

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE 7:00 P.M. PUBLIC HEARINGS ON TUESDAY, APRIL 10, 2018 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

**PRESENT**

Robert J. Oris. Jr. Chairman; Paul A. Bowman, Vice-Chairman; Jeffrey Falk, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, Peter Talbot, David Veleber.

Absent: Timothy Slocum.

Staff: Michael A. Milone, Town Manager; Town Attorney Al Smith; Arnett Talbot, Asst. Town Manager; James Jaskot, Finance Director; Police Chief Neil Dryfe.

Vincent Masciana, COO, Dept. of Education

Guest: Steve Durkee, Public Building Commission 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. Land acquisition jointly with the Board of Education  
(moved to end of the agenda.)**

**4. PUBLIC COMMUNICATIONS**

**A. Public Comments**

Cathleen Devlin, 61 Lanyon Drive, distributed a handout to the Council. She requested the Council pass a resolution concerning the funding to rescind the funding for the new sidewalks, where none currently exist, on Lanyon Drive. She has learned this money has already been borrowed, and requests it be reallocated. Last year, Lanyon Drive residents attended many Council meetings, and submitted a petition in opposition to the sidewalks.

Ms. Devlin expressed appreciation to the Town Councilors for their service to the town. She asked that the appropriation for the Lanyon Drive sidewalk project be rescinded and reallocated towards another worthy town project. In FY 16-17 the capital budget included \$100,000 for Lanyon Drive/Westland Avenue sidewalks. In FY 17-18 capital budget there was no funding for these sidewalks, which were proposed by the PW Department. There was no distinction between "Lanyon Drive (new) sidewalk" and "Westland Avenue and Lanyon Drive if Lanyon extension is not done". According to Ms. Devlin the area residents did not receive a valid notice of the proposed new sidewalks, and they cannot be completed for \$100,000. The price of the work quoted from PW Department excludes trees and driveways. Using a site plan to clarify her presentation, Ms. Devlin outlined her concerns for sidewalks on the south end of the street; forcing

everyone to cross from Platt Lane and Preston Terrace; two major hazards in this road, a crest in the hill which cannot be seen by cars; the safety issues involved; Westland Avenue people not having a benefit from the sidewalks.

Chairman Oris commented on the Council listening to the concerns of neighbors in this area of town, has discussed reallocation of the subject funds, but no decisions have been made.

Ms. Sylvester also talked about the proposed sidewalks, stating she sees no reason to have sidewalks and Ms. Devlin's presentation made sense. She opposes the proposed sidewalks.

Mary Hourigan, 101 Lanyon Drive, expressed her concerns about the proposed sidewalks on her street. Last year, many area residents attended meetings in opposition to these sidewalks, and presented a petition to the Council. She said adding sidewalks is not a safe option for the residents due to fast drivers, curvy nature of the road, few residents using sidewalks throughout the day, and student drivers using the street as a cut through to the high school. Ms. Hourigan thanked the Council for their consideration to reallocate the sidewalk funds.

Ray Bennett, 840 North Brooksvale Road, has a disabled friend living off Lanyon Drive/Westland area, and with 500 feet of sidewalks this person would have to take care of winter snow and ice maintenance. He is opposed to sidewalks in this area.

Jose Rodriguez, 89 Lanyon Drive, stated he has lived in his house for 33 years. It is a special, stable neighborhood, has the old Cheshire look, and sidewalks on Lanyon Drive will improve safety, and gives a false sense of safety. Mr. Rodriguez said few people walk on the street, few high school students walk the street, when there are walkers, most drivers move closer to the center lane and slow down. On a personal note, he would have to move his irrigation system and large tree, and said there are no overall benefits to the town and residents of the street with a sidewalk. He believes that sidewalks would destroy the look of the street and neighborhood; the curve is dangerous; and sidewalks will not bring more safety. For the record he opposes the sidewalks.

## **5. APPROVAL OF MINUTES**

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

MOVED to approve the minutes of the Regular Meeting of March 20, 2018; Public Hearing of March 20, 2018; Special Meetings of March 13, 26, 28 and 29, and April 2 and April 3, 2018, subject to corrections, additions, deletions.

VOTE           The motion passed unanimously by those present.

**6. CONSENT CALENDAR**

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

BE IT RESOLVED, that the Town Council approves Resolution #041018-1

**RESOLUTION #041018-1**  
**CONSENT CALENDAR FOR APRIL 10, 2018**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for April 10, 2018 as follows:

- A. Acceptance and appropriation of a \$100 donation from the Hartford Marathon Foundation Inc. to the Parks and Recreation Gift Account to be used for General purposes.
- B. Acceptance and appropriation of a \$50 donation from an anonymous donor to the Human Services Gift Account to be used for general purposes.
- C. Acceptance and appropriation of a \$10 donation from Martin Cobern to the Library Gift Account to be used for general purposes.
- D. Acceptance and appropriation of a \$100 donation from Susan Beatty in memory of Richard N. Cross to the Library Gift Account to be used for general purposes.
- E. Acceptance and appropriation of a \$2,411.77 donation from the Library Lost And Paid Account to the Library Gift Account to be used for general purposes.
- F. Authorization to apply for the 2019 Historic Documents Preservation Grant In the amount of \$6,500 for document imaging.
- G. Acceptance and appropriation of funds and approval of contract amendment For change of use for purchase of records storage equipment for the 2018 Historic Documents Preservation Grant.
- H. Authorization to apply for Eversource energy credits to help defer costs of Solar Carport.

VOTE           The motion passed unanimously by those present.

**7. ITEMS REMOVED FROM CONSENT CALENDAR**

**8. OLD BUSINESS**

## **9. NEW BUSINESS**

### **A. Discussion of proposed Blighted and Unsafe Premises Ordinance.**

Ms. Flynn-Harris said the Council may want to bring this matter back to the Ordinance Review Committee.

The Council members received the letter from Mr. Bennett. Chairman Oris said Councilors have received the proposed ordinance for their review.

Mr. Ruocco appreciated the letter, and said the ordinance applies to residential, commercial and industrial properties. He has concerns about what is “blighted” property, and cited the Chapman property as meeting this definition.

This is a concern and reason for the sunset clause in the ordinance. Ms. Flynn-Harris noted the ordinance can be adjusted in a year after seeing responses. The ORC talked about neighbor against neighbor, having written complaints to avoid neighboring disputes, and this will help minimize some of the issues.

Mr. Veleber appreciated the Bennett letter. He commented on the concerns at the committee level, and Mr. Bauru’s comments about lack of protection of homeowners from neighboring properties in visual disrepair, impacting property values. Mr. Veleber said that going forward there must be a way to incorporate these property right concerns into the ordinance.

Mr. Bowman appreciates all the comments being heard, and he has had personal comments expressed to him. He has concerns about individual personal property rights of individuals and businesses, and is unsure if the Council is ready for this ordinance. As a member of the ORC Mr. Bowman said there is more work and business to be done with this ordinance for everyone concerned.

Stating she has been on the fence with this ordinance and government overreach, Ms. Nichols said the committee worked hard on the definitions and content of the ordinance. The ordinance should go back to committee to be fine tuned. She is not 100% convinced on the ordinance, and is eager to hear changes from the ORC in the ordinance.

Mr. Talbot stated he is not in favor of government getting involved in areas where it should not be involved...and this is one of them. There are some positives and areas where this ordinance would serve to protect the public on some safety issues. For those reasons, Mr. Talbot believes the ordinance should be pursued. He wants to see the changes coming out of committee, and the ability to re-access the ordinance after a year is important.

Mr. Falk stated his agreement with the statements and comments of Ms. Nichols and Mr. Talbot.

Chairman Oris wants protection of individual rights to use their property as they see fit. When it comes to public safety and health issues, the town needs to be involved, and for those issues he would support an ordinance. Anything outside of public health issues will be looked at cautiously. Mr. Oris requested more public input to the Council on the proposed blight ordinance.

**B. Approval of proposed Traffic Control Ordinance.**

**(Councilor Falk was recused from discussion and action on this agenda item)**

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

BE IT RESOLVED, that the Town Council approves Resolution #041018-2

**RESOLUTION #041018-2**

BE IT RESOLVED, that the Town Council approves the proposed Traffic Control Ordinance (new) as presented and attached, effective May 1, 2018.

VOTE The motion passed 7-0-1; Mr. Falk recused.

**C. Waiver of RFP for consultant on Phase II of Radio Communications Software Project and authorization to hire Intertech for \$25,000**

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

BE IT RESOLVED, that the Town Council approves Resolution #041018-3

**RESOLUTION #041018-3**

WHEREAS, the Chief of Police requests a waiver of RFP for the consultant for Phase II of the Radio Communication Software project, and

WHEREAS, the consultant for the first Phase of said project did an excellent job, and is knowledgeable in the specs and process for said project, and

WHEREAS, the Town Council feels it is in the best interest of the Town to hire a vendor who understands the project and has proven their competency,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council waives the RFP process for said project, and authorizes contracting with Intertech Associates for a negotiated fee of \$25,000 to complete Phase II of said project.

Discussion

CPD Chief Dryfe informed the Council that Intertech Associates has worked with CPD for two years, provided the initial overview and assessment of the public safety radio system, and provided the report on the status of this system. In 2016 and 2017 the referendum questions on the communications software project were approved by the voters. It is now Phase II of the project, which has three phases. First phase was the RFP and this has been completed at a cost of \$45,000 with issuance of the RFP on March 28, 2018. Responses will require the assistance of Intertech Associates in evaluating them...and this extremely technical and requires skills beyond those of anyone in town. CPD is very satisfied with the work performed by Intertech. To go out with an RFP for another company would be starting from square one. Chief Dryfe wants to continue the relationship with Intertech, which has provided excellent services to the town.

Ms. Flynn-Harris stated her support because of the consistency that is needed with the technology being looked at, and keeping Intertech involved in the process.

Chairman Oris supports the request for the same reasons.

VOTE           The motion passed unanimously by those present.

**D.     Approval of recommendation to unfreeze the Recreation Program Coordinator Position Funding.**

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

BE IT RESOLVED, that the Town Council approves Resolution #041018-4

**RESOLUTION #041018-4**

BE IT RESOLVED, that the Town Council recommends that the Recreation Program Coordinator position be unfrozen and filled, per the recommendation of the Budget Committee.

**Discussion**

Ms. Nichols talked about the reorganization of the Parks Division into the Public Works Department, and this position being approved in the reorganization plan. The Program Coordinator is a 19 hour per week, no benefits position. Through to June 30, 2018 the cost will be \$4,200 and for FY 2018-2019 the cost is \$20,000. The person in the position will organize, administer and facilitate the Recreation Department summer programs.

This was a position involved in the department reorganization and Mr. Talbot said it was to be available to the new Recreation Director. It is wise to now fill this position, and as liaison to the Parks and Recreation Commission, Mr. Talbot noted the commission's full support.

Ms. Flynn-Harris supports unfreezing this position. She commented on Director Medeiros needing to dedicate his time to the larger picture of the department, goals to be achieved for the recreation facilities and community pool, and doing his administrative duties.

With the reorganization plan, Chairman Oris said 70 work hours per week were reduced and \$200,000 of savings generated annually. This savings included funding and filling the Program Coordinator position. To further cut and not fund this position would be detrimental to the Recreation Department and recreation services provided to the community.

VOTE           The motion passed 7-1; Mr. Ruocco opposed.

**E.     Award of bid for Generator Plug Box Project and request for amendment  
To capital budget resolution.**

MOTION by Mr. Bowman; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #041018-5

**RESOLUTION #041018-5**

BE IT RESOLVED, that the Town Council approves the award of bid for the Districtwide Generator Plug Box project to Prime Electric LLC for a base bid of \$149,962 per the recommendation of the Public Building Commission, and further authorizes the Commission to contract with Prime Electric LLC for said work.

Discussion

Steve Durkee, PBC Member, stated this is a continuation of the project, giving the town and school system a way with emergency heat. It is a good project and funding is in place, with \$160,000 left in the budget.

VOTE           The motion passed unanimously by those present.

Chairman Oris stated that Agenda Item 5B includes a resolution to increase the funding by \$45,000 for add alternate #2; the money is not allocated; and Council would have to allocate these funds. No action taken.

**F.     Authorization to allocate \$200,000 from the BOE Capital Non-Recurring  
Maintenance Fund to reimburse the BOE Operating Budget for repairs  
necessitated by the district-wide underground storage tank corrective  
action plans.**

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

BE IT RESOLVED, that the Town Council approves Resolution #041018-6

**RESOLUTION #041018-6**

BE IT RESOLVED, That the Town Council, pursuant to Council Resolution #101408-4, authorizes the use of \$200,000 from the Board of Education Capital Non-Recurring Maintenance Fund to reimburse the Board of Education operating expenses for the repairs necessitated by the district-wide underground storage tank corrective action plan.

Discussion

Mr. Masciana reported there is \$250,466 in this CNR fund. A matrix on the tanks (1989-1995) was included in the Council packet. There are nine (9) underground oil storage tanks; six (6) tanks nearing the end of their 30 year life; they will not have to be replaced as the schools have a natural gas supply.

DEEP inspected and found a series of deficient items, and three (3) of the tanks failed inspection. They must be removed from under the ground. \$125,000 is appropriated for the Doolittle School tank which must be replaced; the Darcey School tank must be removed and replaced at a cost of \$170,000, as there is no natural gas for this school. Dodd Middle School tank removal cost is \$70,000; and Highland School tanks will be removed at a cost of \$50,000. An RFP has been issued for the Dodd and Highland tank removal. The Darcey tank removal requires design work and the BOE has hired Silver-Petrucelli for this work. At Darcey School another tank will be an above ground structure, fenced, and in compliance with all requirements.

Mr. Masciana said there will be an RFP for Dodd and Highland Schools. There is a design professional engaged to do the Darcey School replacement, which will be an above ground tank. DEEP is not willing to amend what it found earlier. He has talked with Fuss & O'Neil and Town Attorney Smith on this matter. There will be a fine imposed if the failed tanks are not re placed. DEEP is unwilling to grant a two year extension. The connections will be left in for possible future temporary tanks.

Total cost of the project is \$290,000. On behalf of the BOE, Mr. Masciana is requesting \$200,000 out of the CNR account (which has a \$250,465 balance) for the tank project, with \$90,000 coming out of this year's or next year's operating budget. The work would be done over the summer.

Ms. Nichols asked if these tanks have failed, or not failed, and if there are no environment issues; and said the BOE is being pro-active to avoid future problems.

Based on the initial review, Mr. Masciana said the tanks are not leaking as they are double wall tanks.



It was pointed out by Mr. Talbot that the Darcey and Highland areas were recently paved, and asked if this paving will be affected to get to the tanks.

The Council was informed by Mr. Masciana that Darcey is paved, and Highland is not paved. In response to Council questions on this project, Mr. Masciana said the Darcey 10K gallon tank will, probably, be replaced with a 6K gallon tank with some savings; Doolittle tank is scheduled for 2019; \$125,000 is the appropriation with work to be done next year; \$17,000 in work is being done on this tank next week.

BOE Facilities Manager Rick Clavette explained that the Doolittle tank is having some remedial repair to bring it to DEEP compliance. This buys time for the tank replacement at Darcey (high priority) and tank removal work at Highland and Dodd.

Mr. Bowman asked about the possibility of the gas company extending natural gas up Oak Avenue to Doolittle School. He also talked about looking at running the line, partnering with the Legion facility on Oak Avenue, which would benefit both facilities.

It would cost \$500,000 to run the gas line (one mile) to the school building, and Mr. Masciana stated Eversource has no interest in entering into an agreement with the BOE funding a portion of the cost. If more customers were willing to tie into the gas line the cost would be less. There is time to follow-up and Mr. Masciana said the BOE would prefer converting to natural gas.

VOTE           The motion passed unanimously by those present.

**G.     Appointment of Robert J. Oris, Jr. as Cheshire's Representative to Naugatuck Valley Council of Governments.**

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

BE IT RESOLVED, that the Town Council approves Resolution #041018-7

**RESOLUTION #041018-7**

WHEREAS, the Town of Cheshire is a founding member of the Naugatuck Valley Council of Governments and the by-laws of the Naugatuck Valley Council of Governments require each member to be represented by a directly and separately elected chief elected official, excepting those members statutorily lacking a directly and separately elected chief elected official, and

WHEREAS, the legislative body of the member statutorily lacking a chief elected official must appoint an elected official to serve as the member's representative, and

WHEREAS, the Town of Cheshire does not possess a directly and separately elected chief elected official, possessing instead a Town Council Chairman, who is elected to

the position by other members of the Town Council, therefore, Cheshire's Town Council must appoint Cheshire's representative to the Naugatuck Valley Council of Governments, and

WHEREAS, Robert J. Oris, Jr. is the Cheshire Town Council Chairman at the time of this resolution,

NOW, THEREFORE, BE IT RESOLVED, that the Cheshire Town Council appoints Town Council Chairman Robert J. Oris, Jr. to serve as the Town of Cheshire's representative to the Naugatuck Valley Council of Governments as defined and empowered by the by-laws of the Naugatuck Valley Council of Governments.

#### Discussion

Town Manager Milone gave some background on this appointment, explaining that a directly elected Mayor is automatically appointed to the COG. The Town Council must formalize this action. Economic Development Coordinator Sitko has been the alternate representative at COG since 1991, so there is always an alternate if Mr. Oris cannot make a meeting. Councilor Slocum (former Council Chairman) is now Cheshire's representative.

VOTE           The motion passed unanimously by those present.

#### **H.     Status of FY 17-18 Operating Budget.**

Mr. Milone stated the surplus is projected to be \$1.496M and this has not changed, but some of the elements have changed.

EDAC – this zone is qualified as a defense zone with PILOT payments to Cheshire; PILOT program payment has been cut out of the Governor's budget; it was under the heading of "Distressed Cities Act" which included an enterprise zone, with Cheshire falling into this zone. \$112,000 revenue will be cut.

Winter – there was projection to overspend for snow and ice this winter by \$114,000 but it was \$129,000; collectively there is a \$127,000 to \$128,000 variance right now. Mr. Milone and Mr. Jaskot looked at the revenues today; they are trending ahead of projections; there is confidence the variance can be made up.

### **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 – in the Council packet
- PW Projects Status Report – in the Council packet.
- Linear Trail Extension – the project is ahead of schedule, and should be completed in August.
- CHS Concession Stand and Toilet Facility – staff report on the project is in the packet.
- Solarize Cheshire – April 26<sup>th</sup> event for homeowners interested in solar.
- Electronics Recycling – Saturday, April 14<sup>th</sup> 9 a.m. to 1 p.m. at Darcey School.
- Economic Development Update – The EDC will meet next week; Commissioner Jim Redick will attend the meeting with a presentation and update.
- Regional Water Authority – Town staff is meeting with RWA in two weeks to formalize the amount of the estimate to hire the consultant to do the potential design and permitting for water main extensions in the north end.

## **11. REPORTS OF COMMITTEES OF THE COUNCIL.**

### **A. Chairman's Report**

### **B. Miscellaneous**

## **12. MISCELLANEOUS AND APPOINTMENTS**

### **A. Liaison Reports**

Parks and Rec Commission – Mr. Talbot reported that the bleachers have been installed at the Community Pool.

Arts Place – Ms. Flynn-Harris reported on the success of the 30<sup>th</sup> Anniversary of Art Day at Cheshire Academy on March 18<sup>th</sup>. She thanked the media and Cheshire Herald for the nice coverage of the event.

Economic Development Commission – Ms. Flynn-Harris informed Council that the EDC will meet on Tuesday, April 17<sup>th</sup>, 7:30 a.m. with Commissioner Redick as the guest.

### **B. Appointments to Boards and Commissions**

#### **i. Corrections to appointments.**

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

Corrections to appointment date of **March 20, 2018**: Corrine M. Abbott, Environment Commission; Andrew D. Martelli, Historic District Commission; Carol Doheny, Energy Commission; Therese Bradley, Cable TV Franchise Advisory Council.

VOTE           The motion passed unanimously by those present.

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

MOVED to appoint Matthew Bowman (D) to the Planning and Zoning Commission to fill the vacancy of Vincent Lentini, term of office April 10, 2018 to December 2, 2019.

VOTE           The motion passed unanimously by those present.

### **13. TOWN ATTORNEY REPORT AND COMMUNICATIONS**

Town Attorney Smith informed the Council that Attorney Joseph Schwartz from Murtha, Cullina Law Firm has been nominated to be a Judge of the Superior Court; approval is expected in the next month. Attorney Smith stated this is a well deserved honor for Attorney Schwartz.

On behalf of the Town Council, Chairman Oris extended congratulations to Attorney Schwartz and wished him well in his new endeavors.

### **14. COUNCIL COMMUNICATIONS**

#### **A. Letters to Council.**

#### **B. Miscellaneous**

### **EXECUTIVE SESSION**

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

MOVED that the Town Council enter Executive Session at 9:00 p.m. to include Town Council members, Board of Education Members, Town Manager Milone, Town Attorney Smith, Supt. Of Schools Solan, Mr. Masciana, Mr. Jaskot and Ms. Talbot, and Roger LaFleur and James Giuliano from CSG LLC.

VOTE           The motion passed unanimously by those present.

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

MOVED to exit Executive Session at 10:07 p.m.

VOTE           The motion passed unanimously by those present.

**15.   ADJOURNMENT**

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

MOVED to adjourn the meeting at 10:07 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk