



**SPECIAL COMMON COUNCIL MEETING
MAY 2, 2011
6:00 P.M.**

- Regular Meeting** The Special meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, May 2, 2011 at 6 p.m.
- Present** Deputy Mayor Joseph E. Bibisi, Council members: Thomas J. Serra, Philip J. Pessina, Robert P. Santangelo, Hope P. Kasper, James B. Streeto, David Bauer, Grady L. Faulkner, Jr. (6:30 p.m.) and Daniel T. Drew; Sergeant-at-arms, Acting Deputy Chief of Police William McKenna; and Acting Common Council Clerk Linda DeSena
- Absent** Mayor Sebastian N. Giuliano and Corporation Counsel William Howard
- Also Present** Tom Hartley, Director of Parking, Michel Wackers, Deputy Director of Planning Conservation and Development, Raymond Santostefano, Director of Parks and Recreation, Philip Cacciola, Director of Consumer Protection, Dr. Joseph Havlicek, Director of Health, Timothy Lynch, Acting City Attorney, Gary Ouellette, Fire Chief, Carl Erlacher, Director of Finance, Debra Milardo Director of Personnel, William Russo, Director of Public Works, Wayne Bartolotta, Director of Central Communications and ten members of the public
- Meeting Called to Order** The Acting Chair call the meeting to order at 6:02 p.m. and asks Councilman Streeto to lead the public in the pledge of Allegiance.
- Call of Meeting Read** The Call of the meeting is read and accepted. The Deputy Mayor declares this call a legal call and the meeting a legal meeting.
- Workshop Opens** The Acting Chair opens Questions to Directors workshop at 6:04 p.m.
- Councilman Santangelo asks Acting Deputy Police Chief McKenna about appropriation and why it is so high, he knows we had additional overtime and asks for any information you can give. Acting Chief McKenna responds we had some unfortunate mishaps with 505 Main Street at a cost of \$44,328, funeral of Marshal Reggie Ward, unexpected snow expenditures were \$3,600, a rap artist by the name of Drake came to town unexpectedly at a cost of \$2,700 the shooting that we had last week turn out to be a \$10,000 per week as of last week we were \$42,000 in the whole for the overtime line item. Last year this time when Chief McMahon was budgeting, we proposed \$377,000 then the Mayor took that and proposed \$309,000 and then Council gave us \$271,000. It was unexpected expenditures. You really can't prepare so we always look at the last three years of budget.
- Councilwoman Kasper asks Acting Deputy Police Chief McKenna this subject came up in Finance and Government Operations and the consensus was that you along with your Budget Analyst and the Deputy Director of Finance looked to see if there was any money to transfer and I did receive an email that could be done and if you needed additional funding, you would come back to restore the \$44,328 because of the unforeseen situations. Acting Chief responds that is correct, you pointed out that we were 85% through the fiscal year and on our replacement line we are only showing 70% expenditures normally we are only at 70% because today until the end of the year is when the police officers take vacation pre approved and we have three weeks of fire arms training as well as two weeks of 2 shifts per day for the CAD/RMS. We did notice the 15% overage at that time; some transfers were made but I still think we might be short. We will see what we can do with these transfers. Councilwoman Kasper states she did have a discussion with the Finance Director as well. Acting Chief McKenna responds as of today, I transferred \$35,000; \$25,000 from Replacement and \$10,000 from Uniform Allowance. It is looking good and we will see what we can do with this.
- Councilman Klattenberg states just a follow up to the question Councilwoman Kasper asked; we are talking about the \$100,000 appropriations on the agenda from an e-mail you acknowledge for the particular month of May with the transfer you made you would be in okay shape and you will let us know where we stand. Acting Chief McKenna replies I was in shock when I saw

the \$100,000 appropriation. Councilwoman Kasper states legally we had to advertise the appropriation and this evening we will make the change on the Council floor.

Councilman Drew states he has questions for Director Bill Warner, Planning, Conservation and Development regarding the CDBG funding; his question is about the bricks and mortar project. There is \$87,324 appropriated for the upcoming Senior Center; can you tell us what that money is for. Mr. Warner responds it is for the ADA accessible improvements, bathroom, and elevator. Councilman Drew asks if there is there a plan for the facility right now? Mr. Warner responds, yes there is a plan that was approved by the Planning and Zoning. Councilman Drew asks wasn't the committee going out to a new architect? Mr. Warner responds it is basically the plan that the architect we have now and did a plan where the elevator would be. As you move forward, we will go out to bid and we will have a new architect with a more detailed plan. These funds are construction plans only. Councilman Drew asks as I understand it the plans are going to be a bond issue coming up on the Election Day ballot. Mr. Warner responds he has no knowledge of that. If we appropriate this money will we be able to access this in this fiscal year or place it in an account to be used in the new fiscal year. I am asking because there are other organizations that can use this money by the end of the fiscal year.

Councilman Bauer has a question for Park and Recreation Director Ray Santostefano; he states the Willie Pep Park is the park fully funded by Buckeye, now it is starting to cost the City money. Mr. Santostefano responds that Buckeye gave us \$75,000 for whatever the Mayor felt and the Mayor decided to use the money for a skateboard park. We went out to bid for the skateboard park itself not the fence, plus we sent out letters to area businessmen and doctors; about 130 letters went out asking for donations. At the present time, we have about \$1,100 that was sent in. We will do in-house the benches. There is no skateboard park that I am aware of in the country that isn't any cheaper than \$75,000; for example, the one in Middlefield was \$200,000. Councilman Bauer states knowing how our dollars are come by this is great; do you have any anticipated operation hours as far as the financial impact is zero. Mr. Santostefano replies lights will be on timers and no staff will need to supervise. No overtime at all. Long term vision is to try to put chillers on so that we can skate from November until March like they do in the Georgia area.

Councilman Bauer asks for William Russo, Director of Public Works. He states we are waiving about \$26,000 in fees tonight. How much time will the building officials have to put in to satisfy the inspections. In this case this never came in from of Public Works. Mr. Russo responds he has not seen any plans of the building just Economic Development has. We never addressed this issue. Until I see the prints, I cannot answer this question. Manpower would be 20-30 hours to review prints, 20 hours for inspection, 20-30 hours of wrap up of inspection. Until I see the prints it is only speculation. Councilman Bauer asks if he has been involved in the generator. Is the expense for the City less. Mr. Russo replies the generator itself delivered is \$140,000; the electrical work we are looking at close to \$100,000 and those numbers are always right on. I also like to put a 15% mark up on it. This is approved we can only spend the money on the generator; anything less, we have to put back.

Councilman Bauer has a question for Acting City Attorney Lynch; he states we have on the agenda tonight something about the Registrar which is an elected position. I wanted to make sure that you have reviewed that to make sure that we are dealing properly with an elected official. Attorney Lynch responds no he has not reviewed it.

Councilman Pessina asks Acting Deputy Chief McKenna if he is familiar with the \$5,000 appropriation request in reference to legal counsel provided by some legality are you familiar with this. Acting Chief McKenna responds no he is not familiar with it. Derek Puorro said he was told about it; he can answer any questions about the 4-2 but he is not familiar with it. He can speak about it. Councilman Pessina then asks the Acting Council Clerk if she is familiar with the appropriation request; her response is no. Derek Puorro responds that nothing from MOU has been inactive. Councilman Pessina states he is a little perplexed on how this got on the Council agenda. Councilman Serra responds why doesn't he read the appropriation request; it is there right in front of you and I don't know why you are asking this question. It is right in your packet.

Councilwoman Kasper asks Debra Milardo, Personnel Director, if she is looking again on the tentative agreement for the police contract and states she went back to the Retirement Board ordinance to look at compensation which is defined by the IRS and couldn't find anything in there that allows clothing allowance and reimbursement to be calculated in the pension

formulated. Is there something in the IRS that I am missing? Ms Milardo responds nothing was ever brought up and this was put forward to the Finance Director who I believe is also in charge of the pension. He never waived any red flags. Most W-2 wages are part and partial of pension calculation including longevity. Councilwoman Kasper states they did mention longevity. Ms Milardo responds she does believe contract supersedes your ordinance. Councilwoman Kasper replies it does not supersede IRS laws. She states further in reading the actuarial memo to Carl Erlacher, it said will the officer's amount, will officers contribute in the clothing allotment. Ms Milardo replies they will contribute the 6.5 of the clothing allotment.

Councilman Drew asks Ms Milardo about article 27 Section 15 on the tentative agreement the City and the Union agreed that all prior memorandum and/or letters of understanding not discussed to incorporated or it will be null and void. Ms Milardo responds the parties agreed that from the period which covers the successor agreement. Councilman Drew states please explain this section; I have a little trouble with the prior memorandum and it's purpose. Ms Milardo responds because this is 2 year re-opener normally when we review a contract and when we negotiate we incorporate MOU's into the agreement. The Parties agreed that anything that was constructed would continue on for another 2 years with this agreement. Councilman Drew responds the way he reads this initial that this would cover any agreements that could come up that haven't been officially approved that could come up during the period of this tentative agreement. Ms Milardo responds no; the structure of the adoption and future memorandum of understanding would be again the same practice we go through during a regular contract. They will go through the Personnel Review Commission and if it had a financial or fiscal impact it would go through the Council. Councilman Drew responds that this clause doesn't provide a blank check. Ms Milardo responds no; it is just to include those memorandum constructed between 2006 and 2011. Councilman Drew asks what is the reason for re-opening the Teamster's contract and Police contract as opposed to going for a full contract. Ms Milardo responds as she explained in an e-mail she sent, the Teamsters the former MMPA Union just became affiliated with Teamsters, they get to know us we need to get to know them and it will be difficult negotiations in the future. They accepted a -0- increase again for them to getting to know our system and us getting to know there system. The Police again we went through a very difficult process with the prior year. That Union also acknowledged the economic times we were in; they were willing to go to a modified contact where they would accept a -0- increase as well as the Teamsters did. Councilman Drew states I have no more questions for now.

Motion to Adjourn

The Acting Chair asks if there are any other questions. Seeing no response, he asks for a motion to adjourn. Councilman Bauer moves to adjourn and his motion is seconded by Councilwoman Kasper. There is no discussion and the vote is called. It is unanimous to adjourn and the Acting Chair declares the meeting adjourned at 6:55 p.m.

ATTEST:

LINDA DESENA
Acting Common Council Clerk