Present
Chairman Tim Slocum; Vice Chairman David Schrumm; Justin Adinolfi, Michael Ecke, Andy Falvey, Anne Giddings, Thomas Ruocco, James Sima
Absent: Timothy White
Staff: Michael A. Milone, Town Manager; Dwight Johnson, Town Attorney
           Gerald Sitko, Economic Development Coordinator.

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
On behalf of the Town Council and the Town of Cheshire, Chairman Slocum extended condolences to Council Clerk Marilyn Milton on the death of her husband, John.

A. Public Comments
Derf Kleist, 251 Lancaster Way, commented on two items which he considers a waste of energy – the two SUV’s in the Police Department and the pool water being too warm. He read a statement about taxpayers questioning staff overtime, requesting citizen information, and then getting a traffic ticket.

Marie Lausch, 51 Colt Street, New Britain, CT, President of the State Dispatcher’s Union 222, addressed the Council in support of the Cheshire 911 Dispatchers. She said she was disappointed to hear that a Councilor said that the dispatcher’s job is not a professional one, and stated it is one of the most professional jobs one can hold. Ms. Lausch highlighted some of the responsibilities of dispatchers, their certifications, adherence to agency rules and standard operating procedures, and noted they must have security clearance by the FBI. She stated that dispatchers are the first responders in a crisis situation; they are responsible for knowing the status of all emergency units in the field; they work holidays and weekends and in snowstorms and catastrophes. The Cheshire dispatchers protect the Town from lawsuits with their professional demeanor. They are a wonderful group of people who should be treated with respect and dignity. Ms. Lausch displayed the 2009 Governor’s proclamation on the professionalism of the dispatchers in Connecticut.

Chairman Slocum stated that the Town Council fully understands the work of the dispatchers and respects them and the role they play in the community. They perform a noble service and are compensated fairly. He noted that any negative
comments were stated outside the Council Chambers. Mr. Slocum accepted Ms. Lausch’s statement on behalf of the dispatcher’s union, and said the service of the dispatchers is held in high esteem.

Councilor Ruocco informed the Council and the community that he will be unavailable after July 27, for 6 weeks, as he undergoes back surgery.

4. **CONSENT CALENDAR**

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

BE IT RESOLVED, that the Town Council approves Resolution #071310-1

**RESOLUTION #071310-1**

**CONSENT CALENDAR FOR JULY 13, 2010**

BE IT RESOLVED, That the Town Council approves the Consent Calendar for July 13,2010 as follows:

A. Acceptance and appropriation of $34.68 donation from the Tuesday Circle at the First Congregational Church to the Human Services Gift Account.

B. Acceptance and appropriation of $1,192.68 from the State of Connecticut Department of Asset Forfeiture to the Police Asset Forfeiture Account.

C. Acceptance of Connecticut State Library Historic Documents Preservation Program Grant in the amount of $6,000; and BE IT FURTHER RESOLVED, that Michael A. Milone, Town Manager Of the Town of Cheshire, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

D. RESOLVED, that the Town Council of the Town of Cheshire may enter Into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and

BE IT FURTHER RESOLVED, that Michael A. Milone, Town Manager Of the Town of Cheshire, is authorized and directed to execute and deliver any and all documents on behalf of the Cheshire Town Council and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.
E. Appropriation of $1,500 from the Mini-Bus Fund for FY 10-11 Greater Waterbury Transit District membership dues.

F. Acceptance and appropriation of a $100 donation from the Cheshire Lions Club to the Library Gift Account for general purposes.

G. Acceptance and appropriation of a $750 donation from the Connecticut Community Foundation to the Library Gift Account to support the “AM Duo: Violin & Guitar Virtuosos” concert.

H. Acceptance and appropriation of a $25 donation in memory of Sally Knapp from Ann Aldrich and Gary Home to the Library Gift Account for general purposes.

I. Acceptance and appropriation of a $25 donation in memory of Sally Knapp from Ruth and David Yager to the Library Gift Account for general purposes.

J. WHEREAS, the Department of Public Safety, Division of State Police (DPS) is a designated recipient and sub-grantee of a grant awarded to the State of Connecticut Office of Policy and Management by the United States Department of Justice pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, as amended, under award number 09RECJAGDPS-AFIS; and

WHEREAS, the DPS, as sub-grantee under the above referenced grant award is providing assistance to local criminal justice agencies by acquiring Live-Scan fingerprint equipment and providing this equipment to local police jurisdictions as permitted under the above referenced grants; and

WHEREAS, the Cheshire Police Department is a criminal justice agency which has demonstrated a need to acquire live-scan fingerprint equipment;

THEREFORE, The DPS and the Cheshire Police Department, by and through its Town Council of the Town of Cheshire enter into this agreement to provide a grant-in-aid to the Town of Cheshire for the delivery of Live-Scan fingerprint equipment, and

BE IT FURTHER RESOLVED, that the Town Council approves the indemnification clause in said agreement, and authorizes Town Manager Michael A. Milone to execute said agreement.

VOTE The motion passed unanimously by those present.
5. ITEMS REMOVED FROM CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Call for public hearing on the proposed Fiscal Year 2010-2011 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.

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

BE IT RESOLVED, that the Town Council approves Resolution #071310-2

RESOLUTION #071310-2

BE IT RESOLVED, That the Town Council shall hold a public hearing on to consider the Proposed Fiscal Year 2010-2011 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

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE The motion passed unanimously by those present.

B. Authorization to apply for $350,000 Small Town Economic Assistance (STEAP) Grant to supplement the West Main Street Streetscape project.

MOTION by Mr. Sima; seconded by Mr. Falvey.

BE IT RESOLVED, that the Town Council approves Resolution #071310-3

RESOLUTION #071310-3

BE IT RESOLVED, that the Town Council authorizes the application for a Small Town Economic Assistance STEAP) program grant in the amount of $350,000 for the West Main Street Streetscape Project.

Discussion
Mr. Sitko and West Main Street Study Committee Chairman Matt Bowman were present for this agenda item.
Mr. Sitko explained that the Town received two STEAP Grants totaling $950,000 for the West Main Street project. The committee is requesting that the Council approve application for a 3rd STEAP grant ($350,000) which came to the attention of the Town in the last two weeks. The submission date is July 20th. The grant awards will be decided in Fall or later in the year. The total amount of the project is $1,250,000. The committee had requested another $350,000 in the capital budget for the streetscape project. If the grant is received this money will not be needed for the project. With receipt of good bids, Mr. Sitko said there are other items in and outside the project which could be addressed.

Construction starts this week on the south side of West Main Street; and with these economic times the Town wants to continue the project and move it east with sidewalks and landscaping without being tied down to a specific area. On the north side of West Main Street the first sidewalks will go from Beachport to Main Street.

Mr. Sitko stated to the Council that with an extension of sidewalks outside the project area, the matter would come back to the Council.

The Council was advised by Mr. Bowman that this project has been long and drawn out due to problems with the culvert. The committee knew the Rails to Trails would be crossing West Main Street and wanted to include this in the project. If the monies are received the east portion would be done quickly. This project could be going on for the next 12 to 18 months. The State is talking about the culvert work in August 2011, and the Town project should be completed 3 or 4 months after that.

Mr. Falvey stated that going east up the hill, Grove to Beachport, is a good idea and would open up West Main Street to this area of town. His concern is the terrain on the north side of West Main Street, and he pointed out that all the houses are above street level. He asked if there is a plan to cut back the hill, put in a retaining wall and cut into property on the street.

According to Mr. Bowman there is no design yet, and the slope is less than 10%. There would have to be some sort of retaining wall to accommodate the snow shelf and sidewalks and space beyond that.

Mr. Adinolfi asked if we are talking about further up the hill, east, to extend curbing and lighting.

In response, Mr. Bowman said the design must be done first, then cost estimates, but he believes there would be curbing, sidewalks and lighting. It is hoped the Town gets the grant.

Mr. Schrumm assumes there will be wording in the grant that is broad enough for sidewalks to the east of the project. This would allow flexibility from the State in
the future. If there is money left over from the project the sidewalks could be done.

This can only be done with additional funding and Mr. Bowman said the project stops at Warren and Grove Streets, and the goal is to continue the project to Williams and Warren Streets. The language in the grant application will be broad enough to cover all the bases.

Mr. Sitko advised that the grant would be written to cover a number of options if the funding permits.

Mr. Schrumm commented on the thought that the Town would have to fund some of this project. Now, there are lower bids, and the project can move forward without Town money.

This is what the committee is hoping for and Mr. Bowman advised that the center of the project and the culvert would be done at the State’s expense.

Mr. Sima stated that this is a time sensitive matter and with $350,000 more in grant funds the Town may be relieved from any funding out of the capital budget.

VOTE The motion passed unanimously by those present.

C. Amendment to contract with Milone and MacBroom for engineering services for Phase II of the West Main Street Streetscape project for design and construction.

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

BE IT RESOLVED, that the Town Council approves Resolution #071310-4

RESOLUTION #071310-4

BE IT RESOLVED, that the Town Council approves additions to the Milone and MacBroom contract to include engineering services to complete the ongoing Phase I and the upcoming Phase 2 of the West Main Street Streetscape Project, as detailed in the attached proposal, at a cost of $71,500 in addition to the original contracted amount of $57,500, bringing the total contract to $129,000, and

BE IT FURTHER RESOLVED, that, pursuant to Resolution #091200-10 the Town Council authorizes the Town to hire Milone and MacBroom for this additional work in the amount of $71,500 for the West Main Street Streetscape project and directs the Town Manager to execute said addition to the contract for this project.
Discussion
Mr. Sitko explained that the committee received five bids, and decided to hire Milone and MacBroom. Because of the family relationship between the Town Manager and a principle of Milone and MacBroom the committee came to the Council and asked for its concurrence. Due to changes beyond the scope of this project, it necessitates an amendment to the contract, and this was submitted by Milone and MacBroom. The committee reviewed their proposal and concurred with it. The matter is before the Council again because of the relationship between the Town Manager and the principle of the firm. Mr. Sitko stated that Milone and MacBroom has been excellent to work with, and the firm has gone beyond the call of duty on this project. It is his hope and that of the committee that the amendment be approved by the Council to complete phase 1 and continue to work on phase 2.

Matt Bowman, Committee Chairman, made the Council aware that bids on the first phase of the project came in low. The committee wants to use Milone and MacBroom for the next phase of the project, and Mr. Bowman said they have done a wonderful job. They have performed above the scope of the work, have done counts of pedestrians on the Rails to Trails, worked with the State DOT on the culvert crossing, and the trail crossing. The firm had three designs for the crossing and the State chose the one they wanted. The committee requested the Council approve the amendment so Milone and MacBroom can be used for the next phase of the project.

Chairman Slocum commented on the overall fee being about 10% of the total project cost, and said this is very typical.

This was considered by the committee and Mr. Bowman agreed that 10% is the standard fee. The additional work done by Milone and MacBroom makes the amendment fair.

Mrs. Giddings said she assumes the additional costs would be paid out of the STEAP grant if it is received from the State. The costs are one of many expenses involved with the project.

Mr. Bowman said the grants already received and the additional grant would cover these costs.

Mr. Ecke commented on the fact that 5 firms bid the first time, and there were no competitive bids for phase 2, and the committee selected Milone and MacBroom.

In that regard Mr. Schrumm said that this amendment will take Milone and MacBroom to phase 2, the east section of the project, design, engineering supervision to the end of the line, including integration of what the State will do to the culvert. There should be no more design expenses for this project.
Mr. Sitko reported that the committee is very pleased with the work performed by Milone and MacBroom, and the decision was made to continue on with them rather than seek proposals from other engineering firms. This would have taken time and been cost ineffective.

VOTE The motion passed 7-1; Sima opposed.

D. Approval of tax appeal settlement (possible executive session)

8. TOWN MANAGER’S REPORT AND COMMUNICATIONS

A. Monthly Status Report

B. Department Status Reports.

C. Other reports

• Monthly Financial Report – the Council’s packet included the report to the end of June. Mr. Milone said that comparing revenues to expenditures will not reflect the projected surplus because there are some encumbrances that get cancelled on the expenditure side, and some additional revenues are expected. He reported that the projected general fund surplus is expected to be $1,020,000, or $100,000 more than predicted during the budget process, and about $200,000 more than estimated last month. There were more savings realized on the expenditure side and higher revenues. The revenue summary is on page 1, and shows the current tax levy at +$381,000 over budget, and the Town may achieve a 99.7% collection rate. Sixty days of taxes can be accrued so there is the potential for more revenue generated in the tax area.

• WPCA and Pool Budgets – both will be close to balanced budgets.

• Yankee Gas Line Project – there is a detailed listing of the night work on the web site; there is much activity in the center of Town; the work will continue for one month; and there is work taking place on Route 68 towards Waterbury Road.

• Tree Trimming Schedule – the Lewis Tree Company is conducting extensive tree trimming in Town, doing 67 streets and 40 miles of roadway. This is part of the energy reliability project with CL&P doing extensive, regular trimming program due to significant power outages in the past.

• Overtime Inquiry/Mulch Delivery – Mr. Milone noted that the Town is trying to constrain overtime this fiscal year, but he received a question about apparent overtime on Saturday, May 29th, Memorial Day weekend. A
truck was seen carrying mulch at the Senior Center and a question was raised about incurring overtime. Mr. Milone investigated this matter, and found out that overtime was not being incurred. A Town employee with a CDL license, who is also a volunteer firefighter, worked with the Fire Department to spruce up the fire house. They asked to use the Town truck to purchase mulch and spread it around the site to look nicer for the parade. Mr. Milone advised that the mulch was personally purchased by the volunteer firemen who did 4 hours of work at the fire house.

- Capital Budget Schedule – was in the packets; the budget will be received by the Council on Thursday; the first meeting will be held on Tuesday, July 20th. The public hearing is scheduled for August 18th, and adoption of the budget on August 24th.

- Road Reconstruction Status – the original paving schedule was submitted to the Council in February; streets that are checked have been paved; people marked with a “2” are ready to go with some storm drain work to be completed; the milling company will be in Town in a few days; and 7 days after the milling the paving contractor will follow. Those streets without a mark will be done mid to late August. The chip sealing street program has been completed for the streets identified.

- Country Club Road Bridge – the low bid was $590,000; the project will start August 2nd with lead time to everyone; the bridge will be closed for 4 months, starting the middle of August. There will be extensive signage in the neighborhood on this project and bridge closing, with possible rental of State flashing signs.

- Important Construction Projects under way include West Johnson Avenue to start very soon; Avon Boulevard paved starting next week; milling of Peck Lane from Grandview to Sandbank starting next week, and 7 days later the paving will be completed. Peck Land south is being ready for milling and paving to start in 4 to 6 weeks. Beyond Grandview on Peck Lane there is some drainage work to be done. This matter goes to IWW next week and is expected to be approved, with work starting in the summer.

Mr. Milone stated that in executive session there will be discussion on the process and resolution on long standing issues on condemnation.

In the Police Department report, Ms. Giddings noted that there has been an increase in larceny crimes and asked if this is due to the economic conditions and if it has been discussed with the Chief. Mr. Milone said he will gather more information for the Council on this issue, but said it could be a result of the economic situation.
Regarding road work, Mr. Falvey asked about the work on Country Club Road, and the Board of Education aligning its bus schedules.

Many discussions have been held and Mr. Milone is not sure of the final outcome on the bus schedules. The BOE has been aware of this project and he believes arrangements have been made.

Mr. Sima asked about Peck Land being completed before the start of winter.

The south section will be done and the section to Grandview will be done. Mr. Milone said the plan is to have the Grandview to Schoolhouse done, but the question could be delays related to IWW. The property issues have been resolved. It is expected to have this work done, and if there are problems he will inform the Council.

Mr. Schrumm commented on the call of public hearing for the capital budget, and alerted the public that the major capital projects will be the subject of this hearing. The public is encouraged to attend the meetings and talk about the projects.

Regarding the Lassen Barn, Mr. Schrumm asked about the status of the barn.

Mr. Milone said the last directive he got from the Planning Committee was to put together bid specs and go out to bid and this is on track to be done. When the bids are returned he will alert the committee before any action is taken. A State bid has been found to do the cutting at a cost of $7,000 and this begins shortly in all the areas outlined by the committee.

Ms. Giddings asked about demolition of the barn at the former Lassen Dairy Farm, and whether some of the pieces of lumber could be saved. The Land Trust is interested in having some of the timbers if a company can demolish the barn, and still save some useful pieces without additional cost. She said the DEP has sources of demolition people who will save historic or usable parts.

Chairman Slocum stated that all capital budget meetings will be joint meetings with the Town Council.

Chairman Slocum commented on the serious structure fire in Town in which all contents of the residence were unusable. The Fire Marshal wants to remind people of the importance of smoke alarms.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
No report

10. REPORTS OF COMMITTEES OF THE TOWN COUNCIL
A. Chairman’s Report.

a. Referral of the proposed ordinance creating a trust of Other Post Employment Benefits (OPEB) and reconfirming existing benefit plans to the Ordinance Review Committee.

Ms. Giddings reported the Ordinance Review Committee will meet on August 9th and OPEB will be on the agenda.

B. Miscellaneous

11. APPROVAL OF MINUTES
Regular Meeting of June 8, 2010; Special Meeting of June 22, 2010

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

MOVED That the Town Council approve the minutes of the meetings of June 8 and June 22, 2010, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Historic District Commission – Ms. Giddings reported that the commission is working on a new format for their regulations. In the past they have copied the State law, and have reformatted them in alphabetical order.

Environment Commission – Ms. Giddings reported they are continuing field trips to Town owned properties, and the committee has been considering the actual physical situation in Town owned properties, taking action to improve them.

WPCA – Mr. Schrumm reported that a public hearing was held on the Facilities Plan and the major upgrade to the plant. The plan will be adopted at the July meeting. There is an RFQ for an engineering firm for design of the plant upgrade, and then there will be selection of the firm.

Energy – Chairman Slocum reported on the Town’s use of the energy audit program with 650 residences involved. The goal is to get the program up to 10% of the population in Cheshire. The $50 fee is being extended further into the year for people to participate in the program. There will be a notice on the web site.

Committees of the Council
Planning – Mr. Sima reported on the trip to Northwest Communications to see the site and capabilities regarding the State wanting to regionalize all 911 calls. It was very impressive. The bill on the regionalization of towns under 40,000 population was vetoed by the Governor.

Ordinance Review – Ms. Giddings reported that the committee will be discussing all matters referred to it, including Historic District Commission fees, Police Chief recommendation that Public Safety and Prison Advisory Committee be consolidated, and PBC regulations and concern about their taking an inordinate amount of time to do its job.

Solid Waste – Mr. Falvey reported that the committee met a few weeks ago and discussed the use of the Transfer Station, further liability of the station, and its future as a low or no cost Town facility in lieu of the bulky waste pickup. There is room for more recycling, but it would be overwhelming to open up the site for bulky waste pickup considering the volume of items picked up in the past. The committee is looking at what can be done to provide additional services which will not overload the capacity. The committee discussed the viability of single stream recycling. The Town currently uses co-mingling recycling whereby everything, except newspapers, are put in one bucket. Single stream recycling would include newspapers, could be costly, and there is no facility to handle this type of pickup. The newspapers and cardboard are bundled separately.

Chairman Slocum commented on people being concerned about bulky waste pickup and it not being funded in the budget.

This was discussed by the committee, and Mr. Falvey advised that the committee is trying to determine the volume of the last bulky waste pickup. The annual cost for this pickup is $150,000; dedicated trucks are used; and all the material must be handled separately. This is why there was a question about opening up the Transfer Station for free bulky waste service. However, based on the past amount of volume it would overwhelm the station.

Audit – Mr. Ecke was given information to be submitted to the committee.

B. Appointments to Boards and Commissions

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

MOVED to appoint David Orsini, (R) 325 South Brooksvale Road to the Economic Development Commission, to fill the vacancy of Thomas Scannell, term of office current to January 31, 2014.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS
A. Letters to Council.
The Council received a communication from Town Clerk Soltis on the certification of the referendum vote of June 22, 2010; 1627 in favor; 2578 opposed.

B. Miscellaneous

14. EXECUTIVE SESSION

A. Pending claims and litigation
B. Personnel Issues
C. Litigation

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

MOVED that the Town Council enter executive session at 8:50 p.m. to include Town Manager Milone and Assessor Panagrosso to discuss a tax settlement claim; and Town Manager Milone to discuss personnel issues.

VOTE The motion passed unanimously by those present.

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

MOVED to exit executive session at 9:37 p.m.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution #071310-5

RESOLUTION #071310-5

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a Judgment by Stipulation for a tax appeal by and between the Town of Cheshire and Miller Napolitano Wolf, LLC for one parcel of a three-part property, described as 2037 West Johnson Avenue, and

BE IT FURTHER RESOLVED, that the Town Council hereby authorizes the execution of a Judgment by Stipulation for a tax appeal by and between the Town of Cheshire and Tri-Star Development, LLC, for one parcel of the same three-part property, described as 51 West Johnson Avenue, and

BE IT FURTHER RESOLVED, that the Town Council hereby authorizes the execution of a Judgment by Stipulation for a tax appeal by and between the
Town of Cheshire and Tri-Star Development, LLC, for one parcel of the same three-part property, described as 1953 West Johnson Avenue, 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 7-1; Schrumm opposed.

15.  ADJOURNMENT

MOTION by Mr. Schrumm; seconded by Mr. Falvey.

MOVED that the Town Council adjourn the meeting at 9:38 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk