

MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON TUESDAY, JUNE 26, 2007, IMMEDIATELY FOLLOWING THE PUBLIC HEARINGS HELD 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; Carolyn Soltis, Town Clerk; George Nowatne, Deputy Public Works Director

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. Discussion and action re: special appropriation fro pre-funding from the FY 06-07 General Fund Operating Budget projected surplus.

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

BE IT RESOLVED, that the Town Council approves Resolution #062607-1

RESOLUTION #062607-1

BE IT RESOLVED, that the Town Council amends the total appropriation for the FY 06-07 General Fund Operating Budget from \$87,638,067 to \$87,815,067. The revenue to support this increase will come from increasing the Pequot/Mohegan Grant appropriation from \$2,100,945 to \$2,277,945, and

BE IT FURTHER RESOLVED, That the Town Council authorizes a special appropriation of \$88,500 from the FY 06-07 General Fund Operating Budget projected surplus to the Heart and Hypertension Reserve Fund by increasing the FY 06-07 Heart and Hypertension Reserve appropriation from \$300,000 to \$388,500, and

BE IT FURTHER RESOLVED, that the Town Council authorizes a special appropriation of \$88,500 from the FY 06-07 General Fund Operating Budget projected surplus to the Pension Fund Reserve Fund by increasing the FY 06-07 Pension Fund Reserve appropriation from \$495,114 to \$583,614.

Discussion

Mr. Ecke stated this is just taking part of this fiscal year's surplus and increasing fund balances and reserve accounts.

Mrs. Esty explained that accounting rules for communities will be changing, and the town will be required to follow full accounting for long term liabilities up front. Heart and Hypertension and Pension Fund are two huge long term liabilities, but the town is not required to hold them out as full liabilities, but is moving in that direction. Part of the reason the town is using the surplus to bring these balances down is the recognition that we have to soften the blow in the future years.

Mr. White said that the rainy day fund is at 8%, and that adding in other reserves he asked what this percentage would be.

Stating he did not know the percentage basis, Mr. Milone said there are a number of unfunded liabilities. With new accounting standards, he will have an idea of what the accrued liabilities are and the percentage.

Mr. Altieri stated this dovetails the Budget Committee discussions held on June 25th with the town's financial representative from People's Bank. It was made clear that Cheshire's fund balance is 8%, and the Connecticut average is 11%, and research noted that nationwide, towns the size of Cheshire, have a fund balance of about 25%. No one should be under the impression that the town is over taxing, after looking at these numbers. The advantages of having a fund balance was discussed at the committee meeting, which include investment and bonding advantages. It is important to understand the town is funding its liabilities, looking ahead, and looking at pension and heart and hypertension. Without this funding, it would be devastating to our community. Mr. Altieri stated that the town is not over taxing its citizens.

Mr. Schrumm commented on the accounting changes and liabilities and towns having to go to this new accounting system. He hopes with pre-funding the Council gives thought to the real long term costs of some of these liabilities, fixing heart and hypertension, and pension liabilities which the town accrues, and not just look for ways to fund and pre-fund them. He stated that last year there was an opportunity to change the town's pension program. Regardless of the numbers, Mr. Schrumm said we are still using tax payer's dollars for a pension system that will not work long term.

Regarding the pension system, Mr. Schrumm said the pension liabilities must be looked at. In switching the pension plans, the union came back with a 20 year break even point. If the Council went for the changes, there would not be a 20 year pay back. He said it will take a lot of political will on the local and state level to fix these long term pension liabilities, and it does not exist in Hartford or with the Council at this time.

According to Mrs. Esty, the actuary's figure was 20 years, and not the union's estimate. The actuary also informed the town that its pension plan was very strong, and it was cheaper to fund a traditional plan because the town has been fiscally disciplined. While it is true most communities are not in a position to continue with traditional funds, in Cheshire because of fiscal discipline, the actuary informed the town it would be unwise and more expensive to shift systems.

Mr. Schrumm stated that the actuary's information was based on information from the union; the 20 year payback was a misinterpretation of what the union wanted the town to do.

Mrs. Visconti said that the pension liabilities are not determined by fiat, and she is proud of the way the town negotiates with the unions, and it is a give and take.

It was stated by Mrs. Esty that the actuary's assessment was due to the strength of the fund, and she emphasized that the pension plan is well funded, and Cheshire is not playing catch-up.

Mr. Ruocco said that some information has been omitted from comments made by other Councilors. The full scope of this issue has to be explained as to why there was a 25 year payback on the changes the town wanted to make in the pension plan. The union was offered the opportunity to join a 401 K defined contribution plan; offered to new, unionized employees; existing employees would have been grand-fathered under the current defined benefit plan. In response, the union said their existing employees wanted a significant enhancement, and as a result, it would have taken the town 25 years to pay back any of the expenses of a transition to a 401K plan. This is what the actuary and union came back with, and the Council did not agree, and did not fight it.

VOTE The motion passed unanimously by those present.

4. Discussion re: Strathmore Dam

Chairman Hall stated this matter was the subject of a public hearing earlier in the evening in order to give the public the opportunity to comment on the possibility of the town accepting and taking responsibility for this dam. This matter will be referred to the Planning Committee for a joint meeting with the Town Council, with a specific request that the committee hold a hearing on this matter with a recommendation to the Council for action before the end of August 2007.

With regard to whether or not the town accepts this dam, Mr. Orsini said he would like to see a draft agreement from which the Council can work, and that it be available before the next meeting on this matter.

There are other parcels of open space in that development, and Mr. Schrumm said they must be looped into the discussions. The homeowners are not

interested in accepting this land or the dam. At the Planning Committee meeting, he requested maps of all open space in that parcel because all of them have sidewalks, and another parcel has a pond, if not a dam. He asked the town manager to look at how many other parcels are out there as a result of the PZC decisions. If the Council accepts this dam, there could be other homeowners coming forward and trying to get the town to take their open space. Mr. Schrumm said the town planner approached the Land Trust about another open space parcel, and they refused to accept it.

In response, Mr. Milone said he would have the town planner determine how many similar situations exist. Regarding the legal issues, he will have them referred to the legal staff.

5. Discussion and action re: approval of final design specifications for the Norton School Boiler Project.

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

BE IT RESOLVED, that the Town Council approves Resolution #062607-2

RESOLUTION #062607-2

WHEREAS, the Public Building Commission has approved the plans and specifications for the Norton School Boiler Project,

NOW, THEREFORE, BE IT RESOLVED, That the Town Council, pursuant to Section 2-26 of the Code of Ordinances, approves the plans, specifications and plans for the Norton School Boiler Project, and authorizes the Public Building Commission to proceed to the bidding process.

Discussion

Mr. Altieri explained that this is the second new boiler for Norton School; the money for this boiler passed at referendum in November 2006; and it includes the window projects for energy efficiency.

Deputy PW Director Nowatne advised that he is the acting PW Department liaison to the PBC, and they are requesting the Council approve this project to go out for competitive bid for the new boiler, with associated piping and circulation pumps. The school is 59,000 s.f. served by two boilers; one is very new replaced last year; and the 2nd boiler is failing and needs to be replaced. There will be a circulation pump and piping to heat the school building, with pumps reduced from 14 to 2; and control upgrades for better energy efficiency. This work is part of a \$500,000 appropriation and the portion not used on the boiler will be used for new windows in the school building. It is expected that there will be \$135,000 for design costs and other associated costs.

Mr. White commented on the automatic interruptible switch which will save money, as the system switches from gas to oil.

It was explained by Mr. Nowatne that there is no natural gas at the school now, but it is hoped there will be in the future.

This work is related specifically to this project, and Mr. White said the schematics note that the work will be deemed complete only after it is tested, demonstrated to, and approved in writing by the authority having jurisdiction, project engineer and owner's representative. He wants dialogue between the Town and Board of Education.

Mr. Nowatne said that the authority person will be the PW Director; the project engineer is the design engineer for this project; and the town can appoint an owner's representative to oversee the work. For a project this size, this has not been done in the past. PW Director Michaelangelo is the liaison to the PBC and charged with this project, and he is perceived as the owner of the project.

Bob Behrer, 435 Squire Hill Road, Chairman of the BOE Planning Committee, said this is a PBC or PW Director's project. In the case of this project, the owner would be the town's representative, the PBC. Also, he advised there is close dialogue between Mr. McCarthy from the BOE and PW Director Michaelangelo.

VOTE The motion passed unanimously by those present.

Chairman Hall moved agenda item #14 to current status.

14. Discussion and action re: Investigation pursuant to Section 3-11 of the Town Charter.

MOTION by Mrs. Esty; seconded by Mrs. Visconti

BE IT RESOLVED, that the Town Council approves Resolution #062607-10

RESOLUTION #062607-10

BE IT RESOLVED, that the Town Council, pursuant to Chapter 3-11 of the Charter of the Town of Cheshire, shall conduct an investigation into the alteration of the official records of appointments to boards and commissions maintained by the Town Clerk's office to extend the term of Timothy Pelton to the Water Pollution Control Authority; and

BE IT FURTHER RESOLVED, this investigation shall encompass an inquiry into the recording, maintenance, and correction procedures and practices related to the official records of boards and commissions, and

BE IT FURTHER RESOLVED, that the investigation shall be conducted by an independent individual to be selected by the Council from a list submitted to the Council by the Town Attorney, and who shall render preliminary findings of fact to the Council as soon as practicable; and

BE IT FURTHER RESOLVED, that upon receipt of the preliminary findings of fact, the Council shall take corrective action as it deems necessary.

Discussion

It was stated by Chairman Hall he drafted this resolution and it was distributed by the Town Manager while Mr. Hall was out of the chambers. He further stated that this agenda item is at his initiative mentioned at the meeting of June 12th, when he asked the Council to be prepared to vote on an investigation authorized by the Town Charter, Section 3-11. This matter relates to the changes to the official record of one member of the WPCA, which member resigned, and a replacement appointee named by the Council at the June 12th meeting.

Chairman Hall gave a short background on how appointments to boards and commissions work. The Town Charter establishes several boards and commissions; volunteers are appointed to these boards and commissions by the Town Council; the Council approves appointments by public vote and these votes identify the term lengths and party affiliations of the appointees. The Charter clearly sets forth lengths of terms for each appointee and the number of members for each board or commission. There is also a State statute which identifies the minimum number of members of the minority party who have to populate each board and commission under minority representation rule. This rule is driven by which party enjoys the majority of the Town Council. Specific people are appointed to specific seats to specific terms, and these terms by the Charter are occasionally staggered depending upon the board and commission in question.

Under the Town Charter, one Town Council member from each party nominates members from their own party; votes are taken by the full Council membership; approved appointments are memorialized on paper and transferred to the Town Clerk. The Town Clerk maintains the official records of the board and commission appointments, including terms, names, addresses, party affiliation, and terms of office.

In this instance and what is driving the Chairman's request for the Council to consider extraordinary, and unprecedented application, of this particular section of the Charter, is facts regarding a member of the WPCA.

Chairman Hall explained that Tim Pelton's term to the WPCA was scheduled to expire on January 31, 2007. That prospect is identified in the WPCA minutes of January 24, 2007, and had been the reflection of the official record up to January 2007. As he understands the facts, Mr. Hall said that sometime in January or

February 2007, the official list as maintained by the Town Clerk's office, was changed to extend the expiration date of Mr. Pelton's term from January 31, 2007 to January 31, 2009. Thereafter, the record again was changed to reflect an expiration date of January 31, 2008.

As he understands it, Chairman Hall stated that the possible discrepancy or error in the record keeping or identification of term lengths was brought to the attention of the Town Clerk by a member of the Republican Town Committee. Thereafter, changes were made, and changes in the official record were discovered by Mrs. Esty in January or February 2007. At that point, Mr. Hall asked the Town Clerk to communicate with the Town Attorney to discuss what the discrepancy entailed, what her understanding of the discrepancy was, and the authority to change such terms within her office and the parameters of how those terms would or should be changed.

As of March 2007 the official record still reflected an expiration date for Mr. Pelton's term beyond 2007. Accordingly, Town Attorney Johnson, at the request of the Chairman, corresponded with the Town Clerk. On or about March 14, 2007, the official record was changed again to return Mr. Pelton's expiration date to January 31, 2007.

To be clear, Mr. Hall stated that per the Charter and custom of the Town Council, board and commission members serve beyond their expiration of their terms until they are replaced by the Council. The Council did not vote to appoint a replacement for Mr. Pelton until June 12, 2007. Prior to that time, Mr. Pelton was informed that a volunteer was to be named, by the Council majority, to fill his expired seat, and although his term had already expired pursuant to the records and appointments the Council made in 2004, Mr. Pelton submitted a letter of resignation to the Town Clerk.

A vote was taken at the June 12th Council meeting which reflected a non-unanimous vote to appoint Pelton's replacement – Michael Solomon. At that time statements were made about the uniqueness, the special occasion of this appointment, of Mr. Pelton's role on the WPCA, and considerations and implicit motivations of the majority in replacing him.

At that point, not having indicated prior that he was concerned, Mr. Hall said he wished that the full story be told, and advised the Council it had come to his attention several months ago. It warranted attention at this time of the changes made back in February and March, how those changes may have come about, who brought those to the Clerk's attention, and his concern that they were not brought to the Council's attention or his attention, other than through discover by Mrs. Esty through her due diligence.

Accordingly, Chairman Hall said he feels that based on the unprecedented vote taken two weeks ago, that people were so concerned about this particular

appointment, and that the integrity of the process was somehow impugned by that vote, or at least called into question, and the process itself needed to be fully understood. And, whatever had happened earlier this term be fully revealed to Council members, the public which may be concerned or question the independence of the boards and commissions, who serves, and how appointments are kept and made.

Chairman Hall asked the full Council membership, at this meeting, to consider the merits of investigating how a board appointment term could be changed without consultation, notice to or consent of this Council. We need an eye towards not only reviewing and understanding what happened in this instance, but also understanding how there can be identification of expectations of the public and the Council, and to come up with aid for the Town Clerk and give her and her office guidelines about concerns, discrepancies or potential errors in terms for appointees to boards and commission.

Mrs. Esty stated it should be recognized that this is a serious matter that is not undertaken or proposed lightly. She said there have been suggestions that this is a mountain out of a molehill; that this is a typo; and she challenged anyone to say that changing the length of term of someone's appointed or elected office is a typo and is insignificant. This goes to the core of democracy, the core of integrity, and independence of boards and commissions. The investigation itself is simple – a factual question – we need to determine whether a party official approached the Town Clerk and, as a result, official records were changed, extending an appointed board member's term.

If this proves to be true, the remedy will be something of considerable more discussion. Mrs. Esty said the factual inquiry is important, and the resolution calls for this investigation to be done by an independent individual, and this is critical. There will be concern about cost, getting an independent, qualified individual, from outside the community to look at the situation. It is essential that this be done. Questions have now been raised about the integrity of individuals on boards and commission. Allegations have been made in the Council Chambers as well as in the press about motivations of members of the Town Council. Under those circumstances, she sees no way this Council can investigate itself, and there may be members of the Council who will have to give testimony as part of this investigation. She sees no way Council members can give testimony to other Council members. Despite concerns about insuring this not involve spending tax dollars, sometimes defending good governance requires bringing in someone from the outside.

Mrs. Esty stated there have been examples around the State of mis-doings, to understand the importance of defending our institutions, the independence of boards and commissions. This is important because these people serve as volunteers and give tremendous service to the community, and they deserve to have respect, and assume to be independent. The only way to do this is to have

a clear investigation, short, factual, clear, by an outside body, and the Council will have to determine what to do with the results of that investigation. If it exonerates people that is important as well.

Chairman Hall stated that Town Clerk Carolyn Soltis is a woman of high integrity, and he deals with her on a professional basis more than other Council members. He expressed hope that Mrs. Soltis would shed some light as to the background on this matter, and provide direction on how to go forward.

Carolyn Soltis, 2 Holly Road, Town Clerk of the Town of Cheshire, stated her belief that this whole matter has been blown totally out of proportion. She has never, in her 13 ½ years as Town Clerk, been asked to change a term for anyone. She has corrected terms of office with the approval of the town committee chairperson, who made the appointment from that particular town committee.

Mrs. Soltis submitted information to the Town Council on appointments from 2005-06 where terms were changed. When something like this is brought to her attention, she does a complete search. In this case it was questioned whether Tim Pelton's term actually expired in 2007, or if it was an error. She explained that two members on the WPCA had terms expiring in one year; two expiring terms in the following year; and three expiring in the following year. Mr. Pelton's term was the only one that came up for 2007, and when she saw it she knew there was an error in the term. She immediately did a title search starting with the current appointment going all the way back. The pages handed out to the Council show the disaster regarding WPCA terms; four are highlighted that are totally inaccurate. She sent the appointment information to Attorney Johnson; the date should have been 2008; she contacted the town committee and they said to make the change. This has happened with other terms in the past, and she made the change.

When Attorney Johnson called her, Mrs. Soltis said she explained to him what had gone on, and she was prepared to send all the paperwork and backup information to him. Mrs. Soltis reviewed the paperwork once again, and explained that back in the early 1980's there was a commissioner, David Stewart, originally appointed as the democrat to the WPCA. In going back she missed one of the appointments made. Mr. Stewart was reappointed in January 1983; he resigned in April 1983; and in May 1983 he was reappointed back to the same commission as a republican. She missed that the first time, and going back the second time she found the error, and it is on the revised form submitted to the Council. Attorney Johnson called her; all the information was sent to him; and he advised her to keep the term as what it was; it went back from 2008 to 2007; and it never went to 2009. She does not know where 2009 has come from. The term was changed back to 2007 on the advise of the town attorney, and that was it.

Mrs. Soltis reaffirmed that no one has ever asked her to change a term, and she would never do that. She knows the law and does not go above the law.

Chairman Hall knows all records were transferred to Attorney Johnson, and wanted it to be clear as to what authority, in a legal opinion, the changes or corrections of terms rests.

Attorney Johnson advised the Council that the authority to appoint people to boards and commissions lies with the Council, and it would follow that any changes or corrections to appointment terms rests with the Town Council.

Chairman Hall asked whether this is outside the prior practice of the Town Clerk's office.

In response, Mrs. Soltis said the procedure in the past was to contact the town committee chairman because the committee that made the appointment did have the correct term. This is what has been done in the past; no one has ever questioned it before; she was always told to make the change so it is the correct term; and that is what was done in this instance.

Mr. Schrumm asked Town Clerk Soltis a question. Based on the February 16, 2007 letter, after there was some confusion about the date, he asked if she did research and sent it to the town attorney.

Mrs. Soltis said that was correct.

As far as he can tell, Mr. Schrumm said there is the appointment form paper handled at every Council meeting where the democrats and republicans nominate someone for appointment; the paper is signed by the mayor; date stamped in the Town Clerk's office; and the appointee comes in to be sworn in by the town clerk. He said he expects that this form is the controlling document, and they are kept in the town clerk's office. In this instance, he believes Mrs. Soltis thought the Council made a mistake in the term expiration date, which is not unusual, and figured there was an error in a 3-year appointment by the Council.

Mrs. Soltis said this was right.

Mr. Schrumm noted that the town attorney advised her, no, that was not right, and you have to go by this form, change the date to 2007...end of story.

According to Mrs. Soltis, the town attorney advised her that she should not make a change to the 2008 date, and leave as 2007. This was sometime back in February.

Mr. Schrumm said that in February 2007 the town attorney tells the town clerk to change the date back to 2007, after she had gone back through the years, so she changed it and that is where it is at now.

Mrs. Soltis said that was right, and this is where it sits right now.

Mr. Altieri asked Mrs. Soltis about who "they" would be, telling her to make changes, and is this the chairs of the political parties.

Mrs. Soltis said that was correct.

Mr. Altieri asked if the town attorney made an opinion that the only people who can make changes is the Town Council, and if Mrs. Soltis knew this.

Mrs. Soltis said she did not know this. The town attorney told her this when he advised her to leave the date as 2007, even if it was incorrect.

In her 13 years as Town Clerk, Mr. Altieri asked Mrs. Soltis if a town committee chair told her a term of office was wrong, she would change it.

Mrs. Soltis said she would notify the committee chairs when she would go to make the new appointment on her list and she had a different date. She would go back, and if the date did not match up with the date on the appointment sheet, she would contact the town committee chair, advise them of the error, and it would be a phone call, and they would tell her to change it to what it should be so it was consistent with what the appointment should be.

Mr. Altieri asked if Mrs. Soltis ever brought the errors to the attention of the Town Council or the Council chairman.

In reply, Mrs. Soltis said she never brought it to the attention of the Council.

Expressing his disappointment in the Council having to go through this matter this evening, Mr. Orsini asked Mrs. Soltis how many years she served in the town clerk's office prior to being elected town clerk.

Mrs. Soltis said she has been serving 20 years in the town clerk's office.

Mr. Orsini asked if this same practice has been done for 20 years.

Mrs. Soltis said that was correct.

Regarding this practice, Mr. Orsini asked if this practice was passed down from the previous town clerk, Mae Tabor.

Mrs. Soltis said it was passed down.

In hearing Mrs. Soltis' statement at this meeting, Mr. Orsini noted that she said past practice was to contact town committee chairpersons to notify them when a question was brought to her office. She would do research, notify the committee chair of a possible correction to a term. He asked if she was seeking their permission to change a term, or notifying them of the results of her investigation, and she would, in fact, fix the term.

According to Mrs. Soltis she would explain it to them; they would say it was okay to make the change. She would not make it on her own without consulting them. Once they said to make the change, she would then make it.

Mr. Orsini said the committee chairs would acknowledge an error and basically tell Mrs. Soltis that whatever her research came up with, and if that is what it should be, then do what is supposed to be done.

Mrs. Visconti questioned the "party chairs" and if it was the practice to ask both party chairs if there was a question. She asked if this has been done with the democratic party chair.

Mrs. Soltis advised that only the appointing party was notified. It has been done with the democratic party chair.

In 2005, Mrs. Soltis noted four corrections made with the approval of the democratic party chairperson, and explained they are included in the paperwork given to the Council tonight.

Mrs. Visconti asked if Mrs. Soltis could estimate how many changes have been made over the years.

There were not that many, but Mrs. Soltis said there are four terms changed because they were inconsistent with what was on the list. Going back and looking through the list, she said you can see the discrepancies on the WPCA list. The WPCA term is 3 years; there were several areas where people were appointed for 4 years; and this throws off the balance of the commission; and it throws off the idea of staggered terms so all new people do not end up on the WPCA at one time.

Mrs. Esty asked if the current situation came to her attention by her search of the records, or was it called to her attention.

It was called to her attention, and Mrs. Soltis was asked if it was correct because it did stand out as being the only term expiring this year.

Mrs. Esty asked if this was for a three year term.

Mrs. Soltis said it was a three year term.

In other cases when questions have come up, and in this case it is a sequencing issue, Mrs. Esty asked if Mrs. Soltis extended, changed a term. The Pelton appointment was made in 2004, and by the record keeping, Mrs. Soltis is saying it should not have started until 2005. She asked if this was correct.

In response, Mrs. Soltis said, no...that was the incorrect search she did with that David Stewart thing...and this is where it came about. The correct term was the 2007, and she realized it when she did the revised search which she was sending to Attorney Johnson. This is when she came across, and found it was the correct term.

When there have been other errors found in terms on other boards and the WPCA, errors when there are resignations during a term, and people are appointed to an extended term, i.e. appointment to a 3 year term when it should be 1.5 years, Mrs. Esty said this is correcting it, cutting a term shorter to what should have been permitted. She asked if Mrs. Soltis has changed, in other cases, a term, corrected a term in a way that would have a term extend beyond the Charter specified maximum. Mrs. Esty cited this term as appointed in 2004, and to make it 2004 to 2008, makes it a 4 year term, and asked if this has been done in other cases.

Mrs. Soltis said it is not just a matter of adding on that four years. When you go back and do the search it is how it comes up forward.

Mrs. Esty again asked if Mrs. Soltis can recall, in any other cases, changing a present term in such a way that a person would be continuously serving for a period of time that is beyond what the Charter specifies a term to be.

In reply, Mrs. Soltis said she could not give this information now, but would have to look it up.

Mrs. Esty said that would be helpful to know.

Regarding the comment about the list given to the Council as the official list, Mr. White said the list on the web site has been the customary list as an official controlling document. To the best of his knowledge, this document is not the legal document. If this is a simple clerical error, he asked if there is anything wrong with that, and if this is a legal document. The one that is signed seems to be a legal document.

Attorney Johnson stated that the form signed by the Council Chairman would be the legal, binding document. He commented that if there is something that is generally regarded as an "official list"...and decisions concerning appointments and reappointments are made based on that list...the fact that it may not be a legally binding document would not prevent it from determining in the future and the present who is regarded as a properly appointed member of a commission or

board. He is not sure it would be considered "official"...but it certainly would have an effect on how the boards and commissions operated.

Mr. White commented that the town's web site is fraught with inaccuracies, and we cannot lose sight of the fact that the web site is not perfect.

Regarding the official list in the Town Clerk's office, Mrs. Esty asked whether this is a consolidated list that is, in theory, what is on the web site.

The list is what the town clerk's office gets from the Council appointments. As far as the web site, she has been shown a few times on how to use it, and she has a hard time with it. What she has done in the past is to e-mail Ms. Sepp in the Town Manager's office the corrections and she has made them on the computer.

Mrs. Esty wanted to be clear about the official list, and what Mrs. Soltis is referring to.

The official list is what is in the town clerk's office, and Mrs. Soltis said it is called the commission's list, and has all the boards and commissions, names, addresses, phone numbers, terms of office, party affiliation. It is computerized for her office and she and her staff have access to the list. This list is considered to be the official list.

It was restated by Mr. Schrumm that the controlling document is the Town Council's appointment form, and the appointee's name goes on the list in the town clerk's office. The names appear in various places on the town web site. This morning, he checked the list, and the IWW has inaccuracies with Commissioner Bowman serving from 2/11 to 1/11, and he is going backwards by two weeks. Another commissioner was not reappointed to IWW since 2005, but continues to serve because the Charter says if the Council takes no action, you can serve forever. It is an imperfect system, and Mr. Schrumm said there has been much confusion over the years with the list. He stated that once the Council makes a new appointment or reappointment, this list is out of date. The accuracy of this list must be worked on and be kept up to date. In one case an IWW commissioner served for 2 years without an appointment, and this was totally missed by the Town Council. The person served admirably, is a great person, never got reappointed, and she eventually resigned. This was perfectly legal by the Charter.

In the case of Mr. Pelton, Mr. Schrumm said we have a situation where, back in February 2007, at the direction of the town attorney and explanation of the town clerk, the date was put back to 2007, and this is what was done. Now, four months later, we are treating this issue like the reincarnation of Watergate. He asked what the issue was in this situation.

Mrs. Soltis stated she did not know what the issue was in this situation. Her office door is always open, and if there was a problem, anyone could have come in and talked to her about the issue and she would have explained the whole thing. She does not know how it got this far.

Mr. Schrumm asked Mrs. Soltis if anyone asked her to explain what happened in this case, other than the town attorney.

Mrs. Soltis said, no.

Mr. Schrumm asked if anyone on the Town Council asked her to explain this matter, since February.

Mrs. Soltis said no.

Mr. Orsini asked if Mrs. Soltis was asked to attend this Council meeting this evening.

Mrs. Soltis said no, she was not. She came because she read in the last meeting minutes that she would be asked...but she was not.

If he were a member of the public and came into the town clerk's office and asked for a change of a record or document, i.e. mortgage or deed, Mr. Orsini asked if it would be done.

Mrs. Soltis said, no way...she does not alter records if a person were to ask.

After research, Mr. Orsini asked if a mortgage were paid off, and it was not noted in the town clerk's office, what would happen.

It was explained by Mrs. Soltis that she would contact the person, advise them to contact their bank, and file a released mortgage. Then, the record would be so noted.

Mr. Ruocco asked if the Council has seen the letter from Mrs. Soltis to the town attorney before this evening.

Chairman Hall said that Mrs. Soltis sent it to him on Saturday.

Mrs. Esty received a copy on Saturday.

Mr. Ruocco did not receive an early copy of this letter; did not know that a report had been prepared; and he has concerns about getting information at the last minute on an issue like this.

In looking at the sequence of events, Mr. White asked if the Pelton term was on the list as 2007, and changed to 2009.

It was changed to 2008, and Mrs. Soltis said this was after she did her first search. On the advice of the town attorney, she was told to leave it as 2007, and it should be looked into.

Mr. White noted it was changed from 2007 to 2008, and then back to 2007. He asked what precipitated the 2008 to 2007 change, and if it was by the town attorney's comments.

After the town attorney received all the work she had done, Mrs. Soltis said he told her to keep it back at 2007, and it was the correct term.

Mr. White asked what precipitated the change from 2007 to 2008.

According to Mrs. Soltis this was done when she did her first search...the one with the David Stewart thing.

Mr. White asked what precipitated this search.

Mrs. Soltis said she was asked if that was a correct term. When she looked at it, she said probably not, because it was the one term expiring. She could not immediately tell if that was an incorrect term or there was another one that was incorrect. She did the search. It was just a question. There was no intimation to her to change a term, absolutely nothing.

Mr. Altieri asked Mrs. Soltis who asked her about the term.

Mrs. Soltis said she was asked by Tim Slocum.

Mr. Altieri asked if it has ever happened where information was brought to the town clerk; then the clerk, or party chairs brought it to the attention of the Council; and a term was changed appropriately by a Council vote.

In his terms of office, Mr. Orsini said he does not recall this has ever happened...the Council has never re-voted on an appointment to change a term of office. Something like that was just cleaned up in the town clerk's office, and that became the baseline for moving forward.

According to Chairman Hall, this happened in 2005 with the Youth Services Committee.

Mr. Hall thanked Mrs. Soltis for being forthcoming, and said tonight everyone is learning something about a custom, and we all need to have some new expectations or some better or more established procedures. He stated that no

one is accusing the town clerk of anything beyond what she has customarily done...that was not the intent. He noted that when he came to see Mrs. Soltis regarding this issue, he asked her to contact the town attorney and she did.

Tonight, Mr. Hall said he is learning something which he is uncomfortable about...and if it is custom, it is terrible...and we should endeavor to fix it. Official records have been changed, without notice to the Town Council, by evidence brought to the attention of the town clerk's office that there may be an error or discrepancy in the records. These records have been changed without notifying the Council, or nominating chair of the other party. This has been the custom of the town to do that, and Mr. Hall said he is troubled by the fact that this has been the custom. He has not been aware that this has happened in the past, and asked if everyone understands how this might be troubling.

If the commission list in the town clerk's office is not the controlling document, Mr. Hall asked why bother to keep the list. There is concern that the official record is the 8.5 x11 piece of paper transferred to the town clerk's office after an appointment to boards and commissions is made by the Council. He asked if these lists are kept forever.

Mrs. Soltis said they are kept; they are microfilmed; and they are in book form.

That being the case, Mr. Hall said the notification by either party of possible errors is brought to the attention of the town clerk, and a change is made in the list, without having to notify the Council members, or the other town committee.

Mrs. Soltis said her feeling was that the appointing party is the one who should know what the term is, and have opportunity to say yes, okay, it is checked out, that is what it should be, make the correction. It is that simple. There were never any guidelines to be followed. As far as the appointment forms, they are in books, and those being the official records would be fine. The commission's list is for convenience. The appointments are taken when they come in; they are put on the list to be available in easy format for people – Council, town committee people, public, to see. If she did not have to deal with this list, Mrs. Soltis said her life would be easier. If the Council feels that the official record is the appointments in the book, then the commission's list can be eliminated. Mrs. Soltis advised she spends a lot of time on this list to insure accuracy. Even now, there are many terms on many commissions that are incorrect, and it goes back to the appointments. If the appointment was not caught, then there is an error in the term.

Chairman Hall asked Mrs. Soltis what her suggestion would be for this Council to fix all this, and if there is a better way to do things.

Mrs. Soltis said this is not up to her.

It was stated by Mr. Hall that the question of a better way to handle the appointments is a discussion for another night. What is being learned tonight is that we have a process or custom in place which is ripe for abuse or confusion, which is what is being suffered with the current situation. He said he is also confused about the 2009 and 2008, the web site, what the list compiled by the town clerk's office represents. This speaks to who is in charge of correcting or keeping track of various appointments. Mr. Hall recognized that this has been the practice in the town clerk's office for many years, but we have learned tonight that we have a custom that makes little sense. There is no obligation on the part on the part of the town clerk to share this information with the Council, which has the sole appointment authority.

Chairman Hall said he thinks that the resolution can be re-crafted to focus on how things can be fixed. If he is one of nine who feels this process is peculiar, at best, and short on full disclosure and fair play, not on the part of the town clerk, but certainly the way things have been done in the past, then he will be the one person voting to fix this. However, he does not believe this is the case. Mr. Hall said that the gracious comments of the town clerk at this meeting have raised more questions than answers...not about the motives or intent of the town clerk...but what is done with appointments. He cannot believe that either party would feel that there is a change, and it automatically gets changed. The process needs to be corrected, and we can have better expectations.

Mrs. Soltis said she wished someone had come to her about this matter before going dragging it out in public and dragging her name through the mud.

Tim Slocum, 1285 Lilac Court, stated he holds his name and his family's name in the highest esteem, and he is proud of what he has accomplished in Cheshire as an elected official. On the Republican Town Committee, Mr. Slocum said he volunteered to be chair of the nominating committee, and this is not a fun task. Mr. Slocum submitted the time line of the events with regard to the WPCA/Tim Pelton term of office, and read it into the record of the meeting.

In November or December 2006, Mr. Slocum printed out a list of elected and appointed officials from the town web site. Using a shortened list from Mr. Carroll listing term expirations and reappointments, he began contacting people, completing the process on January 21, 2007, including a call to Tim Pelton. He advised Mr. Pelton his term was expiring 1/31/07, and the Republicans could not reappoint him. He was told by Mr. Pelton there was a question with his term date. Mr. Slocum advised Mr. Pelton that according to the PDF list and that of Mr. Carroll the expiration date was 1/31/07. Mr. Slocum agreed to ask the town clerk to clarify the date, and his notes from that call indicate Mr. Pelton thought the term might be 2009 as a result of information from the Public Works office or another WPCA member.

On January 22 or 23, Mr. Slocum visited the town clerk's office regarding the expiration date, and Mrs. Soltis said she would look into it. Mrs. Soltis informed him the date was 2009. On January 23, Mr. Slocum met with the RTC nominating committee to discuss appointments and other routine business, and presented a summary of the IN's and OUT's, and that there was an error with the Pelton term.

At the January 25th CRTC meeting reappointments were presented for approval by the town committee for submission to the Council's February meeting.

On January 30, 2007, Mr. Slocum received a letter from the town clerk's office under the heading "Water Pollution Control Authority" beginning with the appointment of Raymond Bahr in 1978 up to the appointment of Tim Pelton. The list of the terms shows typographical errors, and the list ended with "Current appointment should be 1/31/05 – 1/31/08. Mr. Slocum assumed this to be official; he called Mr. Pelton to tell him his date was 2008 not 2007. He assumed this information was shared with the Democratic Town Committee since the WPCA term is never listed as an expired term to be filled by the Democrats in any of the February and March e-mail communications transmitted by Mrs. Esty to him and others. Tim Pelton remained on the WPCA having neither been reappointed or replaced.

On or about May 17th, Mr. Pelton contacted Mr. Slocum to advice he had met with Matt Hall and Elizabeth Esty to discuss his term, and they said his term was up January 2007, and that it was an error that the term was changed. Mr. Pelton was told he would be reappointed if one of the other sitting Republicans on the WPCA resigned so he could fill that vacancy. Mr. Pelton said he would not and could not do that; and, Mr. Hall suggested he talk to Mr. Slocum and that Mr. Slocum should call Mr. Hall if there were any questions.

Mr. Slocum stated he called Mr. Hall on May 17th or 18th, and discussed the situation as he understood it to be. He was advised that Mrs. Esty and the town attorney had reviewed the list; that the term is what the Council votes on regardless of a typo mistake; and the date was corrected on the PDF file to 1/31/07.

This seemed logical, and Mr. Slocum suggested that the Democrats reappoint Mr. Pelton since they had reappointed other Republicans in the year which Mr. Hall restated the same terms first offered to Mr. Pelton. Mr. Hall said he did not want to make a stink out of this appointment, but would do so if he had to. Not knowing what Mr. Hall was referring to, Mr. Slocum said he made reference to an embarrassing matter regarding a Democrat appointment issue going back several years with the Inland Wetlands Commission.

Mr. Slocum called Mr. Pelton and he reaffirmed his position and intentions to resign from WPCA.

On May 19th, Mr. Slocum spoke with Ernie DePietro about the matter, and was advised that the matter was being handled by Mr. Hall and Mrs. Esty.

Tim Pelton resigned from the WPCA on May 23, 2007.

Mr. Slocum said he is upset, and an apology is due to him.

Chairman Hall thanked Mr. Slocum for being forthcoming. And, if Mr. Slocum believes that Mr. Hall owes him an apology...he certainly does...and he apologizes. He did not realize that this was the custom throughout years and years, that changes are made solely at the discretion of the town committees.

With regard to changes and corrections, Mr. Ruocco said there is a difference between the two. Corrections are made at the town clerk's office, not changes or alterations.

Chairman Hall said he guesses that "corrections" is the right word, but whatever word is ascribed, he is surprised. If Mrs. Soltis and Mr. Slocum feel they have been impuned, he apologized. Going forward, Mr. Hall said the greater point is...what do we do.

Mr. Slocum spoke to his observation, stating that it seems to him that when a term ends, a resignation is submitted, there is a new term, and much stuff comes in the mail. The Republicans and Democrats get their appointments, and maybe everyone should get everybody's. He assumed Mrs. Esty got that flow chart. If this is the transparency it takes to get boards and commissions on the up and up, this is fine. Mr. Slocum stated he does not believe there is any party representative that wants to mess things up in town because it is too hard to get people to volunteer.

As chairman of the Council, Mr. Hall asked if there are concerns about either party not being informed when Mrs. Soltis does what she does, and what her predecessors have done. He asked Mr. Slocum if he thinks this is a process that needs fixing.

Mr. Slocum said he relied heavily on the PDF file, and any changes made are for his benefit. Maybe there are many lists to be corrected, and anything that can be done to make the nominating chair job easier, he supports it.

For example and in the interest of fixing this process, Mr. Hall cited someone as chair of the PZC, and there is an error with a commissioner's term, and it is discovered that the term has been changed. He asked if Mr. Slocum would be troubled by that.

In reply, Mr. Slocum said he recognizes all of that, and if the Democrats are not getting the same notice, he would accept that there is cause to be concerned.

But to have that cause and express it as something untoward, to give the Cheshire Herald an opportunity to display its vitriol in such a public and terrible way, Mr. Slocum said this is unfortunate. His advice to Mr. Hall would be that had they talked a little longer, had Mrs. Esty talked to him, there could have been discussion on the issue.

Regarding the proposed project in town, Mr. Slocum said he would do nothing to compromise that process, but even analyzing the time line, it was all pre-application time. It was the furthest thing from his mind in terms of direct knowledge, and impossible for him to anticipate. Mr. Slocum said he is an elected member of a land use agency, and does not know sewage from septic. To him the nominating issue was a task, and any forthcoming investigation would have his support with his integrity and paperwork to back it up.

Chairman Hall commended Mr. Slocum and Mrs. Soltis for coming to the Council meeting. He suggested that the current process is not right, and asked if someone told Mr. Slocum or the Democrat nominating chair that his term is wrong, what should be done.

Mr. Slocum said that people should know their terms of office, and the records are fairly loose.

That being the case, Mr. Hall asked Mr. Slocum about the downside of bringing this matter of a Republican member of the Town Council.

Mr. Slocum said this would be fine.

Mr. Hall is suggesting that Mr. Slocum be part of an ad hoc committee to fix the process.

Mr. Slocum said this can be discussed at another time.

Regarding the implication that the process is an absolute mess, Mr. Schrumm said it is not right. The town has 150 to 200 people on the list, coming and going, people do not attend meetings but refuse to resign, etc. and the system is imperfect. If someone said their term is wrong, you go to the list, and to the town clerk's office where official records are kept. That is where there is a piece of paper with a seal, date stamped, signed by the mayor, that says someone is appointed, and this form is kept. The issue of correcting dates is the town clerk correcting not just the town committees, but correcting the Council, and indirectly the people giving the Council the pieces of paper...not the other way around. If you watch the tapes of meetings, you see Mrs. Esty and Mr. Orsini correcting dates, appointments or reappointments. The process could use some improvement in record keeping. The idea that someone could walk into the town clerk's office and change something suggests stupidity when there are video and audio tapes of the minutes of all Council meetings.

Stating his agreement, Mr. Hall said that the problem goes back to 1983 when there were no tapes, and he suggested there should be a bipartisan look at correcting things.

Mr. Orsini agreed, and said there should be someone looking at the appointments, but this is not what is being asked for in the resolution on the floor. This matter can be referred to the Ordinance Review Committee, or a committee could be formed with Council, Town Clerk, party leaders. In this resolution, there is a request for an investigation, and in the introductory comments from Mr. Hall and Mrs. Esty, he finds the contradiction fascinating. He said Mr. Hall is attempting to be a little more subtle here, and this is appreciated, and by his comments there is a sense of what he is trying to do. Mr. Orsini said that he believes Mr. Hall has accomplished his goal this evening and that the investigation has been completed. However, Mrs. Esty's comments are whether a party official approached the town clerk and requested records to be changed, and lets go after some party official. That is what we are digging into here.

In his comments, Mr. Orsini said he is sensitive about this issue because he has been the victim of consequences like this in the past on numerous occasions.

There has been a big thing out in the media the last few weeks, and it was out there because Mrs. Esty also commented that the only reason they replaced Tim Pelton was due to shenanigans going on in a political party. The result is *The Cheshire Herald* this week and the editor saying that "*legislators in Cheshire allegedly subverted the system in an attempt to maintain some semblance of political control over a town board*". Mr. Orsini suggested that the primary legislative body in Cheshire are the nine people sitting on the Council dais at this meeting. The whole focus of this revolves around some sort of shenanigans in the Republican Party.

According to Mr. Orsini, this editorial has cast a serious cloud of doubt, almost criminal activity, on four people sitting on the Council this evening. Not only does Mr. Orsini think an apology is in order from Councilors Esty and Hall, who brought us to this point this evening, but a serious apology is due to many people in this town from the *Cheshire Herald*. He commented on the editor never sitting in Council Chambers, and half of the time the editor does not live in town, does not see the meetings on television, yet somehow they become an expert authority on everything going on in town.

Mr. Orsini said he would vote against this resolution because an investigation is not needed. We have wasted enough of the taxpayer's money by asking the town attorney to spend hours leading up to this evening, and it is a total waste of money to hire an outside person to do any further investigation. If anything comes out of this discussion tonight, it should be to vote against this resolution, and the Chairman should form some sort of committee to look into the process

and procedures which might be uses so if there are concerns or issues going forward, they can be addressed.

Mrs. Esty commented on the fact that she did not say “directed” but “approached” the town clerk, and she chose those words carefully. A great deal has been learned tonight about the appointment process, and she said she is still in shock with the standard operating procedure, which is incredibly loose with too much opportunity to provide the appearance of impropriety. Mrs. Esty thanked Tim Slocum for his remarks. She noted that the Council never got notice back from the town clerk on the change to the Pelton term, so these links are not being completed and there is a failure of communication.

In the last year the Ordinance Review Committee ranking members, Mr. Orsini and Mrs. Esty did not get notices when people resigned and did not know when people resigned. Mrs. Esty stated there is a lot of room for improvement. The current situation looked very bad, and from what she is hearing at this meeting, she believes the statements of Mrs. Soltis and Mr. Slocum. It tells her that things are way too loose and we must do much better.

Mrs. Esty stated she does not believe we need to go further with any investigation on the facts of what happened, and she is happy to back off of that because of what people told her tonight. However, there is a serious problem, and it does appear there was a change in the official list from 2004 to 2007, a four year term, and that is not something that can be done. The fact that this could happen under the way we proceed and do business is wrong, and any changes to terms should come back to the Council for review and approval. This would stop the problem. The Council can make sure terms are updated, but the possibility of terms being changed without notice to the Council, which alone can do that, is wrong, even if it is a proper correction.

If the Council minutes are wrong, they would stand wrong and never be corrected. Mrs. Esty stated we have a record keeping nightmare now, with the clerk’s office noting a mistake in 1985, and it being corrected in 2007. This is not how things are fixed, they must be fixed prospectively.

Citing an example used at this meeting for the WPCA, Mrs. Esty said this commission has 7 members, appointed on staggered terms; two expire one year; two the next year; and three the following year. The staggering of terms is incredibly important to have stability on boards, and Mrs. Soltis is absolutely right in looking at the term and thinking something was not right. From appropriate record keeping, Mrs. Soltis determined it was not even that term that should have come up in 2007, which means at least two other terms are wrong on WPCA. There is no way to correct problems fro 20 years ago, but we do need to have a procedure going forward, making sure these terms are re-staggered. WPCA needs to be re-staggered so there is appropriate two, two, and three. Other boards and commission have the same problem.

According to Mrs. Esty, the town clerk's office should make changes to re-stagger, and the Council should look at those terms, and determine how to fix them. It is not single record keeping, a typo error, and the staggering and length of terms is tremendously important. She said the town clerk's office, which is in charge of record keeping, can or should, whether someone raises the issue or not, make changes without knowledge and approval of the Town Council. If this procedure had been in place, we would not be up here now discussing the issue, because it would not have happened. The Council would have gotten notice.

Mr. Orsini said he did not want to spend the rest of the meeting talking about how the town clerk's office should conduct business. That is not germane to the motion on the floor. A motion has been made and seconded to conduct an investigation. Discussion on how business should be conducted in town is a separate item. The question before the Council is whether to conduct an investigation. He hopes discussion would be focused on that item and the Council comes to a vote.

Chairman Hall stated that he understood Mr. Orsini's comments, and the matter would be moved forward shortly. However, he still thinks there are things to be said, with emphasis on how to fix this. He would like to hear from other Council members on whether they consider this the best way to do business. He would like an agreement from the nine Councilors on forming a group to come to a conclusion that the current and long time custom be changed because it is wrong.

Mr. Ruocco stated he does not disagree with the idea suggested by the Chairman, and said there is an excuse being raised now, after a negative attack on the town clerk's office. Now, a problem has been discovered, but that is not the issue here, and as long as this resolution is on the floor, Mr. Ruocco said he would not agree with or discuss anything else as long as this resolution is on the floor.

Stating he did not enter into this lightly, Chairman Hall said he knows Mrs. Soltis much better than other Councilors because he works with her on an almost daily basis, and holds her in the highest regard. He could not imagine how this possibly could have happened; what her thought process was; but, now he knows this is the way it has been done for 30 years, but still cannot believe that. Mr. Hall stated he does feel some remorse because Mrs. Soltis was upset, but this current process is not the best way to do things anymore.

Richard Abate, 746 Yalesville Road, former Registrar of Voters, addressed the Council, stating he worked closely with Carolyn Soltis, Town Clerk, for 10 years on a day to day basis. He stated the resolution is indicative of the kind of spirit floating around Cheshire for the last few weeks – which is a personal attack on Mrs. Soltis and her integrity. He said her integrity is beyond question, and he thanked Chairman Hall for acknowledging this fact. What we have here is a

problem which we have watched in Cheshire for the last 20 years. We like to think of ourselves as a small town, having the small town image we had for so many years, but we are not a small town anymore. And, problems like this were not problems even 10 years ago because both parties worked together to bring about the necessary adjustments which come about in a town like Cheshire, and made things happen. The town has gotten too big for its britches in that sense, and this cannot be done anymore. He agreed that a new procedure and way of doing things must be looked at. We do not have to throw the town clerk under the bus or throw the baby out with the bath water.

Mr. Abate commented on the fact that the town clerk has given great service to this town, and she should be commended for it. Mr. Abate said it would be a worthwhile thing for the Chairman to send a letter to the *Cheshire Herald*, that addresses the fact that they tarred and feathered and tried to run her out of town this past week. This would be more than appropriate from the Chairman and this Town Council, because their actions were uncalled for...to list Mrs. Soltis in the same editorial with people like Giordano, ex-governor Rowland and others who are clearly convicted criminals. And, to wrap Mrs. Soltis up in that same rug was beyond the pale, and it came because of things like this resolution tonight...a resolution to do an investigation...which implies criminal malfeasance on the part of the town clerk, when none ever took place.

If you look at the record, Mr. Abate said it is clear to see that mistakes were made years before Mrs. Soltis took office. She, like the Councilors, accepted that. It is his understanding that it is the town manager's office that is supposed to keep the public record, PDF file, out there for people to look at, and no one has questioned why that has not been addressed. Mr. Abate said the record keeping in the public eye is not what it should be. Chairman Hall and the town committees are relying on information, and the information across the board is not getting out there. We have a failure to communicate. He agreed the mess should be cleaned up, but let's not personally attack someone who has given exemplary service to the Town of Cheshire. And, the implication of a resolution looking for an investigation is exactly what that is. The Council had its investigation tonight, and as stated by Mr. Hall and Mrs. Esty, they feel the investigation has effectively taken place. He suggested the Council consider pulling back on its resolution.

Steve Carroll, 70 Hidden Place, Republican Committee Chairman, stated that fixing the problem is simple. As a former Council member he knows how the system works. The Council gets a piece of paper with names, term of office, and the Council votes, and that is the record, without question. If a term is passed that is incorrect; it is incorrect; and it is up to the Council to fix it. There is no research for Mrs. Soltis to do; there is nothing other than to keep a record of what was passed by the Town Council.

To speak to the Youth Services Committee ordinance of 2005, Mr. Carroll informed everyone that the wrong individuals (youth members) were named to this committee. This was corrected at the next Council meeting.

In looking at the Youth Services Committee issue, Mr. Hall asked who worked this out. He stated there was no correction or change without the Council approval.

Mr. Carroll stated that the correction was made by the Council as a procedure which should be followed for all appointments, dates, names, etc. The process is not perfect, and the fix is simple. All corrections, mistakes, changes should be made by the Council. Mr. Carroll recommended that this matter be referred to the Ordinance Review Committee of the Town Council for review and restudying of the rules. As for the resolution on the floor, Mr. Carroll said it is flawed and wrong in many ways. Mr. Carroll said he has heard about cheating, going behind people's backs, and believes Mr. Hall and Mrs. Esty owe everyone an apology for jumping the gun on this matter. They have impugned the reputation and integrity of individuals. He requested that Council members not support the resolution on the floor. This resolution does not state that the process is flawed and should be looked at. He does not believe anyone in town, democrat or republican, wants to pull shenanigans. Mr. Carroll requested the Council withdraw the resolution.

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

MOVED that the Town Council continue business beyond the 11:00 p.m. curfew.

VOTE The motion passed unanimously by those present.

Justin Adinolfi, Wood Pond Road, stated that a fair amount of the investigation has been accomplished tonight. If nothing happened, there is no harm going forward with an investigation, done objectively by a third party outside of the town, to lay the record clear and get out of finger pointing. We must come together as a community and work together on community issues. He supports an investigation and the Council working together.

Louis Murray, 228 Elmwood Circle, stated he came to this meeting concerned about a vicious attack on some good people. This is a data keeping nightmare, and the Council must make changes. Some individuals of high integrity had some harm done to them tonight, and he hopes that one way or another some of this harm can be mitigated, and he specifically referred to Mrs. Soltis and Mr. Slocum.

Derf Kleist, 251 Lancaster Way, stated that if the investigation discovered something wrong there might be negative consequences. He wanted to know what the positive consequences are since there was nothing wrong done by Mrs.

Soltis or Mr. Slocum. He commented on money fund raised by the democrats at the student center, and maybe they can devote some of that money to a paid ad in the Cheshire Herald, with both parties agreeing on the language, and show what a great service Mrs. Soltis and Mr. Slocum provide to the town.

Chairman Hall restated that in looking at other communities over the last 6 years, he has been a very vocal supporter of Mrs. Soltis and the work done in her office. He could not fathom, and he learned a lot at this meeting, how things have happened over the years. He does not believe anything further needs to be done than to focus on fixing the procedure. In hearing Mrs. Soltis expressing fatigue and reluctance in continuing to having the weight of correcting what appears to be errors, some going back to the early 1980's and 1970's, Mr. Hall said that in July he will suggest referring this matter to the Ordinance Review Committee. The committee will look at the best mechanism to maintain records, and to address discrepancies or errors. He has learned tonight that no one seems to be sure about "what the official record is"...other than it should be the appointment form of the Council, given to the clerk of the Council, and later forwarded to the town clerk. He does not understand why a published list is kept, fraught with errors, without going back to the Council for clarification, and the value of this list.

Going forward with the current system and standard operating procedure is not tolerable. Mr. Hall said that regarding an investigation, implications of wrong doing, he is truly sorry people felt there was a dispersion cast on Mrs. Soltis and Mr. Slocum. However, had this not been discussed tonight, no one would have realized the history of the process.

Mr. Ruocco stated there are better ways to do fact finding.

Mrs. Visconti commented in defense of Mr. Hall and Mrs. Esty, that Cheshire is a small enough town that volunteers know the staff, and that Mr. Hall found it difficult to even bring this matter up. This speaks to his and Mrs. Esty's integrity, that when they saw something wrong with the town clerk making changes without any oversight, and looked at it. She agreed that the procedure must be changed.

Mrs. Esty stated she would be happy to have matter referred to Ordinance or any other committee, working with the town clerk's office. There are unresolved questions to be looked at. She has printouts that show Pelton's term as 2009. There is still a mystery as to who has access to records, and there cannot be situations where people don't know when their terms end, and verification cannot be accurately determined. We need to fix the system, which is more broken than she thought it was. She is pleased that no one intended to do anything wrong. But, it is clearly a very bad system if this is the way we have been doing things. Making changes should not be viewed as normal operating procedure, and the sequence of terms should be reviewed. There are two parts – the maintenance

and record keeping question, and how to fix what happened in the past. Next year we will have to look at the WPCA terms in order to keep the staggering of terms on track.

Mrs. Esty withdrew her motion.

It was stated by Mr. Orsini that he wants the record to be clear that a lot of what happened over the last two weeks, and which came to a head at this meeting, was the result of accusations made by Mrs. Esty about shenanigans. For the record, Mr. Orsini commended Chairman Hall for his public apology for getting us to this point this evening. He wanted the record to be very clear that Councilor Esty has not apologized for making accusations which put a major shadow on some decent, honorable people in this town. This shadow spread out much farther, to the editor of the *Cheshire Herald*, and it is appalling that Mrs. Esty is not willing to apologize for all the trouble she has caused for some decent, honorable people in town.

Mrs. Esty stated the procedures were shocking to her; the whole process is fraught with opportunities for undue influence; and she does not believe anyone did anything wrong. She commented on Mrs. Soltis always being above board in dealings with her, and her friendly relationship with Mr. Slocum. She does not believe they did anything wrong, but were just following what had been practice, which she cannot believe should have been practice. And, many are shocked to find out this was the practice for appointments. Mrs. Esty stated she was terribly sorry the names of Mrs. Soltis and Mr. Slocum have been called into question, and she made this clear again. She apologized for her role in any part to the extent that has impugned their reputations. She hopes people would look, however, at the process which is so flawed to open the possibility that someone looking at it could see what could happen. It needs to be fixed so that could not happen again.

To Carolyn Soltis and Tim Slocum, Mrs. Esty extended an apology that this has come out in this fashion, but she is not sorry light has been shed on a practice which is terrible and dated for years. By fixing this process, it is hoped no one else is ever put in the position which Mrs. Soltis and Mr. Slocum have been in. They were doing what practice and procedure was, and one that looked terrible, and did result in the change of a term of office. The practice is so bad that it allowed Mrs. Soltis and Mr. Slocum to look bad. For this, Mrs. Esty said she is sorry that happened, and hoped the practice can be fixed. Mrs. Esty apologized to Mrs. Soltis and Mr. Slocum, and hoped they would accept her apology.

Mr. Schrumm stated that one more person needs an apology – Tim Pelton – needs an apology. Mr. Pelton is a long term volunteer in Cheshire, and his name was dragged into this whole thing. There was sullyng of reputation there. Before we get into this again, Mr. Schrumm said the system has its faults, but is not irretrievably broken, and needs to be tweaked and fixed. It worked well for

many decades, and the surprise professed by the Council members is nonsense since they have been part of the process for 2, 4, 6 years. Also, Mr. Schrumm said we should resolve, if we can, to avoid the Nifong syndrome with an investigation beginning without an underlying crime and lack of evidence. He wished Mr. Hall and Mrs. Esty had asked the questions asked tonight of Mrs. Soltis back in February, and all this could have been avoided. There was a lack of communication when someone could have walked into Mrs. Soltis' office, asked for an explanation, and then, if not satisfied, do an investigation. There was a four month hiatus when this matter could have been resolved and been done with.

Chairman Hall stated the process is not irretrievably broken and that people will work together to fix it. He also said that Tim Pelton had no involvement in this matter, and he expressed an apology to Mr. Pelton.

Under Section 3-11 of the Town Charter, Mr. White asked for an informal investigation at this meeting, questions and answers, on a political fund raiser held on town property. He asked to make a motion for an investigation on his question whether a party official approached Town Manager Milone and asked to have the rules changed regarding political party use of town buildings.

Given the late hour, Chairman Hall said this matter is not on the agenda, and to be fair to the Town Manager to be prepared to respond, a motion would require 2/3rds vote of the Council. He believes that Mr. White is outside the parameters of agenda item #14.

Town Attorney Johnson agreed with Chairman Hall's conclusion and said it is a reasonable one.

Chairman Hall said this is off agenda, and the matter could be discussed at the next Council meeting.

It was noted by Mr. Orsini that the agenda item does not state investigation of the Town Clerk's office, and believes the request for the motion is in order. He would advise that the motion be tabled to the next Council meeting under Old Business.

Chairman Hall agreed that this matter raised by Mr. White would be under Old Business, an investigation item under Section 3-11 of the Town Charter.

Mr. Orsini said it would be regarding the sequence that led to an event being booked, determination it was booked in violation of the town rules, and announcement or communication back to the party booking the room notifying it was done in violation of town rules, and communication made to influence the town manager's office to suspend the rules in this case.

Chairman Hall noted that the motion under agenda item #14 was withdrawn with no action taken . He asked Mr. White about moving for the investigation of the town manager's office.

Mr. White wants an informal q and a, and this is what he wants for his investigation. Did anyone contact the town manager's office; did a party official approach the town manager and ask for the rules to be changed.

Stating that the word "investigation" might be too strong, Mr. Hall said it might be better served having this matter go through the Ordinance Review Committee. An investigation carries with it more than just fact finding, and he asked if Mr. White agreed with going through a subcommittee of the Council. This matter could be discussed at the July Council meeting or at the Ordinance Review Committee meeting. Town Manager Milone could then have all the facts needed to discuss the matter.

6. Discussion and action re: Adoption of Strategic Plan Priorities for FY 07-08

MOTION by Mrs. Visconti; seconded by Mr. Altieri

BE IT RESOLVED, that the Town Council adopts Resolution #062607-3

RESOLUTION #062607-3

BE IT RESOLVED, that the Town Council adopts the Strategic Plan Priorities for FY 07-08 as recommended by the Planning Committee, as presented and attached.

Discussion

Mrs. Visconti explained that the Strategic Plan began 5 years ago and is revised every year. The Plan reiterates the priorities of the Town of Cheshire; it is a helpful tool for the Town staff and volunteers; it helps prioritize and keep a good sense of what the Town does. The Plan will go to all staff and feedback is welcome. The priorities of the Plan are Fiscal Stability, Enhancement of Communications, Completion of Projects, and Reducing Energy Costs. Money for a consultant for the Strategic Plan was not included in this year's budget, but there was an agreement to revisit this need when State dollars were finalized and the Town knew the size of the surplus.

Under the communications priority, Mr. White said that the web site should be used more, and more should be done with the communications part of the Plan.

Mr. Schrumm had asked that the Town Center and West Main Street improvements be included under 3D of the Plan because the Council must push for the center of town. Also, something about the post office should be added to

the agenda of the next meeting. It is possible we could change their direction regarding the construction of the new post office, working to get it back down town.

VOTE The motion passed unanimously by those present.

7. Call for public hearing re: Volunteer firefighters' pension ordinance.

MOTION by Mrs. Esty.

BE IT RESOLVED, that the Town Council adopts Resolution #062607-4

RESOLUTION #062607-4

BE IT RESOLVED, that the Town Council shall hold a public hearing to consider the proposed amendments to the volunteer firefighter's pension ordinance Sections 2-180 through 2-194, and

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

BE IT FURTHER RESOLVED, that the date, time and place of any postponements thereof shall be determined by the Town Manager with the approval of the Chairman of the Council.

Discussion

There was no second to the motion; Mrs. Esty withdrew her motion.

Mr. Ecke, Budget Committee Chairman, stated there are still more changes to be adjusted in the language and the increases need to be reviewed by the committee. The matter is not ready for a public hearing at this time.

Mr. Milone informed the Council that there was one issue about the life time members, and the fire department asked for consideration of a modification to the benefit as it was currently proposed and calculated.

According to Mr. Altieri, the fire department needs to look at its records, clarify, and get a tighter list of people to be sent to the Budget Committee.

8. Discussion and action re: Registrars of Voters request for salary adjustments for Deputy and Assistant Registrars.

MOTION by Mr. Altieri, seconded by Mr. Ruocco.

BE IT RESOLVED, that the Town Council adopts Resolution #062607-5

RESOLUTION #062607-5

BE IT RESOLVED, that the Town Council approves the revised pay plan, effective July 1, 2007, for the Deputy and Assistant Registrars of Voters, the funding for which was appropriated in line item 1-10-05-050-000-107 in the Elections Department adopted FY 07-08 general operating budget as follows:

Both Deputy Registrars of Voters positions increase from \$12.41 per hour to \$144.5 per hour;
Assistant Registrar of Voters position A increases from \$14.90 per hour to \$15.50 per hour;
Assistant Registrar of Voters position B increases from \$12.34 per hour to \$13.80 per hour.

Discussion

Mr. Zullo informed the Council that the Personnel Committee looked at four scenarios, with a budget of \$5,000 to be dispersed among the positions. Proposal III is the one selected by the Registrars and is reflected in the resolution.

Mr. Altieri explained that these are part-time employees, working without benefits.

Mr. Zullo said they are 17.5 and 12 hour per week employees. He clarified the difference in pay between the two Assistant Registrars, because one person has been in the position for over 20 years and the other employee is there for less than 3 years. For the Registrars of Voters they get the same salary regardless of time on the job, but this does not apply to the deputy and assistant positions.

VOTE The motion passed unanimously by those present.

- 9. Discussion and action re: Approval of reclassifications and job descriptions as recommended in the FY 07-08 budget:**
- a. Waste Water Treatment Plant Supervisor**
 - b. Executive Secretary to the Chief of Police**
 - c. Executive Assistant to the Town Manager.**

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

BE IT RESOLVED, that the Town Council adopts Resolution #062607-6

RESOLUTION #062607-6

WHEREAS, the following personnel revisions to job classifications and job descriptions were approved as part of the FY 07-08 General Operating Budget,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves the corresponding amendments to the job descriptions and job classifications for the following positions as presented and attached, effective July 1, 2007:

Waste Water Treatment Plant Supervisor
Executive Secretary to the Chief of Police
Executive Assistant to the Town Manager

Discussion

Mr. Altieri advised that these have been through Personnel Committee; there is a yellow highlighted position description for each position in the Council packets. One of the reasons for the pay increases for these individuals is highlighted in yellow defining more responsibilities in the job descriptions.

At 2 or 3 Personnel Committee meetings, Mr. Zullo said these were discussed. Changes at the treatment plan job position result from denitrification and other related duties. Executive Secretary to the Chief of Police is a change in the job over time. Executive Assistant to the Town Manager has had a change in duties over time and the volume of work has increased.

Mr. Orsini asked about the three documents, and all items highlighted in yellow being new language that did not exist in the previous job classification.

Mr. Zullo said it is either new or amended.

On two of the positions, Mr. Orsini noted the classification is not changing, and on one, the classification is changing.

It is just the opposite, and Mr. Zullo clarified that classification changes on two of the jobs. Waste Water Treatment Plant Superintendent is currently an E-2, and is going to E-3; Executive Assistant to the Town Manager is proposed to go from N-3 to N-4. The Executive Secretary position is going from a TH 4 to TH5, and this is in the police contract.

This evening, Mr. Zullo advised the Council they are voting on the changes in job classification. The pay increases were taken as part of the Council adoption of the budget.

Mr. White commented on the good job done by the Waste Water Treatment Plant Supervisor. Regarding the position of Executive Assistant to the Town Manager/Public Information Officer, he asked for the #1 responsibility of a public information officer.

In response, Mr. Altieri said the person is not the spokesperson for the Town, and the job description does not suggest this. There was discussion on this at Personnel Committee meetings, and it was made clear that the Town Manager is

the spokesperson for the Town. The Council is the policy maker; Town Manager Milone is the executive carrying out the policies; and if a reporter wants a comment on why something was done or why the town proceeds in a certain way, the Town Manager will answer that question. The position of executive assistant/public information officer could be the one assisting citizens, reporters, people coming to Town Hall, giving them information, but not be the person to discuss or explain why things happen. That would be left up to the Council or the Town Manager.

Mr. White said he has spoken with H.R. professionals about this, and normally the PIO has the #1 role acting as spokesperson, so this title is not appropriate.

According to Mr. Zullo, it has been made clear that the change does not make the person the official spokesperson. The PIO at United Illuminating does not get on tv and speak without the approval of the corporate head of UI. This is similar here, with the PIO giving background information to the media that covers the town, and put forth all things related to public information.

It was noted by Mr. Altieri that the corporate world may have a certain standard for a title, but in a town, the PIO originates and coordinates communications, etc. If there is a press release from Mr. Milone, the person makes sure the proper people get this release; or if someone wants to know about an ordinance, this person assists them.

Adding the PIO portion does not change what this person is already doing, and Mr. Zullo said this person is acting as a public information officer now.

Mr. White questioned if the title is appropriate for the position now, and he will vote against the motion.

Town Manager Milone said the duties are clear, and the job description clearly delineates the authority and the limit to which this individual acts.

Mr. White said he requested information on exempt status for Town employees.

In response, Mr. Zullo stated that he received a legal ruling from the labor counsel a few weeks ago. Attorney Tom Carroll prepared a legal opinion which clearly stated the differences between exempt and non-exempt employees for the Council.

Based on this legal opinion, Mr. Milone said that this position did not meet the test for being an exempt position.

Mr. Zullo explained that in each of the three tests this position did not meet the requirements, and this is a non-exempt position.

Mr. White asked the town attorney if this position is eligible for exempt status and not overtime pay.

Attorney Johnson said that he has not seen the legal opinion from Attorney Carroll. And, the test requires going through a number of factors, and he has not conducted an investigation, which is heavily fact based, to determine whether or not this position would be eligible for exempt status.

In Cheshire, Mr. White said we need the police and fire departments, good teachers, need roads plowed, but this is tantamount to a public relations position which is not needed, and he would vote against the entire motion. He does support the other two positions.

Town Manager Milone disagreed strongly with Mr. White, stating that he spent more time explaining this issue at Personnel Committee meetings than anything else in the last 6 months. The staff went through great lengths to provide documentation and thorough explanations to everyone. It is unfortunate that Mr. White feels that way. He disagrees with Mr. White because the facts speak otherwise.

Mr. White stated that in looking at the details of this position, there are shortcomings on how it is being filled, and he will look to the investigation we just had with the web site inaccuracies.

In that regard, Mr. Zullo clarified a misstatement by Mr. Abate that the Town Manager's office is in charge of all changes to the web site. All individual departments are in charge of correcting information on the web site, and the staff is trained to make changes to their own web sites.

Mr. Milone noted that Mr. White sits here and tells us we don't need this position, and at the same time tells him and his staff to spend more time and be more expansive in the information it distributes. He asked which it should be.

Mr. White sees shortcomings in the position, and this gets more to the town manager's review which will be coming up in the next month, rather than speaking to this position.

Speaking to the issue on the floor, Mr. Ruocco said he knows this position is busy; there are demands placed on the position; and he would like to see some type of review of what this person is doing, over and above what is listed on the job description. He knows this person is called upon by many people – members of the public and Councilors – and there is an incredible amount of overtime associated with the position at the current time, with a dollar value of about \$12,000. All three classifications being looked at constitute salary increases, and this position will increase by about 10% plus overtime. Something needs to be done to control the extraneous work being done by the

person in the position, and the person is over burdened. The position does not need a reclassification; it needs a volume of work reduction; and there has been talk about taking some of the responsibilities of the job and asking the Council clerk to assist in some way. Until the problem is fixed, he cannot support the upgrade and reclassification. Mr. Ruocco said he sees a pattern of position creep and bracket creep in the town, and he is not sure it is needed.

Mr. Milone stated one of his responsibilities under the personnel rules is to revisit the job classifications each year. In his 7 years as Town Manager, the Council has approved 9 or 10 of these. There are about 70 non-union staff, and each year he reviews the job descriptions with Mr. Zullo to determine if duties have changed, such that the person is entitled to a reclassification. He underscored the fact that if this person were in a bargaining unit, they would grieve this and sustain the grievance. Because two of the three positions are not in a bargaining unit, we are taking advantage of a situation which, because someone is not in a bargaining unit, they do not have formal redress to press this issue so it is resolved to reflect reality. All this does is send a terrible message to the 70 people who are non-unionized in this town government, who he tries to be fair to and protect, and hope that the Council will support his recommendations. If not, it says that if you really want protection, unionize, because if you are not unionized you will not get what you deserve, and equity will not be served.

VOTE in favor – 6; Orsini, Esty, Ecke, Visconti, Altieri, Hall
 Opposed – 3; Schrumm, Ruocco, White.
 The motion passed 6-3.

**10. Discussion and action re: non-union pay grade plan
job classification.**

MOTION by Mr. Altieri, seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council adopts Resolution #062607-7

RESOLUTION #062607-7

BE IT RESOLVED, that the Town Council approves the annual salary range adjustments and assignments of classifications for non-union Town employees as presented and attached, effective July 1, 2007.

Discussion

Mr. Altieri reported that the Personnel Committee reviewed these non-union employee pay plan, trying to balance the two competing interests, compensating people fairly, and being fair to the tax payers.

As part of the rules and regulations, Mr. Zullo said that the non-union pay plan must be reviewed and approved by the Council. Under the proposed plan, the

minimum and maximum increase is 2.8%; the original proposal was 3.5% increase.

There is a little difference in the library plan because this is a new union with 7-grades of non-union people.

As part of the attachment is the E-5 and N listings. There were changes in titles of some jobs without any change in the job description or pay range.

Under the new human resources software to be implemented in July, all employees must have a title (sheet 5), and interns and part timers and temporary workers now have titles and job classifications.

VOTE The motion passed unanimously by those present.

11. Discussion and action re: Annual amendments to the Personnel Rules and Regulations.

MOTION by Mr. Altieri, seconded by Mr. Ruocco

BE IT RESOLVED, that the Town Council adopts Resolution #062607-8

RESOLUTION #062607-8

BE IT RESOLVED, that the Town Council amends the Personnel Rules and Regulations as presented, effective July 1, 2007.

Discussion

Mr. Altieri stated that most of the changes are minor, dealing with vacation, sick leave, long term disability and insurance.

Last year the town was in union contract negotiations, and Mr. Zullo said the rules and regulations were not amended to November 2006. He cited and explained the changes.

Section 3.3 – revised to read: Merit increases, promotions and other salary actions, **such as performance awards, probationary increase, bonuses and longevity payments** are based upon acceptable...

Section 9.4.1 – first line amended to read: Regular full-time employees, except as noted **in 9.4.3**, shall be granted...

Under the new payroll system, there will be 13 different salary schedules; the new system is based on hours accrued; there is an 8-hour non-union vacation schedule, a non-union 7 hour schedule, 6 hour schedule, 5.6 hour schedule. The 13 charts will be an addendum to the rules and regulations.

Section 9.5 – replace with “**Sick leave shall be accrued at a rate of 8.7500 hours per month (105 hours per year) to a maximum accumulation of one thousand fifty (1050) hours.**”

Mr. Zullo said that vacation leave will be recorded in hours.

Section 10-4.1 – Change employee contribution on PPO from 11% of the premium cost share to 11.5% of the premium cost share effective July 1, 2007.

Change employee contribution on HSA from 0% to 3% effective January 1, 2008.

On PPO, HSA, HMO language after the phrase “three tier prescription drug coverage, and insert the following: “**with prescription co-pays of \$5, \$20 and \$25 effective July 1, 2007.**”

Mr. Zullo said these co-pays bring them in line with the union contracts.

Section 10-4.7 (new) – **The Town will provide non-union, full-time employees in pay grades E and N with a long term disability, program elements and costs to be determined by the Town Council.**

The possible long term disability program is being studied by the consultant, and costs and elements will be submitted to the Council for review and consideration.

Regarding Section 9.5, Mrs. Esty asked if there is an adjustment upward for 40 hours per week.

Mr. Zullo said it would be adjusted, pro-rated.

Mr. White asked about the sick time hours to 1050 hours.

It was explained by Mr. Zullo that nothing is being changed, but the time is going from days to hours; this is 150 days of sick leave being carried over for a 35 hour employee.

Mr. White wants this looked into further and the policy changed.

Mr. Altieri said he accumulates sick leave in his job as a teacher, and the accumulated time can be used a severance at retirement.

The rationale behind this was explained by Mr. Milone who said that it is consistent for all employees...that unless you allow people to carry over sick leave there is a concern that there will be an incentive to use it even when they are not sick. This policy, hopefully, alleviates people staying out of work because they will lose a sick day. When people leave employment there is a

clear schedule of what their entitlement would be, and the maximum which can be paid out is 50 days, based on a sliding scale.

With regard to the long term disability program, Mr. Ruocco said town employees do not have this policy, and he strongly believes in this type of policy. Because there is no LTD policy, it makes sense for employees to accumulate sick days in case of illness or injury to cover them while out of work. He would like to see an LTD policy incorporated, and reduction in the number of sick days.

According to Mr. Milone, the key is who pays...if the town is prepared to pay for this, he could understand Mr. Ruocco's plan. If the town offers it at the option of the employee who has to pay for the premium, it changes the dynamics.

Mr. Zullo said this is being offered to non-union employees only, and next year the sick days could be adjusted.

Mr. Ruocco stated he would vote for this resolution because of the new co-pays for prescription, with a differential between a generic and co-pay, it compels the employee to consider using a generic medication.

VOTE The motion passed unanimously by those present.

12. 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 for The costs associated with the Ten Mile River Culvert Collapse Remediation project.

Town Attorney Johnson commented that on the back side of the agreement under the heading, Indemnification, is language referred to as boiler plate that the State of Connecticut DEP requires the town to agree to in exchange for this commitment to reimburse the town for payments not to exceed \$133,750. He suggested the Council approve the indemnification subject to his review and determination that it is in the interests of the town to execute it.

Mr. Milone informed the Council this is a time sensitive issue in that it will delay our efforts to get the 25% reimbursement on the balance of the money owed to the town for the Ten Mile River Culvert remediation, and attended administrative work associated with this collapse. In spite of the fact there have been repeated discussions with DEP, this document did not arrive until this week, and this is why it was not sent to the Council or Attorney Johnson.

Chairman Hall tabled this matter until the July 10th Town Council meeting to further address and vote on this matter.

13. Status report on the post office facility discussions.

Mr. Milone reported that the Chamber of Commerce wrote a letter to our two Senators and to Rep. Murphy complaining strongly about the continued changes and delays in the construction of this post office. As a result, the town received a call from Sen. Dodd's office requesting a meeting on Friday, June 29th among town staff and the Chamber of Commerce members. He will make it clear he will not speak for the Council because no position has been taken on this matter, but it is clear everyone is upset that the postal service continues to change course on this facility construction.

The proposed new post office is less than one-half the size of the original post office, without access to Sandbank Road.

15. Appointments to boards, commissions and committees.

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

MOVED that the Town Council appoints Michael Evans (R) to the Retirement Board, to fill the vacancy of Edward Saad, term of office current to 1/31/2009; and James Lami (R) to the Public Building Commission, to fill the vacancy of Michael Terminiello, term of office current to 1/31/2011.

VOTE The motion passed unanimously by those present.

16. ADJOURNMENT

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

MOVED to adjourn the Town Council Special Meeting on Wednesday, June 27, 2007 at 12:35 a.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

