

MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:00 P.M. PUBLIC HEARING ON TUESDAY, APRIL 12, 2016 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Council Chairman Robert J. Oris; Vice Chairman Paul A. Bowman; Councilors Michael Ecke, Patti Flynn-Harris, Liz Linehan, Sylvia Nichols, Thomas Ruocco, Timothy Slocum and Peter Talbot.

Staff: Michael A. Milone, Town Manager; James Jaskot, Finance Director; Gina DeFilio, Deputy Finance Director; Town Attorney Alfred Smith; Economic Development Coordinator Jerry Sitko.

Dept. of Education - Supt. Scott Detrick; Chief Operating Officer Vincent Masciana.

Guests: Jeff Guimond, Ball and Socket Arts Center; Art Crooker, PBC Member.

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. ITEMS FOR EXECUTIVE SESSION

A. Claims and litigation

B. Land acquisition

MOTION by Mr. Bowman; seconded by Mr. Slocum.

MOVED that the Town Council enter Executive Session at 7:13 p.m. to include Town Manager Milone and Town Attorney Smith to discuss claims and litigation and land acquisition.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Bowman; seconded by Mr. Slocum.

MOVED that the Town Council exit Executive Session at 7:22 p.m.

VOTE The motion passed unanimously by those present.

4. PUBLIC COMMUNICATIONS

A. Proclamation for Autism Awareness Month.

Chairman Oris read the proclamation which recognizes April as "Autism Awareness Month" in Cheshire. He commented on the fund raising efforts through Autism Speaks during the month of April.

B. Public Comments

Cindy Kleist, 251 Lancaster Way, commented on the WWTP project upgrade, and the fact that Wallingford CT has I&I issues, spending \$7 million to \$8 million on an I&I study, rather than \$32 million for a new plant. She stated Wallingford staff meets with homeowners and businesses; has passed an ordinance for home inspection, with the town absorbing some of the costs for sump pump problems; and getting rid of its I&I problems. Ms. Kleist said Cheshire would have been better off spending \$7million rather than \$30 million, and makes this statement based on her experience.

It was clarified by Town Manager Milone that the treatment plant was not expanded, did not have capacity problems, but did have an antiquated equipment problem. The plant's capacity is well below the State permitted levels, and the Town has done much with the I&I issues. The WPCA has funding for I&I projects, and is committed to working on these issues. On the field cards for properties there is data and identification of sump pumps. WPCA will decide on how to go after homeowners with sump pumps going into the treatment plant sewer system.

5. APPROVAL OF MINUTES

MOTION by Mr. Talbot; seconded by Mr. Slocum.

MOVED to approve the minutes the Regular Meeting of March 8, 2016; Special Meetings of March 14, 15, 16, 21, 22, 28, 29 and 30; and April 4, 5, 7, 2016; Public Hearing of March 29, 2016; amendment to November 10, 2015 minutes, amendment to the April 7, 2016 Special Meeting; all subject to corrections, additions, deletions.

Discussion

Mr. Bowman asked that the amendment to the minutes of November 10, 2015 be removed from the motion. He was not on the Council at that time and was not part of the meetings.

Mr. Talbot and Mr. Slocum agreed to withdraw the amendment to the November 10, 2015 minutes from the motion. The amended motion on the floor read as follows:

MOVED to approve the minutes the Regular Meeting of March 8, 2016; Special Meetings of March 14, 15, 16, 21, 22, 28, 29 and 30; and April 4, 5, and 7, 2016; Public Hearing of March 29, 2016; amendment to the April 7, 2016 Special Meeting; all subject to corrections, additions, deletions.

Corrections to the April 7, 2016 minutes are attached to the April 12, 2016 minutes, per approval of the Town Council.

VOTE The amended motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Slocum.

MOVED to approve the amendment to November 10, 2015 minutes.

VOTE The motion passed 8-0-1; Bowman abstained.

6. CONSENT CALENDAR

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #041216-1

RESOLUTION #041216-1 **CONSENT CALENDAR FOR APRIL 12, 2016**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for April 12, 2016 as follows:

- A. Acceptance and appropriation of a \$50 anonymous donation to the Human Services Gift Account for general purposes.
- B. Acceptance and appropriation of two grant disbursements totaling \$4,848 from the State Department of Education Youth Service Bureau to fund positive youth development programs for Cheshire youth.
- C. Acceptance and appropriation of a \$103.37 donation from Cheshire Togetherhood Committee to the Cheshire Fuel Bank.
- D. Acceptance and appropriation of a \$1,650 donation from Jeffrey and Mary McCormick for a memorial bench in memory of Joseph W and B. Theresa Proffitt.
- E. Acceptance and appropriation of \$1,650 donation from Joseph Gilgallon Jr. For a memorial bench in memory of the Gilgallon Family.
- F. Acceptance and appropriation of a \$50 donation from Dotty and Joe Metzler To the Jitney Bus Fund.
- G. Acceptance and appropriation of a \$1 credit card swipe test donation from Ramona Burkey to the Library Gift Account.
- H. Acceptance and appropriation of a \$15 donation from Marianne Beckmann In honor of Jane Bower to the Library Gift Account for the purchase of Library materials, furniture and computers.

- I. Acceptance and appropriation of a \$25 donation from Kathy and Jim Kirby in memory of John L. Harris to the Library Gift Account for the Purchase of Library materials, furniture and computers.
- J. Acceptance and appropriation of a \$121.50 donation from the lobby donation box to the Library Gift Account for the purchase of Library materials, furniture and computers.
- K. Acceptance and appropriation of a \$10 donation from Kathleen Huntley To the Library Gift Account for the purchase of planting bulbs.
- L. Acceptance and appropriation of a \$1,088 Connecticut Library State Aid Grant for the purchase of Library materials, furniture and computers.
- M. Acceptance and appropriation of a \$102 donation from the Town Employees Dress Down Day funds from January 2016 to the Human Services Gift Account for general purposes.

VOTE The motion passed unanimously by those present.

7. ITEMS REMOVED FROM CONSENT CALENDAR

8. OLD BUSINESS

A. Request for zoning exemption for pump stations.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-2.

RESOLUTION #041216-2

BE IT RESOLVED, that the Town Council, acting pursuant to Section 8-2 of the Connecticut General Statutes and in order to assure that the health, safety and welfare of Town residents are protected through the proper handling of wastewater discharges, exempts municipally owned sewer pump stations currently in use or needed in the future for the management of sewer flows from the Cheshire Zoning Regulations whether or not these are or will be located on private or Town-owned property.

Discussion

Ms. Flynn-Harris stated this matter was discussed with Town Planner Voelker on February 9th for the 10 pump stations in Cheshire. There may be a need to increase capacity or footprint that would not meet existing zoning regulations. The Planning and Zoning Commission reviewed the matter and on March 14th passed a resolution exempting pump stations from the zoning regulations.

Chairman Oris commented on receiving confirmation of the PZC action from former Chairman Pelton, who stated he was in favor of the exemption. The WPCA and the PZC support this resolution.

VOTE The motion passed unanimously by those present.

9. NEW BUSINESS

A. Adoption of the FY 2016-2017 General Fund Operating Budget.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-3

RESOLUTION #041216-3
FISCAL YEAR 2016-2017 GENERAL FUND OPERATING BUDGET

BE IT RESOLVED, that the Cheshire Town Council appropriates the following amounts for the Town of Cheshire General Fund Operating Budget for fiscal year 2016-2017:

| | |
|-------------------------------|--------------|
| General Government | \$30,351,975 |
| Debt Service | \$ 6,828,743 |
| Contingency | \$ 125,000 |
| Capital Non-Recurring Reserve | \$ 1,100,000 |

B. BE IT RESOLVED, that the Cheshire Town Council appropriates the amount Of \$69,395,510 for the Board of Education Budget.

C. BE IT FURTHER RESOLVED, that the sum of all revenues, transfers from Other funds and allocation of general fund equity for the fiscal year 2016-2017 Town of Cheshire General Fund Operating Budget will be in the amount of \$107,801,228, and

D. BE IT FURTHER RESOLVED, that the tax rate be set at 31.19 mills which Will generate \$84,259,710 at a collection rate of 99.1% for fiscal year 2016-2017; and

That the tax payments for motor vehicles and personal property shall all be due and payable in one payment on July 1, 2016; and

That real estate tax payments shall be paid in two equal payments with the first payment due on July 1, 2016, and the second payment due on January 2, 2017; and

That pursuant to Section 12-144 of the Connecticut General Statutes, as amended, that any real estate tax bill on the 2015 grant list in an amount not in excess of \$100.00 shall be due and payable in a single installment on July 1, 2016; and

That, pursuant to Sections 12-142 and 12-146 of the Connecticut General Statutes, as amended, the last date for payment of taxes due July 1, 2016 will be August 1, 2016. Payment of taxes due July 1, 2016 which are received after August 1, 2016 will be assessed interest calculated from the original due date of July 1, 2016.

Also, pursuant to Sections 12-142 and 12-146 of the Connecticut General Statutes, as amended, the last date for payment of taxes due January 2, 2017 will be January 31, 2017. Payment of taxes due January 2, 2017 which are received after January 31, 2017 will be assessed interest calculated from the due date of January 2, 2017.

Discussion

Mr. Slocum thanked Town Manager Milone, Finance Director Jaskot and Deputy Director DeFilio, Supt. Detrick, BOE C.O.O. Masciana, BOE members, and Town staff for their hard work on a challenging budget. This year the budget process was more challenging due to the financial situation of the State of Connecticut. The process resulted in a budget of \$107,801,228. Mr. Slocum noted that this year it came close to a complete consensus of all departments. Three Town Hall positions and one CPD position were not filled. There were disagreements between Council and BOE, but everyone was for the students. Mr. Slocum said he would not support the proposed operating budget. He is convinced there will be a big reduction in State funding with the impact on the budget being adopted. There should be further reaction to reductions in the Town and BOE budgets, with review of grade levels, staffing, collaboration and working together when further cuts are realized, with impact on programs and services.

Mr. Ecke thanked Town Manager Milone, Finance Director Jaskot and Deputy Director DeFilio, Supt. Detrick, BOE C.O.O. Masciana, BOE members, and Town staff for their hard work on a difficult budget. He said this budget reflects what is needed. The funding of Cheshire is a partnership with the State, \$10 million to \$13 million; a 5% State reduction equates to a \$600,000 decrease in revenue; a 10% reduction equates to over a million dollars to be made up next year, along with interest on the WWTP plant upgrade. Mr. Ecke cited his concern as next year, which affects this year for a budget that is 1.7% increase in overall spending. This is in the ball park with inflation. The overall tax increase is 1.63%, which is good. We are walking a fine line to protect property values and keep the school system strong, without cutting the education budget by too much. The 1.63% tax increase is reasonable and Mr. Ecke said we have to worry about next year and the State's financial condition impact on the Town. If everyone walks away from a budget unhappy, Mr. Ecke said that is a good budget.

Ms. Nichols commented on everyone working tirelessly for a budget that is reasonable for the money the Town has. All issues were brought before the Council; departments had reasonable requests; but this year the Council needed to be more careful about balancing this budget. It was a collaborative effort. Ms. Nichols will support the budget presented for the reasons she cited. She said we must be careful about striking a balance between all departments. Cheshire is a well managed Town due to its professional staff. The Council must call on department heads and BOE staff to be diligent with budget funding going forward into the next year. The tax increase is minimal. Ms. Nichols said Cheshire will stay financially sound to weather future storms.

Ms. Flynn-Harris commented on the importance of informing taxpayers, BOE members and staff, that to cut the BOE budget is not a vote against education. She said it is exactly as has been stated...we are in a dire situation and facing a worse situation in the coming years. Without taking the steps this year, next year would be a worse case. Ms. Flynn-Harris believes the Council did the right thing for Town Government and the BOE; will have to continue to make hard decisions; and she hopes the State gets things together or we will be in trouble. Ms. Flynn-Harris expressed appreciation to Chairman Oris, Budget Committee Chairman Slocum, Mr. Milone, Mr. Jaskot, Ms. DeFilio, Supt. Detrick, Mr. Masciana and Town and BOE staff for their work on this budget.

Mr. Ruocco thanked Town and BOE staff for their work on the budget. He said the real issue is the assumptions based on the State situation, and more revenue should have been pulled from this budget. The State is spending money it does not have. Mr. Ruocco stated that, historically, the tax increase is on the higher end, with a \$115 tax increase, and the average increase being \$116 over the last 5 years equating to \$5.5 million paid by taxpayers. Wages are not increasing, property values are lower...in 2010 property values were \$2.8 Billion, and in 2016 it was \$2.7 Billion. He would take the \$5.5 million, trim it a little, telling businesses that the Town has \$5.5 million in its pocket. Mr. Ruocco stated that labor contracts should be looked at; arbitration favors the bargaining groups not municipalities; 80% of the budget is the Town supporting bargaining groups and non-union employees. Cheshire is a well managed town, but Mr. Ruocco said we need to look at making tough decisions. During the campaign last year he saw more Florida license plates than ever before. Mr. Ruocco wants to maintain the tax base, keep people happy, but believes revenue assumptions are too high in this budget. He will not support the overall budget.

Ms. Linehan thanked Town and BOE staff for their work on the budget, and Chairman Oris and Vice Chairman Bowman for setting an inclusive tone for the Council. She noted that the State has put the Town in a situation of being forced to suffer the consequences of their poor fiscal management. She is not confident municipal aid will remain in place, and cuts in municipal aid are passed onto the Cheshire taxpayers. With these cuts, State representatives say they successfully cut the budget without raising taxes. This is not true because the burden is passed onto property owners. It is a direct assault on the suburban middle class and Cheshire taxpayers. Without this aid we are forced to cut services or our first class education system or raise the mill rate. Cheshire is fiscally conservative; good investments are made along with smart cuts

when necessary; and the Council and Mr. Milone has planned for the inevitable cut in municipal aid as well as balloon payment for the treatment plant. All this requires strategic planning, maneuvering, and difficult decisions. One difficult decision was the decrease in the BOE funding, resulting in a community uproar citing concerns that were heard. The Town is still investing over \$1 million over last year's BOE budget, and Cheshire is fortunate to be able to give this increase, when compared to other towns. Ms. Linehan cited information from other municipalities -- Enfield laying off 75 teachers; 200 lost jobs in Hartford public schools; while Cheshire still sees a +\$1 million increase. The Council has worked hard to balance the needs of the taxpayers, the school system, and keeping Cheshire affordable for families, senior citizens, and property values. Ms. Linehan will support the budget.

Mr. Talbot also expressed thanks and appreciation to Mr. Milone, Mr. Jaskot, BOE administration and staff, department heads, the Councilors and taxpayers who participated in the budget process. It was a long and arduous process and Mr. Talbot thanked Mr. Oris, Mr. Bowman and Mr. Slocum for conducting good meetings. The big unknown for the Council this year is the State of Connecticut and it will remain this way. Without being able to predict what is coming this budget represents the best the Council could do with this snapshot in time. The BOE and General Government budgets were increased at a lower level than requested. The Council tried to strike a balance between the additions and impact on the taxpayer...so increases are as low as possible. Mr. Talbot said we want people to stay in our town and enjoy the service levels they have come to expect. He will support the budget.

Mr. Bowman echoed the comments of other Councilors. He thanked Budget Chairman Slocum, Mr. Milone, Mr. Jaskot, Town Staff, and BOE administrators and staff for their long and hard work on the budget. He will support the budget resolution.

Chairman Oris wanted the budget process to be inclusive and collaborative, and said this budget reflects this, with significant input from all Council members. The budget represents bipartisan collaboration which best reflects the requirements of the community in the present day. Mr. Oris reiterated the fact that the State is in trouble; there are many unknowns; the Council recognizes it must invest in the community to maintain its greatness. This budget walks that fine line in a time when it is difficult to figure out what is the right step. As a strong proponent of education, Mr. Oris said in years when there is the ability to give more to the BOE and the students, he will support what it needs. However, there are times when the belt must be tightened, and this is one of those years. This is necessary in current times and will reflect the entire community. Mr. Oris will support the budget and said it is a collaborative effort of the Council.

Mr. Oris thanked the BOE for its efforts, which he appreciates. He commented on the Council wanting to work close with the BOE with earlier collaboration in the process...to find ways, in good years, to help each other get more...and in bad years work together to scale down, moving things forward in a positive way.

Mr. Oris thanked Town Manager Milone, Mr. Jaskot, Ms. DeFilio, Town and BOE staff for doing great work throughout the budget process. The budget reductions are not a reflection of what the Council thinks of Town departments and the BOE, but they are a result of difficult times.

Mr. Oris thanked Budget Chairman Slocum for doing an excellent job, and putting the needs of the community first.

PUBLIC COMMENTS AND QUESTIONS

Cindy Kleist, 251 Lancaster Way, said the budget is fine based on her experience with other towns. She cited Windsor CT with a 5% budget increase; Wallingford CT cutting everything with no raises; and Bridgeport CT is in bad financial condition due to poor decisions. This is a fair budget and Mr. Milone did a good job. Out of 169 towns in Connecticut, 140 question how they will make it. Ms. Kleist appreciates what Mr. Milone does as Town Manager and Cheshire is fortunate to have him.

Chairman Oris commented on the Town of Cheshire's AAA credit rating, which is especially due to Mr. Milone's work as Town Manager.

Catherine Fabiani, BOE Member, thanked the Council for the support shown to the BOE in a difficult budget year. The BOE wanted a number of programs implemented to increase the strength of the education department. Ms. Fabiani stated she looks forward to collaboratively working with the Council and the BOE.

VOTE In Favor - 7; Oris, Bowman, Ecke, Flynn-Harris, Linehan, Nichols.
 Opposed - 2; Ruocco and Slocum.

B. Adoption of the FY 2016-2017 Water Pollution Control Department Fund Operating Budget.

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #041216-4

RESOLUTION #041216-4

FISCAL YEAR 2016-2017

WATER POLLUTION CONTRUL FUND OPERATING BUDGET

BE IT RESOLVED, that the Cheshire Town Council appropriates the sum of \$3,426,342 for the Town of Cheshire Water Pollution Control Fund Operating budget for Fiscal Year 2016-2017, and that the sum of revenues and allocations of Water Pollution Control Fund equity for the Fiscal Year 2016-2017 Town of Cheshire Water Pollution Control Fund Operating Budget also be in the amount of \$3,426,352, and

BE IT FURTHER RESOLVED, that the Cheshire Town Council recommends that the Water Pollution Control Authority consider maintaining the Sewer Use Charge at \$393 per year, effective December 1, 2016.

Discussion

Mr. Slocum explained that at the Budget Committee meeting of April 11th the two options for a sewer user fee were discussed...maintain the current fee of \$383, or increase the fee by \$10 to \$393. The committee recommends a \$10 increase in the sewer user fee to \$393 annually.

This \$10 fee increase will go to the WPCD fund balance to be used for future payments for the increased debt load coming from the plant upgrade. Mr. Ecke said the fee is a direct payment for the facility, and he supports the increase.

Ms. Nichols said the committee recommended the fee increase to fund upcoming costs of the treatment plan.

It is not earmarked for debt service, but Mr. Ecke said there is flexibility in the future to use the fund balance for debt service, and there is a plan in place for this.

With regard to the \$10 fee increase, Mr. Milone advised that the WPCA supports the increase and recommended it, and can make changes.

In reading the resolution, Chairman Oris questioned the wording "consider maintaining the Sewer Use Charge at \$393 per year, effective December 1, 2016." He recommended the resolution be amended to read "consider increasing the sewer use charge by \$10 to \$393 per year."

The maker (Mr. Slocum) and seconder (Ms. Nichols) accepted the amendment to the motion on the floor.

The amended motion reads as follows:

BE IT RESOLVED, that the Cheshire Town Council appropriates the sum of \$3,426,342 for the Town of Cheshire Water Pollution Control Fund Operating budget for Fiscal Year 2016-2017, and that the sum of revenues and allocations of Water Pollution Control Fund equity for the Fiscal Year 2016-2017 Town of Cheshire Water Pollution Control Fund Operating Budget also be in the amount of \$3,426,352, and

BE IT FURTHER RESOLVED, that the Cheshire Town Council recommends that the Water Pollution Control Authority consider **increasing the sewer use charge by \$10 to \$393 per year** effective December 1, 2016.

Discussion on the amended motion

Mr. Ruocco asked about the balance in the WPCD fund balance.

In response Mr. Milone informed the Council that with the \$10 fee increase the 2017 fund balance will be \$810,117; less the \$150,000 addition WPCD appropriation to pay a portion of the debt service spike; this results in a fund balance of \$660,117.

The Town Council can grow this fund balance to handle reserves and take pressure off the operating budget.

VOTE The motion passed 8-1; Ruocco opposed.

C. Adoption of the FY 2016-2017 Community Pool Fund Operating Budget.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-5

RESOLUTION #041216-5
FISCAL YEAR 2016-2017
COMMUNITY POL FUND OPERATING BUDGET

BE IT RESOLVED, that the Cheshire Town Council appropriates the sum of \$897,657 for the Town of Cheshire Community Pool Fund Operating Budget for Fiscal Year 2016-2017, and that the sum of revenues and transfers from other funds and allocation of Community Pool Fund Equity for the Fiscal Year 2016-2017 Town of Cheshire Community Pool Fund Operating Budget also be in the amount of \$897,657.

Discussion

It was pointed out by Mr. Slocum that this is the first pool budget without knowing some of the expenses due to the new facility, and he believes there will be better utility costs.

Mr. Milone is comfortable with this budget; it is \$88,000 less than in 2009; it is the lowest subsidy, \$210,000, from the General Fund in the history of the pool; and in 2012 the subsidy was \$459,000. Under the leadership of Ms. Adams, there is increased activity, enthusiasm, and great public response for the community pool. Mr. Milone hopes the subsidy will decrease next year.

VOTE The motion passed unanimously by those present.

**D. Approval of transfer of traffic easement land to State of Connecticut
Department of Transportation and authorization to waive compensation
And appraisal.**

MOTION by Mr. Bowman; seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council approves Resolution #041216-6.

RESOLUTION #041216-6

BE IT RESOLVED, that the Town Council approves the Waiver of Compensation and Appraisal agreement as presented and attached, waiving the Town's rights to an appraisal and to compensation for the conveyance of an approximately 980 square foot sliver of property along the southerly side of West Main Street and the westerly side of Main Street from the Town of Cheshire to the State of Connecticut Department of Transportation, and further authorizes Town Manager Michael A. Milone to execute said document.

Discussion

Mr. Bowman noted this agenda item was the subject of a public hearing earlier in the evening.

VOTE The motion passed unanimously by those present.

E. Reimbursement of \$128,000 from the Board of Education Building Maintenance Capital Non-Recurring Fund for repair expenses.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-7.

RESOLUTION #041216-7

BE IT RESOLVED, that the Cheshire Town Council, pursuant to Council Resolution #101408-4 authorizes the use of up to \$128,000 from the Board of Education Non-Recurring maintenance account to reimburse the Board of Education operating expenses for the following extraordinary repairs: replacement of a cracked boiler at Cheshire High School; replacement of a leaking boiler in the Humiston Building; clearing and sleeving of the sewer line in Humiston building; and refurbishing boiler #1 at Dodd Middle School.

Discussion

Mr. Masciana thanked the Council for approving the BOE budget, and the collaborative work between the BOE and the Council.

Regarding the motion on the floor, Mr. Masciana said the Council established the BOE C.N.R. fund, and must approve any appropriations from this fund. A sheet showing the history of the maintenance expenditures (in red) was distributed to the Councilors. The initial allocation was \$350,000. Mr. Masciana reported that the account balance is \$241,053. The BOE is requesting reimbursement for the extraordinary expenses, \$128,421 to the BOE operating budget. The funding was used for three boilers at the high school that failed, replacement of leaking boiler and a sewer line work at Humiston School, refurbishing boiler at Dodd Middle School. Other extraordinary maintenance items were CHS bleacher repairs, Doolittle gym soffett, playground surface repairs at Highland and Doolittle Schools, and special education costs.

Ms. Masciana commented on the very tight BOE budget for overall maintenance, special education outplacement costs and transportation. The requested reimbursement will leave \$112,632 in the account. He noted that the BOE C.N.R. account has a stipulation for Council approval of use of the funds.

VOTE The motion passed unanimously by those present.

F. Amendment to appropriating resolution to permit current and future use of funds from the Education Full Day Kindergarten Capital Non-Recurring account for supplies, materials and equipment.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-8.

RESOLUTION #041216-8
RESOLUTION AMENDING A RESOLUTION PROVIDING FOR AN APPROPRIATION
IN THE AMOUNT OF \$255,000 FOR EDUCATION - FULL DAY KINDERGARTEN

WHEREAS, The Town previously allocated an appropriation in the amount of \$255,000 from its Reserve Fund for Capital and Non-Recurring Expenditures ("CNR Fund") for the Education - Full Day Kindergarten for the purchase of supplies, materials and equipment associated with the implementation of the Full Day Kindergarten Program for the 2014-2015 School year, which was approved by the Town Council on May 13, 2014, (The "Education-Full Day Kindergarten Project"); and

WHEREAS, the Town desires to amend the use of the funds allocated to the Education - Full Day Kindergarten Project, for the acquisition of furniture, desks, equipment and other capital improvement or equipment permitted under Section 7-364 of the Connecticut General Statutes;

RESOLVED:

Section 1. The prior appropriation from the CNR Fund allocated for the Education-Full Day Kindergarten Project is hereby amended to provide for the use of such funds for the acquisition of furniture, desks, equipment and other capital improvements or equipment permitted by Section 7-364 of the Connecticut General Statutes.

Discussion

Ms. Nichols explained this money is from funds not expended in the original setup of full day kindergarten (2014-2015). The funding is for a new kindergarten classroom and purchase of equipment and furniture for this classroom.

The Council was told by Mr. Masciana that the additional kindergarten classroom is at Norton School. The subject funds were appropriated for full day kindergarten use; there is a balance of \$25,851, which the BOE is requesting to be used for kindergarten

expenses. In order to make the funds available for appropriate kindergarten expenses the BOE is requesting the Council take action and amend the original resolution.

Mr. Ruocco questioned why a separate fund is required at all. He did not support the initial full day kindergarten, and sees no reason for a separate account.

Mr. Masciana stated the original appropriation was \$255,000 for full day kindergarten expenses -- supplies, material, equipment, ADA compliance etc. and was approved on May 13, 2014 by the Town Council. At this time there is \$25,851 in the account. The Council can approve the language change for the BOE to expend funds for another kindergarten classroom at Norton School. \$15,000 has already been spent for furniture for this classroom at Norton School.

VOTE The motion passed 8-1; Ruocco opposed.

G. Request for bid waiver for the second phase of the Cheshire High School courtyard window replacement project.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-9.

RESOLUTION #041216-9

WHEREAS, the Board of Education has requested a bid waiver for the second Cheshire High School Courtyard Window Replacement Project to award the project to J.A. Rosa, the contractor who successfully performed similar work last year,

WHEREAS, J.A. Rosa has agreed to honor their prices submitted last year,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council finds it in the best interest of the Town to waive the bid requirement for this project, hereby approves the bid waiver, and authorizes the Board of Education to award said project to J.A.Rosa.

Discussion

Mr. Bowman explained this is a continuation of the work at the high school. He supports the resolution; there is no increase in price from the contractor; and Rosa has already been on the project with good job satisfaction.

The Council appropriated \$255,000 for the window replacement on the south side of the CHS Courtyard, and there was a bid alternate for the north, west and east side windows. Mr. Masciana informed the Council that this work was bid in May, with only J.A. Rosa Construction LLC responding. In the project budget there was a request for alternate bids on other window replacement. The project was done successfully by J.A. Rosa.

The Council appropriated \$250,000 for the next set of Courtyard windows (north, west and east windows) with the same construction and architectural team. Dean Petrucelli of Silver Petrucelli Architects informed the BOE that to go out to bid now would result in a 15% higher cost, and recommended that J. A. Rosa do the work. J.A. Rosa agreed to honor the prices it stated last year. Mr. Masciana said this is a bid waiver to save money, with a good contract based on last year's prices. Last year when Silver Petrucelli did the design documents their fee was \$19,600. For the next section of windows their fee will be \$7,000. With the funding Mr. Masciana expects the north windows can be done, and possibly a portion of the east and west windows. Last year the north window elevation price was \$236,740, which is what J. A. Rosa is holding to for the work.

Mr. Masciana reported that J.A. Rosa did a great job on this project and the DOE staff worked well with the contractor and Silver Petrucelli.

VOTE The motion passed unanimously by those present.

**H. Authorization to apply for a \$750,000 Remedial Action and
Redevelopment Municipal Action Grant in support of Ball and Socket
Arts, Inc. project Inc.**

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-10.

RESOLUTION #041216-10

BE IT RESOLVED, that the Town Council authorizes application for a \$750,000 Remedial Action and Redevelopment Municipal Grant for the Ball and Socket Arts Inc. for asbestos abatement and related management and construction activities at the Ball and Socket site at 493 West Main Street, and further authorizes Town Manager Michael A. Milone to execute any and all documents necessary for said grant application.

Discussion

Ms. Flynn-Harris stated this is the second funding cycle for this grant for abatement of hazardous material and enable the organization to prepare certain areas of the building for commercial occupancy. The grant is due April 26th.

Mr. Sitko informed the Council that the grant is due April 26th, and this is the second line of funding for Ball and Socket. The Council and Town administration is supportive of this project and it will make progress towards the organization's goal. It is a \$750,000 grant for the start of remediation of hazardous material. Ball and Socket can then start planning, get building permits for commercial occupancy, do some programming, additional fundraising. The grant funds will come to the Town, and it will be a team project with Town Engineer Gancarz and Mr. Sitko leading the effort. CREC has a team that does remediation projects for municipalities. CREC will be hired as the

managing agent on these grants, with a team of people managing everything. CREC is managing the Ball and Socket grant right now. This grant is a Town grant and comes directly to the Town, and the State permits Cheshire to apply on behalf of Ball and Socket.

Jeff Guimond, New York City, represented the Ball and Socket Arts Center, and noted he grew up in Cheshire, CHS Class of 1986. At this time the project has reached a milestone; Fuss & O'Neil completed the environmental assessment; the site is fully characterized; the remedial action plan is completed. The canal that is adjacent to the property is not nearly as contaminated as originally thought; there is a substantial amount of remediation under the building; and there is discussion about further funding for this issue. The \$750,000 grant allows for remediation work, and gives a way to utilize some parts of the site without remediation action required. It is hoped that the site can be opened along the West Main Street side/smaller building and parking lot, and start programs and rental activity.

According to Mr. Guimond the remediation numbers are higher than expected, and it has taken 5 years to get to this point, and to have all the information needed to approach donors. Mr. Guimond said the Ball and Socket group looks forward to working with Mr. Sitko, Mr. Veleber and Mr. Gancarz.

This grant, if received, must be managed by the Town and Mr. Sitko said it is different from other project grants, as the Town is cutting the checks.

For the prior grant, Mr. Milone noted the Town was a pass-through, with limited exposure. For the \$750,000 grant the Town is applying for this grant, and has significantly more exposure to manage and expend the funds. CREC has the management team that monitors the programs and maintains oversight of the facility. Any mismanagement of the project grant is the Town's responsibility. The Council is authorizing application of the grant, and Mr. Milone will inform the Council of the safeguards in place.

Mr. Slocum stated CREC will be in charge of the project. He asked how CREC goes into the building for the remediation work.

In response, Mr. Guimond said Fuss & O'Neil has proposed a three part system. There is an existing ground water system between the building and the canal, about 10 feet, that is not functioning well. He explained the plan to extract water, filter it, collect and dispose of contaminants, and the water returns to the municipal system. There can be duplication of that system with a deeper trench and well system that goes down into bedrock. The water is extracted, cleaned, and in the area where the leak occurred, to install a horizontal/filtered extraction system under the floors. The third part is further up stream; there will be injection wells, insertion of gravity fed tanks and enzymes that use the chemicals and dissolve them. It is almost creation of cycles to eventually take out clean water. Once everything is done underground, a well will be installed to continue operation of the building. With everything installed, with funding in place by next

spring, working with DEEP for guarantee of long term monitoring, there could be partial opening next year.

Ms. Linehan asked for the time frame for the front building opening and ready for business.

For fundraising needs and marketing, and awareness of the project, Mr. Guimond said they want to keep things going on the site, but he does not know when this will happen. He visited the site today, and money must be received to renovate, with a one year time frame for the earliest opening. With the renovation project there is not much hazmat work to be done.

Chairman Oris said there will be appropriate trails in place for dealing with the grant. He also hopes there will not be a large use of Town resources adding to the costs to oversee the administration of the grant.

The Council was told by Mr. Milone that he does not expect lots of administrative costs. There will be the Finance Department and Mr. Sitko and Mr. Gancarz doing most of the Town's work.

A question was raised by Chairman Oris about grant applications by the Town for private or for profit entities.

Mr. Sitko reiterated the fact that the Town is applying for the grant on behalf of Ball and Socket, a non-profit entity. He assumes it could be done for a private entity.

VOTE The motion passed unanimously by those present.

I. Authorization to request an addition of \$200,000 to the current Municipal Brownfields Grant for the Ball and Socket Arts, Inc. project.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-11.

RESOLUTION #041216-11

BE IT RESOLVED, that the Town Council authorizes the request for an administrative extension provision to the current \$400,000 Brownfield Grant for brownfield assessment and remediation for the Ball and Socket site at 493 West Main Street to increase the grant by 50% or an additional \$200,000 for a total of \$600,000 and further authorizes Town Manager Michael A. Milone to execute any and all documents necessary for this request.

VOTE The motion passed unanimously by those present.

J. ICMA 401(A) Pension Plan Update.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-12

RESOLUTION #041216-12
RESOLUTIONS FOR ADOPTION BY THE TOWN OF CHESHIRE REGARDING
AMENDING AND RESTATING THE TOWN OF CHESHIRE 401(A) PLAN

Plan Number: 107860

Name of Employer: Town of Cheshire State: CT

WHEREAS, the Town sponsors the Town of Cheshire 401(a) Plan (The "Plan");

WHEREAS, Code of Ordinances Section 2-131) provides that the Town Council may adopt and amend retirement plans at any time; and

WHEREAS, in order to update the Plan in accordance with applicable law, the Plan must be amended and restated on or before April 30, 2016 in order to incorporate certain required amendments and regulatory changes.

NOW, THEREFORE, BE IT HEREBY:

RESOLVED, that pursuant to the authority set for the in Section 14.01 of the Plan and Code of Ordinances Section 2-131(e), the Town Council hereby approves the adoption of the amended and restated "Town of Cheshire 401(a) Plan" effective January 1, 2016, in substantially the form attached hereto; and

FURTHER RESOLVED, that the appropriate officers of the Town be, and they hereby are, authorized, empowered and directed to execute and adopt the amended and restated Town of Cheshire 401(a) Plan, in substantially the form attached hereto, on behalf of the Town, and to take any and all such additional actions as they deem necessary or appropriate in order to implement the same; and

FURTHER RESOLVED, that contributions made by all employees of the Town of Cheshire who are eligible under the Town of Cheshire 401 (a) Plan, although designated as employee contributions, will be paid by the Town of Cheshire to the Trustee of the Plan in lieu of employee contributions. Such contributions will reduce the amount of such an employee's earnings and are intended to qualify as "pick-up contributions" under Section 414(h)((2) of the Internal Revenue Code of 1986, as amended; and

FURTHER RESOLVED, that the assets of the Plan shall continue to be held in trust, with Vantage Trust Company serving as the sole trustee ("Trustee") for the exclusive

benefit of Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

Discussion

Mr. Jaskot stated this plan is for the Cheshire Police Department (CPD) as their defined benefit plan was closed out. He explained that this is a proto-type document, and every six years the IRS requires change updates. It is a formality for Cheshire because no changes have been made, and Mr. Jaskot will take what is on the prior plan document and put the data onto the new plan document. The Town Attorney has looked at the document. This plan started in January 2014; not much has happened since that time; and the plan does contain extra benefits (heart act) for active military personnel who are Town employees, and vesting continues while on active duty.

Council approval is required to put the updated information on the forms.

VOTE The motion passed unanimously by those present.

K. Expansion of scope of Town Hall Courtyard and Town Center Sidewalk Project to include the restoration of Veterans' Memorial Plaza.

MOTION by Mr. Bowman; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #041216-13

RESOLUTION #041216-13

WHEREAS, the Town previously transferred and allocated unexpended funds from the Church Drive Project from the Reserve Fund for Capital and Non-Recurring Expenditures to the Town Hall Courtyard Brick Pavers and Town Center Sidewalk Brick Pavers project, and

WHEREAS, the Resolution authorizing this action stated that the Town Council may determine the scope and particulars of the Town Hall Courtyard Brick Pavers and Town Center Sidewalk Brick Pavers Project,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council hereby includes the Veterans' Memorial Plaza in the scope of the Town Hall Courtyard Brick Pavers and Town Center Sidewalk Brick Pavers project.

Discussion

Mr. Bowman stated the Town Council has a copy of the plan and significant information about the brick sidewalk around the paradox statute which is in bad condition. The initiative is to redo the entire area and utilize available funds. The project is to be completed by Memorial Day.

This is a great project and Mr. Slocum said sometimes people think we are spending too much money. The Town Center is held in high regard, especially by the Town Veterans. He supports this resolution for Veterans Plaza.

Following the sidewalk project, Ms. Flynn-Harris has received calls from residents who are upset about the condition of the Veterans Memorial Plaza, and want it repaired. This work is a natural extension of the work already done.

VOTE The motion passed unanimously by those present.

L. Acceptance and appropriation of auction assets.

MOTION by Mr. Bowman; seconded by Mr. Slocum.

BE IT RESOLVED, that the Town Council approves Resolution #041216-14

RESOLUTION #041216-14

BE IT RESOLVED, that the Town Council accepts a total of \$17,102.25 in net proceeds from the auction sale of a Public Works vehicle and backhoe and appropriates said amount to the Capital Asset Proceeds account.

Discussion

Mr. Bowman said there were two items auctioned, and the \$17,102 will be deposited into the special account.

Ms. Linehan commented on the low fees involved, and there must have been good negotiations, and she commended staff on the low fees.

The Council was told by Mr. Milone that Rich Kaczer has done a good job auctioning off vehicles rather than trading them in. This was discussed with the Council last year, including the frustration of this money going back into the general fund. It was decided to put the funds into a special account with the provision the money supplements the cost of future purchase of vehicles and equipment.

VOTE The motion passed unanimously by those present.

M. Authorization to notify the Grange of intent to negotiate extension of Parking lot lease.

MOTION by Mr. Bowman; seconded by Mr. Talbot.

BE IT RESOLVED, that the Town Council approves Resolution #041216-15

RESOLUTION #041216-15

BE IT RESOLVED, that the Town Council authorizes notification to the Cheshire Grange of the Town's intention to renew the lease for the parking lot at 48 Wallingford Road.

Discussion

Mr. Milone clarified that this is a notification to the Grange of the intention to renew the lease. The matter will be referred to the Planning Committee.

VOTE The motion passed unanimously by those present.

N. Recommendation of Public Building Commission to proceed to complete the final design for the Cheshire High School Emergency Generator Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #041216-16

RESOLUTION #041216-16

BE IT RESOLVED, that the Town Council recommends that the Public Building Commission proceed to final design for the Cheshire High School Emergency Generator Project to best determine total project costs, and then submit a request for said costs as part of the FY17 Capital Expenditure Plan.

Discussion

Mr. Bowman noted that the issue of the generator at the high school has been ongoing for a while, and it is part of the disaster planning program, with a generator up and running for the entire school building.

Art Crooker, PBC member, informed the Council that the generator project will cost about \$200,000 more than appropriated. This is due to the need for the entire building to be electrified, and the electrical engineer advised that much of the equipment needs to be replaced...with some equipment going back to the 1950's. The parts for this old equipment cannot be obtained. The electrical work will cost about \$160,000 plus the cost of the generator. The PBC wants to insure it can go forward due to the additional costs over the original appropriation.

Ms. Flynn-Harris asked what the Council is asking the PBC to do...bring it to final design out of the original \$160,000.

Chairman Oris stated the Council is being asked to authorize the BC to take the project to full design with an expectation that \$200,000 more will be needed to complete the project. This is an item to be deliberated during the capital budget process. The project could then be bid with real numbers.

The drawings will be completed for the project, and Mr. Crooker said after the drawings PBC can go out to bid and know about work inside the building.

Ms. Linehan asked about \$22,000 for final drawings, up from \$7,000, and spending \$22,000 on design when we do not know if we go forward.

According to Mr. Crooker the study for the entire building electrical cost is \$7,000; the \$9,600 is for the actual design; and then we proceed from there. The total cost comes after the job is done, and it will be a phased-in project.

This is the right way to do this and Mr. Oris said we need a shovel ready project that is properly designed, with equipment and pricing.

Ms. Linehan pointed out this is an important project for public safety, agrees it is being done the right way. She wants to make sure when funding the project it is realized to be a public safety issue.

Mr. Bowman stated the history is not following this protocol in the past. It is prudent for due diligence up front...find out what is needed, budget properly, and come back to the Council for the funding.

Stating he understands the planning part, Mr. Slocum said with \$160,000 some of the work could be done to a point. This is not how this will actually proceed...PBC will get a plan and come back to the Council on the whole project.

Mr. Crooker said PBC wants to get the drawings, put them out to bid, and know how much the project will cost. He believes there is enough money to get the electrical part done in the building, starting this spring, but everything depends on Council approval.

Mr. Oris commented on moving forward with the project, then realizing there is not enough money. It is more prudent and effective to have hard numbers to back it up, rather than speculation and guess work. He supports the resolution.

The Council was informed by Mr. Crooker that, originally, it was just to purchase the generator. He explained that the generator cannot be purchased; there needs to be electrical work confirmed by the engineer who knows what he is doing; we need to know the correct kw for the generator, the size, the work needed, etc. and have hard numbers to get a good project.

VOTE The motion passed unanimously by those present.

10. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report - in Council packets

B. Department Status Reports: Police, Fire, Fire Marshal.

In Council packets

C. Other Reports

- Monthly Financial Report - discussed during budget workshops.
- Legislative Update - the Governor announced more revisions to the budget; he is cutting Cheshire's ECS grant by an additional \$324,000; last week the ECS was cut by \$95,000. Rep. Fritz got the phosphorous bill going back to the General Assembly on Wednesday. If approved Cheshire would get 50% reimbursement for the phosphorous upgrade (from 30%), and this would generate \$1.4 million in additional revenue. Net metering project for solar at the landfill has been approved through committee, with \$1 million set aside for this project. It has a good likelihood of passing. The legislature wants to reduce interest on delinquent taxes, from 18% which Cheshire charges to 12%.
- Linear Trail Extension - there was a public information session last week with a good turnout of neighbors who were informed on what is happening. There will be meetings with homeowners this week and next week. Councilors are invited to join in the meetings. People who live near the Trail have concerns about screening and trespassing, and signage.
- Community Pool - Ms. Adams notified Mr. Milone on March 29th that the grate installation project is completed. It went better than expected; the cost for the welder work was \$1000 less than projected; and interior projects are not completed.
- Road Repaving Schedule - in the Council packet.
- LED Streetlight Project - there will be a press release issued; 1770 lights to be changed; annual savings of \$170,000.
- Police Clean Car Campaign - this is a public relations campaign due to concerns about break-ins due to unlocked cars or valuables left in cars even when locked. There will be signage in all the parking lots for people to lock their cars, take precautions, and take valuables with them.
- Eversource Tree Trimming - this has been an aggressive tree trimming on West Main Street; it has nothing to do with the Town sidewalk program, but is related to the energy reliability project. 38 Trees have been cut down.
- Senior Center Renovations - will be completed on Friday; there is some more work to be done; some events are scheduled in the coming weeks for the ribbon cutting.

- Recycling Events - Electronics Recycling, April 23, 2016, 9:00 a.m. to 1:00 p.m. at Darcey School; Mattress Recycling, April 30, 2016, 9:00 a.m. to 1:00 p.m. at Darcey School.
- Peter Gode Memorial Dedication Ceremony, April 16, 2016, 10:30 a.m. at the Public Works Garage. Councilors are invited.
- Cell Tower Update - there are no co-locators on the tower until the next calendar year; the Town will be a co-locator on the tower, but the date is uncertain at this time.
- Upcoming Council Meetings - Mr. Milone informed the Council that a 2nd meeting in April is necessary due to items requiring Council Approval. The date of this meeting will be either April 27th or 28th, and once confirmed the Council will be notified.
- The South Main pedestrian crossing project starts this week.

11. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

- Referral of extension of Grange parking lot lease to the Planning Committee.**
- Referral of proposed Library Fees ordinance amendment to the Ordinance Review Committee.**

B. Miscellaneous

Councilor Ruocco talked about concerns from his constituents about outdoor events and a noise ordinance for Cheshire. He asked that a noise ordinance be considered for Cheshire.

Chairman Oris has discussed this issue with Town Manager Milone, and expects there will be a referral at the next Council meeting.

Councilor Slocum commented on the Plan of Conservation and Development which the PZC has forwarded to Council for review and approval.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Economic Development Commission - Councilor Ecke reported that the EDC is moving forward in the process for a marketing plan for Cheshire. Mr. Sitko plans on giving the

Council an update on this matter at a May meeting. EDC has a subcommittee working diligently on the marketing plan.

B. Appointments to Boards and Commissions

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

MOVED to approve the following appointments:

Library Board - James Conroy (R) to fill the vacancy of Craig D. Wilson, term of office 4/12/16 to 1/31/20.

Youth Services Committee - Eric Gunther (R) to fill the vacancy of Lauren Vendetto, term of office 4/12/16 to 1/31/18.

VOTE The motion passed unanimously by those present.

13. TOWN ATTORNEY REPORT AND COMMUNICATIONS

14. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Oris advised there is a letter from the State DOT that references three areas for paving and resurfacing: Prospect Town Line to South Brooksvale Road; Route 10 Highland Avenue to Cortland Circle; Southington line Route 10 Cheshire Road to 691 Eastbound.

B. Miscellaneous

15. ADJOURNMENT

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

MOVED to adjourn the meeting at 9:42 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

