



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
AUGUST 3, 2015**

Present

Mayor Daniel T. Drew, , Councilwoman Hope P. Kasper, Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman James B. Streeto, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilman David Bauer, Corporation Counsel Daniel B. Ryan, and Council Clerk Marie O. Norwood.

Absent

Councilman Robert P. Santangelo

Also Present

Public Works Director William Russo, Finance Director Carl Erlacher, Acting Director of IT Eldon Bailey, Water and Sewer Director Guy Russo, Parking Director Geen Thazhampallath, General Counsel Director Brig Smith, Chief of Police William McKenna, Deputy Chief of Police Michael Timbro, Acting Parks and Recreation Acting Director Deb Stanley, Tax Assessor Damon Braasch, Fire Chief Robert Kronenberger, eputy Director of Communications Wayne Bartolotta, Planning, Conservation and Development Director Michiel Wackers, Director of Human Relations Faith Jackson Arts Coordinator Stephan Allison, City and Town Clerk Linda Bettencourt, Russell Library Director Arthur Meyers, Youth Services Coordinator Justin Carbonella, Joseph Samolis Administrative Aide to the Mayor and six members of the public.

1. Mayor calls meeting to order.

The Chair calls the meeting to order at 6 p.m. and leads the public in the Pledge of Allegiance. He welcomes everyone to the meeting.

The call of the meeting is read by the Council Clerk and the Chair declares the call a legal call and the meeting a legal meeting.

2. Questions to Directors Opens

The Chair opens questions to directors at 6:03 p.m. and recognizes Councilman Bauer.

Councilman Bauer asks to direct questions to General Counsel about the City's Personnel Rules and asks if it is complete; he asks why the sections had to be broken down. Attorney Smith states the exempt individuals were in there before.

Noted for the Record

Councilman Serra and Councilwoman Sandra Russo Driska take their seats at 6:03 p.m.

Attorney Smith states they set out to speak to the benefits for these two groups but because there are nonbargaining that do not have CBA, their benefits are set forth in the Personnel Rules. Bauer asks about the salaries in the Appendices and in other places it says the Council. Smith states on page 39, the positions discussed on page 57 is just the Mayor's Chief of Staff. For folks like me, it is tied by CPI but someone like Joe Samolis, it is set by Council.

Councilman Serra explains the appendices. Councilman Bauer states this is questions to directors, this Personnel Document is not ready for prime time and if it is sent back, he will hold back on his questions. Councilman Bauer states the people who work in Registrars are employees also correct. Attorney smith responds he doesn't know. It is based on which body of laws and there are separate statutory regulations. Councilman Bauer asks should they not be addressed; they are about exempt as any employee. The Chair states are you talking about elected positions or staff. Councilman Bauer asks if for this document that it should be increased; what are their obligations were under these controlling statutes. He wonders if this document if it were more robust to explain that to employees under this set a rules. Attorney Smith responds that is a policy rule to list the ordinances that would apply to employees and you would undoubtedly leave some off and there is vice or virtue to do that. Councilman Bauer states sometimes your office straddles the law and policy and part of a whole bunch of processes. I hope you are adept at both.

Councilwoman Kasper asks Brig Smith about application for a disability pension and in the ordinance at the time it said two impartial medical opinions and in the proposed contract we are trading the provision. Attorney Smith states the application was a different Union. Councilwoman Kasper responds no. Attorney Smith states they wanted to get at least two impartial medical

opinions and they asked if one IME could be a physician and we negotiated so long as that treating physician is part of workmen's compensation. Councilwoman Kasper states the more astringent ordinance would be moot. Attorney Smith states the Police Union will be CBA but this would be Fire. Councilwoman Kasper states it is less restrictive. Attorney Smith responds it could be. Councilwoman Kasper states they have to have the list of Workman's Compensation and they don't perform that service. Attorney Smith states if it is still in Workman's compensation and the commissioner can offer an IME selection and if they don't do that, the City can make the choice so long as it is in the Workman's Compensation list. Councilwoman Kasper asks if it affects the length of Workman's Compensation, shifting the burden from the pension to workman's compensation fund. Attorney Smith states he doesn't see that. They are talking about a year-end process. Councilwoman Kasper states if they are unable to work and going through workman's compensation, are they still paid. Attorney Smith replies so long as they are eligible under worker's compensation.

Councilman Serra asks for the Finance Director. He asks Mr. Erlacher that retroactivity is 2-1/2 years. Mr. Erlacher states some things are but some things are not like longevity. Councilman Serra states two things 4/2 schedule and the Pension. Your document about the 4/2 schedule, you stated it cost us \$241,015 because of the shift. Mr. Erlacher states back in 2010 that is correct. Councilman Serra states it was 17 days off and if you multiply it, it is \$1.7 million have we made any of this up. Mr. Erlacher states no, but we have corrected the problem going forward. Councilman Serra states if this goes on this will take care of it. He states how does one cover the shifts in 17.4 days. In order to cover the shifts with the 4/2., Mr. Erlacher states the new officers will be doing that; with the new officers some will be covering shifts and some of the suits are out on shifts. To his knowledge there has never been a shift that has been short. When you look at overtime, the 4/2 does not cover overtime. Your figures are low and we have not made it up. Mr. Erlacher states what is it you mean. Councilman Serra states the taxpayers paid \$1.7 million for not getting service for 17.4 days off. He asks where in this contract is there any caring for the taxpayers. Mr. Erlacher responds we are getting an hour's work for an hour's pay and we have tightened up the disability language. Councilman Serra asks where in this contract is there a make up for the \$1.7 million. Mr. Erlacher states that was the prior contract. Councilman Serra asks if that should have been taken into consideration. Mr. Erlacher replies all issues were looked at. Councilman Serra states on the 5/2, compensation time is not in this contract. Mr. Erlacher responds they are not receiving comp time in this contract. Councilman Serra states \$1.7 was the patrol officers, and they have comp time and what was the cost. Mr. Erlacher states that was the last contract. Councilman Serra states this is irksome that one council rejected this and the labor board rejected this and nothing happened to make it up. In terms of participation with you relative to us getting the financial for this was it money. Mr. Erlacher asks as far as what. Councilman Serra states they didn't get the TA until the 29th; were you involved in the financials. Mr. Erlacher states from day one he was involved with the financials. Councilman Serra asks about insurance. Has it been considered. Mr. Erlacher it was discussed. Councilman Serra asks if it was rejected. Mr. Erlacher states no change to any insurance in this contract. Councilman Serra states they didn't offer any help with the disability pension. Mr. Erlacher states he will not get into the negotiations. Councilman Serra asks if the Cadillac tax was ever considered. Mr. Erlacher states we talked about it but it doesn't take place until 2018. Attorney Smith states with this and 466 and coming in 2018, it was on everyone's mind and our decision was to wrap it up prior to that because we don't know what will be required. The ending of the contract is there for that reason. Councilman Serra states it says here that negotiation for health insurance and is there a reopener. Mr. Erlacher states they did not. Attorney Smith states his thought is globally and we won't know the consequence of that decision yet. We don't have a good sense as to what the courts will say we will have to do. Councilman Serra asks if it wouldn't be fair to have a reopener because of that in case it does come, we have two sides participating. Attorney Smith states it ends 2017 a year before the Cadillac tax comes. He states nothing prohibits us to do that. Councilman Serra asks why isn't there a reopener. Attorney Smith responds because it ends before that.

Councilwoman Kasper asks Mr. Erlacher, comparing the 4/2 before to a 5/2 would mean 5 additional officers and did you take that into consideration. We have increased the force and we are not showing any substantial reduction in overtime. Chief McKenna comes forward. Mr. Erlacher states he doesn't understand the question. Councilwoman Kasper states they need an additional 5 officers. Mr. Erlacher states the Council made a business decision to add officers to this. He states it is not a cost to this contract.

3. Questions to Directors Closes.

The chair, seeing no further questions for directors closes that portion of the meeting at 6:31 p.m.

4. Meeting adjourned.

Councilman Streeto moves to adjourn and his motion is seconded by Councilman Bauer. The vote is unanimous. The chair declares the meeting adjourned at 6:31 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK