



**SPECIAL MEETING OF THE COMMON COUNCIL  
MIDDLETOWN CONNECTICUT**

**QUESTIONS TO DIRECTORS  
APRIL 1, 2019  
6:00 PM**

**DRAFT MINUTES**

The Special Meeting, the Questions to Directors Workshop of the Common Council of the City of Middletown, was held in the Council Chamber of the Municipal Building on Monday, April 1, 2019, at 6:00 p.m.

Present: Councilwoman Mary Bartolotta (6:02PM) Councilman Sebastian Giuliano  
Councilman Robert Blanchard (6:40PM) Councilwoman Deborah Kleckowski  
Councilman Carl Chisem Councilman Eugene Nocera  
Councilman Gerald Daley Councilman Philip Pessina  
Councilwoman Grady Faulkner (6:02 PM) Councilman Robert Santangelo  
Mayor Dan Drew (7:00PM)

Absent: Councilwoman Linda Salafia

Also Present:

Council Clerk – Linda S.K. Reed Library Director – Ramona Burkey  
Arts Coordinator - Keisha Michael Parking Director – Geen Thazhampallath, Esq.  
City & Town Clerk – Ashley Flynn, CCTC Planning & Zoning Dir. – Joseph Samolis  
Communications Dir. -- Wayne Bartolotta Police Department – Chief William McKenna  
Equal Opp. & Diversity – Faith Jackson Police department Capt. John Lezefski  
Finance Director – Carl Erlacher, CPA Public Works – William Russo  
Fire Department – Chief Robert Kronenberger Recreation & Sr Serv. Dir. – Cathy Lefkowitz  
General Counsel – Brig Smith, Esq. Tax Assessor – Damon Braasch  
Dep. Gen Counsel – Kori Wisneski, Esq. Technology Services – Bryan Skowera  
Health – Kevin Elak, R.S. Water & Sewer Dir -- Joseph Fazzino  
Human Resources – Justin Richardson Youth Services Coord. – Justin Carbonella, MPA  
Registrar of Voters, Republican – David Bauer

Members of the Public: 115 members of the public in the Chamber  
approximately 50 members of the public in the lobby

**1. Call to Order**

Deputy Mayor Robert Santangelo, calls the meeting to order at 6:00 PM and leads the public in the Pledge of Allegiance.

The Clerk reads the Call of the Meeting and the Chair declares the call a legal call and the meeting a legal meeting.

**2. Questions to Directors Opens**

The Chair asks if anyone has questions for any directors. The Chair calls on Councilman Eugene Nocera

Councilman Nocera calls General Counsel Brig Smith to the podium regarding the proposed parks usage ordinance and the lease for youth soccer fields, which are not part of that ordinance. He also asks Deputy General Counsel Kori Wisneski to the podium to respond to questions on the proposed ordinance.

Attorney Smith Brig states that he can speak to the Middletown Youth Soccer (MYS) lease agreement and that Attorney Wisneski can speak to the ordinance, including drafting revisions and the rationale. Attorney Smith begins by speaking to the lease. He states that, as the Council knows, question have been raised as to the ability to make improvements to the fields at Country Club Road. Middletown Youth Soccer has undertaken about \$750,000 in improvements.

Councilman Sebastian Giuliano interjects with a point of order, asking where this item appears on the agenda.

Councilman Nocera replies that it is in the agenda under the parks Ordinance, which Attorney Wisneski will speak to.

Councilman Giuliano asks, if it a lease agreement, what does it have to do with the ordinance?

Attorney Smith interjects, saying that he can respond. The connection has been the ordinance itself mentions fields on Country Club Road. The question is how does that intersect with the lease and what does it mean. He states that he will lay a foundation.

Unidentified Councilmember (inaudible)

Attorney Smith states that, some time ago, MYS approached the City looking to install an artificial turf field, the City replied that it would have to look carefully at that request. Specifically, there was a Parks Bond Ordinance, which included language that no City funds would be used on artificial turf field. The City made it clear to MYS that, if they wanted to do that, it would be entirely on their own dime, noting that the City could expend no money on it. The City would need to look at the lease to be sure that MYS had that right as well as look at other regulatory issues to be sure that could do so. He notes that they found no regulator issues. Relative to the lease, it is a 25-year lease, commencing in 2011 thru 2036 and an option to go to 2069 (sic), as a 50-year lease. It is his opinion that the lease allows them to do these improvements on their own dime. The only requirement is that they return the property to the City in its original, pre-construction condition; that is, return with natural grass. So, as long as they return the property to the City with natural grass, restored, which the lease allows then to do. To be sure that they could do it, Attorney Smith wanted to be sure that sufficient funds were on hand to: (a) install artificial turf in the beginning and (b) restore the grass at the end. Going back to the City's original consultants Milone & MacBroom, Attorney Smith asked the consultant how much it would cost to do this work so that they had a performance bond in place to ensure that they could do this. The answer was \$500,000 in each instance. For a performance bond would be sufficient. Before signing off conceptually, he wanted to see that they had the funds for this performance bond, which they did. The second question is, if the lease says that they have a right to do this work, does the City have a say in it. Attorney Smith opines that the answer is "no" because, unlike all of the other City leases, and like many residential leases, there are consent provisions, which say that modifications, alterations, and improvements require written consent of the landlord. There is no such provision in this commercial lease so, its absence is instructive. All these thing put together, once MYS satisfied the bonding conditions that he demanded they have, there were no obstacles and they could proceed under the lease. That is the backdrop. The immediate issue is the ordinance itself, which mentions Country Club Road. It raises the question as to whether or not this was addressed in the lease with MYS. He opines that the answer is "yes," MYS has a lease for 2 of 4 fields on Country Club Road. It is a long-term lease with exclusive use, so they may invite their patrons, their families, their kids. These users can decide if they want field turf or not; however, the general public is not invited to those 2 fields. The general public does have right to use field 3 and field 4. The question is whether or not the ordinance trumps the lease. He opines that the answer is "no." There is a property right inculcated into the lease itself. The reason is the ordinance is drafted as it is – noting that he will let Attorney Wisneski speak to the rest of this – is that it is still City property. He states that the Council knows that it costs the City money each time an ordinance is changed, so they try to "future proof:" the ordinances so, although the lease is in place, if the lease changes, if fields 3 and 4 are developed, in anything else happens, the reference in the ordinance is still to field 3 and field 4. That was the rationale. The effect is that it is City property, but that does not superseded the lease. He defers to Attorney Wisneski on the details.

Councilman Nocera states that he some questions, but will let Attorney Wisneski speak next.

Attorney Kori Wisneski, Deputy General Counsel, steps to the podium.

Councilman Nocera asks that Attorney Wisneski to provide a review of the history behind the development of the Parks Ordinance.

Attorney Wisneski states that Public Works Director William Russo came to her in the Fall after Pat Kidney Field was completed. It became clear that they needed to review the ordinance, noting that there was a lot more interest in fields, so they wanted to make sure that field usage made sense and cold be easily understood. When she started looking at the ordinance, which is Section 214 of *Code*, she found that it was fee-centric. There are 15, or more, pages of the fees that apply to different fields, different times, different organizations. There are definitions of what constitutes "local" and "non-local." It was confusing. It talked of teams "residing" within the City or persons on teams "residing." She sat with the Public Works Director, the Superintendent of Parks Kathy Lefkowitz, who is the Director of Recreation, and Deputy Director of Public Works Christopher Holden to determine what they currently do with field usage; how fields are set up; and does it make sense. She notes that it took quite a long time. What she ended up doing is getting a sense of field usage is run thru the Department of Public Works, and put on paper what they are doing. She notes the other interesting thing about the current ordinance is that it does not say who can be scheduled when; rather, it is left to the discretion of the Public Works Director. She notes that there has been a lot of talk about transparency and that the comment that the new ordinance, as written, is not transparent. She takes issue with that. She notes that what they are really doing is putting it out, saying that these are the 1<sup>st</sup> priority users, these are 2<sup>nd</sup>, and these are 3<sup>rd</sup>. As she sat down with these staff people, whom she just listed, the 1<sup>st</sup> priority users are the teams that are using the fields; the teams for whom the City did the Parks Study and determined that this is our supply and demand. These are the teams using the fields, so they asked what do they need. When they sat down, they came out with a list teams using City fields. If the Council looks at that list, there is Middletown Recreation Community Services, Middletown Little League, Middletown Youth Soccer, and Middletown Football. There really is a sport for every age group and every sport that serviced within the City for all children. In talking with the Public Works Director, as well as Brian Young, they came up with this list of 1<sup>st</sup> priority users. She also based this

ordinance on other municipalities and what they are doing. She notes that other municipalities do this as policy, not as an ordinance, because Towns have determined that this is an executive function; however, it is put into the City's ordinance. This proposed ordinance follows the Rocky Hill policy that talks of 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> priority users and fees based on that. She reiterates that the prior ordinance was fee-centric and did not talk to what the priority teams are and who is getting usage. She notes that this is the background. She adds that they decided on this, since Councilwoman Bartolotta made a point at General Counsel Commission meeting, that they should look at draft ordinance in this way to save money; that is, so they don't put money into ordinances each year that will require that they be reviewed and revised each year and cost more money. She states that what she decided to do was to take the fees out of the ordinance and put them into the resolution, which is in the Council's authority. Language in the ordinance says that it has to be reviewed by the Council annually in the form of a resolution. This makes sense to her since things change annually and the Council, as it is structured at that time, will have the opportunity to review the fees and figure out what makes sense.

Councilman Nocera thanks Attorney Wisneski for the background.

The Chair calls on Councilman Sebastian Giuliano, asking if he has questions for this Director.

Councilman Giuliano replies not for this director, but the same subject.

The Chair calls on Councilman Philip Pessina.

Councilman Pessina asks Attorney Wisneski, because Mercy, Xavier, and Vinal are all teams within CIAC and their seasons are limited, at best, and they have their own facilities, he asks what the rationale was for making these schools 1<sup>st</sup> priority users.

Attorney Wisneski replies that she defers to the Public Works Director for specifics. She states that, in discussions, it came out that there has been a lot of field sharing and agreements with these organizations and the City, the local high schools here—Xavier and mercy – through his tenure. She is sure that before that, for example, when Pat Kidney Field was being renovated, Xavier opened its fields for to City teams to use. Things like that. She can have the Public Works Director give more examples, but, the other things, is that these high schools are named in current ordinance. They talk about how all Middletown high schools are exempt from softball and soccer game user fees. There is also some discussion about Pat Kidney, all Middletown high schools are exempt from baseball and soccer game user fees. There is also talk about Middletown high schools, Vinal, and Ahern Whalen are exempt from all Palmer Field fees. This is not something new, but something made more explicit in the priority user fees, which was not something listed before, the terminology.

Councilman Pessina states that, before listening to the Public Works Director, to his way of thinking, what was referred to initially was excellent. When the City needed fields, when the seniors needed to walk and could not use Middletown High until they got together and requested this, they always stepped up to the plate. He asks, if they don't use City fields and the City uses their fields, noting that they are very supportive and excellent when the City needs them, but he does not understand why those schools are given 1<sup>st</sup> priority users when they are not going to use the fields during their scheduled seasons since they are under CIAC games played on their own fields.

Attorney Wisneski replies that she understands that Xavier does play football games at Palmer Field, noting that the Public Works Director can answer that a bit more. The majority of times the City is using their fields more than they are using the City fields, but there are times when they do use the City fields, in particular, Palmer Field. These will be follow-up questions for the Public Works Director.

Public Works Director William Russo steps to the podium.

Director Russo states that they also looked into the tennis programs, noting that Xavier and Mercy will use the Vine Street courts while Middletown High will use the new Newtown Street courts. They looked at shared services from all the schools. He states that they had an event at Wadsworth Mansion. The Mercy Athletic Director used it: parked there; do what you have to do.

Councilman Pessina remarks, "Absolutely."

Director Russo states that the overflow from what Councilman Thomas Serra has allowed them to do since the 1980s at Vinal: 6 games per hour, all day. At 3:00PM, we are there. If a fee had to be put on what Vinal tech and what Councilman Serra started, which has brought the kids in soccer, the hardball kids being allowed to use that field; our adult softball girls are allowed to use that field. Xavier: we touched on what they did last summer with their baseball field. There is another part to this He states that, when he was in the room with the people, he asked them, "Does he look at the education part?" Everyone in that room agreed that he should. Between the three high schools, 301 Middleton students attend those schools. Do the math. The State told him that it is \$18,000/ year, which is \$5.4M. This is why these schools are priority 1 users. He reiterates that they looked at everything.

Councilman Pessina states that Director Russo is not following his thinking. He asks, if Xavier and Vinal use Palmer Field, which is perfect, would there also be another request form anyone else in the City to use that field. In other words, other than themselves scheduling wise to use that football field for their games, is there any other element. He understands that tennis is a new part of it, adding that it seems to him that

it made the whole thing convoluted. He notes that they didn't really need to do that. If we look at the original ordinance that is now being amended, in the first part, it said it all. He adds that, in his years in Parks & Recreation and now as Chair of Recreation & Community Services, he has never received a call from anyone that local children cannot get on a field. He reiterates that he has never heard that. He also heard, adding that we love children and our youth, so if you get someone who cannot afford to get on the field or on the team: we subsidize or the teams subsidize, which is one of the requirements for the sports grants. He believes that this messes up everything. While he appreciates the work that has been done, the first part threw everyone in a tizzy.

Director Russo replies that he felt, from his desk, that they needed to recognize teams as priority users. He strongly agrees with disagreement. It is fair, noting that Councilman Pessina is correct. He states that the only question he has been asked by the sports teams is, "Can we play baseball at Palmer Field in the Fall," once it has been converted to football. Other than that, Director Russo states that he has never been told that there are not enough fields. He sticks by the lighting installation, noting that lights have been added on a field for \$80K instead of building a field, which is \$500K. They can double up on the playing time. All the organizations have agreed to that. The Little League field has lights. Pat Kidney Field has lights. Country Club Road has lights. At Moody School, they have been added for men's softball. Instead of building field, they have been able to put in lights and give users another time slot. He states that it is all working. He has not had one person come to him to say that they are locked off a field.

Councilman Pessina replies, "We never want to hear that," adding that none of the children, they none in this City have been denied recreational use of all the fields that the City is doing. That is the goal, correct?

Director Russo replies that Councilman Pessina is correct.

Councilman Pessina states that his point is that putting these names in, the general public may not know. He remarks that, if he didn't know and saw "Xavier," "Mercy," it would seem that they have the wrong schools. They would ask why these schools are listed as 1<sup>st</sup> priority users on City fields when they have their own fields. He remarks that it is perception and that perception is everything. He notes that Director Russo does a great job, especially in scheduling. He agrees with the things that have been said, but, in his opinion, he believes that the water has been muddied too much.

Director Russo replies that what they are talking about, there are well over 2,000 children that this ordinance goes out to. He remarks that the last thing that he wants to say is that Councilman Pessina is correct: with the CIAC rules, they cannot double up. Middletown Legion kids cannot play high school and Legion at the same time nor can they play AAU or anything like that.

The Chair calls on Councilwoman Mary Bartolotta.

Councilwoman Bartolotta replies that she will wait, noting that Councilman Giuliano's light has been on longer.

The Chair remarks that Director Russo was called up (inaudible). Councilwoman Bartolotta replies that she is all right with that, reiterating that she will wait.

The Chair calls on Councilman Sebastian Giuliano.

Councilman Giuliano notes that Councilman Pessina has covered many questions that he wanted to ask. He states that, to be clear, Middletown, Xavier Vinal, and Mercy are all CIAC programs. Director Russo replies, that they are. Councilman Giuliano notes that the seasons are strictly defined, are they not. Director Russo replies that is correct. Councilman Giuliano notes that, if someone is playing on a CIAC team, they cannot play on an outside team – they cannot even practice with an outside team. Director Russo replies that is correct as the player would get disqualified. Councilman Giuliano remarks, that the player would be disqualified from playing. He notes that he understands that naming them as priority users does not bump anyone off of any field. Director Russo replies that is correct. Councilman Giuliano asks how many games Xavier played at Palmer Field last year. Director Russo replies, "None." Councilman Giuliano reiterates, "Zero," noting that Xavier played all its home games on its own facility. Director Russo replies that is correct, noting that Xavier built a synthetic field. Councilman Giuliano notes that businesses on Washington Street are not too happy about that. Director Russo replies that he heard that. Councilman Giuliano notes that Xavier does play some baseball games at Palmer Field. Director Russo replies, yes, about 10 games. Councilman Giuliano asks what other schools use Palmer Field. Director Russo replies: Vinal Tech, Middletown High, adding that they have booked Portland for games and have already paid the user fee, the CIAC high school finals are there. Councilman Giuliano asks that, if Portland or Cocinchaug asked to play at Palmer Field on a night that Xavier or Vinal already had, they would get bumped. Director Russo replies, "Correct." Councilman Giuliano states that no one, not one of the four teams has ever bumped each other. Director Russo replies, no, that they have all accommodated each other, adding that, when he gets schedules, he shares them with all four of the athletic directors. They are in constant contact, noting that it's like one high school when it come to this. Councilman Giuliano notes that Legion and Ahern Whalen are summer ball programs. Director Russo confirms. Councilman Giuliano states that an AAU organized team could conceivably conflict with one of them. Director Russo replies that they are a summer team. They follow the same rules: their kids cannot play CIAC nor can they play college and AAU at the same time. Councilman Giuliano asks, right now with this ordinance, how many kids would be in danger of being bumped by one of the priority teams like Legion or Ahern Whalen. Director Russo replies that, in terms of bumped, no, he does not see it, noting that they make everything work. They make it work. They move

practices around. They want to use Palmer Field and Pat Kidney for games. He also has Middletown High and Vinal Tech, which has been with this forever. Councilman Giuliano notes that the City has had that arrangement in the past with Xavier, as well, noting that, as long as we take care of their field and give it back to them in the Fall, in the same condition that they gave it to us, they let us use it. Director Russo replies, yes, at no charge. Councilman Giuliano states that he believes that the City has only two (2) regulation baseball diamonds. Director Russo replies that there are four (4), noting that they use Pat Kidney, Palmer, Vinal Tech, and Middletown High. Councilman Giuliano notes that those fields don't belong to the City and, if it were not for them, the City would be down to two (2) fields. Director Russo replies, "Correct." Councilman Giuliano states that the priority users do help the City. We would not have these field if they did not. Director Russo replies that it is hand in hand. He opines that they have seen Vinal Tech on a Saturday or Sunday in the Fall: soccer. The City has put 300 kids out there, playing 6 games/ hour every hour from 9:00 AM to 3:00 PM. It's just what they allow out there, which is his reasoning. If we had to pay them for what we do thru shared services, it would cost thousands of dollars. In turn they allow the City to use their facility and the City cuts the grass and lines the field thru the Parks Department. He notes that they are generous, adding that this started with Councilman Thomas Serra in the 1980s. If you count that to 2019, that has provided us with a lot with the school. Xavier has allowed baseball and the track for seniors, and allows the soccer program to use the field. Xavier does not charge anything. It is part of the community. Councilman Giuliano notes that they would certainly be priority users on their own fields. He notes that, if they put their fields in the mix with the City fields and other institutions, he cannot see why they would not be called priority users. He notes that it is only affected by the CIAC seasons. Other than that, it has almost no meaning. Director Russo replies, "Correct." Councilman Giuliano asks if there is any reason to believe that the City could not accommodate organized Middletown summer teams, if they came forward. Director Russo replies, "No," adding that he would just need schedules. Whalen takes priority. He notes that some of the debate was in recognizing the Legion program, adding that he does not mean the 19 year old team that plays at Palmer Field. He states that Legion pays about \$4,400 per year. In the four years since consolidate with Parks, Legion has paid \$18K in users fees at palmer Field. By far, the biggest user is Middletown Legion. Because they pad this much money, their 15 year old team, with no admission at Pat Kidney Field, he chose to make them a priority user. Legion is a priority user based on the money that they pay to play at Palmer Field. Some think that is wrong, but he strongly believes in this. Councilman Giuliano states that he has no further questions on this subject, but does have questions about something else.

The Chair calls on Councilwoman Mary Bartolotta, asking if she has questions for Director Russo. She replies that she has no question for this director. She has questions for the City Attorneys. Attorney Brig Smith and Attorney Kori Wisneski return to the podium

Councilwoman Bartolotta states that she wants to go back to the topic of Country Club Road. She recounts that Attorney Smith was going over the lease, explaining how it goes along with the ordinance. She adds that he also spoke as to the two fields that are not under the lease.

Attorney Smith replies, "Yes." Councilwoman Bartolotta asks, with the ordinance that is front of the Council this evening, the priority list, as is, and the schedule, would it not be utilized by youth soccer on a regular basis. Would they not have priority to those two (2) additional fields, adding is that who is now scheduled there. Attorney Smith states that, to understand the question, MYS has exclusive use of Field 1 and Field 2.

Councilwoman Bartolotta states that, because of the new ordinance with priority users and then non-profit and the resolution with the fee schedule, those two (2) fields and the way that they are scheduled, does that not give them 1<sup>st</sup> priority use on those two (2) additional fields. Attorney Smith asks, "On Fields 3 and 4?" Councilwoman Bartolotta replies, "Yes." She asks him to explain, if that is not the case.

Director Russo replies, stating that it's out that there that MYS is allowing only their premier kids to use those two (2) fields with lights. They also have their recreation kids. They scheduled night games on those fields. They practice, so it not just their premier kids, who use Field 1 and Field 2. For the record, out there are six (6) fields. There are 2 full size, 2 intermediate, and 2 that the younger kids can use. It is very common to see six (6) games going on at once. Even though it is a lease, soccer still has recreation kids on those fields.

Councilwoman Bartolotta replies that she did not reference "premier," but only the games that are played there. She asks if it falls under MYS. Director Russo replies, yes, these are soccer fields. Councilwoman Bartolotta asks how many times a year do the rec teams play soccer. Director Russo replies that he believes that the rec teams play during the soccer season, which is usually from when they go back to school until about November 1<sup>st</sup>. He knows because of the maintaining that the City has to provide due to the number of games played out there. Councilwoman Bartolotta states that her understanding is that rec soccer only plays in the Fall and the rest of the season is Magic and Premier. Director Russo replies that they will put it out there. If someone's child wants to play Fall or Spring soccer, they offer it to everybody, not just to a certain child, reiterating they offer it to everybody. It's just like Little League, which plays Fall baseball. They offer it to everybody. Ahern Whalen plays Fall baseball.

Councilwoman Bartolotta asks where someone can sign up for recreational Spring soccer. Director Russo defers that question to the soccer people. He reiterates the question: "Where can you sign up for soccer in the Spring?" He states that there are signs up already. Councilwoman Bartolotta states that she knows for Magic and Premier, but she has never seen it for rec soccer. Director Russo states that he believes that registration is an open registration, maybe at Vinal Tech. Councilwoman Bartolotta replies that it is an open

registration for Magic and premier, but these are teams that people try out for and not every child is allowed to be on that team, noting that every child has to pay to play. Director Russo replies that he believes that this is the case for every organization that everybody pays a little bit to play.

Councilwoman Bartolotta replies that rec provides grants. She asks if Magic or Premier offer grants for children with play without having to pay. She adds that she understands that a child has to be “good enough” to play as, with Magic and Premier, not every child is accepted. It is based on how well they can play and, on top of that, they have to pay. She asks are any of the teams, such as magic, which she understands is middle of the road, do they offer any grants for children to play, as saying that they are good enough to make the team. Director Russo replies that he is going to defer to the Recreation Director because the grants come in to the Recreation Department.

Councilwoman Bartolotta replies that she knows where the grants are going as the Council was clearly told that they go to the recreational soccer, which is why she is asking. She states that we are saying that we are putting kids on the fields -- that every kids gets to play – noting that these are Middletown kids, but Premier is not all Middletown kids and Magic is only if you are good enough to play along with Premier. So if a child is not good enough, they are not getting on these teams.

Director Russo interjects, saying that he does not believe that they get sent home. If a kid doesn't get to play on Magic, they play on the rec team and they play on the same fields.

Councilwoman Bartolotta states that this child then only gets to play in the Fall. Director Russo replies that is not true. Councilwoman Bartolotta states that she would like to see a schedule that proves otherwise. Director Russo interjects, saying that they provide it to everybody. If someone wants to sign up their child at any time, he believes, with any of these groups, whether Spring, Winter. Councilwoman Bartolotta replies, they can sign up, but that doesn't mean the child will be accepted. She continues, saying that her other question is, under priority users, noting that she understands shared services and the relationship and has had conversations with Councilman Serra that implemented this when he was in charge of Vinal Tech. She is very appreciative of how many fields are available to use by soccer and others. She does not disagree with shared services, noting that she would have preferred to see some written agreement, saying that at least a minimum number of time we allow them to use City field, we would, in turn, get to do the same, if allowable. Director Russo states that the user agreement is working very well. Councilwoman Bartolotta notes that the agreement is verbal and she appreciates how honorable it has been. She believes it would make people . . . Director Russo interjects, saying that he believes Councilwoman Bartolotta is wrong, noting that former Finance staff member Tina Gomes had to submit a user agreement with the State of Connecticut. Councilwoman Bartolotta states that she was not aware of that. Director Russo states that she had to submit a user agreement when the new Director came in to show them what the shared services were. They did submit a copy to the State. Councilwoman Bartolotta asks Director Russo to provide her with a copy of that agreement. Director Russo replies that, if Tina Gomes is here, he will ask her.

Councilwoman Bartolotta asks, under the priority users, the 60% that are listed in the ordinance why can that not be put into the priority user. We are saying that these are Middletown teams.

Attorney Wisneski replies, that, as she stated prior, what we are doing is making sure that the teams that are consistent, and have been consistent for some time, are getting 1<sup>st</sup> priority. The teams, like Middletown Post 75 -- noting that there has been a lot of discussion about that, about whether they have more than 60 percent -- it fluctuates. Some years it may have more than 60 percent; some years it may have more than 67 percent; some years it may be under. This has been a team that has been around for over 50 years and is probably the reason that we have Palmer Field, which is the reason that they are a 1<sup>st</sup> priority user.

Councilwoman Bartolotta states that, knowing and understanding that they can, on occasion, fall under 60 percent, we are saying that the priority users like Ahern Whalen, Little League – all of those – absolutely should be part of that. She adds that, absolutely, Post 75 should be part of it. From her understanding, if they are coming from one of the local schools to play, then that counts towards that percentage. She asks why the 60 percent cannot be stated in the language so that when, and if, they fell one student under you are going to boot them of the field. She does not see that happening. She believes that, if we are going to hold other teams accountable, we should also hold the priority users, whom we are labeling as “Middletown” users. She honors that.

Attorney Wisneski replies that, what the ordinance says is that, on 2<sup>nd</sup> priority users, “locally organized non-profit groups or teams whose membership is comprised of 60 percent or more of Middletown residents,” noting that it does not talk to individual who may go to Mercy or Xavier. The concern is that, when you are talking about Middletown Post 75, it fluctuates. People from the region can play from Durham, Middlefield, noting some years it may be less, and some years it may be more. What they do not want to do is to have that percentage there and, all of a student, Post 75 is being kicked off Palmer Field, which was literally built for Post 75.

Councilwoman Bartolotta asks if an exception can be added to the ordinance, saying that there is a right to waive, when and if that happens.

Attorney Wisneski does not think that is necessary. She states that the ordinance that has been drafted is really what is being done right now, what the Director of Public Works is doing right now. This is not anything different from what has been done in prior years. It is just putting it on paper. It is being more transparent than we were previously. She explains that, previously, the ordinance did not talk about who the teams

were and who would be on which fields. It only talked about fees. It was very fee-centric. The local versus non-local only had to do with fees, noting it had nothing to do with priority.

Councilwoman Bartolotta replies that she understands that; that is, they are acknowledging past practice. That is what this does, correct?

Attorney Wisneski replies, exactly, correct.

Councilwoman Bartolotta states that we are saying that we have been exercising that as out past practice as Middletown teams and why we are honoring that and the history. If that is the case, then why do we not put the 60 percent in there, noting that it should be mostly Middletown kids on City fields. She believes that this is the case. If one team is holding us up from including this language, then let's make an exception and say when, and if, they go under the 60 percent line, we will give a waiver as long as they do not go under a certain level, say 30 percent. There has to be a percentage of some kind of Middletown students playing on the team, which is the only thing that seems fair. We are saying that Ahern Whalen, Little League, and the other groups need to have that. This goes to the soccer question, so that rec soccer is Middletown kids, but we know that Premier is not and Magic mostly is. This is pay to play, which was part of the original conversation: we did not want to give pay to play or travel preferences on our fields, especially if they are not Middletown kids playing.

Attorney Wisneski replies that, MYS, in addition to doing Magic or other organizations, is primarily Middleton's recreational soccer league. She has 2 children, who play in that league at Vinal, which is another of the shared services. The majority of Middletown kids grow up playing MYS, if they play soccer. The other item that she did not mention, having focused primarily on Post 75, is that the City also has Mercy, Xavier, and Vinal, which are not primarily Middletown students. Some Middletown students go there. As Councilman Giuliano already raised, there is sharing with the fields that we already have, so it makes sense.

Councilwoman Bartolotta asks if something can be put in the ordinance that says this. She reiterates that she is all in favor of shared services and of having that in an agreement. She understands it and respects it, adding that Post 75 would fall into that category. Why can there not be language that addresses the shared services agreement, meaning that they are a priority team. The other teams, which are not providing shared services – teams that all kids get to play on, no matter what level, so that should be a priority also.

Attorney Wisneski replies that there has to be a cut off somewhere. This is the cut off that they put together. She is not sure if the Public Works Director has addressed this in front of the Council, but he has addressed it in front of other Councilmanic meetings. New teams come up all the time, asking for field usage. The problem, she says, is that someone can have a team tomorrow that is 67 percent and, all of a sudden, they are kicking Middletown Legion off a field that was built for them. This does not make sense to her.

Councilwoman Bartolotta replies that is not what she is saying: they are not going to be kicked off the field. She is saying to honor that. The word "transparent" is being thrown around tonight. Let's be transparent then. If we are going to hold the ordinance to what it is, and we know that have these four exceptions, then let's honor those exceptions, especially the three, which provide shared services, because Middletown does benefit from that and understanding that Legion has been around and does accept Middletown player. We do not want to punish Middletown players. We need to make sure, if we are holding that these are priority teams because they are Middletown teams, then we should have no problem putting 60 percent in that language. The rotation that happens above and beyond priority is just that in the ordinance. Priority comes first with scheduling, then 2<sup>nd</sup> and 3<sup>rd</sup>.

Attorney Wisneski interjects, saying that her concern is that this adds everybody in the mix and then there is no priority. What they tried to do is put something on paper than makes sense. She reiterates that these are the teams that we have right now in Middletown. There is a sport for every age group. The City does not have an abundance of fields. We have enough for right now. Her concern is that, adding the 67 percent and having teams that come up tomorrow, a week from tomorrow, and there are not enough fields. Priority is gone; it's meaningless.

Councilwoman Bartolotta states . . .

The Chair interjects, saying that it is now 6:47 PM and five other people would like to speak. This meeting ends at 7 PM. He states that what he hears is a debate, noting that, in this meeting, we do not debate.

Councilwoman Bartolotta states that they are not debating. She states that she is being told . . .

The Chair interjects, stating that he hears a debate.

Councilwoman Bartolotta replies that is his impressing, adding that she is asking a question and is not getting an answer. She is very clear, saying, that, if we are holding priority, then priority would be scheduled first. Anything above that, by saying 67 percent or 60 percent when it comes to 2<sup>nd</sup> or 3<sup>rd</sup> priority users, would not have 1<sup>st</sup> priority because we have clearly stated in the ordinance that the priority users would be first.

The Chair states, good, you have stated a point. Now that's called a debate.

Councilwoman Bartolotta replies that it is not a debate; it's an answer.

The Chair reiterates that is called a debate. We are not taking any motions, no action is being taken here There are 6 other people who would like to speak. We have 12 minutes left. (Inaudible)

Councilman Gerald Daley remarks that we ask questions . . . (Inaudible)

Councilwoman Bartolotta replies that we ask questions. Priority states that they are first.

Councilman Daley remarks . . . (inaudible).

Director Russo asks if he can address the Legion situation. The program is called Middletown American Legion. It is a nationally registered program. There are about 8 zones around the State, each with a perimeter. It is Middletown Legion, adding that Durham, Haddam, and Middlefield do not have Legion teams. That perimeter allows those kids to come and play Middletown Legion. Next door, in the Town of Rocky Hill – RCP – Rocky Hill, Cromwell, Portland. Same rules. Town rules: Legion kids use those field. Those are the Legion rules right there. There are National Legion rules. Once those kids are on the team, he does not believe that they can got to another team. They are registered and that's how that works.

Councilwoman Bartolotta replies, that is correct, adding that she understands that information and she understands how that rule came about from the history.

The Chair calls on Councilwoman Deborah Kleckowski for this Director.

Councilwoman Kleckowski replies the he has answered all of the questions, but she has one more question and would then like to speak with Recreation Director Kathy Lechowicz.

The Chair states that they are dealing with 3 people right now.

Councilwoman Kleckowski replies that her light has been on since Councilman Giuliano spoke. She did has not gotten a single question out yet, adding that the regular meeting can be started late.

The Chair states that Councilwoman Kleckowski can ask a question and then he will come back to her.

Councilwoman Kleckowski asks Public Works Director Russo to confirm that no teams have been denied use, including practice, not just game time. This issue has come to the Council's attention She notes that he has already addressed Xavier, Vinal shared services.

Director Russo states that they will use Vinal for practices and play games at Pat Kidney Field and Palmer Field. He adds that they have an overflow at Middletown High. He believes that some people have gotten upset, saying that he has heard some organizations want the summer schedules. One organization came her, saying that they want a game on July 17<sup>th</sup> at Pat Kidney Field. He states that he told Parks. The date is open so the request has been added to the book. It is March and the summer schedule is not 100 percent complete. Dates are being added as they come in.

The Chair tells Councilwoman Kleckowski that he will get back to her as he needs to see if anyone else has questions for this Director.

The Chair calls on Councilman Eugene Nocera.

Councilman Nocera has one question. One thing that seems to be lost is the fee structure for field use. The Commission worked hard to bring in in line and make it more reasonable. He personally has not heard of any situations where community members did not have enough fields. He has heard complaints about the exiting fee structure. He asks Director Russo id he has had complaints.

Director Russo replies, "No," he has not had complaints and fees have been paid. The only issues are mostly related to Palmer Filed user fees.

Councilman Nocera explains that he is referring to the amount required for teams at places such as Snow School, to use that field as opposed to Palmer Field. He asks if fees are comparable.

Director Russo replies that this is why the language was rewritten. He looked at that ordinance – the old one – and compared the rates at Snow School for girls' little league, without lights, and found the same rates at Palmer Field with lights.

Councilman Nocera states that this is what he is referring to. Director Russo states that no one knew why, so they fixed it. Councilman Nocera replies, yes, that needs to be addressed. Director Russo adds that it was the old ordinance so it was written before any of us was here. Councilman Nocera notes that they don't have 6 months or a year to dilly-dally and correct that.

Director Russo notes that they are already 2 weeks into Spring sports. They want to adopt this user agreement. He stands by it. He also stands by the camp fund, noting that everyone knows how it works and for families in need.

The Chair calls on Councilman Gerald Daley. (Inaudible)

Councilman Daley states that he has a quick question: in developing the ordinances and the threshold stated for the 2<sup>nd</sup> and 3<sup>rd</sup> priority and the 60 percent: since there are no team names, it is the criteria to be used to establish user criteria, a checkpoint. He notes that such a criteria would not be needed for 1<sup>st</sup> priority users since they are all named.

Director Russo replies that is correct.

Councilman Daley asks a question related to the resolution at Item 12I. He understand what it intends to do, to reaffirm the public intend on the Parks Bond that new fields on City property be grass only and pesticide application follow State statute. He sees no ham in reaffirming that, but he is not sure what it accomplishes. It states in resolution that any new athletic fields on City owned property shall be limited to natural grass. He asks how that is interpreted with respect to Middletown High football field.

Director Russo replies that he defers to the General Counsel.

Councilman Daley asks if that would be a problem, noting that, sitting on Finance & Government, Middletown High is looking at replacing the field which is approaching 10 years old. He knows that they want to replace it with artificial turf.

Attorney Smith states that he would need to check bonding and other documents. His gut answer is yes.

Councilman Daley repeats the question, asking if this means it could be a problem to replace the current artificial turf field.

Attorney Smith relies that, "It could well be."

The Chair calls on Councilman Carl Chisem.

Councilman Chisem has a question on the fee structure. He asks Attorney Wisneski how they came up with the fee structure.

Attorney Wisneski replies that the fee structure was developed by Public Works Director Russo and Brian Young. It was taken out of the ordinance and put into a resolution so that ordinance would not have to be updated every year. It was based on the Public Works Directors' opinion as to what made sense at each field. The fees needed to be reviewed again since they did not make sense.

Councilman Chisem asks if they checked around with other surrounding towns.

Attorney Wisneski replies, "Yes."

Councilman Chisem said that, this was reviewed a bit, but he asks if it would be an issue if the priority user percentage was raised to 67 percent.

Attorney Wisneski asks if that is for the 2<sup>nd</sup> and 3<sup>rd</sup> priority users.

Councilman Chisem replies, "Yes."

Attorney Wisneski replies, not at all, adding that this is what was originally proposed. It was changed at one of the Councilmanic commissions. It was originally 67 percent for 2<sup>nd</sup> and 3<sup>rd</sup> priority users, but reduced to 60 percent.

Councilman Chisem asks that Attorney Wisneski confirm why there is no percentage for 1<sup>st</sup> priority users.

Attorney Wisneski replies that there is no percentage for 1<sup>st</sup> priority users since those teams are listed by name and the percentages separates everything but that.

Councilman Chisem ask if there should be a percentage.

Attorney Weskit replies that, as currently written, they have Post 75, which fluctuates every year. They also have the high schools, including Mercy, Xavier, and Vinal, and there may be concerns about MYS on a year to year basis, but she does not know.

The Chair asks Councilman Chisem if he is done since there is less than one minute remaining. Councilman Chisem replies that he is all set.

The Chair states that it is 7:00 PM. The Chair asks Mayor Drew, who has now arrived, if he wants to continue, indicating that there are Councilmembers, who would still like to ask questions.

Mayor Drew assumes the position as Chair. He states that it is a rare occurrence that Question to Directors goes into the 7PM hour, noting that, normally, the Council meeting begins at 7PM. There are 2 Councilmembers wishing to ask question. If the question are brief, he can call on them, noting the size of

the crowd and that the public is here to hear debate, or to be heard. If questions have been answered, the Chair asks the Council to move forward.

The Chair calls on Councilman Philip Pessina.

Councilman Pessina replies, yes, he has a question. He asks for Attorney Smith and Attorney Wisneski. This refers to the proposed plastic bag ordinance. He asks what authority the Council has on this matter, to tell a private retailer, who is going to follow the ordinance by having paper bags and no plastic. He reiterates, by what authority allows the City to tell that retailer that there is a 10 cent fee per paper bag and that bags cannot be given away as a marketing tool.

The Chair interjects, saying, given the size of the crowd let's . . . (Inaudible).

Attorney Wisneski states that the scope of powers is found in the State Statutes at Section 7-148, which is the scope of municipal authority or Home Rule. There are various, broad powers on health and safety, which allow the City to take steps necessary or desirable to secure and promote public health, which they are doing in this instance. There is other language to enact legislation about environmental issues. There are 6 other Connecticut municipalities, which have already done this.

Councilman Pessina replies that this does not explain, as, for example, to someone who may be opening a business . . .

The Chair interjects and tells Councilman Pessina that they are not debating this issue.

Councilman Pessina replies that he is not debating the issue. It is government intrusion.

The Chair warns Councilman Pessina that he will be out of order before the regular meeting even starts. He warns Councilman Pessina, saying that there are hundreds of people here, who want to be heard. We are not going to go on. He cautions Councilman Pessina again, saying that he will be called out of order. He states that, if Councilman Pessina has a question, he needs to ask it.

Councilman Pessina asks by what authority the City can tell a private retailer. He believes it is stretch: someone is agreeing to use paper bags, but you are stretching that that State law, which is not a health issue, to tell someone how to run a business.

The Chair interjects and tells Councilman Pessina to ask a question or turn the floor over.

Councilman Pessina asks Attorney Wisneski how she determined that the City can tell and require a private retailer as to how to run its business.

Attorney Wisneski asserts that it is a municipal power under Home Rule per Section 7-148 of the State Statutes. She reiterates that 6 other Connecticut town have enacted ordinances.

That Chair calls on Councilwoman Deborah Kleckowski, who has a question for Recreation & Community Services Director Kathy Lefkowitz.

Councilwoman Kleckowski has a question on the grants. She asks how the grants and donations have been utilized to help students attend recreation camps. She asks what the term "recreation camps" means.

Director Lefkowitz replies that her office facilitates the sports grants, which is funded by the General Fund budget in the amount of \$40K. These funds are for recreational leagues. The grant language stipulates it is for Middletown residents. Each league knows that when they apply. It is only for the recreational component of any organization. For example, in MYS, the grant is specific for the recreational side of the program. The budget information that the organizations provide are only for their recreational operations.

Councilwoman Kleckowski asks about the donations, adding that some believe it is for baseball camp, not the City's summer program camps.

Director Lefkowitz replies that the scholarship fund is only for City subsidized recreational programs. The Recreation Department does run a baseball camp, noting that last year, they gave \$19K in scholarships last year in addition to taking in \$18K in Care for Kids, noting that it is a high demand fund. She reiterates that it is only used for City subsidized camps.

#### 4. Adjournment

There being no further question, the Chair states that he will adjourn the meeting.

Councilwoman Deborah Kleckowski asks if there should be a Motion to Adjourn. The Chair agrees.

Councilman Gerald Daley moves to adjourn. Councilwoman Deborah Kleckowski seconds the motion. There being no discussion, the Chair calls for a vote. The vote is unanimous with 11 aye votes. The Motion to Adjourn is approved.

The meeting is adjourned at 7:06PM

ATTEST:

LINDA S.K. REED,  
COMMON COUNCIL CLERK

*K: review/minutes/ 19 April 01 – Questions to Directors – 01 April 2019*