trash without a corresponding increase in recyclables, or vice versa, this can be more easily monitored. Trucks can be followed; Covanta people can go through the trucks upon arrival; but there is not perfect way.
Attorney Johnson said one of the issues is to meet the minimum tonnage obligations. Next month the contract begins with Covanta, and the minimums were negotiated way down. Therefore, the chances of Cheshire having to pay for more trash not delivered is very small.

The Council was informed by Mr. Milone that the facility can take spot waste, and in the past Cheshire was below its rate. Because the rate is so competitive the facility is an attractive one for spot waste...which is waste not from the normal waste stream. Covanta announces to the haulers that it is taking spot waste from anyone up to a certain amount. If Cheshire does not meets its minimum, as long as the spot waste is coming in and getting the plant to what it needs each month to efficiently operate, there will be no penalty to the town.

Ms. Giddings commented on working hard to reduce her garbage and encouraged others to do the same and reduce the tipping fees. She also encouraged people to recycle. If there is a minimum amount not met, she asked if this is a problem for the town.

Over the past 20 years, Mr. Milone said there have been months when Cheshire was below the minimum, but with so much spot waste it made up for the underage. As long as the plan attracts spot waste to make up the difference then the town is not charged.

During the contract negotiations with Covanta, Attorney Johnson stated that recycling was an important subject of discussion.

Mr. Schrumm requested that the Council be given a tour of the plant because it is enlightening to see this facility, and the trucks dumping the garbage on the floor from 5 towns. Over a holiday weekend the plant must stockpile garbage to keep the burners going, so on a light Friday before a holiday, there is a concern about not having enough garbage to burn to keep the plant going. There are issues and this is why spot waste is accepted. Mr. Schrumm noted that this plant generates enough electricity for 10,000 households, which is essentially the load for a town the size of Cheshire.

Mr. Milone will set up a tour appointment for the Council.

VOTE The motion passed unanimously by those present.

G. Non-union salary increases.

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

BE IT RESOLVED, that the Town Council approves Resolution #060810-9

RESOLUTION 060810-9
WHEREAS, the FY 09-10 non-union salary increases were approved as part of the FY 09-10 General Operating Budget, however the Town Manager represented to the Town Council during the FY 09-10 budget discussion that salary increases for non-union employees would be presented to the Town Council for their approval prior to the distribution of said increases, and

WHEREAS, the Town Manager is now prepared to implement said increases,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves the implementation of a 0% increase for non-union employees for the period July 1, 2009 through December 31, 2009, and an average of 2% for non-union employees for January 1, 2010 through June 30, 2010, as recommended by the Personnel Committee.

Discussion
Mr. Ruocco said this is in keeping with the general economic mood, and commented on the various negotiations going on with various employee groups. This resolution calls for a salary increase of 2%, and fiscally it comes out to about 1% increase for the fiscal year. Mr. Ruocco supports this resolution.

Ms. Giddings stated this is in line with the settlement reached with one of the Town labor unions, and the non-union staff did not receive an increase last year.

Mr. White questioned if this is the entirety of the raise or if there was more to it such as merit.

In response, Mr. Milone said these raises are determined strictly by performance evaluations with a percentage increase.

VOTE The motion passed unanimously by those present.

I. Non-union pay plan for FY 10-11.

MOTION by Ms. Giddings seconded by Mr. Schrumm

BE IT RESOLVED, that the Town Council approves Resolution #060810-10

RESOLUTION 060810-10

BE IT RESOLVED, that the Town Council adopts the FY 10-11 Non-Union Pay Plan as recommended by the Personnel Committee, and as presented and attached, increasing the maximum in each range by 2%, with no change to the minimums.

Discussion
Mr. Ruocco explained that this matter came forward from the Personnel Committee and requested that this matter be tabled and returned back to the Committee for further discussion. This has to do with adjustment of minimum and maximum salaries and it must be further vetted to determine the impact on the maximum salary range.

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

MOVED to table this matter and turn it back to the Personnel Committee.

VOTE The motion passed unanimously by those present.

J. Approval of Casertano Land Management Plan.

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

BE IT RESOLVED, that the Town Council approves Resolution #060810-11

RESOLUTION 060810-11

BE IT RESOLVED, that the Town Council adopts the Casertano Land Management Plan as attached and as recommended by the Planning Committee.

Discussion
Mr. Sima informed the Council that the Planning Committee worked on this Plan, cleaned up some of the language to insure it flowed properly, and this is for the property on Marion Road and Jarvis Street. The lower piece of this property is leased to Mr. Arisco for farming, and the upper piece goes onto the hill. The committee wanted to make sure the farming could be maintained and the upper, lower forest areas and wetlands.

Mr. Slocum commented on the fact that the Town spent $2 million on this property in 1998.

Stating she attended some of the committee meetings, Ms. Giddings said there was careful consideration and coordination with the Environment Commission. She thanked Mr. Sima for inclusion of this commission’s thoughts in the final plan.

VOTE The motion passed unanimously by those present.

K. Approval of Dispatchers’ Collective Bargaining Agreement

MOTION by Mr. Ruocco; seconded by Ms. Giddings.
BE IT RESOLVED, that the Town Council approves Resolution #060810-12

RESOLUTION 060810-12

BE IT RESOLVED, That the Town Council hereby approves the Dispatchers’ Collective Bargaining Agreement for the Term July 1, 2009 through June 30, 2013 per the terms and conditions presented.

Discussion

The Council was informed by Mr. Ruocco that this matter has been before the Council before, and he will not support the resolution. He wants to see this referred to arbitration which was the original decision of the Council. There are some advantages in the contract, working with this group, but the percentage increase is too high.

Ms. Giddings voted against this resolution before due to the high percentage increase. In the meantime one union contract was approved and others are in process. When you look at the actual amount, not percentages, and compare to other towns these rates are in keeping with them, and in some cases below the rates of other towns. She will support the resolution, noting that the actual amounts, particularly for entry level workers, are in keeping what should be paid.

Mr. Ecke supported this resolution the first time and will support it again. He believes that without the increases in salary there could be turnover in an area where there should be none. The coverage would have to be handled by a sworn officer which is not effective or efficient use of resources. If the Town wants to professionalize this role in the Police Department, Mr. Ecke said the salaries must be effective to make people stay.

Mr. Sima said he would not support the resolution, and agreed with Mr. Ecke’s comment, that without a dispatcher a police officer handles the tasks and it is costly. However, he cannot vote for an 8.5% increase when he voted against the BOE increase because the Town could not afford it. Just because this is a small group does not mean it is any better. Each person who will lose their job in the BOE and every student affected, was based on 4.5%. This increase is higher, and it is hypocritical to vote for an 8% pay raise. Concessions were asked of the teachers’ union, but not received, and in the end the Council was trying to get them to a 2% increase. Now, dispatchers want 8.5%, and if it comes through arbitration or mediation, so be it…but Mr. Sima would not support the resolution.

It was noted by Mr. Schrumm that 8.5% is not across the board for everyone, and clarified that the number is 2.75% on average, with one position getting the bump to bring it to parity the first year. Then, over the course of the contract it is 2.75% for the group. If it were 8% for the group he would not be in favor. Mr. Schrumm
cited his agreement with Mr. Ecke about it being costly to have a police officer handling the dispatcher desk.

Mr. White questioned the average increase being between the 2.75% and 8.5% range, and he will not support the resolution. His main concern is that, in the past, it has not been uncommon for dispatchers to join the police union. He believes there will be an increase in turnover within the department in the next year. And, Mr. White is not convinced about professionalizing the dispatcher’s position.

It was pointed out by Mr. White that the minimum starting salary for a dispatcher in Cheshire is $15.04, and the average is $17.52. He commented on it being harder and harder to attract qualified and capable people to this position. In some cases there is inequity and this union has been underpaid for some time, as the market would indicate. Because of the inequity over the last two settlements the disparity has gotten greater. Mr. Milone said that the bigger issue is this…in comparing this union to other unions is unfair because this union closed out its pension plan three years ago. We are still negotiating, going to arbitration with three bargaining unions to do the same. So, the dispatchers union has made a sacrifice which others have yet to make, and this is an important consideration as we go forward. This decision is important to the Town; it has been hard to get into the contracts; and this union was willing to negotiate without going into arbitration.

The Council was reminded by Mr. Milone that this was a mediated settlement; it was not a settlement negotiated. A mediator came in, mediated the settlement, and this means when you go to arbitration, the mediator’s recommendation holds much weight, and it is difficult to challenge. The likelihood of prevailing is not strong for the Town based on the fact it came out of mediation.

For the record, Ms. Giddings cited the towns listed on the chart, and in all of them the entry level starting salary is higher than Cheshire’s current salary, some by an appreciable amount. Cheshire’s current starting salary is $15.04, and only Guilford comes close with $15.75. The proposal moves the starting salary to $17 per hour.

VOTE The motion passed 4-3; Sima, Ruocco, White opposed.

8. TOWN MANAGER’S REPORT AND COMMUNICATIONS

A. Monthly Status Report.

B. Monthly Departmental Status Report.

C. Other Reports
• Monthly Financial Report – There is a projected surplus of $820,000 in the General Fund. In the C.N.R. $150,000 was appropriated for the revaluation, with only $100,000 released, but up to the full amount may be needed. At least $50,000 will have to be released from the C.N.R. to the original $150,000 appropriation.

• There was a $20,000 appropriation from C.N.R. for Boulder Knoll. We will go ahead with the removal of invasive species, and go to bid for the demolition of the barn. It is expected there will be a $70,000 adjustment to the projected surplus. The Pool and WWTP budgets are expected to balance, with little surplus.

• Bond Refunding – The information was sent to the Council; the refunding was very positive; outstanding bonds at 4.2% were refunded at 2.54%. This low interest rate is not indicative of the interest rate if the Town went out to the bond market today. With the refunding bonds they had a maturity of 6 to 6.5 years, and going out with a traditional sale, i.e. the pool (if approved at referendum), it would be a 20 year bond. Due to the length and greater risk an investor would charge a higher interest rate. Mr. Milone is confident the 4% interest rate used is conservative, and if the Town goes out to bond sale in December, the rate could be under 4%.

• Yankee Gas Line Project – The company is doing a good job of keeping the Town apprised of what is going on. There is a link on the Town’s web site to the Yankee Gas web site. Work is now being done on Academy Road; two trenches boxes are being done; and there is also work on Prospect Road. The company works from 7 a.m. to 4 p.m. In the center of the Town of Cheshire the company will be working at night, starting June 20th, from 8 p.m. to 5 a.m. Sunday through Thursday. Information pieces are being mailed to the houses along the route; company representatives are walking the route, putting pieces of information in mailboxes; and an extensive job is being done to notify people in the general area. Newspaper notices will continue along with web site updates.

• Probate Court Reorganization – Mr. Milone spoke to the administrator of the Probate Court and the Judge in Southington. The Cheshire and Southington Courts are consolidated; Cheshire is now part of Southington; and the court will be located in Southington Town Hall, 2nd floor. Mr. Milone was assured that there will be sessions held in Cheshire once a week, half day in the a.m. on one day, and half day another day in the p.m. in a Town Hall conference room. If there is a greater demand there will be more trips to Cheshire. Mr. Milone will transmit a letter to the Southington Court and the Probate Court Administrator indicating Cheshire is agreeable to this on the conditions outlined. The decision must be formalized by June 30th with the actual court transfer taking place.
on January 1, 2011. Regarding the two days a week of court in Cheshire, Mr. Milone cannot agree this will be satisfied because the judge who committed to it is up for re-election, and if he is not re-elected, we are dealing with another probate judge. The Court Administrator strongly indicated this is the intention throughout the State where courts are being closed, to insure availability of hours in all towns.

- Tree Trimming Schedule – This information is on the web site, with 67 streets and 40 miles being done, and this is part of the energy reliability initiative. The Energy Commission has kept CL&P on target with the tree trimming. More information will be in the Cheshire Herald.

- Community Pool Marketing Initiative – a successful marketing plan and initiative was done 5 years ago coordinated by Sheila Adams and Arnett Talbot. This year direct mailers will be sent to 50,000 households in 22 area towns letting people know about the availability of the pool. The cost is $2,700 for the 3 mailings. The mailings are being done by a company which sends notices in packets. The marketing is being done in collaboration with the high school video group which will profile the pool, its activities and membership. This summer, it is possible the concession stand will be opened up.

- Explanatory Text Pool Referendum – the text will be mailed by Friday with the senior citizens helping with the mailing. The cost of the referendum is $13,642.11, with all detailed costs built into the budget for the Town Clerk and Registrars of Voters. The detailed costs were in the packets.


Mr. Adinolfi commented on the larger number for the referendum, $13,000, than the one previously discussed, which was $4,000 to $5,000.

In response, Mr. Milone said it is higher than the general information he had received in the past, which was $5,000 to $8,000. A stand alone referendum had not been done for so long the actual costs were not recalled, and over the years the numbers have changed. There is additional cost because of the new voting machines, and printing of 9,000 ballots. This is the first stand alone referendum in a long time, and the original estimated costs for the referendum were from numbers of 12 years ago. The estimate for the pool workers could be overstated.

Mr. Adinolfi asked if there is anything in the public record on the Police Department initiatives which are going on.

This will be discussed in executive session, and Mr. Milone said the Personnel Committee discussed a consensus building initiative effort, bringing in a consultant at $9,500. The committee was supportive of this and suggested the
full Council be alerted before proceeding. The reasons for waiting will be explained in executive session. The Town administration has initiated the town wide FISH program at the Police Department and all departments. This is a program to improve morale, etc. Also, the Police Department is moving ahead with the rewrite of the rules and regulations which was a major recommendation from the ICMA report.

Mr. White questioned why there is only one location for the June 22nd referendum at the high school. He believes there should be 7 locations which makes more sense, and questioned the logic behind one location.

According to Mr. Schrumm it has been tradition to have only one polling location for a stand alone referendum.

Stating he prefers 7 polling locations, Mr. White asked if this could now be done.

It is too late to change the polling locations, and Mr. Milone said he could not speak for the Registrars and Town Clerk. It is tradition to have a single polling place for a stand alone referendum. One advantage is that the referendum is being held after school is closed, in the most central, largest and most convenient facility for people to vote. As far as primaries in August, because they are districts, there are requirements to have polling places in districts.

Mr. White asked if absentee ballots (applications) are now available in Town Hall.

Mr. Milone believes they have been sent out. The Town Clerk will insure there are repeated notices in the newspapers about absentee ballots.

Regarding the Probate Court reorganization on January 1, 2011, Mr. White asked if the Judge’s term also begins on that date.

Mr. Milone believes the date is January 1st for the Probate Judge. What is still unknown to Cheshire is the cost for the Court to be in Southington. He is working with the Town of Southington on what the costs would be.

Mr. White asked about the arrangement the Town had with Prospect.

In reply, Mr. Milone said they pay based on grand list. The cost of the court is determined, and Prospect paid proportionately based on how much their grant list is of the total of the two grand lists. It can be done by grand list or population, and Mr. Milone will explore this further. There will be a cash outlay, and the Town does not see the cash coming in because it goes to the probate budget, reducing the amount of the subsidy the Town has to pay. There is no revenue item in the Town budget.
Mr. White asked if the Town Manager put the numbers of the pool users on the web site beyond daily passes, parties, scuba classes, etc.

Mr. Milone advised that the information the Pool Committee used is the best information available. The committee received the usage numbers, which are gross numbers. You cannot distill these numbers down to 4,000 visits really being 380 people because it is impossible to figure out the duplicates. The numbers can be put on the web site.

According to Mr. Sima, the numbers requested by Mr. White are the specific numbers of people who actually entered and exited the building.

It was stated by Mr. White he does not want solid numbers, and has been to a birthday party at the pool. He understands the complexities in getting hands around these numbers, but wanted a ball park number.

It was noted by Chairman Slocum that Mr. Wetmore stated 43,000 people logged in at the pool last year.

Mr. White wanted other numbers for parties, classes, etc. and believes this information would be of interest to people before they vote on the referendum.

Mr. Schrumm stated this information is available on the sheet which the committees (Pool and Budget) had.

With regard to these “numbers” Mr. Milone said there were 720 birthday parties, but no information on how many people attended each party, and this is why numbers of this type are impossible to define.

Ms. Giddings asked about the Public Works Department hiring summer employees for maintenance, etc.

Most of the college kids are here and working, and Mr. Milone said they are working on road jobs, doing building work.

Ms. Giddings asked if they normally work Monday through Friday.

Mr. Milone said that is the normal work week.

Ms. Giddings said she heard a concern having seen, on Saturday, May 29th at 9:30 a.m., a DPW truck with mulch come out of the Senior Center and go up to the parklet at the Maple Avenue parklet. She wondered if this involved overtime, and if so why this work was being done on a Saturday.
In that regard, Mr. Milone said it was probably a Parks Department truck, with maintenance work being down on the parklets. He will look into this and advise Ms. Giddings.

The memo on fiscal year 2011 budget reallocations was discussed by Ms. Giddings. She cited the specifics regarding the Assistant Town Planner position being eliminated and increased hours for the Zoning Enforcement Officer to 25 hours per week as suggested by Town Planner Voelker. Ms. Giddings noted that she suggested this action at a Budget Committee meeting as a way to reduce the overall Planning Department budget, leaving a position vacant due to less work in this department. Had she known this information would be received by the Council, Ms. Giddings said she would have brought the memo from Mr. Voelker outlining the reasons why the assistant town planner is so essential. In two months this has been completely re-thought. Ms. Giddings said she recalls Mr. Milone telling her, at that meeting, that the position was vital because there could not be an agency such as the Planning Department not staffed while the Town Planner was on vacation.

Mr. Milone stated it was a credit to Mr. Voelker to continue to revisit and evaluate this, since he could have taken the path of least resistance, insisting he needs the position. Mr. Milone said Mr. Voelker took a more responsible position and came to the conclusion, after 6 to 7 more weeks of analyzing the situation, that with reorganization of his department, he could survive without this position. It was never discussed with the Council to expand the hours of the Zoning Enforcement Officer. The recommendation was to eliminate the Assistant Town Planner position.

As part of the resolution which Mr. White introduced on the night the budget was adopted, Ms. Giddings said one of the items was to increase the ZEO hours.

During committee discussions, Mr. Milone the increase in the ZEO hours was not part of the discussion. The key element here is that this officer is needed, and would have to be funded for 25 hours. In the absence of Mr. Voelker someone in the office must have supervisory authority. Mr. Milone would ask the Council to reclassify the position of the Environmental Planner to include supervisory authority with a small compensation.

Chairman Slocum recommended that this matter be discussed further in executive session and then be considered by the Council at the next June meeting.

Mr. Milone did not want this matter to be discussed, and said he simply wanted to alert the Council to the issue. Mr. Milone would like the Budget and Personnel Committees to meet and consider the matter.
It was made clear by Chairman Slocum that this matter is not settled; it is a matter for the Council; and it will be handled in an appropriate place.

Mr. Adinolfi asked if the applications and absentee ballots are available in the Town Clerk’s office now.

This will be publicized on the web site and Mr. Milone will clarify this with the Town Clerk.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
Attorney Johnson informed the Council there was a recent complaint filed in Superior Court with respect to a curb cut which is a minor issue being addressed by his office. The major pieces of litigation pending are the Baker lawsuit and Connecticut Combustion lawsuit, with nothing new to report on them. With regard to the number of hours for legal services for the Connecticut Combustion lawsuit, Mr. Johnson said he did not have the exact number but it is significant, and he would provide the information to the Council.

10. REPORTS OF COMMITTEES OF THE COUNCIL.
A. Chairman’s Report
B. Miscellaneous
Planning Committee – Mr. Sima reported that the committee met, discussed a cell tower proposal for the waste water treatment plant with AT&T to fill the gap between Meriden and Cheshire. The tower would be located close to the soccer fields in the perimeter of the plant. There will be a crane in the area in order to determine visibility, and the height of the pole would be 150 to 180 feet. The committee discussed having a bid for removal of the invasive species, getting the area back to hay fields at Boulder Knoll Farm. The barn at Boulder Knoll Farm has rotted and is coming in on itself, is ready to start shifting and moving, and will be demolished.

The Route 10 Traffic Study was also discussed, with the Town trying to get the lights repaired on Route 10 to get the lights flowing more smoothly, rather than being in default mode. The committee wants to get a DOT representative to a meeting to get the lights repaired with DOT paying for some of the cost.

The Planning Committee will meet on Wednesday, June 16th, and one agenda item will be the turf field and track at the high school to insure there are proper procedures so the project can move through as fairly as possible. There are regional 911 call centers throughout the State, with one in Prospect. The committee will be looking into the possibility of using one of those sources for dispatching the Town’s 911 calls. Another item is looking at the Town roads which are getting worse, and Mr. Sima wants to make sure we are more
proactive so these roads do not deteriorate further, and find a way to address them more quickly.

Personnel – Mr. Ruocco reported that the committee will meet on Thursday, June 17th to discuss the Assistant Town Planner position and the non-union employees salary ranges. The committee will also discuss the Town Manager’s goals and objectives.

Budget – Mr. Schrumm stated that the capital budget will be submitted by July 10th by the Town Manager.

Solid Waste – a meeting will be set up by Mr. Falvey to include discussion on the single stream recycling and the transfer station.

Audit – Mr. Ecke stated that the Financial Report has been accepted, and McGladrey & Pullen selected as the auditor for the next 5 years.

Ordinance – Ms. Giddings advised there would be a meeting later in the month.

Regarding the roads, Mr. White asked about the Council setting criteria to be used for various Public Works projects and setting a budget for the road work.

11. APPROVAL OF MINUTES
   Regular Meeting of May 11, 2010; Special Meetings of May 18 and 25; Public Hearing of May 25, 2010.

   MOTION by Mr. Adinolfi; seconded by Mr. White.

   MOVED that the minutes of the Regular Meeting of May 11, 2010; Special Meetings of May 18 and 25; Public Hearing of May 25, 2010, be approved subject to corrections, additions, deletions.

   VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports.
   WPCA – Mr. Schrumm reported that the Authority is working on the final scale of the WWTP upgrade, with the last report indicating a cost of $31 million. The Facilities Plan, which is the 20 year overview of what will happen with the Town’s sewer system, will go out to public hearing on June 23rd.

   Energy – Mr. White encouraged the Council to tackle the State goal of 30% reduction in Town energy consumption by 2015. He requested that this be included as part of the Town Manager’s goals and objectives. Mr. White said we can reduce the consumption by 30% because there is a baseline from 2008-09
thanks to the Town Manager and his staff, and the Department of Education staff.

B. Appointments to Boards and Commissions.

MOTION by Mr. Adinolfi; seconded by Ms. Giddings.

MOVED that the following appointments be approved:
Marta Farb (D) to the Performing and Fine Arts Committee, replacing Hilary Rutberg, term of office 6/8/10 to 1/31/11; Nancy Blomstrom (D) to the Public Safety Commission, replacing Raymond Sirico, term of office 6/8/10 to 1/31/12; Peter Talbot (D) to the Inland Wetlands and Watercourses Commission, replacing Ben Alderton, term of office 6/8/10 to 1/31/12.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council

B. Miscellaneous

14. EXECUTIVE SESSION

A. Pending Claims and Litigation

B. Personnel Issues

C. Land Acquisition

MOTION by Mr. Ruocco; seconded by Mr. Schrumm

MOVED that the Town Council enter Executive Session at 10:10 p.m. to include Town Manager Milone, Personnel Director Zullo, to discuss personnel matters.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 10:30 p.m.

VOTE The motion passed unanimously by those present.
15. ADJOURNMENT

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

MOVED to adjourn the meeting at 10:30 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk