



SPECIAL COMMON COUNCIL MEETING
JUNE 6, 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, June 6, 2011 at 6 p.m.
- Present** Deputy Mayor Joseph E. Bibisi, Council members: Thomas J. Serra, Ronald P. Klattenberg, Philip J. Pessina, Robert P. Santangelo, Hope P. Kasper, Grady L. Faulkner, Jr. David Bauer, and Daniel T. Drew; Sergeant-at-arms, Captain Moriarity; and Common Council Clerk Marie O. Norwood
- Absent** Mayor Sebastian N. Giuliano, Council members Gerald E. Daley, James B. Streeto, Deborah A. Kleckowski, and Corporation Counsel William Howard
- Also Present** Personnel Director Debra Milardo, Public Works Director Bill Russo, Water and Sewer Director Guy Russo, Fire Chief Gary Ouellette, Finance Director Carl Erlacher, Central Communications Director Wayne Bartolotta, Director of IT William Oliver, Park and Recreation Director Ray Santostefano, Planning, Conservation, and Development Director Bill Warner, Russell Library Director Arthur Meyers, and Acting City Attorney Timothy Lynch.
- Meeting Called to Order** The Acting Chair calls the meeting to order at 6:02 p.m. and asks Councilman Klattenberg 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 6:05 p.m.
- Councilman Pessina asks to address questions to the Personnel Director D. Milardo. He states we have 10-5, the teachers contract; it is his understanding the one year contract teachers have is quite a bit more money than the police contract. Ms Milardo states she is not familiar with the teachers contract, but the financial impact statement she saw was \$587,000 and the police contract is \$414,000 for a two year contract. The Teamsters' contract before you is \$14,000. I guess the concern I discussed with the Director of Finance, we are moving forward with police arbitration and one of the issues raised in arbitration is ability to pay and I believe the Director of Finance's opinion with majority and minority leader that the teacher's contract puts the City's position not in a good one for arbitration.
- Councilman Pessina states before the Council approves the teachers contract, we might be better putting it off to look at similarities between teachers and police and if we spend \$50,000 for arbitration, we need to move forward in a positive light. Ms Milardo responds ability to pay is a major factor in arbitration and can be used and the other criteria doesn't quite fit from the rationale used when the police contract was not passed. I can't tell you what to do, but as Director of Finance and I stated you need to be mindful. The start figure is \$50,000 and will probably exceed those dollars. Councilman Pessina states in item 10-4, approving the Teamsters' contract, we might not need that \$50,000. Ms Milardo responds that is correct. I previously noted that the cost of the Teamsters, there was confusion with dollar amounts for steps. It was calculated for four people to reach max and that is beyond the one year extension. It is recalculated to be \$8,810. For Teamsters insurance, the cost is \$5,917 and the total cost is \$14,788. That is why she asked the Council to reconsider this contract. If that is the will of the Council then the \$50,000 is not needed.
- Councilman Bauer states as a follow-up, the Teachers Union contract, isn't there a deadline to consider it up or down and it becomes accepted if not acted on. Ms Milardo responds teachers do have a time frame and you do have a community meeting coming up and you can table to that date.
- Councilwoman Kasper asks the number of teachers and how many police officers. Ms Milardo states actual or budgeted. Councilwoman Kasper states the understanding that teachers have taken -0-, a hard freeze for wage and step for the past two years and this is a contract for steps only, is that correct. Ms Milardo states she doesn't know and only knows the total cost. You know that arbitrators will look at the ability to pay. Councilwoman

Kasper states the teacher contract was included in the budget. Ms Milardo replies the police was included in the Mayor's proposed budget.

Councilman Klattenberg states he thought parity was not something they should look at and to delay for a month so that more information can be provided for teachers versus the police and you can't do that because you can't do parity. Ms Milardo replies that is looking at the financial impact; what you need to do is look at the City's ability to pay and the City's argument that will be brought forward which is one contract at a cost of \$587,000 and a two year contract at \$414,000 and that is what the City will have to answer, what you can afford in one and not the other. You look at what the City can pay and that is the venue we have to bring forward in arbitration. Councilman Klattenberg states that is not the only issue that was discussed; there has to be more to it than that. Ms Milardo states there are only a few things you can arbitrate which is ability to pay, and public interest. The scope is very narrow and can't be we don't think they deserve it. You run into two venues: what is in the public's interest and ability to pay and nine times out of ten that is what the community would argue. Councilman Klattenberg states you presented the number but there is no impact statement. Ms Milardo responds she asked for it; preparing for arbitration she needed it and when she saw the figure she addressed it with the Mayor and Finance Director. Councilman Klattenberg asks where the number came from; Ms Milardo responds it came from the Council Clerk. She assumed there was one for the teachers contract; she gave me the document from the Board of Education and when she got it that is when she raised the issue with the Mayor and Finance. Today we were doing the selection of arbitrators. All the financial data has to be brought forward in preparation of arbitration.

Councilman Pessina states he is not asking for 30 days, but it would be prudent for Council members to look over the financial impact for teachers and the police contract before we approve any contract. We are now talking about \$100,000 for arbitration – \$50,000 for each and it is a lot of money. With the next couple of weeks, lets get the financials on both of these and there is nothing against the teachers or the police and we have to be more prudent instead of going to arbitration.

Councilman Bauer asks for the Park and Recreation Director. Ray Santostefano comes forward to respond to questions. Councilman Bauer asks about the resolution that has a new fee schedule for Palmer Field. Mr. Santostefano responds no you are just amending that we can negotiate for Palmer Field. Councilman Bauer states there are numbers in there. Mr. Santostefano replies the fees are revisited in December and the only change is letting Park and Recreation negotiate fees for tournaments. Councilman Bauer asks if you would negotiate higher or lower; Mr. Santostefano responds it depends on the situation and it is for the Commission to decide. Councilman Bauer asks if it doesn't cover the cost, would you come back to the Council. Mr. Santostefano responds I don't think any fees cover any of the things they do.

Councilman Drew states when it came before the Park and Recreation Commission, it is so that they could entice the CIAC and American Legion back this year so they could negotiate it and bring it back to this body.

Acting Chair Bibisi asks for further questions to the directors. Mr. Santostefano states the CIAC is not a tournament and it comes under the auspices of game schedule and was approved by the Mayor. Only games are being played here; however the Commission is negotiating with American Legion.

Councilwoman Kasper asks for a member of the Police Department; she states we have a notice of public hearing for East Hampton Interlocal agreement and I notice a Certificate of Liability of Insurance, was it reviewed by the Risk Manager; Lieutenant Moriarty states it is a mirror with the one they have in Portland. The City Attorney states yes it was and was generated out of our office and follows our rules. Councilwoman Kasper asks if it meets our requirement. Acting City Attorney Lynch responds yes.

Councilman Santangelo states how long is the agreement; the \$50 they are charging a day is it room and board. Lt. Moriarty responds it is room and board; it covers everything. Councilman Santangelo asks how much is the expenditure. Lt. Moriarty states he doesn't know what the current dollar amount is from the vendor. Councilman Santangelo states in reference to this with Portland, we had a separate fee on what we would receive. Lt. Moriarty states he believes it covers everything. Councilman Santangelo states we don't have all the expenditures and the actual dollar amounts; we believe \$50 is fair, but we don't know; it is not clear. Lt. Moriarty states he wasn't part of the negotiation. Meals depend on what time they come in.

Councilman Santangelo wonders if it is a fee based on the whole day; I understand the process.

Councilman Bauer states this is an on-going arrangement and we are updating it. Lt. Moriarty states they did it on an as needed basis. Councilman Bauer states we have one with Portland; are there any others. Lt. Moriarty replies not that he is aware of. Councilman Bauer states he understands there is a lock-up facility at the Courthouse, can we use it. Lt. Moriarty states we never ran into that problem; in the past, they went to Cromwell.

Councilman Serra asks to address questions to Water and Sewer Director Guy Russo. He asks for the Council's sake explain that we will be amending 10-13. Mr. Guy Russo states we were requested to bring the ordinance back to Water and Sewer, the WPCA because of a change in the amendment to include a fine as well as compelling compliance with fats, oils and grease obligation they have with the DEP. What we inserted was language after the word "fine" of \$99 for each and every month for noncompliance and the right for reimbursement etc. It adds a \$99 fee to compel compliance with the DEP. Councilman Serra states it is State statute; Mr. Russo responds, yes. Councilman Serra states we need to add it. Mr. Russo responds yes.

Councilman Bauer asks to address questions to Fire Chief Ouellette. He asks what the total cost is. Chief Ouellette states the prepaid cost is \$900,500. Councilman Bauer states there are two pieces, there is something for \$140,000. Chief Ouellette replies they are bonding \$750,000 and funding \$170,000 until they sell their old apparatus. Councilman Bauer asks the trade in cost. Chief Ouellette responds from \$175,000 to \$210,000. Councilman Bauer asks how long he has known about the new apparatus. Chief Ouellette responds they have been working on it for a year.

Acting Chair Bibisi asks if there are any other questions to this director; seeing none, he recognizes Councilman Bauer for another director.

Councilman Bauer asks for questions to the Planning Director. He asks about the block grant in front of the Council; he read your e-mail where you recommend that we are going to instead of funding \$87,000 for the Senior Center building project, we would put it in a holding account. Mr. Warner, Planning Director, responds correct. Councilman Bauer states you made the presentation and offered an optimistic total for the conversion on top of acquisition and that amount was still in excess of \$1 million. Mr. Warner responds to create all the building renovations and municipal offices and senior center, yes, it was over \$1 million. Councilman Bauer states we are looking to bond just over the minimum and it won't cover the entire project even being optimistic. Mr. Warner replies that is not on the agenda for tonight. The only thing on the agenda is the block grant. Councilman Bauer states if we put it in a holding account, he was concerned at the previous Council meeting to divert some of the money to Nehemiah. I am concerned about more money in that project. Mr. Warner responds as well as I; based on the last Council meeting, the majority thought it shouldn't go to the Senior Center and rather than give the money that the CAC thinks is the lowest priority, it should go into a holding account. Councilman Bauer states there are large numbers dedicated to Remington Rand, what are we going to get for that investment; are there projections for economic activity, jobs specifically. Mr. Warner states low to moderate income jobs would be the primary criteria; they have worked with the Chamber for job creation. We have a lot of grants to people who want to create a business. When people lose jobs, they vote to go out on their own and they don't have any money to move forward and at Remington Rand, they can have a smaller space until they can grow into a larger space. This is about jobs. Councilman Bauer asks if the building is ready for the smaller spaces and supporting bathroom facilities. Mr. Warner responds absolutely. Councilman Bauer asks how many that don't go to the old leaching bed. Mr. Warner responds six or so.

Councilman Bauer has questions for one more director; Public Works Director, Bill Russo. He states on agenda item 10-12; we are waiving competitive bidding and awarding a contract; why do we have to waive the bidding. Mr. William Russo responds it was the Building Committee. Councilman Bauer states this is not Public Works money. Mr. Russo responds no. Councilman Serra comments it is coming from the bonding of the building. Councilman Bauer states he would like a narrative on the waiving. Councilman Serra responds this was in the prints when the building was started and somehow the road was taken out and we discovered it. Councilman Serra states it was always there so we asked if monies were available and we asked Public Works to design it and DeRita gave us a credit and within a couple of thousand, DeRita's bid came in and the Building Committee voted for them to do it because they are familiar with

it. Councilman Bauer states he finds that the money is in the budget is comforting.

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 6:41 p.m.

ATTEST:

MARIE O NORWOOD
Common Council Clerk