

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON TUESDAY, AUGUST 14, 2018 IMMEDIATELY FOLLOWING THE 7:00 PUBLIC HEARING IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

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

Absent: Thomas Ruocco.

Staff: Town Manager Sean Kimball; Asst. Town Manager Arnett Talbot; Town Attorney Al Smith; Finance Director James Jaskot; Fire Marshal John Andrews.

**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**

**B. A.J. Waste Contract Negotiations**

**C. Public Safety Investigation**

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

MOVED that the Town Council enter Executive Session at 7:24 p.m. to include Town Manager Kimball, Town Attorney Smith, Asst. Town Manager Talbot to discuss Land Acquisition, contract negotiations, public safety investigation.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Talbot; seconded by Mr. Slocum

MOVED to exit Executive Session at 7:43 p.m.

VOTE The motion passed unanimously by those present.

**4. PUBLIC COMMUNICATIONS**

**A. Public Comments**

Chairman Oris recognized the passing of Richard Bartlem on August 2, 2018. He reviewed Mr. Bartlem's history and service to the Cheshire Community as the Town's first Recreation Director from 1968 to 1993. As Director, Mr. Bartlem was involved in every aspect of his job, and Bartlem Park was named in his honor for his contributions

and service to the community. On behalf of the Town Council and Cheshire community, Mr. Oris expressed sympathy to the Bartlem Family on the loss of Richard Bartlem, and expressed appreciation for Mr. Bartlem's service to Cheshire.

**5. APPROVAL OF MINUTES – Regular Meeting of July 17, 2018; Special Meetings of July 26, August 7 and August 9, 2018.**

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

MOVED to approve the minutes of Regular Meeting of July 17, 2018; Special Meetings of July 26, August 7 and August 9, 2018, subject to corrections, additions, deletions.

Corrections: Heading to indicate date as July 17, 2018; July 26, 2018 meeting called to order at 7:35 p.m.; August 7, 2018 add Councilor Peter Talbot and Asst. Town Manager Arnett Talbot to attendees.; August 1, 2018 correction to "Notes" that Town Manager's office "discusses" car break-ins at least once a day.

VOTE The motion passed unanimously by those present.

**6. CONSENT CALENDAR**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #081418-1

**RESOLUTION #081418-1**  
**CONSENT CALENDAR FOR AUGUST 14, 2018**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for August 14, 2018 as follows:

- A. Acceptance and appropriation of a \$50 donation from an anonymous donor To the Human Services Gift Account.
- B. Acceptance and appropriation of a \$1,000 donation from Mary Jane Richards to the Human Services Gift Account for the Senior Center.
- C. Acceptance and appropriation of \$25 donation in memory of Edward Pacholski from the Widows and Widowers Group to the Human Services Gift Account for the Senior Center.
- D. Acceptance and appropriation of a \$20 donation from Mary C. Salvatore to the Police Department Gift Account for the purchase of equipment, tools or education programs.

- E. Acceptance and appropriation of a \$175 donation from Andrea and Carter Thompson to the Police Department Gift Account for the purchase of equipment, tools or education programs.
- F. Acceptance and appropriation of a \$2,095.51 donation from the Cheshire Dog Park to the Parks and Recreation Department Gift Account to be used for the Dog Park.

VOTE           The motion passed unanimously by those present.

**7. ITEMS REMOVED FROM CONSENT CALENDAR**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**A. Approval of FY 17-18 General Operating Budget and Pool Budget Transfers.**

MOTION by Mr. Slocum; seconded by Ms. Nichols

BE IT RESOLVED, that the Town Council approves Resolution #081418-2

RESOLUTION #081418-2

BE IT RESOLVED, that the Town Council approves the FY 17-18 General Operating Budget transfers and allocations as presented and attached in the amount of \$146,850, and an increase in the transfer from the FY 18 General Fund Pool Subsidy to the Community Pool General Fund Subsidy Revenue in the amount of \$30,000.

Discussion

Mr. Slocum stated this is not spending additional money. It is taking funds from one department and turning it around for other department shortfalls; it has no effect on the budget; and \$30,000 of the \$146,850 goes towards the pool revenue fund. In June the Council appropriated \$75,000 to the Community Pool Fund.

VOTE           The motion passed unanimously by those present.

**B. Approval of request for additional Small Cities Housing Rehabilitation Grant Funds.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081418-3

RESOLUTION #081418-3

BE IT RESOLVED, that the Town Council authorizes a request for an additional \$200,000 in funding for the 2018 Small cities Community Development Block Grant for the Cheshire Housing Rehabilitation program.

Discussion

Town Manager Kimball reported that the Town received notice on July 31<sup>st</sup> of additional available funding for this grant, with submission deadline of August 3<sup>rd</sup>. Mr. Kimball sent a letter and applied for the additional \$200,000 grant funds, which can fund 12 to 14 more homes for services under the grant. This supplemental grant application is part of the 2018 grant requests and this was clarified in Mr. Kimball's letter.

VOTE           The motion passed unanimously by those present.

**C.     Discussion and possible approval of Non Disturbance Agreement For 259 Mixville Road for Cheshire Housing Authority mortgage application.**

MOTION by Ms. Nichols; seconded by Mr. Talbot

BE IT RESOLVED, that the Town Council approves Resolution #081418-4

RESOLUTION #081418-4

BE IT RESOLVED, that the Town Council authorizes the execution of a Non Disturbance and Attornment Agreement by and between the Town of Cheshire, The Cheshire Housing Authority, and Liberty Bank, for 259 Mixville Road property, pursuant to the terms presented.

Discussion

Ms. Nichols explained that CHA is not part of the Town; it is a separate non-profit corporation, providing housing for elderly, disabled, and affordable housing. The CHA supports housing at Beachport, Foote House, and houses in neighborhoods in Cheshire. As part of the CHA internal and financial planning, money was borrowed (Liberty Bank, Lender) for the property at 259 Mixville Road. As part of the mortgage approval, the lender is requiring this agreement as a condition of approval and assurance there is no change in the lease agreement without informing the bank.

Attorney Smith stated he has reviewed the agreement, which is common when a lender loans money to a property, and wants assurances that the lease is not in default and there are no back rent issues. The lender has rights should the tenant default. He and Chairman Oris discussed changes to strengthen the Town's rights.

Chairman Oris wants protection for the community in the event the bank forecloses because of CHA default. The Town should have the right to cure that default and recapture the property for the community.

Stating his agreement with this stipulation in the Agreement, Attorney Smith cited the amendment to the resolution as follows:

**“Should the Town receive notice of default from the Lender, the Town would have the right, but not the obligation, to cure the default and terminate the lease and recapture use of the property.”**

Ms. Nichols and Mr. Talbot accepted the amendment to the motion on the floor.

VOTE           The amended motion passed unanimously by those present.

**D.     Discussion and possible approval of Local-Option Subsection (c) Of 12-18 (21) Veterans Exemption for 210 Richmond Glen Drive.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081418-5

RESOLUTION #081418-5

BE IT RESOLVED, that the Town Council approves the application for the State of Connecticut Local-Option Exemption Subsection (c) of 12-81 (21) for exemption of property tax for Bernd Mattheis for property at 210 Richmond Glen Drive, pursuant to Section 17-8 of the Cheshire Code of Ordinances. Mr. Mattheis has met all the requirements of the statute and has provided all necessary evidence and documentation.

Discussion

Mr. Bowman stated this program was initiated in 1990 and added to the Code of Ordinances to provide a tax exemption and benefit for disabled veterans. The cost to the Town for the subject exemption is \$9,800. There is a precedent for this action from many years ago. Mr. Bowman supports the resolution.

VOTE           The motion passed unanimously by those present.

**E.     Discussion and approval of proposed Unsafe Premises Ordinance.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081418-6

RESOLUTION #081418-6

BE IT RESOLVED, that the Town Council approves and adopts the Unsafe Structures and Premises Ordinance (new) as presented and attached, effective 21 days after publication.

Discussion

Ms. Flynn-Harris stated the public hearing on this proposed ordinance brought forward public comments and areas of concern for the community. In that regard, the committee worked hard to make the ordinance as concise as possible, but specific for conditions and issues involved. The main changes are in Sections 3 and 4 related to definitions and Town action; the majority of the ordinance is the same as the one for the public hearing; the definitions were already in the Town's code. There is a sunset clause for ordinance review after one year.

Mr. Bowman is pleased with the form of the ordinance, and wanted "Unsafe Structures and Unsafe Premises". The 12-month sunset clause will provide a measure of how the ordinance is applied to the community, can be reviewed and amended as needed.

Mr. Veleber commented on the many changes for the ordinance, it being tightened, and a good ordinance. There is a public safety focus which will help provide staff assistance for the public. He will support the resolution.

There was a brief discussion about the request for written complaints being forwarded to Town officials. When the web site is up, complaints can also be submitted on the web site, providing an electronic record. Verbal complaints can also be submitted. If nothing comes from a complaint, and the public officer also sees an issue, action can be initiated.

Mr. Bowman said this ordinance is a tool for the team that works together to discuss and manage these types of issues. He noted that no one is going out into the community to look for issues. The CPD and CFD respond to a situation and would be obligated to bring issues back to the Town team.

Chairman Oris clarified that a written complaint is not needed on an issue, and it could be staff or public officers reporting a situation.

The committee was thanked by Ms. Nichols for its diligent work on this important issue. She said this is why public input is important, with Council listening to the public, and a committee working hard on important matters and public safety. She is pleased with the one year sunset clause in the ordinance.

Mr. Talbot thanked the committee for the hard work on this ordinance, and developing it into a document before the Council. He did not favor a blight ordinance, but will support

the resolution because of the changes to the ordinance and after hearing from his constituency.

Under the ordinance, Mr. Veleber noted there is provision and understanding that enforcement can be brought by a public official and with written public complaint.

Stating he worries about infringement on public property rights, Mr. Oris stated the ordinance is substantially grounded in unsafe situations/public safety issues. He will support the resolution, and said the Council takes the matter seriously, and it is a good first step.

VOTE           The motion passed unanimously by those present.

**F.     Call for Public Hearing for a proposed ordinance re: Inland Wetlands permit after the fact fee.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081418-7

RESOLUTION #081418-7

BE IT RESOLVED, That the Town Council shall hold a public hearing on to consider a proposed ordinance re: Inland Wetlands Permit After the Fact Fee, Section 12-7(3), and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE           The motion passed unanimously by those present.

**G.     Call for Public Hearing for a proposed ordinance re: Building Permit late fee charge.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081418-8

RESOLUTION #081418-8

BE IT RESOLVED, That the Town Council shall hold a public hearing re: proposed ordinance re: Building Permit Late Fee Charge, Section 3.3, and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

VOTE           The motion passed unanimously by those present.

**H.     Call for Public Hearing for the proposed ordinance re: Building Permit fee waiver for handicapped accessibility renovations.**

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

BE IT RESOLVED, that the Town Council approves Resolution #081418-9

**RESOLUTION #081418-9**

BE IT RESOLVED, That the Town Council shall hold a public hearing on a proposed ordinance re: Building Permit Fee Waiver for handicapped accessibility renovations, Section 3-3 (d), and

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law, and

BE IT FURTHER RESOLVED, that the date, time, and place or any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

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**

Town Manager Kimball highlighted some of the matters cited in his written report to the Council.

- FY 17-18 Year End Results – the fiscal year closes with a general fund operating surplus of about \$1.851M, an increase of \$355,000 over projections.



- Tax Collection – 99.78%, which matches last year’s rate, with generation of \$449,000 more tax revenue than budgeted.
- Expenditure Side – the Town finished the year under budget by \$1.667M due to budget freezes; BOE freeze of \$484,215; \$137,000 due to vacancies in the Police Department and favorability from settled police contract; \$326,000 in Public Works due to spending holdbacks; and \$335,000 of CNR fund balance used to reduce expenditures.
- Fund Balance – the balance is \$11.1M representing 10.42% of general fund expenditures.

Town Manager Kimball stated he would like to revisit the Town’s Fund Balance Policy for consideration of increasing the target percentage above 8%. This would be more in line with AAA peer communities and current GFOA best practices.

- Town Clerk Records Management System – Ms. Brennan has terminated the contract with Kofile Technologies due to numerous performance problems. She contacted the second choice vendor, Info Quick Solutions (IQS) to arrange implementation of a replacement system. Due to short notice and necessity to bring in Apex Technology, IT Consultants, Mr. Kimball reported that IQS is willing to operate under a 6-month contract which he can execute with funds already appropriated in this fiscal year. This action will insure the Town Clerk’s office can continue to provide uninterrupted service to the public. Ms. Brennan will return to Council, after 6-months, to report on the new vendor services and request for a longer term contract.
- Fall Festival – September 14<sup>th</sup> and 15<sup>th</sup> at Bartlem Park.
- Rankings – Cheshire School District has received an A grade and #26 ranking in the State by Niche.com; and Safewise.com ranks Cheshire as the 4<sup>th</sup> safest won in Connecticut, and 83<sup>rd</sup> safest in the country.
- Linear Trail – the final trail section is completed; opening ceremony is planned fo0r Sunday, September 9<sup>th</sup>, at 12:30 p.m. at the new West Main Street trail entrance. Commissioner Redeker is scheduled to attend the event, and members of the public are encouraged to attend.
- TIF joint meeting of the advisory committee and EDC with Camoin Associates is scheduled for October 6<sup>th</sup>.
- Hartford Health Care – construction on the 50,500 S.F. medical office building continues; project completion date is July 2019.

Ball and Socket Arts – the Town is coordinating a \$750,000 Brownfields Remediation grant from CT DECD; Fuss & O’Neill has completed the environmental assessment with remediation of Phase 1; remediation is expected to bid and commence in October/November 2018.

- Climate Engineering – Plans have been submitted for 32,000 S.F. maintenance and warehouse facility at 551 West Johnson Avenue; the company repairs refrigerated truck trailers; PZC will hold a public hearing on this project on September 10<sup>th</sup>.
- YRC Trucking – signed a seven year lease renewal for 75,000 S.F. at 181 West Johnson Avenue.
- Summer Concert Series – The series is a huge success; the August 3<sup>rd</sup> concert featuring “Last Licks” is rescheduled for August 17<sup>th</sup> at Bartlem Park.
- Farmer’s Market – Starts August 23<sup>rd</sup>, 4:00 p.m. to 6:30 p.m. in the Youth Center Parking Lot.
- Dive-In Movie – The Community Pool will host a “Dive-In” movie on Saturday, August 18<sup>th</sup>, 8:00 p.m. featuring the Disney Movie “Moana”, shown on a large screen. The show is free to pool members; cost of \$3 for non-members; popcorn and refreshments will be available for purchase. Pre-registration through Facebook or calling 203-271-3208.
- Road Paving – The second half of the 2018 season will start in September, and include South Brooksvale Road, Wood Hill Road, Higgins Road, Verbena Court, Mt.Sanford Road. Letters will be sent to residents affected by the road paving project.

With regard to the Ball and Socket grant, Mr. Kimball stated the grant goes through the Town and staff is working on the grant.

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

**A. Chairman's Report**

**B. Miscellaneous**

**12. MISCELLANEOUS AND APPOINTMENTS**

**A. Liaison Reports**

Regional Water Authority – As the Cheshire representative to RWA, Mr. Slocum said he will give a report to the Town Council at the September meeting.

**B. Appointments to Boards and Commissions**

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

MOVED that the following appointments and reappointments be approved by the Town Council.

Water Pollution Control Authority – Zach Welburn (R), to fill the vacancy of Ken Cianci, term of office 8/14/18 to 1/31/19.

Parks and Rec Commission – Robert Parr (R), to fill the vacancy of James Nankin, term of office 8/14/18 to 1/31/21.

Public Safety Commission – Frank Loehmann (U), to fill the vacancy of James McDonald, term of office 8/14/18 to 1/31/21.

VOTE The motion passed unanimously by those present.

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

Water Pollution Control Authority – Aboud Adbelghani (D), to fill the vacancy of Matthew Bowman, term of office 8/14/18 to 1/31/21.

Greater Waterbury Transit District – Aleta Looker (D) to fill the vacancy of Carol Dempsey, term of office 8/14/18 to 6/30/22.

VOTE The motion passed unanimously by those present.

**13. TOWN ATTORNEY REPORT AND COMMUNICATIONS**

No report

**14. COUNCIL COMMUNICATIONS**

**A. Letters to Council.** (copies attached to the minutes)

Chairman Oris referred to a letter from Stephen Levitt regarding the Regional Water Authority Pipe Safe plan. In his letter, Mr. Levitt cited his concerns with the changes in the RWA plan, increased cost, reduced protection with the maximum \$5,000 cap, and higher costs in Cheshire compared to other communities.

Cheshire's RWA representative, Timothy Slocum, authored a response letter to Mr. Levitt dated August 13, 2018. In his letter, Mr. Slocum addressed the concerns cited, and clarified the Pipe Safe Plan changes -- \$89 annual cost, \$5,000 limitation for

expense related to repairs, with 58,000 (60% of customer base) subscribing to the Pipe Safe plan. With regard to Cheshire's repair costs being higher than other towns, Mr. Slocum explained that RWA repairs and performs services (by contractors) up to the \$5,000 limitation, and works to keep control of the repair costs.

Chairman Oris expressed sympathy for the concerns of Mr. Levitt. He commented on RWA being a business, and Mr. Slocum being Cheshire's connection to the company. He hopes the response from Mr. Slocum satisfactorily answered the questions raised by Mr. Levitt.

**B. Miscellaneous**

**15. ADJOURNMENT**

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

MOVED to adjourn the meeting at 8:40 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk