

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON
TUESDAY, OCTOBER 11, 2005, AT 7:30 P.M. IN COUNCIL CHAMBERS,
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Chairman David Orsini; Vice-Chairman David Schrumm; Council Members Justin Adinolfi, Steve Carroll, Tod Dixon, Michael Ecke, Matthew Hall, Diane Visconti, and Timothy White.

Town Manager Michael A. Milone

Town Attorney John K. Knott

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag. The Colors were presented by Scout Troop 90, Norton School.

3. PUBLIC COMMENTS

A. Recognition of Eagle Scout Jason Climer.

Chairman Orsini presented a Certificate of Recognition to Eagle Scout Climer, and commended him on completion of his planting project at Carolyn's Place in Waterbury, and the accomplishment of achieving Eagle Scout status in the Boy Scouts. The Council members personally congratulated Scout Climer, and wished him continued success in his future endeavors.

B. Recognition of Crossing Guard Walter Marut.

Tabled.

C. Breast Cancer Awareness Month Proclamation.

Chairman Orsini read the proclamation for Breast Cancer Awareness Month in October for the Town of Cheshire.

D. Public Comments.

Cindy Kleist, 251 Lancaster Way, read a statement into the record about the town government channel #14 airing democratic and republican programs and the fact that there should be equal access for everyone. She tried to have unaffiliated candidates on her show and was denied air time by Cox. She has contacted the Election Commission, DPUC, Cable Advisory Committee, but has had no response to date. Cox Cable is stating they are not responsible for the access channel, and Mrs. Kleist believes the town government channel should have a disclosure stating it does not air certain shows. Recently, she had the problems because she wanted to go on the air with unaffiliated candidates, and

Cox has changed her air time, and caused other problems. She believes the political parties are responsible for her not getting on the air with the unaffiliated candidates.

4. CONSENT CALENDAR.

MOTION by Mr. Schrumm; seconded by Mr. Dixon.

BE IT RESOVED that the Town Council approves Resolution #101105-1.

RESOLUTION #101105-1
CONSENT CALENDAR FOR OCTOBER 11, 2005

BE IT RESOLVED, that the Town Council approves the Consent Calendar for October 11, 2005 as follows:

- A. Appropriation of \$1,350.00 from the Cheshire Performing and Fine Arts (CPFA) Gift Account to subsidize the cost of lighting installation At Artsplace.
- B. Appropriation of a\$402.78 from the Cheshire Performing and Fine Arts (CPFA) Gift Account to purchase two 15'x20' canopies for outdoor Use by the Cheshire Youth Theater.
- C. Acceptance and appropriation of a \$500.00 donation from Arch Chemical to the Police Department Gift Fund for program materials.
- D. Authorization to apply for a Naugatuck Savings Bank Foundation Grant of approx. \$2,000.00 to \$4,000.00 to support the "Cheshire Reads: One Book, One Town" initiative.
- E. Acceptance and appropriation of a \$40,00 donation from John Payne to the Parks and Recreation Department Gift Fund for park improvements.
- F. Appropriation of \$878.70 from the Town Historic Documents Account for filming of vital records.
- G. Appropriation of \$74.55 from the Town Historic Document Account for filming of vital records.
- H. Acceptance and appropriation of a \$125.00 donation from the Cheshire Canal 5K Foundation to the Youth and Social Services Gift Account for Youth programs and to serve needy residents.
- I. Acceptance of a \$6,483.00 grant from the Connecticut Commission on

Culture and Tourism for the Cheshire Youth Theater Program.

- J. Appropriation of \$4,000.00 from the Fire Department Gift Account for property maintenance and improvements.

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: Authorization to execute a Tax Assessment Agreement with Whole Foods/WFM.

MOTION by Mr. Dixon; seconded by Mr. Schrumm

BE IT RESOLVED, that the Town Council approves Resolution #101105-2.

RESOLUTION #101105-2

BE IT RESOLVED, that the Town Council of the Town of Cheshire hereby authorizes the form, execution, delivery and performance of a Tax Assessment Agreement with Whole Foods Market Group, Inc., with offices located at 30 East Putnam Avenue, Greenwich, Connecticut, 06830, and WFM Properties Cheshire LLC, with offices at 550 Bowie Street, Austin, Texas 28703, pursuant to the authority of Section 12-65b of the Connecticut General Statutes as amended.

BE IT FURTHER RESOLVED, that the Town Manager be, and hereby is, authorized, directed and empowered to enter into and execute said Agreement in the form and upon the terms and conditions as presented at this meeting, and to deliver the same under the Corporate Seal of the Town, and

BE IT FURTHER RESOLVED, that the Town Manager and other proper officers of the Town are hereby authorized, on behalf of the Town, to execute and deliver such other certificates or instruments as may be deemed necessary or appropriate to consummate said Agreement.

Copies of the agreement, as executed, shall be and remain on file as part of the minutes of this meeting.

Discussion

Mr. Dixon stated this agreement is with Whole Foods for reduction in taxes on the new distribution facility built in the north end of Town.

With regard to the intent of the employment portion of the agreement, Mr. Hall asked if Whole Foods must have employees as defined in the agreement on the anniversary date each year, or just maintain a level of employees throughout the year.

Attorney Knott explained that the total number of employees must be a certain level in the fiscal year, as defined in the agreement, page 5. In year #1 there must be 80 employees; year #2 100 employees; year #3 115 employees. This information must be documented in a report to the Town Manager, who has the authority to conduct an audit of the employee figures. The employees must be full time equivalents working at the facility, with 1820 hours per employee per annum.

Mrs. Visconti questioned whether this agreement is different from other agreements approved by the Council.

Attorney Knott advised it is exactly the same.

David Pelletier, Chairman Economic Development Commission, addressed the Council, reporting that the full EDC supports passage of this tax assessment benefit to Whole Foods. This company is one of the fastest growing in the country, has 150 stores world wide, a store in Greenwich, CT, and one planned for West Hartford, CT. This company will greatly add to and improve the business community in Cheshire, and add \$1.9 million to the grand list for real estate.

Mr. Schrumm commented on the proposed past use of this parcel of land for 300 apartment units (denied by PCZ) which would have impacted Town services. Now, this better project is built on the parcel of land with generation of tax revenue. He commended Mr. Sitko and the PCZ for a good job on this project, and for bringing a good company to Cheshire.

Mrs. Visconti stated Whole Foods is a wonderful business addition to the Town, adding \$70,000 annually in tax revenue, equal to the salary of one teacher.

VOTE The motion passed unanimously by those present.

B. Discussion and action re: Approval of an Intermunicipal Water Agreement with the Town of Wallingford.

(Withdrawn)

C. Discussion and action re: WPCA recommendation to pursue Amendments to the sewer flow agreement with the State of Connecticut Department of Corrections.

MOTION by Mr. Carroll; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #101105-4.

RESOLUTION #101105-4

BE IT RESOLVED, that the Town Council, pursuant to the recommendation of the Water Pollution Control Authority, directs and authorizes the Town Manager to pursue amendments to the prison agreement with the State of Connecticut concerning excess sewer flow.

Discussion

Mr. Schrumm reported that one of the largest contributors to the sewer system is the prison. Over the last decades there have been negotiations with the State and this resolution is stating it is time to go back and review the prison's use of the sewer system.

Attorney Knott stated that the WPCA asked him to review the agreement, and he did. The agreement makes reference to a statute passed in the 1980's when the State was under federal court order to expand prisons due to overcrowding. The State had an extensive construction campaign to increase prison population. As a result a law was passed mandating different agencies (DOC, PW, OPM, DOT) to enter into negotiations with communities impacted by the prison infrastructures in their Town. The impact not only impacted sewers, it also impacted roads and other things.

As part of that agreement the State bought into an addition to the sewer treatment plant for 350,000 gallons of effluent daily. The statute is still in existence, and requires DOC, when prison populations exceed a certain amount, to begin negotiations again. The 350,000 gallons has been generally exceeded on a constant basis, even in the lowest month of August, when it was 375,000 gallons. WPCA wants to open negotiations over the impact of the prison. The contract must be approved by the Council, negotiated by the CEO of the Town. WPCA wants to open negotiations over the impact of the prison, particularly having to do with sewer effluent, and maybe other impacts we are not aware of at this time. We also want to see if the population has increased to the point where it has triggered mandatory negotiations.

Mrs. Visconti asked about other towns using this statute and going back to the DOC for renewing this agreement.

In response, Attorney Knott said he was not familiar, but he can check with CCM, because there are other communities with prisons who may have had recent increase in prison population or facility additions.

Mr. Hall asked when this agreement was negotiated or last renegotiated.

It has never been renegotiated, but Attorney Knott said the agreement was done in the late 1980's – around 1987.

Mr. Schrumm asked if there was an amendment to the agreement when the prison was expanded in Cheshire.

There were many aspects to the agreement, and Attorney Knott said it could have been 1991, There has also been construction at the prison, there is now a firing range which may have sanitary facilities, and the Prison Advisory Committee has reported that the DOC is renovating other buildings on the site. There are not statistics from the DOC.

It is unknown if the prison population has increased since 1991, but Attorney Knott said that the triggering point is a 150% increase. The Town can still negotiate the agreement, and the prison hit 375,000 gallons of effluent in August, the lowest month at the sewer plant. Information is needed from the DOC to begin talking about the problem.

Mr. Schrumm stated that the prison expansion was one of the driving forces for expansion of the sewer treatment plant, and it was found out that they were hooking their roof drains into the Town's sewer system, and this is a lot of water. This may be happening again with the new construction at the site.

VOTE The motion passed unanimously by those present.

- D. Discussion re: Settlement of Winter Ridge vs. Town of Cheshire (possible executive session)**
- E. Discussion and action re: Proposed amendment to police pension Benefits ordinance Section 2-165(b) (possible executive session)**

8. TOWN MANAGER'S REPORTS AND COMMUNICATION

- A. Monthly Status reports (in Council packets)**
- B. Departmental Status Reports (in Council packets)**
- C. Other reports.**

- FY '6 Budget Monthly Status Report – General Fund in good shape; \$400,000 in additional State aid received. Pool Budget revenues are slightly ahead of last year; expenditures are slightly below last year; winter utility costs will be relevant, and breakdowns will be watched closely. WPCA budget is tracking at same rate as past years; about \$300,000 surplus.

- Post Office Relocation Status – last month there was indication of a delay in construction of the new facility on Highland Avenue. Mr. Milone wrote to Rep. Nancy Johnson who was very responsive; she assembled a meeting with Mr. Sitko, State representatives from Meriden, and Mr. Milone; a phone call was received from the postal service representative and from Rep. Johnson, and the delay has been lifted. The postal service will proceed with their process to construct the Cheshire facility.

Mr. Milone conveyed the following information to the Council. The proposed facility on Highland Avenue will only be a retail site; the distribution center and carriers will be at the Maple Avenue site; and there was a change in plans because the existing lease on Maple Avenue goes to 2009. The postal service will press the DOT for a light at the new post office site; a traffic analysis is being done; and they will continue to pursue a contract site immediately. Mr. Milone was told that it will take about 1 ½ years before the actual new facility is built in the north end of Cheshire.

- Explanatory Text – there are three referenda on the upcoming ballot in November for \$2.5 million for road construction, \$900,000 for the Linear Park expansion, and \$400,000 additional supplement for the CHS roof. The ballot questions were in the Council packets, and Mr. Milone advised they will be mailed to all residents.
- Transmission Line Upgrade – Draft Letter – There have been meetings with residents of Old Farms Road, and Councilor Dixon has been involved with these meetings; residents know what questions they want answered regarding higher towers, power lines, etc. The letter will be going to NU and the Siting Council.
- Department Head Vacancies – Mr. Milone reported that he has hired William Voelker as the new Town Planner; Mr. Voelker will be at the November Council meeting. There will be interviews by a professional panel held on October 12th for the candidates for Police Chief. Final candidates will be interviewed by Mr. Milone and Mr. Zullo, with the new Chief announced in 2 to 3 weeks.
- Leaf Collection Program – begins November 17th; schedule is on the web site; collection is on Mondays and continues to December 12th; the Town is adding more service at a more convenient time.
- Residential Electronics Recycling Collection – will be held on October 29th, 9 a.m. to 1 p.m. at 50 Barnes Park in Wallingford.

- Bulky Waste Disposal – there is no pickup this year; detailed information available on the web site on how to dispose of bulky waste; the transfer station is open on alternate Saturdays with a small charge.
- Hurricane Katrina Support Efforts – the community was very generous, and over \$11,000 donated to the Red Cross, Salvation Army, and Americares.
- Wastewater Treatment Plan – meeting of the WPCA on October 12th with a focus on the 90% capacity problem. There will be a meeting on October 26th, 7:30p.m. with Bill Hogan, Head of Water Management at EPA, as guest speaker. Mr. Milone reported that there are weekly staff meetings to assist WPCA, with Town Manager, Town Attorney, Town Engineer, Superintendent of the treatment plant, consulting engineer from Metcalf & Eddy, Planning Department, Economic Development Coordinator, and Town Assessor. Everyone is trying to stay on task to get the information needed to get back to WPCA in a timely manner.
- Government Finance Officers' Association Certificate of Achievement – last month Cheshire was recognized for its Audit Report, and this month Cheshire is recognized for the budget report. Of the 169 communities in the State only 11 received recognition. Mr. Milone recognized and commended the Finance Department and Town Manager's Office staff for their fine work on the budget.

Council comments and questions

In looking at 1 ½ years for the new construction, Mr. Orsini questioned whether the postal service has contracted for a facility immediately, and if it could be up and running in a few months.

Mr. Milone was unsure of the time frame, but the postal service made it clear that they are pursuing this now, and will not wait for the new facility to open, but will open a site in the south end of Town.

Mr. Orsini commented on the logical way to proceed is to use the existing facility for retail, and build a new distribution center up north.

With regard to the police chief candidates, Mr. Ecke asked if they are internal and external.

They are internal candidates, and Mr. Milone said there are 6 officers being interviewed, with the hope to find one who meets all the qualifications we are looking for, and we do not have to go outside.

Mr. Adinolfi asked if there was a search for external candidates as well as internal.

At this time, Mr. Milone said the search is limited to internal candidates because he felt there was a good group to interview. He made it clear to the police officers that if none of the internal candidates met the criteria, then the search would go outside the department.

Mr. Adinolfi asked about discussion from the postal service on just a retail facility in the north end, and if there is discussion about moving distribution there in the future.

According to Mr. Milone this is the intent, and they will build the retail facility with the understanding that in 3 or 4 years it will be expanded to absorb the distribution and carrier services.

Mrs. Visconti asked about closing of the Town pool, concerns about the electricity and lights dimming, and said she received complaints about the air/water quality.

There are small leaks in one of the pumps, but Mr. Milone said it is not an emergency. Repairs are scheduled once the parts are received and it is least inconvenient for the public. The pool will be closed 10/10 to 10/21 for the repair work. Regarding the air quality, he has received comments from people, and Chesprocott monitors the air quality a few times a week. Last year an environmental specialist was hired, and this may be done again to have the air tested. Last year we were well below the acceptable standards. The specialist attributed the air quality concerns to balancing everything after the bubble is on. Mr. Milone will check on the lights in the lobby.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS.

10. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report.

B. Committee Reports.

Audit – Mr. Ecke had no report.

Budget – Mr. Schrumm had no report.

Planning – Mr. White advised the committee will meet on October 18th, 6:30 p.m. focusing on the land management plans for the Dime Savings Bank and DeDominicus properties.

Solid Waste – Mrs. Visconti said there was an odor at the land fill from the top soil, and with the new layer going on, the odor is gone. The land fill project is going well.

Personnel – Mr. Carroll reported there have been no meetings.

Ordinance Review – Mr. Carroll reported that discussions for the committee have focused on the Historic District Demolition Delay Ordinance for old buildings outside the historic district; firefighters pension plan benefit changes requested; removal of the sunset clause for the tax abatement for firefighters; elderly tax relief program changes; possible consideration of an elderly tax deferral program with income and residency criteria; sump pump ordinance which has not been enforced to date, and the fines for violation of the ordinance; hiring of a firm to investigate violations of the ordinance with sump pumps; authorized the Town Manager and Town Attorney to review the statute, and enhance it as much as possible.

C. Miscellaneous

**11. APPROVAL OF MINUTES
Public Hearing and Regular Meeting of September 13, 2005**

MOTION by Mr. Schrumm; seconded by Mr. Dixon.

MOVED that the Town Council approve the minutes of the public hearing and regular meeting of September 13, 2005, subject to corrections, additions, deletions.

Discussion

Add Tod Dixon as present at the meeting; Correction to name of Library Director Ramona Harten.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports.

Library Board – Mrs. Visconti met with the committee for One Book, One Town, and reported the author will visit Cheshire on October 26th and 27th. Arts Place designed placements with information about the book and Arts Place programs.

Economic Development Commission – Mr. Schrumm reported that the EDC met and received notice that the regulatory log jam is cleared, and Island East plan is moving forward. There will be more information next week. Also, a bio-tech company is looking to expand in Town, doubling in size, and there will be further information coming later. WPCA meeting on October 12th and 26th.

B. Appointments to Boards and Commissions

None

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

Chairman Orsini reported on the letter from the Energy Commission dated October 3, 2005 regarding the CHS roof project, and it will be on the Council agenda in November for discussion and action.

Mr. White said he drafted a motion about this matter for this evening's meeting.

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

MOVED to add an item to the agenda for the Council to take action on the letter from the Energy Commission.

Discussion

Chairman Orsini explained that procedurally, if 2/3 of the Council members want to take action on this memo, it should be added as an agenda item.

As a point of order, Mr. Carroll said that the letter is on the floor and already open for discussion.

Attorney Knott clarified that the letter to the Council is an agenda item; FOI does not require saying "discussion and action" on the agenda. Technically, since this is on the agenda, someone can make a motion as a result of the discussions to do something with this matter. The Council does not have to add to the agenda.

The motion to add an item to the agenda was withdrawn.

Mr. White stated that the letter from the Energy Commission to the Council requested action by the Council.

MOTION by Mr. White; seconded by Mr. Adinolfi.

WHEREAS, the Cheshire Energy Commission has requested that the Town Council reevaluate the proposed high school roof design by setting up a task force that would include, at minimum, Public Building Commission, DeCarlo & Doll and the Energy Commission, to take into consideration all future possibilities of this section of the school and what would be best long term overall lowest life cycle cost solution.

THEREFORE, BE IT RESOLVED, that the Council directs the Public Building and Energy Commissions, either full commissions or subcommittees, whichever is more feasible, to create a task force to discuss possible changes for the Cheshire High School Roof Project that will enhance the quality of life in Cheshire such as improvements to the

energy efficiency of the roof thus reducing taxes or changes to the generation source of the energy consumed, such as the placement of photo voltaic arrays on the roof.

FURTHERMORE, BE IT RESOLVED, that the Board of Education and their staff, in particular the infrastructure and energy owners, should be invited to attend these meetings as participating members of this group.

FURTHERMORE, BE IT RESOLVED, that the current roof architect, DeCarlo & Doll, should also be invited to attend and participate in these meetings.

FURTHERMORE, BE IT RESOLVED, that the Council directs all involved parties to act as expeditiously as possible and report back to the Council by November 15th.

Discussion

Mr. White stated that discussions related to the high school roof was not as thorough as it could have been, and since the project was begun and first brought to the Council on August 23, 2004, there have been many changes in the fiscal and political environment which should be addressed by this task force. When the energy bill was passed he went to the Department of Energy website, and advised people of this web site which has information available about tax credits for home energy conservation. It would be worthwhile for the task force to consider things like this. Energy is a huge issue, and all parties mentioned have brought into this concept in relation to projects going forward. This task force will be moving us in the right direction.

Mr. Dixon questioned the impact of this action on the upcoming referendum issue on the November ballot for the CHS roof project.

With a task force Mr. White said it does not mean there would be changes to the project as designed, and he does not know if there will be changes to the design.

Concern was expressed by Mr. Dixon about going to referendum on the CHS roof project, having it passed, and then up with a better solution, and then coming back to the public requesting more money. It looks like the Council is not doing its job. He noted that the way the referendum is worded, the money could be spent on any type of roof replacement. Mr. Dixon has concern about coming up with something in the long run that is a better solution, more energy efficient, and maybe has a better payback in the coming years, but then the Council must go back to the public for more money.

Attorney Knott concurred with Mr. Dixon's statement about the referendum passing and the money spent on any kind of roof replacement.

Mr. Adinolfi stated that Mr. White is trying to accelerate the time in which to honor the Energy Commission's request to form a task force and get started. The only down side would be a delay in the process if it is not voted on tonight.

If not acted on tonight, Mr. White said he does not believe the matter will receive action in November unless the Energy Commission revisited it.

Mrs. Visconti asked about the possibility for groups to have a preliminary meeting and report back to the Council on October 18th. The PBC is planning a walk through of the high school and is on schedule with the project.

In response, Mr. White agreed, and said he was trying to get people together 6 months ago, was being nice, and getting nowhere. At this point he would rather have a discussion happen later than never.

Stating he was not sure setting up a task force is what needs to be done, Mr. Schrumm noted that Cheshire has an Energy Commission, Board of Education, Public Building Commission, and another layer is not needed. There is a need for discussion; bids are due back on October 26th to see the cost of the project based on the PBC came up with as the most logical solution. This is a check point – to find out if we have enough money for the project. We have a referendum to find out if we have \$900,000 to spend, either exactly on this plan or changes to the plan. All this must come back to the Council to authorize the money to be spent for the project to go forward, and this is another check point. There are check points built into this project throughout the process allowing for some additional discussion amongst the groups.

Mr. Schrumm said that Mr. White has done a good job making sure all the groups are heard from. PBC has looked at the energy components; there is company who can do something with photo voltaic cells on the roof which may suggest a change in design; and the BOE has presented the Council with a new list regarding prioritization of items for use of CNR money, which included window replacement on north side of CHS including curtain wall. With the PBC in place, Energy Commission in place, and superimposing a task force on top of it has no wisdom. The PBC has charge, by Town Charter, to accept input, but there is a strict method to running these projects.

Attorney Knott stated that this project is out to bid; bids are due to be open the end of October. PBC cannot accept a bid or be authorized by the Council to accept a bid until the results of the referendum are known, unless the bids came in under less than before and there was enough money with the existing. Second, it is possible, even though the bid comes in, to reject all bids if the Council wanted to take the \$900,000 and add another project, combine the two, because it would be more efficient. Once money is appropriated it does not mean it must be immediately spent. There are check points throughout the process.

While the Council may not want to agree to a task force, it may want to direct the PBC to take into account these new developments in terms of grants, alternate energy, etc. PBC has a duty to deal with the Energy Commission, the Social Action Committee, even if they may not agree.

With a separate task force, Attorney Knott said the Council may want to direct the PBC to take into account data and information prior to agreeing to acceptance of a bid.

Attorney Knott said he thinks that Councilman White's intention is to make sure all of the facts and information which has come to light since the project was designed is considered before acceptance of the bid. This can be done without a task force.

It was noted by Mr. Ecke that Mr. White indicated that those conversations had not taken place. And, if we are facing the energy environment as we are now, and not having those conversations, and with the roof designed without these considerations, then people should get in one room and discuss these issues. Mr. Ecke said if a task force is needed to get this to happen, then maybe it should be done. We have to evaluate all new projects and their energy efficiency, and the precedent should be set now.

An analogy was made by Mr. White about campaign reform being discussed in Hartford with nothing happening in the past legislative session, and the Governor created a working group to make conversations happen. The discussions have not been held on energy, and they must be held if we are to make this roof project go as well as possible. This is why Mr. White sees a need for a task force to put things in stone on what needs to happen.

For the record, Mr. Carroll said that the economic development coordinator is requesting the Council meet with the Energy Commission and that is something to be done. He said he appreciates Mr. White's fervor, but with due respect to all commissions and staff, the Energy Commission's letter talks about a pitched roof, air-conditioning, and the cost of the roof. PBC does not try to put a square peg in a round hole, and they are good at what they do. If a project comes to the PBC and they do not think its right, they will kick it right back.

While respecting the Energy Commission's opinion, Mr. Carroll said he does not have the knowledge, does not know if the Energy Commission has the knowledge to decide that a pitched roof is better than a flat roof.

Mr. Carroll noted that there is no air-conditioning in the section of the high school under discussion, nor is there a plan in the roof project to add air-conditioning. Mr. Carroll believes that adding a pitched roof to that section of the building is significantly complicated. What we have here is a difference of opinion. The Energy Commission wants to put a cover on the Town pool, and Parks and Rec

is saying that unless they provide the elephants to pull that cover up and down the pool every day, how will it be done. Therefore, it is not unusual for two commissions to have a different opinion.

Mr. Carroll asked that there be a discussion in November, with bids open, with the referendum question answered, and that is the appropriate time. Everyone wants this roof project done the right way. We now have a \$250,000 request from the BOE for window replacement in the same section of the high school. And, they should be done at the same time as the roof project. However, Mr. Carroll said he is not in a position to take over the responsibilities of the PBC, Energy Commission or any other board or commission. He encouraged the groups to act in unison, and if necessary, bring them back to the Council. Also, he is not sure a task force can accomplish this any better than a meeting with the Council.

Mr. Hall commented on the fact that we get only one chance to do these things, and we want to do them right. From what he is hearing, everyone thinks this discussion should happen. In the first page of the Energy Commission's letter it seems to be more than a disagreement...it's a suggestion that the PBC and DeCarlo & Doll look at the project...they are not disagreeing with them, and believe they have not taken a real good look at the pitched roof concept, and the project is not ready to go forward.

Regarding the scope of the task force, Mr. Adinolfi asked Mr. White if it would be just the high school roof, and whether he saw this going onto other projects.

According to Mr. White, there was a BOE Planning Committee meeting which gave the school administration direction to get involved in this task force. He hopes the PBC and Energy Commission will get involved, keep an ongoing dialogue in relation to other projects from CNR money. His motion is specific to this roof project, but the intent is to have ongoing discussions.

Mrs. Visconti likes the idea of getting the two groups together to come up with something everyone is comfortable with. She questioned the authority of another committee and what happens if there is disagreement.

Mr. Ecke commented on the item going out to referendum next month not having gone through the Town process, and the perception that the Council does construction process, and has a checkered past. He expressed concern that we are heading down the wrong road with this project. He said that the sooner there is discussion, the better for everyone involved, and we can move forward comfortably with this project.

The process has worked as it was supposed to, and Mr. Schrumm said it want to the PBC in January 2005. PBC considered the energy issues in their deliberations. There may be differences of opinion, but during the CHS tour

there was discussion about the structural issues with a pitched roof which might preclude it. He does not have a problem going back and having taking a look because there are check points. Bids are coming back; the Council must act on this again; there are places along the way for Council review; but setting up a separate task force for just this issue is necessary at this point. There will be more ongoing discussions.

Mr. Schrumm commented on the Energy Commission's lighting project at the high school. There were discussions with the BOE and PBC and related bodies. The idea that no one is talking to each other is not quite true. However, it is worthwhile to go back and revisit this project, but not with a task force. There might be changes on the flat or pitched roof.

Stating he shares some of Mr. White's frustrations in getting things done, Mr. Adinolfi expressed support for a task force, as is done in the business world for items requiring more attention. The task force should be limited to the roof project only, not ongoing projects.

Chairman Orsini stated he does not understand why this is focused on one particular project. The point of this is having various groups working together and they do this all the time. He wanted to have a November meeting for PBC to review the documents and have more organization.

Public Comments

James McKenney, Chairman PBC, reviewed the process with the Town Council giving a project to the PBC. PBC has discussions on the project. PBC send out to various boards and commissions for input and suggestions; they are revisited; and PBC makes a determination based on architects and engineers. This process was followed with this project, and Mr. McKenney cited minutes of the PBC indicating exactly what happened. He has forwarded these minutes to Attorney Knott and the Energy Commission. As these minutes are read, it can be seen that the process was followed. The issue of pitched roof was addressed; concerns were raised by Energy Commission members; the architect responded to the structural concerns of the roof; and this project is no different than any other, and the same procedure was followed.

With regard to the Energy Commission letter, Mr. McKenney had not seen it prior to October 10th. PBC has not discussed the letter because it has not met yet, but was quite taken back by the letter. Mr. McKenney urged the Council to read the PBC minutes.

It was stated by Mr. McKenney that there was a differing opinion on the project before this with the Energy Commission. There was a boiler retrofit, and the PBC project was to replace a boiler. The Energy Commission wanted PBC to do above and beyond, make the high school more energy efficient, do insulation. PBC's response was "no" because PBC has a charge from the Council that is

specific, and it is not to go out and create a new project. PBC's charge is to implement a project from the Council the best way it can. Information is solicited from boards and commissions, and in the final analysis, PBC goes by what the architects and engineers and PBC members voted for. There was no dissention in the PBC vote, and the process was followed.

Mr. McKenney said that the Energy Commission's letter astounded him and commission members, particularly Mr. Purtill.

According to Mr. McKenney, Mr. White was at the PBC meeting when discussions were held on the pitched roof.

Mr. White said that an A-frame roof was discussed. He commented on the history of meetings between the school administration/BOE and Energy Commission. The high school was briefly mentioned at this meeting, and there were assurances that there would be an ongoing dialogue between the schools and the Energy Commission. There was 5 or 6 months between the time of the next meeting. When the Council handed off the roof project to the PBC it was the first time the Energy Commission had a dialogue on the project.

In his motion, Mr. White said he included in his motion the BOE, BOE staff, Energy and Infrastructure owners, maintenance staff within the school system, and asked if they were included in any of the discussions. He also said he knows that PBC followed the process, but it needs to be improved.

Mr. McKenney said that the Council assigns user members on many projects, and they attend meetings with the PBC on the project. For this roof project, a user member was not assigned. In looking at the official PBC minutes there is a clear paper trail. In one of the minutes it indicated that the plans had been forwarded to the Energy Commission prior to the March meeting.

Mr. White commented on his thinking that the first meeting happened on March 9th between the schools and Energy Commission, where there could be any feedback, and working together, i.e. this is what you want to do...get grant money here...and there was to be follow-up dialogue and there was none. He wants the discussion to happen.

Chairman Orsini stated that the motion on the floor directs the PBC and Energy Commission to do something. PBC needs to read the letter, talk about it, find out what, if anything is the appropriate thing to do.

Chairman Orsini mentioned that this issue is days old, and he had asked that this be put on the Council's November agenda. This would give adequate time for the PBC, Energy Commission and BOE and all now aware of this communication to talk about it, and come back in November to say what, if any, action should be

done. In the interim, his sense is that the PBC is always looking at all Town projects to take these types of things into consideration.

PBC Chairman McKenney stated he had no problem with the November time frame, and it would be acceptable to the PBC.

Mr. Hall suggested requesting the PBC consider writing a response to the Energy Commission letter for Council review before the November Council meeting.

In the Energy Commission letter, Mr. Hall said there are very specific, strong suggestions on what PBC did or did not consider. If the PBC would consider summarizing a response to the letter, then the Council could digest it before the November meeting. He also said that the PBC minutes are very helpful

Chairman McKenney agreed to this request on behalf of the PBC.

Stating he was hearing much agreement in many areas, Mr. Orsini said the only area of disagreement is whether some boards or commissions should be directed to do something tonight, or does the Council wait to November and receive input from these boards and commissions before moving further.

Attorney Knott said his recommendation is to table the motion on the floor; request the PBC to replay to the Energy Commission's letter; and that this be done before the November Council meeting.

Mrs. Visconti commented on it being helpful for the PBC to discuss this matter with the Energy Commission and find some agreement. Or, both groups come up with new ideas and solutions.

It was stated by PBC Chairman McKenney that the PBC had a clear direction in going out to bid early. The reason was to be able to have all materials on site so when the summer time comes there is no possibility for this project to be held up. The PBC wants to know early on that the materials are there. His opinion is that the appropriate next step is for the PBC to respond to the Energy Commission, in writing. The Council will need to decide if the project goes forward or not. If there is talk about re-designing again, the project will not be ready for the summer, and then we will be dealing with a leaky roof and mold problems, etc. Once the Council makes a determination to go forward or not, there can be dialogue, but there is a tight time frame involved.

Mr. White said the key thing is discussion to include all interested stake holders...the PBC, Energy Commission, BOE, architects, and he is willing to table his motion with the intent to have discussion amongst everyone.

Mr. Adinolfi stated that Mr. White is looking for 2 or 3 groups come together, and fast track a design that is better than what we have today, and then move

forward with the project, meeting timelines. The process that we follow will not allow us to do that because he hears that next there will be a response from the PBC to the Energy Commission, which will drive these groups apart. We must be careful about that, sit down, brainstorm on what might be a better design taking into account more issues relative to energy. Then come up with a design for the Council, as a group, stating this is what we should do. It may be a little different, or the present design may be fine. This is what Mr. White is trying to accomplish.

MOTION by Mr. Hall; seconded by Mr. Carroll.

MOVED to table Mr. White's motion on the floor; and the Town Council respectively requests that the Public Building Commission provide a written response to the Energy Commission's letter of October 3, 2005; and

FURTHER, respectively request that the PBC entertain this issue at its October 19, 2005 regularly scheduled meeting.

Discussion

Mrs. Visconti asked if the motion is tabled, and if the Council will hear both motions at the November meeting. She asked if the Energy Commission will have a chance to look at the PBC response and respond back to the Council.

In response, Chairman Orsini said that the signal is clear that many people must be involved in the discussion. Hopefully, it will be ready for discussion at the November Council meeting, as he has requested the Town Manager to include it on the agenda.

VOTE In favor – 6; Hall, Schrumm, Orsini, Dixon, White, Carroll.
 Opposed – 3; Adinolfi, Visconti, Ecke.

Mr. White said he wants the BOE, school system, and the architect involved in discussion on this matter.

Mr. Hall believes all the stake holders will be involved in the discussions.

Chairman Orsini requested Town Manager Milone to place this matter on the November agenda of the Town Council meeting. There will be a PBC response, and the BOE, school administration, and interested parties will be involved in the discussions and attend the next Council meeting. If they are not at the November Council meeting, they choose to not have any input on the matter.

B. Miscellaneous

Mrs. Visconti asked about adding a matter to this meeting agenda or to the agenda of the October 18th Council meeting. She discussed the Town Council sponsoring a forum on youth and families, to be held at the end of November, in

Council Chambers, and televising this forum on cable access television. The forum would feature Town, school and community leaders, with the panelists discussing youth today, problems, challenges, the solutions.

Attorney Knott was not sure a Council member could request an agenda item for a meeting, or if 3 Councilors must make the request.

Chairman Orsini stated that a 2/3 vote of the Council members is needed to add something to the agenda. Or, any 3 Council members can have a written request to the Chair to add something to the agenda. He is not sure if this pertains to a regular or special meeting.

Mrs. Visconti said this needs to be on the October 18th agenda, because the meeting in November would be too late for her purposes. She wants this to happen at the end of November.

At this time there could be a motion for the Council approve an item for the October 18th meeting, and Attorney Knott said this is another alternative.

Mrs. Visconti said she would provide information on the proposed forum to the Town Manager's office for inclusion on next week's agenda, and would provide this in written form.

Regarding this proposed forum, Mr. Schrumm asked if this is an action from the Youth Services Committee or Human Services, and questioned the Council sponsoring the forum.

It was explained by Mrs. Visconti that she wants to set it up as a steering committee of Town Hall staff appointed by Mr. Milone, maybe Mr. Hall as Youth Services liaison, herself as liaison to the Library. She said there has been interest in Town about this forum, including Town staff, school staff, ministers, etc. and she knows there is bipartisan support for the forum. She wants to hold the forum right after the election so it is not a partisan affair. It is truly a community event looking at families and youth.

Chairman Orsini stated he is a firm believer in the use of subcommittees, and this item has no place on the Town Council subcommittee level. This item should be fully discussed at the Youth Services Committee, and he would be more inclined to support this proposal if it were endorsed by the Youth Services Committee. Coming to the Council without that endorsement, Mr. Orsini will have a hard time supporting the proposal. He suggested Mrs. Visconti have 3 Council members supporting her proposal. As Chairman, he is not inclined to add it to the agenda himself unless there is request from Youth Services to add it to the agenda.

Mr. Hall explained that Mrs. Visconti did present this proposal to the Youth Services Committee in September. He will correspond with them on their position on this proposed forum.

With regard to this forum, Mr. Adinolfi asked how it differs from the economic summit meetings held by the Council. Mrs. Visconti wants to have a meeting called by the Council, with others invited, and it sounds similar to the summits. He has a hard time believing that something could not be organized around families and children, using the same format.

Chairman Orsini stated that the summit concept was discussed by various boards and commissions. They came to that meeting, and there was input from these boards and commissions, and as a result, the economic summits were held. To date, he has not heard from any boards or commissions with interest in this particular item. In order to include this matter on a future agenda, a written request from 3 Councilors is required.

On a personal input, Mr. Orsini said that when this item gets on the Council agenda, it should have some level of support from the Youth Services Committee.

Stating she did her homework, Mrs. Visconti went to the Youth Services Committee, had discussion, and Chairman May said they had a lively discussion, but came to the thinking they did not need to endorse the proposal. And, the Council is the place where it needs to come from. She will go back to Mr. May and have him report his feelings and those of the committee to the Council.

Also, Mrs. Visconti said it is very important, and what she is trying to do is talk about what is going on with Cheshire's families, what is good, what are possible problems, what are possible solutions. This is not something controversial, but is a way for the community to work together.

14. EXECUTIVE SESSION

- A. Pending Claims and Litigation
- B. Land Transfers
- C. Personnel Matters.

MOTION by Mr. Schrumm; seconded by Mr. Dixon.

MOVED that the Town Council enter executive session at 9:58 p.m., to include the Town Attorney and Town Manager for all matters.

VOTE The motion passed unanimously by those present.

Mr. Hall left the meeting at 10:12 p.m.

MOTION by Mr. Carroll; seconded by Mr. Schrumm.

MOVED to exit Executive Session at 11:00 p.m., extend the meeting to the conclusion of business, and return to executive session.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Carroll; seconded by Mr. Schrumm.

MOVED to exit executive session at 11:10 p.m.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Carroll; seconded by Mr. Schrumm.

MOVED to exit adjourn at 11:11 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk
Cheshire Town Council