DRAFT MINUTES
GENERAL COUNSEL COMMISSION
REGULAR MEETING OF JUNE 15, 2015

Present: Councilwoman and Chairwoman Mary Bartolotta, Councilman Giuliano, Councilman Chisem, and Councilwoman Kleckowski. Staff: Director Morey and Attorney Wisneski. Public: Geen Thazhampallath, Director of Parking; Robert Kronenberger, Fire Chief; Ann Perzan and Pat Krin from the BOE.

**Call to Order:**

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

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TOWN CLERK
MIDDLETOWN, CONN.

**Public Comment:**

No public comment.

**Approval of Minutes:**

Councilwoman Kleckowski made a MOTION to approve the Minutes from the May 18, 2015, Regular Meeting. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

**New Business**:

**A. Ordinance – Blight Ordinance (§120-18 - §120-28)**

Attorney Wisneski explained that the General Counsel Office had recently reviewed the blight ordinance for purposes of an enforcement action and had determined that it was woefully inadequate. Attorney Smedick had experience with a robust blight ordinance in Stratford and thought that a revision was warranted. He had suggested putting a definition of blight directly in the ordinances because municipalities are allowed to do so pursuant to state statute. Crafting a definition of blight is important, especially where some instances of blight may not fall within the relevant codes that our team enforces (i.e. tall grass). Attorney Smedick also made more clear the mechanisms that we have to enforce blight, and is seeking to revise the ordinance so that the Zoning/Wetlands Officer is in charge of blight enforcement if no other member of the committee can enforce the blight under his/her code.

Councilman Giuliano asked if this new language had been tested anywhere else as he did not want this to bring on additional legal issues. Attorney Wisneski explained that in the course of revising this language, other towns' ordinances, including Stratford's, had been referenced and our office took the best of the best. Attorney Smedick had a good experience with similar language in Stratford and the OGC did not foresee any issues.

Councilman Giuliano made a MOTION to approve the ordinance. The Motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

### B. Ordinance – Parking Ordinance (§285-17)

Director Thazhampallath had been asked to explain the proposed changes. Based on feedback from the community, he was suggested that the Council revise the parking ordinance to reflect that parking would now cost $1 instead of $.75 per hour in the municipal lots. He was also requesting that the City offer patrons a grace period after the purchase of metered time because the "one hour free spots" were causing more confusion than anything else.

A discussion ensued as to when the City monitors parking until. The Director explained that his answer is different for the lots and for Main Street. Councilwoman Bartolotta expressed her concern that our parking enforcement is not consistent throughout the City. Councilwoman Kleckowski and Councilman Giuliano stated that they thought that the Parking Department should do enforcement until 8 p.m. throughout the City, including on Main Street. When asked whether the Parking Department could do enforcement until 8 p.m., the Director stated that it was possible, but that he would need some transition time before that occurred. Attorney Wisneski raised the issue that this matter had come up about a year ago and that there was significant objection from the business community. Attorney Wisneski and the Director suggested that a forum be provided for comment before changing the time to 8 p.m.

Councilwoman Kleckowski made a MOTION to move parking time from 10:00 a.m. until 8:00 p.m. and take effect immediately. The motion was seconded by Councilman Giuliano. The Motion failed with a 2-2 vote. Councilwoman Kleckowski and Councilman Giuliano voted in favor of the Motion. Councilwoman Bartolotta and Councilman Chisem voted against.

Councilman Chisem made a MOTION to accept the ordinance as is. The Motion was seconded by Councilwoman Kleckowski. The Motion failed with a 2-2 vote. Councilwoman Kleckowski and Councilman Giuliano voted against the Motion. Councilwoman Bartolotta and Councilman Chisem voted in favor of the Motion.

To make sure that the changes that Director Thazhampallath had come to the meeting to address would be addressed by the Council in July, Councilwoman Bartolotta asked Attorney Wisneski to forward the revised ordinance to Marie Norwood for inclusion on the next agenda.

## Old Business

### A. Job Description – School Nurse

The Commission had invited employees from the BOE to discuss the school nurse position and why the City was having difficulties in filling the position. Ann Perzan and Pat Kirn were present and provided their insight. They explained that the credentials and also the current hours could be a problem. This is a part-time position at Adult Education. They also explained that the field of nursing and the education/experience for nurse candidates is constantly evolving. They presented the Commission with some suggested on changes to the minimum training and experience portions of the job description.

This section was proposed to be changed as follows:

Bachelor's degree in Nursing with three (3) years of current pediatric, ~~(within the past two years)~~ school or community health nursing ~~in a health care or educational setting~~; or, any combination of education and experience that provides equivalent knowledge, skills and abilities. Experience dealing with complex medical needs preferred. Position requires current Connecticut Registered Nurse License, CPR certification and the possession of a valid Connecticut driver's license.

Councilman Giuliano made a MOTION to accept the job description with the aforementioned changes. The motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

**B. Job Description – School Health Supervisor**

A similar discussion ensued about the School Health Supervisor. Ms. Perzan, however, informed the Commission that she was in the final stages of hiring someone for this position. As a result, Councilman Chisem made a MOTION to table this job description and discussion until the July 20th meeting. The motion was seconded by Councilwoman Kleckowski. The Motion passed unanimously.

**C. Job Description – Firefighter**

Chief Kronenberger was present at the meeting and asked to explain what happened at the recent Public Safety Meeting. He stated that the job description changes went to a vote, and it passed 3-2 to go to Council. Councilwoman Bartolotta asked Attorney Wisneski to explain why she felt that the proposed revisions to the job description would not result in a grievance or a labor dispute. Attorney Wisneski explained that first and foremost a grievance was very unlikely because the Union wanted the change, which was proposed for purposes of recruiting more Middletown residents and minority candidates. Second, Attorney Wisneski explained that this proposed change was bringing us back to what the City used to do about 3-4 years ago. In addition, the change of job descriptions is within the City's management rights and we would only have to impact bargain to the extent that there was an impact to bargain. Finally, Attorney Wisneski explained that she did not feel that the proposed change violated the contract.

Although staff explained that a motion was not necessary to move this matter forward to Council, the Commission decided to make a motion.

Councilwoman Kleckowski made a MOTION to accept the job description as is. The motion was seconded by Councilman Chisem. The Motion passed unanimously.

**D. Personnel Rules**

Councilwoman Bartolotta explained that Councilmembers were asked to either attend this meeting or send in their questions to discuss. Attorney Wisneski read into the record the questions that were posed by Councilwoman Kasper. The first had to do with appeal process on page 7. She thought that this could be a conflict of interest b/c it is stating that the General Counsel would

review Director Morey's qualification decisions in the face of an appeal.

There was much discussion on this matter, including what would happen if the City faced a lawsuit over this decision. In essence, Councilman Giuliano asked who would defend the City if the City's General Counsel was the one making the decision. Attorney Wisneski answered that she would be the one who would defend the lawsuit. Attorney Smith could not be his own witness, but he could be hers. Based on that answer, there was some discussion as to whether that set up was appropriate because Attorney Smith is Attorney Wisneski's supervisor. Attorney Wisneski explained that she had no problem defending her boss in that circumstance. The Commission discussed whether the more appropriate set up would be if the Deputy General Counsel reviewed Director's Morey's decisions.

Councilman Chisem made a MOTION to Change General Counsel to Deputy General Counsel on page 7, Section 10(A) & (C) of the Personnel Rules. The Motion was seconded by Councilwoman Kleckowski. The Motion passes with Councilman Chisem and Councilwoman Bartolotta voting in favor of the motion; however Councilman Giuliano and Councilwoman Kleckowski abstaining.

Next, the Commission addressed Councilwoman Kasper's question related to the proposed changes to the Motor Vehicle Policy sections. Councilwoman Kasper did not understand why the report would be going back to the Insurance and Claims Commission when it was the Commission that created the report. There was some discussion over whether a "claims" report should be coming to GCC. Councilwoman Bartolotta stated that some report should come to GCC because there was a problem before with accidents happening and no discipline following. Councilman Giuliano stated that this is an executive function and not properly before this board. The Commission decided that it did not need a monthly report, but that a quarterly report would be find.

Councilman Chisem made a MOTION to change "monthly" to "quarterly" and "Insurance and Claims" to "General Counsel" on page 27, Section 5, Paragraph 1 of the Personnel Rules.

Councilman Chisem brought up the proposed language change in the second paragraph of that same page. He did not like the change from "are" to "may be." If someone had a written warning, he wanted the City to follow protocol and take necessary action, which could include a drug test.

As such, a MOTION was made to keep the word "are" and remove "may be" and also, add "U.S." in front of Department of Transportation. The Motion was seconded by Councilman Giuliano. The Motion passes unanimously.

The Commission decided to keep the cross out on that same page about GCC being able to change the policy. All agreed that the policy, which was in the Personnel Rules could only be changed by the full Council.

A discussion ensued about the dress code and the need to revise the provision related to footwear. Director Morey proposed new language.

Councilwoman Kleckowski made a MOTION to remove the parenthesis in the first bullet point of the Dress Code Police on page 29 of the Personnel Rules. After removing the parenthesis, add in its place, "or any sandals without back straps. Also, on page 35, Termination of Employment under the policy section, add "This shall include retirement" to the end of the section. The Motion was seconded by Councilman Chisem. The Motion passed unanimously.

**Other**

**A. Vacancy Report**

Councilwoman Kleckowski asked why it was taking so much time to fill custodian positions. Director Morey stated that there are no custodian positions open at this time. There was an internal transfer, but no other positions available.

A general discussion was had regarding the Vacancy Report that Director Morey handed out.

**B. Legal Bills** – None to discuss

**Adjournment**

MOTION to Adjourn by Councilwoman Kleckowski, seconded by Councilman Giuliano. Motion was unanimous and meeting ended at 9:44 p.m.