DRAFT MINUTES
GENERAL COUNSEL COMMISSION
REGULAR MEETING OF JULY 20, 2015

Present: Councilwoman and Chairwoman Mary Bartolotta, Councilman Daley, Councilman Giuliano, Councilman Chisem, and Councilwoman Kleckowski. Staff: Attorney Smith (he left after the discussion on the Police TA) and Attorney Wisneski, who was present throughout the meeting. Public: Geen Thazhampallath, Director of Parking; Marie Norwood, Council Clerk; Linda Bettencourt, Town Clerk; Debra Stanley, Acting Director of Recreation and Community Services; Detective Derek Puorro; Sergeant Douglas Clark; Carl Erlacher, Director of Finance; and William McKenna, Police Chief.

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Call to Order:

Meeting was called to order at 7:00 p.m.

Public Comment:

Geen Thazampallath spoke to the Personnel Rules in his capacity as President of UPSEU. He advised the Commission that he had no objection to the sections that were being updated to keep up with the law (i.e. FMLA and sexual harassment policies), but there were some changes to the Personnel Rules that had unintended negative consequences for his union. More specifically, the Union had concerns about the deletion of the "working test period" section on page 10-11 and the deletion of notice requirements when a suspension is more than 2 days on page 31. He also expressed an interest in negotiating with the City over performance evaluations. He suggested that these changes wait until the current negotiations between the City and the Union ended.

Marie Norwood also spoke as an UPSEU member. She explained that the Personnel Rules have always been applied where the CBAs are silent and that some of the changes are negatively impacting UPSEU.

Linda Bettencourt, reiterated this point as an UPSEU member. She stated that the Personnel Rules have always applied where the CBAs are silent and that the working test period provision is important and something that is not covered in UPSEU's CBA.

Approval of Minutes:

Councilman Chisem made a MOTION to approve the Minutes from the June 15, 2015, Regular Meeting. The Motion was seconded by Councilman Giuliano. The Motion passed unanimously.

New Business:

Councilman Chisem made a MOTION to move item A, under New Business, after item F. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

A. Ordinance – Recreation Activity and Rental Fees (§214-45)

Attorney Wisneski and Debra Stanley explained that the revision to this ordinance came about because the Senior Center is setting up a rental policy for the space, which includes rental rates. This ordinance seeks to address the Council's authority over setting those rates. Ms. Stanley also stated that when she reviewed the draft ordinance, she came across several listed activities that the City no longer provides and that there were a number of items that required revision. Councilman Daley suggested that the specific activities come out of the ordinance given the frequent change in programming and that a more general ordinance follow.

The ordinance was proposed to be changed as follows:

A. Activity Fees.

There shall be recreation activity fees to offset the costs associated with ~~the~~ operating ~~of~~ recreation programs and maintaining ~~the~~ parks and fields ~~which~~that are the responsibility of the Recreation and Community Services Department and Public Works Department. Some r~~R~~ecreational fees will be waived for senior citizens 60 years and older who are Middletown residents or nonresident Middletown taxpayers. Said fees will be set, reviewed, and adjusted annually by the Common Council via resolution.

Any mention of specific activities was also proposed to be taken out. Councilwoman Bartolotta raised whether the non-resident activities and fees should be specifically mentioned or whether Ms. Stanley had concerns over this provision of the ordinance. Ms. Stanley did not express any such concern.

Councilman Daley made a MOTION to approve the ordinance with the above changes, and to remove all itemization in the same Section. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

B. Ordinance – Naming Authority (§23-22)

Attorney Smith provided some background. He worked with Councilman Bauer on this ordinance. It was intended to be an "omnibus" ordinance and to supplement other ordinances, such as the street naming ordinance, which went through GCC last year.

Councilwoman Kleckowski asked whether this ordinance would complement the street naming ordinance or if it would supersede that ordinance. Attorney Smith provided copies of the street naming ordinance and explained that they would coordinate nicely. The Naming Authority Ordinance was not intended to supersede the street naming ordinance. Under both ordinances, the Council still had to approve the ultimate names.

Councilman Daley, upon reviewing the street naming ordinance, suggested that the word highways be added to the Naming Authority Ordinance so that it matched the language of the street naming ordinance.

The ordinance was proposed to be changed as follows:

A. The Common Council shall be the naming authority for all City properties and assets, including schools, parks, roads, highways, fields, open spaces, and all other entities owned by the City.

Councilman Giuliano made a MOTION to change the ordinance as proposed above. The Motion was seconded by Councilwoman Kleckowski. The Motion passes unanimously.

Councilwoman Kleckowski mad a Motion to approve the ordinance with the changes. The Motion was seconded by Councilman Giuliano. The Motion passed unanimously.

C. Ordinance – Design Review & Preservation Board (§14-29)

Attorney Smith advised that he had been working on researching some questions raised by Councilman Bauer on the Design Review and Preservation Board. As drafted, the current ordinance may not comply with the enabling state statute, which has 1 year term limits. Councilman Bauer also raised whether the Council or the Mayor should be the appointing authority for the members of this Board. Attorney Smith explained that he is still researching these issues. Councilman Bauer had presented a resolution for this Commission's consideration. All agreed that said resolution did not comply with the state statute and asked that Attorney Smith draft an ordinance to make sure that the City is in compliance with State Law.

Councilman Giuliano made a MOTION to draft an ordinance that would make sure we are in compliance with State law. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

D. Animal Control Officer Update

Attorney Wisneski explained that there was nothing for this Commission to vote on at this time with respect to the Animal Control Officer position, but that this matter was on the agenda as an update because it was her understanding that the Public Safety Commission had sent it to GCC after its last meeting.

Councilwoman Bartolotta asked Chief McKenna for an update. He explained that our ACO experiences a large number of calls each year and there is a need for an additional full-time ACO. This proposal received support at Public Safety. The next stop will be F&G for an appropriation. At this time, the Chief was not seeking any changes to the existing job description, though he may in the future.

E. Police Contract TA

The Commission had questions on the new duty disability pension process that is set forth in the TA. Councilwoman Kleckowski asked how long worker's compensation cases take to wrap-

up and whether the police officers experience a delay in the process under these new proposed procedures. Attorney Smith and Chief McKenna explained that there should not be a delay. An officer is typically allowed to remain on light duty for a year. It usually takes 1 year post surgery to receive a comp rating. Once that happens, unless the matter is contested, the case would be paid out and, if appropriate, the disability process could proceed. During this entire process, the officer would be paid under the comp system as well, so that individual should be whole. Councilman Daley expressed that these protocols should limit any potential abuse while still protecting our officers.

The Councilmembers also wanted to hear about the 4-2 schedule and its proposed savings. Director Erlacher and Chief McKenna went into the proposed schedule and proposed savings in great detail. Director Erlacher explained that in the past many have thought that the 4-2 schedule caused overtime. Based on his financial analysis, he could NOT conclude that the 4-2 schedule caused overtime. Chief McKenna concurred. He also stated that individuals are calling in sick less because they are able to get off the time they need to attend important events, etc. Director Erlacher also explained that under the past system, there were about 17.5 days that the officers were being paid for that they didn't work. This proposed schedule changed that. Under the TA, officers are only getting paid for time worked. He calculated that the new schedule will benefit the department about $678,643 per year. Councilwoman Bartolotta asked about the 2 training days. Chief McKenna explained that those hours would be paid at straight time. Councilman Daley praised both sides for negotiating what he felt was a fair contract.

Councilman Daley made a MOTION to approve the Police Contract TA. The Motion was seconded by Councilman Giuliano. The Motion passed unanimously.

F. Executive Session pursuant to 1-200(6)(A) to discuss employee's request for 30 day sick time advancement.

Councilman Giuliano made a motion to go into executive session and to invite Attorney Wisneski, which was seconded by Councilman Daley. The Motion pass unanimously.

EXECUTIVE SESSION

Councilman Daley made a motion to recommend to the Council that the sick leave advancement be approved. The Motion was seconded by Councilman Giuliano. The Motion passed unanimously.

Old Business

A. Personnel Rules

Attorney Wisneski responded to UPSEU's complaints during the public session. She stated that some of the proposed changes had unintended consequences for UPSEU. She suggested that the Commission go through each of their concerns and decide how it wants to proceed.

The Commission looked at pages 10-11 regarding working test period and decided that

this language should remain in the Personnel Rules.

Councilman Daley made a MOTION to put Section 5 Working Test Period, under Transfers/Promotions, back into the Personnel Rules. The Motion was seconded by Councilwoman Kleckowski. The Motion was passed unanimously.

Next, the Commission turned to page 30, which deleted a section pertaining to notice for suspensions greater than 2 days. Again, the Commission decided to add that provision back in.

Councilwoman Kleckowski made a MOTION to put Section 3(B)(1) Additional Occurrences back into the Personnel Rules. The Motion was seconded by Councilman Giuliano. The Motion passes unanimously.

The Commission discussed whether it wanted to make any additional changes or to address the Union's concerns with the evaluation process. The Commission agreed that any such issues can be addressed during negotiations and that those discussions should not hold up the process of revising the Personnel Rules.

Councilman Daley made a MOTION to approve the Personnel Rules with the approved changes. The Motion was seconded by Councilwoman Kleckowski. The Motion passes unanimously.

Other

A. **Vacancy Report**: A brief discussion ensued about the school nurse supervisor position. A conditional offer was made and accepted.

B. **Legal Bills**: There was a small bill to report from Conway Stoughton. This was the attorney's wrap-up on the MHS wall collapse case. After this wrap-up, Attorney Smith took over the file and it was handled in-house.

Adjournment

MOTION to Adjourn by Councilwoman Kleckowski, seconded by Councilman Giuliano. Motion was unanimous and meeting ended at 8:45 p.m.