

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 12, 2013, IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Tim Slocum, Chairman; David Schrumm, Vice Chairman; Council Members Michael Ecke, Andrew Falvey, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, James Sima and Peter Talbot.

Staff: Town Manager Michael A. Milone; Finance Director James Jaskot; PW Director George Noewatne; Economic Development Coordinator Gerald Sitko; Richard Kaczer, Fleet Manager. BOE – Vincent Masciana, Director of Business Management.

1. ROLL CALL

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

Chairman Slocum clarified an FOI issue, stating that for every non-unanimous vote of the Town Council, the names of those in favor and opposed must be cited for the record.

Chairman Slocum extended appreciation to the pool community for mobilizing citizens to vote on the referendum, and congratulated the group on their efforts.

On behalf of the Town Council and the Cheshire Community, Chairman Slocum thanked Councilors Ecke and Falvey for their many years of service on the Council. He expressed his personal pleasure in working with Councilors Ecke and Falvey, and wished them success in their future endeavors.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

Derf Kleist, 251 Lancaster Way, played a tape from Cindy Kleist.

Kevin Wetmore, 21 Colonial Court, thanked the Council, on behalf of the Pool Evaluation Committee, for their support of the pool project. He commented on the Friends of the Pool group, the great deal of work they did for the project, and thanked those who voted in favor and in opposition to the referendum issue, as there was a great voter turnout this year.

A. Public Comments.

4. CONSENT CALENDAR

MOTION by Mr. Schrumm; seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council approves Resolution #111213-1.

RESOLUTION #111213-1
CONSENT CALENDAR FOR NOVEMBER 12, 2013.

BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 12, 2013 as follows:

- A. Acceptance and appropriation of \$627 in proceeds from concessions at Seussical Musical to the Human Services Gift Account for general purposes.
- B. Acceptance and appropriation of a \$25 anonymous donation to the Human Services Gift Account for general purposes.
- C. Acceptance and appropriation of a \$118 donation from Town Hall employees To the Human Services Gift Account for general purposes.
- D. Acceptance and appropriation of a \$2,161.86 donation from the Cheshire Fire Department fundraiser to the Human Services Gift Account for general purposes.
- E. Acceptance and appropriation of a \$2,369.57 donation from the Ladies of Copper Hill to the Cheshire Fuel Bank.
- F. Acceptance and appropriation of a \$250 donation from Noreen Carrano to the Parks Gift Account for a memorial tree and plaque.
- G. Acceptance and appropriation of a \$30 donation from Beth Esposito to the Parks Gift Account for a brick at the Living Classroom.
- H. Acceptance and appropriation of a \$380 donation from the Cheshire Newcomers Club Chili Fundraiser for the Cheshire Fuel Bank.
- I. Acceptance and appropriation of a \$50 donation from the Cheshire Fire Department Ladies Auxiliary in memory of Denise Tice to the Library Gift Account for materials, furniture and computers.
- J. Acceptance and appropriation of a \$50 donation from the Cheshire Fire Department Ladies Auxiliary in memory of Janice Walston to the Library Gift Account for materials, furniture and computers.
- K. Acceptance and appropriation of a \$50 donation from the Cheshire Democratic Womens Club in honor of Joy and Arthur Hostage to the Library Gift Account for materials, furniture and computers.
- L. Acceptance and appropriation of a \$250 donation from the Cheshire Lion's Foundation to the Parks and Recreation Gift Account for the Best Buddies Dance.

- M. Acceptance and appropriation of \$54,825 in funding from the Connecticut Department of Transportation FY 2014 Comprehensive DUI Enforcement Program grant.
- N. Appropriation of \$30,278.65 from the Peck Jones Fund for a world language lab At Cheshire High School.
- O. Appropriation of \$3,401.75 from the Tompkins Fund to the Cheshire Public Library.
- P. Authorization to apply for a Connecticut Department of Mental Health and Addiction Services Local Prevention Council Grant for \$4,245 to be used For addiction awareness and prevention programs.
- Q. Acceptance and appropriation of a \$9,668 "Neighbor to Neighbor Energy Challenge" reward for participation for the purchase of light fixtures and LED bulbs.

For Item "N" Mr. Schrumm noted that the Consent Calendar was amended to cite the correct amount of \$30,278.65.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Approval of amended fees for copies ordinance

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

BE IT RESOLVED, that the Town Council approves Resolution #111213-2

RESOLUTION #111213-2

BE IT RESOLVED, that the Town Council approves an amendment to the Code of Ordinances, Section 2-8 as follows:

Sec. 2-8 Fee Schedule; copies of public records.

Pursuant to Section 1-15 of the Connecticut General Statutes, the following schedule of fees shall pertain to all copies of public documents generated or transcribed in any manner:

(e) *As to the Assessor*
Assessor's Map (24" x 36" black and white)...\$12.00
Assessor's Map (24' x 36" color)...\$20.00
Section of Map (8 ½" x 11" color)...\$5.00
Section of Map (11" x 17" color)...\$8.00
Grand List Property Data...\$50.00

This amendment will be effective January 1, 2014.

Discussion

This agenda item was the subject of a public hearing earlier in the evening.

Mr. Ruocco noted that some fees do not change, and the only adjustments are for the specific copies mentioned in the resolution.

Town Manager Milone informed the Council and the public that the GIS system goes live next month, and some of the documents that can be copied were not available before.

The information from the Assessor's Office is on the web site, at no charge to the public.

VOTE The motion passed unanimously by those present.

MOTION By Mr. Falvey; seconded by Ms. Nichols.

MOVED that agenda item 7P be moved to current status on the agenda.

VOTE The motion passed unanimously by those present.

P. Waiver of bid for Community Pool and authorization for RFP.

MOTION by Mr. Falvey; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #111213-15

RESOLUTION #111213-15

BE IT RESOLVED, That the Town Council, in accordance with Section 7-8 (11) of the Town Charter and the recommendation of the Cheshire Pool Evaluation Committee, finds that it is in the best interest of the Town to proceed with a Request for Proposal (RFP) process to enable a comparison of bids for unequal products, match specifications, and potentially develop more favorable costs for the Community Pool Tension Membrane project.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council waives the bid for said construction of a permanent enclosure for the Community Pool and authorizes the Public Building Commission to proceed with an RFP process for this project.

Discussion

Mr. Falvey stated that the referendum was passed by the voters, and the project must move forward. The Town has to look at various contractors/proposals on the project and associated costs.

Tim White, 1682 Orchard Hill Road, asked about the RFP being set in stone at this time, as it relates to energy costs for the pool. He said there is new State funding for micro grids in June 2014, and this should be considered for the pool.

In response, Mr. Schrumm noted that the pool dome is a separate issue; the energy issue is separate from the project of getting the cover on the pool; and this RFP is for the tension membrane roof.

VOTE The motion passed 7-2; Ruocco and Sima opposed.
 In favor – Ecke, Flynn-Harris, Talbot, Falvey, Nichols, Schrumm, Slocum,

B. Approval of Sandbank Road Lease for School Bus Depot.

MOTION by Mr. Falvey; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #111213-3

RESOLUTION #111213-3

BE IT RESOLVED, that the Town Council approves the five year amended lease with the State of Connecticut Department of Public Works for State property on Sandbank Road in Cheshire for use as a school bus depot as presented and attached, and

BE IT FURTHER RESOLVED, that Michael A. Milone, Town Manager of the Town of Cheshire is empowered and authorized, on behalf of the Town of Cheshire, to execute and deliver contracts and amendments thereto, and all documents required by the Governor, the Connecticut Department of Public Works, the Connecticut State Properties Review Board and the Office of the Attorney General associated with such contracts and amendments.

Discussion

Cheshire is leasing this State property for the bus depot; it is a 3+ acre site; and this is an extension of the lease for 5 years at a cost of \$1.00, with another 5 year option.

VOTE The motion passed unanimously by those present.

C. Bid Waiver for a portion of the purchase of two dump trucks.

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

BE IT RESOLVED, that the Town Council approves Resolution #111213-4

RESOLUTION #111213-4

BE IT RESOLVED, That the Town Council finds it is in the best interest of the Town to waive the bidding for the cab and chassis for two six wheel dump trucks to ensure reliability of the vehicles and to make the trucks available for this winter.

THEREFORE, BE IT RESOLVED, that the Town Council waives the bid for said cab and chassis and approves the purchase of two Freightliner 114SD cabs and chassis.

Discussion

Mr. Milone stated that this request is not for a complete bid waiver of the entire acquisition, but for a portion of the trucks and the effect is a \$6,000 difference.

PW Director Noewatne said that the main issue with the current trucks is unreliability, particularly the emission system. The system has been out of service during winter months, sometimes up to 22 days, and Freightliner has a better emissions system. Other options were looked at, i.e. Town bid prices, other manufacturers, and both would be more costly than Freightliner.

With regard to delivery of the trucks, Mr. Kaczer stated that one is now on the lot, and two more have been ordered for spec to be delivered shortly. He commented on the reliability issues with the current trucks, and in 2011 they were in the shop 38 days, and in 2012 in the shop 12 days, for emissions related issues. There are issues with the truck engines and Mr. Kaczer explained how the emissions systems work. Freightliner is using a diesel exhaust additive system to meet current emissions requirements, and this is a more reliable system for fleet readiness.

In the capital budget, Mr. Milone said there is \$350,000 for these two trucks with plows.

With the current trucks, Mr. Sima asked about the exhaust fluid, a truck having a shutdown parameter as the tank gets empty, and if truck is on the road for a long time, is there a way to have it shut down, and still run the truck. He also asked if there is something from a manufacturer so this situation will not occur again.

According to Mr. Kaczer he is not sure if there is anything out there. But, the trucks will come equipped with a gauge showing steps of where the DEF fluid is, and one tank of DEF fluid is equal to 350 gallons of diesel fuel.

Mr. Sima said \$5,500 is a low number for trade in, and he asked if the trucks were set up with plow and sander. He suggested putting the trucks up for sale. Getting more money for the trucks allows for more things to be put on the truck if they are needed.

Mr. Kaczer said it is just the truck, not the plow or sander. Mr. Kaczer told the Council the money from an auction sale goes into the General Fund as miscellaneous revenue, and cannot be used for a truck.

The Council was told by Mr. Milone that Mr. Kaczer is very aggressive in getting the best dollars on trade-ins of the trucks. If the Council has no objection, the money for the trucks could be appropriated in a special revenue fund to supplement the acquisition of the truck. This gives the incentive to get as much as possible for the two pieces of equipment. Once the amounts are known for the truck, the Council can appropriate all the money.

Stating he was dubious during the capital budget process on whether these trucks were needed, Mr. Falvey questions whether this should be done with the increase in cost. Knowing now about the types of vehicles we have and how to fix them, he has problems with purchasing new trucks, and will not support the motion on the floor.

Mr. Talbot asked about the trade allowance coming off, this boosts the cost by \$11,000 and this is above the threshold.

In response, Mr. Milone said the Town staff will try to get the trucks auctioned concurrently so proceeds are there to offset the cost of the two acquisitions. We can supplement the differences from the General Fund, and when proceeds are received, put the money into the capital budget account to reduce the expense.

VOTE The motion passed 8-1.
 In Favor – 8; Slocum, Schrumm, Ecke, Flynn-Harris, Nichols, Ruocco, Sima, Talbot. Opposed – 1; Falvey.

D. Redesignation of balance of CNR funds for the Church Hall Drive Project To a new CNR Town Center Sidewalk Project, and amendments to the Bond appropriations for the Town Center Sidewalk and Town Hall Sidewalk capital projects.

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

BE IT RESOLVED, that the Town Council approves Resolution #111213-5

RESOLUTION #111213-5

RESOLUTION ALLOCATING \$49,000 FOR TOWN HALL COURTYARD BRICK PAVERS AND TOWN CENTER SIDEWALK BRICK PAVERS AND TRANSFERRING PREVIOUSLY ALLOCATED BY UNEXPENDED MONIES.

WHEREAS, The Town previously allocated \$120,000 from its Reserve Fund for Capital and Non-Recurring Expenditures for the Church Drive Road and Sidewalk

Improvements project, approved by the Town Council on August 30,2007 (The “Church Drive Project”)

WHEREAS, the Town has \$49,000 of unexpended monies remaining from the Church Drive project, which project is complete;

WHEREAS, the Town desires to allocate funds from its Reserve Fund for Capital and Non-Recurring Expenditures for Town Hall Courtyard Brick Pavers and Town Center Sidewalk Brick Pavers project; and

WHEREAS, the Town desires to transfer \$49,000 of such unexpended proceeds from the Church Drive Project to the Town Hall Courtyard Brick Paves and Town Center Sidewalk Brick Pavers project..

RESOLVED:

Section 1. The aggregate allocation for the Church Drive Project is hereby reduced by \$49,000 from \$120,000 to \$71,000.

Section 2. Unexpended monies of the Church Drive Project from the Reserve Fund for Capital and Non-Recurring Expenditures of \$49,000 are hereby transferred and allocated to the Town Hall Courtyard Brick Pavers and Town Center Sidewalk Brick Pavers project. The Town Council may determine the scope and particulars of the Town Hall Courtyard Brick Pavers and Town Center Brick Pavers project.

Discussion

PW Director Noewatne explained, operationally, why one project is under and one is under budget. The replacement of pavers in the Town Center is two separate projects – the Town Center sidewalks along Route 10, funded at \$120,000; and Town Hall project is Wallingford Road, Elm Street, and sidewalks within Town Hall property, funded at \$180,000. The project is a concrete sidewalk with brick pavers, and it was found that the concrete did not need to be replaced, reducing the project cost. Town Center was proposed to be three separate capital appropriations of \$120,000 each for a total of \$360,000. Bids were received; the numbers almost work with funds available; and involved reallocation of money from one project to another.

The original plan was for the Town Center Sidewalk to be cement with a brick paver on the perimeter, but the Historical District Commission would not approve this type of plan in the historic district. The Town had to use pavers for the entire project, and was over budget 25% to 30%. The Town Hall project was under budget, and these savings are being used to fund a portion of the overage in the Town Center project. The balance to complete the project will come out of the Church Drive CNR project.

Mr. Jaskot said the Church Drive project was completed in 2008, and with research he learned the overage funds were never designated for anything else. He stated that

there is a \$43,000 capital project appropriation and a \$49,000 CNR appropriation, and there is no increase in the total appropriation.

The money must stay in CNR and Mr. Milone said the Church Drive project was the logical one to be tapped. He noted that residual CNR funds were not cleaned out until recently. There was a \$72,000 overage in the Town Center project. The Town Hall project was under by \$43,000. To simplify the actual bond transfers, bond counsel suggested dealing with the \$43,000 here, and not increase the Town Center project by the full \$72,000. At that point we would have \$28,000 more in bonded obligations than we want. Resolution 111213-16 deals with the transfer of the \$43,000 between the two projects. The \$28,499 shortage is made up in resolution #5, where the proceeds from the Church Drive project are allocated to the new project – Town Hall Center Brick Paver Project.

Mr. Milone informed the Council that Mr. Jaskot has been aggressive in closing out residual bond balances.

Regarding the Town Hall front steps, Mr. Sima asked that the repair of these steps be tied into the subject project, using some of the funds for this repair.

Mr. Noewatne said the steps will be re-pointed and refurbished, and the money could come out of the operating budget, if necessary.

Chairman Slocum asked about curbing in the Town Hall parking lot.

This would be part of the parking lot resurfacing project, and Mr. Noewatne said these curbs would be addressed when the resurfacing work is done.

VOTE The motion passed unanimously by those present.

Mr. Milone clarified that the project ongoing at St. Peter's Church is not a Town project, but is a Yankee Gas Company project. The Town will be compensated for this project.

E. Clean Energy Communities Municipal Pledge.

MOTION by Mr. Falvey; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #111213-6

RESOLUTION #111213-6

BE IT RESOLVED, that the Town Council approves the Town of Cheshire's participation in the Clean Energy Finance and Investment Authority's 20% by 2018 program and commits to the Clean Energy Communities Municipal Pledge as presented and attached.

Discussion

Mr. Falvey stated that this is an extension of a 2005 pledge for reduction in energy usage in Cheshire, and now it is time to move forward to further pledge by reducing energy use by 20% by 2017-2018. He asked the year to be used for the base line energy usage.

Tim White talked about the performance contracting being undertaken by the Town, and explained that the usage will go down to 7 million kwh, and believes conservation will be more than 20% with the Town receiving a \$10,000 grant for energy efficiency measures. He thinks 2010 will be the year used for the base line at 11 million kwh.

The Council can direct the Town Manager to choose the most advantageous year, and Mr. Milone said the contract can reflect this. There is no penalty if Cheshire does not meet the threshold, but Mr. Milone believes the Town will meet the marks.

Mr. Sima commented on some buildings not being covered by the performance contracting and energy savings money could go towards those buildings.

VOTE The motion passed unanimously by those present.

F. Solarize CT status report

Tim White addressed the Council on the program update for the use of rooftop solar energy. There were 7 companies proposed to work in Cheshire, and 3 have been selected as vendors. The launch is November 14th, in Council Chambers, 7 p.m. through CEFIA and Smart Power. There is a lease program through the State for people interested in getting solar on their roof. Information is available on the Town's web site.

G. Referral of capital projects to the Public Building Commission

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

BE IT RESOLVED, that the Town Council approves Resolution #111213-7

RESOLUTION #111213-7

BE IT RESOLVED, that the Town Council refers the following FY 13-14 capital projects to the Public Building Commission:

- | | | | |
|-----|---|-------------|--------------------------|
| 15. | Pool Building Roof Repairs | \$110,000 | 110,000 Bonds |
| 16. | Community Pool Bubble Replacement
Tension Membrane | \$3,200,000 | 3,200,000
Ref (Bonds) |
| 17. | Upgrade Public Bathrooms and Concession
ADA and Code Compliance, CHS | \$ 350,000 | 350,000 Bonds |

Athletic Complex

18.	Districtwide Roof Repairs & Replacements	\$ 200,000	200,000 Bonds
23.	Site Specific Flooring Replacement	\$ 250,000	250,000 Bonds
24.	Site Specific Sidewalk, Chimney and Masonry Repairs	\$ 250,000	250,000 Bonds

AND, BE IT FURTHER RESOLVED, that the Town Council refers the following FY 13-14 capital projects to the Board of Education:

20.	West Gym Floor Replacement CHS	\$ 300,000	300,000 Bonds
22.	Site Specific Repaving Driveways and Parking Lots	\$ 300,000	300,000 Bonds
26.	Classroom improvements Science Labs CHS	\$ 300,000	300,000 Bonds
27.	Various School Building Improvements	\$ 150,000	0 CNR

Discussion

For the record, Mr. Schrumm stated that the PBC will start design work on the high school cafeteria. The project has not yet been assigned as no dollar amount has been designated. PBC will work closely with the BOE on this project.

VOTE The motion passed unanimously by those present.

H. Authorization to apply for a STEAP grant for sidewalk extensions on West Main Street

MOTION by Mr. Falvey; seconded by Ms. Nichols.

BE IT RESOLVED, that the Town Council approves Resolution #111213-8

RESOLUTION #111213-8

BE IT RESOLVED, that the Town Council authorizes the application for a Small Town Economic Development Assistance Program grant for up to \$500,000 for the construction of sidewalks along the northern section of West Main Street from Grove Street to Maple Avenue, and further authorizes the Town Manager, Michael A. Milone, to execute any and all documents necessary for said application.

Discussion

Mr. Falvey said this could be considered an extension of the West Main Street project, with sidewalks up to Maple Avenue in order for people to use the services available.

Mr. Sitko advised that the application date is April 15th, but the Town wants to get the application submitted as soon as possible. Announcements of awards could be done on a rolling basis. He said the Town will need funds for this project due to the grade in this area; estimated cost of about \$750,000; and the STEAP grant would go a long way to fund this project. The Council has supported the West Main Street project and the sidewalks will provide a safe walking area for pedestrians and link two business areas.

With regard to grant awards, Mr. Sitko stated that Cheshire received three STEAP grants - \$500,000, \$400,000 and \$100,000.

Stating he supports submission of the grant, Mr. Falvey said he has concerns about the topography on the north side of West Main Street being conducive to sidewalk installation. This grant would help to accomplish getting sidewalks in this area of town.

VOTE The motion passed unanimously by those present.

I. Approval of CPFA Schedule

MOTION by Ms. Flynn-Harris; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #111213-9

RESOLUTION #111213-9

BE IT RESOLVED, that the Town Council approves the modification to the Cheshire and Performing Arts Fee Schedule, eliminating the \$20 per year registration fee and increasing the fees for each class by \$5.00, effective with the Fall 2013 Artsplace programs.

Discussion

Ms. Flynn-Harris commented on Joanne Pilarczyk doing an excellent job with the programs at Arts Place, having a balanced budget, and the new fee schedule. The \$5 increase covers materials and staff costs, and is a moderate increase.

VOTE The motion passed unanimously by those present.

J. Legislative Package

In preparation for the upcoming 2014 legislative session, Town Manager Milone submitted the identified legislative priorities to the Town Council. The priorities include Prevailing Wage, Modify State mandated compulsory binding arbitration laws, State aid for municipalities, Mandate that all State aid to municipalities be transmitted as close to June 30th as possible, Wastewater Treatment Plant design flow, State statute relative to collection of taxes associates with unreported property improvements, Continuation of the Motor Vehicle Tax.

Mr. Falvey suggested that an item be added to the legislative package regarding taxes. He specifically cited the tax breaks for favored corporations and organizations that are not afforded to other groups or individuals. He believes individuals could benefit from a cut in taxes and it would assist the economy.

K. Approval of bid award for Senior Center Elevator Project

(Councilor Sima recused himself from this agenda item due to possible conflict of interest, and he left Council Chambers)

MOTION by Mr. Schrumm; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #111213-10

RESOLUTION #111213-10

BE IT RESOLVED, that the Town Council approves the bid award for the Senior Center Elevator Project as recommended by the Public Building Commission, and

BE IT FURTHER RESOLVED, that the Town Council awards the bid for said project to J. A. Rosa in the amount of \$173,011.

Discussion

This long awaited project went out to bid, and Mr. Noewatne reported that Independent Elevator was the lowest bidder, but did not bid the specs. The approved bidder is J. A. Rosa. The work involves removal of the existing elevator; the contract has a 10% contingency; it is a simple project; and no problems are expected.

VOTE The motion passed 7—2; Sima recused; Ruocco abstained (out of the room); In favor: Slocum, Schrumm, Ecke, Flynn-Harris, Falvey, Nichols Talbot.

L. Approval of bid award for the Public Works Garage Door Project

MOTION by Mr. Sima; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #111213-11

RESOLUTION #111213-11

BE IT RESOLVED, that the Town Council approves the bid award for the Public Works Garage Door Project as recommended by the Public Building Commission, and

BE IT FURTHER RESOLVED, that the Town Council awards the bid for said project to Litchfield County Overhead Door for all doors and installation in the total amount of \$25,396.

Discussion

This bid is for five overhead doors and seven operators; total project cost is \$25,396; and Mr. Noewatne reported it was awarded to Litchfield County Overhead Door.

VOTE The motion passed unanimously by those present.

M. Pension Plan document regulatory update

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

BE IT RESOLVED, that the Town Council approves Resolution #111213-12

RESOLUTION #111213-12

BE IT RESOLVED, that the Town Council, pursuant to the Town of Cheshire Ordinance Section 2-131 (e), hereby amends the Retirement Plan for the Employees of the Town of Cheshire, as presented, and as will be made available in the Finance Department, as required by the Internal Revenue Service, effective July 1, 2013; and

BE IT FURTHER RESOLVED, that the Town Council approves the notation of the date of such amendments and restatements in Section 2-133, numbers (1), (2) and (3), of the Cheshire Code of Ordinances.

Discussion

Mr. Ruocco explained that these are not changes to the benefits of the plan, but to bring the plan more in line with changes in the law or regulations.

This is a housekeeping item, and Mr. Jaskot said the IRS requires updates of the plan every five years, bringing the document up to date with products and any regulatory issues. The changes affect the Town and Police plans, but not the Firefighters plan. The Town Attorney reviewed the changes, in detail, with the Retirement Board and met with administrative staff, reviewed the changes with union representation for agreement that there are no benefit changes. One change is the adoption of the Heart Act which is included in the Town's plan document. Another change is increase in employee contributions, and exclusion of certain new hires. The changes have nothing to do with funding.

VOTE The motion passed unanimously by those present.

N. Acceptance and appropriation of \$30,406.04 in FEMA funds for the Cheshire High School West Gym Roof Replacement.

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

BE IT RESOLVED, that the Town Council approves Resolution #111213-13

RESOLUTION #111213-13

BE IT RESOLVED, that Town Council accepts \$30,406.04 in FEMA grant proceeds for the Cheshire High School West Gym Roof Replacement and appropriates said amount to a Special Grants Fund, and

BE IT FURTHER RESOLVED, that Cheshire High School West Gym Roof Replacement project expenditures of \$30,406.04 that were originally charged to the Districtwide Roof Replacement are allocated to said Special Grants Fund.

Discussion

This is a FEMA reimbursement, and Mr. Schrumm noted that the project cost was \$221,000, with the Town receiving \$208,000, for a project net cost of \$13,000.

VOTE The motion passed unanimously by those present.

O. Approval of Service Agreement with ProAct, Inc. for a pharmacy Prescription drug discount card program for Cheshire residents.

MOTION by Ms. Nichols; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #111213-14

RESOLUTION #111213-14

BE IT RESOLVED, that Town Council approves the Service Agreement, as presented and attached, by and between ProAct Inc. (dba ProAct Pharmacy Services Inc.) and the Town of Cheshire for a pharmacy prescription discount program for eligible Cheshire residents, as established by the Connecticut Conference of Municipalities.

Discussion

Ms. Nichols explained that this ProAct program is a discount prescription program offered to Cheshire residents through the Town's membership in CCM, and it is administered by CCM. People must meet eligibility requirements, and they are encouraged to thoroughly investigate the program.

According to Mr. Milone, this CCM program has been successful and popular in 100 other towns. There have been requests from Cheshire residents about the program, and the Town endorses the program, but has no role in its administration. Town staff will work with CCM to determine the best way to publicize the ProAct program, and it will probably be through the Human Services Department. Information will be on the web site.

In the agreement, Mr. Ruocco noted it says "client" and this means Cheshire is a member of CCM. He asked what would happen if Cheshire is no longer a CCM

member and residents are in the plan. He also said people will have to be aware of pharmacies that participate in this ProAct Plan.

The Council was informed by Mr. Milone that all pharmacies in Cheshire participate in the program.

It was noted by Mr. Ruocco that this is not an insurance program, but is a discount prescription program through CCM. He assumes it is also under the health care act.

Mr. Milone will check the issues and concerns with CCM, and ask for a link to the Town's web site on the program.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report.

B. Department Status Reports.

C. Other

Monthly Financial Report – the quarterly analysis and projections for the fiscal year were sent to the Council; the projection is for a \$600,000 surplus in the General Fund; WPCA is on budget; Pool unknown is the business interruption loss claim which is still being negotiated; there will be significant savings with the new structure and there should be a balanced budget at the end of the year.

Police Department has 7 vacancies and overtime is consistent with expectations, but if there is delay in filling vacancies it will impact the overtime budget. Other budgets are tracking as expected.

Municipal Grants-In-Aid Program - \$693,000 in municipal revenue sharing program, and \$500,000 Town road aid program grants have been received. The Town must certify it would have expenses sufficient to cover the \$1.1 million in revenue, and the State is doing this because of paying for most or all of these funds from bonded appropriations. The State needed certification from the towns that the money will be used for projects qualified under their bond resolutions. Mr. Milone and Mr. Jaskot reviewed all of the Town projects (PW, Police and other budget areas); they came up with \$1.7 million in eligible expenses; the grant application was signed and sent in by Mr. Milone.

Linear Trail Extension Site Visit – On November 2nd, staff, Councilors, and Tom Sheil met with homeowners along the planned trail extension; concerns were discussed and homeowners were satisfied and comfortable with what was offered; and one suggestion was a security type fence installed along with planted foliage. The archeology study is

completed with a report coming out later this month. The Town is on course to bid in late Spring. DOT held a meeting on the trail; plans were reviewed for the north of Jarvis to Southington town line section; DOT will be getting this section done first and then do the Dalton piece.

DOT/WPCA Various Issues – A meeting was held last week with DOC officials, Town staff, and Rep. Mary Fritz. In response to Cheshire's complaints, the State is spending a lot of money on an engineering study on where I&I is coming into the plant. DOT's frustration is that Cheshire wants \$4.453 million that is owed to the Town and amendment of the agreement. Rep. Fritz and Mr. Milone met with the DOT Commissioner. Mr. Milone informed the commissioner that he sent four letters to him asking when the \$4.453 million would be paid to Cheshire. The Deputy Attorney General was present, and he indicated to the commissioner that one of the routes to be used is Cheshire going through the State Compensation Commission at the State level. This commission is receptive from municipalities, and with the help of the assistant attorney general, there can be guidance and direction to the DOC and this matter will move forward. A meeting will be set up to amend the DOC/Cheshire agreement. Rep. Fritz made it clear to the commissioner that his focus needs to be brought back on the Cheshire issues.

Public Work Projects Status Report – Most of the roads are completed; next month the mileage and costs will be reported to the Council. The South Brooksvale Culvert is still being worked on and should be paved this week. Farmington Drive curbing will be finished; the rest of the work is clean up in the spring, and completion of the sidewalks in front of Town Hall. Mr. Milone was pleased the road referendum passed on 11/5. The new GIS system and road pavement management system are now coordinated. There will be a demonstration of the GIS system in December for the Council.

Property Revaluation – 9,600 commercial and residential notices will be sent out; the time schedule will be cleaned up and will be posted on the web site and sent to Councilors; the Town must have the grand list by 1/31/14. Assessor Panagrosso has hired a commercial appraiser to assist with the review of the large commercial accounts and appeals. The appraiser will be on staff, and be familiar with the accounts for the appeals process. There will be a report to the Council on adjustments and values from the last revaluation. Mr. Panagrosso expects to see an average 10% reduction in residential values; more analysis will be done before the values are locked in.

Professional Recognition Award – Supt. Of the Treatment Plant, Dennis Dievert, received the New England Water Environment Association Engineer of the Year award. On behalf of the Council and the community, Mr. Milone extended congratulations to Mr. Dievert for this much deserved and prestigious award.

Dog Park – fencing is completed; milling will be done this week to create the parking lot; ADA requires an asphalt parking space(s) and space from the lot to the gate; work and equipment will be handled by Town crews.

Fenn Road Demolition – there is a barn on Fenn Road and under court order dated 11/5/12 the owner is charged to demolish the structure. If the barn is not torn down then the Town can demolish it.

Open Space and Land Acquisition Parcels Obtained – the information is in the Council packets; total of \$17.6 million in land acquisition; and 1,530.87 acres.

Town Hall Closing – November 28 and 29 for Thanksgiving Holiday.

Council comments and questions

Ms. Flynn-Harris reported that there were 12 dogs at the dog park, and she asked about the milling and paving work.

Mr. Milone told the Council that the milling and paving work will be done concurrently at the dog park.

For medical benefits, Mr. Sima noted it is trending over 60% in 6 months, and asked if this is typical.

Mr. Jaskot explained that pension contributions were significantly higher, paid in July or August and skewed the numbers.

Mr. Milone stated the retirement benefit contribution was budgeted at \$1.639 million; 95% of that appropriation has been expended; this distorted the overall totals; another big number is the medical benefits line item, and to date only 35% has been spent.

The paving of North and South Brooksvale Roads was questioned by Mr. Slocum.

Mr. Milone advised that the next coat is within one week; cleanup will be done in the spring; and he will get exact date to the Council.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

Planning Committee – Mr.Sima will schedule a meeting in the next two weeks.

Budget Committee – Mr. Schrumm will schedule a pre-budget meeting the week of December 10th or 17th.

Mr. Milone noted that the actuary is ready to present the interim report to the Council.

GIS system is ready to go on line, and there will be a half hour demonstration to the Council at the December meeting.

Solid Waste – Mr. Falvey stated that a meeting will be required to review status of the automated recycling program and bulky waste program.

B. Miscellaneous

11. APPROVAL OF MINUTES – Regular Meeting, October 8, 2013.

MOTION by Ms. Flynn-Harris; seconded by Mr. Sima.

MOVED that the Town Council approves the minutes of October 8, 2013 subject to corrections, additions, deletions.

Correction – Resolution #100813-9 should reflect the vote as follows:

In favor -3; Slocum, Nichols, Falvey.

Opposed – 6; Schrumm, Sima, Ruocco, Ecke, Flynn-Harris, Talbot.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Retirement Board – Mr. Ruocco reported that the Council will have to make a decision on the pension assumptions based on the revaluation of the pension fund.

Councilor Falvey has served as Council liaison to the Library Board, Board of Education and Public Safety Commission. He expressed his appreciation to the members of these boards for their work and efforts, and said he enjoyed working with them. Mr. Falvey also expressed his pleasure in working with the Town Council members and the many opportunities given to him to serve his community.

B. Appointments to Boards and Commissions

MOTION by Mr. Talbot; seconded by Ms. Nichols.

MOVED that Paul Michalowski (D) be appointed to the Energy Commission; to fill the vacancy of Andy Maye; term of office 11/12/13 to 1/31/16.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Slocum read the letter from Yankee Gas, dated 11/8/13, from L. Vasquez, into the record of the meeting. A copy of the letter is an attachment to these minutes.

With regard to the Yankee Gas letter and its contents, Mr. Milone said that the company went ahead, did the work, without approval, and the Town requested \$10,000, as \$5,000 is not acceptable for the damage done. Mr. Milone wants to explain to the company that the damage done and costs to rectify the situation is above \$5,000. This is the third time Yankee Gas has repeated demolition and changes at the work site, and the Town is frustrated. He will be getting back to Yankee Gas on all the issues and concerns.

B. Miscellaneous

14. EXECUTIVE SESSION

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

MOVED that the Town Council enter Executive Session at 10:12 p.m. to include Town Manager Milone and Economic Development Coordinator Sitko to discuss land acquisition, pending claims and litigation and personnel matters.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

Due to a fire alarm and evacuation of the Town Hall building at 10:40 p.m. the meeting was not officially adjourned.

Attest:

Marilyn W. Milton, Clerk