

MINUTES OF THE CHESHIRE TOWN COUNCIL REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING HELD ON TUESDAY, JUNE 12, 2007, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Chairman Matthew Hall; Vice-Chairman Michael Ecke; Councilors Elizabeth Esty, David Orsini, Thomas Ruocco, David Schrumm, Diane Visconti, Timothy White.

Absent: Matthew Altieri.

Town Manager Michael A. Milone; Town Attorney Dwight Johnson; Public Works Director Joseph Michaelangelo; Personnel Director Louis Zullo; Deputy Finance Director James Jaskot; Library Director Ramona Harten
Town Manager Michael A. Milone; Town Attorney Dwight Johnson;

Chairman Hall read the fire safety announcement.

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS.

A. Recognition of Jeff Gargano.

On behalf of the Town Council, Chairman Hall presented a Certificate of Recognition to Jeff Gargano, a 19 year Public Works Department employee, for his dedication and service to the needs of the people of Bay St. Louis, Mississippi. Mr. Gargano spent one week working with the Bay St. Louis' PW Department restoring public roads, buildings and properties to assist the victims of Hurricane Katrina. Council members personally commended Mr. Gargano for his hard work on behalf of the Katrina victims.

B. Flag Day Proclamation.

Chairman Hall read the proclamation for Flag Day in Cheshire on June 14, 2007.

C. Public Comments

Ray Squire, 291 Cook Hill Road, commented on the dead trees in many public areas in Town, including Cheshire Park near the baseball fields, DeDominicus Property, Linear Trail. He stated these trees must be cut down as they are a danger, and a safety risk to citizens.

Mr. Squire commented on the new signs at the entrances to the Linear Trail intersections, which give preference to pedestrians over moving vehicles. He thinks the signs should be looked at again to insure safety to the pedestrians on the trail.

Mr. Squire stated that the time has come for revision of the Town Charter, since it has not been done in 12 years. He is not suggesting that anything is wrong, but the document could be improved, and loop holes examined.

Derf Kleist, 251 Lancaster Way, stated that the Cheshire Community Guide highlights many shopping areas in Cheshire, and this guide should be given to the local real estate agents. He said he wants his children to have good paying jobs, and this is not in retail. Zoning was created for the health and safety of the people, and adding residential to the industrial zone would decrease the tax base. He commented on other towns not having problems with attracting industrial use, and said Cheshire needs a banquet hall and other uses in the zone.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution 061207-1

RESOLUTION 061207-1
CONSENT CALENDAR FOR JUNE 12, 2007

BE IT RESOLVED, that the Town Council approves the Consent Calendar for June 12,2007 as follows:

- A. Acceptance and appropriation of a U. S. Department of Transportation DUI Enforcement Grant for Memorial Day and July 4th.
- B. Acceptance and appropriation of \$13,103.38 from the Connecticut State Library to the Library Connecticut Account.

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 2007 Neighborhood Assistance Act Program Submissions.**

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

BE IT RESOLVED, that the Town Council approves Resolution 061207-2

RESOLUTION #061207-2

BE IT RESOLVED, that the Town Council approves the submission for the 2007 Neighborhood Assistance Act Program from Elim Park for the Elim Park Wellness Center Program, as presented and attached.

VOTE The motion passed unanimously by those present.

B. Discussion and action re: Cheshire Youth Baseball Lease Agreement.

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

BE IT RESOLVED, that the Town Council approves Resolution 061207-3

RESOLUTION #061207-3

BE IT RESOLVED, That the Town Council hereby authorizes the execution, delivery and performance of a Lease Agreement by and between the Town of Cheshire and Cheshire Youth Baseball, all of Cheshire, Connecticut;

BE IT FURTHER RESOLVED, that the Town Manager and other officers are authorized and directed to execute on behalf of the Town said lease 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;

BE IT FURTHER RESOLVED, that a copy of the Lease, as executed, and as filed on the Land Records of the Town of Cheshire, is hereby incorporated by reference as part of the minutes of this meeting.

Discussion

Chairman Hall stated that the lease draft has gone through revisions since May 2007.

Rich Kaplan, 40 Winding Trail, and Attorney Bruce Diamond, 1035 Marion Road, represented Cheshire Youth Baseball (CYB).

Mr. Kaplan said there were present to continue discussions and reach the goal of having the lease approved by the Town Council. There are no changes in the lease since the last submission.

Attorney Johnson said there were some typographical corrections made, and one minor change. In Section #2, paragraph #2, he suggested adding the following language... "except as provided in Section 8.B" Mr. Johnson stated that 8.B provides that concessionaires may be retained to sell food and limited athletic

gear. This could be regarded as “for profit”, and this exception is suggested. CYB agreed to this change in the lease language.

Mrs. Esty summarized that this is a 20 year lease, at \$30 per year. CYB is responsible for the all construction, they must build at least two ballfields, to be operational by March 31, 2011, and if they don't they lose the lease. CYB is responsible to build and maintain the fields, parking and all buildings constructed on the site, and the Town's responsibility for maintenance and upkeep has been restricted. Regarding the “baseball season”, Mrs. Esty asked how this should be defined, and if an agreed upon season should be referenced in the lease.

Attorney Diamond said that nothing is specific or defined in the lease, but it could state April 1st, or an earlier date as the start of the season.

Stating this did not occur to him, Attorney Johnson said he would work with CYB and make appropriate revisions to take this into consideration.

Mrs. Visconti asked about the process of this project going forward, i.e. to P&Z Commission, and if issues of concern, such as traffic, and sidewalks for kids to drive to the site, etc. should be addressed.

It was noted by Mr. White that the fields at Gaylord are no longer being used by CYB, and if the new complex would remove many games from the MacNamara field site.

According to Mr. Kaplan, that is the plan...to reduce the number of games played at MacNamara Park.

With the new central ball field facility, Mr. Orsini asked if some of the fencing at MacNamara Park would be removed.

This is part of the ongoing discussions, and Mr. Kaplan said he does not think the fencing will be removed, even with reduced use of these fields. He has spoken with Parks and Rec Director Ceccolini about elimination of the larger 90 ft. ball field at MacNamara Park, and CYB agrees with removing this field.

Mrs. Esty commended Attorney Johnson, Attorney Diamond and Mr. Kaplan for providing a title agreement on the town's behalf, and in providing a tremendous service to the community. She said the agreement between the town and CYB is a real win for the community, with land sitting there for 10 years, and it is a great opportunity for the town.

Mrs. Visconti thanked Mr. Kaplan and Mr. Diamond, and asked about the date for baseball in the contract.

In response, Attorney Diamond the lease does not prohibit CYB from having baseball anytime, it just states that if operation is suspended in the middle of the season, CYB forfeits the right to continue to operate the complex.

Mr. Kaplan noted that baseball is a year round sport now, and there is a fall baseball season.

Mr. Orsini explained that the town acquired this land from the State of Connecticut for recreational purposes, through the enormous efforts of then Council Chair/Mayor Sandra Mouris. He said it sometimes takes a while to see the benefits of someone's work, as in this case.

Mr. Ruocco stated his support of the resolution for the lease of the property for a baseball complex. This will have a positive impact on the residents of his district, and he thanked Mr. Kaplan and Attorney Diamond for their hard work in drafting this lease agreement. He clarified that this contract does not guarantee the reduced use of MacNamara Park, and there is a continued risk of ongoing use of these fields. Mr. Ruocco wants Parks and Rec Commission to review the usage of the MacNamara fields, and he is optimistic things will change for the positive.

This will be a positive thing for the town, and Mr. Ecke asked about the 3/31/11 completion date, noting this is not the end of the construction season, but the beginning. The facility should be completed in Fall 2010. He asked how fund raising is going.

In response to Mrs. Esty's comments, Mr. Kaplan said that the fields must be done before March 2011, and they should be completed one year before playing on them. CYB is aware of the 2011 date for the two fields. He also advised that fund raising is going well. There are 3 parts of phase 2 – the work on the development of the complex, work on the administrative end and paper work to be done, and fund raising.

Mr. Milone stated that this baseball complex is not the panacea for the problems at MacNamara Park, but the town administrators understand the intent and will do everything possible to reduce the volume of activity at this park. He reminded the Council that the construction has started on the 90 ft. diamond at Bartlem Park; there are ongoing drainage improvements at Mixville Park for that field to be used; and by the time the new complex is built, there will be two more fields available for ball games. This will also relieve the burden at MacNamara Park.

Public comments

Derf Kleist, 251 Lancaster Way, commented on certain obligations of the person leasing the property, and asked if there is a bond if there is default.

Attorney Johnson advised there is no bond provision. The reason there is no bond is that CYB does not have performance obligations, and the town would not be worse off and may be better off if they default. If they built the fields, and after 3 to 5 years did not meet the maintenance obligations, the town would own the property. The leasehold improvements will be made by CYB and would then belong to the town. If the improvements were not completed as the town felt they should be, the town could go back to CYB and claim damages for their failure to complete their obligations.

Mr. Kleist said the fee to play ball for CYB used to be \$100, and he asked if the fees would increase, and if there was a plan in place to assist those families who could not afford to pay the fee for their children to play ball.

Chairman Hall explained that the fees are not part of the lease for the land.

Attorney Johnson said that was correct. We are dealing with non-profits, and it is assumed their goal is not profit making, but to provide service to the public and children.

Before the Council voted, Mr. Johnson advised the resolution needs to be modified to reflect the fact that modifications as discussed at this meeting may be made. He suggested the following language:

Subject to such non-substantive modifications as may be agreed upon by attorneys for Cheshire Youth Baseball and the Town of Cheshire.

Mrs. Esty and Mrs. Visconti agreed to this modification of the resolution.

VOTE The motion passed unanimously by those present.

C. Discussion and action re: Award of construction bid for the Dodd Gymnasium Renovation Project.

MOTION by Mrs. Esty; seconded by Ecke

BE IT RESOLVED, that the Town Council approves Resolution 061207-4

RESOLUTION #061207-4

BE IT RESOLVED, that pursuant to Section 2-26 of the Code of Ordinances, Town of Cheshire, Connecticut, and Section 7-8 of the Charter of the Town of Cheshire, the Public Building Commission is hereby authorized to accept the low bid of Rainbow Floors, LLC of Madison, Connecticut for Base Bid #1 and #2, in the aggregate amount of \$181,000.00 for the Dodd Middle School Renovation Project. The Town Manager is further authorized to execute the contract

pursuant to this award and the Town's Bid Documents, upon the approve by the Town Attorney as to form and legal sufficiency.

Discussion

PW Director Michaelangelo informed the Council that two bids were received and the lowest bid came right within the architect's estimate for the project. Their references were checked and were very good. The 3rd item in the bid is for the backboard and gym equipment. The gym floor will be demolished, and this is where there could be unforeseen conditions. At this time there is enough money to do #3 and there is a contingency, and no immediate need to get this done right now. There is a 90 day window to make this decision. The flooring will be completed before school opens, and it comes with all the basketball lanes, volleyball markers, etc. The bleachers will be installed after school starts.

One item for clarification is that when the Council approved this project to go to bid, a question was asked about prevailing wage. Mr. Michaelangelo informed the Council that this project comes under that category and was so bid, and the project will utilize prevailing wage for the contract.

Mr. Ruocco asked about the impact of the prevailing wage on the cost of the project.

Right now, Mr. Michaelangelo said the threshold is \$100,000, and the impact for this project could be 5% to 10% of the project cost. No matter how this project is split, it still comes under the prevailing wage category.

Mr. Schrumm asked about the unit prices in the bid response and unknown conditions, and what would be over and above these unit prices. He said ¼" slab topping will not take care of something wrong with the slab.

There is state of the art vapor barrier that will go on top of the slab, and this is what we get for the \$138,000. Mr. Michaelangelo said it has been moisture tested and designed for this purpose. The \$20,000 is if the existing floor is ripped out and there is damage from the clips, this money may have to be spent to put leveling course on the floor.

If there are problems with the concrete slab, Mr. Schrumm said there will be additional costs involved.

This is not anticipated, and Mr. Michaelangelo said that the project starts on June 20th for floor demolition; the floor should be done by the start of school; and the completion date is August 23rd.

D. Call for public hearing for special appropriation for pre-funding FY 07-08 expenditures from the FY 06-07 General Fund Operating Budget projected surplus.

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

BE IT RESOLVED, that the Town Council approves Resolution 061207-5

RESOLUTION #061207-5

BE IT RESOLVED, That the Town Council shall hold a public hearing to consider pre-funding appropriations and corresponding amendments to the total FY 06-07 operating budget appropriations, 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.

E. Discussion and action re: Transfer of uncollectible taxes to the Suspense Tax List.

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

BE IT RESOLVED, that the Town Council approves Resolution 061207-6

RESOLUTION #061207-6

BE IT RESOLVED, That the Town Council approves the transfer of uncollectible taxes, as presented and attached, to the Suspense Tax Book.

Discussion

Mr. Ecke informed the Council that this is taking some of the uncollectible and difficult taxes to the suspense tax book. There will be continued attempts to collect these taxes, but they will no longer be carried as a receivable for the town as part of the taxes due. It is an accounting move which the auditors want done before they come in to do the audit.

Mrs. Visconti said she noted someone she knows on the list, and asked if this outstanding tax would affect someone's credit rating.

This information is public record, and the information can be accessed. Mr. Milone said these taxes are turned over to a collection agency, and more attempts will be made to collect them. He is not sure if the outstanding taxes would affect someone's credit rating.

Mrs. Visconti suggested this information be on the web site for the public.

Mr. Milone will check and see if the list can be on the web site, and if so, it will be done.

Chairman Hall stated that the information is in hard copy in the Town Clerk's office and the Tax Office.

VOTE The motion passed unanimously by those present.

**F. Discussion and action re: approval of bank depositories.
(Mr. White recused himself)**

MOTION by Mr. Ecke; seconded by Mrs. Esty

BE IT RESOLVED, that the Town Council approves Resolution 061207-7

RESOLUTION #061207-7

BE IT RESOLVED, That the Town Council, pursuant to Connecticut General Statute Section 7-401-403, designates the attached list of depositories for the Town of Cheshire funds.

Discussion

Mr. Ecke advised that the State requires Cheshire to report the banks which it uses for town business.

VOTE The motion passed 7-0-1; White abstained.

**G. Discussion and action re: request for ERT to be conducted on the
Two proposals for Boulder Knoll Farm.**

MOTION by Mrs. Visconti; seconded by Mr. White

BE IT RESOLVED, that the Town Council approves Resolution 061207-8

RESOLUTION #061207-8

BE IT RESOLVED, that the Town Council directs and authorizes the Town Manager and/or his designee to request an Environmental Review Team (ERT) report on the two proposals received in response to the RFP for the use of the former Boulder Knoll property, by King's Mark Resource Conservation and Development Area through the Southwest Conservation District. The cost for this ERT study is covered by the Town of Cheshire's annual fee to the Southwest Conservation District.

Discussion

Mrs. Visconti explained that the ERT is comprised of experts who will look at the Boulder Knoll property. The ERT will look at the property, information compiled by the town, answer questions, and then provide an evaluation of the land and its possible uses. The ERT began one month ago, and Mrs. Visconti went on the tour. The ERT is now working on review of all the information and the tour, and Mrs. Visconti said that the ERT should receive copies of all the proposals given to the town. The Council has already passed a resolution on the planting of the sunflowers, and the Friends of Boulder Knoll proposal should be given to the ERT.

Mrs. Visconti read an e-mail from Elaine Strict into the record.

Chairman Hall said the original resolution was passed in January 2007 was included in the Council packets for this meeting. At that time the Council authorized the request for an ERT report. The resolution of June 12, 2007 clarified any ambiguity as to what the Council is authorizing or requesting and should clarify the review of the proposals.

The wording about "authorizing and directing the Town Manager" was questioned by Mr. White, who stated the spirit of the motion is nothing more than having communication and dialogue among different parties. To him this is a common sense thing to do and should always be done. He asked if there is a prohibition against the authorizing and directing the Town Manager, since it makes sense to provide the proposal to the ERT. In the future, there should be assurance that dialogue can be facilitated among stakeholders on different issues.

It was explained by Mr. Milone why this is on the agenda tonight. He said that he was not comfortable in taking it any further than what the resolution said, and he was directed to have an ERT study done of the property, and that is what the application asked for. If it was the intent of the Council to go beyond that and have the proposals done, that was fine, but this should be so stated. Otherwise, he felt he was over stepping the Council's directive.

Mr. Schrumm commented on the March 2007 which said the ERT should come in and report on the Boulder Knoll property. It was his understanding they would look at soil types, topography, etc. and determine what the best use would be for farming and other uses. The resolution in the packet states that the ERT report on the two proposals. The amended version simply says that the town will give the ERT copies of the proposals...and he asked for what reason...is the town asking the ERT to give an assessment of the proposals. Or, are we just saying they are here, and comment on them or not. It looks like the Council is asking the ERT if the two responses are good, bad, chose one over the other, etc. One proposal has already been chosen by the Council. He asked if the Council is authorizing release of the RFP responses, which are already public documents. Mr. Schrumm suggested that the town just give the ERT the paperwork.

It was stated by Chairman Hall that the Town Manager did not feel comfortable with releasing the RFP responses, and wanted Council authority to do so. The amended resolution is just clarifying that the ERT gets the RFP responses.

Mr. Schrumm asked for clarification on whether the town is just giving the proposals to the ERT, or if the town is asking the ERT to comment on them.

Mrs. Esty stated there is confusion, as pointed out by Mr. Schrumm, and Mr. Milone thought there needed to be a resolution. There are two different things...to say we want the ERT to do a top to bottom review of every proposal received is not what they do. They normally see copies of proposals to inform their assessment of what is appropriate. The ERT wants to see the proposals and this is different than them doing a line by line analysis, which is not what the town is asking for. The ERT wants to see the proposals, and can determine whether or not the soil type is good for the proposed uses or if water is adequate or not. This provides them with information to be more helpful to the town.

Stating he has no objection to giving the proposals to the ERT, Mr. Schrumm said when he first looked at the resolution, he thought the ERT would determine which proposal was better for the use of the land. He said there is a big difference from what was in the packets and what is now on the table. One says the ERT will tell the town whether the two proposals are good, bad or indifferent, and that is different than the ERT using the proposals as part of their source documents, and comment or not.

According to Mr. Hall the original draft would be calling for the ERT to serve as a consultant, which is outside of their jurisdiction.

Mr. Orsini asked if what is being discussed was brought up at a subcommittee meeting, and he assumes it was not. He asked if the ERT report voted on in January has come back to the town yet, or is it still pending, and if we are giving them documents for review. The Council voted to allow someone to plant sunflowers on the property, and Mr. Orsini asked the effect, if any, of this motion on that agreement with this person, and if they would be put on hold, or can move forward.

Mr. Milone advised the ERT report is still pending. The original resolution was clear and gave authority to this person to proceed and he is proceeding now.

Regarding the sunflowers, Mrs. Visconti said that the ERT may come forward with suggestions to work with this proposal. There has been a lot of discussion about this resolution, and how it is resolved and we go forward in committee and between her and staff. When there was an agreement it came to this level.

Mr. White stated his support of the resolution and said it makes sense to have discussion and going forward, he hopes the Town Manager, if there was a

presumption of prohibition against this, perhaps there should be discussion with the Town Attorney.

It was pointed out by Mrs. Esty there was a misunderstanding in what was expected in providing the RFP proposals. If it is simply as we are now doing – these are the proposals out there, take into account any thoughts the ERT has which would be helpful, as opposed to the ERT doing a top to bottom analysis. Mr. Milone understood the request a top to bottom review, which was not authorized by the Council.

Mr. Ruocco said that Mr. White is saying that these are public documents and do not need Council approval to turn over to the ERT. The Friends of Boulder Knoll wanted an answer on their proposal, and wants closure on this issue, and some time frames need to be set.

Public Comments

Kim Stoner, 498 Oak Avenue, addressed the Council, and advised that she submitted two documents to the Council for review from the Friends of Boulder Knoll. She said an environmental assessment required being able to talk to the people involved and to see proposals of those interested in doing something on this land. It is not fair to the ERT to do an evaluation of the land in a vacuum. The ERT had no documents from the Friends group, and the group was not allowed to go to the ERT meeting. Their request was refused by the Town Planner who told the Friends group they were not permitted to attend the ERT meeting.

Mr. Orsini stated he has a problem with the door being shut on the public when the town is doing the public's business.

Town Manager Milone explained the rationale for the group not attending the meeting. He stated that subsequent to the proposals being submitted for the use of the Boulder Knoll property, a number of inquiries were received from other interested parties. It was the feeling of town staff that it would be compromising the integrity of the process if any one party participated given the fact that other parties expressed an interest in participating somehow after the fact in the RFP. It was not intended to deny anyone an opportunity; it was simply to prevent some criticism from some other parties who were not aware of the ERT, and not invited to participate. This is the reason for the decision.

Mr. White said he understands what Mr. Milone has said, but the town should be encouraging public input and getting stakeholders into the decision.

VOTE The motion passed unanimously by those present.

H. Discussion and action re: Library collective bargaining unit Agreement (possible executive session)

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

BE IT RESOLVED, that the Town Council approves Resolution 061207-9

RESOLUTION #061207-9

BE IT RESOLVED, That the Town Council hereby approves the collective bargaining unit agreement by and between the Town of Cheshire and Local 1303-431 of Council 4, AFSCME, AFL-CIO Cheshire Public Library Employees.

Discussion

Chairman Hall recommended that this agenda item be discussed in executive session.

THE TOWN COUNCIL RECESSED AT 9:05; THE TOWN COUNCIL RECONVENED AT 9:10 P.M.

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report

B. Monthly Departmental Status Reports.

C. Other Reports

FY 07 Monthly Financial Report. – projected surplus will be about \$500,000 more than anticipated; estimated surplus is \$1.68 million due to continued increase in tax collections and higher than anticipated investment income, and higher building permit fees.

Community Pool – it is expected that the pool account will end the year with a balanced budget; June revenue is usually the highest and last year was \$110,000.

WPCA – projected surplus of \$220,000, and it could be higher.

FY 08 State Aid – nothing has changed since May; the State still does not have a budget, and what is on the table for appropriation to Cheshire (\$880,000 more) remains the same.

VRAD boxes – there are more and more boxes on telephone poles throughout the town as a result of AT&T going into the cable television business and expanding their services beyond the telephone and internet. There is a bill in the legislature which appropriated \$5,000,000 which AT&T must pay, to be distributed among the municipalities based on the number of boxes. It would be

effective on the FY 07 grand list, with revenue in FY 08-09. Mr. Milone does not believe the \$5 million will be adequate to make any significant contribution to enhancement of the AT&T personal property revenue. This matter will be at the top of the list in the legislative package.

Ten Mile River – Culver Collapse Status Report – The Town of Cheshire will be exceeding the \$24,000 bid limit for clearing services, and no further expenses are expected. Rental equipment costs were \$32,300 for an excavator and articulating dump trucks, and there will be additional invoices coming forward. Hydroseeding costs will also exceed \$24,000.

Mr. Milone informed the Council that the PW Department did an informal solicitation for each of the tasks associated with this project; at least 5 vendors were contacted for each function; and the contractors were selected based on pricing, timeliness and availability. Mr. Milone does not expect any of the other vendors to exceed the bid limit. The personnel charges for salaries and labor were \$44,000; but this does not reflect the indirect costs of fringe benefits, use of town equipment, administrative staff time, and legal costs, etc. These costs will be calculated at the conclusion of the project and submitted to state and federal agencies. The total cost of the project, to date, is \$133,701.99. (copy of the summary is attached to the minutes)

Mr. Michaelangelo recapped the project work, explaining it took 7 days for the clearing work and moving earth. The part that took longer was the side slopes tying it back into the earth. There was some field tinkering with the design, and they were working off a sketch. Today, the operation is winding down; the channel bottom is established; the sides are established; there has been a lot of hydroseeding done with 70% of the channel done. The road that was cut in has been restored; spoils pile must be removed, with some grading and hydroseeding. It is expected that the project will be done by this week.

Mr. Michaelangelo indicated that some of the vendor's invoices are lagging somewhat, and some vendors are 10 days behind in their billing cycle, with some work still to be billed.

Mr. Schrumm stated that this work is being done to specs of the engineering firm hired by the property owners. He asked about field tinkering with the design, and asked if the firm was there to direct where things were to go and what was to be done.

According to Mr. Michaelangelo, the engineers were out there; they set the grades along the bottom; and the town crews worked with them. On the plan there was a set elevation where it started and where it would end, where the channel was located. He referred to photographs of the culvert, and said the stream bed would have created a flood elevation above the top of the culvert. In "tinkering" it was realized that having water over the culvert before the bypass

was not a good situation, and a bypass had to be created for the other elevation of 2.5 feet. The topo map was not meant to capture everything needed for the job.

Mr. Schrumm questioned whether the town will get an as-built, or sign-off from the engineers stating the project was done right, according to the plan and specs. This would eliminate second guessing in the future.

There is nothing wrong in what was constructed up there, and Mr. Michaelangelo is confident that they can put their name on something, and the same goes for the DEP. The town can request a document that the work done by the Town of Cheshire met all conditions.

Mr. Schrumm said this should be insisted upon, because that document will be relevant in the future when flood waters are receding. He asked about the rip rap in the base of this channel, and now it says it will be seeded and it will hold.

That is correct, and Mr. Michaelangelo said that Milone and MacBroom called for sandy soil out there. The original estimate called for jute matting which is fabric that is put on with mesh and deteriorates. In talking with different vendors, it was felt this was the way to go; there is sandy soil out there; and the mix for the hydro seed was peat moss, water, fertilizer, grass seed, and it was tailored for the conditions at the site. A mix was needed that would hold on 30% slope, sandy soil, that will never see irrigation except for rain, and it will grow through the summer. The mix was specified to meet this requirement.

Attorney Johnson said he does not recall whether the contract provides for as-built drawings, but his recollection is that the owners have agreed to indemnify the town for its work, even if it was negligently performed. The obligation upon the owners runs with the land, so the new owners if the property is transferred, will assume that obligation. The town is in good shape.

Status of Post Office – Mr. Milone reported that the new facility was subject to mandatory review for compliance with revised business rules for facility space planning, and as a result the post office has decided to eliminate the open merchandising area, reduced the number of service counters from 3 to 2. They have taken the 4800 s.f. building and reduced it to 2500 s.f. It is expected the architect will meet next week with Town Planner Voelker and Mr. Sitko, and more specificity will be provided after this meeting. The Chamber of Commerce is very disturbed about this continuing delay and wrote a strong letter to our U. S. Representatives and Senators, asking them to insure this project moves along quickly.

D.A.R.E. Vehicle – the police department has acquired a Jeep from a drug raid, and it will now become part of the fleet as the D. A. R. E. car. This adds another four wheel vehicle to the fleet, and provides additional towing capacity.

Slow Down Week – June 18 – 22 will be the week designated for traffic to slow down throughout town, and this will be publicized in the media.

Calcagni Associates has donated crossing signs at the intersections of the Linear Trail, except for Route 42 which is a state road and cannot have bolted signs into the road surface. Pedestrians in the walk ways have the right of way over a motor vehicle, and this is another way to reinforce granting the right of way to pedestrians in a walk way.

Housing Authority Grant – The \$250,000 grant has been received; the work will go out to bid; and work will take place on improvements to the houses.

Community Pool – At the end of the school year the town has had a free day for anyone wanting to swim in the town pool; this year there will be dollar days on June 20, 21, and 22.

Consultant's Report – The Parks and Rec Commission met last week with the lead team staff person from Aquatica; many questions were answered; a follow up meeting will be held with the commission to address issues and concerns; and after that meeting the Parks and Rec Commission Chairman, Mr. Nankin, and Director Ceccolini will meet with the Council.

Bartlem Park Excavation – there are plans for a 90 ft. diamond at the park, and the fill must be removed from the site; the PW crews are utilizing the heavy equipment rented for the culvert work to move the fill and bring it to the former land fill site. This work should be done by next Wednesday. There could be dust going into the pool, but there is extensive weeding and grass on the pile which will limit the amount of dirt blowing off into the pool. Also, the pile will be watered before being moved. If there are concerns for the pool, the work would be stopped immediately.

Emergency Operating Plan – Chief Casner submitted this plan to the State; it was well received; and supported by all the things Cheshire has in place.

Town Wide Energy Policy/Energy Star Program – there is a letter in the packets from the EPA, and Cheshire has made a commitment to be a member of the program to improve its energy performance. Energy Star provides support and resources to the town, and we have been notified that everything done in the application is approved, and Cheshire is now a program member. Part and parcel of this was the adoption of the townwide energy policy in May 2007.

9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS

10. REPORTS OF COMMITTEES OF THE COUNCIL.

- A. **Chairman's Report.**
- B. **Committee Reports.**
- C. **Miscellaneous**
- 11. **APPROVAL OF MINUTES**
Regular meeting of May 8, 2007; Special Meeting of May 21, 2007;
Special Meeting of May 22, 2007.

MOTION by Mrs. Ecke; seconded by

MOVED that the Town Council approve the minutes of the following meetings:
Regular meeting of May 8, 2007; Special Meeting of May 21, 2007; Special Meeting of May 22, 2007, subject to corrections, additions, deletions.

Discussion

VOTE The motion passed unanimously by those present.

- 12. **MISCELLANEOUS AND APPOINTMENTS**
 - A. **Liaison Reports**
 - B. **Appointments to Boards and Commissions.**
- 13. **COUNCIL COMMUNICATIONS**
 - A. **Letters to Council.**
 - B. **Miscellaneous**
- 14. **EXECUTIVE SESSION**
 - A. **Land Acquisition**
 - B. **Pending Litigation**

15. **ADJOURNMENT**

MOTION by ; seconded by

MOVED that the Town Council adjourn the meeting of June 12, 2007 at

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk