

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON
TUESDAY, JANUARY 9, 2007, AT 7:30 P.M. IN COUNCIL CHAMBERS,
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Matthew Hall, Chairman; Michael Ecke, Vice-Chairman; Council Members
Matthew Altieri, Elizabeth Esty, David Orsini, Thomas Ruocco, David Schrumm,
Diane Visconti, Timothy White.
Town Manager Michael A. Milone; Town Attorney Dwight Johnson

Chairman Hall called the meeting to order at 7:35 p.m.

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Recognition of Elim Park

Chairman Hall presented a Certificate of Recognition to Ronald Dischinger,
President of Elim Park, in appreciation for the facility's generosity with donations
to the Cheshire Police and Fire Departments.

Mr. Dischinger, on behalf of the Elim Park Board of Directors and residents,
thanked the Council for recognition of Elim Park, and for the outstanding services
provided to the facility by the Town. Elim Park wants to insure the best
emergency services are available to the Town, and this is their contribution to the
Town in appreciation.

B. Public Comments

Joe Zdonczyk, 63 Deepwood Drive, Wolcott CT, addressed the Council about the
establishment of a police commission in Cheshire, and his support of such a
commission. Mr. Zdonczyk also commented on the recent letter in the *Cheshire
Herald* regarding a complaint about the actions of a police officer. He said there
is no authority which does not have a superior authority, and with Cheshire being
a growing community, there should be oversight with an appropriate with a police
commission. There should also be a more formal acknowledgement of
individuals who have something, positive or negative, to offer. Mr. Zdonczyk
asked that the Council give serious consideration to the formation of a police
commission in Cheshire.

Town Manager Milone responded and clarified the issues in the letter of
complaint, and stated the letter was not a complaint about a Cheshire police

officer. Mr. Milone read into the record the letter authored by him and Police Chief Cruess which will be published in the *Cheshire Herald* of January 11th. (A copy of the letter is attached to these minutes)

Cindy Kleist, 251 Lancaster Way, thanked Mr. Milone for his response to the letter in the newspaper. She said she has had discussions with the Police Chief, and is satisfied with his answers on the issue. When a complaint is made, she said there must be police response. She wants everyone to feel welcome in Cheshire. Ms. Kleist commented favorably on the Sunday hours at the Library. After the recent Ordinance Committee meeting, Ms. Kleist said she prepared a list of suggestions to be implemented by the police department. The suggestions include a name card for an officer to present when he makes a stop; the card will state options available to citizens to respond to police actions; monthly reports of the police department to be placed on the web site; and advise people they can go to the Public Safety Commission on issues and concerns. Ms. Kleist stated her respect for the Town Manager, Police Chief, and Police Department.

Mr. Hall asked that the letter from Mr. Milone and Chief Cruess be put on the web site. He also stated that the matter of a police commission has been reviewed, and will be on the standing agenda of the Ordinance Review Committee.

4. CONSENT CALENDAR

MOTION by Mr. Ecke; seconded by Mrs. Esty.

BE IT RESOLVED, that the Town Council approves Resolution #010907-1

RESOLUTION #010907-1 CONSENT CALENDAR FOR JANUARY 9, 2007

BE IT RESOLVED, that the Town Council approves the Consent Calendar for January 9, 2007 as follows:

- A. BE IT RESOLVED, that the Town Council accepts the State of Connecticut Department of Transportation grant for a wheelchair accessible motor vehicle, appropriates said grant for the purchase of such a vehicle, and authorizes the Town Manager, Michael A. Milone, to execute any and all documents and agreements necessary To secure grant.

BE IT FURTHER RESOLVED, that Michael A. Milone was appointed as Town Manager on May 5, 2000 with an indefinite term. As Town Manager serves as the Chief Executive Officer for the Town of Cheshire and is duly authorized to enter into agreements and contracts on behalf of the Town of Cheshire.

- B. Acceptance of a \$200.00 donation from St. Thomas Becket Social Action Committee and appropriation of said amount to the Cheshire Fuel Bank.
- C. Acceptance of a \$1,000.00 donation from Liberty Bank and the Cheshire Rotary Club and appropriation of said amount to assist needy Cheshire Residents.
- D. Appropriation of \$3,000.00 from the Library Gift Account for books, Materials and equipment.
- E. Acceptance of a \$1,500.00 donation from Thomas Monroe and appropriation of said amount to the Police Gift Account for equipment for the Police Department.
- F. Acceptance of a \$350.00 donation from theater parents and appropriation of said amount to the Parks Gift Account for theater equipment and supplies.
- G. Acceptance and appropriation of a \$12,000.00 Connecticut State Library Historic Preservation Grant for the purchase of archival quality boxes and storage shelving.
- H. Appropriation of \$3,950.00 from the Historic Document Preservation Account for purchase of archival quality boxes and storage shelving.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

- A. Acceptance and appropriation of a \$75,000.00 donation from the Cheshire Nursery School Association to the Library Gift Account, to be used for literacy programs, supplies, books, computers, and improvements to the Library.**

MOTION by Mrs. Esty; seconded by Mr. Ecke.

BE IT RESOLVED, that the Town Council approves Resolution #010907-3

RESOLUTION #010907-3

BE IT RESOLVED, that the Town Council accepts and appropriates a \$75,000.00 donation from the Cheshire Nursery School Association to the Library Gift Account, to be used for literacy programs, supplies, books, computers and improvements to the Library.

Discussion

Ramona Harten, Library Director, reported to the Council on the generous gift of \$75,000 from the Cheshire Nursery School Association to the Town Library. The library will work with the association on how the funds will be used, with the primary focus on improvements to the children's room, 40 Lit Kits, computers, hundreds of board books, funding for early literacy services, equipment, supplies.

Mrs. Esty commented on the generosity of the association, and the fact that the Library Board is pleased with expansion of the literacy programs which will help children to read at an earlier age. This gift is testimony to the excellent job being done by the director and staff at the Library.

Ms. Harten informed the Council that this gift fits in with the Library's Strategic Plan, and the new staff person approved by the Council will provide outreach to the schools and expansion of the children's programs at the library.

With regard to the recent opening of the library one half hour earlier each day, Ms. Harten said it has allowed for two full story hours each morning for the younger children. The first Sunday opening hours (1 to 5 p.m.) were a huge success with 516 items taken out in 4 hours. The Sunday hours will continue through March 25th.

VOTE The motion passed unanimously by those present.

B. Discussion and action re: Requirements for purchasing procedures.

MOTION by Mr. Ecke; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #010907-4

RESOLUTION #010907-4

BE IT RESOLVED, that the Town Council approves the requirements for sealed bids for February 1, 2007 through January 31, 2008 as for the previous period with no changes in the \$12,000 limit for non-construction related services and the \$24,000 limit for construction related services, pursuant to Section 7-8 of the Town Charter, and

BE IT FURTHER RESOLVED, that the Town Council authorizes the Town Manager and his designees to purchase goods or services for the Town through the State of Connecticut, Department of Administrative Services, without bids in

accordance with Section 7-8(C)(9) of the Town Charter, and through the following regional purchasing entities without bids in accordance with Section 7-8(C)(9) of the Town Charter:

Capital Regional Council of Governments
Connecticut Library Consortium

Discussion

Mr. Ecke informed the Council that this approval is for the coming year, and nothing has changed with the purchasing procedures.

Mr. Milone advised that the Town still does an informal solicitation for products and services.

VOTE The motion passed unanimously by those present.

C. Annual disclosures of Conflict of Interest.

Town Manager Milone referred to the memo in the Council packets from 2000 regarding this particular issue. On an annual basis, the Town Manager is required to disclose any potential conflicts of interest. Mr. Milone advised that his cousin, John Milone, is one of the principals in the firm of Milone and MacBroom. However, Town Manager Milone has never had, nor does he currently have, any financial, professional interest, relationship or involvement with the operations of this firm. Mr. Milone said there has been no change in this relationship since May of 2000.

Mr. Milone thanked the Council for the opportunity to provide this information.

**D. Discussion and action re: Approval of proposal for design services
By Milone & MacBroom, Inc. for improvements to Bartlem and
Mixville Parks.**

MOTION by Mr. Altieri; seconded by Mrs. Visconti.

BE IT RESOLVED, that the Town Council approves Resolution #010907-5

RESOLUTION #010907-5

BE IT RESOLVED, that pursuant to Resolution #0912100-10, the Town Council authorizes the Town to hire Milone & MacBroom for design services for improvements to Bartlem Park and Mixville Park for \$10,200.00 (from the Capital Planning Account) and directs the Town Manager to execute said agreement.

Discussion

Parks and Rec Director Robert Ceccolini addressed the Council on the proposed design services for Town parks. He noted that the large expenditure for the

development of the ball fields at the Jarvis Street site was not approved. However, funds have been appropriated to repair the Mixville Park and Bartlem Park ball fields, and improve the parking at MacNamara/Legion Field. The MacNamara parking issue will go before the Planning and Zoning Commission very soon, and the park improvements must also go before this commission as soon as the designs are done. In the past, Milone and MacBroom has done most of the design and consulting work on the Town parks, and it makes sense to continue with this relationship because the firm knows what has to be done. Mr. Ceccolini said he is requesting Council approval to hire the firm for the design work for the parks.

Mr. Altieri asked about the age and size of the groups using these parks, and if these new fields will reduce the pressure on MacNamara Park.

In reply, Mr. Ceccolini said the average age for Bartlem Park is 13+ years; Mixville Park is a smaller field for younger kids up to age 12; and with these new fields, there will be a reduction in the use of MacNamara field. The high school fields are used by the high school teams and American Legion teams, and the middle school fields are smaller and many balls are lost in the woods. This year, Mr. Ceccolini said the Town will lose the use of the ball fields at Gaylord.

Mr. Ceccolini advised that the Cheshire Youth Baseball and Little League have merged to form one organization in Cheshire. The representatives of the new league will be coming before the Council later in the month to request the site on Jarvis Street for new ball fields.

Mrs. Visconti commended Mr. Ceccolini for his important role in bringing the two leagues together for the betterment of the baseball and softball programs in Cheshire.

With the new fields on Jarvis Street, Mr. Ruocco asked if there would be a surplus of fields in Town.

Mr. Ceccolini said that no field surplus would occur; that fields are always being used; the leagues will get bigger; and there is dual use for the Town fields. When a field is not in use, it can get necessary maintenance and repair by the Park and Rec crews.

According to Mr. Schrumm this is the 3rd or 4th design for Bartlem Park fields, and he asked if the construction of the two recent fields was part of this current plan. He also asked about the status of the very large field to be located near the Town pool. Mr. Schrumm also asked about the land to the north of Cheshire Park which was given to one of the leagues for a ball field, and what will be done with it.

Mr. Ceccolini said the original design was for a 90 ft. diamond, and this new large field will be the 90 ft. field. He informed Mr. Schrumm that land was never given to one of the leagues.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report

B. Departmental Status Reports

C. Other Reports of Town Manager

- FY 07 Financial Report – Mr. Milone reported the surplus would be about \$800,000 due to more revenue from State aid; the revenue report shows that the building department has reached \$320,000 which was the full appropriation for the year; Town Clerk's revenue for December 2006 was \$139,000, resulting from a real estate conveyance tax payment of \$82,125 on a commercial property transaction. If the State sunsets the real estate conveyance tax, this payment would have been \$36,135. Utility expenses are below expectations; at this point there is no gauge as to where the Town will be going in the next 3 months, and accuracy cannot be predicted as to where the bills will be at year's end. Pool expenses are below expectations, and revenue is ahead of expectations.
- Transmission Line upgrades – the under grounding in the street has started on Old Farms Road with excavation at either end, and installation of two large vaults in the road.
- Elderly Tax Relief Study Committee – the group has held 7 meetings; final meeting next Tuesday with a public information session; and then there will be transmission of the final report to the Council, Budget and Ordinance Review Committees.
- Letter re: Police issue (discussed earlier in the meeting)
- Use of Biodiesel Fuel PW Department – Mr. Milone thanked Mr. White for his help on this matter. As part of his goals and objectives, Mr. Milone noted that one goal was to consider clean and renewable energy sources, and this has been tried on many fronts. He said this issue has been pursued by the PW Department for use of biodiesel fuel through a Guilford CT distributor; this fuel has less air pollution; DOT has been doing a PILOT program using this fuel since 2004 and outfitted their fleets with biodiesel fuel. During the winter months this fuel is 5% soy bean and 95% diesel; during the summer months it is 20% soy bean and 80% diesel.

- Fire Department/Christmas Collection for Troops – Mr. Milone commented on the great display of generosity in our community, with the Fire Department collection of 2400 lbs. of care packages for our troops. The program ran for 3 days, and Mr. Milone thanked the fire department and the community for their efforts during the holiday season.
- Financial Overview Presentation – Mr. Milone will give the Council a presentation of about 45 minutes at the January 23rd Council meeting, focusing on the recent audit, and information, graphs and charts from the credit rating review.
- Upcoming Meetings – West Main Street Streetscape Committee, 1/10/07, 7 p.m.;
- Elderly Tax Relief Study Group, 1/16/07, 7:30 p.m.; Town Council S.M. 1/23/07, 7:30 p.m.

Town Holiday – Monday, January 15, 2007, Martin Luther King Jr. Holiday.

Council Questions and Comments

Mrs. Esty asked about an update and status on the fuel cells.

Mr. Milone advised that UPC Power submitted an application on December 20th to the Clean Energy Fund. Under the time line, it will probably be June before the Town hears about an award. 31 applications were filed for a total of 330 mega watts of power, and it is hopeful that Cheshire will be successful with its very viable project.

Mrs. Esty asked about Yankee Gas and their inability to guarantee a rate of flow for the fuel cells in the proposed location.

There is no information at this time, but Mr. Milone will provide information at the January 23rd meeting.

With regard to the renegotiation of the contract with the DOC/prison and the impact of overflow to the treatment plant facility, Mrs. Esty asked about information on relief and compensation for the increased services provided to the prison over the last 12 years.

Mr. Milone, Mr. Michaelangelo and Attorney Knott met with the DOC Commissioner and two deputies to begin laying ground work for renegotiation of the contract with the DOC. Commissioner Lanz asked for a written statement from Mr. Milone with identification of priorities, associated costs, etc. and he is completing this letter, with copy to Rep. Fritz and the Council.

In this regard, Mr. Milone outlined his requests for relief in two specific areas.

1) Proceed with the surcharge since the prison is exceeding its 350,000 gallons per day by over 130,000 gallons per day. The Town has the legal authority to do this, but would rather do it by way of agreement, making clear to DOC that the Town is desirous of a surcharge over and above anything paid over the 350,000 gallons.

2) There will be a request for DOC to support the Town's continuing initiative to control infiltration; and for DOC to provide additional funds to do whatever remediation is needed to control that infiltration.

There will be cost estimates for both of these two items.

3. Pay a proportionate share of any upgrade at the treatment plant or expansion required at the plant; replace the pumping engine which DOC paid for in 1990 as a result of the original agreement; this pumping engine is scheduled for replacement in the 2009-10 fiscal year at a cost of \$500,000.

4. Reconstruction of Peck Lane will cost \$1.6 million, as well as making improvements to Marion Road, and the DOC will be asked to share in some of the costs of this reconstruction.

5. Communication equipment – there was DOC financial support for an upgrade of police and fire communication systems when this occurs down the road.

Rep. Fritz called Mr. Milone about this same issue, and Mr. Milone said she has indicated her continued support, and asked for a copy of the letter to the DOC Commissioner.

Mrs. Visconti thanked Mr. Milone for his response to the letter regarding the police department complaint. In thinking about the police and community responsibility in such situations, she said people making a complaint should question themselves as to why a situation is suspicious...color of someone's skin, out of state vehicle, or someone on a computer in a car. She said the police are responsible to let people know if there is something suspicious about sitting in a parking lot working on your computer.

Mr. Altieri reported that the sidewalks along the MacNamara Field area are done, and they are a good addition to the neighborhood. He thanked the PW Department crews for an excellent job with these sidewalks.

In the packets, there is a letter about the flooding on Allen Avenue from the City of Meriden Manager, and Mr. Ruocco questioned if there is anything further on this matter.

Mr. Milone replied that the Meriden Manager will be responding to the him shortly.

Regarding the potential field at Jarvis Street, Mr. Ruocco asked about the Town's ability to lease this field to a private organization, and where we are in terms of making a decision on this type of transaction.

At this point, it is premature, but Mr. Milone said that based on the use of the facility at the time Attorney Knott looked at it, he did not feel this was incompatible with the terms and conditions of the deed between the State and the Town.

Mr. White commented on the biodiesel fuel station which is located in New Haven. Because the Town does not pay taxes, he said the 4 cent premium will be reduced to 1 cent for the Town, but private citizens will not have this premium available to them.

Mr. Schrumm noted there was a letter from a prison inmate in the last Council packets regarding a great deal of water going into the sewer system. This person also alerted the authorities at the prison, and Mr. Schrumm asked if there was a response to this letter. If not, he suggested that a response be given.

Mr. Milone did not acknowledge the letter directly, but he did bring the letter with him when he met with Commissioner Lanz. She had her director of engineering services present at the meeting, and he was familiar with the individual and the issues raised in the letter. Mr. Milone expected DOC to respond to the letter, but Mr. Milone said he would respond to the letter personally.

Mr. Schrumm commented on the legislative package, and if there will be a Budget Committee meeting to further review the package.

It was stated by Mr. Schrumm that the Plan of Development meeting is scheduled for January 23rd, and should be rescheduled because it conflicts with the special meeting of the Council.

9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS

Chairman Hall welcomed Attorney Dwight Johnson as the new Town Attorney for the Town of Cheshire, and informed the Council that former Town Attorney Knott will be honored at the January 23rd Council meeting.

Attorney Johnson reported that he and his staff are working on 8 to 10 Town matters, are very busy, and things are going smoothly.

10. REPORTS OF COMMITTEES OF THE COUNCIL

A. Chairman's Report

Chairman Hall advised the Council that he would e-mail the Council on possible dates for the Plan of Conservation and Development meeting.

Mr. Schrumm noted that this is the first time the Council will have input into the Plan of Conservation and Development. If the Council has questions on the Plan, they should be forwarded, in advance, to Town staff for appropriate response.

Chairman Hall stated his agreement with Mr. Schrumm's suggestion, and asked Councilors to submit questions, in advance, for staff response. He will discuss the scheduling of the meeting on the Plan with Ms. Harris, P&Z Commission Chair.

B. Committee Reports

Planning – Mrs. Visconti reported that a meeting was held on January 8th; the committee heard many concerns about the impact of mixed use development; the proposed change to the Plan of Development was sent forward to the Council for questions and review. The committee hopes to hear from the proposed developer. Also, the committee talked about an ERT which is an environmental review of the Boulder Knoll property, and this proposal along with the sunflower proposal will be coming before the full Council. The new changes in the Plan of Development is an opportunity for elected officials and town people to get together and present their thoughts on what is wanted for the community.

Budget – Mr. Ecke reported that the budget workshops for the upcoming FY 07-08 budget process will begin on March 20th; one change will be a public hearing in the beginning of the process on the Town Manager's proposed budget; and a public hearing at the end of the process with the recommended budget from the Council.

Ordinance Review – Mrs. Esty reported that the Senior Tax Study Group will be forwarding recommendations to the Budget and Ordinance Committees; once received it will be immediately taken up for review; and the study group will be forwarding its report to the Council shortly. There will be a determination of public hearings on the tax relief issues before the Council acts on the matter. She thanked the study group members and public attending the meetings for their input.

Audit – Mr. White informed the Council that a meeting will be held on 1/23/07.

C. Miscellaneous

Mr. Orsini asked a procedural question about the topics before the Planning Committee coming forward to the Council, and asked for clarification about this matter coming forward with a recommendation.

Mrs. Visconti explained that there was a committee vote (2-1; Schrumm opposed) to send the matter, as proposed, to the full Council without modifications. Changes in the Plan of Conservation and Development includes the mixed use application for the north end of Town.

According to Mr. Schrumm, this year may have a major change in State financing, i.e. a raise in income taxes and then substantial extra funding to the towns. There could be many millions of dollars swings, and the Cheshire budget must be adopted by the middle of April. It is likely Cheshire will not know until May or June what it will be getting in additional revenue, i.e. ECS money, from the State. This would require completely re-doing the Town budget, and Mr. Schrumm asked if there is a contingency plan in place or knowledge what would be done in that event.

At this point, Mr. Milone is not aware of such a windfall to the Town. Next week there is a meeting with CCM and the legislators, and there may be discussion about this potential extra funding.

Mr. Schrumm said CCM is more aware and knows what is going on, and he wants the Council to have the information available during the budget process.

Mr. Milone will apprise the Council of the outcome of the CCM meeting.

11. APPROVAL OF MINUTES – Meeting of December 12, 2006

MOTION by Mrs. Esty; seconded by Mr. Altieri

MOVED that the Town Council approve the minutes of the meeting of the regular meeting of December 12, 2006, subject to corrections, additions, deletions.

Discussion

Page 1 – correction of name spelling...Vickie Nardello and Mr. Kuhner.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Parks and Recreation Commission – Mr. Altieri reported that the commission is sending out the contract for the RFP for the pool consultant, and work will begin shortly.

Public Building Commission – Mr. Altieri reported that the design plans for firehouse #3 have not been finalized; this matter will be on the 1/23/07 Council agenda.

Environment Commission – Mrs. Visconti reported that the DEP has new recommendations for recycling with major changes, and they must go to the legislature for approval.

WPCA – Mrs. Esty reported that the Authority is working on important issues; they will hold a meeting on January 10th to discuss I&I, facility plans, and changes to the sewer use fee formula.

Energy Commission – Mr. White reported that 165 households in Cheshire (out of 9000) have clean energy; the Town will receive a solar panel for one of the Town buildings; the commission met with the PBC and the BOE to discuss energy in school buildings. The result was the BOE putting together an RFP for school energy savings project, to include the envelope and the equipment.

Human Services – Mr. White reported the revised plans for firehouse #3 and expansion of the firehouse were reviewed by the committee; work has started on the plans for Alcohol Awareness Week in April.

Mr. Ruocco informed the Council that one of the reasons for the Legislative Package being referred back to the Budget Committee is due to his request for input from the board and commission for which he is liaison (IWW and Housing Authority). The Housing Authority information was extensive and is being reviewed. He suggested all Council members ask their liaison committees for input on the Legislative Package.

B. Appointments to Boards and Commissions

13. COUNCIL COMMUNICATIONS

A. Letters to Council

B. Miscellaneous

Councilor Altieri discussed the matter of CYB and Little League merging, and his relationship with the man putting together this merger (Mr. Kaplan, his brother-in-law) and working on the Jarvis Street ball fields. After consultation with Town Manager Milone, Attorney Knott, Attorney Johnson, he has been advised that in the best interests of the Council and CYB, he will recuse himself from participation and discussion on this proposal and matter. Mr. Altieri expressed his wishes for success with the reorganization and merger to the parties involved and the Council, and hopes something positive will happen for baseball in Cheshire.

14. EXECUTIVE SESSION

A. Land Acquisition

B. Pending Litigation

MOTION By Mrs. Esty; seconded by Mr. Ecke.

MOVED that the Town Council enter Executive Session at 9:10 p.m. to include the Town Manager and Town Attorney for all matters.

VOTE The motion passed unanimously by those present.

Mr. Hall left the meeting at 9:20 p.m.

MOTION by Mrs. Visconti; seconded by Mr. Altieri.

MOVED that the Town Council exit Executive Session at 9:25 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Mrs. Esty; seconded by Mr. White

MOVED to adjourn the Town Council meeting of January 9, 2007 at 9:25 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk