



**REGULAR COMMON COUNCIL MEETING
MAY 2, 2011
7:00 P.M.**

Regular Meeting The Regular 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 7 p.m.

Present Deputy Mayor Joseph E. Bibisi; Council Members: Thomas J. Serra, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, David Bauer, and Daniel Drew; Corporation Counsel William Howard, Sergeant-at-arms Officer Hertler; and Common Council Clerk Marie O. Norwood.

Absent Mayor Sebastian N. Giuliano

Also Present Twenty-five members of the public

Meeting Called to Order The Acting Chair calls the meeting to order at 7:04 p.m. and asks Councilman Bauer 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.

Motion to Accept Agenda Councilman Serra is recognized by the Chair and moves to amend the agenda order by moving agenda items 11-14, 11-15, and 11-16 to be acted upon after item 7; Councilwoman Kasper seconds the motion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the agenda is accepted.

Agenda Items **3-1 and 3-2**
Description **Resolutions**

The Chair states that presentations will occur next month; both Deputy Sneed and Mark Masselli were not available. Councilman Serra states they will be moved to the June meeting.

Agenda Item **4**
Description **Approval of Minutes**

The Acting Chair requests a motion to approve the minutes of the regular Common Council meeting of April 4, 2011 at 7 p.m. meeting; Special Meetings of April 4, 2011 at 6 p.m., and April 14, 2011 at 7 p.m., having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and is seconded by Councilman Pessina. There is no discussion. The Acting Chair calls for the vote. Councilman Serra, Councilman Klattenberg and Councilman Drew state they will abstain from the vote on all the minutes for April 4 at 6 p.m. The Acting Chair states are there any others. Seeing none and no discussion indicated, he calls for the vote. There are no nay votes. The Acting Chair states the matters are accepted with no one in opposition and two abstentions as noted. The minutes are approved.

Agenda Items **5 and 6**
Description **Public Hearing Opens on Agenda Items**

Public Hearing Opens The Acting Chair opens the public hearing on agenda items and the bond ordinance at 7:011 p.m. on any item on tonight's agenda.

Larry McHugh speaks in support of agenda items 11-1, 11-2, and 11-33; he thanks the Council for supporting the three events. He states the Chamber also supports 11-6, constructing an office building at 505 Main Street. He expresses support for agenda items 11-7 and 11-8. He advises that the Chamber strongly supports these items as well. Regarding Main Street, he has had on-gong conversations with the owners of 505 Main Street and they

are moving forward with construction. He thanks the public, everyone in Middletown, for their strong support during this tragedy.

Ed Dypa speaks to agenda item 11-5 asks the Council to support the Block Grant for funding for the Senior Center; he supports agenda item 11-12, an ordinance, for a way to receive grants and donations for funding senior programs. He asks the Council to support those items.

John Bysiewicz, Coordinator of the Fun Run speaks in support of it; the run has been in Middletown for the last 14 years and has raised over \$100,000 for groups including Oddfellows, YMCA, Artfram and others. The race brings in 1,000 runners and over 10,000 spectators. They do their best to give back to the community and asks for the Council's support.

Public Hearing Closed

The Chair asks if there are other members of the public who wish to speak to come forward. Seeing none, the Chair closes the public hearing on agenda items at 7:15 p.m.

Motion to Amend Agenda

Councilman Serra moves to amend the agenda by placing agenda items 11-14, 11-15, and 11-16 as the items to be discussed next; Councilwoman Kasper seconds the motion. The vote is called and it is unanimous to move those items forward. The Acting Chair states the motion carries unanimously.

Agenda Item 7
Description Appropriations

The Chair asks the Council Clerk to read the appropriation request and the Certificate of the Finance Director.

Notice of Public Hearing

MAYOR'S OFFICE
MUNICIPAL BUILDING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **Monday, May 2, 2011 at 7:00 p.m.** to consider and act upon the following:

- Police Department \$100,000, Account No. 1000-18000-51340-0180, Overtime, General Fund.
- Common Council \$5,000, Account No. 1000-12000-55185-0000, Contractual Services, General Fund.

Any and all persons interested may appear and be heard.

ATTEST:
JOSEPH E. BIBISI
Deputy Mayor

Notice is hereby given that a special meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on Monday, May 2, 2011 at 7 o'clock p.m. to conduct a public hearing, consider and act upon the following:

AN ORDINANCE APPROPRIATING \$495,000 FOR THE PURCHASE OF A STANDBY GENERATOR FOR CITY HALL AND AUTHORIZING THE ISSUE OF \$495,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

The complete text of the proposed ordinance is on file and open to public inspection in the office of the City Clerk.

Attest:
JOSEPH E. BIBISI
DEPUTY MAYOR

**Certificate of Director
Of Finance**

To: His Honor Mayor Sebastian N. Giuliano
and Members of the Common Council
From: Finance
Date: April 28, 2011
RE: Certification of Funds

This is to certify that funds for the appropriations requested at your meeting of May 2, 2011 are available as follows:

- General Fund \$105,000
- Purchase of Stand by Generator for City Hall \$495,000

Ordinance Bond Issue

Respectfully submitted,

Carl Erlacher
Director of Finance

Agenda Item 7

Description **Appropriation Request, Police Department**

Councilman Serra reads and moves the Police Department Appropriation Request for approval; Councilman Streeto seconds the motion.

Motion to Amend

Councilman Klattenberg speaks to the request and states at the Finance and Government Operations meeting they discussed the request and learned that the Acting Deputy Chief had transferred funds and he moves to amend the amount to \$44,328. He states if necessary, they will do a request in June for additional funds. He moves it as a friendly amendment. Councilman Streeto seconds the motion. Councilman Serra takes it as a friendly amendment.

Hearing no further discussion, the Acting Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously

Police Department (Approved)

\$44,328, Account No. 1000-18000-51340-0180, Overtime, General Fund.

Agenda Item 7

Description **Appropriation Request, Common Council**

Councilman Serra reads and moves for approval the request by the Common Council for \$5,000 for legal fees; his motion is seconded by Councilman Faulkner. The Acting Chair asks if there is any discussion.

Councilman Pessina states he is perplexed on this \$5,000; when he asked about this at the Police Department, they didn't know anything. This is something from the Majority Council and signed by the Majority Leader and it is for legal representation. It has been well stated by the majority and minority at several Council meetings, we have to be very frugal and start to look at legal costs. He doesn't understand why it is being appropriated for something in the Union contract for 35 years. He can speak to it because he served under four Chiefs and this has never come to the Council floor which is clear, contractual language. It is the management's right; the Chief and Union President can establish an experimental shift for patrols. We have had several when I was there that the Chief would utilize because of activity and he needed to have special shifts. We always had the three standard shifts; with the advent of the bars and entertainment license, we found ourselves with a dilemma and the Chief put forward an experimental shift from 7 p.m. to 3 a.m. He believes that shift is still in effect. The 4-2 shift that is agreed to is well within the rights of the contract and labor agreement. It is management's rights and he doesn't understand why we are willing to spend \$5,000 for an outside legal opinion. This is wrong. He is sure the Personnel Director has labor attorneys and can get information on this. Through all the chiefs here and the shifts they tried at various times, now all of a sudden this has arisen. He cautions the Council about passing this during economic hard times. He will not support this nor will the other members of his party. He states it is frivolous.

Councilman Streeto states that your remarks are premature. This has been in the papers and the Arbitrator has said it is illegal. We have had conflicting opinions from the Arbitrator and other attorneys. Someone needs to look at the matter comprehensively and this is an acrimonious issue in the City and seems necessary under the circumstances. He voted for the 4/2 shift. Before we do anything, we need information and we need to get it by paying an expert in Labor Law. You said the Personnel Director has labor attorneys, but we would have to still pay for it. This is a cleaner way to do it and if we decide to take action on this, we will be informed and know the remedy and ramifications of doing anything.

Councilman Daley states Councilman Streeto made my points and the key for me is this is a unique concept; it is a rotating 4-2 schedule and the Council by significant majority disapproved it when it was presented to us based on information from the Finance Director and information we offered about how it seemed it was overly costly for the City including giving additional days off for pay and comp time for officers. Low and behold, experimental shift is instituted and we go to arbitration over the Memorandum of Understanding and the Arbitrator's Award clearly stated the City instituting

the 4-02 shift is costly and there is no basis to grant the shift and the Mayor's reaction was I don't care or agree. Arbitration is binding and like it or not, it is an issue of great concern to us and the people in the community. How can the Mayor ignore an Arbitrator's Award and there have to be parameters on how long it can be carried on. We need advice on how far the Mayor's experiment can carry. It is a measured approach. We are not going to Court, but we are looking for expert legal advice and I support this.

Councilwoman Kasper states she would like to know the legality of this (inaudible). She states she looked at the statute and once arbitration is awarded, it is binding and both sides must comply with the binding arbitration award and that has not occurred. She looked at the overtime in the Department since the shift went into effect and she sees increase after increase; she has seen as much as \$60,000 in one month, including the month with the collapsed building. The \$5,000 is not frivolous and may save us many dollars in the future.

Councilman Drew states this is not about the merits of the shift, but the integrity of binding arbitration and bargaining. It is about adhering to the statutes and for the Mayor to disregard them presents issues on Labor Law and the separation of powers between the Executive and Legislative bodies. We are exploring options. We want to know our options and this is a prudent first step in doing that. We need answers to questions. He will support this appropriation as well. The question is whether or not we can disregard arbitration.

Councilwoman Kleckowski states she has two questions; everyone speaking has said we and it is the Majority Party. This was not before Public Safety and we talk about things in committee and this has not gone through committee and it should go through there and then bring it back. Her other question is will this be the Council represented and additionally who is choosing the attorney; why can't we ask the Corporation Counsel for free. We have talked about things coming to Council without going through committee and if Corporation Counsel can respond to this. Corporation Counsel Howard states the first is whether a procedure is followed and the fact that it has not been through committee does not make it out of order. As to the Corporation Counsel offering an opinion, he would defer to the fact you need a Labor Lawyer to respond to this. You are better served with someone who knows that subject matter.

Councilman Daley states it is not coming out of the Police budget, but the Council's budget. Councilman Pessina states who chooses the labor attorney that we will pay \$5,000 to for the opinion because we could get two different opinions. I could get an attorney who says the arbitrator is wrong. Who will choose the attorney to represent us. Councilman Streeto responds for record he will not do the opinion; I don't have the expertise. We should refer it to Personnel Review and it would be the closest to the issue and Councilwoman Kleckowski sits on it and would have a voice. For it not going to committees, in this instance, the issue is not the merits of the 4-2 shift, but how do we react to an existing Arbitration Award to this and it is not germane to the Public Safety Commission. We are looking for information on how to deal with the Arbitration Award and Personnel Review is the most appropriate place to review this. He agrees with Councilman Drew and we should get the information to know what our options are.

Councilman Bauer asks a question about the process; if this is approved and past practice would the selection be through the professional service ordinance and wouldn't the Majority and Minority have to agree to this. The response is in audible. The Acting Chair states in the past that is what we have been doing.

Councilwoman Kleckowski states the reason she brought it up is that the committee is consistently brought up as the process. At the committee, things are discussed. She asks her colleagues if you are putting something on the agenda, that it go to committee to be discussed so if there is an issue it could be discussed there.

The Acting Chair, hearing no further discussion, calls for the vote on this matter. It is eight aye votes by Council Members Serra, Klattenberg, Daley, Santangelo, Kasper, Streeto, Faulkner, and Drew; and four nay votes by Council Members Bibisi, Pessina, Kleckowski, and Bauer. The Acting Chair declares the matter approved with eight affirmative votes and four nay votes.

Common Council
(Approved)

\$5,000, Account No. 1000-12000-55185-0000, Contractual Services, General Fund.

Agenda Item 7
Description **Bond Ordinance**

Councilman Serra reads for approval a Bond Ordinance for \$495,000 for the purchase of a standby generator for City Hall.

Motion to Waive Rules

Councilman Pessina moves to waive the reading of the rest of the ordinance; Councilman Bauer seconds the motion. The Acting Chair calls for the vote and it is unanimous to approve the waiving of the reading with twelve aye votes. The Chair states the matter passes unanimously.

Councilman Bauer states will support this, this evening; it deserves the numbers. He wants to point out it is somewhat overdue and the grant will reduce the cost to the taxpayers. This is a 50 year old building and even with the addition, it may be prudent to carry more contingency in the project and what they don't use, it will be returned.

Acting Chair Bibisi states this is from soup to nuts, to include everything and what is left over will go to the general fund.

Councilman Klattenberg states the generator they are talking about is 500 kw and will power the entire building. When we discussed a generator a year ago, it was uncertain whether a generator could be powered here and with the Emergency Center on the second floor, we received a grant for the cost of the generator. This was a project of over \$1 million and now it is at the \$200,000 range. He thanks Bruce Driska and Bill Oliver for their work on this.

Councilman Pessina states what is important about the generator, should we have an emergency in this City, the citizens can rest assured that we will have continuity of operations and continuity of government. Middletown's government will not stop to the credit of Bruce Driska and the IT Director. They have done a wonderful job. We want the public to know should an emergency happen the services we offer, we will have the government work continuously and seamlessly. This generator is a major part of it.

The Acting Chair asks for further discussion.

Councilman Serra states he moves the bond ordinance for approval and Councilman Streeto seconds the motion. The Acting Chair calls for the vote and it is unanimous to approve.

Point of Information

Councilman Bauer is recognized and states that he believes a roll call vote is required. Chair calls for roll call vote.

The Acting Chair calls for the vote by roll call:

- Councilman Bauer Aye
- Councilman Bibisi Aye
- Councilman Daley Aye
- Councilman Drew Aye
- Councilman Faulkner Aye
- Councilwoman Kasper Aye
- Councilwoman Kleckowski Aye
- Councilman Klattenberg Aye
- Councilman Pessina Aye
- Councilman Santangelo Aye
- Councilman Serra Aye
- Councilman Streeto Aye

The Acting Chair states the matter passes unanimously.

Ordinance No.
File Name
Description

05-11
MiddletownCityHallGeneratorbondordinance\$4950004-11.docx
An Ordinance Appropriating \$495,000 For The Purchase Of A Standby Generator For City Hall And Authorizing The Issue Of \$495,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1. The sum of \$495,000 is appropriated for the purchase of a standby generator for City Hall, consisting of a Cummins/Onan model 500DFEK 500 KW, 120/208 volt, 3 phase, 4 wire, 60 hertz, 1800 RPM, with additional equipment and features, or such other or similar generator as the Mayor shall determine, and for installation, testing, consultant services, warranty, administrative, printing, legal, and financing costs related thereto. Said appropriation is inclusive of State and Federal grants in aid thereof.

Section 2. The expected useful life of the project is twenty years. The total estimated cost of the project is \$495,000, \$137,841 of which is expected to be paid from sources other

than the proposed bond issue. The project is a general benefit to the City of Middletown and its general governmental purposes.

Section 3. To meet said appropriation \$495,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in the amount necessary to meet the City's share of the cost of the Project determined after considering the estimated amount of State and Federal grants in aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of receipt thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and City Treasurer are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 5. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 7. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 8. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this

Councilman Serra states the general position of the Democratic Caucus will be articulated by Councilwoman Kasper for the items we will be discussing.

Councilwoman Kasper states we had discussion in regards approving the Teamsters 671 contract and we noticed that there were not cost savings to the insurance benefits; no increase in the co-pays for hospital, doctors or prescription drugs and the contribution made by employee is based on last fiscal year's cost of health insurance which will cost an addition \$14,292. We were told it is a hard freeze and they entered into a tentative agreement on April 1, 2011 and she received e-mail from the Personnel Director advising the Teamsters voted and three members were due step increases. She sent a new redlined contract. They agreed to allow the step increases. If it is a hard freeze, it would include the step freezes. If this is a hard freeze, there would be no step increase and it increases the cost by \$51,118. There is no concessions to the retiree health insurance benefits. For those reasons, they will not support the agreement.

Councilman Streeto states he will not support this or the other two agreements and he went through some of the numbers that Councilwoman Kasper went through and he recognized parity cannot be called for legally and each is a separate and distinct agreement and parity is not something we can ask for; but based on communications of other members of the workforce, there is a widespread feeling of unfairness at this point and his concern is about morale and the enactment of these agreements. He would feel differently if they were full scale contracts but under the circumstances will vote against this.

Councilman Bauer states to make sure he understands how to vote, yes means no and no means yes. A yes vote is to reject and nay to accept. Councilwoman Kasper states no, that is not correct.

The Acting Chair, hearing no further comments, calls for the vote. It is four aye votes by Council Members Bibisi, Pessina, Kleckowski, and Bauer and eight nay votes by Council Members Serra, Klattenberg, Daley, Santangelo, Kasper, Streeto, Faulkner, and Drew. The Acting Chair states the matter fails.

**Resolution No.
File Name
Description**

**56-11
ccteamstersagreementto2012.doc
Approving the negotiated agreement between Teamsters Local 671 and the City of Middletown reflecting the change in name of the Union from MMPA to Teamsters Local 671 and a freeze in salary and cost of benefits for one year through June 30, 2012.**

(DEFEATED)

Whereas, the Teamsters Local 671 and the City of Middletown have reached a tentative agreement for one year with Union language change from MMPA to Teamsters Local 671 as well as a freeze in salary and cost of benefits for one year through June 30, 2012.

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: That the tentative agreement between the City of Middletown and Teamsters Union Local 671 (formerly MMPA) is approved with said agreement in effective through June 30, 2012.

Fiscal Impact: Total Cost is \$51,118. This includes step increases for current employees and the cost for keeping the premium for benefits at 15%. No additional funds required to implement this in Fy 2011-12 budget as presented by the Mayor. See memo from Finance Director attached.

**Agenda Item
Description**

**11-15
Resolution – Fire Union 1073 Contract Extension**

Councilman Pessina moves agenda item 11-15 for approval and his motion is seconded by Councilman Bauer.

Councilwoman Kasper states she feels the Fire Local 1073 stepped up to the plate; they were willing to make concessions on their salary increases that was in their contract for the next fiscal year and spread it out for two years and to add two years to the contract. That was a huge concession and there is one thing to call attention to the agreement; it talks about the third year and should reflect the annual CPI at the end of 2013 and I think it should be 2012. Other than that, she supports it.

Councilman Streeto states all the Unions stepped up to the plate and in this case, he has concerns about the morale for the City workforce as a whole and he will not support this tonight and may be the only one.

Councilman Pessina states he asked the question to majority if they had opportunity to read the May 2 memo from the Personnel Director. She sent a great e-mail out explaining why the differences in the contracts and explained about what would happen if they are not ratified and he cautions the majority as we go down this path, we may be opening ourselves up for Union problems with arbitration. He reads from her e-mail regarding consequences if the Fire contract is not approved and it is a 4% increase to be added back into the contract. She also states contracts will go into binding arbitration. She discusses the contract would cost between \$50,000 and \$75,000 for binding arbitration plus expenses. They would pay heavy legal fees.

The Acting Chair, seeing no further discussion, calls for the vote. It is eleven aye votes by Council Members Serra, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Faulkner, Kleckowski, Bauer, and Drew; and one nay vote by Councilman Streeto. The Chair states the matter passes with eleven aye votes and one nay vote.

Resolution No.
File Name
Description

57-11
cclocal1073agreeextto2014.doc
Approving the negotiated extension of agreement between Fire Union Local #1073 International Association of Firefighters, AFL-CIO and the City of Middletown of their July 1, 2007 through June 30, 2012 bargaining agreement, with said agreement in full force and effect except for negotiated revisions to certain articles, as noted in the resolution, through June 30, 2014.

(Approved)

Whereas, the Fire Union, Local #1073, International Association of Firefighters, AFL-CIO and the City of Middletown have agreed to a two year extension of their agreement of July 1, 2007 through June 30, 2012 with each and every article remaining in full force and effect except for certain revisions; and

Whereas, the revisions to the agreement are to Article XXV, Wages shows a 2.14% increase on July 1, 2011 through June 30, 2012; a 1.86% increase from July 1, 2012 through June 30, 2013; and an increase based upon the Consumer Price Index as of December 30, 2013 for an increase from July 1, 2013 through June 30, 2014; Article XXVI, Duration with said agreement extension to June 30, 2014; Article XXI, Health and Safety Miscellaneous, Section 13 to include an Evergreen Clause and the clause regarding employees eligible for emergency call-back mile radius from City Hall.

Now, Therefore Be it Resolved by the Common Council of the City of Middletown: That the tentative agreement between the Union Local #1073 and the City of Middletown is hereby approved with the agreement from July 1, 2007 to June 30, 2012 provisions in effect except for those noted revisions in the tentative agreement, until June 30, 2014.

Financial Impact: Total Cost is not determined. The actual savings is \$70,000 for this fiscal year deferred to the second fiscal year. CPI cannot be determined for December 31, 2012 for the 7/13 to 6/14 fiscal year. See memo from Finance Director attached to agenda item 11-14.

Agenda Item
Description

11-16
Resolution – Police Union 1361 Contract Extension

Councilman Pessina moves agenda item 11-16 for approval and is seconded by Councilman Bauer. The Acting Chair asks for discussion.

Councilwoman Kasper states this agreement with Police Union 1361 that they discussed and the agreement is for two years; there is no concession for health benefits or increase of co-pays. The contribution for health insurance is based on last year's cost and will cost an estimated \$17,000. On the pension side, the actuarial value of including the increase in wages the second year along with the uniform allotment will increase to \$380,000 and the actual cost is \$422,000 over 2 years and the actuarial wanted to know if the 6.5 would be included and the numbers have included that, but the other issue is the value of future benefits for the pension is \$680,000 and that is more than the taxpayer can handle and she will not support it.

Councilman Streeto states his opposition is based on the last two contracts and he will not support this.

Councilman Drew states he appreciates Councilman Streeto's concerns, but it cannot be considered. He thanks them for stepping up and taking a wage freeze for this one and it was estimated \$400,000 for two years and an estimated \$600,000 for the pension and the total cost is just shy of \$1.3 million.

he Acting Chair calls for further discussion; seeing none, he calls for the vote. It is four aye votes by Council Members Bibisi, Pessina, Kleckowski, and Bauer and eight nay votes by Council Members Serra, Klattenberg, Daley,

Santangelo, Kasper, Streeto, Faulkner, and Drew. The Chair states the matter fails with 4 aye votes and eight nay votes.

Resolution No.
File name
Description

58-11
cclocal1361extagr11-13.doc
Approving the negotiated extension of agreement between the Police Union Local #1361, AFSCME, AFL-CIO, Council #15 and the City of Middletown of their July 1, 2006 through June 30, 2011 bargaining agreement with said agreement in full force and effect except for negotiated revisions to certain articles, as noted in the resolution, until June 30, 2013.

(DEFEATED)

Whereas, Police Union Local #1361, AFSCME AFL-CIO, council #15 and the City of Middletown have agreed to a two year extension of their July 1, 2006 through June 30, 2011 bargaining agreement subject to certain terms and conditions; and

WHEREAS, Article 4, Wages; Article 21, Uniforms and Clothing; Article 20, Health and Dental Insurance; Article 25, Pensions, Sections 2 and 3; Article 1, Recognition; Article 9 Hiring and Promotions; Article 5, Overtime; Article 27, miscellaneous Provision regarding memoranda and or letters of understanding; and Article 30, Duration have been discussed and revised with said revisions to apply through June 30, 2013 along with the remainder of the provisions of said agreement.

NOW, THEREFORE, BE IT REVISED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That said tentative agreement is approved with the changes and revisions stipulated in the agreement between the City of Middletown and Local #1361, AFSCME AFL-CIO Council #15 along with The remainder of the provisions of said agreement from July 1, 2011 through June 30, 2013.

Financial Impact: Total cost for the two year contract extensions \$414,221. No additional funds are required to implement this in FY 2011-12 budget as presented by the Mayor. See memo from Finance Director attached to agenda item 11-14

Agenda Item
Description

8
Old Business

Councilman Faulkner moves old business, resolution 51-11 regarding the amended Citizen Participation Plan for approval and his motion is seconded by Councilman Bauer.

Motion To Refer

Councilwoman Kasper moves to refer this item back to committee, the Citizens Advisory Committee because it hasn't been discussed there; her motion is seconded by Councilman Serra.

The Acting Chair calls for the vote. It is approved with ten aye votes by Council Members Serra, Klattenberg, Pessina, Bibisi, Daley, Santangelo, Kasper, Streeto, Kleckowski and Drew; and two nay votes by Council Members Faulkner and Bauer. The Acting Chair states the motion is approved and referred back to committee

Resolution No.
File Name
Description

59-11
PCD_CPPamendment2011res.doc
Approving adopting the amended Citizen Participation Plan that changes the amendment process for Consolidated Plans and Annual Plans to comply with federal regulations.

(REFERRED TO CITIZEN ADVISORYCOMMITTEE)

WHEREAS, the City of Middletown receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing & Urban Development (HUD) as an entitlement community; and

WHEREAS, the final rule was published on January 5, 1995 in the Federal Register for the Consolidated Submission for Community Planning & Development Programs; and

WHEREAS, the City of Middletown an annual entitlement to benefit low and moderate income residents and reduce slum and blight; and,

WHEREAS, pursuant to the HUD final rule, the City of Middletown has a Citizens Advisory Committee which advises the Common Council on the use of its annual CDBG entitlement and the Citizen Participation Plan provides the framework with which these recommendations are formulated and vetted by the Committee, Common Council and the public; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: adopt the amended Citizen Participation Plan that changes the amendment process for Consolidated Plans and Annual Plans to comply with federal requires.

FINANCIAL IMPACT STATEMENT

The proposed amendment is not fiscal in nature, but deals with membership and process. The multiple approaches to allocating funds could require multiple legal notices costs, but planning could consolidate these notices to minimize additional administrative costs for the program.

**Agenda Item
Description**

**9
Department, Committee, Commission Reports and Grant Approvals**

Councilman Serra reads and moves for approval 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, and 9I; Councilwoman Kasper seconds the motion. The Acting Chair calls for the vote on the items that have been moved and seconded. It is unanimous to approve with twelve aye votes. The Acting Chair states they are accepted/adopted unanimously.

**Agenda Item
Description
(Approved)**

**9A
Town Clerk Certification
April 29, 2011**

I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on April 4, 2011 at 7:00 p.m. and specials meetings on April 4, 2011 at 6 p.m. and April 14, 2011 at 7 p.m., have been advertised in the local newspaper.

Attest:
Sandra Russo Driska
City & Town Clerk

**Agenda Item
Description
(Accepted)**

**9B
Monthly Reports
Finance Department – Transfer Report to March 25, 2011
Public Works Monthly Report with summary Bldg Permits for March, 2011**

**Agenda Item
Description
(Approved)**

**9C
Grant Confirmation and Approval – Board of Education, Various Grants**

Name of Grant: As Listed Below
Amount Requested: \$2,850,895.45
Code: 2450-33000-59405
Grant Period: **From:** 7/1/2010 **To:** 6/30/2011
Type of

Amount Loaned from General Fund: \$0.00
Department Administering Grant: Middletown Board of Education
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
769 - Middletown Teen Theater \$9,220; 771 - School-Family-Community Partnerships \$7,500; 822 - High School Pathways \$2,200; 829 - Reaching For Respect-Youth Services \$3,500; 840 - Excess & New Cost Special Ed \$2,167,885; 844 - Even Start Family Literacy Program \$1,678; 852 - Universal Service Fund \$40; 854 - United Way-Youth Services Development \$24.30; 876 - Hartford Symphony \$13,484; 892 - 21st. Century Community Learning Center \$575; 700 - Food Services Receipts \$289,501.45; 801 - Cigna Certified & Paras \$293,041.35; 803 - Workers' Compensation \$6,330.94; 804 - Preschool Program Fees \$6,843; 806 - SWAGG Parent Fees \$45; 807 - Aetna Classified \$112.21; 809 - Maintenance/Rentals \$32,296.86; 833 - Adult Education Receipts \$3,173.84; 893 Fingerprinting Receipts \$192.50; 895 - Special Education Tuition Reimbursement \$322; 898 - Student Activities-M.H.S. \$11,200; 901 - Keigwin Parent Fees \$150; 902 - Student Activities-W.W.M.S. \$1,580 Total Special Programs Through 3/10/2011 \$12,944,263.23 ADDITIONS \$2,850,895.45 Total Special Programs Through 4/14/2011

Requested by: Michael J. Frechette, Ph.D.

**Agenda Item
Description
(Approved)**

**9D
Grant Confirmation and Approval – Park and Recreation, Activity Acct.**

Name of Grant: Parks and Recreation Activity Account
Amount Requested: \$70,000.00
Code: 2210-32000-59022
Grant Period: **From:** **To:**
Type of Local

Amount Loaned from General Fund: \$0.00
Department Administering Grant: Parks and Recreation Department
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
To pay salaries, supplies for outreach and inclusion programming. To pay for other programs, staff and supplies for the various programs that we offer through the Parks and Recreation Department that are not directly funded by the City. We pay for bus trips and staff from this account. We make purchases of equipment that is needed for some of these programs.

Requested by: Raymond Santostefano

Agenda Item Description
(Approved)

9E
Emergency Purchase – Parks and Recreation, W. I. Clark. Repair to John Deere Backhoe/Loader

Agenda Item Description
(Accepted)

9F
Tax Collector’s Suspense Report

Agenda Item Description
(Approved)

9G
Grant Confirmation and Approval – Public Works, Generator for City Hall

Name of Grant: Emergency Operations Center/Shelter Generator
Amount Requested: \$137,841.00
Code: 3222-22000-55124
Grant Period: **From:** 5/1/2011 **To:** 6/30/2012
Type of State
Amount Loaned from General Fund: \$137,841.00
Department Administering Grant: Public Works/Information Technology
 When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Grant:
 The Department of Emergency Management and Homeland Security has awarded the City of Middletown \$137,841 towards the purchase of a generator to relocate the Emergency Operations Center/Shelter to the Municipal Building. The remainder of funding for the generator will come from bond funds.
Requested by: **W. Russo**

Agenda Item Description
(Approved)

9H
Grant Confirmation and Approval – Mayor’s Office, School Readiness, Storytelling

Name of Grant: School Readiness - Storytelling
Amount Requested: \$2,000.00
Code: 2350-333000-5905
Grant Period: **From:** 5/2/2011 **To:** 6/30/2012
Type of Local
Amount Loaned from General Fund: \$0.00
Department Administering Grant: Mayor's Office/Board of Ed/School Readiness Council
 When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Grant:
 Middlesex County Community Foundation has donated funds to be used for storytelling for children in the school readiness programs.
Requested by: Deputy Mayor Joseph Bibisi

Agenda Item Description
(Approved)

9I
Grant Confirmation and Approval – Mayor’s Office, School Readiness, Books for Children

Name of Grant: School Readiness - Books for Children
Amount Requested: \$500.00
Code: 2350-33000-59050
Grant Period: **From:** 5/1/2011 **To:** 6/30/2012
Type of Local
Amount Loaned from General Fund: \$0.00
Department Administering Grant: Mayor's Office/board of Ed/School Readiness Council
 When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Grant:
 Middlesex County Community Foundation has donated funding for the purchase of books for children in the school readiness programs.
Requested by: Deputy Mayor Joseph Bibisi

Agenda Item Description
(Approved)

10
Payment of City Bills

Councilman Serra moves to pay all bills that have been properly approved. Councilwoman Kasper seconds the motion. The Acting Chair calls for the vote. The matter is approved with eleven aye votes by Council Members Serra, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto,

Faulkner, Kleckowski, and Drew; and one nay vote by Councilman Bauer. The Acting Chair states the matter is approved with one in opposition.

Agenda Item 11
Description Ordinance and Resolutions

Agenda Item 11-1

Councilman Serra reads and moves for approval agenda item 11-1; his motion is seconded by Councilman Pessina. There is no discussion. The Acting Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No. 60-11
File Name ccruisenite2011.doc
Description Approving co-sponsoring Cruise Night On Main Street with the Middlesex County Chamber of Commerce on June 15, 2011 from 4:30 p.m. to 8:30 p.m. with rain date scheduled June 22, 2011.

(Approved)

WHEREAS, the Central Business Bureau of the Middlesex County Chamber of Commerce is planning to hold its 14th annual "Cruise Night On Main Street" on June 15, 2011 from 4:30 p.m. to 8:30 p.m. with the rain date scheduled for June 22, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the City of Middletown proudly accepts the position of co-sponsor for the 2011 "Cruise Night On Main Street" along with the Central Business Bureau and the Eastern Chapter of the Over the Hill Gang Car Club and that this event be recognized as a special event and that Section 218-9 C of the Middletown Code of Ordinances be in effect for this event; and

BE IT FURTHER RESOLVED: That fees including personnel, for the showmobile cannot be waived; and

BE IT FURTHER RESOLVED: That the Common Council of the City of Middletown authorizes the Middletown Police Department to restrict non-essential vehicular traffic on Main Street between Washington Street and Williams Street; and

BE IT FURTHER RESOLVED: That the Common Council does request that the Departments of Public Works and Park and Recreation, Economic Development, Police, Fire, and Health render all such assistance and support as may be required to ensure the public health and safety for this event; and

BE IT FURTHER RESOLVED: That the City of Middletown shall expend nor more than \$10,000 for said event without further councilmanic approval; and

BE IT FURTHER RESOLVED: That the Organization receiving funding from the City be requested to file a report to the City indicating the expenses and accomplishments for the City of Middletown.

Financial Impact: The Fire Department posts an EMS crew at these events with one firefighter and one Lieutenant at a cost of \$95 per hour with a current cost estimated at \$600; Police, the cost in the current budget is \$3,189; Park and Recreation will use eight employees at straight time for a cost of \$563; Public Works has no cost; because they do not use the showmobile; Health, the cost is \$100. per event.

Agenda Item 11-2

Councilman Klattenberg reads and moves for approval agenda item 11-2; his motion is seconded by Councilman Serra. The Acting Chair, seeing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No. 61-11
File Name ccroadrace2011.doc
Description Approving hosting the Citizens Bank 5K Summer fun Run scheduled for July 20, 2011.

(Approved)

WHEREAS, the City of Middletown has served as the Host City for the "Citizens Bank 5K Summer Fun Run" with over 700 participants; and

WHEREAS, Citizens Bank is the title sponsor for this year's event along with the Downtown Business District and Middlesex Chamber's Central Business Bureau; and

WHEREAS, this year's event will be held on July 20, 2011

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That, together with the Mayor, the Common Council congratulates the sponsoring organizations for organizing an excellent race event which attracts participants from throughout Connecticut; and

BE IT FURTHER RESOLVED: That the Common Council of the City of Middletown proudly accepts the position of Host Community and co-Sponsor of the 2011 Citizens Bank 5K Summer Fun Run event along with Citizen's Bank, the Downtown Business District and Central Business Bureau; and

BE IT FURTHER RESOLVED: That the Common Council of the City of Middletown authorizes the Middletown Police Department to restrict non-essential vehicular traffic on the 3.1 mile (5K) race course; and

BE IT FURTHER RESOLVED: That the Common Council does request that the Departments of Public Works and Park and Recreation, Economic Development, Police, Fire, and Health render all such assistance and support as may be required to ensure the public health and safety of the many race participants and observers.

BE IT FURTHER RESOLVED: That the costs and fees, including personnel and subsidiary expenses for the Showmobile cannot be waived; and

BE IT FURTHER RESOLVED: That the City of Middletown shall expend no more than \$5,000 for said event without further councilmanic approval; and

BE IT FURTHER RESOLVED: that the Organization receiving funding from the City be requested to file a report to the City indicating the expenses and accomplishments for the City of Middletown.

Financial Impact: The Fire Department posts an EMS crew at these events with one firefighter and one Lieutenant at a cost of \$95 per hour with a current cost estimated at \$600; Police, the cost is estimated at \$4,873.; Park and Recreation has no costs related to this event; Health, the cost is about \$100 per event.

Agenda Item 11-3

Councilman Santangelo reads and moves for approval agenda item 11-3; his motion is seconded by Councilman Serra. Councilman Santangelo states he has been involved with the program from the beginning and for the first one, 920 motorcycles showed up and last year there were 4,000 motorcycles and 10,000 people. Larry McHugh stated that he spoke with a restaurant owner who told him that what happened on that night was enough to keep him in business for a month.

The Acting Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

**Resolution No.
File Name
Description**

**62-11
ccmotorcyclemania2011.doc
Approving co-sponsoring Middletown Motorcycle Mania the Central Business Bureau of the Middlesex Chamber scheduled for August 10, 2011 with rain date for August 17, 2011.**

(Approved)

WHEREAS, the Central Business Bureau of the Middlesex Chamber are planning to hold its 6th Annual iMiddletown Motorcycle Maniaï on August 10, 2011 with the rain date scheduled for August 17.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the City of Middletown proudly accepts the position of c-sponsor for the iMiddletown Motorcycle Maniaï and that this event be recognized as a special event and that Section 218-9 C of the Middletown Code of Ordinances be in effect for this event; and

BE IT FURTHER RESOLVED: That all fees, including personnel and subsidiary fees, cannot be waived for the use of the showmobile; and

BE IT FURTHER RESOLVED: That the Common Council of the City of Middletown authorizes the Middletown Police Department to restrict non-essential vehicular traffic on Main Street between Washington Street and Williams Street; and

BE IT FURTHER RESOLVED: That the Common Council does request that the Departments of Public Works and Park and Recreation, Economic Development, Police, Fire, and Health render all such assistance and support as may be required to ensure the public health and safety for this event; and

BE IT FURTHER RESOLVED: That the City of Middletown shall expend not more than \$10,000 for said event without further councilmanic approval; and

BE IT FURTHER RESOLVED: that the Organization receiving funding from the City be requested to file a report to the City indicating the expenses and accomplishments for the City of Middletown.

Financial Impact: The Fire Department posts an EMS crew at these events with one firefighter and one Lieutenant at a cost of \$95 per hour with a current cost estimated at \$600; Police, the cost is estimated at \$4800; Park and Recreation will spend \$563 for two hours of straight time; Health, the cost is about \$100 per event.

Agenda Item 11-4

Councilwoman Kasper reads and moves for approval agenda item 11-4; her motion is seconded by Councilman Pessina.

The Acting Chair asks if there is any discussion Councilman Bauer states he will support it and he asked during the questions this is a matter that

affects a person elected and it didn't go to the City Attorney and the details do matter as we discussed with the \$5,000. This is another issue that should be discussed. He will support it.

The Acting Chair calls for a discussion. Councilman Bauer states he will support this, but he asked if this affects a person who is elected and it was not brought up to the City Attorney. There is no further discussion. The Acting Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No.
File Name
Description

63-11
peregistrarofvoters.doc
Approving the continuation of the stipend for the Democratic Registrar of Voters through June 30, 2011 and approving the Deputy Registrar of Voters receiving the stipend of Registrar of Voters for acting as the Registrar during the Registrar's recovery from serious illness.

(Approved)

Be it resolved by the Common Council of the City of Middletown:

That the Council shall approve the continuation of the stipend for the Democratic Registrar of Voters while she recovers from a serious health issue through June 30, 2011; and

Be It Further Resolved: That the Deputy Registrar of Voters shall be made acting Registrar of Voters and receive the stipend of the Registrar through June 30, 2011; and

Be It Further Resolved: That funds sufficient to cover the costs of these stipends exist in the Voters Salary Part Time line item #1000-09000-51215; and

Be It Further Resolved: That no additional part time staff shall be hired or paid for through the end of the fiscal year FY2010-2011.

Fiscal Impact: No fiscal impact. Cost of \$10,000 is available in line item 1000-09000-51215

Agenda Item

11-5

Councilman Faulkner reads and moves for approval agenda item 11-5; his motion is seconded by Councilman Pessina.

Motion to Amend

Councilman Drew offers a friendly amendment to reduce the Salvation Army from \$10,000 to \$5,000; Russell Library \$10,000; St. Vincent DePaul/Amazing Grace \$5,000; Middlesex Business and Industry \$12,040, Kuhn Employment \$2,500; Connecticut Legal Services \$2,500, Middletown Senior Center to -0-, Bin de Soleil \$20,000; Middletown United Fathers \$5,588.42; Northend Action Team \$12,650; Community Health Center \$15,345; Middletown Public Schools for Hall House \$46,300, Gilead Community Services for improvements to affordable housing \$41,000; add Nehemiah at \$36,000; Remington Rand \$100,000; Scholarship Program \$20,000; Micro Grant Loan Program \$10,000; Small Business Creation \$50,000; and Program Administration \$76,000. Councilman Serra seconds the amendment.

Councilman Drew states the changing in the building line is for a number of reasons. He asked the Planning Director what the \$87,000 was going to be used for. The Planning Director said for ADA improvements and possibly an elevator. The money won't be accessed until the end of the fiscal year or the beginning of the next fiscal year. It was the same reason they spoke to Public Works and that is why they took money out of this year's operating budget because the expenses won't be born this year. There are other organizations with needs at this point and the money could be appropriated next year. The money would be unused until next year when in this economy we have others who could use this money at this time. Bonding rates are so low, we could bond the entire project and it could go on the ballot on election day. They are not reducing the cost, this approach is fiscally responsible. He hopes he has the Council will support on the changes.

Councilman Klattenberg responds to Councilman Drew's recommendations. As a point of information and we can get clarification from Councilman Faulkner who serves on CAC and these recommendations for the amounts came from CAC. This recommendation of taking \$87,000 and making it -0- will have a profound impact on the seniors and the senior center and despite the comment about the funding for CDBG, it was actually reduced and we are not sure about the funding for next year. The funds are available for two years and construction will take place and it would be used for ADA accessibility and it would be harmful to seek money next year when there is no guarantees of CDBG funding at this level and we don't know how the CAC will vote and he reminds Councilman Drew that since 1995 and the City began receiving CDBG funds, they have been made available and

accessible \$11 million and seniors only received \$71,000 and that represents 0.6% for senior citizens. He will not support the changes.

Motion to Refer

Councilman Streeto states he is torn because Councilman Drew made a compelling case for his position and partially because Councilman Klattenberg as co-Chair is in a position to have some idea of the immediate needs of that project. What he suggests is this should be referred back to CAC for a full hearing on it; this issue merits extensive discussion outside of this body. He thinks he agrees with Councilman Drew and the funds are not needed this year and we have entities that could use the funds to help people who are hurting. That said, if the funds are needed near the end of this fiscal year, he understands Councilman Klattenberg's concerns. He moves to refer this to the Citizens Advisory Committee to investigate the question on relevant time lines. Councilman Bauer seconds motion.

Councilman Serra states the motion to send committee should be voted on first before discussion of the motion.

Councilman Bauer did ask to speak to the motion to it. Councilman Serra states he wants to speak to it, but it should be the motion to refer. Councilman Bauer states he does think it is a wise idea at the eleventh hour that we refer it back. The federal government has a different fiscal year than the City and he would like to know what the time periods are before we vote on the changes. If there is new evidence, it should be presented to them. He has concerns on the reprogramming of the money. There is only one thing we are spending money on that he questions and that is for Nehemiah and they got \$720,000 of CDBG funds and he hasn't seen a return and he would like to hear what they did before they throw more money at them for the project he believes it is for in the resolution.

Councilman Klattenberg did raise one question to Councilman Faulkner about whether the CAC voted on the numbers before us. Councilman Faulkner states he can't answer the question and the original numbers came out of CAC and he is not sure if the changes are from Planning or came out of CAC.

Point of Information

Councilman Serra states this council over the years has adjusted the programs before and it is not unique for tonight. The CAC is advisory to the Council as others are.

Councilman Pessina states what the Majority Leader says is true and last year we did this; however again he is worried about the message that is sent to the seniors out there.

Councilman Serra states if we are not going to vote on the vote to refer, then he would like to address the issue.

The Acting Chair states the motion is to refer to committee. Councilman Daley states what Councilman Serra says is true; we have in the past modified the recommendations that came from CAC and every time we have done that he has been chastened by the fact we did because I know how seriously the CAC members take their responsibilities. I also know that unfortunately he was not hear for questions to directors so he doesn't know if it was discussed with Mr. Warner but he know there are restrictions on how CDBG can be allocated. I just think it is important to have it clarified and the proposed amendment meets the criteria. He is hesitant to proceed along without knowing if allocations meet the CDBG requirements and to make sure the CAC has the opportunity to do their job. It is their job to weigh these ideas and I think referring it back to CAC is the right think to do and he will support that motion.

Point of Information

Councilman Serra states this is recommended by CAC; it has been scrutinized and it says that on the resolution. He reads from the resolution the date of April 28, 2011.

Councilman Drew states to address councilman Klattenberg and Daley's concerns, the money he adjusted is all weighted properly according to the percentages. Some were recommended by the committee and but not the ones in the bricks and mortar categories. The final numbers coming from HUD is what Mr. Warner based his recommendations. Those numbers came in after CAC did their work; that is his understanding. The Planning Director acknowledged during questions that they won't need the money this year and the second thing he said is they will get an appropriation from HUD next year. The majority of the public asked the Council not to take away dollars from their program needs. The Acting Chair states focus on the motion to refer. Councilman Drew states I wanted to address those points.

Councilman Serra states he has waited to speak and everyone else is speaking and this is now referred to committee. The Acting Chair rules Councilman Serra out of order and recognizes Councilman Klattenberg. Councilman Serra states he has spoken already. Councilman Klattenberg states he will defer to Councilman Serra.

Councilman Serra states to depict this as just a senior center is wrong; it is a community office complex. It is not just a senior center. But for me, it was legislated by this body and since it was, he will support it and it needs to happen appropriately with bricks and mortar. It needs to be planned and the financial planning needs to be done, how we will fund it. Because it was legislated he will support the proper plan of bricks and mortar and financial planning and that has not been done. Using CDBG funds, he will not support it. He will support an appropriate financial plan and until that happens he will not support the nickel and diming of it. Do it right; we legislated it and he will support it but do it properly.

Councilman Klattenberg states he will respond to those thoughts;; this body did approve this plan because when the presentation was made, what was presented on the slides and in the package was that funding would be from various sources to minimize impact on taxpayers. The funds available for this project, will be better supported by the tax payers. For every source that becomes available, it helps the project and reduces the cost to taxpayers.

Councilman Pessina states he will support what Councilman Klattenberg stated. He doesn't want to go out to bond because we are getting different sources of money for the project. That was the goal for this project. The other concern is we tried to provide a senior center for no less than 18 years; now we have a location that we are excited about and the way government is I would not throw the dice to say we will get sufficient money so we can receive the \$87,000 next year. It is an opportunity to reduce the tax payer burden. We are actively going out for a request of qualifications for an architect and if it works it could be the end of this year and I think there is some kind of timeline attached to the grant money and I think the Planning Director was concerned about approving this and meeting the timeline. I would not put the wrong message out there for the seniors. We will move some departments out there and it is not the same size and scope; this is a senior center with additional meeting space and departments to service the public. I will not support a change in this resolution especially when it says - 0- for the senior center; there are too many variables out there.

Councilwoman Kleckowski states CAC members work hard deliberating about the money. I am in agreement to move it forward to CAC but do have a problem not receiving the proposal ahead of time and she has a problem that the director made changes. If we move it forward, CAC, out of respect for them, we should move this forward to CAC so they can vote to accept the proposal or the changes.

Councilman Streeto states he agrees with Councilman Serra; we need to do the project right and there is a not a lot of data flying around. There is difference opinion of what the Planning Director said and I heard what Councilman Drew heard. I think referring back to committee will clarify what exactly the details are for the \$87,000 of funding that is available for different projects before we allocate it anyway. He urges everyone to vote to refer it to committee.

Councilman Serra states we talk about tax payer dollars; lets do this properly and get the plans for the fiscal part of the project and how to finance this. What occurred with the buying is we utilized \$800,000 of a bond premium and if we bonded it, we could have used the \$800,000 for the next budget; a 1/10th mill decrease is because of utilizing bond premium. If we used \$800,000 for the budget it would be a 4/10ths mill decrease. He will support it if done properly and will advocate for this.

Councilman Drew states the night the purchase of Eckersley Hall was approved, member after member of the social service groups got up to the podium and asked the Council not to use CDBG or LoCIP funds because it would take away from work they do in other parts of the community. There are groups that have real needs right now that didn't get funding anywhere near it. Gilead wants money for improvements for an apartment house. And if you go back and look at the minutes, you were one of the people that would not use CDBG or LoCIP for the project. It is not about sending a message to the seniors and he is not talking about short changing it. He will support it and the Council's responsibility is to make it happen. By passing this tonight, we will keep resources from organizations that help people survive with a need today. If we approve it, this money will sit in an account for the next year. It is about helping human beings.

Councilman Bauer states these changes, a lot came up and yes, we have done changes in the past and he has not seen changes of this large amount. It is unprecedented and I do agree with the comment that CAC is ultimately advisory, but the quality of the advise is we continually bypass or ignore them, over time we will degrade the quality of the advise if we continue to send them the message that you go through the motions and we will do what we will do. The other thing he heard is that there are issues about how the building was purchased, but I have been watching the Building Committee and he has not seen them do anything improperly. They are doing an exemplary job to move the project forward. He refers to the resolution and it was represented that we can change all the numbers on the front and still refer to the recommendation of the CAC on page 2; how can you change things on the document and have a recommendation on the second page and still say they recommended it. You have to change the second page. The CAC, we have no right to assume, they are recommending the new numbers.

There is no further discussion. The Acting Chair calls for the vote on the motion to refer. It is approved with nine aye votes by Council Members Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto, Kleckowski, and Bauer; and three nay votes by Council Members Serra, Faulkner, and Drew. The Chair states the matter passes with nine affirmative votes and three in opposition.

Resolution No.
File Name
Description

64-11
PCD2011_CDBG_Ent.doc
Approving amending the Consolidated Plan for Housing and Community Development to include the Remington Rand Small Business Incubator as eligible strategy for CDBG funds and replace Strategy 1 with Jobs Strategy; approving the Entitlement appropriations for 2011 as listed in the resolution; approving the budget modifications which decrease the 2010 Entitlement Line item entitled Middletown/Econ Dev Job Incentive by \$75,000 and increasing the 1999 Entitlement line item Remington Rand Incubator by \$75,000 and Residential Rehab Loan Fund Balance by \$14,834.37 into Program Income, Expenditure account entitled Middletown Remington Rand Incubator line; and authorizing the Mayor to submit the Consolidated Plan amendment and the 2011 Annual Action Plan to access the \$400,000 in CDBG entitlement funding and program income.

(REFERRED TO CITIZEN ADVISORY COMMITTEE)

WHEREAS, the City of Middletown receives Community Development Block Grant (CDBG) funds from the US Department of Housing & Urban Development as an entitlement community, and

WHEREAS, the final rule was published on January 5, 1995 in the Federal Register for the Consolidated Submission for Community Planning & Development Programs; and,

WHEREAS, the ongoing receipt of CDBG funds is conditioned upon the drafting and adoption of a Five Year Consolidated Plan of Housing and Community Development under federal regulations [24 CFR 91.1(a)(2)], and the drafting and adoption of an Annual Action Plan; and,

WHEREAS, such a Consolidated Plan amendment and 2011 Annual Action Plan have been properly drafted and subject to due review by the public and by the Citizens' Advisory Committee pursuant to the HUD final rule; and,

WHEREAS, the Citizens' Advisory Committee has seen fit to recommend approval and adoption of this Consolidated Plan amendment,

WHEREAS, the City of Middletown expects to received \$380,268 in Community Development Block Grant funds for the 2011 entitlement year ; and,

WHEREAS, the City of Middletown has \$79,834.37 in old entitlement and program income funds and expects to received \$10,000 in program income during the 2011 entitlement year; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor and the Common Council of Middletown hereby amend the *City of Middletown Consolidated Plan for Housing & Community Development September 1, 2010 to August 31, 2015* to include the Remington Rand Small Business Incubator as an eligible strategy for CDBG funds under Priority #1 and replace strategy 1 with: Jobs Strategy 1- Creation of a small business incubator at the Remington Rand facility.

BE IT FURTHER RESOLVED: That the following 2011 Entitlement appropriations are hereby approved:

Organization	Program/Project	Grant Amount
Salvation Army	Teen Center	\$10,000
Russell Library	Job and Career Services	\$10,000
St. Vincent DePaul	Amazing Grace Food Pantry	\$5,000
Middlesex Business & Industry Foundation	Worker Preparation Program	\$5,000
Kuhn Employment Opportunities	Mobile Work Crew	\$5,000
Connecticut Legal Services	Housing Legal Aid	\$5,000
City of Middletown	Senior Center	\$87,250.95
City of Middletown	Bin de Soleil	\$20,000
Middletown United Fathers	Community Garden	\$5,588.42
North End Action Team	North End Parks	\$12,650

Community Health Center	Handicapped Lift	\$15,345
Middletown Public Schools	Hall House Building Improvements	\$30,000
Gilead Community Services	Improvements to Affordable Housing	\$14,000
City of Middletown	Remington Rand Incubator	\$10,165.63
City of Middletown	After-School Scholarship Program	\$20,000
City of Middletown	Micro-grant/loan program for Seniors	\$10,000
City of Middletown	Small Business Creation/Expansion Incentive	\$50,000
City of Middletown	Program Administration	\$76,000

BE IT FURTHER RESOLVED: That the following budget modifications be made:

DECREASE

2010 Entitlement

Line Item 3215-14000-57030-0000-03667-2010-000	Middletown/Econ Dev Job Incentive	\$75,000
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Program Income- Fund Balance

Line Item 3960-00300-30320-0000-00000-0000-900	Residential Rehab Loan Fund Balance	\$14,834.37
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INCREASE

1999 Entitlement

Line Item 3215-14000-57030-0000-XXXXX-2010-000	Remington Rand Incubator	\$75,000
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Program Income- Expenditure Accounts

Line Item 3960-14000-57030-0000-XXXXX-0000-000	Middletown Remington Rand Incubator	\$14,834.37
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BE IT FURTHER RESOLVED: That the Mayor, as Chief Executive Officer of the City of Middletown, is hereby authorized to submit the *Consolidated Plan* amendment and *the 2011 Annual Action Plan* to access the \$380,268 in CDBG entitlement funding and program income; and,

AND BE IT FURTHER RESOLVED: That the Consolidated Plan may be updated and amended as necessary to reflect Community Development Block Grant programs approved by the Common Council and changing priorities of present and future potential grant recipients.

FINANCIAL IMPACT: The CDBG program allows for 20% of the entitlement amount to fund program administration which is used to offset the salary and operating costs to run the program. Staff time to over see these projects are fund with an \$76,000 reimbursement to the City through the CDBG program.

Agenda item 11-6

Councilman Daley reads and moves for approval agenda item 11-6; his motion is seconded by Councilman Santangelo.

Councilman Daley states we are utilizing the business and tax incentive ordinance to encourage the rebuilding of a building at 505 Main Street after the roof collapse and demolition of the building. This is prudent for the city. It is intended to provide that the taxes would be roughly the taxes on the land alone; it is important to recognize by encouraging the development we are intending to insure the construction of a 3-story building because it will fit better in the area and it provides the potential to have Class A office space. Projections indicate if the demolition of the building hadn't occurred only \$87,000 in taxes while it will be over \$350,000 of taxes over the next ten years plus the addition of jobs. It will preserve the streetscape that has been highly regarded in the area. He points out that the accounting firm, the primary tenant, has been on Main Street for over 30 years and are highly regarded and serve a lot of nonprofits. They currently have 18 employees. It was unanimously supported by Finance and Government Operations and originally came from Economic Development. He urges the Council's support for this.

Acting Chair Bibisi states he will support this as well. They have over 18 employees working in this building under the firm. It is a business on Main Street. With the reconstruction, it will put people back to work and will empower a lot of employment. He is thankful they will build 3 stories there.

Councilman Streeto offers language for clarification in the Now Be It Resolved paragraph to read (and waiver of building permit fees, subject to the vote of the Public Works Commission; if there is a second, I will speak to it. It is seconded. Councilman Streeto states the Public Works Commission has jurisdiction of building permit waivers. He doesn't believe there will be an issue for this and the members sitting on the commission will be willing to vote for this. He believes the proper protocol needs to be followed. He hopes it will be accepted as friendly amendment. Councilman Serra states by your vote tonight is that the Public Works meeting; Councilman Streeto responds he will yield to the Chair of the Public Works Commission.

Councilman Daley responds he wants to clarify, the building permit waivers you are referring to, he doesn't believe they were brought forward under the business tax incentive ordinance and this is a different thing. There is a specific ordinance that allows the Economic Development Committee and Council to approve building tax incentives under this program and that is

what we are doing tonight and it is not different than the Centerpoint program, where we approved the waivers and that did not go through public works. Councilman Streeto asks for an opinion from the Corporation Counsel. Corporation Counsel Howard reviews the ordinances. He states Ordinance 272-9 is a tax and business incentive and does allow waiving building permit fees. Councilman Streeto withdraws his motion.

Councilman Pessina states beyond the tax revenue and the jobs, it was a tragic event that happened and out of it Michael has put forward a proposal with Class A office space, business space. Take a walk to the north end it is exciting to see the development. You have Michaelis project, Community Health Center and Peter Hardingis building. You have Buttonwood and Green Street Arts program. We are experiencing a renaissance in the north end. He will support it for that reason. When the building is completed there will be store front office space and if I wanted to open a business on Main Street, space is a premium. You see all the new development, he is excited about the prospects of moving forward with this project. He will support this project or any project of this magnitude that will develop the north end of Main Street. He supports it, looks forward to this project and wishes Michael good luck.

Councilman Bauer states to the best of his knowledge, Councilman Streeto made an amendment and I seconded it. Councilman Streeto replies he withdrew the amendment after looking at the ordinance which included a provision he was not aware of. It is well taken under these circumstances. Councilman Bauer states if the amendment is withdrawn, he echoes Councilman Pessina's sentiments. He tells the developer that he is doing right by Middletown. On waiving the building permit fees, he might be more generous with the tax incentives than what he will save in building permit fees. He appreciates the vision he has and supports that. I think this will be very good for Middletown and the north end and his reservation is internal because he thinks it is dangerous waiving building permit fees; just because it is legal, it is not smart and sadly for that reason alone, I have to vote no on principal.

Councilman Drew states this is a great investment and Mr. DiPiro and Sokolowski could have taken off after the devastation to the building, but they decided to stay and make an investment in the community with a three story building. At the Economic Development Committee, not only is this good for Main Street, but for the City because we will collect our money and then some. We as a community owe a debt of gratitude to them for wanting to rebuild and continuing investing in that neighborhood.

Councilman Faulkner states he is another person who doesn't like the waiving of the building permit fees and he doesn't know if there is a legal issue that this affects and would prefer to stay away from that. He did not vote for the last one and will support this one. Councilman Streeto states to make deals, it sometimes happen that you do things might not happen otherwise or financing that might happen that would not happen otherwise. In consequence, the agreement taken as a whole is a good one for the community and one that we should implement and do so now.

Councilman Serra states he will support this; we all just invested \$46,000 in this project with the police overtime because it was for when 505 Main when it collapsed and we provided services and this is a second endorsement of 505 Main Street.

The Acting Chair, hearing no further discussion, calls for the vote. It is approved with eleven aye votes by Council Members Serra, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto, Faulkner, Kleckowski, and Drew; and one nay vote by Councilman Bauer. The Acting Chair states the matter is approved with eleven affirmative votes and one in opposition.

Resolution No.
File Name
Description

65-11
pcd505mainTaxBusinessIncentive.doc
Authorizing the Mayor to execute and deliver a tax fixing/abatement agreement with G & L Enterprises who will construct a three-story office building at 505 Main Street, with said taxes based on year 1 – 4, 5% of assessed value and Year 5 and beyond 100% of assessed value and approving the waiving the building permit fee pursuant to Section 272-9 of the Middletown Code of Ordinances (not including State fees).

(Approved)

WHEREAS, Guilmartin, DiPiro & Sokolowski LLC dba G & L Enterprises of Middletown CT, LLC (G&L) submitted an application under the Tax and Business Incentive Program (Reference: Section 272-9 of Middletown Code of Ordinances) requesting a four (4) year partial real estate property tax abatement, and

WHEREAS, G&L experienced an unusual and extraordinary circumstance with the collapse of their building at 505 Main Street, and

WHEREAS, G&L will construct a three story office building with retail space on the front of 50% of the first floor at 505 Main Street, and

WHEREAS, the development will add \$1,461,000 to the Grand List and generate \$35,755 in taxes per year (in comparison to \$8,100 for the previous building), retain 17 jobs in the City and create new retail and tenant office space, and

WHEREAS, at the April 11, 2011 Meeting of the Economic Development Committee (EDC) the Committee voted unanimously to recommend assisting Guilmartin, DiPiro & Sokolowski, LLC. by recommending a fixed four (4) year partial tax abatement and waiving building permit fees for the building to be built as described above.

Now, therefore, be it resolved that Common Council of the City of Middletown: That the Mayor is hereby authorized to execute and deliver a tax fixing/abatement agreement, with the Developer in the form as authorized by C.G.S 12-65b and Section 272-9 (F) of the Middletown Code of Ordinances, with the taxes based on - Year 1-4 5% of assessed value and Year 5 and beyond 100% of assessed value and waiver of building permit fee pursuant to Section 272-9 of the Middletown Code of Ordinances.

FISCAL IMPACT: To encourage the construction of a new three story retail/office building and all the benefits associated with same, the Tax and Business Incentive Program provides a 4 year \$135,868 tax abatement and waiver of \$26,000 in building permit fees. The development will generate \$221,680 in real property taxes over 10 years with numerous other benefits, including personal property taxes.

Agenda item 11-7

Councilman Daley reads and moves for approval agenda item 11-7; his motion is seconded by Councilman Streeto. There is no discussion. The vote is called. It is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No. 66-11
File Name pcdKennethDooleyHoldingsTaxBusinessIncentive.doc
Description **Authorizing the Mayor to execute and deliver a four-year partial tax abatement agreement with Kenneth Dooley Holdings, LLC, for the construction of a 7,100 sq. ft. office building and an 8,400 sq. ft. maintenance building valued at \$2.5 million on 39 acres of land south of Kenneth Dooley Drive.**

(Approved)

WHEREAS, Kenneth Dooley Holdings LLC (KDH) submitted an application under the Tax and Business Incentive Program (Reference: Section 272-9 of Middletown Code of Ordinances) requesting a four year partial real estate property tax abatement, and

WHEREAS, KDH will construct a 7,100 sf office building and a 8,400 sf maintenance building. The buildings valued at \$2.5 million will be built on 39 acres of land to the south of Kenneth Dooley Drive (Map 02 Lot 0345), and

WHEREAS, KDH will improve and lease the site to Modular Space Corporations Space (Modspace), a provider of modular buildings. Modspace's inventory of modular buildings has an estimated value of \$40 million in taxable personal property yielding \$100,000 in personal property taxes and employing 11 persons, and

WHEREAS, at the April 11, 2011 Meeting of the Economic Development Committee (EDC) the Committee voted unanimously to recommend assisting Kenneth Dooley Holdings, LLC by recommending a four year partial tax abatement, and

Now, therefore, be it resolved that Common Council of the City of Middletown: That the Mayor is hereby authorized to execute and deliver a tax abatement agreement, with the KDH in the form as authorized by C.G.S 12-65b and Section 272-9 (F) of the Middletown Code of Ordinances,

FISCAL IMPACT: To encourage business development, the Tax and Business Incentive Program provides a four year \$87,078 tax abatement. The development will generate \$233,735 in real estate property taxes over 10 years and \$100,000 in personal property taxes.

Agenda Item 11-8

Councilman Santangelo reads and moves for approval agenda item 11-8; his motion is seconded by Councilman Streeto. The Acting Chair, seeing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Acting Chair states the matte passes unanimously.

Resolution No. 67-11
File Name pcdmatabesetcanoealarm.doc
Description **Approving sharing the cost of the installation of an alarm system at 80 Harbor Drive, City-owned building, for the Metabasset Canoe Club by splitting the cost of the installation charges of \$13,775 by reducing rent for 7 months and providing the \$3,500 for the alarm box.**

(Approved)

Whereas, Matabasset Canoe Club, LLC (MCCLLC) is being required to install and connect the city owned building at 80 Harbor Drive to the City of Middletown fire alarm system, and

Whereas, at the April 11, 2011 meeting of the Economic Development Committee, the Economic Development Committee agreed to recommend to the Common Council that the Economic

Development Fund and MCCLLC split the \$13,775 cost of the installation of the alarm system, and

Whereas, the Economic Development Fund will pay for half of the installation through a reduction in monthly rent from \$2,070 to \$1,070 for 7 months, and,

Whereas, the MCCLLC will pay for the annual monitoring fee for the full term of the lease, and,

Whereas, the City of Middletown will provide the alarm box valued at \$3,500 and the MCCLLC will install the box at their cost, and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: The City of Middletown agrees to split the \$13,775 cost of the installation of the alarm system with the Matabasset Canoe Club by reducing the rent for 7 months and will provide the \$3,500 alarm box to the city owned building.

FINANCIAL IMPACT – There is no financial impact on the general fund. The Economic Development Fund will forgo \$7000 in rental income to assist the business. The City of Middletown will donate the \$3,500 alarm box to be installed in the city owned building.

Agenda Item 11-9

Councilman Streeto reads and moves for approval agenda item 11-9; his motion is seconded by Councilman Santangelo. The Acting Chair calls for discussion; hearing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No.
File Name
Description

68-11
wswaterCNRlineitemmainStNorthWater.doc
Approving the creation of a new line item in the Water Department's 2011 – 2012 CNR entitled Main Street Water Main Improvements for \$63,500 and approving the transfer of \$63,500 from the Water CNR Fund Balance into the new line item.

(Approved)

WHEREAS, the WPCA recommends to the Common Council the creation of a line item in the Water Department's 2011 – 2012 CNR for Main Street Water Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new line item be created in the Water Department's 2011/2012 CNR entitled Main Street Water Main Improvements in the sum of \$63,500, for design; and

BE IT FURTHER RESOLVED: That the a transfer in the amount of \$63,500 from the Water CNR Fund Balance into the New Line Item be approved.

Fiscal Impact: There are ample funds available in fund balance for this transfer, and this transaction will not increase rates.

Agenda Item 11-10

Councilman Drew reads and moves for approval agenda item 11-10; his motion is seconded by Councilman Pessina. Councilman Pessina is recognized and states the Park and Recreation Commission is in favor of doing this for the public to enjoy recreational activities during the winter months. The Director of Parks and Recreation discussed looking into putting in chillers for a longer skating season and it is the right place to put it. They will be able to skate safely. Councilman Faulkner asks if this went through the Risk Manager office for liability. Councilman Pessina states it did and it was vetted through the Risk Manager's Office.

Hearing no further discussion, the Acting Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Acting Chair states the matter is approved unanimously.

Resolution No.
File Name
Description

69-11
prskatingrink2011.doc
Approving the creation of a new line item in the Park and Recreation Department CNR entitled Portable Ice Skating Rink to purchase a 100 x 200 Porta-Rinx system and approving various transfers as stated in the resolution totaling \$10,874 into the new line item.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new line item in the amount of \$10,874 be created in the Park and Recreation Department CNR entitled Portable Ice Skating Rink to purchase a 100 x 200 foot Porta-Rinx system and approving a transfer from:

CNR line item 2070-32000-79577-00000-2011-000, Vehicle in the amount of \$1,051.40 into the new Portable Ice Skating Rink line item.

Line item 1000-26500-59200-0738-00000-0000-000 Youth Grant: Sports Matching Grants – Matching Funds in the amount of \$3,800 into the new Portable Ice Skating Rink CNR line item.

Line item 2210-32000-59022-0321-03205-0000-000 in the amount of \$6,022.60 into the new Portable Ice Skating Rink CNR line item.

The total amount of the transfer into the new Portable Ice Skating Rink CNR line item will be \$10,874.

Financial Impact: There is no financial impact as the money is already in the Parks and Recreation budget but will be re-allocated for this purchase.

Agenda Item 11-11

Councilman Drew reads and moves for approval agenda item 11-11; his motion is seconded by Councilman Pessina.

The Acting Chair asks if there is any discussion and recognizes Councilman Streeto who states that he was delighted the skateboard park is near completion and there will not be an admission fee. There was a bill by the State regarding immunity for recreational amenities that may be extended to cover municipalities and anyone on a subcommittee should keep track of that. If we get a municipal immunity, it would be a good thing and money savings from insurance could be used for more recreational services to the public. He urges the Council to approve this. Councilman Pessina thanks the Director of Park and Recreation; he sent out numerous letters and received donations and he received phone calls from the Boxing Commission who is delighted the City is doing this. It gives the right message to the people in town. It will be a Class A skating park and anything we can do for the children in the north end and the City is a good thing. It will be a safe place to do this activity. He states Willie Pep's son is invited to the grand opening. Acting Chair Bibisi states Willie Pep was a native of Middletown and lived on Court Place and he was 4 when he moved to Hartford; 14, he started boxing; 16, he became a professional; and at 18, became a champion and was beaten only once during 118 fights. His son still lives in Hartford.

The Acting Chair, seeing no further discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter is adopted unanimously.

Resolution No.
File Name
Description

70-11
prlocipforwilliepepparkfence.doc
Approving authorizing the Mayor to apply to the State of Connecticut for \$6,600 from the Local Capital Improvement Program to install a 6 foot fence at the Willie Pep Park, creating a new Capital Improvement line item entitled Willie Pep Park Fence in the amount of \$6,600 and approving a loan from the general fund in the amount of \$6,600 to be repaid upon receipt of LoCIP funds.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Sebastian N. Giuliano be authorized to sign an application to the State of Connecticut for \$6,600 from the Local Capital Improvement Program (LoCIP) to install a 6 foot high chain link fence installed by a State of Connecticut bid list vendor at the Willie Pep Park; and

BE IT FURTHER RESOLVED: That a loan from the General Fund in the amount of \$6,600 is hereby authorized and that said loan be paid from LoCIP grant receipts.

AND BE IT FURTHER RESOLVED: That a new Capital Improvement line item entitled Willie Pep Park Fence, in the amount of \$6,600, be added.

FINANCIAL IMPACT STATEMENT

There are insufficient funds in the Parks Budget or CNR budget to absorb the cost of the fence. The skate park must be secured for liability and vandalism.

Agenda Item 11-12

Councilman Streeto reads and moves for approval agenda item 11-12; Councilman Pessina seconds the motion. Councilman Klattenberg thanks Ordinance Study for putting the language together for the Senior Center fund. He also takes this opportunity to thank ReMax since they are the stimulus for doing this because of their charitable donation.

The Acting Chair calls for the vote on this matter and it is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Ordinance No.
File Name
Description

06-11
sec47-35 47-36 47-37.doc
Approving repealing Article XV and Sections 47-35 Purpose, Section 47-36 Administration and Section 47-37 Committee of Chapter 47 of the Middletown Code of Ordinances and approving a new Article XV entitled Middletown Senior Center Fund and new Section 47-35 Purpose, 47-36 Administration, and 47-37 Waiver.

(Approved)

Be it ordained by the Common Council of the City of Middletown: That Article XV and Section 47-35 Purpose, Section 47-36 Administration and Section 47-37 Committee of Chapter 47 of the Middletown Code of Ordinances is hereby repealed and new Sections 47-35, 47-36 and 47-37 are hereby enacted in their place to read as follows:

ARTICLE XV

[Community Center Campaign] Middletown Senior Center Fund

Section 47-35. Purpose.

There shall be a Fund created to be known as the [Community Center Campaign] **Middletown Senior Center** Fund to [incorporate all] **supplement** income and expenses associated with the [Community Center Campaign activities] **programming for the Middletown Senior Center**, including but not limited to [staffing,] materials, [and] supplies, equipment, **program coordination, facilitators, rentals renovation costs and travel in support of activities associated directly with the needs of the Center.**

Section 47-36. Administration.

[The monies appropriated by the City, donated or collected, will be held in a checking account with authorized signatures to include the Chairman of the Community Center Campaign Committee and the Mayor or his/her designee.] This fund shall be subject to audit in the same manner as other City Funds. The [Mayor's Office] **oversight and administration of this Fund will rest with the Director of Parks & Recreation who** shall file a quarterly income, expense and cash balance report on behalf of the [Community Center Campaign Committee] **Middletown Senior Center Fund**, to the Director of Finance and the Finance and Government Operations Committee. The Fund shall remain open until this Ordinance is repealed by the Common Council.

Section 47-37. [Committee] **Waiver.**

[There shall be a Committee of not more than 11 members, all of whom shall be electors of the City, including the following representation:

Former Section Deleted

- The Mayor or his/her designee;
- Not less than two members from the Common Council;
- Not less than one member from the Middletown Commission on the Arts;
- Not less than one member from Parks and Recreation;
- Not less than one member from Senior Services Commission;
- Not less than one member from Education;
- Not less than one member from Youth Services;
- Not Less than one member from a Civic Organization;
- Not less than one member from the public at-large.]

[Such committee shall oversee the Community Center Campaign activities as well as conducting a needs assessment and a feasibility study, and all other tasks assigned to them. They shall make recommendations concerning a Community Center to the Mayor and Common Council.]

The provisions of ordinance section 44-11, financial procedures concerning the receipt of grants, are hereby waived for donations to this Fund. Grants or contracts received by the Fund, however, if any, shall comply with the provisions of ordinance section 44-11 as well as any other applicable provisions of the Code of Ordinances or state or federal law.

Agenda Item 11-13

Councilman Klattenberg reads and moves for approval agenda item 11-13; his motion is seconded by Councilman Bauer. There is no discussion. the vote is called and it is unanimous to approve with twelve aye votes.

**Resolution No.
File Name
Description**

**71-11
boe049forvo-agproject4-11.doc
Approving the application ED-049 to apply for a grant to purchase a Vo-Ag bus for an estimated cost of \$50,000 with the Board of Education to pay 5% of the cost, approving the Board of Education to serve as the Purchase of Equipment Committee and authorizing a loan from the general fund to be repaid upon receipt of the grant funds.**

(Approved)

WHEREAS, the Vo-Ag school bus has been in use since 1982 and is in need of replacement; and

WHEREAS, the Board of Education has the opportunity to apply for a grant for a new 18-passenger bus for Vo-Ag use for an estimated cost of \$50,000; and

WHEREAS, the State grant will pay 95% of the cost, with the Board of Education paying 5% or an estimated \$2,500, if the State approves the grant application; and

WHEREAS, the City, through the vote of the Common Council, authorizes the Board of Education to file ED-049 applications for such projects.

Now, Therefore, Be it resolved by the Common Council of the City of Middletown: That the Board of Education of the City of Middletown is hereby authorized to file an application form ED-049, for the Middletown High School Vocational Agriculture Center Purchase of Equipment project, with the State of Connecticut, Department of Education; and

Be it further resolved: That the Mayor appoint the Board of Education to serve as the Middletown High School Vocational Agriculture Center Purchase of Equipment Committee and

Be it further resolved: That the Committee is hereby authorized to purchase the equipment outlined in the Educational Specifications upon final grant commitment by the State of Connecticut.; and

Be It further resolved: That a loan from the general fund in the amount of the grant or an estimated \$50,000, be approved with said loan to be repaid upon receipt of the State grant funds and the Board of Education appropriation.

Financial Impact: The City has to demonstrate funding for 100% of the cost, with the state then reimbursing 95%. The Board of Education would pay 5% an estimated \$2,500 which will come from the Vo-Ag's fiscal year operating budget for 2011-12.

Agenda Item 11-17

Councilman Faulkner reads and moves for approval agenda item 11-17; his motion is seconded by Councilman Bauer. The Acting Chair, seeing no discussion, calls for the vote. It is unanimous to approve with Twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No. 72-11
File Name ccculturalmebazaarcrossst2011.doc
Description **Approving co-sponsoring the Celebrate me Cultural Bazaar with the Cross Street AME Zion Church scheduled for June 18, 2011.**
(Approved)

Whereas, the second annual Celebrate Me Cultural Bazaar is scheduled for Saturday, June 18, 2011 and the City is invited to co-sponsor this event; and

WHEREAS, the purpose of the event is to strengthen our community and solidifying our relationships by embracing the diverse cultures that exist in our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Middletown accepts co-sponsoring this event which will benefit the community educationally, and culturally; and

BE IT FURTHER RESOLVED: That the Common Council cannot waive the fees for the use of the showmobile.

Agenda Item 11-18

Councilman Klattenberg reads and moves for approval agenda item 11-18; Councilwoman Kasper seconds his motion. There is no discussion. The Acting Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Acting Chair states the matter passes unanimously.

Resolution No. 73-11
File Name pwGeneratorCumminsBidWaiver.doc
Description **Approving a bid waiver in accordance with Section 78-8 of the Middletown Code of Ordinances to purchase accessories and/or services for the proper installation of a Cummins Generator at the Municipal Building with said expenses not to exceed \$495,000.**
(Approved)

Whereas, the City of Middletown was awarded a \$137,841 grant from the Department of Emergency Management and Homeland Security under the Emergency Operations Center/Shelter Generator Grant Program; and

Whereas, it is estimated that a Cummins generator fully installed and secured at the Municipal Building will cost approximately \$495,000; and

Whereas, the grant requires the project to be completed by August 31, 2011, and the State will not consider any extension requests; and

Whereas, in order to comply with the deadlines set forth in the grant, the Purchasing Department will not have sufficient time to bid the entire cost for the generator and installation; and

Whereas, the Purchasing Agent plans to utilize the federal government General Services Administration (GSA) bid for the Cummins Generator and a Cummins Transfer Switch and the State of Connecticut Trade Labor bid for electrical installation services; and

Whereas, additional accessories to the generator will be required that are not awarded on Federal or State contracts; and

Whereas, the Public Works and the Information Technology Departments have properly submitted the necessary paperwork to the Standardization Committee, which has approved the requested Bid Waiver with a 3-0 vote on April 27, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a bid waiver, in accordance with Section 78-8 of the Middletown Code of Ordinances, be approved to purchase any accessories or services, not awarded on a Federal or State contract, that are necessary for the proper installation of the Cummins generator.

FINANCIAL IMPACT STATEMENT

Funds for the generator will come from a State grant and bond funds.

Mayor's Appointments
(Approved)

Acting Chair Bibisi reads and moves the Mayor's appointments for approval and his motion is seconded by Councilman Serra. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Acting Chair states the appointment is approved.

Community Concerning People with Disabilities:

Reappointment of Marie Hurley to April 30, 2016.

Agenda Item **13**

Description **Contingency Fund Transfers**

No Contingency Fund Transfers

Agenda Item **43**

Description **Questions to Directors on Nonagenda Items**

Councilman Faulkner asks that the Council, on the item sent back to CAC, give the committee some idea of what they want the committee to review.

Motion to Adjourn

Councilman Serra moves to adjourn and his motion is seconded by Councilman Bauer. There is no discussion and the vote is called. It is unanimous to adjourn and the Chair declares it at 9:19 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk