

TOWN OF CHESHIRE

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



TOWN COUNCIL SPECIAL MEETING 6:00 P.M., TUESDAY, DECEMBER 15, 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 virtually via email at Comments@cheshirect.org,
and by voice message prior to the meeting at 203 271-6638

AGENDA:

1. Roll Call.
2. Pledge of Allegiance.
3. Discussion with Cheshire's state legislative delegation regarding Town Council Legislative Recommendations.
4. Discussion and possible acceptance of Strollo Court as a Town road.
5. Discussion and possible acceptance of Beechwood Court as a Town road.
6. Adjournment.



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

ADOPTED December 8, 2020

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

The 2021 State Legislative session runs from January 6th to June 9th. 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.

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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.



TOWN OF CHESHIRE INTERDEPARTMENTAL MEMORANDUM

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

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 #121520-1

RESOLUTION #121520-1

BE IT RESOLVED, that the Town Council accepts Strollo Court as a town road, conditional upon the filing of a maintenance bond and recording of the warranty deed for the roadway and the storm drainage and sightline easements, free and clear of all encumbrances.

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"The Bedding Plant Capital of Connecticut"

TOWN OF CHESHIRE

Department of Public Works and Engineering
84 South Main Street, Cheshire, Connecticut 06410
Phone: 203-271-6650 Fax: 203-271-6659

November 20, 2020

Sean M. Kimball, Town Manager
84 South Main St.
Cheshire, CT 06410

RECEIVED
Town of Cheshire
NOV 20 2020

RE: Stollo Court Road Acceptance Recommendation
Cedar Crest Subdivision

Planning Dept

Dear Mr. Kimball:

In accordance with a request by Apex Developers, LLC, this office has performed an inspection of the public improvements associated with the referenced subdivision and finds that they have been completed in substantial conformance with the Town of Cheshire Construction specifications.

Therefore, it is recommended that Stollo Court, in its entirety, be accepted as a Town road. All as shown on a map entitled "Subdivision Map Cedar Crest Subdivision, 920 Jarvis St Cheshire, Connecticut" Scale 1"=40', dated January 16, 2015, Revised to June 4, 2015, Sheets No. 1 and 2, prepared by Milone and MacBroom Inc., 99 Realty Drive, Cheshire, Connecticut, 06410.

Acceptance by the Town Council should be conditional upon the recording of the warranty deed for the Town right-of-way and related legal documents as approved as to form and content by the Town Attorney.

At the time of acceptance, the existing performance bond may be released and a maintenance bond for \$8,071.64 posted, and mylar copies of the road as-built be provided to this department.

Sincerely,

George Noewatne
Director of Public Works and Engineering

cc: Planning & Zoning
Apex Developers, LLC

TOWN OF CHESHIRE

Planning & Zoning Commission
84 South Main Street
Cheshire, Connecticut 06410
203-271-6670 • Fax 203-271-6688



December 2, 2020

Sean M. Kimball
Town Manager
Town of Cheshire
84 South Main Street
Cheshire, CT 06410

Dear Mr. Kimball:

At the regular meeting of the Planning and Zoning Commission held on November 23, 2020, the following motion was approved:

Acceptance as Town Road, Strollo Court, Cedar Crest Subdivision:

Moved that in accordance with the November 20, 2020 letter from Public Works Director George Noewatne, the Cheshire Planning and Zoning Commission recommends that the Town Council accept Strollo Court, in its entirety, as a Town road, all as shown on a map entitled "Subdivision Map Cedar Crest Subdivision, 920 Jarvis St Cheshire, Connecticut" Scale 1"=40', dated January 16, 2015, Revised to June 4, 2015, Sheets No. 1 and 2, prepared by Milone and MacBroom Inc., 99 Realty Drive, Cheshire, Connecticut, 06410. Acceptance by the Town Council should be conditional upon the recording of the warranty deed for the Town right-of-way and related legal documents as approved as to form and content by the Town Attorney. At the time of acceptance, the existing performance bond may be released and a maintenance bond in the amount of \$8,071.64 will be posted, and mylar copies of the road as-built shall be provided to the Engineering Department.

Moved by Mr. Natale; seconded by Mr. Brucato. VOTE The motion passed unanimously by those present.

Respectfully,

Jeff Natale

Jeff Natale, Secretary
Cheshire Planning and Zoning Commission

BE IT RESOLVED, That the Town Council approves Resolution #121520-1

RESOLUTION #121520-1

BE IT RESOLVED, that the Town Council accepts Beechwood Court as a town road, conditional upon the filing of a maintenance bond and recording of the warranty deed for the roadway and the storm drainage and sightline easements, free and clear of all encumbrances, pursuant to Planning and Zoning Commission's approval.

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TOWN OF CHESHIRE

Department of Public Works and Engineering
84 South Main Street, Cheshire, Connecticut 06410
Phone: 203-271-6650 Fax: 203-271-6659

"The Bedding Plant Capital of Connecticut"

December 4, 2020

Sean M. Kimball, Town Manager
84 South Main St.
Cheshire, CT 06410

RE: Beechwood CT; Road Acceptance Recommendation
Clearview Farm Preserve Subdivision

Dear Mr. Kimball:

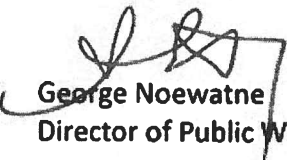
In accordance with a request by Clearview Farm Preserve, LLC, this office has performed an inspection of the public improvements associated with the referenced subdivision and finds that they have been completed in substantial conformance with the Town of Cheshire Guidelines and Specifications for Public Improvements.

Therefore, it is recommended that Beechwood CT, in its entirety, be accepted as a Town road. All as shown on a map entitled "Re-Subdivision Map Clearview Farm Preserve, 947 Cornwall Avenue Cheshire CT" Scale 1"=40', Date: June 5, 2017, Revised through October 25, 2017 Sheets SM-1 and SM-2, prepared by Milone and MacBroom Inc., 99 Realty Drive, Cheshire, Connecticut, 06410.

Acceptance by the Town Council should be conditional upon the recording of the warranty deed for the Town right-of-way and related legal documents as approved as to form and content by the Town Attorney.

At the time of acceptance, the existing performance bond may be released and a maintenance bond for \$6,500 posted.

Sincerely,


George Noewatne
Director of Public Works and Engineering

cc: Planning & Zoning
Clearview Farm Preserve, LLC