

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING HELD ON TUESDAY, NOVEMBER 14, 2006, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Matthew Hall, Chairman; Michael Ecke, Vice-Chairman; Council Members Matthew Altieri, Elizabeth Esty, David Orsini, Thomas Ruocco, David Schrumm, Diane Visconti, Timothy White.  
Town Manager Michael A. Milone; Town Attorney John K. Knott; Social Services Director Michelle Piccerello; Superintendent of Schools Greg Florio.

Chairman Hall called the meeting to order at 7:52 p.m.

**1. ROLL CALL**

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

Mr. Ecke read the fire emergency notice.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. PUBLIC COMMUNICATIONS**

**A. Recognition of Robert Herbst.**

Chairman Hall read a proclamation recognizing Robert Herbst for his efforts and dedication to the community and the school children with the anti-smoking video and the crusade against cancer program.

Mr. Herbst thanked the Council for recognizing his efforts, stating it is his pleasure to speak to the students in Cheshire about the dangers of smoking. He advised that the videos are available for the public viewing at the Library.

**B. Presentation on status of Community Pool fuel cell project.**

Richard Ogurick, 1121 Wolf Hill Road, Chairman of the Energy Commission, addressed the Council on the status of the fuel cell project. Mr. Ogurick noted that the Council approved the resolution for UTC to submit an application for five fuel cells at Bartlem Park and other locations in Cheshire, with the deadline for mid-July for the program. However, the Project 100 has been placed on hold pending the outcome of an investigation into the administration of the program. It may be mid-December before the program is reopened.

It was also learned in mid-July that there may be a gas supply issue at Bartlem Park in that the existing infrastructure will not support the fuel cells. This was a surprise to UTC and the Energy Commission. Yankee Gas is available to

discuss ideas with the Council on how to address the problem. Mr. Ogurick said that the entire town is marginal with respect to gas supply, and the existing infrastructure could only handle residential or a small commercial load growth. Yankee Gas visited the pool, met with pool staff, and there are other options to deal with the cogeneration at the pool, other than fuel cells. Mr. Ogurick advised we would be hard pressed to put in micro turbines at the pool and to retrofit the heating system at the high school. Yankee Gas is working on developing creative solutions to the problems in Cheshire, and will try hard to work out some alternatives.

Chairman Hall commented on the fact that this matter is not on the regular agenda of the meeting tonight because of the many outstanding questions. He recognized the Yankee Gas and UTC representatives present at the meeting, and advised that the Council will devote a business agenda item to the fuel cell issue at the December meeting.

With regard to the grant, Mr. Ogurick said that Connecticut Clean Energy must evaluate submittals, and the entire process could take a few months.

Mr. Hall recommended that Council members submit questions or concerns on the fuel cell issue to the Energy Commission or Councilor White for consideration at the December meeting.

Mrs. Esty questioned the Council taking any action on the fuel cell matter if the energy supply is not there, and this is something the Council needs to know. She also asked about the Council's role in this issue.

In response, Mr. Ogurick said that Yankee Gas is working on this matter at several levels within the organization. He said that pressure from the Council would be appropriate, but may not be necessary right now.

Derf Kleist, 251 Lancaster Way, read a statement from Cindy Kleist's web site into the record.

Steve Carroll, 70 Hidden Place, addressed the Council on the Board of Education's over funding of the teacher salary account. He requested that the BOE be able to establish a fund balance account for the Department of Education for surplus funds. This fund would be separate from the BOE operating budget, and would encourage fiscal responsibility on the part of the BOE.

#### **4. CONSENT CALENDAR**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-1

RESOLUTION #111406-1  
CONSENT CALENDAR FOR NOVEMBER 14, 2006

BE IT RESOLVED, that the Town Council approves the Consent Calendar for November 14, 2006, Items B through G.

- A. Acceptance and appropriation of a \$600.00 donation from the New Alliance Bank to the Police Gift Account for the DARE Program.  
(removed from the Consent Calendar)**
- B. Acceptance and appropriation of a \$200.00 donation from the Exchange Club of Cheshire to the Police Gift Account for the DARE Program.**
- C. Acceptance and appropriation of \$7,241.50 in asset forfeitures from the State of Connecticut Department of Public Safety to the Police Department Asset Forfeiture Account.**
- D. Authorization to execute a Memorandum of Agreement enabling the State Administrative Agency (SAA) to act as agent for the Town of Cheshire to retain and administer Homeland Security Grant funding; The Town Council may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems necessary or appropriate, and Town Manager Michael A. Milone is authorized and directed to execute and deliver any and all documents on behalf of the Town Council and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.**
- E. Acceptance and appropriation of a \$250.00 donation from the Cornwall Ave. Neighborhood Association for Town Center Historic signs.**
- F. Acceptance and appropriation of a \$500.00 donation from Nutmeg Management Services for assistance to needy Cheshire residents.**
- G. Acceptance and appropriation of a \$500.00 donation from Arch Chemicals to the Police Gift Account.**

VOTE           The motion passed unanimously by those present.

**5. ITEMS REMOVED FROM CONSENT CALENDAR.**

**A. Acceptance and appropriation of a \$600.00 donation from the New Alliance Bank to the Police Gift Account for the DARE Program.**

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

MOVED that the words “**for the DARE Program**” be removed from Item A, and that Item A be approved as changed.

VOTE The motion passed unanimously by those present.

**6. OLD BUSINESS**

**7. NEW BUSINESS**

**A. Discussion and action re: Acceptance and appropriation of \$81,850.00 for the State of Connecticut Strategic Prevention Framework State Incentive Grant for programs to prevent underage drinking.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-2

RESOLUTION #111406-2

BE IT RESOLVED, that the Town Council accepts \$81,850.00 for the State of Connecticut Strategic Prevention Framework – State Incentive Grant for programs to prevent underage drinking through “Cheshire Mobilized for Change on Alcohol”, and appropriates said amount to the special revenue account for this project.

Discussion

Michelle Piccerello, Director of Social Services, addressed the Council on this grant which would allow Cheshire to participate in a statewide underage drinking program on a local level. The program would focus on the adult community, to change the community’s attitude towards underage drinking, provide education to adults on this problem, particularly parents, teachers, police, liquor retailers, all of whom have a part in keeping young people from drinking. It is a very detailed and well managed process outlined by the State. There are five steps required to be followed. Three main groups will be working on the project – the project coordinator, Human and Youth Services, and the Coalition to Stop Underage Drinking.

Mr. Schrumm discussed the \$81,850 grant with an additional person on the Town staff for at least two years, at \$20 an hour for 12 hours a week. He asked what the rest of the funds will be spent on.

Ms. Piccerello informed the Council that some of the grant funds would be used for police overtime for increased enforcement of underage drinking laws; some will be used for a community needs assessment; some will be used for programming such as the upcoming Alcohol Awareness Week; and some funds will be used for support serves for programs currently being run. The person hired as program coordinator is a new hire under the grant funding for two years, and it is possible the funding may be extended for a third year. After that time there would be no position in place. The person hired would be exclusively for this grant project, and after the funding is over, there would be programs and policies in place which will be sustained, and effective programs would be absorbed into the department.

Mr. Schrumm noted that Cheshire has a DARE program, alcohol awareness programs, high school handbook filled with rules and regulations on drinking and violations, etc. He asked what the proposed program would do that has not been done over the last 25 years.

According to Ms. Piccerello this is different because this process is outlined and mandated by the State to make sure the community knows what the needs are, will require assessment of why kids are drinking, how they are getting alcohol, and these things have not been done in the past to this degree. It will insure the Town has the right individuals and agencies supporting the program so it will be effective and supported as necessary, and the end result will be that we have proven programs in place which are effective throughout the two year process. There will be emphasis on education of adults as well as young people under this program.

Mr. Altieri stated he likes this program and will support it. Step #4 is one of the most important things for social service activities, and we must look at the data and find out who has a program that works. The proposed program is different than other grants, and we will be working with things that will be proven to work.

Mrs. Esty noted that the proposal talks about identification of the underserved population, and she asked for expansion on that statement.

This is a grant requirement, and Ms. Piccerello said we must look at the cultural makeup of our community and take into account cultural competency. Cheshire is not a diverse community with a low percentage of minority population. We must make sure there is no underserved population that is not being reached. This is an issue to addressed and looked at.

Mrs. Esty said she is pleased to see that parents will be targeted, and she has concerns about younger children drinking at 6<sup>th</sup> and 7<sup>th</sup> grade, and people are in denial about this fact. It is important for community awareness on this issue.

Mrs. Visconti asked about other substance abuse, and if kids would be helped with this problem.

This grant focuses on underage drinking, and Ms. Piccerello said the Social Services Department did an assessment on a statewide level, and underage drinking was a priority issue. This grant program is for underage drinking prevention. However, in her department and in the school system, there is work going on to prevent substance abuse by young people as a whole.

Mr. White said the Town has been working on this issue for many years, and he has reached out to people who have been working on this problem for the past 20 years. The problem has gotten worse. He believes this is a worthwhile program.

Underage drinking has gotten worse in the last 20 years, and Mr. Schrumm said that money has been poured into this issue, yet it gets worse. More government programs may not be the answer, and spending another \$82,000 may not be the way to go. He suspects the problem may never be solved, but it can be impacted. He would rather see what is already being done, examination of current programs, as opposed to spending another \$82,000 of taxpayer money and coming up with the same answers at 25 years ago. Mr. Schrumm commended Ms. Piccerello and Town staff who are working so hard on this issue, but he does not believe any parent does not realize there is a drinking problem in Cheshire.

Mr. Ecke asked how much of the \$82,000 is coming from the Cheshire budget, and where the money will go if we do not take it.

In reply, Ms. Piccerello said none of the funds are coming from the Town budget. If Cheshire does not take the funds, they will go to another community.

Robert DeVyllder, Sr., 350 Jinny Hill Road, stated that as a former Wallingford police officer and liquor control officer, there was great success by putting pressure on the places where the alcohol came from. When it was known there was indication of underage people at a location (bar or package store) the sites were hit and closed down for a week or two. Every violation is a \$500 fine, and this was very successful in cutting down on underage drinking. There must be concentration on outside parties in the woods, patrolling of areas, and there must be cooperation between local police departments on where the alcohol comes from. The problem is bigger than what takes place within the boundaries of Cheshire.

Town Manager Milone acknowledged the efforts of Ms. Piccerello and her staff in getting this highly competitive grant, and only 29 communities in the State received this grant. Mr. Milone informed the Council that he was invited to attend the awards ceremony where the grants were distributed. At that

ceremony, two police departments in the State were honored that day for their efforts to combat underage drinking. One department was Norwalk, and the other was the Cheshire Police Department, and this is a very significant acknowledgement.

VOTE           The motion passed 8-0-1 with Mr. Schrumm opposing.

**B.     Appropriation of \$35,400.00 from the Peck-Jones Fund for three Technology-based and problem solving projects at Cheshire High School, Dodd Middle School, and all grade 6 classes.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-3.

RESOLUTION #111406-3

BE IT RESOLVED, that the Town Council appropriates \$35,400.00 from the Peck-Jones funds to support three technology based and problem solving projects at Cheshire High School, Dodd Middle School and Grades 6 throughout the district.

Discussion

Superintendent Florio explained to the Council that the Peck Jones funds are held in trust, with the dividends and interest only, available to the Board of Education for programs it deems fit. The BOE has used these funds for many things. There is about \$50,000 in earnings in the fund and the BOE has made a request for funds to support three technology based programs for the 6<sup>th</sup> grade level, high school and middle school.

Mrs. Esty asked whether there are parents or faculty lined up to supervise the robotics project at Dodd Middle School.

According to Mr. Florio, the middle school request is for software and material to enhance the existing technology education program and provide opportunities for the existing after school technology club. There is no need for additional staff for use of these funds.

Mr. Ruocco asked about the salmon project.

Mr. Florio explained that this is a state project to enhance science at the 6<sup>th</sup> grade level whereby students are involved to reintroduce salmon to the streams throughout the State and repopulate the rivers.

VOTE           The motion passed unanimously by those present.

**C. Discussion and action re: Approval of job description.**

**i. Project Coordinator – Youth and Social Services**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-4.

RESOLUTION #111406-4

BE IT RESOLVED, that the Town Council approves the job description for the temporary, grant funded position of Project Coordinator for the “Cheshire Mobilizes for Change on Alcohol” project, as presented and attached.

Discussion

Mr. Altieri explained that this is a grant funded position which would terminate after two years, and the person would be hired exclusively to work with the underage drinking program in Cheshire, which is mandated by the grant.

Mr. Milone said that the hiring would be done through the personnel director with interviews and hiring done by Ms. Piccerello, and it will go through the regular hiring process.

VOTE The motion passed 8-0-1 with Mr. Schrumm opposed.

**ii. Theatre Coordinator – Parks and Recreation Department**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-5.

RESOLUTION #111406-5

BE IT RESOLVED, that the Town Council approves the job description for the temporary, grant funded position of Theater Coordinator as presented and attached.

Discussion

Mr. Altieri said that this position is a grant funded position to expire at the end of the fiscal year. The person would be responsible to promote the Town’s comprehensive theater program.

Mr. Milone informed the Council that this is a 1<sup>st</sup> time position which ends at the end of the fiscal year, and it will not have any benefits. CPFA is very successful and is at the point where it pays for itself. The compensation is \$14 to \$15 per hour, about 10 hours a week.

It was also noted by Mr. Milone that the person hired cannot sit on the Fine Arts Board or Commission, but could sit on another Town board or commission.

VOTE The motion passed unanimously by those present.

**D. Discussion and action re: Authorization to apply for a Small Cities Program Grant, up to \$300,000.00 for renovations to properties Of the Cheshire Housing Authority.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-6.

RESOLUTION #111406-6

BE IT RESOLVED, that upon completion of a public hearing on this matter, the Town Council authorizes the application on behalf of the Cheshire Housing Authority (CHA) to the State Department of Economic Community Development for funds under the Small Cities Program for renovations and repairs to CHA properties, and directs the Town Manager, Michael A. Milone, to execute any and all documents necessary for this application.

Discussion

Mrs. Esty stated it is important to do this project because Cheshire is underserved when it comes to affordable housing. The small amount of affordable housing in Town should be taken care of and she urged Councilors to support this grant.

VOTE The motion passed unanimously by those present.

**E. Discussion and action re: Approval of schematic design for the Cheshire High School Partial Window Replacement Project.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-7

RESOLUTION #111406-7

BE IT RESOLVED, that the Town Council, pursuant to Section 2-26(C) of the Code of Ordinances approves the schematic design for the Cheshire High School Partial Window Replacement Project as presented and approved by the Public Building Commission.

Discussion

PW Director Joseph Michaelangelo provided the Council with a memo and supporting documents regarding the window replacement schedule and phases.

Mr. Altieri reported he attended the last PBC meeting, and this particular project is for the north side window wall; the courtyard is not ready to be done yet.

PW Director Michaelangelo explained that the PBC has been assigned the Cheshire High School window project. Three sections have been designed – the courtyard, north face, and entry way. There is \$250,000 funding available and the only portion to be done with this money is the north wall. However, the three areas have been designed, and this gives a consistency to carry out the project through the whole building for future window projects.

Mr. Schrumm questioned whether this funding is that which was approved a few years ago (\$500,000). He noted the circle 5 and 6 indicates the north wall which needs great energy efficiency.

Phase 2 will be done first, and Mr. Michaelangelo said this is the first priority of the BOE, on the north side. This will have an estimated cost of \$250,000 of the \$500,000. The \$500,000 appropriation was for other items, such as stair wells; but only \$250,000 was earmarked for window replacement; so this is a floating number. The next phase is #1, but this depends upon funding available from the BOE, and then the courtyard which is the largest piece of the work. There are numerous other windows at the high school which are in poor shape and could come up in a few years for replacement.

As an Energy Commission member, Bill Kunde, said that he did have the opportunity to participate in this program as a user member with the PBC. The process where user members are involved in a project worked extremely well. What needs to be done at the high school is a good plan. The windows suggested for replacement will work well from an energy perspective. The new windows will have a higher R value, and this money is well spent for the facility.

Mr. White said the Town must be on top of priorities where money is spent, and the money at the high school is well spent. Norton School also needs improvements with money spent for energy efficiency. Another 15 Town buildings must also be considered for energy efficiency and improvements. Prioritizing these projects is very important.

VOTE           The motion passed unanimously by those present.

**F.     Discussion re: Agreement to purchase energy through the Connecticut Conference of Municipalities.**

Discussion

Mr. Milone informed the Council that he met with CCM and the Energy Commission but the administration is not asking the Council to take action on this matter tonight. In the future we will be looking at significant electricity cost increases. The Council can take action on this matter in December.

Rich Ogurick, Chairman Energy Commission, said that the Connecticut Legislature voted competition into law in Connecticut regarding energy. In January 2007 the transitional standard offer (TSO) will go away; residential customers will have a standard service rates; larger accounts such as municipal accounts will be thrust into a rate of supply of last resort, and this service will be tricky to deal with. Now is the right time to look at alternative suppliers.

CCM has approached the Energy Commission with a presentation which outlines what it has done for its members over the last few years. In 2004 they started with a small group of 9 communities, and this has now grown to 65, and it is expected to grow further next year. The commission voted to recommend to the Council that it consider this opportunity from CCM for alternative energy options other than CL&P.

CL&P will continue to deliver electricity to its customers as part of the transmission distribution system. The supplier of last resort rates will change monthly, and rates will rise significantly in 2007. The Energy Commission looked at the CCM presentation, and believes it is worthwhile for the Council to consider.

Andy Merola, CCM representative, thanked Mr. Milone, Mr. Sitko, Mr. Ogurick and members of the Energy Commission for doing so much work on the issue of energy costs and efficiencies. He said that the CCM program is about doing something real about rising energy and electricity costs. The current system expires in January 2007; we are entering into new territory at that time; and it will bring about big changes in terms of pricing and how long a price will last. This presents some problems for the municipality in terms of budgeting.

CCM began its program in 2003, and a committee selected Bay State Consultants which works exclusively with cities and towns and schools in Massachusetts and Connecticut on energy issues. Nine towns signed up for bids in 2004; signed a 3 year contract; they pay 6 cents per kwh, while Cheshire pays 10 cents a kwh. As of January 1, 2007, the market base and rates will change. The 9 communities in the CCM program since 2003 have saved over \$600,000 in costs. But this cannot be guaranteed in the market place now, but this strategy has worked well. The towns currently in the program have signed for second supply contracts.

Mr. Merola stated that Cheshire is welcome to join in the program and see what is available and make a choice. The timing is such that in January and February 2007, exposure to volatility will be minimal zed.

Attorney Knott has met with Mr. Merola and Mr. Sitko and the Council should realize there is a draft resolution which the Council can pass. To know what is happening, he explained that the Town would be entering into a participation agreement with CCM and Bay State Consultants to become the agent for the

Town in negotiating a contract. Once contract terms are negotiated and approved by the Town, they engage in the bidding process and come up with proposals which are recommended to the Town Manager. At that time, Mr. Milone will have a four hour window of opportunity to accept or reject contracts which will run for no less than one but no more than five years.

Attorney Knott has reviewed the CCM agreement, and made some changes, . After the Council passes the resolution and the contract is agreed to, the Town Manager signs with CCM and Bay State Consultants, they shop around for rates. There is only a 4 hour window of opportunity in which a decision is made by Mr. Milone and his staff. He believes this is a positive situation, and the quicker it is done the better.

Mrs. Visconti asked about this 4 hour window, stating it is dramatic and asked about the rationale behind it, and if the schools are part of this program also.

According to Attorney Knott, the schools are not part of the program, and the BOE can join with another group or regional school districts.

It was explained by Mr. Merola that the rates change every 15 minutes, and prices can be held for one business day. Bids are received at 11 a.m.; they go to participants at noon; and a decision must be made by 4 p.m. – the close of business for that day. CCM does provide a recommendation on whether to accept or hold off.

Mr. White asked about savings for the Town on electrical rates, and whether homeowners can do the same.

In response, Mr. Merola said the difficulty is that each account involves an administrative cost and spread over 50 town accounts is one thing. Giving a residential price would have the administrative cost on top of this price, and combined, they have been above the local utility company rate.

Mr. Merola explained that in going out to the market there are usually 8 to 10 municipalities together, and this gets 8 or 10 individual prices based on load profile. The suppliers provide bids; the bids are put on a chart and memo with who has bid what and for what length of time; and CCM makes a recommendation to the communities. Cheshire would be autonomous in this process, and would get a price only for Cheshire.

Mr. Schrumm asked about the transmission and generation charges on the electrical bills, and asked if this program is talking about the supplier.

Mr. Merola said we are talking about the generation service charge, energy adjustment clause, and the federally mandated congestion cause applicable to generation.

Mr. Schrumm commented on making this decision in 4 hours, and then the Town having to live with this for 4 or 5 years. He asked about how you go from that volatility to the long term contract, and about opting out of the provision with the reduced electrical rates.

In response, Mr. Merola said we are looking beyond a 12 month window, into the longer term futures market where suppliers have some assurances as to what is going to go on. He also advised that there is no opt out provision for either party.

Mr. Altieri commented on liking some of the ideas here, using multiple contracts so suppliers keep the pricing fair, and said the free market solutions to energy are great. The idea that municipalities can use them is a great idea. He asked who the people/company are which Cheshire might get a contract with.

Everyone knows who they are, and Mr. Merola said they are licensed retail electric suppliers on the DPUC list on their web site.

Mr. Altieri asked if they are reputable companies for the Town to deal with, i.e. not an Enron situation.

Mr. Merola said that he cannot state this would never happen, but the likelihood is slim to none. For a company to provide the Town with a retail obligation, they are backstopping that with a wholesale obligation. So there is this background assurance. The worst case is if a company went south...what would happen...and the Town's position would be to return to the utility which formally provided electricity for a year if a big time user or 6 months if on standard service. There is entitlement for damages if a contract fails.

When the Town Manager has the contract, Mr. Altieri asked if the Town is deciding on a one year, two year, or is the company stating a best offer for one or two years, and who decides the length of the contract.

Mr. Merola explained that CCM asks for the pricing for one, two, three, four, five years, and when the information comes back it is put into a chart, and makes a recommendation to the Town. Ultimately, the decision is up to the Town whether to follow the CCM recommendation or wait to next time.

Attorney Knott informed the Council that it should realize that CCM and Bay State get a fee, and it is listed in the contract as .00133 per kwh.

Chairman Hall thanked Mr. Merola for his informative presentation. The matter will be on the December 14, 2006 Council agenda.

**G. Status or appointment of members of West Main Street Streetscape Steering Committee/Study Group**

Town Manager Milone advised that the full list is not completed yet for the study group, and Parks and Rec Commission will provide their members after its November 20<sup>th</sup> meeting. Mr. Milone said the Town has stayed in touch with the property owners, and there have been meetings with them to keep them apprised of what is going on.

**H. Discussion re: Legislative Package**

Town Manager Milone reviewed the Legislative Package, and informed the Council that it is planned to have the State Legislators invited to the December 2006 Council meeting. The package generates a lot of discussion, and for this reason it is transmitted to the Council one month earlier. Changes can be made by Councilors. A copy of the document is attached to the minutes.

A. Real Estate Conveyance Tax – Mr. Milone is requesting that this be made permanent and maintain the current tax rate at \$2.50 per \$1000 of the real estate transaction.

B. Telecommunications PILOT – a personal property inventory is not required for the telecommunications companies; there can be no audit of the property; and there is a zero depreciation after 5 years. Cheshire is asking that this be repealed or treated as other personal property, and have a 20% residual value.

C. Elderly Tax Relief – this is CCM endorsed; the State has a circuit breaker at 89% reimbursement which is a loss of \$220,000 to Cheshire; there is suggestion to increase reimbursement to 100%, raise income levels and credits, and provide a 50/50 share of a freeze under PA06-176.

D. Modify binding arbitration laws – modify the law giving a legislative body a 2<sup>nd</sup> opportunity to negotiate.

E. Wastewater treatment plant grant - \$500,000 funding to assist in the cost of infiltration and remediation programs; last year received \$250,000 towards the issue of the prison problem exceeding the 350,000 gallons of effluent daily into the plant. Cheshire is asking the delegation to ask for \$500,000; this money would be used for the infiltration and inflow study; there is \$500,00 planned in separate appropriations for remediation over two years; and extra money would be put towards the I&I study and program.

Mr. Milone informed the Council that the effluent from the prison continues to increase; last year it was 450,000 gallons on average; and this year it is up to 480,000 gallons.

Mr. Milone wrote to the DOC Commissioner a few months ago asking to sit down and renegotiate the contract with Cheshire. The commissioner responded that members of OPM and DOT should be included in the meeting, and Mr. Milone informed the commissioner that this was unnecessary at that juncture. He wanted to sit down with DOC staff members. If he does not hear back from the commissioner, he will utilize authority and power from the State delegation on behalf of the Town.

F. Barite Mine grant fund program – establish a fund and program to provide affected homeowners with funds to study and remediate the problem.

G. Connecticutcard Library Reimbursement – increase in funding reimbursement from current level of \$978,000 to \$1,950,000; costs \$1.05 per loan, and getting 21 cents back per loan.

H. Water Main Fund – request \$500,000 for water main extension on South Meriden Road from Norton Farms to Bishop Farms.

I. PA 60-80 – request legislation to limit requirements for notice of regulation changes to publication in local newspapers for all proposals for land use applications.

Town Manager Milone advised the legislators will be at the meeting in December to meet with Council members.

Chairman Hall recommended that Councilors communicate directly with the Town Manager on the contents of the legislative package and make changes or suggestions to Mr. Milone.

Mr. Milone noted that two years ago the Council supported the extension of the real estate conveyance tax, and the delegation unanimously supported this initiative. A change in the PILOT program for telecommunications was for interest charges on delinquent payments to the Town was also successful. Water mains fund has also been successful; and there was \$250,000 for the treatment plant. It is important for the Council to speak in unified voice to the delegation on behalf of the Town.

On the telecommunications issue, Mr. Schrumm asked whether fiber optic infrastructure would be subject to this law. There might be support for this through CCM on this issue.

As part of the legislative package, Mr. Milone said that CCM supported the telecommunications PILOT which he presented. All 169 towns in Connecticut are affected by this in some way.

Mrs. Visconti suggested that the public contact the Council members if there are any compelling issues which they want addressed.

It was suggested by Robert DeVylder, Sr. that the word "barite" be removed from item F, because there are other types of mines in Town, and that all property owners be included in the recommendation.

**I. Discussion and action re: Sale of tax lien.**

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

BE IT RESOLVED, that the Town Council approves Resolution #111406-8

RESOLUTION #111406-8

BE IT RESOLVED, that the Town Council approves and authorizes the sale of the tax lien for 22 Winslow Road to Fernwood Lane, LLC at 94% of value.

Discussion

It was explained by Mr. Ecke that this property was pulled from the May tax lien sale because the taxpayer made claims to pay, but has not paid anything to date on the outstanding taxes. The Town will receive 94% of the total amount due, but the Town has held out on this matter for a long time, and the property will continue to decline in value.

VOTE The motion passed unanimously by those present.

**J. Discussion re: Cost and union negotiations concerning Sunday Hours at the Cheshire Public Library (possible executive session)**

Mrs. Esty stated that this matter has been discussed in the recent past, and authority lies with the Town Manager and Library Director to review and discuss Sunday hours with the bargaining unit.

Ramona Harten, Library Director, presented information on the pilot program for Sunday hours at the Library. The estimate is \$1000 per Sunday with personnel and associated costs. The library union agreed on the pilot program which would run for 12 weeks on Sunday afternoons from 1 to 5 P.M. Costs are associated with a skeleton staff, supervisor, children's desk, reference desk, checkout clerk, and a page. Other costs would include custodian, utilities and fuel. The Sunday hours would begin on January 7, 2007 and run through March 25, 2007. Ms. Harten said that patrons have expressed the feeling that it would be wonderful to have these Sunday hours.

The Sunday Showcase is a monthly event, so there would be 3 shows during the 3 month trial period for the Sunday Library hours.

Mrs. Visconti believes this is a great idea, and asked how many Cheshire books go to other towns.

In reply, Ms. Harten said about 14 % to 15% of Cheshire's books go to other towns, and some libraries have 30% to other towns.

Chairman Hall said that the Council would review this matter and it will be on the agenda of either the November 28<sup>th</sup> or December 12<sup>th</sup> meeting. It will also be forwarded to the Budget Committee for review and consideration.

Mr. Milone requested that this be voted on at the November 28<sup>th</sup> meeting in order to provide ample time for Ms. Harten to put everything into place. The associated costs may be transferred to the library budget later in the year in order to fund this program.

**K. Discussion re: Planning and Zoning Commission recommendation  
To meet on modifications to the Statewide Plan of Conservation  
And Development.**

Mrs. Esty stated that there is a letter from Ms. Flynn-Harris dated 10/19/06 requesting the Council review the request of the Plan of Development and a resolution to permit the Planning and Zoning Commission to discuss the effect of changes in the State Plan of Development, particularly the property at the north end of Town.

Chairman Hall said this matter will be forwarded to the Council Planning Committee. Town Planner Voelker has offered his willingness to address the committee with an overview of the issue.

Attorney Knott informed the Council that there are very specific OPM regulations, and changes require input from the legislative body, PZC, WPCA, and he will advise the Planning Committee on these.

**L. Discussion and action re: Referral of responses to the RFP for the  
Use of the former Lassen property to the Planning Committee.**

MOTION by Mrs.Visconti; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #111406-10

RESOLUTION #111406-10

BE IT RESOLVED, that the Town Council refer the review of the proposals received in response to the Request for Proposal (RFP) for use of the former

Lassen property to the Planning Committee for said committee's consideration and recommendation.

Discussion

Mrs. Visconti explained that two proposals were received, and they will be discussed at the Planning Committee meeting on November 16<sup>th</sup>.

Mr. Milone stated that the Town Attorney felt this required a formal referral to the Planning Committee. A decision will not be made at this meeting. The proposals are broad, with one from the Friends of Boulder Knott, and one from Kerry Deegan (resident of the house on the farm) and both respondents will be present at the meeting.

VOTE           The motion passed unanimously by those present.

**8. TOWN MANAGER'S REPORT AND COMMUNICATIONS**

**A. Monthly Status Reports**

**B. Departmental Status Reports**

**C. OTHER**

FY 06 Financial Report – no changes; the general fund is in good shape with \$600,000 more in State aid than anticipated; tax collections continue to exceed expectations. Utility costs may be mitigated by the CCM proposal.

Road Reconstruction/Building Blitz – all road work done except for Schoolhouse Road and Marion Road and they will be at the top of the list for next Spring along with a section of Peck Lane.

Hamden Gravel Pit –the application was withdrawn and it is now a dead issue.

Leaf Collection – continues for next 5 weeks to December 11<sup>th</sup>.

Certificate of Referendum Vote – the three questions passed and the Town Clerk has certified the result.

Correctional Facilities Capacity – The report is in the Council packets which is a State requirement from the facility. Webster is over capacity by 120 inmates; the north block has 370 cells, with 185 available for occupancy.

Route 42 Reconstruction Project – notification has been received that this project is now out to 2009, but the Town can do some things to improve the road.

Transmission Line Undergrounding Project – CL&P will begin work on December 1<sup>st</sup>; there are concerns about the bus routes and public safety, trash pickup etc. Mr. Milone will work to coordinate the project with the least impact on the homeowners. There is a meeting on November 28<sup>th</sup> with CL&P reps and the property owners to review what will be happening.

Mile Markers – in place for 2.75 miles from Elim Park to East Mitchell Avenue.

Credit Rating Presentations and Bond Sale – meeting with Moody's on December 1<sup>st</sup>; and with Fitch on December 4<sup>th</sup>; \$3.6 million bond sale still pending.

Upcoming meetings – November 16<sup>th</sup> at 6 p.m. Planning Committee; November 16<sup>th</sup> at 7:30 p.m. Planning and Budget Committees; Ordinance Review on November 21<sup>st</sup>, 7:30 p.m.

Town Hall Holidays – Thanksgiving, November 23 and 24.

## **9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS**

Attorney Knott reported there are many items coming to the Council; 4 or 5 items have been referred to Attorney Johnson; and he will meet with Attorney Johnson on November 16<sup>th</sup> for discussion on several issues. The transition process is going smoothly.

## **10. REPORTS OF COMMITTEES OF THE COUNCIL.**

### **A. Chairman's Report**

### **B. Committee Reports**

Mrs. Esty said she attended the first study group meeting on the elderly tax freeze issue and the presentation went well; next meeting is November 21<sup>st</sup>.

### **C. Miscellaneous**

## **11. APPROVAL OF MINUTES**

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

MOVED that the Town Council approve the minutes of October 10, 2006 and Special Meeting of October 26, 2006, subject to corrections, additions, deletions.

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

VOTE The motion passed unanimously by those present.

## **12. MISCELLANEOUS AND APPOINTMENTS**

### **A. Liaison Reports**

Parks and Rec Commission – Mr. Altieri reported that the commission is meeting on November 20<sup>th</sup> to consider the RFP for a pool consultant; on November 28<sup>th</sup> the Council will take up this issue.

Youth Services – Mrs. Visconti informed the Council that the group is putting together a survey in conjunction with the underage drinking grant.

Environment Commission – Mrs. Visconti reported they are working on more land management plans; homeland security reps will be coming to visit the Town and will make a presentation.

Access Channel Study Group – the group has met, and has one more meeting with Mr. Milone and in December will have a report to the Council.

Library – Mrs. Esty commented on the Sunday hours which are being considered, and they may be a request on leaking windows at the building.

WPCA – Mrs. Esty will have an update from their 11/14/06 meeting; the group is waiting for the Metcalf & Eddy report on Phase #1 of the expected needs and the I&I issues.

Energy Commission – Mr. White reported that the Town of Bethany won the competition on clean energy with 3%, and will receive passes for the Cheshire pool. The commission is considering an effort to increase the use of clean energy through free energy and money savings with light bulbs.

Human Services – Mr. White said one member signed up for a new oil distributor and the person came to the house demanding to enter the house to drop off the oil. Residents are warned to not allow people into the house for oil delivery, as they may make up something wrong with the furnace. Also, the committee wants to meet with PBC and architects to insure ADA requirements are met.

Regarding the library windows, Mr. Milone said that during the winter he deploys the PW Department crews into the buildings to blitz them and do repairs and maintenance. The library windows are first on the list.

### **B Appointments to Boards and Commissions.**

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

MOVED to appoint the following people: Dorothy Cantor (D) to the Cheshire Housing Authority, to replace Marta Farb, term of office current to 5/31/08; Stephen Eberle (D) to the Energy Commission, to replace James Humphrey, term of office current to 1/31/08; Sheldon Dill Jr. (R) to the Central Connecticut Tourism Board of Directors, to replace Mary Rossi, term of office current to 6/1/08.

VOTE The motion passed unanimously by those present.

### **13. COUNCIL COMMUNICATIONS**

#### **A. Letters to Council.**

#### **B. Miscellaneous**

Mr. Altieri attended the Kids in Motion golf tournament, which was very successful; the group received a check from AT&T for their fund raising efforts.

### **14. EXECUTIVE SESSION**

#### **A. Economic Incentive Request**

#### **B. Land Acquisition**

#### **C. Pending Litigation**

MOTION by Mr. White; seconded by Mr. Altieri.

MOVED that the Town Council enter Executive Session at 10:48 p.m. to include the Town Manager and Town Attorney for all matters; Economic Development Coordinator Jerry Sitko and Town Planner Voelker for land acquisition and economic incentives.

VOTE The motion passed unanimously by those present.

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

MOVED to exit Executive Session, extend the meeting past curfew, and return to Executive Session at 11:00 p.m.

VOTE The motion passed unanimously by those present.

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

MOVED to exit Executive Session at 11:10 p.m.

VOTE The motion passed unanimously by those present.

### **15. ADJOURNMENT**

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

MOVED to adjourn at 11:10 p.m.

VOTE        The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk  
Cheshire Town Council