MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present
Chairman Timothy Slocum; Vice Chairman David Schrumm; Councilors Justin Adinolfi, Michael Ecke, Andrew Falvey, Anne Giddings, Thomas Ruocco, James Sima, Timothy White.
Staff: Michael A. Milone, Town Manager; Dwight Johnson, Town Attorney; Joseph Michaelangelo, Public Works Director

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 COMMUNICATION

A. Recognition of Cheshire High School Football Team.
The Town Council members congratulated the CHS football team and coaches for their outstanding accomplishments in the 2009 season and for winning the Class LL State Championship. Coach Ecke acknowledged the fine young men on the team, thanked the Council for recognizing the CHS Football Team and Coaches, and said it is an honor for them to represent the program.

B. Recognition of Cheshire High School Girls Swimming and Diving Team.
The Town Council members congratulated the CHS Girls Swimming and Diving Team and Coaches on their outstanding accomplishments in the 2009 season, and for winning the Southern Connecticut Conference and Class LL State Championship, and for achieving 265 consecutive wins since 1986. Coach Aston thanked the Council, the Town of Cheshire and the supporters of the teams, for their recognition of the team. He also congratulated Coach Ecke and the CHS Champion Football Team for their accomplishments. Coach Aston acknowledged the fine group of young ladies of the Swim and Diving Teams, and commended them on their winning streak.

C. Recognition of former Town Council Members.
Chairman Slocum read proclamations in recognition of former Town Council Members Matthew Hall, Matthew Altieri, Lora DeCaprio, Sheldon Dill. These former Councilors were commended for their dedicated efforts and contribution to the Cheshire Community.

Mr. Altieri thanked the Council for its recognition of his service to the community.
Mr. Hall thanked the Council and said it was a privilege to serve the Town of Cheshire.

D. Quarterly recognition of Consent Calendar donors.
Chairman Slocum read the names of the donors for the last quarter of 2009, and expressed the appreciation and gratitude of the Council and the community for their generosity. CPFA Arts Day Proceeds; Archdiocese of Hartford; Arch Chemical; Gennaro Carbone, Kids in Motion; Cheshire Police Union; Cheshire Town Employees; Cheshire Chamber of Commerce; Sylvia Nichols; Richard and Kathleen Pfeiffer; Liberty Bank; F.H. Rutberg.

E. Public Comments
None

4. CONSENT CALENDAR

MOTION by Mr. Mr. Schrumm; seconded by Mr. Adinolfi

BE IT RESOLVED that the Town Council approves Resolution #011201-1

RESOLUTION #011210-1
CONSENT CALENDAR FOR JANUARY 12, 2010

BE IT RESOLVED, that the Town Council approves the Consent Calendar for January 12, 2010 as follows:

A. acceptance and appropriation of a $59.78 donation from Kids In Motion for the Boundless Playground.

B. Acceptance and appropriation of a $500 donation from Michael and Marilyn Dangelo to the Cheshire Fuel Bank.

C. Acceptance and appropriation of a $60 donation from the Town of Cheshire employees to the Cheshire Fuel Bank.

D. Acceptance and appropriation of a $25 donation from John White to the Cheshire Fuel Bank.

E. Acceptance and appropriation of a $50 donation from Justin and Jane Adinolfi to the Cheshire Fuel Bank.

F. Acceptance and appropriation of a $50 donation from the Youth and Social Services holiday party to the Cheshire Fuel Bank.

G. Acceptance and appropriation of a total of $436 from the Town of Cheshire employees to the Cheshire Fuel Bank.
H. Acceptance and appropriation of a $30 donation from James and Kathy Nankin to the Cheshire Fuel Bank.

I. Acceptance and appropriation of a $60 donation from James and Barbara Lyke to the Cheshire Fuel Bank.

J. Acceptance and appropriation of a $100 donation from the First Congregational Church Tuesday Circle to the Cheshire Fuel Bank.

K. Acceptance and appropriation of a $500 donation from the First Congregational Church to the Cheshire Fuel Bank.

L. Acceptance and appropriation of a $100 donation from Melissa Calabrese to the Human Services Gift Account.

M. Acceptance and appropriation of a $117.75 donation from the Dodd Yellow Team Fundraiser to the Cheshire Fuel Bank.

N. Acceptance and appropriation of a $50 donation from Kristine and Patrick Cruess to the Cheshire Fuel Bank.

O. Acceptance and appropriation of an aggregate $215 donation from the Brilliant Women's Book Club to the Cheshire Fuel Bank.

P. Acceptance and appropriation of a $271 donation from Temple Beth David to the Cheshire Fuel Bank.

Q. Acceptance and appropriation of a $25 donation from Anne and Robert Giddings to the Cheshire Fuel Bank.

R. Acceptance and appropriation of a $25 donation from Timothy and Kristen Slocum to the Cheshire Fuel Bank.

S. Acceptance and appropriation of a $50 donation from Timothy White to the Cheshire Fuel Bank.

T. Acceptance and appropriation of a $100 donation from Cathleen Devlin to the Cheshire Fuel Bank.

U. Acceptance and appropriation of a $1000 donation from Cathleen Devlin to the Cheshire Fuel Bank.

V. Acceptance and appropriation of a $100 donation from Samantha Smith and Family to the Cheshire Fuel Bank.
W. Acceptance and appropriation of a $163 donation from the First Congregational Church of Cheshire to the Cheshire Fuel Bank.

X. Acceptance and appropriation of a $190 donation from the First Congregational Church to the Human Services Gift Account.

Y. Acceptance and appropriation of a $500 donation from Jeanne LeVasseur to the Cheshire Mini-Bus Fund.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

A. Building Permit Fees Ordinance Amendment

MOTION by Ms. Giddings; seconded by Mr. Schrumm

BE IT RESOLVED, that the Town Council approves Resolution #011210-2

RESOLUTION #011210-2

BE IT RESOLVED, that the Town Council approves an amendment to the Building Code Fees Ordinance Section 3-3(d) as follows:

Sec. 3-3(d) {State Building Code}—Implementation of Sections 118 and 118.5

(d) (new) as of March 1, 2010 and thereafter, a $150 flat rate late fee shall be charged for any work requiring a building or mechanical permit that is commenced prior to obtaining said permit.

Discussion
In December this matter was the subject of a public hearing, and Ms. Giddings said there was a question raised as to how this fee was set. The matter has been reviewed by the Ordinance Review Committee and sent to the full Town Council for approval. She said this is primarily a safety measure for work which requires a building permit, involves inspection of the work, and if the work has commenced without a permit inspections cannot be done to insure safety of the building and occupants. The ordinance is designed to encourage people to get building permits before work commences and enable the Building Department to schedule inspections.

Mr. Sima stated he was not in favor of the $150 flat fee, and has concerns about going after contractors who start projects without the permit. The building official
cannot report the contractors to the Consumer Protection Agency as they are no longer interested in pursuing the matter. It now falls on the Town to pursue the contractors. Mr. Sima does not believe the same flat fee is fair for all projects, large and small.

VOTE The motion passed 6-3 with Sima, Ecke and Falvey opposed.

B. Legislative Package
Councilor Sima was recused from this agenda item due to possible conflict of interest.

MOTION by Mr. Schrumm; seconded by Mr. Adinolfi

BE IT RESOLVED, that the Town Council approves Resolution #011210-3

RESOLUTION #011210-3

BE IT RESOLVED, that the Town Council approves the Legislative Package as presented.

Discussion
Town Manager Milone briefly reviewed the items in the package.

1. Clean Water Fund Grant/Loan Program – this is a request for the State to consider a 30% grant rather than a 20% grant.

2. Real Estate Conveyance Tax – the rate was increased to $5.00/$1,000 of sale price, and the program has a sunset date at the end of this fiscal year. The request is that this be a permanent program. The tax represents about $200,000 to $500,000 in revenue to Cheshire each year.

3. Telecommunications Personal Property PILOT – the assessment of telecommunications personal property is treated different from other personal property, and has a depreciation of “0”. The request is to require telecommunications companies to report their inventory by October 1st of each year; allow municipalities to audit the State personal property filings of the companies; and establish a minimum residual depreciation value of 20% for the personal property.

4. Capital Projects/Infrastructure Initiatives – explore potential Bond Commission funding for Town capital projects such as extension of the Linear Park, Wastewater Treatment Plant upgrade etc.

5. Enterprise Zone Designation – the request is for an enterprise zone designation in Cheshire’s industrial area, with certain tax benefits to businesses located in the zone.
In addition, Councilors recommended the following items be added to the Legislative Package:

6. Modification of the state mandated compulsory binding arbitration laws under the MERA and TNA giving the local legislative bodies the right to reject arbitrated awards by a 2/3rds vote.

7. Raise the thresholds under the prevailing wage statute from the current $100K/$400K levels to minimally the $1 million level and index for inflation in the cost of municipal construction.

8. Revisit the DEP’s Open Space policy for farm land to allow for the leasing of property to for-profit and not-for-profit ventures for more revenue generation.

9. Strengthen the chief state’s attorney’s office giving the top prosecutor the power to issue subpoenas during investigations to be more aggressive in fighting in-state corruption.

Mr. Milone explained that he generates a cover letter to the Legislators that indicates the Council had a few meetings to deliberate the items in the package and these are the priorities of the Council for the upcoming session of the General Assembly. The Council and staff members are willing to testify as opportunities present themselves.

At the request of Mr. Ecke, the vote of the Council on this agenda item will be included in the package.

Mr. Slocum suggested inviting the Legislators to a meeting with the Council.

Ms. Giddings supports an invitation to the Legislators. She asked about prioritizing the items in the package which are important to the Town with regard to revenue and funding.

VOTE The motion passed 5-2-1; Falvey, White, Sima, Ruocco, Giddings In favor; Ecke and Adinolfi opposed; Sima recused.

7. NEW BUSINESS

A. Authorization to execute State of Connecticut Department of Transportation Resurfacing of West Johnson Avenue grant Agreement.

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

BE IT RESOLVED, that the Town Council approves Resolution #011210-4
RESOLUTION #011210-4

BE IT RESOLVED, that the Town Council hereby authorizes the execution of an Agreement between the Town of Cheshire and the State of Connecticut for the Construction, Inspection and Maintenance of Resurfacing of West Johnson Road, 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, and

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. Michaelangelo introduced Derek Cole, BL Companies, who will be working on the projects with the DOT. He stated that at the November and December 2009 Council meetings the proposed project was reviewed, with $400,000 of stimulus funding coming to Cheshire for the work on West Johnson Road. The proposed limits were from Knotter Drive going east to Carmody Farm, with the exact limit of the project to be determined. The Council approved the project. BL Companies began the design, and handled all the details with the DOT, overcoming all the hurdles. Now, Cheshire is being awarded an additional $308,000, and the project will go past West Johnson past Peck Lane or Dickerman Road or even the Ten Mile River. In a few weeks the project will go to public bid.

With the former Town Council approving this project, Mr. Falvey questioned why other roads needing more repair than West Johnson were not permitted to be repaired.

In response, Mr. Michaelangelo explained that the stimulus package was new and needed shovel ready road projects. In working with the DOT Cheshire submitted shovel ready projects, but many projects had hurdles to overcome and would not have been approved for the stimulus dollars and the time line could not be met.

Mr. Sima stated that at prior meetings the project was going to Knotter Drive going towards Peck Lane, but it was uncertain the work could go that far with $400,000. He has had complaints about the drainage coming off West Johnson Avenue and he asked whether this could be addressed with this money, or if it was just a resurfacing project.
According to Mr. Michaelangelo this is just a resurfacing project; there will be no changes to the drainage; and the project will not go to the Ten Mile River.

Mr. White asked if more stimulus money is out there to be secured.

Mr. Michaelangelo replied that there is no more money in this round, but there may be more money in the future, and it will be aggressively pursued.

The Council was informed by Mr. Milone that 20 projects were submitted for the stimulus funding, so if there is more money to be had, Cheshire has a list of things which could be looked at and have some reaction.

The stimulus money is being administered by the DOT for road work and Mr. Michaelangelo said DEP is handling the water projects.

**VOTE**

The motion passed 8-1; Falvey opposed.

**B. Mixville Dam Inspection and Emergency Operations Plan.**

**MOTION** by Mr. Falvey; seconded by Mr. White.

**BE IT RESOLVED,** that the Town Council approves Resolution #011210-5

**RESOLUTION #011210-5**

**BE IT RESOLVED,** that the Town Council approves the award for the RFQ solicitation for the Mixville Dam Inspection and Emergency Operations Plan and

**BE IT FURTHER RESOLVED,** that pursuant to Resolution #091200-10, the Town Council authorizes to hire Milone & MacBroom for said project, and directs the Town Manager to execute said agreement.

**Discussion**

Mr. Falvey clarified that this issue came before the Council in December with regard to engineering work at Mixville Park, and the Council asked for a specific number on the engineering work for the dam itself.

Mr. Michaelangelo reported to the Council that three firms were interviewed for this RFQ to get the Mixville Pond work started. The first part of the work has been awarded to Milone and MacBroom at $35,000, and the dam portion was deferred because all the details the Town needed were not worked out. Staff has met with Milone and MacBroom and the cost for the dam inspection and emergency operation plan and useable design is $6,500. There is not much to be done to the dam; there are structural issues which puts it into another category; and some design work is covered under the $6,500.
With this process, Mr. Falvey said there is savings of significant money for the engineering work.

VOTE The motion passed 8-0-1; Sima recused.

C. Authorization to participate with the Greater Waterbury Transit Board of Directors for the Municipal Grant Program for Seniors And Disables Demand Responsive Transportation Program.

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

BE IT RESOLVED, that the Town Council approves Resolution #011210-6

RESOLUTION #011210-6

BE IT RESOLVED, that the Town Council hereby authorizes the execution of a Memorandum of Understanding with the Greater Waterbury Transit District (GWTD) Board of Directors to jointly apply, with said GWTD Board, for the Connecticut Department of Transportation Municipal Grant Program for Senior and Disabled Demand Response Transportation FY 2011, and

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

Discussion

Mr. Milone explained that this is the 3rd year of this grant for the Town, and there is significant benefit to the senior citizens and disabled citizens. Cheshire runs 3 buses five days a week and on Saturday. Through the GWTD grant there is additional bus service to the Town of one bus on Tuesday, Friday and on one Saturday a month GWTD runs a bus in Cheshire. This extra transportation enhances the Town’s transportation network, with Cheshire handling the dispatching of the buses. This is a great program; it is used significantly by the senior and disabled citizens; and it is much appreciated.

In order to go forward with the agreement and his signature, Mr. Milone advised that he needs authorization from the Council to submit the grant and authorize the start of the program. The grant is for one year.

VOTE The motion passed unanimously by those present.

D. Appropriation from the Board of Education Capital Non-Recurring Maintenance Fund.

MOTION by Mr. Schrumm; seconded by Mr. Adinolfi.
BE IT RESOLVED, that the Town Council approves Resolution #011210-7

**RESOLUTION #011210-7**

BE IT RESOLVED, that, per the request of the Board of Education, the Town Council approves the utilization of $44,112 from the Capital Non-Recurring Building Maintenance Fund for unforeseen repairs of the air-conditioning at Norton Elementary School and the Septic Tank Replacement at the Bus Depot.

**Discussion**  
Mr. Schrumm explained that this request for utilization of the CNR funds is for repairs to the air-conditioning units at Norton School and repairs at the bus depot where the sanitary sewer had to be replaced.

Mr. Ecke commented on this money being used because the Council reduced the BOE spending requests. There were concerns about things such as these happening which would affect the BOE budget for the year, cutting other budget line items. This account is acting as was hoped, and this year the BOE will not have to make up $44,000.

Chairman Slocum stated that the Town Council felt it worthwhile to have the matters brought back before the Council as a measure of good faith and understanding that the process is working.

Mr. Milone informed the Council that the BOE CNR fund has $272,000 balance from the original $350,000 appropriation.

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

**E. De-authorization of Capital Non-Recurring Funding**

MOTION by Mr. Schrumm; seconded by Mr. White.

BE IT RESOLVED, that the Town Council approves Resolution #011210-8

**RESOLUTION #011210-8**  
BE IT RESOLVED, that the Town Council hereby de-authorizes the following Capital Nonrecurring Funds that were frozen and not available for use for FY 08-09 Capital Nonrecurring projects:

<table>
<thead>
<tr>
<th>Project</th>
<th>$ Amount</th>
</tr>
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<tbody>
<tr>
<td>Open Space Land Management and Maintenance</td>
<td>(65,000)</td>
</tr>
<tr>
<td>Installation of Water Mains</td>
<td>(250,000)</td>
</tr>
<tr>
<td>Public Works Dump Truck</td>
<td>(188,000)</td>
</tr>
<tr>
<td>District Energy Savings Improvements</td>
<td>(80,000)</td>
</tr>
</tbody>
</table>
Indoor Air Quality Issues in Schools  (125,000)
District Wide 21st Century Classroom  (250,000)
Total  (958,000)

Discussion
Mr. Schrumm stated that these were CNR projects in FY 08-09 which were to be done without borrowing the funds. In October 2008 the financial situation changed and Town Manager Milone recommended the Council freeze these projects pending how revenue and expenditures play out for the rest of the year. In January 2009 some spending was done, with the rest of the projects frozen and not done. There was $958,000 in projects not done, i.e. buying a new dump truck, carpeting in the schools, installation of some water mains, open space land management, etc. The money was left over at the end of the fiscal year and became part of the surplus for FY ending June 2009. With the action tonight the Council is handling an accounting matter at the request of the auditors for a resolution to clear the record for FY 08-09, taking these projects out of the CNR ledger. This is the first time Mr. Schrumm has ever seen anything like this, and it is an accounting detail which the Council must act on.

Mr. Ecke clarified that the prior Council was fearful of a repeat of what happened in a prior year with the State cutting $1 million in the middle of the year. The Council came to the Town Manager to discuss what would be done if this occurred again. Mr. Milone said he would use the CNR as the way to balance the budget.

Mr. Adinolfi asked whether this is an accounting procedure or if these projects will not happen.

It is both, and Mr. Milone said these projects are not going to happen. These projects are listed with appropriations that have not been funded. In order to remove them from the capital budget the administration needs legislative action by the Council. It is a formality to satisfy the auditors; provide a clean representation when the capital budget report is looked at; and the projects are not going forward.

Mr. Milone said each project is deferred and funded in subsequent years. In FY 09-10 there is $20,000 for open space land management maintenance; $200,000 in the capital budget and bonded appropriation for water mains; PW truck $180,000 is deferred to FY 10-11 with another truck; the district energy savings improvements are part of a $300,000 energy initiative done at Highland School at $220,000 with a balance of $80,000; indoor air quality deferred to fiscal years 2011, 2012, 2013 at $125,000; district wide 21st Century Classroom (Smart Boards) has $250,000 bonded for FY 2011, with a plan for $250,000 to be spent in fiscal years 2012-13 for Smart Boards. The projects are deferred but not totally eliminated, and some modifications in dollar amounts.
Mr. White asked if this is the first time for such action by the Council, the expected FY 08-09 surplus, and if the action is driven by the auditors.

Mr. Milone stated that the Council has reauthorized and reallocated CNR funds, but this is the first time there is an action of this kind. The FY 08-09 surplus is anticipated to be between $500,000 to $600,000.

Mr. Milone explained that what prompted this action more than anything was reduction in three revenue accounts – building permit fees, town clerk’s real estate conveyance tax, and investment income. These revenues were dropping dramatically in early Fall, and the sum total represented a revenue shortfall of $1,040,000. This was the driving force behind the discussions on freezing these projects. And, without this de-authorization there would not have been a surplus that fiscal year. The auditors thought de-authorization was appropriate. In the absence of de-authorizing these projects we now have an expenditure report that misrepresents capital projects. Finance Director Ryan felt the accuracy and integrity of the reports is important, and the de-authorization cannot take place without Council approval.

Regarding FY 08-09 Mr. White asked if there are any projects out there which are encumbered and out there that could potentially be de-authorized, but it has not yet been done.

In those cases, Mr. Milone said we have the funding, and he would come back to the Council and have the money redirected. In the subject case, the money cannot be spent and must be de-authorized.

VOTE The motion passed unanimously by those present.

F. Call for public hearing on elderly tax credits and qualifying income ordinance amendment.

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

BE IT RESOLVED, that the Town Council approves Resolution #011210-9

RESOLUTION #011210-9

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider a proposed amendment to the Property Tax Relief-Local Program Ordinance Section 17-6; 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 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.

G. **Call for public hearing on elderly tax freeze ordinance amendment.**

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

BE IT RESOLVED, that the Town Council approves Resolution #011210-10

**RESOLUTION #011210-10**

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider a proposed amendment to the Elderly Tax Freeze Ordinance Section 17-15; 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 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.

H. **Referral of final pool bubble proposals to the Public Building Commission for review and recommendations.**

MOTION by ; seconded by

BE IT RESOLVED, that the Town Council approves Resolution #011210-11

**RESOLUTION #011210-11**

BE IT RESOLVED, that in accordance with Charter Section 7-8 (C) (11), the Town Council hereby finds it to be in the best interests of the Town to waive bid requirements that would otherwise be applicable to the selection of a contractor for the Community Pool enclosure project;

BE IT FURTHER RESOLVED, that the Town Council approves the proposals of Open Aire/GF Rhode Construction and KBE Building Corporation as the two proposals to be given further consideration for the Community Pool enclosure project.
BE IT FURTHER RESOLVED, that the Town Council refers this project to the Public Building Commission (PBC) to evaluate each proposal and, in accordance with Section 7-8 (c) of the Town Charter and Subsection 2-26(c)(5)(c)2 of the Town’s Ordinances, directs the PBC to utilize the design-build process as criteria in this evaluation and to make a recommendation to the Council as to which firm is best qualified to be awarded the project.

BE IT FURTHER RESOLVED, that the Council requests that this recommendation from the PBC be made by March 15, 2010 and that the recommendation include the total cost, time for completion and any relevant contractual issues that would impact the successful completion of the project. In making this request for a March 15 recommendation the Council recognizes that the PBC will need to conduct a number of special meetings and directs the Town Manager to make available members of the Town staff whenever necessary to assist the PBC’s review.

BE IT FURTHER RESOLVED, that in accordance with Section 2-26(B)(3) of the Public Building Commission Ordinance the Council appoints to the PBC the following two individuals as user members: Kevin Wetmore (U) and David Gavin (R); and the following two individuals as non-user members: William Kunde (U) and William Jacques (R). All such appointments shall be effective solely with respect to the Community Pool enclosure project.

Discussion
Chairman Slocum acknowledged this agenda item which comes to the Council from the hard work of the Planning Committee.

Mr. Sima stated that he was involved with the Pool Subcommittee of 2 years ago which started this work with former Councilors Altieri and DeCaprio. The final outcome is the design/build proposal; 6 proposals were submitted; 4 firms were interviewed; and 2 innovative designs were selected for further consideration from Open Aire-GF Rhode Construction and KBE Building Corporation.

The Open Aire design looks like a greenhouse with a polycarbonate roof; the roof opens up with glass sides for an open and air structure which is used in the Orange CT pool.

KBE Building Corporation’s design is more conventional with trusses which make an arching barrel shaped roof, which mimics the existing office building.

The proposals vary in cost by $1 million. There are positives to each proposal. Since there needs to be expertise brought to this project, Mr. Sima said the committee thought the PBC is the best place for the proposals to be further reviewed and considered.
Mr. Sima highlighted the experience of the people selected to serve with the PBC on this project. Mr. Wetmore worked for AT&T and oversaw many of the company’s large projects. Mr. Gavin serves on the Energy Commission, has done much work on the pool project, and actually had all the designs which were presented to the committee. Mr. Kunde, a former Energy Commission member, is a cost avoidance engineering expert. Mr. Jacques is an engineer whose expertise will be needed for the proposed new structure which will abut the existing concrete wall. Mr. Sima stated that there will be other people involved with expertise, and they will be invited to work with the PBC subcommittee.

Mr. Schrumm stated that the intention is to get this project out to referendum as soon as possible since the pool is a chronic sore point in town with a resolution needed to the existing bubble, and other issues at the facility. This will be an expensive option, but the facility would be better. Going with a design/build is unique; adding the extra user members is also unique; and the intent is to get focused on the important element of the new structure to replace the bubble, and get as much energy efficiency as possible out of the building. The project is turned over to the PBC and if people have ideas, thoughts, concerns, they are invited to attend the PBC meetings on the pool facility.

Chairman Slocum stated that the resolution was formed in collaboration with the PBC which oversees construction of all public properties. The PBC is a significant volunteer commission with service by members of the community. The resolution states a recommendation will be forwarded to the Council by March 15th on the selection of the company. The project will engage staff, community members, and the swimming community in town.

The question of the time certain date of March 15th was raised by Mr. Falvey who said this is a moving target. He asked what the recourse of the Council would be if PBC does not get back to the Council by this date.

In the best interests of the project, Mr. Slocum said the Council would defer to the PBC with an understanding that it could take a week or two more.

Mr. Falvey asked about the resolution for waiving bid requirements, and asked for clarification on the impact of this request, and what it means.

In response, Mr. Schrumm stated that the normal process for construction in town is to interview architects, hire the architect, plan are drawn up, and the project goes out to bid. Waiving of the bid requirements was the request of the PBC to relieve them of the normal process and steps in a non-design/build project. We are not waiving the concern of the costs of the project as both proposals have preliminary costs stated, with a $1 million difference between the proposals. Mr. Schrumm stated that turning the project over to the PBC will weigh the energy efficiency, long term maintenance costs, operating costs, etc. Waiving of the
bid is a technical aspect to get around the Charter provision which says certain steps will be bid when, in fact, the design/build is precluding some of the steps.

It was noted by Mr. White that the town had a referendum issue one year ago, and he supports the bid waiver. There is a $1 million difference in the costs of the 2 proposals, and this is in the initial cost. The Council is asking the PBC to look at the life cycle costs of the project, and is trying to take a more holistic view of the matter. He asked if the bubble will be a 3rd option for PBC consideration.

Mr. Slocum said the bubble is not part of the consideration by PBC.

Mr. Ecke asked what the Council is requesting the PBC to do, i.e. return with one proposal recommendation.

According to Mr. Sima this is what the Council is asking, for PBC to go through the process and come out with what will be the total cost of the project, life cycle cost, and how long it will take to build this project, interruption to the use of the pool. Each of the proposals will have a different time frame, constructed differently, design time is different, lease amount of maintenance and energy costs for the next 20 years, and he felt that PBC had the expertise to choose the best enclosure for the pool to accommodate the goals stated in the RFP.

Stating he fundamentally agrees with this statement, Mr. Ecke said he would agree more if PBC was evaluating two similar type buildings. These two buildings are dissimilar, and will effectively change the use of the pool. Summer use of the pool in an enclosed building is different than having a glass enclosed structure which people can walk in and out of freely, and use it as an outdoor pool with a roof on it.

Mr. Ecke believes the Council is asking PBC to make a large decision on the pool which should be made at the Council level. The decision between two dissimilar projects needs to be made by the Council, not the PBC.

Under the RFP, Mr. Sima said that both designs have open sides. The KBE design is more masonry with walls and will have open areas to be opened by staff. KBE put roofs over each of the doorways to stop direct sunlight from hitting the pool.

Ms. Giddings noted that the resolution calls for PBC to make a recommendation to the Council, not a determination of what the Council will do.

In looking at the design of the building, Mr. Ecke said he sees small doors, and the designs are vastly dissimilar. He also stated that the Council should make the decision, as elected officials, and it should not be done by an appointed board. In his experience, with a recommendation by the PBC, Mr. Ecke said the Council goes with the recommendation. A charge is not given to the PBC and
then the rug pulled out from under them. If PBC came back with the recommendation for the KBE structure, it would be hard for the Council to have PBC do all this work, and then not go in that direction. It will also be hard to sell the public at that point because PBC will be stating what is the best structure, when the Council might decide another structure is best. Mr. Ecke said this could be confusing to the public and ultimately be reflected in the referendum results.

The committee started out with 6 proposals and Mr. Schrumm said it is now down to 2 proposals, which are dramatically different. On a hot summer day, ingress and egress in the proposals is totally different, and the intention is to have the pool remain a year round facility. This is why the project is turned over to PBC, with much going into the project, and an important consideration is the public using the facility. PBC will sort out the components of the 2 proposals.

Mr. Ecke stated that the public deserves having elected officials making this decision, not appointed individuals. The PBC should evaluate similar projects, i.e. 3 glass structures or 3 solid structures. PBC should not make this decision, and the Council is usurping its decision making. PBC would be responsible if the project does not work.

Mr. Adinolfi commented on wanting the pool issues resolved, and he is in favor of enclosing the pool without it being a summer only pool. Of the proposals put forward, he would favor the Open Air structure from seeing the architect’s rendering. This would keep the pool most similar in use as it is now. Mr. Adinolfi has not yet visited the Milford CT pool. In listening to Mr. Ecke’s point, he said that the more permanent structure could change the use of the pool, and this must be reflected in the economic analysis. Mr. Adinolfi said he would expect to see a significant decline in summer membership and attendance with the traditional pool enclosure. Mr. Adinolfi may not vote in favor of the resolution on the floor, and not because he does not want the pool problems resolved. We have two options to be debated by the Council, to be done in light of some of the economics. For the record, Mr. Adinolfi said he is 180 degrees from where he was the night of the Planning Committee meeting when he thought it was wise to keep two vendors involved to leverage one off the other from a negotiating standpoint. He is not sure this is the right option. Mr. Adinolfi stated his support of Mr. Ecke’s concerns in moving this matter forward with the two proposals so different. If we want to keep the pool usage similar to today’s use, Mr. Adinolfi said there is only one viable option, and that is Open Aire.

With regard to the date of March 15th for the PBC to report back to the Council, Mr. Adinolfi knows this is driven by wanting a timely spring time or early summer referendum. He is concerned about the mistakes made during the original construction of the pool, and does not want to have the Council to drive to a date and make mistakes by not giving PBC enough time for review of the proposals. Mr. Adinolfi wants the date eliminated from the resolution, and let PBC go
through the process they feel is appropriate, and come back when they are fully ready.

Regarding the temporary members Mr. Adinolfi expressed concern about these appointments, and stated there should have been more input on this with both parties having a say in these appointments.

Mr. Sima said the reason the date of March 15th is there is due to wanting a referendum in June, and getting the construction process started after the summer time. With an end of summer time (when bubble would go up) start time there would be minimal impact the following year. Regarding the selection of the temporary members, Mr. Sima said he tried to contact the Democratic Party members, but could not do so in a timely manner and he apologized for this. The time line of the construction season drove the timely process.

With regard to the 2 proposals, Mr. Sima said Open Aire is a wonderful design, which needs to be vetted out by the PBC with people having energy expertise review the costs to save money. A reduction in energy costs could outweigh the reduction in member ship revenue.

Mr. Schrumm noted that the PBC members have a packet of information on the proposals, and Mr. Gavin did much work already, so the group is not starting from scratch. The group will meet, look at the proposals, make a decision on the options, but more time may be needed. With an open ended response date the recommendation could take much longer. The proposals are different, and there will have to be a balance on the question of summer use, pool structure opened along the sides and if this is worth the energy savings. We must keep the summer use of the pool as a revenue raiser, and this is the time when most people use the pool. Mr. Schrumm wants the pool to become an asset to the community, not an irritant. This can be done with due diligence and work on the part of the people chosen to evaluate the proposals.

Chairman Slocum stated that the Council is not advocating the choice here. There is a choice from the Planning Committee so Council is giving an evaluating body the proposals to make a presentation, after vetting 2 proposals. The Council will be subject to PBC meetings, and when something is handed to the Council it will have to exercise judgment in the PBC recommendation.

Disagreement on this was stated by Mr. Ecke who said the Council is abdicating its responsibility to make this decision. Once the pool leaves the hands of the Council, it will be difficult to go against the PBC decision. If the pool continues to operate at a deficit or surplus it will not be due to the Council’s decision, but that of the PBC. The Council needs to make any decision regarding the pool. The Council is pushing the decision to the wrong place, because such decisions are Council decisions. Evaluations underneath that decision should be made by the
PBC. Mr. Ecke respectfully requested the Council make this decision before sending it to PBC.

If the Council made a decision to go with one proposal after the prior Council had 6 proposals, the Council would be making energy and construction decisions. The PBC has this expertise to make such a decision, and ultimately the Council will vote to put this matter out to referendum with a stated price. So, the Council will have the final vote. It is possible PBC may come back and say the two proposals are good and equal, and then the Council must make the choice, but Mr. Schrumm doubts this will happen. For the Council to choose KBE, then ask for PBC thoughts on this proposal, makes no sense. The Council will make the ultimate decision because it has to, but is looking for good opinions from respected and responsible people.

Mr. Ecke agreed with Mr. Schrumm's statement if we were comparing two similar proposals up for consideration. They should go to the PBC for evaluation, costs, etc. but with dissimilar structures PBC is making the decision about the operation of the pool – solid or glass enclosure. Mr. Ecke commented on there being other companies making glass enclosures and masonry structures over pools. In this case, PBC will make a decision on dissimilar projects.

Rather than PBC make the recommendation, Mr. Adinolfi proposed that PBC compare the two proposals based on validated design, viability of the vendor, cost of the proposal for one time and ongoing operations, pros and cons, and bring this package back to the Council on both options. Then, the Council makes the decision on which proposal to be selected. Basically, Council is asking for a comparison on the stated factors with PBC doing its due diligence, and give the Council side by side information to make a choice to bring forward to the voters.

Chairman Slocum stated that this is what the PBC is doing in its deliberations.

Ms. Giddings stated that the word "recommendation" implies what Mr. Adinolfi indicated. The Council is asking PBC to come with a recommendation, and is not asking for an evaluation laid out for the Council's decision. Ms. Giddings suggested removal of the word "recommendation" and insert "evaluation" for each proposal. This would have the PBC come back with recommendations regarding both proposals in terms of their energy efficiency, cost over the life of the building, initial cost, disruption to the pool facility usage, and other considerations which have been discussed.

It was stated by Mr. Schrumm that the PBC is a good group along with the user members. They will compare all kinds of things as part of the process, and he would not want to prescribe what they should do. The Council is asking PBC to make a recommendation on the proposal best qualified. In making that recommendation he is confident the PBC will look at energy, construction costs, etc. and balance the two proposals accordingly.
With the change in the wording, Chairman Slocum said it would be two recommendations to the Council with the Council making the decision.

Ms. Giddings said “yes”, and changes would have to be made as to the firm’s qualifications to be awarded the project. Then, the resolution would state the Council requests these “recommendations” be made. The problem with the word “recommendation” is that it points to a rating or ordering of the project...this one is first and this one is second. Recommendations could be made in each area, and the Council decides the overall rating based on the various areas.

Mr. Schrumm stated the Council makes the final decision, one way or the other, and PBC will give information on the options, and the Council will make the final decision. Another piece to this is whether the Council wants to go back through the entire process, and he does not want to do this because Councilors are not qualified to do that.

Ms. Giddings agreed with Mr. Schrumm’s comments, and said that the Council is the group to make the decision in terms of what is recommended to take to the public for expenditures on the overall factors such as energy efficiency, initial cost and lifetime costs of the building.

Along with the suggestions made on the motion and the long term impact of the use of the building, Mr. Falvey asked if something could be added in paragraph #4, line #3..and any relevant contractual issues, “long term user impact”. This would help the PBC understand this is an issue on which the Council wants feedback.

Chairman Slocum stated that this is what the user members bring to the table.

This is not stated in the resolution and Mr. Falvey said user impact is different from the architectural and engineering nuts and bolts of the building...it is the use of the building in the resolution. He wants long term user impact as one of the criteria on which the PBC recommendation is based.

MOTION by Mr. Adinolfi…Amendment to the Motion, Paragraph #3, last sentence, delete “and to make a recommendation…” and change it to read as follows:

“…in this evaluation, and to compare the two proposals based on a validated design, vendor viability, cost proposal both one time and operating, and related pros and cons, including impact to usage.”

The Council recessed at 9:30 p.m.; the Council reconvened at 9:40 p.m.

Mr. Sima and Mr. Falvey withdrew the original resolution on the floor.
MOTION by Mr. Schrumm; seconded by Mr. Adinolfi.

RESOLUTION #011210-11
Paragraph #3.
BE IT FURTHER RESOLVED, that the Town Council refers this project to the Public Building Commission (PBC) to evaluate each proposal and, in accordance with Section 7-8 (c) of the Town Charter and Subsection 2-26(c)(5)(c)2 of the Town’s Ordinances, directs the PBC to utilize the design-build process as criteria in this evaluation, and to provide a report to the Town Council comparing the two proposals with respect to validated design, vendor qualification, construction and operating cost, user impact, and any other factors they deem appropriate.

BE IT FURTHER RESOLVED, that the Council requests that this report from the PBC be made by March 15, 2010. In making this request for a March 15 report the Council recognizes that the PBC will need to conduct a number of special meetings and directs the Town Manager to make available members of the Town staff whenever necessary to assist the PBC’s review.

Discussion
Ms. Giddings stated that the new resolution was excellent, and she thanked everyone who worked on it.

Mr. Ruocco commented on his submission of advance alternate resolutions when he served on the Pool Subcommittee. He requested that, going forward, Councilors look at the resolutions, and submit ideas in advance to the full Council.

Mr. Ecke said he read the Council packet in great detail, and could have advanced alternative wording. He noted that he has participated in meetings just like this with submission of alternate motions at the last minute.

VOTE The motion passed unanimously by those present.

I. Conflict of Interest Disclosures.
Town Manager Milone and PW Director Michaelangelo have both submitted conflict of interest disclosures to the Town Council. The Town Charter requires public employees and members of boards and commissions to disclose anything which creates the perception of a conflict of interest. In his case, his cousin is a principle of Milone and MacBroom, a firm which does business with the Town of Cheshire, and he has disclosed this. There is a special resolution followed anytime Milone and MacBroom is hired by the Town. This is why Mr. Michaelangelo attends meetings to discuss projects in which Milone and MacBroom is involved. Mr. Milone also informed the Council that his second disclosure involves his insurance company being acquired by H. D. Segur, the Town’s insurance consultants for 12 years. Mr. Milone clarified that he has no
financial, professional or personal interest or involvement in either of the firms stated.

PW Director Michaelangelo has identified potential conflict of interest in his memorandum to the Town Manager stating relatives who occasionally represent clients with interest in Cheshire.

Chairman Slocum commented on the fact that Councilors sometimes have conflicts of interest, and recuse themselves from the matter on the agenda.

Town Attorney Johnson explained to the Council that he is not sure that Town Manager Milone is obligated to recuse himself with regard to his cousin’s business, but it is appropriate and he supports it. Mr. Johnson has received calls from Council members regarding potential conflict issues. Mr. Johnson can provide a memo to address specifically how Council members should deal with matters of possible conflicts involving relatives employed by the Town or Board of Education. Under the Charter it states that when a Councilor is recused the ordinance requires disclosure on the record.

It was noted by Mr. Schrumm that Cheshire has one of the toughest conflict of interest ordinances in the State. Without voluntary compliance this ordinance would not have any effect. If there is any hint of a conflict of interest, the unofficial rule for Council members is “If in doubt, get out.”

J. Bidding requirements

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

BE IT RESOLVED, that the Town Council approves Resolution #011210-12

RESOLUTION #011210-12

BE IT RESOLVED, that pursuant to Section 7-8 (C) (1) of the Town Charter, the Town Council approves the requirements for sealed bids for February 1, 2010 through January 31, 2011, as for the previous period with no changes in the $12,000 bid limit for non-construction related services and the $24,000 bid limit for construction related services.

BE IT FURTHER RESOLVED, that the Town Council authorizes the Town Manager and his designee to purchase goods or services for the Town through the State of Connecticut Department of Administrative Services without bids in accordance with Section 7-8 (C)(9) of the Town Charter, and through the following regional purchasing entities without bids in accordance with Section 7-8 (C)(10) of the Town Charter:
Discussion
Town Manager Milone informed the Council that purchases from the administrative services run the gamut from automotive equipment to office equipment and furniture. Books for the Library are purchased through the consortium, and what is purchased depends on what the Town is looking for.

Mr. Sima noted that D.A.S. has information on the sale of trucks and the bidding requirements.

VOTE The motion passed unanimously by those present.

K. Dispatcher’s Collective Bargaining Agreement (possible executive session)
This agenda item was tabled for Executive Session.

L. Approval of sub-registrar’s appointments

MOTION by Mr. Falvey; seconded by Mr. Adinolfi.

BE IT RESOLVED, that the Town Council approves Resolution #011210-14

RESOLUTION #011210-14

BE IT RESOLVED, that the Town Council approves the appointments of sub-registrars as requested and presented by the Town Clerk for the term January 4, 2010 through January 2, 2012.

Discussion
These appointees (Paul G. Belval, Daniel J. Ford, John W. Ford) are suitable persons as sub-registrars in the funeral business.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER’S REPORT AND COMMUNICATIONS

A. Monthly Status Report.

B. Monthly Department Status Reports

C. Other Reports
Monthly Financial Report – this will be reviewed further at the Budget Committee meeting of January 19th. Mr. Milone reported that he learned today that the Manufacturer’s Machinery Exemption PILOT which was expected to be revenue of $736,000 was reduced to $672,000, a $90,000 reduction. There was a 152 page adoption of some portion of the State budget in June 2009 by the General Assembly. A paragraph on page 15 changed the manner in which this PILOT was paid. It was to be paid at 100% reimbursement and this is how it was budgeted by all State municipalities. In June, after all municipal budgets were adopted, the legislature made a change, with the towns finding out when the wire transfer was received. Now, Cheshire has another $90,000 to make up.

H1N1 Flu Status Report – the State Department of Health report was included in the Council’s packets which identifies decreasing activity, but there is a fear this flu will spike again in the spring time. There was a clinic on 1/14 which was well attended; another clinic will be held on 1/16 at Wolcott Middle School; and Chesprocott will determine whether to continue more clinics. Health personnel are encouraging people to get the vaccine.

Performance Contracting relative to energy related projects – There was a presentation in October 2009 from Chris Halpin, energy consultant, and staff has followed up on his presentation at the request of the Council. There was a 3 hour meeting last week with Mr. Halpin; details were reviewed and questions answered; and the town is in a position to be comfortable with proceeding on a pilot program. It is recommended that 4 or 6 buildings representative of the town be looked at; an RFP or RFQ would be done on these buildings; ESCO responses will be received; and there could be a good sense of the kind of information and qualitative and quantitative data the ESCO’s can provide without any commitment. The only commitment is to the consultant and the Energy Commission has funds from a $26,000 grant. Mr. Milone would like to discuss this pilot program with the Commission. There are some concerns about the impact such a program could have relative to referendum; and the financing part of the project must be worked through with town staff and a finance consultant. The town would get 4 or 6 buildings done without any cost. This matter will come back to the Council after review by the Energy Commission.

Boulder Knoll Farm – A memo from Town Planner Voelker reported on a potential $20,000 grant for a feasibility and engineering study of the barn. Mr. Milone wants to investigate this further and return to the Council with the information for consideration to proceed with this grant. It would be a 50% matching grant out of the capital planning money. The town is starting the invasive plant removal program funded with $20,000 in the CEP. Parks and Rec maintainers and volunteers will work on this project.

AT&T U-Verse Service – this was discussed last year, and will be revisited next week with an AT&T representative. The problem is that those residents with U-Verse do not get the public access channel. The Town would have to purchase
very costly new equipment, and it is hoped that AT&T will make some accommodations for this equipment. There will be a follow-up report to the Council.

ICMA Police Project – The representatives (Matarese and O’Connell) were at the Police Department on Friday, January 8th, from 9 a.m. to 6 p.m. conducting fact finding interviews for whoever wanted to be interviewed. Those who could not make a personal interview submitted written comments. There will be a report back to the Council shortly.

Police Academy – Will be held March 4th to April 8th, at no charge, and 20 people are accommodated for the program.

Road/Bridge/Sidewalk Projects/condemnation procedure – Mr. Milone has been meeting with staff to put together a good list of these projects for the coming spring, summer and fall. There must be resolution of some long standing easement disputes and acquisition disputes which have created a serious impediment to efforts to get things done. The Town Attorney has outlined an expedient condemnation process to be followed so projects can be moved forward.

Upcoming meetings – January 19, 2010 Budget Committee.

Town Hall closings – Monday, January 18th, Martin Luther King Jr. Day.

In response to a question on the flu shots, Mr. Milone advised they are free of charge. For the ICMA police project about 40 to 45 people participated.

Mr. White stated appreciation to Mr. Milone for his actions on the U-Verse and performance contracting items. He said people in Cheshire want access to the public channel, and not having access is one drawback to U-Verse service.

Mr. Milone informed the Council that the number for the PILOT revenue is PA 09-7, House Bill No. 70007, adopted in June 2009. The documentation is available for Council to review.

Regarding the AT&T U-Verse Service, Mr. Milone reported that the company will not release the number of people having the service in Cheshire.

Ms. Giddings commented on the reduction in the PILOT revenue by the legislature which affects the Town’s income without letting the Town know. She asked if steps can be taken to insure the Town is using the money as carefully as possible, i.e. the Mixville Pond program working with the vendor for a good price.

In response, Mr. Milone informed the Council that there is a department head meeting each month, and the financial standing of the Town is the first order of
business. Steps are taken to insure careful spending; it is a moving target; the ground rules change constantly, and Mr. Milone reviews things with staff to make other changes and ground rules to free up the money needed.

Ms. Giddings asked about the staff administrators who can approve overtime, and the amount of staff overtime in October through December.

This information will be provided to the Council and Mr. Milone said the biggest challenge is the storm conditions, i.e. major storms over the New Year’s weekend which was double time for employees.

On the Boulder Knoll Farm issues, Mr. Schrumm asked for the name of the person at DEP involved in the barn grant and removal of the invasive species. He said we cannot spend $500,000 to fix the barn and then not be able to use it.

Ms. Giddings informed the Council she has spoken with the DEP person on the conditions of the grant for Boulder Knoll Farm. Cheshire did give DEP a conservation easement on the property but DEP does not want commercial farming going on there. DEP wants people in the community to do the farming.

Ms. Giddings and Mr. Schrumm will discuss this matter and possibly visit DEP on the Boulder Knoll Farm issues.

9. TOWN ATTORNEY’S REPORT AND COMMUNICATIONS
Attorney Johnson reported on the condemnation powers of the Town, and said he appreciates the reluctance of the Council to use these powers. The powers are used only when the property owner, from whom the easement or fee interest is sought, does not cooperate. The Town begins with informal discussions, states what is needed, the benefits to the property owner, and then a formal letter is sent with an offer and giving a deadline to the property owner to respond. If this fails, and only because of problems with a project being held up year after year, will the Town go the condemnation route. Condemnation is easy in Connecticut and can be done within 6 to 8 weeks. The condemnation process is not recommended to be used often, but when used, people learn about it and become cooperative.

Ex Parte Communications – Attorney Johnson reported that the prior Council talked about the restrictions under State law and Town ordinance regarding private communications concerning matters to be the subject of a Town Council public hearing. The question about budget, appropriations, or ordinance communications has been checked out, and these communications are specifically carved out, and Councilors can hold private communications on these items.

10. REPORTS OF COMMITTEES OF THE COUNCIL.
A. **Chairman’s report**
Chairman Slocum received a communication from David Borowy, Cheshire’s RWA Board of Directors representative regarding the appointment of R. Douglas March to the Policy Board.

Chairman Slocum informed the Council that the Council Clerk, Marilyn Milton, is hired by the Council under a contract agreement. Her contract is up for renewal on March 1, 2010. Mr. Slocum referred the matter to the Personnel Committee for approval and it will come back to the full Council for approval.

B. **Miscellaneous**
Budget Committee Meeting – Mr. Schrumm advised there is a meeting scheduled for January 19th, 7:30 p.m. with WPCA Finance Committee to discuss future funding for larger projects.

Ordinance Review Committee – Ms. Giddings reported that the committee met and reviewed all of the items on the agenda, with some referred to the Town Attorney for wording before taking action.

11. **APPROVAL OF MINUTES**
Regular Meeting of December 8, 2009; Special Meetings of December 7 and December 15, 2009.

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

MOVED that the minutes of December 8, 2009 and Special Meetings of December 7 and December 15, 2009 be approved subject to corrections, additions, deletions.

**Discussion**
A copy of the corrections which were forwarded to all Councilors is attached to the minutes.

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

12. **MISCELLANEOUS AND APPOINTMENTS**

A. **Liaison reports**
Board of Education – Mr. Falvey reported that the Superintendent of Schools, Dr. Florio, presented his budget to the BOE. People are invited to come to the BOE meetings held to discuss the budget and provide their input.

Historic District – Ms. Giddings informed the Council that the Commission discussed the possible goals for the coming year, which include extending the historic district area in Town Center, or establishing a third historic district.
Energy – Mr. White reported on the town wide conservation plan update, and the town wide benchmarking tool is nearly fully populated, and includes natural gas, electricity, most heating oil.

PBC Meeting – Mr. Sima reported that the PBC met and the Dodd Middle School Kitchen Addition was on the agenda due to a delay, and the Norton School Boiler project is almost completed.

B. Appointments to boards and commissions.

i. Cheshire Housing Authority Tenant Member

Chairman Slocum commented on the turnover on boards and commissions to take place next month with seating of new members.

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

MOTION to appoint William Kinloch, Unit F38 Rumberg Road, Cheshire CT 06410 as the Tenant Commissioner to the Cheshire Housing Authority Board of Directors, replacing Gerald Hauser, term of office January 12, 2010 to May 31, 2010.

VOTE The motion passed unanimously by those present.

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

MOVED that the following reappointments be approved by the Town Council.

Bill Bonaminio (R) to the Beautification Committee, term of office 1/1/10 to 1/31/12; Meredith Sturges (R) to the Human Services Committee, term of office 2/1/10 to 1/31/13; Karen Bartoni (R) to Parks and Rec Commission, term of office 2/1/10 to 1/31/14; Donna Lodinsky (U) to Performing and Fine Arts, term of office 2/1/10 to 1/31/13; Ophelia Frazer (R) to Performing and Fine Arts, term of office 2/1/10 to 1/31/13; Pat Alexander (U) to Prison Advisory Committee, term of office 2/1/10 to 1/31/12; Sharon Houck (U) to Prison Advisory Committee, term of office 2/1/10 to 1/31/12.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council

Chairman Slocum reported on letters he received in favor and in opposition to the Library purchasing the book “In the Middle of the Night”.

B. Miscellaneous

14. EXECUTIVE SESSION

A. Pending claims and litigation

B. Land acquisition and negotiation

C. Personnel issues.

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

MOVED that the Town Council enter Executive Session at 10:50 p.m. to include Town Manager Milone and Personnel Director Zullo to discuss personnel issues, land acquisitions and the Dispatcher’s Bargaining Agreement.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:00 p.m.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council extend the curfew beyond 11:00 p.m. to the conclusion of business, and return to Executive Session.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:40 p.m.

VOTE The motion passed unanimously by those present.

K. Dispatcher’s Collective Bargaining Agreement
(possible executive session)

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

MOVED that the Town Council table Agenda item 7K.

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

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

MOVED to adjourn the Town Council meeting at 11:42 p.m.

VOTE The motion passed unanimously by those present.

Attest:

___________________________________
Marilyn W. Milton, Clerk