Chairman Tim Slocum called the meeting to order at 7:35 p.m. Mr. Slocum read the fire emergency statement.

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.

Chairman Slocum moved agenda item 12B to current status on the agenda.

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

MOVED that Stephen Carroll (R) be appointed to the Cheshire Town Council, term of office current to December 5, 2011; and that Patti Flynn Harris (D) be appointed to the Cheshire Town Council, term of office current to December 5, 2011.

VOTE The motion passed unanimously by those present.

Ms. Flynn Harris and Mr. Carroll were sworn in by Town Clerk Carolyn Soltis and took their seats on the Town Council.

Mr. Ecke stated he was pleased to have Mr. Carroll take a seat on the Council and welcomed him back. He stated that Ms. Flynn Harris has a long history of service to the Town of Cheshire as a 10+ year member of the Planning and Zoning Commission and Library Board. Mr. Ecke is pleased she accepted the nomination to the Council.

3. **PUBLIC COMMUNICATIONS**

A. **Recognition of National Guard Specialist Ian Williamson.**
Chairman Slocum extended a welcome home to Mr. Williamson, and presented him with a Certificate of Appreciation from the Town of Cheshire and Town Council for his service to our country.

Mr. Williamson accepted the Certificate and thanked everyone for the heartwarming and wonderful welcome he received upon his return from Afghanistan.
Councilors personally expressed their gratitude to Mr. Williamson and wished him success in his future endeavors.

B. Introduction of Probate Judge-Elect Matt Jalowiec.
Chairman Slocum introduced Mr. Jalowiec to the Council and the community. Mr. Jalowiec reported he is working with the State of Connecticut Probate Court and will assume his duties on January 5, 2011. He advised that the Cheshire-Southington Probate Court will be housed in Cheshire, with 2 full time and 2 part time employees. The probate system is going more electronically into the 21st Century.

C. Introduction of Chief of Police Neil Dryfe.
Mr. Milone introduced Mr. Dryfe to the Town Council and the community as the new Police Chief for the Cheshire Police Department. Mr. Dryfe has 21+ years of service in the Hartford Police Department, and is serving as an Assistant Chief at this time. He has a Bachelor’s Degree from UConn, and a Masters Degree in Criminal Justice from Western New England College.

Mr. Dryfe said he is excited and pleased to be named Police Chief of the Town of Cheshire. He commented on the warm welcome he has received from the community and members of the Police Department, and elected and appointed officials. Mr. Dryfe assured the Council and the community that the department will remain “top notch”, and said it is a professional, competent and dedicated department. People can take pride in the service the department provides to the community, and he looks forward to helping the organization going forward. Mr. Dryfe said he will be open and accessible to everyone in the community, and his e-mail and phone number will be available to everyone.

Council members personally congratulated Mr. Dryfe and welcomed him to Cheshire and his new position as Police Chief.

D. Public Communications.
Derf Kleist, 251 Lancaster Way, questioned the use of some of the Cheshire Police Department resources with tax dollars after some members of the public question allocation of money towards the department. He commented on receiving a ticket from a police officer for failure to illuminate his license plate, when he could have received a warning. He said police cars should not be parked in the back lots of plaza areas.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-1.

RESOLUTION #121410-1
CONSENT CALENDAR FOR DECEMBER 14, 2010
BE IT RESOLVED, that the Town Council approves the Consent Calendar for December 14, 2010 as follows:

A. Acceptance and appropriation of a $75 donation from Patrice Noah, Anne Marie Orange, Duane Pekar and David and Katherine Bryant To the proposed amphitheater fund.

B. Acceptance and appropriation of a $10,500 donation from Cheshire Lights of Hope to the Human Services Gift Account for residents In need.

C. Acceptance and appropriation of a $115 donation from Town of Cheshire employees to the Human Services Gift Account for residents In need.

D. Acceptance and appropriation of a $1,500 donation from Cheshire Lights of Hope to the Human Services Gift Account for residents in Need.

E. Acceptance and appropriation of a $53 donation from the Judicial Branch Special Services to the Park Gift Account for park repairs and General purposes in need.

F. Acceptance and appropriation of a $100 donation from Nutmeg Management Services LLC to the Human Services Gift Account for Residents in need.

G. Acceptance and appropriation of a $200 donation from the First Congregational Church of Cheshire to the Cheshire Fuel Bank.

H. Acceptance and appropriation of a $30 donation in memory of Gregory Schena from Mary Malin to the Library Gift Account for General purposes.

I. Acceptance and appropriation of a $30 donation in memory of Hrach Mahakian from Gerald and Adori Corcoran to the Library Gift Account for general purposes.

J. Acceptance and appropriation of a $25 donation in memory of Lloyd Trulock from Diana and Kate Reilly to the Library Gift Account for general purposes.

K. Acceptance and appropriation of an aggregate $75 donation in memory Of Helen Clark from Leah and Al Sanders and Glen Scalia to the Library Gift Account for general purposes.
L. Acceptance and appropriation of a $25 donation in memory of Jay Pecoraro from Clippings Hair Studio (Kathleen Borrelli) to the Library Gift Account for general purposes.

M. Acceptance and appropriation of a $100 donation in memory of Elizabeth J. Dubea from Scarlett A. Tracy to the Library Gift Account for general purposes.

N. Acceptance and appropriation of a $5,000 donation from Keri Smith Watkins/Zoe’s Best Friend to the Library Gift Account for general Purposes.

O. Acceptance and appropriation of a $400 donation from Gerald and Adoria Corcoran to the Cheshire Fuel Bank.

P. Acceptance and appropriation of a $1,362.46 donation from Liberty Bank to the Human Services Gift Account for general purposes.

Q. Acceptance and appropriation of $390 from Youth Service Bureau Enhancement Grant to be used for positive youth development Programming.

R. Acceptance to apply for Municipal Grant Program for Senior and Disabled Demand Responsive Transportation.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM CONSENT CALENDAR (none)

6. OLD BUSINESS

7. NEW BUSINESS

A. Approval of 2011 Regular Meeting Schedule.

MOTION by Mr. Carroll; seconded by Ms. Flynn Harris

BE IT RESOLVED, that the Town Council approves Resolution #121410-2

RESOLUTION #121410-2

BEIT RESOLVED, that the Town Council approves the following meeting dates for the 2011 Town Council Regular Meetings. All meetings are held in Council Chambers on the second Tuesday of each month at 7:30 p.m. unless otherwise indicated.

VOTE The motion passed unanimously by those present.

B. Legislative Package

MOTION by Mr. Ruocco; seconded by Mr. Sima.

BE IT RESOLVED, that the Town Council approves Resolution #121410-3

RESOLUTION #121410-3

BE IT RESOLVED, that the Town Council accepts the Legislative Package as presented and amended, and authorizes the Town Manager to forward said document to Cheshire’s State Legislators.

Discussion

Mr. Milone reviewed the recommended list with the Council noting that he tried to recognize the State’s serious financial plight, and with the exception of the Clean Water Fund Program, none of Cheshire’s requests have a financial impact on the State.

1. Clean Water Fund Grant/Loan Program

With the upgrade of the waste water treatment plant at a cost of $20 to $30 million, the Town is trying to get a legislative change for this program to a 30% grant and 70% loan at 2% interest rate. The current program is a 20% grant and 80% loan at 2% interest. The Town is also facing a phosphorous removal requirement, and with the larger grant modification this would provide funding for this project. Also, the Town wants to get the statute changed from “nitrogen” to “nutrients”, which will qualify the Town to get the phosphorous portion reimbursed at a higher grant level. While the Town is eligible for this grant program, there are many other municipalities in the queue, and Cheshire is way down the list. It is unlikely the Town will receive a grant in the next year or two. Mr. Milone cited a frustration conveyed to him from Plant Supt. Dievert on the State’s outdated priority list for scoring municipalities. Mr. Dievert feels it does not recognize new process, equipment, technology being used by plants and that some communities have adopted changes required by statute, while others are phasing it in, and are preempting municipalities from grants for new projects. There are bonus points issued for diligence, and they are not adequate because towns like Cheshire do what is required, and other towns do not.

2. Real Estate Conveyance Tax

A few years ago the State allowed an increase in this tax to $2.50 per $1,000, and it sunsets on June 30, 2011 going back to the $1.10 per $1,000. This could represent as much as $370,000 to the Town.
3. **PILOT Payment**
There is a request to amend PA 10-171 to clarify that wireless telecommunication companies now be assessed by municipalities, and not be exempt. These companies make a PILOT payment instead of paying taxes on personal property, which depreciates to zero after 5 years, having no residual value. The companies do not disclose their personal property so the Town has no way of verifying accuracy or audit their report. Last year this changed with the new public act, but there was a mistake with the legislation not going into effect until a year after the PILOT payment ends. There would be an intervening year without a PILOT payment nor the ability to tax, representing a loss of about $250,000 in revenue. The amended public act would correct this legislation, so the one year hiatus is gone.

4. **Prevailing Wage**
This wage has not changed since 1991, and the Town is asking that for renovation and construction projects the minimum be increased to $400,000, and for new construction projects to $1 million. These limits and threshold amounts have been recommended by CCM’s Finance and Taxes Committee, which Mr. Milone chairs.

5. **Binding Arbitration**
The Town wants parity with the State, which has the right to reject a second award. Local municipalities only have the right to reject one award. The request is for towns to have the same statutory authority as the State.

Fund Balance – Mr. Milone cited the fact because Cheshire has such a healthy fund balance, arbitrators have used it against the Town as a measure of ability to pay. It is an imprudent way to determine the outcome of settlements. The Town's argument is that fund balance should no longer be part of the statutory standards or measuring stick on whether a community has the ability to pay or not pay.

6. **Defense/Enterprise Zone.**
When Pratt & Whitney announced it was moving out of Cheshire, our legislative delegation was successful in getting this property treated as an enterprise zone. This allows any future property owner to take advantage of tax credits and corporate business tax credits (real estate and personal property tax credits). At the 11th hour of this legislation’s approval there was a mistake made which says that “businesses located in a building vacant on July 1, 1998 qualify”. The language should have said “buildings that are vacant on or after July 1, 1998” should qualify.

Councilor Sima clarified the words “healthy fund balance” with Cheshire at the bottom end of using GAP accounting percentage of 7% or 8%. We are not at a high balance of 18% to 20%, but our percentage is still used against us.

Mr. Milone stated that Cheshire has a fund balance which is expected on GAP accounting principles and based on credit rating performance indicators. Many communities do not maintain that required level, so Cheshire stands out as its fund balance being healthy when it is consistent with what is expected of the town. This is
the first place unions go to and cite the town’s ability to pay 3% or 5% increases, and they see it as a fund for contract settlement.

Mr. Schrumm requested the Council be informed of items of interest and public hearings so Councilors can testify on some issues as this makes a difference to the legislators.

According to Mr. Milone, it is rare for local legislators visit and speak to the General Assemble, and he said their presence carries a lot of weight in Hartford.

Stating he was in favor of the legislative package, Mr. Falvey is not overly pleased with the real estate conveyance tax issue because we are artificially maintaining a high tax rate which gets buried in the cost of buying and selling houses financed over 30 years. With a high tax rate maintenance we should be looking for ways to operate within our revenue stream.

VOTE The motion passed unanimously by those present.

C. Approval of indemnification clause for Regional Water Authority Agreement to Provide Consumption Data.

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-4

RESOLUTION #121410-4

BE IT RESOLVED, that the Town Council hereby accepts the indemnification clause in the Regional Water Authority Consumption Data Agreement, and that this Agreement be approved for the term September 1, 2010 through August 31, 2013.

Discussion
Mrs. Giddings stated that she has been careful to avoid waiving indemnification on other issues, but this is one instance where it makes sense to do this because of the money involved, and there is no other way to get this data. Cheshire receives information from RWA. This indemnification agreement is required in case there is some information which gets out on local businesses and they suffer a loss. The information is used by Cheshire in order to bill commercial users for sewer use fees.

Mr. Slocum pointed out that this is an annual report from RWA.

VOTE The motion passed unanimously by those present.

D. Authorization for Town Manager to execute Wallingford Project Solid Waste Participating Town’s Reserve Fund Agreement.

MOTION by Mr. Falvey; seconded by Mr. Ruocco.
BE IT RESOLVED, that the Town Council approves Resolution #121410-5

RESOLUTION #121410-5

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider entering into an inter-municipal agreement with the Towns of Hamden, Meriden, North Haven and Wallingford for the purposes of authorizing the five towns to administer a reserve fund for the Wallingford Solid Waste Project in accordance with Section 7-339c of the General Statutes; 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 of any postponement thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

Discussion
It was explained by Mr. Milone that Cheshire and the other four towns had an agreement with CRRA and this project agreement ended on June 30, 2010. CRRA had a reserve fund of $42 million distributed to the five towns on an allocation of the amount of tonnage over the last 2 years to the plant. The five towns want to have a safeguard of a reserve in place for unforeseen issues, or a change in the law by DEP, and Covanta has to make capital improvements at the plant. The cost of these improvements can be passed along to the towns; the tip fee can spike; and this fund will protect the towns in the case of this eventuality.

The Council must hold a public hearing to formalize the organization, have collective recycling events, and manage the $2 million reserve fund by the five towns. If the tip fees increase, the Council can decide to take it out of this account.

VOTE The motion passed 8-1; Sima opposed.

E. Acceptance of Prinz Court and Edith Court as Town roads.

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-6

RESOLUTION #121410-6

BE IT RESOLVED, that the Town Council accepts Prinz Court and Edith Court as Town roads conditional upon the filing of a maintenance bond and recording of the warranty deed for the roadway and the storm drainage and sightline easements, free and clear of all encumbrances.
Discussion
Mr. Sima said this is part of the PZC approval; school buses are using the roads; and we want to make sure the roads are safe with winter coming. The proper paperwork must be filed so the road becomes a town road.

VOTE The motion passed unanimously by those present.

F. Waiver of comparative selection process for the Lead Design Consultant, BL Companies, for the Dodd Kitchen Renovation Project and waiver of Council review of schematics and final design.

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-7

RESOLUTION #121410-7

BE IT RESOLVED, that the Town Council waives the requirements of the Code of Ordinance Section 2-26 (C) (c) (i) and waives the comparative selection process for the lead design consultant, BL Companies, for the Dodd Kitchen Renovation project.

BE IT FURTHER RESOLVED, that the Town Council waives the requirements of the Code of Ordinance Section 2-26 (C) (c) (i) and (f) for the Dodd Kitchen Renovation for good cause, to enable construction on the project to be conducted over the summer months when the school is closed.

Discussion
Mark Nash, member of the PBC, reported that this renovation project presented many problems, mostly time lines. BL Companies has designed phase #2 and it was approved at referendum. The Council has already reviewed and approved the entire project, and PBC wants to eliminate the need to review it again. The PBC wants to move forward with this project and get it started in June 2011, and completed by the start of school in 2011.

Mr. Sima stated that the Council was given the initial phase 1 and phase 2 and there is a 3rd phase. He understands the time line issues with the winter season coming, and supports the PBC process request.

Mr. Nash said this was one project; there were budget constraints; and phase #3 was incorporated into phase #2. The entire project has been approved and reviewed.

The plan is to have BL Companies put out the bid documents and compress everything with a return date of February. Mr. Sima said we want to get the project completed before students return to the school in September 2011.
Stating he was chairman of the subcommittee for the Dodd Kitchen project, Mr. Nash said he saw issues of frustration with this type of project. He commended the school staff’s admirable performance under the situation they were faced with, and we want to avoid this again. Once there is Council approval, BL Companies will put out the bid documents, compress everything, and have a February return date. The PBC plan is to get the equipment bid and on site prior to the end of the school year.

VOTE The motion passed unanimously by those present.

G. Acceptance and appropriation of $250,000 Department of Environmental Protection (DEP) Grant.

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-8

RESOLUTION #121410-8

BE IT RESOLVED, that it is in the best interests of the Town of Cheshire to enter into contracts with the Department of Environmental Protection.

BE IT FURTHER RESOLVED, that Michael A. Milone, Town Manager of the Town of Cheshire, is duly authorized to enter into and sign said contracts on behalf of the Town. Michael A. Milone currently holds the title of Town Manager and has held that office since June 13, 2000. The Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the state or federal government in connection with said contracts and to execute any amendments, rescissions and revisions thereto.

Discussion
Mr. Schrumm said this about the DEP application grant for expansion of the Linear Trail and the $250,000 received. This is authorization to accept the grants and have Mr. Milone enter into a contract and get the money.

It was pointed out by Mrs. Giddings that this award is for the trial extension from Cornwall Avenue to West Main Street. This was the section indicated by a former Council for the trail expansion.

VOTE The motion passed unanimously by those present.

H. Reallocation of Linear Park Grants.

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-9
RESOLUTION #121410-9

BE IT RESOLVED, that the Town of Cheshire reallocates approximately $562,400 in Federal Grant Funds and $250,000 in State Department of Environmental Protection (DEP) Grant Funds (total $812,400) that were originally intended for the right-of-way acquisition, design costs and construction of the Cornwall Avenue to West Main Street portion of the Linear Trail to the portion of the Linear Trail from West Main Street to Jarvis Street.

BE IT FURTHER RESOLVED, that the Council is committed to attempt to appropriate funding for this section of the Trail (West Main Street to Jarvis Street) as part of the F.Y. '11-'12 Capital Expenditure Budget.

Discussion
Mr. Sima commented on there being issues with the Cornwall to West Main Street including the law suit of many years, many wetlands to cross, elevated boardwalks, and high maintenance issues on this piece of the trail. The Town has decided it is better to start moving for a longer piece of trail from West Main Street north to Jarvis Street. The State is adamant that the construction start and end at either a piece of trail or roads that can access the trail.

It was pointed out by Mr. Sima that the State has pledged to the Town it will do the entire design work from Cornwall to the Southington town line, encumbering the entire cost of this design work. It is estimated the cost will be about $300,000, so there is significant savings to the Town.

Rep. Mary Fritz has informed the Town that there is land available on Jarvis Street and the prison property for a parking lot. Mr. Sima said the Town has $812,000 for the trial expansion project, with estimates of $2 million to complete the project.

Mrs. Giddings said that having the State do the design work eliminated this cost to the Town, and she hopes that the boardwalk is not required. She has concerns about indebtedness of the Town, particularly with the sewer plant upgrade. She hopes the cost of the trail can be reduced with most of the work done within the grant allotment.

Ms. Flynn Harris expressed initial disappointment in changing from Cornwall to West Main, but after seeing what the Town of Southington has done, this plan brings Cheshire closer to Southington. Having the State do the design work is good for the Town.

If this is designed by the State, Mr. Slocum said there are hints there may be money forthcoming for the construction of the trial.

The Council was informed by Mr. Milone that Gov. Rell announced three priority trails, and one of them was the Cheshire Linear Trail with money dedicated to pay for its design. The State will not spend money to design the trail and not move forward with a
demand for construction of the trail. The location is a good one with the completion of the work on West Main Street.

Mr. Schrumm commented on the State discovering the importance of this piece of infrastructure. He said these trails are regional issues and there is a movement in the country to interconnect these trails and reclaim them. Our linear trail is a major trail of its kind, with Cheshire being the first town to complete a section of the Farmington Canal. The big question is crossing West Main Street and this has been resolved because the State is designing an island of refuge as a way to get across this street. Mr. Schrumm believes the trail will help the Town from a financial standpoint in this West Main Street commercial district.

The Council was informed by Mr. Sima that he walked this section of the trail and took photographs of the two old trolley crossings on the trail. As you walk this area you can see the animals, birds, and the canal.

PUBLIC
Ken Wilson, 361 Lincoln Drive, said this project was proposed as a capital project and rejected by the voters because taxpayers dollars would be used for this section of the trail. He cautioned that if the grants and proposed funds are not enough it is likely the voters would reject the project again.

Mr. Schrumm recalls this referendum defeat, and stated he does not think there will be an issue because there is now a way to cross West Main Street. Once the State gets the design work done, it is possible the State will provide funding to complete the trail all the way to Southington. The State gave Southington $3.5 million for its trail project.

Stating his agreement with Mr. Wilson’s comments, Mr. Sima said that Southington built their section of the trail because they had the project designed, and it was a shovel ready project. The Council wants to make sure that if the money is available, the trail project is ready to go. He would not support spending Town money for this trail.

VOTE The motion passed unanimously by those present.

I. Authorization to execute $525,000 Cheshire High School Turf Grant Personal Services Agreement and appropriate these funds.

MOTION by Mr. Falvey; seconded by Mr. Carroll.

BE IT RESOLVED, that the Town Council approves Resolution #121410-10

RESOLUTION #121410-10

BE IT RESOLVED, that Michael A. Milone, Town Manager of the Town of Cheshire be and hereby is authorized to execute on behalf of this municipal corporation a Personal

IN ADDITION, that Michael A. Milone is hereby authorized to enter into such agreements, contracts, and execute all documents necessary to said grant with the State of Connecticut.

BE IT FURTHER RESOLVED, that the Town Council appropriates said $525,000 grant, as previously accepted, to the Cheshire High School Turf Field project.

BE IT FURTHER RESOLVED, that the balance of funding for this project will be paid from other than Town and Board of Education budget sources.

BE IT FURTHER RESOLVED, that this project, as well as the potential Track resurfacing project, be referred to the Public Building Commission (PBC) to ensure the coordination of these two projects.

BE IT FURTHER RESOLVED, that two user members be assigned to the PBC as study committee members, and that Robert Behrer and Robert Iorio are to serve as these user members.

Discussion
Mr. Falvey said this has been a long time in coming before the Council, and the BOE approved the motion to bring this matter to the Council. This is a sports/athletic field project due to the number of uses this turf field could benefit. Mr. Falvey noted that the current field is in horrendous condition; it is reseeded annually; and after one or two football games it is back to mud and in deplorable condition, and is an embarrassment to the community. The project is going forward after the State provided grant money, and a number of organizations have come forward to provide the balance of funding to have a field installed to be used for many purposes. The concept is that the project will not cost taxpayer dollars to install the field. Mr. Falvey said if something is not done the Town will have $500,000 in expenses to rebuild the current grass field surface. The grant funding will help meet the goal of a turf field without taxpayer funds.

Mrs. Giddings focused on the comment that this project will not cost the taxpayers any money, and she added "at this time". In the past the Town has had other projects funded by outside recourses (booster groups and others) but never on such a large scale, or one with such a large built in replacement cost in 8 to 12 years. Last year the former Council approved the Bartlem Park concession stand with money raised by a group and not tax money. This stand will not require future funds for replacement, except for a new roof in about 20 years. Mrs. Giddings has concerns about taking on the turf field project because we are taking on an unknown cost in terms of known replacement. Several suggestions have been made on how these replacement costs will be accumulated. The BOE has not taken any definite action in terms of supporting such action on future costs, i.e. raising ticket prices or just relying on the community. She has concerns that this project not become another large but nagging problem.
Mrs. Giddings appreciates the comments about costs of replacing the football field with grass which is now muddy. There are concerns about the scope of this project and built in need for replacement. The Council may be faced with a request for a large sum of money in the not too distant future.

According to Mr. Ecke part of the problem with the high school field as it is now is that it has compacted to a large degree in the middle, and is putting the players at risk when they are on the field. It is like playing on cement, and there were more concussions this year for the team than in past years. With a new turf field there is less instances of concussions. The turf field will make the field safer for athletes, and it is a worthwhile project which he will support.

Mr. Carroll expressed concerns about the project with future costs, but he will support the motion for several reasons. First and foremost, there is no municipal money involved at this time, and should it require such funds, it will come back to this Council or a future Council. He agreed voters have little tolerance for unnecessary recreational projects, and if this went to referendum it would be rejected. The motion clearly states the Town is not spending any money at this time, and he can support the motion. The second reason for his support is that the group doing the work should be commended for their efforts in bringing the project this far along. The Council is simply moving the project one step further, not all the way. Mr. Carroll agrees that everything is all tax money, but we cannot tell the State how to spend its money. The State has decided to spend this money in Cheshire for a recreational project, or some other town. The Council can move the project to the PBC for review and analysis, with the hope it comes back with fewer questions and a clear view of how, and if, it will be done.

PUBLIC
Robert Behrer brought the Council up to date on the status of this project and fund raising. The Cheshire Alumni Turf Field Project is a 501C-3 non-profit organization. He informed the Council that fund raising began earlier in the year with $5,000 from Cheshire citizens, and now there is $240,000+ of private funds in the account for the project. The Council’s vote of support will allow the project to move forward without any expense to the Town. The organization will raise the rest of the money publicly. The project needs to get to PBC for due diligence to get things to happen. A positive Council vote is needed so construction of the new turf field can start in June 2011.

Mr. Behrer thanked Mr. Slocum and other Councilors for the opportunity to discuss the matter. The BOE will be holding meetings to discuss the turf field; will be setting up a permanent committee on the project; and there is Town support for the project. With $240,000 plus the $525,000 grant, we are in shooting distance of what the numbers should be. Once the bid package is back in early spring, the balance of the money for the project will be raised.

Mr. Falvey commented on the Council voting in favor of the turf field with concerns about field replacement in the future, he said the grass field there now is not the original field. It has been built and rebuilt on a few occasions. The Town must do something
now to replace what is there due to its limited life span. There is a limited life span for
turf fields as well, and no matter what is on the field, it must be replaced at some time.
The best bang for the buck for the community is to install a turf field, and it should be
approved.

Mr. Behrer said there is a natural grass organization which presents a cost factor for
replacement of such a field, from $300,000 for reseeding to $500,000 with drainage
repairs, proper sand/dirt mixture. To get the best use out of such a field, there must be
reduction in usage of the field. The field organization is looking into installation of an
artificial field with increased usage, year round, and this is the best use of the money.

It was stated by Mr. Ruocco that this project started in 2005 with a request for a turf field
in the legislative package. He was opposed because it should not have been in this
package and the request was rejected. The grant came about without Council request
and was acquired in a non-transparent way. He will not support the resolution. One
year ago the Council made a formal request to reallocate this grant to apply it towards
new locker rooms at the high school. Stating he understands the passion for the field
and respects it, Mr. Ruocco does not believe people are enthused about this project,
particularly with the other needs at the high school.

After hearing numbers stated, Mr. Sima said his company does irrigation work
throughout the State, and he discussed the grass field condition with a contractor. He
was told what would have to be done to bring the field back to working order, with
irrigation, sand brought into the field, tilled in and loosening of the soil, and a process
with a laser bringing the pitch of the field back to its normal dome shape for irrigation to
shed the water back off and not puddle in the center. The cost would be $80,000 to
$100,000, with an annual cost of $10,000 aerate the filed, spread the sand and re-seed.
The work to re-do the field would be done in one month. Regarding the numbers set
aside for replacement of the turf Mr. Sima said the turf group cited the fact that no other
group has been asked to sustain a project put forward in the Town. They are already
back-tracking before the project has started. Part of the motion is that this is a no cost
project for the Town of Cheshire, and while at the BOE meeting the group is back-
tracking on one of its pledges and this bothers him.

Mr. Sima stated that the contractor he spoke with is working on a field replacement, with
the town being required to bring the entire stadium to ADA compliance. This may or
may not fit with the Cheshire field turf project, but he wants to make sure the town is not
burdened with another huge cost to change the entire athletic complex to meet ADA
requirements. This would double the cost of the project. Numbers were heard
because a civil rights group for an elevator into the press box, and stands, etc. would
need to come into compliance. We do not want the Town caught halfway through this
project. There are concerns about the taxpayers who were vocal during the last
election, with everything passing except the high school track project, which people
considered a recreational project. Mr. Sima will not support the resolution on the floor.
PUBLIC
Steve Trifone, CHS Athletic Director, thanked Councilors for their efforts on bringing forth the West Main Streetscape project which has enhanced this area of town. Regarding the CHS artificial turf field, Mr. Trifone said the same thing would happen with this field…it would enhance the area. This field beautifies a recreational facility, and there is a safety factor involved for all who use the field. There is a cost in everything the Town does, i.e. the Linear Park, West Main Street project. 80% of the youth in Cheshire are involved in some type of recreational activity, and there are many ways to use a turf field other than just a football game. This field will be an improvement to the Town of Cheshire.

Judy Senft, 41 Roslyn Drive, a member of the alumni turf group, and chair of the fund raising effort, reassured the Council about the fund raising efforts, saying it has been the easiest in hard economic times. One event raised $25,000 in an evening. Darter Printing, a Cheshire business on Cornwall Avenue, brings a major act to the Palace Theater every year, and this year he chose the alumni field organization to do the ad book as a fund raiser for the event. Mr. Darter chose the Cheshire group because they know what they are doing as a non-profit. People want more events, ask what they can do to help, and the reaction has been positive in town for the turf field with several groups. Ms. Senft said the goal will be met, and they will continue to put money into the account for the long run.

Matt Bowman, 350 Oregon Road, clarified the comments on how this matter got to the State legislature. Rep. Fritz answered this question a while ago when she said she represents her district, of which Cheshire is a part, and she had people from the district request her support of this worthwhile cause. Rep. Fritz supported the turf field project in Wallingford and she saw what a great thing it was for this community. With regard to people back-tracking because of future costs, Mr. Bowman said he has raised funds for many groups in Cheshire over the years. He noted that the irrigation for the high school field was not done with Town dollars, but money raised by the Gridiron parents, including manual labor. There was no question then as to what would happen when this system wore out or broke, or who would maintain it. The Council and BOE were pleased that a group came forward and made this donation. When Olin donated the science classroom, no one asked how it would be repaired or replaced. The CHS batting cage was donated; the concession stand was donated; and people in Cheshire come together and make donations for their children who are the future of our community. The CHS track has been mentioned, and 15 years ago the upgrade was done with an artificial surface, which has been replaced twice, with a $400,000 cost the second time. The new turf field will be state of the art when completed. Mr. Bowman said the track is worn out now, and must be replaced. When something is built in the community, it must be maintained, repaired or replaced. Mr. Bowman supports the installation of the turf field, and noted that fields will have to be added somewhere so kids can play safely in the community. He said this is a worthwhile project, that will allow many more events on the field without having to build new fields in town.
Chairman Slocum stated his support of the turf field project, and commented on his prior motivation to have volunteers come forward and provide money for this project. In developing the resolution before the Council there is an attempt to relieve taxpayers of the cost for the turf field. A high bar has been set and volunteers have pledged to raise the money. The PBC must look at and review this project, go out to bid and be totally vetted. If the project is coupled with the high school track project, then planning can be done simultaneously. Mr. Slocum commended everyone who came forward with the funding and commitment to finish this project without harm to the community under current budget constraints.

VOTE In favor (5) – Ecke, Flynn Harris, Carroll, Falvey, Slocum.
Opposed (4) – Ruocco, Sima, Schrumm, Giddings.

Chairman Slocum stated that there is a process involved with this project, and he clarified that the PBC with its referral would put the project out to bid, come back to the Council with numbers.

J. Potential Community Pool Bubble replacement referral to Public Building Commission

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-11

RESOLUTION #121410-11

BE IT RESOLVED, that the Town Council refers consideration and investigation of a replacement bubble for the Cheshire Community Pool to the Public Building Commission for their review and recommendation.

Discussion
Mr. Sima stated this is not to say there will be a new bubble over the pool. During the process for the permanent structure over the pool there were comments made about the cost of a new bubble. PBC is anxious to take on the role, review the costs of different types of bubbles and how they would work, and get costs for consulting and life cycle costs. This project would be in year #2 of the CEP and the PBC will have a subcommittee for review of the bubble replacement.

Mrs. Giddings expressed confidence in the PBC with an open minded time line for this bubble replacement.

Mr. Schrumm stated that the pool is an unresolved issue and a solution to the bubble is required. A permanent structure did not pass referendum earlier in the year. The pool will need a replacement bubble or become a summer only pool. The resolution is to take another look at a cover for the pool.
VOTE  The motion passed unanimously by those present.

K.  Town Manager’s Employment Agreement

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-12

RESOLUTION #121410-12

BE IT RESOLVED, that the Town Council hereby amends the contract with Town Manager Michael A. Milone, with the adoption of the following changes:

1)  Extend the contract to June 30, 2013.

This amendment is effective as of July 1, 2010.

Discussion
My. Ruocco, Chair of the Personnel Committee, expressed his support of the Town Manager’s contract extension. He noted that Mr. Milone is taking a salary freeze for the third year, and the Superintendent of Schools has also taken a salary freeze for the last two years. This is commendable and a show of leadership and demonstration that Mr. Milone practices what he preaches.

Mr. Schrumm agreed with Mr. Ruocco’s comments, and noted that late at night he sees Mr. Milone’s car in the Town Hall Parking lot as he works into the evening hours. This is another year of Mr. Milone volunteering without a salary increase, and this sets an example for all Town bargaining units to sacrifice in difficult times.

Chairman Slocum expressed his pleasure with this resolution and supports it. He also thanked Mr. Milone for helping him with his duties as Council Chairman this year. With Mr. Milone’s help it makes it a worthwhile experience to be on the Council.

Mr. Carroll and Ms. Flynn Harris stated they would abstain from this vote because it is largely a retrospective view.

VOTE  The motion passed 5-2-2; Flynn Harris and Carroll abstained; Sima and Giddings opposed; in favor - Ecke, Slocum, Falvey, Ruocco, Schrumm.

L.  Town Manager’s Goals and Objectives.

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-13
RESOLUTION #121410-13

BE IT RESOLVED, that the Town Council approves the Town Manager’s FY 10-11 Goals and Objectives as approved by the Personnel Committee and as attached.

Discussion
Mr. Ruocco stated that the goals and objectives are similar to those of the past year, with more detail this year to provide the Town Manager with direction on specific areas. One of the highlights for him concerns the capital budget process improvement and work flow of the public works projects in a constructive way and how they are funded through the capital budget process. Mr. Ruocco thanked Mr. Milone for working with him on these goals and objectives.

Mr. Ecke stated that the goals and objectives are those which the Town Manager can achieve, and noted Mr. Milone works hard to attain his goals. He said Mr. Milone does a great job as Town Manager, and the Town has good financial strength because of the Town Manager. He supports the Town Manager and will do so as long as he wants to be here.

Mrs. Giddings added that the Town Manager prepared the set of goals and objectives with some changes made by the committee, and we came to a good accommodation.

Chairman Slocum advised that the meetings of the Personnel Committee were joint with all Council members to review and discuss the goals and objectives, with contribution in the discussion by all Councilors.

Having reviewed the minutes of the Personnel Committee meetings, Ms. Flynn Harris noted it was telling about the good discussion and collaborative effort, give and take in working towards concrete goals that were attainable.

VOTE The motion passed unanimously by those present.

M. Establish a Fixed Term for the Town Historian

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

BE IT RESOLVED, that the Town Council approves Resolution #121410-13

RESOLUTION #121410-13

BE IT RESOLVED, that the Town Council has historically appointed a person to serve as Town Historian.

BE IT FURTHER RESOLVED, that the Town Council deems it to be in the best interests of the Town to establish a term for any such appointment that coincides with the terms of members of the Council.
BE IT FURTHER RESOLVED, that the term of any existing or future Town Historian appointed by the Town Council shall expire on December 31st of the year in which municipal elections are held or until his or her successor has been appointed and takes office.

Discussion
Mrs. Giddings commented on the important information in the memo as to the time designated for the Town Historian, which was not stated when the appointment was made.

It was pointed out by Chairman Slocum that this is the only position appointed by the Council without Charter provision.

Mr. Sima said that this motion puts this on a future Council, not the present Council.

Ms. Flynn Harris asked about the history of what is being brought up now to the Council.

In response, Chairman Slocum said it was made apparent to him that there is no term limit and asked why, and said there could and should be a term limit for consistency purposes.

Ron Gagliardi, Town Historian, 5 Dover Court, informed the Council that prior historians were a lifetime appointment, and when he was appointed it was an indefinite appointment. He asked if it was a courtesy for the person involved in a Council matter to be invited to speak to the issue of an ordinance change at the committee level prior to a Council vote. He was not notified of the proposed change. Mr. Gagliardi asked if a closed session can be entered into for discussion of personnel matters for appointed and employed individuals. He noted this issue does not have a sense of urgency, and asked that the vote be postponed to a future meeting allowing him to offer an opposing viewpoint and invite supporter for his side of the issue to speak.

Mr. Gagliardi reported that Judge Upson was the person supporting the statute to name municipal historians, and he tried to get duties listed, but this never happened. He submitted six suggestions for town historian duties, along with a newspaper article from the New Haven Register on the Milford CT town historian. He read excerpts of the article into the record.

Chairman Slocum informed Mr. Gagliardi that there is no ordinance in Cheshire covering the town historian and it is a Council resolution. The Council is now clarifying the term of office, and it is not a political matter. The Council members seek re-election, and the town historian will not be a campaign issue.

Ms. Flynn Harris stated she has no qualms about waiting for a decision on this matter, and give Mr. Gagliardi the opportunity to have supporters present.
This is an objective now and Mr. Slocum said the Council is ready to vote on the matter.

Mr. Falvey said this is not set up by ordinance and the town historian is an honorary position appointed by the Council. Any particular Council has the right to name a town historian, and naming someone else would not be prohibited. Therefore, the Town Council should have the right to name a town historian rather than just have the previously appointed person in the position.

It was noted by Mr. Ruocco that the resolution does not eliminate Mr. Gagliardi from future reappointment. He asked Mr. Gagliardi if he would be interested in being reappointed.

The Council was informed by Mr. Gagliardi that his nomination came from the Historic Society Board to the Council for approval.

Mr. Schrumm said that this was, historically, like a courtesy, with people becoming town historian without any blessing. The Council decided to have an honorary recognition of the volunteer work of the person and made someone a town historian with a resolution. Now there are State statutes and other things going on, and the vote has nothing to do with the person in the position, but more to do with clarity on how this is done. There is no reason for an ordinance with Town Attorney counsel. What we need is clarity on a term limit for the town historian, or it is a lifetime appointment. A new Council could appoint someone else and we could have two historians.

VOTE The motion passed 7-2; Ecke and Flynn Harris opposed.

8. TOWN MANAGER’S REPORT AND COMMUNICATIONS

A. Monthly Status Reports – in Council packets

B. Monthly Departmental Status Reports – in Council packets.

C. Other reports.

Monthly Financial Report – things are progressing as expected; there are no major issues on the expenditure side of the budget; we continue to worry about revenues; $700,000 of CNR projects are on hold for the next few months.

Moran Property – the Town is partnering with RWA on this acquisition; a conservation easement will be signed; RWA will re-evaluate standards and priorities for partnering with communities; and there will be an answer by December 15th on RWA’s willingness to buy into this property with the Town.

Public Works Projects – status report was in the Council packets. The paving is finished for this year; there was an ambitious schedule; and more roads were done than
ever before. Schoolhouse Road and Sandbank Road were not finished, and they will be priority roads in the spring.

Library Circulation – Cheshire is one of the top 15 libraries in the State for loaning materials, and came in at #14; Cheshire is ranked 7th in terms of number of items loaned per service hour.

Probate Court location – the court will be located in Cheshire per the Probate Administrator. Mr. Milone noted an exception to the letter from the administrator which commented on the “inability of the two towns to reach a decision, this letter is to advised that we will proceed to locate the court at Cheshire Town Hall”. He advised there was no decision on the part of the Cheshire or Southington Town Managers to locate the court in Cheshire, and it was a decision made by the administrator. Mr. Milone responded to the administrator’s letter citing these facts, and the letter was included in the packet.

Bartlem Park Camera Surveillance – the cameras are up and in service at the park.

Town Hall closings – December 24th, Christmas Eve; and December 31st, New Year’s Eve.

9. TOWN ATTORNEY’S REPORT AND COMMUNICATIONS – no report.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman’s Report.

Budget – Mr. Schrumm advised that in January 2011 we will start the budget process, and noted that preliminary budget meetings have been held.

Ordinance Review – Mrs. Giddings reported that the committee is awaiting information from the Town Attorney’s office before scheduling a meeting.

Personnel – Mr. Ruocco reported that committee information was part of the agenda of this meeting.

Planning – Mr. Sima advised that the committee is looking into parking at the Casertano property.

Solid Waste – Mr. Falvey reported on the success of the electronic recycling held at the transfer station last week.

B. Miscellaneous

11. APPROVAL OF MINUTES
Regular Meeting of November 9, 2010; Special Meetings of November 15, and November 16, 2010.

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

MOVED to approve the minutes of November 9, 2010 and November 15 and November 16, 2010 subject to corrections, deletions, additions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Historic District Commission – Mrs. Giddings reported that the commission is working on a list of alterations property owners could make without consultation, and there will be a meeting in February which property owners will be invited to.

Environment Commission – Mrs. Giddings reported that celebrations for Earth Day are being planned; they will take place at the Library; and there will be a calendar for the public to know about the events.

Economic Development Commission – Mr. Sitko and Mr. Dill will visit the next Council meeting to discuss the businesses of the community.

B. Appointments to Boards and Commissions.

1. Appointment of two new Council Members.
   (moved to earlier status on the agenda)

2. Other appointments.

MOTION by Ms. Flynn Harris; seconded by Mrs. Giddings.

MOVED that John Kardaras (D) be appointed to the Planning and Zoning Commission, to fill the vacancy of Patti Flynn Harris, term of office current to December 2, 2013; Doug Levens (D) be appointed to the Performing and Fine Arts Commission to fill the vacancy of Robert Averack, term of office current to December 31, 2012; Matthew Bowman (D) to the Inland, Wetlands and Watercourses Commission (IWW) to fill the vacancy of Peter Talbot, term of office current to December 31,2012; Daniel Mahien (R) to the Building Code of Appeals, to fill the vacancy of Anthony Ferrara, term of office current to January 31, 2014.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS
A. Letters to Council
Chairman Slocum read a letter from Supt. Of Schools, Dr. Florio, requesting a joint meeting between the Town Council Budget Committee and the BOE Finance Committee regarding a possible remedy for special education tuition account shortfall of $400,000.

Mr. Schrumm stated that there will be a meeting with the BOE after the first of the new year. There could be full State reimbursement, but if not, this will be a bid budget issue.

It was suggested by Mr. Ruocco that the State legislators be involved in this issue, and let them know about funding State mandates.

According to Mrs. Giddings there is a problem beyond this because when the State makes reimbursement it goes to the town, not the BOE. We must look at the way things are and project what is needed.

Chairman Slocum said that Dr. Florio wrote an editorial in the Cheshire Herald about the challenge which is facing the community on the BOE side.

B. Miscellaneous
Councilor Ruocco stated that he hopes to be back to the Council full time after his absence due to medical reasons. He thanked everyone for their support and concern during his medical leave of absence.

14. EXECUTIVE SESSION

A. Land Acquisition

B. Pending claims and litigation

C. Personnel Issues

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

MOVED that the Town Council enter Executive Session at 10:30 p.m. to discuss land acquisition.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 10:40 p.m.

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

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

MOVED to adjourn the Town Council meeting at 10:40 p.m.

VOTE The motion passed unanimously by those present.

Attest:

_____________________________________
Marilyn W. Milton, Clerk