

**MINUTES OF THE CHESHIRE TOWN COUNCIL REGULAR MEETING HELD
ON TUESDAY, DECEMBER 13, 2005, AT 7:30 P.M. IN COUNCIL CHAMBERS,
84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

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

Absent: Chairman Matthew Hall

Town Manager Michael A. Milone

Town Attorney John K. Knott.

Louise White, Employee of the Year

I. ROLL CALL

The clerk read the fire safety announcement, called the roll and a quorum was determined to be present.

Vice Chairman Ecke announced that Chairman Hall was absent from this meeting due to the birth of twin girls on December 10th. The Council offered congratulations to Lisa and Matt Hall on the birth of their daughters.

Mr. Ecke welcomed the three new members, Mrs. Esty, Mr. Altieri, and Mr. Ruocco to the Town Council.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. PUBLIC COMMUNICATIONS

A. Introduction of Employee of the Year

Mr. Ecke read the proclamation announcing Louise White, Assistant Director of Public Works, as the recipient of the Connie Wallace Employee of the Year Award. Council members congratulated Ms. White on this outstanding recognition and wished her continued success in her career.

Ms. White thanked the Council and her peers for this recognition, and said she accepted the award on behalf of all the employees of the Town of Cheshire.

B. Recognition of former Town Council members Justin Adinolfi, Steve Carroll, Sheldon Dill and Tod Dixon.

Vice Chairman Ecke presented gifts to Mr. Carroll and Mr. Dixon in recognition and gratitude for their service as Council members, and their work and dedicated efforts on behalf of the Town of Cheshire.

C. Public Comments.

None.

4. CONSENT CALENDAR

MOTION by Mrs. Esty; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council approves Resolution #121305-1

RESOLUTION #121305-1
CONSENT CALENDAR FOR DECEMBER 13, 2005

BE IT RESOLVED, that the Town Council approves the Consent Calendar for December 13, 2005 as follows:

- A. Acceptance and appropriation of an aggregate of \$750.00 in donations to the Park Gift Account for a memorial bench for Jack Mitchell.
- B. Amendment to Resolution 051805-1 to include general library purposes for the appropriation of the Connecticards.
- C. Appropriation of \$566.00 from the Schakenback Fund for children's and teen's audio materials.
- D. Appropriation of \$1,000.00 from the Library Gift Account for books and library materials.
- E. Authorization to apply for the 2006 Capital Assistance Grant which would be used to replace the oldest Senior Center van.
- F. Authorization to apply for a Bikes Belong Coalition Grant for the development of the Linear Trail.

Discussion

Mr. Ruocco questioned item 7F and asked for clarification, noting there is currently \$800,000 appropriated for this project.

In response, Mr. Milone said there is \$800,000 appropriated from the linear trail from Cornwall Avenue to West Main Street.

Mr. Ruocco asked about the "additional \$350,000 added to the project for 2006-07, and if he understands that there is \$1.1 million for this project.

Mr. Milone said there is \$800,000 appropriated, and in the second year of the five-year plan there is another \$350,000 designated for additional funding in order to complete the project. That money is primarily the result of the difficulties the Town ran into in extending the trail, i.e. legal issues. This was an additional request to address the concerns raised by the adjacent property owner to the parcel, and allows the Town to move away from his property, extend the trail and

then come back towards his property. This not money already appropriated, but would be appropriated next year when the capital plan is adopted by the Council. The current grant would be about \$10,000. This is a time sensitive grant application which Parks and Rec Director requested the Town apply for, but the expiration date is unknown.

Mr. Orsini asked if the \$800,000 is appropriated, and is approved to be spent. Mr. Milone said that was correct.

VOTE The motion passed unanimously by those present.

5. ITEMS REMOVED FROM THE CONSENT CALENDAR (NONE)

6. OLD BUSINESS

7. NEW BUSINESS

A. Discussion and action re: Teacher arbitration award; possible Executive Session.

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

MOVED That the Town Council enter executive session at 7:55 p.m. to include the Town Manager, Town Attorney, Superintendent Florio, Assistant Superintendent Calaluce, and Labor Attorney Dugas to discuss the teacher arbitration award.

Discussion

Mr. Orsini posed the question on what grounds this matter is being taken into executive session, since there is nothing left to negotiate.

Attorney Dugas replied that it is part of the strategy of negotiation in the sense that the Council will consider whether or not to reject the award. That would come under the non-meeting provisions of the FOI, so the Council would not have to go into executive session.

Town Attorney Knott advised that the Council would have to recess the Council meeting; go into a non-meeting; and then reconvene the Council meeting.

Mr. Orsini said that executive session is not called for in this case, and he would vote against the motion on the floor.

Mr. Schrumm said there is some precedent for executive session since it was done 3 years ago. There is a lot of precedent for not going into executive session. In the past when we got to this point in the arbitration process, the Council did not go into executive session, and he sees no reason to do so at this

time. This matter will take up a major portion of the Town budget, about 50% of the total operating expenditures over the next 3 years, and Mr. Schrumm stated the public is entitled to a full and open discussion on the matter. It should not take place in executive session, and he will not support the motion on the floor.

Mrs. Visconti withdrew her motion, stating she supports going into a non-meeting.

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

MOVED to recess the Town Council meeting at 8:00 p.m. and go into a non-meeting.

Discussion

Mr. Ruocco asked if the non-meeting is open to public forum. He was advised it was not, and he said he would not support the motion on the floor.

Mr. White stated the Council has gone into executive session for a non-meeting for people to hear the discussion, so he does not consider this a big deal.

We are not going into executive session, so Mr. Orsini said that the chair can call this meeting into recess. Also, anyone who wants to walk into the other room where the non-meeting is held can do so, and have a conversation with the attorneys.

Mrs. Visconti withdrew her motion.

Vice-Chairman Ecke stated that the Council will not call a recess, but will have a public discussion on this matter.

Attorney Floyd Dugas submitted a summary of the arbitration award to the Council members (copy attached), which detailed the arbitration panel award as follows:

2006-07	2.8%	1.84% step	4.64%
2007-08	2.22%	1.88% step	4.1%
2008-09	2.34%	1.86% step	4.2%

Mr. Dugas pointed out in the summary the information about other teacher contract awards in Connecticut towns, the agreed upon terms for health insurance in the Cheshire contract (Article X), increase in hourly rate under Article XV, salary classifications, Article XXVII, appendix B related to coaching and extracurricular stipends.

Mr. Dugas reported that the average awards in the State of Connecticut were 3.02% year 1, 2.9% year 2, and 3.01% year 3.

The Council was advised by Attorney Dugas that at this time they are required to take no action, reject the arbitration award by a 2/3 vote of the governing body, in which case a second panel is appointed to review the award. He believes it is unlikely that a second panel would issue a more favorable award to the Town, and 80% of the time the second panel approves the initial award. There were about 40 issues going into arbitration; compromises were reached on all issues; there was an increase in employee contribution to health insurance, and adding an HSA.

Town Attorney Knott advised the Council that it must factor in the cost of the second arbitration. Attorney Dugas advised it would cost the Town, not the Board of Education, about \$15,000.

If the Council rejects the award, the entire award is rejected, and all issues will come back to the table. Attorney Dugas said the Town could possibly get the sub-issue of step movement at mid year.

Town Manager Milone advised that the inflation indicator is 4.4% from the end of November 2004 through October 2005.

Mr. White commented on his dissatisfaction with the binding arbitration law, but 4.6% vs. 4.4% inflation is not a crazy number.

Mr. Schrumm cited the CPI for 2002 at 1.6%; 2003 at 2.3%; 2004 2.7%, and said increases over the last binding arbitration awards were higher than the CPI, and these must be looked at over a longer period of time.

Mr. Esty asked for clarification about the benefit changes in this award so the public is aware of them.

Attorney Dugas outlined the changes with home and office co-payments from \$10 to \$15; increased prescription co-payments to \$5, \$20, \$30; employee premium cost sharing increased to 15% for PPO, and 10% for HMO; optional Health Savings Account (HSA); increase in waiver payment from \$1,000 to \$1,200.

With the HAS account the employee accumulates money in an account for health care benefits with increased out-of-pocket maximums; and if these funds are not used, they continue to accumulate in the employee's account. With the incorporation of the HSA, Cheshire will be on the cutting edge in the State, and it is an option for the teachers to explore.

In response to a question about comparison of salaries and benefits to other towns, Mr. Dugas advised this was analyzed carefully going into the negotiations, and the award compares well to other towns in ERG-B and surrounding communities. The award is #6 in the county.

Regarding the HSA, Mr. Schrumm advised that there has been an increase in sign-ups for these plans over the last few months. He said the increase in the employee cost sharing to 15% is offset by the HMO at 12.5%.

Town Manager Milone reported on the costs of insurance premiums, noting that PPO costs are more than the HMO because benefits in the HMO are not as liberal and generous as the PPO.

Century Preferred – Single -	\$6800 annually
Two people	\$14,500 annually
Family	\$18,300 annually
HMO – Single	\$5700 annually
Two People	\$12,300 annually
Family	\$15,800 annually

Attorney Dugas summarized the award, stating that the Town won 2 out of 3 on salary, received an increase from 12.5% to 15% on insurance, set up HSA program which may drive down costs over time, and salaries were kept competitive with other towns which is important to attract and keep good, solid, quality teachers to the community. Overall, Mr. Dugas said this award is a win for the Town in many respects.

Mr. Orsini asked about the “step” factors in the award.

In response, Attorney Dugas said that in year 1 of the 3 year agreement there will be movement for people not at the top of the steps. He tried to get step movements mid-year, but the panel chose not to do this. So, we have business as usual with the step movement in a contract; at the start of the year a teacher will move to the next step on the scale and there are associated costs.

Mr. Orsini asked if the step increases, 1.84% was negotiated.

In theory it is negotiable, but Attorney Dugas said in a typical teacher contract where everyone is not at the top step moves a step, it is not typically negotiated, and is part of the settlement or award.

Mr. Orsini asked about the teacher bonus plan being eliminated. He recalls a few years ago this was cutting edge in negotiations for performance bonuses for teachers, and now this is eliminated.

That is correct, and Mr. Dugas said it was agreed to take that out. The reality is that over the 3 years the bonus plan was not utilized due to lack of BOE funds.

Superintendent Florio addressed the bonus award issue, stating it was not a merit plan from 8 or 9 years ago; during that time only one employee took

advantage by doing a special program and receiving a bonus. Going forward the plan would not be used or changed to reflect a true merit system, and this is why it was reasonable to remove it from the contract.

In reviewing the summary packet information by date, district, without increment, with increment, Attorney Dugas advised that none of these awards represent either side's best offer because they never got to that part of the process. All these awards were within September, October, November 2005.

After 3 years of 5% increases, well in excess of what is going on in the private sector, Mr. Orsini said the union went into negotiations looking for their last best offer, just shy of 5% per year for 3 years forward.

Attorney Dugas advised that, under statute, the Council can reject this award by 2/3 vote of the governing body; the Council can do nothing, wait 30 days and then the award becomes binding; and these are the two options.

Mr. Ecke commented on rejection of the award being costly and the lack of chance of a better settlement.

Regarding the actual award, Mr. Schrumm said the salaries must be filled in, and he asked about everything changing or weighted. In the first year, 4.6%, he asked if all things change at that number.

The settlement is 2.8%, 2.2%, 2.34% and Mr. Dugas said then it is recognized that people will move up steps, and factoring this in is another 1.8%.

In looking at the cost of going back to a second arbitration panel, Attorney Dugas said the panelists receive \$1200 per day for a number of days of review of evidence (3000 pages of paper), cost of transcriptions, 6 or 7 days of panelist work, deliberations, writing decision, etc. for a total of about \$15,000. If there was a good chance to improve the contract for the Town, he would recommend spending the money.

If the BOE and union had reached an agreement, without arbitration, Mr. Ruocco asked what the Council would do in that regard, and what would happen if the Council rejected the agreement.

Attorney Dugas said it would have come to the Council for approval by a simple majority to reject the award. If not rejected, it would have been approved; if rejected it would go to an arbitration panel.

In response to a question about how many Cheshire teachers are at the top step level, Mr. Dugas said it is about 50%.

Mr. Ecke commented on the Council's general frustration with this process in that Council participation is limited, yet this is the largest line item in the Town budget. He would like to reject this award, and was set to do so if the Town only won 1 of the 2 years. He questions whether the Town can get a better deal than it has now; it will cost a lot of money; and there is no incentive to go back to another panel. He will propose no action on the part of the Council and let the award take effect.

Superintendent Florio thanked Attorney Dugas for his hard work throughout the process; thanked Mr. Calaluce for his main role in the BOE negotiations; thanked BOE members Lau, Falvey, Sima and Massey for their role in the process. He also commended Councilman Schrumm, liaison from the Council, who was at the negotiation meetings, provided much input, and was an integral part of the process. Mr. Florio stated his appreciation for Mrs. Esty's comments, noting it is important for the public to understand there are some positives in this settlement, i.e. stipends for coaches and department chairs going up by the general wage increase, and changes in the insurance program which contain costs. 50% of the Cheshire teachers will be receiving 7.35% increase over the next 3 years; the younger and newer teachers will receive larger increases as they go up the steps. Mr. Florio said he is not completely enamored with the process, nor does he think this is a great settlement, but it is reasonable in our current economic climate. He hopes the Council will let the settlement take effect by its inaction. Mr. Florio made the commitment to work together given the circumstances facing the community to assure that despite settlements that will cost substantial amounts of money, we will do what we can to work together and do what is best for the children of Cheshire.

Mr. Orsini thanked everyone involved in the negotiation process, particularly Attorney Dugas, who brings a certain level of confidence to the Council. Mr. Orsini thanked Chairman Ecke for allowing the discussion on this matter to be held in public where it belonged. Mr. Orsini commented that he did not read the entire arbitration award, and there was one comment in the award referencing that the Town's fiscal authority did not enter any testimony. He questioned this fact.

Attorney Dugas said this is a technical point, and in theory the fiscal authority could have written a brief, or argued something. Mr. Schrumm testified. Mr. Milone was a critical witness, so the Town was well represented.

Mr. Schrumm said he did participate this year, and wished the negotiations could have been on camera for the public to watch. He noted that Town did not win 2 of the 3 years; the way the system works the towns are forced to go in with a higher number than they would prefer or afford. Cheshire's award is out of the range because the range is arranged. The state legislature will not study the system because no one rejects the award, therefore, the system must be working. According to Mr. Schrumm this award with the previous three years

equals 30% in salary increases over 6 years. This is not affordable over a sustained period of time. Mr. Schrumm said there are some positives in that the health care benefit changes are long overdue, including the HSA.

Mr. Ruocco said he came prepared to vote up or down on this decision. He commented on the median family income in Cheshire increasing by 1.7% in 2002-03, with the income at \$84,679. The government is spending faster than people can earn it. This award may be common with other awards, but is not in keeping with personal incomes in Cheshire. Mr. Ruocco said the medical benefits for education department employees in 2000 was \$3,194,000; in 2005 that number increased to \$5,353,000, +67% increase in just 5 years. The contribution levels are flat and will remain at 15% for the next 3 years. He does not believe the income levels are being considered with this award.

Mr. Orsini said he would feel better walking out of this meeting tonight by doing something regarding this matter, and by doing nothing the Council accepts the award but won't admit it.

MOTION by Mr. Orsini; seconded by Mr. Schrumm.

BE IT RESOLVED, that the Town Council approves Resolution #121305-2

RESOLUTION #121305-2

BE IT RESOLVED, that the Town Council accepts the binding arbitration award for the Teacher Contract according to the terms and conditions as presented and attached.

Discussion

If this motion fails, Mr. Orsini asked Attorney Dugas what this means in the arbitration process.

Attorney Dugas said it is not a rejection; it would have to be expressed by 2/3 vote of the body to reject the award; unless that happens, the award will go through. A vote to accept, if it fails, accomplishes nothing.

Mrs. Visconti responded generally to the whole arbitration process, stating it is not perfect, but what was in place prior to arbitration was not perfect either. We must keep in mind that teachers perform a difficult and important job, and the majority of them do a wonderful job, and they should be thanked. They also deserve a living wage. It is expensive; this is where our taxes go; and we want to say thank you to our teachers.

Mrs. Esty asked if Mr. Orsini intended to call for a vote on this, if he truly supports it, and if he introduced the motion with the purpose of actually taking a vote understanding the consequences. She understands that unless there is a motion to reject getting 6 votes, the award will go into effect, with or without

action. She requested Mr. Orsini to withdraw his motion and make a motion to reject because this would be more up front, and this is truly his purpose. He wants to take some action on the issue.

Stating he was unclear about these comments, Mr. Orsini said he wants to be on record that he does not accept this arbitration award. His purpose is not to go back to a second arbitration, but to let it be known there are issues in this process that he does not care for.

It is known how Council members feel about this matter, and everyone said what they had to say. Mr. Altieri said that having this motion is pointless, and it should be withdrawn and a motion made to reject the award.

Mr. White said he would do what is best for his constituents. His understanding is if the motion is rejected, there is a chance of overturning some of the benefits to the Town's favor. He is not pleased with the system and set up, but will not reject the motion.

Mrs. Esty stated we must deal with the contract issues before the Council. There are issues about binding arbitration, and the Council must act in the best interests of the community, and she believes this award should go through. There is the possibility of a worse position for the taxpayers if this goes back to another arbitration panel. The one issue before the Council is whether to allow this arbitration award to go forward or not, and she believes it should go forward as presented.

Mr. Schrumm disagreed with the idea that if the Council acquiesces to this it kicks up to the next level of government, and we keep our fingers crossed that someday something will be done about binding arbitration. The problem is the way the system is stacked against local communities, such as Cheshire, and it forces the local legislative bodies to make decisions like this one tonight. The Town did not win in this award. If towns were given the authority to determine their own destiny, these percentages would not be what they are. By saying do nothing, kick it up to the State, nothing will be done about it. The State will come back and use it against the town, saying that hardly any agreements go to arbitration, and when they do, they are rarely rejected by the legislative body...so the system is working. Mr. Schrumm said it is a well orchestrated, well rehearsed play that goes on every 3 years in every town in Connecticut. The fact is that, fiscally, this State cannot afford this arbitration system.

It was stated by Mr. Orsini that accept and reject are legal terms in the arbitration process, and the motion on the floor is to accept the award within the legal terms of the arbitration process. Vote yes – accept the award; vote no – you are not voting to reject the award...you are voting you don't like the way it was done, and it can mean many things. A "no" vote does not mean you reject the award in the

legal sense of the arbitration process. He wants to be on the record that he does not accept this award.

Agreeing with Mr. Schrumm, it was stated by Mr. Ruocco that this is not an indictment of the education system, and his vote is a protest against binding arbitration. It means nothing to go along with the process, and try to suggest changes. These suggestions will come before the state legislators who will ask why the towns do not reject the awards, and send a message to Hartford. We need to take a stand.

Mr. Ecke said he cannot vote to accept this award. The practical side is spending \$15,000 to \$20,000 to reopen this award, when the Town will not be in a better shape than it is now. He is not sure that one body will create a ground swell in Hartford. This is not a good contract, but probably the best deal the Town can get.

VOTE On the motion to accept the motion on the floor:
In favor – 0; Opposed – 6; Abstentions – 1 (Altieri)

B. Discussion and action re: Acceptance and appropriation of a Donation of \$120,000.00 from Elim Park to the Fire Department Gift Account.

MOTION by Mrs. Esty; seconded by Mrs. Visconti

BE IT RESOLVED, that the Town Council approves Resolution #121305-3

RESOLUTION #121305-3

BE IT RESOLVED, that the Town Council accepts a donation of \$120,000.00 from Elim Park, and appropriates said amount to the Fire Department Gift Account for such purposes as indicated and attached.

Discussion

Mrs. Visconti commented on the generosity of Elim Park and the increase of the donation to \$120,000 this year.

Mrs. Esty noted that this matter was discussed at the Budget Committee meeting, and commented on the enormous generosity of Elim Park. She said there is an accounting control in place to keep track of where the funds are used, should the Town ever be in the position that Elim Park cannot be as generous. This control will enable the Town to know how these funds are being spent, which categories they come under in the budget, insure proper accounting, knowing exactly what the Town is spending as we go.

With regard to the accounting procedure in place, Mr. Schrumm said this process started a few years ago, with allocations in the same category as the rest of the budget. Last year the Council planned on a six-month authorization of the gift funds.

Stating that was correct, Mr. Milone said the intent is to budget for these things correctly. Last year was the first year of the development of the budget for the gift funds, by category, and meeting the needs of the Fire and Police Departments. The money is in place, there are new allocations, and it was decided to bring the information to the Council now. The Fire Department balance will be revisited later in the year; and the Police Department is using the full amount and this will also be revisited during budget deliberations.

Mr. Altieri reported that at the Budget Committee meeting earlier in the evening, both Chiefs spoke to the committee, outlining how the funds would be spent. He stated that these funds will be used in a manner to make the Town safer.

Chief Louden and Chief Casner expressed their thanks to Elim Park for the generous donations to the Police and Fire Departments.

VOTE The motion passed unanimously by those present.

C. Discussion and action re: Acceptance and appropriation of a Donation of \$120,000.00 from Elim Park to the Police Department Gift Account.

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

BE IT RESOLVED, that the Town Council approves Resolution #121305-4

RESOLUTION #121305-4

BE IT RESOLVED, that the Town Council accepts a donation of \$120,000.00 from Elim Park, and appropriates said amount to the Police Department Gift Account for such purposes as indicated and attached.

Discussion

Chairman Ecke thanked Mr. Dischinger and Elim Park for their generous donations to the Fire and Police Departments, totaling \$1.2 million over the last 7 years. These donations provide the opportunity to expand services beyond the operating budget of the departments and provide for a safer community.

Mr. Dischinger expressed the appreciation of Elim Park to the Town of Cheshire for the services provided, and said the donations are their way of saying thank you.

VOTE The motion passed unanimously by those present.

**D. Discussion and action re: Authorization to hire Milone & MacBroom
To conduct an update on the Stormwater Management Plan.**

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

BE IT RESOLVED, that the Town Council approves Resolution #121305-5

RESOLUTION #121305-5

BE IT RESOLVED, that pursuant to Resolution #091200-10, the Town Council authorizes the Town to hire Milone & MacBroom to conduct an update to the Town's Stormwater Management Plan, for a maximum of \$2500.00 and directs the Town Manager to execute any and all relevant documents for said project.

Discussion

Mr. Milone explained that the limit is \$12,000 for going out for services. There was a resolution passed that adopting an award beyond \$1000 to Milone and MacBroom must have Council approval, due to Mr. Milone's personal affiliation with a member of this firm.

VOTE The motion passed unanimously by those present.

E. Discussion and possible action re: Legislative Package

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

BE IT RESOLVED, that the Town Council approves Resolution #121305-6

RESOLUTION #121305-6

BE IT RESOLVED, that the Town Council approves the Legislative Package as presented by The Town Manager.

Discussion

Mr. Milone briefly reviewed the legislative package with the Council members (copy attached), and said the intent is to create discussion among the Council members to come up with some legislative priorities.

The legislative package includes the following items:

- Extend Real Estate Conveyance Tax
- Telecommunications Personal Property PILOT
- Elderly Property Tax Relief
- Modify State-Mandated Compulsory Binding Arbitration Laws
- Enterprise Zone Designation

- Amend Connecticut GS 8-24
- State Plan of Conservation and Development.

Mr. Milone advised that the Council will meet with the state legislative delegation in January and impart to them the priorities set by the Council. He reported that in developing the package he received input from department heads and his administrative staff. The state legislators will be at the January 2006 Council meeting.

Mr. Schrumm commented on the ECS formula which must be changed because Cheshire taxpayers cannot absorb the cost of education increases without more state aid.

Mr. Milone reported there was a \$500,000 reduction in ECS funding to Cheshire over the last 5 years, while the BOE budget increased by \$17.1 million. PILOT payments are decreasing annually, and in this package he looked at programs that would not impact on the state budget.

Mr. Altieri suggested adding to the list grants for fields/turf for schools and park projects.

This request was made in the last session by Rep. Adinolfi, and it will come up again in January 2006.

Regarding the telecommunications personal property PILOT, Mr. Milone explained that the Higgins Road site is extensive and there is fluctuation in the personal property payment each year. It is hoped that in the near future AT&T will have to do a major replacement of personal property; we don't know when that will be; so there is no way to factor it into the mill rate.

With regard to the senior tax relief, Mr. Milone said that the state capped the appropriation and Cheshire's PILOT payment was reduced to 89% along with every other community which has any qualified seniors.

Mrs. Esty commented on the State Plan of Conservation and Development, and getting further clarification from DEP on the meaning of the plan.

There is ambiguity about this plan and what it means, and Mr. Milone said the Town Hall staff will be reviewing this plan next week. During the issues with the WPCA, it came to light that the plan had been revised, and Cheshire was unaware of it. The Town is requesting that the State develop a more expanded process for notification to municipalities for future revisions to the State's Plan of Conservation and Development. Also, the Town wants the State to take greater consideration of the Cheshire Plan of Conservation and Development when the State plan is adopted. It was found that the State plan is incompatible with the Town plan. This creates inconsistencies going forward as the Town tries to

decide the best way to utilize its available land. The other part which is confusing is that the State put a plan out, then talks about exceptions to the plan, and Mr. Milone said if you have the exceptions, then why is there a plan, and why were the exceptions not incorporated. There is confusion about the plan. WPCA did the best thing they could because a representation was made to the Town by a DEP representative; that map had to be incorporated in the allocation capacity plan adopted; but with the understanding that the Town must constantly revisit it to get clarification. The intent is to do this, but this should be put in front of the legislators and force them to extract something in writing which we don't have.

Mrs. Visconti said she was not comfortable with discussions about education grants, and requested enlargement of the discussion with property taxes in general. Also, some thought should be given to resurrecting the barite study done by UConn.

From a fiscal standpoint, Mr. Schrumm said Cheshire pays more in taxes to Hartford than it receives in state aid. As for the Conservation plan, the State is saying it will not pay for sewers to these houses, and there are some good aspects to the plan.

Mrs. Esty expressed concern about the Plan of Conservation and Development and the DEP is pushing the plan to use septic systems not sewer systems. This runs counter to all the environmental thinking and policy on how to keep clean water, and it is important to clarify this inconsistency.

In some instances, Mr. Schrumm said septic systems are better than sewer systems; and, hooking up to the sewers requires larger lots and fewer houses.

Attorney Knott said that Mrs. Esty's comment is relevant in the aquifer protection zone, and the water company would prefer on-site septic systems .

Mr. Milone said he has a sense of what the Council wants included in the legislative package, and he will add them and present them at the next meeting.

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

MOVED to table this agenda item.

VOTE The motion passed unanimously by those present.

F. Discussion and action re: Strategic Plan Review.

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

BE IT RESOLVED, that the Town Council approves Resolution #121305-7

RESOLUTION #121305-7

BE IT RESOLVED, that the Town Council refers the review and revision process for the Strategic Plan to the Planning Committee.

Discussion

Mrs. Visconti said the Planning Committee will be looking at the Strategic Plan and incorporate it into the budget process. She asked Council members to review the plan.

VOTE The motion passed unanimously by those present.

G. Discussion re: Contract Negotiations (possible executive session)

H. Discussion and action re: Settlement of Winter Ridge vs. Town of Cheshire (possible executive session)

8. TOWN MANAGER'S REPORT AND COMMUNICATIONS.

A. Monthly Status Report (in Council packets)

B. Departmental Status Reports (in Council packets)

C. Other

FY '06 Monthly Report – Mr. Milone reported that Cheshire received \$500,000 more in State aid than budgeted; tax collections continue to be very good; investment income is good; the real estate conveyance tax continues to generate more revenue, about 67% of the budgeted revenue. Expenditures are in line except for utility expenses which could be \$75,000 to \$100,000 over budget. The pool budget is \$30,000 in revenue ahead of last year; expenditures are being tracked, and are less than last year at this time; the next few months will be the true test. Utility expenses are about \$200,000, and the winter months utility expenses will be monitored carefully, with regular reports to the Council.

Wastewater Treatment Plant/Capacity Issues – Mr. Milone advised that WPCA adopted a capacity allocation plan which recognizes there is about 94,000 gallons per year in which to allocate, in addition to the 32,000 gallons per year set aside for properties on sewer lines but not hooked up. This is a good resolution to a situation; the plant will be re-rated; and by June we will know if the capacity of the plant is re-rated. Home inspections for illegal hookups is no longer urgent; the program will be modified with major inspections taking place in the spring when there is a thaw and people experience a significant amount of water in their basements. There will be adoption of a surcharge if a house is in violation and there is no other alternative than using the sump pump tied into the treatment plant.

Road Reconstruction/Sidewalk Projects – The road construction project is closed out for this season with everything coming together in the past few weeks. A second course of asphalt was put on Summit Road, sections of Plank, Mixville and Wiese Roads. Sidewalks are now installed from Elim Park North to Hillside, about 3 miles.

Dump Remediation Project – this is almost complete; the appropriation was \$2.1 million, and the project came in at \$1.6 million or \$500,000 under budget. The Town received \$1,250,000 in grants for this project. More seeding and grading will be done at the site in the springtime.

Marion Road Project Grant – The Town did not receive the grant for this project, but money has been appropriated for the road improvements to be done in the spring time. Some improvements have already been made with signage, stop sign at Huckins Road. This roadway must be straightened out and will be part of the improvements for the road.

Attorney Knott stated that the project will require land acquisition which could hold up this project, and the Town could end up engaging in eminent domain.

Mr. Milone said the land would have to be acquired from Currier Woods, and they would have much to gain by having this road straightened out. Many people have approached the Town about this road.

Acquisition of hybrid vehicle – The Building Department has acquired a hybrid vehicle (pick up truck) which will conserve energy and save money.

Defibrillator Acquisitions – there is now a defibrillator at the community pool, and there will be one at Town Hall and the Senior Center. Employees will be trained in the use of the equipment.

Community Pool – there have been problems with the blower unit and heating unit at the pool, and it has been decided to replace the heating unit, about \$14,000 cost. There is money in the State grant to acquire a new unit. The pool would have to be closed for one day in January 2006.

Committee Meetings – The Ordinance Review and Personnel Committee will meet on December 14, 2005 at 7:20 p.m.

Christmas/New Years Holidays – Town Hall and the Library will be closed December 26th and January 2nd; the pool will be closed Christmas and New Years Day, and open the days after the holidays. The library will close early on Christmas and New Years Eves.

With regard to the higher utility costs, Mrs. Esty asked if this was only for Town buildings, or if it included all the schools.

Mr. Milone explained it was only for the town buildings, and he is unaware of how these utility costs will impact the BOE budget.

Mrs. Esty suggested that a defibrillator be acquired for the library because of the large number of people who use this facility.

Mr. Milone advised if the budget breaks the way he hopes, there will be more defibrillator acquisitions because he does not want an incident when a life could have been saved.

Regarding Marion Road, Mrs. Visconti asked if the Town rechecked its numbers for this project after the State rejected the grant.

Mr. Milone said, no, because the State took issue from the start with the way the Town was going about this project. Their design was beyond anything we needed and appropriate for safety purposes.

Mrs. Visconti asked that people be reminded about protection of mail boxes, and the issue of snow being blown back onto cleared sidewalks.

In order to give an idea of the scope of snow removal work, Mr. Milone reported there are 13 routes driven with the large plow, sander trucks; there are 5 pick up trucks to plow the cul-de-sacs and clear intersections, driven by supervisors. These supervisors also watch the drivers, monitor them, follow them to insure they are staying within the speed limit and doing the appropriate quality work. The PW crews plow and sand 150 miles of roads, takes 4-6 hours to do a complete route depending on the snowfall. Snow on the sidewalk is a reality of what happens. The drivers are instructed to drive not above 30 mph. If a mail box is knocked down by the force of the snow then the homeowner is responsible for it; if a driver knocks down the mail box, then the Town is responsible with the driver doing the repairs.

Attorney Knott discussed the State Plan of Conservation and Development stating it is more complicated than meets the eye. Town Planner Voelker will be doing a detailed review of our plan and the inconsistency with the State plan and what should be done about it. Also, private individuals have the ability to go in and get land designations changed. There may be questions coming to the WPCA, Council or others about this, whether they should be supported or not. The Council will be visiting some aspects of this in the future. OPM and DEP are realizing that they need to talk to the legislature about the whole plan.

**9. TOWN ATTORNEY'S REPORT AND COMMUNICATIONS
Executive Session**

10. REPORTS OF COMMITTEES OF THE COUNCIL.

A. Chairman's Report

B. Committee Reports.

C. Miscellaneous

11. APPROVAL OF MINUTES

**Regular Meeting of November 15, 2005; Special meetings of
November 29, 2005 and December 5, 2005.**

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

MOVED that the Town Council approve the minutes of the regular meeting of November 15, 2005; Special Meetings of November 29, 2005 and December 5, 2005, subject to corrections, additions, deletions.

Correction – November 15, 2005, page 14, change \$12,000 to \$20,000.

VOTE The motion passed unanimously by those present.

12. MISCELLANEOUS AND APPOINTMENTS

A. Liaison Reports.

Parks and Rec Commission – Mr. Altieri reported that he attended the December meeting; the commission is looking for a new burner at the pool, resurfacing of the pool, lights at the pool were discussed, restructuring of the fee schedule, annual or seasonal.

Human Services – Mr. White reported there was an offer to assist Katrina families in need; a number of families responded; but the Katrina families found shelter elsewhere. Elim Park has offered to let the Town use one of their buses to transport the children to the adaptive recreation programs. A website has been launched, cheshirecares.com.

Energy Commission – Mr. White reported they are looking for energy efficiencies at the pool including trying to save heating costs by recirculating the air inside the bubble, and adding a pool cover. The commission is working on issues in the capital budget, including the phase 3 lighting project to be completed in December 2005 at Norton, Doolittle, and Chapman Schools; \$110,000 invested for the lighting projects this year; with the CL&P suggested rate hikes, Cheshire could save about \$105,000 next year with this one time investment. The grant

for the lighting project may not be available next year, but there is another grant for business owners called The Small Business Advantage Grant. Street lights are being looked at by the commission, with possible rebate to the Town.

Mr. Milone explained that CL&P appealed the decision of the DPUC; Cheshire was to get a \$27,000 rebate; and now the Town is participating in a amicus curiae with CCM.

Mr. White said the Town may purchase the street lights, but the costs are uncertain, and the commission is not making a recommendation at this time.

The Clean Energy Campaign, 20% by 2010, promotions have been started by the commission with ads, meetings with community groups. For every 100 households signing up for the campaign, the Town receives 1 solar panel.

There will be a meeting between school maintenance staff and a private company which will provide energy to the Town and guarantee that the energy purchased will be a cost lower than CL&P.

There is consideration of installation of a micro turbine at the high school. This is a power generation tool so the high school could generate its own power, and there may be grants to pay for this project. Operating costs may not be less than using normal power at the school, but there would be an added benefit because CHS could be used as a shelter.

Mr. White read comments about New York City's energy conservation programs into the record. He said that some of the information could be used to encourage businesses to come to Cheshire offering energy incentives, and could be considered for building projects in Town.

Library – Mrs. Esty reported that the Library has completed its Strategic Planning process, and she thanked everyone for their work.

B. Appointments to Boards and Commissions.

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

MOVED that Terry Grahame, (D) be appointed to the Library Board, replacing Elizabeth Esty, term of office current to 1/31/06; Greg Melville (D) be appointed to the Housing Authority, replacing Mark Korman, term of office current to 5/31/07; Carol Truluck (D) be appointed to the Beautification Committee, replacing Robert Sweeney, term of office current to 1/31/07; Martin Roach be reappointed to the Energy Commission (D) term of office current to 1/31/09; Tod Dixon to the Inland Wetlands and Watercourses Commission (R), term of office current to 1/31/09.

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

B Personnel Matters

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

MOVED that the Town Council enter Executive Session at 10:42 p.m. to include the Town Manager Milone, Town Attorney Knott, for all matters, and Personnel Director Zullo, Finance Director Waldron for discussion on pending claims and litigation and personnel matters.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:00 p.m. and extend the curfew to the close of business.

VOTE The motion passed unanimously by those present.

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

MOVED that the Town Council exit Executive Session at 11:37 p.m.

VOTE The motion passed unanimously by those present.

15. ADJOURNMENT

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

MOVED that the Town Council adjourn the December 13, 2005 meeting at 11:37 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk
Cheshire Town Council