

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON
TUESDAY, MARCH 13, 2007, 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.

Staff: Town Manager Michael A. Milone; Town Attorney Dwight Johnson
Attorney John K. Knott; PW Director Joseph Michaelangelo; Town Clerk Carolyn
Soltis; Economic Development Coordinator Gerald Sitko.

Mr. Altieri read the fire safety announcement.

Chairman Hall called the meeting to order at 7:35 p.m.

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Proclamation for Myran Sabean Day

Chairman Hall read the Proclamation for Myran Sabean Day, April 30, 2007, in
recognition of Ms. Sabean's 100th birthday.

B. Proclamation for Girl Scouts Make the World a Better Place Week.

Chairman Hall read the Proclamation for "Girl Scouts Make the World a Better
Place Week" in recognition of the 95th Anniversary of the Girl Scouts
Organization.

4. CONSENT CALENDAR

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-1

RESOLUTION #031307-1
CONSENT CALENDAR FOR MARCH 13, 2007

BE IT RESOLVED, that the Town Council approves the Consent Calendar for
March 13, 2007 as follows (Item F removed):

A. Acceptance and appropriation of a donation of \$500 from an anonymous

donor to the Youth Services Gift Account for Alcohol Awareness Week.

- B. Acceptance and appropriation of a \$200 donation from Skyline Exhibits & Graphics to the Youth Services Gift Account for Alcohol Awareness Week.
- C. Acceptance and appropriation of a \$1,250 donation from Calcagni Associates to the Police Gift Account for pedestrian crosswalk signs.
- D. Confirmation of resolution authorizing application and execution of an Assistance Agreement for Connecticut Small Cities Community Development Block Grant Program for renovations and repairs to Cheshire Housing Authority properties.

WHEREAS, Federal Monies are available under the Connecticut Small Cities Community Development Block Grant Program, administered by the State of Connecticut, Department of Economic and Community Development pursuant to Public Law 93-383, as amended; and,

WHEREAS, pursuant to Chapter 127c and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Economic and Community Development is authorized to disburse such Federal Monies to local municipalities; and

WHEREAS, it is desirable and in the public interest that the Town of Cheshire make application to the State for \$300,000 in order to undertake a Small Cities Community Development Program, and to execute an Assistance Agreement, therefore, one should be offered.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of the Connecticut General Statutes; and
2. That the filing of an application by the Town of Cheshire in an amount not to exceed \$300,000 is hereby approved, and that the Town Manager is hereby authorized and directed to file such application with the Commissioner of the Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance, such an Agreement is offered, to execute any amendments, recessions, and revisions thereto, to implement project activities, if approved, and to act as the authorized representative of the Town of Cheshire.

- E. Authorization to execute indemnification clause in a Letter of Agreement between Connecticut Economic Resource Center, Inc. And The Town of Cheshire for services in developing a town-wide business survey.
- H. Authorization to apply for the Take Action: Healthy People, Place and Practices in Communities Project Grant for a vascular screening program for seniors.
- I. Acceptance and appropriation of an asset forfeiture from the State of Connecticut in the amount of \$512.43.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR

- F. Authorization to apply for a 2008 Historic Document Preservation Grant for additional storage shelving and boxes in Town Hall storage area and the Town Clerk's old vault.

Mr. Hall explained that this item was removed from the Consent Calendar because of a possible conflict of interest with Councilor Ecke who works for a company that sells boxes and shelving. This matter goes with another item on the agenda which will be addressed by the Town Clerk.

6. OLD BUSINESS

7. NEW BUSINESS

- A. Set a second public hearing for the FY 2007-2008 General Fund Operating Budget, Water Pollution Control Department Fund Operating Budget, and Community Pool Fund Operating Budget.**

MOTION by Mr. Ecke; seconded by Mrs. Visconti

BE IT RESOLVED, that the Town Council approves Resolution #031307-2

RESOLUTION #031307-2

BE IT RESOLVED, that the Town Council will hold a public hearing at 7:30 p.m. on Tuesday, April 3, 2007, in Council Chambers, Town Hall, 84 South Main Street, Cheshire Connecticut to consider the proposed General Fund Operating Budget for fiscal year 2007-2008, the proposed Water Pollution Control Department Fund Operating Budget for fiscal year 2007-2008, and the Community Pool Fund Operating Budget for fiscal year 2007-2008. This public

hearing is in addition to the public hearing on this same budget that has been called for March 20, 2007.

BE IT FURTHER RESOLVED, that the Town Manager shall cause a notice of said public hearing to be posted and published according to law.

Discussion

Mr. Ecke explained that this year there will be two public hearings on the Town budget; the first is scheduled for March 20, 2007 and the second for April 3, 2007.

Town Manager Milone advised the public that the majority of the budget is on the internet (cheshirect.org); there are copies available for public review in the Library and Town Clerk's office; and copies can be purchased for \$5. The budget committee meetings are also listed on the web site.

Mr. Ecke informed the public that the first budget committee meeting will be held on Wednesday, March 14, 2007, at 6:00 p.m. in Room 207, Town Hall.

VOTE The motion passed unanimously by those present.

B. Discussion and action re: Adoption of amendments to elderly tax relief ordinance Section 17.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-3

RESOLUTION #031307-3

BE IT RESOLVED, that the Town Council adopts the amendments to Section 17-6 of the Cheshire Code of Ordinances as presented and attached. Said amendments become effective 21 days after legal notice of adoption has been published.

Discussion

Chairman Hall stated that there are two amendments which were the subject of a public hearing on March 6, 2007. By the Council's Rules of Procedure, when an ordinance amendment is the subject of a public hearing, the Council does not entertain any further public comment on the matter. The subject matter has been discussed at length over the last 6 months.

Mrs. Esty stated the Council has been working on the issue of tax relief programs for the last 6 months, with discussions and votes on the hard work done by many people. Mrs. Esty thanked everyone involved in the process, including the senior citizens and supporters who worked on the petition; Citizens Elderly Tax

Relief Study Group; Town staff; members of the Town Council; citizens who have called or sent a communication on the subject matter. She said that public input and citizen activity make a difference and helps the Council make decisions. She is pleased with what has been put together to help senior citizens stay in the community.

Mrs. Esty reviewed the highlights of the tax credit relief program.

- Property Tax Credit increases for every income category of 10% year 1; 10% year 2; 12% year 3. For married participants, this is \$800+ in credits over the next 3 years.
- Add new upper income category for Married to \$47,500, with a \$250 tax credit; Single to \$44,000 with a \$200 tax credit. This will assist seniors in the community and recognizes the middle income seniors on fixed incomes.
- Residency Requirements – remain the same; 1-5 years = 50% of the tax credits; 5-10 years 75% of the tax credits; 10+ years = 100% of the tax credits.
- Medical care expense waiver has been established for applicants; adjustments can be made if there is an increase in income due to cashing in savings, IRAs, pension, etc. to cover medical expenses.
- Deferral Program – applicants can defer up to 75% of property taxes, at the lowered interest rate of 4%.

Seniors who receive State and local tax credits will be able to defer up to 75% of their property taxes, at a lower interest rate.

Mrs. Esty noted there were suggestions to exempt the lowest income brackets from paying any property taxes. However, people must understand that there is a State law against doing this; the State requires that at least 25% of property taxes be paid; and the Council must comply with the law.

These changes are real, and they are major changes, and Mrs. Esty said they will make it easier for senior citizens to stay in the community. The Council listened to the concerns of the senior citizens and this proposal meets their needs in a fiscally appropriate way.

Mr. Ecke said this is what is right for the community and local government, with a group of people working together to make changes which are substantial. These are the most sweeping changes to the elderly tax relief program in five years. The program is funded to the highest level, helping senior citizens to stay

in Town. This program will be revisited over the three years. Mr. Ecke supported the resolution and hopes it has its desired effect.

Mr. Orsini thanked the Ordinance Review and Budget Committees for their hard work on this subject matter, and he also thanked the members of the public who pushed the issue forward to the Council. Mr. Orsini supports the proposals with the largest increase in tax relief in a long time. Although it is not what was promised in 2005, and the number in 2009 will not match the 2005 promises, it is fair and reasonable to approve.

Mr. Altieri thanked the Study Group and its Chairman, Dave Pelletier, for an excellent job. He said that seniors today have been hurt on all sides and there is great concern. Seniors have been heard and attention has been paid to this important issue of elderly tax relief. However, Mr. Altieri noted there are two other levels of government, State and Federal programs, and he urged seniors and their supporters to continue to work with State and Federal officials on this issue. Mr. Altieri stated his support of the programs proposed, and said that Cheshire should be proud spending money on town services, schools, and helping its senior citizens. He wished the seniors good luck with the programs, and hopes they stay healthy.

Mr. White commented on his goal to do what is best for seniors and everyone in Cheshire, and what is best is comprehensive tax reform, not a tax freeze. State legislators have been asked to provide more flexibility in taxing and spending, and Mr. White prefers a sales tax which is directly related to the ability to pay. Legislators have shown no interest in offering more options to the citizens, even though he passed ideas along to Rep. Nardello, without a response. Mr. White said he would support the tax credit program because it helps those who need it most – the senior citizens.

In response to a question from Mr. Ruocco about the total allocation for the senior tax programs, Town Manager Milone advised the current program allocation is \$350,000; next year the program will go to \$440,000; this is about an \$80,000 increase.

With the budget process beginning this week, Mr. Ruocco stated that \$80,000 to \$90,000 for the senior tax credit programs is not an issue for him because it serves an important purpose for the town. Mr. Ruocco thanked everyone who worked on the tax credit relief proposals, noting that the senior citizens demonstrated what takes place when people organize and petition.

Mrs. Visconti recognized the people who worked on the tax relief programs, especially Dave Pelletier, the Study Group members, Council members, and the seniors and their supporters. She stated her support of the increase in the income levels and the medical waiver. However, she has heard objections that senior taxes are too high and seniors want them frozen with no payback. This is

taking money from young families, raising children, saving for college and energy costs, etc. She noted that there are even some Town employees who make less than some of the income levels in the elderly tax credit program.

Mr. Schrumm stated he has some issues with what is being raised on this issue, and commented on Section 10 for medical expense deductions. He received a call from a senior citizen who pointed out that you can take money from a retirement/savings/IRA account, come to Town Hall and claim thousands of dollars in un-reimbursed medical costs. Therefore, everyone qualifying for the program can request adjustments to the tax credits because of medical waivers. Mr. Schrumm said that the intent of the waiver is good for everyone; medical bills are of concern to senior citizens; but he questions if we are setting up a real problem.

Mr. Schrumm read an excerpt of IRS regulation 213, noting the interpretation is complex. People in need will be the fragile elderly, and they will give up in frustration because it is difficult to understand and apply for the program. With the proposal there is no limitation on the amount of medical bills, and it is basically all un-reimbursed bills, and beyond that you can work your way up and down the credit schedule.

Attorney Knott explained that with the medical bills, income is reduced according to the ordinance, and people can now fall into the lower category with a tax benefit.

Mrs. Esty said it is understood that income levels can increase as a result of expenses, with people having to cash in funds. But this is only for people reducing their assets, thus driving up their income for the purpose of paying medical bills. She has spoken with Ms. Puliciano from the Senior Center, and applications for the programs will begin this week at the Center. In a year or two, if untenable, the program will be reviewed.

Mr. Schrumm commented that people could drive up income from retirement accounts, claiming it is for the sole purpose of medical expenses. In catastrophic cases, it would be clearly indicated and could be tracked. He believes this matter will have to be revisited, and there should have been a minimum dollar amount placed before getting into Section 10.

It was understood by Mr. Ecke that if a senior had \$10,000 in medical bills, had to cash in an asset to pay them, that \$10,000 is not counted as income in the current year. This is simple; their income will stay the same; and the intent of this waiver is good and right and it should remain in place to help those who need it the most.

Chairman Hall congratulated public supporters of the referendum and petition, Study Group members, Town Hall staff, and Council members. The Council

showed unique bipartisan interest in finding the right thing for the community, improving upon what was already a good program. He hoped the Council would act as one body. Mr. Hall stated he does not believe the programs proposed would be abused because this community is stronger than those few who would take advantage of the programs. Mr. Hall expressed his faith in the people in the community that the ordinance will be good for the community as a whole and it will not be abused.

VOTE The motion passed 8-0-1; Visconti opposed.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-4

RESOLUTION #031307-4

BE IT RESOLVED, that the Town Council adopts the amendments to Section 17-14 (new) of the Cheshire Code of Ordinances as presented and attached. Said amendments become effective 21 days after legal notice of adoption has been published.

Discussion

Mrs. Esty pointed out and clarified that a tax freeze is permitted by the State in conjunction with other credits. This is in addition to other programs everyone is entitled to, and anyone who qualifies at income and age levels has the option of a freeze in addition to the tax credit programs. She stated she is convinced that the freeze program should be adopted without asset limitations or lien limits, and proposed that (b) language referring to a lien be removed from the ordinance.

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

MOVED to remove subsection (b) from the Ordinance.

Discussion

Attorney Knott advised that there are some other minor amendments to the resolution as follows:

(a) date is October 1, 2007; (b) deleted; (c) date is October 1, 2007; (d) date is September 30, 2008.

Also, with the removal of (b), there will be reformatting of the three remaining paragraphs, ***(a), (b), (c)***.

Mrs. Esty commented on lower income seniors facing difficulties, and a freeze could make a real difference in conjunction with the tax programs. The Town should do what is responsible and adopt the one year tax freeze without a lien. It

is clear that people do not want a lien. Also, there is enormous uncertainty in the State law, and in putting the lien out there was to think long and hard on whether this freeze should be done or not. As the ink was drying on the new State law, there were all sorts of new bills being introduced in Hartford to change the freeze, and there are now dozens of bills which could radically change the boundaries of the freeze. The current freeze is limited to residents 70+ years old with incomes about \$35,000 for a married couple. However, some bills would lower the age to 65, and increase income limits to \$90,000, which is well above the median income of Cheshire (\$88,000). This is different from what the Study Group looked at or what the Ordinance and Budget Committees looked at. There is likelihood that the State might redefine the freeze very soon. In the past the State had a freeze program which it closed off after 11 years, with people grand-fathered in, along cut backs on the amount the State would pay. That program is now capped at no more than \$2000 worth of freeze. Therefore, the responsible thing to do in Cheshire is to have a one year freeze, look at the program again, because the numbers will change.

Mrs. Esty said she could understand if the referendum group wanted to go forward and ask for a long time freeze, but she recommended everyone sit back and see what happens at the State level. She will vote for the tax freeze without the lien and asset limitations.

Stating he planned to move that the lien be removed from the tax freeze, Mr. Orsini said he would not have voted in favor if the lien was left in the program. He is in favor of the lien removal because the Town appears to be heading down the path of opening up the 11% of land reserved for industrial development to help with residential property taxes. But, we are on the path to open up this land to residential development there, and he is concerned about this. It is known that residential development is a net loss to the Town while commercial and industrial is a net gain. Right now, with the one year tax freeze, he will support it, and is pleased that other Councilors will also support removal of the lien language, because a tax freeze with a lien does not equal a tax freeze, it equals a tax deferment.

Mr. Ecke commented on the hard work of the Study Group on the elderly tax relieve programs, and the community came together after hearing that the lien program is not different from the current deferral program. The Council heard the people, changed its mind on the lien, and Mr. Ecke hopes the program helps those it is intended to help.

Mr. White said that a lien defeats the purpose of the freeze, but does not think a tax freeze is good policy because there are too many unknowns. He cited a house worth \$250,000; the taxes are frozen today; 10 years from now that house is worth \$500,000, but what happens to the taxes. There are many unknowns, and he would not support the tax freeze, but he would support taking the lien out of the ordinance. Mr. White expressed his disappointment that there was no

referendum last Fall, after people put a lot effort into it. The Town Charter prohibits a referendum, and if it could be revised to have a referendum on a topic such as this one, it should be done. A town wide vote on this issue would be worthwhile.

Mrs. Esty stated that after talking with Office of Personnel Management (OPM) there was clarification on the way the freeze ordinance should be written. The year in which you adopt the freeze is the year in which you set the cap level, which then will cap as to the next year. The way the Statute works (which is why the Cheshire ordinance was modified), if the new ordinance is adopted this year with new credits, any individual who applies and qualifies, would take this year's credits from the State, Local and Veteran programs, and then the cap is set there, and that becomes the freeze set at this year's amount. Next year it could not go higher than that, but could go lower if credits or income were to drive it lower.

Town Manager Milone explained that "this year" means the October 1, 2006 Grand List, with the tax bills for July 2007 and January 2008. This becomes the base year; this is by Statute and cannot be changed.

Without the change of dates which were made, Attorney Knott said there would be a number but no tax benefit; this provides a one year tax benefit. He also said this has been revisited and there was a legal diagramming and outlining of the ordinance, looking at dates, following it through, because the intuitive review as wrong. Once it has been analyzed, and after speaking with the people at the State level, the numbers came out with a tax benefit for the freeze. This will have to be revisited depending on what the State does.

The sign-up time for the tax credit and freeze programs is now.

Mr. Ruocco said he would support the tax freeze proposal, and is pleased the lien has been removed. He has concerns about the sunset clause of one year, but understand is and can live with it. He believes the State will enhance the tax freeze program. In a respectful rebuttal to Mrs. Visconti's comments about the cost impact to young families, Mr. Ruocco said this is a miniscule cost for the Town. There are significantly large tax abatements to corporations in Town, and they dwarf the senior tax program, and no one ever posted any concern about these taxes being passed along to young families. In Cheshire it costs \$10,000 per child for education and everyone in Town pays for this cost. At \$450,000 for the tax credit programs, it comes to a small amount per household to share this cost.

Mrs. Visconti stated that this is apples and oranges...tax relief and tax abatements...because every town does abatement programs, and Cheshire does not have a choice because other towns do it and we must compete with them. She believes in helping seniors who need it, but there are young families in town who are not seniors and need help, and this should be balanced.

VOTE on the amendment to the motion: Yes – 8; No – 1 (Visconti opposed)
The motion passed 8-1.

VOTE on the amended motion: Yes – 7; No -2 (Visconti and White opposed)
The motion passed 7-2.

THE COUNCIL RECESSED AT 9:30; THE COUNCIL RECONVENED AT
9:12 PM.

**C. Discussion and action re: Approval of bid award for construction of
The Fire House #3 Additions and Renovations.**

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-5

RESOLUTION #031307-5

BE IT RESOLVED, that, pursuant to Section 2-26 of the Code of Ordinances, Town of Cheshire, Connecticut, and Section 7-8 of the Charter of the Town of Cheshire, the Public Building Commission is hereby authorized to accept the low bid of Nosal Builders of Middletown, Connecticut, in the total amount of \$979,000 to be awarded for the project entitled Cheshire Fire House #3 Additions and Renovations Project. The Town Manager is further authorized to execute the contract pursuant to this award and the Town's Bid Documents upon the approval by the Town Attorney as to form and legal sufficiency.

Discussion

PW Director Michaelangelo explained that the Firehouse #3 project was approved in November referendum, and the PBC wants this project to be done during the spring construction season. It went out to bid; 11 bids received; and Nosal Builders was the lowest bidder. This company has a good reputation; did the work on the Byam Road firehouse; the project was done on time and under budget.

In looking at the bids, Mrs. Esty questions the window replacement alternate #2 with a large variance in bids from \$2500 to \$68,000.

Mr. Michaelangelo advised the Council to not put weight on the alternates in the project; that the 8 bids were close with the bottom line; and the low bidder was 14% less.

Mr. Altieri said that in listening to the PBC, there is focus on energy efficiency and savings. He pointed out that one of the great things on this project is replacement of the windows with energy efficiency windows.

Mr. Ruocco asked about cost over-runs, what is reasonable, and the guarantee of the price by the contractor.

It was explained by Mr. Michaelangelo that this is a firm bid, and the plans and specs are a large document, and the contractor is obliged to do everything in the plans and specs. A project this size with all the variables involved, could have some change orders down the line, but we try to keep change orders in the 3% to 5% range. He noted that the CHS roof project came in without any change orders.

Mr. Ruocco asked about the specs, and all the companies bidding on the same specs and who supervises to make sure the project is done according to the plans and specs.

Mr. Michaelangelo explained that there was an architectural firm, at a \$70,000 fee, who designed the set of plans and documents specific to the PBC. They are used for the project to go out to bid for the contractors to identify what must be done.

For assurance that the project is done according to specs and bids, Mr. Michaelangelo informed the Council that a Clerk of the Works is hired on a part-time basis. This was done for the Dodd Middle School and Norton School projects. The architect makes weekly visits to the site; anything out of line, the architect is called in; there is a PBC subcommittee overseeing the project, and they keep a tight and active role on what is going on with the project.

Mr. Ecke questioned the low bidder, and assumes they are good, do a fine job to the full scope of the work.

In response, Mr. Michaelangelo said that was correct.

VOTE The motion passed 8-1; Schrumm opposed.

D. Discussion and action re: Approval of bid for removal of bubble for the pool.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-6

RESOLUTION #031307-6

WHEREAS, The Community Pool bubble must be removed in late spring, and

WHEREAS, the Director of Public Works has represented and the Town Council finds that it is in the best interests of the Town to utilize the same vendor that has installed and removed the bubble since the opening of the pool, since they are experienced, knowledgeable and have an excellent working relationship with the Town, and

WHEREAS, since this vendor installed the bubble in September of 2006 at a cost of \$19,500, and the additional work to remove the bubble in the spring of 2007 at a cost of \$19,500 will incur total fiscal year costs to said vendor that exceed the Town's \$24,000 bid limit for construction services, requiring a waiver of bid to utilize this vendor for the spring removal,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8(c)(11) of the Town Charter, approves a waiver of bid for the removal of the pool bubble, and

BE IT FURTHER RESOLVED, that the Town Manager or his designee are authorized to contract with said vendor, Hemispheric Air, for said bubble removal project.

Discussion

Mr. Michaelangelo explained that the Town has a good working relationship with this contractor, and they have been successful each year with taking down and installing the bubble. It is anticipated there will be a reduction in costs for the work this year as there has been in the past.

With regard to the removal of the bubble, Mr. Ecke asked if we are moving towards the point when Town crews will do this work.

According to Mr. Michaelangelo, the answer is "no". After watching a number of times and working with the contractor, seeing the amount of equipment involved and the knowledge for installation and removal of the bubble, working at 27 feet heights, the Town crews cannot do the work. It is labor intensive; 20+ men are on hand to do the operation; and for PW crews, safety harnesses for working at the height would be required. Also, the Town does not have the equipment required for the operation.

Last year, Mr. White voted against the pool because of the costs, and he said he made a suggestion to turn the pool into a summer only facility. If this was done, the bubble would not have to be taken down. He is not in support of the motion on the floor.

Mrs. Esty asked for clarification on the fee, and the possibility of it being reduced by \$1500 this year.

Mr. Michaelangelo said he hopes to get a \$1500 reduction for the job.

VOTE The motion passed 8-1; White opposed.

E. Discussion and possible action re: Acceptance of the Report of the Town of Cheshire Government Access Channel Study Group.

MOTION by Mrs. Visconti; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #031307-7

RESOLUTION #031307-7

BE IT RESOLVED, that the Town Council accepts the Report of the Town of Cheshire Government Access Channel Study Group.

Discussion

Mrs. Visconti explained that in June 2006 a study group was formed with members being Mr. Kramer, Sheldon Dill and Peter Takizawa. The study group's charge was to make recommendations for the government access channel including programming procedures and policies, research on how other towns use the channel and how Cheshire can best utilize this important resource. The report from the study group is thorough and well written and informative. Mrs. Visconti thanked the members for their work and for the report.

Harold Kramer, Chairman of the Study Group, thanked Mr. Dill and Mr. Takizawa, Henry Chase, and others who assisted the group with their research and work on the government access channel. Mr. Kramer highlighted some of the report, noting that programming was a large issue considered by the group. DPUC regulations require that programs on the G channel be produced by the town government or an entity of the town government, i.e. the Library, or taxpayer events such as parades or town events. There should be no broadcasting of political programming produced by individuals, elected officials or candidates for office on the G Channel.

Video programming such as town meetings should be on the G channel more than they are now, and it is recommended that the commercial radio station be removed from the G Channel. Cox Cable can provide non-commercial music service for the background. Also, it is recommended that a live video be placed on the channel most of the time, and there is availability of using the NASA or ARCH channel, which are free for airing.

Other recommendations include the following: formal approval process for channel programming; that there be a dedicated web page for the channel which would post the program schedule; no editing of programs; guidelines for the programs be archived at the Library; have post production guidelines with visual

contacts on the bottom of the screen; using the internet as a second form of airing programs.

Technical improvements were recommended as follows: better lighting in the Town Hall Council Chambers; remote wall mounted camera; improved audio system; training of more people as a crew to work with Mr. Chase.

The Town Manager or his designee become the official governance unit, along with the coordinator, for the G Channel. A permanent committee is not needed to govern the channel. A liaison is needed with Cox Cable (which runs the channel).

While the G Channel in Cheshire has operated on an informal basis in the past, this cannot continue this way in the future. Without guidelines and control, the Town of Cheshire is at some risk for non-compliance of technical regulations, and at risk for non-compliance related to editorial and programming.

Mr. Hall asked about the "risk" and any penalty involved.

Stating he was not sure of the penalty, Mr. Kramer said the Town could receive a letter from the DPUC if a formal complaint is filed, requiring the Town Attorney and personnel to respond. The Town could be stripped of its authority to run the channel.

In looking at other towns, Mrs. Visconti asked how much they are paying for the G Channel.

According to Mr. Kramer this varies, and Wallingford and Groton have their own studios and staff for the G Channel. Other towns have one tape deck and camera in a closet, and some towns televise nothing and others televise every meeting.

Mr. Ruocco commended the study group for a job well done. He does not want the DPUC to get involved in this issue, and wants it to stay local. The outcome is that the democrats and republicans should not have been on the channel. The G Channel should be for Town information purposes only.

Mr. Kramer said that the political parties can air programming on the public access channel. Guidelines are needed for live broadcasts on the G Channel and there must be an element of fairness involved.

Mr. Altieri thanked the study group for the great work it did on this task. He asked for clarification on Channel 14 political programming, noting there is a place on the other channels for Cheshire programming. He asked about the recommendations for running local government programs more often.

Mr. Kramer said the political programs are on the public access channel. The consensus of the group was to run meetings more often rather than having the character on the channel.

Mr. Milone noted he would like to get more Town departments on the air and present a variety of things that are going on in Town.

Mr. Orsini commended Mr. Kramer and the study group members for their work on this report. He understands the goal of making the local government more accessible, with people wanting to have a better understanding of how government works, having more programming from entities funded by Cheshire taxpayers. Mr. Orsini noted there are two groups in Town, with some taxpayer funding, recognized by State statute, and they are the democratic and republican town committees. One of their most important functions is to seek out, endorse and clarify people to run for office, and this is very important for people to understand what is involved in getting involved in government. Mr. Orsini cited one political action committee, the League of Women Voters, which has made a fine use of the government channel. But, based on what is recommended they would no longer have access to that channel. Also, PTA and PTO Groups would not be allowed on the government channel because they are not government entities.

This is a complex issue and often debated issue, and Mr. Kramer explained there is an education channel governed by the same regulations, and PTA groups could use that channel. Any of the programming described by Mr. Orsini could be run on the public access channel. The interpretation in Connecticut has been that only government entities and agencies run on the G Channel. This does not preclude the Town from allowing the LWV from running a candidate forum. The Town must give thought to what it wants on the G Channel. The idea of political party programming should not be on the G Channel. It gets messy around election time and other times, and some comments on both sides may not be accurate; they are more opinion in most cases.

Mr. Orsini stated that government, by nature, is messy, but it is important for the public to see what is said, and this is what makes government work.

This is public access programming, and Mr. Kramer said this is an issue debated throughout the State for the G Channels. DPUC has tried to clarify it because there was a similar controversy in Milford and Orange. The Town must think about the issues, and adopt regulations appropriate for the G Channel.

Mrs. Esty thanked Mr. Kramer, Mr. Dill and Mr. Takizawa for their work on the government access channel report. She said she shares some of Mr. Orsini's concerns which are heightened by the difficulty of everyone wanting to get time on the public access channel. It takes 3 weeks to schedule a program date. She agrees we need to get candidates on camera for people to make evaluations,

and asked what could be done about this if there is not sufficient time on the public access channel. Mrs. Esty asked if there is a recourse if there is not enough access.

The recourse is to speak to Cox Cable, and Mr. Kramer said there are rules about public access channel being filled to capacity, with a second channel as a possibility. The rules are designed to be fair, and many parties do not screen a tape until it is aired.

Mr. Ruocco suggested that this points to who is producing the program, i.e. a Town production of a LWV forum is a Town program. There is an issue when the programming is not produced by the Town.

Mrs. Visconti recommended that the Town Manager come up with regulations, and asked when a first draft could be available.

These issues will be part of the budget process, and Mr. Milone said there are some financial implications involved. He must talk to the Town Attorney for clarification on some of the information in the report.

PUBLIC COMMENTS

Ed Burns, Eastridge Court, mentioned that Wallingford CT has full time employees, and the Town of Cheshire might want to work with some of the local colleges which have intern programs at no cost to the Town.

Ray Squire, Cook Hill Road, recommended that the high school students involved in the communications program could have on-the-job training at the local cable channel.

VOTE The motion passed unanimously by those present.

**F. Set public hearing re: Acceptance of 5.1 acre parcel of property by I-84 and Route 70 from the State of Connecticut Department of Transportation.
(Removed from the agenda)**

Town Manager Milone explained that the public hearing is not necessary. The hearing is required only if this property were to be sold.

Mr. Schrumm asked if anyone has gone to the area to look at the land Cheshire gave to the State, determine they did not go over their boundaries, is it remediated properly, and the condition of the land.

Mr. Milone informed the Council he would check on these concerns.

G. Discussion and action re: Waiver of bid for purchase of shelving system for Town books and files.

MOTION by Mrs. Esty; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #031307-9

RESOLUTION #031307-9

WHEREAS, the Town Clerk is purchasing storage shelving at a cost of \$15,950, and

WHEREAS, the Town Clerk has represented that the Town Clerk's Office has a long standing relationship with the current vendor, Dupont Systems, and

WHEREAS, the Town Clerk has represented that the project must be completed by June 30, 2007 to meet the terms of the grant from which this shelving is being funded, and so there is a time factor involved, and

WHEREAS, the Town Clerk has requested a waiver of bid to purchase said shelving,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council, pursuant to Section 7-8 of the Town Charter, approves a waiver of bid for the purchase of said equipment.

Discussion

Mr. Ecke recused himself from hearing or action on this matter.

Town Clerk, Carolyn Soltis, addressed the Council stating that there are two different items involved. The one under the Consent Calendar was for authorization to apply for the \$12,000 grant which is a guaranteed grant each year. The current matter is a grant for this year only; the rules have changed; and as long as the amount is encumbered by June 30th, it is okay; now the funds have to be expended by June 30th or the money must be returned. Mrs. Soltis has spoken with a representative from the shelving company and was told it takes 12 weeks to order and install the shelves. This is why the bid waiver is requested, in order for the work to be done by June 30th.

VOTE The motion passed 8-0-1; Ecke recused.

H. Discussion and action re: Approval of economic incentive for P.A. Steel.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-10

RESOLUTION #031307-10

BE IT RESOLVED, that the Town Council hereby approves the economic incentive for Pennsylvania Steel, as presented, and authorizes the Town Manager or his designee, to execute an agreement for said incentive, pursuant to approval by the Town Attorney as to form and legal sufficiency.

Discussion

Economic Development Coordinator, Mr. Sitko explained that he requested approval of three incentive programs for three companies in Cheshire, and this was discussed with the Council last month. The three companies equate to 300,000 square feet of new construction; all applications have been approved by Attorney Knott and meet the Statutes.

Pennsylvania Steel – 70,000 s.f. warehouse on East Johnson Avenue for New England Service and Distribution Center; 17-20 people employed; a 7 year agreement; tax assistance will be about \$198,000; Cheshire will gain around \$242,000 in real property tax; the estimated personal property for PA Steel is around \$3 million.

Napoli Foods – 120 s.f. warehouse off Knotter Drive; 45-50 people employed; based on 45% formula, the value of the tax relief is \$306,000 over 7 year period; the Town would realize \$374,000; estimated personal property is about \$1 million.

Whitright Realty-Cheshire Manufacturing – 5,000 s.f. current building, addition of 11,000 s.f. kennel and dog care facility; 12 full time and 6 part time employees; estimate of the incentive is \$21,000 over 3 years; \$26,000 gain to the Town.

Attorney Knott has protected the Town's interest very well with tax incentive agreements. The Town looks for a minimum staffing level and for the company to remain in Cheshire for 10 years, or incur penalties or pay back the tax relief. The incentive program is for new businesses and this applies to all 3 companies. The three companies were approved by the Economic Development Commission.

At the last Council meeting there was a request for an update on the tax incentive policy since 1994, and Mr. Sitko submitted this information to the Council for review.

Mr. Sitko reported that since 1994 real estate property tax has been given 15 times; estimated value is \$3.4 million; the Town collected \$8.6 million in real estate property tax assistance; and another \$1.5 million in personal property taxes. This totals \$10.1 million. Another non-tax incentive was granted to

Connecticut Air Gas in 1994 at the end of MacCausland Court, with the Town contributing \$150,000 to the construction of the Court road. Since 1994 the real estate property taxes collected from Connecticut Air Gas has been \$430,000; the personal property tax collected has been \$765,000; this totals \$1.2 million.

Two other companies are coming on the grid – Salsco and Alexion Pharmaceuticals.

Mr. Sitko advised that the incentive program expires June 30, 2008, and next year the EDC will review the program, do research, do a survey of towns across the State to see how Cheshire stacks up and competes. There will be a report to the Town Council.

VOTE The motion passed unanimously by those present.

I. Discussion and action re: Approval of economic incentive for Napoli Foods.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-11

RESOLUTION #031307-11

BE IT RESOLVED, that the Town Council hereby approves the economic incentive for Napoli Foods, as presented, and authorizes the Town Manager or his designee, to execute an agreement for said incentive, pursuant to approval by the Town Attorney as to form and legal sufficiency.

VOTE The motion passed unanimously by those present.

J. Discussion and action re: Approval of economic incentive for Whitright Realty.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-12

RESOLUTION #031307-12

BE IT RESOLVED, that the Town Council hereby approves the economic incentive for Whitright Realty, as presented, and authorizes the Town Manager or his designee, to execute an agreement for said incentive, pursuant to approval by the Town Attorney as to form and legal sufficiency.

Discussion

VOTE The motion passed unanimously by those present.

K. Discussion and action re: Authorization to hire Milone & MacBroom To prepare a revised survey map for the State of Connecticut Department of Environmental Protection (DEP) to secure the DEP open space grant for the former DeDominicis property.

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

BE IT RESOLVED, that the Town Council approves Resolution #031307-13

RESOLUTION #031307-13

BE IT RESOLVED, that, pursuant to Resolution #091200-10, the Town Council authorizes the Town to hire Milone & MacBroom to prepare a revised survey map of the DeDominicis property, at a cost of \$1,300.00, to meet the State of Connecticut Department of Environmental Protection's (DEP) request for a revised survey map as a condition of finalization of the DEP Open Space grant for this property, and directs the Town Manager to execute said Agreement.

Discussion

Mr. Milone reminded the Council that the purchase was a collaborative effort with the RWA which contributed \$3,000 per acre, and there is a \$550,000 outstanding grant. Attorney Johnson has met with Attorney Buturla, and this matter is close to being resolved, but additional mapping is needed to go to the State. With this submission, the Town should receive the grant funds.

Mrs. Esty asked if the funds for this come from the open space account, because it did not come through budget, and how will it be handled.

In response, Mr. Milone said that the payment for Milone and MacBroom comes from the open space account; the \$550,000 goes back in.

Regarding the 9/12/00 resolution, Mr. Schrumm asked about the encroachment being found now, and why another map is being prepared, and why pay \$13,000.

Mr. Milone could not answer the question, but said there were many meetings among the attorneys to resolve this open space issue. Attorney Buturla indicated there was more work to be done, and sent a letter for appropriation of the funds.

Mrs. Esty asked if this might be that, late in the process, we have discovered there cannot be any encumbrances. Therefore, the lines have to be re-drawn. The State may change the requirements without releasing the funds unless the conservation easement is drawn in such a way that there are no encumbrances. This is the way she read the letter...to mean that however it was properly drawn

at the time, now, it may not make the Town eligible for the grant unless we re-draw the lines.

Mr. Schrumm said these are not encumbrances; they are encroachments; and they are holding up the \$550,000 in grant funds.

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

MOVED to table this matter to the March 27th Town Council meeting.

VOTE The motion passed unanimously by those present.

8. TOWN MANAGER REPORT AND COMMUNICATIONS

A. Monthly Status Report – in Council packets

B. Monthly Departmental Status Reports – in Council packets.

C. Other Reports.

- FY 07 Monthly Financial Report – the current status of the General Fund is strong; it is estimated there will be a \$1.2 million surplus; there will be a small surplus in the pool account; and good surplus in the WPCA account.
- Post Office Status – Mr. Milone read the e-mail regarding this project into the record. The project is over budget; the post office is working on a re-design of the site; they will meet with Town representatives (Voelker and Sitko) on the new design; and construction will start in the Fall.
- Status of Pool Consultant Report – a principle in the company was hospitalized and this delayed the report; a meeting will be arranged with the consultant and Energy Commission by the end of next week; the report must get to the Budget Committee to be considered as part of next year's operating budget.
- Upcoming Meetings – schedule attached.
- Town Hall Holiday – Good Friday, April 6th.

Mr. Ruocco asked about reimbursement for the senior tax relief program.

Mr. Milone advised there is no reimbursement for the senior tax programs; the State has reduced its reimbursement for its program by \$14,000 and the Town now subsidizes the State program by \$45,000. The increase for the local program for next fiscal year is about \$80,000.

Regarding the legislative package, Mr. Orsini asked if the Council ever voted on this and if it was sent to the legislators.

Mr. Milone said the Council did not vote on the legislative package, but all the information was discussed with the legislators in December when they attended the Council meeting.

Mrs. Esty asked about the status of the fuel cell process and negotiations with CCI.

Regarding the fuel cells, Mr. Milone said the Town should be hearing soon about the first phase of review and approval; he will also get information from Yankee Gas for the Council.

With regard to CCI, he heard back from Commissioner Lance; she has asked that a meeting be arranged with the State Dept. of Public Works and Office of Policy and Management and the Dept. of Correction. It is hoped the legislature will expedite this meeting, and Rep. Fritz has introduced a bill for Cheshire to get another \$500,000.

If the legislative package was not submitted, Mr. Schrumm asked about communications to Hartford on what the Town wants. He said there should be something official sent to the State Legislators.

As a result of the December meeting, Mr. Milone said a number of bills were introduced reflective of the concerns and priorities of the Town, i.e. CCI, offset for property tax freeze, real estate conveyance tax. Also, Mr. Milone gave testimony on the telecommunications property tax issue; he has been in Hartford testifying on a number of things in the past 4 weeks; and a number of bills have been introduced by our delegates.

Mr. Ruocco talked about H.B. 51-13 by Rep. Fritz for the \$850,000 for artificial turf for the high school, and said this may actually come our way.

It was made clear by Mr. Milone that there was dialogue amongst the delegates and representatives of the Board of Education, but he is not privy to this bill being introduced/ Many bills are introduced on behalf of the school system which never come across the Town Manager's desk.

Mrs. Visconti said the legislators also introduced a bill to assist Cheshire with the barite mines, and this matter has gained attention from Congressman Murphy.

The BOE requests for introduction of bills were discussed by Mr. Schrumm, and he said we have a unified capital budget in Cheshire. He has difficulty with the BOE going for the money for the field. But then they come to the Town for money for other BOE needs, and they expect to get the money from the Town

side of the budget. Mr. Schrumm has a problem with this lack of coordination, and said this is wrong, because the BOE is essentially making decisions for the Town.

It was made clear by Mr. Milone that it was not the "Board of Education", but someone representing the school system...it could have been the Boosters group or individual person. He did not want to leave the impression that the BOE deliberated this and make a formalized the vote. There was discussion between the delegation and someone representing the school system, whether appointed, elected, or just a volunteer.

**9. TOWN ATTORNEY REPORT AND COMMUNICATIONS.
No report; Executive Session.**

10. REPORT OF COMMITTEES OF THE TOWN COUNCIL

A. Chairman's Report

B. Committee Reports

Planning - Mrs. Visconti reported the Planning Committee met for an update on the Boulder Knoll farm and barn; there will be another meeting for greater details.

Budget – Mr. Ecke reported the first budget workshop on the FY 07-08 budget will be held on Wednesday, March 14th.

Mrs. Esty reported that sessions for the property tax relief programs will begin this week, Thursday, 9 a.m. to Noon, for the next 3 Thursdays. This information should be on the web site.

Mr. Milone advised there will be a question and answer survey being compiled by Mr. Panagrosso; it will be in the newspapers and in a short telecast on cable access; and there will be handouts to the seniors.

C. Miscellaneous

**11. APPROVAL OF MINUTES
Special Meeting January 30, 2007; Meeting February 13, 2007;
Public Hearing March 6, 2007.**

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

MOVED that the Town Council approves the minutes of Special Meeting January 30, 2007; Meeting February 13, 2007; Public Hearing March 6, 2007, subject to corrections, additions, deletions.

Discussion

Page 10 – “**chewing up**”; page 13 – change to read...In response to a question from **Mr. Altieri** about officers...

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports.

Economic Development Commission – Mr. Ecke reported that the EDC made a recommendation to the P&Z Commission to consider the north end zone text change for a mixed use development.

Human Services – Mr. White reported the committee is working on Alcohol Awareness Week.

B. Appointments to Boards and Commissions

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

MOVED that Maureen Rose (D) be appointed to the Human Services Committee, to fill the vacancy of Marilyn DiTota, term of office current to 1/31/10; appointment of Benjamin Alderton (D) to the Public Building Commission, to fill the vacancy of Michael Terminiello, term of office current to 1/31/11; appointment of Michael Terminiello (R) to fill vacancy of J. Lami, term of office current to 1/31/10.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council.

1. Environment Commission Requests

Request from the commission to rename the Dime Savings Property as “May Park”; and support of the Boulder Knoll property proposal of Dr. Giddings.

These two issues will be forwarded to the Planning Committee for review.

2. Public Safety Commission request.

B Miscellaneous

Town Manager Milone informed the Council that the March 27th meeting will be posted as a Special Council meeting and Budget Committee meeting.

Ray Squire, Cook Hill Road, asked the Council about the possible revision to the Town Charter, and the last time the Charter was revised.

Chairman Hall advised that the Charter was revised 12 years ago in 1995.

14. EXECUTIVE SESSION

- A. Economic Incentives**
- B. Land Acquisition**
- C. Pending Litigation**

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

MOVED that the Town Council enter Executive Session at 11:02 p.m. to include the Town Manager and Town Attorney for all matters.

VOTE The motion passed unanimously by those present.

(Mr. Hall left the meeting at 11:02 p.m.)

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

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

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

MOVED that the Town Council adjourn the meeting at 11:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk