

**MINUTES OF THE CHESHIRE TOWN COUNCIL REGULAR MEETING HELD
ON TUESDAY, FEBRUARY 14, 2006 7:30 P.M. IN COUNCIL CHAMBERS, 84
SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Matthew Hall, Chairman; Vice-Chairman Matthew Ecke; Council Members
Matthew Altieri, Elizabeth Esty, David Orsini, Thomas Ruocco, David Schrumm,
Diane Visconti, Timothy White.
Town Manager Michael A. Milone
Town Attorney John K. Knott.
Acting Finance Director James Jaskot
Police Chief Chris Loudon

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 Richard Conrad.

Hillary Rutberg, Chair, Performing and Fine Arts Committee, read the Certificate of Appreciation for Richard Conrad, which cited his many contributions to the Town of Cheshire. Ms. Rutberg highlighted Mr. Conrad's creativity, and his volunteer work as the founder of the Cheshire Performing and Fine Arts Committee, founder of the theater program, and participant in many cultural and art events in Cheshire. The certificate will be presented to Mr. Conrad and his family.

Chairman Hall presented a Certificate of Recognition for Scouting Day, February 15, 2006, to Nancy Bussman on behalf of the Boy and Girl Scouts in Cheshire.

B. Public Comments.

4. CONSENT CALENDAR

MOTION by Mr. Ecke; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #021406-1.

RESOLUTION #021406-1
CONSENT CALENDAR FOR FEBRUARY 14, 2006

BE IT RESOLVED, that the Town Council approves the Consent Calendar for February 14, 2006 as follows:

- A. Acceptance and appropriation of an \$830.40 donation from the First Congregational Church to the Cheshire Fuel Bank.
- B. Acceptance and appropriation of a \$6,483 grant from the Connecticut Commission on Culture and Tourism for the Cheshire Youth Theater Program.
- C. Appropriation of \$1,417.77 from the Youth Services Gift Account for furniture and equipment for The Yellow House.
- D. Authorization to execute indemnification clause in a memorandum of understanding between the Greater New Haven Transit District and the Town of Cheshire to purchase a senior transportation vehicle.
- E. Approval of library fine amnesty week from March 6 to March 11, 2006 per Code of Ordinances Section 2-9.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

6. OLD BUSINESS

7. NEW BUSINESS

A. Discussion and action re: Acceptance of Gunner Court as a Town Road.

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

BE IT RESOLVED, that the Town Council approves Resolution #021406-2.

RESOLUTION #021406-2

BE IT RESOLVED, that the Town Council accepts Gunnar Court as a Town Road, conditional upon the filing of a maintenance bond and recording of the warranty deed for the roadway and the storm drainage and sightline easements, free and clear of all encumbrances.

Discussion

Mr. Ecke explained that this is a completed road which the town must accept.

Mrs. Visconti commented on Gunnar Court as being a beautiful street and nice addition to the town.

VOTE The motion passed unanimously by those present.

**B. Discussion and action re: Authorization to execute contract with
Campion Ambulance for emergency medical services.**

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

BE IT RESOLVED, that the Town Council approves Resolution #021406-3

RESOLUTION #021406-3

BE IT RESOLVED, that the Town Council hereby authorizes the form, execution, delivery and performance of a multi-year Agreement by and between the Town of Cheshire and Campion Ambulance Service of Waterbury, Connecticut, commencing July 1, 2006, and,

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Agreement in the form and upon the terms and conditions as presented at this meeting and to execute and deliver such other certificates or instruments as may be necessary or appropriate to consummate said Agreement, and,

BE IT FURTHER RESOLVED, that a copy of the Agreement, as executed is hereby incorporated by reference as part of the minutes of this meeting.

Discussion

Mr. Ecke reported that this matter was discussed at the Budget Committee meeting, and Chief Loudon advised there is a very good relationship between Campion Ambulance Service and the police and fire departments. Chief Loudon is very satisfied with the services provided, and said they are professional and expertly performed, with good response time to calls. The new contract will keep this relationship in place.

Town Attorney Knott recommended that the following be added to the resolution.

**BE IT FURTHER RESOLVED, that this contract is subject to review
by the Town Attorney.**

The maker and seconded approved the amendment to the motion on the floor.

VOTE on the amendment: Unanimously passed.

VOTE The amended motion passed unanimously by those present.

**C. Discussion and action re: Approval of extension of lease for former
Casertano property upon the same terms and conditions.**

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

BE IT RESOLVED, that the Town Council approves Resolution #021406-4

RESOLUTION #021406-4

BE IT RESOLVED, that the Town Council hereby authorizes the form, execution, delivery and performance of an extension of a Lease Agreement for property located at the intersection of Marion Road and Jarvis Street, by and between the Town of Cheshire and Alexander Arisco, dba Arisco Farms, both of Cheshire, Connecticut, and

BE IT FURTHER RESOLVED, that the Town Manager is authorized and directed to execute on behalf of the Town said Lease Extension for the term of January 1, 2006 through December 31, 2006, upon the same terms and conditions as in the previous lease, and to execute and deliver such other certificates or instruments as may be necessary or appropriate to consummate said Lease and,

BE IT FURTHER RESOLVED, that a copy of the lease, as executed is hereby incorporated by reference as part of the minutes of this meeting.

Discussion

Mrs. Esty stated that the lease rental has increased slightly to \$2400 per month; that the agreement has worked well with the maintenance and use of this property; and it supports the agricultural origins of the town.

Mr. Milone reported there was an RFP on this property last year with one response from Mr. Arisco.

VOTE The motion passed unanimously by those present.

D. Authorization to apply for a New Alliance Foundation Grant on Behalf of Kids in Motion for the Boundless Playground Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #021406-5

RESOLUTION #021406-5

WHEREAS, Kids in Motion is a local non-profit organization pursuing the construction of a Boundless Playground in Cheshire, and

WHEREAS, Kids in Motion has applied for a grant from the New Alliance Foundation for said project, but is not eligible directly since they have not been a

recognized non-profit for the required length of time. Kids in Motion has, therefore, asked the Town of Cheshire to apply for said grant on their behalf, with the understanding that the application process and paperwork would be conducted by Kids in Motion, with final review and approval by the Town Manager or his designee, and that said grant monies would be accepted by the Town of Cheshire and appropriated to Kids in Motion on terms satisfactory to the Town Manager should the application be successful.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council authorizes the application for a grant from New Alliance Foundation on behalf of Kids in Motion for the Boundless Playground Project.

Discussion

Mr. Milone clarified that this request is before the Council because the Kids in Motion, a 501C3 corporation has not been a non-profit group for a year as required for application for this grant. The group has asked the town to apply as the pass through for the grant for the Boundless Playground Project.

Nina Vianese and Rosaline Gilhuly addressed the Council on their request. Ms. Gilhuly advised that the group was told it does not qualify for this grant until they are in existence one year. New Alliance suggested they request the Town of Cheshire to apply on their behalf. The deadline for the grant is April 3rd, and Kids in Motion will be in existence one year on April 25th. With application for the grant, there is no liability for the town, it is merely a funding request to be approved or denied. Kids in Motion representatives will complete all the paperwork and handle distribution of the funds. Ms. Gilhuly said this is a one-time grant payment.

This matter was discussed in Budget Committee, and Mrs. Esty said the Town Council does not want to become the conduit for 501C3 groups. Also, it is good to know the funds are paid out in full without any administrative work required on the part of town staff.

At the May 2006 meeting of the New Alliance, Ms. Gilhuly said there would be determination of funding this grant.

With regard to state funding, Ms. Vianese said the group is hopeful for a state grant through the Bond Commission, and approval by the Governor.

Mr. Altieri commented on this being a great project, and wished the group success.

As for the amount of the grant, Ms. Vianese said it is in the \$10,000 range.

Mr. Ruocco asked about the group accepting private funds, and the estimated cost of the playground, and the status of the fund raising to date.

At this time, Ms. Vianese said the group has \$35,000; the cost of the project is \$350,000; future fund raisers include a golf tournament, gala event, silent and live auctions, and grant writing. The group is also selling bricks to be placed along the playground path. The website is *cheshirekidsinmotion.org*; the address for donations is 355 Oregon Road, Cheshire CT 06410.

VOTE The motion passed unanimously by those present.

E. Authorization to apply for a State Historic Preservation Grant for The restoration of the barn at the former Boulder Knoll Farm.

This matter was tabled by the Budget Committee, but there was brief discussion.

Mr. Milone stated there are some concerns about this matter and it is his recommendation to table it in order for him to explore this further. He has learned that there must be a design in place in order to apply for this grant. Therefore, the town must first hire an architect; to do this we must go forward with an RFP for architectural services; Council approval is required for an appropriation to hire the architect to design the various plans; and then the town can apply for the grant. The grant could be as much as \$200,000 and is a dollar for dollar match on the part of the town.

Mr. Milone advised that the Town Planner and Environmental Planner are looking for grants to improve this property. He distributed information on the grant to the Council.

Mr. Ecke asked where the town stands on the original grant for this property through DEP.

According to Town Attorney Knott we are getting closer to the grant money from the DEP for this property. He has received an e-mail on this matter. Attorney Mulvaney is reviewing this information, and next month he will have a new resolution for approval of the new documents. This has been going on since 1999, and a certification from the pollution arm of the DEP was needed before documents could be developed with the grant part. The town wanted permitted agricultural use on this property, and language restricted this. Finally there was a compromise; approval from the commissioner was received; the matter went to the attorney general's office, and they didn't like it. Mr. Knott said the town found out what they did not like. Most of the structures in the area subject to the conservation area will be removed, and then there will be more flexibility for use of the land. Hopefully, the agricultural use will be expanded to a greater number of acres.

Before we start down the road for an architect and do something with this barn, Mr. Schrumm said we should go out and test the waters for organizations or

individuals who might want to lease this property for agricultural use. There have been inquiries over the last few years from people who want to grow organic vegetables, raise horses, cows, llamas, etc. Before we do work on the major structure, it might be helpful to know who the tenant might be before doing any work on the barn.

There has been much interest expressed in this property, and Mr. Milone said the town would do an RFP for utilization of the property. It is his understanding that the town must have this agreement finalized before anyone can be put on the property.

Attorney Knott said the town must know the final requirements of the grant, and this should be known within the month. That will give the town the ability to fashion an RFP for the structures. In terms of the rest of the land there will be a conservation agreement which, hopefully, will permit the agricultural use. There will be conditions placed on the agricultural use.

Mr. Schrumm said the land and barn go together, and there should be informal talks with people making inquiries, know what the property will become, and the rental for the property.

Mrs. Visconti stated it is a good idea to have the architect make the barn as multi-use in order to accommodate different uses.

It was noted by Mr. Schrumm that we might find someone who will fix the barn without cost to the town. He assumes the architect would suggest fixing the barn roof, make it weather tight, and he questioned the extent of the fixing the architect would be asked to propose.

Mr. Milone said we want to fortify the structure, and then it is up to the Council to decide how far it wants to go beyond that point. The RFP process will be pursued concurrently while looking at the barn, and we need to have everything from the State before we proceed. Mr. Milone also advised that the \$450,000 grant from DEP was towards the purchase price of \$2,050,000 in 1999, and the town is waiting for this reimbursement.

Mr. White suggested turning this matter over to the Planning Committee of the Council, noting that the land management plans go through this committee.

It was pointed out by Mrs. Esty that one of the pieces being looked at is the State grant would involve applying for this site as an historical site. She raised concerns about strings attached to such a designation and the way the funds would be used.

In response to a question on the age of this barn, Mr. Milone said that is unknown, but it is very old.

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

MOVED that the Town Council refer this matter to the Planning Committee and Budget Committee.

Public Comments

Robert DeVyllder, Sr. 350 Jinny Hill Road, asked if there is a plan for this property yet, and what type of farming there would be. He does not know of anything historic for this property, and does not believe this is a thought out program yet. Mr. DeVyllder asked what happens with a new barn, and said there are many open questions on this matter. This could be land for orchards in the future, and could be a llama farm. He commented on the cost of the project, and asked about the \$450,000 to refurbish the barn.

Mr. Milone explained that the \$450,000 is a state reimbursement for the purchase of the land.

Mr. DeVyllder said there is also \$200,000 from the taxpayers, and he believes this project will cost more than the community pool.

VOTE The motion passed unanimously by those present.

F. Discussion and action re: \$13,013 allocation from Capital Planning Account for communication technology consultant.

MOTION by Mr. Ecke; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #021406-7

RESOLUTION #021406-7

BE IT RESOLVED, that the Town Council allocates up to \$13,013 from the Capital Planning Account for a communication technology consultant to analyze and recommend improvements to and specifications for communications equipment and services for all Town government buildings and departments.

Discussion

Mr. Ecke explained that this is the second request of the Town Manager to update the telephone system for the town. The system should be reviewed and a determination made on getting an upgraded system in order for all town departments to be integrated and communicate with each other.

Mr. Milone said the genesis of this item is in the FY 06-07 capital budget for upgrade of the communication system at \$150,000. As part of determination of a better cost estimate, the capital planning account funding will allow for hiring a

consultant. An RFP was done about 9 months ago, with 4 respondents, and the respondent selected was the lowest cost with the greatest expertise. At one time, it was suggested that this study could be done by a group of volunteers, but Mr. Milone said after review and further understanding of this issue, it is very complex, with Town Hall and 17 satellite locations involved with their own phone systems. There is limitation on technology improvements with the current system because all were purchased on an ad hoc basis; they are all inefficient; and as they get older are more costly to repair. The Town Hall system was purchased 10 years ago and was a used system at that time. The consultant will enable better management of the study and is the best allocation of the funds.

With the selection of the consultant, Mr. Orsini asked if they have any affiliation with a manufacturer of equipment.

Mr. Milone said he would check on this and report to the Council.

Mrs. Esty stated it is important to note that the portion being requested is one-half of the cost because the BOE is going to pay the other equal half out of their operating budget to participate in this RFP, and look at what can be done to better integrate our systems.

With regard to the scope of this project, Mr. Schrumm said the BOE had a technology initiative item for the capital budget process, and he asked if the proposal for the study will look at the aspects of that program, i.e. the WAN, LAN in the schools.

Mr. Milone said he believes it is, but he will check with Supt. Florio. For the town's purposes, it absolutely is because one of the problems is having 3 or 4 sites out of the 17 satellites that are not part of our network. It is important for the connection of the WAN, but Mr. Milone is not sure the BOE has the system deficiencies the town has, and what the scope of what the study means for them.

Mr. White said he attended a BOE meeting regarding technology in the schools, and this would not be related to the telephone system.

Mr. Altieri commented on the telephone systems and telecommunications systems, noting we want to communicate effectively, and it is important for this initiative to have support.

VOTE The motion passed unanimously by those present.

G. Discussion and action re: Referral of Ravenswood open space Offer to appropriate committees.

MOTION by Mrs. Visconti; seconded by Mrs. Esty.

BE IT RESOLVED, that the Town Council approves Resolution #021406-8

RESOLUTION #021406-8

BE IT RESOLVED, that the Town Council refers the offer of Ravenswood to donate open space to the Town of Cheshire to the Parks and Recreation Commission, the Environment Commission, and the Town Council Budget Committee for their review and recommendations.

Discussion

Mrs. Visconti stated this issue has created controversy, feelings and interest, with much history. There is much for the Council to consider, and good advice is needed by the three committees.

Town Attorney explained that the Environment Commission provides advice on open space, looks at management plans, and they are a logical interest group to give information to the Council as it makes a decision on whether or not to accept this property. The matter has been referred to the Planning and Zoning Commission for an 8-24 review as mandated by law. The Parks and Rec Commission is a logical commission because it is possible a use might be other than open space, i.e. recreational. Parks and Rec will then provide input for Council to consider in looking at the whole picture. The Budget Committee will review the future financial impact if the property is accepted.

Just as this matter is being referred to the committees noted, Mr. Orsini said he would recommend referring this matter to the Planning Committee as well.

Mr. Ruocco asked if there is a time frame involved on when these committees must report back to the Council.

According to Attorney Knott the recommendation is to report back forthwith, and move this matter along. The 8-24 Review was sent to the PCZ and they have 35 days in which to act; and then the Council may want to have a public hearing on this matter because of the public interest. It will be about 60 days before a public hearing is held.

Chairman Hall said he would anticipate a report back to the Council by the 2nd meeting in March.

Mr. Ruocco commented on the resolution stating donation of "open space" to the town, and asked if this property is classified as open space.

Mr. Schrumm noted that this is open space with respect to the development, not with respect to the town.

Under PCZ regulations, Attorney Knott said this land is defined as open space.

Concerns were expressed by Mrs. Esty about this situation because we do not have the DEP report back on the inspection.

Attorney Knott said he spoke with Attorney Miele (representing Ravenswood), and was told the dam has been cleared and prepared for DEP inspection. Regardless of that, there would be no Council action, or it would be with conditions which the PCZ had for a sign-off by DEP Dam Safety Unit and Town Engineer. Everything is in the process, and the public hearing will not be held until all the parts of the puzzle are in place.

DEP has been trying to inspect this dam since 1996, and Mrs. Esty said the fact that they say it is forthcoming does not give her comfort that it will be this year at all. She is concerned about the Council rushing to make a decision contingent upon the DEP report, and asked if the town has means to move them along, determine if the clearing has been sufficient to do the full scale inspection.

Attorney Knott said the dam was prepared for their inspection, but he is not sure if it has been inspected.

Mrs. Esty stated that the letter from Mr. Miele said it had been inspected.

It was explained by Attorney Knott that it had been inspected to make sure it was ready for a detailed inspection, but not a structural inspection. Mr. Knott said that this is not a land management agreement, but a decision on whether to accept real estate for certain purposes. Once accepted then this falls into the category for the open space ordinance, and a management plan would be developed and referred to the Environment Commission, and then back to the Council.

Public Comments

Bob Vignola, 385 Woodpond Road, stated this is a unique situation with 4 committees looking at it, and the neighbors want to be involved in the discussion.

Chairman Hall advised Mr. Vignola that all committee and commission meetings are public and open for public participation, and there will be a public hearing on this matter.

The 92 home neighborhood needs to be notified, and Mr. Vignola said he would be the contact person on the matter. He said the land was cleared, but an inspection has not been done at this point due to the rain and flooding.

Robert DeVylder, Sr. expressed confusion about what the PCZ did 28 years ago and the agreement signed to allow this first cluster subdivision to come into being. This was the first section of a three section subdivision with more than

just this one dam. He asked if this would impact the other areas and ponds in the development. Mr. DeVlyder commented on the big blowout patch of concrete put there many years ago, and questioned the ice house buried in the area. There is a spill way not directly part of this dam, and asked if this would be opened up to drain the pond. He asked about a right-of-way into this area or frontage on Woodpond for people to access the property. If this becomes a town park we have no money to maintain it. He asked about the quality of life in the neighborhood being affected by cars stopping at the dam, people fishing, ice skating, etc. Mr. DeVlyder does not understand the agreement between Fiske and the PCZ, and why this is going to be another drain on our limited resources and expense to the taxpayers. He commented on the town not having the funds to maintain Mixville Park, and as a taxpayer he is fed up with blowing money and building a path to nowhere.

VOTE The motion passed unanimously by those present.

H. Discussion and action re: Approval of design consultant for Humiston Code Compliance Project.

MOTION by Mr. Altieri; seconded by Mr. Ecke.

BE IT RESOLVED, that the Town Council approves Resolution #021406-9

RESOLUTION #021406-9

WHEREAS, the Public Building Commission has approved a design consultant for the Humiston School Code Project,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 2-26(C)(2)(c) of the Code of Ordinances approves the contract with the design consultant, Friar Associates, for said project, and authorizes the Town Manager to execute all contract documents.

Discussion

Mr. Altieri said that a letter to PW Director Michaelangelo from PBC outlines three specific items they would like to oversee.

Town Manager Milone said this must be submitted to the Council because once the Council assigns a project to the PBC, from that point on the ordinance controlling the PBC takes over. And, any appointments of design consultants or other consultants requires Council approval.

Stating he was not sure of the cost of this project, Mr. White said it could be millions of dollars, and he wants to do everything possible to avoid unnecessary spending. The PBC should consider all options for the code compliance, and

take into consideration the costs in whole or in part for this project. The Council needs to know these options and that they were reviewed by the PBC.

Mr. Altieri said he has discussed this with Mr. White and he will communicate to the PBC consideration of all costs and savings.

Chairman Hall advised that the codes referred to for this project are all codes for this building.

According to Mr. Altieri, the PBC informed him that this study was done in 1995; issues and costs were looked at; and now PBC is taking another look at the code compliance.

This has been in the capital budget for a long time and Mr. Schrumm said it was pushed back because of the \$9 million cost for the high school and Dodd school projects which took precedence over fixing the administration building. He asked when the official referral was done for the Humiston project. He said that in making the referral the Council can, under the code of ordinances, put in some caveats telling the PBC to watch out for various things. Mr. Schrumm pointed out that this is for a code project, not a renovation or facilities update project. Council should be careful about this with the PBC; much work has been done in this building such as replacement of the roof, windows, refinished floors, etc. If this is about code, it should stay strictly as a code project, and Mr. Schrumm said he thinks the estimate in the capital budget was up around \$2.5 million. Another caveat is that we are now starting to see the primary grade enrollment falling off, there could be some relocation of space in the school system. Perhaps what needs to be done in the rear of Humiston School might change.

As part of the capital budget, Mr. Milone said the resolution of \$110,000 did include referral to the PBC. The resolution states the scope should be for planning and design of code compliance improvements to Humiston School and the Central Office. It is clear that this is a code compliance project unless the Council decides otherwise.

Mr. Altieri advised that the 2/1/06 PBC minutes talk about Friar Associates doing the original study. PBC Chairman McKenney's recommendation was to stay with the same architect, and specifics of the work proposed (code deficiencies) is stated in the minutes.

Mrs. Visconti commented that she is pleased the Council is going ahead and looking at this issue because there are important BOE meetings held on the 3rd floor of the Humiston building and handicapped access is needed.

Mr. Altieri spoke with Supt. Florio and was advised that it is not just for meetings but also for disabled employees who could not make it to the 3rd floor.

VOTE The motion passed unanimously by those present.

**I. Discussion and action re: Hudak vs. Town of Cheshire
Possible executive session.**

**J. Discussion and action re: Pravda vs. Town of Cheshire
Possible executive session.**

**K. Discussion and action re: McKenney vs. Town of Cheshire
Possible executive session.**

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report

B. Departmental Status Reports

C. Other reports.

- 2nd Quarter Financial Report – Mr. Milone reported that the general fund looks strong for this fiscal year; utility expenses could be over budget by about \$200,000; on the expenditure side we will be about \$250,000 under budget; revenue side is \$1 million over budget without any additional property tax revenue generated. The pool is \$120,000 to \$140,000 over budget for utilities; WPCA also affected by the increased electrical costs and the budget could run a slight deficit; WPCA has a good fund balance on which to rely.
- Governor's Budget Proposal/Municipal Aid – Cheshire should have about \$600,000 additional revenue from state aid; there is concern about sustaining that revenue flow.
- Elimination of the Motor Vehicle Tax – is a concern for the Town, and Mr. Milone said it will have an effect on municipalities. The Governor is using the 2004 grand list; since then our motor vehicles have grown by about \$7 million; and the supplemental for this year could add another \$1.5 million to that. The data being used is a year old; is not reflective of the amount of money on today's motor vehicle grand list; the state is using last year's mill rate, and if Cheshire has a mill rate increase there is no additional revenue built into the state proposal. The state is using a collection rate of 97%; Cheshire's collection rate is 98 1/4%. Town Assessor Panagrosso has indicated to Mr. Milone that the state reduced the amount the town would get by 3% for each year the town is away from revaluation. Cheshire is only 1 year away from revaluation, and once the state came up with the gross amount they reduced it to 97%. Cheshire taxes motor vehicles in one installment and receives all the revenue in July and

August. With this proposal money will be distributed back to the communities quarterly. The calculations of investment income lost to Cheshire would be about \$70,000 to \$80,000, and represents a shortfall of about \$450,000 from what would be generated next year for motor vehicle taxes. Mr. Milone sent a memo to the legislative delegation and the Council members expressing his concerns. He has notified CCM about Cheshire's problems with the motor vehicle tax elimination proposal, and CCM has issued a bulletin to all municipalities. In 3 ½ weeks Mr. Milone must submit a budget to the Council, and he is uncertain whether the motor vehicle revenue as currently constituted will be used, or if the new proposal will be used.

- Budget Workshops – March 25th at 6 p.m.; March 20th at 6 p.m.; March 22nd at 6 p.m.; March 27th at 6 p.m. and March 29th at 6 p.m. Public Hearing is April 4th at 7:30 p.m.; Town Council Budget Committee meeting April 5, 2006 at 7:30 p.m. and Town Council approval of the budget on April 11, 2006 at 7:30 p.m.
- Personnel Issue/Finance Director – Mr. Milone reported there was a good response to the ads, and there are 7 candidates to be interviewed by him and Mr. Zullo. The new director could be appointed in about 4-5 weeks.
- Wastewater Treatment Plant – Sump pump inspections were very successful; out of 255 houses there was entry to 126, and 12 illegal pumps hookups were found. The inspector was surprised at how responsive and helpful residents were, and the 12 homeowners want to resolve the problem with guidance from the town. In early April there will be a second attempt to get into homes which were not accessible earlier; there will be a report back to the WPCA; and then there will be a decision on policies to be put in place and whether there should be imposition of a surcharge. Metcalf & Eddy has been analyzing the plant for re-rating by EPA to 3.8 million gallons monthly. M&E will make a case to re-rate to 4.2 million gallons a day. This uses average flow figures and DEP might argue with the methodology, but there is far greater capacity than originally thought. CCI impact on the plan was discussed with representatives from the corrections facility. They are embarking on a 6-month program to reduce flows. Rep. Fritz and the legislative delegation has introduced legislation last week to impose a surcharge on the corrections facility if they are unable to lower their flow below the 350,00 gallons daily.
- State Plan of Conservation and Development – Town Planner Voelker is working on the state and local plans to identify issues, remedy them, and how best to proceed. After hearing from the state legislators this is not a time sensitive issue, and Mr. Milone asked the Council to table this matter until March.

- Transmission Line Upgrade Status Report – CL&P submitted their development and management plan in response to the concerns raised by municipalities. Cheshire requested the transmission line be moved from the Cheshire side to the other side of Tuttle Avenue and the town wanted them to take base line measurements of soil and other things at the individual residences, and CL& P refused to do either of these things. Mr. Milone has notified the homeowners, and he will prepare a report which will be on file for review by the homeowners. He will also meet with the homeowners and prepare a report back to CL&P before the deadline.
- Library – Ms. Harten, Director, will have a fine free week which will coincide with the downloadable audio book program. People will be able to dial into the library and download an audio book. The library is moving to a new consortium, and this is a new feature for library patrons.
- President's Day Holiday – Town Hall will be closed on February 20, 2006.

Chairman Hall advised the Council that the State Plan of Conservation and Development would be discussed at the 2nd Council meeting in March.

With the Governor's proposal to remove the car tax, Mrs. Visconti asked if this would raise property taxes.

At the current level Cheshire would be \$450,000 short, and Mr. Milone said this must be made up by the taxpayers.

Mrs. Visconti asked about the response from other towns about this motor vehicle proposal.

In response, Mr. Milone said that no one had done the calculations except for Cheshire, and he is not sure what the effects will be for other communities. He and Mr. Panagrosso were very skeptical about the state saying the town would not lose anything and be revenue neutral. Cheshire has had too many bad experiences where this has not always been the case. Using this methodology, Mr. Milone assumes other communities will see a loss in revenue.

After the January 1st CL&P rate hike, Mr. White said people will have another increase next year, and this is a budget constraint for the town and personal budgets. The town and BOE are looking at a 33% rate hike.

Mr. Ruocco asked about the mill rate used in the calculations for the motor vehicle tax proposal.

Mr. Milone said he used the assumption of a slight mill rate increase for a more accurate picture of the impact. Inflation is at 3.3%, and he came up with a one

mill rate increase for the potential \$450,000 revenue loss. The Governor's office states it will be looking at new data, but he is not sure the state has the financial ability to make up the losses to the communicates.

With the major snow storm last Sunday, Mr. Ruocco said he rode shotgun with one of the drivers; it was an educational experience; the driver did a very good job; and this experience reinforced the impossibility of avoidance of pushing snow into driveways.

Mr. Schrumm asked about the PBC window replacement project at the high school, and if the town will do as much as can be done with the fund, or if there will be another allocation for the project.

In response, Mr. Milone said the letter is somewhat of a statement, a request, a communication, and he was confused as to what it was the author was requesting. He will get clarification; if an additional appropriation is being requested with expansion of the scope of services, that is how it should be written.

Mr. Schrumm stated that Town Manager Milone has gone above and beyond what other town officials do in situations like this. Mr. Milone, Mr. Panagrosso and staff did a fine job of analyzing the motor vehicle proposal. He hopes that Mr. Milone and staff will explain to other communities and CCM what is happening. Mr. Schrumm said he would be opposed, even if revenue neutral, to the elimination of the car tax because it takes the power to raise funds away from the towns and gives it to the state. The State of Connecticut has a 100% average of renegeing on promises made to the citizens. As we go into an economic downturn Mr. Schrumm commented that the state will say...sorry Cheshire...we can't give as much as promised...and will give something less. In the meantime the power of the town to raise revenue locally has been taken away.

Other PILOT Programs to Cheshire are no longer fully funded, and Mr. Milone agreed that the State has a 100% batting average with grant reimbursements. Even with restoration of the \$450,000 possible loss, there is concern about the future. When the full analysis was done, Mr. Milone e-mailed his calculations to CCM and CCM sent a letter to OPM.

Mrs. Esty stated her agreement with Mr. Schrumm on the motor vehicle tax elimination issue, noting that Cheshire will be penalized in the first year. Because the town is so efficient with tax collection, going forward we know we will not get as much, and will have to turn around and rely on property tax which is a very progressive tax. People must talk to our legislators, look carefully at how this affects them and the town.

With regard to the library amnesty week, Mrs. Esty said that individuals will save money, and the town will save as it goes into the new consortium.

**9. TOWN ATTORNEY' REPORT AND COMMUNICATIONS
Executive Session**

10. REPORT OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report.

During the last Council term, Mr. Hall said that there was a 2nd Council meeting each month with boards and commissions giving presentations to the Council. This 2nd meeting plan will continue, and beginning in March, boards and commissions will visit the Council and make a presentation.

B. Committee Reports.

1. Planning Committee: Strategic Plan review status

Mrs. Visconti reported that the committee met with representatives of boards and commissions regarding the strategic plan goals and objectives. A more detailed report will be coming to the Council. There will be another meeting later in the month. She recommended that the Planning Committee take a tour of Lassen Farm and the dam site.

Budget – Mr. Ecke advised that the budget meeting schedule will be posted at Town Hall, and the public is invited to attend these open meetings.

C. Miscellaneous.

**11. APPROVAL OF MINUTES
Regular Meeting January 10, 2006; Public Hearings and Special
Meetings of January 24, 2006; Special Meeting of February 7, 2006.**

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

MOVED that the minutes of January 10, 2006, January 24, 2006 and February 7, 2006 be approved subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND REPORTS

A. Liaison Reports

Human Services – Mr. White advised that there is tax preparation assistance available for senior citizens at the Senior Center through AARP representatives. There was a guest speaker at the last meeting from the Naugatuck Council of Governments.

Energy Commission – Mr. White reported that there is consideration of a microturbine at CHS; lighting improvement project will be worked on by the commission; discussion about increased membership in the clean energy program with Cheshire becoming an energy star community; Town Hall energy is 100% clean energy; there was a community outreach program meeting with the Chamber of Commerce about understanding the clean energy program; the commission is involved in a competition with other towns about public awareness of clean energy.

B. Appointments to Boards and Commissions.

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

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

Beautification Committee – William Bonaminio, (R) reappointment, present to 1/31/08; Frank Papandrea (R), reappointment, present to 1/31/08;
New Appointments: Kate Altobello (D), replacing John Perrotti, present to 1/31/08; Anthony DiNicola, (D), replacing Otto Strobino, present to 1/31/08;

Building Code Board of Appeals – renomination of Harold Davidson (D) present to 1/31/10; Anthony Ferraro (U) present to 1/31/10;
New Appointments: Christopher Bowman (U) replacing Louis Bucari, present to 1/31/10.

Economic Development Commission – Kathleen Gannon (D) reappointment, present to 1/31/10; Arthur Hostage (D) reappointment, present to 1/31/10; Brian Miller (D) reappointment, present to 1/31/10;

Energy Commission – Carol Wilson (D) reappointment present to 1/31/10;
New appointment – Ira Kushner (D) replacing Robert Moran, present to 1/31/10;

Environment Commission – Matthew Levine (D) reappointment, present to 1/31/10; Bonnie Mayer (D) reappointment, present to 1/31/10.

Historic District Commission – Lauren Backman (R) reappointment, present to 1/31/11; John Torello (U), reappointment, present to 1/31/09.

Human Services Committee – Deborah Kelleher (D), reappointment, present to 1/31/09; JoAnn Vitarelli (D) reappointment, present to 1/31/09;
New appointments: Courtney Cullinan (D) replacing Patricia Davis, present to 1/31/09; Evelynn Henriques (D) replacing Virginia Gaughran, present to 1/31/09.

Library Board – Kathleen Dempsey (D) reappointment, present to 1/31/10; Carol DePietro (D) reappointment, present to 1/31/10; Terry Grahame (D) reappointment, present to 1/31/10; Joy Hostage (D) reappointment, present to 1/31/10; Craig Wilson (R) reappointment, present to 1/31/10.

Parks and Rec Commission – New appointments: Paul Fracasse (D) replacing Jay Derwin, present to 1/31/10; Tim Garner (D) replacing Andrew Magioncalda, present to 1/31/10.

Performing and Fine Arts Committee – Donna Hurwit (R) renomination, present to 1/31/09; Heather Whitehouse (R) present to 1/31/09.

New Appointment: Robert Averack (D) replacing Richard Condrad, present to 1/31/09; Joseph Trifilo (D) replacing Kate Altobello, present to 1/31/08;

Prison Advisory Committee – Pat Alexander (U), reappointment, present to 1/31/08; Richard Held (D) reappointment, present to 1/31/08; Sharon Houck (U) reappointment, present to 1/31/08.

Public Building Commission – Jay Hershman (D) reappointment, present to 1/31/10; James McKenney (D) reappointment, present to 1/31/10.

Retirement Board – Neil Groberg (D) reappointment, present to 1/31/10; Mark Witek (U) reappointment, present to 1/31/09.

Water Pollution Control Authority – New appointments: Angie D’Agostino (D) replacing Stephen Eberle, present to 1/31/09; Mark Korman (D) replacing Kenneth Neumann, present to 1/31/09.

Youth Services Committee – Dr. Phillip Brewer (D), reappointment, present to 1/31/08;

New appointments: Donna Gayman (D) replacing Barbara Ruocco, present to 1/31/08; Constance Catone (D) replacing Trish Greenhalgh, present to 1/31/08; Karen Fleming (D) replacing Mario Pannone, present to 1/31/08.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council

B. Miscellaneous

14. EXECUTIVE SESSION

A. Land Acquisition

B. Pending claims and litigation

C. Personnel matters

MOTION by Mr. Ecke; seconded by Mr. Altieri

MOVED that the Town Council enter executive session at 10:10 p.m. to include Town Manager Milone, Town Attorney Knott, and Town Assessor Panagrosso for pending claims and litigation.

VOTE The motion passed unanimously by those present.

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

MOVED to exit executive session at 10:25 p.m.

**I. Discussion and action re: Hudak vs. Town of Cheshire,
Possible executive session.**

MOTION by Mrs. Esty; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #021406-10

RESOLUTION #021406-10

BE IT RESOLVED, that the Town Attorney and Special Counsel, as appropriate, are hereby authorized to settle the tax assessment appeal of Hudak v. The Town of Cheshire and the Town Manager is hereby authorized, directed and empowered to execute, deliver and perform a settlement agreement in such form and upon the terms and conditions presented in executive session and approved as to form and legal sufficiency by the Town Attorney or Special Counsel as appropriate.

VOTE The motion passed unanimously by those present.

**J. Discussion and action re: Pravda vs. Town of Cheshire
Possible executive session.**

MOTION by Mrs. Esty; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #021406-11

RESOLUTION #021406-11

BE IT RESOLVED, that the Town Attorney and Special Counsel, as appropriate, are hereby authorized to settle the tax assessment appeal of Pravda v. The Town of Cheshire and the Town Manager is hereby authorized, directed and empowered to execute, deliver and perform a settlement agreement in such form

and upon the terms and conditions presented in executive session and approved as to form and legal sufficiency by the Town Attorney or Special Counsel as appropriate.

VOTE The motion passed unanimously by those present.

**K. Discussion and action re: McKenney vs. Town of Cheshire
Possible executive session.**

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

BE IT RESOLVED, that the Town Council approves Resolution #021406-12

RESOLUTION #021406-12

BE IT RESOLVED, that the Town Attorney and Special Counsel, as appropriate, are hereby authorized to settle the tax assessment appeal of McKenney v. The Town of Cheshire and the Town Manager is hereby authorized, directed and empowered to execute, deliver and perform a settlement agreement in such form and upon the terms, conditions and limits presented in executive session and approved as to form and legal sufficiency by the Town Attorney or Special Counsel as appropriate.

15. ADJOURNMENT

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

MOVED that the Town Council adjourn the meeting of February 14, 2006 at 10:26 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk
Cheshire Town Council