

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON WEDNESDAY,
JUNE 17, 2015, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH
MAIN STREET, CHESHIRE CT 06410**

Present

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

Absent: Liz Linehan and Peter Talbot

Staff: Town Manager Michael A. Milone; Town Attorney Alfred Smith; Finance Director James Jaskot; PW Director George Noewatne; Pool Coordinator Sheila Adams.

Attorney Christopher Hodgson entered the meeting at 8:55 p.m.

Guests: Mark Nash, PBC Chairman; Keith Goldberg, Arcadis (Owner's Representative).

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. TOWN CLERK'S SALARY

MOTION by Mr. Ruocco; seconded by Mr. Oris.

BE IT RESOLVED, that the Town Council approves Resolution #061715-1.

RESOLUTION #061715-1

BE IT RESOLVED, that the Town Council hereby adjusts the salary of the Town Clerk by 2.5% from the current salary of \$75,101 per year to \$76,978 per year, effective January 1, 2016; and,

BE IT FURTHER RESOLVED, that the Town Council adjusts the salary of the Town Clerk by 2.5% from the salary of \$76,978 established as of January 1, 2016 to \$78,903 effective January 1, 2017.

Discussion

Mr. Ruocco explained that per the Town Charter the Town Clerk's salary must be set by the Town Council 120 days prior to the November election. The salary issue was discussed at the Personnel Committee meeting, and it was determined that the compensation of the Cheshire Town Clerk will be increased 2.5% which is the average increase for all department heads.

VOTE The motion passed unanimously by those present.

On behalf of the Town Council, Mr. Ruocco expressed appreciation to Ms. Soltis for her service to the Town of Cheshire, and operation of a good department.

4. APPOINTMENT OF AUDITOR FOR FY 14-15

MOTION by Mr. Ruocco; seconded by Mr. Oris.

RESOLUTION #061715-2

BE IT RESOLVED, that the Town Council approves Resolution #061715-2.

BE IT RESOLVED, that the Town Council approves a three year contract with McGladrey LLP for auditing services for FY 2015, 2016 and 2016, and

BE IT FURTHER RESOLVED, the Town Council appoints McGladrey, LLP as auditor for the Town of Cheshire for FY 2014-2015.

Discussion

Chairman Slocum complimented the Audit Committee for a good meeting and thorough interviews with the three firms selected as finalists.

Ms. Flynn-Harris informed the Council that the committee set aside one (1) hour per firm to interview each of the 3 firms. This did not include the lowest bidder because this is a service project; there is money involved; and the committee was looking for the auditor familiar with a town the size of Cheshire.

Following the interviews, the committee reviewed and discussed all the firms and weighed options. The committee was comfortable with McGladrey LLP, its knowledge of the Town and its finances, and the decision was made to stay with McGladrey as the auditing firm.

Stating he was pleased with the process, the work of the Audit Committee, and the result, Mr. Jaskot explained that McGladrey has been with the Town for 10 years, has great resources, is a national firm, and he looks forward to continuing to work with them.

The Audit Committee meeting was well run, and Mr. Schrumm commended Mr. Jaskot and Ms. DeFilio for their work in preparation for the interviews. He is pleased with the decision, and said Cheshire has an outstanding reputation amongst auditing firms. He noted the difference in cost over 5 years amongst the firms was \$1,000.

With all the complexity, changing standards for compliance, difficulties in auditing, technology, security issues, Mr. Jaskot said there is more to an audit than people expect.

VOTE The motion passed unanimously by those present.

5. APPROVAL OF INSTALLATION OF SLIDING DOOR ON SALT SHED

MOTION by Mr. Sima; seconded by Ms. Nichols

RESOLUTION #061715-3

BE IT RESOLVED, that the Town Council approves Resolution #061715-3

BE IT RESOLVED, that the Town Council, per the recommendation of the Public Building Commission, authorizes hiring East Coast Overhead Door to furnish and install a sliding door on the salt storage shed at an estimated cost of \$8,248.

Discussion

Mr. Sima informed the Council that the PBC recommends East Coast Overhead Door to furnish and install a sliding door on the salt shed, at a cost of \$8,248. The project will be funded from left over money remaining in the new roof and doors project at the PW Garage. He said the Planning Committee did not vet this item.

The Council was told by Mr. Noewatne that this is the culmination of the project the PBC did with replacement of overhead doors at the complex. The doors were installed a few years ago, and the shed door replacement will secure the building from the elements.

This is a massive door with some posts and support needing to be installed, and Mr. Sima asked about inclusion of this work in the bid. He also asked about the warranty on the door should it slide past where is normally sits, in order to get salt to fill the trucks.

In reply, Mr. Noewatne advised that the one door has weathered well through the elements; the casing and frame out for the shed door is already completed; and he is waiting for the door now. There is a warranty on the door, and he will inform the Council on the warranty details, but knows it is at least one year. He explained that the shed has been there for 30 years, some material has been lost; there is need to stock the salt more fully than before due to harsh winters; and to protect the salt from the elements. There are no security issues at the PW Complex; the area is fenced in; and the door has pins anchoring it but it is not locked. Mr. Noewatne said the doors have been replaced throughout the PW garage complex, and this is the last door to be replaced.

VOTE The motion passed 5-2; Ruocco and Sima opposed.

6. AUTHORIZATION TO APPLY FOR THE CONNECTICUT DEPARTMENT OF EDUCATION'S YOUTH SERVICES BUREAU GRANT TO FUND YOUTH DEVELOPMENT PROGRAMS.

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

RESOLUTION #061715-4

BE IT RESOLVED, that the Town Council approves Resolution #061715-4

BE IT RESOLVED, that the Town Council authorizes the application for the Connecticut Department of Education Youth Services Bureau Grant totaling \$32,616 of which \$17,808 would be distributed in FY 15-16; and \$17,808 would be distributed in FY16-17, to help fund clinical services provided by the Human Services Department; and

BE IT FURTHER RESOLVED, that the Town Council authorizes the application for \$6,250 in Youth Service Bureau Enhancement Funds to support the Human Services Department's Youth Challenge Program.

Discussion

Mr. Milone explained that this is a revenue item which the Town receives annually and it is in next year's budget. It is separate from other municipal aid and must be appropriated. The money will be split over two fiscal years. Because of the change in the legislative process, Mr. Milone said he gave Director Piccerillo conditional approval to apply for this grant. The grant supports payment for counselors and associated costs.

VOTE The motion passed unanimously by those present.

7. APPROVAL OF TOWN MANAGER'S FY 15-16 GOALS AND OBJECTIVES.

MOTION by Mr. Ruocco; seconded by Mr. Oris.

RESOLUTION #061715-5

BE IT RESOLVED, that the Town Council approves Resolution #061715-5

BE IT RESOLVED, that the Town Council, per the recommendation of the Personnel Committee, approves the Town Manager's FY 15-16 Goals and Objectives as attached.

Discussion

Mr. Ruocco stated this is the annual approval by the Town Council to work with the Town Manager on his goals and objectives for operation of the town. There are five categories in the Goals and Objectives document...and Mr. Ruocco cited them as follows:

- I. Preserve Financial Stability and Sustainability of Town Operations.
- II. Provide Programs That Support Staff Morale and Enhance Effectiveness to Ensure The Highest Level of Customer Service.
- III. Improve Operational Efficiency and Effectiveness.
- IV. Enhance Communication With All Stakeholders To Foster Citizen Awareness Of and Involvement in Town Government, To Maintain High Level of Engagement and Transparency.
- V. Initiate, Advance or Complete Key Town Projects.

The Town Manager has offered to meet these Goals and Objectives.

Out of a Personnel Committee meeting there was the recommendation to implement an employee and town wide survey. Mr. Milone stated he would provide information on how to achieve this objective.

VOTE The motion passed unanimously by those present.

8. STATUS REPORT ON COMMUNITY POOL PROJECT.

Mark Nash, PBC Chairman and Keith Goldberg, Arcadis (Owner's Representative for the Pool Project) were present for this agenda item.

Chairman Slocum stated that at the May 5th meeting the Council expressed concerns about things to be resolved for the pool project and things going forward to the Building Official Keith Darin. The Council is interested in milestones met to date and what the community expects is the date when the project will be completed.

PBC Chairman Nash informed the Council that the 5 outstanding items remaining with the pool are moving forward.

- As of June 17th energy code compliance issues are totally resolved.
- The question on the cavity installation and moisture between layers of the roofing construction has been resolved to the satisfaction of the Building Official; there are no issues.
- The Town has in its possession the major contractors' licenses; Mr. Noewatne has the licenses on this computer.; that issue is resolved.
- The question on wind and closing doors on the building is an issue to be addressed once the pool is operational. It will be up to staff (Ms. Adams) to develop a program to instruct pool staff on how the overhead doors will be closed. The overhead doors are chain operated and opening and closing must be done manually.
- Foundation design and peer review - the foundation design has been approved; a letter was received signed by the engineer of record addressing the issues Mr. Darin requested. The letter addresses his issues; the only outstanding issue with the foundation is final peer review being completed; this is in progress and a letter is expected to be received shortly. This is the last remaining issue. Once the letter is received, any and all issues which are open will have been addressed and answered to the satisfaction of Mr. Darin. Then, it is anticipated the building permit can be obtained to begin the project.

With regard to Arizon, Mr. Nash said they are 100% on board and have stated their willingness to address and complete the project. It is expected there will be a two week

delay from issuance of the permit to time Arizon physically starts on site. It is expected the project will be completed by the end of this year. The start is predicated on the last letter from the peer reviewer. The steel is waiting to be shipped but will not be shipped until the permit is issued. The fabrication of the structure is an estimated four month process. This gives a weather tight structure, and it will be October/November until the bad weather conditions start. At that time the work remaining to be done will be inside issues. All outside work will be done before inclement weather arrives.

The peer review is an important piece of the project, and Mr. Slocum asked if there is anticipation of costs associated with this review.

In response, Mr. Nash said "no". At this point in time, for the entire project there are no additional cost increases; there is nothing to be seen to increase the cost of the project; the line is being held. Mr. Nash credited Arcadis for its negotiations with Arizon in keeping the price firm.

Mr. Goldberg reaffirmed the accurate statements made by Mr. Nash. He clarified that the peer review is one more double check. Mr. Darin had concerns and wanted to make sure things were addressed. A letter was received today from the engineer of record for Arizon; it is stamped and on file; the letter from the independent peer review on the double check of the foundation is awaiting receipt; and once received the permit can be secured.

Ms. Nichols commented on everyone determining to do this project right. There has been frustration about the time frame being extended due to delays, it indicates everything is undergoing check and double check. It is well worth the time spent and she commended Mr. Nash and Mr. Goldberg for doing a great job on this project.

At the May 5th meeting there were a few outstanding issues, and Mr. Goldberg reported that Mr. Darin continued to review the structure's steel. Mr. Darin submitted a letter with 6 to 8 questions which were addressed making sure of double checks and balances.

Regarding the steel and construction time line, Mr. Sima asked if the membrane is already sewn together...so it is basically foundation work taking 3 or 4 weeks; steel work taking a few weeks; and then the membrane is installed by the subcontractors.

Stating that was correct, Mr. Goldberg reported the fabric is in St. Louis; the steel is in Texas; the steel is all galvanized; and Arizon was told to hold the steel until the permit is issued. Once the permit comes, the foundation is about a 30 day period; steel will be here; and remaining pieces will be electrical and sprinkler.

Mr. Goldberg affirmed that the peer reviewer is looking at a stamped Connecticut licensed engineer review, and verifying this stamp. It is a requirement of the State for this size and type of facility, to have a 3rd party peer engineer review; so this had to be done. A civil engineer looked at the soils, which was a big concern. When the 2nd foundation design was done the time was taken to have a civil engineer look at it, and

now it is having a 3rd review. There will be enough stamps in the file. The same peer engineer has been involved from the beginning; the foundation did not change that much; size was reduced along with consideration of soil conditions. The project is removing 1200 cubic yards of soil and bringing in new soil, and this was in the 2nd peer review.

Mr. Schrumm commented on the new foundation plan put together, noting that Arizon has seen the new plan, approved it, said it was fine and it can be done within the cost of the original contract. He asked if there is anything that will cost the Town more money.

Mr. Goldberg said that is 100% correct. He had a meeting with the Arizon president and vice president, reviewed all the scope/pieces of the project, solidified everything in writing...and they agreed to it. Arizon sent it off at a zero dollar cost.

Relative to the foundation, Mr. Oris said Arizon's engineer signed off on this; Arcadis reviewed and approved; there has been a peer review, stamped as a third party engineer; and it is currently back with peer review. This was prior to getting to the Building Official, who has reviewed it, with comments and questions...and now it is back again for another review by peer engineer.

According to Mr. Goldberg the foundation plan #2 was reviewed by multiple parties. Arizon reduced the size of it; that plan was reviewed and stamped by engineers, When changes were made it was taken, stamped by Arizon's engineer; a civil engineer went through it, stamped it; and now we have the peer engineer for one more review and stamp.

Mr. Oris commented on the peer reviews, getting the project done correctly and on time, and there being a time when paralysis sets in with so many people reviewing without making decisions. He talked about the Building Official getting the documents, when he got them, how much time to review on his part. Mr. Oris asked if the civil engineer signed off on the work, and why it did not go immediately to the peer review engineer at the same time it was sent to the Building Official...so they could work on it simultaneously. There is a question about anyone else having to sign off on the project. He wants time frames for the submissions, how long to respond from Mr. Darin, and how long peer review has taken. It was stated by Mr. Oris that the Town needs to learn from this project...to not do things this way again. He believes we are getting to the point where the project starts in a few weeks, and wants answers, and how to get more streamlined going forward.

Chairman Slocum reviewed the process. The project was presented to the Building Official on May 14th; Mr. Darin tackled what was the largest most confusing difficult piece -- state code, general building understanding, did the project meet energy code compliance. This part took priority for the Building Official; it was resolved; and other pieces of the permit were reviewed such as foundation design; and this frames when Mr. Darin got to looking at the foundation design, had questions and concerns, and then the conversation goes back and forth between Arcadis and Arizon.

Mr. Oris stated we are getting things second hand. He said we need to learn from this process, figure out how to do things better, get accurate answers to questions from the public, and he is still not satisfied with the responses received. With additional oversight Mr. Oris asked about the Town spending more money on Arcadis - or any other consultant, as a result of items taken on by Arizon.

The Council was told by Mr. Goldberg that there is no additional cost for peer review/engineers. Regarding Arcadis, the company has gone beyond their contract but have stood on that contract, and no changes have been approached at this time. Arcadis has not considered the subject of additional fees, but Mr. Goldberg said there will be more fees.

Mr. Oris asked if the Building Official hired or involved a consultant not considered in the original cost.

Mr. Milone said Mr. Darin did not hire anyone.

This has been a long process, and the Town has learned from it, and Mr. Oris thanked Mr. Nash and Mr. Goldberg for their work on the project. He stated his full support for the pool project, and offered to assist in any way to facilitate the project. Mr. Oris wanted it clear that if the peer review engineer delivers that letter there is nothing else to come out of the Building Department or anyone else.

There was clarification stated by Mr. Milone regarding implications that the Building Official delayed this project...and he said this is not true. He explained that Mr. Darin did not have the documentation needed to move forward...it was not because he wasn't reviewing things. There was also a reference that an engineering report was delivered and stamped...that was today at 4 p.m. The peer review was something the Building Official expected as part of this process. This is being done now; it is not the fault of Mr. Darin; this is required under statute; and Councilors are welcome to sit with Mr. Milone and review the last 5 weeks of the project.

It was stated by Mr. Milone that this project process has taken an inordinate amount of time and paper...going from Arizon to Arcadis to the PW Director and Building Official. He commented on the Town being lucky to have Mr. Darin here to review all of the project and the process, without adding another month to the time frame.

In speaking with many people about the pool project, Ms. Flynn-Harris stated everyone does not want to go through another project like this again. She advised that Town Engineer Gancarz explained all the issues to her with understanding of demands of the foundation and differences between the two pool structures. There was a foundation supporting a bubble, and the support of the new cover is a pressure downward on the foundation.

Mr. Goldberg explained that the Building Official had concerns...there is a concrete beam that runs around the building holding the bubble, and he wanted to know how this was being tied into the new foundation because of the two opposing forces.

Ms. Flynn-Harris stated Mr. Goldberg and Mr. Nash have done a great job so far...as has Arcadis, Arizon, the Building Official Mr. Darin, and the PBC.

As PBC Chair, Mr. Nash said the PBC would like to look at, review, and work out the process with the Council. He said this process was a design/build, and going back to the history of the pool, we need to look at a project differently at the beginning in terms of how it will be put together. The PBC members have tremendous energy, proficiency and experience in their backgrounds, and they know there are better ways to do projects in the future.

Mr. Schrumm noted that the Town has stayed away from design-build, and this project was modified design-build. He would never do it the same way again for such a big project.

Mr. Sima complimented Arcadis on the amount of work they have done, the process they have been through and accomplished, holding Arizon without cost overruns. He said the Town still has Arizon on board wanting to build this project; this is very important; and Arcadis deserves credit for getting this done. He commented that this project is not a design-build but a concept build, with lots of moving pieces, and things did not mend together. The project should have been vetted out earlier, but did not, and we have learned from the process on a large project with a huge span. With regard to the foundation, Mr. Sima said it is not so much the down load on there, but the push out with a heavier load. He thanked Arcadis and Mr. Goldberg for their work on the project and getting the last package together so quickly.

PUBLIC

William Kiely, Harvest Court, asked about the foundation issue, if it was recently discovered, associated costs, pricing, and how this evolved, along with cost overruns. He asked how the project is being paid for.

Chairman Slocum said there is no cost implication for the building, and the foundation has been critically important from the beginning. There were some issues with the foundation, redesign, subject to peer review, and this will be settled shortly. The structure is totally designed to handle snow accumulation. Regarding payment of the project, Mr. Slocum stated this is a bonded project which was approved at referendum by the voters, and it becomes part of the debt service over the next 20 years.

Mr. Kiely is concerned about added costs for other items, and questioned whether the pool is worth all of this cost.

There is maintenance of the pool at a cost, and Mr. Slocum said this is one of the many pieces of the overall project.

9. LAND ACQUISITION, EXECUTIVE SESSION.

10. PENDING LITIGATION, EXECUTIVE SESSION.

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

MOVED that the Town Council enter executive session at 8:40 p.m. to include Town Manager Milone, Town Attorney Alfred Smith, Personnel Director Zullo, Attorney Chris Hodgson to discuss pending litigation; and Mr. Milone and Attorney Smith to discuss land acquisition.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit executive session at 9:35 p.m.

VOTE The motion passed unanimously by those present.

11. ADJOURNMENT

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

MOVED to adjourn the special meeting at 9:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk