

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY,
DECEMBER 9, 2014 IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING
IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Chairman Timothy Slocum; Vice Chairman David Schrumm; Council Members Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Robert J. Oris, James Sima, Peter Talbot.
Absent: Thomas Ruocco.

Staff: Michael A. Milone, Town Manager; Alfred Smith, Town Attorney; James Jaskot, Finance Director; George Noewatne, PW Director; Ramona Burkey, Library Director; Robert Ceccolini, Parks and Rec Director; Sheila Adams, Pool Coordinator.

Guests: PBC Members John Purtill, Mark Nash, Art Crooker; Arcadis representatives Keith Goldberg and Tom Meade.

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Recognition of Employee of the Year Bob Ceccolini

Chairman Slocum presented Parks and Recreation Director Bob Ceccolini with a plaque in recognition of his selection as "Employee of the Year". Mr. Slocum commended Mr. Ceccolini for his 21 years of service in his director's position. On behalf of the Council and the community Mr. Slocum thanked Mr. Ceccolini for an outstanding job, his professionalism, and dedication to the Town of Cheshire.

Mr. Milone explained that the Employee of the Year recognition is named in honor of Connie Wallace, executive secretary to former Town Manager O'Neill. He noted Ms. Wallace was a true professional, had a great sense of humor, was well liked by her co-workers, and the award is in her honor. The Employee of the Year is chosen by Town employees, and this year Bob Ceccolini was selected to receive the award.

Director Ceccolini stated it is a great honor to have his co-workers consider him worthy of this prestigious award. Mr. Ceccolini knew Connie Wallace personally and worked with her so the award has great significance for him. He commented on Cheshire being a special place to live and work in for the past 21 years, with everyone working as one unit for the good of the Town. Having worked with many Town Councils on projects and activities, he applauds their efforts on behalf of Cheshire over the years. Mr. Ceccolini appreciates the support of Town Manager Milone, and expressed his thanks for the Employee of the Year award.

Councilor Oris personally thanked Mr. Ceccolini for his years of service to Cheshire, noting he worked with him in many capacities. He said Mr. Ceccolini is a team player;

in every interaction he represents the community very well; he puts kids and the community first; and is most deserving of this award.

Councilor Talbot serves as Council liaison to the Parks and Recreation Commission, and congratulated Mr. Ceccolini for his award. He commented on the hard work of Mr. Ceccolini, his staff, the Commission, and the outstanding job they perform. The Council and public were informed by Mr. Talbot that Bob Ceccolini recently received another award – induction into the Town of Branford Hall of Fame.

Town Manager Milone said he has had the good fortune to work with Bob Ceccolini during his 21 years of service to Cheshire. Mr. Milone commented on *Money Magazine* citing Cheshire as the 39th best place to live in the U.S. for towns its size, and pointed out that the Town's recreation programs and services, which are second to none, were a highlight of this recognition. During his tenure as Parks and Rec Director, Mr. Ceccolini has expanded and enhanced programs, created a variety of new programs, increased levels of service, and brought the use of organic materials for use in Town parks. The organic material use was the first in the State, with Mr. Ceccolini now recognized as a State wide expert in this area. Mr. Milone stated that Bob Ceccolini is a most cooperative person, consummate professional, responsible, and he is looked up to by everyone. Over the years he has worked with various athletic teams and leverages them to support the Town fields and parks with funds and in-kind services. He has created a collaborative and collegial effort throughout the community, and Mr. Milone wishes him another 21 years in Cheshire.

Council members personally congratulated Mr. Ceccolini for his 21 years of great service to the community.

B. Recognition for Cheshire's Lights of Hope

Chairman Slocum read a Certificate of Recognition for Don and Jennifer Walsh and their many volunteers, thanking them for the successful Lights of Hope program, and the \$10,000 donation to the Human Services Department for residents in need.

C. Recognition of Henry Chase

Chairman Slocum presented Henry Chase with a Certificate of Recognition for his 16 years behind the camera at Council, Board and Commission meetings, making sure everything is working for audio/visual broadcasting of meetings. He said Mr. Chase is a congenial gentleman to work with, and his efforts are greatly appreciated by the Town of Cheshire. Council members personally thanked Mr. Chase.

D. Public Comments.

Tim White, 1682 Orchard Hill Road, thanked the Town Council for issuance of the RFP for solar, stating it is a wise step with benefits of protection of the environment and savings. He noted that electricity is the single biggest monopoly in the U.S. and solar is one step in creation of competition for this monopoly. With new technology, Mr. White said things can be done differently.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-1

RESOLUTION #120914-1
CONSENT CALENDAR FOR DECEMBER 9, 2014

BE IT RESOLVED, that the Town Council approves the Consent Calendar for December 9, 2014 as follows:

- A. Acceptance and appropriation of a \$10,000 from Cheshire Lights of Hope Human Services Gift Account to help residents in need.
- B. Acceptance and appropriation of \$119 from Town Employees to the Human Services Department to help residents in need.
- C. Acceptance and appropriation of \$500 donation from Adoria and Gerald Corcoran to the Cheshire Fuel Bank.
- D. Acceptance and appropriation of \$50 donation from the Family Fun Night Yellow House Event to the Cheshire Fuel Bank.
- E. Acceptance and appropriation of \$308 from Cheshire Chamber of Commerce To the Parks Gift Account to help defray costs of Fall Festival.
- F. Acceptance and appropriation of aggregate donations totaling \$315 to the Parks Gift Account for a memorial bench in memory of Linda Hammerman.
- G. Acceptance and appropriation of a \$10,000 donation from the Cheshire Lion's Foundation to the Parks Gift Account for a new signboard.
- H. Acceptance and appropriation of a \$50 anonymous donation to the Human Services Gift Account to help residents in need.
- I. Acceptance and appropriation of a \$1,000 donation from the Cheshire Fire Department Fundraiser to the Human Services Gift Account.
- J. Acceptance and appropriation of a \$63,525 Connecticut Department of Transportation Comprehensive DUI Enforcement Program for Municipal Police Departments grant to the Cheshire Police Department for DUI Enforcement.
- K. Acceptance and appropriation of aggregate donations totaling \$549 to the Library Gift Account for the purchase of a sign for the entrance to the Children's Room.

VOTE The motion passed unanimously by those present.

**5. ITEMS REMOVED FROM THE CONSENT CALENDAR
None.**

Chairman Slocum moved Agenda Item 7A to current status.

A. Community Pool construction bid waivers.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-7

RESOLUTION #120914-7

BE IT RESOLVED, that the Town Council, pursuant to the recommendations of the Public Building Commission, approves a waiver of bid for the construction of all facets of the Community Pool Construction Project, with the exception of the overall design and peer reviews, and approves negotiations with Arizon Companies for said scope of work, contingent upon approval by the Town Council of the contract with Arizon Companies for said work.

Discussion

Mark Nash, PBC member and Pool Committee member acknowledged the many hours of committee work on the pool project. He said the PBC has approved recommendation for the contract to be finalized with Arizon, even though the project may not have all the bells and whistles which people want.

Keith Goldberg, ARCADIS representative, presented a pool facility construction update to the Council. A copy of the presentation is attached to these minutes.

Progress Timeline – July 31, 2014 through December 2, 2014.

Included in the timeline were dates and work completed – site survey, executed contract with Arizon, soil borings completed with preliminary and final reports issued; structural design completed by Arizon; foundation design completed by Arizon; preliminary scope of work (GC) created by Arizon; analysis by ARCADIS; scope review; analysis of preliminary construction schedule; drawing revision to structural requested by ARCAIDS; pricing validation with Arizon; cost negotiations with Arizon; ARCADIS created a detailed scope of work (GC) and issued to Arizon; meeting with AE firm to join tem; ARCADIS completed analysis of Arizon final proposal (GC – new scope).

Renderings of the pool structure – The presentation packet included renderings of the pool from the North Side View, South Side View, West Side View, Interior View, 16 Overhead Doors, Commercial Grade Insulated Doors, Glass Panels, Fastening of Fabric w/ exposed anchors.

Financial Review (pages 15 to 21)

Soft Costs - Budget Total 8/12/14 - \$214,000; current costs total \$284,250. No permitting fees will be charged.

General Trades - \$14,000.

Civil Works - \$36,800; Concrete - \$355,301.

Pool Structure – current costs total of \$2,108,504

Electrical - \$121,629; Sprinkler - \$117,664; HVAC systems - \$127,782.

TOTAL PROJECT – \$3,129,121; Original Budget - \$3,200,000; Difference (\$70,879)

With this number, no overall contingency exists besides the \$70K delta from original budget.

Changes from December 3, 2014 – actual cost for testing/survey; addition of LED lighting; credit for garage door operators (motors and electrical).

Arizon is the General Contractor and will do everything, \$316,000 budgeted; after review of detail of the scope of work the number is now \$355,000.

There was addition of a 12 foot asphalt walkway around the perimeter of the facility, which will facilitate snow removal and emergency access.

Insulation is R20, cost of \$184,000; LED lighting, \$25,000; 2 additional exit doors, \$7,000; facility is designed for 1,000 occupancy. There must be a sprinkler system over the pool as required by code; piping was changed to galvanized pipe. Steel costs are locked in right now; one price increase has passed and our price was held; but we will not pass another one without an increase.

HVAC System \$127,000 – regarding the dehumidification, the existing unit can be stripped down and rebuilt, and returned to the Town like new. There will be 100% fresh air, and this meets code and is cleared by the Building Official. The facility will have a controlled thermostat system.

Insurance money still exists, about \$150,000, and is not part of the \$3.2 million. Once the project is near the end some of this money can be utilized to repair the concrete decks - \$20,000 estimate; repair/seal existing concrete wall - \$40,000 estimate; secure a scoreboard/signage, \$20,000 estimate; total of \$80,000.

Project Schedule (page 22) – 12/10/14 Council approval to commence with Arizon (GC) through 9/6/15 opening date.

Mr. Goldberg reviewed the “Closing” issues of the project. There is a \$70,000 contingency currently reflected; potential savings not reflected (overhand demolition); critical next steps are contract with Arizon, approval for ARCADIS to hire “AE” for peer review etc. and potential issues with a delay would be steel costs and fabrication time, subcontractor commitment and weather.

Project Budget – Soft Costs, General Trades, Civil Works, Concrete, Pool Structure, Electrical, Sprinkler, HVAC Systems total \$3,129,121; original budget \$3.2 million; difference of (\$70,879).

Closing – The project has a \$70,000 contingency; the committee is comfortable that everything has been included; potential savings with demolishing the overhanging door; the next steps are the contract with Arizon, approval for ARCADIS to hire the AE; steel costs are locked in right now; contractor commitment; and weather.

Chairman Slocum thanked Mr. Goldberg for the presentation, explanation, and progress of the pool project, and the PBC recommendation to the Council.

Ms. Linehan asked about insurance funds and usage, consideration of the dehumidification (why and why not), and approximate cost, and if there is a code requirement. She asked about R-20 or R-30 insulation or going to fiberglass and savings.

There is no cost for the dehumidification system as it was not looked into and Mr. Goldberg said this was because of the budget with a fixed amount to complete the project. For insulation, R30 is residential code, and fiberglass will last longer.

Mr. Nash stated the estimate is \$700,000 for the dehumidification system; there is not enough money; additional funding would be required; and the existing units can be retrofitted for dehumidification in the future. There is no code requirement.

Ms. Flynn-Harris commented on the most important thing in the presentation is the outline on the dates for the project, giving people an understanding that it must be done correctly, and there will be peer review. There cannot be mistakes with this project, and she appreciates the committee's update on numbers, questions answered, and possible retrofit of the dehumidification system and LED lights added into the budget. She asked about the awning repair.

Ms. Flynn-Harris expressed concern about the low contingency because construction jobs have change orders.

In response, Mr. Goldberg said \$6,000 is built in for the lights, and there is a credit for the garage doors. For the awning this is the \$14,000 place holder along with the ceiling with water damage. The ideal situation for a contingency is 3% to 5%, sometimes up to 10%, but the committee did not want to cut out certain things. One month was spent working on the scope of the work which gets down to the details and finite items. Unless we direct a change it is in the contract and this has been conveyed to Arizon.

Tom Meade stated barring any unforeseen circumstances, soil analysis was completed, and test pits were done to make sure we saw the size of the rocks and to minimize risks. Unforeseen conditions cannot be guaranteed.

With the air exchange, Mr. Talbot asked about the energy efficiency of the air exchange handler, and if this is one of the items going in a different direction with a larger number to play with.

According to Mr. Goldberg a larger number has more options. By sending the handler back to Arizona and upgrading it we are getting the most current equipment possible, but he cannot speak to actual savings.

Mr. Talbot asked for other items where there were cost cutters other than what is preferable, i.e. insulation going to R20 as opposed to an R30 or higher.

Mr. Goldberg said "no".

Since its inception this facility has been the poster child for Murphy's Law, and Mr. Talbot said we are talking about a structure to last +50 years. He has concerns about the contingency and asked if there are concerns about a less than 3% contingency for a project of this magnitude.

Mr. Goldberg said the biggest potential would be putting in the foundation, but he does not believe this will be an issue based on the test pits done. He said this structure is an envelope on top of the existing structure.

The time table has an opening date of September 6, 2015, and Mr. Talbot wants the public to be clear that the construction is going on through the summer and the pool will not be open until September 6th.

Mr. Oris supports the permanent structure for the pool and said this project needs to be done correctly. He has talked about understanding the true scope of the project with enough funding and we are finally there. The numbers come with much review and analysis and people must understand the process goes forward with hard work of the individuals involved. The time line is a concern but the project must go forward. He has concerns about what the permanent structure will do to operating costs, with his hope they would get better. He asked if the committee has a sense on these costs, and if they would be worse than current costs.

Mr. Goldberg said "no."

Mr. Nash said the Energy Commission is doing studies on the operations passed along the line for energy usage costs. The commission could do an energy study and provide better information.

The Council was told by Mr. Goldberg that the bubble had R3 to R4, and the facility will now have R20.

Regarding the dehumidification system Mr. Oris talked about this being done down the road, with air quality within the structure being comfortable and good.

Stating “yes” Mr. Goldberg said there will be thermostat controlled fans, a duct system, with constant air flow in the building.

Mr. Oris questioned the issue of how to handle the revised contract with Arizon, i.e. handled through a change order. He asked if the town attorney is comfortable with this magnitude of change with a change order.

Attorney Smith spoke with the two attorneys from his office handling the negotiations and they are comfortable with handling this as an addendum to the original contract. It is more efficient, more clear, and can adopt by reference additional contractual terms. We are solely talking about the additional work without having to graft onto that all the other terms that remain in place from the existing contract.

Relative to the budget and contingency we have, Mr. Oris noted nothing bad came up with the G.O. Technical. He asked if there are other line items which might have some unknowns leading to some risk with the budget.

Mr. Goldberg said that beyond the structure and foundation and fabric, there are the electrical, sprinkler, HVAC packages, and the committee does not see any unknowns.

Mr. Oris restated his support of the project, is anxious to see it go forward, and said the Council should support the project as the community spoke loudly and wants it done. The goal is to have a community pool to be proud of, and Mr. Oris is comfortable with the time line. He asked about provisions for lag time within the time line for issues such as bad winter weather.

The committee is comfortable with the time line and Mr. Goldberg said lag time has been considered.

John Purtill, PBC Chairman, clarified issues about energy consumption, operating costs of the structure and R factors, HVAC etc. There needs to be an understanding that the biggest savings is that we don't have to buy a whole new envelope every 6 to 10 years, as in the past with the bubble. Over a period of years the bubble is half a million dollars escalating upward over a period of years. The new structure will be here for +50 years.

Mr. Schrumm commented on the necessity of a sprinkler system over the swimming pool, and asked about the AE as the peer review and if the firm has been selected.

Mr. Goldberg said the AE has not been selected.

The peer review must look at the drawings, and Mr. Schrumm asked who will do it and how long it will take.

This could be answered tomorrow and Mr. Goldberg said we are meeting the time line. The person not only does the peer review, but must put together the code documents and site documents in order to get the permits.

Mr. Schrumm noted the architect is the owner's representative and makes sure things are done right in the owner's interest. This situation is different; Arizon was going to be the designer/builder; now they are also ending up as the people designing with the help of ARCADIS and the peer review company. If something goes awry, Mr. Schrumm asked who will be held responsible.

Mr. Goldberg stated his company, ARCADIS, is serving as the owner's representative. By hiring the architect under ARCADIS, it is still keeping that protection. If there is an issue or problem they will put Arizon at fault.

According to Mr. Nash this concept began with the pool committee, and at that time Arizon was to build the structure. There were questions about responsibility, clear line of construction, who was responsible for what. This is why the idea of Arizon as the General Contractor came up, and they are 100% responsible for the project. Arizon will submit an RFP to sub-contractors; ARCADIS is the town's representative; and ARCADIS functions as the project manager.

Mr. Sima is comfortable with ARCADIS, and asked about the heat exchange and no talk of installation within the existing duct work.

It was stated by Mr. Goldberg that it cannot be used.

Regarding the 16 garage doors with the electrical operators removed, Mr. Sima asked if they are emergency egress doors, or if extra doors are needed because the garage doors cannot be used.

The garage doors cannot be used as an exit, and Mr. Goldberg said 1/3 of the occupancy leave by one door and two more doors are needed.

In looking at the rendering Mr. Sima said there are two doors on the south wall. He noted a bonding number of \$35,000 and asked if this number is locked in.

This is the number based on \$3.2 million and Mr. Goldberg said it is included in the number as payment of the performance bond and insurance by each contractor.

Mr. Sima questioned the time line, the pool expected to be done in 2014, and it is moved out one year in the construction time line, with the pool closed next summer. He asked about the 4x4 vent and door vent.

Mr. Goldberg said this is thermostat controlled.

When the vent comes on Mr. Sima asked if there is a way for fresh air to be brought into the system at the same time. He said there is a garage door directly below, and having a short circuit. He questioned the louvers on the vent, the heater goes on running all the duct work, anticipation of loss of the air. Without a demand for heat on a 50 degree day, the building is at 80 degrees, the pool is warm, and humidity builds up, he asked if there was thought about this.

Mr. Goldberg pointed out that there is a multi-stage thermostat which will turn on and vent out, if necessary.

Once the motion are passed by the Council, Mr. Sima said the Council, basically, is passing everything over to Arizon to run the project, without coming back to the Council.

Attorney Smith stated they should not be coming back to the Council. There may be opportunities for minor adjustments in some of the specs, but the big picture will be settled tonight.

Mr. Sima said the Council would be done with this project, and if there is over-run with contingency money or anything else, he wants to know how and where decisions come in on what pieces become most important. He cited an example of taking out LED lights for any lighting fixture.

Attorney Smith said the motion under consideration provides contracts will come back to the Council for final approval.

For the overall structure, Mr. Sima said this is it. The numbers are tight. The Town has \$150,000 in insurance money to rebuild the structure, and he said this should be adequate to go into the project, if needed.

Mr. Purtill stated the Council is releasing the project to the PBC and the committee and ARCADIS will be the over-seer. Throughout the project we will look at submissions, design details, little details the committee will spend much time overseeing.

In a standard building project, Mr. Sima said there is the conceptual design with the Council approving the final design. This is different. We do not have the real final design here tonight for approval, and this is why he raises this question.

This is a schematic design and Mr. Purtill said after that the building committee develops the detailed design. This is not a design bid build...this is a design/build and does not have the extra step.

If air quality becomes poor and the Town must spend the \$700,000 for dehumidification, Mr. Sima said this goes back to his original concern about the tension membrane project. He talked about the prior project, Open Aire, with sliding roof and less heat loss, more heat gain, opening the roof, natural ventilation, cutting costs, and now coming close to the costs of that structure. There were many issues with the bubble

because of the moisture build-up and air quality, changing the treatment of water inside the pool. Mr. Sima is glad to know R20 is going in and will affect the pool in the summer months when the solar load gets in there, and he does not expect it will have as much an effect on the heating side as much as on the solar load side.

Ms. Nichols thanked everyone for the work and level of detail, noting her questions were asked and answered. She echoed other Councilor's statements to do the project the right way and not rush into it. The contingency is an issue, and Ms. Nichols fully supports this project.

Chairman Slocum said there should be protection of the side wall, making paved surfaces more friendly for bare feet in the summer months, and back doors without motors is something to be considered.

With the size of these doors, Mr. Goldberg said there is a chain link system.

Regarding the unit price column on the project budget, page 2, the \$235,000 number for the dehumidification option, Mr. Slocum asked about this number.

Mr. Goldberg said this is factored in the cost of the heat unit to be installed, which will not be installed.

It was noted by Chairman Slocum that Council members received many calls and communications from concerned citizens regarding the pool project. He hopes everyone better understands the project, the costs, the time line, the efforts of town volunteers, and will be supportive of the positive outcome for this project.

VOTE The motion passed 6-2; Sima and Schrumm opposed.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-8
RESOLUTION #120914-8

BE IT RESOLVED, that the Town Council, pursuant to the recommendation of the Public Building Commission, approves a waiver of bid for the overall design and peer reviews for the Community Pool Construction Project, and approves negotiations with ARCADIS for said work, contingent upon approval by the Town Council of the contract with ARCADIS for said overall design and peer reviews.

Discussion

Mr. Sima said this resolution is the town hiring ARCADIS to complete over sight and be the owner's representative to make sure this project moves forward and the Town gets the project it wants.

VOTE The motion passed unanimously by those present.

The Council members thanked the PBC and Pool Committee members for their work and efforts on the pool project.

6. OLD BUSINESS

A. Covanta solid waste amended agreement.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-2

RESOLUTION #120914-2

BE IT RESOLVED, That the Town Council approves the Second Amendment to Municipal Solid Waste Agreement by and between Covanta Projects of Wallingford, L. P. and the Town of Cheshire per the terms as presented and attached, and authorizes Town Manager Michael A. Milone to execute said Amended Agreement.

Discussion

Mr. Oris stated this is approval of an agreement with Covanta to move from a trash to energy plant to a transfer facility. The Solid Waste Committee met and discussed this matter.

If approved, Mr. Milone said Cheshire would be the 4th of the 5 town votes needed to execute the agreement. The Wallingford Town Council has an issue with the second agreement as host community and the loss of PILOT payment. The Mayor of Wallingford hopes for Council support in the best interests of the community. Without unanimous approval of the amended agreement the matter goes nowhere. At that point, Covanta may go back to Wallingford for compromise on the host agreement.

Mr. Oris expressed concerns and frustration on the timing and responses from Covanta and the other towns, this not being a great process. He said Mr. Milone provided good answers to committee questions, and Mr. Oris believes there should be some protection in the agreement.

Regarding three of the towns, Ms. Flynn-Harris asked about Cheshire being the lowest producer.

The Council was informed by Mr. Milone that Cheshire's production is low, at 13%, with other towns(Hamden and Wallingford) having a higher percentage. During the Solid Waste Committee meeting there was clarification that Cheshire's tonnage includes residential and commercial waste brought to the facility. The question is what happens with Cheshire and A.J. Waste by our going to the Bristol facility. A provision in the contract makes it clear that if there is a benefit in the tip fee to A.J. Waste, if the tip fee is lower, it could negate reopening of the A.J. contract. The discussion at the meeting

illuminated many things and made us more aware of some things which were not obvious until discussed.

Mr. Oris stated there has to be a better way to handle this matter in a collective fashion, with all towns, together, having the opportunity to review and discuss any significant contract changes and set time frames.

Mr. Sima read an excerpt from the contract regarding the A.J. Waste disposal site issue which says if Cheshire has “within 10 straight miles of the border of Cheshire”. He noted the Covanta plant in Bristol is within this mileage, and tip fees are lower. Mr. Sima asked why it is not in the town’s best interest to move waste to Bristol.

Attorney Smith advised that between the two burn plants, Wallingford and Bristol, the tip fee is lower in Bristol. The tip fee in Wallingford, as a transfer station, is less than Bristol.

The Council was told by Mr. Milone that the town cannot just decide to take our refuse to another Covanta run facility. The company has to accept the town and enter into a contract. Covanta will not let Cheshire break ranks with the agreement because they lose the benefit of the model they designed with the tip fee in mind which allows the company to make money running the site as a transfer station. If it was run by somebody else it is possible Cheshire could break ranks and go there, but it would require Covanta’s blessing. Mr. Milone said there is no interest by Covanta to want Cheshire to go elsewhere unless they terminate the agreement.

Attorney Smith said if the transition to a transfer station does not take place, and Covanta cannot convert the site and get the approvals to convert it, then the town would have the right to bring its trash to Bristol.

Regarding the money in the reserve account of the five towns, Mr. Sima said Cheshire has part of this money and asked how we get it.

It was explained by Mr. Milone that any money in the funds controlled by CRRA has been distributed with the exception of the landfill post closure money. There is a reserve fund among the five towns, about \$2 million, and Cheshire has 13% of the \$2 million. This money stays in the fund to offset costs due to change in the law or emergency situation or losses by the towns.

VOTE The motion passed 7-1; Oris opposed.

B. Transfer of ownership of cell tower equipment shelter at 500 Highland Avenue.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-3

RESOLUTION #120914-3

BE IT RESOLVED, That the Town Council accepts ownership of the abandoned communications personal property of Nextel Communications of the Mid-Atlantic, Inc. (Nextel) at 500 Highland Avenue in Cheshire as transferred by Nextel, and authorizes the Town Manager to execute the Equipment Abandonment and Transfer of Ownership Agreement between the Town of Cheshire and Nextel for said personal property.

Discussion

This item was before the Planning Committee and Mr. Sima said there were concerns about the Homeland tower not yet approved by the Siting Council. There were some things left behind by Nextel (wires and panels).

Mr. Milone reported that the Cheshire Police Department can use the property for a storage shed.

VOTE The motion passed unanimously by those present.

C. Legislative Recommendations.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-4

RESOLUTION #120914-4

BE IT RESOLVED, That the Town Council adopts the Legislative Recommendations as presented and attached, and authorizes the Town Manager to forward said Recommendations to our Legislative Delegation, with the exception of Item #2 Creation of a Hoarding Task Force.

Discussion

Mr. Sima said #4 will affect every town in Connecticut with storm drains on the road. The State will not mandate that no storm water can be discharged into any water body. This will have implications of how roads are constructed, how storm water is discharged, what can and cannot be put on the roads, etc. The cost impact will be in excess of tens of millions of dollars to each town. This did not come through the legislative process and Mr. Sima said our legislators should know the large impact to towns.

With regard to the Hoarding Task Force, Mr. Milone is uncertain when this will be presented to the Council. There is a working group as a result of the recent tragedy in Cheshire. We want to insure protocols are in place; that we have understanding of our legal obligations and/or limits; and the group is looking for a formal process. The State has taken a lead on this, is coming up with policies and uniformed guidelines, and

promoted creation of a State Task Force. Chesprocott Health Director, Maura Esposito, has taken a lead on this issue. Mr. Milone will have more information for the Council within a month for review.

On December 17th there will be a State meeting in Hamden on the storm water regulations, an issue that has gotten everyone's attention, with municipalities pulling together. Rep. Fritz informed Mr. Milone that DEEP has re-drafted the regulations, 57 pages, with copies to PW Director Noewatne and Town Engineer Gancarz. Without modification to the regulations, CCM will introduce legislation to force the State to control what the regulations say and not just do it administratively.

Item #1 – Expand the Season for Deer Hunting – this was included by Mr. Schrumm, and Mr. Milone asked him for guidance on how the statute should be changed. Right now the hunting season is November 1st to December 31st, with no hunting on Sunday.

Mr. Schrumm said he wants to follow the bill that almost made it to the Legislature, extending all hunting one day each week, with use of only a bow and arrow on Sunday.

The Council will be meeting with the State Legislators in January 2015, and Chairman Slocum noted Sen. Murphy suggested the Legislature professionalize the Registrars. This means they become State employees. Mr. Slocum thinks the real interest is have a better and more efficient operation for the poll numbers on election night, and this can be done without Registrars becoming State employees.

Mr. Milone advised that Rep. Fritz is resubmitting a bill for phosphorous reimbursement going from 30% to 50% again. Mr. Noewatne and Mr. Gancarz have put together information from Cheshire on this issue. Cheshire was the first town to do the phosphorous and the State decided to make it a prospective adjustment and Cheshire did not get the 50%. Mr. Milone said Rep. Fritz believes she has the support to get this bill through the Legislature.

Stating he supports most of the proposals in the Legislative recommendation, Mr. Oris said the storm water management permit process could be costly to local communities. Maintaining statutory levels of funding from the State is another big issue that affects local constituents and belongs in the recommendations. Prevailing Wage increases the levels of projects cost wise that can be done without using prevailing wages, and this would go a long way in getting projects done more cost effectively. He supports these recommendations. Regarding the deer hunting he is unsure this belongs in the recommendations in comparison to other important issues for the community, and it is more of a moral thing for consideration. Since it's a minimum expansion for a few Sundays, using bow and arrows, he will support the full recommendation proposal because of the important items included.

VOTE The motion passed unanimously by those present.

D. Emergency generator project supplemental appropriation

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-5

RESOLUTION #120914-5

RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$177,000 FOR THE ACQUISITION OF AN EMERGENCY GENERATOR AND HOOK-UPS AT VARIOUS TOWN BUILDINGS AND AUTHORIZING THE ISSUANCE OF \$177,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

A copy of Resolution #120914-5 is attached to these minutes.

Discussion

PW Director Noewatne explained that the Youth Center must be updated for hook-up of a generator, and all services for installation of a generator have been done in town buildings. The cost of supplemental expenses is \$45,500 which increases the appropriation from \$177,000 to \$222,500. The cost to upgrade the pool facility was \$8,000. Mr. Noewatne stated the hook-up is not a plug-in situation; it is a wire load into a box; and wires are color coded. He explained how the electrical system works.

VOTE The motion passed unanimously by those present.

E. Mailbox replacement policy revisions.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-6

RESOLUTION #120914-6

BE IT RESOLVED, that the Town Council adopts the proposed mailbox replacement policy resolution as presented and attached.

Discussion

Mr. Sima reported that Public Works receives 100+ complaints each year on damage to mailboxes, and most of the boxes can be repaired by department crew members. The town wants to streamline the process for replacement or repair of mailboxes. In the policy, under Section D, it is changed to read **“Reimburse up to \$200 for materials/labor upon submission of valid receipts.”** Section E states **Mailbox damage must be reported to the Public Works Department within 48 hours of plowing cessation.**

In the Planning Committee meeting minutes, Ms. Flynn-Harris noted the reimbursement was cited at \$120, and now it is stated at \$200. She questioned this change in the amount.

Mr. Sima replied that the Republican caucus felt \$120 was too low.

The Council was told by Mr. Oris that he pushed for the \$200 reimbursement, with the public understanding that this is the maximum reimbursement amount. He noted most mailboxes cost more than \$120, and the town should work to replace them if the town damages them

It was pointed out by Ms. Linehan that the \$120 came about because staff decided this was the cost for normal replacement including labor and materials. The committee discussed a resident proving the mailbox was damaged by a plow truck or blade. She questions the \$200 amount making it more difficult for people to be reimbursed.

PW Director Noewatne commented on the fact that Public Work crews do a great job plowing and removing the snow in town. In any one year there is replacement of only 5 or 6 mailboxes, with calls coming in for up to 200 damaged boxes. If there is a gray area repairs are made to the mailbox. Mr. Noewatne said anyone can make a claim, and Public Works does what is right by the resident.

It was stated by Ms. Nichols that the concern is the motion changing to \$200 and presented to the Council. It came out of committee at \$120, and this is how it should have been presented. She commented on the procedure not being correct, but she is not in disagreement with the dollar amount.

Mr. Oris said he was not at the Planning Committee meeting, but voiced his concerns at the caucus. He understands the procedure issue. Mr. Oris said most mailboxes cost more than \$120 and the town should replace what it damages, and he supports \$200 as the replacement amount.

It was clarified by Mr. Schrumm that damage to mailboxes is done by a plow hitting the box, and the ordinance states the box must be 12 inches back from the curb. This would mean no mailbox would be struck by a plow. He said PW staff should inform residents of the 12 inches back from the curb to secure the box.

There was a brief discussion on the correct procedure for the committee motion, and it was agreed that the motion could have been amended by the Council after it was presented on the floor.

VOTE The motion passed unanimously by those present.

7. NEW BUSINESS

B. Transfer of property at Jinny Hill and Sperry Road.

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

BE IT RESOLVED, That the Town Council authorizes the sale of approximately 0.04 acres of Town of Cheshire property at Sperry Road and Jinny Hill Road, as detailed on the attached survey map, to the abutting landowners Shelly J. and Timothy D. Keegan, at a price of \$1,200.00, and

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

Discussion

Mr. Sima explained that the cited amount of \$1,200.00 was received from Tax Assessor Panagrosso using the excess land rate of \$12,000/acre, assigning a value of \$480 to this piece of land. The total price was increased to \$1,200.00 due to administrative and legal costs.

Mr. Milone stated that the \$1,200.00 is fair and reasonable based on the method used.

VOTE The motion passed unanimously by those present.

C. Library Position Amendments

MOTION by Mr. Oris; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #120914-10

RESOLUTION #120914-10

BE IT RESOLVED, that the Town Council approves the following amendments to Library positions, effective December 15, 2014:

- Increases Reference Librarian position from 15 to 20 hours per week;
- Increases Technology Coordinator position from 25 to 30 hours per week;
- Increases Assistant Library Director position from 25 to 30 hours per week;
- Eliminates (currently vacant) Page position of 30 hours per week.

Discussion

Mr. Oris stated this is expansion of hours for current positions with elimination of one position, with a net savings in overall payroll.

Library Director Burkey informed the Council that the Library had five retirements last year, and at that point she is able to make position changes, looking at overall savings. The Page position was eliminated; new people were hired at lower starting salaries; and the retirement contribution is reduced. Ms. Burkey referred to the spreadsheet

submitted on the position amendments which reflects a net savings of \$28,266.60. With the changes the Library will be able to accomplish programmatic and management goals.

For clarification, Mr. Sima said the Page job is eliminated; the Reference Librarian hours are increased to 20 hours per week with eligibility for benefits; and two other positions add 5 hours per week with an increase in Town contributions for medical benefits.

With the 20 hour per week position, Ms. Burkey said the union maintains 18 members; it is 30 hours per week for medical benefits; and current Pages are non-union staff working less than 19 hours per week. Ms. Burkey explained that the 30 hour Page position was a long time employee who retired; the position is eliminated; all pages are part time. The Council was told by Ms. Burkey that she does not anticipate future increases in Library staffing over the next few years.

Mr. Milone explained that the library had 3 retirements recently, and 1 position was eliminated; the other two positions – Children’s Librarian and Senior Librarian retired. As a result of that, filling these two positions at Step #1 the savings are about \$16,000.

Ms. Burkey stated Library staffing positions would be 37, down from 38, and she does not anticipate an increase in staff request for a long time.

VOTE The motion passed unanimously by those present.

D. Registrars of Voters lump sum payments.

MOTION by Mr. Mr. Oris; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #120914-11

RESOLUTION #120914-11

BE IT RESOLVED, that the Town Council appropriates lump sum bonus payments totaling \$2,050 to the Cheshire Registrars of Voters, distributed as follows:

\$507 payment to each Registrar on January 1, 2015 for the calendar year 2015;
\$518 payment to each Registrar on January 1, 2016 for calendar year 2016.

Discussion

Mr. Oris explained that the Registrars of Voters (Ms. Pappas and Mr. Smith) must meet the deadline for submission of a request for salary adjustment 120 days prior to the November election in accordance with the Town Charter. The Registrars missed the submission deadline. In order to handle this situation, the Registrars are requesting Council consideration of a lump salary adjustment for 2015 and a percentage adjustment for 2016 based on the 2015 number which is in line with the average 2.3%

increase for other Town employees. At this time there is no way the Council can go back and make a salary adjustment.

Regarding this item, Ms. Linehan stated this is interesting...that someone would forget about their salary increase requirements. She understands this has happened before, and is not sure the Council should take this up to help them when the Registrars cannot help themselves.

Stating his agreement with Ms. Linehan's comments, Mr. Schrumm commented on there being a deadline and a State law involved. If the Council takes this action, it is in violation of the spirit and letter of the State law. It is giving Registrars a raise when the State says it cannot be done. The State does it this way so people running for elected office know, in advance, the fixed salary for the term in office. This prevents someone from being elected to office, and then having politicians raise the salaries of the office. The Registrars must meet the deadline.

Mr. Milone said the first thing mentioned to him by the Registrars was the fact that the amounts were built into the budget and they assumed it was automatic. This was the argument from the Registrars, and he explained to them there is a statutory provision that guides the Registrars salary but not salaries of others.

Chairman Slocum noted that the Registrars play a role in crafting a department budget with the understanding of a salary increase under the statutory guidelines.

Stating that is correct, Mr. Milone said he pointed out that assumptions are made about adjustments, but this does not mean they are automatic. Some are controlled by the performance evaluation process, by contract, Council support for the average increase, and 2.3% is not awarded to everyone.

Ms. Flynn-Harris commented on giving some room to new people in place who were never in charge of some of the procedures. Regarding the Town Charter stating the "salary shall be fixed"...we are not changing their salary base with this bonus payment. In effect this is not a violation of anything but just giving a bonus.

In that regard, Mr. Schrumm stated that 2 years from now when the Council looks at a salary increase for the position, it is his guess the bonus could be included in the base amount. No matter how it is designated, he said it is an increase in salary.

VOTE In favor – 3; Oris, Talbot, Flynn-Harris.
 Opposed – 5; Slocum, Schrumm, Sima, Nichols, Linehan.
The motion failed to pass with 3 in favor and 5 opposed.

E. Resident sidewalk plowing

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-12

RESOLUTION #120914-12

BE IT RESOLVED, that the Town Council directs the Town Manager to have the Town of Cheshire assume the responsibility for removing snow and ice from the sidewalk directly abutting 808 South Meriden Road, due to the unique circumstances related to the location of, and access to, said sidewalk and the past history of the Town's periodic snow removal at said sidewalk.

VOTE The motion passed unanimously by those present.

F. Set regular meetings for calendar year 2015.

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

BE IT RESOLVED, that the Town Council approves Resolution #120914-13

RESOLUTION #120914-13

BE IT RESOLVED, that the Town Council approves the following meeting dates for the 2015 Town Council Regular Meetings. All meetings are held in Council Chambers on the second Tuesday of each month at 7:30 p.m. unless otherwise indicated.

January 13, 2015; February 10, 2015; March 10, 2015; April 14, 2015; May 12, 2015; June 9, 2015; July 14, 2015; August 11, 2015; September 8, 2015; October 13, 2015; November 10, 2015; December 8, 2015; January 12, 2016.

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 - \$1 million in revenue in the General Fund; the only concern is W. S. Development and \$410,000 in anticipated permit fees later this year.

WPCD – billing \$70,000 less than expected due to less flows from the prison

Pool – facility will not be opened until after June 30, 2015; better numbers next month.

Energy Incentives: C-PACE Program – this program was approved a few months ago; there will be a meeting with 12-14 Town businesses on December 18th, 7:30 a.m. at Paul's Restaurant. This is the low interest loan program for energy programs with the Town taking the lead on this.

Solar Project RFP – with good results the matter goes back to the Planning Committee.

Library Overflow Parking – Town staff (Attorney Smith, Mr. Milone, Director Burkey) met with representatives of the Church on the parking agreement which expired in October. There is an agreement, in principle, for \$3,500 annual lease payment. The matter goes back to Planning Committee for a revised contract.

Quinnipiac University Student Housing Issue – Town Planner Voelker sent letters to property owners renting to students, reminding them of the zoning regulations and their enforcement for violations after June 15, 2015. Notification was also sent to the University Housing Office; and a letter will be sent to all local real estate agencies on the zoning regulations and enforcement.

Animal Road Kill Issue – when there are dead animals (i.e. deer) on private property the Town is not responsible and cannot get into the business of taking of this as it involves heavy equipment onto private property to remove a dead deer. On State roads the Town is working with DOT for its quick response. If there is a serious public safety issue the Town would take care of the problem.

CCM Discount Prescription Drug Card – The Council approved this program for residents and reports indicate \$17,000 in savings to residents.

G.F.O.A – The Town of Cheshire Finance Department received recognition for the quality of the Town Budget, and this is the 17th year for this recognition. Congratulations to Finance Director Jaskot, Deputy Finance Director DeFilio, and Finance Department Staff, and Ms. Sepp and Ms. Talbot (Town Manager's Office) for their assistance in development of the budget.

Automated Recycling – the 2015 calendar and acceptable recycling items information is available; will be published in the local newspapers, in Town department offices, and Town Hall lobby. A.J. Waste is having problems with contaminated loads to the plant, and the hauler must return with the load and dispose of it locally. This is a problem as the hauler loses the revenue and the truck returns with a full load. One big problem is plastic bags which are not recyclable and they jam the machines at the facility.

CodeRED – this is the emergency notification system and it is important for people to register their information for the system. There was a notice in the newspapers.

Goals and Objectives/Reports and Policy Recommendations – Mr. Milone advised that this information represents 5 of the most important of his goals and objectives assigned by the Council – *Staffing Evaluation for Fire Department, Options for Developing Water Consumption Based Sewer Use Fee, Review of the Current Policy for Land Acquisitions, Open Space Management, Maintenance and Oversight Program, and a draft of the Medical Benefits Trust Fund Policy.* Mr. Milone will meet with the Personnel Committee in January 2015 for a review of the Goals and Objective; and the committee will have the Town Manager's Status Report for review. Many issues dovetail into the

budget process and the more things clarified, revised, adopted, will make the process more efficient and easier.

Upcoming Meetings-Town Council Special Meeting, Pre-Budget 20-15-2016 Planning Session, December 16th, 7:00 p.m.

Upcoming Holidays – Christmas, December 25th and 26th, Town Hall Closed; New Year's Day, January 1, 2015, Town Hall closed.

Ms. Flynn-Harris reviewed some of the issues in the report – CCM meeting date, C-PACE place and time; and information available for resources for the animal road kill on private property.

The CCM meeting is on December 17th, at Hamden Town Hall, and Mr. Milone will inform Council of the time; C-PACE meeting 7:30 a.m. at Paul's Restaurant; there will be information forthcoming on who to call/resources for the dead animals on private property.

Regarding the pool and the tight contingency Ms. Flynn-Harris asked how Council will know what is going on. Based on the PBC ordinance the PBC should be reporting to the Town Manager on a bi-monthly basis on a project underway, with the report also coming to the Council. This is not being done, even with the WPCA \$32 million project. With the pool there should be procedures followed more closely with PBC reports to the Council.

Ms. Flynn-Harris raised the issue of minutes of the pool subcommittee and PBC being lacking, to say the least. She questioned who is responsible for these minutes which just have bullet points, and pointed out PBC should have a report issued at the end of every single project they have done.

Chairman Slocum echoed the points raised by Ms. Flynn-Harris on the procedures at board, committee and commission meetings. He has sat in on the PBC and pool committee meetings; no motions are prepared; there is no recording secretary at the pool subcommittee meetings; there was a recording secretary at the PBC meeting. Mr. Slocum noted only elected offices seem to have proper motions prepared and a recording secretary at meetings. He stated it is unfair and not right for other boards, committees and commission to not have prepared motions and a secretary at meetings. There could be a question on the costs involved. He said some minutes are written quickly, from memory, by a staff member the next day, and do not reflect the accuracy of the meeting.

Town Manager Milone is sensitive to these issues and concerns and they must be addressed. He will continue to work with Mr. Noewatne on the issue of the meetings, minutes and proper procedures to be followed. Mr. Milone commented on some board and commission members being set in their ways, not understanding the role staff plays, and sometimes staff interaction is taken as intrusive.

Mr. Sima commented on the importance of FOI issues related to meetings and minutes and the need for everything to be transparent. This is the biggest concern.

Another issue was raised by Chairman Slocum...the Council being advised that some project is taking longer -- such as the ARCADIS and Arizon negotiations on the pool. Having this information would have been good for the Council rather than their having to field angry pool supporters, not knowing details of the project.

The pool is a complex project and Mr. Schrumm said there must be good minutes reported from these meetings. He commented on the Norton School boiler problems and legal issues involved, and the complex pool project requiring accurate minutes. He noted that minutes or the lack thereof can get the town into lots of trouble very quickly and a lawsuit.

Mr. Oris talked about the solar project, and reading an article on public safety related to the panels on the roof and fire fighting, particularly in commercial structures. The article cited firefighter's concerns, and he asked Mr. Milone to talk to Chief Casner and CFD for their input on the solar panel issues.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS

Attorney Smith reported settlement documents (Baker and Hughbert) have been signed by the plaintiff and are going to the Town Manager for signature.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report.

B. Miscellaneous

11. APPROVAL OF MINUTES

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

MOVED that the Town Council approves the minutes of Regular Meeting and Public Hearing of November 12, 2014; Special Meeting of November 25, 2014, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Environment Commission – Ms. Nichols reported they meet on December 10th.

PBC – Mr. Sima reported they are moving along with assigned projects; he reiterated his concerns about PBC not getting started on the locker room project; and still working on adding things to this project.

Library Board – Mr. Oris reported the board meets next week.

Prison Advisory Committee – Mr. Oris reported things are quiet with the committee. There was one issue regarding the prison transporting high profile people in the evening and CPD was not notified. The CPD is requesting DOC to inform them about these transfers.

Human Services – Ms. Flynn-Harris reported a special meeting on January 28th, 6 p.m. at the Senior Center regarding inhalants and dangers to adults and children.

B. Appointments to Boards and Commissions

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

MOVED to approve the appointment of David Veleber (R) to the Planning and Zoning Commission to replace Lelah Campo, effective December 9, 2015 to complete this term of office.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

B. Miscellaneous

Mr. Schrumm asked about the progress of the gas line on Cornwall Avenue.

Mr. Milone had nothing to report at this time.

14. EXECUTIVE SESSION

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 10⁵⁹ p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk