

MINUTES  
GENERAL COUNSEL COMMISSION  
REGULAR MEETING OF SEPTEMBER 8, 2016

Present: Councilwoman and Chairwoman Mary Bartolotta, Councilwoman Kleckowski, Councilman Daley, Councilman Nocera, and Councilwoman Salafia. Staff: Deputy General Counsel Kori Wisneski, Kathie Morey, Director of Human Resources.

Members of the Public: Brian Gartner, Jay Tulin, Juan Liska, Sheila Stoane, Elisabeth Holder, Michiel Wackers, Director of PCD, Michael DiMauro, BOE – HR Manager, Superintendent Pat Charles, Kate Miller, Jen Siskind, Jim Fellows, Carolyn Shaw, Mallory Buckingham, Jennifer Saines, Dortha Willetts, Jonathan Willetts.

**Call to Order:**

Meeting was called to order at 7:04 p.m.

**Public Comment:**

• Kate Miller – Chair of Conservation Commission spoke as to item 4.A. She made three main points: 1. Because the reorganization of the Conservation Commission into a Conservation and Agriculture is the preference of the Mayor, her Commission would like to support it; 2. She and other members of the Conservation Commission would like the GCC to consider other configurations; a subcommittee has been deemed appropriate by the Department of Agriculture; and; 3. Given the increase in duties, she encouraged the GCC to keep the number of members the same.

- Elisabeth Holder – She sits on the urban forestry commission as well and has a different perspective than most. It's an effective commission and she wants to continue serving.
- Sheila Stoane – Ms. Stoane directed the GCC to the trail guide, which took the Commission and staff of the Commission quite some time to put together. The Conservation Commission has important responsibilities on its own.
- Jay Tulin – In the spirit of cooperation, Mr. Tulin wants to support the proposal.
- Joan Liska – She is a past chair; went through the Commission's long history of preserving agriculture.
- Jen Siskind – Expert in the area of fracking and here to answer whatever questions the Commission may have on the topic as they consider implementing an ordinance.
- Jim Fellows – Member of No Frack Waste Middletown and in favor of an ordinance.
- Brian Gardner – He is a new member of the Conservation Commission and afraid that his seat will be cut on the commission if the proposal is accepted.
- Mallory Buckingham – She supports ordinance to ban fracking.

Public Comment was closed at 7:44 p.m.

**Approval of Minutes:**

Councilman Daley made a MOTION to approve the Minutes from the August 11, 2016

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Regular Meeting. The Motion was seconded by Councilwoman Salafia. The Motion passed unanimously.

**New Business:**

**A. Ordinance – Commission on Conservation and Agriculture (14-27)**

After listening to the comments, Councilman Gerry proposed increasing the number of members back to 11 with 3 alternates. There was also an extended conversation as to what the appropriate set-up of the commission should be so as to avoid interruption of members and services. The following represent the votes taken on this topic:

Councilman Daley made a MOTION to amend the ordinance to increase the amount of members back to 11 with 3 alternates. The Motion was seconded by Councilman Nocera. The Motion passed unanimously. The changes are as followed:

There shall be a standing Commission known as the ~~"Conservation Commission."~~ "Commisison on Conservation and Agriculture." The Commission shall consist of 11 regular members and three alternates who ~~shall~~must be residents ~~or employed within~~of the City of Middletown.

**A. Membership and Terms of Office**

1. ~~A.~~ The 11 regular members shall be appointed and serve as follows: ~~four~~two shall serve for one-year terms; ~~four~~two shall serve for two-year terms; ~~and three~~two shall serve for three-year terms; ~~two shall serve for four-year terms; and three shall serve for five-year terms.~~
2. ~~B.~~ The three alternate members shall be appointed and serve as follows: one shall serve for a term of one year; one shall serve for a term of two years; and one shall serve for a term of three years.

Councilwoman Bartolotta made a MOTION to allow the commission to establish a subcommittee if it chooses to fulfill the obligations of a municipal agricultural council with the language as recited by Councilman Daley. The Motion was seconded by Councilwoman Kleckowski. The Motion passes unanimously. The changes are as followed:

§ 14-28. Duties.

The Commission on Conservation and Agriculture~~Commission~~ shall perform such duties as are required and permitted of a municipal conservation commission and a municipal agricultural council, as provided in C.G.S. § 7-131a and C.G.S. § 7-131v, respectively, as amended.

The Commission may establish a subcommittee to fulfill the duties and responsibilities of a municipal agriculture council as provided in C.G.S. § 7-131v.

Councilman Daley made a MOTION to propose new language discussing when the commissioners will start their term after adoption of the ordinance. The Motion was seconded by Councilman Nocera. The Motion passes unanimously. The changes are as followed:

1. ~~D.~~The terms of all Commission members, regular and alternate, shall commence on February 15 upon appointment from the Mayor with consent of the Common Council after passage of this ordinance and then on February 15 thereafter.

Councilwoman Salafia made a MOTION to postpone the ordinance to the next General Counsel Commission meeting on October 13, 2016. The Motion was seconded by Councilwoman Kleckowski. The Motion passed with a 3 ayes and 2 nays vote.

### **B. Job Description – Human Resource Clerk (BOE)**

Superintendent Charles and Michelle DiMauro explained the need for additional help in the BOE HR Department. There have been hundreds of hires over this past summer and a need for extra audits given ACA requirements. The proposed position was approved in the last budget cycle.

Councilman Daley made a MOTION to approve the job description with the change to the Minimum Training and Experience Required to Perform Essential Job Functions section. The Motion was seconded by Councilman Nocera. The Motion passed with a 3 ayes and 2 nays vote.

#### **Minimum Training and Experience Required to Perform Essential Job Functions**

Associate Degree or equivalent with training in ~~Secretarial Science~~ or Human Resources or a related field with three (3) to five (5) years experience of related confidential secretarial or human resources support experience; or, any combination of education and experience that provides equivalent knowledge, skills and abilities.

### **C. Resolution – Admin. Non-Bargaining Resolution**

Councilwoman Bartolotta explained some of the background regarding the resolution. It was brought up by Councilman Serra. He believed that this group of employees should not be piggybacking off of 466 benefits, but the original intent in 2012, was for them to have the non-bargaining benefits. Some discussion ensued regarding the need or lack thereof for this change.

Councilman Daley made a MOTION to postpone until next meeting. The Motion was seconded by Councilwoman Kleckowski. Councilman Daley withdrew his Motion and made a MOTION to approve the resolution. The Motion was seconded by Councilwoman Salafia. The Motion was not passed with a 1 aye (Councilman Daley) and 4 nay vote. Councilman Daley only voted in favor because he felt that such a vote was required because he made the Motion.

### **D. Discussion re: Fracking Waste Ordinance**

The “No Fracking Middletown” group made a presentation during the public comment regarding why an ordinance is necessary in Middletown and advocating for its enactment. There was some discussion as to whether this is the appropriate time to enact such an ordinance given that there is a temporary moratorium on fracking waste in the State of Connecticut and DEEP has been charged with promulgating regulations on this topic by July or October of 2017. Attorney Wisneski as well as some of the commission members had some questions for the group. The group

promised to forward more materials to Attorney Wisneski so that she could pass it along to Attorney Smedick for review and comment.

**Old Business:** None

**Other**

**A. Vacancy Report:** Report dated 9/8/16 was reviewed – No action required.

**B. Legal Bills:** None

**Adjournment:**

MOTION to Adjourn by Councilwoman Bartolotta. The Motion was seconded by Councilwoman Kleckowski. Motion was unanimous and meeting ended at 9:16 p.m.