

# **TOWN OF CHESHIRE**

Cheshire Town Council  
84 South Main Street • Cheshire, Connecticut 06410-3193  
203-271-6660 • Fax 203-271-6639



## **TOWN COUNCIL BUDGET COMMITTEE MEETING 6:30 P.M., TUESDAY, DECEMBER 8, 2020**

### **VIRTUAL MEETING**

This meeting can be viewed live at  
[youtube.com/c/CheshireChannel14](https://www.youtube.com/c/CheshireChannel14) or on Channel 14

Public comments can be made  
via email at [Comments@cheshirect.org](mailto:Comments@cheshirect.org),  
and by voice message prior to the meeting at 203 271-6638.

### **AGENDA:**

1. Roll Call.
2. Pledge of Allegiance.
3. Acceptance and appropriation of \$813.23 from the Chamber of Commerce Scarecrow Contest to the Human Services Gift Account for general purposes.
4. Acceptance and appropriation of a \$7,500 Historic Documents Preservation Grant.
5. Acceptance and appropriation of a donation of \$250 from Rosemary Hoffman to the Human Services Gift Account for the Adopt-A-Family holiday program.
6. Acceptance and appropriation of a \$5,342 grant from the Western Connecticut Coalition Local Prevention Council for substance abuse prevention activities.
7. Acceptance and appropriation of a \$30 donation from the Registrars of Voters to the Human Services Gift Account for general purposes.
8. Acceptance and appropriation of a \$300 donation from Coldwell Banker to the Human Services Gift Account for the holiday program.
9. Acceptance and appropriation of a \$170 donation from Town Hall Employees Dress Down fund to the Cheshire Fuel Bank.
10. Acceptance and appropriation of a \$10 donation from Elizabeth Agocs Holler to the Human Services gift Account to be used for the Senior Center.
11. Acceptance and appropriation of a \$40 donation from Severino Fasulo to the Human Services Gift Account to be used for the Senior Center.
12. Acceptance and appropriation of a \$14,500 from Cheshire Lights of Hope to the Human Services Gift Account to help our residents in need.
13. Discussion re: parks and field use fee changes.
14. Adjournment.

*(Note: Items 3 through 11 are Consent Calendar items)*

# **TOWN OF CHESHIRE**

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84 South Main Street • Cheshire, Connecticut 06410-3193  
203-271-6660 • Fax 203-271-6639



## **TOWN COUNCIL MEETING 7:00 P.M., TUESDAY, DECEMBER 8, 2020**

### **VIRTUAL MEETING**

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and by voice message prior to the meeting at 203 271-6638.

### **AGENDA:**

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE.
3. ITEMS FOR EXECUTIVE SESSION
  - A. Labor negotiations.
  - B. Contract negotiations.
4. PUBLIC COMMUNICATIONS
  - A. COVID-19 update from Chesprocott Health Director.
  - B. Public comments.
5. APPROVAL OF MINUTES  
Regular Meeting of November 10, 2020 and Special Meeting of November 24, 2020.
6. CONSENT CALENDAR
  - A. Acceptance and appropriation of \$813.23 from the Chamber of Commerce Scarecrow Contest to the Human Services Gift Account for general purposes.
  - B. Acceptance and appropriation of a \$7,500 Historic Documents Preservation Grant.
  - C. Acceptance and appropriation of a donation of \$250 from Rosemary Hoffman to the Human Services Gift Account for the Adopt-A-Family holiday program.

- D. Acceptance and appropriation of a \$5,342 grant from the Western Connecticut Coalition Local Prevention Council for substance abuse prevention activities.
  - E. Acceptance and appropriation of a \$30 donation from the Registrars of Voters to the Human Services Gift Account for general purposes.
  - F. Acceptance and appropriation of a \$300 donation from Coldwell Banker to the Human Services Gift Account for the holiday program.
  - G. Acceptance and appropriation of a \$170 donation from Town Hall Employees Dress Down fund to the Cheshire Fuel Bank.
  - H. Acceptance and appropriation of a \$10 donation from Elizabeth Agocs Holler to the Human Services gift Account to be used for the Senior Center.
  - I. Acceptance and appropriation of a \$40 donation from Severino Fasulo to the Human Services Gift Account to be used for the Senior Center.
7. ITEMS REMOVED FROM CONSENT CALENDAR
8. OLD BUSINESS
9. NEW BUSINESS
- A. Acceptance and appropriation of a \$14,500 from Cheshire Lights of Hope to the Human Services Gift Account to help our residents in need.
  - B. Approval of 2021 regular Town Council meeting schedule.
  - C. Discussion and possible approval of legislative recommendations.
  - D. Discussion and possible action re: BOE teachers labor agreements.
  - E. Discussion and possible action re: BOE administrators labor agreements.
  - F. Discussion re: parks and field use fee changes.
  - G. Discussion and possible action re: a Memorandum of Understanding with the Regional Water Authority for water mains, possible executive session.
10. TOWN MANAGER REPORT AND COMMUNICATIONS
- A. Monthly Status Report.
  - B. Department Status Reports: Police, Fire, Fire Marshal.

11. REPORTS OF COMMITTEES OF THE COUNCIL
  - A. Chairman's Report.
  - B. Miscellaneous.
12. MISCELLANEOUS AND APPOINTMENTS
  - A. Liaison Reports.
  - B. Appointments to Boards and Commissions.
13. TOWN ATTORNEY REPORT AND COMMUNICATIONS
14. COUNCIL COMMUNICATIONS
  - A. Letters to Council.
  - B. Miscellaneous.
15. ADJOURNMENT

BE IT RESOLVED, That the Town Council approves Resolution #120820-1

**RESOLUTION #120820-1**

**CONSENT CALENDAR FOR DECEMBER 8, 2020**

BE IT RESOLVED, that the Town Council approves the Consent Calendar for December 8, 2020, as follows:

- A. Acceptance and appropriation of \$813.23 from the Chamber of Commerce Scarecrow Contest to the Human Services Gift Account for general purposes.
- B. Acceptance and appropriation of a \$7,500 Historic Documents Preservation Grant.
- C. Acceptance and appropriation of a donation of \$250 from Rosemary Hoffman to the Human Services Gift Account for the Adopt-A-Family holiday program.
- D. Acceptance and appropriation of a \$5,342 grant from the Western Connecticut Coalition Local Prevention Council for substance abuse prevention activities.
- E. Acceptance and appropriation of a \$30 donation from the Registrars of Voters to the Human Services Gift Account for general purposes.
- F. Acceptance and appropriation of a \$300 donation from Coldwell Banker to the Human Services Gift Account for the holiday program.
- G. Acceptance and appropriation of a \$170 donation from Town Hall Employees Dress Down fund to the Cheshire Fuel Bank.
- H. Acceptance and appropriation of a \$10 donation from Elizabeth Agocs Holler to the Human Services gift Account to be used for the Senior Center.
- I. Acceptance and appropriation of a \$40 donation from Severino Fasulo to the Human Services Gift Account to be used for the Senior Center.

6



**REQUEST FOR COUNCIL ACTION OR REVIEW**

**DATE:** November 6, 2020

**FROM:** Michelle Piccerillo, Human Services Director

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

RECEIVED  
NOV 06 2020  
TOWN MANAGER

Please accept this donation of \$813.23 for the Human Services Gift Account #45310-5800-00562 from the Cheshire Chamber of Commerce from the 2020 Scarecrow Contest.

I have attached the check so that you may forward it to Finance once approved to be deposited in the appropriate account.

**BACKGROUND/HISTORY**

**DATE NEEDED/DEADLINE:** Next Council Meeting

**ATTACHMENTS** (bulleted list): Check

AGENDA ITEM # 6A

M://town manager/agenda submission for draft 6-27-18



## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** 11/30/2020

**FROM:** Laura Brennan, Town Clerk

**FINANCIAL IMPACT:** Accept and appropriate \$7500.00 Historic Document Preservation Grant for land records imaging in the Town Clerk's office.

### ACTION REQUESTED:

Request to accept and appropriate the Connecticut State Library's annual grant for the 2020-2021 cycle for \$7500.00. Please place this item on the December 8, 2020 Town Council meeting agenda.

### BACKGROUND/HISTORY

As part of an ongoing project to have all our land records digitized, Info Quick Solutions, our land records provider, will upload 42,000 land record images to our system. Images covering the period from 6/26/1989 back to 6/15/1987 will be linked to the computer index. Public access to the records has been crucial during the pandemic. Revenue from printing documents is the same if done in the office or offsite. Any records containing social security numbers will be redacted before going online to the public. The project will be completed by 6/30/2021.

**DATE NEEDED/DEADLINE:** 1/1/2021

**ATTACHMENTS:** n/a

AGENDA ITEM # 6B



RECEIVED  
NOV 13 2020  
TOWN MANAGER

## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** November 13, 2020

**FROM:** Michelle Piccerillo, Human Services Director

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

Please accept this donation of \$250.00 for the Human Services Gift Account #45310-5800-00562 from Rosemary Hoffmann to help with the Adopt-A-Family holiday program.

I have attached the check so that you may forward it to Finance once approved to be deposited in the appropriate account.

### BACKGROUND/HISTORY

**DATE NEEDED/DEADLINE:** Next Council Meeting

**ATTACHMENTS** (bulleted list): Check

AGENDA ITEM # 6C

M:/town manager/agenda submission for draft 6-27-18





## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** November 16, 2020

**FROM:** Michelle Piccerillo, Human Services Director

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

Please accept and appropriate grant funds in the amount of \$5,342 from the Western Connecticut Coalition for the Local Prevention Council Grant #72310-5800-01012. I have attached the check and our signed contract with the Western Connecticut Coalition.

Please forward the check to Finance once approved to be deposited in the appropriate grant account.

### BACKGROUND/HISTORY

This is a grant that our department receives annually to fund substance abuse prevention activities.

**DATE NEEDED/DEADLINE:** Next Council Meeting

**ATTACHMENTS** (bulleted list): Check

**RECEIVED**

**NOV 16 2020**

**TOWN MANAGER**

AGENDA ITEM # 6D

M:/town manager/agenda submission for draft 6-27-18



This contract is by and between HVCASA, Inc. (aka Western CT Coalition), 7 Old Sherman Turnpike, Danbury, CT 06810 and **Cheshire Youth & Human Services Committee** for the contract year September 1, 2020 through June 30, 2021.

### **Terms and Conditions**

1. **Service:** For the sum of **\$5,342.00** the **Cheshire Youth & Human Services Committee** shall establish and maintain a local, grass-roots coalition that builds community capacity to plan and implement substance use/misuse prevention council in **Cheshire**.

Such council is intended to facilitate the development of prevention initiatives at the local level with the support of the chief elected official of the municipality.

A. The contractor shall meet the following requirements in the operation of the Local Prevention Council:

1. Maintain a council with representation that is reflective of the community, where membership should strive to include the minimum 12 sectors; including but not limited to youth, schools, youth serving organizations, business, media, law enforcement, parents, civic groups, faith-based organizations, healthcare, parents, town government;
2. Utilize the Strategic Prevention Framework (SPF) to ensure data-driven decision making;
3. Send two (2) members to Region 5 LPC leadership meetings which are held in September, November, January, March and May.
4. Hold LPC meetings at least 4 times per contract period, preferably one per quarter;
5. Implement local strategies based on 2 or more of the 6 prevention strategies;
6. Provide an approved work plan and participate in a mid-year check in with the RBHAO
7. Participate in Regional Priority Planning and other RBHAO meetings

B. The contractor shall provide the activities described in the currently submitted funding application as part of this contract.

C. The contractor shall provide services to the populations described in the currently submitted funding application as part of this contract.

### **Reporting Requirements**

The contractor shall submit quarterly reports by **December 15 and April 15**, and a final report including financial narratives and programmatic and demographic data by **July 31, 2021**.



## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** November 20, 2020

**FROM:** Michelle Piccerillo, Human Services Director

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

I am writing to request that the Town Council accept and appropriate a donation in the amount of \$30 from the Town of Cheshire Registrar of Voters. Please deposit this in the Human Services Gift Account #45310-5800-00562.

I have attached the check to this memo so that you may forward it to Finance once approved to be deposited in the appropriate account.

### BACKGROUND/HISTORY

**DATE NEEDED/DEADLINE:** Next Town Council Meeting

**ATTACHMENTS** (bulleted list): Check

**RECEIVED**

NOV 20 2020

**TOWN MANAGER**

AGENDA ITEM # 6E

M:/town manager/agenda submission for draft 6-27-18



**REQUEST FOR COUNCIL ACTION OR REVIEW**

**DATE:** November 23, 2020

**RECEIVED**

**FROM:** Michelle Piccerillo, Human Services Director

**NOV 23 2020**

**FINANCIAL IMPACT** (actual or estimated \$, or none): \$300

**TOWN MANAGER**

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

Appropriation and acceptance of donation from Coldwell Banker for deposit into the Human Services Gift Account #45310580000562 to be used for the Human Services Holiday Programs.

**BACKGROUND/HISTORY**

The Human Services Department will use the funding to support residents throughout the holiday season.

**DATE NEEDED/DEADLINE:** N/A

**ATTACHMENTS** (bulleted list):

**AGENDA ITEM #** \_\_\_\_\_

6F



T/M

**REQUEST FOR COUNCIL ACTION OR REVIEW**

**DATE:** December 1, 2020

**FROM:** Michelle Piccerillo, Human Services Director

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

Please accept this donation of \$170.00 (funds already given to Finance) from the September and October 2020 Town Hall Dress Down days for the Cheshire Fuel Bank 66310-5800.

If you have any questions please feel free to contact me at extension 6694. Thank you.

**BACKGROUND/HISTORY**

[Empty box for background/history information]

**DATE NEEDED/DEADLINE:** Next Council Meeting

**ATTACHMENTS** (bulleted list): Check

AGENDA ITEM # 669  
M:/town manager/agenda submission for draft 6-27-18

**RECEIVED**  
**DEC 1 2020**  
**TOWN MANAGER**



## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** December 2, 2020

**FROM:** Stefanie Theroux, LCSW- Coordinator of Senior Services

**FINANCIAL IMPACT** (actual or estimated \$, or none): \$10.00

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

Appropriation and acceptance of a donation of \$10.00 from Elizabeth Agocs Holler into the Human Services Gift Account #453105890000562 on behalf of the Cheshire Senior Center Gift Account.

**BACKGROUND/HISTORY**

Donation will benefit the Cheshire Senior Center

**DATE NEEDED/DEADLINE:**

**ATTACHMENTS** (bulleted list):

AGENDA ITEM # 6H



## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** December 2, 2020

**FROM:** Stefanie Theroux, LCSW- Coordinator of Senior Services

**FINANCIAL IMPACT** (actual or estimated \$, or none): \$40.00

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

Appropriation and acceptance of donation of \$40.00 from Severino Fasulo into the Human Services Gift Account #453105890000562 on behalf of the Cheshire Senior Center Gift Account.

### BACKGROUND/HISTORY

Donation will benefit the Cheshire Senior Center

**DATE NEEDED/DEADLINE:**

**ATTACHMENTS** (bulleted list):

AGENDA ITEM # 6I

BE IT RESOLVED, That the Town Council approves Resolution #120820-2

RESOLUTION #120820-2

BE IT RESOLVED, that the Town Council accepts and appropriates a \$14,500 donation from the Cheshire Lights of Hope to the Human Services Gift Account for residents in need.

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## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** November 16, 2020

**FROM:** Michelle Piccerillo, Human Services Director

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

I am writing to request that the Town Council accept and appropriate a donation in the amount of \$14,500 from the Cheshire Lights of Hope event on Saturday, November 14, 2020. Please deposit this in the Human Services Gift Account #45310-5800-00562.

I have attached the check to this memo so that you may forward it to Finance once approved to be deposited in the appropriate account.

### BACKGROUND/HISTORY

**DATE NEEDED/DEADLINE:** Next Town Council Meeting

**ATTACHMENTS** (bulleted list): Check

**RECEIVED**

NOV 16 2020

**TOWN MANAGER**

AGENDA ITEM # 9A

M:/town manager/agenda submission for draft 6-27-18

BE IT RESOLVED, That the Town Council approves Resolution #120820-3

RESOLUTION #120820-3

BE IT RESOLVED, that the Town Council approves the following meeting dates for the 2021 Town Council Regular Meetings. All meetings are held in Council Chambers on the second Tuesday of each month at 7:00 p.m. unless otherwise indicated.

- January 12, 2021
- February 9, 2021
- March 9, 2021
- April 13, 2021
- May 11, 2021
- June 8, 2021
- July 13, 2021
- August 10, 2021
- September 14, 2021
- October 12, 2021
- November 9, 2021
- December 14, 2021
- January 11, 2022

BE IT RESOLVED, That the Town Council approves Resolution #120820-4

RESOLUTION #120820-4

BE IT RESOLVED, that the Town Council approves the Legislative Recommendations as presented.

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**MEMORANDUM  
TOWN OF CHESHIRE  
84 SOUTH MAIN STREET, CHESHIRE, CONNECTICUT 06410  
Telephone (203) 271-6660 FAX (203) 271-6639**

**DRAFT - December 4, 2020**

**TO: Town Council**  
**FROM: Sean M. Kimball, Town Manager**  
**SUBJECT: Legislative Recommendations 2021**

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The 2021 State Legislative session runs from January 6<sup>th</sup> to June 9<sup>th</sup>. In anticipation of their deliberations, we have developed the following list of draft recommendations, which identifies our proposed legislative priorities. These recommendations have been developed in discussions with Town Staff, meetings and conversations with staff at the Connecticut Conference of Municipalities (CCM) and other municipalities, and in some cases build upon prior year recommendations that were not ultimately resolved at the state level. This year the proposals are being divided into those that are more generally applicable to other communities versus those that are specific to Cheshire.

**General Legislative Requests**

1. **Concerns with the 2020 Police Accountability Bill**

(Please see attached memo from Chief Dryfe)

2. **Juvenile Justice Reform**

Many towns in Connecticut have experienced a dramatic increase in car break-ins and thefts over the past several years. The prevailing opinion of police chiefs across the state including Cheshire's Chief Dryfe, is that recent changes to laws related to juvenile crime penalties have led to juveniles feeling emboldened and nearly immune from punishment if caught. We recognize this is a complicated issue with many passionate advocates on both sides, but we encourage our legislative delegation to find a workable solution soon before there is a further escalation in the seriousness of these crimes or a potentially deadly confrontation occurs.

3. **Prevailing Wage**

During the 2017 session of the Legislature, the State adopted a revision to the prevailing wage threshold from \$400,000 to \$1,000,000, which is saving the Town a significant amount of money on projects that fall within this range. As you may recall, Cheshire has consistently lobbied for this revision and this was the first time since 1991 that the limit has been increased.

However, we have also strongly and consistently advocated for an increase in the prevailing wage threshold for renovation projects above \$100,000 but this threshold remains unchanged. Therefore, we are again advocating for an increase to this threshold for renovation projects to \$400,000 or higher, and also recommending that both thresholds, for new construction and renovation should be indexed annually to reflect the effect of inflation.

4. Binding Arbitration

Require that all binding arbitration cases proceeding pursuant to Section 7-473c. of the Connecticut General Statutes must be concluded within a six-month time period from the commencement of the proceedings, and that the time frame may be extended only upon mutual agreement of the parties for one three-month time period.

Currently there is no time limit imposed for completion of a binding arbitration case which can and has resulted in awards occurring many months after a labor contract expires. This protracted process can delay a resolution to the point of significant municipal fiscal and budgetary disruption due to continued uncertainty of wage and benefit costs, loss or delayed opportunities to achieve savings proposals and increased legal and arbitration costs. Cheshire has experienced the consequences of this open ended time limit previously with our Police contract, which was in arbitration for eleven months and settled 23 months after expiration in June 2012.

5. Enabling Legislation for Community Choice Aggregation for Energy

The Town is requesting that the State pass enabling legislation that would allow Town residents additional options and choices for the purchase of energy utility services and products.

**Cheshire-Specific Requests**

6. Transfer of School Bus Depot property from State to Town of Cheshire

The Town leases 3.26 acres of State property on Sandbank Road which houses the bus depot for the Cheshire Public Schools, for \$1 per year. The Town maintains said property. State transfer of said property to the Town would enable the Town to construct permanent structures and allow flexibility to further utilize the area. The loss of revenue to the State is minimal.

7. Upgrading Route 68/70

State route 68/70 is indicated to be a "bike route" in the CTDOT's active transportation plan. This plan was finalized in 2019. Route 68/70 includes several of Cheshire's busiest and least pedestrian/bike-friendly intersections, but it is also an important commercial corridor as well. Making this route safer for pedestrians and people on bikes will make it a safer and better functioning roadway for all users. The safer we can make this route the more productive it's likely to be from an economic development standpoint (especially through the West Main Street/Linear Trail intersection area.) We are asking our legislators to work together to make Cheshire's 68/70 "bike route" a reality per state and federal roadway standards.

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## **TOWN OF CHESHIRE INTERDEPARTMENTAL MEMORANDUM**

**TO:** Sean Kimball, Town Manager  
**FROM:** Neil Dryfe, Chief of Police  
**DATE:** November 3, 2020  
**SUBJECT:** Legislative Agenda

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I share the following concerns with you related to the police accountability bill in hopes that the Town Council will agree to discuss them with the legislative delegation.

### **Use of Force**

This section creates a cause for concern because it goes against thirty years of established case law that the other forty nine states use as their standard for use of force. Under this new language, Connecticut officers are under a different standard. This is problematic for numerous reasons. The first being that all Connecticut officers need to unlearn what has been taught to them their entire careers and learn a new standard.

The second is that the new standard for use of force creates a “second guessing” aspect to an officers actions which will unintentionally result in officers hesitating in situations that require immediate intervention. This standard is embodied in the statutory language that requires the evaluation of an officer’s use of deadly force to include whether or not the suspect “used, possessed or appeared to possess a deadly weapon,” whether the officer “engaged in reasonable de-escalation measures prior to using deadly physical force”, and whether the conduct of the police officer “led to an increased risk of an occurrence of the situation that precipitated the use of such force.” There is also language that requires that an officer has “exhausted the reasonable alternatives to the use of deadly physical force”. I am concerned that officers will take steps to avoid placing themselves in any confrontational situation in order to avoid using force and subjecting themselves to a review that goes well beyond whether or not their use of deadly force was justified at the time they acted. Situations that require officers to use deadly force almost always happen in a matter of seconds in the middle of violent confrontations, often with people who are experiencing a mental health crisis or are under the influence of alcohol and/or drugs. They do not always lend themselves to the type of analysis this statute contemplates.

Finally, there is a new requirement that an officer “reasonably believes that the force employed creates no substantial risk of injury to a third party”. There are many people who believe that this standard will cause officers to hesitate on those rare occasions where they must confront an active shooter. Imagine entering the chaos of a school, workplace or church under attack by an active shooter and trying to engage the suspect while simultaneously trying to determine that there is no substantial risk of injury to anyone else.

## **Governmental Immunity**

This section is concerning because it causes a greater liability on officers. Although there are those who would tell you that this standard really has not changed, every legal analysis I have

read indicates that there is absolutely a new cause of action against police officers. Adding language that keeps qualified immunity for officers that is more similar in language to the standard in Federal law for all law enforcement officers.

## **Consent Searches**

This section is highly concerning owing to the limitations it places on law enforcement's ability to utilize "consent" as a justification for a search which in turn, highly diminishes the ability of the police to engage in proactive police work. "Consent," as a search warrant exception, has been an acceptable law enforcement procedure since the time of the American colonies. As it is currently written, if a vehicle is stopped solely for a motor vehicle offense an officer cannot even ask for consent to search the vehicle or its contents, nor can an officer ever search a person under a consent theory (even if the person initiates the granting of this consent). This change went into effect on October 1, 2020. It required a ten-page memo from the Office of the Chief State's Attorney just to provide "guidance" to police officers in interpreting and implementing the law. The memo notes that "There are many unanswered questions relating to the application of these new provisions that will not be answered until a court has weighed in. This memo is the Division of Criminal Justice's reasoned interpretation of these new provisions in the hopes of providing police with guidance with respect to how they perform their duties in compliance with the law. As these statutes begin to be addressed by the courts, further updates will be provided." (emphasis added) In essence, the ten-page memo is not binding on the courts and an officer relying on the guidance could still be found to have violated the prohibition on consent searches due to the ruling of a judge in a specific case.

I have many other concerns with the provisions of the bill. Many will have costs associated with their implementation and maintenance into the future. I am hopeful that the review processes underway through the Police Accountability Task Force and other bodies will result in changes to the bill. However, those changes will not be possible without action from our legislative delegation.

Thank you.

BE IT RESOLVED, That the Town Council approves Resolution #120820-5

RESOLUTION #120820-5

BE IT RESOLVED, that the Town Council approves/rejects the Education Association of Cheshire Collective Bargaining Agreement.

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BE IT RESOLVED, That the Town Council approves Resolution #120820-6

RESOLUTION #120820-6

BE IT RESOLVED, that the Town Council approves/rejects the Cheshire Public Schools Administrative Personnel Collective Bargaining Agreement.

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BE IT RESOLVED, That the Town Council approves Resolution #120820-7

RESOLUTION #120820-7

BE IT RESOLVED, that the Town Council approves the revisions to the Recreation Field Use Fees as presented and attached, effective January 1, 2021.

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## REQUEST FOR COUNCIL ACTION OR REVIEW

**DATE:** 12/3/2020

**FROM:** John Gawlak-Recreation Department

**FINANCIAL IMPACT** (actual or estimated \$, or none):

**ACTION REQUESTED** (include all details and language that must be in the Council resolution)

I would like to modify the fee schedule for ball field use specifically for commercial and non-resident organizations.

### BACKGROUND/HISTORY

Since coming into the position 19 months ago I have looked for ways to bolster the Recreation Dept. revenue. Cheshire has a lot to offer so I am simply trying to bring our fee structure to what the market offers in terms of field rentals and comparisons to surrounding towns. Cheshire's fees for facilities is extremely low in comparison to surrounding communities. There is also no component to charge renters (for field prep or having a maintainer present) to recover the Overtime cost for the maintainer that is simply provided currently. Field rental requests come in from commercial entities such as Diamond Zone, USA Elite, Ultimate Sports, DBAT, Team 203 Lacrosse, Team CT Lacrosse, Noreaster Lacrosse, Quinnipiac University and more.

During a nontypical spring, summer fall season (Covid restrictions) the department collected \$8200.00. If the fee had been the proposed \$75/hr the same rentals would have netted the Town \$24,600.00 (\$16,400 positive differential).

This change request is specifically targeted at commercial and non- resident operations.

**DATE NEEDED/DEADLINE:** Next TC meeting

**ATTACHMENTS** (bulleted list):

1. Allocation process form proposed changes in RED
2. Facility Fee Town comparison
3. Facility Fee summary
4. Allocation process form draft

AGENDA ITEM #

9F

For Field/Gym Use:

## ALLOCATION PROCESS

**Facility Use Request Application Process:** Prior to using Town Facilities, a Facility Use Request Form must be submitted and approved by the Parks & Recreation Department. The purpose of this document is to establish a system for the equitable and orderly distribution of the Town of Cheshire athletic facilities. The fields located within the Cheshire Recreation and Parks system are utilized for multiple sports from season to season and are maintained by the Parks' Grounds Crew. Once the Facility Use Request Form and accompanying documentation have been submitted, the Director of Recreation or designee will review the application and be in touch with the organization representative regarding status as soon as possible.

**Allocation of Facilities and Fee Schedule:** *Facilities will be allocated in order of priority*

**Priority 1:** Town of Cheshire and Board of Education sponsored programs and events

**Priority 2:** Local 501c (3) organizations and local athletic or sports-affiliated groups

**Priority 3:** Local athletic or sports-affiliated groups less than 80% Cheshire residents

**Priority 4:** For-profit and non-resident groups

**Definitions:** *Priority groups are defined as follows*

**Priority 1:** Any program or event sponsored by the Town of Cheshire and Board of Education

**Priority 2:** Local non-profit/athletic groups consisting of participants comprised of at least 80% Cheshire residents (based on comparable season's actual registrations not the projected percentage).

**Priority 3:** Local athletic or sports-affiliated groups less than 80% Cheshire residents

**Priority 4:** For-profit and non-resident groups

## FEE SCHEDULE

There are costs to the Town of Cheshire for maintaining fields and supervising facilities. These fees include maintenance, utilities, insurance and administrative oversight. In order to offset some of these costs, a fee schedule has been adopted.

**Fee Determination:** Priority 1 & 2 groups will not be assessed general usage fees. Priority 3 groups as defined above will be subject to the following fee schedule. All groups are assessed the Building Supervisor fee, regardless of priority rating.

Priority 3	Priority 4 (for-profit non-resident groups)
1 Field..... \$25.00/hr	1 Field..... \$75.00/hr
1 Field (with lights)..... \$40.00/hr	1 Field (with lights)..... \$90.00/hr

Building Supervisor at Schools.....\$15.00/hr (Priority 2 only – Priority 3 must contact Board of Education)

\*Additional charges for maintenance requests may be assessed (based on event Department Review)

## FIELD USE POLICIES

**Field Use Rules & Regulations:** The following is a list of rules and regulations for use on town fields. The list is not meant to be all-inclusive and additional rules may be enforced if the Parks & Recreation Department and Parks and Recreation Commission deem the behavior is in violation of safety of users or health and well-being of the property.

- 1) Any acts that put participants in danger or potential danger (i.e. driving/parking vehicles on the fields).
- 2) Any abuse or damage of town property (i.e. tearing up the field, littering, purposeful breaking of equipment).



# Facility Fees & Expenses

- ▶ Create Special Fund for Facilities
  - ▶ Field & facility rental income
  - ▶ Maintenance & Maintainer expenses
  - ▶ Public Works supplies maintenance with no way to recoup the cost
  - ▶ User fees (not tax dollars) would be available for park improvements
  - ▶ Surplus would go to the General Fund at the end of each fiscal year
- ▶ Raise Facility Fees for Commercial and Nonresident groups
  - ▶ Current charge is only \$25/hour
    - ▶ Surrounding towns charge much more - that's why they come to Cheshire!
    - ▶ Example - Wallingford's fee equates to \$66/hour
  - ▶ Maintainer costs \$65/hour
    - ▶ Many large events need one (or more) for the duration of the event
    - ▶ Even if no Maintainer on duty during event, extra time is required to prepare for event, clean up after event and restore fields to good condition.
  - ▶ Worst case scenario is field is available for residents to use and/or field rests and costs less to maintain

Note: FY'21 collected \$8,200.00 (Fee @ 75) \$24,600.00

left on table \$16,400.00 during COVID summer

### ALLOCATION PROCESS

**Facility Use Request Application Process:** Prior to using Town Facilities, a Facility Use Request Form must be submitted and approved by the Parks & Recreation Department. The purpose of this document is to establish a system for the equitable and orderly distribution of the Town of Cheshire athletic facilities. The fields located within the Cheshire Recreation and Parks system are utilized for multiple sports from season to season and are maintained by the Parks' Grounds Crew. Once the Facility Use Request Form and accompanying documentation have been submitted, the Director of Recreation or designee will review the application and be in touch with the organization representative regarding status as soon as possible.

**Allocation of Facilities and Fee Schedule:** *Facilities will be allocated in order of priority*

**Priority 1:** Town of Cheshire and Board of Education sponsored programs and events

**Priority 2:** Local 501c (3) organizations and local athletic or sports-affiliated groups

**Priority 3:** For-profit and non-local organizations, non-resident groups

**Definitions:** *Priority groups are defined as follows*

**Priority 1:** Any program or event sponsored by the Town of Cheshire and Board of Education

**Priority 2:** Local non-profit/athletic groups consisting of participants comprised of at least 80% Cheshire residents (based on comparable season's actual registrations not the projected percentage).

**Priority 3:** For-profit and other organizations comprised of 79% or fewer Cheshire residents

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	<b>Add</b>	
<u>Priority 3 Other Organizations</u>		<u>Priority 3 For-profit, non-resident group</u>
1 Field.....	\$25.00/hr	1 Field..... \$ 75/hr
1 Field (with lights).....	\$40.00/hr	1 Field (with lights) \$ 90/hr
Building Supervisor at Schools.....	\$15.00/hr (Priority 2 only – Priority 3 must contact Board of Education)	

\*Additional charges for maintenance requests may be assessed. (based on event Department Review.)

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