

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON
TUESDAY, OCTOBER 10, 2006 AT 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.

Staff Present: Town Manager Michael A. Milone; Town Attorney John K. Knott; Personnel Director Louis Zullo; Town Planner William Voelker; Economic Development Coordinator Jerry Sitko.

I. ROLL CALL

Mr. Ecke read the fire safety announcement. 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. Breast Cancer Awareness Month

Mary Ann Vanderjagt from the American Cancer Society addressed the Council on the importance of Breast Awareness Month. Ms. Vanderjagt said she would be working with the Cheshire Crusade Against Cancer Task Force. The group will hold a tea on October 24th at 10:30 a.m. at the Senior Center. Ms. Vanderjagt commended the Town of Cheshire for the excellent job the community does in making the public aware of cancer. She brought materials for the public to take home and read, and informed the group that the AMC "800" number is available 24/7 to the public.

Town Manager Milone reported that there are Breast Cancer Awareness signs throughout the Town, and the ¼ mile long markers on South Main Street will be completed so people can walk and monitor their mileage. There will also be newspaper articles published from the Crusade Against Cancer group for more public awareness of cancer.

Chairman Hall read the proclamation of Breast Cancer Awareness Month (October) in Cheshire.

B. Public Comments

Robert DeVylde, Sr. Jinny Hill Road, addressed the Council on the bulky waste pickup program, noting that the Town has never looked so dumpy. He suggested going back to the annual pickup, on a monthly basis, with people for Monday trash collection putting bulky waste items out on April 1, with April 5th pickup, and continue this plan for 5 months until the program is completed. Mr.

DeVylder noted that when the bulky waste pickup went to every two years, he made commented on the fact that there would be mountains of trash on the streets.

Mr. Milone explained that the bulky waste pickup program was changed two years ago to an every other year plan when the Town was in enormous financial strain, and some services were eliminated or modified.

The 2004 pickup program went well with the pickup scheduled into 5 sections to go quicker, with collection corresponding to the day of normal trash collection. Also, the bulky waste program was moved from the spring to the fall because people thought it unattractive in the spring when everything is beginning to bloom. With an every two year bulky waste pickup, there will be a significant volume of items, and it is far more than the vendor expected.

After this collection program is over, Mr. Milone will report to the Council on the tonnage collected, costs, whether the hauler can meet the volume of tonnage, etc. At the present time, the collection program is one week behind, and the hauler is now working Saturday and Sunday to catch up with the pickups.

With regard to the suggestion on a once a month pickup, Mr. Milone said that would not work, and it would also move the bulky waste program out for 5 months rather than 5 weeks.

Mrs. Visconti said this matter would be discussed at a Solid Waste Committee meeting, and she welcomed Mr. DeVylder to attend this meeting.

Derf Kleist, 251 Lancaster Way, stated that the longer the trash is out, the less the tipping fee will be. He said that Hamden residents call into the vendor for a large pickup. Also, he suggested there be a web site for the community pool.

Kitty Peterson, 1335 Peck Lane, asked about the upcoming leaf collection pickup program, and what will be done about it. She noted that surrounding towns do not require residents to bag leaves, but to leave them on the curb, and the town sucks them up and takes them away.

James Miele, 396 South Main Street, addressed the Council on behalf of Ravenswood, asking about the status of the Strathmore Dam issue.

Chairman Hall reported that a letter was received from Mr. Miele with respect to the dam, and the matter has been referred to the Budget and Planning Committees of the Town Council.

Town Manager Milone said he would e-mail the Council members and Mr. Miele of scheduled dates for committee meetings.

When this matter comes back to the full Council, Chairman Hall said there may be a public hearing on the Strathmore Dam issue, and everyone will be advised when the matter comes out of committee.

4. CONSENT CALENDAR

MOTION by Mr. Ecke; seconded by Mr. Orsini.

BE IT RESOLVED, that the Town Council approves Resolution #101006-1.

RESOLUTION #101006-1
CONSENT CALENDAR FOR
OCTOBER 10, 2006

BE IT RESOLVED, that the Town Council approves the Consent Calendar for October 10, 2006 as follows:

- A Acceptance and appropriation of a \$1,350.00 donation from the David and Beverly Euerle to the Parks Gift Account for the purchase Of a memorial bench.
- B Appropriation of \$6,483.00 from the Connecticut Commission on Culture & Tourism grant for a Theater Coordinator and production And artistic personnel.
- C Authorization to apply for, and acceptance and appropriation of a holiday DUI enforcement grant from the State of Connecticut Department of Transportation.
- D Authorization to execute a State of Connecticut Department of Emergency Management and Homeland Security Agreement for Acceptance of EMPG Program Conditions of Eligibility and Budget Estimate for FY 2007.

Discussion

Mr. Milone informed the Council that Item D is a \$3500 grant to defray expenses of the Town's Department of Civil Preparedness. One-half of Chief Casner's salary as Head of the department, \$1800, will be paid; and one-half of selected items will be reimbursed at one-half, i.e. fax and radio communications system. There is no additional spending on the part of the Town with this grant.

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: Cheshire Youth Baseball's request
For commitment of land.**

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

BE IT RESOLVED, that the Town Council approves Resolution #101006-2

RESOLUTION #101006-2

WHEREAS, Cheshire Youth Baseball has initiated an investigation of the construction of ball fields at the former State of Connecticut property at Jarvis Street and Route 10, and have requested an exclusive commitment of land for a period of six (6) months, before they proceed with determining the feasibility of development of a design, application for grants, etc.

NOW, THEREFORE, BE IT RESOLVED, That the Town Council agrees to temporarily reserve, for six (6) months effective from the adoption date of this resolution, said land located at Jarvis Street and Route 10 for construction of ball fields by Cheshire Youth Baseball, subsequent to the agreement of Council on any proposals from Cheshire Youth Baseball.

Discussion

Chairman Hall said this resolution arises from a discussion last month when Cheshire Youth Baseball (CYB) made a presentation to the Council for commitment of land for a baseball complex.

Mr. Altieri said this resolution solidifies for CYB and the Town Council an understanding of what the parameters are in terms of what is expected from both parties. The Council would like to have CYB return in 6 months with an update on their progress, intentions, and fund raising efforts. Then, the parties can go forward and discuss the issues in more detail.

Rich Kaplan and Bruce Diamond represented Cheshire Youth Baseball.

Mr. Kaplan said there is an important area going into this development proposal about the usage of this complex, and not misleading what this complex will be about. He wants people to understand the complex will be for the use of CYB and softball players. CYB wants to develop, operate, maintain, schedule and be ultimately responsible for the complex. It will not be a Town operated complex, and this must be stated at this point in time.

Town Attorney Knott stated that it should be clear from the resolution that the Council is not agreeing to anything. Whatever proposal comes up involving the lease of land, the terms of that lease will have to be negotiated. In the past the Council did go out for an RFP for that property for a skating rink, with no takers. But, a lot of the principles important to the Town in terms of use are still floating out there. While it may be CYB's idea to control, run it for certain purposes, at this point, there is no agreement with the Council. That proposal must all be put together by the Council, assuming it is feasible to do this.

Bruce Diamond, CYB representative, stated that the group is happy with the resolution as stated. Many people will be involved in this project, but the resolution has not been discussed with CYB, and there is a degree of comfort with this resolution at this time.

Mr. Kaplan said CYB wants to make sure that in the development process when they are requesting large sums of money to come back to the Council and say they have the funding, these donors need to understand the purpose and use of the complex. Or they would not be able to make a commitment to CYB. The resolution is fine now, but he has concerns about asking people to make serious commitments and not really tell them it is CYB's complex.

In the next month, Mrs. Esty said it would be helpful for CYB and the Town Council for CYB to work on the questions of ownership, liability, maintenance, and look at what else has been done in the area. She said it would be unfair for CYB to go down the road assuming total ownership and control, etc. and then the Council says it is an unacceptable model to them. There are many surrounding communities with baseball complexes and relationship to the Town, and the details of these facilities should be made known to the Council. At this time she cannot tell whether this is a feasible relationship, and whether the CYB's desire for control would be amenable to the Council. Mrs. Esty would like an update from CYB (in a month or two) on the different structures and how they work.

According to Attorney Knott, these are important issues, and the purpose of the original letter was to determine feasibility before going out to raise money. This is the purpose of the resolution. This is six months without consideration of use for anyone else but CYB determining how they would like to have this operate. If it fits in with the Council's interests, then an actual document will be developed; then fund raising begins.

Mrs. Visconti asked what percentage of games would be played at the complex, and said people might be concerned that other groups cannot use these fields.

In reply, Mr. Kaplan said the plan would be to field the complex with as many games as possible, taking the load off the Town fields. He stated agreement with the Council and Town Attorney's comments, and CYB needs the knowledge to go forward and make this work.

It was recommended by Mr. Altieri that CYB look at the Yalesville complex, and going out and explaining to people exactly what will be happening at the Council level, telling them that the hope is for control and scheduling by CYB.

With the wording of this resolution, Mr. Orsini thinks the Council is voting in favor of exclusivity for CYB for 6 months, and there will not be approval of any transaction with any other entity for the use of this land. There will be a minimum wait of 6 months to see what CYB comes back to the Council with. But, we are not seeing here any promise to enter into an agreement with CYB.

Mr. Orsini commented on his involvement with the attempt to get a private developer to build a recreation facility on that land. Time was spent on drafting a land lease with a private entity leasing public land to conduct a private business. He suggested CYB get a copy of that lease and use it as a model. As a private entity, the facility would be CYB's to operate and maintain. Before investors will spend money, they will want to know the terms of the land lease, i.e. \$1 per year, \$100,000 per year. CYB will also have to comply with the zoning regulations, put a plan together to go before Planning and Zoning Commission, and if they deny the application, then it is done.

Mr. Schrumm commented on the exclusivity of this resolution, and it bothers him. He commended CYB for the proposal, and he endorses private entities doing something like this. If CYB cannot go to potential donors and say with certainty what the deal is, what the Council has agreed to, what the rent will be, etc., without the exclusivity...what is different? He asked about the need for the protection of exclusivity when CYB cannot guarantee anything anyway.

The #1 concern of CYB is confusion with other organizations trying to build something on this property. Mr. Kaplan said this is why CYB is asking for this period of time to promote and do its thing without another sports organization or company doing the same thing at the same time. This is a concern to CYB because they are the ones trying to do this.

Mr. Schrumm said he could see the Council saying that for the next 6 months nothing will be done with the land. But, giving one group exclusivity is not giving a chance to other groups. The Council is dealing with public land. If another group asked him about the exclusivity to CYB for 6 months, Mr. Schrumm could only say that CYB was the first ones in and they got the 6 months. The way the resolution is worded, the Council is tied to CYB to the detriment of other groups. This is public land, and Mr. Schrumm said it all looks simple, sounds simple, but nothing in the public domain is simple.

Mr. Kaplan stated his understanding of what is being said by everyone, but CYB must start somewhere, build its complex, and is going for it. CYB realizes what the Town and the Council must do, and is asking for permission for CYB to do this...and have the exclusivity to start the process.

Mr. Altieri understands what Mr. Schrumm is saying, and one of the things in raising money for a particular project involves contributors who will only contribute to one sport...baseball, football, basketball...and some will question control of the complex. If CYB could have a good start there may be commitments from some people.

Mr. White commented that there is a 6 month exclusivity, and then there is the lease and the contract.

During the 6 months, Mr. Schrumm said CYB is no more able to tell people the rules than right now. CYB can tell donors they have 6 months lead time, but there will be questions about the exclusivity of this...i.e. will it only be used for CYB, or is it like the hockey rink with the deal of the RFP for public use of the facility. At the end of the 6 months, someone else could come in and bring in another great project for a privately funded solar heated pool, and the Town could go with that option. Mr. Schrumm believes the Town is giving something away here which does not have to be given away, and starts us down a path which may cause problems.

It was noted by Mr. White that this CYB proposal has been in the newspapers, and asked Mr. Milone if there have been any comments or questions to the Town Manager.

Mr. Milone said there was one request today for a copy of the resolution.

Mr. Kaplan informed the Council that CYB is a non-profit organization.

Mr. Altieri informed the Council and the public that Rich Kaplan is his brother-in-law.

With regard to exclusive commitment of land, Mrs. Esty said the general principle of "not accepting or going out with any RFPs for a period of 6 months or accepting other proposals for 6 months" would be more appropriate language. This would achieve the objective of not submitting any RFPs or entertaining any other proposals during this period of time. She suggested the following language for consideration: *"That the Town, for a period of six (6) months, not entertain any proposals for the use of this land or submit any RFPs for the use of this land"*

Mrs. Esty said the Council is not holding this land for CYB; it is saying it will not promise it to anyone else; and will not take any other proposals during this time.

Mr. Kaplan and Mr. Diamond stated that this language in the motion is a sensible solution, and would achieve everyone's desires.

PUBLIC COMMENTS

Robert DeVyllder, Sr., Jinny Hill Road, stated he was offended by the nepotism of a Town Council person representing a relative on a matter before the Council. It would have been proper for a disclaimer beforehand stating he was a relative of a person coming before the Council. Mr. DeVyllder said this CYB proposal sounds like the pool hearings, which would be a self sufficient operating unit, and there is now \$400,000 a year, and the pool is not self sufficient. He is not looking for any more things which will raise his taxes. Mr. DeVyllder raised questions on whether CYB's baseball program is open to all children, or only open based on ability, looking for super stars, or will CYB take any child into its program. This property was given to the Town for Town use, with the Council and Town Manager in charge, and he asked if the Council is giving this piece of property to a certain organization with exclusive use. The proposed boundless playground will be open for all children to use at the park, and there should be no discrimination against children. Mr. DeVyllder stated that this proposal should be looked at carefully because this property was given to the entire community and not just a few people.

Mike Savino, 60 Sorghum Mill Drive, member of the Thomas Brook Little League Program, stated it is a good idea to build ball fields in Town, and his league has both spring and fall programs. He questioned taking public land and giving it to a private organization, excluding other kids programs. His organization has a problem getting fields to play games, and it would also like to be part of the fund raiser for this complex. Mr. Savino asked whether all the taxpayers in Town will get access to these fields. Thomas Brook Little League represented over 200 families in Town who pay taxes, and Mr. Savino does not want exclusivity to CYB if these fields are built.

Chairman Hall explained that this resolution is about a 6 month window, and there will be other opportunities regarding this proposal when CYB comes back to the Council.

Rosemary Carbone, 447 Radmere Road, said her son plays for Thomas Brook Little League. She requested the Council postpone its vote on this resolution so there is more town involvement, for a more inclusive goal for the entire Town. The Cheshire Challengers should also be considered in this proposal, with Parks and Rec Department input. Ms. Carbone commended CYB for spearheading this need for more ball fields in Cheshire, which would alleviate some of the problems at the MacNamara Field neighborhood. She suggested a round table discussion about the ball fields, with people coming together for all of the children who play baseball and softball, and build a facility which all groups can use. The language in the resolution is for the group which would be leasing the land, and it should be tabled to a future meeting.

Greg Frederick, Brook Lane, commented on having a problem with the way the resolution reads with CYB having 6 months of exclusivity, and asked the Council

to let other groups get involved. Leaving the resolution as it now reads allows CYB to raise money for their proposal, and the Council will be hard pressed to say no.

Councilor Altieri stated he took offense to Mr. DeVlyder's nepotism comment, and said at no time was he ever part of the planning for this proposal. He has no children or special interest in CYB, and as head coach at Sheehan High School, he has no reason to promote this proposal. Mr. Altieri said he has told everyone of his relationship with Mr. Kaplan.

Mr. Ecke said that at the last meeting, Mr. Altieri did disclose his relationship with Mr. Kaplan.

Town Attorney Knott proposed the following amendment to the resolution. The clerk read the amended resolution into the record: (changes noted in bold type)

RESOLUTION #101006-2

WHEREAS, Cheshire Youth Baseball has initiated an investigation of the construction of ball fields at the former State of Connecticut property at Jarvis Street and Route 10, and have requested **that the Council retain from entertaining any other proposals for the use of this property** for a period of six (6) months, before they proceed with determining the feasibility of development of a design, application for grants, etc.

NOW, THEREFORE, BE IT RESOLVED, That the Town Council agrees to temporarily reserve, for six (6) months effective from the adoption date of this resolution, said land located at Jarvis Street and Route 10 **for the purpose of permitting CYB to make a proposal for the construction of ball fields by Cheshire Youth Baseball, on said property. Any proposal shall be subject to approval of the Town Council after all Charter, Statutory, Regulatory requirements are followed.**

Attorney Knott stated there are many issues and work to go into this matter by statute, 8-24; there are Charter requirements entering into the lease; there must be a public hearing on the lease; land issues have to be developed; and this resolution clarifies that CYB and the Town have 6 months.

Mr. Altieri and Mrs. Visconti agreed to this substitute resolution.

Mr. White suggested tabling this resolution for two weeks because of the different options out there, i.e. the goat pasture at Cheshire Park, in which other groups may be interested.

Mr. Orsini said he could support the resolution, and made the following comments around the resolution. He noted one comment concerning a private

entity building a complex on the land, and at some future point, did not maintain it properly, then the Town would have to take over maintenance of the property. There are issues which can be addressed through negotiations on the lease, i.e. maintenance bonds. Because this is Town owned land, he asked how it is known that this use would not be reserved just for an exclusive group with certain abilities. With the former ice rink proposal on Town owned land, the Town wanted to make sure that Town residents got some special consideration as part of the negotiation. That issue could also be addressed during lease negotiations. All of this would be subject to public hearing before the Town could enter into a lease.

At this meeting, Mr. Orsini said he heard about other groups who want to sit at the table to discuss this issue. If the concept is that the Town would enter into an agreement with a private organization such as CYB, the other groups, Cheshire Challengers and Thomas Brooks League, are also private organizations. They all have one major commonality...the support of baseball and softball in Town. Those groups should get together to talk about finding areas in common to work things out.

Mr. Orsini questioned whether a local government should be involved in getting these private groups together at the table, and he does not think it should be involved. The Council and Town Manager cannot initiate this discussion. At the time of the public hearing when entering into the lease, it is in the best interests of all the groups to discuss the issue, come together in some form, in support of some type of private use of this public land. Under that framework, Mr. Orsini said he would support the resolution on the floor.

Mr. Ruocco asked about what happens in 6 months. CYB can fund raise, set up plans to do something which the Town may not legally be capable of doing – to provide public land to a private organization. If this came to pass, he would not support it. In the interest of the possibility of freeing up other space (such as MacNamara Park) in Town perhaps for the exclusive use of other leagues, this may all be a possibility. It was noted by Mr. Ruocco that a \$1.4 million proposal was in the capital budget to build a baseball facility on Jarvis Street and it never got through committee. There is interest amongst the baseball community to build these fields, but not among the general public. In the interest of forming a partnership between private and public entities...one that could benefit every baseball league in Cheshire...it is difficult for taxpayers to support these growing organizations.

Mrs. Visconti believes that this will be allowed under State law as this was the understanding of the RFP that went out for the hockey rink. Also, Thomas Brooks and Challengers should go to the Parks and Rec Department to determine the effect on them if this proposal were to go forward.

VOTE The motion passed 8-1 with Schrumm opposed.

B. Discussion and action re: appointment of study group/steering Committee for West Main St. Streetscape project.

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

BE IT RESOLVED, that the Town Council approves Resolution #101006-3

RESOLUTION #101006-3

BE IT RESOLVED, that a West Main Street Streetscape Project Study Group/Steering Committee be established to work with Town Staff to develop a Request for Qualifications (RFQ) for selection of a design consultant for said project, and to evaluate proposals in response to said RFQ, and make a recommendation to Council. Upon Council's approval of a design consultant, said Group will work with Town Staff and the selected consultant on the design elements of this project, will gather public input, and will make a recommendation to the Council as to the final design. The Group shall terminate upon approval by Council of a final design for this project.

The Group shall consist of the Executive Director of the Chamber of Commerce, and two (2) representatives from each of the following commissions: Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Economic Development Commission, Public Safety Commission, and the Beautification Committee.

Discussion

Town Manager Milone stated that this resolution is a reaction to the Town Council's suggestion during the capital budget process when time was spent looking at the challenges which must be faced for the West Main Street Streetscape project. Mr. Milone informed the Council that the 2nd STEAP grant from the State was denied, but the Town can apply again in the subsequent fiscal year.

It is the recommendation of Town Planner Voelker and Town staff that a steering committee be formed composed of members from the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Economic Development Commission, Public Safety Commission, Beautification Committee, and the Executive Director of the Chamber of Commerce.

Mr. Voelker explained the process for the West Main Street Improvement with the Consultant Selection, Project Design, and Project Approval, with a time period for completion of 13 weeks. Once the committee is formed, it will present an overview of the project and discuss the RFQ. The consultant candidates would be interviewed, with a recommendation made to the Council. Once the consultant is selected, the committee and staff will work with the consultant on specific project design. Property owners will be invited to the process to resolve

problems and issues. If the Council decides to proceed, approvals from IWWC and State DOT will be required. The Council will review all the information and make a recommendation for public information meeting to review the design considerations, and all residential and business owners in the area would be invited to participate.

Mr. Sitko explained the Council will review the RFQ, sign off on it. The final design will be brought back to the Council. The intent is to be reasonable, doable, and inclusive. Mr. Sitko said he looks forward to working with the committee on the West Main Street project, and Council members are invited to attend all committee meetings.

During the CEP process, Mrs. Esty said there were many concerns and she is pleased efforts were made to bring in the expertise of Town board and commission members. She noted that the draft does not list any business representatives (retail, commercial, industrial) on the committee, and believes that they should be added,

In that regard, Mr. Voelker said that there are unique design challenges on each of the properties. Staff did not want there to be a perception that any major stakeholder or individual property owner was in charge or had weight in the process. But, there will be meetings with the property owners for input on the project. However, it is the Council's choice to add business owners to the membership of the committee.

One of the issues raised for this streetscape project was safety, and Mrs. Esty commented on the lack of sidewalks, drainage issues, and speed limits in the area. She hopes DOT will be included from the beginning of the process for slowing down the traffic and building sidewalks.

Mr. Voelker stated there are numerous alternatives for crossing West Main Street, and the committee will be looking for a resolution to expansion of the Linear Trail. Those solutions will be part of the design process.

Regarding the Linear Trail, Mr. Schrumm stated this is a great asset to the Town, and anything that happens on West Main Street is related to the Trail. Revitalization of this area requires people coming to the area. He agrees that a solution will be found for crossing West Main Street and this is an integral part of the streetscape project. Mr. Schrumm suggested that the Parks and Rec Commission members be part of the steering committee.

Mrs. Visconti said it is difficult to get the State involved and move the process as fast as the Council wants. She asked if Town staff has been talking to DOT staff.

Mr. Voelker replied he is confident the Town will get some review time with the DOT.

Mrs. Visconti agreed that property owners should be members of the committee, having someone who works or lives in the area. A letter could be sent to residents and business owners requesting participation on the committee.

With the committee makeup, Mr. Voelker noted that two members from each group is recommended, because everyone cannot make every meeting.

Mr. Ruocco asked if the Town is looking at the physical design, and the intent of the economic impact. He said it is possible that many people are not sold on this idea, and there should be a return on investment made on this project. This is about economic development, and it must be sold to the public that the Town can increase its taxes with this project.

In his opinion, Mr. Voelker said this is the type of project that activates areas as never before. The trail gets much use and this project will activate West Main Street.

This project has been around for many years in the Town Beautification Plan, and Mr. Sitko noted that streetscape improvements have happened in other areas of the Town.

As for keeping the business and residential property owners apprised of what is going on, Mr. Milone said there has been ongoing dialogue with these people. He will provide them with a letter about the Council's decision, and keep them informed and involved, so they do not feel excluded. They will be invited to attend the committee meetings, and there will be time in the process where they will be actively involved.

This is an economic development project, and Mr. Schrumm said it will cost \$70,000 to bond this project over 20 years. With revitalization of some of the buildings in the area, the Town could raise more than \$70,000 in taxes, with the project self-funded by payment of taxes.

Amendment to the motion by Mrs. Visconti; seconded by Mrs. Esty.

MOVED that one residential and one business property owner be added to the Steering Committee membership.

Mr. Sitko stated it is up to the Council to decide if a residential and business property owner should be included on the committee. The people in the area will be encouraged to look at the plans. He questioned which residential and business owner would be appointed to the committee.

Chairman Hall noted that at any given time, the Council could vote to expand the committee.

Town Manager Milone explained that a letter will be sent to the Chairs of all boards and commissions noted in the membership for appointment of two representatives to the Steering Committee. He agreed with Mr. Sitko and Mr. Voelker about not including residential or business owners on the committee. He does not want to be put in a position to name and pick someone for the committee. Once that is done, there is exclusivity, and the committee wants to be an advisory group.

Mr. Sitko said that the meeting schedules can be sent to all residential and property owners in the area, and they will be encouraged to attend the meetings.

Based on the explanations of Mr. Sitko and Mr. Voelker why residential and business owners should not be on this committee, Mr. Orsini said he is in agreement. He will vote no on the amendment to the resolution.

Ellen Carson, Peck Lane, asked where this development starts and ends, whether staff is talking to business owners and how they feel about this revaluation.

In reply, Mr. Sitko informed her and the public that it starts at Grove Street and ends at Deepwood Drive.

Town Manager Milone explained that this is not a "revaluation" but a street scape improvement for West Main Street. Letters have been sent to the property owners about the process and preliminary plans, and some have taken advantage and some have not, but they are aware of the process.

Ms. Carson said she has spoken to some property owners, and they are unaware and uninterested in this project.

VOTE on the amendment to the motion: In favor (2) Esty and Visconti; Opposed (7) Schrumm, Orsini, Ruocco, White, Hall, Ecke, Altieri. The amendment failed to pass.

VOTE on the substitute motion: The motion passed unanimously by those present.

C. Discussion re: Consideration of formation of Elderly Tax Freeze Study Group.

This issue was added to the agenda at the request of Councilor Ruocco.

Town Manager Milone reported that this issue will be the subject of the Ordinance Review Committee meeting, October 11th, 7:30 p.m. in Town Hall. He has worked with Tax Assessor Panagrasso and Mrs. Esty, on an overview of the

existing legislation, what the State has done with its program, cost-out variations of options going forward under the existing statutes.

Mrs. Esty informed the public that two meetings will be held on the elderly tax relief programs – October 11th and November 2nd. The Council must make changes in the program in January 2007.

Mr. Ruocco read his proposed resolution into the record. He said he wants input from the Council with this resolution on the agenda of the October 24th Council meeting. He wants to get people involved and de-politicize the issue.

Proposed Resolution

WHEREAS, approximately three thousand (3000) Cheshire residents supported a petition for a tax freeze for individuals over the age of sixty-five (65) and for the disabled, and

WHEREAS, a comprehensive review of the current elderly property tax relief ordinance is in order given the recent changes to the Connecticut General Statutes which allow for such a tax freeze,

NOW, THEREFORE, BE IT RESOLVED, that the Cheshire Town Council hereby authorizes the establishment of an independent study committee for the sole purpose of reviewing the current elderly property tax relief ordinance, and whose charge it will be to make recommendations for changes to said ordinance, to the full Town Council.

BE IT FURTHER RESOLVED, that said committee shall be comprised of at least seven (7) persons, including one (1) Councilor from the majority party and one (1) Councilor from the minority party, and five (5) or more residents (other than members of the Town Council) who represent a reasonable cross section of the population of Cheshire.

BE IT FURTHER RESOLVED, that draft recommendations of this independent study committee shall be due to the Budget and Ordinance Review sub – committees by January 9, 2007, with all recommendations of this independent study committee due to the full Town Council no later than January 23, 2007. The committee shall be dissolved upon acceptance of the recommendations by the Town Council.

Town Attorney Knott stated that when 12-127n, Elderly Tax Relief was originally considered there was a committee formed similar to the one now proposed. A recommendation was made by this committee; an ordinance was approved and modified; and it requires the Council, as the fiscal authority, to amend it. The statute permits public and Council members on the committee. In the past the Council has approved study committees (Energy Reliability and Legal Services), and they are authorized in the by-laws.

The Town Charter and Council By-Laws permit the composition of such a committee. Chairman Hall noted that the Ordinance Review Committee is charged with this particular investigation and a study group has merit. Seven (7) members is a good number, and he questioned whether two (2) of the members must be Council members.

Attorney Knott advised that the study group may be persons other than Council members, have odd number members, and they must be appointed by vote of the Council.

This issue requires further review, and Mr. Hall said the study group would be working with the Ordinance Review Committee, and reporting to the Council.

Stating he shares Mr. Ruocco's concerns about this issue, Mr. Altieri asked if this group would look at the tax freeze or the big picture of senior tax relief.

Mr. Ruocco said it would be for review of the ordinance, so it is the big picture, and a freeze may not even be the answer. If there is a tax freeze it would come under the ordinance.

One of the primary catalyst in this matter is the petition organizers and their support. Mr. Hall said he would not want confusion about the first paragraph of Mr. Ruocco's proposed resolution, and questions whether it serves the resolution well.

In response to a question from Mr. Altieri about who this study group would report to, Chairman Hall said that, historically, this has gone through the Ordinance Review Committee first and then the Budget Committee. He asked if this should be done in this case. Also, the language in the resolution should be reconsidered in this regard.

Mrs. Esty stated her support of citizen input, and that a cross section of people should be involved. It would be a stronger study group with just members of the public. The language in the resolution should be tightened up and revised for the Council meeting of October 24th.

Attorney Knott advised he would review the resolution and have it available for Council action on October 24th.

Mr. Orsini wanted the Council to vote on the formation of a committee with the understanding that there would be no names available and included in the resolution at the October 24th meeting. He now senses a reasonable compromise at this meeting and this will be an action item, with the Council prepared to appoint seven (7) people to the study group. He asked how names for appointments would be decided.

Chairman Hall advised the Council that he would transmit names of appointees via e-mail for consideration and appointment with adherence to minority representation.

Regarding the last paragraph of the resolution on where the recommendation of the study group will go, Mr. Schrumm noted the resolution says it goes to Budget and Ordinance Review Committees. Mr. Schrumm stated it should go to both committees at the same time. He noted that sign-up for elderly tax relief begins sometime in February.

Chairman Hall stated his strong disagreement about comments that the elderly tax relief is not an important issue for all Council members. People are concerned that the petition was rejected on legal technicalities and that the hard work of the petitioners was gone unnoticed. Mr. Hall explained that this is not the first time the Ordinance Review Committee has considered a freeze along with other issues throughout the years. There is significant support for this item going forward and the Council wants a workable and final draft to vote on in two weeks.

Derf Kleist expressed appreciation to the Council for making this study group a public committee.

D. Discussion and action re: Economic Incentive Agreement with Alexion (possible executive session)

MOTION by Mr. Ecke; seconded by Mr. Orsini.

BE IT RESOLVED, that the Town Council approves Resolution #101006-4

RESOLUTION #101006-4

BE IT RESOLVED, that the Town Council hereby approves the economic incentive for W. E. Knotter, LLC as Lessor and Alexion Pharmaceuticals, as Lessee, as presented, and authorizes the Town Manager or his designee to execute an agreement for said incentive, pursuant to approval by the Town Attorney as to form and legal sufficiency.

Discussion

Mr. Sitko summarized the information for this economic incentive, stating that Alexion Pharmaceuticals has been in Cheshire since 2000, came from Science Park in New Haven, is a bio-tech company, and employees 200 people. The company operates out of 134,000 s.f. of space with 40,000 s.f. leased by Arch Chemicals. W. E. Knotter LLC has applied for the economic incentive program. The company will construct a 25,000 s.f. addition, supporting 50 more jobs over the next 5 years. The Alexion building is their international headquarters and

research center. The estimated value of the relief over 7 years is just over \$300,000; there is a return on real property tax revenue is \$369,000 to \$370,000; Alexion currently pays \$79,000 in personal property taxes; and factoring in the PILOT reimbursement it is \$118,000 in taxes paid. W. E. Knotter LLC pays \$138,000 in property taxes to Cheshire annually.

Mr. Sitko said this is a good project with a good company. They are working on a drug which treats blood disorders, and awaiting FDA approval. This is a growing company; it is supportive of the Cheshire Chamber of Commerce and other community activities; and the EDC supports this incentive request.

Town Council approval is needed to ratify the incentive plan, and the Town Attorney has drafted an agreement for Council approval.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council enter Executive Session at 10:20 p.m. to include the Town Manager for all items; Personnel Director Zullo for all personnel items; Library Director Harten for Library items.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 10: 40 p.m.

VOTE The motion passed unanimously by those present.

**E. Discussion and possible action re: Collective Bargaining
Negotiations, agreements with Town Hall and Public Works Unions,
(possible executive session)**

(1) Approval of agreement with Town Hall Union

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

BE IT RESOLVED, that the Town Council approves Resolution #101006-5.

RESOLUTION #101006-5

BE IT RESOLVED, that the Town Council approves and authorizes execution of the collective bargaining agreement for the Town Hall Union, AFSCME, Council #4, Local 1303-374 for the term July 1, 2006 through June 30, 2009, under the terms and conditions presented.

Discussion

Personnel Director Zullo reported that the Town Hall union voted last week ratifying the contract 32-6. The contract was before the Council in September, and a summary of the contract was in the Council packets.

In summary, Mr. Zullo informed the Council there is a one time service option on the retirement plan; HMO premium share stays at 7% for 3 years; employee contribution on the preferred provider goes to 11%, 11.5%, and 12%; the HSA was accepted at 0%, 3% and 3%; prescription co-pay stays \$5, \$15, \$25 in the first year, \$5, \$20, \$25 in the second year, and \$5, \$20 and \$30 in the third year; medical waiver increase to \$1250, \$1800 and \$2500. Those in steps 1 through 5 will receive 1.25%, 1.25%, 1.25% over the three years of the contract; and those at step 6 (maximum) will receive 3.25%, 3% and 3%.

With the pay steps for people in 1 through 5 each number is increased by 1.25% depending on when their step increase comes; there are those at step and those who receive the increase on their employment anniversary, and this will vary. The total cost of the contract nets out in the 4's.

In response to a question on the total cost to enroll an employee in the health insurance plan, Mr. Milone said the single premium is \$6833, couple \$14689, and family \$18,262 for Century Preferred. The HMO is about 10% less across the board.

Mr. Ruocco stated that this premium number is less than that paid by employees in private industry. He noted it is difficult for taxpayers to pay \$300 monthly for their own insurance premiums and then have to pay for health benefit premiums for town employees.

Over the last six years, Mr. Zullo said there has been a strategy to contain costs as much as possible for health benefits, and a prescription plan has been carved out. He said it would be difficult to get 15% to 16% sharing of premium costs.

Mr. White commented on being satisfied with this contract, but said he wanted to see the plan go from defined benefit to defined contribution for new employees. He will support the motion.

According to Mr. Zullo, employees have the option not to join; it is not mandated; they will get 3% to go into the deferred comp plan; and under this settlement there is the one time service option to close out their plan.

This has been a sore spot for sometime and Mr. Schrumm said he is not pleased with the inability to change the public sector from a defined benefit pension plans, and this will ultimately bankrupt towns and cities across the country. This Council did not take a firm stand on this issue. Citizens of Cheshire are facing a

faster escalation and increase in their own health care costs; defined benefit pension plans are being taken away or eroded; and the public sector just goes along with this continuing forever. For the next three years Cheshire's taxpayers do not have much to be happy about with these union contracts.

Town Manager Milone urged the Council to find another municipality working harder to contain benefit and pension plans. The Town's plans are not underfunded, and with the assistance of the Council the plans have been supported, and the cost is not excessive.

With regard to medical benefits, Mr. Milone said we are in a market where there are limitations going into arbitration and mediation. The Town's plans are as healthy as any in the State. He pointed out this is quid pro quo, but closing out these pension plans would have been too costly, and the Council said it was too severe. The matter will be revisited in three years.

Mrs. Esty commented that the numbers were looked at and presented by the actuary, and it would not have been responsible to push those costs on the taxpayers. Over time the climate may move, but what could be done was done at this time. As for the pensions, due to the stewardship of prior Town Councils, we have a well funded pension plan, and Cheshire has been careful and funded the plans well. The Council will continue to be careful with sheparding of public funds including the pension funds and meet its obligations.

It was noted by Mr. Altieri that the average salary of a Town employee is \$38,000, and this salary falls below the average annual salary in Cheshire. Town Hall employees are paying 11% contribution to their premium, and with their salary range this is a fair share.

Mr. Zullo said that every employee is paying 11% regardless of their salary, and it is true that the lower range employee is paying a larger share of their salary for benefits.

MOTION by Mr. Ecke; seconded by Mr. Ruocco.

MOVED to extend the Town Council meeting beyond 11:00 p.m. to the conclusion of business, estimated to be 11:30 p.m.

VOTE The motion passed unanimously by those present.

Regarding the pension plan, Mr. Schrumm said he did not acquiesce to the change in the plan costing more money and go along with it. His intent was to change the plan and do it the way private industry does it, but this cannot be done because of the control of unions in this State. Cheshire did miss an opportunity. He agreed with Mr. Milone that the Town Manager has worked very hard, and the Town is in good shape over the last 15 years to control costs.

During difficult times Cheshire put money into its pension plans when most other towns and cities were shortchanging their plans. However, the long term trend is that Cheshire faces the same economics and demographic situations as everybody else.

Responding to Mr. Altieri's analogy, Mr. Ruocco said he does not believe that because a person makes more money they should pay more taxes. He suggested modifying the teachers' contract so higher paid people (\$80,000 to \$90,000) have higher contribution levels. This may be the way to fix the problems in negotiations. There should be a staggered system – as salaries increase, contributions also increase.

Mr. Altieri said that for purposes of comparison, with this Town Hall contract, with the average salary it would be fair to look at the way it was negotiated. Someone making higher salary in private industry should not have to pay 30% premiums.

If this contract were not ratified by the Council, Town Manager Milone said that it would represent bad faith bargaining on the part of the Town since he brought these proposals before the Council. He was assured by the Council to go ahead, and settle the contract with the information presented to the Council. Nothing has changed tonight from the previous times this has been discussed.

VOTE In Favor 5: Ecke, Hall, Esty, Visconti, Altieri.
 Opposed 4: Orsini, Ruocco, Schrumm, White.

The motion passed 5-4.

(2) Approval of agreement with Public Works Union.

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

BE IT RESOLVED, that the Town Council approves Resolution #101006-6

RESOLUTION #101006-6

BE IT RESOLVED, that the Town Council approves and authorized execution of the collective bargaining agreement for the Public Works Union, AFSCME, Council #4, Local 1303-202 for the term July 1, 2006 through June 30, 2009, under the terms and conditions presented.

Discussion

Mr. Zullo stated that this settlement was ratified 24-8, with many of the same limitations as the Town Hall Contract.

VOTE In Favor 5: Ecke, Hall, Esty, Visconti, Altieri.

Opposed 4: Orsini, Ruocco, Schrumm, White.

(3) Approval of upgrade of a TH-2 clerk-typist position in the Parks and Recreation Department to a TH-3 Secretary as per The collective bargaining agreement mediated settlement.

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

BE IT RESOLVED, that the Town Council approves Resolution #101006-7

RESOLUTION #101006-7

BE IT RESOLVED, that the Town Council approves an upgrade of a TH-2 clerk typist position (salary range \$14.41 to \$17.61) in the Parks and Recreation Department to a TH-3 Secretary (salary range \$15.66 to \$21.21) as per the collective bargaining agreement mediated settlement.

Discussion

It was explained by Mr. Zullo that as part of the budget last year, Parks and Rec Director Ceccolini had two part time clerk typist positions – 21 hours per week union position and 14 hours per week non-union position. With the resignation of the 14 hour person, the other person was hired by Mr. Ceccolini to a full-time 35 hours per week union position. During mediation, this position was upgraded from TH-2 to TH-3 Secretary.

Mr. Ruocco said he voted in Personnel Committee to move this item forward to the full Town Council, but he would now vote against creation of a new full time position versus part time.

Mrs. Visconti asked what happens if this is not approved, even though it was mediated with the union.

There is more concern about the budgetary implications because we have two part time clerk typist positions, not an approved secretarial position. With this resolution, Mr. Zullo said the Town wants to legitimize the budget process for funding a secretary in the budget rather than two part time clerk typists. This upgrade was agreed to as part of the settlement.

Mr. Milone explained that the position of clerk-typist in the Parks and Rec Department was approved in the budget. This has been a full time, split position, for many years, with one person working 14 hours and the other 21 hours. When the 14 hour person resigned, Mr. Ceccolini appointed the 21 hour clerk to the full time, 35 hours per week, position. The position has been misclassified as a clerk-typist, when it is actually a secretarial position, with the person's duties those of a secretary.

Given the increased activity in the Parks and Rec Department over the past few years, the secretarial duties of the job, and the need for continuity in the office, Mr. Ceccolini asked that the position be upgraded to full time 35 hour per week, TH-3 Secretary position. Mr. Milone said he agreed with the upgrade after a review of the responsibilities of the job. The budgetary impact is 80 cents per hour or \$1400 per year, and the health benefit costs will be absorbed in the budget.

Mr. Milone advised that the full time person would be eligible for full medical benefits with an 11% contribution. When putting together the medical benefits portion of the budget, Mr. Milone said he always includes funding for additional single, couple or family benefits.

VOTE The motion passed 7 in favor, 2 opposed (Schrumm & Ruocco)

(Chairman Hall left the meeting at 11:15 p.m.)

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report.

B. Departmental Status Report

C. Other

Mr. Milone informed the Council that he would e-mail most of the information for his monthly report, and would highlight a few items of interest.

Road Reconstruction Status – Wiese Road, Harrison Road, and Peck Lane have two coats of paving. Mr. Milone expressed appreciation to the residents of these roads for their patience and understanding over the last few months during this road project. South Brooksvale Road will be paved from Avon to Route 10; Cook Hill to Sperry Road will be paved; and Wallingford Road from Route 10 to Talmadge Road.

Hamden Gravel Pit – there is a public hearing tonight in Hamden on this matter. There was a letter from Chief Cruess to the DOT making it clear that Cheshire wants to be part of anything done relative to the outcome of this decision. A recommendation from a traffic engineer is in the Council packets; and the recommendation indicates that before 9 a.m. and after 3 p.m. making a left turn coming north on Route 10 would be a mistake. They recommend that during that time frame traffic coming out of the pit could go south or north. The intent of Cheshire is to prevent all northerly traffic.

9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS

10. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

B. Committee Reports

Solid Waste – CRRA visit on October 11th, 9 a.m.

Ordinance Review – meeting October 10th, 7:30 p.m.

C. Miscellaneous

11. APPROVAL OF MINUTES

Regular Meeting of September 12, 2006; Special Meeting of September 26, 2006.

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

MOVED That the Town Council approve the minutes of September 12, 2006 and September 26, 2006 subject to corrections, additions, deletions.

Correction – 9/12/06, page 8, appointment of **Daniel** J. Ford as Subregister of Vital Statistics for the Town of Cheshire.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Parks and Rec Commission – Mr. Altieri reported that the Parks and Rec Commission and Department supports his proposal for a “Sports Forum” to be held later in the winter. Everyone interested and involved in sports is invited to attend to discuss Cheshire sports and related issues.

B. Appointments to Boards and Commissions.

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

MOVED to reappoint Rebecca Simpson (D) to the Chesprocott Health District, term of office 10/10/06 to 9/1/09; to appoint Kathryn Fabiani (D) to the Water Pollution Control Authority, to fill the vacancy of Angie D’Agostini, term of office 10/10/06 to 1/31/09.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council

B. Miscellaneous

14. EXECUTIVE SESSION

15. ADJOURNMENT

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

MOVED to adjourn the Town Council meeting at 11:29 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk