

**MINUTES OF THE CHESHIRE TOWN COUNCIL MEETING HELD ON
TUESDAY, JULY 10 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; Matthew Altieri, Elizabeth Esty, David Orsini, Thomas Ruocco, David Schrumm, Diane Visconti, Timothy White.

Town Manager Michael A. Milone; Dwight Johnson, Town Attorney; Police Chief Michael Cruess; Economic Development Coordinator Jerry Sitko

Chairman Hall read the fire safety announcement.

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

Ray Squire, 291 Cook Hill Road, addressed the Council, stating that the Ives Corner Parklet is beautiful, and a gem, and the same maintenance and beautification should be done to the Medal of Honor Plaza. He also commented on other towns making parks out of their dumps, and this should be considered for Cheshire. Mr. Squire commented on the safety hazard of the signs in the middle of the road on Higgins Road; suggested putting up a stop sign; or moving the existing signs top the side of the road. He asked if a meeting was going to be held on the community pool consultant's report.

With regard to the pool report, Mr. Altieri informed Mr. Squire that the Parks and Rec Commission is waiting for the three authors of the report to have a mutually convenient time to meet with the commission, the director and other interested parties to review the report. Once this meeting is scheduled, it will be publicly noticed.

Mr. Squire suggested the Council consider making its appointments to boards and commissions at its televised meetings. In this way, the appointee can be recognized by the Council, be sworn in, and have the honor of recognition. Mr. Squire also suggested that the Council look at the Town Charter, and that revision of the Charter be on the agenda as a matter of relative concern.

4. CONSENT CALENDAR

MOTION by Mr. Ecke; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #071007-1

RESOLUTION #071007-1
CONSENT CALENDAR FOR JULY 10, 2007

BE IT RESOLVED, that the Town Council approves the Consent Calendar for July 10, 2007 as follows:

- A. Acceptance and appropriation of a \$150.00 donation from the First Congregational Church to the Youth and Social Services Gift Account To assist needy Cheshire residents.
- B. Acceptance and appropriation of a \$100.00 donation from the Cheshire Men's Softball to the Parks Gift Account for ballfield improvements.
- C. Acceptance and appropriation of a \$250.00 donation from the Cheshire Newcomers Club to the Youth and Social Services Gift Account to Purchase items needed at the Yellow House.
- D. Authorization to apply for the Connecticut Department of Education's Youth and Social Service Bureau Grant for FY 07-08.
- E. Authorization to apply for the Connecticut Department of Mental Health and Addiction Services Local Prevention Grant for FY 07-08
- F. Authorization to apply for the Connecticut Department of Education's After School Grant Program for Grades K-12 for FY 07-08.
- G. Acceptance and appropriation of a \$200.00 donation from the Cheshire Newcomer's Club to the Youth and Social Services Gift Account for The Underage Drinking Program.
- H. Acceptance and appropriation of a \$300.00 donation from the Cheshire Grange Community Fair to the Police Gift Account for narcotics Enforcement.
- I. Acceptance and appropriation of a \$35.00 donation from Norma and Jill Bournival to the Parks Gift Account for the Living Classroom.
- J. Authorization to apply for the Federal Emergency Management Agencies Assistance to Firefighter's Grant to assist in the purchase of an aerial Ladder apparatus.
- K. Appropriation of \$410.00 from the Inland Wetlands Gift Account for the purchase of wetland boundary markers.

Discussion

Mr. Schrumm questioned item "J" the FEMA grant for the purchase of an aerial ladder truck, and the fact that this is a \$1 million decision. He finds it difficult to

believe that if the grant funds are received, the town would not buy this truck. He commented on this being a replacement truck for the snorkel, stating this is not true, because the snorkel was replaced 9 years ago. He stated this item should not be on the Consent Calendar, and that the decision on whether to go forward with the purchase of this truck should be made before applying for the funds. This is misleading the public.

VOTE The motion passed 8-1; Schrumm opposed.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR.

6. OLD BUSINESS.

A. Status report on new post office project.

Mr. Sitko, Economic Development Coordinator and James Miele from the Chamber of Commerce were present for this agenda item.

Town Manager Milone gave a brief summary of the post office project to date, stating that the new post office facility was to be 4,800 s.f. and now the proposed facility is 2,200 s.f. in size. This size, parking and access is totally inadequate for a town the size of Cheshire. The Cheshire Chamber of Commerce wrote a letter to Sen. Dodd, Sen. Lieberman, and Rep. Murphy expressing the frustration of the community on the post office facility, and the fact that the new facility would be replicating the existing one, moving it north of town. Members of Sen. Dodd's staff met with the Chamber members and the Town Manager, and they have begun dialogue with the USPS. Sen. Dodd's staff requested the town identify what is important for its new post office facility, and what the Town Council believes is essential for a new post office for the community.

Mr. Sitko reported that he and Town Planner Voelker met with post office representatives, and a report has been submitted on this meeting.

The meeting was held two weeks ago with USPS representatives, noting that approval for a new, 4,800 s.f. post office for Cheshire on Highland Avenue was approved in September. The USPS reps said that plans have been changed to a 2,200 s.f. facility. Many questions were raised at this meeting, and observations that the revised plan is not oriented for customers and represents no improvements over the existing conditions at the current site.

Mr. Sitko cited the following:

- parking at the Maple Avenue site is inadequate;
- the new facility plans call for one more parking space;
- there is no parking for peak usage; the new facility will have two customer counters; the current facility has three customer counters;
- at the new facility the access to Route 10 will be difficult and hazardous at certain times of the day;

- under the new plan there is no access from Sandbank Road from the facility;
- under the new plan there are no loading docks proposed and mail will be hand loaded.

There was an A.P. article about the USPS, the pressures they are under, the changing role of the USPS, provision of delivery to private contractors, centralized delivery, etc. The article cited the fact that without the "ad mail" post office rates will again increase. (copy attached to the minutes)

Mr. Sitko stated that Cheshire is seeing what is indicative of happenings in the USPS, and we must get the best product for Cheshire residents and businesses. He noted that in 1964 when the current facility was built, there were 13,000 residents and fewer businesses in Cheshire, and now there are 29,000 residents, more businesses, and the proposed new facility is almost identical to the current one on Maple Avenue.

James Miele, Chamber of Commerce, stated that the goal is to work with the town to move this project along as fast as possible. There are two problems now, traffic and size of the existing facility. The USPS is not planning on improvements, just moving the facility north. He is pleased that the staff of Sen. Dodd is working with the Chamber and the Town on this important issue, and hopes that the staff can meet with the USPS on the Cheshire post office. Sen. Dodd's staff needs the priority list for the post office from the Town officials, so they can arrange a meeting with the USPS or its officials who make decisions, and move this project along.

It was reported by Mr. Sitko that he has been told by the USPS that the Cheshire post office project is on hold, temporarily, due to several internal considerations which have made USPS take another look at the project. The Maple Avenue site lease is up in 2009, but the facility may end up remaining there and changing configuration of the building, even though USPS wants out of that site.

With a similar facility in the north end, Mr. Schrumm noted the fact that the post office would still need a sorting site. He asked where the sorting operation would be in 2009.

In response, Mr. Sitko said he asked this same question of the USPS reps, and they did not know the answer and are not sure what will be done. They said they may lease space in the north end of town.

With a smaller retail piece, Mr. Schrumm questioned whether this would open up other down town locations for the post office, and the short term fix of making an access out the back of the current site to the Stop & Shop road.

According to Mr. Sitko, the USPS seems to be focused on the site off Route 10. The questions raised by Mr. Schrumm were discussed with the USPS reps, and they said they want to move out of Maple Avenue because there are problems with the owners of the property.

Mrs. Visconti asked if the Town is dealing with the same people at USPS as in the past.

Mr. Sitko said that Kathryn Walker was the project manager, but she has stepped aside, and the town is dealing with an architect/engineer who has been working on the 4,800 s.f. facility, and he gets orders from headquarters. The USPS is downsizing, and this is not good for the Cheshire community, and the proposed new facility is not an improvement over the current site, and is not customer friendly.

Regarding this situation with the USPS, Mrs. Esty said it is easy for the Councilors to put names on a letter outlining the detailed concerns of Cheshire. And, it should also be added that part of the Town of Cheshire's Strategic Plan is to have a walkable downtown, and having access to a retail post office facility in town has always been part of the Plan. Now, that the facility is downsized which makes life difficult for the community, it seems to her it offers the opportunity to find a site in the middle of town. If part of the rationale for the USPS was saying it needed a big site and space, they are not doing that now, and the town should have an opportunity, with the help of Sen. Dodd's office, for push back. We have a year and a half on the current lease which should allow time to see whether there can be a deal found in the middle of town, for retail only, and half the size, not twice the size retail, plus a sorting facility, which USPS said they would originally do. The town should push back one or the other; moving up to the north end for sorting, fixing the traffic situation up there; and, if not, have the site in the middle of town.

Mr. Altieri said it may be a good thing for Cheshire that the project is on hold, and not heading in the wrong direction. The decision is 100% in the hands of the USPS, with the town having no say, but try to influence them.

Mr. Sitko explained that the USPS will have to come back to Planning and Zoning for another approval, so it is not completely in their hands. The operation at Sandbank and Route 10 is a leased operation, so the town will have a say when the plans are finally submitted to P&Z Commission.

In that regard, Mr. Altieri said USPS messed up the plan because it is smaller rather than larger. He asked Chairman Hall to direct the Town Manager to draft a letter which the Council could send to the USPS and Sen. Dodd.

Chairman Hall said this could be done, and will be done, since that is the request from Sen. Dodd's staff.

Public Comments

Ray Squire stated one of the benefits of living in the south end of town is Timberline which has a satellite post office, so he has not been in the post office over a year. He suggested an alternative of finding more sub-outlets for the post office for the public to use.

Derf Kleist, 251 Lancaster Way, noted that at the PZC meetings for the Stop & Shop store, there was authorization to add on extra retail space to the right of the Marshall's store. This has not been done yet; the parking is available for this space; this would be in the middle of town; and it would be a perfect spot for the retail.

Mr. Milone advised he would draft a letter to the USPS paraphrasing the information in Mr. Sitko's memo, i.e. the inadequacy of the size, lack of adequate parking, no egress onto Sandbank Road, the fact that the town is not happy with the location and would like them to revisit a central location, if possible.

It was suggested by Chairman Hall that Council members supplement this letter with their own individual correspondence. He also commented on the suggestions of Mr. Kleist and Mr. Squire being sensible.

B. Authorization to execute an indemnification clause in a Personal Service Agreement between the State of Connecticut Department Of Environmental Protection and the Town of Cheshire for the Town's reimbursement of 25% but not to exceed \$133, 750.00 For the costs associated with the Ten Mile River Culvert Collapse remediation project.

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

BE IT RESOLVED, that the Town Council approves Resolution #071007-2

RESOLUTION #071007-2

BE IT RESOLVED, that the Town Council authorizes the execution of an indemnification clause in a Personal Service Agreement between the State of Connecticut Department of Environmental Protection and the Town of Cheshire for the Town's reimbursement of costs associated with the Ten Mile River Culvert Collapse remediation project.

Discussion

Attorney Johnson stated he sees no reason why the town should not give authorization for this indemnification. This is language from the State to indemnify them against actions from the work the town did on the Ten Mile River, which might lead to claims against the State. The State is only providing money in support of this project, and it is unlikely they would agree to modify it. The

Council should recall that the town is being indemnified by the owner of the property. This is a low risk and appropriate indemnification.

Mr. Schrumm asked about this having nothing to do with the application for the money from the State of Connecticut, and if it is strictly an indemnification.

In response, Mr. Milone said it is part of the application, and the last of the paperwork in the process to apply for the money, and the indemnification clause must be filled out for reimbursement to the town.

Mr. Schrumm stated he is against the town's money being used for a private developer.

Chairman Hall noted that all indemnification provisions are brought to the attention of the Council.

Without this motion passing, Mr. White asked whether the cost burden would go back to the property owners.

Attorney Johnson replied, no, it would not. However, if the Council refused to provide the State with the indemnification request in the contract, the State could possibly refuse to provide the funding.

This is about a \$530,000 project which relates to the culvert collapse, and Mr. White said that with the right to develop property comes the responsibility to maintain it, and the property owners should pay the 25% cost of the project. He will not support the motion on the floor. Mr. White said he had a question from a resident regarding the records of the maintenance of the culvert over the last 10 years, and if they have been adequate.

Mr. Milone said he could not answer that question since he does not have the history of the maintenance of this culvert.

Mrs. Esty stated that unless the Council wants to re-argue the vote already taken by the Council on this issue, unless there is agreement on the standard indemnification clause it is unlikely the town will get the reimbursement. This leaves the taxpayers of Cheshire stuck with these costs, and then the town would have to separately pursue the private owners. These owners may, under State law, not be responsible for as much as the State might cover in reimbursement to the town.

According to Attorney Johnson there is a significant risk that if the Council declines to improve the indemnification language, the State would not provide the funding. In that case the town might find itself in the position where it would have to bring action against the property owners to recover the funds expended.

Mrs. Esty said the action against the property owner might be smaller than what the State will pay the town.

Attorney Johnson said that is correct, and is quite possible.

In that regard, Mrs. Esty said the town might not be made whole, but might incur costs to go after the private property owner, and they would still not be obliged to pay as much as the State will reimburse the town.

That is a risk the town would take, and Attorney Johnson said the town would also incur the legal costs of pursuing this action.

Mrs. Visconti stated she does not want the public to think the town is being nice to the property owner and they are being lucky. The reality is that we had a major storm, and the federal government said it must be fixed immediately, and the town is the only entity to fix it right away. This was a property and personal safety issue.

Noting it was an emergency, Mr. Schrumm said there is no emergency with respect to the property owner making payment. The public will pick up the costs of this problem for a private developer, and the taxpayers pay federal and state taxes, and taxpayers should not be doing site development work for developers.

It was stated by Mrs. Esty that the taxpayers in Cheshire should not pick up the tab, and this resolution should be supported. She clarified that there is a difference in terms of the costs the town would recover, and Mr. Schrumm's position will cost directly to the taxpayers of Cheshire. The taxpayers would pay for the town's legal bills to pursue the private property owner; and the taxpayers would also have the difference in costs from the property owners, which would be less than what the State would pay under the emergency relief programs.

If the Council did not jump into this matter as quickly as it did, getting money from the federal and state government, without looking at the other issues, Mr. Schrumm said this situation would not have happened. Every last penny of the costs could have been gotten from the developers if the town had gone down the path it did. This is still public money coming from local, state and federal funds, and it is the taxpayer's money, doing site work on private property of developers.

Mrs. Esty stated that whenever a national disaster occurs, the people of the country pitch in to save property and safeguard the public, which is why the Council voted to do this.

VOTE The motion passed 7-2; Schrumm and White opposed.

7. NEW BUSINESS

A1. Discussion and action re: Memorial Plaza enhancements and Authorization to apply for a Connecticut Office of Policy and Management Grant to Engrave Veterans Names in Memorial Plaza

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

BE IT RESOLVED, that the Town Council approves Resolution #071007-3

RESOLUTION #071007-3

WHEREAS, since the beginning of our nation, American citizens have served in the armed forces to guard the peace and to defend our freedom in time of war, and

WHEREAS, Cheshire owes a great debt of gratitude to those military veterans, and

WHEREAS, in 1990 a non-profit group exclusively funds the creation of a monument to Cheshire's veterans called Veterans Memorial Plaza, which now stands outside Town Hall, and

WHEREAS, the Veterans Memorial Plaza displays the names of Cheshire veterans from the Revolutionary War to the Vietnam War, and

WHEREAS, America has engaged in two major wars and various military conflicts since then in which men and women from Cheshire have served, and

WHEREAS, the veterans organizations of Cheshire consisting of the American Legion, The Veterans of Foreign Wars, the Army Air Force Round Table and the Disabled Veterans of America – collectively called the Cheshire Veterans Council, wish to continue honoring Cheshire's military veterans, and

WHEREAS, the names of Cheshire veterans since the Vietnam War are not on the monument,

NOW, THEREFORE BE IT RESOLVED, that the Town Council directs the Town Manager, in collaboration with the Veterans Council, to expeditiously identify the veterans of Cheshire who should have their names added to the Veterans Memorial Plaza for serving in our nation's armed forces.

Discussion

Mr. White stated this is a good idea supported by John White, Commander of the Veterans of Foreign Wars and Ernie DePietro, Commander of the American Legion, and he thanked them for bringing this matter forward for the Council because it is the right thing to do. He also noted that the traveling Vietnam War Memorial is coming to Cheshire in the Fall.

John White, 60 Pound Ridge Road, Commander VFW 1052, addressed the Council stating that the Veterans Council feels strongly that the effort started in 1990 should continue with honoring those residents who entered service from Cheshire, were honorably discharged, with their names proudly displayed. The names end with the Vietnam War, and the Veterans Council wishes to have the names of residents who served in conflicts since that time. Rep. Adinolfi is taking steps to secure the \$2500 grant from a state source for veterans. The costs for this addition to the Memorial Plaza will be covered, with no costs to the town, and it is estimated there are about 100 more people with names to be engraved on the memorial wall. He is working with Mr. Milone and Mr. Ceccolini on planning to get this project completed by Veterans Day, November 2008, when the names would be unveiled on the Memorial Plaza.

Ernie DePietro, American Legion Commander, said there is a time lag for people to come forward, and there is a process for documentation that must be followed.

Town Manager Milone said it is important to get across to the public the challenge in trying to assemble the names, with the effort to use all mediums available to make the public aware of this project. There is no source document to find out who these people are, serving since 1990. It is hoped people will come forward, provide information to the Veterans Council for validation, so veterans can have their name engraved. If someone who served prior to 1990 is not on the memorial, their names will be added.

Mr. White informed the Council and the public that the Parks and Rec Department office has the forms to be completed and returned with a copy of the veterans DD214 form from the military.

As long as someone lived in Cheshire when they entered the military service, Mr. DePietro said they are eligible to be named on the memorial plaza.

Mr. Altieri thanked Mr. White and Mr. DePietro for their efforts in this endeavor, and stated this is an honorable thing to do. He said his father's name, as a WWII veteran, is on the plaque in Wallingford, and there is great family pride for his military service.

Mr. Orsini thanked Mr. White and Mr. DePietro for their work on behalf of Cheshire veterans. He asked about the last paragraph in the motion which asks for identification of the names, but does not move forward with the project. He stated that the Council should direct the Town Manager to move forward with this project whether or not the grant is received.

Mrs. Esty commended Mr. White and Mr. DePietro for their efforts on behalf of the veterans in Cheshire, and she wants to get the word out to insure identification of everyone eligible to have a name engraved. The Veterans

Council can return to the Council if any further efforts are needed, i.e. publicity, and getting people informed to make sure the eligible veterans are identified.

Commander White said the need for widely publicizing this project is important, and there are people who may have left Cheshire a long time ago but still qualify. With media reporting, and means which the town has at its disposal with the town tv channel, various news letters, web site, senior center and parks and rec, he believes there will be more than adequate coverage for response.

Mrs. Visconti asked about the restriction that a person must have lived in Cheshire when entering the service. Many people move in and out, and many people consider Cheshire their home town.

In response, Mr. DePietro said that the previous committee put together the Memorial Plaza at Town Hall, and the stipulation was that the person had to be a resident of Cheshire when entering the service. To change the ground rules now could cause a great deal of back lash.

Mr. White said there is a means for people to have their names at the Medal of Honor Plaza with purchase of a brick and have it engraved.

Derf Kleist suggested the Veterans Council use the CHS Alumni Association to secure names.

VOTE The motion passed unanimously by those present.

A.2

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

BE IT RESOLVED, that the Town Council approves Resolution #071007-4

RESOLUTION #071007-4

BE IT RESOLVED, that the Town Council hereby authorizes the application for a Connecticut Office of Policy and Management Grant in the amount of \$2,500.00 to help defray the costs of enhancements to Cheshire's Memorial Plaza.

VOTE The motion passed unanimously by those present.

On behalf of the Veterans Council, Mr. White and Mr. DePietro thanked the Town Council.

B. Discussion and action re: Amendment to Resolution #082906-1, Item 11 to include the purchase of a new scheduling system for the Police Department, utilizing the savings of \$8,000.00 in Capital Non-Recurring Funds in the Police Technology Upgrade Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #071007-5

RESOLUTION #071007-5

BE IT RESOLVED, that the Town Council hereby amends Resolution #082606-1 (below) to include the purchase of a new scheduling system in the police technology upgrade project, using the \$8,000.00 savings that was actualized on the original project.

Original Resolution FY 2006-2007 CEB #082606-1, Item # 11

\$135,000 ALLOCATION
FOR POLICE TECHNOLOGY UPGRADE

RESOLVED,

(A) That the Town of Cheshire appropriate ONE HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$135,000.00) for police technology upgrade from funds previously appropriated by the Town's Reserve Fund for Capital and Nonrecurring Expenditures.

Discussion

Mr. Milone explained that because this is a capital project, any residual funds must be approved by the Town Council for re-designation of the funds.

Police Chief Cruess reported to the Council that the current scheduling system does not all within the purview of the original capital project. The police department's technology coordinator did an excellent job with the technology upgrade; money was saved by shared work and coordination of needs; the State paid for the change over of the 911 system; and the entire technology project came in under budget by \$10,000. The upgrades and wireless system in police vehicles is working well with officers staying on the road to write reports; the department has a new computer room called the "blue room"; and now the savings from the project could be used to upgrade the department's scheduling system which was installed in 1995.

Chief Cruess invited the Council to visit the police station and see the technology upgrades. Other police departments and IT staff visit Cheshire's police offices to look at the impressive technology upgrades.

Chief Cruess advised that the current scheduling system has outlived its usefulness; it has had an upgrade a few years back; and keeping schedules for very long periods of time is important for the police department. The current vendor advised the Chief that a new scheduling system would be about \$25,000. This vendor will take the current system, add new items, upgrade what is needed, and meld it with the Finance Department's new computer system.

Before anything is installed, the vendor would discuss the project with the Finance Department staff. With the upgrade to the scheduling system, there would be efficiencies, melding with the finance department's system, and save money. There is also a savings with the maintenance contract with the vendor including the new scheduling system maintenance into the current contract, at no additional cost.

If the scheduling system crashes, Chief Cruess said that all documentation would have to be done logged manually, and some data could be lost. He requested the Council approve re-designation of the \$8000 for the new scheduling system for the police department.

VOTE The motion passed unanimously by those present.

**C. Discussion and action re: request for bid waiver for purchase
Of tasers.**

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

BE IT RESOLVED, that the Town Council approves Resolution #071007-6

RESOLUTION #071007-6

WHEREAS, the Police Department is purchasing thirty two (32) Tasers and accompanying equipment for a total cost of \$29,938.20 from Police Gift Account Funds, and

WHEREAS, it is most effective and efficient to purchase for each Police Officer a portable taser which they can carry on their gunbelts, and

WHEREAS, the Police Chief has represented that the chosen vendor, Taser International, is the only distributor in the part of the country for this model of Taser equipment, and

WHEREAS, the Council finds it is in the best interests of the Town that the Tasers be purchased,

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 purchase of said equipment, and

BE IT FURTHER RESOLVED, that the Town Council appropriates \$29,938.20 from the Police Gift Account for said purchase of Tasers and related equipment from Taser International.

Discussion

Town Manager Milone explained that the police department has 6 tasers over the last 5 years, and the new tasers are smaller and mobile for the police officers.

Chief Cruess explained that the department has tasers; officers are trained in how to use them; and they are valuable equipment/tool for the officers. With use of tasers in police departments, there has been a reduction in injuries to suspects because officers do not use a baton or gun. The Chief wants to have a taser for every uniformed officer in the police department. He commented on the negatives of sharing equipment amongst officers and the wear and tear that results. Some of the tasers now being used need to be replaced.

Taser International makes the Taser Model x-26, and Tom Ashmore Enterprises is the sole distributor for tasers in this part of the country. The New Haven Police Department just purchased tasers for their entire police force. Chief Cruess informed the Council that this model Taser is smaller, more compact, and can be worn on the officer's belt. The police department will need 32 Tasers, and they would be used by officers at large events such as football games, parades, and other events. Chief Cruess expressed the hope that if there are funds in the future for Tasers for all the police department staff, that they be purchased.

Mrs. Visconti asked about the possibility of Tasers killing someone and the circumstances involved, and how often the Cheshire Police Department uses a Taser.

According to Chief Cruess, Tasers do not kill anyone, but, someone may die during an incident. Tasers are made to be used on drug induced people, mad dogs, violent and aggressive people, etc. and enforcement shows that there is another reason why someone passes away. Tasers have not, scientifically, been blamed for any deaths. Tasers are a wonderful deterrent, with people knowing what they are. With regard to the use of Tasers by Cheshire officers, a Taser was used the other night in an incident. Police officers are trained on the use of the Tasers. Sgt. Bobak and Sgt. Stollo are the certified Taser instructors for the Cheshire Police Department. In the past year there have been 13 uses of Tasers on 12 males and 1 aggressive dog. Use of the Taser eliminates the use of a gun or baton by a police officer.

Sgt. Stollo did a demonstration on the use of the Taser, which fires on a 5 second cycle, and can result in some burn marks or light bleeding to the suspect.

Chief Cruess advised that there is annual and adequate training of police officers on the use of the Taser, and he is satisfied with the training.

In response to a question regarding the concerns with use of Tasers, Attorney Johnson informed the Council that there are no concerns about the particulars of this firearm.

With regard to bid waivers in the past year, Mr. Milone informed the Council that there were 27 bids totaling \$2.7 million; there were 4 bid waivers totaling \$80,000; and the 3 bid waivers associated with the culvert collapse for \$99,000 are not included in these numbers. The 4 contracts were sole source providers. Also, the Town of Cheshire makes purchases through the Regional Council of Governments, State Department of Administrative Services, and other groups, which reduces costs, and bid numbers would have been higher if the town could not buy through existing contracts.

Chief Cruess related the story of the recent armed robbery at the local motel with the suspects driving their car down Route 10 into the police station driveway, and their apprehension by the police officers.

Regarding the resolution on the floor, Mr. Orsini noted that it does not cite Tom Ashmore Enterprises as the vendor from whom the Tasers will be purchased.

The maker and seconder of the motion adopted the correction to the resolution, and that it read as follows:

BE IT FURTHER RESOLVED, that the Town Council appropriates \$29,938.20 from the Police Gift Account for said purchase of Tasers and related equipment from Taser International **through its exclusive distributor Tom Ashmore Enterprises.**

VOTE The motion passed unanimously by those present.

D. Discussion and action re: Amendment to Town Manager's Contract.

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

BE IT RESOLVED, that the Town Council approves Resolution #071007-7

RESOLUTION #071007-7

BE IT RESOLVED, that the Town Council hereby amends the contract with the Town Manager with the adoption of the following changes:

1. Extend the contract to June 30, 2010
2. 3.5% salary increase, effective July 1, 2007
3. Amendments: \$2000 bonus; ICMA Deferred Compensation Contribution increased to 9.75%; vacation days as per Section 9.4 in the Town Council Personnel Rules and Regulations; health club reimbursement as per Section 10.9 In the Town of Cheshire Personnel Rules and Regulations.

This amendment is effective as of July 1, 2007.

Discussion

Mr. Altieri commented on the excellent state of the Town with credit to the Town Manager, Town Council, department heads, volunteers and town staff. The Town Manager is directly responsible for much of our excellent financial situation, such as the bond rating improvement, surplus, and excellent management of all town services. He noted the good communication with state representatives, particularly on the issue of the elimination of the state car tax, which never materialized. At the recent Personnel Committee meeting, there was excellent discussion, commendations and recommendations, with the Town Manager. Mr. Altieri stated he has found Mr. Milone to be a man of high integrity, a hard worker, and someone who is integral to our town affairs. He will support the resolution on the floor.

Mr. Ruocco stated his support of the resolution on the floor, stating it is well deserved for the Town Manager. Over the last months, he noted he and Mr. Milone have had some differences, but he would not base compensation on whether or not he agrees with Mr. Milone. He would base it on whether or not he has executed the decisions of the Council, how well these decisions were executed, as well as his recommendations. In summary, he said Mr. Milone gives the town his best recommendations, and his loyalty, and he congratulated the Town Manager on his good work, and asked him to keep up the good work.

Mr. White stated the Town Manager has done his job, but not how Mr. White feels it should be done, and he would not support the motion on the floor because of his significant differences with the Town Manager. This should not be viewed as a vote of no confidence. His vote is due to three issues – disagreement on the fund balance, requesting a cost benefit analysis on the \$2 million increase in the FY 06-07 fund balance, which he has not received yet; political fund raiser where rules were changed mid-stream; and the Friends of Boulder Knoll and ERT where the public should have been included in the discussions.

Mrs. Esty stated her support of the motion, commenting that the Town of Cheshire is extremely fortunate to have a very capable Town Manager. She stated that in the Council-Manager form of government, the Town Council serves as the legislative body and the Town Manager is the executive body. There are differences of opinion on this Town Council about how that relationship should work, and she believes Mr. White's comments go to that, and she respectfully disagrees. Most of his comments are ones that would have the Council acting in more of the executive role than the Charter provides for it to do.

The job of the Town Manager is primarily to insure things run on time, and to keep a tight financial ship for this community, which he has done extraordinarily well. Cheshire is very lucky to have him as Town Manager, and this is evidenced by looking at other communities. No one is perfect, but Mrs. Esty said that Mr. Milone does a fine job, is a loyal public servant, goes above and

beyond at every turn, has an admirable open door policy, and Cheshire is well served by his openness, his tremendous financial skills, and dedication to this community. Mrs. Esty stated she is happy to support the resolution and urged every other Council member to do so as well.

Mr. Orsini commented on his support of the resolution, working with Mr. Milone for many years, with times of agreement and disagreement. He said there is a superb level of competence in Mr. Milone's management of the town; he is loyal to the town; and he conducts business with a high level of integrity. In looking at the overall compensation package for a CEO of a municipality the size of Cheshire, Mr. Orsini said the package is very reasonable, and he will vote in favor of the resolution.

Mr. Schrumm said he has had extensive conversations with the Council and the Town Manager about the pluses and minuses, and this is not the place to rehash those. In 1990, Mr. Milone was introduced to the Town Council as the new Finance Director, and he has served with distinction in this position. He also served for two tumultuous years holding things together under another town manager. Mr. Schrumm said he was a major supporter of Mr. Milone taking on the job of Town Manager about 10 years ago, and a supporter ever since. Mr. Milone does an excellent job in handling the town's finances, and getting things done right. Mr. Schrumm expressed concern about one trend and one event over the last year. One is the need for better management of the managers and departments, some run well and others need closer scrutiny. Mr. Milone has built a wonderful financial architecture for the town with debt service, running the budget, and there is a tremendous amount of professional pride in what Mr. Milone has done. However, Mr. Schrumm believes the Town Manager's hiring of a different town planner with a very different view of things in town could come back to haunt him and the town. Overall, the Town Manager has done a wonderful job; under policy, he must carry out the dictates of the Council, and not necessarily thoughts of the Town Manager and best interests of the town.

Mrs. Visconti stated that Mr. Milone has a very difficult job, dealing with 25,000 residents, 9 councilors, and town departments, and she is happy with the way he handles his job. Her concern is the inherent tension between wanting to run a government efficiently, and this is why we have a town manager and paid staff, and this is what they try to do...and the democracy which is usually messy and noisy and people getting into arguments. She shares some frustrations with the issue of the Friends of Boulder Knoll and making an easier working relationship with staff. She is pleased this will be addressed, and she looks forward to working with Mr. Milone in the future.

It was stated by Mr. Ecke that Mr. Milone has a hard job, particularly dealing with the Town Council on a daily basis. Mr. Ecke cannot imagine someone else being the town manager, because he trusts Mr. Milone's judgment, and he does a great job. Mr. Ecke said he does not share the criticism he has heard at this

meeting, and that Mr. Milone takes the town in the right direction, and does a fantastic job as town manager. Mr. Milone deserves everything given in his contract, and Mr. Ecke hopes he stays and continues to serve as town manager regardless of having to deal with the 9 Councilors on a daily basis.

Public Comments

Ray Squire praised the town manager as a bright man, able to work with 9 Councilors, and Cheshire is lucky to have him. Mr. Milone is bright, accessible, knows about everything, is on the ball, and is an asset town, and it is a privilege to know him.

Derf Kleist stated that Mr. Milone is a good overall town manager, gets out to the public and town events, and is an icon of the community. Mr. Kleist commented on how well dressed Mr. Milone is, giving a good appearance to the community. When Mr. Kleist served on the senior tax committee, he said the town manager seemed surprised at the 8% to 12% number, but dealt with it very well, punched out the numbers, and went with it. With the compensation for a CEO, Cheshire is getting an extreme bargain with Mr. Milone.

Chairman Hall stated that he could not imagine Cheshire without Michael Milone as Town Manager. He is capable, loyal, and well suited for his role for this town at this time. The challenge of the town manager's position is to deal with the Town Council members, and he handles it well. Mr. Hall said that he knows Mr. Milone will take the criticism and commentary from Councilors constructively, and seek to improve. He said he enthusiastically endorses the resolution. He commented on it being a pleasure to know and work with Mr. Milone.

VOTE The motion passed 8-1; White opposed.

E. Discussion and action re: Approval of the Town Manager's FY 07-08 Goals and Objectives.

MOTION by Mr. Altieri; seconded by Mr. Ruocco .

BE IT RESOLVED, that the Town Council approves Resolution #071007-8

RESOLUTION #071007-8

BE IT RESOLVED, that the Town Council approves the Town Manager's FY 07-08 Goals and Objectives as presented and attached.

Discussion

Mr. Altieri commented on some changes discussed and made to the Town Manager's Goals and Objectives, with clearer language related to State Aid and Fund Balance, items over which Mr. Milone is not directly responsible. The Town Manager does not control State Aid, and does not necessarily control our fund

balance in as much as the town is developing a policy regarding fund balance. Added to the goals and objectives was "Continue to expand delegation of authority" to get the funnel out of the town manager's office and to other department heads. Technical issues dealing with Council meetings, the web site, and dissemination of information, as well as other objectives dealing with the sump pump policy, sewer user fee, and resolution of Boulder Knoll issues.

Mr. Ruocco stated that the goals and objectives document has been evolving over the last few years, is comprehensive, and Mr. Milone has met or exceeded expectations on most of the objectives. The document is a good outline for his responsibilities.

Mr. White commented that the goals and objectives are okay with him, and they work. He had offered a suggestion, and it was included under expanding communication efforts – to explore putting Council meetings on the web site. To him, the heart of this is transparency in government, and providing another avenue for people to see and know what is going on in town government, adding to the transparency, and this is important.

Mrs. Esty stated that the goals and objectives is a great example of Mr. Milone's hard work, and the best of the cooperative work between him and the Council, to try to hammer out what the community wants, the direction it wants to go, and what we expect of our town's top official. The document provides a road map and accountability, in both transparency in terms of our goals and accountability in meeting them. Mrs. Esty commended everyone who worked on the goals and objectives, and Mr. Milone's willingness to lay out, in detail, what the objectives are. She noted that not all chief executives are willing to do that, and Cheshire is fortunate to have someone who sees the need to hold himself accountable, and to continue to strive to improve. Cheshire is fortunate to have someone who takes those responsibilities seriously.

Mr. Ruocco suggested the idea for the town manager to provide a review of the Council.

VOTE The motion passed unanimously by those present.

- 8. TOWN MANAGER'S REPORT AND COMMUNICATIONS**
- A. Monthly Status Reports (in Council packets)**
- B. Departmental Status Reports (in Council packets)**
- C. Other reports**

Mr. Milone reported on the following items:

- FY 07-08 monthly financial report – in Council packets; there will be transfers for the Council to approve in August; surplus is about \$1.6 million and this could increase with additional tax revenue.

- Ten Mile River Culvert Collapse Status Report – to date the town has spent \$133,702, with bills still coming in to be paid. Mr. Milone is putting together all the indirect costs associated with this project which would include attorney's fees, town manager and staff time, etc. all eligible expenses under the grant. All this information should be compiled within a few weeks, and he will e-mail it to the Councilors. It is expected the total expenses will approximate \$180,000, considerably less than the federal government estimate of \$500,000.
- Town Hall New Telephone System – the new phone system has been installed in Town Hall and throughout the town; there are 5 more satellite facilities to go before completion. There have been some glitches with the new system, and if people have tried to reach town staff, and the phone went dead, it is not due to a hang up. Within the next few weeks, the system should be totally operational and efficient.
- Property Tax Revaluation – the tax assessor is about to award the contract to a company to conduct the revaluation; there will be a meeting with the Council in August on the revaluation process; and the prior model has been successful. The Council will make the decision on how to do the revaluation, but this must be made at the beginning of the process. There could be a phase-in of the revaluation, and there are options under the State statute. Mr. Milone advised there would be a meeting of the Council with Finance Director Ryan, Tax Assessor Panagrosso, and the Town Manager in August on the revaluation process.
- Upcoming Meetings – Ordinance Review Committee, July 11th, 7:30 p.m.; Budget Committee July 17th and July 19th, 5:30 p.m. (bus tour for capital budget projects)
- Councilors will have the Capital Budget by Friday, July 13th.

Town Manager Milone expressed appreciation to the Council members for their comments, and said he takes to heart all the recommendations made. He also noted that the 9 Councilors are not the easiest people to work with as a collective body, but individually, he thinks the relationships are good. He said he appreciates the advice, guidance and support given to him, and that he is cut a lot of slack, even when it may not be appropriate.

In looking at the operating budget next spring, Mr. Schrumm asked that the budget transfers of the Board of Education be given to the Council. He said he would like to see, as of June 30th, the budgeted amount the BOE was to put into the medical trust fund, and how much money actually went into this fund.

Regarding the property tax revaluation, Mr. Schrumm asked what the cycle is now.

Mr. Milone reported that the cycle is now every 5 years, until the State changes it again. The next revaluation is the physical one.

It was stated by Mr. Schrumm that this revaluation is for 10/1/08 for taxes in July 2009.

Mr. Ruocco asked about the surplus, and its percentage of the fund balance.

The calculations have not been done yet, but Mr. Milone said we should be in the 8.5% range, possibly higher.

In response to a question from Mrs. Visconti on how the dollar days went at the pool, Mr. Milone said it was very successful, and he will have a report on the revenue figures at the August meeting. Ms. Adams, pool coordinator, reported to him that the pool had the largest crowds she has ever seen.

Mr. Milone informed the Council that it is likely there will be a food vendor at the pool, since the town attorney's office has worked out some issues relative to conflicts of regulations, etc.

Mr. White asked why a representative of the town attorney's office was not at the July 9th Planning and Zoning Commission meeting. He asked that there be consideration of having an attorney attend P&Z meetings in case legal issues come up.

Attorney Johnson advised that the town attorney's firm does not normally plan to attend all meetings of boards and commissions. A legal representative would attend, if invited or requested, to attend. They do not feel a need for legal counsel to be present at all board and commission meetings. He said that attorneys are present at a larger percentage of Cheshire's board and commission meetings than any other municipality his firm represents.

At the PZC meeting, the town planner explained that alternative fuel station will be prohibited from the north end of town, and Mr. White thought of new energy legislation recently passed.

Mr. Orsini commented on the community pool and its recent success, with staff reporting more people than expected. He reminded the Council that this is the type of pool the community voted for – and it is good to finally see this success – and the reason the bubble is removed for the summer season.

9. TOWN ATTORNEY REPORT AND COMMUNICATIONS
No report

10. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

Chairman Hall advised there would be no special meeting of the Council on July 24th.

B. Committee Reports

Ordinance Review – Mrs. Esty reported meetings will be held on July 11th and 18th at 7:30 p.m.

C. Miscellaneous

11. APPROVAL OF MINUTES

**Public Hearings and Regular Meetings of June 12, 2007;
Special Meetings of June 14, June 26 and July 2, 2007.**

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

MOVED, That the Town Council approve the minutes of Public Hearings and Regular Meetings of June 12, 2007; Special Meetings of June 14, June 26 and July 2, 2007, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Youth Services – Mrs. Visconti reported that the committee will draft a survey to go to the BOE for a better idea of what our town youth are doing.

Library – Mrs. Esty reported that the window replacement is ongoing, and the library will receive the 2nd set of solar panels.

WPCA – Mrs. Esty reported the board is moving forward with many issues.

Human Services – Mr. White reported that the town's drug and alcohol counselor visited the committee, and did a presentation; the committee is going out for a grant.

Energy – Mr. White reported that 200 households signed up for the clean energy, and 2 solar panels have been received which will be installed at the library. He called DOT and got information that the town is using B20 fuel at \$2.04 per gallon, a savings of 36 cents per gallon, or \$13,000 annually, by piggybacking on the State contract. He said the school system should be using the same fuel to save money.

With regard to the WPCA, Mr. Schrumm stated that they have no chairman; the vice-chairman will not serve; and the new appointee has not attended a meeting to date to take his seat.

Mrs. Esty explained that the new appointee was on vacation and out of town for the meeting.

B. Appointments to Boards and Commissions.

i. Appointment to Greater Waterbury Transit Board of Directors.

MOTION by Mrs. Esty; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council reappoints Senior and Transportation Services Director Doreen Pulisciano as Cheshire's representative to the Board of Directors for the Greater Waterbury Transit District for the term July 11, 2007 to July 10, 2011.

VOTE The motion passed unanimously by those present.

Public Comments

Ray Squire asked if the town could post the names of people serving on boards and commission, and their terms of office in the local newspaper.

Mr. Hall noted this has not been done in the past, but he will check into it.

Mr. Orsini said this could be part of the conversation with the Town Clerk at the July 18th Ordinance Review meeting.

13. COUNCIL COMMUNICATIONS

A. Letters to Council

B. Miscellaneous

14. EXECUTIVE SESSION

A. Land acquisition

B. Pending litigation

C. Economic incentives

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

MOVED that the Town Council enter Executive Session at 10:05 p.m. to include the town manager and town attorney for all matters; and Mr. Sitko, Economic Development Coordinator, for economic incentives.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 10:55 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

MOTION by Mr. Ecke; seconded by Mrs. Visconti

MOVED, That the Town Council adjourn the meeting of July 10, 2007 at 10:55 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk