MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 9, 2010 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present
Chairman Tim Slocum; Vice Chairman David Schrumm; Justin Adinolfi, Michael Ecke, Andy Falvey, Anne Giddings, James Sima,
Absent: Thomas Ruocco
Staff: Michael A. Milone, Town Manager
Guest: Attorney Derek Werner

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 the 250th anniversary of St. Peter’s Church
Chairman Slocum presented the Certificate of Recognition to Rev. Sandy Stayner of St. Peter’s Church. On behalf of the Cheshire community and the Council, Mr. Slocum extended congratulations to the St. Peter’s Church congregation on the Church’s 250th Anniversary.

Rev. Stayner accepted the Certification of Recognition, stating it was a privilege to receive it on behalf of St. Peter’s Church. She thanked the Council for its recognition of the Church’s 250th Anniversary.

B. Proclamation for Cheshire Food Drive.
Chairman Slocum read the proclamation for the Cheshire Food Drive.

C. Public Comments
Chairman Slocum expressed relief of the community for the verdict in the Hayes trial. He expressed gratitude to the Cheshire Police and Fire Departments which helped bring the trial and verdict to its conclusion.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #110910-1

RESOLUTION #110910-1
CONSENT CALENDAR FOR NOVEMBER 9, 2010
BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 9, 2010 as follows:

A. Acceptance and appropriation of an $18 donation from the Fall Festival for the Cheshire Fuel Bank.

B. Acceptance and appropriation of $21 from Operation Fuel Inc., To the Cheshire Fuel Bank.

C. Acceptance and appropriation of a $600 donation from the Saint Thomas Becket Social Action Committee for assistance to needy Residents.

D. Acceptance and appropriation of $760 from the Judicial Branch Special Services to the Parks Gift Account for park repairs and General services.

E. Authorization to apply for Connecticut Department of Transportation Annual Comprehensive DUI Enforcement Program reimbursements Grant for approximately $13,575.

F. Acceptance and appropriation of a $2,000 donation from the Archdiocese of Hartford to the Cheshire Fuel Bank.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Acceptance and appropriation of Yankee Gas payment of $8,150 for repairs to the irrigation system at the sidewalk Construction project at the Route 70/68/10 Parklet

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

BE IT RESOLVED, that the Town Council approves Resolution #110910-2

RESOLUTION #110910-2

BE IT RESOLVED, that the Town Council accepts and appropriates $8,150 from Yankee Gas for repairs to the landscaping and irrigation system at the sidewalk construction project at the Route 68/70/10 Parklet.
Discussion
Mr. Schrumm explained there was a prior resolution of the Council regarding receipt of money from Yankee Gas to repair the sidewalk where the vaults/valves for the new gas line were installed at the parklet. This resolution #110910-2 is for additional money which was negotiated by Mr. Sitko with Yankee Gas to repair some of the landscaping and return the parklet to its former glory.

Mr. Sitko advised that he and Parks and Rec Director Ceccolini were involved with this project, and they expressed their displeasure to Yankee Gas about the condition of the parklet. They asked Yankee Gas for money to mitigate this condition and bring the parklet back to its former attractive condition. The work would be done in Spring 2011.

Mr. Falvey asked about the strip of land contiguous to St. Peter’s Church and if the Town still owns this land, or if it was transferred to anyone.

Mr. Milone advised that the Town still owns this parklet piece of land.

VOTE The motion passed unanimously by those present.

B. Acceptance and appropriation of a $100,000 STEAP grant for Streetscape improvements in the West Main Street commercial District.

MOTION by Mr. Falvey; seconded by Mrs. Giddings.

BE IT RESOLVED, that the Town Council approves Resolution #110910-3

RESOLUTION #110910-3
BE IT RESOLVED, that the Town Council accepts and appropriates a Small Town Economic Assistance Program (STEAP) grant in the amount of $100,000 for West Main Street streetscape improvements, and authorized Town Manager Michael A. Milone to execute any and all documents and agreements for said grant.

BE IT FURTHER RESOLVED, that Michael A. Milone was appointed Town Manager on May 5, 2000 with an indefinite term. As Town Manager, Michael A. Milone serves as the Chief Executive Officer for the Town of Cheshire, and is duly authorized to enter into agreements and contracts on behalf of the Town of Cheshire.

Discussion
Mr. Sitko explained that this is the third of three grants received for this project. The Town applied for $350,000, but the STEAP money was spread around to many towns this year, and the largest grant was $250,000. Phase #1 of the project is near completion, and there is another stretch to be accomplished…to
install granite curbing from Willow Street to Warren Street. While the road is torn up due to the gas line project, it makes sense to do this work now.

Mr. Sitko met with businesses affected by this work on the south side of West Main Street, and lines of communication have been kept open during this project. Some of the businesses lost money due to the gas line project, and they have all agreed to go forward with the sidewalk project.

The plans for Phase #2 are going to the DOT in a few weeks, and once they are reviewed and approved, Phase #2 will be bid. There will be coordination of this phase of work with the culvert reconstruction. DOT has appreciated the cooperation of the Town of Cheshire on this project.

The $100,000 grant will, hopefully, bring this project in at budget, but this will depend on the bids for Phase #2 and which contractor gets the low bid. The current contractor is very good, prices are good, and this is the reason several change orders were written...to keep him working because we may not see that unit pricing for Phase #2. Everyone is satisfied with the contractor who is now doing the work.

According to Mr. Sitko, the initial cost for the project was $1.1 million to $1.2 million, and it is hoped it will come in at $1 million. If Phase #2 comes in over $1 million, the streetscape committee will have to make some decisions on certain elements of the project.

Mrs. Giddings stated her understanding that this project was proposed as being of no cost to the taxpayers through local tax dollars. She expressed her opinion that she would be very reluctant to spend any tax money to add to the grants received for the project. She hopes the bids come in the lower range, that the committee looks at them carefully, and said the project should not cost taxpayers any money.

Stating he agreed, Mr. Sitko noted that the project was represented on many occasions, to the Council, as coming in at $1.1 million. But, in this economic climate he wants it coming in at $1 million or under.

This is a State grant funded project and Mrs. Giddings said it is not a locally funded project.

Mr. Adinolfi asked about the decorative lights still being included in the overall design of the first phase.

The decorative lighting is included, and Mr. Sitko said four lights are out there now. There is supposed to be 12 to 13 lights which were ordered over a year ago. CL&P only delivered four lights, and we are waiting for the rest to be installed.
Mr. Falvey stated it is important to know that the lighting belongs to CL&P and we are on their schedule even though the Town contracted and asked for the lights.

Regarding the entire West Main Street project, Mr. Falvey said this is a fairly isolated commercial district, surrounded by residential areas. The area has grown because of the canal, and what is left is the legacy of the commercial area of the past. With increased use of the Linear Trail and other activity on this road, making this commercial district more pleasing to the eye and more appealing for people to do business there, helps many Cheshire businesses which are big taxpayers. He agreed that the Town does not want to spend tax dollars but the street scape makes the area better, improves the commercial health of the community, and is an important project for the Council to approve.

Mr. Sima asked about the widening of West Main Street beyond the DOT requirements, adding some lane width because of the possible expansion of the Linear Trail crossing area. This is about a $40,000 line item in Phase #2. He asked if DOT would pay for any of this work.

In response, Mr. Sitko said this came from the Town as a recommendation from the public safety agencies, so the Town will have to pick up or share this cost. Mr. Sitko reminded the Council that cost of the culvert reconstruction and island of refuge will be paid by the State. They will also help with putting down the base for the pavers.

Mr. Sima stated he does not like to vote for grants because they always end up costing the Town money. He voted for this grant due to the possibility of a projected $350,000 request offsetting any possible cost to the Town to complete the project. Now, we have $100,000, and if we come in at minimum budget with low bids, we may finish the project at this point. He requested that the project not exceed the grant funds. If necessary, there should be pulling back extensions or lengths of sidewalks on either side. There are other places the Town needs money, and decorative lights are not the best thing on which to spend money in these economic times. He will not vote to spend any Town money to fund this project.

If changes need to be made to the project costs, Mr. Sitko said it will be done, and other funding will also be looked for.

Mr. Slocum thanked Mr. Sitko and the committee for their work in driving the dollars down, and he hopes the project can be done, under budget.

Mr. Schrumm hopes the project comes in under $1 million, and said it would be helpful to let the public know what is coming to this area of Town. We are waiting for the State to do a big part of the project. He said Mr. Sitko and the committee have done a great job with this project. The State is paying for the
crossing of West Main Street with the island of safety for future extension of the Linear Trail. Next summer work will be done by the State. Cheshire does not have a downtown per se, and this is one of the economic areas of the Town. This is being built to make this area more attractive and bring more businesses to this area. Expansion of the Linear Trail will also assist businesses in this district.

Mr. Sitko commented on the sidewalks being another element to link up towards Waverly Street, and grant opportunities will be looked at for this work.

When buildings are renovated, more rent can be charged and Mr. Schrumm said this brings in more tax dollars, and with renovation of areas of Town there is payback to the Town.

VOTE The motion passed unanimously by those present.

C. Approval of tax assessment appeal settlement (possible executive Session)

D. Approval of Regional Water Authority Conservation Restriction, (possible executive session)

8. TOWN MANAGER’S REPORT AND COMMUNICATIONS

A. Monthly Status Reports

B. Departmental Status Reports

C. Other

Quarterly Report – the report is from September 30, 2010; there are no concerns at this time; there is caution going out the remainder of the year. One concern is what happens with the current State budget. The last time we had a new Governor, municipal aid was cut in the middle of the year. Mr. Milone advised that the Town is holding back 5 CNR projects totaling $745,000 to later in the year.

Settlement of tax assessment appeal – will be discussed in executive session with Mr. Panagrosso; there will be a review of total appeals to date and the impact on tax revenue; all future settlements will be deferred to July 2011.

Monthly Financial Report – there are no changes in expenditures for October.

Public Works Electronic Recycling – there is no longer the ability to take advantage of monthly recycling; a company has been found which will do free electronic recycling; and there is a plan for an electronic recycling day at the
transfer station in a few weeks. After that we will have a roll off truck for electronic recycling at the transfer station.

Single Stream Recycling – A. J. Waste, our hauling contractor, has decided to go ahead with single stream recycling, and it will be implemented as of the December 1st collection. The only real change is the use of a packer truck for the recycling, and current items will be expanded, with paper still put into bags. There will be no change for the public because the same items will be accepted.

Public Works Projects – there is a memo in the Council packets on these projects and their status; if there are any concerns or comments, Councilors can e-mail Mr. Milone. There is the possibility that Schoolhouse Road may not be completed before the winter. Marion Road has only 2 poles moved by CL&P, and 2 more must be moved. Country Club Bridge project will be completed and opened on December 17th.

Bartlem Park Camera Surveillance – the cameras are being installed; electrical work will be installed next week; and then the cameras will be in operation.

AT& Cell Tower Testing – AT&T wants to erect a cell tower at the Waste Water Treatment Plant, and wants to conduct testing. The Town had to enter into an agreement with AT&T and it has been signed. The intention of the company is to do testing the week after Thanksgiving, and the Town will have 2 weeks notice for the public to visit the site or be aware of the testing taking place. There will be a crane testing heights at 170 feet, 150 feet and 120 feet. The determining factor is finding out how far the signal will go.

Police Chief Recruitment – the panel met with 8 candidates; 4 were interviewed by the Town Manager; there are 3 final candidates to be interviewed; after next week Mr. Milone will make a selection of a new chief. There is one internal candidate.

Yankee Gas Project Status report – there is no construction activity for the coming week; some pressure testing will be done along with some partial paving this week; traffic will be slowed considerably and one lane of traffic closed; most of the paving will be done next Spring.

Dept. of Corrections – inmate capacity report in the packets; there are no inmates housed at Webster CI.

Certificate of Referendum Vote – The Town Clerk certified the referendum vote; the high school track project was defeated; this reduced the bond sale to $8,675,000 to reflect the $375,000 appropriation was denied.
Bond Sale – the sale is November 18, 2010 for $8,675,000. A presentation was made to the rating agencies with an update of what has happened in Town in the last 6 months. Mr. Milone believes the Town’s ratings will be maintained.

Pension situation – Mr. Milone reported that he discussed this situation with the rating agencies, and the fact that Cheshire will be making changes to the assumptions. He also told them that the Council will be exploring the possibility of phasing in on the difference of the current contributions and what the Town will have to contribute. The agencies were accepting of this. They have heard this from other municipalities. Mr. Milone believes the rating agencies recognize this as the only realistic way to address the differences in the contribution levels, and it will not have a detrimental effect on the Town. Municipalities are suggesting this; financial advisors have seen it repeatedly with other clients; so the rating agencies are adjusting their standards to recognize the reality we are all facing. As long as the Town commits to what it sets out to do, it is credible and the agencies accept the plan.

Upcoming meetings – November 15th, Budget/Town Council and November 16th, Personnel/Town Council. At the November 15th meeting there will be pre-planning on next year’s budget. The November 16th meeting will finalize the Town Manager’s evaluation and complete establishment of his goals and objectives.

Mrs. Giddings was pleased to learn about the electronic recycling taking place, and suggested it be done after the holiday season. It was indicated a company will do this for free, at the transfer station on an off day, and she asked if a Town employee would be present at the event, with a cost to the Town.

There would be 2 or 3 Public Works Maintainers for the 5 hours of the recycling event, and Mr. Milone said this is a small expense incurred in order to have an important convenience to the residents. We could bring the roll off and incorporate the electronic recycling into the regular bi-weekly operation of the transfer station. But there is a concern this could not be handled with an overwhelming deposit of materials the first time. The roll off may not be large enough, and will choke the normal traffic in and out of the transfer station.

Mrs. Giddings agreed this is important to do, and agreed that this is not being done without cost to the taxpayers. With the single stream recycling, she said all plastic can go into the blue bin, and be done at the same time with a different truck picking up the materials.

At this time, Mr. Milone said A.J. Waste will not pick up plastic above #7. Regarding the transfer station, the service provided by the hauler will have no cost to the Town. The only cost will be some overtime for maintainers, but the mill rate will not be affected since the cost will be absorbed in the current bottom line of the Public Works budget.
Without doing this electronic recycling with a cost to the Public Works budget, Mrs. Giddings said this budget would come in under budget at the end of the year with more of a surplus. She believes the operation will be helpful. Regarding the idea of waiting until after Christmas, Mr. Milone said it will be given consideration because there will be more electronics to be disposed after the holidays. He will pursue this.

Mr. Falvey said that the concept of using an off week for the initial electronic recycling goes to the idea of the problems with the bulky waste pickup. The first time this operation is done there will be a huge influx which could cause logistic problems. Having it during an off week will mitigate some of those factors. After that, this recycling will be available when the station is open.

Single stream recycling was discussed by the Solid Waste Committee, and Mr. Falvey said one concern was co-mingling everything except paper. The paper is segregated, placed in a bag in the same bucket, and is still part of the single stream recycling. Mr. Falvey expressed his concern about loose paper blowing down the road, and the need for the residents to put papers in the bag for pickup by the packer truck.

Mr. Schrumm commented on the RWA or CRRA doing recycling at the high school last year and the high volume of recycling. He questioned whether having more than one roll off truck will be necessary.

Mr. Milone advised this was CRRA and the recycling operation was open to the 5 towns in the consortium, with heavy participation from Wallingford and North Haven. They also offered a shredding service which will not be done at our transfer station. It is expected we will have a significant response to this service, and this is why it would be done on an off Saturday.

Mr. Sima commented on the cell tower testing with 170 feet cited, noting it was originally 150 feet, and he asked about the height number. The flag pole design of 150 feet; the standard design of 120 feet; and getting more rental space on the tower were raised by Mr. Sima. He wants to be sure the Town is notified on the height because we are getting to the 200 foot mark. He also asked about the Public Works projects, particularly Marion Road where the poles are still not done. Mr. Sima stated that, in the past, CL&P had a liaison to the towns, and asked if this vehicle has been used, and if the Town is putting pressure on CL&P. He said there are only a few more weeks before paving is done and that project will sit until May. He asked if the paving can be done without having the poles moved, and implications of this.

Regarding Schoolhouse Road, Mr. Sima asked if this construction will start on this heavily traveled industrial road. Putting drainage in during the winter will lead to complications for trucks going up and down the road. If this work is not
finished, he questioned how the effects of digging up the road will be minimized, leaving the road open for another winter with cuts, patches, etc.

For clarification on Country Club Road, Mr. Sima asked if the road will be opened up by the middle of December to traffic and if the project is on schedule.

In response to Mr. Sima’s questions, Town Manager Milone stated that for the cell tower, there was never talk about anything over 150 feet. AT&T can do nothing without Council approval. He thinks these are the standard test heights for signal waves. He will discuss the issue with the AT&T rep.

For Marion Road, Mr. Milone said this road could have been finished last year if the 4 poles had been moved. He agreed with Mr. Sima’s concerns, and he will pursue this matter.

For Schoolhouse Road, Mr. Milone will follow this up with the PW Director and advise the Council. If problems will be created on this road, it may be best not to start anything at this time.

Country Club Road information was given to Mr. Milone by Mr. Michaelangelo, and he will forward this to the Council.

With regard to Boulder Knoll Farm, Mrs. Giddings asked about the water samples being checked by Chesprocott, and if all the water is now usable. Also, she asked if this water will be made available to the Friends group.

Mr. Milone said he understands the water is potable, and can be accessed by those who need it. This information has not been referred to the Friends group yet. Once Mr. Deegan’s situation is resolved, the Friends can access this water.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
   Executive Session

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman’s Report.

Audit – Mr. Ecke had no report. Mr. Milone explained that information from the actuary will be rolled into the audit document.

Budget – Mr. Schrumm noted the pre-budget meeting on November 15th; this year there will be two of these meetings, with focus on the pension issue, WPCA funding, and other budget issues. Mr. Schrumm asked Town Manager Milone to notice this meeting as a joint meeting with the Board of Education.
Ordinance Review – Mrs. Giddings said the committee is awaiting information from the Town Attorney’s office on questions referred to them on the Historic District ordinance and changes to be made.

Personnel – Mrs. Giddings advised that the next meeting is November 16th with the Council, with discussion on personnel evaluation.

Planning – Mr. Sima informed the Council there will be a meeting the week of November 22nd.

Solid Waste – Mr. Falvey reported that the contractor will be moving into a single stream recycling program, without any effect on the Town contract. It is just a different way to recycle. The opportunity for electronic recycling will be made available once logistics are worked out. People have been concerned about the environmental affects of metal electronics getting into the waste stream, and recycling them is of great benefit. The Town is looking for the least costly way to do this recycling through the transfer station.

B. Miscellaneous

Mr. Slocum commented on the Lights of Hope which took place this past weekend, and it was well received by the public. The Town of Cheshire is the recipient of a $10,500 donation to the Youth and Social Services Department. Mr. Slocum extended appreciation and thanks to the event coordinators and the people who participated in this event.

11. APPROVAL OF MINUTES

Regular Meeting of October 12, 2010; Special Meeting of October 26, 2010.

MOTION By Mrs. Giddings; seconded by Mr. Sima.

MOVED to approve the minutes of the Regular Meeting of October 12, 2010 and Special Meeting of October 26, 2010.

Correction: 10/12/10, page 8 – vote should read “No – Schrumm, Falvey, Slocum, Giddings, Sima; Yes – Adinolfi, Ecke, White.”

VOTE The amended motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Housing Authority – Mrs. Giddings reported there are new plans for the Rumberg Road project which were reviewed in detail for the residents of Beachport.
Environment – Mrs. Giddings reported on the commission’s plans for programs such as Earth Day, April 20, 2011 at the Library, and looking into access points for various Town owned property. Of concern is the Mixville Hills property without a convenient place to park. The Town Attorney is drafting an agreement in case adjacent property owners would approve access from their property.

Public Building Commission – Mr. Sima reported there was no quorum, but they reconvened the next week to insure everything was being done at the Dodd Kitchen in order to pay the contractor on time.

WPCA – Mr. Schrumm reported that the Authority approved ACOM as the design contractor for the sewer plant upgrade, which is a large project. The design work starts this month, and it will be done in about a year. There was discussion about getting a firmer dollar amount for inclusion in next year’s capital budget, and for referendum in November 2011.

Board of Education – Mr. Falvey reported that the Board approved the synthetic turf for the high school field, and will be asking the Council to appropriate the funds.

Public Safety – Mr. Falvey reported that the commission was looking into changing the visual aspects of cross walks at the various Linear Trail crossings. However, there is a State statute which requires all walks to be white striped, so nothing can be done to increase the awareness or visibility of these cross walks.

B. Appointments to Boards and Commissions.

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

MOVED that the Town Council approve the following appointments:

Zachary Welburn to the Zoning Board of Appeals (alternate) (R) filling the vacancy of Lou Murray, term of office present to 12/2/2011; and Daniel Grasso (R) to the Environment Commission, filling the vacancy of Robert Deasy, term of office present to 1/31/13.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to the Council.
Chairman Slocum reported on a letter from Ray and Norma Podhorn stating their opposition to tax dollars being spent on the artificial turf project for the high school.

B. Miscellaneous
14. EXECUTIVE SESSION

A. Land Acquisition

B. Pending Claims and Litigation

C. Personnel Issues

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

MOVED that the Town Council enter Executive Session at 9:00 p.m. to include Town Manager Milone for all matters; Town Planner Voelker for potential land acquisition issues; Tax Assessor Panagrosso for a tax assessment appeal; Attorney Derek Werner for pending claims and litigation.

VOTE The motion passed unanimously by those present.

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

MOVED to exit Executive Session at 10:02 p.m.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution #110910-4

RESOLUTION #110910-4

BE IT RESOLVED, that the Town Council hereby approves and authorizes the execution of a Tax Appeal Settlement Agreement by and between the Town of Cheshire and Bozzuto’s (Industrial Avenue LLC, Cheshire Industrial Development LLC) all of Cheshire, Connecticut, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement in the form and upon the terms and conditions as presented at this meeting.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution 110910-5.
RESOLUTION #110910-5

BE IT RESOLVED, that the Town Council hereby approves the execution of a Conservation Restriction Agreement by and between the Town of Cheshire and the South Central Connecticut Regional Water Authority for the former Moran property and,

BE IT FURTHER RESOLVED, that the Town Council accepts and appropriates proceeds from said Agreement to the Land Acquisition Account for reimbursement of purchase funds for said property and,

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement in the form and upon the terms and conditions as presented at this meeting.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

MOVED to adjourn at 10:04 p.m.

VOTE The motion passed unanimously by those present.

Attest:

____________________________________
Marilyn W. Milton, Clerk