

**MINUTES OF THE CHESHIRE TOWN COUNCIL REGULAR MEETING HELD
ON TUESDAY, JULY 11, 2006, AT 7:30 P.M. IN COUNCIL CHAMBERS,
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Mark Ecke, Vice-Chairman; Council Members Matthew Altieri, Elizabeth Esty, David Orsini, Thomas Ruocco, David Schrumm, Diane Visconti, Timothy White.

Absent: Matthew Hall

Town Manager Michael A. Milone

Town Attorney John K. Knott

1. ROLL CALL

Chairman Ecke read the fire safety announcement, and then called the meeting to order at 7:35 p.m.

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. Recognition of Ken Neumann, Water Pollution Control Authority

Tim Pelton, Chairman, WPCA, presented a plaque and Certificate of Recognition to Ken Neumann to honor his 27 years of service to the community as a member and chairman of the WPCA. Mr. Pelton highlighted Mr. Neumann's accomplishments during his tenure on the WPCA, which included overseeing the installation of 9 pump stations, and 120 miles of sewer pipe to the system.

Mr. Neumann thanked Mr. Pelton, the Council, and the community for this recognition, and said it was his pleasure to serve and work for the Town of Cheshire. He wanted to contribute his talents and expertise, and thanked everyone who worked with him during his years of service, particularly the Town staff who gave him great support.

B. Recognition of Steve Eberle, Water Pollution Control Authority

Tim Pelton, Chairman, WPCA, presented a plaque and Certificate of Recognition to Steve Eberle for his 12 years of service to the community as a member and chairman of the WPCA. Mr. Pelton highlighted Mr. Eberle's accomplishments during his tenure on the WPCA, and commended him for his dedication and loyal service.

Mr. Eberle thanked Mr. Pelton, his fellow WPCA members, the Town Council, and all those who worked with him during his service on the WPCA. He said it was his pleasure to serve his community.

C. Public Comments.

4. CONSENT CALENDAR

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

MOVED to remove Item "D" from the Consent Calendar.

VOTE The motion passed unanimously by those present.

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

BE IT RESOLVED, that the Town Council approves Resolution #071106-1

RESOLUTION #071106-1

BE IT RESOLVED, that the Town Council approves the Consent Calendar for July 11, 2006 as follows:

- A. Acceptance and appropriation of a \$1,000.00 grant from New Alliance Foundation Inc. for the Boundless Playground.
- B. Authorization to apply for a Connecticut Department of Education grant for Youth and Social Services programs.
- C. Appropriation of \$100.00 from the Crusade Against Cancer Gift Account for the filming of Relay for Life.

- E. Authorizes the Town Manager to execute a confidentiality agreement With the South Central Regional Water Authority.
- F. Appropriation of \$2,053.00 from the Minibus Fund: \$553.00 for Greater Waterbury Transit District (GWTD) Membership Dues for FY 06-07 Financial Budget, and \$1,500.00 for GWTD FY 06-07 Non-ADA Service.

Discussion

Mr. Milone explained Item "E" and stated that the RWA is requiring the Town to sign an agreement in order for the Town to get confidential user information, i.e.

how much water people use. This information would be needed in order to review and study the sewer use charge. The information is confidential and RWA will not release it without Council approval. This information will only be used by the WPCA to conduct the water consumption study.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM CONSENT CALENDAR.

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

BE IT RESOLVED that the Town Council approves Resolution #071106-1A

RESOLUTION #071106-1A

BE IT RESOLVED, that the Town Council approves the following item "D" removed from the Consent Calendar:

D. WHEREAS, pursuant to Connecticut General Statutes (C.G.S.) 4-66G, The Connecticut Department of Economic And Community Development is authorized to extend financial assistance for economic Development projects; and WHEREAS, it is desirable and in the public interest that the Town of Cheshire make an application to the State for \$500,000.00 in order to undertake the Streetscape Improvements on West Main Street, and to execute an Assistance Agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Cheshire Town Council,

- 1) That it is cognizant of the conditions and prerequisites for the State Assistance imposed by C.G.S. 4-66G, AND
- 2) That the filing of an application for State financial assistance by the Town of Cheshire in an amount not to exceed \$500,000.00 is hereby approved, and that Michael A. Milone, Town Manager, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Cheshire.

Discussion

Mr. Milone advised that a year ago the Council authorized him to apply for a STEAP Grant up to \$500,000 maximum. This is an economic development grant, and the proposal is to use the funds for the West Main Street Streetscape project. Milone and MacBroom was hired and presented the Council with various proposals ranging from \$450,000 to \$800,000 depending on the level of detail and quality.

Cheshire has received the maximum grant of \$500,000. As part of the process to distribute the funds to a municipality, the governing body is required to adopt this resolution which is a formality with a STEAP grant.

In the letter from the State, Mr. Schrumm noted that it asks for a listing of total project costs and how the funds will be spent. This information is unknown at this time since some issues must be resolved. The Council and business owners have not accepted the plans; there are still issues with the bridge on the State highway; and the total cost of the project and how it fits in with the capital budget and Linear Trail are unknown. He asked how Cheshire can reply to the State about how much will be spend with so much unknown about costs and what will be done with this project. Mr. Schrumm also asked about the time frame or due date involved with this grant.

In response, Mr. Milone said he proposes to resubmit to the State of Connecticut the various options included when the grant was applied for, and advise that a budget cannot be given until Cheshire goes through the capital budget process.

(Mr. Orsini entered the meeting at 7:55 p.m.)

With regard to waiting until the project has been detailed with associated costs, Mr. Milone said he is not sure if waiting will affect distribution of the funds to the Town. He also advised that this is not a matching grant.

Mrs. Esty stated that the Council should see if the State will accept a placeholder or not, and this will buy the Town the time for the capital budget. We should not try to come to a firm commitment now, as the State will advise if they need more precise information. Cheshire should look at the plans and determine whether can be gotten for the award amount, and if additional funds should be committed for this project by the Town.

Time is short, and Mr. Schrumm said we don't want to turn down \$500,000. There are many things which tie into this project with stakeholders, businesses, issues with the State DOT, hydrology issue, Rail Trail issue, etc. To get all this resolved by the end of August will be a real challenge.

Mr. Milone clarified that the Council is authorizing him to sign the form with all the conditions he has laid out.

Mr. Rucco commented on this project in conjunction with the Linear Trail, and asked if some of the grant funds could be used for the expansion of the trail.

In response, Mr. Milone stated that the funds must be used for the project that was applied for with the grant submission, which was the West Main Street Scape improvements. The funds cannot be used for the Linear Trail in any way. As part of the process the Town would work closely with the property owners in the district. There would be a series of meetings with the Council, Economic Development Commission, Planning and Zoning Commission, and the property owners in the area.

There is nothing in the proposed project about the bridge over West Main Street. Mr. Milone mentioned the issue of the expansion of the Trail to Jarvis Street which was not approved by the voters last year. There is still the continuing issue to extend the Trail from Cornwall Avenue to West Main Street.

Mr. Schrumm supports taking the procedural step, but recalls some wording from the Budget Committee last year about the Rail Trail entrance at West Main Street. This would allow beautification of the area coming from the north, and have it ready when the Trail is expanded. He said this flexibility was built into the original STEAP application, and he expects Mr. Milone will repeat this in the renewed application with some money for this purpose.

In reviewing the grant, Mr. Milone said there is a mention of the entrance to the Trail being dovetailed. He read an excerpt from the grant application..."Construct street scape along the West Main Street commercial area from Grove Street to Deepwood Drive, including the entrance to the Farmington Canal Park."

Mr. Milone noted that the entrance was not defined, going north or south from West Main, and the entrance was not defined. But, at least it allows working in the street scape with whatever part of the park is there.

Mrs. Esty asked about the time period for spending this money, and what the grant terms are in this regard.

It is an open ended grant, and Mr. Milone said the term was not indicated. Past experience with STEAP grants do not have short time frames. It is realized by the State that they have to do with capital projects and they will not happen in a short time frame. He said the State will check with the Town about an honest effort to spend this money. It is recognized that this is a capital expense and will take a few years before any project is completed.

VOTE The motion passed unanimously by those present.

6. OLD BUSINESS

7. NEW BUSINESS

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

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

BE IT RESOLVED, that the Town Council Approves Resolution #071106-2

RESOLUTION #071106-2

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, 2009.
2. 3.25% salary increase effective July 1, 2006.
3. Amendments: \$2000 bonus; ICMA Deferred Compensation Contribution increased by .5%.

This amendment is effective as of July 1, 2006.

Discussion

Mr. Ruocco commended Mr. Milone for a job well done this past year, particularly with the loss of two Police Chiefs in 9 months. He considers the compensation package to be fair for someone with the Town Manager's responsibilities.

Mr. Ecke commented that along with the loss of the two Police Chiefs, the Town Finance Director resigned at the start of the budget process. He commended Mr. Milone for a good job as Town Manager.

Mr. Altieri stated it is important to compensate employees fairly, and that staff is the most important asset to the community. When they are compensated fairly, people work harder and are loyal to the Town. Mr. Milone is a prime example of this fact, and Mr. Altieri endorses the resolution.

VOTE The motion passed unanimously by those present.

B. Discussion and action re: Approval of Town Manager's FY 06-07 Goals and Objectives.

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

BE IT RESOLVED, that the Town Council Approves Resolution #071106-3

RESOLUTION #071106-3

BE IT RESOLVED, that the Town Council hereby approves the Town Manager's Goals and Objectives as presented and attached.

Discussion

Mr. Altieri stated that after much discussion by the Personnel Committee, Mr. Milone has been given direction on where the Council wants him to take the Town of Cheshire. Most of the objectives are going to be helpful to the Town; they will be things which will save money such as working on the energy costs. Going through the goals and objectives, strategies, and measurement criteria, it is seen that the goals will be helpful for the Town and give Mr. Milone the direction and priorities of the Council.

Mrs. Visconti commented on the fact that Mr. Milone knows everything going on in Cheshire, and advises the Council. For the goals and objectives, she said everyone does not agree with everything in the document. She asked about the Government Academy and the Outsourcing of the Transfer Station operation.

Mr. Milone explained that the Government Academy has been discussed last year. One objective he has tried to accomplish is to provide more open government; provide more information to the public; and provide an understanding of how money is spent and how business is conducted.

The Government Academy would be a 6-week program, 3 or 4 hours a week, with residents participating in a series of presentations to educate them on the role of Town Government, role of boards and commissions, and how the Town conducts business and operation of the Town. The initial program would be undertaken with at least 25 to 30 residents committed to participation.

Regarding the Transfer Station, Mr. Milone explained that there has been consideration of out sourcing the operation of the station with a third party. There is potential to save money and generate significant revenue. He would like to pursue this with an RFP through the Solid Waste Committee. Town Attorney Knott and PW Director Michaelangelo are working on a draft RFP which will be ready for Council review.

With regard to the bold items on the goals and objectives, Mr. Orsini questioned "with particular emphasis on improving the Department of Education Interface".

Mr. Milone replied that one of his objectives under the "Ensure Continuing Fiscal Stability of Town Operations" was "enhance operating and capital budget process through improved cost estimates and analytical data." The Personnel Committee recommended addition of the phrase "with particular emphasis on improving the Department of Education Interface".

Mr. Milone explained to the committee that there are certain statutory rights which the Board of Education has which the Town Manager cannot impose or infringe on. He also explained that he gets the highest degree of cooperation from the Department of Education with the Town Government. Cheshire is fortunate to have one of the best relationships between the DOE and Town Government in the State of Connecticut. There will always be philosophical differences between the two bodies on the oversight of the budget, and the process is different between the two government bodies.

This objective tries to accomplish a process where the Town Council receives additional information, or more compatible information with the way the Town Manager submits budget information.

Mr. Schrumm stated that he requested this "particular emphasis" to be included in the goals and objectives. While there is a good working relationship between the various Town departments, it is clear that the information coming across from the DOE with respect to capital expenditures on the school buildings could be improved. There are times when things come across when they are not ready for consideration i.e. the high school roof project. Mr. Schrumm said the Council needs better information from the DOE for the operating and capital budgets.

Mrs. Esty commented that it is important for the public to understand that these documents are continually refined, and this is a prime document showing the system in place with the Town Manager. There are two new categories this year "Energy" and "Life Cycle Costing". The Town Manager's Goals and Objectives are a detailed document, defining the objectives for the Town through the Strategic Plan.

Mr. Ecke stated that all Council members had input into the Town Manager's Goals and Objectives and Performance Evaluation.

VOTE The motion passed unanimously by those present.

C. Discussion and action re: Approval of schematic design for Fire house #3

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

BE IT RESOLVED, that the Town Council Approves Resolution #071106-4

RESOLUTION #071106-4

BE IT RESOLVED, that the Town Council, pursuant to Section 2-6 C of the Code of Ordinances approves the schematic design for the Cheshire Firehouse #3 Additions and Renovations project as approved by the Public Building

Commission and recommends proceeding to the design development phase, concurrent with the capital budget development process.

Discussion

Mr. White asked if the south end fire station with 2 doors and 2 bays with 3 fire trucks, and expanding it to have 4 doors and 4 bays. He recalls discussion about this being done with a door for an emergency shelter.

Fire Captain Hershman said it was not so much for a shelter but housing homeland security equipment.

Mr. Milone said a generator is a major concern for the south end of Town, and it was the recommendation of the Chief to have one at the south end since there is one at the north end of Town.

Mr. White said it makes more sense to him to have a generator at a school. He said many different things could be put in the additional bays or doors, and asked about the necessity of adding 2 doors and 2 bays.

Fire Captain Bill Herzman, Station #3, stated that operationally the station is constricted as far as apparatus. The 3rd bay does not help with annual maintenance of equipment, training issues, testing of hoses, overhauling and drying of equipment after a fire, etc.

Captain Hershman said the maintenance bay at headquarters is housing apparatus because there is no room anywhere else for this equipment. The 4th bay will free up this bay for the intended purpose of maintenance.

Mr. Milone explained that the generator is portable; there is no room at the schools to house the generator; and this generator is on a trailer to be mobilized anywhere in Town.

Additionally, Mr. Hershman said there will be more homeland security equipment coming to the Town, and there is a place needed to store this equipment. The new fire apparatus is larger than the equipment of past years, and there is a need to change the size of the bays to keep up with the larger size of the fire equipment..

Mr. White asked about energy being taken into consideration at the fire stations.

According to Mr. Hershman this is being done and a user member of the Energy Commission is part of the committee reviewing the fire station #3 project.

Mr. Altieri commented on this schematic design being discussed at length, and there is one out of three options, and he asked for information on the choice of the fire department.

There were three options presented to the fire department committee, and Mr. Hershman stated that this is the one chosen.

Mr. Herzman said that some designs were extreme, and the one chosen takes of advantage of existing space. The design works well with the layout and incorporates all of the station's needs, and it is a complete package.

On page 4, Mr. Altieri noted that underneath the total project cost is "add alternates", and at the PBC meeting it was stated that items 1, 2, 3, 4 are the energy savings items.

Mr. Schrumm asked about items 1 through 5 on page 4 as what the Council is approving as part of the schematic design.

Mr. Milone advised that the final determination will be made when the Council adopts the capital budget based on how much is appropriated for this project.

There are some items in the design which need to be discussed further (bunk room, exercise room, lobby) and Mr. Schrumm is not sure these items are affordable. This project was in the capital budget for \$650,000, and is now double that amount. If the schematic design is approved, the Council is stating "do all of this", and Mr. Schrumm questioned why this is being done now when the capital budget process is only a few weeks out.

Mr. Schrumm suggested tabling this agenda item to determine whether or not there is \$1.3 million to spend.

Town Attorney Knott explained that the purpose of the five year capital plan in the Town Charter and the purpose of the detail in the PBC ordinance is the intent of the Council to go through the steps so when there was an appropriation, there would not have to be a supplemental appropriation. Mr. Knott said there is no question that the schematic design in front of the Council tonight is the concept the PBC is proposing that the Council accept. Assuming that the Council approves the schematic design and further resolution giving direction to the PBC, then work can begin with the architect to finalize the design and create a set of construction documents. Then, PBC can go out to bid, assuming the Council appropriates the money for the project.

The question to be asked is...if the Council approves the schematic design and table the authority to go forward with the final design to the August meeting, nothing will happen between this approval and the architect working on the final design. So, there is an issue of time table.

Attorney Knott said that the question the Council wants to ask if it can cut back the cost of the project, even after approval of the schematic design. It was

\$650,000 last year, and double that cost this year, and can the project be cut back to another amount, i.e. \$900,000. The question is whether the cost can be cut back.

At this point in time, we are two weeks away from the capital budget process, and Mr. Schrumm said there are items in the project which must be considered further. During the budget process there will be discussions about the schematic design, and it may not even be approved. He suggested tabling this matter until the capital budget process.

Attorney Knott reminded the Council that a cost estimate on a schematic design is less reliable than a cost estimate on a final design.

Mr. Schrumm said the Council may go through the process again, when the final design is in, and when the final bids are open. This proposed project should be discussed during the capital budget process, and things should be done in sequence, and the full impact of the project can be seen.

Mrs. Visconti stated her agreement with Mr. Schrumm about tabling this project. The fire department knew it was \$650,000 in last year's budget, and there should be discussion about why the department wants the design chosen. A conversation on the choice is an important discussion to have with the Council and the fire department staff before going to the voters asking for the funding.

According to Mr. Hershman, the time table which the PBC has looked at is tight in order to get the referendum ready for November.

It was explained by Mr. Milone that the cost estimate was based on the number used for the Byam Road fire station project. This was a few years ago. In the course of time, inflation has changed the dollars required to do the work, and once the fire department got into this project it became apparent that it was not possible to use the same construction application as the Byam Road station. This also points to something said earlier in the Town Manager's goals and objectives...in the future capital planning money will be used more regularly for capital projects. It will be beneficial to use this money and get a better understanding of the project costs. These costs are developed by staff and they are not trained architects or engineers, and the basis for the numbers is not totally accurate. The #3 station project costs are closer to \$1.3 million than \$675,000.

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

MOVED That the Town Council table Resolution #071106-4 to the August 1, 2006 Town Council meeting.

VOTE The motion passed unanimously by those present.

D. Authorization to execute grant, conservation and easement Agreements with the State of Connecticut for Boulder Knoll Farm.

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

BE IT RESOLVED, that the Town Council Approves Resolution #071106-5

RESOLUTION #071106-5

BE IT RESOLVED, that the Town Council authorizes the Town Manager to execute on behalf of the Town of Cheshire a Grant Agreement and Conservation and Public Recreation Easement and Agreement under the Open Space and Watershed Land Acquisition Program with the State of Connecticut for financial assistance to acquire permanent interest in land known as Boulder Knott Farm (OSWA-29) and to manage said land as open space pursuant to Section 7-131d of the Connecticut General Statutes, and

BE IT FURTHER RESOLVED, that Michael A. Milone was appointed Town Manager on May 5, 2000 with an indefinite term. As Town Manager, Michael A. Milone, serves as the Chief Executive Officer for the Town of Cheshire and is duly authorized to enter into agreements and contracts on behalf of the Town of Cheshire.

Discussion

Mrs. Esty informed the Council that the State has agreed to provide \$450,000 towards this long ago project of Boulder Knoll Farm. The terms of this resolution are required by the State of Connecticut in order for the grant to be accepted, including the Town Manager signing and committing the Town. There has been discussion on the use of this land, and this agreement is long and detailed. Questions have been raised about the structures on this land, and she asked if the terms of the agreement cover these structures.

Town Attorney Knott advised that all structures, except the barn, are removed from the conservation easement.

Since the barn is a major discussion issue, Mrs. Esty asked what will be done with this structure. From the document, it appears that the Town has permission to maintain such structure as presently exists, and to reconstruct and move such structure. It is not clear to Mrs. Esty whether the Town is obliged to maintain the structures. She asked if the barn could be removed, or if it could be razed.

In response, Attorney Knott stated his agreement that some things are not fully answered. If the Town wants to remove the barn, he would go back to the DEP with a letter seeking permission to raze the barn. He doubts DEP would object if evidence was given that the barn is deteriorating and is a public hazard. If the

building official determined the barn was a public hazard and gave an order to tear it down, the Town would not have to go back to the DEP for permission to take it down. Mr. Knott stated there are no historical mandates on this barn.

Mr. Milone said there is no grant application for the barn for historic mandates. The Council wanted an RFP, and once proposals were received, determine what the best use of the barn would be.

In Exhibit C, Mrs. Esty said it refers to public enjoyment and education, and she asked is there is a sense of what is contemplated by the DEP about education and how this dovetails with agricultural use of the land.

It was pointed out by Attorney Knott that whatever use is proposed by a third party and the Town may like and authorize, the plan will have to go through a third party named in the agreement. This is a mandate.

Mrs. Esty stated the company is the Natural Resources Conservation Service, Southwest Conservation District, and they must approve any plan.

Mrs. Visconti said the Town may "charge", and she asked about this statement.

In reply, Attorney Knott advised that most of the things in the document were dictated to the Town of Cheshire. There were some language changes on the third party issue because it was confusing, i.e. the houses are out but not the barn. With the Linear Park, the State prohibits charging for use. In the easement agreement, they give permission to charge. In terms of actual use, such as hiking, there would be no charge; the agreement gives permission to charge, but does not mandate it.

Mrs. Visconti asked what was different about this agreement and what took so long to negotiate.

Attorney Knott explained that there was agreement with the DEP 2 years ago; documents were sent through, signed, went through the Attorney General's office and rejected. It took forever to find out why; what had to be changed; how to approach this; and there was confusion at the DEP that the documents were rejected. Finally, the objections were found out, and one of the things which solved the problems was getting the structures out of the agreement, except for the barn.

Mr. Ruocco commented on the implications that with accepting this grant there are certain limitations regarding the use of this property. He asked if the Town could lease the property to a third party to use for farming.

Attorney Knott said "yes" provided it is a non-profit or educational organization. As for what cannot be done...a farm stand cannot be operated on the property,

and this was made clear. The produce can be sold, off the property, and the property cannot change hands. The Town may end up using a licensing agreement instead of a lease, and there are many options to be explored.

Mr. Ruocco said he would support this resolution, but it is risky taking State money when there are strings attached with regulations or limitations attached to what can be done with the property.

The Town is receiving \$450,000 for the conservation easement, and Attorney Knott said the Town has other properties accepted with grants and conservation easements are on those properties. The unique part about the Boulder Knoll Farm piece is that it is, in effect, less restrictive in terms of its conservation because it allows agricultural use. Under normal circumstances, a typical conservation easement would not permit agricultural use. The agricultural use on this piece is controlled because federal monies are involved; the State is managing the federal monies; and there are certain requirements. This is a more permissive conservation easement than would normally be obtained.

Mr. Schrumm commented on the Lassen property issue going on for 5 years, and is a testament to what happens with gifts from a higher level of government. Attorney Knott has been fighting this battle, and won on many points, which protected the Town's interest to the point allowed. He asked if the houses, which are exempt from this agreement, are not subject to the restrictions.

Attorney Knott said they are subject to all the other encumbrances on the land, i.e. the life use.

Mr. Schrumm asked about being an organic farmer wanting to sell produce or products off the land, and being able to cross the street and sell in the house.

In response, Mr. Knott said this could be done so long as you are off the property, and products can be sold wherever zoning permits.

If the Town could go out and find people to use the land, Mr. Schrumm asked if people cannot be found over a period of time, whether the Town can say to the State...thank you very much, here's your \$450,000 back, and we want out. Mr. Schrumm noted that this money was given to preserve farm land, but with the restrictions, it becomes more difficult. He suggested the Town go the route of returning the funds if it is found people cannot be found to farm the land.

(Mr. White left the meeting room at 8:45 p.m.)

If he had to guess, Mr. Knott said he does not think the Town could force the State to accept the \$450,000 and release it because a commitment has been made which is on the land records. This would be a judgment call of those in authority at the time.

Mr. Orsini said the money to purchase this property came from the fund approved by the voters at referendum to acquire open space. Now, the Town will recapture \$450,000 which will go back into the fund to be used to acquire more open space.

Mr. Milone said that is correct; there is about \$1 million in the open space fund; with the \$450,000 that fund is increased by that amount; there is \$550,000 coming for the DeDominicis property.

Mr. Ruocco asked about the allocation of these funds for the maintenance of the property itself.

According to Mr. Milone the open space resolution allows the Council to use funds for the maintenance of the property, i.e. the Lassen Farm with environmental monitoring of the wells.

Mrs. Esty reported that communication from the Boulder Knoll Group indicates concerns about water quality. It is mentioned that some monitoring was done and we are now beyond the time period for requirement by the State. She asked for additional information about the water quality, and how this fits in with the State Plan of Conservation and Development, and whether this permits agricultural use to be reactivated.

Attorney Knott said an extensive cleanup was done on the land for 2 farm dumps; there was monitoring; and the monitoring ended early with the DEP; 2 farm dumps have been closed, in place, and they are done with. There was one area where equipment was fueled and that was polluted with hydrocarbons, and it was remediated. There were monitoring wells put in, and they are still in existence. There was some recent concern in reports that 2 of them are coming clean, and 1 was not improving. One of the homes no longer has life use, and has a problematic well. There are reports from environmental engineers on what should be done about that. It was hoped that this well which drew on the same water for the barn would be okay, and it has not been. This may have to be addressed. There will be no use of the water allowed until it is certified clean.

Mrs. Esty asked if that is the obligation of the Town if it entered into an agreement or lease arrangement.

Attorney Knott said that would all be part of the deal.

Town Planner Voelker said that the Statewide Plan of Conservation and Development shows this as a conservation area. The plan does not dictate use; it talks about general policy recommendations for land use; it is a guide and tool for allocation of funding. Use as farm land does not affect it, and the Town's ability to acquire funding for any other purpose in any way.

VOTE The motion passed 7-0 (Mr. White was absent from the meeting room)

**E. Discussion re: Collective Bargaining Negotiations.
Possible executive session.**

(Mr. White returned to the meeting room at 9:02 p.m.)

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS

A. Monthly Status Report (in Council packets)

B. Departmental Status Report (in Council packets)

C. Other reports.

FY 06 Monthly Report – Mr. Milone reported that there will be a \$2 million surplus; the numbers will be changing due to year end adjustments and prefunding of reserve accounts; the fund balance will be about 7.2% of the operating budget.

Community Pool – the last month was very productive at the pool facility; the budget may have some money available at the end of the fiscal year; \$106,000 generated in revenue in June compared to \$92,000 last year; revenue continues to improve and look positive.

WPCA - \$150,000+ surplus in this budget; there will be final numbers at the August 1, 2006 meeting on the three operating budgets.

GFOA – Certificate of Achievement – The Town of Cheshire Finance Department received this achievement award for the 10th year.

Defibrillators-Police Vehicles – Mr. Milone expressed thanks to Attorney Andrew Knott for his research on this project. There are defibrillators at the Senior Center, Town Hall, Pool and Library. They were not put in police cars due to the difference in the statute applying to police officers in cars and citizens. The statute was changed, and now police officers no longer have the liability as in the past, and they can use the defibrillators even though they are not first responders. The first responder is really Campion Ambulance even though the police are first on the scene. At this time money will be used from the Elim Park grant to insure all police cars are equipped with defibrillators, and police will go through a training session.

Lock 12 Bridge – some support timbers collapsed, so no cars can go over the bridge; it is safe to walk across the bridge; the cost of repairs is estimated to be \$25,000.

Route 42 Paving – construction activity taking place on Route 42; the State began to mill from Route 42 from Route 10 to Bethany Mountain Road; the State will be milling and repaving everything but 500 feet of North Brooksvale; the area around King Road will not be touched as part of this project.

Road Reconstruction – drainage work taking place on Harrison and Wiese Roads; drainage work is starting on Peck Lane; once this work is done, repaving of these roads will begin.

Upcoming Meetings – Special Town Council meeting August 1, 2006 (in lieu of August 8, 2006 regular meeting).

The final adopted budget has been distributed to the Council.

Capital budget will be submitted to the Council on July 14th; the schedule of meetings will be forwarded to the Council when they are decided; there will be two bus tours to review capital projects to be considered by the Council.

Council questions and comments

Mr. Ruocco asked about installation of curbs on Peck Lane and Jarvis Street.

Mr. Milone was unsure about this issue, and will check with PW Director Michaelangelo and report to Mr. Ruocco.

Mr. White commented on his understanding of the Route 42 work and repaving, and that the reconstruction project has 1000 to 1500 feet expected to be done in a year or two; 500 feet is not being repaved; and to him this seems to be a waste of money since it was repaved two years ago.

This is a State project, and not a Town project, and Mr. Milone said the State does not want to wait two years before putting another course of pavement on the road.

9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS

Attorney Knott reported that UTC is moving forward, and there is agreement on a letter of intent.

10. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report.

B. Committee Reports

Performing and Fine Arts – there will be a production presented of “Alice in Wonderland” this weekend.

C. Miscellaneous

**11. APPROVAL OF MINUTES
Regular Meeting of June 13, 2006; Special Meetings of June 19
And June 27, 2006.**

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

MOVED that the Town Council accept the minutes of June 13, 2006, June 19 and June 26, 2006 subject to corrections, deletions, additions.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports

Parks and Recreation – Mr. Altieri reported that the commission heard from two vendors for the RFP for the pool consultant. Next week will be another vendor interview; at the August 1st Council meeting there may be information from the Parks and Rec Commission with recommendation of a vendor.

WPCA – Mrs. Esty reported that the DEP has come back with the revised permit figures for re-rating our facility; Metcalf and Eddy and the Town are reviewing them; they should be submitted within the next month; it will be another 3 or 4 months before the DEP decision on the new rating is received. DEP has said there will be no enforcement action against Cheshire for processing more effluent than permitted unless there is actually a problem, i.e. releasing untreated sewage. DEP will acknowledge that Cheshire is working hard to solve the situation.

Town Planner Voelker is working hard on planning for future needs, and this will be part of the capital budget with a request including \$5 million for an upgrade of present facilities. There are substantial figures for some of the older portions of facilities which date back to the 1970's. There is a request for I&I studies which will be necessary.

Human Services – Mr. White reported the web site is cheshirecares.org.

Energy Commission – Mr. White reported the Town is beginning to reap the benefits of the commission's work; the commission has had input into the capital budget projects this year; and the commission is working with the Historical Society on energy concerns.

B. Appointments to Boards and Commissions

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

Reappointment of Rosalie Fountain (D) to the Cable TV Advisory Council, term of office current to 6/30/08; reappointment of Gerald Devine (D) to the Cable TV Advisory Council, term of office current to 6/30/08; appointment of Thomas O'Neil (D) replacing Bruce Klein, term of office current to 5/31/11; reappointment of Ronald Urguhart (R) to Cable TV Advisory Council, term of office current to 6/30/08; reappointment of Matthew Jalowiec (R) to Human Services Committee, term of office current to 1/31/07; appointment of Bruce Klein (R) to the Housing Authority, to replace Mr. Gilbert, term of office current to 5/31/09.

VOTE The motion passed unanimously by those present.

13. COUNCIL COMMUNICATIONS

A. Letters to Council

B. Miscellaneous

14. EXECUTIVE SESSION

A. Pending Claims and Litigation
a. Town of Cheshire v. Baker.

B. Land Acquisition

C. Personnel Matters

D. Economic Incentives.

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

MOVED that the Town Council enter Executive Session at to include the Town Manager and Town Attorney for all matters; Personnel Director Louis Zullo for personnel matters; William Voelker, Town Planner and Gerald Sitko, Economic Development Coordinator for economic incentive matters.

VOTE The motion passed unanimously by those present.

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

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

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

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

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk
Cheshire Town Council